

Consent Agenda Item 1.g

March 22-23, 2017 Board Meeting

Case No. 16CW3022 (Water Division 3): Town of Del Norte

Summary of Water Court Application

Applicant requests changes of water rights and a plan for augmentation and exchanges. Changes requested include changes to points of diversion, additional places of use, and types of use.

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 the following instream flow water rights in Water Division 3 in the Rio Grande Headwaters Watersheds that could be injured by this application as follows:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
83CW0039, 0040, 0042, & 0049	Rio Grande	confluence Squaw Creek	confluence South Fork Rio Grande	Varies 20-80 (10/1 - 4/30) 45-160 (5/1 - 9/30)	08/16/198 2
83CW0047	North Clear Creek	1 mile below Continental Res	confl South Clear Creek	1 (10/1 - 4/30) 9 (5/1 - 9/30)	08/16/198 2
83CW0051	Clear Creek	confl N & S Clear Creek	confl Rio Grande River	5 (10/1 - 4/30) 10 (5/1 - 9/30)	08/16/198 2
94CW0057	Pinos Creek	confl Bennett Creek	hdgt Del Norte Pipeline	10 (4/1 - 8/15) 6 (8/16 - 11/30) 4.5 (12/1 - 2/29) 6 (3/1 - 3/31)	03/09/199 4

Potential for Injury

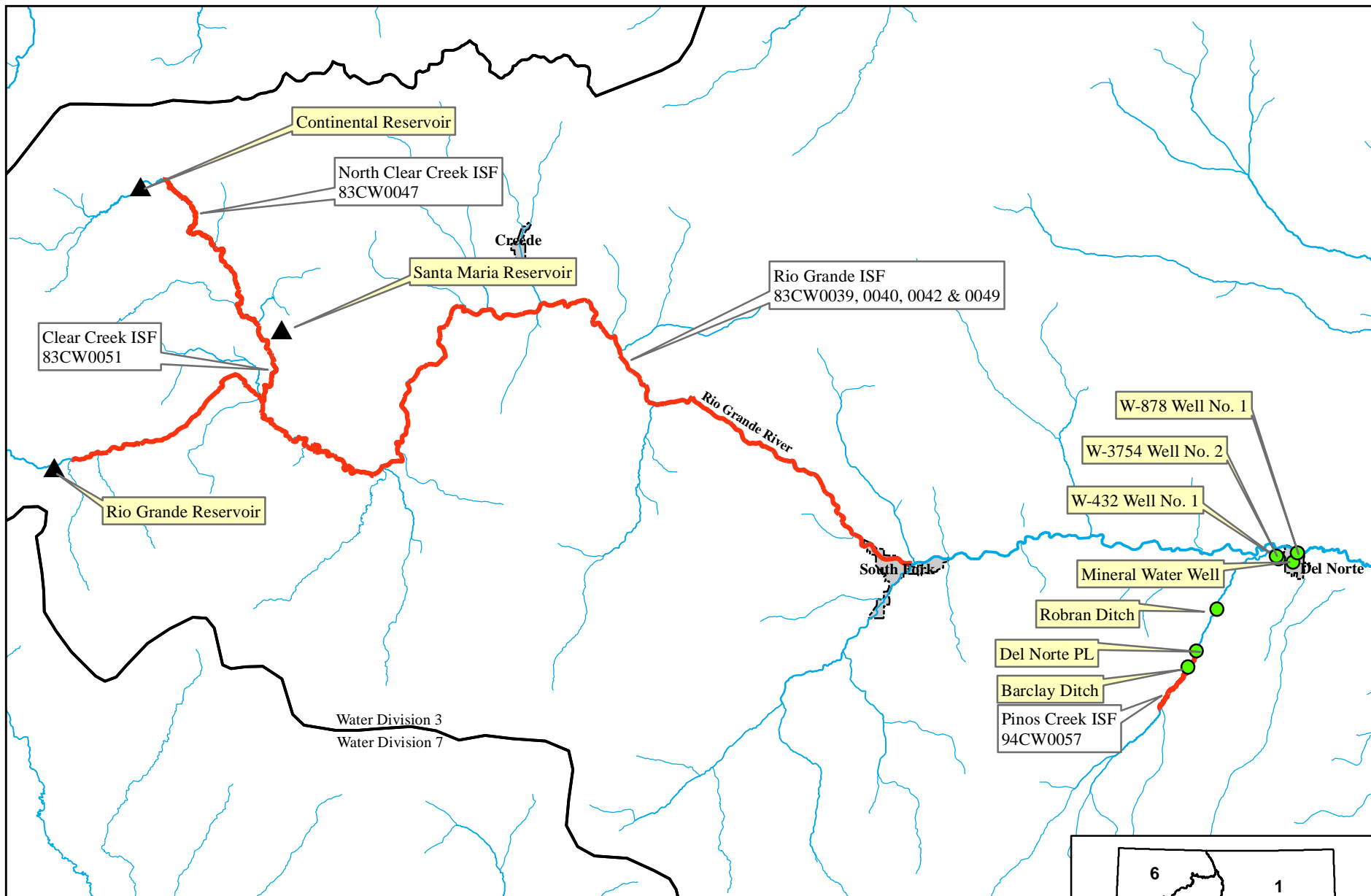
- The proposed change of water rights could cause an expansion of use, which could injure the CWCB's instream flow water rights.
- The proposed appropriative rights of exchange should be defined clearly with a reference to intervening instream flow water rights that are senior to the proposed exchanges,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

Other Objectors

Statements of Opposition were also filed by City of Alamosa, Conejos Water Conservancy District, Rio Grande Water Conservation District, Rio Grande Water Users Association, San Luis Valley Irrigation District, and San Luis Valley Water Conservancy District.

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.



March 22-23, 2017 CWC Board Meeting
 Consent Agenda Item 1.g: Statement of Opposition
 Case No. 16CW3022 (Water Division 3)
 Town of Del Norte

0 2.25 4.5 9 Miles

