



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: March 20-21, 2019 Board Meeting

AGENDA ITEM: 17. Request for Authorization to Proceed to Trial in Case No.
17CW3037 (Water Division 2) (Application of the Upper Arkansas
Water Conservancy District)

This case is set for a 2-day trial beginning on April 29, 2019. 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:

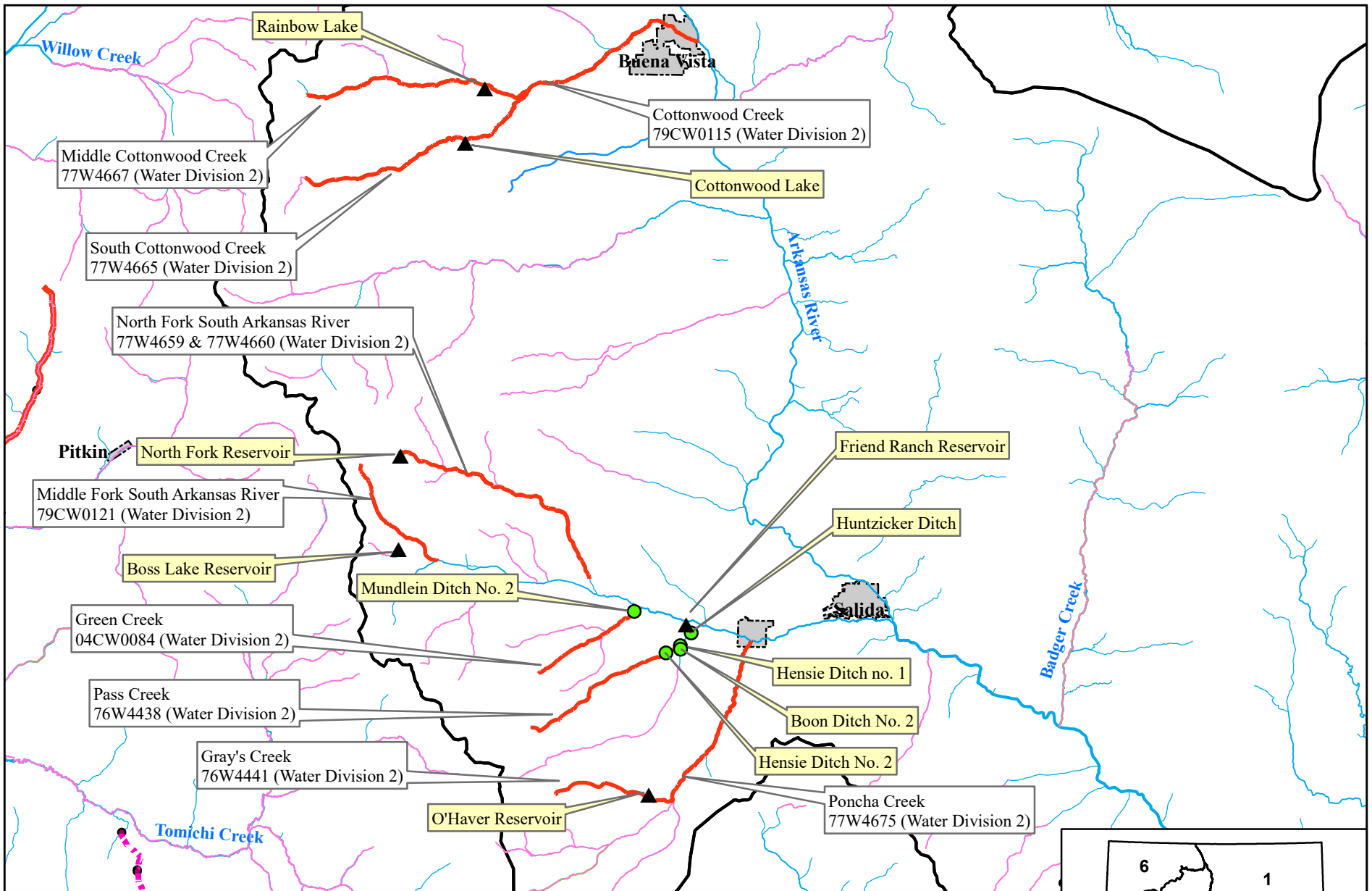
In this case, Applicant seeks a change of water right to use the Friends Ranch water rights in Applicant's various existing and future plans for augmentation. Applicant also plans to exchange the water to points upstream and within instream flow reaches by using "river exchanges" or "contract exchanges." Without proper terms and conditions, the use of the water by exchange through an instream flow reach for either (1) diversions into storage, or (2) use in augmentation plans replacing out-of-priority depletions, could injure the CWCB's instream flow water rights.

The CWCB filed a Statement of Opposition on September 29, 2017 to protect various instream flow water rights in the Upper Arkansas River basin.

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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 #17: Request for Authorization to Proceed to Trial
 Case No. 17CW3037 (Water Division 2)
 Upper Arkansas Water Conservancy District

