

Consent Agenda Item 1.b

November 20-21, 2024 Board Meeting

Case No. 24CW3008 (Water Division 3); San Luis Valley Water Conservancy District,
by and through its Augmentation Program Enterprise and the
Beaver Mountain Estates Property Owners Association, Inc.

Summary of Water Court Application

Application for Change of Water Rights 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 October 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 3 in the Rio Grande River Headwaters Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
80CW0086	Kitty Creek	headwaters in vicinity	confl Hope Creek	1 (1/1 - 12/31)	07/08/1980
80CW0089	Hope Creek	headwaters in vicinity	confl SF Rio Grande	5 (1/1 - 12/31)	07/08/1980
80CW0095	Beaver Creek	headwaters at lake	confl SF Rio Grande	8 (10/1 - 4/30) 14 (5/1 - 9/30)	07/08/1980
80CW0098	Trout Creek	headwaters in vicinity	confl SF Rio Grande River	2 (1/1 - 12/31)	07/08/1980
84CW0160	South Fork Rio Grande	outlet Big Meadows Res	confl Pass Creek	5 (10/1 - 4/30) 10 (5/1 - 9/30)	08/16/1982
84CW0161	South Fork Rio Grande	confl Pass Creek	confl Park Creek	12 (10/1 - 4/30) 25 (5/1 - 9/30)	08/16/1982
84CW0162	South Fork Rio Grande	confl Park Creek	confl Beaver Creek	20 (10/1 - 4/30) 45 (5/1 - 9/30)	08/16/1982
84CW0163	South Fork Rio Grande	confl Beaver Creek	confl Rio Grande River	25 (10/1 - 4/30) 50 (5/1 - 9/30)	08/16/1982

Potential for Injury

- The proposed change of water rights could cause an expansion of use, which could injure the CWCB's instream flow water rights.

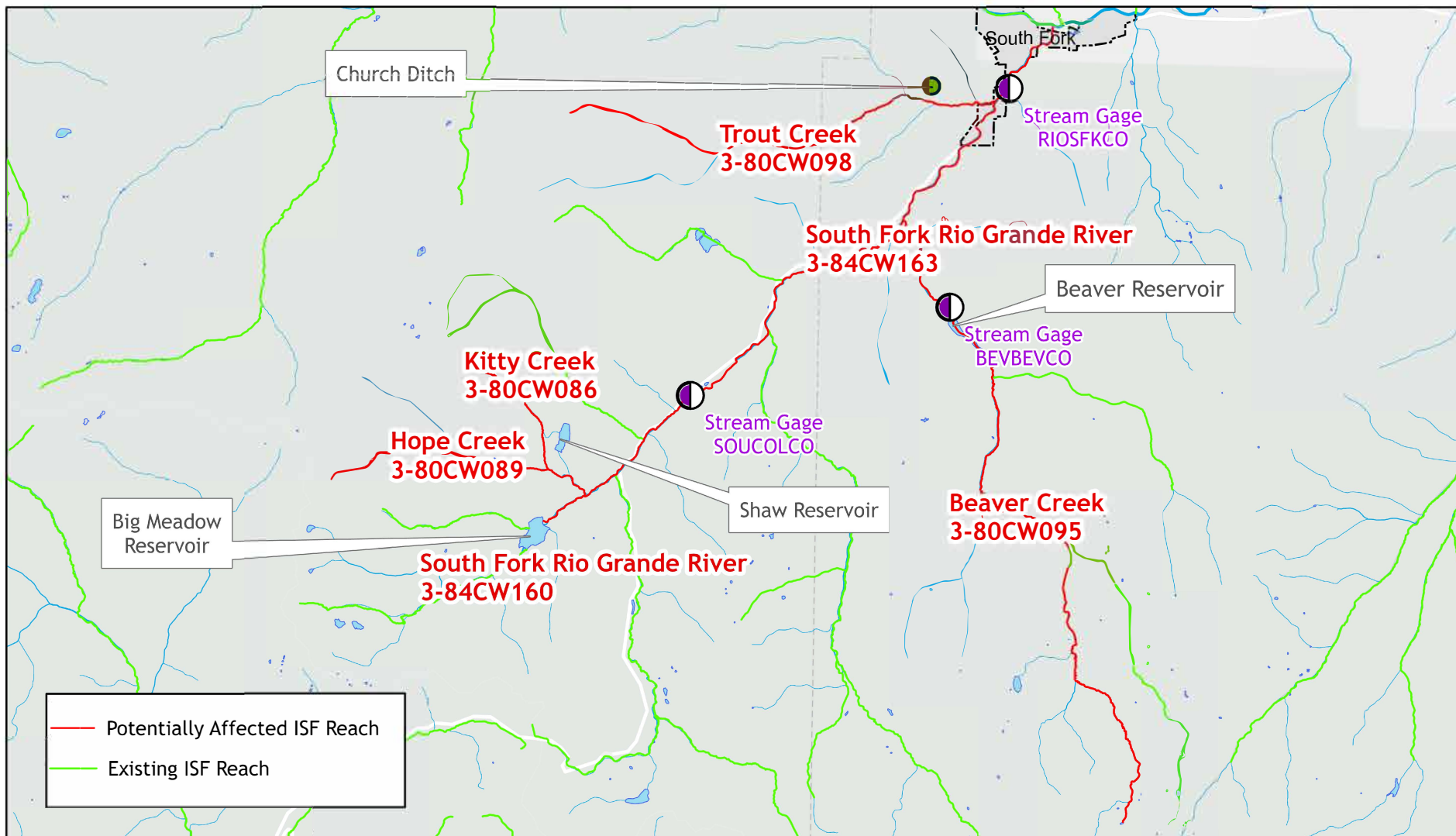
- The proposed plan for augmentation with inherent exchanges may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- Terms and conditions should be included in the decree to ensure that the proposed change will not injure the CWCB's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

Other Objectors

A Statement of Opposition was also filed by Southwestern Water Conservation District.

Attorney Representing CWCB

Mackenzie T. Herman, Assistant Attorney General, is assigned to this case and can be contacted at mackenzie.herman@coag.gov, or 720-508-6317.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

November 20-21, 2024 CWC Board Meeting
 Consent Agenda Item 1b: Statement of Opposition
 Case No. 24CW3008 (Water Division 3)
 San Luis Valley Water Conservancy District, by and
 through its Augmentation Program Enterprise
 ("SLVWCD"); and the Beaver Mountain Estates
 Property Owners Association, Inc.

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