

RESOLUTION OF THE  
GOVERNING BODY OF THE  
REPUBLICAN RIVER WATER CONSERVATION DISTRICT  
WATER ACTIVITY ENTERPRISE TO AMEND THE ANNUAL USE FEE

**RESOLUTION NO. 21-13**

WHEREAS, the Republican River Water Conservation District (“District”) was created pursuant to section 37-50-103(1), C.R.S., for the purpose of cooperating with and assisting the State of Colorado to carry out its duty to comply with the limitations and duties imposed upon the Republican River Compact (“Compact”); and

WHEREAS, pursuant to section 37-50-107(l)(k), C.R.S., the District has established a water enterprise pursuant to Article 45.1 of Title 37 of the Colorado Statutes (“Enterprise”); and

WHEREAS, pursuant to the Water Activity Enterprise Law, section 37-45.1-103(3), C.R.S., the governing body of the Water Activity Enterprise is the Board of Directors of the District (“Governing Body”); and

WHEREAS, the Governing Body, in relation to Enterprise business, may exercise the District's legal authority relating to water activities; and

WHEREAS, pursuant to section 37-50-107(l)(e), C.R.S., the District has the power to do and perform all acts and things necessary or advisable to protect existing beneficial uses of water within the District through compliance with the Republican River Water Compact, and

WHEREAS, pursuant to section 37-50-107(l)(m), C.R.S., the District has the power to impose a use fee on the diversion of water within the District; and

WHEREAS, a use fee is necessary to provide programs and services and to take other actions necessary or advisable to protect beneficial uses of water within the District through compliance with the Republican River Compact and to support operations of the Enterprise;

WHEREAS, pursuant to Resolution No. 04-01 the Governing Board established an initial use fee of \$5.50 per assessed irrigated acre in order to fund the District's conservation programs to assist the State of Colorado in achieving and maintaining Compact compliance; and

WHEREAS, pursuant to Resolution No. 08-07, the Governing Board raised the

initial use fee to \$14.50 per assessed irrigated acre in order to provide additional funding for the necessary conservation programs and to design, build, operate, and maintain the Compact Compliance Pipeline (“CCP”) and purchase the groundwater permits necessary to provide the water supply for the Pipeline in order to assist the State of Colorado in achieving and maintaining Compact Compliance; and

WHEREAS, On August 24, 2016, the Republican River Compact Administration adopted the Resolution by the Republican River Compact Administration Approving Operation and Accounting for the Colorado Compact Compliance Pipeline and Colorado’s Compliance Efforts in the South Fork Republican River Basin (“2016 RRCA Resolution”), which, among other provisions, approves the continued operations of the CCP and requires the State of Colorado, using voluntary conservation programs, to retire up to an additional 25,000 acres in the South Fork Republican River Basin by December 31, 2027, of which 10,000 acres must be retired by December 31, 2022 (since extended to 2029 and 2024, respectively); and,

WHEREAS, on April 25, 2019, The Governing Body adopted Policy No. 19-3 Establishing and Correcting Water Use Fees for Non-Groundwater irrigation Use in Accordance with the Republican River Compact Administration Accounting Procedures and Reporting Requirements which established such fees in relation to the per-assessed acre fee; and

WHEREAS, the Board of Directors of the District, and through their various committees, have met numerous times to discuss the issues of Compact Compliance and the necessity of increasing the water use fee in order to provide additional funding for conservation programs to assist the State in meeting the requirements of the 2016 RRCA Resolution and held public meetings around the District in Wray, Holyoke, Yuma, Idalia, Burlington and Stratton during September and October 2021; and,

WHEREAS, the District provided additional published notice to the water users of the District that the District would hold a hearing in Wray Colorado on November 16, 2021, at 10:45 am; and

WHEREAS, the Governing Body took public comment and testimony on this potential increase in the water use fee; and,

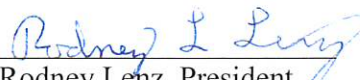
WHEREAS, the Governing Body has considered such public comment and testimony and held further discussions within the Governing Body and, after much consideration, has determined that increased funding is necessary for new and existing conservation programs within the District to assist towards overall Compact Compliance and to assist the State of Colorado in meeting the acreage retirement requirements of the 2016 RRCA Resolution.


## RESOLUTION

NOW, THEREFORE, be it resolved by the Board of the District, acting as the Governing Body of the Water Activity Enterprise, as follows:

1. An annual use fee of \$ 30.00 per assessed groundwater irrigated acre is hereby imposed on the diversion of ground water for irrigation use within the District beginning January 1, 2022.
2. The Governing Body hereby affirms the continued application of Policy 19-03 and will apply the terms, requirements, restrictions, and formulae contained therein to determine the water use fee for the beneficial consumptive use of water within the District for other than groundwater use through sprinklers.
3. The Governing Body shall request the county assessors and treasurers of each county within the District to assess and collect the annual use fees and such fees will be due and payable with the other taxes and fees assessed annually by the assessors and treasurers of each county on real property.
4. The revenues from the annual use fee shall be used to carry out the operations, programs, and services necessary to assist the State of Colorado in achieving and maintaining Compact compliance as directed by the Governing Body.
5. The Enterprise will notify the State Engineer of any user who fails to pay the annual use fee when due and that any water or credit for withdrawal of irrigated acreage from irrigation provided by the Enterprise for the purpose of cooperating with and assisting the State of Colorado to carry out its duty to comply with the limitations and duties imposed upon the State by the Republican River Compact shall not benefit such user.
6. Unless the Governing Body takes other specific action through a written resolution prior to December 31, 2029, the annual use fee will be reduced to \$14.50 per assessed groundwater irrigated acre without further action from the Governing Body.

ADOPTED THIS 16th day of November 2021.

  
Rodney Lenz, President  
Republican River Water Conservation District  
Yuma County, Colorado

ATTEST:  
  
Gilbert Anderson  
Republican River Water Conservation District  
Yuma County, Colorado