

**AGREEMENT REGARDING ALLOTMENT CONTRACTS WITH THE
SOUTHERN WATER SUPPLY PROJECT WATER ACTIVITY ENTERPRISE,**

**A WATER ACTIVITY ENTERPRISE OWNED BY
THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT**

FOR CAPACITY IN THE SOUTHERN WATER SUPPLY PROJECT

This Agreement is made and entered into this _____ of _____, 2018, by and among:

the Town of Berthoud, the City and County of Broomfield, the Town of Erie, the City of Fort Lupton, the City of Fort Morgan, the Town of Hudson, Little Thompson Water District, Central Weld County Water District, the City of Longmont, the City of Louisville, Morgan County Quality Water District, Platte River Power Authority, Superior Metropolitan Water District, and Tri-State Generation and Transmission Association, Inc. (collectively, “SWSP I Allottees”); and

the Southern Water Supply Project Water Activity Enterprise (hereinafter “the SWSP Enterprise”), a government-owned business within the meaning of Article X, Section 20(2)(d) of the Colorado Constitution, that is organized pursuant to C.R.S. §§ 37-45.1-101, *et seq.* and owned by the Northern Colorado Water Conservancy District (a quasi-municipal entity and political subdivision of the State of Colorado), and whose address is 220 Water Ave., Berthoud, Colorado, 80513,

for the purpose of clarifying the treatment of the SWSP I Allottees’ allocation of capacity in the Southern Water Supply Project.

RECITALS

- A. The SWSP Enterprise has designed, developed, and constructed a municipal water supply conveyance system known as the Southern Water Supply Project (“SWSP I”) to provide untreated water from the Carter Lake Outlet Works Modification via pipeline to various municipalities, water districts, and other entities within the Northern Colorado Water Conservancy District. The SWSP I Allottees have entered into multiple contracts with the SWSP Enterprise for an allocation of capacity in SWSP I.
- B. The Town of Berthoud, the City and County of Broomfield, the Town of Erie, the City of Fort Lupton, the City of Fort Morgan, the Town of Hudson, Little Thompson Water District, Central Weld County Water District, the City of Longmont, the City of Louisville, Morgan County Quality Water District, Platte River Power Authority, Superior Metropolitan Water District and the SWSP Enterprise entered into Allotment Contracts dated January 1994 (“1994 Allotment Contract”), under which the herein-stated SWSP I Allottees were granted the perpetual, exclusive right to use their respective allocations of Original Capacity in the Carter Lake Outlet Works Modification and the pipeline, as well as a proportional allocation of expenses associated with the construction, operation, maintenance of the Carter Lake Outlet

Works Modification and the pipeline. In 2016, the City of Fort Lupton transferred a portion of its allocated Original Capacity in the Carter Lake Outlet Works Modification and the pipeline to Tri-State Generation and Transmission Association, Inc.

- C. In 2001, the SWSP Enterprise initiated a project (the “Pump Project”) to add pumping plants to SWSP I for the purpose of increasing the flow in the Carter Lake Outlet Works Modification and creating additional capacity to carry water in the pipeline. The Town of Berthoud, the City and County of Broomfield, the Town of Erie, the City of Fort Lupton, the City of Fort Morgan, the Town of Hudson, Little Thompson Water District, Central Weld County Water District, the City of Longmont, the City of Louisville, Morgan County Quality Water District, Platte River Power Authority, Superior Metropolitan Water District and the SWSP Enterprise are parties to Allotment Contracts dated August 2001 (“2001 Allotment Contract”), under which the herein-stated SWSP I Allottees were allotted the perpetual, exclusive right to use their respective allocations of Additional Capacity in the Carter Lake Outlet Works Modification and the pipeline, as made available by the completion of the Pump Project, as well as a proportional allocation of the construction, operation, maintenance and other expenses associated with the creation of such Additional Capacity.
- D. The SWSP Enterprise is developing a second water pipeline (“SWSP II”), which will supply additional untreated water for municipal purposes from Carter Lake to municipalities, water districts, and other entities located within the Northern Colorado Water Conservancy District that did not participate in SWSP I. Deliveries of water from Carter Lake to the participants in SWSP II will also be made through the Carter Lake Outlet Works Modification according to each SWSP II participant’s respective allotment contracts with the SWSP Enterprise.
- E. For the purposes of billing and cost allocation among the SWSP I participants for expenses related to completion of the Pump Project, the 2001 Allotment Contract differentiated between the “Additional Capacity” in SWSP I created by the Pump Project and the “Original Capacity” in SWSP I that existed prior to the construction of the Pump Project. However, the distinction between Original and Additional Capacity is no longer maintained by the SWSP Enterprise for billing and cost allocations; rather, the SWSP Enterprise apportions costs among the Participants in both SWSP I and SWSP II in accordance with each Participant’s allocation of capacity in the Carter Lake Outlet Works Modification and pipelines.
- F. The purpose of this Agreement is to formalize the existing practice of the SWSP Enterprise and to eliminate any distinctions between Additional and Original Capacity for SWSP I Participants and to reflect the SWSP I Allottees’ respective pro rata share of the capacity in the Carter Lake Outlet Works Modification, as now allocated among the participants in both SWSP I and SWSP II.

AGREEMENT

- 1. For all purposes, including billing and cost allocations, the Parties agree that the use of the terms Additional Capacity and Original Capacity in the 2001 Allotment Contract shall be combined and treated in an identical manner, and all references thereto shall mean the SWSP

I Allottees' total pro rata share of the capacity in the Carter Lake Outlet Works Modification and pipeline.

2. A complete allocation of capacity in the Carter Lake Outlet Works Modification for the SWSP I and SWSP II Participants is listed in **Exhibit A** attached hereto. The parties acknowledge and confirm that the attached Exhibit A correctly states their respective allocations of capacity in the Carter Lake Outlet Works Modification. These participants and allocations may change over time because of allotment transfers or the allocation of capacity to new participants. SWSP Enterprise will maintain a complete up-to-date list of all participants and their respective allocation in the Carter Lake Outlet Works Modification.
3. Except as specifically stated herein, the 1994 Allotment Contract and the 2001 Allotment Contract shall remain unchanged and in full force and effect in accordance with their respective terms.

**SOUTHERN WATER SUPPLY
PROJECT WATER ACTIVITY
ENTERPRISE**

By: _____
Name: _____
Title: _____
Date: _____

TOWN OF BERTHOUD

By: _____
Name: _____
Title: _____
Date: _____

TOWN OF HUDSON

By: _____
Name: _____
Title: _____
Date: _____

TOWN OF ERIE

By: _____
Name: _____
Title: _____
Date: _____

CITY OF FORT LUPTON

By: _____
Name: _____
Title: _____
Date: _____

CITY OF FORT MORGAN

By: _____
Name: _____
Title: _____
Date: _____

LITTLE THOMPSON WATER DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

CENTRAL WELD COUNTY WATER DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

CITY OF LOUISVILLE

By: _____

Name: _____

Title: _____

Date: _____

PLATTE RIVER POWER AUTHORITY

By: _____

Name: _____

Title: _____

Date: _____

MORGAN COUNTY QUALITY WATER DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

By: _____

Name: _____

Title: _____

Date: _____

SUPERIOR METROPOLITAN WATER DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

THE CITY AND COUNTY OF BROOMFIELD,
Colorado Municipal Corporation and County

Randal E. Ahrens,
Mayor

ATTEST:

City and County Clerk

APPROVED AS TO FORM:

City and County Attorney

**CITY OF LONGMONT,
A MUNICIPAL CORPORATION,
ACTING BY AND THROUGH ITS
WATER UTILITY ENTERPRISE**

By: _____

Name: _____

Title: Mayor _____

Attest: _____
City Clerk

APPROVED AS TO FORM:

ASSISTANT CITY ATTORNEY

DATE

PROOF READ

DATE

APPROVED AS TO FORM AND SUBSTANCE:

WATER UTILITY ENTERPRISE FUND

DATE

SCHEDULE A
Outlet Works Capacity

	Capacity (cfs)	Allocation Percentage
Berthoud	7.2	3.28%
Broomfield	22.3	10.15%
Erie	5.5	2.50%
Fort Lupton	9.5	4.33%
Fort Morgan	17.1	7.79%
Hudson	2.9	1.32%
Little Thompson/Central Weld Co. W.D.	45.0	20.49%
Longmont	24.3	11.07%
Louisville	7.2	3.28%
Morgan County Quality W.D.	2.7	1.23%
Platte River Power Authority	18.0	8.20%
Superior Metropolitan Water District	6.0	2.73%
Tri-State Generation and Transmission	4.9	2.23%
City of Boulder	32.0	14.57%
Left Hand Water District	12.0	5.46%
Longs Peak Water District	3.0	1.37%
Total	219.6	100.00%