

Summary

Applicant filed under the simple change statute, 37-92-305(3.5), C.R.S., to change 10 irrigation water rights to new or corrected points of diversion. Several of the new points of diversion appear to be upstream moves within the instream flow water right, which if true, is not allowed under this statute.

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
4-82CW247	West Pass Creek	1.0	6/3/1982	Tomichi Creek	Saguache

Potential for Injury

1. The application is filed pursuant to 37-92-305(3.5), C.R.S., the “simple change” statute. However, the language of the statute excludes changes of diversion points to an upstream location within an instream flow reach. Some of the changes requested here apparently include such upstream moves.
2. The application does not present sufficient information to fully evaluate the extent to which the Board’s instream flow rights may be injured.

Other Objectors

No other objections were filed.

