

Summary of Water Court Application

The Applicant seeks a change in type, place and manner of use for senior water rights in Canon Heights Irrigation and Reservoir Company and Mount Pisgah Reservoir Company to add many types of uses the decreed irrigation use. Applicant also claims the right to use, reuse and successively use to extinction, and for lease, trade, exchange, sale or other arrangement outside of the service area to unidentified places of use.

Staff Recommendation

Staff requests ratification of the Statement of Opposition filed to protect CWCB's instream flow water rights.

Attorney

The Attorney assigned to this case is Jeffrey Candrian, who can be contacted at jeffrey.candrian@state.co.us.

CWCB Instream Flow Water Rights

The CWCB holds the following instream flow water right(s) that could be injured by this application:

CWCB Case No.	Stream	Upper Terminus	Lower Terminus	Rate cfs	Timing	Approp. Date	Watershed
2-00CW106	Fourmile Creek	hdgt Canon Heights Diversion Stucture	confl. Wilson Creek	5, 3.5, 9.5, 3.5	11/1 - 3/31, 4/1 - 5/14, 5/15 - 6/14, 6/15 - 10/31	1/26/2000	Upper Arkansas
2-00CW 101-105	Fourmile Creek	confl. Barnard Creek	hdgt Canon Heights Diversion Stucture	Varies 2.75- 9.5	10/15-4/14, 4/15-10/14	1/26/2000	Upper Arkansas

Potential for Injury

- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The exchanges under Applicant's proposed plan should be defined clearly with reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.

Other Objectors

Statements of Opposition were also filed Canon Heights Irrigation & Reservoir Company, PC Water, LLC, City of Cripple Creek, Penrose Water District, Catlin Canal Company, Pisgah Reservoir and Ditch Company, Southeastern Colorado Water Conservancy District, City of Colorado Springs - Colorado Springs Utilities and the Board of Water Works of Pueblo Colorado.

