

### **Background**

The application in this matter seeks surface water rights for three Recreational In-Channel Diversions (RICDs) on the Colorado River located in and upstream of the City of Glenwood Springs.

The three RICDs that the City of Glenwood Springs is seeking are for No Name Whitewater Park, the Horseshoe Bend Whitewater Park, and the Two Rivers Whitewater Park. The reaches for each RICD are shown on the map attached. Each RICD is proposed to operate from April 1<sup>st</sup> to September 30th of each year at the following flow rates:

<b>TIME PERIOD</b>	<b>FLOW RATE (in cfs)</b>
Apr. 1- Apr. 29	1250
Apr. 30- May 10	2500*
May 11-July 6	4000*
July 7-July 23	2500*
July 24- Sep. 30	1250

\* up to 5 days of event flows at a rate of 4000 c.f.s. between May 11 and July 6, with the remainder of days between April 30 and July 23 not to exceed 2500 c.f.s.

### **Public Deliberation**

The Board ratified the statement of opposition (SOP) that was filed by Staff and the Attorney General's Office in this case at the March 2014 Board Meeting. Subsequently, the Applicant has requested in the attached letter that the Board's public deliberation in this matter be postponed until the Board's January 2015 meeting. The Applicant is requesting this postponement to allow time for negotiations with the objectors' in this case.

Statute [37-92-102(6)(c), C.R.S.] requires the Board to submit its findings of fact to the water court within 90 days after SOPs filings are due. However, the Board, may request that the water court grant additional time for good cause.

### **Staff Recommendation**

The Staff recommends that the Board postpone the public deliberation in this matter to its January 2015 meeting and also direct Staff and the Attorney General's Office to file a motion with the water court requesting an extension of time for submittal of findings of fact in this matter until after the January 2015 meeting.

Attachment:  
Letter from Applicant

March 19, 2014

**VIA E-MAIL AND US MAIL**  
[Suzanne.sellers@state.co.us](mailto:Suzanne.sellers@state.co.us)

Colorado Water Conservation Board  
c/o Ms. Suzanne Sellers  
1313 Sherman Street, Room 721  
Denver CO 80203

**Re: Case No. 13CW3109 - Glenwood Springs RICD**

Dear Suzanne:

We appreciate Colorado Water Conservation Board ("CWCB") staff taking time to meet with us prior to the filing of Glenwood Springs' RICD application. As we discussed in your office last fall, and in subsequent phone conversations, Glenwood would like to take some additional time to pursue negotiations on this matter with the various objectors (which include several Front Range water suppliers), and to work with CWCB staff on trying to explain and resolve issues/questions, prior to moving forward with a formal CWCB board meeting.

As you have experienced in other recent RICD applications, it seems that objector negotiations can potentially affect issues that the CWCB is required to consider. As such, you suggested that we send a letter formally requesting that the CWCB postpone consideration of Glenwood Springs' RICD application to a future board meeting. Given the number of participants in this case, and based upon our discussions with the CWCB staff to date, we suggest that this matter be postponed until the CWCB's January 2015 board meeting. If this schedule is acceptable to the Board, please let this letter serve as confirmation that Glenwood Springs has agreed to join in a motion to the Division 5 Water Court for an extension for the CWCB to submit its written findings to an appropriate date after the January 2015 meeting.

Thank you for your consideration. Glenwood Springs looks forward to continuing to work with the CWCB, as this matter progresses.

Sincerely,



Christopher L. Thorne  
Mark E. Hamilton  
of Holland & Hart LLP

cc: City of Glenwood Springs  
Susan Schneider, Esq.

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