



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

GOVERNED BY:

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

The Town of Avon

M E M O R A N D U M

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: January 19, 2024
RE: January 25, 2024, Board Meeting

This memorandum shall serve as notice of the Regular Meeting of the Board of Directors of the Upper Eagle Regional Water Authority:

**Thursday, January 25, 2024
8:30 a.m.**

This meeting will be held in-person

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

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

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



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

BOARD OF DIRECTORS REGULAR MEETING
January 25, 2024
8:30 a.m.
Walter Kirch Conference Room

AGENDA

GOVERNED BY:

The Metropolitan
Districts of:

Arrowhead

Beaver Creek

Berry Creek

EagleVail

Edwards

The Town of Avon

1. Introductions

- 1.1. Certificate of appointment by Edwards Metropolitan District

2. Public Comment

3. Action Items

- 3.1. Minutes from Dec. 7, 2023, Regular Meeting
- 3.2. **Res. No. 2024-01:** Resolution Designating Location to Post Notice
- 3.3. **Res. No. 2024-02:** Resolution Designating the Official Custodian of Records & Adopting a Policy on Responding to Open Records Requests
- 3.4. **Res. No. 2024-03:** Resolution To Approve Water Supply Contract with Colorado River Water Conservation District
- 3.5. Updated Investment Policy
- 3.6. Consideration of Easements, Temporary Construction Easements, and Vacation of Easements with Arrowhead Metropolitan District & Vail Resorts

4. Information Reports

- 4.1. Board committees
- 4.2. December meeting summary – draft

5. Board Member Input

6. General Manager Report – Siri Roman

- 6.1. GM information items
- 6.1.1. 2024 Priorities
- 6.1.2. PFAS class action settlements
- 6.2. Business Administration report – David Norris
- 6.2.1. Quarterly financial report – Jim Cannava
- 6.2.2. Bond update – Jim Cannava
- 6.2.3. Water conservation program update – Allison Ebbets
- 6.3. Operations report – Brad Zachman
- 6.4. Engineering and Water Resources report – Jason Cowles
- 6.4.1. Bolts Lake update
- 6.5. Communications and Public Affairs report – Diane Johnson
- 6.5.1. Colorado legislative session preview
- 6.5.2. Shoshone water rights preservation

Attachment Link
[Informational](#)

[Action Item](#)

[Action Item](#)

[Action Item](#)

[Action Item](#)

[Action Item](#)

[Action Item](#)

[Action Item](#)

[Confidential](#)

[Informational](#)

[Informational](#)

[Informational](#)

[Informational](#)

[Informational](#)

[Informational](#)

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[Informational](#)

7. Water Counsel Report – Kristin Moseley

7.1. Eagle Park Reservoir augmentation plan application & Colorado River
Water Conservation District pending lease

[Informational](#)

7.2. Colorado River Drought Task Force

[Informational](#)

8. General Counsel Report – Kathryn Winn

9. Adjournment

**RESOLUTION OF PARTICIPATING MEMBER DISTRICT
APPOINTING REPRESENTATIVES TO
UPPER EAGLE REGIONAL WATER AUTHORITY**

BE IT RESOLVED, by the Edwards Metropolitan District that its designated principal member of Upper Eagle Regional Water Authority be:

Joanna Kerwin

BE IT FURTHER RESOLVED that the designated alternate members to serve in the absence of the above-designates principal member shall be:

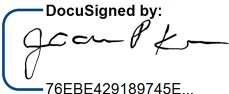
1st Alternate: Mike Trueblood

2nd Alternate:

BE IT FINALLY RESOLVED that those persons shall serve as the Edwards Metropolitan District's designees until further written notice from the Edwards Metropolitan District.

ADOPTED this 14th day of December, 2023.

Edwards Metropolitan District

By:  78FBE429189745E...



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EagleVail
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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 8:30 a.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.

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: A Resolution Designating Location to Post Notice, with its attached Exhibit A, as presented

Attached Supporting Documentation:

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

UPPER EAGLE REGIONAL WATER AUTHORITY

RESOLUTION NO. 2024-01

RESOLUTION DESIGNATING LOCATION TO POST NOTICE

WHEREAS, pursuant to §24-6-402(2)(c), notice and, where possible, the agenda of the Upper Eagle Regional Water Authority (“Authority”) 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 Authority 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 Upper Eagle Regional Water Authority 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 Authority will post notice of public meetings at least 24 hours prior to a meeting at the following physical location within the boundaries of the Authority:

846 Forest Road
Vail, Colorado 81657

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

ADOPTED this 25th day of January 2024.

UPPER EAGLE REGIONAL WATER
AUTHORITY

By _____

George Gregory, Chair

ATTEST:

Kim Bell Williams, 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



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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 Authority are open for inspection by any person at reasonable times, except as provided by law. §24-72-201, C.R.S. The Authority may designate an official custodian to implement rules regarding inspection procedures. §24-72-203(1)(a), C.R.S. The Authority has historically adopted a resolution designating the official custodian and establishing a policy on responding to open records requests. 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 compliance of open records law 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

UPPER EAGLE REGIONAL WATER AUTHORITY

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 Upper Eagle Regional Water Authority (“Authority”) is responsible for the management, control and supervision of all of the business and affairs of the Authority; and

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

WHEREAS, the Board of Directors of the Authority has determined that it is appropriate to designate an official custodian of the Authority’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 Authority 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 Authority 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 Authority 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 Authority, 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 Authority 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 Authority, except as provided herein.

(b) The Capital Projects Programs Manager is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records associated with the Authority’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 Authority 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 Authority record (a "Records Request") shall be submitted to the Authority's Official Custodian in writing and be specific as to the information desired. If not submitted to the Official Custodian, any Authority 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 Authority's legal counsel.

(d) The Authority's legal counsel shall determine the Authority's obligations under the applicable Federal and/or State law(s). If the Authority is permitted to make records available for inspection in whole or in part, the Authority's legal counsel will so notify the Authority'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 Authority's legal counsel determines the Authority 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. Authority 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 Authority's position at the end of that period to the requestor and to the Authority'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 Authority 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 Authority, such data manipulation will be assessed at the actual costs to the Authority (the "Manipulation Fee"); however, the Authority is in no way obligated to generate a record that is not otherwise kept, made, or maintained by the Authority.

(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 Authority 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 Authority 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 Authority if, in the opinion of the Official Custodian after consultation with the Authority'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 Authority.

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

UPPER EAGLE REGIONAL WATER AUTHORITY

By: _____
George Gregory, Chair

Attest:

Kim Bell Williams, Secretary



UPPER EAGLE REGIONAL
WATER AUTHORITY

GOVERNED BY:

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

The Town of Avon

BOARD ACTION REQUEST

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Supervisor
DATE: January 23, 2024
RE: Res No. 2024-03: Resolution To Approve Water Supply Contract with the Colorado River Water Conservation District

Summary of Subject: The board will consider a Water Supply Contract (“Contract”) with the Colorado River Water Conservation District (“CRWCD”).

Discussion and Background: At the Oct. 26, 2023, regular meeting, the board voted to authorize the General Manager to negotiate a lease for 50 acre-feet of water with CRWCD. The Authority applied for contracted water through CRWCD’s [Water Marketing Policy](#). CRWCD issued the pending Water Supply Contract No. CW23008 for the board’s consideration.

A copy of the Resolution and the Contract (Exhibit A) are attached. Please also refer to Kristin Moseley’s memorandum under the Water Counsel Report for more information. David Norris will be available to discuss the budget implications and Kristin will discuss legal issues.

Recommendation: Adopt the resolution as presented.

Suggested Resolution and Motion: I move to approve Resolution No. 2024-03, To Approve a Water Supply Contract with the Colorado River Water Conservation District, with its Exhibit A: Water Supply Contract No. CW23008, and to authorize the General Manger to take actions necessary to execute the contract.

Attached Supporting Documentation:

- Res. No 2024-03: Resolution To Approve A Water Supply Contract with the Colorado River Water Conservation District, with Exhibit A: Water Supply Contract No. CW23008

UPPER EAGLE REGIONAL WATER AUTHORITY

RESOLUTION NO. 2024-03

A RESOLUTION TO APPROVE WATER SUPPLY CONTRACT WITH THE COLORADO RIVER WATER CONSERVATION DISTRICT

WHEREAS, the Upper Eagle Regional Water Authority (“Authority”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing water authority pursuant to law; and

WHEREAS, the Authority’s mission is, among other goals and responsibilities, to provide efficient, effective, and reliable water to its service area, ranging from Eagle-Vail through Cordillera; and

WHEREAS, the Board has prioritized increasing the Authority’s supplies until Bolts Lake Reservoir becomes operational through the acquisition and leasing of water; and

WHEREAS, on October 26, 2023, the Board authorized the General Manager to negotiate a lease with the Colorado River Water Conservation District (“CRWCD”); and

WHEREAS, the Authority applied for a water supply contract through CRWCD’s Water Marketing Policy and demonstrated a need for wholesale water supply in the amount of 50 acre-feet on an annual basis for municipal purposes; and

WHEREAS, CRWCD issued the pending Water Supply Contract No. CW23008 (“Contract”), as presented in Exhibit A, subject to the Board’s approval; and

WHEREAS, the Board finds that the execution of the pending Contract is in the best interest of the public health, welfare and safety of the Authority residents and visitors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Upper Eagle Regional Water Authority to approve Water Supply Contract No. CW23008 with the Colorado River Water Conservation District, as presented in Exhibit A, and to further authorize the General Manager to take such action necessary to execute this contract.

ADOPTED AND APPROVED this 25th day of January 2024.

**UPPER EAGLE REGIONAL WATER
AUTHORITY**

By: _____
George Gregory, Chairman

Attest:

Kim Bell Williams, Secretary

WATER SUPPLY CONTRACT

This CONTRACT (the “Contract”) is made between the COLORADO RIVER WATER CONSERVATION DISTRICT (hereinafter, the “River District”), a political subdivision of the State of Colorado acting by and through its Colorado River Water Projects Enterprise, and UPPER EAGLE REGIONAL WATER AUTHORITY (hereinafter, “Contractor”), and is effective as of the date of the River District’s execution indicated below.

RECITALS

A. The River District is authorized to contract to deliver water for beneficial use from River District water projects pursuant to provisions of C.R.S. § 37-46-101, *et seq.* (herein “River District Organic Act”).

B. The River District is entitled to deliveries of water from Eagle Park Reservoir as a shareholder in the Eagle Park Reservoir Company.

C. The River District’s Board of Directors has adopted a Water Marketing Policy, as revised by the Board from time to time, to provide for the use of water available from the River District’s sources of supply pursuant to contracts, and that Water Marketing Policy is to be implemented through the River District’s Water Projects Enterprise.

D. Contractor has a need for wholesale water supply, demonstrated in its submittal to the River District pursuant to the Water Marketing Policy’s contracting process, in the amount of 50 acre-feet of Eagle River Supply on an annual basis for municipal/industrial purposes, which beneficial uses will be accomplished by Contractor generally in the vicinity of Sections 4, 5, 6, 7, 12, 14, Township 5 South, Range 82 West of the 6th P.M., in Eagle County, Colorado, by surface and ground water diversions from or within the Eagle River drainage, which is a tributary to the Colorado River.

E. Contractor is aware of the “Hydrology Assumptions” which are part of the Water Marketing Policy and is satisfied that, based on its review and investigations, Contractor legally and physically can make use for its intended purposes of the Contracted Water, which are the subject of this Contract and that such use will comply with the Water Marketing Policy.

AGREEMENT

The foregoing Recitals are incorporated into this agreement between the River District and Contractor.

DEFINITIONS

In this Contract certain terms will have the definitions as stated below:

- The “River District” means the Colorado River Water Conservation District created and existing pursuant to the River District Organic Act defined in Recital A and

acting by and through its Colorado River Water Projects Enterprise which is currently described and memorialized in the Resolution of the Colorado River Water Conservation District's Board of Directors dated April 20, 2005.

- The "Project" means the River District's "Eagle River Supply" from Eagle Park Reservoir available to the River District as a shareholder in the Eagle Park Reservoir Company.
- "Agricultural" means the use of water for commercial production of agricultural crops and livestock and other uses consistent with any right decreed for irrigation purposes, which uses are made on a parcel of land of at least ten acres.
- "Municipal and Industrial" means the use of water by individuals, cities, towns, public or quasi-public districts, private corporations, homeowners associations, or other entities for domestic, municipal, and miscellaneous related purposes as those terms are traditionally and commonly construed, including the use of water for purposes of producing or processing a non-agricultural product or service for sale, including without limitation, such uses as manufacturing, mining, milling, land reclamation, golf course irrigation, snowmaking, and non-hydroelectric power generation, but excepting the agricultural use of water defined herein.
- "Contracted Water" means the water which is the subject of this Contract which is to be released and delivered by the River District and used by Contractor. The Contracted Water is 50 acre-feet of Eagle River Supply available during each Project Year during the term of this Contract, subject to the provisions hereof, for Contractor's use without right of carryover of any amount not used in any Project Year.
- "Project Year" means a period of time from July 1 through and including the subsequent June 30.
- "Water Marketing Policy" means the River District's policy statement as revised and readopted as of the execution date of this Contract and as the same may be amended in the future.
- "Project Hydrology Assumptions" or "Hydrology Assumptions" means the letter by Resource Engineering, Inc. titled "Eagle River Instream Flow Analysis" dated July 13, 1998, which was presented to the River District's Board of Directors on July 22, 1998.

1. River District Water Delivery Obligations and Responsibilities.

- a. Delivery. The River District will deliver the Contracted Water at the outlet works of the Contracted Water's sources of supply into the receiving natural streams in quantities provided herein. Unless otherwise agreed to by the River District's

General Manager based upon written request of Contractor, the River District will make releases or request that releases be made for Contractor, based upon Contractor's written schedule of anticipated demand, adjusted as necessary by the ongoing status of river administration *vis-a-vis* the priority status of Contractor's diversions, provided that the releases can be made within the operational limitations of the River District's project facilities as determined by the River District in its sole discretion. Contractor shall be solely responsible after delivery for the legal and physical delivery and use of the Contracted Water.

- b. Delivery Contingencies. The River District's delivery of Contracted Water shall be subject to Contractor's payments pursuant to paragraph 3 below, and the provisions for curtailment of deliveries in paragraph 5 below.
 - c. Water Measurements. The River District shall measure at the outlet works of the Contracted Water's sources of supply all Contracted Water and shall notify the Division Engineer of Colorado Water Division No. 5 of the date, time and amount of Contracted Water released pursuant to this Contract. Copies of such records shall be provided to Contractor upon request.
 - d. Water Quality. The River District shall have no obligation to Contractor or any other person regarding and makes no warranties or representations to Contractor concerning the quality of Contracted Water delivered pursuant to this Contract by releases of raw water to natural streams.
 - e. Maintenance of Facilities. The River District, to the extent that it has ownership and maintenance control, shall use its best efforts to maintain in good working condition the water storage and release facilities of the Contracted Water.
 - f. Withholding of Delivery. The River District may withhold deliveries of Contracted Water in the event of Contractor's nonpayment for Contracted Water or any other breach of this Contract by Contractor. Such remedy shall not be the River District's exclusive remedy in the event of any such breach.
 - g. Delivery from Primary or Alternate Sources. The River District will deliver the Contracted Water from the sources of Eagle River Supply described herein, which will meet the Contractor's need to satisfy calls by senior water rights or the Contractor's physical need for any direct delivery of Contracted Water to Contractor's diversions. Subject to meeting those objectives, the River District reserves the right to provide all or any of the Contracted Water to Contractor from alternate reservoirs for Contractor's use, provided that the alternate sources are suitable to physically satisfy calls by senior water rights or Contractor's need for direct delivery.
2. Contractor's Water Use Obligations and Responsibilities.
- a. Scheduling of Use. Contractor shall provide the River District a preliminary written

schedule of its anticipated monthly demands for the Contracted Water during the current Project Year (July 1, 2023 - June 30, 2024). The schedule provided by Contractor in a delivery schedule to be remitted shall serve as the schedule to be used until it is modified in a written notice given by Contractor to the River District, or as necessary in response to river administration of the Contractor's diversions. The schedule shall identify the volume of any Contracted Water anticipated by Contractor not to be needed by it during any particular Project Year. Contractor shall update said schedule periodically during the Project Year as conditions require and give the River District written notice of all such revisions.

- b. Carriage Losses. Contractor shall bear carriage losses in such amount as is determined by the Division Engineer for Colorado Water Division No. 5, from the point of delivery of Contracted Water to Contractor's point(s) of use and/or exchange or augmentation.
- c. Use per Contract and Law. Contractor's use of Contracted Water shall in all instances be in accordance with the terms of this Contract, the permits and decrees of the Project, the Water Marketing Policy, as it may change from time to time, and in accordance with applicable law and all decrees related to the Contracted Water. Contractor is not authorized to apply for or secure any change in the water rights for or associated with any of the sources of supply of the Contracted Water.
- d. Legal Approvals. Contractor shall at its sole expense adjudicate a plan or plans for augmentation or exchange and/or secure administrative approvals of any temporary substitute supply plans which are needed for Contractor to use its Contracted Water. Any such plans shall identify the River District's Eagle River Supply, Wolford Mountain Reservoir, and Ruedi Reservoir as the sources of supply. Contractor already has filed various applications in Water Court, Water Division No. 5, as identified in Exhibit A, attached hereto and incorporated herein by this reference. If necessary, Contractor shall amend the application to identify all of the River District's sources of supply. If Contractor intends to make any additional application(s) for any augmentation or exchange plan(s) or substitute supply plan(s) needed for Contractor to use its Contracted Water, Contractor shall submit the proposed application(s) to the River District within a reasonable time before Contractor proposes to file such application(s). The River District shall grant written approval of such applications before they are submitted or filed, and the River District's approval shall not be unreasonably withheld. The River District may in its discretion become a co-applicant in the prosecution of any such applications for the purpose of protecting its water rights and related policies. Contractor shall cause to be included in any final decree of the Water Court a provision conditioning Contractor's use of the Contracted Water on the existence of a River District contract.
- e. Limitation on Disposition.
 - i. Contractor shall not sublet, sell, donate, loan, assign or otherwise dispose

of any of its rights to this Contract or to Contracted Water without prior written notice to, and the written approval of, the River District and the payment of a transfer fee at the prevailing rate set forth in the Water Marketing Policy. The River District's approval of such disposition shall be granted in all instances in which the Contractor is transferring the water system which supplies the Contracted Water, or a permanent transfer of the Contract is to be made to a successor in interest of Contractor by reason of the transfer of the title or other legal right to use the property served by the Contracted Water, or where the transfer is made to an entity such as a homeowners' association or special district created to serve the property originally represented to the River District to be served with the Contracted Water.

- ii. The assignment of a Contract is subject to the Water Marketing Policy as revised as of the effective date of the assignment. In accordance with this subparagraph (ii), any assignee must pay for the Contracted Water at the then-current price determined by the River District Board of Directors.
- f. Contractor's Water Rates. Contractor may charge its water customers who are supplied with Contracted Water such rates and charges as are permitted by Colorado law.
- g. Nondiscrimination. Contractor shall not discriminate in the availability of or charges for any water service or water supply made available pursuant to or based upon the Contracted Water on account of race, color, religion, or national origin or any other criteria prohibited under state or federal law.
- h. Accounting of Use. Contractor shall maintain an accounting of its use of all water used or supplied by Contractor on form(s) acceptable to the River District specifically for the purpose of enabling the River District to prove the use of River District Project water rights and to administer and operate the Project and water right decrees and/or administrative approvals related to Contractor's use of Contracted Water. Contractor shall submit its accounting forms and records to the River District promptly upon request and shall assist the River District as it may reasonably request in presenting and/or verifying such evidence of use in court or before administrative agencies by testimony of Contractor or its authorized and informed officers or agents.
- i. Section 404 of the Clean Water Act (33 U.S.C. 1344) regulates the discharge of dredged or fill material into the waters of the United States. Contractor shall consult with the Army Corps of Engineers if construction of facilities necessary to use the Contracted Water requires Section 404 compliance, which may include obtaining a permit. Further consultation and approval by the United States Fish and Wildlife Service may be required to ensure compliance with the Endangered Species Act (16 U.S.C. 1531, *et seq.*) if Contractor proposes physical alterations to the designated critical habitat of the Colorado River endangered fish species. As of

March 1, 2007, designated critical habitat exists from the Garfield County 320 Road Bridge Crossing of the Colorado River in Rifle downstream to the Colorado State line.

3. Contractor's Payments.

- a. In addition to the application fee already paid by Contractor, in order for the River District's delivery obligation to become effective, Contractor shall pay to the River District on the execution of this Contract the total sum of \$89,150.00, being \$1,783.00 for each acre foot of the 50 acre-feet of Contracted Water for the current Project Year (July 1, 2023 - June 30, 2024). Thereafter, the River District shall provide Contractor an annual invoice for the Contracted Water, and Contractor shall pay the invoice within thirty (30) days of receipt. The price for each type of water will be reviewed and set annually by the River District's Enterprise Board of Directors (which decision normally will be made prior to March 1 each year). Any annual increase in the contract price shall not exceed the then-current published Consumer Price Index (CPI) plus New Growth Index (NGI).
- b. Contractor also shall pay any special assessment levied by the River District on Contractor to recoup all or a portion of costs attributable to extraordinary maintenance incurred by the River District or assessed upon the River District by its third party water suppliers.

4. Contract Term.

- a. Except in the event of an early termination or partial termination as provided for in paragraph 6 below and subject to the other terms and conditions of this Contract, the term of this Contract shall be for a period of up to forty (40) years from the date of the execution of this Contract (through June 30, 2024).
- b. At the end of the 40-year term of this Contract (June 30, 2024), the Contractor shall have the right to renew this Contract for the same Contracted Water amount for a secondary term of thirty-five (35) years, upon such terms and conditions as the River District is offering at that time, provided that the River District is offering up the full amount of Contracted Water for lease. In the event that the River District, on a non-discriminatory basis, decides not to offer up the full amount of the Contracted Water for lease, Contractor shall have the right to renew for a secondary term of thirty-five (35) years such lesser portion of the Contracted Water as may be offered by the River District. If Contractor desires to so renew this Contract, it shall provide the River District written notice of its intention to do so at least ninety (90) days prior to the expiration of the initial term of this Contract. Thereafter, and prior to the expiration of the initial term, the River District and Contractor shall execute a supplemental agreement of renewal in a form mutually acceptable to the River District and Contractor. If such notice of intention to renew is not provided and such supplemental agreement is not executed, no renewal term shall commence.

5. Water Shortage. In the event that the River District is unable, because of either legal or physical reasons (including, but not limited to, hydrologic shortages and operational restrictions), to deliver any or all of the full amount of water contracted from the Project, including the Contracted Water, the River District reserves the right to apportion the Project's available water among its several contractors, including Contractor, in the manner provided in paragraph 6 of the Water Marketing Policy.

6. Contract Termination.
 - a. Termination by River District.
 - i. The River District may terminate this Contract for any violation or breach of the terms of this Contract by Contractor, including Contractor's failure to pay timely any sum or amount due under this Contract within thirty (30) days after receiving written notice from the River District of such breach.
 - ii. The River District also may terminate this Contract if, in its discretion, any judicial or administrative proceedings initiated by Contractor as contemplated in subparagraph 2.d above, threaten the River District's authority to contract for delivery of Project Water or the River District's water rights, permits, or other interests associated with the Project.
 - iii. The River District may terminate this Contract if its legal ability to deliver Contracted Water is materially impaired or is eliminated because of the termination or adverse modification of permits, decrees or other authorizations which are needed to deliver the Contracted Water.

 - b. Termination by Contractor.
 - i. Contractor may terminate this Contract in its entirety for any reason by giving the River District at least thirty (30) days advance notice prior to the due date of Contractor's next annual payment.
 - ii. Every fifth year after the year in which this Contract is executed, Contractor may partially terminate this Contract as to the amount of Contracted Water by giving the River District at least thirty (30) days advance notice prior to the due date of Contractor's next annual payment. Partial termination by Contractor shall not exceed more than fifty percent (50%) of the amount of Contracted Water which is then under contract.
 - iii. Within thirty (30) days of final approval of the Water Court application contemplated by subparagraph 2.d. above, Contractor may by written notice to the River District partially terminate this Contract as to the amount of Contracted Water which is not needed under that approval.

- c. Notice of Termination to Affected Officials. The River District will notify the Division Engineer and any other appropriate governmental officials of any full or partial contract termination except for any partial termination under subparagraph 6.b.(iii).

7. Force Majeure. The River District shall not be responsible for any losses or damages incurred as a result of the River District's inability to perform pursuant to this Agreement due to the following causes if beyond the River District's control and when occurring through no direct or indirect fault of the River District, including without limitation: acts of God; natural disasters; actions or failure to act by governmental authorities; unavailability of supplies or equipment critical to the River District's ability to perform; major equipment or facility breakdown; and changes in Colorado or federal law, including, without limitation, changes in any permit requirements.

8. Miscellaneous/Standard Provisions.
 - a. Notices.
 - i. All notices required or appropriate under or pursuant to this Contract shall be given in writing mailed or delivered to the parties at the following addresses:

River District:

Colorado River Water Conservation District
Attention: General Manager / Secretary
201 Centennial Street, Suite 200
Glenwood Springs, Colorado 81601
Phone: (970) 945-8522
Fax: (970) 945-8799

Contractor:

Upper Eagle Regional Water Authority
c/o Siri Roman, General Manager
846 Forest Road
Vail, CO 81657
(970) 476-7480
(970) 476-4089 fax
sroman@erwsd.org

with copy to:

Somach Simmons & Dunn
Attention: Kristin Moseley
1155 Canyon Blvd., Suite 110
Boulder, CO 80302
(303) 449-2834
(720) 535-4921 fax
kmoseley@somachlaw.com
 - ii. Either party may, by written notice given in accordance with this provision, change the address to which notices to it shall be mailed or delivered.
 - b. Amendments. No amendment, modification, or novation of this contract or its provisions and implementation shall be effective unless documented in writing

which is approved and executed by both parties with the same formality as they have approved and executed this Contract.

- c. This Contract is subject to the River District's Water Marketing Policy, as it may be revised from time to time by the River District's Board.

COLORADO RIVER WATER CONSERVATION
DISTRICT acting by and through its Colorado River
Water Projects Enterprise

DATE: _____

By: _____
Andrew A. Mueller
General Manager/Secretary

CONTRACTOR:

UPPER EAGLE REGIONAL WATER
AUTHORITY

By: _____
Siri Roman, General Manager



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

GOVERNED BY:

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

The Town of Avon

BOARD ACTION REQUEST

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 investment policy for the board’s consideration. Staff recommends the board approve and adopt the policy as presented.

Discussion and Background: The Authority may invest public funds in an authorized investment vehicle pursuant to § 24-75-601, et seq., C.R.S. The Authority’s investment policy provides guiding principles for ensuring these investments are effective, judicious, and compliant. This policy has not been updated in several years.

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



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

GOVERNED BY:

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

The Town of Avon

BOARD POLICY

Title: Investment Policy	Department: Business Administration
Effective Date: 01/25/2024	Previous Effective Date(s): 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 Authority. 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 Authority.
- II. **Objectives:** To provide for the safety of principal, provide liquidity to meet daily cash flow requirements, and retain a market rate of return.
- III. **Delegation of authority:** The Board has delegated authority to manage the Authority’s investment program to the Director of Business Administration who may appoint other Authority employees to assist in managing the Authority’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 Authority funds or securities. The Authority 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 Authority'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 Authority'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 Authority's financial environment, regulations, or best practices in investment management.



UPPER EAGLE REGIONAL
WATER AUTHORITY

GOVERNED BY:

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

The Town of Avon

BOARD ACTION REQUEST

TO: Board of Directors
FROM: Jeffrey Schneider, Capital Projects Program Manager
DATE: January 19, 2024
RE: Arrowhead Transmission Main & Valve Vault Easements

Summary of Subject: Staff requests the board approve the attached easements, temporary construction easements, and vacation of existing easements with Arrowhead Metropolitan District and Vail Resorts. These easements are required to construct the Arrowhead Transmission Main project, a critical infrastructure project whereby approximately 2,200 linear feet (LF) of 16-inch water transmission main is being installed to replace existing corroded pipe from roughly the base of Arrowhead Mountain to Arrowhead Tank 1 located off of Cresta Road. The Authority cannot enter into a construction contract without securing all lands and easements for the project and the project is currently in its advertisement phase.

Discussion and Background: Section 8(m) of the Authority Bylaws delegates to the General Manger the power to “execute real property conveyances approved by the board.” Staff requests the board approve an easement, temporary construction easement, and partial vacation and abandonment of an existing easement with Arrowhead Metropolitan District, as well as a related easement modification agreement, temporary construction easement, and partial vacation and abandonment of an existing easement with Vail Resorts. These easements took multiple years to acquire and the receipt of the Vail Resorts easements were the final remaining piece preventing the construction of the project.

The new easements are related to the existing Arrowhead Transmission Main, which is badly corroded and has exhibited failures. ERWSD staff has identified a new alignment for a new corrosion-resistant transmission main to reduce failures in the Arrowhead service area, and the entire Edwards low pressure zone. The easements presented in this Board Action Request are for the new transmission main alignment. This new alignment crosses property owned by Vail Resorts and property owned by Arrowhead Metro District. A project for the new transmission main alignment is scheduled and budgeted to be completed in 2024. Once these new easements are approved, and the project is completed and accepted, the existing easement can be abandoned.

Recommendation: Approve the easements, temporary construction easements, and vacations of existing easements with Arrowhead Metropolitan District and Vail Resorts as presented.

Suggested Motion: I move to authorize staff to proceed with executing the attached easement, temporary construction easement, and partial vacation and abandonment with Arrowhead Metropolitan District, and to authorize staff to proceed with executing the attached easement, temporary construction easement, and partial vacation and abandonment with Vail Resorts.

Attached Supporting Documentation:

- Easement Between the Authority and Arrowhead Metropolitan District
- Temporary Construction Easement Between the Authority and Arrowhead Metropolitan District

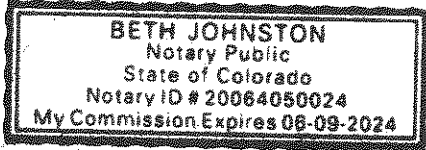
- Partial Vacation and Abandonment of Easement Between the Authority and Arrowhead Metro Vacation
- Easement Modification Agreement Between the Authority and Vail Resorts
- Temporary Construction Easement Between the Authority and Vail Resorts
- Partial Vacation and Abandonment of Easement Between the Authority and Vail Resorts

Please let me know if you have any questions or would like additional information. Thank you for your attention to this matter.

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing Easement was acknowledged before me this 25 day of October, 2023 by Vincent Riggio as President of Arrowhead, a Colorado metropolitan District Metropolitan District

My commission expires: 6/9/2024



Beth Johnston
Notary Public

ACCEPTED by the Upper Eagle Regional Water Authority this ____ day of _____, 20__.

UPPER EAGLE REGIONAL WATER
AUTHORITY

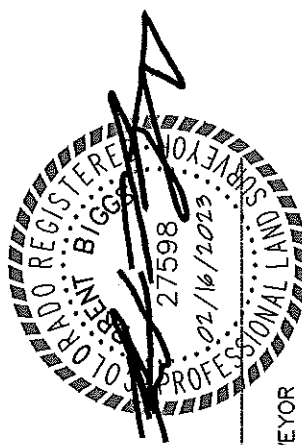
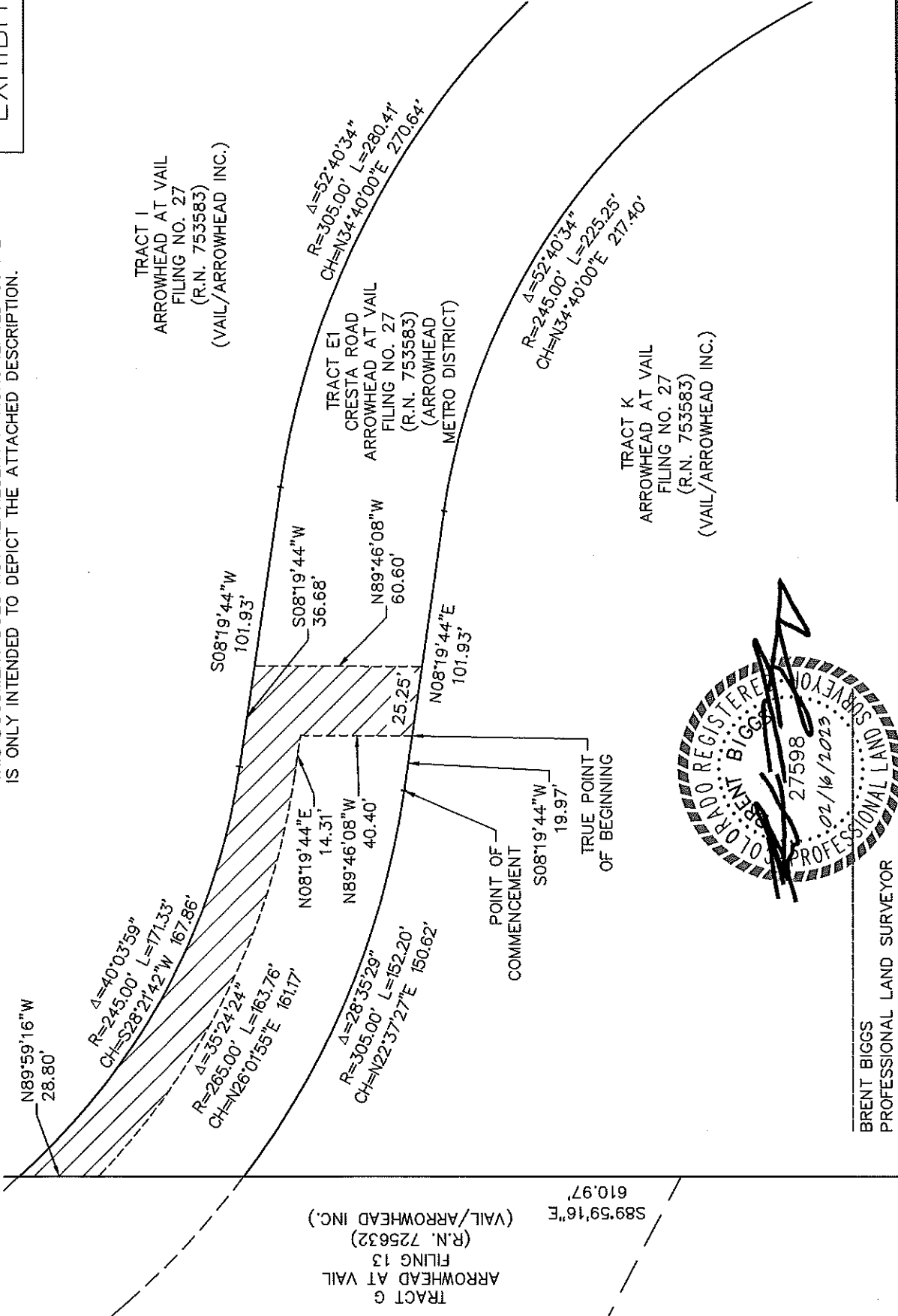
By _____
, Chairman

Attest:

, Secretary

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A



SCALE: 1"=50'

BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

PLC
PEAK LAND CONSULTANTS, INC.
PHOTOGRAPHY - 3044, PHOTOGRAPHY - 3044
1000 LOAN'S BLDG. LOOP, SUITE 110
VAIL, CO 81657

UTILITY EASEMENT EXHIBIT
TRACT E1, CRESTA ROAD
ARROWHEAD AT VAIL FILING NO. 27
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 2
DATE: 02/16/23	PLC JOB NO.: 2380	

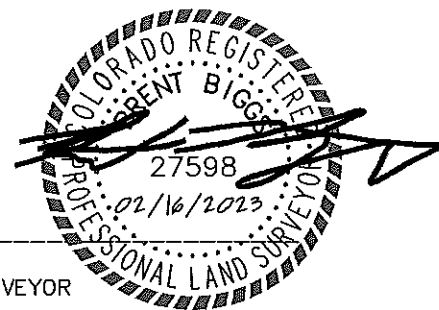
UTILITY EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
 -00°00'14" FROM PLATTED

A PARCEL OF LAND LYING IN TRACT E1 (CRESTA ROAD) RECEPTION NUMBER 753583, EAGLE
 COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST POINT OF TANGENT OF THE WESTERLY LINE OF SAID TRACT E1;
 THENCE S08°19'44"W 19.97 FEET ALONG SAID WESTERLY LINE TO THE TRUE POINT OF BEGINNING;
 THENCE DEPARTING SAID WESTERLY LINE N89°46'08"W A DISTANCE OF 40.40 FEET;
 THENCE N08°19'44"E A DISTANCE OF 14.31 FEET;
 THENCE 163.76 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 265.00 FEET, A
 CENTRAL ANGLE OF 35°24'24" AND A CHORD WHICH BEARS N26°01'55"E A DISTANCE OF 161.17
 FEET TO THE NORTH LINE OF SAID TRACT E1;
 THENCE THREE (3) COURSES ALONG THE LINE OF SAID TRACT E1
 1) S89°59'16"E A DISTANCE OF 28.80 FEET;
 2) 171.33 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 245.00 FEET, A CENTRAL
 ANGLE OF 40°03'59" AND A CHORD WHICH BEARS S28°21'42"W A DISTANCE OF 167.86 FEET;
 3) S08°19'44"W A DISTANCE OF 36.68 FEET;
 THENCE DEPARTING SAID LINE N89°46'08"W A DISTANCE OF 60.60 FEET TO THE WESTERLY LINE
 OF SAID TRACT E1;
 THENCE N08°19'44"E A DISTANCE OF 25.25 FEET ALONG SAID WESTERLY LINE TO THE TRUE
 POINT OF BEGINNING.

CONTAINING 5,120 SQUARE FEET/0.118 ACRES MORE OR LESS



BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

UTILITY EASEMENT EXHIBIT
 TRACT E1, CRESTA ROAD
 ARROWHEAD AT VAIL, FILING NO. 27
 EAGLE COUNTY, COLORADO



DRAWN BY: KPJ	CHECKED BY: BB	SHEET 2 OF 2
DATE: 02/16/23	PLC JOB NO.: 2380	

TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT (this "Easement") is made and entered into this 25 day of Oct, 2023, by ARROWHEAD METRO DISTRICT, whose address is PO BOX 600 EDWARDS, CO 81632-0600 (the "Grantor") and UPPER EAGLE REGIONAL WATER AUTHORITY, a quasi-municipal corporation and political subdivision of the State of Colorado, whose address is 846 FOREST ROAD, VAIL, COLORADO 81657 (the "Authority").

WHEREAS, Grantor owns that certain real property described in Exhibit A, attached hereto and incorporated herein (the "Grantor's Property"); and

WHEREAS, the Authority desires to acquire, and Grantor desires to convey to the Authority, a temporary construction easement over that portion of the Grantor's Property described on Exhibit A, attached hereto and incorporated herein (the "Easement Area"), and generally depicted on Exhibit A, attached hereto and incorporated herein, for the purposes described herein.

NOW THEREFORE, for and in consideration of the covenants and agreements set forth herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereby agree and covenant as follows:

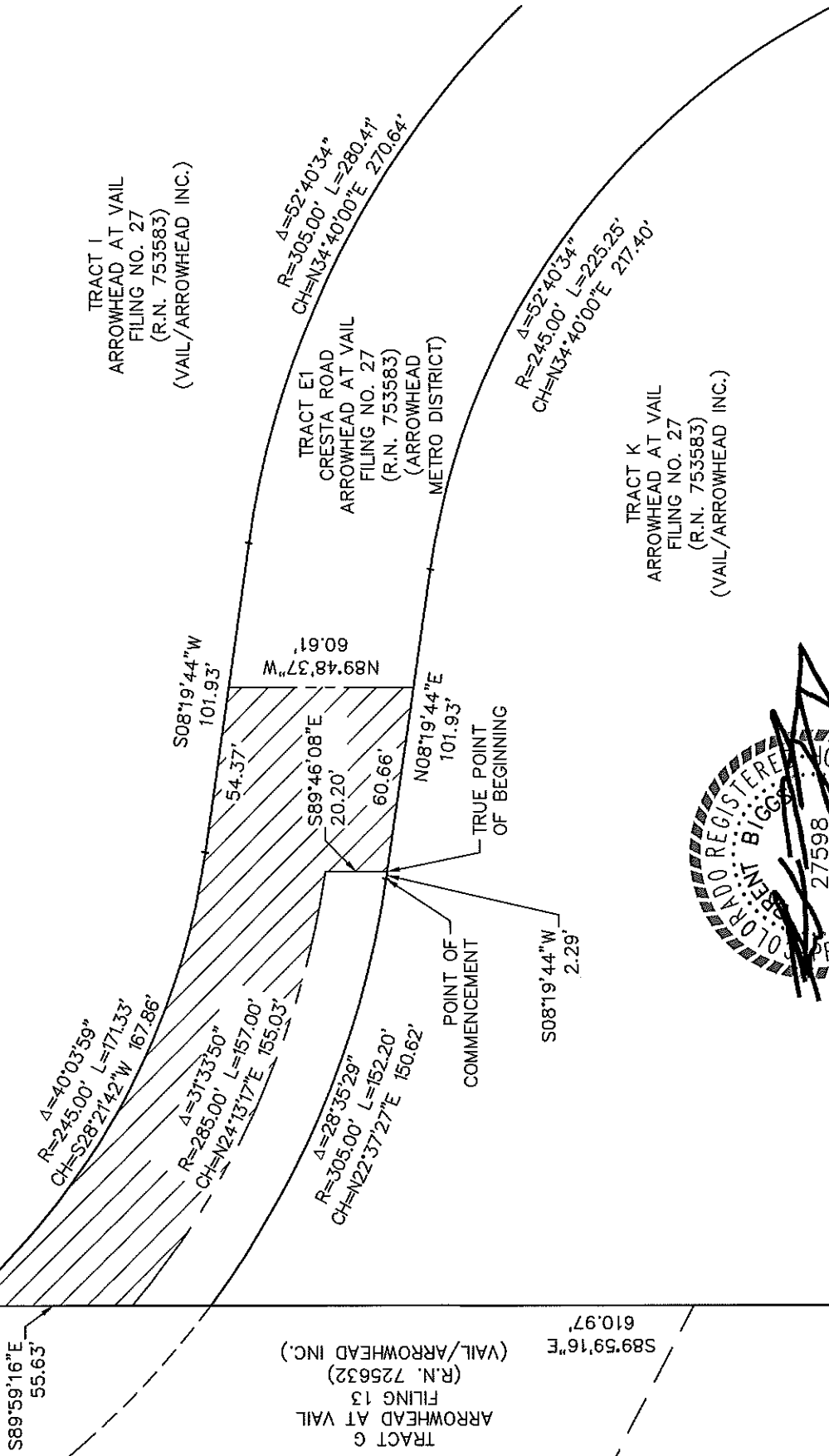
1. Grant of Temporary Construction Easement. Grantor hereby grants and conveys to the Authority, and its successors and assigns, a temporary construction easement in, to, through, over, across, and under the Easement Area, effective as of the date hereof, to construct and install underground water and sewer lines, together with any and all water and sewer manholes, valves, and appurtenances situate therein, and all necessary rights-of-way for convenient ingress and egress thereto and therefrom.
2. Termination. This Easement shall terminate upon completion of the construction, but not later than ninety (90) days from the date first written above.
3. Restoration. Following completion of the construction, the Authority, or its contractors or assigns, shall restore any part of the surface of the Easement Area that is damaged or disturbed as a result of the Authority's exercise of its rights hereunder to substantially the same condition existing at the commencement of such construction activities.
4. Warranty. Grantor warrants that it has full and lawful authority to make the grant herein contained and promises and agrees to defend the Authority in the exercise of its rights hereunder against any defect in Grantor's title to the land involved or to its right to make the grant herein contained, except for easements, rights-of-way, restrictions and reservations of record.

5. Binding Effect. This Easement shall extend to and be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto. The terms, covenants, agreements and conditions in this Easement shall run with the land.

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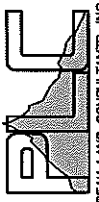
EXHIBIT A

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

SCALE: 1"=50'

 PEAK LAND CONSULTANTS, INC. 1000 LARK'S CROSS ROAD, SUITE 111 VAIL, CO 81657	TEMPORARY CONSTRUCTION EASEMENT EXHIBIT TRACT E1, CRESTA ROAD ARROWHEAD AT VAIL FILING NO. 27 EAGLE COUNTY, COLORADO
	DRAWN BY: KPJ CHECKED BY: BB DATE: 02/16/23 PLC JOB NO.: 2380 SHEET 1 OF 3

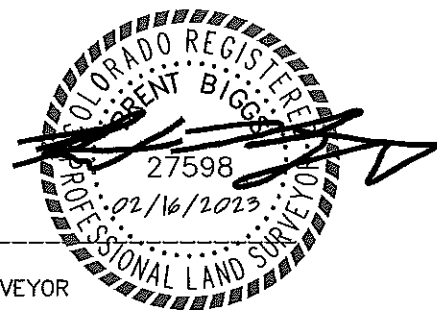
TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
-00°00'14" FROM PLATTED

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COMMENCING AT THE NORTHWEST POINT OF TANGENT OF THE WESTERLY LINE OF SAID TRACT E1;
THENCE S08°19'44"W A DISTANCE OF 2.29 FEET ALONG SAID WESTERLY LINE TO THE TRUE
POINT OF BEGINNING;
THENCE DEPARTING SAID WESTERLY LINE N89°46'08"W A DISTANCE OF 20.20 FEET;
THENCE 157.00 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 285.00 FEET, A
CENTRAL ANGLE OF 31°33'50" AND A CHORD WHICH BEARS N24°13'17"E A DISTANCE OF 155.03
FEET TO THE NORTH LINE OF SAID TRACT E1;
THENCE THREE (3) COURSES ALONG THE LINE OF SAID TRACT E1
1) S89°59'16"E A DISTANCE OF 55.63 FEET;
2) 171.33 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 245.00 FEET, A CENTRAL
ANGLE OF 40°03'59" AND A CHORD WHICH BEARS S28°21'42"W A DISTANCE OF 167.86 FEET;
3) S08°19'44"W A DISTANCE OF 54.37 FEET;
THENCE DEPARTING SAID LINE N89°48'37"W A DISTANCE OF 60.61 FEET TO THE WESTERLY LINE
OF SAID TRACT E1;
THENCE N08°19'44"E A DISTANCE OF 60.66 FEET ALONG SAID WESTERLY LINE TO THE TRUE
POINT OF BEGINNING.

CONTAINING 10,062 SQUARE FEET/0.231 ACRES MORE OR LESS



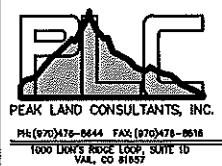
BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
TRACT E1, CRESTA ROAD
ARROWHEAD AT VAIL, FILING NO. 27
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ
DATE: 02/16/23

CHECKED BY: BB
PLC JOB NO.: 2380

SHEET 2 OF 2



PARTIAL VACATION AND ABANDONMENT OF EASEMENT

THIS PARTIAL VACATION AND ABANDONMENT OF EASEMENT (this "Vacation and Abandonment") is made as of Oct 25, 2023 by the Upper Eagle Regional Water Authority, a quasi-municipal corporation and political subdivision of the State of Colorado ("Authority") and Arrowhead Metropolitan District, a quasi-municipal corporation and political subdivision of the State ("Arrowhead").

WHEREAS, pursuant to that Easement Agreement dated December 17, 1987 and recorded with the Eagle County Recorder at Reception No. 373934, the Authority holds an easement across the property identified on Exhibit A, for the purpose of constructing, maintaining, and repairing water lines and a water tank ("Easement"); and

WHEREAS, the Authority is relocating a portion of the water lines and Arrowhead has agreed to grant a new easement to the Authority; and

WHEREAS, following the relocation of the water main, the Authority and Arrowhead have agreed to terminate and vacate a portion of the Easement, as shown on Exhibit A, attached hereto and incorporated herein.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Arrowhead and the Authority agree that the portions of the Easement as shown on Exhibit A, are hereby terminated, and the Authority hereby releases, vacates, terminates and abandons all of its easements, rights, interests, obligations and privileges of every kind and nature to such portions of the Easement. The Easement shall remain in full force and effect for those portions of the Easement not vacated or abandoned. This Vacation and Abandonment shall be binding on the Authority and Arrowhead and their successors and assigns. This Vacation and Abandonment may be executed in any number of identical counterparts, any or all of which may contain the signatures of fewer than all of the parties but all of which shall be taken together as a single instrument.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties hereby execute this Vacation and Abandonment as of the date first set forth above.

EAGLE RIVER WATER AND SANITATION AUTHORITY

By: _____
Name: _____
Title: _____
Date: _____

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

Subscribed and sworn to before me this _____ day of _____, 2023 by
_____ as _____ of the Upper Eagle Regional Water
Authority.

Witness my hand and official seal.

My commission expires: _____

Notary Public

ARROWHEAD METROPOLITAN DISTRICT

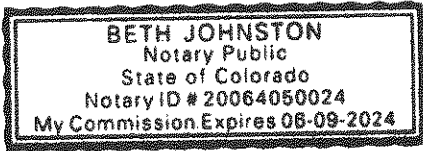
By: [Signature]
Name: VINCENT RIGGIO
Title: PRESIDENT
Date: 10.25.23

STATE OF COLORADO)
) ss.
COUNTY OF Eagle)

Subscribed and sworn to before me this 25 day of October, 2023 by
Vincent Riggio as President of Arrowhead Metropolitan
District, a Colorado corporation.

Witness my hand and official seal.

My commission expires: 6/9/2024



[Signature]
Notary Public

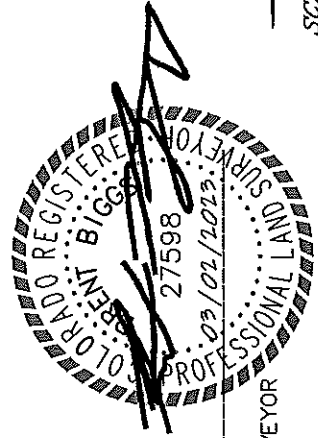
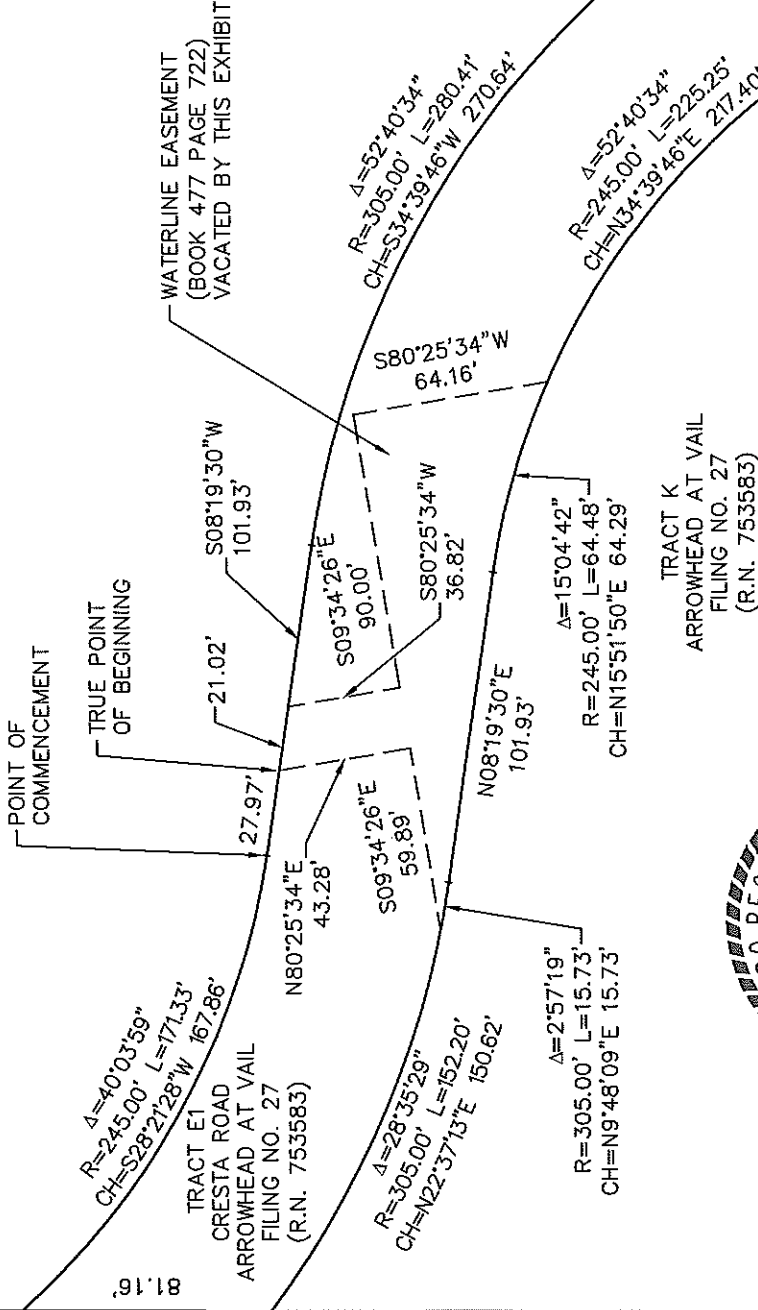
THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A

N89°59'30"W
515.00'

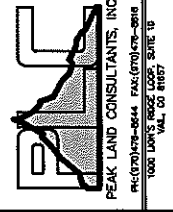
TRACT G
ARROWHEAD AT VAIL
FILING NO. 13
(R.N. 725632)

TRACT I
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

SCALE: 1" = 60'



WATERLINE EASEMENT VACATION EXHIBIT
TRACT E1, CRESTA ROAD
ARROWHEAD AT VAIL, FILING 27
EAGLE COUNTY, COLORADO

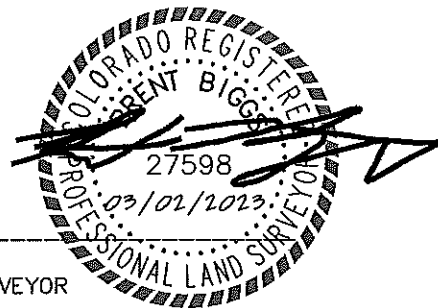
DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 2
DATE: 03/02/23	PLC JOB NO.: 2380	

WATERLINE EASEMENT VACATION EXHIBIT


A PARCEL OF LAND, BOOK 477, PAGE 722, LOCATED IN TRACT E1, CRESTA ROAD, ARROWHEAD AT VAIL FILING NO. 27 RECEPTION NO. 753583, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY POINT OF TANGENCY SAID TRACT E1;
 THENCE S08°19'30"W A DISTANCE OF 27.97 FEET ALONG EASTERLY LINE OF SAID TRACT E1 TO THE TRUE POINT OF BEGINNING;
 THENCE CONTINUING ALONG SAID EASTERLY LINE S08°19'30"W A DISTANCE OF 21.02 FEET;
 THENCE DEPARTING SAID EASTERLY LINE S80°25'34"W A DISTANCE OF 36.82 FEET;
 THENCE S09°34'26"E A DISTANCE OF 90.00 FEET;
 THENCE S80°25'34"W A DISTANCE OF 64.16 FEET TO THE WESTERLY LINE OF SAID TRACT E1;
 THENCE THREE (3) COURSES ALONG SAID WESTERLY LINE:
 1) 64.48 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 245.00 FEET, A CENTRAL ANGLE OF 15°04'42". AND A CHORD WHICH BEARS N15°51'50"E A DISTANCE OF 64.29 FEET;
 2) N08°19'30"E A DISTANCE OF 101.93 FEET;
 3) 15.73 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 305.00 FEET, A CENTRAL ANGLE OF 02°57'19", AND A CHORD WHICH BEARS N09°48'09"E A DISTANCE OF 15.73 FEET;
 THENCE DEPARTING SAID WESTERLY LINE S09°34'26"E A DISTANCE OF 59.89 FEET;
 THENCE N80°25'34"E A DISTANCE OF 43.28 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 5,699 SQUARE FEET/0.131 ACRES MORE OR LESS



 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

WATERLINE EASEMENT VACATION EXHIBIT TRACT E1, CRESTA ROAD ARROWHEAD AT VAIL, FILING 27 EAGLE COUNTY, COLORADO			 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8618 1000 DICK'S RIDGE LOOP, SUITE 10 VAIL, CO 81657
DRAWN BY: KPJ DATE: 03/02/23	CHECKED BY: BB PLC JOB NO.: 2380	SHEET 2 OF 2	

EASEMENT MODIFICATION AGREEMENT

THIS EASEMENT MODIFICATION AGREEMENT (this "Agreement") is made and entered into this 19 day of December, 2023 (the "Effective Date"), by and between VAIL/ARROWHEAD, INC. ("Vail"), and the UPPER EAGLE REGIONAL WATER AUTHORITY, a quasi-municipal corporation and political subdivision of the State of Colorado ("Authority").

RECITALS

WHEREAS, Grantor is the owner of certain real property, as more particularly described in **Exhibit A** attached hereto (the "Property");

WHEREAS, the Authority holds an easement across the Property identified on Exhibit A, for the purpose of constructing, maintaining, and repairing water lines and a water tank (the "Easement");

WHEREAS, Authority is relocating a portion of the water lines and Vail and the Authority have entered into a Partial Vacation and Abandonment of Easement (the "Partial Vacation and Abandonment") to terminate certain portions of the Easement; and

WHEREAS, the Authority requires a modified easement ("Modified Easement") for the relocated water lines on the Property, and Vail has agreed to grant a Modified Easement to the Authority for the relocated water lines as more particularly described or depicted in **Exhibit B** attached hereto, and Vail agrees to such relocation;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Vail and the Authority agree as follows:

AGREEMENT

Modified Easement: Vail hereby grants to the Authority a perpetual, non-exclusive, Modified Easement, attached hereto, for the purpose of constructing, maintaining, and repairing water lines and a water tank.

Relocation of Water Line: The Authority understands and acknowledges that the relocated water line is in close proximity to Vail's Arrowhead No. 17 Chair Lift ("Chair Lift"), which Vail may upgrade or replace in the future at its sole discretion in accordance with applicable law. In the event of such an upgrade or replacement, Vail will use reasonable efforts to not disturb the relocated water line, provided that, if an upgrade or replacement requires the water line to be relocated, the costs associated with such relocation constructed to the Authority's standards and in compliance with its Rules and Regulations, shall be shared equally between the Authority and Vail.

Acknowledgment of Risk: The Authority acknowledges and understands the risk that any new water lines installed under this Modified Easement may need to be relocated due to a potential upgrade of the Chair Lift by Vail. Notwithstanding such risk, the Authority agrees to continue with this Agreement and be bound by its terms.

Binding Effect: This Modified Easement shall be binding on the Authority and Vail and their successors and assigns. This Modified Easement may be executed in any number of identical counterparts, any or all of which may contain the signatures of fewer than all of the parties, but all of which shall be taken together as a single instrument.

IN WITNESS WHEREOF, the parties have executed this Easement Modification Agreement as of the Effective Date first above written.

VAIL/ARROWHEAD, INC.

By Dan Ramker
Name Daniel Ramker
Title VP Mtn Ops
Date 12/19/2023

STATE OF COLORADO

)
)
)

ss.

COUNTY OF EAGLE

Subscribed and sworn to before me this 19th day of December, 2023
by Dan Ramker as VP of Mtn Ops of Vail/Arrowhead, Inc.

Witness my hand and official seal.

My commission expires: 5-07-27

CAROL A FLOYD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19914004671
MY COMMISSION EXPIRES MAY 07, 2027

Carola Floyd
Notary Public

EAGLE RIVER WATER & SANITATION DISTRICT

By _____
Name _____
Title _____
Date _____

STATE OF COLORADO)

) ss.

COUNTY OF EAGLE)

Subscribed and sworn to before me this ____ day of _____, 2023
by _____ as _____ of the Eagle River Water &
Sanitation District.

Witness my hand and official
seal.

My commission expires: _____

Notary Public

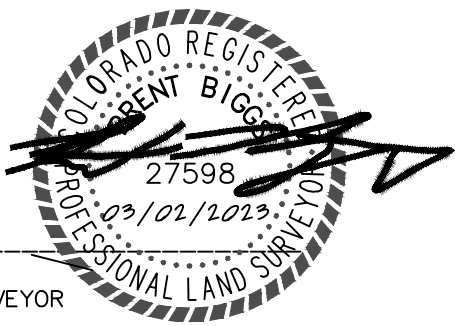
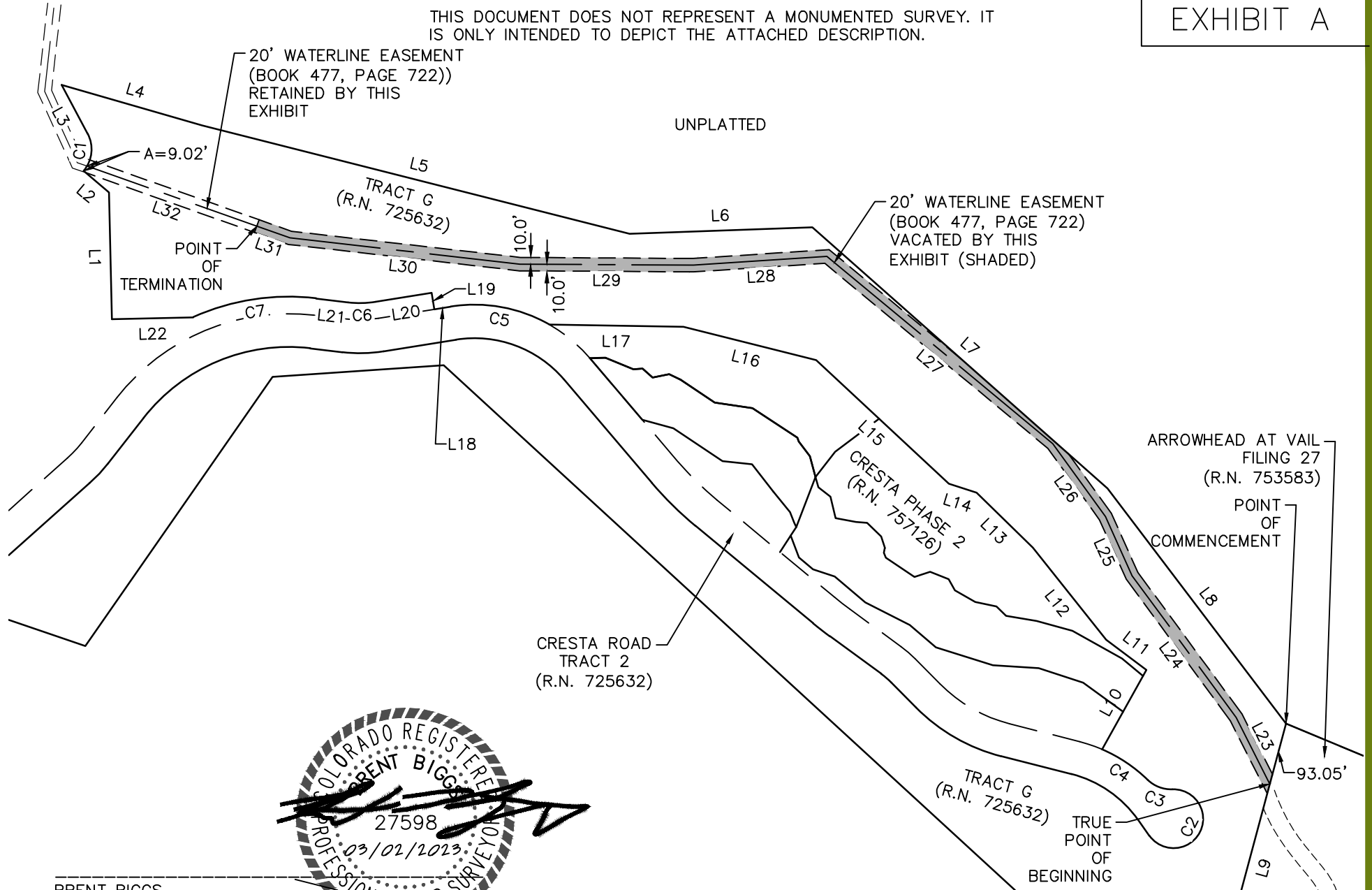
EXHIBIT A

Legal Description of Vail's Property and Easement Area

[Attached]

EXHIBIT A

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

SCALE: 1"=200'

WATERLINE EASEMENT VACATION EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO			PEAK LAND CONSULTANTS, INC. PH: (970)478-8644 FAX: (970)478-8616 1000 LION'S RIDGE LOOP, SUITE 10 VAIL, CO 81657
DRAWN BY: KPJ DATE: 03/02/23	CHECKED BY: BB PLC JOB NO.: 2380	SHEET 1 OF 3	

EXHIBIT A

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N73°42'34"E	189.00
L2	N25°11'53"E	49.52
L3	N46°47'06"E	82.18
L4	S01°05'45"W	217.89
L5	S00°46'31"E	658.06
L6	S17°01'58"E	272.98
L7	S26°29'10"W	587.64
L8	S37°48'53"W	440.46
L9	N89°59'30"W	515.00
L10	S75°51'45"E	135.69
L11	N21°51'20"E	74.93

LINE TABLE		
LINE #	BEARING	DISTANCE
L12	N36°28'59"E	175.69
L13	N29°15'31"E	117.56
L14	N02°43'39"E	43.41
L15	N27°58'26"E	270.63
L16	N00°55'14"W	203.83
L17	N14°04'03"W	200.07
L18	N24°04'56"W	25.09
L19	S65°55'04"W	25.00
L20	N24°04'56"W	84.52
L21	N08°19'29"W	48.22
L22	N16°17'10"W	121.37

LINE TABLE		
LINE #	BEARING	DISTANCE
L23	S48°11'40"W	111.03
L24	N38°41'44"E	262.18
L25	N50°39'19"E	96.85
L26	N39°13'58"E	134.15
L27	N24°39'10"E	437.60
L28	N18°44'16"W	199.45
L29	N14°38'33"W	259.10
L30	N08°29'26"W	345.12
L31	N04°29'10"E	52.59

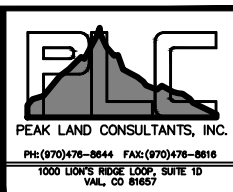
LINE TABLE		
LINE #	BEARING	DISTANCE
L32	N04°29'10"E	268.43

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	59.70	50.00	68°24'23"	N80°59'17"E	56.21
C2	182.03	44.00	237°02'09"	S78°32'25"E	77.32
C3	40.46	50.00	46°21'34"	S06°07'17"W	39.36
C4	82.48	225.00	21°00'11"	N18°47'59"E	82.02
C5	152.26	225.00	38°46'18"	N04°41'47"W	149.37
C6	41.25	150.00	15°45'27"	S16°12'13"E	41.12
C7	187.54	350.00	30°42'00"	N23°40'29"W	185.30



WATERLINE EASEMENT VACATION EXHIBIT
 TRACT G, ARROWHEAD AT VAIL FILING 13
 A RESUBDIVISION OF LOTS 27 & 29
 AND TRACTS H AND G
 EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB	SHEET 2 OF 3
DATE: 03/02/23	PLC JOB NO.: 2380	




A 20 FOOT WIDE STRIP OF LAND, BOOK 477, PAGE 722, LYING 10.0 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT G, AMENDED FINAL PLAT ARROWHEAD AT VAIL FILING NO. 13, A RESUBDIVISION OF LOT 26, LOT 27, TRACT H, AND TRACT G RECEPTION NUMBER 725632, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT G;
THENCE N89°59'30"W ALONG THE SOUTH LINE OF SAID TRACT G 93.05 FEET TO THE TRUE POINT OF BEGINNING;
THENCE DEPARTING SAID SOUTH LINE N48°11'40"E A DISTANCE OF 111.03 FEET;
THENCE N38°41'44"E A DISTANCE OF 262.18 FEET;
THENCE N50°39'19"E A DISTANCE OF 96.85 FEET;
THENCE N39°13'58"E A DISTANCE OF 134.15 FEET;
THENCE N24°39'10"E A DISTANCE OF 437.60 FEET;
THENCE N18°44'16"W A DISTANCE OF 199.45 FEET;
THENCE N14°38'33"W A DISTANCE OF 259.10 FEET;
THENCE N08°29'26"W A DISTANCE OF 345.12 FEET;
THENCE N04°29'10"E A DISTANCE OF 52.59 FEET TO THE POINT OF TERMINATION.

CONTAINING 37,321 SQUARE FEET/0.857 ACRES MORE OR LESS

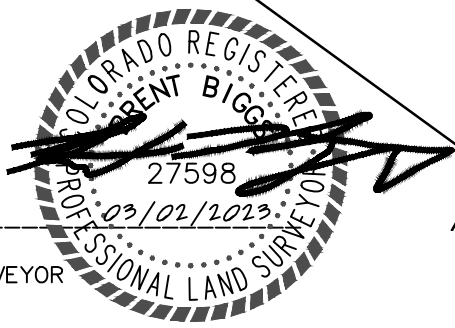
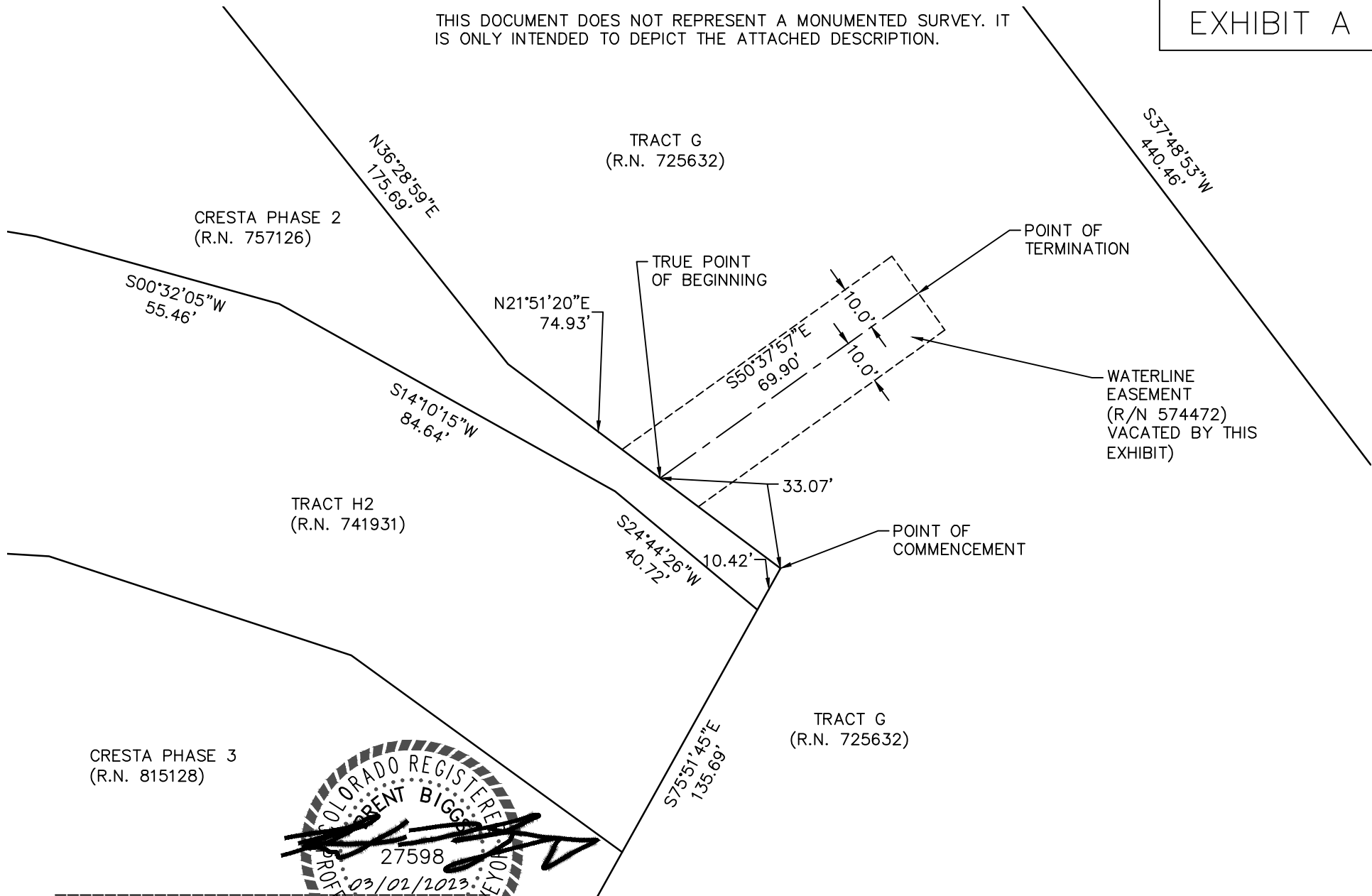


BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

WATERLINE EASEMENT VACATION EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. <small>PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657</small>
DRAWN BY: KPJ DATE: 03/02/23	CHECKED BY: BB PLC JOB NO.: 2380	

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TRACT G
(R.N. 725632)

WATERLINE EASEMENT VACATION EXHIBIT
TRACT G, ARROWHEAD AT VAIL FILING 13
A RESUBDIVISION OF LOTS 27 & 29
AND TRACTS H AND G
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB
DATE: 03/02/23	PLC JOB NO.: 2380

SHEET 1 OF 2



WATERLINE EASEMENT VACATION EXHIBIT


A 20 FOOT WIDE STRIP OF LAND LYING 10.0 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT G, AMENDED FINAL PLAT ARROWHEAD AT VAIL FILING NO. 13, A RESUBDIVISION OF LOT 26, LOT 27, TRACT H, AND TRACT G RECEPTION NUMBER 725632, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT SAID TRACT G;
THENCE N21°51'20"E A DISTANCE OF 33.07 FEET ALONG PROPERTY LINE OF SAID TRACT G TO THE TRUE POINT OF BEGINNING;
THENCE DEPARTING SAID PROPERTY LINE S50°37'57"E A DISTANCE OF 69.90 FEET TO THE POINT OF TERMINATION.

CONTAINING 1,398 SQUARE FEET/0.032 ACRES MORE OR LESS



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

WATERLINE EASEMENT VACATION EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657
DRAWN BY: KPJ	CHECKED BY: BB	
DATE: 03/02/23	PLC JOB NO.: 2380	SHEET 3 OF 3

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

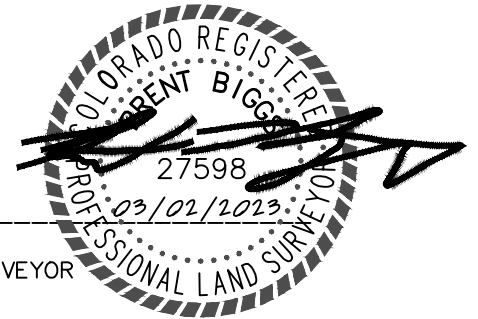
EXHIBIT A

S07°30'55"W 447.95'

POINT OF TERMINATION

N48°51'59"E 65.57'

UTILITY EASEMENT (R/N 753583) VACATED BY THIS EXHIBIT



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TRACT I
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)

TRUE POINT OF BEGINNING

POINT OF COMMENCEMENT

N26°55'58"E 52.40'

N66°23'30"E 125.81'

N80°06'03"E 26.35'

N08°19'30"E 101.93'

Δ=52°40'34"
R=305.00' L=280.41'
CH=N34°39'46"E 270.64'

Δ=40°03'59"
R=245.00' L=171.33'
CH=N28°21'28"E 167.86'

TRACT E1
CRESTA ROAD
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)

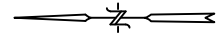
TRACT G
ARROWHEAD AT VAIL
FILING NO. 13
(R.N. 725632)

N89°59'30"W 515.00'

275.63'

26.32'

66.39'



SCALE: 1" = 60'

UTILITY EASEMENT VACATION EXHIBIT
TRACT I, ARROWHEAD AT VAIL FILING 27
EAGLE COUNTY, COLORADO



PEAK LAND CONSULTANTS, INC.

DRAWN BY: KPJ

CHECKED BY: BB

SHEET 1 OF 2

DATE: 03/02/23

PLC JOB NO.: 2380

PH: (970) 478-8644 FAX: (970) 478-8616
1000 LION'S RIDGE LOOP, SUITE 10
VAIL, CO 81657

UTILITY EASEMENT VACATION EXHIBIT


A 25 FOOT WIDE STRIP OF LAND LYING 12.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT I, ARROWHEAD AT VAIL FILING NO. 127, RECEPTION NUMBER 753583, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT POINT OF CURVATURE OF SAID TRACT I;
 THENCE N08°19'30"E A DISTANCE OF 66.39 FEET ALONG THE WESTERLY LINE OF SAID TRACT I TO THE TRUE POINT OF BEGINNING;
 THENCE DEPARTING SAID WESTERLY LINE N80°06'03"E A DISTANCE OF 26.35 FEET;
 THENCE N66°23'20"E A DISTANCE OF 125.81 FEET;
 THENCE N26°55'58"E A DISTANCE OF 52.40 FEET;
 THENCE N48°51'59"E A DISTANCE OF 65.57 FEET TO THE POINT OF TERMINATION.

CONTAINING 6,753 SQUARE FEET/0.155 ACRES MORE OR LESS

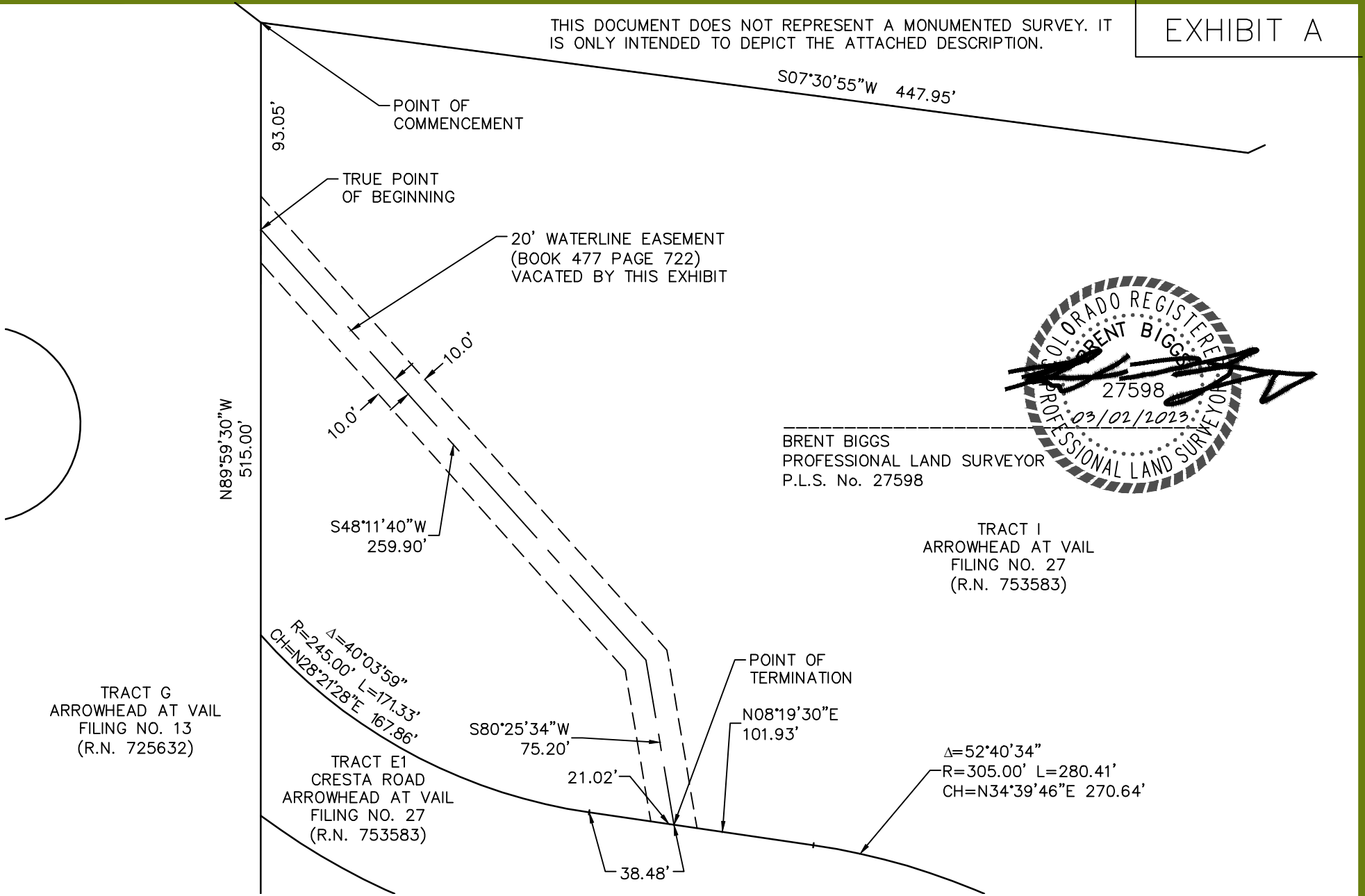


 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

UTILITY EASEMENT VACATION EXHIBIT TRACT I, ARROWHEAD AT VAIL FILING 27 EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657
DRAWN BY: KPJ DATE: 03/02/23	CHECKED BY: BB PLC JOB NO.: 2380	
SHEET 2 OF 2		


THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

SCALE: 1" = 60'

WATERLINE EASEMENT VACATION EXHIBIT TRACT I, ARROWHEAD AT VAIL FILING 27 EAGLE COUNTY, COLORADO			 PEAK LAND CONSULTANTS, INC. PH: (970)478-8644 FAX: (970)478-8616 1000 LION'S RIDGE LOOP, SUITE 10 VAIL, CO 81657
DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 2	
DATE: 03/02/23	PLC JOB NO.: 2380		

WATERLINE EASEMENT VACATION EXHIBIT

A 20 FOOT WIDE STRIP OF LAND, BOOK 477, PAGE 722, LYING 10.0 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT I, ARROWHEAD AT VAIL FILING NO. 27 RECEPTION NO. 753583, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT I;
THENCE N89°59'30"W A DISTANCE OF 93.05 FEET ALONG THE NORTHERLY LINE OF SAID TRACT I TO THE TRUE POINT OF BEGINNING;
THENCE DEPARTING SAID NORTHERLY LINE S48°11'40"W A DISTANCE OF 259.90 FEET;
THENCE S80°25'34"W A DISTANCE OF 75.20 FEET TO THE WESTERLY LINE OF SAID TRACT I BEING THE POINT OF TERMINATION.

CONTAINING 37,321 SQUARE FEET/0.857 ACRES MORE OR LESS



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

WATERLINE EASEMENT VACATION EXHIBIT
TRACT I, ARROWHEAD AT VAIL FILING 27
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ CHECKED BY: BB
DATE: 03/02/23 PLC JOB NO.: 2380

SHEET 2 OF 2



EXHIBIT B

Legal Description of the Modified Easement

[Attached]

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S00°46'17"E	658.06
L2	S17°01'44"E	272.98
L3	S26°29'24"W	587.64
L4	S37°49'07"W	440.46
L5	N89°59'16"W	515.00
L6	S75°51'31"E	135.69
L7	N21°51'34"E	74.93
L8	N36°29'13"E	175.69
L9	N29°15'45"E	117.56

LINE TABLE		
LINE #	BEARING	DISTANCE
L10	N02°43'53"E	43.41
L11	N27°58'40"E	270.63
L12	N00°55'00"W	203.83
L13	N14°03'49"W	200.07
L14	N24°04'42"W	25.09
L15	N65°55'18"E	25.00
L16	N24°04'42"W	84.52
L17	N08°19'15"W	48.22
L18	N16°16'57"W	121.37

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	182.03	44.00	237°02'09"	S78°32'11"E	77.32
C2	40.46	50.00	46°21'34"	N06°07'31"E	39.36
C3	82.48	225.00	21°00'11"	N18°48'13"E	82.02
C4	152.25	224.95	38°46'48"	N04°41'27"W	149.36
C5	41.25	150.00	15°45'27"	N16°11'59"W	41.12
C6	187.54	350.00	30°42'00"	N23°40'15"W	185.30



BOUNDARY LINE &
CURVE TABLES

WATERLINE EASEMENT EXHIBIT
TRACT G, ARROWHEAD AT VAIL FILING 13
A RESUBDIVISION OF LOTS 27 & 29
AND TRACTS H AND G
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ CHECKED BY: BB SHEET 2 OF 4
DATE: 02/16/23 PLC JOB NO.: 2380



EXHIBIT B

LINE TABLE		
LINE #	BEARING	DISTANCE
L19	N12°17'08"W	543.84
L21	S39°59'23"W	67.17
L22	S05°00'37"E	69.10
L23	S08°10'41"E	294.40
L24	S16°06'26"E	31.12
L25	S18°06'26"E	26.82
L26	S20°57'20"W	88.52
L27	S22°57'20"W	195.64

LINE TABLE		
LINE #	BEARING	DISTANCE
L28	S26°29'56"W	243.94
L29	S71°29'56"W	30.85
L30	S26°29'56"W	37.09
L31	N60°06'36"W	69.68
L32	S87°12'20"W	10.16
L33	S46°12'20"W	163.50
L34	S56°27'20"W	29.95

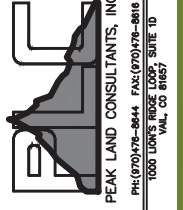
CURVE TABLE						
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	
C7	89.87	1500.00	3°25'58"	S06°43'36"E	89.85	
C8	48.44	350.00	7°55'46"	S12°08'34"E	48.40	
C9	6.98	200.00	2°00'02"	S17°06'26"E	6.98	
C10	306.80	450.00	39°03'46"	S01°25'27"W	300.89	
C11	17.45	500.00	2°00'00"	S21°57'20"W	17.45	
C12	12.37	200.00	3°32'36"	S24°43'38"W	12.37	
C13	61.98	205.09	17°18'59"	S35°16'13"W	61.75	
C14	35.78	200.00	10°15'00"	S51°19'50"W	35.73	
C15	2.13	275.00	0°26'38"	S56°14'00"W	2.13	



EASEMENT LINE & CURVE TABLE

WATERLINE EASEMENT EXHIBIT
 TRACT G, ARROWHEAD AT VAIL FILING 13
 A RESUBDIVISION OF LOTS 27 & 29
 AND TRACTS H AND G
 EAGLE COUNTY, COLORADO

DRAWN BY: KPJ
 CHECKED BY: BB
 DATE: 02/16/23
 PLC JOB NO.: 2380
 SHEET 3 OF 4



WATERLINE EASEMENT EXHIBIT

EXHIBIT B

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
 -00°00'14" FROM PLATTED

A 25 FOOT WIDE STRIP OF LAND LYING 12.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT G, AMENDED FINAL PLAT ARROWHEAD AT VAIL FILING NO. 13, A RESUBDIVISION OF LOT 26, LOT 27, TRACT H, AND TRACT G RECEPTION NUMBER 725632, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY ANGLE POINT OF SAID TRACT G;
 THENCE N12°17'08"W A DISTANCE OF 543.84 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE S39°59'23"W A DISTANCE OF 67.17 FEET;
 THENCE S05°00'37"E A DISTANCE OF 69.10 FEET;
 THENCE 89.87 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 3°25'58", AND A CHORD WHICH BEARS S06°43'36"E A DISTANCE OF 89.85 FEET;
 THENCE S08°10'41"E A DISTANCE OF 294.40 FEET;
 THENCE 48.44 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 350.00 FEET, A CENTRAL ANGLE OF 7°55'46", AND A CHORD WHICH BEARS S12°08'34" A DISTANCE OF 48.40 FEET;
 THENCE S16°06'26"E A DISTANCE OF 31.12 FEET;
 THENCE 6.98 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 2°00'02", AND A CHORD WHICH BEARS S17°06'26"E A DISTANCE OF 6.98 FEET;
 THENCE S18°06'26"E A DISTANCE OF 26.82 FEET;
 THENCE 306.80 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 39°03'46", AND A CHORD WHICH BEARS S01°25'27"W A DISTANCE OF 300.89 FEET;
 THENCE S20°57'20"W A DISTANCE OF 88.52 FEET;
 THENCE 17.45 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 2°00'00", AND A CHORD WHICH BEARS S21°57'20"W A DISTANCE OF 17.45 FEET;
 THENCE S22°57'20"W A DISTANCE OF 195.64 FEET;
 THENCE 12.37 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 3°32'36", AND A CHORD WHICH BEARS S24°43'38"W A DISTANCE OF 12.37 FEET;
 THENCE S26°29'56"W A DISTANCE OF 243.94 FEET;
 THENCE S71°29'56"W A DISTANCE OF 30.85 FEET;
 THENCE S26°29'56"W A DISTANCE OF 20.20 FEET TO POINT "A";
 THENCE N60°06'36"W A DISTANCE OF 69.68 FEET;
 THENCE S87°12'20"W A DISTANCE OF 10.16 FEET;
 THENCE RETURNING TO POINT "A" THENCE S26°29'56"W A DISTANCE OF 16.89 FEET;
 THENCE 61.98 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 205.09 FEET A CENTRAL ANGLE OF 17°18'59" AND A CHORD WHICH BEARS S35°16'13"W A DISTANCE OF 61.75 FEET;
 THENCE S46°12'20"W A DISTANCE OF 163.50 FEET;
 THENCE 35.78 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 10°15'00" AND A CHORD WHICH BEARS S51°19'50"W A DISTANCE OF 35.73 FEET;
 THENCE S56°27'20"W A DISTANCE OF 29.95 FEET;
 THENCE 2.13 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 00°26'38", AND A CHORD WHICH BEARS S56°14'00"W A DISTANCE OF 2.13 FEET TO THE POINT OF TERMINATION

CONTAINING 48,426 SQUARE FEET/1.112 ACRES MORE OR LESS



 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598


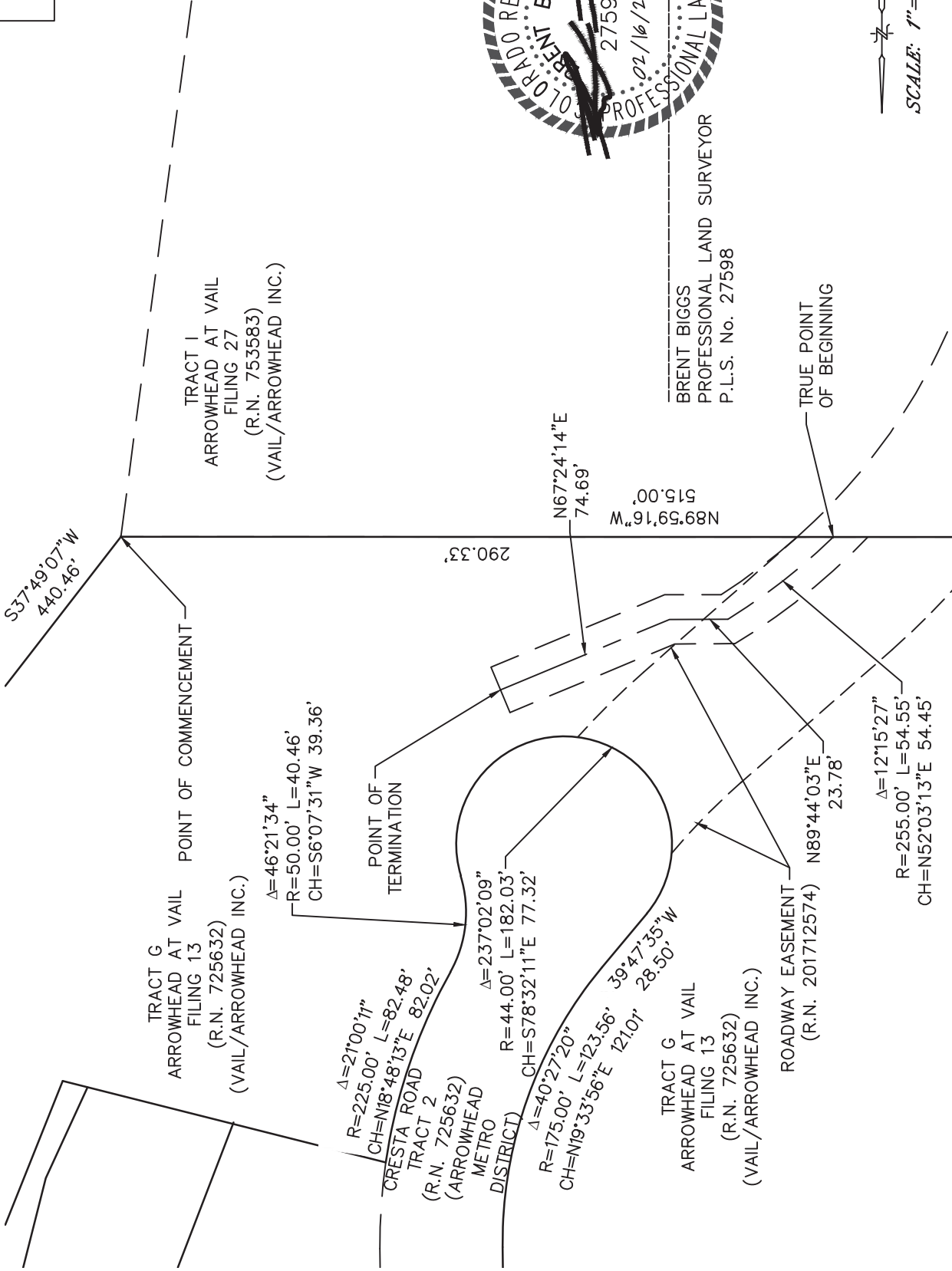

WATERLINE EASEMENT EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. <small>PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657</small>
DRAWN BY: KPJ DATE: 02/16/23	CHECKED BY: BB PLC JOB NO.: 2380	
SHEET 4 OF 4		

EXHIBIT B



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

SCALE: 1"=60'

 <p>PEAK LAND CONSULTANTS, INC. PH: (970) 978-8844 FAX: (970) 978-8816 1000 LONN'S ROSE LOOP, SUITE 10 VAIL, CO 81657</p>	
<p>UTILITY EASEMENT EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO</p>	
<p>DRAWN BY: KPJ</p>	<p>CHECKED BY: BB</p>
<p>DATE: 02/14/23</p>	<p>PLC JOB NO.: 2380</p>
<p>SHEET 1 OF 2</p>	

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

UTILITY EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
 -00°00'14" FROM PLATTED


A 20 FOOT WIDE STRIP OF LAND LYING 10.0 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED
 CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED AT THE BEGINNING LOCATED IN
 TRACT G, AMENDED FINAL PLAT ARROWHEAD AT VAIL FILING NO. 13, A RESUBDIVISION OF LOT
 26, LOT 27, TRACT H, AND TRACT G RECEPTION NUMBER 725632, EAGLE COUNTY, COLORADO
 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT G;
 THENCE N89°59'16"W A DISTANCE OF 290.33 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT
 G TO THE TRUE POINT OF BEGINNING;
 THENCE DEPARTING SAID SOUTHERLY LINE 54.55 FEET ALONG A CURVE TO THE RIGHT WITH A
 RADIUS OF 255.00 FEET, A CENTRAL ANGLE OF 12°15'27" AND A CHORD WHICH BEARS
 N52°03'13"E A DISTANCE OF 54.45 FEET;
 THENCE N89°44'03"E A DISTANCE OF 23.78 FEET;
 THENCE N67°24'14"E A DISTANCE OF 74.69 FEET TO THE POINT OF TERMINATION.

CONTAINING 2,964 SQUARE FEET/0.068 ACRES MORE OR LESS



 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

UTILITY EASEMENT EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657
DRAWN BY: KPJ DATE: 02/16/23	CHECKED BY: BB PLC JOB NO.: 2380	

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT B

S07°31'09"W 447.95'

POINT OF COMMENCEMENT

TRACT G
ARROWHEAD AT VAIL
FILING NO. 13
(R.N. 725632)

86.49'

TRUE POINT OF BEGINNING

43.97'

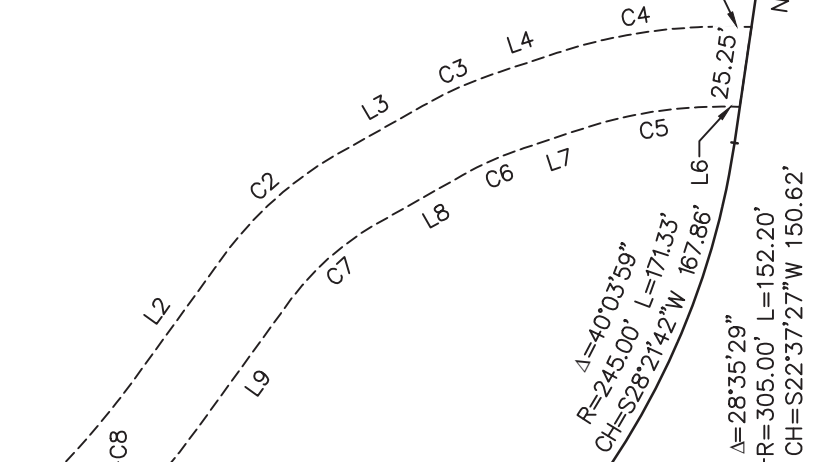
S89°59'16"E
610.97'

TRACT I
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)

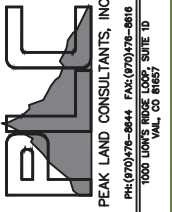


BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TRACT E1
CRESTA ROAD
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)
ARROWHEAD METRO DISTRICT



N08°19'44"E
101.93'



WATERLINE EASEMENT EXHIBIT
TRACT I, ARROWHEAD AT VAIL FILING NO. 27
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 3
DATE: 02/16/23	PLC JOB NO.: 2380	

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S56°27'20"W	16.70
L2	S35°57'20"W	43.00
L3	S60°28'12"W	25.95
L4	S71°43'12"W	19.20
L5	N89°46'08"W	9.14
L6	S89°46'08"E	5.59
L7	N71°43'12"E	19.20

LINE TABLE		
LINE #	BEARING	DISTANCE
L8	N60°28'12"E	26.40
L9	N35°57'20"E	43.45

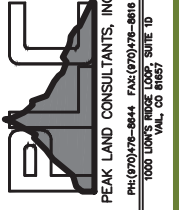
CURVE TABLE						
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	
C1	93.92	262.50	20°30'00"	S46°12'20"W	93.42	
C2	57.27	115.45	28°25'29"	S48°12'46"W	56.69	
C3	26.02	132.50	11°15'00"	S66°05'42"W	25.97	
C4	52.50	162.50	18°30'40"	S80°58'32"W	52.27	
C5	44.42	137.50	18°30'40"	N80°58'32"E	44.23	
C6	21.11	107.50	11°15'00"	N66°05'42"E	21.07	
C7	45.67	90.45	28°55'56"	N48°12'46"E	45.19	
C8	82.91	287.50	16°31'20"	N44°13'00"E	82.62	



EASEMENT LINE AND CURVE TABLES

WATERLINE EASEMENT EXHIBIT
 TRACT 1, ARROWHEAD AT VAIL FILING NO. 27
 EAGLE COUNTY, COLORADO

DRAWN BY: KPJ
 CHECKED BY: BB
 DATE: 02/16/23
 PLC JOB NO.: 2380



WATERLINE EASEMENT EXHIBIT

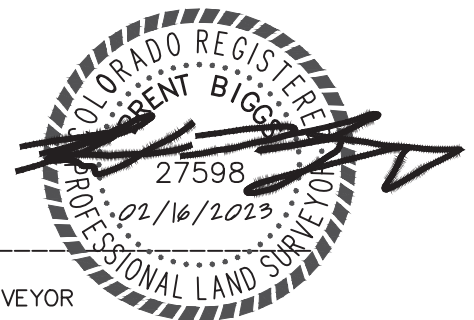
EXHIBIT B

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
-00°00'14" FROM PLATTED


A PARCEL OF LAND LYING IN TRACT I, ARROWHEAD AT VAIL FILING NO. 27 RECEPTION NUMBER
753583, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT I;
 THENCE N89°59'16"W 86.49 FEET ALONG THE NORTH LINE OF SAID TRACT I TO THE TRUE POINT OF BEGINNING;
 THENCE DEPARTING SAID NORTH LINE S56°27'20"W A DISTANCE OF 16.70 FEET;
 THENCE 93.92 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 262.50 FEET, A CENTRAL ANGLE OF 20°30'00", AND A CHORD WHICH BEARS S46°12'20"W A DISTANCE OF 93.42 FEET;
 THENCE S35°57'20"W A DISTANCE OF 43.00 FEET;
 THENCE 57.27 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 115.45 FEET, A CENTRAL ANGLE OF 28°25'29", AND A CHORD WHICH BEARS S48°12'46"W A DISTANCE OF 56.69 FEET;
 THENCE S60°28'12"W A DISTANCE OF 25.95 FEET;
 THENCE 26.02 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 162.50 FEET, A CENTRAL ANGLE OF 11°15'00", AND A CHORD WHICH BEARS S66°05'42"W A DISTANCE OF 25.97 FEET;
 THENCE S71°43'12"W A DISTANCE OF 19.20 FEET;
 THENCE 52.50 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 137.50 FEET, A CENTRAL ANGLE OF 18°30'40", AND A CHORD WHICH BEARS S80°58'32"W A DISTANCE OF 52.27 FEET;
 THENCE N89°46'08"W A DISTANCE OF 9.14 FEET TO THE EASTERLY LINE OF TRACT E1, CRESTA ROAD, ARROWHEAD AT VAIL FILING 27;
 THENCE N08°19'44"E 25.25 FEET ALONG SAID EASTERLY LINE;
 THENCE DEPARTING SAID EASTERLY LINE S89°46'08"E A DISTANCE OF 5.59 FEET;
 THENCE 44.42 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 137.50 FEET. A CENTRAL ANGLE OF 18°30'40", AND A CHORD WHICH BEARS N80°58'32"E A DISTANCE OF 44.23 FEET;
 THENCE N71°43'12"E A DISTANCE OF 19.20 FEET;
 THENCE 21.11 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 107.50 FEET, A CENTRAL ANGLE OF 11°15'00", AND A CHORD WHICH BEARS N66°05'42"E A DISTANCE OF 21.07 FEET;
 THENCE N60°28'12"E A DISTANCE OF 26.40 FEET;
 THENCE 45.67 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 90.45 FEET, A CENTRAL ANGLE OF 28°55'56", AND A CHORD WHICH BEARS N48°12'46"E A DISTANCE OF 45.19 FEET;
 THENCE N35°57'20"E A DISTANCE OF 43.45 FEET;
 THENCE 82.81 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 287.50 FEET, A CENTRAL ANGLE OF 16°31'20", AND A CHORD WHICH BEARS N44°13'00"E A DISTANCE OF 82.62 FEET TO THE NORTH LINE OF SAID TRACT I;
 THENCE S89°59'16"E A DISTANCE OF 43.97 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 7,898 SQUARE FEET/0.181 ACRES MORE OR LESS



 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

WATERLINE EASEMENT EXHIBIT TRACT I, ARROWHEAD AT VAIL FILING NO. 27 EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657
DRAWN BY: KPJ	CHECKED BY: BB	
DATE: 02/16/23	PLC JOB NO.: 2380	SHEET 3 OF 3

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT B

TRACT E1
CRESTA ROAD
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)
(ARROWHEAD
METRO DISTRICT)

$\Delta=28^{\circ}35'29''$
 $R=305.00'$ $L=152.20'$
 $CH=S22^{\circ}37'27''W$ 150.62'

POINT OF COMMENCEMENT

TRUE POINT OF BEGINNING

S08°19'44"W
101.93'

S08°19'44"W
25.25'

S08°19'44"W
19.97'

S89°46'08"E
3.73'

$\Delta=9^{\circ}41'55''$
 $R=114.05'$ $L=19.31'$
 $CH=N86^{\circ}07'21''E$ 19.28'

$\Delta=9^{\circ}47'47''$

$R=89.05'$ $L=15.22'$
 $CH=S86^{\circ}10'17''W$ 15.21'

S08°45'40"E
22.83'

S79°20'49"W
25.01'

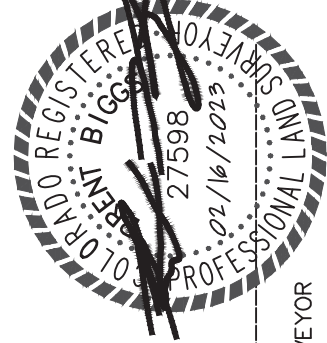
N08°45'32"W
46.78'

N50°20'16"W
7.04'

S50°20'16"E
22.28'

N39°39'44"E
20.00'

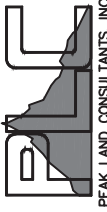
TRACT K
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)
(VAIL/ARROWHEAD INC.)



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598



SCALE: 1"=20'



PEAK LAND CONSULTANTS, INC.
PH: (970) 778-8844 FAX: (970) 778-8816
1000 LONN'S ROSE LOOP, SUITE 10
VAIL, CO 81657

UTILITY EASEMENT EXHIBIT
TRACT K, ARROWHEAD AT VAIL FILING NO. 27
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 2
DATE: 02/16/23	PLC JOB NO.: 2380	

UTILITY EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
 -00°00'14" FROM PLATTED


A PARCEL OF LAND LYING IN TRACT K ARROWHEAD AT VAIL FILING NO. 27 RECEPTION NO.
 753583 EAGLE COUNTY COLORADO PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST POINT OF TANGENT EASTERLY LINE OF SAID TRACT K;
 THENCE S08°19'44"W 19.97 FEET ALONG SAID EASTERLY LINE TO THE TRUE POINT OF
 BEGINNING;
 THENCE CONTINUING ALONG SAID EASTERLY LINE S08°19'44"W A DISTANCE OF 25.25 FEET;
 THENCE DEPARTING SAID EASTERLY LINE 15.22 FEET ALONG A CURVE TO THE LEFT HAVING A
 RADIUS OF 89.05 FEET, A CENTRAL ANGLE OF 09°47'47", AND A CHORD WHICH BEARS
 S86°10'17"W A DISTANCE OF 15.21 FEET;
 THENCE S08°45'40"E A DISTANCE OF 22.83 FEET;
 THENCE S79°20'49"W A DISTANCE OF 25.01 FEET;
 THENCE N08°45'32"W A DISTANCE OF 46.78 FEET;
 THENCE N50°20'16"W A DISTANCE OF 7.04 FEET;
 THENCE N39°36'44"E A DISTANCE OF 20.00 FEET;
 THENCE S50°20'16"E A DISTANCE OF 22.28 FEET;
 THENCE 19.31 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 114.05 FEET, A
 CENTRAL ANGLE OF 9°41'55" AND A CHORD WHICH BEARS N86°07'21"E A DISTANCE OF 19.28
 FEET;
 THENCE S89°46'08"E A DISTANCE OF 3.73 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,190 SQUARE FEET/0.050 ACRES MORE OR LESS



 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

UTILITY EASEMENT EXHIBIT TRACT K, ARROWHEAD AT VAIL FILING NO. 27 EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. <small>PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657</small>
DRAWN BY: KPJ DATE: 02/16/23	CHECKED BY: BB PLC JOB NO.: 2380	
SHEET 2 OF 2		

TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT (this "Easement") is made and entered into this 14 day of Dec, 2023, by VAIL/ARROWHEAD, INC., whose address is 390 INTERLOCKEN CRES STE 1000 BROOMFIELD, CO 80021-8056 (the "Grantor") and UPPER EAGLE REGIONAL WATER AUTHORITY, a quasi-municipal corporation and political subdivision of the State of Colorado, whose address is 846 FOREST ROAD, VAIL, COLORADO 81657 (the "Authority").

WHEREAS, Grantor owns that certain real property described in Exhibit A, attached hereto and incorporated herein (the "Grantor's Property"); and

WHEREAS, the Authority desires to acquire, and Grantor desires to convey to the Authority, a temporary construction easement over that portion of the Grantor's Property described on Exhibit A, attached hereto and incorporated herein (the "Easement Area"), and generally depicted on Exhibit A, attached hereto and incorporated herein, for the purposes described herein.

NOW THEREFORE, for and in consideration of the covenants and agreements set forth herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereby agree and covenant as follows:

1: Grant of Temporary Construction Easement. Grantor hereby grants and conveys to the Authority, and its successors and assigns, a temporary construction easement in, to, through, over, across, and under the Easement Area, effective as of the date hereof, to construct and install underground water and sewer lines, together with any and all water and sewer manholes, valves, and appurtenances situate therein, and all necessary rights-of-way for convenient ingress and egress thereto and therefrom.

2. Termination. This Easement shall terminate upon completion of the construction, but not later than 730 days from the date first written above.

3. Restoration. Following completion of the construction, the Authority, or its contractors or assigns, shall restore any part of the surface of the Easement Area that is damaged or disturbed as a result of the Authority's exercise of its rights hereunder to substantially the same condition existing at the commencement of such construction activities.

4. Non-Interruption of Winter Operations. The Authority's construction activities shall be scheduled and conducted in a manner that does not interrupt or interfere with Grantor's winter operations unless prior written consent is obtained from Grantor in writing.

5. Warranty. Grantor warrants that it has full and lawful authority to make the grant herein contained and promises and agrees to defend the Authority in the exercise of its rights hereunder against any defect in Grantor's title to the land involved or to its right to make the grant herein contained, except for easements, rights-of-way, restrictions and reservations of record.

6. Binding Effect. This Easement shall extend to and be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto. The terms, covenants, agreements and conditions in this Easement shall run with the land.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first above written.

GRANTOR:

Vs.1/Arrowhead inc.

By: Dan Ranker
Name: [Signature]
Title: VP mtn ops

STATE OF COLORADO)

)

) ss.)

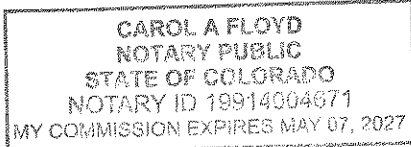
COUNTY OF EAGLE)

)

Subscribed and sworn to before me this 19th day of December, 2023 by Dan Ranker as VP of Mountain Ops, Grantor.

Witness my hand and official seal.

My commission expires: 5-07-27



Carol A. Floyd
Notary Public

ACCEPTED by the UPPER EAGLE REGIONAL WATER AUTHORITY this _____ day of _____, 2023.

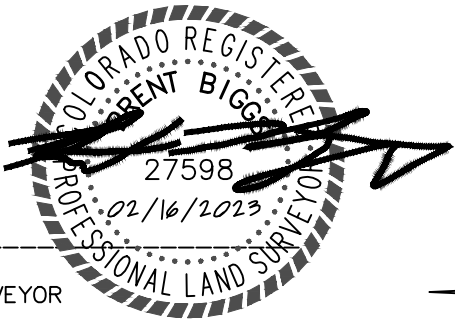
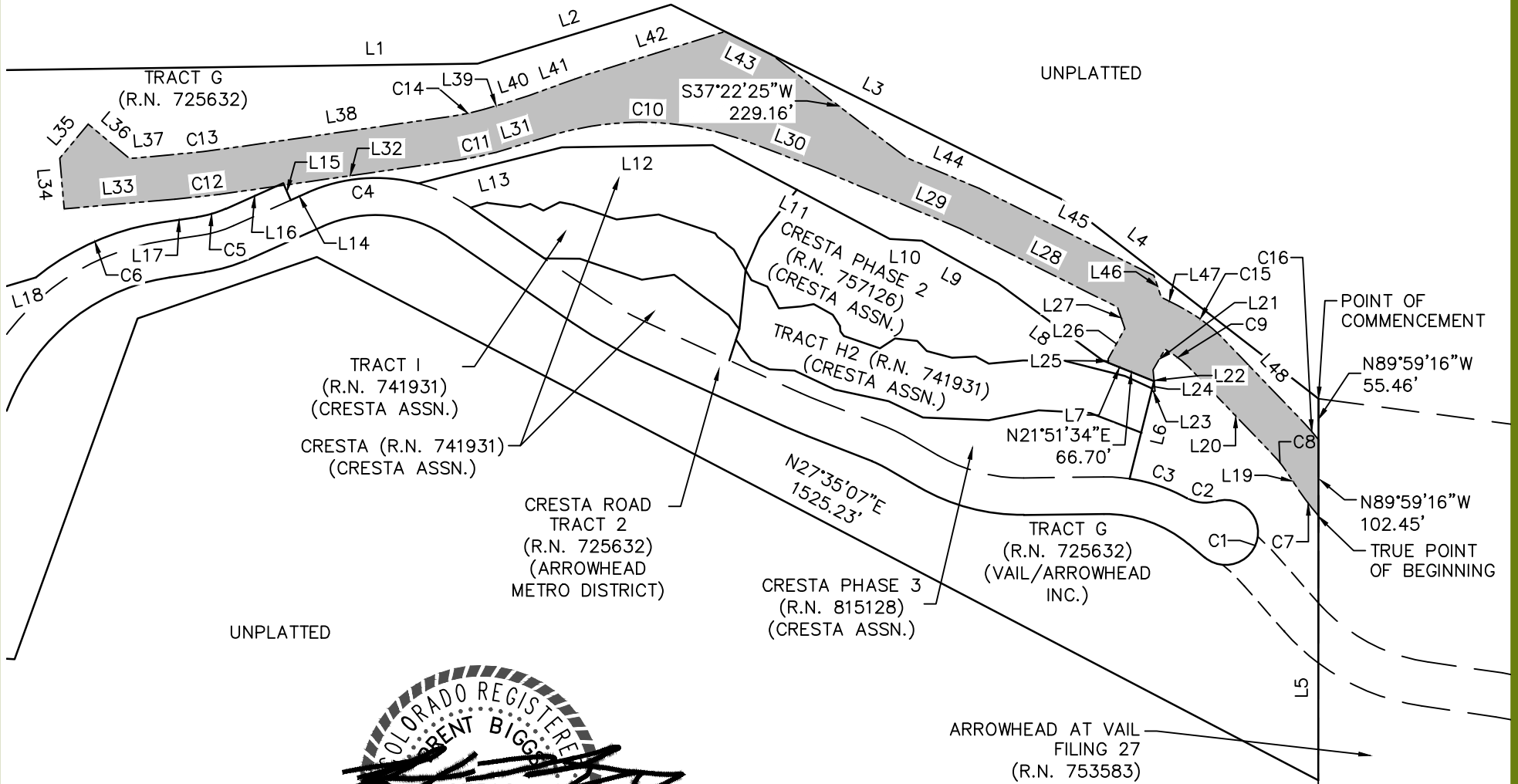
UPPER EAGLE REGIONAL WATER AUTHORITY

By: _____
Name: _____
Title: _____

EXHIBIT A
LEGAL DESCRIPTION OF GRANTOR'S PROPERTY AND EASEMENT AREA

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

SCALE: 1"=200'

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
TRACT G, ARROWHEAD AT VAIL FILING 13
A RESUBDIVISION OF LOTS 27 & 29
AND TRACTS H AND G
& PARTS OF CRESTA PHASE 2 AND TRACT H2
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 6
DATE: 02/16/23	PLC JOB NO.: 2380	

PEAK LAND CONSULTANTS, INC.
PH: (970)478-8644 FAX: (970)478-8616
1000 LION'S RIDGE LOOP, SUITE 10
VAIL, CO 81657

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S00°46'17"E	658.06
L2	S17°01'44"E	272.98
L3	S26°29'24"W	587.64
L4	S37°49'07"W	440.46
L5	N89°59'16"W	515.00
L6	S75°51'31"E	135.69
L7	N21°51'34"E	74.93
L8	N36°29'13"E	175.69
L9	N29°15'45"E	117.56

LINE TABLE		
LINE #	BEARING	DISTANCE
L10	N02°43'53"E	43.41
L11	N27°58'40"E	270.63
L12	N00°55'00"W	203.83
L13	N14°03'49"W	200.07
L14	N24°04'42"W	25.09
L15	N65°55'18"E	25.00
L16	N24°04'42"W	84.52
L17	N08°19'15"W	48.22
L18	N16°16'57"W	121.37

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	182.03	44.00	237°02'09"	S78°32'11"E	77.32
C2	40.46	50.00	46°21'34"	N06°07'31"E	39.36
C3	82.48	225.00	21°00'11"	N18°48'13"E	82.02
C4	152.25	224.95	38°46'48"	N04°41'27"W	149.36
C5	41.25	150.00	15°45'27"	N16°11'59"W	41.12
C6	187.54	350.00	30°42'00"	N23°40'15"W	185.30



BOUNDARY LINE &
CURVE TABLES

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
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A RESUBDIVISION OF LOTS 27 & 29
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& PARTS OF CRESTA PHASE 2 AND TRACT H2
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB
DATE: 02/16/23	PLC JOB NO.: 2380

SHEET 2 OF 6



LINE TABLE		
LINE #	BEARING	DISTANCE
L19	N56°27'19"E	29.95
L20	N46°12'20"E	162.88
L21	N60°06'36"W	32.21
L22	S84°53'18"W	28.91
L23	N02°47'40"W	4.65
L24	S75°51'31"E	14.08
L25	N87°12'20"E	5.18
L26	S61°05'04"E	46.60
L27	N71°29'56"E	30.85
L28	N26°29'56"E	236.78

LINE TABLE		
LINE #	BEARING	DISTANCE
L29	N22°57'20"E	209.10
L30	N20°57'20"E	96.73
L31	N17°02'32"W	65.96
L32	N08°10'41"W	294.33
L33	N05°00'37"W	150.18
L34	N84°59'23"E	68.65
L35	S50°00'37"E	60.00
L36	S39°59'23"W	72.24
L37	S05°00'37"E	56.67
L38	S08°10'41"E	294.47
L39	S16°06'26"E	34.09
L40	S18°06'26"E	29.79
L41	S19°41'47"E	84.38
L42	S17°21'59"E	193.81
L43	S26°29'24"W	70.07
L44	S22°57'20"W	106.56
L45	S26°29'56"W	263.48
L46	S71°29'56"W	30.85
L47	S26°29'56"W	24.70
L48	S46°12'20"W	164.08



EASEMENT LINE TABLES

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 EAGLE COUNTY, COLORADO



DRAWN BY: KPJ	CHECKED BY: BB
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SHEET 3 OF 6

PEAK LAND CONSULTANTS, INC.
 PH: (970) 478-8644 FAX: (970) 478-8616
 1000 LION'S RIDGE LOOP, SUITE 10
 VAIL, CO 81657

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C7	42.96	305.00	8°04'13"	N52°25'13"E	42.92
C8	30.41	170.22	10°14'14"	N51°19'49"E	30.37
C9	40.91	175.09	13°23'19"	N37°02'47"E	40.82
C10	286.30	415.38	39°29'30"	N01°19'10"E	280.67
C11	52.61	539.50	5°35'13"	N11°33'28"W	52.59
C12	91.59	1530.00	3°25'48"	N06°43'31"W	91.58
C13	88.14	1470.00	3°26'07"	S06°43'40"E	88.13
C14	44.29	320.00	7°55'46"	S12°08'34"E	44.25
C15	71.69	235.09	17°28'15"	S35°20'35"W	71.41
C16	28.52	230.85	7°04'44"	S49°45'50"W	28.50



EASEMENT CURVE TABLE

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 & PARTS OF CRESTA PHASE 2 AND TRACT H2
 EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB	SHEET 4 OF 6
DATE: 02/16/23	PLC JOB NO.: 2380	



TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

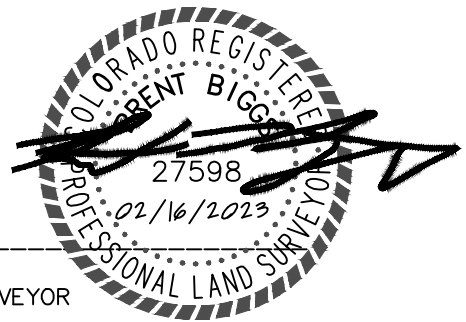
EXHIBIT A

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
-00°00'14" FROM PLATTED

A PARCEL OF LAND LYING IN TRACT G ARROWHEAD AT VAIL FILING NO. 13, A RESUBDIVISION OF
LOTS 26 AND 27, TRACT H, AND TRACT G RECEPTION NO. 725632 EAGLE COUNTY COLORADO
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT G;
 THENCE N89°59'16"W A DISTANCE OF 55.46 FEET ALONG THE SOUTH LINE OF SAID TRACT G TO THE
 TRUE POINT OF BEGINNING;
 THENCE CONTINUING ALONG SAID SOUTH LINE N89°59'16"W A DISTANCE OF 102.45 FEET;
 THENCE DEPARTING SAID SOUTH LINE 42.96 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS
 OF 305.00 FEET, A CENTRAL ANGLE OF 08°04'13", AND A CHORD WHICH BEARS N52°25'13"E A
 DISTANCE OF 42.92 FEET;
 THENCE N56°27'19"E A DISTANCE OF 29.95 FEET;
 THENCE 30.41 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 170.22 FEET, A CENTRAL
 ANGLE OF 10°14'14", AND A CHORD WHICH BEARS N51°19'49"E A DISTANCE OF 30.37 FEET;
 THENCE N46°12'20"E A DISTANCE OF 162.88 FEET;
 THENCE 40.91 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 175.09 FEET, A CENTRAL
 ANGLE OF 13°23'19", AND A CHORD WHICH BEARS N37°02'47"E A DISTANCE OF 40.82 FEET;
 THENCE N60°06'36"W A DISTANCE OF 32.21 FEET;
 THENCE S84°53'18"W A DISTANCE OF 28.91 FEET;
 THENCE N02°47'40"W A DISTANCE OF 4.65 FEET TO THE LINE OF SAID TRACT G;
 THENCE TWO (2) COURSES ALONG SAID LINE:
 1) S75°51'31"E A DISTANCE OF 14.08 FEET;
 2) N21°51'34"E A DISTANCE OF 66.70 FEET;
 THENCE DEPARTING SAID LINE N87°12'20"E A DISTANCE OF 5.18 FEET;
 THENCE S61°05'04"E A DISTANCE OF 46.60 FEET;
 THENCE N71°29'56"E A DISTANCE OF 30.85 FEET;
 THENCE N26°29'56"E A DISTANCE OF 236.78 FEET;
 THENCE N22°57'20"E A DISTANCE OF 209.10 FEET;
 THENCE N20°57'20"E A DISTANCE OF 96.73 FEET;
 THENCE 286.30 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 415.38 FEET, A CENTRAL
 ANGLE OF 39°29'30", AND A CHORD WHICH BEARS N01°19'10"E A DISTANCE OF 280.67 FEET;
 THENCE N17°02'32"W A DISTANCE OF 65.96 FEET;
 THENCE 52.61 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 539.50 FEET, A CENTRAL
 ANGLE OF 5°35'13", AND A CHORD WHICH BEARS N11°33'28"W A DISTANCE OF 52.59 FEET;
 THENCE N08°10'41"W A DISTANCE 294.33 FEET;
 THENCE 91.59 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1530.00 FEET, A CENTRAL
 ANGLE OF 03°26'07" AND A CHORD WHICH BEARS N06°43'31"W A DISTANCE OF 91.58 FEET;
 THENCE N05°00'37"W A DISTANCE OF 150.18 FEET;
 THENCE N84°59'23"E A DISTANCE OF 68.65 FEET;
 THENCE S50°00'37"E A DISTANCE OF 60.00 FEET;
 THENCE S39°59'23"W A DISTANCE OF 72.24 FEET;
 THENCE S05°00'37"E A DISTANCE OF 56.67 FEET;
 THENCE 88.14 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1470.00 FEET, A CENTRAL
 ANGLE OF 3°26'07", AND A CHORD WHICH BEARS S06°43'40"E DISTANCE OF 88.13 FEET;
 THENCE S08°10'41"E A DISTANCE OF 294.47 FEET;

CONTINUED ON SHEET 6



 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
 TRACT G, ARROWHEAD AT VAIL FILING 13
 A RESUBDIVISION OF LOTS 27 & 29
 AND TRACTS H AND G
 & PARTS OF CRESTA PHASE 2 AND TRACT H2
 EAGLE COUNTY, COLORADO



DRAWN BY: KPJ	CHECKED BY: BB	SHEET 5 OF 6
DATE: 02/16/23	PLC JOB NO.: 2380	

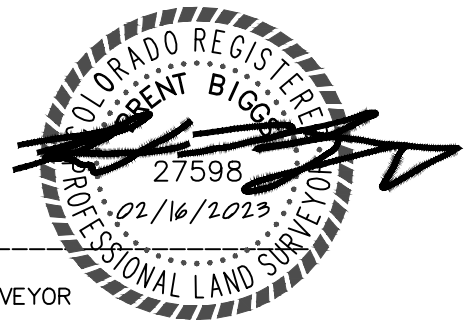
TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE $-00^{\circ}00'14''$ FROM PLATTED

CONTINUED FROM SHEET 5

THENCE 44.29 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 320.00 FEET, A CENTRAL ANGLE OF $07^{\circ}55'46''$, AND A CHORD WHICH BEARS $S12^{\circ}08'34''E$ A DISTANCE OF 44.25 FEET;
 THENCE $S16^{\circ}06'26''E$ A DISTANCE OF 34.09 FEET;
 THENCE $S18^{\circ}06'26''E$ A DISTANCE OF 29.79 FEET;
 THENCE $S19^{\circ}41'47''E$ A DISTANCE OF 84.38 FEET;
 THENCE $S17^{\circ}21'59''E$ A DISTANCE OF 193.81 FEET TO THE EASTERLY LINE OF SAID TRACT G;
 THENCE $S26^{\circ}29'24''W$ A DISTANCE OF 70.07 FEET ALONG SAID EASTERLY LINE;
 THENCE DEPARTING SAID EASTERLY LINE $S37^{\circ}22'25''W$ A DISTANCE OF 229.16 FEET;
 THENCE $S22^{\circ}57'20''W$ A DISTANCE OF 106.56 FEET;
 THENCE $S26^{\circ}29'56''W$ A DISTANCE OF 263.48 FEET;
 THENCE $S71^{\circ}29'56''W$ A DISTANCE OF 30.85 FEET;
 THENCE $S26^{\circ}29'56''W$ A DISTANCE OF 24.70 FEET;
 THENCE 71.69 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 235.09 FEET, A CENTRAL ANGLE OF $17^{\circ}28'15''$, AND A CHORD WHICH BEARS $S35^{\circ}20'35''W$ A DISTANCE OF 71.41 FEET;
 THENCE $S46^{\circ}12'20''W$ A DISTANCE OF 164.08 FEET;
 THENCE 28.52 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 230.85 FEET, A CENTRAL ANGLE OF $7^{\circ}04'44''$ AND A CHORD WHICH BEARS $S49^{\circ}45'50''W$ A DISTANCE OF 28.50 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 135,363 SQUARE FEET/3.108 ACRES MORE OR LESS



 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

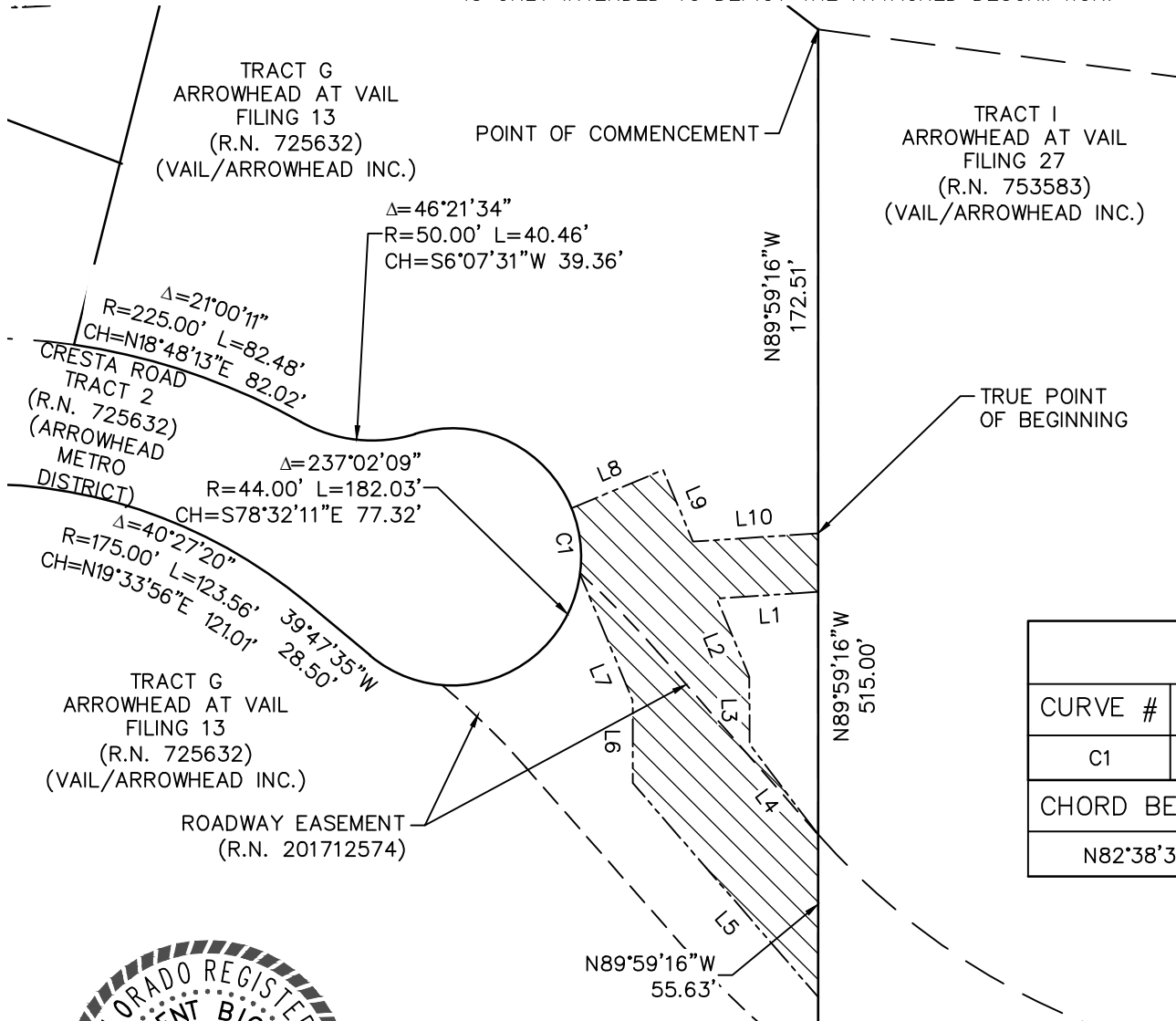
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 A RESUBDIVISION OF LOTS 27 & 29
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 EAGLE COUNTY, COLORADO



DRAWN BY: KPJ	CHECKED BY: BB	SHEET 6 OF 6
DATE: 02/16/23	PLC JOB NO.: 2380	

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N03°46'37"W	34.78
L2	S67°21'03"W	28.96
L3	S89°51'03"W	23.16
L4	S52°46'22"W	38.80
L5	N49°06'05"E	96.88
L6	N89°51'03"E	28.40
L7	N67°21'03"E	46.77
L8	S22°38'57"E	33.99
L9	S67°21'03"W	26.59
L10	S03°46'37"E	42.94

CURVE TABLE			
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE
C1	23.03	44.00	29°59'41"
CHORD BEARING		CHORD LENGTH	
N82°38'33"E		22.77	

SCALE: 1"=60'



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

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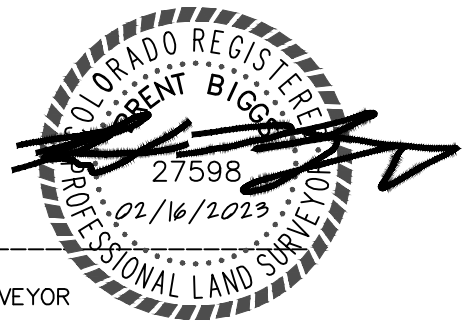
TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
 -00°00'14" FROM PLATTED

A PARCEL OF LAND LYING IN TRACT G AND TRACT 2 CRESTA ROAD ARROWHEAD AT VAIL FILING NO. 13, A RESUBDIVISION OF LOTS 26 AND 27, TRACT H, AND TRACT G RECEPTION NO. 725632 EAGLE COUNTY COLORADO PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT G;
 THENCE N89°59'16"W A DISTANCE OF 172.51 FEET ALONG THE SOUTH LINE OF SAID TRACT G TO THE TRUE POINT OF BEGINNING;
 THENCE CONTINUING ALONG SAID SOUTH LINE N89°59'16"W A DISTANCE OF 20.04 FEET;
 THENCE DEPARTING SAID SOUTH LINE N03°46'37"W A DISTANCE OF 34.78 FEET;
 THENCE S67°21'03"W A DISTANCE OF 28.96 FEET;
 THENCE S89°51'03"W A DISTANCE OF 23.16 FEET;
 THENCE S52°46'22"W A DISTANCE OF 38.80 FEET TO THE SOUTH LINE OF SAID TRACT G;
 THENCE CONTINUING ALONG SAID SOUTH LINE N89°59'16"W A DISTANCE OF 55.63 FEET;
 THENCE DEPARTING SAID SOUTH LINE N49°06'05"E A DISTANCE OF 96.88 FEET;
 THENCE N89°51'03"E A DISTANCE OF 28.40 FEET;
 THENCE N67°21'03"E A DISTANCE OF 46.77 FEET TO THE RIGHT OF WAY LINE OF TRACT 2, CRESTA ROAD;;
 THENCE 23.03 FEET ALONG A CURVE TO THE LEFT BEING SAID RIGHT OF WAY, HAVING A RADIUS OF 44.00 FEET, A CENTRAL ANGLE OF 29°59'41", AND A CHORD WHICH BEARS N82°38'33"E A DISTANCE OF 22.77 FEET;
 THENCE DEPARTING SAID RIGHT OF WAY S22°38'57"E A DISTANCE OF 33.99 FEET;
 THENCE S67°21'03"W A DISTANCE OF 26.59 FEET;
 THENCE S03°46'37"E A DISTANCE OF 42.95 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 7,300 SQUARE FEET/0.168 ACRES MORE OR LESS



BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

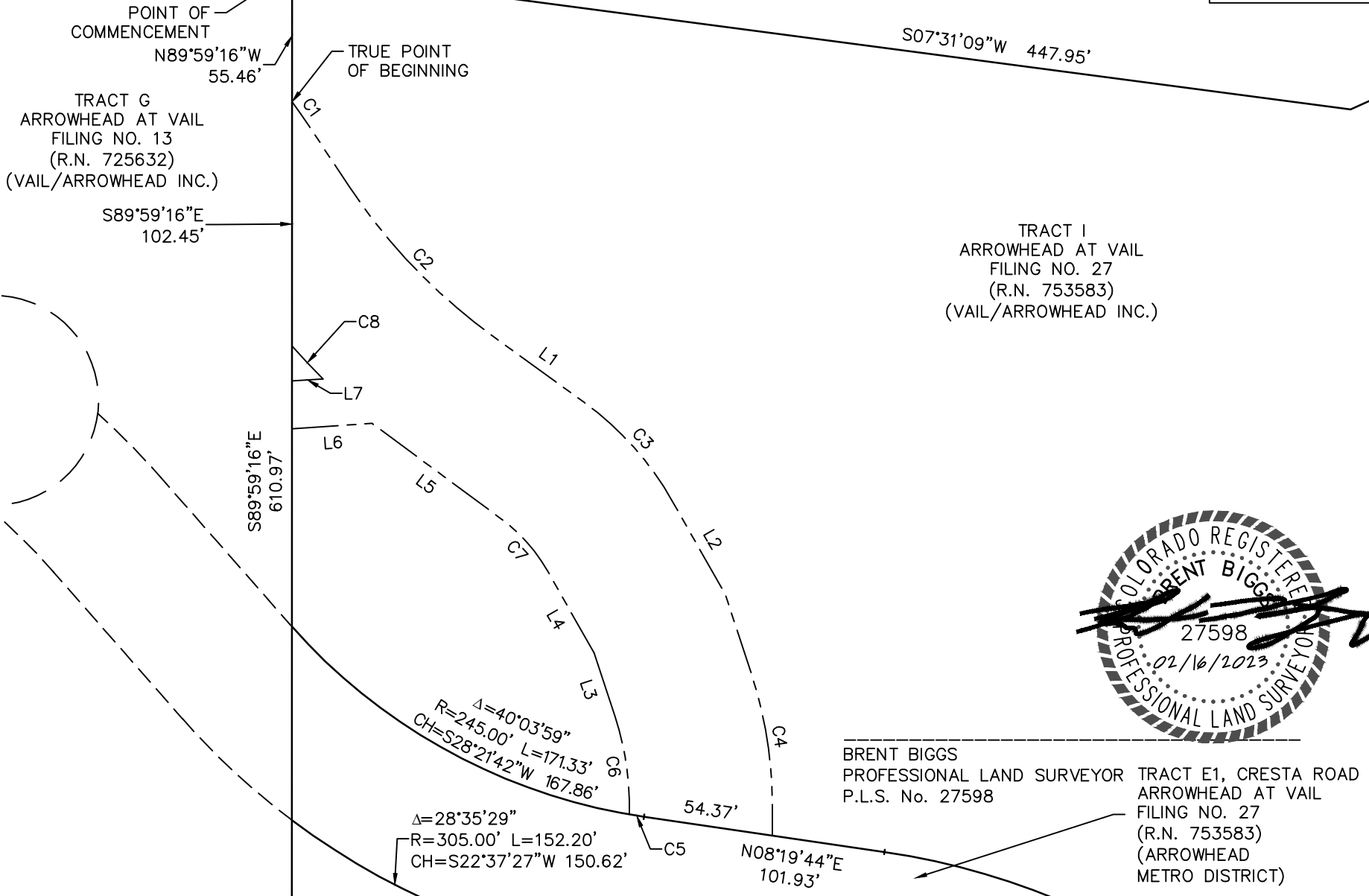
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EXHIBIT A



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TRACT E1, CRESTA ROAD
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)
(ARROWHEAD
METRO DISTRICT)

SCALE: 1"=80'

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT TRACT I, ARROWHEAD AT VAIL FILING NO. 27 EAGLE COUNTY, COLORADO			 PEAK LAND CONSULTANTS, INC. PH: (970)478-8644 FAX: (970)478-8616 1000 LION'S RIDGE LOOP, SUITE 10 VAIL, CO 81657
DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 3	
DATE: 02/16/23	PLC JOB NO.: 2380		

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S35°57'20"W	47.57
L2	S60°28'12"W	45.28
L3	N71°44'27"E	28.07
L4	N60°28'12"E	39.37
L5	N36°29'06"E	67.00
L6	N03°46'37"W	33.66
L7	S03°46'37"E	13.02

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	12.63	230.85	3°08'03"	S54°52'13"W	12.63
C2	87.66	245.00	20°30'00"	S46°12'20"W	87.19
C3	55.62	130.00	24°30'53"	S48°12'46"W	55.20
C4	58.15	180.00	18°30'40"	S80°58'32"W	57.90
C5	6.29	245.00	1°28'18"	N09°03'52"E	6.29
C6	41.78	120.00	19°56'54"	N81°41'40"E	41.57
C7	29.95	70.00	24°30'53"	S48°12'46"W	29.72
C8	18.91	305.00	3°33'11"	N46°36'32"E	18.91



EASEMENT LINE & CURVE TABLE

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
 TRACT I, ARROWHEAD AT VAIL FILING NO. 27
 EAGLE COUNTY, COLORADO



DRAWN BY: KPJ	CHECKED BY: BB
DATE: 02/16/23	PLC JOB NO.: 2380

SHEET 2 OF 3

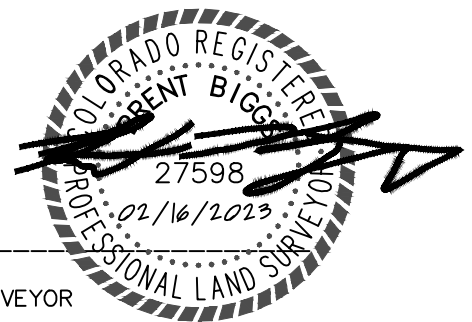
TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
 -00°00'14" FROM PLATTED


A PARCEL OF LAND LYING IN TRACT I, ARROWHEAD AT VAIL FILING NO. 27 RECEPTION NUMBER
 753583, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT I;
 THENCE N89°59'16"W 55.46 FEET ALONG THE NORTH LINE OF SAID TRACT I TO THE TRUE POINT
 OF BEGINNING;
 THENCE 12.63 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 230.85 FEET, A
 CENTRAL ANGLE OF 3°08'03", AND A CHORD WHICH BEARS S54°52'13"W A DISTANCE OF 12.63
 FEET;
 THENCE 87.66 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 245.00 FEET, A
 CENTRAL ANGLE OF 20°30'00", AND A CHORD WHICH BEARS S46°12'20"W A DISTANCE OF 87.19
 FEET;
 THENCE S35°57'20"W A DISTANCE OF 47.57 FEET;
 THENCE 55.62 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 130.00 FEET, A
 CENTRAL ANGLE OF 24°30'53" AND A CHORD WHICH BEARS S48°12'46"W A DISTANCE OF 55.20
 FEET;
 THENCE S60°28'12"W A DISTANCE OF 45.28 FEET;
 THENCE 58.15 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET, A
 CENTRAL ANGLE OF 18°30'40", AND A CHORD WHICH BEARS S80°58'32"W A DISTANCE OF 57.90
 FEET TO THE WEST LINE OF SAID TRACT I;
 THENCE ALONG SAID WEST LINE OF TRACT I THE FOLLOWING 2 COURSES:
 1) N08°19'44"E A DISTANCE OF 54.37 FEET
 2) 6.29 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 245.00 FEET, A CENTRAL
 ANGLE OF 01°28'18", AND A CHORD WHICH BEARS N09°03'52"E A DISTANCE OF 6.29 FEET
 THENCE DEPARTING SAID WEST LINE 41.78 FEET ALONG A CURVE TO THE LEFT HAVING A
 RADIUS OF 120.00 FEET, A CENTRAL ANGLE OF 19°56'54" AND A CHORD WHICH BEARS
 N81°41'40"E A DISTANCE OF 41.57 FEET;
 THENCE N71°44'27"E A DISTANCE OF 28.07 FEET;
 THENCE N60°28'12"E A DISTANCE OF 39.37 FEET;
 THENCE 29.95 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 70.00 FEET, A
 CENTRAL ANGLE OF 24°30'53" AND A CHORD WHICH BEARS N48°12'46"E A DISTANCE OF 29.72
 FEET;
 THENCE N36°29'06"E A DISTANCE OF 67.00 FEET;
 THENCE N03°46'37"W A DISTANCE OF 33.66 FEET TO THE NORTH LINE OF SAID TRACT I;
 THENCE S89°59'16"E A DISTANCE OF 20.04 FEET;
 THENCE DEPARTING SAID NORTH LINE S03°46'37"W A DISTANCE OF 13.02 FEET;
 THENCE 18.91 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 305.00 FEET, A
 CENTRAL ANGLE OF 3°33'11" AND A CHORD WHICH BEARS N46°36'32"E A DISTANCE OF 18.91
 FEET TO THE NORTH LINE OF SAID TRACT I;
 THENCE S89°59'16"E A DISTANCE OF 102.45 FEET ALONG SAID NORTH LINE TO THE TRUE POINT
 OF BEGINNING.

CONTAINING 19,438 SQUARE FEET/0.446 ACRES MORE OR LESS



BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

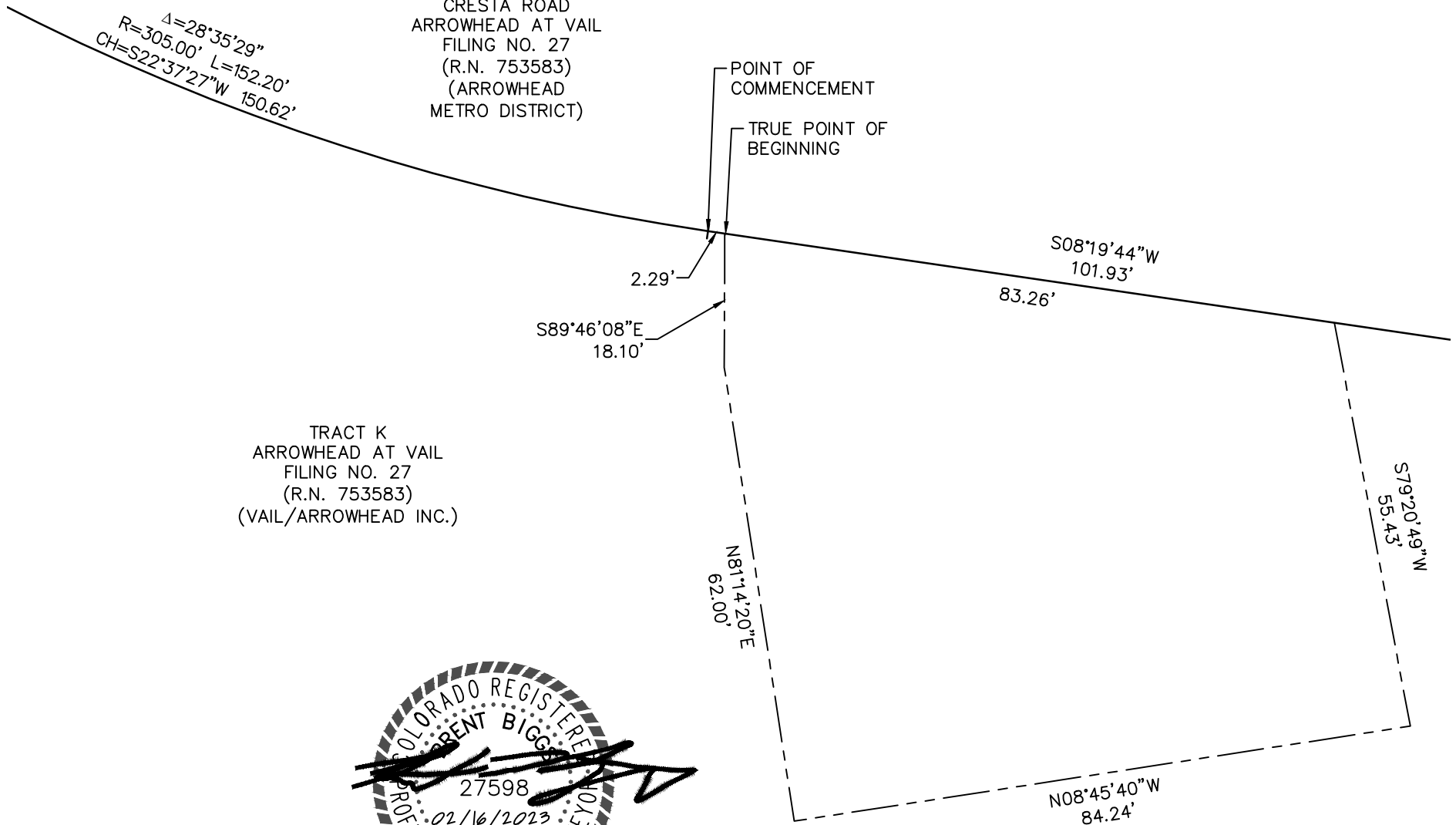
TEMPORARY CONSTRUCTION EASEMENT EXHIBIT TRACT I, ARROWHEAD AT VAIL FILING NO. 27 EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657
DRAWN BY: KPJ	CHECKED BY: BB	
DATE: 02/16/23	PLC JOB NO.: 2380	SHEET 3 OF 3

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A

TRACT E1
CRESTA ROAD
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)
(ARROWHEAD
METRO DISTRICT)

TRACT K
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)
(VAIL/ARROWHEAD INC.)



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

SCALE: 1"=20'

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
TRACT K, ARROWHEAD AT VAIL FILING NO. 27
EAGLE COUNTY, COLORADO

PEAK LAND CONSULTANTS, INC.
 PH: (970)478-8644 FAX: (970)478-8616
 1000 LION'S RIDGE LOOP, SUITE 10
 VAIL, CO 81657

DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 2
DATE: 02/16/23	PLC JOB NO.: 2380	

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
-00°00'14" FROM PLATTED


A PARCEL OF LAND LYING IN TRACT K ARROWHEAD AT VAIL FILING NO. 27 RECEPTION NO.
753583 EAGLE COUNTY COLORADO PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST POINT OF TANGENT EASTERLY LINE OF SAID TRACT K;
THENCE S08°19'44"W 2.29 FEET ALONG SAID EASTERLY LINE TO THE TRUE POINT OF BEGINNING;
THENCE S08°19'44"W A DISTANCE OF 83.26 FEET ALONG SAID EASTERLY LINE;
THENCE DEPARTING SAID EASTERLY LINE S79°20'49"W A DISTANCE OF 55.43 FEET;
THENCE N08°45'40"W A DISTANCE OF 84.24 FEET;
THENCE N81°14'20"E A DISTANCE OF 62.00 FEET;
THENCE S89°46'08"E A DISTANCE OF 18.10 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 5631 SQUARE FEET/0.129 ACRES MORE OR LESS



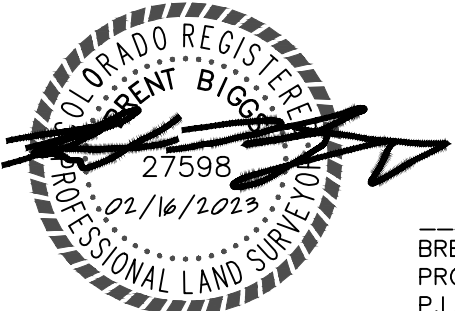
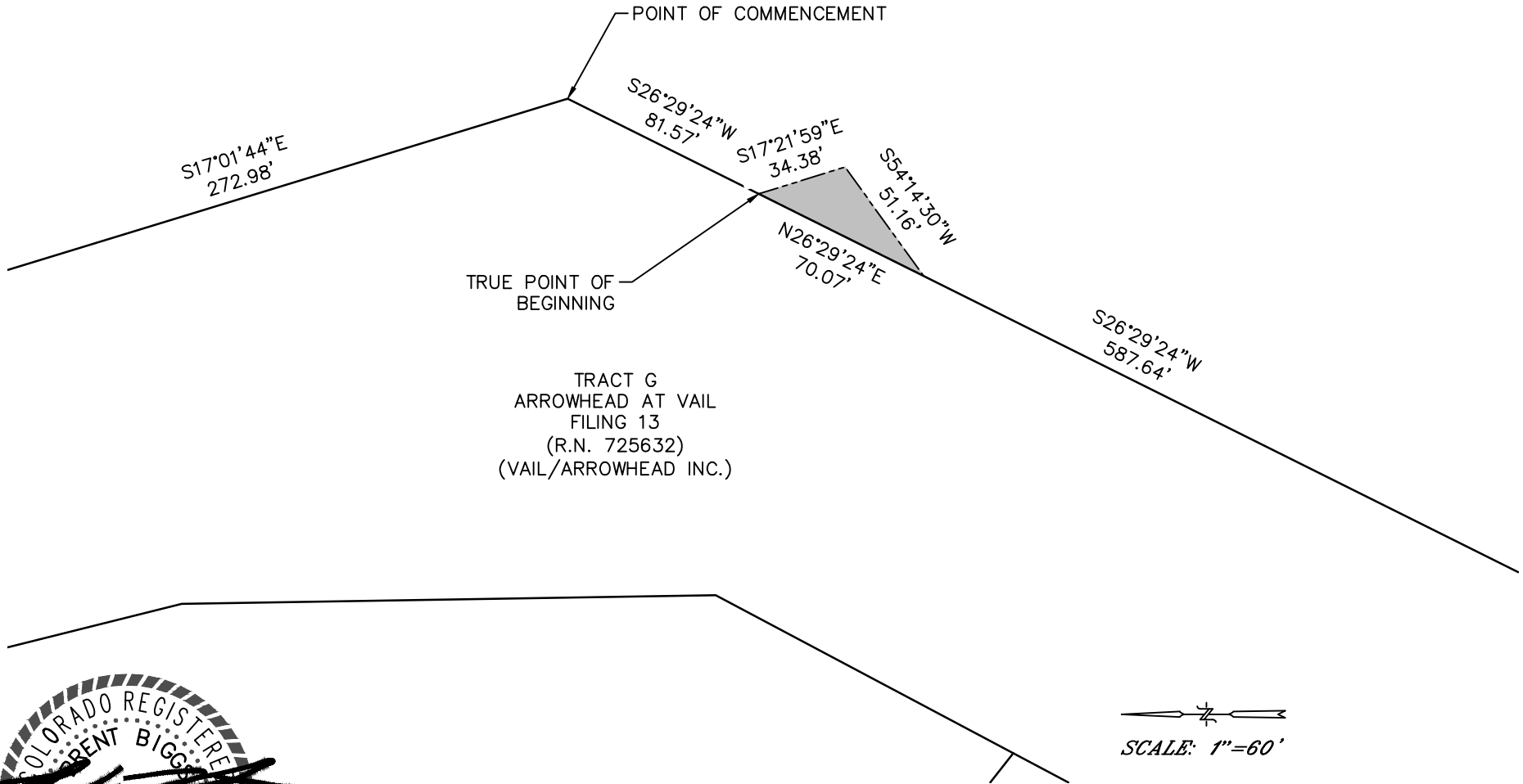
BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT TRACT K, ARROWHEAD AT VAIL FILING NO. 27 EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657
DRAWN BY: KPJ DATE: 02/16/23	CHECKED BY: BB PLC JOB NO.: 2380	

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A

UNPLATTED
SEC. 10 T5S R82W 6TH P.M.



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
UNPLATTED AREA
A PART OF SECTION 10, TOWNSHIP 5 SOUTH
RANGE 82 WEST, 6TH P.M
EAGLE COUNTY, COLORADO



DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 2
DATE: 02/16/23	PLC JOB NO.: 2380	

PEAK LAND CONSULTANTS, INC.
PH: (970)478-8844 FAX: (970)478-8816
1000 LION'S RIDGE LOOP, SUITE 10
VAIL, CO 81657

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

ALL BEARINGS SHOWN HEREON (STATE PLANE) ARE ROTATED COUNTER CLOCKWISE
 -00°00'14" FROM PLATTED


A PARCEL OF LAND LYING IN UNPLATTED AREA, A PART OF SECTION 10, TOWNSHIP 5 SOUTH,
 RANGE 82 WEST, OF THE 6TH P.M BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY ANGLE POINT OF TRACT G, ARROWHEAD AT VAIL FILING
 13, RECEPTION NO 725632 EAGLE COUNTY, COLORADO;
 THENCE S26°29'24"W A DISTANCE OF 81.57 FEET ALONG THE EASTERLY LINE OF SAID TRACT G
 TO THE TRUE POINT OF BEGINNING;
 THENCE DEPARTING SAID EASTERLY TWO (2) COURSES IN UNPLATTED AREA:
 1) S17°21'59"E A DISTANCE OF 34.38 FEET;
 2) S54°14'30"W A DISTANCE OF 51.16 FEET TO THE EASTERLY LINE OF SAID TRACT G;
 THENCE N26°29'24"E A DISTANCE OF 70.07 FEET ALONG SAID EASTERLY LINE TO THE TRUE
 POINT OF BEGINNING,

CONTAINING 835 SQUARE FEET/0.019 ACRES MORE OR LESS



 BRENT BIGGS
 PROFESSIONAL LAND SURVEYOR
 P.L.S. No. 27598

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT UNPLATTED AREA A PART OF SECTION 10, TOWNSHIP 5 SOUTH RANGE 82 WEST, 6TH P.M EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657
DRAWN BY: KPJ	CHECKED BY: BB	
DATE: 02/16/23	PLC JOB NO.: 2380	SHEET 2 OF 2

PARTIAL VACATION AND ABANDONMENT OF EASEMENT

THIS PARTIAL VACATION AND ABANDONMENT OF EASEMENT (this "Vacation and Abandonment") is made as of this day 19 of December, 2023 by the Upper Eagle Regional Water Authority, a quasi-municipal corporation and political subdivision of the State of Colorado ("Authority") and Vail/Arrowhead, Inc., a Colorado corporation ("Vail").

WHEREAS, pursuant to that Easement Agreement dated December 17, 1987 and recorded with the Eagle County Recorder at Reception No. 373934, the Authority holds an easement across the property identified on Exhibit A, for the purpose of constructing, maintaining, and repairing water lines and a water tank ("Easement"); and

WHEREAS, the Authority is relocating a portion of the water lines and Vail has agreed to grant a new easement to the Authority; and

WHEREAS, following the relocation of the water main, the Authority and Vail have agreed to terminate and vacate a portion of the Easement, as shown on Exhibit A, attached hereto and incorporated herein.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Vail and the Authority agree that the portions of the Easement as shown on Exhibit A, are hereby terminated, and the Authority hereby releases, vacates, terminates and abandons all of its easements, rights, interests, obligations and privileges of every kind and nature to such portions of the Easement. The Easement shall remain in full force and effect for those portions of the Easement not vacated or abandoned. This Vacation and Abandonment shall be binding on the Authority and Vail and their successors and assigns. This Vacation and Abandonment may be executed in any number of identical counterparts, any or all of which may contain the signatures of fewer than all of the parties but all of which shall be taken together as a single instrument.

[Signature Pages Follow]

THE VAIL/ARROWHEAD, INC., a Colorado corporation

By: Dan Ramker
Name: [Signature]
Title: VP mtn ops
Date: 1/12/2024

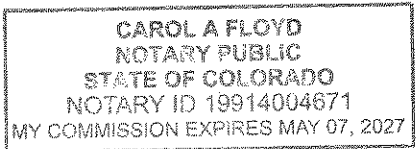
STATE OF COLORADO)
) ss.
COUNTY OF Eagle)

Subscribed and sworn to before me this 12th day of January 2023 by
Dan Ramker as VP of Mountain Ops of The Vail/Arrowhead, Inc., a
Colorado corporation.

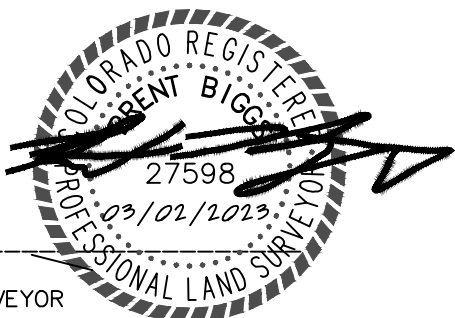
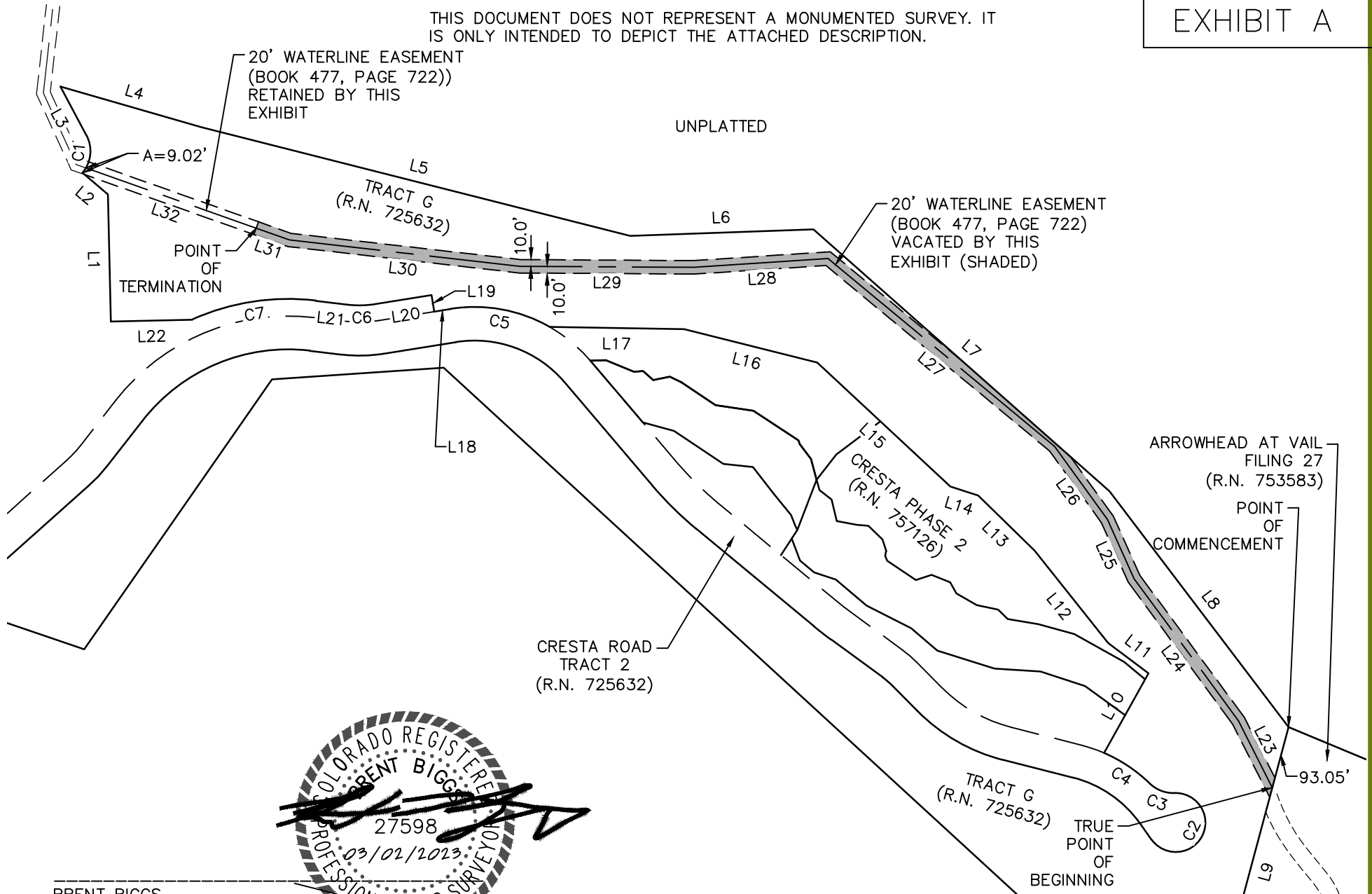
Witness my hand and official seal.

My commission expires: 5-07-2027

Carola A. Floyd
Notary Public




THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

SCALE: 1"=200'

WATERLINE EASEMENT VACATION EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO		
DRAWN BY: KPJ DATE: 03/02/23	CHECKED BY: BB PLC JOB NO.: 2380	SHEET 1 OF 3



PEAK LAND CONSULTANTS, INC.
 PH: (970)478-8644 FAX: (970)478-8616
 1000 LION'S RIDGE LOOP, SUITE 10
 VAIL, CO 81657

EXHIBIT A

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N73°42'34"E	189.00
L2	N25°11'53"E	49.52
L3	N46°47'06"E	82.18
L4	S01°05'45"W	217.89
L5	S00°46'31"E	658.06
L6	S17°01'58"E	272.98
L7	S26°29'10"W	587.64
L8	S37°48'53"W	440.46
L9	N89°59'30"W	515.00
L10	S75°51'45"E	135.69
L11	N21°51'20"E	74.93

LINE TABLE		
LINE #	BEARING	DISTANCE
L12	N36°28'59"E	175.69
L13	N29°15'31"E	117.56
L14	N02°43'39"E	43.41
L15	N27°58'26"E	270.63
L16	N00°55'14"W	203.83
L17	N14°04'03"W	200.07
L18	N24°04'56"W	25.09
L19	S65°55'04"W	25.00
L20	N24°04'56"W	84.52
L21	N08°19'29"W	48.22
L22	N16°17'10"W	121.37

LINE TABLE		
LINE #	BEARING	DISTANCE
L23	S48°11'40"W	111.03
L24	N38°41'44"E	262.18
L25	N50°39'19"E	96.85
L26	N39°13'58"E	134.15
L27	N24°39'10"E	437.60
L28	N18°44'16"W	199.45
L29	N14°38'33"W	259.10
L30	N08°29'26"W	345.12
L31	N04°29'10"E	52.59

LINE TABLE		
LINE #	BEARING	DISTANCE
L32	N04°29'10"E	268.43

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	59.70	50.00	68°24'23"	N80°59'17"E	56.21
C2	182.03	44.00	237°02'09"	S78°32'25"E	77.32
C3	40.46	50.00	46°21'34"	S06°07'17"W	39.36
C4	82.48	225.00	21°00'11"	N18°47'59"E	82.02
C5	152.26	225.00	38°46'18"	N04°41'47"W	149.37
C6	41.25	150.00	15°45'27"	S16°12'13"E	41.12
C7	187.54	350.00	30°42'00"	N23°40'29"W	185.30



WATERLINE EASEMENT VACATION EXHIBIT
 TRACT G, ARROWHEAD AT VAIL FILING 13
 A RESUBDIVISION OF LOTS 27 & 29
 AND TRACTS H AND G
 EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB	SHEET 2 OF 3
DATE: 03/02/23	PLC JOB NO.: 2380	




A 20 FOOT WIDE STRIP OF LAND, BOOK 477, PAGE 722, LYING 10.0 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT G, AMENDED FINAL PLAT ARROWHEAD AT VAIL FILING NO. 13, A RESUBDIVISION OF LOT 26, LOT 27, TRACT H, AND TRACT G RECEPTION NUMBER 725632, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT G;
THENCE N89°59'30"W ALONG THE SOUTH LINE OF SAID TRACT G 93.05 FEET TO THE TRUE POINT OF BEGINNING;
THENCE DEPARTING SAID SOUTH LINE N48°11'40"E A DISTANCE OF 111.03 FEET;
THENCE N38°41'44"E A DISTANCE OF 262.18 FEET;
THENCE N50°39'19"E A DISTANCE OF 96.85 FEET;
THENCE N39°13'58"E A DISTANCE OF 134.15 FEET;
THENCE N24°39'10"E A DISTANCE OF 437.60 FEET;
THENCE N18°44'16"W A DISTANCE OF 199.45 FEET;
THENCE N14°38'33"W A DISTANCE OF 259.10 FEET;
THENCE N08°29'26"W A DISTANCE OF 345.12 FEET;
THENCE N04°29'10"E A DISTANCE OF 52.59 FEET TO THE POINT OF TERMINATION.

CONTAINING 37,321 SQUARE FEET/0.857 ACRES MORE OR LESS

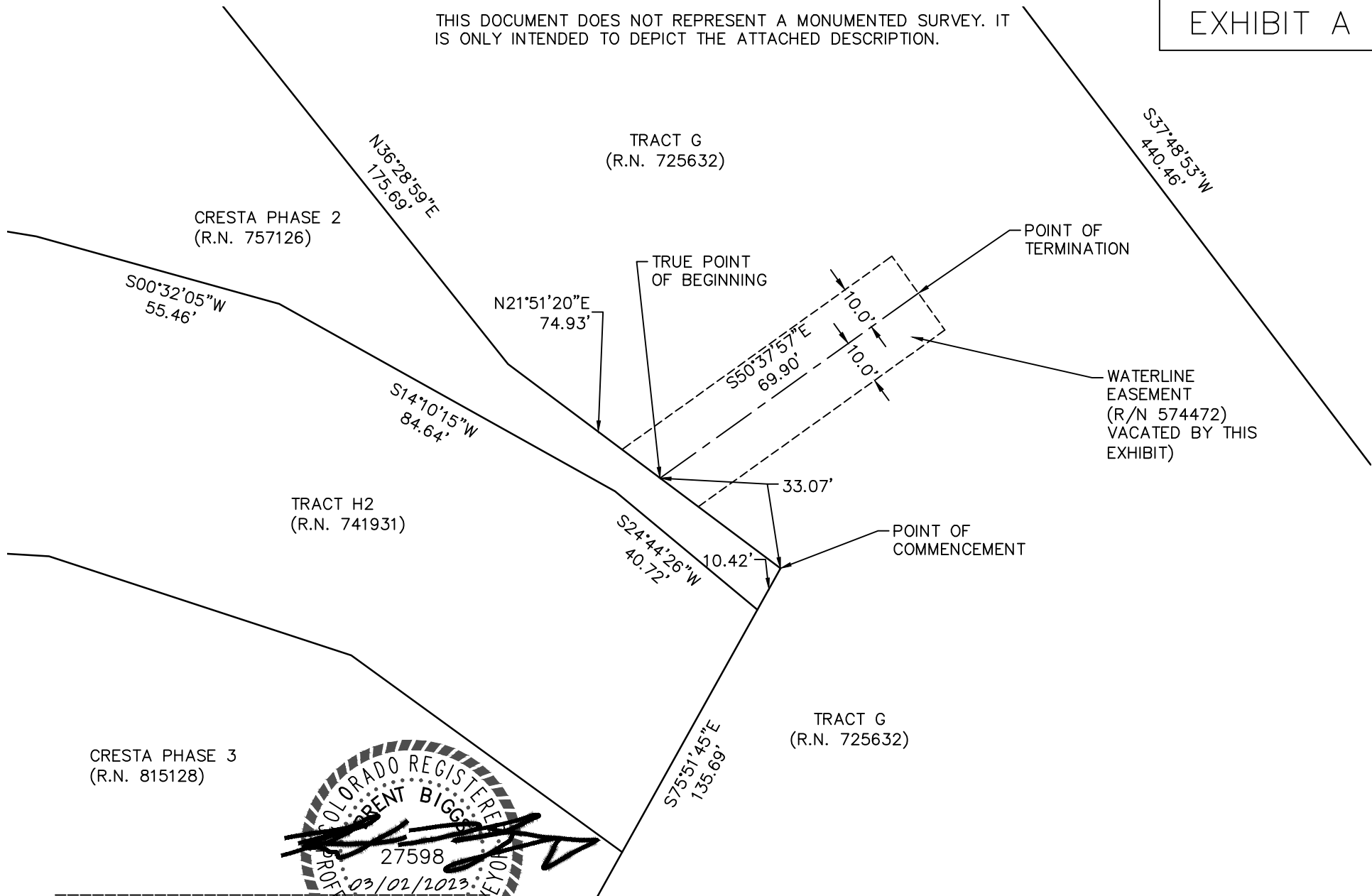


BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

WATERLINE EASEMENT VACATION EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. <small>PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657</small>
DRAWN BY: KPJ DATE: 03/02/23	CHECKED BY: BB PLC JOB NO.: 2380	

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EXHIBIT A



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

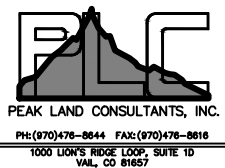
SCALE: 1"=30'

TRACT G
(R.N. 725632)

WATERLINE EASEMENT VACATION EXHIBIT
TRACT G, ARROWHEAD AT VAIL FILING 13
A RESUBDIVISION OF LOTS 27 & 29
AND TRACTS H AND G
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ	CHECKED BY: BB
DATE: 03/02/23	PLC JOB NO.: 2380

SHEET 1 OF 2



WATERLINE EASEMENT VACATION EXHIBIT


A 20 FOOT WIDE STRIP OF LAND LYING 10.0 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT G, AMENDED FINAL PLAT ARROWHEAD AT VAIL FILING NO. 13, A RESUBDIVISION OF LOT 26, LOT 27, TRACT H, AND TRACT G RECEPTION NUMBER 725632, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT SAID TRACT G;
THENCE N21°51'20"E A DISTANCE OF 33.07 FEET ALONG PROPERTY LINE OF SAID TRACT G TO THE TRUE POINT OF BEGINNING;
THENCE DEPARTING SAID PROPERTY LINE S50°37'57"E A DISTANCE OF 69.90 FEET TO THE POINT OF TERMINATION.

CONTAINING 1,398 SQUARE FEET/0.032 ACRES MORE OR LESS



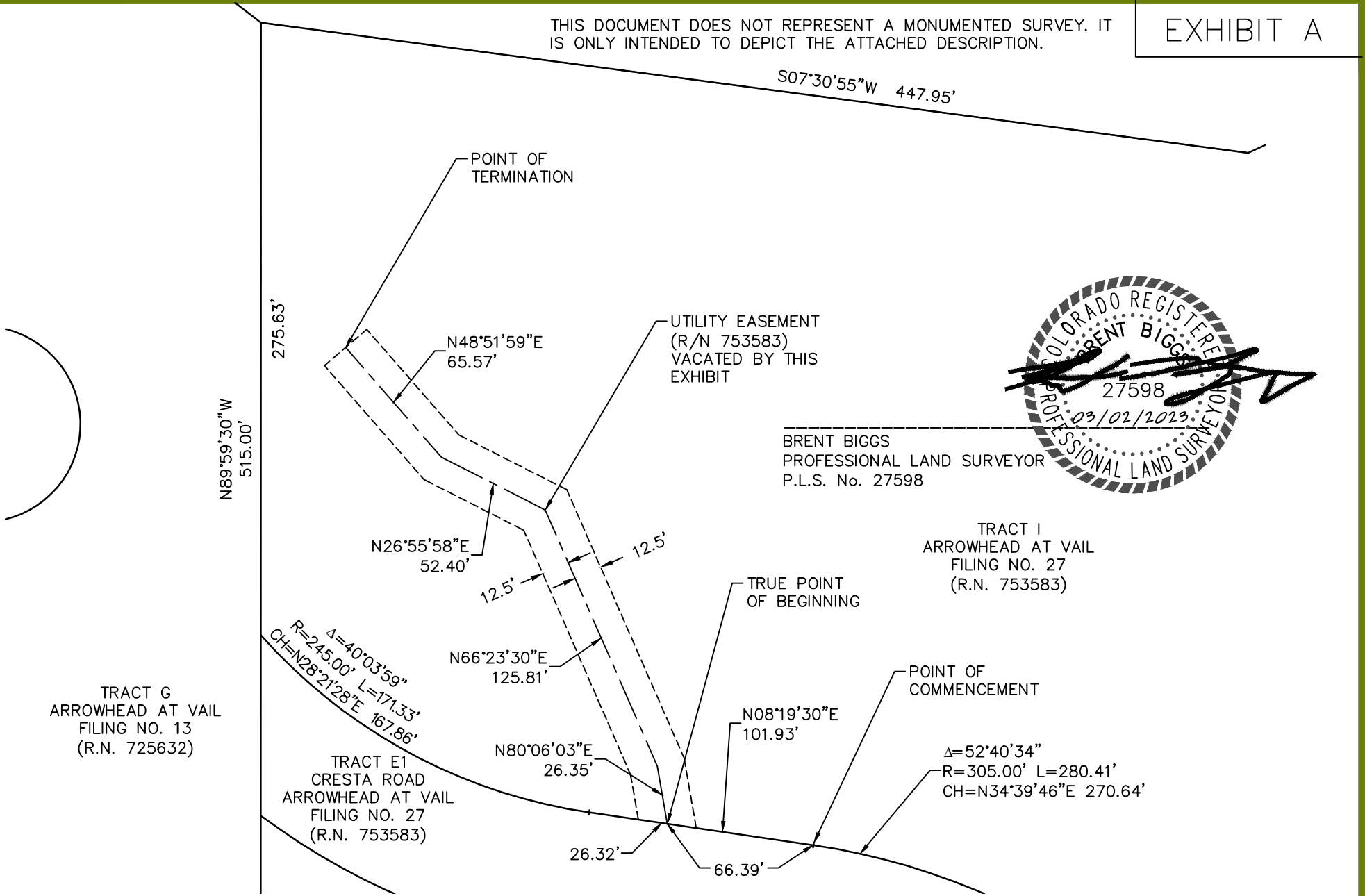
BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

WATERLINE EASEMENT VACATION EXHIBIT TRACT G, ARROWHEAD AT VAIL FILING 13 A RESUBDIVISION OF LOTS 27 & 29 AND TRACTS H AND G EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657
DRAWN BY: KPJ	CHECKED BY: BB	
DATE: 03/02/23	PLC JOB NO.: 2380	SHEET 3 OF 3

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EXHIBIT A

S07°30'55"W 447.95'



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TRACT I
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)

TRACT G
ARROWHEAD AT VAIL
FILING NO. 13
(R.N. 725632)

TRACT E1
CRESTA ROAD
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)

SCALE: 1" = 60'

UTILITY EASEMENT VACATION EXHIBIT
TRACT I, ARROWHEAD AT VAIL FILING 27
EAGLE COUNTY, COLORADO



DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 2
DATE: 03/02/23	PLC JOB NO.: 2380	

UTILITY EASEMENT VACATION EXHIBIT


A 25 FOOT WIDE STRIP OF LAND LYING 12.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT I, ARROWHEAD AT VAIL FILING NO. 127, RECEPTION NUMBER 753583, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT POINT OF CURVATURE OF SAID TRACT I;
THENCE N08°19'30"E A DISTANCE OF 66.39 FEET ALONG THE WESTERLY LINE OF SAID TRACT I TO THE TRUE POINT OF BEGINNING;
THENCE DEPARTING SAID WESTERLY LINE N80°06'03"E A DISTANCE OF 26.35 FEET;
THENCE N66°23'20"E A DISTANCE OF 125.81 FEET;
THENCE N26°55'58"E A DISTANCE OF 52.40 FEET;
THENCE N48°51'59"E A DISTANCE OF 65.57 FEET TO THE POINT OF TERMINATION.

CONTAINING 6,753 SQUARE FEET/0.155 ACRES MORE OR LESS

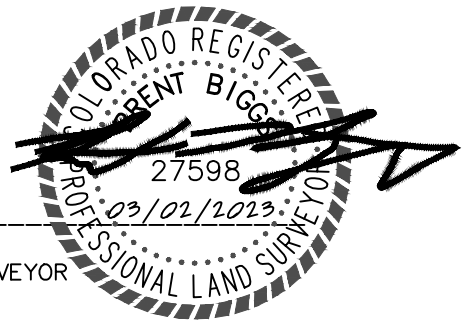
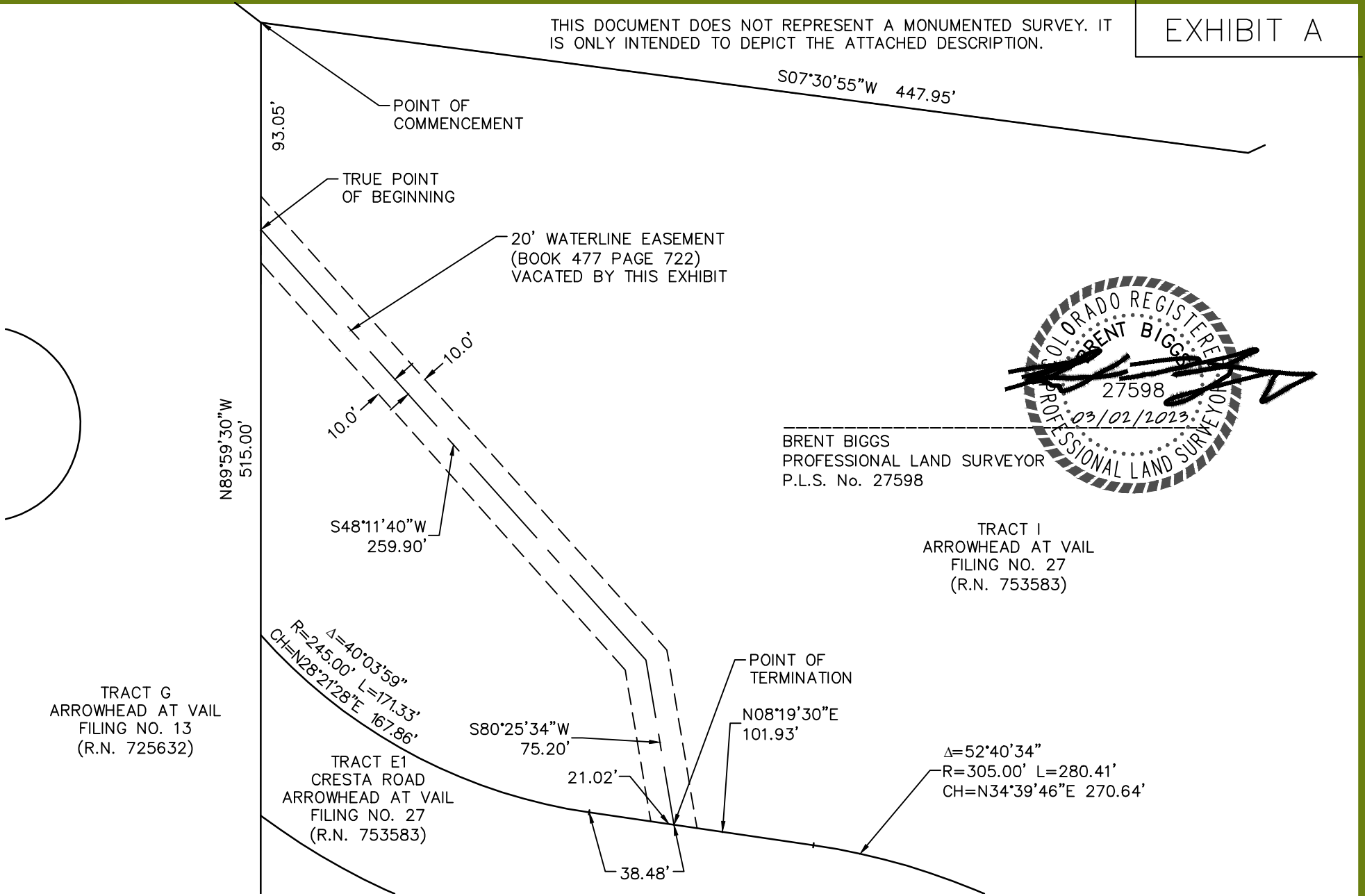


BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

UTILITY EASEMENT VACATION EXHIBIT TRACT I, ARROWHEAD AT VAIL FILING 27 EAGLE COUNTY, COLORADO		 PEAK LAND CONSULTANTS, INC. <small>PH: (970)476-8644 FAX: (970)476-8616 1000 LION'S RIDGE LOOP, SUITE 1D VAIL, CO 81657</small>
DRAWN BY: KPJ	CHECKED BY: BB	
DATE: 03/02/23	PLC JOB NO.: 2380	SHEET 2 OF 2

THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A




BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

TRACT I
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)

TRACT G
ARROWHEAD AT VAIL
FILING NO. 13
(R.N. 725632)

TRACT E1
CRESTA ROAD
ARROWHEAD AT VAIL
FILING NO. 27
(R.N. 753583)

SCALE: 1" = 60'

WATERLINE EASEMENT VACATION EXHIBIT TRACT I, ARROWHEAD AT VAIL FILING 27 EAGLE COUNTY, COLORADO			 PEAK LAND CONSULTANTS, INC. PH: (970)478-8644 FAX: (970)478-8616 1000 LION'S RIDGE LOOP, SUITE 10 VAIL, CO 81657
DRAWN BY: KPJ	CHECKED BY: BB	SHEET 1 OF 2	
DATE: 03/02/23	PLC JOB NO.: 2380		

WATERLINE EASEMENT VACATION EXHIBIT

A 20 FOOT WIDE STRIP OF LAND, BOOK 477, PAGE 722, LYING 10.0 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SIDES ARE LENGTHENED OR SHORTENED LOCATED IN TRACT I, ARROWHEAD AT VAIL FILING NO. 27 RECEPTION NO. 753583, EAGLE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT I;
THENCE N89°59'30"W A DISTANCE OF 93.05 FEET ALONG THE NORTHERLY LINE OF SAID TRACT I TO THE TRUE POINT OF BEGINNING;
THENCE DEPARTING SAID NORTHERLY LINE S48°11'40"W A DISTANCE OF 259.90 FEET;
THENCE S80°25'34"W A DISTANCE OF 75.20 FEET TO THE WESTERLY LINE OF SAID TRACT I BEING THE POINT OF TERMINATION.

CONTAINING 37,321 SQUARE FEET/0.857 ACRES MORE OR LESS



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

WATERLINE EASEMENT VACATION EXHIBIT
TRACT I, ARROWHEAD AT VAIL FILING 27
EAGLE COUNTY, COLORADO

DRAWN BY: KPJ
DATE: 03/02/23

CHECKED BY: BB
PLC JOB NO.: 2380

SHEET 2 OF 2





**UPPER EAGLE REGIONAL
WATER AUTHORITY**

BOARD ACTION REQUEST

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

GOVERNED BY:

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

The Town of Avon

Summary: Due to an updated board appointment by a member entity of the Authority, the joint board water conservation committee currently has a vacancy. In addition, there is a vacant backup position on the Authority’s audit and budget committees. The board can fill these vacancies and consider other committee changes. The current list of committees and committee members is attached for review.

Background: The Authority bylaws require permanent budget and audit committees, and the board may create additional standing or special committees. At the Aug. 24, 2023, board meeting, the board reaffirmed that board committees are comprised of primary directors appointed by member entities; alternate directors do not serve on committees.

Edwards Metropolitan District submitted documentation on Dec. 14, 2023, appointing a new primary director, Joanna Kerwin. The previous primary director, Mike Trueblood, served on the joint board water conservation committee. He was also the backup designee on the Authority’s audit and budget committees, meaning that he would serve in the absence a committee member. His transition from serving as a primary director on the Authority board created vacancies on these committees.

Staff recommends that directors discuss these vacancies at the Jan. 25 board meeting and approve an updated board committee list.

Suggested motion: I move to approve the board committee changes as discussed.

Attached supporting documentation:

- Board committee list



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

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.



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

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

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



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

To: Board of Directors
From: Jim Cannava, Finance Manager
Date: January 17, 2023
Re: Quarterly Financial Reports – 2023 YE Estimate

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

Revenues:

- Operating 10.8% greater than budget
 - 2.7% greater consumption in tiers 4 & 5
 - Interest income great than expected
- Non-Operating
 - 260.5 SFE added and \$3,403,202 collected in Impact Fees

Expenses:

- Operating
 - 3.9% greater than budget due to operating agreement expense greater than expected
- Non-Operating
 - 20.5% greater than budget due to
 - 25 acre-feet water rights purchase
 - The Information Technology CRP allocation and CIP management costs have exceeded the budget, mainly due to an increase in Capital Improvement Plan projects and additional resource allocation. Key IT capital expenditures driving this overrun include major projects like RTU firewall replacement, security appliance updates, hardware purchases, server and network improvements, cybersecurity enhancements, and expanded network capacity. These essential IT upgrades have resulted in higher-than-expected financial outlays.
- Bond Funds
 - \$4MM remaining in the Bond budget
 - \$4MM bond fund deficit
 - \$22MM bond scheduled to close January 30
 - Estimated monthly debt service rate per SFE: \$7.32
 - Proposed new rate to begin in January 2025



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

Net Income & Budget Comparisons

UERWA

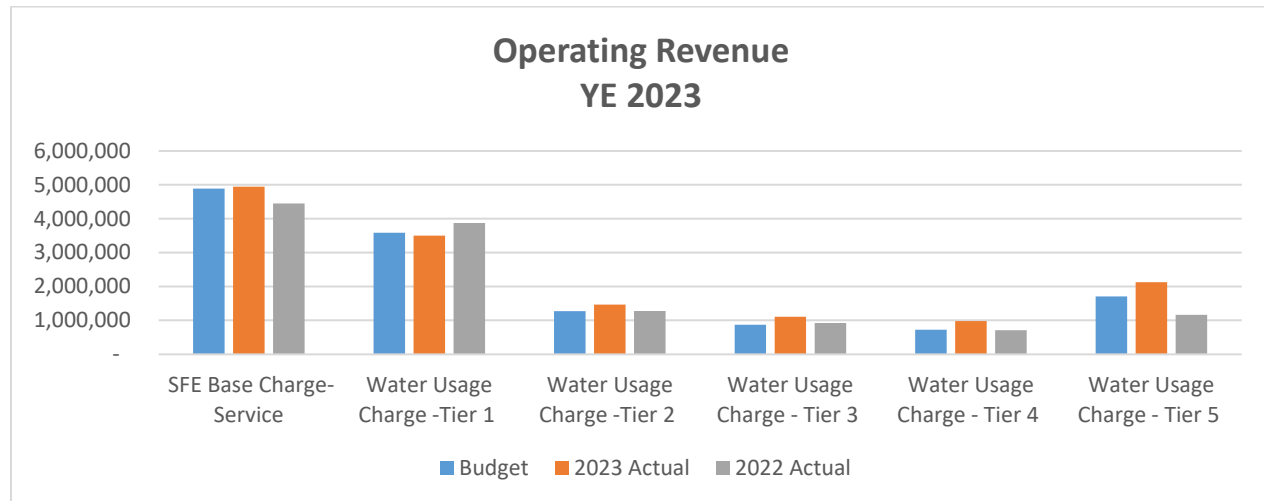
Operating	Annual Budget	YE Est	2022 YE
Revenue	\$13,139,374	\$14,733,351	\$12,345,660
Expense	\$10,922,457	\$11,365,332	\$10,821,061
Net Income	\$2,216,917	\$3,368,019	\$1,524,599

Non-Operating	Annual Budget	YE Est	2022 YE
Revenue	\$4,175,714	\$7,235,108	\$7,464,799
Expense	\$5,404,903	\$6,802,897	\$4,341,404
Net Income	(\$1,229,189)	\$432,210	\$3,123,395

Net Income	\$987,728	\$3,800,230	\$4,647,994
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Unrestricted Fund Balance	Annual Budget	YE Est
Beginning Balance	\$3,854,285	\$3,854,285
Net Income	\$987,728	\$3,800,230
Ending Balance	\$4,842,013	\$7,654,515

Revenue Comparison



- Total Water Service Revenue is 8.2 greater than budget
 - Water sales 12% greater than budget due to use shifted to tiers 4 & 5
 - Base fees are 1.2% greater than budget due to additional SFE and Dec billings
- Water Service Impact Fees are \$3,403,202, \$3,116,224 greater than budget



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

Bond Balances & Cash

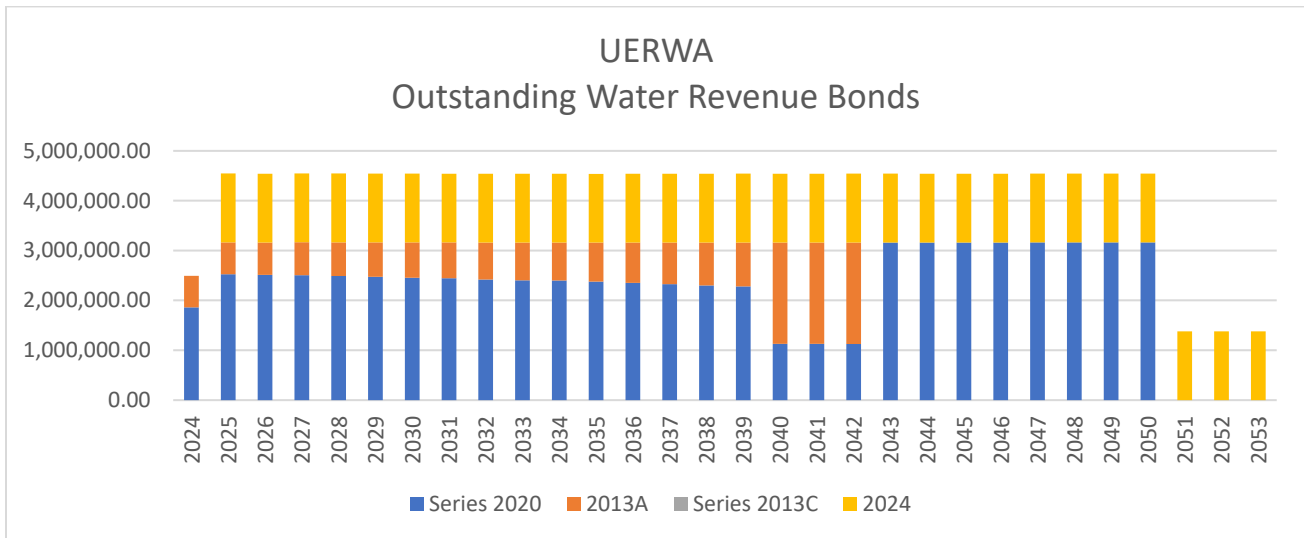
Bond Funds	Annual Budget	YE 2023	YE 2022
Beginning Balance	(\$893,928)	(\$893,928)	\$7,143,902
Expense	\$9,443,170	\$3,141,463	\$8,037,830
Bond Balance	(\$10,337,098)	(\$4,035,391)	(\$893,928)

Bond Projects	Budget	Actual	Remaining Budget
Wildridge BPS and PRV Improvements	2,748,548	680,754	2,067,794
Upgrade PLC 6 @ ADWF-Master PLC	2,061,659	1,703,056	358,602
Traer Creek Tank Replacement	20,000	30,554	-10,554
Fenno Well House/Raw Wtr Conveyance	1,295,389	68,022	1,227,367
Bolts Lake Reservoir	695,737	506,131	189,606
Arrowhead Transmission Main Rehab	2,023,738	9,220	2,014,519
RTU System Upgrade	150,000	2,123	147,877
Edwards Transmission Line Phase 2	10,000	20,953	-10,953
Beaver Creek BPS 1,2, & 3 Rehabilitation	361,900	108,983	252,917
Cordillera West Tank 1 Rehabilitation	76,200	11,667	64,533
Total	9,443,170	3,141,463	6,301,708

- \$22MM Bond Closes January 30
- Estimated rate to be applied in 2025: \$7.32 per SFE/mo.

UERWA	2023	2022	2021
Cash Balance	\$13,738,951	14,417,768	21,742,153

- Cash balance fluctuations are primarily due to bond funds and timing of payable distributions



- Total Outstanding Debt Service: \$84,687,179
- Est. Total Outstanding Debt Service with 2024 Revenue Bond: \$125,687,772



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

M E M O R A N D U M

TO: Authority Board
FROM: Jim Cannava, Finance Manager
DATE: January, 17, 2024
RE: UERWA Bond Issue Update

GOVERNED BY:

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

The Town of Avon

I am pleased to share with you an update on our ongoing bond issue, highlighting significant milestones and favorable market conditions.

1. **Positive Rating Affirmation:** Standard & Poor's has recently affirmed the Authority's A rating, accompanied by a very positive commentary. This reflects well on our financial standing and stability.
2. **Favorable Market Conditions:** The market is currently in our favor, with bond rates experiencing a substantial decrease since November. This favorable trend provides us with an opportune environment for our bond issue.
3. **Board Approval and Interest Rate:** The Board has approved an interest rate of 5.75%, along with maximum annual payments capped at \$1,800,000. As of January 8, the all-in bond yield stands at an encouraging 4.29%, resulting in annual payments of approximately \$1,380,000. This represents a \$150,000 reduction from our initial projections and equates to an APR of 3.36%.
4. **Timeline and Key Dates:**
 - The Official Statement was posted on January 10
 - Piper has commenced marketing the bond after the posting
 - The pre-pricing call is scheduled for January 17
 - Pricing is set for January 18
 - Pre-closing is scheduled for January 29
 - Closing is scheduled for January 30



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.



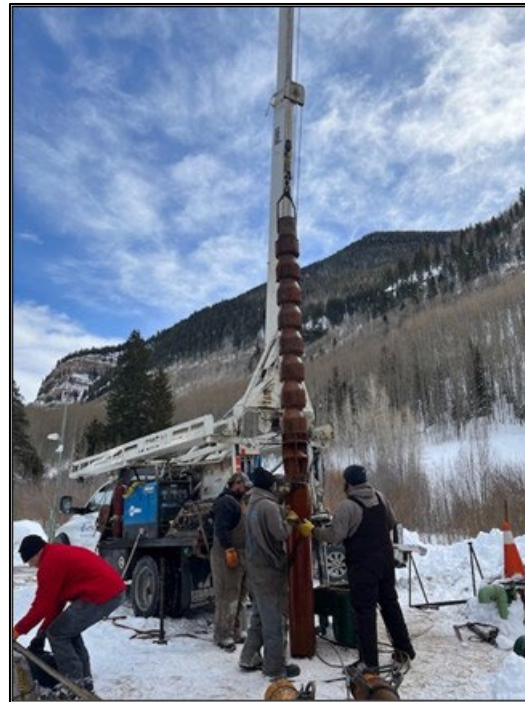
UPPER EAGLE REGIONAL
WATER AUTHORITY

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

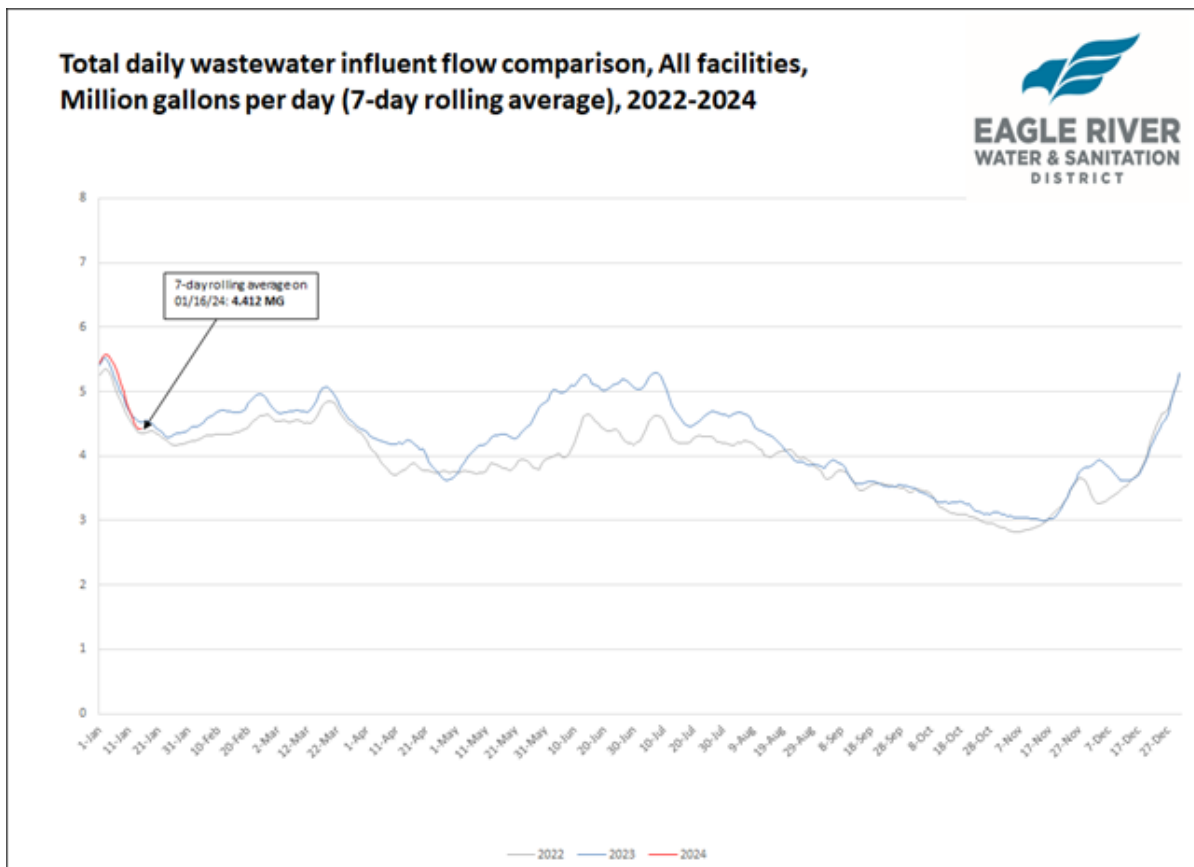


EDWF clean-in-place (CIP) pipe installation

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.

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

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
--------------	-----------

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 Beairsto

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

Dowd Junction Collection System Improvements

Jenna Beairsto

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

Project Update: 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 Beairsto 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 5th 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

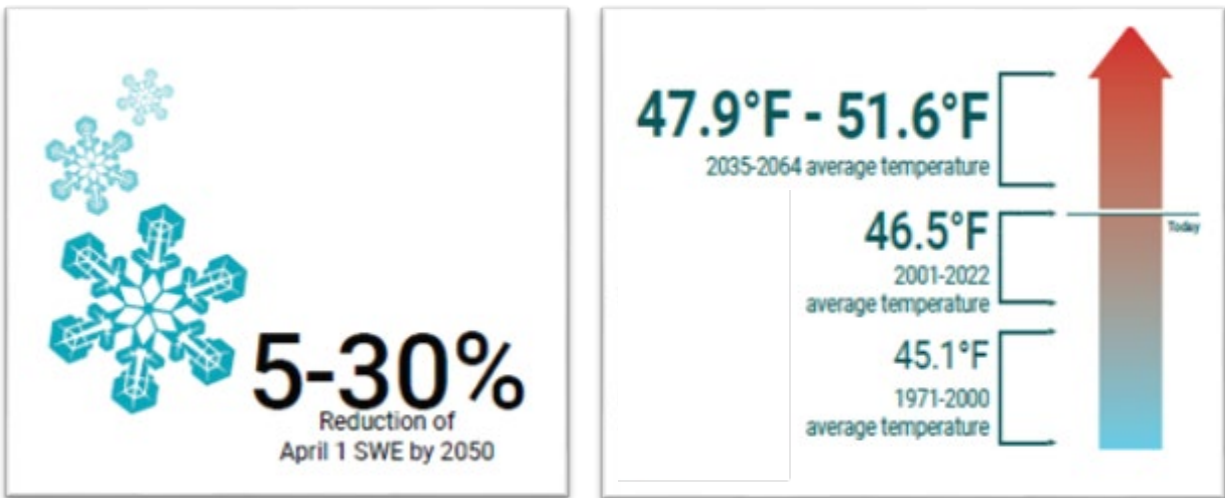
Justin Hildreth

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.

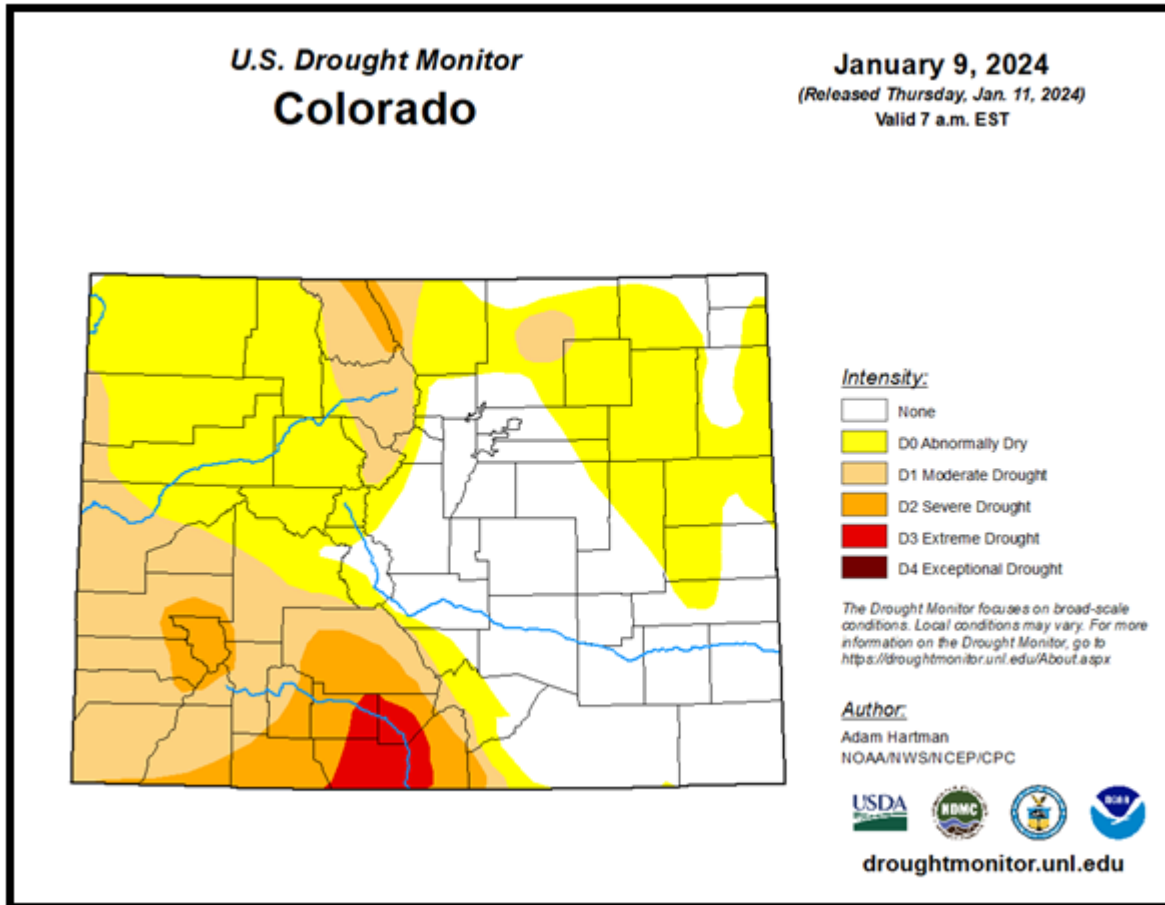
Figure 1: Projected changes to snowpack and temperatures by 2050



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)

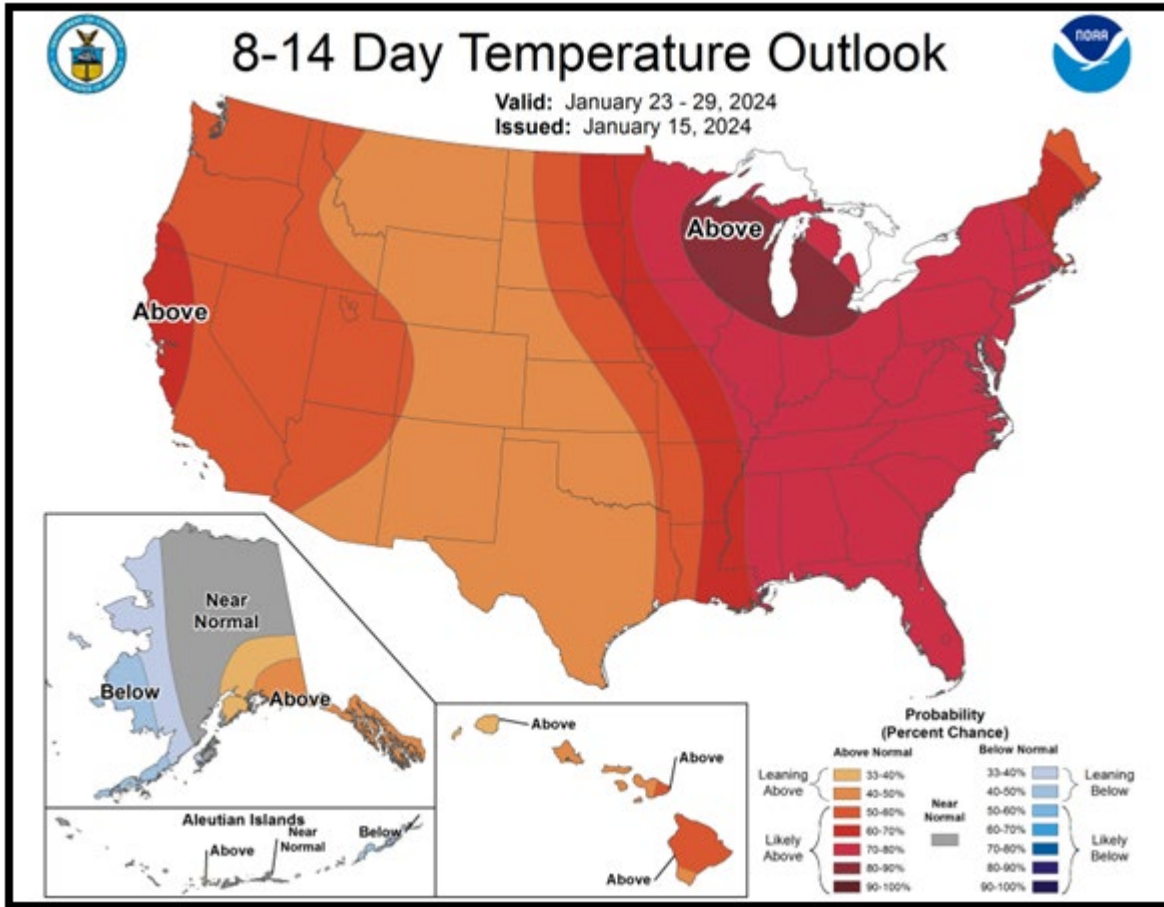
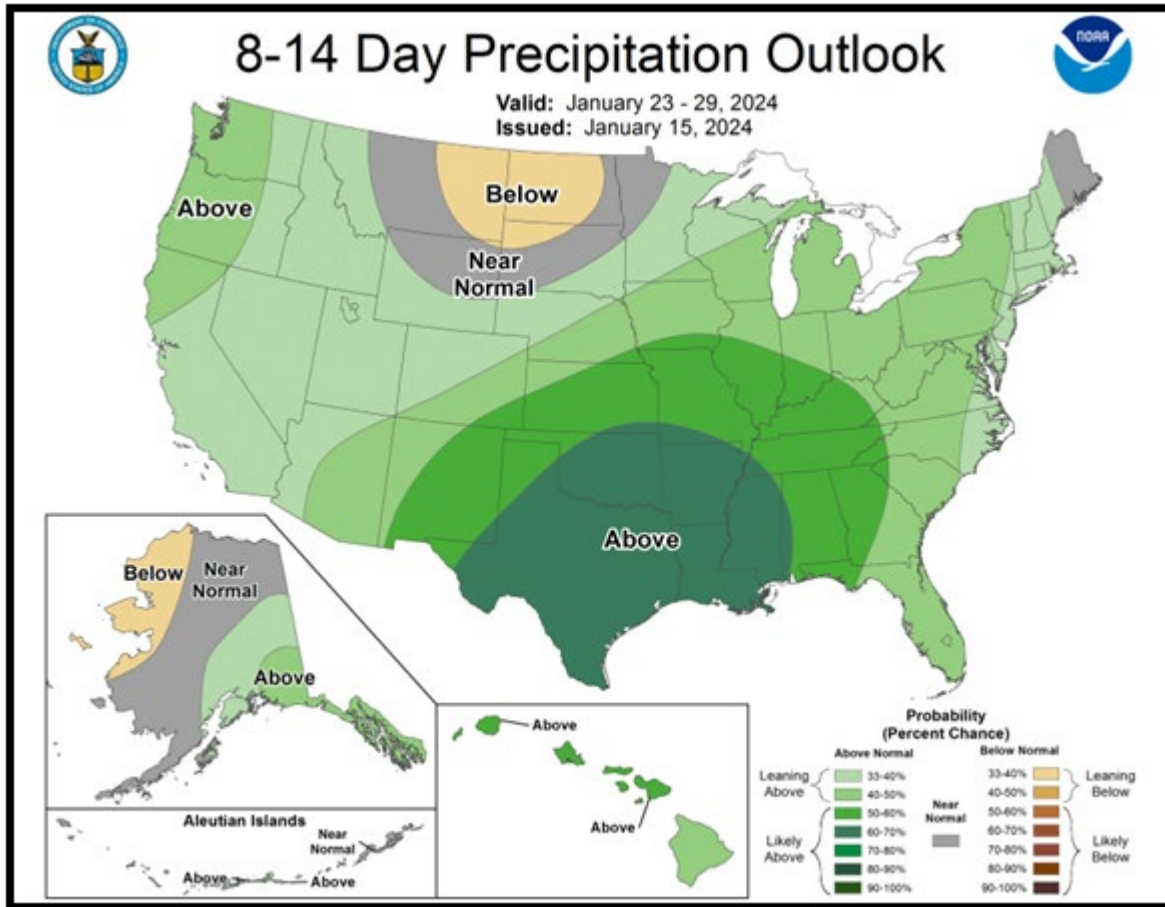


Figure 3: 8-14 Day Precipitation Outlook – January 15, 2024 (NOAA Climate Prediction Center)



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)

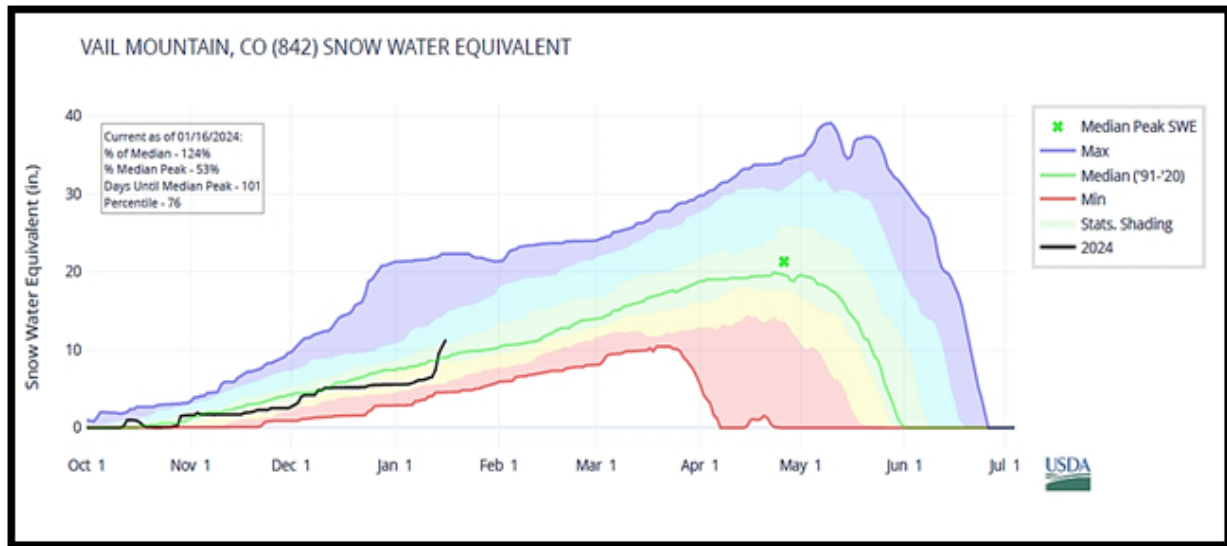
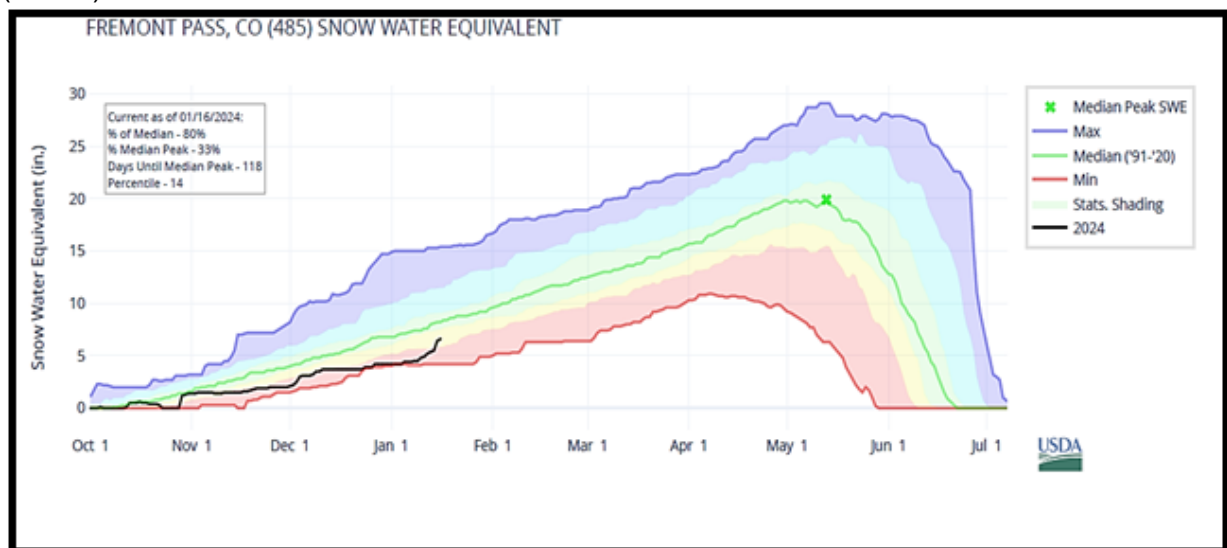


Figure 5: Accumulated Precipitation at Fremont Pass SNOTEL station, January 16, 2024 (USDA)



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:

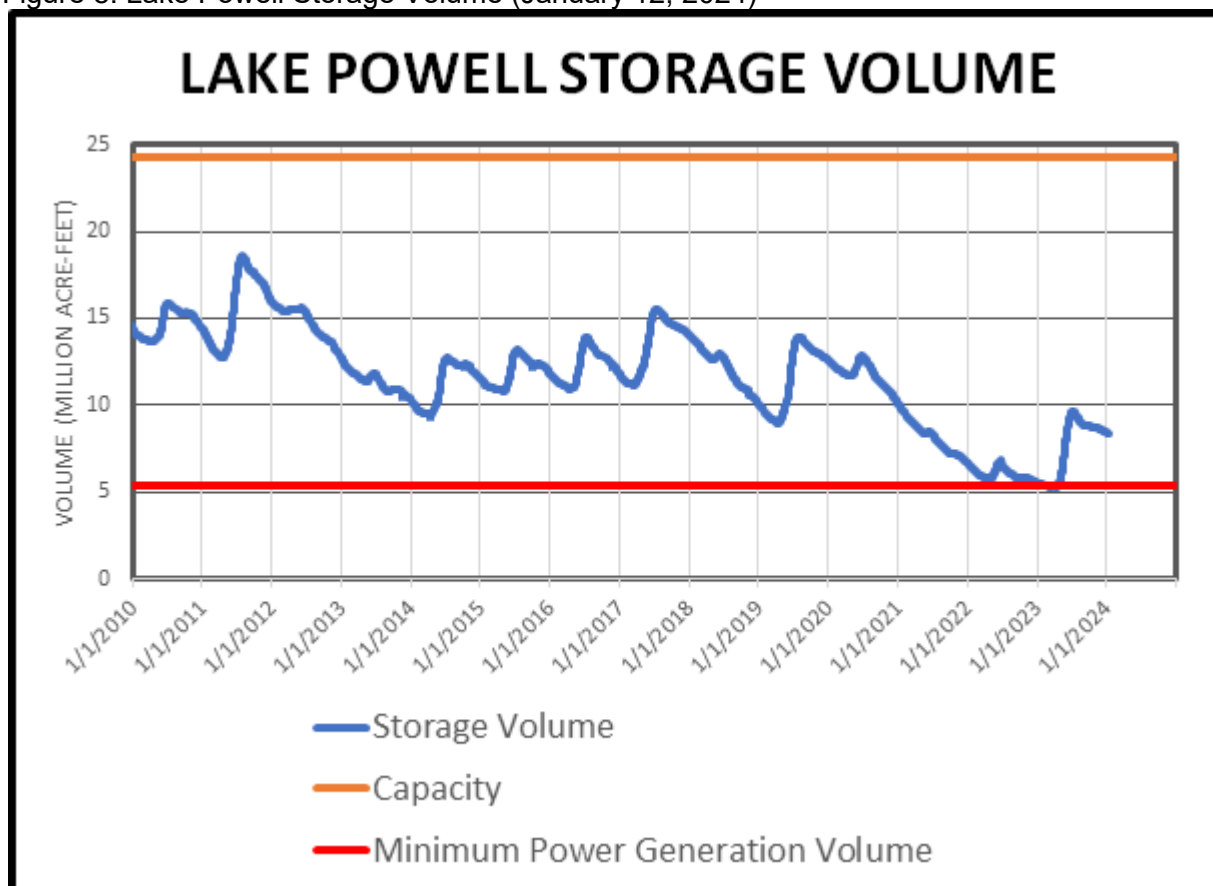
<u>Reservoir</u>	<u>ERWSD</u>		<u>UERWA</u>		<u>Total</u>	
Green Mountain	915.16	98%	475	87%	1390.16	94%
Black Lakes	332	78%	300	100%	332	78%
Eagle Park	405.54	99%	672.28	95%	1077.82	97%
Homestake Res	250	100%	256.50	100%	506.50	100%
Wolford Mtn	500	100%	699.77	98%	1199.77	99%

*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 ²	In-basin Reservoir Storage, acft Unrestricted ³
Available Unallocated In-Basin Storage¹	87.40	75.00
Dedication Requirements for New Projects		
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
Total Pending Dedications	18.76	1.44
Remaining Unallocated In-Basin Storage	68.64	73.56

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								
Development Approval Process Steps:	1. Connection Application			2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement		5. Ability to Serve Letter
Construction Approval Process Steps:	0. Conceptual			1. Plan Review	2. Plan Approval	3. Under Construction		4. Final Acceptance

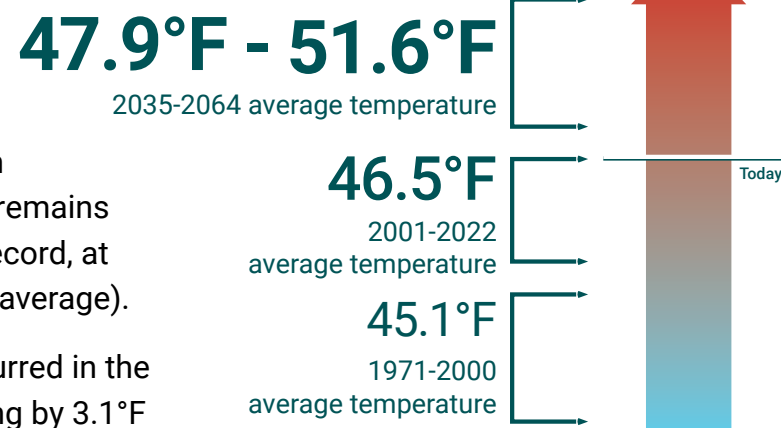


ERWSD New Development Report, January 2024

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
Projects Completing Warranty Period						
3010 Basingdale (Phase II), 841/851 Main St Minturn, VVMC Phase II-East Wing, Vail Marriot Residence Inn						
Development Approval Process Steps:	1. Connection Application	2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement	5. Ability to Serve Letter	
Construction Approval Process Steps:	0. Conceptual	1. Plan Review	2. Plan Approval	3. Under Construction	4. Final Acceptance	

Temperature

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

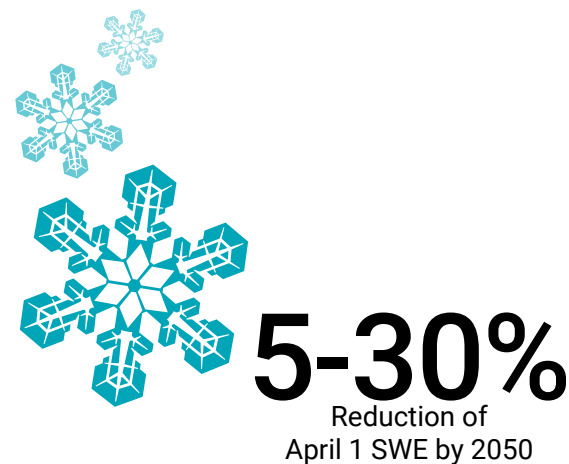
- Colorado has observed persistent dry conditions in the 21st century. According to water year precipitation accumulations, October 1 – September 30, four of the five driest years have occurred since 2000.
- Drying trends have been observed over the majority of the state during the spring, summer, and 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 74th 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.

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

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.

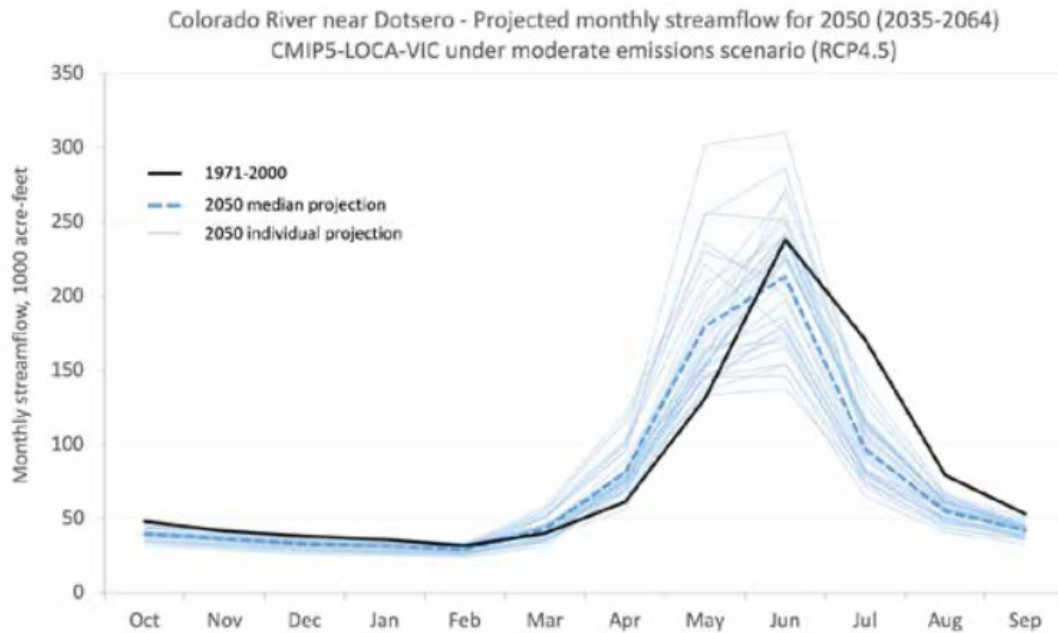


Figure 3.7: Projected future monthly streamflows for the Colorado River at Dotsero for a 2050-centered period (2035-2064) from an ensemble of 32 CMIP5-LOCA-VIC hydrology projections (thin blue) under a medium-low emissions scenario (RCP4.5), and the simulated mean streamflow for the 1971-2000 period (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: Upper Eagle Regional Water Authority Board of Directors
FROM: Kristin Moseley
SUBJECT: Application for Approval of Plan for Augmentation (Case No. 23CW3205)
DATE: January 17, 2024

As you know, the Authority has acquired an additional 162 acre-feet of additional Eagle Park Reservoir water from the following sources: (1) 25 acre-feet pursuant to the purchase Option Agreement with the Eagle River Water & Sanitation District; (2) 50 acre-feet leased from the Colorado River Water Conservation District (the “River District”) pursuant to the pending Water Supply Contract No. CW23008; and (3) 87 acre-feet previously acquired from Eagle County for workforce housing projects. To allow the Authority to use the newly acquired Eagle Park Reservoir water for augmentation throughout its service area, the Authority filed an application for approval of plan for augmentation (the “Application”) with the Division 5 Water Court in Case No. 23CW3205 on December 22, 2023. A copy of the Application is included with this memorandum.

Also attached is a copy of the pending Water Supply Contract No. CW23008 from the River District. Upon execution of the contract, the Authority is to pay the River District a total sum of \$89,150, which constitutes \$1,783 for each acre-foot of the 50 acre-feet of contract water. Thereafter, the River District will provide the Authority with an annual invoice for the contract water based on the current rate, which will be adjusted annually based on the Consumer Price Index plus New Growth Index. The contract term is forty (40 years) from the execution date; at the end of the 40-year term, the Authority has the right to renew the contract for an additional thirty-five (35) years. The Authority may terminate the contract for any reason with thirty (30) days advance notice.

The Water Judge referred the augmentation plan to the Water Referee pursuant to C.R.S. § 37-92-203(7), and the Water Referee entered an order approving publication in the December resume as well as the legal notices section of local newspapers. Any interested parties will have until February 29, 2024, to file any statements of opposition. How quickly the case progresses through the Water Court process will depend on the extent of opposition to the case and what concerns and recommendations, if any, the Division Engineer includes in the Summary of Consultation. I will continue to keep you apprised of the status of the case as it proceeds through Water Court.

<p>DISTRICT COURT, WATER DIVISION NO. 5 STATE OF COLORADO</p> <p>Garfield County Courthouse 109 8th Street, Suite 104 Glenwood Springs, CO 81601 (970) 928-3065</p>	<p>DATE FILED: December 22, 2023 1:10 PM FILING ID: B390F41FD49A8 CASE NUMBER: 2023CW3205</p> <p>▲ COURT USE ONLY ▲</p>
<p>CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE</p> <p>UPPER EAGLE REGIONAL WATER AUTHORITY</p> <p>IN EAGLE COUNTY, COLORADO</p>	<p>Case Number: 23CW3205</p>
<p><i>Attorneys for Upper Eagle Regional Water Authority</i> Kristin H. Moseley, #28678 Michael W. Daugherty, #49074 Somach Simmons & Dunn, P.C. 1155 Canyon Blvd., Suite 110 Boulder, CO 80302 Telephone: (303) 449-2834 kmoseley@somachlaw.com mdaugherty@somachlaw.com</p>	<p>Water Division: 5</p>
<p>APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION</p>	

1. Name and address of applicant:

Upper Eagle Regional Water Authority
c/o General Manager
846 Forest Road
Vail, CO 81657

Copies of all pleadings to:

Kristin H. Moseley
Michael W. Daugherty
Somach Simmons & Dunn, P.C.
1155 Canyon Blvd., Suite 110
Boulder, CO 80302
(303) 449-2834
kmoseley@somachlaw.com
mdaugherty@somachlaw.com

2. Description of water rights to be augmented directly or by exchange:

Applicant seeks to augment up to 162 acre feet of water per year (less transport losses from the replacement sources) of out of priority depletions resulting from municipal diversions (to include municipal, domestic, irrigation, commercial, industrial, recreational and all other water uses furnished by Applicant) at the following structures:

2.1. Metcalf Ditch Headgate (WDID 3700708), located at a point from which the SE corner of the SW/4, Section 7, T. 5 S., R. 81 W. of the 6th P.M. bears S. 53°00'40" E. 1446 feet, which can also be described as on the Eagle River in the SE/4 SW/4 of Section 7, T. 5 S., R. 81 W., 6th P.M. at a point 870 feet from the south section line and 1,485 feet from the west section line. UTM NAD83 (Zone 13), X 370662.0; Y 4387386.0; Latitude 39.626482, Longitude -106.507010.

2.2. Raw Water Booster Pump Headgate (WDID 3701202), located at a point from which the SW corner of the NW/4, Sec. 12, T. 5 S., R. 82 W. of the 6th P.M. bears S. 18°01'34" W. 1551.13 feet, which can also be described as on the Eagle River in the NW/4 NW/4 of Section 12, T. 5 S., R. 82 W., 6th P.M. at a point 1,165 feet from the north section line and 480 feet from the west section line. UTM NAD83 (Zone 13), X 368701.3; Y 4388400.7; Latitude 39.635326, Longitude -106.530053.

The above structures are used by Applicant pursuant to the decrees of the District Court in and for Water Division No. 5 (the "Water Court") in Case Nos. 85CW608 through 85CW613, and in subsequent decrees including in Case No. 00CW83.

2.3. UERWA Point A (WDID 3701107), located on Lake Creek in the SE/4 NE/4 of Section 6, T. 5 S., R. 82 W., 6th P.M. at a point 1,700 feet from the north section line and 410 feet from the east section line, or at a headgate well in the alluvium of Lake Creek. This diversion was decreed in Water Court Case No. 93CW291 for 11.6 cfs. UTM NAD83 (Zone 13), X 361908.0; Y 4390012.0; Latitude 39.648766, Longitude -106.609520.

2.4. Edwards Water District Well No. 2 (WDID 3706032), located in the Eagle River alluvium in the SE/4 SW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M. at a point 750 feet from the south section line and 2,100 feet from the West section line for 0.440 cfs in accordance with the decrees in Water Court Case Nos. 81CW161, 81CW195 and 85CW610. UTM NAD83 (Zone 13), X 364248.0; Y 4389055.0; Latitude 39.640521, Longitude -106.582060.

2.5. June Creek Ranch Well No. 1 (WDID 3705125), located in the Eagle River alluvium and tied to the NW Corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 24°55'55" W. 2040.12 ft. in accordance with the decree in Water Court Case Nos. W-3999. UTM NAD83 (Zone 13), X 363693; Y 4389355.0; Latitude 39.643135, Longitude -106.588587.

2.6. June Creek Ranch Well No. 2 (WDID 3705126) (as changed in Case No. 84CW233), located in the Eagle River alluvium and tied to the NW corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 07°08'00" W. 3092.28 feet. While not decreed as such, it can be

located in the NW/4 SW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M. at a point 2,240 feet from the south section line and 510 feet from the west section line, for 1.11 cfs in accordance with the decrees in Water Court Case Nos. W-3999, 82CW228, 84CW200, 84CW233, 88CW268 and 85CW613. UTM NAD83 (Zone 13), X 363794.0; Y 4389500.0; Latitude 39.644457, Longitude -106.587441.

2.7. June Creek Ranch Well No. 3 (WDID 3705127), located in the Eagle River alluvium and tied to the NW Corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 12°41'13" E. 3141.71 ft. in accordance with the decree in Water Court Case Nos. W-3999. UTM NAD83 (Zone 13), X 363942.0; Y 4389702.0; Latitude 39.646300, Longitude -106.585758.

2.8. June Creek Ranch Well No. 4 (WDID 3705128) (aka, Berry Creek Well No. 3) (as changed in Case No. 84CW233, tied to the NW corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 00°32'17" W. 2530.24 feet, which can also be located in the Eagle River alluvium in the SW/4 NW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M. at a point 2,530 feet from the north section line and 125 feet from the west section line, for 100 gpm in accordance with the decrees in Water Court Case Nos. W-3999, 82CW228, 84CW200, 84CW233, 88CW268 and 85CW613. UTM NAD83 (Zone 13), X 363676.0; Y 4389647.0; Latitude 39.645763, Longitude -106.588846.

2.9. June Creek Ranch Well No. 5 (WDID 3705129), located in the Eagle River alluvium and tied to the NW Corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 24°28'27" E. 4791.01 ft. in accordance with the decree in Water Court Case Nos. W-3999. UTM NAD83 (Zone 13), X 364336.0; Y 4389234.0; Latitude 39.642148; Longitude -106.581071.

2.10. June Creek Ranch Well No. 6 (WDID 3705130) (as changed in Case No. 84CW233), tied to the NW corner, Section 4 T. 5 S., R. 82 W. of the 6th P.M., N. 09°29'46" W. 3692.17 feet, which can also be located in the Eagle River alluvium in the NW/4 SW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M. at a point 1,680 feet from the south section line and 760 feet from the west section line, for 1.11 cfs in accordance with the decrees in Water Court Case Nos. W-3999, 82CW228, 84CW200, 84CW233, 88CW268 and 85CW613. UTM NAD83 (Zone 13), X 363854.0; Y 4389326.0; Latitude 39.642900; Longitude -106.586706.

The depletions caused by the June Creek Ranch Wells Nos. 2, 4, and 6, and the Edwards Water District Well No. 2 will be calculated using the lagging factors identified for each well in the decree in Water Court Case No. 11CW92.

2.11. Stag Gulch Wellfield (WDID 3705568), aka the Fenno Wells ("the Wellfield") including up to thirty-five individual wells, all located in the County of Eagle, Colorado. The locations of the Stag Gulch Wells are described in the decree in Case No. 91CW77, as amended by the decree in Case No. 96CW021. In the decree in Case 91CW77, Applicant was granted the right to develop its ground water supplies through the wellfield concept, without having to amend the decree each time a new well location is determined. The location of the Wellfield is in Tract 73 which is part of Sections 10 and 11, Tract 53, which is part of Sections 10, 11 and 14, Tract 55, which is part of Sections 11 and 14, Tract 62 which is part of Sections 14 and 15, Tract 63 which is part of Sections 14 and 15, Tract 51 which is part of Section 10, Tract 48 which is

part of Sections 9 and 10, Tract 54, which is part of Sections 10, 11, 14, and 15, and a tract of land designated as the "Cliff Tract" lying in the northeast corner of said Tract 53; all in Township 5 South Range 83 West of the 6th P.M. according to the Independent Resurvey accepted June 6, 1923. UTM NAD83 (Zone 13), X 356939.0; Y 4387466.0; Latitude 39.625019; Longitude -106.666862. In Case No. 96CW021, the Court permitted 2 of the 35 permitted wells to be located in Section 14, Township 5 South Range 83 West of the 6th P.M. The source of the Wellfield is groundwater from bedrock aquifers hydraulically connected to the Eagle River, a tributary to the Colorado River, or to Squaw Creek, a tributary to the Eagle River, tributary to the Colorado River, with an appropriation date of April 26, 1990, for 450 gallons per minute for the Wellfield, for irrigation, domestic, municipal, stock watering, augmentation, replacement, exchange, commercial, storage, recreation, piscatorial, golf course hazard and fire protection purposes. A total of 250 g.p.m. was previously made absolute by the decree in Case No. 98CW8 for all uses listed above, except for augmentation, replacement, and exchange purposes.

2.12. Edwards Water Facility (WDID 3701298), being a point located in the NW/4 SW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M., on the northerly bank of the Eagle River at a point 1,393 feet from the south section line and 654 feet from the west section line. UTM NAD83 (Zone 13), X 363802.8; Y 4389330.1; Latitude 39.642928; Longitude -106.587301. This structure was decreed as an alternate point of diversion for water rights owned by Applicant in Case No. 00CW83 and is sought as a point of diversion for 0.4 cfs in Case No. 02CW403.

3. Description of the water rights to be used as the source of augmentation water:

Up to 162 acre feet of water from Eagle Park Reservoir from the following sources: (1) 112 acre feet of water owned by Applicant pursuant to Eagle Park Reservoir Company Stock Certificate Nos. 67 and 68; and (2) 50 acre feet of water associated with a pending lease from the Colorado River Water Conservation District. Eagle Park Reservoir is further described as follows:

3.1. Eagle Park Reservoir is decreed by the Water Court in Case Nos. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5,300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. Eagle Park Reservoir is augmented by exchange by decree of the Water Court in Case No. 95CW348. Eagle Park Reservoir Company has made absolute 3,301 acre-feet of the original 5,300 acre-feet by decree of the Water Court entered in Case No. 13CW11. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows:

3.1.1. The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado:

3.1.2. 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M.

3.1.3. 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M.

3.1.4. 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M.

3.1.5. Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir.

3.2. The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County.

3.3. The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears N. 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No. 1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek.

3.4. The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points:

3.4.1. On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W., 6th P.M. bears S. 71°35' West a distance of 3250 feet.

3.4.2. On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears N. 16°55' East a distance of 2250 feet.

3.4.3. Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill.

3.5. The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points:

3.5.1. On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears S. 45°58' East 3740 feet (located in the NW/4 of the SE/4 of Section 13, T. 7 S., R. 79 W., 6th P.M.).

3.5.2. On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears N. 39°36' east 2635 feet (located in the SE/4 of Section 22, T. 7 S., R. 79 W., 6th P.M.).

3.5.3. Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill.

3.6. The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE/4 of the NE/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2414 feet. The East Fork Pumping Plant is augmented by exchange by decree of the Water Court in Case No. 03CW211.

4. Description of plan for augmentation: Applicant seeks the right to divert out of priority the water rights at the structures described in paragraph 2, above, on a year-round basis for use throughout Applicant's service area, as that service area may expand over time. To permit the requested out of priority diversions, Applicant proposes to cause the release of up to 162 acre feet of water per year from Eagle Park Reservoir, described in paragraph 3, above, to replace out of priority depletions.

4.1. Additional supplies of augmentation water: Pursuant to C.R.S. § 37-92-305(8)(c), Applicant may use water for augmentation from additional water rights not described herein, including water leased by Applicant, if such sources are decreed for such use or part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308.

5. Remarks: The Metcalf Ditch Headgate is located on land owned by Tanya Argo and Chris Striebich whose address is 2274 S. Ogden St., Denver, CO 80210, and land owned by Lyman K. Steil Living Trust whose address is 25 Robb Farm Rd., Saint Paul, MN 55127. The Raw Water Booster Pump Headgate is on land owned by the Eagle River Water & Sanitation District whose address is 846 Forest Rd., Vail, CO 81657. UERWA Point A is located on land owned by Southfork Meadows Homeowners Association Inc. whose address is c/o McNeil Property Management, P.O. Box 8366, Avon, CO 81620. Edwards Water District Well No. 2 is located on land owned by The Reserve on the Eagle River Condominium Association whose address is 34999 U.S. Highway 6, Edwards, CO 81632. June Creek Ranch Well No. 1 is located on land owned by the Applicant. June Creek Ranch Wells No. 2 and 4 are located on land owned by Colorado Mountain Junior College District whose address is 802 Grand Ave., Glenwood Springs, CO 81601. June Creek Ranch Well No. 3 is located on land owned by Eagle County School District RE-50J whose address is P.O. Box 740, Eagle, CO 81631. June Creek Ranch Wells Nos. 5 and 6 are located on land owned by Eagle County whose address is P.O. Box 850, Eagle CO 81631. The existing Stag Gulch Wellfield wells are located on land owned by Cordillera Metro District whose address is 408 Carterville Rd., Cordillera, CO 81632; Wind Rose Properties LLC whose address is 655 Clubhouse Dr., Edwards, CO 81632; Jeffrey

Horswell and Deborah Tapler whose address is 96 Abbey Woods Ln., Dallas, TX 75248; Kimberley A. Allen and Lawrence D. Mendes whose address is 503 Milwaukee St., Denver, CO 80206; Carollyn S. and Kevin J. Foley whose address is 5910 Wedgewood Heights Way, Houston, TX 77059; Ian and Heather McClure whose address is 5701 Windmier Cir., Dallas, TX 75252; and on land owned or obtained by easement by the Applicant. The Edwards Water Facility is located on land owned by the Applicant. Eagle Park Reservoir is owned by the Eagle Park Reservoir Company. A map showing the structures described in paragraph 2, above, as well as Eagle Park Reservoir and the Applicant's existing service area is attached as **Exhibit A**.

WHEREFORE, Applicant requests that this Court enter a decree that (1) approves the plan for augmentation described in paragraph 4, above, and (2) finds that as a result of the subject plan for augmentation, there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional water right.

Dated this 22nd day of December, 2023.

SOMACH SIMMONS & DUNN P.C.



Kristin H. Moseley, #28678
Michael W. Daugherty, #49074

*Attorneys for the Upper Eagle Regional
Water Authority*

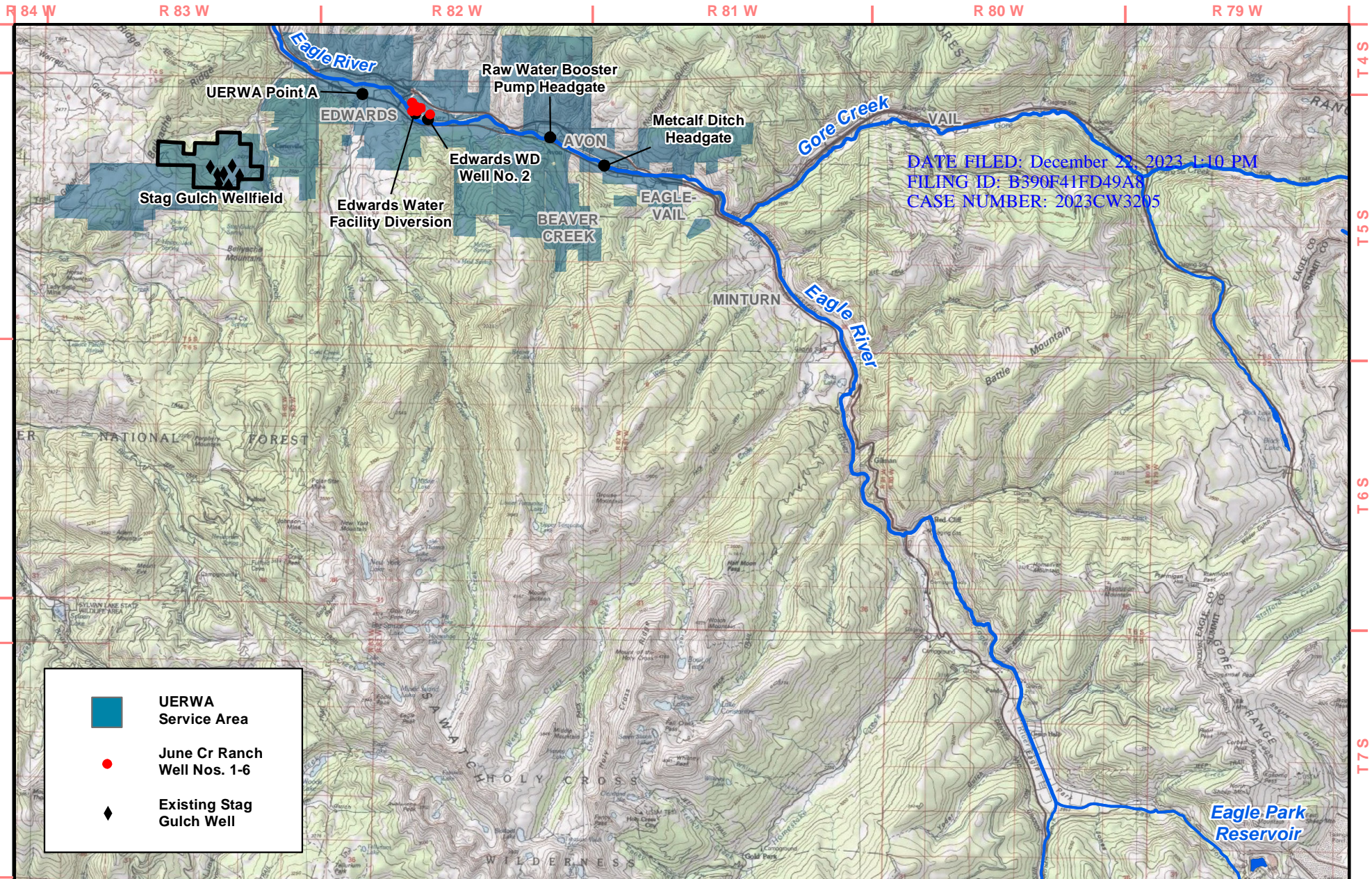
VERIFICATION

I, Daniel Gillham, P.E., engineer for the Upper Eagle Regional Water Authority, declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed this 21st day of December, 2023.



Daniel Gillham, P.E.



WATER SUPPLY CONTRACT

This CONTRACT (the “Contract”) is made between the COLORADO RIVER WATER CONSERVATION DISTRICT (hereinafter, the “River District”), a political subdivision of the State of Colorado acting by and through its Colorado River Water Projects Enterprise, and UPPER EAGLE REGIONAL WATER AUTHORITY (hereinafter, “Contractor”), and is effective as of the date of the River District’s execution indicated below.

RECITALS

A. The River District is authorized to contract to deliver water for beneficial use from River District water projects pursuant to provisions of C.R.S. § 37-46-101, *et seq.* (herein “River District Organic Act”).

B. The River District is entitled to deliveries of water from Eagle Park Reservoir ~~and Homestake Reservoir~~ as a shareholder in the Eagle Park Reservoir Company.

C. The River District’s Board of Directors has adopted a Water Marketing Policy, as revised by the Board from time to time, to provide for the use of water available from the River District’s sources of supply pursuant to contracts, and that Water Marketing Policy is to be implemented through the River District’s Water Projects Enterprise.

D. Contractor has a need for wholesale water supply, demonstrated in its submittal to the River District pursuant to the Water Marketing Policy’s contracting process, in the amount of 50 acre-feet of Eagle River Supply on an annual basis for municipal/industrial purposes, which beneficial uses will be accomplished by Contractor generally in the vicinity of Sections 4, 5, 6, 7, 12, 14, Township 5 South, Range 82 West of the 6th P.M., in Eagle County, Colorado, by surface and ground water diversions from or within the Eagle River drainage, which is a tributary to the Colorado River.

E. Contractor is aware of the “Hydrology Assumptions” which are part of the Water Marketing Policy and is satisfied that, based on its review and investigations, Contractor legally and physically can make use for its intended purposes of the Contracted Water, which are the subject of this Contract and that such use will comply with the Water Marketing Policy.

AGREEMENT

The foregoing Recitals are incorporated into this agreement between the River District and Contractor.

DEFINITIONS

In this Contract certain terms will have the definitions as stated below:

- The “River District” means the Colorado River Water Conservation District created and existing pursuant to the River District Organic Act defined in Recital A and acting by and through its Colorado River Water Projects Enterprise which is currently described and memorialized in the Resolution of the Colorado River Water Conservation District’s Board of Directors dated April 20, 2005.
- The “Project” means the River District’s “Eagle River Supply” from Eagle Park Reservoir ~~or Homestake Reservoir and other supplies~~ available to the River District as a shareholder in the Eagle Park Reservoir Company.
- “Agricultural” means the use of water for commercial production of agricultural crops and livestock and other uses consistent with any right decreed for irrigation purposes, which uses are made on a parcel of land of at least ten acres.
- “Municipal and Industrial” means the use of water by individuals, cities, towns, public or quasi-public districts, private corporations, homeowners associations, or other entities for domestic, municipal, and miscellaneous related purposes as those terms are traditionally and commonly construed, including the use of water for purposes of producing or processing a non-agricultural product or service for sale, including without limitation, such uses as manufacturing, mining, milling, land reclamation, golf course irrigation, snowmaking, and non-hydroelectric power generation, but excepting the agricultural use of water defined herein.
- “Contracted Water” means the water which is the subject of this Contract which is to be released and delivered by the River District and used by Contractor. The Contracted Water is 50 acre-feet of Eagle River Supply available during each Project Year during the term of this Contract, subject to the provisions hereof, for Contractor’s use without right of carryover of any amount not used in any Project Year.
- “Project Year” means a period of time from July 1 through and including the subsequent June 30.
- “Water Marketing Policy” means the River District’s policy statement as revised and readopted as of the execution date of this Contract and as the same may be amended in the future.
- “Project Hydrology Assumptions” or “Hydrology Assumptions” means the letter by Resource Engineering, Inc. titled “Eagle River Instream Flow Analysis” dated July 13, 1998, which was presented to the River District’s Board of Directors on July 22, 1998.

1. River District Water Delivery Obligations and Responsibilities.

- a. Delivery. The River District will deliver the Contracted Water at the outlet works of the Contracted Water's sources of supply into the receiving natural streams in quantities provided herein. Unless otherwise agreed to by the River District's General Manager based upon written request of Contractor, the River District will make releases or request that releases be made for Contractor, based upon Contractor's written schedule of anticipated demand, adjusted as necessary by the ongoing status of river administration *vis-a-vis* the priority status of Contractor's diversions, provided that the releases can be made within the operational limitations of the River District's project facilities as determined by the River District in its sole discretion. Contractor shall be solely responsible after delivery for the legal and physical delivery and use of the Contracted Water.
- b. Delivery Contingencies. The River District's delivery of Contracted Water shall be subject to Contractor's payments pursuant to paragraph 3 below, and the provisions for curtailment of deliveries in paragraph 5 below.
- c. Water Measurements. The River District shall measure at the outlet works of the Contracted Water's sources of supply all Contracted Water and shall notify the Division Engineer of Colorado Water Division No. 5 of the date, time and amount of Contracted Water released pursuant to this Contract. Copies of such records shall be provided to Contractor upon request.
- d. Water Quality. The River District shall have no obligation to Contractor or any other person regarding and makes no warranties or representations to Contractor concerning the quality of Contracted Water delivered pursuant to this Contract by releases of raw water to natural streams.
- e. Maintenance of Facilities. The River District, to the extent that it has ownership and maintenance control, shall use its best efforts to maintain in good working condition the water storage and release facilities of the Contracted Water.
- f. Withholding of Delivery. The River District may withhold deliveries of Contracted Water in the event of Contractor's nonpayment for Contracted Water or any other breach of this Contract by Contractor. Such remedy shall not be the River District's exclusive remedy in the event of any such breach.
- g. Delivery from Primary or Alternate Sources. The River District will deliver the Contracted Water from the sources of Eagle River Supply described herein, which will meet the Contractor's need to satisfy calls by senior water rights or the

Contractor's physical need for any direct delivery of Contracted Water to Contractor's diversions. Subject to meeting those objectives, the River District reserves the right to provide all or any of the Contracted Water to Contractor from alternate reservoirs for Contractor's use, provided that the alternate sources are suitable to physically satisfy calls by senior water rights or Contractor's need for direct delivery.

2. Contractor's Water Use Obligations and Responsibilities.

- a. Scheduling of Use. Contractor shall provide the River District a preliminary written schedule of its anticipated monthly demands for the Contracted Water during the current Project Year (July 1, 2023 - June 30, 2024). The schedule provided by Contractor in a delivery schedule to be remitted shall serve as the schedule to be used until it is modified in a written notice given by Contractor to the River District, or as necessary in response to river administration of the Contractor's diversions. The schedule shall identify the volume of any Contracted Water anticipated by Contractor not to be needed by it during any particular Project Year. Contractor shall update said schedule periodically during the Project Year as conditions require and give the River District written notice of all such revisions.
- b. Carriage Losses. Contractor shall bear carriage losses in such amount as is determined by the Division Engineer for Colorado Water Division No. 5, from the point of delivery of Contracted Water to Contractor's point(s) of use and/or exchange or augmentation.
- c. Use per Contract and Law. Contractor's use of Contracted Water shall in all instances be in accordance with the terms of this Contract, the permits and decrees of the Project, the Water Marketing Policy, as it may change from time to time, and in accordance with applicable law and all decrees related to the Contracted Water. Contractor is not authorized to apply for or secure any change in the water rights for or associated with any of the sources of supply of the Contracted Water.
- d. Legal Approvals. Contractor shall at its sole expense adjudicate a plan or plans for augmentation or exchange and/or secure administrative approvals of any temporary substitute supply plans which are needed for Contractor to use its Contracted Water. Any such plans shall identify the River District's Eagle River Supply, Wolford Mountain Reservoir, and Ruedi Reservoir as the sources of supply. Contractor already has filed various applications in Water Court, Water Division No. 5, as identified in Exhibit A, attached hereto and incorporated herein by this reference. If necessary, Contractor shall amend the application to identify all of the River District's sources of supply. If Contractor intends to make any additional application(s) for any augmentation or exchange plan(s) or substitute supply plan(s)

needed for Contractor to use its Contracted Water, Contractor shall submit the proposed application(s) to the River District within a reasonable time before Contractor proposes to file such application(s). The River District shall grant written approval of such applications before they are submitted or filed, and the River District's approval shall not be unreasonably withheld. The River District may in its discretion become a co-applicant in the prosecution of any such applications for the purpose of protecting its water rights and related policies. Contractor shall cause to be included in any final decree of the Water Court a provision conditioning Contractor's use of the Contracted Water on the existence of a River District contract.

- e. Limitation on Disposition.
 - i. Contractor shall not sublet, sell, donate, loan, assign or otherwise dispose of any of its rights to this Contract or to Contracted Water without prior written notice to, and the written approval of, the River District and the payment of a transfer fee at the prevailing rate set forth in the Water Marketing Policy. The River District's approval of such disposition shall be granted in all instances in which the Contractor is transferring the water system which supplies the Contracted Water, or a permanent transfer of the Contract is to be made to a successor in interest of Contractor by reason of the transfer of the title or other legal right to use the property served by the Contracted Water, or where the transfer is made to an entity such as a homeowners' association or special district created to serve the property originally represented to the River District to be served with the Contracted Water.
 - ii. The assignment of a Contract is subject to the Water Marketing Policy as revised as of the effective date of the assignment. In accordance with this subparagraph (ii), any assignee must pay for the Contracted Water at the then-current price determined by the River District Board of Directors.
- f. Contractor's Water Rates. Contractor may charge its water customers who are supplied with Contracted Water such rates and charges as are permitted by Colorado law.
- g. Nondiscrimination. Contractor shall not discriminate in the availability of or charges for any water service or water supply made available pursuant to or based upon the Contracted Water on account of race, color, religion, or national origin or any other criteria prohibited under state or federal law.
- h. Accounting of Use. Contractor shall maintain an accounting of its use of all water

used or supplied by Contractor on form(s) acceptable to the River District specifically for the purpose of enabling the River District to prove the use of River District Project water rights and to administer and operate the Project and water right decrees and/or administrative approvals related to Contractor's use of Contracted Water. Contractor shall submit its accounting forms and records to the River District promptly upon request and shall assist the River District as it may reasonably request in presenting and/or verifying such evidence of use in court or before administrative agencies by testimony of Contractor or its authorized and informed officers or agents.

- i. Section 404 of the Clean Water Act (33 U.S.C. 1344) regulates the discharge of dredged or fill material into the waters of the United States. Contractor shall consult with the Army Corps of Engineers if construction of facilities necessary to use the Contracted Water requires Section 404 compliance, which may include obtaining a permit. Further consultation and approval by the United States Fish and Wildlife Service may be required to ensure compliance with the Endangered Species Act (16 U.S.C. 1531, *et seq.*) if Contractor proposes physical alterations to the designated critical habitat of the Colorado River endangered fish species. As of March 1, 2007, designated critical habitat exists from the Garfield County 320 Road Bridge Crossing of the Colorado River in Rifle downstream to the Colorado State line.

3. Contractor's Payments.

- a. In addition to the application fee already paid by Contractor, in order for the River District's delivery obligation to become effective, Contractor shall pay to the River District on the execution of this Contract the total sum of \$89,150.00, being \$1,783.00 for each acre foot of the 50 acre-feet of Contracted Water for the current Project Year (July 1, 2023 - June 30, 2024). Thereafter, the River District shall provide Contractor an annual invoice for the Contracted Water, and Contractor shall pay the invoice within thirty (30) days of receipt. The price for each type of water will be reviewed and set annually by the River District's Enterprise Board of Directors (which decision normally will be made prior to March 1 each year). Any annual increase in the contract price shall not exceed the then-current published Consumer Price Index (CPI) plus New Growth Index (NGI).
- b. Contractor also shall pay any special assessment levied by the River District on Contractor to recoup all or a portion of costs attributable to extraordinary maintenance incurred by the River District or assessed upon the River District by its third party water suppliers.

4. Contract Term.

- a. Except in the event of an early termination or partial termination as provided for in paragraph 6 below and subject to the other terms and conditions of this Contract, the term of this Contract shall be for a period of up to forty (40) years from the date of the execution of this Contract (through June 30, 2024).
 - b. At the end of the 40-year term of this Contract (June 30, 2024), the Contractor shall have the right to renew this Contract for the same Contracted Water amount for a secondary term of thirty-five (35) years, upon such terms and conditions as the River District is offering at that time, provided that the River District is offering up the full amount of Contracted Water for lease. In the event that the River District, on a non-discriminatory basis, decides not to offer up the full amount of the Contracted Water for lease, Contractor shall have the right to renew for a secondary term of thirty-five (35) years such lesser portion of the Contracted Water as may be offered by the River District. If Contractor desires to so renew this Contract, it shall provide the River District written notice of its intention to do so at least ninety (90) days prior to the expiration of the initial term of this Contract. Thereafter, and prior to the expiration of the initial term, the River District and Contractor shall execute a supplemental agreement of renewal in a form mutually acceptable to the River District and Contractor. If such notice of intention to renew is not provided and such supplemental agreement is not executed, no renewal term shall commence.
5. Water Shortage. In the event that the River District is unable, because of either legal or physical reasons (including, but not limited to, hydrologic shortages and operational restrictions), to deliver any or all of the full amount of water contracted from the Project, including the Contracted Water, the River District reserves the right to apportion the Project's available water among its several contractors, including Contractor, in the manner provided in paragraph 6 of the Water Marketing Policy.
6. Contract Termination.
- a. Termination by River District.
 - i. The River District may terminate this Contract for any violation or breach of the terms of this Contract by Contractor, including Contractor's failure to pay timely any sum or amount due under this Contract within thirty (30) days after receiving written notice from the River District of such breach.

- ii. The River District also may terminate this Contract if, in its discretion, any judicial or administrative proceedings initiated by Contractor as contemplated in subparagraph 2.d above, threaten the River District's authority to contract for delivery of Project Water or the River District's water rights, permits, or other interests associated with the Project.
 - iii. The River District may terminate this Contract if its legal ability to deliver Contracted Water is materially impaired or is eliminated because of the termination or adverse modification of permits, decrees or other authorizations which are needed to deliver the Contracted Water.
 - b. Termination by Contractor.
 - i. Contractor may terminate this Contract in its entirety for any reason by giving the River District at least thirty (30) days advance notice prior to the due date of Contractor's next annual payment.
 - ii. Every fifth year after the year in which this Contract is executed, Contractor may partially terminate this Contract as to the amount of Contracted Water by giving the River District at least thirty (30) days advance notice prior to the due date of Contractor's next annual payment. Partial termination by Contractor shall not exceed more than fifty percent (50%) of the amount of Contracted Water which is then under contract.
 - iii. Within thirty (30) days of final approval of the Water Court application contemplated by subparagraph 2.d. above, Contractor may by written notice to the River District partially terminate this Contract as to the amount of Contracted Water which is not needed under that approval.
 - c. Notice of Termination to Affected Officials. The River District will notify the Division Engineer and any other appropriate governmental officials of any full or partial contract termination except for any partial termination under subparagraph 6.b.(iii).
- 7. Force Majeure. The River District shall not be responsible for any losses or damages incurred as a result of the River District's inability to perform pursuant to this Agreement due to the following causes if beyond the River District's control and when occurring through no direct or indirect fault of the River District, including without limitation: acts of God; natural disasters; actions or failure to act by governmental authorities; unavailability of supplies or equipment critical to the River District's ability to perform; major equipment or facility breakdown; and changes in Colorado or federal law, including, without limitation, changes in any permit requirements.

8. Miscellaneous/Standard Provisions.

a. Notices.

- i. All notices required or appropriate under or pursuant to this Contract shall be given in writing mailed or delivered to the parties at the following addresses:

River District:

Colorado River Water Conservation District
Attention: General Manager / Secretary
201 Centennial Street, Suite 200
Glenwood Springs, Colorado 81601
Phone: (970) 945-8522
Fax: (970) 945-8799

Contractor:

Upper Eagle Regional Water Authority
c/o Siri Roman, General Manager
846 Forest Road
Vail, CO 81657
(970) 476-7480
(970) 476-4089 fax
sroman@erwsd.org

with copy to:

Somach Simmons & Dunn
Attention: Kristin Moseley
1155 Canyon Blvd., Suite 110
Boulder, CO 80302
(303) 449-2834
(720) 535-4921 fax
kmoseley@somachlaw.com

- ii. Either party may, by written notice given in accordance with this provision, change the address to which notices to it shall be mailed or delivered.
- b. Amendments. No amendment, modification, or novation of this contract or its provisions and implementation shall be effective unless documented in writing which is approved and executed by both parties with the same formality as they have approved and executed this Contract.
- c. This Contract is subject to the River District's Water Marketing Policy, as it may be revised from time to time by the River District's Board.

Signatures on the following page.

COLORADO RIVER WATER CONSERVATION
DISTRICT acting by and through its Colorado River
Water Projects Enterprise

DATE: _____

By: _____

Andrew A. Mueller
General Manager/Secretary

CONTRACTOR:

UPPER EAGLE REGIONAL WATER
AUTHORITY

By: _____

Siri Roman, General Manager



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

MEMORANDUM

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

FROM: Kristin Moseley

SUBJECT: Colorado River Drought Task Force

DATE: January 17, 2024

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.