

Consent Agenda Item 1.a

July 16-17, 2025 Board Meeting

Case No. 20CW3060 (Water Division 6); Dequine Family LLC

Summary of Water Court Application

Third Amended Application for Absolute and Conditional Water Right (Storage) and for Change of Water Right to Add Alternate Point of Diversion.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Motion to Intervene and Statement of Opposition filed on behalf of the Board in September 2024 to protect CWCB’s instream flow water rights. Staff had negotiated a letter-in-lieu of filing a statement of opposition in March, 2021, which was reported to the Board in May 2021. However, after several amendments to the application resulted in modified claims, the CWCB staff participated in a site visit and upon consulting with the Applicant, CWCB entered the case as a party to complete negotiations for proper decree terms and conditions.

CWCB Instream Flow Water Rights

The CWCB holds water rights, including the following instream flow water rights in Water Division 6 in the Upper Yampa River Watershed, that could be injured by this application:

| Case Number | Stream | Upper Terminus | Lower Terminus | CFS Rate (Dates) | Approp. Date |
|-------------|----------------|----------------------|--------------------------|---|--------------|
| 01CW0106 | Yampa River | confl Morrison Creek | inlet Lake Catamount Res | 72.5 (4/1 - 8/14) 47.5 (8/15 - 3/31) | 07/24/2001 |
| 10CW0065 | Morrison Creek | confl Silver Creek | confl Yampa River | 13.2 (4/1 - 8/15) 8.1 (8/16 - 3/31) | 01/26/2010 |
| 10CW0066 | Morrison Creek | confl Muddy Creek | confl Silver Creek | 3.1 (4/1 - 10/31) 1.4 (11/1 - 3/31) | 01/26/2010 |

Potential for Injury

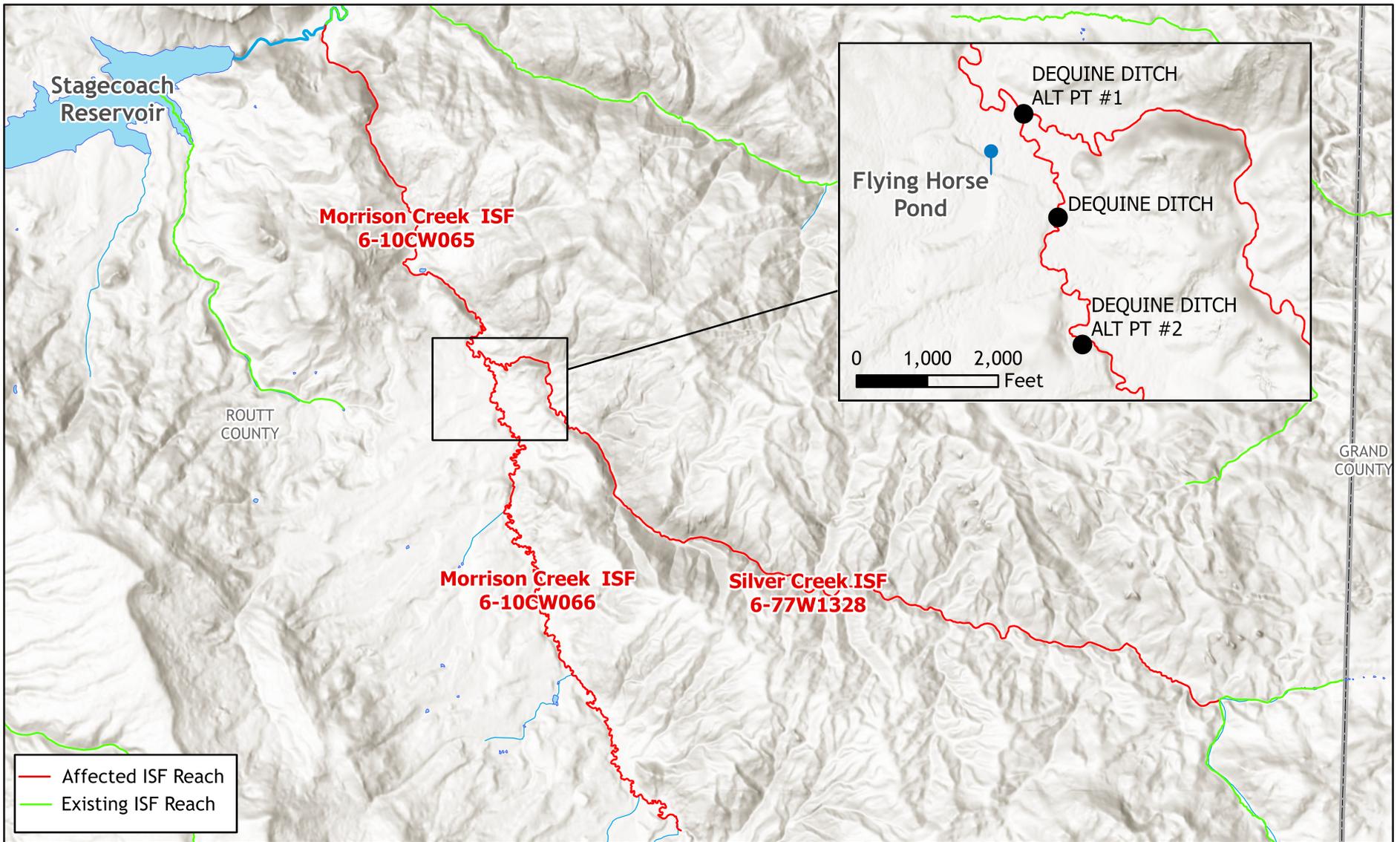
- Applicant claimed some water rights with appropriation dates prior to the appropriation of CWCB ISF water rights. The CWCB’s ISF water right(s) may be subject to the beneficial uses in existence on the date of such ISF appropriation under section 37-92-102(3)(b), C.R.S.
- The proposed flow through water right may have injured the CWCB’s instream flow water right because it could have been fully depletive to a segment of the intervening instream flow.
- The requested upstream move of a point of diversion for Applicant’s senior water right could have injured the intervening instream flow water right, however this claim was withdrawn.

Other Objectors

A Motion to Intervene and Statement of Opposition was also filed by the State and Division Engineers.

Attorney Representing CWCB

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at jen.mele@coag.gov, or 720-508-6282.



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Department of Natural Resources

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 CA 1a: Motion to Intervene -
 Statement of Opposition
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 Dequine Family, LLC

