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Concerning the Application for Water Rights of the Lower South Platte Water Conservancy District Water Activity Enterprise

Arthur R. Kleven

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Concerning the Application for Water Rights of the Lower South Platte Water Conservancy District Water Activity Enterprise

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

based on actual well pumping data. The amount of water projected for the next year's pumping is based on a rolling average of the last five year's pumping data. The District proposes to measure future well depletions based upon a monthly water budget developed for each parcel. The water budget will be based upon the historic consumptive use of each parcel estimated for the period from 1974-2002 and future years as added. The historic consumptive use will be estimated by the modified Blaney-Criddle crop evapotranspiration method. The amount of well water needed to fulfill net crop irrigation requirements will be determined after crediting surface water irrigation sources, effective precipitation, and soil moisture.

The District also seeks absolute and conditional rights for two wells intended as sources of augmentation, replacement, and exchange for this plan. Both wells are located in Sedgwick County and have groundwater tributary to the South Platte River as their source. The District claims 3000 gallons per minute, absolute; 638 acre-feet, absolute; and 862 acre-feet, conditional; with an appropriation date of April 3, 2001, for District Well No. 1. At District Well No. 2, the District claims 3700 gallons per minute, absolute; 1300 gallons per minute, conditional; 1400 acre-feet, absolute; and 3600 acre-feet, conditional; with an appropriation date of June 4, 2001.

2. Opposition

No statements of opposition have been filed.

Arthur R. Kleven

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION

INCLUDING APPROPRIATIVE RIGHTS OF EXCHANGE. Case No.

2002CW389 (Water Division 1, Jan. 6, 2003). Applicant: Upper South Platte Water Conservancy District and Center of Colorado Water Conservancy District (Atty. Jeffrey J. Kahn, Bernard, Lyons, Gaddis & Kahn, P.C.).

1. Applications

The Upper South Platte District ("USPD") and the Center District ("Center") (collectively the "Districts") seek to augment various wells and surface water diversion structures. All of the wells and diversion structures are located in the drainage basin of the North Fork of the South Platte River and the South Platte River above their confluence. Those who currently seek augmentation of their water rights include: Saint Mary of the Rockies, Fairplay Mobile Home Park, Forest Glen Sports Association and Lininger Reservoir. However, the application provides that new participating diversions may be added subject to conditions including permission from the Districts and the Division Engineer.

There are four water rights that will be used for the proposed augmentation. The first water right involves the thirty-seven acre-feet