

### **Summary**

Applicant seeks a downstream alternate point of diversion for 0.25 cfs of 2.7 cfs water right to the Davis Ditch to continue to irrigate the same lands as the original decree. The surface water right is 1.0 cfs for domestic, fire protection, and irrigation of 6.6 acres and to fill the new storage right. The storage right claim is 8.5 acre-feet fill and refill right to be used for fire protection, piscatorial, recreation, aesthetic, augmentation, and irrigation of 6.6 acres.

### **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>
5-76W2940	East Sopris Creek	3 (01-12/31)	1/14/1976	Roaring Fork	Pitkin
5-76W2951	Sopris Creek	5 (01- 12/31)	1/14/1976	Roaring Fork	Pitkin

### **Potential for Injury**

The proposed alternate point of diversion could result in an expansion of use, which could injure the CWCB's instream flow water rights. Domestic uses are junior water rights, but are not included in the 5-11CW57 proposed augmentation plan. These uses should be augmented rather than curtailed when the junior rights are out-of-priority.

### **Other Objectors**

Other objectors include Ute Water Conservancy District, acting by and through the Ute Water Activity Enterprise, Grand Valley Water Users Association and Orchard Mesa Irrigation District.

