



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: January 25-26, 2016

AGENDA ITEM: # 13. Request for Authorization to Proceed to Trial in Case No. 2-12CW125 (Application of the United States of America and Park Center Water District)

This case is set for a 5 day trial beginning on February 23, 2016. The parties are discussing settlement options and preparing for trial on a parallel track. Staff and Attorney General's Office will discuss litigation strategy and settlement options with the Board in Executive Session.

Background:

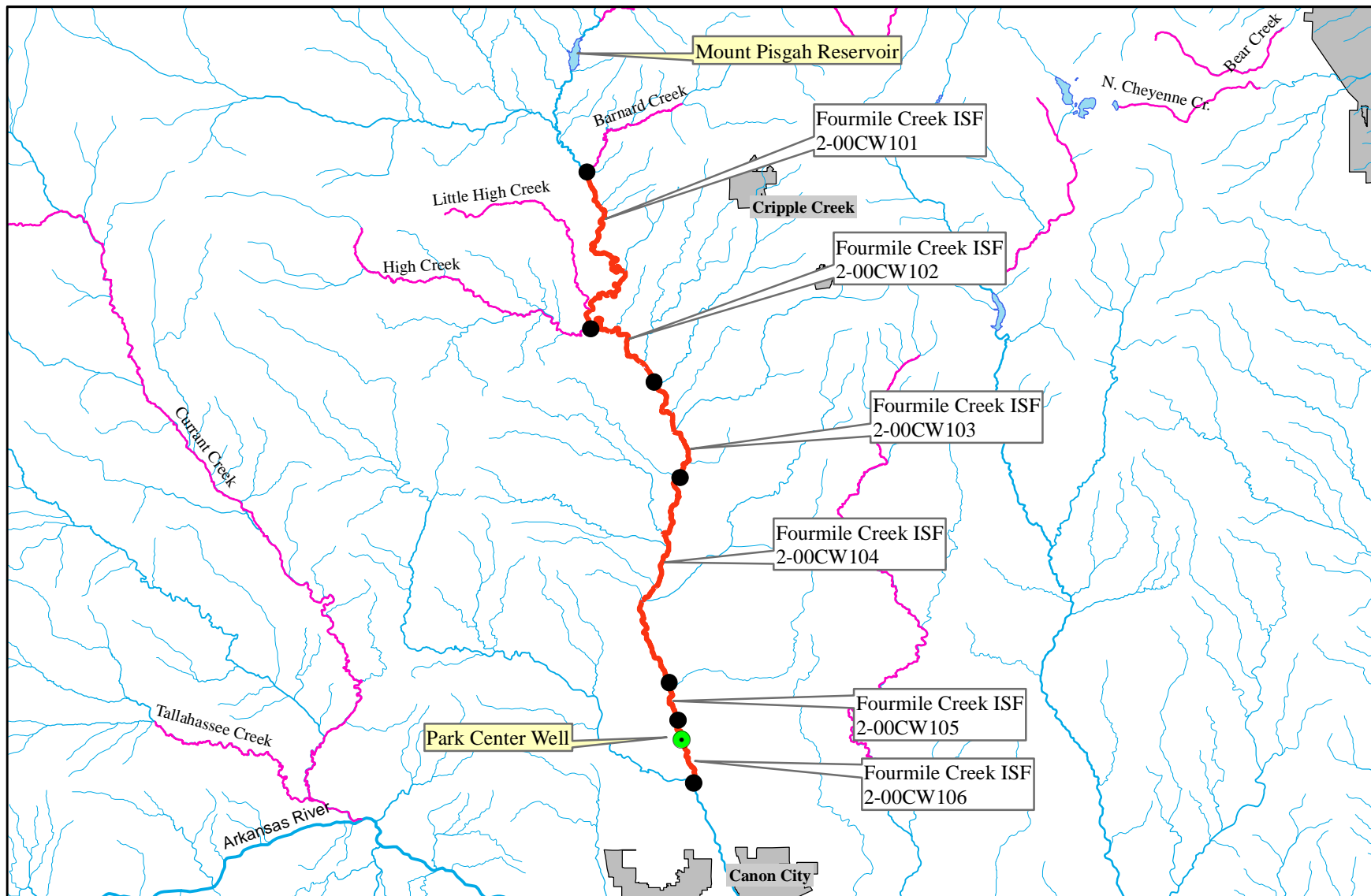
In this case, Applicant seeks a plan for augmentation to provide replacement water for depletions caused by the Park Center Well. The Park Center Well diversions will be used for domestic, municipal and irrigation uses by the Park Center District via direct flow and storage. The Applicant's proposed plan for augmentation and exchange may not replace depletions in the amount, timing or location at which they occur, which could injure the CWCB's instream flow water right on Fourmile Creek decreed in Case No. 2-00CW105, to preserve the natural environment.

The CWCB filed a Statement of Opposition on 2/28/2013 to protect its ISF water rights on the Fourmile 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.





January 25-26, 2016 Board Meeting
Agenda Item 13: Authorization to Proceed to Trial
Case No. 2-12CW125: United States of America and
Park Center Water District

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