

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Linda Bassi, Chief
Kaylea White
Stream and Lake Protection Section

DATE: July 3, 2013

SUBJECT: **Consent Agenda Item 3, July 16-17, 2013 Board Meeting**
Stream and Lake Protection – Case No. 5-11CW152: Application of City and County of Denver acting by and through its Board of Water Commissioners, Board of Commissioners for the County of Grand, Colorado and Colorado Water Conservation Board - Ratification of Amended Application

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

James Eklund
CWCB Director

Introduction

CWCB, Denver Water and Grand County filed the original water court application in Case No. 5-11CW152 on November 23, 2011. The water court application is to adjudicate the instream flow acquisition that CWCB accepted at its November, 2011 Board meeting, in which Denver Water, Grand County and CWCB entered into a Water Delivery Agreement. Under that agreement, Denver water will provide up to 1,000 acre-feet to Grand County and CWCB for instream flow use in the Fraser and Williams Fork River basins. In a separate but related agreement, Denver Water entered into a water delivery agreement with various Grand County Water Users for delivery of up to 350 acre-feet ("375 Water"), which was also part of the water court application. However, upon finalizing individual agreements with the Grand County Water Users as part of the broader Colorado River Cooperative Agreement ("CRCA"), Denver Water found it necessary to amend the water court application for consistency with those agreements. The First Amended Application was filed on May 31, 2013. Board action is requested.

Staff Recommendation

Staff recommends that the Board ratify the Director's decision to file the First Amended Application submitted in this case on May 31, 2013.

Background

The main purpose of the amendment is to further clarify the amount, extent of diversions, and operation of the 375 Water, which Denver Water will deliver to Grand County Water Users. The application need to clarify that of the 375 Water, Denver Water has agreed that up to 100 acre feet of the water is consumptive use water available annually for snowmaking with a 5 to 1 ratio of delivery to consumption. To implement the CRCA snowmaking

diversion to consumption ratio of up to 5 to 1, the Winter Park Recreational Association may divert directly from Denver's collection system up to 500 acre feet of water annually for snowmaking purposes. In order to divert this water, Denver Water will replace up to 500 acre feet each winter season from Williams Fork Reservoir. As a result, the 375 Water may actually consist of up to 775 acre feet of water in total delivered and/or diverted from Denver Water's Fraser River Diversion Project, Williams Fork Collection System, and Moffat Tunnel Collection System with subsequent recapture of 400 acre feet and net diversions of 375 acre feet.

The amendment to the application should not affect the instream flow acquisition. However, CWCBC may negotiate protective terms and conditions as the case moves through the water court process.