



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>		Mayor's Office	
<b>File created:</b>	9/3/2015	<b>In control:</b>		City Council	
<b>On agenda:</b>	9/22/2015	<b>Final action:</b>		9/22/2015	
<b>Title:</b>	A resolution granting the City of Colorado Springs approval to enter into the Intergovernmental Agreement - restoration of yield cost sharing among the City of Aurora, the Southeastern Colorado Water Conservancy District, the City of Fountain, the City of Colorado Springs, the Board of Water Works of Pueblo, Colorado, and the Pueblo West Metropolitan District				
<b>Sponsors:</b>					
<b>Indexes:</b>					
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<b>Attachments:</b>	1. ROY Cost Sharing Agreement Resolution Final, 2. ROY Cost sharing agreement-Robbins memo 9-22-15, 3. ROY Cost Sharing Agreement 9-22-15, 4. ROY Cost Sharing presentation, 5. Signed Resolution 92-15.pdf				

Date	Ver.	Action By	Action	Result
9/22/2015	1	City Council	adopted	Pass

**A resolution granting the City of Colorado Springs approval to enter into the Intergovernmental Agreement - restoration of yield cost sharing among the City of Aurora, the Southeastern Colorado Water Conservancy District, the City of Fountain, the City of Colorado Springs, the Board of Water Works of Pueblo, Colorado, and the Pueblo West Metropolitan District**

**From:**  
Jerry Forte, CEO, Colorado Springs Utilities

**Summary:**  
To satisfy the requirements of the Intergovernmental Agreement (6-Party IGA) entered into by the City of Aurora, the City of Colorado Springs, the City of Pueblo, Pueblo Board of Water Works, Southeastern Colorado Water Conservancy District, and the City of Fountain in May of 2004 it has become necessary to more clearly define the financial obligations of participants in the Restoration of Yield program created by the 6-Party IGA.

**Previous Council Action:**  
Original 6-Party IGA creating the Pueblo Flow Management Restoration of Yield Program approved by Colorado Springs City Council on May 25, 2004.

**Background:**  
Prior to commencement of construction on the Southern Delivery System it became necessary to resolve a number of intergovernmental conflicts among water users on the Arkansas River. Among the issues to be addressed was the desire of the City of Pueblo to have more consistent flows in the

Arkansas River through the City of Pueblo for recreational and amenity purposes. In May of 2004 six parties entered into an Intergovernmental Agreement (6-Party IGA) that established the Arkansas River Flow Management Program. The six parties that participated in the agreement were the City of Aurora, the City of Colorado Springs, City of Pueblo, Pueblo Board of Water Works, Southeastern Colorado Water Conservancy District and the City of Fountain (Six Parties). The fundamental agreement was that the Six Parties, to the extent required, would maintain an identified minimum flow through Pueblo and would agree to forbear on the exercise of certain of their exchange water rights to accomplish that goal. The forgone exchange water would then be captured in a downstream reservoir. The Six Parties would then collectively exchange the water back into Pueblo Reservoir during favorable river conditions. The original parties have subsequently been joined by the Pueblo West Metropolitan District. The Six Parties and Pueblo West Metropolitan District are collectively known as the Parties.

The 2004 Agreement has operated successfully the past 10 years. In order for the capture and exchange of forgone diversions to be formalized it was necessary for the Parties to obtain a water right recognizing the exchange priority and the terms and conditions for the exchange. The Parties have initiated obtaining the right to exchange by filing 06CW120. To support the successful litigation of 06CW120 it will be necessary for the Parties to share the cost of the engineering necessary to support the case. More importantly it will be necessary for the Parties to share the cost of acquiring efficient long-term storage, to be utilized for the purposes of the long-term operation of the Restoration of Yield Plan, located in short proximity below the confluence of the Arkansas and Fountain Creek. The 6-Party IGA clarification is designed to effectuate the cost sharing for those aspects for the Restoration of Yield (ROY) Plan where all parties must participate for it to be successful.

**Financial Implications:**

If approved, Colorado Springs will be obligated to pay for 28.57% of the costs of all ROY planning studies. Taking part in the study will not create an obligation to take part in any future long-term storage project being studied. Participation in the development of long-term storage would be subject to approval by City Council at a future date.

**Board/Commission Recommendation:**

Recommend approval

**Stakeholder Process:**

N/A

**Alternatives:**

N/A

**Proposed Motion:**

Motion that the Intergovernmental Agreement to Effectuate Cost Sharing of Planning Studies for the Pueblo Flow Management Restoration of Yield Program be approved in substantially the form attached.

N/A