



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Robert Viehl, Chief
Stream and Lake Protection Section

DATE: March 19-20, 2025

SUBJECT: CA 2b Larimer County Boxelder Creek

Staff Recommendation: The recommendation is for the Board to authorize an expenditure of up to \$35,000 for preliminary engineering costs for an analysis of water rights owned by Larimer County for CWCB acquisition and water court change application to add instream flow use.

Background: The Colorado Water Trust (CWT) a 501(c)3 organization was approached by Larimer County who owns several water rights on Boxelder Creek (tributary to the South Platte River) about the possibility of conveying these rights to the CWCB for instream flow purposes. The water rights Larimer County seeks to convey to the CWCB comprise the Sturdevant Ditch No. 1 and Sturdevant Ditch No. 2. The two water rights are decreed to divert at a rate of up to 10.67 cfs each.

CWT is acting as the project lead, facilitating the CWCB's acquisition of these water rights and working with Larimer County and the CWCB to file a water court application and obtain approval for a change of use to include instream flow as a beneficial use.

Funding Request: Staff is requesting an expenditure of funds authorized by section 37-60-123.7, which requires Board approval. Such expenditures are governed by CWCB's Financial Policy 19, and the financial aspects of the proposal are set forth below:

These funds will be used to hire an engineering consultant to perform a reasonable estimate of the historical consumptive use of water for the Sturdevant Ditch Nos. 1 and 2 water rights and the time, location and quantity of historical return flows to the stream. The final engineering report will contain the following information:

- 1) Description of the Boxelder Creek system
- 2) Description of the water rights for acquisition
- 3) Historical Use Analysis
- 4) Description of proposed instream flow use and operation
- 5) Proposed terms and conditions

