



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 718
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: Colin Watson, Water Resources Engineer
Stream and Lake Protection Section

DATE: January 23-24, 2023

AGENDA ITEM: 17.a Request for Authorization to Proceed to Trial for a
Stipulated Opposition Case

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 the case identified in Table 1.

Table 1.

Item	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
17.a	18CW3106 (Division 1)	Central Colorado Water Conservancy District	February 22, 2023 (3 days)	February 26, 2020	September 27, 2018

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 this case to begin on February 22, 2023, which would occur prior to the next CWCB board meeting. Staff may need to participate at trial for the limited purpose of defending CWCB’s stipulation.

Case Summary:

Applicant seeks a change of water rights and seeks the use of these water rights outside of their service area, which could injure the CWCB’s many 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 participate in a trial that may occur in this case, to the extent needed to defend the CWCB’s stipulation.

