

Consent Agenda Item 1.f

March 13-13, 2024 Board Meeting

Case No. 23CW3209 (Water Division 5); The Ranches at Devil's Thumb, Inc.
(The Grand County Ranches, LLC)

Summary of Water Court Application

Application to Change Conditional Storage Right In Part and for Approval of a Plan For Augmentation Including an 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 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
80CW0446	Colorado River	confl Williams Fork River	confl Troublesome Creek	135 (1/1 - 12/31)	07/08/1980
80CW0447	Colorado River	hdgt Windy Gap Project div	confl Williams Fork River	90 (1/1 - 12/31)	07/08/1980
80CW0448	Colorado River	confl Troublesome Creek	confl Blue River	150 (1/1 - 12/31)	07/08/1980
90CW0305	Ranch Creek	confl Hurd Creek	confl Fraser River	5 (9/16 - 5/14) 8 (5/15 - 9/15)	11/27/1990
90CW0306	Ranch Creek	confl SF Ranch Creek	confl Cabin Creek	1.5 (9/16 - 5/14) 4 (5/15 - 9/15)	11/27/1990
90CW0306	Ranch Creek	confl Cabin Creek	confl Hurd Creek	7 (5/15 - 9/15) 1.5 (9/16 - 5/14)	11/27/1990
90CW0308	Fraser River	confl Ranch Creek	confl Crooked Creek	17 (5/15 - 9/15) 11 (9/16 - 5/14)	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

Potential for Injury

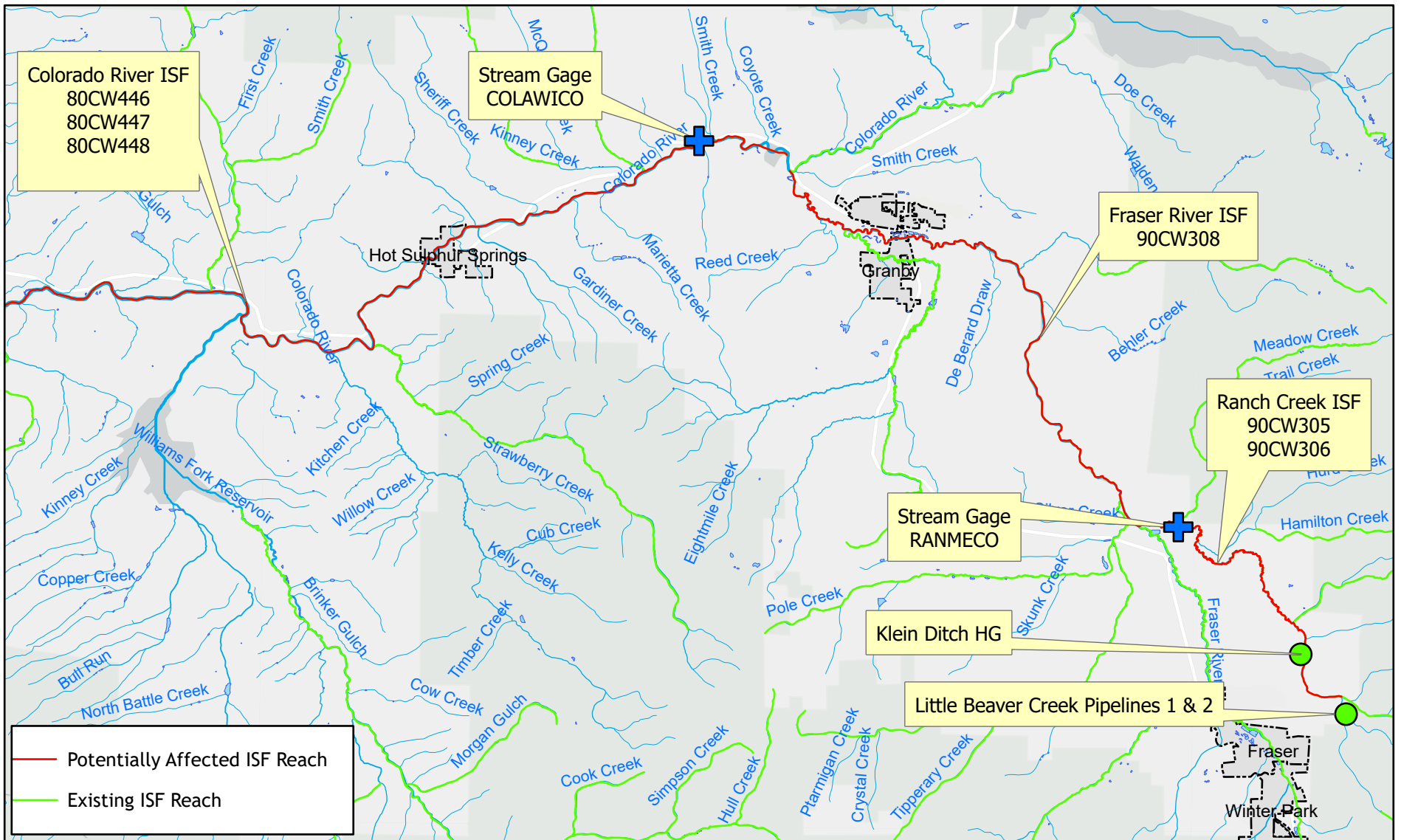
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- The proposed change of water right could result in expansion of use, which could injure the CWCB's instream flow water rights.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

Other Objectors

A Statement of Opposition was also filed by The Reserve at Elkhorn Ridge Owners Association.

Attorney Representing CWCB

Patrick L. Barker, Assistant Attorney General, is assigned to this case and can be contacted at patrick.barker@coag.gov, or 720-508-6297.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

March 13-14, 2024 CWCB Board Meeting
 Consent Agenda Item 1f.: Statement of Opposition
 Case No. 23CW3209 (Water Division 5)
 The Ranches at Devil's Thumb, Inc.

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