

WATER LAW PARALEGAL

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ALL OF THE BELOW DUTIES ARE ASSUMED TO, AND MUST BE, UNDER THE DIRECTION AND SUPERVISION OF A LICENSED ATTORNEY.

A. INVESTIGATION AND ANALYSIS OF WATER RIGHTS, BOTH GENERALLY AND IN CONNECTION WITH SPECIFIC PROPERTY

1. Conduct research of water rights pleadings, decrees, tabulations, well permits, reservoirs, diversion records, maps and statements at the Colorado Division of Water Resources (State Engineer's office), Division Engineer's office, and water courts.
2. Utilize the websites for each of the seven water courts, Lexis/Nexis File & Serve, and the Colorado Division of Water Resources to obtain water rights information.
3. Monitor the status of well permit applications and related filings with the Division of Water Resources personnel.
4. Perform factual research pertaining to the status of water rights, wells, historic irrigation practices or other uses on lands, by contacting Water Commissioners, ditch riders, clients, property owners, ranch managers, ditch company personnel, municipal and water and sanitation district personnel, and other special district personnel.
5. Investigate and review legal descriptions and plot the locations of water rights onto a USGS quad map, county map, forest service map, or other maps as needed.
6. Conduct additional research at other agencies and offices:
 - a. State Archives.
 - b. Bureau of Land Management.
 - c. District Courts.
 - d. Historical Society.
 - e. Public Libraries.

7. Summarize research findings.
8. Prepare historic use affidavits.
9. Prepare water rights indices, charts, diagrams, maps and reports regarding water rights issues, and investigation results.

B. WATER RIGHTS CONVEYANCE TRANSACTIONS

1. Draft documents for the purchase, sale, assignment, or lease of water rights and wells.
2. Perform title research at County Clerk and Recorder's and County Assessor's offices.
3. Review title abstracts.
4. Conduct due diligence investigations.
5. Prepare title chains and draft opinion letters.
6. Prepare for and assist at closings.

C. STATE ENGINEER'S OFFICE

1. Prepare well permit documents for filing, including:
 - a. Applications.
 - b. Land ownership documents.
 - c. Affidavits.
 - d. Statements of beneficial use.
 - e. Location maps.
 - f. Amendments to record.
 - g. Requests for extensions of time.
 - h. Change in ownership notifications.
2. Coordinate and monitor the well permitting and drilling process.

3. Prepare and monitor correspondence with Division of Water Resources personnel, well drillers, and clients.

4. Assist attorneys and water resource engineers in preparation of requests for approval of statutory Substitute Water Supply Plans and compile supporting documentation as required.

5. Assist attorneys in preparation of comments to Substitute Water Supply Plans of others.

D. WATER COURT LITIGATION

Colorado water courts are district courts with special jurisdiction over water rights cases. Proceedings are governed by the Colorado Rules of Civil Procedure for District Courts, Uniform Local Rules for all State Water Court Divisions (Chapter 36), and by local water court and district court rules.

1. Prepare water court pleadings and documents for court filing and service:
 - a. Applications for water rights with accompanying location maps and other required exhibits.
 - b. Applications for water rights as formatted for publication in Water Court Resume.
 - c. Certificates of Service.
 - d. Statements of Opposition.
 - e. Entries of Appearance.
 - f. Affidavits.
 - g. Motions and proposed Orders, Responses, and Reply Briefs.
 - h. Draft Rulings of the Referee, and Findings of Fact, Conclusions of Law, Judgment & Decrees of the water court.
 - i. Stipulations.
 - j. Withdrawals of opposition.
 - k. Withdrawals of counsel.
 - l. Correspondence to parties, clients, and engineers.

- m. Draft trial exhibit and witness lists.
2. Handle Lexis/Nexis electronic filing and service of pleadings.
3. Identify preliminary issues and draft disclosure certificates pursuant to Rules 26(a)(1) and 26(a)(2).
4. Review pleadings filed by all parties in clients' cases and docket all deadlines and create reminder docket entry as well.
5. Prepare and maintain current docket summary of all deadlines after case is at issue or after case or trial management orders have been entered.
6. Prepare and maintain case's contact list of parties' and their attorneys.
7. Assist with preparation of discovery requests and responses to discovery requests.
8. Review engineering reports prepared by expert and compile referenced historical decrees and other documents relied upon.
9. Assist with deposition preparation and compilation of deposition exhibits.
10. Maintain complete set of all deposition exhibits by case and prepare exhibit index.
11. Proofread, cite-check and Shepardize cases cited in attorney's briefs.
12. Perform computer legal research utilizing Westlaw or Lexis/Nexis.
13. Attend and assist attorneys at depositions, meetings, hearings and trials.
14. Create and maintain document databases for case's client documents.
15. Supervise maintenance of diligence filing tickler system for conditional water rights; work with client to record and maintain evidence of diligence.
16. Review, route and maintain files for Water Court Resumés and State Engineer's Office's Substitute Water Supply Plans.
17. Review and mark monthly Water Court Resumés of new applications filed that could have an adverse affect on clients' water rights.
18. Compile, label, and prepare trial exhibits for electronic presentation at trial and compile hard copy for Court's notebook.

19. Assist generally with all aspects of pre-trial and post-trial motions, briefing, and discovery.

E. OTHER AGENCY PROCEEDINGS

1. Perform research pertaining to status of easements, special use permits or other authorization for construction, maintenance or use of water facilities on public lands; draft permit applications, easements and related documents.

2. Review water law publications for new rules and regulations and new water law cases; summarize and circulate new information.