TOWN OF MILLIKEN
TOWN BOARD
AGENDA MEMORANDUM

To: Mayor Woodcock and Board of Trustees From: Kent Brown, Town Administrator	Meeting Date: Wednesday, June 29, 2016

Consent:	Action:	Discussion:	Information:
X			
Agenda Title: 2016 Water Lease Agreement with Binder Family Farms			
Attachments: Water Lease Agreement			

PURPOSE

To review and consider for approval an agreement with Binder Family Farms for the 2016 water season.

BACKGROUND

Each year the Town can and does lease excess water, if available for monetary recompense to various agencies and companies. The lease of 1.0 shares of Consolidated Hillsborough Ditch Water is available according to the town's water engineer, Forrest Leaf. The lease to Binder Family Farms for 1.0 shares of Consolidated Hillsborough Ditch Company Water will expire October 31, 2016.

The Town of Milliken has an Augmentation Plan 02CW339 with the State of Colorado. The Town's Water Engineer and the Town's Water Commission have reviewed this lease and feel sufficient water shares are available for lease in accordance with our current Augmentation Plan.

BUDGET IMPLICATIONS

The Town will receive $45 per acre foot.

POSSIBLE MOTION

"I move that the Town approve the Water Lease Agreement with Binder Family Farms and authorize the Town Administrator to execute the lease on behalf of the Town."

TEMPORARY WATER LEASE AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of June, 2016 by and between, the Town of Milliken, hereinafter referred to as Lessor, and Binder Family Farms LLC, hereinafter referred to as Lessee.

WITNESSETH:

WHEREAS: Lessor is the owner of Consolidated Hillsborough Ditch Company, Hillsborough Extension Ditch Company and Extension Irrigation Ditch Company Water Shares; and

WHEREAS, Lessor desires to lease to Lessee water shares from the Lessor's Consolidated Hillsborough Ditch Company water shares and Lessee desires to lease the same,

NOW THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, it is agreed as follows:

1. Lessor shall lease_1.0_ share of Consolidated Hillsborough Ditch Company.

2. The total amount due and payable to the Lessor by the Lessee on or before October 31, 2016 calculated upon $45.00 per acre foot measured and delivered to the lands listed in paragraph 4 below.

3. The term of this lease shall be for the 2016 Irrigation Season from June 30 through October 31, 2016.

4. The location of the subject shares will be used for irrigation only on lands historically irrigated under the Consolidated Hillsborough Ditch System located in the **NW1/4 and the W1/2 of the NE1/4 of Section 10, 4N, 67W.** In addition, the lessee shall provide to the Town the actual monthly volume of water delivered to the parcel by the ditch company as required in ¶7.12.4 of 02CW339. Monthly deliveries must be reported to the Town by the 10th of each following month. Failure to report monthly deliveries of the subject shares will result in immediate termination of this lease.

IN WITNESS HEREOF, Lessor and Lessee have caused this Temporary Water Lease Agreement to be executed.

DATED this _____ day of June 2016

TOWN OF MILLIKEN

_____
Kent Brown, Town Administrator

ATTEST

_____
Cheryl Powell, Town Clerk

_____ _____
Binder Family Farms Title

_____
Printed Name