

BEFORE THE COLORADO WATER
CONSERVATION BOARD

1313 Sherman St, #718
Denver, CO 80203

Amy Beatie, Hearing Officer
amy.beatie@coag.gov

**IN THE MATTER OF THE RULEMAKING
CONCERNING THE COLORADO INSTREAM
FLOW AND NATURAL LAKE LEVEL PROGRAM
2 CCR 408-2 AND HOUSE BILL 20-1157**

*Attorneys for the City of Aurora, acting by and through
its Utility Enterprise,*
HAMRE, RODRIGUEZ, OSTRANDER & DINGESS, P.C.

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**REQUEST FOR PARTY STATUS OF THE CITY OF AURORA, COLORADO, ACTING
BY AND THROUGH ITS UTILITY ENTERPRISE**

The City of Aurora, Colorado, acting by and through its Utility Enterprise ("Aurora"), through its undersigned legal counsel, respectfully requests PARTY STATUS in the above captioned Rulemaking before the Colorado Water Conservation Board.

**1. NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF REQUESTING
PARTY.**

The City of Aurora, Colorado,
acting by and through its Utility Enterprise
15151 East Alameda Parkway, Suite 3600
Aurora, Colorado 80012-1555
Telephone: 303-739-7370
Email: AuroraWater@auroragov.org

2. CONTACT PERSON.

Aurora Staff Contact

Erich Fowler
15151 E. Alameda Parkway, Suite 3600
Aurora, Colorado 80012-1555
Telephone: 303-739-7467
Email: esfowler@auroragov.org

Please send all correspondence and other communications to the referenced legal counsel.

3. INTEREST IN PROPOSED AMENDMENTS TO RULES.

- 3.1. Aurora is the owner and claimant of numerous water rights arising in and flowing through the South Platte, Arkansas, and Colorado River Basins. Such water rights are the mainstay of Aurora's municipal water supply system currently supplying a population of approximately 380,000. Aurora, as owner and claimant of such water rights, has a direct interest in and may be adversely impacted by the adoption of the Rules as proposed.
- 3.2. In determining the appropriateness of any acquisition of existing water rights (2 CCR 408-2 6e.) the proposed Rules should require the Board evaluate the then presently decreed use parameters, including but not limited to time of use, amount of use and types of use.
- 3.3. The proposed Rules, again as part of 2 CCR 408-2 6e., should state the Board's determination of how best to utilize acquired water rights or interests in water rights be done consistent with the legal requirements applicable to the acquired rights or interests.
- 3.4. Regarding 2 CCR 408-2 6f. (4), the proposed Rules should provide any determination by the Division Engineer of administrability should be reviewable by the applicable Water Court.
- 3.5. Regarding 2 CCR 408-2 6h., the proposed Rules should provide that if the seller, lessor, lender or donor of the water desires to bring about beneficial use of the historical consumptive use of the acquired water right downstream of the ISF reach as fully consumable reusable water, the seller may do so only in priority pursuant to the water court decree authorizing the Board to use the acquired water.
- 3.6. Regarding 2 CCR 408-2 6i., to be consistent with law, subparts (1) & (2) of the proposed Rules should reflect the Water Court determines, rather than verifies, quantification of historical consumptive use and return flows.

- 3.7. Regarding 2 CCR 408-2 6i., subpart (3) to be consistent with law, the proposed Rules should reflect Board may seek amendment of the subject change decree, if required by law or the Division Engineer.
- 3.8. Regarding 2 CCR 408-2 6i., to be consistent with law, the proposed Rules should include a new subpart (c) requesting of the Water Court such other terms and conditions as necessary and proper to prevent injury.
- 3.9. Regarding 2 CCR 408-2 6k., to be consistent with law, the proposed Rules should state Section 37-83-105, C.R.S. authorizes the Board to accept and exercise two types of temporary loans of water for ISF use pursuant to a decreed CWCB instream flow right.
- 3.10. Aurora requests the right to elucidate further points at any time when more information becomes known.

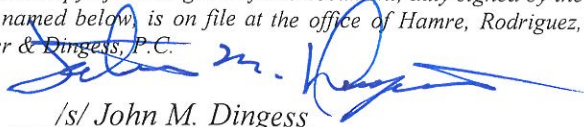
4. GENERAL NATURE OF EVIDENCE OR INFORMATION.

Evidence and information provided by Aurora will generally include documentation of Aurora's water rights as may be required, testimony of Aurora staff concerning potential injury and the need for further clarification of the proposed Rules, and legal analysis of Colorado water law, the provisions of 20 HB-1157 and the proposed Rules.

Respectfully submitted this 10th day of November, 2020.

HAMRE, RODRIGUEZ, OSTRANDER
& DINGESS, P.C.

The physical copy of the original of this document, duly signed by the attorney named below, is on file at the office of Hamre, Rodriguez, Ostrander & Dingess, P.C.

By: 

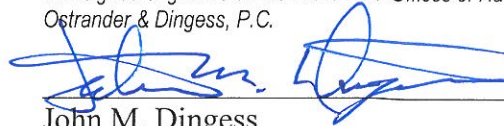
John M. Dingess, No. 12239

CERTIFICATE OF E-SERVICE

I hereby certify that on this ^{10th} day of November, 2020, a true and correct copy of the foregoing **REQUEST FOR PARTY STATUS OF THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE** was electronically transmitted to the following:

Linda Bassi, Esq. linda.bassi@state.co.us

*The signed original is on file in the Law Offices of Hamre, Rodriguez,
Ostrander & Dingess, P.C.*



John M. Dingess