

**Consent Agenda Item 1.a**

May 17-May 18, 2017 Board Meeting

Case No. 17CW3008 (Water Division 4); Sound of Music, L.L.C.

**Summary of Water Court Application**

Applicant seeks a change of water right and approval of augmentation plan to augment its requested new junior storage right.

**Staff Recommendation**

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

**CWCB Instream Flow Water Rights**

The CWCB holds the following instream flow water rights, in Water Division 4 , in the San Miguel Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
84CW0435	Big Bear Creek	headwaters in vicinity	confl San Miguel River	2 (1/1 - 12/31)	07/13/1984
84CW0429	San Miguel River	confl S Fk San Miguel River	conf Fall Creek	20 (1/1 - 12/31)	07/13/1984
02CW0277	San Miguel River	confl Fall Creek	pt immed u/s of confl Horsefly Cr	93 (5/1 - 10/14) 61 (10/15 - 4/30)	01/23/2002

**Potential for Injury**

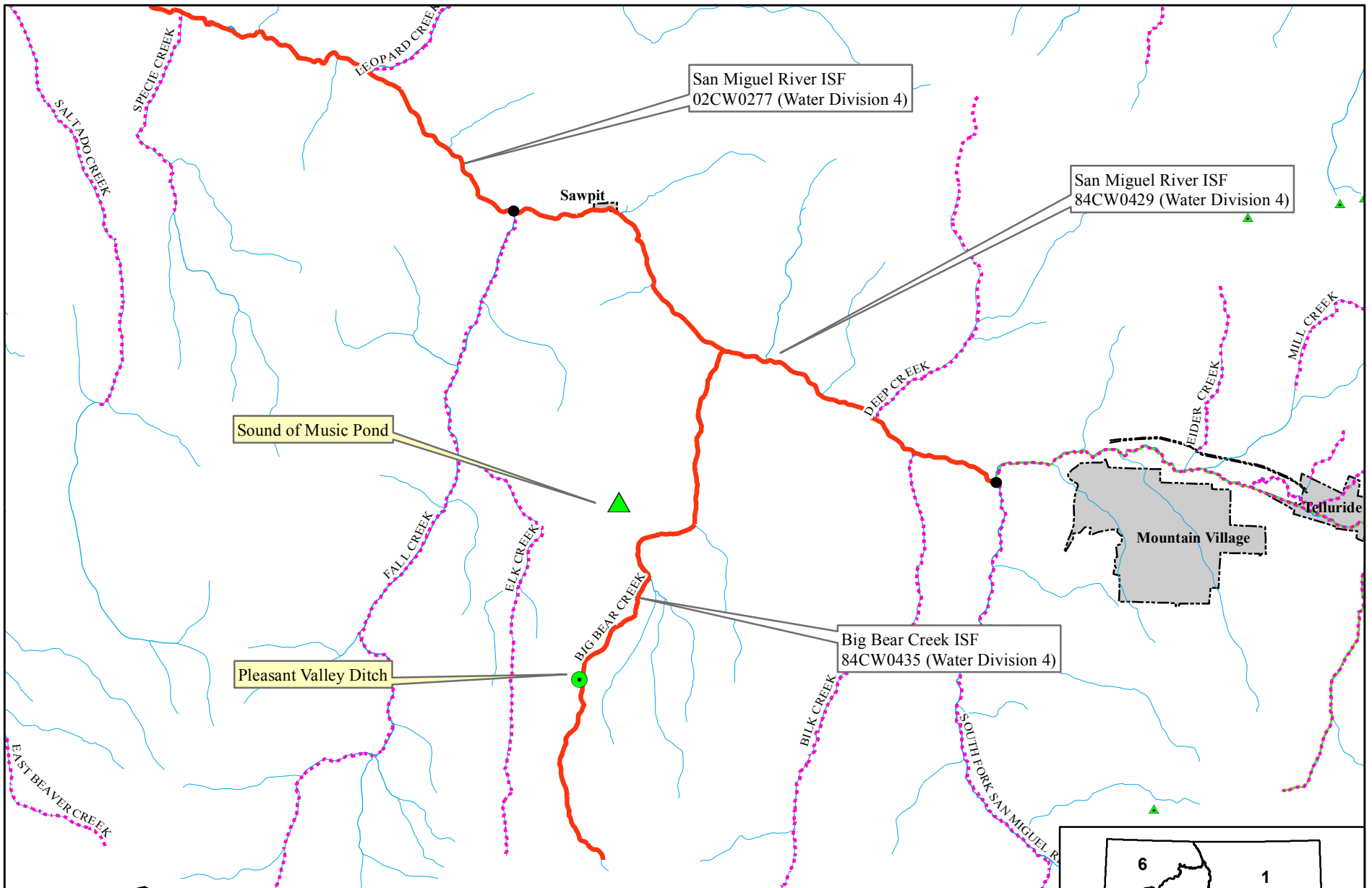
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The proposed plan for augmentation may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.

**Other Objectors**

Statements of Opposition were also filed by Berman Buckskin Ranch (BBR) LLC, Pleasant Valley Ditch Association, Ptarmigan Ranch Owners Association, and Wilson Mesa Ranch Holdings LLC.

**Attorney Representing CWCB**

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov), or 720-508-6282.



May 17-18, 2017 CWCB Board Meeting  
 Consent Agenda Item 1a: Statement of Opposition  
 Case No.17CW3008 (Water Division 4)  
 Sound of Music, L.L.C.

0 0.75 1.5 3 Miles

