

Consent Agenda Item 1.a

September 20-21, 2023 Board Meeting

Case No. 23CW3067 (Water Division 5); BCP-ARR Water, LLC

Summary of Water Court Application

Application for Finding of Reasonable Diligence 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 July 2023 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
W-3625 (1977)	Brush Creek	confl E & W Brush Creeks	confl Eagle River	12 (1/1 - 12/31)	07/26/1977
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

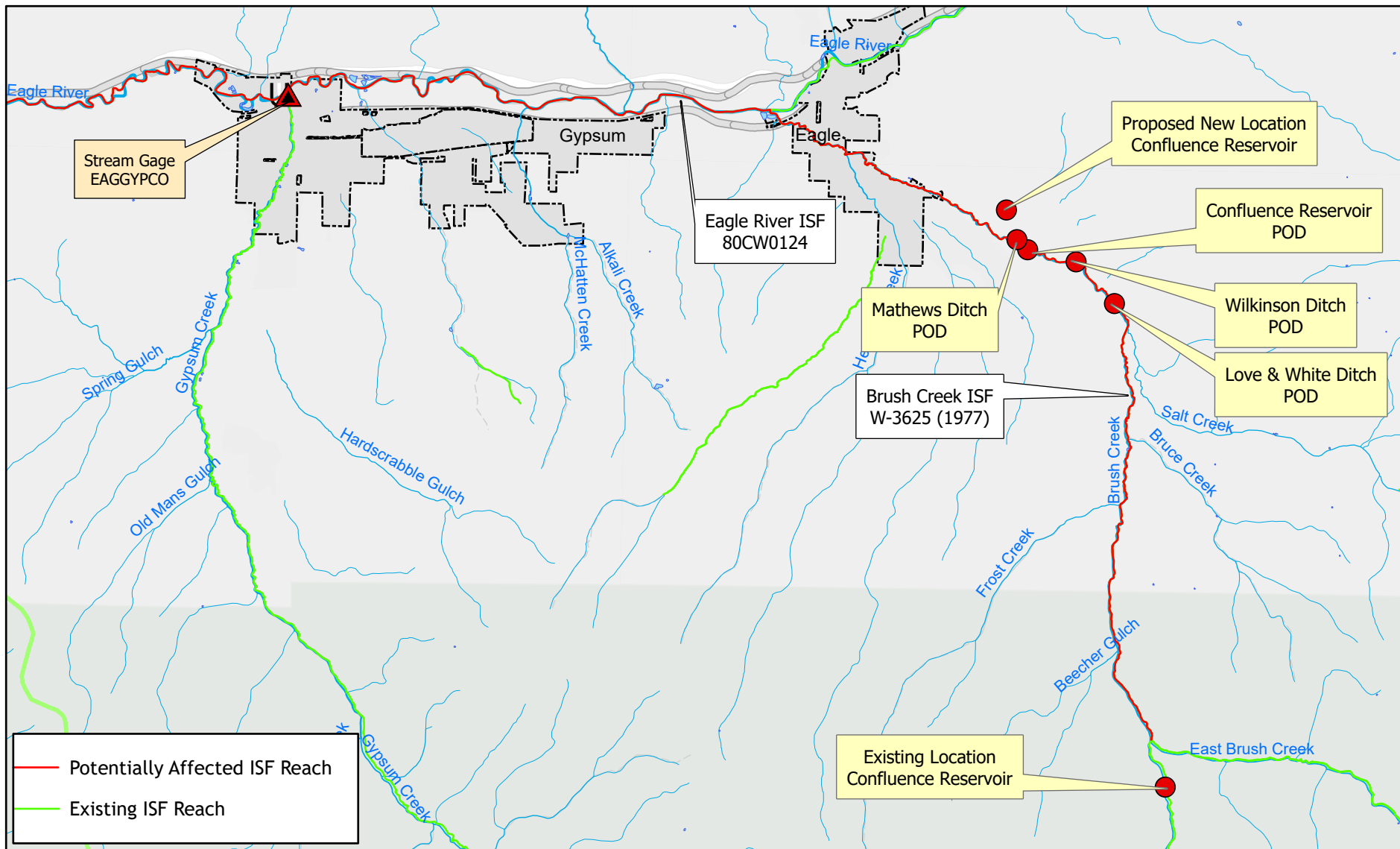
- The proposed change of water rights could cause an expansion of use, which could injure the CWCB's instream flow water rights.
- Terms and conditions should be included in any decree entered in this case to ensure that the decreed water rights will not injure the CWCB's instream flow water rights.

Other Objectors

Statements of Opposition were also filed by Eagle County Board of County Commissioners; Town of Eagle; and Colorado Division of Parks and Wildlife.

Attorney Representing CWCB

MacKenzie T. Herman, Assistant Attorney General, is assigned to this case and can be contacted at mackenzie.herman@coag.gov, or 720-508-6317.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

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 Miles

