

### **Summary**

This is an application for changes of water rights near Steamboat Springs in Routt County. Applicant is requesting a change in use for the Mad Ranch Pond and H.E. Turner Ditch to add stockwater, recreation, exchange, substitution and augmentation as decreed uses with priority dates relating back to the date of the original decrees. Applicant is also seeking an alternate point of diversion for the Hoelzen Pump No. 2 from the Elk River to a location on Mad Creek. Applicant claims that all uses and changes were in existence at the time of the Board's appropriations on Big Creek and the Elk River, and is requesting specific confirmation that the claimed uses are senior to the Board's decrees.

### **CWCB Appropriations**

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>
6-79CW223	Mad Creek	20/10	12/5/1979	Upper Yampa	Routt
6-77W1331	Elk River	65	9/23/1977	Upper Yampa	Routt
6-77W1335	Hot Spring Creek	2	9/23/1977	Upper Yampa	Routt
6-04CW024	Hot Spring Creek ( <i>H.E. Turner Ditch, ISF Acquisition</i> )	2	8/15/1997	Upper Yampa	Routt

### **Potential for Injury**

The proposed changes in use of the subject water rights may expand diversions and may cause injury to the Board's instream flow water rights on Hot Spring Creek, Mad Creek and the Elk River, including the Board's acquired interest in the H.E. Turner Ditch. In addition, Applicant's claimed appropriation dates for the additional uses pre-date the Board's instream flow rights and could result in the claimed rights being senior to the Board's rights under Section 37-92-102(3)(b) of the statutes. Applicant needs to provide adequate documentation to CWCB of the claimed uses and appropriation dates in order to verify the applicability of Section 37-92-102(3)(b).

### **Other Objectors**

Other objectors include the City of Steamboat Springs, and Don Johnson d/b/a Strawberry Hot Springs.

