

Consent Agenda Item 1.a

March 13-14, 2024 Board Meeting

Case No. 23CW3170 (Water Division 1); Girl Scouts of Colorado

Summary of Water Court Application

Application for Water Storage Right, Underground Water Right, and 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 February 2024 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 1 in the Upper South Platte River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-8731 (1977)	Trout Creek	Manitou Park Res outlet	confl Horse Creek	2 (1/1 - 12/31)	11/15/1977
80CW0210	Horse Creek	confl West & Trout Creeks	confl South Platte River	5 (1/1 - 12/31)	05/07/1980

Potential for Injury

- Applicant claims water rights with appropriation dates prior to the appropriation of CWCB instream flow water rights. The CWCB's instream flow water rights may be subject to the beneficial uses in existence on the date of such instream flow appropriation under section 37-92-102(3)(b), C.R.S., so long as the uses are sufficiently demonstrated and documented.
- 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 any decree entered in the case to ensure that the proposed claims will not injure the CWCB's instream flow water rights.

Other Objectors

Statements of Opposition were also filed by: Headwater Authority of the South Platte ("HASP").

Attorney Representing CWCB

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at jennifer.mele@coag.gov, or 720-508-6282.

