



Colorado Justice: Celebrating 42 years of fair and impartial courts through merit selection

news

Colorado Judicial Branch
Mary J. Mullarkey, Chief Justice
Gerald Marroney, State Court Administrator

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Chief Justice establishes standing Water Court Committee of the Colorado Supreme Court; committee report sent to governor and general assembly

DENVER, Colo. – For the past eight months, members of Colorado’s judicial, legal and water user communities met to review the state’s water court processes and identify ways in which they could be improved. The interim Water Court Committee of the Colorado Supreme Court identified 10 areas for improvement and on Aug. 1, 2008, forwarded the recommendations to Chief Justice Mary Mullarkey in a report titled “Timely, Fair and Effective Water Courts.”

“I was pleased to see the progress made by this committee and have decided it is critical for the work to continue,” Chief Justice Mullarkey said. “As such, I signed an order on August 8 establishing the water court committee as a standing committee of the Colorado Supreme Court.”

The Chief Justice formed the interim Water Court Committee and appointed its 21 members in December 2007. The committee is chaired by Supreme Court Justice Gregory Hobbs.

In addition to the formation of the standing committee, the report included the following recommendations:

1. The Colorado General Assembly should consider an amendment to C.R.S. § 37-92-201 (e) and (f) to place the White River and its drainages within the jurisdiction of Water Division 6, instead of Water Division No. 5 as currently placed.
2. The Colorado Supreme Court, using its public comment and hearing procedures, should consider amending Colorado Rule of Civil Procedure 90 and Rule 2, 3, 6, and 11 of the Uniform Rules For All Water Court Divisions.
3. The Colorado Supreme Court should consider adopting a declaration for all experts to sign in water court proceedings.
4. The Colorado Supreme Court, the Colorado Bar Association through its Water Section, and Continuing Legal Education, Inc. of the Colorado Bar Association should work together for

a comprehensive ongoing educational program for water attorneys, judges, and other professionals participating in water court proceedings.

5. The State Court Administrator's Office should work with the standing Water Court Committee to prepare a user-friendly set of materials designed for assisting the public and individuals without attorneys to better understand and participate in water court proceedings.
6. The Water Judges, working with the standing Water Court Committee, should review all current standard forms used in water court proceedings and make appropriate revisions and additions.
7. The Colorado Supreme Court, the Attorney General, the Department of Natural Resources, the State Engineer, and the Colorado Water Conservation Board should work together to obtain the General Assembly's approval of funding necessary for operation of timely, fair and effective water courts.
8. The Colorado General Assembly should continue to foster the development of publicly-usable river basin computational models, predictive tools, and model data transparency.
9. The Colorado Supreme Court through its State Court Administrator should review all current water court staffing and assignments and make necessary additional assignments or reassignments as needed to ensure timely, fair and effective water courts.

"I would like to thank all of the members of the Water Court Committee for their hard work and dedication to this project, especially the subcommittee chairs. I look forward to continuing my role in working with these individuals who are dedicated to the importance of beneficial use for one of Colorado's most limited resources," Justice Hobbs said. "Through this review we took public input and heard the concerns about the water court process being too expensive and taking too much time. I am confident that the committee's recommendations will result in more effective and efficient case management."

The standing Water Court Committee will be joined by Tom Ossola (retired water judge), John Cowan (Division One water referee) and Mark Hamilton (water section chair of the Colorado Bar Association).

The Water Court Committee's next meeting is scheduled for Thursday, Sept. 4, 2008, from noon to 2:00 p.m. in the fifth floor conference room of the Colorado Supreme Court.

The Chief Justice's order, roster of committee members and final report of the committee are posted at: <http://www.courts.state.co.us/supct/committees/waterctcomm.htm>