

**Consent Agenda Item 1.b**

May 23-24, 2018 Board Meeting

Case No. 16CW3062 (Water Division 2); Riverside Ditch and Allen Extension Company

**Summary of Water Court Application**

Applicant has applied for a new junior surface water right on Three Elk Creek with an 1888 appropriation date.

**Staff Recommendation**

Staff recommends that the Board ratify the filing the Opposed Motion to Intervene and Statement of Opposition filed in this case to protect CWCB's instream flow water rights. A Motion to Intervene was filed on behalf of the Board in May 2018.

**CWCB Instream Flow Water Rights**

The CWCB holds water rights, including the following instream flow water right, in Water Division 2 in the Arkansas Headwaters Watershed that could be injured by this application:

| Case Number | Stream          | Upper Terminus         | Lower Terminus       | CFS Rate (Dates) | Approp. Date |
|-------------|-----------------|------------------------|----------------------|------------------|--------------|
| 80CW0071    | Three Elk Creek | headwaters in vicinity | confl Arkansas River | 4 (1/1 - 12/31)  | 05/07/1980   |

**Potential for Injury**

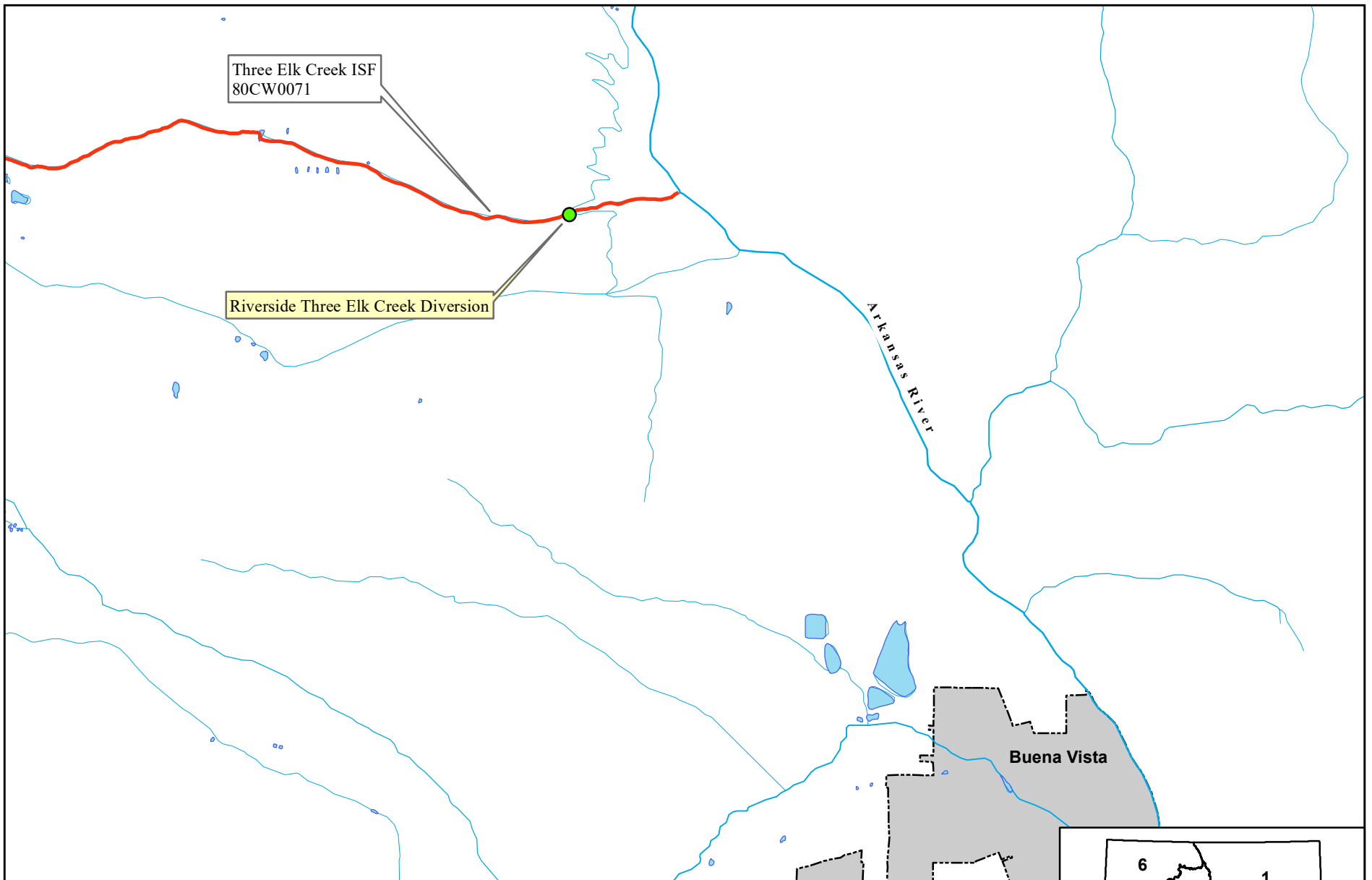
- The water right is claimed with a senior appropriation date. The instream flow water right might be subject to this water right under C.R.S. 37-92-102(3)(b) if the claimed pre-existing use is sufficiently documented.

**Other Objectors**

A Statement of Opposition was also filed by Randall L. Hancock and Renate Laurie Hancock.

**Attorney Representing CWCB**

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov), or 720-508-6282.



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Consent Agenda Item 1b: Motion to Intervene and  
Statement of Opposition  
Case No. 16CW3062 (Water Division 2)  
Riverside Ditch and Allen Extension Company

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