

State Engineer Alternative Draft Rule 2

Water Court Committee Proposal of November 26, 2008, to Colorado Supreme Court for December 3, 2008 Public Hearing

*Alternate to Proposed Rule 2, Draft 2 November 25, Showing Changes Marked to Supreme Court's proposal, Together with Suggested Legislative Change*

Rule 2, Uniform Local Rules For All State Water Court Divisions

Rule 2. Filing and Service Procedure

(a) For all cases filed after July 1, 2009, applicants and opposers represented by counsel shall electronically file and serve through the approved judicial branch e-filing service provider all applications, pleadings, motions, briefs, exhibits and other documents on all parties and on the State and Division Engineer.

C.R.C.P. Rule 121, Section 1-26, Electronic Filing applies to water court filings. ~~In addition, all applicants or opposers, shall mail a paper copy of the application or statement of opposition to the state engineer and the division engineer. Such filing and mailing shall relieve the requirement of C.R.S. § 37-92-302 to provide the water clerk with the application or statement of opposition in quadruplicate. In accordance with C.R.S. §§ 37-92-302(2)(a) & (4),~~ The state or division engineer shall also electronically file and serve upon applicants and opposers in the proceedings paper-file their consultation reports described in C.R.S. §§ 37-92-302(2)(a) & (4). ~~in the proceedings and mail the applicant a copy of the consultation report. The applicant represented by counsel shall electronically file and serve the state or division engineer's consultation report. The applicant and parties who are not represented by an attorney shall file with the clerk a single copy of the application and all subsequent documents in original paper format. The water court clerk on behalf of persons not represented by an attorney shall scan and upload such paper-filed documents, including the state or division engineer's consultation report in the proceedings,~~ to the approved judicial branch e-filing system and this shall likewise satisfy the otherwise applicable filing requirements of Article 37, Title 92, of the Colorado Revised Statutes. All documents and correspondence filed after the initial application shall

contain the case number. The clerk shall include a certificate of service for every order, ruling or other document e-filed or otherwise served by the clerk to the parties in any water matter.

(b) An applicant shall file and serve upon all parties at least 15 days prior to hearing on any application before the water judge, a proposed order that sets forth any necessary findings, terms or conditions that the applicant reasonably believes the court should incorporate into the decree.