

Summary

This is an application for a change of water rights for the Busk-Ivanhoe System, which is a trans-basin diversion historically used to bring water from the Frying Pan drainage in Water Division 5, to Water Division 1 for irrigation use. Applicant is proposing to change the type of use of the water rights to include all municipal and domestic uses, including among other uses, “allowable instream uses”. Applicant plans to change the place of use to its service area in Water Division 1 for municipal water supply and water reuse anywhere within the South Platte River Basin area capable of being served by Aurora and to its current and future service obligation within the Arkansas River basin. Applicant is also proposing to store the changed water rights at various locations in Water Divisions 1 and 2. This same application has been filed with the Courts in Water Division 2 (Case No. 2-09CW142) and Water Division 5 (Case No. 5-09CW186).

CWCB Appropriations

The CWCB holds decrees for instream flow water rights on numerous streams in Water Divisions 1, 2 and 5 that could be injured by this application.

Potential for Injury

The change of water rights proposed in this case may result in an expansion of use, which could injure the Board’s instream flow water rights. The claim to use the water right for instream uses should be evaluated because CWCB has exclusive authority over instream flows for certain purposes.

Other Objectors

Other objectors include Eagle County, F.R.I.C.O., Basalt WCD, Sand Creek Ranch, Starfall Ranch, First Creek Ranch, Cottonwood Creek Investors, Carl Eiberger, State Board of Land Commissioners, Centennial Water & San. District, Denver Water Board, Denver Metro Ministries of United Methodist Church, Furniture Row, LLC, Faith Presbyterian Church, World Vision, Inc., United Water & San District, Colorado River WCD, Peter L. Baurer, L.G. Everist, Inc., Highline Canal Co., Aggregate Industries – WCR, Inc., Front Range Aggregates, State and Division Engineers, Upper Arkansas WCD, Grand Valley WUA, Orchard Mesa Water District, Ute WCD, Southeastern WCD, Arkansas Valley Ditch Assn., Town of Minturn, United States of America, Trout Unlimited, Pueblo Board of Water Works and Pitkin County.

