

Case No. 16CW3040 (Water Division 5); Everist Materials, LLC and the Town of Silverthorne

Summary of Water Court Application

Applicants seek to change several water rights to alternate points at wells along the Blue River. Applicants seek an appropriative right of exchange for treated wastewater up to some of the wells along the Blue River. Applicants propose to replace some of thier historical return flow obligations from various sources including Green Mountain and Wolford Reservoirs. No specific exchanges are claimed for this use of downstream replacement water.

Staff Recommendation

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

The CWCB holds the following instream flow water right(s) in the Blue River Watershed, in Water Division 5, that could be injured by this application:

| CWCB Case Number | Stream | Upper Terminus | Lower Terminus | Rate/Timing (cfs) | Approp. Date |
|---------------------|-----------------------|---------------------------|-------------------------|--|-----------------|
| 77W3638 | Willow Creek | confl S Willow Creek | confl Blue River | 4 (1/1 - 12/31) | 01/19/197 7 |
| 77W3641 | North Willow Creek | headwaters in vicinity | Confl S Willow Creek | 3 (1/1 - 12/31) | 01/19/197 7 |
| 87CW0294 | Blue River | confl Straight Creek | confl Willow Creek | 50 (10/1 - 4/30) 55 (5/1 - 7/31) 52 (8/1 - 9/30) | 10/02/198 7 |
| 87CW0295 | Blue River | confl Willow Creek | confl Rock Creek | 58 (10/1 - 3/31) 75 (4/1 - 9/30) | 10/02/198 7 |

Potential for Injury

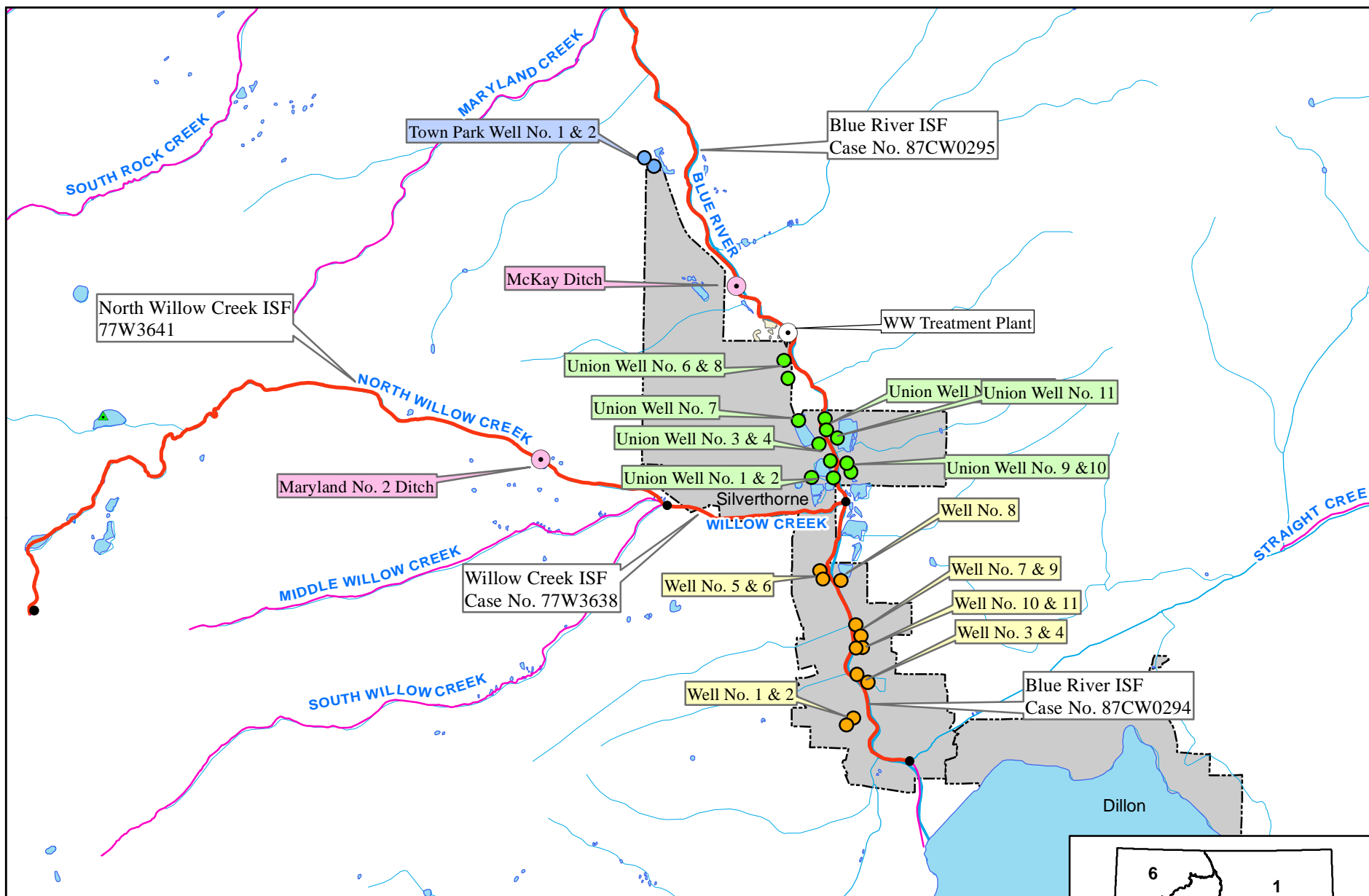
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- The proposed change of water rights could cause an expansion of use, which could injure the CWCB's instream 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.
- The proposed change in places of storage and points of diversion to upstream locations could injure the CWCB's instream flow water rights.

Other Objectors

Statements of Opposition were filed by the City and County of Denver, acting by and through its Board of Water Commissioners, the City of Colorado Springs, The Gary Land Company, LLC, and the Town of Dillon.

Attorney

The Attorney assigned to this case is Patrick Kowaleski, who can be contacted at patrick.kowaleski@coag.gov, or 720-508-6297.



September 21-22, 2016 CWC Board Meeting
 Consent Agenda Item 1f: Statement of Opposition
 Case No. 16CW3040 (Water Division 5)
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