

STATE OF COLORADO

GROUND WATER COMMISSION

Division of Water Resources
Department of Natural Resources

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August 21, 2009 Meeting

TO: Colorado Ground Water Commission

FROM: Commission Staff *K.V.H.*

RE: Petition to Determine the Boundaries of a new Designated Ground Water Basin, referred to as the Upper Spring Creek Designated Ground Water Basin. Agenda Item 10

The Northern Colorado Water Association has submitted a petition to initiate the process to determine the boundaries of a new "Upper Spring Creek Designated Ground Water Basin". The location of the proposed basin is in the northeast corner of Larimer County, following the Spring Creek drainage, extending from the Wyoming State line on the northwest to the Larimer County line on the southeast.

Pursuant to C.R.S. 37-90-106(1)(a), "The commission shall, from time to time as adequate factual data becomes available, determine designated ground water basins and subdivisions thereof by geographic description, and as future conditions require and factual data justify, shall alter the boundaries or description thereof."

C.R.S. 37-90-106(1)(b) & (2) identifies the following "findings" required to be included in any such determination:

- Name of the aquifer within the proposed designated basin
- Boundaries of each aquifer being considered
- The estimated quantity of water stored in each aquifer
- The estimated annual rate of recharge
- The estimated use of groundwater in the area
- If the source is an area of use exceeding fifteen years as defined in section 37-90-103(6) (i.e. 15 years preceding the date of the hearing on the proposed designation in areas not adjacent to a continuously flowing natural stream wherein ground water withdrawals have constituted the principal water usage), a listing of those users who have been withdrawing water during the fifteen-year period, the use made of the water, the average annual quantity of water withdrawn, and the year in which the user began to withdraw the water.

Staff's review of the petition indicates it contains claims for each of the above "findings", and so appears ready for the Commission's consideration under C.R.S. 37-90-106(3). Should the Commission decide to consider the petition, C.R.S. 37-90-106(3) requires the State Engineer to prepare a map and legal description, and the Commission then to publish the petition prior to holding a hearing to determine whether the ground water is designated ground water as defined in C.R.S. 37-90-103(6) and whether to create the basin.

Attachments: C.R.S. 37-90-106

37-90-106. Determination of designated ground water basins - exception - repeal.

(1) (a) The commission shall, from time to time as adequate factual data becomes available, determine designated ground water basins and subdivisions thereof by geographic description and, as future conditions require and factual data justify, shall alter the boundaries or description thereof.

(b) In making such determinations the commission shall make the following findings:

- (I) The name of the aquifer within the proposed designated basin;
- (II) The boundaries of each aquifer being considered;
- (III) The estimated quantity of water stored in each aquifer;
- (IV) The estimated annual rate of recharge;
- (V) The estimated use of the ground water in the area.

(2) If the source is an area of use exceeding fifteen years as defined in section 37-90-103(6), the commission shall list those users who have been withdrawing water during the fifteen-year period, the use made of the water, the average annual quantity of water withdrawn, and the year in which the user began to withdraw water.

(3) Before determining or altering the boundaries of a designated ground water basin or subdivisions thereof, the state engineer shall prepare and file in his office a map clearly showing all lands included therein, together with a written description thereof sufficient to apprise interested parties of the boundaries of the proposed basin or subdivisions thereof. The commission shall publish the same and hold a hearing thereon. Following such hearing, the commission shall enter an order to either create the proposed designated ground water basin, to include modification of the proposed boundaries, if any, or dismiss the original proposal, according to the factual information presented or available.

(4) (a) The commission shall not, after May 23, 1983, determine as part of any designated ground water basin any ground water within the Dawson-Arkose, Denver, Arapahoe, or Laramie-Fox Hills formations which was located outside the boundaries of any designated ground water basin that was in existence on January 1, 1983.

(b) (I) However, the commission may determine as a part of any designated ground water basin any ground water in the Crow Creek drainage area in Weld county, upstream from the confluence of Crow Creek and Little Crow Creek, within the Laramie-Fox Hills formation when the Laramie-Fox Hills formation is not overlaid by the Dawson-Arkose, Denver, or Arapahoe formations.

(II) If, upon receipt by the state engineer of the findings of the Laramie-Fox Hills study, as authorized by Senate Bill 250, 1985 legislative session, that the upper Crow Creek drainage area in Weld county, upstream from the confluence of Crow Creek and Little Crow Creek, within the Laramie-Fox Hills formation when the Laramie-Fox Hills formation is not overlaid by the Dawson-Arkose, Denver, or Arapahoe formations should not be a designated ground water basin, this paragraph (b) is repealed.