

Consent Agenda Item 1.n

March 22-23, 2017 Board Meeting

Case No. 16CW3169 (Water Division 5): Powdr- Copper Mountain, LLC

Summary of Water Court Application

The Applicant requests a plan for augmentation and exchange for additional un-decreed diversions of both groundwater and surface water up to 245.5 acre -feet per year for snowmaking use. This will increase Powdr's total snowmaking diversion capability to 775.5 AF of water annually. Powdr is already authorized to divert 530 AF of water annually for snowmaking use under the decrees entered in Cases No. 92CW292 (343 AF) and 10CW115 (187 AF). Augmentation would occur in accordance with the Clinton Reservoir-Fraser River Water Agreement dated July 21, 1992 ("Clinton Agreement").

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 February 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
86CW0205	West Tenmile Creek	confl Union Gulch	confl Tenmile Creek	2 (10/1 - 3/31) 5 (4/1 - 9/30)	03/14/1986
86CW0209	Tenmile Creek	confl West Tenmile Creek	confl Dillon Res	7 (10/1 - 3/31) 10 (4/1 - 9/30)	03/14/1986
87CW0293-0299	Blue River	outlet Dillon Reservoir	confl Colorado River	Varies 50-125 (Varies during 1/1 - 12/31)	10/02/1987
05CW0264^	Blue River	confl Boulder Creek	inlet of Green Mtn. Reservoir	Varies 0.02-3.64 (5/1 - 10/31)	05/23/1904, 05/15/1915

^ Donated/Acquired Water Right

Potential for Injury

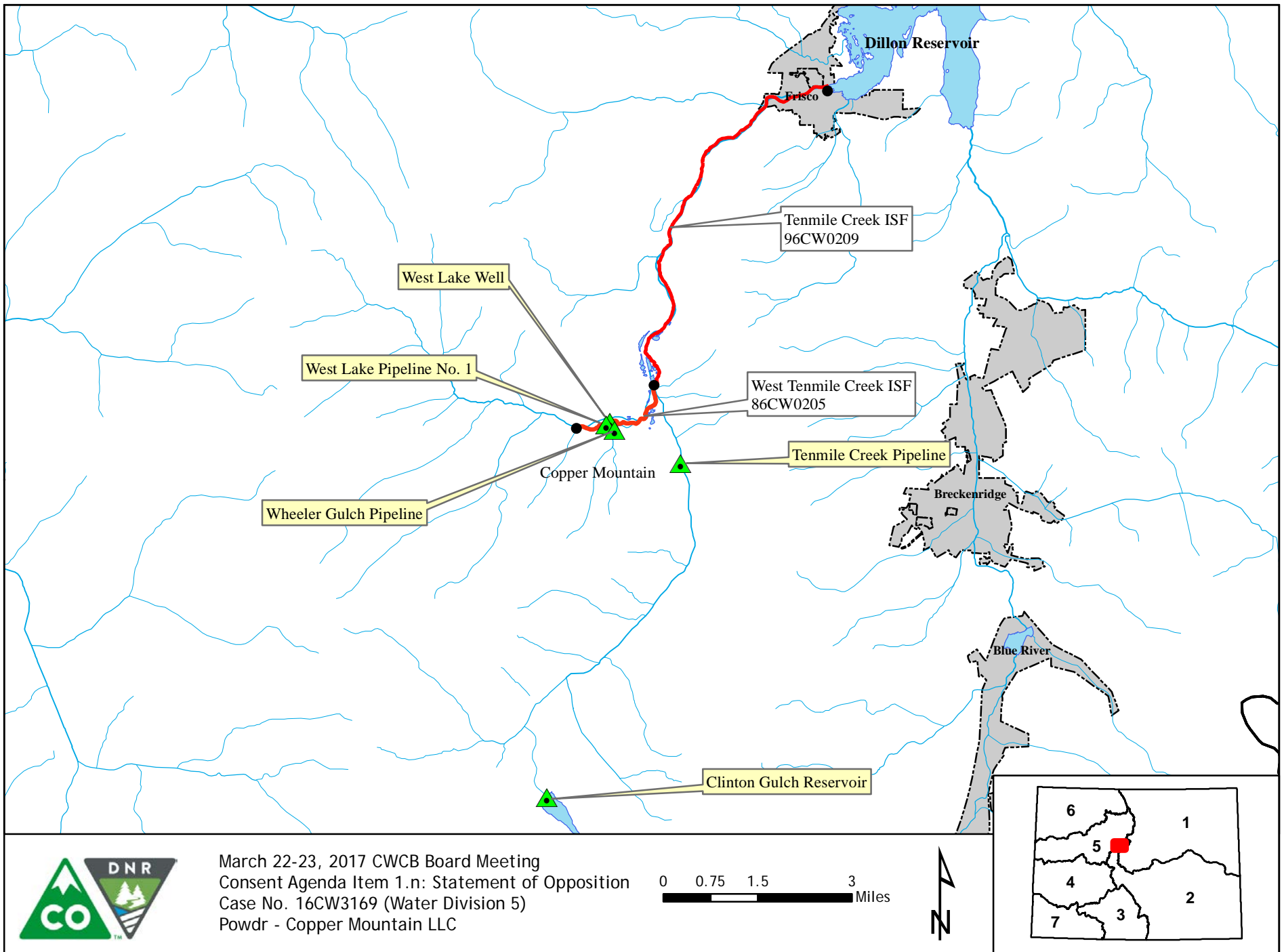
- The proposed appropriative rights of exchange should be defined clearly with a reference to intervening instream flow water rights that are senior to the proposed exchanges, so that the CWCB's instream flow water rights are not injured.
- The proposed plan for augmentation may not replace depletions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

Other Objectors

Statements of Opposition were also filed by the City and County of Denver Board of Water Commissioners, Copper Mountain Consolidated Metropolitan District, and the Town of Frisco.

Attorney Representing CWCB

Andrew Nicewicz, Assistant Attorney General, is assigned to this case and can be contacted at andy.nicewicz@coag.gov, or 720-508-6259.



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0 0.75 1.5 3 Miles

