

INCLUSION MANUAL

SOUTHEASTERN COLORADO WATER
CONSERVANCY DISTRICT



Originated

November 2018

Version 1.1

Southeastern Colorado Water Conservancy District
Inclusion Manual

TABLE OF CONTENTS

DEFINITIONS 4

PURPOSE 6

HISTORY 7

WHICH PROCESS? 8

SECRETARY OF INTERIOR’S ASSENT 9

INCLUSION BY ANNEXATION 10

INCLUSION BY PETITION 16

INCLUSION BY ELECTION 22

GENERAL PROVISIONS 27

MUNICIPAL AND COUNTY CONTACTS 28

MAP OF DISTRICT 30

APPENDICES 32

MUNICIPAL SPECIFIC PROCESSES 75

CHECKLISTS 78

INCLUSION MANUAL EDITS BY VERSION 79

Versioning
Concept

 **STAFF**
Version # . #



Requires District Board Approval



STAFF Requires Documented Staff Approval



Fluid Work Product

DEFINITIONS

SE Board is the Board of Directors of the Southeastern Colorado Water Conservancy District.

SE District refers to Southeastern Colorado Water Conservancy District.

SE District Boundaries: The boundaries of those lands included in the District by the original Findings and Decree of the Court entered April 28, 1958 in Case No. 40487 (Pueblo County District Court); and by subsequent Judgments, Decrees, or Orders of the Court concerning the inclusion of specified lands in the District; and with the consent of the contracting officer of the United States as provided in such Decrees and in the District’s Contract with the United States.

SE District’s Decree refers to the Findings and Decree dated April 29, 1958 in Case No. 40487 (Pueblo County District Court), In the Matter of the Southeastern Colorado Water Conservancy District, and by subsequent Judgments, Decrees, or Orders of the Court concerning the inclusion of specified lands in the District.

Applicant, as determined by the U.S. Bureau of Reclamation, is used to identify the entity or individual landowner that directly or indirectly will receive the benefit of the Fryingpan-Arkansas Project, individual landowner/agent, and is making the request for an inclusion and/or annexation.

City refers to cities and towns within Southeastern Colorado Water Conservancy District.¹

District Court refers to the 10th Judicial District Court based in Pueblo, Colorado.

Effective Date means October 18, 2018, and the date this Inclusion Procedure Manual is effective.

Municipal, Municipality or Municipalities refers to Cities and Towns only, (not Metropolitan Districts, Special Districts, or Developments).

¹Judicially Approved City or Cities means the Cities and Towns listed below:

- Chaffee County: Salida, Buena Vista, Poncha Springs
- Fremont County: Canon City, South Canon City, East Canon City, Florence, Penrose, Portland
- Pueblo County: Pueblo
- El Paso County: Colorado Springs, Fountain, Manitou Springs
- Crowley County: Olney Springs, Crowley, Ordway, Sugar City
- Otero County: Fowler, Manzanola, Rocky Ford, Swink, La Junta, Cheraw
- Bent County: Las Animas
- Prowers County: Wiley, Lamar
- Kiowa County: Eads

DEFINITIONS

Manual refers to the Inclusion Manual

NEPA means National Environmental Policy Act

Notice refers to notice of proposed annexation and/or hearing on annexation.

Petition refers to petition for inclusion.

Petitioner is a landowner or group of landowners petitioning for inclusion.

Project means the Fryingpan-Arkansas Project

Project Water means Fryingpan-Arkansas Project water

Reclamation means the U.S. Bureau of Reclamation.

PURPOSE

STAFF

This Inclusion Manual establishes procedures for the staff processing and handling of inclusions into the SE District, including municipal annexations, landowner petitions, or elections initiated on or after the Effective Date.

The Manual helps to improve communications with applicants, and ensures that future inclusions will be handled properly and in a timely manner by SE District staff and legal counsel to minimize the time needed to gain judicial approval of inclusion into the SE District.

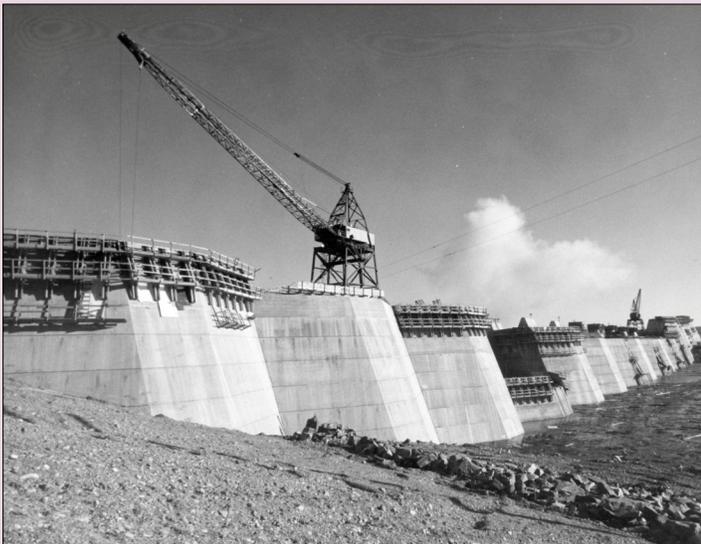
SE District Boundaries are important in determining whether property taxes can be assessed for Project repayment, operations, maintenance or replacement funds, as provided for in the SE District's

Contract with Reclamation. Inclusion within the SE District also means those within SE District Boundaries are eligible for Project benefits. Inclusion cannot be dependent on Project water, which is to be used primarily as a supplemental supply.

Inclusion may be precipitated by annexation to a municipality, petition among landowners, election, or change of land use in areas previously recognized as within SE District Boundaries.

Inclusions are subject to local ordinance, local and state statutes, SE Board approval, assent by the Secretary of Interior (or representative) and District Court decree.

The SE District will review the status of proposed inclusions, once a month or as necessary.



Iconic scenes from Fryingpan-Arkansas Project history: (Clockwise from top left) Construction of Pueblo Dam, 1972; President Kennedy visits Pueblo, 1962; Boustead Tunnel opens, 1964; Ruedi Dam and Reservoir construction begins, 1964.

HISTORY

The boundaries of the Southeastern Colorado Water Conservancy District were first drawn under a Pueblo District Court decree on April 29, 1958. Those boundaries included parts of nine counties, but not all property within those counties.

The intent of the decree was to include those areas that would directly benefit from the Fryingpan-

Arkansas Project. Not all of the Project facilities are within SE District Boundaries.

Ad valorem taxes of not more than 1.000 mill are charged on real property within the SE District. The property tax rate was 0.4 mills from 1959-1981, increased to 1.000 mills from 1982-1987, and has ranged from 0.619 to 0.947 mills since 1988.

<i>DATE</i>	<i>AREA</i>	<i>TYPE</i>
<i>April 29, 1958</i>	Bent, Chaffee, Crowley, Fremont, El Paso, Kiowa, Otero, Prowers, Pueblo Counties	Formation of the Southeastern Colorado Water Conservancy District by decree
<i>February 7, 1962</i>	Fremont County (rural)	Petition
<i>July 8, 1969</i>	Lamar (Prowers)	Petition
<i>February 5, 1971</i>	Pueblo West (Pueblo)	Petition
<i>March 26, 1974</i>	Liberty Point Estates (Pueblo)	Petition
<i>December 13, 1979</i>	Future Annexations, 27 incorporated areas	Decree
<i>April 25, 1989</i>	Lamar (Prowers), Las Animas (Bent), Colorado Springs (El Paso)	Annexation
<i>June 30, 1997</i>	Pueblo, Florence (Fremont)	Annexation
<i>January 10, 2007</i>	Rolling Hills Ranch (El Paso)	Petition
<i>May 3, 2011</i>	Pueblo	Annexation
<i>June 30, 2011</i>	Las Animas Town Ditch (Bent)	Confirmation by letter from county commissioners
<i>July 12, 2011</i>	Black Hills Power Plant (Pueblo)	Annexation
<i>March 5, 2012</i>	Lamar (Prowers), Pueblo	Annexation
<i>October 27, 2014</i>	Scanio Property (Pueblo)	Petition
<i>September 10, 2015</i>	Lamar (Prowers), Colorado Springs (El Paso), Canon City (Fremont)	Annexation
<i>October 26, 2016</i>	Colorado Springs (El Paso)	Annexation
<i>November 17, 2016</i>	Canon City (Fremont)	Petition (pending)
<i>April 20, 2017</i>	Colorado Springs (El Paso County)	Annexation (pending)
<i>May 18, 2017</i>	Fremont County (rural)	Petition (pending)
<i>June 15, 2017</i>	Colorado Springs (El Paso County)	Annexation (pending)
<i>September 21, 2017</i>	Pueblo Airport West (Pueblo County)	Petition (pending)
<i>February 15, 2018</i>	Colorado Springs (El Paso County)	Annexation (pending)

*Subject to Annual Adjustments

Which process?



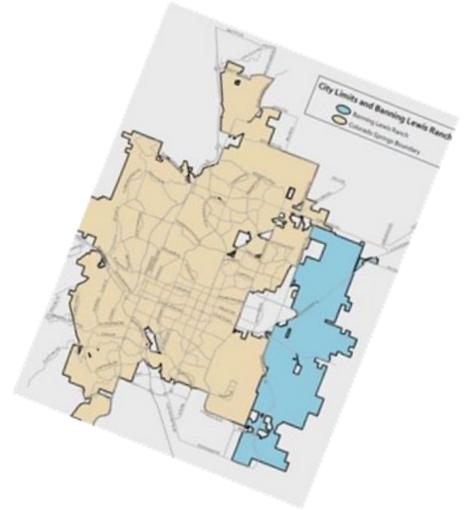
Annexation

Areas adjacent to Municipalities (see definition, Page 4) that are annexed into the boundaries of cities are eligible for Inclusion into the District.

Inclusion does not mean additional water for the area that is annexed, or for the Municipality which annexes the area. The annexation is subject to Secretarial Assent (see diagram, Page 9).

Inclusion makes the area subject to District ad valorem taxes.

Pages 10-15



By Petition

Small areas that are not in a municipality or within existing irrigation boundaries, but which require Project or District services may request Inclusion by Petition.

Inclusion does not mean additional Project water for areas affected by the change. The Inclusion is subject to Secretarial Assent (see diagram, Page 9).

Inclusion makes the area subject to District ad valorem taxes.

Pages 16-21



By Election

Larger areas or special districts which wish to join the District must meet Colorado statutory requirements for Inclusion by Election.

Inclusion does not mean additional Project water for areas affected by the change. The Inclusion is subject to Secretarial Assent (see diagram, Page 9).

Inclusion makes the area subject to District ad valorem taxes.

Pages 22-26



SECRETARY OF INTERIOR'S ASSENT

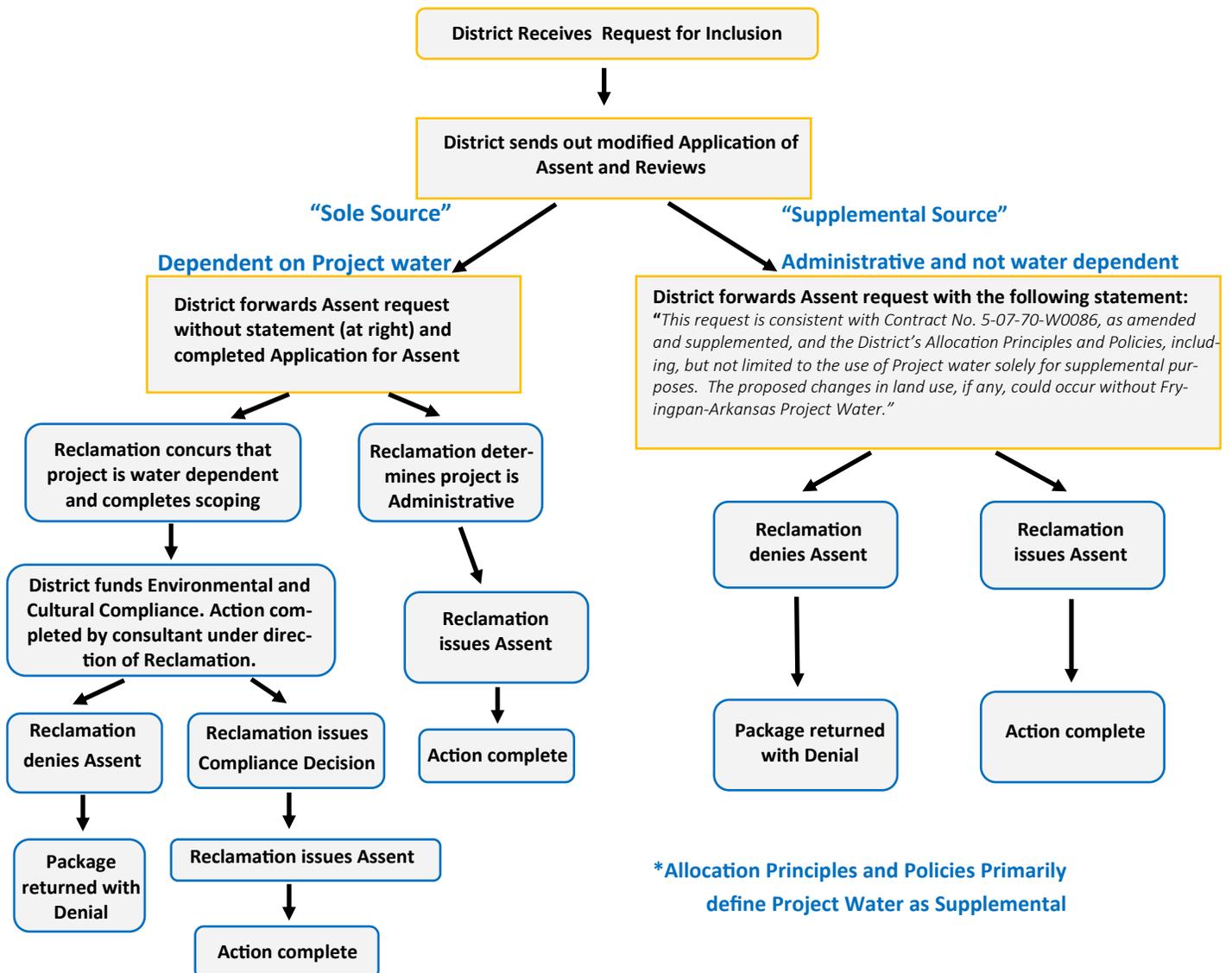


In 2016, the SE District clarified the process of obtaining assent from the Secretary of Interior through the Bureau of Reclamation. The SE District must be able to confirm the following statement:

“This request is consistent with Contract No. 5-07-70-W0086, as amended and supplemented, and the District’s Allocation Principles and Policies, including, but not limited to the use of Project water solely for supplemental purposes. The proposed changes in land use, if any, could occur without Fryingspan-Arkansas Project Water.”

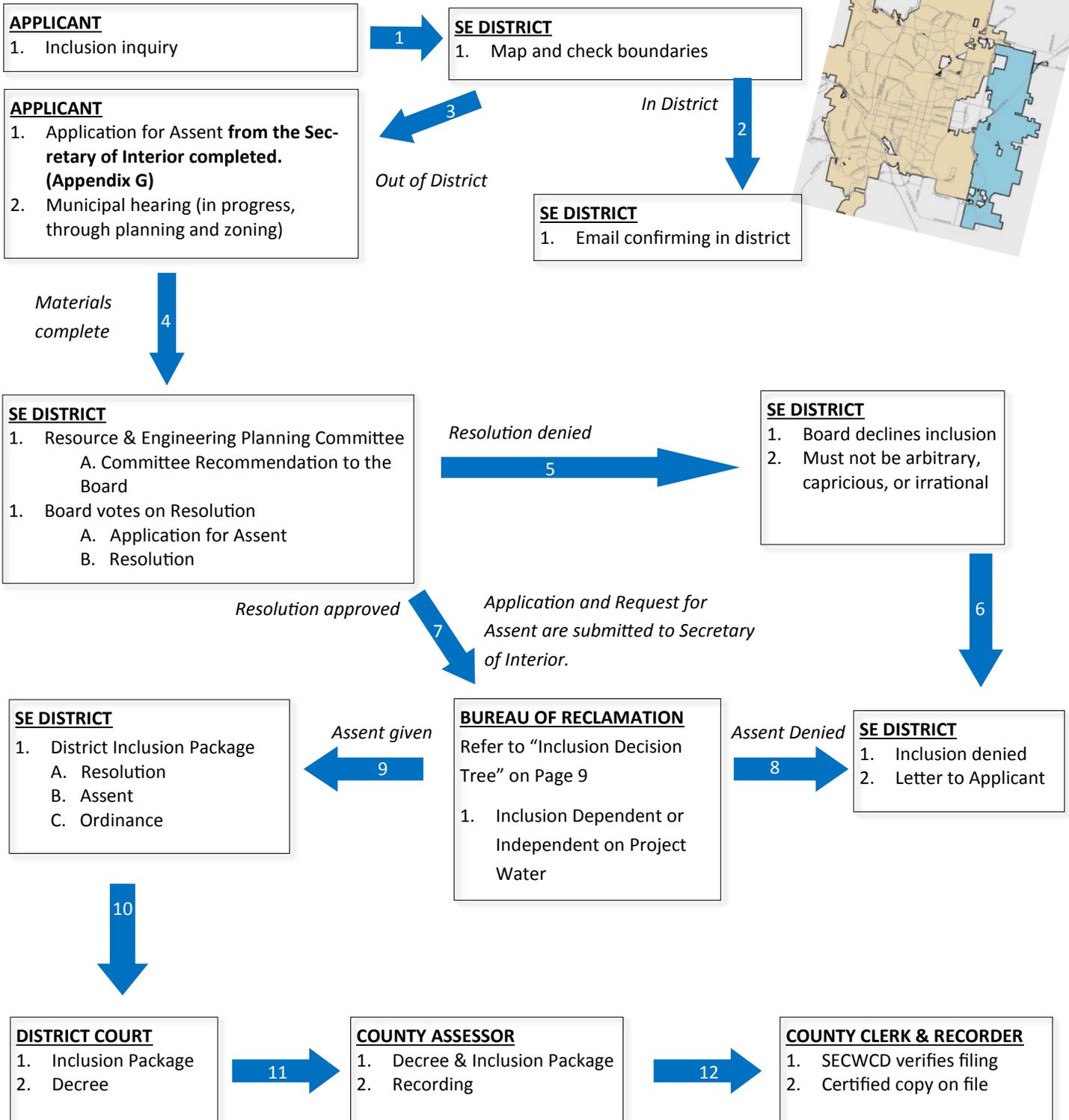
The flow chart below explains Reclamation’s evaluation process:

Inclusion Decision Tree



Inclusion by Annexation Flow Chart

Numbered Arrows Correlate to Steps and Documents in the Following Step-by-Step Section



NOTE: Applicants should complete the inclusion process prior to any proposed land use change or proposed ground disturbance. All inclusion parcels are subject to the National Historical Preservation Act, 36 CFR 800, and NEPA. Any change in land use or disturbance after beginning the inclusion process and before Secretarial Assent may cause the parcel to be permanently ineligible to receive Project water.

Inclusion by Annexation Step-by-Step

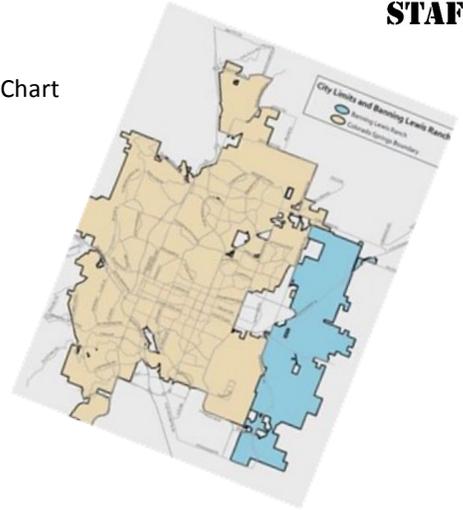
STAFF

Numbering Below reference Steps and Documents that Correlate to Arrows in the Flow Chart

1. Inclusion Inquiry
 - a. Special District Notification of Annexation (from Municipality)

Check boundaries with GIS to determine if proposed inclusion is in or outside SE District boundary

2. Proposed Inclusion determined to be inside SE District Boundaries
 - a. *Statement Acknowledging Receipt of Notice Within SE District Boundaries* (Appendix A) email format
3. Proposed Inclusion determined to be outside SE District Boundaries
 - a. *Statement Acknowledging Receipt of Notice Outside District Boundaries* (Appendix B)
 - b. *Application for Secretarial Assent* (Appendix C)



Applicant completes Application for Assent and sends associated Annexation paperwork

4. Materials Complete and submitted to SE District Staff
 - a. Completed *Application for Assent* (Appendix C)
 - b. Maps and Annexation's Commonly Known Name (from Applicant)
 - c. SE District generates *Resolution for Municipal Annexation* (Appendix D) upon receipt of above items "a" and "b"

(Annexation must not be speculative; if ordinance is not final, annexation must be through planning and zoning, awaiting hearings and council approval.)

Action taken at Resource & Engineering Planning Committee (REPC) and/or Southeastern Colorado Water Conservancy District Board of Directors Meeting. Action is taken specifically on *Resolution for Municipal Annexation*

5. Resolution Denied by SE District
 - a. Continuation to "Step 6"
6. SE Board Denies Inclusion not arbitrary, capricious, or irrational
 - a. *Letter to Petitioner of Inclusion Denial* (Appendix Z)
7. Resolution Approved, Send Bureau of Reclamation (BOR) Eastern Area Office (ECAO) the following documents
 - a. SE District generates *Annexation Assent Request to BOR* (Appendix G)
 - b. Completed *Application for Assent* (Appendix C)

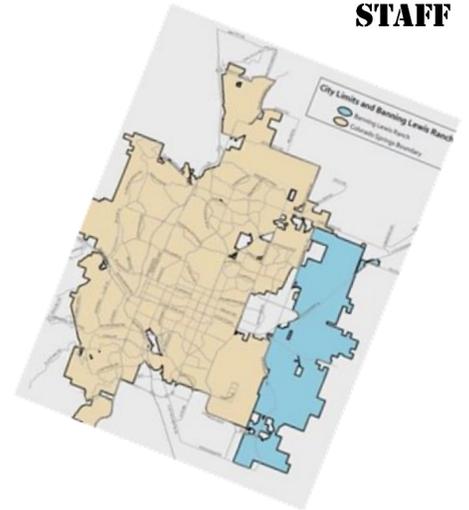
Bureau of Reclamation Completes Assent Process (see diagram Page 9)

8. Bureau of Reclamation Denies Secretarial Assent
 - a. *Letter to Petitioner of Inclusion Denial* (Appendix Z)
9. Bureau of Reclamation Gives Secretarial Assent
 - a. BOR sends SE District signed Secretarial Assent

Inclusion by Annexation Step-by-Step

SE District assembles necessary documents for each parcel to file in District Court on an annual basis.

10. Documents per parcel that are required and submitted to legal counsel for filing per county
 - a. SE District *Resolution for Municipal Annexation* (Appendix D)
 - b. Reclamation Secretarial Assent
 - c. Municipal ordinance approving annexation



District Court will enter legal decree per county

11. Legal Decree will encompass all parcels submitted and included as attachments
 - a. District Court Decree with attachments

County Assessor Completes Recording Process

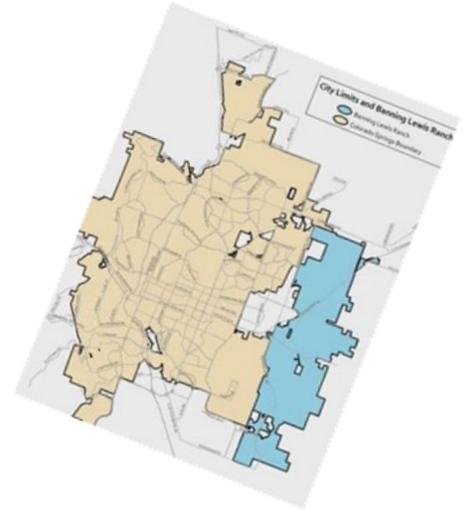
12. The Recording Process places each parcel on the County's tax rolls for ad valorem tax collection
 - a. County Clerk and Recorder sends verification of recording of decree

SE District will file recorded decree in SE District files

INCLUSION BY ANNEXATION LEGAL PROCEDURE



C.R.S. § 31-12-108, Municipal Annexation Act of 1965 require Municipalities to submit annexation documentation to special districts. C.R.S. § 37-45-136(3.6) requires Municipalities to promptly transmit certified copies of annexation ordinances, and provides for consent of the Municipality and SE District to inclusion subject to terms and conditions established by the SE District which are consistent with previous municipal inclusion orders. Such terms and conditions shall also be consistent with the SE District's Decree.



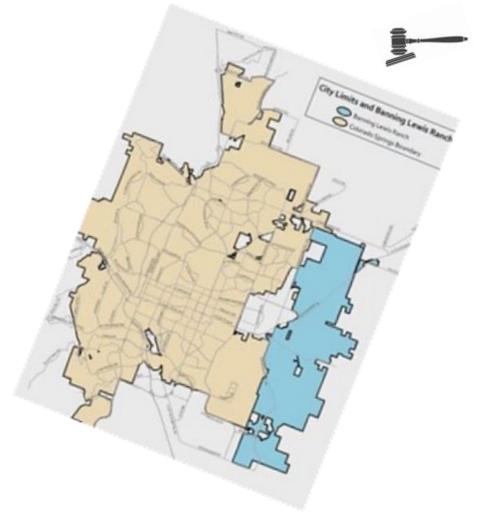
1. Upon Receipt of Notice of Public Hearing and/or Notice of Proposed Annexation
 - a. Upon receipt of notification from the Municipality, the documents will be date stamped.
 - b. The information is logged to track annexation status.
 - c. The initial documents from the Municipality usually consist of the *Hearing on Annexation and/or Notice of Proposed Annexation*.
 - d. Using the GIS mapping software, the annexed lands will be identified and compared with current SE District Boundaries. This will indicate whether or not the annexation is within the SE District Boundaries.

2. If the Annexation is within the SE District Boundaries
 - a. The information will be logged onto a spreadsheet upon verification the annexation is totally with the SE District Boundaries.
 - b. An e-mail acknowledging receipt of the notice will be sent to the annexing Municipality (Appendix A).

The SE District will not need to maintain a copy of the annexation if it is already within the SE District Boundaries, as long as the information has been logged into the spreadsheet and a response has been sent to the Municipality. Additional documentation received from the Municipality may consist of: resolutions; ordinances; annexation information sheets; maps; and correspondence from the developer. No further legal or Court action is necessary for an annexation of lands already *within* the SE District.

3. If any portion of the annexation is located outside of SE District Boundaries

Upon the determination that all or a portion of an annexation to the municipality is outside of the SE District Boundaries, the following procedures must be followed to begin communications between the SE District, municipality, applicant, and Bureau of Reclamation:



- a. A statement in form of a letter (Appendix B) will be sent to both the municipality, the water utility (if a separate entity from the municipality), and the applicant informing them the following actions are required for inclusion into the SE District.
 - b. The letter will inform the municipality/applicant that it is responsible for all costs related to Reclamation review of inclusion, terms and conditions consistent with the SE District’s Decree, prior inclusion orders, and the standard terms and conditions set forth.
 - c. The letter should contain, in the subject header, the annexation’s more commonly known as title, in order to properly track the land and future correspondence.

4. The SE District’s standard terms and conditions for approval of Municipal annexation inclusions:

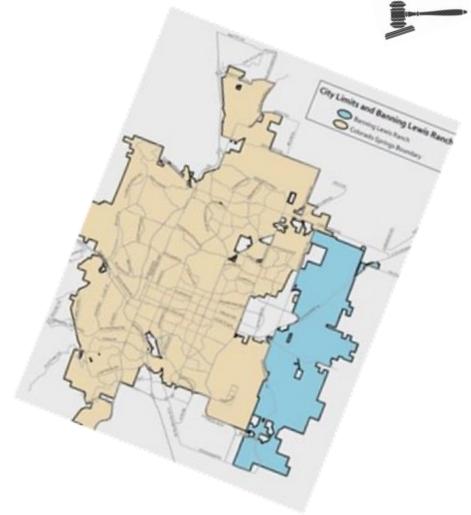
- a. Any use of Fryingpan-Arkansas Project water on the included lands is subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the SE District; and
- b. The municipality and/or owner(s) of the annexed lands shall agree to the statement:

THIS REQUEST IS CONSISTENT WITH CONTRACT No. 5-07-70-W0086, AS AMENDED AND SUPPLEMENTED, AND THE DISTRICT’S ALLOCATION PRINCIPLES AND POLICIES, INCLUDING, BUT NOT LIMITED TO THE USE OF PROJECT WATER SOLELY FOR SUPPLEMENTAL PURPOSES. THE PROPOSED CHANGES IN LAND USE, IF ANY, COULD OCCUR WITHOUT FRYINGPAN-ARKANSAS PROJECT WATER.

- c. The annexed lands will be subject to ad valorem taxes levied by the SE District as any other similarly situated lands in the SE District at the time of this inclusion; and
- d. Prior to the SE District filing a petition for District Court approval of this inclusion, the municipality and/or owner(s) of the annexed lands shall have paid all costs charged by the United States in connection with the contracting officer’s assent to this inclusion.

5. For a Municipal annexation not involving a Judicially Approved City, the SE Board of Directors can do one of the following:

- a. Approve (Appendix D) inclusion with appropriate terms and conditions as described above, contingent upon receipt of Secretarial Assent (Appendix C) for inclusion within the SE District from Reclamation; or
- b. Decline inclusion, based on factual findings that are not arbitrary, capricious, or irrational, or if Reclamation declines to assent.



6. Secretarial Assent

Judicially approved Municipal annexations are included in the SE District upon the consent of the Secretary in accordance with SE District's Decree. The SE District shall acknowledge inclusion of judicially approved Municipal Annexations contingent upon Secretarial assent.

7. Petition in District Court

Upon Secretarial assent and SE Board approval or acknowledgement by resolution, SE District legal counsel will file a petition with District Court to confirm and complete the inclusion process. The SE District believes that the District Decree orders inclusion of these subsequently annexed lands without further action of the District Court. However, to ensure that SE District Boundaries are confirmed in compliance with C.R.S. § 37-45-136 (3.6), and that a record of the SE District's boundaries is kept updated with the District Court in which the SE District was formed and decreed, the SE District will annually file a Petition for Inclusion of Lands for those municipal annexations that have been approved for inclusion into the SE District, as the SE District has previously done for approved inclusions of municipal annexations.

8. Court Order

After the Court Order is entered, SE District staff will assure the County Assessor is assessing the SE District's mill levy on the annexed property. In addition, the SE District will update the current SE District Boundaries via GIS mapping.

9. Filing

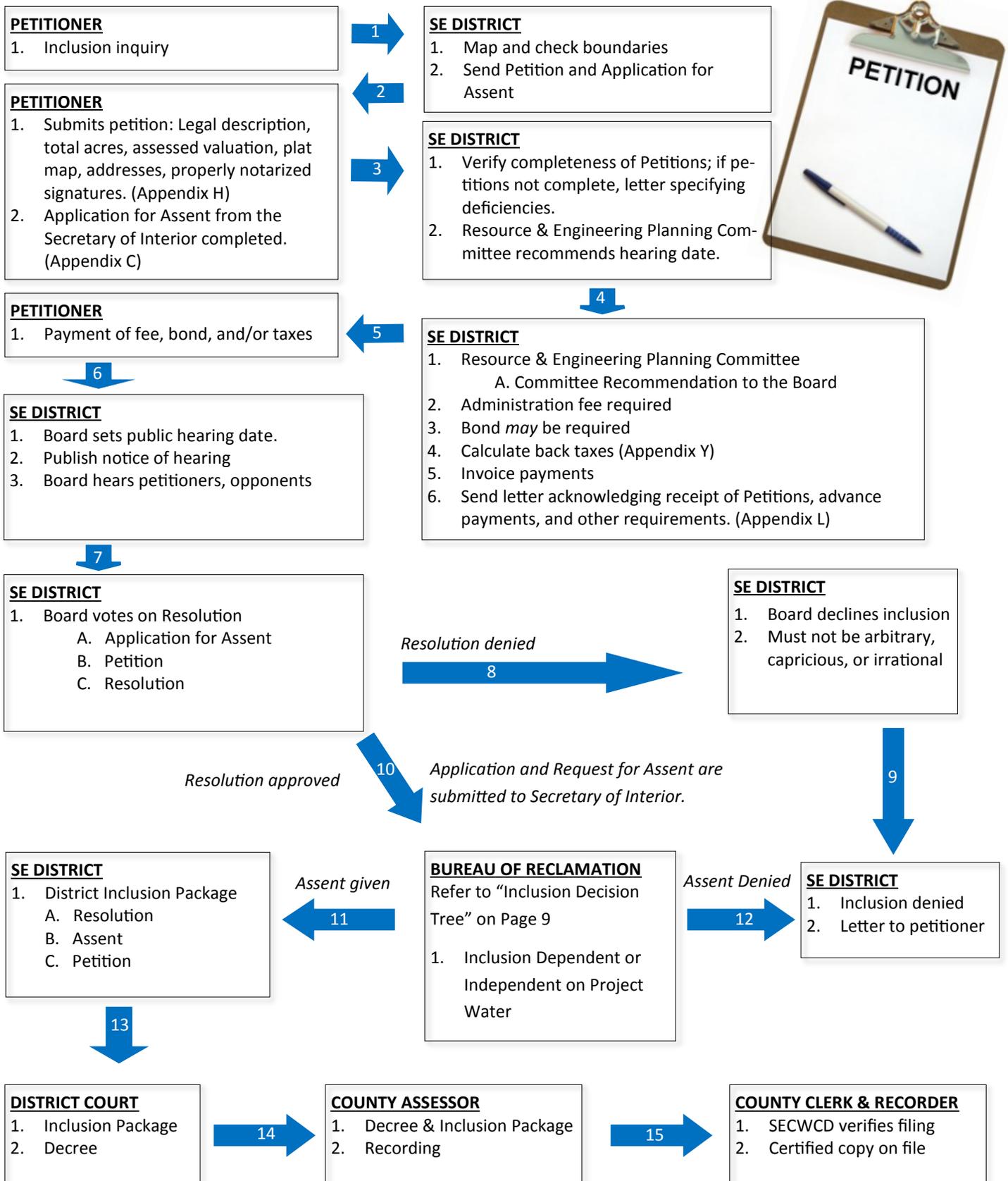
Information will be filed within the county where the annexation occurs.

Upon approval of the SE District inclusion by the District Court, the recorded Court Order is filed with the Assessor's office in the county where the lands are located, and recorded in each County in which the SE District is located. The SE District will verify with County Clerk and Recorder of the filing and retain a certified copy on file.

Charges for the filing will be paid by the SE District .

Inclusion by Petition Flow Chart

Numbered Arrows Correlate to Steps and Documents in the Following Step-by-Step Section



NOTE: Applicants should complete the inclusion process prior to any proposed land use change or proposed ground disturbance. All inclusion parcels are subject to the National Historical Preservation Act, 36 CFR 800, and NEPA. Any change in land use or disturbance after beginning the inclusion process and before Secretarial Assent may cause the parcel to be permanently ineligible to receive Project water.

Inclusion by Petition Step-by-Step

Numbering Below reference Steps and Documents that Correlate to Arrows in the Flow Chart

1. Inclusion Inquiry
 - a. No Documents
 - b. Land Owner or Water District interest to Include into SE District boundaries

Check boundaries with GIS to determine if proposed inclusion is in or outside SE District Boundary

2. Proposed Inclusion determined to be outside SE District Boundaries
 - a. *Statement Acknowledging Receipt of Notice Outside District Boundaries* (Appendix B)
 - b. *Application for Assent* (Appendix C)
 - c. *Petition for Inclusion* (Appendix H)
 - d. *Covenant to Petition for Inclusion* (Appendix I)

Petitioner completes Application for Assent, has notarized Petition for Inclusions for each parcel, and has notarized Covenant to Petition for Inclusions for each Parcel. Landholders required to sign are all individuals whose names are tied to that parcel per the County Assessor. Each Parcel must have a notarized copy with each signature of every landholder of that Parcel.

3. Materials Complete and submitted to SE District Staff
 - a. Completed *Application for Assent* (Appendix C)
 - b. Notarized *Petition for Inclusion* (Appendix H)
 - c. Notarized *Covenant to Petition for Inclusion* (Appendix I)
 - d. SE District generates *Resolution for Landowner Petition* (Appendix J) upon receipt of above items “a”, “b”, and “c”

Action taken at Resource & Engineering Planning Committee (REPC) to recommend the Southeastern Colorado Water Conservancy District Board of Directors set a hearing date.

4. Upon approval, SE District Staff will calculate Back Taxes and determine if a bond is required
 - a. Continuation to “Step 5”
5. SE District will send out the following documents and must receive payment before SE District Board can set hearing date.
 - a. *Petition Process Letter to Participant* (Appendix L)
 - b. *Back Tax Calculation Worksheet* (Appendix Y)
 - c. Invoice Back Taxes and Administrative Fee
 - d. Bond *may* be required
6. Petitioner receives packet and pays invoice



Inclusion by Petition Step-by-Step

- a. SE District accepts payment to pay administrative fee, back taxes, and bond if required

Action taken at Southeastern Colorado Water Conservancy District Board of Directors Meeting to set a hearing date.

7. Upon approval, SE District Staff will generate and publish the *Notice of Hearing* in a publication in the county that the Inclusion is taken place. Additional information is in the Board packet
 - a. Publish *Notice of Hearing* (Appendix N)
 - b. Completed *Application for Assent* (Appendix C)
 - c. Notarized *Petition for Inclusion* (Appendix H)
 - d. Notarized *Covenant to Petition for Inclusion* (Appendix I)
 - e. *Resolution for Landowner Petition* (Appendix J)



Southeastern Colorado Water Conservancy District Board of Directors will hear opponents and proponents of the petition and from the petitioner. Action is taken specifically on *Resolution for Landholder Petition*

8. Resolution Denied
 - a. Continuation to “Step 9”
9. SE Board Denies Inclusion not arbitrary, capricious, or irrational
 - a. *Letter to Petitioner of Inclusion Denial* (Appendix Z)
10. Resolution Approved, Send Bureau of Reclamation (BOR) Eastern Area Office (ECAO) the following documents
 - a. SE District generates *Petition Assent Request to BOR* (Appendix W)
 - b. Completed *Application for Assent* (Appendix C)

Bureau of Reclamation Completes Assent Process (see diagram Page 9)

11. Reclamation Denies Secretarial Assent
 - a. *Letter to Petitioner of Inclusion Denial* (Appendix Z)
12. Reclamation Gives Secretarial Assent
 - a. Reclamation sends SE District signed Secretarial Assent

SE District assembles necessary documents for the Inclusion by Petition to file in District Court as soon as possible.

13. Documents per petition that are required and submitted to legal counsel for filing upon completion
 - a. SE District *Resolution for Landholder Petition* (Appendix J)

Inclusion by Petition Step-by-Step



- b. SE District Completed *Application for Assent* (Appendix C)
- c. SE District Notarized *Petition for Inclusion* (Appendix H)
- d. SE District Notarized *Covenant to Petition for Inclusion* (Appendix I)
- e. Reclamation Secretarial Assent
- f. SE District invoice of Administrative Fee and Back Taxes
- g. SE District Notice of Hearing
- h. SE District Proof of Publication of Notice of Hearing
- i. SE District Confirmation that Petitioner paid the District fees due
- j. SE District Confirmation that property is not within a municipality
- k. SE District Analysis of whether the inclusion will affect the composition of the Board of Directors (if asked)

District Court will enter legal decree per petition

14. Legal Decree will encompass all parcels submitted and included as attachments
 - a. District Court Decree with attachments

County Assessor Completes Recording Process

15. The Recording Process places each parcel on the County's tax rolls for ad valorem tax collection
 - a. County Clerk and Recorder sends verification of recording of decree

SE District will file recorded decree in SE District files

INCLUSION BY PETITION LEGAL PROCEDURE



In the petition process, the petitioner will submit a request for inclusion into the District per C.R.S. §37-45-136. See included example of Petition (Appendix H).



1. Petition Process

- a. Upon receipt of Petitions for inclusion of land into the District from individual landowners. District staff will review the request for thoroughness and completeness. The petition shall include a legal description, total acres, assessed valuation, plat map, address and properly notarized signatures.
- b. If Petition is incomplete, a letter to petitioner will be sent specifying the deficiencies in the Petition, otherwise continue to item c.
- c. District staff will determine the administration fee and a bond may be required to assure payment of any costs incurred during the inclusion process.
- d. District staff will calculate the back tax charge per the historical tax formula (Appendix Y) and estimate the publication cost.
- e. A letter will be sent to the Petitioner(s)
 - 1) Acknowledging receipt of petition and outlining procedures, including advance payment of fees. (Appendix L)
 - 2) Detailing any further requirements that may be necessary.
 - 3) Informing Petitioner(s) that under the District's Repayment Contract with the United States (through the Department of the Interior), no changes can be made in the SE District Boundaries through inclusions of land except upon the Secretary's written permission and that Petitioner(s) will bear responsibility for obtaining this permission.
- f. Upon receipt of set administrative fee and tax inclusion fee, prepare for hearing on the petition, C.R.S. § 37-45-136(3).
 - 1) Choose hearing date and provide published notice as follows:

“The Secretary of the Southeastern Colorado Water Conservation District (District) Board shall cause notice of filing of such petition to be given and published in the county in which the lands are situated, which notice shall state the filing of such petition, names of petitioners, descriptions of lands mentioned, and the request of said Petitioner(s), giving notice to all persons

of interest or interested to appear at the office of the SE Board at *the time named* in said notice and show cause in writing why the petition should not be granted.”



- g. At the scheduled time and place mentioned in the notice the SE Board shall proceed to hear the petition and all objections thereto, presented in writing by any person showing cause why said petition should not be granted. The failure of any person interested to show cause shall be deemed an assent on his part to the inclusion of such lands in the District as requested in the petition.
- h. The SE Board will then consider approval of the petition. Potential SE Board actions on petitions for inclusion in the District include:
 - ◆ Approve inclusion petition contingent upon receipt of Secretarial assent; or
 - ◆ Decline petition, based on factual findings that are not arbitrary, capricious, or irrational.
- i. If petition is approved by the SE Board, staff will forward an application for assent to Reclamation, including a legal description, and map (Appendix Q).
- j. Contingent upon Secretarial assent from Reclamation for SE District inclusion, transmit the appropriate documents including Hearing Notice, SE Board Order, Affidavit of Publication, and Secretary assent to SE District legal counsel for subsequent court action regarding SE District inclusion, as applicable.

If Secretarial assent is denied for inclusion of lands into the SE District, notify the SE Board and landowner of the denial. Any tax inclusion fee then will be refunded, but not any administrative fee.
- k. Legal counsel for the SE District files appropriate documents with District Court in Pueblo as soon as possible after completion of the steps outlined above.
- l. Upon approval of the SE District inclusion by the Court, the recorded Court Order is filed with the Assessor’s office in the county where the lands are located, and recorded in each County in which the SE District is located. The SE District will verify with County Clerk and Recorder of the filing and retain a certified copy on file.
- m. District Court charge will be paid by the SE District.

Inclusion by Election Step-by-Step

STAFF

Numbering Below reference Steps and Documents that Correlate to Arrows in the Flow Chart

1. Inclusion Inquiry
 - a. No Documents
 - b. Land Owners or Water District interest to Include into SE District boundaries

Check boundaries with GIS to determine if proposed inclusion is in or outside SE District Boundary

2. Proposed Inclusion determined to be outside SE District Boundaries
 - a. *Letter Acknowledging Receipt of Notice Outside District Boundaries* (Appendix B)
 - b. *Application for Assent* (Appendix C)

Applicant completes Application for Assent.

3. Materials Complete and submitted to SE District Staff
 - a. Completed *Application for Assent* (Appendix C)
 - b. SE District generates *Resolution for Election* (Appendix R) upon receipt of above item "a"

Action taken at Resource & Engineering Planning Committee (REPC) to recommend the Southeastern Colorado Water Conservancy District Board of Directors accept inclusion and proceed forward with the election process.

4. Upon approval, SE District Staff will calculate Back Taxes, determine if a bond is required, and will send out the following documents
 - a. *Election Process Letter to Participant* (Appendix U)
 - b. *Back Tax Calculation Worksheet* (Appendix Y)
 - c. Administrative Fee *may* be required
 - d. Bond *may* be required
5. Applicant posts bond if necessary and collects signatures of 25% of the agricultural lands and 10% of the electors.
 - a. Applicant submits collected signatures to the District Court

Upon the District Court's validation of signatures, the District grants approval to post and hold election.

6. District Court must approve the application to hold election for inclusion
 - a. Formal letter allowing election from District Court to Applicant

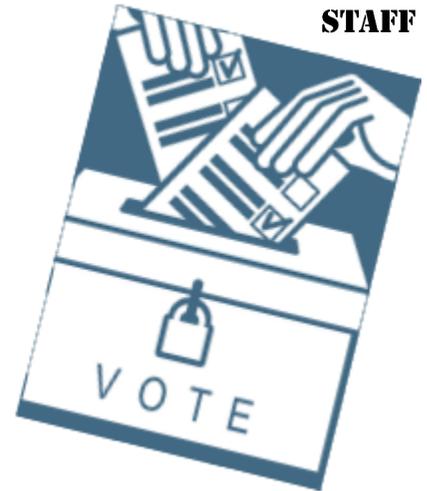
Applicant posts and holds election to determine if the inclusion passes or fails

7. The Inclusion by Election fails
 - a. *Letter to Petitioner of Inclusion Denial* (Appendix Z)

8. The Inclusion by Election succeeds
 - a. Notice to SE District of Election Results

SE District will invoice for Back Taxes and fees assessed and send letter listing all other requirements.

9. SE District will send out the following documents and must receive payment before going to the SE District Board for action.
 - a. *Back Tax Calculation Worksheet* (Appendix Y)



Inclusion by Election Step-by-Step



- b. Invoice Back Taxes
 - c. Administrative Fee *may* be required
 - d. Bond *may* be required
10. Applicant receives invoice
- a. SE District accepts payment to pay administrative fee, back taxes, and bond if required
 - b. Completed *Application for Assent* (Appendix C)
 - c. Election for Inclusion Results
 - d. *Resolution for Election* (Appendix R)

Southeastern Colorado Water Conservancy District Board of Directors will hear opponents and proponents of the petition and from the petitioner. Action is taken specifically on *Resolution for Landholder Petition*

11. Resolution Denied and SE Board Denies Inclusion
- a. *Letter to Petitioner of Inclusion Denial* (Appendix Z)
12. Resolution Approved, Send Bureau of Reclamation (BOR) Eastern Area Office (ECAO) the following documents
- a. SE District generates *Election Assent Request to BOR* (Appendix W)
 - b. Completed *Application for Assent* (Appendix C)

Bureau of Reclamation Completes Assent Process (see diagram Page 9)

13. Bureau of Reclamation Denies Secretarial Assent
- a. *Letter to Petitioner of Inclusion Denial* (Appendix Z)
14. Bureau of Reclamation Gives Secretarial Assent
- a. BOR sends SE District signed Secretarial Assent

SE District assembles necessary documents for the Inclusion by Petition to file in District Court as soon as possible.

15. Documents per petition that are required and submitted to legal counsel for filing per petition
- a. SE District *Resolution for Election* (Appendix R)
 - b. SE District Completed *Application for Assent* (Appendix C)
 - c. Reclamation Secretarial Assent
 - d. SE District invoice of Administrative Fee and Back Taxes
 - e. SE District Confirmation that Petitioner paid the District fees due
Petition of 25% of agricultural landowners, and 10% of residents
Election Results, which may include non-resident landowners

District Court will enter legal decree per petition

16. Legal Decree will encompass all parcels submitted and included as attachments
- a. District Court Decree with attachments

County Assessor Completes Recording Process

17. The Recording Process places each parcel on the County's tax rolls for ad valorem tax collection
- a. County Clerk and Recorder sends verification of recording of decree

SE District will file recorded decree in SE District files

INCLUSION BY ELECTION LEGAL PROCEDURE



Lands may be added to the SE District via an election following a petition as outlined in CRS § 37-45-136 (3.5):

1. The election process requires a petition to the District Court whereby not less than twenty-five percent (25%) of the owners of agricultural lands of the area embraced by the proposed lands to be included and by not less than ten percent (10%) of the electors of said area embraced by the proposed lands to be included on signed petitions.

2. Before this petition is filed, the SE Board must give its approval to the inclusion and recite the terms and conditions upon which said area may be included. The SE Board may also require that the petitioners post a sufficient bond to cover the costs of the election. If no bond is required, the petitioners must pay the cost of the election (Appendix U).



Examples of Required Terms and Conditions and/or Terms and Conditions to consider (not an exclusive list):

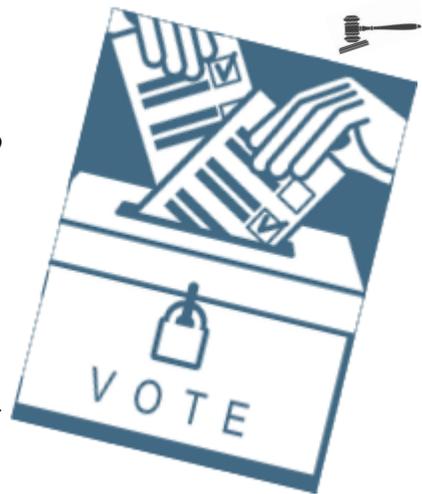
- a. Assent to the inclusion, without cost to the SE District, from the Secretary (**mandatory** per SE District's Decree).
- b. The SE Board may require a bond to assure payment of costs incurred during the inclusion process, including a bond for the costs of the election.
- c. Tax Inclusion Fee — SE District staff will calculate a back tax charge per the historic tax formula (to make the lands similar situated to other lands in the SE District), to allow the SE District Board to know what the amount might be, as it determines terms and conditions.
- d. The inclusion of lands into the SE District makes those lands eligible to use Fryingpan-Arkansas Project facilities as an in-District entity. The inclusion may also make these lands eligible to receive water from the Fryingpan-Arkansas Project, but does not detract from any other entity's previously established allocation rights. Any use of Fryingpan-Arkansas Project water on the included lands is **subject to** the decrees for the Fry-Ark Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the SE District.
- e. The annexed lands will be subject to ad valorem taxes levied by the SE District as any other similarly situated lands in the SE District at the time of this inclusion.
- f. Any inclusion will not change the composition of the SE District Board, or the allocation of Fryingpan-Arkansas Project water pursuant to the SE District's Allocation Principles previously approved by the Court.
- g. Acceptance of the following statement:

"This request is consistent with Contract No. 5-07-70-W0086, as amended and supplemented, and the District's Allocation Principles and Policies, including, but not limited to the use of Project water solely for supplemental purposes. The proposed changes in land use, if any, could occur without Fryingpan-Arkansas Project Water."

- h. Other Terms and Conditions approved by and at the discretion of the District Board.

3. To initiate this petition/election process, proponent(s) representing the proposed inclusion area shall make a request to the SE District's Executive Director. The proponent(s) may be a special district that supplies water to the proposed inclusion area.

Staff will inform proponent(s) that under the SE District's Repayment Contract with the United States (through the Department of Interior), no changes can be made in the SE District Boundaries through inclusions of land except upon the Secretary's written permission and that proponent(s) will bear responsibility for obtaining this permission.



4. SE District staff will determine that all lands to be included are within the Arkansas River drainage (Water Division 2).

5. A court hearing date will then be set to determine the validity of the petition and the signatures. If the petition and signatures are found to be true then the court shall set a date for the election.

6. The election may be held separately or concurrently with any other election authorized by law at which such qualified electors of the proposed inclusion area are entitled to vote, including a general election or special district election. Under the Water Conservancy Act, "electors" include non-resident landowners.

7. The resolution to be included on the ballot must meet certain requirements as laid out in CRS § 37-45-139 through 141. This resolution shall be published once a week for two consecutive weeks at least ten (10) days prior to the election. After the vote, the canvassing body of the election shall promptly certify and transmit to the SE Board or court, as applicable, a statement of the result of the vote. If a majority of votes cast are in favor of inclusion, the Court, on the motion of the District's Board shall declare the area included in the SE District.

8. SE District staff will make an application for assent to Reclamation, including election results, legal description and map.

9. However, if any territory within a Municipality and a majority of the votes cast by the voters residing within that incorporated area are against inclusion in the SE District, the governing body of said Municipality may, within thirty (30) days after certification of the election results, petition the Court for exclusion from the SE District of such incorporated area, and the Court shall exclude such territory from area to be included into the SE District.

10. The lands voting to join the SE District shall be included in the SE District subject to terms and conditions as approved by the SE Board.

11. SE District legal counsel will monitor and file any needed paperwork with the District Court to confirm and complete the petition inclusion process.



GENERAL PROVISIONS

PROCESSING OF OTHER MUNICIPAL AND COUNTY NOTIFICATIONS

Various Municipalities and/or counties notify the District of plat plans, site development plans, zoning and/or rezoning and metropolitan districts among others. Upon receipt of these notifications the District will log the information and review it to verify if the area is in or out of the SE District Boundaries. If the area is not an annexation to a Judicially approved City, or is already in the SE District Boundaries no response from the District is necessary.

TERMS AND CONDITIONS FOR INCLUSION INTO THE SE DISTRICT BOUNDARIES

C.R.S. §37-45-136 (3.6) addresses annexations by municipalities within a water conservancy district, and provides that “Whenever a municipality has annexed land into its boundaries and that municipality at the time of annexation previously had lands within its boundaries included within the district, upon consent of the governing body of the municipality, and *upon consent by the board of directors of the district*, the annexed lands shall be deemed to have been included within the district, subject to terms and conditions as determined by the board of directors of the district that shall not be inconsistent with the terms and conditions of previous applicable inclusion orders relating to that municipality. The municipality shall promptly transmit to the district a certified copy of the municipality’s annexation ordinance. Upon receipt of the municipality’s annexation ordinance, the board of directors of the district shall promptly act to grant or deny consent to the inclusion of the newly annexed lands into the district.” Any terms and conditions must also be consistent with the District’s Decree. The District’s standard terms and conditions for inclusion of municipal annexations are shown in Appendix D.

NOTE: Applicants should begin the inclusion process prior to any proposed land use change or proposed ground disturbance. All inclusion parcels are subject to the National Historical Preservation Act, 36 CFR 800, and NEPA. Any change in land use or disturbance after beginning the inclusion process and before Secretary assent may cause the parcel to be permanently ineligible to receive Project water.

BOUNDARY MAP CORRELATION WITH COUNTIES

The District will coordinate with the County assessor on providing maps of the SE District Boundaries (CRS § 39-1-110).

MUNICIPAL AND COUNTY CONTACTS



BENT COUNTY

County Assessor: (719) 456-2010; **Assessor GIS contact:** (719) 456-2010
City of Las Animas: (719) 456-2571

CHAFFEE COUNTY

County Assessor: (719) 539-4016; **Assessor GIS contact:** (719) 539-4016
Chaffee County Planner: (719) 530-5565
Buena Vista Planner: (719) 395-8643 ext. 15
Poncha Springs Admin.: (719) 539-6882
Salida City Planner: (719) 530-2626

CROWLEY COUNTY

County Assessor: (719) 267-5555; **Assessor GIS contact:** none at this time
Olney Springs contact: (719) 267-5567
Ordway contact: (719) 267-3134 **Ordway email:** ordwaymayor@gmail.com
Sugar City contact: (719) 267-3729

EL PASO COUNTY

County Assessor: (719) 520-6600; **County GIS Analyst:** (719) 520-6629
Colorado Springs Clerk: (719) 385-5901 **Web site:** www. Springsgov.com
Colorado Springs GIS: (719) 385-5362
City of Fountain Planner: (719) 322-2015
Manitou Planning Dept.: (719) 685-4398; **Manitou email:** msclm@ci.manitou-springs.co.us

FREMONT COUNTY

County Assessor: (719) 276-7310; **GIS contact:** (719) 276-7310
Cañon City Planner: (719) 276-5294
City of Florence: (719) 784-4848
Penrose Water District: (719) 372-3289

KIOWA COUNTY

County Assessor: (719) 438-5521; **Assessor GIS contact:** no computerized mapping
Eads: (719) 688-3995

OTERO COUNTY

County Assessor: (719) 383-3010; **County GIS contact:** (719) 383-3010
Cheraw: (719) 853-6013
Fowler: (719) 2634461 **Fowler email:** administrator@fowlercolorado.com
La Junta City Administration: (719) 384-5991
Manzanola: City Council (719) 462-5544 **Manzanola email:** manzanola@ci.manzanola.co.us
Rocky Ford City Manager: (719) 254-7414
Swink: Town of Swink (719) 384-715

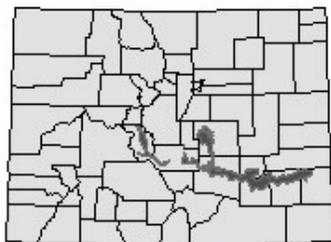
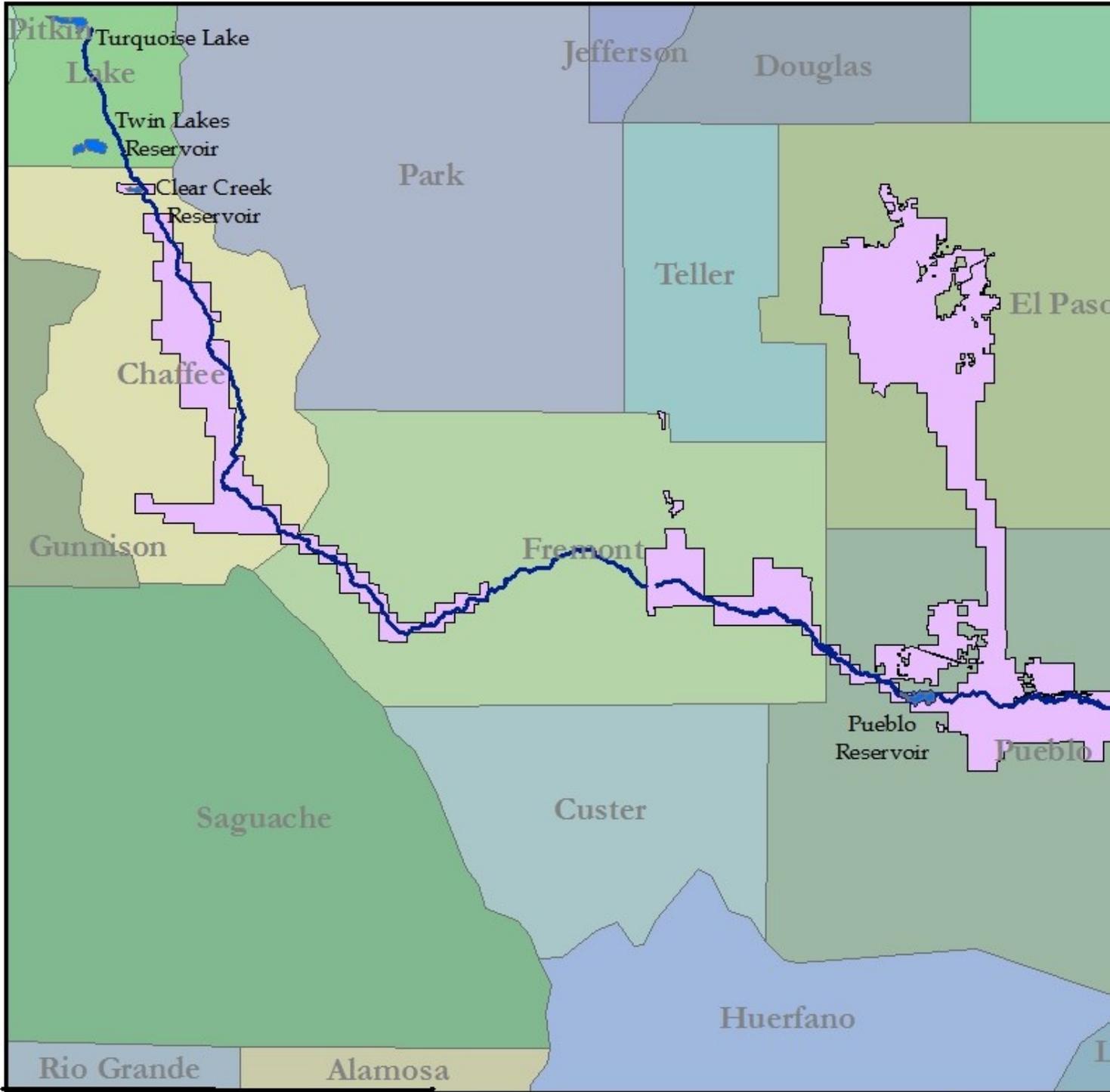
PROWERS COUNTY

County Assessor: (719) 336-8000; **Assessor GIS contact:** (719) 336-8006
Email: prowersgis@prowerscounty.net
City of Lamar: (719) 336-2002
Wiley Town Superintendent: (719) 829-4974

PUEBLO COUNTY

County Assessor: (719) 583-6590; **Assessor GIS contact:** (719) 583-6240
Assessor email: gis@co.pueblo.co.us
City of Pueblo Planning & Development: (719) 553-2259
Pueblo West Metro District: (719) 547-5000

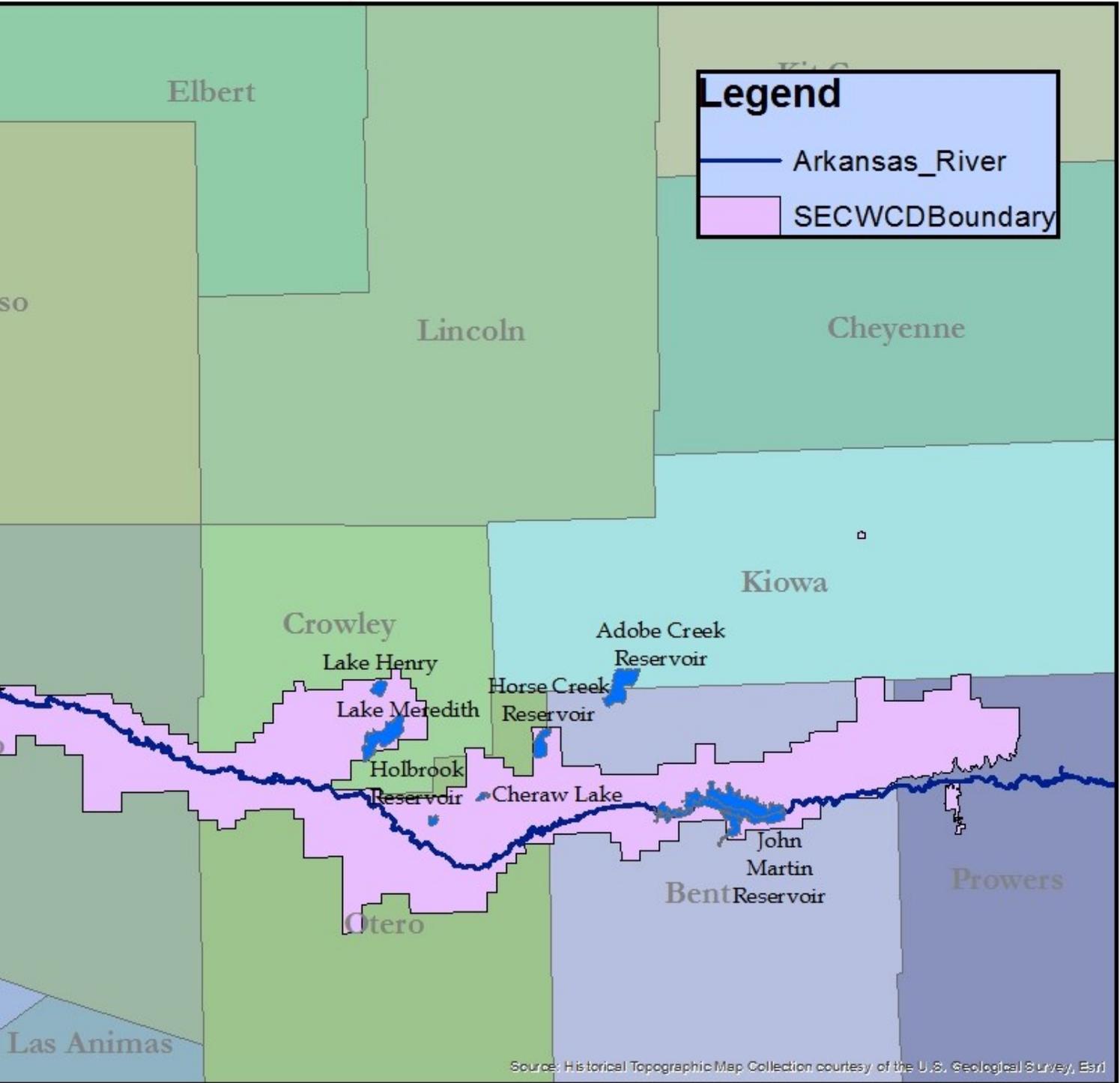
Southeastern Colorado Water



Colorado



er Conservancy District Boundary



**Southeastern Colorado
Water Conservancy District**
31717 United Avenue Pueblo CO 81001

APPENDICES

Appendix A: Statement acknowledging receipt of notice within District Boundaries 33

Appendix B: Statement acknowledging receipt of notice outside District Boundaries 34

Appendix C: Application for Secretarial Assent 36

Appendix D: Resolution for Municipal Annexation 40

Appendix E: Resource & Engineering Planning Committee Report Recommending Inclusion by
Municipal Annexation 42

Appendix F: SE District Board Report approving Inclusion by Municipal Annexation 44

Appendix G: Municipal Annexation Assent Request to BOR 45

Appendix H: Petition for Inclusion 47

Appendix I: Covenant to Petition for Inclusion 49

Appendix J: Resolution for Landowner Petition 50

Appendix K: Resource & Engineering Planning Committee Report Recommending Public Notice
Publication for Petition 51

Appendix L: Petition Process Letter to Petitioner 53

Appendix M: SE District Board Report approving Public Notice Publication for Petition 55

Appendix N: Public Notice of Hearing for Inclusion by Petition 57

Appendix O: SE District Board Report approving Inclusion by Petition 58

Appendix P: Petition Public Hearing Script 60

Appendix Q: Petition Assent Request to Bureau of Reclamation 62

Appendix R: Resolution for Election 63

Appendix S: Resource & Engineering Planning Committee Report Recommending Election
Proceedings 64

Appendix T: SE District Board Report approving Election Proceedings 66

Appendix U: Election Process Letter to Participant 68

Appendix V: SE District Board Report approving Inclusion by Election 69

Appendix W: Election Assent Request to Bureau of Reclamation 71

Appendix X: Notification to Applicant Upon Bureau of Reclamation Assent 72

Appendix Y: Back Tax Calculation Worksheet 73

Appendix Z: Letter to Petitioner of Inclusion Denial 74

Appendix A: Statement acknowledging receipt of notice within SE District Boundaries

<Date>

<email>

Subject: <Commonly known name>

Thank you for notifying the Southeastern Colorado Water Conservancy District (District) on the above approval for < Commonly known name >.

The application and property has been verified and is located entirely within the District boundaries and the District has no further concerns with the application. Thanks for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Garrett Markus". The signature is written in a cursive style.

Garrett Markus, P.E.
Water Resources Engineer

CC: Executive Director
Bureau of Reclamation Pueblo & ECAO

Appendix B: Statement acknowledging receipt of notice outside District Boundaries

<Date>

<address to applicant>

Subject: Notice of <annexation/petition/election> determined to be outside of Southeastern Colorado Water Conservancy District’s boundaries

Dear <applicant>:

Thank you for sending (*or we received*) Southeastern Colorado Water Conservancy District (District) the notice of the hearing regarding the below <annexation/petition/election>:

County	Name of Applicant	Commonly Known As	Legal description of property

The District has determined that all or a portion of the area requesting inclusion is located **outside** of the District boundaries.

According to the District’s formation decree, and repayment contract for the Fryingpan-Arkansas Project with the U.S. Bureau of Reclamation (Reclamation), Secretarial assent is needed for changes of lands to be included in the District.

This assent is subject to Reclamation’s review for National Environmental Policy Act (NEPA) compliance. ***The Applicant*** will need to complete the following attached questionnaire titled, *Application for Assent for Proposed Inclusions into the Southeastern Colorado Water Conservancy District and Ability to Receive of Fryingpan-Arkansas Project Water*. During the process, Reclamation may require further information.

NOTE: The Municipality or the Applicant is responsible for all costs related to Reclamation’s review of inclusion.

Please recognize that this inclusion is **NOT** eligible to receive benefits from the Fryingpan-Arkansas Project until Reclamation has completed the NEPA process and assented to the inclusion into the District. The inclusion is subject to applicable terms and conditions that may be imposed by the District Board of Directors, not inconsistent with previous inclusion orders involving the same municipality, as provided in C.R.S. § 37-45-136(3.6), and which will be consistent with the District’s Decree. The following are the District’s standard terms and conditions for inclusion of municipal annexations:

- a. Approval of the inclusion into the Southeastern Colorado Water Conservancy District (“District”) will not increase the amount of Fryingpan-Arkansas Project water available to the Municipality. Any Fryingpan-Arkansas Project water used on these included lands will need to come from the water allocated to the Municipality through Fryingpan-Arkansas Project water allocations made pursuant to the District’s Allocation Principles and Policies; and

- b. Any use of Fryingpan-Arkansas Project water on the included lands is subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the Southeastern Colorado Water Conservancy District; and
- c. The included lands will be subject to ad valorem taxes levied by the District as any other similarly situated lands in the Southeastern Colorado Water Conservancy District at the time of this inclusion; and
- d. Prior to the District filing a petition for District Court approval of this inclusion, the Municipality and/or owner(s) of the annexed lands shall have paid all costs charged by the United States in connection with the contracting officer's assent to this inclusion.

NOTE: The inclusion process should be completed prior to any proposed land use change or proposed ground disturbance. All inclusion parcels are subject to the National Historical Preservation Act, 36 CFR 800, and NEPA. Any change in land use or disturbance after beginning the inclusion process and before Secretarial assent may cause the parcel to be permanently ineligible to receive Project water.

If you have any questions, please contact me at (719) 766-4261 or by e-mail garrett@secwcd.com.

Sincerely,



Garrett J. Markus, P.E.
Water Resources Engineer

Attachments:

- Application for Assent for Proposed Inclusions into the Southeastern Colorado Water Conservancy District and Ability to Receive of Fryingpan-Arkansas Project Water
- Petition for Inclusion of Land into the Southeastern Colorado Water Conservancy District (If Inclusion is not an annexation or election)

CC: Applicant
District Files

4) **Attach a proposed inclusion parcel(s) location map (either topographic or aerial map from appropriate county assessor's website) showing parcel(s) boundaries. If petitioner's county or municipality utilizes GIS, send parcel shapefile with commonly known name to margie@secwcd.com.**

5) **How does the proposed inclusion parcel(s) currently receive water? For example, does the parcel(s) receive municipal or industrial water from a public water system?**

6) **Identify the water right(s) associated with the proposed inclusion parcel(s). If the parcel receives municipal and industrial water, state the water supplier. Otherwise, provide the water right decree.**

7) **Can any or all of the proposed activities resulting from the inclusion occur without your ability to receive Fryingpan-Arkansas Project Water?**

If yes, you DO NOT need to answer questions 8-15.

If no, please describe AND answer questions 8-15:

8) Describe the proposed inclusion Parcel(s) current land use and/or zoning (e.g., residential, rural residential, agricultural, etc.) and any existing infrastructure (e.g., buildings, ditches, roads, etc.) within the proposed inclusion parcel(s):

9) Are there any proposed changes to the proposed inclusion parcel(s) current land use and/or zoning (e.g., agricultural to residential, etc.) or any ground-disturbing activities within the proposed inclusion parcel(s) that will result from the proposed inclusion?

If yes, please describe the extent of ground disturbance (e.g., excavation, trenching, tree removal, construction, demolition, etc.), the approximate dimensions of the proposed ground disturbance (e.g., length, width, and depth of trenching, etc.), and attach a map showing the approximate area of disturbance within the proposed inclusion parcel(s).

10) Describe how the water will be used (e.g., provide water to an existing structure, provide water to a proposed commercial/industrial development, etc.) within the proposed inclusion parcel(s):

If a pipeline is required to provide water to an existing structure, please provide the approximate length and diameter of the pipeline:

11) Is there any existing infrastructure (e.g., buildings, structures, canals, ditches, etc.) or are there any known archaeological sites within the proposed inclusion parcel(s) that are at least 50 years old?

If yes, please describe:

12) Are there any known threatened or endangered species or their designated critical habitat within the proposed inclusion parcel(s)?

If yes, please describe:

13) Are there any known wetlands within the proposed inclusion parcel(s)?

If yes, please describe:

14) Are there any anticipated water quality impacts within the proposed inclusion parcel(s) resulting from the proposed inclusion (e.g., sewage disposal, construction impacts, etc.)?

If yes, please describe:

15) Is there any prime and unique farmland within the proposed inclusion parcel(s)?

If yes, please describe:

**SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT
RESOLUTION NO. 201X-0#D INCL-AX
INCLUSION OF MUNICIPAL ANNEXATION**

WHEREAS C.R.S. §37-45-136(3.6) addresses annexations by municipalities within a water conservancy district, and provides that “...upon consent of the governing body of the municipality, and upon consent by the board of directors of the district, the annexed lands shall be deemed to have been included within the district, subject to terms and conditions as determined by the board of directors of the district that shall not be inconsistent with the terms and conditions of previous applicable inclusion orders relating to that municipality”; and

WHEREAS the December 18, 1979 Judgment and Decree for the Southeastern Colorado Water Conservancy District (in Case No. 40487, Pueblo County District Court) provides that: “All areas hereafter annexed to said cities and towns with the consent of the contracting officer of The United States of America constitute municipalities and are a part of said District and may participate in the municipal water allocation provided by the District”; and

WHEREAS, the inclusion of lands into the Southeastern Colorado Water Conservancy District (District) makes those lands eligible to receive water from the Fryingpan-Arkansas Project facilities, subject to the decrees for the District and the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the District; and

WHEREAS, the City of **<name of city or town>** has consented to the inclusion of these lands in the Southeastern Colorado Water Conservancy District.

WHEREFORE, IT IS HEREBY RESOLVED:

That the lands annexed into **<name of city or town>** property commonly known as the **<commonly known as name here>** are included within the Southeastern Colorado Water Conservancy District, subject to the consent of the contracting officer of the United States of America, and subject to the following terms and conditions, which are consistent with the District’s Decree:

RESOLUTION NO. 201X-0#D INCL-AX

Page No. 2

1. Approval of this inclusion into the Southeastern Colorado Water Conservancy District (“District”) will not increase the amount of Fryingpan-Arkansas Project water available to City of **<name of city or town>**. Any Fryingpan-Arkansas Project water used on these included lands will need to come from the water allocated to **<name of city or town>** through Fryingpan-Arkansas Project water allocations made pursuant to the District’s Allocation Principles and Policies; and
2. Any use of Fryingpan-Arkansas Project water on the included lands is subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the Southeastern Colorado Water Conservancy District; and
3. The annexed lands will be subject to ad valorem taxes levied by the District as any other similarly situated lands in the Southeastern Colorado Water Conservancy District at the time of this inclusion; and
4. Prior to the District filing a petition for District Court approval of this inclusion, the Municipality, and/or owner(s) of the annexed lands shall have paid all costs charged by the United States in connection with the contracting officer’s assent to this inclusion.

Resolution No. 201X-0#D INCL-AX was adopted at the regular Board of Director’s meeting **<date of Board meeting>**.

Seal

Southeastern Colorado Water Conservancy District
President

Southeastern Colorado Water Conservancy District
Secretary

RESOURCE AND ENGINEERING PLANNING COMMITTEE MEETING

Inclusions of Land Annexed by *City*

Action Report

Date: [Click here to enter a date.](#)

Agenda Item: [Click here to enter text.](#)

STAFF RECOMMENDATIONS:

The Committee recommends the Board approve the inclusion of the *commonly known name* by *City* into the Southeastern Colorado Water Conservancy District (District) with the standard terms and conditions (shown below). Once approved by the Board of Directors, staff will send the annexation to Bureau of Reclamation (Reclamation) for assent. The District will submit the inclusion to the District Court for final decree.

BUDGET IMPLICATIONS:

There will be property tax revenues from the properties annexed by *City*.

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

The Committee has previously recommended the Board approve inclusions of properties located outside of the District which were annexed by towns and cities in the District. These inclusions are subject to the standard terms and conditions, Secretarial Assent, and District Court decree including the lands within the District.

ISSUE SUMMARY DESCRIPTION:

There are three methods of including lands into the District:

1. Annexation by a town or city located in the District.
2. Petition of the property owners.
3. Vote of the property owners.

All three of these methods require assent from the Secretary of Interior, for which Reclamation requires a National Environmental Policy Act (NEPA) review of the lands to be included in the District boundaries. Once the Board approves the inclusion by Resolution, then Secretary Assent by Reclamation is requested. The inclusion is submitted to the District Court for a decree including the lands within the District.

The Application of Assent has been submitted to the District and will be forwarded to Reclamation for the property.

The Resolution for Inclusion is:

RESOLUTION NO.	More Commonly Known As	Legal	Acres	County
201_-_D INCL-AX	Annexation name	SE4 SW4 SE4	5	

SUGGESTED MOTION:

I move that the Committee recommend the Board approve, by Resolution, the inclusion of the *more commonly known as* annexed by *City* subject to the following terms and conditions:

1. Approval of these inclusions into the Southeastern Colorado Water Conservancy District will not increase the amount of Fryingpan-Arkansas Project water available to the city. Any Fryingpan-Arkansas Project water used on these included lands will need to come from the water allocated to the city through Fryingpan-Arkansas Project water allocations made pursuant to the District’s Allocation Principles and Policies; and
2. Any use of Fryingpan-Arkansas Project water on the included lands is subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the District; and
3. The annexed lands will be subject to ad valorem taxes levied by the District as any other similarly situated lands in the District at the time of this inclusion; and
4. Prior to the District filing a petition for District Court approval of this inclusion, the Municipality, and/or owner(s) of the annexed lands shall have paid all the costs charged by the United States in connection with the contracting officer’s assent to this inclusion.

ATTACHMENTS:

Attachment 1: 201_-_D INCL-AX with Application for Assent and map



Southeastern Colorado Water Conservancy District Board of Directors Meeting

Inclusions of Land Annexed by *City* Action Report

Date:

Agenda Item: [Click here to enter text.](#)

STAFF RECOMMENDATIONS:

The Board approve the inclusion of the *commonly known as* Annexation by *City* into the Southeastern Colorado Water Conservancy District (District) with the standard terms and conditions (shown below). Once approved by the Board of Directors, staff will send the annexation to Bureau of Reclamation (Reclamation) for assent. The District will submit the inclusion to the District Court for final decree.

BUDGET IMPLICATIONS:

There will be property tax revenues from the properties annexed by *City*.

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

The Committee has previously recommended the Board approve inclusions of properties located outside of the District which were annexed by towns and cities in the District. These inclusions are subject to the standard terms and conditions, Secretarial Assent, and District Court decree including the lands within the District.

ISSUE SUMMARY DESCRIPTION:

There are three methods of including lands into the District:

1. Annexation by a town or city located in the District.
2. Petition of the property owners.
3. Vote of the property owners.

All three of these methods require assent from the Secretary of Interior, for which Reclamation requires a National Environmental Policy Act (NEPA) review of the lands to be included in the District boundaries. Once the Board approves the inclusion by Resolution, then Secretary Assent by Reclamation is requested. The inclusion is submitted to the District Court for a decree including the lands within the District. The Application of Assent has been submitted to the District and will be forwarded to Reclamation for the property.

Inclusions of Land Annexed by <CITY> – Action Report

The Resolution for Inclusion is:

RESOLUTION NO.	More Commonly Known As	Legal	Acres	County
-------------------	---------------------------	-------	-------	--------

SUGGESTED MOTION:

I move that the Board approve, by Resolution, the inclusion of the *commonly known as* annexed by *City* subject to the following terms and conditions:

1. Approval of these inclusions into the Southeastern Colorado Water Conservancy District will not increase the amount of Fryingpan-Arkansas Project water available to the city. Any Fryingpan-Arkansas Project water used on these included lands will need to come from the water allocated to the city through Fryingpan-Arkansas Project water allocations made pursuant to the District’s Allocation Principles and Policies; and
2. Any use of Fryingpan-Arkansas Project water on the included lands is subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the District; and
3. The annexed lands will be subject to ad valorem taxes levied by the District as any other similarly situated lands in the District at the time of this inclusion; and

Prior to the District filing a petition for District Court approval of this inclusion, the Municipality, and/or owner(s) of the annexed lands shall have paid all the costs charged by the United States in connection with the contracting officer’s assent to this inclusion.

ATTACHMENTS:

Attachment 1: 201_-_D INCL-AX with Application for Assent and map

Appendix G: Municipal Annexation Assent Request to Bureau of Reclamation

<Date>

*Anthony Curtis
Bureau of Reclamation
Eastern Colorado Area Office
11056 West County Road 18E
Loveland, CO 80537*

Subject: Request for Secretarial Assent regarding Inclusion by annexation

Dear Mr. Curtis:

Southeastern Colorado Water Conservancy District is forwarding the attached Application for Assent. According to the District’s formation decree, and repayment contract for the Fryingpan-Arkansas Project with the U.S. Bureau of Reclamation (Reclamation), Secretarial assent is needed for changes of lands to be included in the District. Secretarial assent is subject to Reclamation’s review for National Environmental Policy Act (NEPA) compliance. The District has determined that all or a portion of the area requesting inclusion is located **outside** of the District boundaries.

Municipality	Resolution	Annexation Commonly Known As	Legal description of property

The District Board has approved the following annexation for inclusion subject to the issuance of the Secretarial assent. Please review the following annexation for Secretarial assent.

THIS REQUEST IS CONSISTENT WITH CONTRACT NO. 5-07-70-W0086, AS AMENDED AND SUPPLEMENTED, AND THE DISTRICT’S ALLOCATION PRINCIPLES AND POLICIES, INCLUDING, BUT NOT LIMITED TO THE USE OF PROJECT WATER SOLELY FOR SUPPLEMENTAL PURPOSES. THE PROPOSED CHANGES IN LAND USE, IF ANY, COULD OCCUR WITHOUT FRYINGPAN-ARKANSAS PROJECT WATER.

If you have any questions, please contact me at (719) 766-4261 or by e-mail garrett@secwcd.com.

Sincerely,

Garrett J. Markus, P.E.
Water Resources Engineer

Attachments: Application for Assent for Proposed Inclusions into the Southeastern Colorado Water Conservancy District and Ability to Receive of Fryingpan-Arkansas Project Water

CC: District Files

PETITON NO. _____
PETITION FOR INCLUSION OF LANDS INTO THE
SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

TO THE BOARD OF DIRECTORS OF THE SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

1. All the owner(s) of lands situated in the County of _____, State of Colorado, hereby petition and pray that the lands hereinafter described be included in said Southeastern Colorado Water Conservancy District (District).
2. The description of the lands owned by the Petitioner(s) is as follow:

<u>PETITIONER DESCRIPTION</u>	<u>SEC.TWP.RGE.</u>	<u>ACRES</u>	<u>ASSESSOR PARCEL</u>

TOTAL ACRES INCLUDED _____
CURRENT ASSESSED VALUATIONS OF
LANDS AND IMPROVEMENTS TO BE INCLUDED \$ _____

3. A plat of the above-described property is attached hereto.
4. All of the owner(s) of the above-described property hereby agree(s) to pay to the District an amount which is equal to the ad valorem taxes which would have been paid to the District by the owners of the above-described lands if said lands had been within the boundaries of the District

at the time of its creation (inclusion fee). This amount will be calculated in accordance with the policy of the District.

5. All the owner(s) of the above-described property agree to reimburse the District all reasonable administrative and legal costs incurred by the District in reviewing the petition.
6. All the owner(s) of the above-described property and their heirs, successors, and assigns, hereby agree(s) to be bound by the Water Conservancy Act C.R.S. 37-45-101 *et seq.*, as amended or changed from time to time.
7. All of the owner(s) of the above-described property hereby agree(s) that inclusion of the above-described lands into the District is conditional on present and future payment of the same mill levies and special assessments as are levied or will be levied on other similar situated property in the District at the time of inclusion of the Petitioner(s) lands. If such payments are not made on such equal basis, the inclusion of lands can be terminated for non-compliance with this condition if payments are not otherwise made.
8. All the owner(s) of the above-described property have executed Covenant to Petition, attached hereto.

**THIS PETITION, INCLUDING COVENANT TO PETITION, MUST BE SIGNED
BY ALL OF THE OWNERS OF THE ABOVE-DESCRIBED PROPERTY**

SIGNATURE

TITLE
(If in relation to a Partnership or a Corporation)

ADDRESS

STATE OF COLORADO)

COUNTY OF) SS

Subscribed and sworn before me this _____ day of _____, 20____, by

(SEAL)

Appendix J: Resolution for Landowner Petition

**SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT
RESOLUTION NO. 201X-0#D INCL-PT
FRYINGPAN-ARKANSAS PROJECT INCLUSION FEE**

WHEREAS, the inclusion of lands into the Southeastern Colorado Water Conservancy District (District) makes those lands eligible to receive water from the Fryingpan-Arkansas Project facilities, subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulation, policies, and contractual obligations of the District; and

WHEREAS, those lands and allottees of water originally included within the District commencing in 1958 have contributed to the cost of construction, repayment, operation, maintenance, replacement, and administration of the Fryingpan-Arkansas Project; and

WHEREAS, a fee is necessary to place newly included lands and their eligibility for water from the Fryingpan-Arkansas Project facilities on the same basis as those lands originally included within the District.

NOW, THEREFORE, LET IT BE RESOLVED:

In addition to the reimbursement for any fees and costs incurred by the District as a result of this petition, a fee shall be charged in connection with the inclusion of lands into the District. This inclusion fee shall be calculated as follows:

The sum of the historical (1958 to current year) ad valorem tax revenues received by the District divided by the current assessed valuation of the District times the current assessed valuation of the property and improvements to be included.

The ratio determined by this formula will be computed by the District based on the most recent calendar-year valuation and will be made available upon request. It will be the responsibility of the Petitioner to furnish the current assessed valuation of the property and improvements involved at the time the petition for the inclusion is submitted to the District.

An administrative fee of \$1,500.00 will be assessed and collected to reimburse the District of any costs incurred as a result of this petition.

Satisfactory arrangements for payment of fees must be made with the District before the inclusion will be approved by the Board of Directors.

Adopted this _____ day of _____.

Seal

Southeastern Colorado Water Conservancy District
President

Southeastern Colorado Water Conservancy District
Secretary

RESOURCE AND ENGINEERING PLANNING COMMITTEE MEETING
<Name of Petition> Petition for Inclusion
Recommendation to Set Public Hearing
Action Report

Date: [Click here to enter a date.](#)

Agenda Item:

STAFF RECOMMENDATIONS:

The Resource and Engineering Planning Committee recommends the Board set the date and time for a public hearing for consideration of the inclusion of the <name of petition> property in <name> County into the Southeastern Colorado Water Conservancy District (District) for Thursday, <date> at 9:30 a.m. at the District office during our regular Board Meeting.

BUDGET IMPLICATIONS:

The Applicant will be invoiced for the \$1,500.00 administrative fee and the calculated back taxes from the time the District was formed; and Applicant will pay any publication costs associated with the hearing. Once the property is developed, the taxes will be based on the assessed valuation of the developed property.

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

Previously the Board has held public hearings on petitions for inclusion to the District. The most recent was the <list last petition approved, and county>.

ISSUE SUMMARY DESCRIPTION:

<Petitioner name> originally approached the District staff in <year> to include <type of land ag, city, etc.> lands in <county name> County along <location>. <List summary of petition, any pertinent information and acres.>

Staff will send a letter to the representative for the petition informing them of the next steps and request payment. Once payment is received, District staff will request action at the <month> Board meeting to set a public hearing to be held at the <month> Board meeting.

The District cannot include any property without Reclamation's assent; however, after staff review, the conclusion was reached that the method of proceeding that is most consistent with the District's statutory and contractual requirements is for the District to hold a hearing on the inclusion request, and should the District approve the inclusion request, that approval would be conditioned upon Reclamation's assent. Once Reclamation assents to this inclusion to the District, special water counsel will submit the proper paperwork to the District Court for final approval.

In summary, staff has received the necessary documents and the administrative and back tax fees will be invoiced. Therefore, it is appropriate to request the District Board to set a public hearing to consider the inclusion of the Applicant's property into the District once payment is received.

<date>

SUGGESTED MOTION:

I move that the District set a public hearing to be held on Thursday, <date> at 9:30 a.m. at the District office for consideration of the inclusion of <name of petition> property into the District and that staff arrange for the publication of the necessary notices of this hearing as required by statute.

ATTCHMENTS:

Attachment 1: <name of petitioner> Application for Assent

Attachment 2: <name of petitioner> Map

Appendix L: Petition Process Letter to Petitioner

<Date>

<Petitioner Address>

Re: <Name of Petition> Petition for Inclusion

Dear <Petitioner>:

The Southeastern Colorado Water Conservancy District (District) has received the legal description of the <Name of Petition> petition for inclusion into the District. With this letter, we are providing an outline that will now be followed in order for the District to finish processing your inclusion petition.

Based on the District's policy regarding inclusions of non-municipal lands, the District will charge an administrative fee of \$1,500.00 in order to cover the cost to process an inclusion petition.

It is the District's policy that any lands included into the District will pay a fee equivalent to the current value of taxes that would have been paid to the District, had the property been in the District since its original formation. This inclusion fee will then put newly included lands on a similar tax basis as those lands that have been paying taxes to the District since it was formed in 1958.

The District has a formula to calculate the inclusion fee. Based upon that formula, the <Name of Petition> property must pay the District an amount not to exceed \$. (Attachment 1). In the event your petition is eventually denied, this inclusion back taxes will be refunded, however, the administrative fee will not be refunded.

The District administers the Fryingpan-Arkansas Project, a federally authorized project. Under the District's repayment contract with the United States (through the Department of the Interior and Bureau of Reclamation) and applicable federal reclamation law, no changes can be made to the District boundaries through inclusion of land – except upon the Secretary of Interior's written assent. The petitioner bears the responsibility and costs for obtaining assent. Any action the District takes on the <Name of Petition> inclusion is conditioned upon Secretarial assent. The petitioner has copied its petition to the Bureau of Reclamation, and submitted a completed Application for Assent.

Petitioner is responsible for all costs related to the Bureau of Reclamation's review of inclusion.

NOTE: Applicants should begin the inclusion process prior to any proposed land use change or proposed ground disturbance. All inclusion parcels are subject to the National Historical Preservation Act, 36 CFR 800, and National Environmental Policy Act. Any change in land use or disturbance after beginning the inclusion process and before Secretarial assent may cause the parcel to be permanently ineligible to receive Project water.

In order to continue processing the petition, the District will need to collect from you the administrative fee, and the inclusion fee. Upon receipt of these fees, the District will proceed with the statutory authorized procedure for such an inclusion petition. Upon Board approval the District will set a date for <Thursday, May 18, 2017> at <9:30 a.m.> at the District office for the public hearing of the petition request, which we will set only after consultation with you and/or other representatives of the <Name of Petition> Petition for inclusion in order to choose a date that works for both parties. Once the hearing is set, the District will arrange to publish the petition in the <County Publication Entity> required by State Statues. The petitioner will be responsible for the cost of this newspaper publication. Per State Statues, objectors must present comments in writing. The District will attempt to provide those comments to you prior to the inclusion hearing. The District also plans to let the objectors who do submit written comments to provide a brief oral summary of the comments, and will allow you a period of time to present the petition and respond to any objections.

The District will then hold the public hearing and deliberate on the petition request itself at this hearing (or a continued hearing date in the future). In the event that the District does approve the petition, it will be subject to any and all approvals and requirements as set forth by the Department of Interior through its Bureau of Reclamation, and will be subject to terms and conditions consistent with the District's policies. As mentioned earlier, the petitioner has initiated federal review of the petition and the Application for Assent, and has been working with the Bureau of Reclamation's Eastern Colorado Area office in Loveland, Colorado.

If you have questions, please call me at our office (719) 766-4261 or by email garrett@secwcd.com.

Sincerely,

Garrett J. Markus, P.E.
Water Resources Engineer

Attachment 1: Invoice and back tax calculation fee

CC: District Files



Southeastern Colorado Water Conservancy District Board of Directors Meeting

<Name> for Inclusion Recommendation to Set Public Hearing Action Report

Date:

Agenda Item: [Click here to enter text.](#)

STAFF RECOMMENDATIONS:

The Resource and Engineering Planning Committee recommends the Board set the date and time for a public hearing for consideration of the inclusion of the <name> property in <name> County into the Southeastern Colorado Water Conservancy District (District) for <day>, <date> at 9:30 a.m. at the District office during our regular Board Meeting.

BUDGET IMPLICATIONS:

The Applicant was invoiced and paid for the \$1,500.00 administrative fee and the calculated back taxes from the time the District was formed; and Applicant will pay any publication costs associated with the hearing. Once the property is developed, the taxes will be based on the assessed valuation of the developed property.

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

Previously the Board has held public hearings on petitions for inclusion to the District. The most recent was the <list last petition approved, and county>.

ISSUE SUMMARY DESCRIPTION:

<summary of petition here> <Name> has since submitted his Application for Assent including only the lands located in <name> County which totals <no. acres> acres outside of the District boundaries.

Staff provided a letter to the representative for the petition informing them of the next steps and requested payment. Payment has been received, District staff will request action at the April Board meeting to set a public hearing to be held at the May Board meeting.

The District cannot include any property without Reclamation's assent; however, after staff review, the conclusion was reached that the method of proceeding that is most consistent with the District's statutory and contractual requirements is for the District to hold a hearing on the inclusion request, and should the District approve the inclusion request, that approval would be conditioned upon Reclamation's assent. Once Reclamation assents to this inclusion to the District, special water counsel will submit the proper paperwork to the District Court for final approval.

In summary, staff has received the necessary documents and the administrative and back tax fees have been received. Therefore, it is appropriate to request the District Board to set a public hearing to consider the inclusion of the Applicant's property.

SUGGESTED MOTION:

1. I move the District set a public hearing to be held on Thursday, <date> at 9:30 a.m. at the District office for consideration of the inclusion of the <name> property into the District and that staff arrange for the publication of the necessary notices of this hearing as required by statute.

ATTACHMENTS:

Attachment 1: <Name of petitioner> Application for Assent

Attachment 2: <Name of petitioner> Map

PUBLIC NOTICE
PETITION FOR INCLUSION

Notice is hereby given that there has been filed with the Board of Directors of the Southeastern Colorado Water Conservancy District, a petition, requesting the property on such petition be included into said District. Description of all the parcels which are located in <name> County, Colorado, in Sections <legal description.> More specifically described as <name> County parcel no.

All containing <no.> acres agriculture land, more or less.

Petitioner: <name>

Further notice is hereby given that the Board of Directors of said District will hear said petition at a hearing to be held at 9:30 A.M., Thursday, <date> at the District Office, 31717 United Avenue, Pueblo, CO 81001, at which time and place persons interested shall appear and show cause in writing why the petition should not be granted./s/ James W. Broderick, Assistant Secretary/Treasurer. Southeastern Colorado Water Conservancy District.



Southeastern Colorado Water Conservancy District Board of Directors Meeting

Public Hearing <Petitioner's name>Petition for Inclusion Action Report

Date:

Agenda Item: [Click here to enter text.](#)

STAFF RECOMMENDATIONS:

Following the public hearing, approve or not approve the <Petition name> (Applicant) Petition for Inclusion of lands in <county> County <location> into the District subject to Department of Interior assent. If the petition is approved, direct legal counsel to file the appropriate documents with the Bureau of Reclamation (Reclamation) and the District Court for processing.

BUDGET IMPLICATIONS:

The Applicant has paid the \$1,500.00 administrative fee and <\$00.00> that covers the back taxes from the time the District was formed (attachment 2); and Applicant will pay any publication costs associated with the hearing. Once the property is developed, the taxes will be based on the assessed valuation of the developed property.

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

Previously the Board has held public hearings on petitions for inclusion to the District. The most recent was the <last petition filed> into <county> County in <year>. After the hearing, the Board voted to include the lands into the District.

ISSUE SUMMARY DESCRIPTION:

<Petitioner's name> approached the District staff in <year> to include <type of land ag, city, etc.> land in <county name> County along <location>. <List summary of petition, any pertinent information and acres.>

Staff provided a letter to the representative for the petition informing them of the next steps and requested payment. Payment has been received for the administrative fee and the back taxes.

The District cannot include any property without Reclamation's assent; however, after staff review, the conclusion was reached that the method of proceeding that is most consistent with the District's statutory and contractual requirements is for the District to hold a public hearing on the inclusion request, and should the District approve the inclusion request, that approval would be conditioned upon Reclamation's assent. Once Reclamation assents to this inclusion to the District, special water counsel will submit the proper paperwork to the District Court for final approval.

**Public Hearing <petitioner's name> Petition for Inclusion
date**

The public notice was published in the <publication name> on <first publication date>, and <second publication date>.

In summary, staff has received and reviewed the necessary documents; and the administrative and back tax fees have been paid. Therefore, it is appropriate to hold a public hearing to consider the inclusion of the Applicant's property into the District.

Staff has determined the following:

- ◆ The total acres included in this petition is <no.> acres.
- ◆ The assessed valuation of this property for <year> is <\$00.00>.
- ◆ The required signatures on the petition were properly notarized, as required by statute.
- ◆ The Applicant has paid the District \$1,500 inclusion administration fee and <\$00.00> in property taxes back to 1958.

The approval of this petition would not increase the amount for Fryngpan-Arkansas Project water available to any entity.

There are two potential actions by the Board that may be appropriate for this petition after the public hearing. They are:

1. Approve the Petition for Inclusion of the <Petitioner name> land, subject to Department of Interior assent; or
2. Not approve the Petition of the <Petition name> land.

SUGGESTED MOTION:

1. I move the Board approve the Petition for the <Petition name> lands subject to Department of Interior assent and direct staff to file the appropriate documents with the Bureau of Reclamation.
2. I move the Board not approve the Petition for Inclusion of the <Petition name> lands.

ATTACHMENTS:

Attachment 1: Petition for Inclusion of Lands into the SECWCD for <Petition name> land

Attachment 2: Back Tax Inclusion Fee Calculation for the <Petition name> Petition

Attachment 3: Application for Assent for Proposed Inclusion into the Southeastern Colorado Water Conservancy District

Attachment 4: Location and Site maps for <Petition name> lands in <county> County

Attachment 5: Public Notice, Petition for Inclusion

Appendix P: Petition Public Hearing Script

Report Starting on Page ____

<p>SECWCD President</p>	<p>I call this hearing to order. It is <date> at approximately 9:30 A.M.</p> <p>This is the Public Hearing on the petition for inclusion filed by <petitioner’s name> for the <petition name> petition for inclusion, which consists of <no.> acres of property <location> into the Southeastern Colorado Water Conservancy District.</p> <p>Is a representative of the petitioner present? <i>[petition will be present]</i></p> <p><Petitioner name>representative for the <Petition name>is present. We would like to hear from you after staff provides its input into this petition.</p> <p>At this time, I will ask <SECWCD Water Resources Engineer>to provide staff’s report on this petition.</p>
<p>SECWCD Water Resources Engineer</p>	<p>This is the Public Hearing on the petition for inclusion of <no.> acres of property filed by <Petitioner name><location of petitioned land> into the Southeastern Colorado Water Conservancy District, pursuant to Colorado Revised Statutes, Section 37-45-136.</p> <p>At the Board Meeting held on <date> the Board ordered that notice of the filing of this petition to be published in a newspaper of general circulation within the county where the land is located, which notice consisted of 2 publications, and that the notice stated the filing of this petition, the name of the petitioner, and a descriptions of lands -- giving notice to all persons interested to appear at this time and location to show cause in writing why the petition should not be granted, and that this Hearing must be held within 30 days of the last publication --pursuant to Colorado Revised Statute Section 37-45-136(2).</p> <p>This notice was published twice in the <name of publication>, a newspaper of general circulation in <name of county>. A copy of the newspaper’s affidavit of publication is in the public record. The last publication date was <date> which was less than 30 days ago.</p>
<p>SECWCD Water Resources Engineer</p>	<p>[BACKGROUND, HISTORY AND STAFF RECOMMENDATION]</p> <p>A petition was received in <date/time frame>, requesting that its property be annexed into the District. The petition for inclusion included land in <location>, upon reviewing the parcels only the <county no. acres> acres that are outside of the District boundaries are considered. Legal Counsel reviewed the petition and determined it was in compliance with the Water Conservancy inclusion statute found in Colorado Revised Statutes, Section 37-45-136. Staff has determined the following:</p> <ul style="list-style-type: none"> --The Legal description is adequate. --The total area included in this petition is <no.> acres. (A map is in your packet) --The assessed valuation for <year> is <\$00.00>. --The Administrative Fee for processing is \$1,500.00. --The back tax amount assessed is <\$00.00>. --Required signatures were properly notarized, as required by statute.
<p>SECWCD Water Resources Engineer</p>	<p>BUREAU OF RECLAMATION</p> <p>The Southeastern District administers the Fryngpan-Arkansas Project which is a federally</p>

<p>SECWCD Water Resources Engineer</p>	<p>authorized Reclamation project. Under Southeastern’s Repayment Contract with Reclamation, and applicable federal reclamation law, no changes can be made to Southeastern’s boundaries through inclusions of land - except upon the Secretary of Interior's written permission. As Petitioner, the <petitioner> petitioner will bear the responsibility and costs for obtaining this federal permission. Any favorable action Southeastern takes on this petition is subject to Department of the Interior’s approval. If the Board approves the petition, staff will file the appropriate documents with Reclamation.</p>
<p>SECWCD Water Resources Engineer</p>	<p>STAFF RECOMMENDATION After review, District staff is recommending that this petition be approved, subject to Department of the Interior approval.</p>
<p>SECWCD President</p>	<p>At this time we may hear a short presentation by a representative of the petitioner. We ask that you limit this to 10 minutes. After your presentation, if any, there will be a question period for Board members to ask questions of you.</p>
	<p>PRESENTATION BY PETITIONER</p>
<p>SECWCD President</p>	<p>Thank you, does any Board member have any questions of <Petitioner name>or SECWCD Water Resources Engineer? [QUESTIONS/ANSWERS]</p>
<p>SECWCD President</p>	<p>Written Objectors (IF ANY). We will now hear from any of those opposer’s who have provided written comments, if they so choose.</p>
<p>SECWCD Water Resources Engineer</p>	<p>We <have or have not> received any written objections, and we <have or have no one> present who has provided written comments.</p>
<p>SECWCD President</p>	<p>Does any Board member have any questions of any of these objectors? Are there any questions from the audience who didn’t submit a written objection? QUESTIONS/ANSWERS The Public comment period of this inclusion petition is now closed.</p>
<p>SECWCD Water Resources Engineer</p>	<p>Thank you <SECWCD President>, at this time staff believes it would be appropriate for the Board to entertain a motion in your Board packets on page ___, after which this petition may be discussed. Staff has drafted three potential motions, any one of which may be appropriate for this petition. These are:</p> <ol style="list-style-type: none"> 1. Motion to Approve the Petition for Inclusion of <PETITIONER> lands, subject to Department of Interior assent; or 2. Motion to Not Approve the Petition of <PETITIONER> lands. 3. Table the action to a future meeting. <p>As mentioned earlier, District Staff is recommending that this petition be approved, subject to Department of Interior Approval.</p>
<p>SECWCD President</p>	<p>At this time I will close the Public hearing and entertain motions.</p>
	<p>BOARD DISCUSSION AND VOTE</p>

Appendix Q: Petition Assent Request to Bureau of Reclamation

<Date>

*Anthony Curtis, Resource Division Manager
Bureau of Reclamation
Eastern Colorado Area Office
11056 West County Road 18E
Loveland, CO 80537*

Subject: Request for Secretarial Assent regarding Inclusion by petition

Dear Mr. Curtis:

Southeastern Colorado Water Conservancy District is forwarding the attached Application for Assent. According to the District’s formation decree, and repayment contract for the Fryingpan-Arkansas Project with the U.S. Bureau of Reclamation (Reclamation), Secretarial assent is needed for changes of lands to be included in the District. Secretarial assent is subject to Reclamation’s review for National Environmental Policy Act (NEPA) compliance. The District has determined that all or a portion of the area requesting inclusion is located **outside** of the District boundaries. The District Board has approved the following petition for inclusion subject to the issuance of the Secretarial assent. Please review the following petition for Secretarial assent.

County	Acres	Petition Commonly Known As	Legal description of property

THIS REQUEST IS CONSISTENT WITH CONTRACT NO. 5-07-70-W0086, AS AMENDED AND SUPPLEMENTED, AND THE DISTRICT’S ALLOCATION PRINCIPLES AND POLICIES, INCLUDING, BUT NOT LIMITED TO THE USE OF PROJECT WATER SOLELY FOR SUPPLEMENTAL PURPOSES. THE PROPOSED CHANGES IN LAND USE, IF ANY, COULD OCCUR WITHOUT FRYINGPAN-ARKANSAS PROJECT WATER.

If you have any questions, please contact me at (719) 766-4261 or by e-mail garrett@secwcd.com.

Sincerely,

Garrett J. Markus, P.E.
Water Resources Engineer

Attachment: Application for Assent for Proposed Inclusions into the Southeastern Colorado Water Conservancy District and Ability to Receive of Fryingpan-Arkansas Project Water

CC: District Files

Appendix R: Resolution for Election

SOUTHEASTERN COLORADO WATER CONSERVANCY

**RESOLUTION NO. ____ - ____
FRYINGPAN-ARKANSAS PROJECT INCLUSION FEE**

WHEREAS, the inclusion of lands into the Southeastern Colorado Water Conservancy District (District) makes those lands eligible to receive water from the Fryingpan-Arkansas Project facilities, subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulation, policies, and contractual obligations of the District; and

WHEREAS, those lands and allottees of water originally included within the District commencing in 1958 have contributed to the cost of construction, repayment, operation, maintenance, replacement, and administration of the Fryingpan-Arkansas Project; and

WHEREAS, a fee is necessary to place newly included lands and their eligibility for water from the Fryingpan-Arkansas Project facilities on the same basis as those lands originally included within the District.

NOW, THEREFORE, LET IT BE RESOLVED:

In addition to the reimbursement for any fees and costs incurred by the District as a result of this petition, a fee shall be charged in connection with the inclusion of lands into the District. This inclusion fee shall be calculated as follows:

The sum of the historical (1958 to current year) ad valorem tax revenues received by the District divided by the current assessed valuation of the District times the current assessed valuation of the property and improvements to be included.

The ratio determined by this formula will be computed by the District based on the most recent calendar-year valuation and will be made available upon request. It will be the responsibility of the Petitioner to furnish the current assessed valuation of the property and improvements involved at the time the petition for the inclusion is submitted to the District.

An administrative fee of \$1,500.00 will be assessed and collected to reimburse the District of any costs incurred as a result of this petition.

Satisfactory arrangements for payment of fees must be made with the District before the inclusion will be approved by the Board of Directors.

Adopted this ____ day of _____.

Seal

Southeastern Colorado Water Conservancy District
President

Southeastern Colorado Water Conservancy District
Secretary

RESOURCE AND ENGINEERING PLANNING COMMITTEE MEETING

Inclusions of Land Annexed by Election for *Applicant*

Action Report

Date: [Click here to enter a date.](#)

Agenda Item: [Click here to enter text.](#)

STAFF RECOMMENDATIONS:

The Committee recommends the Board approve the inclusion of lands by election *commonly known name* into the Southeastern Colorado Water Conservancy District (District) with the standard terms and conditions (shown below). Once approved by the Board of Directors, staff will send the inclusion to Bureau of Reclamation (Reclamation) for assent. The District will submit the inclusion to the District Court for final decree.

BUDGET IMPLICATIONS:

There will be property tax revenues from the properties Included into the District.

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

The Committee has previously recommended the Board approve inclusions of properties located outside of the District which were included in the District. These inclusions are subject to the standard terms and conditions, Secretarial Assent, and District Court decree including the lands within the District.

ISSUE SUMMARY DESCRIPTION:

There are three methods of including lands into the District:

1. Annexation by a town or city located in the District.
2. Petition of the property owners.
3. Vote of the property owners.

All three of these methods require assent from the Secretary of Interior, for which Reclamation requires a National Environmental Policy Act (NEPA) review of the lands to be included in the District boundaries. Once the Board approves the inclusion by Resolution, then Secretary Assent by Reclamation is requested. The inclusion is submitted to the District Court for a decree including the lands within the District.

The Application of Assent has been submitted to the District and will be forwarded to Reclamation for the property.

The Resolution for Inclusion is:

RESOLUTION NO.	More Commonly Known As	Legal	Acres	County
<i>201_-_D INCL-EL</i>	<i>Applicant's name</i>	<i>SE4 SW4 SE4</i>	<i>5</i>	

SUGGESTED MOTION:

I move that the Committee recommend the Board approve, by Resolution, the inclusion of the *more commonly known as* subject to the following terms and conditions:

1. Approval of these inclusions into the Southeastern Colorado Water Conservancy District will not increase the amount of Fryingspan-Arkansas Project water available. Any Fryingspan-Arkansas Project water used on these included lands will need to come from the water allocated to the entity through Fryingspan-Arkansas Project water allocations made pursuant to the District’s Allocation Principles and Policies; and
2. Any use of Fryingspan-Arkansas Project water on the included lands is subject to the decrees for the Fryingspan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the District; and
3. The included lands will be subject to ad valorem taxes levied by the District as any other similarly situated lands in the District at the time of this inclusion; and
4. Prior to the District filing a petition for District Court approval of this inclusion, the Municipality, and/or owner(s) of the included lands shall have paid all the costs charged by the United States in connection with the contracting officer’s assent to this inclusion.

ATTCHMENTS:

Attachment 1: 201_-_D INCL-EL with Application for Assent and map



Southeastern Colorado Water Conservancy District Board of Directors Meeting

Inclusions of Land Included by Election for *Applicant* Action Report

Date:

Agenda Item: [Click here to enter text.](#)

STAFF RECOMMENDATIONS:

The Board approve the inclusion of the *commonly known as* by election into the Southeastern Colorado Water Conservancy District (District) with the standard terms and conditions (shown below). Once approved by the Board of Directors, staff will send the inclusion to Bureau of Reclamation (Reclamation) for assent. The District will submit the inclusion to the District Court for final decree.

BUDGET IMPLICATIONS:

There will be property tax revenues from the properties included into the District.

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

The Committee has previously recommended the Board approve inclusions of properties located outside of the District. These inclusions are subject to the standard terms and conditions, Secretarial Assent, and District Court decree including the lands within the District.

ISSUE SUMMARY DESCRIPTION:

There are three methods of including lands into the District:

1. Annexation by a town or city located in the District.
2. Petition of the property owners.
3. Vote of the property owners.

All three of these methods require assent from the Secretary of Interior, for which Reclamation requires a National Environmental Policy Act (NEPA) review of the lands to be included in the District boundaries. Once the Board approves the inclusion by Resolution, then Secretary Assent by Reclamation is requested. The inclusion is submitted to the District Court for a decree including the lands within the District. The Application of Assent has been submitted to the District and will be forwarded to Reclamation for the property.

Inclusions of Land Included by Election – Action Report

The Resolution for Inclusion is:

RESOLUTION NO.	More Commonly Known As	Legal	Acres	County
201__D INCL-EL	Applicant's name	SE4 SW4 SE4	5	

SUGGESTED MOTION:

I move that the Board approve, by Resolution, the inclusion of the *commonly known as* subject to the following terms and conditions:

1. Approval of these inclusions into the Southeastern Colorado Water Conservancy District will not increase the amount of Fryingpan-Arkansas Project water available. Any Fryingpan-Arkansas Project water used on these included lands will need to come from the water allocated to the entity through Fryingpan-Arkansas Project water allocations made pursuant to the District's Allocation Principles and Policies; and
2. Any use of Fryingpan-Arkansas Project water on the included lands is subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the District; and
3. The included lands will be subject to ad valorem taxes levied by the District as any other similarly situated lands in the District at the time of this inclusion; and
4. Prior to the District filing a petition for District Court approval of this inclusion, the Municipality, and/or owner(s) of the included lands shall have paid all the costs charged by the United States in connection with the contracting officer's assent to this inclusion.

ATTACHMENTS:

Attachment 1: 201__D INCL-A-EL with Application for Assent and map

Appendix U: Election Process Letter to Participant

<Date>

<Petitioner by Election Address>

Re: <Name of Petition> Petition by Election for Inclusion into the Southeastern Colorado Water Conservancy District boundaries

Dear <Petitioner by election>:

The Southeastern Colorado Water Conservancy District (District) has received the legal description of the <Name of Petition for Election> petition for inclusion into the District. With this letter, we are providing an outline that will now be followed in order for the District to finish processing the petition for election.

Based on the District's policy regarding inclusions of non-municipal lands, the District will charge an administrative fee of \$1,500.00 in order to cover the cost to process an inclusion via election for petition.

It is the District's policy that any lands included into the District will pay a fee equivalent to the current value of taxes that would have been paid to the District, had the property been in the District since its original formation. This inclusion fee will then put newly included lands on a similar tax basis as those lands that have been paying taxes to the District since it was formed in 1958. The Southeastern Colorado Water Conservancy District Board may also require the petitioners post a sufficient bond to cover the costs of the election. If no bond is required, the petitioners must pay the cost of the election.

The District has a formula to calculate the inclusion fee. Based upon that formula, the <Name of Petition for election> property must pay the District an amount not to exceed \$. (Attachment 1). In the event your petition is eventually denied, this inclusion back taxes will be refunded, however, the administrative fee will not be refunded.

The District administers the Fryingpan-Arkansas Project, a federally authorized project. Under the District's repayment contract with the United States (through the Department of the Interior and Bureau of Reclamation) and applicable federal reclamation law, no changes can be made to the District boundaries through inclusion of land – except upon the Secretary of Interior's written assent. The petitioner bears the responsibility and costs for obtaining assent. Any action the District takes on the <Name of Petition> inclusion is conditioned upon Secretarial assent. Petitioner is responsible for all costs related to the Bureau of Reclamation's review of inclusion.

NOTE: Applicants should begin the inclusion process prior to any proposed land use change or proposed ground disturbance. All inclusion parcels are subject to the National Historical Preservation Act, 36 CFR 800, and National Environmental Policy Act. Any change in land use or disturbance after beginning the inclusion process and before Secretarial assent may cause the parcel to be permanently ineligible to receive Project water.

In order to continue processing the petition by election, the District will need to collect from you the administrative fee, and the inclusion fee. Upon receipt of these fees, the District will Board action to consider inclusion into the District upon Secretarial assent. In the event that the District does approve the petition, it will be subject to any and all approvals and requirements as set forth by the Department of Interior through its Bureau of Reclamation, and will be subject to terms and conditions consistent with the District's policies. As mentioned earlier, the petitioner has initiated federal review of the petition and the Application for Assent, and has been working with the Bureau of Reclamation's Eastern Colorado Area office in Loveland, Colorado.

If you have questions, please call me at our office (719) 766-4261 or by email garrett@secwcd.com.

Sincerely,

Garrett J. Markus, P.E.
Water Resources Engineer

Attachment 1: Invoice and back tax calculation fee
CC: District Files



Southeastern Colorado Water Conservancy District Board of Directors Meeting

Inclusions of Land Included by Election for *Applicant* Action Report

Date:

Agenda Item: [Click here to enter text.](#)

STAFF RECOMMENDATIONS:

The Board approve the inclusion of the *commonly known as* by election into the Southeastern Colorado Water Conservancy District (District) with the standard terms and conditions (shown below). Once approved by the Board of Directors, staff will send the inclusion to Bureau of Reclamation (Reclamation) for assent. The District will submit the inclusion to the District Court for final decree.

BUDGET IMPLICATIONS:

There will be property tax revenues from the properties included into the District.

PREVIOUS BOARD ACTION AND/OR ACTIVITY:

The Committee has previously recommended the Board approve inclusions of properties located outside of the District. These inclusions are subject to the standard terms and conditions, Secretarial Assent, and District Court decree including the lands within the District.

ISSUE SUMMARY DESCRIPTION:

There are three methods of including lands into the District:

1. Annexation by a town or city located in the District.
2. Petition of the property owners.
3. Vote of the property owners.

All three of these methods require assent from the Secretary of Interior, for which Reclamation requires a National Environmental Policy Act (NEPA) review of the lands to be included in the District boundaries. Once the Board approves the inclusion by Resolution, then Secretary Assent by Reclamation is requested. The inclusion is submitted to the District Court for a decree including the lands within the District. The Application of Assent has been submitted to the District and will be forwarded to Reclamation for the property.

Inclusions of Land Included by Election – Action Report

The Resolution for Inclusion is:

RESOLUTION NO.	More Commonly Known As	Legal	Acres	County
201_-_D INCL-EL	Applicant’s name	SE4 SW4 SE4	5	

SUGGESTED MOTION:

I move that the Board approve, by Resolution, the inclusion of the *commonly known as* subject to the following terms and conditions:

1. Approval of these inclusions into the Southeastern Colorado Water Conservancy District will not increase the amount of Fryingpan-Arkansas Project water available. Any Fryingpan-Arkansas Project water used on these included lands will need to come from the water allocated to the entity through Fryingpan-Arkansas Project water allocations made pursuant to the District’s Allocation Principles and Policies; and
2. Any use of Fryingpan-Arkansas Project water on the included lands is subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the District; and
3. The included lands will be subject to ad valorem taxes levied by the District as any other similarly situated lands in the District at the time of this inclusion; and
4. Prior to the District filing a petition for District Court approval of this inclusion, the Municipality, and/or owner(s) of the included lands shall have paid all the costs charged by the United States in connection with the contracting officer’s assent to this inclusion.

ATTACHMENTS:

Attachment 1: 201_-_D INCL-EL with Application for Assent and map

Appendix W: Election Assent Request to Bureau of Reclamation

<Date>

*Anthony Curtis, Resource Division Manager
Bureau of Reclamation
Eastern Colorado Area Office
11056 West County Road 18E
Loveland, CO 80537*

Subject: Request for Secretarial Assent regarding Inclusion by election

Dear Mr. Curtis:

Southeastern Colorado Water Conservancy District is forwarding the attached Application for Assent. According to the District's formation decree, and repayment contract for the Fryingpan-Arkansas Project with the U.S. Bureau of Reclamation (Reclamation), Secretarial assent is needed for changes of lands to be included in the District. Secretarial assent is subject to Reclamation's review for National Environmental Policy Act (NEPA) compliance. The District has determined that all or a portion of the area requesting inclusion is located outside of the District boundaries. The District Board has approved the following election for inclusion subject to the issuance of the Secretarial assent. Please review the following election for Secretarial assent.

County	Acres	Election Commonly Known As	Legal description of property

THIS REQUEST IS CONSISTENT WITH CONTRACT NO. 5-07-70-W0086, AS AMENDED AND SUPPLEMENTED, AND THE DISTRICT'S ALLOCATION PRINCIPLES AND POLICIES, INCLUDING, BUT NOT LIMITED TO THE USE OF PROJECT WATER SOLELY FOR SUPPLEMENTAL PURPOSES. THE PROPOSED CHANGES IN LAND USE, IF ANY, COULD OCCUR WITHOUT FRYINGPAN-ARKANSAS PROJECT WATER.

If you have any questions, please contact me at (719) 766-4261 or by e-mail garrett@secwcd.com.

Sincerely,

Garrett J. Markus, P.E.
Water Resources Engineer

Attachment: Application for Assent for Proposed Inclusions into the Southeastern Colorado Water Conservancy District and Ability to Receive of Fryingpan-Arkansas Project Water

CC: District Files

Appendix X: Notification Applicant Received Bureau of Reclamation Assent

<Date>

<Applicant's address>

Subject: Application for assent regarding <commonly known name as>

Dear <applicant>;

According to Southeastern Colorado Water Conservancy District (Southeastern) formation decree, and repayment contract for the Fryingpan-Arkansas Project with the U.S. Bureau of Reclamation secretarial assent is needed for changes of lands to be included in Southeastern. The inclusion of lands into Southeastern makes those lands eligible to receive water from the Fryingpan-Arkansas Project facilities, subject to the decrees for the District and the Fryingpan-Arkansas Project.

The application for assent submitted to Southeastern for the annexation commonly known as <name> has received Secretary's assent from the Department of Interior-Bureau of Reclamation (Great Plains Region) for inclusion into the Southeastern Colorado Water Conservancy District boundary.

Thank you for your cooperation and assistance with working with Southeastern, and the Bureau of Reclamation for inclusion into Southeastern boundaries.

Best regards,

Garrett J. Markus, P.E.
Water Resources Engineer

Attachments:

Bureau of Reclamation Assent

Appendix Y: Back Tax Calculation Worksheet

Back Tax Inclusion Fee Calculation

Years			Ad Valorem Tax Revenues 1959-2017
1959		\$161,813	
	1959		\$161,813
	1960-1969		\$2,031,409
	1970-1979		\$3,931,897
	1980-1989		\$16,593,563
	1990-1999		\$29,937,605
	2000-2009		\$53,790,948
	2010-2017		\$55,973,286
Taxes Levied 1959 - 2017			\$162,420,521

2016 Assessed Valuation for 2017 Collection	\$7,915,117,705
---	-----------------

The Inclusion Factor is the 2017 Assessed Valuation divided by the total Tax Revenues

Inclusion Factor =	\$162,420,521	Divided by	<u>\$7,915,117,705</u>	=	0.02052
--------------------	---------------	------------	------------------------	---	---------

Assessed Valuation of Proposed Inclusion Property	\$0
---	-----

Back Tax Inclusion Fee equals Assessed Valuation times the Inclusion Factor

Back Tax Inclusion Fee =	\$0	Times	0.02052	=	\$0
--------------------------	-----	-------	---------	---	-----

Individual Parcel Inclusion Fee Calculations

Owner/s	Assessor's Parcel Number	Assessor's Account #	Assessed Valuation	Back Tax Inclusion Fee
				\$0
Totals All Parcels			\$0	\$0

Appendix Z: Letter to Petitioner of Inclusion Denial

<Date>

<email>

Subject: <Commonly known name>

Thank you for notifying the Southeastern Colorado Water Conservancy District (District) on the above approval for < Commonly known name > by way of <annexation, petition, or election>.

The Southeastern Colorado Water Conservancy District Resource and Engineering planning Committee and Board of Directors have reviewed the <annexation, petition or vote> and denied the inclusion into Southeastern Colorado Water Conservancy District boundary for the following reason(s):

Don't hesitate to contact myself with any questions you may have.

Sincerely,

Garrett J. Markus, P.E.
Water Resources Engineer

cc: Bureau of Reclamation – Pueblo & Loveland
SECWCD – Executive Director

MUNICIPAL SPECIFIC PROCESSES



COLORADO SPRINGS

1. Application for Annexation is initially reviewed by City staff for Petition for Annexation to be accepted.
2. City council accepts the Petition for Annexation
 - a. If the Petition for Annexation is denied, the application for annexation is denied
 - b. If the Petition for Annexation is accepted, the City Council directs City of Colorado Springs Staff to begin the Land Use Entitlement process including the Southeastern Colorado Water Conservancy District Inclusion Process
3. Petitioning property owner completes the Application for Assent on behalf the of the City and submitted to the City
4. The City of Colorado Springs submits the Application of Assent and cover letter with commonly known name to SE District
 - a. The rest of the City Annexation process will run in conjunction with the SE District Inclusion process
5. Proposed Annexation area is approved for Inclusion in the SECWCD
6. The Letter of Inclusion is received from the Bureau of Reclamation to the SECWCD and sent the property owner.
 - a. A copy of the Inclusion Letter is received by City Staff prior to scheduling for final annexation hearing before City Council.
7. Proposed Annexation goes to Colorado Springs City Council for Approval of Annexation
8. Annexation Ordinance and shapefile showing annexation boundary are sent to SE District
9. Once a year, SE District will package all Inclusions for Annexation and will go to the District Court for filing.



CHECKLISTS

(Materials needed for court filings related to boundary inclusions.)

Annexations:

1. Municipal ordinance approving annexation;
2. Southeastern resolution approving inclusion;
3. Secretary of Interior assent; and
4. If a map is available, it is helpful, but not required.

Petition for Inclusion:

1. Petition;
2. Map, if available;
3. Amount of administrative fee;
4. Amount of back taxes;
5. Notice for hearing;
6. Proof of publication of notice for hearing;
7. Either minutes from the hearing or a resolution approving the petition;
8. Secretary of Interior assent;
9. Confirmation that the petitioner paid the District all fees due;
10. Confirmation that the property is not within a municipality; and
11. An analysis of whether the inclusion will affect the composition of the Board of Directors (we can do this if asked).

Elections:

1. Southeastern Board approval of terms and conditions;
2. Petition of 25% of agricultural landowners, and/or 10% of residents;
3. Court hearing on validity of petitions;
4. Election, which may include non-resident landowners.
5. Secretary of Interior assent.

INCLUSION MANUAL EDITS BY VERSION

VERSION 1.1

- Original Version

