

ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT

RESOLUTION 2023-02

**A RESOLUTION TO FILE A DILIGENCE APPLICATION FOR
CONDITIONAL WATER STORAGE RIGHTS IN COFFINTOP RESERVOIR**

WHEREAS, the St. Vrain & Left Hand Water Conservancy District (the “District”) was organized April 19, 1971 as a non-profit water conservancy district under the Water Conservancy Act of the State of Colorado (Colorado Revised Statutes of 1973, Section 37-45-102 to 152, as amended); and

WHEREAS, the District obtained water court decrees in Case Nos. W-66 and 80CW462, District Court, Water Division No. 1, adjudicating conditional water storage rights in Coffintop Reservoir, as enlarged (the “Subject Water Rights”); and

WHEREAS, the Subject Water Rights were specifically identified as critical elements of the District’s integrated water supply plan under § 37-32-301, C.R.S., as decreed in Case No. 02CW334; and

WHEREAS, under the Water Right Determination and Administration Act of 1969, §§ 37-92-101, *et seq.*, C.R.S. (“1969 Act”), a party must file an application either evidencing the perfection of its conditional rights or demonstrating that the party has diligently pursued the perfection of its conditional rights no later than the last day of the month six years from the entry to the decree for such conditional rights; and

WHEREAS, in accordance with the 1969 Act, the District has subsequently filed for and received findings of reasonable diligence towards the perfection of the Subject Water Rights, most recently in Case No. 17CW3117, District Court, Water Division No. 1; and

WHEREAS, because the decree in Case No. 17CW3117 was entered by the Court on January 30, 2018, the deadline for filing an application for continued diligence is January 31, 2024; and

WHEREAS, the District’s Board of Directors (the “Board”) has taken numerous steps to identify and evaluate options to optimize the use of the Subject Water Rights, including but not limited to the creation a Coffintop Committee, the adoption of the District’s Business Plan, the drafting and adoption of the St. Vrain Creek and Left Hand Creek Stream Management Plan, the passage of a mill levy override to raise funds for, among other objectives, to evaluate and implement multiple creek improvement facilities within the watershed; and


WHEREAS, the Board, having invested substantial resources in the watershed generally and the Subject Water Rights specifically, re-affirms that the Subject Water Rights continue to be critical elements of the District’s integrated water supply plan; and

WHEREAS, the District affirms its desire to file an application in water court seeking a finding that it has been continuously diligent in its pursuit to perfect the Subject Water Rights during the six-year diligence period from February 2018 through the present time.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT, THAT:

1. The District authorizes and directs its staff, consultants, and legal representatives to conduct such work as necessary to prepare and file an application in water court on or before January 31, 2024 seeking a finding that it has been continuously diligent in its pursuit to perfect the Subject Water Rights as decreed in Case Nos. W-66 and 80CW462 and as most recently confirmed in Case No. 17CW3117 during the six-year diligence period from February, 2018 through the present time.
2. This Resolution, as adopted by the Board, shall be numbered and recorded in the official records of the District.
3. This Resolution shall be effective immediately upon adoption and shall remain in full force and effect until modified or rescinded by further affirmative action of the Board.

ADOPTED this 13th day of March, 2023.

By: 
Christopher Smith, President

ATTEST:

By: 
Kurt Carlson, Secretary