

Form 1.

District Court, Water Division No. _____, Colorado

Court Address:

Concerning the Application for Water Rights of:
Applicant:

In the _____ River or its Tributaries

In _____ County

▲ COURT USE ONLY

Case Number:

Division:

Courtroom:

SAMPLE MODIFIED CASE MANAGEMENT ORDER

Counsel for Applicant(s) and Opposer(s) _____ have agreed to the contents of the following proposed Case Management Order for the above referenced application for water rights, except as specifically noted below. [Add if a case management conference is to be requested.] Matters upon which all counsel have not agreed are designated as “Disputed” in this proposed Case Management Order.

I. TRIAL SETTING

The parties anticipate that a trial of ___ days in length will be required. The trial has been scheduled for _____ days beginning on _____, 20____. The parties acknowledge their duty to promptly notify the court in writing if the anticipated length of the trial changes.

II. DISCLOSURE

A. Pursuant to C.R.C.P. 26(a)(1). Disclosures pursuant to C.R.C.P. 26(a)(1) and Water Court Rule 11 were made by the applicant on _____, 20____. Opposers' C.R.C.P. 26(a)(1) disclosures are due on _____, 20____.

B. Pursuant to C.R.C.P. 26(a)(2) (Experts). The parties anticipate the need for expert witnesses at the trial of this application for water rights.

1. Applicant shall disclose the identity of persons who may present evidence at trial pursuant to Rules 702, 703, or 705 of the Colorado Rules of Evidence, along with the information required by C.R.C.P. 26(a)(2), on or before _____, 20____.

2. The Opposers shall disclose the identity of persons who may present evidence at trial pursuant to Rules 702, 703, or 705 of the Colorado Rules of Evidence, along with the information required by C.R.C.P. 26(a)(2), on or before ____, 20__.

3. If the evidence is intended to contradict or rebut evidence on the same subject matter identified by another party, such disclosures shall be made no later than 91 days before trial.

C. Continuing Duty to Disclose. The parties acknowledge a continuing duty to timely supplement or correct the information provided pursuant to C.R.C.P. 26(a)(1) and 26(a)(2), pursuant to C.R.C.P. 26(e).

III. IDENTIFICATION OF PERSONS, DOCUMENTS AND TANGIBLE THINGS

Each party will identify all persons who may be called as witnesses, as well as documents and tangible things which might be introduced at trial, not otherwise disclosed pursuant to C.R.C.P. 26(a)(1), on or before _____, 20____. [This date shall be no later than the date established for the completion of discovery in Section IV. below.] The identification shall be in accordance with the provisions of C.R.C.P. 26(a)(4). To the extent that the identification described above or discovery conducted after the date identified above causes any party to wish to identify additional witnesses, documents, or tangible things which may be introduced at trial and which could not have reasonably been previously identified, modification of the Case Management Order to permit additional identification by such party shall be freely allowed.

IV. DISCOVERY SCHEDULE

Discovery shall be in accordance with Water Court Rule 11. The date for completion of discovery shall be _____, 20____ [no later than 49 days prior to trial or such time as the court shall direct].

The undersigned counsel certify that they have advised their clients of the estimated costs and fees involved in conducting such discovery.

V. TIME TO JOIN ADDITIONAL PARTIES AND AMEND PLEADINGS

The parties [do] [do not] anticipate the need for joining additional parties or amending the pleadings. The time for joining additional parties and amending the pleadings shall be in accordance with Water Court Rule 11.

VI. PRETRIAL MOTIONS

The following motions are currently pending before the court: [Add appropriate information]

The schedule for the filing of anticipated pretrial motions (other than motions relating to

discovery) shall be in accordance with Water Court Rule 11.

VII. SETTLEMENT

The parties expressly affirm that they have discussed settlement. The parties' plans for future efforts to settle the case are as follows:

VIII. OTHER MATTERS

[Describe any other matters which are appropriate under the circumstances of the case or which have been directed by the court to be included in the proposed Case Management Order.] Applicant shall file and serve upon all parties at least ____ days prior to trial a proposed order that sets forth any necessary findings, terms, or conditions that the applicant reasonably believes the Court should incorporate into the decree, pursuant to Water Court Rule 2(f).

DATED: _____

[Signature of lead counsel for Applicant(s)]

ATTORNEYS FOR APPLICANT

[Signatures for Opposers As Appropriate] ATTORNEYS FOR

THE OPPOSER

THE CASE MANAGEMENT ORDER SET FORTH ABOVE IS APPROVED BY THE COURT AND SHALL GOVERN THE FUTURE CONDUCT OF THIS CASE.

BY THE COURT:

District Judge
Water Division No. _____