



Water & Sewer Department MEMORANDUM

TO: Greeley Water & Sewer Board
FROM: Leah Hubbard, Water Resources Operations Manager
DATE: January 20th, 2023
RE: 2023 1st Trimester Water Court Cases Update

This memorandum is a review of the Water and Sewer Department's legal activities from September 2022 through December 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 September, 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 27.

Statements of Opposition filed:

Case	Applicant
22CW3107	Buckhorn Highline Ditch
22CW3121	GMS of CCWCD

Stipulations filed:

Case	Applicant
19CW3073	United and South Weld Holdings
22CW3039	ACCWA Gilcrest Reservoir
20CW3070	Hunt Water, LLC
21CW3125	Parker Water and Sanitation District – Diligence Case

SERVING OUR COMMUNITY • IT'S A TRADITION

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 responded to a second round of opposers' comments in November. The opposers will submit their next round of comments by January 20, 2023. So far, no opposers have stipulated. The case will be rereferred to the water judge soon.

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 circulated a proposed decree and engineering on October 14th and opposers' comments were due by January 13, 2023. Additional deadlines will be set by the referee at a status conference in late January.

22CW3220 (City of Greeley Lower Poudre Diligence)

On December 31, 2022, the City of Greeley filed its application for diligence for partially conditional water rights originally decreed in Case No. 99CW234, otherwise known as the Lower Poudre Diligence. 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.

LEGAL & ENGINEERING EXPENSES:

The Water Resource Division's outside legal and engineering expenses from January through December 2022 totaled \$498,272, which is 77.47% 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	\$49,114.00*
Engineering	80383.58*
<i>Total</i>	\$129,497.58
 <u>Annual Totals</u>	
Legal	\$260,289
Engineering	\$237,983.00
Total	\$498,272

** Due to changes in Finance, invoices were due by December 31, 2022, November and December invoices will be paid from trimester 1 of 2023.*