

Consent Agenda Item 1.b

May 17-May 18, 2017 Board Meeting

Case No. 17CW3000 (Water Division 6); Kimberly Kelly Weinstein

Summary of Water Court Application

Applicant has filed a petition for declaratory judgment and injunctive relief regarding administration of water rights in Water District 58 of the Upper Yampa River Basin.

Staff Recommendation

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

CWCB Instream Flow Water Rights

The CWCB holds the following instream flow water rights, in Water Division 6 , in the Upper Yampa Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
79CW0221	Hunt Creek	confl SF Hunt Creek	confl Yampa River	5 (1/1 - 12/31)	12/05/1979
01CW0106	Yampa River	confl Morrison Creek	inlet Lake Catamount Res	72.5 (4/1 - 8/14) 47.5 (8/15 - 3/31)	07/24/2001

Potential for Injury

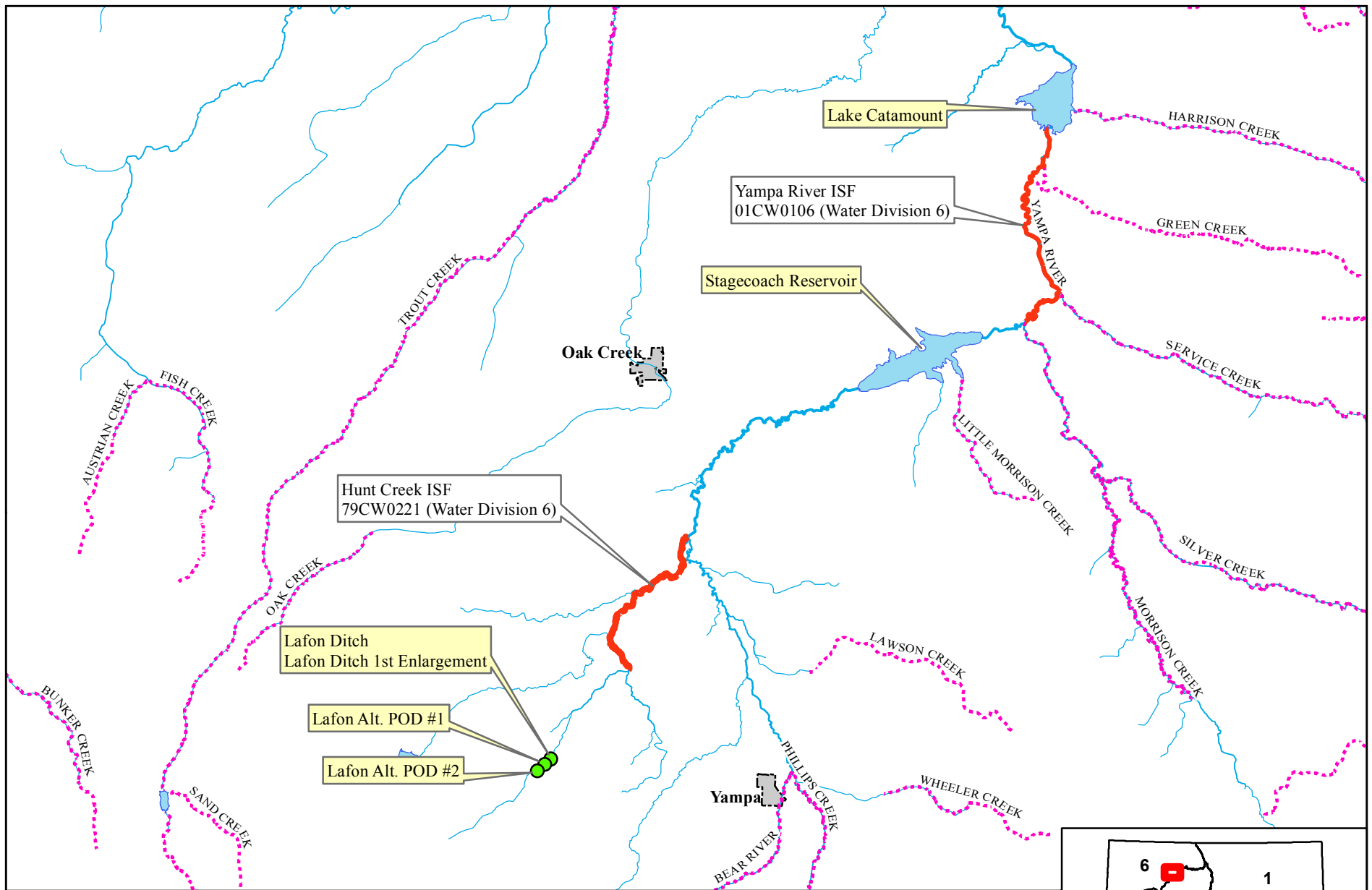
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The requested relief could result in an expansion of use of senior water rights, which could injure the CWCB's instream flow water rights.
- Terms and conditions should be included in any resulting order or decree to ensure that the order or decree will not injure the CWCB's instream flow water rights by expansion of use of water rights that are senior to instream flow water rights.

Other Objectors

No other Statements of Opposition were filed.

Attorney Representing CWCB

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



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