

Summary

Applicant seeks to amend the designation of the streams that are tributary for the water rights decreed in Case No. 03CW190, Div 4. The decree identifies all of the springs in the case to be tributary to West Creek and the Dolores River. In this application, the springs are changed to being tributary to Johnson Creek, Moore Creek, and/or North East Creek, all of which are tributary to North East Creek, East Creek and the Gunnison 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
04CW159	North East Creek	1 (7/1 – 8/31) 5 (4/1 – 6/30) 0.7 (9/1 – 1/31)	1/28/2004	Lower Gunnison	Mesa

Potential for Injury

Because this application is to change the location of a structure from one basin to another, the ISF on North East Creek is now effected. In order to be administered as senior to the ISF on North East Creek, Applicant must prove the historical use of the water prior to the instream flow appropriation for the absolute claims under a CRS 37-92-102(3)(b) exception. The conditional rights should not be approved as senior to the North East Creek ISF water right.

Other Objectors

No other objections were filed.

