

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

UNITED STATES OF AMERICA v. NORTHERN )  
COLORADO WATER CONSERVANCY DISTRICT, )  
et al. )

CONSOLIDATED CASES

IN THE MATTER OF THE ADJUDICATION OF )  
PRIORITIES OF WATER RIGHTS IN WATER )  
DISTRICT NO. 36 FOR PURPOSES OF )  
IRRIGATION, )

CIVIL NO. 2782

PETITIONERS: THE COLORADO RIVER WATER )  
CONSERVATION DISTRICT, THE GRAND VALLEY )  
WATER USERS ASSOCIATION, ORCHARD MESA )  
IRRIGATION DISTRICT, PALISADE IRRIGA- )  
TION DISTRICT AND GRAND VALLEY IRRIGA- )  
TION COMPANY, )

CIVIL NO. 5016

IN THE MATTER OF THE ADJUDICATION OF )  
PRIORITIES OF WATER RIGHTS IN WATER )  
DISTRICT NO. 36 FOR PURPOSES OTHER )  
THAN IRRIGATION, )

CIVIL NO. 5017

PETITIONERS: THE COLORADO RIVER WATER )  
CONSERVATION DISTRICT, THE GRAND VALLEY )  
WATER USERS ASSOCIATION, ORCHARD MESA )  
IRRIGATION DISTRICT, PALISADE IRRIGA- )  
TION DISTRICT AND GRAND VALLEY IRRIGA- )  
TION COMPANY. )

STIPULATION

This stipulation is intended to resolve contested issues of law numbered 1, 2, and 3 set forth in Pre-Trial Order No. 1, entered herein on October 22, 1963, and it is the intention of the parties that the Court will enter its decree accordingly.

The parties do hereby agree and stipulate as follows:

1. The findings of fact and conclusions of law, the stipulation and the final judgment and final decree entered



in Consolidated Cases Numbered Civil No. 2782, Civil No. 5016, and Civil No. 5017 on October 12, 1955, together with Senate Document 80, 75th Congress, 1st Session, to the extent incorporated therein, bind the parties hereto and are hereinafter called "documents". These documents were approved by the United States Congress in P.L. 485, 84th Congress, April 11, 1956.

2. Neither Denver nor Colorado Springs has any right, title, or interest in the Green Mountain Reservoir, or in the water which the United States may, or is entitled to, store therein. Any arrangement which may be tendered or proposed to the United States for the replacement of such water from other sources, for the replacement of power losses, or for compensation therefor must be such as will not impair any right of any beneficiary under Senate Document 80.

3. The United States has the right to fill Green Mountain Reservoir each year, as defined in the documents. Releases from storage in the reservoir between October 15 and the fill date determined by the Secretary between April 1 and May 15 of the following year, for power production, maintenance of the dam, reservoir, or power plant, or for other decreed purposes or purposes necessary or proper under Senate Document 80 shall not be chargeable against the right of the United States to fill the reservoir in such following year as defined in the documents.



4. Denver and Colorado Springs may not exercise their decreed rights to divert the waters of the Blue River, except with the approval by the Secretary of the Interior provided for in said documents. Such approval shall be granted and modified as follows:

- A. As of a date between April 1 and May 15 each year, to be fixed by the Secretary of the Interior, the Secretary shall determine the quantity of water required to fill Green Mountain Reservoir, as defined in the documents, and the probable run-off of Blue River above Green Mountain Reservoir.
- B. Based on such determination, and taking into account the requirements for Blue River water to meet all legal calls of downstream water rights within the State of Colorado, the Secretary shall prepare a schedule for the filling of Green Mountain Reservoir in accordance with the United States' rights as provided for in said documents so as to permit as much water as possible to be available for upstream rights without impairment of the the United States' right to fill Green Mountain Reservoir and to use that Reservoir for decreed purposes, and without impairment of legal calls



of downstream water rights within the State of Colorado. Such schedule shall be modified from time to time during the snowmelt season as, and as frequently as, actual run-off conditions and other pertinent considerations indicate that the waters available for filling Green Mountain Reservoir are materially more or less than originally estimated. Such schedule as modified from time to time shall provide that until Green Mountain Reservoir is filled Denver shall hold in Dillon Reservoir waters captured by it during the same storage season to the extent the Secretary from time to time advises Denver that such waters may be needed to assure the filling of Green Mountain Reservoir.

- C. The schedule provided for above, as modified from time to time, shall constitute the approval of the Secretary of the Interior provided for in paragraph 4(a) of said stipulation for the diversion by Denver and Colorado Springs of quantities of water which will not impair the Secretary's schedule for filling Green Mountain Reservoir, provided, however, that before any such diversion is made, arrangements reasonably required by the Secretary of the Interior for replacement of, or



compensation for, electrical energy at the Green Mountain Power Plant shall have been made as provided for in paragraph 4(b) of said stipulation. By agreement between the Secretary of the Interior and Denver quantities of water estimated necessary to fill Green Mountain Reservoir may be stored in Dillon Reservoir, to be released on call of the Secretary to the extent required to fill Green Mountain Reservoir.

5. The right of Denver and Colorado Springs to exchange water lawfully impounded on the Williams Fork River or Blue River, as provided for in paragraph 4(c) of said stipulation, and to make exchanges of water lawfully impounded at other places on the Western Slope for Blue River water, is subject to the consent of the Secretary of the Interior. The Secretary will not unreasonably withhold his consent whenever the following conditions exist:

- (1) The right of the United States to fill Green Mountain Reservoir and to use Green Mountain Reservoir for decreed purposes will not be impaired;
- (2) The water to be exchanged is on hand when the exchange is proposed;
- (3) Power replacement is tendered by the cities to the United States as provided in paragraph 4(b) of said stipulation as implemented by Paragraph 6 hereof.



When the cities desire an exchange they will give the Secretary written notification thereof, together with their proposal or tender for power replacement. If the Secretary does not notify the cities within a period of ten days that his consent is withheld, the Secretary's consent shall be deemed given, and the exchange may proceed forthwith. If consent is withheld, a statement of the reasons shall accompany the notification. The cities and Secretary shall endeavor to work up procedures which will shorten the ten day interval specified above.

6. Whenever either Denver or Colorado Springs is required to replace electrical energy under paragraph 4(b) of the said stipulation or as provided herein, the Secretary may require agreement to a reasonably workable schedule of power replacement to meet the provisions of said paragraph 4(b) before diversions are made. An agreement between either city and the United States may be made to provide for other means for accomplishing that city's obligation to replace electrical energy.

7. This stipulation is made in implementation of the said documents and is to be so construed. Nothing herein is to be construed as a waiver or modification of any limitation or condition provided in the stipulation of the parties dated October 5, 1955, with respect to the right of Denver and Colorado Springs to divert Blue River water.



UNITED STATES OF AMERICA

BY \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

NORTHERN COLORADO WATER CONSERVANCY DISTRICT

BY \_\_\_\_\_  
\_\_\_\_\_

COLORADO RIVER WATER CONSERVATION DISTRICT

BY \_\_\_\_\_  
\_\_\_\_\_

GRAND VALLEY WATER USERS ASSOCIATION,  
ORCHARD MESA IRRIGATION DISTRICT,  
PALISADE IRRIGATION DISTRICT

BY \_\_\_\_\_

GRAND VALLEY IRRIGATION COMPANY

BY \_\_\_\_\_

MIDDLE PARK CONSERVANCY DISTRICT

BY \_\_\_\_\_

CITY AND COUNTY OF DENVER

BY \_\_\_\_\_  
\_\_\_\_\_

CITY OF COLORADO SPRINGS

BY \_\_\_\_\_