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STATE OF COLORADO

**WATER DIVISION ONE
OFFICE OF THE STATE ENGINEER**

Division of Water Resources
Department of Natural Resources

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WATER RESOURCES
STATE ENGINEER
COLORADO



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Governor

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Executive Director

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State Engineer

Alan D. Berryman
Division Engineer

May 5, 1995

SUMMARY OF CONSULTATION HELD APRIL 17, 1995

CASE NO. 94CW268 Lakeview Village Inc., The City of Boulder, and the Colorado Water Conservation Board, Boulder and Weld Counties

DECEMBER 1994 RESUME

The applicants have filed an application for approval of a plan for augmentation and exchange for two reservoirs, Lakeview Reservoir No. 1 and 2, located on an unnamed tributary of the St. Vrain River. The reservoirs are located in Section 13, T2N, R68W. Lakeview proposes this exchange and plan for augmentation in order to maintain water levels at the reservoirs. The source of augmentation and exchange for the reservoirs is 100 acre-feet annually of water leased from the City of Boulder from the City's ownership in the Anderson Ditch, Farmers Ditch, Harden Ditch, McCarty Ditch, and Smith and Goss Ditch. These ditches were subject to previous changes in Case Nos. W-7569, W-7570, W-8520-77 and 90CW193. The proposed use in this case is in addition to the municipal and instream flow use decreed in 90CW193.

The water is to be delivered down Boulder Creek to the Saint Vrain River and then transported down the St. Vrain River to its confluence with the unnamed tributaries on St. Vrain Creek. The Leased water will then be exchanged up the unnamed tributaries or left in the river to provide augmentation for out-of-priority depletions resulting from evaporation from Lakeview Reservoirs No. 1 and No. 2.

The Division Engineer can not recommend approval of this application until the following concerns are addressed:

- 1) Provide the Court with evidence that the existing augmentation plan will be adequate to prevent injury to other water rights in time, location and amount.
- 2) Provide proof that there will be no expansion of use and return flows will be maintained as a result of the proposed plan for augmentation and exchange.
- 3) Stream losses in Boulder Creek and St. Vrain Creek associated with the conveyance of the leased water from the

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point of delivery, to the location of the unnamed tributary on St. Vrain Creek will be assessed by the State as proposed.

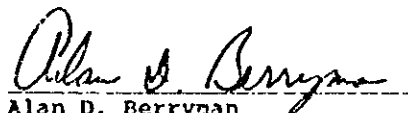
4) If not already in place, the applicants must be required to install and maintain adequate measuring devices acceptable to the Division Engineer or Water Commissioner to administer this plan for augmentation and exchange.

5) The proposed exchange may only be operated with the prior approval of the Water Commissioner or Division Engineer.

6) The applicants must be required to keep adequate accounting forms to allow the Division Engineer and Water Commissioner to properly administer this plan.

Requested information should be submitted to the Water Court, P.O. Box C, Greeley, Colorado 80632 or Telephone 351-7300, Ext. 4598.

CRS 1973, 37-92-302(4), SIGNED IN TO LAW MAY 17, 1988, PROVIDES THAT THE APPLICANT OR HIS ATTORNEY SHALL MAIL OR DELIVER A COPY OF THIS CONSULTATION TO ALL PARTIES OF RECORD WHO FILED A STATEMENT OF OPPOSITION TO THIS APPLICATION, IF ANY, AND THE STATUTE ALSO REQUIRES THAT THE APPLICANT OR HIS ATTORNEY SHALL FILE A CERTIFICATE OF MAILING WITH THE WATER CLERK OF DIVISION 1 IF THIS CONSULTATION IS MAILED TO OPPOSING PARTIES.


Alan D. Berryman
Division Engineer

DLN/dln
cc: Hal D. Simpson