

Consent Agenda Item 1.a

January 23-24, 2017 Board Meeting

Case No. 16CW3090 (Water Division 5); Powderhorn Ski Company, LLC

Summary of Water Court Application

Applicant seeks a change of winter water rights (October-March) to include an alternate point of diversion, new place of use, and new types of use via direct flow or storage. Applicant also seeks approval of a plan for augmentation with exchange using the changed water right as a source of augmentation in Case No. 86CW015.

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 the following instream flow water right(s) in the Colorado Headwaters-Plateau Watershed that could be effected by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
85CW0637 (Div. 5)	Mesa Creek	confl Unnamed Tributary	hdgt Mesa Creek Ditch	2.5 (1/1 - 12/31)	11/08/1985
85CW0637 (Div. 5)	Mesa Creek	confl Big Beaver Creek	hdgt Mason & Eddy	2.5 (1/1 - 12/31)	11/08/1985
86CW0226 (Div. 5)	Plateau Creek	confl Grove Creek	confl Colorado River	16 (1/1 - 12/31)	03/14/1986

Potential for Injury

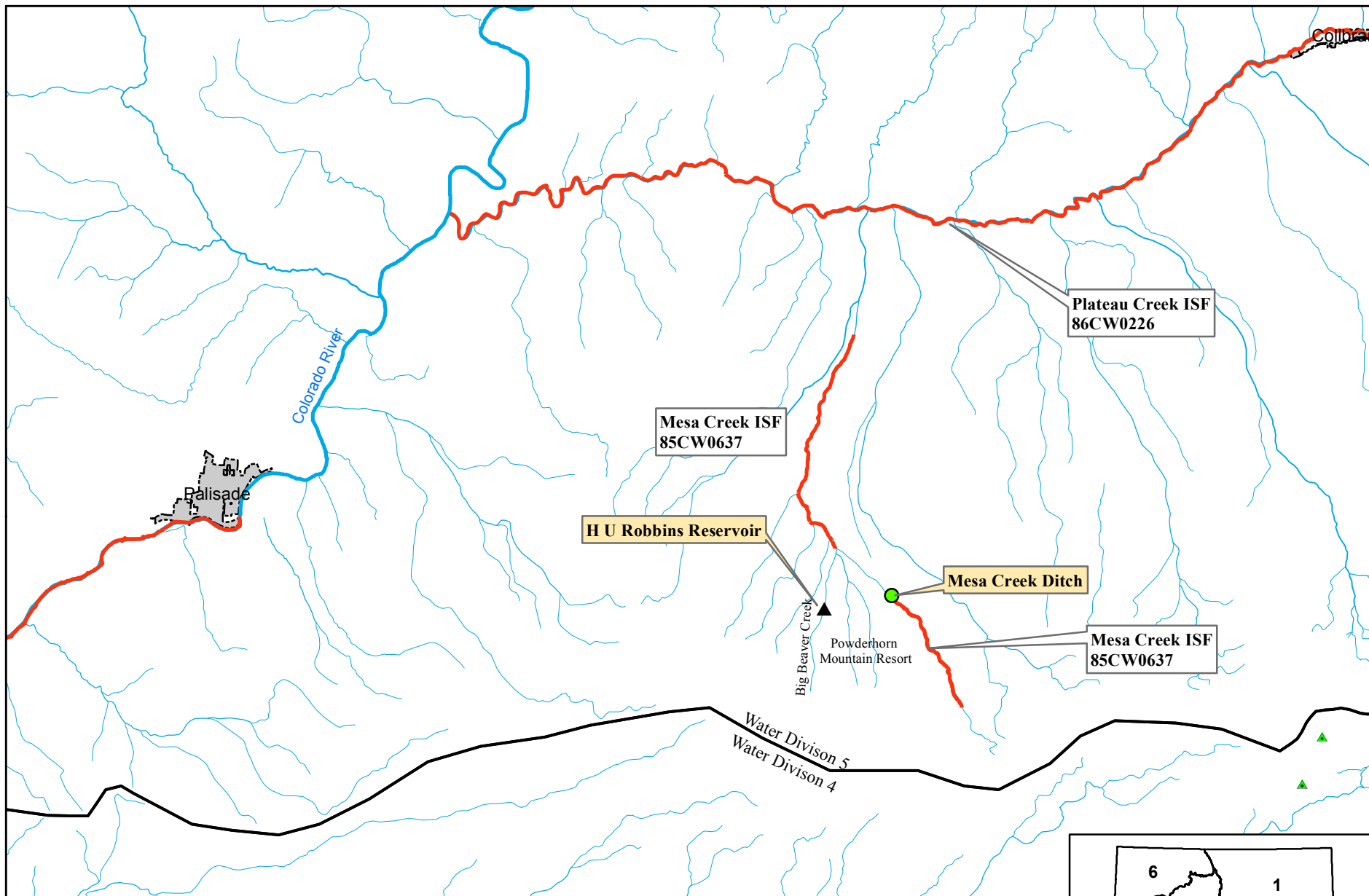
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- 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.

Other Objectors

Statements of Opposition were filed by Ute Water Conservancy District, acting by and through the Ute Water Activity Enterprise; Tom Kirkpatrick; Andrea Clark; and Dana Black.

Attorney

The Attorney assigned to this case is Jennifer Mele, who can be contacted at jennifer.mele@coag.gov, or 720-508-6282.



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