



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: September 20-21, 2022

AGENDA ITEM: 5.a-b. Request for Authorizations to Proceed to Trials for Stipulated Opposition Cases

Staff Recommendation:

Pursuant to ISF Rule 8j., Staff recommends that the Board authorize Staff to participate at trial, as necessary, to defend CWCB’s stipulation in each of the cases identified in Table 1.

Table 1.

Item	Div.	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
5.a	1	18CW3193	City of Loveland	October 10, 2022 (8 days)	January 22, 2020	January 30, 2019
5.b	1	18CW3230	The Consolidated Mutual Water Company	October 24, 2022 (10 days)	April 26, 2022	February 27, 2019

Background:

In recent years, the water courts have been moving cases through the litigation process at a faster pace and more water court cases have been 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 trial to defend its stipulation. Trial has been set in these two cases and may occur prior to the next CWCB meeting. As a result, staff may need to participate at trial to defend CWCB’s stipulation.



Case Summaries:

5.a - Case No. 18CW3193 (Water Division 1): Application of City of Loveland

In this case, Applicant seeks to quantify and use return flows, and seeks the use of these water rights outside of their service area, which could injure many of the CWCB's instream flow water rights in Water Division 1. Other opposers have not yet settled and the case remains open before the water court. Staff is requesting authorization to proceed to participate in a trial that may occur in this case, to the extent needed to defend CWCB's stipulation.

5.b - Case No. 18CW3230 (Water Division 1): Application of The Consolidated Mutual Water Company

In this case, Applicant seeks a change of water rights and seeks the use of these water rights outside of their service area, which could injure many of the CWCB's instream flow water rights in Water Division 1. Other opposers have not yet settled and the case remains open before the water court. Staff is requesting authorization to proceed to participate in a trial that may occur in this case, to the extent needed to defend CWCB's stipulation.

