

Consent Agenda Item 1.c

November 14-15, 2018 Board Meeting

Case No. 18CW3044 (Water Division 2); B Lazy M Ranch Owners Association

Summary of Water Court Application

This is an Application for change of water right, approval of plan for augmentation, and appropriative rights of substitution and exchange.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in October 2018 to protect CWCB's instream flow water rights.

CWCB Instream Flow Water Rights

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

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
00CW101-105	Fourmile Creek	confl Barnard Creek	confl Wilson Creek	5.8-9.5 (4/15 - 10/14) & 2.75 - 5.0 (10/15 - 4/14)	01/26/2000

Potential for Injury

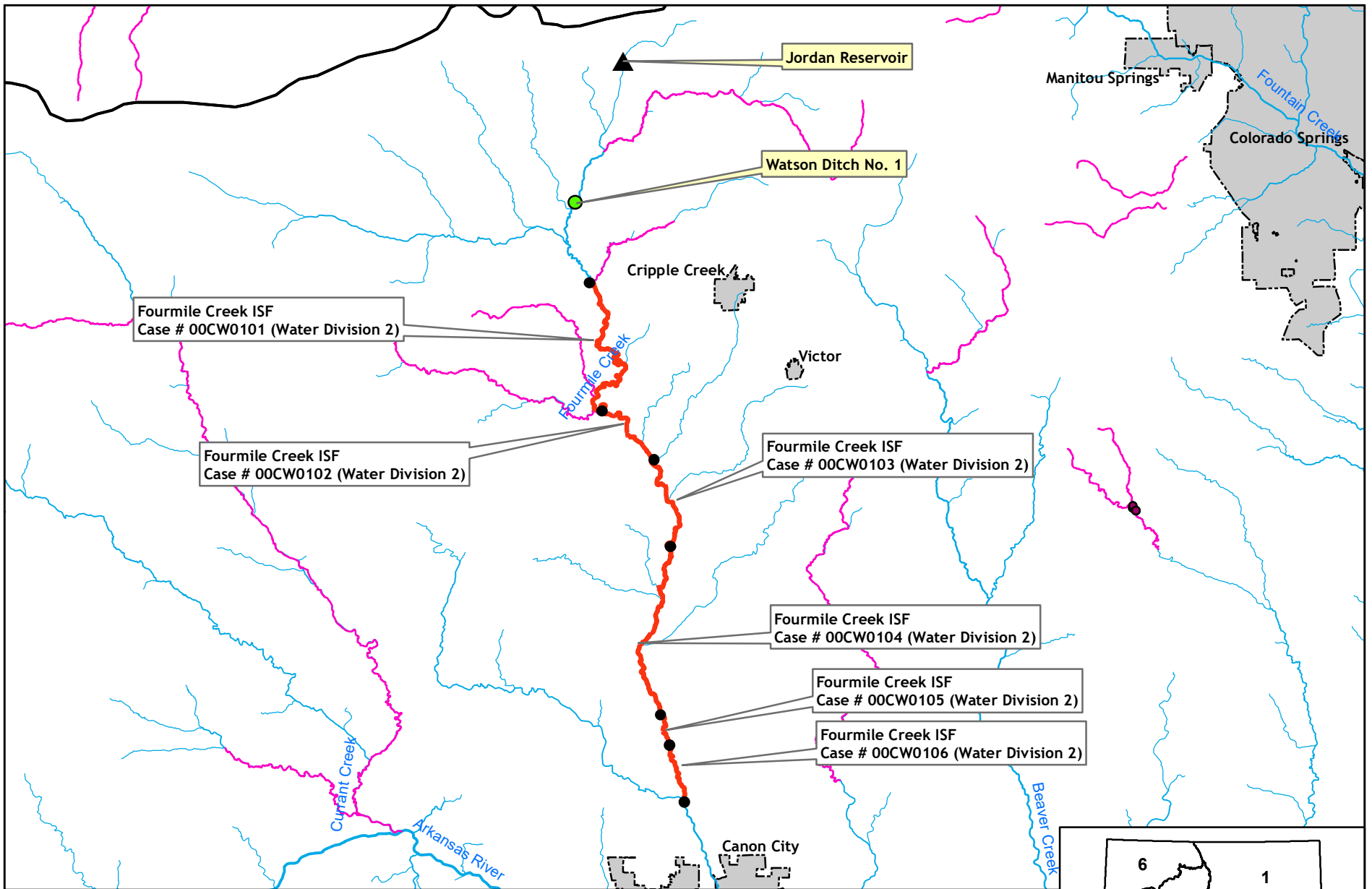
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The proposed plan for augmentation may not replace out-of-priority depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed appropriative rights of substitution and exchange should be defined clearly with a reference to any intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.

Other Objectors

Statements of Opposition were also filed by Canon Heights Irrigation Reservoir Company, City of Cripple Creek, Deer Mountain Ranch Conservation Association, Inc.

Attorney Representing CWCB

Philip E. Lopez, Assistant Attorney General, is assigned to this case and can be contacted at philip.lopez@coag.gov, or 720-508-6312.



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