

### **Summary**

Applicant seeks to change the point of diversion and location of irrigated lands. Pursuant to §37-92-102(3)(b) C.R.S., applicant claims some uses are pre-existing to the instream flow water rights.

### **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>
6-77W1279	Elk River	65	9/23/1977	Upper Yampa	Rout
6-77W1331	Elk River	65	9/23/1977	Upper Yampa	Rout

### **Potential for Injury**

1. The proposed change of water rights could cause an expansion of use and a change in the amount, location and timing of historical return flows, which could injure the CWCB's instream flow water rights.
2. Some of the water rights are claimed with senior appropriation dates. The instream flow water rights might be subject to these water rights under 37-92-102(3)(b) C.R.S., if the new water rights are sufficiently documented.
3. 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.

