

<b>WATER DIVISION NO. 1, STATE OF COLORADO</b> DISTRICT COURT, WELD COUNTY 901 9 <sup>th</sup> Avenue Greeley, CO 80631-1113 (970) 475-2400	DATE FILED: January 21, 2019 10:09 AM
<b>ADMINISTRATIVE ORDER NO. 2019-01</b>	
	<b>▲ COURT USE ONLY ▲</b>  Case No.: 2019 CW 1
	<b>ADMINISTRATIVE ORDER CONCERNING DIVISION 1 WATER COURT POLICIES</b>

The purpose of these policies is to expedite the disposition of water matters. Exceptions to these policies will be liberally granted where compliance with them would not serve the intended purpose or where compliance would be overly burdensome. This Administrative Order replaces Administrative Order 2015-02.

- 1. Electronic Filing.** This court requires all pleadings to be filed electronically using the Colorado Courts E-filing/Judicial Paper on Demand (CCE-jPOD) system.
- 2. Copy Requests.** All requests for copies shall be either pre-paid or by electronically filing a letter requesting copies through CCE-jPOD, which will directly bill the requesting party's CCE-jPOD account for the copies. Pre-payment may also be made by check or money-order. The court will accept requests via U.S. mail, which shall include a self-addressed, stamped envelope with adequate postage for return of the requested copies. The court also accepts Visa and Mastercard at the counter. Once payment is received copies may be scanned, emailed, or routed through CCE-jPOD.
- 3. Legal Descriptions.** All applications and amendments must include a legal description of the structure or structures involved. The legal description for each individual structure shall include section, township, range, and county, as well as quarter-quarter of the section. In areas having generally recognized street addresses, the street address as well as the lot and block number, if applicable, shall be set forth in the application in addition to the legal description of the point of diversion or place of storage. The name of the subdivision shall also be included if the lot is part of a subdivision.
- 4. Resume Notices.** Applicants shall file proposed resume notices in word processing format, preferably Microsoft Word, via CCE at the time of filing any application or amended application. Proof of publication of the resume notice shall be filed with the court within one hundred eighty-two (182) days of the date of publication. The resume notice should

be submitted in “newspaper-ready” format, using Times New Roman, size 11 font, and maximizing the use of space. Applicants shall not have extraneous formatting or tabs set and shall use the heading format below:

2XXXCWXX APPLICANT NAME, Applicant Address. Attorney Name, Firm, Address. Type of Application, (e.g., Conditional, Change, Nontributary Groundwater, etc.) in XXXXXXX COUNTY. Structure Name, Decree, and Well Permit Number (if applicable). Legal Description: Quarter- Quarter, Section, Township, Range, 6th P.M., at a point X,XXX’ [N/S] and Quantity of water. Uses of water. Additional Structure Name(s) and information as described above (if applicable). Additional Information. Number of pages of Application.

**5. Amendments to Applications.** Applications may be amended pursuant to the Colorado Rules of Civil Procedure (C.R.C.P.) and the Uniform Local Rules for All State Water Court Divisions (U.L.R.). All motions to amend applications shall include a complete and superseding application including the requested amendments that is signed and verified as required by statute. All motions to amend amendment shall also include resume notice of the amended portion of the application.

**6. Response to Summary of Consultation.** At the initial status conference with the Water Referee, or at a later time if the summary of consultation has not yet been completed, the Water Referee shall inform the parties whether a response to the summary of consultation will be required. If the Referee determines that a response is necessary, the Referee will inform the Applicant when the response is to be filed.

**7. C.R.C.P. Rule 26 Disclosures.** All parties shall serve their C.R.C.P. Rule 26 disclosures to all other parties via CCE.

**8. Pretrial Motions.** C.R.C.P. 56 Motions shall be filed no later than ninety-one (91) days prior to trial in accordance with U.L.R. 11. This rule may not be changed in any modified case management order. This deadline will not be extended, but it may be moved forward in time through an order issued in that specific case.

**9. Proposed Orders.** Proposed Orders shall be filed with all motions except those motions filed under C.R.C.P. 56. Proposed Orders shall be in word processing format, preferably Microsoft Word format. Proposed Orders shall be free of unnecessary formatting. Please do not include the word “proposed” in the title or caption of the order itself, but please refer to the document as a “proposed order” in the document description listed in CCE.

**10. Bifurcation of Cases.** Absent good cause, the court will not bifurcate cases for the sole purpose of allowing the Applicant to obtain separate decrees. Bifurcation is encouraged where judicial economy will be served. When a case is bifurcated, one case will retain the original case number and the other case will receive a new case number using the year in which the bifurcation occurs and the next consecutive case number in that year. The order allowing bifurcation shall be filed in the original case and also in the new case as the originating pleading.

**11. Proposed Decrees.** Proposed decrees shall be filed in word processing format, preferably Microsoft Word, and shall include the case number and page number on every page. Proposed decrees submitted as part of a stipulation entered into by the parties shall include the “red-line” version tracking all changes that have been made to any proposed decree previously submitted by the Applicant. Deadlines for submission of applications for finding of reasonable diligence for conditional decrees are to be indicated only by an underlined blank space. The court will fill in the proper month, day, and year upon entry of the decree.

**12. All Cases Initially Referred to Water Referee.** Pursuant to Local Rule 6, as amended December 13, 2018, all applications filed in Water Court will be promptly referred to the Water Referee,

**13. Initial Status Conference After Re-Referral and Trial Setting.** Upon re-referral of the case to the Water Judge, the following procedures shall be followed:

a. The majority of cases re-referred to the Water Judge will be assigned to Judge Hartmann in Courtroom 1, but from time to time cases will be assigned to Judge Taylor as the alternate Water Judge in Courtroom 4. For those cases that are assigned to Courtroom 4, the parties are to list “Water Division No. 1” in the heading box containing the court location and address, and “Courtroom 4” beneath the case number. The parties are to designate “Courtroom 1” in their pleadings beneath the case number for those cases assigned to Judge Hartmann. The court will notify the parties in writing, either in the re-referral order or through a separate order, which courtroom the case will be assigned to upon re-referral from the Water Referee.

b. The responsible attorney shall file a notice to set within fourteen (14) days of the re-referral date to obtain a status conference date. Prior to contacting the clerk, the responsible attorney shall confer with all parties to determine an estimated length of trial. The court will, in most instances, select the trial dates at the first status conference held before the Water Judge.

c. To reach the division clerk, please call during division setting times between the hours of 8:30 a.m. and 10:00 a.m. on Tuesdays and Thursdays at (970) 475-2510 (for Judge Hartmann’s courtroom) or (970) 475-2540 (for Judge Taylor’s courtroom). If you are unsure which of the two courtrooms to contact, please contact Judge Hartmann’s courtroom.

d. The court posts the trial calendar showing available dates for trial on the 19<sup>th</sup> Judicial District webpage. The initial status conference will be held within forty-two (42) days of the date of re-referral. The responsible attorney shall provide all parties and the court with a written notice of status conference containing the date of the status conference and the conference call telephone number and passcode, if applicable. The responsible attorney shall provide this information to the other parties at least fourteen (14) days prior to date of the initial status conference. This will allow the parties to consult with their expert

witnesses prior to the status conference to determine whether the witnesses are available on any or all of the available trial dates listed on the trial calendar.

e. All parties or their attorneys are required to attend all status conferences. The court will schedule the case for trial at the initial status conference, provided the case is at issue. All trial settings will now occur on the record before the Water Judge. The trial date selected will not be changed at the request of a party who did not appear at the status conference absent extenuating circumstances and good cause shown.

**14. Pre-trial Readiness Conferences.** A pre-trial readiness conference will be scheduled for all trials lasting two (2) days or longer. At the pre-trial readiness conference, parties shall inform the court of the anticipated length of trial and of any remaining evidentiary disputes, as well as any other issues that the court should be aware prior to trial. For trials scheduled for three (3) days or longer, the pre-trial readiness conference will occur approximately thirty (30) days prior to trial.

**15. Appearance by Telephone.**

a. The court allows parties to appear by telephone for pre-trial readiness conferences and status conferences unless the court directs otherwise. For any pre-trial readiness conference or status conference in which parties prefer to appear by telephone, the responsible attorney shall arrange for a dial-in telephone conference and shall file and serve notice with the court of the telephone conference number. If the responsible attorney wishes to appear in person, the other parties wishing to appear by telephone shall designate one among them to arrange for and file and serve notice of a dial-in telephone conference.

b. The Water Referee prefers parties to appear at status conferences by dial-in conference calls. The Applicant shall provide the dial-in conference number and shall file and serve notice of the time of the conference and the dial-in information.

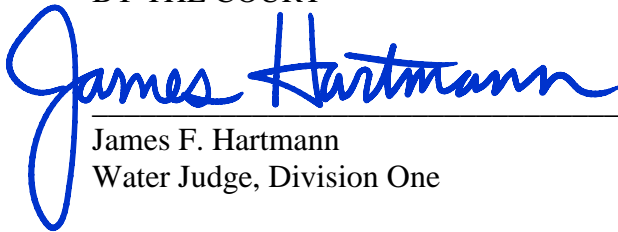
**16. Trial Exhibits.** All exhibits offered at trial shall be tendered to the court in electronic format. Each party shall provide the court with **one (1)** original exhibit notebook for use by witnesses, unless that party chooses to display exhibits electronically to witnesses. Each party shall supply the court with one copy of its exhibits in electronic format in addition to its original exhibit notebook, on or before the date of trial. At the end of trial, the court will accept into the court's file only the electronic copies and will release the original notebook to the parties. At the conclusion of trial, the parties will be required to file an electronic copy through CCE of each exhibit that was offered (both those that are received into evidence and exhibits not admitted into evidence), including in the designation line in CCE the party and trial exhibit number or letter (i.e. "Applicant's Exhibit A-1" or "Denver Water's D-2").

The court has established these procedures for tendering trial exhibits after considering the large number of exhibits tendered for water trials, many of which are over one hundred pages in length; the e-filing size limitation imposed by CCE, which may not allow certain of the water trial exhibits to be uploaded; the advantage of having an exhibit tendered as a complete document, as opposed to submitting the exhibit as separate parts; the advantage of having all trial exhibits tendered in the same fashion, as opposed to having some of the exhibits filed through CCE and others, which cannot be filed through CCE, tendered on a disc or flash drive; and the very tedious nature of attempting to navigate through exhibits filed through CCE during trial, which takes significantly more time than viewing exhibits that are submitted on a disc or flash drive. This court believes that the procedures set forth in this Section 15 for tendering trial exhibits is consistent with the requirements of Chief Justice Directive 11-01, Section V(C).

**17. Trial Briefs.** All parties planning to participate at trial shall file a trial brief or memorandum outlining their claims and identifying disputed issues. The parties may include applicable legal standards in their brief, but this is not required. Parties not filing a trial brief will not be permitted to participate at trial, other than to require that the Applicant meets its burden of proof.

Dated: January 21, 2019.

BY THE COURT



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James F. Hartmann  
Water Judge, Division One