

Consent Agenda Item 1.a

March 19-20, 2025 Board Meeting

Case No. 24CW3055 (Water Division 2); Upper Arkansas Water Conservancy District

Summary of Water Court Application

Application for a Change of Water Right and Conditional Appropriative Right of Exchange.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2025 to protect CWCB's instream flow water rights.

CWCB Instream Flow Water Rights

The CWCB holds numerous instream flow water rights in Water Division 2 in the Arkansas River Headwaters Watershed that could be injured by this application.

Potential for Injury

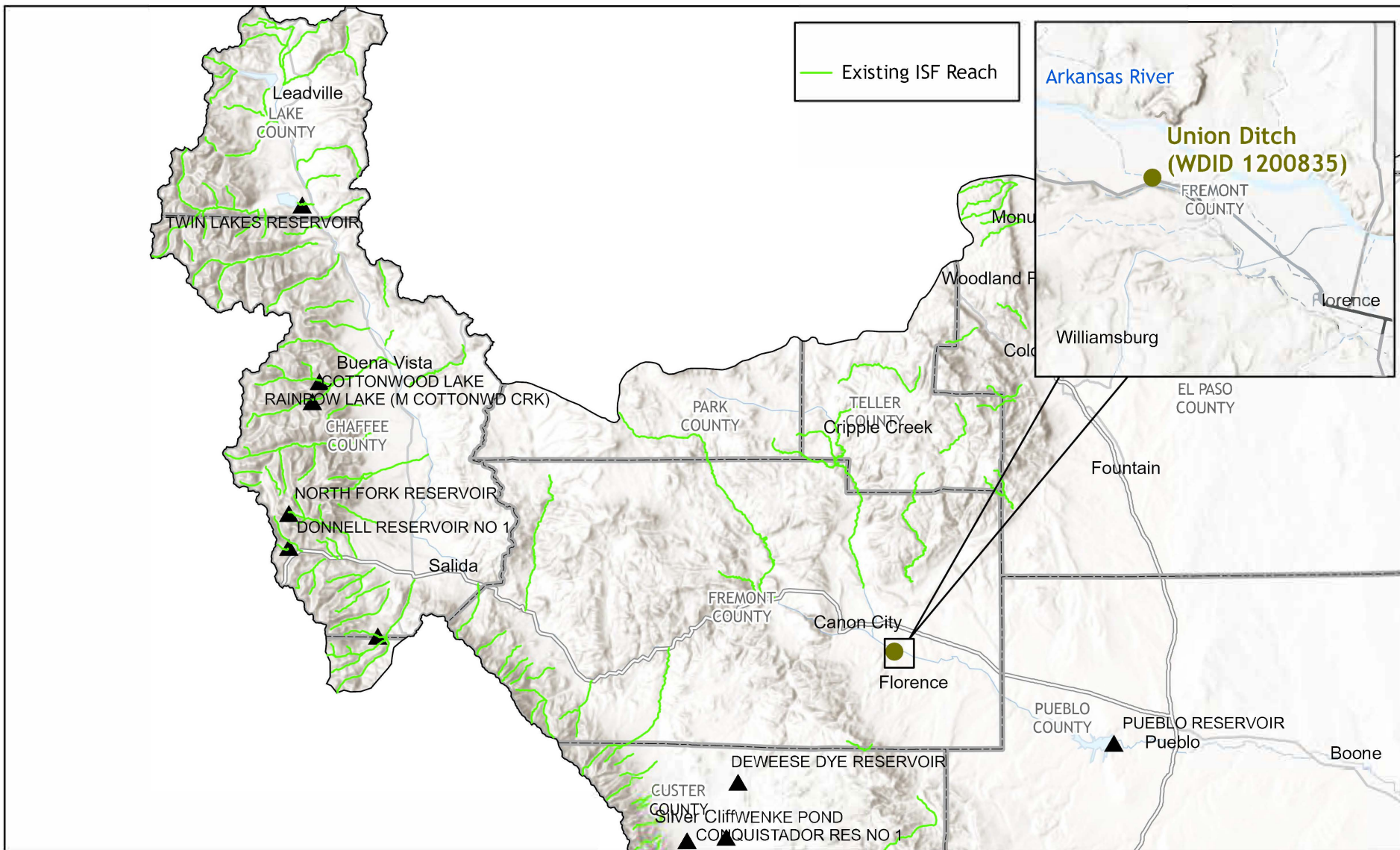
- The proposed change of water rights could cause an expansion of use which could injure the CWCB's instream flow water rights.
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- 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

Statements of Opposition were also filed by the City of Florence; Penrose Water District; Southeastern Colorado Water Conservancy District; Stephen J. Schnurr Living Trust; Mount Massive Lakes, Inc., Home Stake Trout Club, Inc.; and, CF&I Steel, L.P. d/b/a EVRAZ Rocky Mountain Steel.

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.



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

Department of Natural Resources

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