

**Consent Agenda Item 1.k**

March 22-23, 2017 Board Meeting

Case No. 16CW3097 (Water Division 4): Moonrise Enterprise, LLC

**Summary of Water Court Application**

Applicant requests an augmentation plan and exchanges for new requested groundwater rights and storage rights.

**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 right in Water Division 4 in the San Miguel Watershed that could be injured by this application as follows:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
84CW0442	Naturita Creek	confl E & W Naturita Creeks	Norwood Road crossing	3 (1/1 - 12/31)	07/13/1984

**Potential for Injury**

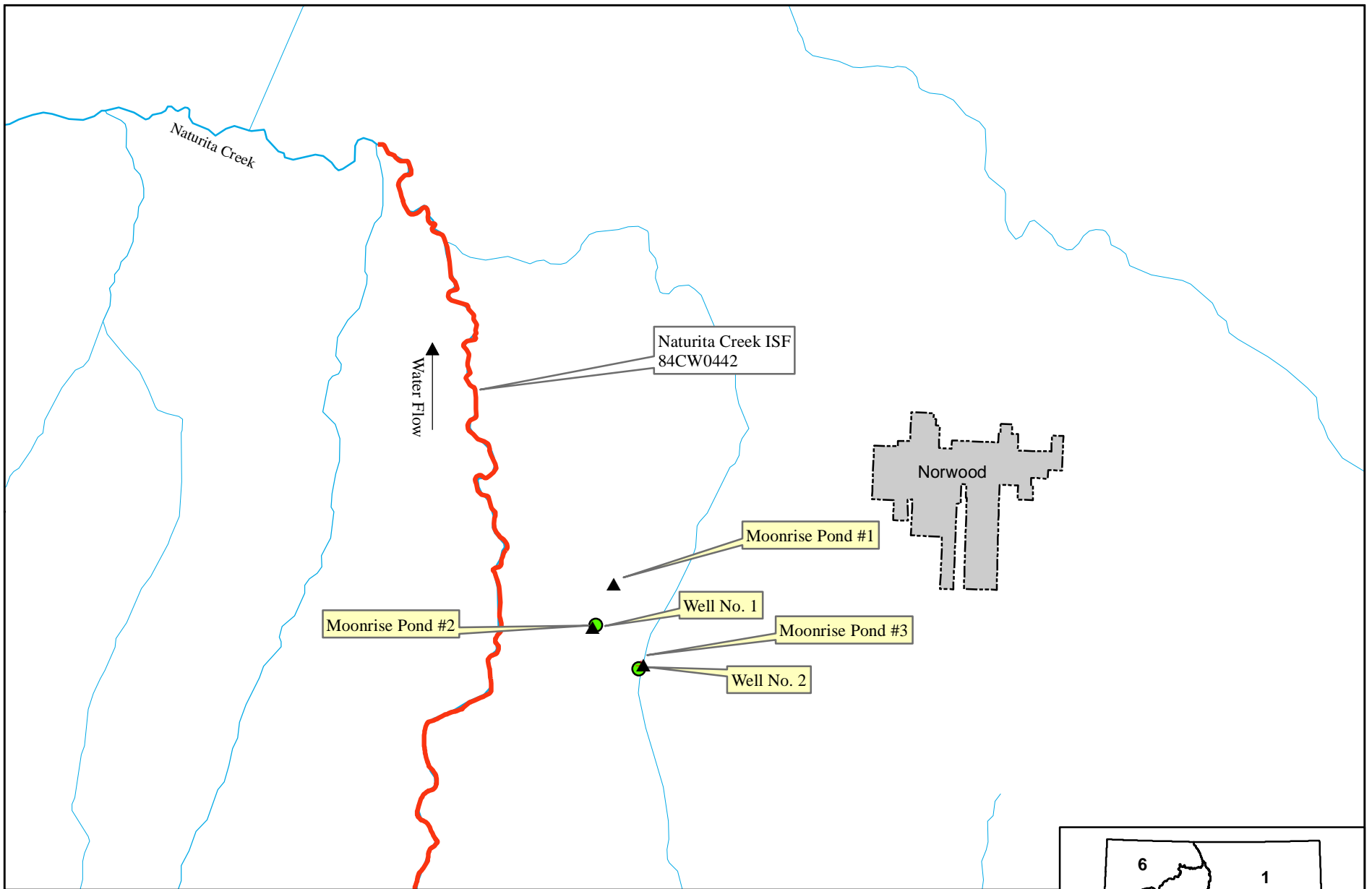
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water right.
- The Applicant should demonstrate that it can legally and physically divert water for its claimed junior conditional water rights, which it will rely on for augmentation, without causing injury to CWCB's instream flow water right.

**Other Objectors**

No other Statements of Opposition were filed.

**Attorney Representing CWCB**

Andrew Nicewicz, Assistant Attorney General, is assigned to this case and can be contacted at andy.nicewicz@coag.gov, or 720-508-6259.



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Consent Agenda Item 1.k: Statement of Opposition  
Case No. 16CW3097 (Water Division 4)  
Moonrise Enterprise, LLC

0 0.25 0.5 1 Miles

