



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

1313 Sherman Street  
Denver, CO 80203

P (303) 866-3441  
F (303) 866-4474

Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

**TO:** Colorado Water Conservation Board Members

**FROM:** Linda Bassi, Section Chief and  
Kaylea White, Senior Water Resource Specialist  
Stream and Lake Protection Section

**DATE:** March 20-21, 2019

**AGENDA ITEM:** 31. Request for Authorization to Proceed to Trial in Case No. 15CW3148 (Water Division 1) (Application of Central Colorado Water Conservancy District, the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District, and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District)

---

This case is set for a 5-day trial beginning on May 6, 2019. Staff and Attorney General's Office intend to discuss this case with the Board in Executive Session.

**Background:**

In this case, Applicant seeks a new storage right in Chatfield Reservoir. CWCB and Applicant stipulated to a proposed decree on February 8, 2019 after extensive discussions with another opposer, which resulted in Applicant withdrawing a claim for potential future instream flow use of this stored water in the South Platte River. However, that same opposer now disagrees with a different term to which CWCB stipulated. Trial has not yet been vacated and the proposed decree has not yet been submitted to the court.

Staff anticipates that the parties can come to agreement without trial, but because trial has not yet been vacated and a common proposed decree has not been stipulated to by all parties, Staff must request Board authorization to proceed to trial in the off-chance that trial, or a hearing, is held in which CWCB will need to participate.

**Staff Recommendation:**

Pursuant to ISF Rule 8j., Staff recommends that the Board authorize Staff to proceed to trial to protect its instream flow water rights in the event that Staff and the Attorney General's Office are unable to reach a settlement with Applicant and all other parties before trial.



