



**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: September 16, 2022
RE: September 22, 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, September 22, 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
September 22, 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. Introductions

2. Public Comment

3. Action Items

- 3.1.** Approval of minutes from August 25, 2022, Regular Meeting
- 3.2.** Riverwalk at Edwards PUD Amendment - Water Rights Dedication – Micah Schuette
- 3.3.** Indoor efficiency rebate policy – Jason Cowles
- 3.4.** Merging water systems for regulatory compliance – Brad Zachman

[Action Item](#)

[Action Item](#)

[Action Item](#)

[Action Item](#)

4. Information Reports

- 4.1.** Development Report
- 4.2.** Board committees
- 4.3.** August meeting summary – draft
- 4.4.** Contract log

[Informational](#)

[Informational](#)

[Informational](#)

[Informational](#)

5. Strategy Items

- 5.1.** Board member input

6. General Manager Report – Linn Brooks

- 6.1.** GM information items
- 6.2.** Business Administration report – David Norris
- 6.3.** Operations report – Siri Roman
 - 6.3.1.** Sanitary Survey update – Brad Zachman
- 6.4.** Engineering and Water Resources report – Jason Cowles
- 6.5.** Communications and Public Affairs report – Diane Johnson

[Informational](#)

[Informational](#)

7. Water Counsel Report – Kristin Moseley

[Informational](#)

8. Special Water Counsel Report – Glenn Porzak

[Confidential](#)

9. General Counsel Report – Kathryn Winn

[Confidential](#)

10. Adjournment



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

BOARD ACTION REQUEST

TO: Authority Board of Directors
FROM: Micah Schuette
DATE: September 22, 2022
RE: Riverwalk at Edwards PUD Amendment - Water Rights Dedication

GOVERNED BY:

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

The Town of Avon

Summary of Subject: Staff is requesting Board consideration of a \$76,792 cash payment in lieu of a 2.14 acre-foot water rights dedication for additional service created by the 2022 Riverwalk Planned Unit Development (PUD) Amendment.

Discussion and Background: This Board Action Request is concerning the water rights dedication for an amendment to the Riverwalk PUD which is located within the Edwards Metropolitan District.

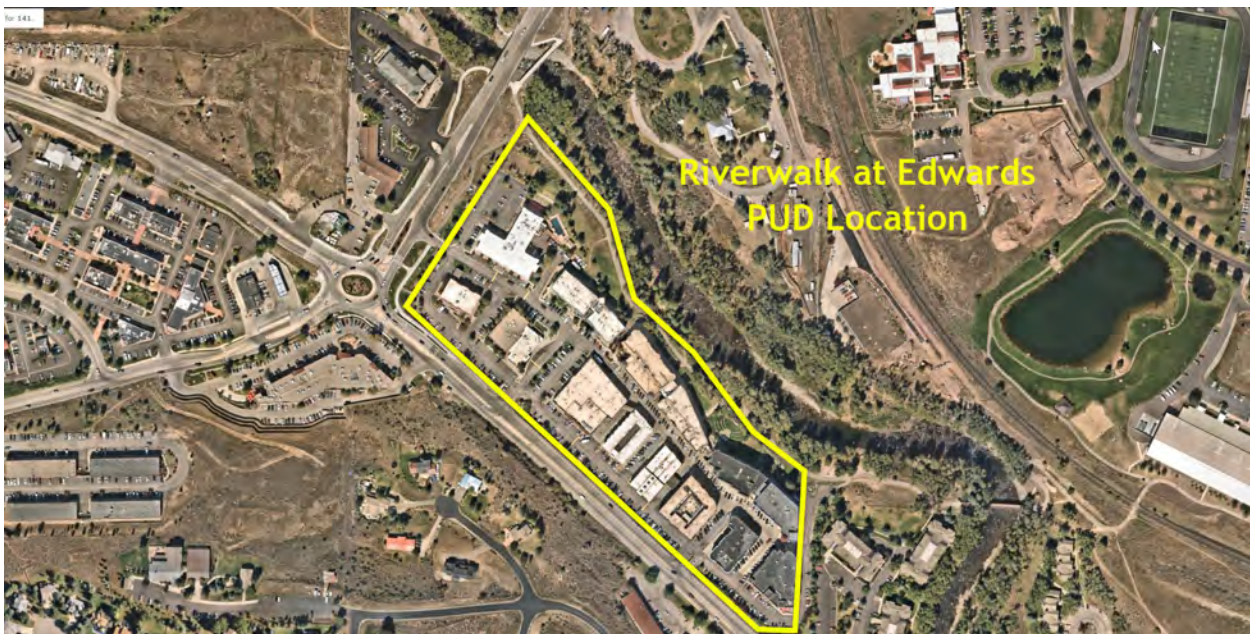


Figure 1. Riverwalk at Edwards PUD Amendment project location

The Riverwalk PUD was approved in 1995 and was amended in 2003. In April of 2021, Staff briefed the Board about a proposed PUD Amendment, and a conditional capacity to serve letter was issued for the project. During the land use entitlement process, the amendment has been scaled back from a 40,000 square foot increase in net flex space throughout the PUD to a 21,918 square foot expansion of the theater building with the addition of 18 new residential units. Eagle County Staff described changes in use as follows:

“The original zoning was Commercial General. There are no new uses proposed for the PUD and

no variations are required for uses. The total net area and residential area are proposed to increase by 2,000 square feet, to accommodate a roughly 21,918 square foot expansion of Building N.”

The Riverwalk at Edwards Property Owners Association has received Eagle County approval for the PUD amendment and is seeking an Ability to Serve Letter from the Authority to complete the land use entitlement process. A cash payment in lieu of a water rights dedication is required to serve the increased demand for the redevelopment of the Riverwalk Theater building.

Staff has made the following assumptions in calculating the water demands for the redevelopment:

1. Staff is projecting the 18 units at the current standard of 200 gallons per day per multifamily unit. These units are not subject to employee housing restrictions or deed restrictions contained with the PUD.
2. Staff is not projecting additional demand for irrigation as this project only proposes additional building square footage.
3. The project is located in the Edwards gap in the river; therefore, the water dedication calculation assumes that the total diversions to serve the project must be augmented in dry years during the months of January, February, August, September, and December.

Monthly indoor and outdoor budgets, based on the calculated demands, will be enforceable through the water service agreement for building N. The Authority Water Dedication Policy advises a 120% dedication requirement for use of the Authority’s unallocated water rights for standard development.

Alternatives: A number of other alternative demand calculations could be considered based on input from the Board.

Legal Issues: Legal Counsel will be present at the Board meeting to discuss any potential legal questions.

Budget Implication: The proposed water dedication will have a positive impact to the revenues equal to fee collected. The commitment to serve will reduce the Authority’s unallocated water pool by 1.79 acre-feet.

Recommendation: Staff recommends approval of the proposed cash in lieu of water rights dedication amount for the Riverwalk at Edwards PUD Amendment.

Suggested Resolution and Motion: I move to adopt the acceptance of a \$76,792 cash payment in lieu of the Riverwalk at Edwards PUD Amendment’s 2.14 water rights dedication requirement, and I instruct staff to execute a Water and Wastewater Service Agreement for the Project.

Attached Supporting Documentation:

- Riverwalk at Edwards PUD Amendment Water Demand Worksheet
- Riverwalk at Edwards PUD Amendment Cash-in-Lieu Calculator

WATER DEMAND WORKSHEET



Note to Applicant: Please complete all information highlighted in blue. Additional comments to be entered on the Comments worksheet.

Project Name: Riverwalk PUD Guide Amendment
Contact Person: Dominic Mauriello
Telephone: 970-376-3318 **Date:** 9/14/2022

Description of Proposed Project:
 Addition of 18 residential units as a part of the remodel and addition of theater property (Building N, 2105-054-20-007) per amended PUD Guide

Location of Proposed Project (qtr qtr section, township, range, lot/filing) (attach legal description):
 Riverwalk at Edwards Planned Unit Development

Total Area (square feet or acres):
 22.455 Acres

Has this area been annexed to a metropolitan district or town? Yes ☒ No ☐

If yes, identify: Edwards Metro

Is this project a redevelopment of existing lots and structures? Yes ☒ No ☐

If yes, identify by water/sewer billing address:
 Various

1. RESIDENTIAL INDOOR WATER DEMAND

A. Detached single family lots (number):		
Average lot size:		square feet
B. Average floor area of house:		square feet
(inclusive of garage and unfinished basement)		
C. Greater of A or A x B / 3,000:	0.0	single family equivalents (SFEs)
D. In-house demand @ 350 GPD/SFE (C x 0.3921):	0	acre-feet per year
E. Multi-family units (number):	18	
(inclusive of duplex, condominium, and apartment units)		
F. Average floor area of unit:		square feet
(inclusive of garage and unfinished basement)		
G. Greater of E or E x F / 3,000:	18.0	single family equivalents (SFEs)
H. In-house demand @ 200 GPD/SFE (G x 0.2240):	4.03	acre-feet per year
I. Total In-house demand (D + H):	4.03	acre-feet per year

2. IRRIGATION WATER DEMAND

A. Average irrigated area per detached single family lot:		square feet
B. Irrigated area (1A x 2A / 43,560):	0.00	acres
C. Average irrigated area per multi-family unit:		square feet
D. Irrigated area (1E x 2C / 43,560):	0.00	acres
E. Other irrigated areas:		
1. Irrigated parks		acres
2. Irrigated entry features		acres
3. Irrigated street ROW		acres
4. Common space		acres
5. Total other	0.00	acres
F. Total irrigated areas (2B + 2D + 2E5):	0.00	acres
G. Total irrigation demand (2F x 2.5):	0.00	acre-feet

Describe irrigation methods (sprinkler, drip, etc.) & Type of irrigated area(s):

No additional irrigation contemplated based on approved PUD amendment language.

3. OTHER OUTDOOR WATER USES

A. Pond water surface area:		square feet
B. Fountain water surface area:		square feet
C. Swimming pool:		
1. Surface area		square feet
2. Volume		gallons

4. OTHER INDOOR WATER USES

Type			Annual Requirement (acre-feet)	
A. Residential		square feet	0.00	41.9 gal/sqft per
B. Commercial		square feet	0.00	35.3 gal/sqft per
C. Total		square feet	0.00	37.8 gal/sqft per
D. Motel/hotel without kitchens		guest rooms	0.00	100 gpd/room
E. Motel/hotel with kitchens		guest rooms	0.00	150 gpd/room
F. Restaurant		seats	0.00	35 gpd/seat
G. Tavern		seats	0.00	20 gpd/seat
H. Other (describe)				

I. Total other indoor usage 0.00 acre-feet

Describe below the expected number of employees/guests/daily hours and anything that impacts the number of people using the facilities or special features such as swimming pools, hot tubs, or other indoor water features (use the Comments worksheet if more space is needed):

No additional use contemplated based on approved PUD amendment language.

Project Name: Riverwalk PUD Guide Amendment

5. AVERAGE ANNUAL CONSUMPTIVE USAGE (FOR ERW&SD STAFF USE)

	Demand (acre-feet)	Consumptive Use (acre-feet)
A. Indoor usage	4.03	0.20
B. Irrigation usage	0.00	0.00
C. TOTAL	4.03	0.20

APPLICANT:

Project Name: Riverwalk PUD Guide Amendment

By: Dominic Mauriello
(Owner/Authorized Representative)

Date: _____

DISTRICT:

Verified By: Micah Schuette
(ERW&SD Employee)

Date: _____ 9/14/2021

Disclaimer: *Eagle River Water & Sanitation District and Upper Eagle Regional Water Authority retain the right to revise the factors and cash-in-lieu payments.*

Additional information, explanations and comments:

Additional square footage is limited to Subdivision: RIVERWALK THEATER BLDG CONDOS Unit: 1 per amended PUD guide, 2022.



WATER RIGHTS DEDICATION REQUIREMENTS OR CASH IN LIEU
Eagle River Water & Sanitation District and Upper Eagle Regional Water Authority



(values in acre-feet)

Note to Applicant: This worksheet to be completed by ERWSD personnel.

Project Name: Riverwalk at Edwards PUD Amendment 2022

Wastewater treated at: Edwards WWTP? (Yes or No): Yes

Component	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Residential Indoor Usage	0.342	0.309	0.342	0.331	0.342	0.331	0.342	0.342	0.331	0.342	0.331	0.342	4.03
Other Indoor Usage	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.00
Irrigation Usage	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.00
Other Outdoor Usage													
Total Demand	0.342	0.309	0.342	0.331	0.342	0.331	0.342	0.342	0.331	0.342	0.331	0.342	4.03
Total Consumptive Use	0.017	0.015	0.017	0.017	0.017	0.017	0.017	0.017	0.017	0.017	0.017	0.017	0.20
Dedication Requirement @ 120%	0.411	0.371	0.021	0.020	0.021	0.020	0.021	0.411	0.397	0.021	0.020	0.411	2.14

Cash in Lieu of Water Rights Payment:

\$76,792

Row description:

Residential Indoor Use: The annual total comes from cell "C46" in the "AnnualWorksheet". The annual amount is distributed monthly based on number of days in month.

Other Indoor Usage: The annual total comes from cell "E94" in the AnnualWorksheet. The annual amount is distributed monthly based on number of days in month.

Irrigation Usage: The annual total comes from cell "C66" in the "Annual/Worksheet". The annual amount is distributed monthly based on the ratio of estimated monthly consumptive use to annual consumptive use: May 14%, June 23%, July 26%, August 21%, September 14%, October 2%.

Other Outdoor Usage: The annual total comes from section 3 of the "AnnualWorksheet". The annual amount is distributed monthly depending on the type of other use and must be analyzed on a project specific use.

Total Demand: Sum of the 4 use types.

Total Consumptive Use: Monthly Indoor use x 5% + Irrigation Use x 80% + Outdoor Use (dependent on specific use).

Dedication Requirement: Total Consumptive Use for March, April, May, June, July, October and November & Total Diversions in January, February, August, September and December.

Cash in Lieu of Water Rights Payment: Dedication Requirement x \$10,500 in May, June, July and August and x \$43,000 in January, February, March, April, September, October, November and December.

Notes:

The values used in the Cash in Lieu calculation are taken from the most recent ERWSD Resolution on Water Dedication Rates effective January 1, 2022



MEMORANDUM

TO: District and Authority Boards
FROM: Jason Cowles, P.E.
DATE: September 14, 2022
RE: Indoor Water Efficiency Rebate Policy

The following outlines a policy for indoor water efficiency rebates for the Boards to consider for adoption based on direction from last month's meeting.

The 2018 Eagle River Regional Water Efficiency Plan established goals for water conservation including an indoor water savings goal of 9% by the year 2030. Our current water efficiency rebate programs strategically target outdoor water conservation because outdoor water use has a greater impact on our water supply and passive indoor water use savings are being realized due to improved building codes. In certain instances, indoor water efficiency upgrades can result in substantial water use savings and water supply benefits; therefore, the Authority and District may consider rebates for indoor water efficiency upgrades using the following eligibility criteria.

- Indoor efficiency rebates are intended to assist with lowering the monthly costs of water and sewer service for affordable and workforce housing types. Eligible properties include but are not limited to employee housing units, rental apartments, mobile homes, or other high-density multi-family housing types that provide housing for local workforce.
- Properties meeting the above criteria with plumbing fixtures that were installed prior to 1994 are eligible for indoor water efficiency rebates.
- Plumbing fixtures must be replaced with EPA WasteSense labeled products.
- Toilets must be replaced with toilets that use 1.1 gallons per flush or less.
- Additional consideration may be given to properties that result in greater water supply benefits due to their location.
- Indoor water efficiency rebates will be considered on a case-by-case basis, are subject to availability of funds, and are subject to the discretion of the District and Authority.

Please advise if you would like me to make any changes to the proposed policy. Otherwise, I recommend that the Boards move to adopt the policy as presented.



BOARD ACTION REQUEST

TO: Boards of Directors

FROM: Brad Zachman, Water Manager

DATE: September 14, 2022

RE: Request to Combine District and Authority Public Water Systems' Regulatory Compliance Programs

Purpose:

In April 2020, the District and Authority boards authorized staff to make a formal request to the Colorado Department of Public Health and Environment (CDPHE) to merge the regulatory programs for the District's and Authority's public water systems (PWSs). Specific details and background information regarding the rationale for merging the regulatory programs is provided in the attached board action request memo dated April 15, 2020.

A formal request to merge the regulatory programs was submitted by District staff to the CDPHE on April 23, 2020. In response, the CDPHE informed staff of forthcoming regulatory changes that could potentially have had implications on the combined PWS. The CDPHE suggested that District staff perform additional testing and monitoring to confirm regulatory preparedness prior to merging the regulatory programs. Staff has now completed the suggested testing and monitoring and is ready to submit the final request to CDPHE, pending authorizations from the boards.

Given the 2+ year delay since the initial board approvals, the purpose of this board action request is to reaffirm that both boards continue to support merging the two regulatory programs. Functionally, this will result in the creation of a single PWS identification number (PWSID) in the CDPHE and EPA databases. Asset identifications will be administratively merged and the District's and Authority's individual PWSs will become formally regulated as a single system. Reassignment of the PWSIDs for regulatory purposes will not affect the District's and Authority's legal status as independent political entities.

Background:

Since issuing the initial CDPHE request in April 2020, staff has been working to address several important logistical and regulatory issues that would apply to the combined PWS. Of specific importance is the Lead and Copper Rule Revisions (LCRR), which became effective on December 16, 2021. The LCRR defines stricter requirements for systems that have service populations greater than 50,000 and will thereby apply to the combined PWS.

District staff has performed extensive follow-up testing and water quality monitoring to ensure that the combined PWS will meet the stricter LCRR requirements for a large system. Some of the major steps that were taken are summarized below.

- **Optimized Corrosion Control Treatment study (OCCT).** Beginning in January 2020, a system-wide OCCT study was designed, implemented, and completed. Completion of an OCCT is a requirement for a large PWS, as defined in the LCRR. The primary finding of the OCCT study was the existing corrosion inhibitor feed systems did not provide significant corrosion control compared to the control (i.e., “no treatment”) alternative.
- **Discontinuation of Corrosion inhibitor feeds systems.** Based on the results of the OCCT study (and with CDPHE approval), corrosion inhibitor feed rates were incrementally ramped down across both systems over a 6-month period starting in July 2021. The feeds were completely discontinued in December 2021. No noticeable impacts to lead and copper concentrations have been observed in the system since the corrosion inhibitor feeds were discontinued.
- **Lead and copper monitoring.** Increased lead and copper monitoring requirements were triggered by the discontinuation of the corrosion inhibitor feeds. The number of sample sites was increased to 60 (from 30) in each PWS and the sampling frequency was increased to 6 months (from annual). Increased monitoring was initiated in July 2021 and continued through June 2022. No increases in lead or copper concentrations have been observed. The District and Authority PWSs returned to a reduced compliance schedule for lead and copper monitoring in July 2022 after the increased monitoring requirement was satisfied.
- **Entry point lead and copper monitoring.** Entry point monitoring for lead and copper is a requirement of the LCRR for large systems and is used to demonstrate optimal corrosion control treatment. Entry point monitoring was initiated in July 2021 and has continued at a frequency of once per 6-month monitoring period. The results of the entry point monitoring have confirmed that OCCT has been demonstrated in both PWSs, even after the corrosion control feeds were discontinued.
- **Distribution system water quality parameter (WQP) monitoring.** Staff initiated a system-wide sampling program to establish background levels of select water quality parameters that could potentially affect distribution system corrosivity. System-wide monthly monitoring has been performed since July 2021. No significant change in distribution water quality has been observed, even after the corrosion control feeds were discontinued.

Discussion:

The District and Authority PSWs are philosophically and practically operated as a single large system compared to two smaller independent systems. Combining the regulatory programs would allow system monitoring and regulation to align with actual system operations. Furthermore, the District and Authority would realize numerous operational, regulatory, and administrative, efficiencies if the systems were to become regulated as a single system.

The results of the comprehensive multi-year testing and monitoring programs summarized above confirm that the combined PWS will meet the regulatory requirements of the LCRR. No additional studies, system changes, or infrastructure improvements are expected as a result of the proposed PWS reclassification.

Staff Recommendation:

Staff recommends that the District and Authority PWSs be regulated as a single system. To regulate the systems as one, CDPHE will need to administratively reassign the two systems under a single PWSID.

Requested Action:

Authorize staff to submit a formal request to CDPHE to combine the individual District and Authority PWSIDs into a single PWSID for regulatory compliance purposes.

Legal Issues:

Reassignment of the PWSIDs for regulatory purposes will not affect the District and Authority's legal status as independent political entities.

General legal counsel was consulted. Kathryn Winn responded that her office does not have major legal concerns with merging the regulatory programs but cautioned that there may be some implications regarding the need to consolidate permits. There may also be a general increase in regulation for larger systems.

Water Rights legal counsel was consulted. Kristin Moseley responded that her office does not foresee any impact to decreed water rights. It is advised that future correspondence with CDPHE clarify that combining the PWSIDs of the two systems has no bearing on the water right decrees of either entity.

Budget Implication:

Budget implications will generally be minimal. Short-term budget implications are expected to be negligible. Minor long-term budget savings may be realized due to improved administrative efficiencies.

Recommendation:

Approve the request as presented.

Suggested Resolution and Motion:

Authorize staff to submit a formal request to CDPHE to combine the District and Authority PWSIDs into a single PWSID for regulatory compliance purposes.



BOARD ACTION REQUEST

TO: Boards of Directors
FROM: Brad Zachman, Water Manager
DATE: April 15, 2020
RE: Request to Authorize CDPHE to Combine District and Authority Public Water System Identification Numbers

Summary of Subject:

The Colorado Department of Public Health and Environment (CDPHE) and the US Environmental Protection Agency (EPA) currently identify and regulate the District and Authority public water systems (PWSs) as two entirely independent systems with independent PWS identification numbers (PWSIDs) and system-specific regulatory requirements, monitoring schedules, and reporting requirements. This regulatory approach makes logical sense considering the political independence of the District and Authority entities, but it does not align with actual operating practices.

CDPHE compliance enforcement staff recently expressed concern that the current regulatory approach may not be appropriate. However, per the Colorado Primary Drinking Water Regulations, CDPHE does not have the regulatory Authority to require a different compliance approach. CDPHE will allow the two systems to be regulated as a single system, but only at the request of District and Authority.

Discussion and Background:

The District and Authority systems are philosophically and functionally operated as a single large system. For example, potable water is routinely transferred back and forth between the District and Authority distribution systems via a physical interconnection point located at Dowd Junction. The transfer of water between systems is mutually beneficial for a variety of reasons including water rights augmentation, streamflow management and drought mitigation, operational and emergency redundancy, and water quality management. However, since the two systems are currently regulated as separate independent systems, the individual monitoring schedules and monitoring plans do not specifically consider water quality impacts from the routine mixing of the two systems. Considering the two systems are functionally operated as a single system, the appropriate regulatory approach is to monitor and regulate them as one system.

The District and Authority would realize numerous operational, regulatory, and administrative efficiencies if the systems were to become regulated as a single system, as summarized in the list below:

- Alignment of Regulation with Actual System Operation – As previously mentioned, the District and Authority systems are philosophically and practically operated as a single large system compared to two smaller independent systems. Combining the regulatory programs would allow system monitoring and regulation to align with actual system operations.
- Monitoring Plans – A single, comprehensive monitoring plan would be required for the entire system. Currently two separate and independent plans are required and maintained.
- Water Quality Sampling Plans – Sampling plans for individual rule compliance would only be required for a single system. Currently, an entire set of sampling plans is required for both systems. The existing plans will be reviewed, improved, and merged. The revised plans will reflect water mixing between the two systems and sample sites would be selected based on a holistic evaluation of the entire system.
- BPCCC Tracking and Reporting – A single Backflow Protection and Cross Connection Control (BPCCC) tracking system would be developed and maintained (versus two currently). Likewise, only a single BPCCC annual report would be required.
- Consumer Confidence Report (CCR) – One annual CCR would be developed and delivered to all customers. Currently, separate CCRs are created for each system and both CCRs must be distributed to all customers.
- Lead and Copper Sampling – If the regulatory programs are combined, the number of Lead and Copper Rule sample locations would be reduced by 50% (from 60 to 30) after the initial sampling period is completed. Lead and copper sampling and coordination is the most costly and labor-intensive sampling program for the District and Authority systems.
- Sanitary Survey Frequency – CDPHE sanitary surveys (i.e., inspections) for the District and Authority are currently on different three-year compliance schedules. This creates a burden for operational staff since they must prepare for sanitary surveys every one to two years. If regulatory programs are combined, both systems would be on a single schedule.
- Emergency plans and Risk Assessment – The American Water Infrastructure Act requires community water systems to develop and update risk assessment and emergency response plans. If the regulatory programs are combined, a single plan would be required, versus two if they remain separate.

Staff Recommendation:

Operations staff recommends that the District and Authority PWSs be regulated as a single system. To regulate the systems as one, CDPHE will need to administratively reassign the two systems under a single PWSID.

Requested Action:

Authorize staff to submit a formal request to CDPHE to combine the individual District and Authority PWSIDs into a single PWSID for regulatory compliance purposes.

Legal Issues:

Reassignment of the PWSIDs for regulatory purposes would not affect the District and Authority's legal status as independent political entities, and both would be listed as "owners" associated with the single PWSID.

Glenn Porzak advised that staff ensure communications with CDPHE clarify that combining the PWSIDs of the two systems has no bearing on the water right decrees of either entity.

Budget Implication:


Short-term budget implications are expected to be negligible. Minor long-term budget savings may be realized due to improved administrative efficiencies.

Recommendation:

Approve the request as presented.

Suggested Resolution and Motion:

Authorize staff to submit a formal request to CDPHE to combine the District and Authority PWSIDs into a single PWSID for regulatory compliance purposes.

ERWSD New Development Report								
September 2022								
		Type of Use	SFEs Proposed	Location	Existing Service Commitment?	Augmentation Requirement	Development Approval Process Step:	Construction Approval Process Step:
	534 E Lionshead Circle - Elevation	Residential	12	Vail	No	0.49	2. Water Analysis	0. Conceptual
	500 E Lionshead Circle - Legacy	Residential	23	Vail	No	0.31	2. Water Analysis	2. Plan Approval
	Alura (Miradoro)	Residential	10	Vail	No	0.83	1. Connection Application	1. Plan Review
	Belden Place (1200 Block Main St)	Residential	41	Minturn	Yes		N/A	2 Plan Approval
	Booth Heights	Residential	61	Vail	No	TBD	1. Connection Application	0. Conceptual
	Highline (Double Tree Expansion)	Residential	43.65	Vail	No	0.79	6. Ability to Serve Letter	1. Plan Review
	North Minturn PUD	Residential	184	Minturn	Yes		N/A	1. Plan Review
	The Residences at Main Vail	Residential	72	Vail	No	0.81	6. Ability to Serve Letter	2. Plan Approval
	S. Frontage Rd Roundabout	Infrastructure	N/A	Vail	Yes		N/A	2. Plan Approval
	Vail Mountain View Phase II	Mixed Use	37	Vail	Yes		6. Ability to Serve Letter	N/A
	VVMC Phase II-East Wing	Commercial	--	Vail	Yes		N/A	2. Plan Approval
	Vail Marriott Residence Inn	Mixed Use	75	Vail	Yes		N/A	2. Plan Approval
	Wolcott PUD	Mixed Use	328 + Com	Wolcott	No	TBD	0. Conceptual	0. Conceptual
	Projects Completing 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

UERWA New Development Report

September 2022



Type of Use

SFEs Proposed

Location

Existing Service Commitment?

Augmentation Requirement

Development Approval Process Step:

Construction Approval Process Step:

140 W Beaver Creek Blvd (Extended Stay)

Residential

97.5

Avon

Yes

N/A

0. Conceptual

Avon Dual Brand Hotel(Traer Tract J)

Commercial

85.05

Traer

Yes

6. Ability to Serve Letter

2. Plan Approval

CMC Student Housing (Phase I & II)

Residential

72

Edwards

Yes

6. Ability to Serve Letter

1. Plan Review

CVC Clubhouse Residences

Residential

9

Edwards

Yes

6. Ability to Serve Letter

2. Plan Approval

ECO School District Housing

Residential

37

Edwards

Yes

6. Ability to Serve Letter

2. Plan Approval

Edwards River Park PUD

Mixed Use

440+com

Edwards

No

61.8

3. Cond. Capacity

0. Conceptual

Fox Hollow Amended PUD

Mixed Use

108

Edwards

No

14

6. Ability to Serve Letter

1. Plan Review

Frontgate (CO World Resorts)

Mixed Use

84

Avon

No

2.6

6. Ability to Serve Letter

2. Plan Approval

Kudel Parcel

Residential

4

Edwards

No

2.4

6. Ability to Serve Letter

2. Plan Approval

Margaux PUD

Residential

32

Edwards

No

3.56

3. Cond. Capacity

0. Conceptual

Maverik Gas Station

Commercial

2.6

Traer

Yes

6. Ability to Serve Letter

2. Plan Approval

McGrady Acres

Residential

24

Avon

Yes

6. Ability to Serve Letter

2. Plan Approval

Mountain Hive

Residential

188

Edwards

No

14.1

3. Cond. Capacity

0. Conceptual

NorthStar PUD Amendment

Commercial

TBD

Edwards

No

3.7

5. Water Service Agreement

2. Plan Approval

Riverfront Lot 1

Residential

53

Avon

Yes

N/A

2. Plan Approval

Riverwalk PUD Amendment

Residential

18

Edwards

No

1.8

4. Water Rights

N/A

Stolport Restaurant (Traer Tract J)

Commercial

TBD

Traer

Yes

6. Ability to Serve Letter

1. Plan Review

Swift Gulch

Residential

42

Avon

Yes

1. Connection Application

0. Conceptual

Tract Y- Metcalf Road

Residential

54

Traer

Yes

1. Connection Application

1. Plan Review

Vogelman Parcel (Carwash)

Mixed Use

1.5

Edwards

No

1.1-2.6

2. Water Analysis

1. Plan Review

Warner Building 2 Conversion

Residential

13.25

Eagle-Vail

No

0.07

3. Cond. Capacity

N/A

West End PUD Ammendment

Residential

335

Edwards

Yes

3. Cond. Capacity

0. Conceptual

Projects Completing Warranty Period

6 West Apartments, 185 Elk Tract, Piedmont Apartments, Riverfront Village, Stillwater

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
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<i>Employee Housing</i>	Steve Coyer Dick Cleveland
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<i>Retirement Plans</i>	Bob Warner Linn Brooks David Norris
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<i>Organizational Development</i>	Bob Warner Dick Cleveland
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<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)
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<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 2022 CONTRACT LOG

Contract No.	Date Executed	Change Order Signed On	Project Name	Contractor	Contract Amt	Project Mgr.	Account No.	Status / Notes
22.20.008	08/25/22		Hillcrest Road Valve Install	360 Civil, Inc.	\$24,000.00	M. Mantua	20.1.2.00.00.999	Open/Contract Expires 12/1/22
22.20.009	09/06/22		2022 Vail Tank Maintenance	360 Civil Inc.	\$32,500.00	T. Young	20.1.9.00.15.781	Open/Contract Expires 10/18/22
22.20.010	Pending		SLI Field Data Collection	IMEG	\$60,000.00	C. Helmke	20.1.9.00.35.321	Open/Contract Expires 12/31/22



OPERATIONS MONTHLY REPORT SEPTEMBER 2022

LOCAL NEWS

CDOT I-70 West Vail Pass Auxiliary Lane Project

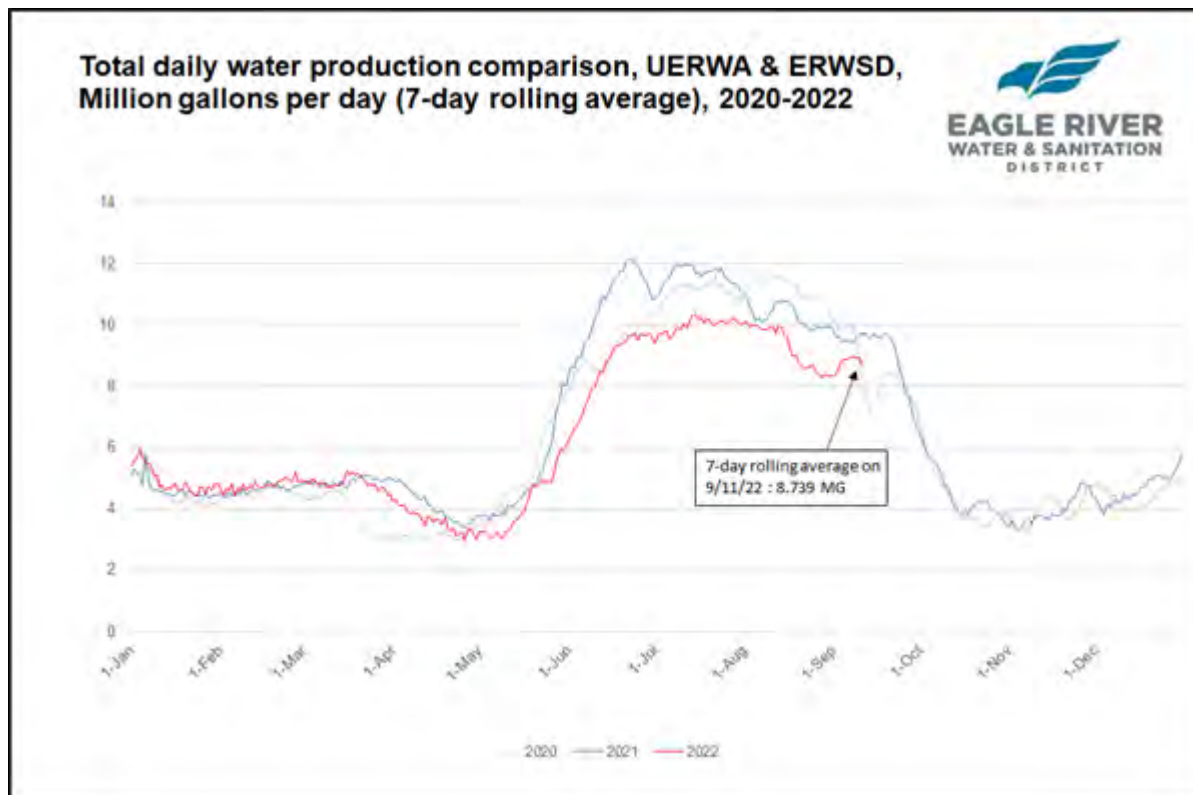
Siri Roman

The District serves on the Stream and Wetland Enhancement Program (SWEEP), Sediment Control Action Plan (SCAP) Update, and Technical Team for the I-70 West Vail Pass Auxiliary Lane project. Given the length, volume, and frequency of the meetings, Larissa Read of Common Ground Consulting serves as a liaison for District staff. Larissa has prepared an update on the project which is attached to this report.

WATER

Brad Zachman

The system-wide water production comparison was updated through Sep. 9. System production continues to trend lower this year compared to the past several years, but there has been a noticeable uptick in early September due to the recent warm and dry conditions.



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The ERWSD Sanitary Survey was performed Aug. 24-25. A Sanitary Survey is performed by CDPHE and occurs once every three years. It involves a detailed onsite inspection of all potable water facilities/infrastructure and comprehensive audit of all water regulatory programs, recordkeeping programs, safety programs, and operations procedures. At the end of the 2-day onsite inspection, staff held a debrief meeting with the CDPHE inspectors. Initial indications from the debrief meeting are that no violations will be issued. This is an extraordinary accomplishment, especially considering the high level of scrutiny of the inspection. The inspectors specifically complemented the sustained and innovative improvements to the Water Storage Tank and BPCCC programs. District programs are being showcased as examples to other utilities across the state.



District Sanitary Survey (Aug. 24-25)

Comprehensive water storage tank cleaning and inspections were performed Aug. 26-Sep. 2. Fifteen tanks were inspected in 2022. No major deficiencies were identified. Comprehensive inspections are required every five years per the State of Colorado's Water Storage Tank Rule. Inspections are performed at District and Authority sites on a more rigorous 3-year schedule based on the guidance of the American Water Works Association (AWWA).

LABORATORY & WATER QUALITY

Leah Cribari

September Water Quality sampling event occurred on the Sept. 6 and 7. This year marked the 15th year. This event was a collaborative effort between many departments including the Lab, Water, Human Resources, Utility Services, Wastewater, Operational Technology, Information Technology, Communications and Public Affairs, Field Operations, Safety, and Sustainability departments. This study was designed in 2008 to support participation in the Water Quality Control Division's data collection and nutrient criteria processes, characterization of reference (natural) vs. impacted conditions, bracketing and assessment of potential point and non-point pollutant sources, understanding of relationships between macroinvertebrates and nutrients, understanding of conditions unique to Gore Creek and the Eagle River, determination of impacts of proposed nutrient criteria on the community and ERWSD's WWTFs, and identification of potential management strategies for nutrients and other pollutants. The study design is reviewed annually and changes are made in response to knowledge gained and evolving needs.



Volunteers at the September Water Quality Sampling.

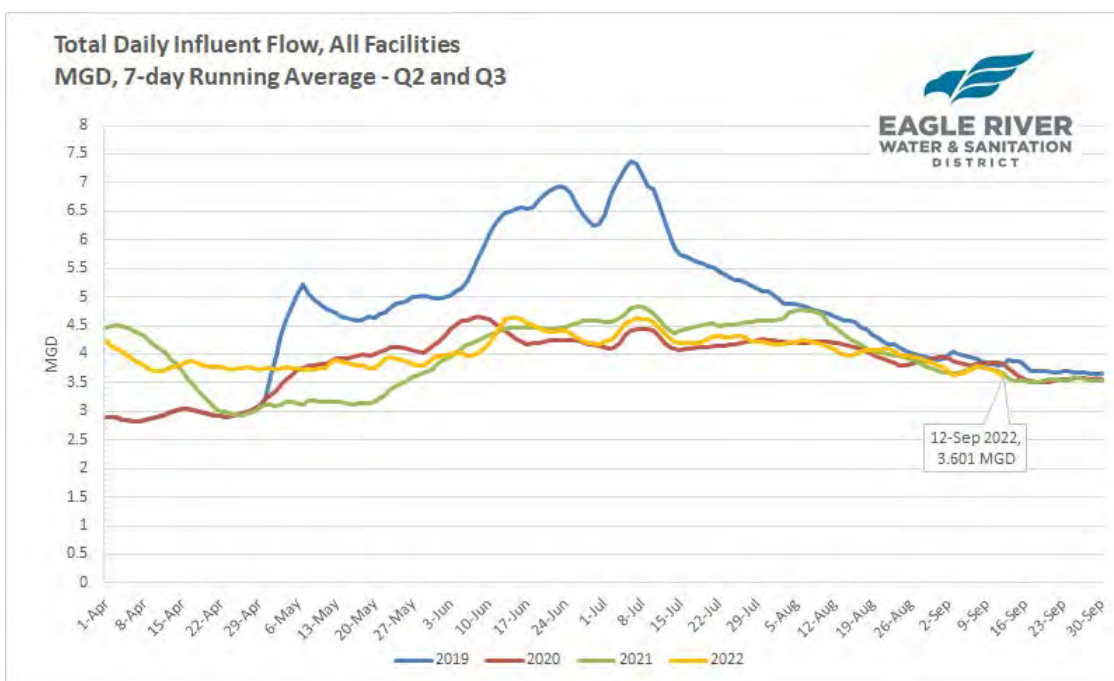
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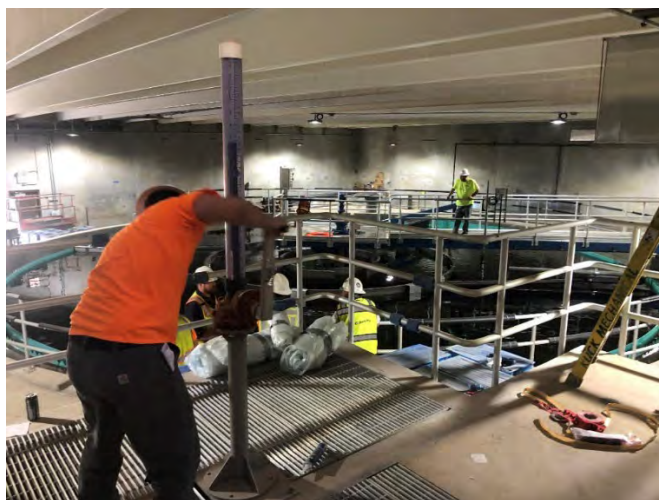
WASTEWATER

Rob Ringle

Influent wastewater flows to the three treatment facilities tend to taper gradually through August and September. The observed flows from this year have closely followed the historical trends. The following plot reflects the cumulative influent flow to all three facilities as a 7-day running average.



The Avon WW operations team has made significant contributions that have facilitated several major project milestones over the past month. This has included commissioning of the new secondary clarifier, and respective return activated sludge (RAS) pumping system.



Avon WW staff introduce mixed liquor flow to the newly constructed clarifier on Aug. 23.

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The other existing secondary clarifiers have since been removed from service to allow for improvements in these areas. Staff have also contributed significant effort to optimization of aeration control and intermediate mixed liquor return (IMLR) systems. This has allowed the facility to maintain very good treatment performance through these significant construction impacts and has also set the trajectory towards long-term compliance with upcoming effluent limits.

FIELD OPERATIONS

Niko Nemcanin

Annual summer field system maintenance continues. Field operations are underway with fire hydrant flushing, system valve maintenance, and booster pump station maintenance. Collection system jetting (five-year rotation) is underway in Vail and closed-circuit television (CCTV) of the system is completed.

On Aug. 31, Field Operations and the Water department discovered a water main leak at the Territories in Cordillera. A Contractor was mobilized on Sept. 1, and., with help from the Field Operations crew, the water main was repaired and water restored by 7:00 pm.



Field Operations self-performed a number of small projects in the Wildridge area including lift stations 5 and 6 access roads improvements, repairing three fire hydrants, and Wildridge Tank 2 access road improvements.

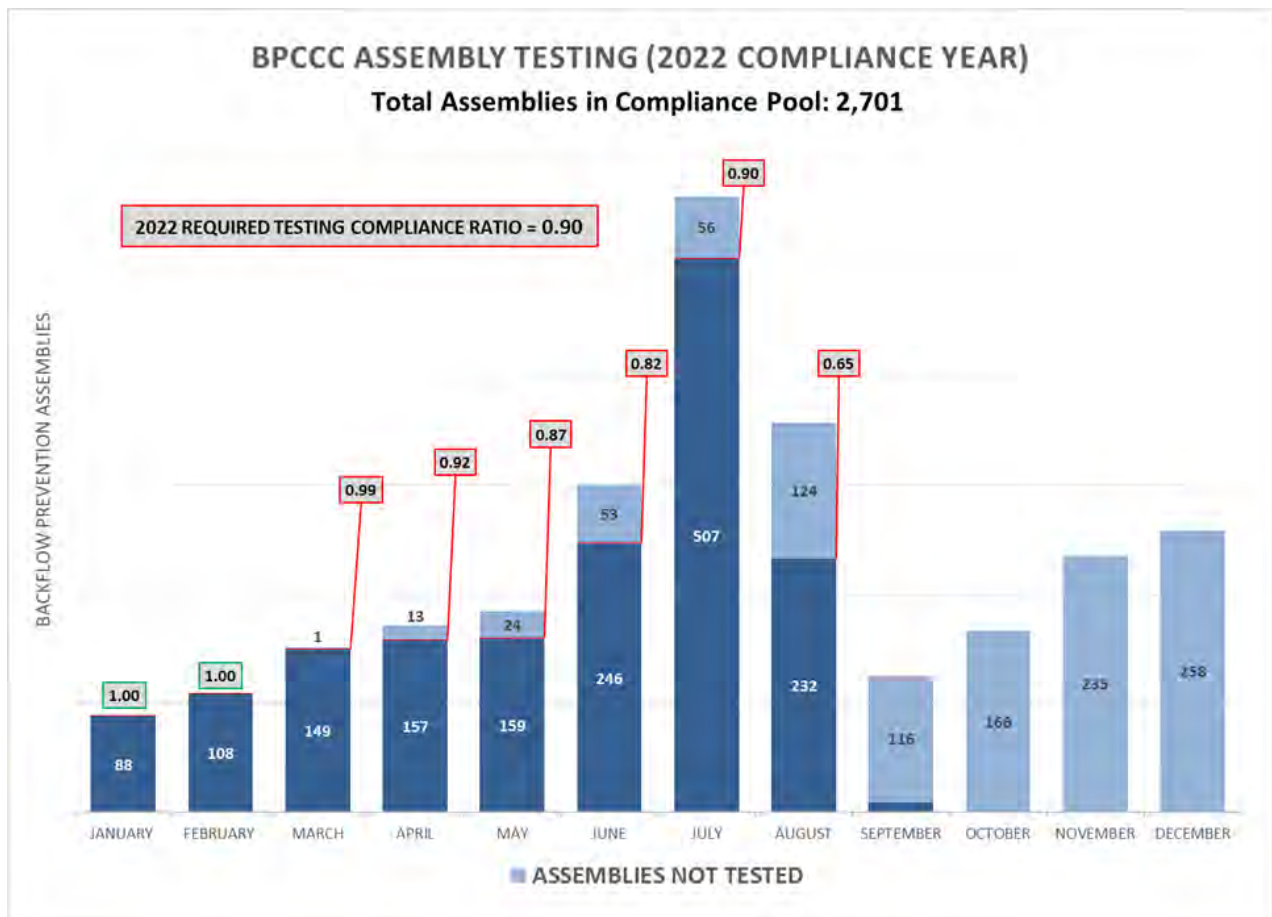
The Collection Master Plan is underway; Field Operations is providing support to surveyors on locating manholes that are difficult to access or unmapped.

UTILITY SERVICES

Shane Swartwout

BPCCC Program Compliance Status

The BPCCC team was able to get over 500 compliance assemblies tested in the month of July, nearly 20% of all the compliance assembly pool. This was accomplished by creating a BPCCC incentive program encouraging customers to have their assemblies tested earlier in the year.



Meter Services – Advanced Metering Infrastructure Status (Updated 9-13-2022)

Report Date:	9-13-2022
--------------	-----------

AMI SYSTEM STATUS	ERWSD	UERWA	TOTAL
(1) Total No. of Meters	3190	6820	10010
(2) No. of AMI Meters	3047	5609	8656
(3) System Percentage of AMI Meters	96%	82%	86%
Meters Remaining to Reach 100% AMI	143	1211	1354

The meter services team only has 143 meters remaining in the District that need to be upgraded to AMI. Staff is working diligently to schedule these meters to be replaced by the end of the year. Currently the team has a sufficient stock of meters and equipment to meet this goal.

To meet upcoming regulatory requirements related to the EPA's Lead and Copper Rule Revisions (LCRR), the meter services team is preparing to kick off a GPS data collection and asset locating (curb stops and service lines) project. The data gathered from this project will help prepare a service line inventory which is required by the LCRR.

The team has purchased GPS and locating equipment and they are currently working with a contractor to help assist with the field data collection for both the Authority and District water service area.

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: Work is underway to complete the remainder of the booster pump stations and tanks that have not been upgraded. There are five remaining sites to complete this fall. Commissioning is scheduled to start the week of Sep.12 and finish in late Oct.

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: Commissioning of new valves, and electrical and controls improvements are complete. DN Tanks staff re-mobilized to perform crack repair on the poorly consolidated concrete present in the dome roof. The crack injection process is ongoing. Many former leaks have exhibited no further water infiltration and a significant improvement over the pre-repair scenario. The recent heavy rains have helped identify remaining areas and the contractor will continue to repair and test until accepted by the Owner and Engineer. The repair methods being employed are crack injection, grinding, patching, and a mortar skim coat. Before demobilizing DN will complete another watertightness test with an industrial 5000 PSI pressure washer to confirm adequate repairs and coatings. This watertightness test is scheduled for Sept. 20. We anticipate the tank being ready for service in fall 2022.

Avon Drinking Water Facility (ADWF) PLC Upgrades

Jenna Beairsto

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 after the first of the year. Procurement and submittal review 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 and commissioned approximately 1,600 linear feet of 24" pipe which connects a 16" distribution main to the Edwards Drinking Water Facility. Remaining

work includes demobilization and site restoration. All new watermain are online and substantially complete.

Fenno Wellhouse and Raw Water Conveyance

Jeffrey Schneider/Carter Keller

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:

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. We are currently working with homeowners, a local HOA, and golf course staff on acquisition of additional easements at well F5. After easements are obtained the wells will be pulled and inspected in a similar fashion. 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 has delivered the first chapter of the Masterplan to the District for review. The master planning team has begun building a specialty model (Blue Plan It) to better analyze the entire water system between the District and Authority. A meeting is scheduled for Sept. 15 to review well production limitations and capacities with Carollo and their subcontractor, LRE. Workshop 3 to discuss the risks and threats to water supply is scheduled for Sep 27.

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: Pipeline work was suspended for the month of Aug. and is scheduled to resume the week of Sept. 19. The work requires tight coordination with demobilization of the tower crane from the site.

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: A major milestone was achieved the week of Sept. 12 with the installation of the northern aeration basin building superstructure consisting of precast concrete walls and roof. Prior to that, the large crawler crane was demobilized from the site and the large tower crane will follow. Work continues throughout the facility on mechanical and electrical demolition and installation. Curb and gutter installation is underway along with final grading and the contractor is scheduling paving operations. We are working on designing some 'post completion' activities such as fencing the entire site and a retaining wall replacement above the bike path, scheduled for winter installation along with the Laboratory Improvements project.

Dowd Junction Collection System Improvements

Jenna Beairsto

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 new sewer line is actively flowing. The Contractor is scheduled to demolish the existing pipe and piers beginning Sep. 19. CenturyLink will be complete with their fiber tie in on Sep. 14. Once demolition is complete, the Contractor will begin work on the punch list and demobilization. All work should be complete by mid-October.

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 completed installation of the gravity sewer line from the Minturn crossing to outside of the new lift station. Highway 6/24 will be repaved on Sep. 21-22. Gould and their subcontractor will

finish shoring installation for the new wet well the week of Sep. 12. Rebar installation and concrete placement for the wet well slab is anticipated to begin next week.



Excavation during shoring installation for the wet well.



Gould backfilling and compacting in preparation for paving.

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: Electrical rough-in work for the laboratory project is scheduled to begin in early Oct. A design review application for a minor exterior modification to the Admin building is nearly completed for submittal to Town of Avon.

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: The District and PCL construction completed negotiations of contract terms and we accepted Guaranteed Maximum Price (GMP) proposal. GMP-1 consists of furnishing and installing a new standby generator and associated electrical equipment. We met with Town of Vail representatives regarding building permit submittals and valuation and the submittal process is

completed. Work onsite began the week of Sep. 6 with utility potholing in the western lower parking Vail WWTF parking lot. The GMP-2, the balance of the work, is being developed and 90% design submittal is due shortly. We are in discussions with the Water Quality Control Division of the CDPHE regarding the applicability of the 'replace in kind' provision in the CDPHE Site Application process. Currently we are concerned with moving forward with procurement of new UV equipment while our permit approval is not finalized.

GENERAL CAPITAL

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: D2C was selected as the design consultant from a pool of five proposals. A final scope and fee amount was negotiated and a contract was finalized for preliminary design work. A project kickoff meeting is scheduled for Sep. 15 with the design team and the internal project team.



I-70 West Vail Pass Auxiliary Lanes Project Update

- ERWSD roles: ERWSD serves on the Stream and Wetland Ecological Enhancement Program (SWEEP) and Sediment Control Action Plan (SCAP) Update teams as well as the more general Technical Team.
 - ERWSD staff and/or consultants attend all the above working group meetings
 - We continue to coordinate closely with the Town of Vail and Eagle River Watershed Council when appropriate
 - Technical Team meetings are now being held concurrently with the Project Leadership Team meetings, providing additional oversight opportunities
- Construction Progress: Safety improvements and trail relocation are underway.
 - Construction Agreed Price (CAP) #1 – (completed): lower truck ramp, installation of a highway closure system, and hazmat collection sites
 - CAP #2 – (ongoing) recreation trail realignment and trail bridge construction
 - CAP #3 – I-70 westbound bridge, more recreation trail work, some walls and utilities
 - CAP #4 – eastbound auxiliary lane, westbound curve corrections, West Vail Pass truck parking area
 - CAP #5 – I-70 eastbound bridge, wildlife fencing
 - Ongoing vegetation planting, soil stabilization, and landscaping elements
 - Schedule has now been extended through 2025
- Project Budget: There are emerging concerns about the overall project budget.
 - While several phases/CAPs are fully funded, the overall cost of the project has been increasing due to material and construction costs since the 2019 cost estimates
 - Removal of “auxiliary lane” from project (CAP #4) is under consideration
 - Mitigation and environmental elements will not be removed from project
 - The local CDOT team is working closely with CDOT and FHWA to identify other sources of funding and possibly revise scope




- Sediment Control Action Plan (SCAP): The current design includes six SCAP basins and two special inlets between the recreation trail and I-70.
 - Sediment basins are included in all CAPs and are being built at different times during the overall project
 - New sediment control basins are being brought on-line promptly; some will be operational this coming winter
 - The basins are designed to capture sand remaining on I-70 and sand thrown over barrier during plowing
- Wetlands and Fens: CDOT is committed to wetland mitigation whether or not the wetlands are jurisdictional.
 - In CAP #3, 0.27 acres of jurisdictional wetlands will be mitigated through offsite National Forest Foundation in-lieu program (0.67 credits; Blue-Eagle Service Area near Lake Dillon), while 1.91 acres of non-jurisdictional wetlands will be mitigated on-site to meet CDOT's prior commitments during the NEPA process
 - CDOT is working closely with ACOE; the most recent mitigation plan was planned for submittal to ACOE in late August
- Public Communication: The project website is regularly updated with documents and public announcements, and other social media and news coverage is occurring.
 - Project website: <https://www.codot.gov/projects/i70westvailauxiliarylanes>
 - Weekly email updates and other social media is pushed to hundreds of community members and groups with details about upcoming closures, project progress, and educational information (e.g., "What's a Fen?")
 - Extensive outreach occurred in summer 2022 to ensure public awareness and safety for the temporary recreation trail reroutes, especially for summer cycling events that use Vail Pass

Notes compiled for 9/22/2022 ERWSD board meetings, by Larissa Read, Common Ground Consulting.



MEMORANDUM

TO: District and Authority Boards of Directors
FROM: Jason Cowles, P.E. 
DATE: September 14, 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.

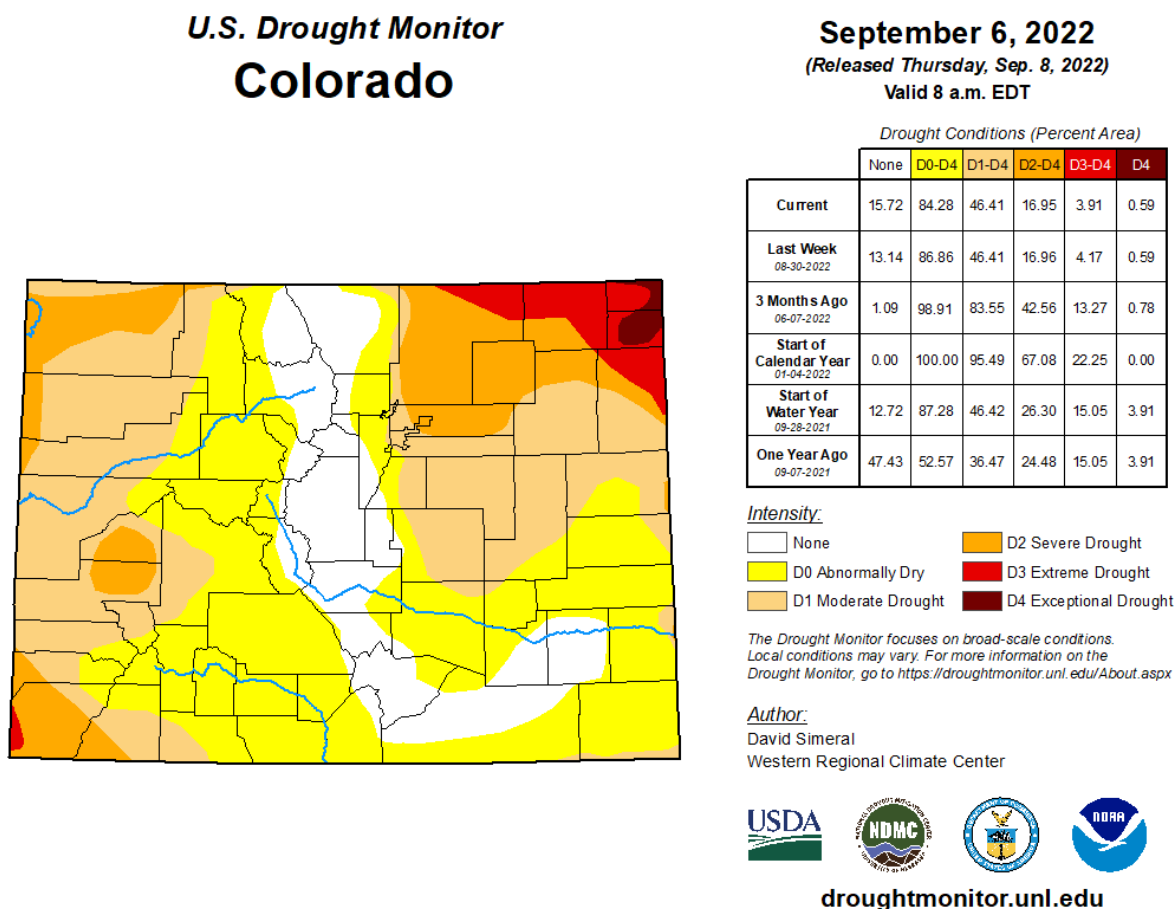
Homestake Creek Transit Loss Study Update

We received comments on the Homestake Creek Transit Loss Study from the Division Engineer's office on August 30. LRE Water is working on a response to the comments, which we hope to submit to the Division Engineer by the end of September. We do not anticipate that our response to the Division Engineer's questions will affect the conclusions of the study supporting a 0.35% per mile transit loss factor for releases from Homestake Reservoir.

Water Resources Update

The latest U.S. Drought Monitor map for Colorado is shown below in Figure 1. Drought conditions have continued to improve in the state due to August precipitation. Eagle County received above average precipitation in August and saw its status improve from moderate drought to abnormally dry.

Figure 1: US Drought Monitor, Colorado September 6, 2022 (National Drought Mitigation Center).



The NOAA Climate Prediction Center's seasonal drought outlook in Figure 2 shows drought conditions persisting through November in the Upper Colorado River Watershed and most of the southwestern US. The Climate Prediction Center's seasonal outlook for temperature and precipitation indicates a high probability that Colorado will see above average temperatures (Figure 3) and below normal precipitation (Figure 4) through November. The seasonal outlook is also consistent with the latest El Niño-Southern Oscillation (ENSO) forecast which favors a 91% chance of La Niña persisting through November.

Figure 2: US Seasonal Drought Outlook through November 30, 2022 (NOAA Climate Prediction Center).

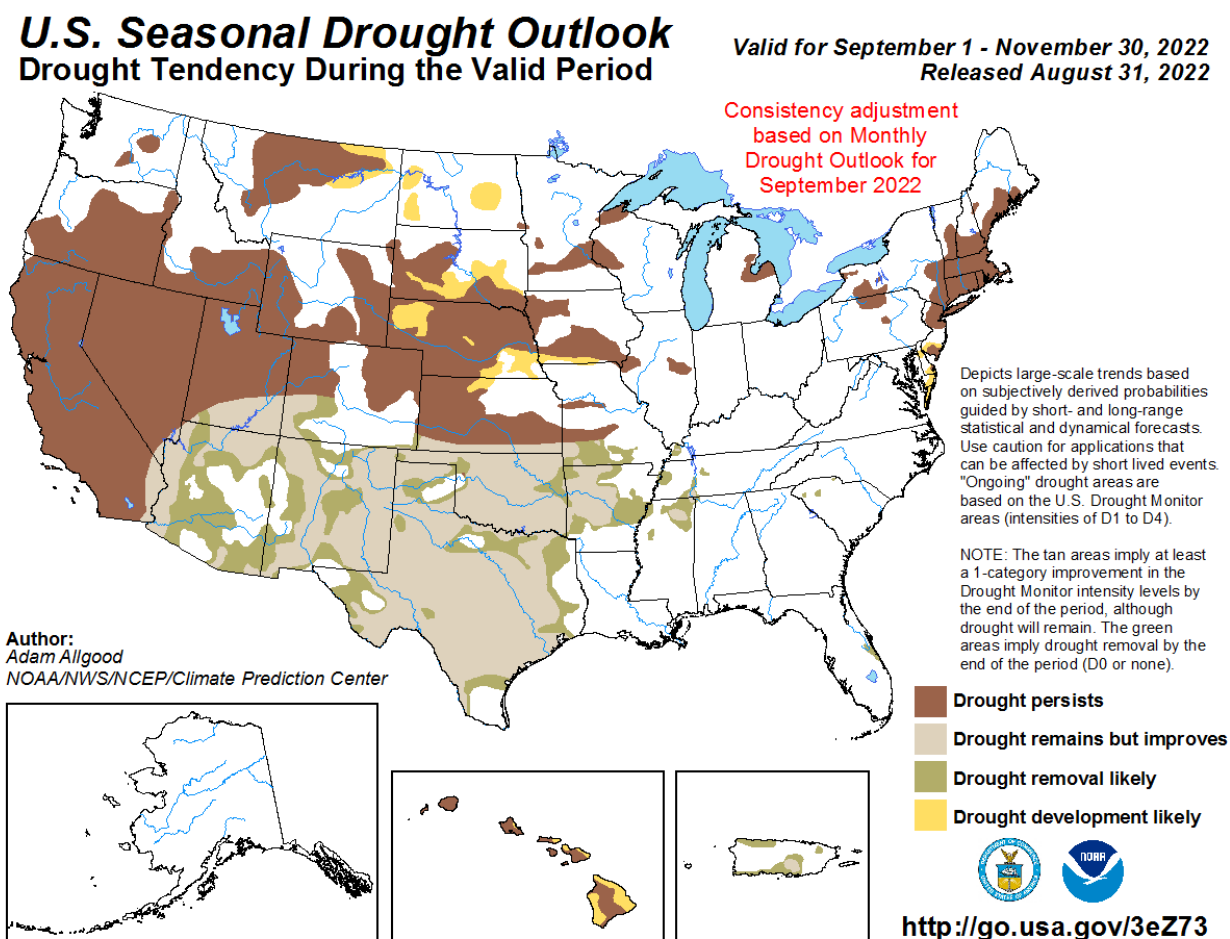


Figure 3: Seasonal Temperature Outlook August 18, 2022 (NOAA Climate Prediction Center).

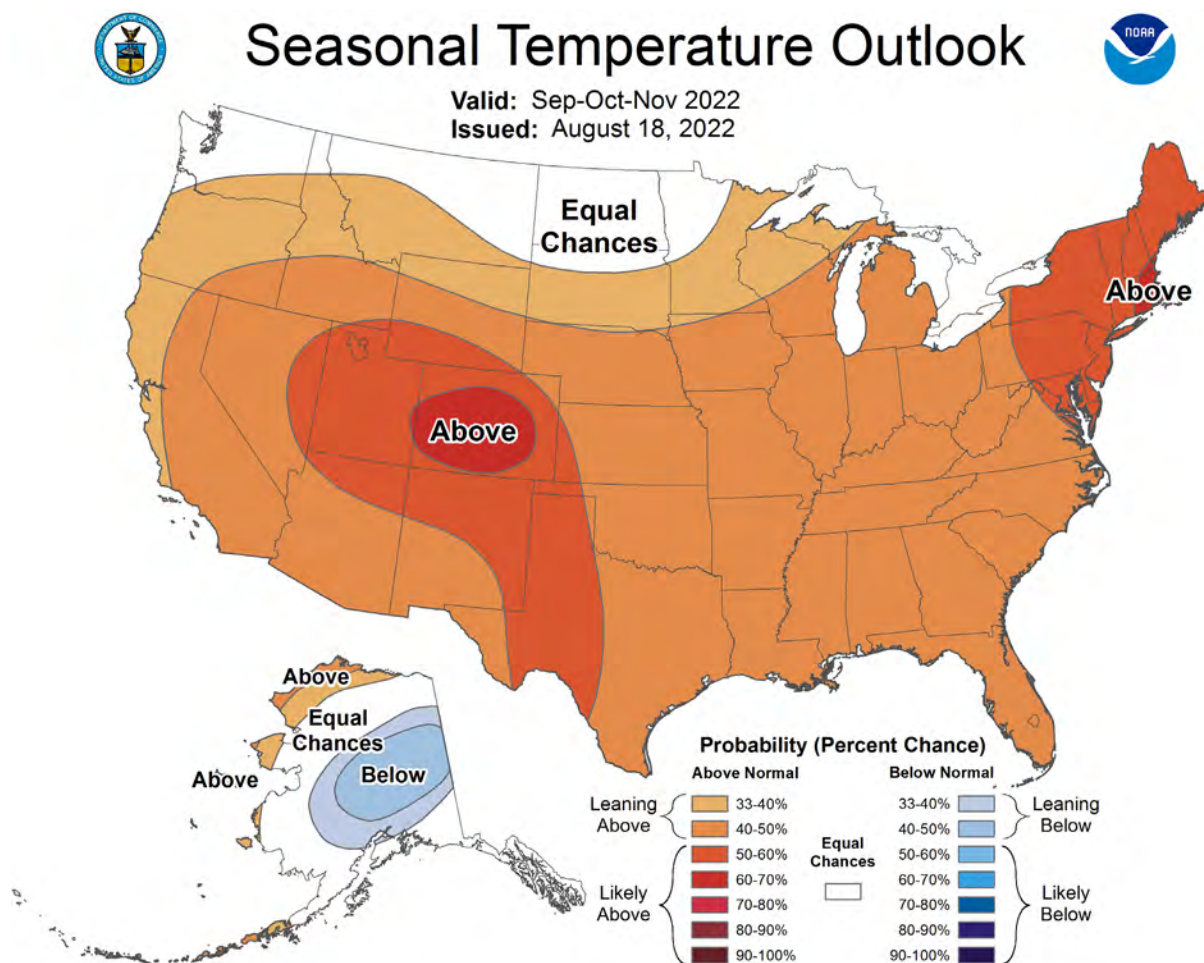
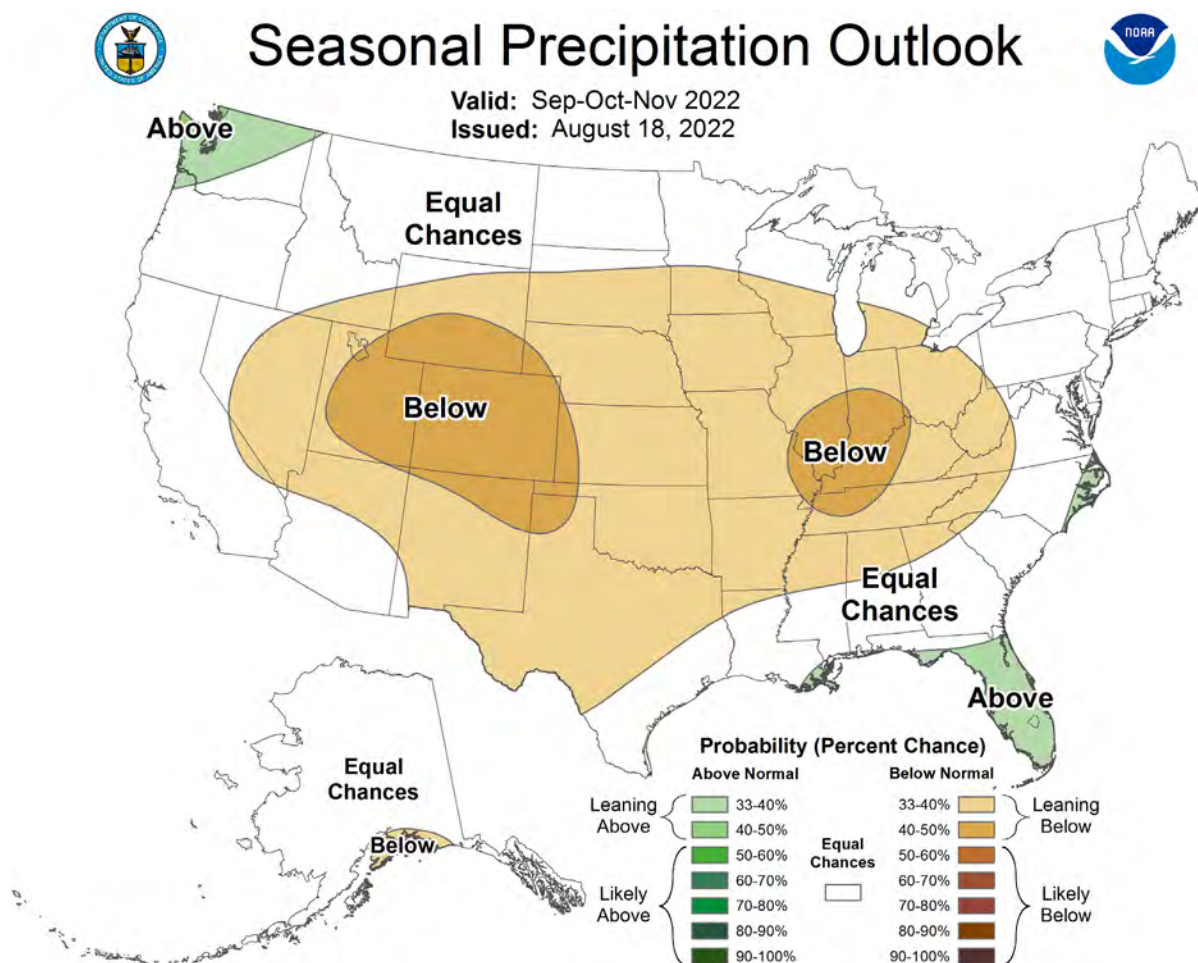


Figure 4: Seasonal Precipitation Outlook August 18, 2022 (NOAA Climate Prediction Center).



With 16 days remaining in the water year, cumulative precipitation at the Vail Mountain Snotel site appears likely to finish near the 20th percentile range for the past 30-years of data despite the bump in August precipitation. The Vail Snotel site is reporting 26.8 inches of cumulative precipitation, which is 7.8 inches below the median year end value of 34.6 inches. Cumulative precipitation at Freemont Pass is already 1.0 inch above the annual median at 30.3 inches.

Figure 5: Cumulative Precipitation, Vail Mountain SNOTEL, September 13, 2022 (USDA).

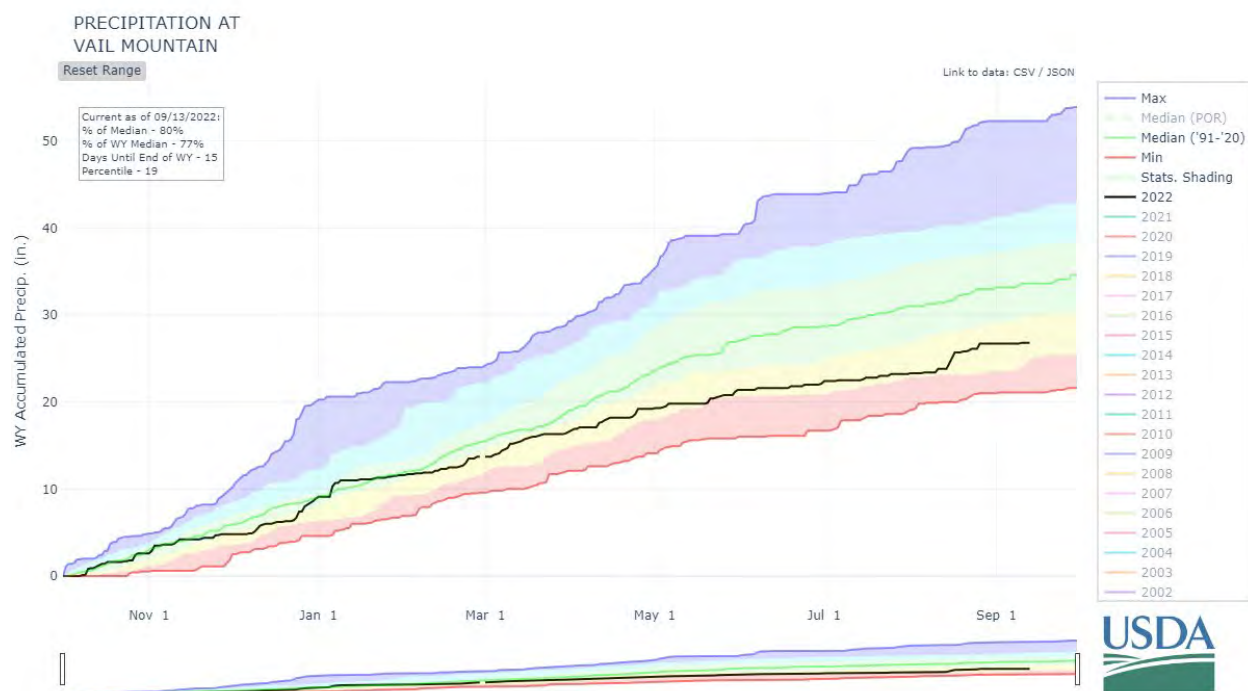
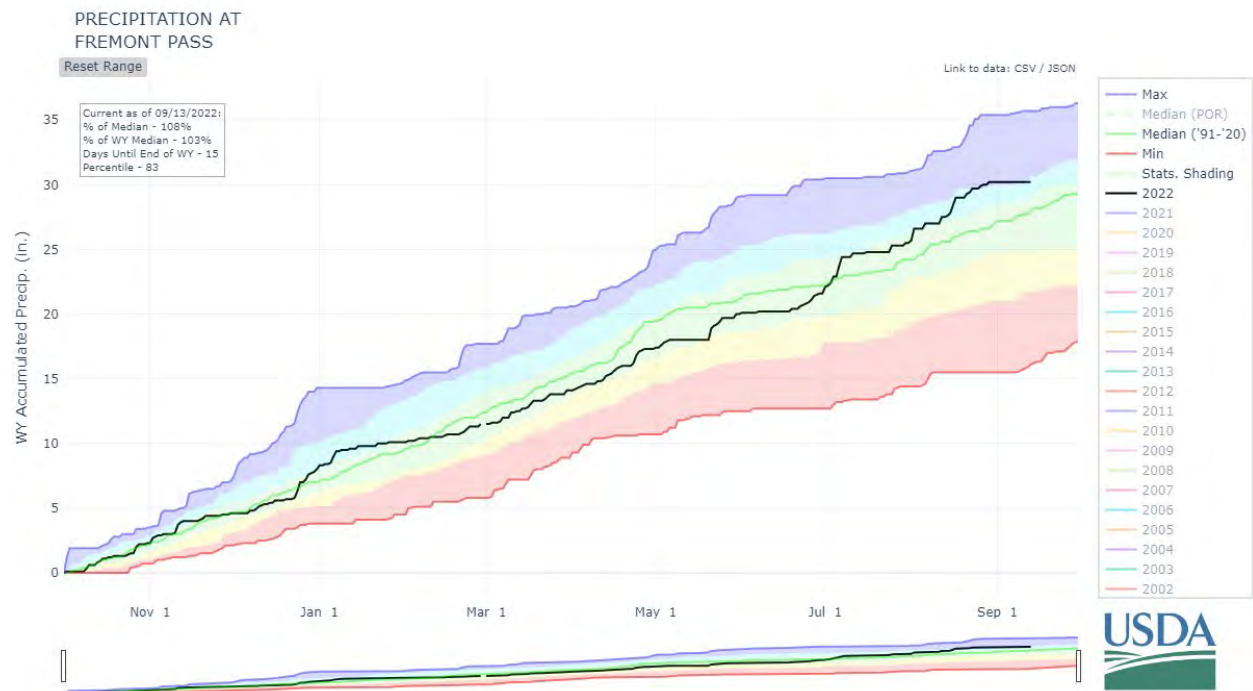


Figure 6: Cumulative Precipitation, Fremont Pass SNOTEL, September 13, 2022 (USDA).



After receiving a short-lived bump from August precipitation, flows on the Eagle River dipped below the Colorado Water Conservation Board's (CWCB) decreed minimum instream flows early last week at Avon. Late in the day on Friday, September 9, we received notification from the Division 5 Water Commissioner that the CWCB placed the instream flow call on the Eagle River segment from Lake Creek to Brush Creek. Our operations staff promptly responded by increasing releases from Eagle Park Reservoir on Saturday morning to cover junior depletions by the Authority, the Colorado River District contract customers, and Red Sky Ranch.

Streamflow forecasts projected by the Colorado Basin River Forecast Center at the USGS gages on Gore Creek above Red Sandstone Creek and the Eagle River at Avon are shown in Figures 7 and 8. Streamflows are in the lowest percentile ranges for this time of year and are forecast to remain below the respective minimum instream flows of 16 cfs and 85 cfs through the end of the month.

Figure 7: Streamflow for the USGS station on Gore Creek above Red Sandstone Creek (CBRFC).

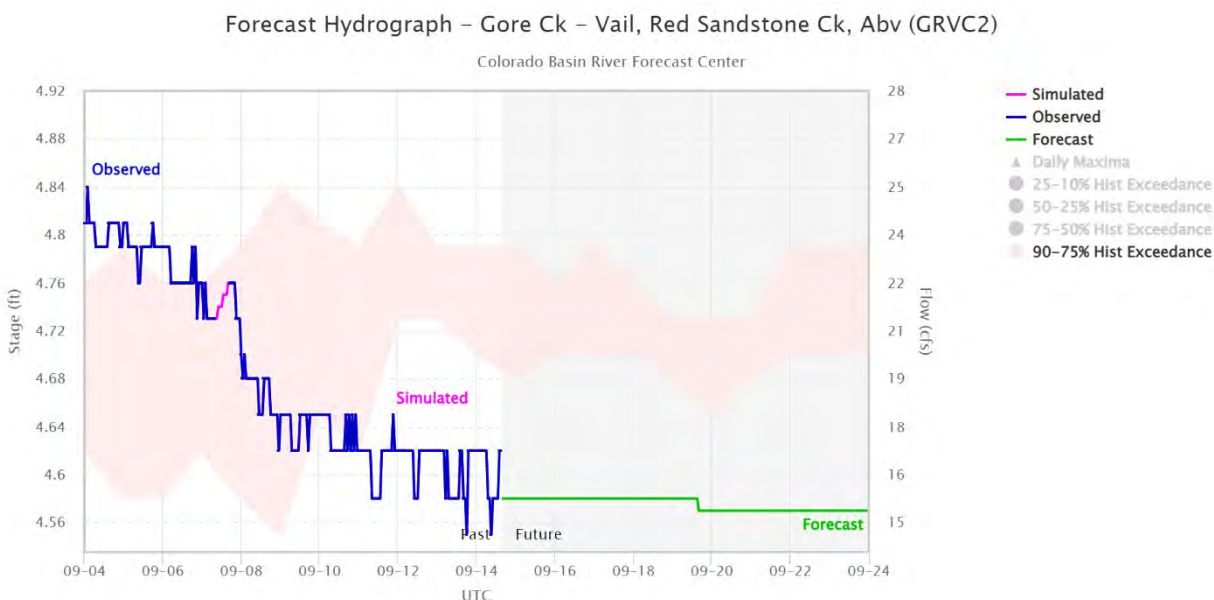
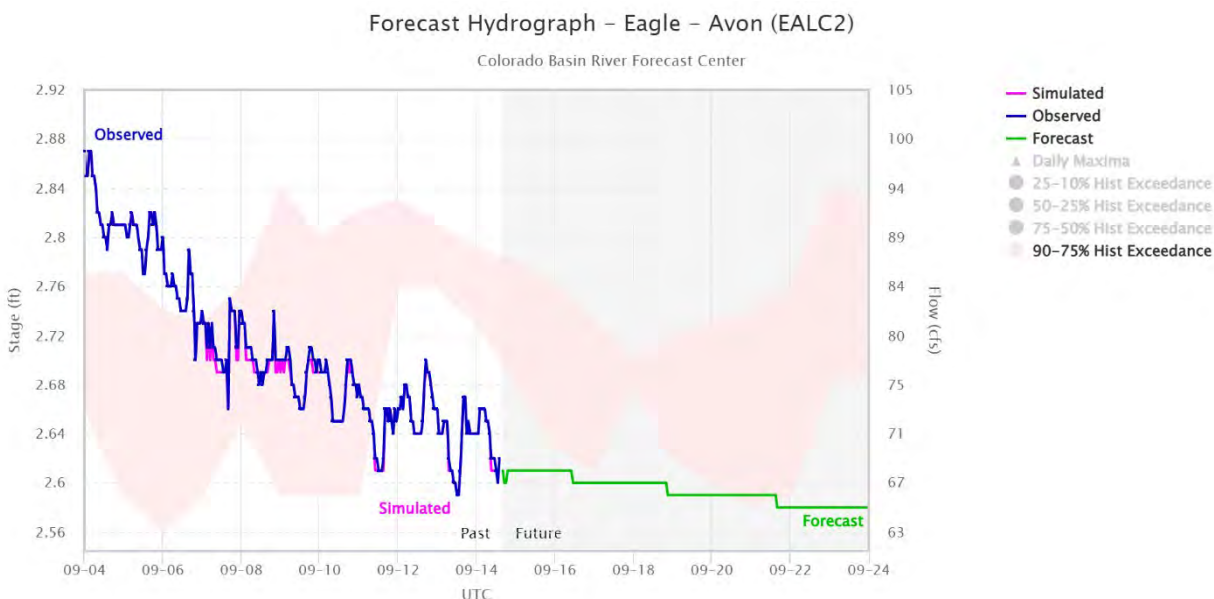
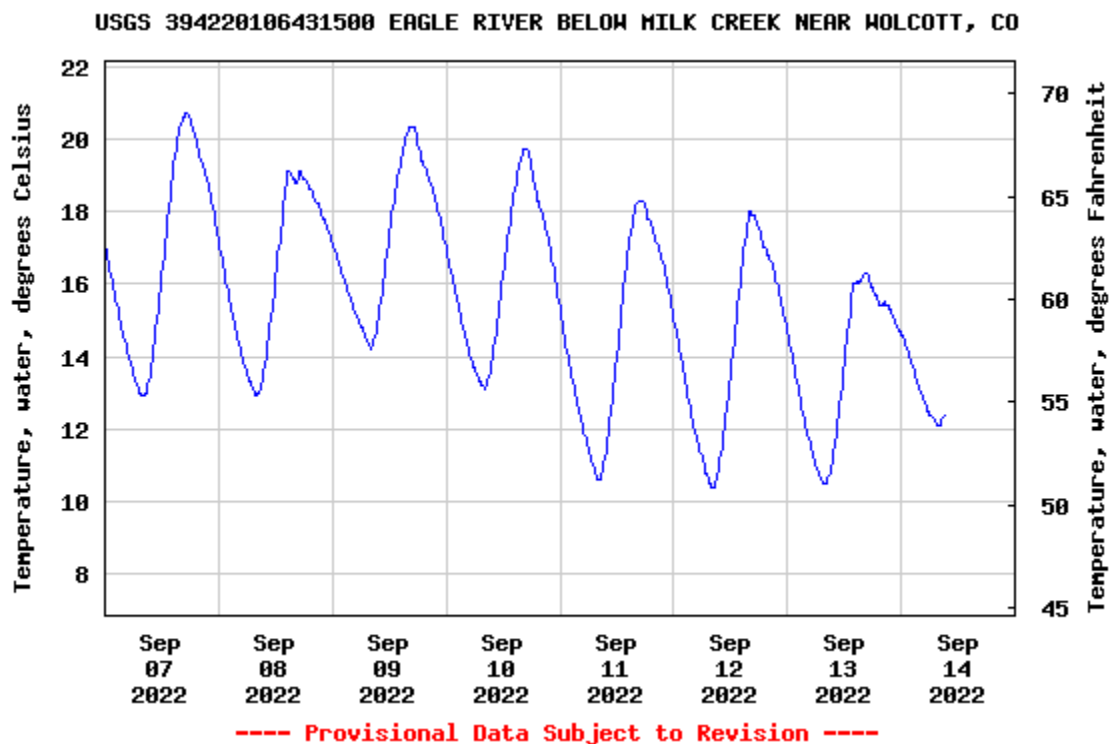


Figure 8: Streamflow for the USGS station on the Eagle River at Avon (CBRFC).



Overnight low temperatures have dropped into the 30's several nights this week which has brought needed relief to water temperatures on the Eagle River. Figure 9 shows a water temperature plot for the Eagle River below Milk Creek Near Wolcott, CO. Daytime high water temperatures have dropped below 65 degrees Fahrenheit in recent days.

Figure 9: Temperature for the USGS station on the Eagle River below Milk Creek (USGS).



ERWSD and UERWA storage accounts as of September 1, 2022 are shown in Table 1. As expected, the storage accounts in Eagle Park Reservoir were filled following the September 1 disbursement of the conservation storage pool which contains the balance of reservoir inflow, evaporative losses, and carryover storage before disbursement to shareholders each year. The conservation storage pool account still holds a healthy balance of 633 acre-feet, which will carryover until the next disbursement is processed on September 1, 2023.

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

September, 2022 Volumes in Storage and Percentages of Full:

Reservoir	ERWSD		UERWA		Total	
Green Mountain	934.00	100%	518.00	95%	1452.00	98%
Black Lakes	425.00	100%	300.00	100%	425.00	100%
Eagle Park	432.81	100%	680.69	100%	1113.5	100%
Homestake Res	250.00	100%	256.50	100%	506.50	100%
Wolford Mtn	500.00	100%	683.70	96%	1183.70	98%

The Bureau of Reclamations 24-Month Study elevation projections for Lake Powell are typically published on the 15th day of the month. Due to the early Board meetings this month, the September projection was not available at the time of this report. If you are interested in viewing the updated projections, they can be viewed at the Bureau of Reclamation website via this [link](#).

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.



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MEMORANDUM

TO: Upper Eagle Regional Water Authority Board of Directors
FROM: Kristin Moseley
SUBJECT: September 2022 - Water Court Case Update
DATE: September 14, 2022

This memorandum provides a brief status update on the active Water Court litigation in which the Upper Eagle Regional Water Authority (the “Authority”) is currently involved.

Bolts Lake (Case Nos. 21CW3029) and Battle North (Case No. 21CW3030)

These cases continue to proceed through the Water Court process before the Water Referee (“Referee”). We had a joint status conference with the Referee and all opposers for both cases on September 1, 2022, and the Referee scheduled the next status conference for December 13, 2022.

We received another round of comments from the opposers in these cases last month, and are currently working with Helton & Williamsen to prepare our responses to those comments. As previously reported, we have stipulated with the Town of Minturn (“Minturn”) in both cases, and we are close to reaching agreements with the Town of Gypsum, Ute Water Conservancy District, Grand Valley Water Users Association, and Orchard Mesa Irrigation District, which would allow those parties to stipulate out of these cases as well. We continue to negotiate with the attorneys for Vail Resorts, the Colorado Water Conservation Board, and the Cities of Aurora and Colorado Springs (the “Homestake Partners”), as well as with the pro-se objector, J. Tucker. While there are still matters to address, the list of outstanding issues has narrowed. One new party, American Gypsum Co., joined as an opposer in Case No. 21CW3030 in response to publication of the Amended Application, and provided initial comments to our proposed ruling and decree in August. We have spoken with the attorney for American Gypsum Co. and believe that we will be able to readily address its concerns. During the recent status conference, the Referee set our deadline for providing responses as October 14, 2022, and opposers’ deadline for providing additional comments (if any) as December 2, 2022.

The Division Engineer filed a Summary of Consultation to the Amended Application in 21CW3030 on September 9, 2022. In the Summary of Consultation, the Division Engineer lists several concerns that must be addressed prior to approving the relief requested in the

Amended Application. Most of the concerns relate to Minturn's engineering analysis and proposed diversion points, and we are working with Minturn's water engineer and attorney to address the Division Engineer's concerns. The Referee set our deadline for responding to the Summary of Consultation as October 14, 2022. We will continue to update the Board as these cases proceed.

Edwards Drinking Water Facility Diversion (Case No. 19CW3079)

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. On July 1, 2022, we stipulated with the State and Division Engineers in this matter, and the Water Court entered a favorable decree on July 21, 2022. The Decree makes 0.221 cfs of the Authority's EDWF water right absolute and grants a finding of reasonable diligence on the remaining 0.179 cfs of the conditional water right. The entry of a decree in this matter concludes several years of litigation and negotiation on the "seniors first" policy. The Authority will need to file a diligence application by July 31, 2028 in order to continue the conditional water right and/or seek an absolute finding.

June Creek Ranch Wells (Case No. 20CW3080)

Case No. 20CW3080 is a diligence proceeding that involves a plan for augmentation and exchange decreed in Case No. 11CW92 for the June Creek Wells. In this case, the Authority is seeking a decree that makes the subject exchange absolute at a rate of 0.32 cfs for all decreed uses and a finding of reasonable diligence for all portions of the exchange not made absolute. There are no opposers in this case. Pursuant to a Water Court order, this proceeding is currently on hold while the Authority seeks well permit approvals from the Division of Water Resources (DWR). The Authority has applied for the well permits and is currently in the process of securing waivers from the parties that own wells within 600 feet of the June Creek Wells, at which point the Authority will update both DWR and the Water Court, and the case will proceed. There is a status conference set in this matter for December 13, 2022.

Minturn Plan for Augmentation and Exchange (Case No. 21CW3180)

Case No. 21CW3180 is an application by Minturn for an Eagle River diversion water right and an associated plan for augmentation and exchange. The District and Authority filed a Statement of Opposition in this matter. Pursuant to the Intergovernmental Agreement Among the Town of Minturn, the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority, this case is currently on hold pending the resolution of the above described Battle North proceedings pending in Case No. 21CW3030.