



## 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 19, 2025

**AGENDA ITEM:** 8.a - Request for Authorization to Proceed to Trial in Stipulated Opposition Case Nos. 21CW3029 and 21CW3030 (Water Division 5): Applications of Eagle River Water & Sanitation District and Upper Eagle Regional Water Authority

#### 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 stipulations in the cases identified in Table 1 below.

**Table 1:**

Item	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
8.a	21CW3029 (Division 5)	Eagle River Water & Sanitation District and Upper Eagle Regional Water Authority	April 14, 2025 (10 days)	March 26, 2024	May 26, 2021
8.a	21CW3030 (Division 5)	Eagle River Water & Sanitation District and Upper Eagle Regional Water Authority	April 14, 2025 (10 days)	March 29, 2024	May 26, 2021

#### Background:

Staff are preparing for the rare situation wherein the cases advance to trial after CWCB has stipulated in the cases and CWCB needs to participate in the trial to defend its stipulations. Trial has been set in these cases to begin on April 14, 2025, 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 stipulations.

**Case Summaries:**

These related cases have the same applicants and both are to be addressed in a single trial. Both cases involve an application for water rights and approval of plan for augmentation and exchange. The plans for augmentation and exchanges could injure the CWCB's instream flow water rights on Cross Creek and the Eagle River. All 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 these cases, to the extent necessary to defend the CWCB's stipulations.