

**Summary of Water Court Application**

Applicant requests changes of 0.64 cfs of its contractual interest in water and an appropriative right of exchange. Changes requested include changes to points of diversion, additional places of use, and types of use for use within the Town of Crested Butte's current service area and as it is extended in the future.

**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 4 in the East-Taylor Watershed that could be injured by this application as follows:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
80CW0102	Coal Creek	headwaters in vicinity	confl Slate River	2 (1/1 - 12/31)	03/17/1980
83CW0230	East River	confl Brush Creek	confl Alkali Creek	10 (1/1 - 12/31)	06/03/1982
83CW0228	East River	confl Alkali Creek	confl Taylor River	27 (10/1 - 4/30) 50 (5/1 - 9/30)	06/03/1982
80CW0092	Slate River	confl Coal Creek	confl East River	12 (12/1 - 3/31) 23 (4/1 - 11/30)	03/17/1980

**Potential for Injury**

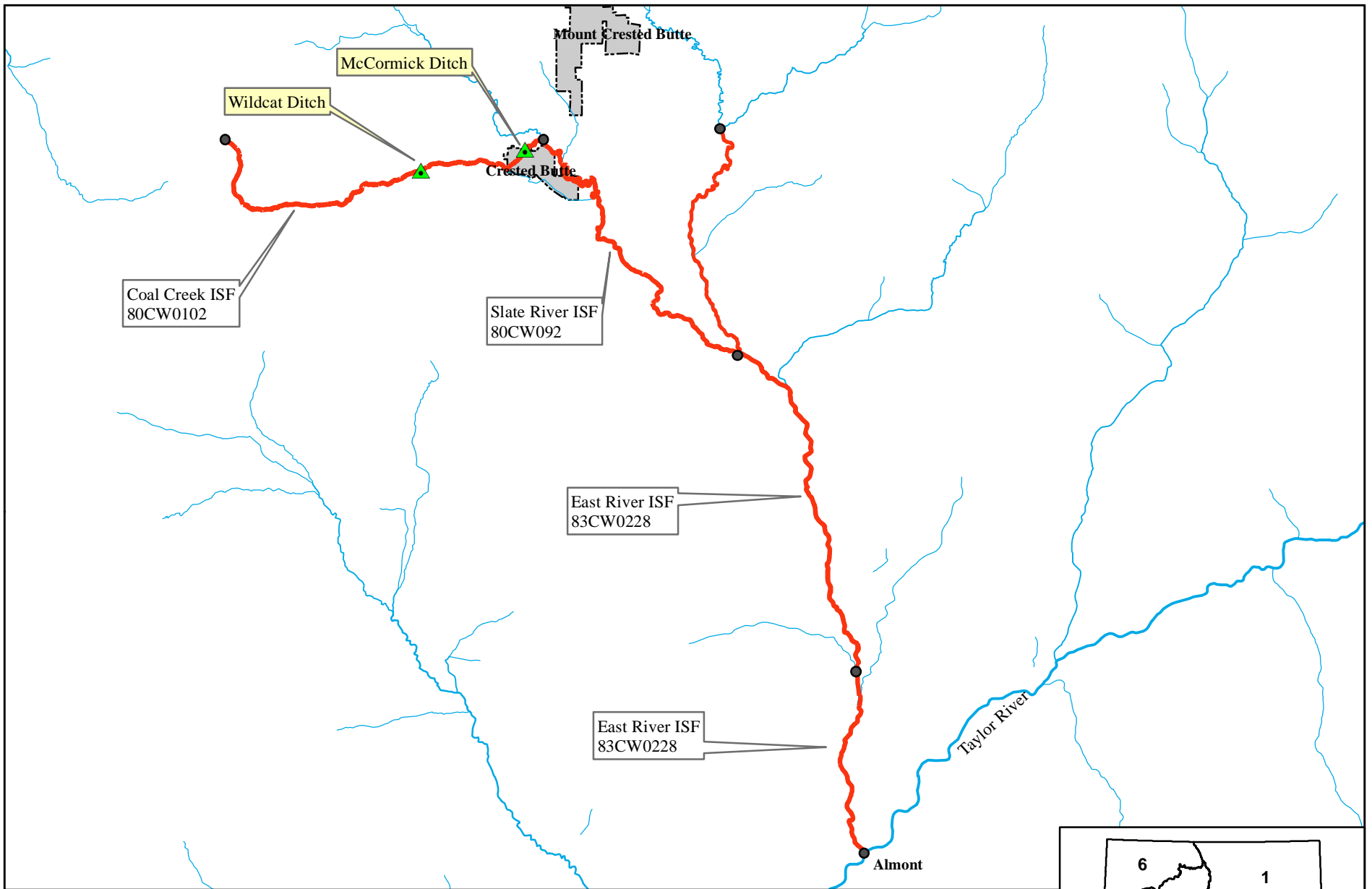
- The requested upstream move of a point of diversion for Applicant's senior water rights could injure the intervening instream flow water right.
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights that are senior to the proposed exchange, so that the CWCB's instream flow water rights are not injured.
- 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.

**Other Objectors**

Statements of Opposition were also filed by the Colorado Division of Parks and Wildlife and the Parks and Wildlife Commission, Sheep Mountain Partners LLC, Skyland Metropolitan District, and Wayne Meredith.

**Attorney Representing CWCB**

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov), or 720-508-6282.



March 22-23, 2017 CWCB Board Meeting  
Consent Agenda Item 1.j: Statement of Opposition  
Case No. 16CW3086 (Water Division 4)  
Town of Crested Butte

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