



## 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:** September 18, 2019

**AGENDA ITEM:** CA 2. Request for Authorization to Proceed to Trial in Case No.  
16CW3103 (Water Division 2) (Application of Board of Water Works of  
Pueblo, Colorado)

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This case is set for a 14-day trial beginning on 11/04/2019. The CWCB has entered into a stipulation with Applicant, however because trial has not been vacated and is set to begin before the next CWCB Board meeting, Staff is requesting authorization to proceed to trial, if necessary, for the sole purpose of ensuring consistency with the terms and conditions in its stipulation.

#### Background:

In this case, Applicant requested appropriative rights of exchange using several sources of water through several stream reaches, including through some instream flow reaches, to several points of storage. In addition to traditional and defined appropriative rights of exchange, Applicant also requested general categories of "contract exchanges" and "inter-reservoir exchanges," which could have injured the CWCB's instream flow water rights.

The CWCB filed a Statement of Opposition on 02/27/2017 to protect its ISF water rights on the Arkansas River and its tributaries, and entered into a settlement stipulation on 08/08/2019.

#### Staff Recommendation:

Pursuant to ISF Rule 8j., Staff recommends that the Board authorize Staff to proceed to trial, if necessary, for the sole purpose of ensuring consistency with the terms and conditions in CWCB's stipulation in this case.

