

**Consent Agenda Item 1.b**

July 19-20, 2023 Board Meeting

Case No. 23CW3053 (Water Division 5); Tabernash Meadows Water and Sanitation District

**Summary of Water Court Application**

Application for Groundwater Rights, Change of Water Right, and Claim for Approval of Plan for Augmentation.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in June 2023 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
90CW0293	Pole Creek	confl unnamed tributary	confl Skunk Creek	1.5 (7/1 - 7/31) 3 (4/1 - 6/30) 1 (8/1 - 3/31)	11/27/1990
90CW0293	Pole Creek	confl Skunk Creek	confl Crooked Creek	2 (7/1 - 7/31) 1.5 (8/1 - 8/31) 3 (4/1 - 6/30) 1 (9/1 - 3/31)	11/27/1990
90CW0296	Crooked Creek	confl Pole Creek	confl Fraser River	2.75 (10/1 - 4/14) 8 (4/15 - 8/14) 4 (8/15 - 9/30)	11/27/1990
90CW0301	Crooked Creek	confl Spring Branch Creek	confl Pole Creek	6 (4/15 - 8/14) 1.5 (8/15 - 4/14)	11/27/1990
90CW0308	Fraser River	confl Crooked Creek	confl Colorado River	30 (5/15 - 9/15) 19 (9/16 - 5/14)	11/27/1990
80CW0446, 447, 448	Colorado River	hdgt Windy Gap Project div	confl Blue River	90-150 (1/1 - 12/31)	07/08/1980

**Potential for Injury**

- The proposed change of water rights could cause an expansion of use and could alter the time, place, and amount of historical return flows, which could injure the CWCB's instream flow water rights.

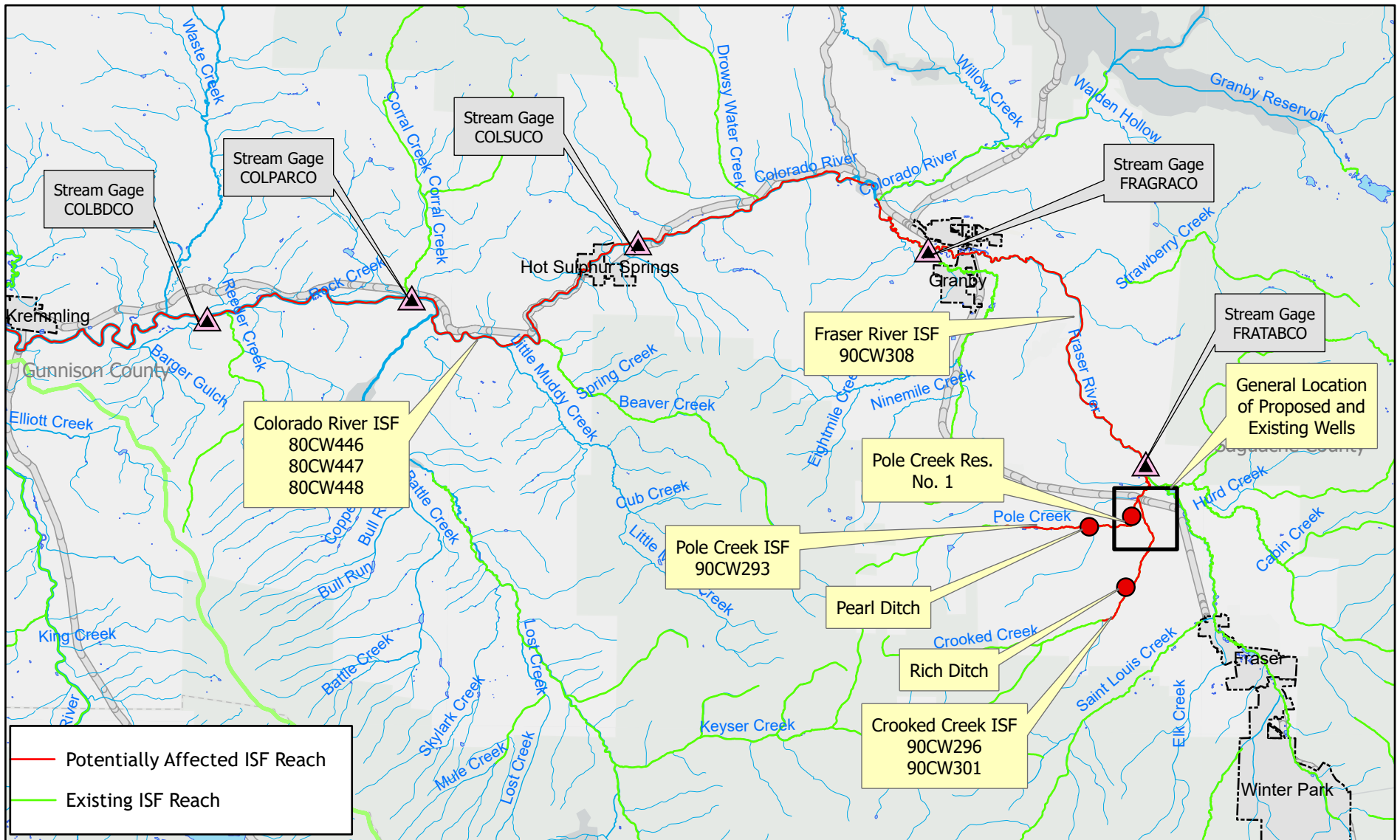
- The proposed plan for augmentation may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWCB's instream flow water rights.

#### **Other Objectors**

Statements of Opposition were also filed by Grand County Water and Sanitation District No. 1; Tabernash HS Land, LLC; Winter Park Water and Sanitation District; Valley at Winter Park Water District; and City of Englewood.

#### **Attorney Representing CWCB**

Emilie B. Polley, Assistant Attorney General, is assigned to this case and can be contacted at [emilie.polley@coag.gov](mailto:emilie.polley@coag.gov), or 720-508-6314.



**COLORADO**  
**Colorado Water Conservation Board**

Department of Natural Resources

July 19-20, 2023 CWCB Board Meeting  
 Consent Agenda Item 1b: Statement of Opposition  
 Case No. 23CW3053 (Water Division 5) Tabernash  
 Meadows Water and Sanitation District

0 1.75 3.5 7 Miles

