

ORDINANCE NO. 2022

**AN ORDINANCE APPROVING A WATER LEASE AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK AND THE TOWN OF
WIGGINS**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”), acting by and through its enterprise, Castle Rock Water, and The Town of Wiggins (“Wiggins”) have agreed to the terms and conditions of a Water Lease Agreement (the “Lease”); and

WHEREAS, pursuant to Section 14.02.050 of the Town of Castle Rock Municipal Code, the lease of any real property interests for a term of greater than one year shall be authorized and approved by ordinance; and

WHEREAS, pursuant to Case No. 89CW27, the Town and other owners operate the Rothe-Sublette Recharge Project (“Project”), which diverts water from the South Platte River at the Riverside Canal into recharge ponds that accrete water to the South Platte River to generate recharge credits (“Recharge Credits”); and

WHEREAS, the Town owns 60.4 percent of the first 1,275 acre-feet (AF), up to 770 AF annually, of recharge credits decreed in Case No. 89CW27, District Court, Water Division No. 1, (“Town Recharge Credits”); and

WHEREAS, Recharge Credits from the Project are used by the Town and the other owners to augment depletions from alluvial wells, pursuant to Case No. 89CW27; and

WHEREAS, Case No. 89CW27 authorizes the lease of excess Recharge Credits to other parties; and

WHEREAS, Wiggins desires to lease excess Town Recharge Credits for augmentation of Wiggins’ tributary well pumping pursuant to Case No. 11CW131 and the Town desires to lease such excess Town Recharge Credits to Wiggins.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Authorization and Approval. The Lease between the Town and Wiggins is hereby approved in substantially the same form attached as *Exhibit 1*, with such technical changes, additions, modifications, or deletions as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Lease by and on behalf of the Town.

Section 2. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgement shall not affect the remaining provisions of this Ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 7th day of June, 2022, by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2022, by the Town Council of Castle Rock 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