

Consent Agenda Item 1.a

September 19-20, 2018 Board Meeting

Case No. 18CW3090 (Water Division 1); City of Westminster

Summary of Water Court Application

Applicant seeks a change of water right.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board to protect CWCB's instream flow water rights.

CWCB Instream Flow Water Rights

Instream flow water rights that may be injured cannot be specifically identified because the proposed change in place of use is to undefined locations "to extra-territorial customers as it may serve from time to time." See Water Court Application at page 4.

Potential for Injury

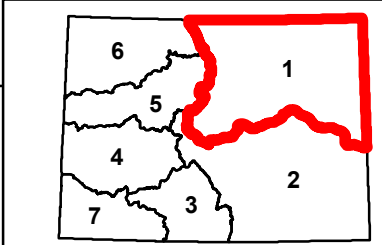
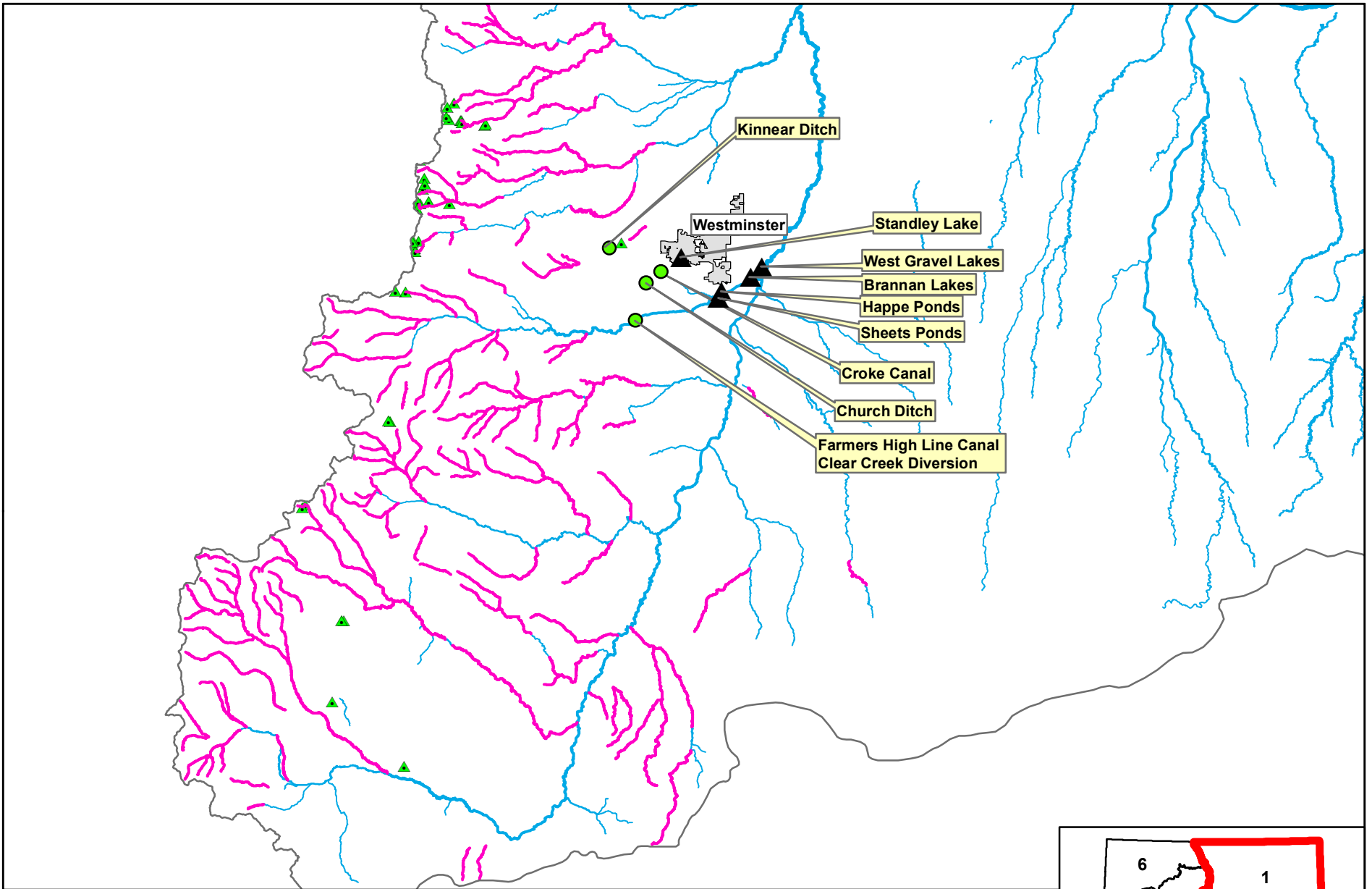
- Depending on the ultimate place of use, the CWCB holds many instream flow rights that could be injured by this application.
- To prevent expansion of use, the appropriation of historical return flows must be claimed as a new junior water right with all of the required elements of a new junior water right.
- The extraterritorial use for the changed water rights cannot be evaluated because the type of use and the place of use is undefined. These uses could injure the CWCB's instream flow water rights.
- Applicant's claim to reuse or successively use to extinction requires proper quantification techniques to assure dominion and control of any water to be captured and reused after each successive use in time, place, and amount.
- The application does not present sufficient information to fully evaluate the extent to which the Board's instream flow rights may be injured.

Other Objectors

Statements of Opposition were also filed by The Burlington Ditch, Reservoir and Land Company, The Consolidated Mutual Water Company, Farmer's Reservoir and Irrigation Company, Platte Valley Irrigation Company, Public Service Company of Colorado, City of Arvada, City of Northglenn, South Adams County Water and Sanitation District, City of Thornton, City and County of Broomfield, City of Black Hawk, Farmers Independent Ditch Company, Western Mutual Ditch Company, Centennial Water and Sanitation District, Central Colorado Water Conservancy District, Farmers' High Line Canal and Reservoir Company, State and Water Division 1 Engineer, East Cherry Creek Valley Water and Sanitation, Arapahoe County Water and Wastewater Authority, Coors Brewing Company, United Water and Sanitation District, and City and County of Broomfield.

Attorney Representing CWCB

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



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 Consent Agenda Item 1a: Statement of Opposition
 Case No. 18CW3090 (Water Division 1)
 City of Westminister

