

Consent Agenda Item 1.d

March 13-14, 2024 Board Meeting

Case No. 23CW3182 (Water Division 5); Everist Land Holdings, LLC

Summary of Water Court Application

Application for Water Rights, Change of Water Rights, Plan for Augmentation and Recharge, and Exchange Rights.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in January 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 5 in the Blue River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-3638 (1977)	Willow Creek	Confl S Willow Creek	Confl Blue River	4 (1/1 - 12/31)	01/19/1977
W-3641 (1977)	North Willow Creek	Headwaters in vicinity	Confl S Willow Creek	3 (1/1 - 12/31)	01/19/1977
W-3642 (1977)	Maryland Creek	Headwaters in vicinity	Confl Blue River	1 (1/1 - 12/31)	01/19/1977
87CW295	Blue River	Confl Willow Creek	Confl Rock Creek	58 (10/1 - 3/31) 75 (4/1 - 9/30)	10/02/1987
87CW296	Blue River	Confl Rock Creek	Confl Boulder Creek	78 (10/1 - 10/31) 67 (11/1 - 3/31) 90 (4/1 - 4/30) 115 (5/1 - 8/31) 90 (9/1 - 9/30)	10/02/1987
87CW297	Blue River	Confl Boulder Creek	Confl Slate Creek	70 (11/1 - 2/29) 78 (3/1 - 3/31) 90 (4/1 - 4/30) 125 (5/1 - 8/31) 90 (9/1 - 10/31)	10/02/1987
87CW298	Blue River	Confl Slate Creek	Inlet Green Mtn Res @ Doig Gulch	90 (10/1 - 11/30) 85 (12/1 - 2/29) 125 (5/1 - 9/30) 90 (3/1 - 4/30)	10/02/1987

87CW299	Blue River	Outlet Green Mountain Res	Confl Colorado River	60 (5/1 - 7/15) 85 (7/16 - 4/30)	10/02/1987
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Potential for Injury

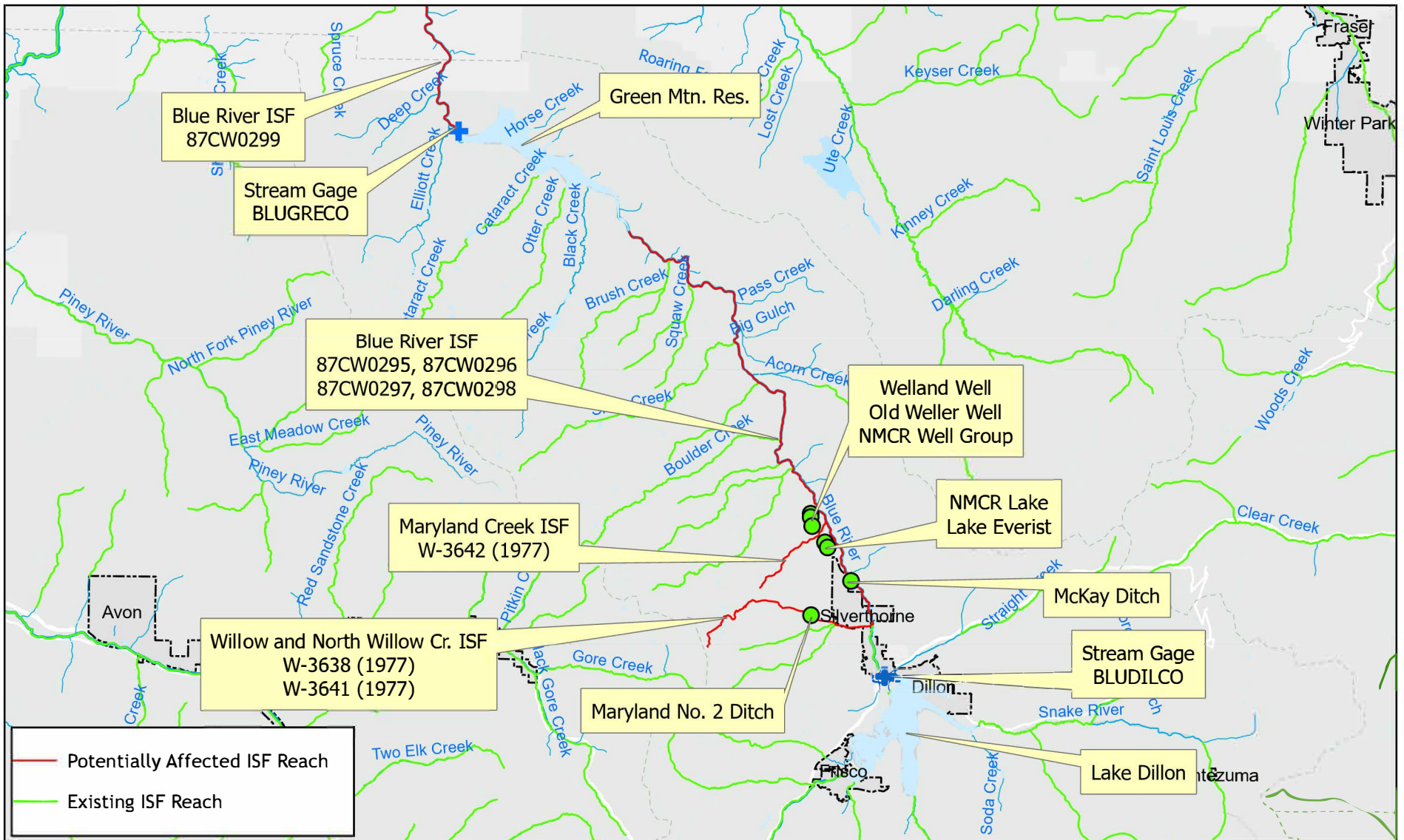
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- The proposed change of water rights could cause an expansion of use and could alter the time, place, and amount of historical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

Other Objectors

Statements of Opposition were also filed by: Board of County Commissioners of the County of Summit ("Summit County"); City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water"); The Gary Land Company, LLC; and Town of Silverthorne.

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

March 13-14, 2024 CWCB Board Meeting
 Consent Agenda Item 1d.: Statement of Opposition
 Case No. 23CW3182 (Water Division 5)
 Everist Land Holdings, LLC

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