

Summary of Water Court Application

Applicant seeks to adjudicate water storage rights, surface water rights, and a plan for augmentation for a commercial fish culture facility and fishing club adjacent to Trout Creek in Douglas County, Colorado that was originally developed as part of Manitou Park.

Staff Recommendation

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

CWCB Instream Flow Water Rights

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

CWCB Case No.	Stream	Rate cfs	Timing	Appropriation Date	Watershed
1-77W8731	Trout Creek	2	1/1-12/31	11/15/1977	Upper South Platte
1-80CW210	Horse Creek	5	1/1-12/31	5/7/1980	Upper South Platte

Potential for Injury

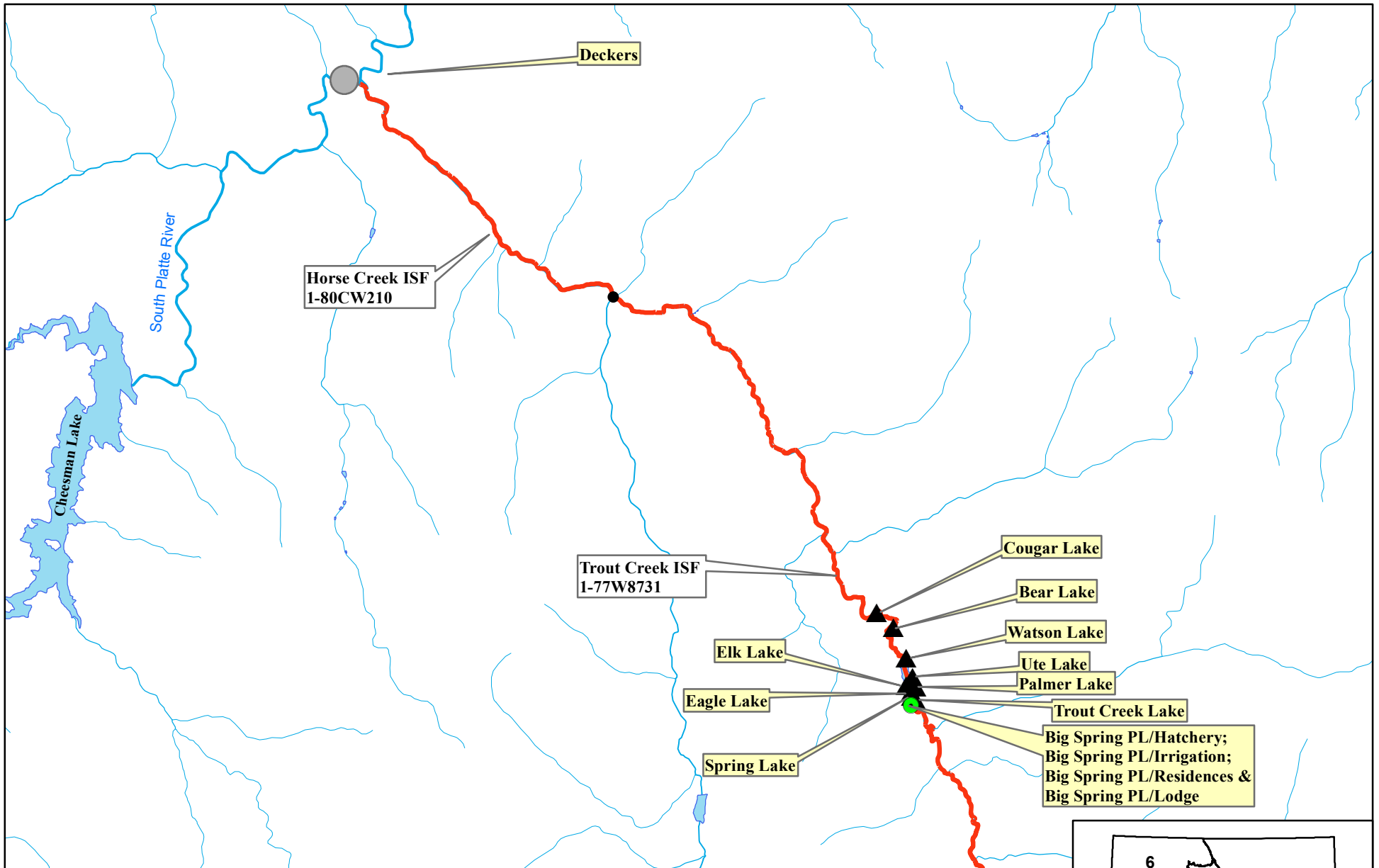
- Some of the water rights are claimed with senior appropriation dates. The instream flow water rights might be subject to these water rights under § 37-92-102(3)(b), C.R.S., if historical use(s) of the the water rights are sufficiently documented.
- The proposed plan for augmentation may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- Any administrative exchange that may be required for Applicant's proposed augmentation plan should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- Any flow-through water right or operation should be identified with protective terms and conditions so that CWCB's instream flow water rights are not injured.

Other Objectors

Statements of Opposition were also filed by Denver Water and the Headwater Authority of the South Platte.

CWCB Attorney

The Attorney assigned to this case is Philip Lopez, who can be contacted at philip.lopez@coag.gov, or 720-508-6312.



March 16-17, 2016 CWCB Board Meeting
 Consent Agenda Item 1b: Statement of Opposition
 Case No. 1-15CW3183: Rainbow Falls Mountain Trout Inc.

0 0.25 0.5 1 1.5 2 Miles

