

Consent Agenda Item 1.b

November 15-16, 2017 Board Meeting

Case No. 17CW3156 (Water Division 5); Mid Valley Metropolitan District

Summary of Water Court Application

Applicant requests approval of a plan for augmentation including exchange through instream flow reaches, changes of water rights, and alternate points of diversion for water rights that are senior to the instream flows.

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. A Statement of Opposition was filed on behalf of the Board in September 2017.

CWCB Instream Flow Water Rights

The CWCB holds water rights, including the following instream flow water rights in Water Division 5, in the Colorado Headwaters-Plateau and Roaring Fork Watersheds that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
92CW0286	Colorado River	tailrace Grand Valley Irr Co div	confl Gunnison River	581 (7/1 - 9/30)	03/05/1992
94CW0330*	Colorado River	27.5 Road Gage	confl Gunnison River	300 (7/1 - 9/30)	11/04/1994
85CW0639	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/08/1985

*94CW330 increases 92CW286 for a total flow of 881 cfs in that reach

Potential for Injury

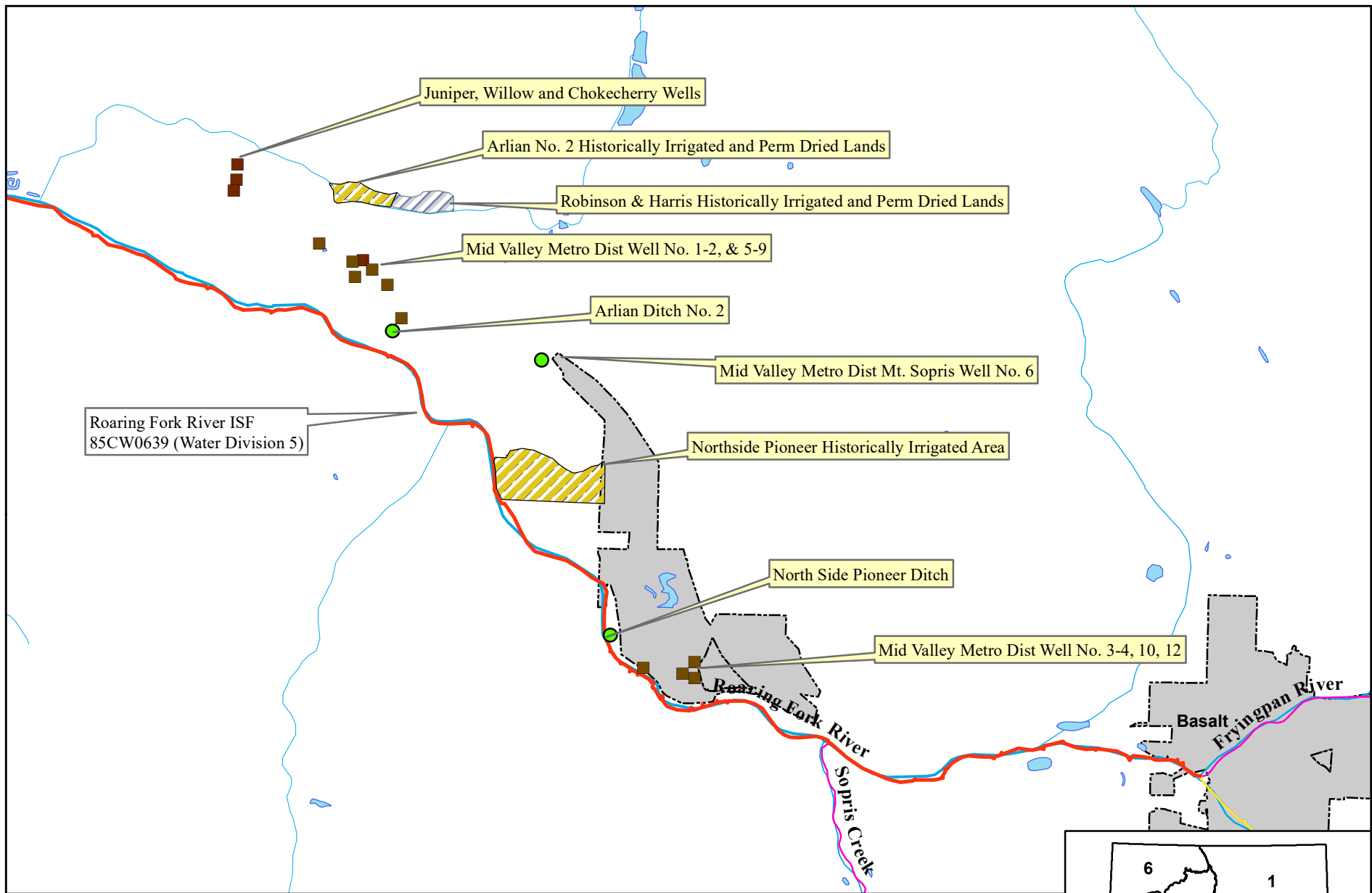
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return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

Other Objectors

Statements of Opposition were also filed by Blue Lake Owners' Association, Caerus Piceance LLC, Crawford Properties, LLC, and The Basalt Water Conservancy District.

Attorney Representing CWCB

Christopher Stork, Assistant Attorney General, is assigned to this case and can be contacted at christopher.stork@coag.gov, or 720-508-6039



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0 0.25 0.5 1 Miles

