

**Consent Agenda Item 1.i**

March 21-22, 2018 Board Meeting  
Case No. 17CW3245 (Water Division 5); Abundant Acres LLC

**Summary of Water Court Application**

This is an Application for conditional water storage right and plan for augmentation including exchange.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2018 to protect CWCB's instream flow water rights.

**CWCB Instream Flow Water Rights**

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

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
76W2941	Capitol Creek	outlet Capitol Lake	confl Snowmass Creek	10 (1/1 - 12/31)	01/14/1976
85CW0646	Roaring Fork River	confl Maroon Creek	confl Fryingpan River	30 (10/1 - 3/31) 55 (4/1 - 9/30)	11/08/1985
10CW0184^	Roaring Fork River	confl Owl Creek	confl Fryingpan River	Varies 0.15-0.89 (date varies)	06/30/1904
85CW0639	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/08/1985
92CW0281*	Snowmass Creek	confl Capitol Creek	confl Roaring Fork River	10.5 (4/1 - 10/15)	09/15/1992
76W2943B	Snowmass Creek	confl Capitol Creek	confl Roaring Fork River	12 (4/1 - 10/15) 11 (10/16 - 3/31)	01/14/1976

\* Increased

^ Donated/Acquired Water Right

**Potential for Injury**

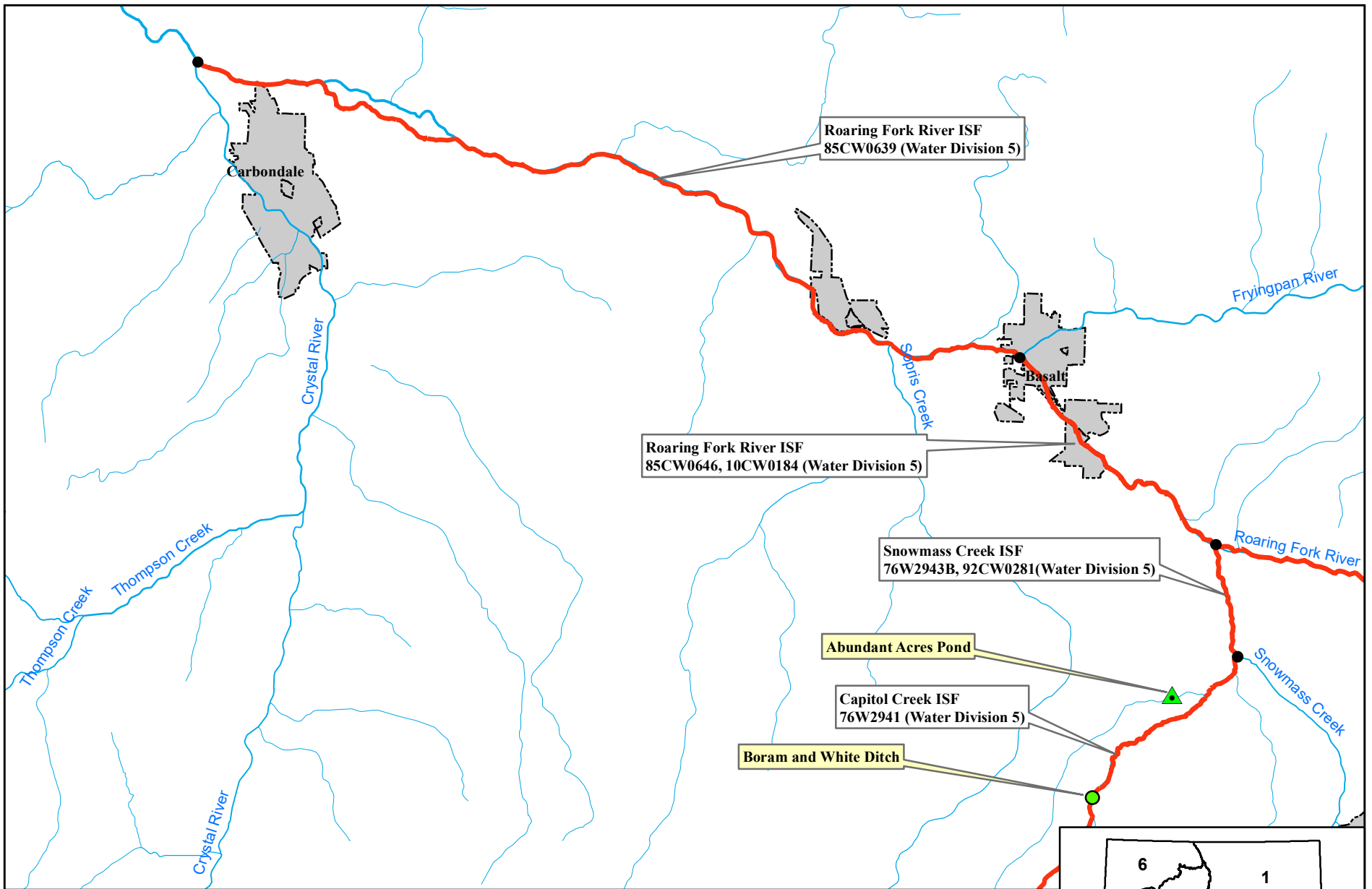
- The proposed junior appropriation should not allow any expansion of the senior irrigation water rights using the same structure, which could injure the CWCB's instream flow water rights.
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.

**Other Objectors**

No other Statements of Opposition were filed.

**Attorney Representing CWCB**

Ema I.G. Schultz, Assistant Attorney General, is assigned to this case and can be contacted at [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov), or 720-508-6307.



March 21-22, 2018 CWC Board Meeting  
 Consent Agenda Item 1i: Statement of Opposition  
 Case No. 17CW3245 (Water Division 5)  
 Abundant Acres LLC

0 0.75 1.5 3 Miles

