

Water & Sewer Agenda Summary

Date: February 15, 2023

Key Staff Contact: Leah Hubbard, Water Resources Operations Manager; Sam Harshbarger, Water Resources Administrator II

Title: Outside Water Counsel Legal Report

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

Case Number 22CW3206 is an application by the of Town of Berthoud for conditional storage rights and exchanges.

Case No. 22CW3207 is an application by the City of Dacono for conditional storage rights and exchanges.

Case No. 22CW3218 is an application by Loveland Ready-Mix Concrete, Inc. for groundwater rights and an augmentation plan for the Dunn gravel pit site located on the Big Thompson River.

Case No. 22CW3223 is an application by the Ogilvy Irrigating and Land Company and the Ogilvy Augmentation Company for a conditional storage right in the Loloff Pit located off the Ogilvy Ditch.

Case No. 22CW3224 is an application of Central GMS to change 94 shares of the Western Mutual Ditch Company.

Case No. 22CW3228 is an application by the Handy Ditch Company for junior storage right in Welch Reservoir and to make a portion of the right absolute.

All of the above-described applications are for water rights within Greeley's areas of interest and have the potential of injuring Greeley water rights.

Recommended Action: Staff and water counsel recommend authorizing filing statements of opposition in Case Numbers 22CW3206, 22CW3207, 22CW3218, 22CW3223, 22CW3224 and 22CW3228.

Recommended Motion: "I move that the Board authorize the filing of statements of opposition in Case Nos. 22CW3206, 22CW3207, 22CW3218, 22CW3223, 22CW3224 and 22CW3228, 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 February 15, 2023