

June 20, 2017

WATER USE LICENSE

This Water Use License is issued by the City of Grand Junction, Colorado to:

Name: Dan Brown

Property Address (land to be irrigated): Ben Ranch Road properties

Mailing Address: 4184 Highway 50, Whitewater, CO 81527

1. By the acceptance of the provisions of this license and the use of the water described herein, the above-named user is entitled to use water owned by the City of Grand Junction for the 2017 irrigation season.
2. The water made available pursuant to this license is strictly on an "as-available" basis. The City may, notwithstanding reliance by the user on statements, promises, or other acts of the City, discontinue making the water available at any time and for any reason.
3. If the identified user owns water rights, or has available to him water from any other source, the user agrees to fully and completely utilize such other water and water rights before using the water described herein.
4. The water made available pursuant to this license is supplemental water only, that is, this water shall only be used on land(s) which have been irrigated in the past and not for additional lands or additional crops which have not been previously irrigated.
5. The user understands and acknowledges that the City intends to make water available to properties owned by the City as its first priority, whether or not leased to others or operated by the City.
6. User, on behalf of user and user's heirs, successors, and assigns, understands and acknowledges that this stored reservoir water which user may utilize will eventually be transported to the City of Grand Junction water treatment plant for municipal use. User hereby acknowledges and agrees that user and user's successors, heirs, and assigns waives any right that he/they may have to object to such future application by the City of Grand Junction for a change of use and/or a change of location for this stored reservoir water in order to facilitate transfer to municipal uses. User agrees to indemnify and to hold harmless the City with respect to attorney fees and expert fees required to defend against any such objection, protest or filing in the water court.
7. City ranch lessees are required to participate in the control and elimination of noxious weeds as per C.R.S. § 35-5.5-101, et seq. It is desired that each user of supplemental irrigation water develops a noxious weed management plan. Consult the "Mesa County Noxious Weed Management Plan - 2017" at <http://www.mesacounty.us/pest/plans/> or contact Mesa County Noxious Weed & Pest Management at (970)255-7121 or weed.pest@mesacounty.us for assistance.

8. User agrees to pay submitted bid price of \$ 1060.51 per 50-acre foot lot for 2 lots for a total price of \$ 2121.00. User agrees to make such payments in advance of any water orders. **No water will be made available until all amounts owed to City are paid in full, including past due assessments, along with this signed Water Use License.**

Payment and Water User License should be returned to:

**Rick Brinkman, Water Services Manager
City of Grand Junction
333 West Avenue, Building E
Grand Junction, CO 81501**

User agrees to pay for all water that is ordered and assigned in this license whether that water is used or not. Water is measured for payment at the outlet of the reservoirs and are subject to the appropriate "shrink", as determined by the City, in Kannah Creek and in the transfer ditches. Should requested water not be delivered by the City as a result of a curtailment or other administrative problem, pre-payments for unused water will be refunded at the close of the irrigation season. User acknowledges that the City's sole duty is to provide information to the Grand Mesa Reservoir Pool and that, thereafter, the City has no responsibility or liability concerning delivery of the water to the user.

9. Water orders to be delivered through this water lease agreement must be placed through Slade Connell. Mr. Connell will then aggregate and turn in the orders received by him to the Grand Mesa Reservoir Pool. Minimum flows to be released from a reservoir will be 0.50 cfs or 1 acre foot per day. Water orders are for a seven (7) day run only. Water is released from reservoirs on Thursdays. If you are the only user with a reservoir water order then your minimum flow must be 0.50 cfs.

**All water orders must be called in by 7:00 pm on Tuesday to
Slade Connell (970) 241-3889**

10. User agrees and acknowledges by the acceptance of this license and any benefits hereunder that he/it agrees to hold harmless and to indemnify the City of Grand Junction, its officers, employees and agents, from any and all causes of actions or claims to persons, property, or rights with respect to the use of the water, the lack of availability of water, and other liabilities reasonably relating to this agreement.
11. The provisions of this license are severable.
12. This license is personal, revocable and unassignable.
13. User represents that he/it is the sole owner of the lands described herein and the water and water rights being applied to such lands or if not, then he/it has obtained the necessary consent to bind the other owners of such land(s), water, and water rights.

Signed:

Rick Brinkman 7.17.2017 Daniel H. Brown 6/22/17
Water Services Manager Date User Date