

Consent Agenda Item 1.a

May 15-16, 2024 Board Meeting

Case No. 24CW3023 (Water Division 5); Town of Eagle

Summary of Water Court Application

Application for Approval of Change in Point of Diversion.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in April 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 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

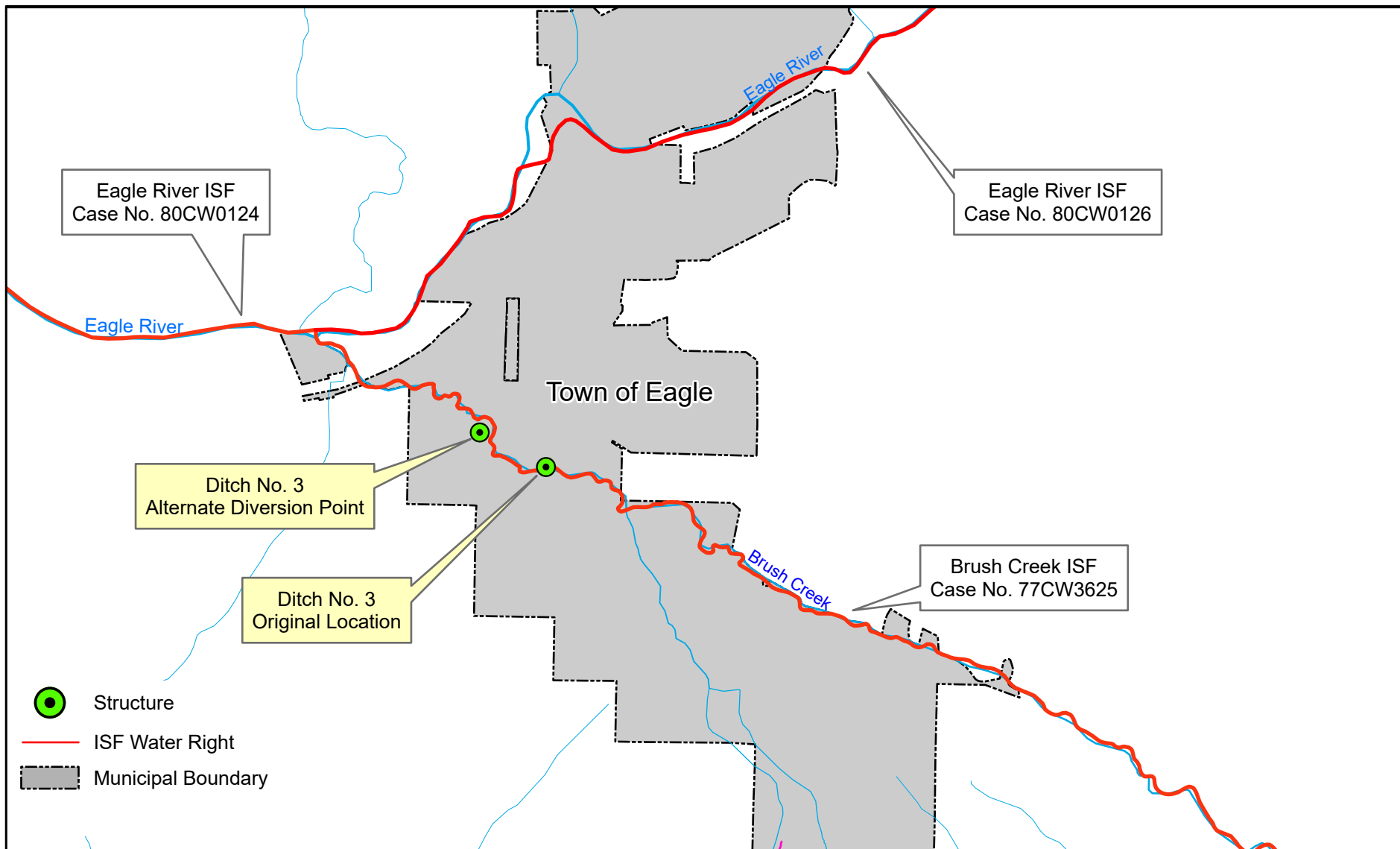
- The alternate point of diversion could cause an expansion of use which could injure the CWCB's instream flow water rights.
- Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWCB's instream flow water rights.

Other Objectors

A Statement of Opposition was also filed by BCP-ARR Water, LLC.

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.



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

May 15-16, 2024 CWCB Board Meeting
Consent Agenda Item 1.a. Statement of Opposition
Case No. 24CW3023 (Water Div 5)
The Town of Eagle

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