



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: May 18, 2023

AGENDA ITEM: 23.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 the Table below.

Table 1:

Item	Case No.	Applicant	Trial Date (No. of Days)	CWCB Stipulation Date	CWCB Statement of Opposition Date
23.a	21CW3026 (Division 3)	Sustainable Water Augmentation Group	July 17, 2023 (25 days)	February 13, 2023*	February 28, 2022

*The Motion to Approve the stipulation was filed with the court on this date but the court has not yet issued an order granting the motion.

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 July 17, 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 approval for a plan of augmentation with the ability to add new augmented structures and operative exchanges that could injure the CWCB’s many instream flow water rights in Division 3. 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.

