

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 10-2023

A RESOLUTION TO AUTHORIZING THE TOWN TO FILE AN APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR THE CONDITIONAL WATER RIGHT DECREED FOR THE PALMER LAKE MONUMENT CREEK EXCHANGE AND CONFIRMING THE TOWN NEED FOR AND INTENT TO DEVELOP THAT CONDITIONAL WATER RIGHT

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, the Town of Palmer Lake, (“Town”) obtained a decree in Case No. 87CW69 confirming a conditional right for the Palmer Lake Monument Creek Exchange (“the Exchange”), which allows the Town to divert water at a rate up to 100 gpm from Palmer Lake Well QAL-4 in exchange for delivery to Monument Creek of fully reusable effluent from the use of non-tributary Denver Aquifer groundwater at the outfall of the Tri-Lakes Wastewater Treatment Facility; and

WHEREAS, the Exchange is intended to allow use of additional water in the Town’s municipal water supply system, and the Town needs the conditional water right to serve its present and future customers; and

WHEREAS, the most recent diligence decree requires the Town to file an application on or before January 31, 2023, to continue the conditional water right for the Exchange or to make it absolute, or that right will be cancelled; and

WHEREAS, the Town intends to develop the full amount of this conditional water right and needs additional time to complete this appropriation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Town hereby authorizes and directs the Town staff, consultants, and water attorneys to conduct such work as necessary to file and prosecute to completion an application in the water court for finding of reasonable diligence on or before January 31, 2023.
2. The Town hereby authorizes and directs the Town staff, consultants, and water attorneys to take such other actions as may be necessary to confirm diligence for the conditional water right and to continue the conditional amount on behalf of the Town.
3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 12th DAY OF JANUARY 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor