

Summary of Water Court Application

Applicant seeks a finding of reasonable diligence for numerous water rights associated with the Fryingpan-Arkansas Project and notices its intent to abandon some of its water rights. Applicant also filed a change of water rights application for Fryingpan-Arkansas water as Case No. 16CW3076. (See Consent Agenda Item 1.b).

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition in this case to protect CWCB's instream flow water rights and to protect CWCB's exclusive authority to hold instream flow water rights. A Statement of Opposition was filed on behalf of the Board in January 2017.

CWCB Instream Flow Water Rights

Instream flow water rights that may be injured cannot be specifically identified because the proposed change in place of use is to undefined locations noted as any "extra-territorial area" in which the Applicant contracts, without limitation.

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 CWCB has exclusive authority to hold instream flow water rights. Applicant has not requested a contract or other devise from the CWCB for instream flow use of the water.

Other Objectors

Statement of Opposition were also filed by Amity Mutual Irrigation Company, the Fort Bent Canal and Irrigation Company, the Lamar Canal Company, the Board of Water Works of Pueblo Colorado, Keesee Ditch, Buffalo Mutual Irrigation Company, X Y and Graham Canals, Manvel Canal and Irrigation Company, the Hyde Mutual Ditch Company, District 67 Irrigation Canals Association, Lower Arkansas Water Management Association, and Tri-state Generation and Transmission.

Attorney Representing CWCB

Ema I.G. Schultz, Assistant Attorney General, is assigned to this case and can be contacted at ema.schultz@coag.gov, or 720-508-6307.

