



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 13-14, 2024

AGENDA ITEM: 13.a. Request for Authorization to Proceed to Trial in Stipulated
Opposition Case No. 21CW3044 (Water Division 2): Application of
Triview Metropolitan District

Staff Recommendation:

Pursuant to ISF Rule 8.j., Staff recommends that the Board authorize Staff to participate at trial, as necessary, to defend CWCB's stipulation in Case No. 21CW3044, as identified in the Table 1.

Table 1:

Item	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
13.a	21CW3044 (Division 2)	Triview Metropolitan District	April 1, 2024 (5 days)	December 22, 2023	October 25, 2021

Background:

In recent years, the water courts have been moving cases through the litigation process at a faster pace which has resulted in more water court cases being 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 the trial to defend its stipulation. Trial has been set in this case to begin on April 1, 2024, which would occur prior to the next CWCB board meeting. Staff may need to participate at this trial for the limited purpose of defending CWCB's stipulation.

Case Summary:

Applicant seeks approval for a change of water rights that could injure the CWCB's instream flow water right on Cottonwood Creek. Other opposers have not yet settled and the case remains open before the water court. Staff is requesting authorization to participate in a trial that may occur in this case, to the extent necessary to defend the CWCB's stipulation.

