

**Consent Agenda Item 1.i**

March 13-14, 2024 Board Meeting

Case No. 23CW3054 (Water Division 7); Bonanza Boy, LLC

**Summary of Water Court Application**

Application for Conditional Surface Water Rights, a Conditional Groundwater Right, Conditional Water Storage Right, and Plan for Augmentation.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in January 2024 to protect CWCB's instream flow water rights.

**CWCB Instream Flow Water Rights**

The CWCB holds water rights, including the following instream flow water right in Water Division 7 in the Animas Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-1491 (1976)	Mill Creek	Headwaters	Confl N Mineral Creek	3 (1/1 - 12/31)	07/30/1976

**Potential for Injury**

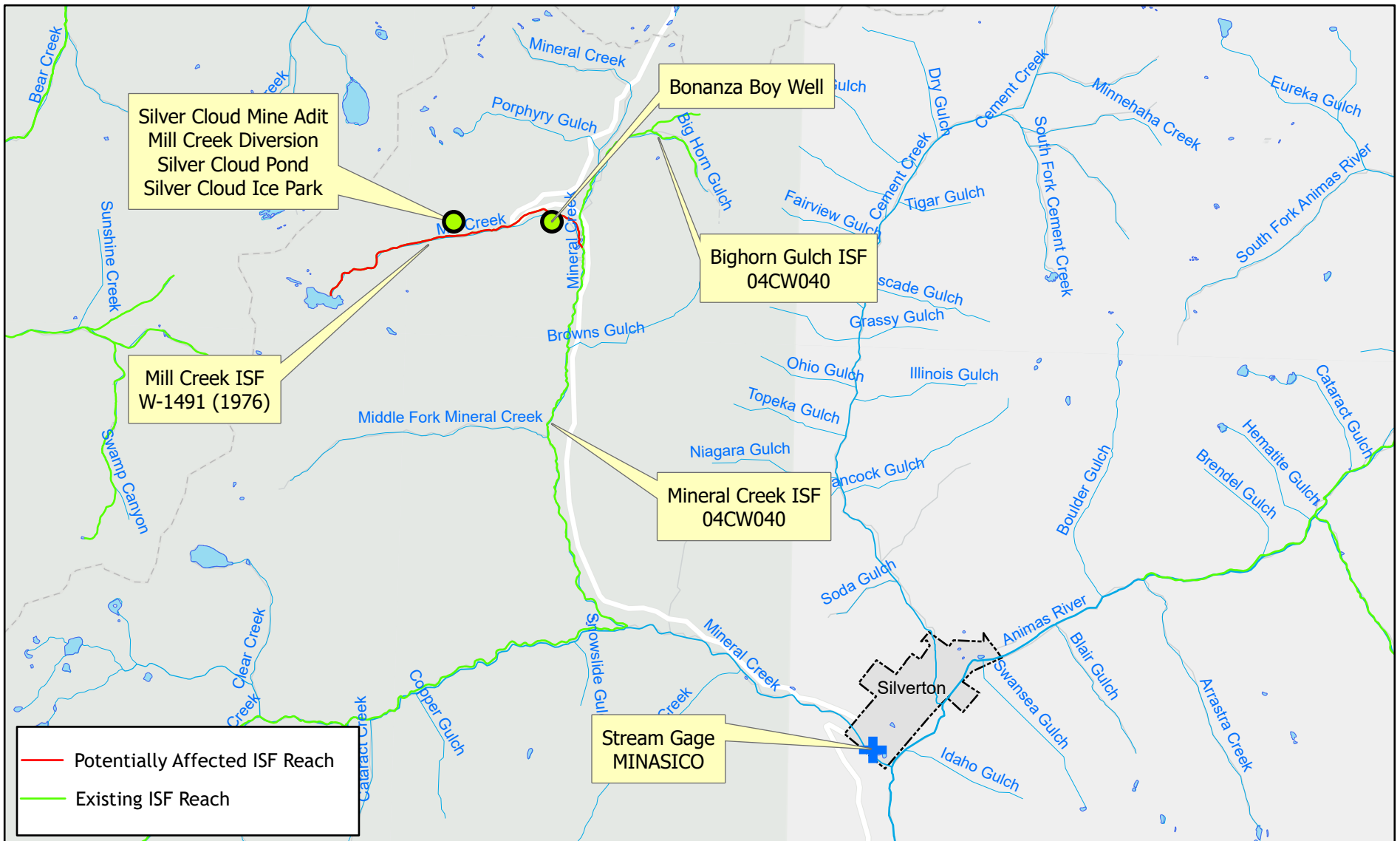
- The proposed plan for augmentation might not replace out-of-priority depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- If an administrative exchange is necessary to operate Applicant's proposed augmentation plan, then it should be clearly defined with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- Terms and conditions should be included in the decree to ensure that the claimed water rights will not injure the CWCB's acquired instream flow water rights decreed in Case No. 04CW40.
- Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWCB's instream flow water rights.

**Other Objectors**

A Statement of Opposition was also filed by: Southern Ute Indian Tribe ("SUIT").

**Attorney Representing CWCB**

Christopher J. Davis, Assistant Attorney General, is assigned to this case and can be contacted at Christopher.Davis@coag.gov, or 720-508-6280.



**COLORADO**  
**Colorado Water**  
**Conservation Board**

Department of Natural Resources

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 Bonanza Boy, LLC

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