

On April 30, 2003, the Colorado Supreme Court announced its decision in the "South Platte River wells case," *Simpson v. Bijou Irrigation District*, No. 02SA377. The Court ruled that the State Engineer lacked legislative authority for proposed rules that allowed him to approve replacement water plans for out-of-priority well depletions that injure senior surface rights. The Court held that application for an augmentation plan to authorize out-of-priority well pumping of tributary groundwater must be made to the water court. On the same day the Court announced its decision, the Governor signed into law a new statute that allows the South Platte junior well owners three years to apply to the water court for approval of an augmentation plan to replace depletions that are injurious to senior water rights. In the meantime, the State Engineer has authority to approve temporary substitute supply plans, if sufficient water is made available to senior water rights to replace injurious depletions and notice and comment are afforded to potentially injured senior rights. The decision also holds that the State Engineer has legislative authority to adopt rules necessary to enforce the South Platte River Compact. The decision can be found at the Colorado Supreme Court's web site under case announcements for April 30, 2003

The full-text of the decision can be viewed at the following link
["South Platte River wells case," *Simpson v. Bijou Irrigation District*, No. 02SA377](#)