

Summary

This is an application for a change of water rights in Eagle and Summit Counties. Applicant is proposing to change the type of use, place of use and points of diversion for the Brett Ditch and the Creamery Ditch. The type of use was previously quantified and changed to domestic, municipal (including fire protection), commercial, irrigation, stockwatering, recreation, by augmentation, storage, exchange, and any beneficial use. The new added uses include mechanical, manufacturing, piscatorial, aesthetic, sewage treatment, mechanical, manufacturing, street sprinkling and the watering of parks, lawns and grounds, directly or by augmentation and exchange. No plan for augmentation or request of appropriative right of exchange is included in the application. Applicant requests the court to confirm its place of use as the entire service areas of the Authority and the District (subject of pending litigation in 08CW145), or in the alternative change the place of use to the entire service areas, as the areas may from time to time be expanded. Applicant requests the points of diversions to be changed to include eight additional alternate points of diversion.

CWCB Appropriations

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

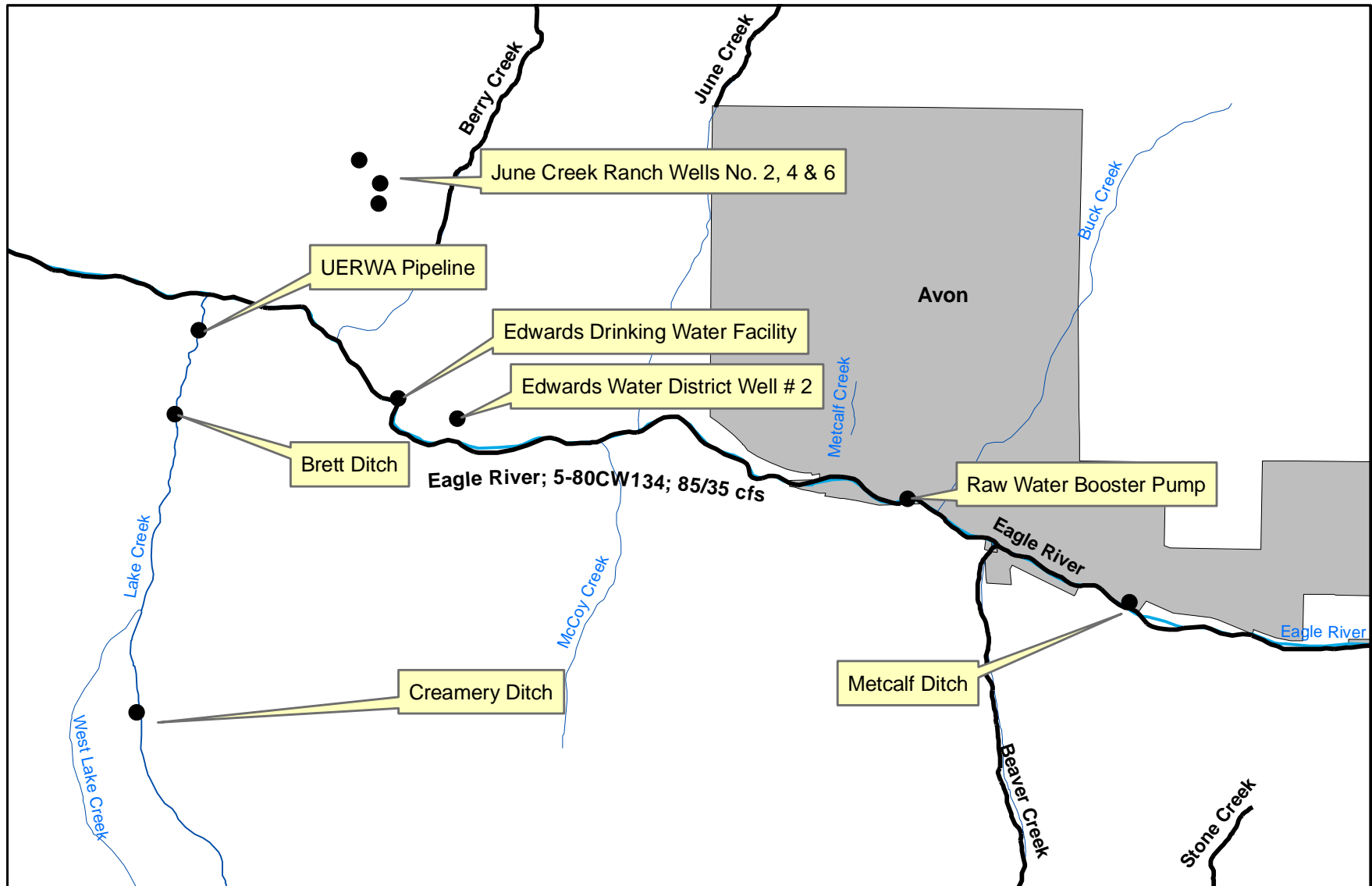
CWCB Case No.	Stream/Lake	Amount (cfs)	Approp. Date	Watershed	County
5-80CW134	Eagle River	85/35	3/17/1980	Eagle River	Eagle
5-80CW126	Eagle River	110/45	3/17/1980	Eagle River	Eagle
5-80CW124	Eagle River	130/50	3/17/1980	Eagle River	Eagle

Potential for Injury

The Applicant's proposed change of water rights may result in an expansion of use which could injure the Board's instream flow water rights.

Other Objectors

Other objectors include the Calhoun Family Partnership, Grand Valley WUA, Homestake Partners, Kensington Partners, Lake Creek Metro District, Orchard Mesa Irrigation District, Town of Minturn Traer Creek Metro District, and the State and Division Engineers.



January 26-27, 2010 Board Meeting
 Consent Agenda Item 1b; Statement of Opposition
 Case No. 5-09CW160; Upper Eagle Water Authority

0 0.5 1 2 Miles

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