

Summary of Water Court Application

Applicant requests appropriative rights of exchange using several sources of water through several stream reaches, including through some instream flow reaches, to several points of storage. In addition to traditional and defined appropriative rights of exchange, Applicant also requests general categories of "contract exchanges" and "inter-reservoir exchanges."

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. A Statement of Opposition was filed on behalf of the Board in February 2017.

The CWCB holds many instream flow water right(s) in the Arkansas River Basin that could be injured by this application.

Potential for Injury

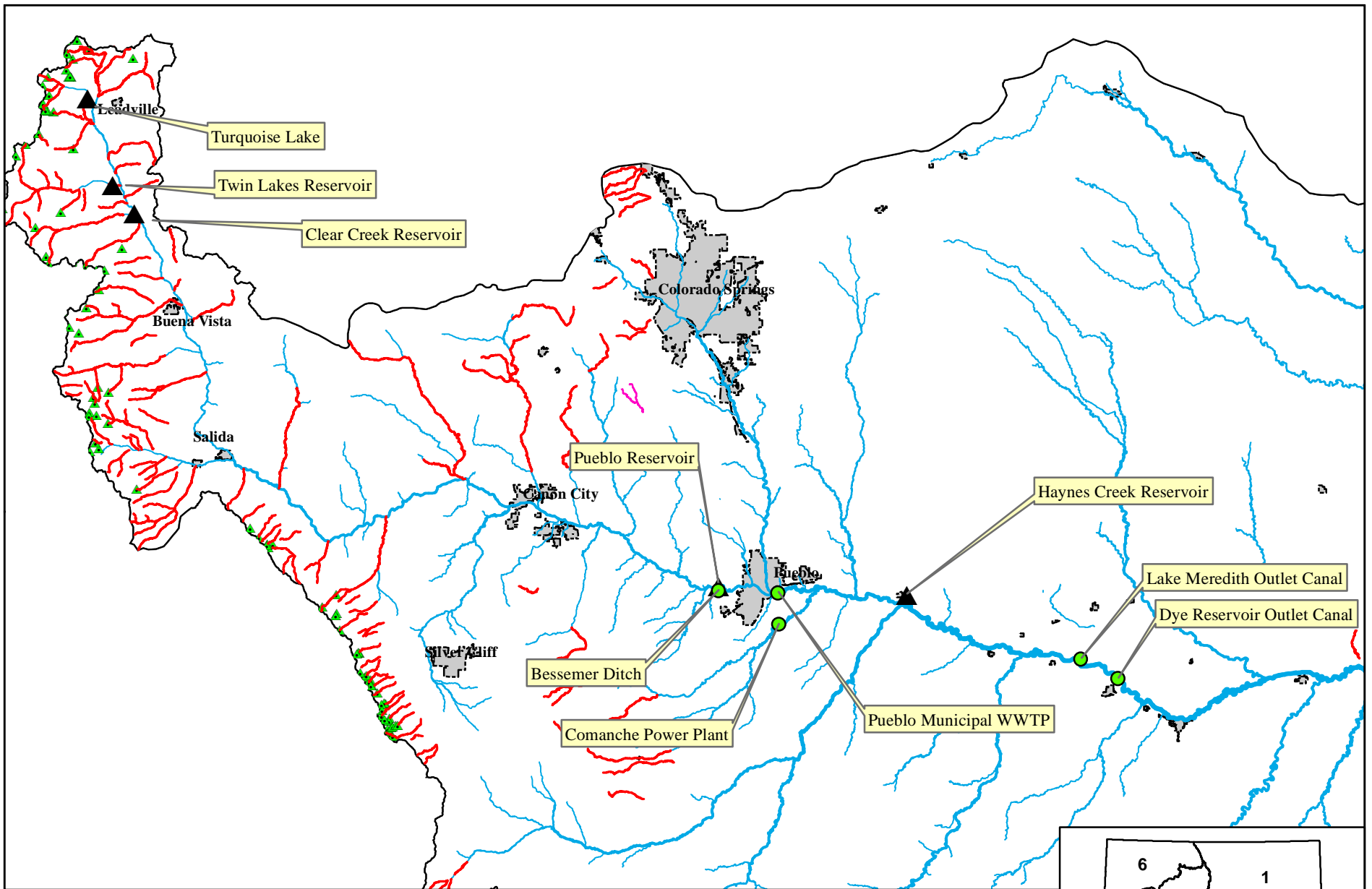
- The proposed appropriative rights of exchange should be defined clearly with a reference to intervening instream flow water rights that are senior to the proposed exchanges, so that the CWCB's instream flow water rights are not injured.
- Because the meanings of contract exchange and inter-reservoir exchange are not clear, there is potential for their operations to injure instream flow water rights.
- Any claim to use, reuse, successive use and fully consume should be accompanied by a detailed re-use plan so that the instream flows are not injured by re-diversion of the water rights.

Other Objectors

Statement of Opposition were filed by Arkansas Groundwater Users Association, Arkansas River Outfitters Association, Arkansas Valley Ditch Association, Avondale Water and Sanitation District, Board of County Commissioners of Chaffee County, Circle A of Colorado LLC, City of Colorado Springs-Colorado Springs Utilities, City of Florence and City of Canon City, City of Fountain, Colorado, City of Salida, District 67 Irrigation Canals Association, Excelsior Irrigating Company, Holbrook Mutual Irrigation Company, Lower Arkansas Valley Water Conservancy District, Lower Arkansas Water Management Association, Public Service of Colorado, Pueblo West Metropolitan District, Pueblo, a Municipal Corporation, S. Warren Chambers and Shirley Chambers, Southeastern Colorado Water Conservancy District, St. Charles Mesa Water District, Stonewall Springs Quarry LLC, The Bessemer Irrigating Ditch Company, The Fort Lyon Canal Company, Tri-State Generation and Transmission Association Inc., Upper Arkansas Water Conservancy District

Attorney Representing CWCB

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



March 22-23, 2017 CWCB Board Meeting
 Consent Agenda Item 1.f: Statement of Opposition
 Case No. 16CW3103 (Water Division 2)
 Board of Water Works of Pueblo, Colorado

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