

**Summary of Water Court Application**

Applicant requests a change of use to provide replacement water for its requested augmentation plan to augment four new junior ponds.

**Staff Recommendation**

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

The CWCB holds the following instream flow water rights in the San Miguel Watershed, in Water Division 4, that could be injured by this application:

CWCB Case Number	Stream	Upper Terminus	Lower Terminus	Rate/Timing (cfs)	Approp. Date
02CW0277	San Miguel River	confl Fall Creek	pt immed u/s of confl Horsefly Cr	93 (5/1 - 10/14) 61 (10/15 - 4/30)	01/23/2002
02CW0279	Specie Creek	confl unnamed tributary	confl San Miguel River	1.6 (4/1 - 4/30) 4.3 (5/1 - 5/31) 0.2 (6/1 - 3/31)	01/23/2002
84CW0436	Fall Creek	headwaters in vicinity	confl San Miguel River	5 (1/1 - 12/31)	07/13/1984
93CW0267	Saltado Creek	confl unnamed tributary	confl San Miguel River	1 (7/1 - 4/30) 2 (5/1 - 6/30)	11/09/1993

**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 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.

**Other Objectors**

Statements of Opposition were filed by Howard M. Hughes, and J&M Hughes Ditch Company.

**Attorney**

The Attorney assigned to this case is Michael Toll, who can be contacted at michael.toll@coag.gov, or 720-509-6304.

