SAVE HOMESTAKE



COMPREHENSIVE CASE

HOMESTAKE VALLEY
THE COMPREHENSIVE CASE

Water, wetlands, wildlife, public lands and the evidence underlying Save Homestake’s position.

EVIDENCE EDITION | NOVEMBER 2, 2026

Contents

Homestake Valley: the evidence for protection 4

A living valley, already sharing its water. 4

The footprint is larger than the lake. 5

Every modeled Whitney option puts the same 81.4 mapped acres underwater at full pool. 6

Water sustains habitat through the seasons. 8

Water in the West is a rapidly changing landscape. 9

County approval depends on every applicable standard. 11

Protect the whole cultural landscape. 11

Keep Homestake Valley intact. 12

Detailed evidence and legal analysis 13

1. The projects and the record 13

More water through Homestake Tunnel than past Gold Park 14

2. Eagle County: the strongest established local route 18

3. Wetlands and fens: all modeled options destroy living habitat 21

Water, carbon and refuges in a changing climate 21

Downstream wetlands: Whitney to the Eagle River 23

The damage does not stop at the dam 25

The moral choice: where should the sacrifice end? 25

4. Growth must not come at the Western Slope's expense 26

Fall, Peterson and Resolution: the source landscapes 29

5. The whole physical project: pumps, power, roads, and noise 30

6. Protect Holy Cross Wilderness with a precise public-land record 32

7. Ute cultural interests, Camp Hale, and historic resources 32

8. Wildlife and the living river 33

The connected wetland mosaic 34

Water and passage through the seasons 34

9. Climate and Colorado River reliability 35

10. Federal environmental and land-use requirements 36

11. Save Homestake’s grounds for denial 36

12. Required public record 37

13. What each decision-maker must do 37

14. Save Homestake’s case for denial 38

Sources 38

Homestake Valley: the evidence for protection

November 2, 2026 review edition. Save Homestake opposes Whitney Reservoir, further interbasin diversion and any reduction of Holy Cross Wilderness. Source dates and observation periods accompany each finding.

Place and proposal

A living valley. A line we will not cross.

A living valley, already sharing its water.

Homestake Valley near Red Cliff holds a creek, groundwater-fed fens, wet meadows, ponds and forest edges. Fens are wetlands where groundwater keeps soil wet enough for peat to build over centuries. Water connects parts of this landscape through the seasons, sustaining wildlife and the places families return to.

Existing collectors and Homestake Reservoir already send water through a tunnel across the Continental Divide to Aurora and Colorado Springs. Whitney would add a reservoir lower in the valley, collect tributary water and pump it uphill into that system. Four potential dam sites are described in the reviewed record; no final design was selected in that record.



Fens, beaver ponds, the creek, and forest all meet here. Campaign aerial footage of Homestake Valley.

Save Homestake's position

Keep this headwater valley intact. Stop Whitney Reservoir and new or expanded interbasin diversions.

November 2, 2026 review edition. Source and observation dates accompany the evidence.

Read the complete case for protection

The whole physical project

The footprint is larger than the lake.

Whitney would store collected creek water and pump it uphill to the existing Homestake system. Flooding would replace valley-floor habitat; collection would change where and when water remains; roads, power and equipment would disturb other parts of the same landscape during construction and operation.

Whitney's proposed water system

- **Collect** Tributary water
- **Store** Proposed Whitney Reservoir
- **Move** Pump uphill
- **Connect** Existing Homestake system

Land affected beyond the shoreline

Power and machinery

Lines, clearing, equipment, operating noise and a permanent industrial presence

Roads and access

Relocation, traffic, closures, habitat fragmentation and lost public recreation

Groundwater and drainage

Trenches and altered drainage that can affect fen-supporting water beyond the shoreline

These effects converge in one valley

County review must account for what construction and operation would take from the valley, not only the surface of the proposed reservoir.

Sources

- CASE:3 Utilities: 2022 project concept
- CASE:1 County: resource and nuisance criteria

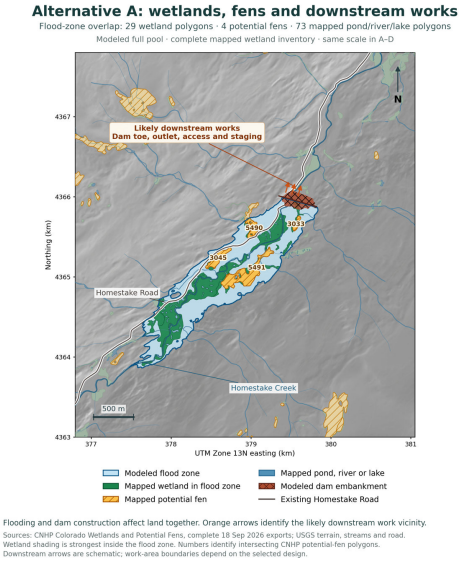
Go deeper: read the whole-project analysis

Shared wetland exposure

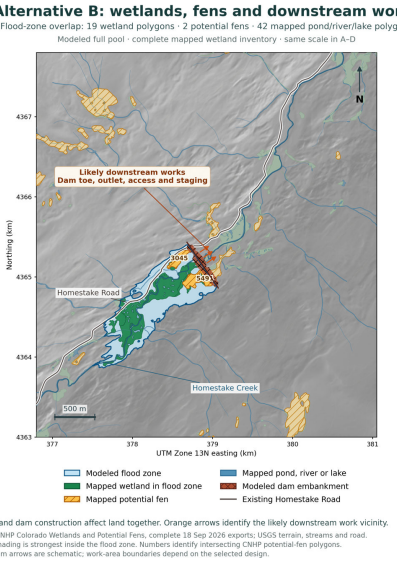
Every modeled Whitney option puts the same 81.4 mapped acres underwater at full pool.

Whitney threatens Homestake’s fens and connected wetlands. These are mapped wetlands and Potential Fen habitat in the September 18, 2026 source snapshot. Compare current and earlier fen mapping. All four modeled full-pool options cover the same 81.4 acres. Each also covers additional ground, giving individual totals of 85.4 to 134.8 acres, including that shared core. The wider Whitney-to-Eagle assessment maps 362.1 acres in 36 wetland complexes connected to Homestake Creek, extending to the Eagle River confluence near Red Cliff. Overlapping inventory polygons are counted once and mapped-water categories are excluded.

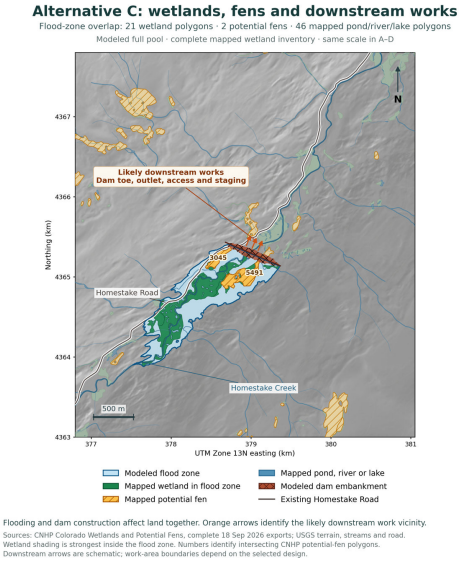
The maps use the same extent, scale, orientation and legend, so the flood zones can be compared directly.



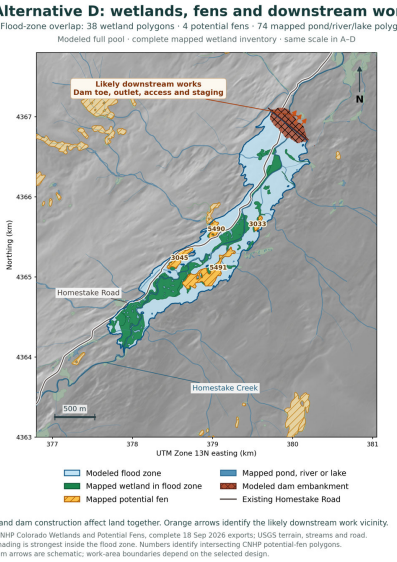
Whitney A · 127.4 acres
81.4 shared + 46.0 additional acres



Whitney B · 85.4 acres
81.4 shared + 4.0 additional acres



Whitney C · 94.9 acres
81.4 shared + 13.5 additional acres



Whitney D · 134.8 acres
81.4 shared + 53.4 additional acres

- Modeled flood zone
- Mapped wetland in flood zone
- Mapped potential fen
- Mapped pond, river or lake
- Modeled dam embankment
- Existing Homestake Road

North is up. Each scale bar represents 500 m. CNHP wetlands and potential fens (September 18, 2026); USGS terrain, streams and road. Full-pool geometry is modeled; orange arrows mark the approximate downstream work vicinity.

The 85.4-134.8-acre alternative totals measure modeled flooding at full pool. The 362.1-acre Whitney-to-Eagle inventory describes the wider connected wetland system exposed to changes in streamflow and groundwater. Orange arrows mark the approximate downstream work vicinity.

Inspect the shared-overlap evidence · Read the map and acreage method

Habitat processes

Water sustains habitat through the seasons.

Spring runoff connects channels and wet ground. As summer water falls, persistent ponds, groundwater and flowing creek reaches become refuges. Beavers are a keystone species: their dams can hold and spread water, sustaining habitat used by many other kinds of life. Groundwater-fed fens and beaver ponds have different origins and water supplies, even where they share connections.

Colorado studies show side-channel connections changing through summer and seasonal main-channel dam building during low water. Ordinary low flow can create dam sites; severe or prolonged drying can remove usable depth, passage and forage. Read the seasonal habitat evidence.

Permanent flooding would replace peat-forming vegetation and groundwater-fed habitat with a reservoir. At one of four restored Colorado fens, disturbed surface peat still differed from reference peat 20 years after restoration. The loss includes peat structure, water regime and ecological relationships built over time.



A moose steps through the morning mist at Valley Floor 1 on September 17, 2025. The image records the animal's use of the wetland and forest edge; the exact camera location remains protected.

Four wildlife-camera stations on the valley floor have recorded use across seasons. Each station is in habitat that at least one documented Whitney option would flood, although the option varies by site. Flooding would remove habitat while roads, lighting, traffic and noise would fragment the surrounding network.

Mitigation is not preservation

Compensation elsewhere cannot preserve this same peat body, hydrology, habitat network or place.

Water carries the connection downstream

Homestake Creek flows to the Eagle and Colorado rivers. Healthy water and usable access connect fishing, family days and wildlife encounters with livelihoods in Red Cliff, Minturn and downstream communities. The Local Economy brief follows those relationships.

Sources

- CASE:14 Forest Service: fen ecology
- CASE:40 CWCB: CMC funding proposal
- CASE:41 Scientist account
- CASE:42 Separate 20-year research
- CASE:37 Federal mitigation rules
- CASE:1 County: wildlife criterion
- CASE:48 USGS: camera-survey inference
- CASE:28 Species consultation

Go deeper: see how peat and groundwater sustain the fen · Inspect the valley's wildlife record

Existing water export and supply limits

Water in the West is a rapidly changing landscape.

Homestake Creek flows to the Eagle River, then the Colorado. Water exported from this valley leaves that shared river system. A reservoir’s capacity is the amount it holds at one time; dependable annual supply is the water it can reliably deliver year after year, including dry periods.

About 23,400 acre-feet per year

Homestake Tunnel export, WY2007-2024

About 21,500 acre-feet per year

Flow past Gold Park, WY2007-2024

Whitney would add storage and collection works to this existing diversion system. The Whitney concepts describe 6,850-20,000 acre-feet of storage. Whitney has been discussed as part of Eagle River Joint Use, a cooperative water-development framework for East and West Slope participants. That broader project has an objective of up to 20,000 acre-feet per year for East Slope supply. Whitney’s storage capacity and the annual water it could reliably deliver are different measures.

On average, 8.7% more water was exported through Homestake Tunnel than flowed past Gold Park in water years 2007-2024.

What governs the water available to fill it?

Warming reduces Colorado River supply and changes snowmelt and refill opportunities. Three distinct systems shape how that water can be used:

Shoshone’s senior water rights

The Glenwood Canyon power plant returns water after generation. Its earlier rights have priority over affected junior rights, including upstream diversions. When supply is short, a water call asks state officials to enforce that priority and can limit when upstream reservoirs fill.

Colorado River Compact

Homestake lies in the Upper Basin, the upstream part of the Colorado River system. The interstate agreement divides river use between the Upper and Lower Basins. Colorado, New Mexico, Utah and Wyoming must not cause flow past Lee Ferry, Arizona, to fall below the agreed volume over ten consecutive years. Lee Ferry is the accounting point for that obligation.

Lake Powell and Lake Mead operations

These major Colorado River reservoirs hold water for later use. Federal operating rules govern storage and releases, shaping how water moves through the wider supply system during shortage.

Together, shrinking inflows and these distinct legal and operating limits shape how much water a long-lived Whitney project could reliably collect, refill and deliver.

Climate, Shoshone and Compact evidence · Shoshone’s agreement and water calls

Permanent change for a supply that depends on changing conditions

Flooding would replace an established wetland landscape. Deliveries depend on inflow, lawful filling and refilling, and future operations. A later drawdown would expose reservoir bed; it would not restore the former fen.

The cities have choices

Aurora reports water use down 36% since the early 2000s alongside reuse and landscape reform. Colorado Springs Utilities reports a 40% decline in per-person use since 2001. These different measures show that demand can change. Further conservation and reuse reduce future supply needs; savings already included in forecasts remain part of their baseline.

Read the conservation and reuse record

Sources

- CASE:43 Shoshone rights
- CASE:34 Homestake priority
- CASE:52 DWR: administration
- CASE:53 DWR: lawful storage
- CASE:3 Project concept
- CASE:14 Fen ecology

Go deeper: read the plain-language water findings

County decision

County approval depends on every applicable standard.

The pool, supporting works, downstream effects and dependable water supply all matter in a county permit review. On a permit application before the Board of County Commissioners, the applicant must prove that every applicable standard is met. The Board must deny if enforceable conditions cannot cure a failure. On October 27, commissioners approved countywide 1041 rules subject to a separate enacting resolution. A future Whitney application would be a separate decision under the standards that apply to it.

A water right does not replace local land-use permit review.

1994

A court reinstated Eagle County's denial of the specific Homestake II proposal on wetland and nuisance evidence. The cities' water rights did not guarantee approval of that design.

Sources

- CASE:1 Published Chapter VI
- CASE:2 Homestake II decision, 1994
- CASE:57 October 27 Board vote
- CASE:55 Rule text with CASE:56 revisions

Go deeper: read the County decision rule and controlling language

Landscape and history

Protect the whole cultural landscape.

The Southern Ute Indian Tribe describes seasonal journeys to nearby Pando Valley, now Camp Hale, to hunt and gather, and an Eagle River route to the hot springs at Glenwood Springs. Camp Hale later trained the 10th Mountain Division for mountain warfare. These living relationships and shared memories give the wider landscape meaning beyond its water supply. Ute seasonal journeys and enduring connections · Camp Hale’s mountain-training legacy

- **Holy Cross Wilderness and public lands.** A boundary change would permanently remove congressionally protected acreage to serve a new interbasin diversion. Roads, infrastructure and noise would erode the solitude and primitive recreation the designation protects.
- **Ute and 10th Mountain history.** Preserving connected places keeps cultural practices, historical evidence and memories tied to the landscape where they belong. Flooding, blasting and road relocation threaten those relationships wherever the project disturbs them.
- **A living river's share.** Water in Homestake Creek sustains downstream wetlands, aquatic habitat and a living river through dry years.

One connected landscape

Public lands, living history, recreation, habitat and water all belong in the project footprint.

Sources

• CASE:6 1980 wilderness law

• CASE:23 Camp Hale proclamation

• CASE:25 Section 106

• CASE:46 CWCB: instream-flow acquisitions

• CASE:49 Colorado Constitution

Go deeper: read the public-land and wilderness record

Requested outcome

Keep Homestake Valley intact.

Front Range growth does not create a claim on Western Slope water. The durable path is conservation, reuse, system efficiency and enforceable demand limits, not another interbasin diversion.

• **Deny Whitney and its connected works** if the complete project cannot satisfy every applicable County standard.

• **Reject new or expanded interbasin diversions** from Homestake Valley.

• **Protect the resources that cannot be replaced:** ancient peat, connected habitat, a living creek, public access, quiet and cultural landscape.

• **Meet future demand through conservation, reuse and efficiency** before sacrificing another Western Slope headwater valley.

Our position

No Whitney Reservoir. No new or expanded interbasin diversions. Protect Homestake Valley.

Homestake II shows what documented impacts, local standards and sustained public participation can achieve. Watch Eagle County’s meeting notices for any future Whitney permit hearing. We owe our children and future generations an intact Homestake Valley.

Sources

• CASE:1 County approval criteria

• CASE:17 Colorado Regulation 87

• CASE:18 Federal alternatives standard

• CASE:39 Forest Service special-use application rules

Go deeper: read Save Homestake's requested findings

Detailed evidence and legal analysis

Water, wetlands, wildlife and the decisions that will shape this valley.

Save Homestake’s stated position

Save Homestake opposes Whitney Reservoir and every new or expanded interbasin diversion from Homestake Valley. We call on decision-makers to deny the project and protect the valley for our children and future generations. This report presents the evidence behind that position and the questions Aurora and Colorado Springs must answer.

One central impact is clear in all four studied reservoir options: the mapped valley-floor wetland and fen complex extends across Aurora’s parcel and surrounding lands. At full pool, all four options would inundate the same 81.4 acres of valley-floor wetlands and mapped potential-fen habitat. Permanent flooding would destroy that habitat. CASE:15,CASE:37 The threatened landscape extends beyond that parcel through roads, access, infrastructure, altered hydrology, recreation, wildlife, cultural resources, and wilderness impacts across the surrounding public lands.

Save Homestake seeks denial of Whitney in every configuration. A conditional water right does not authorize a dam, pumping system, road, or wetland destruction. Decision-makers must test the full project against every applicable standard and the evidence. CASE:1,CASE:2

Front Range growth does not create a claim on Western Slope water or justify permanently transforming this valley. Conservation, reuse, system efficiency, and durable demand limits must carry the municipal planning burden. Every proposed dam, diversion, road, and wetland impact requires its own approval.

Whitney must satisfy five core requirements:

• A precise, current demonstration of need that distinguishes average annual supply, dependable drought yield, emergency reserves, and storage capacity.

• A complete public-land project description, including necessary collection works, pumps, pipelines, electricity supply, Forest Service road and access changes, construction areas, recreation effects, cultural resources, wilderness impacts, and operating rules.

• An independently reviewable comparison with feasible conservation, reuse, system optimization, different sites, and smaller or phased projects.

• Proof that wetland, stream, wildlife, cultural, recreation, and community protections will be met, including credible and enforceable mitigation with fully disclosed failure risks.

• Written, evidence-based findings for each applicable criterion. Conditions must secure compliance rather than postpone the essential question until after irreversible disturbance.

1. The projects and the record

Four projects and records

Four projects and records

Project	Meaning	Why it matters
Existing Homestake, often called Homestake I	Operating reservoir, diversions, and transmountain delivery system serving Aurora and Colorado Springs.	Existing operations define the baseline. Any expansion requires its own permits and approvals.
Historical Homestake II	Earlier expansion proposal whose county permit denial was upheld in litigation.	The record provides powerful local precedent for denial based on wetlands and nuisance impacts.
Whitney Reservoir	A proposed lower-Homestake storage and collection project with pumpback to existing Homestake.	A future Whitney application must identify the selected design and every indispensable facility and impact.
Eagle River Joint Use	The cooperative water-development framework for East and West Slope participants in which Whitney has been discussed.	Its broader supply objectives explain the planning context. Whitney’s own facilities, effects and dependable deliveries are the subject of the Whitney decision.

The utilities' March 2022 factsheet describes four Whitney storage concepts ranging from 6,850 to 20,000 acre-feet, with contemplated collection from Peterson, Fall, and Resolution creeks and pumping to existing Homestake. July 28, 2026 reporting states that Aurora had not selected a final dam configuration, storage volume, or road alignment. CASE:3,CASE:4

The 1998 Eagle River joint-use framework contemplated 20,000 acre-feet of average annual yield for East Slope participants, 10,000 acre-feet of firm dry-year yield for West Slope participants, and 3,000 acre-feet of storage for Climax. Those figures measure different benefits within the broader cooperative project. Whitney's annual depletion and final combination of facilities remain undetermined and subject to local, state, and federal permitting. CASE:5

More water through Homestake Tunnel than past Gold Park

Gold Park is the stream gauge below the existing reservoir and all five collectors; it measures water continuing down Homestake Creek. Across water years 2007-2024, the annual average exported through Homestake Tunnel to Turquoise Lake was 23,370.94 acre-feet, compared with 21,498.22 acre-feet continuing past Gold Park. Whitney would add another reservoir and collection works to this existing diversion system. [HWA:S-GP-ANNUAL; WATER:TECH-21]

Recorded route, WY2007-2024	Annual average	18-year total
Tunnel export	23,370.94 AF/year	420,676.93 AF

Recorded route, WY2007-2024	Annual average	18-year total
Past Gold Park	21,498.22 AF/year	386,968.01 AF

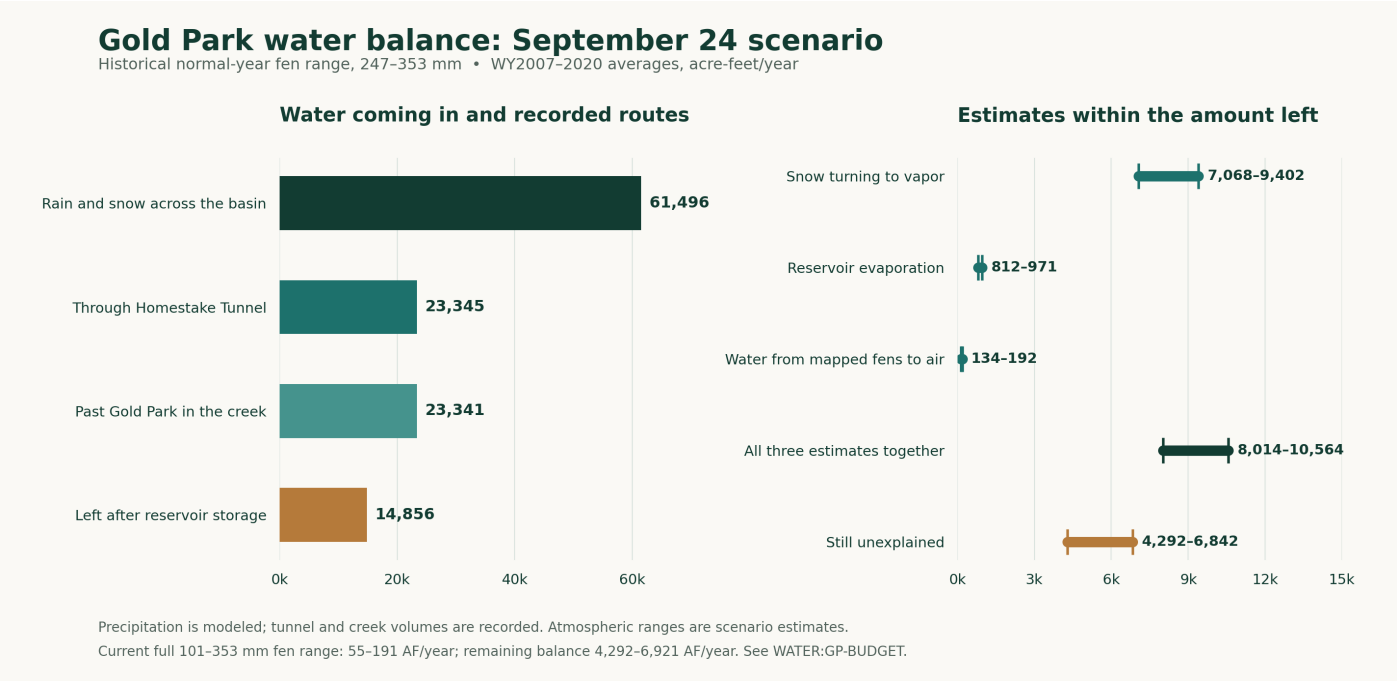
Of the combined recorded export and Gold Park flow, 52.09% went through the tunnel. Gold Park lies below all five collection sites and the reservoir, within the station's published 35.6-square-mile drainage area. The separate precipitation account uses a point-specific StreamStats boundary of about 35.9 square miles. Tributaries below the gauge belong to a different comparison.

These recorded routes show the scale of the existing export before Whitney would add another reservoir and collection works. Water continuing down the creek sustains downstream habitat and communities.

Technical water accounting

Endpoint storage change of +1,011.4987 AF and recorded evaporation accounts of 4,321.7130 AF change the partial-balance ratio to 51.7452%, about 0.34 percentage points lower. Other physical net losses, external replacement inflows, other depletions and measurement adjustments remain unbounded; the recorded evaporation account is not yet reconciled as the complete incremental physical loss.

A matched WY2007-2020 closure using the current 800-m PRISM product estimates **61,496 AF/year** of rain plus snow water-equivalent precipitation. During the same years, tunnel export averaged **23,345 AF/year** and Gold Park flow averaged **23,341 AF/year**. The gross remainder is **14,810 AF/year**. Homestake Reservoir ended 642.30 AF lower than it began, so the signed storage-adjusted remainder is **14,856 AF/year**.



Historical September 24 scenario: 247-353 mm of fen evapotranspiration in normal years. The current calculation below includes the drought year, using 101-353 mm.

Estimates for snow sublimation, reservoir evaporation and mapped-fen evapotranspiration together could explain **7,900-10,600 AF/year** of the roughly **14,900 AF/year** left after reservoir storage.

Snow accounts for most of that estimate: about **7,100-9,400 AF/year**. Reservoir evaporation contributes about **800-1,000 AF/year**, and the mapped-fen estimate is about **55-191 AF/year**. The other **4,300-6,900 AF/year** could reflect evaporation and plant use elsewhere, storage changes, groundwater movement and uncertainty in the inputs.

Open the September 24 historical workbook · September 24 historical scenario ledger · annual CSV

The reservoir can hold one year’s water for later tunnel export or creek release. Its +1,011.50 AF net change across 18 years hides drawdowns of 20,630.14 AF in WY2009 and 39,421.17 AF in WY2012. Reclamation documents dam and outlet repairs in 2012-2014 and a completed refill in 2015. The full 18-year comparison stays primary; omitting WY2012-2014 yields 51.23%, while omitting the 2015 refill too yields 52.94%. DWR’s one-time September 2020 experiment released 1,666.9 AF of stored water down Homestake Creek during downstream calls, although net annual storage declined 763.78 AF. Creek releases passing Gold Park are already in its observed flow. [WATER:TECH-03, -19, -20]

The separate five-collector record for WY2014-2024 places 88.26% of capture in May-June. Water arriving during runoff helps shape the moisture and habitat available later in summer. Collector captures overlap with the later reservoir and tunnel accounts.

The Red Cliff gauge provides a second view farther downstream, after additional tributaries join Homestake Creek. In that larger 58.2-square-mile drainage, tunnel export was 43.04% of export plus recorded creek flow during WY2007-2011. The different drainage and years explain why this is a separate comparison from Gold Park.

Water methods, source accounts and reproducible calculations · Matched records and basin map

Historical legal milestones

Historical legal milestones

Period	Established milestone	Legal significance
1952 to 1967	A 1961 Supreme Court decision recognized a September 22, 1952 priority for the integrated Homestake/Eagle-Arkans as plan; a later opinion identifies the original 1962 decree. Existing Homestake was completed in 1967.	Priority, adjudication, ownership, and operating authorization are separate legal questions.
1980	Congress designated Holy Cross Wilderness with express Homestake provisions.	The 1980 Act contains express Homestake provisions; any proposed work must meet those terms and applicable wilderness protections.
1980s to 1994	Eagle County rejected Homestake II; in 1994 the Colorado Court of Appeals reinstated the County's denial.	Environmental and nuisance evidence can support a consequential county decision.

Period	Established milestone	Legal significance
1992	The Tenth Circuit upheld the federal Corps permit against NEPA and Clean Water Act challenges. It did not decide Eagle County's separate land-use permits.	In 1994, the Colorado Court of Appeals held that Eagle County's original denial should have been upheld and confirmed that water-diversion projects within Eagle County remain subject to county permitting.
1998	East and West Slope entities adopted a joint-use framework.	Each facility contemplated by the joint-use framework still requires public permitting.
2021	The Forest Service approved limited test drilling to study the ground.	The 2021 authorization covered limited test drilling only.
2023	Division 5's published resume includes an application concerning Homestake conditional rights, case 23CW3138.	The 2023 resume records an application concerning conditional rights in case 23CW3138. Final rights depend on the resulting water-court decree.
2026	Eagle County approved revised 1041 rules on October 27.	The vote addressed countywide rules. A Whitney permit would require its own review.

Water rights and project approvals

Colorado evaluates diligence for a conditional right within an integrated water-supply system. In Vail Valley Consolidated Water District v. City of Aurora, the Colorado Supreme Court applied that principle to Homestake. Under the accessible 2025 statute, reasonable diligence turns on the complete statutory inquiry rather than permit status alone. CASE:10,CASE:11

The current decrees and related proceedings must establish every authorized diversion point, storage location, volume, season, exchange, and use. CASE:9

Water court governs decree compliance, legally cognizable injury, and water-right questions. Separately, the Eagle County Board of County Commissioners is the County's 1041 Permit Authority. A water decree or another agency approval does not replace this independent county approval. CASE:1,CASE:2,CASE:11

2. Eagle County: the strongest established local route

Who decides and what must be proven

On October 27, commissioners approved standalone 1041 rules for Eagle County. They voted to make the rules effective immediately upon passage of a separate enacting resolution. As of November 2, 2026, passage of the separate enacting resolution and the effective date could not be verified. CASE:57,CASE:58,CASE:59

Chapter VI §§6.03.10 and 6.04.01 and the October package §§211 and 401 place the burden on an applicant before the Board. The Board must deny if a standard fails. Conditions may support approval if they secure compliance with every applicable standard. The rules governing a particular Whitney filing would depend on the enacted text, transition terms and application facts. CASE:1,CASE:55,CASE:56,CASE:57

What Chapter VI requires

Published Chapter VI standards and the Whitney record

Chapter VI provision	Why it is a strong denial ground
6.04.01(17), wetlands and riparian areas	The same 81.4 mapped wetland and potential-fen acres fall inside all four full-pool models. Structure, function, acreage, species and wetland-to-upland transition are express factors.
6.04.01(24), County benefit versus local loss	Benefits to Eagle County and its citizens must outweigh local natural and recreational resource losses.
6.04.02(3), demonstrated necessity	This Chapter VI standard requires the project to be necessary for development and population demands in the service area.
6.04.01(18), wildlife and habitat	Flooding removes habitat; roads, power, lighting, and operations fragment movement routes and food webs.
6.04.01(11), (21), recreation and nuisance	Noise, dust, traffic, light, closures, and lost scenic recreation are express factors. Homestake II sustained noise, dust, tunnel, recreation, and scenery findings.
6.04.02(1), efficient use of water	Chapter VI expressly names conservation, recycling and reuse.

The strongest present case: Whitney threatens Homestake’s fens and connected wetlands. Our full-pool models of the four potential dam sites inundate shared mapped wetlands and areas classified “Potential Fen” in the source inventory. Construction conditions cannot preserve the existing wetland community beneath deep water. The County should deny Whitney where that significant functional loss remains after evaluating mitigation. The published Chapter VI criteria also address local benefits and losses, need, habitat, recreation, nuisance and efficient use.

Homestake II's legal force

In City of Colorado Springs v. Board of County Commissioners, 895 P.2d 1105 (Colo. App. 1994), the court reinstated Eagle County's denial because competent testimony supported findings of substantial wetland destruction, including rare-moss loss, and noise, dust, and tunnel disruptions degrading recreation and scenery. The cities' water rights did not guarantee approval of that design. CASE:2

The ruling upheld the County’s use of wetland, nuisance and benefit-versus-loss criteria for that proposal. Denial of that design left the underlying water rights intact. For Whitney, findings should connect the evidence to the governing criterion and explain which losses would persist after mitigation.

The permanent loss of valley-floor wetlands, disruption to habitat and recreation, and uncertainty about dependable yield remain grounds for opposing Whitney.

What commissioners approved on October 27

The Board approved Attachment 1.2 with the revisions in Attachment 1.1. Those revisions expressly include fens in the Waterbody definition. The November 3 agenda concerns the broader land-use rewrite, a separate proceeding. The countywide 1041 vote did not approve Whitney Reservoir. CASE:55,CASE:56,CASE:57,CASE:59

October 27 rule package: review and watershed standards

Approved provision	What it would require
104, 211 and 401	On a Board permit application, the applicant must meet each Article 4 standard. A failure requires denial unless conditions secure compliance.
109: Project, Impact, Municipal water project, Waterbody	Review covers related reservoir works and direct, indirect and cumulative effects. The revised Waterbody definition expressly includes fens, irrespective of federal or state water-quality jurisdiction.
307 and 406	§307 addresses downstream flows, shallow groundwater, fen function, aquatic habitat and monitoring. §406 requires plan compliance, documented CPW consultation and protection against significant watershed degradation.

October 27 rule package: water, wildlife and the valley

Approved provision	What it would require
409	Supply must be adequate in quantity, quality, and dependability; that evidence can test dry-year yield and refill.
411 and 412	§411 protects wildlife and habitat from significant deterioration and requires documented CPW consultation. §412 protects terrestrial plant communities in the impact area.
423, 424, 429, and 431	Recreation, historic and archaeological resources, nuisance, and visual quality remain approval standards.
434(D)	§434(D) requires efficient water use, including recycling and reuse. §331(E) requests conservation measures. The growth and facilities tests in §434(A)-(B) apply to projects serving the county.

Where the October package leaves gaps

Sections 303(D) and 331(B) require applicants to explain the need for the project and the basis for projected demand. Article 4 omits Chapter VI's standalone necessity and County-benefit-versus-resource-loss tests and the July draft's least-adverse-alternative standard. These gaps matter where cities receive water and Homestake bears the loss.

Exceptions and public notice

Under §§105(C) and 201, the exception for a subdivision, planned unit development or special use requires that review and approval occur through the specified county process and that the Director determine adverse impacts will be or have been adequately mitigated through county regulations and other state or federal permits. This exception starts when the 2026 land-use regulations take effect or July 1, 2027, whichever comes first. CASE:56

For a finding of no significant impact, §204 requires publication within 21 days after the determination. The Board has 28 days after publication to decide whether to reconsider. Review then goes to the next meeting that can be properly noticed. Section 601 separately requires the activity order to be published and a sign posted at least 21 days before construction. CASE:55

Save Homestake opposes Whitney because flooding the valley and depleting the creek would permanently change these wetlands and the water that sustains them. Even a demonstrated need for municipal supply would not give the cities an ethical claim to that loss.

3. Wetlands and fens: all modeled options destroy living habitat

Confirmed groundwater-fed fens

CNHP's September 12, 2011 surveys near Gold Park confirmed two fens with **92 cm and 88 cm of peat, saturated soils, established wetland vegetation and no recorded disturbance or noxious weeds**. These observations document healthy, functioning fen ecosystems at the surveyed sites in 2011. Their deep peat and groundwater supply are part of the living Homestake landscape worth protecting. CNHP 2011, printed pp.92-99 · Field measurements and condition records.

CNHP's current Fens2025V2 map identifies 15 Confirmed Fen polygons in the Homestake Creek watershed. Those polygons lie outside the stored A-D modeled full pools. The reservoir-overlap figures retain the September 18 inventory. The map's Potential fens control combines September and October mapping and retains each feature's source classification. Current CNHP mapping and source-version comparison.

The mapped valley-floor wetland and fen complex extends across Aurora's parcel and surrounding lands. Using the September 18, 2026 inventory, our full-pool models of the four potential dam sites overlap 81.4 acres of mapped wetlands and potential fens. Permanent flooding would replace the affected wetland habitat with reservoir habitat. CASE:3,CASE:15

Fens are groundwater-supported, peat-forming systems. Their functions depend on water delivery, chemistry, saturation, peat structure and the surrounding landscape. EPA reports that natural fen formation can require up to 10,000 years; federal compensatory-mitigation rules identify fens as difficult to replace. CASE:14,CASE:37

The core test: Any created wetland or transplant plan must demonstrate replacement of the groundwater, peat, habitat, and landscape functions destroyed by flooding, excavation, groundwater interception, or altered drainage. That showing must address recovery time, failure risk, long-term management, and the water consumed or redirected by the replacement work.

Any proposed fen mitigation must demonstrate durable functional replacement for this specific system and impact, including far more than short-term plant survival. CASE:15

Water, carbon and refuges in a changing climate

Homestake's fens, wet meadows, willow margins, ponds and streams support several functions together. The studies below explain those functions at their named locations. Their significance for Homestake is the value of retaining the water, soils and connections that make them possible.

Cool water and dry-season resilience

Groundwater exchange can supply cool patches where aquatic organisms escape summer heat. An eight-year Oregon study found that natural and artificial beaver dams moderated daily temperature extremes and created local cool-water refuges. Shading by streamside plants also limits solar heating. Protecting a varied network of flowing water, groundwater connections and cover preserves thermal choices as streams warm. Weber et al., 2017 · CNHP, wetland functions

Wetland water is stored in saturated soils, shallow groundwater, ponds and floodplain sediments. In Rocky Mountain National Park, beaver dams moderated summer water-table decline across adjoining land. A Canadian Rocky Mountain fen shifted between transmitting, storing and releasing water through a dry season. These functions can sustain wet habitat after peak runoff. Many fens are groundwater-discharge environments; the direction and timing of exchange determine how water reaches the creek. Retained ecological water and extra downstream discharge are separate water-budget outcomes. Westbrook et al., 2006 · Streich and Westbrook, 2020 · Nash et al., 2018

Floods, sediment and water quality

Vegetation, pond storage and multiple flow paths can slow runoff and delay flood peaks. Wetland roots stabilize soil and banks, while ponds retain sediment, including material arriving after fire. Research in Colorado and Wyoming documented post-fire sediment accumulation in beaver ponds. The response depends on available storage and the event. Westbrook et al., 2020 · Dunn et al., 2024

Living soils also process nutrients. At Colorado's East River, field measurements and modeling linked a beaver dam to stronger subsurface exchange and nitrate removal. Wetlands can retain particle-bound phosphorus, while oxygen and water chemistry influence whether particular metals are held or released. In North Saint Vrain Creek, connected beaver habitat retained water, carbon and nutrients during high flows and released them as flows declined. Water quality includes the timing and chemical form of what travels downstream. Dewey et al., 2022 · CNHP · Briggs et al., 2019 · Wegener et al., 2017

Keep accumulated carbon in functioning soils

Saturation limits oxygen entering peat and helps preserve accumulated organic carbon. Drainage changes both carbon and the physical soil system: four Colorado fen restoration sites showed altered peat properties, with disturbed surface soil still different from reference peat at the site rewetted 20 years earlier. Carbon also accumulates in floodplain soils outside mapped fen boundaries. Schimelpfenig et al., 2014 · Sutfin and Wohl, 2017

Protecting Homestake’s fens preserves established carbon stores and the hydrology that sustains them. Carbon uptake varies with water tables, vegetation and temperature. Millar et al., 2017 · Wickland et al., 2001

Refuges through heat, drought and fire

Across the Cameron Peak, East Troublesome and Mullen megafires, beaver-dammed river corridors had lower burn severity. Wet patches can retain living structure within a burned landscape, complementing their sediment-retention role during recovery. Warming and earlier snowmelt increase the importance of maintaining the water that supports such habitat. A Colorado fen study found winter drought altered summer vegetation and evaporation even with near-normal summer precipitation, connecting winter water supply to summer conditions. Fairfax et al., 2024 · Blanken, 2014

A food web that crosses the water's edge

In Colorado's Kimball Creek, a greater share of beaver-pool habitat was associated with more aquatic insect biomass emerging per length of stream. Adult insects move that food resource onto land. Different pond and flowing-water communities contribute to a varied habitat mosaic. Water also shapes amphibian breeding opportunity, winter fish refuge, willow structure used by birds, and forage and cover for mammals. Dewey et al., 2025 · Hossack et al., 2015 · Lindstrom and Hubert, 2004 · Baril et al., 2011

Fen chemistry and saturation support distinct plant and moss communities. A San Juan Mountains survey recorded 20 fen communities across 182 sites. A Colorado experiment with streamside bluebells showed that water availability changed floral traits, seed set and pollinator visitation. Peat itself preserves environmental history: a Colorado fen record reconstructs hydroclimate and ecosystem change since the last glacial maximum. Intact wetlands therefore hold biodiversity, living reference systems and natural archives alongside their value for community science and learning. Chimner et al., 2010 · Gallagher and Campbell, 2017 · Todd et al., 2025

The conservation case is cumulative: changing groundwater or seasonal flow can affect peat, plants, beaver habitat, food supplies and refuges together. Flooding the valley floor also replaces a mosaic of shallow and flowing habitats with managed open water. Protecting Homestake means keeping those functioning connections intact.

Why fen transplantation cannot preserve Homestake

Whitney would destroy an intact fen. At one of four restored Colorado fens, disturbed surface peat still differed from reference peat 20 years after restoration. The loss here includes peat structure, water regime and ecological relationships built over time. CASE:42

Groundwater supply, peat structure, habitat and recovery time determine whether a replacement wetland performs the functions lost. The Colorado restoration research shows that rewetted peat can retain differences from reference peat decades later.

Damming Homestake Creek and exporting its water would alter downstream flow volume and timing. Flow volume and timing shape sediment transport, temperature, floodplain connectivity, aquatic communities and hydraulically connected wetlands. Where altered hydrology dewaters and oxidizes peat, the degradation is lasting on a human timescale. Mitigation cannot reverse destruction of the original system. Federal project-effects standard

The functions flooding would replace

• The affected landscape includes wetlands, fen-supporting groundwater and habitat beyond the reservoir edge.

• Peat depth, vegetation, water chemistry and seasonal saturation describe different parts of a functioning fen.

• Dam cutoff works, tunnels, trenches and road embankments can intercept groundwater; reservoir levels can change its exchange with adjoining land.

• Federal mitigation rules place avoidance before minimization and compensation.

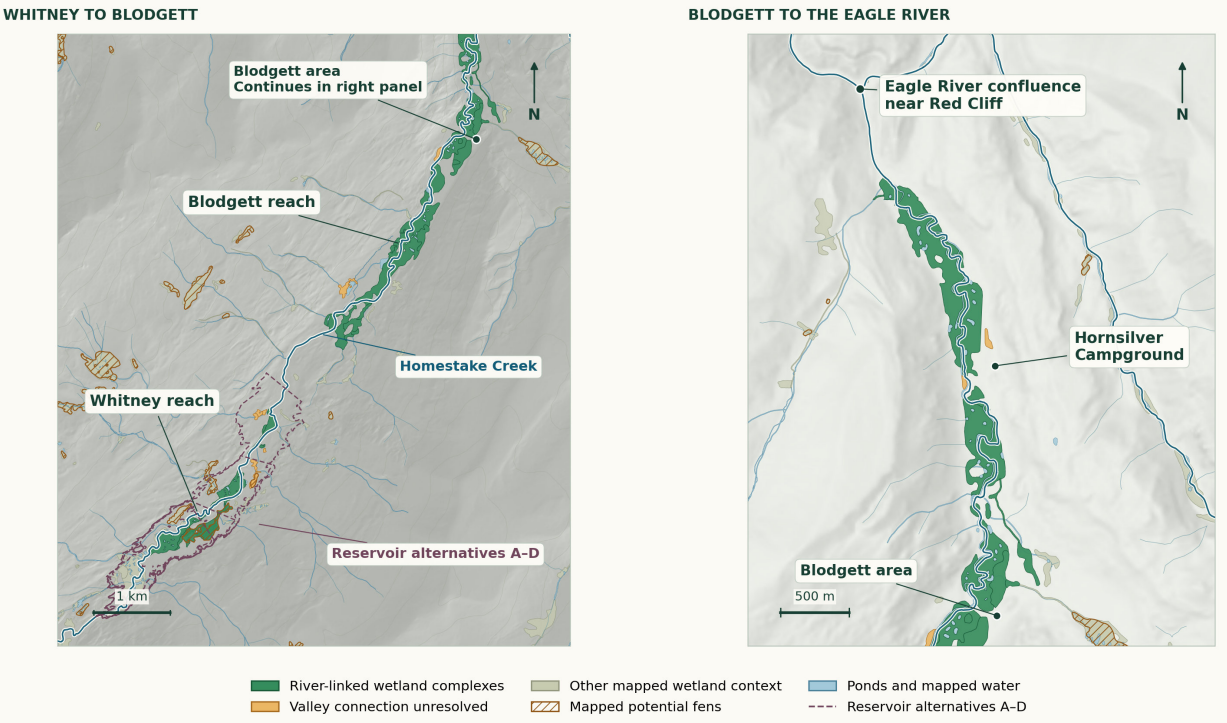
• Recovery time matters: a replacement wetland cannot immediately reproduce the peat structure and ecological relationships built over centuries.

Downstream wetlands: Whitney to the Eagle River

Below Whitney, Homestake Creek continues through the Blodgett reach, past Hornsilver Campground and into the Eagle River near Red Cliff. The map follows this wetland corridor through the Eagle River confluence. Taking more water out of Homestake threatens connected habitat far beyond the land a reservoir would flood.

FOLLOW THE WHOLE WETLAND COMPLEXES

Homestake Creek connects a valley of wetlands, side channels, beaver ponds and floodplain groundwater.



Whole wetland complexes follow mapped water connections across the valley floor.

Green: mapped channel contact or reviewed valley-floor continuity. Amber: connection remains unresolved.
Areas measure mapped habitat; the response to reduced flow varies with surface water, groundwater and beaver activity.

Sources: CNHP full wetlands/potential fens; USGS streams and terrain; USFS landmarks; A–D full-pool models. EPSG:32613.
Inventory exports: 18 Sep / 5 Oct 2026. Full source records retain their imagery dates and classifications.

Whitney to the Eagle River confluence, including the wetlands beyond Hornsilver. Green shows linked wetland complexes, amber marks unresolved valley connections and pale shading retains other mapped wetlands. Hatching identifies mapped potential fens. Open full-size map · Sources and methods

The inventory follows whole wetland and pond complexes linked to Homestake Creek. Beaver ponds, side channels and shared shallow groundwater carry the creek’s influence across the valley floor. Lower creek levels can also increase drainage from adjoining wetlands supplied partly by springs or seasonal creeks. Across the Whitney-to-Eagle assessment, 36 linked complexes contain 362.1 unique acres of mapped wetland and potential-fen habitat. One 49.2-acre complex crosses the upstream assessment endpoint and is retained whole. The lower reach from Blodgett to the Eagle River confluence contains 137.0 of those acres. These are mapped habitat acres; drying varies with flow, pond levels and groundwater.

The lower-creek records use NWIC mapping with 1983 source imagery. The map retains each source wetland and potential-fen category, together with its inventory date and verification status. Whole-complex calculation and sources.

How the map and overlap were made: plain explanation, calculation method and original records.

The damage does not stop at the dam

Reduced flows can lower shallow water tables and shorten the periods when the creek replenishes connected wetlands and side channels. That can leave wetland soils drier, stress willows and other water-dependent vegetation, and shrink the wet habitat that supports wildlife. The timing matters: capturing spring runoff and reducing water during dry periods can harm different parts of the same system. National Research Council, Riparian Areas (2002), pp. 149-150.

Fens depend on sustained groundwater that keeps their peat saturated. Where altered creek levels or construction disrupt that supply, wetland plants can change and exposed peat can decompose, releasing stored carbon. Protecting a fen means protecting the water that keeps it alive, including the connections outside its mapped boundary. CNHP / Forest Service, Inventory of Fens in White River National Forest (2025), executive summary and pp. 1, 36.

The downstream case for denial

Existing withdrawals already affect the creek before a proposed Whitney reservoir would operate. Changes to seasonal flow can propagate through shallow groundwater, wetland saturation and aquatic habitat toward Blodgett and Red Cliff. Save Homestake asks the Board to deny a project whose significant downstream degradation remains after mitigation and enforceable conditions.

Chapter VI §6.04.01(15)-(18) addresses surface water, groundwater, wetlands and habitat. Appendix A identifies factors to consider. Sections 307 and 406 of the October 27 package connect the downstream flow record, groundwater and aquatic habitat to enforceable watershed standards on a Board permit application. CASE:1,CASE:55,CASE:56 Read the downstream evidence.

Loss of a pond-channel-willow complex within the inundation area removes established habitat. Beyond the flood line, changes to connected creek and groundwater supplies can constrain beavers and weaken the wetland habitat they maintain. Existing diversion, drought and vegetation pressures can act on the same functions. The full-pool models cover 85.4-134.8 mapped acres. The wider Whitney-to-Eagle assessment maps 362.1 acres in 36 wetland complexes connected to Homestake Creek, extending to the Eagle River confluence near Red Cliff. Water, willow and beaver feedbacks

The moral choice: where should the sacrifice end?

A legal right to take water does not settle whether developing it is morally defensible. The allocation system took shape in an era of conquest, extraction and competition, before modern understanding of ecological interdependence. Its inherited priorities deserve examination under present conditions. A decree cannot create snowpack, streamflow or ecological capacity. Colorado Judicial Branch water history · Reclamation's Pine River history.

The water in a living creek is already sustaining wetlands, wildlife and downstream communities. Those are existing uses and relationships. An undeveloped entitlement is a proposed future use of water that already has value. When exported water does not return to its source watershed, **100 percent of that exported volume is consumed from its flows of origin**. Reusing it in the receiving basin does not restore the source flow. Aurora describes its imported Homestake supply as reusable to extinction in the South Platte basin. Aurora's Prairie Waters explanation.

Within a basin, water can support successive habitats and uses; some uses return water downstream and others consume a portion. Export removes the transferred water from that chain. Its consequences extend beyond Whitney into the donor creeks, collection works and connected Eagle and Colorado rivers. The wider public includes downstream communities, Tribal Nations, agriculture, recreation, ecosystems and future generations. USGS water-use definitions.

Future growth elsewhere should not carry automatic moral priority over existing lives and places. The question is who benefits, who sacrifices, and why permanent loss is justified. Homestake already gives up substantial water. That existing sacrifice is a reason to set a limit, not an unlimited precedent for taking more.

Conservation, reuse, efficiency and growth choices belong at the center of planning in receiving communities. A finite river cannot carry an unlimited obligation to expansion. Save Homestake's position is that remaining wild creeks should be protected as living places, rather than treated as unfinished water-supply projects. Future generations deserve the water, habitat and choices we cannot recreate once they are lost.

State and federal water protection

After Sackett narrowed federal wetland jurisdiction, Colorado's Regulation 87 established a state framework for dredge-and-fill impacts. Applicability, exemptions, and transition rules turn on the project's permit history. Individual authorization addresses fundamental need, a no-action alternative, practicable alternatives, and circumstances prohibiting discharge where a qualifying less damaging alternative exists. CASE:16,CASE:17

For waters subject to federal jurisdiction, the Section 404(b)(1) guidelines in 40 C.F.R. 230.10 prohibit discharge when a practicable, less environmentally damaging qualifying alternative exists. The analysis must address water dependency, project purpose, and practicability. Corps public-interest review also recognizes water conservation and demand reduction. CASE:18,CASE:19

Requested decision:

• Establish jurisdiction and exemptions in writing for every component.

• Document how the authorization protects water-right administration while enforcing dredge-and-fill requirements. CASE:17

Federal mitigation rules expressly identify fens as difficult to replace and recognize circumstances where suitable practicable compensation is unavailable and a permit cannot issue. Colorado's rule likewise gives fens specific difficult-replacement treatment. Loss of function and compensation feasibility are therefore operative permitting issues. CASE:37,CASE:17

4. Growth must not come at the Western Slope's expense

Front Range growth does not justify Whitney or another interbasin diversion. Water planning should prioritize conservation, reuse, system efficiency, and durable demand limits instead of transferring permanent ecological loss to the Western Slope. An average annual water target is particularly inadequate where the stated objective is drought reliability because water available mainly in wet years does not provide dependable supply through consecutive dry years.

Progress worth building on

Aurora reports a 36% reduction in water use since the early 2000s, a separately reported rate of 115 gallons per person per day, reuse investment and landscape reform. Colorado Springs Utilities reports a 40% per-capita decline since 2001 and 276 AF/year of savings from its 2024 conservation work.

These gains deserve credit. Additional dependable supply and additional practicable savings answer the remaining choice, using the same planning horizon and drought conditions. Conservation already included in demand forecasts is part of the baseline.

Utility statements, dates and measures

Whitney’s incremental dependable supply remains unresolved in the retained record. Shared tunnels, power-dependent pumping and legal limits on diversion also affect reliability; storage capacity alone does not measure that supply.

Alternative portfolios and the factors that shape dependable supply, part 1 of 2

Alternative or portfolio	What shapes the result
Conservation and outdoor demand management	Additional achievable savings beyond the adopted baseline, cost, participation, durability, and seasonal timing
Reuse and existing-system improvements	Legally reusable supplies, treatment and conveyance capacity, water quality, energy, and incremental yield

Alternative portfolios and the factors that shape dependable supply, part 2 of 2

Alternative or portfolio	What shapes the result
Different storage or managed aquifer options	Suitable geology/site, storage and recovery losses, permits, treatment, and actual usable yield
Smaller or phased Whitney concepts	Whether reduced footprint materially avoids impacts while meeting a defined need
Other sites or cooperative portfolios	Comparable reliability and full environmental costs, including agricultural and community harms
No action with adopted investments	The quantified shortfall remaining after adopted investments

The legally required alternatives analysis should compare conservation, reuse, existing-system improvements, different storage, cooperative portfolios, and no action under common assumptions. It must account for geotechnical feasibility, return-flow obligations, and effects on agricultural communities so protecting Homestake does not simply shift severe harm elsewhere.

Aurora distinguishes projected demand from its desired emergency reserve. Whitney’s additional contribution to each remains unresolved after conservation, reuse and aquifer storage. CASE:20,CASE:21

Measure conservation by dependable basin savings

Conservation planning must distinguish gross diversions from consumptive depletion because return flows may be relied on by other users. Legally transferable water depends on actual basin savings, seasonal availability, enforceability, and protection against injury. CASE:22

Compare alternatives by cost per dependable additional acre-foot, including environmental and community costs. Outdoor demand, distribution losses, reuse potential and service-area projections determine the scope of that comparison.

Shoshone: a real senior-right constraint on supply

Homestake Creek feeds the Eagle River, which joins the Colorado at Dotsero upstream of the Shoshone plant in Glenwood Canyon. The Colorado River Water Conservation District, a public agency serving 15 Western Slope counties, identifies Shoshone rights appropriated in 1902 and 1929, totaling up to 1,408 cubic feet per second, with water returned after generation. A valid downstream senior call can constrain affected junior upstream diversions. The extent of that constraint is governed by water availability, administration, decree terms, and applicable agreements. CASE:43,CASE:52

Shoshone's senior decrees, water availability, administration and applicable agreements affect the timing of diversion and refill. Those constraints limit the dependable supply that reservoir capacity can represent. CASE:53

The permanent-protection effort is concrete. On November 19, 2025, CWCB accepted a perpetual interest for instream-flow use; on November 20, the co-applicants filed Division 5 case 25CW3177 to add that use alongside hydropower. The November 24 official announcement identifies water-court approval, financing, an instream-flow agreement, and Public Utilities Commission approval as conditions that remain before closing. CASE:44

The Colorado River Water Conservation District's May 22, 2026 update reports approval of a $40 million federal award and $97 million secured toward the $99 million purchase, with federal award contracting still ahead. CASE:45

March 2026 reporting describes a temporary call-relaxation agreement that allowed additional storage, including at Homestake. That temporary operating arrangement differs from a lasting change in senior rights. CASE:51

Shoshone constrains the supply a reservoir can deliver. Governing calls, lawful historical exercise, applicable relaxation agreements, release requirements and consecutive dry years shape diversion and refill opportunities. The retained Whitney record does not resolve dependable additional yield under those conditions.

Falling reservoir water levels change the landscape

The published Whitney proposal collects water and pumps it uphill to existing Homestake Reservoir. Whitney-specific filling frequency, low-water elevations and exposed acreage during dry periods remain unresolved in the retained public record. CASE:3

Prolonged low water exposes large areas of reservoir bed, affecting habitat, recreation, erosion, and dust. The magnitude and duration of those effects depend on Whitney's operating levels, which remain unresolved in the retained record.

The original groundwater-fed peat ecosystem depends on its peat structure and sustained water regime. Permanent inundation replaces that living habitat, and later reservoir drawdown does not recreate its former water regime or peat-forming community. CASE:14,CASE:42

Operating conditions and their consequences, part 1 of 2

Operating condition	Why it matters
Changing reservoir elevations and storage	Pumping cycles, seasonal low water and consecutive dry years change the pool
Exposed-bed acreage and duration by elevation and season	Changes the landscape, habitat, recreation, and possible erosion or dust effects

Operating conditions and their consequences, part 2 of 2

Operating condition	Why it matters
Minimum-pool assumptions and enforceable operating limits	Distinguish a promised scenic lake from the actual proposed operating regime
Annual deliveries, drought reliability, refill frequency, and recovery time	Separate useful water supply from storage capacity and average targets
Groundwater and stream connections	Carry potential effects to fens and streams beyond the flooded area

The public explorer shows our modeled pool heights and inundation for the potential dam sites. A percentage on its slider describes height above the modeled base, not a percentage of storage volume or an operating forecast.

Fall, Peterson and Resolution: the source landscapes

The utilities' March 2022 concept describes gravity collection from Peterson, Fall and Resolution creeks to a new Homestake Creek reservoir, then pumping into existing Homestake Reservoir. The July 2019 concept map instead depicts an Eagle River collection point below Resolution. These are dated alternatives; the final intake locations, alignments, access and power route remain unresolved in the reviewed record. CSU March 2022 fact sheet, pp.1-2 · July 2019 concept map.

All three creeks flow to the Eagle. Resolution joins above Homestake's confluence; Peterson and Fall join below it. Water removed from a donor creek affects the route downstream of its intake, while construction and groundwater disturbance can reach beyond the channel.

Whole-basin mapped resources, October 8, 2026 analysis

Creek basin	Emergent and woody wetlands (acres)	Ponds (acres)
Fall	133.2	14.3

Creek basin	Emergent and woody wetlands (acres)	Ponds (acres)
Peterson	5.0	0.1
Resolution	85.6	1.2
Total	223.8	15.6

The National Wetlands Inventory polygons were clipped to USGS NLDI whole catchments and unioned within each class. Source imagery includes 1983 and 2011; about 7 percent of Resolution's basin has 2011 coverage. These are mapped resource inventories, with ponds listed separately. They are neither a fen-only inventory nor the predicted acreage damaged by a selected intake. They are also separate from the Whitney-to-Eagle 362.1-acre connected-complex assessment and the modeled Whitney full-pool footprints. Inventory methods and source identifiers · USFWS inventory · USGS catchments.

Fall Creek has a documented conservation history. CNHP's 2000 Eagle County survey described its willow carr and sedge wet meadows as high-quality habitat in excellent condition and warned that diversion would significantly disrupt them. The conservation area's 1,139 acres describe the supporting landscape, not wetland acreage. CNHP survey, pp.149-150.

The physical consequences extend through the collection system: reduced or retimed flow, altered shallow groundwater, habitat fragmentation, trenching and excavation, access roads, tunnels, pumping and power. These source landscapes retain ecological and wild-place value beyond formal Wilderness boundaries. Their condition belongs alongside the reservoir footprint in evaluating permanent loss.

The same 2022 fact sheet describes a broader additional average annual city-supply objective of 20,000 acre-feet and storage alternatives of 6,850 to 20,000 acre-feet. Annual supply and reservoir capacity are different quantities. The objective is not a fixed annual allocation to these three creeks. Read the agreements guide's water quantities.

5. The whole physical project: pumps, power, roads, and noise

The utilities describe pumping Whitney water uphill to existing Homestake. The reviewed concept material does not establish final pump, power, routing, backup-generation, operating or noise details. CASE:3

Whitney’s complete footprint includes the facilities needed to capture, pump, power and export water. Roads and pipeline trenches can disturb groundwater beyond the reservoir edge; construction and operation add their own habitat and recreation effects.

Physical project components and their effects, part 1 of 2

Component	Current public record	Why it matters
Pump station	Pumping is part of the concept; final size, location and operation are not established.	Operating noise, vibration, lighting, and maintenance would disturb quiet recreation and wildlife beyond the structure.
Electricity supply	Electricity route, voltage, easements and buried or overhead facilities remain design-dependent.	Clearing and easements would fragment habitat and alter scenery; wildfire and outages add safety and reliability risks.
Backup generation, if proposed	No final backup-generation design is established in the reviewed concept material.	Fuel storage and operation would add noise, emissions, spill, and wildfire risks.
Pipelines and tunnels	Final alignments and construction methods are not established.	Dewatering and trenches can intercept fen-supporting groundwater; blasting and spoil disturb streams and habitat.
Roads and work areas	Final temporary and permanent construction footprints are not established.	Traffic and closures displace public recreation; new or relocated roads fragment habitat and increase dust and collision risk.

Physical project components and their effects, part 2 of 2

Component	Current public record	Why it matters
Reservoir and dam	Our modeled flood zones show potential inundation; they are not a final operating or hazard design.	Flooding would permanently replace the fen; drawdown would expose banks; altered releases would affect downstream habitat and water quality.

Pumping, power, conveyance and access bring groundwater, habitat, recreation, noise, safety and public-land consequences. Their effects reach beyond the reservoir edge. The final facility design and operating levels remain unresolved in the retained record.

Cumulative disruption includes construction seasons, haul traffic, closures, falling water levels, lighting, maintenance, and diminished recreation quality.

6. Protect Holy Cross Wilderness with a precise public-land record

Save Homestake opposes any change to the Holy Cross Wilderness boundary. A boundary change would permanently remove acreage from congressionally protected wilderness to accommodate a new interbasin diversion. National Forest access, recreation, wilderness character, and the living landscape are central public interests integral to Whitney's complete footprint. Every road relocation and facility affecting those lands must be mapped and justified before approval.

The 1980 Colorado Wilderness Act contains express Homestake language in Section 102(a)(5), preserving specified water-right development and addressing agreed modifications or exchanges. Section 110 addresses activities outside wilderness that may be seen or heard within it. Any development authority must be tested against the project's actual footprint and the statute's precise terms. CASE:6

Required legal showing:

• No Holy Cross Wilderness boundary change should be accepted. If proponents seek one, they must identify the exact congressional action and disclose every acre and facility affected.

Noise, visual, access, and habitat effects remain subject to county, land-management, and other approval standards where Section 110 applies. Each affected facility must have a specific federal land authorization, and any grandfathered right must match its documented scope.

The Forest Service's 2021 decision authorized test drilling to study the ground, not reservoir construction. Any later reservoir or infrastructure proposal must secure its own authorization on a complete public record. CASE:8

7. Ute cultural interests, Camp Hale, and historic resources

The Camp Hale-Continental Divide National Monument proclamation recognizes Ute connections, military history, and water infrastructure within this nationally significant landscape. Any Whitney proposal must map its overlap with monument lands and demonstrate consistency with the proclamation and governing protections. CASE:23

Ute people lived in and traveled through this mountain landscape long before Colorado became a state. The valley also carries the 10th Mountain Division’s training history. Flooding, blasting and road relocation can erase archaeological evidence and sever the relationships among travel, creek, terrain and the Camp Hale landscape. These histories belong to the place itself. CASE:24

Field photography documents public-road and recreation conditions across the former Camp Hale military training landscape.

Required Section 106 process: Agencies must define the area of potential effects broadly enough to include access, setting, hydrologic change, construction, and other project-caused effects on eligible historic properties. Section 106 requires identification of historic properties and consultation with Tribal governments and preservation officials before an irreversible decision. Unlisted properties may still qualify for the National Register. CASE:25

Archaeological discovery and human-remains procedures should reflect the applicable land ownership and legal requirements.

Any Whitney approval process must include meaningful Tribal consultation while protecting site coordinates, burial locations, and confidential cultural information. CASE:25,CASE:26

8. Wildlife and the living river

Wetland and creek changes affect breeding pools, aquatic conditions and passage through the valley. Flooding removes valley-floor habitat, while roads, traffic, lighting and noise change the connections around it.

The community wildlife archive and the evidence map

The campaign's four current wildlife-camera stations are on the valley floor. Each lies within the flood zone of at least one documented Whitney option. Dated records across seasons show that the valley floor is functioning habitat and a movement network, not vacant acreage. Flooding would remove habitat while roads, traffic, lighting, and noise fragment the surrounding connections wildlife relies on.

The archive documents where and when species were observed, including feeding, animals with young, and repeated seasonal use. Those observations bear on the wildlife and habitat criteria in Chapter VI §6.04.01(18) and the October 27 package §411. Application requirements specifically address wildlife, habitat, migration routes, calving areas, and seasonal range. The code covers common wildlife as well as protected species. CASE:1

Valley Floor 1 documents repeated moose use along a creek-parallel movement route on the valley floor. Public materials use this generalized alias and withhold the precise camera position. These records support protecting the movement route and incorporating it into project-wide habitat and connectivity analysis.

The campaign archive contains a Canada lynx photograph dated April 2, 2017 and attributed to the down-valley Blodgett area by the supplied archive metadata. The original photographer is unspecified. This is a dated campaign record, separate from the BioBlitz occurrence snapshot.

The four generalized camera areas intersect the modeled reservoir flood zones. Their dated wildlife records give the mapped habitat loss a concrete local context.

Construction corridors, pumping, noise and flooding extend the affected area beyond the reservoir edge. Loss of cover and forage, displacement and traffic can change how animals use the surrounding habitat.

Public maps generalize camera positions to protect wildlife. Exact locations remain outside public downloads.

Listed species and downstream aquatic life

Damming the creek and removing water change downstream flow and its timing, with consequences for aquatic habitat, sediment transport, temperature and floodplain connections. Where drying exposes peat to oxygen, peat decomposition and associated habitat loss can persist on a human timescale.

The 2026 Canada lynx critical-habitat designation includes portions of Eagle County and White River National Forest. A federal action that may affect listed species engages the Endangered Species Act's consultation requirements, including effects outside designated critical habitat. CASE:27,CASE:28,CASE:54

The connected wetland mosaic

Homestake's fens and connected wetlands hold water and habitat in different ways, from groundwater-fed peat to seasonally wet meadow, willow, beaver ponds and streams. CNHP's 2000 Eagle County survey documents boreal-toad breeding and Colorado River cutthroat trout in upper Homestake tributaries.

The September 23 BioBlitz snapshot retains 1,400 observations, 229 terminal taxon concepts and 190 species-rank concepts. Those observations keep their dates and identification grades.

The 2025 forest inventory reports 56 confirmed/likely fen polygons covering 86 acres in French Creek-Homestake HUC12 and nine covering 45 acres in Whitney Creek-Homestake HUC12. These watershed totals are separate from the 81.4 acres of mapped wetland and Potential Fen overlap shared by our full-pool models of the four potential dam sites.

In 37 Colorado stream reaches, diverted sites had smaller channels and more dry-site vegetation. At a Colorado fen rewetted 20 years before study, disturbed peat still differed from reference peat. Water removal can change the surrounding plant community, while peat recovery can lag behind restored water levels.

HWF:V3-17, printed p.159 · HWF:S03, Appendix A · HWF:S31, Methods and Table IV · HWF:V3-07, Results

Water and passage through the seasons

In a Colorado summer study, 90% of 1,672 moose GPS locations were within about 285 metres of mapped flowing or standing water. The 21 adults were studied in and near Rocky Mountain National Park in June-August 2017-2018. The result connects summer habitat with water, willow and nearby forest.

Beaver dams in Rocky Mountain National Park slowed seasonal groundwater decline beyond their ponds. A five-species, four-park analysis covering 2002-2011 estimated that amphibians were 34% more likely to use beaver-influenced wetlands. This measure, called occupancy, describes how much of the wetland network the species used. Reduced water and destruction of connected wetland vegetation can constrain beaver shelter, forage, movement and dam maintenance; less beaver activity can then weaken water retention and habitat. This is a supported Homestake risk pathway. Evidence for the reinforcing loss

The September 24 lidar analysis finds that the easiest modeled down-valley route climbs onto the valley sides under the reservoir scenarios. Native cumulative ascent is 73.2 m in current terrain, 191.6 m in A-C and 191.3 m in D. Overall terrain cost rises 1.205% in A-C and 4.422% in D. All 200 tested paths connect.

At a common +5% cost budget, route-opportunity area declines 47.66%, 44.83%, 44.34% and 73.42% for A-D; at +10%, 23.76%, 14.06%, 15.67% and 26.92%; at +20%, 12.21%, 7.19%, 7.95% and 14.92%. This is computational routing area, not measured habitat acreage. The analysis uses 2016 lidar and a native 2 m routing grid, separately from the 10 m reservoir visualizer.

Study designs, sources and ecological interpretation · All corridor maps, methods and results

Wet years and high runoff can activate side channels and backwaters. As lateral water disconnects, persistent ponds and main-channel water become more important, while low main-channel flow can permit seasonal dams. North Saint Vrain Creek observations in 2015 and an East River main-channel dam built in low-water summer 2018 illustrate changing opportunities. Prolonged drying can remove usable depth, routes and forage access. Colorado studies, published 2017 and 2022

The consequences differ by species: breeding-water duration for amphibians, willow and pond habitat for birds, emerging insects and food for their consumers, fish refuge and passage, and wetland forage for moose. Species-specific habitat evidence

Beaver ecology updated October 5, 2026.

Water left in Homestake Creek continues into the Eagle River and then the Colorado, contributing to habitat farther downstream. The Upper Colorado River Endangered Fish Recovery Program brings agencies, water users and other partners together to recover threatened river fish and the habitat they need. Removing water from this river system is a depletion: it reduces the water available downstream. The program can help water projects meet Endangered Species Act obligations through its recovery actions and consultation framework; a project’s coverage depends on its depletion and the applicable conditions. That links Whitney’s seasonal water removal to the wider river habitat, as well as to its local impacts. Program purpose · CASE:38

Existing Eagle River watershed planning documents the effects of reservoirs and transmountain diversions and provides a baseline for measuring Whitney's additional seasonal harm. CASE:29

Peak flows, low flows, temperature and groundwater connections sustain different parts of the living river. Persistent flow changes affect the insects, fish and wetland communities that depend on those seasonal conditions.

9. Climate and Colorado River reliability

The 2024 Colorado Climate Assessment reports that, across Colorado's major basins, 21st-century April 1 snow water equivalent has been 3 to 23 percent lower than 1951 to 2000 averages and annual streamflow since 2000 has been 3 to 19 percent lower. The assessment identifies mid-century scenarios with 5 to 30 percent reductions in spring snowpack and annual streamflow, earlier runoff, and higher evaporative demand. These trends make historical-average yield inadequate for a project intended to serve future decades. CASE:30

Climate stress, consecutive dry years, refill limits, evaporation and conveyance losses constrain water-supply reliability. Supplies sharing snowpack, a basin, a tunnel or a power system can fail together. Conservation, reuse, system efficiency and durable demand limits reduce the pressure for another interbasin diversion.

Colorado River curtailment and long-term water availability bear directly on reliability and cost. Save Homestake opposes irreversible local resource loss for another supply exposed to these shared risks.

A living river's share

A living river deserves an enforceable share of its own water sufficient to sustain its ecological functions.

Colorado's Constitution places unappropriated natural-stream water in public ownership and uses appropriation dates to determine priority. Colorado's instream-flow program can protect rivers within that system, including through acquired senior rights. CASE:49, CASE:47, CASE:50

Voluntary acquisition, donation, or leasing of existing rights to CWCB can give rivers enforceable instream protection with senior priorities. The protected reach and season follow each right's location, historical use, amount, and approvals. CASE:46, CASE:47

Shoshone shows how senior rights can serve durable environmental protection. Senior-right acquisition and partnerships with CWCB and conservation organizations offer a path to protecting Homestake alongside existing habitat and water-quality laws.

10. Federal environmental and land-use requirements

NEPA requires federal agencies to evaluate the significant environmental effects of the proposed action itself. Indirect effects may fall within NEPA even when they occur later or outside the project area. NEPA does not extend to separate projects outside the agency's regulatory authority merely because their effects are foreseeable. CASE:31, CASE:32

When related facilities are interrelated, close in time and place, and within the agency's authority, the agency must determine whether they form a single project. The Whitney record should therefore identify the complete proposed action and every connected component that is part of it. Design drawings, contracts, operating models, common purpose, and engineering necessity can establish those connections.

The Forest Service's special-use screening rules require compatibility with the public interest and technical and economic feasibility. The Forest Service must evaluate each facility under the requested authorization, existing instruments, and the White River National Forest plan. CASE:39

Chapter VI’s necessity test, where applicable, and the separate state and federal permitting standards provide additional grounds for opposing Whitney.

11. Save Homestake’s grounds for denial

• Water rights do not authorize construction. The cities' water rights do not resolve the separate land-use, public-land, wetland, wildlife, recreation, and cultural-resource decisions Whitney requires.

• Front Range growth creates no claim on Western Slope water. Conservation, reuse, system efficiency, and durable demand limits must be compared before another interbasin diversion is considered.

• Every modeled Whitney option inundates mapped habitat within Homestake’s fen and wetland landscape. A smaller reservoir still destroys irreplaceable peat, groundwater relationships, and wetland habitat. Transplantation and compensation elsewhere cannot preserve the original fen.

• The project is larger than its shoreline. Roads, pumps, power infrastructure, construction, operating noise, recreation displacement, and added disturbance belong in the project footprint.

• Reservoir capacity describes space for water. Dependable supply also depends on dry-year inflow, refill, evaporation and senior rights, including Shoshone.

• The valley is active wildlife habitat. The camera archive documents repeated wildlife use of valley-floor habitat threatened by documented Whitney options. Exact camera locations remain protected.

• Promises of mitigation are not protection. Protection measures must be measurable, funded, enforceable, and capable of preventing harm before disturbance begins. Unresolved impacts support denial.

Save Homestake opposes Whitney Reservoir and every new or expanded interbasin diversion from Homestake Valley.

12. Required public record

Whitney cannot proceed on an incomplete project description. The public record must disclose the complete design, operating plan, legal authority, environmental effects, alternatives, costs, and enforcement terms before any approval.

The record must use dated maps, native data, stated assumptions, complete model results, and traceable source documents so the public and every decision-maker can evaluate the same project.

13. What each decision-maker must do

Actions for each authority

Authority	Required action
Eagle County	Determine which rules govern the application, then test the complete project against every applicable permit standard. Deny a permit if a failure remains after enforceable conditions.
Forest Service	Evaluate the complete authorization request, National Forest plan consistency, wilderness provisions, cultural resources, species protections, and every dependent facility.
CDPHE	Apply Regulation 87 to need, alternatives, water quality, wetlands, and mitigation.
Army Corps, where federal jurisdiction applies	Complete the waters determination, alternatives analysis, public-interest review, and full disclosure of component impacts.
Colorado wildlife and federal species agencies	Apply wildlife protections and the legally required consultation process.
SHPO and appropriate Tribal governments	Identify and protect cultural resources while keeping sensitive information confidential.
Water court	Examine current rights, requested changes, diligence, and injury to other rights.
City and utility governing bodies	Disclose need, alternatives, lifecycle costs, contractual commitments, and ratepayer risk.

14. Save Homestake’s case for denial

Save Homestake opposes Whitney Reservoir and new or expanded interbasin diversions from Homestake Valley. Front Range growth does not create a claim on Western Slope water, and this valley should not be permanently transformed on the strength of existing rights or promises of later repair. Conservation, reuse, system efficiency, and durable demand limits are the responsible path. Agencies should deny Whitney and test every requested approval against the law and the evidence.

These are not abstract impacts. Flooding peat-forming wetlands removes groundwater-supported habitat developed over millennia. Flooding and infrastructure would remove and fragment habitat used across seasons. Altered flow would weaken the creek and connected wetlands downstream. Roads, closures, noise, and any wilderness-boundary change would sacrifice public access, quiet, and heritage that cannot be recreated. Yet senior rights, drought, and refill limits constrain Whitney's dependable yield. Permanent local loss for a supply constrained by those realities supports denial.

Aurora and Colorado Springs have not published a final Whitney design or operating model. Any future proposal must disclose its complete footprint and consequences before approval.

Sources

These sources cover the project, water, ecology, public lands and County standards. Each entry links to the original record and the relevant pages. Legal status is dated in the County chapter; scientific records retain their observation periods.

CASE:1. Eagle County. Land Use Regulations, Chapter VI: Areas and Activities of State Interest. Previously published Chapter VI compilation (filename 05/2012), compared with the October 27 approved package. Pinpoint: 6.01.04-.07 and municipal water project definition; 6.03.06-.10; 6.04.01-.03; printed pp.4-5, 16-32; Appendix A.

CASE:2. Colorado Court of Appeals. City of Colorado Springs v. Board of County Commissioners, 895 P.2d 1105. November 17, 1994. Pinpoint: 1109-1120, especially 1110-1113, 1115-1117, and 1119-1120; Parts I-V and disposition. See also the General Assembly's official 2026 Title 24 compilation, C.R.S. §24-65.1-501(3)-(5), approval, denial, and written findings.

CASE:3. Colorado Springs Utilities. The Eagle River Joint Use Water Project. March 2022. Pinpoint: pp.1-2.

CASE:4. David O. Williams / Vail Daily, republished Sentinel Colorado. No movement on Aurora’s Eagle County Whitney Reservoir proposal after six years. July 28, 2026. Pinpoint: Opening project-status paragraphs.

CASE:5. Colorado Department of Natural Resources project inventory. Eagle River Joint-Use Water Project, Project-00885. Record created September 15, 2021; page accessed 2026. Pinpoint: Project description.

CASE:6. United States Congress. Colorado Wilderness Act, Public Law 96-560. December 22, 1980. Pinpoint: 102(a)(5), 104(b), 110; 94 Stat.3266, 3268, 3271.

CASE:7. U.S. Court of Appeals, Tenth Circuit. Holy Cross Wilderness Fund v. Madigan, 960 F.2d 1515. 1992. Pinpoint: Opening case history and disposition.

CASE:8. USDA Forest Service. Forest Service approves Whitney Creek geotechnical project. March 2021. Pinpoint: Announcement of investigation approval.

CASE:9. Colorado Judicial Branch. Water Division 5, September 2023 Resume. September 2023. Pinpoint: Case 23CW3138; printed pp.15-27, related cases pp.24-25.

CASE:10. Colorado Supreme Court. Vail Valley Consolidated Water District v. City of Aurora, 731 P.2d 665. 1987. Pinpoint: 668-672.

CASE:11. Colorado Revised Statutes, public reproduction. Section 37-92-301(4), reasonable diligence. Accessible 2025 text. Pinpoint: 37-92-301(4)(b)-(c).

CASE:12. Eagle County. Active Land Use Applications: LUR-009633-2026. September 17, 2026 record of the planning-stage hearing materials. Pinpoint: 1041 LUR Amendment; hearing, draft, staff-report, and public-comment information.

CASE:13. Eagle County / Bill Gibson. Eagle County in final stretch of the Land Use Regulation Rewrite Project. August 25, 2026. Pinpoint: Opening and participation sections.

CASE:14. USDA Forest Service. What is a Fen? Undated; cites Weixelman and Cooper 2009. Pinpoint: Peatlands; Bogs and Fens.

CASE:15. Sarah Tory / Aspen Journalism. Efforts to relocate an ancient wetland could help determine the fate of a water project on lower Homestake Creek. November 18, 2019. Pinpoint: An organ transplant; Positive signs; Inevitable impacts.

CASE:16. U.S. Supreme Court. Sackett v. EPA, 598 U.S. 651. May 25, 2023. Pinpoint: Majority Part IV.

CASE:17. Colorado Water Quality Control Commission. Regulation 87: Dredge and Fill Control Regulation, 5 CCR 1002-87. Effective March 30, 2026; rule version 12462. Pinpoint: 87.3(2),(4), pp.13-15; 87.6(2), pp.36-39; 87.6(7), pp.44-47; 87.10(3)(g)(iii), p.84.

CASE:18. U.S. Environmental Protection Agency. 40 CFR 230.10, Restrictions on discharge. eCFR current text checked September 2026. Pinpoint: 230.10(a)-(d).

CASE:19. U.S. Army Corps of Engineers. 33 CFR 320.4, General policies for evaluating permit applications. eCFR current text checked September 2026. Pinpoint: 320.4(a),(e),(j),(k),(m).

CASE:20. Marshall Brown, Aurora Water / U.S. Senate. Water storage and infrastructure testimony. July 18, 2019. Pinpoint: pp.3-6.

CASE:21. Aurora Water / Wild Horse Reservoir. Wild Horse FAQs. Current undated project page, accessed September 11, 2026. Pinpoint: Purpose and emergency reserves question.

CASE:22. Frank A. Ward and Manuel Pulido-Velazquez. Water conservation in irrigation can increase water use. PNAS 105(47), 18215-18220; November 2008. Pinpoint: Abstract; DOI 10.1073/pnas.0805554105.

CASE:23. President of the United States. Proclamation 10476: Camp Hale-Continental Divide National Monument. October 12, 2022; 87 FR63381-63392. Pinpoint: pp.63383-63384, 63387.

CASE:24. David O. Williams / Rocky Mountain Post. Western history washes up against modern reality in good, old-fashioned water war. August 14, 2023. Pinpoint: Cabin, SHPO, and History Colorado discussion.

CASE:25. Advisory Council on Historic Preservation. 36 CFR Part 800, Protection of Historic Properties. eCFR current through September 9, 2026. Pinpoint: 800.4-.6; 800.16(d),(l),(y).

CASE:26. National Park Service. Discovery and Excavation on Federal or Tribal Lands. Updated January 12, 2024. Pinpoint: Discovery and excavation guidance.

CASE:27. U.S. Fish and Wildlife Service. Revised designation of critical habitat for Canada lynx. July 16, 2026; effective August 17, 2026. Pinpoint: 91 FR43732; Unit 6 pp.43755-43756; regulatory text pp.43768-43772.

CASE:28. United States Code / U.S. Fish and Wildlife Service. Endangered Species Act Section 7, 16 USC1536. Official 2024 code; current agency guidance checked August/September 2026. Pinpoint: 1536(a)(2),(d).

CASE:29. Lotic Hydrological / Eagle River Coalition. Eagle River Community Water Plan: Rex Flats to Cross Creek. Online plan, 2024 site edition. Pinpoint: Current and Historical Drivers of Degradation.

CASE:30. Bolinger, Lukas, Schumacher and Goble / Colorado State University for CWCB. Climate Change in Colorado, Third Edition. 2024. Pinpoint: Chapter 3, key messages and 3.3.

CASE:31. U.S. Supreme Court. Seven County Infrastructure Coalition v. Eagle County. May 29, 2025. Pinpoint: Slip opinion pp.15-20.

CASE:32. USDA. National Environmental Policy Act: final rule. April 3, 2026; 91 FR17092. Pinpoint: 7 CFR Part 1b, especially 1b.2, 1b.3, 1b.5, 1b.7.

CASE:33. Colorado Springs City Council. File 26-058: Wild Horse/Otero intergovernmental agreement. Adopted February 24, 2026. Pinpoint: Background and council action.

CASE:34. Colorado Supreme Court. Metropolitan Suburban Water Users Association v. Colorado River Water Conservation District, 365 P.2d 273. 1961. Pinpoint: 148 Colo.190-193.

CASE:35. Colorado Supreme Court. Application for Water Rights, 799 P.2d 33. 1990. Pinpoint: Parts C-D; Appendix A.

CASE:36. Eagle County / LUR-009633-2026. 1041 Regulations, DRAFT 09/15/2026; July 10 draft; September 23 staff report. Historical July and September drafts and planning-stage staff recommendation. Pinpoint: September §§104, 109, 211, 303, 307, 331, 401, 406, 409, 411-412, 423-424, 429, 431, 434; July §§331, 434; staff report pp.1, 7-8.

CASE:37. U.S. Army Corps of Engineers. 33 CFR Part 332: Compensatory mitigation. Current eCFR checked September 2026. Pinpoint: 332.1(c)(3); 332.3(a),(e)(3),(f).

CASE:38. U.S. Fish and Wildlife Service. Revised de minimis depletion guidance. Signed November 1, 2024. Pinpoint: p.2.

CASE:39. USDA Forest Service. 36 CFR 251.54: Proposal and application requirements and procedures. Current eCFR checked September 2026. Pinpoint: 251.54(e)(5),(f)(2).

CASE:40. Colorado Water Conservation Board. Senate Bill 07-122: The 2007 Water Projects Bill. 2007. Pinpoint: p.4, Colorado Mountain College / Rocky Mountain Fen Demonstration Project.

CASE:41. Brad Johnson / Johnson Environmental Consulting. Fens. Undated; copyright 2023, accessed September 2026. Pinpoint: Restoration; Rocky Mountain Fen Research Project.

CASE:42. Rod A. Chimner and David J. Cooper / International Peatland Society. Mountain Fen Restoration in Colorado: An Overview. 2012; 14th International Peat Congress. Pinpoint: Summary, final paragraph.

CASE:43. Colorado River District. Shoshone Frequently Asked Questions. Current campaign page, accessed September 11, 2026. Pinpoint: Questions 2, 4, 6, 7, 11.

CASE:44. Colorado River District. Shoshone Water Court Application Filed. November 24, 2025. Pinpoint: Substantive paragraphs 1-5.

CASE:45. Colorado River District. Department of Interior releases $40 million award for the Shoshone Water Rights Preservation Project. May 22, 2026. Pinpoint: Opening funding/status paragraphs.

CASE:46. Colorado Water Conservation Board. Instream Flow Water Acquisitions. Current undated program page, accessed September 2026. Pinpoint: Program description; Benefits; Example Projects.

CASE:47. Colorado Water Conservation Board. Colorado's Instream Flow and Natural Lake Level Program. August 21, 2019. Pinpoint: Slides 3, 11, 15, 17-22, 27-28.

CASE:48. Allan F. O'Connell and Larissa L. Bailey / U.S. Geological Survey. Inference for occupancy and occupancy dynamics. 2011. Pinpoint: Publication abstract; DOI 10.1007/978-4-431-99495-4_11.

CASE:49. Colorado Office of Legislative Legal Services. Colorado Constitution. 2025 compilation. Pinpoint: Article XVI, sections 5-6.

CASE:50. Colorado Supreme Court. State of Colorado v. Hill, 2023 CO 31. June 5, 2023. Pinpoint: Paragraph 1 and standing disposition.

CASE:51. Heather Sackett / Aspen Journalism. Denver Water, Xcel enact plan to ease shortages. March 31, 2026; updated June 6, 2026. Pinpoint: Call relaxation; Western Slope benefit.

CASE:52. Colorado Division of Water Resources. Water Rights. Current undated agency page, accessed September 2026. Pinpoint: Prior appropriation; administration; futile calls.

CASE:53. Caleb Foy / Colorado Division of Water Resources. DWR's Role in Stream Restoration Projects. Undated presentation, accessed September 2026. Pinpoint: Slide 29, C.R.S. 37-92-502(3).

CASE:54. U.S. Fish and Wildlife Service / Federal Register. Canada lynx critical habitat: correction. July 29, 2026. Pinpoint: Correction to amendatory instructions; effective August 17, 2026.

CASE:55. Eagle County. October 27 hearing package, Attachment 1.2. Base rule text approved with Attachment 1.1. PDF pp. 14-16, 19-20, 23-29, 39-40, 43-50 and 54-55. See §§204, 211, 301, 307, 310, 331, 401, 406, 409, 411-412, 423-424, 429, 431, 434 and 601.

CASE:56. Eagle County. October 27 hearing package, Attachment 1.1. Approved revisions to §§105, 109 and 201, PDF pp. 1-2. §105(C) specifies the exception’s two conditions and delayed start. §109 adds fens to Waterbody.

CASE:57. Eagle County. October 27 Board hearing transcript. Motions at 50:23-53:45, corrected attachment numbers at 53:01, separate enacting resolution at 53:25, and counsel’s timing at 54:34.

CASE:58. Eagle County. November 2 Board meeting agenda. November 2 agenda and official morning and afternoon meeting transcripts.

CASE:59. Eagle County. November 3 regular meeting agenda. Items L.1-2 concern the broader land-use regulations, LUR-009660-2026. The October 27 standalone 1041 file is LUR-009633-2026.

Chapter sources: CASE:57 October 27 vote · CASE:55 rule text and CASE:56 revisions · Land Use Regulations, Chapter VI: Areas and Activities of State Interest · Eagle River Joint-Use Water Project, Project-00885 · Regulation 87: Dredge and Fill Control Regulation, 5 CCR 1002-87 · File 26-058: Wild Horse/Otero intergovernmental agreement