

February 16, 2018 GWC Meeting

To: Colorado Ground Water Commission

From: Commission Staff

Re: Hearing on request of JDM Farmland for an exception to Rule 5.5 to allow issuance of a conditional permit with a duty of water less than 3.5 acre-feet per irrigated acre.

Rule 5.5 states - Water Quantity Requirements for Issuance of New Permits for Irrigation Use – For new permits, the amount of water to be appropriated for irrigation of agricultural lands shall be 2-1/2 acre-feet per irrigated acre for all aquifers in all designated basins except for the Southern High Plains Basin where the amount shall be 3.5 acre-feet per acre. In reviewing permit applications, the amount of water available for appropriation must be sufficient to irrigate the requested acreage at the prescribed rate unless an exception is granted by the Commission.

On March 6, 2013 the Commission issued permit nos. 77051-F and 77052-F for the irrigation of 474 acres described as a 474-acre circle covering part of the S1/2 of the Section 26 and part of the N1/2 of Section 35, Township 32 South, Range 48 West, 6th P.M. Each permit was approved for the withdrawal of 829.5 acre-feet for a total of 1659 acre-feet, being a duty of water of 3.5 acre-feet per irrigated acre as required by Rule 5.5.

Permit no. 77051-F was expired on June 10, 2014 for lack of evidence of construction. Permit no. 77052-F is the only well authorized to irrigate the 474 acres described above. With an approved annual appropriation of 829.5 acre-feet, permit no. 77052-F has a duty of water of 1.75 acre-feet per irrigated acre, contrary to Rule 5.5.

Applicant, JDM Farmland, has applied to increase the annual appropriation of well permit no. 77052-F from 829.5 acre-feet to 1305.7 acre-feet, an increase of 476.2 acre-feet, to irrigate the 474 acres described above. Applicant has submitted a well test demonstrating that the well with permit no. 77052-F has a sustained yield of 1163.2 GPM. A well pumping at 1163.2 GPM, for 24 hours per day for 254 days (the growing season in the Southern High Plains) will divert 1305.7 acre-feet of water.

Irrigation of 474 acres at the prescribed rate of 3.5 acre-feet per acre requires the application of 1659 acre-feet. Well permit no. 77052-F can physically produce 1305.7 acre-feet which is a duty of water of 2.75 acre-feet per acre.

In accordance with Rule 5.5, applicant has requested an exception to Rule 5.5 to allow a duty of water on 474 acres described as a circle covering part of the S1/2 of Section 26 and part of the N1/2 of Section 35, Township 32 South, Range 48 West, 6th P.M., of 2.75 acre-feet per acre.

If the Commission does not grant the request, Staff expects to issue the requested second permit for 476.2 acre-feet for a combined annual appropriation with well permit no. 77052-F of 1305.7 acre-feet, and issue final permits for both conditional permits, for the irrigation of 373 acres, a duty of 3.5 acre-feet per acre.

If the Commission does grant the request, Staff expects to issue the requested second permit for 476.2 acre-feet for a combined annual appropriation with well permit no. 77052-F of 1305.7 acre-feet, and issue final permits for both conditional permits, for the irrigation of 474 acres, a duty of water of 2.75 acre-feet per acre.

The application for the appropriation of Designated Ground Water and the request for a variance to Rule 5.5 were published in the Plainsman Herald on December 19 and 16, 2017, no objections were received in the allotted period of time.

It is not clear to Staff what standard the Commission would use in granting this exception or what standard was used in previous approvals, but Staff is of the opinion that approval of this exception will not cause injury to other water rights.