



**COLORADO**  
**Colorado Water  
Conservation Board**  
Department of Natural Resources

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**TO:** Colorado Water Conservation Board Members

**FROM:** Colin Watson, Water Resources Engineer  
Stream and Lake Protection Section

**DATE:** January 24-25, 2022

**AGENDA ITEM:** 17.a-b. Request for Authorizations to Proceed to Trials for  
Stipulated Water Court Opposition Cases

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#### Staff Recommendation:

Pursuant to ISF Rule 8j., Staff recommends that the Board authorize Staff to participate at trial, as necessary, to defend CWCB's stipulation in each of the cases identified in Table 1.

Table 1

Div.	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
1	18CW3090	City of Westminster	February 28, 2022 (10 days)	December 8, 2020	August 28, 2018
2	19CW3061	Thomas H. Smith	March 7, 2022 (3 days)	October 28, 2021	November 25, 2019

#### Background:

Trial has been set in these cases and may still occur prior to, or immediately following, the next Board meeting. Staff may need to participate at trial to defend CWCB's stipulation. In recent years, the water courts have been moving cases through the litigation process more quickly and more water court cases have been set for trial. Staff are preparing for the rare situation wherein a case advances to trial after CWCB has stipulated in the case and CWCB needs to participate in trial to defend CWCB's stipulation.



## Case Summaries:

### 17.a - Case No. 18CW3090 (Water Division 1): Application of the City of Westminster

#### Background:

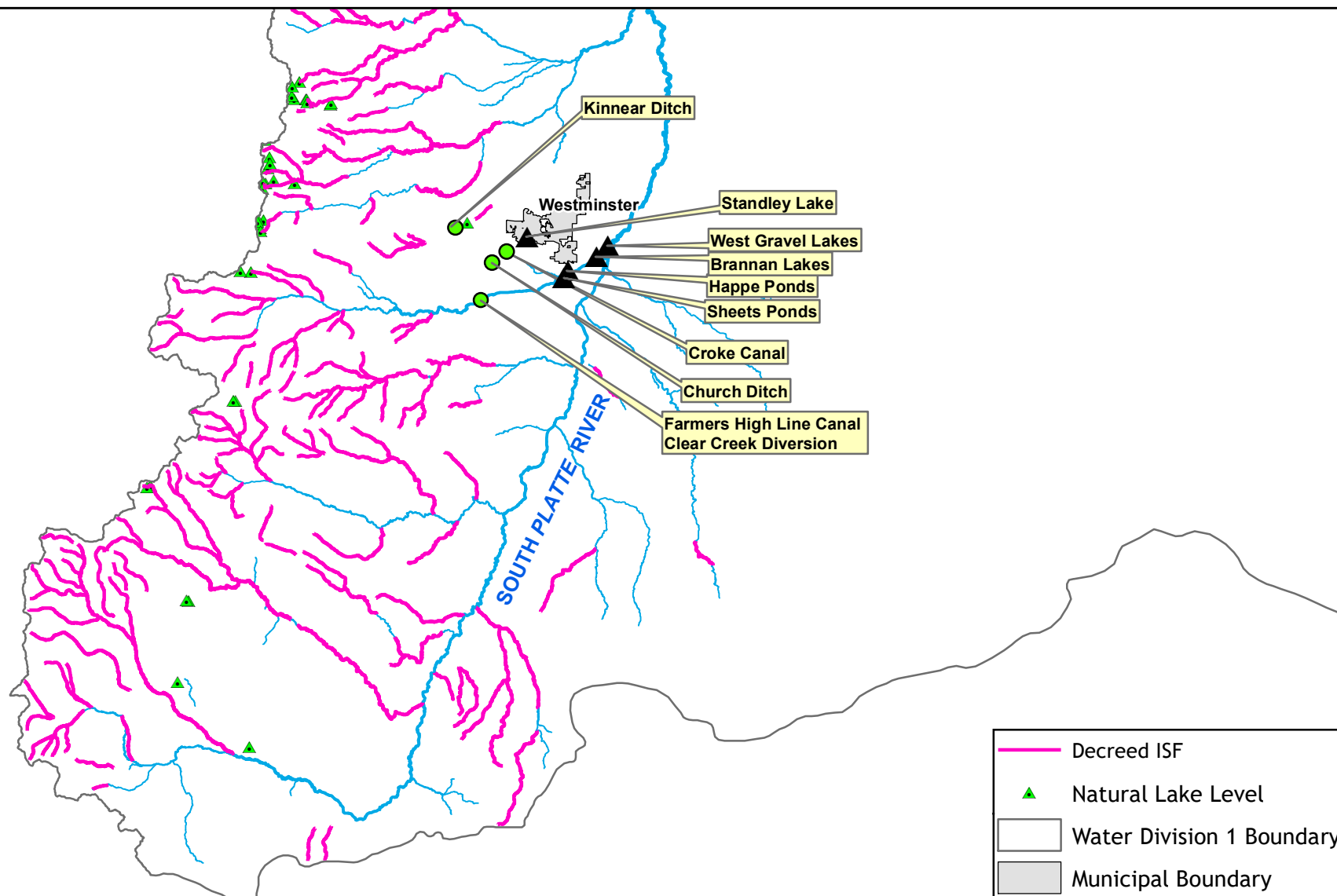
In this case, Applicant seeks a change of water right, which could injure the CWCB's many instream flow water rights in Water Division 1. Other opposers have not yet settled and the case remains open before the water court judge. Staff is requesting authorization to proceed to participate in a trial that may occur in this case, to the extent needed to defend CWCB's stipulation.

### 17.b - Case No. 19CW3061 (Water Division 2): Application of Thomas H. Smith

#### Background:

In this case, Applicant seeks a change of water rights, which could injure the CWCB's instream flow water right on the North Fork of the South Arkansas River. Other opposers have not yet settled and the case remains open before the water court judge. Staff is requesting authorization to proceed to participate in a trial that may occur in this case, to the extent needed to defend CWCB's stipulation.



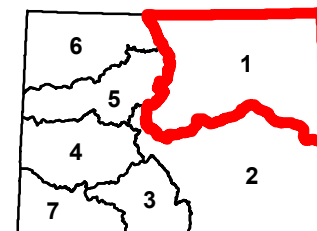


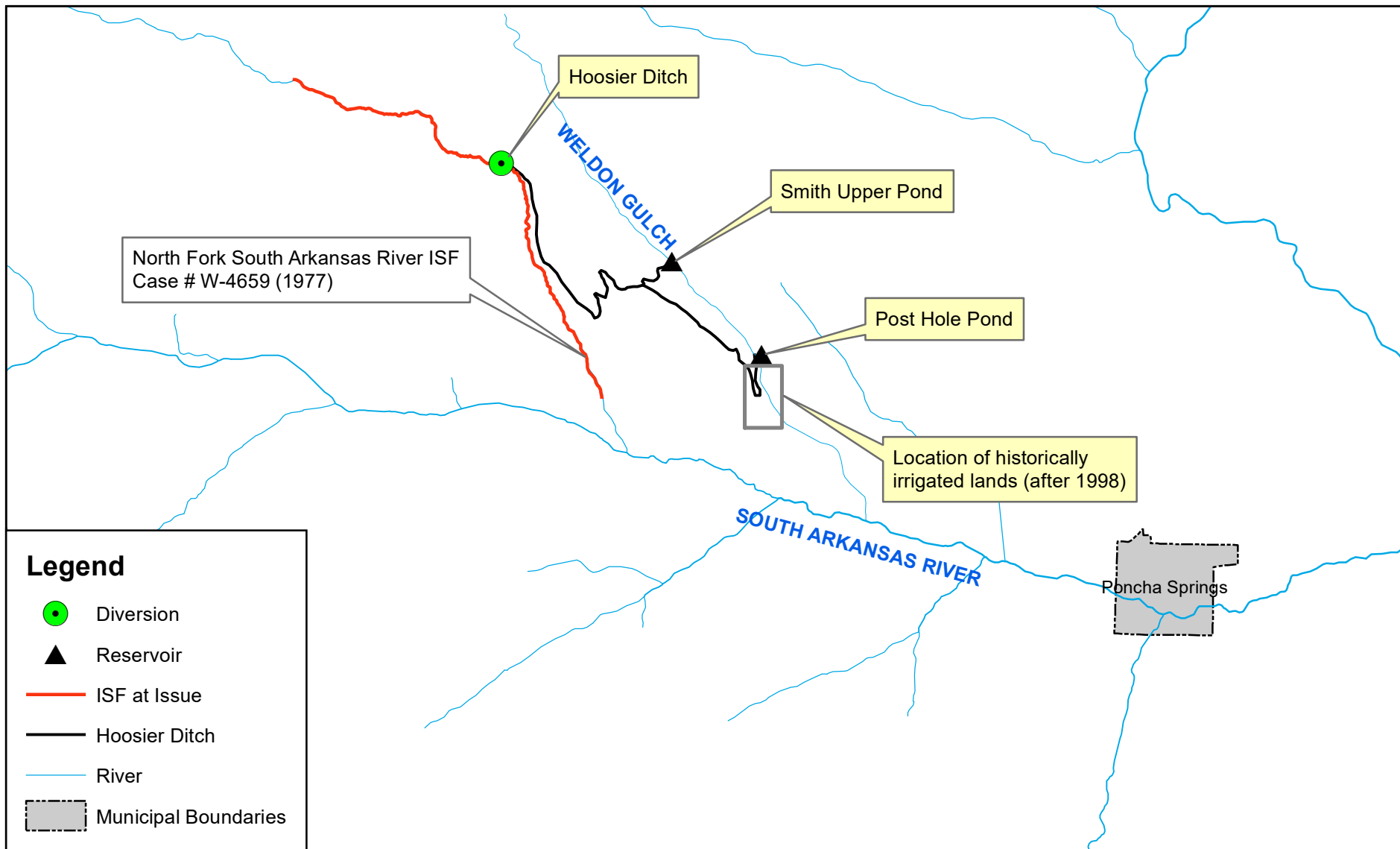
# **COLORADO** **Colorado Water Conservation Board**

Department of Natural Resources

January 24-25, 2022 CWCB Board Meeting  
 17.a Authorization to Proceed to Trail  
 Case No. 18CW3090 (Water Division 1)  
 City of Westminster

0 10 20 40 Miles





**COLORADO**  
**Colorado Water Conservation Board**

Department of Natural Resources

January 27-28, 2020 CWCBB Board Meeting  
 17.b Authorization to Proceed to Trial  
 Case No. 19CW3061 (Division 2)  
 Thomas H. Smith

0 1 2 4 Miles

