

**Consent Agenda Item 1.c**

May 23-24, 2018 Board Meeting

Case No. 18CW3014 (Water Division 2); John Hightower and Melissa Hightower

**Summary of Water Court Application**

Applicant requests two water storage rights, a change of water right, and approval of a plan for augmentation.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in April 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 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
80CW0072	Bear Creek	headwaters in vicinity	confl Arkansas River	10 (1/1 - 12/31)	05/07/1980

**Potential for Injury**

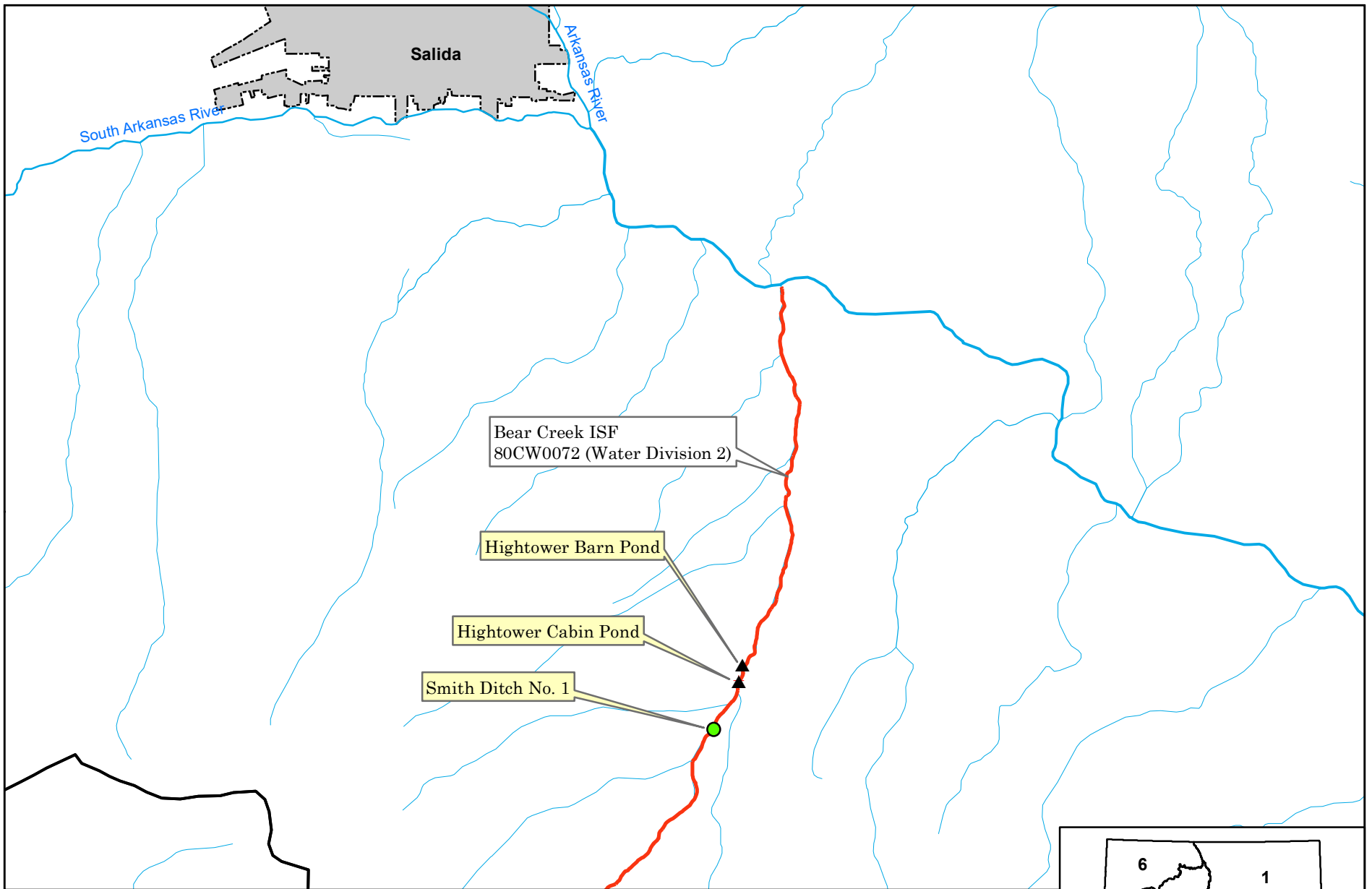
- The proposed plan for augmentation may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.

**Other Objectors**

Statements of Opposition were also filed by Ann Tucker and Will Tucker, and Terrell S. Minton and W. Kekuni Minton.

**Attorney Representing CWCB**

Ema I. G. Schultz, Assistant Attorney General, is assigned to this case and can be contacted at [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov), or 720-508-6307.



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