

**Consent Agenda Item 1.j**

March 21-22, 2018 Board Meeting

Case No. 17CW3248 (Water Division 5); Town of Gypsum

**Summary of Water Court Application**

This is an Application for water rights, changes of water rights, appropriative rights of exchange, and augmentation plans.

**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 5 in the Eagle River Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
80CW0124	Eagle River	confl Brush Creek	confl Colorado River	50 (10/1 - 4/30) 130 (5/1 - 9/30)	03/17/1980
80CW0117	Gypsum Creek	outlet LEDE Res	confl Red Creek	5 (1/1 - 12/31)	03/17/1980
80CW0116	Gypsum Creek	confl Red Creek	confl Eagle River	6 (1/1 - 12/31)	03/17/1980

**Potential for Injury**

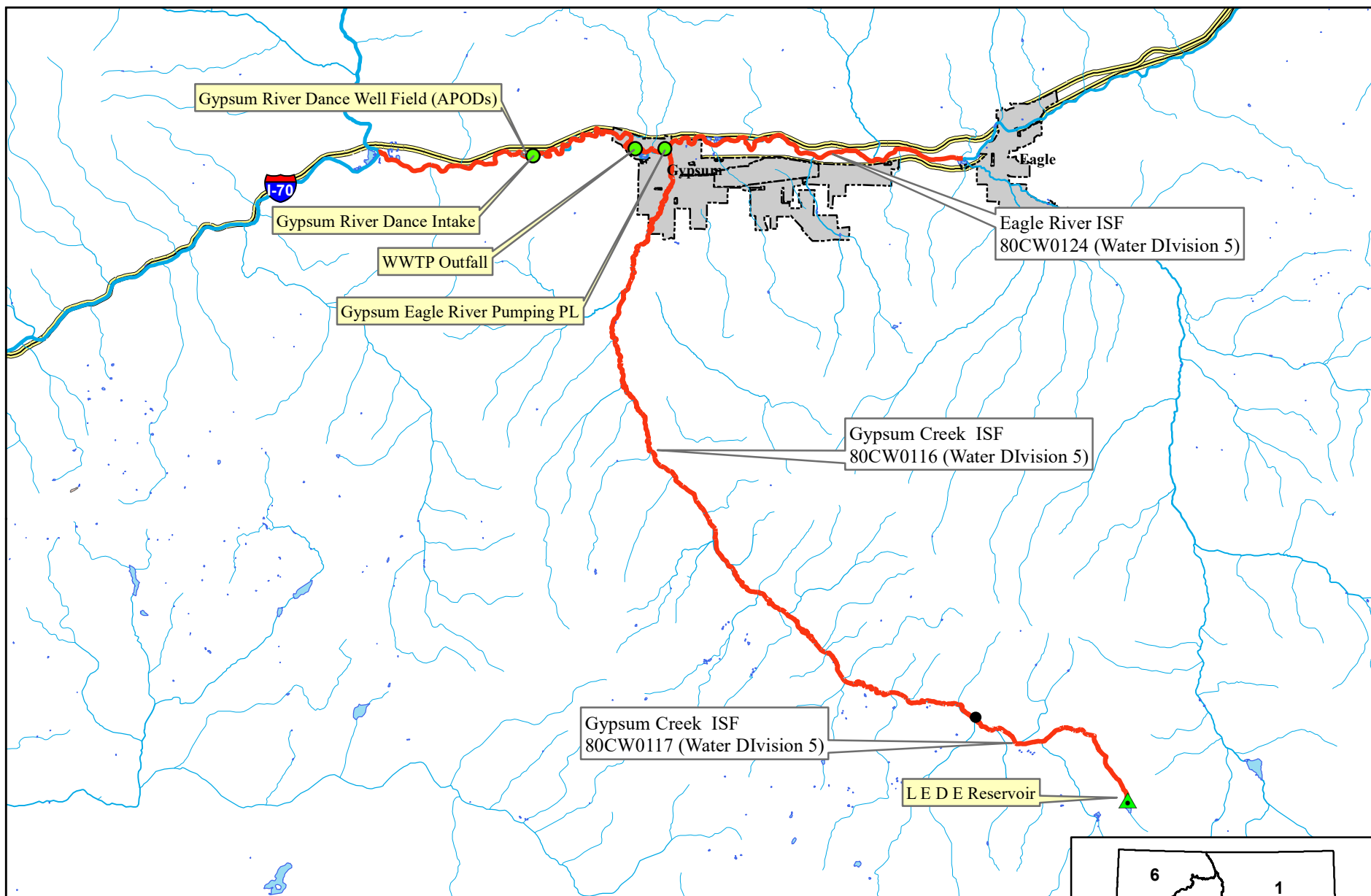
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- Adequate terms and conditions should be included to protect CWCB's instream flow water rights from injury due to Applicant's claimed well field.

**Other Objectors**

A Statement of Opposition was also filed by Global Asset Recovery Inc.

**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 1j: Statement of Opposition  
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 Town of Gypsum

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