



# Water & Sewer Department MEMORANDUM

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TO: Greeley Water & Sewer Board  
FROM: Leah Hubbard, Water Resources Operations Manager  
DATE: September 21<sup>st</sup>, 2022  
RE: 2022 2<sup>nd</sup> Trimester Water Court Cases Update

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This memorandum is a review of the Water and Sewer Department's legal activities from May through August of 2022. The review includes an update on Greeley's current Water Court cases and a summary of the Water Resources Division's legal expenses.

## **STATEMENTS OF OPPOSITION**

Since the last update in May, Greeley has filed three statements of opposition and stipulated in four cases. Therefore, the current number of pending Water Court cases in which Greeley is an opposer is 29.

Statements of Opposition filed:

Case	Applicant
22CW3039	ACCWA Gilcrest Reservoir
22CW3055	Fort Collins Halligan Diligence
22CW3084	Town of Windsor – Kyger Reservoir

Stipulations filed:

Case	Applicant
18CW3228	Front Range Oil & Gas
18CW3193	City of Loveland – LIRF's
18CW3042	Town of Windsor
19CW3246	Fort Morgan Farms

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We promise to preserve and improve the quality of life for Greeley through timely, courteous and cost-effective service.

## **GREELEY AS APPLICANT**

A summary of pending Water Court cases and cases that were resolved since the last update in which Greeley is the applicant is as follows:

### **21CW3056 (City of Greeley, et al., Poudre River Instream Flows Augmentation Plan)**

On April 29, 2021, the City of Greeley filed a joint application with the Colorado Water Conservation Board, Colorado Water Trust, City of Fort Collins, City of Thornton, Northern Water, and the Cache la Poudre Water Users Association for approval of a plan of augmentation for instream flows in the Cache la Poudre River. The purpose of the augmentation plan is to preserve and improve the natural environment to a reasonable degree at various locations in the Poudre River from the Cache la Poudre at Canyon Mouth near Fort Collins gage to the confluence of the South Platte River. Greeley has proposed to include certain of its changed Greeley Irrigation Company shares in the plan. Twenty statements of opposition have been filed. The applicants received a second round of comments from opposers in August and are developing responses to those comments. We are also scheduling meetings with certain opposers to discuss resolution of their concerns. The next status conference is scheduled for September 20th.

### **22CW3042 (City of Greeley Change of WSSC)**

On March 31, 2022, the City of Greeley filed its application for the change of 23.917 shares in the Water Supply and Storage Company (“WSSC”). Greeley is changing the shares from irrigation to municipal, augmentation, and other uses. Greeley also seeks a plan for augmentation and water exchange project for the replacement of return flows from the native portion of the Subject Shares and an appropriation of such return flows. Greeley also seeks a conditional direct flow water right for replacement of return flows. Twenty-four statements of opposition have been filed. Greeley will circulate proposed decree and engineering by October 14<sup>th</sup> and Opposer’s comments are due by January 13<sup>th</sup>, 2023.

### **LEGAL & ENGINEERING EXPENSES:**

The Water Resource Division's outside legal and engineering expenses from January through April 2022 totaled \$202,778, which is 31.5% of the total \$643,149 spent in 2021.

#### *2022 Water Resources Legal and Engineering Costs*

<u>1st trimester</u>	
Legal	\$125,915
Engineering	\$76,863.17
<i>Total</i>	\$202,778
 <u>2nd trimester</u>	
Legal	\$85,259.50
Engineering	\$80,736.25
<i>Total</i>	\$165,995.75
 <u>3rd trimester</u>	
Legal	
Engineering	
<i>Total</i>	
 <u>Annual Totals</u>	
Legal	\$211,175
Engineering	\$157,599.42
<b>Total</b>	<b>\$368,774</b>