

**Consent Agenda Item 1.a**

January 28-29, 2019 Board Meeting

Case No. 18CW3055 (Water Division 2); United States of America

**Summary of Water Court Application**

Applicant United States Forest Service requests approval of a plan for augmentation and appropriative rights of exchange.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in November 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 right in Water Division 2 in the Upper Arkansas Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
76W4435	Saint Charles River	headwaters	conf N St. Charles River	3 (1/1 - 12/31)	01/14/1976

**Potential for Injury**

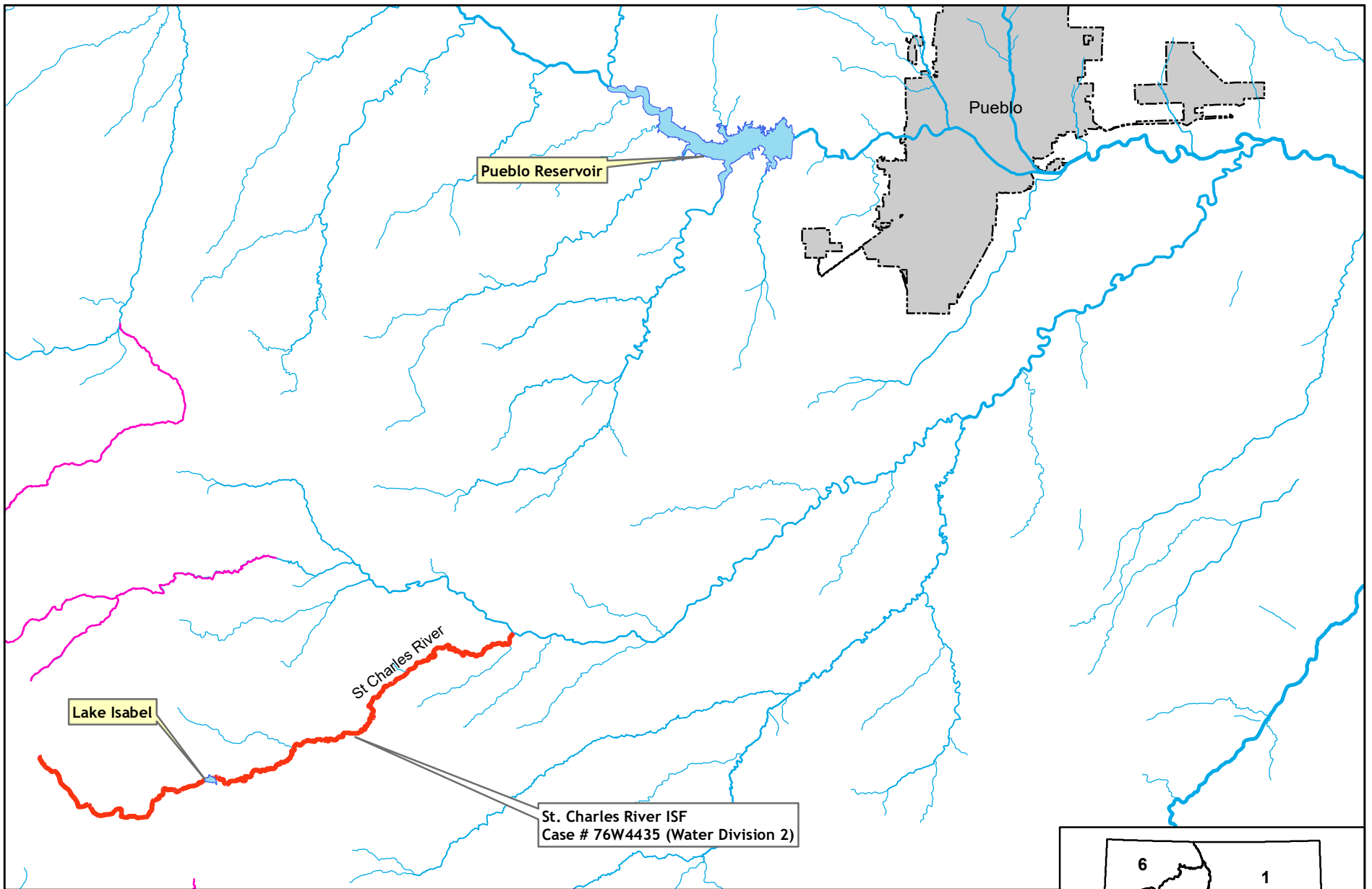
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights. Terms and conditions must be included in the decree to ensure that there will be no injury to the CWCB's instream flow water right.
- Some of the water rights are claimed with senior appropriation dates. The CWCB's instream flow water right might be subject to some of Applicant's water rights under section 37-92-102(3)(b), C.R.S. (2018), if the water rights are sufficiently documented.
- The application does not present sufficient information to fully evaluate the extent to which the CWCB's instream flow water right may be injured.

**Other Objectors**

Statements of Opposition were also filed by the Board of Water Works of Pueblo-Colorado, and St. Charles Mesa Water District.

**Attorney Representing CWCB**

Jeffrey N. Candrian, Senior Assistant Attorney General, is assigned to this case and can be contacted at [jeffrey.candrian@coag.gov](mailto:jeffrey.candrian@coag.gov), or 720-508-6307.



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Consent Agenda Item 1a: Statement of Opposition  
Case No. 18CW055 (Water Division 2)  
United States of America

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