

NORTHERN COLORADO WATER CONSERVANCY DISTRICT

**RESOLUTION
D-934-09-93**

**RULE REGARDING ELECTION BY WATER ALLOTMENT CONTRACT ALLOTTEES
TO RECEIVE DELIVERY OF COLORADO-BIG THOMPSON WATER UNDER A FIXED QUOTA**

WHEREAS the Northern Colorado Water Conservancy District (the 'District') is developing a fixed quota program for delivery of Colorado-Big Thompson (C-BT) water to project allottees which will benefit District constituents through better management of project water and

WHEREAS in lieu of receiving delivery of C-BT water under the variable quota declared annually pursuant to the District's declaration of quotas rule a contract allottee may subject to Board approval elect to receive delivery of C-BT water under a fixed quota of 0.7 acre-feet of water per unit

NOW THEREFORE IT IS RESOLVED that the Board adopts its fixed quota delivery rule as follows

1 The contract allottee must execute a contract supplement which provides that a designated amount of C-BT units under the allotment contract will receive delivery under a fixed quota of 0.7 acre-feet of water per unit for a period of ten consecutive years commencing November 1 following the date of execution of the contract supplement

2 The contract allottee must agree that the units designated in the contract supplement cannot receive delivery under the variable quota of the declaration of quotas rule for the consecutive ten-year period Likewise a contract allottee who elects to receive delivery under the fixed quota will not receive supplemental quota allocations which may be established by the Board for delivery to allottees under the variable quota

3 The contract allottee must agree that the allotment contract is subject to the contract supplement in the event the allotment contract is ever sold leased transferred assigned changed or otherwise disposed of and that the contract supplement is binding on any successor in interest to the allotment contract

4 The contract allottee must agree that delivery of water under the fixed quota shall be subject to a determination by the District Board that a drought or other emergency requires the District to adjust or reduce both the fixed and variable quota deliveries proportionally and that delivery of C-BT water is subject to the rules regulations criteria and policies of the District A policy on the declaration of a drought or other emergency will be adopted separately by the Board Included in the policy is the method for the proportionate curtailment of quotas

5 The contract allottee must agree to payment of such administrative charges as the Board shall establish for delivery under the fixed quota as specified in the contract supplement for the ten consecutive year period A separate pricing structure will not be established for those allottees choosing to receive delivery of any or all of their C-BT units under the fixed quota The contract allottee's election to receive delivery of C-BT water under the fixed quota shall not alter the rates otherwise payable by the allottee except as specified in the contract supplement

6 The contract allottee must agree that the contract supplement shall not be interpreted or applied so as to diminish the rights of allottees who are entitled to deliveries under the variable quota

7 The contract allottee must agree that all provisions of the allotment contract shall remain in effect except as modified by the contract supplement

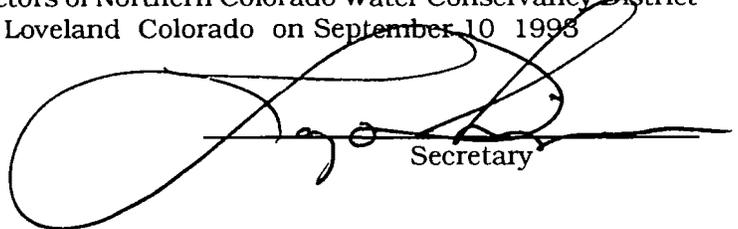
8 Upon expiration of the ten-year consecutive term any contract allottee may elect to enter into a new contract supplement for delivery under a fixed quota on such terms as may then be applicable under the District's rules regulations criteria and policies or the contract will automatically revert to delivery under the variable quota

9 The Board in its sole discretion must approve each contract supplement

10 This rule is effective September 10 1993 Applications for the first year's program may be made between November 1 and December 31 1993 Thereafter applications shall be made by November 1 as provided in paragraph 1

CERTIFICATE

I Larry D Simpson do hereby certify that the above is a true and correct copy of a Resolution unanimously adopted by the Board of Directors of Northern Colorado Water Conservancy District at a regular meeting of said Board held in Loveland Colorado on September 10 1993



Secretary