

Consent Agenda Item 1.d

May 15-16, 2019 Board Meeting

Case No. 19CW0005 (Water Division 5); James R. Frazier and Tracy Frazier

Summary of Water Court Application

This is an application for simple change in surface point of diversion pursuant to Section 37-92-305(3.5), C.R.S. (2018).

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in April 2019 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 Colorado River Headwaters Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
86CW0214	Corral Creek	Headwaters in vicinity	Confluence Colorado River	1.5 (1/1 - 12/31)	03/14/1986
09CW0065*	Corral Creek	Confluence Smith Creek	Headgate of Home # 1 Ditch	2.75 (4/1 - 10/31) 0.9 (11/1 - 3/31)	01/27/2009
80CW0446	Colorado River	Confluence Williams Fork River	Confluence Troublesome Creek	135 (1/1 - 12/31)	07/08/1980
80CW0448	Colorado River	Confluence Troublesome Creek	Confluence Blue River	150 (1/1 - 12/31)	07/08/1980

* Increased

Potential for Injury

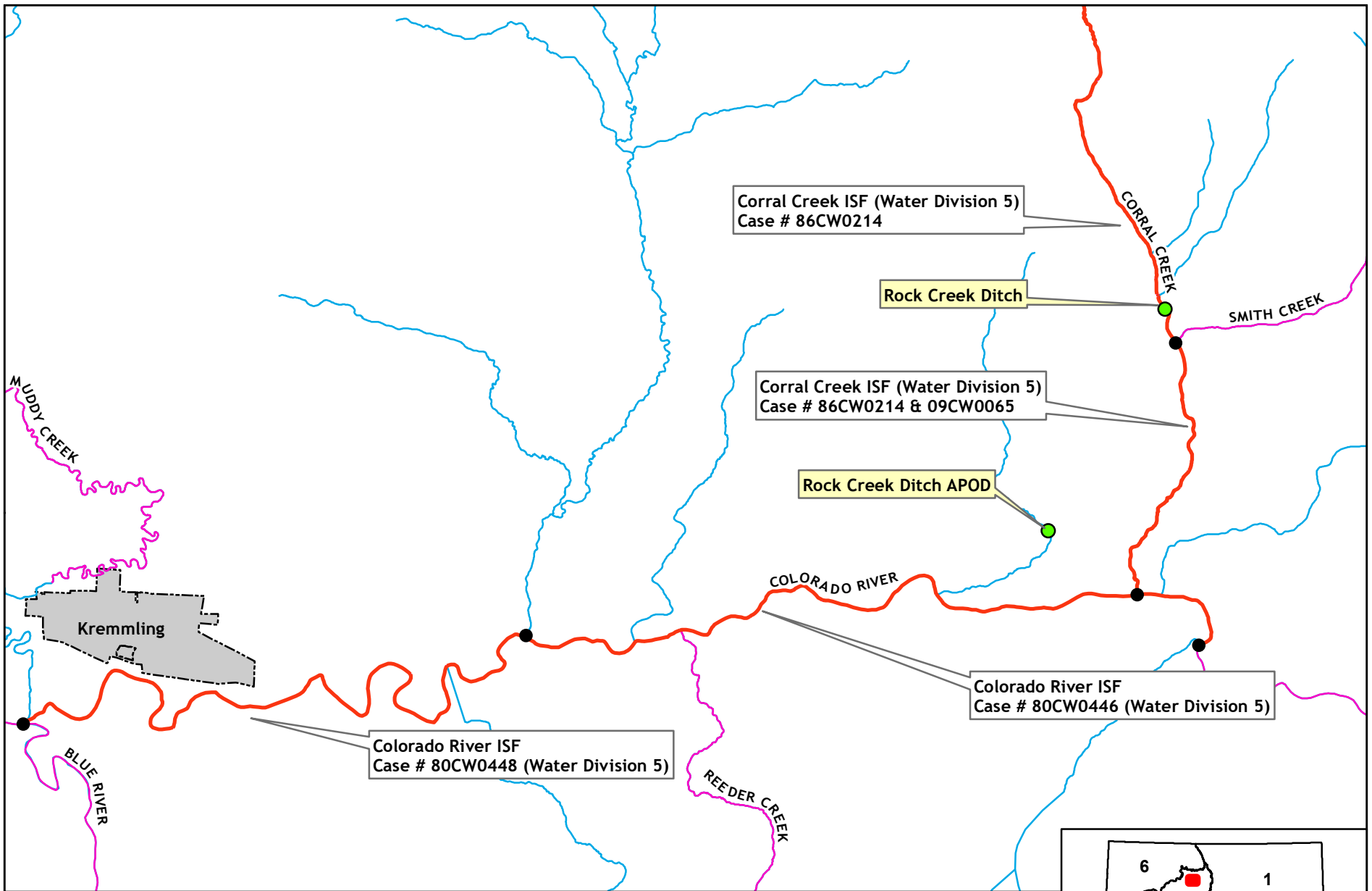
- This application does not appear to qualify under the simple change statute.
- The proposed change of water rights could cause an expansion of use of a senior water right and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.

Other Objectors

No other Statements of Opposition were filed.

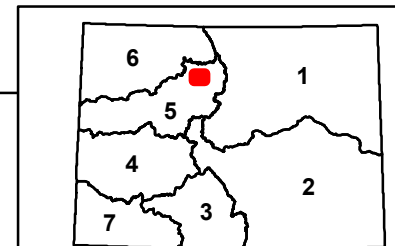
Attorney Representing CWCB

Ema I. G. Schultz, Assistant Attorney General, is assigned to this case and can be contacted at ema.schultz@coag.gov, or 720-508-6307.



May 15-16, 2019 CWCB Board Meeting
 Consent Agenda Item 1d: Statement of Opposition
 Case No. 19CW0005 (Water Division 5)
 James R. Frazier and Tracy Frazier

0 0.5 1 2 Miles



DIVISION 5 WATER COURT- JANUARY 2019 RESUME

PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2019.

The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

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19CW5 (CA259, CA304, CA657 & 92CW230) GRAND COUNTY- CORRAL CREEK TRIBUTARY TO THE COLORADO RIVER. James & Tracy Frazier; 209 C.R. 21; P.O. Box 321; Parshall, CO 80468 (303)601-7443. Rock Creek Ditch and Rock Creek Ditch First Enlargement-Application for Simple Change in Surface Point of Diversion Pursuant to §37-92-305(3.5)C.R.S. Decreed Location: On the West Bank of Corral Creek, whence the NE corner of Sec. 35, T.2N., R.79W. of the 6th P.M. bears S65°31'E 2,004 ft. UTM: E398805.1 N4439979.1 Z13. Changed Point of Diversion: SE¼SW¼ of Sec. 2, T.1N., R.79W. of the 6th P.M. 30 ft. from the south sec. line and 2,350 ft. from the west sec. line. UTM: E396856.6 N4436484.9 Z13. Appropriation: June 26, 1911. Decreed Amount: 8.5 c.f.s., conditional. Amount of applicant intends to change: 1.0 c.f.s. Use: Irrigation. Names and address of landowners on which point of diversion is located: Karen & Dan Wischnak; P.O. Box 16; Hot Sulphur Springs, CO 80451.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of **APRIL 2019** to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) **KATHY POWERS**, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.