

Consent Agenda Item 1.b

May 21-22, 2025 Board Meeting

Case No. 25CW3002 (Water Division 7); Olympus Real Estate Group

Summary of Water Court Application

Application for a Conditional Surface Water Right and a Conditional Groundwater Right.

Staff Recommendation

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

CWCB Instream Flow Water Rights

The CWCB holds water rights, including the following instream flow water right in Water Division 7 in the Upper San Juan River watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
80CW0040	San Juan River	confl EF & WF San Juan River	confl McCabe Creek	50 (3/1 - 8/31) 30 (9/1 - 2/29)	01/30/1980

Potential for Injury

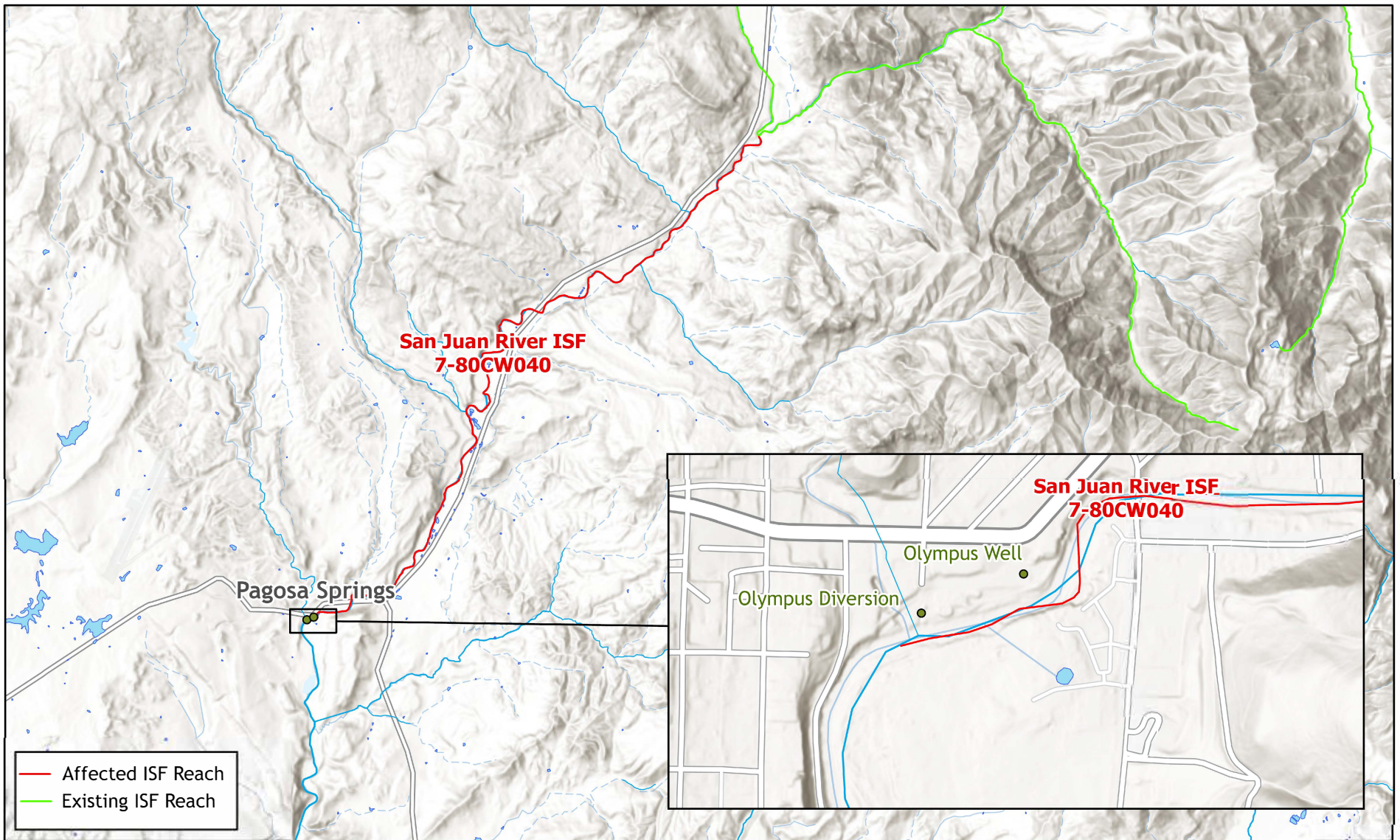
- Adequate terms and conditions should be included to protect CWCB's instream flow water rights from injury due to Applicant's claimed water rights of a "surface diversion of discharged water."
- If well pumping results in lagged out-of-priority stream depletions, which cannot physically be curtailed, Applicant would need to have a plan in place to replace the depletions in time, place, and amount to prevent injury to the CWCB's instream flow water right.
- 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 EPR Springs, LLC; Giordano Inc.; Jeff Greer; Kirsten McMullen; and the Town of Pagosa Springs.

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.



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**Colorado Water
Conservation Board**

Department of Natural Resources

May 21-22, 2025 CWC Board Meeting
CA1b: Statement of Opposition
Case No. 25CW3002 (Water Division 7)
Olympus Real Estate Group

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