

**Consent Agenda Item 1.d**

May 23-24, 2018 Board Meeting

Case No. 18CW3026 (Water Division 5); Oldcastle SW Group Inc.

**Summary of Water Court Application**

Applicant requests approval of a supplemental plan for augmentation, change of water rights, and appropriative right of exchange. CWCB was a party in the augmentation case that is to be supplemented.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in April 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 right, in Water Division 5 in the Eagle 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

**Potential for Injury**

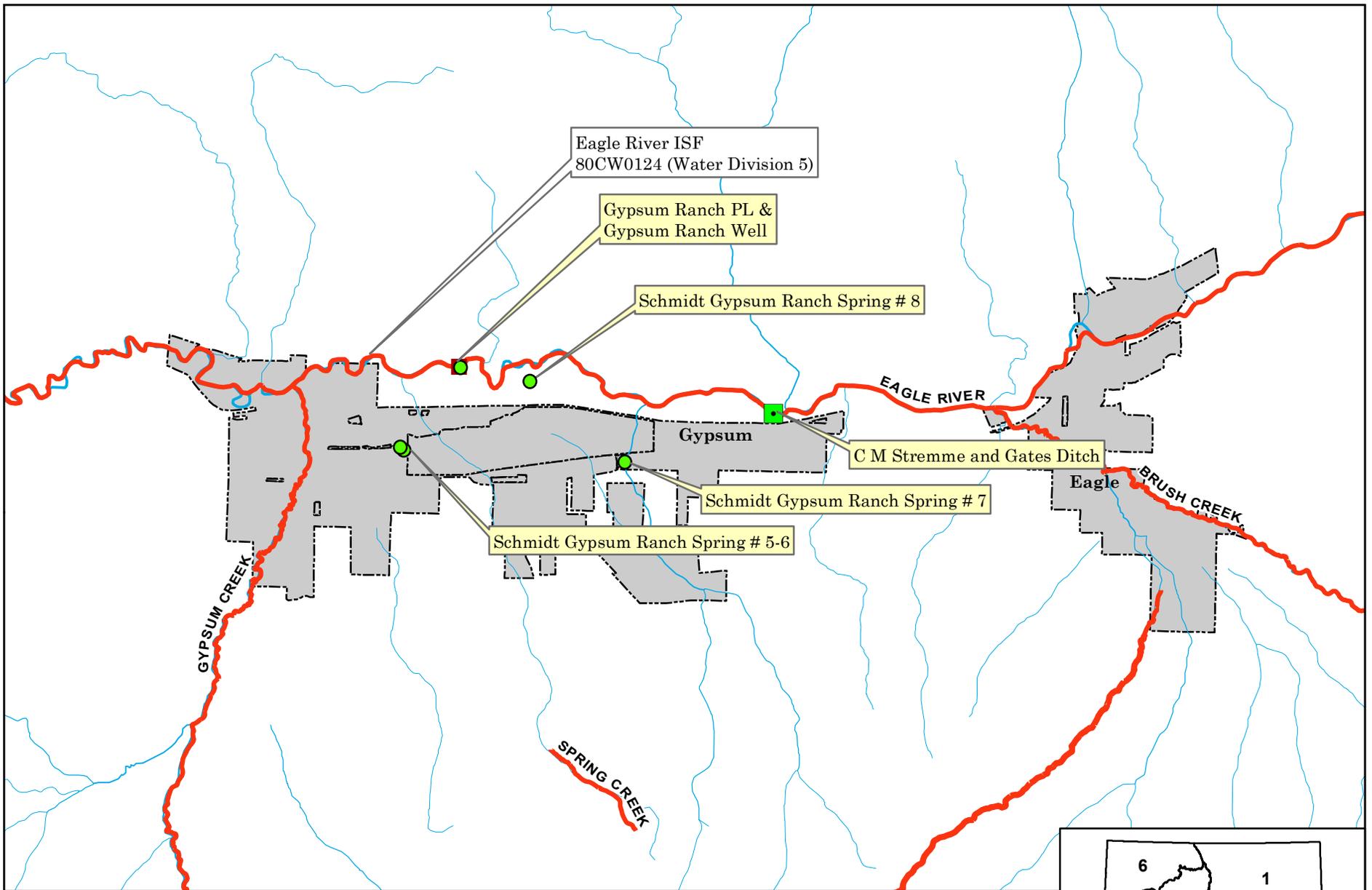
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place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

**Other Objectors**

Statements of Opposition were also filed by American Gypsum Company LLC, Eagle County Board of County Commissioners, Schmidt Ranch Partnership LLP, Stratton Flats Master Association, Inc., and the Town of Gypsum.

**Attorney Representing CWCB**

Philip E. Lopez, Assistant Attorney General, is assigned to this case and can be contacted at philip.lopez@coag.gov, or 720-508-6312.



Eagle River ISF  
80CW0124 (Water Division 5)

Gypsum Ranch PL &  
Gypsum Ranch Well

Schmidt Gypsum Ranch Spring # 8

EAGLE RIVER

Gypsum

C M Stremme and Gates Ditch

Eagle

Schmidt Gypsum Ranch Spring # 7

Schmidt Gypsum Ranch Spring # 5-6

GYPSUM CREEK

BRUSH CREEK

SPRING CREEK



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