



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATION

AGENDA DATE: September 21, 2020

SUBJECT: Amendment to Non-Irrigation Season Reusable Effluent Designation Agreement

PRESENTED BY: Avi Rocklin, Town Attorney

On September 8, 2010, the Town entered into the Non-Irrigation Season Reusable Effluent Designation Agreement with Thompson Ranch, LLLP and Gerrard Family Limited Partnership (“Agreement”). As part of the 2534 development, the developers created the 2534 Master Association (“Association”) to, among other duties, operate the 2534 non-potable irrigation system, which includes two detention ponds to store water (“Detention Ponds”). Pursuant to the Agreement, the Town provides the Association with reusable effluent to satisfy historical return flow obligations described in the 07CW14 decree during September through May, subject to monthly and annual limits. Because the Detention Ponds have on occasion intercepted runoff and drainage water and stored the water out-of-priority, the Association is being required by the State Engineer’s Office to file a Water Court application for an augmentation plan for the Detention Ponds. In support of the application, the Association requested that the Town amend the Agreement to provide the flexibility to use reusable effluent to augment out-of-priority storage in the Detention Ponds. The Amendment to Non-Irrigation Season Reusable Effluent Designation Agreement (“Amendment”) provides that the monthly limit of 7 acre-feet of reusable effluent is modified to allow greater monthly amounts if needed without increasing the limitation of 57.29 acre-feet of reusable effluent in any September through May period. The Amendment also provides that the Town may, in its discretion, approve the use of reusable effluent outside the September through May season.

FINANCIAL ADVICE :
N/A

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