

CHAPTER 10
ARTICLE 2

AN ORDINANCE RELATING TO INCORPORATION OF CERTAIN SPECIFIED GROUNDWATER UNDERLYING THE TOWN OF GRAND LAKE INTO THE MUNICIPAL WATER SUPPLY SYSTEM AND REQUIRING THE CONVEYANCE OF NONTRIBUTARY WATER RIGHTS TO THE TOWN PRIOR TO ANNEXATION OR CONNECTION TO THE MUNICIPAL WATER SYSTEM.

1. Pursuant to Section 37-90-103(8), C.R.S., groundwater from the Dawson, Denver, Arapahoe, Laramie-Fox Hills or Dakota aquifers underlying all of the municipal boundary of the Town of Grand Lake as such boundary existed on September 1, 1985, is incorporated into the municipal service plan of the town.
2. Upon the effective date hereof, the owners of all land which overlies such groundwater hereby appropriated shall be deemed to have consented to the withdrawal by the Town of Grand Lake of all such groundwater unless such consent shall be deemed to have been withheld as otherwise provided by law as set forth in Section 37-90-103(8), C.R.S.
3. Upon the effective date hereof, the City Manager is directed to file with the State Engineer of the State of Colorado a detailed map of the land area as to which consent to such groundwater appropriation is deemed to have been hereby given.
4. With respect to all property annexed to the city after the effective date hereof and with respect to all property served by the municipal service plan of the Town by virtue of a contract entered into after the effective date hereof, the annexation agreement or contract shall contain: (1) A description of all water rights and well rights associated with or used on said property which divert water out of the Denver, Arapahoe, Laramie-Fox Hills or Dakota aquifers, and (2) an agreement to convey to the Town immediately upon annexation or execution of the contract, at no cost to the Town, all such water rights associated with or used on said property, including but not limited to rights represented by a well permit, well registration, or judicial decree for the diversion of water out of the Denver, Arapahoe, Laramie-Fox Hills or Dakota aquifers, all well rights and all rights to other structures associated with diversion of water out of the Denver, Arapahoe, Laramie-Fox Hills or Dakota aquifers underlying said property.
5. If any part of this Ordinance is, for any reason, held to be invalid, illegal or void, such decision shall not affect the validity of the remaining portions of this Ordinance, which remaining portions shall continue in full force and effect.

6. All Ordinances, or parts of Ordinances of the Town that are inconsistent with the provisions of this ordinance are hereby repealed.