



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

M E M O R A N D U M

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: July 13, 2022
RE: July 28, 2022, Board Meeting

GOVERNED BY:

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

The Town of Avon

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

**Thursday, July 28, 2022
8:30 a.m.**

This meeting will be held in-person for board members

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

Due to concerns regarding COVID-19 and the benefits of limiting in-person contact, this meeting is open to public participants virtually through Microsoft Teams, except during Executive Session pursuant to §24-6-402, C.R.S. Login information is available prior to the meeting by emailing info@erwsd.org.

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



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

BOARD OF DIRECTORS REGULAR MEETING
Thursday, July 28, 2022
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

[Attachment Link](#)

1. Consultant/Guest Introduction

2. Public Comment

3. Public Hearing Concerning Certain Water Service Fees – David Norris

[Action Item](#)

4. Action Items

- 4.1. Approval of minutes – June 23, 2022, Regular Meeting

[Action Item](#)

5. Information Reports

- 5.1. Development report
5.2. Board committees
5.3. June meeting summary – draft
5.4. Contract log

[Informational](#)

[Informational](#)

[Informational](#)

[Informational](#)

6. Strategy Items

- 6.1. Board member input
6.2. Water budgeting and drought case study – Linn Brooks

7. General Manager Report – Linn Brooks

- 7.1. GM information items
7.2. Business Administration report – David Norris
7.2.1. Quarterly financials – Jim Cannava
7.3. Operations report – Siri Roman
7.4. Engineering and Water Resources report – Jason Cowles
7.5. Communications and Public Affairs report – Diane Johnson

[Informational](#)

[Informational](#)

[Informational](#)

8. General Counsel Report – Jim Collins

[Confidential](#)

9. Water Counsel Report – Kristin Moseley

- 9.1. Edwards Drinking Water Facility Diversion

[Informational](#)

Executive Session

10. Motion to adjourn to Executive Session to receive legal advice on the following topics, and that the Session not be recorded, pursuant to §24-6-402(4)(b), C.R.S.:

- 10.1. Colorado River Cooperative Agreement matters
10.2. No-fault damages program
10.3. Mill Creek spill update

[Confidential](#)

[Confidential](#)

11. Adjournment



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: David Norris, Director of Business Administration
Date: July 28, 2022
Re: Resolution Concerning Certain Water Service Fees

Summary of Subject: Staff is recommending that the Board approve the attached Resolution and adopt the proposed Water Service fees imposed in Exhibit A.

Discussion and Background: The Board reviewed a fee analysis at the June 23, 2022, meeting and unanimously provided direction to schedule a public hearing to consider this resolution. The Authority provided timely public notice to hold this hearing at the July 28 board meeting.

The following fees are adjustments to current fees:

Delinquent/Non-Compliance Turn off Service
Fire Hydrant Meter Relocation Fee
Lien Fee for Unpaid Charges
Meter Inspection and Reinspection
Returned Check
Service and Inspection Calls Fee
Turn On/Off Service

The following are new proposed fees:

Fee Type	Description
Transfer of Service Fee	Transfers of service upon potential sale of real estate.
Account Reactivation Fee	When an account sits vacant for an extended period and the account needs reactivation.
New Construction Application Fee	When a construction project application is submitted for review.
Enforcement of Encroachments Fee	The service of enforcement of encroachments.
Variances Fee	The reviewing of the application or request and will be assessed regardless of the outcome of the variance being approved or not.
Water Rights Dedication Fee	The reviewing of the application for Water Rights Dedication for a project.
Mainline Extension Fee	The reviewing of the application for a mainline extension application to a project.

Attached are the full resolutions to:

- Adopt the proposed Water Service Fees as presented.

Legal Issues: N/A

Budget Implication: This will provide revenues to cover costs associated with the services provided.

Recommendation: Staff recommends the Board approve the attached resolution.

Board Actions Requested:

1. Open the public hearing
2. Consider the Resolution and Motion

Motion to adopt the attached resolution as presented for the purpose of adopting the proposed Water Service fees.

3. Close the public meeting

Attachments:

Resolution Concerning Certain Water Service Fees.

UPPER EAGLE REGIONAL WATER AUTHORITY
A RESOLUTION CONCERNING CERTAIN WATER SERVICE FEES

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 Board of Directors ("Board") has the authority to fix and from time to time increase or decrease fees, rates, and charges pursuant to law for services, programs or facilities furnished by the Authority; and

WHEREAS, the Board hereby finds and determines that it is in the best interest of the public health, welfare, and safety of the Authority residents and visitors that the Authority collect adequate revenues to pay ongoing operation, maintenance, capital improvement, and water rights costs; and

WHEREAS, the Board has considered a recent analysis performed by District staff and finds the recommended fees contained therein are reasonably related to the overall cost of service; and

WHEREAS, more than thirty days in advance notice to the Authority's customers of the Board's intent to consider fee increases at the July 28, 2022, regular meeting, was provided in accordance with Section 32-1-1001(2)(a), C.R.S.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Upper Eagle Regional Water Authority as follows:

1. The water service fees, attached hereto as Exhibit A and incorporated herein by this reference, are hereby adopted to be effective August 1, 2022.
2. This Resolution shall supersede any contrary provision contained in the Authority's Rules and Regulations, which shall be modified as soon as reasonably practical to conform with the provisions set forth in this Resolution; provided, however, if there is any fee that is set forth in the Rules and Regulations or elsewhere established, which is not changed by this Resolution, said fee is hereby ratified and shall remain in full force and effect.

WHEREUPON, a motion was made and seconded, and upon a majority vote this Resolution was approved and adopted by the Board on this 28th day of July 2022.

UPPER EAGLE REGIONAL WATER AUTHORITY

By: _____
George Gregory

ATTEST:

Secretary

EXHIBIT A

Fee Type	Current Fees	Proposed Fees
Delinquent/Non-Compliance Turn off Service	\$100	\$150
Fire Hydrant Meter Relocation Fee	\$168	\$200
Lien Fee for Unpaid Charges	\$200	\$250
Meter Inspection and Reinspection	\$168	\$200
Returned Check	\$25	\$50
Service and Inspection Calls Fee	\$84	\$200
Turn On/Off Service	\$84	\$100
Transfer of Service Fee	N/A	\$145
Account Reactivation Fee	N/A	\$100
New Construction Application Fee	N/A	\$150
Enforcement of Encroachments Fee	N/A	\$450
Variances Fee	N/A	\$450
Water Rights Dedication Fee	N/A	\$1675
Mainline Extension Fee	N/A	\$1950

ERWSD New Development Report

July 2022



Type of Use

SFEs Proposed

Location

Projected
Water Demand
Annual Acre-Feet
Augmentation (AF)

Development Approval
Process Step:

Construction Approval
Process Step:

Projects Requiring Water Rights Dedication

534 E Lionshead Circle - Elevation	Residential	12	Vail	0.49	2. Water Analysis	0. Conceptual
500 E Lionshead Circle - Legacy	Residential	23	Vail	0.31	2. Water Analysis	2. Plan Approval
Alura (Miradoro)	Residential	10	Vail	0.83	1. Connection Application	1. Plan Review
Wolcott PUD	Mixed Use	328 + Com	Wolcott	TBD	0. Conceptual	0. Conceptual

Projects Under Construction

Belden Place (1200 Block Main St)	Residential	41	Minturn	N/A	N/A	2 Plan Approval
Highline (Double Tree Expansion)	Residential	43.65	Vail	0.79	6. Ability to Serve Letter	1. Plan Review
North Minturn PUD	Residential	184	Minturn	--	N/A	1. Plan Review
The Residences at Main Vail	Residential	72	Vail	0.81	6. Ability to Serve Letter	2. Plan Approval
S. Frontage Rd Roundabout	Infrastructure	N/A	Vail	--	N/A	2. Plan Approval
Vail Mountain View Phase II	Mixed Use	37	Vail	--	6. Ability to Serve Letter	N/A
VVMC Phase II-East Wing	Commercial	--	Vail	--	N/A	2. Plan Approval
Vail Marriott Residence Inn	Mixed Use	75	Vail	--	N/A	2. Plan Approval

Projects In Warranty Period

3010 Basingdale (Phase II), 841/851 Main St Minturn, Red Sandstone Parking Garage

Process

Construction Approval Process Steps:	0. Conceptual	1. Plan Review	2. Plan Approval	3. Acceptance	4. Warranty Period	5. Final Acceptance
Development Approval Process Steps:	1. Connection Application	2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation	5. Water Service Agreement	6. Ability to Serve Letter



BOARD COMMITTEES

DISTRICT

<i>Audit/Budget</i>	Dick Cleveland Steve Coyer
<i>Employee Housing</i>	Steve Coyer Dick Cleveland
<i>Retirement Plans</i>	Bob Warner Linn Brooks David Norris
<i>Organizational Development</i>	Bob Warner Dick Cleveland
<i>Facilities Master Plan</i>	George Gregory Bob Warner

JOINT

<i>Water Quality</i>	Sarah Smith Hymes (A) Timm Paxson (D)
<i>Rules and Regulations</i>	Kim Bell Williams (A) Bob Warner (D)
<i>Water Supply Planning</i>	Sarah Smith Hymes (A) Mick Woodworth (A) Kate Burchenal (D) Steve Coyer (D)
<i>Climate Action Plan</i>	Sarah Smith Hymes (A) Kate Burchenal (D) Timm Paxson (D)

(A) = Authority, (D) = District

AUTHORITY

<i>Audit/Budget</i>	Geoff Dreyer George Gregory
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UPPER EAGLE REGIONAL WATER AUTHORITY

GOVERNED BY:

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

The Town of Avon

MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: July 21, 2022
RE: Summary of Authority's June 23, 2022, Board Meeting

The following is a summary of items discussed at the June 23, 2022, Authority Board Meeting.

Board members present and acting were Chair George Gregory, Secretary Kim Bell Williams, Treasurer Geoff Dreyer, Mick Woodworth, and alternate director Mike Towler. Alternate Director Eric Heil was present and acting for the first portion of the meeting until replaced by Vice Chair Sarah Smith Hymes. Kevin Hillgren was present and not acting.

Oath of Office	Mike Towler was sworn in after being appointed as an alternate director by the Beaver Creek Metropolitan district.
Audited Financial Statement	Matthew Miller (McMahan & Associates) reported that UERWA received an unmodified opinion with no recommendations or concerns reported in the board communication letter. Directors approved the FY 2021 Audited Financial Statement and directed final reports be distributed.
Approval of minutes	Directors approved the May 26, 2022, regular meeting minutes.
Unallocated Water	Jason Cowles said the Authority's unallocated water is still projected at 227.31 acre feet, including 51.19 acre feet of unrestricted Eagle Park Reservoir water (which includes 25AF pledged by the District).
COVID-19 wastewater sampling	Siri Roman said that sampling conducted as part of Colorado's wastewater surveillance program confirmed the presence of BA.4 and BA.5 omicron subvariants in wastewater at the district's treatment facilities.
New Fees	David Norris presented an analysis of service fees and associated costs. Directors supported proposed new fees being assessed to customers receiving direct services rather than the costs being distributed across all ratepayers. The board will consider new and revised fees at a July 28 public hearing.
EPA PFAS health advisory	Kailey Rosema reported on the EPA's June 15 announcement that significantly lowered existing health advisories for PFAS and PFOA substances and said that current laboratory methods cannot detect such low levels.
Avon Wastewater Project	Melissa Marts reported that the Nutrient Upgrade project remains on schedule and within budget.
Fenno Wellhouse	Jeff Schneider reported the capital project was completed within 3% of the original bid price despite experiencing supply chain issues that delayed its completion for seven months. The facility positively affects water quality.
Eagle Park Reservoir Company	The EPRC Board and Shareholders met June 21. Siri Roman said there are new directors, the board approved the FY 2023 budget, and the reservoir is at full pool.

6 West	Jason Cowles confirmed the completion of the 6 West infrastructure acceptance.
Board training	Diane Johnson discussed workshops, manuals, and water law training available to directors.
Consumer Confidence Reports	Diane Johnson reported that the water department's annual UERWA and ERWSD consumer confidence reports were mailed to customers and will be available online for those who don't receive them directly.
Bolts Lake construction	Kathryn Winn reported that she is awaiting comments from Minturn on a draft intergovernmental agreement for Minturn's 1041 process concerning the construction of Bolts Lake.
Minturn Water Cases Stipulations	Directors approved the stipulation agreement for Case No. 21CW3029 and 21CW3030 and authorized the general manager to address future stipulations unless the stipulation is unique, unusual, or otherwise requires Board approval.

UPPER EAGLE REGIONAL WATER AUTHORITY 2022 CONTRACT LOG

Contract	Date	Change Order			Contract	Project	Account	Status and
Number	Executed	signed on	Project Name	Contractor	Amount	Manager	Number	Notes
22.20.007	07/01/22		Comprehensive Tank Inspections	CW Divers	\$23,680.00	T. Young	20.1.9.00.15.780	Open/Contract Expires 11/11/22
JOINT CONTRACTS								
22.15.053	06/21/33		Various Welding Services	Faultless Fusion LLC	\$50,000.00	N. Nemcanin	10.3.9.20.20.520 & 20.1.9.00.35.500	Open/Contract Expires 12/31/22
22.15.057	07/12/22		Bolts Lake	Shannon & Wilson	\$1,218,679.00	J. Cowles	10.3.2.20.09.136 & 20.1.2.00.00.136	Open/Contract Expires 12/31/23



**Fiscal Year 2022
Quarterly Financial Report
For the 2nd Quarter Ending June 30, 2022**

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



To: Board of Directors
From: Jim Cannava, Finance Manager
Date: July 22, 2022
Re: Quarterly Financial Reports - YTD June 30, 2022

2nd Quarter 2022 financial reports are attached. Operating revenues are tracking 4.8% under budget and 4% greater than YTD 2021. Revenues are under budget due to customer credits in previous periods and an 18% decreased in consumption year-over-year in June. Operating expenses are tracking 19% under budget and 16% greater than YTD 2021. Expenses are under budget due to the timing of meter purchases, system repairs, and plant repairs and maintenance. Meter purchase are expected to be delayed until 2023. System repairs and plant repairs and maintenance are expected to be consumed by year end. Bond funds are projected to be consumed by year end. The process to secure a bond to fund current and planned bond projects is scheduled to begin in Q4.

Respectfully:

Jim Cannava
Finance Manager
Eagle River Water and Sanitation District



Net Income & Budget Comparisons

UERWA

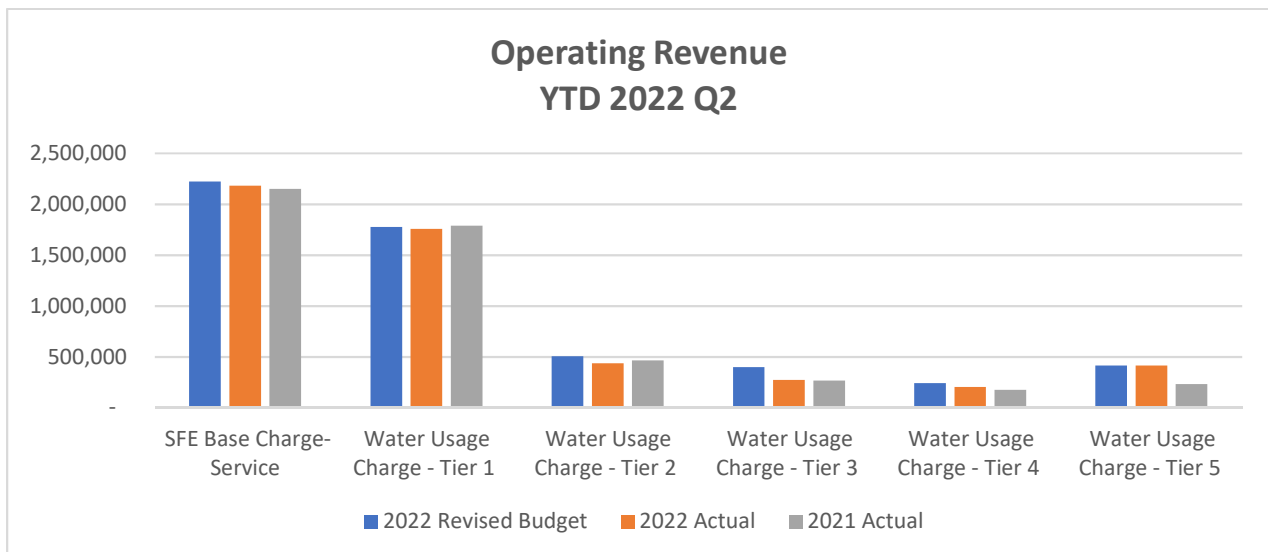
Operating	Annual Budget	YTD 2022 Q2	YTD 2021 Q2
Revenue	\$12,846,831	\$5,286,718	\$5,070,229
Expense	\$10,781,061	\$4,527,556	\$3,906,129
Net Income	\$2,065,770	\$759,161	\$1,164,100

Non-Operating	Annual Budget	YTD 2022 Q2	YTD 2021 Q2
Revenue	\$3,606,076	\$2,279,064	\$1,488,017
Expense	\$5,623,489	\$1,351,794	\$2,304,308
Net Income	-\$2,017,413	\$927,271	-\$816,291

Net Income	\$48,357	\$1,686,432	\$347,809
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<u>Fund Balance</u>	Annual Budget	YTD 2022 Q2
Beginning Balance	\$21,742,153	\$12,637,903
Net Income	\$48,357	\$1,686,432
Restricted	\$15,035,358	\$6,283,927
Bolts Fund Contribution	\$2,566,395	\$2,566,395
Ending Unrestricted Balance	\$4,188,757	\$5,474,013

Revenue Comparison





- Water Service to Customers Revenue is 4.8% under budget YTD
 - Base Fees are 1.76% less than budget due to customer credits for previous periods
 - Tier revenues are down in June due to a 18% consumption decrease year-over-year
- Capital Replacement Base Fees are tracking with budget
- Water Service Impact Fees are \$416K YTD, \$177K over YTD 2021

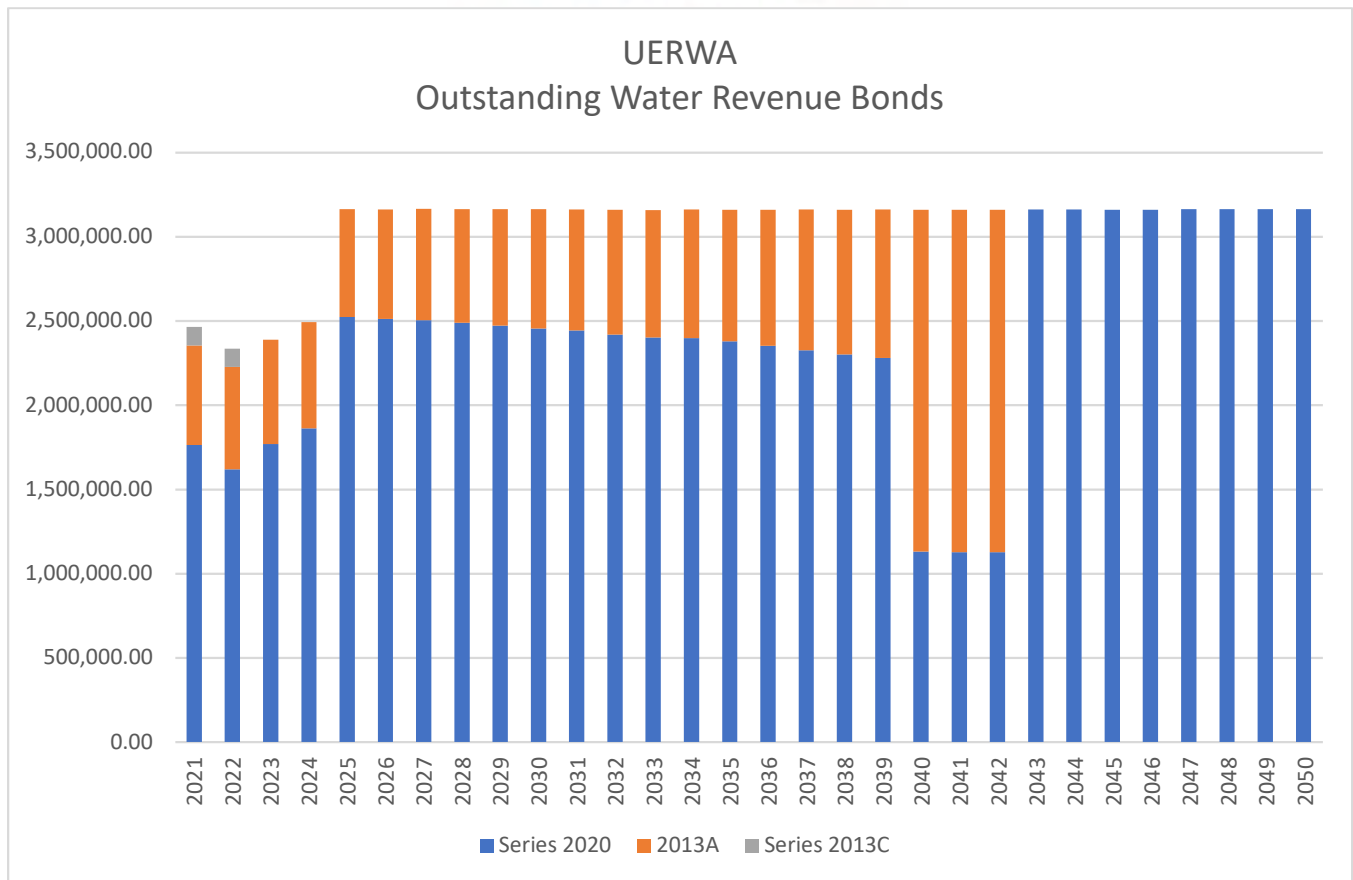
Bond Balances & Cash

UERWA

Bond Funds	Annual Budget	YTD 2022 Q2	YE 2021
Beginning Balance	\$7,143,902	\$7,143,902	\$22,448,842
Expense	\$16,468,539	\$7,668,306	\$15,304,940
Bolts Lake Fund Contribution	\$2,566,395	\$2,566,395	
Bond Balance	-\$6,758,242	\$2,041,991	\$7,143,902

- The negative bond ending balance illustrates the need for a bond as planned.

Bond Projects	Budget	Actual	Remaining Budget
Traer Creek Tank Replacement	2,623,451.00	577,785.00	2,045,667.00
CRP-Fenno Well House	1,730,705.00	265,345.00	1,465,360.00
Bolts Lake Reservoir	6,108,586.00	5,536,456.00	572,131.00
Arrowhead Trans Main Rehab	1,617,104.00	86,396.00	1,530,708.00
RTU System Upgrade	2,779,134.00	559,482.00	2,219,653.00
ADWF Administration Expansion		4,246.00	(4,246.00)
Edwards Transmission Line Phase 2	1,094,559.00	381,096.00	713,463.00
CRP-Capitalized Construction Management	515,000.00	257,500.00	257,500.00
Total	16,468,539.00	7,668,306.00	8,800,236.00



- Total Outstanding Debt: \$90,838,452

UERWA	2022	2021	2019
Cash Balance	\$14,324,335	21,742,153	6,779,303

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

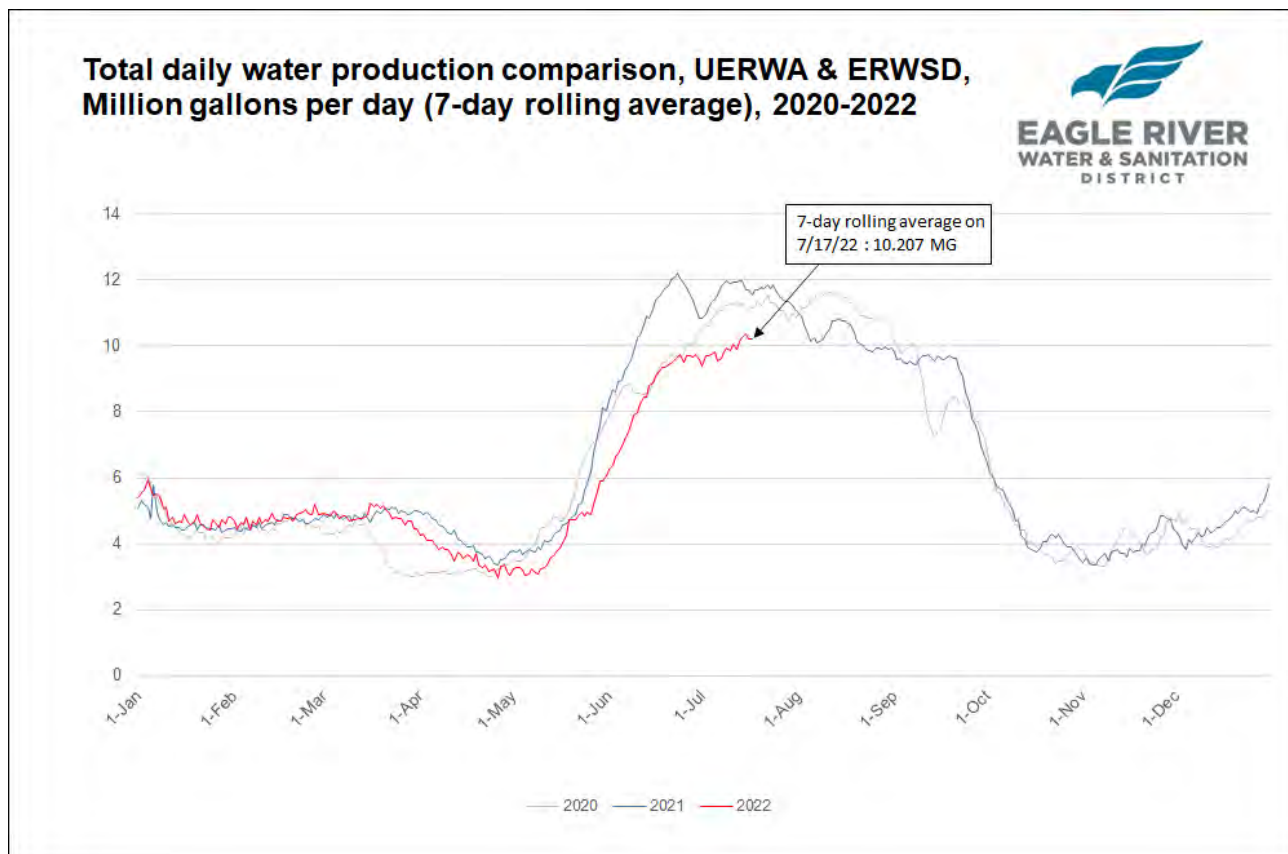


OPERATIONS MONTHLY REPORT JULY 2022

WATER

Brad Zachman

The system-wide water production comparison was updated through Jul. 17. System production is trending lower this year compared to the past several years. The system-wide year-to-date production (through Jun. 30) is 9% lower compared to the 2018-2021 average.



The Water Department is focused on preparing for the upcoming District Sanitary Survey. The data submittals are due at the end of July and the site inspection is scheduled for Aug. 24-26.

Water Department and CIP staff members participated in a 3-day workshop on Jun. 21-24 to kick off the Water Production and Treatment Master Plan project. District staff and the engineering consultant team toured all water production sites to perform baseline condition assessments.



Water Production and Treatment Master Plan Condition Assessment at ADWF

The EPA announced new lifetime drinking water health advisory levels (HALs) for four per- and poly-fluoroalkyl substances (PFAS) on Jun. 15 ([EPA press release](#), [CDPHE response](#)). The District and Authority participated in a voluntary CDPHE-sponsored PFAS sampling project in 2020. PFAS was detected at several sites at levels that are above the new HALs (see table, below). There are approximately 100+ water systems across the state in a similar situation. As a next step, the District and Authority systems have proactively registered with CDPHE to perform additional voluntary sampling later this year to further characterize PFAS levels in the source waters and at strategic locations within the distribution system.

UERWA				ERWSD				
FACILITY	ANALYTE	RESULT (ppt)	NEW EPA HEALTH ADVISORY (ppt)	FACILITY	ANALYTE	RESULT (ppt)	NEW EPA HEALTH ADVISORY (ppt)	
ADWF	PFOA	0.85	0.004	Well R-1	PFOA	ND	0.004	
	PFOS	0.62	0.02		PFOS	ND	0.02	
	HFPO-DA (GenX)	ND	10		HFPO-DA (GenX)	ND	10	
	PFBS	ND	2000		PFBS	ND	2000	
EDWF	PFOA	1.4	0.004	Well R-4	PFOA	ND	0.004	
	PFOS	0.81	0.02		PFOS	ND	0.02	
	HFPO-DA (GenX)	ND	10		HFPO-DA (GenX)	ND	10	
	PFBS	0.59	2000		PFBS	ND	2000	
Edwards Well	PFOA	0.66	0.004	Well R-2/R-6	PFOA	ND	0.004	
	PFOS	0.82	0.02		PFOS	ND	0.02	
	HFPO-DA (GenX)	ND	10		HFPO-DA (GenX)	ND	10	
	PFBS	1.6	2000		PFBS	ND	2000	
Berry Creek Wells	PFOA	ND	0.004	Well R-7	PFOA	ND	0.004	
	PFOS	0.66	0.02		PFOS	ND	0.02	
	HFPO-DA (GenX)	ND	10		HFPO-DA (GenX)	ND	10	
	PFBS	1.7	2000		PFBS	ND	2000	
ND=Not Detected				West Vail Wells 7&8	PFOA	2.6	0.004	
					PFOS	1.3	0.02	
					HFPO-DA (GenX)	ND	10	
					PFBS	1.5	2000	

District and Authority PFAS Detections Compared to New EPA Health Advisory Levels

The 2021 ERWSD Consumer Confidence Report (CCR) issued in June had an error. The value of the detected fluoride level was incorrectly reported as 0.014 parts per million (ppm). The correct value is 0.14 ppm. A corrected report has been posted on the District's website and a brief notice of the error will be provided on the August customer bills. No regulatory follow-up is necessary and the original CCR was accepted for compliance by CDPHE.

The annual State of Colorado Black Lakes Dam safety inspection was completed on Jun. 15. There were no violations. The inspector noted in the summary report that the reservoir is well maintained.



Black Lakes Dam Inspection

Vail Well R4 installation was completed on Jun. 15 and the facility was placed back into service. The pump, motor, and drop pipe were replaced.

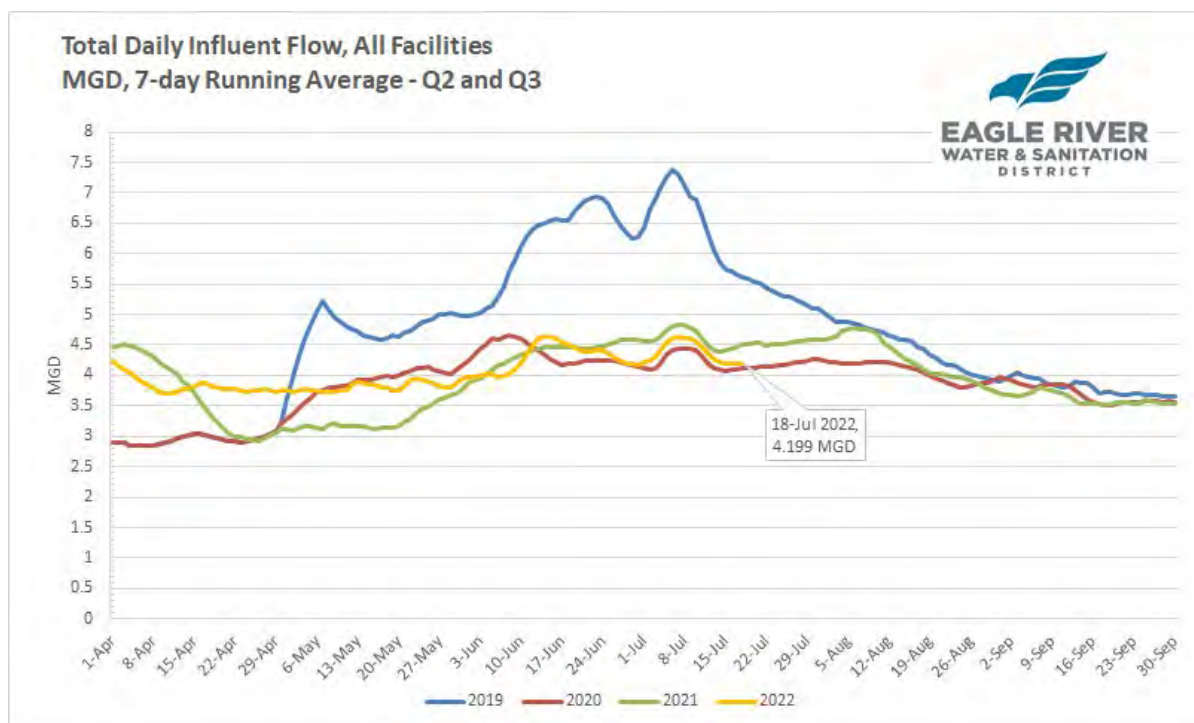


Vail Well R4 Pump and Motor Installation

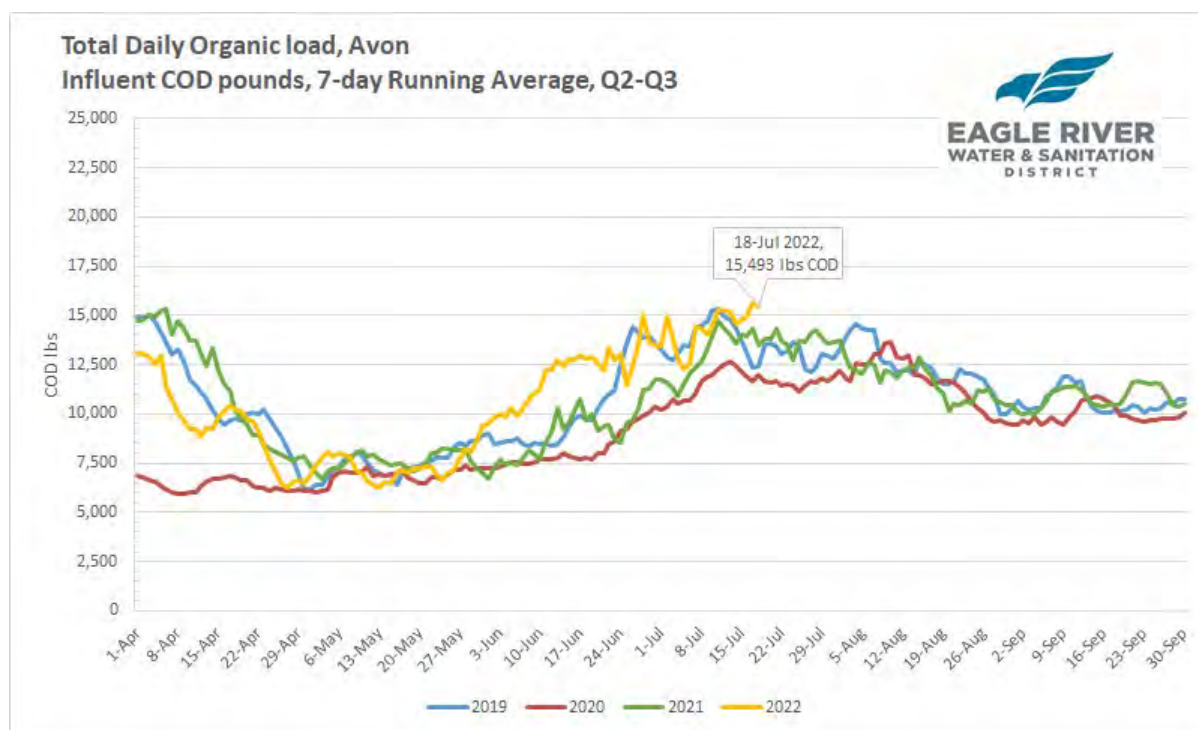
WASTEWATER

Rob Ringle

Influent flow increased slightly during the transition to the summer season, but has since remained flat. Flows are trending similar to observations from 2020 and 2021.



Influent loading has generally shown a similar story, although the climb from spring to summer loading is more pronounced due to the lack of influence from inflow and infiltration (I&I). The plot shown below represents the 7-day average influent organic loading (pounds of carbonaceous oxygen demand) for the Avon facility.



Organic loading for Avon and Edwards has trended slightly above 2021 for the early summer, while loading to the Vail facility has trended slightly below last year.

Work related to the 2023 WW Master Plan Update is underway. Edwards WW staff converted the secondary treatment system to operation with the treatment process commonly known as A2O (Anaerobic-Anoxic-Aerobic), which facilitates enhanced biological phosphorous removal and denitrification. Staff recently completed improvements to mixer controls and wiring to further improve treatment performance in this configuration. Despite increases in organic loading into early summer, staff have generally been successful in maintaining compliance with the future Regulation 85 effluent limits for nitrogen and phosphorus. Complying with the future limits ahead of the effective date (2029) earns credits that may be used to extend a future compliance schedule related to these nutrient limits. Future capital improvements to add process volume will be needed to maintain performance through the heavier loading during the winter season.

Edwards WW staff played a significant role in recent condition assessment work related to the master plan effort. Carollo led this effort to evaluate the condition and capacity of major plant systems, with the intent of developing recommendations for needed repairs or replacement. This involved adjustments to operations and draining of process systems to facilitate inspection. Recommendation from this master plan effort will inform the upcoming design effort for nutrient improvements at Edwards WW, as scheduled to start in 2024.

The Edwards WW facility experienced a failure of a non-potable water pipeline in the ATAD process area. Non-potable water is heavily relied on throughout the facility for lubrication of pump seals and to supply heat exchangers that govern the heat-producing ATAD process. Water quickly began to fill the pump gallery area.



(left) Staff promptly cleaned up standing water in the pump gallery.

(right) Staff began repairing the pipe after the system was isolated.

Facility staff responded quickly and isolated the failed non-pot system prior to initiating cleanup. No equipment was damaged, thanks to the quick staff response. District OTS and safety teams also responded rapidly.

All three facilities continue to participate in the CDPHE WW Covid Surveillance Program. This program, and similar programs across the country, have received press coverage recently due to their role in helping public health professionals understand and gauge the rise in community infection rates. The Vail Daily published a [story](#) on Jul. 16 that referenced data from the Vail WW facility.

FIELD OPERATIONS

Niko Nemcanin

On Jul. 12, 2022. The FO team replaced a cone at the sewer manhole at Bighorn Rd. in East Vail. Deteriorating manhole condition was noticed during inspection, and due to the stage of deterioration complete cone replacement was needed.





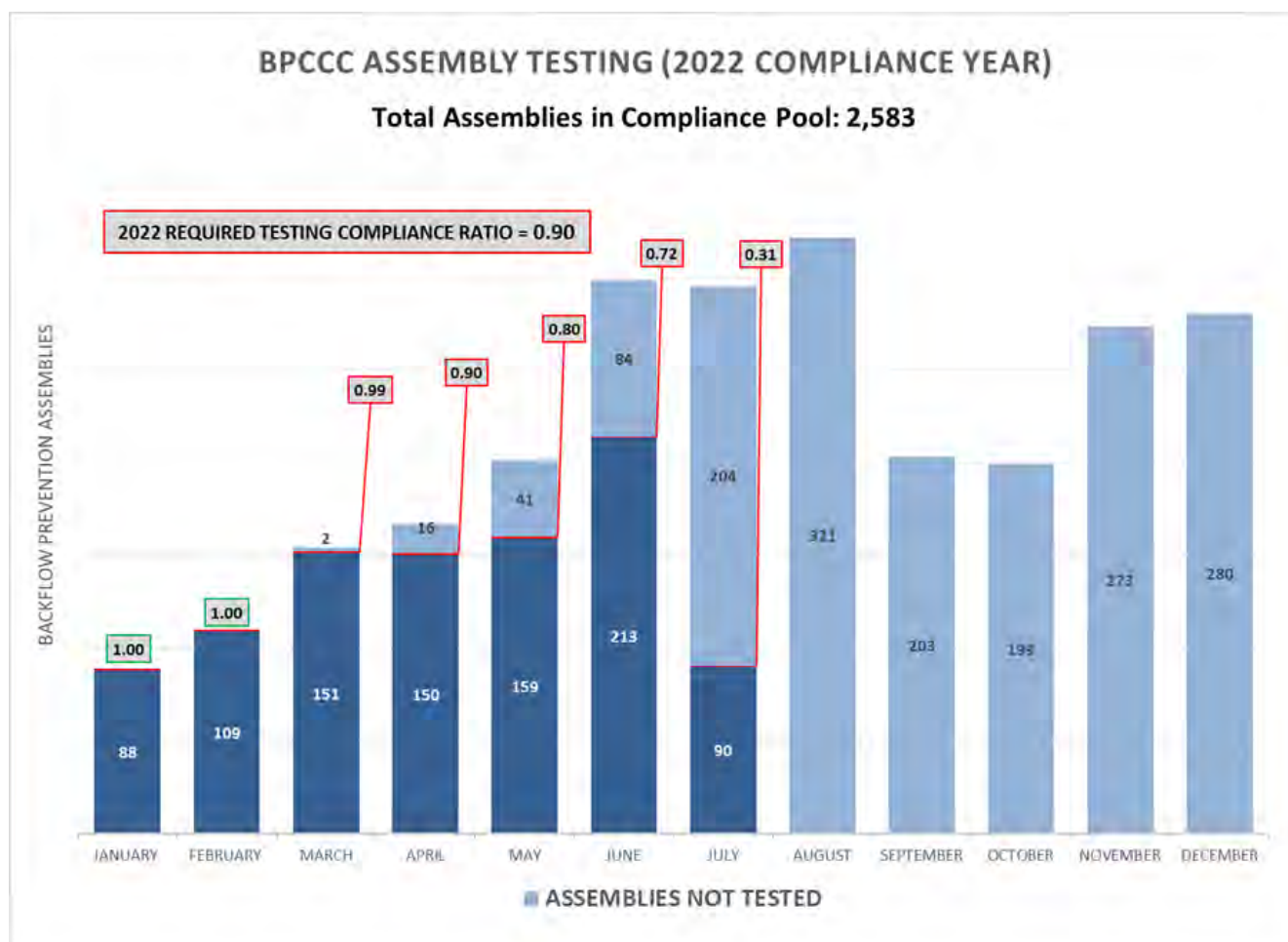
Annual summer field system maintenance is underway. Field Operators have started fire hydrant flushing, system valve maintenance, and booster pump station maintenance. Collection system jetting (five-year rotation) is underway in East Vail and will be followed by closed circuit television (CCTV) of the system.

UTILITY SERVICES

Shane Swartwout

BPCCC Program Compliance Status

The BPCCC team has successfully completed in-house testing on all irrigation system assemblies within the compliance pool that were not tested in 2021. These assemblies are considered “seasonal assemblies” and are required to be tested within 90 days of activation. Staff has imposed fines on these accounts since these assemblies were past due for testing for several months.



Meter Services – Advanced Metering Infrastructure Status

Report Date:	7/20/2022
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AMI SYSTEM STATUS	ERWSD	UERWA	TOTAL
(1) Total No. of Meters	3187	6810	9997
(2) No. of AMI Meters	2976	5566	8542
(3) System Percentage of AMI Meters	93%	82%	86%
Meters Remaining to Reach 100% AMI	211	1244	1455

ENGINEERING

Jeff Schneider

WATER PROJECTS

Radio Telemetry Unit (RTU) System Upgrades

Carter Keller

General Project Scope: This project is a systematic approach to install standardized communication equipment to increase the reliability of the telemetry system throughout the distribution system (82 sites) and develop a standard (i.e., non-proprietary) telemetry platform to allow competitive pricing for upgrades, replacement, and system maintenance. Implementation is anticipated over a three-year period with a highly detailed sequence and schedule to limit distribution system disruptions.

Project Update: All spring sites have been commissioned and upgraded to our new radio system. Construction continues during the summer months to erect towers and install conduit on the remaining sites in preparation for fall commissioning.

Traer Creek Water Storage Tank

Mark Mantua

General Project Scope: This project consists of the replacement of the Traer Creek Water Storage Tank. In addition to the tank replacement, the scope includes piping, appurtenances, and selective replacement of identified equipment including the RTUs and control cabinets.

Project Update: Electrical improvements and telemetry installation is complete. Commissioning is planned for August. DN Tanks staff re-mobilized to perform crack repair on the poorly consolidated concrete present in the dome roof. The repair methods being employed are crack injection, grinding, patching, and a mortar skim coat. DN will sound portions of the dome for leaks and consolidation issues. Afterwards, the contractor will do a watertightness test to identify additional

leaks. Before demobilizing DN will complete another watertightness test to confirm adequate repairs. We anticipate the tank being ready for service in August.

Avon Drinking Water Facility (ADWF) PLC Upgrades

Jenna Beirsto

General Project Scope: This project includes replacement of two of the programmable logic controllers (PLCs) at ADWF. Additionally, a new server room will be constructed within the facility. All programming and PLC logic will be reverse engineered to determine required updates and improvements associated with the modification and replacement of the existing PLCs.

Project Update: Hensel Phelps has been contracted to complete this work. A preconstruction meeting was held on Jun. 30. Construction of the server room is expected to start later this year. Procurement and submittal generation is underway.

Edwards Spur Road Phase 2 Water Main

Mark Mantua

General Project Scope: The Edwards Spur Road Phase 2 consists of two projects. The first is installation of 1,700 linear feet of water main that was installed in conjunction with the CDOT Edwards Spur Road project. The second is installation of a water main that will run parallel and under the railroad tracks to connect the Edwards Drinking Water Facility to the water main that was previously installed during the 2019 Spur Road project and to a main near Miller Ranch Road. The project will alleviate hydraulic issues in the Edwards low pressure zone.

Project Update: The contractor has installed approximately 1,400 linear feet of 24" pipe which connects a 16" distribution main to the Edwards Drinking Water Facility, leaving approximately 100 linear feet to be installed. Three tie-ins were successfully completed. Each tie-in procedure contained unique operational changes that were closely coordinated with the Water and the Field Operations Department. The new waterline is expected to be online in early August 2022. Remaining work includes testing and commissioning 600 linear feet of water main, asphalt paving, concrete paving, and site restoration.



New tee and valve assembly near Edwards DWF

Fenno Wellhouse and Raw Water Conveyance

Jeffrey Schneider

General Project Scope: The project consists of complete replacement of a small treatment facility in Cordillera that treats water from seven groundwater wells and pumps into the distribution system. The previous facility did not meet electrical code, had some safety concerns, and was generally at the end of its useful life. Improvements to the wells and raw water piping are also included in this project.

Project Update: The wellhouse project is in final contract closeout.

Following successful coordination with Cordillera stakeholders, we began the well assessment plan, involving systematically accessing, pulling, inspecting, and repairing (if necessary) each of the seven supply wells. Well F3 was pulled the week of Jul. 5 and some irregularities were discovered in the pump and motor, and the video inspection of the well screen and casing is being evaluated. Next up is a similar scope to access wells F5 and F6. Following the well assessment and repair work, permanent improvements to the raw water conveyance consisting of piping, controls, and electrical will be designed based on the findings of the current effort.

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 do a thorough risk-based analysis and provide a roadmap for future capital project implementation in light of threats from climate change, low stream flows, wildfires, etc. along with a detailed condition assessment of existing assets.

Project Update: Carollo was onsite the week on Jun. 20. The District hosted a visioning workshop with the water department and Carollo's engineering team. The consulting team toured all the surface and ground water production facilities for the condition assessment. The master planning team is drafting the first few sections of the masterplan report and has begun building a specialty model (Blue Plan It) to better analyze the entire water system between ERWSD and UERWA.

Avon Wastewater Treatment Facility (WWTF) Fire Flow Improvements

Woodson Spring

General Project Scope: The Avon WWTF Fire Flow Improvements consist of two major components. The first is installation of 1,100 linear feet of 12" water main down Millie's Lane and into the Avon WWTF site. The second is modifications within the Avon Drinking Water Facility (DWF) to transfer water from the high zone to the low zone. The project will bring the Avon WWTF into compliance with fire flow requirements and address a long-standing deficiency.

Project Update: The pipeline subcontractor continued installing 12-inch water main into the Avon WWTP property, stopping at a tee and valve assembly approximately 30 feet inside the gate. To date approximately 865 feet of the total 1136 feet of 12-inch main has been installed. Water main testing was underway the week of July 18. Other portions of work are scheduled for later in the

summer and are tightly coordinated with AWWTF Nutrient Upgrades Project critical precast concrete deliveries and crane demobilization.



Running pipe through the gate area

Setting tee and valve assembly

WASTEWATER PROJECTS

Avon Wastewater Treatment Facility (AWWTF) Nutrient Upgrades

Melissa Marts

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

Project Update: Moltz continues to make progress on the aeration basin modifications which drive the critical path schedule. They are completing walkways in aeration basin 1 and will start installation of pipe. Painters are working on the exterior of the building and the results can be seen from Nottingham Park. Significant progress has been made on installation of the internal mixed liquor return (IMLR) and return activated sludge (RAS) piping and pump modifications. The project team is working through startup of the odor control system. The project is on schedule and within budget.

Dowd Junction Collection System Improvements

Jenna Beirsto

General Project Scope: The project consists of four major components, all of which are at the end of their useful lives: 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 project will also include capacity for growth in its respective service areas, most notably the Minturn area improvements.

Project Update: West Vail Interceptor Aerial Crossing: The Contractor set the bridge segments and pipe on Jul. 12. Crews are now working on finalizing the sewer and manhole installation on the northeast side of the crossing. A pressure test is anticipated in the following weeks. After utility construction is complete Mueller will be demolishing the old sewer crossing and piers.

Lift Station 4 and Force Main Replacement: This project combines three packages of work into one large project. Package A includes the lift station 4 replacement, package B is replacement of the exiting force main with two 8" HDPE force mains, and package C in partnership with Eco Trails (Eagle County) to connect the bike trails from the lift station to the West Vail Interceptor crossing. Gould Construction is under contract for the full scope of work associated with the three work packages and is expected to mobilize the week of Jul. 25. A surveyor and traffic control will be mobilized to the site the same week. Gould had the pipe for the gravity sewer delivered to their storage yard near the site.



Setting the first bridge segment



Setting the second bridge segment in place

Avon Lab Improvements

Melissa Marts

General Project Scope: A new inductively coupled plasma mass spectrometer (ICP-MS) purchased by the District will be installed in the lab. This will provide improved analytical capability to our internal and external customers. This device enables District staff to perform in-house metals analyses that are normally outsourced. Lab and architectural modifications will be constructed, including a new gas cabinet, duct chase, and fume hood. During design, the makeup air unit (MAU) serving the lab was identified to be at the end of its useful life; the HVAC system for the lab and lab offices will also be replaced.

Project Update: After receiving no bids for this project after competitive solicitation, Moltz submitted a proposal for the work. The District has awarded the contract to Moltz.

Vail Wastewater Treatment Facility (VWWTF) Master Plan Improvements

Melissa Marts

General Project Scope: A condition assessment of the Vail WWTF conducted as part of the 2017 Master Plan identified various upgrades required to keep the facility in reliable and operable condition. The scope includes a new, larger diesel generator and associated electrical, 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: PCL Construction has submitted Guaranteed Maximum Price (GMP) proposal #1 for the early-out generator/ automated transfer switch (ATS). The District and Engineer are in the process of final price and scope negotiation. The District submitted a letter of intent which enabled the electrical submittal process to begin in order to help lock-in pricing without further escalation and compress schedule. Black and Veatch submitted the 60% main package design submittal and PCL Construction submitted the associated pricing model on Jul. 18. The District is currently reviewing the pricing model. Design continues to progress from 60%. Long equipment lead times also necessitate early procurement of membrane diffusers and ultraviolet (UV) disinfection equipment.

GENERAL CAPITAL

Vail Office Remodel

Jenna Beairsto

General Project Scope: The project will provide a safe and secure singular entry point for facility visitors by reconfiguring the vestibule entrance. The scope also includes reconfiguring and reorganizing of the Vail Administration Office. Most of the construction will be concentrated on the south half of the first floor; however, reorganization will occur building wide. In addition to the front entrance, the project will provide improved ADA access to the building. Several departments will shift within the lower level to allow for additional office and meeting space. The project includes cubicle and office furniture purchase and replacement for some of the improved areas.

Project Update: C&C Painting finished painting the exterior of the Vail Administration Building. Fine Signs installed a new logo and signs at the front entry.



Paint on the back of the building



New logo and sign at the front entrance

Fleet Maintenance Facility

Mark Mantua


General Project Scope: The 2020 Overall Facilities Master Plan indicated an opportunity to relocate the fleet maintenance facility, along with large vehicle and equipment storage and water meter testing and storage, to the property known as “Hillcrest” at the corner of Hillcrest Drive and U.S. Highway 6. We are moving forward with that concept but located on a parcel of land immediately east of the Edwards Wastewater Treatment Facility on Lake Creek Village Drive.

Project Update: A request for proposals (RFP) was issued to architecture and engineering firms on Jun. 27. A pre-proposal meeting was held on Jul. 11 and was well attended by representatives from numerous firms. Proposals are due Jul. 22, at which time the internal selection committee will evaluate and move forward with contracting. The scope of work is divided into two phases, with the first phase a study, workshops, and permitting evaluation informing us of the general scope of work and some conceptual designs. The second phase will be preparation of construction drawings for the project.



M E M O R A N D U M

TO: District and Authority Boards of Directors

FROM: Jason Cowles, P.E. 

DATE: July 20, 2022

RE: Engineering & Water Resources Report

Authority Unallocated Water Update

The Authority's unallocated water projection remains at 227.31 acre feet. This includes 51.19 acre feet of unrestricted Eagle Park Reservoir water, which includes the 25 acre feet pledged to the Authority by the District. It also includes 78.13 acre feet of Eagle Park Reservoir water committed to workforce housing, and 97.98 historic irrigation season consumptive use credits. The current projection is attached.

Edwards River Park Planned Unit Development (PUD)

At last month's Authority meeting there was a question regarding the expiration of the Authority's conditional capacity to serve letter for the Edwards River Park PUD. The Authority's conditional capacity to serve letter was updated and reissued on August 18, 2021 and is valid for one year from the date of the letter. Eagle County's resolution approving the preliminary plan for PUD was effective October 26, 2021. The County's approval included a condition requiring that the development obtain an ability to serve letter from the Authority within two years of the County's approval. To date, we have not received a request to extend the term of the conditional capacity to serve letter.

Bolts Lake Update

Contracts have been executed with Shannon & Wilson and LRE Water to advance the conceptual design of Bolts Lake reservoir for permitting. Additional field investigations are planned this year that will involve drilling bedrock cores for the design of dam abutments, an evaluation of the District's 25 acre biosolids containment facility site for clay borrow suitability, and an evaluation of groundwater recharge at the Old Tailings Pile (OTP) site. Field investigations will inform the conceptual design of the reservoir, which should be completed in the summer of 2022. Our goal is to have a conceptual design ready for a permitting consultation with Federal agencies in 2023.

Homestake Exchange

Typically, the Shoshone call on the Colorado River goes into effect by mid-July. Unfortunately, the Shoshone Power Plant continues to remain offline this year due to issues with one of the turbines. This has resulted in lower flows on the Upper Colorado River as junior upstream water rights continue to divert in priority. There was some relief when flows on the Colorado River at

Dotsero dropped below 1250 cfs on July 10 causing the Shoshone Outage Protocol (SHOP) to go into effect.

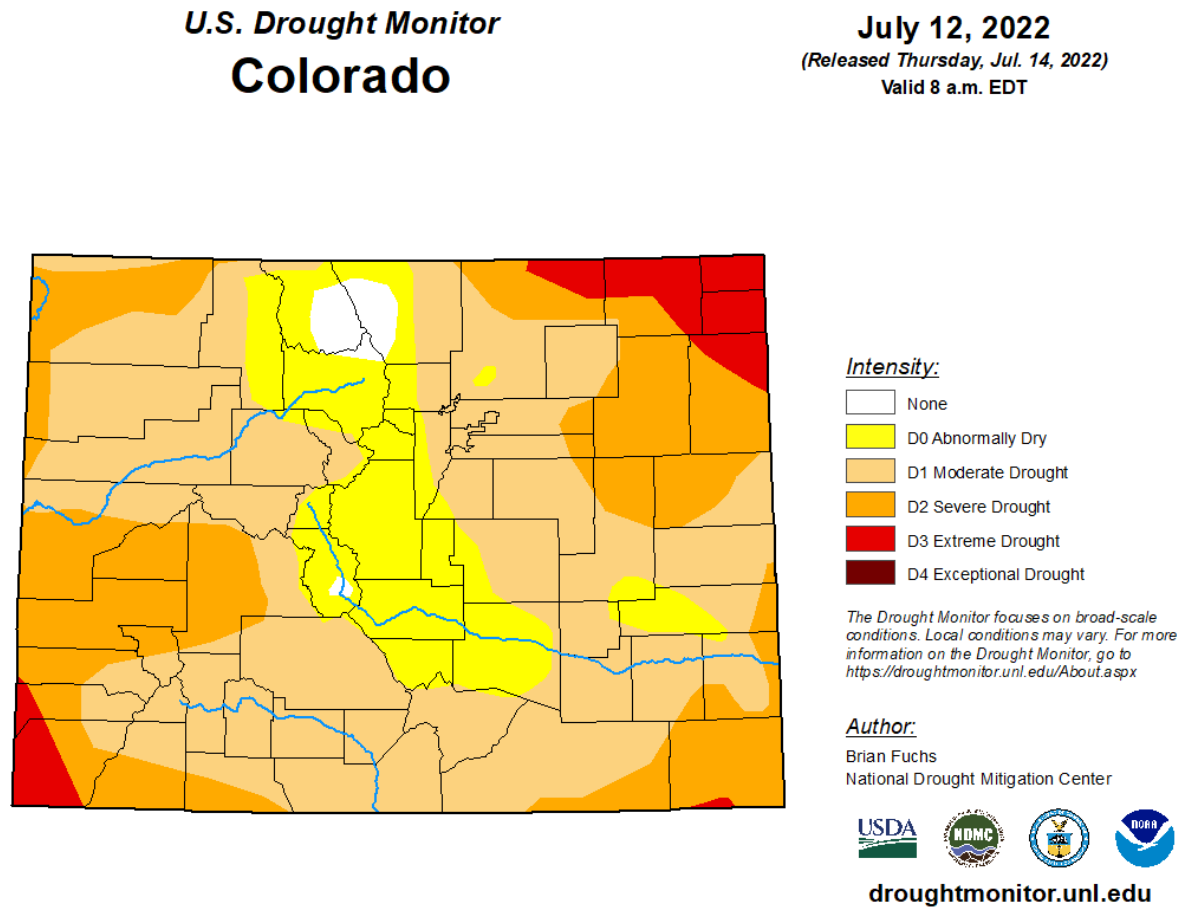
Aurora is a participant in SHOP, and thus forgoes storage in Homestake Reservoir when the Shoshone Power Plant is offline, and the Shoshone call would otherwise be in effect. The Eagle Park Reservoir Company was able to take advantage of SHOP by exchanging water released from Green Mountain and Wolford Mountain Reservoirs into Homestake Reservoir to account for Aurora's forgone storage. The exchange resulted in approximately 137 acre-feet of water stored in Homestake Reservoir for the Reservoir Company between July 10 and July 18. Unofficially, and subject to confirmation from the Homestake Partners, this puts the Reservoir Company's exchange account at approximately 3,088 acre-feet of a possible 4,000 acre-feet. As you will recall from last year, water stored in Homestake above 3,000 acre-feet is subject to reduction proportionate to any spill of Homestake Reservoir in the following year. This is viewed as a very remote risk to the Reservoir Company this year given that Homestake Reservoir is at approximately 73% of capacity and would likely be inconsequential for the Reservoir Company in the unlikely event that a spill does occur.

The latest news from Division 5 is that the Shoshone Power Plant is anticipated to be fully online in the next week.

Water Resources Update

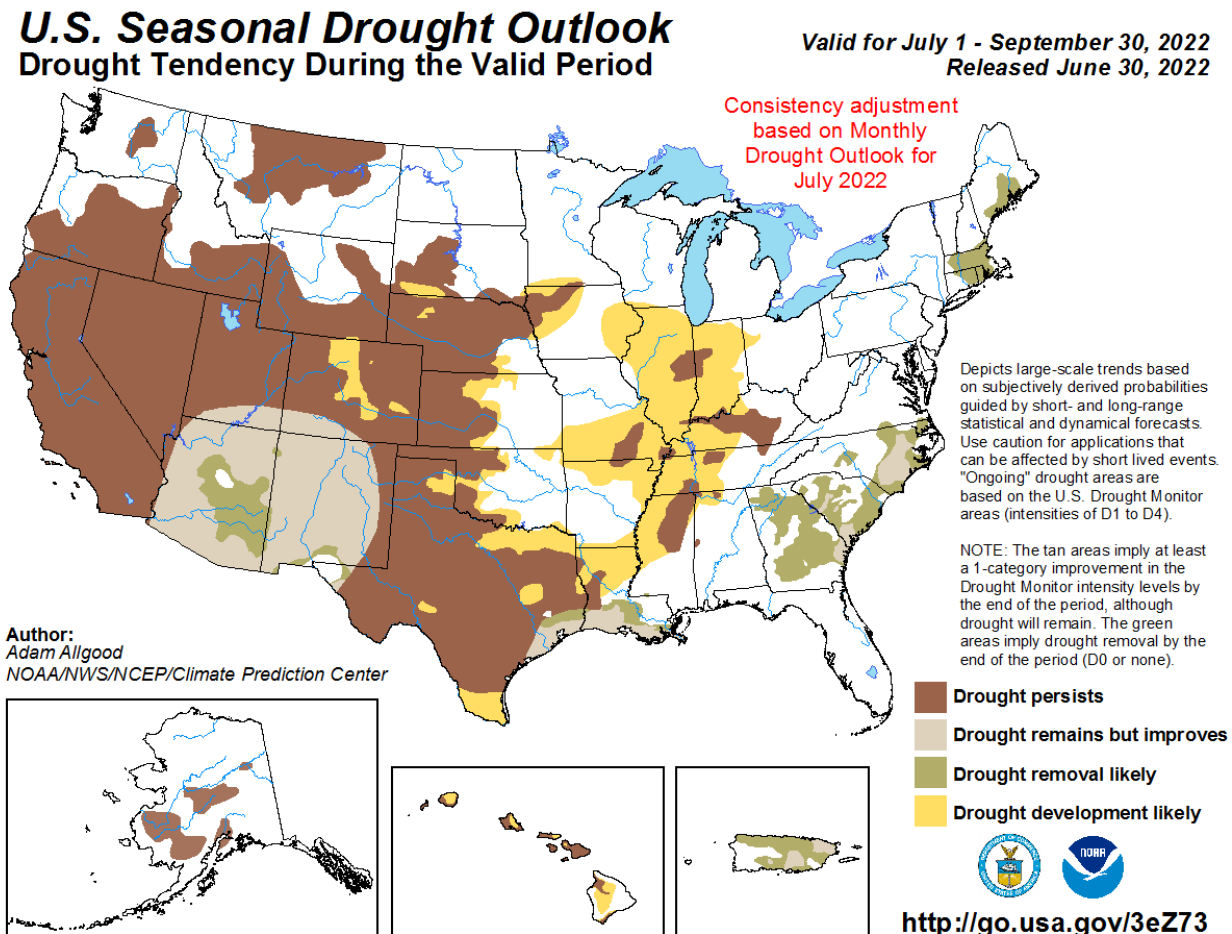
Monsoonal precipitation in June and July lead to reductions in drought intensity for the southern portions of the state. The latest U.S. Drought Monitor shows that a nearly all of the state is experiencing drought, as shown below in Figure 1. There has been no change to Eagle County since last month. The County remains nearly completely in "D1" including the entire Eagle River Watershed.

Figure 1: US Drought Monitor, Colorado July 12, 2022 (NDMC)



Little has changed regarding NOAA's seasonal drought outlook. Drought is expected to persist in Colorado through September based on current NOAA climate simulations for temperature and precipitation.

Figure 2: US Seasonal Drought Outlook through September 30, 2022 (NOAA).



Cumulative water year-to-date precipitation at Vail Mountain and Fremont Pass are shown in Figures 3 and 4. Monsoonal precipitation in the past month had less of an impact on Vail Mountain which is tracking at 7.3 inches below the median value on this date or at 76% of the median. Fremont Pass has fared better over the past month from the monsoonal rains and is now tracking 1.3 inches above the median value on this date or at 106% of the median.

Figure 3: Cumulative Precipitation, Vail Mountain SNOTEL, July 18, 2022 (USDA).

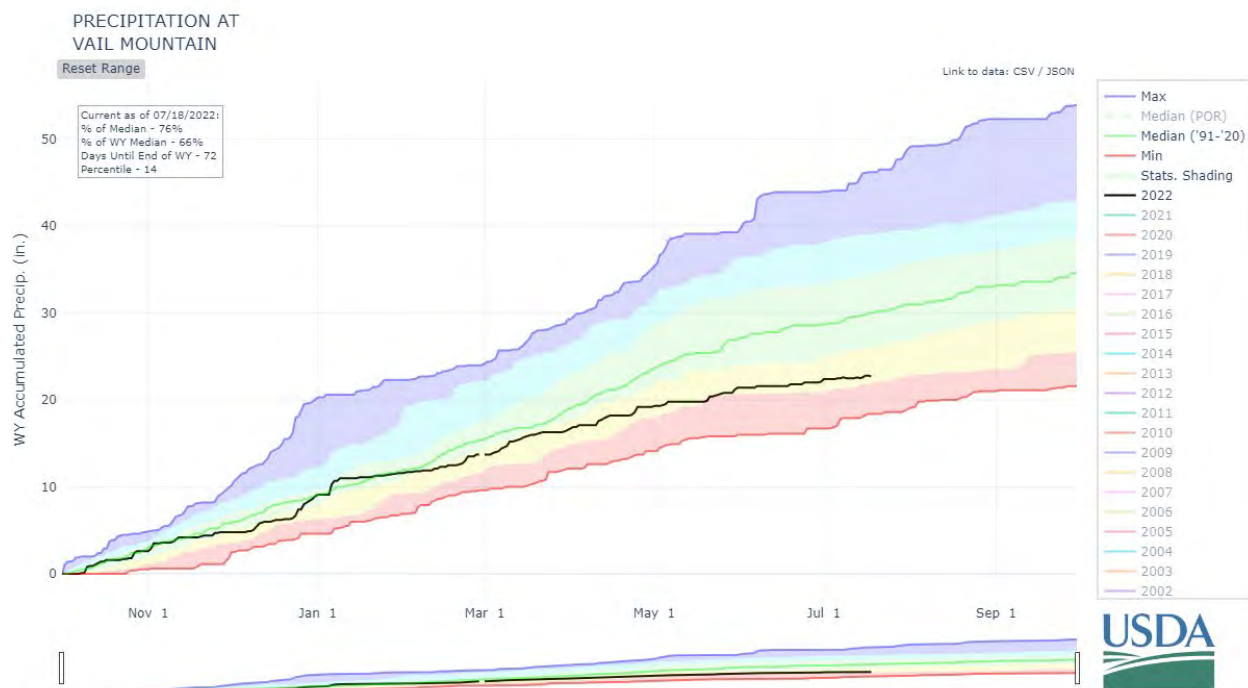
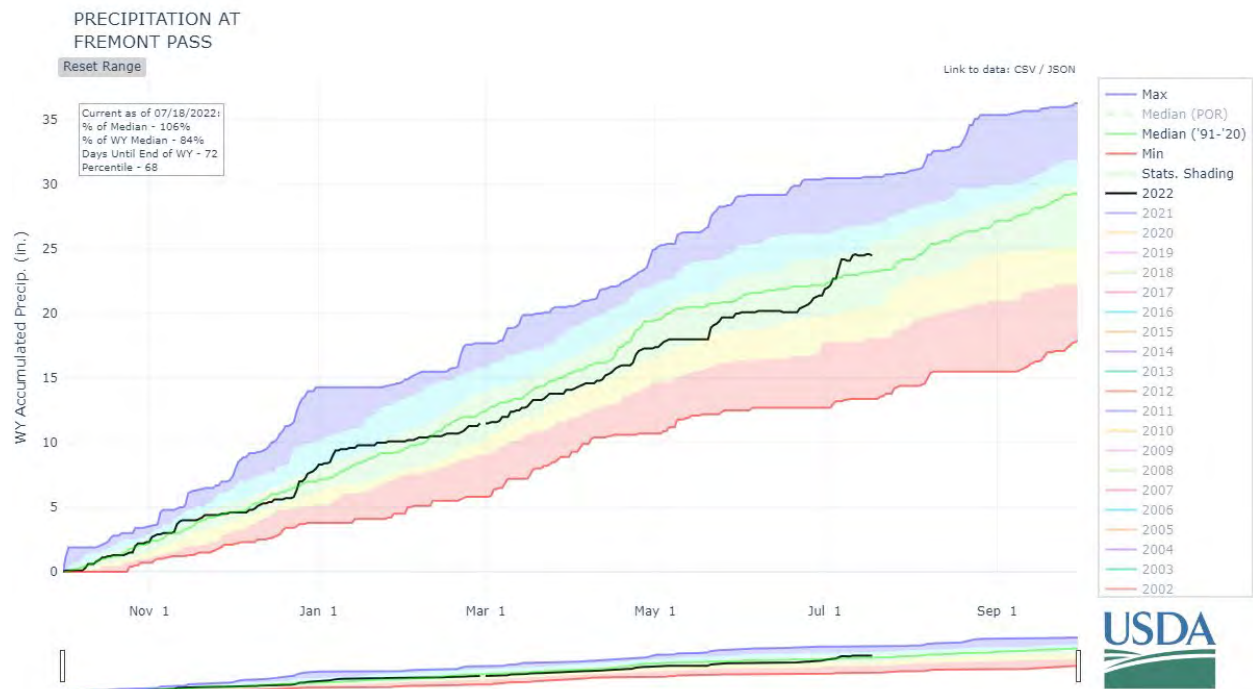


Figure 4: Cumulative Precipitation, Fremont Pass SNOTEL, July 18, 2022 (USDA).



Stream hydrographs plotted from the USGS gages on Gore Creek above Red Sandstone Creek and the Eagle River at Avon are shown in Figures 5 and 6. As expected, streamflow is trending in the lower percentile ranges for these locations. A bump in flows is forecast next week with the anticipated return of more substantial monsoonal moisture.

Figure 5: Streamflow for the USGS station on Gore Creek above Red Sandstone Creek (CBRFC).

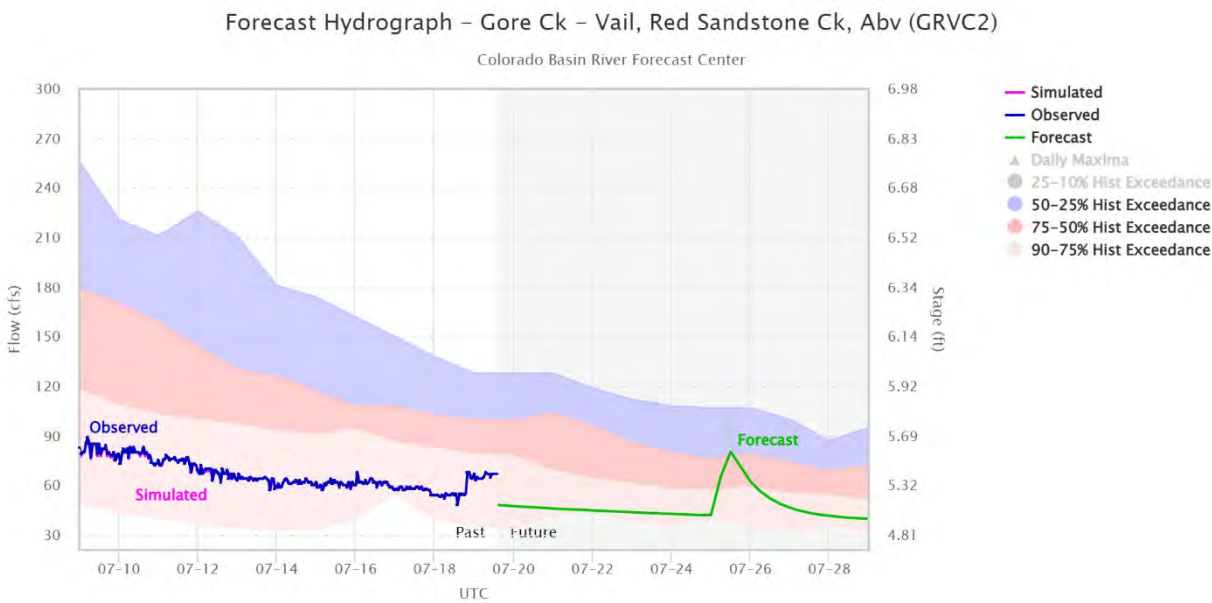
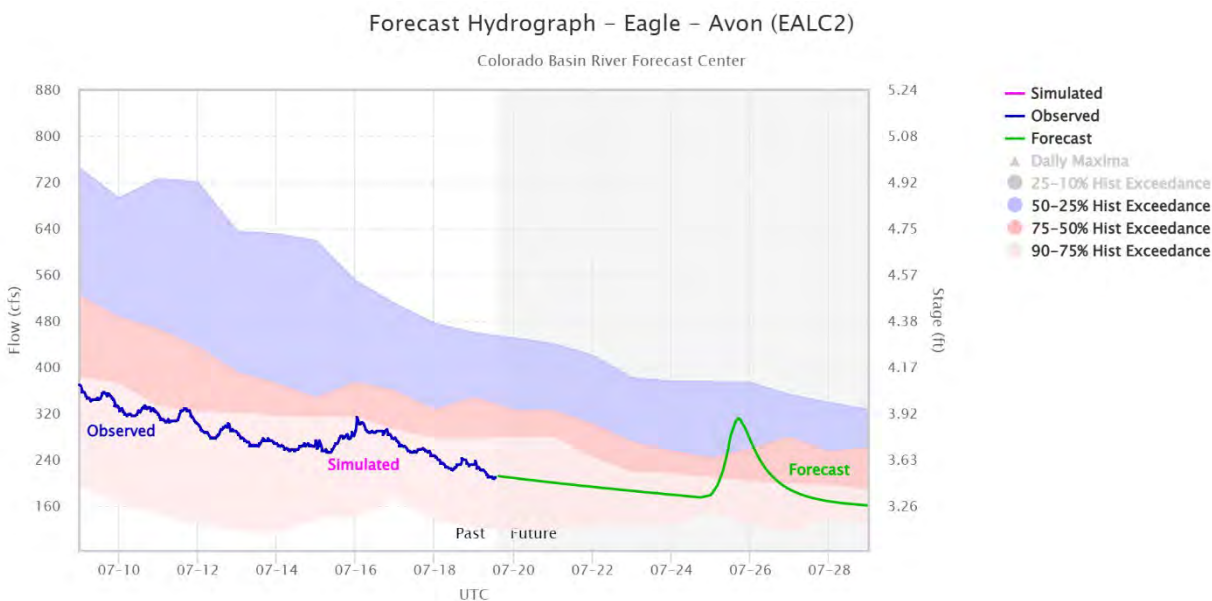


Figure 6: Streamflow for the USGS station on the Eagle River at Avon (CBRFC).



Daytime water temperatures on the lower Eagle River and the Upper Colorado River are peaking above 71° Fahrenheit which is one of Colorado Parks and Wildlife's (CPW) triggers for voluntary fishing closures. A voluntary all day fishing closure will go into effect on July 20 that includes the Colorado River from State Bridge downstream to Rifle and the Eagle River from Wolcott downstream to the confluence. Temperature plots for the Colorado River at Catamount and the Eagle River below Milk Creek are shown in Figures 7 and 8.

Figure 7: Temperature for the USGS station on the Eagle River below Milk Creek (USGS).

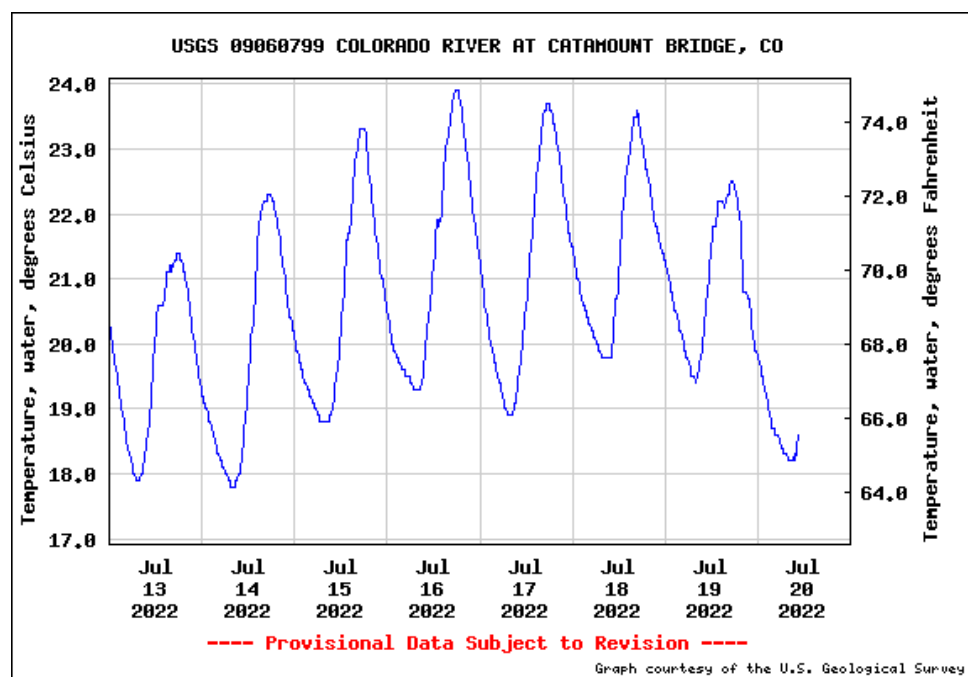
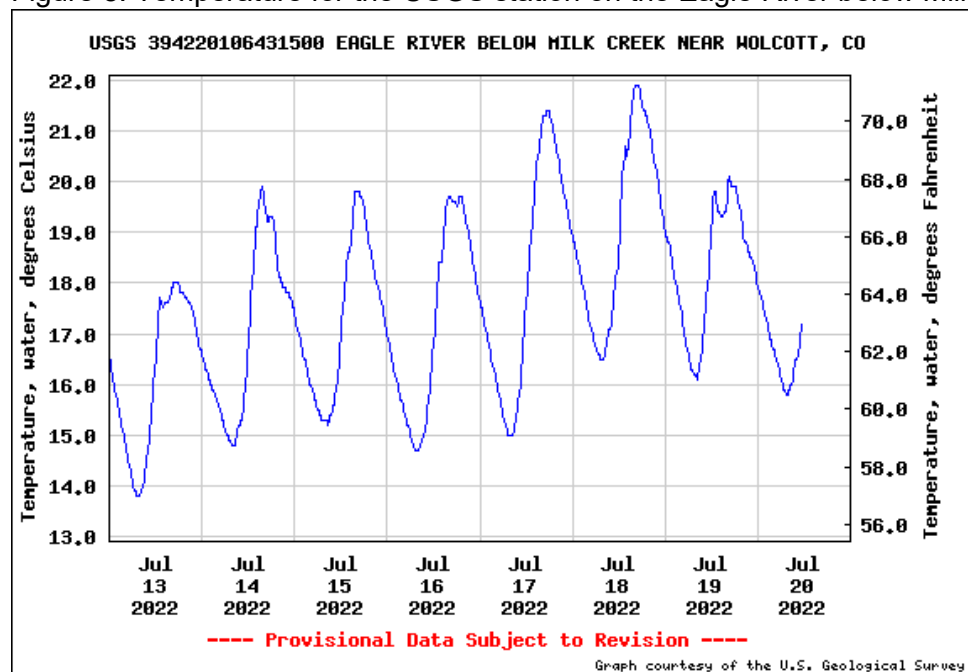


Figure 8: Temperature for the USGS station on the Eagle River below Milk Creek (USGS).



ERWSD and UERWA storage accounts are shown in Table 1 as of July 1, 2022. The storage accounts in Green Mountain, Black Lakes, Homestake Reservoir, and Wolford Mountain Reservoir are full. Eagle Park Reservoir accounts are near full and are anticipated to be filled on September 1 when the conservation storage pool is dispersed to shareholders despite anticipated releases in August to mitigate low streamflows.

Table 1: ERWSD and UERWA Storage accounts as of July 1, 2022 (Helton and Williamsen).

July 1 2022 Volumes in Storage and Percentages of Full:						
<u>Reservoir</u>	<u>ERWSD</u>		<u>UERWA</u>		<u>Total</u>	
Green Mountain	934.00	100%	548.00	100%	1482.00	100%
Black Lakes	425.00	100%	300.00	100%	425	100%
Eagle Park	426.34	99%	670.58	99%	1096.92	99%
Homestake Res	250.00	100%	256.50	100%	506.50	100%
Wolford Mtn	500.00	100%	710.80	100%	1210.80	100%

Inflow into Lake Powell in water year (WY) 2021 was the second lowest on record, and inflow for WY 2022 continues to trend well below average. Figure 9 shows the most likely unregulated inflow projection for WY 2022 at 5.74 maf, or 60% of the 30-year average. Current Projections for Lake Powell elevations by the US Bureau of Reclamation shown in Figure 10 indicate an increasing likelihood that water levels could drop below the power pool elevation by the Fall 2023 if current trends persist. The green line represents the water elevation if average hydrologic, river and operations conditions persist over the next 24 months and the red dashed line represents the expected reservoir level if the basin snowpack is well below average next two winters.

Figure 9: Lake Powell Unregulated Inflow Forecast (USBR)

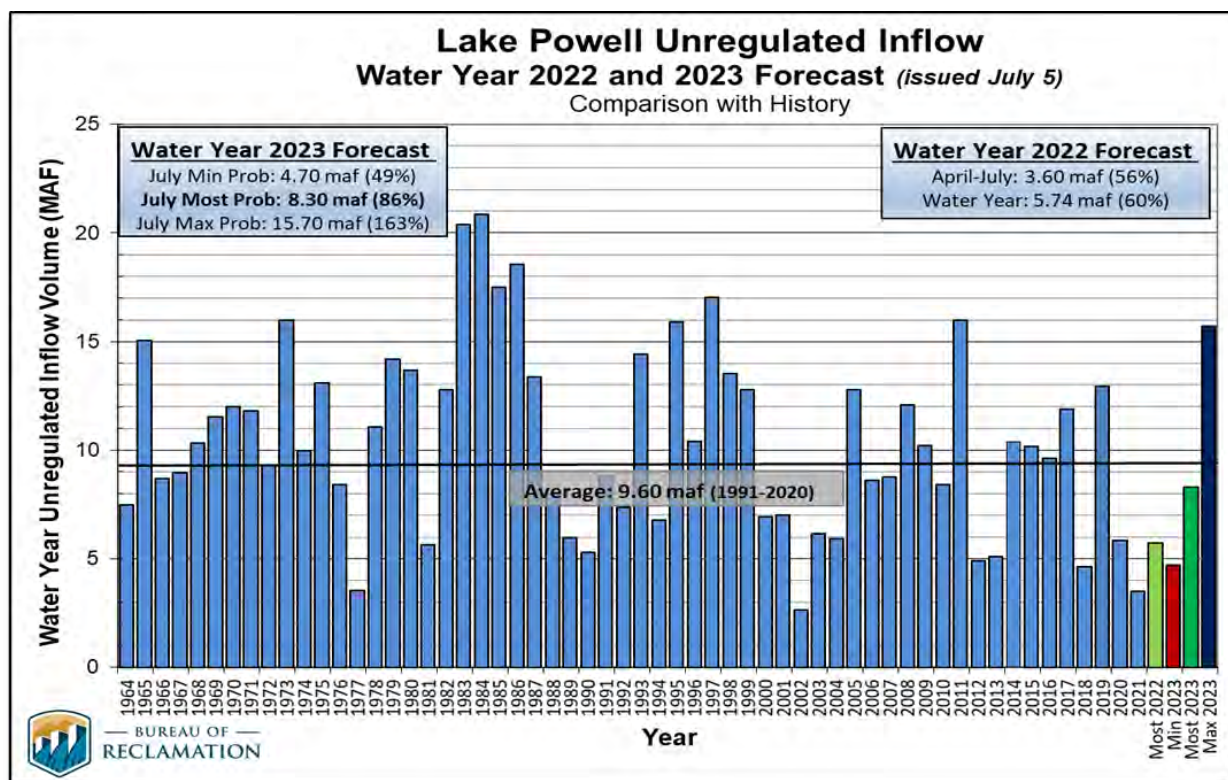
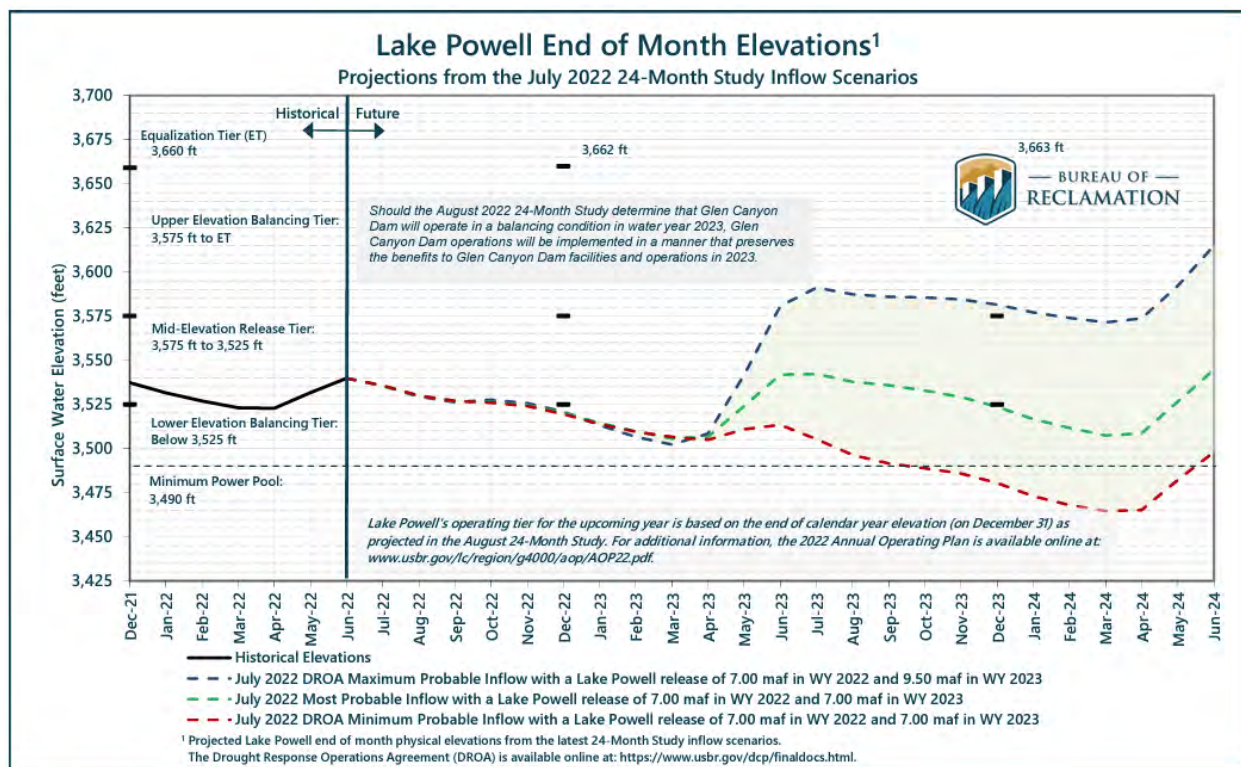
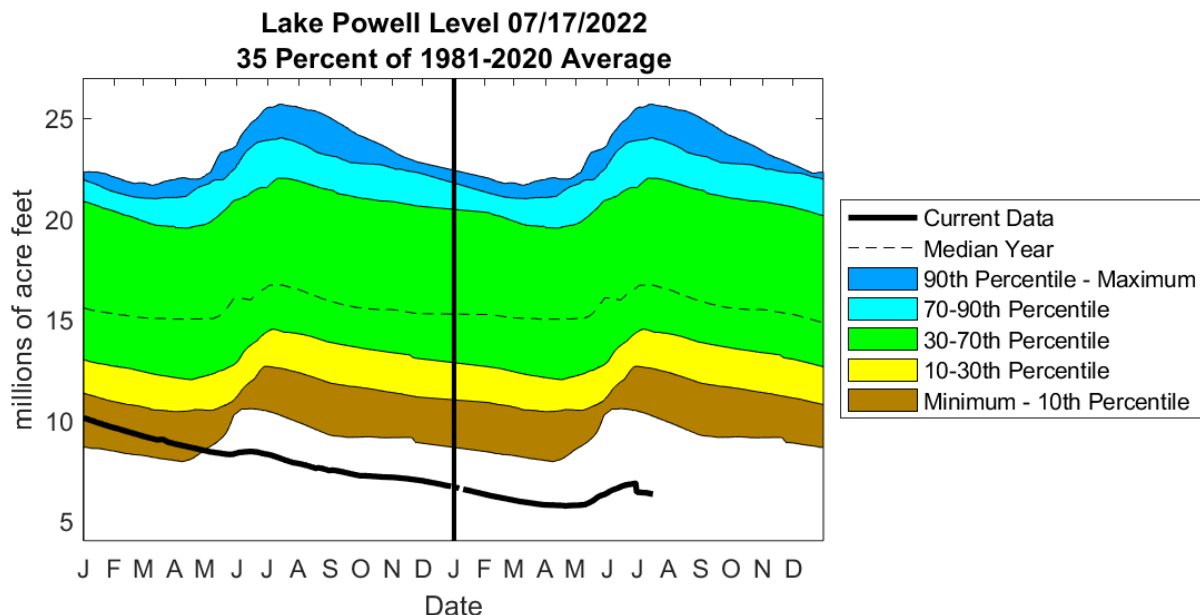


Figure 10: USBR Predicted Water Elevation July 2022 (USBR).



The unprecedented conditions currently seen in Lake Powell are depicted in Figure 11. Current levels (black line) are near historic lows, below the lowest percentile band of previously recorded levels.

Figure 11: Measured and Historic Water Elevation of Lake Powell July 17, 2022 (USBR).



Current long-range forecasts from the National Weather Service Climate Prediction Center show that local precipitation is expected to be below normal, and temperatures are expected to be above normal over the next three months. Current forecasts are shown in Figures 12 and 13.

Figure 12: Three-month precipitation outlook June 16, 2022 (NWS).

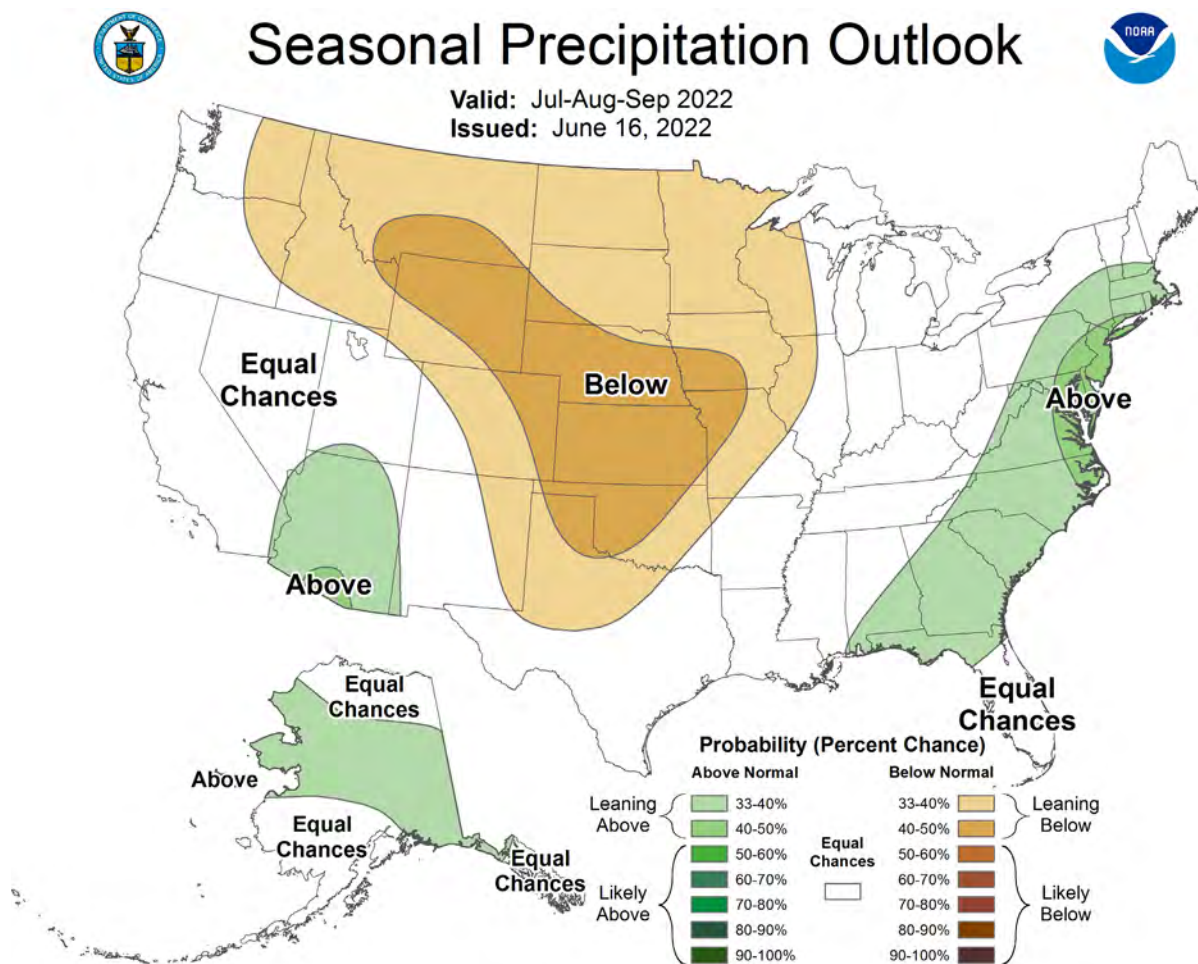
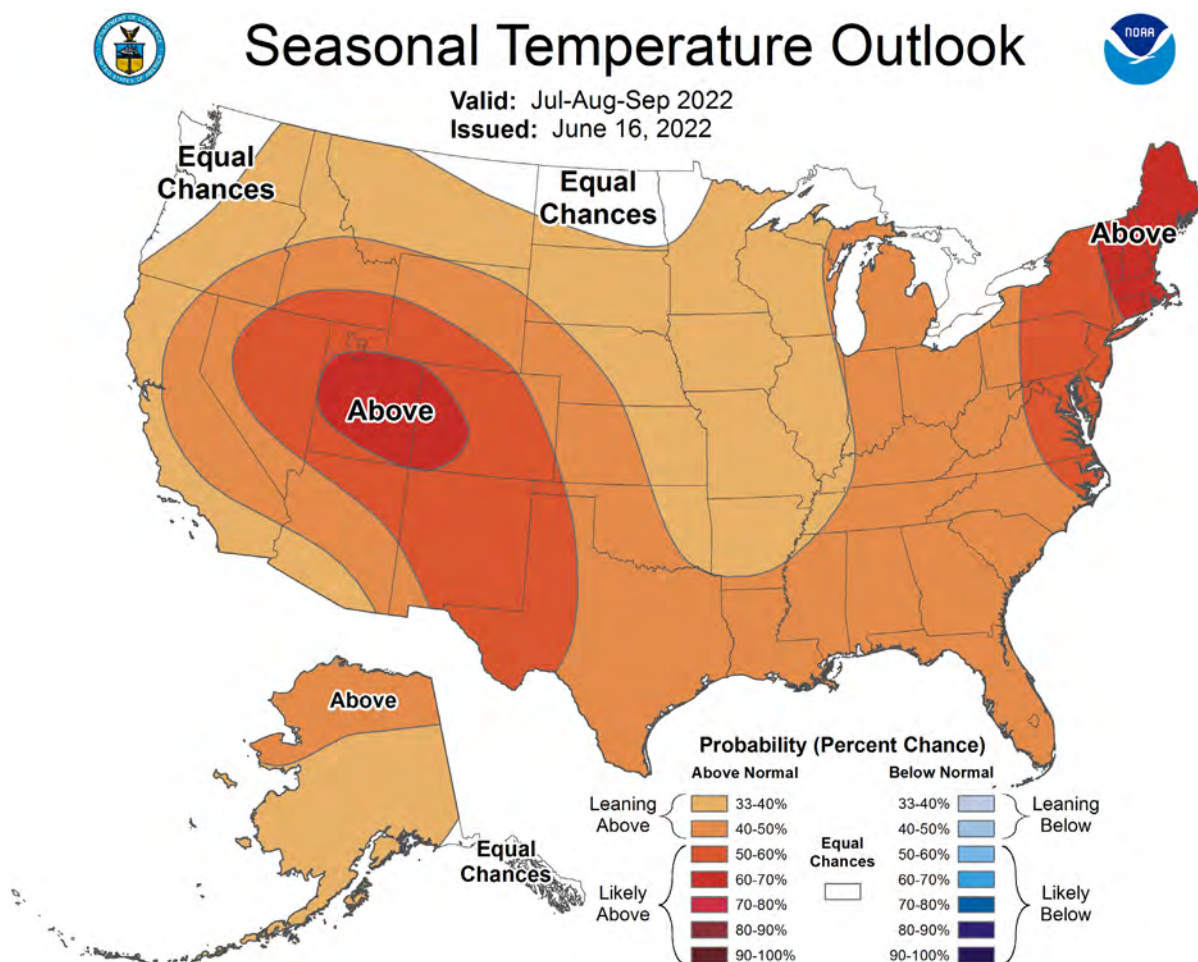


Figure 13: Three-month temperature outlook June 16, 2022 (NWS).



Authority Surplus Augmentation Supply

Updated: 3/16/2022 by JEC

	HCU, acft	In-basin Reservoir Storage, acft	In-basin Reservoir Storage, acft	Out-of-basin Reservoir Storage, acft	Total HCU & In-Basin Storage, acft
	Summer only	Affordable Housing Reserve	Unrestricted		
Modeled Augmentation Surplus¹	105.70	87.40	127.30		320.40
Projects with Ability to Serve Letters					
Club Residences at CVC	0.04		1.04	0.03	1.08
Current Augmentation Surplus²	105.66	87.40	126.26		319.32
Augmentation Projections for Projects in Land Use Entitlement Process					
Edwards River Park PUD	5.52	9.27	53.54	1.89	68.32
Mountain Hive	1.27		13.56	0.39	14.83
NorthStar PUD Amendment	0.45		3.16	0.09	3.61
Warner Building Dormitories	0.02		0.02	0.01	0.04
Riverwalk PUD Guide Amendment	0.07		1.67	0.05	1.74
Brown PUD	0.35		3.12	0.09	3.47
Total Pending Augmentation	7.68	9.27	75.06	2.52	92.01
Projected Augmentation Surplus	97.98	78.13	51.19		227.31

Notes:

1) Modeled Augmentation Surplus based on June 25, 2020 unallocated model runs adjusted for Edwards River Park changes.

2) Current Augmentation Surplus Projection considers all projects with Ability to Serve Letters to be allocated.

3) Projects in Land Use Entitlement Process have Conditional Capacity to Serve Letters but have not yet received land use approvals or completed the Authority's water rights dedication process.

3) Affordable Housing Reserve In-basin Reservoir Storage is Eagle Park water transferred to UERWA by Eagle County and can only be used for affordable/workforce housing projects.

4) Unrestricted In-basin Reservoir Storage includes 25 acft pledged by ERWSD.

5) Out-of-basin Reservoir Storage supplies include 711 acft Wolford Mtn. Res. Contracts and 475 acft Green Mtn. Res. Contracts.

6) The Authority's existing commitment of 34.3 acft of augmentation for the West End PUD is included in the modeled augmentation surplus.



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

MEMORANDUM

TO: Upper Eagle Regional Water Authority Board of Directors
FROM: Kristin Moseley
SUBJECT: Edwards Drinking Water Facility Diversion – Case No. 19CW3079
DATE: July 20, 2022

As you know, Case No. 19CW3079 is a diligence proceeding for a .40 cfs conditional water right associated with the Edwards Drinking Water Facility (EDWF) and the exchange rights decreed in Case No. 02CW403. The Water Court previously ruled that the “seniors first” policy applies in this matter and that a trial would be necessary to continue with the .336 cfs absolute claim that the District and Authority originally pursued. At the Board’s direction, we initiated negotiations with the State and Division Engineers to allow the Authority to make .221 cfs absolute and claim diligence on the remaining .179 cfs of the conditional water right. The negotiations were successful, and we have entered into a stipulation and agreement with the State and Division Engineers under our proposed terms. A copy of the stipulation is attached. We anticipate that the final decree will be issued in the case in coming weeks.

DISTRICT COURT, WATER DIVISION NO. 5 STATE OF COLORADO 109 Eighth Street, Suite 104 Glenwood Springs, CO 81601 (970) 928-3065	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</p> <p>UPPER EAGLE REGIONAL WATER AUTHORITY</p> <p>IN EAGLE COUNTY, COLORADO</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 Email: kmoseley@somachlaw.com; mdaugherty@somachlaw.com</p> <p><i>Attorneys for the State and Division Engineers:</i> Philip J. Weiser, Attorney General Christopher R. Stork, Assistant Attorney General, #47555* Patrick L. Barker, Assistant Attorney General, #42962* Water Resources Unit Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, CO 80203 Telephone: (720) 508-6311 (Stork); (720) 508-6297 (Barker) Email: christopher.stork@coag.gov; patrick.barker@coag.gov *Counsel of Record</p>	<p>Case No. 19CW3079 (02CW403)</p> <p>Division: 5</p>
<p style="text-align: center;">STIPULATION BETWEEN UPPER EAGLE REGIONAL WATER AUTHORITY AND THE STATE AND DIVISION ENGINEERS</p>	

Applicant, Upper Eagle Regional Water Authority (“Authority”), by and through its undersigned counsel, and Opposers, the State Engineer and the Division Engineer for Water Division No. 5 (“Engineers”), by and through their undersigned counsel, hereby stipulate and agree as follows:

1. The Authority and the Engineers enter into this Stipulation to resolve the Engineers’ opposition in this case.

2. The Engineers consent to the entry of a decree in this case that is no less restrictive on the Authority than the proposed decree dated June 28, 2022, attached as **Exhibit 1** ("Proposed Decree").

3. The Engineers shall continue to receive copies of all pleadings and will remain a party to these proceedings for the limited purpose of ensuring that any decree entered herein is consistent with this Stipulation.

4. The signatories hereto represent and warrant that they are authorized to bind their clients, respectively, to the terms of this Stipulation.

5. This Stipulation and any final decree entered in this case are binding on the parties' successors and assigns.

6. Each party shall bear its own costs and attorney fees associated with this case.

7. This Stipulation is entered into as a result of compromise and settlement in this litigation and the parties' agreement on the terms and conditions of said decree shall not be construed as concurrence with the same or similar terms and conditions, or a lack of terms or conditions, beyond the decree adjudicated herein.

8. The parties desire that this Stipulation be approved by and entered as an Order of the Court, and the Engineers consent to the Authority's filing of a Motion to Approve Stipulation.

Dated this 1st day of July, 2022.

PHILIP J. WEISER,
ATTORNEY GENERAL



Patrick Barker (#42962)
Assistant Attorney General
Water Resources Unit
Natural Resources and Environment Section
*Attorney for State Engineer and
Division Engineer for Water Division
No. 5*

SOMACH SIMMONS & DUNN, P.C.



Kristin H. Moseley (#28678)
*Attorneys for Upper Eagle Regional Water
Authority*

DISTRICT COURT, WATER DIVISION NO. 5 STATE OF COLORADO 109 8th Street, Ste. 104 Glenwood Springs, CO 81601 (970) 928-3065	▲ COURT USE ONLY ▲
CONCERNING THE APPLICATION FOR WATER RIGHTS OF UPPER EAGLE REGIONAL WATER AUTHORITY IN EAGLE COUNTY, COLORADO	Case Number: 19CW3079 (02CW403) Water Division: 5
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE OF THE WATER COURT	

The Application in this Case was filed on July 30, 2019 (“Application”), and was referred to the Water Referee for Water Division 5, State of Colorado (“Water Court”), by the Water Judge of this Court in accordance with C.R.S. § 37-92-101, *et seq.*, known as the Water Right Determination and Administration Act of 1969, on July 30, 2019. The Referee re-referred this case to the Water Judge in accordance with C.R.S. § 37-92-302(2) and Rule 6(i)(1) of the Uniform Local Rules for all State Water Court Divisions on April 27, 2021.

The Water Court, having made such investigations as are necessary to determine whether or not the statements in the Application are true, and having been fully advised with respect to the subject matter of the Application, does hereby make the following Findings of Fact, Conclusions of Law, and Decree of the Water Court in this matter:

FINDINGS OF FACT

1. The Statements in the Application are true, except as may be otherwise stated herein.
2. Name, Address, and Phone Number of Applicant:

Upper Eagle Regional Water Authority (the “Authority”)
c/o Manager
846 Forest Road
Vail, Colorado 81657
970-595-0138
3. Intervention and Statement of Opposition: The State Engineer and the Division Engineer for Water Division No. 5 filed a motion to intervene together with a statement of opposition on May 14, 2021, which motion was granted by the Court on July 14, 2021.

The Water Referee approved a stipulation with the State Engineer and the Division Engineer for Water Division No. 5 on _____. The time for filing statements of opposition has expired, and no additional party has sought to intervene in this matter.

4. Report of the Division Engineer: The Water Court has given due consideration to the Division Engineer's Summary of Consultation filed October 24, 2019, and Applicant's Response to Division Engineer's Summary of Consultation filed October 30, 2019.
5. Description of Conditional Water Rights:
 - A. Edwards Drinking Water Facility Diversion:
 - i. Original Decree: Decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 02CW403 on July 15, 2013 ("02CW403 Decree").
 - ii. Location: The point of diversion is located at a point in the NW1/4 of the SW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, on the northerly bank of the Eagle River at a point 1,393 feet north of the south section line and 654 feet east of the west section line in said Section 4.
 - iii. Source: Eagle River, tributary to the Colorado River.
 - iv. Amount: 0.40 cfs, conditional.
 - v. Appropriation Date: May 31, 2000.
 - vi. Uses: All municipal beneficial uses, including domestic, irrigation, recreation, and commercial within the Authority's service area, as that area may expand from time to time, such expansion to be limited to an area within three miles of the boundaries of the Authority's service area as it exists at the time of the 02CW403 Decree as shown on the attached **Figure 1**.
 - B. 02CW403 Decree Exchanges: The 02CW403 Decree granted the Authority the right to divert by exchange the water rights described in Paragraph 5.B.i below at the points of diversion more particularly described in Paragraph 5.B.ii below:
 - i. Source Water Rights: A total of 33.08 consumptive acre-feet per year from the following described water rights:

- a. 18.38 consumptive acre-feet of the 140.25 acre-feet of historic consumptive use credits attributed to the O'Neill & Holland Ditch First Enlargement, Priority No. 404, as quantified by the Water Court in Case Nos. 93CW189 and 96CW373, and being attributable to 3.29 cfs of the 13.17 cfs in the O'Neill & Holland Ditch First Enlargement, Priority No. 404, decreed by the Eagle County District Court in Case No. CA963 with an appropriation date of June 8, 1907, and an adjudication date of October 3, 1936, the source of which is the Eagle River, which historic consumptive use results from the irrigation of 85 acres generally located in the SW1/4 of Section 3 and SE1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, Colorado. The decree in Case No. 93CW189 changed the point of diversion for the O'Neill & Holland Ditch water right to the Howard Ditch headgate.
 - b. 14.70 consumptive acre-feet of the 160.9 acre-feet of historic consumptive use credits attributable to the Howard Ditch First Enlargement, Priority No. 385, as quantified by the Water Court in Case No. W-3999, and being attributable to 5.27 of the 11.92 cfs in the Howard Ditch First Enlargement, Priority No. 385, decreed by the Eagle County District Court in Case No. CA 963 with an appropriation date of June 13, 1899, and an adjudication date of October 3, 1936, the source of which is the Eagle River, which historic consumptive use results from the irrigation of 51.6 acres generally located in the SW1/4 and SW1/4 NW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, Colorado. The season of use during which the historic consumptive use credits attributable to the Howard Ditch First Enlargement may be used is from May 13 through October 10 of each year.
- ii. Points of Diversion:
- a. Metcalf Headgate, located on the Eagle River in the SE1/4 SW1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M. at a point from which the Southeast Corner of the SW1/4 of said Section 7 bears South 53°00'40" East a distance of 1,446 feet.
 - b. Raw Water Booster Pump Headgate, located on the Eagle River in the NW1/4 NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. at a point from which the Southwest Corner of the NW1/4 of said Section 12 bears South 18°01'34" West a distance of 1,551.13 feet.

- c. UERWA Point A (a/k/a UERWA Pipeline), located on Lake Creek in the SE1/4 NE1/4 of Section 6, T. 5 S., R. 82 W. of the 6th P.M. at a point whence the NE corner of said Section 6 bears North 14°30' East a distance of 1,750 feet. Diversions at this alternate point of diversion may not place a direct call against water rights that divert from Lake Creek.
- iii. Decreed Exchange Reach Locations: The downstream terminus of the exchanges to the Metcalf Headgate and the Raw Water Booster Pump Headgate is the Howard Ditch Headgate, located in the NW1/4 NW1/4 Section 11, T. 5 S., R. 82 W. of the 6th P.M. at a point 600 feet from the North line and 1,150 feet from the West line of said Section 11, and the upstream termini are the points of diversion described in Paragraphs 5.B.ii.a and 5.B.ii.b above. The downstream terminus of the exchange to the UERWA Point A is the confluence of the Eagle River and Lake Creek, and the upstream terminus is the point of diversion described in Paragraph 5.B.ii.c above.
- iv. Amounts: The rate of exchange is 0.40 cfs, which is the anticipated maximum rate of instantaneous diversion at all described points of diversion for the claimed exchanges.
- v. Priority Date: December 31, 2002.

A map denoting the above referenced diversion points is attached hereto as **Exhibit A**.

- 6. Absolute Diversion of the Conditional Water Right: On March 27, 2017, the Authority diverted 0.221 cfs of the 0.40 cfs of the Edwards Drinking Water Facility in priority and now seeks to make that portion of the conditional water right absolute for all uses described in Paragraph 5.A.vi. Diversion records from 2017 evidencing the Authority's claim to make the subject right absolute are attached hereto as **Exhibit B**.
- 7. Findings of Reasonable Diligence: The Authority requests a finding of reasonable diligence with respect to the above-described remaining conditional water rights for their full conditional amounts and uses. This includes 0.179 cfs of the Edwards Drinking Water Facility not made absolute for all uses described in Paragraph 5.A.vi. This also includes the 02CW403 Decree Exchanges described in Paragraph 5.B above. The Court hereby makes a finding that the Authority has exercised reasonable diligence toward completing the appropriations.

CONCLUSIONS OF LAW

8. To the extent they constitute legal conclusions, the foregoing Findings of Fact are incorporated herein.
9. All notices required by law have been properly made, including as required under C.R.S. § 37-93-302(3). The Court has jurisdiction over the Application and over all entities who had standing to appear, even though they did not do so.
10. The Application is complete, covering all applicable matters required pursuant to the Water Right Determination and Administration Act of 1969. C.R.S. §§ 37-92-101–602.
11. The Water Court has authority to make the water rights absolute as requested in the Application. C.R.S. §§ 37-92-301(2), -302, and -303(1).
12. The Application is in accordance with Colorado law and should be granted as set forth herein.

DECREE OF THE WATER COURT

13. The Findings of Fact and Conclusions of Law as set forth above are incorporated herein by reference and are hereby modified as necessary to constitute part of the Final Judgment and Decree.
14. The Authority has fulfilled all legal requirements and met all standards and burdens of proof and is therefore entitled to a decree making the Edwards Drinking Water Facility absolute in the amount of 0.221 cfs for all uses described in Paragraph 5.A.vi.
15. The Authority is also entitled to a decree making a finding of reasonable diligence for the remaining 0.179 cfs conditional of the Edwards Drinking Water Facility for all uses described in Paragraph 5.A.vi and for the 02CW403 Decree Exchanges described in Paragraph 5.B above.
16. Pursuant to Rule 9 of the Uniform Rules for All State Water Court Divisions, upon the sale or transfer of the conditional water rights decreed herein, the transferee shall file with the Water Court a notice of transfer which shall state: (1) the title and case number of the case in which the conditional decree was issued; (2) the description of the conditional water right transferred; (3) the name of the transferor; (4) the name and mailing address of the transferee; and (5) a copy of the recorded deed. The owner of said conditional water right shall notify the clerk of the Water Court of any change in mailing address. The clerk shall place any notice of transfer or change of address in the case file

of this Case No. 19CW3074, which is the case in which the Water Court first made a finding of reasonable diligence.

17. If Applicant desires to maintain the conditional water rights continued herein, an application for finding of reasonable diligence shall be made on or before the end of the month six years form the date of the Water Judge's Order set forth below, or a showing made on or before such date that the conditional water rights have become absolute by reason of completion of the appropriation or otherwise disposed of.

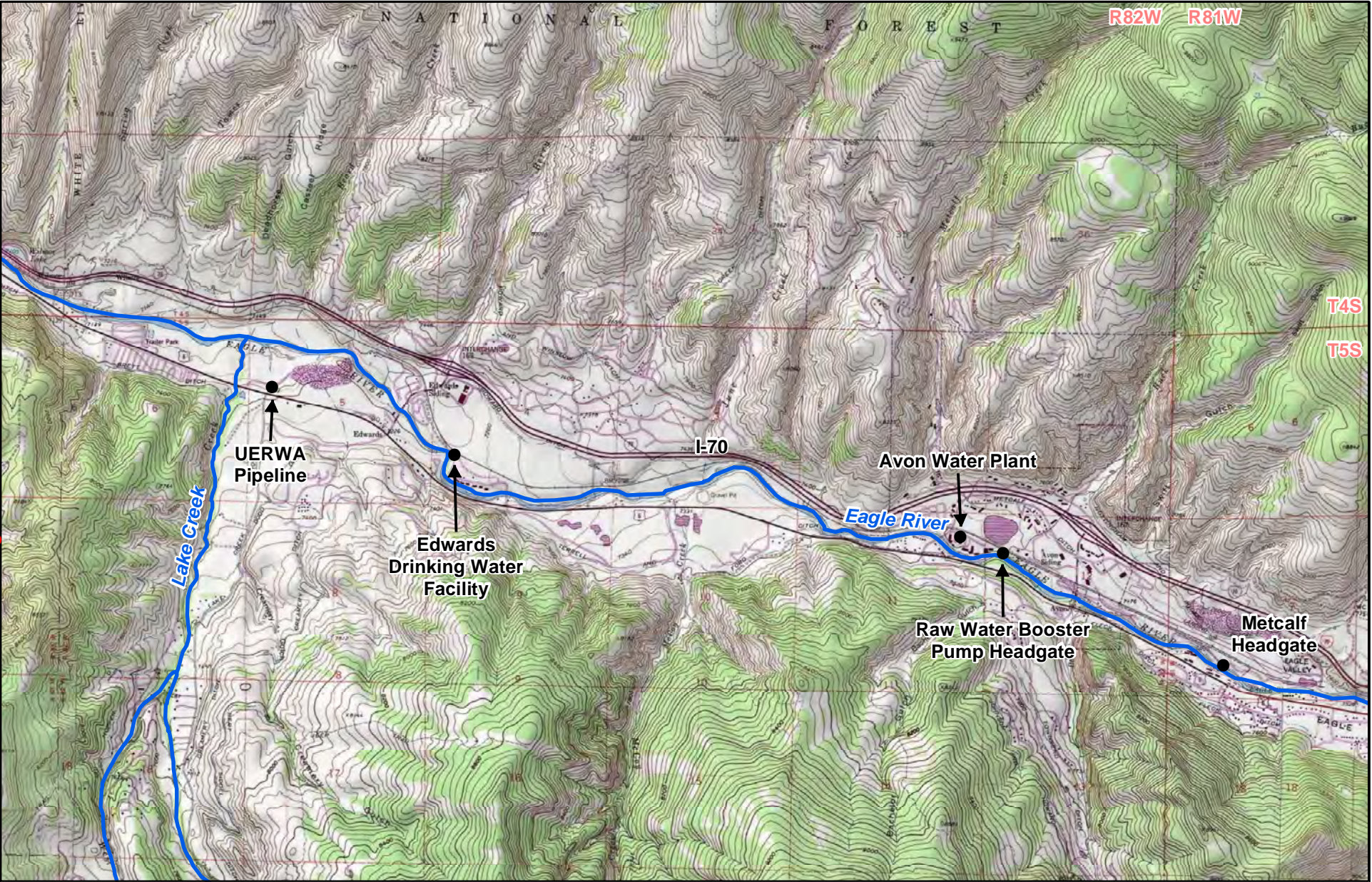
A copy of the Decree shall be filed with the Division Engineer for Water Division No. 5 and with the State Engineer.

It is further ORDERED that this Decree shall be filed with the Water Clerk, subject to judicial review.

Done this ___ day of _____, 2022.

BY THE COURT:

Hon. James Boyd, Water Judge
Water Division No. 5





Helton & Williamsen, P.C.					EXHIBIT A Diversions Case No. 02CW403
Drawn by: ACO					
File: 02CW403_Ex_A.mxd			Checked by:		
Job No. U101	Date: 7/22/2019	Rev. Date:			

EXHIBIT B
Excerpt of UERWA 2017 Accounting

STRUCTURE: Edwards DWF (ID=3701298)
Municipal Diversions in Cubic Feet per Second (CFS)

WATER YEAR: 2017

V W X Y Z AA AB AC AD AE AF AG AH AI

					C: EDWARDS AREA (incl. CVC, UERWA Aug. Plans, Miller Ranch, and Brett Ranch)													
Date (1a)	CO River Call Y/N? (1b)	Total Edwards DWF Diversions (2a)	Total Alt. Point Diversions (2b)	Total Augmented Diversions (2c)	Edwards DWF Diversion - Edwards Area					Div. of Brett & Creamery Ditches (Case No. 09CW160) (C6)	Div. of Miller Ranch right (Case No. 02CW403) (C7)	Div. of Terrell & Ford (Case No. 02CW376) (C8)	Brett Ranch Spring (C9)	Net DWF Div- Edwards, CVC, UERWA, Miller, Brett (C10)	Silver Spring		Peterson Spring (45290.44745) (C13)	Williams Ditch (46020.43204) (C14)
					Edwards (C1)	Cotton- wood (C2)	UERWA Supplem Aug Plan (C3)	Miller Ranch (C4)	Brett Ranch (C5)						No. 1 (44925.42155) (C11)	No. 2 (44925.42155) (C12)		
3/14/2017	Y	0.342	0.000	0.342	0.101	0.047	0.082	0.060	0.000		0.000		0.000	0.290	0.000	0.000	0.000	0.000
3/15/2017	Y	0.342	0.000	0.342	0.000	0.126	0.071	0.051	0.000		0.000		0.000	0.248	0.000	0.000	0.000	0.000
3/16/2017	Y	0.342	0.000	0.342	0.048	0.094	0.076	0.055	0.000		0.000		0.000	0.273	0.000	0.000	0.000	0.000
3/17/2017	Y	0.342	0.000	0.342	0.130	0.029	0.085	0.062	0.000		0.000		0.000	0.306	0.000	0.000	0.000	0.000
3/18/2017	Y	0.342	0.000	0.342	0.042	0.135	0.075	0.055	0.000		0.000		0.000	0.307	0.000	0.000	0.000	0.000
3/19/2017	Y	0.342	0.000	0.342	0.134	0.008	0.086	0.062	0.000		0.000		0.000	0.290	0.000	0.000	0.000	0.000
3/20/2017	Y	0.342	0.000	0.342	0.172	0.000	0.098	0.072	0.000		0.000		0.000	0.342	0.000	0.000	0.000	0.000
3/21/2017	N	0.342	0.342	0.000	0.000	0.000	0.101	0.076	0.000		0.177		0.000	0.000	0.000	0.000	0.000	0.000
3/22/2017	N	0.342	0.342	0.000	0.077	0.129	0.079	0.057	0.000		0.136		0.000	0.206	0.044	0.044	0.118	0.000
3/23/2017	N	0.342	0.342	0.000	0.000	0.050	0.064	0.047	0.000		0.111		0.000	0.050	0.044	0.006	0.000	0.000
3/24/2017	N	0.342	0.342	0.000	0.000	0.000	0.000	0.056	0.000		0.056		0.000	0.000	0.000	0.000	0.000	0.000
3/25/2017	N	0.342	0.342	0.000	0.152	0.000	0.110	0.080	0.000		0.190		0.000	0.152	0.044	0.044	0.064	0.000
3/26/2017	N	0.342	0.342	0.000	0.131	0.000	0.122	0.089	0.000		0.211		0.000	0.131	0.044	0.044	0.043	0.000
3/27/2017	N	0.342	0.342	0.000	0.121	0.000	0.128	0.093	0.000		0.221		0.000	0.121	0.044	0.044	0.033	0.000
3/28/2017	N	0.342	0.342	0.000	0.000	0.000	0.087	0.075	0.000		0.162		0.000	0.000	0.000	0.000	0.000	0.000
3/29/2017	N	0.342	0.342	0.000	0.102	0.087	0.088	0.064	0.000		0.152		0.000	0.189	0.044	0.044	0.101	0.000
3/30/2017	N	0.342	0.342	0.000	0.050	0.127	0.095	0.069	0.000		0.164		0.000	0.177	0.044	0.044	0.089	0.000
3/31/2017	N	0.342	0.342	0.000	0.107	0.059	0.102	0.074	0.000		0.176		0.000	0.166	0.044	0.044	0.078	0.000
4/1/2017	N	0.342	0.342	0.000	0.000	0.021	0.070	0.070	0.000		0.140		0.000	0.021	0.021	0.000	0.000	0.000
4/2/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/3/2017	Y	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/4/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/5/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/6/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/7/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/8/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/9/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/10/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/11/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/12/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/13/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000
4/14/2017	N	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000		0.000		0.000	0.000	0.000	0.000	0.000	0.000