

RESOLUTION No. 2012-3

**A RESOLUTION OF THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR
ACCEPTING A PROPOSED BIKIS WATER CONSULTANTS CONTRACT TO
SUPPORT AN APPLICATION FOR A CHANGE OF WATER RIGHTS AND NEW
HYDRO-ELECTRIC WATER RIGHTS**

WHEREAS, by letter dated April 9, 2012 Bikis Water Consultants ("Bikis") submitted a proposal to the Town of Ophir to provide engineering investigation and advice concerning changing the Town's Waterfall Canyon water right to an alternate point of diversion at Warner Springs, and establishing a new or change of existing water right for hydro-electric power production for hydro-electric facilities that may be built in conjunction with the Waterfall Canyon water transmission line upgrade; and

WHEREAS, the proposed scope of work specifically includes:

Communicate with the U.S. Army Corps of Engineers to provide notice of the Waterfall Canyon headgate work.

Review legal documentation of the Waterfall Canyon and Warner Springs water rights including water court decrees and structure summaries.

Conduct a site visit to visit the Waterfall Canyon and Warner Springs water right locations and collect data pertinent to the project.

Assess the potential water rights implications, if any, of discharging the hydropower supply at each of two locations.

Prepare and submit a water rights hydrology report to support the water rights filing; and

WHEREAS, the General Assembly finds that the Bikis proposal is necessary to assure regulatory compliance with hydro-electric options and treatment plant outflow, and is a necessary predicate for diversification and expansion of the Town's water rights, and that such water rights are necessary for the protection of the public health, safety and welfare of the Town of Ophir.

NOW, THEREFOR, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO, that:

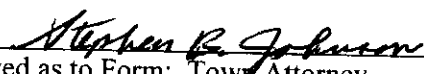
The Town Administrator is authorized to execute the Bikis letter agreement and to pay for necessary costs and fees from the Ophir Water Fund.

By: 

Todd Rutledge, Mayor

Attest: 

Valerie Hill, Town Clerk


Approved as to Form: Town Attorney