

**Consent Agenda Item 1.c**

September 18-19, 2024 Board Meeting

Case No. 24CW3060 (Water Division 5); 143 Darling Farm, LLC

**Summary of Water Court Application**

Application For Storage Water Right And Approval Of Plan For Augmentation Including Exchange.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in July 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 Roaring Fork River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-2941 (1976)	Capitol Creek	outlet Capitol Lake	confl Snowmass Creek	10 (1/1 - 12/31)	01/14/1976
W-2943B (1976)	Snowmass Creek	confl Capitol Creek	confl Roaring Fork River	12 (4/1 - 10/15) 11 (10/16 - 3/31)	01/14/1976
85CW0639	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/08/1985
85CW0646	Roaring Fork River	confl Maroon Creek	confl Fryingpan River	30 (10/1 - 3/31) 55 (4/1 - 9/30)	11/08/1985
92CW0281 (increase)	Snowmass Creek	confl Capitol Creek	confl Roaring Fork River	10.5 (4/1 - 10/15)	09/15/1992

**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 apparent flow through operation could injure the CWCB's instream flow water right because it is fully depletive to a segment of the stream. The flow through operation is potentially partially consumptive, which could injure downstream instream flow water rights.

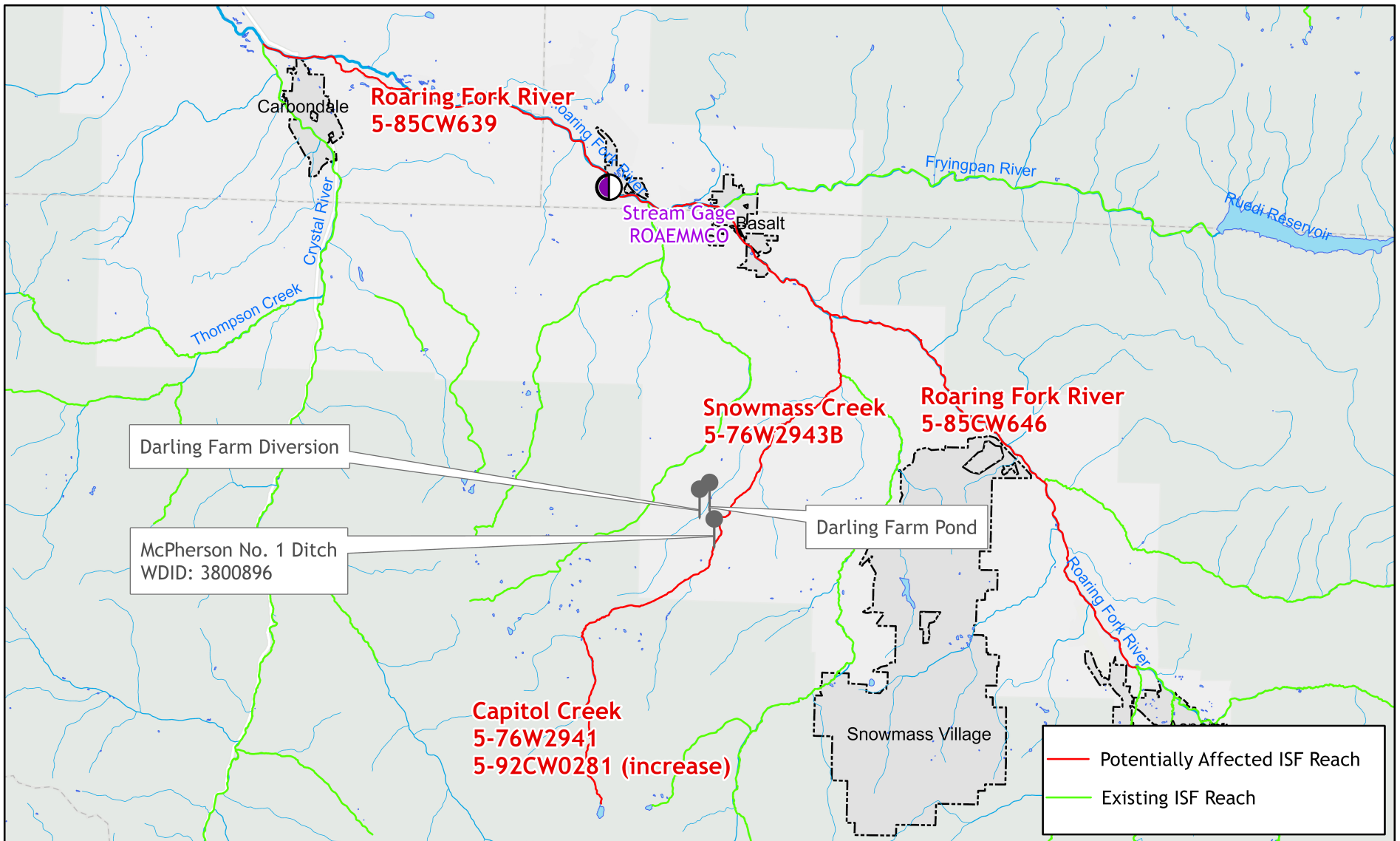
- Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWCB's instream flow water rights.

**Other Objectors**

No other Statements of Opposition were filed.

**Attorney Representing CWCB**

John R. Newman, Assistant Attorney General, is assigned to this case and can be contacted at [john.newman@coag.gov](mailto:john.newman@coag.gov), or 720-508-6860.



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

Department of Natural Resources

September 18-19, 2024 CWC Board Meeting  
 Consent Agenda Item 1.c: Statement of Opposition  
 Case No. 24CW3060 (Water Division 5)  
 143 Darling Farm, LLC

0 1.25 2.5 5  
 Miles

