

Consent Agenda Item 1.d

July 18-19, 2018 Board Meeting

Case No. 18CW3046 (Water Division 5); Highland Ranch Ltd.

Summary of Water Court Application

Applicant seeks an underground water right with an appropriation date senior to CWCB's instream flow water right. Applicant further seeks an alternate point of diversion to a second well under the same claim.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition that was filed on behalf of the Board in May 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 5 in the Roaring Fork Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
76W2947	Castle Creek	headwaters	confl Roaring Fork River	12 (1/1 - 12/31)	01/14/1976
76W2948	Roaring Fork River	confl Difficult Creek	confl Maroon Creek	32 (1/1 - 12/31)	01/14/1976
85CW0646	Roaring Fork River	confl Maroon Creek	confl Fryingpan River	30 (10/1 - 3/31) 55 (4/1 - 9/30)	11/08/1985
85CW0639	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/08/1985

Potential for Injury

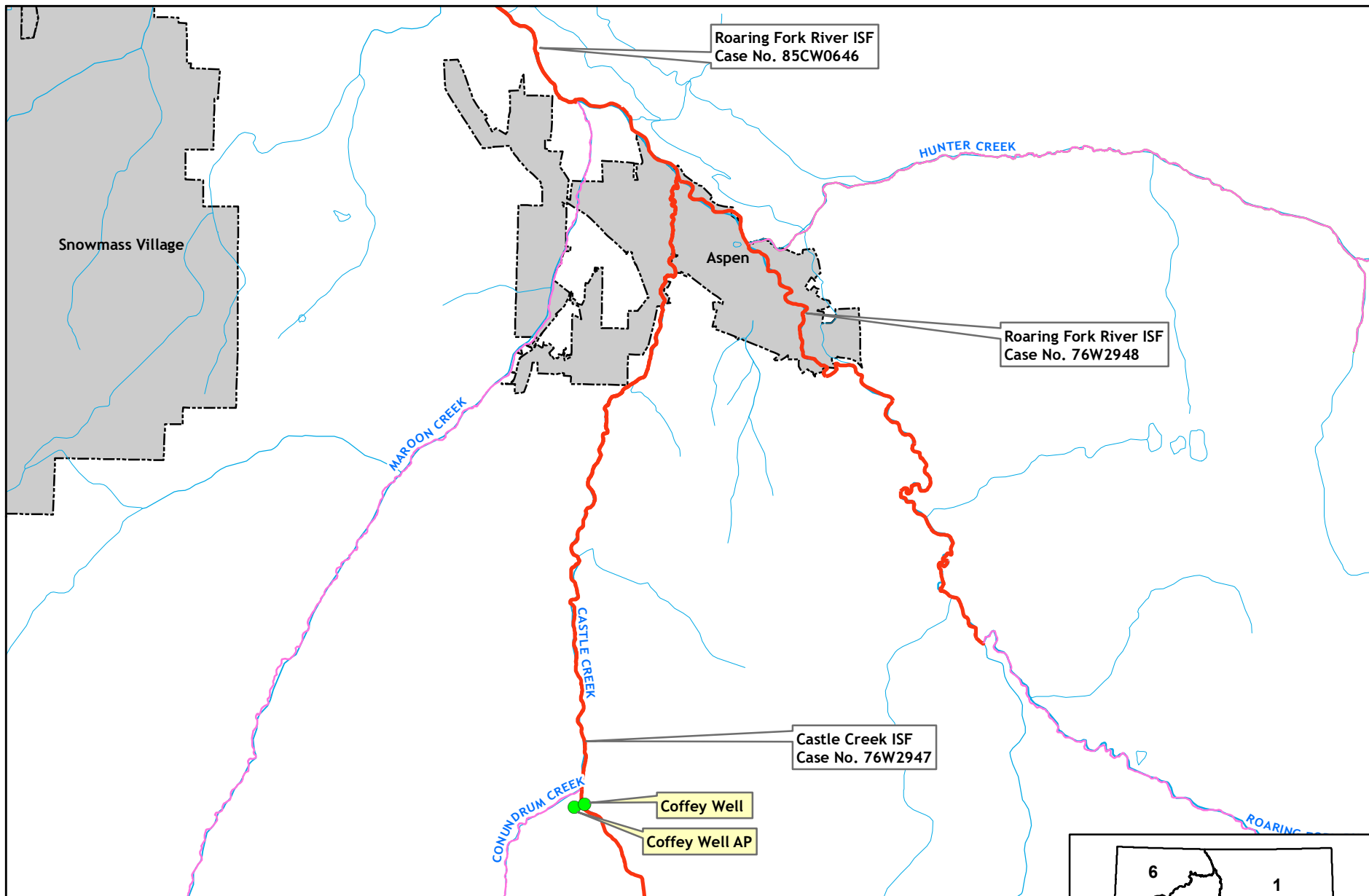
- The well is claimed with a senior appropriation date. The instream flow water right might be subject to the claimed water right under C.R.S. 37-92-102(3)(b), C.R.S., if the claimed water right is sufficiently documented.
- No plan for augmentation has been proposed to replace out-of-priority depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- Applicant claims an alternate point of diversion for the well. A claim for an alternate point of diversion is a change of water right § 37-92-103(5)(a). C. R. S. Applicant's apparent change of water right could cause an expansion of use, which could injure the CWCB's instream flow water rights.

Other Objectors

No other Statements of Opposition were filed.

Attorney Representing CWCB

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



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Consent Agenda Item 1d: Statement of Opposition
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Highland Ranch Ltd.

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