

RESOLUTION NO. _____, SERIES OF 2024

RESOLUTION AFFIRMING COMMITMENT TO PROTECT AGRICULTURAL WATER RIGHTS IN THE ARKANSAS RIVER BASIN

WHEREAS, the Southeastern Colorado Water Conservancy District (SECWCD) and the City of Aurora acting by and through its Utility Enterprise (Aurora) entered into an Intergovernmental Agreement in October 2003 (2003 IGA); and

WHEREAS, the SECWCD and Aurora negotiated the terms of the 2003 IGA with the understanding that its terms are intended to protect future agricultural water ownership and use in the Arkansas River Basin; and

WHEREAS, the 2003 IGA has helped foster the relationships between water rights owners in the Arkansas River Basin and provided the foundation for subsequent agreements involving Aurora and other entities in the Arkansas River Basin, including the November 2003 Intergovernmental Agreement between Aurora and the Upper Arkansas Water Conservancy District; the May 2004 Intergovernmental Agreement between Aurora, the District, the Cities of Colorado Springs, Pueblo, and Fountain, and the Board of Water Works of Pueblo; and the 2011 Intergovernmental Agreement between Aurora and the Lower Arkansas Valley Water Conservancy District; and

WHEREAS, the 2003 IGA averted substantial litigation from multiple water providers, including the Upper Arkansas Water Conservancy District, and allowed Aurora to use Fryingpan-Arkansas Project infrastructure to export Arkansas Basin water into the South Platte Basin; and

WHEREAS, the Fryingpan-Arkansas Project was approved more than 60 years ago by Congress to improve water security for the Arkansas River Basin by importing West Slope water from the headwaters of the Fryingpan River; and

WHEREAS, the SECWCD Board of Directors adopted Resolution No. 2024 - 03D on April 9, 2024, urging Aurora to refrain from violations of the 2003 IGA in the interests of regional cooperation and relationships between water rights owners and entities in the Arkansas River Basin; and

WHEREAS, at its April 11 meeting, the Upper Arkansas Water Conservancy District Board of Directors called for a resolution supporting the SECWCD's position;

NOW THEREFORE, BE IT RESOLVED, by the Fremont County Board of County Commissioners that:

1. The Fremont County Board of County Commissioners affirms its understanding that a central purpose of the 2003 IGA is to prevent Aurora from purchasing any additional agricultural water rights and permanently transferring those water rights out of the Arkansas River Basin for municipal use; and
2. The Fremont County Board of County Commissioners believes that Aurora's purchase at

this time of additional Arkansas River Basin water rights for transfer out of the Arkansas River Basin would violate the 2003 IGA, and the Fremont County Board of County Commissioners urges Aurora to cease all such violations and refrain from future violations; and

3. The Fremont County Board of County Commissioners believes that the 2003 IGA is a foundational and beneficial document for the Arkansas River Basin, and that for the benefit of maintaining regional cooperation and relationships between water rights owners and entities in the Arkansas River Basin, Aurora, the SECWCD, and the Upper Arkansas Water Conservancy District must remain in compliance with the terms, conditions, and goals of their respective 2003 IGA; and
4. The Fremont County Board of County Commissioners supports both the SECWCD and the Upper Arkansas Water Conservancy District in their efforts to assure Aurora's compliance with 2003 Intergovernmental Agreements.

Adopted this 23rd day of April, 2024.

Commissioner _____ moved adoption of the foregoing Resolution, seconded by Commissioner _____ and approved by roll call vote as follows:

Debbie Bell	AYE	NAY	ABSTAIN	ABSENT
Kevin Grantham	AYE	NAY	ABSTAIN	ABSENT
Dwayne McFall	AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: _____

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: _____
Chairman

By: _____
Clerk to the Board