

RESOLUTION NO. 2022-059

**A RESOLUTION APPROVING A WATER LEASE AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK AND SUBLETTE, INC.**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”), acting by and through its enterprise, Castle Rock Water, and Sublette, Inc. (“Sublette”) have agreed to the terms and conditions of a Water Lease Agreement (the “Lease”); 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, the Town is currently leasing a portion of Town Recharge Credits to the Town of Wiggins for augmentation of Wiggins’ tributary well pumping pursuant to Case No. 11CW131; and

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

WHEREAS, Sublette seeks to lease from the Town excess Town Recharge Credits.

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

Section 1. Approval. Lease between the Town and Sublette 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.

PASSED, APPROVED AND ADOPTED this 7th day of June, 2022 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