

RESOLUTION NO. 2019-044

A RESOLUTION APPROVING TOWN OF CASTLE ROCK/ROXBOROUGH WATER AND SANITATION DISTRICT WATER LEASE AGREEMENT

WHEREAS, the Town of Castle Rock and Roxborough Water and Sanitation District have agreed to enter into a Water Lease Agreement; and

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

WHEREAS, the Town anticipates it will have Surplus Water available from time to time in 2019; and

WHEREAS, Roxborough desires to lease a certain portion of the Surplus Water from the Town in accordance with the terms and conditions of this Agreement; and

WHEREAS, Roxborough 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	136.5 acre-feet/year
Denver Aquifer	129.8 acre-feet/year
Arapahoe Aquifer	157.7 acre-feet/year

WHEREAS, in exchange for Roxborough’s lease of the Surplus Water, the Town may, from time to time, desire to use and successively reuse to extinction, the Bell Mountain Ground Water for the Town’s municipal use; and

WHEREAS, before Roxborough began providing water service to the property within the boundaries of the Ravenna Metropolitan District, the Town previously leased the Surplus Water to Ravenna Metropolitan District at the rate of \$300 per acre-foot; and

WHEREAS, pursuant to the Castle Rock Water / Ravenna Metropolitan District Water Service Agreement dated November 17, 2017, which was assigned to Roxborough (the “Water Service Agreement”), the Town provides carriage of the Bell Mountain Ground Water to the Point of Connection (as defined in the Water Service Agreement) for use by Roxborough, and Roxborough pays the Town service charges in exchange therefor; and

WHEREAS, if the Town does not use the Bell Mountain Ground Water pursuant to this Agreement, the Water Service Agreement will apply for delivery of the Bell Mountain Ground Water

to Roxborough, but Roxborough shall still be permitted to lease a portion of the Surplus Water as described herein.

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 16th day of April, 2019 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:

Robert J. Slentz, Town Attorney

Mark Marlowe, Director of Castle Rock Water