

Consent Agenda Item 1.k

March 21-22, 2018 Board Meeting

Case No. 17CW3249 (Water Division 5); CJC Properties Limited Partnership and The Eagle River Water & Sanitation District

Summary of Water Court Application

This is an Application for change of water right, plan for augmentation and appropriative right of exchange, and surface water right.

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
80CW0126	Eagle River	confl Lake Creek	confl Brush Creek	45 (10/1 - 4/30) 110 (5/1 - 9/30)	03/17/1980
80CW0124	Eagle River	confl Brush Creek	confl Colorado River	50 (10/1 - 4/30) 130 (5/1 - 9/30)	03/17/1980

Potential for Injury

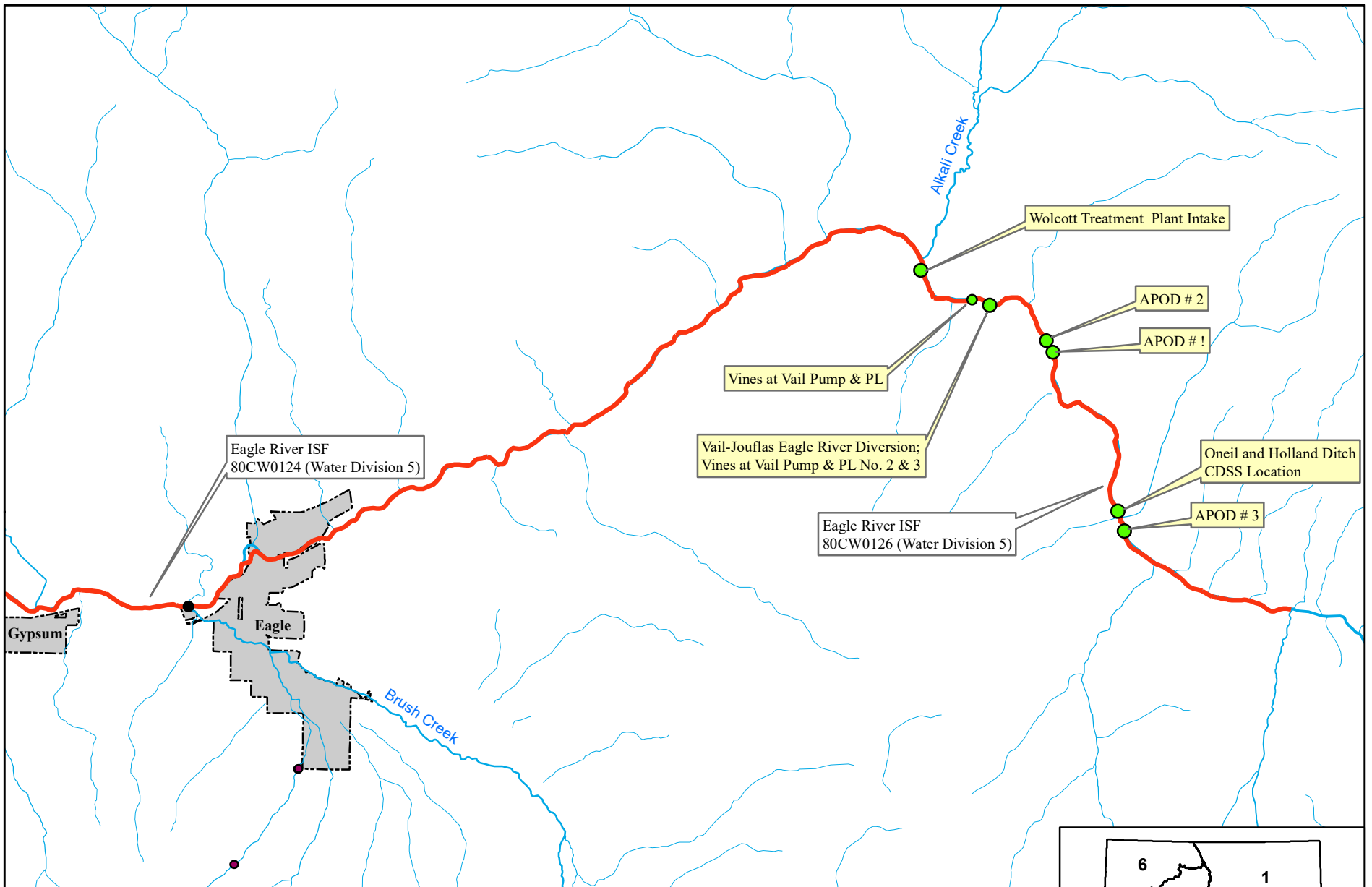
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return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

Other Objectors

Statements of Opposition were also filed by Eagle Spring Golf Club, G Joufflas Ranches LLC, and the Town of Gypsum.

Attorney Representing CWCB

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



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