

Summary of Water Court Application

The Applicant, c/o US Air Force, requests a plan for augmentation including exchange to augment three on-channel lakes in El Paso County with downstream non-tributary groundwater from the Arapahoe Aquifer. CWCB and Applicant attempted to resolve issues without filing a Statement of Opposition, but were unable to reach final agreement before the end of the time period in which to file. In the process of the early negotiations, Applicant consented to a Motion to Intervene if final terms could not be reached in time.

Staff Recommendation

Staff requests ratification of the Motion to Intervene and Statement of Opposition filed to protect CWCB's instream flow water rights.

Attorney

The Attorney assigned to this case is Patrick Kowaleski, who can be contacted at Patrick.Kowaleski@state.co.us.

CWCB Instream Flow Water Rights

The CWCB holds the following instream flow water right(s) that could be injured by this application:

CWCB Case No.	Stream	Upper Terminus	Lower Terminus	Rate cfs	Timing	Approp. Date	Watershed
2-80CW077	South Beaver Creek	Rainbow Lake outlet	confl. North Beaver Creek	2	1/1-12/31	5/7/1980	Fountain Creek

Potential for Injury

- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.

Other Objectors

Statements of Opposition were filed by City of Colorado Springs, Forest Lake Metropolitan District, and the Town of Monument.

