

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE, APPROVING A *WATER STORAGE AND DELIVERY AGREEMENT* WITH FARMERS RESERVOIR AND IRRIGATION COMPANY (“FRICO”) AND THE BURLINGTON DITCH, RESERVOIR, AND LAND COMPANY (“BURLINGTON”); AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO.**

**RESOLUTION NUMBER: 2015-37**

**WHEREAS**, the Farms Reservoir and Irrigation Company (“FRICO”) owns and operates a canal and reservoir system that diverts water from the South Platte River for the benefit of its shareholders. FRICO is organized into five divisions, each division having specific decreed water rights allocated for the benefit of the shares in that division; and

**WHEREAS**, the Burlington Ditch, Reservoir, and Land Company (“Burlington”) owns specific decreed water rights for the benefit of its shareholders. FRICO operates the Burlington decreed water rights for the benefit of Burlington shareholders; and

**WHEREAS**, Brighton owns shares of capital stock in FRICO’s Barr Division and in Burlington, which entitles it to delivery of a pro-rata portion of the water rights diverted from the South Platte River by FRICO and Burlington; and

**WHEREAS**, the water rights and facilities that are included in this Agreement are those of the Companies described in paragraphs 9.1 and 9.2 of the Augmentation Plan decree; and

**WHEREAS**, Brighton desires that FRICO book over and/or deliver a portion of its Share Water, as said term is defined in the attached *Agreement*, in order to meet Brighton’s obligations to Barr Lake and/or the Beebe Draw Well Field. At Brighton’s request, Brighton also desires FRICO to deliver a portion of the Share Water by releasing water on Brighton’s behalf from Barr Lake into the Beebe Draw; and

**WHEREAS**, Brighton also desires to take delivery of a portion of water rights it owns or controls, other than the Share Water, into the Beebe Canal via the Brighton Augmentation Line for the purpose of providing a source of water to meet Brighton’s augmentation and return flow needs; and

**WHEREAS**, FRICO desires to assist Brighton with the delivery of the Share Water, including releasing water from Barr Lake into Beebe Draw on Brighton’s behalf; to allow Brighton to deliver water from the Augmentation Line; and to operate the Storage Account pursuant to the terms of *A Water Storage and Delivery Agreement*; and

**WHEREAS**, the City of Brighton, FRICO and Burlington have, through extensive negotiations, settled on terms for a *Water Storage and Delivery Agreement*, a copy of which is attached hereto; and

**WHEREAS**, the City of Brighton will provide fair and equitable monetary compensation to FRICO for the management of certain aspects of Barr Lake storage, management, and releases for the benefit of the City of Brighton, as more specifically set forth in the *Agreement*; and

**WHEREAS**, the City Council finds and determines that the terms of the *Water Storage and Delivery Agreement* are reasonable and necessary and that entering into said *Agreement* with FRICO and Burlington is in the best interests of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING BY AND THROUGH ITS WATER ENTERPRISE, AS FOLLOWS:**

1. The *Water Storage and Delivery Agreement* between the City of Brighton, Farmers Reservoir and Irrigation Company, and the Burlington Ditch, Reservoir and Land Company, a copy of which is attached hereto, is hereby approved.
2. The Mayor is authorized to execute said Agreement on behalf of the City.

**DATED THIS 21<sup>st</sup> DAY OF April, 2015.**

**CITY OF BRIGHTON, COLORADO**

**By:** \_\_\_\_\_  
**Richard N. McLean, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Natalie Hoel, City Clerk**

**APPROVED AS TO FORM:**

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**Margaret R. Brubaker, City Attorney**