

ANNUAL REPORT
DIVISION NO. 1
1975 IRRIGATION YEAR
NOV. 1, 1974 - OCT. 31, 1975

BY

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December 10, 1975

Mr. C. J. Kuiper, State Engineer
Division of Water Resources
300 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

Dear Mr. Kuiper:

Please find submitted herewith the 1975 Annual Report for Irrigation Division No. 1, headquartered at Room 208, 8th and 8th Office Building, Greeley, Colorado 80631.

On behalf of the staff of Division 1, I would like to express our appreciation for the cooperation, guidance and courtesies extended by yourself and the members of your staff over the past year.

Sincerely,

W. G. Wilkinson
Division Engineer

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1975 ANNUAL REPORT

1. INTRODUCTORY STATEMENT

Division 1 covers an area of some 28,068 square miles or approximately the northeast one-fourth of the State of Colorado. Of this, approximately 19,500 square miles is in the South Platte River Basin, 8,165 square miles in the Republican River Basin, and 403 square miles in the Laramie River Basin.

SOUTH PLATTE RIVER

The South Platte River starts at the Continental Divide, flows through South Park, down mountain canyons, out onto the plains in the Denver area, thence northeasterly and into Nebraska near the northeast corner of Colorado. The flow of the South Platte is augmented by a number of tributaries in the South Park area, the principal ones being the Middle and North Forks of the South Platte and Tarryall Creek. After leaving the mountains the South Platte is further augmented by several major tributaries arising at and east of the Continental Divide and flowing to the South Platte from the north and west. These major tributaries entering the South Platte in the Denver to Greeley area are Bear, Clear, Boulder and St. Vrain Creeks, and the Big Thompson and Cache la Poudre Rivers. Only normally minor and intermittent streams supplement the river flow from the south and east. However some of these, such as Plum, Cherry, Boxelder, Kiowa, Bijou, Badger, Beaver as well as Lone Tree, Coal, Wild Cat and Pawnee Creeks from the north and west are each capable of producing a major flood due to the extent and topography of their individual watersheds when subjected to intense precipitation.

In addition to the obvious tributary streams, the South Platte River is further supplemented very extensively, as are the tributaries themselves, by what is commonly referred to as return flow. This is water from springs, waste ditches, drains, seepage, etc., resulting generally from diversions for various uses, precipitation, and high water tables. These additional sources enter the streams in relatively small amounts at extremely numerous locations along the entire reaches of the streams.

The water supply is further supplemented by a number of diversions from transmountain sources. The water from these transmountain sources is controlled and used by specific ownership entities and, as such, the first use of it is not subject to appropriation as a part of the waters of the South Platte Basin. These transmountain diversions are treated in more detail later in this report.

The elevations in the South Platte Basin vary from 14,000 feet at points along the Continental Divide to 3,400 feet at the Colorado-Nebraska line. The western one-third of the basin is mountainous in character and provides the principal source of water as the result of precipitation.

Of the 12,481,000 acres in the South Platte Basin, 9,469,470 acres are in farms and ranches. The balance of the area is owned by federal and state governments, public agencies, or included within municipalities. Within the farm areas are 870,457 irrigated acres and 8,599,013 acres of dry land according to the 1969 Agricultural Census.

The principal use of water in the mountain valleys is for meadow irrigation. Large volumes of water are released on meadows adjacent to the streams and, of this volume, a major proportion returns to the stream for reuse at lower elevations. The largest area of mountain valley irrigation is in South Park at elevations up to 11,000 feet. Other uses in the mountain areas include those of small municipalities, domestic, stock, power, mining, commercial and recreation needs.

The greatest use of water, by far, in the South Platte Basin is for agricultural purposes in the plains area at elevations between 3,500 and 5,000 feet. The water here supports a well developed, diversified agricultural economy that ranks high nationally in productivity. Much of the demand for water in areas downstream some 40-50 miles from the mountains is supplied from wells and by return flow from uses further upstream.

The 1975 irrigation season could be considered to be quite successful in terms of water supply, administration and agricultural production. In spite of a very mild, dry winter the reservoir carryover as of April 1 was very good. Stream flow forecasts prior to April 1 indicated a near normal or slightly below normal seasonal supply. Heavy snowfall in the mountains in late March and early April assured adequate supplies with the forecasts ranging from 107 percent to 123 percent of normal flow in the front range tributary streams. The latter part of April and most of May were very dry and as a result it was necessary to use considerable reservoir water to supplement stream flows for direct irrigation to start the crops. Although extra water was required in irrigation for germination no serious problems arose due to the resulting reservoir depletion since the good runoff and timely precipitation in late May and June provided generally ample water for reservoir refills.

The late snows in the mountains posed some threat of flood stage flows on the tributary streams but the expected high flows did not materialize. Alternating periods of warm and cool weather extended the snow melt period ideally to the end that most of the water produced could be put to beneficial use.

The overall weather pattern for the irrigation season was very well suited to the crop needs when considered in conjunction with water supplies, much as was experienced in 1974 and again resulted in excellent agricultural production.

The well augmentation programs started July 1 and operated quite smoothly this year considering the fact that well regulation is still a relatively new concept in administration. As could be expected, complete compliance by all wells has not been achieved but division officials feel that good progress has been made. Total replacement for the season amounted to 10,623 acre feet, the maximum daily replacement delivery during the direct demand season being 87.2 cfs on August 6. On September 15 the augmentation plans did deliver 144 cfs to the river however a substantial portion of this was used under the South Platte Ditch in the GASP - South Platte recharge program.

Wells under several of the larger ditch systems below Kersey, as well as most of the wells in the Poudre Basin subject to regulation, operated as alternate points of diversion for surface rights thereby taking advantage of an expanded source without adding replacement responsibility.

Again this year as in 1974 the replacements were rather minimal compared to total pumping but nevertheless met the apparent requirements satisfactorily. In consideration of the excellent crop production, the tremendous value of well production in the South Platte River System is quite obvious.

Looking at agriculture as a whole, 1975 crop production was excellent and the livestock industry is much healthier than a year ago. The economic picture is clouded, however, by declining prices, sluggish markets and steadily increasing costs in all except livestock production operations.

Land prices continue to climb although the rate of change in ownership has slacked off somewhat. No doubt the slowdown in home construction and subdivision activity as well as the decline in crop prices has had a sobering effect upon land speculation.

REPUBLICAN RIVER

The Republican River Basin in Eastern Colorado covers 5,226,000 acres. Of this area 4,350,770 acres are in farm and ranch land with 226,109 acres under irrigation and 4,124,661 acres of dry land as reported in the 1969 Agricultural Census.

This area is relatively dry and the surface streams, many of which are intermittent, provide only enough water for some lands adjacent thereto. The normal precipitation in this area is about 17.1 inches of which 13.6 inches or 80 percent falls during the April through September period.

Precipitation in the Republican River drainage was below normal for 1975. Spring was unusually dry and there was great concern that the wheat crop would be virtually dried up. However, much as in 1974, the rains came at a critical time in late May and early June providing the necessary moisture for a somewhat above average wheat crop and starting other grain and feed crops toward what eventually resulted in good production as well.

The number of land sales in this area has declined since 1974 apparently, as judged by the frequency of reports of such transactions.

LARAMIE RIVER

The Laramie River Basin in North Central Colorado contains 258,000 acres of which 4,800 acres are irrigated and 15,000 acres are nonirrigated ranch land according to the 1964 Agricultural Census.

This basin is a mountain valley with the principal water use being for meadow irrigation and livestock purposes. There are no municipalities or villages in this basin so the domestic uses are minimal.

The Laramie River Basin had adequate water for irrigation this season to satisfy the allotments under the Laramie River Agreement and Federal Court order. The said court order provides that 19,875 acre feet of Laramie River water or its tributaries in Colorado may be annually diverted for use outside of the Laramie River Basin and that an additional 29,500 acre feet may be annually diverted for irrigation use within the Laramie River drainage with not more than 1,800 acre feet of such amount to be used after July 31 of each year. The Laramie River Agreement between the users of water in Colorado, being the meadowland users and the transmountain divertors, further provides for volumetric allotments to designated lands within the basin. This amounts to 6.0887 acre feet per acre for the season of which only 0.3715 acre feet may be diverted after July 31. The 1974 meadowland diversions were 21245 acre feet and transbasin diversions to Water District No. 3 were 19840 acre feet.

Some of the ranches on the Laramie River changed ownership this past year, however speculative and development activity is substantially reduced as compared to the past two years. This particular area is more responsive to the livestock industry and although the cattle business is recovering from the disaster of '73 and '74 it is still in difficulty due to high operating costs and past losses.

II. PERSONNEL

We had several changes in our Division I staff this year. In the Greeley Office, 1042 Water Commissioner Howard Law resigned and was replaced by George Sievers. George has been with us for the past six summers as an engineering tech. In the Denver Office we have one new hydrographer in the person of Chuck David.

In addition to these changes we had four deputy water commissioner resignations. These included Larry Young in District 5, Dale Graham in District 64, Mike Shafer in District 23 and Jack Canterbury in District 23. Our new deputies to date include Mel Hodgson in District 5 and Ken Salser in District 8.

NAME	WATER DIST.	CLASSIFICATION POSITION	OCT. 31, 1975 GRADE	STEP	DATE OF LAST CHANGE	MONTHS WORKED	1974-1975		MILEAGE	NO.
							BUDGETED	PER. VEH. STATE VEH.		
Dugan Wilkinson		Supv. WRE	66	7	7-73	12	12		18,989	
Jim Clark		Sen. WRE	60	7	10-75	12	12			
Ray Liesman		WRE C	55	5	7-75	12	12			
Don Brazelton		Wtr. Comm. C	41	4	9-75	12	12		10,620	
George Sievers		Eng. Tec.	27	1		3	3			
George Sievers		Wtr. Comm. B	35	1	9-75	2	12	299		
Howard Law		Wtr. Comm. 1				7				
Dorothy J. Neutze		Sec. 1A	29	6	3-75	12	12			
Babette Harman		Typist B	19	5	11-75	12	12			
Bob Samples	1	Sen. Wtr. Comm.	45	6	4-72	12	12	855	22,650	
Paul Meehl	2	Sen. Wtr. Comm.	45	7	1-74	12	12	14,200		
Jack Neutze	3	Sen. Wtr. Comm.	45	6	7-74	12	12	4,161		
Lloyd Blewitt	4	Sen. Wtr. Comm.	45	7	12-73	12	12	8,011		
Stix Palmer	5	Wtr. Comm. C	41	7	12-74	12	12	12,899		
Ernie Ward	6	Wtr. Comm. C	41	7		12	12	16,912		
Arlyn Davison	7	Wtr. Comm. C	41	7	1-75	12	12	9,300		
Joe Clayton	8	Sen. Wtr. Comm.	45	7	11-71	12	12	10,592		
Ralph VanGorden	9	Wtr. Comm. B	35	7	7-70	12	12	10,886		
Wes Hayman	23	Wtr. Comm. B	35	6	6-75	12	12	17,843		
Bill Gleason	48	Wtr. Comm. B	35	7	10-69	5	5	5,491		
Jack Fisher	49-65	Wtr. Comm. B	35	4	11-71	2.1	4	3,781		
Bob Littler	64	Sen. Wtr. Comm.	45	7	7-70	12	12	15,661		
Terry Covelli	1	Wtr. Comm. A	29	2	7-75	8.4	8	16,364		
Tony Heit	2	Wtr. Comm. A	29	6	7-70	6.2	7	8,268		
Bruce Smith	3	Wtr. Comm. A	29	2	7-74	6.9	7	9,239		
Wayne Lee	4	Wtr. Comm. A	29	3	8-74	7	8	5,817		
Mel Hodgson	5	Wtr. Comm. A	29	1	4-75	6.7	7	6,021.3		
Dale Anderson	6	Wtr. Comm. A	29	2	8-75	7	7	9,723		
Ken Salser	8	Wtr. Comm. A	29	1	5-75	6	7	10,556		
Mike Shafer	23	Wtr. Comm. A	29	1		3.2	3	1,639		
Jack Canterbury	23	Wtr. Comm. A	29			2	4	2,300		
Dick Vannorsdell	48	Wtr. Comm. A	29	1		2	3	1,334		
Dale Graham	64	Wtr. Comm. A	29			2	4	1,119		

1974 - 1975

NAME	POSITION	GRADE	STEP	DATE OF LAST STEP CHANGE	MONTHS		MILEAGE	PERSONAL STATE VEH. NO.
					WORKED	BUDGETED		
Harold Coffey	WRE C	55	3	7-75	12	12	11,912	
Ted Bell	WRE B	50	6	7-75	12	12	13,240	
Bob Cooper	WRE B	50	3	1-75	12	12	22,815	
Doug Walcher	WRE B	50	3	7-75	12	12	18,799	
*Bud Walcher	Supv. WRE	66					6,899	
Ahmad Andesha	WRE B	50	6	7-75	12	12		
Chuck David	WRE B	50	1		4	12	10,152	
Randy Seaholm	WRE B	50			12	12	3,878	
Steve Hamburg	Engr. Tech.	27	1		3	3		
Tony Mallon	Engr. Tech.	27	1		3	3		

*Bud Walcher is not attached to our Division. His name is only listed to show mileage driven in a vehicle that is attached to our Division.

III. WATER SUPPLY

A. SNOW PACK

Late March snows greatly improved the water supply outlook. The April 1st snowpack was slightly above normal throughout the South Platte Drainage Area. Soil moisture was also slightly above normal in most valley areas. Carry-over storage was right at normal for the area.

Precipitation was below normal in most of Division 1 during April, resulting in the following soil moisture and snowpack figures on May 1st.

1975

SUMMARY OF SNOW MEASUREMENTS (MAY 1ST)

WATERSHED	NO. OF COURSES AVERAGED	THIS YEAR'S SNOW WATER AS PERCENTAGE OF:	
		LAST YEAR	AVERAGE +
Big Thompson	5	112	115
Boulder	3	83	103
Cache la Poudre	8	88	111
Clear Creek	6	85	111
Saint Vrain	3	146	132
South Platte	3	152	142

SOIL MOISTURE (MAY 1ST)

WATERSHED	NO. OF STATIONS	THIS YEAR'S MOISTURE AS PERCENTAGE OF:	
		LAST YEAR	AVERAGE
Big Thompson	3	89	81
Boulder	1	79	57
Cache la Poudre	2	91	82
Clear Creek	2	104	97
Saint Vrain	1	79	57
South Platte	2	104	88

+ 1958 - 1972

1975

WATER SUPPLY

PRECIPITATION

LOCATION	APRIL		MAY		JUNE		JULY		AUGUST		SEPTEMBER		% AVERAGE FOR WATER YEAR 10-1 to 9-30
	PRECIP. AVERAGE	% OF AVERAGE	PRECIP. AVERAGE	% OF AVERAGE	PRECIP. AVERAGE	% OF AVERAGE	PRECIP. AVERAGE	% OF AVERAGE	PRECIP. AVERAGE	% OF AVERAGE	PRECIP. AVERAGE	% OF AVERAGE	
BOULDER	2.85	88	4.33	109	2.01	135	1.67	72	1.31	90	1.06	51	109
CHEESMAN	1.56	88	2.08	109	1.84	135	1.85	72	2.10	90	0.37	23	93
CHEYENNE WELLS	1.40		2.51		1.70								
DENVER AP WSPD	1.14	74	2.80	125	2.11	130	2.78	182	2.00	196	0.24	15	103
ESTES PARK	1.46	85	1.62	75	1.02	50	2.07		1.01	52	0.77	50	84
FT. COLLINS	1.53	84	4.26		1.77	83	0.92	63					
FT. MORGAN	1.13	89	5.13	200	1.15	54	2.09	110	1.49	103			
GREELEY	1.86	126	5.34	222	2.02	112	2.72	203	0.63	60	0.41	24	122
KASSLER	1.70	71	3.38	115	2.46	127	0.82	50	1.87	128	1.09	61	97
LAKESWOOD	1.55	79	3.18	126	1.93	105	4.29	266	2.49	204	0.33	20	132
LONGMONT	2.19	142	3.35	132	0.81	43	1.24	102	1.22	118	0.66	43	91
PARKER	1.05	68	3.02	134	1.34	73	4.03	208	1.76	99	0.15	11	105
RED FEATHER LAKE	1.08		3.87		2.46								
STERLING	1.71	131	6.35	221	0.71	25	0.98	40	1.01	62	0.71	56	84
WRAY	0.50	26	5.76	182	4.03	129	1.36	47	0.63	26	0.10	6	88

AVERAGES ARE FOR THE 15 YEAR PERIOD 1958-1972 AND ARE COMPUTED BY THE KANSAS CITY RIVER FORECAST CENTER

III.

C. FLOODS

No flooding of a serious nature occurred in Division 1 during the 1975 irrigation year.

The following tabulation shows the annual flows in acre feet at the major control gaging stations in the Division and the highest instantaneous peak flow during that period. Note that some of the flows are for the Water Year, October 1 - September 30, and others are for the Irrigation Year, November 1 - October 31.

Most figures are preliminary reports and subject to revision.

STATION	WATER YEAR (A.F.)		IRRIGATION YEAR (A.F.)		INSTANTANEOUS PEAK FLOWS	
	Oct. 1, 1974 to Oct. 1, 1975	Nov. 1, 1974 to Nov. 1, 1975	Oct. 1, 1974 to Oct. 1, 1975	Nov. 1, 1974 to Nov. 1, 1975	DATE	C.F.S.
South Platte below Cheesman	108,500				July 18	1020
North Fork at South Platte	156,300				July 9	755
South Platte at South Platte	285,900				July 19	1600
Bear Creek at Morrison	32,480				June 14	250
Bear Creek at Sheridan	36,540				June 10	404
South Platte at Denver	200,900				July 20	7380
Clear Creek at Golden	162,300				July 9	1480
Clear Creek at Derby	65,670				July 16	1230
South Platte at Henderson	309,400				Aug. 13	9690
Middle Boulder Creek at Orodell	55,330				July 3	454
South Boulder Creek at Eldorado	43,900				July 3	334
Coal Creek at Plainview	2,400				June 3	76
St. Vrain Creek at Lyons	90,840		90,730		June 9	931
St. Vrain Creek at Platteville	162,900		161,700		June 11	1410
Big Thompson at Canyon (1)	128,700		127,100		July 3	600
Big Thompson at LaSalle (2)	77,900		78,390		June 18	902
Cache la Poudre at Canyon	222,800		221,300		July 3	2550
Cache la Poudre at Greeley	107,200		104,800		June 20	1730
South Platte at Kersey	606,800		600,600		June 20	5350
South Platte at Balzac	265,500		263,000		June 21	3020
South Platte at Julesburg	253,900		254,200		June 23	2530

(1) Includes 58,360 A.F. diverted via Foothills Canal and Dille Tunnel, and 9740 A.F. returned to river below Station.

(2) Includes 3490 A.F. GASP water

III.

D. WATER BUDGET

Due to problems in receiving complete information, we won't include a Water Budget in this annual report.

III. WATER SUPPLY

E. UNDERGROUND WATER

The conjunctive use and distribution of surface and ground water supplies continues to be one of the primary concerns of both water users and administrative officials. The statutory concept is gradually gaining wider acceptance with the result that more wells are voluntarily enrolled in some augmentation plan which allows continued, unregulated pumping. Not only do wells rely upon augmentation plans to support their diversions but large numbers of them have also sought to operate as alternate points of diversion for surface rights.

The most popular group augmentation plan, using the number of member wells as the criteria to judge popularity, continues to be GASP, Groundwater Appropriators of the South Platte. This year was the fourth year of operation for this voluntary membership organization which includes irrigation, municipal, industrial and commercial wells. Assessments in 1975 were on the basis of 20 cents per acre foot of anticipated pumping for the season. GASP now owns 10 wells in the Sterling area that may be used as replacement sources of which all but one were used the past season with a total production capability of approximately 42 c.f.s.

Additional sources of water available to GASP were leased reservoir and C.B.T. rights and recharged groundwater. The 1975 membership in GASP was 2882 wells.

The Central Colorado Water Conservancy District Groundwater Subdistrict contained 1156 wells within its boundaries, all of which were necessarily included within the augmentation plan provided by that organization. The assessments levied by Central on these wells were on the basis of pumping capacity and were collected through the various county taxing and collection agencies. The Subdistrict secured permits in 1975 for six wells in the Brighton area to be used for replacement purposes. These replacement wells and those belonging to GASP operated under the court approved Rules and Regulations as adopted in March 1974. Additional replacement sources for Central included C.B.T. and reservoir water, direct flow rights and municipal sewer effluent resulting from use of transmountain water.

Central has adopted a policy change regarding the assessment procedure for 1976. Participation in their replacement plan will be voluntary with wells assessed twenty cents per acre foot of anticipated pumping for the season. Additional income will be generated by a mill levy upon all property within the Subdistrict.

The Bijou Irrigation District have an approved augmentation plan under which those 170 wells within the district are allowed to pump out of priority as long as adequate replacement is made to the stream with water from Bijou Reservoir No. 2.

Approximately 680 of aforementioned wells in the GASP, Central and Bijou plans are also enrolled in an additional plan or as alternate points of diversion for surface rights.

Many more wells have been permitted for construction and operation under augmentation plans approved by the Water Court or temporary approval pending court action. By far the greatest number of wells so operating or approved are individual lot wells in subdivisions.

Most of the ditch systems in Water District No. 1 have made application to the Water Court to have some 551 wells of their stockholders made alternate points of diversion for their surface rights. By so doing they reduce their reliance upon surface flows in the stream to satisfy their needs and also extend the allowable time of diversion for their wells over that of the wells operating independently under the wells individual decrees. Other water rights upon the stream are also benefitted to the degree that those ditches using the wells as alternate points of diversion must make use of the wells before placing a call upon the river.

A similar alternate point of diversion operating plan has been developed in Water District No. 3, an application for which is now pending in Court. Under the proposed plan 493 wells under ditch systems on the Cache la Poudre would operate as alternate points of diversion for all of the surface rights held by the participating ditches. This would represent approximately 98 percent of the total direct surface rights on that stream. Since these surface rights are senior to those downstream, the wells would be able to pump as needed under those rights not available on the surface but immediately available from underground sources.

In addition to the above mentioned 493 wells under the Poudre there were 457 wells decreed as nontributary in 1953 by the District Court of Larimer County in a general adjudication proceedings for Water District No. 3.

A considerable number of wells in other water districts, particularly Water District No. 64, have either been decreed or have applications pending as alternate points of diversion for surface rights.

Under plans of augmentation involving wells drilled prior to the adoption of Senate Bill 81 in July 1969, or for replacement or supporting wells for such pre '69 wells, the division engineer requires replacement water delivered to the stream under augmentation plans in the amount of the stream depletion caused by those wells or such lesser amount as is necessary to satisfy valid senior calls. For wells drilled subsequent to the aforesaid 1969 date, or diversions made from existing wells for extended or increased uses, replacement may be made by one of two primary means, either by a full exchange on a foot for foot basis or upon a depletion basis where the proposed depletion is balanced by the historic depletion of the water used as replacement. This requirement is made in recognition of the declaration of policy as statutorily expressed in 37-92-102, Colorado Revised Statutes 1973.

The Division I administrative staff takes this means of acknowledging the efforts and cooperation of all those well owners or operators who have, through their participation in augmentation or approved operation plans, recognized their responsibilities as water users by complying with the laws even though most of them have strong reservations as to the equity of such laws. More especially, appreciation is extended to those individuals who served as leaders and on boards of directors, giving of their time and efforts to develop plans for integrated use of ground and surface supplies thereby preserving the agricultural economy of the region.

Drilling of new wells into the tributary aquifers has been largely confined to those defined as exempt wells. The largest number of permits have been issued for in-house use only wells. Owners of lots in subdivisions which have been approved by the various county commissions prior to May 8, 1972 are ordinarily eligible for an in-house use well on that tract. Domestic well permits are issued for tracts of 35 acres or more on which that would be the only well.

Permits were usually granted for the drilling of replacement wells in those situations where the original well had failed in some manner. Limitations are imposed on replacement wells in regard to their location, production, and abandonment of the replaced structure.

New permits have been granted for irrigation wells in the designated ground water basins when they comply with the established guidelines for the particular area. Naturally, the physical opportunities for such compliance are reduced with the issuance of each new permit.

The drilling of wells which tap the deep, so called nontributary formations came under more restrictive regulation with the legislative adoption of criteria for such ground water removal. Under the statute, a permit limits the withdrawal to a rate capable of extracting the known supply under the surface property of the owner over a one hundred year period.

III. WATER SUPPLY

F.

TRANSMOUNTAIN DIVERSIONS

OCTOBER 1, 1974 - SEPTEMBER 30, 1975

DIVERTING STRUCTURE	SOURCE	SOURCE DISTRICT	RECEIVING DISTRICT	CONTROLLING OWNERSHIP	LAST DAY		NO. OF DAYS		AVG. AMT. DIVERTED C.F.S.	TOTAL AMOUNT DIVERTED AC. FT.
					WATER DIVERTED	WATER DIVERTED	WATER	DIVERTED		
Wilson Supply Ditch	Sand & Deadman Creek	48	3	Divide Canal & Res. Co.	5/16/75	7/16/75	54	18.3	1960	
Deadman Ditch (Incl. in Wilson Supply)	Deadman Creek	48	3	Divide Canal & Res. Co.	5/15/75	7/16/75	63	8.24	1030	
Bob Creek Ditch	Nunn Creek	48	3	City of Greeley					0	
Columbine Ditch	Deadman Creek	48	3	City of Greeley					0	
Laramie Poudre Tunnel	Laramie River	48	3	Water Supply & Storage	5/ 6/75	8/19/75	106	81.5	17130	
Skyline Ditch	West Fork Laramie River	48	3	Water Supply & Storage	6/28/75	7/10/75	13	65.1	1680	
Cameron Pass Ditch	Michigan River	47	3	Water Supply & Storage	6/25/75	7/27/75	33	4.21	276	
Michigan Ditch	Michigan River	47	3	North Poudre Irr. Co.	5/16/75	8/12/75	89	9.70	1710	
Grand River Ditch	Colorado River	51	3	Water Supply & Storage	5/10/75	9/15/75	129	83.0	21230	
Eureka	Colorado River	51	4	City of Loveland	6/15/75	9/30/75	107	0.14	30	
Alva B. Adams Tunnel	Colorado River	51	4	U.S.B.R.-N.C.C.D.	1/ 1/75	12/31/75	363	332	237300	
Moffat Tunnel	Fraser River	51	6	City of Denver	10/ 1/74	9/30/75	361	81.6	58400	
Jones Pass Tunnel	Williams Fork	51	6	City of Denver						
AKA August P. Gumlich or Williams Fork Tunnel	(Incl. in Moffat Tunnel)									
Berthoud Pass Ditch	Fraser River	51	7	Farmers Res. & Highline	10/ 1/74	9/30/75	312	9.43	5840	
Vidler Tunnel	Montezuma Creek	36	7	Hebert Young	7/ 8/75	8/20/75	44	5.24	458	
Roberts Tunnel	Blue River	36	23-8	City of Denver	10/ 1/74	9/10/75	295	81.3	47580	
Boreas Pass Ditch	Indiana Creek	36	23	City of Aurora	6/ 6/75	9/26/75	72	0.28	40	
Hoosier Pass Tunnel	Blue River	36	23	City of Colo. Springs	5/18/75	9/30/75	136	31.0	8350	
Aurora Homestake	Homestake Creek	37	23	City of Aurora	11/ 4/74	9/30/75	132	33.9	8880	

* INCLUDED IN WILSON SUPPLY DITCH

** CORRECTED FOR DEADMAN IN WILSON SUPPLY

TOTAL 405024

III.

F.

HYDROGRAPHIC REPORT
DIVISION ONE
1975

GENERAL

In contrast to the 1974 Water Year, where flood damage repair activity was high, the 1975 Water Year was more nearly normal. Hydrographic effort was devoted largely to the normal functions of discharge measurement and record processing. As usual a considerable amount of effort was devoted to routine maintenance of stations and equipment.

HYDROGRAPHIC ACTIVITY

STREAM FLOW MEASUREMENTS
1975 WATER YEAR

The following number of measurements were made by Division One Hydrographers:

<u>HYDROGRAPHER</u>	<u>NUMBER OF MEASUREMENTS</u>
Andesha, A. Z.	201
Bell, T. S.	209
Coffer, H. R.	177
Cooper, R. E.	264
David, C. G.	62
Seaholm, O. R.	150
Walcher, R. D., Jr.	286
	<u>TOTAL</u> 1349

These figures include a number of measurements made by summer employees, who contribute significantly to our hydrographic effort. Total hydrographic mileage was 87,712 miles. Measurements or mileage by Glen Brees or Bud Walcher in Division One are not included.

SUPPLEMENTAL HYDROGRAPHIC REPORTS

ANNUAL REPORT
 COLORADO-BIG THOMPSON PROJECT
 1975

This is a cooperative effort between the U.S. Bureau of Reclamation, the Northern Colorado Water Conservancy District and the Division of Water Resources. Water is diverted from the Western Slope through Alva B. Adams Tunnel. Power is generated in a series of five power plants by the Bureau, then the water is distributed to East Slope users by the Conservancy District.

ACTIVE PROJECT STORAGE

<u>Western Slope</u>	<u>Nov. 1, 1974</u>	<u>Nov. 1, 1975</u>	<u>Diff.</u>
Willow Creek	7812	6403	-1409
Granby	<u>393385</u>	<u>399065</u>	<u>+5680</u>
Total Acre Feet	401197	405468	+4271
<u>Eastern Slope</u>			
Carter	58007	54332	-3675
Horsetooth	43661	60458	+16797
Boulder	<u>2017</u>	<u>2001</u>	<u>-16</u>
Total Acre Feet	103685	116791	+13106

DISTRIBUTION OF PROJECT WATER

<u>WATER DISTRICT</u>	<u>CARRIER</u>	<u>TOTAL ACRE FEET</u>
1	Hansen Feeder Canal via Big Thompson	6,720
3	Hansen Supply Canal via Cache la Poudre Direct Delivery	83,920 13,120
4	Hansen Feeder Canal via Big Thompson St. Vrain Supply via Little Thompson Direct Delivery	39,650 8,930 6,720
5	St. Vrain Supply Canal via St. Vrain Direct Delivery	21,360 11,240
6	Boulder Cr. Supply Canal via Boulder Cr. Direct Delivery	15,130 4,320
	Total to all districts, including replacement water	211,110

Quota water declared available - 80% or 247,690 ac.ft.
Replacement water - 3420 ac.ft.

MATERIAL BALANCE - PROJECT WATER DISTRIBUTIONESTES PARK AREA

<u>INFLOW</u>	<u>NOV. 1, 1974 - NOV. 1, 1975</u>	<u>TOTAL ACRE FEET</u>
<u>WESTERN SLOPE WATER</u>		
Alva B. Adams Tunnel	235,200	
<u>EASTERN SLOPE WATER</u>		
Wind River	1,520	
Big Thompson River	92,980	
Fish Creek	1,860	
Storage Nov. 1, 1974	2,140	333,700

<u>OUTFLOW</u>	<u>NOV. 1, 1974 - NOV. 1, 1975</u>	<u>TOTAL ACRE FEET</u>
Estes Park Water District	250	
Town of Estes Park	500	
Estes-Foothills Canal	297260	
Big Thompson River	38150	
Storage Nov. 1, 1975	<u>2700</u>	338860

Apparent Gain 5160 acre feet

CARTER LAKE AREA

INFLOW

Estes-Foothills Canal	297260	
Storage Pinewood, Flatiron	2090	
Storage Carter Nov. 1, 1974	58010	
Dille Tunnel	<u>9220</u>	366580

OUTFLOW

Hansen Feeder Canal	125500	
Big Thompson River	114710	
St. Vrain Supply Canal	61140	
Little Thompson Water District	3220	
Storage Carter Nov. 1, 1975	54330	
Storage Pinewood, Flatiron	<u>1990</u>	360890

Apparent Loss 5690 acre feet

HORSETOOTH AREA

INFLOW

Hansen Feeder Canal	122570	
Storage Nov. 1, 1974	43660	166230

OUTFLOW

Hansen Supply Canal	83920	
Direct Delivery	13120	
Storage Nov. 1, 1975	60460	157500

Apparent Loss 8730 acre feet

BOULDER AREA

<u>INFLOW</u>	<u>NOV. 1, 1974 - NOV. 1, 1975</u>	<u>TOTAL ACRE FEET</u>
---------------	------------------------------------	------------------------

Boulder Feeder Canal	19510	
Storage Nov. 1, 1974	2020	21530

OUTFLOW

Boulder Cr. Supply Canal	19450	
Dry Cr. Replacement	780	
Storage Nov. 1, 1975	<u>2000</u>	22230

Apparent gain 700 acre feet

SUMMATIONS

Estes Park Area	+5160
Carter Lake Area	-5690
Horsetooth Area	-8730
Boulder Area	<u>+ 700</u>

Total Apparent Project Loss 8560 acre feet

OPERATION SKIM

In conjunction with the Colorado-Big Thompson Project, Operation Skim diverts Big Thompson River water for power generation purposes and returns it to the river. Upper Big Thompson River water is diverted through Estes Foothills Canal into Olympus Tunnel for power generation at Polehill and Flatiron Power Plants. Near the mouth of Big Thompson Canyon, river water is diverted through Dille Tunnel. River water from both diversions is then returned to the river through the Big Thompson Power Plant.

Skim operations were conducted from May 10 to September 20, 1975 as follows:

<u>MONTH</u>	<u>WATER DIVERTED</u> <u>ACRE-FEET</u>
May	6150
June	25550
July	21880
August	4240
September	<u>540</u>
	58360

Harold R. Coffey
Harold R. Coffey
Water Resources Engineer

111.

G. RESERVOIR STORAGE DISTRICT NO. 1

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Empire	South Platte	4369	35208	9240
Riverside	South Platte	21013	60479	21685
Jackson	South Platte	3058	34694	8977
Bijou No. 2	South Platte	3360	3900	2660
North Sterling	South Platte	16710	70883	20158
Prewitt	South Platte	24210	27500	22500
Klug	Boxelder Creek	0	27	0
Bootleg	Boxelder Creek		0	0
Heart	Little Crow Creek	122	175	0
Giffin No. 1	Lone Tree Creek	8	8	17
Giffin No. 2	Lone Tree Creek	<u>91</u>	<u>50</u>	<u>10</u>
	TOTAL	72941	232924	85247

III.

G. RESERVOIR STORAGE DISTRICT NO. 2

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Barr	South Platte	12776	28562	13117
Horsecreek	South Platte	338	15100	6848
Prospect	South Platte	1060	5610	1415
Lord	South Platte	91	700	73
Milton	South Platte	13410	18122	10264
Lower Latham	South Platte	4325	5457	4702
Standley	Clear Creek	21403	35074	23516
Behrns	South Platte	20		25
Beulah	South Platte	4		3
Bowles No. 1	South Platte	25		40
Bowles No. 2	South Platte	45		130
Brantner No. 2	Brantner Gulch	11		11
Carlin	South Platte	0		12
Church Lower Lake	Dry Creek	120		100
Coal Ridge	Little Dry Creek	547		528
Fulton Waste	South Platte	210		225
German No. 2	Big Dry Creek	80		70
German No. 3	Big Dry Creek	3		2
German No. 4	Big Dry Creek	45		30
German No. 6	Big Dry Creek	15		20
German No. 8	Big Dry Creek	16		10
German No. 9	Big Dry Creek	48		0
German No. 12	Big Dry Creek	85		80
H. A. Smith	South Platte	40		50
Great Western	Clear Creek	2466		2655
Henry	South Platte	0		2
J. B. Smith	Todd Creek	140		120
Ireland No. 1	South Platte	118		35
Ireland No. 5	South Platte	0		20
La Dore	Seepage	360		360
Loloff	South Platte	90		120
Marshall	Brantner Gulch	30		30
Maul	First Creek	33		33
Meek No. 1	South Platte	25		30
Meek No. 2	South Platte	10		9
Mose Davis No. 2	South Platte	40		100
North Star	Big Dry Creek	110		100
Olds	South Platte	0		0
Parson-Holms	Second Creek	0		9
Thompson	Big Dry Creek	200		225

III.

G. RESERVOIR STORAGE DISTRICT NO. 2 (CONTINUED)

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Mathison	Big Dry Creek	25		10
Karsh	Big Dry Creek	3		0
Hamilton	Seepage			1
Francis	Gulch			6
Brunner	Seepage			20
Burnett-Deisher	Seepage			25
	TOTAL	58367	108625	65181

III.

G RESERVOIR STORAGE DISTRICT NO. 3

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Fossil Creek	Cache La Poudre	6917	6854	874
Halligan	N Fk Cache La Poudre	750	6428	718
Clarks Lake	N Fk Cache La Poudre	642	350	247
Indian Creek	N Fk Cache La Poudre	1906	1707	1707
N. Poudre No. 2	N Fk Cache La Poudre	3257	3283	1856
N. Poudre No. 3	N Fk Cache La Poudre	1732	2152	1892
N. Poudre No. 4	N Fk Cache La Poudre	800	1127	474
N. Poudre No. 5	Cache La Poudre	5436	5067	3872
N. Poudre No. 6	Cache La Poudre	6568	6676	4309
N. Poudre No. 15	N Fk Cache La Poudre	4735	4764	1845
Park Creek	N Fk Cache La Poudre	4800	5552	5086
N. Poudre Minor	N Fk Cache La Poudre	1824	1564	1237
Cobb	Cache La Poudre	17030	16400	15560
Douglas	Cache La Poudre	6498	6543	6320
Res. No. 8	Cache La Poudre	7618	8506	6840
Res. No. 8 Annex	Cache La Poudre	2658	3050	1661
Windsor Res.	Cache La Poudre	8920	12656	7631
Chambers	Wright. Trap & Fall Cks	1832	3886	974
Long Draw	Long Draw	195	195	8725
Black Hollow	Cache La Poudre	4376	4848	4716
Curtis	Cache La Poudre	898	962	936
Kluver	Cache La Poudre	827	862	836
Lindenmeier	Cache La Poudre	553	420	513
Long Pond	Cache La Poudre	2989	3029	2909
Richards	Cache La Poudre	760	719	670
Rocky Ridge	Cache La Poudre	3383	3403	3443
W S & S No. 3	Cache La Poudre	3802	3270	3802
W S & S No. 4	Cache La Poudre	820	1125	881
Terry Lake	Cache La Poudre		5725	5105
Worster Res.	Sheep Creek	109	480	49
Tinnath Res.	Cache La Poudre		6670	2755
Windsor Lake	Cache La Poudre	969	849	849
Barnes Meadow	Barnes Meadow	1341	1341	118
Big Beaver	Big Beaver Creek	0	0	0
Comanche	Big Beaver Creek	0	437	111
Peterson	Unnamed Creek	0	0	0
Seaman	N Fk Cache La Poudre	2441	4758	2994
Twin Lake	Trib. of Pennock	0	0	0
Claymore	Cache La Poudre	33	700	692
Dowdy	Pine Creek	827	764	9
Joe Wright	Joe Wright Creek	0	0	0
Eaton Law Res.	Cache La Poudre		460	150

III

G

RESERVOIR STORAGE DISTRICT NO. 3 (CONTINUED)

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Gray Lakes	Boxelder Creek	425	940	372
Panhandle Creek	Panhandle Creek		841	841
Portner	Fossil Creek	68	66	228
Seeley	Cache La Poudre	895	996	1090
Warren Lake	Cache La Poudre	1591	1334	570
Woods Lake	Cache La Poudre	1834	2098	1786
Horsetooth	Colo. Big Thompson	<u>51073</u>	<u>123848</u>	<u>68724</u>
	TOTAL	164132	267705	176977

III

G

RESERVOIR STORAGE DISTRICT NO. 4

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Boulder & Larimer	Little Thompson	1604	2225	1832
Boyd Lake	Big Thompson	36941	35625	38741
Carter	Colo. Big Thompson	61313	111943	57638
Cemetery Lake	Big Thompson	350	331	340
Donath	Big Thompson	469	532	407
Fairport	Big Thompson	141	119	75
Geo. Rist (Buckingham)	Big Thompson	379	296	188
Hertha Res.	Dry Creek	415	1352	326
Horseshoe Res.	Big Thompson	3181	4564	5877
Lake Loveland	Big Thompson	12638	9936	3763
Lawn Lake	Roaring Fork	817	817	0
Lon Hagler	Big Thompson	5328	5308	5049
Lone Tree Res.	Big Thompson	2527	7621	3002
Loveland Lake	Big Thompson	1173	1430	1125
Mariano	Big Thompson	4547	5182	3364
Oklahoma	Big Thompson	282	274	312
Rist Benson Res.	Big Thompson	432	356	421
Ryan Gulch Res.	Ryan Gulch	630	748	589
South Side Res.	Big Thompson	411	467	399
Welch	Big Thompson	<u>5924</u>	<u>5322</u>	<u>6192</u>
	TOTAL	139502	194448	129640

III

G

RESERVOIR STORAGE DISTRICT NO. 5

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Beaver Lake	Beaver Creek	1008	1252	1494
Foothills	St. Vrain	908	1845	2103
Highland No. 1	St. Vrain	853	853	874
Highland No. 2	St. Vrain	2408	2952	3014
Highland No. 3	St. Vrain	1324	1324	801
McIntosh	St. Vrain	2202	2202	530
Pleasant Valley	St. Vrain	2491	2491	2428
Oligarchy No. 1	St. Vrain	1621	1717	1121
Union	St. Vrain	11408	12266	10920
Left Hand Park	Left Hand	1403	1403	1137
Left Hand Valley	Left Hand	2775	3783	1925
Button Rock	N. St. Vrain	12967	12319	11891
	TOTAL	41368	44407	38238

III

G .

RESERVOIR STORAGE DISTRICT NO. 6

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Marshall	South Boulder Ck.	4662	9078	3609
Great Western	Clear & Coal Cks.	2387	1688	2673
Baseline	S. & M Boulder Creek	3505	4625	3324
McKay	South Boulder Ck.	304	241	205
Albion	Albion Creek	1111	1111	1111
Barker	M. Boulder Creek	9700	4709	10279
Boulder	Big Thompson Project	3317	4268	3301
Goose Lake	North Boulder Ck.	1036	1036	1036
Gross	S. Boulder Ck & Moffat	2525	12539	26659
Hillcrest	S. Bldr Ck & M Bldr	1947	1937	1869
Leggett	S. & M Boulder Creeks	1406	1399	1349
Valmont	S. & M Boulder Creeks	6831	6807	6650
Six Mile	Middle Boulder Creek	976	1088	745
Silver	North Boulder Creek	3527	678	3233
Panama No. 1	Middle Boulder Creek	4265	4790	1188
	TOTAL	47499	55994	67231

III

G

RESERVOIR STORAGE DISTRICT NO. 7

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Maple Grove	South Clear Creek	550	0	
Ralston	Moffat via Gross	10410	10060	
Tucker	Ralston	87	702	
Long Lake	Ralston Creek		730	
Standley	Clear Creek	<u>22233</u>	<u>32361</u>	
	TOTAL	33280	43853	

III

G

RESERVOIR STORAGE DISTRICT NO. 8

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Aurora Rampart	South Platte	639	978	1162
Chatfield	South Platte			8257
Cherry Creek	Cherry Creek	13812	15149	14420
Marston	South Platte	16149	16295	10565
McLellen	South Platte	5110	4765	4867
Platte Canyon	South Platte	<u>904</u>	<u>931</u>	<u>928</u>
	TOTAL	36614	38118	40199

III

G

RESERVOIR STORAGE DISTRICT NO. 9

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Soda No. 1 (West)	Bear Creek	0		246
Soda No. 2 (East)	Bear Creek	605		666
Kendrick	Bear Creek	100	185	136
Patrick	Bear Creek	690		768
Deane	Turkey Creek	285	495	312
Bergen No. 1 (East)	Turkey Creek	270	588	354
Bergen No. 2 (West)	Turkey Creek	500		390
Ward	Bear Creek	630		650
Henry Lake	Bear Creek	165	130	161
Harriman	Bear Creek	520		15
Bowles	Bear Creek	1920	2160	2113
Johnston	Bear Creek	620	800	783
Tule No. 1 (Upper)	South Platte	80		80
Tule No. 2 (Lower)	South Platte	90		90
Grant A (West)	Bear Creek	60		58
Grant B (South)	Bear Creek	190		237
Grant C (East)	Bear Creek	60		75
Kingfisher Lake	Turkey Creek	70		50
Willow Sp. No. 1	Turkey Creek	70		120
	TOTAL	6925	4358	7304

III

G

RESERVOIR STORAGE DISTRICT NO. 23

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Antero	So. Fk. South Platte	15917	15897	15917
Eleven Mile	So. Fk. South Platte	95454	96280	95454
Jefferson	Jefferson Lake	1/8 Full		
Montgomery	Md. Fk. South Platte and Hoosier Tunnel	3025	232	3025
	TOTAL	114396	112409	114396

III

G

RESERVOIR STORAGE DISTRICT NO. 64

NAME	SOURCE	AMOUNT - A.F.		
		10-31-74	4-31-75	10-31-75
Julesburg Res.	South Platte	14096	24143	18685
North Sterling	South Platte	16710	70600	20158
Prewitt	South Platte	<u>24210</u>	<u>26990</u>	<u>22500</u>
	TOTAL	55016	121733	61343

BARLEY

1973 FINAL

BARLEY

197 PRELIMINARY

NON IRRIGATED

IRRIGATED

COUNTY	PORTION OF COUNTY IN DIVISION I	IRRIGATED			NON IRRIGATED			197 PRELIMINARY		
		ACRES HARVESTED	YIELD bu/acre	PRODUCTION BUSHEL X 1000	ACRES HARVESTED	YIELD bu/acre	PRODUCTION BUSHEL X 1000	ACRES	YIELD bu/acre	PRODUCTION BUSHEL X 1000
ADAMS		3400	45.0	153.0	12600	30.0	378.0	10000	35.9	358.5
ARAPAHOE		100	50.0	5.0	6400	27.0	173.0	800	26.8	21.4
BOULDER		6100	60.0	366.0	1400	26.4	37.0	9000	48.4	435.5
CHEYENNE	39				195	26.0	5.1	195	31.0	6.0
CLEAR CREEK										
DENVER										
DOUGLAS					1200	20.0	24.0	1400	15.0	21.0
ELBERT	69	207	50.0	10.4	3105	30.0	93.2	759	27.3	20.7
GILPIN										
JEFFERSON		100	50.0	5.0	1100	35.5	39.0	500	32.0	16.0
KIT CARSON		600	61.7	37.0	3000	27.0	81.0			
LARIMER		13000	58.0	754.0	4500	26.0	117.0	14000	55.2	773.0
LINCOLN	26.5	26	60.0	1.6	132	20.0	2.6			
LOGAN		1000	56.0	56.0	5000	30.0	150.0	2900	47.4	137.5
MORGAN		3300	66.1	218.0	3700	30.0	111.0	3000	49.5	148.5
PARK	87.4									
PHILLIPS		100	60.0	6.0	1700	36.5	62.0	1100	30.4	33.4
SEDGWICK		2900			2800	35.0	98.0	600	35.0	21.0
TELLER	47.5									
WASHINGTON		1100	65.5	72.0	8400	35.0	294.0	3200	28.1	90.0
WELD		23500	52.5	1233.0	10500	27.5	289.0	28000	55.0	1540.5
YUMA		300	60.0	18.0	600	25.0	15.0	1100	30.9	34.0
TOTALS		52833		2935.0	66332		1968.9	76554		3657.0

IV.

CORN FOR GRAIN

1973 FINAL

1974 PRELIMINARY

NON IRRIGATED

IRRIGATED

COUNTY	PORTION OF COUNTY IN DIVISION I	IRRIGATED			NON IRRIGATED			1974 PRELIMINARY			
		ACRES PLANTED	ACRES HARVESTED	YIELD bu/acre	PRODUCTION BUSHEL X 1000	ACRES HARVESTED	YIELD bu/acre	PRODUCTION BUSHEL X 1000	ACRES	YIELD bu/acre	PRODUCTION BUSHEL X 1000
ADAMS		12000	5400	95.0	513.0	300	25.0	7.5	5000	96.0	480.0
ARAPAHOE		2700	300	90.0	27.0	600	26.7	16.0	1800	42.5	76.5
BOULDER		11500	3500	90.0	315.0				5300	90.0	477.0
CHEYENNE	39	4875	2535	98.0	248.4	39	25.0	1.0	2808	80.0	224.6
CLEAR CREEK											
DENVER											
DOUGLAS		600	200	80.0	16.0				300	65.0	19.5
ELBERT	69	4416	483	80.0	56.0	345	20.0	6.9	552	60.0	33.1
GILPIN											
JEFFERSON											
KIT CARSON		71500	55500	108.5	6022.0	500	20.0	10.0	54500	109.2	5949.0
LARIMER		34000	3000	94.0	282.0				5600	100.0	560.0
LINCOLN	26.5	1113	212	100.0	21.2	53	30.0	1.6	398	62.0	24.6
LOGAN		47500	23500	104.0	2444.0	3000	28.0	84.0	30500	108.0	3294.0
MORGAN		67500	48500	105.5	5115.0	500	32.0	16.0	50000	116.0	5799.0
PARK	87.4										
PHILLIPS		33000	24000	106.0	2544.0	7000	34.0	238.0	29500	87.0	2567.0
SEDGWICK		22000	11000	102.0	1122.0	3000	36.0	108.0	15500	100.0	1550.0
TELLER	47.5										
WASHINGTON		15000	9700	103.1	1000.0	300	20.0	6.0	13500	87.0	1175.0
WEID		182000	59500	102.0	6069.0	500	32.0	16.0	69000	111.0	7662.0
YUMA		100500	85000	111.5	9480.0	4000	28.0	112.0	100000	99.0	9900.0
TOTALS		610204	332330		35274.6	20137		623.0	384258		39791.3

IV.

1973 FINAL

POTATOES

CORN FOR SILAGE

HAY

COUNTY	PORTION OF COUNTY IN DIVISION I	POTATOES		CORN FOR SILAGE		HAY				
		ACRES	YIELD cwt/acre X 1000	PRODUCTION CWT X 1000	ACRES	YIELD tons/acre X 1000	PRODUCTION TONS X 1000	ACRES	YIELD tons/acre X 1000	PRODUCTION TONS X 1000
ADAMS					6200	17.0	105.4	19500	2.70	56.1
ARAPAHOE					1800	12.0	21.6	7800	1.68	13.8
BOULDER					8000	15.5	124.0	19300	2.34	45.6
CHEYENNE	39				2067	15.0	31.0	3666	1.69	6.2
CLEAR CREEK										
DENVER										
DOUGLAS					350	16.0	5.6	9500	1.54	17.0
ELBERT	69				2622	10.0	38.0	23115	1.72	39.8
GILPIN										
JEFFERSON					500	15.0	7.5	7300	1.77	12.9
KIT CARSON					13100	17.6	231.1	29800	2.22	61.4
LARIMER					30500	19.7	602.0	51500	2.41	123.9
LINCOLN	26.5				477	12.0	5.7	6492	1.32	8.6
LOGAN					20300	20.0	406.0	60500	2.13	128.0
MORGAN					2400	230	553.0	33000	2.41	79.4
PARK	87.4							17567	1.00	17.6
PHILLIPS					950	10.0	9.5	13800	2.01	27.4
SEDGWICK					7400	19.0	140.5	11900	2.45	29.5
TELLER	47.5							1425	1.43	2.0
WASHINGTON					4100	19.0	77.9	36600	1.21	44.3
WELD					3450	217	747.0	121500	2.65	322.7
YUMA					5800	21.0	121.8	38000	2.10	80.1
TOTALS		5850		1300.0	240466		4609.6	512265		1116.3

IV.

OATS

1973 FINAL

NON IRRIGATED

IRRIGATED

COUNTY	PORTION OF COUNTY IN DIVISION I %	IRRIGATED			NON IRRIGATED			TOTAL PRODUCTION BUSHELS X 1000
		ACRES	YIELD by/acre	PRODUCTION BUSHELS X 1000	ACRES	YIELD by/acre	PRODUCTION BUSHELS X 1000	
ADAMS		700	35.0	24.5	700	20.0	14.0	38.5
ARAPAHOE		3400	35.0	119.0				119.0
BOULDER		1100	50.0	55.0	200	25.0	5.0	60.0
CHEYENNE	39							
CLEAR CREEK								
DENVER								
DOUGLAS					300	15.0	4.5	4.5
ELBERT	69				1518	20.9	31.7	31.7
GILPIN								
JEFFERSON					200	20.0	4.0	4.0
KIT CARSON					500	20.0	10.0	10.0
LARIMER		1000	55.0	55.0	100	40.0	4.0	59.0
LINCOLN	26.5							
LOGAN		600	50.0	30.0	1800	35.0	63.0	93.0
MORGAN		600	70.0	42.0	400	20.0	8.0	50.0
PARK	87.4							
PHILLIPS					500	20.0	10.0	10.0
SEDGWICK					1000	35.0	35.0	35.0
TELLER	47.5							
WASHINGTON					800	25.0	20.0	20.0
WELD		5200	45.6	237.0	1300	30.0	39.0	276.0
YUMA		300	51.7	15.5	300	20.0	6.0	21.5
TOTALS		12900		578.0	9618		254.2	832.2

IV. SORGHUM FOR GRAIN

1973 FINAL

NON IRRIGATED 1974 PRELIMINARY

IRRIGATED

COUNTY	PORTION OF COUNTY IN DIVISION I	ACRES PLANTED	IRRIGATED			NON IRRIGATED			1974 PRELIMINARY				
			ACRES HARVESTED	YIELD bu/acre	PRODUCTION BUSHELS X 1000	ACRES HARVESTED	YIELD bu/acre	PRODUCTION BUSHELS X 1000	ACRES	YIELD bu/acre	PRODUCTION BUSHELS X 1000		
ADAMS		2100	300	60.0	18.0	700	30.0	21.0					
ARAPAHOE		2600	200	30.0	6.0	300	15.0	4.5	500	27.0	13.5		
BOULDER													
CHEYENNE	39	8775	312	45.0	14.0	3003	37.0	111.1					
CLEAR CREEK													
DENVER													
DOUGLAS													
ELBERT	69	3243				1035	12.0	18.0	1035	15.0	15.5		
GILPIN													
JEFFERSON													
KIT CARSON		23500	1000	60.0	60.0	4000	26.0	104.0	6000	40.5	243.0		
LARIMER													
LINCOLN	26.5	6492	26	50.0	1.3	2226	17.0	37.8	2252	15.0	33.8		
LOGAN		4000	400	55.0	22.0	800	32.5	26.0					
MORGAN		2500	200	70.0	14.0	600	25.0	15.0					
PARK	87.4												
PHILLIPS		6700	200	40.0	8.0	3800	34.1	129.5	3300	18.5	61.0		
SEDGWICK		3500				1700	40.6	69.0	600	27.5	16.5		
TELLER	47.5												
WASHINGTON		13000	400	37.5	15.0	1100	15.0	16.5	1800	20.0	36.0		
WELD		4700	100	60.0	6.0	400	22.5	9.0					
YUMA		32500	2000	45.0	90.0	21000	28.5	598.5	18500	25.9	478.5		
TOTALS		113610	5138		254.3	40664		1159.9	33987		897.8		

IV.

SPRING WHEAT

1973 FINAL

IRRIGATED

NON IRRIGATED

COUNTY	PORTION OF COUNTY IN DIVISION I	IRRIGATED		NON IRRIGATED		TOTAL PRODUCTION BUSHELS X 1000
		ACRES	YIELD by/acre	ACRES	YIELD by/acre	
ADAMS		900	30.0	1300	12.2	42.9
ARAPAHOE				300	12.0	3.6
BOULDER						
CHEYENNE	39			117	9.0	1.1
CLEAR CREEK						
DENVER						
DOUGLAS				200	10.0	2.0
ELBERT	69					
GILPIN						
JEFFERSON						
KIT CARSON						
LARIMER		200	40.0	300	14.0	12.2
LINCOLN	26.5					
LOGAN		300	28.0	300	24.0	15.6
MORGAN						
PARK	87.4					
PHILLIPS						
SEDCWICK						
TELLER	47.5					
WASHINGTON		100	30.0	400	11.0	7.4
WELD		100	25.0	100	19.0	4.4
YUMA				200	11.0	2.2
TOTALS		1600		3217		91.4

SUGAR BEETS

1973 FINAL

1974. PRELIMINARY

COUNTY	PORTION OF COUNTY IN DIVISION I %	1973		1974	
		ACRES	YIELD TONS/ACRE X 1000	ACRES	YIELD TONS/ACRE X 1000
ADAMS		1100	12.0	1700	15.3
ARAPAHOE			13.2		26.0
BOULDER		1650	13.9	2250	20.6
CHEYENNE	39	390	14.6	546	15.0
CLEAR CREEK			5.7		8.2
DENVER					
DOUGLAS					
EMBERT					
GILPIN	69				
JEFFERSON					
KIT CARSON		17000	17.7	16400	17.2
LARIMER		6250	16.9	5850	19.8
LINCOLN	26.5				282.5
LOGAN		9100	18.1	10650	17.0
MORGAN		11300	14.8	11800	16.6
PARK	87.4				196.0
PHILLIPS		4300	16.0	5300	16.6
SEDGWICK		2600	18.3	2250	19.1
TELLER	47.5				43.0
WASHINGTON		1500	15.1	2300	15.0
WELD		35200	15.9	40300	19.9
YUMA		12400	15.2	11000	16.2
TOTALS		102790		110346	
			1666.1		2002.2

WINTER WHEAT

1973 FINAL

1974 PRELIMINARY

NON IRRIGATED

IRRIGATED

COUNTY	PORTION OF COUNTY IN DIVISION I	ACRES PLANTED	IRRIGATED			NON IRRIGATED			1974 PRELIMINARY		
			ACRES HARVESTED	YIELD bu/acre	PRODUCTION BUSHELS X 1000	ACRES HARVESTED	YIELD bu/acre	PRODUCTION BUSHELS X 1000	ACRES	YIELD bu/acre	PRODUCTION BUSHELS X 1000
ADAMS		140000	4000	46.0	184.0	131000	26.0	3406.0	143000	24.6	3516.0
ARAPAHOE		61500	500	40.0	20.0	57500	25.0	1437.5	73000	18.2	1325.0
BOULDER		8400	900	42.0	37.8	7300	34.0	248.2	9800	27.0	265.0
CHEYENNE	39	61620	1560	47.0	73.3	54600	19.0	1037.4	56160	24.5	1375.9
CLEAR CREEK											
DENVER											
DOUGLAS		7500	500	48.0	24.0	6400	24.0	153.6	10500	17.1	180.0
ELBERT	69	30360	138	42.0	5.8	27462	19.0	521.8	35190	22.1	777.7
GILPIN											
JEFFERSON		4000	300	40.0	12.0	3500	33.0	115.5	2000	26.5	53.0
KIT CARSON		243000	12000	38.0	456.0	228000	23.0	5244.0	227000	27.9	6330.0
LARIMER		14600	1100	44.0	48.4	12900	29.0	374.1	12400	25.6	317.0
LINCOLN	26.5	34980	1272	39.0	49.6	33443	21.0	2650.0	34450	23.7	816.5
LOGAN		152000	1000	35.0	35.0	148000	25.1	3711.6	178000	28.0	4991.0
MORGAN		53000	3400	45.0	153.0	44600	26.0	1159.0	47500	28.9	1375.0
PARK	87.4										
PHILLIPS		112000	2200	43.2	95.0	108800	33.4	3634.8	126000	30.2	3802.0
SEDGWICK		74000	700	40.0	28.0	71300	36.0	2566.8	86000	30.1	2589.0
TELLER	47.5										
WASHINGTON		270000	4200	52.1	219.0	255800	24.0	6139.0	307900	30.9	9501.0
WELD		194000	4600	36.0	165.8	173400	22.0	3814.8	179300	22.4	4016.0
YUMA		124000	2800	53.9	151.0	118200	25.0	2955.0	129000	31.7	4095.0
TOTALS		1584960	41170		1757.7	1482205		39169.1	1657200		45325.1

V.

B. COURT STIPULATIONS AND LITIGATION

The Rules and Regulations governing the use of ground water as adopted by the Water Court on March 15, 1974 were final in nature and to remain in effect thereafter unless changed by due process. These regulations were enforced in 1975 to the degree necessary to satisfy valid senior demands. No well owners were cited into court for refusal to comply with regulation orders.

The Water Court has heard a number of cases during the year. Those applications involving plans of augmentation have taken the most time for preparation and review. Two distinct interpretations of the law, insofar as it relates to replacement of depletion, have become apparent.

On the one hand, the general feeling of the Division of Water Resources and the owners of most of the older water rights as well as many attorneys is that the law which allowed wells to operate without regulation if the current depletion from such well use were replaced in the stream at times of senior demand was adopted to accommodate an existing condition while recognizing the priority system at the same time without wrecking havoc upon the agricultural economy of the region.

On the other hand, many subdividers and water users with expanding needs, as well as their attorneys, take the position that the law allows any new user, particularly underground water users, to take advantage of the depletion replacement concept. The augmentation plans they are presenting provide water from some surface source to offset the depletion resulting from the anticipated use of the proposed wells. In those cases using direct irrigation rights, the historic consumptive use of the rights have been considered as adequate for this purpose if the full amount of the transferred right is left in the stream.

The right to augment any water use, whether it be from ground or surface sources, by replacement of depletion only becomes more questionable when reservoir water is used as the augmentation sources. In these cases the applicants take full credit for the reservoir water released to the stream thereby realizing 100 percent consumption of such supplies. This same reasoning is applied to water from transmountain sources and in some cases to return flows following initial uses.

Administrative officials feel that if new wells or surface uses are permitted on the basis of depletion replacement requirements only, it follows that old water rights and uses should have the same privilege. If this should be the policy it then becomes quite conceivable that water from all reservoirs, transmountain sources, and even identifiable return flows would be subject to 100 percent consumptive use by the owner thereof. This would constitute a profound change in water use and create an additional burden on the stream to the immediate disadvantage of previously established water rights operating under the priority system as it has been historically administered.

Perhaps some of the questions raised by differing interpretations of the statutes as above mentioned may be resolved in a case presently before the Water Court as the result of a protest by the State Engineer to the ruling of a referee of Water Court in W-7265. If the courts sustain the referee's decision it would seem that the statutes providing authority to the State Engineer to grant or deny well permits on the basis of effect upon the stream and other water rights would become meaningless since the applicant could go to court, receive a decree and have a permit ordered on the basis of his intent to divert unappropriated water and, in its absence, to participate in an augmentation plan. The fundamental issue before the Court in this case is whether or not the State Engineer was justified in denying the permit because the South Platte River is overappropriated. Court hearings were conducted on November 18 and 19 at which time the applicant presented testimony that there is considerable unappropriated water in the South Platte alluvium and surface streams and that the applicant could use a well to divert the water he desired without injury to previously established water rights simply by replacing the resulting depletion to the stream at times of senior call.

The State Engineer offered testimony to prove that the river is already overappropriated, that injury would result to senior water rights by diversions of the proposed well, that replacement of depletions only would be improper and that he was fully justified in his denial of a permit for the proposed well.

If the Water Court should find for the applicant it is expected that an appeal will be made to the Supreme Court due to the far reaching importance of points at issue. If the courts sustain the referee's decision it would seem that the statutes providing authority to the State Engineer to grant or deny well permits on the basis of effect upon the stream and other water rights would become meaningless since the applicant could go to court, receive a decree and have a permit ordered on the basis of his intent to divert unappropriated water and, in its absence, to participate in an augmentation plan. The Water Court is now awaiting final arguments by the counsel for the applicant and state before handing down its decision.

A series of applications to the Water Court, W-7438, W-7629, W-7630 and W-7631, for approval of plans of augmentation for subdivision in the Red Feather area, tributary to the Cache la Poudre River have drawn objections from the Cache la Poudre Water Users Association. These applications were entered by substantially the same landowners who are asking for some 3,200 individual in-house use wells. Reservoir water will be the principal source for depletion replacement.

The applicants and the objectors stipulated as to the facts on the case for the combined applications, recognizing that the basic issue was again one of interpretation of the law that must ultimately be settled by the Supreme Court. Consequently the Water Court approved the application, the appeal has been entered and a request made to the Supreme Court to combine this appeal with that pending in the Court in the Kelly case from Irrigation Division No. 2.

The unprecedented growth of suburbs north of Denver has placed an additional burden on limited water supplies. For the first time in the history of Colorado, municipalities are attempting to invoke the clause in Section 6 of Article XVI of the Colorado Constitution which states that those using water for domestic purposes shall have the preference over those claiming for any other purpose. The cities of Thornton and Westminster have initiated condemnation proceedings on that portion of Standley Reservoir owned by the Farmers Reservoir and Irrigation Company who had refused to consider a sale to the cities. The City of Thornton has also offered the Farmers Highline Irrigation Company \$8,000,000 for their rights on Clear Creek and the accompanying system. At the present time the offer has been refused and consequently condemnation has been initiated.

While the immediate problem is local, the long range impact is of great importance. With the loss of irrigation water the agricultural production potential of thousands of acres will be severely curtailed in this time of world wide food shortages. The companion problem, although not a subject of litigation, is the rapid encroachment of municipal and industrial growth on highly productive agricultural areas.

Since several issues are raised in these condemnation actions the courts are acting upon such issues individually, determining their legality before advancing to the next step. In a decision this summer the Supreme Court held that all stockholders under a ditch system are owners of a water right and consequently condemnation action must be taken against them individually rather than against the ditch or reservoir company who represents them.

The 1975 Session of the General Assembly adopted H.B. 1555, better identified as 38-6-201 through 38-6-216, Colorado Revised Statutes 1975. This law specifies the procedures and limitations upon the condemnation of water rights by municipalities and is a direct result of the problems raised by the actions of Thornton and Westminster.

The litigation in these condemnation actions will no doubt extend for several years and be extremely costly to the litigants.

The 1975 Assembly also amended the law relating to the abandonment of water rights. By so doing they averted a large number of protests to the Court on the 1974 water rights tabulation which omitted or modified those water rights which, by definition, had been abandoned. Provision was made for another tabulation in 1978 to reflect abandonments and, upon subsequent proper correction, to become final in 1981. The general philosophy of the Court appears to support the need for a clear showing of intent to abandon with little weight given the disuse of a water right as cause for abandonment.

The replacement water released into the system by various augmentation plans at the time of demand in 1975 was as follows:

GASP	7435 Ac.Ft.
Central	1244
Bijou	1340
Public Service	420
Gibbs	174
Brownsville	8
TOTAL	10621

The Water Court has taken action on a number of applications for augmentation plans. Most of these plans are for proposed subdivisions, court approval of which is generally required by county planning boards prior to approval by the county for building permits.

The amount of consumptive water necessary to provide the needs of a subdivision are ordinarily calculated on the basis of equivalent single family units consisting of 3.5 persons requiring approximately 80 gallons of water each per day for in-house purposes of which approximately 10 percent will be actually consumed if a standard septic system and leaching field can be used to discharge wastes back into the same tributary aquifer which supplies the water. Variations from these norms are taken into consideration and replacement water, if it consists of existing water rights, is evaluated for dependability and historic consumption and such supply then is made available to administrative officials in the amounts and at the times required to prevent injury to existing senior water rights.

The following partial tabulation of decreed plans is indicative of administrative complexities that will result from the development of these subdivisions.

SEE FOLLOWING 2 PAGES

V.
A.

DECREEED SUBDIVISION AUGMENTATION PLANS

W-NUMBER	APPLICANT	DEGREE DATE	NUMBER OF SINGLE FAMILY EQUIVALENT UNITS	SOURCE OF REPLACEMENT	TOTAL ACRES IN SUBDIVISION	ANNUAL ANTICIPATED DEPLETIONS A.F.
7047	MOUNTAINAIR BEAR CREEK CO.	4-12-73	313	HODGSON DITCH		.388 cfs
7347	RONALD L. FREEMAN	4-19-74	16	NEW ANDERSON DITCH		.46
7388	PARKVIEW ASSOCIATES LIMITED	3-12-75	82	GUIRAUD 3 T	146	6.75
7389	MERIDIAN PROPERTIES, INC.	10- 1-73	5250	TARRYALL RANCH RES. 1 & 2 SLATER DITCH	10,000	33.1
7390	KEN-CARL RANCH CORPORATION	10-23-74	52	TINKER & SHAFFER RES. GLEN PLYM NO. 1 SHAFFER DITCH		24.4
7411	ALBERT L. & LEONA M. GILLETTE	12- 6-73	12	DRY UP. 79 ACRES	40	.47
7438	GLACIER VIEW MEADOWS DEVELOPMENT COMPANY INC.	9- 8-75	1892	MT. PLAINS IRR. CO.	6,040	94.71
7439	ESCAPE PROPERTIES LIMITED	5-23-74	249	HANDY DITCH	1,095	10.93
7440	HARTSEL RANCH CORP. & J.T. MC DOWELL & SONS	12- 3-73	1500	GUIRAUD 37	6,182	38.13
7466	WOODSIDE PARK ASSOCIATES & J.T. MC DOWELL & SONS	5-16-74	303	GUIRAUD 3 T TO STREAM SCHOTT RES. 1 & 2	1,600	7.4
7502	CAMPBELL DEVELOPMENT, INC. RAY O. STENZEL	7-18-74	85	FOUR ACRES RES. 1 & 2		20
7503	PARK 80 WEST	5- 8-74	33	MAC DITCH NO. 2	160	3.3
7540	EVERGREEN MEADOWS	4-21-75	172	EVERGREEN MEADOWS RES. 1 - 4		9.73

V.
A.

DECREEED SUBDIVISION AUGMENTATION PLANS

W-NUMBER	APPLICANT	DEGREE DATE	NUMBER OF SINGLE FAMILY EQUIVALENT UNITS	SOURCE OF REPLACEMENT	TOTAL ACRES IN SUBDIVISION	ANNUAL ANTICIPATED DEPLETIONS A.F.
7543	WESTERN REALTY & DEVELOPMENT COMPANY	6-24-74 11-13-74	47	FLORISSANT HEIGHTS RES.	248	1.0
7577	ALVIN A. & KATHLEEN A. AXTON	6-21-74	7	.53 ACRE SALVAGE	42	.4
7591	EDWARD R. OSHIER & MARY J. OSHIER	6-24-74	7	GILLETTE SEE W-7411	22	.27
7610	BEAVER RIDGE, LTD.	3-18-75	725	GUIRUAD 3 T	353	10
7631-74	CRYSTAL LAKES DEVELOPMENT CO. (INTERIM PLAN APPROVED BY COURT)	7-18-75	967	CRYSTAL LAKE LONE PINE LAKE		303.25
7648-74	ST. MARY'S GLACIER WATER & SANITATION DIST. NOT A DECREE	3- 7-75	1700	SILVER LAKE RESERVOIR AND/OR QUIVIRA RESERVOIR		12.85
7689-74	SPRING GULCH CORPORATION	4-10-75	41	NON-TRIBUTARY		
7746	BUFFALO PARK DEVELOPMENT CO.	9-12-75	320	HOMESTEAD RES. 1-11	1300	10.47
7768	RED FEATHER RANCH ASSOCIATION	4-14-75	23	IMPOUNDING POND AT RED FEATHER RANCH	209	.27
7785	VENTURE 73 & J.T. MC DOWELL & SONS	7-18-75	47	VENTURE 73 RESERVOIR	125	1.7
7903-75	ELKHORN RANCH CO.	7- 3-75	240	SLATER DITCH IN TARRYALL NO. 2	2600	22.48
7940-75	GAYNO, INC.	9- 8-75	234	GOOD CREEK POND FARMERS HIGH LINE	148	7.5
	TOTALS		14,317			619.57

V.

C. LEGISLATION

A number of bills affecting water rights and the administration of water rights were passed during the 1975 session of the Legislature. Included were Senate Bills 7, 134, 182, 256 and House Bills 1191, 1554 and 1555.

A brief summary of each bill will be given here:

Senate Bill No. 7 - Concerns the duties of the state engineer relating to the adequacy of subdivision water supplies. This bill made it necessary for municipalities and quasi-municipalities named as the source of water for a proposed subdivision, upon receipt of the preliminary plan, to file a statement with the state engineer documenting the amount of water which can be supplied by said municipality or quasi-municipality without causing injury to existing water rights.

Senate Bill No. 134 - Concerns underground water, and providing for notification of the expiration of conditional permits therefor.

Senate Bill No. 182 - Concerns water conservancy districts.

Senate Bill No. 256 - Concerns the powers of Ground Water Management Districts. Makes it possible for management district board of directors to promulgate reasonable rules and regulations with respect to the protection and compensation of the owners of domestic wells which may be injured by irrigation wells.

House Bill No. 1191 - Specifies certain acts which do not meet the requirements of plans for augmentation under water and irrigation law. This bill eliminates claiming as a portion of a plan for augmentation any water salvaged by removing phreatophytes or making land surfaces impermeable.

House Bill No. 1554 - Concerns water right priorities. This bill will be discussed under section VII A of this report.

House Bill No. 1555 - Concerns the taking of water and water rights by eminent domain. This bill outlines the procedure to be followed by any municipality in the condemnation of water rights.

Copies of the above described bills are included in the appendix of this report.

V. COMPACTS AND COURT STIPULATIONS

A. SOUTH PLATTE RIVER COMPACT

The South Platte River Compact, Colorado and Nebraska being the signatory states, specifies that the flow of the river at the state line between April 1st and October 15th of each year shall be at least 120 cfs. Otherwise, diversions below the Washington-Morgan County line, junior to June 14, 1897, will be curtailed sufficiently to provide said 120 cfs or such portion thereof as might be produced by suspending those diversions.

The flow at Julesburg fell below the 120 cfs Compact figure on 82 days during the April 1 - October 15 Compact period. The first day of subcompact flows was May 2 and the final day for the season was September 13. The average flow for those 82 days was 60.65 cfs resulting in an average deficiency of 59.35 cfs to meet Compact requirement had water been available. The minimum flow at Julesburg during the season was 34 cfs on September 1.

LARAMIE RIVER COMPACT

The decree of the United State Supreme Court, in the case of Wyoming vs. Colorado, limits Colorado allocations to 49,375 acre-feet per calendar year. Of this amount 19,875 acre-feet is allocated to the Transmountain Users. The Meadowland Users are entitled to the remaining 29,500 acre-feet, with the restriction that not more than 1,800 acre-feet shall be diverted after July 31 in any calendar year. The Meadowland Users are also entitled to use any non-diverted Transmountain water.

The diversions in 1975 to meadowland users within Colorado totaled 21,245 acre-feet or 72 percent of the meadowland allocation. Transmountain users diverted 19840 acre-feet of the 19875 court decreed total. The combined Colorado diversions represented 84 percent of the allowable limit as determined by the Supreme Court decree.

REPUBLICAN RIVER COMPACT

The Republican River Compact allocates water to the signatory states, Colorado, Kansas and Nebraska, on the basis of beneficial consumptive use. Colorado's total allocation of 54,100 acre-feet is broken down as follows:

North Fork of the Republican River Drainage Basin	10,000 ac.ft.
Arikaree River drainage Basin	15,400 ac.ft.
South Fork of the Republican River Drainage Basin	25,400 ac.ft.
Beaver Creek Drainage Basin	3,300 ac.ft.

and IN addition, for beneficial consumptive use in Colorado annually, the entire water supply of the Frenchman Creek (River) Drainage Basin in Colorado and the Red Willow Creek Drainage Basin in Colorado.

TOTAL 54,100 ac.ft.

The computed annual consumptive use in Colorado in the Republican River Basin for the 1974 water year, the last year for which official compact figures are available was as follows:

<u>STREAM</u>	<u>CONSUMPTION</u>	<u>% OF ALLOCATION</u>
North Fork of Republican River	4250	42.5%
South Fork of Republican River	9050	35.6
Arikaree River	3160	20.5
Beaver Creek	<u>0</u>	<u> </u>
Total	16460	30.4%

VI.

A. RESERVOIRS

The major activity in Irrigation Division No. 1 that has involved some type of construction on reservoir dams has been limited to maintenance of existing structures during the 1975 irrigation year. This particular type of work has been the result of recommendations and orders issued by the dams and reservoir section after on site inspections. One of the most common deficiencies found in relation to existing structures is in the spillway capacities. Although most spillways are rarely if ever used, the fact remains that they are most always a vitally essential element of reservoir safety. In spite of the fact that records rarely indicate storms of extreme intensity over extensive areas, it must be remembered that Colorado has only about 100 years of rainfall record which is not enough to be conclusive as to extremes. Each year we add to our experience is helpful in accessing possible hazards and establishing guidelines of safety. Quite often the reservoir owners have difficulty accepting the fact that their reservoir poses a threat to downstream property due to inadequacies in their structure whether it be spillway capacity, outlet deterioration, improper freeboard, excessive settlement, poor riprap, embankment erosion, excessive seepage or an overgrowth of brush and trees, the generally encountered attitude being that no serious problems have been experienced in the past so why should the safety be questioned now. They fail to realize that all structures suffer the effects of age and use and if they wish to retain their safety and dependability a program of proper maintenance is imperative.

Although the following remarks are not meant to be all inclusive as to reservoirs upon which work has been done, is in progress, has been completed or is contemplated, they are made here as a matter of interest and to be generally indicative of this year's activity.

WATER DISTRICT NO. 1

Riverside Reservoir - Inspections indicate inadequate spillway facilities and deteriorated embankment protection. Discussions with the owners are being directed toward reaching agreement on remedial solutions.

Heart Reservoir - Storage has been restricted for several years due to inadequate riprap and spillway and to embankment deterioration. The owner is presently making the necessary repairs and enlarging the spillway under approved plans.

Narrows Reservoir - Final plans by the U.S.B.R. for the construction of this multipurpose on channel facility are nearing completion. Final spillway sizing is still under study. Approval of the final draft of the environmental impact statement is expected in April 1976. Following that acceptance the Bureau will start acquiring land for the reservoir and dam as well as for road and railway relocation. Their present schedule for completion and initial use of the reservoir assumes a 1982 date.

RESERVOIRS (continued)

Strong opposition to the construction of the reservoir at the chosen location has been voiced, particularly by those residents and landowners within the take line for the reservoir.

WATER DISTRICT NO. 2

Lower Latham Reservoir - Repairs were completed and accepted in February of this year. Rebuilding of spillway and embankment repairs were necessary as a result of dam failure April 12, 1973.

WATER DISTRICT NO. 3

Long Draw Reservoir - This high mountain reservoir was put to beneficial use this season after completion of the enlargement in 1974. The new outlet and principal spillway operated very efficiently.

Joe Wright Reservoir - Construction plans are being prepared for the enlargement of this high mountain reservoir owned by Fort Collins. The start of construction is anticipated in 1976.

Cache la Poudre Reservoir aka Timnath - Storage level restrictions remain effective at 26.0 feet due to existing embankment saturation conditions. The owners are considering either adding embankment thickness or construction of a new dam immediately downstream from the existing structure.

WATER DISTRICT NO. 4

Horseshoe Reservoir - Repairs to the outlet structure occasioned by the October 1973 near failure have been completed and the reservoir has been put to beneficial operation this season.

Lonetree Reservoir - Studies by the owners and discussions with State personnel are currently under way to determine the most practical and economic means of providing an adequate spillway for this reservoir.

WATER DISTRICT NO. 5

Foothills Reservoir - Toe drains have been installed to lower the seepage level in the dam as required by the State.

Union Reservoir - Discussion and planning is underway to provide an adequate spillway for the reservoir. Disagreements between the reservoir owners and adjacent property owners over the acceptable level of storage in the structure have not been completely resolved.

Lagerman Reservoir - Repairs and enlargement by the owners, Public Service Company of Colorado are nearing completion.

RESERVOIRS (continued)

WATER DISTRICT NO. 8

Chatfield Reservoir - The dam for this flood control reservoir, built by the Corps of Engineers on the South Platte River above Littleton has been completed after a construction period of several years. Although some work remains to be done in recreation areas the reservoir was used beneficially this year to retain approximately 10,000 Ac.Ft. of water for which there was no downstream demand in early June. All facilities should be completed in the spring of 1976 and the structure be available for operation as designed thereafter.

WATER DISTRICT NO. 9

Bear Creek Reservoir - Construction under the design and direction of the Corps of Engineers was started in 1975. This flood control structure on Bear Creek will provide much needed protection to the downstream low lying areas along the Creek and the South Platte River through the Denver Metropolitan area and beyond.

WATER DISTRICT NO. 23

Jefferson Lake - The City of Aurora has acquired a controlling interest in Jefferson Lake. They have taken an active interest in the operation and maintenance and are cooperating with State officials in regard to suggestions made by them.

Spinney Mountain Reservoir - The City of Aurora is presently engaged in the design of this large proposed reservoir just upstream from Eleven Mile Reservoir on the South Fork of the South Platte River.

Tarryall Ranch Reservoir No. 1 - The reconstruction plans for this reservoir are in the design stage. The reservoir dam and outlet are now in disrepair and inadequate to meet the needs of two subdivisions which will be partially dependent upon Tarryall Ranch Reservoir No. 1 for storage of replacement water as decreed by the Water Court.

VI.

B. LIVESTOCK WATER TANKS - EROSION CONTROL DAMS

The total number of livestock water tanks and erosion control dams approved between November 1, 1974 and October 31, 1975 are presented below in tabular form:

DISTRICT	NO. OF LIVESTOCK TANKS	TOTAL CAPACITY (AF)	NO. OF EROSION CONTROL DAMS	TOTAL CAPACITY (AF)
1	13	58.1	2	10.5
2				
3	1	10.0		
4	1	2.0		
5				
6				
7	1	1.0		
8			2	3.5
9				
23	2	8.5		
48				
49	2	15.2		
64	1	3.5	14	24.95
65				
79	1	4.0		
80	1	5.0		
	23	107.3	18	38.95

VII. WATER RIGHTS

A. TABULATION AND ABANDONMENT

House Bill No. 1554 changed portions of 37-92-401 (5) and 37-92-402 substantially. These sections of the statutes cover the procedure to be followed by the division engineer and state engineer in preparing water rights tabulations. The procedure to be followed by the water court in handling protests to the tabulation has also been modified considerably by this bill.

For specific date changes and procedural changes made by this bill see the copy included in the appendix of this report.

This bill also includes a section which states:

"No proceeding previously initiated before the water judge pertaining to the 1974 tabulation referred to in previous statutes shall be maintained; except that the dismissal of any such proceeding shall be without prejudice with respect to any substantive matters alleged therein."

WATER DIVISION I - CASES FILED

VII.

<u>1974</u>	<u>FILINGS</u>	<u>AMENDED FILINGS</u>	<u>TOTAL NO. OF STRUCTURES</u>	<u>WELLS</u>	<u>SPRINGS</u>	<u>STORAGE</u>	<u>SURFACE</u>	<u>CHANGE OF WATER RIGHTS</u>	<u>QUADRENNIALS</u>	<u>OTHER</u>
November	19	0	111	90	1	3	4	1 (12-Aug.)	1	4
December	35	2	91	25 (10-Aug.)	1	7	11	11 (26-Aug.)	1	23-alt.
<u>1975</u>										
January	21	4	36	16 (8-Aug.)	5	2	4	1	1	1
February	26	5	1920	14 (1883-Aug.)	5	2 (1-Aug.)	4	8 (3-Aug.)	1	3 1-alt.
March	18	1	339	7 (317-Aug.)	1	(2-Aug.)	0	2 (10-Aug.)	1	2
April	24	6	314	13 (267-Aug.)	0	1 (1-Aug.)	4	1 (27-Aug.)	0	8-alt.
May	20	2	103	22 (61-Aug.)	2	4	5	7 (2-Aug.)	1	14-alt.
June	23	2	36	14	1	12	2	7	0	16-alt.
July	15	2	35	9	3	9	5	8	0	0
August	15	4	28	10	1	5	4	8	0	1-alt.
September	19	4	34	22	1	2	3	4 (2-Aug.)	0	0
October	20	2	25	10	3	2	3	7	1	0
	255	34	3072	252 (2546-Aug.)	24	49 (4-Aug.)	49	65 (82-Aug.)	7	10 (63-Alt.)

WATER DIVISION 1 - CASES DECREED

<u>1974</u>	<u>DECREES</u>	<u>WELLS</u>	<u>SURFACE</u>	<u>SPRINGS</u>	<u>SUMPS</u>	<u>STORAGE</u>	<u>OTHER</u>	<u>TOTAL</u>
November	78 3-Dismissals	171	3	24	1	3	0	202
December	115	204	4	5	2	1	1	217
<u>1975</u>								
January	50	67	2	16	0	1	1	87
February	95	175	0	2	1	0	44	222
March	77	146	3	24	1	4	0	178
April	126 1-Transfer 2-Dismissals	232 (2023-Aug.)	1	62	1	23	7	326 (2023-Aug.)
May	75	111 (725-Aug.)	2	2	1	0	0	116 (725-Aug.)
June	161 1-Dismissal	349	5	15	1	2	0	372
July	63 3-Dismissals	125 (288-Aug.)	0	14	0	2	9	438
August	108 4-Dismissals	250	5	38	0	14	3	310
September	197	358 (2446-Aug.)	15	25	0	18	1	2863
October	225 2-Dismissals	422	10	25	0	12	5	474
	1370 12-Dismissals 1-Transfer	2610 (5482-Aug.)	50	252	8	80	71	5805 8

VIII.

A. ORGANIZATIONS

CONSERVANCY DISTRICTS

Upper South Platte Water Conservancy District	James Settele	President	Fairplay
Central Colorado Water Conservancy District	John W. Rayburn	Manager	315 Denver Ave. Ft. Lupton
Northern Colorado Water Conservancy District	Earl F. Phipps	Manager	P. O. Box 679 Loveland
Lower South Platte Water Conservancy District	Gary R. Frieauf	Secretary- Treasurer	P.O. Box 1725 Sterling
St. Vrain & Left Hand Water Conservancy District	Verna Sigg	Secretary	1755 N. Main Longmont

VIII

B. ORGANIZATIONS

WATER DISTRICT NO. 1

DITCH AND RESERVOIR COMPANIES

A. A. Smith Irrigating Canal Reservoir, Milling and Pipeline Company	Dave Spencer	Pres.	Snyder
Associated Ditches	Jess Snodgrass	Chairman	Ft. Morgan
Beaver Creek Ditch Company	John Higgins	Secy.	Brush
Beaver Ditch Company	Charles Henry	Pres.	Brush
Bijou Irrigation Company	John Samples	Secy.	104 West Beaver Ft. Morgan
Bijou Irrigation District	John Samples	Secy.	104 West Beaver Ft. Morgan
Corona Ditch Company	R. L. Twist	Owner	Masters
Duel and Snyder	E. L. Caneva	Pres.	Rt. 1 Ft. Morgan
Fort Morgan Canal Company	Lindy Crumley	Supt.	111 East Railroad Avenue Ft. Morgan
Gill and Stevens Ditch Company	Harold Hansen	Pres.	Rt. 1 Brush
Hillrose Irrigation District	Roy Boyles	Secy.	Hillrose
Hoover Ditch Company	Mrs. Pat Peterson	Secy.	Kersey
Illiff Irrigation District	Adam Koehler	Secy.	Sterling
Illinois Ditch Company	George Allard	Pres.	Kersey
Jackson Lake Reservoir Company	Lindy Crumley	Supt.	111 East Railroad Avenue Ft. Morgan
Johnson & Edwards Ditch Company	William Tramp	Pres.	Hillrose
Lower Platte & Beaver Irrigation Company	Roy Boyles	Secy.	Hillrose
Logan Irrigation District	John Eisenach	Pres.	Sterling
Morgan, Prewitt Reservoir Co.	John Samples	Secy.	104 West Beaver Ft. Morgan
North Sterling Irrigation District	Alex Michel	Supt.	Foote Building Sterling
Putnam Ditch Company	Harlan Snider	Pres.	Masters
Riverside Irrigation Company	Cecil Osborne	Supt. }	Box 455
Riverside Irrigation District	Cecil Osborne	Supt. }	Ft. Morgan
Snyder Ditch & Reservoir Co.	Gene Peterson	Pres.	Snyder
Tetsel Ditch Company	Joe Leachman	Pres.	Snyder
Tremont Ditch Company	Leon Lake	Secy.	Snyder
Trowell Ditch Company	Willis Elson	Pres.	Hillrose
Upper Platte & Beaver Canal Co.	John Higgins	Secy.	Farmers State Bank Brush
Union Ditch Company	B. B. Peterson	Pres.	Snyder
Weldon Valley Ditch Company	Maurice Jones	Pres.	Weldona
Kiowa-Bijou Groundwater Basin	Donald F. McClary		231 Main Street Ft. Morgan

WATER DISTRICT NO. 2

DITCH AND RESERVOIR COMPANIES

Big Dry Creek Ditch & Reservoir Decree	Mrs. G. R. Norden	Secy.	Rt. 1, Box 196 Ft. Lupton LaSalle
Burlington Ditch, Reservoir and Land Company	Tom Fisher		
Brighton Ditch Company	George Stieber	Pres.	Rt. 1, Box 104 Ft. Lupton
Coal Ridge Ditch Company	Ray Sarchet	Pres.	Ft. Lupton
Delta Ditch Company	Donn Vornholt (352-3496)		712 10th Street Greeley
Denver Water Board	James Ogilvie	Manager	144 W. Colfax Denver
Farmers Independent Ditch Co.	John Henderson	Secy.	1st National Bank Greeley
Farmers Reservoir & Irrigation Co.	Tom Fisher	Supt.	LaSalle
Fulton Ditch Company	W. W. Gaunt	Secy.	25 South 4th Avenue Brighton
Gardners Ditch Company	Sylvester DiGiacomo	Pres.	6820 York Denver
German Ditch Company	Albert Sack	Pres.	Brighton
Godfrey Ditch Company	Jerome Loeffler	Pres.	LaSalle
Henrylyn Irrigation District	Ralph Rouse	Manager	Box 141 Hudson
Highland Ditch Company	Mary Nix	Secy.	P.O. Box 15 Lucerne
Lower Latham Ditch Company	Victor R. Klein	Pres.	Kersey
Lupton Bottom Ditch Company	Harold Bohn	Pres.	Platteville
McCanne Ditch & Reservoir Co.	Helen Adams	Secy.	Brighton (659-2567)
Meadow Island No. 1 Irrigation Co.	Wm. Mayer	Secy.	Rt. 2, Box 74 Platteville
Meadow Island Irrigation Co.	Ruben Gustafson	Secy.	Rt. 2, Box 145 Ft. Lupton
New Brantner Ditch Company	W. W. Gaunt	Secy.	25 South 4th Avenue Brighton
North Star Reservoir Company	G. R. Norden	Pres.	Rt. 1 Ft. Lupton
Platte Valley Irrigation Company	E. D. Bruntz	Pres.	LaSalle
Platteville Irr. & Milling Co.	John Kunzman	Secy.	Rt. 2, Box 120 Ft. Lupton
Slate Ditch Company	George Breikler	Pres.	Ft. Lupton
Union Ditch Company	Mrs. Frances Hill	Secy.	LaSalle
Walter & Roberts Ditch Company	Roy Lunvall	Pres.	Greeley
Western Mutual Ditch Company	Ed. Fritzler	Pres.	LaSalle
Wellington Reservoir Company	Bernice McConnell	Secy.	301 S. Main Brighton
Yoxall Ditch Company	Louis Karsh	Pres.	Brighton

DITCH AND RESERVOIR COMPANIES

Arthur Irrigation Company	Wm. Stover	Secy.	United Bank Building Ft. Collins
B. H. Eaton Ditch Company	Mrs. Carol Schmidt	Secy.	P.O. Box 98 Windsor
Boxelder Ditch Company	Wm. Stover	Secy.	United Bank Building Greeley
Boyd Irrigation Company	Rodger Houtchens	Secy.	1007 9th Avenue Greeley
Cache la Poudre Irrigation Co. Divide Canal & Reservoir Co.	Cecil Elliott Don E. Engel	Pres. Secy.	Ft. Collins 106 Elm Eaton
Dixon Canyon Ditch & Reservoir Co.	Wm. Stover	Secy.	United Bank Building Ft. Collins
Greeley Irrigation Company	Edgar Bartels	Secy.	1227 8th Avenue Greeley
Jackson Ditch Company	Vivienne Woodward	Secy.	2319 E. Mulberry Ft. Collins
Kern Reservoir & Ditch Company	C. W. Kirby	Pres.	P.O. Box 220 Windsor
Kitchell Reservoir Company	Alice Fisher	Secy.	Rt. 4 Ft. Collins
Lake Canal Company	John Hartman	Secy.	United Bank Building Ft. Collins
Lake Canal Reservoir Company	John Hartman	Secy.	United Bank Building Ft. Collins
Larimer County Canal No. 2 Irrigation Company	Wm. Stover	Secy.	United Bank Building Ft. Collins
Larimer & Weld Irrigation Company	Don E. Engel	Secy.	106 Elm Eaton
Larimer & Weld Reservoir Company	Don E. Engel	Secy.	106 Elm Eaton
Mail Creek Ditch Company	Wm. Stover	Secy.	United Bank Building Ft. Collins
New Cache la Poudre Irrigation Company	Jim Muroya	Secy.	708 8th Street Greeley
New Mercer Ditch Company	Wm. Stover	Secy.	United Bank Building Ft. Collins
North Poudre Irrigation Company	Ben Dumler	Secy.	North Poudre Irriga- tion Office Wellington
No. 10 Ditch Company	Alden Hill	Secy.	160 W. Mountain Ave. Ft. Collins
Ogilvy Land & Irrigation Company	Mrs. Shirley Wayman	Secy.	1007 9th Avenue Greeley
Pleasant Valley & Lake Canal Company	Ward Fischer	Secy.	1st National Bank Bldg Ft. Collins
Taylor & Gill Canal Company	Wm. Seaworth	Pres.	Rt. 3 Ft. Collins
Tunnel Water Company	Vivienne Woodward	Secy.	2319 E. Mulberry Ft. Collins

WATER DISTRICT NO. 3 (continued)

Warren Lake Reservoir Company	Wm. Stover	Secy.	United Bank Building Ft. Collins
Water Supply & Storage Company	Vivienne Woodward	Secy.	2319 E. Mulberry Ft. Collins
Whitney Irrigation Company	Mrs. Carol Schmidt	Secy.	P.O. Box 98 Windsor
Wm. Jones Irrigation Company	Geo. Firestien	Pres.	Farmers Spur Greeley
Windsor Reservoir & Canal Co.	Don Engel	Secy.	106 Elm Eaton

WATER DISTRICT NO. 4

DITCH AND RESERVOIR COMPANIES

Arkins Water Association	Mrs. Joy Cross	Secy.	P.O. Box 6 Masonville
Bald Mountain Water Association	Charles McAfee	Secy.	Rt. 2, Box 319N Loveland
Beeline Ditch Company	Guy A. Shable	Secy.	Rt. 1, Box 65 Milliken
Big Thompson Manufacturing Ditch Company	Robert Christensen	Secy.	P.O. Box 642 Loveland
Big Thompson & Platte River Ditch Company	Guy A. Shable	Secy.	Rt. 1, Box 65 Milliken
Blower Ditch Company	Henry Pope, Jr.	Supt.	Rt. 1, Box 138 Longmont
Boulder & Larimer County Irrig- ation & Manufacturing Ditch Company (Ish)	L. V. French	Secy.	Rt. 2, Box 23 Berthoud
Buckhorn Highline Ditch Co.	Mrs. Zella R. Soder- burg	Secy.	Star Route, Box 317 Loveland
Buckhorn Water Users Association	Mrs. Helen L. Mettlen	Secy.	Masonville
Central Weld County Water District	Dale D. Olhausen	Secy.	115 18th Street Greeley
Consolidated Hillsborough Ditch Company	Don Davis	Secy.	1st National Bank Bldg Johnstown
Consolidated Home Supply Ditch & Reservoir Company	W. R. Keirnes	Secy.	Star Route, Box 450 Loveland
Culver Irrigation Company	George Landers	Secy.	P.O. Box 209 Longmont
Diagonal Water & Sanitation District	Jim Hudson	Secy.	1200 28th Street Boulder
Eagle Ditch Company	Mrs. Donald H. Lemmon	Secy.	Rt. 2, Box 120 Berthoud
Eglin Ditch Company	Wayne Hicks	Secy.	Rt. 2, Box 127 Berthoud
Evans Ditch Company	Town Clerk of Evans	Secy.	Evans
Fairport Reservoir Company	Nellie Ver Stratzen	Secy.	Rt. 1 Ft. Collins
Farmers Irrigation Ditch & Reservoir Company	F. Ray DeGood	Secy.	P.O. Box 657 Loveland
Greeley-Loveland Irrigation Co.	Ron Brinkman	Secy.	803 23rd Avenue Greeley
George Rist Ditch Company	W. R. Kiernes	Secy.	Star Route, Box 450 Loveland
Handy Ditch Company	Louis Bein	Secy.	Box 460 Berthoud
Hill & Brush Ditch Company	Jim Nelson	Secy.	Rt. 1 Milliken
Kershner Ditch Company	Harry Soderberg	Secy.	Star Rt., Box 317 Loveland
Little Thompson Valley Water District	Lovilo Fagan	Mgr.	307 Welch Avenue Berthoud
Longs Peak Water Users Assn.	Mrs. Joanne Macy	Secy.	P.O. Box 714 Longmont

WATER DISTRICT NO. 4 (continued)

Louden Irrigation Reservoir and Canal Company	Ralph Benson		925 West 29th Loveland
Loveland & Greeley Reservoir Company	Ron Brinkman	Secy.	808 23rd Avenue Greeley
Lykins Ditch	Mrs. Tressie DeBuse	Secy.	Rt. 3, Box 211A Longmont
Mariana Water District	Lovilo Fagan	Secy.	307 Welch Avneue Berthoud
Masonville Union Ditch & Reservoir Company	Ben Milner	Secy.	Star Route Loveland
Minor Longdon Ditch Company	Mrs. Elmer Rutt		Rt. 1, Box 3 Johnstown
New Ish Ditch & Reservoir Co.	Horace G. McCarty	Secy.	P.O. Box 658 Longmont
North Carter Lake Water District	Lovilo Fagan	Secy.	307 Welch Avenue Berthoud
Osborn & Caywood Ditch Company	Donald J. Befus	Secy.	716 S. County Rd. 15 Berthoud
Perkins Ditch Company	Arnold Friend	Owner	Star Route Loveland
Rist & Benson Reservoir Co.	Ralph Benson	Supt.	925 West 29th Loveland
Rockwell Ditch Company	Max H. Schaal	Secy.	Rt. 1, Box 50 Berthoud
Ryan Gulch Reservoir Co.	Lavilo Fagan	Secy.	307 Welch Avenue Berthoud
Seven Lakes Reservoir Co.	Ron Brinkman	Secy.	808 23rd Avenue Greeley
South Side Irrigation and Reservoir Company	Robert Ausenhus	Secy.	203 East 5th Street Loveland
Victory Irrigating Canal Co.	Cal Carter	Secy.	Star Route Loveland
Wind Cliff Water Association Inc.	Mrs. Vivien Wylene Buser	Secy.	62 Elmhurst Lane, Riverdale Bettendorf, Iowa

WATER DISTRICT NO. 5

DITCH AND RESERVOIR COMPANIES

Allen Lake Reservoir Company	Frank Gould	Supt.	Foothills Highway Boulder
Baker & Weese	Western Paving Co.	Owner	Denver (772-7864)
Weese Pvt.	Western Paving Co.	Owner	Denver (772-7864)
Beckwith	Mark Benson	Secy.	1500 Florida Avenue Longmont (776-2670)
Bonus Ditch Company	Sam Tanaka	Secy.	Rt. 2 Longmont (776-3495)
Boulder & Left Hand Irrigation Company	Nels Jensen	Secy.	436 Coffman Street Longmont
Chapmont McCaslin	Charles Romey	Secy.	Rt. 3 Longmont (776-1945)
Clough & True	Friz Bartley	Owner	Rt. 3 Longmont (776-1437)
Clough Private	Ron Gregory	Owner	Rt. 3 Longmont (776-6753)
Clover Basin Ditch & Reservoir Company	Wayne Jurgens	Secy.	512 4th Avenue Longmont (776-5122)
Cushman	Vernon Golden	Owner	12911 Hillcrest Drive Longmont (776-5880)
Davis & Downing	Gordon Kennedy	Secy.	Rt. 3 Longmont (776-1161)
Denio & Taylor	Harold Dawson	Secy.	1st National Bank Longmont (776-5800)
Dickens Pvt.	Lloyd Dickens	Owner	136 S. Main Longmont (776-0325)
Dixon Mill	G.W. Sugar Company	Owner	Longmont (776-5070)
Goss Pvt. 1 & 2	Western Paving Co.	Owner	Denver (772-7864)
Hager Meadow	Russell Zweck	Owner	Longmont (776-5198)
Hayseed	Louis Rademacher	Owner	Longmont (535-4345)
Highland	George Landers	Secy.	First National Bank Longmont (776-5800)
Ide & Starbird Reservoir Co.	L. A. Biddle	Secy.	Mead
Independent Reservoir Co.	George Reynolds	Secy.	Longmont
Island	Vernon Golden	Owner	12911 Hillcrest Drive Longmont (776-5880)
James Ditch Company	Clarence Johnson	Secy.	8090 Nelson Road Longmont (776-3273)
John Rice	Bob Seewald	Owner	Longmont (776-0744)
Last Chance Ditch Company	Harold Nelson	Secy.	Longmont (776-2336)
Left Hand Ditch Company	Frank Gould	Supt.	Foothills Highway Boulder (442-2546)
Lyons, Town of	Loyal Austin	Supt.	Lyons (823-6252)
Longmont, City of	Frank Humphry		Longmont (776-6050)
Longmont Supply Ditch Company	George Landers	Secy.	Longmont (776-5800)
Lower Baldwin Ditch Company	Dean Prieskorn	Secy.	Rt. 2 Longmont (776-2916)
Mason Meadow	Vernon Golden		12911 Hillcrest Drive Longmont (776-2135)

WATER DISTRICT NO. 5 (continued)

Mead, Town of Montgomery Pvt. Nelson	Harvey Potts Public Service Co. Jay Moody	Supt. Mead (535-4557) Owner Denver (442-2776) Owner 10139 N. 75th Longmont
Niwot	Bob Seewald	Secy. Rt. 2 Longmont (776-0744) Longmont (776-2832)
North Mutual Life Insurance Company Oligarchy	Robert Hazelbush George Landers	Secy. 1st National Bank Longmont (776-5800)
Peck Pella Ditch Company	George Wagner Rueben Fredstrom	Secy. Longmont (776-5628) Secy. Rt. 3 Longmont (776-3057)
Palmerton Consolidated Ditch Company	James Goss	Secy. Rt. 3 Longmont
Pleasant Valley Reservoir and Ditch Company	Harold Dawson	Secy. 1st National Bank Longmont
Rice Rough and Ready	Brian Rundle Russell Palmer	Owner Longmont (776-5098) Secy. 1264 6th Avenue Longmont (776-5625)
Runyon Smead Ditch Company	Willis Marlatt Warren Bashor	Owner Longmont (776-0791) Secy. Rt. 3 Longmont
South Flat Ditch Company South Ledge Ditch Company St. Vrain and Palmerton	David Wagner Reinhold Loukonen Orville Gose	Secy. Longmont Secy. Lyons Supt. 34 Gay Street Longmont (776-0350)
Supply Ditch Company	George Landers	Secy. 1st National Bank Longmont
Swede True and Webster Upper Baldwin Union Ditch Company Union Reservoir Company Webster & McCaslin Weese Pvt.	Charles Bliss Henry Zapf Dean Prieskorn Frances Hill Frances Hill Wallace Gage (MRS.) Western Paving Company	Pres. Longmont (776-4865) Secy. Longmont (776-4623) Secy. Longmont (776-2916) Secy. LaSalle Secy. LaSalle Owner Longmont (776-9301) Owner Denver (772-7864)
Webster & McCaslin	Mrs. Wallace Gage	Denver (Longmont 776-9301)
Zweck & Turner Ditch Company	Russel Zweck	Secy. Rt. 3 Longmont

WATER DISTRICT NO. 6

DITCH AND RESERVOIR COMPANIES

Andrews & Farwell Ditch Co.	Forest White	Secy.	2994 North 75th Boulder
Autrey Eggleston	Stanley Medsker		5050 So. Emporia Denver
Baseline Land & Reservoir Co.	Margaret Nelson	Secy.	Rt. 1, Box 218 Erie
Boulder Ditch (Town of)	City of Boulder	Owner	City Hall Bldg. Boulder
Boulder & Left Hand Irrigation Company	Richard Frisk	Secy.	735 Bowen Longmont
Boulder & Weld County Ditch Co.	Ethel Ziegler	Secy.	831-17th Longmont
Boulder & White Rock Ditch & Reservoir Co.	Frank F. Flanders	Secy.	P.O. Box 209 Longmont
Butte Irrigation & Milling Co.	Gene Sawhill	Secy.	6967 Valmont Drive Boulder
Carr & Tyler Ditch Co.	Milton Nelson	Pres.	2040 W. Longs Peak Longmont
Church Ditch Co.	Marcus Church	Pres.	Broomfield
City of Lafayette	City Manager		Lafayette
City of Louisville	City Manager		Louisville
Coal Ridge Ditch	Mildred Sarchet	Secy.	Rt. 2, Box 162 Ft. Lupton
Community Ditch	M. L. Sarchet	Pres.	10107 Melody Drive Northglenn
Consolidated Lower Boulder Reservoir & Ditch Co.	Ms. Ray Nelson	Secy.	Rt. 1, Box 218 Erie
Davidson Ditch & Reservoir Co.	Helen Domenico	Secy.	10315 Baseline Lafayette
Dry Creek Davidson	Ralph Bixler	Pres.	Lafayette
Dry Creek No. 2 Ditch Co.	C. B. Beitelshees	Secy.	Rt. 1, Box 322 Boulder
East Boulder Ditch Co.	Public Service Co. of Colorado		P.O. Box 840 Denver
	%Leonard Reichwein		
Eggleston No. 1	Stanley Medsker		5050 So. Emporia Denver
Eggleston No. 2	Stanley Medsker		(SAME AS ABOVE)
Enterprise Irrigation Ditch Co.	Leonard Reichwein		P.O. Box 840 Denver
Erie Coal Creek Ditch & Reser- voir Company	Dave Oscarson	Pres.	Rt. 1 Erie
Farmers Ditch Co.	H. O. Dilsaver	Secy.	3016 Kalmia Boulder
Goodhue Ditch & Reservoir Co.	Mrs. Gale Harmon	Secy.	Lafayette
Godding Daily & Plumb Ditch	Richard Frisk	Secy.	735 Bowen Longmont
Godding Ditch Co. Highland South Side	Richard Frisk	Secy.	735 Bowen Longmont
Green Ditch Company	Roger Fell	Secy.	7861 Valmont Boulder
Harden	City of Boulder	Owner	Boulder
Harris	K. Waremburg	Owner	Louisville
Houck No. 2 Ditch Co.	Milton Nelson	Owner	2040 W. Longs Peak Longmont

WATER DISTRICT NO. 6 (continued)

DITCH AND RESERVOIR COMPANIES

Howard Ditch Company	Bill Suittes	Secy.	65 Manhattan Drive Boulder
Jones & Donnelly Ditch Co.	Harley Keeter, Jr.	Secy.	6379 Valmont Boulder
Kerr No. 1 and 2 Kinnear Ditch & Reservoir	Mrs. J.D. Mayhoffer M.L. Sarchet	Owner Pres.	Lafayette 10107 Melody Drive Northglenn
Last Chance Ditch Company Leggett Ditch & Reservoir Co.	City of Westminster Richard Frisk	P.Owner Secy.	Westminister 735 Bowen Longmont
Lynner-Cottonwood Consolidated Ditch Company	Walter Wise	Secy.	11587 Jasper Road Canfield, Erie
Lower Boulder Ditch Co.	Mrs. Margaret Nelson	Secy.	Rt. 1, Box 218 Erie
Martha M. Mathews Marshall Reservoir	A. S. Bailey M.L. Sarchet	P.Owner Pres.	Broomfield 10107 Melody Drive Northglenn
Marshallville Ditch Company	Ewalt Anderson	Secy.	Rt. 3, Box 325 Boulder
McGinn Ditch Co.	Alice Clyncke	Secy.	7123 Baseline Rd. Boulder
McKay Reservoir	M.L. Sarchet	Pres.	10107 Melody Drive Northglenn
N.K. Smith & Tyler Ditch	Max Serafina	Owner	Rt. 4 Longmont
New Anderson Ditch Co.	Wm. Light	Pres.	City Hall Boulder
North Boulder Farmers Ditch Company	John Reich	Secy.	P.O. Box 227 Boulder
Original Cottonwood No. 2 Ditch Company	Albert Kolb	Secy.	Rt. 3, Box 316 Boulder
Rural Ditch Co.	Richard Frisk	Secy.	735 Bowen Longmont
Silver Lake Ditch Co.	Everette Long	Secy.	3240 Broadway Boulder
Schearer Ditch Company Smith & Emmons Ditch Company	L.W. Van Fleet Ward Burrett	Owner Secy.	Denver Rt. 4, Box 54 Longmont
Smith and Goss Ditch Company South Boulder Canon Ditch Company	City of Boulder Joe Beauprez	P.Owner Pres.	Boulder 1042 No. 95th Lafayette
South Boulder and Bear Creek Ditch	Tim Shanahan	Secy.	Marshall
South Boulder and Coal Creek Irrigating Ditch Company	Ruth Bowes	Secy.	9182 Dillon Rd. Louisville
Tom Delehant Ditch	Milton Nelson	Pres.	2040 W. Longs Peak Longmont
William C. Hake	Mrs. J.D. Mayhoffer	Owner	Lafayette

WATER DISTRICT NO. 7

DITCH AND RESERVOIR COMPANIES

Bayou Association of Ditches	Earnest R. Schultz	Secy.	4315 Xenon Street Wheatridge
Boyle	A. T. DeBell		3951 W. 56 Way Denver
Church (Golden City & Ralston Cr.) and Croke Canal	G. A. Pelz	Secy.	Farmers Reservoir & Irrigation Company Denham Building 1845 California Denver
Colorado Agricultural	Louis Rullo	Secy.	Rt. 1 Box 043 Denver
Cort Graves & Hughes	Sam Spano		6640 W. 52 Avenue Arvada
Denver View Water Company	Wayne Harkness	Secy.	Rt. 1 Box 590 Golden
Farmers Highline	Mrs. Virginia Collins	Secy.	Farmers Highline Canal & Reservoir Company 8889 Washington Avenue Denver
Fisher	John DiTirro, Jr.	Secy.	4400 Wynkoop Denver
Kershaw	Jack Calabrese		5801 Lowell Denver
Lee Stewart & Eskins	Albert F. Ervin	Secy.	12703 W. 52nd Avenue Arvada
Lower Clear Creek Company (Clear Creek & Platte River Ditch)	Frank Wooley	Secy.	Rt. 1 Box 515 Denver
Manhart	George Ditolla		6030 Wolff Arvada
Ouelette	Ira Fox		4298 Kipling Wheatridge
Reno Juchem & Swadley Longan	Mrs. Ernest Delva	Secy.	Consolidated Juchem Ditch & Reservoir Co 6501 W. 60th Avenue Arvada
Rocky Mountain, Miles & Eskins and South Side	W. F. Moses	Secy.	Adolph Coors Co. Golden
United Water Sompany	Henry J. Johnson	Secy.	Box 840 Denver
Wannemaker	Ernie Bergman	Secy.	10285 Ridge Road Wheatridge
Welch and Agricultural	Wilson B. Roup	Secy.	Agricultural Ditch & Reservoir Company 10080 W. 27th Avenue Lakewood

WATER DISTRICT NO. 8DITCH AND RESERVOIR COMPANIES

City and County of Denver	Wm. Schuler		Board of Water Commissioners 144 West Colfax Denver
F. L. Green Ditch Company	Edith Jurgens	Secy.	5480 West Arizona Place Denver
Last Chance Ditch Company No. 2	Wm. Schuler	Secy.	Board of Water Commissioners 144 West Colfax Denver
Nevada Ditch Holding Company	Wm. Schuler	Secy.	Board of Water Commissioners (SAME AS ABOVE)
Northern Colorado Irrigation Company	Robert Rosendale	Supt.	Board of Water Commissioners (SAME AS ABOVE)
Tri City Trust	Wm. Schuler	Secy.	Board of Water Commissioners (SAME AS ABOVE)

WATER DISTRICT NO. 9

Bergen Ditch & Reservoir Co.	Wm. Grant	Owner	Western Federal Savings Building Denver
Bowles Ditch Company	Wm. Grant	Owner	(SAME AS ABOVE)
Colorado Central Power Co.	Leonard Reichwein	Engr.	Evergreen
Harriman Ditch Company (AKA Arnett Ditch)			Denver Water Board
Hodgson Ditch Operating Ass'n.	B. F. Lowell	Pres.	Mt. Morrison
Independent Highline Ditch Co.	Stan Harwood	Owner	Mt. Morrison
Pioneer Union Ditch Company	Jack McCoy	Pres.	Mt. Morrison
Ward Ditch Company	Wm V. Hodges, Jr.	Secy.	Denver Club Bldg. Denver
Warrior Ditch Company	Gordon Koon		Mt. Morrison

WATER DISTRICT NO. 23

Jefferson Lake Ditch Company	Paul Anschutz	Pres.	Jefferson
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WATER DISTRICT NO. 48

Tunnel Water Company	Viviene Woodward	Secy.	2319 East Mulberry Ft. Collins
Water Supply & Storage Co.	Viviene Woodward	Secy.	(SAME AS ABOVE)

WATER DISTRICT NO. 49

Hale Ditch Company			Hale
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WATER DISTRICT NO. 64

DITCH AND RESERVOIR COMPANIES

Batton Ditch Company	Clifford Sherwin	Owner	P.O. Box 63 Sterling
Bravo Ditch	Ivan Barden	Secy.	Iliff
Carlson Ditch Company	Hulbert Reichelt	Secy.	Julesburg
Chambers Ditch	Wm. Condon	Owner	916 Fairhurst Street Sterling
Davis Brothers Ditch Company	Paris Oacomasso	Secy.	Atwood
Farmers Pawnee Ditch Company	Robert Roberts	Secy.	P.O. Box 70 Sterling
Harmony Ditch Company No. 1	Mrs.Howard Hamilton	Secy.	P.O. Box 205 Crook
Henderson & Smith Ditch Company	Scalva Brothers	Owner	R.R. Sterling
Iliff & Platte Valley Ditch Company	Earl E. Reynolds	Secy.	205 1/2 Main Street Sterling
J. B. Ditch Company	Frank Manuello	Owner	Iliff
Liddle Ditch Company	Don Liddle	Pres.	Ovid
Lone Tree Ditch Company	Kent L. Reynolds	Secy.	P.O. Box 111 Sterling
Long Island Ditch	State Game, Fish & Parks	Part Owner	Crook
Low Line Ditch Company	Earl E. Reynolds	Secy.	205 1/2 Main Street Sterling
Peoples Ditch Company	Sam Carg	Secy.	Rt. 2 Sterling
Peterson Canal & Reservoir Company	Jacob Sanger	Pres.	Ovid
Powell & Blair Ditch	Proctor Water Co. Kent L. Reynolds	Secy.	P.O. Box 1111 Sterling
Proctor Water	Kent L. Reynolds	Secy.	P.O. Box 1111 Sterling
Ramsey Ditch Company	Don DeMers	Secy.	708 Elm Street Sterling
Red Lion Ditch Company	Maynard Sonnenberg	Secy.	P.O. Box 1271 Sterling
Schneider Ditch Company	James Williamson	Secy.	Atwood
Settlers Ditch Company	Charles Atkinson		Crook
South Platte Ditch Company	Melvin Bartlett	Secy.	Merino
South Reservation Ditch Company	James Parker	Secy.	Ovid
Springdale Ditch Company	Robert Roberts	Secy.	P.O. Box 70 Sterling
Sterling Hereford Cattle Company Ditch	Cliff Sherwin	Owner	Sterling
Sterling Irrigation Company	Lawrence Giacomini	Secy.	P.O. Box 1013 Sterling
Sterling No. 2 Ditch Company	Lester Garner	Secy.	327 Taylor Sterling
Tamarack Ditch	State Game, Fish & Parks	Owner	Crook

WATER DISTRICT NO. 64 (continued)

Upper Harmony Ditch Company	Garold Merick	Secy.	Crook
Julesburg Irrigation District	Herbert Bonesteel	Secy.	Julesburg
North Sterling Irrigation District	Alex Michel	Secy.	205 1/2 Main Street Sterling
Prewitt Reservoir Company	Alex Michel	Secy.	205 1/2 Main Street Sterling

WATER DISTRICT NO. 65

DITCH AND RESERVOIR COMPANIES

Laird Ditch Company
Pioneer Ditch Company
Wray Ditch Company

Richard Gelvin
Lynn Adamson
Henry Wiltfang

Pres. Laird
Pres. Wray
Pres. Vernon

VIII.

C. GROUNDWATER MANAGEMENT DISTRICTS

Although some consideration was given to forming management districts under the Basin Authority Bill adopted in 1969, no such districts were formed.

The ground water management districts in the non-tributary areas continue to function as they have in the past. These districts are shown in the following tabulation:

GROUND WATER MANAGEMENT DISTRICTS

NORTHERN HIGH PLAINS

Frenchman Management District	Ben Saunders	Mngr.	Holyoke
Sandhills Management District	Ben Saunders	Mngr.	
Central Yuma Management District	Ben Saunders	Mngr.	
W - Y Management District	Fred Wurtsmith	Secy.	Yuma 220 South Main
Arikaree Management District	Fred Wrate	Secy.	Cope
Plains Management District	Cliff Hawthorne		Burlington 1454 Martin Ave.

KIOWA-BIJOU

North Kiowa-Bijou	Don McClary	Attny.	Ft. Morgan
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LOST CREEK

George Bush			Keenesburg
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CAMP CREEK

IX. WATER COMMISSIONER'S SUMMARY

FIGURES IN ACRE FEET

- A. Direct Flow Diversions
- B. Storage - Report

WATER DISTRICT	S		U		S		U		S		U		S		U		S		U		S		U		AUGMENT	
	1 to 1	1 to 1	1 to 2	2 to 2	1 to 2	2 to 2	1 to 3	3 to 3	1 to 3	3 to 3	1 to 4	4 to 4	1 to 4	4 to 4	1 to 5	5 to 5	1 to 5	5 to 5	1 to 6	6 to 6	1 to 6	6 to 6	1 to 7	7 to 7		1 to 7
1	243173	14364	345366																						1340	
2	388282	13242	93238																						234	
3	447322		258300	27896																					174	
4	122792		35724	5778																					4724	
5	121465		16225	3633																					1430	
6	101935		1046	10267	38643																					
7	126774		27742	2181																						
8																										
9	16318		4251																							
23	53451																									
48	21245																									
49	4141																									
64	191620		21226	5490																					2022	
65	24158																									
79																										
80																										
*TOTALS	1862676	14364	803118	49755	38643	803118	5490	44685	13242	616	5724	71333	56058	38564	39152	9924										

*These totals do not include figures for Districts 8 and 80. A few other figures are also omitted due to the difficulty of hand extraction from the bi-weekly reports.

SOURCE	USE
1 River	0 Storage
2 Res.	1 Irr.
3 GW	2 Mun.
4 TB	3 Comm.
5 NS	4 Ind.
	6 Fish
	10 Other

1975 CALLS ON SOUTH PLATTE RIVER

DIVISION NO. 1

	DATE OF ISSUE	DISTRICT CALLING	PRIORITY CALLING	DISTRICTS AFFECTED									
				1	2	3	4	5	6	7	8	9	23
1.	3-17-1975	1 (WRITTEN)	5-27-1915	x	x	x	x	x	x	x	x	x	x
2.	3-20-1975	NO DEMAND											
3.	4-23-1975	1	10-18-1882	x	x	x	x	x	x	x	x	x	x
4.	4-24-1975	1	4-15-1888								x		
5.	5- 5-1975	2	10- 5-1871							x	x	x	x
5. (a)	5- 7-1975	64 (WRITTEN)	11- 1-1888										
6.	5-13-1975	CALL OFF	10- 5-1871							x	x	x	x
7.	5-23-1975	1	5-31-1907	x	x	x	x	x	x	x	x	x	x
8.	5-25-1975	2	10-20-1885								x	x	x
9.	5-28-1975	NO DEMAND											
10.	6- 3-1975	2	1-13-1909								x	x	x
11.	6-14-1975	NO DEMAND											
12.	6-26-1975	2	3- 9-1908								x	x	x
13.	6-27-1975	2	11-20-1885								x	x	x
14.	6-29-1975	2	3- 9-1908								x	x	x
15.	6-29-1975	1	10- 1-1888	x	x	x	x	x	x	x	x	x	x
16.	7- 1-1975	(WRITTEN)	4-10-1873										
		(WRITTEN)	7-15-1875										
		(WRITTEN)	10-20-1880										
		(WRITTEN)	5- 1-1872										
		(WRITTEN)	2-15-1876										
		(WRITTEN)	4-21-1883										
		(WRITTEN)	5- 1-1890										
		(WRITTEN)	9-17-1873										
		(WRITTEN)	6-22-1882										
		(WRITTEN)	7-15-1873										
		(WRITTEN)	10-18-1882										
17.	7- 2-1975	(WRITTEN)	7-19-1886										
		(WRITTEN)	4- 2-1871										
		(WRITTEN)	6- 1-1874										
		(WRITTEN)	4- 7-1884										
		(WRITTEN)	10-26-1881										
		(WRITTEN)	4- 2-1868										
		(WRITTEN)	5-15-1869										
		(WRITTEN)	6-20-1882										
18.	7- 9-1975	1	10- 1-1888										
19.	7-10-1975	CALL OFF	10- 1-1888	x	x	x	x	x	x				
20.	7-13-1975	1	4-15-1888	x	x	x	x	x	x	x	x	x	x
21.	7-14-1975	1	9- 4-1882	x	x	x	x	x	x	x	x	x	x
22.	7-17-1975	1	10- 1-1888	x	x	x	x	x	x	x	x	x	x
23.	7-17-1975	1	11- 1-1888								x		
24.	7-30-1975	1	4- 7-1884	x	x	x	x	x	x	x	x	x	x
25.	7-31-1975	1	10-18-1882	x	x	x	x	x	x	x	x	x	x
25. (a)	8- 4-1975	(WRITTEN)	9-14-1892										
26.	8- 8-1975	2	7- 8-1876							x	x	x	x
27.	8- 8-1975	2	11-14-1877				x	x	x				

	DATE OF ISSUE	DISTRICT CALLING	PRIORITY CALLING	DISTRICTS AFFECTED											
				1	2	3	4	5	6	7	8	9	23		
28.	8-13-1975	1	10- 1-1888	x	x	x	x	x	x	x	x	x	x		
29.	8-13-1975	CALL OFF	7- 8-1876								x	x	x		
30.	8-13-1975	CALL OFF	11-14-1877				x	x	x	x	x	x	x		
31.	8-25-1975	1	10-18-1882	x	x	x	x	x	x	x	x	x	x		
32.	8-26-1975	2	7- 8-1876								x	x	x		
33.	9- 3-1975	CALL OFF	7- 8-1876								x	x	x		
34.	9- 9-1975	1	5-31-1907	x	x	x	x	x	x	x	x	x	x		
35.	9-10-1975	2	11-20-1885									x	x		
36.	9-17-1975	CALL OFF	11-20-1885									x	x		
37.	9-30-1975	NO DEMAND	5-31-1907												

NO DEMAND - SUFFICIENT WATER FOR ALL USERS ON MAIN STEM OF SOUTH PLATTE RIVER.

CALL OFF - CALL INDICATED IS OFF, WITH DEMAND DATE REVERTING TO PREVIOUS CALL STILL IN EFFECT.

X. SUGGESTIONS AND RECOMMENDATIONS

A. PERSONNEL

Water Commissioners must necessarily maintain the facilities in their homes to meet the needs of their jobs. As a minimum these needs include space for a desk or table and filing cabinet for records and the utilities including water, heat, light and telephone. Since these facilities require an expenditure of some degree as well as some forfeiture of family living space, it is suggested that the State make an expense allowance to the field employees of a minimum of fifty dollars per month as reimbursement for supplying and maintaining such an office.

XI.

A. WATER NEWS

We have included in this section the portion of the "Colorado Water News" from the office of the State Engineer, which is put in by the Division Engineer. It is felt that inclusion of these excerpts from the Water News will help to present a more complete picture of Division 1 activities.

WATER NEWS

November 1, 1974

Division NO. 1, W. G. Wilkinson, Division Engineer

The activities of this past month were highlighted by a meeting of the Board of Central Colorado Water Conservancy District. This meeting was significant because members of the GASP Board were invited to be present as well as several representatives of the Division of Water Resources. It was agreed among all who attended that all organizations in the South Platte Drainage Area who are helping to provide augmentation water for wells must cooperate.

Reports from some farmers in the area indicate most crops are very good this year, with some being the best ever. Most crops are harvested at this time with sugar beets approximately 90 percent complete.

We would like to extend our sympathy to Mrs. Milt Copeland on the death of her husband recently. Milt was Water Commissioner on Clear Creek until his retirement in 1969.

Congratulations and best wishes are in order to Bruce and Judy (Ross) Smith who were married on October 26th.

All Division 1 Water Commissioners were called into a meeting at Greeley on October 31. This meeting dealt primarily with reporting procedures and wrapping up the records for the 1974 season. Several representatives from the Denver office attended this meeting.

The Division Engineer attended the meeting for the Upper Basin Projects of the Missouri Basin Commission in Colorado Springs on October 25th. The U.S.B.R. reviewed their project activities for the past season and their plans for 1975.

WATER NEWS

December 1, 1974

Division No. 1, W. G. Wilkinson, Division Engineer

We are all rushing around at present gathering the information needed for the Division Engineer's Annual Report. We hope to have it completed by December 12th.

The various water user organizations put a total of 8718 acre-feet of water back in the South Platte this past irrigation season. This water represented a material lessening of the injury caused to the South Platte and its tributaries by wells pumping from the alluvium of those streams.

Our gaging station at the mouth of Big Thompson, near LaSalle, now has a 42 inch CMP well which replaces the old wooden well. We were able to use the wooden shelter which was still in good shape. The new location is about 20 feet upstream from the old station.

We welcomed Howard Law to the staff on November 4th. He is working as one of the 1042 water commissioners.

Our sympathy is extended to Dorothy Wankelman and family on the death of her father.

Congratulations to Wes Hayman, Water Commissioner in Fairplay, who was married on November 23rd.

Bill Gleason, Water Commissioner on the Laramie River, entered a Cheyenne hospital on November 24th for back surgery to correct a pinched nerve.

WATER NEWS

January 1, 1975

Division No. 1, W. G. Wilkinson, Division Engineer

The 1974 calendar year is now history and we look forward to the challenges of 1975 with renewed hope and resolution. Our greatest hope for the coming year is that predictions of a drought will fail to come true.

The Division Engineers' Annual Meeting held on December 12 and 13 was well conducted and informative. Its good to hear what has been happening around the state and especially to learn what new services the Denver office is able to provide for us.

Plans of Augmentation for the Bijou and Fort Morgan Ditch Companies have been approved by the Water Court. These may prove to be important precedent setting cases. There have been quite a number of Augmentation Plans filed with the Court and rulings are expected in the next few months. An important case before the Court at present is the Evergreen Meadows Subdivision Plan of Augmentation. It is hoped that the ruling in this case will give us some additional direction in evaluating subdivision water supply plans.

A number of annual meetings of water user groups were held in December. The Division Engineer attended meetings of the Cache la Poudre Water Users, the District 6 Water Users and several others.

GASP elected a new slate of officers at their annual meeting. They are Vic Klein, President; Herb Vandemoer, Vice President; Frank Yamaguchi, Secretary; Ralph Varner, Treasurer. William Gill was the only new member of the Board of Directors.

The Cache la Poudre Underground Water Users are forming a group which will provide protections for member wells when approved by the Water Court.

Central Colorado Water Conservancy District hosted a dinner on the evening of December 18. It was well attended by water officials, attorneys, Central board members and other friends of Central. We thank them for a fine evening.

We regret to announce that Larry Young will be leaving us on February 1, but wish him the best in his new position as Water Commissioner in District 15 of Division No. 2.

WATER NEWS

February 1, 1975

Division No. 1, W. G. Wilkinson, Division Engineer

The big news last month was the Thornton condemnation suit of Standley Lake water being heard in Jefferson County Court. The outcome of this case, if it is decided in favor of Thornton, will have a marked effect on irrigated agriculture in Northern Colorado.

Mr. Ned Phye, consultant for Farmers Reservoir & Irrigation Company (defendant in the Standley case), speaking at the Weld County Farm Show in Greeley, on January 23, made an interesting prediction. He stated that "if Thornton is successful in the Standley suit, every water right on Clear Creek will be condemned in the next two to five years".

It has come to our attention that sales representatives for various sprinkler companies are encouraging farmers to convert from flood to sprinkler irrigation with the following rationale: These salesmen state that by irrigating with sprinklers the efficiency will be increased and the State will allow additional acreage to be brought under irrigation. It should be brought to the attention of prospective buyers that there are legal limits on the number of acres to be irrigated on most decrees.

We met with several representatives of the Ground Water Section on January 23rd. It was decided that a monthly meeting of this type would be mutually beneficial. The next meeting will be held in Greeley on February 27th. They will also be available in the afternoon of that date to meet with water users who would like to discuss ground water problems.

We would like to extend our sympathy to Bob Cooper whose father passed away in December.

WATER NEWS

March 1, 1975

Division No. 1, W. G. Wilkinson, Division Engineer

The month of February did not improve our water picture at all. Three snow courses on upper Cache la Poudre drainage, measured by Water Commissioner Jack Neutze on February 28th showed values ranging from 60-85 percent of normal moisture.

Bob Samples, Water Commissioner in Water District 1, had ditches calling for water as early as February 25th. This is the earliest water has been called for in many years in the Brush-Fort Morgan area and is an indication of the extremely dry soil conditions.

In a stipulation agreed upon February 28th, the developers of Evergreen Meadows (Case W-7540) will build reservoirs and fill them with water rights they own. This water will be used for replacement purposes.

We wish Paul Meehl and Joe Clayton speedy recovery from bouts in the hospital recently.

We would like to extend our sympathy to Ray Liesman on the death of his mother and to Ralph Kelling on the death of his father.

Stix and Marilyn Palmer are spending two weeks in Old Mexico this month. We wish them a happy and restful time.

WATER NEWS

April 1, 1975

Division No. 1, W. G. Wilkinson, Division Engineer

The potential water supply for Division 1 as of April 1st appears to be about normal. Month end snow course measurements in the Berthoud Pass area are above normal and Cache la Poudre drainage measurements indicate below normal supply. Several storms toward the end of the month helped considerably.

The storm of March 27th did quite a bit more harm than it did good. What snow fell ended up in ditches and fence rows as a result of strong winds. The low temperatures and wind took a heavy toll in livestock. The Greeley Tribune reported the loss of about 3500 sheep, 1800 head of cattle and 8,000 - 20 pound turkeys. These figures may go up sharply when a final count is taken.

We had a written call for water in March that only lasted for about a week. It is expected that a number of ditches will be taking water for direct irrigation in the next few days. This may mean a fairly early sustained call on the river this year.

WATER NEWS

June 1, 1975

Division No. 1, W. G. Wilkinson, Division Engineer

On the evening of May 12th, a gentle rain covered most of Division 1. In the Sterling to Julesburg area about 1.75" of moisture was reported. Greeley and the surrounding area had 0.5" to 0.75" with some hail about 10 miles east. The hail did very little damage at this point.

The May 1st snowpack remains about the same as April 1st with normal or slightly above normal runoff expected. Soil moisture has improved and is about normal.

A recent tour of Colorado-Big Thompson Eastern Slope Facilities was well attended and enjoyed by all who participated. We would like to thank Ken Dickey for arranging the tour for us.

Howard Law left us recently to accept a position with the Forest Service in Norwood, Colorado. He did a very good job for us as a 1042 Water Commissioner, and we wish him the best in his new work.

We welcome George Sievers, Jerome Mallon and Stephen Hamburg for the summer as Engineering Technicians. We also welcome Mel Hodgson, Kenneth Salser and Mike Shafer as new Deputy Water Commissioners in Division 1.

Harlan Erker left his position as Deputy State Engineer recently and we wish him well in his new endeavors. We are looking forward to working with Bruce DeBrine who has been appointed as Acting Deputy State Engineer upon Harlan's resignation.

WATER NEWS

August 1, 1975

Division No. 1, W. G. Wilkinson, Division Engineer

The months of June and July brought above normal moisture in Division 1. Cool temperatures have slowed development of crops somewhat, but delayed snowmelt, together with rainfall, have kept the river up and irrigators fairly well satisfied.

The Greeley Office staff toured the Grand River Ditch on Saturday, July 19th. The weather was perfect and a good time was had by all.

Central Colorado Water Conservancy District Board of Directors had a hearing on June 25th to consider about 180 petitions for exclusion from the ground water subdistrict. The Board voted to deny the petitions.

We would like to wish Fred Paddock, Chief of the Dam Section in Denver, a long and happy retirement.

We welcome new Deputy Commissioner Dale Graham in District 64.

TAKING YOUR PICTURE— from 570 miles!

**The evergreens
are painted red
in 'wonderland'**

Alice's Wonderland is no stranger than this land where the trees are red, the water is black and the earth is white.

The date: August 15, 1973. The time: morning. (The sun was at an elevation of 54 degrees.) This picture of north-central Colorado, from Landsat-1, covers an area of 13,225 square miles (115 miles on a side.) The Continental Divide can be readily identified by the bright, white mountain tops. Not the snow caps they appear to be, these white areas are more likely land above timberline which lacks vegetation. Red, indicative of green vegetation, is apparent at lower altitudes, in farming areas and along the multitude of hairline creeks. A box formation of red circles (in the center of the right hand half of the picture) shows the effect of watering with circular sprinklers in an arid country. The lush green vegetation stops precisely where the water stops.

White gauze-like spots near the upper edge of the picture are clouds.

To get your bearings, notice that the picture extends from the Rocky Mountains, west of the Continental divide, on the left, east to an area on the right, midway down the picture, where the South Platte weaves its way among three (black) reservoirs, Riverside, Empire and Jackson Lake. This is about 15 to 20 miles west of Fort Morgan. The picture heads towards Cheyenne, to the north, at the center top.

Landmarks towards the south include the Eisenhower tunnel. The airline Interstate Highway 70 appears suddenly broken by a cross-ne (lower left).

In the center of the lower right quarter of the picture, Denver can be identified just southwest of the dark gray spot (rectangle with a corner hopped off) that is the Rocky Mountain Arsenal. Cherry Creek reservoir is slightly south of Denver,



a large black spot at the top of a white-line Cherry Creek, edged with red vegetation.

Now that you have your bearings, see if you can locate Grand Lake, Granby Lake, Horsetooth Reservoir,

Interstate Highway 25, U.S. Highway 85 where it approaches Cheyenne (almost parallel to I-25).

Then pull out all your maps and have an "Alice in Wonderland" tour of the picture, taken from space, that

is "painting the evergreens red."

Thanks to Paul Bailey and John Gille, National Center for Atmospheric Research, Upper Atmosphere Project, for assistance in interpreting the picture. ■

Stockholders told of Standley suit plans

11-13-44
By LYNN HEINZE
Tribune Staff Writer

PORT LUPTON—For the second year in a row, the stockholders of the Farmers Irrigation and Reservoir Company attended an annual meeting to discuss the probable loss of one of their reservoirs. Last year, stockholders were told that the cities of Thornton and Westminster filed land-mark condemnation orders to take the water and storage rights of the Standley Reservoir.

The Standley supplies irrigation water to more than 20,000 acres of land, most of which is within Weld County. More than 250 stockholders, including representatives of Thornton and Westminster, filled the meeting room of the Port Lupton city hall to conduct business and talk about the suits.

According to chairman of the board, Wolf Bohlender, the meeting was designed to be informative, "to let our stockholders know what we've done during the past year."

One thing we've noticed over the past year is that our stock is sold to cities, but we never yet seen it returned to

agriculture through a sale from the cities to a farmer," Bohlender said.

"I just don't think the people in the cities fully understand the impact on the agricultural areas that the loss of this water would have," he added.

One stockholder, Frank Suckia of Fort Lupton, put it another way: "People in the cities are used to getting cheap food and cheap water. They don't seem to realize that water is a valuable commodity and that they should have to pay for it."

"And they don't realize that by taking this water, which supports the production of crops on nearly 20,000 acres, that their supplies of foodstuffs will also be affected."

"True, these 20,000 acres may have little immediate effect, but if the condemnation is successful, other reservoirs and other water rights will go to the cities. Agriculture will suffer, but in the long run, it will be the people of the cities who will stand to lose the most," Suckia said.

"It seems to me that the production of food for a hungry world is far more

important than the cultivation of trees, shrubs and golf courses," Suckia concluded.

Ned Phye, consultant to the Farmers Company, said that the company has no choice but to resist the involuntary taking of water.

"The net result would be to put the farmer out of business. And that's something I think the city officials didn't really realize until recently."

"They must start to understand our situation and how it will affect them, before we can move to meaningful agreements concerning the future of the water in the Standley."

"But when that understanding comes, there are several avenues open to the cities and the company, where the water can be used to our mutual benefit."

"If we can all work together, if the cities begin to understand the results of their actions and recognize the importance of agricultural water and its development, if they understand that to take the water would mean putting these farmers out of business, then other ways can be explored," Phye said.

Continued from page 1

Castrodale listed three alternatives which the cities and the company could explore during negotiation. He said the first would be an investigation of the potential enlargement of the Standley, either through excavation or the enlargement of the dam structure.

The second alternative, according to Castrodale, would be a joint study of higher and better uses of the water available in the system. He noted that the company is currently experiencing a 30 to 40 per cent ditch loss, which could be reduced through ditch lining and covering.

But the study would also have to explore other avenues of water conservation as well, Castrodale said. "We wouldn't be creating new water, just conserving the water we have." The final alternative would be joint development of further storage rights in the Standley, after resources.

"But we will have to have the proper environment for negotiation before we can look at any of these possibilities. And it will have to be the board of directors (of Farmers) who will have to assume a posture of discussion before we can continue" Castrodale concluded.

Continued on page 2

Front-range water study set

11-9-74

A series of dams along the Front Range then provide domestic and industrial water supplies for the east slope.

A new set of managers for the Colorado-Big Thompson water project? A coalition of private and government groups to develop hydroelectric power along the Front Range? These are a few of the alternatives which will be examined by the Bureau of Reclamation and a 10-member board from Weld and Larimer Counties in coming months.

Larry Nelson, project leader in the Bureau's Denver office, said Wednesday the study grows out of changing population and industrial demand for water on the Front Range.

"We see this happening in many areas," Nelson said. "In most of them, water planning is occurring helter-skelter."

He said the two-year study is designed to integrate water planning with other areas of planning under way on the state and local level.

Among the ideas which the board and Bureau officials will study is the construction of a series of dams along rivers coming out of the Front Range.

Dams would be built along the St. Vrain, Little Thompson and Poudre Rivers and Boulder Creek.

The water stored in these dams might then provide domestic and industrial water supplies for the east slope.

Among other ideas to be studied by the group are several involving increased hydroelectric power generation at Colorado-Big Thompson facilities on the Front Range.

"We see an opportunity here to deal with the energy crisis," Nelson said. And, he said, it is possible the Colorado-Big Thompson project, presently managed by the Bureau, may come under different management — including a combination of public and private interests.

Even though the study will devote much of its time to studies of urban and industrial needs on the Front Range, Nelson said agricultural will not be ignored.

"Irrigation is still the prime function of the whole study," he said. "We domestic uses taking from the agricultural base and must learn to plan for this."

Appointed to the committee from Weld County are County Commissioner Roy Moser, Trout Unlimited member Bill Crosier, water attorney William Southard, Greeley Water Board chairman W. D. Farr and Kodak's Clay Turk, representing industry.

12-3-74 Tribune

Underground water users in the Cashe la Poudre basin will have a chance to join a plan of augmentation proposed by the surface users of that area.

According to a letter sent to all underground users in the Poudre basin, "The Cache la Poudre Water Users Association is making this plan available to you (underground users) on a voluntary basis. We believe the plan has merit and we urge your serious con-

Essentially, the plan calls for the well user to designate his well as an alternate plan of diversion for existing surface rights in the Poudre basin.

According to the letter, "There are many times during the year when these decrees cannot be completely filled by direct diversion from the stream, and at such times the well user will be permitted to pump under the priority date of those decrees.

Younglund bill would define

'domestic' uses for water

2-6-75

DENVER — A bill that would restrict "domestic" water uses in state water law solely to immediate household and sanitary purposes is slated to be introduced in the Colorado House late this week or next by Rep. Walt Younglund, R-New Raymer.

Younglund said this week the bill would be aimed directly at growing actions by urban areas in which condemnation or other taking of agricultural water rights is sought. Under state law, domestic use carries priority over agricultural use.

Currently, the city of Thornton is seeking to condemn 30,000 acre-feet of agricultural water rights held by Farmers Reservoir and Irrigation Co. in northeastern Jefferson County's Standley Lake. The action could affect more than 20,000 acres of irrigated farm

land in Weld and Adams counties, an estimated 16,000 acres of that in southern Weld County.

Preliminary hearings in the lawsuit have been conducted before Jefferson District Judge Roscoe Pile, with early rulings appearing to favor Thornton's case.

However, Younglund said he is aware of two other, similar lawsuits being filed in which other urban areas seek to condemn agricultural water rights. Totally, with the Standley Lake suit, he said, the affected rights amount to 87,000 acre-feet.

"It's time to define what 'domestic' use means," said Younglund. "It's a shame when urban areas can condemn agricultural water rights, and then allow that water to be used to wash cars, water lawns and

mon ground on this one. Although a minority Republican in the House, Younglund said he believes chances of the bill are good. He said it is likely that liberal, environmentally oriented urban legislators and rural legislators — usually at odds on many issues — can find common ground on this one.

Poudre basin groundwater users offered augmentation plan

12-3-74 Tribune

because many of the member stockholders are well users.

The letter also contains an application form to be filled out and returned by the well users.

The form asks the user to specify the location, ownership, capacity and decree date of each well which is to come under the plan. The application also asks the number and location of the acres to be irrigated by each well included.

satisfy the request of the court, which will have the final say as to whether the plan is acceptable.

A meeting is slated for 1 p.m. Dec. 12 at the Eaton American Legion to discuss the plan and to provide information to interested well users in the Poudre River basin.

Applications for membership in the plan are due by Jan. 15, according to spokesmen for the

Tree destruction not grounds for water decree, court says

12-15-74 By CARL HILLIARD
Associated Press Writer
DENVER (AP) — An individual who removes water-consuming trees from a Colorado river and stream cannot then make a priority claim on that same river or stream for the water he has saved, the State Supreme Court ruled in a landmark decision today.

The opinion, written by Justice Edward Day, stemmed from an appeal from two judgments and decrees awarding Shelton Farms and Colorado-New Mexico Land Company water rights free from the call of any and all senior decreed water rights on the Arkansas River.

The case, the court said, was the first in the United States dealing with whether the killing of water-using vegetation and the filling of a marshy area to prevent evaporation can produce a superior water right for the amount of water not evaporated.

The Pueblo District held it could, and awarded both Shelton and the company such a water right.

The Southeastern Colorado Water Conservancy District filed an appeal of the lower court decisions, and the cases were consolidated.

The arguments Shelton Farms and the land company put forth were similar, and in granting the water decrees, the lower court said the capture and use by another of water

which ordinarily would be lost is not detrimental to prior holders of water rights.

But the conservancy district argued that the lower court's decision harms Colorado's firm appropriation doctrine of "first in time — first in right" on which the priority of previous decrees is based. District spokesmen point out the existing law limits the doctrine of "free from call" to waters which are "truly developed and were never part of the river system."

The Supreme Court noted there was no legal precedent for either denying or approving the claims. "Also squarely before us is the equally serious question of whether the granting of such a unique water right will encourage denuding river banks everywhere of trees and shrubs which, like the vegetation destroyed in these cases, also consume the river water.

The high court noted the difference between "developed" water and "salvaged" water.

"Thus, we are left with a simple question of mathematics," the court said.

"If someone, carrying a pail of water from elsewhere dumps it into the Arkansas River, he is entitled to one pail from the Arkansas in return. But that same person cannot pump water from the river at one point and dump it at any other point and expect any

return. He has merely moved a few molecules around, but has not increased the river flow at all.

"The analogy here is obvious," the court said. "The roots of (trees) are like a pump. The trees, which did not have go to court or seek any right, merely 'sucked up' the water from prior appropriators. Appellees now take the water from the trees. Therefore appellees also are continuing to take from the appropriators, but seek a court decree to approve it. They add nothing new; what was there was merely released and put to a different use. To grant appellees an unconditional water right therefore would be a windfall which cannot be allowed, for thirsty men cannot step into the shoes of a 'water thief' (the trees). Senior appropriators were powerless to move on the land of others and destroy the thief before they took firm root. They are helpless now to move in and destroy them to fulfill their own decrees."

The high court held that all water decrees of any kind are bound to the call of the river, subject to any specific exemptions found within the law.

"To hold any other way would be to weaken the priority system, and create a super class of water rights never before in existence," the opinion said.

Oral arguments begin in Standley case

By LYNN HEINZE / 1-15-75
Tribune Staff Writer

GOLDEN — Testimony was completed and oral arguments got under way during preliminary hearings concerning the condemnation proceedings filed against the Farmers Reservoir and Irrigation Co. by the city of Thornton in Jefferson County District Court here Friday.

The hearings are for the purpose of presenting the 22 objections and answers to the proceedings filed on behalf of the Farmers Company. This hearing, which started Thursday, is to hear five of those arguments.

The city of Thornton filed the condemnation proceedings for the first time against the Farmers Company on Oct. 5, 1973, and withdrew that filing and refilled the action again in November of the same year.

The answers and objections being heard now include alleged ineffectiveness of the offer to purchase on the following grounds, each listed under a separate answer: because it included municipally owned water rights; because it included corporate stock; because it included surplus lands surrounding the Standley Reservoir, and

because it included undefined company records.

The final, and considered the key answer and objection, concerns the absence of a failure to agree on compensation. In essence, this answer and objection alleges that the city never presented an offer in good faith for proper consideration of the Farmers Stockholders.

Little new evidence was presented during testimony for the Farmers during the Friday morning session. The company called a surveyor to testify as to the description of the reservoir and to describe the lands outside the high-water line of the lake.

That testimony was basically substantiated by James Laraby, a civil engineer, who said that he retraced and evaluated the land area in 1974. According to his calculations, more than 450 acres of land lie outside the high-water line of the reservoir, he said.

The Farmers Company contended that this excess land, which historically is never inundated, is not necessary to the immediate utility needs of the city of Thornton and was not condemnable. During the presentation of oral arguments, Thornton attorney John

Sayre argued that the city had presented a valid offer and had given adequate time for consideration.

"The city presented the offer supported by a description of the land and other properties and an evaluation which helped determine the value of the property was used.

"They (Farmers Company) were given a chance to discuss or negotiate in order to soften the economic blow to the farmers involved. The record shows that it was futile to talk to these people. The company took no steps to reply," Sayre said.

Farmer's attorney John Akolt an-

swered the charge, noting that the city's own testimony "indicated that it had spent thousands of dollars employing consultants who put in more than 79 days or 552 hours studying the property in order to attempt to arrive at a proper evaluation.

"Yet the city expected the directors of the company, who we contend have no

Continued on page 2

Continued from page 1
Legal right to make such a decision for the stockholders, to decide to sell the property in less than 48 hours. That is how much time elapsed between the time the offer was presented and the condemnation action was filed," Akolt said.

Akolt also contended that there was a "fatal discrepancy" between the offer presented to the directors of the company and the petition filed in connection with the condemnation action. Akolt said the original offer included all lands, water rights and

facilities used in conjunction with the Standley, while the petition excludes the portions under the ownership of the city of Westminster.

"This discrepancy is sufficient under Colorado law to make the entire proceedings invalid. But the petition is also non-specific about the type and quantity of records requested, and this too makes the entire petition invalid," Akolt said. The oral arguments are slated to continue today with the decision of Judge Roscoe Pile to be handed down after both parties file written briefs on the five answers and objections.

Court hears background information on Standley Lake suit

By LYNN HEINZE 1-17-75
Tribune Staff Writer

GOLDEN — Preliminary hearings on the condemnation action filed by the city of Thornton against the Farmers Reservoir and Irrigation Company got under way in the Fourth Division District Court here Thursday morning.

The city filed the condemnation proceedings against the company for the acquisition of the Standley Reservoir, the water rights related to the reservoir and facilities used with the reservoir. The suit is based on Section 6, Article 16 of the Colorado constitution.

The water in the Standley is currently used for the irrigation of agricultural lands in Weld and Adams counties totaling more than 20,000 acres, of which about 16,000 acres lie within Weld.

The hearings are to consider five of the 22 answers and objections filed on behalf of the Farmers Company to the condemnation action. Five of the answers were previously ruled on in the court and were decided adversely for the Farmers Company.

Included in the answers and objections during this session in court is one issue considered to be a key in determining the future of the case. That objection, listed as number 12, concerns the absence of a failure to agree on compensation as required by law before proceeding in a condemnation action.

According to the brief filed for this answer, "Thornton was guilty of coercion, arbitrariness and a lack of good

faith. The Thornton offer to purchase did not constitute a valid or effective offer which would constitute performance of a necessary condition precedent to... this condemnation proceeding," the answer filed for Farmers contends in part.

Attorneys for the Farmers Company contend that the offer included water rights owned by the city of Westminster, that the offer included the sale of all of the shares in the Golden Ralston Creek and Church Creek Ditch Company, which is a feeder canal and an independent stock ditch company and that the offer included several hundred acres outside the Standley Lake dam which don't constitute a part of the reservoir they said in the answer.

The answer is concluded with the contention that "a good faith attempt to agree upon compensation to be paid, is wanting."

The court is also hearing four other arguments during the course of this session. Those answers and objections deal with the alleged ineffectiveness of the offer to purchase because of: the inclusion of municipally owned water rights; the inclusion of corporate stock; the inclusion of surplus land surrounding the Standley, and because of the inclusion of records of the company.

Most of the testimony heard Thursday was presented by Thornton city manager James Castrodale. Most of Castrodale's testimony was presented to provide background information pertinent to the condemnation action.

According to Castrodale's testimony, the city of Thornton put together a "consulting team," under his direction, to investigate alternative water supply sources.

Castrodale said this team investigated several sources including ditch companies, western slope water and others. The team decided after this investigation that one of the most practical sources of water would be the Standley Reservoir.

Castrodale said the decision to make the Standley the priority source was based on three factors. The reasons included a consideration of the storage rights, storage capacity, and the fact that the reservoir could supply the needed water on a gravity flow basis, Castrodale said.

Castrodale said the consulting team worked in extreme confidentiality during its investigation of the Standley and during the time the team's appraiser made a determination of the valuation of the reservoir, rights and facilities.

According to Castrodale, confidentiality was necessary because "We understood and comprehended the emotional impact the taking of the entire agricultural water supply might have and because we have been in competition with the city of Westminster in the acquisition of water rights. Because of this and the influence of speculators, who

Continued on page 2

have driven the prices of water up, we felt this was the only way to acquire the water rights reasonably," Castrodale said in testimony.

Castrodale said that the final decision to attempt to acquire the Standley was made by the consulting team and then taken to the city's utilities board and council during a combined meeting late in September, 1973.

Then, on Oct. 2, 1973, the city's utilities board passed three resolutions, one of which requested the council to authorize a purchase offer of \$9.3 million for the reservoir and water rights. That authorization was granted by a resolution of the council on that same day.

On Oct. 3, Castrodale, along with other city representatives, went to the offices of the Farmers Company and tendered a letter offer and a description of the properties to be included. The offer was first given to then Farmers board president Mel Sarchet of Fort Lupton.

The Thornton group returned later that day, according to Castrodale's testimony, to present the offer to the board as a whole.

The letter asked the company to give answer before Oct. 17 and requested that the board call a special stockholders meeting to consider the matter. The regular meeting of the stockholders was slated for Nov. 13, 1973, but Castrodale and the Thornton representatives asked that a special

Court hears background information on Standley Lake suit

meeting be called for the purpose of discussing the offer.

According to Castrodale's testimony, Sarchet told him he doubted whether the board had the authority to act on the matter and "said he doubted that the farmers would vote themselves out of business.

"During the meeting all of the remarks were negative. The board members gave no indications at that time that they might be willing to negotiate or carry on further discussion of the matter. We left the meeting with a feeling that further attempts to negotiate would be futile," Castrodale said.

Castrodale said that he called a special meeting of the consulting team the same day to discuss future plans. "Because of the feeling of futility and because we were afraid that Westminster might initiate action before us, we decided that it would be wise to pursue the condemnation action as soon as possible."

On Oct. 4, 1973, the utilities board authorized Castrodale to file the condemnation action and it was filed immediately, Castrodale said. This was the first condemnation action filed by the city.

Another action was filed following the annual stockholder's meeting of the Farmers Company on Nov. 13, 1973. Castrodale said the first proceeding was withdrawn so that the new action could "better illustrate the futility we had confronted during our attempts to acquire the reservoir by our offer."

Castrodale was allowed to present the offer during the course of the annual meeting, which was the first time the stockholders as a whole were told of the proposal.

Thornton water attorneys also called the city's attorney Oral Daniels to substantiate Castrodale's testimony. Daniels described the meeting

with directors as "extremely negative. The directors did not make a counter-offer or even express a willingness to negotiate the terms of the offer.

"It was my impression that no offer to convert the farm water to domestic use would ever be accepted at any price. I think that I made it clear during the course of that meeting that if the offer wasn't accepted or if there was no indication of a willingness to negotiate for the reservoir that the condemnation action would be the next logical step for us to take," Daniels said.

Daniels conceded under testimony that the actual offer and subsequent condemnation action included all of the rights to the company or the reservoir, including those owned by governmental entities. But, he said, the oral offer made to the directors did not include these rights.

The case for the Farmers Company was opened with testimony from Charles Sabados, a Dacono town councilman. Sabados described the water use by his town from water obtained through water rights held in the Farmers Company.

He said the town used the water to irrigate park lands and for fire protection in some parts of the town. He also noted that the long-range planning for the town included the acquisition of additional rights through the annexation of surrounding lands.

"Our long range plans call for the landowners to provide water if they want annexation. If this condemnation of the Standley is successful, those plans will go right out the window because none of the lands around the town will have water rights left to give.

"I don't know what the future of the town will include without the assurance that the water will be available. I don't know

how the town will make long range plans without that water," Sabados said.

The next witness was the former president and board member Mel Sarchet. Sarchet has served as a director of the company since 1925 and was the president of the group for 19 years.

Sarchet was asked to review the occurrences leading up to the filing of the condemnation action.

Sarchet said that neither he nor any other member of the board had any knowledge of the offer of purchase prior to the meeting of the board. He said it came as a surprise.

"When Mr. Castrodale presented me a copy of the letter offer, I told him that I didn't know if the board had the authority to act on the offer and

that I doubted the farmers who owned stock in the company would favor such a sale," Sarchet said.

He said he got the impression that the offer was an ultimatum for the board. "Either approve or we'll file condemnation actions. That was the impression I got during the meeting," Sarchet said.

He said in testimony that he had no contact with the company after the meeting, that he was not notified that the action had been filed and said no more contact was made until the day of the annual meeting, except an answer to a letter he wrote informing the city that the issue of the sale would be placed on the agenda of the annual meeting.

Judge finds Thornton acted in good faith in condemnation

By LYNN HEINZE
Tribune Staff Writer 1-20-75

GOLDEN — In an unexpected move, Judge Roscoe Pile handed down several findings of fact at the conclusion of oral arguments in the Standley condemnation action being heard in the Fourth Division Jefferson County District Court here.

The hearings, concerning five of the answers and objections filed on behalf of the Farmers Reservoir and Irrigation

Co., respondent in the proceedings, were concluded Saturday.

Although the decisions made by Pile Saturday are still subject to conclusions in law and other findings in fact which may be submitted in attorneys' briefs, they are an indication of the final rulings which will likely be handed down next month when the case returns to Pile's court.

Pile found that the efforts of the city of

Thornton did comply with the requirements of the state's laws governing condemnation to negotiate with the respondents prior to the filing of the action.

He also found that the offer was made, with some basis to support good faith as to the amount. Although the actual value might be determined to be different at a later date, Pile said, the offer did have the support of an appraisal based on

information available at the time.

Pile also found that it would have been futile for the city of Thornton to attempt to negotiate further with representatives of the Farmers Company.

Attorneys for the Farmer's Company had also argued that the filing of Thornton utilities board resolutions, which approved offer or condemnation, constituted the beginning of the condemnation action. Pile said, as a con-

clusion at law, that the filing of those resolutions did not constitute the beginning of the condemnation proceeding.

He also found that the filing of the condemnation action did not terminate the offer made the Farmers Company.

For the respondent, Farmers Company, he found that if it wanted to reply to the offer, it would not have had sufficient time to do so in the two-week

period allowed under the Thornton offer.

But he also found that there was no intent on the part of the Farmers Company to negotiate on the amount or terms and that there was no intent to lose the Standley Reservoir and other property sought by the city.

On the answer and objection concerning the condemnation of the Golden-Ralston and Church Creek Ditch Company Stock, Pile found that ownership of the stock is incident to the delivery of water rights and was therefore condemnable.

As to the inclusion of the outside lands, which surround the Standley Reservoir but which the Farmers Company claims are not necessary to the operation of the reservoir, Pile's finding was reserved until the hearing on another answer and objection concerning necessity.

He later said that the court would presume that those outside lands were necessary to the operation of the reservoir, however, as determined by the city utilities board, although the presumption would stand as rebuttable. He said this was a presumption of law and not based on the evidence presented during the hearing.

In another conclusion of law, Pile found that there was no fatal variance between the offer submitted for Farmers Company consideration and the petition filed in the condemnation action.

Another of Pile's findings concerned the inclusion in the Thornton petition of certain records relating to the operation of the Standley Reservoir. Pile found that it was proper for the city to ask for the records since they could be considered incident to the operation of the facility.

In his final finding of the day, Pile denied a motion filed by Farmers Company attorneys asking for the proceeding to be dismissed for the reason that non-condemnable lands were included in the petition filed in the proceeding.

Two more hearings were set in the case at the conclusion of the court session. The first is set for Feb. 20-21 and five more answers and objections will be heard then.

The court will consider: the alleged necessity of Water Court approval; the alleged stockholder's fiduciary duty not to disrupt the corporation; the alleged illegal discrimination between certain municipal interests and other stockholders; the alleged failure to describe sources of authority with particularity, and the alleged failure to sue the Farmers Company in the capacity of trustee.

Another hearing was set for May 1-3, although the exact purpose of the hearing was not set Saturday.

Weld may ask impact study on Standley

By RON TOLLEFSON

Tribune Staff Writer 1-23-75

Following up on action started last month, the Weld commissioners Wednesday adopted a measure urging the Colorado Land Use Commission (LUC) to intervene in the Thornton condemnation suit against agricultural water rights in Standley Lake.

The suit, against 30,000 acre-feet of water rights held by Farmers Reservoir and Irrigation Co., went through preliminary hearings late last week with early rulings appearing to favor Thornton's case.

Meanwhile, the commissioners also adopted a measure dealing with 1974 local government amendments to the U.S. Fair Labor Standards Act. With

those amendments temporarily enjoined pending a hearing before the U.S. Supreme Court, the county will continue to look to 40-hour week and overtime pay bases for most county employes but will continue to pay by the month, instead of hourly, until the high court reaches a decision.

In the Standley Lake action, County Atty. Sam Telep pointed out that Jefferson County District Judge Roscoe Pile had ruled Weld County does not have sufficient "proprietary interest" to intervene in the case, even though the county's tax base could be affected.

"This could be like an octopus," said Telep. He said not only could the case affect 20,000 acres of irrigated farm land in Adams and Weld counties—16,000 of

that in southern Weld—but it could affect water rights in the two counties plus Boulder County and possibly into the Cache La Poudre River system.

Commissioner Glenn Billings suggested looking into demands, under federal law, for a full-scale environmental impact study and supporting documents.

He said former Sen. Gordon Allott and former Rep. Wayne Aspinall suggested this several years ago when the then-proposed Archer, Wyo., to Ault Bureau of Land Management power line threatened to absorb numerous acres of Weld farmland as part of its right-of-way corridor.

Threatening then to demand an environmental impact study, Billings said, local officials were able to gain

concessions of lesser land use from BLM officials.

Adopting and signing the resolution urging LUC intervention in the Standley Lake case, the commissioners directed copies of the resolution also be sent to all area state legislators, Gov. Richard Lamm and U.S. Sens. Floyd Haskell and Gary Hart.

Meanwhile, in their action on the federal labor act, the commissioners pointed out that the National League of Cities successfully sought a temporary injunction from Chief Justice Warren Burger with a hearing expected soon from the full Supreme Court. National League of Cities reportedly objects to overtime requirements of the amendments for police and firemen.

However the commissioners, adopting their resolution, affirmed that no less than \$2 an hour will be paid county employes and that overtime pay provisions will be met for employes working more than 40 hours and sheriff's employes working more than 60 hours.

Office of Management and Budget Director Baron Buss said the county's leased computer service is prepared to begin computing employe pay by the hour instead of monthly as soon as the court test is completed.

In other action, the commissioners:

—Appointed Commissioner Roy Moser as the county board representative to the Weld County Municipal Airport Board, succeeding former Commissioner Harry Ashley.

—Directed Buss to begin advertising for applicants for the post of Weld Human Resources director. Current Director Tom Chagolla is resigning effective next month to take a state post.

—Appointed Tom Conzona to fill the final, ninth post on the Weld Human Resources Advisory Committee.

—Named Robert Patrick of the Colorado Division of Highways to the Weld Utilities Coordinating Committee, succeeding retiring state highway staffer Lyle Anderson.

—Directed County Atty. Sam Telep to begin researching the county vacation of road right-of-ways, most never developed, in an old subdivision platted in the Barnesville area.

Recommendation of Water Court-appointed master

Two Forks conditional

TRIBUNE - 2-28-75

decrees 'cancelled'

A master appointed by the Division I Water Court has recommended that the conditional decrees granted the City and County of Denver for water rights in the Two Forks Reservoir be cancelled in full.

The recommendation, handed down by master Steven Hannon on Tuesday, would cancel conditional decrees for the project dating back to 1905 if upheld by the Water Court.

In making the decision, Hannon noted that the "concept of the conditional water right is a legal fiction principally developed to aid in the construction of large water diversion projects.

"The rules are that the applicant must steadily and diligently proceed toward this appropriation and his appropriation must ultimately occur within a reasonable time," Hannon said in his decision.

He then noted that the current investigation must be weighed

"in light of what was then reasonable" taking into consideration the period of time already taken and how long the project is anticipated. "So long as the conditional right remains inchoate other appropriators on the stream are inhibited in the commencement of their own projects," Hannon said.

The constitution of the state anticipated the application of all water to beneficial uses, Hannon said, but "the reservation of a large quantity of water for a long period of time under the rubric of a conditional water right is in opposition to the constitutional axiom," Hannon concluded.

The City and County of Denver has several decrees for conditional water rights in the Two Forks, some dating back to 1905. The decree called for nearly 350,000 acre feet of water appropriated from the South Platte River and another

600,000 acre feet, with exchange privileges, from the western slope.

Hannon said that Denver's now planning data indicated that the water planned for the Two Forks project would serve the city's water needs for the next 125 years. Although the city argued that it had the right to determine its needs, Hannon said, "It is the opinion of the master that the court may properly consider constitutional restrictions that squarely bear upon the applicant's determination of need."

Hannon continued, "It is the conclusion of the master that the appropriator here has and would step far beyond the bounds of reason with respect to its articulated duty of providing for the water needs of the City and County of Denver."

Second suit filed in Latham dam break

TR 18-10-75 2-20-75
A second suit has been filed in District Court here over alleged damages caused by flood waters following breaking of the Latham Dam three miles east of La Salle April 12, 1973.

The plaintiff in the new case is Robert G. Stroman, Rt. 4, Greeley, who, in his complaint, seeks a judgment totaling \$85,000.

Defendants in the action are the Lower Latham Ditch Co., Lower Latham Reservoir Co., and the following persons, Victor R. Klein, Ronald Herbst, M. E. H. Smith, Johnny R. Rein, Paul Hoshiko Jr. and Philip D. Schlagel, individually and as the officers and directors of both the ditch company and the reservoir company.

The complaint sets forth that Stroman, at the time of the dam break, owned and farmed 100 acres in the SW 1/4, Sec. 28, T-5N, R-65W, and also rented and farmed an additional 150 acres in the immediate vicinity of his property.

When the reservoir's dam broke, water inundated the plaintiff's lands, the complaint claims, causing severe damage through the washing away of topsoil, creation of gullies and

irregular ditches through the plaintiff's fields and the scattering of debris over the plaintiff's property.

In addition, the released water resulted in destruction of or severe damage to many of the plaintiff's fences, machinery and buildings, ditch and reservoir companies despite desperate efforts by the plaintiff to prevent it, the complaint says.

As a result, it is alleged, the plaintiff's crops were ruined, much of his machinery and omissions of the two

companies. One of the statutes cited relates to filing of an annual report. Another makes owners of a reservoir liable for all damages resulting from flooding caused by the breaking of embankments of a reservoir.

The first suit resulting from the break in the dam was filed last November by Maynard W. Murray of Evans, who owned and farmed land northeast of the reservoir at the time. Murray's suit, which \$42,500.

No. 3 Ditch rights threatened

By JOHN SEELMEYER

Tribune Staff Writer 3-4-75
Faced with the possibility of losing water rights it has held on the No. 3 ditch for more than 100 years, the Greeley city government is beginning a study of possible uses for the water.

The irrigation ditch, constructed by Union Colony in 1870, winds through Greeley as it travels from the Poudre River north of the City to the South Platte River.

Originally the basis for much irrigated farming in the area, the ditch has faced decreasing use as Greeley has grown into farming areas northwest of the city. Citing this decreased use, the Colorado Division of Water Resources last year began abandonment proceedings against the city's water rights to the ditch. These rights date back to 1876 and presently total 172 second-feet of water. (That measurement signifies how many cubic feet of water a user can draw from a stream each second.)

In beginning abandonment procedures, the state office said it appears the city isn't using the water rights it holds and is instead merely allowing the water to flow through the canal. At Monday's meeting of the city's water and sewer board, attorney Alvin Steinmark, appearing as an interested citizen, called for the city government to devise a use for that water. "Rather than lose this water by abandonment, the city should try to use it in its system," Steinmark told the board. Steinmark said the city might examine the possibility of transferring its water rights upstream and using the water in its domestic water storage system in the Poudre Canyon area. Water board attorney William Bohlander said, however, engineering studies and other water rights granted on the river might interfere with these plans. "I don't if we could be very successful, but we should check it out," Bohlander said. If efforts to change the point of diversion for the water aren't successful

Steinmark said, the city might examine the possibility of renting the water rights to well-users in the Poudre basin. Under a district water court ruling handed down last year, irrigators using wells must have rights to surface water totalling five per cent of the water pumped from a well. If the water was rented, it should prove to be a beneficial use as defined by state authorities, Steinmark said. A third option for use of the water came from Clin Shaffer, the director of the city's water department. He said the city is examining the possibility of using the raw water from the ditch to irrigate some of the city's parks. But, water board member Robert Ruyle said, those irrigation efforts would take only a tiny portion of the city's water rights. The board instructed city staff members to study the city's 37 1/2 per cent part-ownership of the Greeley Ditch Co., which owns the No. 3 ditch, and possible uses for the water rights.

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Denver lawyer refutes newspaper article

By FRANK COLOHAN

Tribune Staff Writer 4-17-75

Glenn G. Saunders, long-time attorney for and presently a legal consultant for the Denver Water Board, said Wednesday an article printed in the Rocky Mountain News Tuesday misrepresented facts concerning the firing of a water master by Judge Donald A. Carpenter of Greeley in March.

Saunders, in a letter to Supreme Court Justice Paul V. Hodges, said the article implied that Judge Carpenter had permitted him to prevail on the court to have the master, Steven M. Hannon of Denver, dismissed.

A copy of the letter was furnished to the Tribune by Saunders at its request.

As a courtesy, the Tribune attempted to contact Justice Hodges in regard to use of portions of Saunders' letter. However, the justice was in conference and unavailable Thursday.

The Denver Water Board attorney said in his letter that the facts in the case are that there was a hearing before Hannon Nov. 6, 1974, on the sole issue of due diligence by Denver on its Two Forks Reservoir.

Two months later, on Jan. 3, Hannon filed interrogatories requesting information not related to the issue of due diligence before the master, the letter states.

As a result, Denver on Feb. 5 filed a motion to terminate the authority of Hannon as master, on the basis of the record and also to set aside the demand for interrogatories, and to continue the case under the direct control of Judge Carpenter, water judge for Water District No. 1.

The letter continues,

"Without waiting for the motion to be disposed of, the master (Hannon) filed a report recommending against a determination of diligence, although at page 10 of the report he said: 'Accordingly, the Master is unable to make a finding with respect to the applicant's diligence toward the within conditional water right.'

"Thereafter I received a telephone call from Judge Carpenter who stated he had read our motion and the rather imperfectly transcribed record of the hearing before the master, and had decided to disregard the master's report and hear the matter himself as requested in our motion. Judge Carpenter stated that he would like to have the hearing promptly while he had the matter in mind.

"It was found that the afternoon of March 13 was acceptable. Protestants in the case had withdrawn even before the matter was referred to the master from the referee who originally had the

matter, so there were no others to notify. "The hearing was held March 12 and, at the conclusion of the presentation of evidence, Judge Carpenter ruled that Denver had exercised diligence with respect to its Two Forks Reservoir and requested the undersigned counsel to prepare an appropriate decree for his consideration.

"Such decree was prepared and presented to Judge Carpenter who made some changes. There was a colloquy at that time at which undersigned counsel learned for the first time that the master had been discharged from further service in any case and not merely relieved from further responsibility with respect to the Denver claim."

Saunders in the letter also stated that reporters for both Denver newspapers had sought to interview Judge Carpenter about the Denver hearing before the master. However, in both cases, he said, Judge Carpenter had declined to comment because of the imperfect record and the fact he had not been present at the hearing, and had referred the reporters to Saunders.

In conclusion, Saunders said in the letter to Justice Hodges, "I believe such a statement as this to you is appropriate to make it perfectly clear that the implications in the Rocky Mountain News article that there was

something improper in Judge Carpenter's conduct be immediately negated."

Hannon, in his report recommending against a determination of diligence, suggested that conditional decrees dating back to 1965 granted the City and County of Denver for water rights in the Two Forks Reservoir be cancelled in full.

The report was issued Feb. 25. Hannon apparently precipitated his firing when he directed the water court's clerk to make a number of copies of the report and gave her the names of a number of attorneys to send copies to.

Routinely the clerk made additional copies of the report to be sent to the state engineer's office and the water resources office here. The Tribune learned of the report from the water resources office and a story on it was printed in the Tribune Feb. 28.

Judge Carpenter was infuriated when he read the story in the paper on a report which he hadn't seen himself and hadn't approved.

He then read Hannon's 38-page report and decided it was "very evident that the water master had gone far beyond what the law would allow me to decide much less what it would allow a master to decide," he said Thursday.

"So I decided I would have to set it aside because I knew that he had gone far beyond his jurisdiction and also for the reason that he had distributed without my knowledge a report which had no standing until I approved it. It was a confidential report to me of his findings as a master."

Thereupon, on Sunday, March 2, Judge Carpenter said he contacted Mary Conn, judicial administrator for the district, and, in her presence, telephoned Hannon in Denver and told the water master would either have to resign or he would be discharged.

Judge Carpenter admitted that he assumed at the time the call that Hannon had been responsible for giving the report to the Tribune and he accused the other of doing this. Hannon denied this.

On Monday, March 3, Hannon wrote a letter to Judge Carpenter, stating that discharge would be effective of that date.

Hannon, 35, a Denver attorney who has been employed as a water referee and master by Water District 1 for about 10 years on an hourly basis subsequently appealed his firing to the Judicial System Personnel Board of Review.

The Judicial Department counsel is opposing the appeal on two grounds. One is the fact that Hannon does not seek reinstatement to his former position.

The other is that, by state law, water judges appoint water referees for the districts and assumedly all have the authority to terminate their services.

TRIBUNE 4-7-75

Constituents of the Northern Colorado Water Conservancy District were granted an initial quota of 80 per cent of the 310,000 acre-foot units of water allotted to the district for delivery during 1975.

The initial quota is the same as that of 1974, according to spokesmen for the board, which took the action Friday morning.

"This quota totals 248,000 acre feet of supplemental water which will be available for delivery within the NCWCD," J. Ben Nix, president of the board of the district, said Friday.

"The board felt the initial quota would encourage farmers to use early water to

offset the relatively dry soil conditions caused by the lack of water moisture in most of the district," Nix said.

It was emphasized that the board would make additional quotas available during the irrigation season if they were needed. The present quotas were set by the board after consideration of the April 1 water forecast which was based on information supplied by the Bureau of Reclamation and the Soil Conservation Service.

The directors said this forecast has historically been dependable in determining supplemental water needs, although late spring storms or unusually heavy rains can increase the amount of

water for storage and beneficial use within the NCWCD.

It was noted that the new snows which have fallen since March 25 were not incorporated into the forecast, according to Robert Smith, operations and maintenance superintendent.

Snow pack showed percentage gain since March 1 on both sides of the divide according to the report. The eastern slope is up from 100 per cent of normal to 103 per cent, while the western slope showed a gain from 105 per cent to 113 per cent.

Stream inflow into the NCWCD service area, based on Bureau of Reclamation figures, should be 629,200 acre feet for the year, or about 105 per cent of normal. In 1974, the actual stream inflows amounted to 616,127 acre feet.

But because of greater amounts of storage a year ago, the 1975 estimate of total available water was set at 1.24 million acre feet, compared to the actual 1974 total of 1.293 million acre feet. This year's storage compares to the 1957-7 average of 1.162 million acre feet, or nearly 85,000 acre feet less than expected this year.

This year's forecast of water availability is nearly 250,000 acre feet greater than last year's total usage according to district figures.

Two Forks referee firing tied to water board aide

RMN By AL KNIGHT 4-18-75

A Colorado water referee has been fired and his ruling in an important Denver water board case thrown out, apparently at the instigation of longtime water board attorney, Glenn Saunders.

Saunders confirmed Tuesday that he recommended to Greeley Dist. Judge Donald A. Carpenter the firing of referee Steven M. Hannon after Hannon ruled against the water board in an important case involving the right to build the controversial Two Forks Reservoir on the South Platte River.

The firing came to light when Hannon filed an appeal of his dismissal with the Judicial Review System Board of Review.

Judge Carpenter denied Tuesday that Saunders ever made such a recommendation or that he acted on it in dismissing Hannon.

Saunders has worked for the water board since 1929 and is the state's most widely known water lawyer. Since his retirement as a full-time attorney for the board in 1969 he has worked as a legal consultant. In 1974 his firm was paid \$64,377 for its services.

One of the cases for which he earned his fee, began last fall and was concluded in February. Saunders and the board lost, or more accurately were about to lose, a case involving the right to build the Two Forks Reservoir at a cost of between \$80 million and \$120 million.

The case — a "due diligence" hearing — was filed in Water Division I in Greeley, one of seven such courts in Colorado.

Carpenter, the presiding judge, appointed Hannon, a Denver attorney, "water master," a job that carried the full power to act as the judge in the case.

Hannon was holding a hearing into whether the Denver Water Board was exercising due diligence toward the construction of Two Forks and the use of the water to which it had the rights. Such hearings must be held every four years.

He decided that Denver didn't have a right to the water in the first place. Had it stood, the ruling would have ended the Two Forks project.

On Feb. 25 Hannon issued his ruling, and on March 2 he was fired, his ruling thrown out and a date for a new hearing before Judge Carpenter was set.

What is in great dispute is who recommended firing Hannon and the reasons for his dismissal.

Saunders said he talked with Carpenter twice. On the first occasion, Saunders said, Carpenter called him to tell him he didn't like Hannon's ruling and would set it aside.

"He (Carpenter) asked when I could come up so he could hear the case himself," Saunders said.

The water board attorney said there was no discussion in that conversation about firing Hannon.

In a later conversation — Saunders said he doesn't remember when it took place — the topic of firing Hannon did come up.

(Continued on page 10)

cont'd on next page

(Continued from page 5)

Asked whether he recommended to Judge Carpenter that he fire Hannon, Saunders replied, "You're damn right I did. I told him that Hannon didn't have a judicial temperament. I said he would have made a good district attorney, a prosecutor, but not a judge."

Asked whether the judge indicated whether he agreed, Saunders said, "Yes. He told me he thought I was right."
Judge Carpenter emphatically denied that the conversation with Saunders ever took place. He said, "He did not," when he was asked if he recalled Saunders' recommending that Hannon be fired.

Told that Saunders himself remembered it, Carpenter repeated, "He did not. I don't remember it. It wouldn't have made any difference in any case."

According to Carpenter, one of the reasons he fired Hannon after his ruling unfavorably to the Denver water board was because Hannon had allegedly given a copy of his ruling to the Greeley Tribune and otherwise "distributed it widely."

The Tribune carried a brief article on Feb. 28, a Friday afternoon. When he saw that news account, Carpenter said, he read the ruling and decided to throw it out.

The record of the case contains such an order, but unlike all other documents in the file, the order isn't dated. It isn't clear whether Carpenter formally threw out the Hannon ruling before contacting Saunders and the Denver water board and before he fired Hannon.

Hannon was fired by telephone Sunday morning, March 2, about 36 hours after the story appeared in the Greeley Tribune. In between the time of the publication of the story, Carpenter read Hannon's 38 page ruling for the first time, talked to Saunders, set a date for a new hearing, dictated his three-page order, had it typed and signed it.

According to the circulation department of the Greeley Tribune, a complimentary copy of the paper is delivered to the district court at the Weld County Court House each day about 4:30 or 4:45 p.m.

When Judge Carpenter was asked if he remembered doing all that he said he did that Friday afternoon after reading the Greeley newspaper story, Carpenter hedged. "To the best of my knowledge," he said.

Hannon said he remembers being called at 10 a.m. March 2. He said Carpenter told him the Greeley paper had received a copy of the ruling.

and he assumed Hannon gave it to the Tribune. Hannon said he immediately assured the judge that he had not given it to the newspaper, but by then he had been dismissed. Hannon said he believes the newspaper got it from the district water engineer, who by law is required to get a copy.

Ten days later Judge Carpenter held a hearing which lasted a "few hours," according to Saunders. At the conclusion, the judge announced that the Denver water board had shown due diligence in its Two Forks project.

At about the same time, Hannon was filing a complaint with the Judicial System Board of Review, an agency chaired by Justice Paul V. Hodges of the state Supreme Court. The complaint alleges that Saunders made unfavorable remarks about him and because of the "efficiency of Greeley gossip" his career as a water lawyer has been "quite effectively obliterated."

Hannon asked for a finding by the board that his dismissal was "without sufficient cause." So far no action has been taken on his complaint.

Despite his troubles with Saunders and Judge Carpenter, Hannon defends his conduct in the case. He notes that the hearing was to determine "due diligence" and that therefore it was proper to go into such questions as the feasibility of the Two Forks project, the need for the water, the availability of financing and the reasonableness of the project's "time frame."

If the court isn't allowed to examine such matters, he said, "there would be no need for periodic diligence investigations."

Hannon's ruling found that the Denver water board rested its case on four basic assertions:

- 1. Channel improvements had been made to the North Fork of the South Platte River downstream from the Roberts Tunnel outlet — a channel that will eventually carry water from the Western Slope to the Two Forks Reservoir.
- 2. Work had been done on the Foothills treatment plant, an enlarged version of which will eventually treat water from Two Forks.
- 3. Negotiations had been carried out with the U.S. Bureau of Reclamation concerning the financing of Two Forks.
- 4. There had been miscellaneous work on the various elements of the Denver treated water system.

Hannon found there was no evidence presented in the formal hearing Nov. 6, 1974, that any of the work was related to the conditional water right at issue.

tion and the Denver City Charter placed clear restraints upon Denver's power to acquire water for use by persons outside the city limits.

"Denver is not a regional service authority it clearly intends to act as such a regional authority," Hannon ruled.

Hannon's findings noted that Saunders and the water board refused his request for the board's latest planning report, but that since the report was a public document, Hannon got a copy on his own.

Using the water board's own figures, Hannon concluded that if Denver served only its citizens instead of hundreds of thousands outside the city, it would have enough water from present and already planned supplies to serve the city until the year 2100, 125 years in the future.

Saunders, besides being outraged at the water master's findings, became convinced that Hannon was serving as some kind of agent for the national Sierra Club, a group which, he said, "wants to prevent all West Slope diversion projects."

As evidence, Saunders said Hannon was seen nodding at an attorney in a case last fall in which the Colorado Open Space Council and Trout Unlimited attacked the water board's right to appropriate water for suburban use.

Saunders said this was evidence to him Hannon was attempting to re-try the same case. (The suit, heard in Denver District Court, decided in favor of the water board and since been appealed to the Colorado Supreme Court.)

Hannon calls Saunders statements a slant. He said he has never even talked to anyone from the national Sierra Club and in fact doesn't support the club's goals.

"I'm a falconer," he said. "I have practiced falconry for a number of years, and the Sierra Club has been trying to cut off the supply of birds. They don't know what they are doing."

Hannon said he has no grudge against Saunders. "The only thing I didn't like was his submission to the court in advance of the hearing of a proposed ruling."

"I don't like those little sheets of paper that say, 'Sign here Sonny,'" Hannon said.

CHALLENGED DENVER'S RIGHTS

Water Referee in Rhubarb

By CHRIS WHITEBECK

Denver Post Staff Writer 4-20-75
The firing of a special master who had chartered from appropriating water for use beyond Denver's boundaries.

He went on to conclude, on the basis of recent water-board studies, that the water board now has sufficient water to serve the city's needs for 125 years.

Has No Need

He therefore found, that since the water board is barred from appropriating water for areas outside of the city, it has no need for the additional water sought under the conditional decree, and recommended the decree be canceled.

The report said that "it is clear that for purposes of acquiring water, Denver asserts the position that it is planning for the needs of the projected metropolitan area."

But, "when it comes time to distribute the water, Denver retreats to its non-public-municipal-status position so that it can operate autocratically beyond the supervision of the Public Utilities Commission and, in so doing, the water is leased outside of Denver on a discretionary, non-obligatory basis."

Hannon said he was challenging Denver's apparent posture of posing as a regional water agency in one forum, and denying it in another.

"I was saying fish or cut bait," said Hannon.

Denver area proponents of regionalizing the Denver Water Board see Hannon's decision, if upheld, as a great impetus to force immediate regionalization.

way Hannon was handling the case.

At that meeting, Saunders said, "the judge was discussing Hannon's qualifications, and I said he did not have a judicial temperament."

But, he said, "I never had to do with anything with his removal as a master. I'm not concerned with whether he's a master or not. . . . But not in a City of Denver case. He's opposed to the City of Denver."

DENIED INFLUENCE

Carpenter also emitted that his decision to fire Hannon was their names be withheld.

Charles A. Ehren, a professor of Denver Law School, does not practice and therefore did not ask his name be withheld. He said Hannon's decision was a magnificent piece of lawyer work that one way or another should be brought to the attention of the Supreme Court of Colorado.

Carpenter argued that the question of Denver's need for the water sought couldn't be opened at the hearing.

Such questions, he said, were that fine piece of legal work. foreclosed once the original conditional decree was entered years ago in Park County.

(Hannon in his report had every water matter, and the Court rulings that a conditional of defending the public interest. decree is conditional, and questions such as need must be reviewed periodically as new evidence becomes available.)

Several water lawyers who agreed with the conclusion that he had jurisdiction to consider the question of need, and expressed shock he was fired.

Hannon, who has appealed his firing to the state judicial department, attributed his dismissal to the fact that he dared to challenge the Denver Water Board, which, he said, currently answers to no one—"not to the mayor, the city council, and apparently not to the courts."

Hannon noted that his dispute with the Denver water board attorneys over the case began when he began to broaden his inquiry in the case beyond the scope normally pursued.

During a November hearing on the case, Denver Water Board attorney Glenn Saunders refused to permit his witness to respond to some of Hannon's questions. And when Hannon requested further information in the form of interrogatories, Saunders filed a motion seeking his removal from the case.

Hannon also questioned the propriety of the role Saunders played in his dismissal.

Saunders denied that he had asked Carpenter to fire Hannon. He said he did meet Carpenter to register objections to the

One said he agreed that Hannon had jurisdiction to consider the question of need, but said he was undecided whether he had jurisdiction to address it as he did. However, he added, that might be grounds for rejecting the decision, but not for firing Hannon.

Some questioned the procedures under which the report was summarily rejected without a protest period or notice.

Most of the lawyers requested their names be withheld.

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May here one of wettest on record

6-2-75
By LYNN HEINZE
Tribune Staff Writer

The area has just pulled through one of the wettest weeks ever recorded here without major flooding anywhere in the county.

Rain started falling again late Friday after 3.69 inches accumulated last Wednesday and Thursday. According to the University of Northern Colorado weather service, .23 of an inch of moisture fell during the day Saturday, while another .45 of an inch fell Saturday night.

The precipitation brought the one-week storm total to 4.57 inches and lifted the year's total to date to 8.56 inches. The new total represents about 71 per cent of the normal moisture expected here for the year and is about 165 per cent of the normal moisture by the end of May, about 5.2 inches.

According to UNC meteorologist Dr. Glenn Cobb, the moisture last week brought the month's total to 5.34 inches, compared to 2.41 inches of precipitation normally expected for the month. He noted that Thursday's 24-hour total of

2.94 inches also topped the 30-year average rainfall for the month.

The month's total precipitation made it the second wettest month on record, topped only by the 5.79 inches recorded in 1935, also during the month of May.

Cobb said the month was nearly three degrees cooler than normal with an average maximum temperature of 68.1, compared to the norm of 71.2 degrees. The maximum temperatures ranged from 49 degrees to 86 during the month.

The minimums were nearly normal at 42.2 degrees, according to Cobb, with the

highest minimum recorded at 52, while the lowest was 32 degrees, recorded on May 1. Cobb said the normal date of last freeze for the area is May 12 while the mean minimum is 42.8.

While flooding in some area was reported last week, none was reported from the moisture over the weekend. Nor did the additional moisture increase the threat of flooding along the major rivers of the area.

According to Jim Clark, Division of Water Resources in Greeley, the Platte River was down to 1,700 second-feet

today, after peaking at about 4,000 second-feet over the weekend.

Flooding was avoided in most areas of the county, according to agricultural spokesmen, because of unusually low sub-surface moisture conditions which allowed most of the moisture to be absorbed into the ground. Soil moisture levels were reduced last winter because of high winds and little moisture.

UNC meteorologist Dr. Glenn Cobb is calling for clear skies and warmer temperature for the first half of the week, with the chance of scattered thunderstorms in the afternoons.

"With the heavy moisture we've received, we stand a good chance of local convective thunderstorms. Those widely scattered storms won't be part of any organized system as such, but caused by the high moisture and warming temperatures.

"Residents can expect gusting winds and the chance of some hail in the area of these storms," Cobb said. Temperatures should move into the 70s or low 80s through Wednesday, according to Cobb, with partly cloudy skies.

Controls on gravel pit water loss urged

By RONTOLLEFSON
Tribune Staff Writer

A ranking official of the state engineer's office told the Weld Planning Commission Tuesday that uncontrolled water loss along part of the lower South Platte River due to gravel pits and resulting ponds is estimated at 12,000 acre-feet a year.

Deputy State Engineer Jeris Danielson told the planning body his agency has tried unsuccessfully three times to have the legislature adopt a law requiring water augmentation plans of gravel miners.

"But there apparently are many reasons why that is unpopular legislation," said Danielson.

Instead of that, he added, his agency currently is suggesting that counties themselves adopt water augmentation controls as part of counties' review of use permits for gravel pits.

Danielson and Milt Nelson, an official of the District 6 Water Users Association from the Longmont area, said Boulder County has adopted such a policy and also advises potentially affected water users when gravel permit requests are

before its planning body and county commissioners.

Weld Planning Commission Chairman J. Ben Nix pointed out that while Weld has not adopted a policy on water augmentation for gravel pits, that is part of its review of permit applications — including those of the county and state governments.

Danielson said "it has seemed unfair" to require well users in basins of the state to augment stream-flow water rights for ground water taken, while exercising no control over gravel pits.

Danielson said his agency estimates that, on the average, four acre-feet of water will be lost annually — largely through evaporation — from every surface acre of gravel pit ponds. Along the South Platte, from Clear Creek to the Greeley area, he said it is estimated that 12,000 acre-feet is lost annually from gravel pit ponds.

Weld Planning Director Gary Fortner later said that while the county currently has no policy or standards on water augmentation by gravel pit operators, this likely will be a part of mineral extraction regulations to be proposed for the county.

Meanwhile, Hal Simpson, land use

branch chief in the state engineer's office, told the planning body that wells in outlying developments in this area draw from artesian water deposits in either the Laramie-Foxhills or Arapahoe formations.

And Simpson pointed out that under state law developers are required to show that wells drawing from these sources will have at least a 100-year useful life.

Simpson said his agency soon will publish a brochure on groundwater aquifers in this region, the Denver basin.

He said the Laramie-Foxhills formations in this area start at about 700

below the surface and extend about 200 feet deeper. The Arapahoe formation, he said, begins at about the surface and extends about 180 to 200 feet deep; he said water-source saturated sands begin about 25 feet deep.

Questioned about recent reports of unusually high fluoride levels in area well water, Simpson said waters of the Laramie-Foxhills formations can contain high amounts of fluoride.

Well users denied exclusion

TRIBUNE 4-26-75

from groundwater subdistrict

After hearing more than eight hours of testimony, the board of directors of the Central Colorado Water Conservancy District's groundwater management subdistrict took less than 30 minutes to deny 180 petitions of exclusion from the subdistrict during action Wednesday in Greeley.

The petitioners, representing some 374 wells and nearly a third of the entire district, had asked the directors to be excluded from the CCWCD's groundwater subdistrict, claiming that they had been misled, misinformed about the costs of the subdistrict and the subdistrict operation and expense had in other ways been misrepresented.

The subdistrict was formed early in 1973 for the primary purpose of developing an augmentation plan which would be acceptable to the water court and the state's Division of Water Resources under the rules and regulations of the state engineer, according to district secretary-manager John Rayburn of Fort Lupton.

Rayburn said that the subdistrict supplied some 2,200 acre feet of augmentation water during 1974, although no formal plan was submitted. He also said that the district filed a temporary plan of augmentation during February of this year which included water purchased or leased by the subdistrict. The subdistrict is also in the process of constructing three wells, and is asking for permits to drill three additional wells, all of which would be part of the district's permanent augmentation plan.

When asked how long it would take to develop a permanent plan, he indicated that because of engineering and legal requirements the permanent plan might be three to five years away.

But for the petitioners, it was the cost of the plan of augmentation which was at question. They claimed that they were told during organizational meetings in 1973 they would have a tax assessment, based on irrigated acreage under wells, of no more than one mill. But, they said, the mill levy was set at 1.25 mills plus a special assessment.

Other petitioners claimed their first knowledge of the mill levy came when they received their tax notices. According to one of the petitioners, Dorothy Zabka of Greeley, "We received a tax notice which included the subdistrict assessment, and we were a little upset. We immediately wrote a letter asking to be excluded from the subdistrict, explaining that we were members of GASP (Groundwater Appropriators of the South Platte) and were satisfied with the augmentation provisions of that group.

"Our request for exclusion was denied. We were later told that our fees to the GASP organization would be refunded by the subdistrict. I wrote the subdistrict again and told them we wanted no refund and that we had no intention to drop GASP," Mrs. Zabka said.

Mrs. Zabka and other petitioners said in testimony that the CCWCD first advised well users to join GASP and then recommended against

membership in the organization a year later.

"We're still satisfied with GASP and we want to be able to choose which organization we want to represent us," Mrs. Zabka concluded.

During testimony, it was noted that the subdistrict board had allowed some 600 well owners to be excluded from the subdistrict at the time of organization. There are presently 543 well owners in the district, according to Rayburn.

George Palos, a civil engineer and hydrologist for the Fort Collins engineering firm of M. W. Bittinger and Associates, said the district was working toward a three-stage permanent plan of augmentation. He said these stages would cost remaining well owners from 19.7 per cent to 29 per cent more if the petitioners were allowed to leave the organization.

Palos, who testified as a subdistrict witness, said the permanent plan would include the use of "less expensive groundwater in combination with surface rights. While the costs of the water would be cut slightly because of fewer members, fixed costs of administration, engineering and legal representation would remain about the same," he said.

The options open to the board were best summarized by the subdistrict's attorney Dave Harrison at the conclusion of the hearing: "You must decide what is in the best interest of the subdistrict. There may have been a lot of mistakes made in the past, but you are not here today to judge past decisions. You are here to decide where you will go from here with what you have.

"Perhaps you could have done a better job during the time when the subdistrict was formed. Perhaps the district would be better off if everyone was able to join voluntarily.

"But the subdistrict was formed by the court and you were appointed by the court to operate the subdistrict. Under the law, this subdistrict need not offer the choice of membership, although there was an attempt made to get only those people who wanted to be a part of the district," Harrison said.

"You have to look at the future of the subdistrict. It will be a harder pull and more costly without the petitioners. Progress has been made toward the development of a permanent augmentation plan," Harrison said.

One of the directors, Everitt Kissler of Kersey, offered a motion which would have allowed the petitioners to withdraw from the district, if they paid a share of the organizational and water acquisition expenses already incurred by the district. The motion died for a lack of a second.

Before making the motion, Kissler asked the petitioners to "review your petitions without emotion. I think the district has done a pretty good job. I think the district will be the only group which can offer a permanent plan of augmentation which will protect the well owners.

"The subdistrict has been costly already and it will be costly to get out," Kissler said.

But another motion was submitted which would deny the exclusions, and that motion passed by a 10 to one margin.

Well shutdown appealed

7-28-75
By FRANK COLOHIAN
Tribune Staff Writer

A petition appealing an order of the state engineer for the plugging and abandonment of a well in the Lost Creek Ground Water Basin in southeast Weld County has been filed in District Court here.

Denver Turf Farms Inc. is the petitioner. Named as respondents are the Colorado Ground Water Commission and Clarence J. Kuiper, state engineer.

The petition was filed as a result of an order issued by Kuiper July 2, directing Denver Turf Farms to immediately cease use of the well and to plug and abandon it within 60 days.

The well ordered plugged is a replacement well for which Denver Turf Farms obtained a permit Feb. 2, 1972. It is located on land owned by the petitioner

in Sec. 9 T-1N, R-63W, southeast of Keenesburg.

The well replaced a previous well which was registered with the state engineer's office on Dec. 30, 1968. The original well was constructed in 1938 to irrigate 80 acres, according to the registration document filed at the time.

The registration of the original well was accepted by the state engineer's office and the well assigned as a number without a field investigation being made, according to the petition and documents filed with it.

However, after the replacement well was drilled in 1972, allegations were received by the state engineer's office that the original well had never existed.

Conflicting testimony in this regard was received at a hearing held on the matter July 20, 1972.

However, a hearing officer of the engineer's office found after an administrative hearing April 24 of this year, that "no evidence had been submitted at the July 20, 1972, hearing which even attempted to substantiate that beneficial use was ever made of water from the alleged original well."

The hearing officer recommended that, since there had never been any beneficial use of water from the original

well, its registration and permit should be cancelled.

Further, the hearing officer recommended, since the replacement permit had been obtained for an invalid permit, the replacement permit should be cancelled and the well ordered plugged and abandoned.

Kuiper issued his order after the hearing officer's recommendations were approved by the Colorado Ground Water Commission.

Denver Turf Farms in its petition contends that Kuiper and the commission, having failed to investigate the alleged fraudulent registration of the original well, cannot now challenge their own records.

It also argues the 30-day statute of limitations bar the respondents from challenging the presumption Denver Turf Farms properly registered its water rights as an existing use of ground water put to beneficial use prior to May 17 of this year.

"It is unconscionable for the respondents to proceed against the petitioner after the petitioner, in reliance on the acceptance of its well by the respondents, drilled, equipped and connected the well into its sprinkling system at a cost in excess of \$50,000 and also planted seed and developed a sod or turf crop in the regular course of its business," the petition says.

Denver Turf Farms asked the court to issue an order requiring the ground water commission and Kuiper to reinstate the replacement permit in good standing and enjoin the respondents from enforcing Kuiper's plugging and abandonment order.

Referee Denies Slope Denver More West Slope Water

By JOHN MOREHEAD
Denver Post Staff Writer 9-6-75

The Denver Water Board has suffered a legal setback in its plans to divert additional water from western Colorado to satisfy the anticipated future demands of the growing metropolitan area.

The board's claim to some 250,000 acre-feet of water for transmountain diversion was denied late Friday by Michael White, Fort Collins lawyer named to hear the water rights case by Dist. Judge Charles Stewart of Glenwood Springs.

In his "tentative findings and conclusions," White ruled:
—It was beyond the authority of Denver to appropriate water to serve areas outside its city limits.

—Denver, through its water board, had failed to demonstrate a definite intent to appropriate the water.

The proposed appropriation of the water was contested by the Colorado River Water Conservation District of Glenwood Springs and the U.S. Government.

Richard Shannon Jr., one of the five members of the water board, and James Ogilvie, manager of the Denver Water Department, immediately announced the ruling would be appealed to the Colorado Supreme Court.

"In the process of appealing," Ogilvie said, "we will proceed with our plans to enlarge our water system and supply."

Recalling that Denver had initially lost but finally won legal skirmishes with

Western Slope interests before, Ogilvie said, "This has repeatedly been found to be the wise move."

White's tentative ruling still is subject to review by Judge Stewart, and the judge's decision may not come for four months.

The master referee Friday invited all parties to the case to present their own findings on the basis of evidence in the transcript of the lengthy hearings within 30 days after it's available.

The hearings consumed nearly three weeks.

Denver, meanwhile, is the defendant in another case, already before the State Supreme Court, which might settle the

question of the board's right to deliver water outside of its political boundaries.

Oral arguments in that case will be heard by the Supreme Court Tuesday.

The latter case was brought by the Colorado Open Space Council, Inc.; Zero Population Growth of Denver, Inc.; Trout Unlimited; Sensible Water Use Coalition, Inc., and four individuals.

Another case challenging the Denver Water Board's right to limit distribution of its water outside the city also is pending before the Supreme Court.

This case was prompted by the water board's current moratorium on further expansion of its service area outside the city

Continued on page 8.

\$100 million bond issue.

until completion of the Foothills treatment plant southwest of Denver in 1977. The Foothills plant is one segment of the board's plan to expand its system, for which voters in late 1973 approved a

ditional 250,000 acre-feet of water is part of the long-range plan for the Eagle-Piney, Eagle-Coronado, Straight Creek and East Gore Canal projects to divert water via Dillon Reservoir and Roberts Tunnel to the Eastern Slope. The water would be stored

east of the Continental Divide in the proposed Two Forks Reservoir on the South Platte River southwest of Denver. Environmental and anti-growth groups, represented by parties in the suit to be argued before the supreme court, are bitterly opposed to Two Forks and board appropriation of additional water to fill it.

PRIORITY CLAIMS FILED

The Denver Water Board, according to testimony during the hearing before White, filed priority claims on the Piney, East Gore and Straight Creek water sources in 1956 and on the Eagle-Coronado in late 1971. Board attorneys maintained

at the hearings that Denver has demonstrated adequate diligence and intent to appropriate the water in both construction and planning.

Following White's decision, Ogilvie said the board had spent at least \$100 million over the years to express its intent to claim the water.

He cited the construction of Dillon Dam and Roberts Tunnel, "sized to bring this additional water across the mountains," subsequent preparatory engineering and planning, and voter approval of the \$100 million bond issue as proof of Denver's intent. However, Kenneth Balcomb, attorney for the Colorado River Water Conservation District, not an administrator,

argued that the board itself had failed by resolution and official acts to demonstrate sufficient intent.

Legal counsel for the U.S. government, which also seeks rights to water in the same area, argued that Denver will lose population in future years and the need for the additional water therefore couldn't be established.

POPULATION ESTIMATES

Water board experts estimated Denver's population, excluding the suburbs, would increase to 601,541 by 1980, while the federal witnesses maintained it would remain in the neighborhood of 510,000.

The federal census gave Denver 514,000 people in 1970.

The real question in the case was whether Denver should plan to provide water to its suburban neighbors, as it does now, and expand its sources and distribution system to meet the demands of the future.

Glenn Saunders, special counsel for the water board, maintained during the hearing that Denver, as a home rule city may exercise all of the authority "that could be authorized" by the State Legislature.

"The state could provide water service but it never has provided it," he said. "It's a local function."

Also, Saunders said, "it is the appropriator (Denver) in Colorado who creates a water right, not an administrator."

DENVER'S CASE MAY GO TO TOP

THE DENVER POST
Thurs., Sept. 11, 1975 3

'Years' of Water Fight Seen

By JOHN MOREHEAD
Denver Post Staff Writer

The Denver Water Board's current legal battle over its proposed appropriation of 250,000 acre-feet of western Colorado water may take years and a U.S. Supreme Court decision to settle, the board's special legal counsel warned Wednesday.

"You're going to be a lot older before this case is settled," Glenn Saunders, veteran water attorney, told Richard S. Shannon Jr., one of the five board members.

Saunders noted that the U.S. government, as well as the Colorado River Water Conservation District, is contesting Denver's water claims.

'Long-Standing' Intent

Saunders' warning came after the board adopted a resolution reaffirming its "long-standing" intent to appropriate water from the Eagle, Colorado and Piney Rivers and tributaries of the Blue River for transmountain diversion to the metropolitan area.

"This should dot the i's for the master," board president John Yelenick said of the resolution.

The master is Michael White, Fort Collins attorney named as master-referee by Dist. Judge Charles Stewart of Glenwood Springs to hear the Denver water-rights case. White issued an adverse ruling last Friday, denying Denver's claim to the water. He said the water board had failed to demonstrate a definite intent to appropriate it.

If allowed to stand, the denial "can only be of great detriment to Denver, the met-

ropolitan area, and the entire state of Colorado," the water board resolution said.

White's ruling, which is subject to the review of Judge Stewart, also said it was beyond the authority of Denver to appropriate water to serve areas outside the city limits.

The board resolution noted that the Denver Water Board has been furnishing water to its suburban neighbors for 50 years and that the expenditure of millions of dollars to appropriate water to serve the metropolitan area should be sufficient evidence of intent.

As a result of the denial, the board directed the staff of the Denver Water Department "to exert every appropriate effort with all necessary speed in prosecuting corrections of the master-referee's decision."

10, 15 Years' Supply

Saunders assured the board that it has enough decreed, raw water to meet its needs for the next 10 to 15 years, provided it can get the mechanical facilities built to provide the necessary treatment for distribution.

The board now is preparing to construct the Foothills treatment plant on the South Platte River southwest of Denver.

To prevent "untimely interruptions" that employment of a new Denver Water Department manager would cause before the anticipated completion of Foothills in 1977, the board voted Wednesday to retain James Ogilvie as manager until Jan. 4, 1978, two years beyond the regular retirement age of 65.

The Foothills project, delayed while the

board awaits approval of a federal environmental-impact statement, will add as much as 250 million gallons per day (mgd) to the system's treated water supplies.

Denver's current treatment capacity is 520 mgd.

The appropriation of 250,000 acre-feet of additional Western Slope water is part of the board's long-range plan, which includes construction of Two Forks reservoir with a storage capacity of up to 700,000 acre-feet.

Two Forks, which would be located in the same area as the Foothills treatment plant, is bitterly opposed by various environmental groups.

The water board has declared a moratorium on further expansion of its 161-square-mile service area outside the city until the completion of the Foothills treatment plant.

Consumption Down

Ogilvie reported water consumption through August this year was down 12 per cent from the same period last year— from 54,685 million gallons to 47,892 million gallons.

He attributed the drop in consumption to a possible "spinoff" for public awareness of the importance of energy conservation and the board's own conservation campaign.

At Wednesday's meeting, the board also approved an 8.09 per cent wage increase for its 888 employees. The increase plus fringe benefits will cost the board nearly \$1 million a year. The increases become effective Oct. 1.

Review is denied water referee in firing controversy

9-23-75
By SUZANNE WEISS
News Staff

A state judicial board Monday refused to review the firing of a Greeley water referee who ruled against the Denver Water Board's right to build the controversial Two Forks Reservoir.

The board said that Steven M. Hannon wasn't entitled to a hearing on his complaint that Greeley Dist. Judge Donald A. Carpenter had fired him without cause March 2.

The ruling by the Judicial System Personnel Board of Review, which is chaired by Justice Paul V. Hodges of the Colorado Supreme Court, was more than six months after Hannon filed his grievance.

Hodges said Monday that "normal delays" had prevented the board from reaching a decision earlier in the case. The board appears to have sidestepped the issue on procedural grounds.

Hannon, 36, an attorney who specialized in water law, was hired by Carpenter in 1973 as a water-court referee in disputes over water claims on the South Platte River, which is under Carpenter's jurisdiction.

In the fall of 1974, Hannon was assigned to a case involving the Denver Water Board's rights to South Platte water tied to the Two Forks project.

Carpenter appointed Hannon as a water master — a cut above water referee and a job which carries the full power to act as a judge in a case.

Hannon's job was to determine whether the water board was exercising diligence in development of the Two Forks project and use of the South Platte water to which it holds conditional rights.

Such water rights are subject to court review every four years to ensure holders of water claims take steps to develop water for benefit.

(Continued on page 23)

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cial use instead of merely reserve the water indefinitely.

From the start of the hearings, Hannon clashed with water board attorney Glenn Saunders, who insisted that Hannon's scope of inquiry was too broad.

Hannon asked Saunders for details on water board operations and long-range planning, saying that he wouldn't be able to determine the water board's continued rights to the water unless he had full information on how and when it planned to use the water.

Eventually, Hannon set a deadline for Saunders to submit the information he wanted.

The deadline, last Jan. 31, passed without response from Saunders, who insisted that Hannon was asking too many questions.

On his own, Hannon obtained a copy of the water board's long-range planning report issued in 1974.

In February, Hannon began his own analysis of the Two Forks project, part of the water board's plans to expand its control over Western Slope river water and its role as a regional water supplier.

Hannon explained his view of his role in the case in an introductory statement to the 33-page ruling he eventually wrote:

"The people are a silent third party to every water adjudication proceeding and it is therefore the duty of the court to protect their interests."

In the ruling, he went on to deny the water board continuation of its water rights on the South Platte.

Hannon decided that the adequacy of the water board's current raw water supplies clearly precluded development of the Two Forks project and the South Platte water rights within "a reasonable period of time."

The water board's plan, in Hannon's opinion, violated the principle of Colorado water law which prohibits "reservation of a large quantity of water for a long period of time" with only a promise of developing the water for benefit.

Hannon concluded that the water board had stepped "far beyond the bounds of reason with

respect to its articulated duty of providing for the water needs" of Denver residents.

Hannon's ruling was a bombshell to Saunders, legal architect of the water board's policies since 1923. In one court after another through the years, Saunders hadn't lost a major battle to develop the water board's supplies through new sources when it came to expanding the water board's power and influence.

If it stood, Hannon's decision would have ended the Two Forks project.

But Saunders went to Carpenter and sought Hannon's dismissal.

Asked whether he recommended that Carpenter fire Hannon, Saunders replied: "You're damn right I did. I told him that Hannon didn't have a judicial temperament. I said he would have made a good district attorney, a prosecutor, but not a judge."

Asked whether the judge indicated if he agreed, Saunders said, "Yes. He (Carpenter) told me he thought I was right."

A week after Hannon issued his ruling, he was fired. And Carpenter approved continuation of the water board's South Platte claims, reversing Hannon's decision.

Carpenter's action ended Hannon's career as a water referee and shattered his practice as a water-law specialist. He has returned to Denver, where he works as an associate for the firm of Bader and Duffy.

Hannon had asked Hodges' board to give him a hearing in the case. If he weren't reinstated as a water referee, at least he would have had opportunity to clear his name in the Carpenter incident.

But Hodges said Monday that "the right of review is given to only rank-and-file (court) employees," and not to persons hired by judges "to carry out official policies."

Hodges' board decided that Hannon as a water referee fell into the category of a judge's "confidential employees," persons hired — and fired — at the discretion of a judge.

In the judicial system's own personnel rules, however, confidential employees are listed as "a division clerk, a bailiff, a bailiff-law clerk and none other."

The personnel rules don't provide for any appeal beyond Hodges' board.

Court OKs water suit action by shareholders

RMN-9-30-75

By RICHARD TUCKER
News Staff

The Colorado Supreme Court Monday ruled that 271 shareholders of Standley Lake water rights should be made parties to a condemnation suit by the city of Thornton, apparently prolonging a court battle that already is nearly two years old.

In a unanimous opinion written by Justice William H. Erickson, the court sent a Thornton eminent domain case against the Farmers Reservoir and Irrigation Co. back to Jefferson County Dist. Judge Roscoe Pile for further proceedings.

On Feb. 11, 1975, Pile said the company's shareholders aren't indispensable parties to the case, originally filed by Thornton on Nov. 14, 1973.

The Supreme Court, acting on a petition by 10 of the shareholders, issued a show cause order. The decision Monday made that order absolute and ordered the new proceedings.

Mutual ditch companies are formed to hold water for shareholders and furnish it to them on demand, Erickson wrote.

Thus, he contended the shareholders are the actual holders of the water rights and as such are "indispensable parties" to any condemnation proceedings.

The city of Thornton argued that the ditch company is the real party in interest since it holds the water rights "in trust" for the shareholders. Erickson's opinion disputed that claim.

The Thornton City Council started eminent domain proceedings against the company after a \$9.3 million offer for 49,487 acre feet of water in Standley Lake was rejected.

The adjacent city of Westminster also wants the Standley Lake water and has filed a cross-claim.

There are 271 shareholders in the Standley Lake Division of the company, which also holds water and storage rights in several other lakes.

Thornton officials seek to convert the Standley Lake water to municipal use to help ensure the community's future growth.

If the city is successful, shareholders would suffer "a magnitude of disruption," faced "with the prospect of having their farm lands denied a substantial source of water," Erickson wrote.

Most of the shareholders rely on Standley Lake water for "the productivity and value of their lands, as well as the assurance of their livelihoods," Erickson wrote.

Seeking the right to be made parties to the suit were nine persons, including Brighton Dist. Judge Jean J. Jacobucci.

According to one of the attorneys involved in the case, the high court's decision will make the case "more difficult, more lengthy and more complicated."

John M. Sayre, special attorney for Thornton, said that all 271 shareholders will have to be served papers individually to see if they want to enter the proceedings.

CCWCD announces new finance plan for irrigators

FORT LUTON — A new financing plan that promises savings for some groundwater irrigators was announced at the annual budget meeting of the Central Colorado Water Conservancy District (CCWCD). John Case, Brighton area milk producer and chairman of Central's budget committee, announced the new plan.

The plan would allow well irrigator members to sign an allotment contract on a voluntary basis.

"This is an important step," Case said. "It means the well owner must make his own decision toward meeting the demands of the state water augmentation requirement."

Jim Erger, president of CCWCD, said the new plan would give well owners credit for surface irrigation water used on their crops.

"It means that many well irrigators in the CCWCD will find their assessments way down," he said.

Erger said records indicate well owners with surface water rights can expect a 20 to 70 per cent reduction in assessments.

The new plan calls for a combination assessment and small general mill levy within the subdistrict, Erger said.

Subdistrict officials plan a series of meetings around the area to explain the new plans.

Denver metro water district to be decided in legislature

TRIBUNE 10-24-75

Agricultural versus domestic water use. I-470 and the Metro growth question. Two Forks Dam. Trans-mountain water diversion. Water as a growth inducement or growth control tool. Denver versus the suburbs on water.

A Jefferson County state senator indicated to Weld County officials Tuesday that these issues — and the people and factions that come down on opposite sides of them — probably will be focusing on a bill creating a Denver Metro Water District to be introduced during the 1976 legislative session.

As proposed, the Metro water district would center on Denver and include parts of six adjacent counties, including — apparently — a mile-wide strip of southwestern Weld County from a point one mile east of Lochbuie to the west Weld line.

The district also would include urban portions of Adams, Boulder, Jefferson, Arapahoe and Douglas counties.

Spokesmen at the meeting representing the Northern Colorado Water Conservancy District later indicated that district could support such a concept, since it would initially appear to lessen pressure on agricultural water rights from urban growth.

However they said it would be preferable if the proposed northerly

boundary of the district would mesh with the south boundary of the Northern Colorado district. Currently proposed boundary would come close to that in Weld west of U.S. 85, they said, but would not in the Fort Lupton area and east.

Public hearings on the bill are scheduled. Hearings were being conducted Wednesday in Aurora and Northglenn, with others scheduled: Oct. 31 (9 a.m.-noon) State Capitol, House Committee Room F; Nov. 5, Golden (9 a.m.-noon), Courthouse, 1700 Arapahoe Road, and Littleton (2 p.m.-5 p.m.), Blue Welfare Building next to Courthouse, 5606 S. Court Place.

A hearing also is slated for 10 a.m. Nov. 19 in Vail, location to be announced.

Speaking Tuesday to Weld County Commissioners and Weld Planning Commission members was State Sen. Robert Johnson, R-Jefferson County, chairman of the eight-man committee studying the Metro water question under a 1974 legislative directive.

Johnson said the committee, after having Denver Water Board staff

members update a Metro area water resources and needs study, considered either no changes in the area's water delivery system, adding suburban spokesmen to the Denver Water Board or creating a Regional Service Authority (RSA) — but finally settled on the Metro district idea.

The proposed 1,000 square-mile district, he said, would be served by the district apparatus — for raw water delivery only, not treatment or user distribution — starting in 1990.

However, Johnson said, the bill would require a ballot question in the 1976 general election on the district in the six county areas and Denver. If approved, the district would begin functioning Jan. 1, 1977.

Johnson pointed out problems over the bill may include a seven-member district board that is called for. As proposed, three board members would be from Denver and three from Adams, Arapahoe and Jefferson counties.

Continued on page 2

Metro water district proposed

Continued on Page 2

Seventh board member, appointed by the other six, would have to come from those parts of Boulder, Douglas or Weld counties in the district.

Johnson said that with a board of three Denver and four suburban members proposed, a point of dispute already has been created.

Johnson said district officials would oversee planning for provision of needed raw water supplies as of 1990 — beyond those available to the existing water agencies, who would pursue their own supplies through 1989.

Data compiled by Denver Water Board engineers indicates that, based on current projections, the district would begin in 1990 with demands for 51,000 acre-feet of water from its sources. And, the date would indicate, between 1990 and 2010 it would have to develop total water sources of 350,000 acre-feet to serve area demands totally placed at 850,000 acre-feet.

For comparison, Northern Colorado Water Conservancy District spokesman Larry Simpson later said the Northern Colorado district can deliver 230,000 to 245,000 acre-feet of water. With the pending Windy Gap project, he said, the

district would be able to deliver 300,000 acre-feet.

Simpson later said Northern Colorado District officials initially are looking with favor on the Metro District idea. This, because it would appear to lessen pressure on agricultural water rights from urban growth. However he indicated questions of boundaries between district areas would have to be dealt with.

Johnson said his committee is proceeding with the assumption that all new water sources developed by such a district would come from Western Slope diversion.

Johnson said demand figures are based on estimations — disputed ones, he added — that Metro Denver will have a population of three million by the year 2000. He pointed out that current zoning in the 1,000-square-mile Metro area would allow a peak population of six million if fully developed.

Johnson pointed to such growth versus environment disputes as those over the proposed I-470 routing in the southwestern Metro area and over the Two Forks Dam proposal on the South Platte near Deckers. (The Two Forks project is one of several alternatives proposed for water supply for the district.)

Johnson added, "We've had people before us who argue availability of water produces growth, and others who say that it doesn't."

Johnson said he does not believe water is a growth inducement, or can be used as a growth control tool. A former mayor of Arvada, Johnson said when he first moved there the city was under strict water rationing — but also was experiencing booming growth. Johnson admitted this issue is one of dispute between him and members of Gov. Richard Lamm's staff.

Johnson later said there is no intent to "force" part of Weld into the district. He said he received a proposal last year to sever any part of Weld from the district, however he tabled that pending more comment in hearings.

Weld Planning Commission Chairman Ronald Heitman, Fort Lupton, and southeast-Weld Commissioner Roy Moser asked if regional sewage disposal also was to be considered. They pointed to recent long-range proposals by the Denver Regional Council of Government (DRCOG), apparently blunted by Weld officials, for some Metro sewage plants and sludge sites in Weld. However Johnson said only

Metro-area water supply is under study by the committee. Funding for the district, as proposed, would come from a use fee of five cents per thousand gallons levied starting in 1977 on all water, regardless of supplier, used in the district area. A second proposed income source is a maximum \$1,000 tap fee starting in 1977 and increased eight per cent a year through 1989, with the district board setting the level thereafter.

A third fund source, seen as a point of strong dispute by Johnson, is a suggested "readiness to serve charge" or "retroactive surcharge" based on average water use. For example, if vacant land in the area were developed in 1985 and water service provided, a tap assessment would be levied of some cents per thousand gallons, based on an average of what would have been consumed from 1977 to 1985.

Johnson termed the future for water supply in the Metro area "acute," and added:

"All I know is we have to do something. We can do something like this, or we can let the 187 entities in this area continue to fight among themselves — and if you think the unit costs for this are high, you ought to see theirs."

National entity recommended to coordinate water policies

TRIBUNE 10-22-75

By STAN BENJAMIN

Associated Press Writer*

WASHINGTON (AP) — The Interior Department published on Saturday its six-year study of western water problems and recommended that a "national entity" be established to coordinate federal water policies.

The report summarized results of the "West Wide Study," begun in 1969 but curtailed three years short of its original goal because it would have duplicated another planning effort.

Examining "almost 100 specific problems," the report reached these general conclusions:

— "A number of organizational arrangements are indicated as needed to improve coordinated water resources planning in the future.

— "River basin commissions appear to provide the best organizational structure now available ... for broad-scale regional water and related land planning."

— "Interagency and ad hoc groups provide a useful coordination service but are unwieldy and lack authority ..."

— "Natural hydrologic boundaries may be suited to the solution of certain water problems but may not be the best approach to resolve more complex natural resource problems ... Regionalization along state boundaries should enhance the effectiveness in planning for water and related land resources."

— "Increased state participation is vital to the planning

process but in most states in the West is hampered by lack of funds and staff."

— "Differing interpretations of national and state policies and differing agency missions and objectives" suggest the need for "establishment and maintenance of a national entity empowered to interpret national policies and to achieve their uniform application among agencies."

— "The organization of state-federal study teams to guide water and land resource investigations "is recommended as an immediate step toward more effective planning."

— "Ground water studies should be undertaken before water supplies become critical," because "there are major gaps in information." And ground water monitoring should be increased "for early detection of pollution."

— "The states "should take the lead to update all aspects of water law to facilitate the allocation of water to meet changing social demands and to require a high level of efficiency in all uses."

The report said federal water planning programs, traditionally aimed at project construction, were changing to reflect new objectives, "involving such matters as total water management, augmentation of water supplies, energy resource development, conservation and re-use of water, environmental quality improvement, water quality improvement, and development of Indian resources."

The report said specific western water problems appeared to come under these headings:

— Water for energy resource development.

— Water for small communities.

— Water for Indians.

— Augmentation of natural supplies.

— Water conservation and re-use.

— Coordinated land and water use planning, including flood plain management.

— Federal assistance to irrigation development.

— Protection of estuaries.

— Increasing salinity in major river systems.

— Erosion and sedimentation.

— Water for public lands.

— And the issue of preservation U.S. development.

The study recommended 72 specific federal investigations to be carried out by 1985 at a total cost of \$167 million.

In comparison, the study report noted that the federal government already spends some \$88 million a year on water resource investigations in the western states.

The study covered 11 states: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

It was carried out by the Interior Department's Bureau of Reclamation in cooperation with the states and a wide variety of public and private commissions associations, and citizen organizations, and other federal agencies.

Ditch rider misses three days¹¹⁷ in 40 years working on No. 3

By MIKE PETERS
Tribune Staff Writer 2-1-75

"Sometimes it gets kind of tiring to drive this road so many times — especially when its 11 at night or 2 in the morning."

Guy Clarkson, 70, was looking back on a narrow dirt path cut deep by his cars' wheels which have traversed the road for 40 years. The road is pocked by water gullies, and winds around tree stumps and large rocks northwest of Greeley.

Yet despite the roughness of the road, and despite the adversities of weather, Guy Clarkson has only missed three days of work during his 40-year tenure with the Greeley Irrigation Company.

Clarkson's job with the ditch company is described as "ditch rider" for No. 3 Ditch, which winds for 20 miles from the Poudre river northwest of Greeley through the city and east until it eventually empties into the Platte River.

"I felt bad about having my brother fill in for me on those three days in 1940," Clarkson said, "but I had gone up in the mountains and caught tick fever and just couldn't get out of bed."

"It was kind of hard sometimes to get out of bed and drive that road to open the gates and check the water flow — sometimes a guy gets to feeling really punk, and just doesn't want to go to work." Clarkson recalls one time he was so sick he had to crawl on the ground to get to his pickup to go to work.

Although the term "ditch rider" conjures up images of a man on horseback riding through rough country in true old west fashion, Clarkson admits he has never used a horse on the job. "When I started this job back in 1935, I drove a Model T Ford — then I progressed to a Model A for several years," Clarkson said.

Clarkson's duties on the job would

begin early every morning at the head of the 165-year-old ditch northwest of Greeley where it cuts off from the Poudre River.

He was responsible for the water flow through the ditch which irrigates thousands of acres in Weld County. He had to maintain the flow through the ditch so each shareholder would receive the proper amount of water each day during the nine-month irrigation season.

"But lately, there's been so much junk thrown in the ditch, it makes me feel like a trash collector," Clarkson said. "The city of Greeley has also added so many drainage culverts onto the ditch, that I began to get a little tired of looking after the city's water."

But the city of Greeley should be especially grateful to Clarkson for the numerous services he's performed during the past 40 years.

Continued on page 19

Ditch rider off 3 days in 40 years

Continued from page 1

Because No. 3 Ditch winds through the heart of Greeley, heavy rains west of Greeley or drainage into the ditch from streets and parking lots could cause flooding in the downtown area — if Clarkson hadn't been so dependable. He's kept his eye on rainclouds and snow runoff around Greeley for the past 40 years and has assumed the responsibility of diverting the flood waters away from the downtown area.

If a heavy rain hit Greeley or Western Weld County, it was Clarkson's job to rush to the three wasteways and make certain the water flow didn't cause the ditch to overflow and flood.

"It meant we'd have to stay home and watch the skies during the rainy season," Clarkson said. "We've been on call seven days a week, 24 hours a day — that means we didn't get out of town too often."

Because much of Clarkson's time was spent opening and closing the proper wasteways during heavy rains, he has spent a large amount of his time "soaked from the top of my hat

to the tips of my toes." Clarkson said "That's why I'm getting a little stiff in the legs now."

Clarkson and his wife Iola have lived in a small house on West 4th Street for the many years he's been with the ditch company. The house is owned by the company, and today the Clarksons are moving to 2432 15th Ave. Ct.

Mrs. Clarkson has ridden the ditch route with her husband the past six years, "since our children grew up and moved away." The closeness of the couple is obvious, and Clarkson refused to have his photo taken without his wife "Because I couldn't have made it all these years without her."

Born east of Greeley in 1904, Clarkson remembers the city as a much smaller town — about 8,000 people. "I recall when we used to ride into town on the buggy. We'd cut across fields of sagebrush where Jackson Field is now. There were only three major streets in Greeley then — 7th, 8th and 9th Streets."

Clarkson's father was appointed to the ditch board in 1903, and sometimes worked the ditch.

No. 3 Ditch was one of three irrigation ditches originally planned by Union Colony in 1870. It was the southernmost and the first built because it served the new town.

No. 2 Ditch later was built north of the Poudre and presently irrigates the largest portion of Weld County. Although No. 1 Ditch was never built as originally planned, other waterways follow the general route now from high on the Poudre to east of Pierce.

Water was first turned in the new No. 3 Ditch in April, 1870, and was used the first year of Union Colony as irrigation water for garden plots as well as domestic water and for drinking.

It was important to keep the ditch open and free running at all times, Clarkson said. At times, this job was extremely difficult. "I've found many dead hogs, sheep and calves in ditch," Clarkson recalls, "and once some beavers even built a dam across the head wasteway at the Poudre River entrance."

Clarkson said kids seem to enjoy throwing anything they

can find into the ditch. "Sometimes those kids will work for hours to roll a giant rock or log into the ditch, then I have to work to get it out."

Clarkson said three children and an elderly woman have drowned in the ditch during his 40-year stint.

Clarkson is concerned about the capacity of the ditch now that the city is adding four more water gates near the 4th street wasteway.

"I'm afraid there is too much water being diverted into the ditch now," Clarkson said, "and someday someone is going to be caught in a flood north of the ditch when it overflows."

He credits the ditch with maintaining Greeley as an important agricultural city for the past 100 years, and said "If it wasn't for that ditch, Greeley would still be a very small town."

The Clarksons will probably find it difficult living away from the ditch which has depended upon them for the past 40 years. But they have no immediate plans and just want "to catch up on some rest" during their retirement.

Greeley attorney sees way out of water condemnation threat

By LYNN HEINZE
1-30-75 Tribune Staff Writer

If the mutual ditch companies in the area became part of a water conservancy district, the conservation of water through efficient management would create a "better water right" while insuring immunity to municipal condemnation of agricultural water supplies, according to Greeley attorney Dave Miller.

Miller, who represents the Central Colorado Water Conservancy District and the St. Vrain Left Hand Water Conservancy District, said in an interview Wednesday that by becoming part of the district, irrigators would be assured of having sufficient water supplies without the threat of condemnation.

Miller referred to the case currently being heard in Jefferson County District Court in which the city of Thornton is attempting to condemn the Standley Reservoir, owned by the Farmers Reservoir and Irrigation Company.

Miller has recommended that the St. Vrain district board take over control of the Union Reservoir, located east of Longmont, to protect the irrigation rights of the ditch companies served by the reservoir.

During a recent meeting of that board,

Miller was quoted as saying, "We have got to take it over, period. If we have to cram it down their throats (we have to get control) before someone else grabs it.

"We ought to tell Union that we want control of the land with them controlling the water so as not to be condemned. My gut reaction is the only way to do any good is to face them with the ultimate choice, either they take twice as much water as they have now or we'll take the whole damned thing away," Miller continued.

During the interview, Miller explained his reasons for the statement. "I know of no other way to keep the municipalities from condemning the water, as they are attempting to do now in the case of the Standley, except to become part of a municipality through inclusion in a water conservancy district.

"In the case of Longmont, the city administration has shown that it is interested in protecting the irrigated land owners and that it is willing to integrate municipal systems and irrigation systems under the district," Miller said.

"The Union Reservoir can serve as part of a basin-wide system to conserve water and make the optimum use of it. The plan we propose for the district would unitize all of the water in the basin and eventually get title to that water.

"This would provide long term water supplies for the city, protect the irrigated lands and probably mean more water for everyone involved," Miller said.

Miller said the views expressed during

the recent board meeting are his and not necessarily representative of the feeling of the board.

According to Miller, the holders of water rights in the St. Vrain basin would assign those rights to the district. The cities and the agricultural in-district in turn would grant those right interests would insure adequate holders an allotment of water equal to irrigation water, ample water for municipal use at one-third historic deliveries.

But Miller says that the irrigators the price and produce badly would likely get more water than they needed energy at the same receive now if they were part of the lime," Miller concluded.

"The reason is that through Miller said. When asked increased efficiency in the management of whether the cost of the conduit water and through proper conservation system would be borne by the practices, engineering studies indicate city or the district, Miller said that there could be a water savings of "that will depend on which about 25 per cent.

"Granted, some of that water

might go to the cities, in the One of Miller's strongest long run, which would also be arguments for the plan is the part of the system, but the condemnation immunity. "In irrigators would be assured of my opinion, a municipality getting historical deliveries and could not come to the district a chance of getting more when well established in law that one available," Miller contends. and condemn its property. It is

The system would eventually municipality can't condemn include the transportation of another's property, and I think water through a conduit system the same would apply to the like those used in California, district, which has the right of time protecting agricultural eminent domain also," Miller irrigation interest. said.

"The type of competitive If the plan were to be accepted by the cities and the condemnation that is going on irrigators, according to Miller, in the case of the Standley only tends to drive prices upward. "The eastern slope could face

And that hurts everyone. water problems with a unified front, instead of being factioned Thornton's involvement in this as is now the case."

suit and others I feel could eventually spell financial ruin Miller said there's an advantage for the cities under the plan as well. He said the cities could get sufficient water supplies at one-third the

LAMM TASK FORCE

32 THE DENVER POST Sunday, Mar. 23, 1975

Irrigation Answer Sought

By JOHN G. WHITE

Denver Post Staff Writer

Gov. Dick Lamm has formed a task force to seek ways of preventing two Denver suburbs from drying up an estimated 70,000 acres of irrigated farmland in Weld and Adams Counties.

The future of the land has been threatened by Thornton and Westminster, which have filed condemnation suits against three irrigation ditch companies that serve the area.

The cities say they need the water for future growth and

claim that no alternative source is available.

"My solution to the problem is vague at this point," the governor admitted last week. "But we cannot lose our agricultural water to an endless chain of suburbs along the Front Range."

Lamm met last week with representatives from the State Highway Department, Agriculture Department, attorney general's office, Land Use Commission and a team of scientists from Colorado State University who have been studying the problem for more than a year.

He said he met with representatives from the Colorado Farm Bureau and the Rocky Mountain Farmers Union shortly after taking office in January. "This has been on my mind for some time," he noted.

Lamm hopes the task force will find some alternative wherein both the suburban communities and the farmers will have an adequate supply of water.

Ultimately, however, the question probably will boil down to a change in the Colorado Constitution, which now gives domestic use the highest priority, with agriculture second and industry third.

"And this would be a monstrous job — pulling together all the varied and vested interests in Colorado water to a degree where they can agree on a statutory change in the Constitution," Lamm said.

The struggle started in November 1973, when Thornton began condemnation proceedings against Farmers Reservoir and Irrigation Co., which also owns the rights to most of the

water in Standley Lake. Farmers High Line Co. and the Lower Clear Creek Irrigation Co. were next to be condemned.

Both Thornton and Westminster have been in contact with the Denver Water Board — but with no luck. Acting Manager Bob McWhinnie said a study done for the board last year showed that all the water it owns has been committed.

Jim Monaghan, the governor's assistant in natural resources, said the Land Use Commission may be able to exercise temporary emergency powers to delay the court decisions until the Constitution can be changed.

The commission has been studying the issue on a "low profile" basis for some time, a staff member, Dr. Will Ulman, said.

The commission sees a definite need for irrigated agricultural land and hopes to stop a "leapfrogging" development pattern between Denver, Fort Collins, Boulder and Greeley, he noted.

Ulman pointed out that four other towns — Lafayette, Louisville, Superior and Erie — are in the process of preparing condemnation suits that would dry up another 70,000 acres of irrigated farmland.

Farm officials estimate that several hundred families would be forced from their land if Thornton and Westminster won their suits.

"There is just no question about it, it will put me out of business," said Proctor Nott, a dairy farmer who is president of Farmers High Line.

"My land out here supports two families, but neither of us

could exist if it were dried up," said Bruce Marrs, a Westminster dairy farmer.

Irrigated farm land that now is worth \$1,000 an acre would bring farmers about \$200 an acre, he said. Moreover, he added, once land has been irrigated, it takes between five and ten years before it can be dryland-farmed.

Agriculture Commissioner Roy Romer, a member of the Lamm task force, said, "If the cities win this suit, then we are going to have to take a very hard look at how this water will be used. You just can't take the lifeblood of the farm industry water, and use it to water lawns, parks and golf courses.

"We are entering a time when our need for food, not domestically and to hungry nations, is of utmost importance. If water use is to be dictated by the Constitution and the market place, in the face of a definite food shortage, then this is a very destructive decision."

Adjudication Break

FT MORGAN TIMES 3-5-75
 The Board of Directors of the Ground Water Appropriators of the South Platte (GASP) received information on a break for well owners concerning adjudication and urged members to get signed up as soon as possible at a Tuesday meeting.

The break, W. G. Wilkinson,

division engineer, Greeley, told the board, is that any well legally drilled and applied to beneficial use prior to June 7, 1969, can be accepted into replacement plans on the same basis as any other existing well and does not have to be adjudicated prior to June 30, 1972, according to a recent Division of Water Resources determination.

Previously the board had stated that it would have to take a long, hard look at any wells not adjudicated before June 30, 1972, before deciding whether to accept it for replacement planning.

The board urged all previous members to sign up for renewal as soon as possible and new prospective members to sign up immediately. Applications are coming in rather slowly with previous membership 75 per cent of last year.

Since applications determine the amount of water GASP needs to purchase for the irrigation season, GASP wants applications in as soon as possible so the amount of water needed for purchase can be determined.

The board reminded all well owners that there will be only one day of free pumping allowed per week this year with total shutoff in 1976 for any well not in a replacement plan.

GASP has not designated a definite deadline date for signing up, as directors want to give well owners every opportunity to get into a replacement plan so they can keep their wells in operation.

The board also reported on a project for recharge and study it is participating in along with Colorado State University, the state engineering office and a ditch company in the South Platte Ditch near Merino. Recharge is putting back underground water, while replacement is putting water directly into the river.

During the winter the project made 900 acre-feet of water available for recharge credit.

With a few minor repairs to the ditch in the next few days, the project will be operational again until a call is placed on the river.

The board has authorized continuation of another project, this one a well project in the Sterling area, with additional wells to be placed in the area in the near future for replacement of senior water rights.

Project Shows Recharge Of Aquifers Is Possible

FT MORGAN TIMES 3-5-75
 A recharge study project near Sterling to get underway again after minor repairs to a canal are completed is showing area well owners that recharge of underground aquifers is possible, the March issue of Colorado Rancher and Farmer reports.

The Ground Water Appropriators of the South Platte (GASP), the South Platte Canal Co., Colorado State University Experiment Station, the Division of Water Resources of the State Engineer's Office and owners of an irrigation canal near the Prewitt Reservoir southwest of Sterling are participants in the cooperative study.

River water from the South Platte was turned into the canal for a short time early last spring, before the beginning of the irrigation season, and the recharge started again in September and was continued until December when ice covered the canal.

When minor repairs are completed in the next few days, GASP officials said, the project will go back into operation until a call is placed on the river.

The project made 900 acre-feet of water available for recharge credit, GASP reported.

3-5-75
 Colorado Rancher and Farmer cited Dr. Robert Longenbaugh, assistant professor of civil engineering at CSU, as saying that recharge is figured by measuring ditch flow into the canal, and that all this flow seeps away. A series of observation wells is measured periodically to see what is happening in the aquifer.

The state engineer's office evaluates the amount of recharge, then determines the amount to be credited toward pump withdrawal.

GASP is investigating similar potential recharge projects along the river to recharge aquifers with excess flow during the non-irrigation season for later use by pump irrigators.

Longenbaugh noted that heavy drain of groundwater for irrigation in the High Plains area of eastern Colorado has lowered water tables, making artificial recharge important for the area.



Letter from the Editor

By Neil Paulson
Transcript Managing Editor

GOLDEN

I was awakened late one night by rapid hoofbeats on the street outside followed by a shrill cry.

"Coors is coming! Coors is coming!" came the horseman's call.

I was up in a minute. The windows were shuttered, a row of sandbags quickly thrown across the driveway, the musket torn from its spot above the mantle and loaded.

"I've known for some time that this is a madhouse," said my wife, "but what's the occasion now?"

"Coors has unleashed the hounds of war," I said, wrapping my upper arm with a brassard that read "Don't Tread On Me."

"It's a good thing we don't have any tea around the house," she said. "You'd probably run out and toss it in the Wannamaker Ditch."

"Laugh if you will, woman," I said. "But you'll be in the fray with the rest of us—perhaps standing aside my fallen body, ramming grape shot into a cannon."

"Coors has decided it's taking Fairmount for its own," I said. "With gnarled hands full of dollars they have bought up the land from horizon to horizon. And two blocks away from this, the simple place we call home, they intend to build a brewery so big it will blot out the sun."

She stared at me for a moment, then ran to the refrigerator, pulled out a six-pack of Coors, ran across the street and dumped it in the Wannamaker Ditch.

"Touch not a hair on this old blonde head!" she screamed in the direction of the brewery. I think she would have spat, but it would have been into the wind.

A meeting was called in Schlembecher's garage the next evening. All the suburban farmers of Fairmount gathered around the electric space-heater to talk the matter over.

They lounged easily against the wall in their frontiersmen's outfits of Sta-Pressed slacks and knit shirts with little alligators on the pockets. The air was strung with tension.

"They want to put up a brewery so big it will blot out the sun," said one. "It's 362 acres around the old Fairmount School."

"That's 362 acres of growling, smelly, (expletive delete) brewery," said another. "It means traffic all over the place. It means a landscape of unrelieved concrete. It means your house ain't going to be worth what it is now."

"There have been other things," said a third. "There was that railroad spur down Eldridge Street. There was the gas pipeline along Quaker. This is only the latest affront."

"We'll fight them," said a fourth. "We'll fight them on the beaches. We'll fight them in the fields. We'll fight them in the marigold gardens."

"Wait a minute," said a small man who had been standing in the corner. "I work at Coors. Maybe we shouldn't be so hasty."

"Tory," growled someone. "Bleedin' loyalist," said another. The small man grinned and slipped out the door. He moved to Nova Scotia the next day.

At home, my wife was sewing a flag.

"I realize it's possible to get a little hyped up over this," she said. "You don't think we're going overboard?"

"You might be right," I said, glancing at the buckskin fringe I had sewn on the sleeves of my button-down, Oxford-cloth shirt. "But a small band of homeowners facing a monolith gotta use every trick in the book."

"Onward and upward," she said.

I went to the refrigerator and opened a Budweiser.

An Act

SENATE BILL NO. 7. BY SENATORS Anderson, Kinnie, McCormick, Wunsch, Darby, Kadlecek, and MacManus; also REPRESENTATIVES Bledsoe, Boley, Burns, Hinman, Quinlan, Smith, Spano, Bendelow, Brown, Burford, Cantrell, Sprague, and Waldow.

CONCERNING THE DUTIES OF THE STATE ENGINEER RELATING TO THE ADEQUACY OF SUBDIVISION WATER SUPPLIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 30-28-136 (1) (h), Colorado Revised Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

30-28-136. Referral and review requirements. (1) (h) (I) To the state engineer for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed subdivision and adequacy of proposed water supply to meet requirements of the proposed subdivision. If the state engineer finds such injury or finds inadequacy, he shall express such finding in an opinion in writing to the board of county commissioners, stating the reason for his finding, including, but not limited to, the amount of additional or exchange water that may be required to prevent such injury. In the event the subdivision is approved notwithstanding the state engineer's opinion, the subdivider shall furnish to all potential purchasers a copy of the state engineer's opinion prior to the sale or a synopsis of the opinion; except that the subdivider need not supply the potential purchaser with a copy of such opinion or synopsis if, in the opinion of the board of county commissioners, the subdivider has corrected the injury or inadequacy set forth in the state engineer's finding.

(II) A municipality or quasi-municipality, upon receiving

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

quasi-municipality as the source of water for a proposed subdivision, shall file, with the board of county commissioners and the state engineer, a statement documenting the amount of water which can be supplied by said municipality or quasi-municipality to proposed subdivisions without causing injury to existing water rights. The state engineer shall file with said board of county commissioners written comments on the report. If, in the judgment of the state engineer, the report is insufficient to issue an opinion, the state engineer shall notify the board of county commissioners to this effect, indicating the deficiencies.

SECTION 2. 37-92-602 (3) (b), Colorado Revised Statutes 1973, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

37-92-602. Exemptions - presumptions. (3) (b) (III) If the application is for a well, as defined in subparagraph (II) of this paragraph (b), which will be located in a subdivision, as defined in section 30-28-101 (10), C.R.S. 1973, and approved on or after June 1, 1972, pursuant to article 28 of title 30, C.R.S. 1973, for which the water supply plan has not been recommended for approval by the state engineer, the cumulative effect of all such wells in the subdivision shall be considered in determining material injury.

SECTION 3. Safety clause. The general assembly hereby

the immediate preservation of the public peace, health, and safety.

Fred E. Anderson
PRESIDENT OF
THE SENATE

Ruben A. Valdez
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
SECRETARY OF
THE SENATE

Evelyn T. Davidson
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL NO. 134. BY SENATORS Kinnie, Anderson, Bishop, Cole, DeBerard, Kadlecek, McCormick, Strickland, Hatcher, and Wunsch; also REPRESENTATIVES Burns, Bledsoe, Hinman, Younglund, Boley, Brown, Burford, Dick, McCroskey, Marks, Quinlan, Shoemaker, Showalter, Spano, Sprague, and Wells.

CONCERNING UNDERGROUND WATER, AND PROVIDING FOR NOTIFICATION OF THE EXPIRATION OF CONDITIONAL PERMITS THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-90-108 (3), Colorado Revised Statutes 1973, is amended, and the said 37-90-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

37-90-108. Final permit - evidence of beneficial use - limitations. (3) A conditional permit to appropriate designated ground water shall expire and be of no force or effect at the expiration of one year from the date of its issuance, unless the conditions set forth under subsection (1) of this section have been complied with within that time, or unless extended by the commission for a period certain upon good cause shown, OR UNLESS, AFTER THE CONDITIONS SET FORTH UNDER SUBSECTION (4) OF THIS SECTION ARE COMPLIED WITH, THE COMMISSION FINDS THAT THE CONDITIONAL PERMIT SHOULD REMAIN IN FORCE AND EFFECT.

(4) The procedural requirement that a statement of beneficial use shall be filed shall apply to all permits wherein the water was put to beneficial use since June 30, 1969. If information pertaining to completion of the well as required in subsection (1) of this section has been received, but evidence that water has been placed to beneficial use has not been received as of the expiration date of the conditional permit, the commission shall so notify the applicant by certified mail. The

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

that the water was put to beneficial use prior to the expiration date, but due to excusable neglect, inadvertence, or mistake, the applicant failed to submit the evidence on time. The proof must be received by the commission within twenty days of receipt of the notice by the applicant, and must be accompanied by a filing fee of thirty dollars. If the proof can be given favorable consideration by the ground water commission, then, within thirty days, a synopsis of the proof shall be published, specifying that objections shall be filed within thirty days. After the expiration of the time for filing objections, if no such objections have been filed, the commission shall, if it finds the proof to be satisfactory, find that the conditional permit should remain in force and effect. If objections have been filed together with a nonrefundable filing fee of ten dollars, the commission shall set a date for a hearing on the proof and the objections thereto, and shall notify the applicant and the objectors of the time and place. The commission shall consider all evidence presented at the hearing and all other matters set forth in this section in determining whether the conditional permit should remain in force and effect.

SECTION 2. Safety clause. The general assembly hereby

finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Fred E. Anderson
PRESIDENT OF
THE SENATE

Ruben A. Valdez
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
SECRETARY OF
THE SENATE

Evelyn T. Davidson
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL NO. 182. BY SENATORS Anderson, Bishop, DeBerard, Hatcher, Kadlecek, Kogovsek, McCormick, and Massari; also REPRESENTATIVES Burns, Boley, Brown, Lloyd, Quinlan, Wells, and Younglund.

CONCERNING WATER CONSERVANCY DISTRICTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-45-114 (1) (b), Colorado Revised Statutes 1973, is amended to read:

37-45-114. Appointment of board of directors. (1) (b) At the expiration of their respective terms of office as fixed by the court, appointments ~~shall be made by said court for the term of two years~~ OF ONE-THIRD OF THE BOARD, TO THE NEAREST WHOLE NUMBER, SHALL BE MADE BY SAID COURT FOR THE TERM OF ONE YEAR; A LIKE NUMBER SHALL BE APPOINTED FOR A TERM OF TWO YEARS; AND THE REMAINDER SHALL BE APPOINTED FOR A TERM OF FOUR YEARS. THEREAFTER ALL APPOINTMENTS OF DIRECTORS SHALL BE FOR TERMS OF FOUR YEARS. The court shall fill, ~~all vacancies~~ FOR THE DURATION OF THE UNEXPIRED TERM, ANY VACANCY which may occur on the board. Each director shall hold office during the term for which he is appointed and until his successor is duly appointed and has qualified, and shall furnish a corporate surety bond at the expense of the district, in the amount and form fixed and approved by the court, conditioned for the faithful performance of his duties as such director.

SECTION 2. 37-45-115 (3), Colorado Revised Statutes 1973, is amended to read:

37-45-115. Organization of the board of directors. (3) Each member of the board shall receive as compensation for his

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service such sum as shall be ordered by the court, not in excess of five-hundred ONE THOUSAND TWO HUNDRED dollars per annum, payable monthly, and necessary traveling expenses actually expended while engaged in the performance of his duties.

SECTION 3. 37-45-126, Colorado Revised Statutes 1973, is amended to read:

37-45-126. Levies cover defaults and deficiencies. The board, in making the annual assessments and levies, shall take into account the maturing indebtedness for the ensuing year as provided in its contracts or the maturing of bonds and interest on all bonds, and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof. In case the proceeds of such levies and assessments made under the provisions of this article, together with other revenues of the district, are not sufficient to punctually pay the annual installments on its contracts or bonds, and interest thereon, and to pay defaults and deficiencies, then the board shall make such additional levies of taxes or assessments as may be necessary for such purposes and notwithstanding any limitations by contract, order, tax lien, or otherwise, such taxes and assessments shall be made and continue until the indebtedness of the district is SHALL BE fully paid; EXCEPT THAT THE ADDITIONAL LEVIES AUTHORIZED BY THIS SECTION MAY NOT BE MADE TO COVER DEFAULTS AND DEFICIENCIES WITH RESPECT TO BONDS AUTHORIZED AND ISSUED BY A DISTRICT PURSUANT TO ANY OTHER LAW IF SUCH BONDS DECLARE ON THEIR FACE THAT THEY ARE PAYABLE SOLELY FROM REVENUES DERIVED FROM PAYMENTS MADE WITH RESPECT TO CONTRACTS FOR THE ALLOTMENT OF WATER ENTERED INTO PURSUANT TO THIS ARTICLE; AND FURTHER except that the amount of such additional levies of taxes under class A shall not in any one year exceed an amount that would be raised by a levy of one-half mill against the valuation for assessment of such property as fixed for general tax purposes; and further except that such levies for defaults and deficiencies shall not at any time be made to impose upon class A payments in excess of twenty-five percent of the anticipated revenue from all sources to be raised for the specific purpose of payment of existing defaults and deficiencies; and further except that in making such additional levies or assessments, the board shall take into account all sources of revenue and equitably distribute the burden of such defaults and deficiencies according to the uses and benefits as provided in this article.

SECTION 4. 37-45-146, Colorado Revised Statutes 1973, is amended to read:

37-45-146. Dissolution of districts. Any water conservancy district organized may be dissolved in the manner specified in sections 37-45-146 to 37-45-152 if such district has not been authorized to incur bonded or other indebtedness under the election procedures set forth in sections 37-45-139 to 37-45-142 AND SUCH DISTRICT HAS NOT INCURRED BONDED OR OTHER INDEBTEDNESS

PURSUANT TO THE PROVISIONS OF ANY OTHER LAW; and EXCEPT if such district has entered into a contract with the United States or any other agency thereof, no dissolution shall take place unless the secretary of the interior of the United States has first consented thereto.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Fred E. Anderson
PRESIDENT OF
THE SENATE

Ruben A. Valdez
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
SECRETARY OF
THE SENATE

Evelyn T. Davidson
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL NO. 256. BY SENATORS Kinnie, McCormick, Darby, and Hatcher; also REPRESENTATIVES Younglund, Bledsoe, Hamlin, Dick, Elliott, Hinman, and Strahle.

CONCERNING THE POWERS OF GROUND WATER MANAGEMENT DISTRICTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-90-130 (2), Colorado Revised Statutes 1973, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

37-90-130. Management districts - board of directors. (2)
(h) To promulgate reasonable rules and regulations with respect to the protection and compensation of the owners of domestic wells which may be injured by irrigation wells.

SECTION 2. Effective date. This act shall take effect July 1, 1975.

SECTION 3. Safety clause. The general assembly hereby

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...the immediate preservation of the public peace, health, and safety.

Fred E. Anderson
PRESIDENT OF
THE SENATE

Ruben A. Valdez
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
SECRETARY OF
THE SENATE

Evelyn T. Davidson
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL NO. 1191. BY REPRESENTATIVES Spano, Hinman, Quinlan, Showalter, Smith, Wells, Younglund, Barragan, Bolcy, Brinton, Brown, Burford, Burns, Cantrell, DeMoulin, Dick, Dittmore, Durham, Eckelberry, Elliott, Flett, Flanery, Gustafson, Hamlin, Hayes, Herzberger, Hogan, Kirscht, Lloyd, Marks, Massari, Miller, Munson, Orten, Shoemaker, Sprague, Strahle, Traylor, Waldow, Witherspoon, and Zakhem; also SENATOR Anderson.

SPECIFYING CERTAIN ACTS WHICH DO NOT MEET THE REQUIREMENTS OF PLANS FOR AUGMENTATION UNDER WATER AND IRRIGATION LAW.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-92-103 (9), Colorado Revised Statutes 1973, is amended to read:

37-92-103. Definitions. (9) "Plan for augmentation" means a detailed program to increase the supply of water available for beneficial use in a division or portion thereof by the development of new or alternate means or points of diversion, by a pooling of water resources, by water exchange projects, by providing substitute supplies of water, by the development of new sources of water, or by any other appropriate means. "PLAN FOR AUGMENTATION" DOES NOT INCLUDE THE SALVAGE OF TRIBUTARY WATERS BY THE ERADICATION OF PIREATOPHYTES, NOR DOES IT INCLUDE THE USE OF TRIBUTARY WATER COLLECTED FROM LAND SURFACES WHICH HAVE BEEN MADE IMPERMEABLE, THEREBY INCREASING THE RUNOFF BUT NOT ADDING TO THE EXISTING SUPPLY OF TRIBUTARY WATER.

SECTION 2. Safety clause. The general assembly hereby

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finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety. 134

Ruben A. Valdez
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Fred E. Anderson
PRESIDENT OF
THE SENATE

Evelyn T. Davidson
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
SECRETARY OF
THE SENATE

APPROVED

6-20-75

2:40 P.M.

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL NO. 1554. BY REPRESENTATIVES Burns, Quinlan, Boley, Brown, Burford, Cantrell, Dick, Hayes, Hinman, Hogan, Spano, Sprague, Waldow, Wells, and Younglund; also SENATORS Anderson, Bishop, Cooper, DeBerard, Hatcher, Kadlecek, Kinnie, and McCormick.

CONCERNING WATER RIGHT PRIORITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-92-401 (5), Colorado Revised Statutes 1973, is amended to read:

37-92-401. Lists of priorities. (5) The tabulation TABULATIONS provided for in this section AND ANY REVISIONS THEREOF, INCLUDING THOSE PREPARED IN 1974, shall be used by the division engineer ENGINEERS, the state engineer, and their staffs for administrative purposes and for the purpose of preparing the 1974 1978 tabulation specified in section 37-92-402. Subject to the foregoing procedures, any person aggrieved by any portion of such tabulation TABULATIONS OR REVISIONS may file a written protest with the water clerk and the division engineer setting forth the factual and legal basis for such protest. The fee for filing such protest with the water clerk shall be twenty dollars. Thereafter the water judge shall order such notice, conduct such proceedings, and enter such orders as he deems appropriate to deal with such protest pending the proceedings in section 37-92-402.

SECTION 2. 37-92-402, Colorado Revised Statutes 1973, is amended to read:

37-92-402. Tabulations - abandonment. (1) (a) No later than July 1, ~~1974~~ 1978, and ~~July 1~~-every-four-years-thereafter

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the division engineer with the approval of the state engineer shall prepare a new tabulation of all water rights and conditional water rights in his division. The 1974 1978 tabulation shall reflect any changes in the 1970 tabulation PROVIDED FOR IN SECTION 37-92-401 which the division engineer and the state engineer determine to be advisable based on the principles set forth in section 37-92-401 to reflect correctly the priority of water rights, and The 1974 1978 tabulation and succeeding tabulations shall include the priorities awarded subsequent to those listed in the preceding tabulation; shall incorporate any changes of water rights that have been approved; shall note any changes from conditional water right to water right REFLECT JUDGMENTS AND DECREES DETERMINING, CHANGING, OR OTHERWISE AFFECTING WATER RIGHTS AND CONDITIONAL WATER RIGHTS, WHICH JUDGMENTS AND DECREES HAVE BEEN ENTERED SUBSEQUENT TO THOSE REFLECTED IN THE PRECEDING TABULATION AND PRIOR TO JANUARY 1, 1978, SHALL INCORPORATE ANY CHANGES IN EARLIER TABULATIONS ORDERED BY THE WATER JUDGE, shall modify any water rights or conditional water rights which the division engineer determines to have been abandoned in part, and shall omit any water rights or conditional water rights which the division engineer determines have been totally abandoned. Except as specified in the preceding sentence, each THE tabulation pursuant to this section shall make no changes in the listings in previous tabulations except OTHER THAN changes to correct clerical errors, and changes ordered by the water judge pursuant to paragraph (i) of subsection (2) of this section; and any such changes, modifications, or omissions shall be especially noted by some appropriate means THERE SHALL BE A SEPARATE SUPPLEMENT TO THE TABULATION LISTING THE WATER RIGHTS WHICH THE DIVISION ENGINEER DETERMINES TO HAVE BEEN ABANDONED IN WHOLE OR IN PART. In making his determination with respect to abandonment, the division engineer shall investigate the circumstances relating to each water right, the water available under which has not been fully applied to a beneficial use. In making such tabulation, the division engineer may use such system of numbering and listing water rights and conditional water rights in order of seniority as is suited to the administrative needs of the particular division or portion thereof. He shall have separate priority lists as necessary so that only those water rights and conditional water rights which take or will take water from the same source and are in a position to affect one another will be on the same priority list.

(b) THE TABULATION PROVIDED FOR IN THIS SECTION, WHEN CONCLUDED BY JUDGMENT AND DECREE, SHALL BE CONCLUSIVE AS TO THE DATE OF ADJUDICATION, THE DATE OF APPROPRIATION, AND THE VOLUME OR AMOUNT OF THE WATER RIGHTS LISTED AND AS TO WATER RIGHTS DETERMINED TO HAVE BEEN ABANDONED. THE LISTING OF THE WATER RIGHTS IN THE TABULATION SHALL NOT CREATE ANY PRESUMPTION AGAINST ABANDONMENT AND THE RELATIVE LISTING OF WATER RIGHTS IN THE TABULATION SHALL NOT CREATE ANY PRESUMPTION OF SENIORITY. THE TABULATION SHALL NOT BE CONSTRUED TO MODIFY SPECIAL PROVISIONS OF

COURT DECREES ADJUDICATING, CHANGING, OR OTHERWISE AFFECTING SUCH WATER RIGHTS OR TO MODIFY CONTRACTUAL ARRANGEMENTS GOVERNING THE INTERRELATIONSHIP OF SUCH WATER RIGHTS. FOR THE PURPOSE OF IDENTIFICATION AND DESCRIPTION ONLY, THE TABULATION MAY INCLUDE ADDITIONAL INFORMATION REGARDING THE WATER RIGHTS LISTED, BUT THIS SHALL NOT BE CONCLUSIVE EVEN THOUGH INCORPORATED IN THE JUDGMENT AND DECREE.

~~(3)--The following deadlines shall then be effective in 1974 and every four years thereafter:~~

(a) (2) No later than July 10, 1978, the division engineer shall publish a notice that the tabulation has been made and that such tabulation may be inspected or a copy obtained as specified in this subsection (2), and the division engineer shall mail a copy of such tabulation to each person whose name is on the list specified in section 37-92-302-~~(3)~~ 37-92-302 (3) (c) and shall mail a copy of such tabulation by registered mail to the owner or last known owner or claimant, IF KNOWN, of every water right or conditional water right which the division engineer has found to have been abandoned in whole or in part or which has been changed adversely AND SHALL PUBLISH THE SEPARATE SUPPLEMENT, IF ANY, TO THE TABULATION LISTING THE WATER RIGHTS WHICH THE DIVISION ENGINEER DETERMINES TO HAVE BEEN ABANDONED IN WHOLE OR IN PART. THE DIVISION ENGINEER SHALL MAKE SUCH EXAMINATION AS IS REASONABLY APPROPRIATE TO DETERMINE THE OWNER OR CLAIMANT OF SUCH WATER RIGHTS. The aforementioned publication shall be such as is necessary to obtain general circulation once in each county or portion thereof which is in the division by means of one or more newspapers which, if feasible, are published in the division. A copy of such tabulation, together with any revisions, shall be available in the office of each division engineer and the offices of each water commissioner and each county clerk and recorder for inspection at any time during regular office hours, and the division engineer shall furnish or mail a copy to anyone requesting same upon payment of a fee of five dollars.

(b) (3) Not later than ~~September--10~~ JULY 1, 1980, any person who wishes to object to the manner in which a water right or conditional water right is listed in the tabulation or to the omission of a water right or conditional water right from such tabulation shall file a statement of objection in writing with the division engineer. A fee of ten dollars shall be paid with such filing; except that no fee shall be required for any such filing to correct any clerical error.

(e) (4) On or before ~~October--10~~ JULY 1, 1981, the division engineer shall make such revisions, if any, as he deems proper in the aforesaid tabulation. In considering the matter raised by statements of objections, the division engineer may consult with interested persons. The division engineer shall consult with the state engineer and shall make any revisions in the tabulation determined by the state engineer to be necessary or advisable. IF

THE DIVISION ENGINEER DETERMINES THAT IF NO REVISIONS OR IF REQUESTED BY THE OBJECTOR IN THE STATEMENT OF OBJECTION, THE DIVISION ENGINEER SHALL HOLD AN INFORMAL HEARING ON THE SUBJECT MATTER CONTAINED IN SAID STATEMENT OF OBJECTION. The revised tabulation or, if there are no revisions, the original tabulation, signed by the division engineer and by the state engineer, shall be filed on or before October-30 JULY 1, 1981, with the water clerk. A copy of such tabulation, together with any revisions, shall be available in the office of each division engineer and the offices of each water commissioner and each county clerk and recorder for inspection at any time during regular office hours, and the division engineer shall furnish or mail a copy to anyone requesting same upon payment of a fee of five dollars. If the tabulation is revised, the division engineer on or before October-20 AUGUST 1, 1981, shall publish a notice that the tabulation has been revised and that the revision may be inspected or a copy thereof obtained as specified in this paragraph-(e) SUBSECTION (4). Such publication shall be made as is necessary to obtain general circulation once in each county or portion thereof which is in the division by means of one or more newspapers which, if feasible, are published in the division.

(d) (5) Any person who wishes to protest the manner in which a water right or conditional water right is listed in the tabulation, including any revisions, or the omission of a water right or conditional water right from such tabulation shall file a written protest with the water clerk and with the division engineer not later than November-30 JANUARY 1, 1982. Such protest shall set forth in detail the facts and legal basis therefor. Service of a copy of the protest or any other document is not necessary for jurisdictional purposes, but the water judge may order service of a copy of the protest or any other document on any person and in any manner which he may deem appropriate. The fee for filing such protest with the water clerk shall be twenty dollars.

(e) (6) Commencing the--second--week--in--December ON THE SEPTEMBER OR OCTOBER TERM DAY OF 1982 AS THE CASE MAY BE IN THE RESPECTIVE DIVISIONS PURSUANT TO SECTION 37-92-304 (1), and continuing for as long as may be necessary, the water judge of each division shall conduct hearings on the tabulation filed by the division engineer and any protests that have been filed with respect thereto. The hearings shall be conducted in accordance with trial practice and procedure; except that no pleadings other than the protest shall be required. The protestant shall appear either in person or by counsel in support of the protest. The division engineer shall appear in support of the tabulation, and, if requested by the division engineer, the attorney general shall represent the division engineer. All--persons--interested--in--the--portions--of--the--tabulation--which--are--being--protested--shall--be--permitted--to--participate--in--the--hearing--either--in--person--or--by--counsel--if--they--enter--their--appearance--in--writing--prior--to--the--date--on--which--hearings--are--to--commence--Such--entry--of--appearance

shall identify the portion of the tabulation with respect to which the appearance is being made. The water judges of the various divisions shall arrange their hearings, if necessary in their discretion, to accommodate counsel and other persons who may be involved in hearings in more than one division. Promptly after hearing all protests the water judge shall enter a judgment and decree which shall either incorporate the tabulation of the division engineer as filed or shall incorporate same with such modifications as the water judge may determine proper after the hearings. ANY PERSON WHO MAY BE AFFECTED BY THE SUBJECT MATTER OF A PROTEST OR BY ANY RULING THEREON SHALL BE PERMITTED TO PARTICIPATE IN THE HEARINGS, EITHER IN PERSON OR BY COUNSEL, UPON TIMELY ENTRY OF APPEARANCE. SUCH ENTRY OF APPEARANCE SHALL IDENTIFY THE PORTION OF THE TABULATION WITH RESPECT TO WHICH THE APPEARANCE IS BEING MADE. THE WATER JUDGE MAY CONTINUE THE HEARINGS AS REQUIRED TO INSURE THAT ALL PARTIES MAY BE HEARD AND THEIR INTERESTS ADEQUATELY PROTECTED, AND IN THIS CONNECTION THE WATER JUDGE SHALL PERMIT SUCH ADDITIONAL PROTESTS AND ORDER SUCH SERVICE OF NOTICE AND SUCH ADDITIONAL PUBLICATION OF THE TABULATION OR PORTIONS THEREOF AS WILL SERVE THE ENDS OF JUSTICE, IT BEING THE LEGISLATIVE INTENT THAT THE WATER JUDGE SHALL HAVE WIDE DISCRETION IN THE CONDUCT OF SUCH HEARINGS SO THAT THE OWNERS OF WATER RIGHTS WILL BE PROTECTED. AFTER THE HEARINGS ARE CONCLUDED, THE WATER JUDGE SHALL ENTER A JUDGMENT AND DECREE WHICH SHALL EITHER INCORPORATE THE TABULATION OF THE DIVISION ENGINEER AS FILED OR SHALL INCORPORATE SAME WITH SUCH MODIFICATIONS AND CONDITIONS AS THE WATER JUDGE MAY DETERMINE PROPER AFTER THE HEARINGS.

{f} (7) If no protests have been filed, then promptly after ~~November--30~~ JANUARY 1, 1982, the water judge shall enter a judgment and decree incorporating and confirming the tabulation of the division engineer without modification.

{g} (8) A copy of such judgment and decree shall be filed with the state engineer and the division engineer and shall be provided by the water clerk to any other person requesting same upon payment of a fee of one dollar per page with a maximum of ten dollars. Promptly after receiving a judgment and decree, the division engineer and the state engineer shall enter in their records the determinations therein made as to DATE OF priority, location, and use DATE OF ADJUDICATION, AND VOLUME AND AMOUNT, of the water rights and conditional water rights and shall regulate the distribution of water accordingly.

{h} (9) Appellate review shall be allowed to the judgment and decree or any part thereof as in other civil actions, but no appellate review shall be allowed with respect to that part of the judgment or decree which confirms a portion of the tabulation with respect to which no protest was filed.

{i} (10) Clerical mistakes in said judgment and decree may be corrected by the water judge on his own initiative or on the

petition of any person, and substantive errors therein may be corrected by the water judge on the petition of any person whose rights have been adversely affected thereby and a showing satisfactory to the water judge that such person, due to mistake, inadvertence, or excusable neglect, failed to file a protest with the water clerk within the time specified in this section. Any petition referred to in the preceding sentence shall be filed with the water clerk within two FOUR years after the date of the entry of said judgment and decree. The water judge may SHALL order such notice of any such correction proceedings as he determines to be appropriate TO ADVISE ALL PERSONS WHO MAY BE AFFECTED THEREBY. Any order of the water judge making such corrections shall be subject to appellate review as specified in subsection (h) (9) of this section.

{j} (11) For the purpose of procedures under this section, failure for a period of ten years or more to apply to a beneficial use the water available under a water right when needed by the person entitled to use same shall create a rebuttable presumption of abandonment of a water right with respect to the amount of such available water which has not been so used; EXCEPT THAT SUCH PRESUMPTION MAY BE WAIVED BY THE DIVISION ENGINEER OR THE STATE ENGINEER IF SPECIAL CIRCUMSTANCES NEGATE AN INTENT TO ABANDON.

~~{k}--Proceedings--set--forth--in--this--section--shall--be considered-general-adjudication-proceedings:~~

(12) NO PROCEEDING PREVIOUSLY INITIATED BEFORE THE WATER JUDGE PERTAINING TO THE 1974 TABULATION REFERRED TO IN PREVIOUS STATUTES SHALL BE MAINTAINED; EXCEPT THAT THE DISMISSAL OF ANY SUCH PROCEEDING SHALL BE WITHOUT PREJUDICE WITH RESPECT TO ANY SUBSTANTIVE MATTERS ALLEGED THEREIN.

SECTION 3. No appropriation. It is the specific intent of the general assembly that no additional appropriation is necessary to carry out the purpose of this act.

SECTION 4. Safety clause. The general assembly hereby

An Act

HOUSE BILL NO. 1555. BY REPRESENTATIVES Younglund, Biedsoe, Boley, Burford, Burns, Elliott, Hilsmeier, Hinman, Hogan, Lloyd, Marks, Quinlan, Sears, Spano, Sprague, Strahle, Waldow, Wells, Bendelow, Brown, Dick, and Hobbs; also SENATORS Anderson, Brown, Darby, DeBerard, Kadlecek, Kinnie, MacManus, and Wunsch.

CONCERNING THE TAKING OF WATER AND WATER RIGHTS BY EMINENT DOMAIN.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 6 of title 38, Colorado Revised Statutes 1973, is amended BY THE ADDITION OF A NEW PART to read:

PART 2

CONDEMNATION OF WATER RIGHTS

38-6-201. Condemnation of water rights by municipalities. This part 2 shall apply to any water right which is to be condemned by a town, city, city and county, or municipal corporation having the powers of condemnation, referred to in this part 2 as a "municipality".

38-6-202. Petition. (1) The attorney for any municipality, in the name of said municipality, shall apply to the district court of the district in which the municipality is situated, by petition, which petition shall set forth the general nature of the improvement proposed to be established or made, a correct description of the water right required, the name of the owner of the water right, and those persons who may be damaged by the acquisition of the water right. Said petition shall pray for the appointment of three disinterested commissioners appointed by the court of jurisdiction, freeholders of real estate in

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Colorado, one to be a resident from the area affected by the proposed action, one to be a resident of the municipality bringing the action, and one to be a party who has no interest in the controversy to determine the issue of the necessity of exercising eminent domain as proposed in the petition and, if the condemnation is to be allowed, to appraise and award the damages that each person damaged may sustain by reason of the appropriation and condemnation of the water right by the municipality, and to perform such other duties as are in this part 2 enumerated.

(2) No municipality shall be allowed to condemn water rights, as provided in section 38-6-207, for any anticipated or future needs in excess of fifteen years, nor shall any municipality be allowed to condemn water rights that are appropriated to a prior public use.

38-6-203. Condemnation - municipal - water supplies - standards and procedures for evaluations. (1) Prior to any hearing for condemnation of water supplies and structures under this part 2, the municipality shall:

(a) Prepare or update a community growth development plan reflecting present population and resources uses and capabilities and projected population growth and resources requirements, the latter to include all resources requirements to provide for phased development of municipal services and facilities;

(b) Prepare a detailed statement describing:

(I) The water rights to be acquired under condemnation and their present uses;

(II) The effects upon the county and suitable area within the river drainage basin or basins from the change or conversion of acquired irrigation and other water supplies to domestic uses, to include economic and environmental effects;

(III) The unavoidable adverse and irreversible effects from such taking of properties and rights; and

(IV) Alternative sources of water supply that may be acquired by appropriation, purchase, lease, conservation, or condemnation and relative acquisitions costs.

(2) The information contained in the growth development plan and statement of effects from the condemnation shall be prepared in sufficient detail to provide a meaningful basis for assessment of the aspects of the condemnation to the public if the condemnation is approved. These statements shall be presented to the commissioners appointed by the court and the defendants and shall be made available to interested parties.

38-6-204. Defendants - guardian ad litem. The owners of all property sought to be condemned for the proposed improvement or who would be damaged by said improvement shall be made parties defendant. If the proceeding seeks to affect land owned by a minor or mental incompetent under legal disabilities, the legal guardian or conservator of such person shall be made party defendant. If such person has no legal guardian, the district court shall have the power to appoint a guardian ad litem to represent such person. 144

38-6-205. Judge to set hearing - summons - service - publication. Upon the filing of the petition, said court shall fix a date for hearing said petition, and the attorney for the petitioner shall prepare and issue a summons, directed to the defendants, notifying them of the date fixed by the court for the hearing. Jurisdiction of said defendants shall be obtained by causing the summons to be served on the defendants in like manner as is provided by the laws of this state for the service of summons in civil actions, except as otherwise provided in this section. The date for the hearing of the petition shall not be less than ten days after the date of the service of the summons. In case any defendant does not reside in the state or is a foreign corporation or in case the attorney for the petitioner files an affidavit that he has endeavored to find such person for the purpose of causing the person to be served and that after reasonable effort he has been unable to find said person, the petitioner may cause the summons to be published for three consecutive times in any daily or weekly newspaper published in the judicial district. The date for the hearing of said petition shall not be less than ten days after the date of the last publication of said summons.

38-6-206. Answer - hearing - jury. (1) Any defendant has the right to appear in the proceeding and file an answer, in writing, with the clerk of the court, at any time prior to the date fixed for the hearing of the petition but not thereafter, in which answer said defendant shall set forth such objections as he may have to the condemnation or appropriation of any water right owned by him or to the prosecution of said proceeding.

(2) Any defendant may file a demand for a jury trial as provided for in section 38-6-211 (1), prior to the date fixed for the hearing of the petition.

(3) At the time set for the hearing of said petition or at the time to which the hearing may have been continued by the court, the court shall proceed to hear any objections raised by the answer provided for in subsection (1) of this section. The court shall also appoint three commissioners to carry out the provisions of this part 2.

38-6-207. Duty of commissioners, determination of necessity. (1) In any case initiated for the acquisition of

(a) Examine and assess the growth development plan and statement provided by the municipality from the proposed condemnation required in section 38-6-206, and obtain necessary information pursuant to powers granted in section 38-6-208, and make a determination as to the necessity of exercising the power of eminent domain for the proposed purposes;

(b) Provide one of the following recommendations to the court, based upon their findings:

(I) There exists no need and necessity for condemnation as proposed.

(II) There exists a need and necessity for condemnation as proposed.

(III) There exists a need and necessity for condemnation, but it is premature.

(2) In making a recommendation, as provided in subsection (1) (b) (II) of this section, the commissioners may recommend an alternate source of water supply.

(3) The commissioners shall hear the proofs and allegations of the parties and, after viewing the premises, certify the proper compensation to be made to said owner or parties interested for the water or other property to be taken or affected, as well as all damages accruing to the owner or parties interested in consequences of the condemnation of the same.

(4) If the commissioners find there exists no need and necessity for the condemnation proposed, they shall make no finding as to the value of the condemned property.

38-6-208. Commissioners - oaths - hearing. The commissioners, before entering upon the duties of their office, shall take an oath to faithfully, promptly, and impartially discharge their duties as such commissioners. Any commissioner may administer oaths to witnesses produced before him. The commissioners may issue subpoenas and compel witnesses to attend and testify, may adjourn and hold meetings, and shall hear such proofs as may be presented to them.

38-6-209. Hearing - notice - publication. After the report of the commissioners is filed with the clerk of the court, the court shall fix a time for the consideration of said report, and the petitioner shall give written notice to the defendants and all other persons who are the owners of property mentioned in said report, whether damaged, appropriated, condemned, or assessed special benefits, of the matters contained in said

report and of the time so fixed by the court for the consideration thereof. The notice shall be served in like manner as is provided by the laws of this state for the service of summons in civil actions, except as otherwise provided in this section. Said persons shall be served at least ten days before the time fixed for the consideration of the report by the court. In case any defendant or owner of any property damaged, appropriated, condemned, or assessed special benefits does not reside in the state or is a foreign corporation or in case the attorney for said petitioner files an affidavit that he has endeavored to find such person for the purpose of causing said person to be notified and that after reasonable effort he has been unable to find said person in the state, the petitioner may cause to be published a notice, of the matters affecting such person contained in said report and of the time fixed for the consideration thereof, for three successive times in some daily or weekly newspaper published in said judicial district. Said publication shall be in lieu of personal service of said notice on all such persons.

38-6-210. Objections - default - burden of proof - findings - reappraisalment. Any person who is the owner of, or who has any interest in, any of the property mentioned in said report, whether appropriated or damaged or against which special benefits have been assessed, may appear, at or before the time fixed by the court for the consideration of said report but not after said time, and file his written objection to said report. Default shall be entered against the owners of all property mentioned in said report who have not filed objections thereto within said time, and the report shall be confirmed by the court as to such persons. At the time fixed by the court for the consideration of said report, the court shall proceed to hear any objections that have been filed, except where a jury trial has been demanded, as provided for in section 38-6-211. Any party interested in said proceeding may introduce such evidence as may tend to establish the right of the matter. The burden of proof to change any finding, award, or assessment of said commissioners shall be upon the person objecting thereto. If it appears to the court that the property of the objector has been appraised by the commissioners at more or less than the fair, actual cash market value thereof, or that the fair, direct, and actual damage to property not taken is greater or less than the amount awarded by the commissioners, or that the property of the objector is assessed a special benefit in an amount greater than it will be actually benefited by the proposed improvement, the court shall so find and shall also find what the proper award or assessment shall be, and judgment shall be rendered accordingly. The court, for good cause shown, may modify, alter, change, annul, or confirm the report of the commissioners, or any part thereof, or may order a new appraisalment and assessment as to any of the property affected in the proceeding by the same commissioners or by other commissioners appointed by the court.

38-6-211. Jury trial - motion for new trial - appellate proceedings. (1) At any time prior to the date fixed for the hearing of the petition provided for in section 38-6-205, any defendant who owns or is interested in any property to be taken, appropriated, or damaged on account of the proposed improvement may file his demand, in writing, for a trial by a jury of either six or twelve freeholders to appraise and assess the damages which said defendant or person may sustain by reason of the appropriation and condemnation of, or damage to, his property. Any person so demanding a jury, at the time of said demand, shall deposit with the clerk the jury fees for one day's services according to the rate allowed jurors in the district court. The court shall fix an early date for said trial, and on such date the defendants who have made written demands for jury trial within the time provided shall proceed to submit their claims to the jury. Such jury shall be drawn as in civil actions; except that the jurors shall have the qualifications provided in this section.

(2) The court shall proceed in the same manner and with like powers as in other cases, except as otherwise provided in this part 2. At the request of any party to the proceedings, the court shall order that the jury go upon the premises sought to be taken or damaged, in charge of a sworn bailiff and in the company of any other person that the court may order, and examine the premises in person. At the conclusion of the evidence, the matters in controversy may be argued by counsel to the jury, and at the conclusion of the arguments the court shall instruct the jury in writing. The jury shall return a special verdict fixing and determining the damages or compensation to be allowed to each defendant, severally, who has demanded a jury trial, which verdict shall include the fair, actual cash market value of the land actually taken for the improvement. Any party to the proceeding may move for a new trial in the same manner as in actions at law. The refusal of said court to grant the same may be excepted to and assigned for appeal, but no appeal shall be permitted to stay the improvement sought by the proceeding.

38-6-212. Costs - compensation. The cost of the proceedings shall be paid by the municipality. The commissioners shall be allowed a reasonable compensation for their services and expenses, the amount of which shall be fixed by the court. The court may also order that the municipality pay reasonable attorney's fees.

38-6-213. Amendments - new parties - notice. Amendment to the petition or to any paper or record in the proceedings shall be permitted by the court whenever necessary to a fair hearing and final determination of the questions involved. Should it become necessary at any stage of the proceedings to bring in a new party, the court has the power to make such rule or order in relation thereto as may be deemed reasonable and proper. The court also has the power to make all necessary rules and orders

for notice to persons of the pendency of the proceedings.

38-6-214. Decree - copy to city clerk - payments - collection of assessments. After the trial hearings and determination of all objections to said report, the court shall make its judgment and decree. The decree shall describe the property so condemned and state the owner thereof and shall describe the property against which special assessments have been made and the amounts thereof. When said judgment and decree have been made by the court, the clerk of said court shall make a certified copy thereof and after thirty days deliver the same to the municipality. Unless other provision is made in the charter of the municipality for the payment of said awards, the legislative body, within ninety days after the date of said decree, shall make the necessary appropriation for the payment of the compensation for the property condemned. The proper officers of the municipality shall compensate the respective parties entitled thereto. The municipality shall also provide for the collection of such special assessments as have been confirmed by the final decree of the court.

38-6-215. Municipality may dismiss proceedings. The attorney for the municipality commencing the proceedings has the right to withdraw said proceedings or to dismiss the same as to one or more of said defendants or as to one or more parcels of property, without prejudice, at any stage of the proceedings, and the petitioner shall pay the costs thereof.

38-6-216. Ownership in controversy - award. If the ownership of any property condemned or damaged is in controversy, the amount awarded in payment of said property or the damage thereto shall be paid into the registry of said court for the use of the successful claimants of said property as their respective interests appear to the court. All disputes as to ownership of property taken or damaged shall be tried to the court.

SECTION 2. Effective date. This act shall take effect July 1, 1975.

SECTION 3. Safety clause. The general assembly hereby