



FACT SHEET: HB 09-1185

By Representative Tipton and Senator Isgar

Concerning Requirements for Documents Related to Water Rights Applications.

HB 09-1185 in conjunction with a proposed Supreme Court Rule, harmonize the filing and service requirements in water matters under the rules and the 1969 Act, and recognize the significant time and cost savings available to water court litigants from electronic filing.

Allows parties to use an e-file system instead of U.S. mail. The statute in question currently requires the filing of water rights applications and statements of opposition in quadruplicate, and for a two-step mailing of the statutorily required summary of consultation between the water referee and the division and state engineers. **In practice, parties now file applications and statements of opposition via the electronic filing system currently provided by Lexis-Nexis.** Water court personnel have told us that, for the few such pleadings still paper-filed in quadruplicate, the extra copies are recycled.

Eliminates unneeded procedure. The proposed statutory changes eliminate the quadruplicate filing requirement, and use the word “send” rather than “mail” when referring to delivery of the summaries of consultation. The changes would also save a step in the process by allowing the division and state engineers, rather than the applicant, to serve the other parties with that summary.

Recognizes Rule making authority. The addition of proposed subsection (6) to C.R.S. 37-92-302 recognized the Supreme Court’s rule making authority to adopt, and adapt, specific water court filing and service requirements.

Procedure for non-attorney litigants. The Court’s current proposed revisions to Rule 2 already ensure that the water court clerk will upload any paper-filed pleadings from non-attorneys who are parties to the case via the electronic filing system, so the revisions should not create any undue burden upon unrepresented litigants.