

Monument Board of Trustees, May 19

Triview a step closer to water ownership

By Jim Kendrick

On May 19, the Monument Board of Trustees approved an ordinance to establish a new ancillary fund to be known as the Monument Lake Water Storage Fund. The ordinance will help facilitate a related intergovernmental agreement (IGA), approved on April 7, between the town and Triview Metropolitan District allowing Triview to use the town's water storage rights in the town's Monument Lake for up to 75 acre-feet for augmentation water.

Trustees Kelly Elliott, Stan Gingrich, and Jeff Kaiser did not attend this meeting.

Ancillary water fund creation approved

Town Treasurer Monica Harder reported that the board had approved the IGA between Triview and the Town of Monument on April 7 for water use and storage, which in-

cluded a stipulation for Triview to pay the town \$675,000 for the ability to store up to 75 acre-feet of water, as needed by Triview, using the town's water storage rights in the town-owned Monument Lake.

The resolution that approved this IGA also states that the town may use all of its annual average surface water right of 75 acre-feet from Beaver Creek for later release "for replacement of any injurious post-pumping depletions which may result from Triview's use of water purchased from Jackson Creek (Land Co.), pursuant to any applicable plan for augmentation to be adjudicated by Triview for such purposes."

The resolution also stated that while the town will provide storage and Beaver Creek surface water for augmentation as required to Triview so that Triview can sell the water formerly owned by Jackson Creek Land Co. back to it for future developments within Triview, "the town is not responsible for meeting any such post-pumping replacement obligations, except as provided in this 2014 IGA and the water (sale) agreement."

This ancillary fund ordinance is part of a water augmentation plan between Triview and Jackson Creek Land

Co. that has not yet been approved by the state or adjudicated by the state water court.

The town had recently begun denying approval of some new construction on property owned by the Jackson Creek Land Co. within Triview until it concluded the sale of all its water rights to Triview. Monument now requires any developer to deed its water rights to the town for any development within the town boundary prior to issuing any construction permits. The town has land use authority over all the land in the Triview service area, while Triview has the obligation to provide water and wastewater services within its service area.

The language in the IGA between the town and Triview clarifies "the rights and responsibilities of each in the provision, delivery, and use of a water supply sufficient to support a plan for augmentation allowing Triview to provide water service to include the Jackson Creek (Land Co.) developments, the scope and detail of which are more specifically described and contained in the Water Agreement." Triview is solely responsible for obtaining, treating, and delivering water services for each of its "will serve" letters to developers. The town will not review, approve, or bear any responsibility for fulfillment of any of these future Triview "will serve" letters or provide its Beaver Creek surface water rights to Triview for any purpose other than augmentation and only if the augmentation plan is approved and adjudicated.

The money in this new ancillary account must be segregated from all other town general fund revenues as well as already segregated town water enterprise fund revenues. The town will provide Triview and Jackson Creek Land Co. and its affiliate development partner Centre Development Company LLC with annual accountings of this new ancillary fund's disbursements, or more frequently on request (maximum of monthly).

The uses of this Triview ancillary fund will be restricted to expenditures on infrastructure, improvements, and delivery of water as described in the IGA. The remaining balance of the ancillary fund would be returned to Triview only in the event that an augmentation plan that would allow use of all of the water credits in connection with the anticipated development in Jackson Creek is not approved by the state and adjudicated by the state water court by Dec. 31, 2019.

The ordinance for creation of this new ancillary fund

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