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APR - 4 2000

SUPREME COURT, STATE OF COLORADO

2 E. 14th Avenue
Denver, Colorado 80203
(303) 837-3790

Appeal From:
Water Court for Water Division 1,
the Honorable Jonathan W. Hays,
Case No. 91CW028

Appellant:
CITY OF THORNTON (Objector)

Appellees:
THE CITY AND COUNTY OF DENVER, ACTING
BY AND THROUGH ITS BOARD OF WATER
COMMISSIONERS (Applicant)
and
CENTENNIAL WATER & SANITATION DISTRICT,
THE CITY OF AURORA, THE CITY OF
ENGLEWOOD, HENRYLYN IRRIGATION
DISTRICT (Objectors)
and
RICHARD STENZEL, Division Engineer for Water
Division 1 (pursuant to C.A.R. 1(e))

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▲ COURT USE ONLY ▲

Case Number: 00SA302

ANSWER BRIEF OF CENTENNIAL WATER AND SANITATION DISTRICT

Objector/Appellee Centennial Water and Sanitation District (“Centennial”), hereby files its Answer Brief in response to the Opening Brief filed by the Objector/Appellant City of Thornton (“Thornton”), in this case.

STATEMENT OF THE ISSUES

Centennial’s Answer Brief addresses only the following issue:

Whether the Water Court May Address as “Injury” under § 37-92-304(6), C.R.S., Water Quality Issues within the Jurisdiction of the Water Quality Control Commission and Water Quality Control Division.

Centennial does not take any position concerning the other issues raised by this appeal.

STATEMENT OF THE CASE

Centennial adopts the statement of the case made by Applicant/Appellee, City and County of Denver, acting by and through its Board of Water Commissioners (“Denver”) in its Answer Brief.

ARGUMENT

The Water Court properly refused to exercise retained jurisdiction because Thornton’s alleged water quality “injury” is not cognizable in Water Court. For its supporting argument, Centennial adopts the argument of Applicant/Appellee Denver, as set forth in Part I of Denver’s Answer Brief (pages 4 through 18), and the argument of Objector/Appellee City of Englewood (“Englewood”) as set forth in Part II of Englewood’s Answer Brief (pages 11 through 13).

CONCLUSION

Centennial respectfully requests the Court to deny the relief sought by Thornton in this appeal and to affirm the decision of the Water Court.

DATED this 4th day of April, 2001.

MOSES, WITTEMYER, HARRISON &
WOODRUFF, P.C.

Veronica A. Sperling
Veronica A. Sperling

ATTORNEYS FOR OBJECTOR/
APPELLEE, CENTENNIAL WATER AND
SANITATION DISTRICT

CERTIFICATE OF MAILING
(Case No. 00SA302)

I hereby certify that the foregoing **ANSWER BRIEF OF CENTENNIAL WATER AND SANITATION DISTRICT** was served on the following persons by placing true and correct copies thereof in the United States Mail, first-class postage prepaid this 4th day of April, 2001, addressed as follows:

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