

Consent Agenda Item 1.i

March 11-12, 2020 Board Meeting

Case No. 19CW3103 (Water Division 4); Rocking JL Ranch, LLC

Summary of Water Court Application

Application for surface water right, storage water right, and appropriative right of exchange.

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 rights in Water Division 4 in the Upper Gunnison Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
84CW0395 (Div. 4)	Cimarron River	confl Fox Creek	confl Little Cimarron River	15 (11/1 - 5/31) 25 (6/1 - 10/31)	05/04/1984
84CW0398 (Div. 4)	Cimarron River	confl Little Cimarron River	confl Gunnison River	16 (1/1 - 12/31)	05/04/1984

Potential for Injury

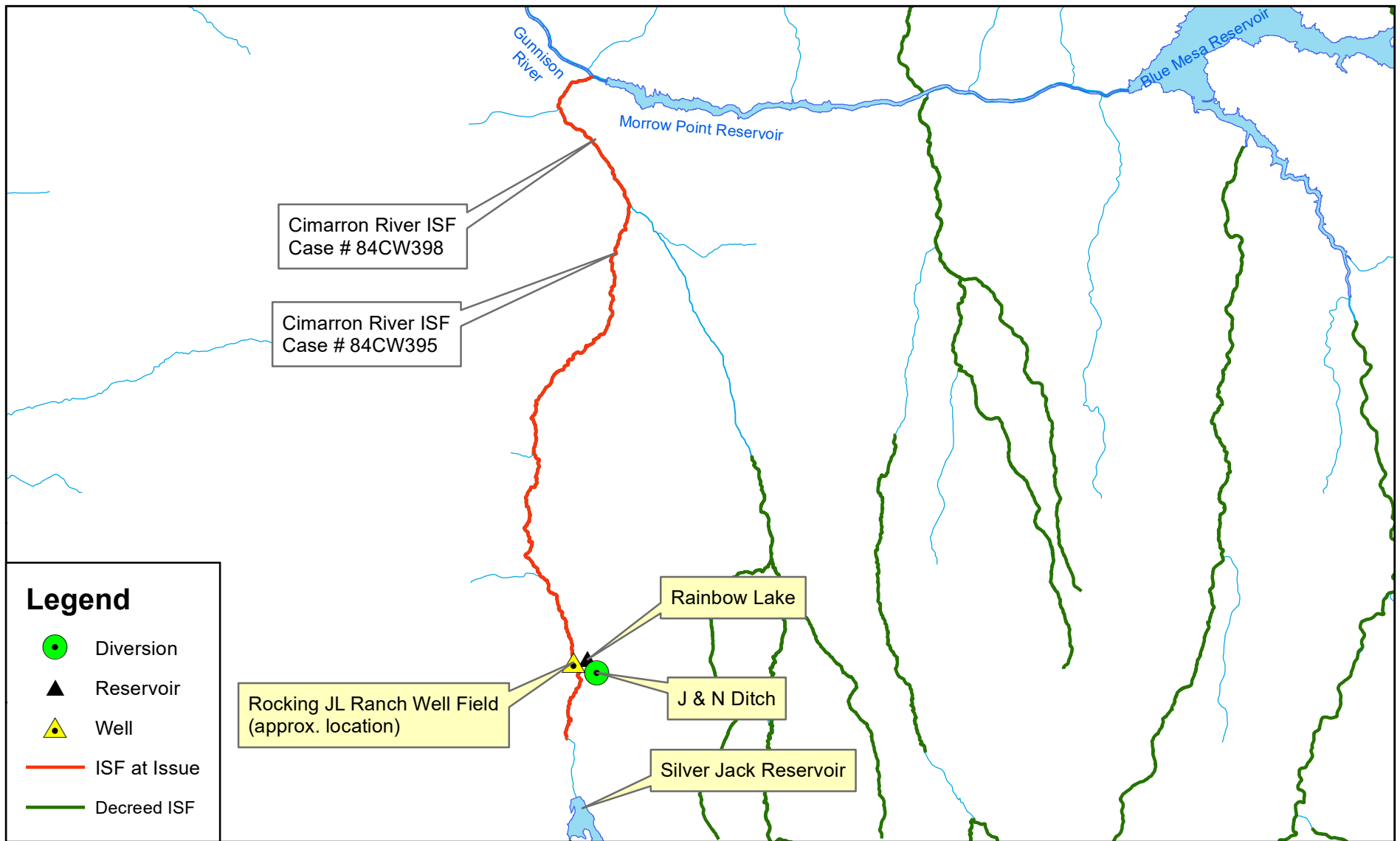
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- Augmentation use is claimed for Rainbow Reservoir. The augmentation use should be tied to the companion case filed by Applicant in Case No. 19CW3102.

Other Objectors

No other Statements of Opposition were filed.

Attorney Representing CWCB

William D. Davidson, Assistant Attorney General, is assigned to this case and can be contacted at will.davidson@coag.gov, or 720-508-6280.



Legend

- Diversion
- ▲ Reservoir
- ▲ Well
- ISF at Issue
- Decreed ISF

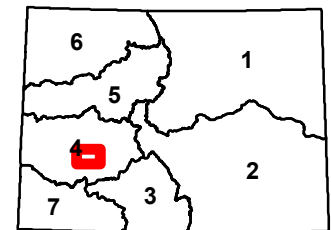


COLORADO
Colorado Water Conservation Board

Department of Natural Resources

March 11-12, 2020 CWCB Board Meeting
 Consent Agenda Item 1.i. Statement of Opposition
 Case No. 19CW3103 (Division 4)
 Rocking JL Ranch, LLC

0 2 4 8 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. 2019CW3103 GUNNISON COUNTY – GROUNDWATER TRIBUTARY TO CIMARRON RIVER; GUNNISON RIVER OR ITS TRIBUTARIES. Rocking JL Ranch, LLC c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR SURFACE WATER RIGHT, STORAGE WATER RIGHT, AND APPROPRIATIVE RIGHT OF EXCHANGE. **First Claim:** Rainbow Lake, Use Enlargement. Legal Description: NW¼, NW¼, NW¼, irregular Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 2594 feet from the North section line and 334 feet from the West section line. (NAD 83, Zone 13, Easting 0277877m, Northing 4239313m). Source: Run-off, precipitation, and deliveries from the J&N Ditch, Use Enlargement water right, applied for below, all of which are tributary to the Cimarron River which is a tributary of the Gunnison River. J&N Ditch: NE¼, SW¼, irregular Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3547 feet from the South section line and 1451 feet from the West section line. Capacity: 1.5 cfs. Date of appropriation: October 30, 2019 by forming intent to appropriate, monumentation, and field location. Amount: 15 acre feet, with the right to fill and refill when water is physically and legally available, all conditional. The full capacity of Rainbow Lake shall not be increased beyond 15 acre feet when operating this water right and the original construction right, it being the intent that this water right is merely adding a new use with a new appropriation and adjudication date for the structure. Fill rate: Natural precipitation and run-off, with right to fill and refill when water is physically and legally available, and 1.5 cfs. Uses: Commercial, irrigation, fire protection, and augmentation uses. Surface area of high water line: 2.5 acres. Max dam height: under 10 ft. Dam length: approximately 1050 ft. Capacity: 15 ft. Active capacity: 15.0 acre-feet. **Second Claim:** J&N Ditch, Use Enlargement. Legal Description: NE¼, SW¼, irregular Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3547 feet from the South section line and 1451 feet from the West section line. Source: An unnamed stream fed by springs tributary to the Cimarron River. J&N Ditch: NE¼, SW¼, irregular Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3547 feet from the South section line and 1451 feet from the West section line. Capacity: 1.5 cfs. Date of appropriation: October 30, 2019. How: By forming intent to appropriate, monumentation, and field location. Amount: 1.5 cfs, conditional. Uses: For direct use of irrigation, commercial and fire protection and to fill and

refill the Rainbow Lake, Use Enlargement structure for the subsequent use of irrigation, commercial, fire protection, and augmentation uses. Irrigated area: 12 acres described on Exhibit B, on file with the Court. **Third Claim:** Rocking JL Ranch Appropriative Right of Exchange. Legal Description: Downstream Terminus: confluence of the Cimarron and Gunnison Rivers, in Gunnison County, NE ¼ of the NE ¼, Section 5, Township 48 North, Range 6 West, of the NM Prime Meridian. Upstream Terminus: J&N Ditch described in paragraph 16, Rainbow Lake described in paragraph 4, and the Rocking JL Well Field located in Gunnison County, in the South ½ of the NE ¼ of Section 5, Township 46 North, Range 6 West, of the NM Prime Meridian. Map of Exchange on file with the Court as Exhibit C. Date of appropriation: October 30, 2019. How: By forming intent to appropriate, monumentation, and field location. Amount: 1.567 cfs, conditional. Source: The water being exchanged is water released from Blue Mesa Reservoir pursuant to a contract with the Bureau of Reclamation. Applicant acknowledges that entry of a decree in this matter in and of itself does not create any right, title or interest in the use of Blue Mesa Reservoir except pursuant to contract with the United States Department of the Interior, Bureau of Reclamation. Use: Exchange to implement the plan for augmentation applied even date herewith. Map of water rights is on file with the Court as Exhibit A. Water rights applied for in Case No. 19CW3102, filed even date herewith are component parts of an integrated water supply plan. Applicant owns the land where water rights will be located and where water will be put to beneficial use.

GUNNISON 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