



**TOWN OF MILLIKEN
TOWN BOARD
AGENDA MEMORANDUM**

To: Mayor Woodcock and Board of Trustees	Meeting Date:
From: Kent Brown, Town Administrator	Wednesday, July 13, 2016

Consent: X	Action:	Discussion:	Information:
Agenda Title: 2016 Water Lease Agreement with Frank Farms, LLC			
Attachments: Water Lease Agreement			

PURPOSE

To review and consider for approval an agreement with Frank Farms, LLC 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 share of GLIC, 5.0 shares of Seven Lakes and .50 rights of Lake Loveland is available according to the town's water engineer, Forrest Leaf. The lease to Frank Farms, LLC for 1.0 share of GLIC, 5.0 shares of Seven Lakes and .50 rights of Lake Loveland 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 Frank Farms, LLC 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 July, 2016 by and between, the Town of Milliken, hereinafter referred to as Lessor, and Frank Farms, LLC, hereinafter referred to as Lessee.

WITNESSETH:

WHEREAS: Lessor is the owner of 1.0 share of GLIC, 5 shares of Seven Lakes and 0.50 rights of Lake Loveland Water Shares; and

WHEREAS, Lessor desires to lease to Lessee water shares from the Lessor's GLIC, Seven Lakes and Lake Loveland 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 to the Lessee the 1.0 share of GLIC and 5.0 shares of Seven Lakes and 0.50 rights of Lake Loveland.
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 ¶4.
3. The term of this lease shall be for the 2016 Irrigation Season from April 1 through October 31, 2016.
4. The location of the subject shares will be used for irrigation only on lands historically irrigated under the Greeley & Loveland System located in the Town of Milliken's Urban Growth Area (UGA). 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 Water Lease Agreement to be executed

DATED this ____ day of July, 2016

TOWN OF MILLIKEN

Kent Brown, Town Administrator

ATTEST

Cheryl Powell, Town Clerk

Frank Farms, LLC

Title

Printed Name