



**TOWN OF MILLIKEN  
TOWN BOARD  
AGENDA MEMORANDUM**

<b>To:</b> Mayor Tokunaga and Town Trustees	<b>Meeting Date:</b>
<b>From:</b> Caree Rinebarger, Building Tech Forrest Leaf, Water Engineer	<b>Wednesday, July 8, 2015</b>
<b>Via:</b> Kent Brown, Town Administrator	

Agenda Item #	Action:	Discussion:	Information:
	<b>x</b>		
<b>Agenda Title:</b> Acknowledgement of the Determination of Irrigated Acres Under the Centennial North Non-Potable Irrigation System and Non-Potable Water Certificates			
<b>Attachments:</b> Memo of Determination from Caree Rinebarger and Forrest Leaf Non-Potable Water Certificate			

**PURPOSE**

To ask the Milliken Town Board of Trustees to Acknowledge and Accept the Memo of Acknowledgement of the Determination of Irrigated Acres Under the Centennial North Non-Potable Irrigation System and Non-Potable Water Certificates.

**BACKGROUND**

In April 2004 an agreement was made between the Town of Milliken and Lot Holdings. The agreement created 501 Water Certificates, and provision for 48 Acres of Non-Potable Irrigation (use of the Non-Potable Irrigation can be assigned and transferred within the subdivisions as listed on the attached memo).

A Current accounting of the Non-Potable Irrigation usage by acres completed in conjunction with Lot Holding Investments, LLC, determined that Lot Holdings has 7.2 acres remaining and available, to date, for irrigation via the non-potable irrigation system.

**BUDGET IMPLICATONS**

None.

## **STAFF RECOMMENDATION**

Staff recommends that the Board acknowledge and approve the Memorandum of Determination of Irrigated Acres Under the Centennial North Non-Potable Irrigation System and Non-Potable Water Certificates.

## **SUGGESTED MOTION**

“I move to acknowledge and approve the Memorandum of Determination of Irrigated Acres Under the Centennial North Non-Potable Irrigation System and Non-Potable Water Certificates.”



Town Hall, 1101 Broad St., Drawer 290 Milliken, CO 80543  
(970) 587-4331 Fax: (970) 587-2678

To: Kent Brown, Town Administrator

From: Caree Rinebarger, Building Technician  
Forrest Leaf, Water Engineer

Date: June 30, 2015

Re: **Determination of Irrigated Acres Under Centennial North Non-Potable Irrigation System and Non-Potable Water Certificates**

.....  
In April 2004 and agreement was made between the Town of Milliken and Lot Holdings for Non-Potable Irrigation Credits.

The following was determined based on research completed:

1. The agreement created 501 Water Certificates, and provision for 48 Acres of Non-Potable Irrigation.
  - a. Use of the Water Certificates is unlimited within the Town.
  - b. Use of the Non-Potable Irrigation can be assigned and transferred within the subdivisions as listed below:

**Table 1: Lot Holding Investments Irrigated Acres**

Location	Area (acres)
Centennial Farms	23.0
Colony Pointe	4.1
Settler's Village	4.5
Hacienda Villas	2.5
Las Tiendas	1.5
Traders Junction	4.1
Highway 60	8.2
<b>Total</b>	<b>47.9</b>

- c. Town policy has maintained that once the certificate is assigned to a lot, it cannot be removed from that lot.

- d. Created from 7.5 Shares of Hillsborough Consolidated Ditch Co.
2. Current accounting of the Non-Potable Irrigation usage by acres:
- a. Staff has identified acres currently irrigated (maps attached) by the non-potable irrigation system by subdivision. Table 2 presents a summary of the irrigated acres, by subdivision, identified by Lot Holding Investments, LLC and the contract acres contained in the 2004 agreement with the aggregation of commercial business into Settlers Village.
  - b. Staff and Lot Holding Investments, LLC have determined that Lot Holdings has 7.2 acres remaining and available for irrigation via the non-potable irrigation system.

Subdivision	Current Acres (Identified by Town)	Lot Holding Identified Acres	Contract Acres (March 2004)
<b>Centennial Farms</b>			
- HOA	9.04	16.60	23.00
- Town	6.10		
<b>Sub-Total</b>	15.14		
<b>Colony Pointe</b>			
- HOA	4.38	4.08	4.10
- Town	5.63		
<b>Sub-Total</b>	14.39		
<b>Settlers Village</b>			
- HOA	24.91	20.03	20.80
- Town	23.71		
<b>Sub-Total</b>	48.62		
<b>Total</b>	78.15	40.71	47.90

<sup>1</sup> Acres x irrigation reduction factor calculated from metered readings and acres, Table 1

### Findings and Recommendations

Staff has created Water Certificates for these remaining acres. When there is a need to connect to the Non-Potable system, a Non-Potable Irrigation Permit will need to be acquired from the Town. The permits will need approval from the Town's Water Engineer and Town Staff prior to issuance. The applicant will be required to submit a Non-Potable Irrigation Certificate when the application is submitted.

Once all Non-Potable Water Certificates have been redeemed by the Town, new users will be required to provide the water to the Town.

# NON-POTABLE WATER CERTIFICATE

## ASSIGNMENT OF RAW WATER FEE CREDITS

This agreement is made and entered on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between Lot Holdings, LLC, 301 Centennial Drive, Milliken CO 80543 (herein after called "Assignor") \_\_\_\_\_ (herein after called "Assignee") and the consenting party, the Town of Milliken (herein after call "Town").

**BACKGROUND INFORMATION.** The following background information is provided to assist in understanding the purposes and objectives sought to be attained by the parties to this Assignment.

- A. On or about April 28, 2004, Assignor received provisions for 48 Acres (land acres) of Non-Potable Irrigation created from 7.5 Share of Hillsborough Consolidated Ditch Co.
- B. Assignee and Assignor have agreed that the Assignor would transfer One Acre of the credits to the above named Assignee and the Town has consented to such transfer.
- C. As of July 1, 2015 the total acres remaining are 7.2. Assignor and Assignee acknowledge they have contacted the Town of Milliken for approval of the mentioned acre credits.

Now therefore, in consideration of the mutual promises of the parties and other good and valuable consideration, Assignor, hereby assigns, transfers and conveys One Acre of Non-Potable Irrigation to the Assignee to the following, BLOCK \_\_\_\_\_ LOT \_\_\_\_\_, also known as \_\_\_\_\_ Subdivision. The Town consents to the transfer of such Credit.

In Witness Whereof, the parties have executed this Assignment as their free and voluntary act and deed.

ASSIGNOR:  
Lot Holding Investments, LLC

By: \_\_\_\_\_

CONSENT TO ASSIGNMENT:  
Town of Milliken

By: \_\_\_\_\_

ASSIGNEE: \_\_\_\_\_

By: \_\_\_\_\_