

Consent Agenda Item 1.h

March 21-22, 2018 Board Meeting

Case No. 17CW3083 (Water Division 4); Ellen F. Price Trust and Joseph B. Price Trust

Summary of Water Court Application

This is an Application for absolute surface diversion water rights, absolute and conditional storage water rights, and approval of a plan of augmentation with appropriative rights of exchange.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2018 to protect CWCB's instream flow water rights.

CWCB Instream Flow Water Rights

The CWCB holds water rights, including the following instream flow water rights, in Water Division 4 in the San Miguel River Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
84CW0429	San Miguel River	confl S Fk San Miguel River	conf Fall Creek	20 (1/1 - 12/31)	07/13/1984
02CW0277	San Miguel River	confl Fall Creek	pt immed u/s of confl Horsefly Cr	93 (5/1 - 10/14) 61 (10/15 - 4/30)	01/23/2002
84CW0430	South Fork San Miguel River	confl Howard & Lk Fk San Miguel	confl San Miguel River	9 (1/1 - 12/31)	07/13/1984

Potential for Injury

- The proposed plan for augmentation may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- Applicants claim senior appropriation dates for some of the ponds and springs. Some of the CWCB's instream flow water rights might be subject to these water rights under C.R.S. 37-92-102(3)(b) if the claims are sufficiently documented.

Other Objectors

A Statement of Opposition was also filed by Public Service Company of Colorado.

Attorney Representing CWCB

Jeffrey N. Candrian, Assistant Attorney General, is assigned to this case and can be contacted at jeffrey.candrian@coag.gov, or 720-508-6307.

