

**RESOLUTION NO. 2020-03**

**RESOLUTION OF THE CUCHARAS SANITATION & WATER DISTRICT TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT CONCERNING THE OPERATION OF STORAGE AND EXCHANGES ADJUDICATED IN WATER DIVISION 2 CASE NOS. 17CW3063 AND 17CW3075**

**WHEREAS**, the Cucharas Sanitation & Water District (“District”), located in the County of Huerfano and State of Colorado, is a Title 32 Special District organized and existing under the laws of the State of Colorado; and

**WHEREAS**, the District provides water and sewer services within its boundaries; and

**WHEREAS**, the District is one of several entities that have been participants in the Cucharas Basin Collaborative Storage Study to evaluate the current and future water demands within the Cucharas River basin, both generally and individually for the District and the other participating entities, and to provide analysis and recommendations about potential options for developing storage and water use opportunities in the Cucharas River basin; and

**WHEREAS**, based on the results of the Cucharas Basin Collaborative Storage Study, the District and the other participating entities determined that storage opportunities could be developed that will allow these entities, both jointly and individually, to enhance their water rights and water service operations and meet existing and future water needs, through the development of either new storage facilities or the enlargement of existing storage facilities, and the appropriation of new water storage rights and appropriative rights of exchange; and

**WHEREAS**, the District and the Huerfano County Water Conservancy District (“HCWCD”) and the Town of La Veta (“La Veta”), two other participants in the Cucharas Basin Collaborative Storage Study, determined that it would be appropriate to file a joint water court application seeking new water storage rights and appropriative rights of exchange, and that in conjunction with the filing of the joint water court application, it would also be necessary to enter into an intergovernmental agreement that describes, among other things, the rights and obligations of each signing entity with respect to the use of the water rights included in the joint water court application and related future operations pursuant to those water rights; and

**WHEREAS**, on December 20, 2017, the District adopted Resolution No. 2017-12 and Resolution No. 2017-13 concerning its joint participation in a new water court application in Water Division 2 for water storage rights and appropriative rights of exchange on the Cucharas River and its tributaries, and its intent to work in conjunction with HCWCD and La Veta on the water court application and on an intergovernmental agreement related to the water rights included in the water court application; and

**WHEREAS**, a water court application was filed by the District, HCWCD, and La Veta in Water Division 2 Case No. 2017CW3075 seeking adjudication of water storage rights and appropriative rights of exchange on the Cucharas River and its tributaries, which application was opposed by several entities, including the City of Walsenburg (“Walsenburg”); and

**WHEREAS**, a water court application was filed by Walsenburg in Water Division 2 Case No. 17CW3063 seeking adjudication of new appropriative rights of exchange on the Cucharas River and its tributaries, which application was opposed by several entities, including the District, HCWCD, and La Veta; and

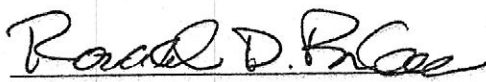
**WHEREAS**, in settling the opposition in Case Nos. 17CW3063 and 17CW3075, the District, HCWCD, La Veta, and Walsenburg have agreed to the form of a proposed decree for each of these two cases, and have also determined to enter into an intergovernmental agreement between these entities concerning the operation of the water storage rights and appropriative rights of exchange adjudicated in these two cases, with the intergovernmental agreement providing a framework for these entities' use of river exchange potential and available storage structures.

**NOW THEREFORE**, be it resolved, the Board of Directors of the Cucharas Sanitation & Water District hereby states its intent to execute in conjunction with HCWCD, La Veta, and Walsenburg an intergovernmental agreement concerning the operation of storage and exchanges adjudicated in Water Division 2 Case Nos. 17CW3063 and 17CW3075, in a form that is substantially the same as that attached as Appendix A. The Board authorizes its staff, legal counsel, and other consultants to participate in the finalization and execution of the intergovernmental agreement, and to do all work related to the intergovernmental agreement as necessary to accomplish the goals of the water court filing in Case No. 17CW3075 and this Resolution. All such work shall be subject to the direction and supervision of the Board of Directors for the District.

This Resolution was adopted by the Board of Directors for the Cucharas Sanitation & Water District on April 10, 2020.

  
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President  
Cucharas Sanitation & Water District

ATTEST:

  
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Secretary  
Cucharas Sanitation & Water District