

### Summary of Water Court Application

Applicant seeks to make absolute its 4 cfs remaining conditional direct flow water right. A 60 cfs water right was decreed in 99CW182. Of the 60 cfs, 56 cfs was made absolute in 08CW142. Beneficial use claimed is "piscatorial and recreational use in the trout fishery."

### Staff Recommendation

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

### 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
4-87CW257	Taylor River	gage below Taylor Park Reservoir	confl. Spring Creek	50, 100	10/1-4/30, 5/1-9/30	10/2/1987	East-Taylor

### Potential for Injury

- Applicant's claim to make absolute its conditional right decreed for in-ditch piscatorial and recreational use may not be valid given the recent ruling in *St. Jude's Co. v. Roaring Fork Club, L.L.C.*, 2015 CO 51, 351 P.3d 442 (Colo.2015) (holding that private, in-ditch diversions for recreational and piscatorial use are not beneficial under Colorado water law).

### Other Objectors

No other Statements of Opposition were filed.

### Attorney

The Attorney assigned to this case is Derek L. Turner, who can be contacted at derek.turner@state.co.us, or 720-508-6306.

