

Consent Agenda Item 1.t
May 2010 Board Meeting

Case No.7-10CW006; Southern Ute Tribe; BP America Production Co.,
XTO Energy Inc., and Samson Resources Company

Summary

This is an application for a plan for augmentation to provide replacement water for applicant's existing and future coal bed methane wells that divert water from the Fruitland Formation and are tributary to the Pine River. This plan will provide replacements for wells identified in Case Nos. 7-09CW87, 7-09CW90, 7-09CW91, and 7-09CW97. The replacement water for this case will be from Vallecito Reservoir, owned by Southern Ute Indian Tribe; Los Pinos Ditch shares, owned by BP American Production Co.; and BP South Fork Texas Creek Reservoir.

CWCB Appropriations

The CWCB holds the following instream flow water rights that could be injured by this application:

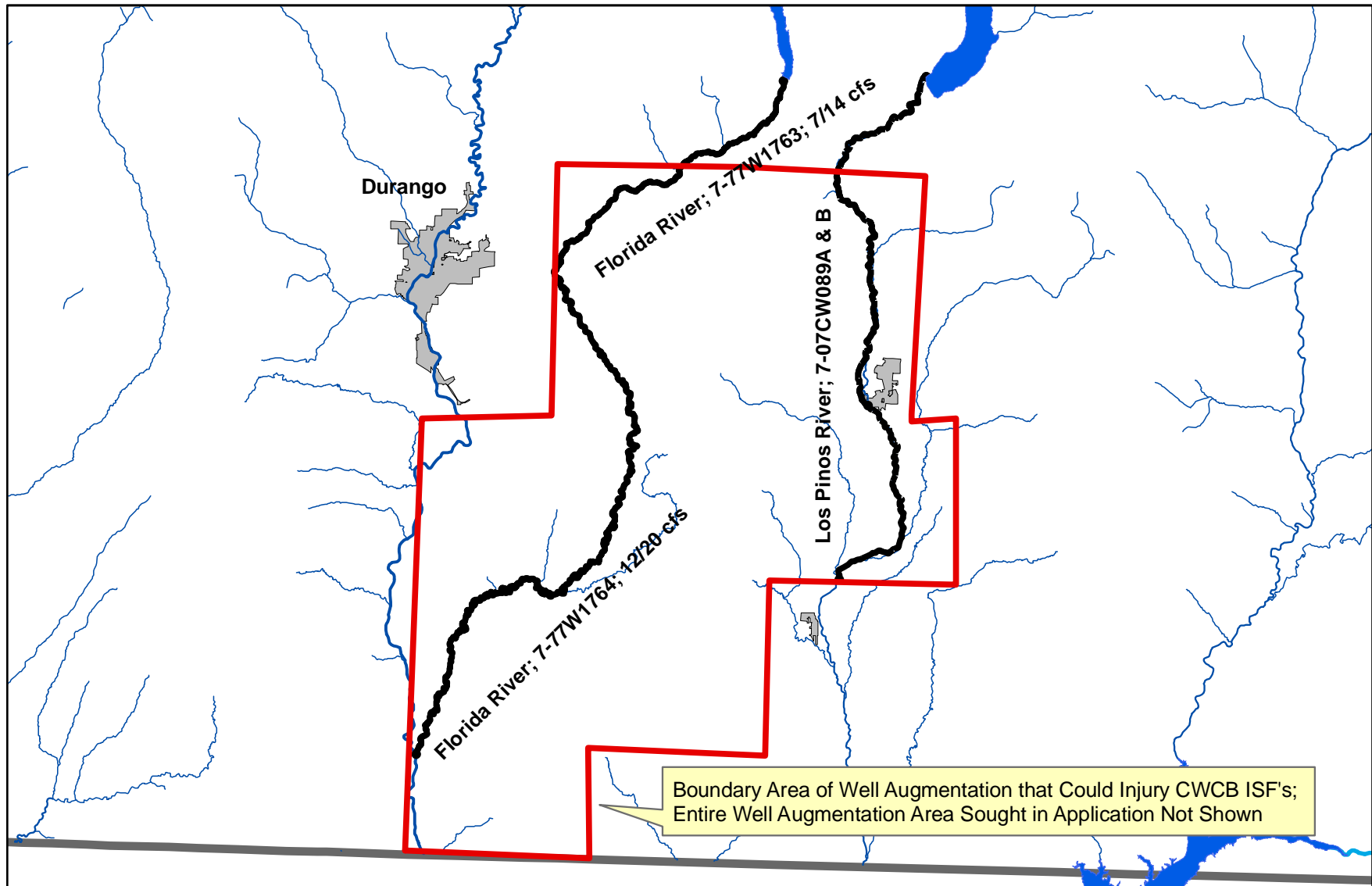
CWCB Case No.	Stream/Lake	Amount (cfs)	Approp. Date	Watershed	County
7-07W089A	Los Pinos	Varies	7/26/2006	Upper San Juan	La Platta
7-07W089B	Los Pinos	Varies	7/26/2006	Upper San Juan	La Platta
7-77W1763	Florida River	7/14	1/19/1977	Animas	La Platta
7-77W1764	Florida River	12/20	1/19/1977	Animas	La Platta

Potential for Injury

The Applicant's proposed plan for augmentation may not replace out-of-priority depletions in time, place and amount, which could injure the Board's instream flow water rights.

Other Objectors

Other objectors include Pine River Irrigation District (PRID); King Consolidated Ditch Company; Morrison Consolidated Ditch Company; Jeri Mac Burkett Revocable Trust; James Ronald Burkett Revocable Trust; Jeri Mac Richardson Burkett Generation Skipping Trust; James Evan Burkett; Kathryn Shelby Burkett; Witt Family Trust No. 2; Robert W. Witt; Leroy F. McCaw Revocable Trust; Ruth M. McCaw Revocable Trust; Holly G. Barnes Family Trust; Gladys M. Barnes Living Trust; Perry R. Barnes; Laura Lee Pargin; Stephen Pargin; Earl Rae; Pargin Ranch; Evelyn L. Payne; Hocker Family, LLC; Garden Pastures, LLLP; Glenda E. and Jess LeRoy Hocker; Glen A. Payne Family Trust; Arthur Jackson Payne LLC; John R. Gardella Revocable Trust; Ulyss L. Gardella Revocable Trust; Jacob E. Pargin; Aubrey R. Pargin; Alberta L. Revocable Trust; Hocker Construction, LLP; Hocker Family LLC; Mark Seis and Jennifer Gehrman; Ray Turner and Barbara Lawson; Los Pinos Ditch Company; and the State and Division Engineers.



May 18-19, 2010 Board Meeting
 Consent Agenda Item 1t; Statement of Opposition
 Case No. 7-10CW006; Southern Ute Indian Tribe; BP America Production Company;
 XTO Energy Inc.; Samson Resources Company

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