

Consent Agenda Item 1.a

January 22-23, 2018 Board Meeting

Case Nos. 17CW3152 (Water Division 1) and 17CW3057 (Water Division 2);

In The Matter of the Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan or Trade of a Decreed Agricultural Water Protection Right (CWCB filed a Protest and Pleading in Support of Rules Filed by The State Engineer)

Summary of Water Court Application

The State Engineer has filed an application with the Division 1 and Division 2 Water Court for approval of the Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Right (the "Rules"), pursuant to 37-80-123, C.R.S. (2016). The State Engineer adopted the Rules on October 23, 2017.

Staff Recommendation

Staff recommends that the Board ratify the filing of the Pleading and Protest filed in this case. A Pleading and Protest in Support of Rules was filed on behalf of the Board in November 2017.

CWCB Protest and Pleading

This Protest and Pleading in Support is filed pursuant to Rule 6.D of the Procedural Regulations, 2 CCR 402-5, for the Division of Water Resources and § 37-92-501(3), C.R.S., which provides that any person desiring to protest a proposed rule and regulation of the State Engineer may do so in the same manner as provided in § 37-92-304, C.R.S. Section 37-92-304 C.R.S. allows for the filing of a protest or pleading in support of the Rules.

Protests filed by other parties, or issues raised by other parties, may challenge or attempt to modify the Rules, or portions thereof, in a manner contrary to the interests of the CWCB. The CWCB reserves the right to protest any such modifications.

Further information disclosed in the course of this case or issues raised by the protests of other parties may disclose additional issues of concern to the CWCB, and the CWCB therefore reserves the right to protest and fully participate on any such issues.

Other Objectors

Numerous parties also filed Protests and Pleadings in Support, and Statements of Opposition.

Attorney Representing CWCB

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at jennifer.mele@coag.gov, or 720-508-6282.