

DISTRICT COURT, WATER DIVISION 1 STATE OF COLORADO Weld County Courthouse 901 9th Avenue Greeley, Colorado 80631 Telephone: (970) 475-2510	▲ COURT USE ONLY ▲
CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA, Applicant, IN THE BIG THOMPSON RIVER OR ITS TRIBUTARIES IN LARIMER COUNTY	
Attorneys for the City of Loveland: DEREK L. TURNER, #44091 City of Loveland Assistant City Attorney 500 East Third Street, Suite 330 Loveland, CO 80537 Telephone: (970) 962-2549 derek.turner@cityofloveland.org	Case No. 16CW3193
STATEMENT OF OPPOSITION OF THE CITY OF LOVELAND	

1. Name, mailing address and telephone number of Opposer:

City of Loveland (“Loveland”)
 Attn: Larry D. Howard, Senior Civil Engineer – Water Resources
 200 North Wilson Avenue
 Loveland, Colorado 80537
 Telephone: (970) 962-3703

Please send all correspondence and pleadings to:

Derek Turner, Assistant City Attorney
 500 East Third Street, Suite 330
 Loveland, CO 80537
 Telephone: (970) 962-2549
 Email: derek.turner@cityofloveland.org

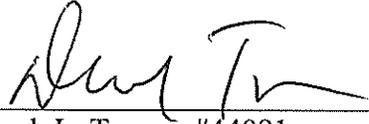
2. State facts as to why the Application should not be granted, or why it should be granted only in part or on certain conditions:
 - A. Loveland owns numerous water rights that divert from the Big Thompson River, tributary to the South Platte River, which may be injured if the Application is granted without appropriate protective terms and conditions.
 - B. The Applicant must meet its burden of proof with respect to each element of its claims.
 - C. The Applicant must provide accurate measurement and accounting for its claims.
 - D. The Applicant's right to divert water under the requested water right must be restricted to the times when the water rights described in the Application are in priority.
 - E. The Applicant must be placed on strict proof with respect to each element of its claims for approval of water rights, including, but not limited to:
 1. The Applicant's ownership of or enforceable property interest in the structures and water rights included in the Application;
 2. Whether the Applicant has taken the steps required under Colorado law to initiate the claimed water right and, if so, on what date(s), in what amount(s) and for what uses(s);
 3. The protective terms and conditions which must be imposed on the Applicant to prevent injury to Loveland's water rights; and
 4. The measurement, recording, and accounting obligations that must be assumed by the Applicant in order to assure proper compliance with all terms and conditions of any decree ultimately entered herein.
3. The Application does not contain sufficient information to enable Loveland to determine whether other grounds for objection exist. Therefore, Loveland reserves the right to state further grounds for objection when more information is available.
4. To the extent the Application is treated as a complaint to which a responsive pleading is required under C.R.C.P. 8, Loveland submits this statement of opposition as a responsive pleading in compliance with the requirements in C.R.C.P. 8. Because the Application does not contain short and plain statements of the claims that show Applicant is entitled to the relief it is seeking, Loveland is unable to fairly deny or admit to the substance of each

allegation and/or claim in the Application. Pursuant to C.R.C.P. 8(d), Loveland specifically denies all allegations, averments, and claims for relief contained in the Application.

5. Loveland's Statement of Opposition is continuing in nature and shall apply equally to any amended Application that may be filed herein, so that the filing of a separate statement of opposition to any such amended Application shall not be necessary.

Submitted this 21st day of February, 2017.

CITY OF LOVELAND

By: 
Derek L. Turner, #44091
Assistant City Attorney

Attorneys for Opposer City of Loveland

VERIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

I, Larry Howard, state under oath that I am the Senior Civil Engineer –Water Resources, for the City of Loveland, that I have read the foregoing Statement of Opposition, and that the same is true to the best of my knowledge, information, and belief.

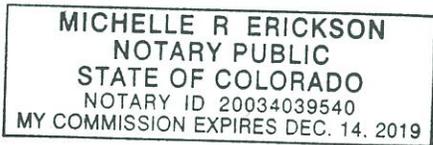


Larry Howard

SUBSCRIBED AND SWORN to before me this 24 day of February,
2017.

Witness my hand and official seal.

(S E A L)





Notary Public

My commission expires: 12-14-2019

CERTIFICATE OF SERVICE
(Case No. 16CW3193, Water Division R2)

The undersigned certifies that on this 27th day of February, 2017 a true and correct copy of the foregoing **STATEMENT OF OPPOSITION OF CITY OF LOVELAND** was filed and served electronically on the parties via Colorado Courts E-Filing as follows:

Name	Type	Attorney	Organization
Division 1 Engineer	Division Engineer	Division 1 Water Engineer	State of Colorado DWR Division 1
State Engineer	State Engineer	Colorado Division of Water Resources	State of Colorado - Division of Water Resources
United States of America	Applicant	James J. Dubois	US Department of Justice ENRD
Mid West Electric Consumers Association	Opposer	David Austen Rueschhoff Kent Hugh Holsinger	Holsinger Law, LLC
Northern Colorado Water Conservancy Dist	Opposer	Douglas M. Sinor William Davis Wert	Trout Raley



This document was e-filed pursuant to Rule 121. A duly signed original of this document is on file at the City of Loveland City Attorney's Office