



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

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**TO:** Colorado Water Conservation Board Members

**FROM:** Rebecca Mitchell, Chief, Water Supply Planning Section  
Suzanne Sellers, Interstate, Federal & Water Information Section

**DATE:** May 17-18, 2017 Board Meeting

**AGENDA ITEM:** 19. Bear Creek Lake Reallocation Water Rights Application

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**Background:**

The Bear Creek Dam and Reservoir Project (aka "Bear Creek Lake") was completed in 1977 and is located on Bear Creek at its confluence with Turkey Creek, approximately 10 miles southwest of Denver, Colorado in Jefferson County. The project's active capacity is roughly 58,000 acre-ft [at the spillway crest] and is currently operated at a maximum priority storage volume of roughly 2,000 acre-ft. The CWCB currently holds existing rights for Bear Creek Lake decreed under Case Nos. 79CW306 (1989 acre-ft) and W-232 (2,000 acre-ft).

The U.S. Army Corps of Engineers ("the Corps") recently conducted a Reconnaissance Study [a Section 905 (b) (WRDA 86) Analysis] of Bear Creek Reservoir and determined that there is potential for an additional 20,000 acre-ft to be stored in Bear Creek Reservoir while maintaining the dam's flood control purpose.

At its March 2016 meeting, the Board declared its intent to appropriate a new 20,000 acre-ft storage water right for Bear Creek Lake.

**Staff Recommendation:**

The Staff recommends that the Board consider the confidential legal memo and recommendation by the Attorney General's Office regarding filing for the water right as discussed during the Executive Session. That recommendation is not listed here as it is attorney-client privileged.

**Discussion:**

At the March 2017 Board meeting, the Attorney General's Office briefed the Board in Executive Session on its recommendations for filing the water right. The Board requested that Staff bring back this topic during a public portion of its May meeting for consideration.

