

Summary of Water Court Application

Applicant requests a change of water rights for shares of the Water Supply and Storage Company ("WSSC") to alternate points of diversion and alternate places of storage, to allow direct flow or storage, and to add types of use and places of use including uses outside of the service area pursuant to future agreements. Applicant also requests appropriative rights of exchange.

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 May 2017.

CWCB Instream Flow Water Rights

The CWCB holds ten instream flow water rights in Water Division 1 and 5 in the Cache La Poudre, Colorado Headwaters, and Upper Laramie Watersheds that could be injured by this application.

Potential for Injury

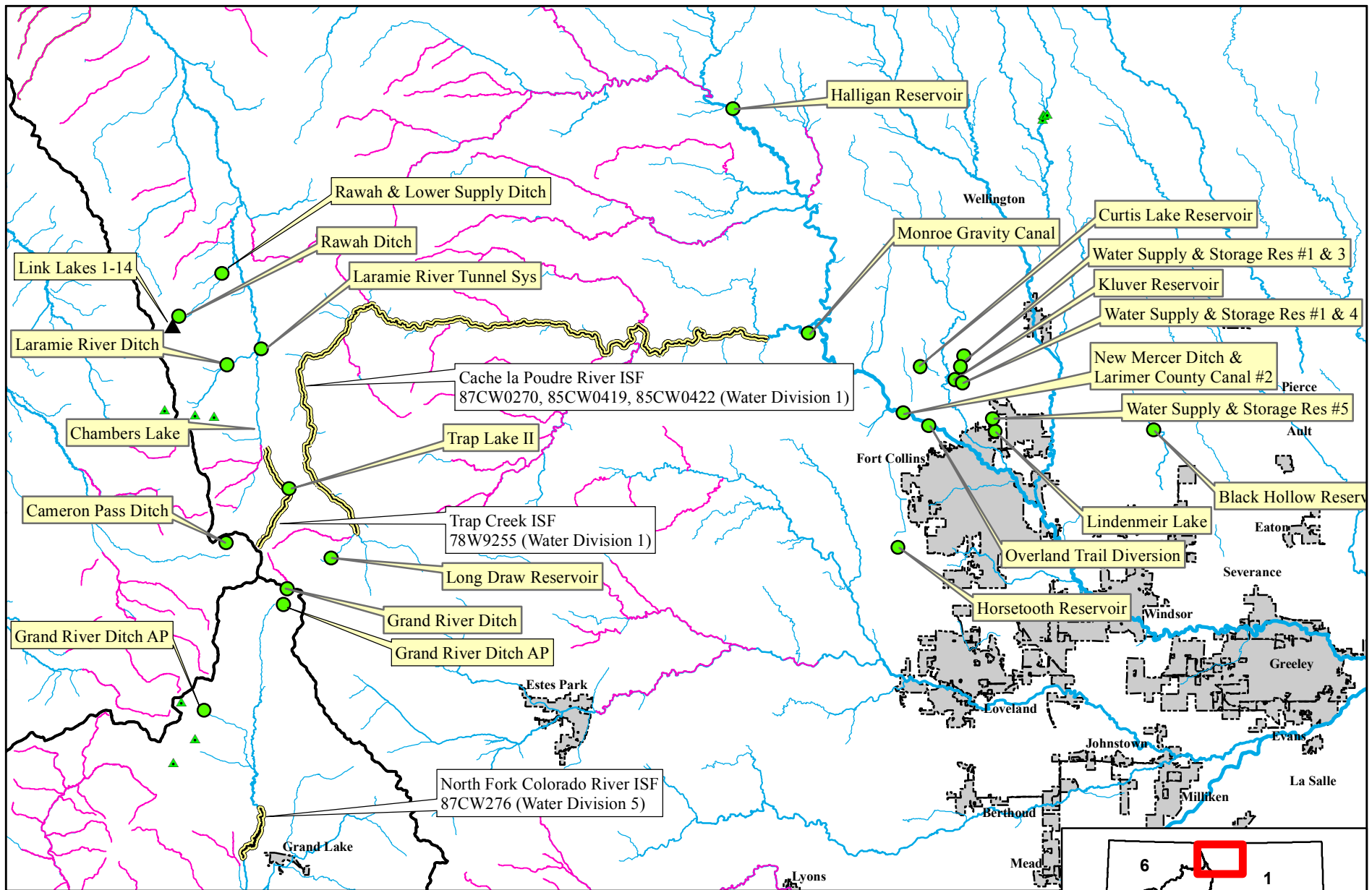
- The proposed change in places of storage and points of diversion to upstream locations could injure the CWCB's instream flow water rights.
- The requested upstream move of a point of diversion for Applicant's senior water rights could injure the intervening instream flow water rights.
- The proposed appropriative rights of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- The uses outside of the service area pursuant to future agreements for the changed water rights cannot be evaluated because the type and the place of such use are undefined. These uses could injure the CWCB's other instream flow water rights.
- The proposed re-appropriation of return flows should be claimed as a new junior, conditional water right with all necessary elements of a new appropriation.

Other Objectors

Statements of Opposition were also filed by Arthur Irrigation Company, Cache la Poudre Water Users Association, City of Fort Collins, City of Greeley, City of Thornton, Divide Canal and Reservoir Company, Larimer & Weld Irrigating Company, Larimer County Canal No. 2 Irrigating Company, Northern Colorado Water Conservancy District, The New Mercer Ditch Company, The Water Supply and Storage Company, and United Water and Sanitation District.

Attorney Representing CWCB

Patrick E Kowaleski, Senior Assistant Attorney General, is assigned to this case and can be contacted at patrick.kowaleski@coag.gov, or 720-508-6297.



July 18-19, 2017 CWCB Board Meeting
 Consent Agenda Item 1b: Statement of Opposition
 Case No. 17CW3057 (Water Division 1)
 North Weld County Water District

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