

RESOLUTION NO. 9-07

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO AUTHORIZING THE APPROVAL OF THE LONG-TERM CONTRACT #06XX6CO122 FOR USE OF EXCESS CAPACITY SERVICE FOR THE TOWN OF BERTHOUD'S NON-PROJECT MUNICIPAL AND INDUSTRIAL WATER THROUGH THE FACILITIES OF THE COLORADO-BIG THOMPSON PROJECT, COLORADO

RECITALS

WHEREAS, the United States constructed the Colorado-Big Thompson Project (Project) as set forth pursuant to the Act of June 25, 1910 (36 Stat. 835; 43 U.S.C. 398), and Subsection B of Section 4 of the Act of December 5, 1924 (43 Stat. 702; 43 U.S.C. 412) (Factfinders Act), and an Act making appropriations for the Department of the Interior for fiscal year ending June 30, 1938 (50 Stat. 595) (Interior Department Appropriation Act, 1938); and,

WHEREAS, the Project is a multipurpose project in Colorado which diverts, stores and regulates water from the Colorado River Basin in western Colorado and conveys it through the Continental Divide to the Big Thompson River on the east slope. The Project, completed in 1956, was constructed for the purpose of providing water for irrigation, power, industrial development and other purposes; and,

WHEREAS, on July 5, 1938, the United States, acting through the Bureau of Reclamation (Reclamation), and the District executed Repayment Contract No. 9-07-70-W0020, the terms of which include, but are not limited to, the repayment of the District's share of the reimbursable irrigation portion of the construction costs and payment of its share of the annual operation, maintenance and replacement costs; and,

WHEREAS, the Project was designed to deliver an average annual yield of 310,000 acre-feet of water to the east slope beneficiaries; however, the average historic yield has been about 220,000 acre-feet annually, leaving excess capacity within the Project facilities at certain times; and,

WHEREAS, the United States, the District, and Berthoud desire to enter into a long-term contract, pursuant to the Federal Reclamation laws and the laws of the State of Colorado, for excess capacity service, as defined in Article 1.c., of Berthoud's Non-project water supply at times when excess capacity is available within the Project facilities; and,

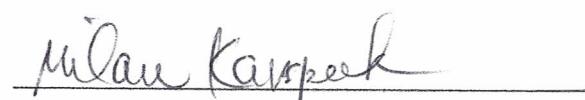
WHEREAS, the United States and the District desire to provide the excess capacity service as requested by Berthoud to help meet its current and future water demands pursuant to the terms and conditions set forth herein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO, ACTING BY AND ON BEHALF OF THE TOWN OF BERTHOUD'S WATER ENTERPRISE, THAT MAYOR MILAN KARSPECK AND TOWN CLERK MARY COWDIN ARE HEREBY AUTHORIZED TO EXECUTE LONG-TERM CONTRACT #06XX6CO122, A CONTRACT AMONG THE UNITED STATES OF AMERICA; THE TOWN OF BERTHOUD, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE; AND, THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT, FOR EXCESS CAPACITY SERVICE OF NON-PROJECT MUNICIPAL AND INDUSTRIAL WATER THROUGH THE FACILITIES OF THE COLORADO-BIG THOMPSON PROJECT.

IT IS FURTHER RESOLVED THAT THE MAYOR AND TOWN CLERK ARE ALSO AUTHORIZED TO ENTER INTO AND EXECUTE SUCH OTHER ADDITIONAL DOCUMENTS AS ARE NECESSARY AND APPROPRIATE TO THE COMPLETION OF THIS CONTRACT.

This resolution was introduced, read and approved by a vote of 5 in favor and 0 opposed at the special meeting of the Board of Trustees on the 20<sup>th</sup> day of March, 2007.

TOWN OF BERTHOUD:

  
Milan Karspeck – Mayor

ATTEST:

Mary K. Cowdin

Mary K. Cowdin - Town Clerk