

**TOWN OF PALISADE
RESOLUTION NO. 2023-03**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
PALISADE, COLORADO AUTHORIZING TOWN STAFF TO TAKE
CERTAIN ACTIONS REGARDING TOWN WATER RIGHTS.**

WHEREAS, the Town has water rights that have been approved by the District Court in and for Water Division No. 5 concerning water rights tributary to Rapid Creek, Cottonwood Creek and the Colorado River; and

WHEREAS, water court applications are published in the regional newspapers each month in the “Water Resume;” and

WHEREAS, the Town reviews the Water Resume to determine if there are applications filed that might affect Town water rights or property; and

WHEREAS, in order to monitor the progression and outcome of water court applications, the Water Court Rules require a interested party to file a Statement of Opposition; and

WHEREAS, on December 29, 2022, Snowcap Coal Company, Inc., Delaware Corporation, filed an Application for Conditional Groundwater Rights, Conditional Storage Right, and for Approval of Plan for Augmentation, Including Exchange Project (Case No. 18CW3197) (“Snowcap Application”); and

WHEREAS, the Town has an interest in monitoring the Snowcap Application, and opposing the entry of decrees therein, as it may affect Town water rights; and

WHEREAS, the only way for the Town to participate in monitoring and opposing the BCP-ARR Application is by filing a statement of opposition which had to be filed by February 28, 2023; and

WHEREAS, Town Staff and the Town’s water attorney decided that it was in the Town’s best interest to meet this filing deadline and file a Statement of Opposition to the Snowcap Application as the Town’s water rights and/or real property rights may be affected.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF PALISADE, COLORADO:**

Section 1. That the Town Staff and Town water attorney’s decision to file the Statement of Opposition to the Snowcap Application was in the Town’s best interest and such is hereby authorized and ratified herein.

Section 2. That the Town Staff and Town's water attorney are authorized to take the steps necessary in water court to ensure that the granting of the Snowcap Application in whole or part does not adversely affect the Town.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Palisade, Colorado, held on March 14, 2023.

TOWN OF PALISADE, COLORADO

By: 
Greg Mikolai, Mayor

ATTEST:


Town Clerk

