

Water Division 5 2010 Annual Report

Runoff Conditions

The 2010 basin wide precipitation for the 2010 irrigation year was 90% of average, while April 1st snowpack was 76% of average. The snowpack was the lowest in 6 years and the 4th lowest in the previous 30 years. Above average precipitation in April and average in May improved runoff conditions, but could not overcome the deficit. The timing of the runoff was impacted by above average temperatures in May and extreme dust storms throughout the late winter and spring. The combination of warm weather and dust on snow created high peak flows in spite of well below average snowpack, and below average precipitation. The most extreme example was on the Eagle River where at Gypsum 7,240cfs was recorded, making it the highest flow at the station in 64 years of record. Reservoir storage continued the year-to-year improvement since the drought of 2002-2004, with a 14% increase in carryover storage from 2009.

Colorado River Compact

Division 5 participated in several meetings of the Colorado Advisors to the Upper Colorado River Commission. Because deliveries to the Colorado River at Lees Ferry have historically equaled or exceeded delivery requirements (8.23MAF), compact curtailment has never occurred in the Upper Basin States. Colorado continues to plan and prepare to avoid curtailment and consider methods to implement curtailment should it become necessary. The Colorado Water Availability Study for the IBCC has found that Colorado has a range of 0 to 900,000AF of developable yield remaining in our interest in the Colorado River. Of the thirty year average 3,696,000AF/YR undepleted flow in Water Division 5, currently Division 5 provides 2,585,000AF of the inflow to Lake Powell, while diversions within the Division account for a ten year average of 1,111,000AF/YR of depletions. Of those depletions, 558,000AF are attributed to transmountain diversions and 553,000AF occur within the basin.

Water Administration

- **Mainstem Calls**

Though runoff was below average, mainstem calls for 2010 totaled only 58 days at the Shoshone Power Plant and 8 days at Cameo. The Shoshone Power Plant was offline much of the year due to both scheduled and unscheduled maintenance and repairs. The 58 calls days all occurred between November 1, 2009 and February 25, 2010. After February 25th the power plant either operated at diminished capacity was out of service or river flows exceeded capacity. In Early September, Colorado River flows did dropped low enough to implement a Cameo Call. However, the call lasted only from September 3rd through the 10th.

- **Green Mountain Reservoir Operations**

Beginning in 2004 the State Engineer has annually issued an interim fill policy for the administration of the filling of Green Mountain Reservoir. The policy was modified in 2005 and had minor changes in 2006, but the administrative practice has essentially remained unchanged since 2004. On April 26, 2010 the Interim Policy for the 2010 Green Mountain Reservoir fill season was issued. In spite of less than desirable runoff conditions the 2010 Green Mountain Reservoir SEO Interim Fill Policy had no practical

impact on the manner of filling the reservoir or any rights upstream and subject to a call by Green Mountain.

- **Shoshone Outage**

The Shoshone Power Plant in Glenwood Canyon is the key calling structure on the mainstem of the Colorado River, historically controlling the priority administration eight to ten months a year. The aging facilities have left the power plant off line with greater frequency in recent years. This year was no exception. From February 25, 2010 through the end of the 2010 irrigation season the power plant was either completely offline or operating at half capacity. From Granby to Grand Junction the rafting industry, individual recreationists, endangered fish and agricultural producers depend on the benefits of a 1250cfs to 1408cfs call at Shoshone. The water dilutes salinity and other pollutants helping communities that draw drinking water from the river. Beginning with the penstock failure in 2007, major upstream water users have operated a voluntary outage protocol that is coordinated by the Division 5 office. Except for traditional scheduled maintenance, at time the power plant is off line or at diminished capacity the outage protocol provides for reservoir releases to mimic river flows as if the power plant is operating and calling out junior water rights. Reservoir releases under the protocol must be made for decreed purposes of the reservoir, such as discretionary power at the reservoir or to the endangered fish; otherwise the reservoir will not be allowed to fill that space with its decreed rights in the following storage season.

- **CROS**

The high carryover reservoir storage at 116% of average for our major reservoirs in the basin allowed all but Granby Reservoir to fill and spill. As a result, Coordinated Reservoir Reoperations for the Endangered Fish Recovery Program were conducted, providing 73,971 acre-feet between May 14 and May 26, 2010 to enhance the peak flows in the 15 mile reach, below the Grand Valley Canal at Palisade.

- **HUP Managing Entities and the Endangered Fish Recovery Program**

With full reservoirs the Recovery Program's pools for late summer augmentation to the flows in the 15 mile reach were also full. The pools total 37,650AF in Ruedi, Wolford, and Williams Fork Reservoirs. All but 3000AF were released from these pools in 2010. On August 18, 2010 a surplus in the Green Mountain HUP was declared and 57813AF was released from pool as "HUP surplus" for the endangered fish. Other was made available in 2010 to the 15 mile reach includes, 5,114AF from Granby Reservoir from the Middle Park Water Conservancy District pool of Windy Gap water, and 14,125AF from the Grand Valley Water Management Project via the Palisade Pipeline. With transit losses 102,465AF was delivered to the 15 mile reach. The target flows for the 15 mile reach ranged from 1240cfs in mid-summer to 1000cfs in the fall.

- **Augmentation Plan and Municipal Water Rights Administration**

Division 5 has 2 Augmentation Plan Coordinators. Steve Pope is fulltime at the PSRS II level. James Kellogg holds the position of Augmentation Plan Coordinator/Hydrographer, which is at the PE 1 level. Accomplishments in 2010 included the development of spreadsheets to aid Water Commissioners in the administration of augmentation plans and diversion record accounting. Efforts continue to amend existing user supplied accounting for ease of migration into the Divisions published diversion records.

Augmentation Plans and Exchanges by district

District	Decreed Plans and Exchanges
36	124
37	205
38	283

39	56
45	36
50	4
51	148
52	9
53	24
70	4
72	29
Div 5 Total	992

Division 5 created a new position during 2010 for municipal accounting and litigation. The position will be integrated with the efforts of the augmentation plan coordinators to improve water rights administration and data collection of our most complicated systems.

- **Substitute Water Supply Plans**

Division 5 had eight requests for substitute water supply plans submitted in calendar year 2010. Two were new requests and six were renewals. 18 plans were approved for some duration for 2010. A table summarizing the activities is below.

Plan Name	District	Submitted in 2010	Valid through
		New or Renewal	
Frisco, Town of	36	-	10/7/10
Tiger Run Resort	36	Yes/Renewal	4/30/11
Battle Mountain High School	37	Yes/Renewal	5/31/11
Basalt Water Cons. District	38	Yes/Renewal	Pending
Elk Mountain Lodge	38	Yes/Renewal	5/17/11
Four Mile Creek	38	-	1/16/11
Roll International	38	-	9/7/10
Encana	39	-	8/24/10
Glen's Pit	39	-	8/31/10
Petroleum Development Corp.	39	Yes/New	7/31/11
Una Pit	39	-	12/21/18
West Divide Water Cons. District	39	-	12/31/10
DeBeque Pit	45	-	5/16/10
Morrow & Sons Pit	51	Yes/New	9/30/11
Village Core Pond	51	Yes/Renewal	6/30/11
#10 Enterprise	70	Yes/Renewal	8/4/10
Chevron	70	-	8/10/10
Lathem Burkett Pit	70	-	9/30/10

- **Summit County Well Enforcement**

2010 well enforcement efforts were modified to improve efficiency since a limited number of staff were available to participate. This year staff surveyed subdivisions and observed potential violations which were then specifically inspected for compliance. If a well was found to be out of compliance for a Hot Tub only, a letter will be sent to the property owner informing them of the violation and order of curtailment as well as information regarding the purchase of contract water. In instances where there is definite outside irrigation a full inspection of the property was conducted and the well was physically

tagged. Division 5 is continuing discussions with the AG’s office to determine the appropriate actions necessary to bring well violations into compliance.

2010 Summit County Well Violations

Total number of observations	662
Hot Tub only	87
Irrigation	5
Potential ADU	2
Further Research Needed	9

• **Diversion Records**

The diversions records for IYR2010, again, had an aggressive completion schedule. This year, District 70 signed by mid December and the majority of the remaining districts signed by late March. Minor but necessary corrections were made through May 2011. The statistics for the year show a continued rise in the “Number of Structures Reporting with Record” and a marked increase, as well, to those structures with “No Information Available” coding. It’s relatively easy to conclude we have more users submitting their diversion records, both by hard copy of the data or by the electronic submittal of spread sheets. It can be safe to assume there are more newly decreed structures added to our Hydro Base data base each year which the water commissioners and augmentation staff have yet to coordinate the submission of records. Some anomalies for IYR2010 include:

- District 36 showed more industrial use by Climax Mine with the increased use of the trans-basin Arkansas well for their mining activities.
- District 37 had a substantial decrease in diversions to irrigation due to the continuing trend of changing from flood to sprinkler systems and the ever growing change from growing crops to growing homes.
- District 38 showed ground water diversions doubled due to the Basalt Water Conservancy and West Divide Conservancy Districts submitting more detailed data from their contractees, who mainly use wells. Domestic use more than doubled, also, because these two Districts’ records are improving.
- District 38 had a major data entry error for 2009: the Basalt Springs and Pipeline had 38,126.0 AF for the month of August, 2009. This was corrected in HydroBase to correctly show 38.126 AF. This changes the municipal water for District 38 from a total of 45,759 AF to 7,671 AF.
- District 45 was down one water commissioner from last year and the records reflect a slight decrease in data collected.
- District 51 showed a marked decrease in power generation due to Denver Water not running the turbines at Williams Fork Reservoir – Denver Water started the construction of a new outlet works and auxiliary generator for lower flow rates at the reservoir.
- Districts 52 and 53 showed no commercial or augmentation and decreased municipal use this past year due to no records being provided by Rancho del Rio and the Yampa Hot Springs.
- District 72 – Vega and Ute projects.

Seven minimum stream flow water rights are being administered throughout Division 5 with either USGS or State run satellite systems. Diversion records are kept by four different water commissioners in District 37, 38 and 51. Details are shown in the table below.

ID	Stream	Reach	District	Amount
2034	Eagle River	Resolution Creek to Homestake Creek	37	15cfs sum/7cfs winter
2057	Middle Gore	Black Gore Creek to Sandstone Creek	37	16cfs (5/1-9/30);

	Creek			6cfs (10/1-4/30)
2002	Hunter Creek	Hunter Crk. Flume/ PL to Roaring Fork River	38	15 cfs
2020	Frying Pan River	North Fork Creek to Ruedi Reservoir	38	Varies
2049	Roaring Fork River	Difficult Creek to Maroon Creek	38	32 cfs year round
2114	Crystal River	Avalanche Creek to Roaring Fork River	38	100cfs (5/1-9/30); 60cfs (10/1-4/30)
2038	Colorado River	Windy Gap Reservoir to Williams Fork River	51	90 cfs year round

Dam Safety

Dam Safety Inspections for the Division are performed by three engineers. One inspector is solely dedicated to the Division. A second is based in our Grand Junction field office and also does dam inspections for Division 4, as well as design review for new dams and repairs of jurisdictional dams for the entire West Slope. The third inspector is based in Steamboat Springs and shared with Division 6. The total number of inspections performed in Division 5 in 2010 was approximately 142. The breakdown of the inspections performed is as follows:

- Approximately 92 Inspections performed by John G. Blair, Division 5 (Glenwood Springs)
 - Dam Safety Engineer:
 - 25 High hazard regular
 - 23 Significant hazard regular
 - 15 Low hazard regular
 - 0 No public hazard regular
 - 25 Follow-up (approximate)
 - 3 Construction
 - 1 Outlet
- Approximately 21 Inspections performed by Garrett Jackson, Division 5 (Grand Junction)
 - Dam Safety Engineer:
 - 6 High hazard regular
 - 2 Significant hazard regular
 - 3 Low hazard regular
 - 0 No public hazard regular
 - 5 Follow-up (approximate)
 - 5 Construction (approximate)
 - 0 Outlet
- The Dam Safety Engineer based in Steamboat Springs, John R Blair performed approximately 29 inspections in the upper basin, as follows:
 - 3 High hazard regular
 - 7 Significant hazard regular
 - 9 Low hazard regular
 - 0 No public hazard regular
 - 10 Follow-up (approximate)
 - 0 Construction
 - 0 Outlet
- Additionally, the Denver Water Department inspected Williams Fork and Dillon Dams in Water Districts 36 and 51.

Demands on the Division's dam safety staff continue to increase. The workload has overwhelmed the FTE allocation and will continue to make oversight of the safety of our dams more difficult for the following reasons:

- There has been an increase of about 30 significant and high hazard dams since 2000 in Division 5.
- Historic irrigation reservoirs remain full as they convert from irrigation to recreation, increasing dam safety incidents.
- Increased demands for design review and construction inspections as drought has focused needs to repair or enlarge existing dams or built new dams.
- The Extreme Precipitation Analysis Tool (EPAT) for designing regional and local rainfall amounts in the mountains and on the western slope has been completed and adopted and the basin response study is complete and adopted. This now means that approximately 55 high and significant hazard dams will have to have a hydrology study performed. This will take another 40(+) man-weeks to accomplish.
- Over the past year, there has been a significant dent made in the large backlog of hazard evaluations that need to be done. However, it is still estimated that over 20 evaluations need to be performed and each year more evaluations are discovered needing to be performed. With the need to perform hydrology studies for high elevation dams, these hazard evaluations are becoming more important. It is estimated that it will take over 20 man-weeks to accomplish these.

Hydrographic Program

- **Hydrographic Staff**

The lead hydrographer in Division 5 is James Kellogg, who also serves as augmentation plan coordinator. The augmentation plan coordinator/hydrographer is a PE 1 position. Craig Bruner is the Division's full-time hydrographer. This position is currently at the EIT 3 level. Ultimately, this position will return to the PE 1 level. Both hydrographers operate and maintain gaging stations, perform measurements, and develop streamflow records. Water Commissioners help with various satellite monitoring and gaging station maintenance duties.

- **Gaging Stations Operated and Maintained**

Division 5 operated and maintained 34 satellite monitoring stations in Water Year 2010. Streamflow records were published for 14 of the stations. The other gages were used for water administration and to develop diversion records. Five stations were to measure transdistrict/transbasin diversions into District 45. Two of the stations are reservoir gages. In addition, there was active monitoring of many of the 93 satellite monitoring stations in Division 5 that are operated by other entities.

- **Stream flow Gages with Published Records**

In Water Year 2010, Division 5 published stream flow records for 14 of the gaging stations maintained by the hydrographic staff. The records encompassed a full 12-month period, except where otherwise noted. Eight stations are on the Fryingpan-Arkansas Project. Four of the Fry-Ark stations (Fryingpan River near Ivanhoe Lake, South Fork of the Fryingpan River, Chapman Gulch, and Ivanhoe Creek) are minimum flow index stations to monitor bypass flow below diversions on the south side of the collection system. A gage on the Fryingpan River near Thomasville is the minimum flow index for the Fryingpan basin, which must be satisfied prior to transmountain diversions. One station on Rocky Fork Creek below Ruedi Dam is used in the determination of released amounts from Ruedi Reservoir. Division 5

cooperates with the National Weather Service to operate the seventh and eighth Fry-Ark stations, which are the Fryingpan River near Meredith and the North Fork of the Fryingpan River. Division 5 is paid by the Aspen Consolidated Sanitation District to operate and maintain a gage on the Roaring Fork River below Maroon Creek. The gage is critical for discharge of effluent in compliance with the Sanitation District's permit. Two gaging stations in Summit County, the Blue River at Highway 9 near Breckenridge and the Snake River at Keystone, are minimum flow indexes for the Colorado Water Conservation Board. The Snake River gage is operated the six month period from October 1 through March 31. Five cooperators provide funding for the Blue River gage. Vail Associates, Inc. pays for the Snake River gage. Division 5 took over operation and maintenance of a gaging station on West Divide Creek near Raven prior to Water Year 2006. This gage is important for water administration in District 45. The gage is operated the six month period from April 1 through September 30. A gage on the Crystal River at the DOW fish hatchery and a station on the Roaring Fork River above the Fryingpan River were installed in WY 2006. The Colorado Water Conservation Board is a cooperator at these sites. The gages are operated the six month period from April 1 through September 30. Cooperators must be obtained if CDWR is to continue operation and maintenance of these gages. This is especially the case for the gage on the Roaring Fork River because a cableway is needed to make high stage measurements.

- **Additional Key Gaging Stations**

Streamflows are measured and recorded on Snowmass Creek below the Snowmass Water & Sanitation District diversion to monitor compliance with the CWCB minimum requirements. Operation of the gage includes a series of measurements in October that are used by the CWCB to determine the minimum flow required for the winter. Gages were operated to measure and record flows on the Government Highline Canal, Grand Valley Canal, and Orchard Mesa power canal and develop diversion records. Additional emphasis was placed on discharge measurements at these stations to address problems with ratings and variable shifts. Additional attention was given to gaging stations on the Colorado River below Granby Reservoir and Willow Creek below Willow Creek Reservoir. Discharge measurements were made to rate these stations.

- **Measurements Made**

In hydrographic Water Year 2010, Division 5 hydrographers made 132 discharge measurements at gaging stations with published streamflow records. Of the total measurements, 65 were at stations that are associated with the Fryingpan-Arkansas Project and 57 were at other satellite monitoring stations. Ten measurements were to rate measuring structures/devices and assist with water administration on ditches and canals.

- **Special Projects (High Data Rate Satellite Monitoring Upgrades)**

High data rate satellite monitoring equipment was installed at the Clear Fork Feeder Ditch (CLFOFDCO), Owens Creek near Reno Mountain OWECRECO, Porter-Three Mile Ditch at Garfield Mile Pass (PTMDGPCO), Porter-Three Mile Ditch at Three Mile Pass (PTMDTPCO), Bull Creek above Southside Canal near Molina (BULLCRCO), and Southside Canal at Mesa (SOCAMECO) gages. High Data rate satellite monitoring equipment was purchased by the Silt Water Conservancy for the Grass Valley Canal near Rifle Falls (GRSVALCO) gage. The equipment will be installed in WY 2011 after improvements are made to the infrastructure at the gage.

- **Special Projects (Gage Construction and Refurbishment)**

A development application was submitted to the Town of Basalt planning department to obtain approval for design and construction of a manned cableway measuring system below the ROAFRYCO gage. This is a cooperative effort between CDWR Division 5 and the CWCB. No new gages were

constructed in Division 5 during WY 2010. Division 5 entered into a satellite monitoring system user agreement with Denver Water. The Division 5 office will install, operate, and maintain 2 new gages in Water District 51. These gages will be known as the Big Lake Ditch near Williams Fork River (BIGLKDCO) and Fraser-Jim Creek Diversion at Winter Park (FRAJIMCO). Levels were run at 6 streamflow gaging stations. All reference points (RP's) were verified or corrected based on the level runs.

Groundwater and Well Permitting

The total number of permit applications for Division 5 received and issued by the Division of Water Resources continued to drop in 2010. The decrease has persisted since the late 1990's. Initially, the decrease was related to changes in the water court process for conditional water rights and diligence on those rights. Later a large increase in fees for well permits, limited new applications to wells that would be drilled prior to expiration. However, the continued decrease in permits is related to fewer exempt permits for both new 35 acre tracts and lots created by exemption from subdivision. Also, beginning in 2008 the economic downturn has all but eliminated demand for new development and the demand for either exempt or non-exempt wells. During calendar year 2010 a total of 462 permits were approved for Division 5 - a decrease of 5% from 2009. This compares to over 1200 well permits issued for Division 5 in 1998.

A breakdown of permits processed includes:

Exempt Permits	190
Non-exempt Permits	214
Geothermal Permits	1
Exempt Replacements	38
Non-exempt Replacements	6
Late Registrations	13

Of the 462 well permits issued a total of 99 permits (77 exempt and 22 non-exempt) or 22% were issued by the Glenwood office, while the remaining were issued by Denver staff.

Other Highlights and Accomplishments

- **2010 Abandonment List**

The 2010 Division Engineers Abandonment List for Water Division 5 was submitted to the court and published as required by statute. Abandonment Lists we previously published in 1984, 1990, and 2000. The proposed 1978 abandonment list was not published by any west slope division due to concerns with the abandonment of pre-Colorado River Compact rights. The 2010 Abandonment List is considerably smaller than the previous lists with only 87 water rights. Field and office staff spent considerable time vetting all candidates for the list the winter of 2009-10 and the spring of 2010. Of the 87 rights on the list 20 were protested.

District	Water Rights on Final List	Structures on Final List	Protests
36	5	5	3
37	8	7	3
38	36	34	2
39	5	5	-
45	5	5	1
50	1	1	-

51	11	11	-
52	3	3	3
53	10	10	8
70	3	3	-
72	0	0	-
Total	87	84	20

- **2010 Tabulation**

The Division 5 Water Rights Tabulation was published in July 2010. The list included all water rights, changes of water rights, and augmentation plans decreed through December 2009. The list is complete to current standards excepting approximately 40 augmentation plans decreed in Water District 37 during the 1980's and 90's that must be re-tabulated to meet standards. Similar to other recent publications of the Tabulation, only a couple of protests were received, and those claimed to be related to clerical errors. A group of protests were also submitted that objected to the manner in which we track diligence on conditional rights.

- **Blue River Decree and the Colorado River Cooperative Agreement**

Since 2005 West Slope interests have negotiated with Denver Water on Denver's Moffat Firming Project and with Northern Colorado Water Conservancy District on Northern's Subdistrict Project Windy Gap Firming. At about the time these negotiations commenced all parties ceased discussion with the State of Colorado, DWR and AGO, and the Federal Government, USBR and DOJ. Negotiations for Moffat Firming were deemed the Global Settlement negotiations. In February of 2010 the parties negotiating the Global Settlement presented a "White Paper" outlining their proposed resolution of the Blue River Decree as a part of the Global Settlement and gave the State and Feds 45 days to accept it under a deadline offered by the US Magistrate for the Blue River Decree. Neither the Feds nor the State found the proposal completely acceptable as twice monthly meetings followed to modify the document. By September with the process not moving forward and the 45 day deadline long past, we offered a new approach that included a compromise from our standing position put forth in the Interim Fill Policy for Green Mountain that has been issued annually since 2004. The USBR and DOJ found our new proposal to be unacceptable and offered modifications that gutted our proposal. The remaining parties worked with Feds to develop another proposal, but ultimately we were heading for another dead end. At year's end the Division Engineer and the AGO were developing another solution to hopefully bring the process around.

Prior to the end of August 2010 DWR was also brought into the negotiation of the Global Settlement, which was broken into separate series of meetings; Grand and Summit County Water Supply, Grand County Environmental Flows, Shoshone Outage Protocol, and the Blue River Decree. The meetings resulted in twice a week trips to Denver and Summit County. Eventually the all but the Blue River Decree were consolidated into one meeting date with three part every other week. The Global Settlement included many concerns, but the most difficult were the many undecreed changes of water rights. At the end of 2010, we had developed proposals to deal with many of these problems and continued to hash out the details. As the settlement nears completion, progress of this effort will be rolled out to the public as the Colorado River Cooperative Agreement.

Other than initial discussions concerning pre-positioning of CBT water in east slope Windy Gap storage to make room for Windy Gap pumping in Granby and the use of Red Top Valley Ditch water for 10,825 mitigation, we have not been involved in negotiations for Windy Gap FIRMING.

Personnel and Administration

- **Staff Re-organization**

Retirements and resignations of staff continue to provide opportunities to analyze staffing and align staff to best suit the needs of our customers. The internet, email, and other improvements to communications have reduced both phone-in and walk-in customers. Additionally, workload related to mail routing and filing has transferred from an administrative assistant to other staff. Thus the administrative assistant position was reduced to 6 man-months. With the leftover months and changes to several other positions a new 12 month position was created for litigation and municipal accounting. In the future this new position and our augmentation plan positions will be organized into an accounting and administration unit.

Division 5 has a long-term plan to organize our Water Commissioner positions into 3 three units. The first unit has long been established and is comprised of the District 72 lead water commissioner and his deputies. The second unit (Middle Colorado River) was created this year with a lead water commissioner in the Glenwood Springs office supervising water commissioners in Districts 37, 38, 39, 45, 52, 53 and 70. The third unit (Middle Park) of Districts 36, 50, and 51 is expected to be created next year.

- **New Office**

2010 marked a major change for Division 5 with relocation to new office space. After 20 years the office was moved to the Glenwood Professional Building located at 202 Center Drive in Glenwood Springs. The relocation included a tenant finish of 4200 sq. ft. The space was specifically designed for DWR, including individual offices for Div 5 office staff, workstations for field commissioners and a new conference room. The move forced an evaluation of 20 years worth of stored documents and paperwork and allowed us to weed out the old and start fresh. This new location was designed with future growth in mind and should serve us well for many years to come.

- **Paperless Project**

Division 5 has been working for a couple of years to reduce the need for paper files and the floor space used by the ever increasing number of file cabinets. Reducing storage costs are important, but the primary benefit of the project will be reduced operating costs for postage, envelopes, travel, ink, paper, copiers and printers. The project will also provide better access of all our documents by the public and field staff. The status and plans for the project are as follows:

1. No new paper Water Court case files since end of 2007, except;
 - documents too large to scan, which will ultimately be scanned and destroyed
 - cases that are on trial track, once decreed docs in paper file will be reconciled with Laser Fiche or S:/ if doc is client/attorney work doc and destroyed
2. Scanning pre-2008 Water Court Case Files;
 - In May 2011 all papers files 1979-1995 and 2007 completed
 - Reconcile Paper file and Div 5 Server file with Laser Fiche
 - For 2007 include reconciliation with LexisNexis
3. Paperless Water Administration Files;

- 2007- current correspondence from Div5 is on Div5 Server
- Plan to include all emails related to Water Administration
- Have begun scanning historic correspondence
- All will be transferred to Laser Fiche

4. Litigation

- All Water Court filings are e-filed via LexisNexis, these documents are electronically routed/processed based on importance. No physical folders are created.
- Create Electronic folder on Div5 server for new Applications and Create entry for Application in Courtcase Database.
- Email Application to Water Commissioner requesting field inspection.
- Field inspections are returned via email with docs and maps attached and saved in the electronic folder.
- Email field inspections to Referee.
- Summary of Consultations are saved in the electronic folder and e-filed via LexisNexis.
- Ultimately the decree is saved in the electronic file, and all necessary files are reconciled with LexisNexis and saved on LaserFiche.

Community involvement

Division 5 remains involved with the water community to provide technical support, advise and information through the following organizations and meetings;

- The Colorado River Roundtable of the IBC holds once a month meetings on the third Monday of each month that are all attended by the Division Engineer. Also, attend additional meetings such as the 4-basins Roundtable Meeting and state-wide events of the IBC.
- Most quarterly meetings of the Colorado River Water Conservation District, Basalt Water Conservancy District, West Divide Water Conservancy District and Silt Water Conservancy District are attended by the local water commissioner and office staff.
- Many of the monthly meetings of the Eagle River Forum, Roaring Fork Conservancy and Middle Colorado River Stakeholders are attended by the local water commissioner and occasionally by office staff.
- Other meetings attended by local water commissioners and office staff include annual State of the River meetings held in most counties prior to spring runoff to provide the public and water users with updates on water supply conditions. Eagle River Forum, RF Collaborative
- Division 5 staff once again setup a booth at the two day Encana Oil and Gas Expo, providing information to industry representatives and the general public.

Water Court Litigation and Cases of Note

The number of new applications continues to decrease in Division 5 but as competition for water supplies increase, applications become more complex; thus, litigation continues to dominate the workload of the Division's office staff. In 2010, a total of 308 applications were filed in Division 5 water court; of these, 243 were new applications and 65 were amended applications. A total of 218 cases were decreed by Division 5 Water court in 2010 including adjudications for due diligence, conditional to absolute water rights, surface water rights, underground water rights, water storage rights, exchange water rights and augmentation plans. Furthermore, conditional water rights were cancelled on 109

structures in 70 cases by order of the water court and due diligence as decreed on 247 structures in 119 cases. The State and Division Engineers also filed opposition in 11 cases for the calendar year 2010.

The application in 95CW272 for the Homestake Project was filed as a change of storage and direct rights, new surface storage and groundwater rights, plan for augmentation, and rights of exchange. For settlement in 2010 this application was bifurcated into two cases; one for surface rights and the other for groundwater rights. Settlement was reached for the surface rights while the groundwater portion of the case remains open for additional data collection and engineering. The settlement limited total diversions to an average of 30,000AF reduced all the changed conditional direct flow amounts and the rights of exchange, and placed limits and requirements on the use for augmentation, as well as many other concessions by the applicants. Pursuant to an MOU with the Eagle River Assembly, 10,000AF of the yield will be used by interests on the Eagle River.

Two cases one with Copper Mountain Metro, 01CW304, and the other with Copper Mountain Inc, 02CW382 were settled in 2010. A central issue in both cases was our opposition to the use of the senior Clinton Reservoir storage right for augmentation. The water right is decreed for industrial and domestic purposes on the Climax Mine property and has never been changed from that use. During litigation of the second of the two cases, the other interests in the Clinton Reservoir Company filed individually for diligence on existing conditional exchange rights or new exchange rights using Clinton shares, which we also opposed for the same issue. The Copper Mountain Metro case was settled with non-precedential language that allowed storage of the junior right in Clinton and paper filling of the senior, leaving reference to the senior in the decree. Because litigation of the issue was not resolved in 01CW304, we insisted that precedential language be inserted in each of the pending decrees to put an end to the continued expense and effort of litigation of the issue. Ultimately, satisfactory decrees were entered in all the cases.

There was progress in two cases of note with the Eagle River Water and Sanitation District. The first was the Wolcott case, 08CW77, that settled an long argued issue in other cases by the District, where the same augmentation water is used in many of their plans without attaching a specific amount from each source to each plan. The settlement allows continued use of this practice in decrees, but requires accounting and pre-irrigation season identification of the use of each augmentation source. This allows the flexibility the District hopes for and provides us assurance that their augmentation sources are adequate for the existing plans. The second case the Ford Park case, 05CW104, went to trial in 2010 and was awaiting the Judge's decision at the end of 2010.

Submitted by,

Alan C Martellaro
Division Engineer