

Summary of Water Court Application

Applicant claims four new storage rights with an 1890 appropriation date. To augment these structures and three other un-decreed ponds, applicant seeks to change its interest in a transbasin diversion to augmentation and exchange. Applicant claims C.R.S. 37-93-102(3)b) pre-existing use of the structures and does not plan to augment its junior uses during an instream flow call.

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	Rate cfs	Timing	Approp. Date	Watershed
3-84CW142	Bellows Creek	3, 6	(10/1 - /30), (5/1 - 9/30)	8/16/1982	Rio Grande headwaters
7-78W1819	Williams Creek	14	1/1 - 12/31	3/16/1978	Piedra

Potential for Injury

- Some of the water rights are claimed with senior appropriation dates. The instream flow water right might be subject to these water rights under C.R.S. 37-92-102(3)(b) if the new water rights are sufficiently documented.
- The proposed flow through water right could injure the CWCB's instream flow water right because it is fully depletive to a segment of the intervening instream flow.
- 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.

Other Objectors

Statements of Opposition were filed by Navajo Development Co., Inc. and San Luis Valley Irrigation District.

Attorney

The Attorney assigned to this case is Jeffrey N. Candrian, who can be contacted at jeffrey.candrian@coag.gov, or 720-508-6288.

