



COLORADO

Colorado Water
Conservation Board

Department of Natural Resources

1313 Sherman Street
Denver, CO 80203



P (303) 866-3441
F (303) 866-4474

John Hickenlooper, Governor

Mike King, DNR Executive Director

James Eklund, CWCB Director

TO: Colorado Water Conservation Board Members

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

DATE: March 18-19, 2015

AGENDA ITEM: # 8. Request for Authorization to Proceed to Trial in
Case No. 1-12CW87 (Application of Eldora Enterprises, LLC and Mountain
Lease Enterprises, LLC)

This case is set for a 5 day trial beginning on June 1, 2015. 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 settlement options with the Board in Executive Session.

Background:

In this case, Applicant seeks a change of water right that could cause an expansion of use, which could injure the CWCB's instream flow water rights.

The CWCB filed a Statement of Opposition in June 2012 to protect its ISF water rights on Middle Boulder Creek, South Boulder Creek, Boulder Creek, and Jenny Creek.

Staff 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 Applicant before trial.



