

RESOLUTION APPROVING POLICY OF THE COSTILLA COUNTY
CONSERVANCY DISTRICT FOR ACQUISITION, MAINTENANCE AND
DISPOSITION OF PROPERTY AND WATER RIGHTS

We, the undersigned, directors of the Costilla County Conservancy District
("District"), by unanimous consent, pass the following resolution:

IN WITNESS WHEREOF, the directors have evidenced their approval of the
above resolution and actions effective May 26, 2017.

Date: May 26, 2017


EARL J. VALDEZ

Date: May 26, 2017


RONDA M. LOBATO

Date: May 26, 2017


GARY GURULE

POLICY OF THE COSTILLA COUNTY CONSERVANCY DISTRICT
(Acquisition, Maintenance, and Disposition of Lands and Water Rights)

The Board of Directors of the Costilla County Conservancy District (“District”) desire to have a policy to address the acquisition, ownership, control, and disposition of real property (“Lands”) and water rights that it may or could own.

RECITALS

WHEREAS the District has the power and authority to purchase, own, lease, use, sell, hold, encumber, control, and maintain any easement, water right, canal, reservoir, water power, work, park, cemetery, real or personal property, not inconsistent with its authority as provided under 37-3-103(1)(h) C.R.S.; and

WHEREAS the District has authority to provide for the protection and conservation of Lands and water rights within the boundaries of the District, including but not limited to protection of Lands from flood, (see, 37-3-103(1) C.R.S.); and

WHEREAS the District has the authority to acquire by donation or purchase, to construct, own, lease, use and sell, and to hold, encumber, control, and maintain any easement, water rights, canal, sluice, reservoir or retarding basin, mill dam, water power, work, park, cemetery, or other public way or place, or any real or personal property, public or private, for rights-of-way or retarding basins, or for materials of construction, or for any other use not inconsistent with the purposes of Articles 1 to 8 of Title 37 of the C.R.S. (see, 37-3-103(1)(h) C.R.S.); and

WHEREAS the District has authority to participate in the development of parks and recreational facilities, trails, greenways, riverfront development within the boundaries of the District, (see, 37-3-103(1)(k) C.R.S.); and

WHEREAS the District has the authority to purchase tax certificate of purchases for Lands subject to delinquent assessments and as a result, in exercising this authority has received tax deeds for certain properties (see, 37-5-111 C.R.S.); and

WHEREAS the District desires to adopt a policy to provide a guideline for the acquisition, ownership, control, and disposition of such properties and water rights and to provide separate categories of Lands for consideration; and

WHEREAS the term Lands as referenced in this policy shall refer to Lands with and without water rights and interests attaching to the Lands.

NOW THEREFORE, the Board of Directors adopts the following policy to assist it and provide guidelines to its consideration of the recitals set forth above:

A. As part of its policy, and in order to determine whether to acquire Lands and water rights, the Board shall take into account the nature and purpose of the Lands and water rights subject to acquisition in the following categories: (1) Lands and/or water rights necessary for conservation and protection of property from flood; (2) Lands and/or water rights for water replacement/augmentation purposes for wells in the event well regulation is imposed by the Colorado Division of Water Resources for the southern part of Costilla County, including consideration of municipal wells that benefit the community; (3) Lands and/or water rights that have historically been used in conjunction with one another and which, due to the actual or potential separation of land and water without conservation and/or preservation of which may have an adverse impact upon the community; (4) Lands that may benefit the community for conservation, including but not limited to parks, green areas, riverfront, and recreational purposes; (5) Lands in which there is an unusual hardship or character attaching to them, which may be acquired by the District through purchase of a tax lien certificate, and circumstances suggest the hardship considerations should be taken into account.

B. If and when the opportunity presents itself, the District shall pursue investigation of Lands and/or water rights that may be acquired that may be used for the purposes described in paragraph A above. If, upon completion of such investigation, it is determined that Lands and/or water rights meet one or more of the purposes described in paragraph A above and that purchase of the Land and/or water rights serve the interests of the District, the District may acquire such Land and/or water rights and provide for maintenance and preservation of such property, and, as appropriate, enter into agreements and/or legal arrangements with third parties that have the same or similar long term interests in achieving common goals.

C. The District may acquire Lands and/or water rights for a purpose other than those described in paragraph A above; however, acquisition shall only occur which otherwise meets the purposes of the District. Lands and/or water rights, once acquired, that do not have an immediate use contemplated in Paragraph A above may be retained and subsequently sold by the District with the sale proceeds, after reimbursement to the District of its costs of acquisition and maintenance, placed in escrow for subsequent use limited to recreational/parks and/or conservation purposes.

D. Any sale of District property shall be at fair market value, unless hardship circumstances dictate otherwise, and conducted in a manner in which prior notice is given to the public of the intent to sell. For these purposes, posting of the intent to sell ninety (90) days prior to any sale, as opposed to the sale itself, shall comply with this provision.

E. This paragraph contemplates lands or water rights acquired through tax certificates or donated to the District.

F. A director of the District shall not acquire ownership of and/or an interest in (including, but not limited to, by use, loan, or any other means), directly or indirectly, any property, owned, controlled or disposed of by the District. (See, 37-7-104 C.R.S.)

G. The District may promulgate such additional policies or supplement the within policy as appropriate, including for the purpose of providing detail as to the manner this policy may be implemented.

Date: May 26, 2017


EARL J. VALDEZ

Date: May 26, 2017


RONDA M. LOBATO

Date: May 26, 2017


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