

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT RELATED TO THE SETTLEMENT OF CASE NOS. 15CW3019, 18CW3041 AND 16CW3015, DISTRICT COURT, WATER DIVISION 5, STATE OF COLORADO

WHEREAS, the City of Colorado Springs, acting through its enterprise Colorado Springs Utilities (“Utilities”) filed an application for a finding of reasonable diligence for its conditional water storage rights for Spruce Lake, Mayflower Lake, and Lower Blue Lake Reservoirs, which is now pending in Case No. 15CW3019, District Court, Water Division 5, to which the Colorado River Water Conservation District, Summit County, the Town of Breckenridge, the Grand Valley Water Users Association, the Orchard Mesa Irrigation District, and the Ute Water Conservancy District filed statements of opposition; and

WHEREAS, Utilities filed an application for a finding of reasonable diligence for its conditional appropriative rights of exchange for its 2003 Homestake-Blue River Exchange, which is now pending in Case No. 18CW3041, District Court, Water Division 5 to which Summit County filed a statement of opposition; and

WHEREAS, Summit County filed an application for a finding of reasonable diligence for its conditional water rights for Swan River Reservoir and Lower Mohawk Reservoir in Case No. 16CW3015, District Court, Water Division No. 5 to which Colorado Springs Utilities filed a statement of opposition; and

WHEREAS, the parties to Case Nos. 15CW3019, 18CW3041 and 16CW3015 have reached an agreement to settle those cases, the terms of which have been set forth in a Memorandum of Agreement attached hereto as Exhibit A and made a part hereof (the “Settlement Agreement”); and

WHEREAS, Utilities requests that City Council approve the Settlement Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

Section 1. City Council finds that the public interest and best interests of the City of Colorado Springs and Colorado Springs Utilities will be served by approving and implementing the Settlement Agreement.

Section 2. City Council hereby approves the Settlement Agreement in substantially the same form as attached hereto subject to such minor modifications as maybe approved by the Colorado Springs Utilities’ Chief Executive Officer and the City Attorney.

Section 3. Utilities' Chief Executive Officer is hereby authorized to execute the Settlement Agreement for and on behalf of Utilities and to take all action reasonably necessary to perform Utilities' obligations contained in the Settlement Agreement.

Section 4. Utilities' Chief Executive Officer and the City's Real Estate Services Manager are authorized to execute all agreements and other documents contemplated in the Settlement Agreement that are necessary for implementation of the Agreement.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Randy Helms, Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk