

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Coulson SWSPs

Peter Wayland <pwayland@weilandinc.com>

Fri, Aug 16, 2019 at 12:12 PM

To: "Comaniciu - DNR, Ioana" <ioana.comaniciu@state.co.us>

Cc: Jean Lever - DNR <jean.lever@state.co.us>, Jared Ebert - DNR <jared.ebert@state.co.us>, "Scott - DNR, Eric" <eric.scott@state.co.us>

Ioana,

Per our discussion this morning, I am providing a summary of how I will revise Coulson Excavating's Temporary SWSP's to address your comments and be consistent with the Permanent Augmentation Plan *Coulson Gravel Ponds Augmentation Plan* (CGPAP) which supports case 19CW003157.

Evaporative losses from Challenger and Kirtright will both utilize HCU credits from the Hill & Brush Ditch (28 shares). Kirtright will no longer claim Hillsborough HCU credits.

The 12" Parshall Flume return flow measurement structure has been cleaned and fitted with a Sutron Stage/discharge recorder (See attached photos lock combo 1289). This structure performs well at flows up to ~1.5 c.f.s. where inflows are stable laminar and non-turbulent. Flow velocities through the structure in the range of 0.5 - 1.5 c.f.s. will allow for this structure to be self-cleaning. The observed siltation this season is the result of the headgate allowing approximately .15 c.f.s. to continually flow (very low velocity) when closed. The Headgate for this structure has been cleaned so that it will not "low flow" and silt up.

Challenger & Kirtright Non-irrigation season depletions will be replaced with water from Coulson's lease with the City of Loveland.

As part of the revised temporary SWSP's, a replacement summary table will be provided showing 1) Depletions from all of Coulson's sites 2) HCU credits and return flow obligations for Hill & Brush Shares 3) Monthly and annual use of City of Loveland's lease water 4) Brownwood Reservoir SE water currently in storage to be used as replacement water.

I will revise each of the plans by Tuesday, August 20, 2019 to reflect these changes.

In addition, I have provided responses below to your comments in bold italics for Challenger, Brownwood & Kirtright :

I have completed a preliminary review of the SWSP for the Challenger Pit and I have the following comments:

1. According to information in the previous SWSP adequate measuring devices acceptable to the water commissioner were to be installed at the headgate of the Hill & Brush Ditch. Note that, this SWSP will not allow any historic consumptive use credits from these 7.4 shares to be applied to this plan until such time as a these

shares are adequately diverted, measured, recorded, and accounted for to the satisfaction of the Water Commissioner. Please provide information that the required measuring devices were installed and approved by the Water Commissioner

Please see above

2. Condition No. 2 of the previous SWSP required that Applicant submit a well permit application within 30 days of the SWSP approval. Such application has not been submitted therefore there is no valid well permit for the site.

A well permit has been submitted to DWR

3. The previous SWSP stated that Challenger pit is not in compliance with the April 30, 2010 DRMS letter. The Applicant was required to submit documentation that they are in the process of obtaining a bond through DRMS to cover the cost of lining or backfilling or must permanently dedicate shares to the plan that can be used for the purposes of augmenting depletions in the unlikely event, or events, that would lead to the abandonment of the Pit. This bond or permanent dedication of water is required to be maintained until a permanent plan for augmentation is decreed by the court. Please provide information that the required bond has been posted with DRMS or indicate which water is dedicated to cover the long term depletions.

The Challenger Pit had a technical revision to include plans to construct a compacted clay liner and a bond revision was posted. Additionally, 28 shares of Hill & Brush ditch are pleaded in the permanent Augmentation Plan filed with Water Court August 8, 2019 case #2019CW003157

4. Please provide a copy of the IDSCU model files and AWAS files used to determine the HCU of the Hill & Brush Ditch and the lagged return flows and lagged depletions from the site.

These files will be submitted with the revised plan

5. What is the time frame for filing a water court application for a permanent plan for augmentation with the Division 1 Water Court?

A permanent Augmentation Plan was filed with Water Court August 8, 2019 case #2019CW003157

I have completed a preliminary review of the SWSP for the Brownwood Pit and I have the following comments/questions:

1. You indicated that water identified in the previous SWSP as a farm pond feeding the Pfeif comes from Osborn Irrigation System water right decreed in case no. CA10077. In the SWSP request you assumed that impoundment of the water in the Pfeif Pond is less than 72 hours, and therefore the evaporative depletions from the pond are not considered in the SWSP. Note that review of the 2017, 2015, 2013 aerial photos revealed that there is water in the pond year round, thus it appears that water is not being used for irrigation within the 72 hours assumption. Therefore the evaporation from Pfeif Pond must be included in the SWSP renewal until such time as a 90-day clay liner test for Pfeif Pond is performed for the pond and it is determined that the clay liner meets the design/performance standard referenced in the August 1999 State Engineer Guidelines for Lining Criteria for Gravel Pits.

Until the leak test has been finalized the revised plan will include the Pfeif Pond

2. Information in the previous SWSP indicates that prior to using the Big Thompson Ditch & Manufacturing Company shares in this SWSP, the Applicant must install a data logger on the existing flume and the Water Commissioner must approve its installation. Please provide information that the required data logger on the existing flume was installed and approved by the Water Commissioner.

The revised plan will no longer claim BTD&M Co. HCU credits. Instead, the plan will use water stored in the Brownwood Reservoir SE and City of Loveland water for replacement

3. Please provide a copy of the IDSCU model files and AWAS files used to determine the HCU of the Big Thompson Ditch & Manufacturing Company and the lagged return flows and lagged depletions from the site.

These files will be submitted with the revised plan

4. Please provide a table showing how much water is being dedicated monthly and yearly from the Loveland lease to each of the Coulson sites.

Please see above description of proposed replacement summary table

5. What is the time frame for filing a water court application for a permanent plan for augmentation with the Division 1 Water Court?

A permanent Augmentation Plan was filed with Water Court August 8, 2019 case #2019CW003157

I have completed a preliminary review of the SWSP for the ***Kirtright Pit*** and I have the following questions/comments:

1. According to information in the previous SWSP, a total of 2.99 acres of pond surface was exposed within the Kirtright Pit reclamation permit boundary prior to January 1, 1981. However the 2.99 acres exposed prior to 1981 are not showing in Figure 2 submitted with the SWSP request. Please clarify the status of the 2.99 acres exposed prior to 1981 and whether these acreage still expose ground water or they were backfilled.

The pre-1981 pond area will be shown in the revised SWSP

2. Computation of evaporation under this plan used the effective precipitation from the Loveland (record 1989-2017) NOAA weather station however in the HCU analysis for the Hillsborough Ditch you used the precipitation data from the Fort Collins weather station. Can you clarify why you used different weather stations data since the mined property and the previously irrigated lands are at the same location?

Hillsborough HCU credits are no longer applied

3. The affidavit for dedication of 0.5 share of Hillsborough Ditch to the SWSP and the temporary dry-up agreement appeared to have been valid only for previous SWSPs. Therefore we will need an updated Affidavit and Dry-up agreement.

Hillsborough HCU credits are no longer applied

4. Please provide a copy of the IDSCU model files and AWAS files used to determine the HCU of the one shares of Hillsborough Ditch, the lagged return flows and lagged depletions from the site.

These files will be submitted with the revised plan

5. Please provide a table showing how much water is being dedicated monthly and yearly from the Loveland lease to each of the Coulson sites.

Please see above description of proposed replacement summary table

6. What is the time frame for filing a water court application for a permanent plan for augmentation with the Division 1 Water Court?

A permanent Augmentation Plan was filed with Water Court August 8, 2019 case #2019CW003157

2 attachments



IMG_20190815_165008859.jpg
3500K



IMG_20190815_164950160_HDR.jpg
5113K