

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 13, 2013

Board Item: V-E-1

Waterton Canyon Stream Flow Agreement with the Colorado Water Conservation Board

Action by Consent

Action

Information

In 2005, Denver Water filed an application (Case No. 05CW316, WD No. 1) for a junior water right to protect minimum stream flows between Strontia Springs Reservoir and Chatfield Reservoir that were mandated by the United States Forest Service and Bureau of Land Management as part of the permitting process for the Foothills Project ("Water Management Plan"). The Colorado Water Conservation Board (CWCB) filed a statement of opposition in that case citing their "exclusive authority to appropriate waters of natural streams for minimum stream flows to preserve the natural environment to a reasonable degree for instream flow purposes between specific points." Trial for this case is set for April 22, 2013.

Staff and CWCB have worked together to draft an agreement that would eliminate the CWCB's opposition to Denver Water's application in water court and maintain the integrity of the Water Management Plan. Under this agreement, the flows will be maintained consistent with the Water Management Plan. Water available to the junior water right would be stored by Denver Water and released to the CWCB for their exclusive use to maintain minimum flows in the Waterton Canyon of up to 60 cfs from May 15 through September 15, and 30 cfs the remainder of the year subject to reduction based upon the level of drought response declared by the Board. Denver Water will continue to operate as it has historically and there will be no impact to Denver Water's yield resulting from this agreement.

Recommendation:

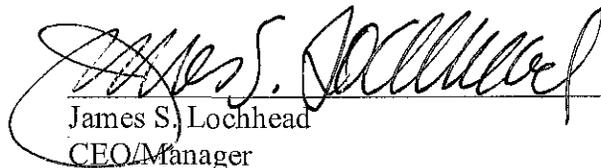
It is recommended that the Board approve and sign the agreement with the Colorado Water Conservation Board to protect minimum stream flows in the Waterton Canyon.

Approvals:

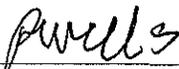
Respectfully submitted,



David Little
Director of Planning



James S. Lochhead
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Patricia L. Wells
General Counsel