

Consent Agenda Item 1.c

November 15-16, 2017 Board Meeting
Case No. 17CW3174 (Water Division 5); Town of Basalt

Summary of Water Court Application

Applicant requests an absolute water storage right, absolute water surface rights, absolute underground water right, change of absolute water right, approval of plan for augmentation and appropriative right 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. A Statement of Opposition was filed on behalf of the Board in October 2017.

The CWCB holds water rights, including the following instream flow water rights in Water Division 5, in the Roaring Fork Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
73W1945	Fryingpan River	confl Rocky Fork Creek	confl Roaring Fork River	39 (11/1 - 4/30) 110 (5/1 - 10/31)	07/12/1973
85CW0646	Roaring Fork River	confl Maroon Creek	confl Fryingpan River	30 (10/1 - 3/31) 55 (4/1 - 9/30)	11/08/1985
10CW0184^	Roaring Fork River	confl Owl Creek	confl Fryingpan River	0.89 (5/1 - 5/31) 0.59 (6/1 - 6/30) 0.64 (7/1 - 7/31) 0.5 (8/1 - 8/31) 0.4 (9/1 - 9/30) 0.15 (10/1 - 10/31)	06/30/1904
85CW0639	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/08/1985

^ Donated/Acquired Water Right

Potential for Injury

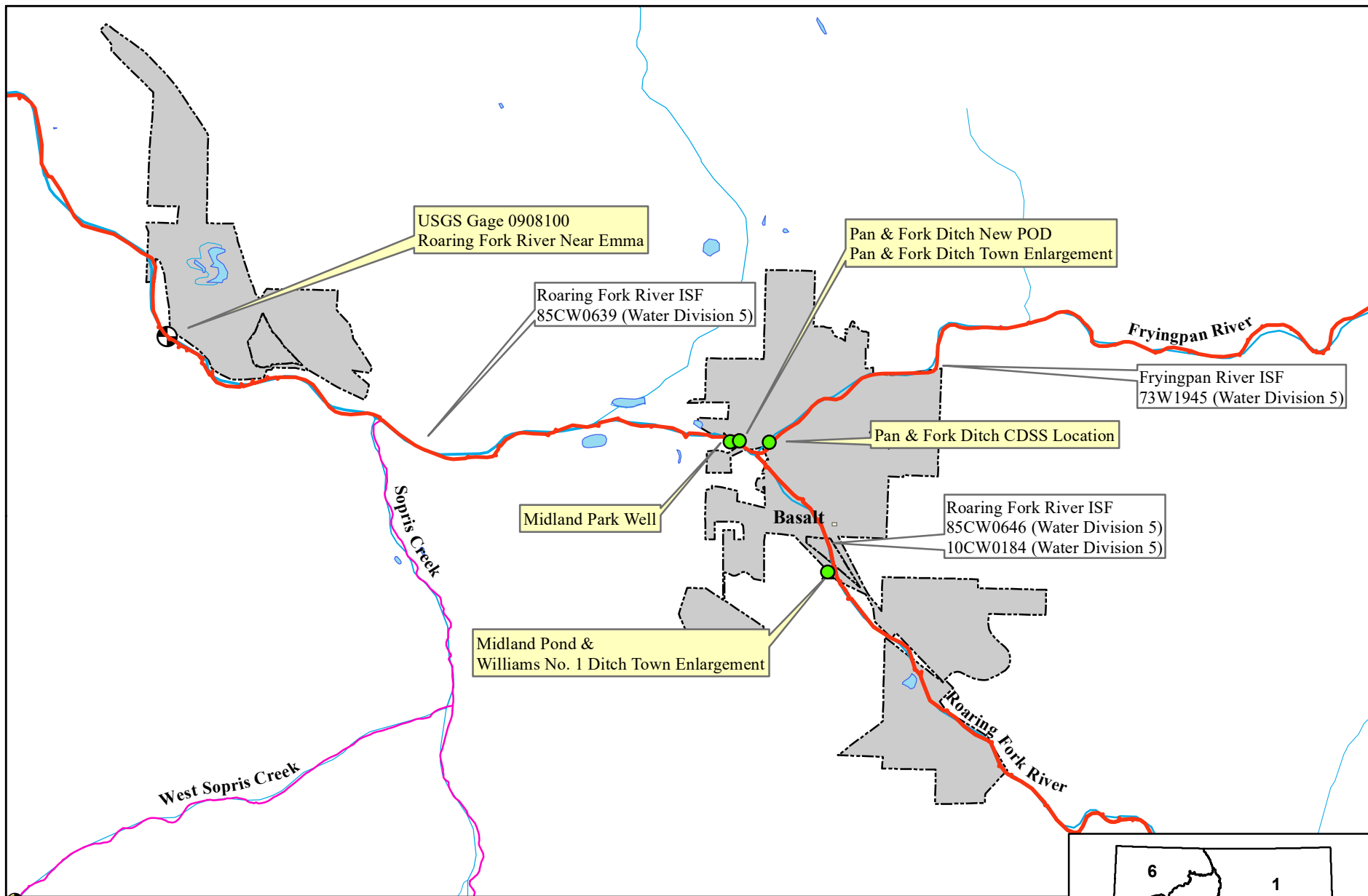
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water right.
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water right.
- The potential flow through water right could injure the CWCB's instream flow water right because it is fully depletive to a segment of the intervening instream flow.
- The application does not present sufficient information to fully evaluate the extent to which the Board's instream flow rights may be injured.

Other Objectors

Statements of Opposition were also filed by the Basalt Water Conservancy District, Grand Valley Water Users Association, and Board of County Commissioners of Pitkin County.

Attorney Representing CWCB

Michael Toll, Assistant Attorney General, is assigned to this case and can be contacted at Michael.toll@coag.gov, or (720) 508-6304



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0 0.25 0.5 1 Miles

