

Summary of Water Court Application

A *pro se* applicant requests simple changes in points of diversion, under § 37-92-305(3.5), C.R.S., for each of 12 points of diversion decreed in 12 separate cases. The application is unclear as to whether the irrigated area will change from the original decreed locations. Some changes may be upstream moves along instream flow water right reaches. Some of the uses may qualify as uses existing at the time of the instream flow appropriations under § 37-92-102(3)(b), C.R.S.

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 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
2-82CW142	Grape Creek	1	1/1-12/31	6/3/1982	Arkansas Headwaters
2-82CW150	Music Pass Creek	0.5	1/1-12/31	6/3/1982	Arkansas Headwaters

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.
- Any upstream move of a point of diversion for Applicant's senior water rights could injure an intervening instream flow water right.
- 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.

Other Objectors

No other Statements of Opposition were filed.

CWCB Attorney

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

