



Legislation Text

File #: 24-024, **Version:** 1

A Resolution Approving a Memorandum of Agreement Related to the Settlement of Case Nos. 15CW3019, 18CW3041, and 16CW3015, District Court, Water Division 5 State of Colorado

Presenter:

Abigail Ortega, Infrastructure and Resource Planning General Manager, Colorado Springs Utilities
Travas Deal, Chief Executive Officer, Colorado Springs Utilities

Summary:

Colorado Springs Utilities has reached agreement on a proposed Memorandum of Agreement with six West Slope parties that resolves pending litigation related to Springs Utilities' diligence in perfecting its Blue River conditional water rights.

Background:

Springs Utilities has filed diligence applications with the Colorado Water Court as required to maintain the conditional rights every six years for the past 70 years. Six parties objected to our most recent application and the subject litigation ensued. The proposed Memorandum of Agreement (MOA) is the result of years of sustained efforts to reach mutually beneficial and responsible solutions for all parties that resolve disputed issues between the parties.

The MOA resolves the issues raised in the litigation as well as other legal disputes related to our use of the Continental-Hoosier System, including the lawful place of use and storage of Blue River water. The settlement also minimizes both the legal and permitting risks to the planned enlargement of Montgomery Reservoir, which will expand storage capacity for collection of additional water supplies legally and physically available. The full MOA is attached.

The parties to the negotiations are Colorado Springs Utilities, Summit County Board of County Commissioners, Town of Breckenridge, Colorado River Water Conservation District, Grand Valley Water Users Association, Orchard Mesa Irrigation District, and Ute Water Conservancy District.

Previous Council Action:

N/A

Financial Implications:

Springs Utilities will pay 50% of the cost of designing and building a reservoir for Summit County and Breckenridge at a total cost not to exceed \$15,000,000.

City Council Appointed Board/Commission/Committee Recommendation:

The Utilities Board recommended bringing the MOA to City Council for consideration.

Stakeholder Process:

The MOA has been approved by the other parties.

Alternatives:

1) Approve the resolution approving the MOA; (2) not approve the resolution; (3) modify the resolution or the MOA; or (4) refer the matter back to Springs Utilities for further consideration.

Proposed Motion:

Motion for City Council to approve the resolution approving the MOA.

N/A