

### **Summary of Water Court Application**

Applicant seeks to change Howard Ditch shares from irrigation to several uses at the upstream ski resort by direct flow or storage.

### **Staff Recommendation**

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

### **CWCB Instream Flow Water Rights**

The CWCB holds both acquired and appropriated instream flow water rights that could be injured by this application, including the following:

CWCB Case No.	Stream	Rate cfs	Timing	Appropriation Date	Watershed
1-80CW379	South Boulder Creek	2 to 15	(10/1-4/30) (5/1-9/30)	12/21/1980	St. Vrain
1-78W9375	Middle Boulder Creek	12	1/1-12/31	7/11/1978	St. Vrain
1-87CW285	Jenny Creek	1	1/1-12/31	12/11/1987	St. Vrain
1-74W7636 1-79CW308 1-94CW18	Boulder Creek	1 to 15	Varies based on reach	Varies from 1862 to 1992	St. Vrain
1-90CW193	South Boulder Creek	0.45 to 15	Varies based on Reach	Varies from 1859 to 1928	St. Vrain

### **Potential for Injury**

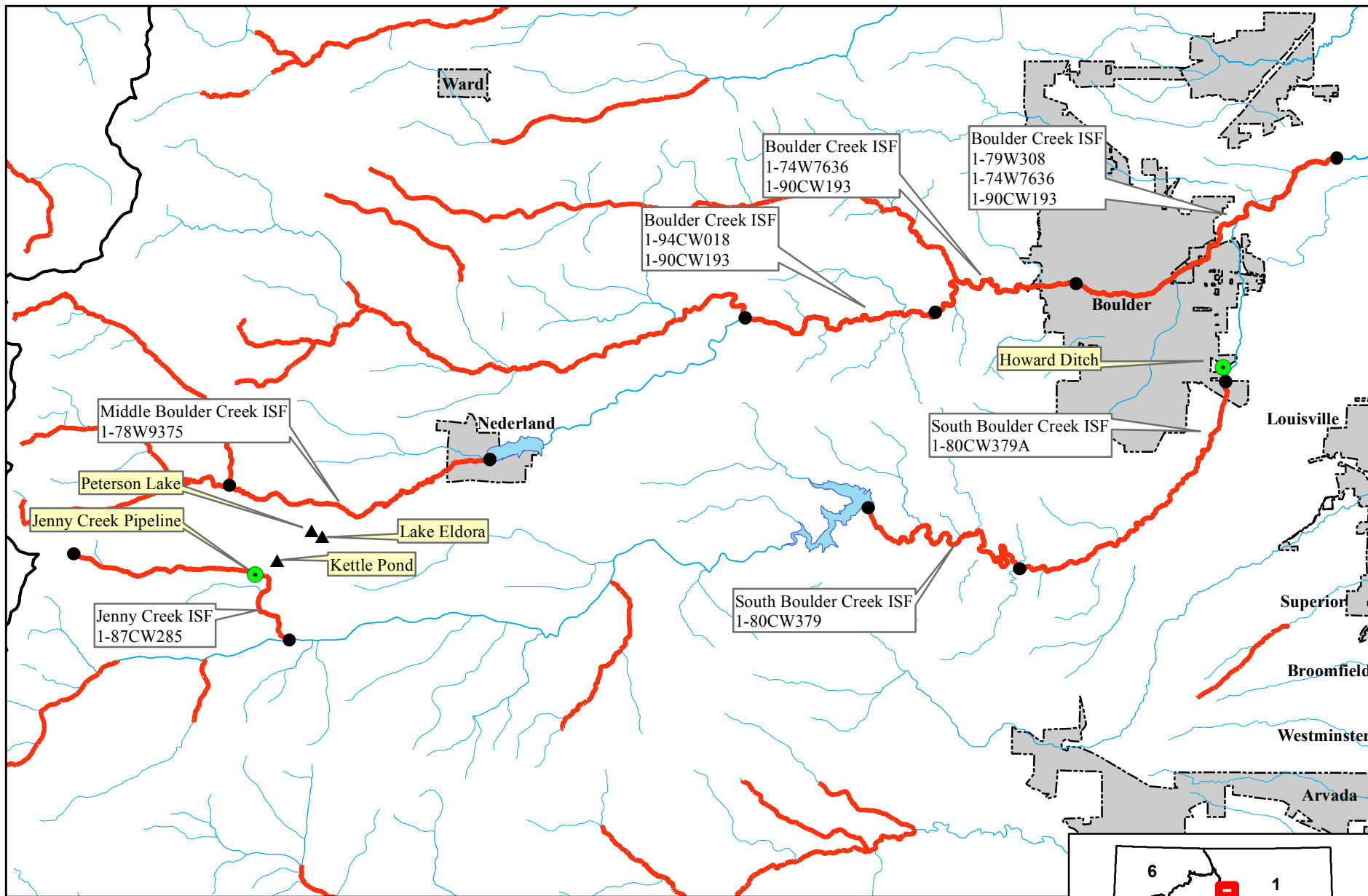
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The requested upstream move of a point of diversion for Applicant's senior water right could injure the intervening instream flow water right.

### **Other Objectors**

Statements of Opposition were also filed by City of Louisville, City and County of Denver acting by and through its Board of Water Commissioners, City of Lafayette, and City of Boulder.

### **CWCB Attorney**

The Attorney assigned to this case is Jennifer L. Mele, who can be contacted at [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov), or 720-508-6282.



May 18-19, 2016 CWCB Board Meeting  
 Consent Agenda Item 1a: Statement of Opposition  
 Case No. 1-16CW3015: Eldora Enterprises LLC

0 1 2 4 Miles

