

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 28, 2012

Board Item: 2-A-2

Amendment to Contracts with GeoHydroScience (Contract No. 13375A) and HRS Water Consultants, Inc. (Contract No. 10253A) for Expert Witness Support in Lawn Irrigation Return Flow Case

Action by Consent

Action

Information

Pursuant to the Board's 2004 Resolution, Denver Water filed an application to quantify its reusable Lawn Irrigation Return Flows (LIRFs) in Case No. 2004CW121. Thirty-eight Objectors filed statements of opposition; many filed expert reports; and the case is set for a 29 day trial beginning April 30, 2012. Denver Water retained several consultants to perform work necessary to support Denver Water's application to quantify its LIRFs.

Under Contract No. 10253A, the Board previously authorized \$300,000 with HRS Water Consultants to complete engineering, including the initial expert and rebuttal report, for assistance in settlement discussions, and trial preparation. The Board also previously authorized the expenditure of \$185,000 under Contract No. 13375A with GeoHydroScience for its initial expert and rebuttal reports, and supplemental expert reports as necessary.

Given several contentious legal and factual issues in the case, Denver Water may not be able to resolve and settle all disputed issues prior to trial. The contracts with GeoHydroScience and HRS will each need to be amended to increase the contract amount by \$100,000 to cover expert witnesses for trial preparation and trial time.

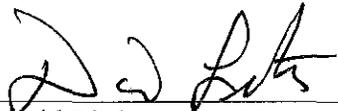
Currently, there are sufficient funds budgeted for these contract amendments, and a budget variance will not be necessary at this time. The master plan code item for the LIRF quantification project is 1AL0003.

Recommendation:

It is recommended that the Board approve the Second Amendment to Contract No. 13375A, and Fifth Amendment to Contract No. 10253A.

Approvals:

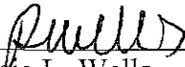
Respectfully submitted,



David Little
Director of Planning



James S. Lochhead
CEO/Manager



Patricia L. Wells
General Counsel