



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

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

DATE: May 20-21, 2015 Board Meeting

AGENDA ITEM: # 18. Request for Authorization to Proceed to Trial in
Case No. 1-11CW265 (Application of the City of Fort Collins)

This case is set for a 7 day trial beginning on June 29, 2015. 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.

Background:

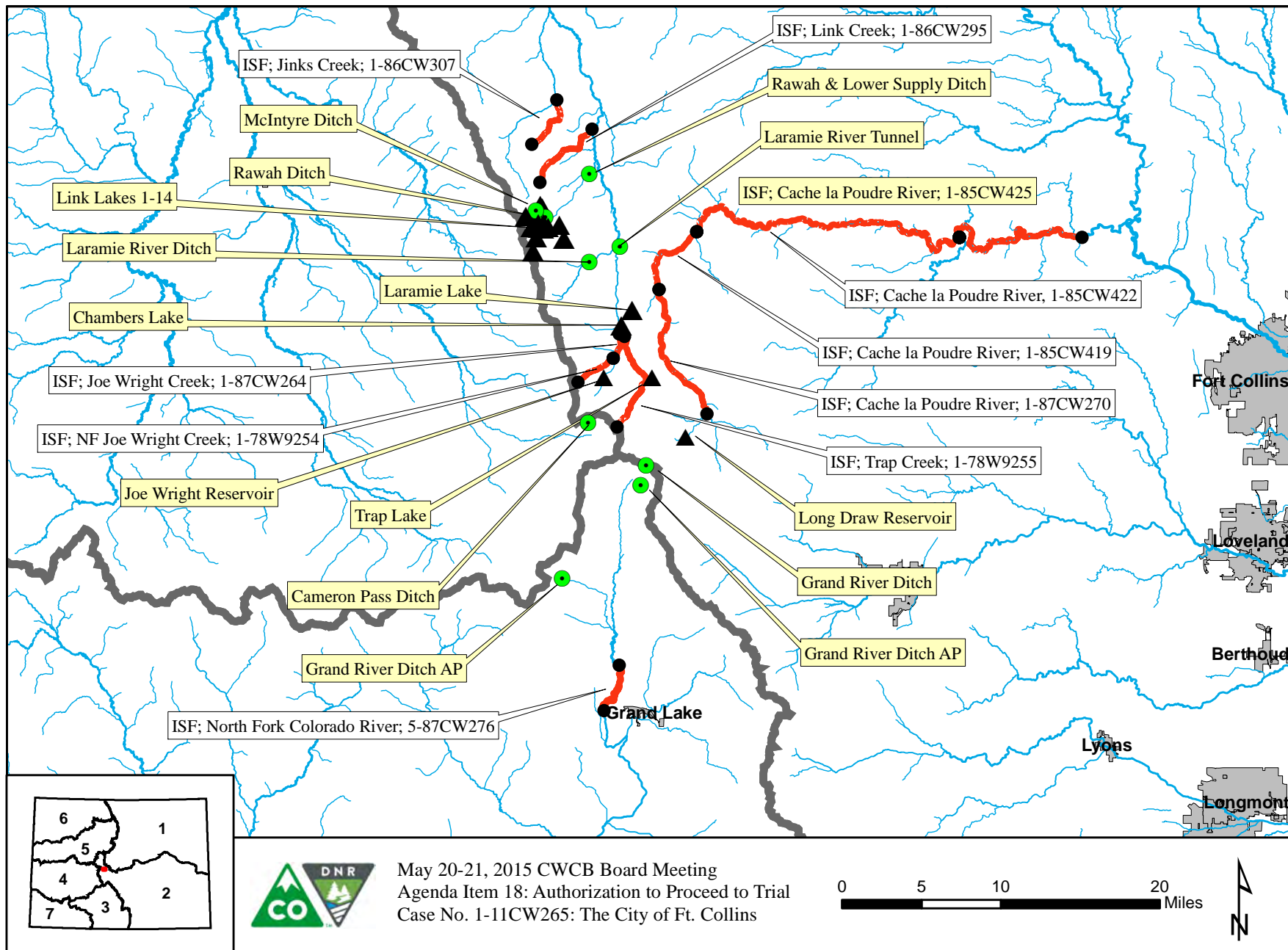
In this case, Applicant seeks a change of water right that could cause an expansion of use, which could injure CWCB's instream flow ("ISF") water rights. The specific location of use has yet to be provided by applicant; therefore, the extent of potential injury to ISF water rights is not yet known.

The CWCB filed a Statement of Opposition in February 2012 to protect its ISF water rights on several streams in the Cache la Poudre basin in Water Division 1, and its ISF water right on the North Fork Colorado River in Water Division 5.

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.





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 Agenda Item 18: Authorization to Proceed to Trial
 Case No. 1-11CW265: The City of Ft. Collins

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