

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 23, 2011

Board Item: 2-A-1

Resolution to Adjudicate Existing Exchange Water Right

Action by Consent

Action

Information

Beginning in 1966, operators of the Denver Municipal Water System have operated water exchanges from Dillon Reservoir to Williams Fork Reservoir, the Fraser River Diversion Project and the Williams Fork Diversion Project under the authority of the State Engineer's office.

In the unsigned mediation agreement, the West Slope agreed not to object to Denver Water's continued operation of and a decree for exchanges from Dillon Reservoir to Williams Fork Reservoir with an appropriation of March 23, 1983 and to existing points of diversion for the Fraser River and Williams Fork River Diversion Projects with an appropriation date of September 20, 1966 subject to certain terms and conditions. The parties agreed that Denver Water could file for a 2010 water right.

During the preparation of the proposed application in December, 2010, the River District requested that Denver Water postpone filing the application until 2011. Staff agreed based upon our understanding there would be no prejudice by delaying the filing. However, on January 5, 2011, staff was informed that Grand County had filed a recreational in channel diversion ("RICD") water right at Hot Sulphur Springs for 900 cfs and at Gore Canyon for 2,500 cfs on December 28, 2010. This filing impacts Denver Water's ability to operate the claimed existing exchanges. The attached application is a necessary first step to preserve Denver Water's ability to operate these existing exchanges without being adversely impacted by Grand County's RICD.

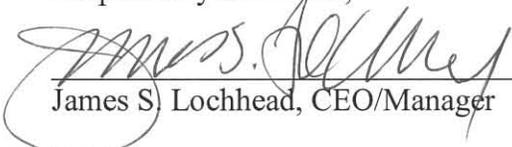
Recommendation:

It is recommended that the Board approve the attached resolution to adjudicate existing exchanges from Dillon Reservoir to Williams Fork Reservoir, Williams Fork Diversion Project, and the Fraser River Diversion Project.

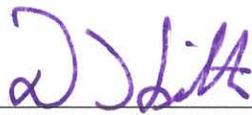
Approvals:



General Counsel

Respectfully submitted,


James S. Lochhead, CEO/Manager



Director of Planning