



Colorado Springs Utilities

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November 25, 2008

Susan J. Festag,
Clerk of the Supreme Court
2 E. 14th Avenue
Denver, CO 80203

RE: Proposed Water Court Rules

Dear Ms. Festag:

The City of Colorado Springs and Colorado Springs Utilities submit the following comments regarding the proposed water court rule changes for the Colorado Supreme Court Rules Committee's consideration:

- Rule 2. Filing and Service Procedure – requiring applicants and objectors to mail paper copies of their respective applications and statements of opposition to the state and division engineers.
 - Comment – We recommend providing the state and division engineers access to these documents through LexisNexis file and serve.
- Rule 11. Pre-Trial Procedure, Case Management, Disclosure, and Simplification of Issues – requiring experts from each side to meet or speak on the telephone to discuss issues and try to reach a consensus.
 - Comment – We recommend adding language that allows this required communication to occur by email and other means commonly used by such individuals.
- Education regarding the new rules.
 - Comment – We support the proposed initiative regarding providing a comprehensive ongoing educational program for water attorneys, judges, and other professionals participating in water court proceedings.

Please feel free to contact me directly at (719) 668-8028 if there are any questions on the comments provided.

Sincerely,

Mark D. Shea
Water Attorney

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