



MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: July 21, 2023
RE: July 27, 2023, Board Meeting

This memorandum shall serve as notice of a Regular Meeting of the Board of Directors of the Eagle River Water & Sanitation District:

**Thursday, July 27, 2023
12:00 p.m.**

This meeting will be held at:

Walter Kirch Room
Eagle River Water & Sanitation District Vail office
846 Forest Road
Vail, Colorado

The meeting can also be accessed on Microsoft Teams. Login information can be requested by sending an email at least 24 hours in advance to info@erwsd.org.

Input from members of the public is welcomed during the meeting's designated Public Comment period consistent with §18-9-108, C.R.S. Speakers may address the Board on a first-recognized basis by the Chair. Public Comments are limited to three minutes per speaker on relevant matters not listed on the agenda.



BOARD OF DIRECTORS REGULAR MEETING

July 27, 2023

12:00 p.m.

Walter Kirch Conference Room

AGENDA

- | | <u>Attachment Link</u> |
|---|-------------------------------|
| 1. Introductions | |
| 2. Public Comment | |
| 3. Action Items | |
| 3.1. Consideration of minutes from June 22, 2023, Regular Meeting | Action Item |
| 3.2. Consideration of contract log | Action Item |
| 3.3. Res. No. 2023-07: Resolution Authorizing the Sale of Real Property, Granting Temporary Easement, and Entering into an Intergovernmental Agreement with Eagle County – Jeffrey Schneider | Action Item |
| 4. Information Reports | |
| 4.1. Development report | Informational |
| 4.2. Board committees | Informational |
| 4.3. June Authority meeting summary – draft | Informational |
| 5. Board Member Input | |
| 6. General Manager Report – Siri Roman | |
| 6.1. GM information items | |
| 6.2. Business Administration report – David Norris | |
| 6.2.1. Quarterly financials – Jim Cannava | Informational |
| 6.2.2. Wildfire programs – Dan Siebert & Kristin Moseley | Informational |
| 6.2.3. Rate restructure analysis – David Norris | |
| 6.3. Operations report – Brad Zachman | Informational |
| 6.3.1. Lions Ridge Loop water main break – Niko Nemcanin | |
| 6.4. Engineering and Water Resources report – Jason Cowles | Informational |
| 6.5. Communications and Public Affairs report – Diane Johnson | Informational |
| 7. Water Counsel Report – Kristin Moseley | |
| 7.1. Bolts Ditch Federal Legislation – S. 2156 and H.R. 4297 | Informational |
| 8. General Counsel Report – Kathryn Winn | Confidential |
| 9. Executive Session | |
| 9.1. Motion to move into Executive Session pursuant to §24-6-402(4)(b) and (e), C.R.S., to receive legal advice and discuss matters in negotiation related to Stillwater design and construction issues | Confidential |
| 10. Any Action as a Result of Executive Session | |
| 11. Adjournment | |



2023 ERWSD CONTRACT LOG

Contract No.	Date Executed	Change Order Signed On	Project Name	Contractor	Contract Amt.	Project Mgr.	Account No.	Status / Description
23.15.051	Pending		Miscellaneous Coating Services for Distribution and Collection	WBS Coatings, Inc.	\$50,000.00	N. Nemcanin	Various	Industrial coating for various distribution and collection system repairs.



BOARD ACTION REQUEST

TO: Board of Directors
FROM: Jeffrey Schneider, P.E.
DATE: July 20, 2023
RE: Board Action Request – Resolution 2023-07, a Resolution Authorizing the Sale of Real Property, Granting of Temporary Easement, and Entering into an Intergovernmental Agreement with Eagle County, Colorado

Summary of Subject: Eagle County is planning the construction of a new roundabout at the intersection of U.S. Highway 6 and Hillcrest Drive in west Edwards. To construct the project, the County needs to acquire a small parcel of right of way and a temporary easement from the ERWSD property located at 32001 U.S. Highway 6. Board action is required to dispose of the property.

In addition, there is an Intergovernmental Agreement outlining the terms of the purchase and reimbursement for additional costs beyond the Right of Way and Easement acquisition. The board is being asked to approve Resolution No. 2023-07, which would accept the offer from Eagle County and authorize the General Manager to sign the Memorandum of Agreement and the Intergovernmental Agreement.

Discussion and Background: Eagle County first brought its proposed roundabout project in front of ERWSD's Construction Review Team (CRT) in 2021. The original design included a much longer footprint, with large retaining wall systems and considerable impacts to nearby water and sewer main infrastructure. The current project avoids much of the utility impact and reduces cover on a small but critical section of sewer main. This reduction in cover can be mitigated by the installation of insulation material above the pipeline during roundabout construction. Figure 1 below shows the current plan view for the roundabout construction.

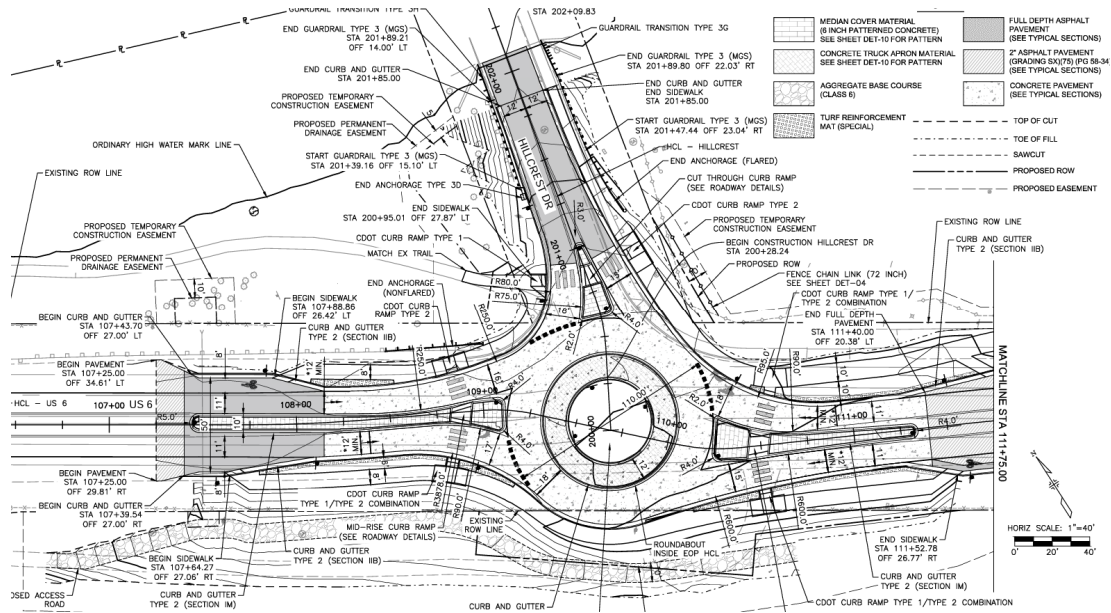


Figure 1: Roundabout construction plan

ERWSD owns 32001 U.S. Highway 6, known as the Hillcrest site. It was formerly a leased contractor staging area, then was used to stage for the construction of the Stillwater housing development, and most recently is used as staging and vehicle/equipment storage for the ERWSD Field Operations department. The usage by Field Operations was temporary to facilitate the Avon WWTF Nutrient Upgrades Project, but the site usage can now be considered permanent. An aerial view of the site is included in Figure 2 below.



Figure 2: Hillcrest Property, 32001 U.S. Highway 6

When the Field Operations team began utilizing the site, ERWSD installed certain improvements and laid out the site to accommodate the turning movements of large vehicles. Improvements included new perimeter fencing, an automated, motorized gate for access and security, and an electrical service with a small amount of lighting and outlets for engine block heaters and battery tenders. The block heaters and

tenders are essential to keep various diesel vehicles and equipment ready for quick deployment in the event of a main break or other emergency.

The current access to the facility does not meet roadway design standards and needs to be located as far to the east as possible to permit queueing and roundabout approaches. Therefore the roundabout project is causing the relocation of the gate to the east. The topography is such that there is increased grade separation between the highway and the property further to the east. In order to construct a new access at the eastern end of the site, grading is required to accommodate the change in elevation. In addition, the entry relocation and grading will cause a redesign of the internal site circulation. The block heater and storage along the east fence line would be rendered inaccessible, and at least one of the block heaters in the center island would be impacted by vehicle turning movements. A few additional storage and parking spaces will be made available along the south fence line and where the current access gate is located, so there is no reduction of storage or circulation in the long term.

Eagle County is requesting two parcels, described as RW-3 and TE-3. The County is acquiring RW-3 as a right of way parcel. The RW-3 parcel consists of 316 square feet of land (0.007 acres) and the TE-3 parcel consists of 15,082 square feet of land (0.346 acres). Parcels RW-3 and TE-3 are shown in Figure 3 and 4 below.

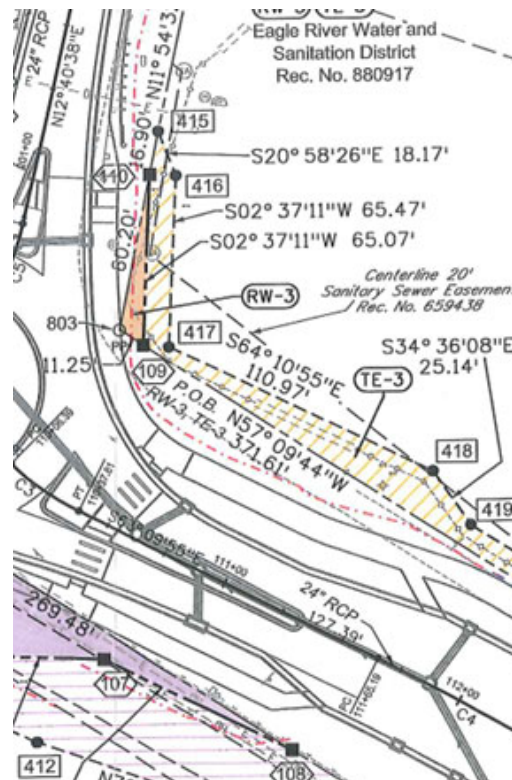


Figure 3: Parcel RW-3 (and western portion of TE-3)

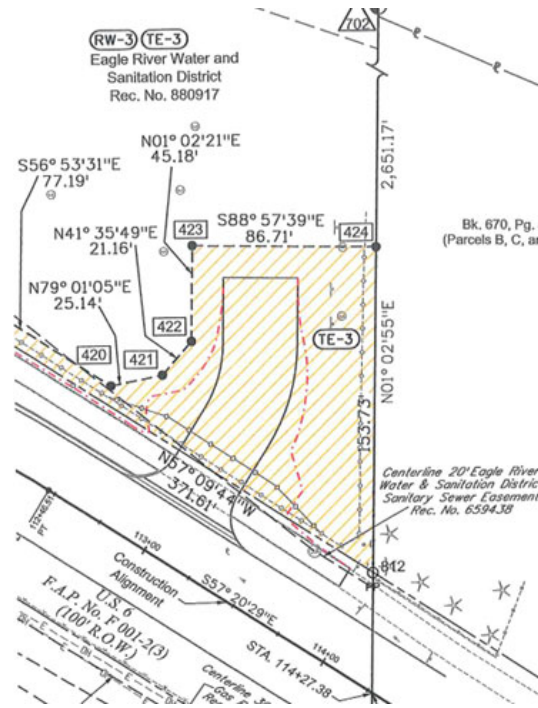


Figure 4: Eastern portion of Parcel TE-3

After much informal coordination between ERWSD and Eagle County, the formal right of way acquisition process began when ERWSD received a Notice of Intent to Acquire dated January 30, 2022. That notice provided survey and legal descriptions of the two parcels, and a list of CDOT-approved appraisers. The correspondence instructed ERWSD to hire our own property appraiser; the cost of which would be reimbursed by the County. ERWSD retained Bonnie Roerig and Associates of Denver, and our appraisal report was completed and provided to the county on May 4, 2023. The results of ERWSD’s independent appraisal are summarized in Table 1 below:

Table 1: Appraisal Estimated Compensation Summary

Description	Value
Value of Part Taken (RW-3 Parcel)	\$9,783
Cost to Cure	\$89,220
Rental Value of Temporary Easement (TE-3)	\$21,664
Compensation Estimate	\$120,670

In early June ERWSD received an Offer Letter and Summary of Just Compensation for the two parcels. The offer is higher than the independent appraisal; it is common for CDOT to offer higher than the appraised value to help avoid condemnation. The Summary of Just Compensation is summarized in Table 2 below.

Table 2: Summary of Just Compensation Received from Eagle County

Description	Value
Fee (RW-3 Parcel)	\$10,270
Cost to Cure	\$77,751
Temporary Construction Easement (TE-3)	\$49,017
Compensation Estimate	\$137,000

While the value of the RW-3 and TE-3 parcels in the offer were higher than the independent appraisal, the cost to cure is lower and was based on quotes received from fencing and electrical contractors. In addition, the project requires that ERWSD manage the two contractors, plus self-perform some site preparation work. Due to likely cost escalation and the need to recoup expended in-house resources, ERWSD negotiated an additional IGA with the county to ensure that *actual* costs are recovered, in addition to administrative time and self-performed site preparation expenses. The IGA adds an additional estimated \$11,637 of compensation for ERWSD, plus a provision to adjust on actual future costs, and additional monthly rental of the Temporary Easement parcel should the project exceed its estimated 12 month duration. Therefore, the total estimated compensation for the roundabout project's impact to the parcel is \$148,637, with the final value subject to change based on actual costs.

The County anticipates advertising the project for bidding this fall/winter for mobilization in Spring of 2024. We will remain engaged as both a property owner/stakeholder and utility provider before and during construction activities to ensure that impacts to the site are minimized and access to the site is continually maintained during construction.

Alternatives: The board could reject the offer from Eagle County, likely resulting in condemnation proceedings.

Legal Issues: The right of way and easement process tightly adhered to CDOT right of way acquisition procedures. The Memorandum of Agreement, the Warranty Deed, and the IGA were all reviewed by, and in the case of the IGA, modified by ERWSD legal counsel.

Budget Implication: Acceptance of the county's offers and entering into the IGA has little to no budget implications. The cost of the independent appraisal, \$5,610, was reimbursed by Eagle County. ERWSD will receive an estimated \$148,637 in revenue, of which \$59,287 is net revenue for the RW-3 parcel and TE-3 parcel. The remainder of revenue will be reimbursement for staff time and contractor costs.

Recommendation: Staff recommends that the board approve Resolution 2023-07, a Resolution Authorizing the Sale of Real Property, Granting of Temporary Easement, and Entering into an Intergovernmental Agreement with Eagle County, Colorado.

Suggested Resolution and Motion: I move to approve Resolution 2023-07, a Resolution Authorizing the Sale of Real Property, Granting of Temporary Easement, and Entering into an Intergovernmental Agreement with Eagle County, Colorado.

Attached Supporting Documentation:

Attachment 1 – Resolution 2023-07, a Resolution Authorizing the Sale of Real Property, Granting of Temporary Easement, and Entering into an Intergovernmental Agreement with Eagle County, Colorado.

EAGLE RIVER WATER & SANITATION DISTRICT

RESOLUTION NO. 2023-07

**RESOLUTION AUTHORIZING THE SALE OF REAL
PROPERTY, GRANTING OF TEMPORARY EASEMENT, AND
ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT
WITH EAGLE COUNTY, COLORADO**

WHEREAS, the Eagle River Water & Sanitation District (“ERWSD”) is a quasi-municipal corporation and political subdivision of the State of Colorado, formed and operated pursuant to Article 1, Title 32, Colorado Revised Statutes; and

WHEREAS, the Board of Directors of the District is empowered to dispose of real and personal property pursuant to Section 32-1-1001(1)(f), C.R.S., and to authorize its designees to act on its behalf; and

WHEREAS, Eagle County (“the County”) is planning the construction of a new roundabout on U.S. Highway 6 that requires the acquisition of a parcel for Right of Way (“RW-3”) and a temporary easement for construction (“TE-3”). The Board of Directors of the District has determined that the acceptance of the offer from the County is in best interest of the District and the public health, welfare, and safety. Acceptance of the offer involves executing the Memorandum of Agreement with Eagle County, attached hereto as Exhibit A; and

WHEREAS, ERWSD and the County are entering into an Intergovernmental Agreement for ERWSD to recoup certain additional site preparation costs and project management costs and the potential of an extended temporary easement duration, attached hereto as Exhibit B.

NOW, THEREFORE, be it resolved by the Board of Directors of the Eagle River Water & Sanitation District that the General Manager of the District is hereby authorized to execute the Memorandum of Agreement, Intergovernmental Agreement, and any other documents required to effect such conveyances.

ADOPTED AND APPROVED this 27th day of July 2023

EAGLE RIVER WATER & SANITATION
DISTRICT

By: _____
Dick Cleveland, Chairman

ATTEST:

By: _____
Robert Warner, Jr, Secretary

**MEMORANDUM OF AGREEMENT
EAGLE COUNTY, COLORADO**

Project Code:	
Project No:	
Parcel Nos. RW-3, TE-3	
Location: U.S 6 at Hillcrest Drive	
County: Eagle	State Highway No: N/A

This Memorandum of Agreement ("Agreement") made on _____ is between **Eagle County, State of Colorado, a body politic** on its own behalf and for the use and benefit of the Department of Transportation, State of Colorado (GRANTEE) for the purchase of the parcels listed above from the Owner, **Eagle River Water and Sanitation District** (GRANTOR).

Just compensation was determined by an appropriate valuation procedure prepared in accordance with Colorado state laws and regulations. The amount of money and/or compensation listed below is full consideration for the following land, easements, improvements, and damages of any kind.

Land (described in attached exhibit)	316 Sq.ft <input checked="" type="checkbox"/> / acres <input type="checkbox"/>	\$10,270.00
Permanent Easement (described in attached exhibit)	Sq.ft <input type="checkbox"/> / acres <input type="checkbox"/>	\$
Temporary Easement (described in attached exhibit)	15,082 Sq.ft <input checked="" type="checkbox"/> / acres <input type="checkbox"/>	\$49,017.00
Improvements N/A		\$0
Cost to Cure for fence/gate relocation and electrical work		\$77,751.00
	Estimated Total	\$0
	Rounded Total	\$0
	Less Credit	\$0
	Net Total	\$137,000.00

Other conditions:

The GRANTOR:

- 1) Acknowledges that just compensation was determined by an appropriate valuation procedure prepared in accordance with applicable laws and regulations, and hereby knowingly waives any right to contest such valuation;
- 2) Agrees the amount of money and/or compensation listed above is full consideration for the following land, easements, improvements, and damages of any kind whatsoever;
- 3) Will, at the closing, pay all taxes (including prorated taxes for the current year) and special assessments for the current year;
- 4) Enters this Agreement knowing that GRANTEE has the power to authorize eminent domain and requires property for public purposes;
- 5) Shall be responsible for securing releases from all liens, judgments and financial encumbrances to deliver clear, unencumbered title to GRANTEE. Any encumbrance required to be paid by GRANTOR shall be paid at or before closing from the proceeds of the transaction hereby contemplated or from any lawful other source;
- 6) Will execute and deliver to GRANTEE those documents indicated below;
- 7) Excepts from the subject property described herein in the attached Exhibits, the mineral estate and including all coal, oil, gas and other hydrocarbons, and all clay and other valuable mineral in and under said subject property. The GRANTOR hereby covenants and agrees that the GRANTEE shall forever have the right to take and use, without payment of further compensation to the GRANTOR, any and all sand, gravel, earth, rock, and other road building materials found in or upon said subject property and belonging to the GRANTOR; and
- 8) The GRANTOR further covenants and agrees that no exploration for, or development of any of the products, as described above, and owned by the GRANTOR heretofore or hereafter the date set forth above and hereby excepted will ever be conducted on or from the surface of the premises described in the attached Exhibits, and that in the event any of such operations may hereafter be carried on beneath the surface of said premises, the GRANTOR shall perform no act which may impair the subsurface or lateral support of said premises. These covenants and agreements hereunder shall inure to and be binding upon the GRANTOR and its legal representatives, successors and assigns forever.
- 9) Acknowledges and agrees that by signing this Agreement, it may be waiving rights, including, but not limited to, the right to contest GRANTEE's taking of possession or title to the property by eminent domain.

The GRANTEE:

- 1) Will be entitled to specific performance of this agreement upon tender of the agreed consideration;
- 2) Will be held harmless from any claims against the property or to any interest in the property, except for any benefits due under relocation law;
- 3) Will make payment after receiving acceptable conveyance instruments from the GRANTOR;
- 4) Will take possession and use of the parcel(s) when it deposits the consideration, as set forth above, into an escrow account for the benefit of the GRANTOR, or when GRANTEE disburses funds to GRANTOR. Transfer of title to the parcels shall occur upon performance of any and all terms under this agreement, and release of the payment from escrow to the GRANTOR, unless other arrangements are made that follow Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended; and
- 5) Will prepare the following documents:

- | | |
|---|---|
| <input checked="" type="checkbox"/> General Warranty Deed
<input type="checkbox"/> Access Deed
<input type="checkbox"/> Full Release(s) Book/Page:
<input type="checkbox"/> Partial Release(s) Book/Page:

<input type="checkbox"/> Or (specify)
<input type="checkbox"/> Title Company to prepare documents except : N/A | <input type="checkbox"/> Utility Easement
<input type="checkbox"/> Permanent Easement
<input type="checkbox"/> Slope Easement
<input checked="" type="checkbox"/> Temporary Easement |
|---|---|

Order Warrant \$137,000.00

Payable to: H.C. Peck & Associates, Inc., as Escrow Agent for Eagle River Water and Sanitation District

Real Estate Specialist signature

GRANTOR signature

By: J E Parker, Jr.

By/Title: Click or tap here to enter text.

Eagle County, Colorado, a body politic

GRANTOR signature (if applicable)

By: _____
Title: _____

By/Title Click or tap here to enter text.

cc: Eagle County, Colorado
 Property Owner

EXHIBIT "A"

PROJECT NUMBER:
PARCEL NUMBER: RW-3
DATE: September 15, 2022
DESCRIPTION

A tract or parcel of land No. RW-3 of the Colorado Department of Transportation, a portion of U.S. Hwy 6 R.O.W. (F.A.P. No. F 001-2(3) containing 316 sq. ft. (0.007 acres), more or less, in Section 36, Township 4 South, Range 83 West, of the 6th Principal Meridian, in Eagle County, Colorado, also being within a parcel of land recorded at Reception Number 880917, Eagle County Records, said tract or parcel being more particularly described as follows:

Beginning at a point on the northeasterly right-of-way line of U.S. Highway 6 (R.O.W. Varies - 1948), whence the southeast corner of said Section 36 bears S. 44°34'51" E., a distance of 441.87 feet, said point also being the POINT OF BEGINNING;

1. Thence along said northeasterly right-of-way line of U.S. Highway 6 (R.O.W. Varies - 1948) N. 57°09'44" W., a distance of 11.25 feet to the southeasterly right-of-way line of Hillcrest Dr. (80' R.O.W.);
2. Thence departing said northeasterly right-of-way line and along said southeasterly right-of-way line of Hillcrest Dr. (80' R.O.W.) N. 11°54'32" E., a distance of 60.20 feet;
3. Thence departing said southeasterly right-of-way line S. 02°37'11" W., a distance of 65.07 feet, more or less, to the POINT OF BEGINNING.

The above-described parcel contains 316 sq. ft. (0.007 acres), more or less.

The purpose of the above-described parcel is for permanent roadway construction & associated appurtenances.

Basis of Bearings: All bearings are based on a line between the southeast Corner of said Section 36, Township 4 South, Range 83 West, of the 6th P.M. (Fnd. 3-1/2" U.S.G.L.O. Brass Cap - 1918) and the east One-Quarter Corner of said Section 36, Township 4 South, Range 83 West, of the 6th P.M. (Fnd. 2-1/2" U.S.G.L.O. Brass Cap - 1918) having a grid bearing of N. 01°02'55" E.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



EXHIBIT "A"

**PROJECT NUMBER:
TEMPORARY EASEMENT NUMBER: TE-3
DATE: September 15, 2022
DESCRIPTION**

A Temporary Easement No. TE-3 of Eagle County containing 15,082 sq. ft. (0.346 acres), more or less, in Section 36, Township 4 South, Range 83 West, of the 6th Principal Meridian, in Eagle County, Colorado, also being within a parcel of land recorded at Reception Number 880917, Eagle County Records, Temporary Easement being more particularly described as follows:

Beginning at a point on the northeasterly right-of-way line of U.S. Highway 6 (R.O.W. Varies - 1948), whence the southeast corner of said Section 36 bears S. 44°34'51" E., a distance of 441.87 feet, said point also being the POINT OF BEGINNING;

1. Thence N. 02°37'11" E., a distance of 65.07 feet to the southeasterly right-of-way line of Hillcrest Dr. (80' R.O.W.);
2. Thence along said southeasterly right-of-way line of Hillcrest Dr. (80' R.O.W.) N. 11°54'32" E., a distance of 16.90 feet;
3. Thence departing said southeasterly right-of-way line S. 20°58'26" E., a distance of 18.17 feet;
4. Thence S. 02°37'11" W., a distance of 65.47 feet;
5. Thence S. 64°10'55" E., a distance of 110.97 feet;
6. Thence S. 34°36'08" E., a distance of 25.14 feet;
7. Thence S. 56°53'31" E., a distance of 77.19 feet;
8. Thence N. 79°01'05" E., a distance of 25.14 feet;
9. Thence N. 41°35'49" E., a distance of 21.16 feet;
10. Thence N. 01°02'21" E., a distance of 45.18 feet;
11. Thence S. 88°57'39" E., a distance of 86.71 feet to the east line of the Southeast One-Quarter of said Section 36;
12. Thence along the east line of the Southeast One-Quarter of said Section 36 S. 01°02'55" W., a distance of 153.73 feet to said northeasterly right-of-way line of U.S. Highway 6 (R.O.W. Varies - 1948);



13. Thence departing said section line and along said northeasterly right-of-way line N. 57°09'44" W., a distance of 371.61 feet, more or less, to the POINT OF BEGINNING.

The above-described Temporary Easement contains 15,082 sq. ft. (0.346 acres), more or less.

The purpose of the above-described Temporary Easement is for activities associated with roadway construction.

Basis of Bearings: All bearings are based on a line between the southeast Corner of said Section 36, Township 4 South, Range 83 West, of the 6th P.M. (Fnd. 3-1/2" U.S.G.L.O. Brass Cap – 1918) and the east One-Quarter Corner of said Section 36, Township 4 South, Range 83 West, of the 6th P.M. (Fnd. 2-1/2" U.S.G.L.O. Brass Cap – 1918) having a grid bearing of N. 01°02'55" E.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



**INTERGOVERNMENTAL AGREEMENT TO SELL AND PURCHASE PROPERTY
FOR THE HILLCREST ROUNDABOUT
BETWEEN THE EAGLE RIVER WATER AND SANITATION DISTRICT
AND
EAGLE COUNTY, COLORADO**

This INTERGOVERNMENTAL AGREEMENT TO SELL AND PURCHASE PROPERTY (“**Agreement**”), is executed this ____ day of _____, 2023 by and between the EAGLE RIVER WATER & SANITATION DISTRICT, a political subdivision of the State of Colorado, (hereinafter “**ERWSD**”) and EAGLE COUNTY, COLORADO a body corporate and politic, by and through its Board of County Commissioners (hereinafter the “**County**”). (ERWSD and County being singularly referred to as “**Party**” and jointly referred to as “**Parties**”).

RECITALS

WHEREAS, ERWSD is the owner of that property located at 32001 Highway 6, Edwards, CO 81632 (the “**Property**”); and

WHEREAS, the County plans to construct a roundabout at the intersection of Hillcrest Drive and Highway 6 in Edwards (the “**Project**”); and

WHEREAS, the County has requested to buy from ERWSD, and ERWSD has agreed to sell to the County, 316 square feet of the Property as shown on **Exhibit A** (the “**Site**”), attached hereto and incorporated herein, for use by the County as right-of-way; and

WHEREAS, the County desires to use approximately 15,082 square feet of the Property as shown on **Exhibit B** for a temporary construction easement (“**Temporary Easement**”); and

WHEREAS, the County is required by the Colorado Department of Transportation to relocate the existing access to the Property to a location approximately 225 feet east along Highway 6 to provide adequate spacing between the roundabout and the access to Property; and

WHEREAS, the relocation of the existing access will require the additional work to relocate existing facilities including but not limited to the existing driveway gate, associated fence, electrical work to relocate block heaters and motor wiring to the gate at its new location (collectively, the “**Work**”); and

WHEREAS, the County will pay ERWSD for the cost of the Work, and ERWSD will contract for the Work; and

WHEREAS, the quote to relocate the gate and associated fence from Strategic Fence & Wall Company is **\$16,250.00** and is dated February 9, 2023, see **Exhibit C**; and

WHEREAS, the quote to perform the electrical work from Tri Phase Electric Company is **\$61,331.00** and is dated February 22, 2023, see **Exhibit D**; and

WHEREAS, the Work is scheduled to occur in Spring 2024, in conjunction with the start of the Project; and

WHEREAS, the Parties anticipate ERWSD will incur an estimated \$11,637 in costs for owner management, oversight time, and self-performed labor, materials, and equipment to prepare the Site for the Project (“**Site Preparation Costs**”); and

WHEREAS, the County will pay such consideration to ERWSD for acquisition of the Site, the Temporary Easement, the Work, and the Site Preparation Costs as set forth herein; and

WHEREAS, the Parties have the legal authority to enter into this Agreement pursuant to Article XIV, Section 18 of the Colorado Constitution and C.R.S. § 29-1-203.

NOW, THEREFORE, in consideration of the following promises, ERWSD and County agree as follows:

1) **Consideration.**

- a) As consideration for the sale of the Site, the County will pay to ERWSD a total of \$137,000 as outlined in the Summary of Just Compensation as follows (“Just Compensation”):
 - i. \$10,270 for the purchase price of the Site;
 - ii. \$49,017 for the Temporary Easement; and
 - iii. \$77,751 for the Work as set forth in Exhibits C and D.
 - iv. The compensation package was rounded to \$137,000 and does not exactly match the sum of items i through iii above per CDOT Right of Way Acquisition Guidelines.
- b) The County will also pay to ERWSD \$11,637.00 for the Site Preparation Costs.
- c) In the event that the total cost of the Work, exceeds the quoted amount, the County will reimburse ERWSD for the difference. In the event that the total cost of the Work, is less than the quoted amount, ERWSD will reimburse the County for the difference. In the event that the total cost of the Site Preparation Costs exceeds \$11,637.00, the County will reimburse ERWSD for the difference. In the event that the total cost of the Site Preparation Costs, is less than the quoted amount, ERWSD will reimburse the County for the difference.

- 2) **Temporary Easement.** The County will provide ERWSD with written notice at least 30 days before it desires to begin using the Temporary Easement. In the event that the County desires to use the Temporary Easement for more than 12 months, the County will pay to ERWSD an additional \$4,085 per month for such use, provided that the County may not use the Temporary Easement for more than 18 months without prior written consent from ERWSD, which consent can be withheld in ERWSD’s sole discretion.

- 3) **Post-Construction Responsibilities.** Following completion of the Work, ERWSD will inspect the gate, fence, and electrical work. Following acceptance of the Work by ERWSD, any post-construction issues will be the responsibility of ERWSD to resolve with the installation contractor(s).
- 4) **Term of Agreement.** The term of this Agreement shall be from the date of full execution by both Parties until the Work and Project have been constructed and accepted by both ERWSD and the County.
- 5) **Notices.** Any formal notice, demand or request pursuant to this Agreement shall be in writing and shall be deemed properly served, given or made, if delivered in person or sent by certified mail postage prepaid to the Parties at the addresses listed below. Each Party by notice sent pursuant to this paragraph may change the address to which further notices should be sent.

To the County:

Eagle County Senior Staff Engineer
Attention: Rickie Davies
P.O. Box 850
Eagle CO, 81631
Facsimile: 970.328.8789
Phone: 970.328.3567

With a Copy to:

Eagle County Attorney
500 Broadway
P.O. Box 850
Eagle, CO 81631
Facsimile: 970.328.8699
Phone: 970.328.8685

To ERWSD:

Eagle River Water & Sanitation District
Attention: Jeffrey Schneider
846 Forest Road
Vail, CO 81657
Facsimile: 970.476.4089
Phone: 970.477.5415

- 6) **Amendment.** This Agreement may be amended only by a written document signed by the Parties.
- 7) **Severability.** In the event that any of the commitments or conditions of this Agreement or their application shall be held invalid as to any person, entity or circumstance by any court having competent jurisdiction, the remainder of this Agreement and the application in effect

of its terms, covenants or conditions to such persons, entities or circumstances shall not be affected thereby.

- 8) **Entire Agreement.** This Agreement embodies the complete agreement between the Parties regarding the subject matter herein and supersedes all prior agreements and understandings, if any.
- 9) **Section Headings.** The section headings in this Agreement are inserted for convenience and are not intended to indicate completely or accurately the contents of the Sections they introduce, and shall have no bearing on the construction of the Sections they introduce.
- 10) **No Third-Party Beneficiaries.** The Parties to this Agreement do not intend to benefit any person not a party to this Agreement.
- 11) **Venue, Jurisdiction, and Applicable Law.** Any and all claims, disputes, or controversies related to this Agreement, or breach thereof, shall be litigated in the District Court for Eagle County, Colorado, which shall be the sole and exclusive forum for such litigation. This Agreement shall be construed, interpreted under, and governed by the laws of the State of Colorado.
- 12) **Execution by Counterparts; Electronic Signatures.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The parties approve the use of electronic signatures for execution of this Agreement. Only the following two forms of electronic signatures shall be permitted to bind the parties to this Agreement: (i) Electronic or facsimile delivery of a fully executed copy of the signature page; (ii) the image of the signature of an authorized signer inserted onto PDF format documents. All documents must be properly notarized, if applicable. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, C.R.S. § 24-71.3-101 to 121.
- 13) **Duly Authorized Signatories.** By execution of this Agreement, the undersigned each individually represents that he or she is duly authorized to execute and deliver this Agreement on behalf of the respective Party.

[Signature pages follow]

IN WITNESS WHEREOF, ERWSD and the County have executed this Agreement this _____ day of _____, 2023.

ERWSD:
Eagle River Water and Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado

By: _____
Name: _____
Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this ___ day of July, 2023, by Siri Roman, as General Director of the Eagle River Water & Sanitation District.

My commission expires: _____

Notary Public

COUNTY:

County of Eagle, State of Colorado, by and through its Board of County Commissioners

By: _____

Name: Kathy Chandler-Henry

Title: Chair

ATTEST:

BY: _____
Clerk to the Board of County
Commissioners

Exhibit A
Site

Exhibit B
Temporary Easement

Exhibit C
Estimate of Cost to Relocate the Gate and Associated Fence

Exhibit D
Estimate of Cost of Electrical Work

Exhibit E
Site Preparation Costs



ERWSD New Development Report, July 2023

Project Location	Type of Use	SFEs Proposed	Additional Water Rights Required	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:
Midtown Village PUD Minturn	Mixed	42 + Com		October 13, 2022	N/A	1. Plan Review
North Minturn PUD Minturn	Residential	36		October 10, 2022	N/A	0. Conceptual
Middle Creek Lot 4,5 Vail	Mixed	64	0.72	June 28, 2022	0. Conceptual	0. Conceptual
Wolcott PUD Wolcott	Mixed	360 + Com		May 11, 2022	0. Conceptual	0. Conceptual
The Residences at Main Vail Vail	Residential	72	0.81	February 11, 2021	5. Ability to Serve Letter	3. Under Construction
Belden Place (1200 Block Main St) Minturn	Residential	41		December 23, 2020	N/A	2. Plan Approval
Highline (Double Tree Expansion) Vail	Residential	43,65	0.79	July 11, 2019	5. Ability to Serve Letter	2. Plan Approval
500 E Lionshead Circle - Legacy Vail	Residential	20	0.29	August 29, 2018	4. Water Rights Allocation & Service Agreement	2. Plan Approval
Alura (Miradoro) Vail	Residential	10	0.83	May 29, 2018	2. Water Analysis	3. Under Construction
534 E Lionshead Circle - Elevation Vail	Residential	12	0.31	May 14, 2018	1. Connection Application	0. Conceptual
Booth Heights East Vail	Residential	TBD	TBD	August 23, 2017	1. Connection Application	0. Conceptual
Vail Marriott Residence Inn Vail	Mixed	75		November 12, 2016	5. Ability to Serve Letter	3. under Construction
Projects Completing Warranty Period						
3010 Basingdale (Phase II), 841/851 Main St Minturn, Red Sandstone Parking Garage, VVMC Phase II-East Wing						
Development Approval Process Steps:	1. Connection Application		2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement	5. Ability to Serve Letter
Construction Approval Process Steps:	0. Conceptual		1. Plan Review	2. Plan Approval	3. Under Construction	4. Final Acceptance



UERWA New Development Report, July 2023

Project Location	Type of Use	SFEs Proposed	Augmentation Requirement	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:
Projects undergoing Water Rights Dedication						
Cairn's Townhomes Edwards	Residential	12	1.27	June 7, 2023	1. Connection Application	0. Conceptual
Eagle County - Freedom Park Project Edwards	Mixed	20 + Com	3.63	May 22, 2023	1. Connection Application	1. Plan Review
Mountain Hive Edwards	Residential	110.5	44.4	Withdrawn	2. Water Analysis	0. Conceptual
Margaux PUD Edwards	Residential	32	3.56	October 11, 2021	3. Cond. Capacity Expires June 27, 2023	0. Conceptual
Vogelman Parcel (Carwash) Edwards	Mixed	1.5	1.1-2.6	July 23, 2020	2. Water Analysis	1. Plan Review
West End PUD Amendment Edwards	Residential	275	34.25	February 27, 2019	3. Cond. Capacity Expires August 12, 2023	1. Plan Review
Warner Building 2 Conversion Eagle-Vail	Residential	13.25	0.07	March 16, 2018	3. Cond. Capacity Expires June 28, 2019	N/A
Edwards River Park PUD Edwards	Mixed	440+com	70.2	December 2, 2016	3. Cond. Capacity Expire December 31, 2023	0. Conceptual
Projects not requiring or that have completed Water Rights Dedication						
140 W BC BULD Hotel Avon	Residential	79		May 16, 2023	N/A	1. Plan Review
Tract Y- Metcalf Road Avon	Residential	53		February 16, 2023	5. Ability to Serve Letter	2. Plan Approval
CMC Student Housing (Phase I & II) Edwards	Residential	72		February 16, 2022	5. Ability to Serve Letter	3. Under Construction
Avon Dual Brand Hotel Traer Creek - Tract J	Commercial	85		February 4, 2022	5. Ability to Serve Letter	3. Under Construction
ECO School District Housing Edwards	Residential	37		August 12, 2021	5. Ability to Serve Letter	3. Under Construction
McGrady Acres Avon	Residential	24		August 5, 2021	5. Ability to Serve Letter	2. Plan Approval
Riverfront Lot 1 Avon	Residential	53		December 22, 2020	N/A	3. Under Construction
Maverik Gas Station Traer Creek	Commercial	2.6		November 11, 2020	5. Ability to Serve Letter	3. Under Construction
NorthStar PUD Amendment Edwards	Commercial	TBD	3.7	November 3, 2020	5. Ability to Serve Letter	3. Under Construction
Frontgate (CO World Resorts) Avon	Mixed	84	2.6	December 12, 2017	5. Ability to Serve Letter	3. Under Construction
Fox Hollow Amended PUD Edwards	Mixed	108	14	February 28, 2017	5. Ability to Serve Letter	3. Under Construction
Projects Completing Construction Warranty Period						
185 Elk Tract, Piedmont Apartments, Riverfront Village, Stillwater						
Development Approval Process Steps:	1. Connection Application	2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement	5. Ability to Serve Letter	
Construction Approval Process Steps:	0. Conceptual	1. Plan Review	2. Plan Approval	3. Under Construction	4. Final Acceptance	



BOARD COMMITTEES

DISTRICT

<i>Audit/Budget</i>	Dick Cleveland Steve Coyer
<i>Employee Housing</i>	Steve Coyer Rick Pylman
<i>Retirement Plans</i>	Bob Warner Siri Roman David Norris
<i>Organizational Development</i>	Bob Warner Dick Cleveland
<i>Water Quality</i>	Sarah Smith Hymes Timm Paxson

AUTHORITY

<i>Audit/Budget</i>	Geoff Dreyer George Gregory
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JOINT

<i>Rules and Regulations</i>	Kim Bell Williams (A) Bob Warner (D)
<i>Water Conservation</i>	Mike Trueblood (A) Tamra Underwood (A) Kate Burchenal (D) Steve Coyer (D)

(A) = Authority, (D) = District



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

GOVERNED BY:

The Metropolitan
Districts of:
Arrowhead
Beaver Creek
Berry Creek
EagleVail
Edwards
The Town of Avon

MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: July 21, 2023
RE: Summary of Authority’s June 22, 2023, Board Meeting

The following is a summary of items discussed at the Authority’s June 22, 2023, board meeting.

Directors present and acting were Chair George Gregory, Secretary Kim Bell Williams, Treasurer Geoff Dreyer, Kevin Hillgren, Mike Trueblood, and Tamra Underwood.

- Oath of Office** The board noted Edwards Metropolitan District’s appointment of Joanna Kerwin as an alternate director.
- Audited Financial Statement** Directors approved the FY 2022 Audited Financial Statement. Paul Backes (McMahan & Associates) said UERWA received an unmodified opinion with no recommendations or concerns.
- Eagle Park Reservoir Company** Siri Roman reported on the Jun. 20 Eagle Park Reservoir Company annual shareholder and quarterly board of director meetings. Shareholders approved the FY 2024 budget that increased operating assessments to account for added capital expenses.
- Landscape Transformation Rebate Program** Directors supported excluding rebates for irrigated turf removal using herbicides on land located within 75 feet of the Eagle River and 25 feet of Gore Creek and all tributaries. This would not apply to noxious weed management. Signs must be posted if herbicides are used in large community housing areas.
- Consumer Confidence Report** Brad Zachman presented the Consumer Confidence Report covering calendar year 2022 for both the Authority and District public water systems. For the first time, the two systems were combined into one report and the report was published in Spanish. Both versions are available on the District website.
- Work Session: Development Report** Engineering staff reviewed development report methodologies and processes for development approval, water rights dedication, and infrastructure approval.
- Colorado River Basin issues** Diane Johnson said the U.S. Department of the Interior is pausing review of the Supplemental Environmental Impact Statement to analyze the proposal by the lower basin states to modify operations through 2026, while also initiating the formal process to develop post-2026 operating guidelines.
- Stream Access Litigation** Kristin Moseley said the Colorado Supreme Court opinion in *State v. Hill* was procedural and did not determine legal policy on public stream access.



**Fiscal Year 2023
Quarterly Financial Report
For the 2nd Quarter Ending June 2023**

1. Quarterly Financial Report Cover Memo
2. Net Income & Budget Comparisons
3. Revenue Comparisons
4. Bond & Cash Balances
5. Housing Report



To: Board of Directors
From: Jim Cannava, Finance Manager
Date: July 27, 2023
Re: Quarterly Financial Reports – YTD June 30, 2023

The 2nd Quarter 2023 financial reports are attached. Wastewater and Water combined operating revenues are 1.79% better than budget and 12.2% greater than YTD 2022. The operating revenues are better than budget due to favorable interest rates driving up income on District reserves. Wastewater operating revenue is on budget and water operating revenue is 2.6% under budget due to a 16.2% decrease in year-over-year consumption in June and 8.4% year-to-date. Combined operating expenses are 3.6% under budget and 10.2% greater than YTD 2022. Operating expenses are under budget due to the timing of meter purchases. \$17MM in 2022 unspent multi-year bond project budgets and \$3.2MM in capital project budgets have been calculated and carried forward into 2023. \$23.6MM of the 28.4MM 2023 bond projects budget remains unspent and \$6.6MM of the \$8.5MM 2023 capital project budgets remain unspent. We expect the spending to accelerate as we enter the summer months.



Net Income & Budget Comparisons

WASTEWATER

Operating	Annual Budget	YTD 2023 Q2	YTD 2022 Q2
Revenue	\$24,579,751	\$12,614,592	\$11,452,133
Expense	\$21,700,387	\$10,477,221	\$9,775,149
Net Income	\$2,879,364	\$2,137,372	\$1,676,984

Non-Operating	Annual Budget	YTD 2023 Q2	YTD 2022 Q2
Revenue	\$7,735,526	\$4,832,770	\$4,226,079
Expense	\$12,727,858	\$3,657,445	\$3,578,180
Net Income	(4,992,332)	1,175,326	647,899

Net Income	(2,112,968)	\$3,312,697	\$2,324,883
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Unrestricted Fund Balance	Annual Budget	YTD 2023 Q2
Beginning Balance	\$23,368,899	\$23,368,899
Net Income	(2,112,968)	3,312,697
Ending Unrestricted Balance	\$21,255,931	\$26,681,596

WATER

Operating	Annual Budget	YTD 2023 Q2	YTD 2022 Q2
Revenue	\$7,990,397	\$3,780,530	\$3,567,740
Expense	\$7,100,804	\$3,564,490	\$3,306,713
Net Income	\$889,593	\$216,040	\$261,027

Non-Operating	Annual Budget	YTD 2023 Q2	YTD 2022 Q2
Revenue	\$2,601,937	\$1,794,278	\$1,628,417
Expense	\$3,456,404	\$697,145	\$1,291,188
Net Income	(\$854,467)	\$1,097,133	\$337,229

Net Income	\$35,126	\$1,313,173	\$598,256
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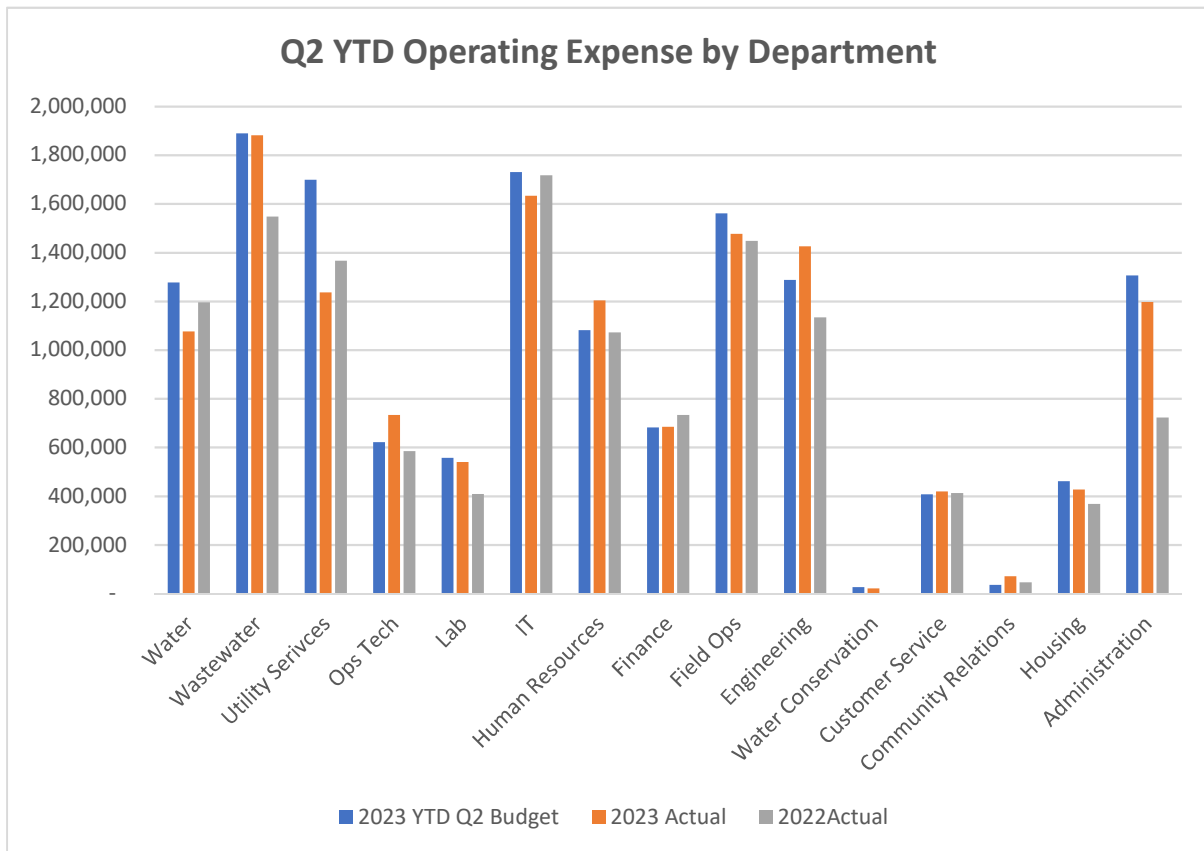
Unrestricted Fund Balance	Annual Budget	YTD 2023 Q2
Beginning Balance	\$2,353,454	\$2,353,454
Net Income	\$35,126	\$1,313,173
Ending Unrestricted Balance	\$2,388,580	\$3,666,627

- Non-Operating budgets are revised to include FY 2022 capital project carryforwards.
- Operating surpluses offset non-operating capital project expenditures.



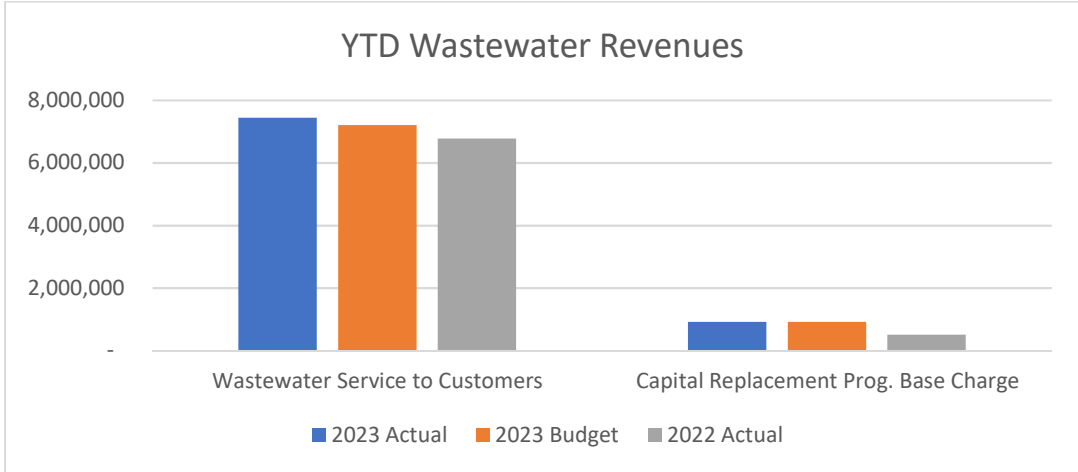
YTD Combined Operating Expense Comparison

Expense Type	2023 Revised Annual Budget	2023 Actual	(Over) Under	% Remaining	2022 Actual	YOY Var
Operating	\$28,247,223	\$13,790,267	\$14,456,956	51%	\$12,557,477	10%
Housing	\$498,868	\$259,615	\$239,253	44%	\$226,988	14%
Debt Service	\$7,716,103	\$3,380,203	\$4,335,900	56%	\$2,089,229	62%
Capital & CRP	\$8,523,259	\$1,851,433	\$6,671,8266	124%	\$2,795,403	-34%
Bond Project	\$28,390,614	\$4,746,370	\$23,644,244	209%	\$8,084,244	-41%
Total	\$73,376,067	\$24,027,888	\$49,348,179	93%	\$25,753,341	-7%

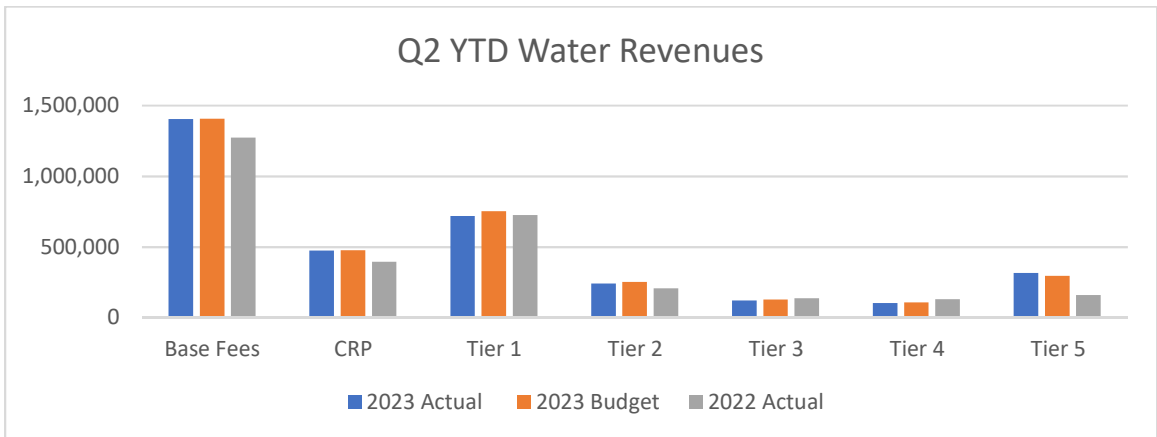


- Utility Services are under budget due to the timing of meter purchases
- Water is under budget due to position vacancies
- Human resources are over budget due to property and liability insurance

Revenue Comparison



- Wastewater Service to Customers Revenue is 3.3% better than budget due to volume over the winter months. (Winter Averaging began in April)
 - Base rates are 9.8% greater than 2022 due to rate increases
 - CRP Base Fees are equal to budget and 80% greater than 2022 due to rate increases
 - Impact Fees are \$198K, \$76K over budget and \$208K under 2022



- Water Service Revenue is 1.5% less than budget due to tier consumption in June
 - YTD Q2 Consumption is 8% less than the 5-year average due to June consumption. June is 23% less than the 5-year average.
 - CRP & Base Fees are on budget
 - Impact fees are \$48K, \$46K under budget, and \$15K greater than 2022



Bond & Cash Balances

WASTEWATER

WW Bond Funds	Annual Budget	YTD 2023	YE 2022
Beginning Balance	\$39,459,781	\$39,459,781	\$14,582,968
Expense	\$27,082,461	\$4,582,911	\$22,451,858
Bond Balance	\$12,377,320	\$34,876,870	(\$7,868,890)

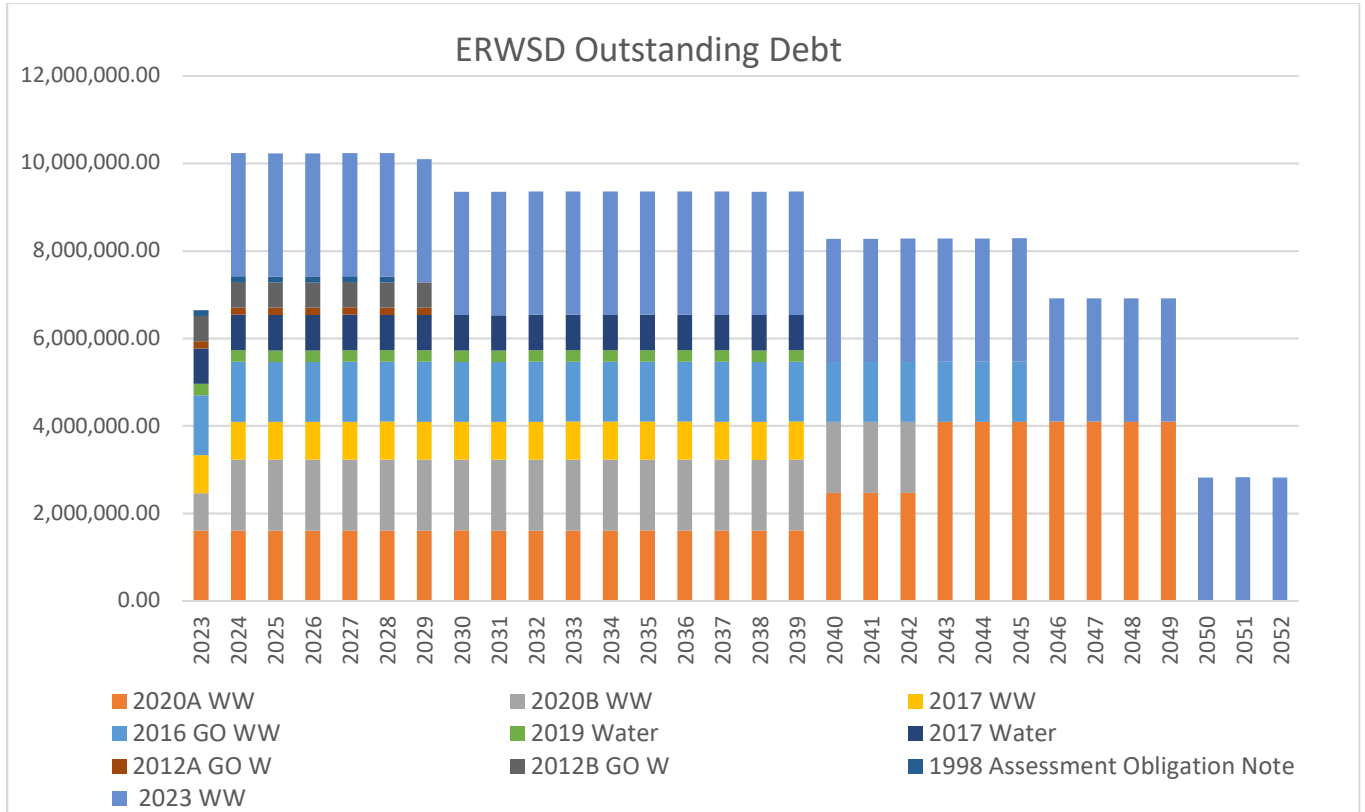
WW Bond Projects	Budget	Expense	Remaining Budget
Gore Valley Trail @ Dowd Jct. Repair	\$516,974	\$0	\$516,974
Field and Fleet HQ at AWWTF	\$1,981,194	\$51,931	\$1,929,263
AWWTF Fire Flow Improvements	\$63,908	\$5,655	\$58,253
AWWTF Nutrient Upgrades	\$8,272,229	\$2,571,891	\$5,700,338
VWWTF Master Plan Capital Improvements	\$8,517,396	\$925,605	\$7,591,791
WW Master Plan Update Phase 2	\$378,800	\$0	\$378,800
2022 WW Master Plan Update	\$499,269	\$94,254	\$405,015
Westhaven Sewer Main	\$200,000	\$0	\$200,000
Minturn Siphon Project	\$150,000	\$0	\$150,000
Dowd Junction Collection System Improve.	\$6,047,691	\$933,574	\$5,114,117
AWWTF Rooftop Solar Project	\$455,000	\$0	\$455,000
Total	\$27,082,461	\$4,582,911	\$22,499,550

WATER

Bond Funds	Annual Budget	YTD 2023	YE 2022
Beginning Balance	(\$144,211)	(\$144,211)	\$2,000,741
Expense	\$1,100,000	\$163,459	\$2,144,952
Bond Balance	(\$1,244,211)	(\$307,670)	(\$144,211)

Water Bond Projects	Budget	Expense	Remaining Budget
Bolts Lake Reservoir	\$321,723	\$141,683	\$180,040
Lower Glen Lyon Fire Flow	\$450,000	\$11,626	\$438,375
N. Frontage Road Water Main	\$450,205	\$10,151	\$440,054
RTU System Upgrade	\$86,225		\$86,225
Total	\$1,308,153	\$163,459	\$1,144,694

- (* includes 2022 budget carryforwards)
- The Waster Master Plan is in progress and will determine the need for a water bond



- Wastewater Debt Service Outstanding: \$223,052,960
- Water Debt Service Outstanding: \$23,439,100
- Total Outstanding Debt Service: \$246,492,060

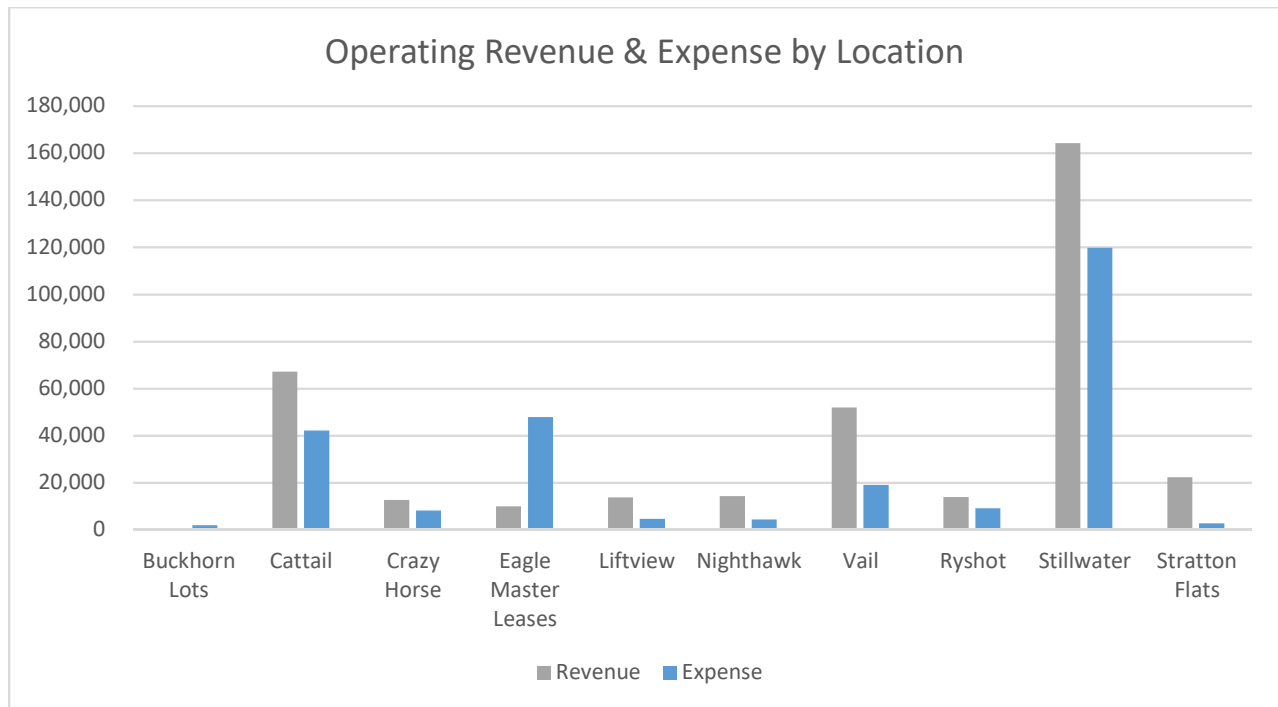
ERWSD WW & W	2023	2022	2021	2020
Combined Cash Balance	\$71,973,895	\$26,705,049	\$49,529,239	\$66,182,827

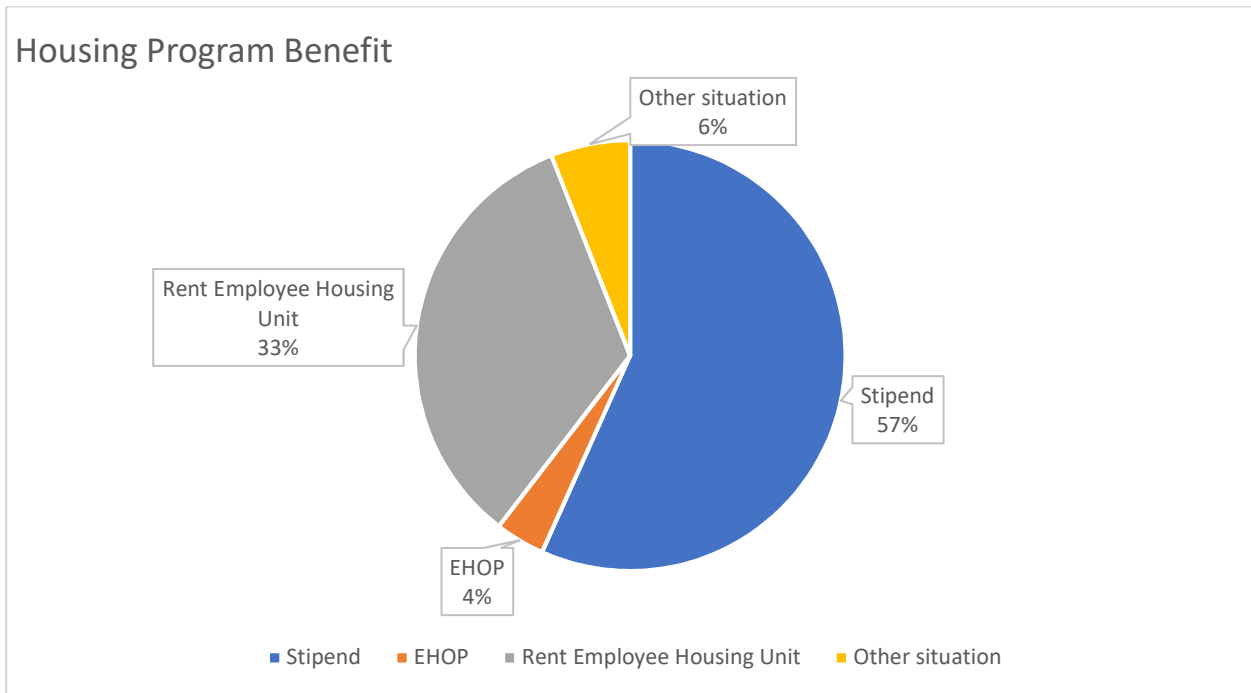
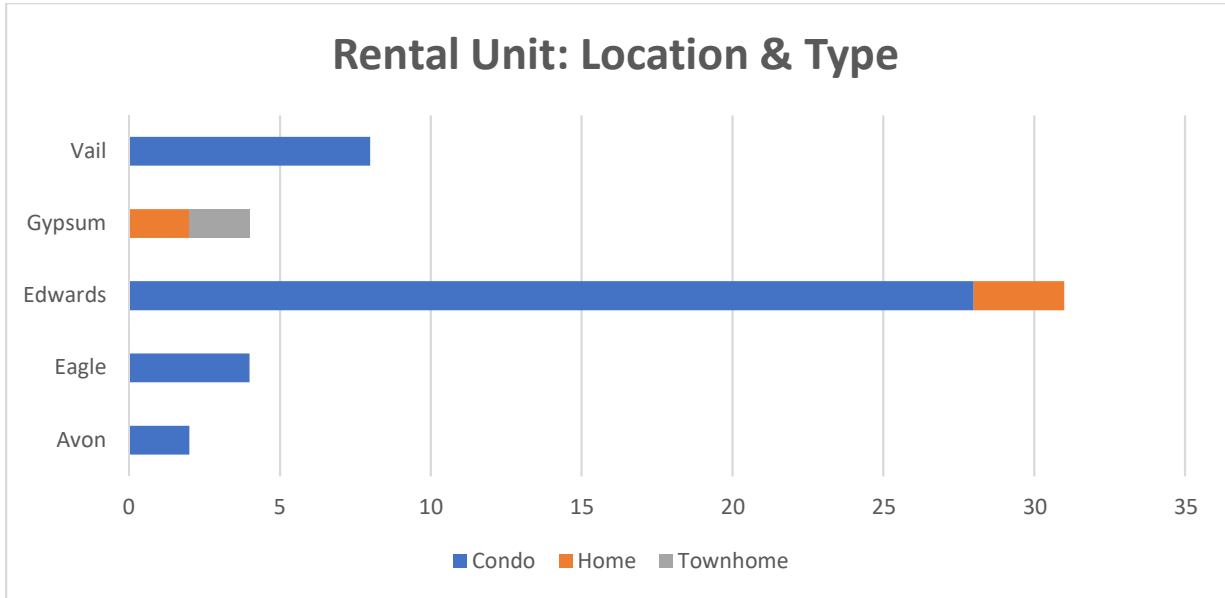
- Combined Cash balance increase due to the 2023 wastewater bond proceeds.

Housing Report

Location	Units	Revenue	Expense	Net Income
Buckhorn Lots	3	0	\$1,864	(\$1,864)
Cattail	8	\$67,098	\$42,098	\$25,000
Crazy Horse	2	\$12,677	\$8,221	\$4,456
Eagle Master Leases	3	\$9,906	\$47,871	(\$37,964)
Liftview	2	\$13,728	\$4,615	\$9,113
Nighthawk	2	\$14,229	\$4,325	\$9,905
Vail	8	\$51,968	\$19,049	\$32,919
Ryshot	1	\$13,810	\$9,060	\$4,750
Stillwater	22	\$164,235	\$119,747	\$44,488
Stratton Flats	2	\$22,314	\$2,766	\$19,548
Total	53	\$369,965	\$259,615	\$110,350

- Revenues are tracking better than budget from occupying master leased units and greater than average occupancies.





- Total employees currently participating in program: 134
- Other situations include employees sharing units and employee purchased units.



1155 CANYON BOULEVARD, SUITE 110, BOULDER, CO 80302
OFFICE: 303-449-2834 FAX: 720-535-4921
SOMACHLAW.COM

MEMORANDUM

TO: Eagle River Water & Sanitation District Board of Directors
Upper Eagle Regional Water Authority Board of Directors

FROM: Kristin Moseley

SUBJECT: Emergency Forest Watershed Program Bill

DATE: July 25, 2023

On July 21, 2023, Senator Bennet’s office reached out seeking support from the District and Authority for the attached proposed federal legislation that aims to streamline emergency watershed protection measures following forest fires and other natural disasters. The bill aims to address problems that arose following the East Troublesome and Cameron Peak fires, when Northern Colorado Water Conservancy District (“Northern Water”) attempted to spearhead forest restoration projects in the Arapaho National Forest but faced significant roadblocks. The language in the draft Emergency Forest Watershed Program bill is consistent with the language that the District and Authority negotiated in 2016 for inclusion in the Spraddle Gulch and No Name wilderness bill that morphed into the Colorado Outdoor Recreation and Economy (“CORE”) Act regarding fire-protection measures in wilderness areas. Accordingly, we recommend that the District and Authority take a position of support on this important legislation.

The proposed bill seeks to streamline federal response to wildfire recovery by authorizing the Secretary of Agriculture to carry out certain emergency watershed protection measures on National Forest System (“NFS”) land, and Senator Bennet aims to include it in the upcoming reauthorization of the omnibus Farm Bill. The draft bill defines “emergency measures” as those necessary to address damage caused by a natural disaster to natural resources on NFS land that, if left untreated, would impair or endanger the land’s natural resources and the watershed, or would cause the loss of life, property, or other assets downstream of the land. It also defines “sponsor” to include state and local governments and authorizes the Secretary of Agriculture to enter into agreements with and to make payments to sponsors for emergency watershed protection measures without requiring matching funds. Finally, the draft bill specifically calls for “cooperation with affected water users” when engaging in emergency watershed protection measures of NFS land, including runoff retardation, soil-erosion prevention, and flooding mitigation.

1 Title: To amend the Agricultural Credit Act of 1978 to authorize the Secretary of Agriculture to
2 carry out emergency watershed protection measures on National Forest System land, and for
3 other purposes.
4
5

6 Be it enacted by the Senate and House of Representatives of the United States of America in
7 Congress assembled,

8 SECTION 1. SHORT TITLE.

9 This Act may be cited as the [“_____ Act of ____”].

10 SEC. 2. EMERGENCY FOREST WATERSHED PROGRAM.

11 (a) Funding and Administration.—Section 404(b) of the Agricultural Credit Act of 1978 (16
12 U.S.C. 2204(b)) is amended by inserting “to carry out section 401” after “for a fiscal year”.

13 (b) Emergency Forest Watershed Program.—Title IV of the Agricultural Credit Act of 1978
14 (16 U.S.C. 2201 et seq.) is amended by adding at the end the following:

15 “SEC. 408. EMERGENCY FOREST WATERSHED 16 PROGRAM.

17 “(a) Definitions.—In this section:

18 “(1) EMERGENCY MEASURES.—The term ‘emergency measures’ means measures that—

19 “(A) are necessary to address damage caused by a natural disaster to natural
20 resources on National Forest System land, and the damage, if not treated—

21 “(i) would impair or endanger the natural resources on the land and the
22 watershed; and

23 “(ii) would cause loss of life, property, or public or private assets downstream
24 of the land; and

25 “(B) would maintain or restore forest health and forest-related resources on the
26 National Forest System land.

27 “(2) NATURAL DISASTER.—The term ‘natural disaster’ has the meaning given the term in
28 section 407(a).

29 “(3) SPONSOR.—The term ‘sponsor’ means—

30 “(A) a State or local government; and

31 “(B) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and
32 Education Assistance Act (25 U.S.C. 5304)).

33 “(b) Authorization.—The Secretary, acting through the Chief of the Forest Service, is
34 authorized to undertake emergency watershed protection measures on National Forest System
35 land, for runoff retardation, soil-erosion prevention, and flooding mitigation in cooperation with
36 affected water users, as the Secretary determines necessary to safeguard lives, property, and
37 infrastructure from fire, flood, or any other natural occurrence or natural disaster on any

1 watershed when a fire, flood, or any other natural occurrence or natural disaster is causing or has
2 caused a sudden impairment of that watershed or downstream land or water.

3 “(c) Agreements; Payments.—

4 “(1) IN GENERAL.—The Secretary of Agriculture may enter into an agreement
5 notwithstanding Chapter 63 of Title 31 with a sponsor and make payments to the sponsor,
6 on request of the sponsor, to carry out emergency watershed protection measures to restore
7 natural resources on National Forest System land as a result of a fire, flood, or any other
8 natural occurrence or natural disaster.

9 “(2) REQUIREMENT.—Not later than 30 days after the date on which a sponsor makes a
10 request to the Secretary for a payment under paragraph (1), the Secretary shall approve or
11 deny that request.

12 “(d) Waived Matching Requirements.—The Secretary shall not require any matching
13 requirements for payments made under subsection (c)(1) for emergency measures for watershed
14 protection carried out by a sponsor on National Forest System land.

15 “(e) Liability.—

16 “(1) IN GENERAL.—A sponsor that carries out emergency watershed protection measures
17 pursuant to an agreement entered into with the Secretary under subsection (c)(1) shall not—

18 “(A) be required to indemnify the United States for any liability resulting from
19 carrying out emergency watershed protection measures pursuant to that agreement; or

20 “(B) except as provided in paragraph (2), be liable for injury, loss, or damage
21 resulting from carrying out emergency watershed protection measures pursuant to that
22 agreement.

23 “(2) SAVINGS PROVISION.—Nothing in this subsection precludes liability for damages or
24 costs relating to the carrying out of emergency watershed protection measures by a sponsor
25 pursuant to an agreement entered into under subsection (c)(1) if the sponsor acted with
26 willful or wanton negligence or reckless conduct in carrying out those measures.

27 “(f) Assumption of Risk.—A sponsor that carries out emergency watershed protection
28 measures prior to entering into an agreement with the Secretary under subsection (c)(1) shall
29 assume the risk of incurring any cost or liability resulting from of carrying out those measures.

30 “(g) Coordination.— the Chief of the Natural Resources Conservation Service and the Chief
31 of the Forest Service shall coordinate on the use of funds distributed under this section and
32 section 403.

33 “(h) Effect.—Nothing in this section requires the Secretary to enter into an agreement with a
34 sponsor.”.

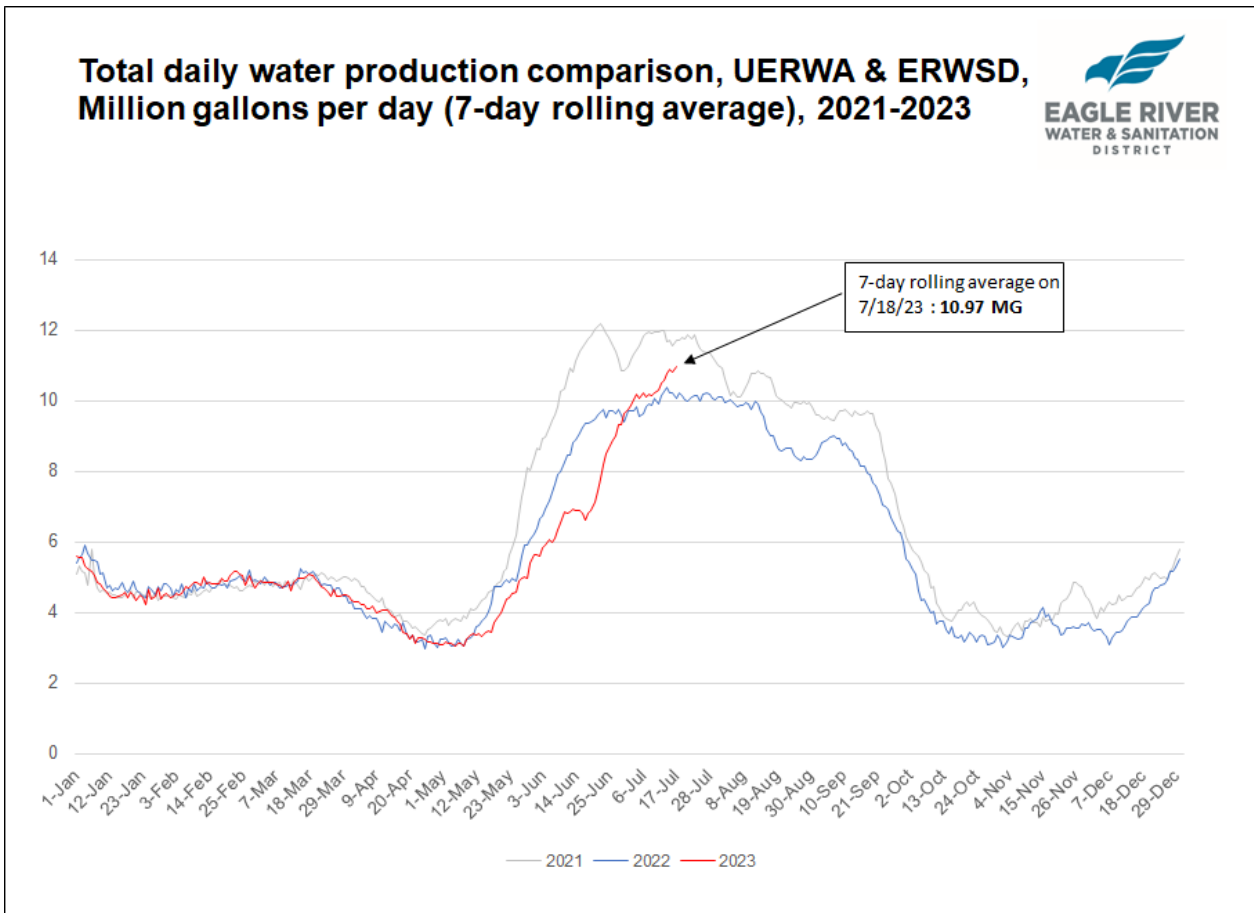


OPERATIONS MONTHLY REPORT
July 2023

WATER

Brad Zachman

The system-wide water production comparison was updated through Jul 18. System production is normal for this time of year.



WASTEWATER

Brad Zachman

Cumulative influent wastewater flow is normal for this time of year. The abnormally high inflow and infiltration (I&I) impacts that were observed during spring runoff have subsided.



FIELD OPERATIONS

Niko Nemcanin

On Jun. 30, the CDPHE issued a compliance advisory notification to the District for “Unauthorized Discharge of Pollutants” for the sanitary sewer overflow (SSO) that occurred in East Vail on Jun. 10. The compliance advisory does not constitute a notice of violation. However, the District must submit additional information regarding the incident investigation, including an action plan that outlines steps and procedures that will be taken to prevent a similar SSO in the future. District staff members are currently working on the follow-up response letter and will submit the required information to CDPHE within the required 30 days.

On Jul. 13, an emergency water main repair was made near the intersection of Vail View Dr. and Lionsridge Loop Rd. in Vail. Upon initial arrival at the scene, Field Operations staff immediately isolated the main due to major road damage and flooding. A contractor was mobilized, and excavation immediately began on the afternoon of Jul. 13. The repair was completed on Jul. 14. No customers were taken out of service during the repair. Due to the extensive road damage, the Town of Vail closed the road until a temporarily repair was made on Jul. 18. District staff members are currently coordinating with the Town of Vail to complete the final asphalt paving. The cause of the leak was determined to be a large longitudinal beam crack in the main.



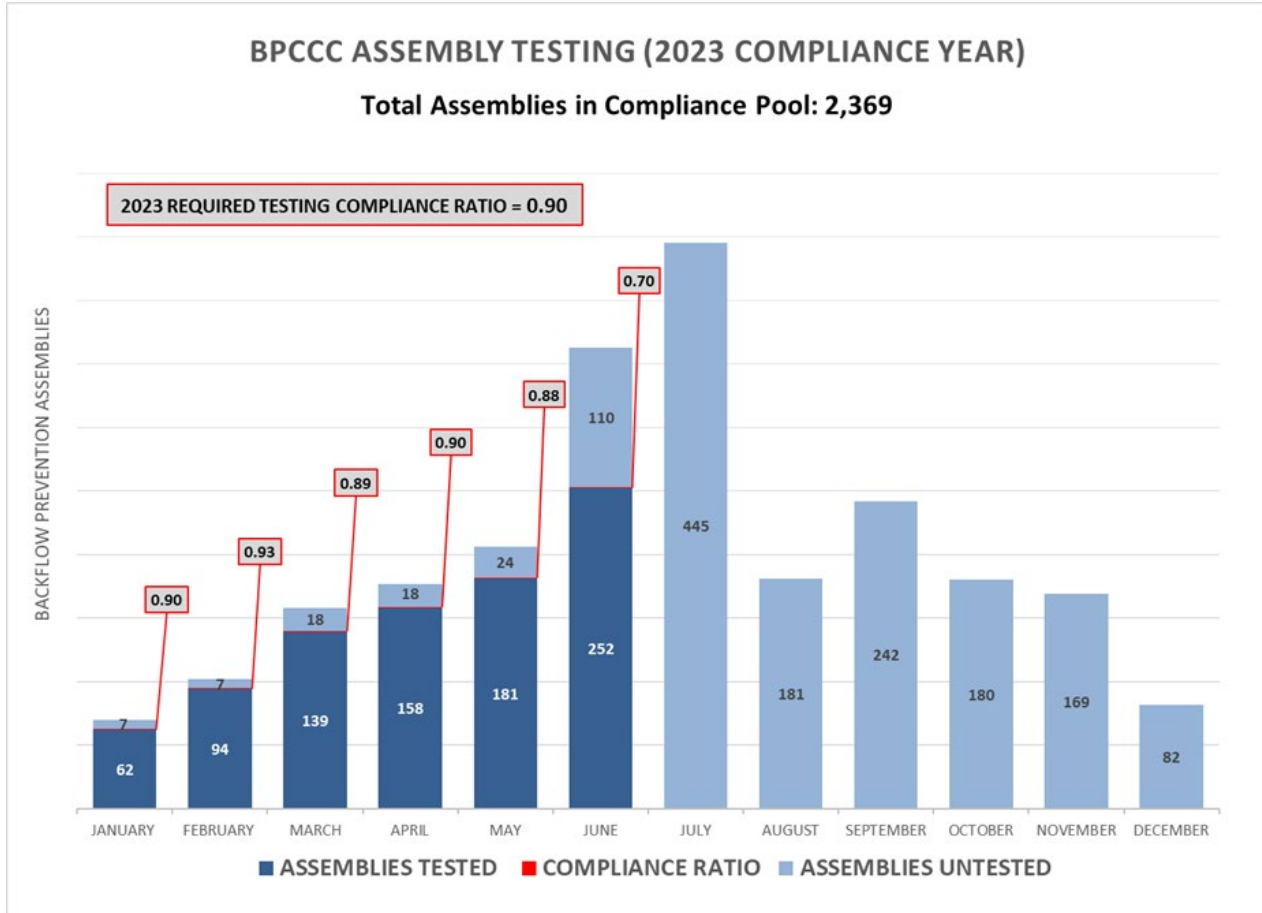
Vail Water Main Repair (Jul. 13-14)

UTILITY SERVICES

Shane Swartwout

BPCCC Program

The BPCCC team mailed over 200 letters to irrigation customers, notifying them that any irrigation assemblies that remain untested after Jul. 31 will be scheduled and tested by District staff. This is necessary procedural improvement that will ensure that all irrigation assemblies are tested prior to winterization.



Meter Services

The Meter Services team is currently focusing on AMI meter changeouts in the Authority service area. A status update is provided below.

Report Date:	7/12/2023
--------------	-----------

AMI SYSTEM STATUS	ERWSD	UERWA	TOTAL
(1) Total No. of Meters	3202	6845	10047
(2) No. of AMI Meters	3202	6078	9280
(3) System Percentage of AMI Meters	100%	89%	95%
Meters Remaining to Reach 100% AMI	0	767	767

Meter Services – Advanced Metering Infrastructure (AMI) Status (Updated 7-12-2023)

Fleet and Facilities

The Fleet and Facilities team completed the fleet tracking system upgrade and replaced the GPS devices in all 84 service vehicles. The new Verizon Connect Reveal monitoring platform is now online, and staff is currently working with the vendor to update historical vehicle data.

ENGINEERING

Jeff Schneider

WATER PROJECTS

Fenno Wellhouse and Raw Water Conveyance

Carter Keller

General Project Scope: The project includes a complete replacement of a treatment facility in Cordillera that treats water from seven groundwater wells. The previous facility did not meet electrical code, had safety concerns, and was generally at the end of its useful life. The new treatment facility was completed in 2022. The current focus of this project is to assess and rehabilitate the aging wells and raw water conveyance piping that serve the new facility.

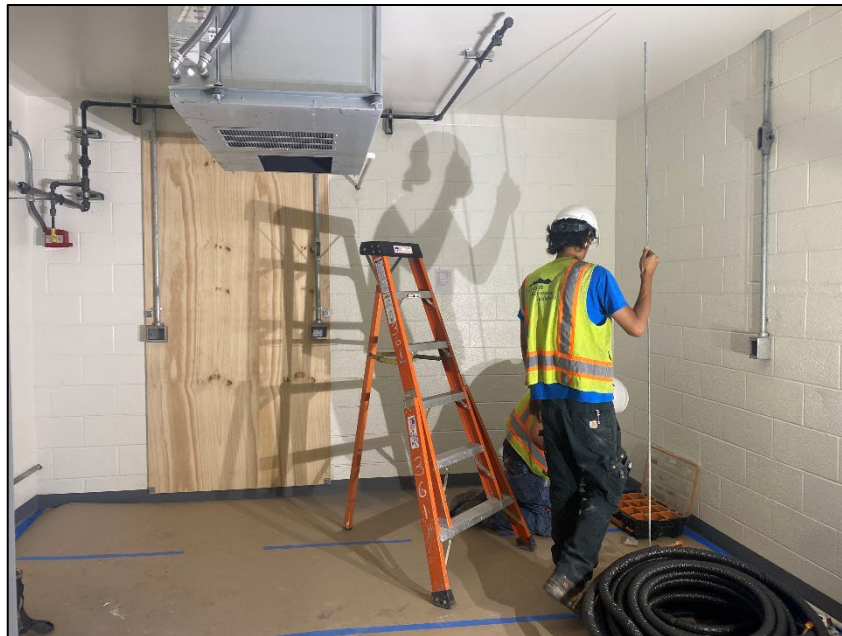
Project Update: The well contractor completed equipment removal from the Fenno F1 well to allow video-inspection of the well casing. The team is currently working to modify the existing access easement for the Fenno F5 well.

Avon Drinking Water Facility (ADWF) PLC Upgrades

Jenna Beirsto

General Project Scope: This project includes replacement of the programmable logic controllers (PLCs) at ADWF. Additionally, a new server room will be constructed within the facility. All existing programming and PLC logic will be reverse-engineered and updated to meet current District standards.

Project Update: The server room flooring and HVAC installation work has been completed. The fire suppression and electrical system installations are underway. Roof replacement work is scheduled to begin in August. Control philosophy review and factory acceptance testing (FAT) of the new PLCs is ongoing.



ADWF Server Room HVAC Installation

Water Production and Treatment Masterplan

Jenna Beirsto

General Project Scope: The masterplan will be a wholistic look at all production and treatment facilities system-wide including treatment plants and wells. The goal is to identify future capital project priorities. The project will include a detailed condition assessment of existing assets and will evaluate treatment and production threats from climate change, low stream flows, wildfires, etc.

Project Update: Drafts of the initial chapters of the summary report were submitted to the District on Jul. 13 and are under internal review.

North Frontage Road Watermain Improvements

Kevin Nelson

General Project Scope: This project involves construction of approximately 700 linear feet of 10-inch diameter water main from the Residences at Main Gore (near the main Vail roundabout) to the culvert crossing at Middle Creek.

Project Update: Permitting and pre-construction coordination work is nearly complete. An executed CDOT permit has been issued and the Town of Vail Right-of-Way permit is expected to be issued the week of Jul. 24. Contractor mobilization is expected to begin the week of Jul. 31.

Wildridge BPS, PRV, and Tank Improvements

Carter Keller

General Project Scope: This project addresses high priority recommendations from the 2020 Distribution System Master Plan and involves improvements to the pumping, storage, and pressure regulating facilities in the Wildridge service area. The scope includes mechanical,

electrical, structural, architectural, and electrical improvements at multiple sites, including installation of an on-site emergency generator at Wildridge Booster Pump Station 1.

Project Update: The contractor is currently working on submittals and finalizing the construction schedule. Construction work is expected to begin later this summer.

WASTEWATER PROJECTS

Avon Wastewater Treatment Facility (AWW) Nutrient Upgrades Jeff Schneider/Jenna Bearisto

General Project Scope: The AWW requires upgrades to meet Regulation 85, which requires a reduction of the concentrations of nitrogen and phosphorus in the effluent. The scope of this project includes: addition of 0.6 million gallons of aeration basin capacity, installation of a new secondary clarifier, structural modifications to the existing aeration basins to remove the existing double-tees and replace with a building structure, installation of a new odor control study and system, and other improvements throughout the facility. This project also includes improvements identified in a 2017 condition assessment in process areas throughout the facility.

Project Update: The new HVAC exhaust fan has been set on the roof of the new aeration basin building and ductwork installation is ongoing. The final delivery date of the exhaust fan enclosure is pending and will drive the final completion dates of the project. The re-roofing work on the secondary clarifier building is nearly complete and metal flashing and gutter installation is ongoing. The Secondary Clarifier #3 re-coating work has been completed and hardware re-assembly is ongoing. Landscaping work is nearly complete and a punchlist walkthrough was held with the landscape architect and irrigation designer on Jul. 11. The front entry gate has been re-installed, and the electric actuated motors are functional. Parking lot striping is complete and minor items such as signage installation and final grading of the southwest portion of the site are underway.



Site Overview



Ductwork Installation on Aeration Basin Building Roof



Landscaping along Western Perimeter of Site

Dowd Junction Collection System Improvements

Jenna Beairsto

General Project Scope: The project consists of four major infrastructure improvements: the aerial interceptor crossing at Dowd Junction; Lift Station 4, which conveys all of Minturn's wastewater; the aerial interceptor crossing at the Minturn Road bridge; and the force main downstream of Lift Station 4. The new infrastructure will be sized to accommodate future growth in the service area, most notably the Minturn area.

Project Update: The Xcel high pressure gas issue that caused additional traffic interruptions and roadway impacts was resolved. The Xcel crews completed their work and demobilized prior to the July 4 holiday weekend. The lift station masonry work on the walls has been completed and additional above-grade building construction activities are underway. The original building joist design interfered with the interior bridge crane, so a design modification was made to raise the walls using steel beams. The new beams and remaining structural steel for the walls were successfully installed. Xcel will be mobilizing to the site within the next couple of weeks to install the service line for the new lift station. The force main installation is nearly complete and both pipelines were successfully pressure-tested in early-July. Once final sign off on the force mains is complete, the new line will be temporarily connected to the existing lift station to allow trail construction to continue.



Installation of Lift Station Precast Concrete Structural Beam



Force Main Pipe Installation

Avon Lab Improvements

Carter Keller

General Project Scope: The overall objective of this project is to install a new inductively coupled plasma mass spectrometer (ICP-MS) in the lab at the Avon Wastewater Facility. The new instrument will enable District staff to perform metals analyses in-house. Lab and architectural modifications will be completed, including installation of a new gas cabinet, duct chase, and fume hood. Additionally, the makeup air unit (MAU) that serves the lab and the HVAC system for the lab and lab offices will be replaced.

Project Update: The project team is working on installing the fume hood and cabinets in the Lab. The project is scheduled to be completed mid-August.



New Fume Hood

Vail Wastewater Treatment Facility (VWW) Master Plan Improvements

Mark Mantua

General Project Scope: A condition assessment of the VWW was conducted as part of the 2017 wastewater masterplan. The assessment identified several critical upgrades that are required to keep the facility in reliable and operable condition. The scope of this project includes installation of a new, larger diesel generator, structural repairs in the aeration basin, equalization, and clarifier rooms, replacement of the aging ultraviolet (UV) system, and construction and installation of an external facility bypass.

Project Update: A major operational shutdown was performed the week of Jul. 10 to temporarily relocate the power and control wiring for the existing ultraviolet (UV) disinfection system. This required weeks of preparation and coordination by the entire project team. Two new aeration basin diffuser systems were tested and brought online and work has started to install new diffusers in Aeration Basin #3. The new Parshall flume was installed the week of Jul. 10 and the remainder of the sanitary sewer bypass pipe installation work is ongoing. On Jul. 11, a water shutdown was

performed in an attempt to relocate a portion of the water service line. However, an unexpected pipe leak was discovered near the penetration into the building wall. A follow-up shutdown will be needed to complete the repair and finish the service line replacement. Structural engineers identified unexpected deficiencies in the roofing structure during demolition and the contractor is working to perform the recommended repairs. Demolition and replacement of the office entry front plaza has begun. Installation of the new concrete at the front entry plaza is expected to be completed in late-July.



Commissioning of New Aeration Basin Diffusers



Parshall Flume, Water Service Line, and Sewer Bypass Construction

Wastewater Master Plan

Madeleine Harris

General Project Scope: This Master Plan update will inform the scope and scale of the design for the upcoming Edwards Wastewater Treatment Facility (EWW) Nutrient Upgrades Project, which will be required to meet upcoming Regulation 85 nitrogen and phosphorous nutrient limits.

Project Update: The project team met on Jul. 20 to discuss preliminary alternatives for EWW upgrades. The upgrades are likely to include secondary treatment expansion. The project team is currently reviewing the preliminary options and follow-up meetings will be held to review the assumptions used for the basis of design.

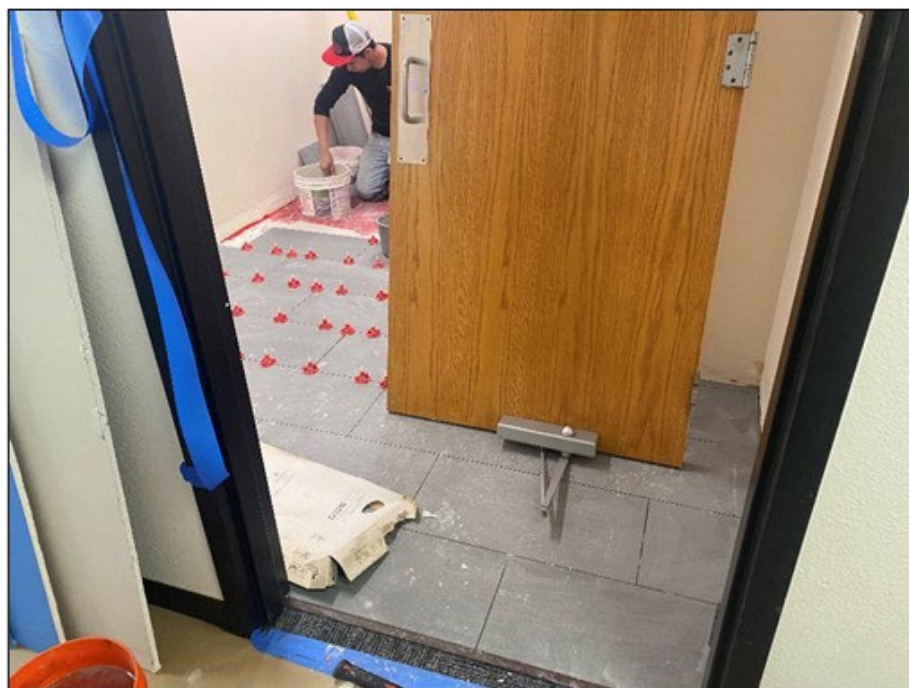
GENERAL CAPITAL

Vail Administration Bathroom Renovations

Jenna Bearsto

General Project Scope: The District will be renovating all six of the restrooms at the Vail Administration Building. The project focuses on replacing existing fixtures with high efficiency, low-flow devices. The work will be phased to keep restrooms open for people working out of the facilities.

Project Update: The first two sets of bathrooms are substantially complete and punch-list items are currently being addressed. Work has started on the restrooms outside of the Customer Service area. The drywall and floor tile installations are complete and the plumbers are currently working to re-route lines that are in conflict with the design.



Tile Installation in the Restrooms near Customer Service Area



Construction Progress in the Upstairs Women's' Restroom



MEMORANDUM

TO: District and Authority Boards of Directors
FROM: Jason Cowles, P.E. and Justin Hildreth, P.E.
DATE: July 19, 2023
RE: Engineering & Water Resources Report

Development Report

We would like to thank the Boards for their feedback and the discussion of the Development Report at last month's work session. We have incorporated the suggestions in the report this month. Please let us know if we've captured everything you wanted to see or if you have any further requests.

Bolts Lake Update

Following last month's field trip to the Bolts Ditch headgate with several board members, Staff and consultants met with local U.S. Forest Service representatives to discuss the permitting the Bolts Ditch headgate in the Holy Cross Wilderness. We discussed conceptual headgate and ditch designs with Forest Service staff and the process for approvals. Pending legislation to amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act to include the District and Authority as authorized users of the Bolts Ditch headgate will allow the Forest Service to process a special use permit application for the headgate. Forest Service staff recommended that we prepare and submit an SF299 special use permit application for the headgate structure to begin the permitting process and indicated that the meeting would meet their pre-application meeting requirements. Due to the unique nature of the headgate structure in wilderness, permitting of the headgate structure will require a Minimum Analysis Requirement Framework (MRAF) review by Forest Service staff as part of the decision-making process for the special use permit application and corresponding National Environmental Policy Act (NEPA) review. As the ditch and headgate are uses allowed by legislation in the wilderness, the review will focus on alternative approaches to materials, design, and construction to meet the project needs while also minimizing impacts to the wilderness resource. We have begun work on the SF299 application and will submit the application once we complete a survey of the existing headgate and ditch.



Bolts Ditch Headgate Diversion Structure

We also met with US Bureau of Reclamation (USBR) staff to discuss the Bureau's Small Storage Program and applied for a \$50k accelerator grant from the Colorado River Water Conservation District to fund the necessary feasibility study that is a prerequisite to apply for a Small Storage Program Grant. USBR will need to review and approve the feasibility study prior to accepting an application for a Small Storage Program grant, which typically takes 180 days. This means that we are unlikely to be prepared to apply for grant funding when the 2024 notice of funding opportunity is published this fall. Instead, we hope to begin preparation of the feasibility study this fall pending award of the Colorado River Water Conservation District accelerator grant. Our goal is to submit the feasibility study to the USBR for their review before the end of the year. This would position us to apply for the Small Storage Program grant in 2024 when the 2025 notice of funding opportunity is published. If awarded, the grant could fund up to 25% of eligible project costs including design, permitting, and construction through the program's end in November of 2026.

We will provide more details on our currently anticipated schedule and timeline for Bolts Lake design, permitting, and construction at the joint board meeting in August.

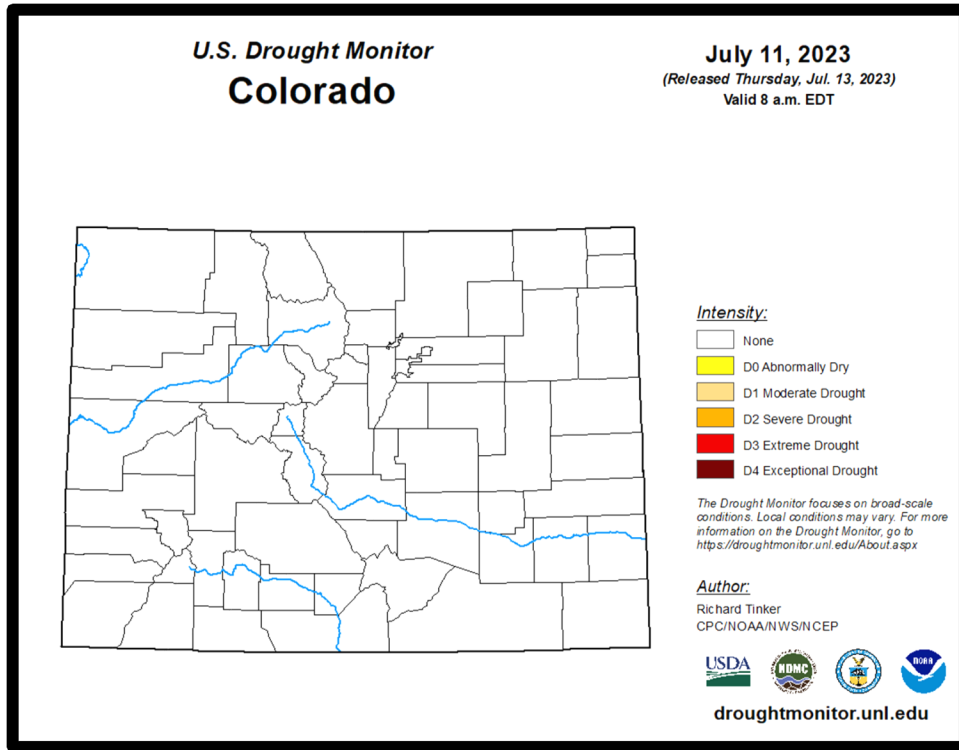
Water Resources Report

Justin Hildreth

Drought Conditions

The July 11, 2023, U. S. Drought Monitor categorizes Eagle County along with the rest of Colorado as not in a drought condition. This is the first time since July 2019 that all of Colorado is clear of drought.

Figure 1. U.S. Drought Monitor – Colorado. July 11, 2023 (National Drought Mitigation Center)



Temperature and Precipitation Forecasts

The current 8-to-14-day temperature and precipitation outlooks are shown in Figures 2 and 3. The near-term modeling indicates that the temperatures will be above normal for the next 2 weeks and the precipitation forecast will be leaning above normal. The seasonal 3-month temperature and precipitation outlooks, which are less accurate, indicate that temperature will likely be above average and precipitation leaning above average.

Figure 2: 8-14 Day Temperature Outlook July 16, 2023 (NOAA Climate Prediction Center)

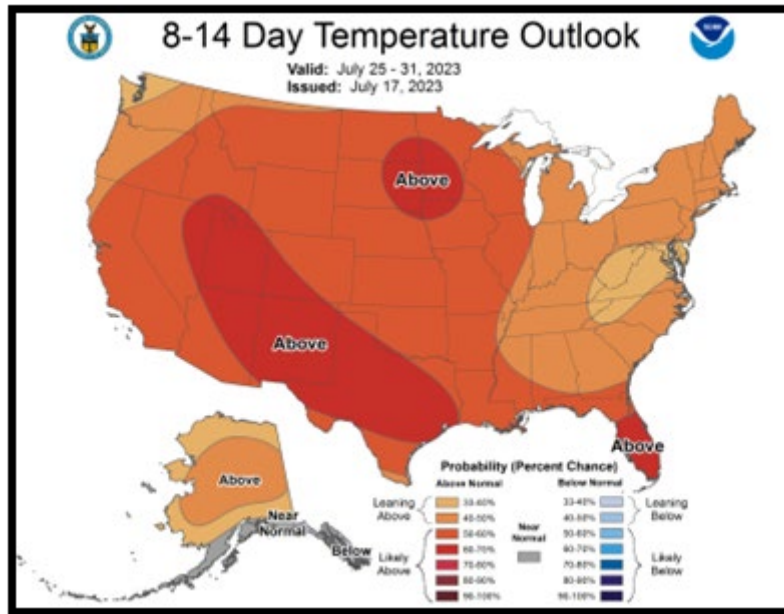
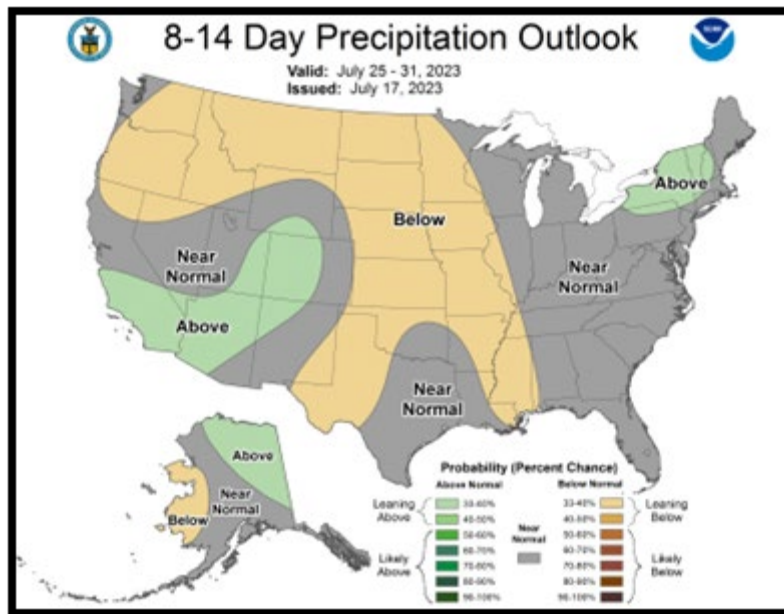


Figure 3: 8-14 Day Precipitation Outlook July 16, 2023 (NOAA Climate Prediction Center)



Precipitation Conditions

Cumulative water year to date precipitation at Vail Mountain and Fremont Pass are shown in Figures 4 and 5 respectively. As of July 17, 2023, Vail Mountain has 24.8” of accumulated precipitation for the water year, 5.2” below the median. Fremont Pass has accumulated 21.3” of precipitation for the water year, 1.9” below the median. There has not been significant precipitation since mid-June because the monsoonal moisture pattern has not started this year.

Figure 4: Accumulated Precipitation at Vail Mountain SNOTEL station, July 17, 2023

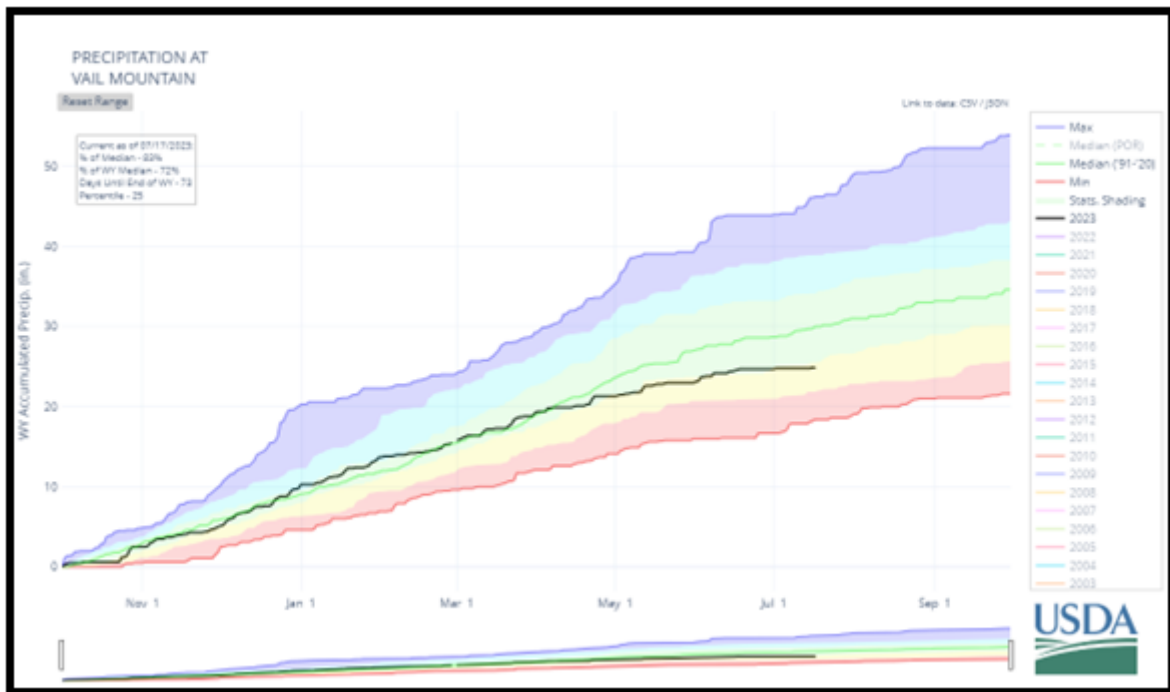
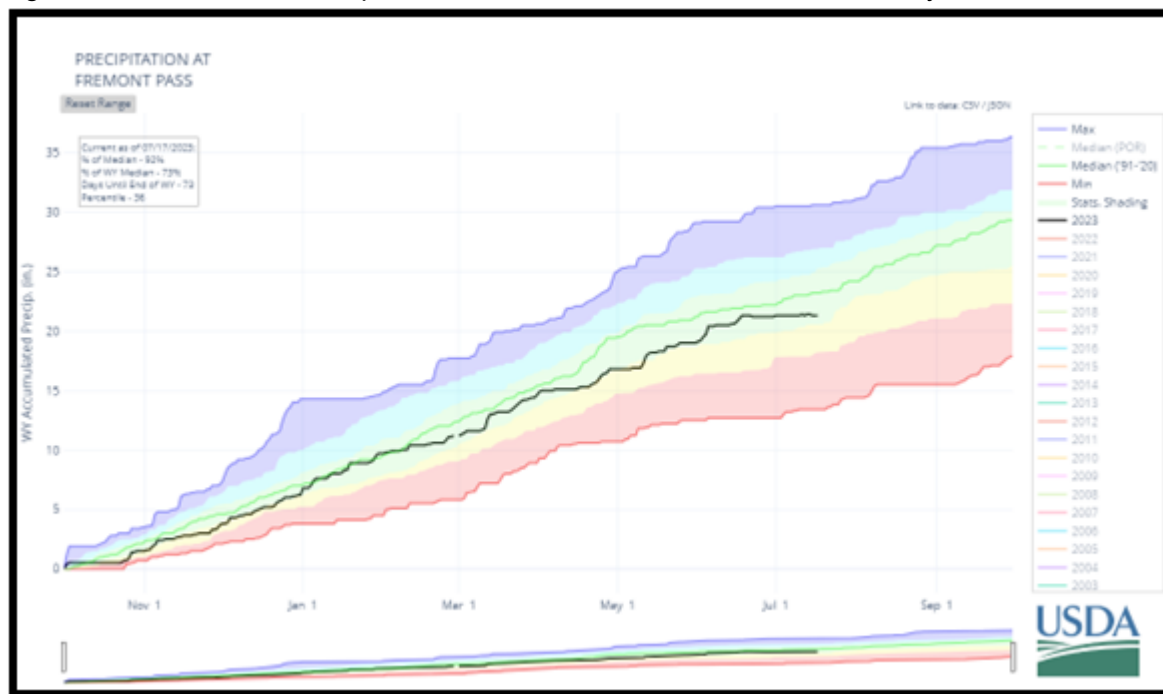


Figure 5: Accumulated Precipitation at Fremont Pass SNOTEL station, July 17, 2023



Streamflow

The Colorado Basin River Forecast Center hydrographs for Gore Creek above Red Sandstone Creek, Eagle River at Avon, and Colorado River below Dotsero are shown on Figures 6, 7 and 8 respectively. As expected, streamflow is trending down and is slightly above the median for this time of year.

Figure 6: July 17, 2023, Gore Creek above Red Sandstone Creek Forecast Hydrograph, National Weather Service.

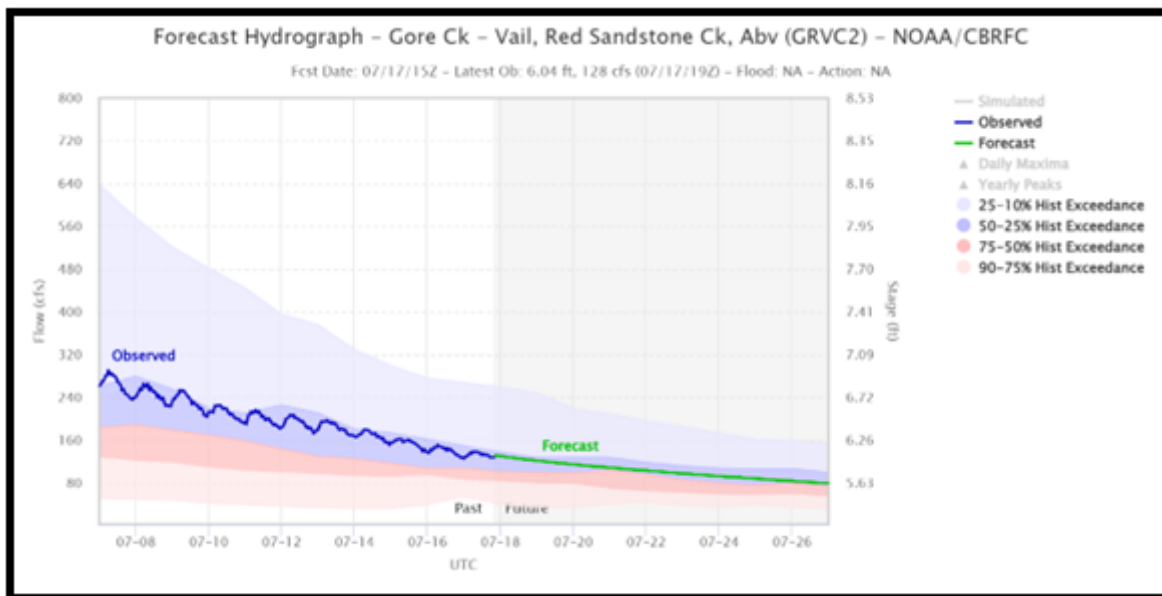


Figure 7: July 17, 2023, Eagle River at Avon Forecast Hydrograph, National Weather Service.

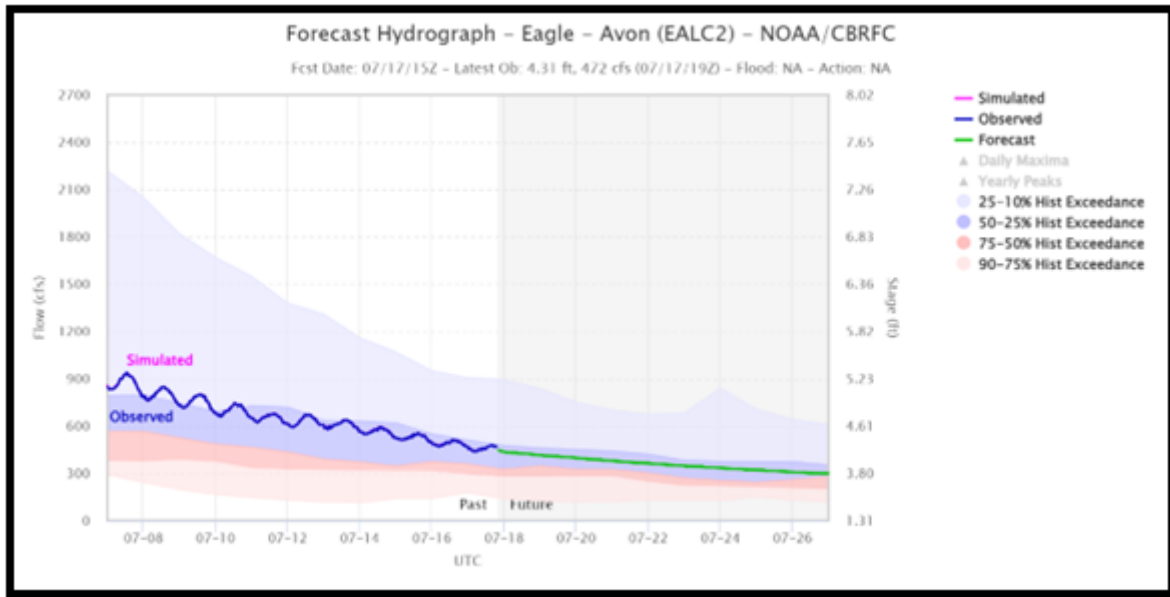
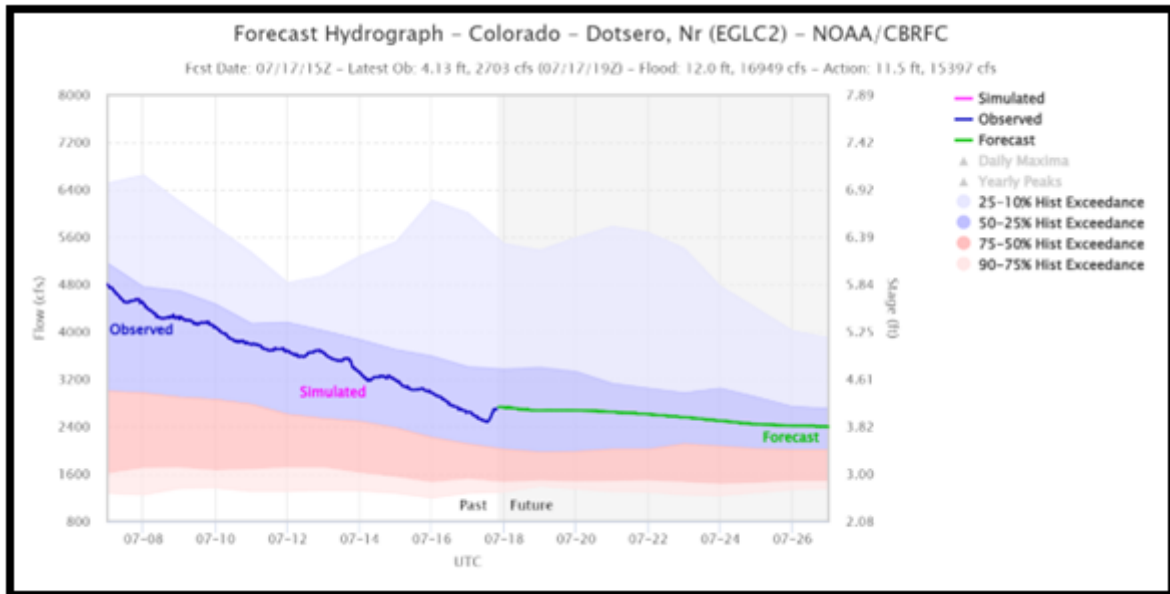


Figure 8: July 17, 2023, Colorado River at Dotsero Forecast Hydrograph, National Weather Service.



Reservoir Volumes

The reservoir storage accounts are summarized in Table 1. All reservoirs are nearly full and expected to meet the District’s and Authority’s needs for 2023. The District and Authority’s accounts in Eagle Park Reservoir are expected to be filled on September 1, when the conservation storage pool is distributed among the shareholders.

Table 1: District and Authority storage accounts for July 1, 2023 (Helton and Williamsen).

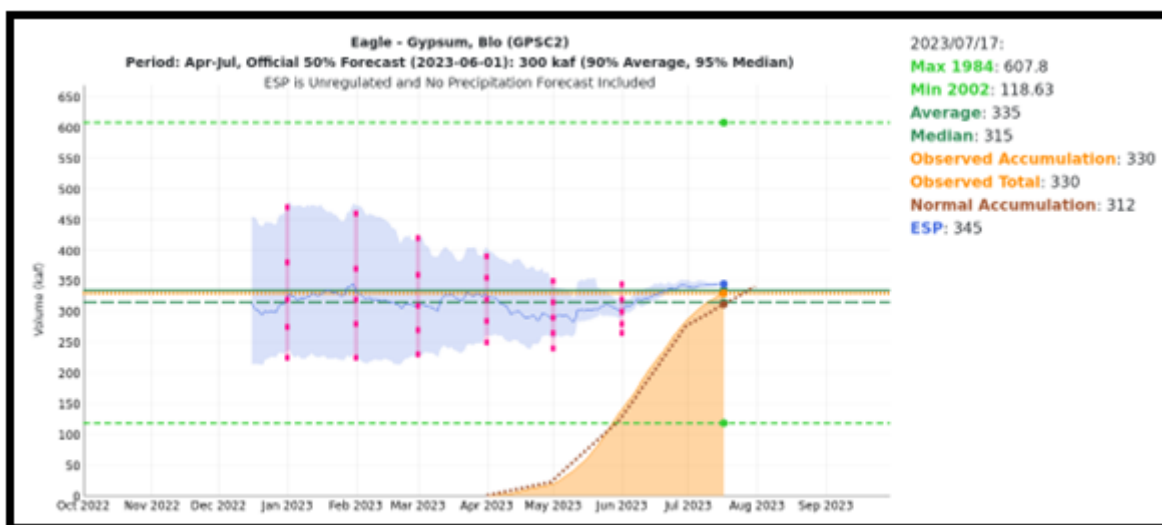
July 1 2023 Volumes in Storage and Percentages of Full:						
Reservoir	ERWSD		UERWA		Total	
Green Mountain	934	100%	548	100%	1482	100%
Black Lakes	425	100%	300.00	100%	725	100%
Eagle Park	430.39	99%	583.45	86%	1013.85	91%
Homestake Res	250.00	100%	256.50	100%	506.50	100%
Wolford Mtn	500.00	100%	710.80	100%	1210.80	100%

*Homestake Year currently set as July 1-June 30.

Estimated Supply Forecast

Figure 9 summarizes the National Weather Service forecast of the 2023 water supply for the Eagle River at Gypsum, not accounting for out-of-basin diversions and future precipitation. The average yearly water supply is 335,000 Acre-Feet, and the median yearly water supply is 315,000 Acre-Feet. The current observed accumulation is 330,000 Acre-Feet, and the total predicted water supply is 345,000 Acre-Feet, which is 9% above the yearly median. The prediction at this time of year accurately reflects the total water supply. The June forecast predicted the total runoff at 300,000 Acre-Feet, which is 95% of the yearly median. The actual water supply will be 15% above the National Weather Service June forecast.

Figure 9: June 13, 2023, Estimated Supply Forecast for the Eagle River Basin above Gypsum



Lake Powell

The U.S. Bureau of Reclamation data for Lake Powell (Figure 10) indicates the reservoir levels have increased 55 feet since April. The reservoir levels are predicted to lower 10 feet in the next 10 months because of releases and evaporation. The water year 2023 forecast of Lake Powell inflow is 14,000,000 acre feet, 146% of average (Figure 11). The inflow forecast is the 12th highest for Lake Powell and the highest since 2011.

Figure 10: Lake Powell End of Month Elevations (U.S. Bureau of Reclamation)

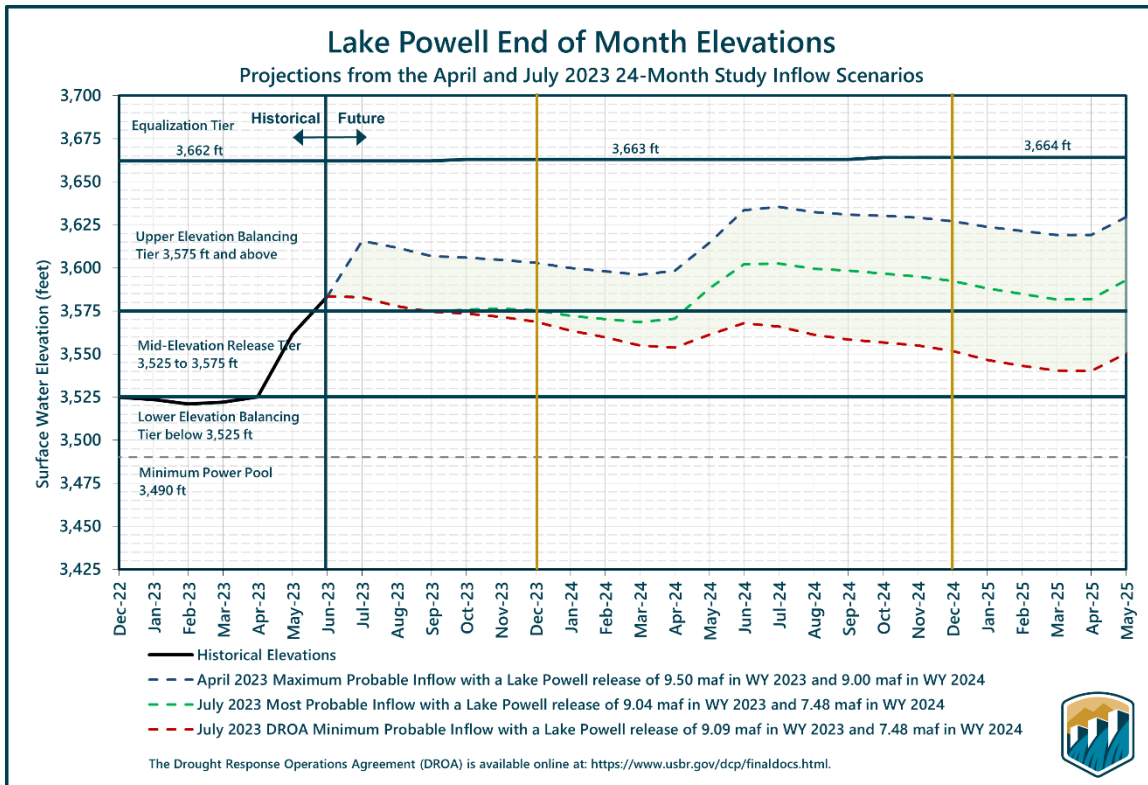
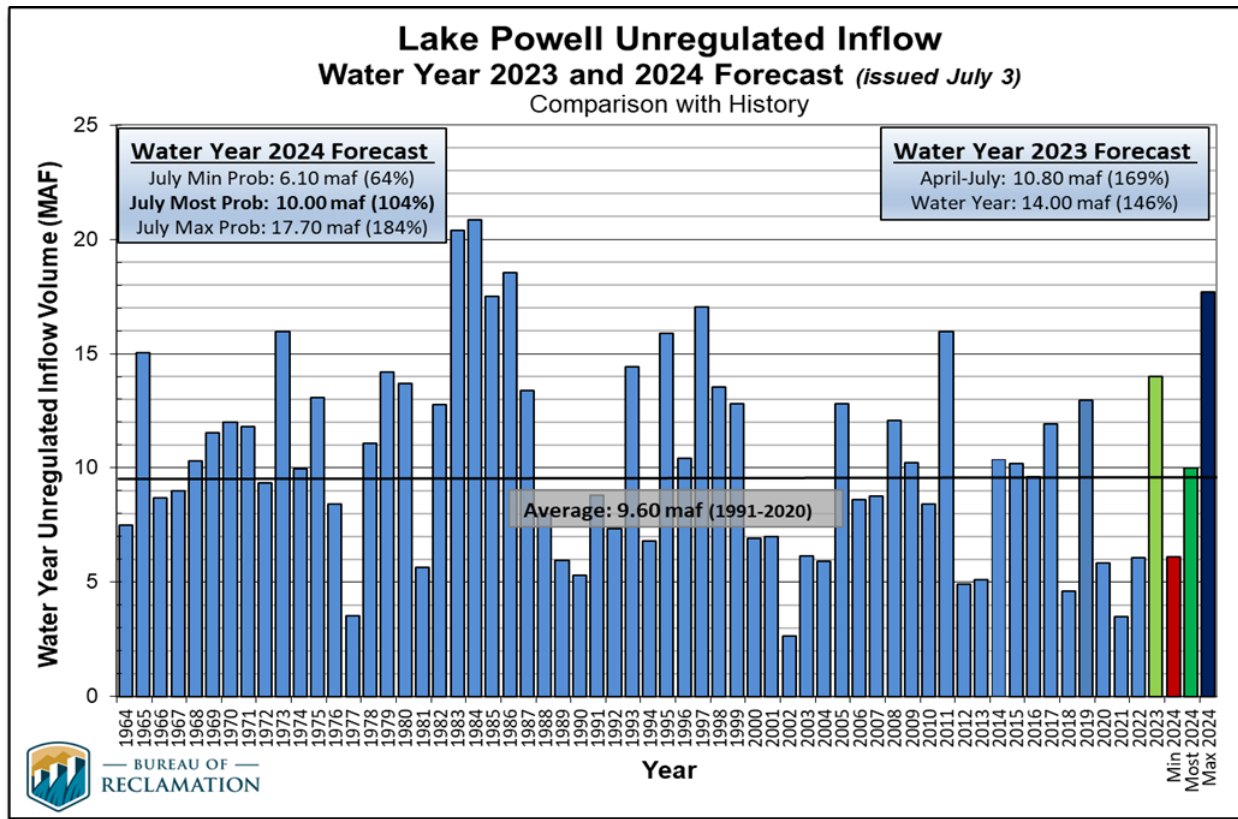


Figure 11: Lake Powell Unregulated Inflow Water Year 2023-2024 Forecast





MEMORANDUM

TO: Boards of Directors
FROM: Diane Johnson, Communications & Public Affairs Manager
DATE: July 27, 2023
RE: Communications and Public Affairs Report

Vail Farmers' Market

Warm weather and lots of people at the [market](#) make for a busy hydration station. A cross-departmental team staffs our booth every Sunday from June 18 to October 8. It's a great opportunity to connect with our customers – whether long time locals or first time visitors.

Community Outreach

Sustainability committee members hosted a bike-to-work station at Donovan Park on Jun. 28 and water conservation staff helped Singletree residents with water efficiency, rebate, etc. information at their Jun. 29 sustainability event.

Colorado River Basin

Information about the Bureau of Reclamation's draft Supplemental Environmental Impact Statement (SEIS) for near-term Colorado River operations is [online](#), as is information about [post 2026 Colorado River operations](#). While the public comment period, evaluation of the lower basin's proposal, and discussions among basin states and tribes continue, media outlets continue to publish a variety of related stories. Several are linked below.

District in the news:

1. July 20, Vail Daily: ['Never seen anything like it:' Vail rain, lightning storm a rare event](#)
2. July 13, Vail Daily: [Crews respond to water leak in Vail that closes roads but hasn't affected water service](#)

Attachments (or hyperlinks):

1. July 17, KUNC: [Freeing up Colorado River water from California farms will take more than just money, just ask the farmers](#)
2. July 14, Colorado Sun: [Colorado sees major drop in water use as historic rains continued in June](#)
3. July 6, KUNC: [Meet the Colorado River's newest – and youngest – power player](#)
4. July 1, Aspen Journalism: [Federal, state officials promise more tribal inclusion in Colorado River negotiations](#)



1055 CANYON BOULEVARD, SUITE 110, BOULDER, CO 80302
OFFICE: 303-449-2834 FAX: 720-535-4921
SOMACHLAW.COM

MEMORANDUM

TO: Eagle River Water & Sanitation District and Upper Eagle Regional Water Authority Boards of Directors

FROM: Kristin Moseley

DATE: July 19, 2023

RE: Bolts Ditch Federal Legislation – S. 2156 and H.R. 4297

We are pleased to report that two bills have been introduced into the United States Senate and House of Representatives to allow the District and Authority to use, maintain, and repair Bolts Ditch and its associated headgate within the Holy Cross Wilderness. Representative Joe Neguse (D – Eagle, Summit, Grand, Jackson, Routt, Clear Creek, Gilpin, Jefferson, Weld, Larimer and Boulder Counties) and Doug Lamborn (R-Colorado Springs, El Paso County) introduced HR-4297 into the House, and it has been assigned to the House Natural Resources Committee. Senator John Hickenlooper (D - Colorado) and Senator Michael Bennett (D - Colorado) introduced S. 2156 into the Senate, and it has been assigned to the Senate Energy and Natural Resources. A copy of HR-4297 is attached.

As you know, the original Bolts Ditch headgate historically utilized to fill Bolts Lake from Cross Creek was inadvertently included within the Holy Cross Wilderness when it was designated as a wilderness in 1980. The headgate is located approximately 420 feet within the wilderness boundary, which restricts use, maintenance, and repair of the Ditch. Since the Town of Minturn anticipated constructing and operating Bolts Lake as part of its municipal system, it sought a narrow wilderness exemption to use, maintain and repair Bolts Ditch. Minturn’s Bolts Ditch legislation was passed as part of the omnibus natural resources bill in 2019 (S.47 the John Dingell Jr. Conservation, Maintenance and Recreation Act – the “Dingell Act”). The Dingell Act directs the Secretary of Agriculture to permit non-motorized access exclusively to the Town of Minturn to use, maintain, and repair the Bolts Ditch headgate and 450 lineal feet of Bolts Ditch in accordance with Forest Service Wilderness Regulations (36CFR293.6). The Dingell Act further prohibits motor vehicle access and limits repair and maintenance to using hand tools. Given that the wilderness exception in the Dingell Act applies exclusively to the Town of Minturn, it was necessary to amend the legislation to also benefit the District and Authority.

The newly introduced bills in S. 2156 and H.R. 4297 simply add the District and Authority to the narrow wilderness exemption in the Dingell Act as additional parties that may use, maintain and repair Bolts Ditch and its associated headgate. While S. 2156 and H.R. 4297 were introduced as stand alone bills, it is anticipated that they will also be added to a broader omnibus funding bill to allow passage.

118TH CONGRESS
1ST SESSION

H. R. 4297

To amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act to allow for additional entities to be eligible to complete the maintenance work on Bolts Ditch and the Bolts Ditch Headgate within the Holy Cross Wilderness, Colorado.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2023

Mr. NEGUSE (for himself and Mr. LAMBORN) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act to allow for additional entities to be eligible to complete the maintenance work on Bolts Ditch and the Bolts Ditch Headgate within the Holy Cross Wilderness, Colorado.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bolts Ditch Act”.

1 **SEC. 2. ADDITIONAL ENTITIES ALLOWED TO MAINTAIN**
2 **BOLTS DITCH AND THE BOLTS DITCH**
3 **HEADGATE.**

4 Section 1101(a) of the John D. Dingell, Jr. Con-
5 servation, Management, and Recreation Act (Public Law
6 116–9) is amended by inserting before the period at the
7 end the following: “, the Eagle River Water and Sanitation
8 District, a Colorado Special District, or the Upper Eagle
9 Regional Water Authority, an authority organized under
10 the laws of the State of Colorado”.

○