

Consent Agenda Item 1.h

March 13-14, 2024 Board Meeting

Case No. 23CW0015 (Water Division 6); Lower Pasture LLC

Summary of Water Court Application

Application for 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 5 in the Upper White River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-3652C (1977)	White River	confluence N Fork and S Fork White River	confluence Piceance Creek	200 (1/1 - 12/31)	11/15/1977
W-3652H (1977)	North Fork White River	confluence Marvine Creek	confluence S Fork White River	120 (1/1 - 12/31)	11/15/1977

Potential for Injury

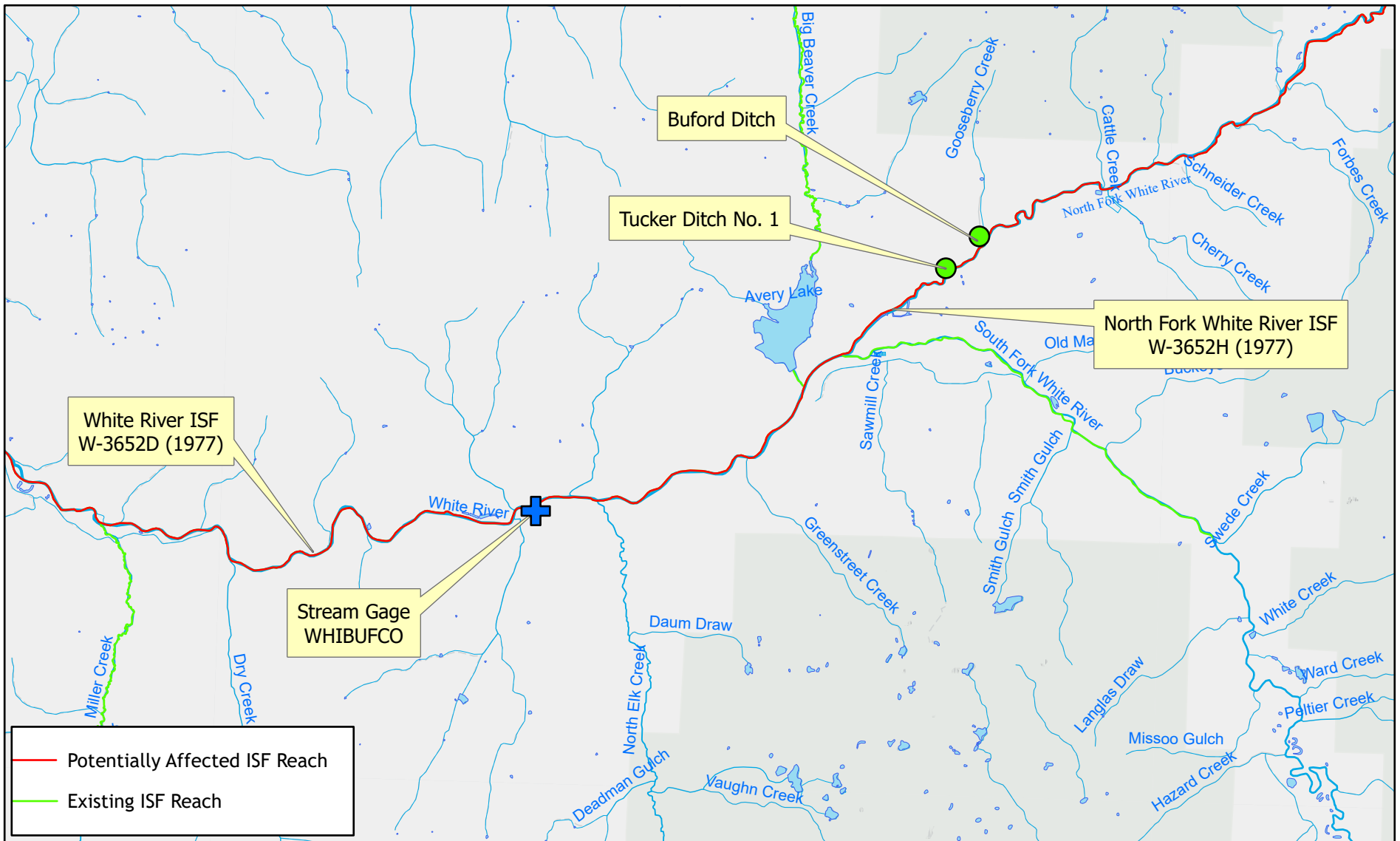
- The proposed plan for augmentation may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- The claim to use un-changed irrigation water for augmentation will likely require a change of water rights. Such a change of water rights 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.
- Terms and conditions should be included in the decree to ensure that Applicants' operations will not injure the CWCB's instream flow water rights.

Other Objectors

No other Statements of Opposition were filed.

Attorney Representing CWCB

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



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Colorado Water Conservation Board

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 Lower Pasture LLC

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