

Consent Agenda Item 1.b

July 16-17, 2025 Board Meeting

Case No. 25CW3003 (Water Division 3); Flying X Cattle Company, Inc., Anne C. Nielsen, Edwin C. Nielsen, Scott Nielsen, and Stan Nielsen

Summary of Water Court Application

Application for Surface Water Rights and Change of Water Rights.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in June 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 3 in the Saguache River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
82CW0212	Saguache Creek	confl MF & SF Saguache Creek	confl Sheep Creek	8 (10/1 - 4/30) 14 (5/1 - 9/30)	10/07/1982
82CW0208	Saguache Creek	confl Sheep Creek	hdgt Star Ditch	5 (10/1 - 4/30) 8 (5/1 - 9/30)	10/07/1982

Potential for Injury

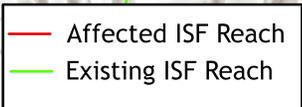
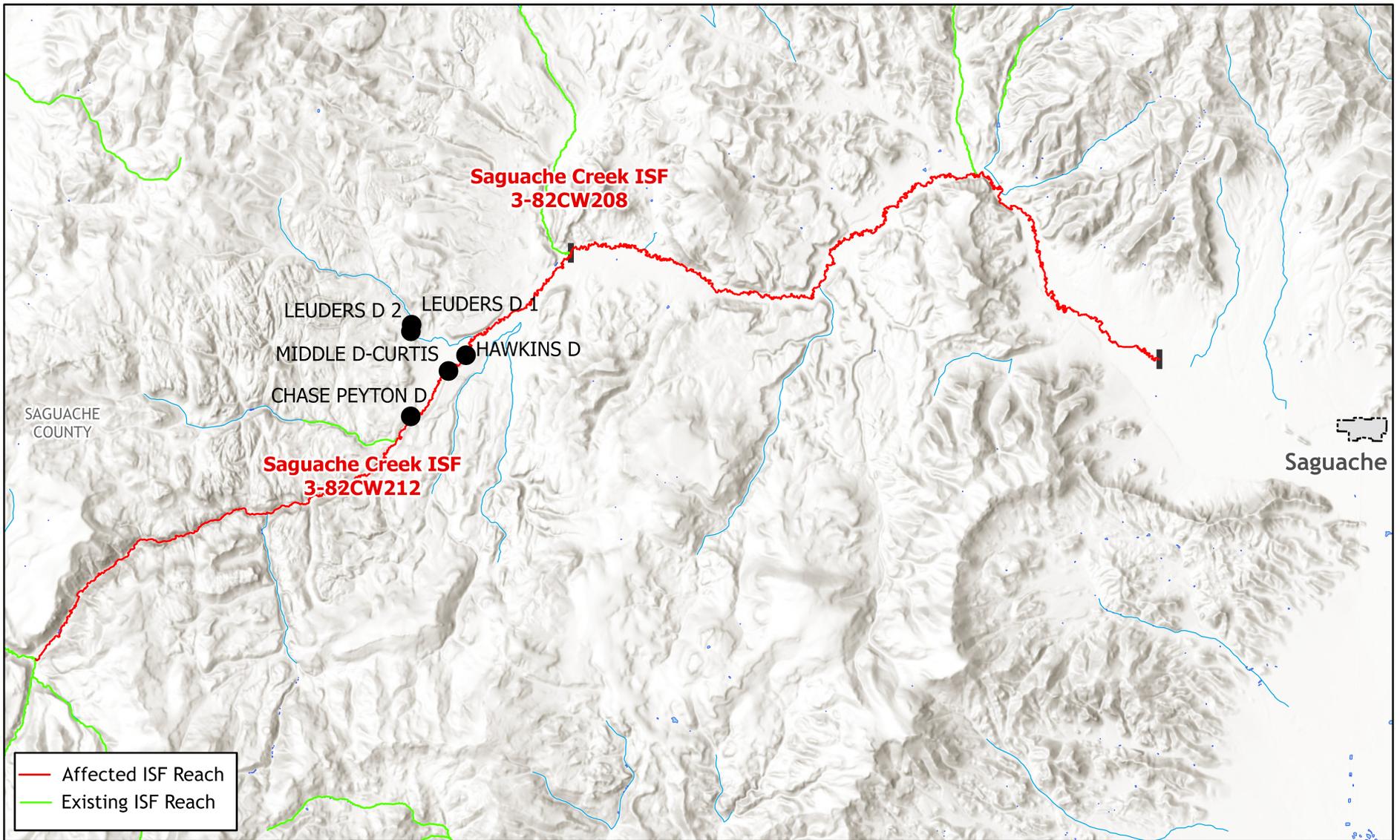
- The requested alternate points of diversion for Applicants’ senior water rights could injure the intervening instream flow water rights if they expand the amount of water physically or legally available to the senior water rights or expand the historical use.
- Applicants claim some water rights with appropriation dates prior to the appropriation of CWCB ISF water rights. The CWCB’s ISF water rights may be subject to the beneficial uses in existence on the date of such ISF appropriations under section 37-92-102(3)(b), C.R.S., so long as the uses are sufficiently demonstrated and documented.
- 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

No other Statements of Opposition were filed in this case.

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.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

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 CA1b: Statement of Opposition
 Case No. 25CW3003 (Water Division 3)
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