



COLORADO

Colorado Water Conservation Board

Department of Natural Resources
1313 Sherman Street, Room 718
Denver, CO 80203

Memorandum

To: Governance Committee, Water Advisory Committee, Executive Director's Office
Platte River Recovery Implementation Program

From: Kara Scheel, Endangered Species Recovery Program Manager
Colorado Water Conservation Board

Date: May 2, 2023

Subject: Colorado's Annual Report for 2022, North Platte River Basin

The following information fulfills Colorado's 2022 annual monitoring and reporting requirements for the North Platte River basin pursuant to Colorado's Plan for Future Depletions:

- Colorado's North Platte annual accounting for the year 2022
- Colorado population estimates for the year 2022
- Use of water in the North Platte River basin for the water year 2022

The attached accounting form shows the overall depletions in the North Platte River basin in Colorado have not exceeded the baseline consumptive use. The total consumptive use was less than the baseline consumptive use by 23,536 acre-feet in 2022.



NORTH PLATTE ANNUAL ACCOUNTING FORM FOR YEAR 2022

1. Irrigated acres during year:	105,636 acres	X	0.83 acre-feet (af)/acre*	=	87,678 af
2. Population during year:	1,357 people	X	0.088 af/person**	=	119 af
3. Total new post-1997 industrial uses:				=	427 af
a) Oil and gas well development and operations by Gondola Resources/D90 Energy					
4. Total new post-1997 piscatorial, wildlife and environmental uses (PWEUs), not incidental to agriculture:				=	25 af
a) The decree issued in case number 10CW57 is for an absolute instream flow water right held by the CWCB to preserve the natural environment for 4.0 cfs (April 1 – July 15) and 0.7 cfs (July 16 – March 31). The CU is 0 af.					
b) The decree issued in case number 10CW48 is for an absolute surface water right to maintain a 4.0-acre fish pond owned by Donald Right for 1 cfs. The diversion will occur during the irrigation season (June 1 to October 31). The CU is estimated from information from the court application and is 5.92 af for evaporation.					
c) The decree issued in case number 13CW3018 is for an absolute instream flow water right held by the CWCB to preserve the natural environment for 3.6 cfs (May 1 – July 31), 1.0 cfs (August 1 – September 30) and 0.5 cfs (October 1 – April 30). The CU is 0 af.					
d) The decree issued in case number 17CW3019 is for an absolute surface water right of 38.6 acre-feet for the Lake Creek Wetlands over 18.5 acres for wildlife propagation. Evaporative loss, CU, is 19.2 acre-feet.					

	TOTAL CU	=	88,249 af
	BASELINE CU	=	111,785 af
	ANNUAL CU UNDERRUN(-)	=	-23,536 af

* This 0.83 af/acre CU factor may be significantly higher if a high altitude crop coefficient is used. Current information demonstrates that the CU for irrigated pasture grass, assuming a full water supply, could be as high as 1.82 af/acre, or higher. Nevertheless, Colorado agrees to use the 0.83 af/acre factor for the first increment, and will not seek a change of this factor from the Governance Committee during the First Increment.

** 0.2504 af/person diversion X 35% CU = 0.088 af/person. (Based on applying South Platte Basin M&I assumptions to Jackson County as of July of the year that begins the increment [i.e. July 2007]. The 2007 South Platte Basin M&I per capita use was changed to 0.2504 af/person by the Governance Committee on October 13, 2009.)

Notes

- 1) If total af of CU ever totals more than 111,785 af (177 af for population baseline and 111,608 af for agricultural baseline) under the current set of assumptions, then Colorado would propose mitigation as described below. Note, this does not add in the CU for pre-1997 PWEUs or pre-1997 industrial uses because these uses will not be used to offset other types of uses that are new depletions.
- 2) Total annual overruns and under runs to these benchmarks will be quantified and reported. If a total overrun occurs, Colorado will provide a mitigation plan for the review and approval of the Governance Committee. The mitigation plan will identify the total annual overrun that occurred, and offer a means to replace the overruns in the year following the year the overruns occurred.



April 3, 2023

Tom Riley, Director
Nebraska Department of Natural Resources
Tom.riley@nebraska.gov

Lyle Myler, Area Manager
U. S. Bureau of Reclamation
Wyoming Area Office
cronca@usbr.gov

Brandon Gebhart
Wyoming State Engineer
Wyoming State Engineer's Office
brandon.gebhart@wyo.gov

Rebecca Mitchell, Director
Colorado Water Conservation Board
rebecca.mitchell@state.co.us

Dear Ms. Mitchell and Messrs. Riley and Gebhart;

Enclosed herewith is the report of the water stored for irrigation purposes, number of acres irrigated and transbasin diversions from the North Platte River drainage within the State of Colorado for water year 2022. The report covers the period from October 1, 2021 to September 30, 2022, and is prepared in compliance with Paragraph IX of the North Platte River Decree of the United States Supreme Court. The report reflects the irrigated acreage and water use as limited by Paragraph I(a), (b), and (c) of the Decree. The amount of water stored for irrigation purposes and the number of acres irrigated for each structure within North Platte River drainage of Colorado and the transbasin diversions from the North Platte River drainage, along with the 10-year cumulative total, are available for inspection upon request.

If additional information or clarification is needed, please feel free to contact me.

Sincerely,

Kevin Rein, P.E.
Director/State Engineer

Enclosure

ec: Erin Light, Division Engineer, Water Division 6
Kara Scheel, Endangered Species Recovery Program Manager, CWCB



NORTH PLATTE RIVER BASIN
USE OF WATER IN COLORADO
WATER YEAR 2022

The State of Colorado reports the following use of water from the North Platte River Basin for the period October 1, 2021 to September 30, 2022. This report is made pursuant to Paragraph IX of the decree of the Supreme Court of the United States, entered October 8, 1945, in the case of State of Nebraska vs. Wyoming and Colorado, as amended.

Total area of land irrigated in Jackson County, Colorado	105,636 Acres
Total amount of water stored for irrigation in Jackson County, Colorado	16,805 AF
Amount of water exported from the North Platte River Basin, Jackson County, Colorado by:	
Michigan Ditch	4,750 AF
Cameron Pass Ditch	<u>258 AF</u>
Annual Total	5,008 AF
10-Year Cumulative Total	38,350 AF





March 25, 2023

Kara Scheel, P.E.
Endangered Species Recovery Program Manager
Colorado Water Conservation Board
Colorado Department of Natural Resources
1313 Sherman St. Room 721

Dear Ms. Scheel,

According to the Platte River Recovery Implementation Program the State Demography Office shall report annually population changes in each of the three regions and in Jackson County.

On the second page you will find a table with the defined regions and the State Demography Office (SDO) estimates for January 2022 and forecast for January 1, 2023 and population increase for the period. The population is expected to increase by 35,943 in the whole South Platte River Basin between January 1, 2022 and January 1, 2023.

You have also asked for the population estimates and forecasts for Jackson County for the same time period. Their estimates and forecasts are January 1, 2022 = 1,357 and January 1, 2023 = 1,352, and the expected decline to be 5 people. With changes this small, and margins of error, the population is considered to be flat.

Please be aware the estimates and forecasts are produced as vintages and will be revised annually. The data for these estimates and forecasts are based on vintage 2021 work and released November 2022. The estimates will change based on updates to administrative records. The forecast will change dependent upon economic and social conditions within the state and nationally. These data are available on our webpage at: demography.dola.colorado.gov.

Please contact me with any questions regarding the estimates and forecasts.

Regards,

Elizabeth Garner

Elizabeth Garner
State Demographer
Colorado Department of Local Affairs





Colorado Population Estimates and Forecasts - Platte River Recovery Implementation Program
 Source: State Demography Office, Department of Local Affairs March 2023.

Counties	SDO Jan 2022	SDO Jan 2023 Forecast	Pop. Change 2022-23
Boulder	330,056	330,873	817
Broomfield 55%	41,755	42,173	418
Larimer	363,384	366,517	3,134
Logan	21,366	21,341	-25
Morgan	29,054	29,257	204
Phillips	4,481	4,462	-18
Sedgwick	2,323	2,324	1
Washington	4,857	4,856	-1
Weld	342,643	349,428	6,786
Total Northern Region	1,139,916	1,151,232	11,316
Arapahoe 90%	591,615	595,207	3,592
Adams	524,790	529,889	5,100
Broomfield 45%	34,163	34,505	342
Clear Creek	9,451	9,466	15
Denver	716,568	723,365	6,797
Gilpin	5,915	5,939	24
Jefferson	580,214	581,571	1,357
Park	17,772	17,925	153
Total Central Region	2,480,488	2,497,867	17,380
Arapahoe 10%	65,735	66,134	399
Douglas	373,151	379,272	6,121
Elbert	27,388	28,115	727
Total Southern Region	466,273	473,521	7,248
South Platte River Basin Total	4,086,677	4,122,620	35,943

SDO - State Demography Office, November 2022



JACKSON COUNTY WATER CONSERVANCY DISTRICT

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WALDEN, COLORADO 80480

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April 17, 2023

Kara Scheel, Endangered Species Recovery Program Manager
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203

SPWRAP
c/o Lower South Platte Water Conservancy District
100 Broadway Plaza, Ste 12
Sterling, CO 80751

RE: Jackson County Water Conservancy District Approval of Allocations of
Consumptive Depletions Pursuant to Section E. North Platte Baseline of the North Platte
River Basin Depletion Plan

Dear Ms. Scheel,

The Jackson County Water Conservancy District received an official request for annual allocations for consumptive depletions for oil and gas well development in the North Platte River Basin during calendar year 2022 from Gondola Resources, through its contract operator D90 Energy, LLC, whose address is 240 St. Paul Street, Suite 502, Denver, CO 80206. A copy of this letter of request and supporting documentation has been enclosed for your information and reference. The Board of Directors of the Jackson County Water Conservancy District agreed to terms for approval of the allocation of consumptive depletions from the North Platte Baseline for years 2022. The Board of Directors of the Jackson County Water Conservancy District officially approved by unanimous vote of the Board, the allocation of 426.672 acre feet of consumptive depletion from the North Platte Baseline for calendar year 2022 for oil and gas well development by Gondola Resources/D90 Energy in the North Platte River Basin.

If there are questions regarding this letter, please don't hesitate to contact us.

Sincerely,



James A. Baller, Jr.
President, Jackson County Water Conservancy District

Enclosures: as stated



January 6, 2023

Jimmer Baller
Jackson County Water Conservancy District
P. O. Box 1019
Walden, Colorado 80480

Re: Request for Allocation of Consumptive Depletion
Jackson County, Colorado

Dear Mr. Baller,

D90 Energy, LLC, acting as contract Operator on behalf of Gondola Resources, LLC, et al, is currently exploring for oil and gas in the North Park Basin and needs to utilize fresh water for its drilling and completion (fracing) operations. The Jackson County Water Conservancy District has previously approved coverage under the North Platte Baseline for Gondola's consumptive depletion of 360 acre-feet of water during 2022.

Earlier this week, we determined that D90 Energy used a total of 426.672 acre-feet of water during 2022. Accordingly, we hereby respectfully request that the Jackson County Water Conservancy District approve coverage under the North Platte Baseline for Gondola's consumptive depletion of an additional 67 acre-feet of water during 2022 (427 acre-feet actually used minus 360 acre-feet previously approved).

Once you have approved our request for allocation of consumptive depletion, we will issue you a check in the amount of \$10,050.

Respectfully,

**D90 Energy, LLC, Contract Operator
on behalf of Gondola Resources, LLC, et al**

Douglas C. Sandridge
Attorney-in-Fact