

Consent Agenda Item 1.b

September 21-22, 2016 Board Meeting

Case No. 10CW0036 (Water Division 3); Timothy N. Lovato and Lori S. Lovato

Summary of Water Court Application - (Amended Application)

Applicants seek a change in four water rights from irrigation to add augmentation with a right to fully consume the consumable portion of the water. One of the water rights to be changed is a transbasin diversion from Water Division 7 into Water Division 3.

Staff Recommendation

Staff requests ratification of the Statement of Opposition filed to protect CWCB's instream flow water right.

The CWCB holds the following instream flow water right in the Upper San Juan Watershed, in Water Division 7, that could be injured by this application:

CWCB Case Number	Stream	Upper Terminus	Lower Terminus	Rate/Timing (cfs)	Approp. Date
80CW0031	Wolf Creek	headwaters in vicinity	confl WF San Juan River	11 (3/1 - 8/31) 6 (9/1 - 2/29)	01/30/1980

Potential for Injury

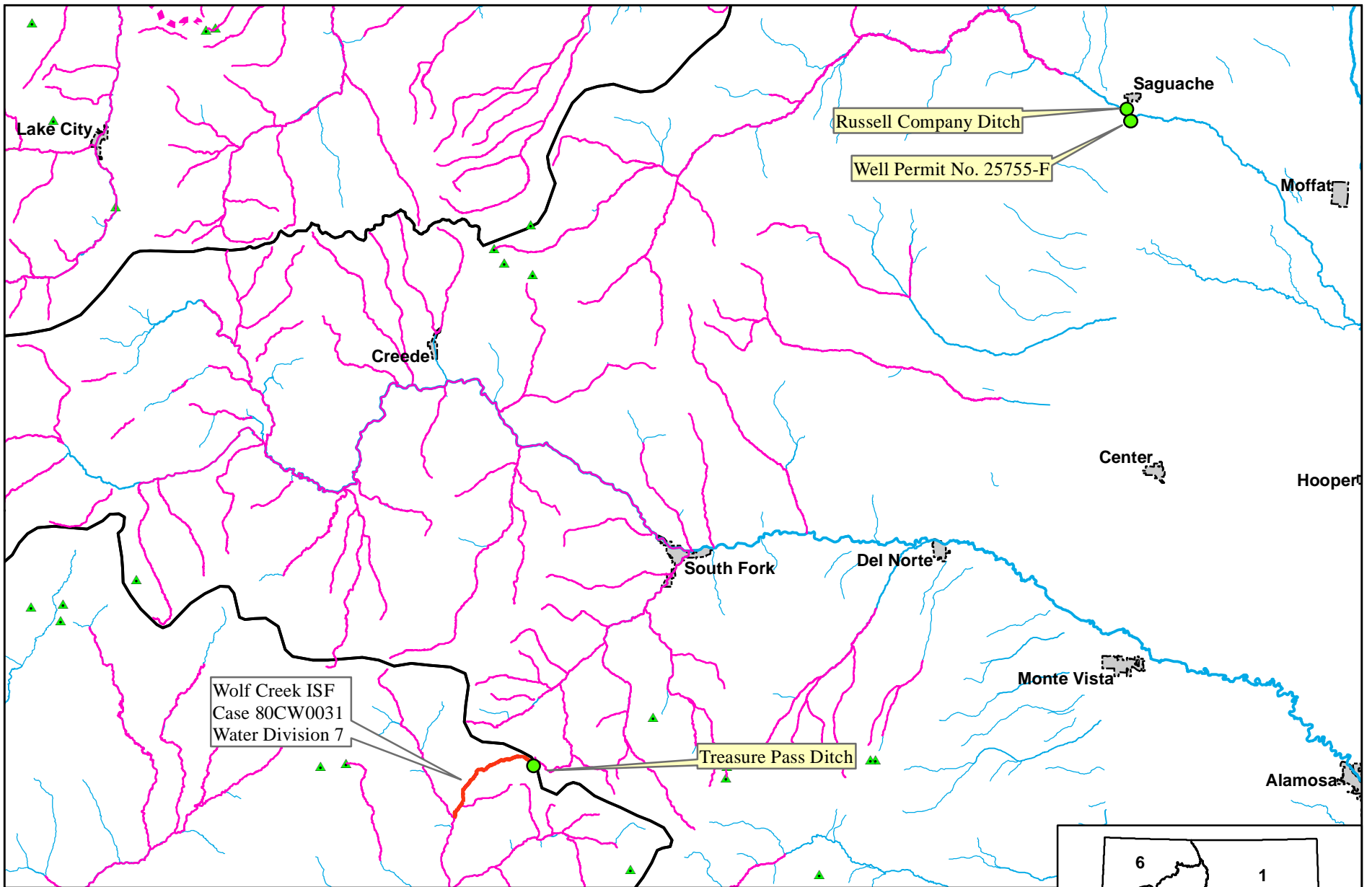
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water right.

Other Objectors

Statements of Opposition were filed by Jim Morehouse (Park Ditch Co.), Pagosa Area Water and Sanitation District, San Juan Water Conservancy District, and Southwestern Water Conservation District.

Attorney

The Attorney assigned to this case is Jennifer Mele, who can be contacted at jennifer.mele@coag.gov, or 720-508-6282.



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