

High Plains files water use application

By MARGIE WOOD

The Pueblo Chieftain

High Plains A&M and three related corporations Tuesday filed an application in Division 2 Water Court to change the use of one-fourth of the water in the Fort Lyon Canal.

The company has been buying farms under the Fort Lyon, the largest canal in Southeastern Colorado, for more than a year. According to the water court case, the related companies now own nearly 23,000 of the 94,000 shares in the canal.

The application is broad-based, giving no indication of the investors' ultimate plans for the water. It lists 28 counties from the Front Range east as possible places where the water may be used.

At the canal company's annual meeting two weeks ago, High Plains representatives floated the idea of including the company itself, and/or shareholders who aren't selling their land, in the change of use application.

The canal's board didn't allow the company to present a motion to the shareholders, based on attorney John Lefferdink's opinion that only individual shareholders, not the company itself, could make a decision to join in the water case.

In addition to High Plains A&M, the applicants include Wolpert Enterprises Inc.; 136th &
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Colorado LLC, a Louisiana company doing business as High Plains /1031 LLC; and Magro LLC, a Louisiana company with an address in New Orleans. All but Magro list their address in care of Englewood developer Mark Campbell.

The application seeks a change of use for the water from irrigation to municipal, domestic, manufacturing and industrial uses, as well as a long list of possible uses within those general categories.

Proposed new points of diversion, listed in the application, are the Arkansas River between Adobe Creek and the Purgatoire River confluence; Lake Pueblo; Holbrook Canal headgate in Otero County; and the Colorado Canal headgate near Boone in Pueblo County.

Water diverted at the Holbrook Canal could be stored in Holbrook or Dye reservoirs, and water diverted at the Colorado Canal could be stored at Lake Meredith or Lake Henry in Crowley County.

The Fort Lyon Canal system

includes a large storage canal and several reservoirs: Horse Creek (Timber Lake); Adobe Creek (Blue Lake); Thurston Reservoir and the Queen (Nee Skah) Reservoir in the Great Plains system; as well as supply ditches to those lakes.

At its headgate near Rocky Ford, the canal draws as much as 44 percent of the Arkansas River's flow. From a small irrigation ditch dug by a government engineer in 1860, the main canal now stretches 113 miles. Its principal water right has an 1884 priority date and its average annual diversion is 267,000 acre-feet of water. In the drought this year, the canal diverted only 73,500 acre-feet, the least ever.

