



**UPPER EAGLE REGIONAL  
WATER AUTHORITY**

**GOVERNED BY:**

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

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The Town of Avon

**M E M O R A N D U M**

**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 the Regular Meeting of the Board of Directors of the Upper Eagle Regional Water Authority:

**Thursday, July 27, 2023  
8:30 a.m.**

**This meeting will be held in-person**

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](mailto:info@erwsd.org).

Input from members of the public is welcomed during the meeting's designated Public Comment 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.



**UPPER EAGLE REGIONAL  
WATER AUTHORITY**

**BOARD OF DIRECTORS REGULAR MEETING**  
July 27, 2023  
**8:30 a.m.**  
Walter Kirch Conference Room

**AGENDA**

**GOVERNED BY:**

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The Metropolitan  
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The Town of Avon

**1. Introductions**

**2. Public Comment**

**3. Action Items**

- 3.1. Consideration of minutes from June 22, 2023, Regular Meeting

**4. Information Reports**

- 4.1. Development report  
4.2. Board committees  
4.3. June meeting summary – draft  
4.4. Contract log

**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  
6.2.2. Wildfire programs – Dan Siebert & Kristin Moseley  
6.2.3. Rate restructure analysis – David Norris  
6.3. Operations report – Brad Zachman  
6.4. Engineering and Water Resources report – Jason Cowles  
6.5. Communications and Public Affairs report – Diane Johnson

**7. Water Counsel Report – Kristin Moseley**

- 7.1. Bolts Ditch Federal Legislation – S. 2156 and H.R. 4297

**8. General Counsel Report – Kathryn Winn**

**9. Executive Session**

- 9.1. Motion to move into Executive Session pursuant to §24-6-402(4)(b)  
C.R.S., to receive legal advice related to unallocated water supply

**10. Any Action as a Result of Executive Session**

**11. Adjournment**

**Attachment Link**

Action Item

Informational  
Informational  
Informational  
Informational

Informational  
Informational

Informational  
Informational  
Informational

Informational

Confidential



## 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:
<b>Projects undergoing Water Rights Dedication</b>						
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
<b>Projects not requiring or that have completed Water Rights Dedication</b>						
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
<b>Projects Completing Construction Warranty Period</b>						
185 Elk Tract, Piedmont Apartments, Riverfront Village, Stillwater						
<b>Development Approval Process Steps:</b>	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	
<b>Construction Approval Process Steps:</b>	0. Conceptual	1. Plan Review	2. Plan Approval	3. Under Construction	4. Final Acceptance	



## 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
<b>Projects Completing Warranty Period</b>						
3010 Basingdale (Phase II), 841/851 Main St Minturn, Red Sandstone Parking Garage, VVMC Phase II-East Wing						
<b>Development Approval Process Steps:</b>	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	
<b>Construction Approval Process Steps:</b>	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



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The Town of Avon

**M E M O R A N D U M**

**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.



## 2023 UERWA CONTRACT LOG

Contract No.	Date Executed	Change Order Signed On	Project Name	Contractor	Contract Amt.	Project Mgr.	Account No.	Status / Description
23.20.012	06/19/23		Pine Marten Pressure Reducing Station Improvements	WBS Coatings Inc.	\$318,161.00	K. Nelson	20.1.2.00.00.999	Replace deteriorated structure, equipment, and asphalt, furnish and install new pressure reducing valves, and surface preparation and recoating.
23.20.020	Pending		EDWF Air Compressor Service	Power Service, Inc.	\$10,000.00	W. McCaulley	20.1.9.00.16.500	Maintenance for EDWF air compressors.
23.20.021	07/17/23		Wildridge BPS, Tanks, and PRV Improvements	Ground Engineering Consultants, Inc.	\$34,830.00	C. Keller	20.1.2.00.00.014	Soil compaction, concrete, and asphalt testing, helical pier observations, and lab testing related to the Wildridge BPS, Tank, and PRV Improvements project.
23.20.022	07/19/23		Pine Marten Pressure Reducing Station Improvements	Inspection Specialities, Inc.	\$6,499.20	K. Nelson	20.1.2.00.00.999	Third party AWS CWI for welding repairs as part of Pine Marten PRS Improvements.



**UPPER EAGLE REGIONAL  
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**Fiscal Year 2023  
Quarterly Financial Report  
For the 2nd Quarter Ending June 30, 2023**

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





**UPPER EAGLE REGIONAL  
WATER AUTHORITY**

**To:** Board of Directors  
**From:** Jim Cannava, Finance Manager  
**Date:** July 20, 2023  
**Re:** Quarterly Financial Reports – YTD June 30, 2023

The 2nd quarter 2023 financial reports are attached. Operating revenues are tracking 0.9% less than budget and 6% greater than YTD 2022. Revenues are less than budget due to a 24% decrease in June usage compared to the 5-year average and 17.8% less than June 2022. YTD operating expenses are 3.4% under budget and 3% greater than YTD 2022. \$3.7MM in 2022 unspent multi-year bond project budgets and \$126K in capital project budgets have been calculated and carried forward into 2023. \$8.8MM of the \$9.4MM 2023 bond projects budget remains unspent and \$2.1MM of the \$2.6MM 2023 capital project budgets remain unspent. We expect the spending to accelerate as we enter the summer months. The 2024 revenue bond process is underway. Preliminary bond parameters are scheduled to be presented in September and a proposed resolution in October. The closing date will be determined based on cash requirements.



**UPPER EAGLE REGIONAL  
WATER AUTHORITY**

**Net Income & Budget Comparisons**

**UERWA**

<b>Operating</b>	<b>Annual Budget</b>	<b>YTD 2023 Q2</b>	<b>YTD Q2 2022</b>
Revenue	\$13,053,526	\$5,505,831	\$5,286,718
Expense	\$10,922,457	\$5,264,861	\$5,159,511
<b>Net Income</b>	<b>\$2,131,069</b>	<b>\$240,969</b>	<b>\$127,207</b>

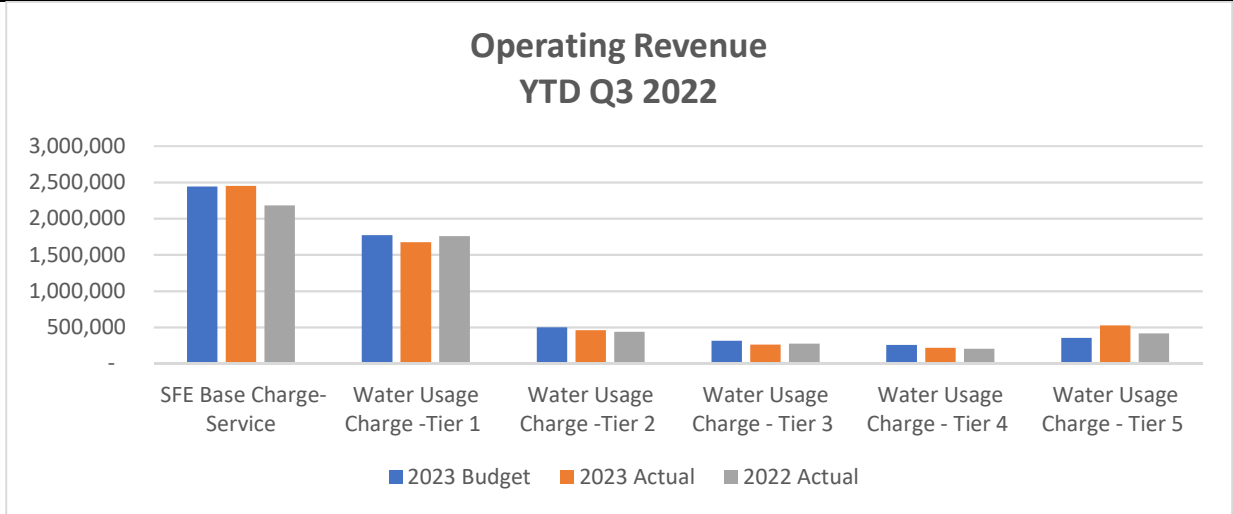
<b>Non-Operating</b>	<b>Annual Budget</b>	<b>YTD 2023 Q2</b>	<b>YTD Q2 2022</b>
Revenue	\$4,261,562	\$2,432,778	\$2,279,064
Expense	\$5,404,903	\$1,196,103	\$1,402,601
<b>Net Income</b>	<b>(\$1,143,341)</b>	<b>\$1,236,675</b>	<b>\$876,464</b>

<b>Net Income</b>	<b>\$987,728</b>	<b>\$1,477,645</b>	<b>\$1,003,671</b>
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<b>Unrestricted Fund Balance</b>	<b>Annual Budget</b>	<b>YTD 2023 Q2</b>
Beginning Balance	\$3,854,285	\$3,854,285
Net Income	\$987,728	\$1,477,645
<b>Ending Balance</b>	<b>\$4,842,013</b>	<b>\$5,331,930</b>

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

**Revenue Comparison**



- Total Water Service Revenue is 0.9% less than budget YTD & 6% over YTD 2022
  - Base fees are 0.4% greater than budget due to additional SFE
    - YOY growth due to rate increases
  - Tier revenues are 2% less than budget due to a 17.8% YOY decrease in June
    - 8.4% YTD decrease YOY, 10% decrease compared to the 5-year average



**UPPER EAGLE REGIONAL  
WATER AUTHORITY**

- Capital Replacement Base Fees are on budget
- Water Service Impact Fees are \$333K YTD, \$83K less YOY Q2

**Bond Balances & Cash**

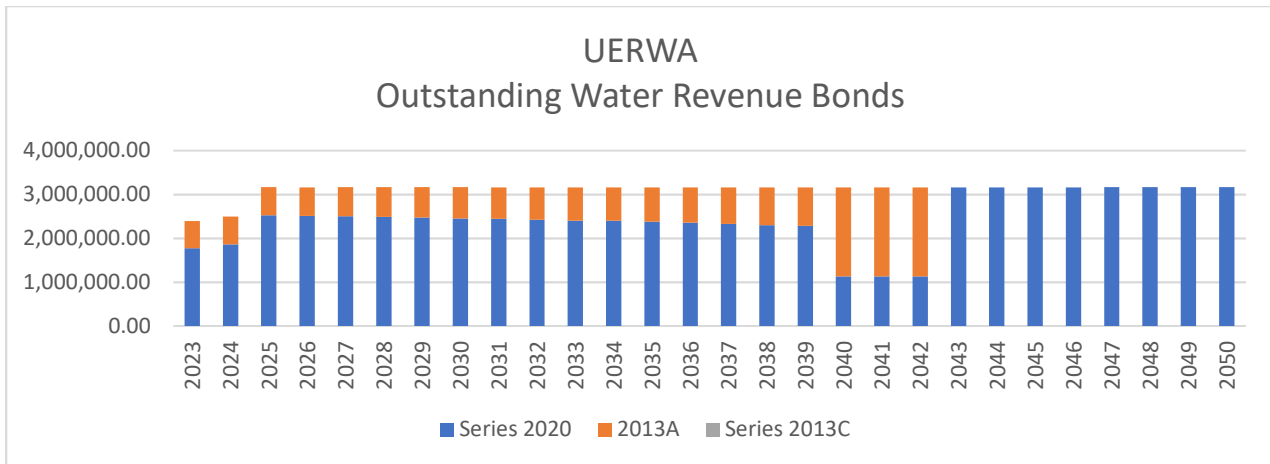
<b>Bond Funds</b>	<b>Annual Budget</b>	<b>YTD 2023 Q2</b>	<b>YE 2022</b>
Beginning Balance	(\$893,928)	(\$893,928)	\$7,143,902
Expense	(\$9,366,970)	(\$517,666)	\$8,037,830
<b>Bond Balance</b>	<b>(\$10,260,898)</b>	<b>(\$1,411,595)</b>	<b>(\$893,928)</b>

<b>Bond Projects</b>	<b>Budget</b>	<b>Actual</b>	<b>Remaining Budget</b>
Wildridge BPS and PRV Improvements	2,748,548	41,963	2,706,585
Upgrade PLC 6 @ ADWF-Master PLC	2,061,659	107,052	1,954,606
Traer Creek Tank Replacement	20,000	6,418	13,582
Fenno Well House/Raw Water Conveyance	1,295,389	12,098	1,283,291
Bolts Lake Reservoir	695,737	230,131	465,606
Arrowhead Transmission Main Rehab	2,023,738	9,154	2,014,584
RTU System Upgrade	150,000	589	149,411
Edwards Transmission Line Phase 2	10,000	20,899	-10,899
Beaver Creek BPS 1,2, & 3 Rehabilitation	361,900	89,363	272,537
<b>Total</b>	<b>9,366,970</b>	<b>517,666</b>	<b>8,849,304</b>

- 3-Year estimated bond: \$20MM.
- Estimated rate to be applied in 2025: \$6.85 per SFE/mo.
- Estimated bond parameters will be provided in September
- Proposed bond resolution to be presented in October

<b>UERWA</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
Cash Balance	\$11,092,444	14,417,768	21,742,153

- Cash balance fluctuations are primarily due to bond proceeds and expenditures



- Total Outstanding Debt Service: \$87,076,073
- 2024 Revenue Bond Estimated Debt Service \$38,589,062



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

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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.”.

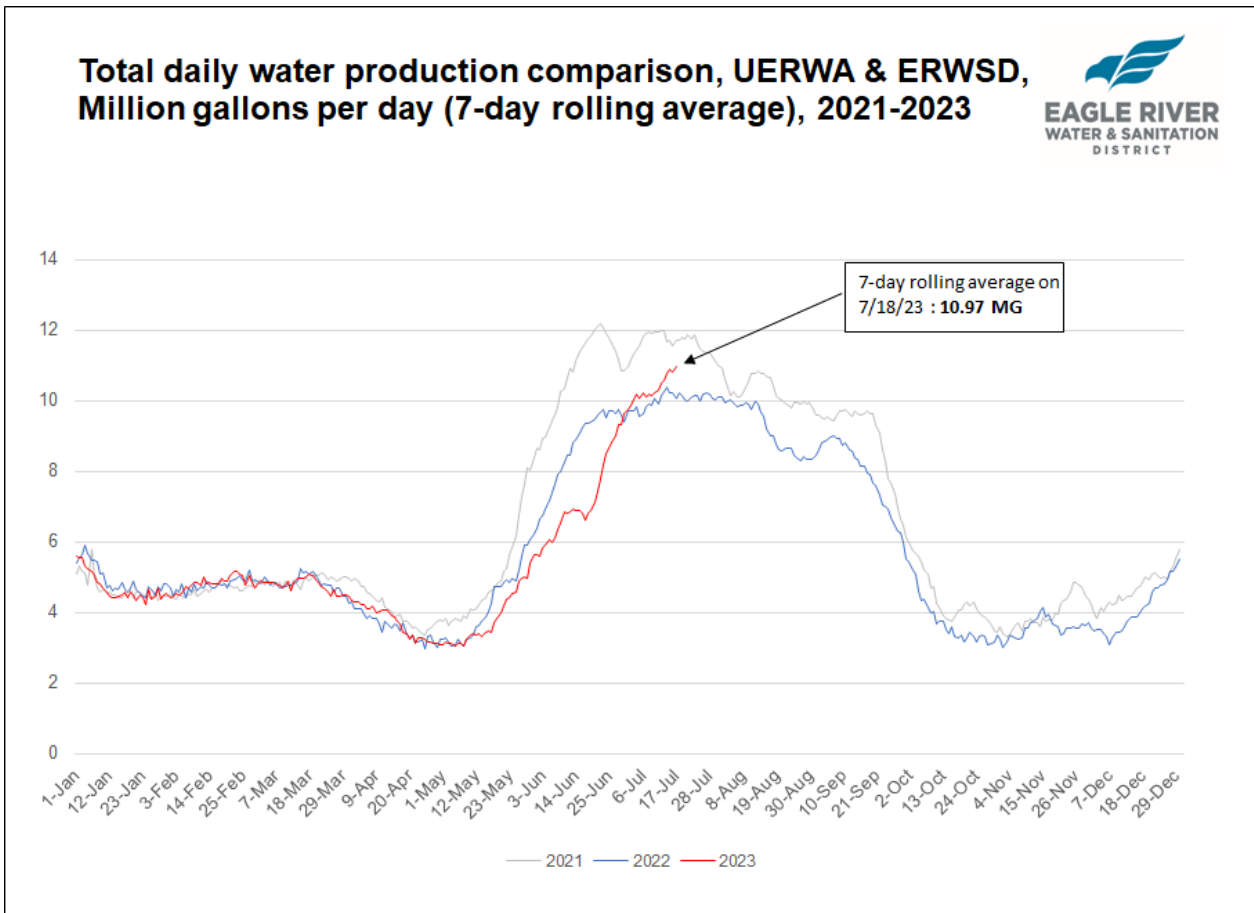


### OPERATIONS MONTHLY REPORT July 2023

## WATER

Brad Zachman

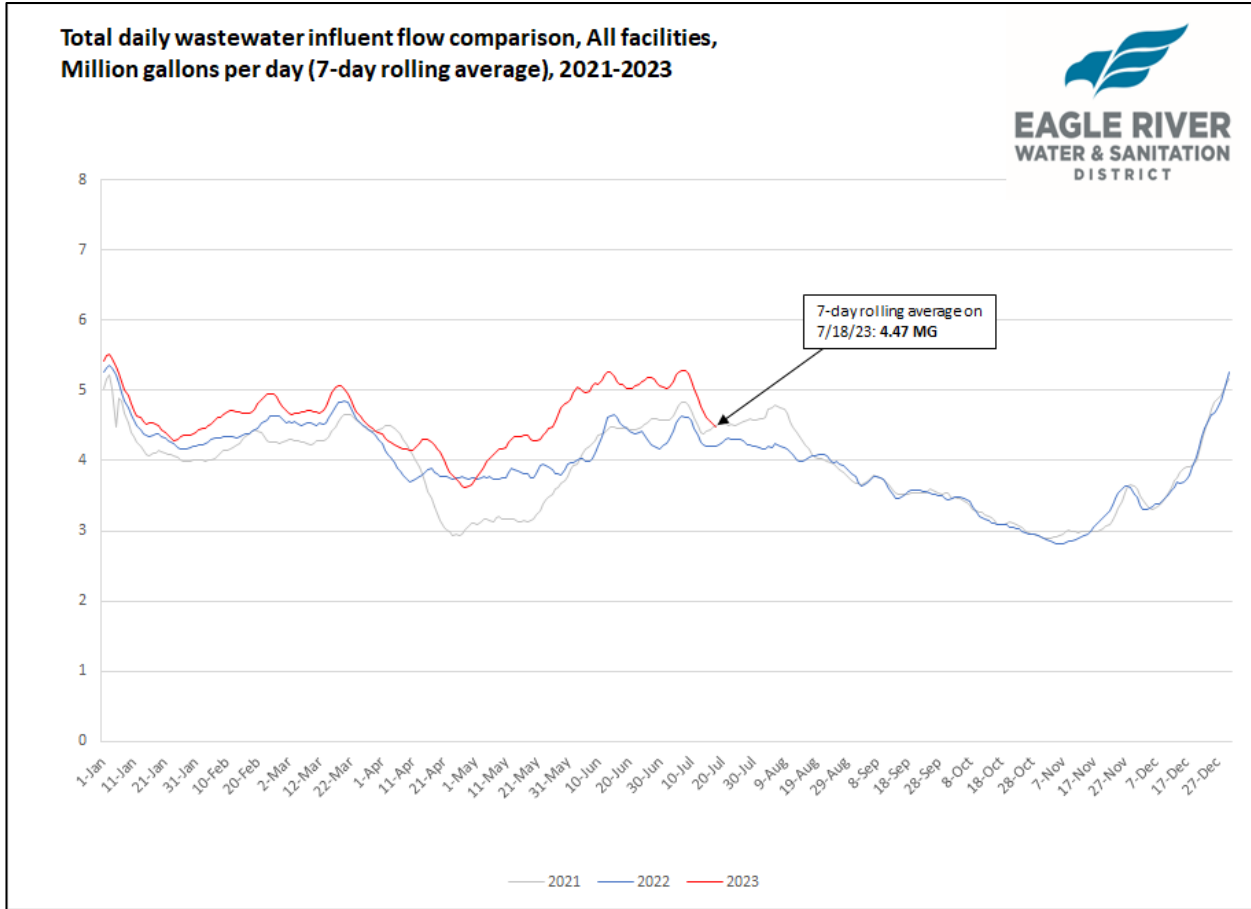
The system-wide water production comparison was updated through Jul 18. System production is normal for this time of year.



## 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.





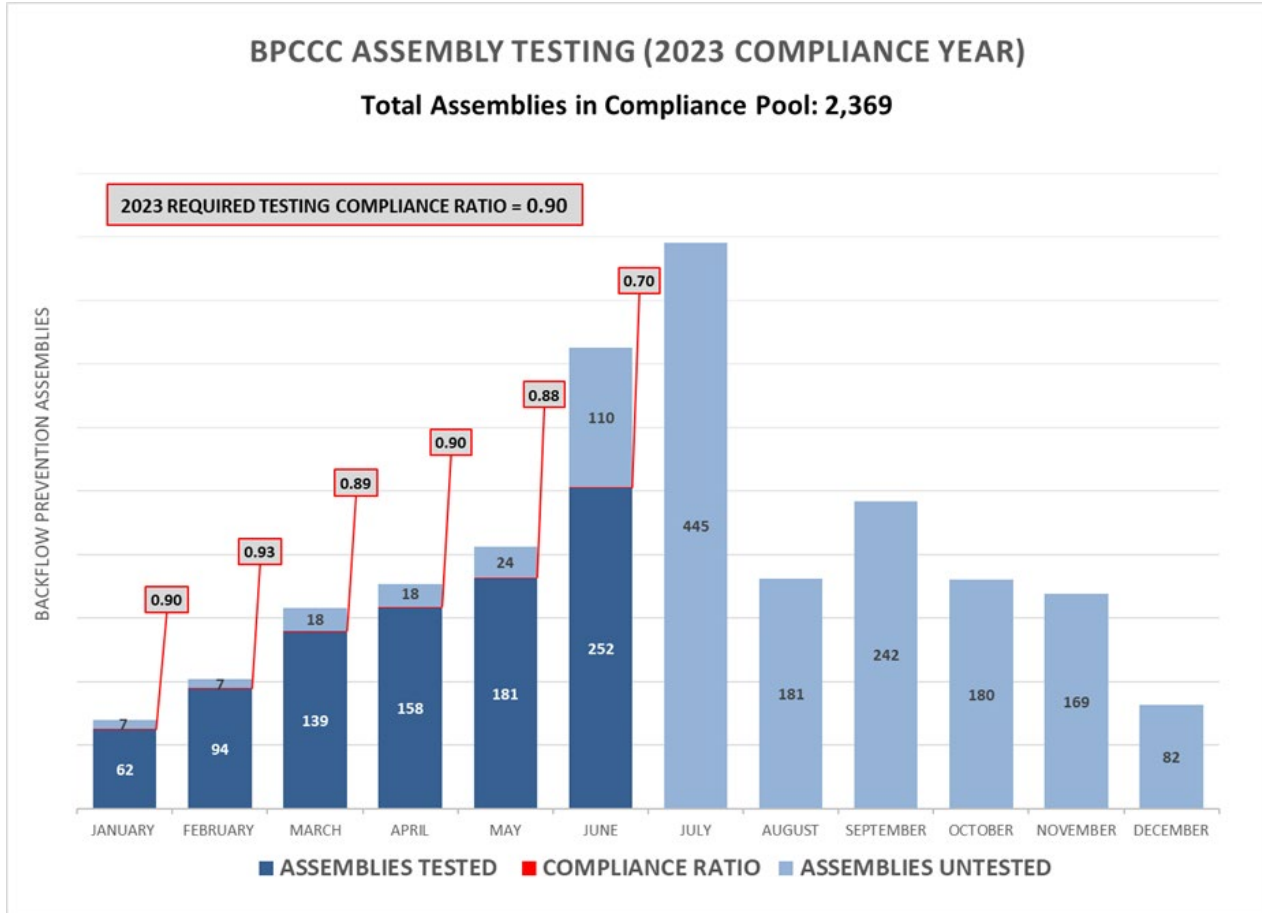
*Vail Water Main Repair (Jul. 13-14)*

**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
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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	<b>0</b>	<b>767</b>	<b>767</b>

*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.

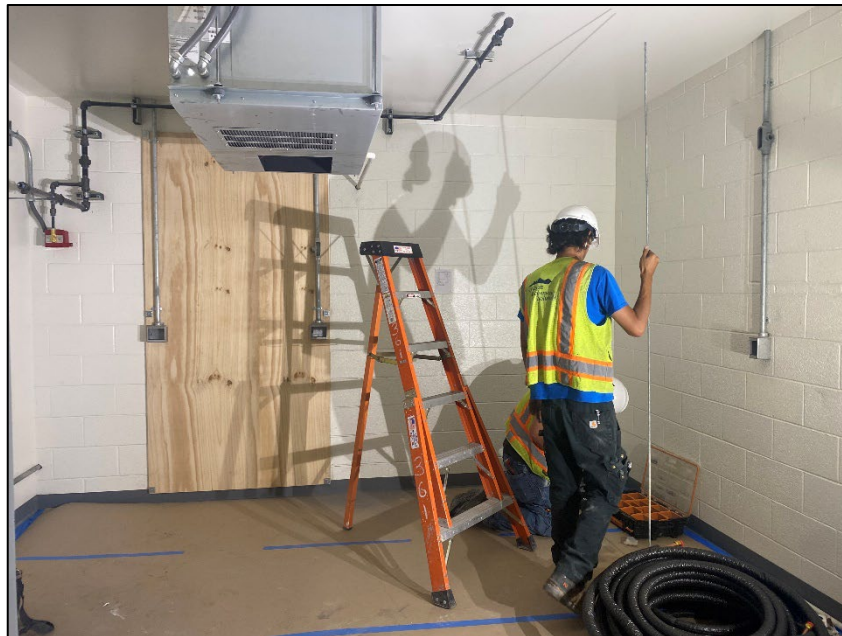
Project Update: The well contractor completed equipment removal from the Fenno F1 well to allow video-inspection of the well casing. The team is currently working to modify the existing access easement for the Fenno F5 well.

### 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**

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### **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.

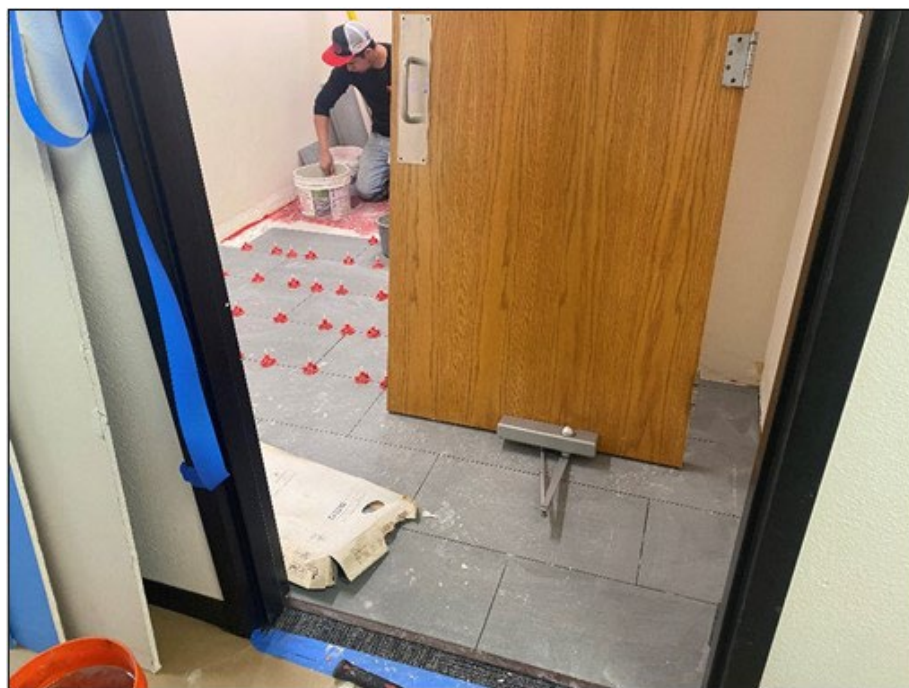
## GENERAL CAPITAL

### 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.

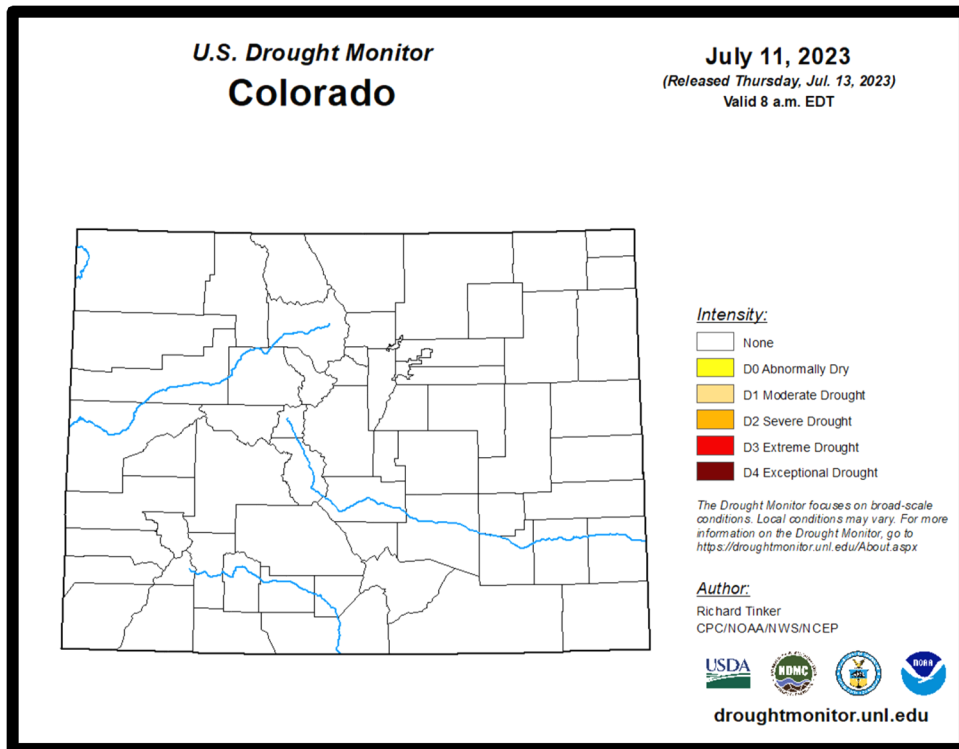
**Water Resources Report**

**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)

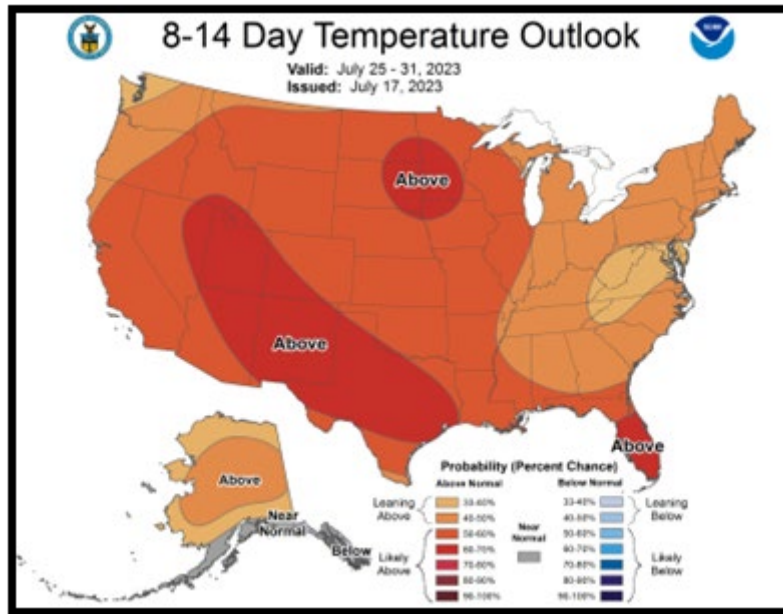
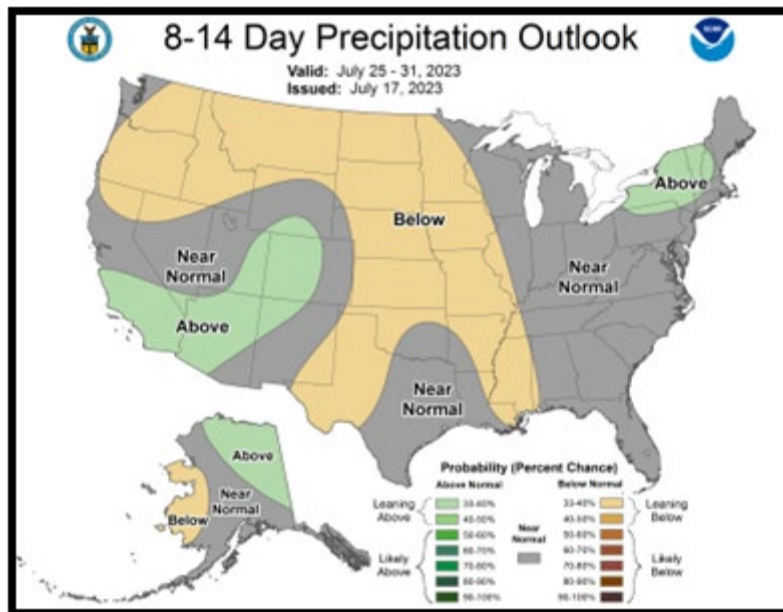


Figure 3: 8-14 Day Precipitation Outlook July 16, 2023 (NOAA Climate Prediction Center)



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

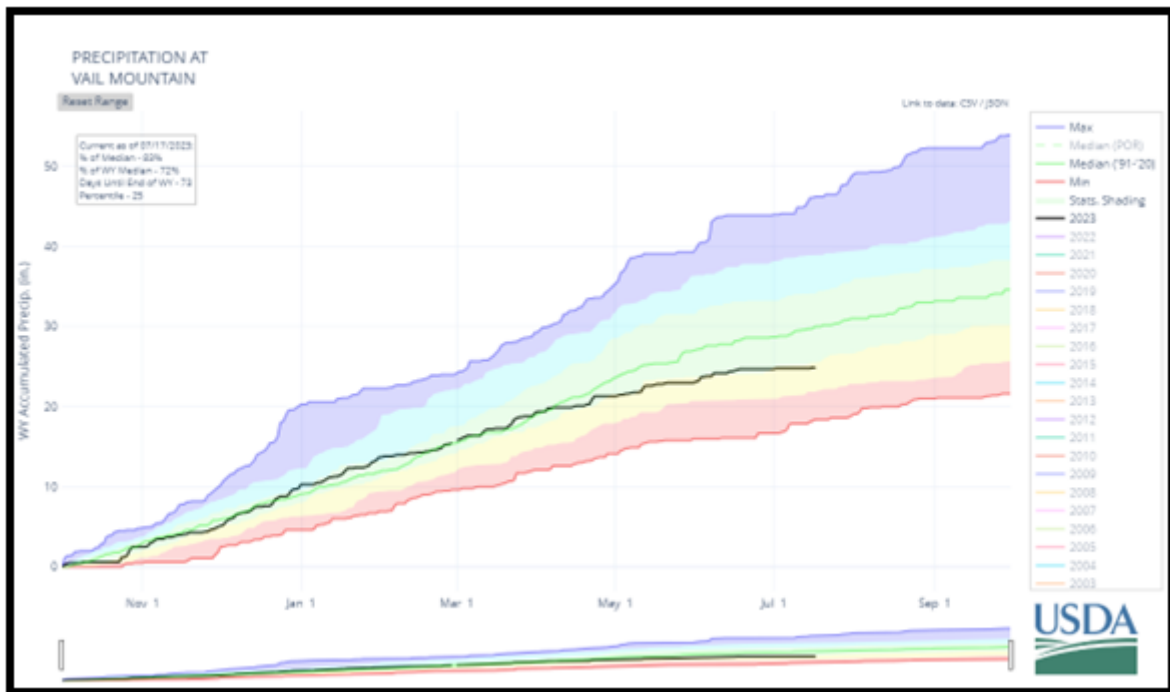
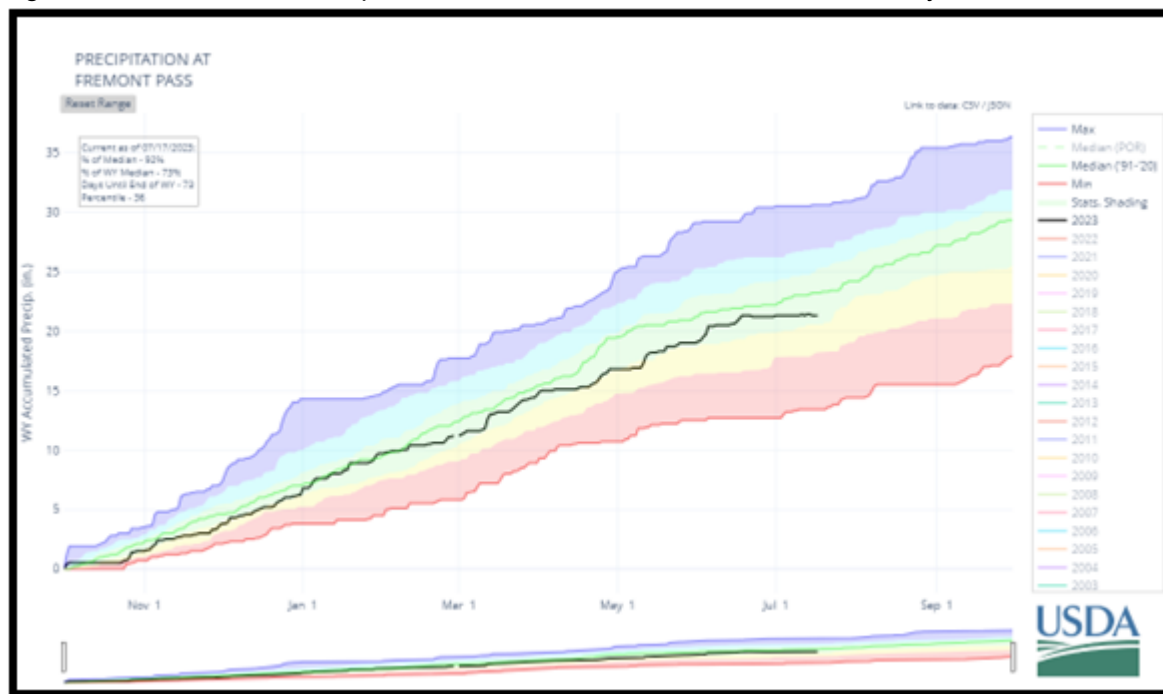




Figure 5: Accumulated Precipitation at Fremont Pass SNOTEL station, July 17, 2023



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.

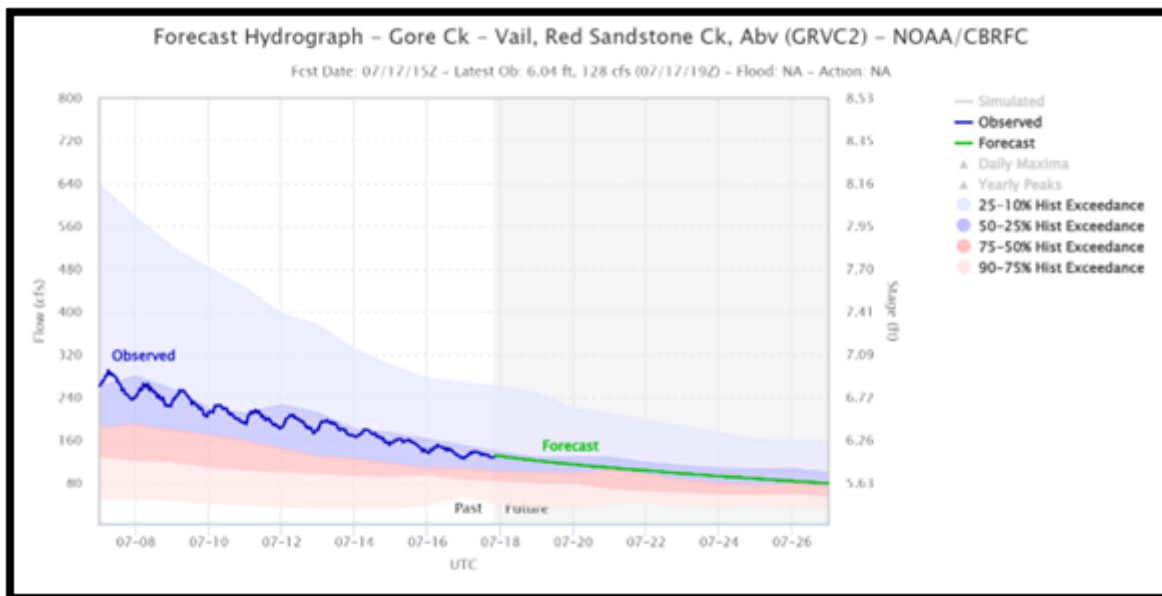


Figure 7: July 17, 2023, Eagle River at Avon Forecast Hydrograph, National Weather Service.

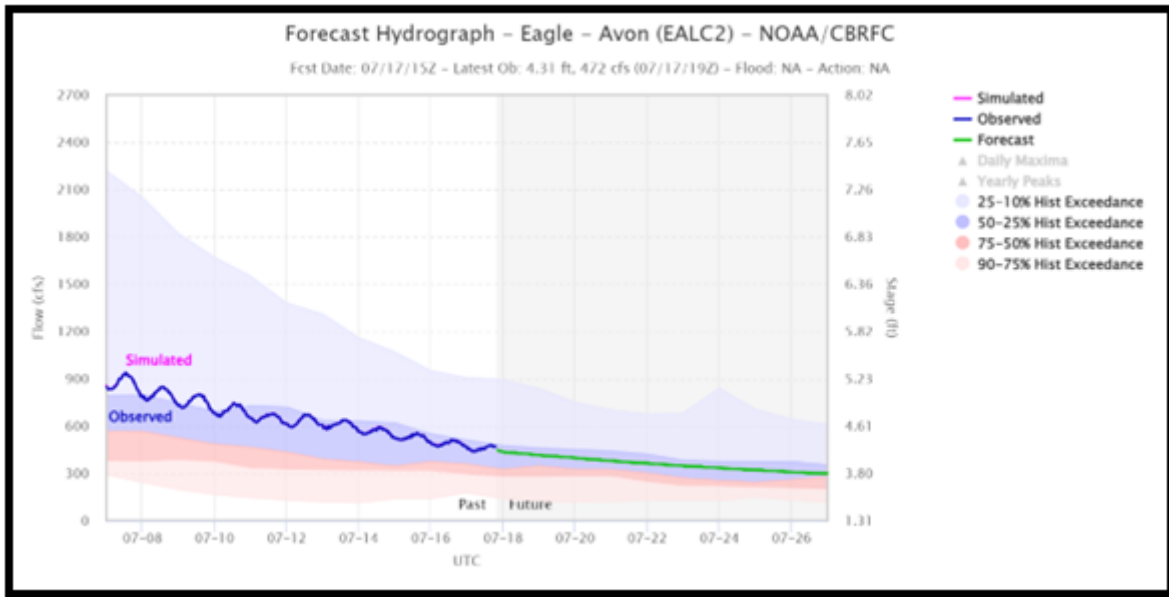
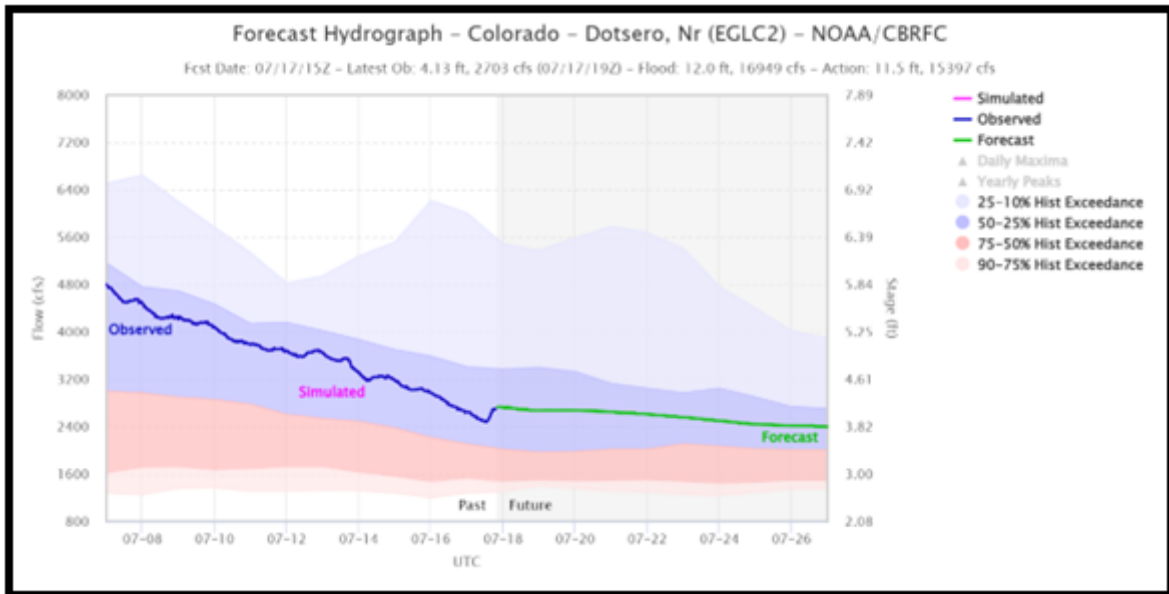


Figure 8: July 17, 2023, Colorado River at Dotsero Forecast Hydrograph, National Weather Service.



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).

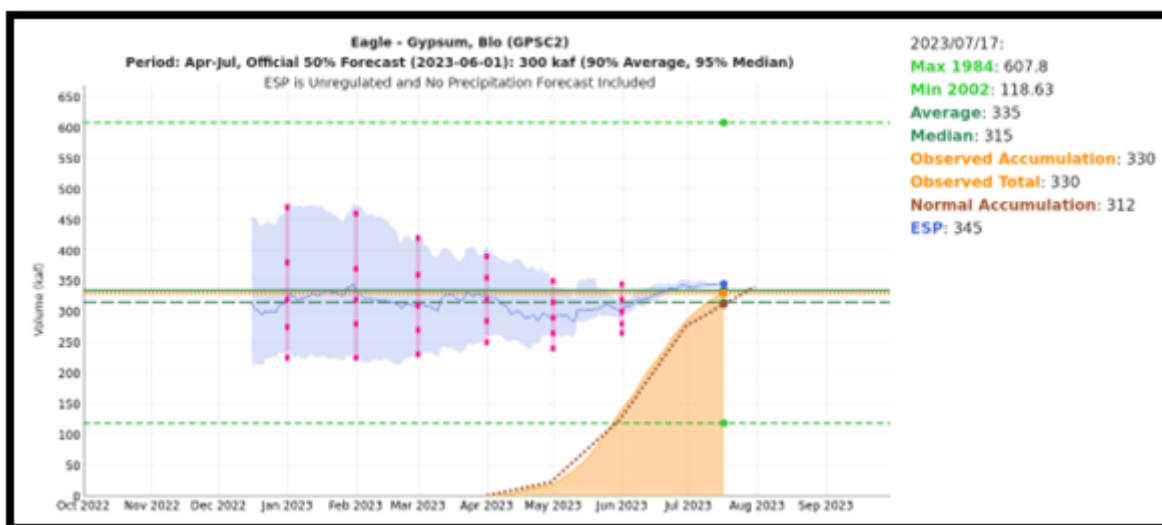
July 1 2023 Volumes in Storage and Percentages of Full:						
Reservoir	ERWSD		UERWA		Total	
Green Mountain	934	100%	548	100%	1482	100%
Black Lakes	425	100%	300.00	100%	725	100%
Eagle Park	430.39	99%	583.45	86%	1013.85	91%
Homestake Res	250.00	100%	256.50	100%	506.50	100%
Wolford Mtn	500.00	100%	710.80	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 12<sup>th</sup> highest for Lake Powell and the highest since 2011.

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

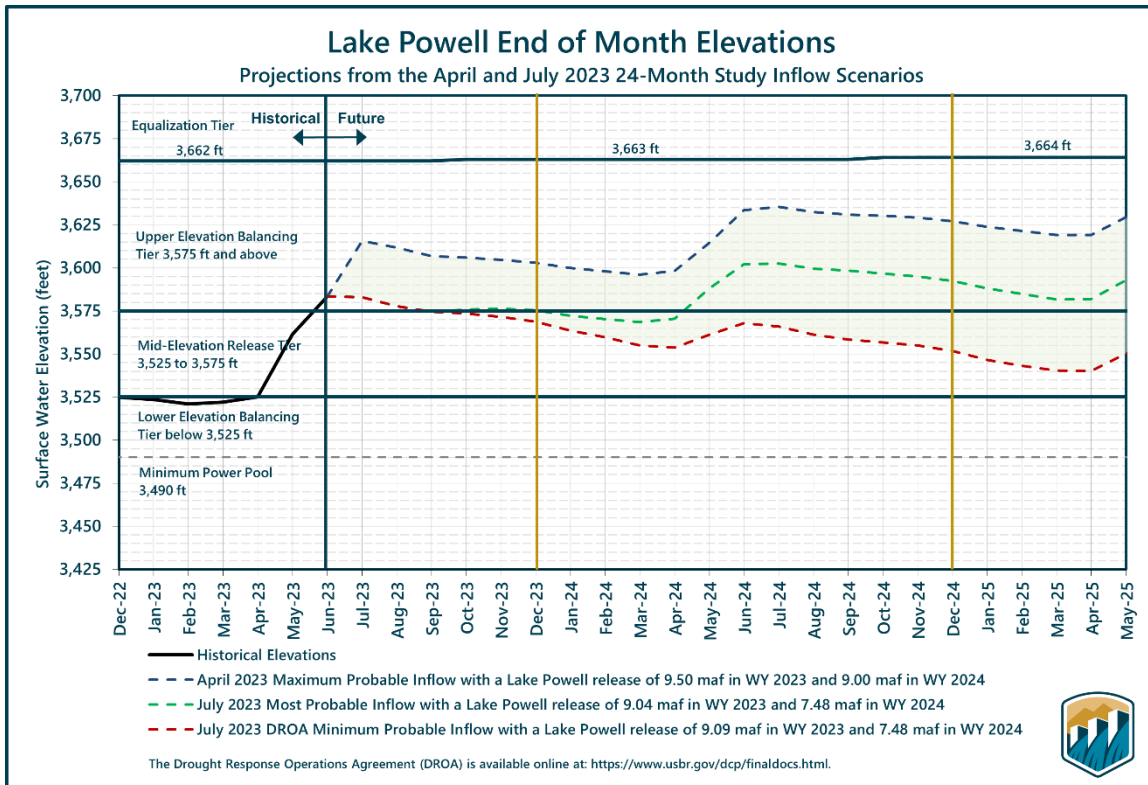
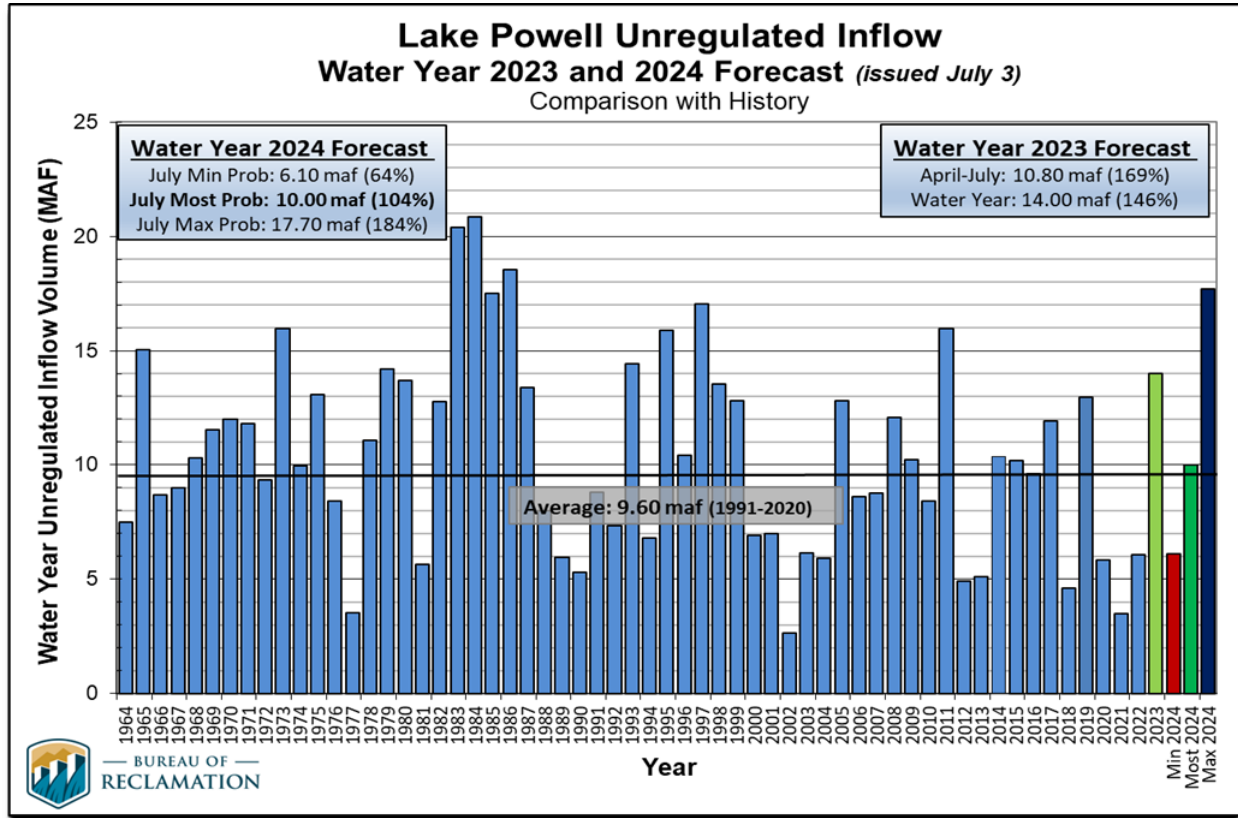


Figure 11: Lake Powell Unregulated Inflow Water Year 2023-2024 Forecast





## 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](#)



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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

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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.

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## 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”.

○