

Consent Agenda Item 1.a

March 21- 22, 2018 Board Meeting

Case No. 16CW3160 (Water Division 1); City of Boulder

Summary of Water Court Application

This is an Amended and Restated Application for approval of conditional appropriative rights of substitution and exchange and conditional water storage right. The Amended Application includes instream flow use by CWCB under a future agreement.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2018 to protect CWCB's instream flow water rights and to protect CWCB's exclusive authority to hold instream flow water rights.

CWCB Instream Flow Water Rights

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

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
94CW0018	Boulder Creek	confl N & M Boulder Creeks	PSC Hydro Plant outfall	15 (4/1 - 10/31) 6 (11/1 - 3/31)	11/10/1993
90CW0193^	Boulder Creek	confl N & M Boulder Creeks	75th Street bridge	Varies from 1.07-2.23 (dates vary)	10/01/1860
74W7636	Boulder Creek	PSC Hydro Plant outfall	75th Street bridge	15 (1/1 - 12/31)	10/01/1973
78W9375	Middle Boulder Creek	confl NF & SF M Boulder Ck	inlet Barker Res	12 (1/1 - 12/31)	07/11/1978
94CW0020	North Boulder Creek	hdgt Silver Lake div structure	confl Lakewood Res inlet	4 (4/1 - 10/31) 1.5 (11/1 - 3/31)	11/10/1993
94CW0019	North Boulder Creek	confl Lakewood Res inlet	confl N & M Boulder Creeks	5 (4/1 - 9/30) 2 (10/1 - 3/31)	11/10/1993
80CW0379	South Boulder Creek	outlet Gross Res	USGS gage 06729500	15 (5/1 - 9/30) 6 (10/1 - 4/30)	12/02/1980
80CW0379	South Boulder Creek	USGS Gage 06729500	South Boulder Road bridge	2 (10/1 - 4/30) 15 (5/1 - 9/30)	12/02/1980
86CW0300	South Fork Middle Boulder Creek	confl Jasper Creek	confl NF Middle Boulder Creek	4 (10/1 - 3/31) 8 (4/1 - 9/30)	09/05/1986
95CW0257	Jasper Creek	Headwater	confl SF Middle Boulder Creek	1.0 (1/1 - 13/31)	12/11/1987

^ Donated/Acquired Water Right

Potential for Injury

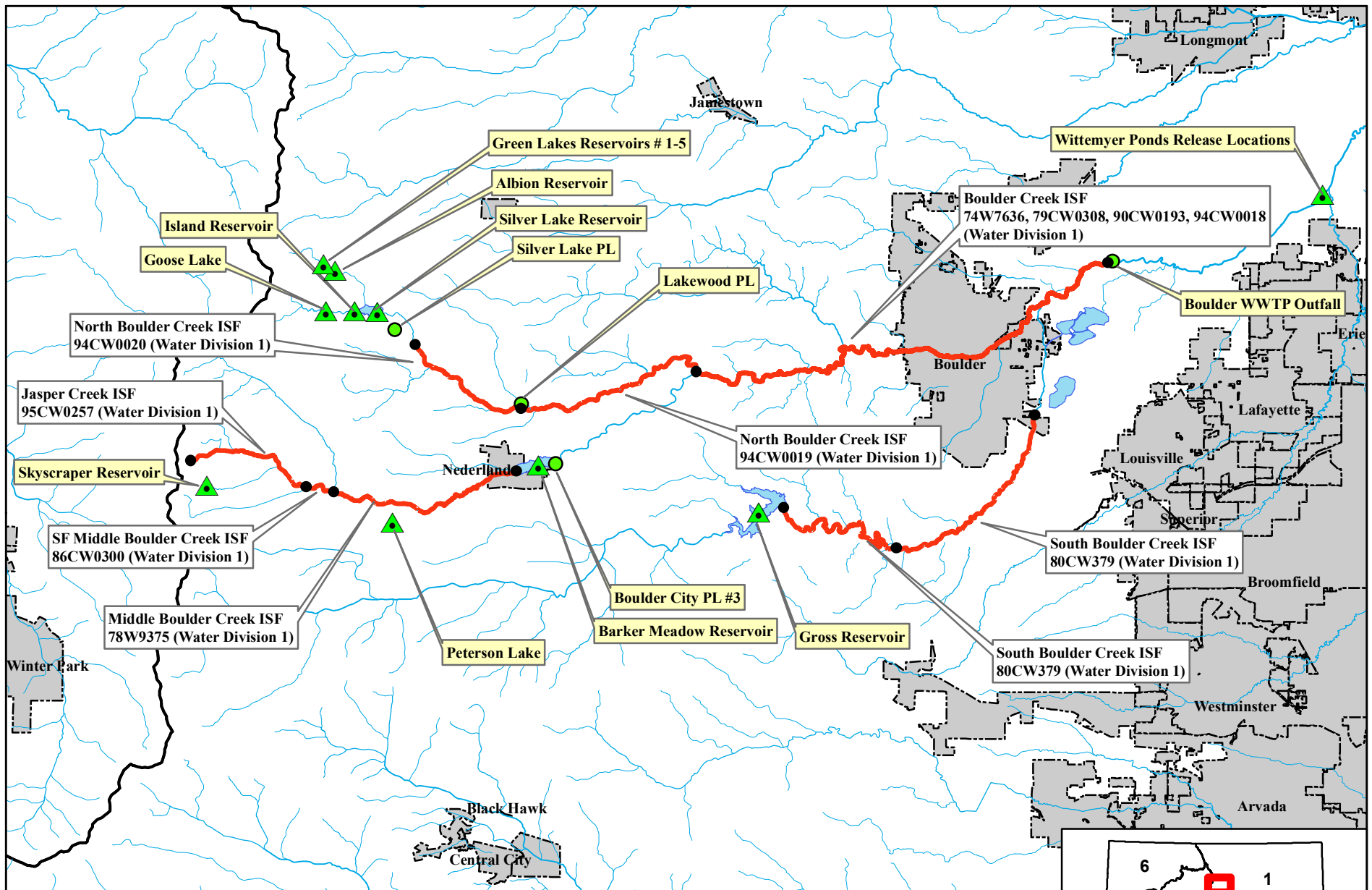
- CWCB has exclusive authority to hold instream flow water rights. The stored water right should not be used for instream flow absent an agreement with CWCB.
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- The extraterritorial use for the water rights cannot be evaluated because the type of use and the place of use are undefined. These uses could injure the CWCB's instream flow water rights.

Other Objectors

Statements of Opposition were also filed by The Anderson Ditch Company, Central Colorado Water Conservancy District, the Ground Water Management Subdistrict of the Central Colorado Water District and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District, the City and County of Denver Board of Water Commissioners, the City of Lafayette, the County of Boulder, Eldora Enterprises LLC, Indian Peaks Holdings, LLC, New Consolidated Lower Boulder Reservoir and Ditch Company, Northern Colorado Water Conservancy District, Public Service Company of Colorado, the Town of Frederick, Varra Companies Inc, and Water Users Association of District No. 6.

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 1a: Statement of Opposition
 Case No. 16CW3160 (Water Division 1)
 City of Boulder

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