



## MEMORANDUM

**TO:** Board of Directors  
**FROM:** Brian Thompson, Government Affairs Administrator  
**DATE:** January 19, 2024  
**RE:** January 25, 2024, 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, January 25, 2024  
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](mailto: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  
January 25, 2024  
**12:00 p.m.**  
Walter Kirch Conference Room

**AGENDA**

- |   | <u><b>Attachment Link</b></u> |
|---|-------------------------------|
| <b>1. Introductions</b>   |                               |
| <b>2. Public Comment</b>  |                               |
| <b>3. Action Items</b>  |                               |
| 3.1. Minutes from Dec. 7, 2023, Regular Meeting   | <a href="#">Action Item</a>   |
| 3.2. Contract Log   | <a href="#">Action Item</a>   |
| 3.3. <b>Res. No. 2024-01:</b> Resolution Designating Location to Post Notice  | <a href="#">Action Item</a>   |
| 3.4. <b>Res. No. 2024-02:</b> Resolution Designating the Official Custodian of Records & Adopting a Policy on Responding to Open Records Requests | <a href="#">Action Item</a>   |
| 3.5. Intergovernmental Agreement with Cordillera Metropolitan District  | <a href="#">Action Item</a>   |
| 3.6. Updated Investment Policy  | <a href="#">Action Item</a>   |
| 3.7. Updated Electronic Mail Policy   | <a href="#">Action Item</a>   |
| 3.8. Updated Identity Theft Prevention Policy   | <a href="#">Action Item</a>   |
| <b>4. Information Reports</b>   |                               |
| 4.1. Board committees   | <a href="#">Informational</a> |
| <b>5. Board Member Input</b>  |                               |
| <b>6. General Manager Report – Siri Roman</b>   |                               |
| 6.1. GM information items   |                               |
| 6.1.1. 2024 Priorities  | <a href="#">Informational</a> |
| 6.1.2. PFAS class action settlement update  | <a href="#">Informational</a> |
| 6.2. Business Administration report – David Norris  |                               |
| 6.2.1. Quarterly financial report – Jim Cannava   | <a href="#">Informational</a> |
| 6.2.2. Water conservation program update – Allison Ebbets   | <a href="#">Informational</a> |
| 6.2.3. Safety and risk review – Dan Siebert   |                               |
| 6.3. Operations report – Brad Zachman   | <a href="#">Informational</a> |
| 6.3.1. Compliance Evaluation Inspection summary   |                               |
| 6.4. Engineering and Water Resources report – Jason Cowles  | <a href="#">Informational</a> |
| 6.4.1. Bolts Lake update  |                               |
| 6.5. Communications and Public Affairs report – Diane Johnson   | <a href="#">Informational</a> |
| 6.5.1. Colorado legislative session preview   |                               |
| 6.5.2. Shoshone water rights preservation   |                               |
| <b>7. Water Counsel Report – Kristin Moseley</b>  |                               |
| 7.1. Colorado River Drought Task Force  | <a href="#">Informational</a> |

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

**9. Executive Session**

- 9.1. Receive legal advice regarding subdistrict service requirements, pursuant to § 24-6-402(4)(b), C.R.S.

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

**11. Adjournment**



## 2023/2024 ERWSD CONTRACT LOG

Contract No.	Date Executed	Change Order Signed On	Project Name	Contractor	Contract Amt.	Project Mgr.	Account No.	Status / Description
23.15.076	12/18/23		LRE Miscellaneous Services	LRE Water	\$30,000.00	S. Roman	Various	Miscellaneous services and support on water quality matters, regulation, and strategy.
23.15.077	12/20/23		Avon WWTF Nutrient Upgrades - WiFi Installation	Sturgeon Electric Company, Inc.	\$18,268.00	J. Schneider	10.3.2.10.03.447	Installation of conduit and cable for WiFi access points in new WWTF expansion.
23.15.078	12/21/23		EWWTf Headworks Generator Connection	Sturgeon Electric Company, Inc.	\$110,840.00	K. Nelson	10.3.2.10.13.114	Reworking existing conduits for rerouting of MCC feeders at the headworks to a new location outside the headworks.
24.15.001	01/10/24		Energy Benchmarking	THG Energy Solutions, LLC	\$9,216.00	T. Friday	10.3.9.00.70.055 & 20.1.9.00.25.297	EIS_Basic monthly service at \$768.00 per month for one year.
24.15.002	Pending		Hach Service Contract	Hach Company	\$12,506.00	S. Bright	10.3.9.10.12.500	Service agreement to maintain various probes. Two visits per year. One will include an on-site PM/calibration and full coverage for any needed repairs at the Hach service center.
24.15.003	Pending		Eagle Mine Legal & Consulting Services	LRE Water	\$30,000.00	S. Roman	Various	Eagle Mine Consulting - Stakeholder work group, Regulation 93 RMH, 5 year report review, review of pilot testing results, groundwater determination, 2024 water quality monitoring plans review.
24.15.004	01/15/24		Fusion Inspections Service Contract	Fusion Inspections and Consultants, LLC	\$30,000.00	M. Mantua	Various	Various coating inspections.



## BOARD ACTION REQUEST

**TO:** Board of Directors  
**FROM:** Brian Thompson, Government Affairs Supervisor  
**DATE:** January 19, 2024  
**RE:** Res. No. 2024-01: A Resolution Designating Location to Post Notice

**Summary of Subject:** The board must adopt the Resolution Designating Location to Post Notice at the first regular meeting of each calendar year.

**Discussion and Background:** Colorado's Open Meetings Law (OML), § 24-6-402, C.R.S., requires that the board annually designate the public place for posting notice of board meetings. This designation must occur at the first regular board meeting of each calendar year.

The attached resolution continues to designate the District's website as the location to post notice. In exigent or emergency circumstances such as a power outage or an interruption in internet service, the District's Vail offices will remain the backup location.

The resolution references the 2024 regular meeting schedule (Exhibit A). This schedule was discussed at the Dec. 7 board meeting. Ten regular board meetings are scheduled in 2024: the fourth Thursdays of Jan., Feb., and May – Nov., as well as the second Thursdays of Apr. and Dec. Regular meetings will continue to start at 12:00 p.m.

These regular meetings, as well as special meetings that may be scheduled during the year, will be noticed at the designated location in accordance with the OML. The times and places designated for regularly scheduled board meetings have also been posted in the District's 2024 Transparency Notice pursuant to § 32-1-809(d), C.R.S.

**Alternatives:** None.

**Legal Issues:** The designation of the location to post notice is a statutory requirement per §24-6-402(2)(c), C.R.S. This resolution was reviewed by counsel.

**Budget Implication:** None

**Recommendation:** Adopt the resolution with the attached exhibit.

**Suggested Resolution and Motion:** I move to approve Resolution No. 2024-01: Resolution Designating Location to Post Notice, with its attached Exhibit A, as presented

**Attached Supporting Documentation:**

- Resolution No. 2024-01: A Resolution Designating Location to Post Notice with Exhibit A: 2024 Regular Meeting Schedule

**EAGLE RIVER WATER & SANITATION DISTRICT**

**RESOLUTION NO. 2024-01**

**RESOLUTION DESIGNATING LOCATION TO POST NOTICE**

**WHEREAS**, pursuant to §24-6-402(2)(c) and 32-1-903(2) C.R.S., notice and, where possible, the agenda of the Eagle River Water & Sanitation District (“District”) Board of Directors (“Board”) meetings at which the adoption of any formal action is to occur or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be posted within the boundaries of the District at least 24 hours prior to each meeting at a location designated at the first regular meeting of each year.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Eagle River Water and Sanitation District as follows:

Notices of meetings (regular, special, and work/study session) of the Board required pursuant to §24-6-401, *et seq.*, C.R.S., shall be posted at least 24 hours prior to each meeting at:

<https://www.erwsd.org/>

In the event of an exigent or emergency circumstance such as a power outage or an interruption in internet service, the District will post notice of public meetings at least 24 hours prior to a meeting at the following physical location within the District:

846 Forest Road  
Vail, Colorado 81657

The schedule of regular meetings of the District for 2024 is attached hereto as Exhibit A and incorporated herein by this reference.

ADOPTED this 25th day of January 2024.

EAGLE RIVER WATER AND SANITATION  
DISTRICT

By \_\_\_\_\_

Dick Cleveland, Chair

ATTEST:

\_\_\_\_\_  
Robert Warner, Jr., Secretary

# 2024 Regular Board Meeting Schedules

Eagle River Water & Sanitation District Administrative Offices  
846 Forest Road, Vail, CO 81657  
Walter Kirch Conference Room

## Upper Eagle Regional Water Authority

Board of Directors

meets at 8:30 a.m. on the fourth Thursday of each month,  
unless otherwise noted

## Eagle River Water & Sanitation District

Board of Directors

meets at 12:00 p.m. on the fourth Thursday of each month,  
unless otherwise noted

Date	UERWA Time	ERWSD Time
January 25	8:30 a.m.	12:00 p.m.
February 22	8:30 a.m.	12:00 p.m.
April 4†	8:30 a.m.	12:00 p.m.
May 23	8:30 a.m.	12:00 p.m.
June 27	8:30 a.m.	12:00 p.m.
July 25	8:30 a.m.	12:00 p.m.
August 22	8:30 a.m.	12:00 p.m.
September 26	8:30 a.m.	12:00 p.m.
October 24	8:30 a.m.	12:00 p.m.
December 5†	8:30 a.m.	12:00 p.m.

† Meeting scheduled for first Thursday



## BOARD ACTION REQUEST

**TO:** Board of Directors  
**FROM:** Brian Thompson, Government Affairs Supervisor  
**DATE:** January 19, 2024  
**RE:** Res. No. 2024-02: Resolution Designating the Official Custodian of Records and Adopting a Policy on Responding to Open Records Requests

**Summary of Subject:** Staff recommends the board designate a new official custodian of records and adopt an updated policy on responding to open records requests.

**Discussion and Background:** As a Colorado government entity, all public records of the District are open for inspection by any person at reasonable times, except as provided by law. §24-72-201, C.R.S. The District may designate an official custodian to implement rules regarding inspection procedures. §24-72-203(1)(a), C.R.S. The District has historically adopted a resolution designating the official custodian and establishing a policy on responding to open records request. The most recent resolution was adopted in 2021.

The attached resolution designates the District's Government Affairs Supervisor as the official custodian. This role had been filled by the Director of Business Administration. As the Government Affairs Supervisor oversees open records compliance and directly manages the Contracts & Records Administrator, this transition will create organizational efficiencies and alignment.

The policy on responding to open records requests has been updated to address recent changes to the Colorado Open Records Act. These changes include new requirements regarding digital records and payment methods, as well as explicitly stating that requestors do not need to show identification. Kathryn Winn will be available to answer questions regarding legal issues.

This policy would supersede any previous board action and will be reviewed annually.

**Alternatives:** None.

**Legal Issues:** This resolution was reviewed by counsel.

**Budget Implication:** None

**Recommendation:** Adopt the resolution as presented.

**Suggested Resolution and Motion:** I move to approve Resolution No. 2024-02, Designating the Official Custodian of Records and Adopting a Policy on Responding to Open Records Requests, as presented.

**Attached Supporting Documentation:**

- Res. No 2024-02: Resolution Designating the Official Custodian of Records and Adopting a Policy on Responding to Open Records Requests



**EAGLE RIVER WATER & SANITATION DISTRICT**

**RESOLUTION NO. 2024-02**

**A RESOLUTION DESIGNATING THE OFFICIAL CUSTODIAN  
OF RECORDS AND ADOPTING A POLICY ON RESPONDING  
TO OPEN RECORDS REQUESTS**

WHEREAS, pursuant to §32-1-1001(1)(h), C.R.S., the Board of Directors of the Eagle River Water & Sanitation District (“District”) is responsible for the management, control and supervision of all of the business and affairs of the District; and

WHEREAS, pursuant to §32-1-1001(1)(i), C.R.S., the Board of Directors of the District has the authority to appoint an agent; and

WHEREAS, the Board of Directors of the District has determined that it is appropriate to designate an official custodian of the District’s records for the protection of such records and in order to permit their inspection by persons entitled to examine and copy such records in an orderly fashion; and

WHEREAS, the Board of Directors of the District has determined that it is appropriate to adopt a policy on responding to open records requests; and

WHEREAS, the Board of Directors fully supports, and complies with, all Federal and State laws relating to the retention, protection and disclosure of District records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. (“CORA”), the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and the Privacy Rule promulgated by the U.S. Department of Health and Human Services which interprets and implements HIPAA; and

WHEREAS, it is the policy of the District that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law; and

WHEREAS, public records are defined by CORA as all writings made or maintained by the District, regardless of the format or medium of the records, subject to certain exceptions and public records expressly include e-mail communications.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Eagle River Water & Sanitation District that:

1. Official Custodian.

(a) The Government Affairs Supervisor is hereby designated as the Primary Official Custodian responsible for the maintenance, care and keeping of all records of the District, except as provided herein.

(b) The Capital Projects Program Manager is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records associated with the District’s construction projects, subject to the control, supervision and direction of the Primary Official Custodian.

(c) The Official Custodian shall have the authority to designate such agents as they shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this Resolution.

2. Policy on Responding to Open Records Request. The following are general policies concerning the release of records:

(a) All public records of the District shall be open for inspection at the times designated herein, unless prohibited by the provisions of CORA or policies adopted by the Board of Directors in conformance with CORA.

(b) Every request to inspect and/or copy any District record (a "Records Request") shall be submitted to the District's Official Custodian in writing and be specific as to the information desired. If not submitted to the Official Custodian, any District employee or Board Member that receives the Records Request shall immediately send the Records Request to the Official Custodian. To assist the Official Custodian in responding to requests in a timely and complete manner, the Official Custodian may require records requests to be submitted on a form developed by the Official Custodian.

(c) If any question arises as to the propriety of fully complying with a Records Request, the Official Custodian shall immediately forward it to the District's legal counsel.

(d) The District's legal counsel shall determine the District's obligations under the applicable Federal and/or State law(s). If the District is permitted to make records available for inspection in whole or in part, the District's legal counsel will so notify the District's Official Custodian, who will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable Federal or State law.

(e) If the District's legal counsel determines the District is not permitted by Federal or State law to make records available for inspection in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

(f) Following the denial of a request for record, upon receipt of the required written notice from the requesting individual that he or she will seek relief from the District Court, the Official Custodian will attempt to meet in-person or speak by telephone with the requesting individual. District personnel are encouraged to utilize all means to attempt to resolve the dispute during this time period and will provide a written summary of the District's position at the end of that period to the requestor and to the District's Board of Directors. No phone or in-person conference is required if the written notice indicates that the requestor needs access to the record on an expedited basis.

(g) Pursuant to CORA, all records must be made available for inspection within three (3) working days from the Official Custodian's receipt of the request, unless extenuating circumstances exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified of the delay within three (3) working days of the Official Custodian's receipt of the request. The Official Custodian may set the time, which shall be during normal office hours, and the place for records to be inspected, and require that the Official Custodian or a delegated employee be present while the records are examined.

(h) Any public record that is stored in a digital format will be provided in a digital format. A public record stored in a digital format that is searchable will be provided in searchable format and a public record stored in sortable format will be provided in sortable format. A public record that is in a searchable or sortable format shall not be produced if:

(i) producing the record in the requested format would violate the terms of any copyright or licensing agreement between the District and a third party;

(ii) producing the record would result in the release of a third party's proprietary information; or

(iii) after making reasonable inquiries:

(1) it is not technologically or practically feasible to permanently remove information that the custodian is required or allowed to withhold within the requested format;

(2) it is not technically or practically feasible to provide a copy of the record in a searchable or sortable format; or

(3) the Official Custodian would be required to purchase software or create additional programming or functionality in its existing software to remove the information required or allowed to be withheld.

(iv) A public record stored in digital format shall be provided in digital format by electronic mail, unless the size prevents email transmission, in which case they shall be transmitted by another method, as agreed on by the requesting individual and the Official Custodian.

(v) Altering an existing digital public record, or excising fields of information that the Official Custodian is either required or permitted to withhold under this subsection, does not constitute the creation of a new public record under Section (2)(i)(iv) of this Resolution.

(i) The Custodian may charge the following fees (collectively, the "Fees") for responding to a Records Request:

(i) Printouts, photographs, and copies, when requested, will be provided at a cost of twenty-five cents (\$0.25) per standard page, and at the actual costs of production for any non-standard page (the "Copying Fee"), except that no per-page fee will be charged for providing records in a digital or electronic format. A standard page shall mean an 8.5-inch by 11-inch black and white copy.

(ii) When it is impractical to make the copy, printout, or photograph of the requested record at the place where the record is kept, the Official Custodian may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities and the cost of providing the requested records will be paid by the person making the request (the "Outside Copying Fee").

(iii) If a copy, printout or photograph of a public record is necessary or requested to be provided in a format other than a standard page, the costs will be assessed at the actual cost of production (the "Production Fee").

(iv) If data must be manipulated in order to generate a record in a form not otherwise used by the District, such data manipulation will be assessed at the actual costs to the District (the "Manipulation Fee"); however, the District is in no way obligated to generate a record that is not otherwise kept, made, or maintained by the District.

(v) The cost for transmitting the requested records will be charged at the actual cost of such delivery (the "Transmission Fee"). Transmission Fees will not be charged for transmitting any record via electronic mail, when requested.

(vi) When the location or existence of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, and such process requires more than one (1) hour of staff time, the Custodian may charge a research and retrieval fee not to exceed thirty-three dollars and fifty-eight cents (\$33.58) per hour, or the maximum amount allowed by the Executive Committee of the State Legislative Council, whichever is greater (the "Research and Retrieval Fee").

(vii) If any requested records are protected by a privilege (for example, but not limited to, the work product or attorney-client privileges) the District may charge the actual costs of creating a privilege log identifying the privileged records (the "Privilege Fee"). If legal assistance or review is necessary to create the privilege log, the Privilege Fee may include the actual costs for such legal assistance.

(j) If the estimated Fees to produce the records will exceed \$100.00, the District may require a fifty percent (50%) deposit of the estimated Fees prior to commencing work to produce the records. Payment of the deposit is required before the request is deemed complete so as to begin the time periods noted in subsection (g) of this section. Payment of the remainder of the Fees, including all actual costs exceeding the estimated amount, must be made prior to the time of inspection or release of the final work product or copies. All payments of Fees, including deposits, may be made via cash, check, credit card, or debit card.

(k) No person shall be permitted to inspect or copy any records of the District if, in the opinion of the Official Custodian after consultation with the District's legal counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth in CORA.

(l) Except as required by Section 24-72-204(3.5)(g), C.R.S. and except when a requested record is confidential and accessible only on the basis that the requester is the person in interest, no form of identification shall be required to request or inspect public records.

3. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

4. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Board of Directors of the District.

The foregoing Resolution was approved and adopted this 25<sup>th</sup> day of January, 2024.

EAGLE RIVER WATER & SANITATION DISTRICT

By: \_\_\_\_\_  
Dick Cleveland, Chair

Attest:

\_\_\_\_\_  
Robert Warner, Jr., Secretary



## BOARD ACTION REQUEST

**TO:** Board of Directors  
**FROM:** David Norris, Director of Business Administration  
**DATE:** January 19, 2024  
**RE:** Intergovernmental Agreement Regarding Collection of Fees with Cordillera Metropolitan District

**Summary of Subject:** ERWSD collects fees on behalf of certain local entities that lack administrative capacity to collect fees themselves. Staff requests the board approve the attached Intergovernmental Agreement (“IGA”) with Cordillera Metropolitan District (“CMD”) to update and refine the terms regarding the collection of fees. Our team has thoroughly reviewed the specific purposes of these fees and carefully assessed the collection and custodianship of these funds. This collaborative effort has enhanced the accuracy and efficiency of fees and established a clear framework for financial transactions and responsibilities between our team and CMD.

**Discussion and Background:** In response to staff turnover and the subsequent loss of clarity regarding ERWSD’s role in collecting fees for other entities, a collaborative initiative was launched in early 2023 to reestablish and redefine the specifics of ERWSD’s fee collection responsibilities and processes. This includes creating or rewriting formalized contracts and agreements. Additionally, there has been a significant emphasis on updating contact lists to ensure effective and efficient communication.

The attached IGA authorizes ERWSD to collect fees on irrigation water taps, impact fees, and associated administrative fees on behalf of CMD through ERWSD’s customer billing program. This IGA was approved by the CMD Board of Directors on Dec. 8 and will be fully executed upon approval by the ERWSD Board.

**Alternatives:** None.

**Legal Issues:** This IGA was reviewed by counsel.

**Budget Implication:** Nominal increases to revenue for collection of the fees.

**Recommendation:** Approve the IGA as presented.

**Suggested Resolution and Motion:** I move to approve to the Intergovernmental Agreement Regarding Collection of Fees with Cordillera Metropolitan District, with its Exhibits A and B, as presented.

**Attached Supporting Documentation:**

- Intergovernmental Agreement Regarding Collection of Fees, with its Exhibit A: Metro District Fee Resolution and Exhibit B: 2024 Fee Schedule for District Equipment and Personnel

**INTERGOVERNMENTAL AGREEMENT**  
**REGARDING COLLECTION OF FEES**

This Intergovernmental Agreement Regarding Collection of Fees (“Agreement”) is made and entered into this 25<sup>th</sup> day of January, 2024

**RECITALS**

- A. WHEREAS, Water District provides water and sanitation services; and
- B. WHEREAS, Metro District provides street, water, sewer, park and recreation, safety protection, transportation, mosquito control, television relay and translation, and fire protection services and facilities and other improvements and services within its service area; and
- C. WHEREAS, the Metro District's jurisdictional boundaries overlap with the Water District's boundaries, and properties within the boundaries of the Metro District are customers of the Water District.
- D. WHEREAS, the Water District and Metro District have authority pursuant to Section 32-1-1001(1)(j), C.R.S. to fix fees, rates and charges for services or facilities; and
- E. WHEREAS, the Metro District has adopted various fees ("**Metro District Fees**") pursuant to the Resolution Approving the Intergovernmental Agreement Regarding Collection Of Fees, adopted December 8, 2023, attached hereto as Exhibit A (the "**Fee Resolution**"); and
- F. WHEREAS, the Metro District does not have the administrative capacity to collect the Metro District Fees, and the Water District has an established customer billing program; and
- G. WHEREAS, the Metro District desires for the Water District to assist in the collection of the Metro District Fees; and
- H. WHEREAS, the Water District is willing to collect the Metro District Fees pursuant to the terms set forth herein.

NOW, THEREFORE, the Parties hereto agree as follows:

1. Delegation of Authority. The Metro District hereby delegates to the Water District the authority to collect the Metro District Fees as set forth in the Fee Resolution. The Metro District may, from time to time, adopt new Metro District Fees and provide a copy of the updated Fee Resolution to the Water District. Such updated Fee Resolution will be attached hereto as a new Exhibit A. The Water District will begin collection of any such updated fee within 30 days of receipt of notice.
2. Acceptance of Delegation. The Water District agrees to collect, on behalf of the Metro District, the Metro District Fees, as may be updated from time to time. The Metro District Fees will generally be collected at the time that water service is turned onto a property and will

remain a lien on the property until paid in full. In the event any errors or omissions occur in the administration or collection of the Metro District Fees, the Water District agrees to make a good faith effort to collect the same; provided, however, that the Water District shall under no circumstances be liable to the Metro District for any fee or costs in addition to those collected.

3. Payment of Fee. Upon collection of the Metro District Fees, the Water District shall pay the revenues collected thereby monthly to the Water District. The Water District will remit the collected Metro District Fees (less the administrative fee set forth in Section 4) to the Metro District within 30 days following the end of the month in which the fees were collected. The Metro District will promptly provide the Water District with the address of the Metro District's manager and any bank account information to which the Metro District would like the fee revenues to be wired or otherwise deposited.

4. Administrative Fee. The Water District shall retain as an administrative fee 3% of the Metro District Fees collected.

5. Standard of Performance. The Water District agrees to use its best efforts to collect the Metro District Fees and in doing so shall follow all statutory procedures for collection of such fees; however, the Metro District is solely responsible for following all statutory procedures and providing all legal notices prior to adoption of the fee. The Water District will not be liable for any omission or failure to act in collection of the Metro District Fees.

6. Amendment; Assignment. This Agreement may only be amended in writing signed by the Parties. Neither party may assign its rights or obligations under this Agreement without the express written consent of the non-assigning party.

7. Intent of the Agreement. This Agreement is intended to describe the rights and responsibilities only between the Parties and is not intended to, and shall not be deemed to confer rights to any persons or entities not named as Parties, nor to limit in any way the power and responsibilities of the Water District or Metro District.

8. Enforcement. The Parties agree that this Agreement may be enforced in law or equity for specific performance, injunctive, or other appropriate relief, excluding damages, as may be available according to the laws and statutes of the State of Colorado.

9. Term of Agreement. This Agreement shall be in full force and effect from the date of execution by both Parties through December 31, 2024. Notwithstanding the foregoing, either party may terminate this Agreement at any time upon providing 30 days written notice to the other party.

10. Severability. Should any provision of this Agreement or the application thereof, to any extent, be held invalid or unenforceable, the remainder of this Agreement and the application thereof other than those provisions as to which it shall have been held invalid or unenforceable, shall not be affected thereby and shall continue in full force and effect and shall be enforceable to the fullest extent permitted by law or in equity.



11. Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, negotiations, representations, and understandings of the Parties with respect to the assessment and collection of the fee.

12. Subject to Annual Appropriation and Budget. Under no circumstances shall this Agreement constitute, or be considered as, a multiple-fiscal year obligation of either party. Each party's individual obligations under this Agreement exist subject to annual budgeting and appropriations by their respective governing bodies, and shall remain subject to the same for the entire term of this Agreement.

13. Governmental Immunity. Nothing in this Agreement shall be construed to constitute a waiver, in whole or in part, of any of either of the Parties' rights and protections under the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as amended from time to time.

14. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the Parties that any person other than Parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

15. Counterpart Execution. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed the date written above.

EAGLE RIVER WATER AND SANITATION DISTRICT

By: \_\_\_\_\_  
Chairman

Attest:

By: \_\_\_\_\_  
Secretary

CORDILLERA METROPOLITAN DISTRICT

By:  \_\_\_\_\_  
Harry Jasper, Secretary

Attest:

By: \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
CORDILLERA METROPOLITAN DISTRICT**

**A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT  
REGARDING COLLECTION OF FEES BETWEEN THE DISTRICT AND EAGLE RIVER  
WATER AND SANITATION DISTRICT**

WHEREAS, Cordillera Metropolitan District (the “District”) was formed pursuant to Sections 32-1-101, *et seq.*, C.R.S. by order of the District Court in and for Eagle County, Colorado, and after approval of the eligible electors at an election held on November 2, 1993, for the purpose of assisting in the financing and construction of certain infrastructure and amenities associated with the development known as Cordillera (the “Development”); and

WHEREAS, on May 3, 2005, the Board of County Commissioners of the County of Eagle, Colorado approved the Amended, Restated, and Consolidated Service Plan for Cordillera Metropolitan District and the Squaw Creek Metropolitan District (the “Service Plan”) for the purpose of providing certain parameters for the financing and development of the area within the Development; and

WHEREAS, the District obtains water service from the Eagle River Water and Sanitation District (“Eagle River”); and

WHEREAS, Eagle River imposes surcharges and fees on irrigation water taps, impact fees, and an administrative fee for collection of the same, including those within the District (the “System Development Fees”); and

WHEREAS, the District does not have the administrative capacity to collect the fees related to water within the Development, and Eagle River has an established customer billing program; and

WHEREAS, the District desires for Eagle River to assist in the collection of the System Development Fees; and

WHEREAS, the District desires to enter into the Intergovernmental Agreement Regarding Collection of Fees with Eagle River to authorize Eagle River’s collection of the System Development Fees; and

WHEREAS, the District desires to adopt Eagle River’s 2024 rate schedule for the System Development Fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CORDILLERA METROPOLITAN DISTRICT AS FOLLOWS:

1. The Board of Directors of the District (the “Board”) hereby approves the “Intergovernmental Agreement Regarding Collection of Fees” (the “Agreement”) attached hereto as **Exhibit A**, and further authorizes the Board’s President to execute the same.

2. The Board hereby authorizes Eagle River to collect the System Development Fee for the year 2024, in accordance with the Agreement, at the rates set forth in the Fee Schedule, as attached hereto and incorporated herein as **Exhibit B**.

3. This Resolution shall take effect on January 1, 2024.

*(Signature Page Follows.)*

ADOPTED AND APPROVED THIS 8<sup>th</sup> DAY OF DECEMBER 2023.

**CORDILLERA METROPOLITAN DISTRICT**

  
By: Cheryl Foley, President

**EXHIBIT B: 2024 FEE SCHEDULE FOR DISTRICT EQUIPMENT AND PERSONNEL**

<b>Equipment</b>	<b>2024 In District Hourly Rates</b>	<b>2024 Out of District Hourly Rates</b>
1 Ton Utility, Duramax	56.00	67.00
3" Pump	31.00	38.00
6" Power Prime Pump Trailer	62.00	74.00
Air Compressor (180 cfs)	25.00	30.00
Asphalt Cutter	38.00	45.00
Backhoe, John Deere #710 (1-1/2 cy, 3/8 cy Hoe)	93.00	112.00
Camera Locator	62.00	74.00
Camera Water or Sewer	223.00	268.00
Chain Saw	31.00	38.00
Composting Auger	38.00	45.00
Correlator-DigiCorr	99.00	119.00
Correlator-Zcorr	49.00	59.00
Demo Saw	31.00	38.00
End Dump Trailer	81.00	97.00
Forklift	49.00	59.00
Generator	62.00	74.00
Generator-Portable	43.00	53.00
Hoe/Pack Compactor	93.00	112.00
Jack Hammer and Hydraulic unit # 105 (1 ton)	56.00	67.00
Large Jetting Truck	136.00	163.00
Light Plant (mobile)	62.00	74.00
Loader	93.00	112.00
Lowboy Tractor	81.00	97.00
Lowboy Trailer	74.00	89.00
Mac-Trailer	31.00	38.00
Message Boards	31.00	38.00
Meter Test Bench	49.00	59.00
Mikasa Jumping Jack	56.00	67.00
Mini Excavator	93.00	112.00
Pickup with Plow	56.00	67.00
Pickup with Plow & Liftgate	56.00	67.00
Pump Truck	149.00	178.00
Rock Breaker/Hammer	186.00	223.00
Skid Steer	74.00	89.00
Skid Steer w/ Blower or Brush	99.00	119.00
Small Dump Truck	43.00	53.00
Small Jetting Truck	125.00	149.00

**EXHIBIT B: 2024 FEE SCHEDULE FOR DISTRICT EQUIPMENT AND PERSONNEL**

<b>Equipment</b>	<b>2024 In District Hourly Rates</b>	<b>2024 Out of District Hourly Rates</b>
Small Portable Welder	25.00	30.00
Snowblower-Manual	18.00	23.00
Steamer	25.00	30.00
Tandem Dump Truck	62.00	74.00
TV Van	125.00	149.00
Utility Trailer	38.00	45.00
Valve Box Cleaner	25.00	30.00
Valve Box Operator/Cleaner	43.00	53.00
Valve Maintenance Trailer	81.00	97.00
Vehicle & Tools	43.00	53.00

<b>Labor</b>	<b>2024 In District Hourly Rates</b>	<b>2024 Out of District Hourly Rates</b>
Construction Managers, Planning Supervisors, Project Engineers	95.00	115.00
General Manager	210.00	250.00
Executive Manager	165.00	195.00
Field Operations Personnel	65.00	80.00
Managers	115.00	140.00
Office Administration & Accounting Staff	75.00	90.00
Operational Interns/Temps	27.50	27.50
Operations Supervisors and Field Operations Leads & Planners	110.00	125.00
Water & Wastewater Operations Personnel	65.00	75.00



## MEMORANDUM

**TO:** Board of Directors  
**FROM:** Brian Thompson, Government Affairs Supervisor  
**DATE:** January 19, 2024  
**RE:** Investment Policy

**Summary of Subject:** The board was presented with a draft of an updated investment policy at the Dec. 7 board meeting. At the Jan. 25 board meeting, Jim Cannava and David Norris will reintroduce the policy for the board's consideration. Staff recommends the board approve and adopt the policy as presented.

**Discussion and Background:** The District may invest public funds in an authorized investment vehicle pursuant to § 24-75-601, et seq., C.R.S. The District's investment policy provides the guiding principles for ensuring these investments are effective, judicious, and compliant. The current policy was adopted in 2012.

A draft of an updated policy was presented to the board for review at the Dec. 7 board meeting. This draft was further updated to address board feedback regarding capping Certificate of Deposit investments and citing the policy advisors. Staff will be available to answer questions regarding these updates.

Staff recommends the board adopt the attached policy as presented. This policy would supersede any previous board action and will be reviewed annually.

**Alternatives:** The board can recommend further changes to the policy.

**Legal Issues:** This policy was reviewed by counsel.

**Budget Implication:** None

**Recommendation:** Adopt the policy as presented.

**Suggested Resolution and Motion:** I move to approve and adopt the Investment Policy as presented.

**Attached Supporting Documentation:**

- Investment Policy





**BOARD POLICY**

<b>Title:</b> Investment Policy	<b>Department:</b> Business Administration
<b>Effective Date:</b> 01/25/2024	<b>Previous Effective Date(s):</b> 8/23/2012; 8/25/1994

**Background:**

The purpose of this Investment Policy is to define the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, eligible investments, and diversification requirements of the funds of the District. The key goals of this policy are safeguarding principal amounts, ensuring liquidity for daily cash flow needs, seeking a market rate of return, and delegating proper authority,

**Policy:**

The Board of Directors has adopted the following Investment Policy:

- I. Scope:** This Investment Policy shall apply to the investment management of all investable funds under control of the District.
- II. Objectives:** To provide for the safety of principal, provide liquidity to meet daily cash flow requirements, and attain a market rate of return.
- III. Delegation of authority:** The Board has delegated authority to manage the District’s investment program to the Director of Business Administration who may appoint other District employees to assist in managing the District’s investment program. Investment Advisors must register with the Securities Exchange Commission under the Investment Advisors Act of 1940 and are obligated to adhere to the provisions of this policy that prohibits them from taking custody of any District funds or securities. The District has engaged Chandler Asset Management to support the development of this policy and offer expert investment strategies.
- IV. Standards of prudence:** The standard of prudence to be used for managing the District's assets is the "prudent investor" standard applicable to a fiduciary that states that a prudent investor “shall exercise the judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of the property of another, not in regard to speculation, but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital.” (CRS 15-1-304, Standard for Investments).
- V. Reporting:** Accounting and reporting on the District’s investment portfolio shall conform with Generally Accepted Accounting Principles (GAAP) and the Governmental Accounting Standards Board (GASB) recommended practices.
- VI. Internal controls:** The internal control structure will be designed to provide reasonable assurance that these objectives are met.

- VII. Eligible investments:** All investments will be made in accordance with the Colorado Revised Statutes as follows: CRS 11-10.5-101, et seq. Public Deposit Protection Act; CRS 11-47-101, et seq. Savings and Loan Association Public Deposit Protection Act; CRS 24-75-601, et. seq. Funds-Legal Investments; CRS 24-75-603, Depositories; and CRS 24-75-702, Local governments – authority to pool surplus funds. Any revisions or extensions of these sections of the CRS will be assumed to be part of this Investment Policy immediately upon being enacted. Banks issuing CDs must meet credit criteria. The investment policy restricts CDs to 30% of the total portfolio, with a maximum of 5% per bank, limited to amounts covered by FDIC insurance. Further details on limitations are outlined in the Investment Procedure.
- VIII. Diversification:** Investments shall be diversified by limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities), limiting investment in securities that have higher credit risks, investing in securities with varying maturities, and, Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.
- IX. Review & Revisions:** This policy supersedes any previous board action and will remain in effect until revised by the Board of Directors. This policy will be reviewed by the Board annually and updated as needed to reflect any changes in the District's financial environment, regulations, or best practices in investment management.



## MEMORANDUM

**TO:** Board of Directors  
**FROM:** Brian Thompson, Government Affairs Supervisor  
**DATE:** January 19, 2024  
**RE:** Electronic Mail Policy

**Summary of Subject:** The board was presented with a draft of an updated Electronic Mail Policy at the Dec. 7 board meeting. At the Jan. 25 board meeting, David Norris and Justin Way will reintroduce the policy for the board's consideration. Staff recommends the board approve and adopt the policy as presented.

**Discussion and Background:** Colorado political subdivisions, such as Eagle River Water & Sanitation District, are required to "adopt a written policy on any monitoring of electronic mail communications and the circumstances under which it will be conducted," including a statement that employee e-mails may constitute public records. § 24-72-20.45(1-2), C.R.S. The District's current policy was adopted in 1999.

A draft of an updated policy was presented to the board for review at the Dec. 7 board meeting. The updated policy addresses evolving technological, security, and legal needs. Staff will be available to answer questions regarding these updates.

Staff recommends the board adopt the attached policy as presented. This policy would supersede any previous board action and will be reviewed annually.

**Alternatives:** The board can recommend further changes to the policy.

**Legal Issues:** This policy was reviewed by counsel.

**Budget Implication:** None

**Recommendation:** Adopt the policy as presented.

**Suggested Resolution and Motion:** I move to approve and adopt the Electronic Email Policy as presented.

**Attached Supporting Documentation:**

- Electronic Mail Policy



**BOARD POLICY**

<b>Title:</b> Electronic Mail Policy	<b>Department:</b> Business Administration
<b>Effective Date:</b> 01/25/2024	<b>Previous Effective Date(s):</b> 7/22/1999

**Purpose and Summary:**

This policy outlines the acceptable use of The District’s electronic (“email”) system. It is designed to ensure the efficient and lawful use of email for business communications and to protect The District’s information assets and continuity of operations.

Any District that operates or maintains an electronic mail communications system must adopt a written policy on any monitoring of electronic mail communications and the circumstances under which it will be conducted. The policy must include a statement that employee emails may be a public record and may be subject to public inspection.

**Authority:**

Required by § 24-72-204.5, C.R.S.

**Scope:**

This policy applies to all employees, contractors, partners, and vendors who are granted access to The District’s email system. This includes any email communication sent from a District email address or sent through District email servers.

**Policy Statement:**

The District’s electronic email system is a business tool owned and paid for by the District. As such, the email system is the District’s private property. The email system is designed to facilitate the District’s business and transactions and is limited to communications solely related to District business related subjects.

**Policy**

**I. Appropriate Use:**

Email is an extension of the workplace and abusive and inappropriate language or material is prohibited.

Email is to be used for business-related communication including correspondence with customers, internal team collaboration, and authorized District announcements.

The use of District email for work-related purposes shall align with professional standards and be used in a manner that upholds The District’s mission and values.

The email system shall not be used to solicit outside business ventures, political, religious, or other personal causes by the employee.

## **II. Personal Use:**

The email system is not to be used for communications of a personal, private, or non-business nature.

## **III. Confidentiality**

The use of authorization passwords by employees should not be construed as creating a private communication medium.

The District maintains the right to monitor, audit, and review email messages sent and received at any time. By using the District's email system, users expressly consent to the District's monitoring policy, agrees to comply with all limitations on the use of the email system, and understand that the email system is not a private communication method.

All E-Mail messages are subject to discovery orders in litigation matters.

Email correspondence may be public record under the public records law and may be subject to public inspection under § 24-72-203, C.R.S.

## **IV. Security**

Email users are responsible for safeguarding their email credentials and using them only as authorized. Each user is responsible for all email transactions created under their account. Sharing of credentials is prohibited.

Email users are responsible for interacting with District email system in a safe manner, including:

- Verifying the identity and authenticity of a sender prior to clicking on links or opening downloading attachments.
- Not opening attachments or clicking on links from suspicious sources.
- Being vigilant for indicators of phishing attempts, social engineering tactics, and email scams.
- Double-checking email addresses and conducting additional verifications on requests involving financial transactions, confidential information, or sensitive data sharing.

Email users are prohibited from conducting District business using third-party (non-District) email systems or accounts. Likewise, emails shall not be automatically forwarded to third-party email systems.

## **V. Policy Compliance:**

Failure to comply with this policy may result in disciplinary actions up to, and including termination, at The District's discretion, in accordance with the disciplinary policy.

## **VI. Review & Revisions**

This policy supersedes any previous board action and will remain in effect until revised by the Board of Directors. This policy will be reviewed by the Board annually and updated as needed.



## MEMORANDUM

**TO:** Board of Directors  
**FROM:** Brian Thompson, Government Affairs Supervisor  
**DATE:** January 19, 2024  
**RE:** Identity Theft Prevention Program Policy

**Summary of Subject:** The board was presented with a draft of an updated Identity Theft Prevention Program Policy at the Dec. 7 board meeting. At the Jan. 25 board meeting, David Norris and Justin Way will reintroduce the policy for the board's consideration. Staff recommends the board approve and adopt the policy as presented.

**Discussion and Background:** The District is required to implement and periodically update an Identity Theft Prevention Program designed to "detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account." 16 CFR § 681.1(d)(1-2). The District's current program was implemented through a board policy adopted in 2008.

A draft of an updated policy was presented to the board for review at the Dec. 7 board meeting. The updated policy addresses evolving technological, security, and legal needs. Staff will be available to answer questions regarding these updates.

Staff recommends the board adopt the attached policy as presented. This policy would supersede any previous board action and will be reviewed annually.

**Alternatives:** The board can recommend further changes to the policy.

**Legal Issues:** This policy was reviewed by counsel.

**Budget Implication:** None

**Recommendation:** Adopt the policy as presented.

**Suggested Resolution and Motion:** I move to approve and adopt the Identity Theft Prevention Program Policy as presented.

**Attached Supporting Documentation:**

- Identity Theft Prevention Program Policy



## BOARD POLICY

<b>Title:</b> Identity Theft Prevention Program Policy	<b>Department:</b> Business Administration
<b>Effective Date:</b> 12/7/2023	<b>Previous Effective Date:</b> 10/23/2008

### Purpose and Summary

The Federal Trade Commission's Identity Theft Rules require creditors, as defined by 15 U.S.C. § 1681a(r)(5), to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts. The District is a creditor under the Identity Theft Rules by virtue of providing utility services or by otherwise accepting payment for services in arrears. As a creditor, the District is subject to the identity theft prevention program policy requirements because it provides services and sales for which payment is made after the product is consumed or the service has otherwise been provided.

### Authority:

A policy establishing an identity theft prevention program is required by 16 CFR § 681

### Scope:

This policy applies to all employees, contractors, partners, and vendors who have access to Covered Account information, or those who engage in financial transactions on behalf of The District.

### Policy Statement:

The Identity Theft Prevention Program Policy exists to establish procedures and guidelines for the detection, prevention, and mitigation of identity theft risks associated with handling customer accounts and personal information of District customers.

### Policy:

## Red Flags Identification Program

### I. Red Flags Definitions

Red flags are indicators of possible identity theft. The District defines the following categories as red flags:

- Alerts, notifications, and warnings from consumer reporting agencies
- Suspicious documents or discrepancies in identifying information provided by customers
- Unusual account activity or unauthorized access to customer accounts
- Alerts from law enforcement or other sources regarding identity theft incidents
- Notices from customers or victims of identity theft regarding possible identity theft
- Evidence of compromised systems that contain store, process, or transmit

## **II. Red Flags Detection and Response**

- Employees in relevant departments shall be trained to recognize red flags indicating potential identity theft
- Procedures shall be established to verify the identity of customer in cases where red flags are detected
- Appropriate actions shall be taken to mitigate identity theft risks, including monitoring of accounts, contacting customers when red flags are detected, and restricting account access

## **Identity Theft Prevention Measures**

### **I. Customer Verification**

- Customer identities shall be verified through reliable sources, following established procedures, when creating new accounts or modifying existing accounts
- Procedures shall be in place to authenticate customers prior to providing access to accounts or sensitive information

### **II. Information Security Program**

- The District shall maintain a comprehensive information security program to protect customer information against unauthorized access, use, or disclosure
- Access controls, encryption, and secure storage practices shall be implemented to safeguard customer data

## **Program Administration**

### **I. Oversight and Compliance**

- A designated individual shall be tasked with oversight, implementation, and ongoing maintenance of the Identity Theft Program and related policies and procedures
- The Identity Theft Program shall be subject to monitoring and evaluation to ensure compliance and program effectiveness

### **II. Staff Training**

- Employees who operate within the scope of this policy shall receive periodic training to understand red flags, identify theft risks, and procedures for responding to said risks

### **III. Reporting and Response**

- Suspected incidents of identity theft or detected red flags shall be reported according to the prescribed reporting procedure
- Reports of identity theft or detected red flags shall be promptly investigated and mitigated by responsible parties

## **Policy Compliance:**

Failure to comply with this policy may result in disciplinary actions up to, and including termination, at the District's discretion, in accordance with the disciplinary policy.

## **Review & Revisions**

This policy supersedes any previous board action and will remain in effect until revised by the Board of Directors. This policy will be reviewed by the Board annually and updated as needed.





## BOARD COMMITTEES

### DISTRICT

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

### AUTHORITY

<i>Audit/Budget</i>	Geoff Dreyer George Gregory *Backup vacant
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### JOINT

<i>Rules and Regulations</i>	Kim Bell Williams (A) Robert Warner, Jr. (D) *George Gregory (A) *Rick Pylman (D)
<i>Water Conservation</i>	Vacant (A) Tamra Underwood (A) Kate Burchenal (D) Steve Coyer (D) *Kevin Hillgren (A) *Sarah Smith Hymes (D)

(A) = Authority, (D) = District

\*Backup committee member  
(serves in the absence of a primary member)



## MEMORANDUM

**TO:** Boards of Directors  
**FROM:** Siri Roman, General Manager  
**DATE:** Jan. 18, 2024  
**RE:** General Manager Report

### 2024 Priorities

The District leadership team appreciates readjusting the board meeting schedule to free up time during the last quarter of 2023 to connect and review 2023, as well as to strategize 2024 initiatives (and beyond).

Staff continues to align around the following vision:

- Build a collaborative, purpose-driven team who practices accountability at all levels.
- Achieve excellence throughout the organization.
- Prioritize building a resilient organization - fiscally, culturally, and operationally.
- Continue strengthening the District brand as a trusted partner and environmental steward, whose expertise is all things water.
- Protect our water for future generations.

While each department has developed specific goals that support the vision, some key 2024 initiatives worth noting are:

- Develop strategic capital & operational funding plan (debt, fund balances, prioritization, timing)
- Progress Bolts Lake design and complete permitting application
- Develop wastewater compliance & biosolids management strategy
- Continue rate restructure (multi-family, commercial, mixed use, and municipal)
- Redefine organizational values
- Create a Water Shortage Response Plan
- Hire firm to explore federal grants
- Strategize preventative maintenance vs. replacement
- Office building coordination
- Develop board member onboarding process & strategic site visits
- Operationalize greenhouse gas tool
- Modern utility – continue implementing process improvements (CORA, contracts, communications, data management, structure etc.)
- Consistency in operations
- Continue leadership process - Departmental 3 Year Vision + 2024 Work Plans

### **Water Conservation & Rate Restructure Outreach**

David Norris and I are wrapping up the water conservation and rate change roadshow. Since the last board meeting, we have presented to the Berry Creek Metro District, Cordillera Metro District, Beaver Creek Property Owners Association, and Vail Town Council. Response from the community continues to be extremely supportive and appreciative with the change in direction and increased communications.

# Bushong & Holleman PC

A t t o r n e y s • a t • L a w

1525 Spruce Street, Suite 200, Boulder, Colorado 80302

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

FROM: Steve Bushong

DATE: January 23, 2024

RE: PFAS Update Memorandum

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After the joint meeting on November 30, 2023, in which ERWSD and UERWA chose to opt-out of the Dupont and 3M PFAS settlement agreements, my office assisted Marten Law (special counsel) in pulling together the needed opt-out information. Marten Law compiled the opt-out documents and timely filed the ERWSD and UERWA opt-outs in both cases.

Approximately 79% of the opt-outs from the Dupont settlement were apparently rejected as being out of compliance with the settlement agreement for unknown technical reasons. Marten Law believes this is part of a concerted effort by Class Counsel to disregard as many opt-outs as possible. For example, Marten Law learned that the opt-out for one of its HOA clients was rejected for failing to provide a phone number, even though the HOA stated in the application that it did not have a phone number to provide.

Through a telephone conversation with the Notice Administrator's office, Marten Law learned that although ERWSD and UERWA opt-outs were initially deemed out-of-compliance for unknown reasons, that was deemed a mistake and Marten Law was told the opt-outs would be marked in compliance. The Dupont Class Counsel still had ERWSD and UERWA opt-outs flagged as having compliance issues until very recently. Although Class Counsel has now verbally recognized that the ERWSD and UERWA opt-outs are compliant, Marten Law is seeking written confirmation. The Court also issued an Order today providing standards for the Notice Administrator to apply in accepting opt-outs with the intent of ensuring maximum acceptance of opt-outs. The Notice Administrator in the Dupont settlement has not yet compiled a list of non-compliant opt-outs as required by the class action settlement but is expected to do so soon.

The status of opt-outs is unknown for the 3M settlement because the Notice Administrator for that settlement has no obligation to inform entities of their status and has not done so. Marten Law is seeking to change that lack of transparency by motion to the court.

A new order issued in the Dupont settlement in December allows class members that opted out to opt back in by March 1, 2024. The 3M settlement already had such a clause by which a class member opting out can opt back in by the final fairness hearing on February 2, 2024. Unfortunately, neither of these provisions allow a class member to first see what changes to the

class action settlement documents are implemented to address the concerns and objections that were raised. We have asked Marten Law to raise this timing issue in the cases.

We are communicating with Marten Law to assess what other options may exist now or in the future to seek compensation for PFAS costs outside of the 3M and Dupont settlements. We will keep you apprised of such options.



**Fiscal Year 2023  
Quarterly Financial Report  
For the 4th Quarter Ending December 31, 2023**

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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:** January 17, 2023  
**Re:** Quarterly Financial Reports – YE Estimate

The preliminary year-end financial reports and highlights indicate a positive year for the District due to operating and non-operating revenues greater than budget. Please see the summary and tables below.

**Operating Revenues:**

- Wastewater 9.9% better than budget:
  - Utility billing 4.3% greater than budget
  - Interest income greater than expected
  - Meter sales under budget with limited inventory due to ongoing supply chain challenges
  - Operating agreement with the Authority 11.8% greater than budget
  
- Water 1.6% better than budget:
  - Utility billings are within 1% of budget
  - Interest income greater than expected

**Operating Expenses:**

- Wastewater 2.4% & Water 2.6% under budget:
  - Supply chain issues limiting meter inventory/purchases

**Non-Operating Revenues:**

- Wastewater Impact Fees are \$2.2MM greater than budget
- 25 acre-feet of water rights sold to UERWA for \$1.6MM

**Non-Operating Combined Expenses:**

- Unspent Capital project budgets will be evaluated to be carried forward into 2024



**EAGLE RIVER**  
**WATER & SANITATION**  
 DISTRICT

**Net Income & Budget Comparisons**

**WASTEWATER**

Operating	Annual Budget	YE Est	Variance	2022 YE
Revenue	\$24,598,951	\$27,023,167	\$2,424,215	\$24,837,550
Expense	\$22,658,685	\$22,118,803	\$539,883	\$20,147,546
Net Income	\$1,940,266	\$4,904,364	\$2,964,098	\$4,690,004

Non-Operating	Annual Budget	YE Est	Variance	2022 YE
Revenue	\$7,744,851	\$10,017,917	\$2,273,066	\$8,731,888
Expense	\$12,832,514	\$11,841,259	\$991,255	\$6,496,033
Net Income	(\$5,087,663)	(\$1,823,342)	\$3,264,321	\$2,235,856

<b>Net Income</b>	<b>(\$3,147,397)</b>	<b>\$3,081,022</b>	<b>\$6,228,419</b>	<b>\$6,925,860</b>
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Unrestricted Fund Balance	Annual Budget	YE Est
Beginning Balance	\$23,368,899	\$23,368,899
Net Income	(3,147,397)	3,081,022
Ending Unrestricted Balance	\$20,221,502	\$26,449,921

**WATER**

Operating	Annual Budget	YE Est	Variance	2022 YE
Revenue	\$7,272,578	\$7,389,707	\$117,129	\$6,319,640
Expense	\$6,149,185	\$5,988,959	\$160,226	\$5,760,849
Net Income	\$1,123,392	\$1,400,748	\$277,355	\$558,790

Non-Operating	Annual Budget	YE Est	Variance	2022 YE
Revenue	\$3,315,231	\$4,831,048	\$1,515,817	\$3,291,425
Expense	\$3,443,354	\$2,573,565	\$869,789	\$2,360,543
Net Income	(\$128,123)	\$2,257,484	2,385,606	\$930,882

<b>Net Income</b>	<b>\$995,269</b>	<b>\$3,658,231</b>	<b>\$2,662,962</b>	<b>\$1,489,672</b>
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Unrestricted Fund Balance	Annual Budget	YE Est
Beginning Balance	\$2,353,454	\$2,353,454
Net Income	\$995,269	\$3,658,231
Ending Unrestricted Balance	\$3,348,724	\$6,011,686

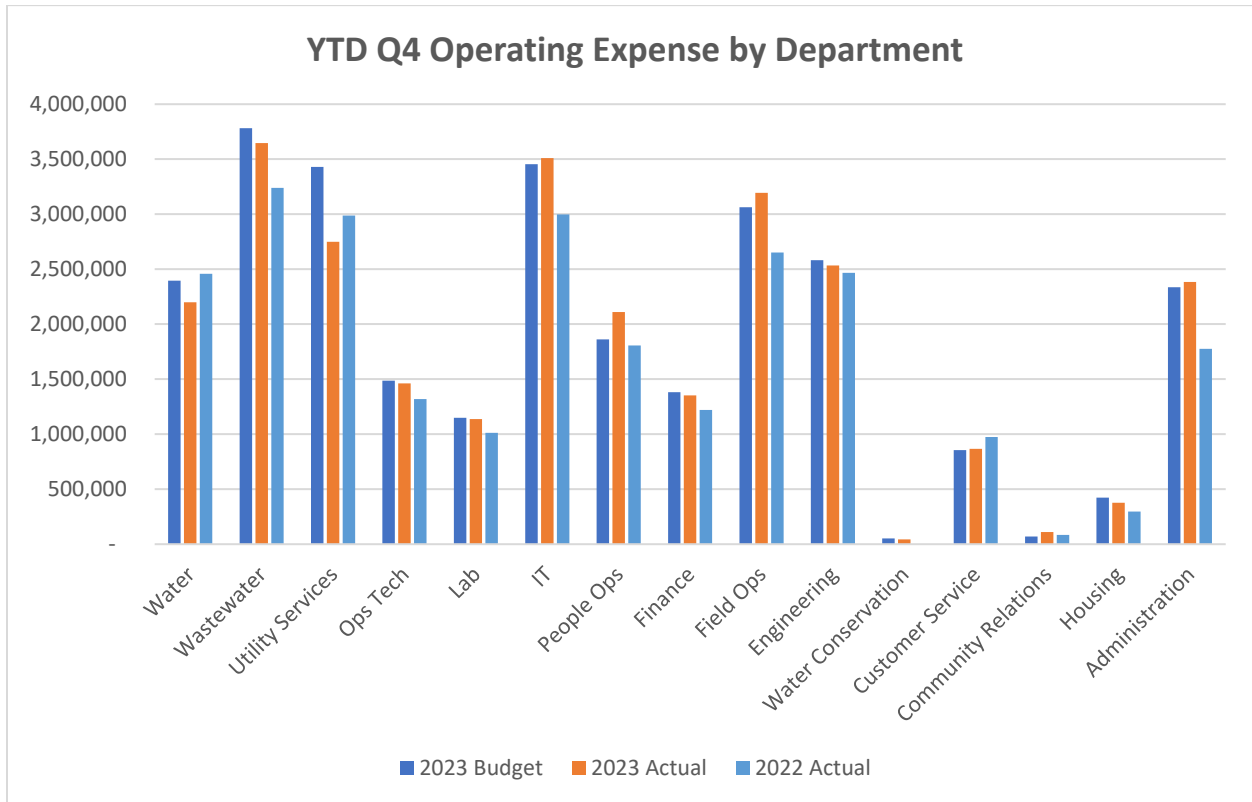
- Budgets reflect a negative net income due to FY 2022 capital project carryforwards.
- Net income reflects water sale to UERWA.
- Operating expense budgets are revised to reflect shared expenses split 80/20 from 75/25.



YTD Combined Operating Expense Comparison

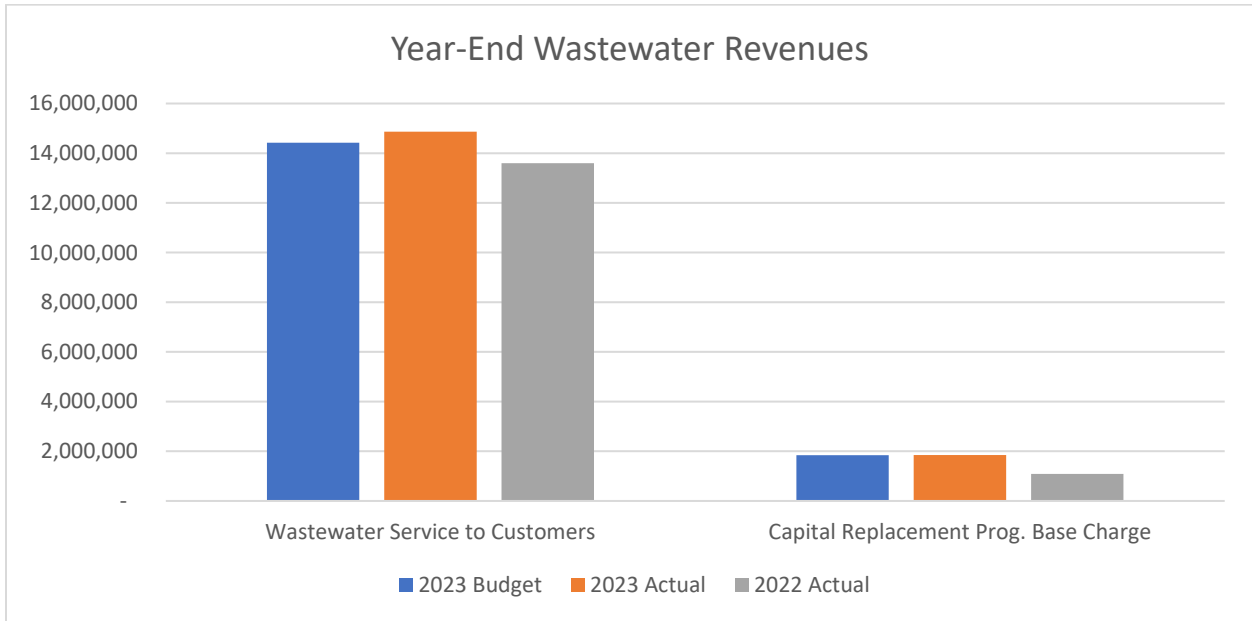
Expense Type	2023 Revised Budget	2023 Actual	(Over) Under	% Remaining	2022 Actual	YOY Var
Operating	\$28,316,109	\$27,719,629	\$596,480	2%	\$25,351,638	9%
Housing	\$491,762	\$388,133	\$103,629	21%	\$556,758	-30%
Debt Service	\$7,716,103	\$7,497,007	\$219,096	3%	\$4,157,420	80%
Capital & CRP	\$8,559,765	\$6,917,817	\$1,641,948	19%	\$4,699,156	47%
Bond Project	\$27,954,214	\$15,995,360	\$11,958,854	43%	\$24,763,313	-35%
<b>Total</b>	<b>\$73,037,952</b>	<b>\$58,517,945</b>	<b>\$14,520,007</b>	<b>20%</b>	<b>\$59,528,284</b>	<b>-2%</b>

- Additional Capital & Bond invoices are expected before year-end close
- Unspent project budgets due to timing will be carried forward into 2024

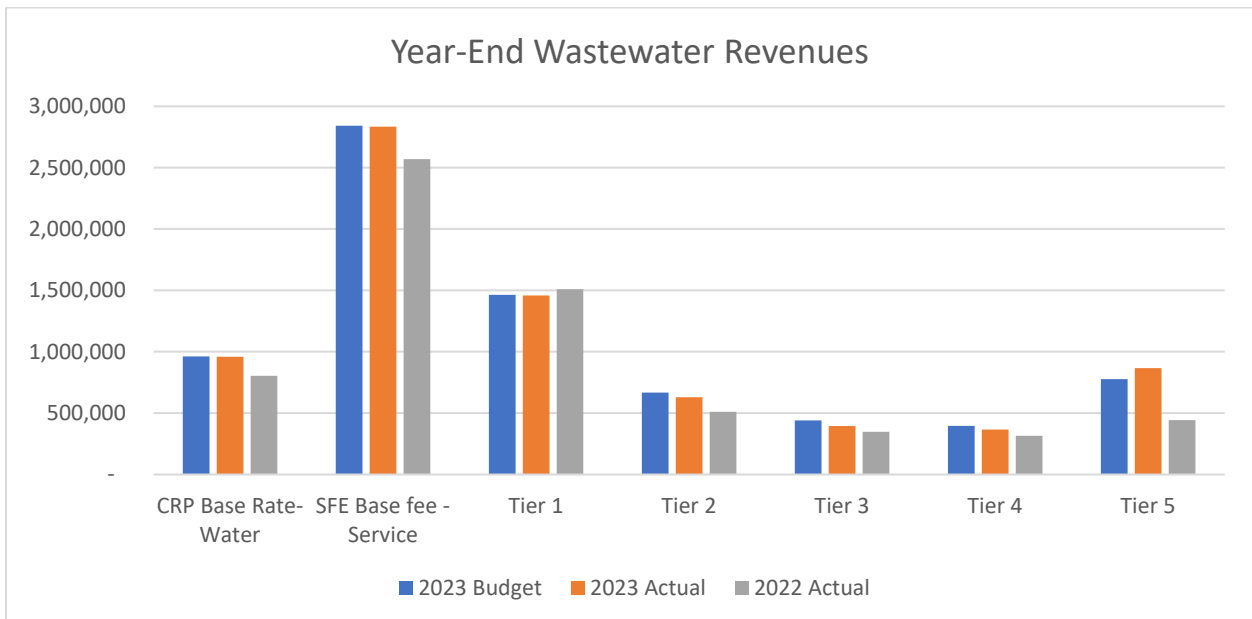


- Utility Services are under budget 20% due to the timing of meter purchases
- Water is under budget 8% due to personnel vacancies and electric expenses
- Wastewater is under budget 4% due to personnel vacancies
- People Ops are over budget 13% due to property and liability insurance
- Field Ops is over budget 4% due to emergency distribution system repairs

**Revenue Comparison**



- Wastewater Service to Customers Revenue is 3% better than budget due to volume over the winter months. (Winter Averaging began in April)
- Impact Fees are \$2,679,006, \$2,230,450 greater than budget



- Water Service Revenue is 0.54% less than budget
- CRP & Base Fees are on budget
- Impact fees are \$ 151,035, \$37,185 under budget



**Bond & Cash Balances**

**WASTEWATER**

<b>WW Bond Funds</b>	<b>Annual Budget</b>	<b>YTD 2023</b>	<b>YE 2022</b>
Beginning Balance	(\$8,016,457)	(\$8,016,457)	\$14,582,968
Bond Proceeds	\$47,328,671	\$47,328,671	
Expense	\$26,646,061	\$13,706,541	\$22,599,425
<b>Bond Balance</b>	<b>\$12,813,720</b>	<b>\$25,605,672</b>	<b>(\$8,016,457)</b>

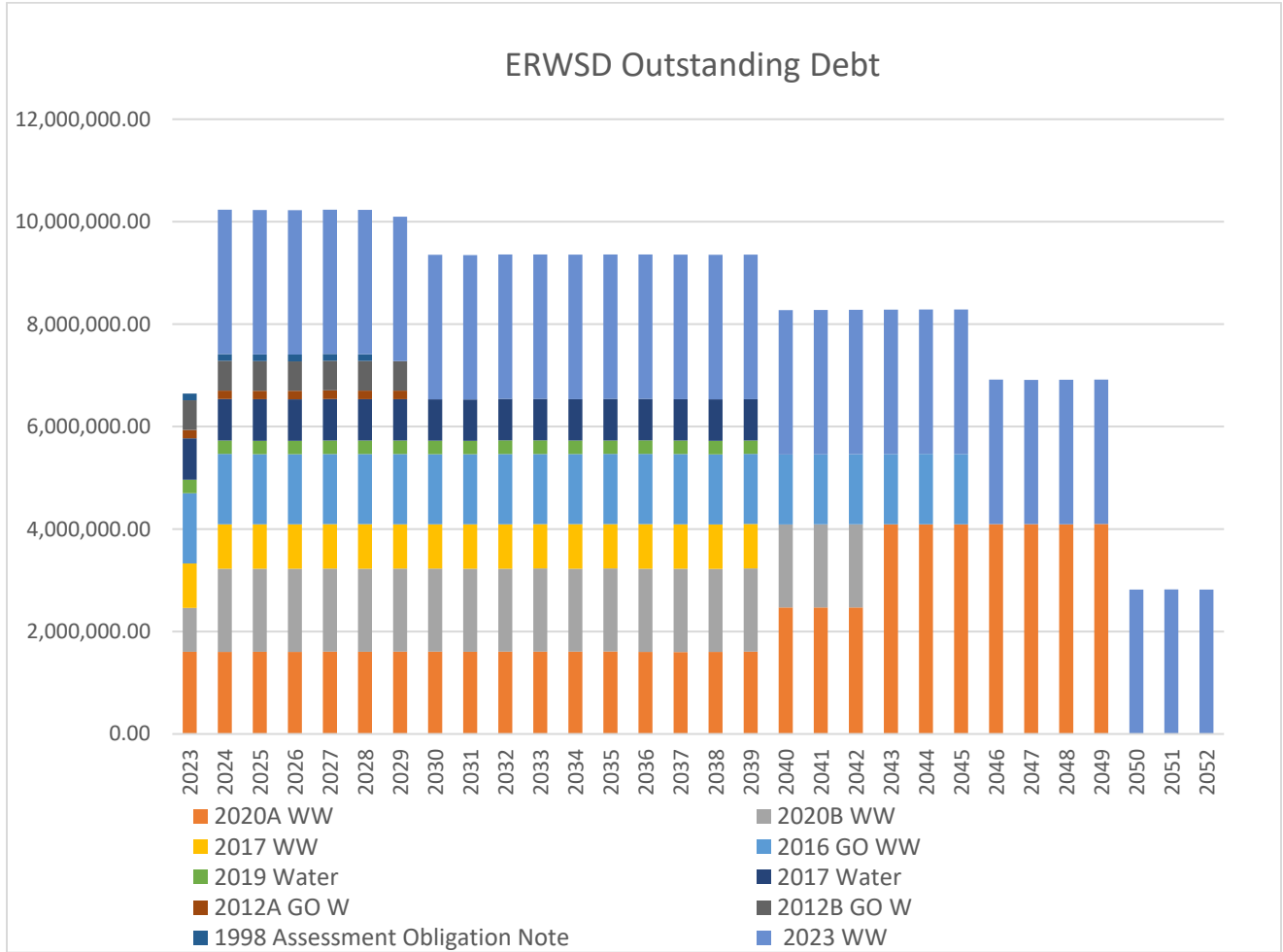
<b>WW Bond Projects</b>	<b>Budget</b>	<b>Expense</b>	<b>Remaining Budget</b>
Gore Valley Trail @ Dowd Jct. Repair	\$516,974	\$262,757	\$254,217
Field and Fleet HQ at AWWTF	\$1,981,194	\$51,931	\$1,929,263
AWWTF Fire Flow Improvements	\$63,908	\$140,023	(\$76,115)
AWWTF Nutrient Upgrades	\$8,272,229	\$4,646,393	\$3,625,836
VWWTF Master Plan Capital Improvements	\$8,517,396	\$4,397,910	\$4,119,486
2022 WW Master Plan Update	\$441,669	\$244,087	\$197,582
Westhaven Sewer Main	\$200,000	\$0	\$200,000
Minturn Siphon Project	\$150,000	\$34,816	\$115,184
Dowd Junction Collection System Improve.	\$6,047,691	\$3,928,625	\$2,119,066
AWWTF Rooftop Solar Project	\$455,000	\$0	\$455,000
<b>Total</b>	<b>\$26,646,061</b>	<b>\$13,706,541</b>	<b>\$12,939,520</b>

**WATER**

<b>Bond Funds</b>	<b>Annual Budget</b>	<b>YTD 2023</b>	<b>YE 2022</b>
Beginning Balance	(\$144,211)	(\$163,082)	\$2,000,741
Expense	\$1,100,000	\$599,028	\$2,163,823
<b>Bond Balance</b>	<b>(\$1,244,211)</b>	<b>(\$743,239)</b>	<b>(\$163,082)</b>

<b>Project</b>	<b>Budget</b>	<b>Expense</b>	<b>Remaining Budget</b>
Bolts Lake Reservoir	\$321,723	\$287,065	\$34,658
Lower Glen Lyon Fire Flow Improvements	\$450,000	\$12,919	\$437,081
N. Frontage Road Water Main	\$450,205	\$735,045	(\$284,840)
RTU System Upgrade	\$86,225		\$86,225
<b>Total</b>	<b>\$1,308,153</b>	<b>\$1,035,029</b>	<b>\$273,124</b>

- 2023 budgets include 2022 budget carryforwards
- The Water Master Plan is in progress and will determine the need for a water bond



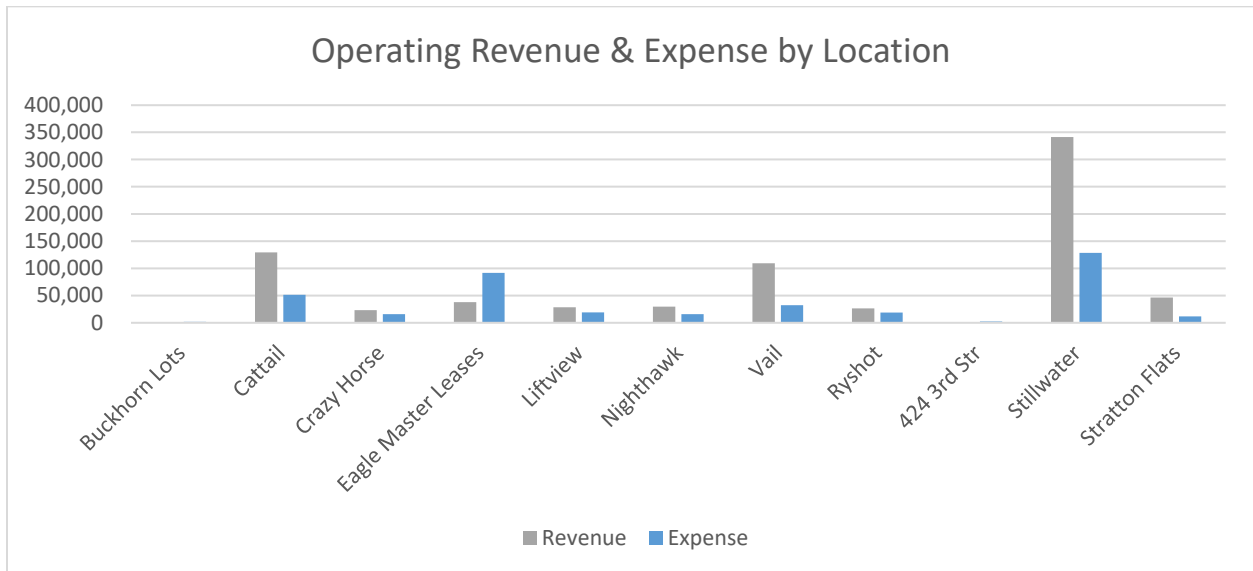
- Wastewater Debt Service Outstanding: \$218,354,046
- Water Debt Service Outstanding: \$22,154,300
- Total Outstanding Debt Service: \$240,508,346

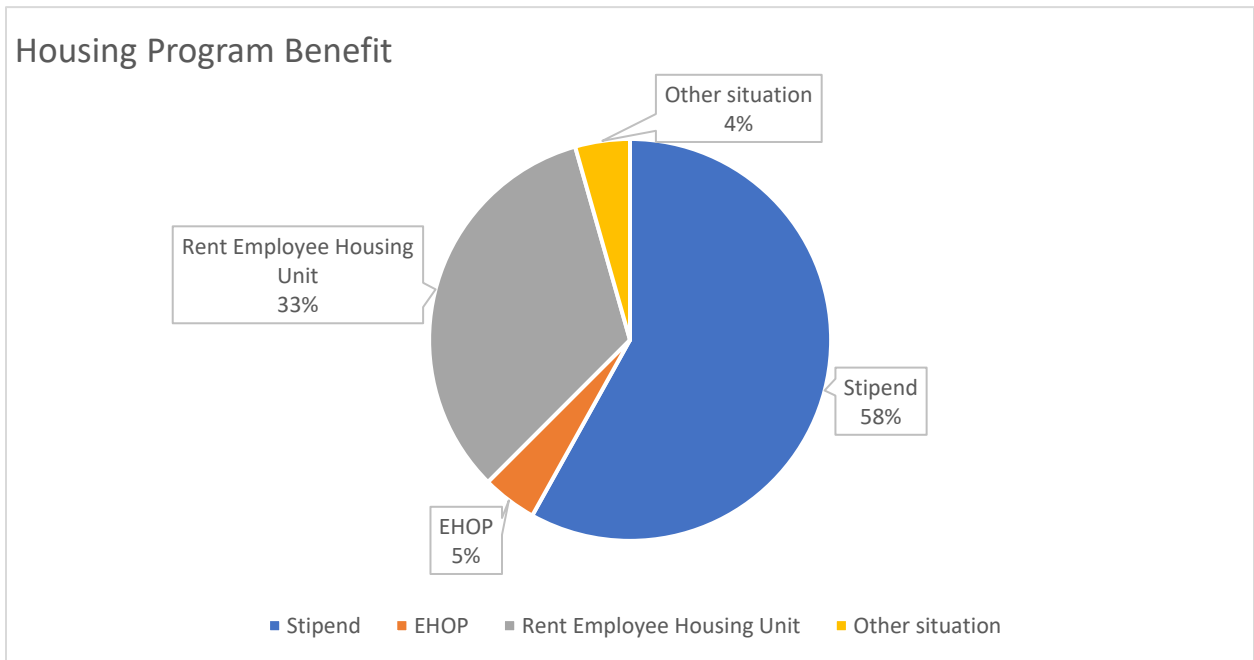
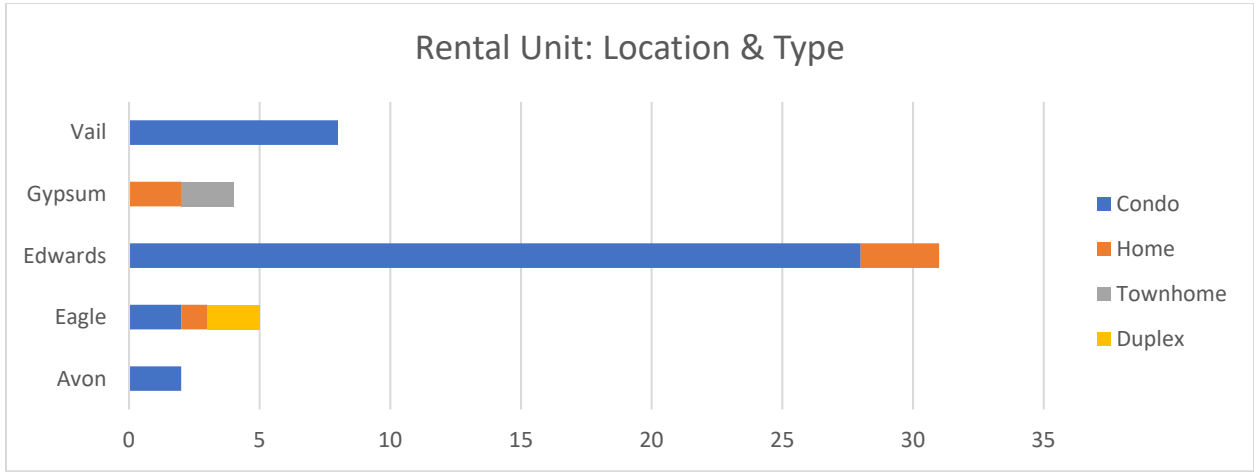
ERWSD WW & W	2023	2022	2021	2020
Combined Cash Balance	\$ 59,950,193	\$26,705,049	\$49,529,239	\$66,182,827

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

<b>Housing Report</b>				
<b>Location</b>	<b>Total Units</b>	<b>Revenue</b>	<b>Expense</b>	<b>Net Income</b>
Buckhorn Lots	1	0	1,581	(1,581)
Cattail	8	129,404	51,359	78,045
Crazy Horse	2	23,029	15,710	7,319
Eagle Master Leases	2	37,791	91,686	(53,894)
Liftview	2	28,548	18,895	9,653
Nighthawk	2	29,469	15,742	13,728
Vail	8	109,161	32,176	76,985
Ryshot	1	26,230	18,635	7,595
424 3rd Str	2	0	2,341	(2,341)
Stillwater	21	341,206	128,374	212,832
Stratton Flats	2	46,254	11,635	34,619
<b>Total</b>	<b>51</b>	<b>771,092</b>	<b>388,133</b>	<b>382,959</b>

- Revenues are tracking better than budget due to low vacancies.
- Master lease expenses reflect periods of greater units and the costs during the year, currently the District holds 2 units





- Total employees currently participating in program: 136
- Other situations include employees sharing units and employee purchased units.



## MEMORANDUM

**TO:** Boards of Directors  
**FROM:** Allison Ebbets, Water Conservation Supervisor  
**DATE:** January 25, 2024  
**RE:** Water Conservation Program Update

The Water Conservation team's work in the upcoming year focuses on five key areas: enhancing data integrity for informed decision-making, redesigning rate structures to promote water conservation, improving customer support for better engagement, refining internal processes for greater efficiency, and introducing a concierge service for personalized customer assistance in water usage and conservation. This approach aims to balance technical, customer-centric, and operational aspects to advance water conservation goals effectively.

### **2025 Rate Redesign for Remaining Account Types:**

The next rate redesign is commencing at the end of January 2024, which involves a detailed analysis of the remaining four account types. These account types include Multi-family, Commercial, Mixed Use, and Municipal, collectively encompassing 1,336 accounts. These accounts represent 54.84% of the total billed water consumption and 60.92% of total water Single Family Equivalents (SFEs).

The team's current focus is on thoroughly analyzing the water usage patterns and specifics of these accounts. This involves conducting detailed data analysis and developing models. The objective of this analysis is to provide the board with insightful information and recommendations. These findings are expected to be presented to the water conservation subcommittee and the board(s) in the upcoming months.

### **Customer Information System (CIS) Updates**

Water conservation staff worked closely with the finance and billing team, IT team, and the CIS support staff to update the billing system with 2024 rates and the new rate structures for individually metered residential customers and irrigation-only accounts. The team successfully used more systematic (i.e., less manual entry) methods than in previous years, streamlining parts of the process and improving data integrity. Staff plan to improve the process further – making more of the updates more systematic – for the next round of updates in the fall.

### **Irrigation Only Account Multiplier Audits**

The new billing system for all irrigation-only accounts now employs a coverage-based approach, where service fees and water rates are calculated based on the acreage of land irrigated per account. This system was developed using Geographic Information System (GIS) and aerial imagery to estimate the irrigated areas. However, this method faces limitations in accuracy, especially in cases involving trees, native vegetation within the irrigated landscape, or properties with multiple, adjacent irrigation accounts.

To address potential discrepancies and ensure fair billing, a collaborative effort involving Customer Service, Water Conservation, GIS, and IT departments has led to the creation of a process for customers to request billing adjustments. This process, mirroring the system used for Single Family Equivalents (SFE) updates, is streamlined through an online form, facilitating ease of access and efficient resolution for customers.

### **Online Bill Forecasting Tool**

The online bill forecasting tool launched in October 2023 and is getting a lot of attention. Since launching, it has been viewed more than 25,000 times and customer service staff continue to answer questions and direct customers to the tool for billing questions.

1. **Launch Date and Purpose:** The tool was introduced in October 2023, designed to assist customers in predicting their bills.
2. **High User Traffic:** Since its launch, the tool has received over 25,000 views, demonstrating its popularity and relevance to users.
3. **Customer Service Integration:** Customer service staff frequently refer customers to this tool for their billing inquiries, showing its effectiveness in aiding with customer queries.
4. **Impact on Customer Experience:** The tool is likely to enhance customer experience by providing a convenient and accessible way for customers to estimate their bills, reducing uncertainty and potential billing surprises.
5. **Future Potential:** Given its current success, there may be opportunities to further develop or promote the tool, ensuring it continues to meet customer needs effectively.

### **Data Integrity and Process Improvements:**

For 2024, a primary objective is the enhancement of data integrity and data processes, particularly focusing on data pertinent to billing and water usage. This initiative is crucial for ensuring that our staff has access to high-quality and consistent data, which is fundamental for the development of effective tools and models. These tools and models are aimed at gaining a deeper understanding of our customers and their water usage patterns. By prioritizing data accuracy and reliability in these key areas, we aim to improve our service delivery, enable better decision-making, and foster a more efficient and customer-centric approach to water use management.

### **Concierge Services:**

To enhance our Water Conservation efforts, we have strategically added a staff member from the Customer Service team to assist in delivering concierge services. This move underscores our commitment to providing specialized, customer-focused assistance in water conservation. The team is actively working on implementing a range of services aimed at promoting efficient water use. These initiatives include:

1. **No-Cost Irrigation Audits:** Offering complimentary assessments to help customers optimize their irrigation systems for water efficiency.
2. **Efficient Water Use Guides:** Developing and distributing informative materials to educate customers on best practices in water conservation.
3. **Collaboration with Landscapers:** Engaging with landscaping professionals to establish and share best practices in water-efficient landscaping.
4. **Turf Transformation Rebate Process:** Streamlining the process for customers to receive rebates for converting turf to more water-efficient landscapes.
5. **Customer Outreach:** Proactively reaching out to customers to address water conservation-related concerns and practices, ensuring they are well-informed and supported in their conservation efforts.



These services are designed to operationalize water conservation strategies, making them more accessible and actionable for our customers.



**OPERATIONS MONTHLY REPORT  
JANUARY 2024**

**WATER**

Kailey Rosema

On Jan. 4, Vail Well R7's motor unexpectedly failed after a utility power phase loss. Well R7 is the primary source for the East Vail pressure zone. To meet system demands with Well R7 offline, operations staff responded by starting up alternate production sources and adjusting the distribution system valve configuration to deliberately force more water into the East Vail zone. A replacement motor was procured and installed the week of Jan. 15.



*Well R7 motor installation*

The CIP and Water Operations teams recently completed several equipment and process optimization upgrades at the Edwards Drinking Water Facility (EDWF). The projects included air release and check valve replacements, pipe replacement for the membrane chemical clean-in-place (CIP) process, an air compressor replacement, and chemical dosing system upgrades.

**Clean Water. Quality Life.™**

846 Forest Road Vail, Colorado 81657 Tel (970) 476-7480 Fax (970) 476-4089 [erwsd.org](http://erwsd.org)

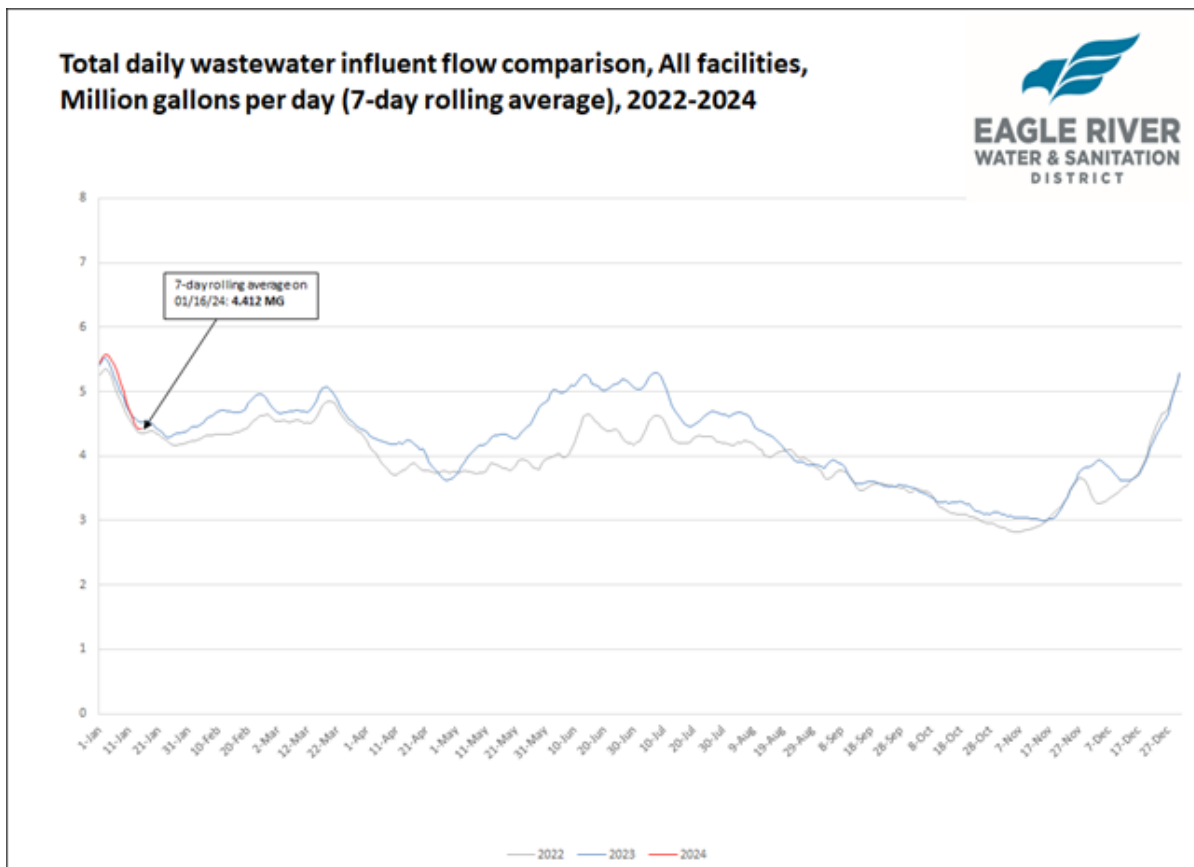


EDWF clean-in-place (CIP) pipe installation

**WASTEWATER**

Chris Giesting

Cumulative influent wastewater flow and organic loading are normal for this time of year.



The District's wastewater and collections system Compliance Evaluation Inspection (CEI) was performed Dec. 12-13. A CEI is performed by CDPHE and occurs once every three years. It involves a detailed onsite inspection of all wastewater and collections system infrastructure and a comprehensive audit of all wastewater regulatory programs, recordkeeping programs, safety programs, and operations procedures. CDPHE's final inspection reports have not been issued, but the inspectors stated during the debrief meeting that no "Major Findings" were observed. A "Major Finding" is the wastewater equivalent of a drinking water "violation." This is an extraordinary accomplishment, especially considering the high level of scrutiny of the inspection. The inspectors specifically complimented the condition and cleanliness of the facilities. Additional details of the CEI will be presented at the upcoming board meeting.

### FIELD OPERATIONS

Niko Nemcanin

On Jan. 4, Field Operations staff responded to a water main leak near the intersection of Placid Dr. and West Gore Creek Road in west Vail. The source of the leak was a failed bonnet on a fire hydrant isolation valve. The isolation valve, fire hydrant, adjacent mainline pipe, and a nearby damaged service pipe were replaced on Jan. 12.



*Valve and main replacement (before and after)*





*Damaged service pipe replacement (before and after)*

**UTILITY SERVICES**

Shane Swartwout

**BPCCC Program**

The final BPCCC assembly testing ratios for 2023 were 0.94 in the District and 0.96 in the Authority (the minimum compliance requirement is 0.90). Of the total 2,417 assemblies, only 116 assemblies were not tested. The BPCCC team is diligently coordinating with customers that did not have their backflow prevention assemblies tested in 2023. There are 40 accounts that are currently being assessed a \$500 per assembly per month fine for backflow noncompliance.

<b>2023 - ASSEMBLY TESTING</b>	<b>ERWSD</b>	<b>UERWA</b>	<b>TOTAL</b>
Total Number of Compliance Assemblies	895	1,522	<b>2,417</b>
Number of Tested Assemblies	845	1,457	<b>2,302</b>
Number of Assemblies not Tested	50	66	<b>116</b>
<b>Compliance Ratio</b>	<b>0.94</b>	<b>0.96</b>	<b>0.95</b>
Required Compliance Ratio	0.90	0.90	0.90
<b>Tests Required to Reach Compliance</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Meter Services

All District meters have been converted to AMI. The Meter Services team continues to work towards 100% AMI conversion in the Authority. A progress report is provided below.

Report Date:	1/16/2024
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AMI SYSTEM STATUS	ERWSD	UERWA	TOTAL
(1) Total No. of Meters	3200	6859	10059
(2) No. of AMI Meters	3200	6342	9542
(3) System Percentage of AMI Meters	100%	92%	96%
Meters Remaining to Reach 100% AMI	0	517	517

*Meter Services – Advanced Metering Infrastructure (AMI) Status (Updated 1-16-2024)*

### CAPITAL IMPROVEMENT PROGRAM (CIP)

Jeff Schneider

#### WATER PROJECTS

#### Avon Drinking Water Facility (ADWF) PLC Upgrades

Jenna Beairsto

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 final punch list checkouts are underway and will be completed by the end of February. The remaining work includes installations of a backup emergency generator connection and a redundant cooling system for the new server room.

#### Fenno Wellhouse and Raw Water Conveyance

Carter Keller

General Project Scope: The project includes 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: Well inspections have been suspended until 2024 due to winter conditions and access. The project team is continuing to work through a challenging easement access/encroachment issue with Fenno Well F7.

**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. The masterplan will be completed using in-house staff.

Project Update: Comprehensive performance evaluations (CPEs) are currently being performed at each of the production facilities, in accordance with the EPA's optimization guidance and the AWWA's Partnership for Safe Water drinking water facility self-assessment program.

**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: Construction work has been suspended until spring 2024 due to weather conditions and right-of-way restrictions in Wildridge. The contractor is working on material submittals and equipment procurement in preparation for the 2024 construction season.

**Arrowhead Transmission Main**

Mark Mantua

General Project Scope: This project includes replacement of approximately 2,200 linear feet of 16-inch diameter water main from the base of Arrowhead Mountain to Arrowhead Tank 1. The existing pipe is badly corroded. The project also includes installation of a new valve control vault that will help optimize tank filling and balance tank levels in the low-pressure zone.

Project Update: Easements were acquired from both Vail Resorts and Arrowhead Metro District. The project bid package was finalized and a pre-bid meeting was held on Jan. 10. Bids are due Feb. 2.

**WASTEWATER PROJECTS**

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**Dowd Junction Collection System Improvements**

Jenna Beirsto

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: Punch list items for the trail and force main have been completed, except for items that will need to be addressed in the spring due to weather and right-of-way conditions. At the lift station, the interior wall coatings have been installed and the final floor coating work is pending. The new permanent electrical service was connected by Holy Cross, power checks were completed, and power was turned on to the building on Jan. 16. The final electrical connections and checkouts are ongoing and the emergency power generator load testing is scheduled for the week of Jan. 29. Building HVAC startup and testing is underway. The bridge crane startup is scheduled on Jan. 26. The engine-driven emergency backup pump has been installed. Equipment training will be held for staff beginning the week of Jan. 15. The manufacturer's representatives will be onsite for pump and grinder startup the week of Jan. 22.

Lift station performance testing (with clean water) is expected to begin on Jan. 23 and continue through Jan. 29. Once the station is fully tested, wastewater flow will be routed to the new lift station. The project is expected to be completed by the end of March, except for some items that will need to be addressed as weather permits later in the year.



*Engine-driven pump installation (shown on far left)*





*Interior electrical and control wire installation*



*Exterior electrical and control wire 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 contractor continues to troubleshoot an issue with the controller on the makeup air unit that conditions the lab space. A new controller will be installed once it arrives. All other parts of the project have been completed, inspected, and accepted.

### 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: The installation of the diffusers in the final aeration basin is complete and all basins are online. The front plaza concrete replacement has been completed and the plaza drains will be installed when the weather allows. Installation of new UV equipment has been installed and startup performance testing is underway. The new backup generator is expected to be delivered in May 2024.



*New UV system performance testing*

**Wastewater Master Plan**

Madeleine Harris

General Project Scope: This Master Plan update builds on the 2017 master planning effort by evaluating and updating previous flow and load projections, current and future plant performance, biosolids, and 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, as well as provide additional volume to meet existing rated capacity.

Project Update: Jar testing of potential metal salt options for phosphorous binding at EWW was performed in December and follow up testing will be performed later in 2024. The District's internal team is reviewing draft chapters of the final report. The project is expected to be completed in early 2024.

**Edwards WWTF Nutrient Upgrades**

Jenna Beirsto and Madeleine Harris

General Project Scope: The Edwards Wastewater Treatment Facility must be upgraded to meet Regulation 85 nutrient limits for final total inorganic nitrogen (TIN) and total phosphorus (TP). Expected improvements include: renovation of the preliminary treatment equipment, primary bypass improvements, aeration basin modifications and expansion, blower replacements, chemical feed and storage improvements, return and waste activated sludge (RAS/WAS) pump replacements, solids processing centrate storage improvements, and HVAC and electrical upgrades. This project will also resolve existing hydraulic process constraints and address condition assessment needs identified in the Wastewater Master Plan. The project must be completed by the compliance deadline of Jan 1, 2029.

Project Update: District staff members are currently finalizing the scope of services and contract for the engineering design consultant. The design team that recently completed the successful Avon Wastewater Treatment Facility Nutrient Upgrade Project (NUP) and the District's Wastewater Master Plan Update work has been selected. A design kickoff meeting and facility walkthrough is scheduled on Jan 31.

**101 Eagle Road Office Improvements**

Dan Duerr

General Project Scope: The building recently purchased by the District at 101 Eagle Road requires improvements before staff can relocate from the Traer Creek office. The most time-sensitive construction work includes a roof replacement for one half of the building, a new IT network server room, and interior office layout reconfigurations. Space for a proposed large conference room is being planned, but construction will likely be deferred to a future budget year.

Project Update: An initial design kickoff meeting was held on Jan. 10. Scoping for the architect and design engineers is underway. Internal teams have started planning the furniture, equipment, and staff relocations, which need to occur this summer.



## MEMORANDUM

**TO:** District and Authority Boards of Directors  
**FROM:** Jason Cowles, P.E. and Justin Hildreth, P.E.  
**DATE:** January 17, 2023  
**RE:** Engineering & Water Resources Report

### Development Report

We wanted to share a few updates to the Boards on recent items added to the Development Report.

- Edwards River Park PUD (Edwards) – The Edwards River Park developer requested an updated Conditional Capacity to Serve Letter as the previous letter was set to expire this month and they plan to submit minor modifications to the PUD to Eagle County. In accordance with the updated water dedication policy, We've requested that they pay a 25% deposit amounting to \$1,295,873. We are expecting payment this week and will issue an updated Conditional Capacity to Serve Letter after we receive the deposit. The property is under contract and will be sold to a new developer pending the County's approval of the modifications to the PUD.
- Gracious Savior Lutheran Church (Edwards) – Upon review of the customer file, we discovered that an Ability to Serve Letter was issued in 1997 for the 3 modular classrooms that are being converted to apartments. In that letter, the Authority committed to serve 6.6 SFEs. The conversion to 6 apartments will result in 6 SFEs, which fall within the Authority's existing service commitment. We have issued an updated Ability to Serve Letter so that Gracious Savior and Eagle County School District can submit a building permit application to Eagle County.
- Eagle County Freedom Park Project (Berry Creek) – Eagle County is proposing to build 20 affordable housing units and a 20,000 square foot office building to house elections staff, a sheriff's substation, and other uses on the property located north of the Edwards Field House in the Berry Creek 5<sup>th</sup> Filing. Recent modeling shows that Berry Creek's water rights will be inadequate to serve this additional development, thus we are working with the County on a dedication of their water committed to affordable housing projects.
- State Land Board Property (Avon) – The Town of Avon has begun annexation proceedings for the State Land Board (SLB) property. The SLB is working with Eagle County and the Town of Avon to define affordability criteria for the development of the property and the dedication of Eagle County water for the project. We are working on the details for the water dedication amounts and plan to present this information to the Authority Board for approval in February.
- Cairns Townhomes (Edwards) – This project proposing 12 townhomes in west Edwards was added back to the Development report this month. The developer previously



withdrew his application but has since had a change of heart and intends to go forward with permitting.

- Warner Building Redevelopment (Eagle-Vail) – This project was approved by Eagle County in 2019 and has remained dormant since due to legal challenges. The project was recently sold to a developer that intends to move forward with the project this year.

We've included an attachment tracking the Authority's remaining unallocated in-basin storage supplies. The tracking sheet only applies to projects that we learned about after we modeled available water supplies for the 2023 water rights report update. Many of the projects included in the Authority Development Report such as the Warner Building Redevelopment, the Edwards River Park PUD, and the Margaux PUD were already included in our modeling. We currently project 68.64 acre feet of water remaining from the Eagle County workforce housing water and 73.56 acre feet of unrestricted Eagle Park Reservoir supplies including the option water that was purchased from the District and the lease of Colorado River Water Conservation District supplies.

### **Cordillera Design Review Board Meeting**

Last week, I was able to attend a meeting with the Cordillera Design Review Board (DRB) to discuss the importance of linking landscape design with water use in the Cordillera Planned Unit Development (PUD). The Authority provides contract water service to the Cordillera PUD based on a 2003 Water Service Agreement. The DRB estimates that the PUD is at 80% of its buildout. If business continues as usual, we project that water use in Cordillera will exceed the Authority's water service commitment of 399.7 acre feet of augmentation water by approximately 32.8 acre feet. The Authority's water service commitment is based on a limitation of 5,000 square feet of irrigated area per single-family lot in Cordillera, but many homes use far more water than is required. Last year, the Cordillera DRB reduced the irrigated area allowances in their design standards for new construction and remodels from 5,000 square feet to 3,000 square feet. They are currently investigating further modifications to the design standards to reduce outdoor irrigation use within the PUD. We discussed potential strategies such as modifications to approved landscape plant palettes, further reductions in irrigated areas, irrigation efficiency requirements, and the establishment of an irrigation design budget similar to Avon's recently approved standards. The DRB plans to review Avon's code and will submit draft revisions to our staff for review once completed.

### **Water Shortage Response Plan (Formerly Known as Drought Response Plan) Update**

LRE Water was retained to prepare a new Water Shortage Response Plan (formerly known as the Drought Response Plan), that will replace the outdated 2012 Drought Response Plan. The inaugural meeting of the Internal Drought Response Committee (DRC) occurred on January 10, 2024. Comprised of relevant District personnel, the DRC will receive guidance and input from members of the Water Conservation Sub-Committee throughout the plan's development.

LRE Water presented the initial water supply vulnerability assessment, water shortage response triggers, and savings targets. This information will play a crucial role in formulating drought stages, triggers, and response targets for the final plan. The Water Shortage Response Plan will be drafted and presented to the Boards for review, comment, and approval and is scheduled for completion in Q4 of 2024.

**Bolts Lake Reservoir Update**

The consulting team of Shannon & Wilson and LRE Water are completing the Preliminary Design documents. The Geotechnical Data Report, Final Borrow Evaluation Memo for sourcing clay soils, and Groundwater Modeling Report are complete. The design team is scheduled to complete the Technical Memorandum for the Spillway and Outlook Works, Preliminary Design Report, Opinion of Probable Cost, and Preliminary Design and Specifications by the end of February. The Preliminary Design Estimate of Probable Cost is scheduled to be presented to the District and Authority Boards at the March meeting.

We are scheduled to interview consulting firms for Program Manager services on Thursday, January 18th, and will present a recommendation to the District and Authority Boards at the February meeting.

On January 15th, LRE Water completed the feasibility study required by the United States Bureau of Reclamation for applying to the Small Storage Projects grant program. The feasibility study has been submitted to the USBR for review and approval which will take approximately 6 months. We plan to apply for Small Storage Projects grant program funding in the fall 2024 application cycle pending approval of the feasibility study.

**Attachments:**

1. Authority Unallocated In-Basin Supply, January 2024
2. ERWSD and UERWA New Development Reports, January 2024

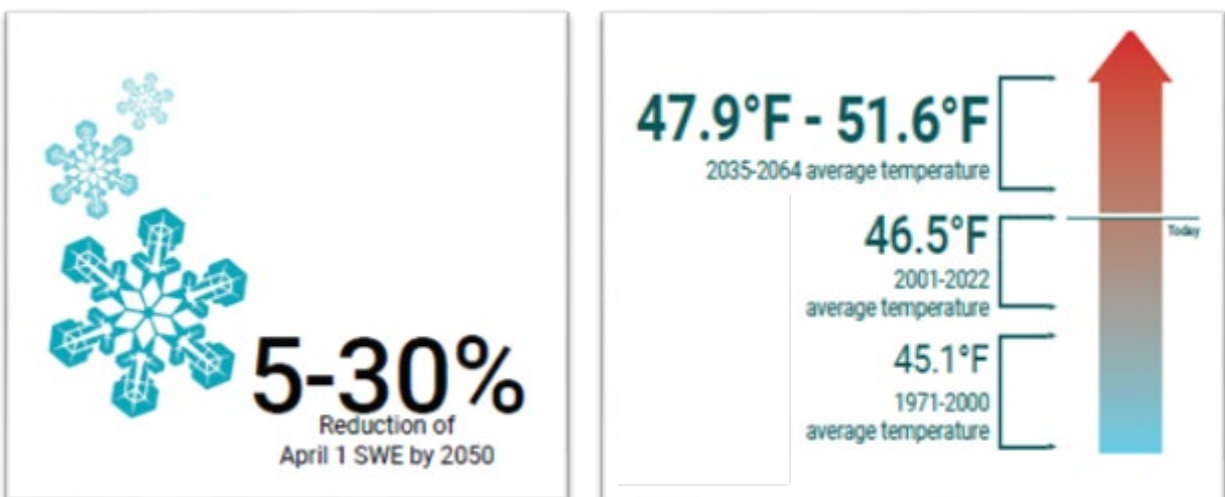
**Water Resources Report****Justin Hildreth**2024 Colorado Climate Assessment Report

The Colorado Climate Center at Colorado State University recently completed the third edition of the State of Colorado Climate Assessment Report. The Executive Summary is attached to this report and the entire report can be downloaded at

<https://climatechange.colostate.edu/>. The report confirms that previous projected changes to Colorado's climate are starting to occur, including the following:

- Annual average temperatures warmed by 2.3°F from 1980 to 2022.
- Annual temperatures are projected to increase by an additional 1°F to 4°F in 2050 compared to today.
- Colorado's Snowpack has decreased between 3% to 23% relative to the 1951 to 2000 average across Colorado's river basins.
- Future warming will lead to further snowpack reductions of 5% to 30% by 2050.
- Since 2000, annual streamflow in Colorado's major river basins decreased from 3% to 19% depending on the river basin from the 1951-2000 average.
- Future warming further will reduce annual streamflows in 2050 by 5% to 30% compared to the 1971 to 2000 average.

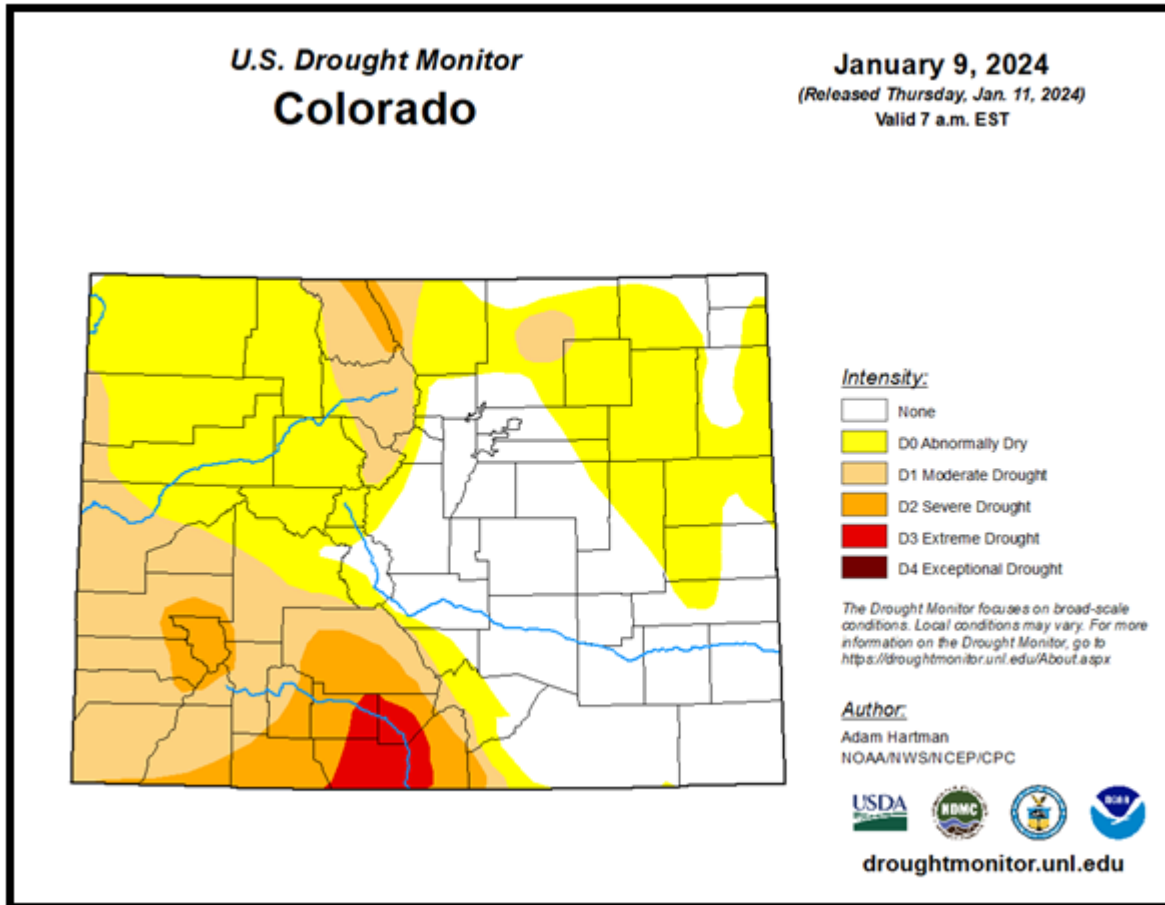
Figure 1: Projected changes to snowpack and temperatures by 2050



Drought Conditions

January 9, 2024, U.S. Drought Monitor upgraded Eagle County to abnormally dry condition along with the northwest corner of the state. Note this data is before the series of storms that delivered significant snow over the Martin Luther King Jr. holiday weekend. The drought intensity for the southwest portion of the state remained moderate and extreme and the northwestern portion of the state remained in abnormally dry to moderate drought conditions.

Figure 1: U.S. Drought Monitor – Colorado. January 9, 2023 (National Drought Mitigation Center)





Temperature and Precipitation Forecasts

Figures 2 and 3 show the current National Weather Service 8-to-14-day temperature and precipitation outlooks. The 2-week outlook for Colorado indicates that the temperatures will be leaning above normal to likely above normal. The 2-week outlook for Colorado indicates precipitation is leaning above normal to likely above normal. The seasonal 3-month temperature and precipitation outlooks, which are less accurate, indicate leaning above average precipitation and near normal temperatures.

Figure 2: 8-14 Day Temperature Outlook – January 15, 2024 (NOAA Climate Prediction Center)

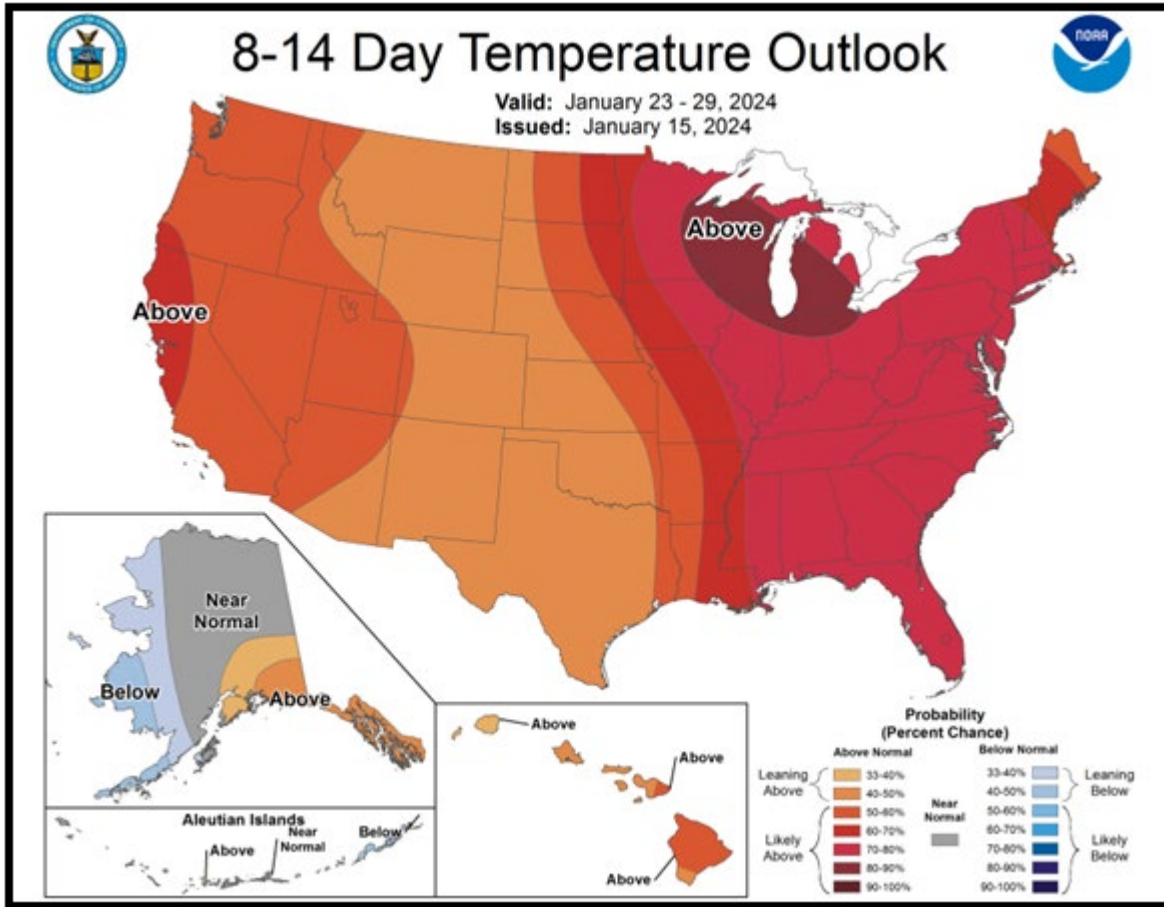
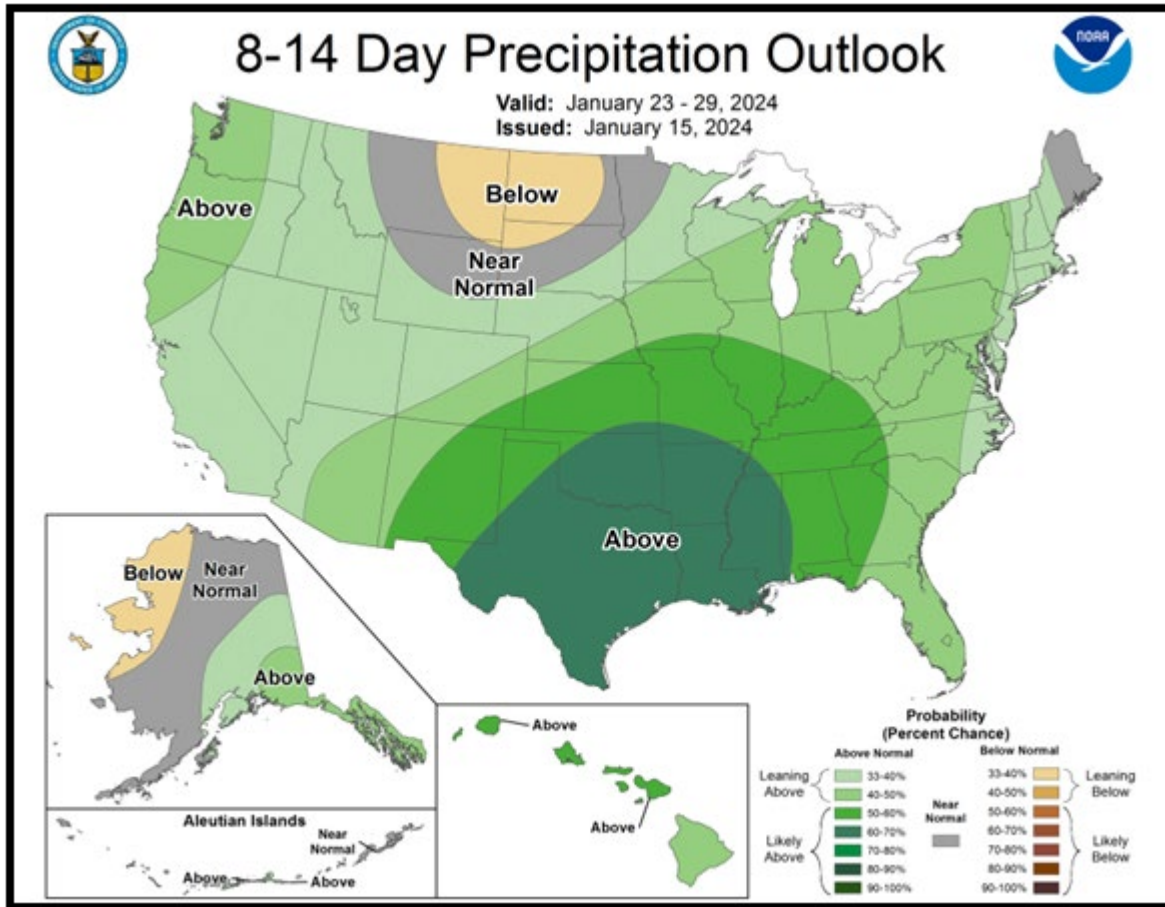


Figure 3: 8-14 Day Precipitation Outlook – January 15, 2024 (NOAA Climate Prediction Center)



### Precipitation Conditions

Figures 4 and 5 show the snow water equivalent (SWE) at Vail Mountain and Fremont Pass respectively. As of January 16, 2024, Vail Mountain has 11.2” of SWE, 124% of the median. The recent series of storms over the Martin Luther King Jr. holiday weekend increased the SWE by over 5” at the Vail site. Fremont Pass has 6.6” of SWE, 80% of the median.

Figure 4: Accumulated Precipitation at Vail Mountain SNOTEL station, January 16, 2024 (USDA)

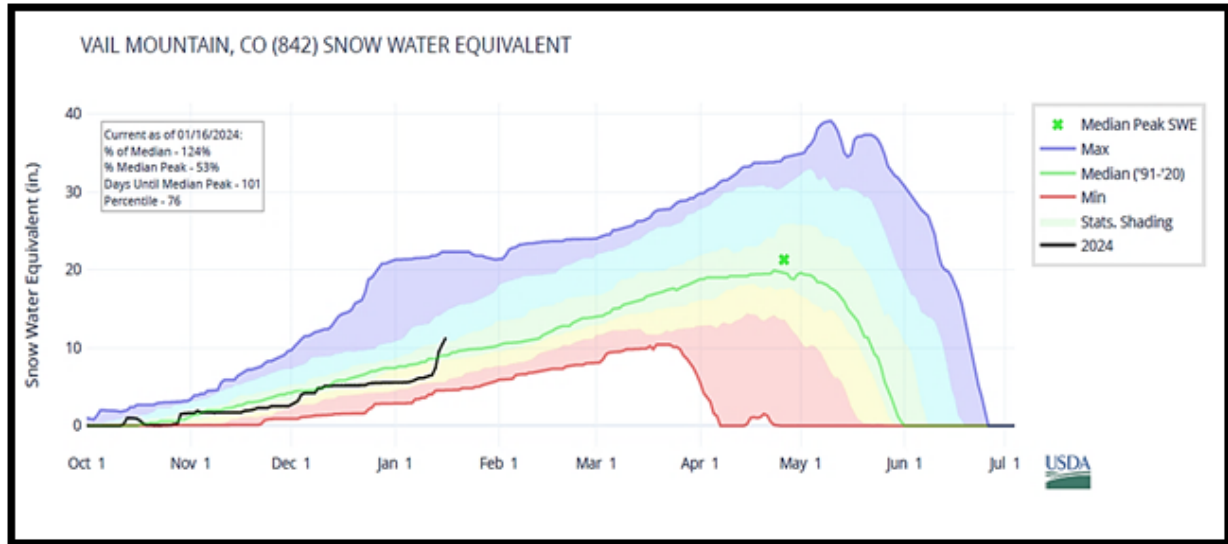
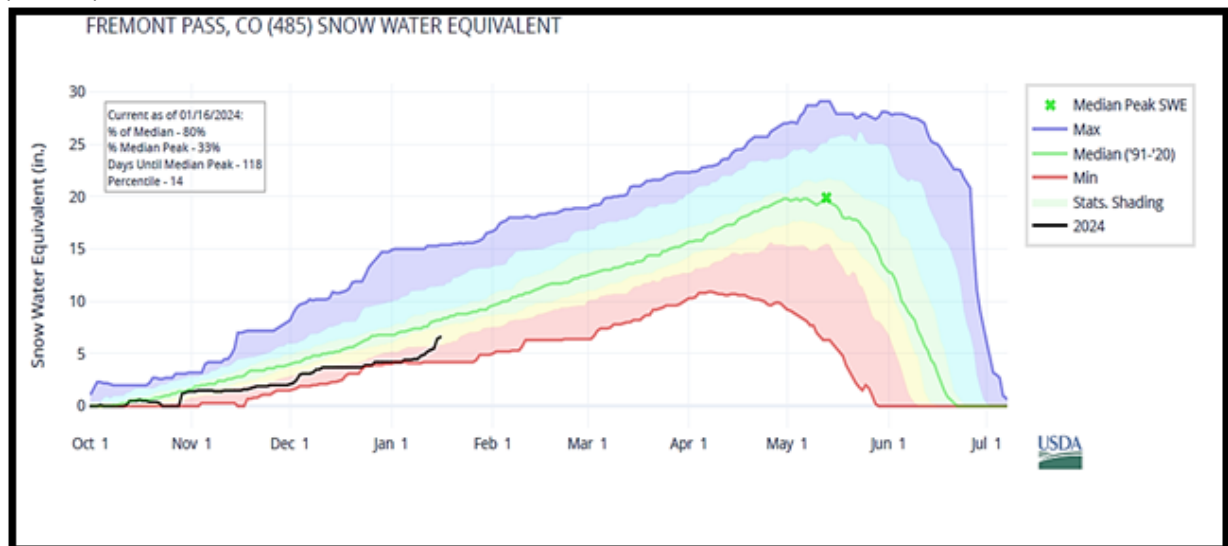


Figure 5: Accumulated Precipitation at Fremont Pass SNOTEL station, January 16, 2024 (USDA)



Reservoir Volumes

Table 1 summarizes the reservoir storage accounts and demonstrates that the reservoir storage accounts are nearly full. Eagle Park Reservoir is only releasing water to maintain the channel on the East Fork of the Eagle River because there is no call from the Shoshone Power Plant and the Eagle River remains above minimum streamflows.

Table 1: District and Authority storage accounts for January 1, 2024 (Helton and Williamsen).

**January 1, 2024 Volumes in Storage (acre-feet) and Percentages of Full:**

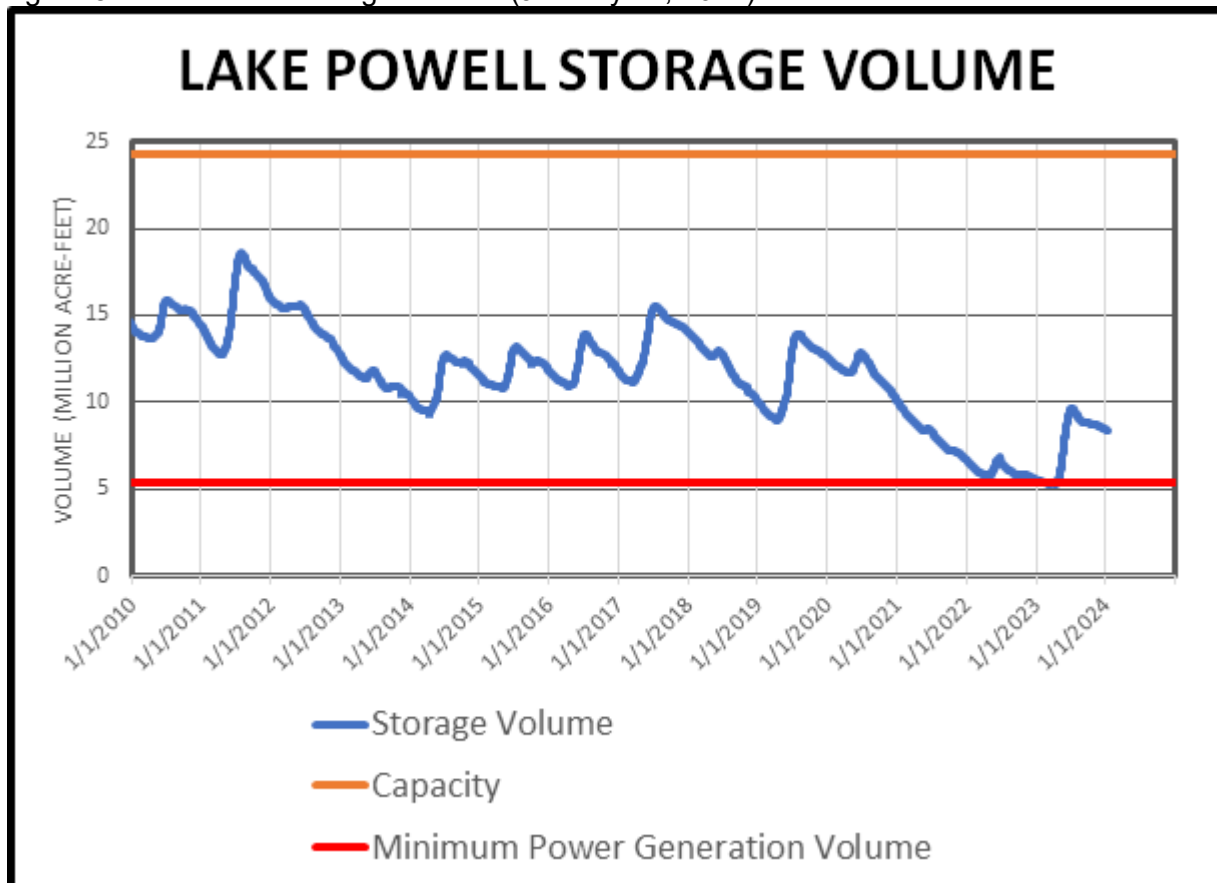
<u>Reservoir</u>	<u>ERWSD</u>		<u>UERWA</u>		<u>Total</u>	
Green Mountain	915.16	98%	475	87%	1390.16	94%
Black Lakes	332	78%	300	100%	332	78%
Eagle Park	405.54	99%	672.28	95%	1077.82	97%
Homestake Res	250	100%	256.50	100%	506.50	100%
Wolford Mtn	500	100%	699.77	98%	1199.77	99%

\*Homestake Year is currently set as July 1 to June 30.

Lake Powell

Lake Powell storage is 8.3 million acre-feet which is 34% of capacity, and 51% higher than last year.

Figure 8: Lake Powell Storage Volume (January 12, 2024)



# Authority Unallocated In-Basin Storage Supply

Updated: 01/17/2023 by JEC

	In-basin Reservoir Storage, acft Affordable Housing Reserve <sup>2</sup>	In-basin Reservoir Storage, acft Unrestricted <sup>3</sup>
<b>Available Unallocated In-Basin Storage<sup>1</sup></b>	<b>87.40</b>	<b>75.00</b>
<b>Dedication Requirements for New Projects</b>		
State Land Board (Avon)	15.48	--
Eagle-Vail Presbyterian Church Employee Housing (Eagle County)	--	0.17
Eagle County Freedom Park Project (Berry Creek)	3.28	
Cairns Townhomes (Edwards)	--	1.27
<b>Total Pending Dedications</b>	<b>18.76</b>	<b>1.44</b>
<b>Remaining Unallocated In-Basin Storage</b>	<b>68.64</b>	<b>73.56</b>

*Notes:*

- 1) Available Unallocated In-Basin Storage based on modeling for February 2023 Water Rights Report using Buildout Demands with Conservation and 95th Percentile Dry Year Hydrology under Median Climate Change Scenario.*
- 2) Affordable Housing Reserve In-basin Reservoir Storage is Eagle Park water transferred to UERWA by Eagle County for water rights dedication requirements of housing projects subject to the terms of the Eagle Park Reservoir Stock Agreement between the Authority and Eagle County. Projects utilizing this water are subject to approval by the Authority and Eagle County.*
- 3) Unrestricted In-basin Reservoir Storage includes 25 acft option purchased from ERWSD and 50 acft lease from the Colorado River Water Conservation District.*
- 4) Water dedication amounts and sources are based on best available information and subject to change.*



## UERWA New Development Report, January 2024

Project Location	Type of Use	Water Source	SFEs Proposed	Augmentation Requirement (acre-feet)	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:	
State Land Board Parcels Avon	Mixed	Unallocated	700 Units + 60,000 SF Com	≈ 16	August 7, 2023	2. Water Analysis	0. Conceptual	
Eagle River Presbyterian Church Housing Unincorporated ECO	Residential	Unallocated	2	0.17	June 20, 2023	3. Cond. Capacity Expires October 24, 2024	1. Plan Review	
Cairn's Townhomes Edwards	Residential	Unallocated	12	1.27	June 7, 2023	2. Water Analysis	0. Conceptual	
Eagle County - Freedom Park Project Edwards	Mixed	Traer Creek Allocated Water Right	20 + Com	3.28	May 22, 2023	3. Cond. Capacity Expires January 12, 2025	1. Plan Review	
Margaux PUD Edwards	Residential	Unallocated	32	3.56	October 11, 2021	3. Cond. Capacity Expires October 9, 2024	0. Conceptual	
Edwards River Park PUD Edwards	Mixed	Unallocated	440 + Com	70.2	December 2, 2016	3. Cond. Capacity Expires January 2024	0. Conceptual	
Warner Building 2 Conversion Eagle-Vail	Residential	Unallocated	13.6	0.07	March 16, 2018	3. Cond. Capacity Expires June 28, 2019	N/A	
Projects not requiring or that have completed Water Rights Dedication								
Gracious Savior Lutheran Church and Eagle County School District Housing Project	Residential	Unallocated	6		November 22, 2023	1. Connection Application	N/A	
Vail Valley Foundation Childcare Center Traer Creek	Mixed	Traer Creek Water Service Agreement	TBD		October 13, 2023	1. Connection Application	0. Conceptual	
Slopeside Housing Avon	Residential	Avon SFE Guarantee	TBD		October 5, 2023	1. Connection Application	0. Conceptual	
140 W BC BVLDT Hotel Avon	Residential	Avon SFE Guarantee	79		May 16, 2023	N/A	1. Plan Review	
Tract Y- Metcalf Road Avon	Residential	Avon SFE Guarantee	53		February 16, 2023	5. Ability to Serve Letter	3. Under Construction	
Avon Dual Brand Hotel Traer Creek - Tract J	Commercial	Traer Creek Water Service Agreement	85.05		February 4, 2022	5. Ability to Serve Letter	3. Under Construction	
ECO School District Housing Berry Creek	Residential	Berry Creek Allocated Water Rights	37		August 12, 2021	5. Ability to Serve Letter	3. Under Construction	
McGrady Acres Avon	Residential	Avon SFE Guarantee	24		August 5, 2021	5. Ability to Serve Letter	3. Under Construction	
Riverfront Lot 1 Avon	Residential	Avon SFE Guarantee	53		December 22, 2020	N/A	3. Under Construction	
Maverik Gas Station Traer Creek	Commercial	Traer Creek Water Service Agreement	2.6		November 11, 2020	5. Ability to Serve Letter	4. Final Acceptance	
NorthStar PUD Amendment Edwards	Commercial	Unallocated	TBD	3.7	November 3, 2020	5. Ability to Serve Letter	3. Under Construction	
West End PUD Amendment Edwards	Residential	Unallocated	275	34.25	February 27, 2019	3. Cond. Capacity Reissued Nov. 15, 2023	1. Plan Review	
Frontgate (CO World Resorts) Avon	Mixed	Unallocated	84	2.6	December 12, 2017	5. Ability to Serve Letter	4. Final Acceptance	
Fox Hollow Amended PUD Edwards	Mixed	Unallocated	108	14	February 28, 2017	5. Ability to Serve Letter	3. Under Construction	
Projects Completing Construction Warranty Period								
185 Elk Tract, CMC Student Housing , 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, January 2024

Project Location	Type of Use	SFEs Proposed	Additional Water Rights Required	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:
Timber Ridge II Redevelopment	Residential	294 (195.4 net increase)	2.2	July 25, 2023	2. Water Analysis	1. Plan Review
Maloit Park ECO School District Housing Minturn	Residential	138		July 21, 2023	N/A	0. Conceptual
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	2. Plan Approval
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	4. Final Acceptance
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	3. Under Construction
Alura (Miradoro) Vail	Residential	10	0.405	May 29, 2018	4. Water Rights Allocation & Service Agreement	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
<b>Projects Completing Warranty Period</b>						
3010 Basingdale (Phase II), 841/851 Main St Minturn, VVMC Phase II-East Wing, Vail Marriot Residence Inn						
<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	



### Temperature

- Statewide annual average temperatures warmed by 2.3°F from 1980 to 2022.

**47.9°F - 51.6°F**

2035-2064 average temperature

**46.5°F**

2001-2022 average temperature

**45.1°F**

1971-2000 average temperature



- Only one year in the 21st century has been cooler than the 1971-2000 average. 2012 remains the state's warmest year in the 128-year record, at 48.3°F (3.2°F warmer than the 1971-2000 average).
- The greatest amount of warming has occurred in the fall, with statewide temperatures increasing by 3.1°F from 1980-2022.
- Southwestern and South-central Colorado have experienced the largest magnitude of warming.
- The observed warming trend in Colorado is strongly linked to the overall human influence on climate and recent global warming. The observed warming over the last 20 years is comparable to what was projected by earlier climate models run in the 2000s.
- Further and significant warming is expected in all parts of Colorado, in all seasons, over the next several decades.
- By 2050 (the 2035-2064 period average), Colorado statewide annual temperatures are projected to warm by +2.5°F to +5.5°F compared to a 1971-2000 baseline, and +1.0°F to +4.0°F compared to today, under a medium-low emissions scenario (RCP4.5).
- By 2070 (the 2055-2084 period average), Colorado statewide annual temperatures are projected to warm by +3.0°F to +6.5°F compared to the late 20th century, and +1.5°F to +5.0°F compared to today, under RCP4.5.
- By 2050, the average year is likely to be as warm as the very warmest years on record through 2022. By 2070, the average year is likely to be warmer than the very warmest years through 2022.
- Summer and fall are projected to warm slightly more than winter and spring.

Climate variable/event	Recent trend	Projected future change	Confidence in change
Average Temperature	Warmer	Warmer	Very High ●
Annual Precipitation	Lower	Uncertain	Low ☹️

Table 2.1 Summary of the observed and projected changes in annual average temperature and annual precipitation for Colorado, as detailed in the following sections. "Confidence in change" reflects the judgment of the authors, based on both the assessments in higher-level climate reports (NCA, IPCC) as well as relevant literature and model output for Colorado.

### Precipitation

- Colorado has observed persistent dry conditions in the 21st century. According to water year precipitation accumulations, October 1 – September 30, four of the five driest years have occurred since 2000.
- Drying trends have been observed over the majority of the state during the spring, summer, and fall seasons.
- Northwest Colorado summer precipitation has decreased 20% since the 1951-2000 period.
- Southwest Colorado spring precipitation has decreased 22% since the 1951-2000 period.
- Precipitation is slightly more favorable over the northern mountains during a La Niña winter. For most regions and the remaining seasons, wetter conditions are slightly enhanced during an El Niño.
- The direction of future change in annual statewide precipitation for Colorado is much less clear than for temperature. The climate model projections for 2050 range from -7% to +7% compared to the late 20th century average, under a medium-low (RCP4.5) emissions scenario.
- The model projections for precipitation change by 2070 are very similar to those for 2050.
- Most climate models project an increase in winter (Dec-Feb) statewide precipitation; the model consensus is weaker for the other seasons. The models do suggest enhanced potential for large decreases (-10% to -25%) in summer precipitation.

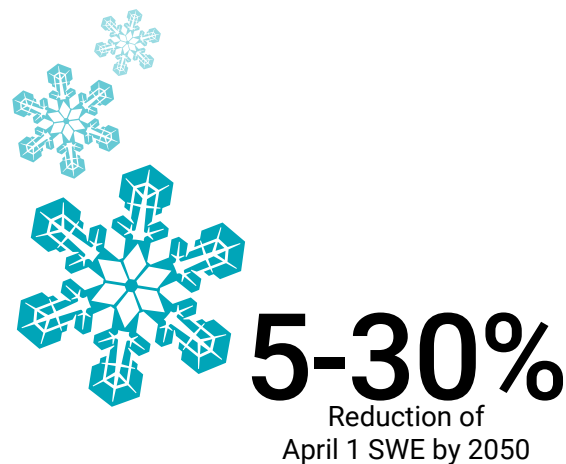


Climate variable/event	Recent trend	Projected future change	Confidence in change
Spring Snowpack	Lower	Lower	Medium 🟡
Runoff timing	Earlier	Earlier	High 🟢
Annual Streamflow	Lower	Lower	Medium 🟡
Evaporative demand	Higher	Higher	High 🟢
Summer soil moisture	Lower	Lower	High 🟢

Table 3.1 Summary of the observed and projected changes in hydrology and water resources for Colorado, as detailed in the following sections. "Confidence in change" reflects the judgment of the authors, based on both the assessments in higher-level climate reports (NCA, IPCC), as well as relevant literature and model output for Colorado. In general, there is higher confidence in the changes in variables that are driven mainly by warming and less by the more uncertain change in annual precipitation.

## Snowpack

- April 1 SWE (snow-water equivalent) during the 21st century has been 3% to 23% lower than the 1951-2000 average across Colorado's major river basins.
- Future warming will lead to further reductions in Colorado's spring snowpack. Most climate model projections of April 1 SWE in the state's major river basins show reductions of -5% to -30% for 2050 compared to 1971-2000; the individual projections that show increasing snowpack assume large increases in fall-winter-spring precipitation.
- The seasonal peak of the snowpack is projected to shift earlier by a few days to several weeks by 2050, depending on the amount of warming and the precipitation change. This warming-driven shift could be accelerated by increases in dust-on-snow events.



## Streamflow

- Since 2000, annual streamflow in all of Colorado major river basins has been 3% to 19% lower than the 1951-2000 average.
- Modeling studies have attributed up to half of the observed decrease in streamflow since 1980 in Colorado river basins to warming temperatures.
- Future warming will act to reduce annual streamflows. Most climate model projections of annual streamflows in the state's major river basins for 2050 show reductions of 5% to 30% compared to 1971-2000.
- Higher future streamflow would require large overall increases in precipitation to offset the effects of warming, an outcome that appears unlikely.
- Summer and fall streamflows are projected to decline significantly by 2050 as the seasonal runoff peak shifts earlier, by 1-4 weeks, due to warming.

## Soil Moisture

- Modeled soil moisture based on meteorological observations suggests overall declines in high-elevation soil moisture from 1980-2022.
- Future warming will lead to declines in summer (June-August) soil moisture throughout the state. Spring (March-May) soil moisture will likely increase at higher elevations as snowmelt shifts earlier.
- Rapid depletion of soil moisture under warm conditions exacerbates warming. When summer sunshine hits a landscape with dry soil a greater fraction of solar energy directly heats the surface, leading to even warmer conditions.

## Evapotranspiration

- The evaporative demand ("thirst") of the atmosphere—as measured by potential evapotranspiration (PET) and Reference ET—has increased across Colorado since 1980, mainly due to the warming trend. Statewide, growing-season PET increased by 5% from 1980-2022.
- Additional future warming will drive greater evaporative demand; all climate model projections show statewide annual PET increasing by 8-17% by 2050, compared to 1971-2000.

Climate variable/event	Recent trend	Projected future change	Confidence in change
Heat waves	More frequent/intense	More frequent/intense	Very High ●
Cold waves	Fewer	Fewer	Medium ○
Droughts	More frequent/intense	More frequent/intense	High ●
Wildfires	More and larger	More and larger	High ●
Extreme precipitation	More intense	More frequent/intense	Medium ○
Flooding	Mixed	Higher	Medium ○
Windstorms	Uncertain	Uncertain	Low ☹
Severe thunderstorms	Uncertain	More frequent?	Low ☹
Hail	Uncertain	More large hail?	Low ☹
Tornadoes	Uncertain	Uncertain	Low ☹
Winter storms	Uncertain	Larger storms?	Low ☹
Dust on snow events	Greater dust levels	Greater dust levels	Medium ○

Table 4.1: Summary of the observed and projected changes in climate extremes and hazards for Colorado, as detailed in the following sections.

### Heat waves and cold waves

- Hot days and heat waves have become more common, and the number cold nights and cold waves has decreased across Colorado in recent decades, but the changes have not been equal. There have been significant increases in extreme heat across most of the state, whereas the decrease in extreme cold has been more modest.
- Projected future changes are similarly asymmetric: Heat waves are projected to increase in frequency by as much as ten-fold by the middle of the 21st century, whereas the frequency of cold waves is projected to decrease by less than half.

### Wildfire

- Since 2000, Colorado has experienced a large increase in the number of large wildfires and in the annual area burned by all wildfires; on average, fires have burned at higher elevations and with higher intensity than in the late 20th century. While several factors have contributed to these trends, warming temperatures are a major driver.
- Future warming is expected to lead to further increases in the occurrence of large wildfires and in annual area burned by all fires, especially in forest ecosystems, according to multiple studies. A greater percentage of fires will occur in the fall, winter, and spring than at present.

### Heavy and extreme rainfall

- There are some indications of recent increasing trends in heavy and extreme rainfall in Colorado, but these are not consistent across all indicators and time periods, unlike in other regions of the U.S.
- Atmospheric moisture (precipitable water; PW) has generally increased over Colorado, but not by as much as one would predict from the warming atmosphere alone.
- Future warming, by increasing the moisture-holding capacity of the atmosphere, will make heavy and extreme rainfall more likely unless counterbalanced by declining trends in other storm “ingredients”. Climate-model projections for Colorado show overall increases in the magnitudes of heavy and extreme rainfall events.

## Drought

- Warming temperatures have increased the severity of 21st century droughts in Colorado.
- Regardless of changes in precipitation, it is likely that warmer temperatures will contribute to more frequent and severe droughts. Warmer temperatures will also decrease the benefit of wetter years.

## Floods

- Gaged streamflow records show no widespread, consistent trends in the magnitude of flood events in Colorado of different frequencies (e.g., 1-year, 20-year, 50-year, 100-year).
- The expectation that heavy and extreme rainfall events will increase in Colorado implies increases in future flood risk as well, but there are many factors influencing how rainfall is translated into runoff. Increased exposure to flooding through floodplain development may be more important than climate-driven changes in risk.

## Thunderstorm hazards

- Because of the relatively short data record for thunderstorm hazards and the influences of changing observation systems, the sign and magnitude of any long-term changes is unclear.
- Some studies have suggested increases in the average size of hail in a warmer climate, with smaller hail becoming less frequent but larger hail more frequent. Overall, however, there remain large uncertainties regarding future changes, as data limitations and the infrequent and localized nature of these storms makes them challenging to study in the context of a changing climate.

## Non-convective windstorms

- Colorado is prone to intense winds in the mountains and from downslope windstorms along the Front Range. These windstorms can cause considerable damage, and can exacerbate wildfires, such as in the 2021 Marshall Fire. Long-term changes in extreme winds have not been extensively studied, and potential future changes are highly uncertain.

## Winter storms

- Despite warming temperatures in the winter, there are no detectable trends in winter severity across the Colorado Front Range and Eastern Plains. There are also minimal trends in large snowfall events.
- Several notable and high impact winter storm events have occurred over eastern Colorado in the last decade, including extreme cold, high winds, strong cold fronts, and large accumulations of snow.
- Future trends in winter storms remain highly uncertain, but the risk of high-impact winter events is likely to remain.

## Dust-on-snow

- Dust-on-snow events have emerged as a concern since 2000 due to better understanding of its hydrologic effects, as well as an overall increase in the occurrence of dust-on-snow. Dust-on-snow causes earlier melt and runoff and may reduce annual runoff.
- It is likely that in a future warmer climate, drier conditions in the dust-source regions will allow for greater dust emission and thus deposition on snowpacks. Dust-on-snow and warming will both drive earlier snowmelt and runoff.



## MEMORANDUM

**TO:** Boards of Directors  
**FROM:** Diane Johnson, Communications & Public Affairs Manager  
**DATE:** January 25, 2024  
**RE:** Communications and Public Affairs Report

### 2024 Colorado Legislative Session

The second regular session of the 74<sup>th</sup> Colorado General Assembly convened Jan. 10 and is scheduled to adjourn May 8. Dylan Roberts and Meghan Lukens remain our state Senator and Representative, respectively, in Senate District 8 and House District 26.

They both serve on committees that handle water matters with Senator Roberts continuing to chair the Senate Agriculture & Natural Resources committee and Rep. Lukens serving on the House Agriculture, Water & Natural Resources committee. Roberts is also Vice Chair of the Senate Judiciary committee and serves on the Senate's Committee on Legal Services, while Lukens serves on House Education and Legislative Council.

Senator Roberts and others introduced [SB24-005](#), Prohibit Landscaping Practices for Water Conservation, on the first day of the session and it is scheduled to be heard by the Senate Ag committee on Jan. 25. Both boards took a position of support for this bill at the December meetings. Given that the committee hearing conflicts with the January board meetings, Kristin Moseley will arrange for the District and Authority's position to be put on the record at the hearing.

We expect it to be an active session for water-related legislation, even though Governor Polis's State of the State speech mentioned water far less than last year. The Colorado River Drought Task Force put forth eight formal recommendations (see Kristin's memo about the six we believe the District and Authority should consider supporting) and the Water Resources and Agricultural Review Committee agreed on five water-related draft bills (such as SB24-005) that have already been introduced. There is some overlap between the [WRARC's proposed bills](#) and the Task Force recommendations so support will likely coalesce on those. Additionally, there will be more focus on the annual water projects bill as that is being pursued as a major funding source to preserve the Shoshone water rights.

Governor Polis remains focused on housing, though early reports say the sweeping changes proposed last session (which failed) have been split into smaller issues in hopes of getting traction on some issues.

We will monitor the session as in previous years: via legal counsel, the River District, NWCCOG QQ, Colorado Water Congress, the Special District Association, and industry groups. Additionally, the District and Authority again engaged a lobbyist who will be invaluable in notifying us of potential legislation that may affect us – particularly those that are indirect (e.g., housing).

### Colorado River District

Eagle County Commissioner Kathy Chandler-Henry continues to serve as Eagle County's representative on the Colorado River Water Conservation District board of directors. At the River District's Jan. 16 board meeting, she was reelected board President. Montrose County rep Marc Catlin was reelected Vice President. There are two new River District board members, from Gunnison and Ouray counties.

**Shoshone Water Right Preservation Campaign**

The [Shoshone Water Right Preservation Campaign](#) kicked off Dec. 19 at the celebration of the River District and Xcel signing the Purchase and Sale Agreement. The next crucial milestone is to secure a \$20 million commitment in funding from the Colorado Water Conservation Board at their Jan. 29-30 board meeting. If approved, this would become part of the above-mentioned water projects bill. The coalition is also looking to secure \$10 million from Western Slope partners and will pursue federal funding of nearly \$50 million.

**Colorado River Basin**

Since the Colorado River Water Users Association meeting in December, and with a poor start to the water year (notwithstanding recent large gains in snow water equivalent) the basin states have continued to discuss current operations and post-2026 operations. See the linked story below.

**Attachments** (or hyperlinks):

1. Jan. 10, Arizona Republic: [Arizona and others may have a revolutionary plan to fix the Colorado River](#)
2. Jan. 10, Colorado Sun: *Colorado lawmakers will push even harder in 2024 to replace lawns.*
3. Jan. 8, Aspen Journalism: *Climate report projects continued warming and declining streamflows for Colorado.*



NEWS: WATER

## Colorado lawmakers will push even harder in 2024 to replace lawns. Here are the other water bills on tap.

At least a half-dozen water-related bills — from Grand Lake’s water quality to wetland protections — are likely to surface at the state Capitol this year



Jerd Smith

4:05 AM MST on Jan 10, 2024



Colorado House Minority Leader Mike Lynch, front center, makes a point during a press conference in the House Chambers of the Colorado State Capitol Tuesday, May 9, 2023, in Denver. The GOP leadership spoke about the recently concluded legislative session. (Philip B. Poston, Sentinel Colorado via AP)

## The Unaffiliated

All politics, no agenda.

Colorado lawmakers will be asked to weigh in on more than a half-dozen proposed water bills this year that will likely include support for improving the water quality in Grand Lake, significant new funding for replacing thirsty lawns, a pilot program to test using natural systems — such as plants and soils, rather than water treatment plants, to clean up water — and new state-level protection for wetlands.

A **resolution asking lawmakers** to support work to improve the clarity of water in Grand Lake, under consideration for months, is receiving broad-based support from powerful water interests, including Northern Water, said Mike Cassio, president of Grand Lake's Three Lakes Watershed Association. Cassio is among a group of advocates who have been trying to improve the lake's once-clear waters for decades.

"Nothing official until it makes it to the floor, and it is passed. However, we are further than ever," Cassio said.



This Fresh Water News story is a collaboration between The Colorado Sun and Water Education Colorado. It also appears at [wateredco.org/fresh-water-news](https://wateredco.org/fresh-water-news).

### Forget bluegrass lawns

Ambitious plans are also on the table to boost to \$5 million the amount of money the state is putting into an existing turf replacement program. Gov. Jared Polis as well as members of a **special Colorado River Drought Task Force** have asked that the program be expanded. It was approved **by lawmakers in 2022** and **given \$2 million** in funding.

"I would love to see the project continue," said state Sen. Cleave Simpson, a Republican from Alamosa, "and \$5 million seems appropriate," at least initially.

Simpson, who is general manager of the Rio Grande Water Conservation District, is a sponsor of a bill that would provide at least \$1 million to launch a pilot program testing so-called "green" infrastructure, a term that refers to using such things as plants, wetlands and soils to clean up water, helping offset the use of more expensive tools, such as water treatment plants.

That's only part of what could be another record-breaking year for funding Colorado water projects, according to Sen. Dylan Roberts, a Democrat from Frisco.

### MORE IN POLITICS AND GOVERNMENT

A lot of people want to run for office in Colorado this year. Here's what it takes to actually get on the ballot.

4:07 AM MST on Jan 15, 2024

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**Jared Polis delivered his sixth State of the State address. We explain what he said.**

3:35 PM MST on Jan 11, 2024

Last year, lawmakers approved \$92 million in water funding, Roberts said, money that helps pay for water conservation, planning, dams and irrigation projects, and new technology, among other things.

“Last year’s projects bill (the legislative tool through which funding is approved) was the largest amount of funding on record,” he said. “I am hopeful we can break that record this year.”

Roberts said he also hopes to introduce legislation expanding the amount of water available to protect streams and to add more protection for farmers and ranchers who agree to place their water into conservation programs benefiting the Colorado River and potentially other waterways.

### **Replacing federal wetland protections**

Another major initiative likely to surface is a plan to create a state-level program to protect streams and wetlands affected by road-building and construction. Last year, the U.S. Supreme Court, in its **Sackett v. EPA decision**, drastically narrowed the definition of what constitutes a protected stream or wetland under rules known as waters of the United States. The decision left vast swaths of streams and wetlands in the American West and elsewhere unprotected.

Colorado is among a handful of states seeking to set up its own program to ensure its streams and wetlands are safe even without federal oversight. Last year, the **Colorado Department of Public Health and Environment** took temporary, emergency action to protect streams, but state lawmakers must approve any new, permanent program.

The CDPHE has been working with a large group of people on the issue, including farm and water interests, environmentalists, and construction and development firms. But what the new program might contain and how it will fare in the legislature is not clear.

“I think there is a lot of desire to get something like this done,” said John Kolanz, a Loveland-based attorney and water quality expert who represents construction interests. “The Sackett opinion really changed things. Some people estimate that it has reduced coverage of streams by 50% or more.”

As a result, Kolanz said, “The new state program is going to have to be quite large and it will have significant land-use implications. We’ve got to get it right on the front end.”



**WATER**

# Climate report projects continued warming and declining streamflows for Colorado

*Warming could lead to decreased water supplies and more shortages*



by **Heather Sackett**

January 8, 2024



Under skies made hazy by wildfire smoke, flows in the Crystal River near Carbondale dipped to around 8 cfs in 2018. A new report on climate change in Colorado projects more frequent and intense wildfires and reduced streamflows in the future.

CREDIT: HEATHER SACKETT/ASPEN JOURNALISM

Scientists predict with high confidence that Colorado's future spring runoff will come earlier; soil moisture will be lower; heat waves, droughts and wildfires will be more frequent and intense; and a thirstier atmosphere will

continue to rob rivers of their flows — changes that are all driven by higher temperatures caused by humans burning fossil fuels.

These findings are according to the third [Climate Change in Colorado Assessment report](#), produced by scientists at the Colorado Climate Center at Colorado State University and released Monday. Commissioned by the Colorado Water Conservation Board, the report's findings have implications for the state's water managers. Borrowing a phrase from climate scientist Brad Udall, climate change is water change — which has become a common maxim for those water managers.

The report focuses on 2050 as a planning horizon and projects what conditions will be like at that time. According to the report, by 2050, the statewide annual [temperatures are projected to warm](#) by 2.5 to 5.5 degrees Fahrenheit compared with a late-20th-century baseline and 1 to 4 degrees compared with today. Colorado temperatures have already risen by 2.3 degrees since 1980. By 2050, the average year is likely to be as warm as the hottest years on record through 2022.

This warming, which scientists are very confident will come to pass, will drive the other water system changes that Colorado can expect to see. As temperatures rise and streamflows decline, water supply will decrease.

According to the report, by 2050 there will be an annual reduction of 5-30% in [streamflow volume](#); a 5-30% reduction of April 1 snow-water equivalent (a measure of how much water is in the [snowpack](#)) and an 8-17% increase in evaporative demand (a measure of how “thirsty” the atmosphere is). A hotter, drier atmosphere can fuel dry soils and wildfire risk. Peak snowpack, which usually occurs in April, is also predicted to shift earlier by a few days to several weeks.

“Streamflows are primarily driven by snowpack that melts in the spring,” said Becky Bolinger, CSU research scientist, assistant state climatologist and lead author of the report. “When you are warming your temperatures, you are first changing the timing of when that snowpack will melt. And because we’re losing more to the atmosphere, that means we have less to run off in our rivers and be available for us later.”

Scientists are less certain about whether precipitation will increase or decrease in the future. Dry conditions have persisted across the state over the past two decades, with four of the five driest years occurring since 2000. Most climate models project an increase in winter precipitation, but they suggest the potential for large decreases in summer precipitation. But even if precipitation stays the same, streamflows will dwindle because of increased temperatures.

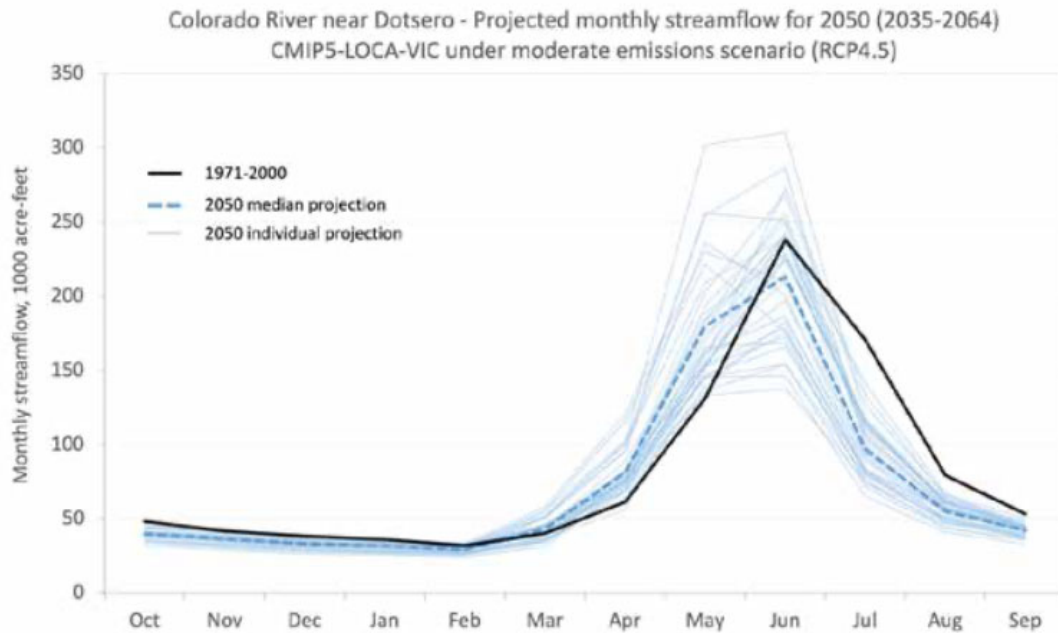


Figure 3.7: Projected future monthly streamflows for the Colorado River at Dotsero for a 2050-centered period (2035-2064) from an ensemble of 32 CMIP5-LOCA-VIC hydrology projections (thin blue) under a medium-low emissions scenario (RCP4.5), and the simulated mean streamflow for the 1971-2000 period (black). (Data: GDO-DCP, <https://gdo-dcp.ucllnl.org/>)

CREDIT: COLORADO CLIMATE CENTER

This graph shows the projected monthly streamflows for the Colorado River at Dotsero for 2050. A report on climate change in Colorado projects a 5-30% reduction in annual streamflow volume by 2050.

## Planning for less water

CWCB officials hope water managers across the state will use the report to help plan for a future with less water. Many entities have already shifted to developing programs that support climate adaptation and resilience.

“I think we can say with confidence that it is more likely that we will have water shortages in the future,” said Emily Adid, CWCB senior climate adaptation specialist. “I think this report is evidence of that and can help local planners and people on the ground plan for those reductions in streamflow.”

Denver Water is one of those water providers that will use the report’s findings in its planning. The utility, which is the oldest and largest in the state, provides water to 1.5 million people and helped to fund the report. Denver Water has been preparing for a future with a less-reliable water supply through conservation and efficiency measures, reservoir expansion projects and wildfire mitigation.

“Projected future streamflows is a huge challenge for the water resources industry,” said Taylor Winchell, Denver Water’s senior planner and climate adaptation specialist. “The same amount of precipitation in the future means less steamflow because temperatures will continue to warm. ... All this leads to this concept of uncertainty. We really need to plan for a variety of ways the future can happen essentially.”

Another finding of the report is that temperatures have warmed more in the fall than other seasons, with a 3.1 degrees Fahrenheit increase statewide since 1980, a trend that is expected to continue. Although it’s hard to

pinpoint the exact cause of fall warming, Bolinger said it may have to do with the summer monsoons pattern, which can bring moisture with near-daily thunderstorms, but which have been weaker in recent years. That precipitation is critical, she said.

“First, you’re keeping the temperatures from getting too hot because you’re clouding over and getting storms,” Bolinger said. “And generally, with higher humidity, you’re going to have less evaporative loss from the soil. What we’ve been seeing in recent years is that we’re not getting that moisture in the late summer and into the fall.”

Less moisture and higher temperatures in the fall also leads to lower soil moisture and kicks off a vicious cycle of decreased water supplies. The dry soil gets locked in under the winter’s snowpack, and when spring melting begins, the water must first replenish the soils before feeding rivers and streams. This is what occurred in the upper Colorado River basin in 2021 when a near-normal snowpack translated to just 31% of normal runoff and the second-worst inflow ever into Lake Powell.

Some water-use sectors already experience shortages, especially those with junior water rights. Initiatives set up to support the environment and recreation are also at risk with shortages. And those shortages are likely to get worse in the future. In addition to grant programs, one of the ways CWCB aims to help these water users adapt is with a **future avoided cost explorer (FACE) tool**, which is outlined in the 2023 Water Plan. This modeling tool can help water managers figure out the costs of addressing — or failing to address — hazards such as wildfires, droughts and floods.

According to the report, extreme climate-driven events such as heat waves, droughts and wildfires are expected to be more frequent and intense.

“That gives you a little bit of perspective to say, ‘Well, what if I invest to mitigate this now, how can I lessen the potential impact in the future?,’” said Russ Sands, chief of CWCB’s water supply planning section. “I’m not trying to scare people; what we’re trying to do is motivate change and help them invest early.”

Despite the near-certainty of continued warming and resulting changes to the water system, Bolinger said there is a bright spot. Since the last time that a Climate Change in Colorado report was issued, in 2014, the world has begun to take action on reducing fossil fuel use and has shifted away from the worst-case scenario. Earlier projections were based on a “business as usual” assumption, with no climate mitigation.

“We do have things that have been put into place internationally like the Paris Accord,” Bolinger said. “We are more along the lines of a middle-case scenario. As long as we continue to take the actions that have been planned out, we are going to follow that middle scenario, which does show warming, but it’s not as bad.”





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## MEMORANDUM

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

FROM: Kristin Moseley

SUBJECT: Colorado River Drought Task Force

DATE: January 17, 2024

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The Colorado River Drought Task Force (the “Task Force”) formed pursuant to Senate Bill 23-295 issued its [final report](#) on December 14, 2023, at the request of the Colorado General Assembly (the “General Assembly”). The Task Force is comprised of representatives from a range of water users, including municipalities, energy companies, environmental groups, and Colorado’s two tribal nations. The group met a total of ten times between July and December, including seven in-person meetings, and the Sub-Task Force on Tribal Matters (the “Sub-Task Force”) met six times between September and December. The final report provides recommendations for and narratives on drought resilience in the Colorado River basin and identifies areas of opportunity for legislative action and continued discussion.

The Task Force provided eight formal recommendations, and the Sub-Task Force provided four additional recommendations that specifically relate to the Southern Ute and Ute Mountain Ute tribes. The final report also contains three recommendations that the Task Force considered but did not approve. Of the twelve total recommendations, we recommend that the District and Authority should consider supporting the following, subject to final legislative drafting language.

**Recommendation #1.** Continue the Technical Assistance Grants for Colorado Water Projects. The Task Force recommends the General Assembly fund the Technical Assistance Grant program using state funds at a level recommended by the Colorado Water Conservation Board (“CWCB”) to be consistent with demand. Currently, the program provides grants to assist with capacity and resources in pursuit of federal funding opportunities that directly support the Colorado Water Plan objectives; it is funded using one-time federal American Rescue Plan Act funds and limited to work on federally funded programs. The Task Force recommends the General Assembly continue this program using state funds, with direction to dedicate an appropriate percentage to entities working within the Colorado River basin. The Task Force voted unanimously in support of this recommendation, and the Sub-Task Force

voted in support with the addition that the funding should be available to tribal nations. This program could increase funding opportunities for projects benefiting the District and Authority.

**Recommendation #2.** Provide increased funding throughout state programs for aging water-related infrastructure. The Task Force recommends the General Assembly increase state funding levels for improvements to aging water-related infrastructure, including replacement of and upgrades to diversion structures as well as headgate and conveyance efficiency improvements. The Task Force indicates that the need for such funding is greater than appreciated in the current state budget, particularly given that aging infrastructure is extremely costly yet provides the best opportunity for future water savings and that Colorado has many unique, aging delivery systems, some dating back to the 1880s. The Sub-Task Force voted in support of the concept with the addition that funding should be made available to tribal nations and that infrastructure stability and repair should happen prior to innovation. The District and Authority could benefit from this increased funding.

**Recommendation #3.** Prioritize forest health and wildfire ready watersheds. The Task Force recommends the General Assembly prioritize forest health and wildfire ready watersheds by adding stronger criteria for state funding for Community Wildfire Protection Plans (“CWPPs”). Currently, CWPPs tend to center around urbanized areas located within or surrounded by wildland fuels and focus on firefighting capabilities rather than protecting reservoirs, intakes, water transportation and distribution structures and other facilities from wildfire impacts. The Task Force voted unanimously in support of this recommendation, with some disagreement regarding the exact language of the recommendation, and the Sub-Task Force voted in support of the concept with the addition that funding should be made available to tribal nations.

**Recommendation #4.** Expansion of temporary instream flow loan program to include storage rights. The Task Force recommends the General Assembly amend the instream flow temporary loan program statute to allow the owner of a decreed storage water right to loan water to the CWCB to preserve or improve the natural environment to a reasonable degree on stream reaches where there is no decreed instream flow water right. HB20-1157 allows an owner of a decreed water right to loan water to the CWCB for instream flow use on reaches with a decreed instream flow water right, and the Task Force recommends expanding that program to allow loans on stream reaches where there are no decreed instream flow water rights to increase the flexibility and applicability of the program, including use on stressed mainstem rivers for which new instream flow appropriations are infeasible. The TASK FORCE voted by majority rule to recommend this concept, but several parties expressed concerns of unintended consequences, such as enabling more water to be moved out of state, impacting Colorado water users. The Sub-Task Force did not vote or comment on this recommendation.

**Recommendation #7. Invasive phreatophyte and species removal.** The Task Force recommends the General Assembly consider funding a state-wide assessment of changes in riparian plant communities, the state of riparian ecosystem function, and those impacts to water resources associated with invasive phreatophytes. Further, the General Assembly should increase the Colorado Department of Agriculture’s noxious weed removal enforcement program and support the additional planning, monitoring, maintenance, and capacity needs for noxious weed removal projects to increase effectiveness. Invasive phreatophytes (e.g. Tamarisk) can fundamentally alter stream channels and systems, which in turn can impact water quantity and quality. The proper management of these invasive plant species requires a long-term commitment of time and resources; while local efforts can complement stream improvements, large-scale efforts to remove these species require effective management across jurisdictions. The Task Force voted by majority to support this recommendation, and the Sub-Task Force also voted in support of the concept with the caveat that funding should be available to tribal nations. Invasive plants exist along the entire Colorado River and pose a serious threat to future stream flows and water quality, which could negatively impact the District/Authority’s water rights.

**Recommendation #8. Municipal turf removal.** The Task Force recommends the General Assembly consider increasing funding levels of the Turf Removal Program to \$5 million per year as well as increasing the amount that a single entity may access. HB-1151 mandated the CWCB to develop a turf replacement program and allocated \$2 million to finance the program. The Task Force voted by majority to support this recommendation, and the Sub-Task Force also voted in support. Water-wise landscaping has broad support and is proven to increase water conservation, and entities within the District/Authority’s service area could potentially benefit from this increased funding.