

Summary of Water Court Application

Applicant seeks to change two conditional water rights to add two alternate points of diversion for each water right.

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 Jennifer Mele, who can be contacted at jennifer.mele@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
6- 77W1382	Beaver Creek	headwaters	confl. Walton Creek	2	1/1-12/31	9/23/1977	Upper Yampa
6- 76W959, A & B	Burgess Creek	USFS Boundary	confl. Yampa River	0.0293 - 0.0375	1/1-12/31	12/31/1900	Upper Yampa
6- 77W1380	Burgess Creek	headwaters	USFS Boundary	2	1/1-12/31	9/23/1977	Upper Yampa
6- 79CW103	Burgess Creek	USFS Boundary	confl. Yampa River	2	1/1-12/31	3/14/1979	Upper Yampa
6- 76W959F, G, H, I, J	Fish Creek	hdgt. Mt. Werner Pipeline	confl. Yampa River	2, 1, 1, 1, 2.1	1/1-12/31	5/14/1910 10/1/1927 5/1/1942 7/4/1963 8/1/1944	Upper Yampa
6- 77W1379	Fish Creek	outlet Long Lake	confl. North Fork Fish Creek	4	1/1-12/31	9/23/1977	Upper Yampa
6- 79CW104	Fish Creek	confl. North Fork Fish Creek	hdgt. Mt. Werner Pipeline	9	1/1-12/31	3/14/1979	Upper Yampa
6- 79CW104A	Fish Creek	hdgt. Mt. Werner Pipeline	confl. Yampa River	2	1/1-12/31	3/14/1979	Upper Yampa

6-00CW075	Fish Creek	hdgt. Fish Creek filtration plant intake	confl. Yampa River	2	1/1-12/31	5/1/1991	Upper Yampa
6-77W1307	Fishhook Creek	confl. Long Park Creek	confl. Walton Creek	5	1/1-12/31	9/23/1977	Upper Yampa
6-77W1310	Hogan Creek	headwaters	confl. Fishhook Creek	1	1/1-12/31	9/23/1977	Upper Yampa
6-77W1370	Middle Fork Fish Creek	outlet Fish Creek Reservoir	confl. North Fork Fish Creek	2	1/1-12/31	9/23/1977	Upper Yampa
6-77W1368	North Fork Fish Creek	confl. Middle Fork Fish Creek	confl. Fish Creek	5	1/1-12/31	9/23/1977	Upper Yampa
6-77W1381	Priest Creek	headwaters	confl. Walton Creek	2	1/1-12/31	9/23/1977	Upper Yampa
6-77W1312	Storm King Creek	headwaters	confl. Walton Creek	2	1/1-12/31	9/23/1977	Upper Yampa
6-77W1311	Walton Creek	confl. Fishhook Creek	USGS Gage	10	1/1-12/31	9/23/1977	Upper Yampa
6-79CW102	Walton Creek	USGS Gage	hdgt Walton Creek Ditch	16	1/1-12/31	3/14/1979	Upper Yampa
6-77W1303 & 77W1304	Walton Creek	headwaters	confl. Fishhook Creek	3, 5	1/1-12/31	9/23/1977	Upper Yampa

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.
- Some of the requested additional of points of diversion for Applicant's senior water rights may be upstream moves, which could injure the intervening instream flow water rights.

Other Objectors

Statements of Opposition were filed by Upper Yampa Water Conservancy District and Catamount Development, Inc., and the State and Division Engineers.

