



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street, Room 718
Denver, CO 80203

P (303) 866-3441
F (303) 866-4474

Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Lauren Ris, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Colin Watson, Water Resources Engineer and
Kaylea White, Senior Water Resources Specialist
Stream and Lake Protection Section

DATE: November 15-16, 2023

AGENDA ITEM: 13.a. Request for Authorization to Proceed to Trial in Opposition
Case Nos. 21CW3085 and 21CW3086 (Water Division 5):
Application of Elk Run Ranch Aspen Holdings, LLC and 4303
Snowmass Creek, LLC

This case is set for a three-day trial beginning on December 11, 2023. Staff and the Attorney General's Office intend to discuss this case with the Board in Executive Session.

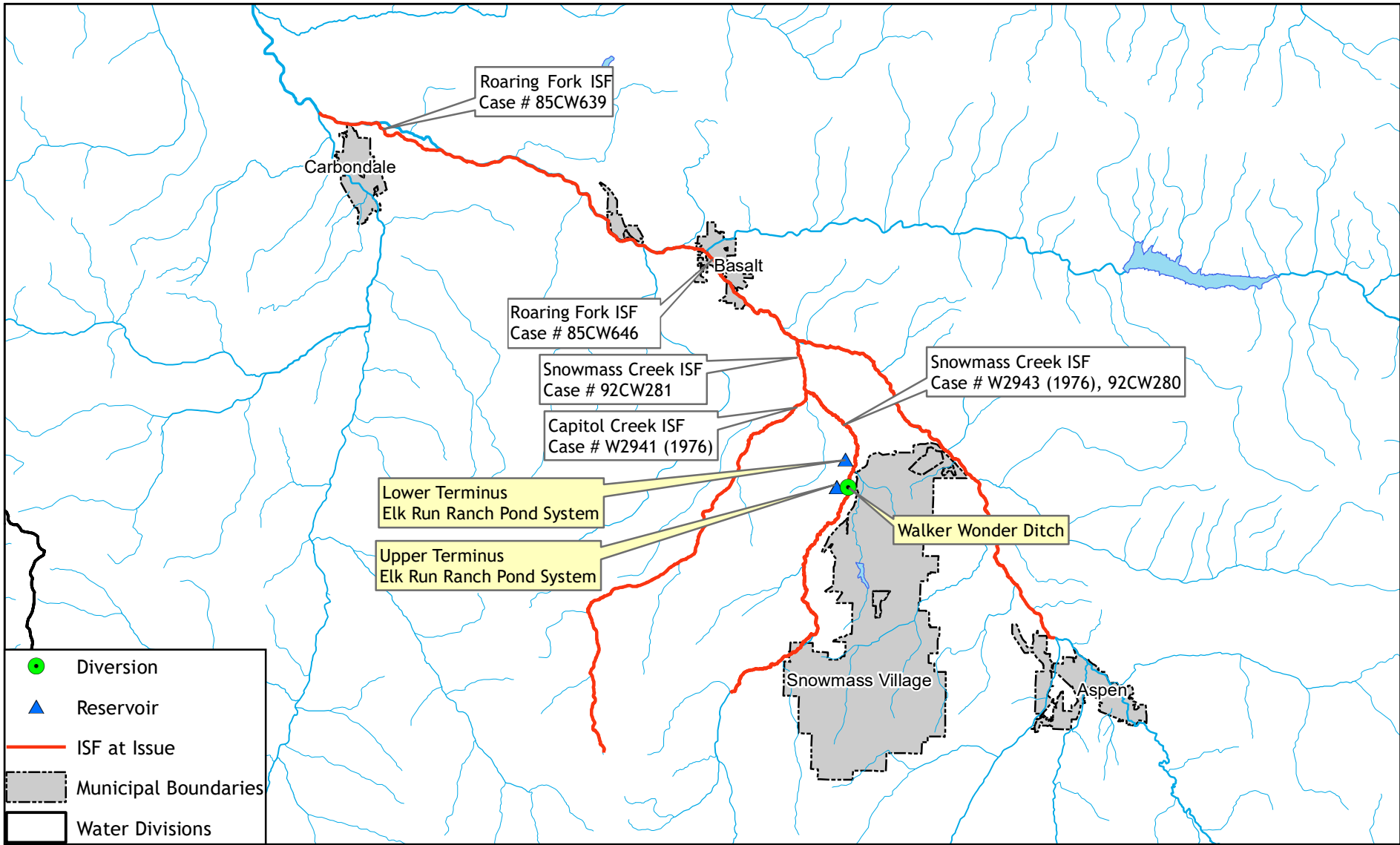
Background:

Staff are preparing to participate in a trial to protect numerous instream flow water rights on Snowmass Creek and the Roaring Fork River from potential injury. In these cases, Applicants seek a new water storage right in a pond system (21CW3085) and a plan for augmentation including exchange to replace out-of-priority depletions (21CW3086). Applicants also indicated in both applications that the pond system could be used as an irrigation forebay. Staff do not believe that certain of Applicants' senior irrigation water rights are decreed for use in the location of the irrigated area that could be served by the pond system.

Staff Recommendation:

Pursuant to ISF Rule 8.j., Staff recommends that the Board authorize Staff to proceed to trial to protect its instream flow water rights in the event that Staff and the Attorney General's office are unable to reach a settlement with Applicants before trial, or if CWCB settles before trial, to defend its stipulation at trial if necessary.





- Diversion
- ▲ Reservoir
- ISF at Issue
- Municipal Boundaries
- Water Divisions



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November 15-16, 2023 CWCB Board Meeting
 Agenda Item 13.a:
 Case Nos. 21CW3085 & 21CW3086 (Division 5)
 Elk Run Ranch Aspen Holdings, LLC et. al.

