



COLORADO WATER TRUST

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FOR IMMEDIATE RELEASE

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COOPERATIVE EFFORT PROVIDES WATER FOR FISH IN EAGLE COUNTY

Vail, Colorado, April 25, 2012 – This summer, there will be more water for the fish who call Hat Creek their home. Hat Creek is a tributary of upper Brush Creek in Eagle County. The result of collaborative efforts of Vail Associates, the Colorado Water Trust (CWT), the U.S. Forest Service, and Western Land Group (WLG), the project is the culmination of years of progress towards this result: obtaining a decree from the state's Water Court approving the change of irrigation rights on Hat Creek to instream flow uses. Upon obtaining the decree from the water court for this change of use, **instream flow water rights will be the only decreed water use in Hat Creek.**

The deal is the result of a land exchange coordinated by WLG. Through it, Vail Associates acquired property along Hat Creek from the Conservation Fund as part of a land exchange between Vail Associates and the Forest Service. The property included an irrigation water right decreed in 1917 to the Hat Creek Ditch for 2 cubic feet per second that historically irrigated about 22 acres (the "Hat Creek Right") and a number of conditional (read: not perfected) water rights.

Under the land exchange, Vail Associates conveyed the Hat Creek property to the Forest Service, but did not include the water rights in the transaction. Instead, at the Forest Service's request, Vail conveyed the Hat Creek water rights to CWT. CWT is a Colorado nonprofit organization whose mission is to restore and protect Colorado's water-dependent natural heritage and diversity. It does this using market-based, voluntary projects, typically by

acquiring and then donating water rights to the Colorado Water Conservation Board (CWCB), the only entity in Colorado allowed to hold water rights for instream purposes and defend those rights against other streamflow-depleting water uses. CWT then did two things. First, it donated the Hat Creek Right to the CWCB to enhance the streamflow on Hat Creek. Next, it abandoned all of the conditional rights on Hat Creek as part of the transaction.

The combination of converting the Hat Creek right, a senior irrigation right, to instream flows and abandoning conditional water rights provides complete flow protection on Hat Creek. Hat Creek contains native cutthroat trout, and has been designated as excellent quality cutthroat trout habitat by two different state agencies. "This is a great example of a win-win situation," said Amy Beatie, Executive Director of CWT. "CWT's job is to help conservation-minded water rights holder place their water rights to conservation use through all available means. This land exchange and water rights donation is the perfect example of making the water-conservation-most out of a land transaction. Vail Associates was able to obtain the land it wanted, the Forest Service obtained new land in the area, and the local stream system of Hat Creek benefitted by increased stream flows for the local fishery."

To place the water to instream flow uses, the historically irrigated land acquired by the Forest Service as part of the exchange will no longer be irrigated.

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