

Recent Changes to Water Court Statutes, Rules, Forms and More



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1. Statutory Changes

- a. C.R.S. §37-92-201(1): White River in Division 6 – for all purposes
 - i. Effective August 5, 2009
 - ii. Chief Justice Order Of April 23, 2009:

<http://www.courts.state.co.us/Courts/Water/Index.cfm>
(addressing future diligence notices)

- b. C.R.S. §37-92-302: Filing and service of summaries of consultation (See also WCR 2)



2. Rule Changes

- a. CRCP 90(b) - (c) & WCR 3(a) –
Application completeness; see revised
forms on State Judicial website:
[http://www.courts.state.co.us/
Forms/Forms_List.cfm/Form_Type_ID/10](http://www.courts.state.co.us/Forms/Forms_List.cfm/Form_Type_ID/10)



b. WCR 2(a) – E-Filing (specifies that state/division engineer will electronically file and serve summary of consultation on all parties)



c. WCR 6 – Referee Proceedings

i. Initial Status Conference (WCR 6(h) – (i))
(proposed ruling expected)





- ii. Case Management Plans (WCR 6(k) – (m), (p)) Stipulated ruling deadline: 12 months from S/O deadline; extension for 6 months possible (WCR 6(f))

- iii. Division 1: Train Wreck? See WCR 6(q), WCR 12

d. WCR 11 - Case Management, Disclosures,
and Experts



- i. Additional expert disclosures: List of expert reports and “executable electronic version of any computational model...relied upon” (WCR 11(b)(5)(C))

- ii. Meeting(s) of Experts (WCR 11(b)(5)(D))
 - a. Expert deposition timing (WCR 11(b)(10))
 - b. “Attempt[ing] to resolve disputed matters of fact and opinion” (WCR 11(b)(5)(D)(I) - (II))
 - c. Applicant’s supplemental expert disclosures (WCR 11(b)(5)(B)(II); WCR 11(b)(5)(D)(I))
 - d. Experts’ joint written statement to parties (WCR 11(b)(5)(D)(II) - (III))
 - e. Parties’ joint statement to court (WCR 11(b)(6)(B))



iii. Declaration by Expert (WCR 11(b)(5)(E) and Form 2 to WCRs; also available on forms website as JDF 312)



iv. Proposed Decree(s) disclosed with
26(a)(2)s (WCR 11(b)(5)(F))



[Note retention of requirement to file
proposed decree “at least 15 days
prior to hearing on any application
before the water judge”-- WCR 2(b)]

3. Forms Changes—see forms website:

http://www.courts.state.co.us/Forms/Forms_List.cfm/Form_Type_ID/10

a. Primarily additional mapping requirements and minor changes to verification requirements





- b. Additional instructions, e.g.: “Please be aware that early in the proceedings, you will be required to supply detailed information, such as the historical consumptive use on a monthly basis of the water rights you propose to change and an analysis of historical return flow patterns. You are encouraged to provide such information with this application. ” [JDF 299, Change of Water Right form]

- c. Denver Basin ground water right application form (forthcoming)

4. What else?

a. Non-Attorney's Guidebook To Colorado Water Courts (http://www.courts.state.co.us/userfiles/File/Self_Help/Non-Attorneys_Guidebook_to_Colorado_Water_Courts_Final.pdf)



b. Training courses for attorneys, engineers and judges - see "Water Law 101: Water Law and Administration Program Series"

(<http://www.cobar.org/calendar/eventdetail.cfm?EventID=WA0918101>)

Questions/Comments?

