



**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  
Kaylea White, Senior Water Resource Specialist  
Stream and Lake Protection Section

**DATE:** July 15-16, 2015

**AGENDA ITEM:** #27. Request for Authorization to Proceed to Trial in  
Case No. 1-12CW088 (Application of Mesa Trail Ranch LLC)

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This case is set for a 5-day trial beginning on August 24, 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 remaining settlement options with the Board in Executive Session.

**Background:**

In this case, Applicant seeks a change of their Green Ditch 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 Boulder Creek and South Boulder 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.



