



COLORADO

Colorado Water
Conservation Board

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Linda Bassi, Section Chief and *LB*
Kaylea White, Senior Water Resource Specialist *KW*
Stream and Lake Protection Section

DATE: November 20, 2014

AGENDA ITEM: #20. Request for Authorization to Proceed to Trial in
Case No. 5-11CW152 (Application of City and County of Denver, Grand
County and CWCB)

This case is set for a 10-day trial beginning on December 1, 2014. The parties are discussing settlement options and preparing for trial on a parallel track. Staff and Attorney General's Office intend to discuss litigation strategy and remaining settlement options with the Board in Executive Session.

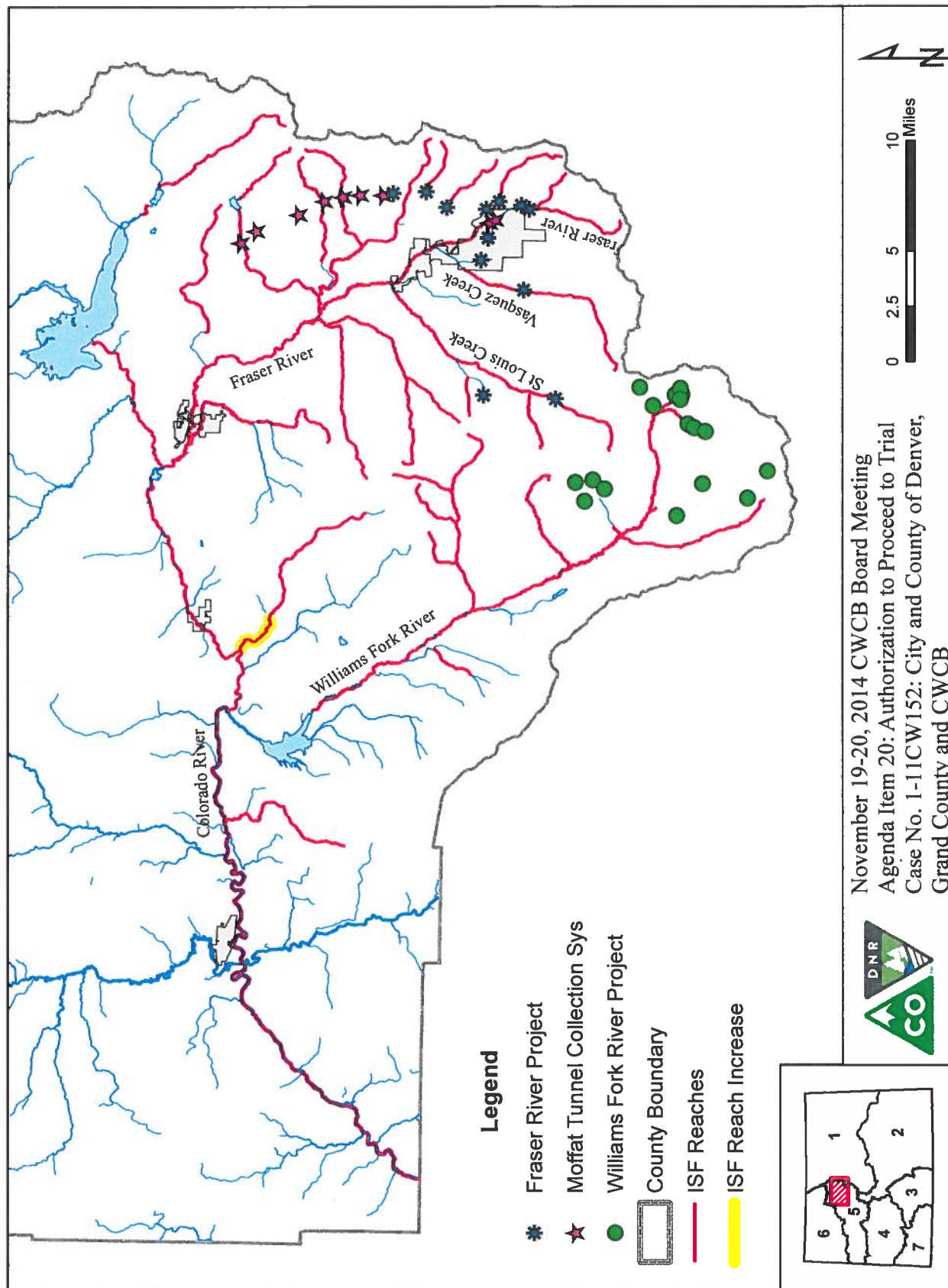
Background:

In this case, CWCB and its co-Applicants are seeking a junior environmental water right in combination with a substitution right in Gross Reservoir as part of implementation of the Colorado River Cooperative Agreement. CWCB is involved because it has accepted a donation of 1,000 acre feet of water from Denver Water for instream flow use in the Fraser and Williams Fork River Basins and on the Colorado River. The donated water will be administered according to the decree in this case. Over 20 parties filed Statements of Opposition in this case. Applicants are working together diligently to resolve all of the opposers' concerns.

Staff recommendation:

Pursuant to ISF Rule 8j., Staff recommends that the Board authorize Staff to proceed to trial in the event that Staff and the Attorney General's Office along with co-Applicants are unable to reach a settlement with all opposers.





November 19-20, 2014 CWCBC Board Meeting
Agenda Item 20: Authorization to Proceed to Trial
Case No. 1-11CW152: City and County of Denver,
Grand County and CWCBC

