

Consent Agenda Item 1.u
May 2010 Board Meeting

Case No.7-10CW007; Four Star Oil & Gas Co., Chevron Midcontinent, L.P.,
XTO Energy Inc., and BP America Production Co.

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 Florida River. This plan will provide replacements for wells identified in Case Nos. 7-09CW94, 7-09CW87, 7-09CW93, and 7-09CW97. The replacement water for this case will be from Florida Water Conservancy District for the release from Lemon Reservoir of up to twenty acre-feet of water.

CWCB Appropriations

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

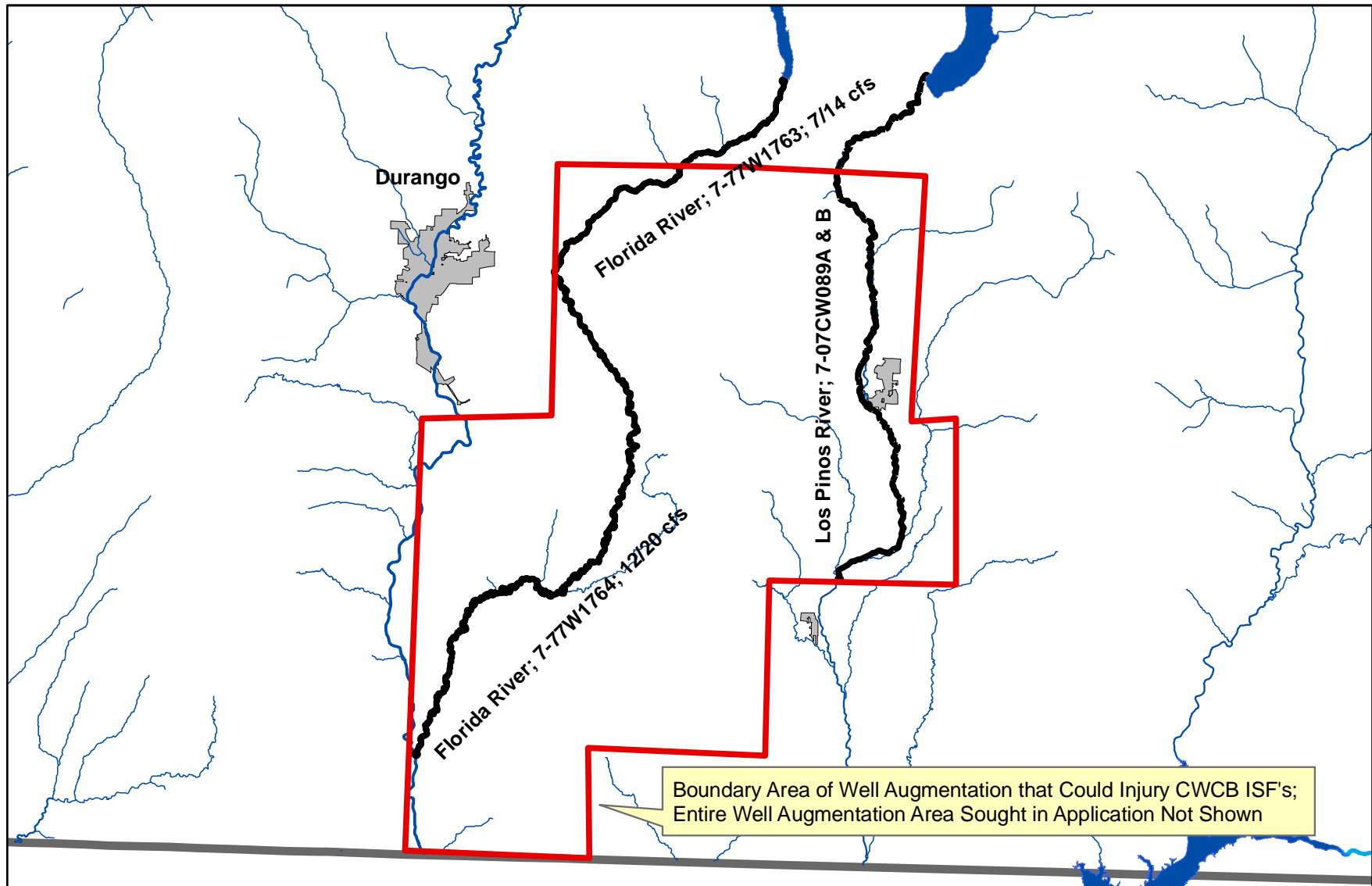
CWCB Case No.	Stream/Lake	Amount (cfs)	Approp. Date	Watershed	County
7-07W089A	Los Pinos	Varies	7/26/2006	Upper San Juan	La Platta
7-07W089B	Los Pinos	Varies	7/26/2006	Upper San Juan	La Platta
7-77W1763	Florida River	7/14	1/19/1977	Animas	La Platta
7-77W1764	Florida River	12/20	1/19/1977	Animas	La Platta

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 Florida Farmers Ditch Company; Florida Farmer Cooperative 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; Pargin Ranch; Jacob E. Pargin; Hocker Construction; Michael J. DeWitt Trust; Jerry and Laura McCaw Revocable Trust; 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; LLH Operations, LLP; AH, LLC; Lula Mae Hess; Florida Water Conservancy District; the City of Durango; United Dairy Farmers; and the State and Division Engineers.



May 18-19, 2010 Board Meeting
Consent Agenda Item 1u; Statement of Opposition
Case No. 7-10CW007; Four Star Oil and Gas Company;
BP America Production Company; XTO Energy Inc.

0 2 4 8 Miles

1