



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street, Room 718
Denver, CO 80203

P (303) 866-3441
F (303) 866-4474

Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Kaylea White, Senior Water Resources Specialist, and
Colin Watson, Water Resources Engineer
Stream and Lake Protection Section

DATE: September 15-16, 2021

AGENDA ITEM: #15. Request for Authorization to Proceed to Trial in Case No.
18CW3048 (Water Division 2) (Application of Young Life and the
Upper Arkansas Water Conservancy District)

This case is set for a 4-day trial beginning on October 25, 2021. The parties are discussing settlement options and preparing for trial on a parallel track. Staff and an Assistant Attorney General intend to discuss litigation strategy and settlement options with the Board in Executive Session. See attached map.

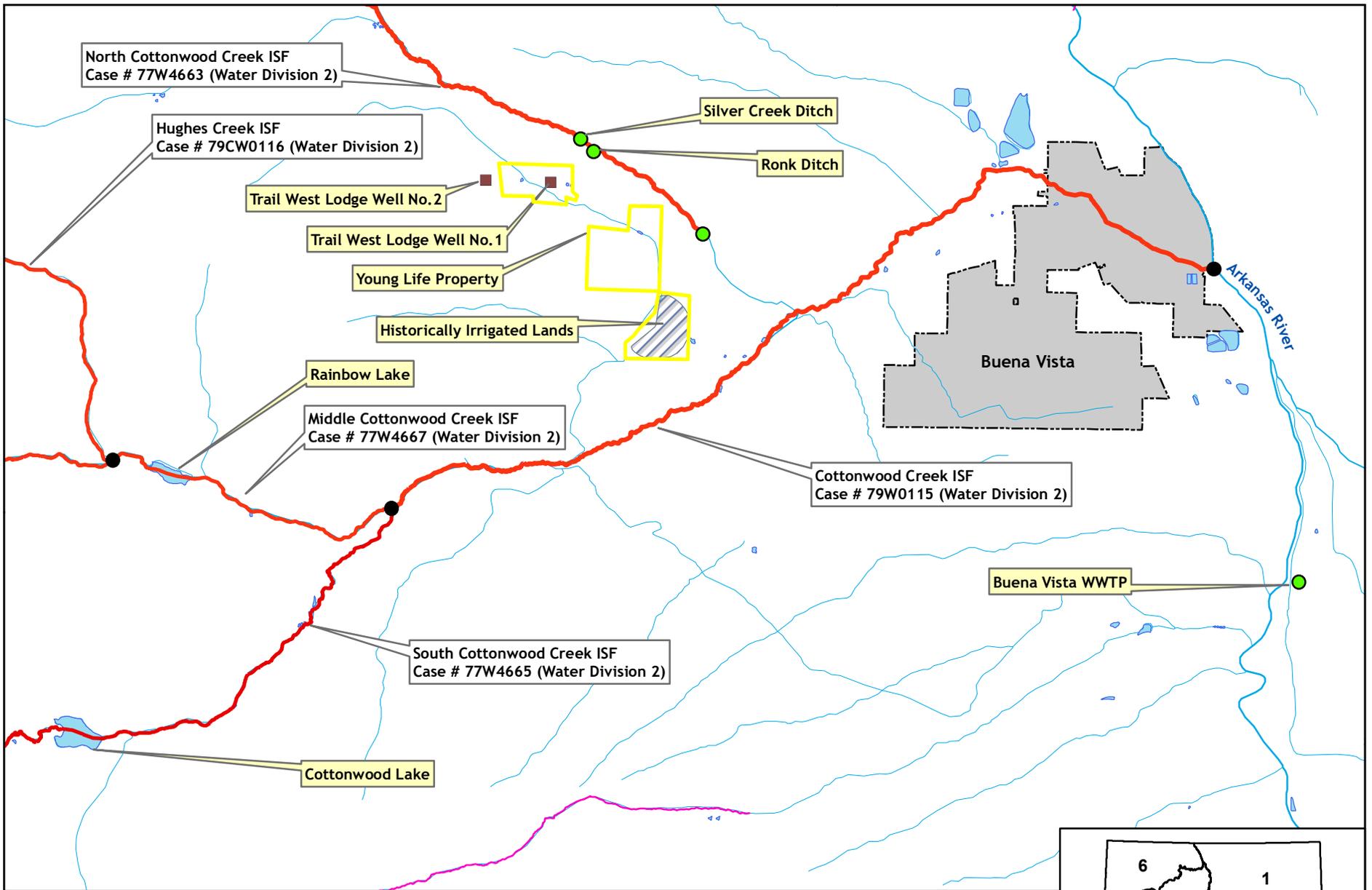
Background:

In this case, the Applicant seeks a corrected Application for change of water rights and appropriative rights of exchange, which could injure the CWCB's instream flow water rights. The CWCB filed a Statement of Opposition on October 31, 2018 to protect its ISF water rights in Division 2 on Cottonwood Creek, North Cottonwood Creek, and South Cottonwood 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, or to participate at trial to defend CWCB's stipulated terms in the event that a settlement is reached before trial.





September 15-16, 2021 CWCB Board Meeting
 Agenda Item 15: Request for Authorization to Proceed to
 Trial in Case No. 18CW3048 (Water Division 2) Application of
 Young Life and the Upper Arkansas Water Conservancy District

