



STAFF REPORT

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Mark Marlowe, P.E., Director of Castle Rock Water
Lauren Moore, Water Resources Manager
Adriana Alfaro, Water Resources Program Analyst

Title: ***Update: Water Court Cases** [Cases located in Douglas County, Weld County and other areas near the Lower South Platte River]*

Executive Summary

Acquiring, changing, using and protecting the Town's water rights is a key component of the Town's long-term renewable water plan as well as an important aspect of managing our groundwater rights. This requires the Town to file applications in Water Court and file oppositions where an application by another entity has the potential to injure the Town's water rights. The Town is continuing to contract with Lyons Gaddis as our water attorneys and W.W. Wheeler Associates for water resources consulting support. The purpose of this memorandum is to update Town Council on the Town's current Water Court cases.

The Town currently has five active cases where we are the applicant and six pending cases where we will be the applicant. One of the cases is related to Castle Rock's future water rights along the lower South Platte River at Fremont Butte Reservoir. Castle Rock is partnering with Parker Water & Sanitation District and Lower South Platte Water Conservancy District on the Platte Valley Water Partnership (PVWP) Project. Two of the applications are for changing the place of use for senior water rights (Deer Creek and Meadow Ditch) that the Town recently acquired. There are twelve cases that the Town is or was opposing that could have a negative impact (i.e. injure) our water rights. These cases are summarized in **Attachment A** with additional details in the following discussion.

To date in 2025, Castle Rock Water has spent \$646,292 of our budgeted \$975,000 on costs related to water court cases.

History of Past Town Council, Boards & Commissions, or Other Discussions

On October 22, 2025, an update on the water court cases was presented to Castle Rock Water Commission.

Discussion

The Town has five active and six pending Water Court Cases in which the Town is the applicant. These cases are summarized below:

1. 21CW3185 – This case was filed on October 25, 2021. This is an application for a conditional storage right on the South Platte River at (a future) Fremont Butte Reservoir. The case is before the Water Judge. The Town's case has been consolidated with Parker and Lower South Platte's Case No. 19CW3253. The consolidated trial is scheduled October 12 to October 30, 2026. This is a project with Parker Water and Sanitation District (PWSD) that would divert water from the lower South Platte River and pipe it south and west to Rueter-Hess Reservoir for delivery to Parker and the Town. There are 35 opposers to the case. One opposer has **stipulated**.

To date in 2025, the Town has spent \$132,832 on this case between legal and water resources consulting fees.

2. 23CW3061 – This case was filed on May 31, 2023. The Town seeks change to the Deer Creek water rights and exchanges. The motion for entry of ruling was filed August 13, 2025.

To date in 2025, the Town has spent \$11,650 on this case between legal and water resources consulting fees.

3. 24CW3037 – This case was filed March 27, 2024 and is an application for the change of Meadow Ditch water rights and exchanges. There are 3 opposers remaining while four have **stipulated**. The status conference is scheduled for November 12, 2025.

To date in 2025, the Town has spent \$32,600 on this case between legal and water resources consulting fees.

4. 25CW3119 – Application for diligence 85CW480 (Meadows Wells and Exchanges). This case is currently before the Water Referee and the status of opposition is due November 30, 2025.

To date in 2025, the Town has spent \$4,847 on this case between legal and water resources consulting fees.

5. 25CW3133 – Application for diligence and to make partially absolute in 17CW3211 (Plum Creek Diversion and Storage). This case is currently before the Water Referee and statements of opposition are due December 31, 2025.

To date in 2025, the Town has spent \$2,027 on this case between legal and water resources consulting fees.

6. 25CW____ – Pending application for plan for augmentation on Plum Creek. Goal is to file application by December 31, 2025.

To date in 2025, the Town has spent \$21,622 on this case between legal and water resources consulting fees.

7. 25CW_____ – Pending application for quantification of East Plum Creek LIRFs. Goal is to file application by December 31, 2025.

To date in 2025, the Town has spent \$7,232 on this case between legal and water resources consulting fees.

8. 26CW_____ – Pending application for diligence 87CW309 (West Plum Creek Exchanges). Diligence application due February 28, 2026.

To date in 2025, the Town has spent \$0 on this case between legal and water resources consulting fees.

9. 26CW_____ – Pending application for diligence 87CW240 (East Plum Creek Exchanges). Diligence application due February 28, 2026.

To date in 2025, the Town has spent \$0 on this case between legal and water resources consulting fees.

10. 26CW_____ – Pending application for diligence 89CW27 (Rothe-Sublette Recharge). Diligence application due February 28, 2026.

To date in 2025, the Town has spent \$0 on this case between legal and water resources consulting fees.

11. 26CW_____ – Pending application for quantification of Cherry Creek LIRFs. Goal is to file application by December 31, 2025.

To date in 2025, the Town has spent \$66 on this case between legal and water resources consulting fees.

The Town has twelve current active cases where the Town is an opposer.

Costs for opposition to date in 2025 have been \$164,268. Costs are typically on the order of \$93,000 annually.

These cases are summarized below:

1. 19CW3253 – The Town was an opposer in the PWSD and Lower South Platte Water Conservancy District's storage rights, appropriative rights of exchange and change of water rights on the South Platte near Box Elder Creek during 2024. This case is before the Water Judge. The Town was opposing this case because it may have caused injury to Town's water rights on the South Platte River and Box Elder Creek. It is also important to note that the Town may partner with PWSD on the project which is related

to this water court case, the Logan Farms Project (i.e. Platte Valley Water Partnership). The Town has **stipulated**. This case is currently before the Water Judge, but the Town is no longer opposing so we will just monitor progress. This case has been consolidated with the Town's case 21CW3185 (see above). Consolidated trial is scheduled for October 12 to October 30, 2026.

To date in 2025, the Town has spent \$37,862 on this case.

2. 20CW3214 – The Town is currently an opposer in the State Land Board, Rangeview Metropolitan District and Pure Cycle application to change conditional water rights and amend their augmentation plan. The case is currently in progress of a post-trial settlement. The status conference is scheduled for October 1, 2025. The Town is opposing this case because it may cause injury to Town's water rights on Box Elder Creek in Case No. 19CW3231.

To date in 2025, the Town has spent \$34,299 on this case.

3. 20CW3215 – The Town is currently an opposer in the BennT Creek Regional Water Authority and SP Water Company application for storage rights on South Platte River. The case is currently before a Water Judge and the trial is to be rescheduled. The Town is opposing this case because it may cause injury to Town's water rights on South Platte.

To date in 2025, the Town has spent \$66,239 on this case.

4. 21CW3193 – The Town was currently an opposer in the Central Colorado Water Conservancy District application for appropriative rights of exchange and approval of augmentation plan including exchanges. The case is currently before the Water Judge and the Town has **stipulated**. The trial is to be scheduled September 22 through September 30, 2025, but the Town is no longer opposing so we will just monitor progress. The Town was opposing this case due to potential injury to Town's water rights on Box Elder Creek.

To date in 2025, the Town has spent \$2,200 on this case.

5. 23CW3121 – The Town is currently an opposer to the Parker Water & Sanitation District application for change of water rights (Herzog Ditch shares). The case is before the Water Referee. On October 18, 2024, Parker's proposed ruling and engineering is due. On September 5, 2025, the opposer's (Town's) comments are due. The status conference is scheduled for November 12, 2025. The Town is opposing this case due to potential injury to Town's water rights on Cherry Creek.

To date in 2025, the Town has spent \$2,203 on this case.

6. 23CW3129 – The Town is currently an opposer to the Mountain Plains Investment Corporation application for change of water rights and addition of replacement water to the existing plan for augmentation on Cherry Creek. The case is before the Water Judge. The status conference is scheduled for October 3, 2025. The trial is scheduled

for August 26 through September 4, 2026. The Town is opposing this case due to potential injury to Town's water rights on Cherry Creek.

To date in 2025, the Town has spent \$3,516 on this case.

7. 23CW3180 – The Town is currently an opposer to the Central Colorado Water Conservancy District application for change of water rights to include alternate places of storage and alternate points of diversion. This case is currently before the Water Judge and the trial setting conference is pending. The Town is opposing this case due to potential injury to the Town's water rights in Chatfield Reservoir and Rueter-Hess Reservoir. The Town is trying to work with Central Colorado Water Conservancy District to partner on this water right.

To date in 2025, the Town has spent \$1,516 on this case.

8. 24CW3088 – The Town is currently an opposer to the Central Colorado Water Conservancy District application to make conditional water rights partially absolute and for finding a reasonable diligence. The case is before the Water Referee. The status conference is scheduled for January 14, 2026. The Town is opposing this case due to potential injury to the Town's water rights in Chatfield Reservoir.

To date in 2025, the Town has spent \$1,462 on this case.

9. 24CW3164 – The Town is currently an opposer to the Equus Farms, Inc. application for water rights and approval of plan of augmentation on South Platte River. The case is before the Water Referee. The status conference is scheduled for November 19, 2025. The Town is opposing this case due to potential injury to the Town's water rights on Box Elder Creek and South Platte River.

To date in 2025, the Town has spent \$10,016 on this case.

10. 25CW3001 – The Town is currently an opposer to the State Land Board, Pure Cycle Corporation, and Rangeview Metro District application for reasonable diligence on Box Elder Creek. The case is before the Water Judge. There will be a joint settlement with Case No. 20CW3214. The status conference is scheduled for October 1, 2025. The Town is opposing this case because it may cause injury to Town's water rights on Box Elder Creek.

To date in 2025, the Town has spent \$2,730 on this case.

11. 25CW3046 – The Town is currently an opposer to the Central Colorado Water Conservancy District application to make conditional water rights partially absolute and for finding of reasonable diligence on Plum Creek and South Platte River. The case is before the Water Referee. The status conference is scheduled for January 7, 2026. The Town is opposing this case due to potential injury to the Town's storage rights in Chatfield Reservoir.

To date in 2025, the Town has spent \$920 on this case.

12.25CW3062 – The Town is currently an opposer to the Riverside Irrigation Company, Riverside Reservoir and Land Company, and ECCV application for alternate point of diversion. The case is before the Water Referee. The status conference is scheduled for November 19, 2025. The Town is opposing this case due to potential injury to the Town’s water rights in South Platte River.

To date in 2025, the Town has spent \$813 on this case.

Budget Impact

In the annual budgeting process, Castle Rock Water budgets money for Legal Services related to Water Court cases, other water resource legal matters, and Intergovernmental Agreement negotiations. Castle Rock Water also budgets money for water resources consulting services related to support of Water Court cases and the Town’s water rights, water resources planning and evaluation, preparation of technical memos and engineering reports, water rights accounting, and other as-directed matters. To date in 2025, Castle Rock Water has spent \$646,292 of our budgeted \$975,000 on costs related to water court. Legal services cost for the Town to date have been \$383,528 while engineering services have cost \$262,764.

Staff Recommendation

Staff recommends continuing to file and work water court cases as the applicant, which will provide maximum benefit for use of our water rights, and file cases as an opposer where our water rights could be impacted. Where we are the applicant, the goal is to obtain stipulations from opposers as quickly as possible while being protective of the Town’s water rights. On cases we oppose, we want to stipulate as early as possible but we must make sure we can do this while protecting our rights. Staff will continue to keep Council updated regarding active Water Court cases on an annual basis.

Attachments

Attachment A: Summary of Cases