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Colorado Water Conservation Board

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March 30, 2010

Via Federal Express

Colorado Water Conservation Board
1313 Sherman Street, 7th Floor
Denver, CO 80203

Re: Notice to Contest Instream Flow Appropriation


To whom it may concern:

The Upper Yampa Water Conservancy District provides the attached Notice to Contest an Instream Flow Appropriation claimed on Morrison Creek, in Routt County, Colorado. This notice is provided pursuant to Rule 5k of the Rules Concerning the Colorado Instream Flow and Natural Lake Level, 2 CCR 408-2.

Very truly yours,

BALCOMB & GREEN, P.C.

By: _____


David C. Hallford
Scott Grosscup

Enclosures

cc: Upper Yampa Water Conservancy District

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

Notice to Contest an Instream Flow Appropriation

IN THE MATTER OF AN INSTREAM FLOW APPROPRIATION ON MORRISON CREEK, WATER
DIVISION 6

Pursuant to Rule 5k of the Rules Concerning the Colorado Instream Flow and Natural Lake Level, 2 CCR 408-2, the Upper Yampa Water Conservancy District ("District") hereby submits its Notice to Contest the Colorado Water Conservation Board's ("CWCB") proposed appropriation of an instream flow water right on Morrison Creek, Water Division 6. Pursuant to Rule 5k, the following information is provided:

1. Identification of the Person requesting the hearing: The Upper Yampa Water Conservancy District, P.O. Box 880339, Steamboat Springs, CO 80488, 970-871-1035. The Upper Yampa Water Conservancy District is represented by Weiss and Van Scoyk, LLP, 600 So. Lincoln, Suite 202, Steamboat Springs, CO 80488, 970-879-6053 and Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81601, 970-945-6546. Please direct future notices, communications, and pleadings to the District's counsel.
2. Identification of the ISF appropriation at issue: The CWCB has declared its intent to appropriate two separate instream flow water rights on Morrison Creek, tributary to the Yampa River in Routt County, Colorado described as follows:
 - a. The Upper Segment is located between the confluence with Muddy Creek and Silver Creek, CWCB ID: 10/6/A-003.
 - b. The Lower Segment is located between the confluence with Silver Creek and the Yampa River, CWCB ID: 10/6/A-003.
3. Contested facts and data to be relied upon: The District has conditional water rights on Morrison Creek decreed in Case No. 07CW61 for the Morrison Creek Reservoir, which reservoir is generally located at the confluence of Morrison Creek and Silver Creek. The District's ability to develop this conditional water storage right may be impacted by the appropriation of an instream flow right on Morrison Creek without

appropriate terms and conditions thereby resulting in material injury to the District's water rights. The District intends to rely upon the following facts, data, and documents:

a. Decree, Case No. 07CW61, District Court, Water Division 6, entered October 5, 2009.

b. Reports, analysis, design and other documents concerning the feasibility and construction of the proposed Morrison Creek Reservoir.

c. Reports concerning future needs and demands for water in the Yampa River basin.

d. Reports concerning the amount of water available for appropriation in Morrison Creek.

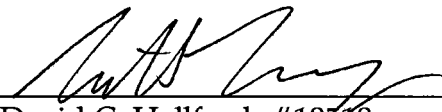
e. Stream flow records and diversion records for water rights located on Morrison Creek.

The District reserves the right to raise additional issues of concern.

WHEREFORE, the Upper Yampa Water Conservancy gives its Notice to Contest an Instream Flow Appropriation on Morrison Creek and requests that a hearing officer be appointed.

Submitted this 30th day of March, 2010.

BALCOMB & GREEN, P.C.
WEISS AND VAN SCOYK, LLP

By 
David C. Hallford, #10510
Scott A. Grosscup, #35871

Attorneys for Upper Yampa Water Conservancy
District