

Summary of Water Court Application

Applicant seeks a determination of water rights claiming that a refill right was decreed in 89CW282 for each of 4 reservoirs. This case arose from Applicant's pending application in Case No. 14CW3179 in which CWCB is an opposing party.

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 Water Division 5, in the Colorado Headwaters-Plateau and Roaring Fork Watersheds, that could be injured by this application:

CWCB Case Number	Stream	Upper Terminus	Lower Terminus	Rate/Timing (cfs)	Approp. Date
10CW0184^	Maroon Creek & Roaring Fork River	hdgt Stapleton Bros Ditch	confl Fryingpan River	0.15-3.83 (varies during the period from 5/1 - 10/31)	06/30/1904
76W2945	Maroon Creek	confl E & W Maroon Creeks	confl Roaring Fork River	14 (1/1 - 12/31)	01/14/1976
85CW0639	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/08/1985
85CW0646	Roaring Fork River	confl Maroon Creek	confl Fryingpan River	30 (10/1 - 3/31) 55 (4/1 - 9/30)	11/08/1985
92CW0286	Colorado River	tailrace Grand Valley Irr Co div	confl Gunnison River	581 (7/1 - 9/30)	03/05/1992
94CW0330*	Colorado River	27.5 Road Gage	confl Gunnison River	300 (7/1 - 9/30)	11/04/1994

^Donated / Acquired Water Right

*94CW330 increases 92CW286 for a total flow of 881 cfs in that reach

Potential for Injury

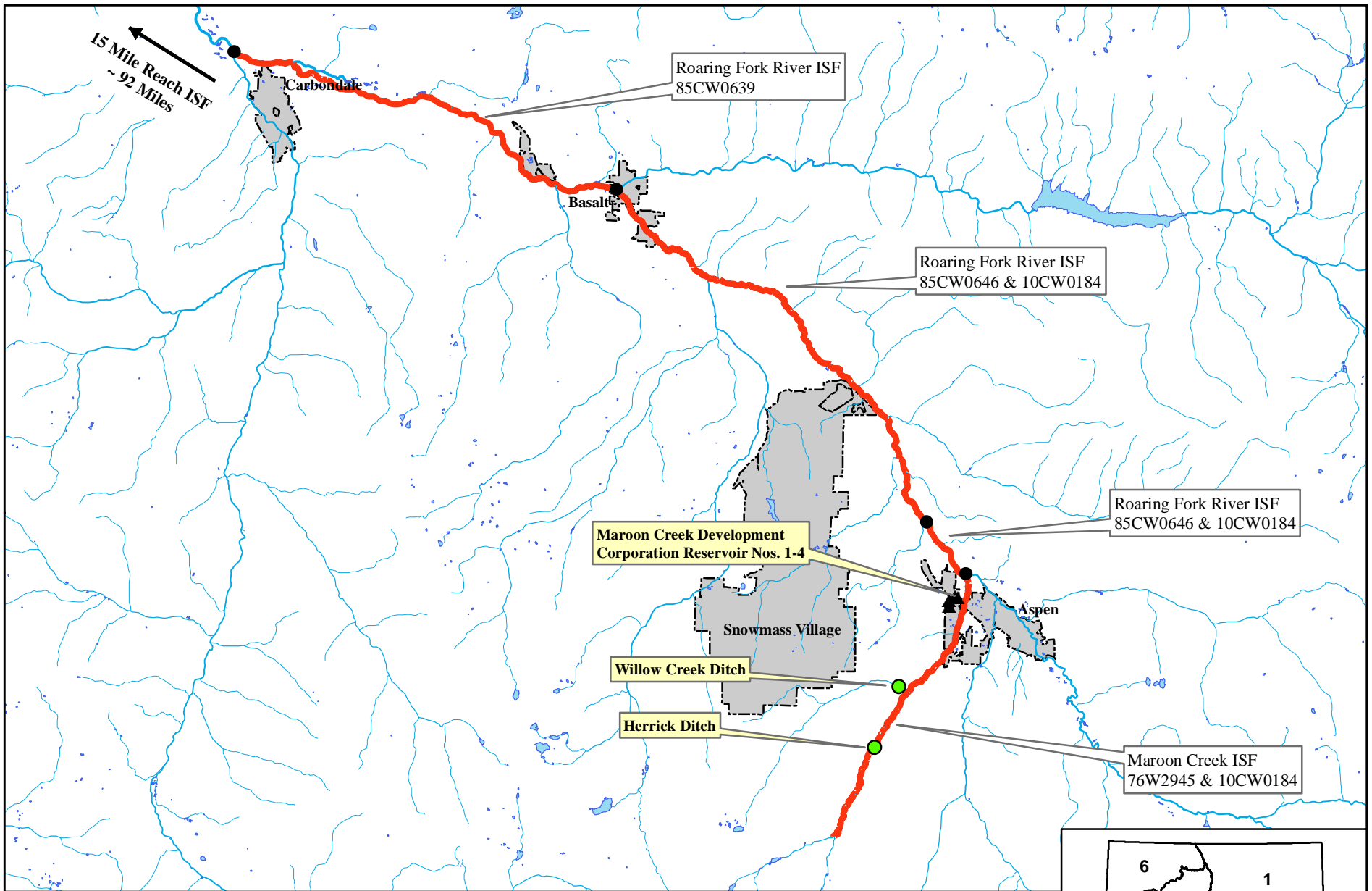
- CWCB is an opposing party in Applicant's pending water court Case No. 14CW3179 for an augmentation plan. CWCB has asserted and continues to assert that refill rights were not awarded in 89CW282 for the reservoirs at issue.
- The request in this case appears to be an expansion of use of Applicant's previously decreed water storage rights which could result in injury to CWCB's instream flow water rights.

Other Objectors

A Statement of Opposition was also filed by the City of Aspen.

Attorney

The Attorney assigned to this case is Derek Turner, who can be contacted at derek.turner@coag.gov, or 720-508-6306.



November 16-17 2016 CWCB Board Meeting
 Consent Agenda Item 1b: Statement of Opposition
 Case No. 16CW3063 (Water Division 5)
 Maroon Creek Limited Liability Company

0 1.5 3 6 Miles

