

RESOLUTION 2020-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF DURANGO WEST METROPOLITAN DISTRICT NO. 2 ESTABLISHING RESTRICTIONS ON PROVIDING WATER SERVICE FOR NEW SUBDIVISIONS OR ADDITIONAL DWELLING UNITS WITHIN THE DISTRICT.

WITNESSETH:

WHEREAS, the Durango West Metropolitan District 2 (the "District") is a Colorado Special District organized pursuant to the Colorado Special District Act, C.R.S. § 32-1-101, *et seq.* (the "Act"); and

WHEREAS, the District owns, operates and maintains a water supply and distribution system (the "District Water System) which provides water for domestic use and fire protection; and

WHEREAS, the Act authorizes the Board of Directors (the "Board") of the District to adopt, amend, and enforce rules and regulations for the connection of properties to the District Water System; and

WHEREAS, since the District was organized in 1979 the need for the development of an adequate, reliable water supply has been a priority for the District; and

WHEREAS, the initial water supply for the District Water System was provided by a series of District owned and operated wells which were not adequate to meet existing and projected demands for developed and approved lots within the District; and

WHEREAS, the District contracted for numerous engineering studies and testing in an effort to identify and develop additional water supplies; and

WHEREAS, in 1986 the District negotiated an agreement to purchase additional water to supplement the limited supply from the District wells from Lake Durango Water Company, a private water company formed to provide water to development in a large service area that included the District; and

WHEREAS, the La Plata County Board of County Commissioners adopted Resolution No. 2003-29 on July 7, 2003 imposing a moratorium on any new development utilizing the Lake Durango Water Company as its water source based on its determination that the Company did not have an adequate water supply to serve its current 1,435 committed taps, including 362 District taps; and

WHEREAS, in 2008 the District and other political subdivisions formed Lake Durango Water Authority (LDWA), a political subdivision of the state of Colorado, to acquire and operate the Lake Durango water system; and

WHEREAS, in October 2010, LDWA obtained a Safe Yield Report which confirmed that LDWA's current water rights were only sufficient, in drought conditions, to supply 792 of the 1,435 current tap commitments and that additional water supplies would need to be developed to serve current commitments and provide water for any new development; and

WHEREAS, LDWA purchased water to be withdrawn from Lake Nighthorse and completed construction of a pipeline in 2018 which will deliver water to the Lake Durango Water system to provide an additional water source for the Lake Durango system; and

WHEREAS, the La Plata County Board of County Commissioners adopted a resolution in 2018 allowing

LDWA to add new customers to its system based on a determination that system could serve a maximum of 1,817 taps during a drought scenario, an increase of 365 new taps in addition to the current tap commitments; and

WHEREAS, LDWA has commenced selling taps for new development to customers within its service area however there is a significant demand for the 365 additional new taps for the entire LDWA service area of which the District is only a small portion so there is no guarantee the District will be able to acquire any of the additional taps in the future; and

WHEREAS, the District Water System relies on its wells for a substantial portion of its supply due to the lower operating costs however well production is dependent on annual rain and snowfall which varies each year; and

WHEREAS, the Board has previously determined that the Southwest is experiencing a long-term climate trend toward drought conditions which will require adoption of measures to insure that the current supply of water available to the District is adequate to safely meet the demands of existing District customers and provide adequate storage for fire protection; and

WHEREAS, all the currently platted lots in the District have been developed with a single residential unit on each lot; and

WHEREAS, the Board has determined that there is not an adequate water supply available to the District for the development of additional residential or commercial lots or dwelling units and that the District should not provide service for such development in order to provide a safe, adequate and reliable water supply for its residents.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Durango West Metropolitan District No. 2:

1. **Water Tap Sales.** The District will not sell water taps or provide water service for any additional lots or dwelling units. No connection of an additional dwelling unit to an existing water service line is permitted. The owner of any platted lot within the District on the Effective Date of this resolution which does not currently have a water tap shall be permitted to purchase a water tap for one single-family residential unit on that lot.

2. **Development and Building Permits.** The District shall provide a copy of this resolution to the La Plata County Planning and Building Departments to ensure that no new development of residential or commercial lots or additional dwelling units requiring water service from the District Water System is permitted within the District.

3. **Effective Date.** This Resolution shall be effective immediately upon its adoption and approval.

ADOPTED this 17th day of June, 2020.

DURANGO WEST METROPOLITAN DISTRICT NO. 2

By: Wayne Shuck
President

ATTEST:

Jane Jones
Secretary