

Consent Agenda Item 1.a

September 20-21, 2022 Board Meeting

Case No. 22CW3030 (Water Division 4); Wolf Land Company, LP

Summary of Water Court Application

Application for Change of Water Right.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in August 2022 to protect CWCB's instream flow water rights.

CWCB Instream Flow Water Rights

The CWCB holds water rights, including the following instream flow water right in Water Division 4 in the Uncompahgre Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
98CW0222	Uncompahgre River	Highway 62 bridge	confl Ridgway Reservoir	20 (10/15 - 4/30) 65 (5/1 - 10/14)	07/13/1998
98CW0234	Dallas Creek	confl E & W Forks Dallas Cr	confl Ridgway Reservoir	9 (10/15 - 4/30) 20 (5/1 - 10/14)	07/13/1998

Potential for Injury

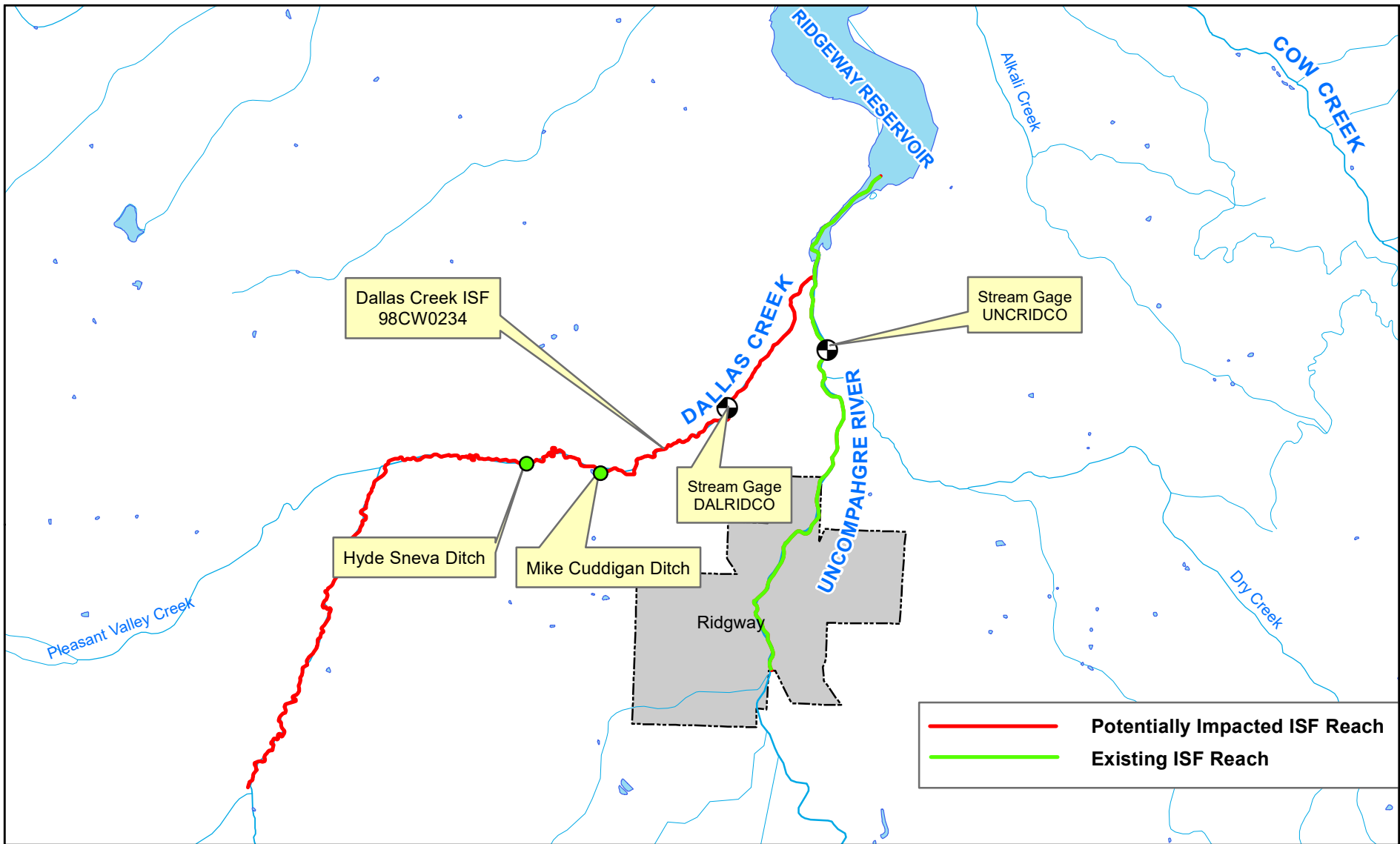
- The requested upstream move of a point of diversion for Applicant's senior water right could injure the intervening instream flow water right.
- The proposed change of water right may alter the timing, location, and amount of the historical return of unconsumed diversions to the stream and could injure the instream flow water rights.
- Terms and conditions should be included in any decree entered in this case to ensure that the decreed water right will not injure the CWCB's instream flow water rights.

Other Objectors

No other Statements of Opposition were filed.

Attorney Representing CWCB

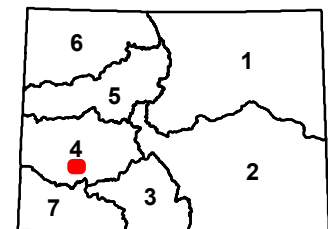
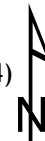
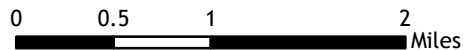
Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at jennifer.mele@coag.gov, or 720-508-6282.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

September 20-21, 2022 CWCB Board Meeting
 Consent Agenda Item 1a: Statement of
 Opposition Case No. 22CW3030 (Water Division 4)
 Wolf Land Company, LP



IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4
STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION
NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of June 2022.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows:

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.

CASE NO. 2022CW3030 APPLICATION FOR CHANGE OF WATER RIGHT. Name and Address of Applicant: **Wolf Land Company, LP**, 6805 Highway 62, Ridgway, CO 81432. Send all pleadings and correspondence to: Jeffrey J. Conklin or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P. O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. First Claim: *Change of Location of Water Right.* Name of structure: *Mike Cuddigan Ditch.* Date of original decree: April 14, 1961, in Civil Action No. 2440, in the District Court in and for Water Division No. 4. Legal description: (from Civil Action No. 2440): The headgate of the Mike Cuddigan Ditch is located on the south bank of Dallas Creek in Section 8, Twp. 45 N., R. 8 W., N.M. P.M. Source: Dallas Creek, tributary to the Uncompahgre River, tributary to the Gunnison River. Appropriation date: April 1, 1950. Amount: 0.50 c.f.s. Use: Stockwatering. Amount of water to be changed: 0.50 c.f.s. Note: This water right appeared on the Final Revised Abandonment List of Water Rights in Water Division 4, dated December 20, 2021. Applicant has filed or will file a Protest to Final Abandonment with the Court in conjunction with the filing of this Application. Description of proposed change: Applicant proposes to change the location of diversion for the Mike Cuddigan Ditch to the Hyde Sneva Ditch. The Hyde Sneva Ditch, as decreed on December 30, 1999, in Case No. 98CW244, in the District Court in and for Water Division No. 4, is located on Dallas Creek approximately 1,300 feet West of the East section line and 1,000 feet South of the North section line, Section 7, Township 45 North, Range 8 West, N.M.P.M., at a point in the SW1/4NE1/4NE1/4 whence the Northeast corner of said Section 7 bears North 60°39' East 1,679.42 feet. All other aspects of the Mike Cuddigan Ditch shall remain as decreed in Civil Action No. 2440. Names and addresses of owners of land upon which structures are located: Applicant. A map depicting the location of the structures to be decreed is on file with the Water Court (5 pp. with exhibits). **OURAY COUNTY.**

YOU ARE HEREBY NOTIFIED that any party who wishes to support or oppose a protest to the final revised abandonment list may file with the Division 4 Water Clerk an entry of appearance, under Water Court Rule 12(d), and file a completed JDF 320W - Entry of Appearance in Protest to Final Abandonment List, such entry of appearance must be filed by August 31, 2022. YOU ARE FURTHER NOTIFIED THAT you have until the last day of August 2022 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be

Attachment
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granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us).

FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401