

Consent Agenda Item 1.b

March 19-20, 2025 Board Meeting

Case No. 24CW3011 (Water Division 3); John H. Wagner, III and Carol J. Wagner

Summary of Water Court Application

Application for Change of Water Right.

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 water rights, including the following instream flow water right in Water Division 3 in the San Luis Creek Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
12CW0036	Kerber Creek	confl Brewery Creek	hdgt Wells Kerber Ditch	4 (8/1 - 11/15) 2.6 (11/16 - 3/31) 6.75 (4/1 - 7/31)	01/24/2012

Potential for Injury

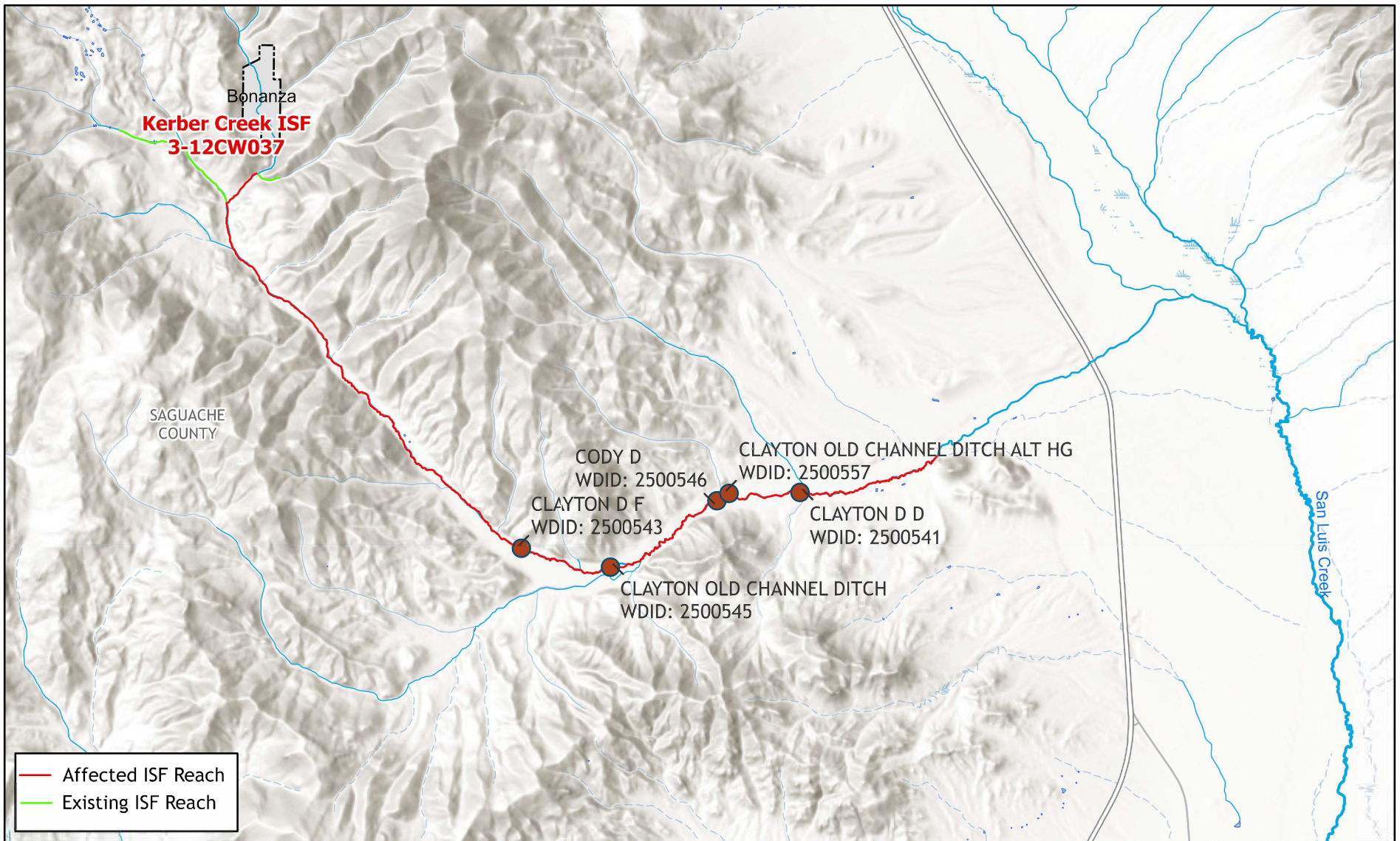
- The proposed change of water rights could cause an expansion of use and could alter the time, place, and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The requested upstream move of a point of diversion for Applicant's senior water right could injure the intervening instream flow water right.
- 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

No other Statements of Oppositions were filed.

Attorney Representing CWCB

Savannah K Hook, Assistant Attorney General, is assigned to this case and can be contacted at savannah.hook@coag.gov, or 720-508-6205.



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**Colorado Water
Conservation Board**

Department of Natural Resources

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CA1b. Statement of Opposition
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