

RESOLUTION NO. 2014-04

A RESOLUTION

WHEREAS, on November 7, 2000, the voters of the State of Colorado (State) added provisions to Article XVIII of the State Constitution providing for medical use of marijuana for persons suffering from debilitating medical conditions; and

WHEREAS, on November 6, 2012, the voters of the State added provisions to Article XVIII of the State Constitution authorizing, among other things, a system of state and local licensing of businesses engaged in the cultivating, testing, manufacturing and selling of marijuana; and

WHEREAS, the State legislature enacted the Colorado Marijuana Code, Article 43.3 of Title 12, C.R.S., and the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S.; and

WHEREAS, the City of Pueblo, Colorado (City) established regulations regarding licensing medical marijuana, Pueblo Municipal Code, Title XI, Chapter 10, and regulations regarding zoning for medical marijuana, Pueblo Municipal Code, Title XVII, Chapter 15; and

WHEREAS, on May 12, 2014, the City enacted Ordinance No. 8734 allowing for the establishment of certain retail marijuana businesses or facilities in the City and is expected to consider adoption of associated licensing provisions on June 23, 2014; and

WHEREAS, pursuant to the City Charter the entire control, management and operation of the City water works is exercised by the Board of Water Works of Pueblo, Colorado (Board); and

WHEREAS, the Board in accordance with the City Charter has acquired water rights in order to supply water to the City and its inhabitants; and

WHEREAS, the Bureau of Reclamation (Reclamation) has issued a Temporary Policy dated May 16, 2014, indicating that Reclamation will not approve use of Reclamation facilities or Reclamation water in the cultivation of marijuana; and

WHEREAS, the Board owns water rights pursuant to State law that are not subject to Reclamation's Temporary Policy and the Board desires to provide this water to marijuana businesses located in the City; and

WHEREAS, the Board desires to revise its Rules and Regulations to indicate that the permitted use of Board water may change based on federal policy regarding use of federal water facilities or federal water; the terms of a federal contract, license or permit; or applicable law.

NOW, THEREFORE, BE IT RESOLVED that:

Paragraph 1.04 of the General Provisions of the Board's Rules and Regulations is hereby amended to add an additional sentence at the end of the paragraph to provide as follows: (underscoring indicating matter being added)

- 1.04 **Right to Use:** All dominion over and control of the water furnished by the Board to its customers is reserved to the Board subject only to lawful uses on the customer's property. Any water furnished by the Board to its customers may be used only on the customer's property where the water is delivered by the Board. A customer's use may include water reuse or successive use when done as part of the customer's normal business operations. A customer may not otherwise reuse, successively use, transfer, or dispose of the water unless authorized by the Board, acting through its enforcement officer. The use of Board water by a customer may be modified or terminated by the Board in order to comply with (1) policy directives or guidelines issued by the Bureau of Reclamation or any other federal agency regarding the use of federal water facilities or federal water;(2) the terms of a federal contract, license or permit; or (3) applicable law.

APPROVED AND ADOPTED THIS 17TH DAY OF JUNE, 2014

BOARD OF WATER WORKS OF PUEBLO, COLORADO



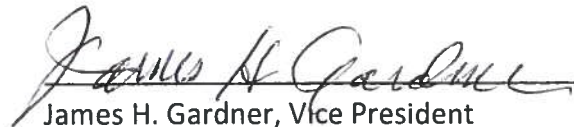
Michael A. Cafasso, President



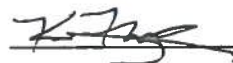
Nicholas Gradisar, Secretary-Treasurer



Thomas V. Autobee, Vice President



James H. Gardner, Vice President



Kevin F. McCarthy, Vice President



Terry R. Book, Executive Director



Patrick Garcia, Board Attorney