

### **Summary of Water Court Application**

Applicant claims two new absolute surface water rights for the Home Supply Ditch. One is claimed with an appropriation date of April 15, 1985, several months prior to the CWCB's appropriation of certain instream flow water rights on the Roaring Fork River. The second claim includes three alternate points of diversion on Sopris Creek. Both claims are for irrigation and to "supplement irrigation by the water rights previously decreed to the Home Supply Ditch."

### **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
5-76W2951	Sopris Creek	5	1/1-12/31	1/14/1976	Roaring Fork
5-85CW646	Roaring Fork River	30 55	(10/1-3/31) (4/1-9/30)	11/8/1985	Roaring Fork
5-85CW639	Roaring Fork River	75 145	(10/1-3/31) (4/1-9/30)	11/8/1985	Roaring Fork

### **Potential for Injury**

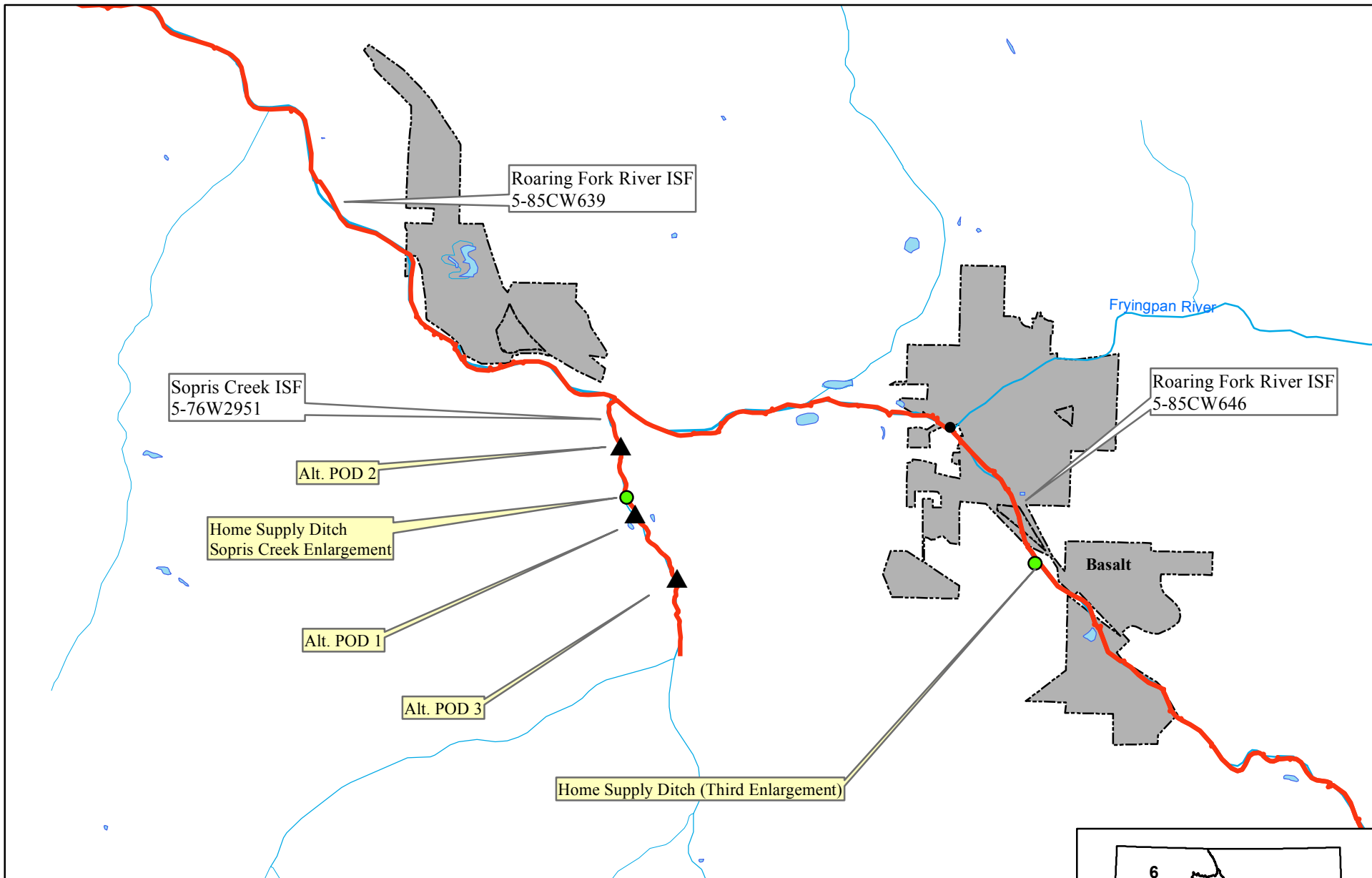
- Some of the water rights are claimed with senior appropriation dates. The instream flow water rights might be subject to these water rights under § 37-92-102(3)(b), C.R.S., if historical use(s) of the the water rights are sufficiently documented.

### **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.



March 16-17, 2016 CWCB Board Meeting  
 Consent Agenda Item 1g: Statement of Opposition  
 Case No. 5-15CW3123: Home Supply Ditch Company, Inc.

0 0.125 0.25 0.5 0.75 1 Miles

