

**Consent Agenda Item 1.a**

July 19-July 20, 2017 Board Meeting

Case No. 16CW3198 (Water Division 1); Four Mile Fire Protection District

**Summary of Water Court Application**

Applicant requests four water storage rights with flow-through diversions and approval of a plan for augmentation. Some of the claimed priority dates are senior to CWCB's intervening and downstream instream flow water rights.

**Staff Recommendation**

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

**CWCB Instream Flow Water Rights**

The CWCB holds the following instream flow water rights in Water Division 1 in the St. Vrain Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
74W7636	Boulder Creek	PSC Hydro Plant outfall	75th Street bridge	15 (1/1 - 12/31)	10/01/1973
90CW0193^	Boulder Creek	hdgt Farmers Ditch	75th Street bridge	12.17 (5/1 - 9/30)	10/01/1862
79CW0308^	Boulder Creek	hdgt Boulder & White Rk Ditch	75th Street bridge	1 (4/1 - 10/31)	06/01/1862
78W9376	Fourmile Creek	headwaters in vicinity	Forest Service boundary	3 (1/1 - 12/31)	07/11/1978
95CW0258	Fourmile Creek	Forest Service boundary	confl Boulder Creek	0.5 (9/16 - 3/31) 1.5 (4/1 - 9/15)	07/24/1995

^ Donated/Acquired Water Right

**Potential for Injury**

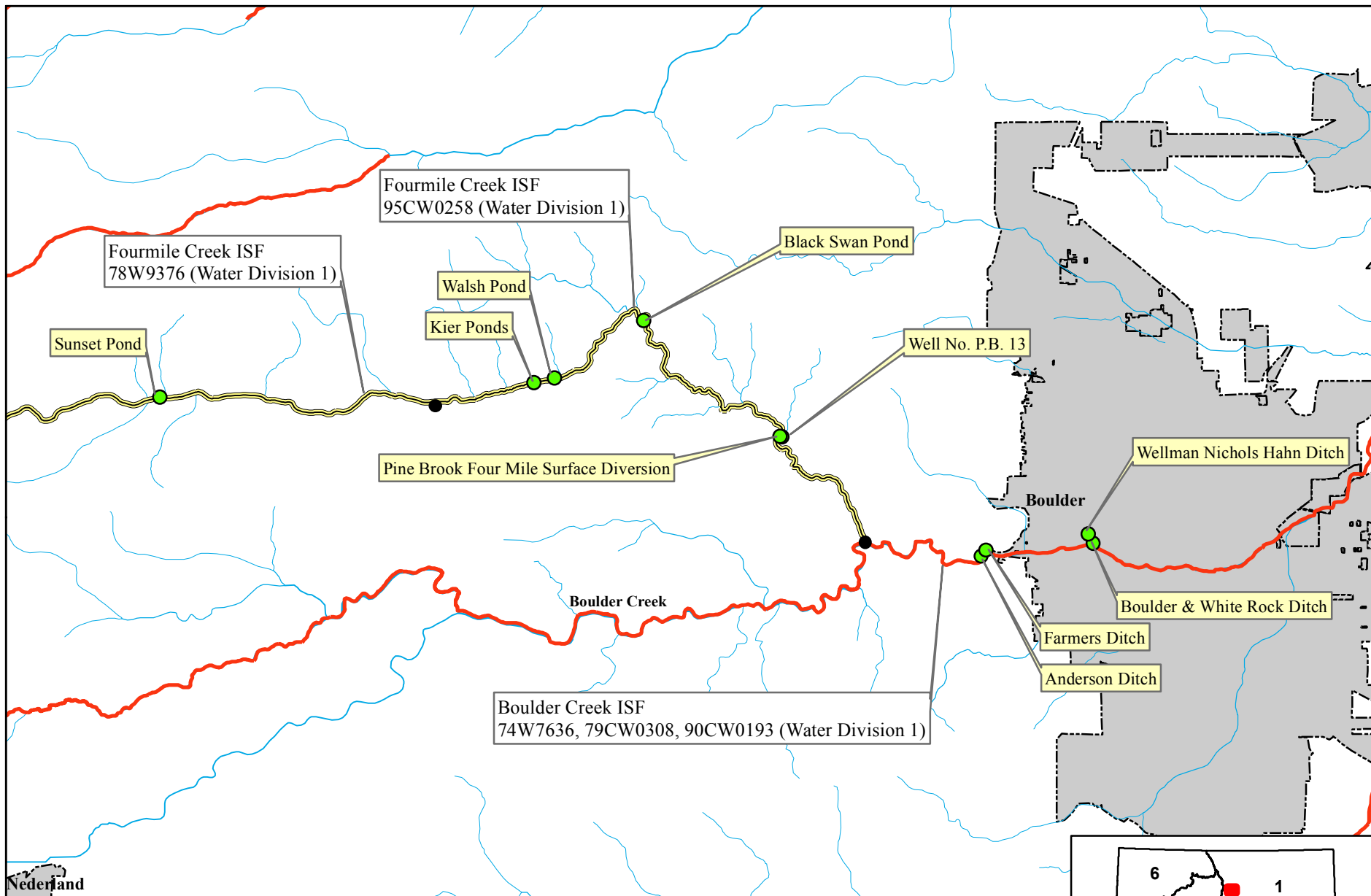
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed flow-through water right could injure the CWCB's instream flow water rights because it is fully depletive to a segment of the intervening instream flow.
- Some of the water rights are claimed with senior appropriation dates. The instream flow water rights might be subject to these water rights under C.R.S. 37-92-102(3)(b) if the new water rights are sufficiently documented.

**Other Objectors**

A Statement of Opposition was also filed by Pine Brook Water District.

**Attorney Representing CWCB**

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



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 Consent Agenda Item 1a: Motion to Intervene and  
 Statement of Opposition  
 Case No.16CW3198 (Water Division 1)  
 Four Mile Fire Protection District

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