

Consent Agenda Item 1.e

March 11-12, 2020 Board Meeting

Case No. 19CW3091 (Water Division 4); Dalwhinnie Group LLC

Summary of Water Court Application

Application for conditional groundwater use.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2020 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 4 in the Uncompahgre River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
98CW0222 (Div. 4)	Uncompahgre River	Highway 62 bridge	confl Ridgway Res	20 (10/15 - 4/30) 65 (5/1 - 10/14)	07/13/1998

Potential for Injury

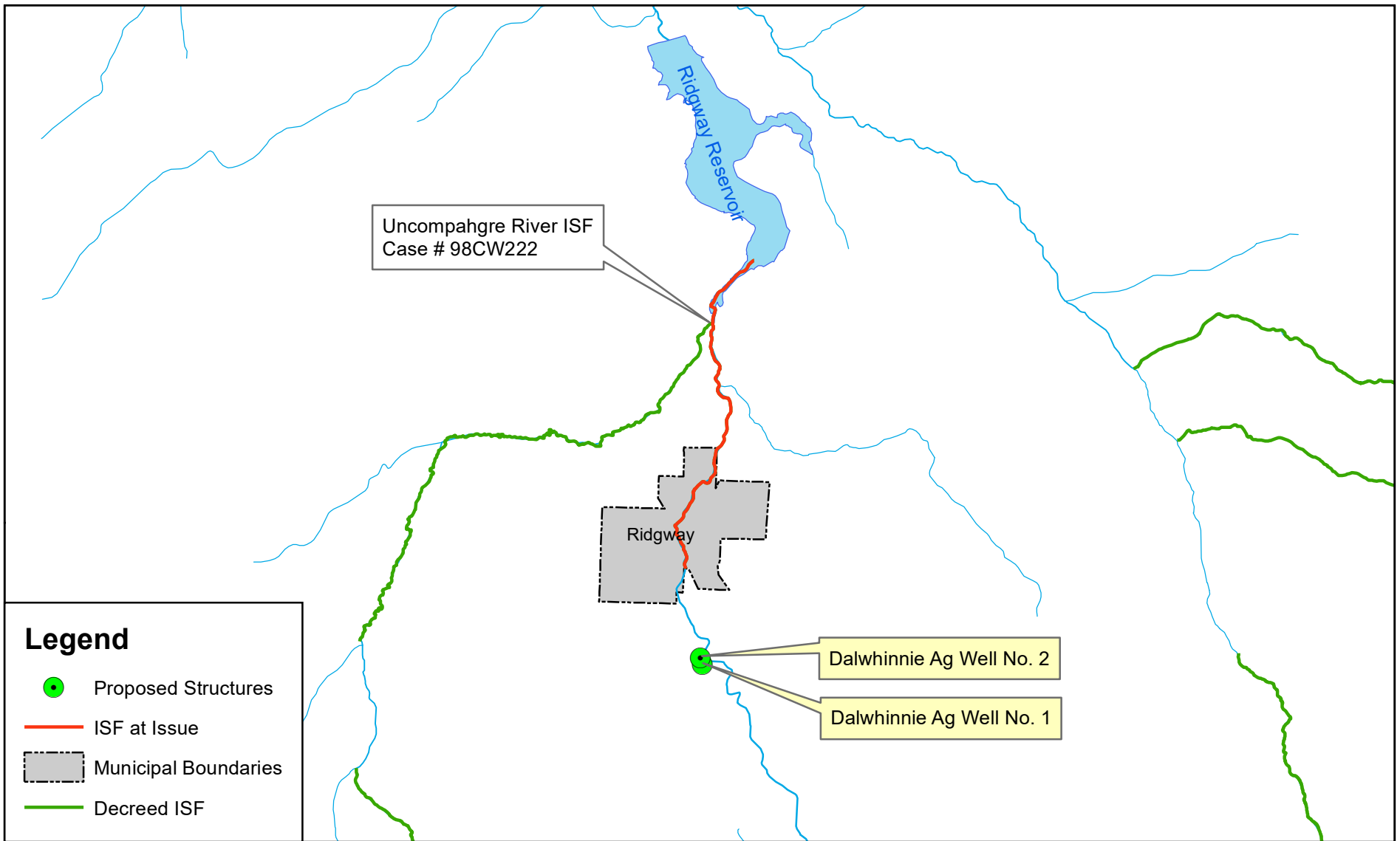
- Applicant's request for a "headgate well" designation must be proven, because delayed well pumping depletions could result in injury to the CWCB's instream flow water right.
- The application does not present sufficient information to fully evaluate the extent to which the Board's instream flow rights may be injured.

Other Objectors

Statements of Opposition were also filed by: Orvis Hot Springs Inc. and Orvis Springs Ranch LLC; and The Ranch at Kettle Creek, LLC.

Attorney Representing CWCB

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

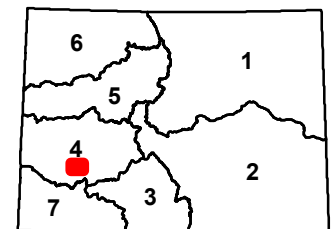


COLORADO
Colorado Water Conservation Board

Department of Natural Resources

March 11-12, 2020 CWCB Board Meeting
Consent Agenda Item 1.e. Statement of Opposition
Case No. 19CW3091 (Division 4)
Dalwhinnie Group LLC

0 1 2 4 Miles



**IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4
STATE OF COLORADO**

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER
DIVISION NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of December 2019. The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which 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 as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2019CW3091. 1. Dalwhinnie Group LLC, 6154 County Road 23, Ridgway CO 81432, by Aaron R. Clay, P.O. Box 38, Delta CO 81416, 970-874-9777. APPLICATION FOR APPROVAL OF CONDITIONAL UNDERGROUND WATER RIGHTS 2. Name of Structures: **Dalwhinnie Ag Wells Nos. 1 and 2;** 3. Location of wells: **Well No. 1** is located at a point in the NW1/4 of the SE1/4 of section 21, T45N, R8W, N.M.P.M. 2,154 feet from the south section line and 2,380 feet from the east section line. UTM coordinates: X: 259168 Y: 4224486 NAD 83 Zone 13. **Well No. 2** is located at a point in the NW1/4 of the SE1/4 of section 21, T45N, R8W, N.M.P.M. 2,540 feet from the south section line and 2,484 feet from the east section line. UTM coordinates: X: 259141 Y: 4224604 NAD 83 Zone 13. 3. Amounts claimed: 900 gpm conditional in each well; total annual diversion of 260 acre-feet in each well. 4. Date of Appropriation: April 26, 2019; 5. Uses: Supplemental irrigation of up to 112 Acres and filling Dalwhinnie Augmentation Pond; 6. Headgate Wells. Both wells are claimed as Headgate Wells; both are located less than 100 feet from the Uncompahgre River. No Plan for Augmentation is applied for to protect these wells; Applicant will shut off the wells any time they are not in priority. **OURAY COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of February, 2020 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

**Attachment
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