

**Consent Agenda Item 1.c**

November 20-21, 2024 Board Meeting

Case No. 24CW3116 (Water Division 5); City of Colorado Springs

**Summary of Water Court Application**

Application for Change of Conditional Water Right.

**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 5 in the Blue River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
86CW0204	Blue River	pond 5200' u/s Swan River	confl Swan River	10 (11/1 - 4/30) 20 (5/1 - 10/31)	03/14/1986
86CW0211	Blue River	confl Monte Cristo & Bemrose	Hwy 9 Bridge near Fredonia Gulch	1 (10/1 - 4/30) 2 (5/1 - 9/30)	03/14/1986
86CW0211	Blue River	Hwy 9 Bridge near Fredonia Gulch	confl Goosepasture Tarn	2 (10/1 - 4/30) 5 (5/1 - 9/30)	03/14/1986
86CW0217	Blue River	confl Swan River	confl Dillon Reservoir	16 (11/1 - 4/30) 32 (5/1 - 10/31)	03/14/1986
87CW0293	Blue River	outlet Dillon Reservoir	confl Straight Creek	50 (1/1 - 12/31)	10/02/1987
87CW0294	Blue River	confl Straight Creek	confl Willow Creek	50 (10/1 - 4/30) 55 (5/1 - 7/31) 52 (8/1 - 9/30)	10/02/1987
87CW0295	Blue River	confl Willow Creek	confl Rock Creek	58 (10/1 - 3/31) 75 (4/1 - 9/30)	10/02/1987
87CW0296	Blue River	confl Rock Creek	confl Boulder Creek	78 (10/1 - 10/31) 67 (11/1 - 3/31) 90 (4/1 - 4/30) 115 (5/1 - 8/31) 90 (9/1 - 9/30)	10/02/1987
87CW0297	Blue River	confl Boulder Creek	confl Slate Creek	70 (11/1 - 2/29) 78 (3/1 - 3/31)	10/02/1987

				90 (4/1 - 4/30) 125 (5/1 - 8/31) 90 (9/1 - 10/31)	
87CW0298	Blue River	confl Slate Creek	inlet Green Mtn Res @ Doig Gulch	90 (10/1 - 11/30) 85 (12/1 - 2/29) 125 (5/1 - 9/30) 90 (3/1 - 4/30)	10/02/1987
87CW0299	Blue River	outlet Green Mountain Res	confl Colorado River	60 (5/1 - 7/15) 85 (7/16 - 4/30)	10/02/1987

### **Potential for Injury**

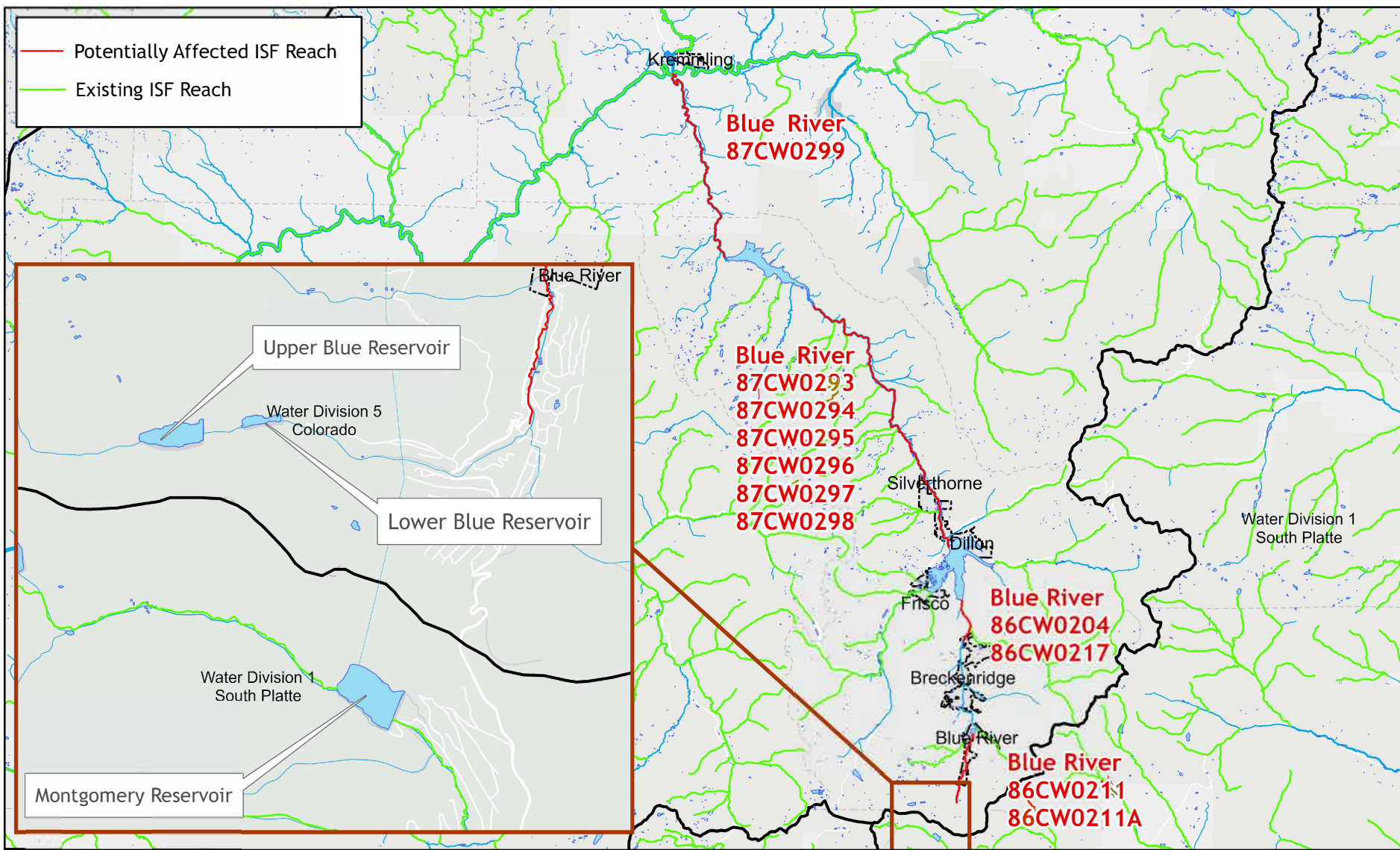
- The proposed change of water rights could cause an expansion of use, which could injure the CWCB's instream flow water rights.
- Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWCB's instream flow water rights.

### **Other Objectors**

Statements of Opposition were also filed by the Board of County Commissioners of the County of Summit, Colorado River Water Conservation District, Denver Water, Grand Valley Water Users Association, Orchard Mesa Irrigation District, Northern Colorado Water Conservancy District, Town of Breckenridge, Ute Water Conservancy District, acting by and through the Ute Water Activity Enterprise, and Vail Summit Resorts, Inc.

### **Attorney Representing CWCB**

Trevor D. Rogan, Assistant Attorney General, is assigned to this case and can be contacted at [trevor.rogan@coag.gov](mailto:trevor.rogan@coag.gov), or 720-508-6865.



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

Department of Natural Resources

November 20-21, 2024 CWCB Board Meeting  
 Consent Agenda Item 1c: Statement of Opposition  
 Case No. 24CW3116 (Water Division 5)  
 City of Colorado Springs

