



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Kimberly Bullen, Public Works Director

DATE: March 7, 2023

RE: RESOLUTION 2023-06 – A request to authorize City Staff and the City Attorney to pursue the filing of the diligence application with the Division 5 Water Court by March 31, 2023

BACKGROUND

The City owns conditional water rights decreed to the Fruita Pump Station. In order to maintain these water rights, the City must file an application for findings of reasonable diligence or to make water rights absolute with the Division 5 Water Court every six years. The next due diligence deadline is March 31, 2023. Case law requires governmental entities to take affirmative action to approve the filing of any water court application or pleading.

FISCAL IMPACT

The fiscal impact of this request if approved is filing fees and City Attorney expenses.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This request is applicable to the City's goals of Quality of Place and Economic Health. The city values our geographic natural resources and landscapes, and we collaborate to provide quality essential infrastructure and services.

OPTIONS AVAILABLE TO THE COUNCIL:

The options for Council are the following:

1. Approve the Resolution giving direction to City Staff and the City Attorney to pursue the filing of this diligence application by March 31, 2023.
2. Take no action. The City would lose these water rights if diligence is not filed by the deadline of March 31, 2023.

RECOMMENDATION:

It is the recommendation of staff that the Council by motion:

APPROVE RESOLUTION 2023-06 – AUTHORIZING CITY STAFF AND THE CITY ATTORNEY TO PURSUE THE FILING OF THIS DILIGENCE APPLICATION BY MARCH 31, 2023