



Water & Sewer Department

MEMORANDUM

TO: Greeley Water & Sewer Board
FROM: Leah Hubbard, Water Resources Operations Manager
DATE: May 17th, 2023
RE: 2023 1st Trimester Water Court Cases Update

This memorandum is a review of the Water and Sewer Department's legal activities from January 2023 through April 2023. 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 January, Greeley has filed seven statements of opposition and stipulated in four cases. Therefore, the current number of pending Water Court cases in which Greeley is an opposer is 36.

Statements of Opposition filed:

Case	Applicant
22CW3206	Town of Berthoud
22CW3207	City of Dacono
22CW3218	Loveland Ready-Mix Concrete, Inc.
22CW3223	Ogilvy Irrigating and Land Company
22CW3224	GMS of Central
22CW3228	Handy Ditch
23CW3012	ACWWA, FIDCO

Stipulations filed:

Case	Applicant
20CW3096	ECCV & United-Fulton Ditch
20CW3113	Lazy D Ranch
21CW3125	Parker Diligence
20CW3142	ACWWA-Whitney Ditch

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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 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 are finalizing responses to a third round of opposers' comments. The case will likely be rereferred to the water judge soon, and there are no current deadlines.

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 replied to the first round of comments on April 21st, and opposers' comments are due June 23rd, 2023.

22CW3220 (City of Greeley Lower Poudre Diligence)

On December 31, 2022, the City of Greeley filed its application for diligence and to make an additional portion absolute for partially conditional water rights originally decreed in Case No. 99CW234. This application concerns the partially conditional water storage rights for Flatirons Reservoirs 1-5 (a.k.a. Poudre Ponds) and the partially conditional rights of substitution and exchange. Greeley is seeking to increase the absolute storage amount in Poudre Ponds from 1,304 acre-feet to 1,458.6 acre-feet. Greeley is also seeking to increase the absolute rate of exchange from 6.14 c.f.s. to 9.04 c.f.s. from the Wastewater Treatment Plant to the Boyd and Freeman Headgate. Greeley will circulate the proposed decree to opposers by June 2nd.

LEGAL & ENGINEERING EXPENSES:

The Water Resource Division’s outside legal and engineering expenses from January through April 2023 totaled \$179,269.14, which is 35.98% of the total \$498,272 spent in 2022.

2023 Water Resources Legal and Engineering Costs

<u>1st trimester</u>	
Legal	\$133,066
Engineering	\$46,203
<i>Total</i>	\$179,269
<u>2nd trimester</u>	
Legal	
Engineering	
<i>Total</i>	
<u>3rd trimester</u>	
Legal	
Engineering	
<i>Total</i>	
<u>Annual Totals</u>	
Legal	\$133,066
Engineering	\$46,203
Total	\$179,269