

Consent Agenda Item 1.g

March 22-23, 2017 Board Meeting

Case No. 16CW3182 (Water Division 5): Eagle Springs Golf Club

Summary of Water Court Application

The Applicant requests amendment to an augmentation plan and an appropriative right of exchange.

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 Eagle Watershed that could be injured by this application as follows:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
80CW0126	Eagle River	confl Lake Creek	confl Brush Creek	45 (10/1 - 4/30) 110 (5/1 - 9/30)	03/17/1980
80CW0124	Eagle River	confl Brush Creek	confl Colorado River	50 (10/1 - 4/30) 130 (5/1 - 9/30)	03/17/1980

Potential for Injury

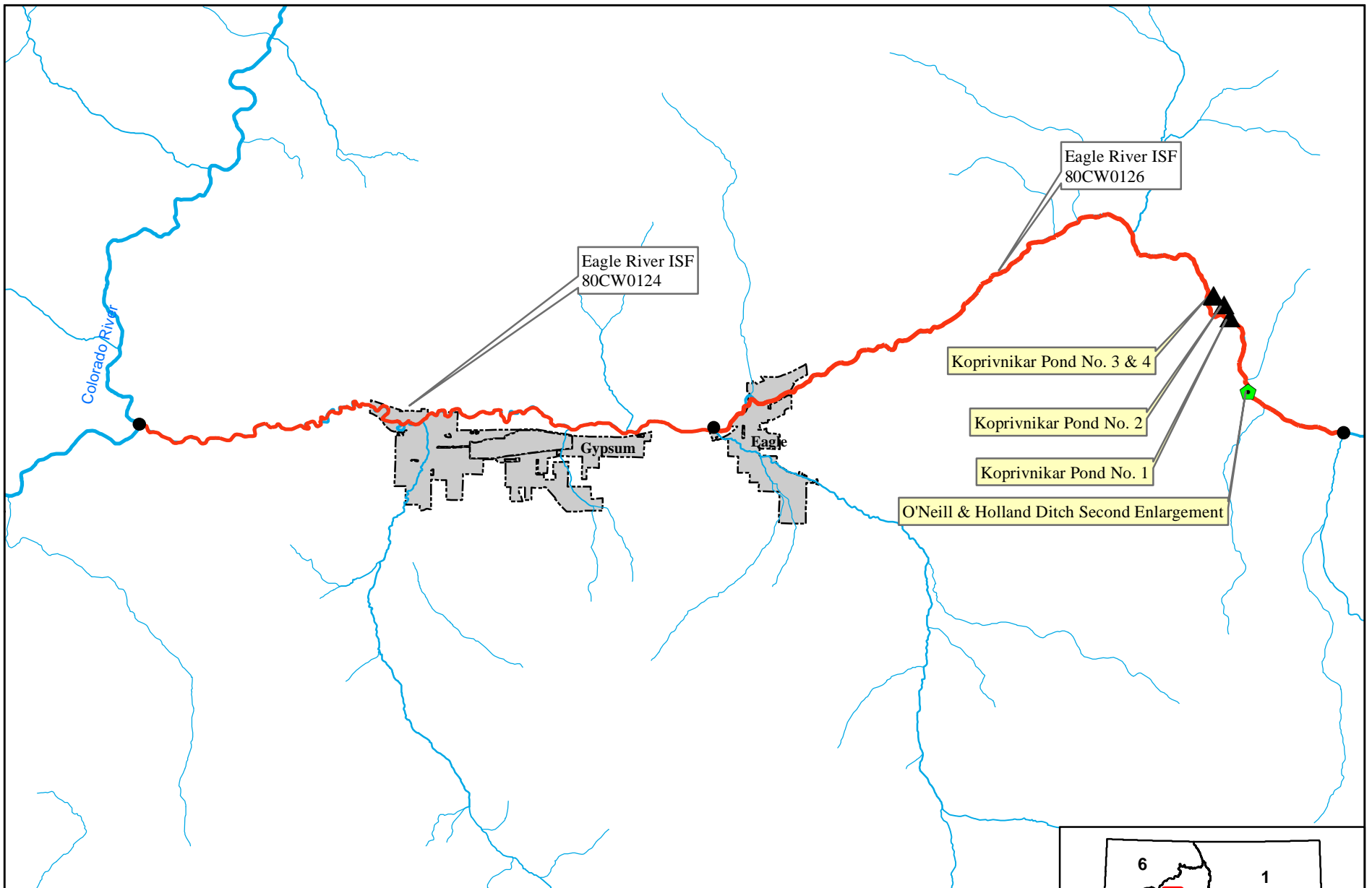
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The diversion of 3 cfs to fill four ponds might be operated as a flow through water right, which could injure the CWCB's instream flow water right because it is fully depletive to a segment of the intervening instream flow.

Other Objectors

A Statement of Opposition was filed by the Eagle County School District RE-50J.

Attorney Representing CWCB

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at jennifer.mele@coag.gov, or 720-508-6282.



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 Consent Agenda Item 1.q: Statement of Opposition
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