

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Linda Bassi and Kaylea White
Stream and Lake Protection Section

DATE: March 8, 2013

RE: **Agenda Item 8, March 19-20, 2013 Board Meeting--
Request for Authorization to Proceed to Trial
Case No. 2-10CW017: Application of Richard Pursell**

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

This case is set for a four-day trial beginning on April 30, 2013. 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 new water storage rights, a change of water rights and approval of a plan for augmentation. Applicant seeks to change the type of use to add several new types of use and will dry up some of its irrigated land for the new fully consumable uses.

The CWCB filed a Statement of Opposition on June 30, 2010 to protect its ISF water rights on Squaw Creek.

