

Consent Agenda Item 1.b

September 16-18, 2025 Board Meeting
Case No. 25CW3096 (Water Division 5); City of Aspen

Summary of Water Court Application

Application for Change of Storage Rights.

Staff Recommendation

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

| Case Number | Stream | Upper Terminus | Lower Terminus | CFS Rate (Dates) | Approp. Date |
|---------------|--------------------|---------------------------|--------------------------|--------------------------------------|--------------|
| W-2938 (1976) | Woody Creek | headwaters | confl Roaring Fork River | 6 (1/1 - 12/31) | 01/14/1976 |
| W-2944 (1976) | East Maroon Creek | headwaters | confl Maroon Creek | 10 (1/1 - 12/31) | 01/14/1976 |
| W-2945 (1976) | Maroon Creek | confl E & W Maroon Creeks | confl Roaring Fork River | 14 (1/1 - 12/31) | 01/14/1976 |
| W-2947 (1976) | Castle Creek | headwaters | confl Roaring Fork River | 12 (1/1 - 12/31) | 01/14/1976 |
| W-2948 (1976) | Roaring Fork River | confl Difficult Creek | confl Maroon Creek | 32 (1/1 - 12/31) | 01/14/1976 |
| 85CW0265 | West Maroon Creek | outlet Maroon Lake | confl East Maroon Creek | 4 (1/1 - 12/31) | 05/03/1985 |
| 85CW0639 | Roaring Fork River | confl Fryingpan River | confl Crystal River | 75 (10/1 - 3/31) 145 (4/1 - 9/30) | 11/08/1985 |
| 85CW0646 | Roaring Fork River | confl Maroon Creek | confl Fryingpan River | 30 (10/1 - 3/31) 55 (4/1 - 9/30) | 11/08/1985 |

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 that would have occurred under the water rights, which could injure the CWCB's instream flow water rights.
- A contemplated draft analysis will be necessary to ensure the change of conditional waters does not result in an expansion of use.

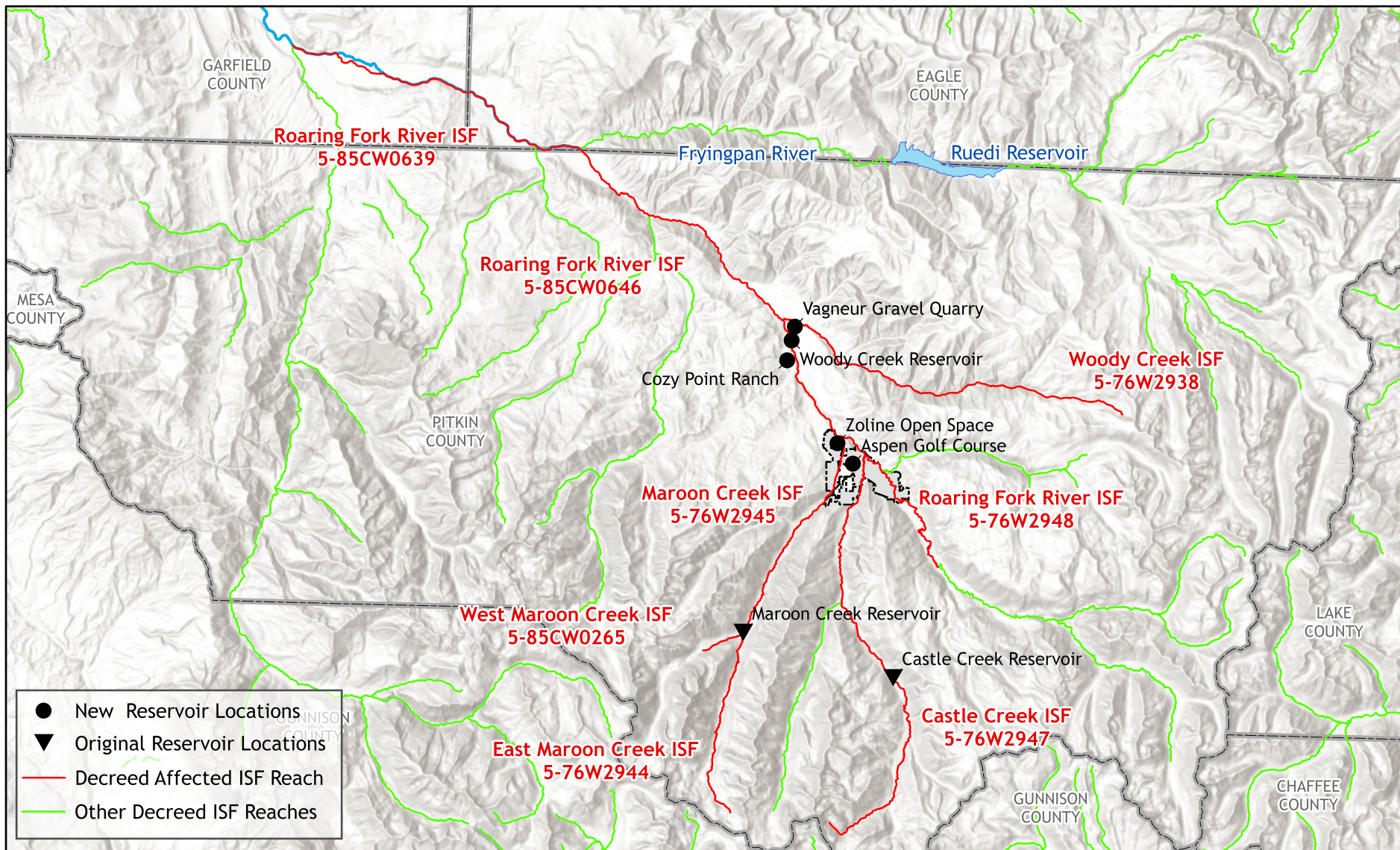
- Terms and conditions should be included in any decree entered in this case to ensure that the decreed water rights will not injure the CWCB's instream flow water rights.

Other Objectors

A Statement of Opposition was also filed by Basalt Water Conservancy District.

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.



COLORADO
Colorado Water
Conservation Board

Department of Natural Resources

September 16-18, 2025 CWCB Board Meeting
 CA1b: Statement of Opposition
 Case No. 25CW3096 (Water Division 5)
 City of Aspen

0 2.5 5 10
 Miles

