

RESOLUTION NO. 2020-___

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

WHEREAS, the Town of Castle Rock, acting by and through the Town of Castle Rock Water Utility Enterprise (the “Town”), and the Roxborough Water and Sanitation District (the “District”) have agreed to enter into a Water Lease Agreement (the “Agreement”); and

WHEREAS, the Town owns certain water in Chatfield Reservoir 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 2021; and

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

WHEREAS, the District 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; and

WHEREAS, 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 the District’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, pursuant to the November 17, 2017, Water Service Agreement between the Town and the District, as successor in interest to the Ravenna Metropolitan District, the Town provides carriage of the Bell Mountain Ground Water to the point of connection as defined in said Water Service Agreement for use by the District and, in exchange therefor, the District pays the Town’s service charges; and

WHEREAS, if the Town does not use the Bell Mountain Ground Water pursuant to this Agreement, the Water Service Agreement will apply to the delivery of the Bell Mountain Ground Water to the District; provided, however, that the District will still be permitted to lease a portion of the Surplus Water for \$340 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 between the Town of Castle Rock and the Roxborough Water and Sanitation District, 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 ____ day of _____, 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, Castle Rock Water