

**Consent Agenda Item 1.h**

March 10-11, 2021 Board Meeting

Case No. 20CW3137 (Water Division 5); Crystal River Ranch Co., LLC

**Summary of Water Court Application**

Application for 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 January 2021 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
85CW0626 (Div. 5)	Cattle Creek	confl Lola Creek	confl Fisher Creek	4 (1/1 - 12/31)	11/08/1985
97CW0273* (Div. 5)	Cattle Creek	confl Coulter Creek	hdgt Park Ditch	2 (5/1 - 10/31)	09/22/1997

\* Increased

**Potential for Injury**

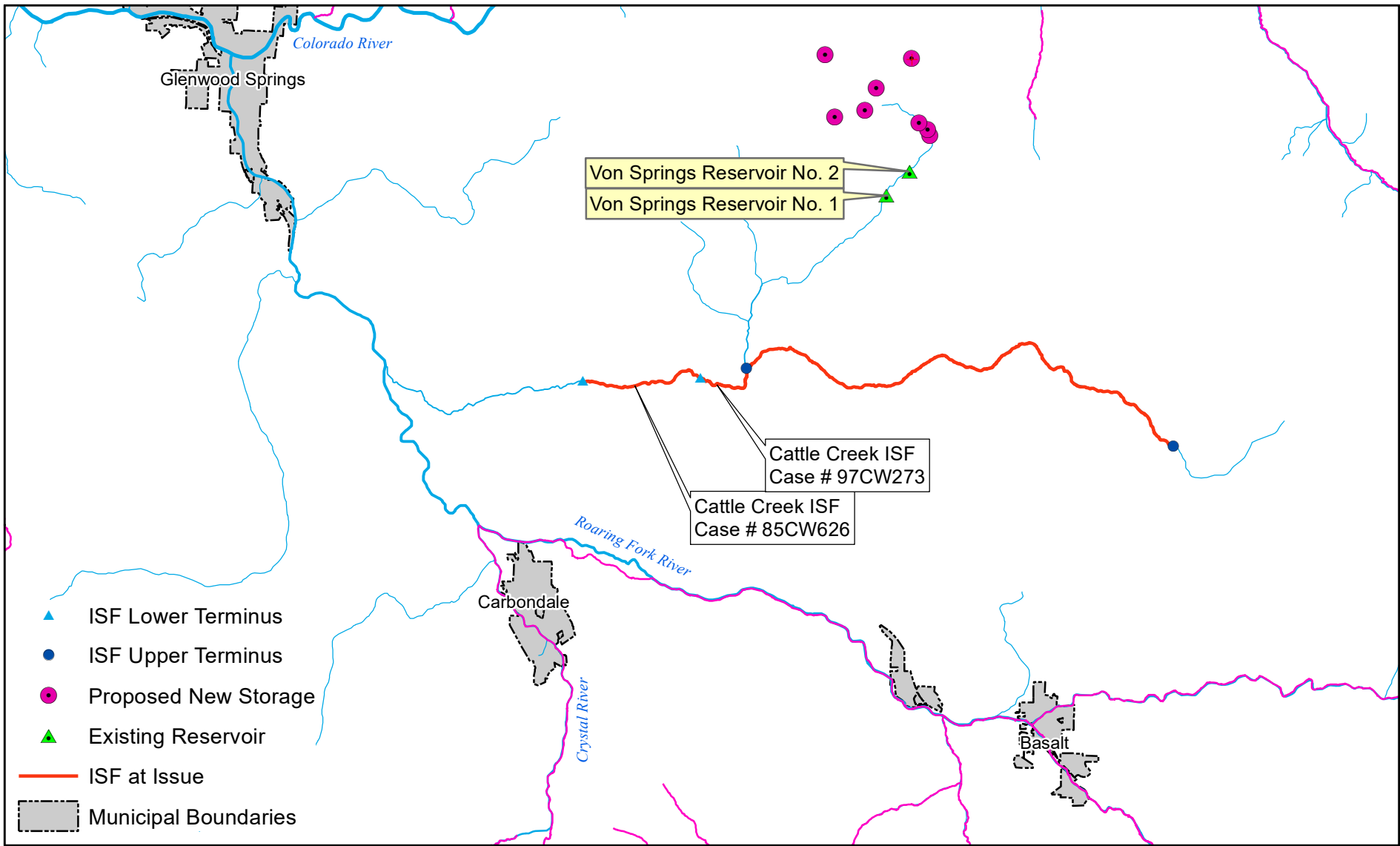
- The proposed change of water rights could cause an expansion of use and could alter the time, place, and amount of historical return flows, which could injure the CWCB's instream flow water rights.

**Other Objectors**

Statements of Opposition were also filed by BWI Financial LLC, Coulter Creek Valley Ranch, LLLP, Grand Valley Water Users Association, Orchard Mesa Irrigation District, Ute Water Conservancy District, acting by and through the Ute Water Activity Enterprise, Missouri Heights-Mountain Meadow, and Needham Ditch Company.

**Attorney Representing CWCB**

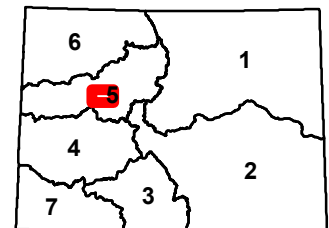
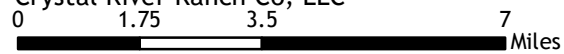
Andrew B. Nicewicz, Assistant Attorney General, is assigned to this case and can be contacted at andy.nicewicz@coag.gov, or 720-508-6259.



**COLORADO**  
**Colorado Water Conservation Board**

Department of Natural Resources

March 10-11, 2021 CWCB Board Meeting  
 Consent Agenda Item 1.h. Statement of Opposition  
 Case No. 20CW3137 (Division 5)  
 Crystal River Ranch Co, LLC



**DIVISION 5 WATER COURT-NOVEMBER 2020 RESUME**

**3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2020. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**20CW3137 DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, Colorado 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF CRYSTAL RIVER RANCH CO., LLC, IN EAGLE AND GARFIELD COUNTIES, COLORADO. APPLICATION FOR CHANGE OF WATER RIGHTS.** 1. Name, Address, and Telephone Number of Applicant: Crystal River Ranch Co., LLC, Attn: Sue Anschutz-Rodgers, General Partner, 555 17th Street, Suite 2400, Denver, Co 80202, 303-299-1361. Direct all pleadings to: Glenn E. Porzak, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Names of Structures. (a) Von Springs Reservoir No. 1, (b) Von Springs Reservoir No. 2. 3. Description of the Subject Water Rights. The subject water rights were decreed by the Garfield County District Court in Civil Action No. 4033, (a) Name of structures: Von Springs Reservoir No. 1 and Von Springs Reservoir No. 2, (b) Legal description of the points of diversion: i. Von Springs Reservoir No. 1: This reservoir is located in the SE1/4 NE1/4 of Section 34, T. 6 S., R. 87 W., 6th P.M., Eagle County Colorado, ii. Von Springs Reservoir No. 2: This reservoir is located in the SE 1/4 NE1/4 and NE1/4 SE1/4 of Section 22, and the NE1/4 and the NW1/4 SE1/4 of Section 25, T. 6 S., R. 87 W., 6th P.M., Eagle County, Colorado. The NE end of the dam is located at a point whence the W1/4 corner of Section 23, T. 6 S., R. 87 W. of the 6th P.M. bears South 8°15' East, a distance of 1860 feet, (c) Source: Coulter Creek and East Coulter Creek, tributaries of Cattle Creek, which is tributary to the Roaring Fork River, which is tributary to the Colorado River, (d) Appropriation dates: i. Von Springs Reservoir No. 1: September 15, 1949, ii. Von Springs Reservoir No. 2: November 22, 1942, (e) Amount claimed: i. Von Springs Reservoir No. 1: 24.3 acre feet, ii. Von Springs Reservoir No. 2: 248.19 acre feet. The maximum fill rate for either or both reservoirs is 3 cfs, (f) Uses: Domestic and irrigation. 4. Change of Water Rights. Applicant seeks the following changes: (a) Change the places of storage as follows: (i) Change the place of storage of 12 acre feet of the Von Springs Reservoir No. 1 to a reservoir located at UTM 13 S 321582.78 E 4377752.25 N, (ii) Change the place of storage of 7 acre feet of the Von Springs Reservoir No. 1 to a reservoir located at UTM 13 S 321504.52 E 4377979.6 N, (iii) Change the place of storage of 125 acre feet of the Von Springs Reservoir No. 2 to a reservoir located at UTM 13 S 321224.00 E 4378167.24 N, (iv) Change the place of storage of 15 acre feet of the Von Springs Reservoir No. 2. to a reservoir located at UTM 13 S 319906.55 E 4379278.39 N, (v) Change the place of storage of 65.4 acre feet of the Von Springs Reservoir No. 2 to a reservoir located at UTM 13 S 319560.59 E 4378594.90 N, (vi) Change the place of storage of 5.3 acre feet of the Von Springs Reservoir No. 1 to a reservoir located at UTM 13 S 318599.11 E 4378374.35 N, (vii) Change the place of storage of 24 acre feet of the Von Springs Reservoir No. 2 to a reservoir located at UTM 13 S 318305.98 E 4380325.04 N, (viii) Change the place of storage of 18.8 acre feet of the Von Springs Reservoir No. 2 to a reservoir located at UTM 13 S 321011.06 E 4380165.34 N. A map depicting the new locations of the places of storage is attached hereto as Figure 1, (b) Change the place of use to the 9974.84 acres comprising the Cottonwood Ranch located in Eagle and Garfield Counties described on the attached Exhibit A, (c) Change the decreed uses to include stockwatering. 5. Name and address of the owner of the land on which the subject water rights are proposed to be located: Applicant. WHEREFORE Applicant requests that the Water Court issue a final decree that (1) changes the subject water rights to the new locations, changes the place of use, and changes the decreed uses to include stockwatering; and (2) grants such other and further relief as may be appropriate. (5 pages + Exhibit)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**Attachment  
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