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Application of St. Vrain & Left Hand Water Conservancy District for a Change of Water Rights and Approval of Plan for Augmentation Including Appropriative Rights of Exchange.

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2. *Opposition*

No statements of opposition have been filed.

Chris Cummins

APPLICATION OF ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT FOR A CHANGE OF WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING APPROPRIATIVE RIGHTS OF EXCHANGE. Case No. 2002CW334 (Water District 1, Dec. 20, 2002). Applicant: St. Vrain & Left Hand Water Conservancy District (Atty. Bernard, Lyons, Gaddis & Kahn, P.C.).

1. *Applications*

The St. Vrain & Left Hand Water Conservancy District ("District") proposes to augment various wells and surface water diversion structures ("participating diversions") within the boundaries of the District, and located in the St. Vrain Creek and Left Hand Creek drainage basins. Descriptions of the twelve augmentation structures follow, and, unless otherwise stated, the District intends to change the uses to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries.

The decree for water rights to Copeland Reservoir entered on June 1, 1926 in Case No. W-6673 for surface storage is the first in the plan for augmentation. The north fork of St. Vrain Creek feeds Copeland Reservoir, and the amount originally decreed was 75.5 acre-feet, absolute, and 100 acre-feet, conditional. The appropriation date of this decree was June 30, 1913. Historically, water from Copeland Reservoir has been used for domestic, irrigation, lighting and power purposes for residents of the City of Longmont.

Water rights to Coffintop Reservoir is the second decree listed for augmentation. This decree was entered on August 14, 1978 in Case No. W-66 for surface storage of 902.74 acre-feet, conditional. Sources for Coffintop Reservoir are the South St. Vrain Creek, Middle St. Vrain Creek, and all creeks that are tributary to the South St. Vrain Creek. Municipal uses for water from Coffintop Reservoir include domestic, mechanical and manufacturing use, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, trees, lawns and grounds, maintaining adequate storage reserves, irrigation, replacement and adjustment and regulation of other units of the District's water system, recreation and other uses including replacement, adjustment and regulation with the City of Longmont.

The third decree listed is for storage rights to Coffintop Reservoir First Enlargement, entered on March 9, 1990 in Case No. 80CW462 for 84,000 acre-feet, conditional. Sources for Coffintop Reservoir First Enlargement are the same as above for Coffintop Reservoir. Original

decreed uses for this water are municipal, industrial, irrigation, hydroelectric power generation, flood control, water quality control, recreation and fishery enhancement.

The fourth decree is for 200 acre-feet of surface storage in Beaver Park Reservoir, entered originally on March 13, 1907, and enlarged on June 1, 1926 in Case No. W-4790. Beaver Creek feeds Beaver Park Reservoir; tributary to St. Vrain Creek. The decreed amounts are 888 acre-feet absolute from the original, and 959 acre-feet absolute from the first enlargement, and 335 acre-feet absolute from the second enlargement. These amounts are the total amounts adjudicated to Beaver Park Reservoir, however, the District is claiming the right to change 200 acre-feet. Original decreed uses are domestic and irrigation uses; historically the water been used under the Supply Ditch and Highland Ditch to supplement direct flows for irrigation.

The fifth decree is for surface storage in Green Lake Reservoir, entered on June 1, 1926 in Case No. W-6673 for 71.90 acre-feet absolute and subsequently adjudicated on July 23, 1951 in Case No. 11715 for 81,40 acre-feet absolute. The source of the Green Lake Reservoir is the Middle St. Vrain Creek, which is a tributary of St. Vrain Creek. Original decreed uses were irrigation, and the second adjudication specified the uses as being both irrigation and domestic. Historically, water from Green Lake Reservoir has been used under the Supply Ditch for irrigation and by the Town of Mead for municipal uses.

The sixth decree is for surface storage in Rock'n WP Ranch, Lake No. 4 ("Lake No. 4"), entered on May 3, 1995 in Case No. 88CW074 for 880 acre-feet, conditional. Water diverted from St. Vrain Creek via Goss Private Ditch No. 2 feeds Lake No. 4. Decreed uses for this water include augmentation, replacement and exchange, irrigation, industrial, recreation, and fish and wildlife preservation and propagation. The depletions proposed to be augmented are those associated with mining activities in connection with, and evaporation gravel pits.

The seventh decree is for new surface storage rights in Lake No. 4. The District filed the application on December 19, 2001 in Case No. 2001CW862 for 600 acre-feet, conditional, which is currently pending. The District claims an appropriation date of December 11, 2002 for uses including: domestic, commercial, industrial, irrigation of lands within the District or Boulder County, recreation, fish and wildlife propagation, maintenance of minimum stream flows for fish, recreation, wildlife and other purposes, augmentation, replacement and exchange of the above uses.

The eighth decree is for surface storage in Elliott Ponds Nos. 1, 2 and 3, and for refill of all ponds and expansion of Ponds 2 and 3, entered on February 28, 1990 in Case No. 84CW298(A) and July 2, 1992 in Case No. 89CW073. The sources of water for Elliott Pond Nos. 1, 2 and 3 are the St. Vrain River via the Denio-Taylor Mill Ditch and storm drainage water from the Fordham Storm Sewer System. Sources for the refill and expansion of Pond Nos. 2 and 3 are the St. Vrain

River via the Denio-Taylor Mill Ditch, Zweck and Turner Ditch, and the Golden Ponds Diversion Structure. The amounts of water decreed in each pond are as follows: 93 acre-feet absolute in Elliott Pond No. 1 and refill, 61 acre-feet absolute in Elliott Pond No. 2, 42 acre-feet absolute in Elliott Pond No. 2 expansion, 103 acre-feet absolute in Elliott Pond No. 2 refill, 100 acre-feet absolute in Elliott Pond No. 3, 56 acre-feet absolute in Elliott Pond No. 3 expansion, and 156 acre-feet absolute in Elliott Pond No. 3 Refill. Decreed uses of Elliott Pond Nos. 1, 2 and 3 are agricultural, domestic, municipal, commercial, industrial, recreation, fish propagation, augmentation, replacement and exchange. Historically, these waters have been used within the boundaries of the District and the Central Colorado Water Conservancy District for the decreed uses.

The ninth decree is for 100 shares of the Left Hand Ditch Company. The District anticipates acquiring 100 shares of Left Hand Ditch Company from the City of Longmont. Case No. 87CW127 determined the historic use of the Left Hand Ditch Company, where the court found the average delivery per share was 1.2867 acre-feet and historic consumptive use per share at 0.6370 acre-feet.

The tenth decree is for one share of direct flow of the Longmont Supply Ditch Company, out of a total of 200 shares. Decreed use of the water from Longmont Supply Ditch Company is irrigation, and water associated with this share was historically used for irrigation. Similarly, the next decree is for one share of direct flow of the Bonus Ditch Company, out of a total of 100 shares – historically used for irrigation. Lastly, the final decree is .75 shares for direct flow and storage rights in the Oligarchy Irrigation Company, out of a total of 300 shares. The rights are divided between direct flow rights and storage rights, both historically used for irrigation.

The District's Statement of the Plan for Augmentation asserts it will provide augmentation water for participating diversions, including augmentation of wells, pipelines, ponds, pumps, and springs diverting tributary water for irrigation, stock watering, gravel mining and domestic and commercial uses within the boundaries of the District. This area generally covers the valley of the St. Vrain Creek and its tributaries, North St. Vrain Creek, Middle St. Vrain Creek, South St. Vrain Creek, and Left Hand Creek. The District will augment all consumptive use depletions from the structures included in this plan for augmentation, and also provide augmentation water to replace all out-of-priority consumptive use depletions resulting from participating water users that have wells, ponds or other diversions located within the District. Additionally, the District stipulates that the water users with out-of-priority depletions who wish to participate in this plan must have land located within the District and obtain approval from the District and the District Engineer.

2. *Opposition*

No statements of opposition have been filed.

David W. Hall

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT WATER ACTIVITY ENTERPRISE, Case No. 2002CW320 (Water Division 1, Dec. 16, 2002).
Applicant: The Lower South Platte Water Conservancy District Water Activity Enterprise (Attys. Kim R. Lawrence, P. Andrew Jones, & Kelly J. Custer, Lind, Lawrence & Ottenhoff, L.L.P.)

1. *Application*

On December 16, 2002, the Lower South Platte Water Conservancy District Water Activity Enterprise ("District") submitted an application to the Division 1 Water Court for approval of a plan of augmentation and application for water rights. The District seeks to augment sixty-five wells operated under contract with the District. The District also seeks absolute and conditional rights for two wells intended as sources of augmentation, replacement, and exchange.

The plan will augment any replacement wells or alternate points of diversion authorized for sixty-five privately owned wells currently augmented by the District. The wells are located on forty-four parcels in Sedgwick County. This plan will also augment any additional wells the District is permitted to include. The wells' source is groundwater tributary to the South Platte River. Under the plan, the District will also replace out-of-priority depletions caused by these wells. Replacement will not be required from October 15 to April 15. Also, the District reserves the right to operate pursuant to the 2002 Amended Rules and Regulations (Case No. 2002CW108), and Colorado Revised Statutes section 37-92-308.

The District intends to provide augmentation water from a variety of sources within Water Division 1. The District plans to use decreed absolute and conditional rights from the Lower South Platte Recharge Project and the Liddle Ditch Recharge Project. It also intends to use augmentation credits purchased from decreed and pending rights (Case No. 95CW283) of the Julesburg Irrigation District. Additionally, pursuant to various contracts, the District proposes to augment with recharge credits from decreed rights of the Tamarack Project, and rights from eleven sites either decreed to the District or applied for by the Julesburg Irrigation District in Case No. 90CW182. The District also plans to use replacement water purchased from six of the wells this plan is intended to augment. Also planned as augmentation water are the two well rights the District seeks in this application. In addition, all of these sources will be used to replace out-of-priority depletions.

As a component of the plan, the District seeks approval to change its method of determining well depletions. Currently, depletions are