

Consent Agenda Item 1.1

March 20-21, 2019 Board Meeting

Case No. 18CW3017 (Water Division 3); Bureau of Land Management

Summary of Water Court Application

This is an Application for surface water rights.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2019 to protect CWCB's instream flow water rights.

CWCB Instream Flow Water Rights

The CWCB holds instream flow water rights, including the following water right in Water Division 3 in the San Luis Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
03CW0040	La Garita Creek	Sentry Box Dam site	hdgt Biedell Ditch #10	3.5 (5/1 - 10/31) 2.1 (11/1 - 4/30)	01/22/2003

Potential for Injury

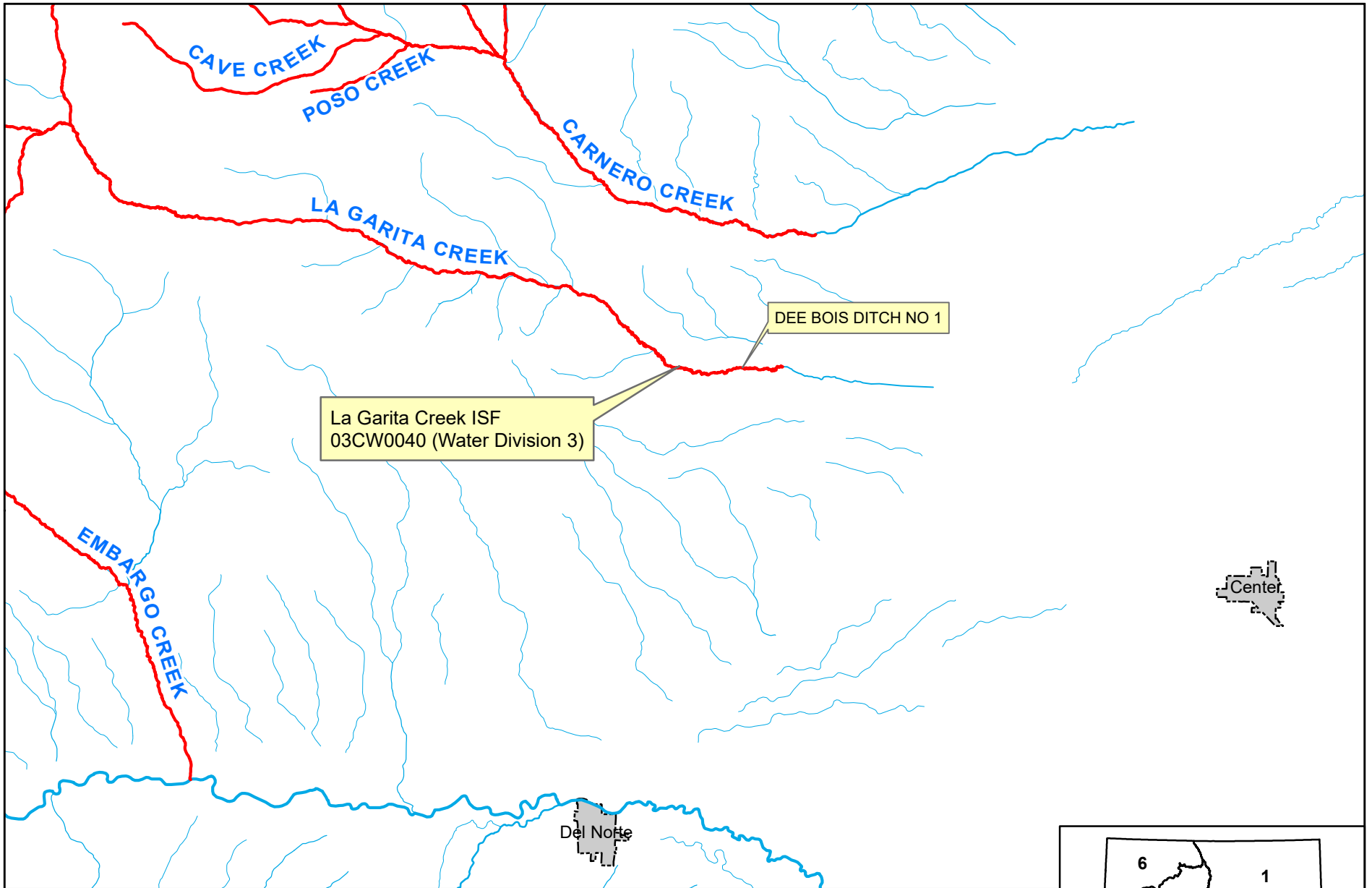
- Some of the water rights are claimed with senior appropriation dates. The instream flow water right might be subject to these water rights under C.R.S. 37-92-102(3)(b) if the claimed senior uses are sufficiently documented.

Other Objectors

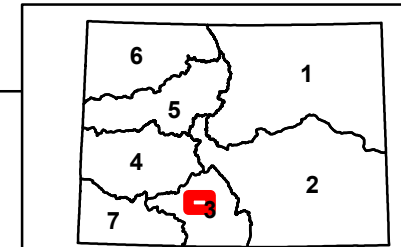
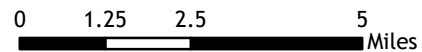
A Statement of Opposition was also filed by Michael Kruse.

Attorney Representing CWCB

Marc D. Sarmiento, Assistant Attorney General, is assigned to this case and can be contacted at marc.sarmiento@coag.gov, or 720-508-6429.



March 20-21, 2019 CWCB Board Meeting
 Consent Agenda Item 1.l: Statement of Opposition
 Case No. 18CW3017, Water Division 3
 Bureau of Land Management



DISTRICT COURT, WATER DIVISION 3, STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS FILED IN WATER DIVISION 3.

Pursuant to C.R.S. 37-92-302(3), you are notified that the following is a resume in Water Division 3, containing notice of applications and amended applications or requests for correction filed in the office of the Water Clerk during the month of December 2018 in which the court ordered publication.

The names and addresses of applicants, description of water rights, or conditional water rights involved, and description of ruling sought, are as follows:

- .
- .
- .

Case No. 2018CW3017 1. Name, mailing address, telephone number(s) of Applicants:

United States of America, Department of Interior, Bureau of Land Management, San Luis Valley Field Office, 1313 E. Highway 160, Monte Vista, CO 81144

2. Name of structure: Dee Bois Ditch No. 1

3. Legal description of each point of diversion: All UTM data are from Zone 13 and use the NAD83 (Conus) Datum. Located on public lands in the SW/4 NE/4, Section 10, T41N R6E, New Mexico P.M., approximately 2,590 feet from the north section line and 1,945 feet from the east section line. 385463mE 4186076mN

4. Source: La Garita Creek

5. A. Date of appropriation: 3.0 cfs – May 19, 1965; 6.3 cfs – May 23, 2007

B. How appropriation was initiated: The BLM diverted water in priority at the Dee Bois Ditch No. 1 headgate. BLM's diversions are noted in the official diversion records for the ditch.

C. Date water applied to beneficial use: 3.0 cfs – May 19, 1965; 6.3 cfs – May 23, 2007

6.Amount claimed: 9.3 cfs, absolute

7. Use: Irrigation of 95 acres.

8. Names and addresses of owners of land on which points of diversion, places of use, and structures referenced in this application are located: All structures and irrigation occurs on lands owned and managed by United States of America – Department of Interior, Bureau of Land Management, San Luis Valley Field Office, 1313 E. Highway 160, Monte Vista, CO 81144.

9. Remarks: The BLM recognizes that this water right is subject to curtailment at times when the sustainable water supply of the unconfined aquifer has not been achieved or is no longer maintained in accordance with the Groundwater Management Plan of Subdistrict No. 1 approved the Water Division 3 Water Court in Case No. 2007CW52. This water right typically comes into priority only during very short periods of time. The flow rate requested allows the BLM to take advantage of these short periods to divert sufficient volumes to satisfy crop demand on the irrigated acreage.

DATE FILED: December 21, 2018 10:32 AM