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Department of Energy

ROCKY FLATS FIELD OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

FEB 10 1995

95-DOE-08128

Mr. Joe Schieffelin, Unit Leader
Hazardous Waste Control Program
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Dear Mr. Schieffelin:

Enclosed are the questions from the Department of Energy (DOE) regarding Great Western water rights as a potential supplemental environmental project (SEP). These questions will be discussed at our meeting on Monday.

Although DOE has provided these questions, we are not requiring any specific responses. We have provided these, rather, so that the parties can openly discuss the issues.

The meeting on Monday, February 13, is still scheduled for 1:30 p.m. at the new City Council working room in Broomfield.

If you have any questions, please call me at 966-4839.

Sincerely,

Steven W. Slaten
IAG Project Coordinator
Environmental Restoration

Enclosure

- cc w/Enclosure:
- B. Birk, ERMSA, RFFO
- J. Wienand, ERMSA, RFFO
- G. Hill, EGD, RFFO
- J. Rampe, ERPO, RFFO
- C. Franklin, PSG, RFFO
- M. Roy, OCC, RFFO
- M. McCann, OCC Support
- M. Hestmark, EPA
- Administrative Record

**Questions to Broomfield, Colorado Department of Health, Colorado Division of
Wildlife, and U.S. Environmental Protection Agency
Regarding Purchase of Water Rights for Great Western Reservoir Conservation
Pool**

1. Has Broomfield or the Colorado Division of Wildlife conferred with the U.S. Fish and Wildlife Service about issues concerning depletion of water to the South Platte River? Is Broomfield or the state planning on augmenting water downstream to minimize depletions?
2. Will Broomfield or the Colorado Division of Wildlife be preparing a biological assessment related to this water rights sale, and Broomfield's long term plans to reuse wastewater effluent, rather than discharging to Big Dry Creek? Have water quality issues with Big Dry Creek been considered? Depletions to the South Platte River, the Preble's Meadow Jumping Mouse, and other species will need to be addressed.
3. Have there been calculations on what amount of water is needed to maintain wetlands and/or the fishery in Great Western Reservoir? Initial calculations on the amount of water to be bought indicate that additional water supplies will be needed.
4. If the agencies decide some sediment removal is required at the OU-3 Record of Decision (ROD), where will these waters be diverted to at that time? Will the wetlands/fishery action be delayed until after the OU-3 ROD, and any remedial action is completed?
5. If both Broomfield and the Colorado Division of Wildlife will be operating GWR, will the Division need to become a signatory to the current agreement between Broomfield and the Urban Drainage and Flood Control District?
6. Is the ability to keep a minimum pool of 440 a-f in Great Western Reservoir based upon the firm yield of the water rights to be purchased, or is it based on the average yield of these rights over time?
7. Given that Great Western will also hold and release water for irrigation, how much more water (in addition to the minimum pool) can we expect there to be maintained in the reservoir, and what kind of fluctuations in water level can we expect?
8. How will the water rights from Broomfield, Zang and Nissen Reservoirs be transmitted to Great Western?
9. With a low maintained level of the reservoir, riparian vegetation will encroach up to the new water edge. This will result in increased transpiration. Will this increased consumptive use be the responsibility of Broomfield to make adjustments for, or will DOE be expected to purchase additional water to compensate?

1. Who will own the land on which the reservoir sits and what sort of deed restrictions will be placed on that land to ensure it will be maintained as is and not filled in and developed
2. Who will maintain the diversion structures to ensure that the water will continue to flow into Great Western
3. Municipal uses have included domestic use, irrigation, street cleaning, recreation, fire protection, manufacturing, commercial and industrial use. Dust suppression also has been held to be a municipal use. Although this issue is not often litigated, it might be best to have the water right use changed to conservation purposes to be on the safe side. I would think that Broomfield in order to get storage right for new reservoir will be doing a change in place of use from Great Western to the new reservoir. They could ask during that filing to have the use of the remaining water in Great Western changed to conservation pool or fish, wildlife propagation.
4. In 85-CW-022, Church Ditch rights diverting out of Clear Creek and Ralston Creek were identified by priority number. It must be ensured that the Church Ditch rights being used are high enough in priority number to ensure that the Great Western conservation pool water is supplied even in the driest years. Also, need to get further data from Leonard Rice Engineers as to the best scenario to ensure a sufficient conservation pool and that conservation pool demand is met. For example, two scenarios are identified. The first is to use only 100 Church Ditch inches, that will result in a 177 af conservation pool. The second is use of 100 Church Ditch inches, Zang & Nissen reservoir rights and 1981 water right yields to give a 401 af conservation pool. Which scenario gives sufficient water to cover the sediment year round?
5. Review of the bids made by Arvada, Northglenn, Westminster and Black Hawk showed a total bid of \$17,223,148.75 for all of the Category 1 water rights and transfer of all of Broomfield's ownership in the Church Ditch. Dividing each cities bid by the total number of Church Ditch water inches sought shows the following:

Arvada	\$7,750 per inch
Black Hawk	\$7,750 per inch
Northglenn	\$7,500 per inch
Westminster	\$7,750 per inch

This calculation does not reflect the value of the Church Ditch itself. But, based this should give a rough idea of the cost per inch of Church Ditch water.
6. Should see if the entity who will own the water in Great Western retains right to transport that water via the Church Ditch.