

**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%