

WATER LAW 201: Evolution of the Law Through Trial, Appeal and Legislation

*Water Court Practice Program –
Water Law and Administration Program Series*

Friday, May 18, 2018

Live Program Location: CBA-CLE Classroom
1900 Grant Street, Suite 300, Denver, CO

**THIS IS THE 11TH COURSE OF THE WATER LAW AND
ADMINISTRATION PROGRAM SERIES**

**YOU WILL LEARN FROM THE ENGINEERS WHO TESTIFIED IN, AND
ATTORNEYS WHO BROUGHT AND ARGUED:**

- Cases, trial and appellate actions, and legislative responses, which have shaped today's water law practice and decisions of water users in Colorado
- Advanced water law concepts, terms, theories and practices and their application by the courts and in practice
- The principal points of law, facts, and expert opinion, you need to know as a professional in the field of Colorado water law, rights, and administration

Submitted for 7 General CLE Credits

Video Replays: **June 7, 2018** • Denver, Colorado Springs, and Grand Junction

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*Timely, Fair and Effective Water Court Practice. A Series of Courses
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■ **The Water Law and Administration Program Series**

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WATER LAW 201:

Evolution of the Law Through Trial, Appeal and Legislation

This is the 11th course in a series of courses related to the water law and administration aspect of Colorado water law. This course provides you with the perspectives of engineers who testified in, and attorneys who brought or argued, cases instrumental in shaping today's water law in Colorado. It updates our 2010 Water Law 201 program.

Understanding the impact of cases and trial and appellate actions on the law and legislation is an essential requirement for anyone who is, or desires to become involved with water rights and/or the practice of water law in Colorado in any way, whether from a legal, technical, administrative or expert perspective.

Take Advantage of this Unique Opportunity and REGISTER NOW!

PROGRAM AGENDA

8:30 am Registration and Continental Breakfast

9:00 am Welcome and Introductions

*Extended by **Honorable Monica M. Márquez**, Justice, Colorado Supreme Court*

9:10 am ***Burlington Ditch Reservoir & Land Co. v. Englewood: Trial and Appellate Strategy, Presentation and Outcomes in the Burlington Ditch Change of Water Right Case***

256 P.3d 645 (2011)

*Presented by **Steven O. Sims, Esq., Star Waring, Esq., and Katherine Griffin Young, P.E.**, formerly with Martin and Wood Water Consultants*

*Moderated by **Honorable Gregory J. Hobbs, Jr.***

10:10 am Networking Break

10:25 am ***Upper Yampa Water Conservancy District v. Wolfe***

255 P.3d 1108 (2001)

Arising out of a dispute over when a conservancy district could make certain water rights absolute, this case led to the passage of Senate Bill 13-041, which legislatively overturned the Court's holding in Upper Yampa, that a water storage right must be put to beneficial use after storage before it could be claimed absolute. This session brings the attorneys responsible for bringing and arguing the case before the Court together once again to discuss the Court's decision while exploring differing opinions on the proper definition of placing water to beneficial use, when water rights may be made absolute, the distinction between managing resources and speculating, the concept of "seniors first" in the use of water rights, and other still relevant, water rights and water rights administration related issues.

*Presented by **John J. Cyran, Esq., and Scott A. Grosscup, Esq.***

11:25 am **St. Jude's: Is the Patron Saint of Desperate Cases and Lost Causes Listening?**
The panel will discuss the primary holding and controversial aspects of the Colorado Supreme Court's 2015 opinion in *St. Jude Co. v. Roaring Fork Club*, 351 P. 3d 442 (Colo 2015), the unsuccessful 2014 effort to legislatively "correct" the opinion, and the partially successful 2017 effort to legislatively "clarify" the opinion.
Presented by Daniel H. Arnold, Esq., In-house Counsel, Denver Water, Michael F. Browning, Esq., and Scott C. Miller, Esq.
Moderated by Peter Fleming, General Counsel, Colorado River District

12:25 pm Lunch on Your Own

1:30 pm **Vermilion Ranch Limited Partnership v. Raftopoulos Brothers: What Do You Got to Do to Get a Water Right Around Here?**
307 P.3d 1056 (2013)
This case is a study of neighboring landowners, each claiming water storage rights for their agricultural operations and to provide the burgeoning oil and gas operations in the area. Your presenters will explore the application of decree interpretation, and anti-speculation and can and will doctrines and evidence necessary to support new claims and future diligence applications.
Presented by Laura Chartrand, Deputy Attorney General, Natural Resources and Environment Section, and Scott A. Grosscup, Esq.

2:30 pm **Central Colorado Water Conservation District v. City of Greeley – Jones Ditch: Skeletons in the Closet!**
147 P. 3d 9 (2006)
This panel will discuss the Jones Ditch case, in which the court reduced consumptive use awarded to the applicant based upon testimony from the original adjudication regarding the irrigator's intended irrigated acres, the response of the water community, and the follow-up "Legacy Ditch" bill (Senate Bill 13-074). Panelists will discuss their experience in the Jones Ditch case and legislative process, as well as the broader challenges of defining the nature and extent of mutual ditch company rights in change of use cases.
Presented by P. Andrew (Andy) Jones, Esq., Lindsay Griffith, Senior Engineer, Brown and Caldwell Environmental Consulting, and Lee Rozaklis, Principal, Rozaklis and Associates, LLC
Moderated by Jennifer Ashworth, P.E., White Sands Water Engineers

3:30 pm Networking Break

3:40 pm **Perspectives of Water Users on Cases and Legislation**
Your presenters will explore the ways in which Colorado water law, and in particular case law and legislation over the last 10-15 years, has impacted their planning or their clients' water planning and decision making. Adjustments, responses, benefits, clarifications and unanticipated costs of case law or legislation are included in the discussion as well as water planning and conservation efforts.
Presented by Larry Clever, General Manager, Ute Water Conservancy District, Emily Hunt, Water Resources Division Manager, City of Thornton, and Jeffrey J. Kahn, Esq.

4:40 pm Adjourn

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Live Program at the CBA-CLE Classroom, 1900 Grant Street, Suite 300, Denver, CO

Video Replays: **June 7, 2018**

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Upper Gunnison River Water
Conservancy District

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State Engineer
Colorado Division of Water Resources

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Mark A. Hermundstad, Esq.

General Counsel
Ute Water Conservancy District

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Colorado Supreme Court Justice (ret.)
Senior Water Judge, State of Colorado
Distinguished Jurist in Residence, and
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John Justus, Esq.

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Cheryl Signs, P.E.

Cheryl Signs Engineering

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***Also on Faculty*

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Formerly with Martin and Wood Water
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