

Consent Agenda Item 1.c

March 13-14, 2024 Board Meeting

Case No. 23CW3054 (Water Division 2); Dennis G. Britten and Judy C. Britten

Summary of Water Court Application

Application for Storage Water Rights and Approval for Plan for Augmentation Including Water Exchange Project and Appropriative Rights 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 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 right(s) in Water Division 2 in the Arkansas River Headwaters Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
95CW232	Tallahassee Creek	confl South Tallahassee Creek	confl Arkansas River	1 (4/1 - 10/31) 0.5 (11/1 - 3/31)	11/06/1995

Potential for Injury

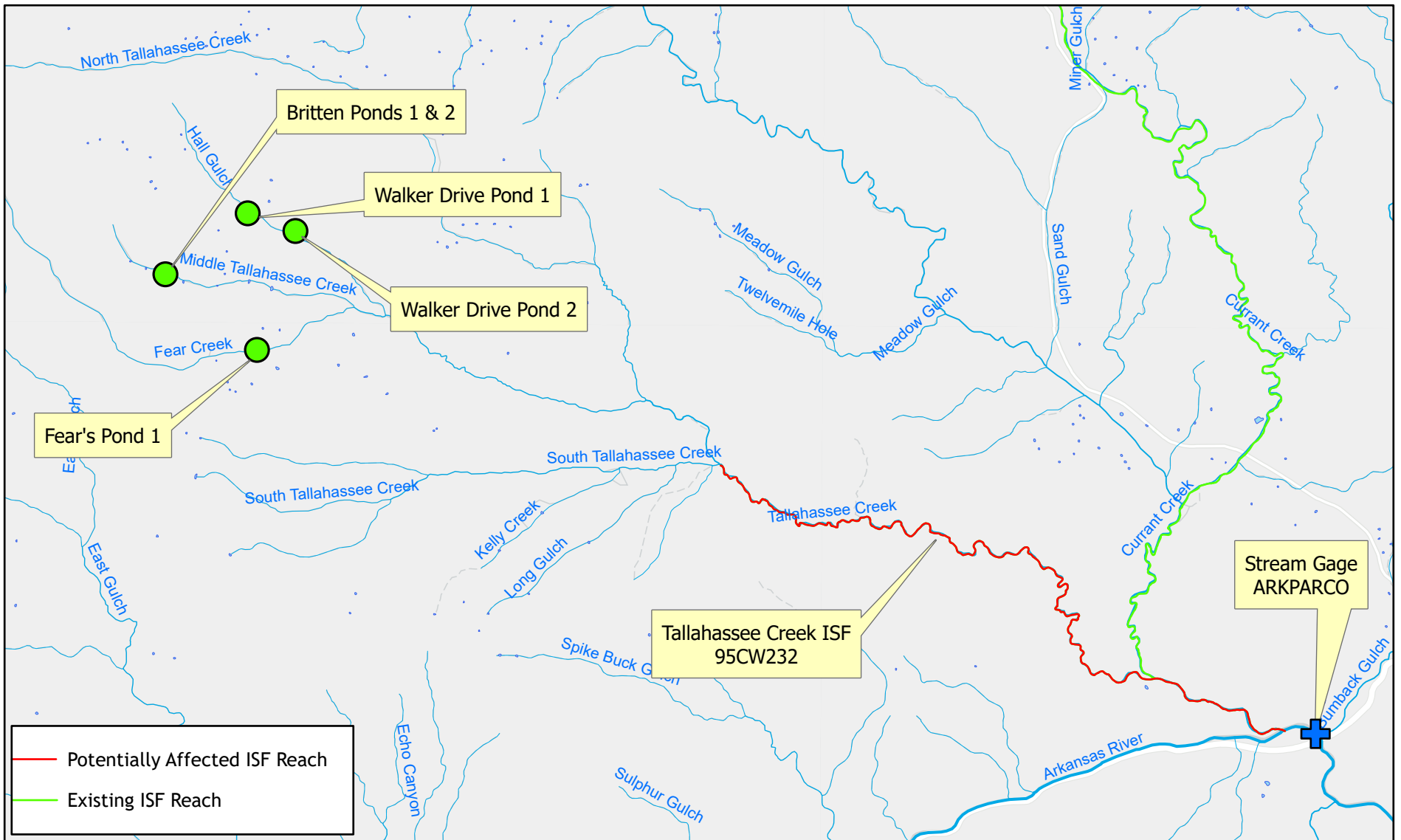
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- The Applicant claims some water rights with appropriation dates prior to the appropriation of the CWCB's ISF water right. The CWCB's ISF water right may be subject to the beneficial uses of water in existence on the date of such ISF appropriation under section 37-92-102(3)(b), C.R.S., so long as the uses are sufficiently demonstrated and documented.
- Terms and conditions should be included in the decree to ensure that the CWCB's ISF water right is not injured.

Other Objectors

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

Attorney Representing CWCB

Christopher J. Davis, Assistant Attorney General, is assigned to this case and can be contacted at Christopher.Davis@coag.gov, or 720-508-6280.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

March 13-14, 2024 CWCB Board Meeting
 Consent Agenda Item 1c.: Statement of Opposition
 Case No. 23CW3054 (Water Division 2)
 Dennis G. Britten and Judy C. Britten

0 0.75 1.5 3 Miles

