

### **Summary**

This is an application for an appropriative right of exchange and approval of a plan for augmentation for the Upper Arkansas Water Conservancy District near Buena Vista in Chaffee County. Applicant is proposing to pump water from a new well near the Moltz Stabilization Pond, augment the well depletions with water owned by Upper Arkansas WCD and released to the Arkansas River (Fryingpan-Arkansas Project, Twin Lakes, etc.), deliver the water pumped from the well into the Trout Creek Ditch Company ditch, and forego diversions at the ditch headgate on Cottonwood Creek. The water not diverted at the ditch headgate will be exchanged upstream to storage in Cottonwood Reservoir on Middle Cottonwood Creek and Rainbow Lake on South Cottonwood Creek, and “will take on the nature, type and identity of the water used to augment the well.” Applicants are claiming a 12/31/1872 date for administration of this exchange.

### **CWCB Appropriation**

The CWCB holds the following instream flow water rights that could be injured by this application:

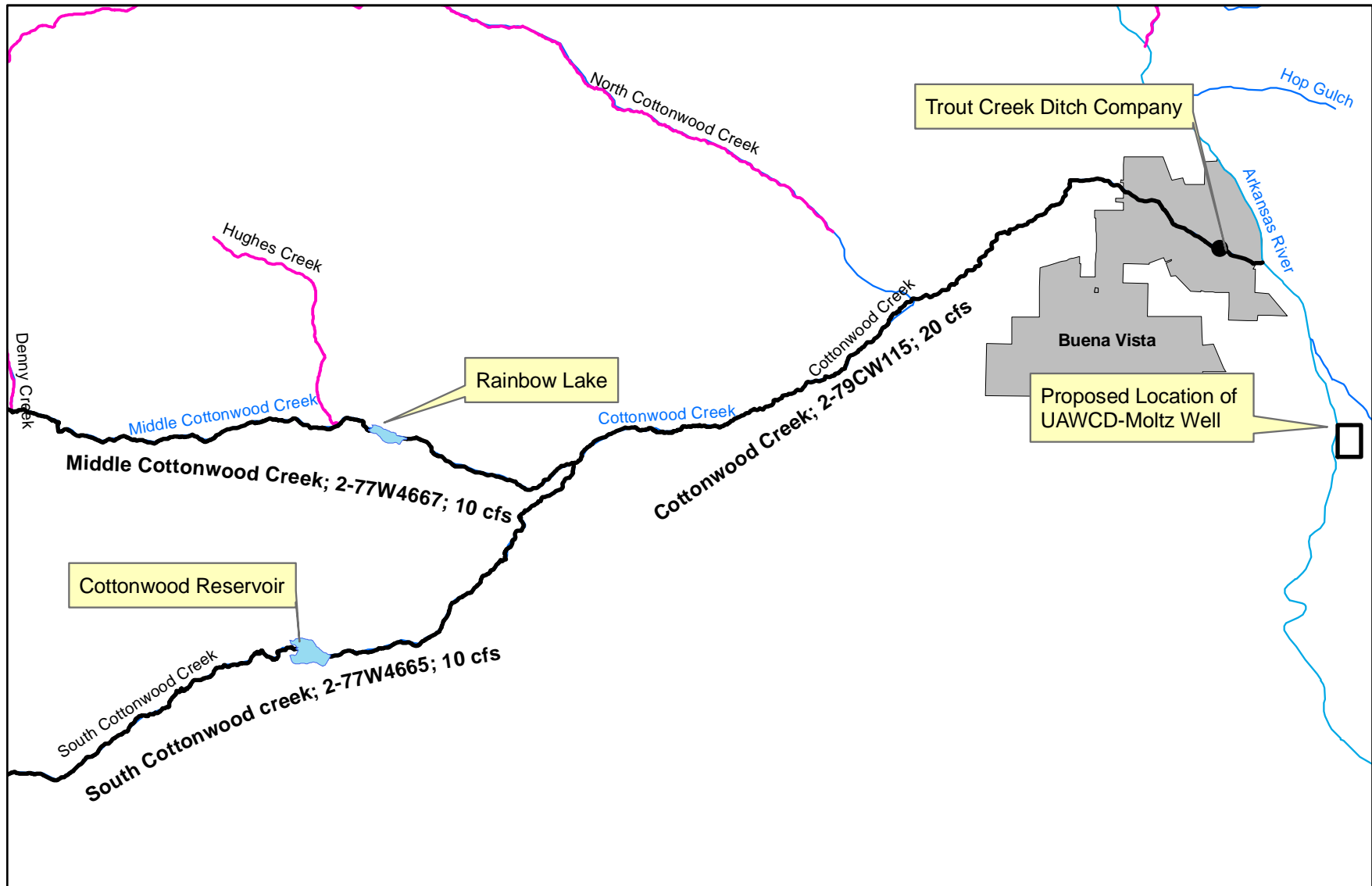
<b>CWCB Case No.</b>	<b>Stream/Lake</b>	<b>Amount (cfs)</b>	<b>Approp. Date</b>	<b>Watershed</b>	<b>County</b>
2-79CW115	Cottonwood Creek	20	3/14/79	Arkansas River	Chaffee
2-77W4667	Middle Cottonwood Creek	10	11/15/77	Arkansas River	Chaffee
2-77W4665	South Cottonwood Creek	10	11/15/77	Arkansas River	Chaffee

### **Potential for Injury**

The proposed exchange offers a complex arrangement of reassigning the identity of different water rights which may cause an expansion of use of the Trout Creek Ditch Company Ditch water rights especially if, as application states, the exchange is operated with a 12/31/1872 priority. The plan for augmentation may not be adequate to replace delayed out-of-priority depletions associated with the pumping well to prevent injury to the Board’s instream flow water right.

### **Other Objectors**

Other objectors include the Town of Buena Vista, Colorado Department of Corrections, Colorado Division of Wildlife, State and Division Engineers, Southeastern WCD, Kelly Ranch, Paul Moltz, Lee Rooks, St. Charles Mesa Water District, and Bob Wolmington.



March 17-18, 2009 Board Meeting  
 Consent Agenda Item 1c; Statement of Opposition  
 Case No. 2-08CW106; Upper Arkansas Water Conservancy District

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