

RESOLUTION NO. 2022-

**A RESOLUTION APPROVING A WATER LEASE AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK AND ROXBOROUGH
WATER AND SANITATION DISTRICT**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”), acting by and through its enterprise, Castle Rock Water, and Roxborough Water and Sanitation District (“Roxborough”) have agreed to the terms and conditions of the Water Lease Agreement (the “Lease”); 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, a portion of which, from time to time, 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 2022; 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 Lease; 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

and

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.

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

Section 1. Approval. The Water Lease Agreement between the Town of Castle Rock and Roxborough Water and Sanitation District 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 1st day of March, 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