

Bishop-Brogden
Associates,
Inc.

Water Consultants

POND only

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November 27, 2001

Lori Cutunilli
Farmers Korner, Inc.
PO Box 1005
Frisco, CO 80443

Dear Lori:

Larry Smith requested that we provide you with information for Farmers Korner's augmentation requirements for the Highland Meadows and Aplensee 3, and the private residence owned by the Henriksens. Larry also stated that he may be interested in selling any excess water rights, so we quantified the amount of water owned by Farmers Korner not committed to any other uses. The following information provides you with a general overview of Farmers Korner's water rights, diversion limitations and requirements, and available water rights. Additionally, Larry and Rick Fendel asked that we prepare an accounting form for the plan for augmentation and explain the accounting requirements.

Phase I (Case No. 93CW241A)

Farmers Korner owns a portion of 40 ac-ft of consumptive use water decreed in Case No. W-3442 from the Blue Danube Ditch No. 2 (priority date, June 20, 1919). Of the original 40 ac-ft, 22.37 ac-ft were conveyed to the Summit School District, leaving Farmers Korner with 17.63 ac-ft. In Case No. 93CW241A (Phase I), the court approved the use of three wells for a central water supply for in-house-use-only at 32 homes in Highland Meadows. This case dedicated 0.79 ac-ft of consumptive use water to Phase I. Therefore, after the Highland Meadows dedication, Farmers Korner owned 16.84 ac-ft of consumptive use water from the Blue Danube Ditch No. 2 not committed to other uses. Case No. 93CW241A also required Farmers Korner to pump 12 gpm to the Blue River (upstream of the Swan Mountain Road Bridge) during periods when the instream flow rights on the Blue River were not satisfied, although this requirement was changed in Case No. 98CW296 to a 1.45 gpm release from the Henriksen pond (explained in more detail below). For future reference, the instream flow requirement from May 1 - October 31 is 32 cfs, and from November 1 - April 30 is 16 cfs.

Phase II (Case No. 98CW296)

In Case No. 98CW296, the court approved an augmentation plan for Phase II to allow for temporary and permanent irrigation at the Highland Meadows, Alpensee 3, and at the Henriksen's private residence. The plan also allowed for in-house use at the Alpensee 3 and Henriksen residence, and stock watering at the Henriksen residence. Overall, Case No. 98CW296 allows for up to 4.25 ac-ft per year of depletion during the period of revegetation at the Highland Meadows (not including 0.58 ac-ft of net evaporation and 0.16 a-ft for instream

flow protection). As described in Paragraph 13 of the decree, the plan requires "5.0 ac-ft per year during the temporary irrigation period, and 4.42 ac-ft per year thereafter".

The revegetation period (also referred to as the temporary irrigation period) is defined in the decree as the period from the start of revegetation until two years after the last lot is completed in Highland Meadows. The attached summary tables show the annual demands and depletions calculated for both the revegetation period and permanent period. Notes at the bottom of the table describe the build-out assumptions and calculations used in the analysis.

Decree Limitations

The following list provides a brief summary of some of the decree limitations and requirements.

Irrigated Acreage

- Highland Meadows is limited to 90,000 sq. ft. of irrigated acreage during the revegetation period and 30,000 sq. ft. of permanent irrigation.
- Alpensee 3 is limited to 50,000 sq. ft of permanent irrigated acreage.

Henriksen Residence

- Limited to 70,000 sq. ft. of permanent irrigated acreage.
- Irrigation must cease during periods when the instream flow right is not satisfied.
- Annual pumpage from Henriksen's well is limited to 3.43 ac-ft per year and 15 gpm.

Administration of Releases from Henriksen Pond

- Releases shall be made at as uniform rate as practical, or as directed by the Water Commissioner or Division Engineer.
- Replacement requirements during the non-irrigation season will be made by releases from the Henriksen pond.
- Augmentation requirements during the irrigation season will be met by leaving water in the river (no releases are required).

Pumping Limitations

- Annual pumpage from Farmers Korner's three wells is limited to an annual diversion of 20.66 ac-ft during the revegetation period and 20.09 ac-ft per year thereafter (limited to 100 gpm per well).

Annual Accounting Requirements

Paragraph 22 of the decree requires an annual report to be submitted to the Division Engineer by November 15 of each year, summarizing diversions and replacements made under the plan. We are providing you with an accounting form which should help you log the necessary data and prepare for the annual report (this may change slightly once we get the Water Commissioner's comments). Also, keep in mind that the Alpensee Water District must submit the Henriksen water use data as part of the decree requirements.

Ms. Lori Cutunilli
November 27, 2001
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Once you've had a chance to review the accounting form (and we make any revisions necessary) we should provide this information to the Water Commissioner and get his comments.

Additionally, we should plan a day to meet at Henriksen's pond and complete a full tour of the site so you can see where the various measuring devices are and how to operate the system. At that time we'll also plan to install a staff gage in the pond, per the decree requirements.

Available Water Rights

As stated above, Farmers Korner owned 16.84 ac-ft of Blue Danube Ditch consumptive use water after dedicating 0.79 ac-ft to Phase I. An additional 4.42 ac-ft is permanently required to meet augmentation requirements for the subdivision and Henriksen residence. After meeting these requirements, Farmers Korner has an excess of about 12.42 ac-ft of Blue Danube Ditch water not committed to any other uses and available for sale. However, keep in mind that during the temporary irrigation period, Farmers Korner will need an additional 0.57 ac-ft available. Therefore, about 11.85 ac-ft of Blue Danube Ditch consumptive use water is available for other uses at the present time.

As described in our letters dated February 8, 2000 and September 7, 2001, the decree requires storage of 0.16 ac-ft in the Henriksen pond for instream flow releases, and 0.34 ac-ft for Phase II release requirements. Additionally, 0.21 ac-ft is estimated to evaporate from the pond in the winter months. Overall, 0.71 ac-ft of storage capacity is required for Phase I and Phase II. The as-built storage capacity in the Henriksen Pond is 1.1 ac-ft, therefore, there is an excess storage capacity of about 0.39 ac-ft (1.1 - 0.71 ac-ft) in the Henriksen pond. Of this amount, it will probably be difficult to utilize the complete amount due to freezing of the pond and potential sediment build-up in the pond which may reduce the capacity of the pond. For preliminary planning purposes, Farmers Korner may consider leasing or selling up to 0.15 to 0.25 ac-ft of the excess storage capacity in the Henriksen pond and reserving the remaining 0.15 to 0.25 ac-ft to offset any future sediment build-up in the pond and to account for any dead storage in the pond due to ice formations and other unknowns.

I hope this provides you with a better understanding of Farmers Korner's water rights and augmentation requirements. Please give us a call once you've had a chance to review this information

Very truly yours,

BISHOP-BROGDEN ASSOCIATES, INC.



Ray Dunn, P.E.
Water Resources Engineer

RJD/skc

Enclosures

cc: Richard A. Johnson, Esq.
9320.00

Table 1 Farmers Korner Augmentation Plan Demand Summary

Temporary Demand During Revegetation Period

Month	Highland Meadows				Alpensee 3				Henriksen Residence				Total Demand
	In-House	Irrigation	Other	Total	Commercial	In-house	Irrigation	Total	In-House	Irrigation	Stock	Total	
Jan	NA			0.000	0.416	0.152		0.568	0.033		0.011	0.045	0.613
Feb	NA			0.000	0.383	0.140		0.523	0.031		0.010	0.041	0.564
Mar	NA			0.000	0.416	0.152		0.568	0.033		0.011	0.045	0.613
Apr	NA			0.000	0.403	0.147		0.550	0.032		0.011	0.043	0.593
May	NA	0.215	0.018	0.234	0.416	0.152	0.120	0.688	0.033	0.728	0.011	0.773	1.695
Jun	NA	0.215	0.018	0.234	0.403	0.147	0.120	0.670	0.032	0.728	0.011	0.771	1.675
Jul	NA	0.215	0.018	0.234	0.416	0.152	0.120	0.688	0.033	0.728	0.011	0.773	1.695
Aug	NA	0.215	0.018	0.234	0.416	0.152	0.120	0.688	0.033	0.728	0.011	0.773	1.695
Sep	NA			0.000	0.403	0.147		0.550	0.032		0.011	0.043	0.593
Oct	NA			0.000	0.416	0.152		0.568	0.033		0.011	0.045	0.613
Nov	NA			0.000	0.403	0.147		0.550	0.032		0.011	0.043	0.593
Dec	NA			0.000	0.416	0.152		0.568	0.033		0.011	0.045	0.613
Annual	0.00	0.86	0.07	0.93	4.91	1.79	0.48	7.18	0.39	2.91	0.13	3.44	11.55
Irrigation Season	0.00	0.86	0.07	0.93	1.65	0.60	0.48	2.73	0.13	2.91	0.05	3.09	6.76
Non-Irrigation Season	0.00	0.00	0.00	0.00	3.26	1.19	0.00	4.45	0.26	0.00	0.09	0.35	4.80

Permanent Demand After Revegetation Period

Month	Highland Meadows				Alpensee 3				Henriksen Residence				Total Demand
	In-House	Irrigation	Other	Total	Commercial	In-house	Irrigation	Total	In-House	Irrigation	Stock	Total	
Jan	NA			0.000	0.416	0.152		0.568	0.033		0.011	0.045	0.613
Feb	NA			0.000	0.383	0.140		0.523	0.031		0.010	0.041	0.564
Mar	NA			0.000	0.416	0.152		0.568	0.033		0.011	0.045	0.613
Apr	NA			0.000	0.403	0.147		0.550	0.032		0.011	0.043	0.593
May	NA	0.072	0.018	0.090	0.416	0.152	0.120	0.688	0.033	0.728	0.011	0.773	1.551
Jun	NA	0.072	0.018	0.090	0.403	0.147	0.120	0.670	0.032	0.728	0.011	0.771	1.531
Jul	NA	0.072	0.018	0.090	0.416	0.152	0.120	0.688	0.033	0.728	0.011	0.773	1.551
Aug	NA	0.072	0.018	0.090	0.416	0.152	0.120	0.688	0.033	0.728	0.011	0.773	1.551
Sep	NA			0.000	0.403	0.147		0.550	0.032		0.011	0.043	0.593
Oct	NA			0.000	0.416	0.152		0.568	0.033		0.011	0.045	0.613
Nov	NA			0.000	0.403	0.147		0.550	0.032		0.011	0.043	0.593
Dec	NA			0.000	0.416	0.152		0.568	0.033		0.011	0.045	0.613
Annual	0.00	0.29	0.07	0.36	4.91	1.79	0.48	7.18	0.39	2.91	0.13	3.44	10.98
Irrigation Season	0.00	0.29	0.07	0.36	1.65	0.60	0.48	2.73	0.13	2.91	0.05	3.09	6.18
Non-Irrigation Season	0.00	0.00	0.00	0.00	3.26	1.19	0.00	4.45	0.26	0.00	0.09	0.35	4.80

Reference	[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]	[11]	[12]	[13]
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Notes: (Revegetation period covers from start of revegetation until 2 years after last lot is complete)

- [1] In-house demands for Highland Meadows accounted for in Case No. 93CW241A.
- [2] Irrigation demand is based on a total application of five inches over a four-month growing season from May through August based upon 90,000 sq. ft during revegetation period, and 30,000 sq.ft. of permanent irrigation.
- [3] Based upon 200 gallons per unit per month in the summer, for 30 units, 100% consumed.
- [4] Equals [1] + [2] + [3].
- [5] Inside commercial demands are based on 0.175 gal/day/ft² and 25,000 ft² of commercial space in the Alpensee III Development.
- [6] Demands for residential units in the Alpensee 3 development are based on two people using 100 gallons per day per person, year-round.
- [7] Similar to [2], but the Alpensee III Development has 50,000 sq. ft. of irrigated landscape associated with it.
- [8] Equals [5] + [6] + [7].
- [9] In-house demands for Henriksen's property are based on 3.5 people using 100 gal/day/person.
- [10] Irrigation demands are based on 70,000 sq. ft. of irrigation, a consumptive use of 1.45 ac-ft/acre spread over a four-month irrigation season, and an irrigation efficiency of 80 percent.
- [11] Stock watering demands are based on ten horses using 12 gallons per day per head.
- [12] Equals [9] + [10] + [11].
- [13] Equals [4] + [8] + [12].

Table 2 Farmers Korner Augmentation Plan Depletion Summary

Temporary Depletion During Revegetation Period

Month	Highland Meadows				Alpensee 3				Henriksen Residence				Total Depletion
	In-House	Irrigation	Other	Total	Commercial	In-house	Irrigation	Total	In-House	Irrigation	Stock	Total	
Jan	NA			0.000	0.021	0.008		0.028	0.003		0.011	0.015	0.043
Feb	NA			0.000	0.019	0.007		0.026	0.003		0.010	0.014	0.040
Mar	NA			0.000	0.021	0.008		0.028	0.003		0.011	0.015	0.043
Apr	NA			0.000	0.020	0.007		0.028	0.003		0.011	0.014	0.042
May	NA	0.215	0.018	0.234	0.021	0.008	0.120	0.148	0.003	0.583	0.011	0.597	0.979
Jun	NA	0.215	0.018	0.234	0.020	0.007	0.120	0.147	0.003	0.583	0.011	0.597	0.978
Jul	NA	0.215	0.018	0.234	0.021	0.008	0.120	0.148	0.003	0.583	0.011	0.597	0.979
Aug	NA	0.215	0.018	0.234	0.021	0.008	0.120	0.148	0.003	0.583	0.011	0.597	0.979
Sep	NA			0.000	0.020	0.007		0.028	0.003		0.011	0.014	0.042
Oct	NA			0.000	0.021	0.008		0.028	0.003		0.011	0.015	0.043
Nov	NA			0.000	0.020	0.007		0.028	0.003		0.011	0.014	0.042
Dec	NA			0.000	0.021	0.008		0.028	0.003		0.011	0.015	0.043
Annual	0.00	0.86	0.07	0.93	0.25	0.09	0.48	0.81	0.04	2.33	0.13	2.50	4.25
Irrigation Season	0.00	0.86	0.07	0.93	0.08	0.03	0.48	0.59	0.01	2.33	0.05	2.39	3.91
Non-Irrigation Season	0.00	0.00	0.00	0.00	0.16	0.06	0.00	0.22	0.03	0.00	0.09	0.12	0.34

Permanent Depletion After Revegetation Period

Month	Highland Meadows				Alpensee 3				Henriksen Residence				Total Depletion
	In-House	Irrigation	Other	Total	Commercial	In-house	Irrigation	Total	In-House	Irrigation	Stock	Total	
Jan	NA			0.000	0.021	0.008		0.028	0.003		0.011	0.015	0.04
Feb	NA			0.000	0.019	0.007		0.026	0.003		0.010	0.014	0.04
Mar	NA			0.000	0.021	0.008		0.028	0.003		0.011	0.015	0.04
Apr	NA			0.000	0.020	0.007		0.028	0.003		0.011	0.014	0.04
May	NA	0.072	0.018	0.090	0.021	0.008	0.120	0.148	0.003	0.583	0.011	0.597	0.84
Jun	NA	0.072	0.018	0.090	0.020	0.007	0.120	0.147	0.003	0.583	0.011	0.597	0.83
Jul	NA	0.072	0.018	0.090	0.021	0.008	0.120	0.148	0.003	0.583	0.011	0.597	0.84
Aug	NA	0.072	0.018	0.090	0.021	0.008	0.120	0.148	0.003	0.583	0.011	0.597	0.84
Sep	NA			0.000	0.020	0.007		0.028	0.003		0.011	0.014	0.04
Oct	NA			0.000	0.021	0.008		0.028	0.003		0.011	0.015	0.04
Nov	NA			0.000	0.020	0.007		0.028	0.003		0.011	0.014	0.04
Dec	NA			0.000	0.021	0.008		0.028	0.003		0.011	0.015	0.04
Annual	0.00	0.29	0.07	0.36	0.25	0.09	0.48	0.81	0.04	2.33	0.13	2.50	3.68
Irrigation Season	0.00	0.29	0.07	0.36	0.08	0.03	0.48	0.59	0.01	2.33	0.05	2.39	3.34
Non-Irrigation Season	0.00	0.00	0.00	0.00	0.16	0.06	0.00	0.22	0.03	0.00	0.09	0.12	0.34

Reference	[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]	[11]	[12]	[13]
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Notes: (Revegetation period covers from start of revegetation until 2 years after last lot is complete)

- [1] In-house demands for Highland Meadows accounted for in Case No. 93CW241A.
- [2] Irrigation demand is based on a total application of five inches over a four-month growing season from May through August based upon 90,000 sq. ft during revegetation period, and 30,000 sq.ft. of permanent irrigation.
- [3] Based upon 200 gallons per unit per month in the summer, for 30 units, 100% consumed.
- [4] Equals [1] + [2] + [3].
- [5] Inside commercial demands are based on 0.175 gal/day/ft² and 25,000 ft² of commercial space in the Alpensee III Development, 5% depletion - sewer.
- [6] Demands for residential units in the Alpensee 3 development are based on two people using 100 gallons per day per person, year-round, 5% depletion - sewer.
- [7] Similar to [2], but the Alpensee III Development has 50,000 sq. ft. of irrigated landscape associated with it.
- [8] Equals [5] + [6] + [7].
- [9] In-house demands for Henriksen's property are based on 3.5 people using 100 gal/day/person, 10% depletion - septic.
- [10] Irrigation demands are based on 70,000 sq. ft. of irrigation, a consumptive use of 1.45 ac-ft/acre spread over a four-month irrigation season, and an irrigation efficiency of 80 percent.
- [11] Stock watering demands are based on ten horses using 12 gallons per day per head.
- [12] Equals [9] + [10] + [11].
- [13] Equals [4] + [8] + [12].

Farmer's Korner Augmentation Pond Area-Capacity Rating Table

Pond Depth (feet)	Area (acres)	Capacity (ac-ft)
0.05	0.191	0.01
0.10	0.193	0.02
0.15	0.194	0.03
0.20	0.196	0.04
0.25	0.197	0.05
0.30	0.198	0.06
0.35	0.200	0.07
0.40	0.201	0.08
0.45	0.203	0.09
0.50	0.204	0.10
0.55	0.205	0.11
0.60	0.207	0.12
0.65	0.208	0.13
0.70	0.210	0.14
0.75	0.211	0.15
0.80	0.212	0.16
0.85	0.214	0.17
0.90	0.215	0.18
0.95	0.217	0.19
1.00	0.218	0.21
1.05	0.219	0.22
1.10	0.221	0.23
1.15	0.222	0.24
1.20	0.224	0.25
1.25	0.225	0.26
1.30	0.226	0.27
1.35	0.228	0.28
1.40	0.229	0.30
1.45	0.231	0.31
1.50	0.232	0.32
1.55	0.233	0.33
1.60	0.235	0.34
1.65	0.236	0.35
1.70	0.238	0.37
1.75	0.239	0.38
1.80	0.240	0.39
1.85	0.242	0.40
1.90	0.243	0.42
1.95	0.245	0.43
2.00	0.246	0.44
2.05	0.247	0.45
2.10	0.249	0.47
2.15	0.250	0.48
2.20	0.252	0.49
2.25	0.253	0.50

Pond Depth (feet)	Area (acres)	Capacity (ac-ft)
2.30	0.254	0.52
2.35	0.256	0.53
2.40	0.257	0.54
2.45	0.259	0.56
2.50	0.260	0.57
2.55	0.261	0.58
2.60	0.263	0.60
2.65	0.264	0.61
2.70	0.266	0.62
2.75	0.267	0.64
2.80	0.268	0.65
2.85	0.270	0.66
2.90	0.271	0.68
2.95	0.273	0.69
3.00	0.274	0.70
3.05	0.275	0.72
3.10	0.277	0.73
3.15	0.278	0.75
3.20	0.280	0.76
3.25	0.281	0.78
3.30	0.282	0.79
3.35	0.284	0.80
3.40	0.285	0.82
3.45	0.287	0.83
3.50	0.288	0.85
3.55	0.289	0.86
3.60	0.291	0.88
3.65	0.292	0.89
3.70	0.294	0.91
3.75	0.295	0.92
3.80	0.296	0.94
3.85	0.298	0.95
3.90	0.299	0.97
3.95	0.301	0.98
4.00	0.302	1.00
4.05	0.333	1.02
4.10	0.335	1.03
4.15	0.336	1.05
4.20	0.338	1.07
4.25	0.339	1.09
4.30	0.340	1.10
4.35	0.342	1.12
4.40	0.343	1.14
4.45	0.345	1.16
4.50	0.346	1.17

Based upon survey completed November 2 and November 12, 1999.

Pond depth based upon water level on staff gage. Current spillway elevation equals 4.25 feet.

Area = $0.028x \text{ elevation} + 0.19$ if elevation is less than 4.05 feet, otherwise additional wetland area of 0.03 acres.

Capacity = $0.19 \times \text{elevation} + 0.015 \times \text{elevation}^2$ if elevation is less than 4.05 feet, otherwise additional wetland volume of $(\text{elevation} - 4.0) \times 0.03$.

Alpensee Water District Annual Accounting and Augmentation Summary

Year	
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Well Pumping

Well Description	Meter Reading (gal)		Total Pumping (ac-ft)	Decree Limit (ac-ft)	
	Start of Season	End of Season		Revegetation Period	Permanent Period
Farmers Korner Well 1 Farmers Korner Well 2 Farmers Korner Well 3					
Total				20.66	20.09
Henriksen Well Henriksen Pond Pump				3.43	3.43

Irrigated Acreage

Description	Acreage (sq. ft.)	Decree Limit (sq. ft.)	
		Revegetation Period	Permanent Period
Highland Meadows		90,000	30,000
Alpensee 3		50,000	50,000
Henriksen		70,000	70,000

Instream Flow Summary

Month	Instream Flow Requirement (cfs)	Number of Days Flow in Blue River is Below Requirement	Release Requirement (ac-ft)	Bypass Requirement (ac-ft)
Nov 15 - Nov 31	16			NA
Dec	16			NA
Jan	16			NA
Feb	16			NA
Mar	16			NA
Apr	16			NA
May	32		NA	
Jun	32		NA	
Jul	32		NA	
Aug	32		NA	
Sep	32			NA
Oct	32			NA
Nov 1 - Nov 14	16			NA
Total	NA	NA	NA	NA
Irrigation Season Total	NA		NA	
Non-Irrigation Season Total	NA		NA	NA

Release Requirement equals number of days x 0.0064, in ac-ft, based upon a 1.45 gpm release, per Par. 10.8.2 of decree.

Henriksen Pond Releases

Month	Water Level (ft)	Storage (ac-ft)	Change in Storage (ac-ft)
Nov 1			
Dec 1			
Jan 1			
Feb 1			
Mar 1			
Apr 1			
May 1			
Jun 1			
Jul 1			
Aug 1			
Sep 1			
Oct 1			
Nov 1			

Spillway corresponds to a staff gage level of 4.25 feet. Storage based upon rating table.

Change in Storage equals beginning of month storage less end of month storage, and should be greater than or equal to Augmentation Requirement below, unless directed otherwise by the Water Commissioner.

Augmentation Requirement (ac-ft)

Month	During Revegetation Period			During Permanent Period		
	Decreed Depletion	Henriksen Pond Release Requirement (ac-ft)	Bypass Requirement (ac-ft)	Total Depletions	Henriksen Pond Release Requirement (ac-ft)	Bypass Requirement (ac-ft)
Nov	0.043		NA	0.043		NA
Dec	0.040		NA	0.040		NA
Jan	0.043		NA	0.043		NA
Feb	0.042		NA	0.042		NA
Mar	0.979		NA	0.835		NA
Apr	0.978		NA	0.834		NA
May	0.979	NA		0.835	NA	
Jun	0.979	NA		0.835	NA	
Jul	0.042	NA		0.042	NA	
Aug	0.043	NA		0.043	NA	
Sep	0.042		NA	0.042		NA
Oct	0.043		NA	0.043		NA
Total	4.25	NA	NA	3.68	NA	NA
Irrigation Season Total	3.91		NA	3.34		NA
Non-Irrigation Season Total	0.34	NA		0.34	NA	

Total Depletions based upon Case No. 98CW296, assumes maximum depletion at buildout, does not include instream flow requirements.

Pond Release Requirement during the non-irrigation season equals total monthly depletions plus instream flow release calculated above.

Bypass Requirement equals monthly Total Depletion plus Instream Flow Bypass calculated above.

Note - two years after the final lot is constructed the permanent plan will go into effect.