

Consent Agenda Item 1.g

March 19-20, 2025 Board Meeting

Case No. 24CW3049 (Water Division 6); Westlands, LLC

Summary of Water Court Application

Application to Confirm Decreed Alternate Point of Diversion, for Absolute Storage Rights, and for Conditional and Absolute Groundwater Rights.

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 rights in Water Division 5 in the Upper White River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-3652B (1977)	South Fork White River	confl Swede Creek	confl NF White River	80 (1/1 - 12/31)	11/15/1977
W-3652C (1977)	White River	confl NF & SF White River	confl Piceance Creek	200 (1/1 - 12/31)	11/15/1977
W-3652H (1977)	North Fork White River	confl Marvine Creek	confl S Fk White River	120 (1/1 - 12/31)	11/15/1977

Potential for Injury

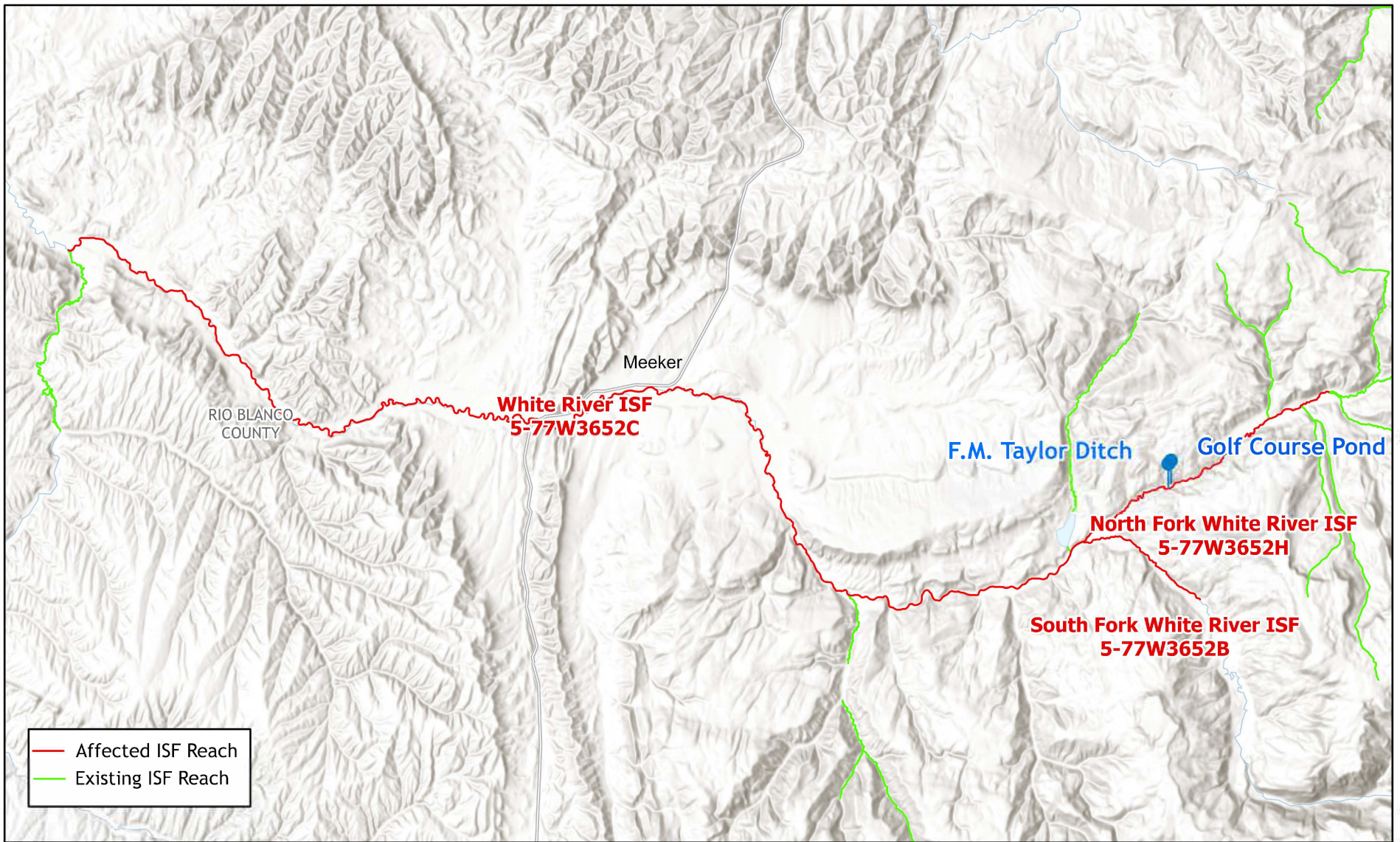
- Some of the claimed water rights will have associated delayed depletions that cannot be curtailed. These depletions require an augmentation to replace depletions in the proper time, place, and amount, to prevent injury to the CWCB's instream flow water rights.
- The claim that groundwater diversions result in instantaneous depletions requires further investigation.
- 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 State and Division Engineers.

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.



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CA1g. Statement of Opposition
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