

Application Summary

This is an application for surface and underground water rights, approval of plan for augmentation and exchange for a 57 acre parcel of land in Jefferson County near the town of Evergreen. Applicants are seeking to adjudicate existing diversions on the property and provide a water source for future development of two lots. Applicant is claiming a 1979 appropriation date for diversions from the existing wells. To replace out-of-priority depletions to Bear Creek, applicants have purchased shares of water from Mountain Mutual Reservoir Company & North Fork Associates. The augmentation sources include Soda Lakes, the Warrior/Harriman Ditch, and Meadowview Reservoir, all of which are located downstream of the property. Applicant is claiming an Appropriative Right of Exchange for operation of the augmentation plan.

CWCB Appropriation

The CWCB holds the following instream flow water rights that could be injured by this application:

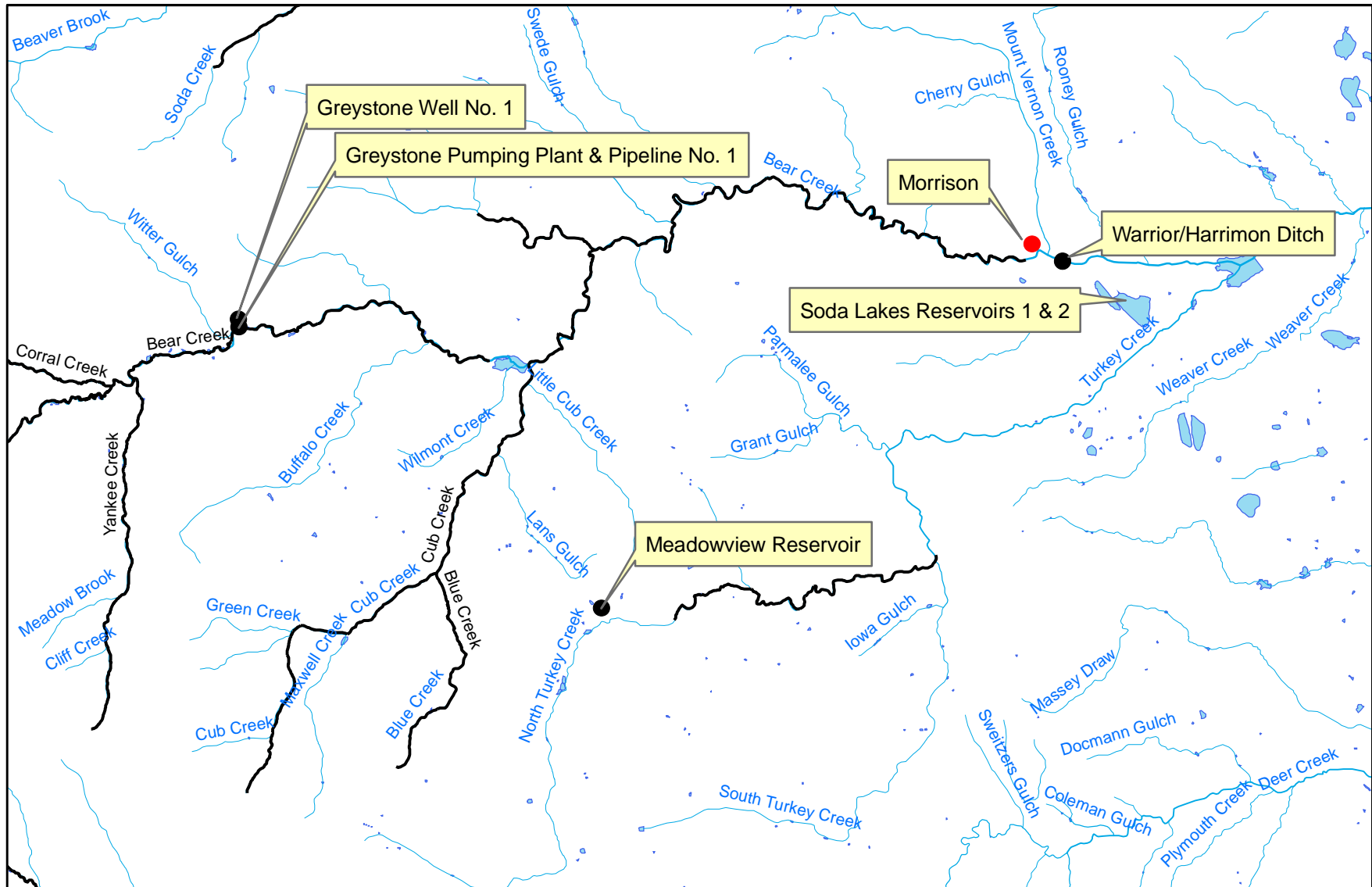
CWCB Case No.	Stream/Lake	Amount (cfs)	Approp. Date	Watershed	County
1-94CW258	Bear Creek	10/5	9/13/94	Upper S. Platte	Jefferson
1-94CW259	Bear Creek	10/5	9/13/94	Upper S. Platte	Jefferson
1-94CW260	Bear Creek	15/7	9/13/94	Upper S. Platte	Jefferson

Potential for Injury

The Board's water rights could be injured if development on the new lots exceeds historic uses on the property. Applicants must document and quantify historic diversions from their existing structures to ensure there is no expansion of use. Additionally, the proposed plan for augmentation and exchange could injure the Board's water rights if depletions are not fully replaced.

Other Objectors

Statements of Opposition were also filed by Foothills Park & Recreation District and the Town of Morrison.



January 27-28, 2009 Board Meeting
 Consent Agenda Item 1a; Statement of Opposition
 Case No. 1-08CW243; Richard & Pamela Bard

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 Miles