

### Hamilton Creek Metropolitan District, Summit County, Colorado - Fluoride Analyses

The District was involved in a civil lawsuit focusing on whether historical alterations to the water treatment facility to mitigate high reported levels of fluoride were to be considered as “improvements” or “repairs.”

Martin and Wood provided hydrogeologic consulting and expert witness services pertaining to the limited fluoride data that were available. Martin and Wood carried out analyses incorporating assess-

ments of the local hydrogeologic conditions, field observations, the nature and occurrence of fluoride in ground water, and review of the water plant upgrades and operations. During the trial in Summit County District Court, Martin and Wood provided expert testimony that refuted the opponent’s claim that the fluoride levels had not been below the disputed threshold level since the end of the last glacial period.

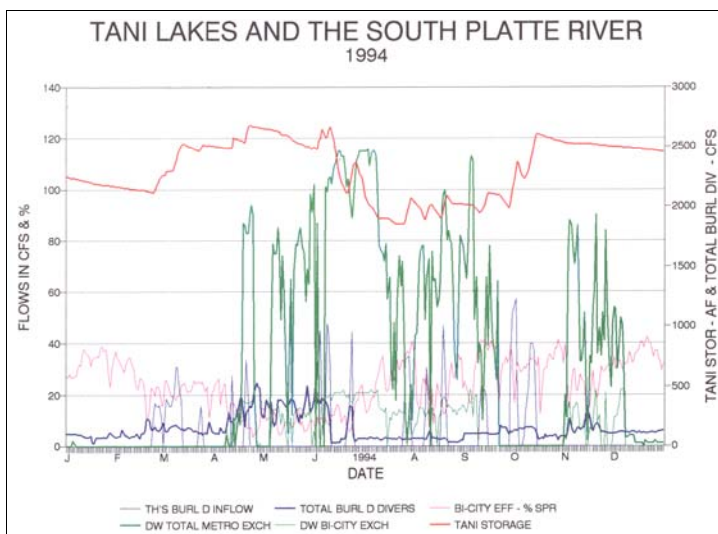
### City of Englewood - Denver Exchange Case

In a 1996 application to the Water Court in Case 96CW145, Denver Water sought a decree from the Water Court confirming diligence and finding that an additional portion of its conditional exchange right had been made absolute. Among other exchanges involved, Denver Water claimed that it had exchanged a few cubic feet per second of its reusable transmountain water from the Littleton-Englewood Wastewater Treatment Plant to upstream points of diversion.

City of Thornton complained about Denver Water’s diversion of a higher quality of raw water at its upstream Strontia Springs point of diversion and then

discharging its treated and reusable wastewater from the Littleton-Englewood Wastewater Treatment Plant into the South Platte River some ten miles upstream from Thornton’s municipal diversion from the river.

Working for the City of Englewood, Martin and Wood’s primary task was to determine the concentration of effluent from the Littleton-Englewood Wastewater Plant in the water historically diverted by Thornton from the South Platte River. These daily analyses over a nine-year study period allowed Martin and Wood to testify that Thornton had diverted better water when Denver Water exchanged.



This trial consumed the better part of five months and concluded, after the settlement between Denver Water and Thornton, with the Water Court’s confirming Denver’s diligence and partial perfection of its exchange, with Denver providing Thornton, at cost, with a little water for a few years. The Water Court concluded that Denver Water’s use of reusable effluent from the Littleton-Englewood Wastewater Treatment Plant as a substitute supply of water for Denver Water’s exchange satisfied the statutory requirement that such substitute supply of water was “of a quality and continuity to meet the requirements of use to which the senior appropriation has normally been put.”