

Summary

Applicant seeks to amend their application for change of water rights, for water storage right, appropriative rights of exchange, and approval of plan for augmentation. The amendment includes adding consumptive use credits from Ramon Torres Ditch, Leandro Duran & Martinez Ditch, Valerio & Torres Ditch, and Maxwell No. 11 to the proposed plan for augmentation. The amendment also adds exchanges through the Purgatoire River, Middle Fork Purgatoire River, and South Fork Purgatoire River.

CWCB Appropriations

The CWCB holds the following instream flow water rights that could be injured by this application:

| CWCB Case No. | Stream/Lake | Amount (cfs) | Approp. Date | Watershed | County |
|----------------------|-----------------------------|----------------------------------------------------------------------------------------------------|---------------------|------------------|---------------|
| 2-09CW90 | Purgatoire River | 7 (12/1 – 4/14) 8.4 (4/15 – 5/14) 21 (5/15 – 8/15) 15 (8/16 – 9/15) 8.4 (9/16 – 11/30) | 1/27/2009 | Purgatoire | Las Animas |
| 2-09CW88 | South Fork Purgatoire River | 3 (10/16 – 4/30) 9.6 (5/1 – 5/31) 18 (6/1 – 6/30) 13 (7/1 – 8/15) 5 (8/16 – 10/15) | 1/27/2009 | Purgatoire | Las Animas |

Potential for Injury

The proposed plan for augmentation may not replace out-of-priority depletions in amount timing or location, which could injure the CWCB's instream flow water rights. Also, the proposed change of water right could cause an expansion of use, which could injure the CWCB's instream flow water rights.

Other Objectors

Other objectors include Purgatoire River Water Conservancy District, the State and District Engineers, the City of Trinidad, J.L. Torres Ditch (aka Luis Torres Ditch), Torres Trout Hatchery, and the Estate of John E. Toupal (deceased).

