

RESOLUTION NO. 2020-___

**A RESOLUTION APPROVING THE WATER LEASE AGREEMENT BETWEEN
THE TOWN OF CASTLE ROCK AND THE TOWN OF LOCHBUIE**

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

WHEREAS, Castle Rock owns certain water in Chatfield Reservoir that is reusable and fully consumable after its first use for municipal purposes by Castle Rock, a portion of which, from time to time, is surplus to the needs and obligations of Castle Rock (“Surplus Water”); and

WHEREAS, Castle Rock anticipates it will have Surplus Water available from time to time in 2021; and

WHEREAS, Lochbuie desires to exchange a certain portion of the Surplus Water from Castle Rock in accordance with the terms and conditions of the Agreement; and

WHEREAS, Lochbuie 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	200 acre-feet/year
Denver Aquifer	145 acre-feet/year
Arapahoe Aquifer	425 acre-feet/year

WHEREAS, under the Agreement, Castle Rock may, from time to time, desire to use and successively reuse to extinction Lochbuie’s Bell Mountain Ground Water for Castle Rock’s municipal use, in exchange for a like quantity of Surplus Water at Chatfield, up to a maximum amount of 535 acre feet, less transit losses; and

WHEREAS, Castle Rock will provide the cost of carriage of Lochbuie’s Bell Mountain Ground Water to East Plum Creek for use by Castle Rock, and Lochbuie will receive a like amount of water in Chatfield in exchange; and

WHEREAS, if Castle Rock does not use the Bell Mountain Ground Water pursuant to this Agreement, Lochbuie shall still be permitted to lease a portion of the Surplus Water at a rate of \$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 Town of Lochbuie, 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 15th day of December, 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