

Summary of Water Court Application

Applicant seeks to change several spring water rights to alternate points of diversion on the stream, and a new appropriative right of exchange.

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 Colorado Headwaters, in Water Division 5, that could be injured by this application:

CWCB Case Number	Stream	Upper Terminus	Lower Terminus	Rate/Timing (cfs)	Approp. Date
90CW0280 and 90CW0293	Pole Creek	Headwaters	confl Crooked Creek	Varies seasonally from 0.5 - 3.0	11/27/1990
90CW0296	Crooked Creek	confl Pole Creek	confl Fraser River	2.75 (10/1 - 4/14) 8 (4/15 - 8/14) 4 (8/15 - 9/30)	11/27/1990
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

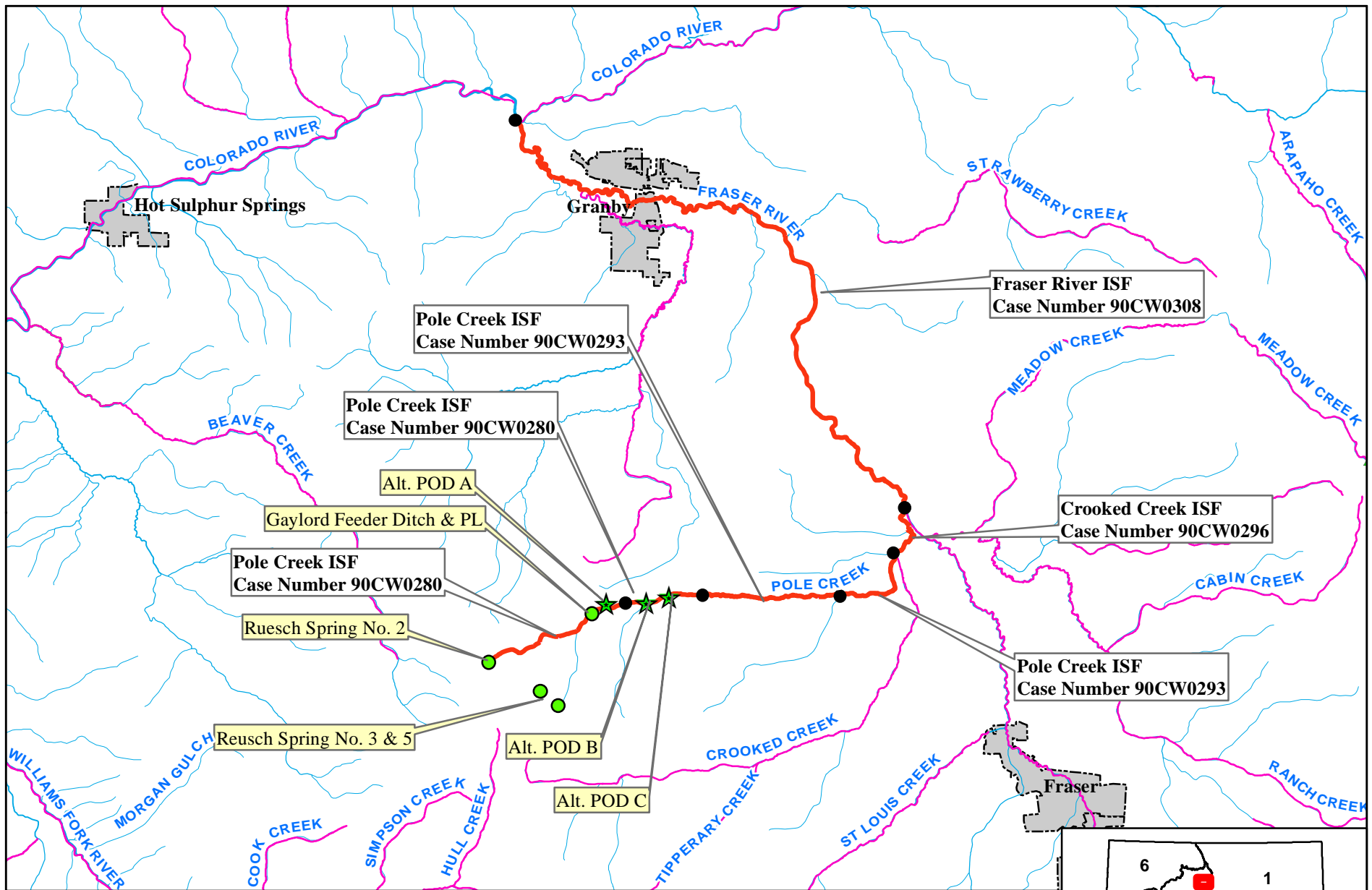
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- The proposed change of water rights could cause an expansion of use, which could injure the CWCB's instream flow water rights.

Other Objectors

Statements of Opposition were filed by Everist Materials, LLC., and Fraser Valley Metropolitan Recreational District.

Attorney

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



September 21-22, 2016 CWCB Board Meeting
 Consent Agenda Item 1e: Statement of Opposition
 Case No. 16CW3037 (Water Division 5)
 YMCA of the Rockies

0 0.75 1.5 3 Miles

