

Consent Agenda Item 1.a

July 17-18, 2019 Board Meeting

Case No. 19CW3059 (Water Division 1); North Weld County Water District, and East Larimer
County Water District

Summary of Water Court Application

This is an application for conditional water storage right.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in May 2019 to protect CWCB's instream flow water rights.

CWCB Instream Flow Water Rights

The CWCB holds many instream flow water rights in Water Division 1 that could be injured by this application. Instream flow water rights that may be injured cannot be specifically identified because the proposed place of use includes undefined locations by agreements with others.

Potential for Injury

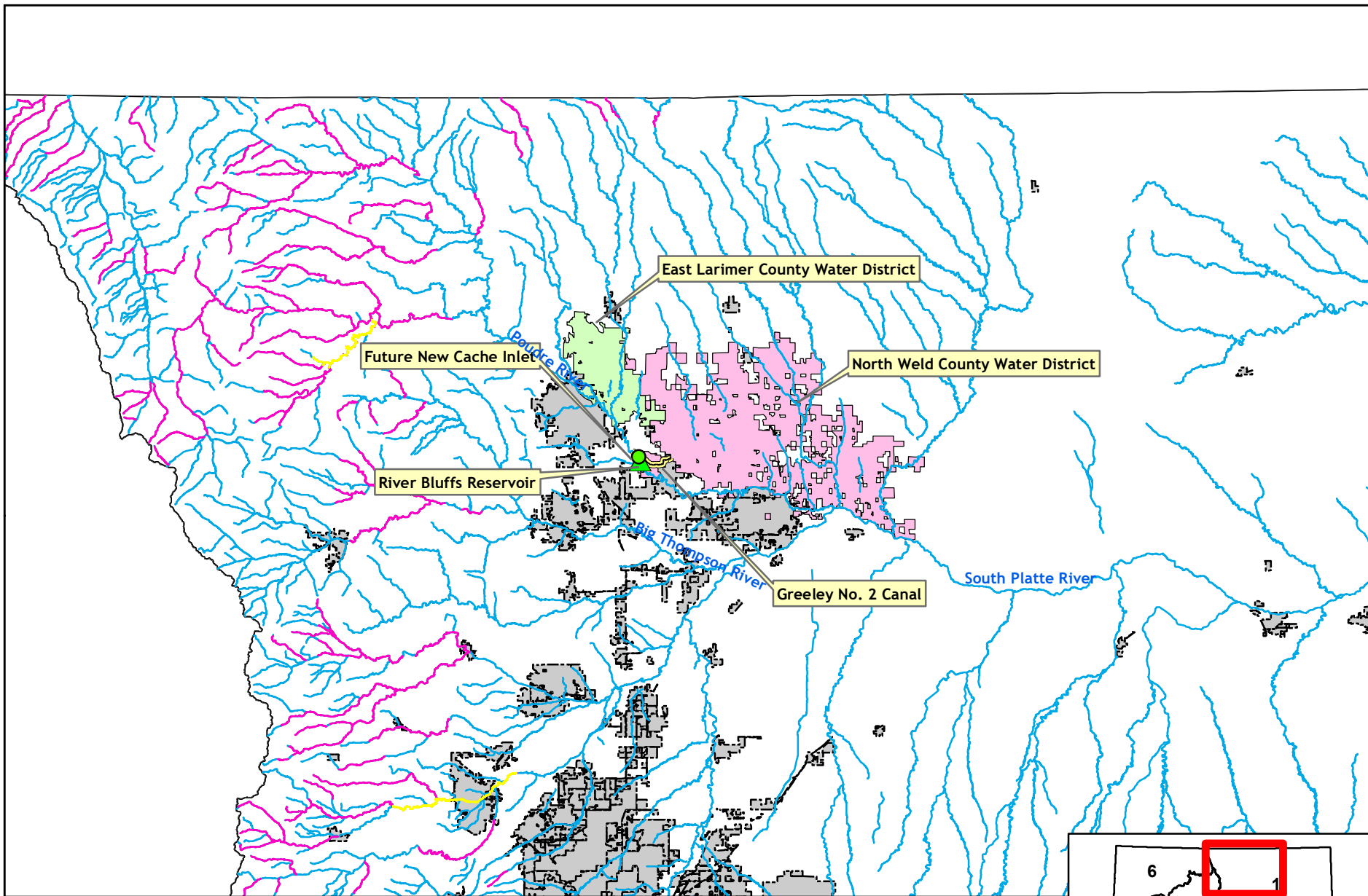
- The apparent extraterritorial uses to serve areas "outside of their respective service areas pursuant to agreements" by "exchange, first use, successive use, or disposition," for the claimed water rights cannot be evaluated because the place of use and points of depletions that may be augmented or replaced with the claimed water rights are undefined. See application paragraph 7. Resulting diversions within or upstream of CWCB's instream flow water rights could cause injury.

Other Objectors

Statements of Opposition were also filed by Cache La Poudre Water Users Association, City of Fort Collins, The New Cache La Poudre Irrigating Company, The City of Greeley, Arapahoe County Water and Wastewater Authority, and East Cherry Creek Valley Water and Sanitation District.

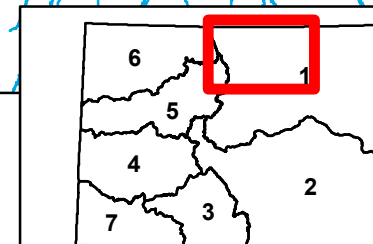
Attorney Representing CWCB

Christopher R. Stork, Assistant Attorney General, is assigned to this case and can be contacted at christopher.stork@coag.gov, or 720-508-6311.



July 17-18, 2019 CWCB Board Meeting
 Consent Agenda Item 1.a Statement of Opposition
 Case No. 19CW3059 (Water Division 1)
 North Weld County Water District and
 East Larimer County Water District

0 5 10 20
 Miles



DISTRICT COURT, WATER DIVISION 1, COLORADO
MARCH 2019 WATER RESUME PUBLICATION

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 1

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of **MARCH 2019** for each County affected.

19CW3059 Co-Applicants: North Weld County Water District, P.O. Box 56, Lucerne, CO 80646 and East Larimer County Water District, 232 South Link Lane, Fort Collins, CO 80524. Please send correspondence and pleadings to: Bradley C. Grasmick and Alyson K. Scott, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; (970) 622-8181; brad@ljcgllaw.com and alyson@ljcgllaw.com. CONCERNING THE APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT in **LARIMER AND WELD COUNTIES**. 2. Name of Reservoir. River Bluffs Reservoir. 3. Legal Descriptions of Reservoir and Points of Diversion. a. The River Bluffs Reservoir will be located in the North One-Half of Section 13, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. b. The points of diversion for the River Bluffs Reservoir will be located as follows: i. A proposed inlet from the Cache la Poudre River in the Southeast Quarter of the Northeast Quarter, or the Northeast Quarter of the Southeast Quarter, of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado; and ii. The Greeley No. 2 Canal, also known as the New Cache La Poudre Irrigation Canal, in the Southeast Quarter of the Northeast Quarter of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. c. The above described locations are depicted on **Exhibit 1** to this application, which is attached hereto and incorporated herein. 4. Source. Cache la Poudre River. 5. Appropriation Date. March 29, 2019, as initiated by the filing of this application. 6. Amount Claimed. a. *Volume*. 964 acre-feet plus one annual refill, conditional. b. *Rate*. 40 cubic feet per second, conditional, combined for both points of diversion described in paragraph 3.b. above, with a maximum of 20 cubic feet per second at each point of diversion described in paragraph 3.b. above. 7. Proposed Uses. North Weld and ELCO will use the water claimed in this application to replace return 30 flows for water rights that they have or will acquire for use in, and to make releases for augmentation as needed to satisfy demand in, their respective service areas, including as such service areas may be expanded to serve proximate areas, and outside their respective service areas pursuant to agreements between North Weld and/or ELCO and others who take delivery of water from North Weld and/or ELCO. These uses may be made by exchange, first use, successive use, or disposition. North Weld's and ELCO's service areas, as they currently exist, are depicted on **Exhibits 2 and 3**, respectively, which are attached hereto and incorporated herein. 8. Surface Area of High Water Line. 73 acres. 9. Total Capacity of Reservoir. 1,038 acre-feet. a. *Active capacity*. 964 acre-feet. b. *Dead capacity*. 74 acre-feet. 10. Names and Addresses of Owners (other than Applicants) of Land on Which Structures are Located. a. River Bluffs Ventures, LLC, 1927 Wilmington Drive, Suite 101, Fort Collins, CO 80528; b. Steamboat Partners Investments, LLC, 1927 Wilmington Drive, Unit 101, Fort Collins, CO 80528; c. John D. and Brenda K. Graves, 6324 South County Road 3, Fort Collins, CO 80528; d. Cache La Poudre Irrigation Company, P.O. Box 356, Greeley, CO 80631; and e. The New Cache La Poudre Irrigating Company, P.O. Box 104, Lucerne, CO 80646. 11. Additional Remarks. Applicants will not use land or facilities owned by others without first obtaining a legal right to use such land or facilities. The original format of this application is four pages in length plus three exhibits.