

### **Summary**

This is an application for change of water rights and amendment of a plan for augmentation near Telluride in San Miguel County. Applicant is proposing to abandon certain conditional water rights, change the points of diversion for several surface and groundwater rights, add alternate storage locations and to amend a previously decreed augmentation plan. These changes are necessitated by the recent ruling in Case No. 04CV22 which approved the Town of Telluride's condemnation of the Valley Floor, as well as some of the water rights adjudicated to the applicant in the previous augmentation plan. CWCB was a party to the augmentation plan that is being amended, Consolidated Case Nos. 4-91CW127 and 4-98CW239.

### **CWCB Appropriations**

The CWCB holds the following instream flow water right that could be injured by this application.

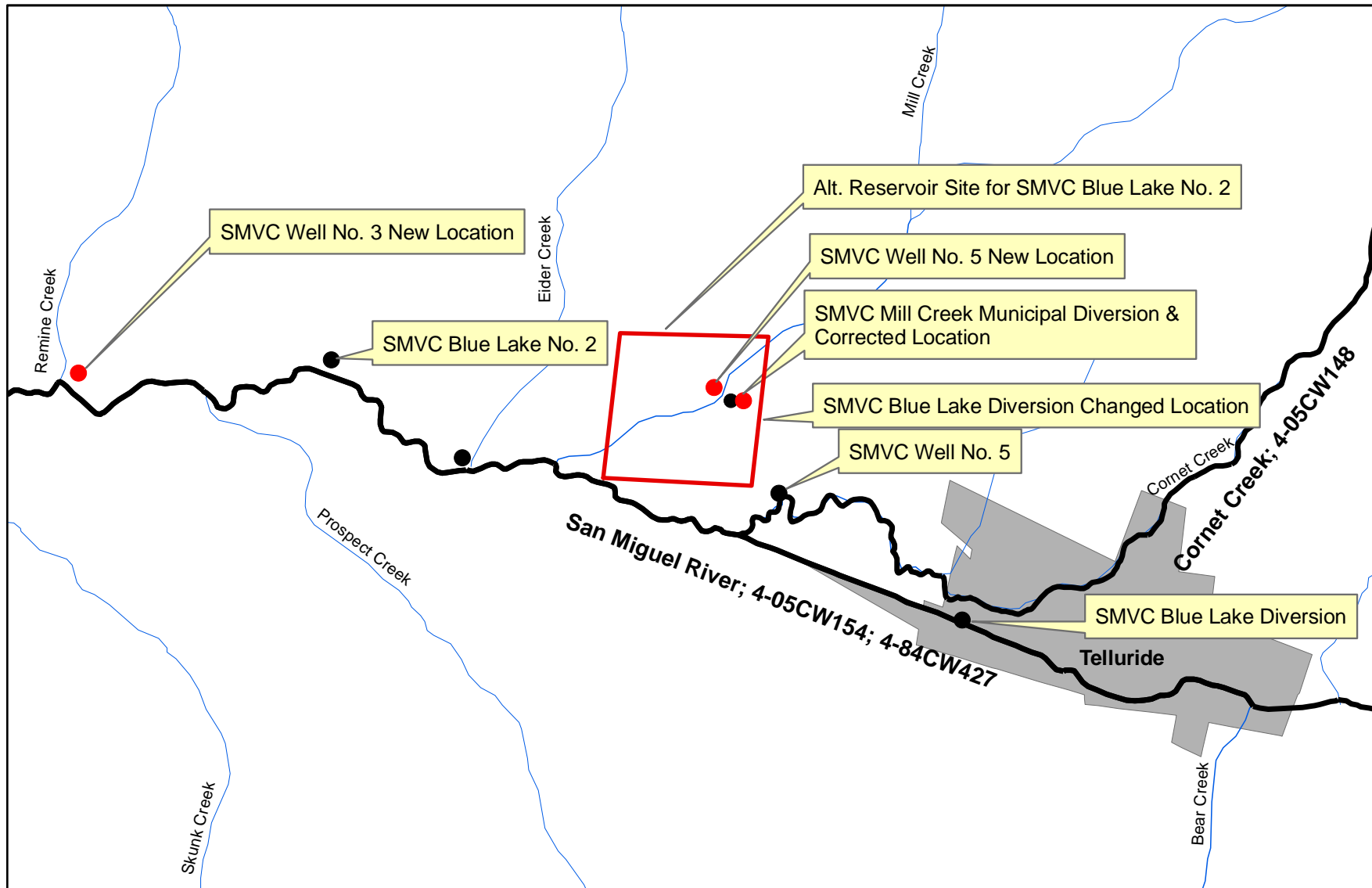
<b>CWCB Case No.</b>	<b>Stream/Lake</b>	<b>Amount (cfs)</b>	<b>Approp. Date</b>	<b>Watershed</b>	<b>County</b>
4-05CW154	San Miguel River	4	1/25/2005	San Miguel	San Miguel
4-84CW427	San Miguel River	6.5	7/13/1984	San Miguel	San Miguel
4-84CW429	San Miguel River	20	7/13/1984	San Miguel	San Miguel
4-02CW277	San Miguel River	93/61	1/23/2002	San Miguel	San Miguel
4-05CW148	Cornet Creek	0.85/9	1/25/2005	San Miguel	San Miguel

### **Potential for Injury**

Applicant's requested change of water rights could result in an expansion of use. Additionally, the proposed amended plan for augmentation may not replace out-of-priority depletions in time, place and amount. Any decree entered in this case should comply with the terms and conditions of CWCB's Stipulation entered in Case No. 4-91CW127 and 4-98CW239.

### **Other Objectors**

Other objectors include Town of Telluride, Town of Mountain Village, Eric Jacobson, TSG Ski & Golf, LLC. and Deep Creek #1, LLC.



May 18-19, 2010 Board Meeting  
 Consent Agenda Item 1i; Statement of Opposition  
 Case No. 4-09CW190; San Miguel Valley Corporation

0 0.25 0.5 1 Miles