

Consent Agenda Item 1.m

March 21- 22, 2018 Board Meeting

Case No. 17CW3042 (Water Division 6); City of Steamboat Springs

Summary of Water Court Application

This is an Application for a simple change in a surface point of diversion.

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 6 in the Upper Yampa River Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
76W0959^	Burgess Creek (Excelsior No.1)	Forest Service boundary	confl Yampa River	0.0375 (1/1 - 12/31)	12/31/1900
76W0959^	Burgess Creek (Excelsior No.1)	Forest Service boundary	confl Yampa River	0.0375 (1/1 - 12/31)	12/31/1901
76W0959^	Burgess Creek (Excelsior No.1)	Forest Service boundary	confl Yampa River	0.0293 (1/1 - 12/31)	12/31/1902
76W0959^	Fish Creek (Hoyle & Knight)	hdgt Mt Werner Pipeline	confl Yampa River	2 (1/1 - 12/31)	05/14/1910
76W0959^	Fish Creek (Hoyle & Knight)	hdgt Mt Werner Pipeline	confl Yampa River	1 (1/1 - 12/31)	10/01/1927
76W0959^	Fish Creek (Hoyle & Knight)	hdgt Mt Werner Pipeline	confl Yampa River	1 (1/1 - 12/31)	05/01/1942
76W0959^	Fish Creek (Park City No.2)	hdgt Mt Werner Pipeline	confl Yampa River	1 (1/1 - 12/31)	07/04/1963
76W0959^	Fish Creek (Welch & Waters 2 nd Enlrg)	hdgt Mt Werner Pipeline	confl Yampa River	2.1 (1/1 - 12/31)	08/01/1944
79CW0103	Burgess Creek (ISF Approp.)	Forest Service boundary	confl Yampa River	2 (1/1 - 12/31)	03/14/1979
79CW0104	Fish Creek (ISF Approp.)	hdgt Mt Werner Pipeline	confl Yampa River	2 (1/1 - 12/31)	03/14/1979

^ Donated/Acquired Water Right

Potential for Injury

- The proposed change of point of diversion could cause an expansion of use, which could injure the CWCB's instream flow water rights.

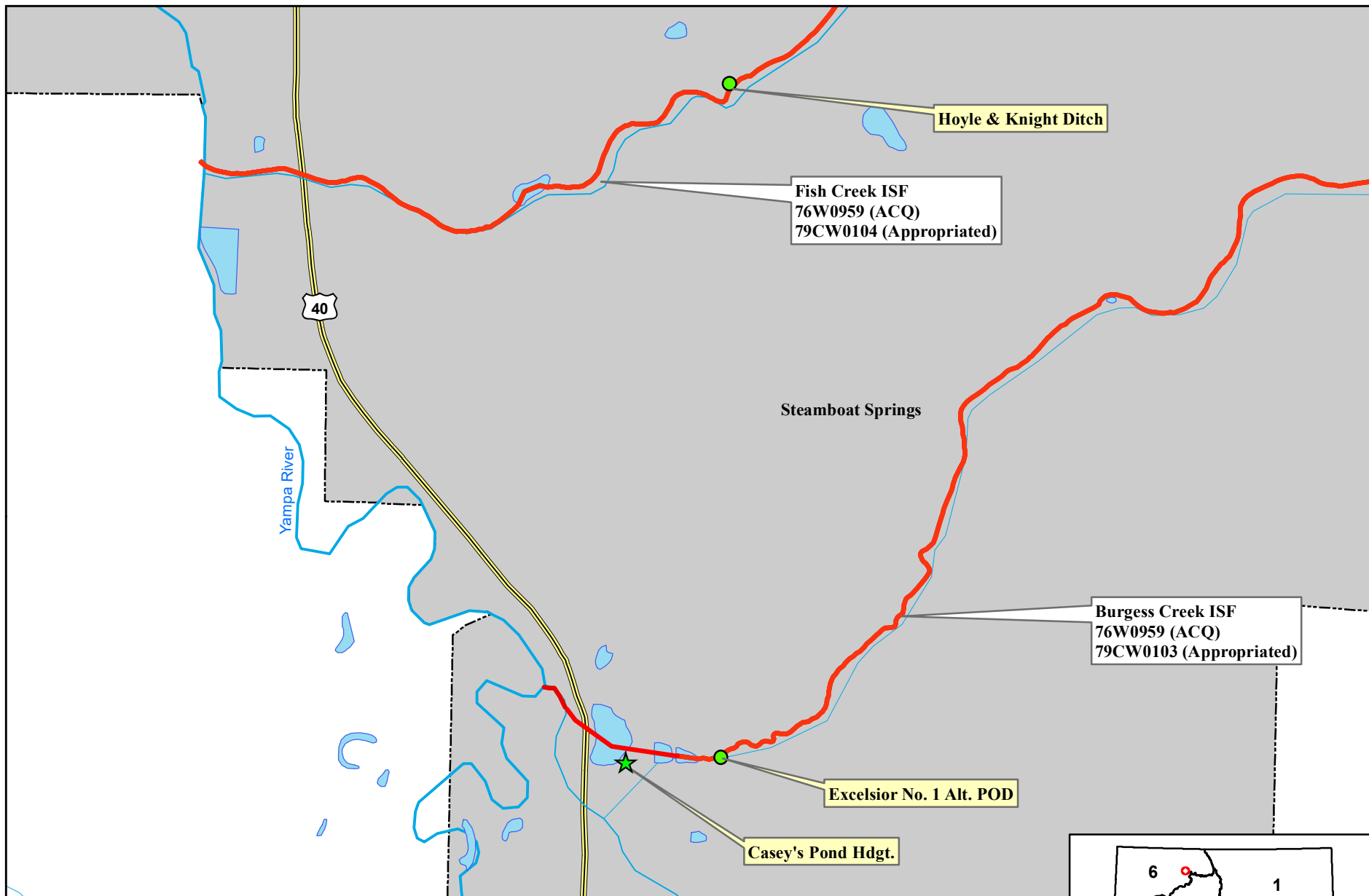
- The Applicant must show how a simple change under CRS 37-92-305(3.5) can occur for one of the alternate points of diversion decreed to divert from different streams.
- If there is a change from two alternate points of diversion that are currently decreed for use on both Fish Creek and Burgess Creek, a change of use to Burgess Creek could injure the CWCB's instream flow rights on either stream.
- The Applicant must demonstrate its ownership and decreed uses of the Enlargement of the Hoyle and Knight (Priority No. 189a).

Other Objectors

There were no other Statements of Opposition filed.

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



March 21-22, 2018 CWC Board Meeting
 Consent Agenda Item 1m: Statement of Opposition
 Case No. 17CW3042 (Water Division 6)
 City of Steamboat Springs

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