



**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:** May 15-16, 2024

**AGENDA ITEM:** 13.a. Request for Authorization to Proceed to Trial in Stipulated  
Opposition Case No. 10CW36 (Water Division 3): Application of  
Timothy N. and Lori S. Lovato

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#### 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. 10CW36, as identified in Table 1.

Table 1:

Item	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
13.a	10CW36 (Division 3)	Timothy N. and Lori S. Lovato	June 24, 2024 (5 days)	August 29, 2023	July 29, 2016

#### Background:

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 June 24, 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:

Applicants seek approval for a change of water rights, plan for augmentation and determination of water rights. The change of water rights could injure the CWCB's instream flow water right in Division 7 on Wolf 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.

