

Consent Agenda Item 1.b

March 13-14, 2024 Board Meeting

Case No. 23CW3176 (Water Division 1); Eldora Enterprises LLC

Summary of Water Court Application

Application for Conditional Storage Rights and Change of Water Rights to Add Places of Storage.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2024 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 St. Vrain Creek Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-7636 (1974)	Boulder Creek	PSC Hydro Plant outfall	75th Street bridge	15 (1/1 - 12/31)	10/01/1973
W-9375 (1978)	Middle Boulder Creek	confl NF & SF M Boulder Ck	inlet Barker Res	12 (1/1 - 12/31)	07/11/1978
80CW0379	South Boulder Creek	outlet Gross Res	USGS gage 06729500	15 (5/1 - 9/30) 6 (10/1 - 4/30)	12/02/1980
80CW0379	South Boulder Creek	USGS Gage 06729500	South Boulder Road bridge	2 (10/1 - 4/30) 15 (5/1 - 9/30)	12/02/1980
87CW0285	Jenny Creek	outlet Jenny Lake	confl South Boulder Creek	1 (1/1 - 12/31)	12/11/1987
94CW0018	Boulder Creek	confl N & M Boulder Creeks	PSC Hydro Plant outfall	15 (4/1 - 10/31) 6 (11/1 - 3/31)	11/10/1993

Potential for Injury

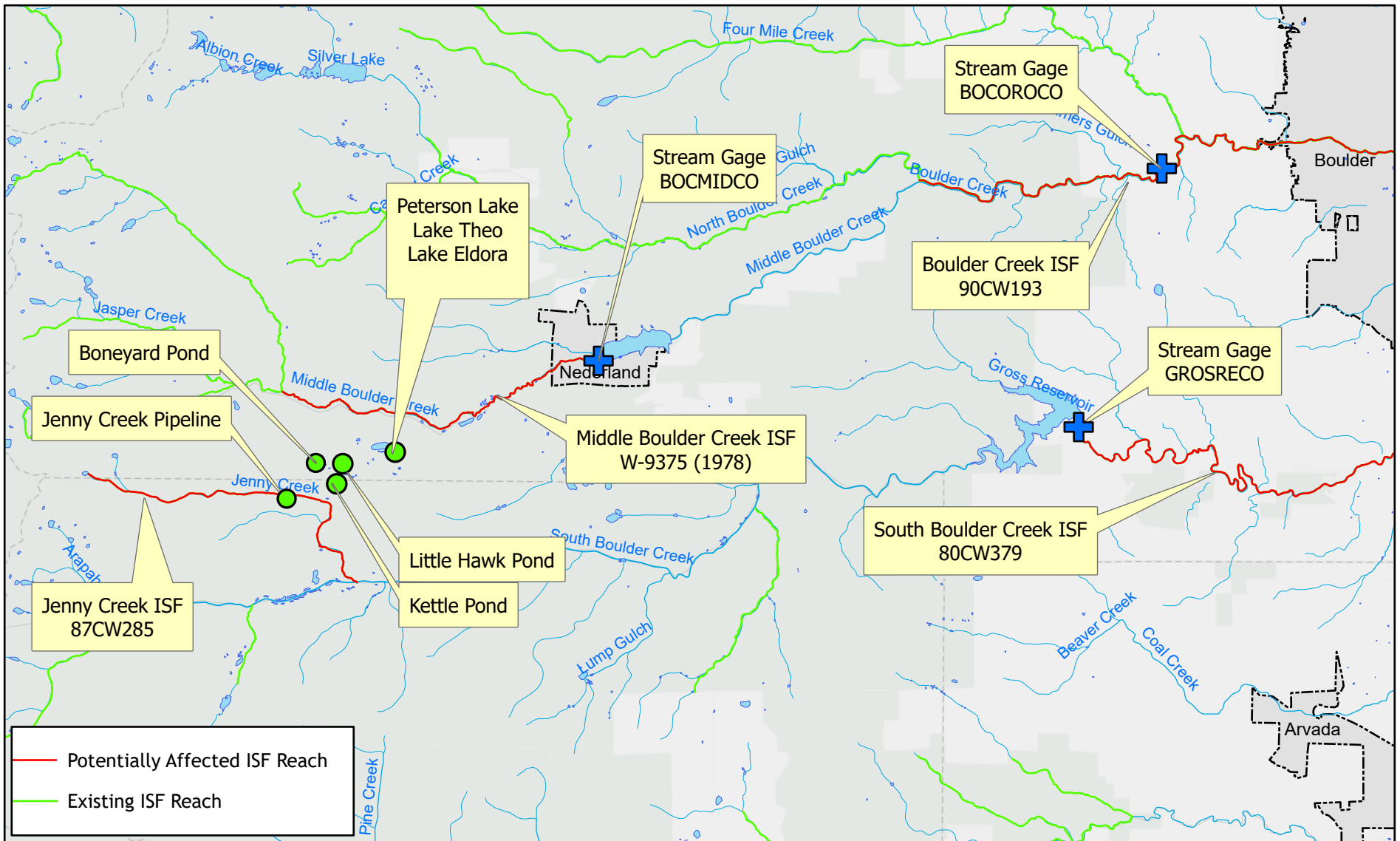
- The claimed change of storage locations for the water rights could injure the intervening instream flow water rights.
- The claimed change of water rights could result in an expansion of use, which could injure instream flow water rights.
- Any reuse and successive use of the water requires a detailed reuse plan so that other water rights are not injured.
- Terms and conditions should be included in any decree entered in the case to ensure that the proposed claims will not injure the CWCB's instream flow water rights.

Other Objectors

Statements of Opposition were also filed by: Water Users Association of District No. 6 (the “WUA”); Town of Nederland; Gary Wockner, Mark Easter, and Save The World's Rivers; City of Boulder (“Boulder”); and Public Service Company of Colorado, a Colorado corporation (“PSCo”).

Attorney Representing CWCB

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at jennifer.mele@coag.gov, or 720-508-6282.



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Colorado Water Conservation Board

Department of Natural Resources

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 Eldora Enterprises LLC

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