

<p>District Court, Water Division 4, Colorado  Court Address: 1200 N. Grand Blvd, Montrose CO 81401</p> <p>DATE FILED: September 27, 2023 9:38 AM  FILING ID: 8D4A8AB0ED09C  CASE NUMBER: 2019CW3098</p> <p>CONCERNING THE APPLICATION FOR WATER RIGHTS  OF  Applicants:</p> <p>Board of County Commissioners of Ouray County, Colorado  Ouray County Water Users Association  Tri-County Water Conservancy District  Colorado River Water Conservation District</p> <p>In the Uncompahgre River and its Tributaries, in Ouray County</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorney for Board of County Commissioners  Of Ouray County Colorado:</p> <p>Leo Caselli, #45410  County Attorney  P.O. Box C, 541 Fourth Street  Ouray, CO 81427  <a href="mailto:lcaselli@ourayco.gov">lcaselli@ourayco.gov</a>  970-325-7961</p>	<p>Case Number: 2019CW3098</p>
<p style="text-align: center;"><b>APPLICANTS' STATUS REPORT NO. 17 AND  THIRD UNOPPOSED MOTION FOR PROCEEDINGS  TO REMAIN BEFORE WATER REFEREE</b></p>	

Applicant Ouray County Board of County Commissioners, by and through Leo Caselli, Ouray County Attorney, and with consent of co-applicants in this matter, hereby moves for proceedings to remain before the Water Referee, pursuant to Rule 6 of the Uniform Local Rules for all State Water Court Divisions, and further submits a combined status report, for the following reasons:

1. On August 3, 2023 the Honorable Referee issued a Minute Order Regarding Case Status, ordering the parties to continue to confer, and to file a stipulated proposed ruling or a status report with the Court on or before September 27, 2023. The Minute Order further indicated the “status report should address if the parties desire a status conference to be scheduled or if there is good cause to delay the conference pending negotiations between the parties and whether they will be filing a motion to remain before the Referee.”

2. This Court's March 27, 2023 Order Granting Second Unopposed Motion for Proceedings to Remain Before Water Referee also established a September 27, 2023 date for any additional motion for proceedings to remain before the Honorable Referee. The co-applicants hereby submit this combined status report and motion, in compliance with that March 27, 2023 Order of the Court and the August 3, 2023 Minute Order of the Referee.

3. In terms of prior timing, a proposed settlement decree was circulated to the opposers on January 12, 2023, with a suggested reply or response date of March 1, 2023. As of July 16, 2023, substantive written responses have been received from all opposers that are objecting to the application, along with one request for stipulation. Overall, nearly 100 pages of written responses from opposers have been received this year, triggering extensive decree revisions for purposes of settlement.

4. In terms of potential settlement, the undersigned counsel believes substantial progress is being made towards settlement, for a number of reasons. Open and productive lines of communication have been established with all opposers. The County's contract water engineer, retained early this year, has prepared comprehensive modeling and is finalizing a supplemental engineering report. The co-applicants' attorneys have been meeting monthly to review settlement offers, and discuss and attempt to expedite settlement options. The Board of County Commissioners is now meeting regularly in executive session to discuss settlement options. A public demonstration of preliminary modeling results for the development project, and public discussion of project components, are also expected to occur soon during a Ouray County Board of County Commissioners meeting, which is tentatively scheduled for the evening of October 3, 2023.

5. In addition, regular consultation on the water development project and underlying application also occurs with the undersigned counsel, and the Division Engineer and Water Commissioner. Based on the recent feedback from the Division Engineer's Office and the opposers, very substantial changes and extensive re-structuring of a draft revised proposed settlement decree has

now been completed by the undersigned counsel, and is currently under review by the co-applicants. The co-applicants expect to be able to circulate both this revised settlement decree and a supplemental engineering report, as early as November 1, 2023.

7. Due to the complexity of the underlying application and the number of parties, additional settlement negotiations with opposers, and further discussions with the Division Engineer are necessary at this time. Due to continued and extensive ongoing good-faith negotiations, the undersigned counsel is not aware of any opposer's desire to have this case referred for trial. The undersigned counsel has conferred in good faith with the opposers, and upon information and belief, all opposers have consented to this motion or have not opposed the motion.

8. No status conference has occurred, and no case management deadlines are set. No parties will be prejudiced by the requested extension.

WHEREFORE, the undersigned counsel respectfully requests a six (6) month extension of additional proceedings before the Water Referee, in order to continue in settlement negotiations with all opposers, and the undersigned counsel further requests an additional status report deadline of November 27, 2023.

DATED this 27th day September, 2023.

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CO-APPLICANT'S APPROVAL AS TO FORM AND CONTENT:

For Ouray County Water Users Association:

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For Tri-County Water Conservancy District:

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CERTIFICATE OF SERVICE

The undersigned certifies that on September 27, 2023, this foregoing Motion and an accompanying proposed order was served on all counsel of record through the ICCES, and a copy was placed in the United States mail, addressed to:

Cary L. Denison and Blossom Z. Denison  
264 County Road 4  
Montrose CO 81403

\_\_\_\_\_/s  
Leo Caselli