

**RESOLUTION NO. 2020-070**

**A RESOLUTION APPROVING TOWN OF CASTLE ROCK/TOWN OF LOCHBUIE  
WATER LEASE AGREEMENT**

**WHEREAS**, the Town of Castle Rock (Castle Rock) and the Town of Lochbuie (Lochbuie) have agreed to enter into a Water Lease Agreement; and

**WHEREAS**, Castle Rock owns certain water in Chatfield Reservoir that is reusable and fully consumable after its first use for municipal purposes by the Castle Rock. From time to time, a certain amount of this water is surplus to the needs and obligations of the Castle Rock ("Surplus Water"); and

**WHEREAS**, Castle Rock anticipates it will have Surplus Water available from time to time in 2020; and

**WHEREAS**, Lochbuie desires to exchange a certain portion of the Surplus Water from Castle Rock in accordance with the terms and conditions of this Agreement; and

**WHEREAS**, Lochbuie owns certain Denver Basin non-tributary groundwater rights in the Dawson, Denver and Arapahoe Aquifers ("Bell Mountain Ground Water") accessible by the Bell Mountain Wells (Well Permit Nos. 57960-F, 57961-F, and 57962-F) and delivered to East Plum Creek via existing pipeline infrastructure. The decreed quantity of the Bell Mountain Ground Water is as follows:

Dawson Aquifer	200 acre-feet/year
Denver Aquifer	145 acre-feet/year
Arapahoe Aquifer	425 acre-feet/year

**WHEREAS**, Castle Rock may, from time to time, desire to use and successively reuse to extinction, Lochbuie's Bell Mountain Ground Water for Castle Rock's municipal use, in exchange for a like quantity of Surplus Water at Chatfield, up to 535 AF less transit losses; and

**WHEREAS**, Castle Rock will provide the cost of carriage of Lochbuie's Bell Mountain Ground Water to East Plum Creek for use by Castle Rock, and Lochbuie will receive a like amount of water in Chatfield in exchange therefore; and

**WHEREAS**, if Castle Rock does not use the Bell Mountain Ground Water pursuant to this Agreement, Lochbuie shall still be permitted to lease a portion of the Surplus Water as described herein at a rate of \$300 per acre-foot.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:**

**Section 1. Approval.** The Water Lease Agreement, in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town of Castle Rock, Colorado.

**PASSED, APPROVED AND ADOPTED** this 18th day of August, 2020, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of \_\_\_\_ for and \_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
Mark Marlowe, Director of Castle Rock Water