

Water & Sewer Agenda Summary

Date: October 19, 2022

Key Staff Contact: Leah Hubbard, Water Resources Operations Manager

Title: Outside Water Council Legal Report

Summary: The Attached Report has been provided by Ms. Carolyn F. Burr, Esq. with Welborn Sullivan Meck & Tooley, P.C

Based on a review of the August 2022 Water Court Resume, staff and water counsel recommend that the Board file statements of opposition in the following case:

- a. Case Number: **22CW3121**: The Groundwater Management Subdistrict of the Central Colorado Water Conservancy District application for diligence and to make a portion of the water right absolute for Jo Dee Reservoir. Central is claiming that 289 AF of the 1,600 AF storage right as absolute and 1.28 cfs of 5 cfs decreed to one point of diversion as absolute. Jo Dee Reservoir is located close to the Whitney and Eaton Ditch headgates. We recommend that Greeley file a statement of opposition to ensure the absolute claims are supported by the records as being diverted when the rights were in priority and physically available.
- b. Case No. **22CW3107**: Buckhorn Highline Ditch Company has filed an application for a simple change in surface point of diversion for the Buckhorn Highline Ditch, which is located on Buckhorn Creek, a tributary to the Big Thompson River. It appears that the simple change being claimed does not meet the criteria for a simple change case, and there is the possibility that the change could result in an expansion of the historic right. We recommend that Greeley file a statement of opposition to ensure that the proposed change does not injury Greeley rights on the Big Thompson River.

Recommended Action:

Staff recommends entry into the water court cases **22CW3121** and **22CW3107**.

Recommended Motion:

"I move that the Board authorize the filing of statements of opposition in Case Nos. 22CW3121 and 22CW3107 and for staff and legal counsel to seek resolution of issues raised by this case consistent with Water and Sewer Board Resolution No. 3-15."

Attachments:

1. Legal Report for October 2022