

**RESOLUTION NO. 2012-38**

**RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF LA PLATA COUNTY, COLORADO,  
REVISING LA PLATA COUNTY'S FEE SCHEDULE TO  
INCLUDE ADMINISTRATIVE PROCESSING FEES AND  
WATER FEES FOR INCREMENTS OF THE 06CW99  
WATER RIGHTS**

**WHEREAS**, pursuant to C.R.S. §§ 30-11-101(b) and (c), the Board of County Commissioners of La Plata County, Colorado (the "Board") is empowered to purchase and hold real property and to sell, convey, exchange, or lease such real property when deemed by the Board to be in the best interests of La Plata County (the "County") and its inhabitants;

**WHEREAS**, Colorado counties possess those powers enumerated by the Colorado Constitution and Colorado Revised Statutes and such further incidental implied powers as are reasonably necessary to carry out the express powers;

**WHEREAS**, pursuant to these authorities, the Board filed for and received conditional water rights from the Animas River watershed in Division 7 Water Court case *In re La Plata County*, 06CW99 (filed Dec. 20, 2006) (the "06CW99 water rights"), and the Board received conditional water rights that it co-owns with Southwestern Water Conservation District pursuant to Division 7 Water Court case *In re La Plata County and Southwestern Water Conservation District*, 06CW127 (filed Dec. 29, 2006) (the "06CW127 water right");

**WHEREAS**, the Board adopted Resolution No. 2009-43 creating the Water Policy Task Force to, in part, offer advice and recommendations to the Board and County staff regarding certain policies that would transfer increments of the 06CW99 and 06CW127 water rights to qualifying members of the public;

**WHEREAS**, on June 28, 2011, the Water Policy Task Force presented five "policy bulletins" to the Board, and the Board directed County staff to develop code amendments implementing the five recommend policies;

**WHEREAS**, one of the aforementioned policy bulletins developed by the Water Policy Task Force made five recommendations that generally suggest the following: (1) La Plata County should charge fees for transferring increments of the 06CW99 water rights; (2) there should be both an *Administrative Processing Fee* and a separate *Water Fee*; (3) the *Administrative Processing Fee* should be reviewed on a regular basis to ensure that it supports the annual costs of administering the 06CW99 water rights; (4) the *Water Fee* should approximate local market rates for other sources of water and should be reviewed each time La Plata County files due diligence reports; and (5) the fees for Irrigated Agricultural increments should reflect the County's support for the agricultural community;

LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 2012-38  
Page 2

WHEREAS, on August 28, 2012, the Board adopted Resolution 2012-35 adding Article IV and V to Chapter 94 of the La Plata County Code, and the newly adopted Sec. 94-46 contemplates that La Plata County shall charge both an *Administrative Processing Fee* and a *Water Fee* when transferring increments of the 06CW99 water rights;

WHEREAS, in order to approximate local market rates for other sources of water, and specifically considering that no fee is charged when transferring increments of the 06CW127 water right, La Plata County staff recommends that the Board adopt *Water Fees*, but suspend those fees until November 30, 2013 when La Plata County is required to file a due diligence report.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO:**

1. That Appendix A of the La Plata County Code shall be amended to reflect both *Administrative Processing Fees* and *Water Fees* related to transferring increments of the 06CW99 water rights as follows:

The *Administrative Processing Fee* shall be \$190 for up to three (3) hours of La Plata County staff time, with each additional hour being \$60 per one (1) hour minimum.

The *Water Fee* shall be as follows for each full increment:

Residential Increment	\$300
Residential Lawn & Garden Increment	\$300
Small Commercial	\$600
Small Commercial Lawn & Garden Increment	\$300
Domestic Animal Increment	\$50
Irrigated Agricultural Increment	\$200

The *Water Fee* shall be prorated accordingly when transferring fractional increments or when a water user files for approval of an augmentation plan.


2. That the *Water Fees* shall be temporarily suspended until November 30, 2013.
3. That this Resolution shall take effect on October 1, 2012.

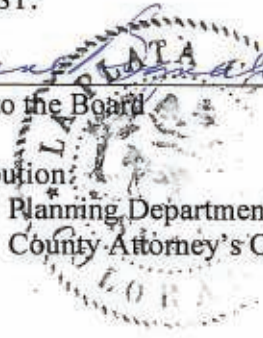


LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 2012-38  
Page 3

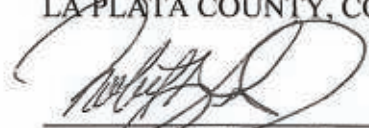
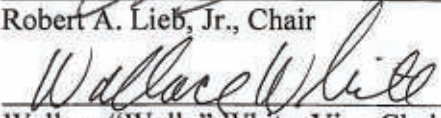
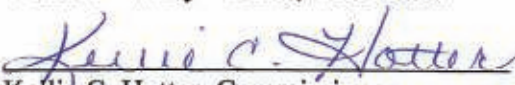
DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO,  
this 25th day of September, 2012.

ATTEST:

  
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Clerk to the Board  
  
Distribution  
Planning Department  
County Attorney's Office



BOARD OF COUNTY COMMISSIONERS  
LA PLATA COUNTY, COLORADO

  
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Robert A. Lieb, Jr., Chair  
  
  
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Wallace "Wally" White, Vice-Chair  
  
  
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Kellie C. Hotter, Commissioner