



**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:** March 15-16, 2022

**AGENDA ITEM:** 9.a-c. Request for Authorizations to Proceed to Trials for Stipulated Water Court Opposition Cases

**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.

Item	Div.	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
9.a	1	18CW3121	City of Aurora, Colorado, acting by and through its Utility Enterprise	April 4, 2022 (10 days)	November 20, 2019	September 28, 2018
9.b	2	18CW3077	Colorado Division of Parks and Wildlife (Note: Mueller Park)	April 25, 2022 (5 days)	January 6, 2021	February 27, 2019
9.c	5	19CW3112	Highland Investment Co., LLC	May 2, 2022 (4 days)	April 11, 2021	October 31, 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:**

### **9.a - Case No. 18CW3121 (Water Division 1): Application of the City of Aurora, Colorado, acting by and through its Utility Enterprise**

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. 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.

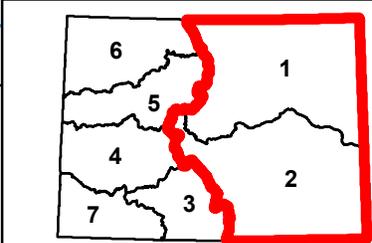
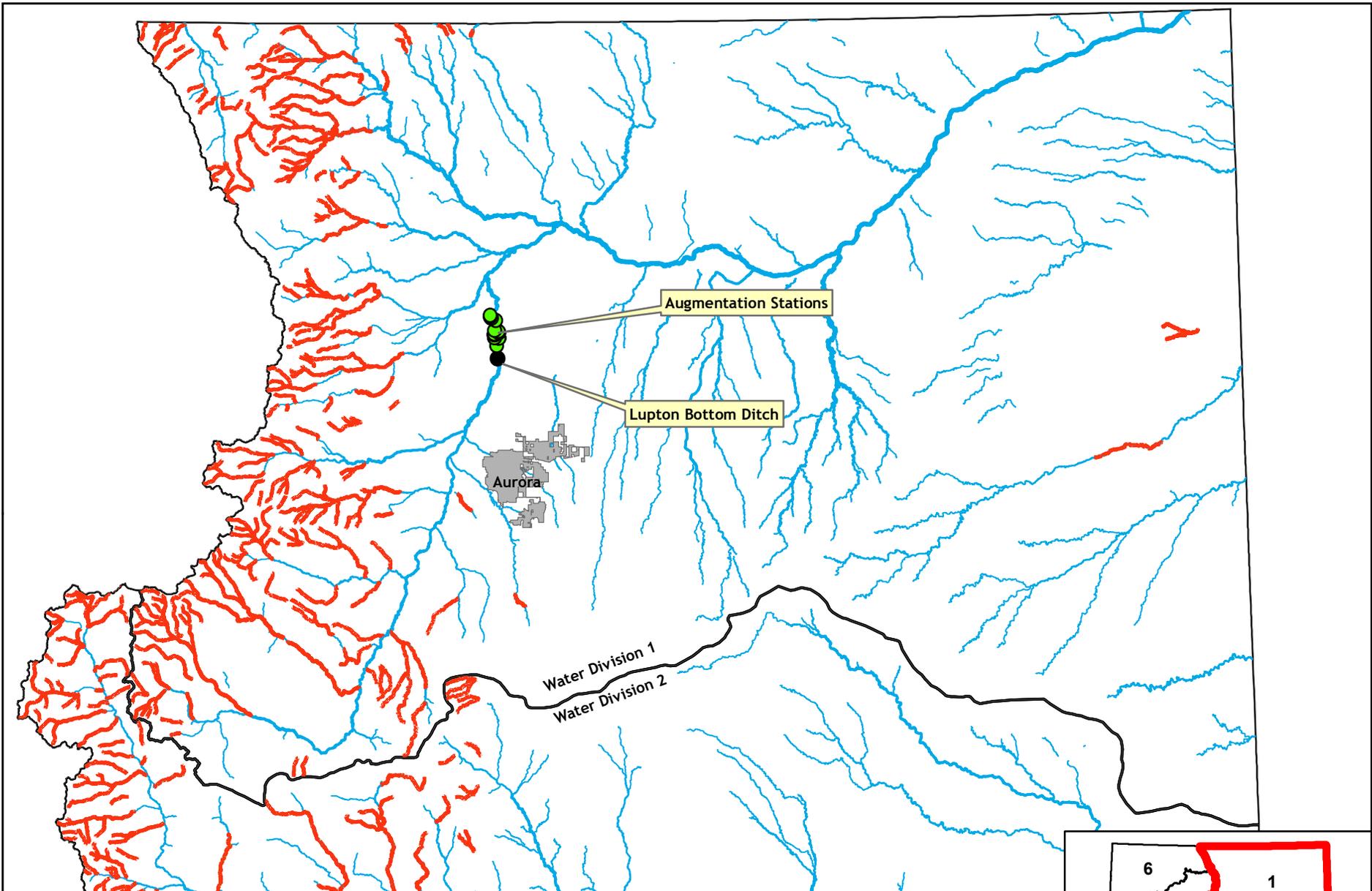
### **9.b - Case No. 18CW3077 (Water Division 2): Application of Colorado Division of Parks and Wildlife (Note: Mueller Park)**

In this case, Applicant seeks conditional and absolute water rights, rights of exchange, and a plan for augmentation, which could injure certain of the CWCB's instream flow water rights in the Upper Arkansas River Watershed. All opposers have settled but the case remains open before the water court. 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.

### **9.c - Case No. 19CW3112 (Water Division 5): Application of Highland Investment Co., LLC**

In this case, Applicant seeks conditional and absolute water rights, rights of exchange, and a plan for augmentation, which could injure certain of the CWCB's instream flow water rights in the Colorado River Headwaters Watershed. One opposer has not yet settled and the case remains open before the water court. 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.





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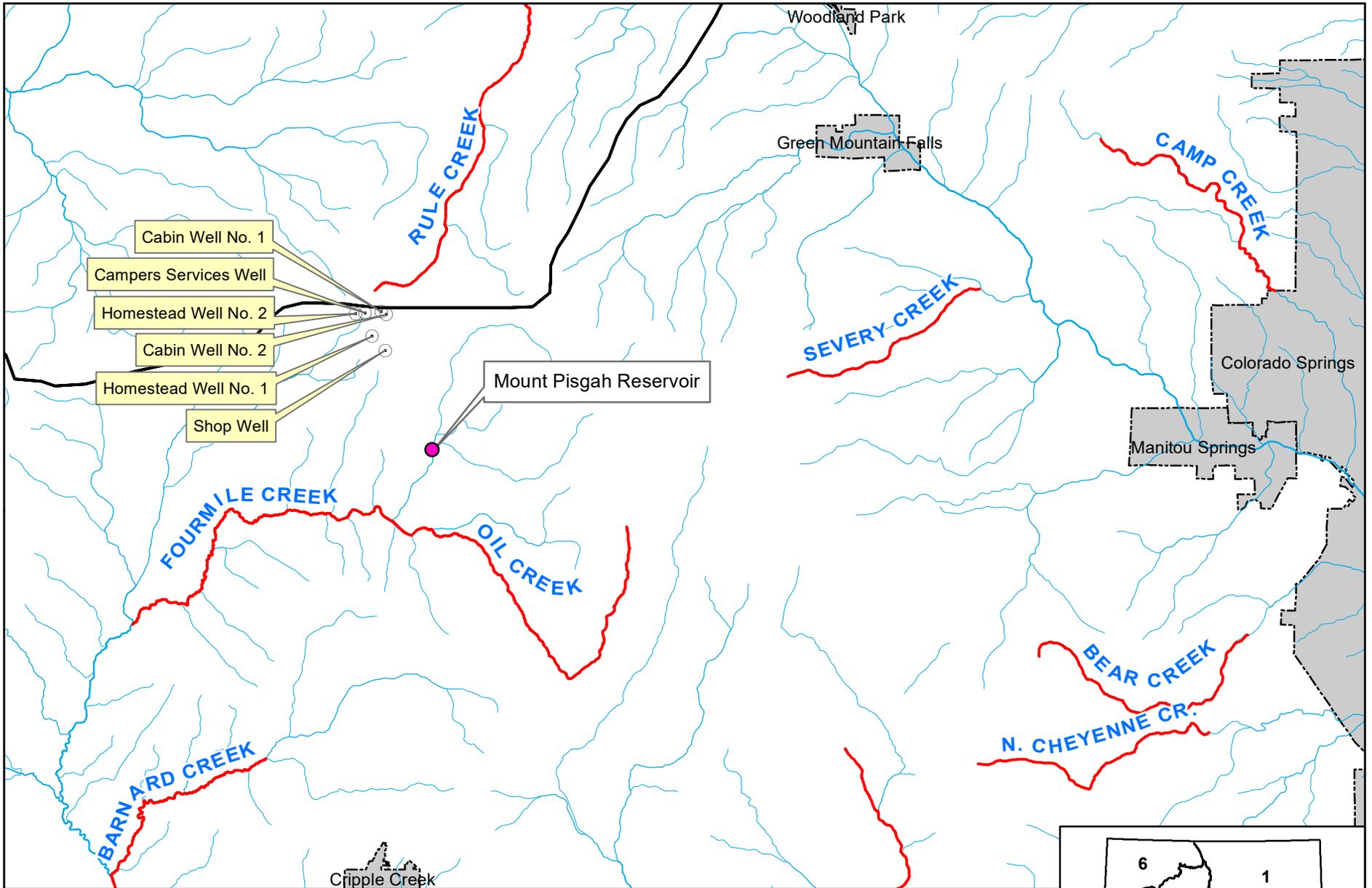
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9.a Authorization to Proceed to Trial

Case No. 18CW3121 (Div 1)

City of Aurora



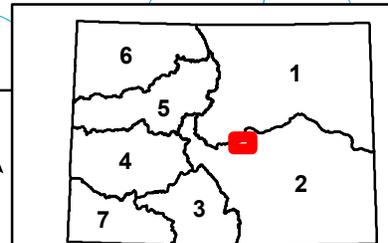
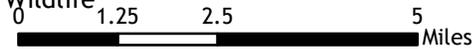


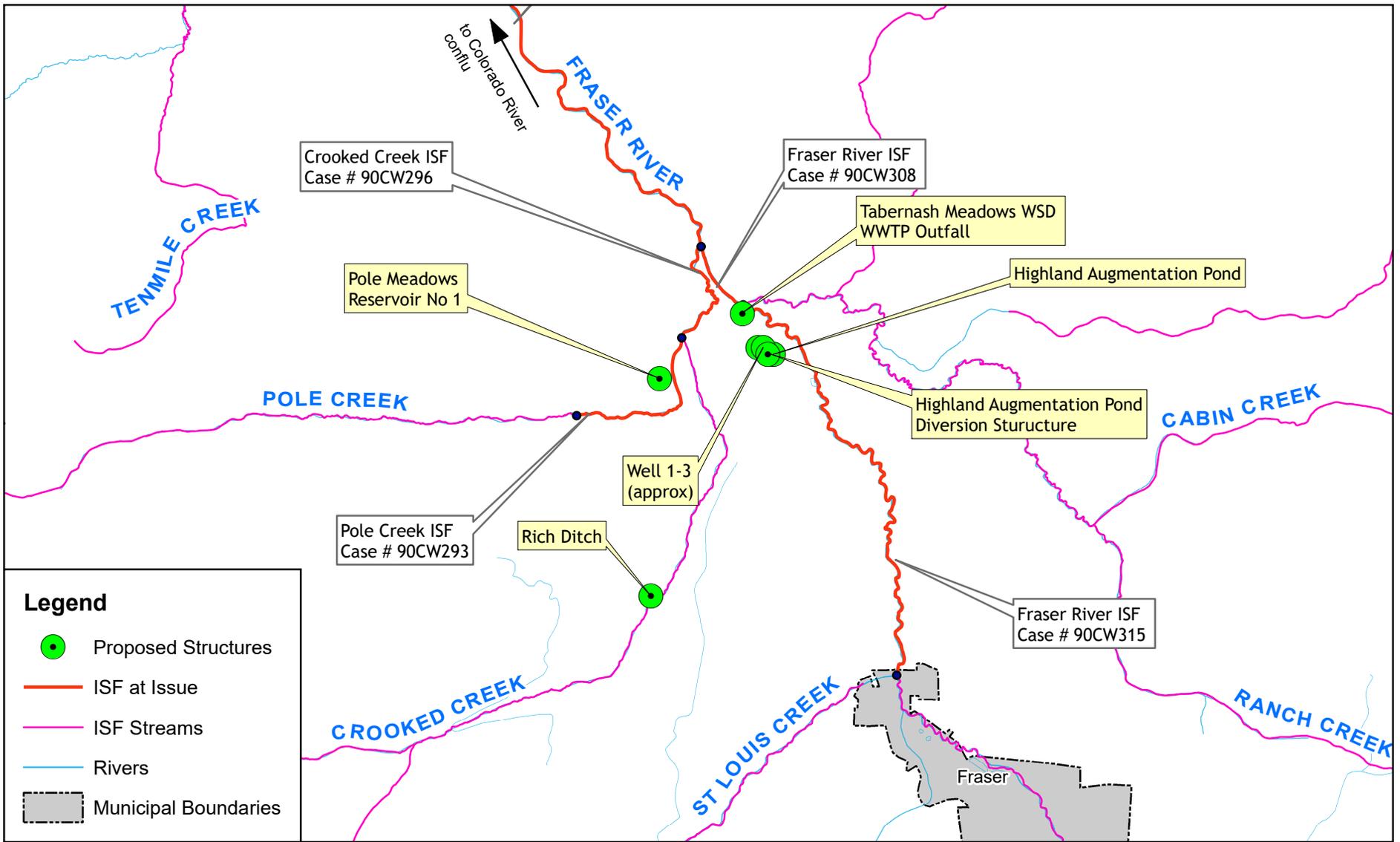
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 9.b Authorization to Proceed to Trial  
 Case No. 18CW3077 (Div 2)  
 Colorado Div. of Parks and Wildlife





**Legend**

- Proposed Structures
- ISF at Issue
- ISF Streams
- Rivers
- Municipal Boundaries



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 9.c Authorization to Proceed to Trial  
 Case No. 19CW3112 (Div 5)  
 Highland Investment Co LLC

