



# Town of Johnstown

## MEMORANDUM

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TO: Honorable Mayor Lebsack and Town Councilmembers

FROM: Matt LeCerf, Town Manager

DATE: March 9, 2023

SUBJECT: Dry Up Covenant Policy Clarification

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This written policy is to clarify the position of the Town of Johnstown regarding dry up covenants and to what extent the Town supports and approves a dry up covenant for a specific share of Home Supply Water. The dry-up covenant provides for a share to be converted from a 6.4-acre foot (unadjudicated yield) to an 8-acre foot (adjudicated yield) through the dry up covenant, pursuant to Section 13-111 of the Town of Johnstown's Water Rights Dedication Ordinance.

To provide clarity, any dry up covenant that may be considered must currently be in a Town of Johnstown Water court change case to be eligible for consideration for the dry up covenant. Prior to authorization by the Town to acknowledge a dry-up covenant, a detailed analysis of the water, the farm, and the return flow obligations should be conducted to determine if the share is a reasonably qualified share candidate to be eligible for the dry up.

The final and exclusive decision regarding eligibility and applicability of a share to be accepted for dry-up is at the discretion of the Town. Any share approved for dry-up must be dedicated to the Town within thirty (30) days or the dry-up covenant authorized may be rescinded.

*Reviewed and Approved for Presentation,*

The Community That Cares

[johnstown.colorado.gov](http://johnstown.colorado.gov)

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