

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
CONCERNING THE FILING OF AN APPLICATION FOR A CONDITIONAL WATER RIGHT
(SURFACE) FOR DIVERSION AND ALTERNATE POINTS OF DIVERSION FOR COW CREEK-
RIDGWAY RESERVOIR PIPELINE, ENLARGMENT OF USE OF RAM'S HORN RESERVOIR,
AND CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE FOR COW CREEK,
UNCOMPAGRE RIVER AND DALLAS CREEK.**

WHEREAS, Ouray County (County) is body corporate and politic empowered to sue or be sued, purchase and hold real and personal property for the use of the county, and to make all contracts and do all other acts in relation to the property and concerns necessary to the exercise of its corporate or administrative powers pursuant to C.R.S. §30-11-101(1), as amended from time to time;

WHEREAS, Ouray County Water Users' Association (OCWUA) is a Colorado not-for-profit 501(c)(4) corporation, with members who are water users in the Upper Uncompahgre River Basin within Ouray County, including farmers, ranchers, commercial facility owners, the Town of Ridgway, the City of Ouray, Tri-County, and the County of Ouray, whose purpose is to protect and develop water rights in Ouray County for the benefit of those living in and visiting;

WHEREAS, Tri-County Water Conservancy District (Tri-County) is a Colorado conservancy district, whose purpose is to carry out projects within the Colorado River Storage Project Act, including the Dallas Creek Project, and to be the entity to contract with the Bureau of Reclamation for repayment of project costs, and to provide water to users within Ouray, Montrose and Delta counties;

WHEREAS, Tri-County owns multiple water rights in the County, including conditional rights related to potential future projects i.e. Dallas Divide Reservoir, Dallas Divide Reservoir Enlargement, Ram's Horn Reservoir, and Sneva Reservoir and Tri-County operates the Ridgway Dam and Reservoir under a contract with the US Bureau of Reclamation;

WHEREAS, the County, Tri-County, and OCWUA entered into an agreement on July 31, 2017 to jointly and cooperatively develop certain water rights owned by Tri-County to address current and future water needs and shortages in Ouray County with the potential for such water rights to eventually be transferred to the County and/or OCWUA, ;

WHEREAS, the County has led an effort to quantify the needs of water users in Ouray County and gaps that may exist between existing available water rights and both existing and future water needs and how the administration of existing water rights in the County curtails important water uses, particularly during dry years such as 2018; and

WHEREAS, the County, Tri-County, and OCWUA, have determined that a plan to augment existing water supplies, reasonably prepare for future water needs, and limit shortages to the extent feasible, requires the appropriation of new water rights and the filing of an application in District Court, Water Division 4, to confirm those additional water rights from Cow Creek, establish alternative points of diversion for a pipeline to Ridgway Reservoir, enlarge the uses of Ram's Horn Reservoir, and confirm appropriative rights of exchange between Ram's Horn Reservoir and the confluence of Cow Creek Basin, the Uncompahgre River and Dallas Creek (Application);

WHEREAS, the enlarged uses appropriated for Ram's Horn Reservoir, include storage for uses including augmentation, exchange, piscatorial, municipal, irrigation, domestic, industrial, commercial, hydropower, reuse, aquifer recharge, streamflow enhancement and augmentation for aquatic life including improving water quality for aquatic habitat, predicated upon cooperation and participation of the Colorado Water Conservation Board);

WHEREAS, the water rights for Ram's Horn Reservoir are owned by Tri-County and any additional water rights should also be owned, in part, by Tri-County;

WHEREAS, the County, Tri-County and OCWUA have the intent to, and on November 20, 2019, did appropriate the water contemplated in the Application for beneficial purposes, including irrigation, augmentation, domestic, municipal, recreational, piscatorial, fishery, and hydro purposes, and can and will put such water to the beneficial purposes for which the water rights were appropriated;

WHEREAS, Tri-County passed a resolution on November, 2019, authorizing its staff to take necessary actions to confirm the appropriation of the water rights, including direction to proceed with filing of the Application, in coordination and cooperation with the County and the Ouray County Water Users' Association; and

WHEREAS, the County similarly desires to authorize its staff and the County Attorney to proceed with such actions as are necessary to confirm the appropriation of the water rights, including posting notices as appropriate, taking such other field action as may be required, and filing of the Application, in coordination with Tri-County and the OCWUA.

NOW, THEREFORE, BE IT RESOLVED BY THE OURAY COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

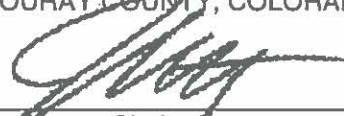
1. The County hereby confirms its intent to appropriate water rights for beneficial purposes, as described in the draft Application for Water Rights for Surface Diversion for the Cow Creek – Ridgway Reservoir Pipeline, Alternate Points of Diversion for the Cow Creek – Ridgway Reservoir Pipeline Project, Rams Horn Reservoir Use Enlargement, and Conditional Appropriative Right of Exchange and the Application is hereby approved, subject to additional revisions as determined appropriate by the Ouray County Attorney; and
2. Authorizes the County Attorney to proceed with filing of the Application, in coordination with Tri-County Water Conservancy District and the Ouray County Water Users' Association;
3. And authorizes its staff and consultants to take such other actions as may be necessary to confirm the appropriation of the water rights described herein.

APPROVED AND ADOPTED THIS 10TH DAY OF December, 2019.

Voting for: COMMISSIONERS PETERS, TISDEL + BATCHELDER

Voting against: NONE

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



John Peters, Chair



Ben Tisdell, Vice Chair



Don Batchelder, Commissioner Member

Attest:



Michelle Nauer, Clerk and Recorder

By: Hannah Hollenbeck, Deputy Clerk of the Board