

Consent Agenda Item 1.d

July 19-July 20, 2017 Board Meeting

Case No. 17CW3063 (Water Division 5); Copper Mountain Consolidated Metropolitan District

Summary of Water Court Application

Applicant requests a change of water right for a portion of a groundwater right to several alternate points of diversion. Such changed water right is to be augmented under an existing plan for augmentation.

Staff Recommendation

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

CWCB Instream Flow Water Rights

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:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
86CW0209	Tenmile Creek	confl West Tenmile Creek	confl Dillon Res	7 (10/1 - 3/31) 10 (4/1 - 9/30)	03/14/1986
86CW0205	West Tenmile Creek	confl Union Gulch	confl Tenmile Creek	2 (10/1 - 3/31) 5 (4/1 - 9/30)	03/14/1986

Potential for Injury

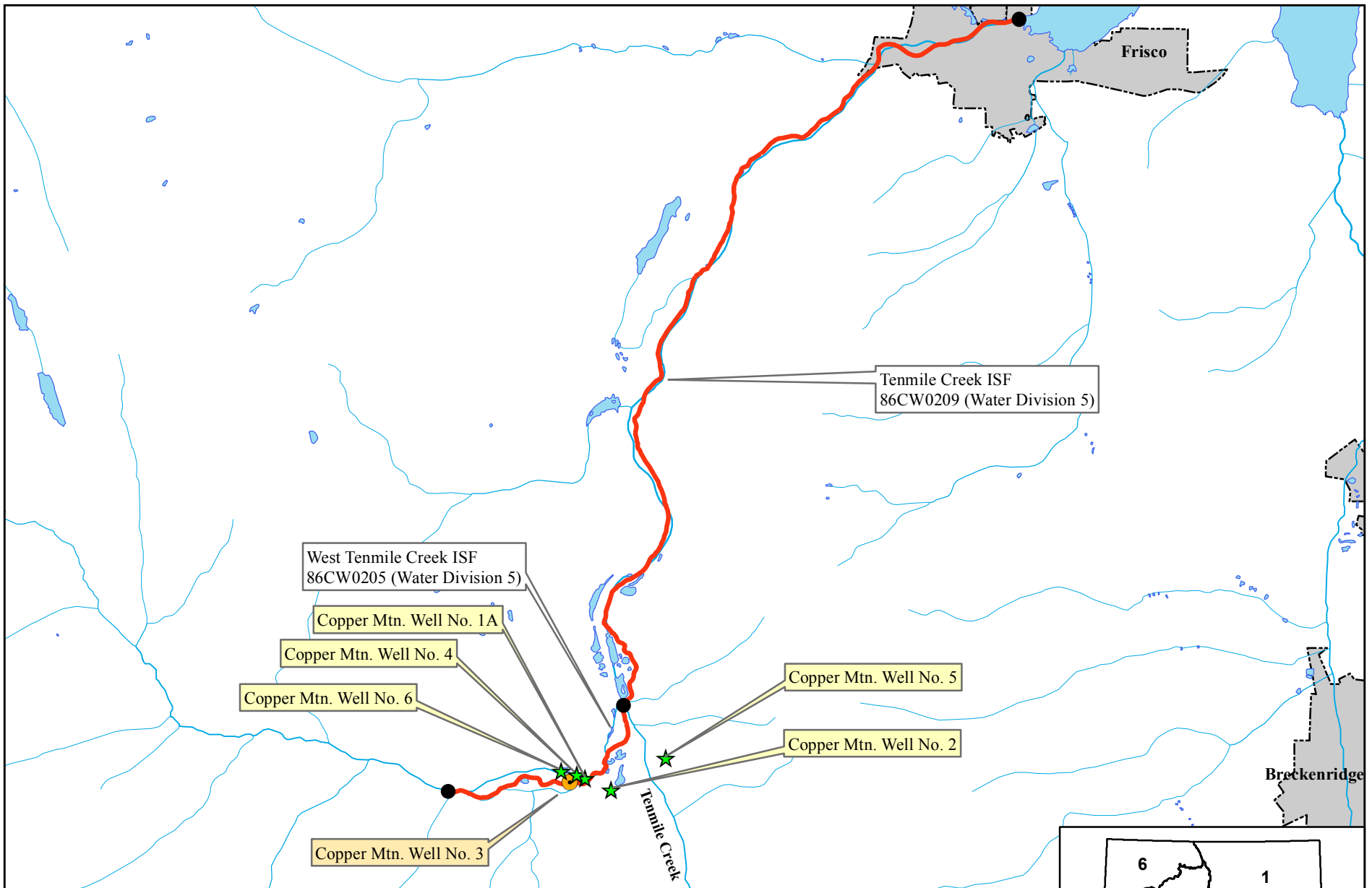
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place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

Other Objectors

Statements of Opposition were also filed by the City and County of Denver, Powder Copper Mountain LLC, 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 0.375 0.75 1.5
Miles

