

Consent Agenda Item 1.b

January 26-27, 2026 Board Meeting

Case No. 25CW3173 (Water Division 5); Lichen Huts Colorado LLC

Summary of Water Court Application

Application for Surface, Underground, and Storage Water Rights and Approval of Plan for Augmentation with Exchange Project.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in December 2025 to protect CWC's instream flow water rights.

CWC Instream Flow Water Rights

The CWC 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-3788 (1978)	Eagle River	confl Homestake Creek	confl Cross Creek	11 (10/1 - 4/30) 25 (5/1 - 9/30)	05/12/1978
W-3796 (1978)	Eagle River	confl Cross Creek	confl Gore Creek	20 (10/1 - 4/30) 50 (5/1 - 9/30)	05/12/1978
W-3801 (1978)	South Fork Eagle River	headwaters	confl EF Eagle River	3 (1/1 - 12/31)	05/12/1978
W-3805 (1978)	Eagle River	confl EF & SF Eagle River	confl Resolution Creek	6 (10/1 - 4/30) 12 (5/1 - 9/30)	05/12/1978
W-3811 (1978)	Eagle River	confl Resolution Creek	confl Homestake Creek	7 (10/1 - 4/30) 15 (5/1 - 9/30)	05/12/1978
80CW0124	Eagle River	confl Brush Creek	confl Colorado River	50 (10/1 - 4/30) 130 (5/1 - 9/30)	03/17/1980
80CW0126	Eagle River	confl Lake Creek	confl Brush Creek	45 (10/1 - 4/30) 110 (5/1 - 9/30)	03/17/1980
80CW0134	Eagle River	confl Gore Creek	confl Lake Creek	35 (10/1 - 4/30) 85 (5/1 - 9/30)	03/17/1980

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 CWC's instream flow water rights.
- Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWC's instream flow water rights.

Other Objectors

Statements of Opposition were also filed by City of Aurora (Aurora Water); City of Colorado Springs (Colorado Springs Utilities); and, Homestake Partners (Homestake Steering Committee).

Attorney Representing CWCB

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

