

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

1313 Sherman Street, Room 721
Denver, Colorado 80203
Phone: (303) 866-3441
Fax: (303) 866-4474
www.cwcb.state.co.us



TO:	Colorado Water Conservation Board Members	John W. Hickenlooper Governor
FROM:	Linda Bassi and Kaylea White Stream and Lake Protection Section	Mike King DNR Executive Director
DATE:	November 5, 2012	Jennifer L. Gimbel CWCB Director
RE:	Agenda Item 7, November 13-14, 2012 Board Meeting-- Request for Authorization to Proceed to Trial Case No. 5-09CW160, Application of Upper Eagle Regional Water Authority	

This case is set for a four-day trial beginning on December 18, 2012. The parties are discussing settlement options and preparing for trial on a parallel track. Staff and the Attorney General's Office intend to discuss litigation strategy and settlement options with the Board in executive session.

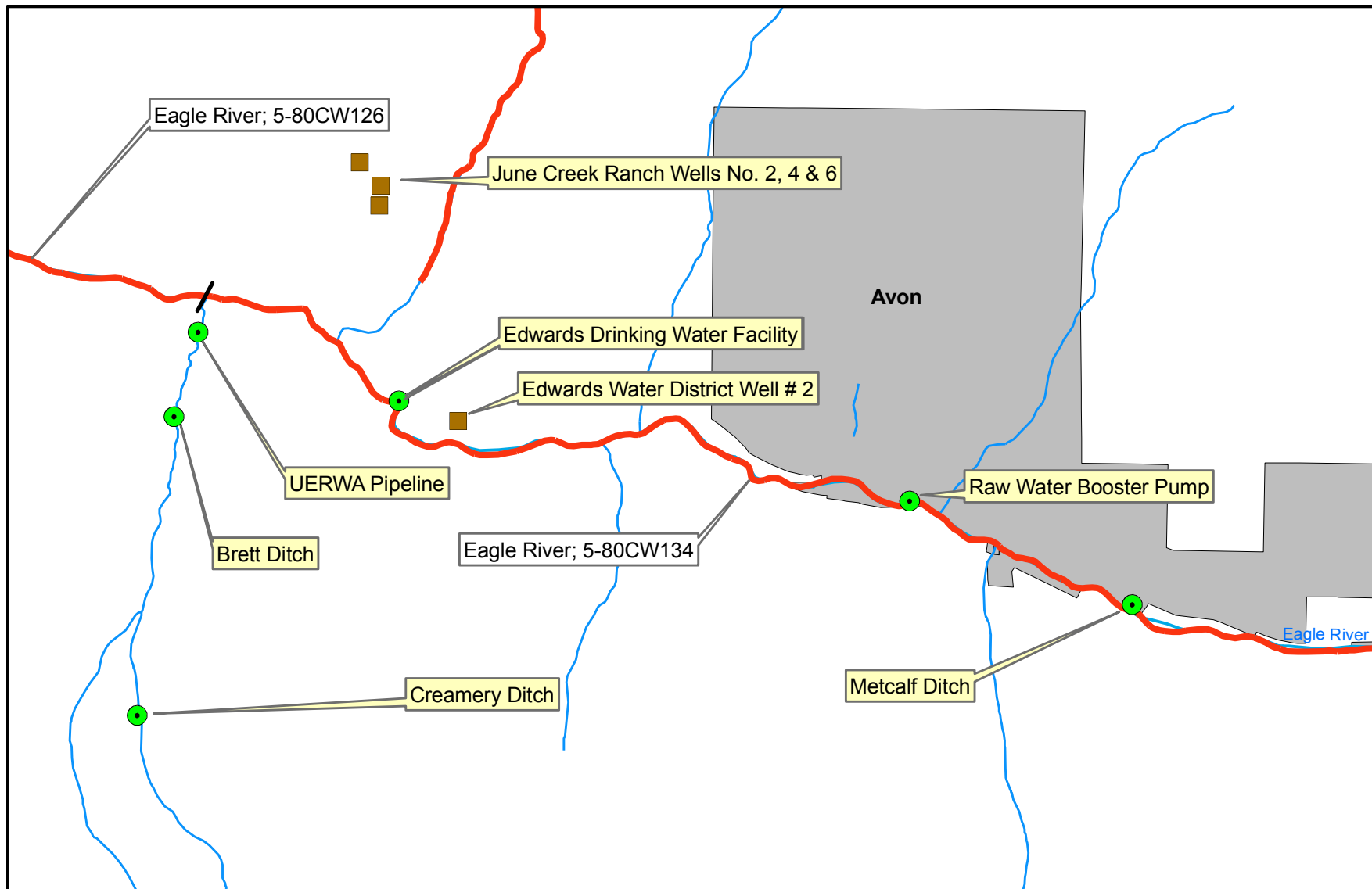
Recommendation

Pursuant to ISF Rule 8j., Staff recommends that the Board authorize Staff to proceed to trial to protect its instream flow water rights in the event that Staff and the Attorney General's Office are unable to reach a settlement with the Applicant.

Background

In this case Applicant seeks to change the type of use, place of use and add several alternate points of diversion for existing water rights. Types of use requested include "all municipal, domestic, irrigation, livestock watering, mechanical, manufacturing, recreation, fire protection, piscatorial, aesthetic, sewage treatment, street sprinkling and the watering of parks, lawns and grounds, directly or by augmentation or exchange." Location of requested use is "throughout the entire service area of the Authority, as such service area may from time to time be expanded, such expansion to be limited under this decree to an area within three miles of the boundaries of the Authority's service area as it exists at the time of the decree entered."

The CWCB filed a Statement of Opposition on December 28, 2009 to protect its ISF water rights on the Eagle River.



November 13-14, 2012 Board Meeting
Agenda Item 7; Authorization to Proceed to Trial
Case No. 5-09CW160; Upper Eagle Water Authority

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