

Consent Agenda Item 1.I

March 22-23, 2017 Board Meeting

Case No. 16CW3144 (Water Division 5): Vail Summit Resorts Inc.

Summary of Water Court Application

The Applicant seeks changes of water rights for wells and an infiltration gallery, as well as amendments to augmentation plans pursuant to several consolidated and unconsolidated cases.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition in this case to protect CWCB's instream flow water rights. A Statement of Opposition was filed on behalf of the Board in January 2017.

The CWCB holds the following instream flow water rights in Water Division 5 in the Blue River Watershed that could be injured by this application as follows:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
86CW0204	Blue River	pond 5200' u/s Swan River	confl Swan River	10 (11/1 - 4/30) 20 (5/1 - 10/31)	03/14/1986
86CW0217	Blue River	confl Swan River	confl Dillon Reservoir	16 (11/1 - 4/30) 32 (5/1 - 10/31)	03/14/1986

Potential for Injury

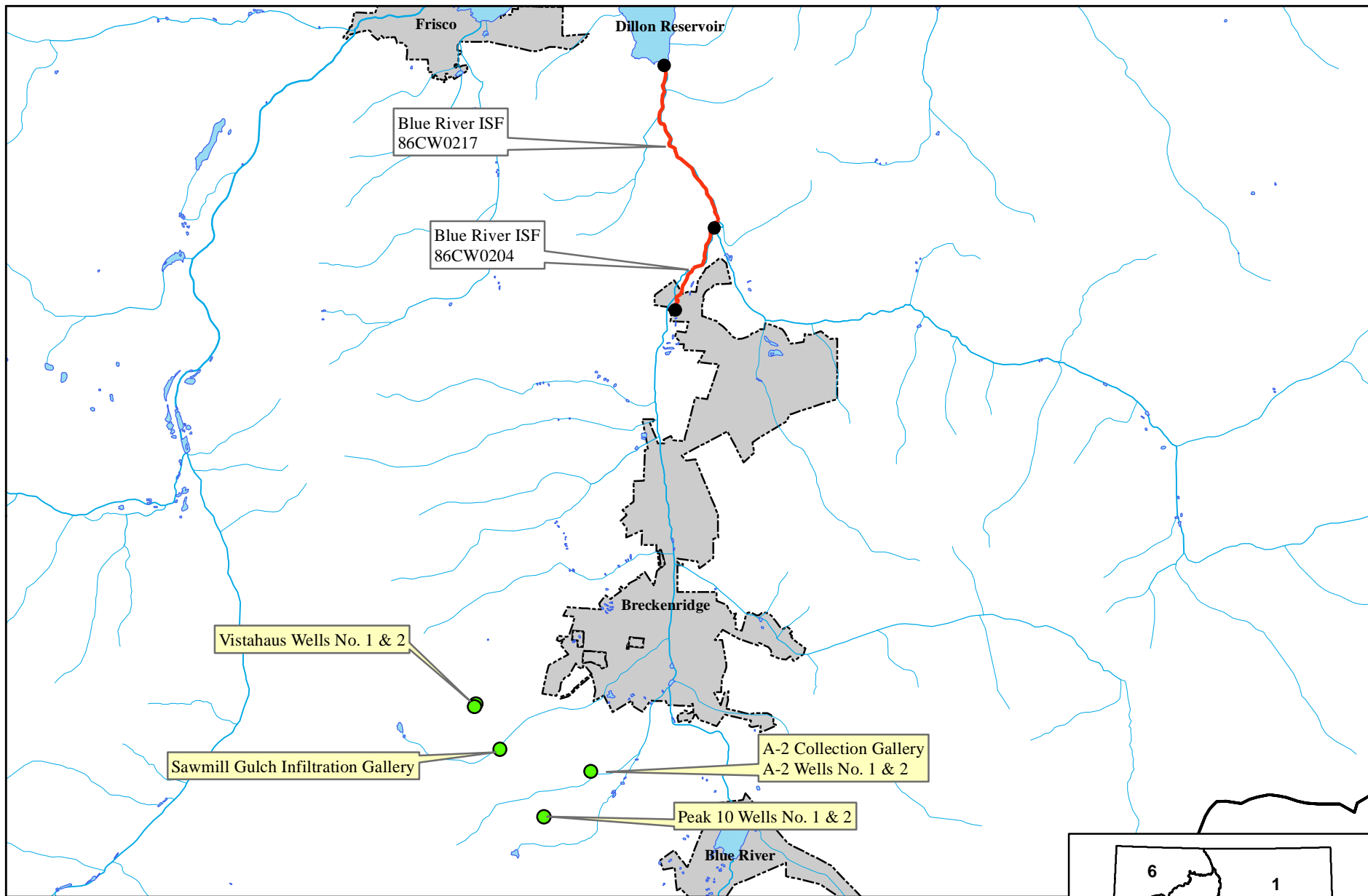
- The proposed plan for augmentation may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The proposed change could cause an expansion of use of the contemplated draft of the conditional rights being changed.

Other Objectors

No other Statements of Opposition were filed.

Attorney Representing CWCB

Jeffrey N. Candrian, Assistant Attorney General, is assigned to this case and can be contacted at jeffrey.candrian@coag.gov, or 720-508-6307.



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