



# Water & Sewer Department MEMORANDUM

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TO: Greeley Water & Sewer Board  
FROM: Leah Hubbard, Water Resources Administrator III  
DATE: May 18, 2022  
RE: 2022 1<sup>st</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 January through April 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 January, Greeley has filed four statements of opposition and stipulated in four cases. Therefore, the current number of pending Water Court cases in which Greeley is an opposer is 30.

Statements of Opposition filed:

Case	Applicant
21CW3225	Parker Water and Sanitation District
21CW3229	ELCO change of WSSC
22CW3022	Central change of GIC
22CW3024	Weld County/Central Geisert Reservoir

Stipulations filed:

Case	Applicant
20CW3093	Raindance Metropolitan District
20CW3159	2534 Master Association
19CW3088	Central
18CW3228	Front Range Oil & Gas

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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:

### **20CW3149 (GLIC Diligence, Case No. 99CW235)**

On October 26<sup>th</sup>, 2020 Greeley filed this application for a finding of reasonable diligence for a conditional exchange originally decreed in Case No. 99CW235. The exchange provides for the use of return flows from certain water rights in Case 99CW235 as a substitute supply for diversions at the headgates of the Greeley-Loveland Irrigation Company. No absolute claim was made in this application, and the right will remain conditional. One statement of opposition was filed in this case by the Thompson Water Users Association. The final decree was filed March 10, 2022.

### **21CW3003 (GLIC Exchange Diligence, Case No. 95CW42)**

On January 27<sup>th</sup>, 2021, Greeley filed its application for a finding of reasonable diligence for the conditional appropriative right of exchange originally decreed in Case No. 95CW42. Under this exchange, Greeley may divert excess municipal return flows from GLIC, Seven Lakes, and Lake Loveland water rights changed in Case No. 95CW42 released from Greeley's WTRF and the Lone Tree wastewater treatment plant by exchange to the headgates of the ditch companies. Three parties filed statements of opposition; Cache La Poudre Water Users Association, Ogilvy Irrigation and Land Company, and Thompson Water Users Association. The final decree was filed April 20, 2022.

### **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 joint applicants are currently preparing responses to the first round of opposers' comments. A status conference has been scheduled for September 20, 2022.

### **22CW3042 (City of Greeley Chance 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. Statements of opposition are due at the end of May, and a status conference before the water referee will be scheduled shortly thereafter.

**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	
Engineering	
<i>Total</i>	
 <u>3rd trimester</u>	
Legal	
Engineering	
<i>Total</i>	
 <u>Annual Totals</u>	
Legal	\$125,915
Engineering	\$76,863.17
<b>Total</b>	<b>\$202,778</b>