



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: July 17, 2024

AGENDA ITEM: 5.a. Request for Authorization to Proceed to Trial in Stipulated
Opposition Case No. 20CW3216 (Water Division 1): Application of
City and County of Broomfield

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. 20CW3216, as identified in Table 1.

Table 1:

Item	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
5.a	20CW3216 (Division 1)	City and County of Broomfield	August 12, 2024 (10 days)	January 9, 2024	February 25, 2021

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 August 12, 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, storage rights, underground water rights, and plan for augmentation. The change of water rights could injure the CWCB's instream flow water right on Boulder Creek and South Boulder 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.

