

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 26, 2014

Board Item: II-E

**Settlement Agreement  
Between City of Englewood, Grand County and Denver Water  
Contract # 15457A**

Action by Consent

Action

Information

Denver Water and the City of Englewood have a long history of litigation in water court over their respective water rights. Two of those cases, involving challenges to Denver Water’s “5K Water” agreement with FRICO, and its South Platte Exchange right, have been to the Supreme Court in the last four years. The most recent dispute involved Englewood’s opposition to Denver Water’s application for a water right to provide water for environmental flows in Grand County, an important element of the CRCA. Grand County and the Colorado Water Conservation Board are co-applicants with Denver Water in that application.

The parties decided to engage in mediation with Senior Judge John Koenhold of Water Division 3, which began in early February. The goal of the mediation was to reach a permanent end to water court litigation, to the extent possible, between Denver Water and Englewood. Englewood has often opposed Denver Water’s application in the hopes of obtaining relief for the hardness that occasionally occurs in its drinking water, due to low winter flows at its intake on the South Platte River. Denver Water has agreed to contribute \$600,000 to a resolution of that water quality issue. In return, Englewood has agreed to withdraw and stipulate to resolutions of all ongoing water cases, and to refrain from opposing future Denver Water applications, to the maximum foreseeable extent. Grand County and Englewood also arrived at a water rights peace pact. In addition, based on their shared goal of improving conditions of flow in the urban reach of the South Platte River, Denver Water and Englewood have committed to working with the parties to the Chatfield Reallocation Project to explore means by which those flows could be improved.

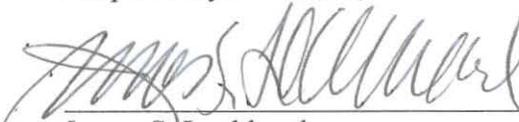
Recommendation:

It is recommended that the Board approve the attached Settlement Agreement between the City of Englewood, Grand County and Denver Water and authorize funds in the amount of \$600,000 for payment to Englewood. Grand County approved the agreement on March 18, 2014; Englewood City County will consider the agreement on April 21, 2014.

**Approvals:**

Respectfully submitted,

  
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Patricia Wells  
General Counsel

  
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James S. Lochhead  
CEO/Manager

  
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David Little  
ACTING Director of Planning

  
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Terri Bryant  
Controller