

**MEMORANDUM OF UNDERSTANDING BETWEEN
MOFFAT COUNTY BOARD OF COUNTY COMMISSIONERS
AND
THE YELLOW JACKET WATER CONSERVANCY DISTRICT**

REGARDING: OPERATION OF THE LOWER YAMPA RIVER AUGMENTATION PLAN ACROSS JURISDICTION
BOUNDARIES

This Memorandum of Understanding is entered into between the Moffat County, Colorado Board of County Commissioners (“Moffat County”) and the Yellow Jacket Water Conservancy District (“YJWCD”) represented by their respective governing bodies, collectively referred to as “the Parties.” C.R.S. § 29-1-203 provides authority for Governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized in Colorado.

Whereas: Moffat County is drafting the Lower Yampa River Augmentation Plan (herein referred to as the "Augmentation Plan") with the goal of adjudicating the water for the Augmentation Plan through water court in 2024. The Augmentation Plan will provide augmentation water, primarily, but not limited to, household water wells drilled after March 1, 2022 when the Lower Yampa River was designated over-appropriated by the State Engineer, Division of Water Resources, State of Colorado.

Whereas: Moffat County acknowledges its operational and administrative responsibility for the Augmentation Plan, and shall undertake all necessary actions to adjudicate and implement the Augmentation Plan without cost to YJWCD.

Whereas: YJWCD desires that Moffat County operate and administer the Augmentation Plan within that portion of the YJWCD’s boundaries shown in the attached Exhibit 1.

Now, therefore, both parties acknowledge and agree that:

1. The Parties agree that the Augmentation Plan offsets negative impacts of over appropriation of the Yampa River, and offers a responsible and managed future residential, agricultural, commercial, and industrial water development option that is important for the social and economic vitality of both Moffat County and YJWCD.
2. Part of the Proposed Augmentation Area is located within YJWCD’s boundaries.
3. YJWCD supports and approves Moffat County’s operation and administration of the Augmentation Plan within the portion of YJWCD’s boundaries within Moffat County depicted in Exhibit 1.
4. Moffat County will bear the cost of operation and administration of the Augmentation Plan and will charge user fees and other costs to individual water users within the YJWCD’s boundaries who elect to participate in the Augmentation Plan.

DATED this ____ day of _____, 202__.

MOFFAT COUNTY BOARD OF COUNTY
COMMISSIONERS

Tony Bohrer, Chairman

YELLOW JACKET WATER CONSERVANCY DISTRICT

Kelly Sherridan, President

EXHIBIT 1

Map of proposed Augmentation Area for the Lower Yampa River Augmentation Plan.

