

Consent Agenda Item 1.b

March 21-22, 2018 Board Meeting
Case No. 17CW3195 (Water Division 1); City of Boulder

Summary of Water Court Application

This is an Application for water rights and approval of plan for augmentation and appropriative right of exchange for fishing ponds.

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.

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
74W7636	Boulder Creek	PSC Hydro Plant outfall	75th Street bridge	15 (1/1 - 12/31)	10/01/1973
90CW0193^	Boulder Creek	PSC Hydro Plant outfall	75th Street bridge	15 (1/1 - 12/31)	05/15/1956

^ Donated/Acquired Water Right

Potential for Injury

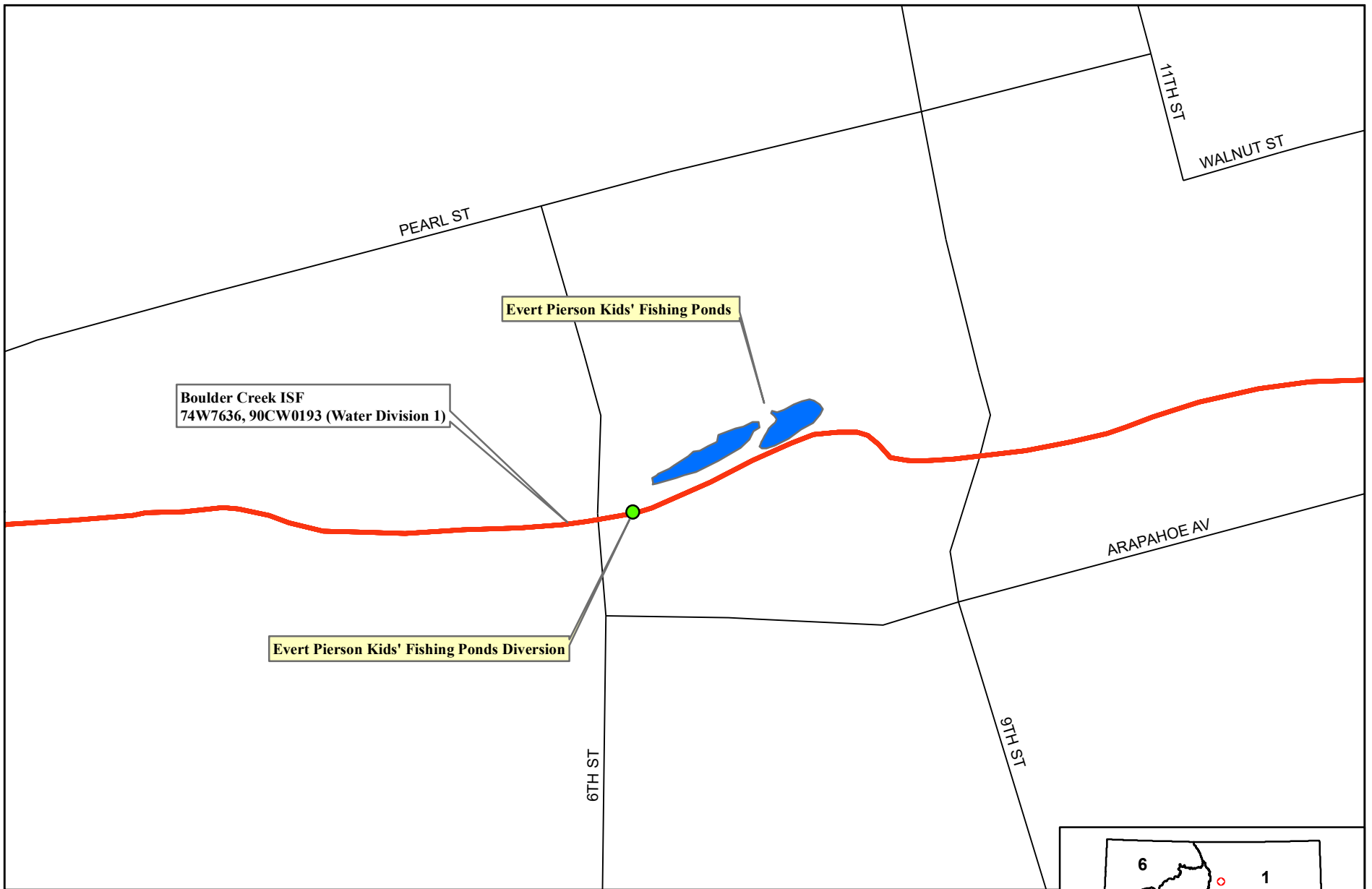
- The proposed flow through water right could injure the CWCB's instream flow water right because it is fully depletive to a segment of the intervening instream flow.
- Some of the water rights are claimed with senior appropriation dates. The instream flow water right might be subject to these water rights under C.R.S. 37-92-102(3)(b) if the new water rights are sufficiently documented.
- 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 New Consolidated Lower Boulder Reservoir and Ditch Company, Public Service Company of Colorado, The Anderson Ditch Company, the University of Colorado, 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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