

Case No. 16CW3036 (Water Division 5); The Valley at Winter Park Water District

Summary of Water Court Application

Applicant, a water district, requests to amend a plan for augmentation, change water rights to an alternate point of diversion, adjudicate a new junior water storage right and, in the alternative, adjudicate a right of exchange.

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 rights in the Colorado Headwaters Watershed that could be injured by this application:

Water Div	CWCB Case No.	Stream	Upper Terminus	Lower Terminus	Rate/Timing (cfs)	Approp. Date
5	90CW0293 (2 reaches)	Pole Creek	confl unnamed tributary	confl Crooked Creek	Varies (1 -3 cfs)	11/27/1990
5	90CW0301	Crooked Creek	confl Spring Branch Creek	confl Pole Creek	6 (4/15 - 8/14) 1.5 (8/15 - 4/14)	11/27/1990
5	90CW0308	Fraser River	confl Crooked Creek	confl Colorado River	30 (5/15 - 9/15) 19 (9/16 - 5/14)	11/27/1990

Potential for Injury

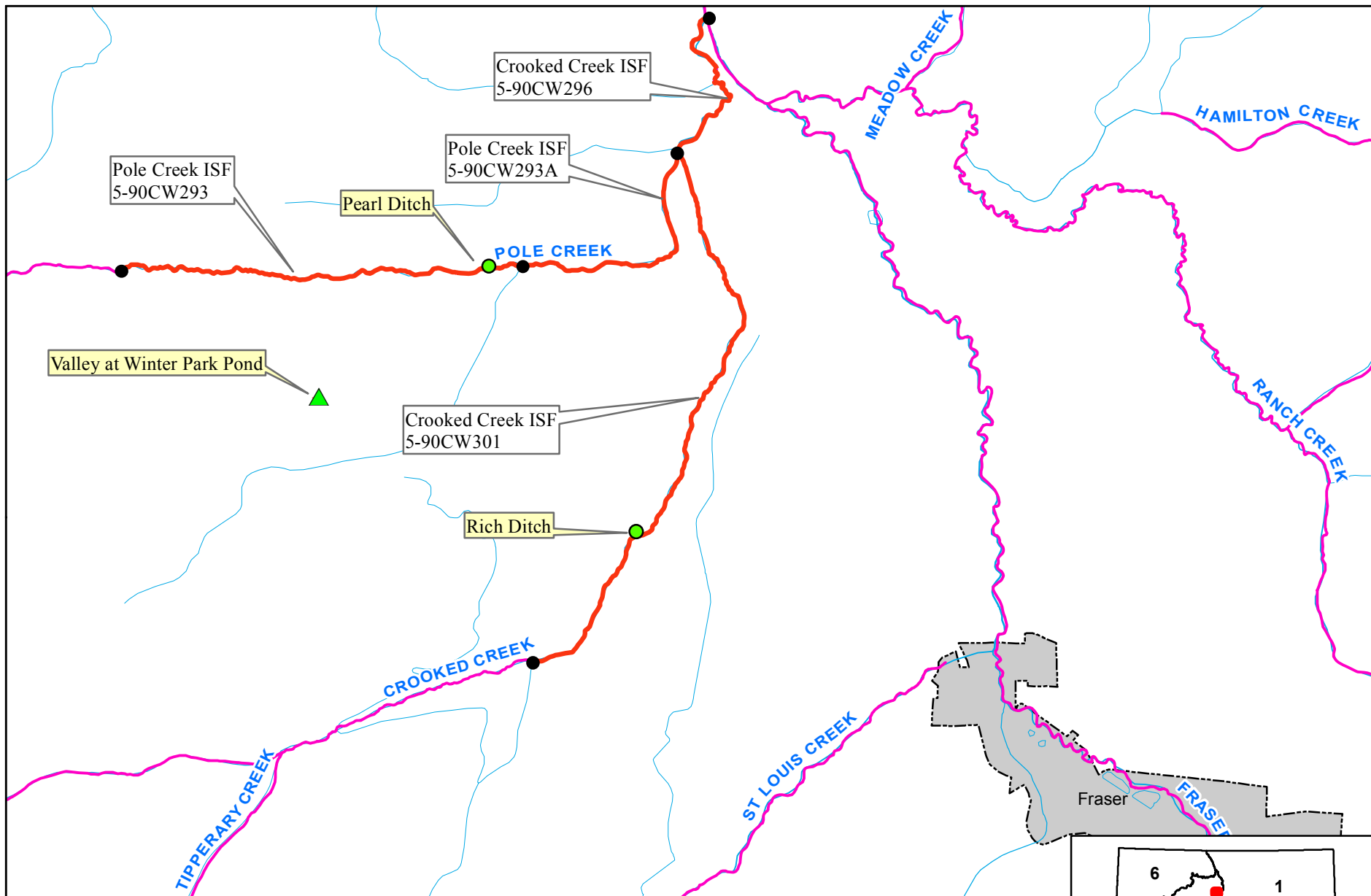
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The requested upstream move of a point of diversion for Applicant's senior water right could injure the intervening instream flow water right.
- The proposed amended plan for augmentation may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed appropriative right of exchange 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.

Other Objectors

Statements of Opposition were filed by Denver Water Board, J. Scott Bradley, Tabernash Meadows Water & Sanitation District.

CWCB Attorney

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



July 20-21, 2015 CWCB Board Meeting
 Consent Agenda Item 1a: Statement of Opposition
 Case No. 16CW3036 (Water Division 5)
 Valley at Winter Park District

0 0.325 0.65 1.3 Miles

