

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 8, 2012

Board Item: V-A-4

**Agreement for Legal Services
Dewhirst and Dolven, LLC, Contract No. 14031A**

Action by Consent

Action

Information

Pursuant to a January 28, 2004 Resolution of the Board, Denver Water filed an application to quantify its reusable lawn irrigation return flows. Statements of Opposition were filed by thirty-eight parties, many of whom have indicated that they will present expert and lay testimony during the four week trial scheduled to begin April 30, 2012. Because of the number of parties and witnesses, Denver Water requires the assistance of outside counsel to reduce the heavy burden on internal resources in pre-trial preparation and presentation of the case at trial.

The Legal Division has selected Susan Pray, Special Counsel to Dewhirst and Dolven, LLC, to provide this assistance. Ms. Pray possesses unique experience and background suitable to this representation. She does not practice water law per se, and so avoids the conflicts that almost every water attorney would have. She did, however, assist Denver Water in water court litigation about ten years ago, and thus is familiar with many of the issues presented in the LIRF case. Ms. Pray is expected to devote substantial time to this litigation through the trial, and may also be needed to assist in the bifurcated case involving applicability of the 1940 Agreement to various sources of return flows. Ms. Pray's billing rate is \$275 per hour.

The term for Agreement No. 14031A is through the end of 2013, and the amount is \$200,000. The Legal Division's professional services budget contains adequate funding for this year's expenditures under this contract.

Recommendation:

It is recommended that the Board approve execution of Agreement No. 14031A for Legal Services with Dewhirst and Dolven, LLC.

Approvals:

Respectfully submitted,



Patricia L. Wells, General Counsel



James S. Lochhead
CEO/Manager