

Summary of Water Court Application

Applicant seeks to augment existing uses with downstream water. The applicant states that "no appropriative or administrative exchange is requested herein." However, under *CWCB v. City of Central*, 125 P.3d 424, 439-40 (Colo. 2005), an administrative exchange is inherent in an augmentation plan using downstream replacement water.

Staff Recommendation

Staff requests ratification of the Statement of Opposition filed to protect CWCB's instream flow water rights.

CWCB Instream Flow Water Rights

The CWCB holds the following instream flow water right(s) that could be injured by this application:

CWCB Case No.	Stream	Rate cfs	Timing	Approp. Date	Watershed
5-76W2941	Capitol Creek	10	1/1 -12/31	1/14/1976	Roaring Fork
5-76W2943 B	Snowmass Creek	11, 12	10/16-3/31, 4/1-10/15	1/14/1976	Roaring Fork
5-92CW281	Snowmass Creek	10.5	4/1-10/15	9/15/1992	Roaring Fork
5-85CW639	Roaring Fork River	75, 145	10/1-3/31, 4/1-9/30	11/8/1985	Roaring Fork
5-85CW646	Roaring Fork River	30, 55	10/1-3/31, 4/1-9/30	11/8/1985	Roaring Fork

Potential for Injury

- The administrative exchange under Applicant's proposed augmentation plan should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- The proposed plan for augmentation may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.

Other Objectors

There were no other Statements of Opposition filed.

Attorney

The Attorney assigned to this case is Susan J. Schneider, who can be contacted at susan.schneider@coag.gov, or 720-508-6311.

