

**RESOLUTION 2023-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA,  
COLORADO AUTHORIZING CITY STAFF TO TAKE CERTAIN  
ACTIONS REGARDING CITY WATER RIGHTS.**

**WHEREAS**, the City owns conditional water rights decreed to the Fruita Pump Station in Case No. W-3551, District Court in and for Water Division No. 5, for 25 c.f.s. for municipal and irrigation purposes (“Conditional Water Rights”); and

**WHEREAS**, a portion of the Conditional Water Rights, 0.6 c.f.s., were made absolute in Case No. 96CW93, District Court in and for Water Division No. 5 and the remaining 24.4 c.f.s. were continued as conditional; and

**WHEREAS**, in Case No. 16CW3029, the District Court in and for Water Division No. 5 found that the City had made absolute for an additional 0.18 c.f.s. and been reasonably diligent in the development of the remaining 24.22 c.f.s. of the Conditional Water Rights and continued the same in full force and effect until March 31, 2023; and

**WHEREAS**, in order to maintain the Conditional Water Rights, the City must file an application for findings of reasonable diligence with the District Court in and for Water Division No. 5 on or before March 31, 2023, and City Staff and the City Attorney recommend the filing of the same.

**NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:**

**Section 1.** That the City Staff and the City Attorney are authorized to take all steps necessary to draft, prepare, file and pursue an application for findings of reasonable diligence with regard to the Conditional Water Rights on or before March 31, 2023.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 7<sup>TH</sup> DAY OF MARCH, 2023**

CITY OF FRUITA, COLORADO

By: \_\_\_\_\_  
Joel Kincaid, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk