

**Consent Agenda Item 1.o**

March 21-22, 2018 Board Meeting

Case No. 17CW3045 (Water Division 6); TerraCarta Energy Resources, LLC

**Summary of Water Court Application**

This is an Application for change of water right for alternate places of storage for a senior water right.

**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 Divisions 5 and 6 in the Piceance-Yellow Creek and Upper White River Watersheds that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
77W3652B (Div. 5)	South Fork White River	confl Swede Creek	confl NF White River	80 (1/1 - 12/31)	11/15/1977
77W3652C (Div. 5)	White River	confl NF & SF White River	confl Piceance Creek	200 (1/1 - 12/31)	11/15/1977
16CW3040 (Div. 6)	Yellow Creek (upper)	confl Barcus Creek	confl Lambert Springs	0.82 (3/1 - 6/15) 0.4 (6/16 - 2/29)	01/26/2016
16CW3040 (Div. 6)	Yellow Creek (lower)	confl Lambert Springs	confl White River	1.8 (3/1 - 6/15) 1.2 (6/16 - 2/29)	01/26/2016

**Potential for Injury**

- Applicant's proposed South Fork Reservoir No.2 may inundate a portion of the CWCB's instream flow water right on lower Yellow Creek.
- The proposed change of water right could cause an expansion of use and could alter the contemplated draft of the conditional water right, which could injure the CWCB's instream flow water rights.

**Other Objectors**

Statements of Opposition were also filed by 4M Ranch LLC, Exxon Mobile Corporation, Mountain Water LLC, Rio Blanco Water Conservancy District, The Oil Shale Corporation, and the United States of America - Department of the Interior Bureau of Land Management, White River Field Office.

**Attorney Representing CWCB**

Andrew B. Nicewicz, Assistant Attorney General, is assigned to this case and can be contacted at [andy.nicewicz@coag.gov](mailto:andy.nicewicz@coag.gov), or 720-508-6259.

