

**Consent Agenda Item 1.p**

March 22-23, 2017 Board Meeting

Case No. 16CW3181 (Water Division 5): Juniper Family Investments, LLC

**Summary of Water Court Application**

Applicant seeks approval of a plan for augmentation, including appropriative right of exchange to augment a claimed storage right on Snowmass Creek.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition in this case to protect CWCB's instream flow water rights. A Statement of Opposition was filed on behalf of the Board in February 2017.

The CWCB holds the following instream flow water rights in Water Division 5 in the Roaring Fork Watershed that could be injured by this application as follows:

| Case Number      | Stream             | Upper Terminus        | Lower Terminus           | CFS Rate (Dates)                                | Approp. Date |
|------------------|--------------------|-----------------------|--------------------------|---|--------------|
| 76W2943A         | Snowmass Creek     | confl W Snowmass Ck   | confl Roaring Fork River | Varies<br>12 (4/1 - 10/15)<br>11 (10/16 - 3/31) | 01/14/1976   |
| 92CW0280* & 281* | Snowmass Creek     | confl W Snowmass Ck   | confl Roaring Fork River | 3 & 10.5<br>(4/1 - 10/15)                       | 09/15/1992   |
| 10CW0184^        | Roaring Fork River | confl Maroon Ck       | confl Fryingpan River    | Varies 0.15-3.54<br>(5/1 - 10/31)               | 06/30/1904   |
| 85CW0639 & 646   | Roaring Fork River | confl Fryingpan River | confl Crystal River      | 30 & 75 (10/1 - 3/31)<br>55 & 145 (4/1 - 9/30)  | 11/08/1985   |

\* Increase

^ Donated/Acquired Water Right

**Potential for Injury**

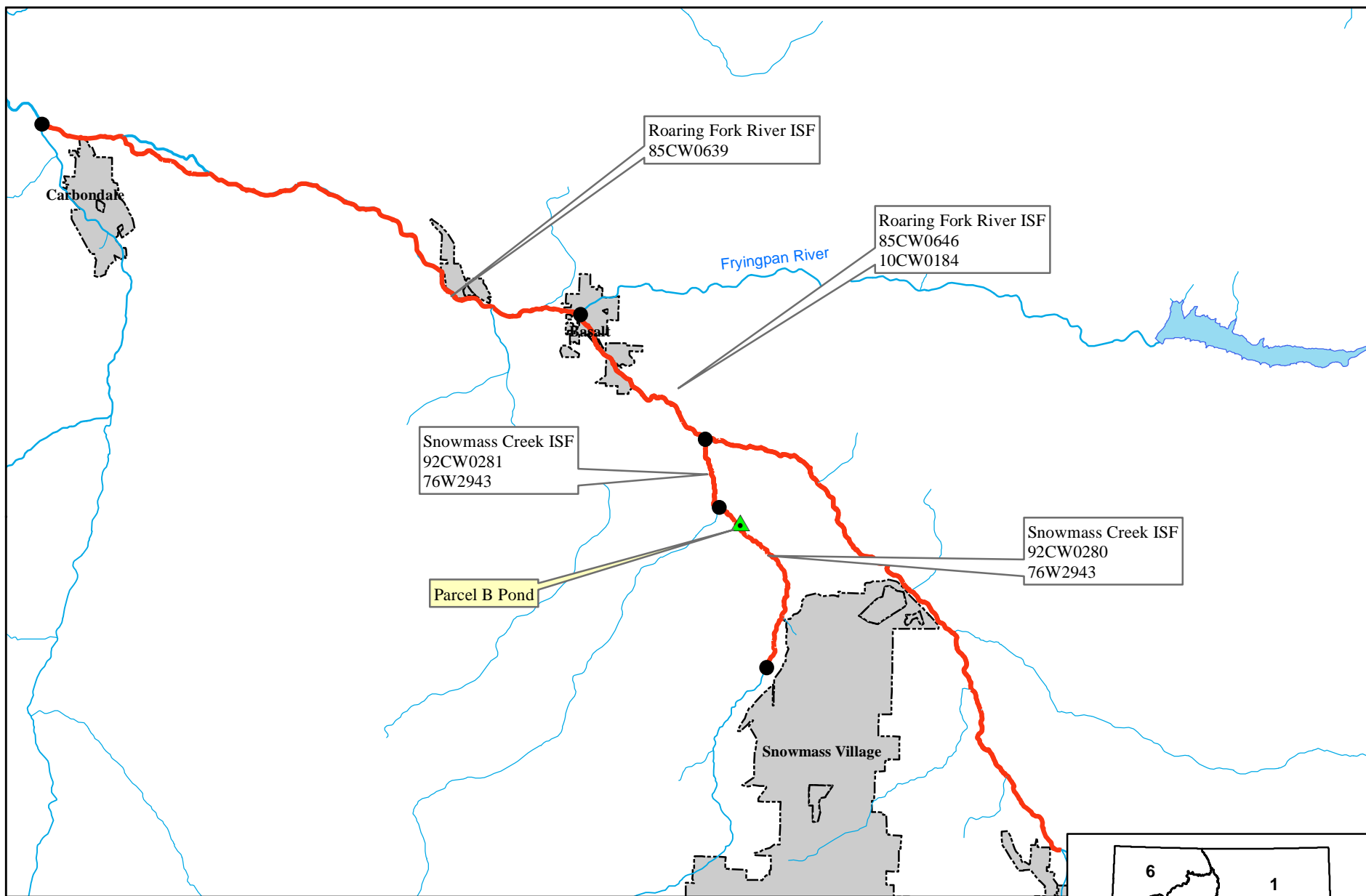
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The proposed storage right might include a flow through diversion, which could injure the CWCB's instream flow water rights because it is fully depletive to a segment of the intervening instream flow water rights.

**Other Objectors**

No other Statements of Opposition were filed.

**Attorney Representing CWCB**

Michael Toll, Assistant Attorney General, is assigned to this case and can be contacted at michael.toll@coag.gov, or 720-509-6304.



March 18-19, 2015 CWCB Board Meeting  
Consent Agenda Item 1.p: Statement of Opposition  
Case No. 16CW3181 (Water Division 5)  
Juniper Family Investments, LLC

0 1 2 4 Miles

