



## COLORADO

Division of Water Resources

Department of Natural Resources

Water Division 2 - Main Office  
310 E. Abriendo Ave, Suite B  
Pueblo, CO 81004

June 30, 2016

Tom Dea, PE and Nathan Baker, EI  
TZA Water Engineers  
12596 W. Bayaud Ave., Ste. 330  
Lakewood, CO 80228  
[nbaker@tza4water.com](mailto:nbaker@tza4water.com)

Sent Via Email

RE: Sylvan Lakes Hartner 1 and Hartner 2

Mr. Dea and Mr. Baker:

We received your letter dated June 23, 2016 requesting an administrative exchange on behalf of Sylvan Lakes Metropolitan District (Lakes) for the initial fill and partial evaporation replacement from Lakes filled by Hartner Ditch No. 1 and the initial fill and evaporation replacement from Lakes filled by Hartner Ditch No. 2. We understand that Spring Lake under Hartner Ditch No. 1 will not be filled this year and inflows will be passed through the outlet.

Hartner Ditches No. 1 and 2 that fill the Lakes were adjudicated on 3/15/1932 in Chaffee County District Court Case Number 3053, Water District No. 11, with priority dates on 6/15/1926 for Hartner No. 1 Ditch and 7/1/1926 for Hartner No. 2 Ditch.

Water needed for the Lakes project is estimated by your Table 3 (attached) and totals 34.8 acre-feet. This total is comprised of water needed for initial fill and evaporation replacement. We understand that Lakes filled by Hartner No. 1 Ditch will initially fill and suffer evaporative loss throughout the year whereas Lakes filled by Hartner No. 2 Ditch will initially fill and the water level held constant by evaporation replacement.

Replacement sources are also identified in Table 3. Mount Massive Lakes and Home Stake Trout Club are under contract for the delivery of 22.36 acre-feet of water to the confluence of the South Arkansas River with the mainstem of the Arkansas River. A contract with the City of Aurora is pending for the delivery of 20 acre-feet of water from Twin Lakes Reservoir. Additionally, 4.1 shares of Twin Lakes water from residents within Sylvan Lakes Metropolitan District has been secured yielding 2.87 acre-feet of water from Twin Lakes Reservoir.

Based upon a review of the submitted documentation, this administrative exchange request is hereby approved, subject to the following conditions:

1. Approval term is July 1, 2016 through October 31, 2016. Future administrative exchange requests will not be approved unless pursuant to a declaratory judgement interpreting paragraph 31 of 73CW0073. Otherwise, one of the following alternatives appear to be more appropriate: 1) a Substitute Water Supply Plan, 2) a Water Court approved augmentation plan, 3) a Water Court exchange decree.
2. A fully executed lease with the City of Aurora be submitted to the Division Engineer within 30 days of this approval date.



3. All exchanges for this project are subject to the prior notification and approval of the local Water Commissioner, Brian Sutton ([brian.sutton@state.co.us](mailto:brian.sutton@state.co.us)). If the local Water Commissioner determines that exchange potential is not available, no exchange shall occur and the affected Lakes water level may need to be lowered.
4. Initial fill determination of the Lakes, for this approval term only, will allow measured headgate diversions at the Hartner Ditches for the period of time until the last Lake spills into the ditch and Tennessee Creek. Headgate documentation shall specifically note the diversion date, start and end times. Said documentation shall be provided to the local Water Commissioner, Brian Sutton ([brian.sutton@state.co.us](mailto:brian.sutton@state.co.us)) within 24 hours of the fill operation ending.
5. Releases from the various replacement sources denoted in Table 3 shall be ordered by the Applicant within 24 hours of the Lakes diversion taking place. Release documentation shall be provided to the local Water Commissioner, Brian Sutton ([brian.sutton@state.co.us](mailto:brian.sutton@state.co.us)) within 24 hours of the release taking place.
6. The Applicant shall provide an overall summary of reservoir releases and ditch diversions for the project by November 15, 2016 to the local Water Commissioner.
7. Releases from Twin Lakes Reservoir shall not include the native water portion for replacement of evaporation, but may be used for purposes of accomplishing the proposed initial fill.
8. Transit loss will be assessed by the local Water Commissioner as needed.
9. The local Water Commissioner is authorized to issue cease and desist orders if the above documentation is not being provided or as otherwise necessary for the protection of other appropriators.

If you have questions please contact Brian Sutton or Charles DiDomenico in our Division Office at 719.542.3368.

Sincerely,



Steven J. Witte  
Division Engineer

cc: Brian Sutton, West Region Team Leader



Table 3  
Hartner Ditches Nos. 1 & 2  
2016 Water Use  
(ac-ft)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<i>Fill Requirements</i>													
Hartner 1	0	0	0	0	5	0	0	0	0	0	0	0	5.00
Hartner 2	0	0	0	0	10	0	0	0	0	0	0	0	10.00
<b>Total Storage</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15.00</b>
<i>Evaporation</i>													
Hartner 1	0	0	0	0	3.45	4.28	4.42	3.59	3.04	2.07	0	0	20.84
Hartner 2	0	0	0	0	2.45	3.04	3.14	2.55	2.16	1.47	0	0	14.80
<b>Total Evap.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5.90</b>	<b>7.32</b>	<b>7.55</b>	<b>6.14</b>	<b>5.19</b>	<b>3.54</b>	<b>0</b>	<b>0</b>	<b>35.64</b>
<i>Projected Replacements</i>													
Hartner 1	0	0	0	0	8.45	1.55	0.00	0.00	0.00	0.00	0	0	10.00
Hartner 2	0	0	0	0	12.45	3.04	3.14	2.55	2.16	1.47	0	0	24.80
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20.90</b>	<b>4.59</b>	<b>3.14</b>	<b>2.55</b>	<b>2.16</b>	<b>1.47</b>	<b>0</b>	<b>0</b>	<b>34.80</b>
<i>Replacement Sources</i>													
Mt. Massive Lakes	0	0	0	0	3.18	5.78	4.92	4.43	3.18	0.87	0	0	22.36
Twin Lakes Shares	0	0	0	0	0.48	0.48	0.48	0.48	0.48	0.48	0	0	2.87
Aurora Lease	0	0	0	0	17.24	1.55	0.30	0.30	0.30	0.30	0	0	20.00
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20.90</b>	<b>7.81</b>	<b>5.70</b>	<b>5.21</b>	<b>3.96</b>	<b>1.65</b>	<b>0</b>	<b>0</b>	<b>45.23</b>