

**Consent Agenda Item 1.g**

March 21-22, 2018 Board Meeting

Case No. 17CW3217 (Water Division 1); Evergreen Metropolitan District

**Summary of Water Court Application**

This is an Application for water rights, appropriative right of exchange, and change of water rights.

**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 Upper South Platte River Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
94CW0259	Bear Creek	outlet Evergreen Lake	confl Swede Gulch	5 (10/16 - 4/14) 9.9 (4/15 - 10/15)	09/13/1994
94CW0260	Bear Creek	confl Swede Gulch	hdgt Harriman Ditch	14.9 (4/1 - 10/15) 7 (10/16 - 3/31)	09/13/1994
94CW0255	Troublesome Creek	confl Bergen Creek	confl Bear Creek	0.2 (6/1 - 3/31) 1.25 (4/1 - 5/31)	11/03/1994

**Potential for Injury**

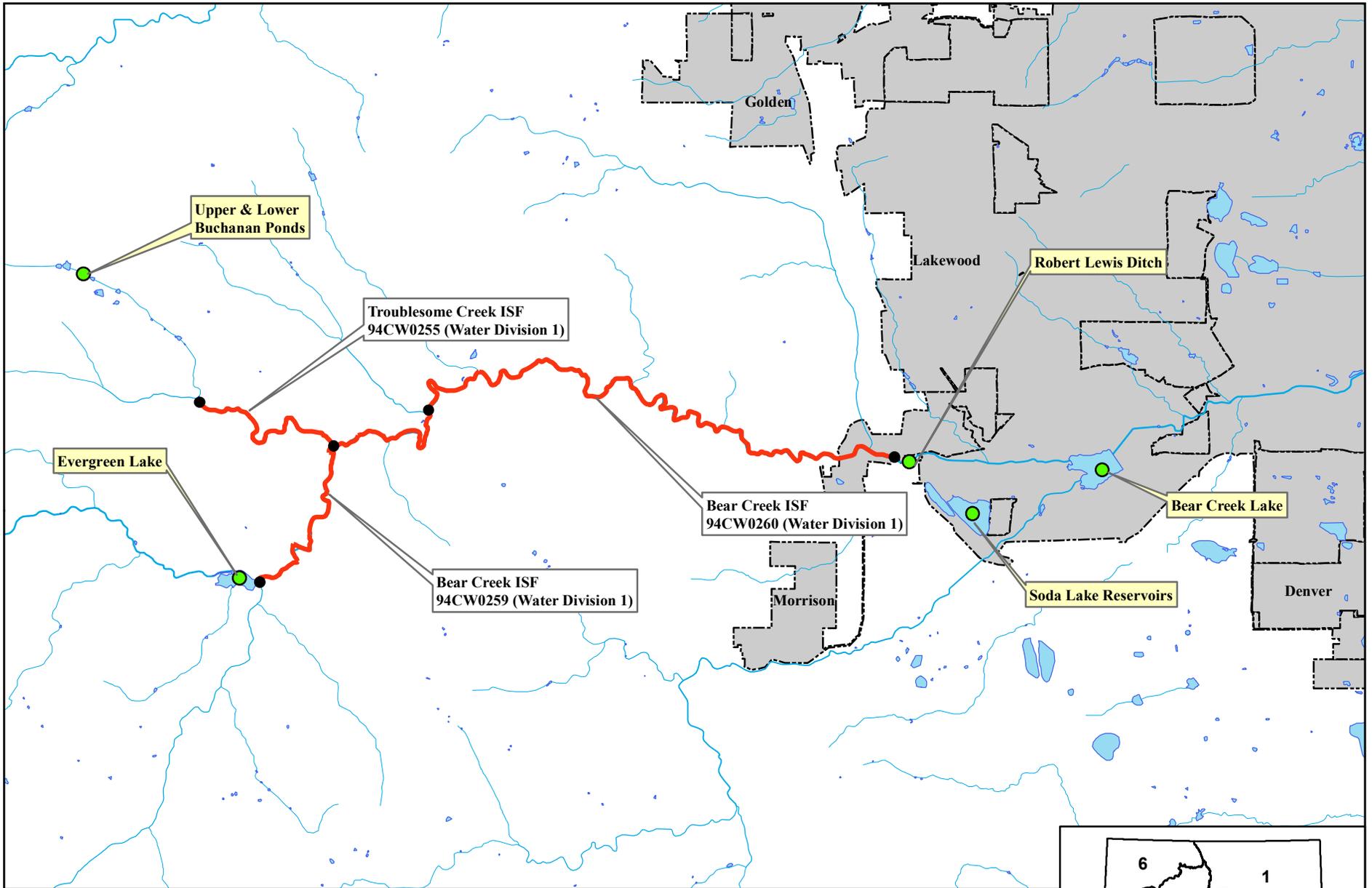
- The proposed change in places of storage and points of diversion to upstream locations could injure the CWCB's instream flow water rights.
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- The 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 the City of Lakewood, Foothills Park and Recreation District, Genesee Water And Sanitation District, State Engineers Office, the City And County of Denver Board of County Commissioners, and the Town of Morrison.

**Attorney Representing CWCB**

Michael Toll, Assistant Attorney General, is assigned to this case and can be contacted at [michael.toll@coag.gov](mailto:michael.toll@coag.gov), or 720-508-6304.



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 Consent Agenda Item 1g: Statement of Opposition  
 Case No. 17CW3217 (Water Division 1)  
 Evergreen Metropolitan District

