

Summary

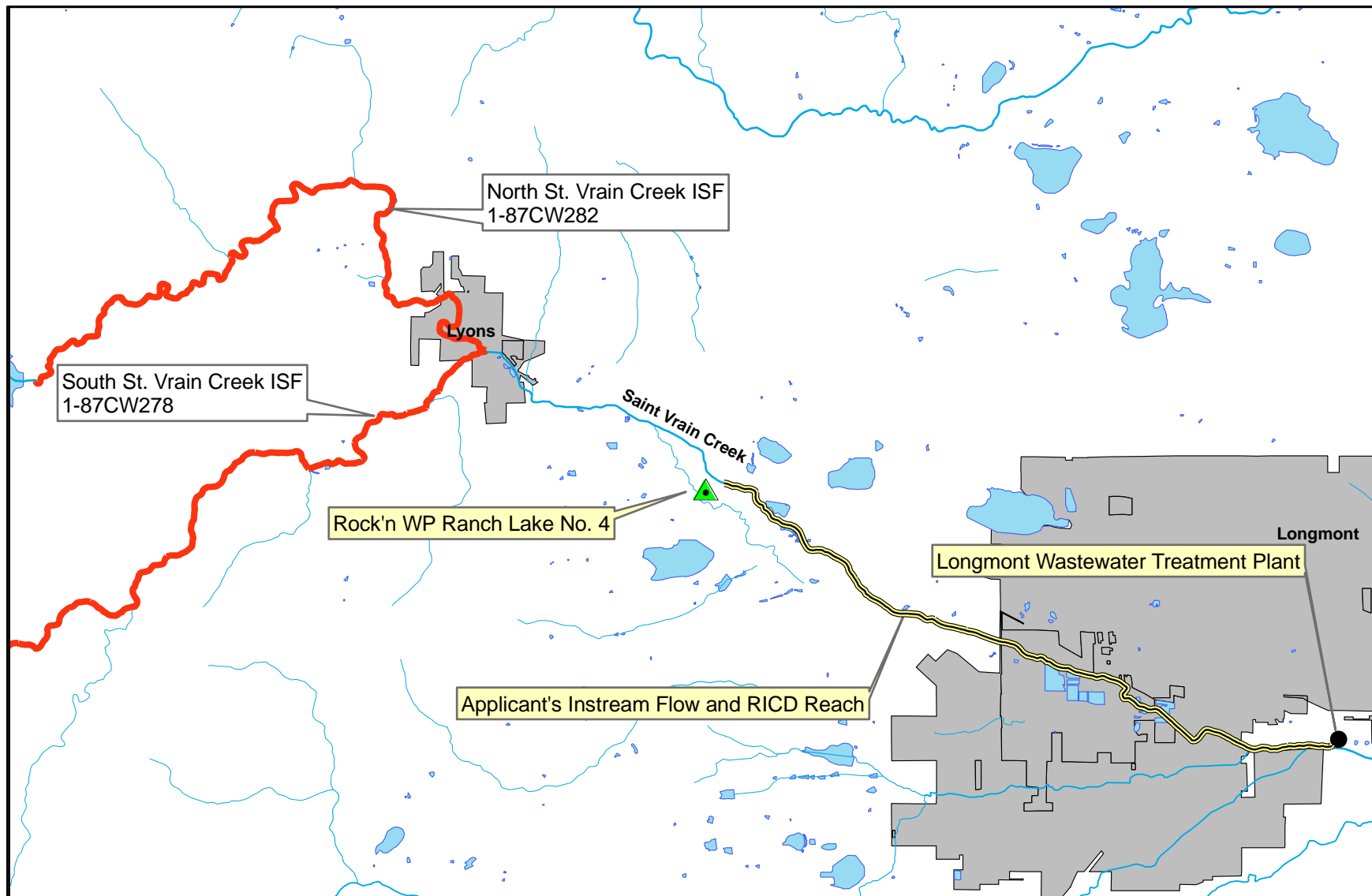
This is an Application requesting diligence for an apparent instream flow and RICD water right.

Potential for Injury

The application for finding of reasonable diligence includes a use of instream flow for fish, recreation and wildlife. CWCB has exclusive authority to hold instream flow water rights to preserve the natural environment to a reasonable degree. Recreational in-channel diversion (RICD) structures are required for instream recreation uses and such uses are limited by sections 37-92-102(4), 37-92-103(10.3), 37-92-305(13), C.R.S. (2011). Applicant has not requested a contract or agreement with the CWCB for use of the water under CWCB's Instream Flow Program and has not indicated that it will be putting in recreational in-channel diversion structures. These uses cannot be made absolute until the Applicant: (1) has an agreement with the CWCB for instream flow use of the water or (2) complies with the recreational in-channel diversion statutes. Further, the Applicant must show that it has diligently pursued perfecting instream flow for "fish, recreation and wildlife" or that claim should be dismissed.

Other Objectors

No other objections have been filed in this case.



July 17-18, 2012 Board Meeting
Consent Agenda Item 1e; Statement of Opposition
Case No. 1-12CW091; St. Vrain and Left Hand Water Conservancy District
and County of Boulder

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