

**Second Regular Joint Quarterly Meeting of the  
Board of Directors of the  
Colorado River Water Conservation District and of the  
Colorado River Water Conservation District  
Acting by and Through Its  
Colorado River Water Projects Enterprise  
April 20-21, 2021  
Virtual Meeting  
8:30 a.m.\***

*\*PLEASE NOTE: The River District meeting will be a virtual meeting utilizing Zoom . To attend the meeting, please register at our website at [www.coloradoriverdistrict.org](http://www.coloradoriverdistrict.org).*

The second regular joint quarterly meeting of 2021 of the Board of Directors of the Colorado River Water Conservation District and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise will be held on Tuesday April 20, 2021 commencing at 8:30 a.m. and continuing to Wednesday April 21, 2021 commencing at 8:30 a.m.

**Agenda**  
**Second Regular Joint Quarterly Meeting of the**  
**Board of Directors of the**  
**Colorado River Water Conservation District**  
**and of the**  
**Colorado River Water Conservation District**  
**Acting by and Through Its**  
**Colorado River Water Projects Enterprise**  
**April 20-21, 2021\***  
**8:30 a.m.**  
**Virtual Meeting**

*\*Please Note: Executive Session is scheduled on Tuesday April 20, 2021  
from approximately 8:35 a.m. to 11:00 a.m.*

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|--------------------------|----|--|
| <b>8:30</b>              | 1. | Review Meeting Agenda and Objectives.  |
| <b>8:30-8:35</b>         | 2. | Consent Agenda: <ul style="list-style-type: none"><li>a. Approval of Minutes and Actions Taken:<ul style="list-style-type: none"><li>i. Minutes of First Regular Joint Quarterly Meeting, January 19-20, 2021.</li><li>ii. Minutes of Special Joint Meeting, February 25, 2021.</li><li>iii. Minutes of Special Joint Meeting, March 11, 2021.</li></ul></li><li>b. Acceptance of Treasurer Reports, Check Registers and Draft Financial Statements for December 2020.</li></ul> |
| <b>8:35-11:00</b>        | 3. | General Counsel's Report: <ul style="list-style-type: none"><li>a. Matters Proposed for Executive Session:<ul style="list-style-type: none"><li>i. Wolford Mountain Reservoir. (An Enterprise Matter).</li><li>ii. CRCA Implementation Matters.</li><li>iii. Application of Colorado Springs Utilities, Case No. 15CW3019, Water Division 5.</li></ul></li></ul>   |
| <b>10:00-10:10 Break</b> |    | <ul style="list-style-type: none"><li>iv. Homestake Reservoir Pilot Release Project.</li><li>v. Colorado River Compact, Interstate, International, and Intrastate Negotiation Matters, including Demand Management.</li></ul>  |
| <b>11:00-11:30</b>       | 4. | General Counsel's Report (cont'd.):  |

- b. Public Session:
    - i. Summary and Action Items from Executive Session.
    - ii. Clean Water Act Update.
    - iii. Approval of Stipulation in Application of the Colorado River District and the West Divide Water Conservancy District, Case No. 20CW3056, Water Division 5.
    - iv. Discussion of Other Items in General Counsel’s Report.
- 11:30-12:00 Lunch**
- 12:00-1:10** 5. General Manager’s Report:
  - a. Drought Contingency Planning and Demand Management Update.
  - b. Colorado River Basin Hydrology: Short Term Forecast for 2021.
  - c. Yampa River Proposed Finding of Over Appropriation and Proposed 2021 Pilot Project
  - d. East Troublesome Fire Recovery Effort.
  - e. Regulation #93 Colorado’s Section 303(d) List and Monitoring and Evaluation List.
  - f. Upper Colorado River Wild and Scenic Alternative Management Plan:
    - i. Proposed Approval of Contract with RCC Associates.
    - ii. Proposed Approval of Contract with Bishop Brogden and Associates.
  - g. Triennial Salary Survey Process Update.
  - h. Approval of Proposed Procurement Policy.
  - i. Proposed Approval of Simplified Contract Form.
  - j. Approval of Proposed Changes to the Employee Home Ownership Program
  - k. Continuing Appointment to Kobe Water Authority Board.
  - l. Staff Organization Structure.
- 1:10-1:55** 6. Presentation on Recovery Program by Tom Chart, Director, Upper Colorado River Endangered Fish Recovery Program.
- 1:55-2:05 Break**
- 2:05-2:25** 7. Presentation on Green River/Flaming Gorge Operations by T. Wright Dickinson.
- 2:25-3:15** 8. Partnership Project Funding Program (PPFP):
  - a. Approval of PPFP Funding Agreement Template.
  - b. PPFP Update and Funding Approvals:
    - i. Proposed Approval of Fish Creek Reservoir #2 Repair and Conservation Project.
    - ii. Proposed Approval of Yampa River Proposed 2021Pilot Project.
- Continue the meeting to Wednesday April 21, 2021 commencing at 8:30 a.m.*
- 8:30-8:40** 9. Public Comment.

- 8:40 -9:10** 10. Directors' Updates/Concerns.
- 9:10-9:25** 11. White River Storage Project Update.
- 9:25-9:50** 12. Annual Policy Discussion:
- a. Agricultural Water Use.
  - b. Colorado River Storage Projects Act.
  - c. Colorado's Prior Appropriation Doctrine.
  - d. Federal Water Rights.
  - e. Upper Colorado River Recovery Program.
  - f. Water Speculation.
- 9:50-10:15** 13. External Affairs:
- a. Information and Outreach Update.
  - b. State Affairs.
  - c. Federal Affairs
- 10:15-10:35** 14. Project Operations and Updates: (Enterprise Matters).
- a. Wolford Mountain Reservoir:
    - i. Proposed Approval of Contract with HDR, re: Consulting.
  - b. Elkhead Reservoir:
- 10:35-10:40** 15. Future Meetings:
- a. Third Regular Joint Quarterly Meeting, **July 20-21, 2021, Glenwood Springs, CO.**
  - b. CRWCD 2022 Budget Workshop, **mid-September 2021 Location TBD.**
  - c. CRWCD Annual Seminar, **TBD.**
  - d. Fourth Regular Joint Quarterly Meeting, **October 19-20, 2021, Glenwood Springs, CO.**
  - e. Board Fact Finding Mission to Lower Basin, re: Agricultural Fallowing and Augmentation Programs, **TBD.**
  - f. Other Meetings:
    - i. CWC Summer Conference, **TBD.**
    - ii. CRWUA Conference, **TBD.**

The Board may address the agenda in any order to accommodate the needs of the Board and the Audience.

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Persons who need accommodations due to a disability are requested to call the River District at 970-945-8522 at least three days prior to the meeting.

This agenda may be viewed and printed from our website at [www.crwcd.org](http://www.crwcd.org)

GO BACK TO AGENDA

**FIRST REGULAR JOINT QUARTERLY MEETING OF THE  
BOARD OF DIRECTORS OF THE  
COLORADO RIVER WATER CONSERVATION DISTRICT  
AND OF THE  
COLORADO RIVER WATER CONSERVATION DISTRICT  
ACTING BY AND THROUGH ITS COLORADO RIVER WATER PROJECTS ENTERPRISE**

**January 19-20, 2021**

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Pursuant to notice duly and properly given, the First Regular Joint Quarterly Meeting of the Board of Directors of the Colorado River Water Conservation District (CRWCD) and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise was held on Tuesday and Wednesday January 19-20, 2021 via Zoom.

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**Directors present during all or part of the meeting:**

David H. Merritt, President	Martha Whitmore, Vice President
Tom Alvey	Tom Gray
Kathy Chandler-Henry	Rebie Hazard
John Ely	Doug Monger
Alden Vanden Brink	Stan Whinnery
Mike Ritschard	Marc Catlin
Taylor Hawes	Kathleen Curry
Steve Acquafresca	

**Others present during all or part of the meeting:**

Andrew A. Mueller, General Manager, CRWCD  
Peter Fleming, General Counsel, CRWCD  
Audrey Turner, Chief of Operations, CRWCD  
Jason Turner, Senior Counsel, CRWCD  
Laurie DePaolo, Executive Assistant, CRWCD  
Dave Kanzer, Deputy Chief Engineer, CRWCD  
Don Meyer, Sr. Water Resources Engineer, CRWCD  
Ian Philips, Chief Accountant, CRWCD  
Mike Eytel, Sr. Water Resources Specialist, CRWCD  
Hunter Causey, Sr. Water Resources Engineer, CRWCD  
Zane Kessler, Director of Government Relations, CRWCD  
Brendon Langenhuizen, Sr. Water Rights Engineer, CRWCD  
Luci Wilson, Accountant, CRWCD  
Lorra Nichols, Paralegal, CRWCD  
Ray Tenney, Deputy Chief Engineer, CRWCD  
John Currier, Former Chief Engineer, CRWCD  
Alesha Fredrick, Director of Information & Outreach, CRWCD  
Gracie Wright, Contract Administrator/Information Specialist, CRWCD  
Eleanor Hasenbeck, Water Policy & Communications Fellow, CRWCD  
Lyzzi Borkenhagen, Administrative Assistant, CRWCD  
Orla Bannan, Western Resource Advocates  
Heather Sackett, Aspen Journalism  
Dennis Webb, Daily Sentinel  
Chris Geiger, Balcomb & Green  
Sonja Chavez, Upper Gunnison River Water Conservancy District  
Beth Van Vurst, Van Vurst Law, LLC

<sup>1</sup>An audio recording has been made of the meeting. The motions described herein may not necessarily represent a verbatim transcription. The audio recordings are available for listening at the CRWCD offices during regular office hours. These minutes are the official record of the Colorado River Water Conservation District's meeting.

John Carron, Hydros Consulting  
Kelly Beal, Tri-State Generation & Transmission  
Roger Williams, Tri-State Generation & Transmission  
Mike Moran  
Martha Moore  
Kelly Romero-Heaney, City of Steamboat Springs  
Ed Millard  
Katherine Duncan  
April Long, Ruedi Water and Power Authority  
Leon Basdekas  
Jason Blevins, Colorado Sun  
Chris Treese, Southwestern Water Conservation District  
Maria Pastore, Colorado Springs Utilities  
Jackie Brown, Tri-State Generation & Transmission  
Paula Stepp, Middle Colorado Watershed Coalition  
Lindsay Fendt  
Mely Whiting, Trout Unlimited  
Christina Pearson  
Sam Liebl  
Ed Moyer, Manager, Grand County  
Luke Gingerich, JUB Engineering  
Francie Jacober, Commissioner, Pitkin County  
Erin Gleason, Denver Water  
Gigi Richard  
Todd Hartman  
Kim Cameron  
Marissa Lorenz  
Dana Miller, Colorado Division of Water Resources

**Quorum.**

President Merritt found a quorum and called the meeting to order at 8:33 a.m.

**Review Meeting Agenda and Objectives.**

Peter Fleming requested the addition to Executive Session of River District and Statutory Directives on Confidentiality and Conflicts of Interest as agenda item 6.a.vi. with the current 6.a.vi. being renumbered to 6.a.vii. Andy Mueller requested the addition of Confirmation of Appointment of Dave Kanzer as Colorado River District representative on the Gunnison Basin Roundtable as agenda item.8k. and Retention of Auditor for CRWCD 2020 Audit as agenda item 8. l. Director Alvey moved, seconded by Director Gray, to approve the agenda as amended. Motion carried unanimously.

**Presentation and Report of Directors' Credentials for Mesa, Moffat, Routt and Saguache Counties.**

Andy Mueller reported that executed credentials for directors from Gunnison (Curry) Montrose (Catlin), Ouray (Whitmore), and Summit (Hawes) Counties have been received by the River District. Director Chandler-Henry moved, seconded by Director Whinnery, to accept the credentials as presented. Motion carried unanimously. (The credentials are attached as Appendices A.-D.).

**Election of Board Officers.**

**Election of President:**

Director Acquafresca moved, seconded by Director Alvey, to nominate Director Whitmore as president for 2021. Motion carried unanimously. Director Whinnery moved, seconded by Director Catlin, to close nominations and elect Director Whitmore president by affirmation. Motion carried unanimously.

**Election of Vice President:**

Director Monger moved, seconded by Director Ritschard, to nominate Director Chandler-Henry as vice president for 2021. Motion carried unanimously. Director Monger moved, seconded by Director Hazard, to close nominations and elect Director Chandler-Henry as vice president. Motion carried unanimously.

**Adoption of Resolutions for Outgoing Directors.**

Director Vanden Brink moved, seconded by Director Catlin, to adopt resolutions of appreciation to Directors, Trampe, Merritt and Stiegelmeier for their service to the River District. Motion carried unanimously.

**Consent Agenda.**

Director Acquafresca requested the addition of the word “limit” to paragraph 2 page 3 of the December 3, 2020 minutes of the Special Joint Meeting/2021 Budget Hearing, and inclusion of the suggestion to set up a longer-term account with possible annual deposits to build a larger sum for larger projects during the Board discussion of the Projects Partnerships application process framework.

Director Merritt moved, seconded by Director Acquafresca, to approve the consent agenda with the requested additions to the December 3, 2020 minutes. Motion carried unanimously.

- a. Designation for Posting Notices.
- b. Reappointment of General Manager, General Counsel and Treasurer.
- c. Confirmation of Assistant Secretary.
- d. Approval of Minutes and Actions Taken:
  - i. Minutes of Fourth Regular Joint Quarterly Meeting, October 20, 2020
  - ii. Minutes of Special Joint Meeting, November 23, 2020.
  - iii. Minutes of Special Joint Meeting/2021 Budget Hearing, December 3, 2020.
- d. Acceptance of Treasurer’s Reports, Check Registers, and Financials for General, Capital, and Enterprise Funds for October and November 2020.

**General Counsel’s Report – Executive Session.**

Peter Fleming reported that the following matters qualify for discussion in Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations):

- a. Matters Proposed for Executive Session:
  - i. Wolford Mountain Reservoir and Ritschard Dam Operations (an Enterprise Matter.)
  - ii. CRCA Implementation Matters.
  - iii. Application of Colorado Springs Utilities for Finding of Reasonable Diligence, Case No. 15CW3019, Water Division 5.
  - iv. Yampa Streamflow Administration.
  - v. Application of the Colorado River District and West Divide Water Conservancy District for Finding of Reasonable Diligence, Case No. 20CW3056, Water Division 5.
  - vi. River District and Statutory Directives on Confidentiality and Conflicts of Interest.
  - vii. Colorado River Compact, Interstate, International, and Intrastate Negotiation Matters, including Demand Management.

Director Whinnery moved, seconded by Director Chandler-Henry, to proceed into Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations) Motion carried unanimously.

Peter Fleming stated that no further record of the Executive Session need be kept based on his opinion that the discussion will constitute privileged attorney-client communications.

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*President Whitmore reconvened into Public Session at 11:46 a.m.*

**General Counsel’s Report – Public Session.**

Peter Fleming reported that during Executive Session, the Board provided guidance to staff and General Counsel on the following matters:

- a. Matters Proposed for Executive Session:
  - i. Wolford Mountain Reservoir and Ritschard Dam Operations (an Enterprise Matter.)
  - ii. CRCA Implementation Matters.
  - iii. Application of Colorado Springs Utilities for Finding of Reasonable Diligence, Case No. 15CW3019, Water Division 5.
  - iv. Yampa Streamflow Administration.
  - v. Application of the Colorado River District and West Divide Water Conservancy District for Finding of Reasonable Diligence, Case No. 20CW3056, Water Division 5.
  - vi. River District and Statutory Directives on Confidentiality and Conflicts of Interest.
  - vii. Colorado River Compact, Interstate, International, and Intrastate Negotiation Matters, including Demand Management.

Mr. Fleming also reported that Director Merritt was not present during the discussion of agenda item 6. a.i. and there were no action items resulting from Executive Session.

Director Alvey moved, seconded by Director Merritt, to amend Section III.A. and III. C. of the Financial Governance Policy to increase the Secretary/General Manager’s authority, subject to budgeting and appropriation of funds, to enter into agreements without further Board action from \$25,000 to \$50,000. Motion carried unanimously.

Director Monger moved, seconded by Director Merritt, to approve the special counsel rate increase as presented. Motion carried unanimously.

Peter Fleming referred the Board to General Counsel 2021 goals and objectives and invited Board comments.

Mr. Fleming reported on activities of the anti-speculation task force that is examining current anti-speculation laws and creating recommendations for strengthening those laws considering recent purchases of irrigated farmlands by hedge funds. Mr. Fleming is a member of the task force.

**General Manager’s Report.**

**Drought Contingency Planning and Demand Management Update:**

Andy Mueller reported that the Upper Colorado River Commission is moving forward in its study of demand management. The Colorado Water Conservation Board approved a staff work plan to continue its demand management study to analyze the feasibility of a demand management plan.

**Colorado River District Demand Management Stakeholder Advisory Committee Update:**

The River District has recently initiated a demand management stakeholder group comprised of a wide variety of water users throughout the River District. The group’s purpose is to examine potential impacts of demand management and compile recommendations regarding structure and sideboards to any demand management market set up in Colorado.

Mr. Mueller reviewed a recent article in the New York Times and a Denver Post opinion piece on Colorado River issues. Mr. Mueller noted that both the article and op-ed were in favor of a private market approach to water rights, removing the current governing structures, and greatly benefitting private investors purchasing



those water rights and drying up agricultural lands. A joint statement is being drafted by West Slope and East Slope entities rebutting these articles. The River District will be expressing its opposition as well.

**Colorado River Basin Hydrology Short Term Forecast for 2021:**

Dave Kanzer reported that extremely dry conditions are prevalent throughout the basin with reservoir storage below average within most of the River District. It was also noted that soil moisture conditions in the Upper Colorado River Basin are at or below 70-90% of the long-term average.

**Water Bank Workgroup Update:**

The workgroup has completed the secondary economic impacts study and is taking a hiatus. The group will reconvene in six months to explore other areas that may warrant study.

**East Troublesome Fire Recovery Request:**

Andy Mueller referred the Board to a memo from Mike Eytel regarding a collaborative restoration effort related to the East Troublesome Fire to address watershed impairments caused by the fire. Stakeholders involved in the effort include Grand County and Northern Water as well as potentially the River District.

Director Ritschard moved, seconded by Director Catlin, to authorize the General Manager, after review by counsel, to enter a Memorandum of Understanding with other stakeholders related to the East Troublesome Fire collaborative restoration project. Motion carried unanimously.

**Approval of Cloud Seeding Requests:**

Director Acquafresca moved, seconded by Director Alvey, to authorize the General Manager to increase the River District's financial commitment from \$25,000 to \$50,000 to the Central Colorado Mountain River Basin cloud seeding efforts for the 2021 operating year, to help offset decreases in former partner's contributions to the program. Motion carried unanimously.

**Approval of Joint Funding Agreement, re: USGS Gaging:**

Director Merritt moved, seconded by Director Chandler-Henry, to authorize the General Manager to enter into a joint funding agreement for water quality gauging and sampling activities with the USGS subject to review and approval by legal counsel and agreements with cooperating partners, subject to review and approval by legal counsel, for reimbursement of some of the USGS gauging and sampling activities for 2021. Motion carried unanimously.

**Approval of Proposed Employee Policy and Procedural Guidelines Modifications:**

Director Merritt moved, seconded by Director Gray, to approve the proposed Employee Policy and Procedural Guidelines modifications as presented. Motion carried unanimously.

**Appointment to Kobe Water Authority Board:**

Andy Mueller requested that the Board table the appointment to the Kobe Water Authority Board to later meeting. The Board accepted the request.

**General Manager's 2021 Goals and Objectives:**

Andy Mueller referred the Board to General Manager's 2021 goals and objectives and invited Board comments.

**Confirmation of Appointment of Dave Kanzer to Gunnison Basin Roundtable:**

Director Alvey moved, seconded by Director Curry, to confirm the appointment of Dave Kanzer as the River District's voting representative to the Gunnison Basin Roundtable. Motion carried unanimously.

**Engagement of Auditor for 2020 Audit:**

Director Merritt moved, seconded by Director Ritschard, to engage McMahan and Associates, LLC for performance of the River District's 2020 audit. Motion carried unanimously.

**Partnership Project Funding Program.**

**Adoption of CRWCD Partnership Project Funding Program Framework (PPFP):**

Andy Mueller presented a draft PFPF framework and noted the inclusion of Board suggestions from its review during the December 3, 2020 special joint meeting. Further Board comments and direction included having staff continue to examine how to include language to create a large project reserve fund, maintaining flexibility for project selection and fund distribution throughout the River District, and having regular reviews and possible revisions of the framework.

Director Acquafresca moved, seconded by Director Monger, to adopt the CRWCD Partnership Funding Program Framework as presented.

**Presentation and Consideration of Funding Recommendation for Windy Gap Bypass Channel:**

Andy Mueller presented an overview of the Colorado River Connectivity Channel Project (aka Windy Gap Bypass Channel) the purpose of which is to bypass Windy Gap Reservoir and establish a reconstructed river channel to eliminate the reservoir's impacts on fish and macro-invertebrate migration and sediment transport. The channel would improve water quality, restore aquatic habitat, and lower water temperatures. Funding from the River District's PFPF would also assist project components to leverage additional funds. Other entities involved in the project are the Northern Water Conservancy District and its Municipal Subdistrict, Trout Unlimited, and Grand County, among others.

Director Chandler Henry moved, seconded by Director Ritschard, to approve the request to contribute, in the form of a grant, one million dollars from the Colorado River District Partnership Funding Program for the Windy Gap Bypass/Colorado River Connectivity Channel, and for the purpose of internal River District accounting that the awarded funds be attributed one-half each to the PFPF funding categories: Healthy Rivers and Watershed Health and Water Quality. Andy Mueller requested an amendment that the funds be expended and distributed on or before September 30, 2023. Directors Chandler-Henry and Ritschard accepted the addition and the motion as amended, carried unanimously with Director Merritt abstaining from the vote.

Director Monger requested further discussion on the PFPF process at the April 20,2020 quarterly meeting.

**Appointment of Committees for 2021.**

President Whitmore provided background information regarding appointments to the Executive Committee which, historically, has rotated among counties within basin and sub-basin groups of counties and includes the President as chairman. The Executive Committee, consistent with this practice, for 2021 is composed of directors from Grand, Montrose, Pitkin, Rio Blanco and Saguache Counties as well as the Board President. Other committee assignments are made by the President and Vice President.

**Public Comment.**

Mely Whiting and Ed Moyer thanked the Board for its funding contribution for the Colorado River Connectivity Channel.

*President Whitmore recessed the meeting at 3:12 p.m.*

*Wednesday, January 20, 2021*

*President Whitmore found a quorum and reconvened the meeting at 8:32 a.m.*

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**General Manager's Report- Executive Session, (cont'd.).**

Peter Fleming reported that the following matter qualifies for discussion in Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations) and requested that the Board invite Beth Van Vurst and John Carron to join Executive Session:

- vii. Colorado River Compact, Interstate, International, and Intrastate Negotiations Matters, including Demand Management.

Director Merritt moved, seconded by Director Whinnery, to proceed into Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations) and invite Beth Van Vurst and John Carron to join Executive Session. Motion carried unanimously.

Peter Fleming stated that no further record of the Executive Session need be kept based on his opinion that the discussion will constitute privileged attorney-client communications.

*President Whitmore reconvened into Public Session at 10:21 a.m.*

**General Manager's Report- Public Session, (cont'd.).**

Peter Fleming reported that during Executive Session, the Board provided guidance to staff and General Counsel on the following matter:

- vii. Colorado River Compact, Interstate, International, and Intrastate Negotiations Matters, including Demand Management.

Mr. Fleming also reported there were no action items resulting from Executive Session.

**Directors' Updates and Concerns.**

Directors throughout the District reported that dry conditions are persisting in their areas ,COVID-19 impacts continue to be experienced, and forest management is a major concern as well as the potential for watershed damage incurred from large fires last summer.

**Annual Policy Discussion.**

Zane Kessler reminded the Board of the policy review process. In 2004, the Board chose to formalize the development and review process of River District policies. Approximately one-third of the policies are reviewed by the Board annually and must be noticed on the agenda for a minimum of two quarterly meetings before final action can be taken.

**Agricultural Water Use:**

By consensus, staff was directed to include language to strengthen bullet two in the policy statement for the protection of pre-Colorado River Compact water rights.

By consensus, staff was directed to review the possibility of adding specific anti-water speculation language to existing policies or draft a new anti-water speculation policy to be presented at the April 20, 2021 meeting for Board review.

**Colorado River Storage Projects Act:**

Zane Kessler reported that staff will be examining potential impacts of the upcoming 2007 Interim Guidelines re-negotiations and if policy amendments will be necessary. Staff will offer any recommendations at the April 20, 2021 meeting for Board review.

**Prior Appropriation Doctrine:**

No substantive changes were recommended.

**Federal Water Rights:**

No substantive changes were recommended.

**Upper Colorado River Recovery Program:**

By consensus, staff was directed to add language expressing the River District's strong support of adequate federal funding as well as other funding mechanisms, and support of continuation of the program or a new program.

Andy Mueller suggested holding an in-depth discussion with Tom Chart, Director of the Upper Colorado River Endangered Fish Recovery Program, on the activities and future of the Recovery Program. The Board accepted the suggestion.

**External Affairs.**

**Information and Outreach Committee Report:**

Zane Kessler, Eleanor Hasenbeck and Alesha Fredrick recounted 2020 activities of the External Affairs team including significantly expanding the River District's presence on social media platforms and redesigning the usual approach to information and outreach efforts by offering virtual programs to replace in-person events with highly successful results. An overview of some 2021 goals includes developing new opportunities for communication with local elected officials in the River District about water issues affecting the West Slope, maintaining strong working relationships with West Slope and Congressional delegates, redesigning the District website, and developing hybrid events by mixing virtual and in-person events.

Andy Mueller expressed his appreciation for the significant contributions of the External Affairs team.

**State Affairs:**

Zane Kessler reported that the 2021 legislative session has been delayed until February 16. He also reported that in the absence of Interim Committee hearings during the summer, potential upcoming legislation is unclear at this time.

**Federal Affairs:**

Mr. Kessler reported that the River District will be focusing on three areas during the early days of the new administration. Those areas are Waters of the United States Rule Promulgation, the Endangered Species Act, and the National Environmental Protection Act.

**Project Operations and Updates. (Enterprise Matters).**

**Wolford Mountain Reservoir:**

Hunter Causey reported that despite an abnormal year, due to COVID 19, the Wolford Mountain Recreation Area saw an increase in use and associated revenues.

**Approval of Contracts with Eco-Rx, Inc., re: Weed Control:**

Director Alvey moved, seconded by Director Acquafresca, to approve a five-year contract with Eco-Rx, Inc. in an amount not to exceed a total of \$304,400, subject to annual appropriations, for weed control at Wolford Mountain Reservoir. Motion carried unanimously.

Director Vanden Brink moved, seconded by Director Hazard, to approve a five-year contract with Eco-Rx, Inc. in an amount not to exceed a total of \$122,000, subject to annual appropriations, for weed control at Elkhead Reservoir. Motion carried unanimously.

**Approval of Contract with B&RW Construction Co., re: Concrete Repairs at Ritschard Dam:**

Director Vanden Brink moved, seconded by Director Merritt, to approve a contract with B&RW Construction Company in an amount not to exceed \$85,643.55 for concrete repairs at Ritschard Dam. Motion carried

unanimously.

**Ritschard Dam 2020 Dam Safety Evaluation Update:**

Hunter Causey provided an overview of the Ritschard Dam structural components and reminded the board that the River District has conducted dam safety assessments since its construction in 1996 by independent dam experts. The latest assessment was coordinated by the River District, with assistance from Denver Water, the Colorado Division of Water Resources' Dam Safety branch and HDR Engineering. The 2020 assessment's key findings included an increased level of dam failure risk than previously estimated but a poor level of confidence in the estimated risk, areas of significant uncertainty and, justification for taking further action. The report did not recommend immediate construction projects or rehabilitation of the dam but does advise to take action to reduce uncertainties, including increased monitoring and data collection as well as actions to reduce risk to the public. The River District is taking immediate action to implement the report recommendations with public safety being the District's highest priority.

**Water Marketing Policy:**

Ian Philips reviewed the District's Water Marketing Policies. Under the Policies, contracts executed after 2006 are subject to annual price increases. Those increases are limited to the Consumer Price Index (CPI) plus the New Growth Index (NGI). For 2021, the amount is 1.7% for the CPI and 1.43% for the NGI, for a total of 3.13%. For 2021, staff recommended a 1.70% increase for water marketing rates.

**Approval of Water Marketing Rates for 2021:**

Director Merritt moved, seconded by Director Alvey to approve staff's recommendation of a 1.70% price increase for 2021. Motion carried unanimously.

**Future Meetings.**

- a. Special Joint Meeting Zoom Meetings, beginning **mid-February 2021 at noon. (Biweekly, Pending Board Approval).**
- b. Second Regular Joint Quarterly Meeting, **April 20-21, 2021 Glenwood Springs, CO.**
- c. Third Regular Joint Quarterly Meeting, **July 20-21, 2021, Glenwood Springs, CO.**
- d. CRWCD 2022 Budget Workshop, **mid-September 2021 Location TBD.**
- e. CRWCD Annual Seminar, **TBD.**
- f. Fourth Regular Joint Quarterly Meeting, **October 19-20, 2021, Glenwood Springs, CO.**
- g. Board Fact Finding Mission to Lower Basin, re: Agricultural Fallowing and Augmentation Programs, **TBD.**
- h. Other Meetings:
  - i. Colorado Water Congress Virtual Annual Convention, **February 9 &12, 2021.**
  - ii. CWC Summer Conference, **TBD.**
  - iii. CRWUA Conference, **TBD.**

**Adjourn.**

There being no other business before the Board, President Whitmore adjourned the meeting at 12:24 p.m.

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Martha Whitmore, President

ATTEST:

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Andrew A. Mueller, Secretary/General Manager

*Executive Session Attestations.*

*I hereby attest that the portions of the Executive Session that were not recorded constituted privileged attorney-client communications.*

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*Peter Fleming, General Counsel*

DRAFT

GO BACK TO AGENDA

**MINUTES<sup>1</sup>**  
**SPECIAL JOINT MEETING OF THE BOARD OF DIRECTORS**  
**OF THE COLORADO RIVER WATER CONSERVATION DISTRICT**  
**AND OF THE COLORADO RIVER WATER CONSERVATION DISTRICT**  
**ACTING BY AND THROUGH ITS COLORADO RIVER WATER PROJECTS ENTERPRISE**

**February 25, 2021**

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Pursuant to notice duly and properly given, a special joint meeting of the Board of Directors of the Colorado River Water Conservation District (CRWCD) and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise was held on Thursday, February 25, 2021 via Zoom.

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**Directors participating during all or part of the meeting:**

Martha Whitmore, President	Kathy-Chandler Henry, Vice President
Tom Alvey	Doug Monger
Steve Acquafresca	Tom Gray
Marc Catlin	John Ely
Alden Vanden Brink	Rebie Hazard
Taylor Hawes	Kathleen Curry
Steve Beckley	

**Directors not participating:**

Mike Ritschard Stan Whinnery

**Other participating during all or part of the meeting:**

Andrew A. Mueller, General Manager, CRWCD  
Peter Fleming, General Counsel, CRWCD  
Audrey Turner, Chief of Operations, CRWCD  
Jason Turner, Senior Counsel, CRWCD  
Zane Kessler, Director of Governmental Affairs, CRWCD  
Ian Philips, Chief Accountant, CRWCD  
Laurie DePaolo, Executive Assistant, CRWCD  
Lorra Nichols, Paralegal, CRWCD  
Alesha Frederick, Director of Outreach and Information, CRWCD  
Eleanor Hasenbeck, Water Policy & Communications Fellow, CRWCD  
Brendon Langenhuizen, Sr. Water Rights Engineer, CRWCD  
Luci Wilson, Accountant, CRWCD  
Lyzzi Borkenhagen, Administrative Assistant, CRWCD  
Gayle Berry, Berry & Kirscht, LLC  
Wendall Koontz, Commissioner, Delta County  
Chris Treese, Southwestern Water Conservation District

**Quorum.**

President Whitmore found a quorum and called the meeting to order at 12:03 p.m.

**Report and Presentation of Credentials for Garfield County Director.**

President Whitmore reported that the River District had received and reviewed executed credentials for Garfield County director Steve Beckley. Director Chandler-Henry moved, seconded by Director Acquafresca, to accept the Garfield County director credentials as presented. Motion carried unanimously.

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<sup>1</sup>An audio recording has been made of the meeting. The motions described herein may not necessarily represent a verbatim transcription. The audio recordings are available for listening at the CRWCD offices during regular office hours. These minutes are the official record of the Colorado River Water Conservation District's meeting.

**External Affairs,**

**State Affairs:**

Zane Kessler presented the following bills for discussion:

**HB21-1008: CONCERNING INCREASED OPTIONS FOR FINANCING FOREST HEALTH PROJECTS.**

**Recommended Position: Support.**

Director Gray moved, seconded by Director Hawes, to **support HB21-1008**. Motion carried unanimously.

**HB21-1042: CONCERNING THE CREATION OF THE WATER STORAGE TANK WILDFIRE MITIGATION GRANT PROGRAM.**

**Recommended Position: Monitor.**

Director Alvey moved, seconded by Director Monger, to **monitor HB21-1042**. Motion carried unanimously.

**HB21-1043: CONCERNING A STUDY OF UNDERGROUND WATER STORAGE TO MAXIMIZE THE BENEFICIAL USE OF WATER WITHIN COLORADO.**

**Recommended Position: Monitor.**

Director Vanden Brink moved to **oppose HB21-1043**. The motion died for lack of a second. Director Catlin moved, seconded by Director Monger, to **monitor HB21-1043**. Motion carried with Director Vanden Brink opposing the motion.

**HB21-1046: CONCERNING THE USE OF A WATER RIGHT OBTAINED THROUGH A MUTUAL DITCH CORPORATON.**

**Recommended Position: Monitor.**

Director Hawes moved, seconded by Director Curry, to **monitor HB21-1046**. Motion carried unanimously.

**SB21-034: CONCERNING THE CREATION OF AN ENTERPRISE THAT IS EXEMPT FROM THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION TO ADMINISTER A FEE-BASED WATER RESOURCES FINANCING PROGRAM.**

**Recommended Position: Monitor.**

Director Chandler-Henry moved, seconded by Director Alvey, to **monitor SB21-034**. Motion carried unanimously.

**SB21-054: CONCERNING TRANSFERS FROM THE GENERAL FUND TO CASH FUNDS TO BE USED TO ADDRESS WILDLAND FIRES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

**Recommended Position: Support.**

Director Acquafresca moved, seconded by Director Hawes, to **support SB21-054**. Motion carried unanimously.

**HJR21-1002: CONCERNING APPROVAL OF WATER PROJECT REVOLVING FUND ELIGIBILITY LISTS ADMINISTERED BY THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY.**

**Recommended Position: Support.**

Director Catlin moved, seconded by Director Monger, to **support HJR21-1002**. Motion carried unanimously.

**Federal Affairs:**

Zane Kessler reported that the administration is engaged in making position appointments and the confirmation process is underway.



**General Manager's Update.**

Andy Mueller reported that River District staff has met with Senator Hickenlooper and staff members from Representative Boebert's office to provide updates on River District activities and priorities.

**Adjourn.**

There being no other business the Board, President Whitmore adjourned the meeting at 12:58 p.m.

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Martha Whitmore, President

ATTEST:

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Andrew A. Mueller, Secretary/General Manager

DRAFT

GO BACK TO AGENDA

**MINUTES<sup>1</sup>**  
**SPECIAL JOINT MEETING OF THE BOARD OF DIRECTORS**  
**OF THE COLORADO RIVER WATER CONSERVATION DISTRICT**  
**AND OF THE COLORADO RIVER WATER CONSERVATION DISTRICT**  
**ACTING BY AND THROUGH ITS COLORADO RIVER WATER PROJECTS ENTERPRISE**

**March 11, 2021**

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Pursuant to notice duly and properly given, a special joint meeting of the Board of Directors of the Colorado River Water Conservation District (CRWCD) and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise was held on Thursday, March 11, 2021 via Zoom.

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**Directors participating during all or part of the meeting:**

Kathy-Chandler Henry, Vice President	Tom Alvey
Doug Monger	Steve Acquafresca
Tom Gray	Marc Catlin
Stan Whinnery	John Ely
Alden Vanden Brink	Rebie Hazard
Taylor Hawes	Kathleen Curry
Steve Beckley	Mike Ritschard

**Directors not participating:**

Martha Whitmore, President

**Other participating during all or part of the meeting:**

Andrew A. Mueller, General Manager, CRWCD  
Audrey Turner, Chief of Operations, CRWCD  
Jason Turner, Senior Counsel, CRWCD  
Zane Kessler, Director of Governmental Affairs, CRWCD  
Dave Kanzer, Deputy Chief Engineer, CRWCD  
Ian Philips, Chief Accountant, CRWCD  
Lorra Nichols, Paralegal, CRWCD  
Alesha Frederick, Director of Outreach and Information, CRWCD  
Eleanor Hasenbeck, Water Policy & Communications Fellow, CRWCD  
Brendon Langenhuizen, Sr. Water Rights Engineer, CRWCD  
Mike Eytel, Sr. Water Resources Specialist, CRWCD  
Gayle Berry, Berry & Kirscht, LLC  
Chris Votoupal, Votoupal Government Affairs  
Chris Treese, Southwestern Water Conservation District  
Torie Jarvis, NWCOG  
Sonja Chavez, Upper Gunnison River Water Conservancy District  
Susan Collins  
Josh Blanchard

**Quorum.**

Vice President Chandler-Henry found a quorum and called the meeting to order at 12:03 p.m.

**External Affairs,**

**State Affairs:**

Zane Kessler presented the following bills for discussion:

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<sup>1</sup>An audio recording has been made of the meeting. The motions described herein may not necessarily represent a verbatim transcription. The audio recordings are available for listening at the CRWCD offices during regular office hours. These minutes are the official record of the Colorado River Water Conservation District's meeting.

**SB21-136: CONCERNING THE CONTINUATION OF THE FOREST HEALTH ADVISORY COUNCIL.**

**Recommended Position: Support.**

Director Monger moved, seconded by Director Alvey, to **support SB21-136**. Motion carried unanimously.

**SB21-145 CONCERNING THE EXTENSION OF THE PERIOD OF TIME THAT VOLUNTARY CONTRIBUTIONS THAT ARE SET TO EXPIRE IN 2021 WILL APPEAR ON THE STATE INDIVIDUAL TAX RETURN FORM.**

**Recommended Position: Support.**

Director Acquafresca moved, seconded by Director Hawes, to **support SB21-145**. Motion carried unanimously.

**SB21-164: CONCERNING THE “UNIFORM EASEMENT RELOCATION ACT.**

**Recommended Position: Oppose.**

Director Gray moved, seconded by Director Vanden Brink, to **oppose SB21-164**. Motion carried unanimously.

**Federal Affairs:**

Zane Kessler presented the following bill for discussion:

**WESTERN WATER RIGHTS SECURITY ACT (bill number pending).**

**Recommended Position: Support.**

This bill’s goal is to prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture.

Director Monger moved, seconded by Director Catlin, to **support the Western Water Rights Security Act**. Motion carried unanimously.

**Adjourn.**

Director Acquafresca moved, seconded by Director Vanden Brink, to adjourn the meeting at 12:36 p.m.

\_\_\_\_\_  
Martha Whitmore, President

ATTEST:

\_\_\_\_\_  
Andrew A. Mueller, Secretary/General Manager

GO BACK TO AGENDA


- 2.b. Review and Acceptance of Treasurer's Reports, Check Registers and Draft Financial Statements for December 2020.

COLORADO RIVER WATER CONSERVATION DISTRICT

TREASURER'S REPORT  
GENERAL FUND

December 31, 2020

<b>CASH AND EQUIVALENTS AS OF:</b>	<b>11/30/20</b>		
CASH ON HAND		\$439.44	
BOC-GLENWOOD-PETTY CASH-9497		\$2,225.84	
BOC-GLENWOOD - CHECKING		\$2,730,835.32	
COLOTRUST PRIME		\$440,642.82	
COLOTRUST PLUS		\$1,388,177.78	
INVESTMENTS		\$0.00	
<b>TOTAL</b>			<b>\$4,562,321.20</b>
<b>DEPOSITS:</b>			
CASH ON HAND		0.00	
BOC-GLENWOOD-PETTY CASH-9497		0.36	
BOC-GLENWOOD - CHECKING		184,030.40	
COLOTRUST PRIME		17.09	
COLOTRUST PLUS		143.35	
<b>TOTAL</b>			<b>184,191.20</b>
<b>DISBURSEMENTS:</b>			
CASH ON HAND		0.00	
BOC-GLENWOOD-PETTY CASH-9497		182.00	
BOC-GLENWOOD - CHECKING		436,384.45	
COLOTRUST PRIME		0.00	
COLOTRUST PLUS		0.00	
<b>TOTAL</b>			<b>436,566.45</b>
<b>INVESTMENTS:</b>			
NET INCREASE/[(DECREASE)]		0.00	
<b>TOTAL</b>			<b>0.00</b>
<b>CASH AND EQUIVALENTS AS OF:</b>	<b>12/31/20</b>		<b>\$4,309,945.95</b>
<b>SUMMARY:</b>			
CASH ON HAND		\$439.44	
BOC-GLENWOOD-PETTY CASH-9497		\$2,044.20	
BOC-GLENWOOD - CHECKING		\$2,478,481.27	
COLOTRUST PRIME		\$440,659.91	
COLOTRUST PLUS		\$1,388,321.13	
INVESTMENTS		\$0.00	
<b>SUMMARY TOTAL AS OF:</b>	<b>12/31/20</b>		<b>\$4,309,945.95</b>

  
 Signature \_\_\_\_\_ Date 3/29/21  
 ROGER D. MAGGARD, TREASURER  
 COLORADO RIVER WATER  
 CONSERVATION DISTRICT

COLORADO RIVER WATER CONSERVATION DISTRICT

TREASURER'S REPORT  
ANALYSIS OF INVESTMENTS  
GENERAL FUND

December 31, 2020

	BALANCE 11/30/20	ADDITIONS (PURCHASED)	DELETIONS (MATURED)	BALANCE 12/31/20
CERTIFICATES OF DEPOSIT	\$0.00	\$0.00	\$0.00	\$0.00
TREASURIES & DISCOUNT AGENCIES	0.00	0.00	0.00	\$0.00
<b>TOTAL INVESTMENTS</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>SUMMARY:</b>				
Additions	\$0.00			
Deletions	<u>0.00</u>			
<b>NET INCREASE/(DECREASE)</b>	<b><u>\$0.00</u></b>			

**Balance Sheet**  
**Colorado River Water Conservation District**  
**For 12/31/2020**

UNAUDITED

	This Year	Last Year	Change
01 General Fund			
Assets			
01-00-1000.000 Cash Box - General	439.44	439.44	0.00
01-00-1001.000 Cash In Bank - BoC - Checking	2,478,481.27	1,445,825.37	1,032,655.90
01-00-1002.000 Cash In Bank - Petty Cash	2,044.20	2,221.74	(177.54)
01-00-1008.000 EFT Clearing Account	0.00	0.00	0.00
01-00-1009.000 Undeposited Funds	26,683.76	86,947.09	(60,263.33)
01-00-1010.000 Wells Fargo /Colotrue -0100	0.00	0.00	0.00
01-00-1015.000 General ColoTrust Prime	440,659.91	438,677.71	1,982.20
01-00-1016.000 General ColoTrust Plus	1,388,321.13	1,378,110.26	10,210.87
01-00-1020.000 Investments-All	0.00	0.00	0.00
01-00-1021.000 Allow. For Investments+-	0.00	0.00	0.00
01-00-1022.000 Accum Amortization Investments	0.00	0.00	0.00
01-00-1023.000 Accrued Interest	0.00	0.00	0.00
01-00-1200.000 Accounts Receivable	113,881.78	62,425.90	51,455.88
01-00-1201.000 Accounts Receivable - Spec.	0.00	0.00	0.00
01-00-1205.000 Housing Notes Receivable	131,529.53	176,933.74	(45,404.21)
01-00-1206.000 Deferred Revenue	(5,157.53)	(5,157.53)	0.00
01-00-1207.000 457 Loans Receivable	0.00	0.00	0.00
01-00-1210.000 Property Tax Receivables	9,254,720.00	4,389,942.00	4,864,778.00
01-00-1225.000 Allowance Housing Forgiveness	(75,000.00)	(96,000.00)	21,000.00
01-00-1300.000 Prepaid Expenses	0.00	0.00	0.00
01-00-1505.000 Office Equipment	0.00	0.00	0.00
01-00-1599.000 Assets in Fixed Assets Fund	0.00	0.00	0.00
01-02-1990.000 Internal Balances	0.00	(200,000.00)	200,000.00
01-03-1990.000 Internal Balances	0.00	0.00	0.00
01-04-1990.000 Internal Balances	40,488.50	(10.51)	40,499.01
01-05-1990.000 Internal Balances	0.00	0.00	0.00
01-06-1990.000 Internal Balances	0.00	0.00	0.00
01-07-1990.000 Internal Balances	29.33	0.00	29.33
	<u>13,797,121.32</u>	<u>7,680,355.21</u>	<u>6,116,766.11</u>
Total Assets			
Liabilities and Net Assets			
01-00-2000.000 Accounts Payable	621,076.10	180,665.22	440,410.88
01-00-2001.000 Encumbrance Payable	0.00	0.00	0.00
01-00-2010.000 Wages Payable	0.00	0.00	0.00
01-00-2011.000 FICA/Mdcr Payable	0.00	0.00	0.00
01-00-2012.000 Fwt Payable	0.00	0.00	0.00
01-00-2013.000 Cwt Payable	0.00	0.00	0.00
01-00-2014.000 Sui Payable	0.00	0.00	0.00
01-00-2015.000 Disability Insurance	0.00	0.00	0.00
01-00-2016.000 Deferred Compension Payable	0.00	0.00	0.00
01-00-2017.000 HSA	0.00	0.00	0.00
01-00-2018.000 Health Insurance Premium Payable	0.00	0.00	0.00
01-00-2019.000 RHS -Payable	0.00	0.00	0.00
01-00-2020.000 Voluntary Life Payable	(496.37)	(513.53)	17.16
01-00-2021.000 Accrued Vacation Payable	0.00	0.00	0.00
01-00-2022.000 Accrued Vacation/Comp	0.00	0.00	0.00
01-00-2023.000 Cafeteria Plan - MSA Payable	59.30	60.00	(0.70)
01-00-2024.000 Cafeteria Plan - DCAP Payable	856.66	416.66	440.00
01-00-2025.000 457 Loan Payable	0.00	0.00	0.00
01-00-2026.000 Roth Payable	0.00	0.00	0.00
01-00-2040.000 24hourFlex Min Maint Bal	(1,500.00)	(1,500.00)	0.00
01-00-2200.000 Deferred Property Tax Revenue	9,254,720.00	4,389,942.00	4,864,778.00
01-00-2999.000 Excess Funds Transfer to CPO	0.00	0.00	0.00
	<u>9,874,715.69</u>	<u>4,569,070.35</u>	<u>5,305,645.34</u>
Total Liabilities			
01-00-3000.000 Tabor Emergency Reserve	127,945.00	120,806.00	7,139.00
01-00-3010.000 Unappropriated Fund Balance	2,983,339.86	2,196,514.12	786,825.74
Change in Net Assets	811,120.77	793,964.74	17,156.03
	<u>13,797,121.32</u>	<u>7,680,355.21</u>	<u>6,116,766.11</u>
Total Liabilities and Net Assets			

FOR INTERNAL USE ONLY

**Income Statement**  
**Colorado River Water Conservation District**  
**For 12/31/2020**

UNAUDITED

Page: 1

General Fund	M-T-D Actual \$	Y-T-D Actual \$	Annual Budget \$	YTD % Budget
<b>Revenues</b>				
4000. County Taxes	2,524.23	4,352,080.26	4,392,539.03	99.08
4001. SO And Other Tax	24,785.51	318,578.68	303,650.04	104.92
4002. Delinquent Taxes (general)	18.42	9,094.20	5,966.20	152.43
4010. Property Tax Interest	293.30	8,118.74	8,934.21	90.87
4020. Tax Increment Financing	81.86	(20,982.88)	(21,620.00)	97.05
4025. Tax Abatements/Credits	(1,063.89)	(23,030.94)	(14,700.01)	156.67
4030. County Treasurers Fees	(44.59)	(153,296.90)	(165,830.03)	92.44
4110. Investment Interest	758.71	19,892.54	20,000.00	99.46
4120. Miscellaneous Income	25,834.50	36,162.28	40,500.00	89.29
4130. Management Fee	0.00	0.00	0.00	0.00
4140. Project Contributions	0.00	0.00	0.00	0.00
4401. Cost of Goods Sold	0.00	0.00	0.00	0.00
<b>Total Revenues</b>	<b>53,188.05</b>	<b>4,546,615.98</b>	<b>4,569,439.44</b>	<b>99.50</b>
<b>Expenses</b>				
5000. Contingency Salaries	0.00	0.00	0.00	0.00
5001. Salaries	147,121.26	1,690,344.55	1,921,223.44	87.98
5010. Accrued Vacation	0.00	0.00	0.00	0.00
5011. Fica/Medicare	7,018.39	112,261.13	133,234.00	84.26
5014. Unemployment	408.71	4,802.97	5,791.99	82.92
5016. Workers Compensation Insurance	0.00	2,487.22	2,487.00	100.01
5115. Disability Insurance	469.99	11,022.49	11,272.63	97.78
5118. Health Insurance	32,313.89	391,728.84	390,565.87	100.30
5120. Cafeteria Plan-Employer	0.00	0.00	0.00	0.00
5121. Cafeteria Plan-Administration	48.75	585.00	600.00	97.50
5122. Retirement - 457 Matching	948.27	12,431.28	13,650.00	91.07
5123. Retirement - Employer	13,615.82	156,893.71	175,843.31	89.22
5124. Retirement - Administration	937.50	3,750.00	3,750.00	100.00
5125. RHS- Employer Contribution	10,740.06	24,734.70	38,288.00	64.60
5211. Employee Housing	(12,081.00)	(10,956.00)	1,125.00	(973.87)
5212. Education Assistance	0.00	0.00	0.00	0.00
5220. Overhead-C	0.00	0.00	3,750.00	0.00
5310. Travel	423.64	29,816.52	50,750.00	58.75
5311. Staff Registration	1,181.25	4,251.50	10,350.00	41.08
5312. Meeting Expense	0.00	1,679.86	12,675.00	13.25
6000. Directors Fees	993.75	5,475.00	13,500.00	40.56
6001. Education/Professional Development	45.50	2,177.29	5,250.00	41.47
6012. Legal Notice	0.00	3,040.92	2,250.00	135.15
6013. Special Counsel	435.00	9,729.14	34,750.00	28.00
6014. Legal Engineering	1,994.38	10,761.18	21,000.00	51.24
6015. Legal/Litigation / Adr	0.00	168.75	1,000.00	16.88
6016. Miscellaneous Legal/Materials	1,380.27	19,857.24	20,250.00	98.06
6017. Legal Contingency	0.00	0.00	19,999.50	0.00
6018. Legal Assistance To Others	0.00	0.00	15,000.00	0.00
6020. Washington Counsel/Lobbyist	1,125.00	13,500.00	13,500.00	100.00
6021. Colorado Lobbyist	1,500.00	18,000.00	18,000.00	100.00
6022. Education Assistance To Others	7,375.00	14,537.50	9,000.00	161.53
6023. External Affairs -C	0.00	305,135.72	350,000.00	87.18
6024. Education Programs	2,034.03	115,233.46	116,500.00	98.91
6025. Water Policy Survey	0.00	0.00	0.00	0.00
6026. Education Supplies	3,652.32	6,362.18	4,000.00	159.05
6100. Projects & Grants	0.00	0.00	0.00	0.00
6101. Project Assistance	0.00	0.00	0.00	0.00
6102. Consultant	0.00	0.00	0.00	0.00
6103. Accounting Consultant	0.00	4,300.90	4,500.00	95.58
6104. Audit	0.00	15,285.00	15,285.00	100.00
6105. Investment/Banking Services	17.06	194.83	200.00	97.42
6110. Admin Services/Expenses-C	3,273.42	4,363.89	5,000.25	87.27
6150. Assessments	5,195.67	62,348.04	62,348.04	100.00
6200. Postage	90.32	505.98	600.00	84.33
6201. Office Supplies	201.94	3,917.31	7,500.00	52.23
6202. Telephone	2,008.94	22,231.19	29,025.00	76.59
6203. Printing	0.00	0.00	0.00	0.00
6204. Insurance	0.00	25,551.00	33,000.00	77.43
6205. Records	0.00	67.50	300.00	22.50
6210. Lease Equipment	457.49	6,031.46	6,337.50	95.17
6211. Equipment Repairs	0.00	0.00	0.00	0.00



**Income Statement**  
**Colorado River Water Conservation District**  
**For 12/31/2020**

UNAUDITED

Page: 2

General Fund	M-T-D	Y-T-D	Annual	YTD %
	Actual \$	Actual \$	Budget \$	Budget
6301. Subscriptions	1,178.65	4,478.60	5,049.75	88.69
6302. Dues / Memberships	0.00	16,321.93	25,918.75	62.97
6310. Computer Licenses/Software & Services	4,237.71	56,623.54	49,800.00	113.70
6320. Small Office Equipment	0.00	0.00	450.00	0.00
6340. Vehicle Maintenance	337.65	5,679.49	7,500.00	75.73
6500. Bldg Construction/Remodel	0.00	0.00	0.00	0.00
6600. Bad Debt Expense	90.00	90.00	0.00	0.00
6601. Technical Contingency	0.00	0.00	10,000.00	0.00
6605. Water Quality/Selenium Coord.	45.95	3,914.65	4,000.00	97.87
6606. Colorado Watershed Management	641.25	22,848.31	26,545.00	86.07
6607. Interstate Watershed Management	24,065.00	148,994.50	133,000.00	112.03
6608. Division 4 Work Plan	0.00	6,377.00	6,377.00	100.00
6609. Division 5 Work Plan	4,113.50	42,923.62	42,000.00	102.20
6610. Division 6 Work Plan	0.00	0.00	35,000.00	0.00
6611. ESA/Recovery	0.00	13,496.00	13,496.00	100.00
6612. Colorado River Contingency	0.00	0.00	0.00	0.00
7001. USGS Gaging	173,894.35	309,138.32	322,258.00	95.93
7120. Tabor Contingency	0.00	0.00	127,945.37	0.00
8900. Excess Fund Transfer	0.00	0.00	0.00	0.00
Total Expenses	<u>443,530.68</u>	<u>3,735,495.21</u>	<u>4,392,791.40</u>	<u>85.04</u>
Excess Revenue Over (Under) Expenditures	<u>(390,342.63)</u>	<u>811,120.77</u>	<u>176,648.04</u>	<u>459.17</u>

# Colorado River Water Conservation District

Check Register from 12/01/2020 to 12/31/2020

1 GEN - BOC

<u>Check/EFT</u>	<u>Date</u>	<u>Vendor / Description</u>	<u>Check / Payment</u>
Report Criteria... 4/08/2021 @ 10:57 AM			
Form:	Check Register - Check Register		
Sort by	ActivityDate		
activity dates:	From: 12/01/2020 To: 12/31/2020		
EFT5a34791	12/01/2020	[WSHCG] WESTERN SLOPE	43,674.19
EFTe994640	12/04/2020	[CAUSEYH] HUNTER J CAUSEY 11/5-11/19	293.59
EFT35a43fb	12/08/2020	[WILSONL] LUCI L WILSON ..	122.71
0998387	12/11/2020	[WEX] WEX BANK WMR - \$266.13	470.99
0998386	12/11/2020	[VERIZON] VERIZON WIRELESS Kobe - \$40.01..WMR - \$102.23	960.64
0998385	12/11/2020	[TWORIV] TWO RIVERS PARK	6,927.56
0998383	12/11/2020	[RICOH] RICOH USA, INC	3.77
0998382	12/11/2020	[MOFFAT] MOFFAT COUNTY CLERK 2020 Election	9,478.93
0998381	12/11/2020	[METLIFE] METLIFE - GROUP	4,481.48
0998384	12/11/2020	[SAW] SAW ADVERTISING AGENCY Ballot ads	5,049.00
0998379	12/11/2020	[GJMEDIA] GRAND JUNCTION 20CW3123	625.82
0998378	12/11/2020	[DELTA CR] DELTA COUNTY CLERK	13,371.77
0998377	12/11/2020	[CMNM] COLORADO MOUNTAIN Kobe budget..20CW3123	387.57
0998376	12/11/2020	[GWS-CBN] CITY OF GLENWOOD	180.00
0998375	12/11/2020	[BISHOP] BISHOP-BROGDEN	555.75
0998380	12/11/2020	[IMAGENET] IMAGENET	294.61
EFT121420	12/14/2020	[24HOURFLEX] 24HOURFLEX	65.00
EFT0156	12/15/2020	[24HOURFLEX] 24HOURFLEX LB	40.00
EFT53f48a3	12/15/2020	[DEPAOLOL] LAURIE J DePAOLO 11/5-11/6	160.43
0998396	12/18/2020	[MITEL] MITEL	1,105.26
0998401	12/18/2020	[WTR STRAT] WATER STRATEGIES	1,500.00
0998400	12/18/2020	[VGA] VOTOUPAL GOVERNMENTAL	1,000.00
0998399	12/18/2020	[WESTPU] THOMSON REUTERS-	1,706.10
0998397	12/18/2020	[SANDYS] SANDY'S OFFICE	67.35
0998395	12/18/2020	[MAGGARD] MAGGARD & HOOD, June - Sept	2,415.00
0998398	12/18/2020	[TECHNOLINK] TECHNOLINK OF	88.00
0998393	12/18/2020	[HVZ] HVZ DESIGN	438.75
0998392	12/18/2020	[GBERRY] GBERRY CORP	1,000.00
0998391	12/18/2020	[CPR] COLORADO PUBLIC RADIO 15 spots..	281.52
0998390	12/18/2020	[CO INTER] COLORADO 2020CW3123, 2014CW3043	37.24
0998389	12/18/2020	[CAWA] COLORADO AG WATER	4,000.00
0998388	12/18/2020	[ALPINE] ALPINE TECHNOLOGIES,	3,600.00
0998394	12/18/2020	[HYDROS] HYDROS CONSULTING	10,674.50
eft2444f1e99	12/21/2020	[CLONINGERR] RONALD 11/20/20	29.33
EFT1772900	12/23/2020	[VISA] VISA-PINNACLE BANK OF STAND UP DESK BH	2,615.57
EFT1772901	12/23/2020	[VISA] VISA-PINNACLE BANK OF SERVER-LASHERFICHE, LICENSES	14,780.19
EFT1772901	12/23/2020	[VISA] VISA-PINNACLE BANK OF	534.89
EFT1772990	12/23/2020	[VISA] VISA-PINNACLE BANK OF	515.45
EFT	12/24/2020	Pay period ending 12/14/2020	148,580.22
EFTaf24f318	12/24/2020	[USBANKHSA] US BANK ( Dec PR)	12,474.00
EFTba844c3	12/28/2020	[ICMA457] ICMA - 457 ( Dec PR)	21,869.50
EFTb9141f8	12/28/2020	[ICMAIRA] ICMA - ROTH IRA ( Dec	4,195.67
EFT9493066	12/28/2020	[IRS] INTERNAL REVENUE	46,956.72

# Colorado River Water Conservation District

Check Register from 12/01/2020 to 12/31/2020

1 GEN - BOC

<u>Check/EFT</u>	<u>Date</u>	<u>Vendor / Description</u>	<u>Check / Payment</u>
EFT5004967	12/28/2020	[ICMARHS] ICMA - RHS ( 2020	16,663.69
EFT1162886	12/28/2020	[COLOTR] COLO STATE	1,889.00
EFT17c4820	12/28/2020	[ICMA401] ICMA ( Dec PR)	21,853.51
EFT0156	12/28/2020	[24HOURFLEX] 24HOURFLEX ME	416.63
EFT0089860	12/28/2020	[CODEPREV] COLORADO DEPT OF	7,454.75
EFT1874f20	12/28/2020	[ICMARHS] ICMA - RHS ( Dec PR)	4,114.33
EFTb9a4797	12/30/2020	[DEPAOLOL] LAURIE J DePAOLO 12/6-12/19	160.43
0998402	12/30/2020	[ASPENRADIO] ASPEN PUBLIC	646.00
0998405	12/30/2020	[KMTS-FM] COLORADO WEST Sept	2,800.00
0998406	12/30/2020	[IMAGENET] IMAGENET	235.13
0998407	12/30/2020	[KNZZ] KNZZ NEWS RADIO 1100	925.00
0998410	12/30/2020	[RICOH] RICOH USA, INC	369.31
0998411	12/30/2020	[ROUTT] ROUTT COUNTY CLERK & Nov election	9,994.22
0998412	12/30/2020	[SUMMITCR] SUMMIT COUNTY Nov election	4,908.22
0998414	12/30/2020	[WSC] WESTERN SLOPE	528.00
eft71e4011a	12/31/2020	[PHILIPS] IAN PHILIPS 10/19/20 - 12/18/20 Exp Rpt	275.89
<b><u>Total Checks:</u></b>			<b><u>440,843.18</u></b>

COLORADO RIVER WATER CONSERVATION DISTRICT

TREASURER'S REPORT  
CAPITAL PROJECTS FUND

December 31, 2020

<b>CASH AND EQUIVALENTS AS OF:</b>	<b>11/30/20</b>		
BOC-GLENWOOD - CHECKING		\$909,382.57	
COLOTRUST PRIME		\$1,084,495.01	
COLOTRUST PLUS		\$2,122,426.24	
PEAKS		\$0.00	
INVESTMENTS		\$0.00	

<b>TOTAL</b>			<b>\$4,116,303.82</b>
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<b>DEPOSITS:</b>			
BOC-GLENWOOD - CHECKING		154.38	
COLOTRUST PRIME		42.08	
COLOTRUST PLUS		219.18	
PEAKS		0.00	

<b>TOTAL</b>			<b>415.64</b>
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<b>DISBURSEMENTS:</b>			
BOC-GLENWOOD - CHECKING		15,843.90	
COLOTRUST PRIME		0.00	
COLOTRUST PLUS		0.00	
PEAKS		0.00	

<b>TOTAL</b>			<b>15,843.90</b>
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<b>INVESTMENTS:</b>			
NET INCREASE/[DECREASE]		0.00	
<b>TOTAL</b>			<b>0.00</b>

<b>CASH AND EQUIVALENTS AS OF:</b>	<b>12/31/20</b>		<b>\$4,100,875.56</b>
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<b>SUMMARY:</b>			
BOC-GLENWOOD - CHECKING		\$893,693.05	
COLOTRUST PRIME		1,084,537.09	
COLOTRUST PLUS		2,122,645.42	
PEAKS		0.00	
INVESTMENTS		0.00	

<b>SUMMARY TOTAL AS OF:</b>	<b>12/31/20</b>		<b>\$4,100,875.56</b>
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 3/29/21

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 ROGER D. MAGGARD, TREASURER  
 COLORADO RIVER WATER  
 CONSERVATION DISTRICT

COLORADO RIVER WATER CONSERVATION DISTRICT

TREASURER'S REPORT  
ANALYSIS OF INVESTMENTS  
CAPITAL PROJECTS FUND

December 31, 2020

	BALANCE 11/30/20	ADDITIONS (PURCHASED)	DELETIONS (MATURED)	BALANCE 12/31/20
TREASURIES & DISCOUNT AGENCIES				
	\$0.00		0.00	0.00
TOTAL INVESTMENTS	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>

SUMMARY:

Additions	0.00
Deletions	<u>\$0.00</u>
<b>NET INCREASE/(DECREASE)</b>	<u><u>\$0.00</u></u>

**Balance Sheet**  
**Colorado River Water Conservation District**  
**For 12/31/2020**

UNAUDITED

	This Year	Last Year	Change
02 Capital Project Fund			
Assets			
02-00-1001.000 Capital Project -BoC	893,693.05	738,399.55	155,293.50
02-00-1002.000 Peaks - CPO	0.00	21,420.03	(21,420.03)
02-00-1009.000 Undeposit Funds	0.00	0.00	0.00
02-00-1010.000 Wells Fargo /Colotrust -0100	0.00	0.00	0.00
02-00-1011.000 CSAFE - 5604 - Omid	0.00	0.00	0.00
02-00-1015.000 Capital ColoTrust Prime	1,084,537.09	83,011.28	1,001,525.81
02-00-1016.000 Capital ColoTrust Plus	2,122,645.42	2,107,033.69	15,611.73
02-00-1020.000 Investments-All	0.00	1,000,000.00	(1,000,000.00)
02-00-1021.000 Allowance For Investments	0.00	0.00	0.00
02-00-1022.000 Accum. Amortization	0.00	0.00	0.00
02-00-1023.000 Accrued Interest	0.00	9,405.00	(9,405.00)
02-00-1200.000 Accounts Receivable	0.00	0.00	0.00
02-00-1300.000 Prepaid Expenses	0.00	0.00	0.00
02-00-1599.000 Assets	0.00	0.00	0.00
02-00-1999.000 Excess Funds Transfer from GEN	0.00	0.00	0.00
02-01-1990.000 Internal Balances	0.00	200,000.00	(200,000.00)
<b>Total Assets</b>	<b>4,100,875.56</b>	<b>4,159,269.55</b>	<b>(58,393.99)</b>
Liabilities and Net Assets			
02-00-2000.000 Accounts Payable	2,669.40	2,968.89	(299.49)
02-00-2001.000 Encumbrance Payable	0.00	0.00	0.00
<b>Total Liabilities</b>	<b>2,669.40</b>	<b>2,968.89</b>	<b>(299.49)</b>
02-00-3010.000 Fund Balances	4,156,300.66	4,039,283.36	117,017.30
Change in Net Assets	(58,094.50)	117,017.30	(175,111.80)
<b>Total Liabilities and Net Assets</b>	<b>4,100,875.56</b>	<b>4,159,269.55</b>	<b>(58,393.99)</b>

**FOR INTERNAL USE ONLY**

**Income Statement**  
**Colorado River Water Conservation District**  
**For 12/31/2020**

UNAUDITED

Page: 1

Capital Project Fund	M-T-D Actual \$	Y-T-D Actual \$	Annual Budget \$	YTD % Budget
<b>Revenues</b>				
4110. Investment Interest	(8,989.36)	23,198.85	32,700.00	70.94
4120. Miscellaneous Income	0.00	0.00	0.00	0.00
4130. Management Fee	0.00	0.00	0.00	0.00
4201. NEPA Cost Reimbursements	0.00	0.00	0.00	0.00
4900. Excess Funds Transfer	0.00	0.00	0.00	0.00
Total Revenues	(8,989.36)	23,198.85	32,700.00	70.94
<b>Expenses</b>				
5212. Education Assistance	0.00	0.00	0.00	0.00
5312. Meeting Expense	0.00	0.00	0.00	0.00
6013. Special Counsel	0.00	0.00	0.00	0.00
6014. Legal Engineering	0.00	0.00	0.00	0.00
6015. Legal Litigation / Adr	0.00	0.00	0.00	0.00
6016. Miscellaneous Legal/Materials	0.00	0.00	0.00	0.00
6017. Legal Contingency	0.00	0.00	0.00	0.00
6101. Project Assistance	0.00	26,300.00	101,405.00	25.94
6105. Investment/Banking Services	0.00	0.00	0.00	0.00
6201. Office Supplies	0.00	0.00	0.00	0.00
6310. Computers - Licenses/Software & Services	14,540.19	26,895.02	16,215.00	165.87
6500. Bldg Construction/Remodel	0.00	0.00	20,000.00	0.00
6501. Office Equipment	993.00	3,629.01	7,500.00	48.39
6502. Computer Equipment	310.71	10,278.31	20,000.00	51.39
6503. Office Reconfiguration	0.00	0.00	0.00	0.00
6600. Bad Debt Expense	0.00	0.00	0.00	0.00
7011. Ruedi Water	0.00	14,191.01	14,191.00	100.00
7108. Contingency Planning Implementation (Water Banking)	0.00	0.00	0.00	0.00
9000. Fleet Vehicle Acquisition	0.00	0.00	0.00	0.00
Total Expenses	15,843.90	81,293.35	179,311.00	45.34
Excess Revenue Over (Under) Expenditures	(24,833.26)	(58,094.50)	(146,611.00)	39.62

COLORADO RIVER WATER CONSERVATION DISTRICT  
TREASURER'S REPORT  
ENTERPRISE FUND

December 31, 2020

CASH AND EQUIVALENTS AS OF: 11/30/20

CASH ON HAND	\$200.00	
BANK OF THE WEST-PETTY CASH-2163	\$1,092.42	
BOC-GLENWOOD - CHECKING	\$3,929,494.69	
COLOTRUST PRIME	\$4,923,063.92	
COLOTRUST PLUS	\$7,858,231.71	
CSAFE-5610	\$3,237,338.72	
FIRSTBANK OF LAKEWOOD - CD	\$246,420.37	
MOUNTAIN VIEW BANK OF COMMERCE - CD	\$248,911.84	
NBH BANK CD	\$1,000,000.00	
PEAKS	\$5,384.18	
INVESTMENTS	<u>\$8,130,003.50</u>	
TOTAL		<u>\$29,580,141.35</u>

DEPOSITS:

CASH ON HAND	0.00	
BANK OF THE WEST-PETTY CASH-2163	0.00	
BOC-GLENWOOD - CHECKING	142,899.35	
COLOTRUST PRIME	191.00	
COLOTRUST PLUS	811.50	
CSAFE-5610	507.60	
FIRSTBANK OF LAKEWOOD - CD	642.19	
MOUNTAIN VIEW BANK OF COMMERCE - CD	483.27	
NBH BANK CD	0.00	
PEAKS	<u>118,719.35</u>	
TOTAL		<u>264,254.26</u>

DISBURSEMENTS:

CASH ON HAND	0.00	
BANK OF THE WEST-PETTY CASH-2163	140.17	
BOC-GLENWOOD - CHECKING	220,340.98	
COLOTRUST PRIME	0.00	
COLOTRUST PLUS	0.00	
CSAFE-5610	0.00	
PEAKS	<u>0.00</u>	
TOTAL		<u>220,481.15</u>

INVESTMENTS:

NET INCREASE/(DECREASE)	<u>(110,000.00)</u>	
TOTAL		<u>(110,000.00)</u>

CASH AND EQUIVALENTS AS OF: 12/31/20 \$29,513,914.46

SUMMARY:

CASH ON HAND	\$200.00
BANK OF THE WEST-PETTY CASH-2163	\$952.25
BOC-GLENWOOD - CHECKING	\$3,852,053.06
COLOTRUST PRIME	\$4,923,254.92
COLOTRUST PLUS	\$7,859,043.21
CSAFE-5610	\$3,237,846.32
FIRSTBANK OF LAKEWOOD - CD	\$247,062.56
MOUNTAIN VIEW BANK OF COMMERCE - CD	\$249,395.11
NBH BANK CD	\$1,000,000.00
PEAKS	\$124,103.53
INVESTMENTS	<u>\$8,020,003.50</u>

SUMMARY TOTAL AS OF: 12/31/20 \$29,513,914.46

  
Signature Date 3/27/21

ROGER D. MAGGARD, TREASURER  
COLORADO RIVER WATER  
CONSERVATION DISTRICT



COLORADO RIVER WATER CONSERVATION DISTRICT

TREASURER'S REPORT  
ANALYSIS OF INVESTMENTS  
ENTERPRISE FUND

December 31, 2020

	BALANCE 11/30/2020	ADDITIONS (PURCHASED)	DELETIONS (MATURED)	BALANCE 12/31/2020
<b>TREASURIES &amp; DISCOUNT AGENCIES</b>				
CCB Utah#20033ASX5	\$245,000.00			\$245,000.00
CapOne #14042ON22	\$245,000.00			\$245,000.00
CapOne #14042REA5	\$245,000.00			\$245,000.00
Discover #254672M39	\$245,000.00			\$245,000.00
Amer. Express #02587DM70	\$245,000.00			\$245,000.00
Goldman Sachs #38148PJK4	\$245,000.00			\$245,000.00
Amer. Express FSB #02587CEM8	\$245,000.00			\$245,000.00
Synchrony Bank #87165HRY8	\$135,003.50			\$135,003.50
First Bank Highland #319141JV0	\$110,000.00		\$110,000.00	\$0.00
UBS Bank #90348JCV8	\$125,000.00			\$125,000.00
Morgan Stanley #61690UEH9	\$245,000.00			\$245,000.00
Morgan Stanley #61760AV55	\$245,000.00			\$245,000.00
TIAA #87270BU6	\$245,000.00			\$245,000.00
Morton Community #619165HZ9	\$245,000.00			\$245,000.00
Wells Fargo #949763YH#	\$245,000.00			\$245,000.00
EnerBank #29278TMD9	\$245,000.00			\$245,000.00
Enterprise #29367SJR6	\$245,000.00			\$245,000.00
BMW Bank #05580ATU8	\$245,000.00			\$245,000.00
Medallion Bank #58404DGT2	\$245,000.00			\$245,000.00
Merrick Bank #59013KHN9	\$245,000.00			\$245,000.00
Cadence Bank #12738RGA6	\$245,000.00			\$245,000.00
Berkshire Bank #084601XC2	\$245,000.00			\$245,000.00
First Oklahoma Bk #335857BX5	\$245,000.00			\$245,000.00
Third Federal S&L #88413QCNG	\$245,000.00			\$245,000.00
Pinnacle Bank #72345SKU4	\$245,000.00			\$245,000.00
HSBC #44329ME33	\$245,000.00			\$245,000.00
Texas Exchange bank #88241THD5	\$245,000.00			\$245,000.00
Texas Cap Bk #88224PLY3	\$245,000.00			\$245,000.00
FFCB #3133EMBQ4	\$500,000.00			\$500,000.00
FFCB #3133EMHL9	\$1,135,000.00			\$1,135,000.00
<b>TOTAL INVESTMENTS</b>	<b>\$8,130,003.50</b>	<b>\$0.00</b>	<b>\$110,000.00</b>	<b>\$8,020,003.50</b>

SUMMARY:

Additions	\$0.00
Deletions	110,000.00
<b>NET INCREASE/(DECREASE)</b>	<b>(\$110,000.00)</b>

**Balance Sheet**  
**Colorado River Water Conservation District**  
**For 12/31/2020**

	This Year	Last Year	Change
04 Enterprise Fund			
Assets			
04-00-1000.000 Cash Box	200.00	200.00	0.00
04-00-1001.000 Peaks - ENT	124,103.53	542,747.93	(418,644.40)
04-00-1002.000 Petty Cash	952.25	3,555.96	(2,603.71)
04-00-1003.000 Cash In Bank-BoC -Checking	3,852,053.06	1,622,716.02	2,229,337.04
04-00-1004.000 Alpine Bank	0.00	0.00	0.00
04-00-1005.000 Bank CD's	0.00	0.00	0.00
04-00-1006.000 First Bank CD	247,062.56	0.00	247,062.56
04-00-1007.000 Mountain View Bank CD	249,395.11	0.00	249,395.11
04-00-1008.000 NBH Bank CD	1,000,000.00	0.00	1,000,000.00
04-00-1009.000 Undeposited Fund	0.00	0.00	0.00
04-00-1010.000 Wells Fargo /Colostrust -0100	0.00	0.00	0.00
04-00-1011.000 CSAFE - 5603 - Elkhead Escrow	0.00	0.00	0.00
04-00-1012.000 Csafe-5601	3,237,846.32	3,211,361.40	26,484.92
04-00-1013.000 Aim-0045	0.00	0.00	0.00
04-00-1014.000 RESTRICTED CWCB/ELKHEAD PAYMENT	0.00	0.00	0.00
04-00-1015.000 Enterprise ColoTrust Prime	4,923,254.92	2,907,814.07	2,015,440.85
04-00-1016.000 Us Bank Money Market	0.00	0.00	0.00
04-00-1017.000 Enterprise ColoTrust Plus	7,859,043.21	6,616,037.49	1,243,005.72
04-00-1018.000 LPL Financial - ENT	0.00	0.00	0.00
04-00-1020.000 Investments-All	8,020,003.50	13,277,083.50	(5,257,080.00)
04-00-1021.000 Allowance For Investments+-	194,370.77	33,334.46	161,036.31
04-00-1022.000 Accum Amortization Investments	0.00	3,090.18	(3,090.18)
04-00-1023.000 Accrued Interest	20,231.01	104,604.79	(84,373.78)
04-00-1200.000 Accounts Receivable	293,702.84	390,649.08	(96,946.24)
04-00-1205.000 Housing Notes Receivable	56,789.58	68,590.97	(11,801.39)
04-00-1206.000 Deferred Revenue	(1,719.18)	(1,719.18)	0.00
04-00-1225.000 Allowance Housing Forgiveness	(25,000.00)	(32,000.00)	7,000.00
04-00-1300.000 Prepaid Expenses	0.00	0.00	0.00
04-00-1400.000 ST Invest In Sales-Type Lease	0.00	1,451,027.94	(1,451,027.94)
04-00-1401.000 LT Investment Sales-Type Lease	0.00	0.00	0.00
04-00-1500.000 Land	3,091,477.22	3,091,477.22	0.00
04-00-1501.000 Vehicles	280,036.31	237,079.86	42,956.45
04-00-1502.000 Dam Projects	66,175,849.83	66,154,085.78	21,764.05
04-00-1503.000 Recreation Area	1,254,093.25	1,222,328.29	31,764.96
04-00-1504.000 Equipment	222,212.49	200,607.49	21,605.00
04-00-1505.000 Reservoir Co Stock	2,588,558.08	2,588,173.44	384.64
04-00-1506.000 Computer Equipment	18,118.04	13,166.74	4,951.30
04-00-1507.000 Office Building	1,504,865.05	1,504,865.05	0.00
04-00-1508.000 Software/Upgrade	0.00	0.00	0.00
04-00-1509.000 Equipment/Tools	0.00	0.00	0.00
04-00-1510.000 GWS Office Building	0.00	0.00	0.00
04-00-1511.000 Water Treatment Plant	0.00	0.00	0.00
04-00-1520.000 Construction In Progress	0.00	0.00	0.00
04-00-1599.000 Assets in Fixed Assets Fund	0.00	0.00	0.00
04-00-1601.000 A/D-Vehicles	(222,968.27)	(202,706.94)	(20,261.33)
04-00-1602.000 A/D-Dam Project	(16,117,929.59)	(15,170,690.54)	(947,239.05)
04-00-1603.000 A/D-Recreation Area	(638,375.47)	(588,338.55)	(50,036.92)
04-00-1604.000 A/D-Furniture & Fixtures	(109,195.41)	(92,295.46)	(16,899.95)
04-00-1605.000 A/D-Office Equipment	(9,271.00)	(9,271.00)	0.00
04-00-1606.000 A/D-Computer Equipment	(10,967.55)	(10,432.42)	(535.13)
04-00-1607.000 A/D-Office Building	(392,955.37)	(350,320.72)	(42,634.65)
04-00-1608.000 A/D-Software/Upgrade	0.00	0.00	0.00
04-00-1609.000 A/D-Equipment/Tools	0.00	0.00	0.00
04-00-1610.000 A/D-GWS Office Building	(19,401.00)	(19,401.00)	0.00
04-00-1611.000 A/D-Water Treatment Plant	(13,724.12)	(13,724.12)	0.00
04-00-1620.000 Accumulated Depreciation	(921,910.26)	(921,910.26)	0.00
04-00-1700.000 Reservoir Company Stock	0.00	0.00	0.00
04-00-1800.000 Ruedi Reservoir CA03053 (5000 AF)	2,458,192.00	2,681,664.00	(223,472.00)
04-00-1801.000 Ruedi Reservoir CA00034 (500AF)	74,926.00	89,911.20	(14,985.20)
04-00-1802.000 Ruedi Reservoir CA00036 (700AF)	104,896.40	125,875.68	(20,979.28)
04-00-1803.000 Ruedi Reservoir CA02027 (530AF)	145,919.00	165,374.88	(19,455.88)
04-01-1990.000 Internal Balances	(40,488.50)	10.51	(40,499.01)
04-06-1501.001 WMP Vehicles	6.22	6.22	0.00
<b>Total Assets</b>	<b>89,474,252.83</b>	<b>90,894,629.96</b>	<b>(1,420,377.13)</b>

**Balance Sheet**  
**Colorado River Water Conservation District**  
**For 12/31/2020**

UNAUDITED

	This Year	Last Year	Change
<b>Liabilities and Net Assets</b>			
04-00-2000.000 Accounts Payable	196,903.75	331,086.10	(134,182.35)
04-00-2001.000 Encumbrance Payable	0.00	0.00	0.00
04-00-2005.000 Project Faciliation Passthrough	0.00	0.00	0.00
04-00-2011.000 FICA/Mdcr Payable	9,785.67	8,543.77	1,241.90
04-00-2019.000 RHS -Payable	0.00	0.00	0.00
04-00-2021.000 Accrued Vacation Payable	123,090.15	107,468.80	15,621.35
04-00-2101.000 Note/Contract Payable - Short Term	0.00	0.00	0.00
04-00-2110.000 Deferred Water Revenue	695,463.19	820,428.37	(124,965.18)
04-00-2120.000 Accrued Interest Payable	0.00	0.00	0.00
04-00-2201.000 N/P Cwcb - Wolford	0.00	0.00	0.00
04-00-2202.000 N/P CWCB - Elkhead	0.00	0.00	0.00
04-00-2203.000 Long Term Ruedi Contracts Payable	0.00	0.00	0.00
<b>Total Liabilities</b>	<b>1,025,242.76</b>	<b>1,267,527.04</b>	<b>(242,284.28)</b>
04-00-3000.000 EXTRAORDINARY MAINTENANCE	0.00	0.00	0.00
04-00-3010.000 Net Position	89,627,102.92	90,525,876.68	(898,773.76)
Change in Net Assets	<u>(1,178,092.85)</u>	<u>(898,773.76)</u>	<u>(279,319.09)</u>
<b>Total Liabilities and Net Assets</b>	<b><u>89,474,252.83</u></b>	<b><u>90,894,629.96</u></b>	<b><u>(1,420,377.13)</u></b>

**FOR INTERNAL USE ONLY**

# Income Statement

UNAUDITED

Run: 4/05/2021 at 11:12 AM

## Colorado River Water Conservation District For 12/31/2020

Page: 1

Enterprise Fund	M-T-D Actual \$	Y-T-D Actual \$	Annual Budget \$	YTD % Budget
<b><u>Revenues</u></b>				
4110. Investment Interest	85,651.58	390,213.30	295,000.00	132.28
4120. Rent & Misc. Income	4,857.42	58,385.21	58,300.00	100.15
4130. Management Fee	87.47	5,114.57	1,000.00	511.46
4140. Other Fees & Rec Area	85.00	183,082.34	170,000.00	107.70
4150. Project Contribution (other)	0.00	3,986.69	5,000.00	79.73
4160. Grants	92,877.33	97,425.77	111,032.00	87.75
4200. Elkhead OM&R Reimbursements	0.00	76,836.80	76,836.80	100.00
4201. NEPA Cost Reimbursements	0.00	0.00	0.00	0.00
4300. Joint Venture Income	384.64	384.64	5,000.00	7.69
4301. Sale Of Capital Asset	0.00	0.00	0.00	0.00
4303. Sale Of Water	124,965.18	1,515,891.55	1,400,000.00	108.28
4304. Denver Water	(1,451,027.94)	48,972.06	1,500,000.00	3.26
4305. Water Application/Change	2,000.00	5,850.00	4,000.00	146.25
4306. Up-Front Sale Of Water	0.00	0.00	0.00	0.00
4307. Project Contributions	29,492.00	1,550,146.79	3,784,934.00	40.96
4308. Federal Contributions	0.00	0.00	0.00	0.00
<b>Total Revenues</b>	<b>(1,110,627.32)</b>	<b>3,936,289.72</b>	<b>7,411,102.80</b>	<b>53.11</b>
<b><u>Expenses</u></b>				
5000. Contingency Salaries	0.00	0.00	0.00	0.00
5001. Salaries	82,621.83	971,553.79	781,623.25	124.30
5004. Accrued Vacation Adjustment	15,621.35	15,621.35	15,000.00	104.14
5010. Accrued Vacation	0.00	0.00	0.00	0.00
5011. Fica/Medicare	5,652.25	67,474.32	55,216.37	122.20
5014. Unemployment	228.20	2,747.69	2,354.32	116.71
5016. Workers Compensation Insurance	0.00	4,269.78	4,270.00	99.99
5115. Disability Insurance	(303.37)	3,214.17	3,757.54	85.54
5118. Health Insurance	9,932.74	129,737.68	130,188.62	99.65
5120. Cafeteria Plan-Employer	0.00	0.00	0.00	0.00
5121. Cafeteria Plan-Administration	16.25	195.00	200.00	97.50
5122. Retirement - 457 Matching	333.04	7,254.68	6,150.00	117.96
5123. Retirement - Employer	7,894.33	93,249.84	72,736.44	128.20
5124. Retirement - Administration	312.50	1,250.00	1,250.00	100.00
5125. RHS- Employer Contribution	5,923.63	14,348.69	16,062.00	89.33
5211. Employee Housing	(5,919.00)	(5,544.00)	375.00	(1,478.40)
5212. Education Assistance	0.00	0.00	0.00	0.00
5220. Overhead-C	0.00	0.00	1,250.00	0.00
5310. Travel	141.21	12,448.48	17,916.50	69.48
5311. Registration	393.75	1,417.17	3,450.00	41.08
5312. Meeting Expense	0.00	559.94	4,725.00	11.85
5313. Travel Contingency	0.00	0.00	0.00	0.00
6000. Directors Fees	331.25	1,825.00	4,500.00	40.56
6001. Education/Professional Development	15.16	725.75	1,750.00	41.47
6012. Legal Notice	0.00	1,013.61	750.00	135.15
6013. Special Counsel	0.00	1,845.75	5,250.00	35.16
6014. Legal Engineering	664.79	1,202.29	2,000.00	60.11
6015. Legal Litigation / Adr	11,189.50	36,802.75	150,000.00	24.54
6016. Miscellaneous Legal/Materials	460.07	6,618.95	6,750.00	98.06
6017. Legal Contingency	0.00	0.00	6,666.50	0.00
6020. Washington Counsel/Lobbyist	375.00	4,500.00	4,500.00	100.00
6021. Colorado Lobbyist	500.00	6,000.00	6,000.00	100.00
6022. Education Assistance To Others	1,125.00	3,512.50	3,000.00	117.08
6023. External Affairs -C	0.00	0.00	0.00	0.00
6024. Education Programs	14.25	9,677.84	15,500.00	62.44
6025. Water Policy Survey	0.00	0.00	0.00	0.00
6026. Education Supplies	0.00	0.00	0.00	0.00
6102. Consultant	0.00	0.00	0.00	0.00
6103. Accounting Consultant	0.00	1,433.62	1,500.00	95.57
6104. Audit	0.00	5,095.00	5,095.00	100.00
6105. Investment/Banking Services	5.69	2,413.98	3,600.00	67.06
6110. Admin Services/Expenses-C	1,131.14	1,494.63	1,666.75	89.67
6150. Assessments	4,650.16	55,801.92	55,801.92	100.00
6200. Postage	100.86	545.18	250.00	218.07
6201. Office Supplies	98.66	2,421.85	3,500.00	69.20
6202. Telephone	623.63	10,577.58	15,375.00	68.80
6203. Printing	0.00	0.00	0.00	0.00
6204. Insurance	0.00	8,941.00	11,000.00	81.28

# Income Statement

UNAUDITED

Run: 4/05/2021 at 11:12 AM

## Colorado River Water Conservation District For 12/31/2020

Page: 2

	M-T-D	Y-T-D	Annual	YTD %
Enterprise Fund	Actual \$	Actual \$	Budget \$	Budget
6205. Records	0.00	22.50	100.00	22.50
6210. Lease Equipment	152.50	2,010.47	2,112.50	95.17
6211. Equipment Repairs	0.00	0.00	0.00	0.00
6301. Subscriptions	392.88	1,492.87	1,683.25	88.69
6302. Dues / Memberships	0.00	6,190.64	9,425.00	65.68
6310. Computer Licenses/Software & Services	1,412.57	18,954.47	16,600.00	114.18
6320. Small Office Equipment	0.00	0.00	150.00	0.00
6330. Utilities	3,119.39	29,053.40	30,000.00	96.84
6340. Vehicle Maintenance	1,837.17	15,555.30	17,500.00	88.89
6350. Roads/Buildings Maintenences	0.00	0.00	0.00	0.00
6401. Cleaning/Janitorial	280.00	5,625.75	5,700.00	98.70
6402. Small Tools/Supplies	749.87	8,177.09	6,000.00	136.28
6403. Water System Operation	1,044.00	30,387.00	40,000.00	75.97
6410. Recreation Area O&M	830.00	148,512.52	140,000.00	106.08
6411. Dam/Project Maintenance	10,926.00	130,025.04	167,000.00	77.86
6412. Weed Control WMP	0.00	55,568.33	64,400.00	86.29
6413. Water Quality - In House	0.00	0.00	0.00	0.00
6414. USGS Gaging - Water Quality	55,140.85	81,019.65	80,749.94	100.33
6415. USGS Streamflow Gaging	16,794.91	23,791.00	24,595.34	96.73
6416. Dam & Reservoir OM&R Contingency	0.00	0.00	50,000.00	0.00
6417. RD Facilities OM&R	0.00	4,159.91	7,500.00	55.47
6418. Dam Deformation	0.00	35,177.50	40,000.00	87.94
6500. Bldg Construction/Remodel	0.00	0.00	12,250.00	0.00
6600. Bad Debt Expense	2,630.69	27,257.69	24,627.00	110.68
6602. Surveying & Mapping	0.00	0.00	0.00	0.00
6603. Archeology	0.00	0.00	0.00	0.00
6604. Water Marketing (Modeling)	0.00	0.00	0.00	0.00
6720. Equipment	0.00	0.00	150.00	0.00
7001. USGS Guaging	15,371.15	29,971.29	29,009.53	103.32
7002. Water Quality	0.00	347.75	400.00	86.94
7009. WMP Weather Station (CoAgMet)	0.00	0.00	2,000.00	0.00
7010. Vehicle & asset upgrades for WMP	0.00	42,956.45	65,000.00	66.09
7011. Watershed Management	53.76	165,353.57	225,750.00	73.25
7012. Ruedi Contract-(700) Capital	0.00	0.00	0.00	0.00
7013. Ruedi Contract-(5,000) O&M	0.00	15,150.00	15,150.00	100.00
7014. Ruedi Contract-(530) Capital	0.00	0.00	0.00	0.00
7015. Ruedi Contract-(500) O&M	0.00	1,515.00	1,515.00	100.00
7016. Ruedi Contract-(5,000) Capital	0.00	0.00	0.00	0.00
7017. Ruedi Contract-(530) O&M	0.00	1,605.90	1,606.00	99.99
7018. Ruedi Contract-(700) O&M	0.00	2,121.00	2,121.00	100.00
7020. Hydro Plant	0.00	0.00	0.00	0.00
7021. Old Dillon Reserv. Enlargement	0.00	0.00	0.00	0.00
7022. Elkhead Dam & Reservoir Op.	16,947.00	82,532.32	91,000.00	90.69
7023. Elkhead Net	0.00	0.00	0.00	0.00
7100. Projects	0.00	0.00	0.00	0.00
7101. River Mou	0.00	0.00	0.00	0.00
7102. 15-Mile Reach/Recovery Program	0.00	0.00	0.00	0.00
7103. Vail Ditch	0.00	6,700.00	6,700.00	100.00
7104. WR & Project Development	0.00	2,375.42	2,375.00	100.02
7105. Op. Wetland & Other Mitigation	0.00	2,593.50	10,000.00	25.94
7106. Mitigation Maintenance	0.00	9,178.00	20,000.00	45.89
7107. Mitigation Contingency	0.00	0.00	0.00	0.00
7110. River Projects Contingency	0.00	10,000.00	10,000.00	100.00
7120. Elkhead Ops Contingency	0.00	0.00	0.00	0.00
7200. Ruedi 15 MR PBO Compliance	0.00	22,459.88	22,460.00	100.00
7201. Fisheries/Stocking	0.00	0.00	0.00	0.00
7202. Elkhead Fish Screen	0.00	0.00	0.00	0.00
7203. Annual Assessment	0.00	24,327.00	24,327.00	100.00
7204. Special Assessment	0.00	0.00	0.00	0.00
7500. Cooperative Management	36,429.26	274,720.24	295,798.00	92.87
7510. RCPP	5,672.96	1,082,431.71	3,383,338.00	31.99
7600. Technical Study - Risk Management	0.00	22,652.00	50,000.00	45.30
8000. Principal - CWCB (Elkhead)	0.00	0.00	0.00	0.00
8001. Interest - CWCB (Elkhead)	0.00	0.00	0.00	0.00
8002. Amortization Expense	278,892.36	278,892.36	0.00	0.00
9000. Acquisition	(16,463.00)	(123,041.76)	0.00	0.00
9010. Depreciation	1,077,607.03	1,077,607.03	1,000,000.00	107.76
9020. Gain/Loss Of Disposal	0.00	(23,295.00)	0.00	0.00
<b>Total Expenses</b>	<b>1,653,955.22</b>	<b>5,114,382.57</b>	<b>7,420,072.77</b>	<b>68.93</b>

**Income Statement**  
**Colorado River Water Conservation District**  
**For 12/31/2020**

Enterprise Fund	<u>M-T-D</u> <u>Actual \$</u>	<u>Y-T-D</u> <u>Actual \$</u>	<u>Annual</u> <u>Budget \$</u>	<u>YTD %</u> <u>Budget</u>
Excess Revenue Over (Under) Expenditures	<u>(2,764,582.54)</u>	<u>(1,178,092.85)</u>	<u>(8,969.97)</u>	<u>13,133.74</u>

# Colorado River Water Conservation District

Check Register from 12/01/2020 to 12/31/2020

2 ENT - BOC

<u>Check/EFT</u>	<u>Date</u>	<u>Vendor / Description</u>	<u>Check / Payment</u>
Report Criteria... 4/08/2021 @ 10:56 AM			
Form:	Check Register - Check Register		
Sort by	ActivityDate		
activity dates:	From: 12/01/2020 To: 12/31/2020		
0997102	12/11/2020	[BUIRGY] BUIRGY CONSULTING	2,656.25
0997103	12/11/2020	[EDGE] EDGE INTERNET	149.99
0997104	12/11/2020	[ERO] ERO RESOURCES 9/1-10/31	27,541.48
0997105	12/11/2020	[GMNRC] GRAND MESA NATURAL 10/22-11/23	1,932.50
0997106	12/11/2020	[HDR] HDR ENGINEERING INC 10/25-11/21	1,122.50
0997107	12/11/2020	[IPC] INDEPENDENT PROPANE	361.23
0997108	12/11/2020	[JUB] JUB ENGINEERS, INC.	5,012.00
0997109	12/11/2020	[KEY] KEY COMMUNICATION, LLC	450.00
0997110	12/11/2020	[NWSPLY] NORTHWEST RANCH	696.88
0997111	12/11/2020	[PRYOR] PRYOR EXCAVATING Dig pothole for sand filter sa	4,500.00
0997112	12/11/2020	[RIGNET] RIGNET	62.55
0997113	12/11/2020	[TMAS] TASK MASTERS Task 1 - \$200..Task 2 - \$640..	2,211.99
0997114	12/11/2020	[TWORIV] TWO RIVERS PARK	2,918.27
0997115	12/11/2020	[WASTEMGT] WASTE	281.03
0997116	12/11/2020	[YVEA] YAMPA VALLEY ELECTRIC	177.00
EFT0242045	12/14/2020	[VERIZON] VERIZON WIRELESS	39.08
0997126	12/18/2020	[TMAS] TASK MASTERS Task 1 - \$1,360..Task 2 - \$80.	2,160.00
0997125	12/18/2020	[RENEGADE] RENEGADE OFF FUEL PUMP F 150 WOLFORD	694.26
0997124	12/18/2020	[PRYOR] PRYOR EXCAVATING Deliver gangway to High Countr	325.00
0997123	12/18/2020	[OTAK] OTAK	11,507.50
0997122	12/18/2020	[MCCAW] MELINDA MCCAW MEDIA	77.00
0997117	12/18/2020	[CGEO] CYGANIEWICZ	5,350.00
0997120	12/18/2020	[HDR] HDR ENGINEERING INC 10/25-11/21	6,085.00
0997119	12/18/2020	[GTG] GOOD TO GO Vault	500.00
0997118	12/18/2020	[NAPA] ELK MOUNTAIN AUTO SEAT COVERS f250..PLOW PARTS	2,417.53
0997121	12/18/2020	[KLEENW] KLEEN AS A WHISTLE	420.00
0997133	12/30/2020	[MTNPKS] MOUNTAIN PARKS	998.42
0997127	12/30/2020	[BBC] BBC RESEARCH &	5,982.24
0997129	12/30/2020	[BUCKEYE] BUCKEYE WELDING	30.60
0997130	12/30/2020	[ERO] ERO RESOURCES	11,229.25
0997131	12/30/2020	[GRANDP] GRAND POWER Reconnect limit switches to 96	300.00
0997132	12/30/2020	[KARP] KARP, NEU, HANLON, P.C. Denver Water	7,935.00
0997134	12/30/2020	[WOLFORD CAMPGROUND] PASS Web Hosting Reimbursement	420.00
<b><u>Total Checks:</u></b>			<b><u>106,544.55</u></b>

GO BACK TO AGENDA

- 3.a. General Counsel's Report – Executive Session: Tuesday  
(No Material Available)





**COLORADO RIVER DISTRICT**  
PROTECTING WESTERN COLORADO WATER SINCE 1937

**ATTORNEY REPORT**  
**JOINT QUARTERLY MEETING**  
**GENERAL and ENTERPRISE**  
**April 2021**

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**TO:** CRWCD BOARD OF DIRECTORS

**FROM:** PETER C. FLEMING, GENERAL COUNSEL  
JASON V. TURNER, SENIOR COUNSEL

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Dear Directors:

This report identifies matters for discussion at the April 20-21, 2021, joint quarterly meeting of the River District and its Enterprise. A separate Confidential Report addresses confidential matters. The information in this report is current as of April 8, 2021, and will be supplemented as necessary before or at the Board meeting.

**I. EXECUTIVE SESSION.**

The following is a list of matters that qualify for discussion in executive session pursuant to C.R.S. §§ 24-6-402(4)(b) and (e).

- A. Wolford Mountain Reservoir and Ritschard Dam Operations (an Enterprise Matter).
- B. CRCA Implementation Matters.
- C. Colorado Springs Utilities, Application for Finding of Reasonable Diligence, Case No. 15CW3019, Water Division 5.
- D. Homestake Reservoir Pilot Release Project.
- E. Colorado River Compact, Interstate, International, and Intrastate Negotiation Matters, including Demand Management.

**II. GENERAL MATTERS.**

**A. Waters of the United States.**

GO BACK TO AGENDA

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 1.B (outreach and advocacy) and 6 (agricultural water use).*

Waters of the United States (“WOTUS”) -- the gift that keeps on giving. The Clean Water Act’s (“CWA”) primary areas of regulatory focus are point-source discharge permit requirements under Section 402 (the National Pollution Discharge Elimination System (NPDES)), and “dredge and fill” permit requirements under Section 404. Federal jurisdiction to impose those permit requirements extends only to jurisdictional WOTUS. For nearly fifty years, the federal agencies and the courts have attempted to define what waters constitute WOTUS and are thus jurisdictional and subject to regulation. The most recent attempt was the implementation of the 2020 Navigable Waters Protection Rule (“2020 Rule”) developed under the Trump administration.

1. Federal Court Stay Implementing the 2020 Rule in Colorado Lifted.

We previously discussed with the Board that the State of Colorado filed an action in the Federal District Court for the District of Colorado to stay the implementation of the 2020 Rule. The district court granted the stay and enjoined the federal agencies from implementing the new rule in Colorado. Accordingly, while the stay was in place, Colorado was subject to the 2008 rule (codified prior to the Obama administration’s 2015 attempt to clarify the definition of WOTUS, which was repealed by the Trump administration). The district court’s stay was appealed to the 10<sup>th</sup> Circuit Court of Appeals, which recently vacated/lifted the stay. Thus, Colorado is now subject to the 2020 Rule (as are the other states).

2. Proposed State of Colorado Dredge and Fill Program.

Last year, the Colorado the Water Quality Control Division (“WQCD”) proposed legislation authorizing it to establish a state dredge and fill permit program. The proposal was withdrawn but we anticipate that the WQCD will soon propose similar legislation.

The State of Colorado does not currently have a state dredge and fill permitting program and has historically relied on the federal Army Corps of Engineers CWA Section 404 permitting system for the regulation and permitting of dredge and fill operations. Based on concerns that a segment of waters of the state that were regulated as WOTUS under the 2008 Rule will no longer be covered under the 2020 Rule, the WQCD believes a state-run dredge and fill permitting system is necessary to cover these “gap waters.” We are monitoring this closely and believe that if any state program is adopted, it should include clear exemptions for construction and maintenance of agricultural ditches and ponds, including piping projects and the construction of regulating reservoirs.

3. 2020 WOTUS Guidance on Ditches.

Recent guidance from the Environmental Protection Agency (“EPA”) and United States Army Corps (“Corps”) regarding jurisdictional waters under the CWA has raised concerns among River District constituents, including participants in the Lower Gunnison RCPP and selenium control projects. Under the previous guidance, the piping and lining of earthen ditches was deemed to be exempt from the CWA’s 404 requirements.

In 2020, the federal agencies issued a new guidance document providing that the piping and lining of earthen ditches is considered a “change in use” making the ditch subject to “recapture” under the CWA and therefore subject to 404 permitting requirements. While this guidance was issued on a national level, it was of special concern in Colorado where, until the stay of the 2020 Rule was lifted, was subject to the 2008 Rule, which many believe has a more expansive view of

jurisdictional waters. The exact impact of the new 2020 Guidance is not clear. We will continue to advocate that the EPA and Corp rescind this guidance and revert to their former interpretation. In the alternative, we will advocate that the piping or lining of earthen ditches be covered by a nationwide or regional permit in order to reduce the regulatory burden on important piping and lining projects which significantly improve water quality and efficiency.

**B. CWCB Rulemaking on HB20-1157.**

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 9A (wise and efficient water use).*

During the summer and fall of 2020, the Colorado Water Conservation Board conducted an informal process regarding proposed amendments to the CWCB's instream flow rules in order to implement the provisions of HB20-1157, which expanded and clarified the instream flow program's expedited loan and temporary-renewable loan provisions. We participated in the informal stakeholder process last year, during which the staff adopted most of our proposed substantive changes to the proposed rules.

We also participated in the CWCB's formal hearing held in late January of this year. The CWCB adopted the rules proposed by its staff with only minor changes.

**III. RIVER DISTRICT WATER MATTERS.**

**A. Wolford Mountain Reservoir and Ritschard Dam Operations. (An Enterprise Matter).**

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 13.A. (Operation and maintenance of District assets).*

We continue to work with River District staff on the transfer of a 40% interest in the Wolford Mountain Reservoir storage rights and Ritschard Dam to Denver Water. Our work includes advising staff on the River District's rights and obligations related to its contractual interests regarding Wolford Mountain Reservoir.

*This matter is discussed in the Confidential Report and the Board may wish to discuss it in executive session.*

**B. Colorado River Cooperative Agreement – Implementation Issues.**

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 5A (Shoshone permanency), 5C (transmountain diversions), and 9A (wise and efficient water use).*

1. Update on Denver's Moffat System Project.

We previously reported that the final permitting approval for the construction of Denver Water’s Moffat System Project (*i.e.*, Gross Reservoir Enlargement) has been tied up in litigation brought by a coalition of environmental groups. The plaintiffs argue that the U.S. Army Corps of Engineers failed to adequately consider the environmental impacts of the project when it issued a permit. After the lawsuit was filed, the Federal Energy Regulatory Commission (“FERC”) issued a permit for its approval of the project. Earlier this month, a federal judge dismissed the lawsuit, ruling that the federal district court did not have jurisdiction because regulatory actions by FERC may only be reviewed by the Federal Court of Appeals. It is not clear whether the environmental groups will appeal the decision (we believe an appeal is likely because the same plaintiffs appealed the dismissal of their lawsuit regarding permitting for the Windy Gap Firing Project).

We will continue to update the Board on this lawsuit because significant Colorado River Cooperative Agreement benefits accrue to the West Slope when Denver accepts final permits for its Moffat System Project, and when the project is substantially completed. The continuation of this lawsuit delays both of those triggers.

2. Green Mountain Reservoir Administrative Protocol.

We reported in January that the many parties to the Green Mountain Reservoir Administrative Protocol Agreement (including the River District) had finally completed all of the necessary authorizations to amend the agreement and obtain the consent of existing opposers to file the negotiated amended application to adjudicate the protocol. The amended application was filed at the end of December. We were hoping that no new objectors would file statements of opposition to the amended application. Unfortunately, two new statements of opposition were filed prior to the February 28<sup>th</sup> deadline by the City of Golden (which owns the Vidler Tunnel transmountain water right) and the Snake River Water & Sanitation District.

3. CRCA Summit County Water Issues.

On a separate CRCA related matter, we recently met with Denver Water and representatives of Summit County CRCA-beneficiaries in an attempt to bridge an impasse regarding proposed amendments to the CRCA. There are two primary disputed issues. The first is determining the acre-foot ratio that Summit County water users are required to pay Denver when they use Denver’s CRCA-provided supply at Dillon Reservoir for non-consumptive purposes. The second, and more problematic, issue is specifying the reliability of the water yield for the water that Denver provides to Summit County water users during drought periods. We are waiting for Denver to respond to the West Slope on both of those issues.

4. Permanency of Shoshone Flows.

We continue to push toward securing permanency of the Shoshone Call Flows but the process has been frustratingly slow.

*The Board may wish to discuss these issues in executive session.*

**C. Colorado Springs Utilities, Application for Finding of Reasonable Diligence, Case No. 15CW3019, Water Division 5.**

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 5A (Shoshone permanency), 5C (transmountain diversions), and 9A (wise and efficient water use).*

We continue to meet regularly with representatives of Colorado Springs Utilities to resolve West Slope concerns with its diligence application for the conditional components of its Upper Blue Continental/Hoosier Pass transmountain diversion project. As previously reported, those discussions have expanded to include Colorado Springs' proposed enlargement of Montgomery Reservoir, which is located on the eastern side of Hoosier Pass and stores water diverted by Colorado Springs through the Hoosier Pass Tunnel.

The settlement discussions are progressing slowly but consistent with the Board's previous direction. We continue to exchange edits to the draft settlement documents and meet with Colorado Springs on a frequent basis.

*This matter is discussed in the Confidential Report. The Board may wish to discuss this matter in executive session.*

#### **D. Homestake Reservoir Pilot Release Project.**

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 5C (transmountain diversions), 8 (Colorado Water Plan – compact risk and conceptual framework), and 9A (wise and efficient water use).*

We previously reported about the compact release pilot project from Homestake Reservoir that was initiated last September by the Homestake Partners (Colorado Springs and Aurora), the Pueblo Board of Water Works, and the State Engineer's Office. The claimed purpose of the release was to conduct a "feasibility test from which the members of the [Front Range Water Council] hope to learn more about the feasibility of using reservoir releases for compact compliance purposes and for any future demand management program in the Upper Division of Colorado River basin."

We submitted a letter to the State Engineer on September 29, 2020, outlining our primary concerns about the study. Since that time, we have met with the State Engineer, his staff, and personnel from the Attorney General's office to discuss our concerns and to request that those concerns be addressed in the State Engineer's anticipated public report about the study results. We also met with Colorado Springs and Aurora who were less receptive of our concerns.

Other West Slope water users (including the Eagle River water districts, Vail Resorts, the primary Grand Valley water organizations, and the Southwestern Colorado Water Conservation District) have expressed concerns about the study and are anxiously waiting for the State Engineer's initial report. We expect that the study will be made public very soon – prior to your April Board meeting. We will send a copy of the report to the Board when it becomes available and anticipate discussing it at your April Quarterly meeting.

*This matter is discussed in the Confidential Report. The Board may wish to discuss this matter in executive session.*

GO BACK TO AGENDA

**E. Application of the Colorado River Water Conservation District and West Divide Water Conservancy District, Case No. 20CW3056, Water Division 5.**

*ACTION: We request that Board authorize legal counsel to execute a stipulation with the Allmons to resolve the opposition in Case No. 20CW3056, Water Division 5.*

*STRATEGIC INITIATIVE(S): 4.A. (Colorado River supplies) and 7.B. (River District conditional water rights).*

Pursuant to the Board’s direction, the River District and the West Divide Water Conservancy District filed a joint application for reasonable diligence in April 2020 for the remaining conditional components of the West Divide Project. One statement of opposition was filed. The opposers, the Allmons, are landowners with property located within the footprint of the conditional Dry Hollow Reservoir site. As discussed at the River District’s January 2021 Quarterly meeting we have reached a proposed settlement with the Allmons. Pursuant to the proposed settlement, the River District and West Divide would agree not to construct the reservoir in a manner that would impact the Allmon’s property, which we believe can be accomplished, given the location of the Allmon’s property and other aspects of the reservoir site. Accordingly, we recommend the Board authorize the proposed settlement. We have attached a copy of the proposed stipulation as Attachment A to this report.

*We recommend that the Board authorize legal counsel to execute the proposed stipulation with the Allmons to resolve their opposition in Case No. 20CW3056, Water Division 5.*

**F. Application of Water Horse Resources for Utah Water Right.**

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 5B (IBCC Conceptual Framework), 5C (transmountain diversions), and 8E (Colorado Water Plan – Conceptual Framework).*

In January we reported that the Utah State Engineer issued an opinion last November denying the application of Water Horse Resources, LLC for a Utah water right on the Green River in the amount of 55,000 acre-feet for proposed use on Colorado’s Front Range. The State Engineer stated as grounds for the denial:

- The application is not consistent with Utah’s reasonable water conservation policies or objectives;
- The application is contrary to Utah’s public welfare; and
- The application impairs Utah’s ability to comply with its obligations under the Colorado River Compacts.

Through its owner, Aaron Million, Water Horse Resources subsequently filed a request for reconsideration of the application. The Utah Department of Water Resources did not act on the request in the allotted timeframe, which pursuant to Utah law means that the request for reconsideration was denied. Then, at the end of January, Water Horse filed a petition for judicial review of the State Engineer’s order denying the application. Unlike Colorado which has specific

water courts, the petition for review will be reviewed by a Utah district court of general jurisdiction if the petition is served on the Utah State Engineer.

**G. Save the Colorado, *et al.* v. United States, Civil Action No. 17-cv-2563, Federal District Court, District of Colorado (re: Windy Gap Firing Project).**

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 5C (transmountain diversion policy).*

We reported in January that the lawsuit filed by a number of environmental organizations (Save the Colorado, Save the Poudre, WildEarth Guardians, Living Rivers, and Waterkeeper Alliance) against the U.S. Bureau of Reclamation and Army Corps of Engineers, challenging the sufficiency of Reclamation’s NEPA analysis of the Windy Gap Firing Project (“WGFP”) had been dismissed. In February, the plaintiffs appealed the Federal District Court’s dismissal to the Federal 10th Circuit Court of Appeals. The Board previously authorized us to file an *amicus curiae* brief in support of the United States and the Municipal Subdistrict during the district court proceeding. Accordingly, we entered an appearance on behalf of the River District in the 10<sup>th</sup> Circuit in order to closely monitor the case. At this time, we do not anticipate the need to file an amicus brief with the 10<sup>th</sup> Circuit Court of Appeals.

As you know, the River District is a party to the WGFP IGA. Like the Colorado River Cooperative Agreement, the IGA provides several significant benefits to the West Slope. Many of those benefits are contingent on successful completion of the WGFP. Thus, the River District and its constituents have substantial interests at stake in the lawsuit, including significant benefits to the Colorado River for environmental and recreational purposes.

We will continue to update the Board on this case.

**H. Colorado River Compact, Intra-State, Interstate, and International Negotiation Matters, including Demand Management.**

*ACTION: Update only.*

*STRATEGIC INITIATIVE(S): 4 (Colorado River Water Supplies), 6 (Agricultural Water Use), and 8 (Colorado Water Plan – compact risk and conceptual framework).*

River District technical and legal staff continue to be actively engaged in interstate and intrastate compact-related matters, particularly regarding the study of a potential Demand Management Program within Colorado and the Upper Basin. The CWCB held a Demand Management workshop on March 2<sup>nd</sup> and released a Demand Management Framework. The framework was discussed further at the CWCB’s Board meeting on March 10<sup>th</sup>. The CWCB will be soliciting comments on the framework from April through July. The framework document can be found at this link.

[https://dnrweblink.state.co.us/CWCB/0/edoc/214331/Demand\\_Management\\_Framework.pdf](https://dnrweblink.state.co.us/CWCB/0/edoc/214331/Demand_Management_Framework.pdf).

We also are working on matters related to the upcoming renegotiation of the 2007 Interim Guidelines for the operation of Lakes Powell and Mead, the proposed Lake Powell Pipeline, and (as discussed above), the Water Horse Resources proposed Utah water right for a Green River pump-back project.

*The Board may wish to discuss these, and other sensitive negotiation and legal issues related to compact and interstate matters in executive session.*

Attachments:

- A. Proposed Stipulation and Agreement with Opposers Allmons, Case No. 20CW3056, Water Division 5



DISTRICT COURT, WATER DIVISION 5, COLORADO Court Address: Garfield County Courthouse 109 8 <sup>th</sup> Street, Suite 104 Glenwood Springs, CO 81601 (970) 947-3861	
IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF:  COLORADO RIVER WATER CONSERVATION DISTRICT and WEST DIVIDE WATER CONSERVANCY DISTRICT, in GARFIELD, GUNNISON, MESA, and PITKIN COUNTIES, COLORADO	▲ COURT USE ONLY ▲  Case Number: 20CW3056
	(C.A. 4613, C.A. 4954 W-44, W-789(76), 80CW94, 84CW70, 88CW85, 95CW52, 94CW171, 03CW41, 11CW93)  Div.: Ctrm.:
<b>STIPULATION BETWEEN APPLICANTS AND OPPOSERS                  WARREN AND JULIE ALLMON</b>	

Applicants, Colorado River Water Conservation District and West Divide Water Conservancy District (“Applicants”), and Opposers, Warren and Julie Allmon (“Opposers” or “Allmons”) by and through their respective counsel, hereby stipulate and agree as follows:

1. Opposers hereby consent to the entry of the proposed Findings of Fact, Ruling of Referee, and Judgment and Decree attached hereto as Exhibit B (“Proposed Ruling and Decree”). Opposers will not object to the entry of any modified form of ruling and decree so long as the modified ruling and decree contains terms and conditions that are no less restrictive on the Applicant and no less protective of Opposers’ interests than those set forth in the Proposed Ruling and Decree.

2. With respect to the claims related to the Dry Hollow Reservoir, Applicants and Opposers further agree as follows:

A. Notwithstanding the decreed location of Dry Hollow Reservoir, Applicants covenant and agree that they shall not and will not construct or locate Dry Hollow Reservoir, or any part thereof, in a manner or location that impacts that certain real property owned by opposers Allmons, described in Exhibit A attached hereto (the “Allmon Property”), within the footprint of the Dry Hollow Reservoir or that interferes with the existing

- private access to the Allmon Property. This restriction shall be made a part of the decreed water right for Dry Hollow Reservoir and shall be included in the decree in this case and in any and all future water court applications and decrees involving Dry Hollow Reservoir.
- B. Prior to developing Dry Hollow Reservoir in its currently decreed location, Applicants shall complete a study attempting to identify alternative locations for the Reservoir. Only if such study concludes that no feasible alternative location exists may Applicants proceed to develop Dry Hollow Reservoir in its decreed location; provided, however, that nothing herein limits or defeats or is intended to limit or defeat the restriction set forth in Subsection 2.A. above.
- C. Should construction of Dry Hollow Reservoir inundate County Road 331 or any part thereof that provides access to and utilities serving the Allmon Property, Applicants agree that they shall construct and install alternative county road access to and utilities serving the Allmon Property.
- D. The covenants and restrictions of this Section 2 may only be waived or overcome by express written consent and agreement of the Allmons, which may be withheld in the Allmons' sole and absolute discretion. Any such consent and agreement, if granted, shall be subject to negotiated terms and conditions deemed acceptable to Allmons in their sole and absolute discretion and shall be set forth in writing signed by the parties.
- E. This Stipulation shall be recorded in the Garfield County real property records and shall be binding upon and inure to the benefit of the parties and their heirs, successors, and assigns.
3. Opposers consent to the Applicants' motion to the Water Referee for an order approving this Stipulation and entering the Proposed Ruling and Decree.
4. Opposers and Applicants agree that this Stipulation shall bind and benefit them and will be binding upon and benefit their assigns and successors in interest.
5. Opposers and Applicants further agree that each party will bear their own costs and attorneys' fees associated with their appearance in this matter.
6. This Stipulation shall be enforceable by the parties as either an agreement or, after it is approved by the Water Court, as an order of the Water Court.

District Court, Water Division 5, Colorado  
Case No. 20CW3056; Colorado River Water Conservation District and West Divide Water Conservancy District  
(West Divide Project); Stipulation  
Page 3

Dated this \_\_\_\_ day of March, 2021.

OLSZEWSKI, MASSIH & MAURER, P.C.

GARFIELD & HECHT, P.C.

By: \_\_\_\_\_  
Edward B. Olszewski, #24723  
*Attorneys for Applicant, WDWCD*

By: \_\_\_\_\_  
Nicole Garrimone-Campagna, #32088  
*Attorneys for Opposer, Allmon*

COLORADO RIVER WATER  
CONSERVATION DISTRICT

By: \_\_\_\_\_  
Jason V. Turner, #35665  
*Attorneys for Applicant, CRWCD*

*E-FILED PURSUANT TO C.R.C.P. 121.  
Duly signed original on file at the law offices of Olszewski, Massih & Maurer, P.C.*

### CERTIFICATE OF SERVICE

I certify that on March \_\_\_\_, 2021, I served a copy of the foregoing document to the following by:

- U.S. Mail, postage prepaid
- Hand Delivery
- Fax
- Electronic Service via CCEF

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*/s/ Edward B. Olszewski*

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Edward B. Olszewski

District Court, Water Division 5, Colorado  
Case No. 20CW3056; Colorado River Water Conservation District and West Divide Water Conservancy District  
(West Divide Project); Stipulation  
Page 5

**EXHIBIT A**  
**(Description of Allmon Property)**



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD

**FROM:** ANDY MUELLER, GENERAL MANAGER

**SUBJECT:** 2021 SECOND QUARTERLY MEETING, GENERAL MANAGER'S REPORT

**DATE:** APRIL 8, 2021

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**ACTIONS:**

*f. i. Staff requests that the Board authorize the General Manager to enter a contract as fiscal agent for the Upper Colorado Wild and Scenic Stakeholder Group, not to exceed \$54,000 with RCC Associates.*

*f. ii. Staff requests that the Board authorize the General Manager to enter a two-year contract not to exceed a total amount of 28,500 with Bishop-Brogden Associates, Inc. to provide technical support to the West Slope Water Users' Interest Group related to support the Wild & Scenic Alternative Management Plan.*

*h. Staff requests that the Board adopt the attached Management and Procurement Policy for Federal Awards.*

*i. Staff requests that the Board approve the Simplified Contract template and associated process and also requests that the Board approve the General Liability and Auto insurance requirements to be accepted at a minimum of \$500,000 limit for these contracts.*

*j. Staff requests that the Board amend the Employee Home Ownership Program Guidelines to change the interest rate for new program participants from a fixed 4%, to a fixed interest rate based on the prime rate less 1% at the time the employee applies to the program, with a floor set at 2% and an interest rate cap set at 5%.*

*k. Staff requests that the Board continue the appointment David H. Merritt to the Kobe Water Authority Board.*

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**a. Drought Contingency Planning and Demand Management Update.**

**ACTION REQUESTED:** *No action requested, informational only.*

**APPLICABLE STRATEGIC INITIATIVE(S):**

**4. Colorado River Supplies:**

**4. A. The River District will advocate for full use of its Colorado River Basin water supplies for the benefit of the District's inhabitants, without undue risk of overdevelopment.**

**4. B. The River District will advocate for full protection and preservation of water rights perfected by use prior to the effective date of the 1922 Compact and thereby excluded from curtailment in the event of compact administration.**

**4. C. The River District will continue to study mechanisms, such as a Compact Water Bank and Contingency Planning that include demand management, drought operations of CRSP reservoirs, and water supply augmentation to address the risk of overdevelopment.**

**4. D. The River District will work with the State Engineer's Office and other interested parties to develop an equitable mechanism for potential compact administration.**

**6. Agricultural Water Use:**

**6. A. The River District will continue to study the concept of a voluntary and compensated compact water bank in collaboration with other stakeholders to best preserve western Colorado agriculture.**

**6. B. The River District will explore alternative transfer methods that allow agricultural water users to benefit from the value of their water rights without the permanent transfer of the rights, and without adverse impacts to the local communities and the regional economy.**

**6. C. Although the River District recognizes that some reductions in demands of agricultural water rights may be necessary to protect existing water uses in the basin, the District will work to ensure that the burden of demand reduction is shared across all types of water use sectors, and that agricultural water rights, and agriculture itself, are not injured.**

**6. D. The River District will protect the integrity of senior agricultural water rights within Colorado's prior appropriation system, recognizing the potential risks to those rights posed by the constitution's municipal right of condemnation.**

**8. Colorado's Water Plan:**

**8. B. The River District will work with the Southwestern Water Conservation District, the Southwest Basin Roundtable and the three Basin Roundtables that comprise the District to achieve a consistent West Slope perspective related to contingency planning and compact administration risk matters.**

**8. E. The River District will work to ensure that the IBCC Conceptual Framework is honored and fairly implemented.**

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**1. Drought Contingency Plan Implementation:**

**GO BACK TO AGENDA**

Hydrology in the Colorado River Basin continues to be abysmal. As discussed in greater detail below in a memorandum from Dave Kanzer and Don Meyer, Reclamation's **least** probable model runs (10 per cent chance of occurring) currently indicate that the surface elevation of Lake Powell may fall below the critical threshold of 3525 feet above mean sea level in Water Year 2022. The Drought Response Operations Agreement (DROA), which was part of the 2019 Upper Basin Drought Contingency Plan (DCP), requires the initiation of increased monitoring and coordination between the Upper Colorado River Commission (UCRC) and Reclamation when Reclamation's

modeling indicates that levels in Powell may decline to this critical level in the next 24 months. Pursuant to that agreement, the UCRC and Reclamation will begin discussions on what operational modifications at the upper Colorado River Storage Project (CRSP) initial units (Powell, Aspinall, Flaming Gorge and Navajo) may be required to maintain Lake Powell above the 3525' level. "Operational modifications" is a technical way of saying moving water from the upper CRSP units to Powell. As you may recall, the most likely source of water from the upper CRSP reservoirs is Flaming Gorge Reservoir. It has been identified that approximately 2 million acre feet from Flaming Gorge may be available to be moved down into Powell to boost the levels in Powell if needed. Operational constraints at Navajo and the Aspinall unit make those reservoirs unable to contribute significant amounts of water to this effort. As will be discussed at our meeting in a conversation with T. Wright Dickinson regarding the operations of the Upper Colorado Fish Recovery Program, releases from Flaming Gorge of this size may present additional impacts on recreation and landowners on the Green River in Colorado.

## **2. Colorado Water Conservation Board Demand Management Feasibility Study:**

The Colorado Water Conservation Board (CWCB) continues to move forward with their feasibility study of Demand Management. The staff presented a draft framework to the CWCB at their March meeting. It can be accessed by clicking [here](#). The Framework does not provide sample rules or sideboards, but rather provides a list of "Threshold Issues/Elements of Feasibility" raised by each of the Demand Management Work Groups and provides three levels of considerations for implementation for each of those issues. It is a fairly complex way to view the issues. The CWCB staff and Board continue to spend considerable time reviewing and thinking about these issues and welcome input from the public, including this Board.

## **3. CRD Demand Management Stakeholder Group:**

Audrey, Peter, and I continue to work with our facilitator to meet with and get feedback and suggestions from our CRD Demand Management Stakeholder group. You will recall that the purpose of this group is to provide CRD staff and board with additional grassroots input as to what type of rules and structure our water users would like to see if the CWCB determines that a Demand Management program is in fact feasible. It remains our hope that this group will wrap up its initial phase of work this summer and allow the CRD Board and staff time to put together a report to the CWCB with our water users' thoughts and suggestions.

### **b. Colorado River Basin Hydrology Short Term Forecast for 2021.**

Please see attached memo (accessed in the electronic packet by [clicking here](#)).

### **c. Yampa River Proposed Finding of Over Appropriation and Proposed 2021 Pilot Project.**

GO BACK TO AGENDA

***ACTION REQUESTED: No Action, just advisor (related action requested under PFP agenda item).***



**STRATEGIC INITIATIVE(S):**

**2. Outreach in All Basins:**

**2. A. The River District will increase its outreach efforts with water organizations and other local organizations in the Gunnison, White and Yampa River basins. The goal will be to use River District resources to help those basins address their consumptive and non-consumptive water needs.**

**2. B. The River District will look for and focus on opportunities where the River District can act as a catalyst to create partnerships that work for these other basins. A recent example of this is the cooperatively funded Lower Gunnison Project, orchestrated by the River District.**

**3. Climate and Hydrologic Uncertainty:**

**3. C. The River District will engage in and support water supply planning efforts, local and regional, which include adapting to climate change impacts.**

**3. D. The River District will work with water users to ensure practicable and cost-effective water use efficiencies in all sectors where appropriate for the local conditions.**

**7. Water Needs/Project Development**

**7. B. The River District will focus on identified water needs and how the use of the District's current and future conditional water rights can effectively help meet these needs.**

**7. C. The River District will look for opportunities where its efforts are needed as a catalyst to help in-District interests plan for and meet their water needs in a manner that is consistent with the District's compact contingency planning goals and objectives.**

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Decreasing flows in the Yampa River are causing quite a bit of activity. It is our belief that a combination of rising temperatures and a growing population in the Yampa River Basin are likely to cause flows in the Yampa to decline, leading to more frequent imposition of river administration which will adversely effect water users who have not previously been subject to calls. Low late season flows led to unprecedented administration (calls) on the river in 2018 and 2020 which have in turn generated two efforts: 1. A collaborative effort among reservoir operators, local industry and non-governmental organizations to understand the potential benefits to existing water users, the environment and the community of strategically released stored water; and 2. A request by the Division Engineer to designate the Yampa River Basin and all of its tributaries upstream of its confluence with the Little Snake River as over-appropriated.

**1. Collaborative Effort to Model and Conduct a Flow Enhancement Pilot Project:**

As you may recall, in late August of 2020, the Division Engineer in Division 6 instituted a call on the Yampa River. In response to that call, the River District together with Tri-State Generation and Transmission, Inc. (Tri-State) and the Colorado Water Trust (CWT) organized an effort to release additional water out of Elkhead Reservoir in order have the call released and to alleviate some of the economic pain the call caused small family ranchers who were already suffering from a historic drought and pandemic inspired low beef prices. That effort led to conversations between the River District, Tri-State and the Upper Yampa Conservancy District (UYWCD). In those conversations, it was determined that there is a fundamental lack of information regarding how the implementation of calls and additional releases of stored water would impact water users in the

Yampa River Basin. As a result of those conversations, the three organizations agreed to retain Wilson Water Group to conduct a river modeling effort to guide the future releases of water and help the community understand the consequences of future calls. That work is presently ongoing, and we look forward to reviewing the results and utilizing the information in our future efforts.

Additionally, the River District staff is working with partners in the Yampa this year to conduct a pilot project designed to better understand and quantify the current and likely future need for additional water supply in the Yampa River Basin in order to provide water security to historic water users, the environment, and the endangered fish populations. This year, the poor snowpack, low soil moisture and what appears to be yet another hot spring and summer are combining to make it probable that without strategic reservoir releases, there may be call on the Yampa River again this year. The River District is working with the Colorado Water Trust (with hopefully funding from the Yampa River Fund) and the Upper Yampa Water Conservancy District to have water available to be released from storage (both from Stagecoach and Elkhead Reservoirs) to provide sufficient reservoir releases to prevent historic water users experiencing the negative effects of a call from being imposed on the river while also providing sufficient flows for critical habitat for fish and recreational benefits.

As is addressed in greater detail in the Partnership Project Funding Program (PPFP) agenda item later during this quarterly board packet, the River District staff is proposing that the District commit up to \$50,000.00 of PPFP funds to pay the River District Enterprise to release up to 1500 AF of water from Elkhead Reservoir as part of this pilot project. The data collected during this effort will allow the River District staff to work with communities in the Yampa River basin and other interested parties to better understand the quantity and timing of the release of storage water which may be needed in future hot, dry years to help minimize the likelihood of river administration impacting historic users and to alleviate potential negative impacts on endangered fish habitat.

## **2. Request for Designation of Over-Appropriation:**

On March 19, 2021, after significant deliberation and study, Division 6 Engineer, Erin Light, sent a report to State Engineer Kevin Rein requesting that the Yampa River and all of its tributaries above the confluence of the Yampa and the Little Snake be designated as over-appropriated. Engineer Light's report can be found [here](#).

An over-appropriated stream system in Colorado is one in which at some or all times of the year, the water supplies of said stream system are insufficient to satisfy all the decreed water rights within that system. Every other major river in the state of Colorado has previously been found to be over-appropriated. The primary impact of a declaration of over-appropriation is that ground water users whose wells do not fall into statutory exempt status will be required to develop augmentation plans and seek court approval for them. Should the State Engineer agree with Division Engineer Light's request, most new commercial, industrial, and agricultural wells in the Yampa Basin will need to develop augmentation plans. The intent of requiring augmentation plans is to protect senior water right users who would otherwise be negatively impacted by the development of junior wells.

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Prior to submitting the report to the State Engineer, Division Engineer Light discussed her intended request with River District's Yampa River Basin Directors and staff, and met with the Moffat County Commissioners in person, and held one public outreach meeting via Zoom. The request has caused great concern among some water users and local governments, primarily in the lower Yampa River Basin in Moffat County. On March 16, 2021, the Moffat County Commissioners submitted the letter attached to this memo ([HERE](#)). Moffat County had several concerns about the request, chief among the concerns was a request to delay the designation so that there can be multiple educational opportunities so that community members can better understand over-appropriation, allow time for well users to correct well permits associated with wells that are being used for unpermitted purposes and allow time to explore the creation of a functioning augmentation program.

On behalf of the District, I have had several conversations with Moffat County representatives and have offered the District's assistance in conducting education and outreach to potentially affected well owners. We have also offered to be an integral part of discussions regarding the establishment of a potential county-wide augmentation plan. It is important to point out that the Upper Yampa Conservancy District has a functional augmentation plan which can be utilized by water users within their service area, but that while the UYWCD covers most of Routt County, it does not do so for the majority of Moffat County. While Moffat County has two water conservancy districts (Juniper and Great Northern) entirely within its boundary and another conservancy district (Yellow Jacket) partially within its boundaries, none of them have the current ability to offer or operate a retail augmentation program, nor do they collectively cover the entire county.

Comments on the Division Engineer's request for designation are due prior to our April Board meeting but after the date of this memo. Staff is compiling a letter echoing a request I have already made directly to State Engineer Rein, *i.e.* to delay the decision on this request to give us and Moffat County time to engage in an outreach and educational effort and time to explore the creation of an augmentation plan. We will provide Board members a copy of our comment letter prior to the April quarterly meeting.

GO BACK TO AGENDA

**d. East Troublesome Fire Recovery Effort.**

Please see attached memo (accessed in the electronic packet by [clicking here](#)).

**e. Regulation #93 Colorado's Section 393(d) List and Monitoring and Evaluation List.**

Please see attached memo (accessed in the electronic packet by [clicking here](#)).

**f. Upper Colorado River Wild and Scenic Alternative Management Plan:**

**i. Proposed Approval of Contract with RCC Associates.**

Please see attached memo (accessed in the electronic packet by [clicking here](#)).

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**ii. Proposed Approval of Contract with Bishop Brogden and Associates.**

Please see attached memo (accessed in the electronic packet by [clicking here](#)).

**g. Triennial Salary Survey Process Update.**

Please see attached memo (accessed in the electronic packet by [clicking here](#)).

**h. Approval of Proposed Procurement Policy.**

***ACTION:***

*Staff requests that the Board adopt the attached Management and Procurement Policy for Federal Awards.*

***APPLICABLE STRATEGIC INITIATIVE:***

***12. Financial Sustainability: The above strategic initiatives cannot be achieved without financial sustainability. The River District enjoys a diversified tax base for its Governmental Funds, which helps to reduce the impacts of dramatic downturns in its overall assessed valuation. Over the long-term, the Enterprise Fund is intended to be self-sustaining, managing the River District's Business-Type Activities.***

***A. The River District will evaluate all projects and investments for the potential impact on cash flows.***

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In recent years federal agencies have increased the requirements and oversight imposed on federal awardees. The United States Office of Management and Budget's (OMB) *Uniform Administrative, Cost Principles, and Audit Requirements for Federal Awards* (commonly called the "Uniform Guidance") has made changes to the required framework for grant management. The Uniform Guidance is an authoritative set of rules and requirements for Federal awards that applies to all organizations that receive Federal awards. As a result, awardees are advised to follow the OMB's Uniform Guidance. One of the components to the guidance is that awardees have a written policy for the management and procurement of federal awards.

An "audit finding" is the result of an audit and is based on evidence about how the organization's operations measure up against the audit criteria; it is generally a negative finding. In auditing an organization, the auditors review the financial statements, the financial policies and procedures, and the systems of internal control over money and compliance requirements. There are two broad categories of findings. A 'financial finding' relates directly to the financial statements or an aspect of the organization's financial controls. A 'compliance finding' typically relates to matters of law, policy, or conditions associated with the receipt of the grant award. In order to avoid an audit finding in our Single Audit (required when annual federal fund activity exceeds \$750,000), staff recommends that the Board adopt the attached proposed Management and Procurement Policy for Federal Awards (which can be found by clicking [HERE](#)). The result of a Single Audit finding could delay or even eliminate future federal funding opportunities. This policy will only apply to federally funded awards ("grants") including direct awards and pass through awards of federal

funds managed by the State of Colorado. This policy incorporates the following compliance documentation:

- Grant Reporting – Every federal award has reporting requirements specified in the grant agreement. It is critical that all reports are complete, accurate, and submitted per the specified dates outlined in the agreement.
- Subrecipient Monitoring – The District may encounter situations where it does not have the workforce capacity to adequately fulfill all the grant objectives and must seek outside assistance to perform certain functions. The District may require on-site visits, risk assessment, limited scope audits, and a review of internal controls to provide reasonable assurance over funds being disbursed to subrecipients.
- Requests by non-District entities – Any request by an outside organization for the District to act as fiscal agent will be brought to the Board or the General Manager for approval. The outside organization must ensure compliance with the Uniform Guidance.
- Allowable Costs – Grant funds may only be used for grant related (eligible) expenses and expended within a period of performance identified in the grant agreement. Compensation for personnel services will be based on documented payroll using system approved timesheets as supporting documentation. Other documentation of eligible expenses and payments may include copies of invoices, receipts and/or bank statements.
- Cash Management – Minimal time is to occur between grant receipts and grant expenditures.
- Grant Closure – When a grant is closed all funds for the grant are closed and spending for the grant ceases as of the project period end date for the grant. Records pertinent to the grant will be retained for the required time of three years following closeout or longer if required by grantor.
- Procurement – The policy includes guidance on procurement of goods and services that are funded by grant awards. It specifies selection procedures, the utilization of an authorized procurement method, and includes written standards of conduct and contractor oversight.

Currently the District is utilizing three federal awards from the NRCS and Bureau of Reclamation. The RCPP award specifies the use of the existing River District Procurement Policy, which is why no audit finding was reported in the 2019 Single Audit. The other two federal grants do not contain such language as they were awarded more recently than 2015 and there is an expectation by the federal government that the District, as a grant recipient, has a robust procurement policy. If the District wishes to successfully pursue federal awards in the future, and to avoid an audit finding in our Single Audit's, staff recommends that the Board adopt the proposed Management and Procurement Policy for Federal Awards.

**i. Approval of Simplified Contract Form.**

GO BACK TO AGENDA

Please see attached memo (accessed in the electronic packet by [clicking here](#)).

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**j. Approval of Proposed Changes to the Employee Home Ownership Program.**

***ACTION:***

*Staff requests that the Board amend the Employee Home Ownership Program guidelines to change the interest rate for new program participants from a fixed 4%, to a fixed interest rate based on the prime rate less 1% at the time the employee applies to the program, with a floor set at 2% and an interest rate cap set at 5%.*

***APPLICABLE STRATEGIC INITIATIVE:***

***11. River District Staff Resources: For the River District to successfully fulfill its mission and meet strategic initiatives of the organization, it is imperative to attract and retain a highly qualified staff. The River District values each employee and their contributions and recognizes that the success of the organization depends heavily on the success of its employees.***

***11.A. The River District will seek to be an attractive and competitive employer in the region, state, and water community. This includes maintaining, to the best of its ability, a highly competitive compensation package and supporting the work-life balance that is valued by the District and its employees.***

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As stated above, the River District Board has made it a strategic goal to be an attractive and competitive employer. The logic behind the Board's strategic goal is related to the relatively small size of the District staff compared to many of the organizations we find ourselves in negotiations and/or disagreements with. The Board has long found that it essential for the protection of West Slope water resources that the District be able to attract and retain the highest caliber employees. The Glenwood Springs' housing market took off exponentially in the mid 2000's. As part of its concerted effort to be an attractive and competitive employer in the region, state, and water community, the Board approved the Employee Home Ownership Program ("EHOP").

The EHOP program is designed to be an attractive means of down payment assistance for new employees. It is administered by a third party, Impact Development Fund, whom the District pays \$1,500 annually. Eligible borrowers are regular, permanent, full time employees of the District who are making their first home purchase since becoming an employee of the district or experiencing a status change requiring relocation or change of ownership. Only primary residences that are within 30 miles of the office/regular job location are eligible. The loan amount is capped at the lesser of 20% of the purchase price, or \$50,000. The term of the loan is 15 years, with forgiveness occurring on the 5<sup>th</sup>, 10<sup>th</sup> and 15<sup>th</sup> anniversary of the loan, each equal to 20% of the original principal. In July of 2008 when the Board adopted the program the Prime Lending Rate as established by the Federal Reserve was 5%. The Board set the interest rate for EHOP loans at a fixed 4% rate in 2008 and has not revisited this rate since its inception.

Given the current shortage of housing in the Glenwood Springs area, and the current prime rate of 3.25%, the EHOP is not as helpful as intended when originally adopted in 2008. To continue to attract and retain new employees, in today's competitive market, staff recommends that the Board amend the EHOP guidelines to change the fixed interest rate of 4%, to a fixed interest rate based on the prime rate less 1%, established at the time the employee applies to the program, with a floor

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of 2% and a ceiling of 5%. If a new employee (or current employee experiencing a status change) applied for the program today, the fixed interest rate for the EHOP would be 2.25% for the term of the loan. If the prime rate were to drop below 3%, the EHOP rate would remain at 2% until prime rates begin to rise, on the other hand, if the prime rate rose above 6%, the EHOP rate would remain at 5% until the prime rate dropped below 6% at some point in the future. This adjustment will assist the District in our efforts to attract and retain exceptional employees while also making a reasonable rate of return on its investment in employee housing.

**k. Appointment to Kobe Water Authority Board.**

***ACTION: Staff Requests that the Board continue the appointment David H. Merritt to the Kobe Water Authority Board.***

***STRATEGIC INITIATIVE(S):***

***7. Water Needs/Project Development: Through Colorado's Water Plan and the Basin Implementation Plans, water needs within the River District have been, and will continue to be, refined and prioritized. The River District owns a large portfolio of conditional water rights that may be suitable for meeting a portion of the identified water demands. However, developments in judicial case law have made it more difficult for all water users, including the River District, to maintain conditional water rights.***

***7. B. The River District will focus on identified water needs and how the use of the District's current and future conditional water rights can effectively help meet these needs.***

***7. C. The River District will look for opportunities where its efforts are needed as a catalyst to help in-District interests plan for and meet their water needs in a manner that is consistent with the District's compact contingency planning goals and objectives.***

***12. Financial Sustainability: The above strategic initiatives cannot be achieved without financial sustainability. The River District enjoys a diversified tax base for its Governmental Funds, which helps to reduce the impacts of dramatic downturns in its overall assessed valuation. Over the long-term, the Enterprise Fund is intended to be self-sustaining, managing the River District's Business-Type Activities.***

***12. A. The River District will evaluate all projects and investments for the potential impact on cash flows.***

***13. Asset Management: The River District will plan and implement operation, maintenance and replacement (OM&R) activities to ensure the reliable and safe operation of all River District owned facilities and properties. The District recognizes that the significant investment in these assets as well as the financial stability of our District and Enterprise must be protected by regular maintenance and repair of its assets.***

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The January 2021 Quarterly General Manager's report contained a detailed report regarding the status of the Kobe Water Authority governance structure and transition to a more autonomous operation. That transition is continuing. It has been the practice of the River District Board to appoint the current Garfield and Mesa County River District Directors as the River District representatives to the Kobe Water Authority Board. Due to the governance transition and David

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Merritt's significant history with the project, it is my request that the Board continue former director Merritt's appointment as one of the River District representatives to the Kobe Water Authority Board. Current Garfield County Director, Steve Beckley has indicated his agreement with this arrangement and former director Merritt has indicated a continued willingness to serve the River District in this capacity.

**I. Staff Organization Structure.**

*ACTIONS: Update only. No action requested.*

**STRATEGIC INITIATIVE:**

**11. River District Staff Resources.**

**11.A. The River District will seek to be an attractive and competitive employer in the region, state, and water community. This includes maintaining, to the best of its ability, a highly competitive compensation package and supporting the work-life balance that is valued by the District and its employees.**

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As anticipated for quite some time and articulated in the Board's 2017 Strategic Plan, our District staff has seen significant retirement-inspired turnover in the last two years. Additionally, as noted in the External Affairs Department memorandum later in this Board packet, Alesha Frederick, our Director of Information and Outreach has announced plans to move on to other ventures in life. While we will miss Alesha's energy and contributions and the institutional knowledge and comradery of the District employees who have retired, their retirement has provided us with opportunities to bring talented new staff members onboard and engage in a bit of structural reorganization.

I wanted to provide a quick summary of our recent hires and anticipated openings. In addition to subject matter expertise and outstanding intellectual capacity and curiosity, all three of our new employees have demonstrated excellence in their verbal and written communication skills. We strongly believe that the combination of these skills will help us elevate the District's important work on behalf of our constituents.

In the fall we were fortunate to bring Brendon Langenhuizen on board as a Senior Water Rights Engineer. As you may recall from our hiring announcement, Brendon was previously a water rights engineer with SGM here in Glenwood Springs. Brendon dove headfirst into successfully helping the District with many of our thorny water right issues including some complex and contentious issues with TMD operators and the Division of Water Resources.

On March 15<sup>th</sup> we welcomed Amy Moyer, formerly the Assistant Director of Natural Resources for Water and Water Policy Advisor to the Governor for the State of Colorado as our Director of Strategic Partnerships. Amy hit the ground running with our newly launched Partnership Project Funding Program. Many of you know Amy from her time with the State of Colorado, and I think you will be truly impressed with her work on our funding program. Given Amy's experience in



government operations she has also been assisting our team with some of our government affairs matters related to WOTUS and water project funding.

Less than two weeks ago, we welcomed Raquel Flinker on board as a new Senior Water Resources Engineer/Project Manager. Raquel is a Professional Engineer in Water Resources and comes to us from the City of Aspen where she was a project manager. She is incredibly bright and talented and will be taking the lead on most of our work in the Gunnison Basin with some involvement elsewhere in the District including eventually taking over as our lead technical representative on the Upper Colorado Wild and Scenic Alternatives Program. I look forward to introducing Raquel to you all virtually at our April meeting and all three of these employees in person at our July Board meeting.

With Alesha's announcement regarding her departure, we advertised her position and received an outstanding field of applicants. We will be interviewing over the next couple of weeks and look forward to getting her replacement on board quickly. Additionally, with Eleanor's planned departure [she is headed to the University of New Mexico to acquire her master's degree in Water Policy], we will be looking for a Public Affairs Media Specialist to round out our three-person External Affairs team.

Since coming on board at the District as General Manager in early 2018, I have been working with District management and staff to optimize our organizational structure. In a small organization such as the River District, corporate organization is often best built around the talents and strengths of the employees and designed in such a way as to empower employees to exercise their full potential for the benefit of the organization. As such, we have broadened the management structure within both the External Affairs and Engineering departments and, with the position of Director of Strategic Partnerships, provided an enhanced crossover position between the two departments.

Instead of having a singular manager of the External Affairs team, two directors, the Director of Government Affairs (Zane Kessler) and the Director of Public Relations (TBD), will jointly manage the External Affairs team and will have an additional resource and team member to lean on in the Director of Strategic Partnerships (Amy Moyer). All three of those Directors will report directly to the General Manager, but I will not directly manage the day to day affairs of either the External Affairs Department or the Partnership Project Fund Program. As General Manager, I will continue to be one of the primary outward facing positions at the District closely supporting our External Affairs Directors.

On the technical side of the organization, instead of having one Chief Engineer managing all tech employees, we will have three directors: The Director of Science and Interstate Matters; the Director of Asset Management and Chief Engineer; and the Director of Technical Advocacy. Those three directors and the rest of the tech staff will also work closely with our Director of Strategic Partnerships (Amy Moyer). We were waiting to fully staff the technical department before filling the new Director positions from within the organization which we anticipate doing shortly now that we have brought our new hires on board. In compliance with new state law, we will advertise these positions and their salary ranges internally and make them available to all qualified employees. The three technical Directors will oversee the rest of the technical staff,

manage the day to day affairs of the department and will report directly to our Chief of Operations (Audrey Turner). As Chief of Operations, Audrey will also continue to directly manage the administrative wing of the River District and will continue to work closely with me on matters of internal and external policy.

With all of these changes, it is important to point out that once these transitions are accomplished, the District will remain at 22 full time employees, consistent with our representations to voters this past fall. I am excited about this new structure as it provides opportunities for our employees to utilize their particular skills, interests, and talents for the greater benefit of the District. This structure should allow for greater collaboration and innovation in serving our constituents. I look forward to any comments or suggestions the Board may have on this reorganization.



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS  
**FROM:** DAVE “DK” KANZER, P.E. & DON MEYER, P.E.  
**SUBJECT:** COLORADO RIVER BASIN CONDITIONS & OUTLOOK -WATER YEAR 2021  
**DATE:** APRIL 2, 2021

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***NO ACTION:** This is an informational status report on water supply conditions for Colorado River Basin, its sub-basins, and related River District water enterprise operations*

**STRATEGIC INITIATIVE(S):**

- 3. B. The River District will engage in support efforts aimed at understanding climate change and how it may affect water supplies.***
  - 3. C. The River District will engage in and support water supply planning efforts, local and regional, which include adapting to climate change impacts.***
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### **Colorado River Basin Snowpack and Water Supply Outlook Below Average For 2<sup>nd</sup> Consecutive Year**

With the exception of February and March of 2021, monthly precipitation amounts for most of the last 2 years have been consistently below average within the Colorado River District. In fact, across measurement locations and periods of record, the last 24 months are breaking climatic records across the Upper Colorado River Basin (UCRB) as being some of driest and warmest periods in the last 30 years. As we approach the average date of seasonal maximum snowpack accumulation, all CRD basins remain well below average. Although conditions are highly variable and subject to significant change, as of today, both snow-water equivalent readings and stream flows are below average across the River District (see **Figures 1 and 2**).

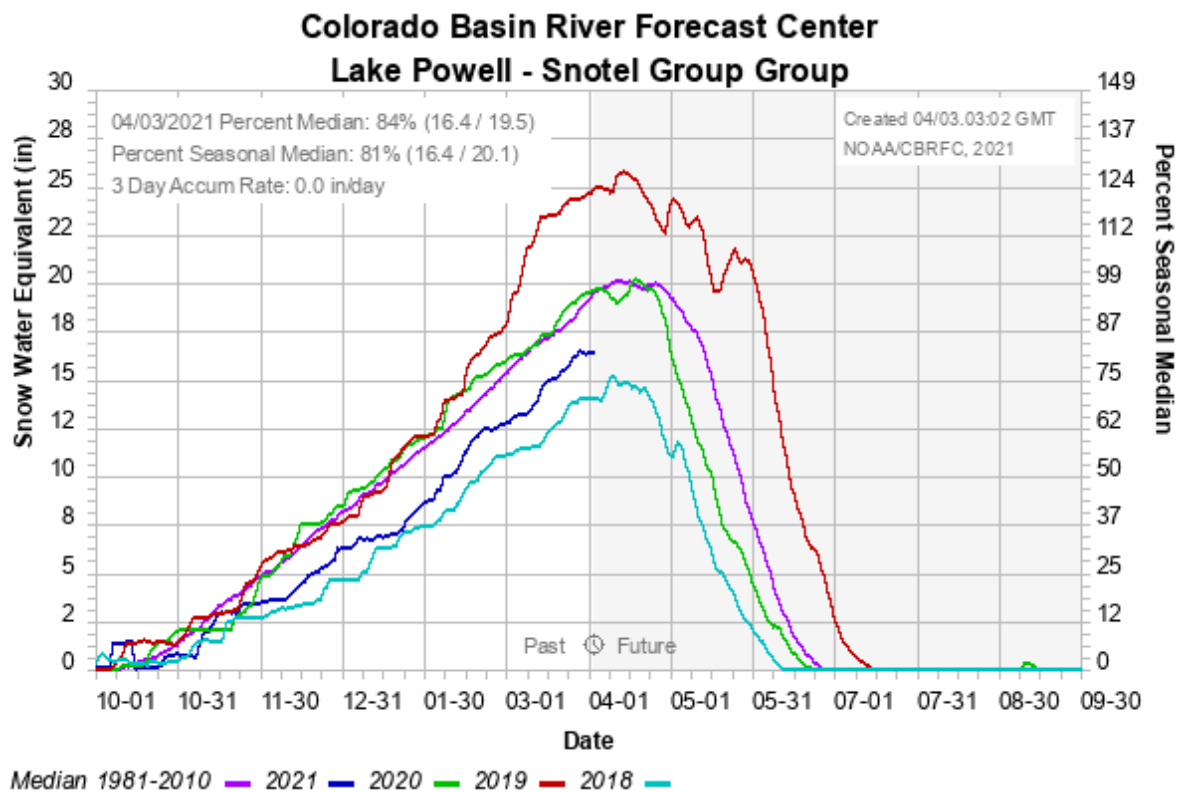
In addition to the below average seasonal snowpack, the region is facing a continuing drying trend, with models tilting toward warm and dry conditions and a poor 3-month outlook, across the American West, with projected record-breaking heat, especially to the south (see **Figure 3**).

With the persistent dry conditions, runoff will be adversely impacted by the accumulated soil moisture deficits that need to be ‘re-filled’ by snowmelt before river flows can rise, resulting in an inefficient seasonal runoff. And due to sizable reservoir drawdowns from last year, very few reservoirs are likely to fill, causing worry for water users.

April 2, 2021

With snowpack making up about 80% of annual water supplies in western Colorado, staff has been extremely focused on the hydro-climate and cloud seeding opportunities to increase snow production in the central Rocky Mountain region. Unfortunately, due to the lack of storms to date, cloud seeding opportunities have also been below average under the Central Colorado Mountain River Basin program that staff administers on behalf of the Board.

**Figure 1** below illustrates how the snowpack has evolved to date above Lake Powell, both as Snow Water Equivalent (SWE) and as a percent of average as compared to other similar years. The blue line indicates that WY2021 snow accumulation is tracking below WY2020 and just slightly above WY2018, which had the third driest unregulated inflow on record for Lake Powell.



**Figure 1:** Seasonal snow hydrograph for Water Year 2021 from 104 Snotel stations above Lake Powell as compared to recent years and the 30-year median.

The combination of below average snowpack across the UCRB and widespread dry soil conditions are causing cause significant issues for water managers and wildfire potential is already above average in places. As shown in **Figure 2**, this map from the Colorado Basin River Forecast Center (CBRFC April 2, 2021) shows that there are thirsty soils waiting to absorb the snowmelt before it can reach the rivers. These modeled data suggest that the majority of the UCRB has soil moisture deficits of up to 12 inches of water to reach saturation. This figure is overlain with reservoir storage conditions for the current period (colored circles). This shows the challenges to refill the system, especially for the lower, larger facilities, like Lakes Powell and Mead, that are suffering through an over 20 year protracted period of low inflows. “The period 2000-2020 is the lowest 21-year period since the closure of Glen Canyon Dam in 1963, with an

April 2, 2021

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average unregulated inflow of 8.62 million acre-feet, or 80% of the 30-year average (1981-2010).”

Reclamation has completed a new ‘mid-term’ modeling framework and the resulting look ahead is alarming. Water Year 2021 and 2022 are now both projected to be below average for Lake Powell. The projected unregulated inflow volume into Lake Powell for WY2021 has fallen to 5.13 million acre-feet or 47% of the long-term average. This is now lower than WY2020’s unregulated inflow volume of 5.85 million acre-feet (54% of the long-term average).

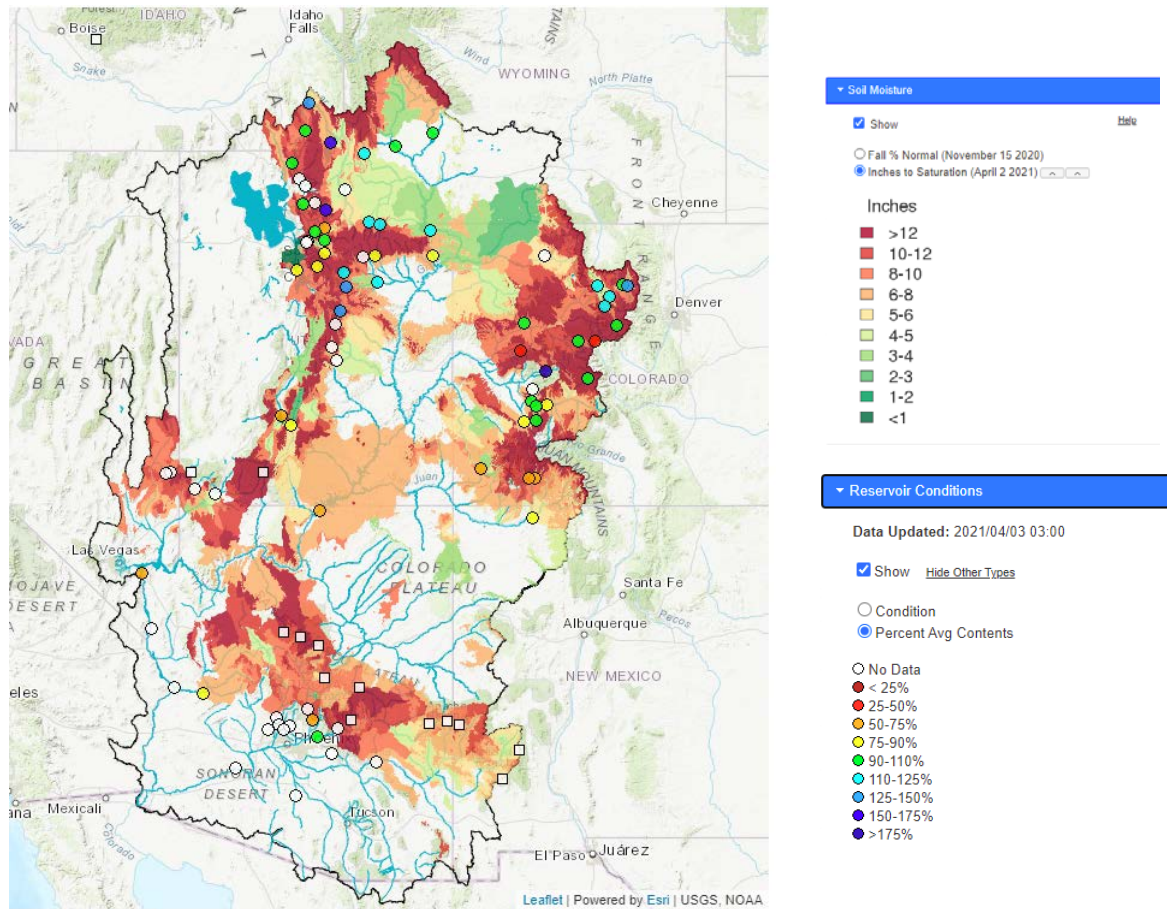
Furthermore, Reclamation projects that: “Lake Powell elevation will end water year 2021 near 3,557.03 feet with approximately 8.10 million acre-feet in storage (33% of capacity).” This is based upon “... annual release volume from Lake Powell during water year 2021 of 8.23 million acre-feet under the March minimum and most probable inflow scenarios.”

Although there is significant uncertainty associated with the projected inflows, Reclamation’s **least** probable model runs (10 per cent chance of occurring) indicate that the surface elevation of Lake Powell would fall below the critical threshold of 3525 feet above mean sea level in Water Year 2022. By agreement with the four Upper Basin States and Upper Colorado River Commission (UCRC), this model result initiates increased monitoring and coordination amongst the parties. This is due to the Drought Contingency Program (DCP) signed in 2019 and specifically pursuant to the Drought Response Operations Agreement (DROA) component.

When combined with Lake Mead, Reclamation’s modeling suggests that system storage will fall to 42% or 24.81 million acre-feet by the end of 2021. With these projections, additional Drought Contingency Plan (DCP) operations will continue in be in effect for the Lower Basin in 2021 with lowered deliveries (approximately 200,000 acre-feet) to the Central Arizona Project, Southern Nevada and Mexico under “Tier 0”.

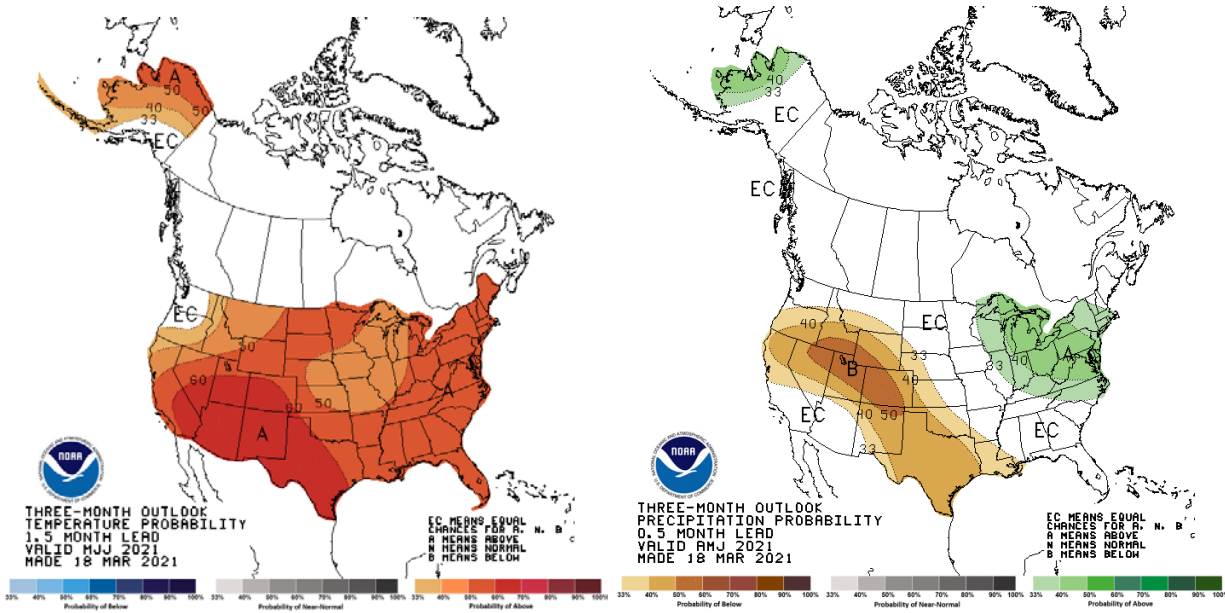
However, and importantly, should these projections continue to play out, the Lower Basin will enter “Tier 1” declared shortage in 2022, prompting mandatory cut backs for the first time under the 2007 Interim guidelines, reducing releases from Lake Mead by over 600,000 acre-feet and Lake Powell will release only 7.48 million acre-feet in 2022.

These forecasts and related operational information are subject to change and will be updated when they become available and relevant updated planning study information may be provided at the Board meeting, as appropriate.



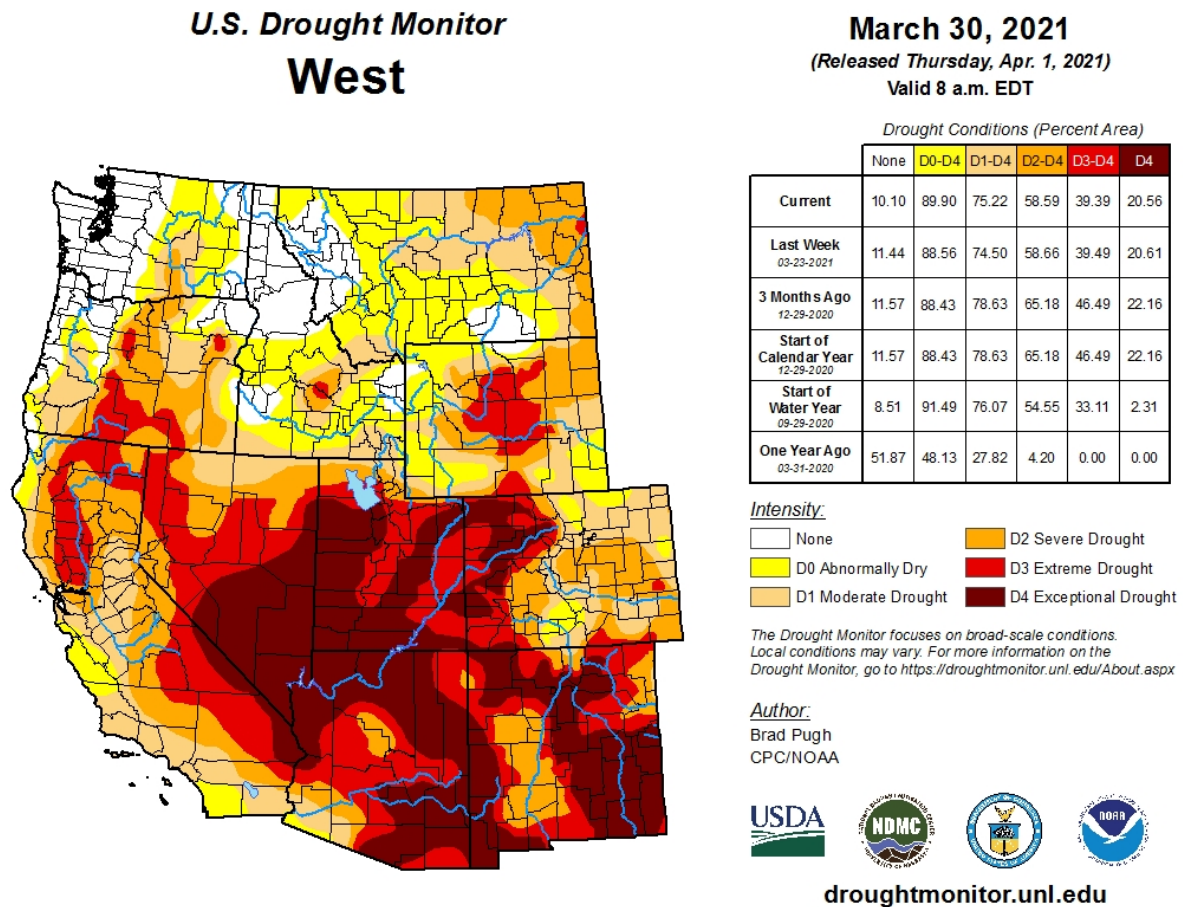
**Figure 2:** Soil moisture deficit conditions shown as inches of water needed to reach saturation, overlain with colored circles that characterize the reservoir conditions as a percentage of normal for this time of year

Looking forward, the three-month outlook shown in **Figure 3** is not favorable, with warmer and dryer than average conditions forecasted in the upper Colorado River Basin, according to the Climate Prediction Center (published March 18<sup>th</sup> – updated, monthly).



**Figure 3:** NOAA Three Month Temperature and Precipitation Outlook (Climate Prediction Center, March 18, 2021)

This combination of factors has caused an expansion of moderate to severe drought conditions throughout much of Colorado, the Upper Colorado River Basin and in Northern California, according to the U.S. Drought Monitor shown in **Figure 4**. The chart shows how significantly drought has expanded from one year ago when there was no area ‘Extreme’ (D3) or ‘Exceptional’ (D4) areas on the Drought Monitor, these areas now take up almost 40% of the land area on the map.



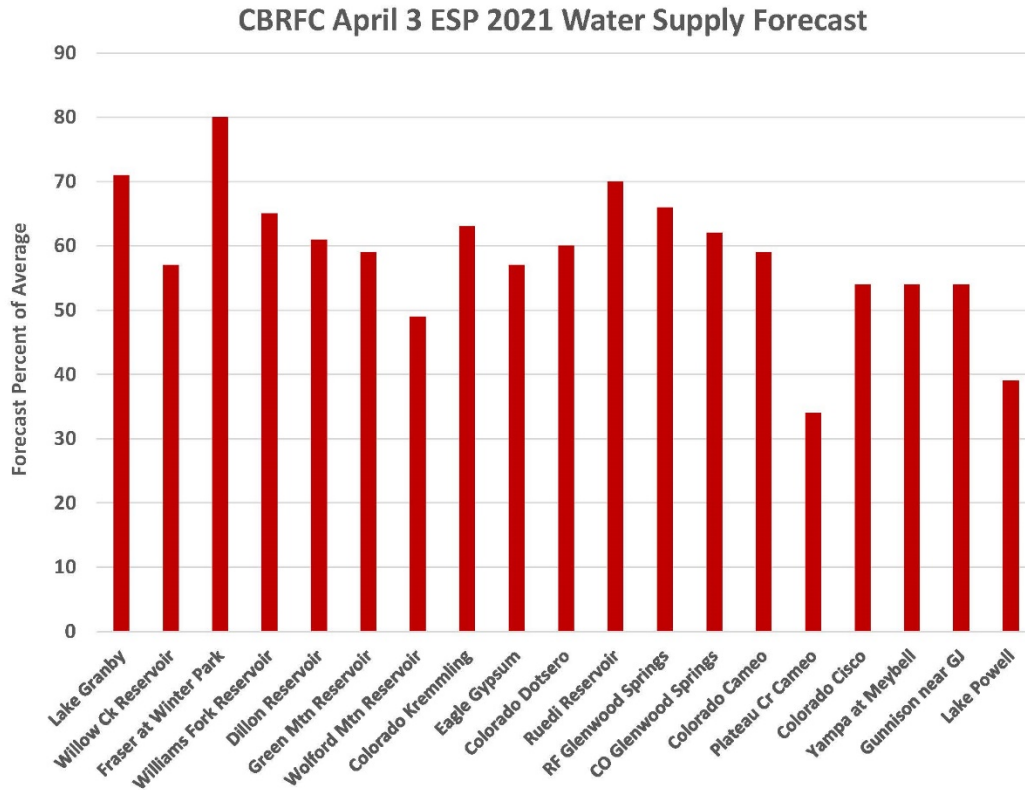
**Figure 4:** Western U.S. Drought Monitor published March 30, 2021

**Colorado River Headwaters within Colorado and Woford Operation**

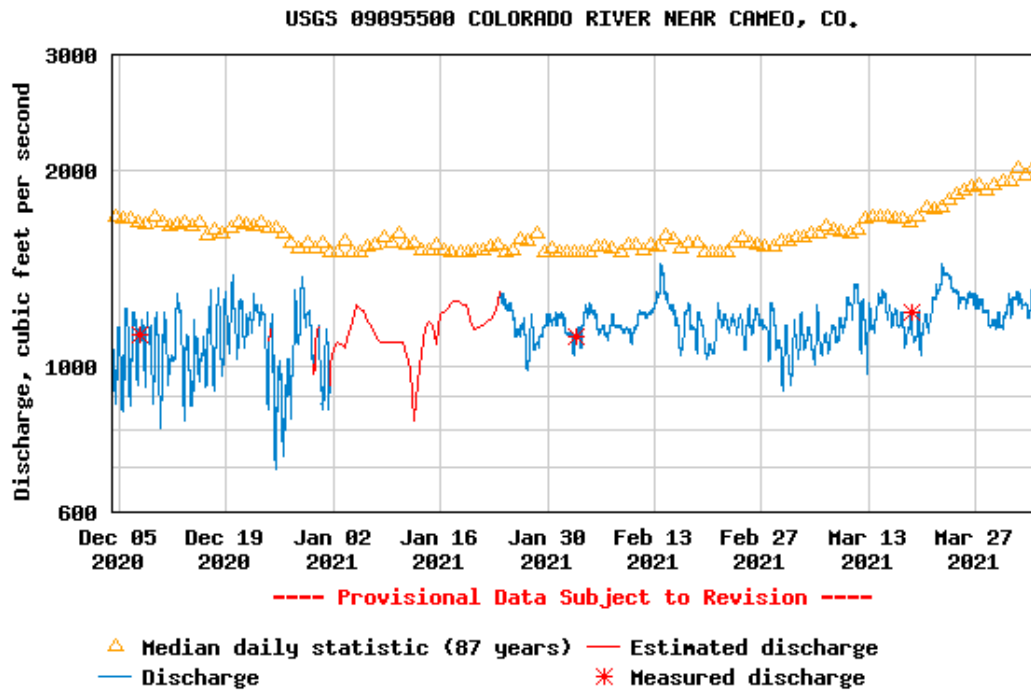
Sub-normal snowpack, warm and dry past and forecasted conditions in the Upper Colorado River Basin have also impacted more local water supply forecasts. **Figure 5** below shows the CBRFC April 3 Water Supply Forecasts for various locations. Of particular interest to the River District are inflow forecasts at Dillon, Green Mountain, Woford and Ruedi Reservoirs. Ruedi Reservoir is not expected to fill as minimum releases continue. Water supplies in the Blue River (Dillon and Green Mountain Reservoirs) are critically low, setting the stage for ‘Substitution Operations’ during the fill season as Green Mountain Reservoir is expected to be short of a physical fill by, perhaps as much as, 45,000 acre-feet. This water has been or is expected to be stored or diverted by the Cities (Denver and Colorado Springs), significantly impacting Upper Blue, Williams Fork and Woford Mountain Reservoirs as discussed below. The dry conditions will also impact spring operations during initial Grand Valley diversions impacting flows in the 15 Mile Reach, with planned releases from carryover surplus storage at Green Mountain Reservoir and the 5,000 acre-foot Endangered Fish Pool in Ruedi Reservoir.



The Colorado Big Thompson (CBT) March Annual Operating Plan (AOP) Most Probable model run projects that 47,000 acre-feet will be pumped from Willow Creek Reservoir into Granby Reservoir, with no water pumped from Windy Gap Reservoir, however if favorable conditions develop Northern Water will pump at Windy Gap. Granby Reservoir is expected to fill to 10 feet below full pool, assuming there are no issues with debris from the East Troublesome fire scar, but there are concerns that debris mobilized during runoff may interfere with pumping to Granby Reservoir, due to the extent of fire scar in the Willow Creek drainage.



**Figure 5:** Chart of CBRFC Inflow Forecasts for Various Nodes in the Upper Colorado Headwaters



**Figure 6:** Chart of recent streamflow at the USGS gage at Colorado River at Cameo, reflecting 95 percent exceedance (very dry) streamflow conditions

Recent Wolford Mountain Reservoir operations are shown in **Figure 7**. Wolford inflow volume is anticipated to be only about half of the 54,000 acre-feet average. The current operations plan as shown in **Figure 8** below reflects a voluntary reduced storage operation due to Ritschard Dam deformation issues, with the elevation limited to 10 feet below full pool throughout runoff. Irrigation season operations will likely be severely impacted by Green Mountain Reservoir Substitution releases from Wolford during July through September. The chart below reflects a projected 30,000 acre-feet Substitution by the Cities which would be released from Dillon, Williams Fork and Wolford Reservoirs to supplement replacement releases and irrigation deliveries to the Grand Valley Irrigators. Under this scenario Wolford releases would increase by 19,000 acre-feet, contributing to a total drawdown of 35 feet, similar to operations in 2012. The Operations Plan may be modified with respect to reduced reservoir operations in light of drawdown concerns.

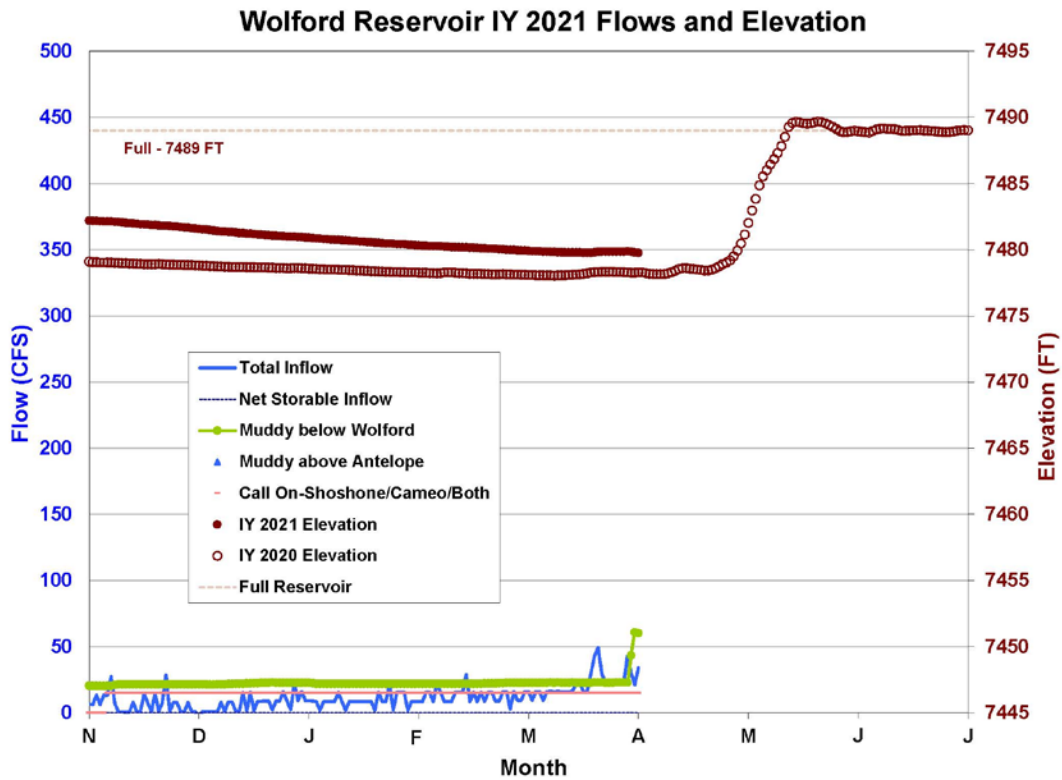


Figure 7: Chart of 2021 operations for Wolford Mountain Reservoir in comparison to 2020

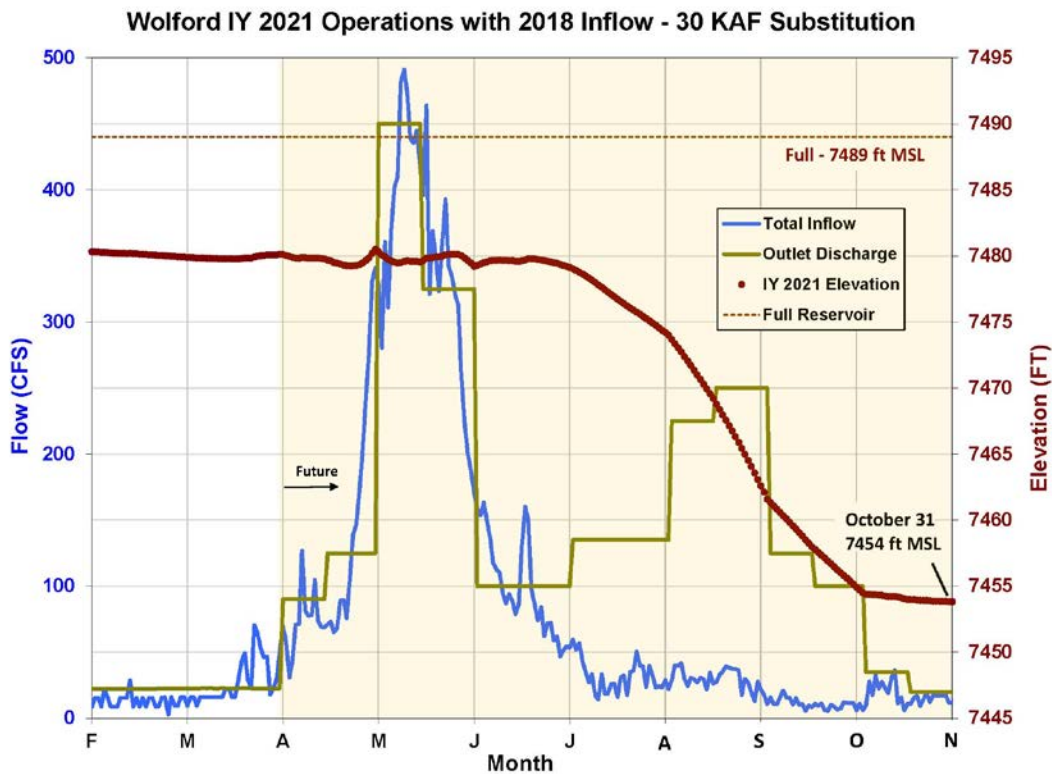
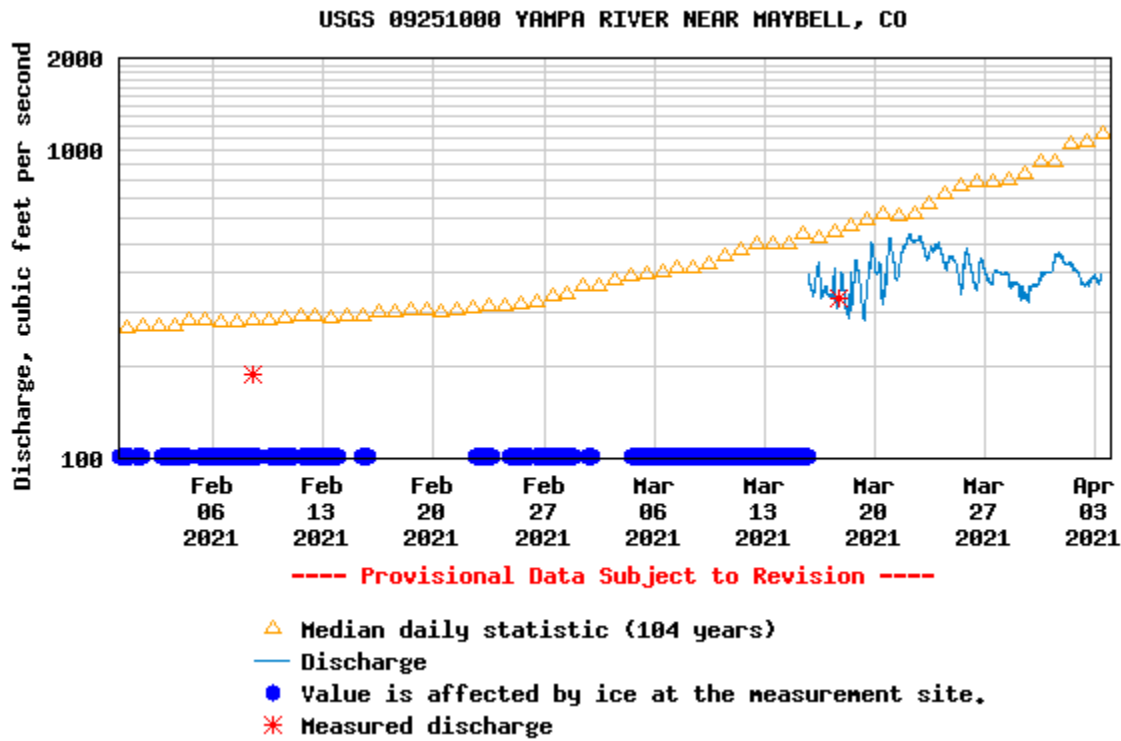


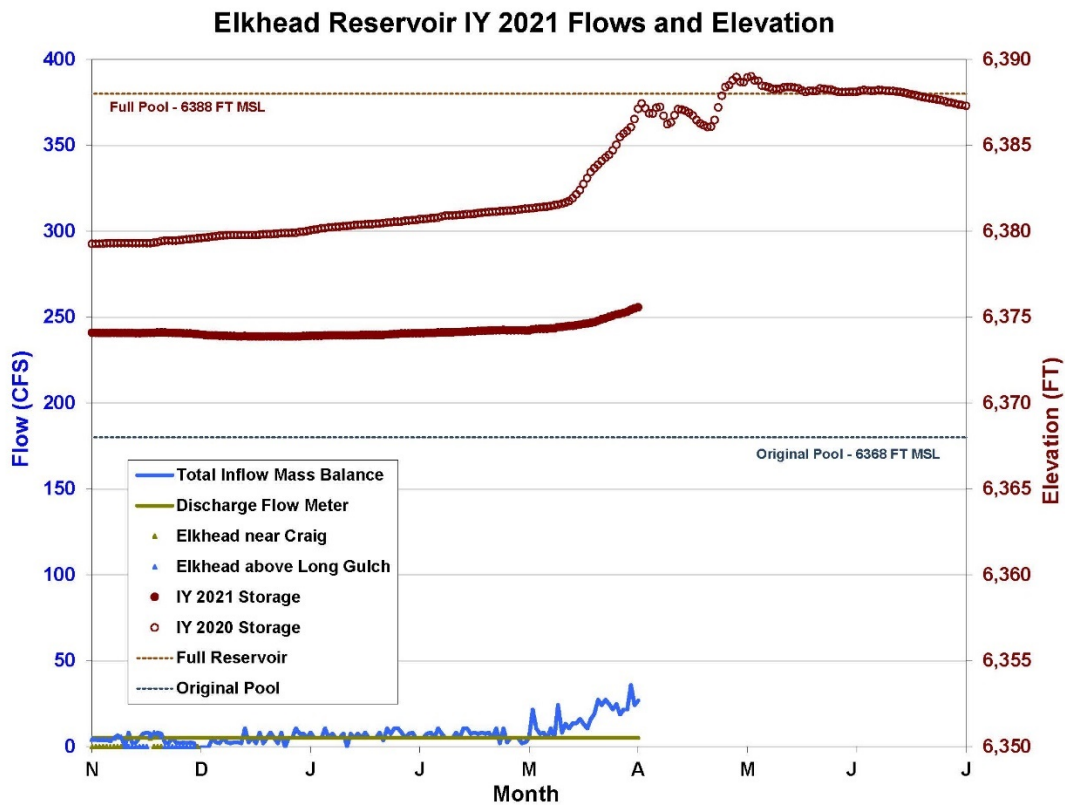
Figure 8: Chart of projected 2021 operations for Wolford Mountain Reservoir

**Yampa River Basin and Elkhead Reservoir Operations** Streamflows in the Yampa Basin have been well below average as shown in the chart in **Figure 7**.



**Figure 7:** Chart of recent streamflow conditions at the USGS gage Yampa River at Maybell, reflecting below average streamflow conditions

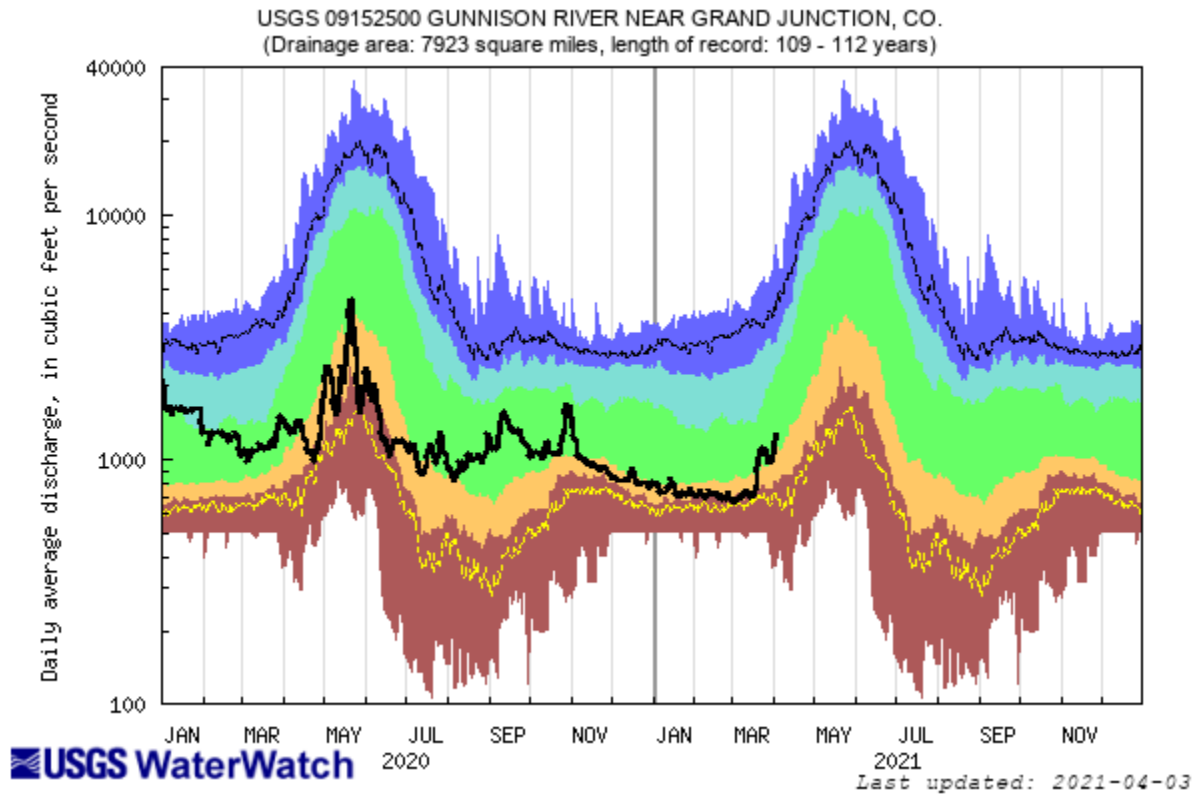
Recent Elkhead Reservoir operations are shown in **Figure 8**. April through July inflow is expected to be about half of the 74,000 acre-feet average volume, however, a fill is expected. An administrative call certainly could develop in 2021 if conditions stay dry, depending on the amount of summer moisture from monsoonal activity.



**Figure 8:** Chart of 2021 Elkhead Reservoir Operations as compared to 2020

### Gunnison River Basin Operations

In the Gunnison River Basin, dry conditions persist, this resulted in a significant drawdown in basin water storage facilities, including Blue Mesa Reservoir, that dropped below 50% of active capacity for the second time in 3 years in 2020. With the low reservoir levels, Aspinall Unit releases in 2020 were made pursuant to drought rules, enabling releases to be decreased below ‘normal year’ flow recommendations. **Figure 9** shows below average streamflow conditions in the lower Gunnison River at the USGS gauge near Grand Junction over the last 12 months. It is likely that these operations will occur again in 2021. The operational plan is still being developed.



**Figure 9:** Chart of recent streamflow conditions at the USGS gage Gunnison River near Grand Junction, showing below average river conditions

According to Reclamation’s preliminary analyses, the state’s largest reservoir, Blue Mesa, will not fill and may only reach 24 feet below full pool by July 2021 or 621,000 acre-feet (75% of live capacity). Similarly, unless there is a dramatic turnaround in snowpack by runoff season, it is likely that other Gunnison Basin facilities may not fill, with Taylor Park storage projected to reach a similar  $\frac{3}{4}$  of active capacity; Ridgway Reservoir may fall short of filling, as well. Although there is time for conditions to improve significantly, the lack of carry-over storage is a concern for Gunnison Basin water users in 2021.



GO BACK TO MEMO

March 16, 2021

Kevin Rein, State Engineer  
Division of Water Resources  
1313 Sherman St., Room 718  
Denver, Colorado 80203

RE: Potential Yampa River Over-appropriation Designation  
Delivered Via Email: [dnr.edoassist@state.co.us](mailto:dnr.edoassist@state.co.us); [kevin.rein@state.co.us](mailto:kevin.rein@state.co.us); [erin.light@state.co.us](mailto:erin.light@state.co.us)

Mr. Rein,

The Moffat County Commissioners are writing to express our opposition to the Colorado Division of Water Resources (the State) over-appropriation proposal. Additionally, the Commissioners request an additional two years before an over-appropriation designation is made on the Yampa River watershed to assure the State and our community collaborate in adequately addressing the below described issues.

First, we want to express our appreciation for you allowing Erin Light to meet face-to-face with the Moffat County Commissioners and discuss this topic March 3, 2021. That meeting was particularly informative. Moffat County also participated in your March 8, 2021 zoom meeting, but the one-hour time frame and the Zoom meeting format did not allow the dialogue we were hoping for. The comments below incorporate feedback from our Moffat County Land Use Board, which has 6 members that also sit on the Yampa/White/Green Basin Roundtable. In addition, we heard feedback from a group of 18 landowners and water users who attended your March 8th Zoom meeting that was hosted by the Colorado First Conservation District.

Our Commission has spent significant effort studying the State's proposed over-appropriation designation of the Yampa River. We simply cannot find justification for the apparent rush to over-appropriate the Yampa in 2021. Furthermore, we can understand the logic for over-appropriation above the down-river boundary of District 44, which is in Routt County. We do not believe the same logic exists in the lower Yampa Basin, and feel that you are imparting Routt County water issues upon Moffat County. This feels like a fast-paced decision, without time being allowed to thoughtfully develop localized solutions to really address the issues at hand. There needs to be tailored solutions for upper river issues and lower river issue, instead of a one-size-fits-all approach. The issues must be addressed so unintended consequences to water users are avoided. Proper public process, face to face, is needed, and time for a well-planned augmentation program must be allowed. Allowing the County and the public a 30 to 60 day review of the State data and report is inappropriate. We request a determination be delayed until a thoughtful process involving water users can be completed to address the concerns listed above. Specifically, time, conversation, data review, and stakeholder outreach should occur to walk through all the

above points and assure water users understand the impacts of an over-appropriation designation. In addition, it is critical the County engage in these discussions to help the State identify and evaluate other alternatives to an over-appropriation, which could accomplish the same results. We offer the following comments and concerns:

- 1) **Education:** The number-one comment coming from our water users and landowners, is a desire to understand what the impacts of the Yampa over-appropriation means. We are beginning to get the picture that this will not affect surface water rights. However, we are finding that many of us don't understand how this can be when the State essentially considers groundwater (wells) and surface as the same water. It is too often perceived, that if one has talked to the elected officials and the Basin Roundtable, that they have communicated with the water users of Moffat County. This could not be further from the truth and misses communicating with the vast majority of water right owners. We County Commissioners are being unequivocally told by our constituents that they do not understand the reasoning and rational for designating the watershed as over-appropriated. They feel that they are in some way being denied future access to a public resource. This leads us to continue to request an extension of 2 years, or whatever time is necessary to allow the word to spread and the State to communicate adequately and work to solve problems with Moffat County water users.
- 2) **Lack of Public Review of Proposal:** The State has yet to share its formal findings and data supporting the over appropriation of the Yampa with anyone in Moffat County. Moffat County expects the ability to review the State's report justifying over-appropriation of the Yampa in a meaningful way. We expect dialogue and coordination with the State, much in the fashion we are used to with federal land management agencies. By contrast, we recently received sincere participation and cooperation by the State recently during Greater Sage Grouse planning. We even signed a privacy agreement with the State to assure pre-decisional information was protected. Simply treating the Moffat County Commissioners as a mere commenter is unacceptable. Counties are a subdivision of the State, we have land use planning authorities, we have regulatory powers, and we are responsible for the health, safety, and well-being of our citizens. It should only be natural for the State to share its data and formal proposal with Moffat County early in the process. In addition to looking after the individual rights of our citizens, the County also has water rights and well permits we are concerned about.
- 3) **Allow Time for New and Correction Permits.** Moffat County is specifically aware of landowners that have long-standing wells and well ponds that are either unpermitted, or require a change of use. Currently Moffat County has two wells in a County park that have incorrect uses listed on the well permits. We specifically request the State grant at least an appropriate grace period to permit existing wells and for citizens to review their own well permits and complete "change of use" forms. We are also aware of a handful of residents who have stated they intend to develop wells in conjunction with planned projects within the next two years, and over-appropriation causes them to rush the process without planning or design. We understand how much engineering, planning, and lead-time is necessary to actually bring a new irrigation project to completion. The State's proposed 30-60 day notice before over-appropriating the watershed is completely unrealistic to allow our citizens time to bring new irrigation projects on-line. Further, we question why the State wouldn't also want additional time to reduce the number of incorrect and incomplete permits filed in haste to "beat the clock" We submit that existing wells and well ponds are already accounted for in the system and no further injury would occur by allowing additional time to permit them. The alternative to this would be completely unfair in that exiting well owners would be "stranded" with the burden to augment but without any viable means to do so. We ask you to fully consider a 2 year grace period to permit existing wells and/or any planned wells for which an owner can make a justifiable written request for additional time to complete project planning and design.



- 4) **Augmentation Program Needs to be Established:** Although the upper reaches of the Yampa River have an established augmentation program, there is no such program available for the lower Yampa. Suggestions of utilizing the Great Northern Conservancy District, or other entities have been superficially discussed but significant effort would have to occur to develop an augmentation system. The Great Northern, for instance, has not officially had its board seated by the courts, and it has zero budget. If this district or another entity were to host an augmentation program, it must be allowed time to negotiate water purchases, so that water could be re-sold as augmentation water, and it must be allowed time to set up staffing, funding, and a mechanism to operate. Over-appropriating the Yampa without the opportunity to immediately purchase augmentation water will only create delays and frustrate development. We believe there may be operating options such as water leases, or similar, to bridge the gap until the Great Northern is up and running. We respectfully request the State's assistance to help us understand and implement these alternatives to over-appropriation as soon as possible.
- 5) **Futile Augmentation/Futile Well Regulation:** We are particularly disturbed that the State can claim that a well located in remote Moffat County should require augmentation to water a small lawn or a few animals like so many of our residents operate. If that same well had augmentation water stored in a small pond that was released to the watershed, we contend that the effects would be unmeasurable at the Yampa. As an example, locations where augmentation releases might be considered futile would be the Wilderness Ranch and Bakers Peak subdivisions, Breeze Basin, areas of the Williams Fork, and Great Divide. It is difficult for us to see any actual, in-the-river benefit to well restriction or augmentations in these locations.
- 6) **Unrealistic Boundary for Over-appropriation:** We find ourselves in the lower-basin, being inequitably treated because of water well development in the upper basin. Because Yampa River calls have been made near Deerlodge and not in the upper basin, there seems to be a technical inability to change the boundary for over-appropriation to the down-river edge of District 44. Yet, from a common sense view, and a political-will perspective, the District 44 boundary seems appropriate. We must have time to consider other alternatives that will accomplish the same goals of limiting well development in the upper-valley, while still being allowed to develop wells in the lower valley without the constraints that over-appropriation will bring to us as a county.
- 7) **Well Ponds:** We are concerned that the State has not fully addressed digging ponds that intercept groundwater (well ponds). These are critical to many agriculture operations for vegetation and livestock management. Further, details as to how administration and augmentation would function for a well pond that may be dug after an over-appropriation designation are unclear. Without addressing these issues, we suspect the State may unintentionally cause proliferating of rogue, unpermitted well ponds.
- 8) **ZOOM is Inadequate:** As we mentioned earlier, the face-to-face meeting with Erin Light and the Commissioners March 3, was a very informed discussion. The Zoom meeting March 8, was wholly lacking the ability for the 98 viewers (plus the additional people meeting in a room for a zoom meeting, such as those in the courthouse and those at the college with the Conservation District) to engage, ask questions, and participate in the meeting. For example, several people in the courthouse asked questions via "chat" and the facilitator, stated he was not reading questions from those that had already asked a question, and he focused on new participants. There was a room full of people at the courthouse that did not get their question answered because of the arbitrary "one question per location" rule that was utilized March 8th. We believe the exact same issue occurred with the 18 people at the college that could not get their concerns addressed on the Zoom meeting.


Even if the state held multiple zoom meetings, true public participation and information could not occur. We are aware of many people who did not feel comfortable asking questions in front of 98 other Zoom views. These people would be more comfortable asking questions in a face-to-face meeting. The extra time we request demonstrates a commitment to truly involve the public through face-to-face and smaller group size interactions.

- 9) **Government Overreach:** The County expressed concerns of government overreach during our March 3<sup>rd</sup> meeting. Lack of public information regarding the impacts of over-appropriation, inadequate alternative analysis, and questions regarding the real live water-in-the-stream benefit from a designation were not addressed. They leave us questioning if the over-appropriation will meaningfully protect senior water right users, beyond how they are already protected through existing water law. State overreach is in the forefront of our minds with the regulation of coal mining and power generation. The perception is that we've been dealing with measuring device orders for the past few years, and now further regulation is being proposed. The main issue with a one-size-fits-all administration of water is that the solution is not targeted where it will be most effective. In this case, an overly-large area, i.e., the entire Yampa basin is being affected by the effort to control wells primarily in the upper basin.

The Moffat County Commissioners hope you take our above points seriously and truly consider whether this rushed time-frame for over-appropriating the Yampa is necessary. We hope you rethink your strategy for over-appropriation and design a meaningful participation with stakeholders, gaining much needed community support. We are also currently seeking further advice and researching this with other water partners and hope to provide additional suggestions, soon, to the State regarding handling the above issues.

Cc: Tom Gray  
Andy Mueller  
Routt County Commissioners

Sincerely



Donald Broom, Chair  
County Commissioner



Melody Villard, District 2  
County Commissioner



Tony Bohrer, District 1  
County Commissioner



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

**TO:** BOARD OF DIRECTORS, CRWCD

**FROM:** MICHAEL EYTEL, SR WATER RESOURCE SPECIALIST *ME*

**SUBJECT:** East Troublesome Fire Recovery Update

**DATE:** APRIL 2, 2021

*Action: No Board action requested.*

**STRATEGIC INITIATIVES:**

- 1. Outreach and Advocacy
- 3. Climate and Hydrologic Uncertainty
- 4. Colorado River Supplies
- 5. Transmountain Diversions
- 6. Agricultural Water Use
- 10. Water Quality.

The East Troublesome Fire (ETF) complex covers an area over 182,000 acres and was the State's second largest fire in recorded history. While the fire occurred primarily on federal lands, nearly 23,000 acres of private land were directly impacted. The River District, pursuant to Board direction, has entered a Memorandum of Understanding (MOU) regarding the East Troublesome Fire collaborative restoration project with Grand County and Northern Water, along with numerous other local entities. Grand County and Northern are co-sponsoring the NRCS Emergency Watershed Protection Program (EWP) for two different areas impacted by the ETF. (see Figure 1.) The EWP program provides funding for up to 75% of the construction costs for emergency restoration. The remaining 25% comes from local sources and can be from cash and/or in-kind services. EWP projects consist of a wide range of treatments to reduce threats to lives and property.

Over the last two months Grand County and Northern have prepared and submitted their Damage Survey Reports (DSR) to the NRCS. The DSR's identified various mitigation and estimated treatment costs. The DSR's submitted outlined nearly \$35 million worth of potential treatments. This week the national NRCS office approved the full amount requested for EWP funding from the DSR's; however, due to limited federal funding available, the NRCS has authorized release of an initial allocation of \$12 million. Additional funds will be released if/when they become available. The NRCS expects there will be additional funds available as other EWP projects close out that have unused but previously allocated funding. The EWP partners are developing a framework for prioritization of EWP projects

that are most appropriate considering timing and funding constraints.

There are numerous mitigation treatments being proposed like slope seeding, masticated wood mulch, flood barrier bags, debris booms, and rock rip rap stabilization. The scope of this restoration effort is staggering. Northern has published the [Grand County Watershed Recovery](#) website which details an online map of proposed treatment and locations. Grand County is sponsoring 59 potential EWP projects on private lands within area B with a total cost estimate over \$5 million. Northern's two DSR's outline 131 potential treatments with a total cost estimate of nearly \$30 million.

Staff continues to assist Grand County and the other stakeholders and is participating in weekly calls and coordination meetings. Currently the stakeholders anticipate reviewing and prioritizing projects based on timing and available funds. Some mitigation treatments may be needed more immediately, while some may benefit from additional time to coordinate the planning effort as additional funding is authorized by the NRCS. Staff is working with Grand County to discuss how the River District's Partnership Funding Program may be able to assist with some of the needed matching funds.

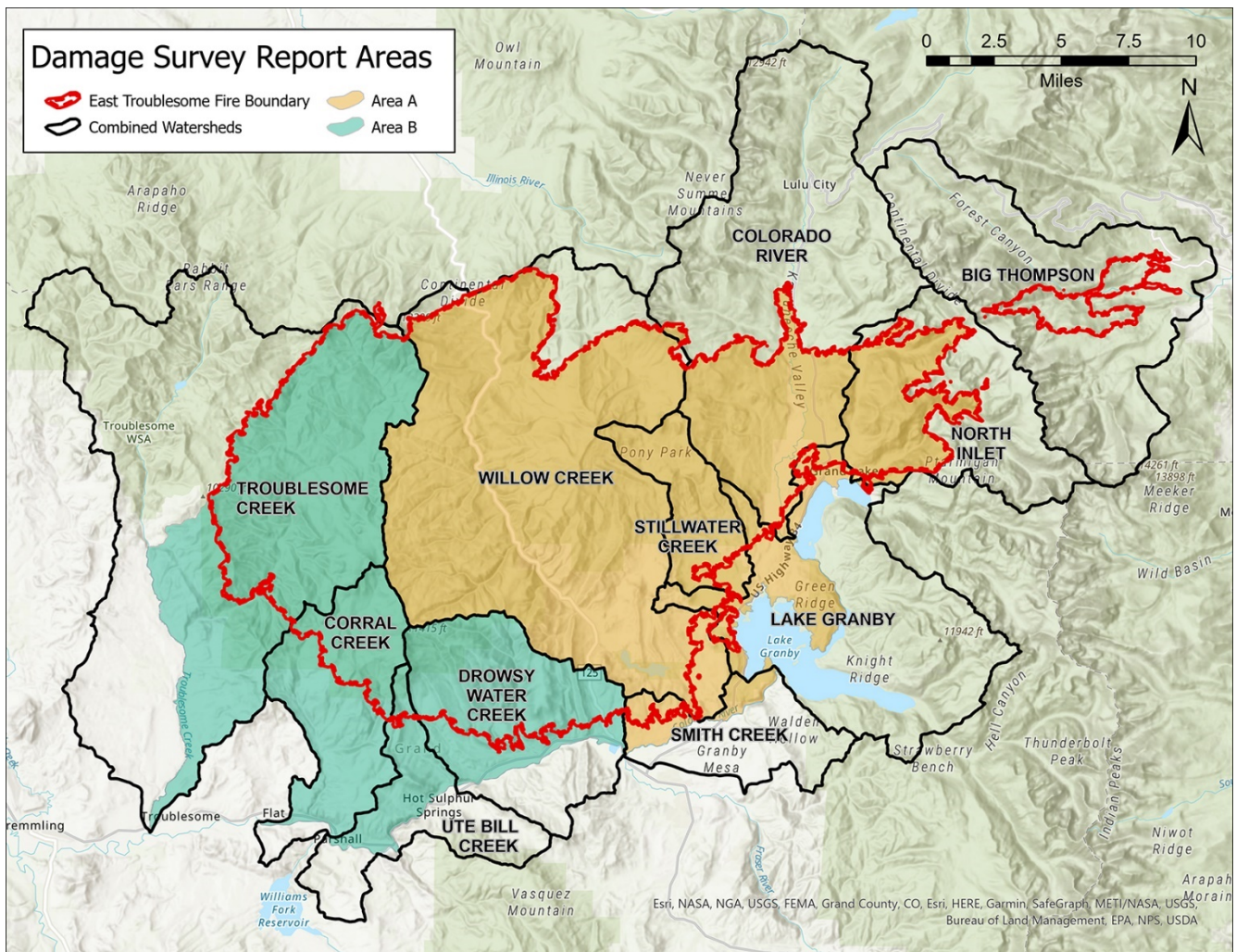


Figure 1. East Troublesome Fire Damage Survey Report Areas A & B.



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD

**FROM:** MICHAEL EYTEL, SR WATER RESOURCE SPECIALIST *ME*

**SUBJECT:** Regulation #93 Colorado's Section 303(d) List and Monitoring and Evaluation List

**DATE:** APRIL 6, 2021

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*Action: No Board action requested.*

**STRATEGIC INITIATIVES:** 1. Outreach and Advocacy  
3. Climate and Hydrologic Uncertainty  
4. Colorado River Supplies  
6. Agricultural Water Use  
10. Water Quality.

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Regulation #93 (5 CCR 1002-93) establishes Colorado's Section 303(d) List of Impaired Waters and Monitoring and Evaluation List. Section 303(d) of the Federal Clean Water Act requires states to identify waters where effluent limitations are not stringent enough to attain water quality standards. These waters are compiled into the Section 303(d) List of Impaired Waters. In addition, the Monitoring and Evaluation List (M&E List) identifies waterbodies where there is reason to suspect water quality problems, but there is also uncertainty regarding impairment. This includes waters impaired by natural sources, nonpoint source or point source discharges. Development of Total Maximum Daily Loads (TMDLs) are required for each listed waterbody to determine the maximum amount of a pollutant that a water body may receive and still maintain water quality standards. Regulation # 93 is reviewed and updated on a biennial basis through a public rulemaking process.

The addition and removal of waterbodies/pollutants from either list is subject to the same requirements as determined by the Listing Methodology. Removal from the lists is considered at such time that appropriate sampling indicates water quality standards are being met and/or designated uses are being attained.

The River District applied for Party Status for the upcoming Regulation # 93 Rulemaking Hearing being conducted on May 10<sup>th</sup>, 2021 to support a milestone de-listing. In 1998 the Water Quality



Control Commission added a segment the Commission refers to as, "COGULG02" to the 303(d) list for River. The exceedances of the aquatic life use-based standard for selenium. This segment represents nearly 66 miles of the Gunnison River, from Delta down to the confluence of the Colorado River in Grand Junction. The development of the TMDL for this reach took nearly 13 years and in 2011 the U.S. Environmental Protection Agency approved the TMDL for the Lower Gunnison Basin. The River District is an active participant in, and funding partner of, the Selenium Task Force ("STF") and Selenium Management Program ("SMP") workgroup. The SMP workgroup has worked diligently to effectuate upstream selenium control and to monitor selenium concentrations in the Lower Gunnison and Colorado Rivers through cooperative efforts with the U.S. Bureau of Reclamation the U.S. Geological Survey, the U.S. Fish and Wildlife Service, the US Bureau of Land Management, many affected local stakeholders.

We are extremely pleased these collaborative efforts in selenium management are paying off as recent data identifies segment COGULG02 is in attainment. In turn, we are very appreciative that the Water Quality Control Division has recognized these accomplishments by the proposed delisting of this significant reach of the Gunnison River (COGULG02) from the 303(d) list. The SMP workgroup will continue to monitor, study and to act to further reduce impacts of selenium inputs upon water quality and to assist in the recovery of listed aquatic threatened and endangered species potentially affected by selenium in the environment.



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD

**FROM:** MICHAEL EYTEL, SR WATER RESOURCE SPECIALIST *ME*

**SUBJECT:** Contract Request for Wild & Scenic Alternative Management Plan

**DATE:** APRIL 6, 2021

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**ACTION:** *Staff requests the River District Board authorize the River District's General Manager to enter a contract, as fiscal agent for the Upper Colorado River Wild and Scenic Stakeholder Group, not to exceed \$54,500 with RRC Associates.*

**STRATEGIC INITIATIVES:** *1. Outreach and Advocacy  
4. Colorado River Supplies  
10. Water Quality.*

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The Wild & Scenic Stakeholder Group (SG) has been working since 2008 to develop and implement an alternative management plan that protects the Outstandingly Remarkable Values (ORVs) identified on the mainstem of the Colorado River from Gore Canyon to the lower portion of Glenwood Canyon. The SG's intention is to balance permanent protection of the ORVs, certainty for the stakeholders, water project yield, and flexibility for water users and thereby provide an alternative to being classified as a Wild and Scenic River by the federal government.

In 2009, the Colorado General Assembly created the [Wild and Scenic Rivers Fund](#), CRS §37-60-122.3 to foster cooperative and collaborative processes aimed at the development of protections for river-dependent "ORVs." At its June 4, 2020 Special Joint Meeting, the River District Board Authorized the General Manager to act as Fiscal Agent for the Colorado Water Conservation Board Purchase Order # POGG1, PDAA, 202100002050 in the amount of \$95,680. Acting as fiscal agent for the Wild & Scenic SG is a continuation of the River District's ongoing support for the Wild & Scenic effort.

At the March 29, 2021 Annual Wild & Scenic Stakeholders Meeting the SG approved the 2021 Annual Monitoring Plan (AMP). The AMP is conducted to assist in quantifying and evaluating status of the Wild & Scenic ORV's. As part of this year's AMP the SG approved contracting

with RRC Associates to conduct and analyze recreational intercept user surveys. RRC is a Boulder based firm that conducts research for tourism-based industries. RRC will conduct on site user surveys, deploy self-reporting Kiosks, vehicle counters, and collect commercial data logs to assist the SG with better understanding user demand of the recreational fishery and float boating experiences on the Upper Colorado. *The SG requests the River District Board authorize the River District's General Manager to enter a contract not to exceed \$54,500 with RRC Associates to conduct and analyze recreational user surveys on the Colorado River Wild and Scenic Segments during the 2021 float boating season, subject to reimbursement of the contract costs by the Wild and Scenic SG.*





# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

**TO:** BOARD OF DIRECTORS, CRWCD  
 ANDY MUELLER, GENERAL MANAGER  
 PETER FLEMING, GENERAL COUNSEL

**FROM:** MICHAEL EYTEL, SENIOR WATER RESOURCES SPECIALIST *ME*

**SUBJECT:** WILD & SCENIC TECHNICAL SUPPORT

**DATE:** APRIL 6, 2021

**ACTIONS:** *Staff requests the Board authorize the General Manager to enter a two-year contract not to exceed \$28,500 with Bishop-Brogden Associates, Inc. to provide technical support to the West Slope Water Users' Interest Group related to support the Wild & Scenic Alternative Management Plan.*

**STRATEGIC INITIATIVE(S):** **1. Outreach and Advocacy**  
**4. Colorado River Supplies**  
**10. Water Quality**

This request would replace an expiring contract with Bishop-Brogden Associates, Inc. (“BBA”) to provide technical support to the Wild and Scenic West Slope Water User Interest Group. The new contract will extend BBA’s services for two more years. Middle Park will continue to pay the other 50% of the cost. The range of services include:

- Development and implementation of Channel Maintenance Flow Observational Monitoring Plan.
- Stakeholder Meeting Participation – Technical Representative to West Slope Water Users Interest Group.
- Technical Committee Support – Cooperative Measures, Boating, and Fishing Ad-Hoc Committees.
- Technical Analysis and Review of Hydrology.

The Upper Colorado River Wild and Scenic Stakeholder Group was formed as an independent, collaborative group in 2007. The intention is to balance permanent protection of the Outstandingly Remarkable Values (ORV’s), certainty for the stakeholders, water project yield, and flexibility for water users along the Upper Colorado River. This contract with Bishop Brogden is to provide technical support to the West Slope Water User Interest Group over the next two years, while the Alternative Management Plan is implemented. River District staff recommends Board authorization to enter a new 2-year contract with BBA not to exceed \$28,500, subject to annual appropriations.



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD  
ANDY MUELLER, GENERAL MANAGER

**FROM:** AUDREY TURNER, CHIEF OF OPERATIONS

**SUBJECT:** TRIENNIAL SALARY SURVEY PROCESS UPDATE

**DATE:** APRIL 2, 2021

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*ACTIONS: Update only. No action requested.*

### **STRATEGIC INITIATIVE:**

#### ***11. River District Staff Resources***

***11.A. The River District will seek to be an attractive and competitive employer in the region, state, and water community. This includes maintaining, to the best of its ability, a highly competitive compensation package and supporting the work-life balance that is valued by the District and its employees.***

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## **I. Introduction**

Prior to 1996, the River District lacked a formal policy or process for setting salary ranges or awarding individual salary increases. However, under Eric Kuhn's leadership in 1996, the Board began working with an outside consultant to conduct a market analysis and set formal and competitive salary ranges. The Board hired Susan Owens of The Owens Group, Inc. and the first salary market survey was completed in 1996 and a follow-up study was completed again in 1997. The Board determined that it was appropriate to continue the practice of conducting salary surveys every three years.

In 2000, the Board worked with The Owens Group, Inc. to refine the salary survey process and compensation policy to match the Board's desire to be an attractive and competitive employer with a compensation package that attracts and retains highly capable, qualified employees. The Board determined that they wanted to be a slight pay leader, meaning in a group of 20 similar employers, 13 would pay less and 7 would pay more than the District. The 2000 compensation study also determined each position's salary range spread (30% - 50% depending on the position category) and also identified a strategy to migrate the midpoint of the salary range from the 50<sup>th</sup> percentile, which was previously used, to the 65<sup>th</sup> percentile of the market over a period of five years. Since then, the District has continued to target the 65<sup>th</sup> percentile as the midpoint of salary ranges. In

addition to being a useful tool to set salary ranges, these triennial salary surveys have assisted the District with the benefit of having objective information validating our employees' compensation.

The Board utilized The Owens Group, Inc. through 2015 after which Ms. Owens no longer worked on studies of this type. Employer's Council, working with the surveys and compensation departments, conducted the 2018 salary survey which presented several challenges. Working with Employer's Council, the Board and staff identified areas for improvement in the next survey which will be discussed in more detail below.

## **II. Issues Identified for 2021 Survey**

The Board identified a number of items during the 2018 survey process that were then presented by staff during the July 2019 quarterly meeting. I've included these items and our recommended course of action as a refresher and to inform the new Directors.

- **Include total compensation in the study, including health insurance benefits, retirement plan contributions, paid time off, etc.**
  - We believe this to be too difficult to accurately compare apples to apples to other organizations, due to the complex and variable nature of many aspects of benefit packages. By way of example only, health insurance coverage has so many variables, that it will not be as simple as comparing the premiums paid by the District.
- **Conduct a thorough review of the list of targeted employers.**
  - We will make sure that a geographic differential is included for all out-of-state employer data, which is consistent with past practice and takes out the difference in cost of employment for different locations. Staff does not recommend that we request the future salary survey consultant to utilize differently defined markets for different positions (i.e., attorney v. administrative assistant) due to the fact that such a practice may just further exacerbate the potential for pay inequity or drive further polarization of salaries by position.
- **Review the appropriateness of the 50/50 weighting of custom responses and published surveys. Especially when a position has less than 10 employers matching in the custom survey, there is potential for salaries to be disproportionately driven up or down.**
  - Staff believes that this split is still appropriate as we really want to compare ourselves to the District's competitive employers and those positions that are most like ours. The published surveys, while the number of data points is typically much higher, are not typically a close match to the responsibilities of our positions. This is a challenge with our organization due to the unique nature of our mission and our work.
- **Review range spreads to see if they are still appropriate.**
  - One consideration would be to have a 40% or 45% range spread for all positions, regardless of level. We will review this issue with potential salary survey contractors and seek their advice.
- **When an adjustment is warranted based on the survey, should the District continue to adjust the midpoint of the salary range to 95% or 100% of target?**

- One option is to adjust all salary range midpoints to the target. Staff has concerns about the administration of that option and believes that having an acceptable threshold (currently 90%-110% of target) to identify if it is in-line with market is appropriate. Another option is to change that threshold to 95%-105% and adjust any salary range that falls outside that range to the threshold. We recommend that we adopt the last option as it will eliminate a broader range of salary targets and eliminate some of the disparity which results from our prior practice.

### **III. Next Steps and Timing**

Staff will publish a Request for Proposals in April for a consultant to conduct the 2021 Salary Survey with the intention of executing a contract with the selected consultant by mid-May. We anticipate the contract amount to fall within the General Manager approval threshold.

Meanwhile, staff will review and modify position descriptions as we have had several changes since the 2018 survey. Staff will also review and refine a list of targeted competitive employers with whom we compete for experienced and talented employees and begin to make initial contact to encourage participation.

We anticipate a final report to be presented to the Board at the October quarterly meeting.



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD  
ANDY MUELLER, GENERAL MANAGER

**FROM:** GRACIE WRIGHT

**SUBJECT:** SIMPLIFIED CONTRACT TEMPLATE

**DATE:** APRIL 6, 2021

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**ACTIONS:** *Staff requests that the Board approve the Simplified Contract Template and the process outlined below. Staff also requests that the Board approve the General Liability and Auto insurance requirements to be accepted at a minimum of \$500,000 limit for these contracts.*

**STRATEGIC INITIATIVE(S):**

*12. Financial Sustainability and 13. Asset Management*

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The Colorado River District utilizes a standard form contract, that was approved by the Board, for most of its contracting needs. The Board delegated legal counsel the authority to modify these contracts provided that they determine that the work is low risk to the District. While the standard form contract is useful and appropriate in most cases, there are certain times when the process to approve, draft, and execute a final contract can be time-consuming and burdensome, particularly for low-risk, basic administrative-type contracts. Staff has discussed implementing a more simplified contract and procedure for those instances where using the existing template and internal approval process is not warranted.

Staff has worked with legal counsel to create the proposed Simplified Contract Template attached. This template is intended to be used for administrative operations contracts, for example: carpet replacement, plumbing repairs, vault toilet pumping at Wolford, etc. When requesting this type of contract, the requesting staff member will be presented with a series of questions to determine if the proposed contract is eligible for the use of the Simplified Contract Form. If it is eligible, then the form will be routed through the General Manager for review and approval. The legal department will not review these contracts or be involved in the approval process because the type of work has been categorized as low-risk, the standard template has already been approved, and no modifications to the template will be allowed. If the request is not eligible for the Simplified Contract Template or unique modifications will be needed, the requesting staff member will be directed to use the existing process and template.

## Simplified Contract Template

April 6, 2021

Page 2 of 2

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The standard insurance coverage required by the River District, and approved by the Board at the October 2019 meeting, is \$2,000,000 for Commercial General Liability and Auto. Given the scope of the contracts that will be eligible to use the Simplified Contract Template, staff and counsel believe that a minimum limit of \$500,000 would be sufficient for General Liability and Auto Insurance. There will be no modifications allowed to the simplified contract form due to the fact that there will be no individual review of these simplified contracts by River District Legal staff.. Given that these contracts will fall under an administrative operations category, they will be under General Manager's approval pursuant to the District's Financial Governance Policy.



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## AGREEMENT

THIS AGREEMENT is made and entered into by and between the COLORADO RIVER WATER CONSERVATION DISTRICT and Independent Contractor [Click or tap here to enter text..](#) (hereinafter “Contractor”) effective as of the date of the River District’s execution hereof.

### Contractor Information:

Contact Name: [Click or tap here to enter text.](#)

Phone Number: [Click or tap here to enter text.](#)

Email Address: [Click or tap here to enter text.](#)

Mailing Address: [Click or tap here to enter text.](#)

Contract Amount Not to Exceed: [Click or tap here to enter text.](#)

Effective Date: [Click or tap here to enter text.](#)

Contract Termination Date: [Click or tap here to enter text.](#)

Is Contractor an Individual and not a Corporate Entity: [Click or tap here to enter text.](#)

Signature of Acceptance of Terms of Agreement:

\_\_\_\_\_  
Date of Acceptance: [Click or tap here to enter text.](#)

### River District Project Manager Contact Information

Project Manager: [Click or tap here to enter text.](#)

Phone Number: [Click or tap here to enter text.](#)

Email Address: [Click or tap here to enter text.](#)

\_\_\_\_\_  
COLORADO RIVER WATER CONSERVATION DISTRICT

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

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

**BY:** \_\_\_\_\_  
ANDREW A. MUELLER, Secretary/General Manager

**ATTEST:** \_\_\_\_\_  
AUDREY TURNER, Chief of Operations

**APPROVED AS TO FORM:** \_\_\_\_\_  
JASON V. TURNER, Senior Counsel

**DATE:** \_\_\_\_\_

1. **Services.** The Contractor will complete the work as described in Exhibit A attached hereto. Contractor shall perform the work in a skillful, professional and competent manner and in accordance with the standards of care, skill and diligence applicable to contractors in the field in which contractor practices with respect to the work. The work shall be completed on or before the Contract Termination date identified above. The Work shall be performed in compliance with all applicable local, state, and federal laws and regulations. Contractor shall not discriminate against any person because of age, sex, race, national origin, ancestry, disability or religion or any status protected by law.
2. **Compliance with C.R.S. §8-17.5-102.** Contractor shall not knowingly employ or contract with an illegal alien to perform the Work. Contractor shall not enter into a contract with a subcontractor that fails to certify that the subcontractor shall not knowingly employ or contract with an illegal alien to perform the Work. Contractor will participate in the e-verify program or department program in order to confirm the eligibility of all employees who are newly hired for employment to perform the Work. Contractor shall not use the e-verify program<sup>1</sup> or department program<sup>2</sup> to undertake pre-employment screening of job applicants during the term of this Agreement. If Contractor obtains actual knowledge that a subcontractor performing the Work knowingly employs or contracts with an illegal alien, the Contractor shall: Notify the subcontractor and the River District within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with illegal aliens; and Terminate the subcontract if the subcontractor does not stop employing or contracting with the illegal alien within three days of receiving such information. If the subcontractor provides information to establish that the subcontractor did not knowingly employ or contract with an illegal alien, then the Consultant shall not terminate the subcontract. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation of whether Contractor or a subcontractor has hired an illegal alien. If Contractor violates any of the terms of this section D.(1), or otherwise fails to comply with C.R.S. § 8-17.5-102, the River District may terminate the Agreement for breach of contract and the Contractor shall be liable for actual and consequential damages to the River District.
3. **Affidavit of Identity (If required):** If Consultant is an individual as opposed to a corporate entity Compliance with C.R.S. § 24-76.5-103. Consultant must provide an executed affidavit, attached hereto as Exhibit B, verifying Consultant's lawful presence in the United States and a photocopy of Consultant's valid driver's license or other proof of lawful presence in the United States. The River District, in its sole discretion, reserves the right to request additional proof of Consultant's lawful presence in the United States.
4. **Independent Contractor Status Form (If required)** Consultant represents to the River District, and on that basis the River District recognizes that Contact identified by the Contractor is the principal of the Consultant and as such, the State of Colorado does not require Workers' Compensation Insurance of the Consultant as acknowledged through the Independent Consultant Status form attached hereto as Exhibit C. Consultant agrees to provide Workers' Compensation Insurance if other employees of Consultant provide services under this Agreement. Consultant agrees to indemnify and hold harmless the River District for any inaccuracy or error in Consultant's representation and understanding concerning its present lack of need for Workers' Compensation Insurance and for any failure of Consultant to obtain such insurance when needed or required.
5. **Contractor Status.** Contractor is an independent Contractor, not an employee, agent or representative of the River District. Contractor will be free from control and direction by the River District in the performance of the Work and is customarily engaged in an independent trade, occupation or business related to the services to be performed. As an independent Contractor, neither the Contractor nor any of its employees or any subcontractors retained regarding the Work shall be entitled to receive any of the benefits of the River District's personnel system or to place workers' compensation claims against the River District.
6. **Taxes.** Contractor is and shall be solely liable and responsible for any federal, state and local taxes applicable to this Agreement or any services provided hereunder, including but not limited to income and withholding taxes, unemployment taxes, FICA taxes, sales taxes and workers' compensation payments and premiums. Contractor shall indemnify the River District for any liability resulting from nonpayment of such taxes and sums.
7. **Compensation.** Contractor shall complete the described Work at the labor and expense charge rates shown in Exhibit A for total compensation, including all expense reimbursement, not to exceed the amount identified as the Contract Amount Not to Exceed listed above. No additional payments shall be paid to Contractor without the prior written consent of the River District. Contractor shall maintain accurate accounting records of all expenses incurred in connection with the Work and shall permit the River District to have access at all reasonable times to all records, account books, vouchers, invoices and payrolls relating to direct costs of the Work. The most cost effective and appropriate travel means shall be utilized in the performance of the Work. Travel by commercial carrier shall be calculated at actual cost. Notwithstanding anything stated in Exhibit A concerning cost markup, all other expenses incurred shall be calculated at actual cost,

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<sup>1</sup> E-verify program means the electronic employment verification program created in Public Law 104-208, as amended, and expanded in Public Law 108-156, as amended and jointly administered by the United States department of homeland security and the social security administration, or its successor program.

<sup>2</sup> Department program means the employment verification program established pursuant to C.R.S. §8-17.5-102(5)(c).



which shall not exceed the reasonably available market rate for such expenses.

8. **Liability and Insurance.** Contractor is responsible for the acts, errors and omissions of itself and agrees to indemnify and hold harmless the River District for such actions, errors and omissions in the performance of the Work. Contractor shall maintain General Liability Insurance and if an automobile will be used during the work, automobile insurance to meet the following limits. 1. Commercial General Liability: Bodily Injury/Property Damage/Personal Injury: \$5,000,000 ea. Automobile Liability: \$5,000,000 and where applicable Workers' Compensation and Employers Liability: Workers' Compensation: Statutory, Employers Liability \$100,00 each accident, \$100,000 disease each employee. General Liability and Automobile Liability insurance certificates shall be provided to the River District naming the River District as an additional insured before any work may be performed.
9. **Termination.** Contractor agrees that the River District may terminate this Agreement if the River District determines in its sole discretion that: (1) Contractor violated the terms of this Agreement; (2) Contractor is failing to produce results that meet the specifications of this Agreement; or (3) Contractor has failed to produce results that meet the specifications of this Agreement. Contractor also agrees that the River District may terminate this Agreement if the River District determines in its sole discretion to cease, delay or alter the Work. The River District may terminate this Agreement by giving written notice to Contractor. If this Agreement is terminated by either party prior to the completion of the Work, Contractor shall be entitled to compensation only for such portions of the Work as were satisfactorily completed by it and only in an amount which does not exceed the budget for such tasks.
10. **Information.** All information, data, analyses, documents, specimens, computer programs and associated input and output data gathered, generated or otherwise produced by Contractor in the performance of the Work (the "Information") shall become the property of the River District and shall be delivered to the River District by Contractor, at Contractor's expense, upon demand by the River District at any time prior to, at or after the completion of the Work. Copies of all such Information may be retained by Contractor. The Information shall not be used for or on behalf of any third person or provided to any third person without the prior written consent of the River District. These obligations shall survive and continue after the completion of the Work.
11. **Subcontractors.** The use of subcontractors is prohibited.
12. **Notices & Communication.** The River District & the Contractor designate their representatives to act for each in connection with this agreement as specified on page 1.
13. **Assignment.** Assignment of this agreement is prohibited.
14. **Signatures.** This agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement. This agreement and any amendment thereto may be executed by facsimile or electronic signature and once delivered shall be considered as effective as the original.
15. **Binding Effect.** This agreement shall be binding upon both parties hereto and their respective heirs, executors, administrators, successors and assigns. The person executing this agreement on behalf of the contractor represent and warrant to the River District that they are fully authorized to do so.
16. **Choice of Law and Jurisdiction:** This Agreement is made and performed in Colorado. The laws of the State of Colorado shall be applied in the interpretation, execution and enforcement of this Agreement. The parties agree that the trial of any action arising out of any dispute hereunder shall be in the District Court in and for the County of Garfield, Colorado.
17. **Entire Agreement and Amendments:** This Agreement, with any exhibits hereto, is the complete integration of all understandings between the parties concerning the Work. No prior or contemporaneous oral representation, addition, deletion or other amendment hereto shall have any force or effect whatsoever unless embodied herein in writing. No subsequent novation, renewal, addition, deletion, oral representation or other amendment of this Agreement shall have any force or effect unless embodied in a written contract modification executed and approved by both parties.

**COLORADO RIVER WATER CONSERVATION DISTRICT  
MANAGEMENT AND PROCUREMENT POLICY FOR FEDERAL AWARDS**

**Management of Federal Awards**

This Policy applies only to federally funded awards (“grants”) including direct awards and pass-through awards of federal funds managed by the State of Colorado. It does not apply to any other Colorado River Water Conservation District (“District”) administered projects. Effective grant management is essential to ensure that funds are administered in accordance with applicable state and federal laws and regulations including Title 2 Part 200 of the Code of Federal Regulations (Federal Uniform Guidance); Office of Management and Budget (OMB); and specific grant terms and conditions as they exist now or may be modified in the future. Additionally, grant management is necessary to ensure that the Colorado River Water Conservation District (“District”) has met the goals of the grant and properly accounted for grant transactions. For federal grants, the District should ensure compliance with the applicable requirements in 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, any other state and/or federal requirements specified in the grant conditions. The Accounting Department will review expenditures for obvious non-compliance and will act as liaison with independent auditors.

No grant funds shall be disbursed until the grant has been approved by the appropriate level of authority (General Manager/Board of Directors), the proper accounting structure has been established in an appropriate fund, and required documentation is complete.

Minimal time is to occur between grant receipts and grant expenditures. Payments tied to federal funding must comply with 2 CFR 200.305, which includes minimizing the time elapsing between the transfer of funds from the US Treasury and or pass-through entity and the disbursement by the non-federal entity. The non-federal entity may be paid in advance, provided it maintains both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-federal entity, and financial management systems that meet the standards for fund control and accountability.

All revenues, fees and resources resulting from a grant funded project/program shall be managed and maintained as established by the grantor. Any program income must be accounted for during the performance period of the award and be reported per the method of utilization approved by the grantor. The use of program generated revenue resulting from federal grant funding shall comply with 2 CFR 200.307.

Grant funds may only be used for grant related expenses and expended within a period of performance identified in the grant agreement. Grant funds shall not be used to supplant an existing expense so that current funds can be diverted to another use unless such use of grant funds is explicitly identified as allowable in writing by the grantor in the grant award. All procurement activity associated with grant funded projects or programs shall adhere to the District’s Procurement Policy. It is the responsibility of the contract manager to notify the Accounting Department of the existence of all grant conditions when requesting goods or services using grant funds.

Equipment purchased with grant funds shall be used exclusively during the life of the grant for the project or program for which it was acquired. Equipment purchased with grant funds must be properly maintained and safeguarded. All property and equipment acquired through grant funds shall follow the grantor and District's policy and procedures for capital assets. Grant purchased equipment and real property acquired with federal funds must also comply with 2 CFR 200.313 and 200.311, respectively.

Compensation for personnel services on federal grants must comply with 2 CFR 200.430 and be based on documented payroll using system approved timesheets as supporting documentation. The AccuFund Accounting module may be used to capture costs of grants and capital projects. Where an employee works on single or multiple awards (including federal and non-federal), a distribution of their salaries/wages and fringe benefits must be supported by:

- After-the-fact distribution of the actual activity logged by the employee on their timesheet; and
- System approved timesheets approved by the supervisor having knowledge of the work performed by the employee.

Cost sharing is provided either through cash or expenditures, in-kind services, or through a third-party commitment. For federally funded grant awards, all cost sharing/match must be in accordance with 2 CFR 200.306. Salaries and wages of employees used in meeting cost sharing/match requirements of federal awards must be supported in the same manner as those claimed as allowable under federal awards.

## GRANT REPORTING

Every federal award has reporting requirements specified in the grant agreement. It is critical that all reports are complete, accurate, and submitted per the specified dates outlined in the agreement. Accurate and timely reporting is critical to maintaining a good relationship with the grantor. Late or inaccurate reports may negatively impact current or future funding and result in Single Audit findings.

The project manager/department receiving the grant funding are responsible for ensuring reports are submitted by the deadlines established in the grant agreement.

Costs claimed by the District must be allowable, allocable, and reasonable, and must have adequate documentation to support charges to the grant. Typical transactions may include personnel costs, purchase of equipment and supplies, and contracted services. The project manager is responsible for submitting/forwarding the documentation of eligible expenses and proof of payment for expenses incurred during the reporting period.

Documentation of eligible expenses may include copies of invoices, timesheets and receipts. Proof of payment of expenditures may include credit card receipts, cancelled checks, bank statements or other proof that complies with federal and state audit standards.

## SUBRECIPIENT MONITORING

The District may encounter situations where it does not have the workforce capacity to adequately fulfill all the grant objectives and must seek outside assistance to perform certain functions. These activities will be obligated in the form of a subcontract or sub award. In addition, during the course of the grant award, certain materials and supplies and equipment may be purchased through various contractors. In these situations, the Project manager/Department must comply with the District's Procurement Policy. In instances where federal funds are expended the District must also comply with 2 CFR 200.331 through 200.333.

The District may require on-site visits, risk assessments, limited scope audits, and a review of internal controls to provide reasonable assurance over funds being dispersed to subrecipients. The Project Manager/Department is responsible for applicable subrecipient monitoring and are encouraged to utilize the **Grant Subrecipient Monitoring Tool**.

## REQUESTS BY NON-DISTRICT ENTITIES.

Outside organizations may seek federal grant funding and request the District to act as the fiscal agent. Any requests for the District to be the fiscal agent for federal funds must be presented to the Board of Directors or the General Manager for approval. If the grant is awarded, the Accounting Department will be the fiscal agent through which all accounts must be established, and all transactions processed. Accounting and the District's assigned Project Manager will act as the liaison between the grantor and non-district entity (subrecipient); ensure proper receipt and distribution of pass through funds; ensure compliance with the grant agreement; and compliance with any state or federal regulations.

The outside organization must ensure compliance with 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

It is the District's responsibility to ensure the subaward is clearly identified to the subrecipient as a subaward, and that the roles and responsibilities are clearly identified through a signed agreement. The District will provide the best information available to describe the Federal award and subaward as set forth in 2 CFR 200.332.

## GRANT CLOSURE

When a grant is closed all funds for that grant are closed and spending for the grant ceases as of the project period end date for the grant. Upon completion of the grant term for each grant award, the recipient Project Manager or Department shall notify the Accounting Department and Contract Administrator to place the project in a non-posting status. Notification should include the name of the grant, the project/program and describe the final disposition of the funds and required activities. The Accounting Department will update the accounting system and confirm grant closeout with the Contract Administrator. For federal grant awards, the Project Manager or Department must comply with 2 CFR 200.344 regarding grant closeout.

Records pertinent to the grant award should be retained for at least three years following grant

closeout or longer if required by the grantor. For federal grant funds, records must be retained as specified in 2 CFR 200.334. Project Managers and Departments must ensure they comply with retention requirements specified by each grantor.

Source documents include copies of all awards, applications and required recipient financial and narrative reports. Personnel and payroll records shall include approved timesheets for all individuals reimbursed under the award.

Federally funded grant records must also comply with 2 CFR 200.82, which requires safeguarding data records against unauthorized alteration including personally identifiable information (“PII”). PII is defined to include a person’s name in combination with information such as a social security number, credit card number, bank account, health records, and other similar information.

The Accounting Department may need to review files, activities, equipment, and interview personnel and contracted entities of any District project/program funded with grants awarded to the District to ensure compliance. Project Managers and Departments receiving grant awards should maintain a file structure that includes the following sections.

- Submittal – application guidance and copy of the application
- Award – award letter, signed grant agreement, and anything else related to the award
- Financial – account set up, purchase orders, invoices, etc.
- Reports – reports to the granting entity

### EXCEPTIONS

Some grants may be exempt from components of this policy due to the nature of the funding. Please consult with the legal department if you believe the grant to be exempt.

## **Procurement Policy for Federal Awards**

This Procurement Policy was developed to comply with CFR Title 2, Subtitle A, Chapter II, Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") as they exist now or as they may be modified in the future. This Policy applies only to federally funded awards including direct awards and pass-through awards of federal funds managed by the State of Colorado. It does not apply to any other Colorado River Water Conservation District ("District") administered projects. These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services by the District when using federal funds.

In accordance with §200.325(c)(2), Uniform Guidance, the District self-certifies that this Purchasing Policy meets the requirements of Subpart D of Uniform Guidance. The District also adopts the following procedures as required by Uniform Guidance.

### CODE OF CONDUCT.

No employee, officer, or agent of the District shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee or agent of the District shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of these standards of conduct shall be referred to the District's General Counsel. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

### PROCUREMENT PROCEDURES.

The General Manager or supervisor of each department within the District responsible for procurement of services, supplies, equipment, or construction using federal funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the General Manager or Supervisor, an analysis to determine which approach would be the most economical shall be undertaken.

The District shall take affirmative steps to assure that small and minority firms, women's business

enterprises, and labor surplus firms are solicited whenever they are potential qualified sources. The District shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms, women's business enterprises, and labor surplus firms. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses.

The District shall assist the prime contractor whenever possible by providing copies of lists which identify qualified small and minority firms, women's business enterprises, and labor surplus area firms.

### SELECTION PROCEDURES.

Pursuant to federal regulations (2 CFR 200.318), all solicitations of offers shall incorporate a clear accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided whenever possible. A "brand name or equal" description may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors shall be clearly stated.

All solicitations of offers shall clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids, proposals, or statements of qualifications.

Contracts shall be awarded only to responsible contractors/firms that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

Consideration shall be given to such factors as the contractor's/firm's capacity, integrity, compliance with public policy, record of past performance, and financial and technical resources.

### METHODS OF PROCUREMENT.

Direct procurement, using federal funds, by the District shall be made by using one of the following methods depending on the type of service to be procured.

Simplified Purchase Procedures. Relatively simple, informal procurement procedures will be used where the purchase of materials, single task services, supplies, equipment, and/or other property will not cost in the aggregate more than \$249,999, except where further limited by the federal grant award. District staff will make every effort to solicit at least three price or rate quotations. District staff will distribute these purchases equally to qualified firms. If the District considers the price to be reasonable, *i.e.* what a prudent person would pay, no competitive solicitation is required.

Competitive Sealed Bids/Formal Advertising. Under this procedure bids are publicly advertised in accordance with the state's Public Bid Law. A firm fixed price contract (either lump sum or unit price) shall be awarded to the responsible bidder whose bid is lowest in price and that conforms to

all the material terms and conditions of the advertisement for bids.

Competitive sealed bids can be used ONLY when the following criteria are met: (1) there are complete, adequate, and realistic specifications or purchase descriptions; (2) there are two or more responsible bidders who are willing and able to compete effectively; (3) the procurement can be made on a firm fixed-price contract and selection of the successful bidder can appropriately be made principally on the basis of price.

When formal advertising is used the following conditions shall be met.

- i. The advertisement for bids shall be publicly advertised in accord with state law.
- ii. The advertisement for bids, including the specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the advertisement.
- iii. All bids shall be opened publicly at the time and place specified in the advertisement for bids.
- iv. A firm fixed-price contract award shall be made by written notice to the lowest responsive and responsible bidder whose bid conforms to the advertisement for bids. Where specified in the bid documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts shall only be used to determine low bid when prior experience indicates that such discounts are generally taken.
- v. Notwithstanding the above, any or all bids may be rejected when there are sound documented business reasons in the best interest of the District.

Competitive Negotiation: Requests for Proposals/Qualification Statements. The technique of competitive proposals is normally conducted with more than one source submitting an offer. All competitive proposals shall be conducted using a formal RFP/RFQ containing at least the minimum items in the attached RFP/RFQ Outline (See Attachment A). It is generally used when conditions are not appropriate for the use of sealed bids. Architectural and engineering services must be procured via requests for qualification statements; administrative consulting services must be procured via requests for proposals. Other professional services may also be procured by requests for proposals. The following procedures will be used for competitive negotiation:

- i. Requests for proposals or qualification statements will be publicized through the Rocky Mountain E-Purchasing website or other method. All submittals will be honored and considered to the maximum extent practicable.
- ii. Request for proposals or qualification statements shall contain a detailed list of tasks in the proposed scope of work that is expected to be accomplished.
- iii. The request for proposals or qualification statements shall identify all significant evaluation



factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements. Requests for proposals shall always include cost and at least one non-cost evaluation factor.

- iv. The selecting official (or committee, if one is designated) shall review all proposals and statements received and make a technical evaluation of each. This shall also include a written statement that identifies the basis upon which the selection was made; including the importance of cost (for RFPs).
- v. Request for proposals or qualification statements shall contain a detailed list of tasks in the proposed scope of work that is expected to be accomplished.
- vi. The request for proposals or qualification statements shall identify all significant evaluation factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements. Requests for proposals shall always include cost and at least one non-cost evaluation factor.
- vii. Contract award will be made to the responsible offeror whose submission is deemed most appropriate to the District with consideration for price, qualifications, and other factors set by the District.
- viii. Unsuccessful offerors shall be notified in writing within ten working days of contract award. Documentation of notification shall be maintained in the contract selection file for the individual project.

For qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, at least three firms will be solicited. Following the review of the qualification statements received, the most qualified competitor will be selected to enter into contract negotiation. This shall always include negotiation of price to insure cost reasonableness. At the conclusion of successful negotiation, the competitor shall be invited to enter into a contract.

Noncompetitive Negotiation/Sole Source. Noncompetitive negotiation shall be used when small purchase, formal advertising, or competitive negotiation procedures are not feasible. Noncompetitive negotiation will involve solicitations of a proposal from only one source. This can also occur if solicitations under the competitive negotiation procedures result in only one proposal or qualification statement. Noncompetitive negotiation shall only be used when written authorization has been obtained from the District's General Manager in consultation with the District's General Counsel. In order to qualify for this type of procurement, one of the following circumstances must apply:

- i. The item or service is available only from a single source;
- ii. It is determined that a public urgency or emergency exists and the urgency will not permit the delay beyond the time needed to employ one of the other three methods of procurement.

- iii. After solicitation of a number of sources, competition is determined to be inadequate.

### CONTRACT PRICING.

The District shall perform cost or pricing analysis, prior to receiving bids or proposals in connection with every procurement action, above \$249,999. See attached Federal Form A. The District must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of the Uniform Guidance. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

Lump sum prices will only be utilized when there is a definable work product and the quantity to be provided is certain and the contractor assumes all the risk for costs incurred. Unit prices can be utilized when there is a definable work product and the contractor assume all the risk for costs incurred, but the quantity is estimated. Cost reimbursement will be utilized when the task does not result in a definable work product or the contractor will not assume the risk of incurring the cost to complete the task. Cost reimbursement, unit or lump sum price, or a combination thereof may be utilized as appropriate.

A cost reimbursement type contract is most appropriate when the scope and extent of the work to be performed are not clearly defined, such as a professional services contract. A cost reimbursement contract MUST clearly establish a cost ceiling which may not be exceeded without formally amending the contract, and must identify a fixed dollar profit that may not be increased unless there is a contract amendment that increases the scope of the work.

A fixed price contract is appropriate when the scope of work is very well defined and product oriented. A fixed price contract can only be awarded when fair and reasonable prices can be established through adequate price competition and the solicitation is based principally on price. A fixed price contract MUST establish a guaranteed price that may not increase unless there is a contract amendment that increases the scope of the work.

The District may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to the District is the sum of:

- i. The actual cost of materials; and
- ii. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

#### BONDING REQUIREMENTS.

For construction or facility improvement contracts or subcontracts exceeding \$249,999, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the District provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- i. A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- ii. A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.
- iii. A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

#### CONTRACT PROVISIONS.

The District shall maintain records sufficient to detail the history of the procurement. The records shall include the following contract provisions and conditions in all contract:

- i. All Contracts shall contain provisions that allow for administrative, contractual, or legal remedies if contractors violate or breach contract terms, and provide for sanctions and penalties as appropriate.
- ii. All contracts shall provide for termination for cause and for convenience by the District including the manner in which it will be done and the basis for settlement.
- iii. All construction contracts and subcontracts in excess of \$10,000 shall include provisions which require compliance with Executive Order 11246, Equal Employment Opportunity, as amended by Executive Order 11375, and as supplemented in DOL regulations (41 CFR Part 60).

- iv. All contracts and subcontracts for construction or repair shall include a provision for compliance with the Copeland “Anti-Kick-Back” Act (18 USC 874) as supplemented by DOL regulations (29 CFR Part 3).
- v. All contracts or subcontracts in excess of \$2,000 for construction or repair shall include a provision for compliance with the Davis-Bacon Act (40 USC 276a to a-7) as supplemented by DOL regulations (29 CFR Part 5).
- vi. All construction or repair contracts or subcontracts in excess of \$100,000 which involve the employment of mechanics or laborers, shall include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by DOL regulations (29 CFR Part 5).
- vii. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- viii. A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- ix. Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- x. All contracts, subcontracts, and subgrants in amounts in excess of \$150,000 shall contain a provision which requires compliance with the requirements of Section 306 of the Clean Air Act (42 USC 1857 h), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).

#### CONTRACT ADMINISTRATION.

The District shall maintain contract administration systems that ensure contractors/firms perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. The accepted performance of contractors/firms will be a factor in subsequent contract negotiations and award. Remedial action by the District through legal processes shall be considered in instances of identified significant nonperformance.

**PROCUREMENT POLICY**  
**ATTACHMENT A – RFP/RFQ OUTLINE**

A well-written RFP or RFQ will contain all of the information the proposers need to know in a manner that captures interest and is easy to follow. The RFP or RFQ should consist of an introduction and five sections, each of which is summarized briefly on this page:

1. Advertisement/Purpose (Introduction) - Cover letter to summarize the services being solicited and the due date for proposals.
2. Program Information - Include an overview of the grant/project status and a summary of the roles and responsibilities of all involved parties to provide the context for the solicited services and capture the interest of potential respondents.
3. Scope of Services - Start with an overview of the solicited services, summarize general expectations, specify the anticipated role of the selected firm, and provide a detailed list of tasks to be accomplished. Should be connected to the fee proposal and be detailed enough to be in the final contract.
  - Statement of Work (RFP only): List in detail the tasks the selected consultant will be expected to perform. List must be detailed enough for consultant to provide price or estimated cost for the services.
4. Submission and Evaluation Requirements - Describe what sections should be included in the proposal (*e.g.* approach, organization chart or staffing plan, fee proposal (RFP only), etc.) and what information each of those sections should contain. Also describe the criteria the Committee will use to evaluate the proposal and the weights for each criterion. Submission requirements and evaluation criteria should be linked.
  - Approach section (RFP): For each task identified in the scope of work, respondent is to describe how they would accomplish the task(s).
  - Project staffing: Include an organization chart, names and roles of principal staff members, time commitments for principal staff members, and attach resumes.
  - Qualifications: Include project summaries for your team's relevant experience, organized by firm or by type of experience.
  - Fee proposal (RFP only): Price for services described in the approach, broken out by task.
  - Evaluation Criteria: List the criteria on which the proposals will be evaluated (*e.g.* creativity of approach, reasonableness of fee, quality of relevant qualifications, previous experience, etc.) and give the weighting for each criteria.
5. Schedule and Required Information - Provide information about the procurement not related to the actual project. This includes a schedule/timetable for the procurement, information on written questions and pre-proposal conference, contractual obligations, information on conflict of interest, and all other required clauses.

6. Attachments - Provide any required forms (*e.g.* form for fee proposal or Certifications/Assurances), further clarify the expectations by including a sample contract, copies of the roles/ responsibilities checklist, and/or scopes of work for other consultants, and include more detailed information on the project (*e.g.* application or project summary).

**Federal Form A**  
**Colorado River District Cost and Price Analysis Form**

**Instructions:** Use this form to perform a cost and price analysis for each federal or federal pass-through procurements that are in excess of \$25,000 for each offeror, including sole source procurements.

**1. Offeror Information:**

Offeror Name: \_\_\_\_\_

Goods or services to be acquired: \_\_\_\_\_

Total Offeror Cost: \$ \_\_\_\_\_

Colorado River District Contract Number Reference: \_\_\_\_\_

**2. Cost Analysis:**

**a. Are the costs reasonable?**

Reasonable is generally defined as what a prudent business would pay in a competitive marketplace. A cost can be allowable and allocable, and still not be what a prudent businessperson would pay (*e.g.*, first class airfare).

\_\_\_ Yes \_\_\_ No. If no, list the reason below:

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**b. Are the costs necessary?**

Direct cost elements should be necessary to perform the work. A cost may be allowable under the cost principles and even allocable to the type of work to be performed, *but* still not be necessary for the specific contract.

\_\_\_ Yes \_\_\_ No. If no, list the reason below:

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**c. Are pre-negotiated rates used?**



Does the offeror use audited or pre-negotiated indirect cost (*e.g.*, overhead) rates, labor and fringe benefit rates, or other factors.

Yes  No

Notes:

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**d. Can the offeror contain costs from escalating?**

Does the offeror have a track record of containing costs?

Yes  No

Notes:

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**e. Are cost changes likely?**

Is there any indication that the costs are likely to increase or decrease over the life of the contract?

Yes  No

Notes:

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**3. Cost Comparison:**

If possible, after completing the cost analysis, compare:

- i. The offeror's costs with actual costs previously incurred by the same offeror for the same or similar work. If it is a repetitive type of work or service, how much has it cost in the past. Apply any appropriate inflation factors for past work.

- ii. Actual costs of previous the same or similar work performed by other contractors.
- iii. Previous cost estimates from the offeror or other offerors for the same or similar items.
- iv. The methods proposed by the offeror with the requirements of the solicitation (i.e., do the costs reflect the technical approach proposed and the work required?).

**4. Overall Contractor Analysis:**

Yes or  No: Are the costs provided in the offeror's proposal acceptable?

**5. Signature and Date:**

I certify that the foregoing information is true and correct to the vest of my knowledge and belief. I further certify that I have determined that the costs or prices proposed are necessary, fair and reasonable.

Analyzer Name: \_\_\_\_\_

Analyzer Signature: \_\_\_\_\_

Date of Analysis: \_\_\_/\_\_\_/\_\_\_

GO BACK TO AGENDA

6. Presentation on Recovery Program - Tom Chart, Director, Upper Colorado River Endangered Fish Recovery Program (No Material Available)

GO BACK TO AGENDA

7. Presentation on Green River/Flaming Gorge Operations - T. Wright Dickenson (No Material Available)

## Partnership Project Funding Program Contract

This Contract is made and entered into by and between the COLORADO RIVER WATER CONSERVATION DISTRICT (herein the "River District") and \_\_\_\_\_ (herein "Awardee") effective as of the date of the River District's execution hereof.

### RECITALS

- A. The River District is charged by its organic statute, C.R.S. § 37-46-101, *et seq.*, with securing and insuring adequate water supplies, both present and future, for beneficial uses within the River District's boundaries.
- B. In 2020, the registered electorate of the River District approved Ballot Question 7.A. authorizing a mill levy increase to generate additional funding further enabling the River District to protect and safeguard western Colorado water.
- C. The River District has adopted the Partnership Project Funding Program Framework ("Framework") and the Partnership Project Guidelines ("Guidelines") articulating its clear intent on how the additional funding would be used to assist its constituents such as the Awardee.
- D. To assist its constituents, including the Awardee, the River District has established its Partnership Project Funding Program ("PPFP")
- E. Awardee proposes to complete the project described herein and has made application to the River District's PPFP for financial assistance pursuant to and in compliance with the River District's Framework and Guidelines.
- F. The River District has reviewed the Awardee's project proposal pursuant to its Framework and Guidelines and desires to assist with the funding of the project subject to the terms and conditions of this Contract, and Awardee desires to receive such financial assistance from the River District as provided herein.

### AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises agreed to herein, the parties agree as set forth below.

1. Awardee's Project Plan and Budget. The Awardee shall, in a satisfactory manner as determined by the River District, use the River District PPFP funding consistent with the Project Plan and Budget ("Project") as described herein and attached as Exhibit A. The funding provided by the River District to Awardee shall be used only for the Project. In the event the Awardee needs or desires to make changes to the Project as described in Exhibit A, any expenditures of River District's PPFP funds shall be contingent on the prior written approval of the change by River District.

- A. The total cost of the Project is estimated by Awardee to be \$\_\_\_\_\_ as documented in the Awardee's application.
- B. The estimated date for commencement of the Project is \_\_\_\_\_. The estimated date for the completion of the Project is \_\_\_\_\_. Awardee shall repay the full amount of any funds received if the Project is not commenced on or before **[add date: 90 days after the commencement date identified above]**.
2. River District's Financial Assistance.
- A. River District agrees to provide financial assistance to the Awardee in an amount not to exceed \$\_\_\_\_\_ (the "Total Award").
- B. Within thirty (30) days after Awardee complies with subparagraph 6.C below by providing the River District with the required certificates of insurance, the River District will forward to Awardee \$\_\_\_\_\_, which constitutes twenty-five (25%) of the Total Award.
- C. Once the Contract has been fully executed by all parties, and all other required documentation has been received fifty percent (50%) of the Total Award will be paid through "progress payments" in two twenty-five percent (25%) increments. The remaining twenty-five percent (25%) will be paid upon a determination that the Project is substantially complete and the District has received a completed "Request for Final Payment" form including all required documentation from the Awardee in accordance with Paragraph 5, below.
- D. Within thirty (30) days of Awardee submitting a completed "Request for Final Payment" form, in compliance with subparagraph 5.A below, the River District will forward to Awardee the remaining amount of the Total Award.
- E. If determined necessary, the River District will issue Awardee an IRS 1099 form and other applicable federal or state revenue reporting forms for each year in which funds are distributed pursuant to this Contract. Awardee is and shall be solely liable and responsible for any federal and state taxes applicable to this Contract and any financial assistance received hereunder. Awardee shall indemnify the River District for any liability resulting from non-payment of such taxes.
3. Awardee's Compliance with Applicable Local, State, and Federal Laws. The work performed pursuant to this Contract shall comply, at all times, with all applicable local, state, and federal laws and regulations. Awardee shall not discriminate against any person because of age, sex, race, national origin, ancestry, disability, religion, or other protected classification.

(1)Compliance with C.R.S. § 8-17.5-102:

- (a) Awardee shall not knowingly employ or contract with an illegal alien to perform the Work.
- (b) Awardee shall not enter into a contract with a subcontractor that fails to certify that the subcontractor shall not knowingly employ or contract with an illegal alien to perform the Work.
- (c) Awardee will participate in the e-verify program<sup>[1]</sup> or department program<sup>[2]</sup> in order to confirm the eligibility of all employees who are newly hired for employment to perform the Work.
- (d) Awardee shall not use the e-verify program or department program to undertake pre-employment screening of job applicants during the term of this Agreement.
- (e) Awardee obtains actual knowledge that a subcontractor performing the Work knowingly employs or contracts with an illegal alien, the Awardee shall:
  - i) Notify the subcontractor and the River District within three days that the Awardee has actual knowledge that the subcontractor is employing or contracting with illegal aliens; and
  - ii) Terminate the subcontract if the subcontractor does not stop employing or contracting with the illegal alien within three days of receiving such information. If the subcontractor provides information to establish that the subcontractor did not knowingly employ or contract with an illegal alien, then the Awardee shall not terminate the subcontract.
- (f) Awardee shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation of whether Awardee or a subcontractor has hired an illegal alien.
- (g) If Awardee violates any of the terms of this section D.(1), or otherwise fails to comply with C.R.S. § 8-17.5-102, the River District may terminate the Agreement for breach of contract and the Awardee shall be liable for actual and consequential damages to the River District.

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<sup>[1]</sup>E-verify program means the electronic employment verification program created in Public Law 104-208, as amended, and expanded in Public Law 108-156, as amended and jointly administered by the United States department of homeland security and the social security administration, or its successor program.

<sup>[2]</sup>Department program means the employment verification program established pursuant to C.R.S. §8-17.5-102(5)(c).

4. [Option: if Awardee is an individual as opposed to a corporate entity:] Compliance with C.R.S. § 24-76.5-103. Awardee must provide an executed affidavit, attached hereto as Exhibit B, verifying Awardee's lawful presence in the United States and a photocopy of Awardee's valid driver's license or other proof of lawful presence in the United States. [reminder: if individual cannot provide a driver's license or other proof, individual must provide a request for waiver--Page 2 of the affidavit]. The River District, in its sole discretion, reserves the right to request additional proof of Awardee's lawful presence in the United States.

5. Final Payment and Repayment of River District Grant.

- A. Within thirty (30) days after completion of the Project, Awardee shall submit to the River District a completed "Request for Final Payment" form, which is attached hereto as Exhibit \_\_\_\_\_. Timely submission shall be required for final payment pursuant to subparagraph 1.C above.
- B. If completion of the Project is interrupted or delayed beyond the estimated completion date stated in subparagraph 2.B above, Awardee shall notify the River District on or before **[add date: 45 days before estimated original contract completion date]** and request a Contract Amendment to extend the estimated completion date.
- C. Awardee shall not be eligible for final payment if the River District does not receive either a completed Request for Final Payment form, or a request for a Contract Amendment to extend the estimated completion date, on or before \_\_\_\_\_ **[same date as calculated in 5.B above]**.

6. Awardee's Additional Responsibilities and Liabilities.

- A. Awardee shall be responsible for making all contracts and assuring the acquisition of all interests in property or other rights and all permits or other governmental approvals needed to complete the Project.
- B. Awardee shall be responsible for the acts, errors and omissions of itself and its employees, consultants, agents, and any other persons employed or retained on behalf of Awardee in connection with the Project and for the acts, errors and omissions of the Project's owners and users. Awardee agrees to indemnify, hold harmless, and defend the River District and its directors, officers, employees, agents, and attorneys for the actions, errors and omissions of Awardee and Awardee's employees, consultants, agents, and any other persons employed or retained on behalf of Awardee in the performance of this Contract and for the acts, errors and omissions of the Project's owners and users. The parties recognize that the River District is a governmental entity subject to the provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*
- C. At its sole cost Awardee or its contractor(s) shall purchase and maintain in effect through Project completion insurance which will protect it and the River District



from claims which may arise out of, result from or be related to Awardee's performance of the work on the Project, whether such performance be by itself or by anyone directly or indirectly retained or employed by Awardee or by anyone for whose acts, errors, or omissions any of them may be liable. Such insurances required herein shall be written for limits of liability as follows:

- i. Commercial General Liability:
  - (1) Bodily Injury and Property Damage:  
\$2,000,000 each occurrence/\$2,000,000 aggregate
  - (2) Personal Injury:  
\$2,000,000 each occurrence/\$2,000,000 aggregate
- ii. Commercial Automobile Liability:
  - (1) Bodily Injury & Property Damage:  
\$2,000,000 any one accident or loss
- iii. Workers' Compensation and Employer's Liability:
  - (1) Workers' Compensation: Statutory
  - (2) Employer's Liability:
    - \$100,000 each accident
    - \$100,000 disease - each employee
    - \$500,000 disease - policy limit

D. The Commercial General Liability and Commercial Automobile Liability policies required hereunder shall include the River District named as additional insured. If Awardee's Contractor is providing the necessary insurance Awardee shall also be named an additional insured. Awardee shall supply the River District with a certificate of each insurance policy required herein at least thirty (30) days prior to the estimated commencement date stated in subparagraph 2.B above. The certificates of insurance shall evidence that the premium has been paid and contain a valid provision or endorsement that the policies may not be canceled, terminated, changed or modified without thirty (30) days written notice to the River District. Each certificate of insurance **must** reference the contract number assigned to this Agreement (\_\_\_\_\_).

E. Awardee warrants performance of this Contract and the completion of all work required for the Project. Awardee and any persons working on its behalf shall at all times comply with all applicable local, state, and federal laws and regulations. Not by way of limitation of the foregoing, it is specifically agreed that neither Awardee nor any persons working on its behalf on the Project shall discriminate against any person because of age, race, sex, national origin, ancestry, disability, or religion.

7. Authorized Representatives.

- A. The River District designates Amy Moyer, as its representative for primary contact for the River District in connection with this Contract. The address, telephone number and fax number for notices and communications is: 201 Centennial Street, Glenwood Springs, Colorado 81601, phone: (970) 945-8522, email: amoyer@crwcd.org.
- B. Awardee designates \_\_\_\_\_ as its representative to act for Awardee in connection with this Contract. The address, telephone number and fax number for notices and communications is: \_\_\_\_\_, phone: \_\_\_\_\_, email: \_\_\_\_\_.

8. Miscellaneous.

- A. Assignment. This Contract involves the grant of public money. Consequently, this Contract shall not be assigned by Awardee without the River District's prior written approval, which may be withheld in the River District's sole discretion.
- B. Binding Effect. This Contract shall be immediately binding upon both parties and their respective successors, if any.
- C. No Partnership, Joint Venture or Third Party Beneficiaries. This Contract is not intended to and does not create any legal partnership, joint venture or similar relationship between the River District and Awardee or any other persons or entities. The enforcement of the terms and conditions of this Contract and all rights of action relating to such enforcement shall be strictly reserved to the River District and Awardee, and nothing contained in this Contract shall give or allow any claim or right of action whatsoever by any other third person or entity. It is the express intent of the parties to this Contract that any person or entity receiving services or benefits under this Contract shall be deemed an incidental beneficiary only.
- D. Additional Limitations on the River District's Responsibilities. The River District's involvement with the Project's construction and operation shall be limited to payment of the above sum to Awardee. The River District shall not be responsible for or in control of the Project's feasibility, implementation, operation, maintenance, repair, or replacement.
- E. Remedies. If Awardee is in breach or default of any obligation under this Contract, the River District may give Awardee written notice of such breach or default. Upon receipt of such notice, within thirty (30) days Awardee shall both cure such breach or default and provide the River District evidence of such cure. If Awardee fails to cure any such breach or default within thirty (30) days, the River District may terminate this Contract and Awardee shall be required to promptly repay to the River District the full amount of any grant funds received. In any action for breach or for enforcement of this Contract, the River District shall be entitled to recover its attorneys fees and litigation costs.

- F. Notices. All notices required or appropriate pursuant to this Contract shall be given in writing to the parties' designated representatives at the addresses stated in paragraph 7. Notices shall be deemed received upon hand delivery or three (3) days after first class mailing thereof with return receipt requested.
  
- G. Entire Agreement/Amendments. This Contract is the complete integrated understanding between the parties. No prior or contemporaneous addition, deletion, or other amendment to this Contract shall have any force or effect unless stated in writing approved and executed by both parties.

(continued on next page)

IN WITNESS WHEREOF, the Parties hereto have accepted, made and executed this Contract upon the terms, conditions and provisions stated herein.

**COLORADO RIVER WATER CONSERVATION DISTRICT**

DATE: \_\_\_\_\_

By: \_\_\_\_\_  
Andrew A. Mueller, Secretary/General Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Audrey Turner, Chief of Operations

By: \_\_\_\_\_  
Jason V. Turner, Senior Counsel

**[Name of Awardee]**

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



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD

**FROM:** AMY MOYER, DIRECTOR OF STRATEGIC PARTNERSHIPS

**SUBJECT:** PARTNERSHIP PROJECT FUNDING PROGRAM – PROGRAM UPDATES AND FUNDING RECOMMENDATIONS

**DATE:** APRIL 8, 2021

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**ACTIONS:** (1) *Staff requests that the Board Approve the request to contribute, in the form of a grant, \$154,134 from the Colorado River District Partnership Project Funding Program for the Fish Creek Reservoir #2 Repair and Conservation Project, subject to applicant executing the appropriate funding agreement and the conditions outlined below. Staff further recommends for the purpose of internal River District accounting that the awarded funds be attributed to the PFPF funding categories: Productive Agriculture (50%), Infrastructure (30%), Healthy Rivers (5%) and Watershed Health and Water Quality (10%), and Conservation and Efficiency (5%).*

(2) *Staff requests that the Board Approve the request to contribute, in the form of a grant, up to \$50,000.00 from the Colorado River District Project Partnership Funding Program for the 2021 Yampa River Flow Pilot Project. Staff further recommends for the purpose of internal River District accounting that the awarded funds be attributed to the PFPF funding categories: Productive Agriculture (50%) and Healthy Rivers (50%).*

### **STRATEGIC INITIATIVE(S):**

**2. Outreach in All Basins:** *While we have not ignored or been unhelpful to needs in other basins, a significant amount of the River District's time, energy and resources in the recent past have been focused on the mainstem of the Colorado River and helping to address the long-term needs of the mainstem. A priority in the near-term will be to put significant focus on the needs of the other basins within the River District.*

**2. A.** *The River District will increase its outreach efforts with water organizations and other local organizations in the Gunnison, White and Yampa River basins. The goal will be to use River District resources to help those basins address their consumptive and non-consumptive water needs.*

**2. B.** *The River District will look for and focus on opportunities where the River District can act as a catalyst to create partnerships that work for these other basins. A recent example of this is the cooperatively funded Lower Gunnison Project, orchestrated by the River District.*

**3. Climate and Hydrologic Uncertainty:** *Climate and hydrologic uncertainty should be a major driver of what the River District does in the mid- to long-term. The impacts to precipitation are not clear. However, the overwhelming evidence indicates a warming and increasingly variable climate. Hotter temperatures will certainly result in increased demands for agricultural and municipal water supplies due to longer and warmer growing seasons. Patterns of snowpack accumulation and runoff will change. Runoff is projected to occur earlier and quicker, and there will be an earlier return to possibly lower base flows after runoff. These factors will stress storage supplies. On a local and regional basis, storage supplies may prove inadequate.*

**3. A.** *The River District will continue to evaluate and pursue options to increase local water storage supplies and optimize and expand, where appropriate, existing water storage.*

**3. C.** *The River District will engage in and support water supply planning efforts, local and regional, which include adapting to climate change impacts.*

**3. D.** *The River District will work with water users to ensure practicable and cost effective water use efficiencies in all sectors where appropriate for the local conditions.*

**7. Water Needs/Project Development:** *Through Colorado’s Water Plan and the Basin Implementation Plans, water needs within the River District have been, and will continue to be, refined and prioritized. The River District owns a large portfolio of conditional water rights that may be suitable for meeting a portion of the identified water demands. However, developments in judicial case law have made it more difficult for all water users, including the River District, to maintain conditional water rights.*

**7. C.** *The River District will look for opportunities where its efforts are needed as a catalyst to help in-District interests plan for and meet their water needs in a manner that is consistent with the District’s compact contingency planning goals and objectives.*

**7. D.** *The River District will actively pursue funding sources and provide financial assistance to be used for the refurbishment and modernization of the aging water supply infrastructure within the District in order to help preserve and improve existing supplies and operations.*

**9. Water Efficiency and Conservation:** *We are transitioning from an era emphasizing new supply development to an era which includes higher emphasis on wise use of our limited water resources, including higher water use efficiency and conservation of consumptive use. This is driven by both environmental imperatives, changing values, and increasing shortages of water resources available for development. The River District historically has supported efforts to increase water use efficiency and conservation. Examples of this are the number of grants the District has awarded for efficiency and conservation and the District’s financial and staff support of the Orchard Mesa Irrigation District Efficiency Project and the Lower Gunnison Project.*

**12. Financial Sustainability:** *The above strategic initiatives cannot be achieved without financial sustainability. The River District enjoys a diversified tax base for its Governmental Funds, which helps to reduce the impacts of dramatic downturns in its overall assessed valuation. Over the long-term, the Enterprise Fund is intended to be self-sustaining, managing the River District’s business-type activities.*

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**INFORMATIONAL – Program Updates:** The Partnership Project Funding Program “Funding Program” currently is operational and accepting applications on a rolling basis. Staff remains focused on implementing the Partnership Project Funding Program Framework “Framework” coordinating across the Executive, Legal, Technical, and External Affairs teams. On March 15<sup>th</sup>, Amy Moyer joined the River District staff as the Director of Strategic Partnerships to serve as the Project Director for the Funding Program.

Program guidelines and an application form are available to interested applicants via the Partnership Project Funding Program website. In addition, Staff continue to operationalize an internal evaluation process that includes a staff analysis form and staff review meeting to develop a final funding recommendation that aligns with the Framework criteria. We will continue to finetune this process to streamline staff operations and workload.

Regarding branding and outreach, Program staff, in coordination with the External Affairs team, are developing branding materials to increase awareness of the Funding Program across the River District constituents and other funding partners. Upcoming outreach opportunities include participating in River District webinars, upcoming State of the River meetings, and in-person workshops this fall.

#### **BOARD ACTION – Fish Creek Reservoir #2 Repair and Conservation Project**

**Project Applicant: Cimarron Canal and Reservoir Company (CCRC)**

**Request: \$154,134**

*Staff Recommendation: Staff requests that the Board Approve the request to contribute, in the form of a grant, \$154,134 from the Colorado River District Partnership Project Funding Program for the Fish Creek Reservoir #2 Repair and Conservation Project, subject to applicant executing the appropriate funding agreement and the conditions outlined below. Staff further recommends for the purpose of internal River District accounting that the awarded funds be attributed to the PFP funding categories: Productive Agriculture (50%), Infrastructure (30%), Healthy Rivers (5%) and Watershed Health and Water Quality (10%), and Conservation and Efficiency (5%).*

- I. **Project Description:** The project will repair the dam and outlet works on Fish Creek Reservoir #2, which has two storage rights: 298.1 acre-feet appropriated in 1904 and 227.94 acre-feet appropriated in 1935. The dam is currently considered a significant hazard dam and is under a zero-storage restriction by the State of Colorado. Repairing the dam would lift the storage restriction and provide CCRC with additional late season irrigation water and increased flexibility in delivering irrigation water. In addition, CCRC and its partners will be restoring what was once a productive trout fishery at the reservoir; thereby enhancing recreational opportunities in the Gunnison Basin. Additional partners to this project include the Bostwick Park Water Conservancy District and Trout Unlimited.
- II. **Staff Analysis:** Staff has completed a full staff analysis for this project and confirmed that the project aligns with the River District Mission, Strategic Plan, and Policy Statements by protecting a pre-compact, high mountain storage right in the Gunnison

Basin, which benefits agricultural users in the West Slope communities of the Cimarron and Uncompahgre Valleys. The project also promotes conservation of fish and wildlife species and habitat in the Big Cimarron River, which has been shown to be vulnerable to impacts of low flows and high water temperatures in the late summer.

**a. Category Distribution and Geographic Equity:** Given the project benefits, staff recommends the following distribution:

- Productive Agriculture (50%)
- Infrastructure (30%)
- Healthy Rivers (5%)
- Watershed Health & Water Quality (10%)
- Conservation and Efficiency (5%)

While the project will be completed in Gunnison County, the impacts from this project will largely occur in Montrose County. Staff recommends that this project be counted as 15% in Gunnison County and 85% in Montrose County.

**b. Analysis of Project Funding and Leverage of CRD Funds:** Table 1 below identifies the project funders and matching dollars. The River District’s requested funds represent 38% of the total project costs including a total cash match ratio of 1.06:1 (\$163,777: \$154,134).

**Table 1: Fish Creek Reservoir #2 Repair and Conservation Project Costs**

<b>Funders</b>	<b>Cash</b>	<b>In-Kind Match</b>
Colorado Water Conservation Board - Water Supply Reserve Fund	\$138,866	
Bostwick Park Water Conservancy District	\$20,000	
CCRC	\$4,911	\$78,600
Trout Unlimited		\$6,400
CRD Request	\$154,134	
<b>Total Cash and In-Kind</b>	<b>\$317,911</b>	<b>\$85,000</b>
<b>Total Project Cost:</b>	<b>\$402,911</b>	

There are no private entities participating in a manner that will result in a profit nor will there be a revenue stream generated from the completed project.

**c. Local Community Support:** The applicant has provided letters of support from the Montrose County Board of County Commissioners and Colorado River District Basin Directors, Kathleen Curry (Gunnison) and Marc Catlin (Montrose). The applicant has also confirmed that the project received unanimous support from the Gunnison County Board of County Commissioners. In addition, the applicant has supplied letters of support from the Gunnison River Basin Roundtable, National



Audubon Society, Colorado Parks and Wildlife, City of Montrose, and Trout Unlimited.

- d. **Human Resource Requirements:** The District will not play any role in overseeing construction of this project.
- e. **Risk Analysis:** Staff has completed a risk analysis and believes the applicant has employed appropriate engineering methods including a thorough review of the plans by the State Engineer's Office to help mitigate any risk.

The project is located on U.S. Forest Service land within the Grand Mesa, Uncompahgre, and Gunnison National Forests. While the applicant states that they are exempt from USFS permitting requirements and have been working closely with USFS to follow their requirements, staff recommends this grant award be contingent upon demonstration of authorization for the activities in a form acceptable to the River District General Counsel prior to executing a contractual funding agreement.

f. **Additional Factors to Consider:**

**Preservation of pre-Compact Water Rights:** The completion of this project would lift the zero-storage restriction; thereby preserving the 298.1 acre-foot pre-compact storage with a 1904 appropriation date.

**Reduction of operational costs to the operator:** While it does not directly reduce operational costs, leasing of water for in-stream uses could provide CCRC with funds to further improve operational costs and efficiencies. The District has contributed significant funds to CCRC's SCADA implementation through the Lower Gunnison RCPP project. If this project is successful, it would likely provide an indirect benefit toward furthering the SCADA implementation of the CCRC system, which would reduce operational costs and improve water use efficiency.

**BOARD ACTION – 2021 Yampa River Flow Pilot Project**

GO BACK TO AGENDA

**Project Applicant: Colorado River District Staff**

**Request: \$50,000**

*Staff Recommendation: Staff requests that the Board Approve the request to contribute, in the form of a grant, up to \$50,000.00 from the Colorado River District Project Partnership Funding Program for the 2021 Yampa River Flow Pilot Project. Staff further recommends for the purpose of internal River District accounting that the awarded funds be attributed to the PFP funding categories: Productive Agriculture (50%) and Healthy Rivers (50%).*

- I. **Project Description:** The 2021 Yampa River Flow Pilot Project will fund 2021 releases from Elkhead Reservoir. In addition, the project will contract with Wilson Water Group to generate data and analyze the impact of such releases.
  
- II. **Staff Analysis:** Although this request is for \$50,000 of funding and therefore technically within the delegated authority of the General Manager, it has unique attributes that merit review and consideration by the Board. Specifically, this project is a staff driven initiative (*i.e.*, River District staff is the applicant) utilizing funding from our PPFP funds to pay the River District Enterprise to release water from Elkhead Reservoir. Staff believes it is best practice for the organization for staff to bring matters like this, where staff is the proponent of a project and/or where there is a proposal to pay PPFP funds to our Enterprise, to bring this matter to the Board for discussion and, if appropriate, approval.

Staff has completed a full staff analysis for this project and confirmed that the project aligns with the River District Mission, Strategic Plan, and Policy Statements by developing a collaborative effort to protect historic agricultural water users in the Yampa River Basin from the impacts of decreasing river flows attributable to climate change. This pilot project is truly the beginning of what is likely to be a multi-year, multi-party effort to secure water supplies in the Yampa River Basin for historic water users while enhancing river flows for the endangered fish and recreational water users. In the Yampa River Basin, there is no other single project which exemplifies the very reason for our District's existence.

- a. **Category Distribution and Geographic Equity:** Given the project benefits, staff recommends the following distribution:

- Productive Agriculture (50%)
- Healthy Rivers (50%)

The project will occur in both Routt and Moffat Counties, however, the River District's efforts will occur in and benefit water users and the river reach in Moffat County; therefore Staff recommends attributing 100% of the benefit of River District involvement to Moffat County and the Yampa River Basin.

- b. **Analysis of Project Funding and Leverage of CRD Funds:** Table 2 below identifies the project funders and matching dollars. The River District's requested funds represent 33% of the total project costs including a total cash match ratio of 2.12:1 (\$121,300: \$57,000).

**Table 2: 2021 Yampa River Flow Pilot Project Costs**

<b>Funders</b>	<b>Cash</b>	<b>In-Kind Match</b>
Colorado Water Trust	\$107,300 <sup>1</sup>	
Upper Yampa Cons. Dist.	\$3,500	
Tri State G & T, Inc.	\$3,500	
CRD Prior Commitments	\$7,000	
CRD Request	\$50,000	
<b>Total Cash and In-Kind</b>	<b>\$171,300</b>	
<b>Total Project Cost:</b>	<b>\$171,300</b>	

There are no private entities participating in a manner that will result in a profit nor will there be a revenue stream generated from the completed project.

- c. **Local Community Support:** This Program is widely supported by irrigators in the Lower Yampa River. Moffat County has also expressed strong support for this effort.
- d. **Human Resource Requirements:** The District will be involved in timing and coordinating the releases of reservoir water in order to gain the most significant benefit to both consumptive water users and non-consumptive recreational and environmental benefits. The District will also be involved in analyzing the data generated by the Wilson Water Group study as well as the data generated by the 2021 releases. It is estimated that staff time contributions to the 2021 flow pilot program may total \$5,000.00. It is likely that this effort will lead to further significant involvement of River District staff (management, technical and external affairs staff) with members of the Yampa River Basin in formulating the optimal plan for the protection of Yampa River historic water users.
- e. **Risk Analysis:** Staff has completed a risk analysis and staff does not believe there is legal liability or exposure to the District due to this proposed pilot project, however, failure of the River District to lead this effort does carry with it significant reputational risk in the Yampa River Basin.
- f. **Additional Factors to Consider:**

**Development of applied research, science and data beneficial to the mission and strategic goals of the District:** The development of the Wilson Water Group data, and the data generated by the reservoir releases in 2021 will assist

<sup>1</sup> The Colorado Water Trust (CWT) has applied for up to \$92,500 in funding from the Yampa River Fund for this 2021 effort and has access to an additional \$14,880 from a private anonymous donor for this effort. The Yampa River Fund Board has not officially acted upon the CWT request. The Colorado Water Trust has reserved the discretion to use the funds to purchase stored water located in Stagecoach or Elkhead. The CRD's current contractual limitation of 250 AF from our Elkhead supplies may lead the Colorado Water Trust to purchase water from other water right owners. Additionally, hydrology will dictate the actual amount of water purchased and/or released by the CWT.

the District in achieving its primary mission of providing water security for the inhabitants of the District living within the Yampa River basin.

**Size, complexity and importance of a project which may warrant consideration of multiple sequential funding awards:** This aspect of the project is likely to be just the beginning of a multi-year effort by the District and our partners in the Yampa River Basin to enhance water security for historic water users and recreational and environmental needs.

### INFORMATIONAL – Program Awards Under General Manager Authority

Since the January Board meeting, five grant awards have been approved through the delegated authority to the General Manager (GM) to review, consider, approve, and/or deny application in amounts up to \$50,000 for any single project, not exceeding an aggregate total of \$400,000 in any single calendar year.

Table 3 below provides a summary of GM approvals including brief project descriptions following the table.

**Table 3: General Manager Funding Approvals**

	<b>Project Name</b>	<b>Project Applicant</b>	<b>Funding Requested</b>	<b>Funding Approved</b>	<b>Cash Match Leveraged</b>	<b>County</b>
<b>1</b>	Grizzly Creek Post Fire Water Quality Monitoring Project Phase 1	Middle Colorado Watershed Council	\$ 50,000	\$ 50,000	\$ 175,000	Garfield
<b>2</b>	Blue River - Integrated Water Management Plan Phase 2	Blue River Watershed Council	\$ 50,000	\$ 25,000	\$ 160,000	Summit
<b>3</b>	GVIC Lateral Ditch ML 47 Headgate & Ditch Piping Improvement	Lateral Ditch ML47, Inc	\$ 38,200	\$ 38,200	\$ 725,800	Mesa
<b>4</b>	Kendall Dam Rehabilitation	Kendall Reservoir Company	\$ 35,000	\$ 35,000	\$ 69,500	Mesa
<b>5</b>	2021 Upper Gunnison River Restoration & Irrigation Improvement Project	Upper Gunnison Water Conservancy District	\$ 47,241	\$ 47,241	\$ 82,679	Gunnison
	<b>Totals</b>		\$ 220,441	\$ 195,441	\$ 1,212,979	

**Grizzly Creek Post-Fire Water Quality Monitoring Project Phase 1:** The Middle Colorado Watershed Council has initiated collaborative efforts with a broad range of stakeholders either impacted by 2020 fires in the watershed or could be impacted by post-fire events in burn scar areas of the Grizzly Creek and Pine Gulch fires. This grant award addresses Year 1 Phase 1 of

urgent water quality monitoring equipment and data collection in response to the 2020 Grizzly Creek fire in Glenwood Canyon.

15% Productive Agriculture	15% Infrastructure	5% Healthy Rivers	50% Watershed Health and WQ	15% Conservation and Efficiency
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**Blue River - Integrated Water Management Plan Phase 2:** In 2019, Trout Unlimited and the Blue River Watershed Group joined together to develop a basin-wide integrated water management plan for the Blue River basin (BRIWMP) to enable consumptive and non-consumptive water users to understand and quantify current and future use and integrate those uses for the maximum benefit of all users while protecting the existing water resource. This grant award funds Phase 2 of the BRIWMP, which builds on progress made during Phase 1 by targeting several areas in need of more detailed analysis and data.

50% Healthy Rivers	50% Watershed Health and WQ
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**GVIC Lateral Ditch ML 47 Headgate & Ditch Piping Improvement:** This project will improve the GVIC Headgate & ditch with a pressurized system to increase efficiency and safety. The multi-purpose project improves efficiency by addressing failing infrastructure to ultimately support agricultural water use and Colorado River salinity control objectives.

40% Productive Agriculture	20% Infrastructure	20% Watershed Health and WQ	20% Conservation and Efficiency
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**Kendall Dam Rehabilitation:** This project funds the rehabilitation of Kendall Dam following recommendations by the State Engineer’s Office to support both agricultural and recreational uses. The multi-purpose effort will maintain an existing recreational fishing facility and provide supplemental irrigation water in the Plateau Creek basin.

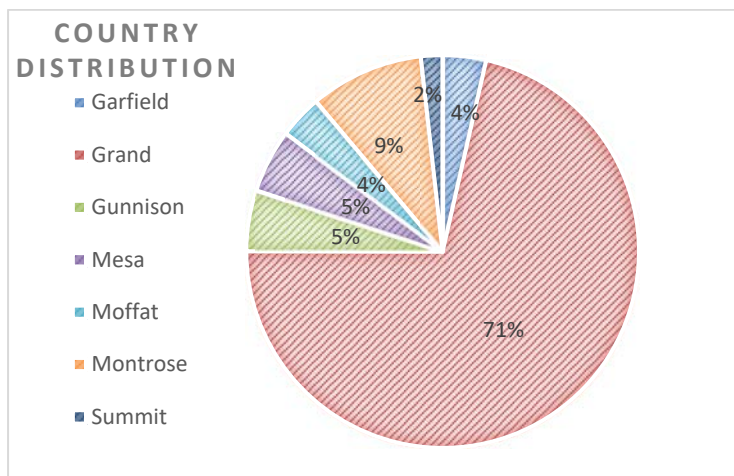
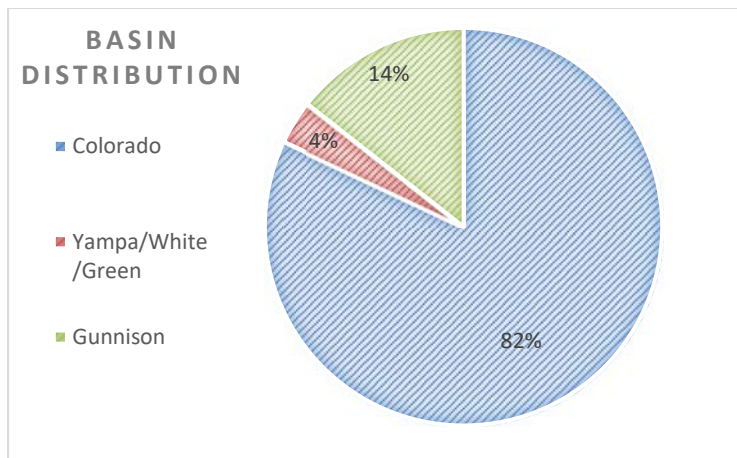
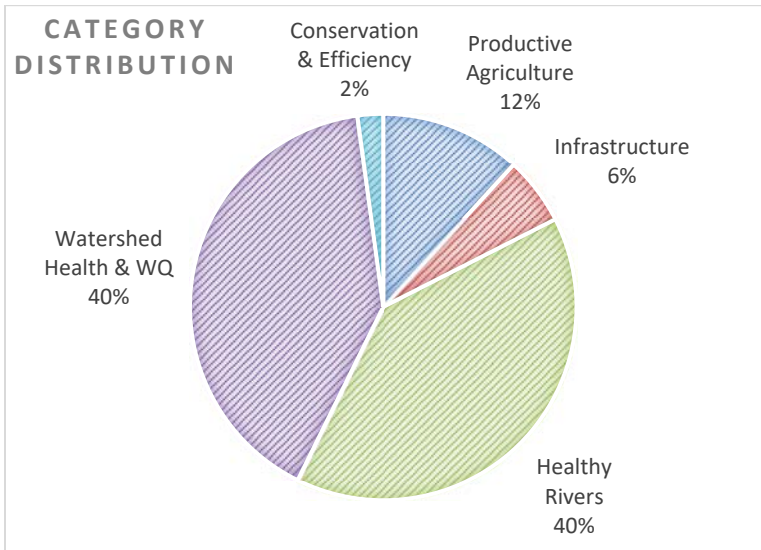
75% Productive Agriculture	25% Infrastructure
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**2021 Upper Gunnison River Restoration & Irrigation Improvement Project:** This project will combine two irrigation diversions on the Gunnison River into a single point of diversion and restore a segment of the Upper Gunnison River. This project promotes the modernization of irrigation infrastructure and practices and demonstrates the opportunity to achieve multiple benefits when water rights holders and their stakeholders work together to promote both economic activity and the health and function of the river system.

30% Productive Agriculture	20% Infrastructure	20% Healthy Rivers	15% Watershed Health and WQ	15% Conservation and Efficiency
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**INFORMATIONAL - Equity Targets**

Staff continues to track the District’s category and geographic equity targets. As a reminder, the Framework includes a commitment to funding each of the defined categories in approximately equal amounts on a running five-year average. In addition, the Framework includes a commitment to equitably disperse the funds geographically within the District’s boundaries both on a county-by-county basis and on a sub-basin drainage basis on a running five-year average. Given that this is the first year of the Funding Program, the following charts depict the current year distributions, including staff recommendations from this memo.



GO BACK TO AGENDA

9. Public Comment - Wednesday, April 21, 2021 (No Material Available)

GO BACK TO AGENDA

10. Directors' Updates/Concerns (No Material Available)



GO BACK TO AGENDA

11. White River Storage Project Update (No Material Available)



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD  
ANDY MUELLER, GENERAL MANAGER  
PETER FLEMING, GENERAL COUNSEL

**FROM:** ZANE KESSLER, DIRECTOR OF GOVERNMENT RELATIONS

**SUBJECT:** 2021 ANNUAL POLICIES REVIEW

**DATE:** APRIL 1, 2021

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***ACTION:** No formal action requested. Staff requests that the Board review and advise of any desired changes to the attached policies.*

***STRATEGIC INITIATIVE(S):** 1. Outreach and Advocacy; 4. Colorado River Supplies; and 6. Agricultural Water Use*

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Attached are the five previously reviewed policies eligible for revision or final action at the April meeting. Minor edits by staff and changes requested by the Board at your January Quarterly meeting are shown in red.

Altogether, the five policies eligible for final action include:

- Agricultural Water Use,
- Colorado River Storage Project Act,
- Colorado's Prior Appropriation Doctrine,
- Federal Water Rights, and
- Upper Colorado River Recovery Program.

Note: Staff recommends not acting on the Upper Colorado River Recovery Program policy in order to hear from Tom Chart, Director of the Upper Colorado River Endangered Fish Recovery Program, who is scheduled to present at the April meeting. Staff believes the information gathered during that conversation will help to inform the direction of any revisions to that specific policy.

Also attached for your discussion and consideration is a possible new policy on water speculation in Colorado.

A complete list of existing River District policies can be found on the River District website: [www.coloradoriverdistrict.org/policies/](http://www.coloradoriverdistrict.org/policies/)

Adopted: 07/28/2015

Revised and readopted: 04/17/2018

[Draft 1: 01/08/2021](#)

[Draft 2: 03/30/2021](#)

## Agricultural Water Use

### **Colorado River Water Conservation District Policy Statements:**

Agriculture is a critical component of Western Colorado's economy, environment, and community. The River District supports and promotes Western Colorado agriculture and will partner with agricultural interests to ensure a vibrant agricultural sector in Western Colorado. Moreover, the River District recognizes the considerable value of Western Colorado's agricultural water rights, especially those senior to the Colorado River Compact, and will work to protect and maintain agricultural rights on the West Slope and in local ownership.

Accordingly, the River District:

- Supports federal and state legislation directed at increasing overall economic viability for producers of food and fiber,
- ~~Supports legislative and administrative actions protecting pre-Colorado River Compact water rights,~~ Opposes any legislative or administrative actions that erode the utility of pre-Colorado River Compact water rights,
- -Will pro-actively pursue avoidance of Colorado River compact administration in order to avoid disproportionate impacts to West Slope agriculture,
- Encourages innovation that adds value for producers and enhances productivity,
- Supports land use policies and programs protective of agricultural lands, water rights, and property values,
- Supports voluntary, cooperative relationships between fish and wildlife agencies and agriculture to realize mutual benefits,
- Supports land and water use decisions that support or enhance West Slope agricultural productivity,
- Will seek alternatives to involuntary transfer or use of Western Colorado-based water rights to meet any municipal demands outside of the West Slope, and
- Will evaluate and consult, as requested, on water efficiency projects and programs to determine potential return flow consequences.

### **Background & Discussion:**

Statewide, agriculture is the majority user of Colorado's water, much of it with senior water rights. For this, Colorado enjoys affordable food and fiber - much of it locally sourced - abundant open space, environmental and recreational river flows, and important employment and other economic benefits.

Agricultural water rights, primarily in Eastern Colorado, have become a primary source of new water supplies for growing Front Range municipalities. While most of the buy-and-dry (and

conversion from ag to municipal use) has been on the East Slope to date, the purchase and conversion of West Slope farm and ranch land and associated water rights for municipal uses is real and must be addressed.

Certain efficiency and conservation measures have unintended consequences, such as reductions in delayed return flows, impacting stream conditions during naturally low flow periods. Other measures may have multiple consequences, some not intuitively obvious or intended, all of which should be considered.

Colorado has historically, and is currently, experiencing periods of severe, sustained droughts. The River District, in cooperation with producers and other interests, is exploring voluntary, compensated mechanisms for the temporary use of senior agricultural water rights to meet critical water supply needs to prevent or to mitigate the impacts of compact administration under the 1922 and 1948 Colorado River compacts. The River District believes that these pro-active explorations are critical to the long-term protection and sustainability of agriculture and agricultural water rights in Western Colorado. Without some alternative mechanism, we foresee municipalities and water speculators pursuing buy-and-dry strategies on the West Slope to protect or mitigate against the consequences of Compact curtailment. Moreover, it must be remembered that municipalities in Colorado have the powers of eminent domain.

Adopted July 19, 2005  
Readopted April 2008  
Revised and readopted July 2011  
Revised and readopted April 2014  
Readopted April 2017  
Revised and readopted January 2018  
[DRAFT 1: January 8, 2021](#)  
[DRAFT 2: March 30, 2021](#)

## Colorado River Storage Project Act

### **Colorado River Water Conservation District Policy Statements:**

The Colorado River Water Conservation District (Colorado River District) supports the intent of the 1956 Colorado River Storage Project Act (CRSPA) – “The Comprehensive Development of the Water Resources of the Upper Colorado River Basin Act.” (43 U.S.C. 620)

To that end, the Colorado River District supports the implementation of plans and policies that optimize the use of the initial units; Aspinall, Flaming Gorge, Glen Canyon dam, and Navajo for the purpose of “making it possible for the states of the upper basin (*sic*) to utilize, consistent with the provisions of the Colorado River compact, the apportionments made to and among them in the Colorado River and Upper Colorado River compacts.” (43 U.S.C. 620)

Further, under the act, a number of participating projects were authorized and constructed. These projects, such as the Paonia, Bostwick Park, and Collbran projects, provide critical water supplies to water users within the district.

Maintaining and refurbishing these participating projects so that they can continue to provide water for future generations will require a substantial investment by the federal government, as well as state, regional, and local water agencies. To that end, the Colorado River District supports the full use of power revenues generated by the initial units together with [congressional](#) appropriations, as needed, to fully maintain these projects and integrated facilities, as well as to construct those projects authorized by CRSPA that are still needed and feasible.

### **Background & Discussion:**

In 1956, the U.S. Congress passed the Colorado River Storage Project Act (CRSPA). CRSPA authorized the construction of four large storage reservoirs: Powell (‘Glen Canyon’), Flaming Gorge, Navajo, and Aspinall (‘Curecanti’) called the “Storage Projects.” A primary purpose of these reservoirs is to regulate the Colorado River to allow the Upper Basin States to fully develop their compact entitlements while meeting 1922 Compact and Mexico Treaty requirements.

Additionally, CRSPA authorized the following “participating projects” in Colorado: Florida, Paonia, Pine River Extension, Silt, Smith Fork, Bostwick Park, Savery-Pot Hook, and Fruitland Mesa. Finally, the CRSPA directed completion of planning reports on the Juniper, Parshall,

Troublesome, Rabbit Ears, Eagle Divide, San Miguel, West Divide, Bluestone, Battlement Mesa, Tomichi Creek, East River, Ohio Creek, Grand Mesa, Dallas Creek, Dolores, Fruit Growers Extension, Animas-LaPlata, and Yellow Jacket projects.

The CRSPA also established the Upper Basin Fund, which was to be funded with a portion of Colorado River derived federal power revenues. Excess revenues, after reimbursement for certain storage project costs, were to be apportioned among the Upper Basin states, with Colorado receiving 46%. These revenues, in turn, were to repay the federal treasury for the construction costs of participating projects.

In 1968, Congress, with the concurrence of the basin states, passed the Colorado River Basin Project Act. Among other things, this Act authorized construction of the Central Arizona Project (CAP) but at a heavy price to Arizona. In order to secure political support, the CAP accepted the first and predominant burden of any Lower Basin shortage allocations. Additionally, one of then-House Interior and Insular Affairs Committee Chairman Wayne Aspinall's conditions for support of the Act was for the Secretary of the Interior to proceed "as nearly as practicable" with the construction of the projects authorized in the 1956 CRSPA, ensuring that construction of these projects would start no later than the date of first delivery of water from the CAP. Clearly, this has not occurred for all CRSPA-authorized projects.

Low levels at Lake Powell raise the prospect of no longer being able to produce hydroelectric power under certain hydrologic conditions. Without stored water being released through the power conduits at such low lake levels, continued compact compliance is no longer assured. Strategically releasing larger quantities of water from Flaming Gorge, Navajo, and the Aspinall unit during prolonged drought conditions can at least delay Lake Powell reaching critical lake levels at which hydropower can no longer be produced.

Adopted July 18, 2006  
Revised and readopted April 21, 2009  
Revised and readopted April 17, 2012  
Readopted April 15, 2015  
Revised and readopted April 17, 2018  
Re-revised and readopted July 17, 2018  
[DRAFT 1: January 8, 2021](#)  
[DRAFT 2: March 30, 2021](#)

## Prior Appropriation

### **Colorado River Water Conservation District Policy Statement:**

**The Colorado River Water Conservation District supports Colorado’s system of prior appropriation as a fair and orderly system for allocating Colorado’s scarce water resources. Moreover, Colorado’s prior appropriation system has been proven to be both successful and flexible in addressing the public’s changing demands, beneficial uses, and values regarding Colorado water resources (e.g., instream flow and recreational in-channel diversion water rights). Additional flexibility and adaptation of the prior appropriation doctrine may be warranted to ensure the equitable allocation of Colorado’s remaining Colorado River Compact entitlement among the river’s sub-basins within Colorado and to equitably allocate water uses and to ensure water rights (including conserved consumptive use) are equitably administered in the event of interstate compact administration.**

### **Background:**

Water often does not naturally exist in sufficient quantities where and when it is needed to sustain human settlement and enterprise in Colorado. As a scarce resource, the demand for which exceeds its supply, water in Colorado requires a system of allocation and enforcement to meet the needs of Colorado’s citizens and the natural environment, both current and future.

Colorado’s prior appropriation doctrine is enshrined in the state’s constitution, which states in relevant part:

“Section 5. Water of streams public property: The water of every natural stream, not heretofore appropriated, within the state of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided,” and

“Section 6. Diverting unappropriated water - priority preferred uses: The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.”  
(Colorado Constitution, Article XVI)

Additionally, a rich body of law, both legislative and judicial, has evolved to address the state’s need for an orderly and transparent system of water administration and the embodiment of the

prior appropriation doctrine as that system.

Colorado's prior appropriation doctrine has proven its ability to adapt to the changing needs and values of the state regarding its scarce water resources. Notable among ~~recent~~ adaptations of Colorado's water allocation system are the 1972 Instream Flow Act (C.R.S. 37-92-102) and the 2001 Recreation In-Channel Diversion Act (C.R.S. 37-92-103(10.1) & (10.3)), both of which were adopted in a manner consistent with and incorporated into the prior appropriation system.

The 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact provide that under certain circumstances, Colorado may be required to curtail water uses within the Colorado River basin to comply with interstate compact administration. The strict application of the prior appropriation doctrine in the event of compact administration could result in extreme hardship and economic disruption throughout the state. Merely the potential for future curtailment may result in undesirable speculation and competition for firm water supplies as Colorado moves closer to its full compact entitlement. Therefore, limited and targeted future adaptation of the prior appropriation doctrine may be necessary in order to equitably allocate the state's remaining Colorado River entitlement and to equitably address the curtailment of water uses that may be necessary to comply with the 1922 and 1948 compacts.



Adopted July 18, 2006

Revised and readopted April 21, 2009

Revised and readopted April 17, 2012

Revised and readopted April 15, 2015

Revised and readopted April 17, 2018

[DRAFT 1: January 8, 2021](#)

[DRAFT 2: March 30, 2021](#)

## Federal Water Rights

### **Colorado River Water Conservation District Policy Statements:**

**The policy of the Colorado River Water Conservation District (Colorado River District) is that when the Congress or the President creates special federal land designations, such designations must clearly and explicitly specify and quantify the minimum amount, if any, of water necessary to fulfill the purpose of the land reservation. The Colorado River District will advocate that the quantification of any reserved rights be the minimum amount essential to preserve the primary purpose of the Congressional or Executive action that creates the federal land designation.**

### **Background & Discussion:**

The “Winters Doctrine” arose from the Supreme Court’s 1908 decision in *Winters v. United States*, 207 U.S. 564 (1908). The Winters Doctrine stands for the proposition that when the federal government makes a reservation of land, it necessarily and impliedly reserves (and exempts from appropriation under state law) sufficient water to meet the needs of the land reservation.

The dispute in the Winters’ case involved conflicts between claims to water by American Indian Tribes on the Fort Belknap Indian Reservation in Montana and appropriation claims made under state law by settlers in the Milk River basin. The U.S. Supreme Court held that the Indian treaty establishing the reservation impliedly reserved sufficient water of the Milk River for tribal use which would be necessarily continued indefinitely. The court found that without water the reservation would be worthless, and the purpose of the reservation would be destroyed.

The Supreme Court later clarified that when the federal government makes any reservation of land (not just an Indian reservation) it impliedly reserves only that amount of water sufficient to fulfill the purpose of the reservation, no more. *Cappaert v. United States*, 426 U.S. 128 (1978)

The U.S. Congress adopted the McCarran Amendment in 1952 (43 U.S.C. 666) providing for state adjudicatory and administrative jurisdiction over federal water claims, both reserved rights and priority appropriations. The River District believes that the McCarran Amendment appropriately provides for adjudication of federal, reserved water rights in state water courts following the same manner and procedures as for other water rights.

Revised and readopted 4/17/13

Revised and readopted April 17, 2018

[DRAFT 1: January 8, 2021](#)

## **Upper Colorado River Recovery Program**

### **Colorado River Water Conservation District Policy Statements:**

The Colorado River Water Conservation District (Colorado River District) supports the Upper Colorado River Endangered Fish Recovery Program (Recovery Program) and its dual purpose of recovering fish species listed as endangered while allowing historical water use and water development to continue consistent with state law and Colorado's entitlements under the Colorado River Compacts.

The Colorado River District, as an active participant in the Recovery Program, will advocate to:

- Accomplish recovery with less than existing flows in the Colorado River and its tributaries to allow for additional consumptive use development on the West Slope in accordance with Colorado's compact water entitlements;
- Include nonnative elimination and control, habitat modification and restoration, and stocking of endangered fishes among the Recovery Program's priorities;
- Ensure that the burden of the Recovery Program's implementation, operation, and compliance is equitably distributed on all power and water users, including transmountain diverters;
- Remove any risk of allegations that impacts from water depletions endanger, threaten or take the fish or harm their habitat and protect against the potential for adverse incidental take of the species or adverse modifications of their habitat;
- Consider inclusion of water quality protections for the listed fishes within the Recovery Program's purpose and mission;
- Ensure that if a Programmatic Biological Opinion (PBO) or individual project's Section 7 consultation requires actions that address water quality, then the Colorado River District will advocate that the **R**eccovery **P**rogram assume the responsibility, including adequate funding, for addressing the required water quality-related actions; and
- Ensure that the Recovery Program assumes the full responsibility for the successful completion of the Program's recovery implementation elements.

Any permanent reallocation of waters from "compensatory storage reservoirs" (i.e., Green Mountain Reservoir and Ruedi Reservoir) must occur only with the approval of the Colorado River District and other West Slope beneficiaries of those projects.

Additionally, the U.S. Bureau of Reclamation should timely issue water contracts from federal facilities, relying on the Recovery Program to implement all necessary, reasonable and prudent measures to offset any identified impacts to the listed fish species.

### **Background & Discussion:**

The Recovery Program was created to "provide for recovery of the endangered fish species,

consistent with federal law and all applicable state laws and systems for water resource development and use." (Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin, September 29, 1987) Since its inception in 1987, the Recovery Program has successfully protected the interests of present and future Western Slope water users and the right of Colorado River water users within the state to fully utilize Colorado's entitlement under the Colorado River Compacts of 1922 and 1948.

The Recovery Program has successfully served as the reasonable and prudent alternative offsetting impacts to the endangered fishes and adverse modification to their habitat for existing and future water depletions. The Recovery Program has served as the mitigation for depletion impacts for more than 2.1 million acre-feet of historical and new water depletions within the River District. Measures necessary to accomplish recovery of the fish are the responsibility of the Recovery Program and its participants, not individual water users seeking Section 7 consultations under the Endangered Species Act. As such, the Recovery Program has served as a vital regulatory shield at substantial cost savings to individual Colorado water users.

The Recovery Program has implemented actions necessary to achieve the recovery goals established by the U.S. Fish & Wildlife Service (USFWS) for each of the listed species. Additionally, the Program serves as the reasonable and prudent measure relied upon by the USFWS in its development of basin-specific PBOs by implementing specific recovery actions to offset water use and development activities.

Funding of the Recovery Program has been principally through Congressional appropriations (Reclamation's budget), Colorado River Storage Projects (CRSP) power revenues, and state contributions to the Recovery Program, consistent with the Recovery Program's organic agreement.

The Recovery Program currently relies, in part, upon normal operations and releases from compensatory storage reservoirs (i.e., releases from Green Mountain Reservoir and Ruedi Reservoir) to achieve recommended flows. As such, the Recovery Program represents a substantial compromise by West Slope water users on the historical bargains that mitigate transmountain diversions. This compromise must be recognized, and any such future compromises must be minimized or eliminated as both reservoirs are fully contracted.

Drafted: 04.01.2021

Adopted:

## **Speculation in Water Resources**

### **Colorado River Water Conservation District Policy Statement:**

**The River District opposes speculation in Colorado’s water resources, particularly where an interest in water is pursued primarily to secure a financial profit and where the purported speculator does not have a specific plan to put water to use for legitimate beneficial purposes. In contrast, the River District supports investments in water resources where the end-goal is to promote productive agriculture, to develop water for viable beneficial uses (both consumptive and non-consumptive), and to rehabilitate the State’s aging water infrastructure.**

**Accordingly, the River District:**

- **Recognizes the importance of locally owned agricultural lands and waters to our present-day economies and future prosperity of communities on the Western Slope,**
- **Supports the state of Colorado’s efforts to examine new ways to strengthen anti-water speculation laws,**
- **Supports the longstanding efforts by the State of Colorado to oppose interstate water marketing and transfers of water by private interests,**
- **Supports collaborative efforts to identify solutions to the challenges of water shortages brought on by a changing climate, reduced supplies, and overuse of the Colorado River by downstream states,**
- **Will oppose efforts by private or for-profit entities to move or control water across state lines or through federally owned reservoirs, and**
- **Will work with the state of Colorado and water leaders on both sides of the Continental Divide to protect our state’s water resources from out-of-state special interests.**

### **Background & Discussion:**

Colorado’s Constitution and subsequent body of statutory and caselaw make it clear that the State’s water resource belong to the people of the State of Colorado, subject to right of public and private entities appropriate water for beneficial use.

In a case argued and won by the River District in 1979, the Colorado Supreme Court very clearly established that, “Our constitution guarantees a right to appropriate, not a right to speculate. The right to appropriate is for use, not merely for profit.” *Colo. River Water Conservation Dist. v. Vidler Tunnel Water Co.*, 197 Colo. 413, 594 P.2d 566 (1979). In that same case, the Colorado Supreme Court went on to criticize any rule which “would encourage those with vast monetary resources to monopolize, for personal profit rather than for beneficial use . . . [the State’s water resources.]”



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD

**FROM:** ALESHA FREDERICK, ZANE KESSLER AND ELEANOR HASENBECK

**SUBJECT:** EXTERNAL AFFAIRS ACTIVITIES UPDATE

**DATE:** APRIL 2, 2021

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**ACTIONS:**

*Information only. No action requested with this memo.*

**STRATEGIC INITIATIVE(S):**

**1. Outreach and Advocacy:**

*1.A. The River District will continue to enhance and expand partnerships and working relationships with key elected and appointed officials to advance western Colorado's perspectives on proposed legislation and regulations affecting western Colorado water resources at both the state and federal levels.*

*1.B. The River District will assume a leadership role in offering timely and accurate public information regarding topical trends and developments concerning water resources, water use, and water conservation.*

*1.C. The River District will make special efforts to inform and involve community leaders, especially elected leaders, in water-related matters.*

*1.D. The River District will expand its efforts to actively engage the public through our website and other social media, including new and emerging media platforms, with a goal of reaching and engaging younger generations of water users.*

*1.E. The River District will ensure its outreach and communications extend to all 15 counties of the District.*

*1.F. The River District will expand its branding efforts to ensure grassroots support and understanding of the River District and its mission.*

**2. Outreach in All Basins:**

*2.A. The River District will increase its outreach efforts with water organizations and other local organizations in the Gunnison, White and Yampa River basins. The goal will be to use River District resources to help those basins address their consumptive and non-consumptive water needs.*

**9. Water Efficiency and Conservation:**

***9.A. The River District will continue to promote, encourage and support wise and efficient use of all of Colorado's water resources***

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### **Staff Transitions**

Over the next few months, the External Affairs team will be undergoing another staffing transition. Alesha Frederick, Director of Information and Outreach announced her resignation effective early summer 2021, and Eleanor Hasenbeck, Water Policy and Communications Fellow, will be completing her fellowship and leaving the River District in mid-May. The River District is currently working through the hiring process for a Director of Public Relations and will soon begin the hiring process for a Public Relations and Media Specialist. During this time of transition, the External Affairs team will continue highlighting the District's ongoing efforts to protect West Slope water and keep water on the Western Slope.

### **Partnership Project Funding Program**

The new funding program is a key element of outreach this year, with the program featured in many EA events and presentations. The EA Team is working closely with technical staff to build branding for the Program, including identifying a new name that reflects the District's mission and principles of ballot question 7A, a logo for the program and outreach to local media and the public as projects are awarded. We are working with Amy to make updates to the website as the program develops. The EA Team also plans to host in-person events focused on the program this fall, which are addressed in the next section.

### **Events**

As we hope the impact of COVID will decrease in the coming months, the EA Team plans to resume hosting in-person events in the fall in the same communities where the District traditionally co-hosts State of the River events with partners. These events will serve as funding program workshops, giving members of the community an overview of the program and application process.

Until then, the EA team is planning four virtual State of the River meetings in late May and early June. The State of the River meetings will provide an overview of current issues within the Yampa, White, Gunnison, and Colorado river basins as well as River District priorities such as the new funding program. The EA Team expects to continue hosting Water With Your Lunch webinars even as the pandemic ebbs.

1. ***Water With Your Lunch*** – The District hosted two Water With Your Lunch webinars in the second quarter.
  - a. Water With Your Lunch: Partnership Project Funding Program (Feb. 10) had 125 live attendees and 78 views after the event.
  - b. Water With Your Lunch: West Slope Water at the Capitol is scheduled for April 14.
2. ***State of the Rivers*** – State of the River webinars are tentatively being planned for each of the four River District basins from mid-May to early June.

3. *In addition to these webinars, staff has presented to the following groups and organizations since the last board meeting:*
  - a. AGNC
  - b. Audubon Society Legislator Water Breakfast webinar
  - c. Colorado Cattlemen's Association Ag Water Network webinar
  - d. Club 20
  - e. Colorado H2O & Farmer Roundtable
  - f. Colorado Water Congress Annual Convention
  - g. Family Farm Alliance
  - h. Glenwood Springs River Commission
  - i. Granby Rotary Club
  - j. Grand County Board of Commissioners
  - k. Kremmling Town Council
  - l. National Farm Bureau
  - m. Rocky Mountain Farmers Union
  - n. Yampa White Green Basin Roundtable

## **Outreach**

1. Radio ads - The River District is continuing to advertise on radio stations in the District's population centers. Staff plan to record two to three new messages to add to the rotation.
2. Elected officials – The Colorado River District sent a letter to all Boards of County Commissioners and municipal councils in the District in March. The letter provided an overview of the District and the new funding program.
3. Digital outreach
  - a. Website
    - i. The EA Team is working with a contract web designer to complete a redesigned website. The team plans to launch the website later this year.
  - b. Social Media
    - i. Facebook:
      1. From Jan. 15 to March 30, posts reached approximately 108,306 people. From Jan. 15 to March 30, our Facebook posts received 6,160 engagements, which includes reactions (likes), shares and comments.
    - ii. Twitter: From Jan. 15 to March 30, the District's Twitter posts were seen in feeds about 46,014 times.
    - iii. Instagram: From Jan. 15 to March 30, about 10,271 people have had River District posts
  - e. Email newsletter – As of March 30, 5,957 people receive the River District's News Drop email newsletter twice weekly containing water news from across the state and region.
4. Media relations
  - a. Between Oct. 2, 2020 and April 8, 2021, The Colorado River District was featured in 155 news stories, op-eds and columns.

- b. Since January, many of these stories have focused on snowpack and drought news, 7A project funding, River District board appointments and hedge funds' interest in Colorado River water. Links to these stories are available in the attached document.



## Colorado River District Media Mentions 10/02/21 to 04/08/2021

1. 10/02/2020 [Eagle River Watershed Council: Vote yes on 7A to protect rivers and Western Slope water](#) – (opinion) Vail Daily
2. 10/02/2020 [Colorado River District webinar highlights long drought, rising temps as major threats to Western Slope water](#) – Rio Blanco Herald Times
3. 10/02/2020 [Guest opinion: Protect our Western Slope water](#) – (opinion) Vail Daily, also ran in the Steamboat Pilot
4. 10/2/2020 ['Science Be Damned': Water Rights And Scarcity With Eric Kuhn On Wednesday's Access Utah](#) – Utah Public Radio
5. 10/04/2020 [Study: Curtailing agricultural use of Colorado River could benefit farmers and ranchers](#) – Colorado Springs Gazette (re-print of Fresh Water News story)
6. 10/04/2020 [Monday letters: Clean air, Trump, COGCC, Tipton, presidential debate, Mitsch Bush, setbacks, dispassionate action, water, Trump, and law enforcement](#) – (opinion) Glenwood Post-Independent
7. 10/05/2020 [White River dam and reservoir project headed for water court trial](#) – The Steamboat Pilot & Today via Aspen Journalism, also ran in Craig Press and Rio Blanco Herald Times
8. 10/05/2020 [Reporter's notebook: Glenwood Springs council wrapup for Oct. 1](#) – Glenwood Post-Independent
9. 10/06/2020 [Permit renewal sought for Grand Mesa cloud-seeding](#) – Grand Junction Daily Sentinel
10. 10/06/2020 [Vote for 7A, keep our rivers healthy](#) – (opinion) Aspen Daily News
11. 10/06/2020 [2020 ballot issues discussed at virtual election forum](#) – Summit Daily
12. 10/08/2020 [Demand management — but whose demand?](#) – Montrose Daily Press
13. 10/08/2020 [Ballots hit the mail in Garfield County on Friday for jam-packed Nov. 3 election](#) – Glenwood Post Independent
14. 10/08/2020 [Respecting property rights a focus in water speculation task force meeting](#) – Grand Junction Daily Sentinel
15. 10/09/2020 [Election 2020: Grand County Commissioner — District One candidate profiles](#) – Sky Hi News
16. 10/09/2020 [Printed Letters: Oct. 9, 2020](#) – (opinion) Grand Junction Daily Sentinel
17. 10/09/2020 [Letter: Why I'm voting yes on 7A](#) – (opinion) Vail Daily
18. 10/09/2020 [Ballot measure 7A draws wide support for Colorado River Water Conservation District](#) – Aspen Journalism, ran in Vail Daily, Summit Daily, Aspen Times and <https://www.craigdailypress.com/news/ballot-measure-7a-draws-wide-support-for-colorado-river-water-conservation-district/> Craig Press
19. 10/10/2020 [Yes on 7A](#) – (opinion) Grand Junction Daily Sentinel
20. 10/10/2020 [Letter: Conservation district urges 'yes' vote on ballot question 7A](#) – (opinion) Steamboat Pilot & Today
21. 10/10/2020 [Proposition 7A Protects Western Slope Water for a Small Price](#) – West Slope Now
22. 10/11/2020 [Printed Letters: Oct. 11, 2020](#) – (opinion) Grand Junction Daily Sentinel
23. 10/12/2020 [Jurisdiction – Abstention – Stay](#) – Rhode Island Lawyers Weekly
24. 10/12/2020 [Language of Issue 7A is noble in ambition, but vague in its application](#) – (opinion) Grand Junction Daily Sentinel
25. 10/12/2020 [A yes vote for 7A preserves Western Slope water](#) – (opinion) Grand Junction Daily Sentinel
26. 10/13/2020 [Letter: Vote yes on 7A](#) – (opinion) Vail Daily
27. 10/13/2020 [Letter: Voting yes on 7A is an easy decision](#) - (opinion) Vail Daily
28. 10/13/2020 [Printed Letters: Oct. 14, 2020](#) - (opinion) Grand Junction Daily

29. 10/14/2020 [Letter: Thank you from water conservancy district](#) - (opinion) Steamboat Pilot & Today
30. 10/14/2020 [Opinion: Longtime local seeking re-election](#) - (opinion) Steamboat Pilot & Today
31. 10/15/2020 [Letter: Vote 'no' on 7A in the Colorado River District](#) – (opinion) Steamboat Pilot & Today, also ran in [Post-Independent](#), [Summit Daily](#)
32. 10/14/2020 [Printed Letters: Oct. 15, 2020](#) - (opinion) Grand Junction Daily
33. 10/15/2020 [Who wins a water war? Ask the judge](#) – (opinion) Colorado Politics
34. 10/15/2020 [Federal suit stayed pending resolution of state litigation](#) – Rhode Island Lawyers Weekly
35. 10/15/2020 [Disappointing 2020 water year comes to a close](#) – Aspen Journalism via Steamboat Pilot, also ran in [Summit Daily](#), [Aspen Times](#)
36. 10/15/2020 [Mesa County silent on river district tax, but 2 of 3 commissioners back it personally](#) – Grand Junction Daily Sentinel
37. 10/16/2020 [Susan Knopf: A guide to local ballot issues](#) – (opinion) Summit Daily
38. 10/18/2020 [Letter to the editor: Vote 'yes' on Measure 7A to protect our water](#) - (opinion) Summit Daily
39. 10/18/2020 [Printed Letters: Oct. 18, 2020](#) - (opinion) Grand Junction Daily
40. 10/18/2020 [Letter to the editor: Vote yes on Amendment B for everyone's](#) - (opinion) Summit Daily
41. 10/20/2020 [Letter: Yes on 7A to keep our river recreation world-class](#) – (opinion) Vail Daily
42. 10/20/2020 [Glenwood Springs councilors interview Ward 2 applicants](#) - Glenwood Post-Independent
43. 10/22/2020 [OPINION: Who helps Colorado Colorado agriculture most in upcoming election?](#) – (opinion) Montrose Press
44. 10/22/2020 [Wolves, Mitsch Bush, Hickenlooper, Robinson and Soto, Trump, and water](#) - (opinion) Glenwood Post-Independent
45. 10/25/2020 [2020 Grand County ballot guide including information for displaced voters](#) – Sky-Hi News
46. 10/25/2020 [VOICES OF THE VOTERS: WESTERN SLOPE | What drives the West? Work, play and water](#) – (opinion) Colorado Politics
47. 10/26/2020 [Letter to the editor: Vote 'yes' on 7A to protect our water and support our economy](#) - (opinion) Summit Daily
48. 10/26/2020 [Study finds a small number of jobs lost under demand-management program](#) – Steamboat Pilot & Today via Aspen Journalism, also ran in [Aspen Times](#)
49. 10/26/2020 [WATCH: Every Issues and Answers debate, broken out by race and issue](#) - Glenwood Post-Independent
50. 10/27/2020 [Our view: Local measures deserve 'yes' votes](#) - (opinion) Steamboat Pilot & Today
51. 10/28/2020 [Wednesday letters: Diane Mitsch Bush, West Slope water, airport, outdoor economy, Karl Hanlon, John Martin, decency and leadership, Perry Will](#) - (opinion) Glenwood Post-Independent
52. 10/29/2020 [Opinion: Unlikely allies align to support Measure 7A, protect Western Slope water](#) – (opinion) Summit Daily
53. 10/29/2020 [Letter: Vote yes on 7A](#) – (opinion) Vail Daily
54. 10/30/2020 [Whither the Gunnison River?](#) - (opinion) Grand Junction Daily
55. 10/30/2020 [Degrees of warming: How a hotter, thirstier atmosphere wreaks havoc on water supplies in Pitkin County](#) – Aspen Journalism, also ran in the Aspen Times, Glenwood Post-Independent and Steamboat Pilot
56. 11/1/2020 [Voters have work cut out with packed ballot](#) – Grand Junction Daily Sentinel

57. 11/2/2020 [Ballot issues to watch this election season](#) – Rio Blanco Herald-Times
58. 11/3/2020 [Colorado River Water Conservation District Issue passes](#) – KJCT8
59. 11/3/2020 [Voters overwhelmingly pass Colorado River District tax hike](#) – Aspen Journalism also ran in [Aspen Times](#), [Steamboat Pilot](#)
60. 11/3/2020 [Live updates: Summit County election night 2020](#) – Summit Daily News
61. 11/3/2020 [River district tax measure sailing to passage](#) – Grand Junction Daily Sentinel
62. 11/3/2020 [USGS Program Tackles Complex Water Questions](#) – U.S. Geological Survey
63. 11/4/2020 [Saguache County 2020 General Election Results](#) – Center Post Dispatch
64. 11/4/2020 [Colorado River District to use 7A funds for projects securing water supply](#) – Summit Daily News
65. 11/4/2020 [Millions in new taxes approved for West Slope, Front Range water districts](#) – Fresh Water News, also ran in [Sterling Journal Advocate](#)
66. 11/4/2020 [Drought in the valley a concern as low moisture impacts county](#) – Crested Butte News
67. 11/5/2020 [River district hails work of retiring employees](#) – Grand Junction Daily Sentinel
68. 11/5/2020 [Close to home](#) - (opinion) Grand Junction Daily Sentinel
69. 11/5/2020 [Pitkin County election results: Updated numbers from nearly 12k ballots](#) – Aspen Times
70. 11/07/2020 [What the Biden victory means for our rivers and clean water](#) - (opinion) American Rivers
71. 11/8/2020 [Voters pass dozens of environmental ballot measures across the country](#) – ABC News
72. 11/8/2020 [The Colorado Climate Voter's Guide To The 2020 Election Results](#) – CPR News
73. 11/10/2020 [Gray Wolves, Parks, And Conservation: The Big Environmental Wins Of The 2020 Election](#) – Now This
74. 11/12/2020 [District plan offers ideas for spending on water projects after tax passage](#) – Grand Junction Daily Sentinel
75. 11/12/2020 [Democrats sweep Saguache County](#) – Center Post-Dispatch
76. 11/12/2020 [Letter: Thank you for protecting Western Colorado water](#) - (opinion) Steamboat Pilot & Today (Also ran in [Grand Junction Daily Sentinel](#), [Aspen Times](#), [Craig Press](#), [Montrose Press](#))
77. 11/13/2020 [Shoshone power plant outages concern Glenwood Canyon water users](#) – Aspen Journalism (Also ran in [Aspen Times](#))
78. 11/14/2020 [History in Focus: Water that wasn't at the Juniper-Cross Mountain dams](#) – Craig Press
79. 11/15/2020 [Why understanding snowpack could help the overworked Colorado River](#) – Deseret News
80. 11/18/2020 [Water pipeline to Front Range rejected by Utah state engineer](#) – Grand Junction Daily Sentinel
81. 11/18/2020 [Western Slope water woes likely to continue](#) – Glenwood Post Independent
82. 11/24/2020 [As pandemic hammers its finances, Vail pulls out of state cloud seeding program](#) – Fresh Water News (Also ran in [Colorado Springs Gazette](#) and [Colorado Sun](#))
83. 11/24/2020 [Dave Marston: Drought moves Colorado toward water speculation](#) – (opinion) Durango Herald (ran in many papers across the West as part of syndicated Writers on the Range column)
84. 11/28/2020 [Vail Resorts' cancellation of cloud seeding this winter could mean less water in streams](#) – Aspen Journalism (also ran in [Vail Daily](#) and [Aspen Times](#))
85. 11/29/2020 [Town of Ruedi submerged by reservoir, but not by history](#) – Aspen Journalism
86. 11/30/2020 [Water officials working on draft of demand management concept](#) – Grand Junction Daily Sentinel
87. 12/02/2020 [Snowpack off to slow start, but Powderhorn to open](#) - Grand Junction Daily Sentinel

88. 12/03/2020 [Gunnison River, with elevated selenium levels, faces review for reclassification](#) - Aspen Journalism (Also ran on [9News](#), [the Aspen Times](#))
89. 12/03/2020 [Rethinking a 100-year-old deal](#) – Moab Sun News
90. 12/03/2020 [US Courts Should Adjudicate FRAND Rates On A Global Basis](#) – Law360
91. 12/04/2020 [River district detailing review process for applications for new tax funding](#) – Grand Junction Daily Sentinel
92. 12/07/2020 [County Update: Doug Monger, Routt County icon](#) – (opinion) Steamboat Pilot & Today
93. 12/07/2020 [Program expanding to map Colorado mountain snowpack](#) – Aspen Journalism (Also ran in [Aspen Times](#))
94. 12/09/2020 [Colorado River District Lays out Framework for New Taxpayer-funded Grant Program](#) – Aspen Journalism
95. 12/09/2020 [Colorado River District Webinar to Provide a Look Ahead](#) – West Slope Now
96. 12/10/2020 [Colorado River District lays out framework for new taxpayer-funded grant program](#) – Aspen Journalism (also ran in [Craig Press](#))
97. 12/10/2020 [Curry Vies for River District Appointment](#) – Gunnison Country Times
98. 12/13/2020 [Silver Lining: Lining Canals to Cut for Salinity Also Boosts Efficiency](#) – Grand Junction Daily Sentinel
99. 12/15/2020 [Low snow not yet cause for concern but that could change, meteorologists say](#) – Steamboat Pilot & Today
100. 12/16/2020 [Snowfall is below average this season, but expert says La Niña could turn things around](#) – Summit Daily News (also ran in [Vail Daily](#))
101. 12/18/2020 [Broad coalitions bring new hope for water funding](#) – (opinion) Colorado Politics
102. 12/23/2020 [EDITORIAL: Strange Diversions in a Strange Land, Part Nine](#) – (opinion) Pagosa Daily Post
103. 12/28/2020 [Depositions delve into state engineers' questions on proposed White River reservoir](#) – Aspen Journalism (also ran in [Aspen Times](#))
104. 12/29/2020 [Coors Seltzer and Coca-Cola among businesses aiding key segment of drought-stressed Colorado River](#) – Water Education Colorado's Fresh Water News (also ran in [Colorado Springs Gazette](#))
105. 12/30/2020 [Colorado River District vacancy draws three candidates](#) – Crested Butte News
106. 01/01/2021 [Deception and science in the Colorado River](#) – Tuscon Local Media
107. 01/02/2021 [Global Heating Will Make Colorado River Basin Drought More Severe](#) – CleanTechnica
108. 01/03/2021 [Wall Street Eyes Billions in the Colorado's Water](#) – New York Times (also ran in [Salt Lake Tribune](#))
109. 01/06/2021 [Decision looms on Holy Cross reservoir exploration permit](#) – Water Education Colorado's Fresh Water News (also ran in [Aspen Daily News](#))
110. 01/07/2021 [Attorney reappointed to River District](#) – Ouray County Plaindealer
111. 01/07/2021 [Houck ends river district run](#) - Gunnison Country Times
112. 01/08/2021 [Climate change is hitting the Colorado River 'incredibly fast and incredibly hard'](#) – Arizona Republic
113. 01/12/2021 [Drought-stricken Colorado River Basin could see additional 20% drop in water flow by 2050](#) – Yale Climate Connections
114. 01/14/2021 [Curry picked for river district](#) – Gunnison Country Times
115. 01/15/2021 [Sorry, still not for sale](#) - (opinion) Grand Junction Daily Sentinel
116. 01/20/2021 [Upper Colorado River Drought Plan Triggered For First Time](#) – KUNC

117. 01/20/2021 [Colorado River District funds first Western Slope water project after passage of 7A](#) – Western Slope Now
118. 01/21/2021 [Colorado River restoration project crawls forward as some environmental groups call for radical change](#) – Aspen Journalism (also ran in Sky Hi News, Steamboat Pilot & Today, Aspen Times, Craig Press)
119. 01/21/2021 [Glenwood Springs River Commission highlights what to expect moving forward from 2020's Grizzly Creek Fire](#) – Glenwood Post Independent
120. 01/23/2021 [Colorado River District makes first award for water project after mill levy increase](#) – Montrose Press
121. 01/25/2021 [Record low Lake Powell and bad 2021 drought forecast sets stage for water cuts](#) – The Colorado Sun
122. 01/26/2021 [First river district project spending from tax to tackle Grand County project](#) – Grand Junction Daily Sentinel
123. 01/27/2021 [The task ahead](#) - (opinion) Grand Junction Daily Sentinel
124. 01/27/2021 [Business Roundup](#) - Montrose Press
125. 01/28/2021 [Colorado's ornery, independent water guardians finally agree on one thing: Wall Street can look elsewhere](#) – The Colorado Sun
126. 01/29/2021 [Eagle County agencies help boost snowmaking funds](#) – Vail Daily (also ran in Summit Daily)
127. 01/30/2021 [Water speculation flap signals need for review](#) - (opinion) Grand Junction Daily Sentinel
128. 01/30/2021 [Bennet Announces Western Climate Resilience Framework Carefully Crafted by Coloradans](#) – Western Slope Now
129. 01/31/2021 [Trust issues: Water attorney's role with firm buying ag land adds to river district unease](#) - Grand Junction Daily Sentinel
130. 02/03/2021 [Local groups voice renewed interest in Crystal River Wild & Scenic designation](#) – Aspen Journalism
131. 02/04/2021 [Garfield County commissioners appoint Beckley to Colorado River District board](#) – Glenwood Post Independent
132. 02/05/2021 [Snow is falling, but will the next few months bring enough moisture to avoid severe summer drought?](#) – Steamboat Pilot & Today
133. 02/06/2021 [Colorado River District to host webinar discussing the Partnership Project Funding Program](#) – Summit Daily
134. 02/07/2021 [Locals advise Bennet on West's climate change strategy](#) – The Grand Junction Daily Sentinel
135. 02/07/2021 [Exclusive: Hedge funds eye water markets that could net billions, as levels drop in Lake Powell](#) – Salt Lake Tribune
136. 02/08/2021 [The Colorado River Crisis Is a National Crisis](#) – The New Republic
137. 02/08/2021 [Bennet Announces Colorado-Crafted Western Climate Resilience Framework](#) – Ark Valley Voice
138. 02/08/2021 [River district funds first 7A project](#) – Gunnison Country Times
139. 02/10/2021 [Colorado Water Plan turns five: Is it working?](#) – Fresh Water News
140. 02/17/2021 [Are New York billionaires different than Colorado's? Work group eyes new tools to stop water profiteering](#) – Fresh Water News (also ran in Colorado Sun, Sterling journal-Advocate)
141. 02/17/2021 [Organizers prepare for big turnout at Wolford Ice Fishing Tournament](#) – Sky-Hi News

142. 02/24/2021 [Weekly ag briefs: Federal aid for losses from cold, updates on water and more](#) – Ag Journal
143. 02/25/2021 [George Sibley resigns from Upper Gunnison](#) – Gunnison Country Times
144. 02/25/2021 [Report: Estimates of future Upper Colorado River Basin water use confound planning](#) – Aspen Journalism (also ran in Craig Press, Glenwood Post Independent, Colorado Sun, Aspen Times)
145. 02/27/2021 [Elizabeth Milias: The tax man cometh, but where does the money go? - \(opinion\)](#) – Aspen Times
146. 03/04/2021 [Roundtable seeks consensus, productive conversation about environmental issues](#) – Durango Herald
147. 03/17/2021 [Colo. River rep warns of drought planning](#) – Crested Butte News
148. 03/21/2021 [Roundtable seeks consensus, productive conversation about environmental issues](#) – Durango Herald (also ran in Cortez Journal)
149. 03/22/2021 [Forest Service approves test drilling for Whitney Reservoir site](#) - Vail Daily via Aspen Journalism
150. 03/25/2021 [Water outlook a concern for endangered fish](#) – Grand Junction Daily Sentinel
151. 03/28/2021 [Utah is a leader in cloud seeding. Is it working?](#) – Salt Lake Tribune
152. 04/01/2021 [March snowfall was great for skiing but Roaring Fork snowpack still lags behind](#) – Aspen Times
153. 04/01/2021 [Letters – April 1, 2021 Re: Wild and Scenic](#) – (opinion) The Sopris Sun
154. 02/03/2021 [Community groups pooling resources to help new cloud seeding projects on the Western Slope](#) – 9News
155. 04/07/2021 [Colorado River District to host Water With Your Lunch: West Slope Water at the Capitol](#) – Western Slope Now



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD  
ANDY MUELLER, GENERAL MANAGER  
PETER FLEMING, GENERAL COUNSEL

**FROM:** ZANE KESSLER, DIRECTOR OF GOVERNMENT RELATIONS

**SUBJECT:** STATE LEGISLATIVE UPDATE

**DATE:** APRIL 2, 2021

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***ACTION:** No specific action requested with this memo; however, as always, Board direction and priority-setting welcomed.*

***STRATEGIC INITIATIVE(S):** 1.A, 1.B Outreach and Advocacy*

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Included below are a small handful of updates from the State Capitol. Staff will provide you with an additional update and overview of legislation for your consideration at a date closer to the April Quarterly meeting.

### Legislative Updates:

- **Mutual Ditch Companies:** The House Agriculture Committee unanimously approved a strike below amendment rewriting the entirety of [HB21-1046](#). The amendment resulted from more than a month of stakeholder meetings at Water Congress' State Affairs Committee. The resulting consensus language represents a compromise by both sides that attempts to address key elements of recent water court rulings. The amended bill clarifies that, subject to the Articles of Incorporation and Bylaws of the corporation:
  - When stockholder demand exceeds supply, mutual ditch corporations may limit or otherwise rotate delivery of water ratably among the stockholders;
  - When a stockholder is not using some of or all of the available water under the stockholder's shares, the remaining stockholders taking delivery of water through the ditch may use any unused portion of the water that would otherwise have been available to that stockholder's shares, absent certain exceptions; and
  - The provision is not intended to prevent a stockholder from changing the use of the water rights represented by the stockholder's shares, create any impediments to changes in use, affect storage water rights, or change the standards for water court approval to change a water right.

- **Healthy Forest Collaboratives:** HB21-1008, the forest health-local government consortium bill, moved to the Senate, and was assigned to Agriculture and Natural Resources. Our requested amendment remains intact. HB 1008 passed the House with broad bipartisan support.
- **Water Enterprise Fund:** SB21-034, Senator Coram's Water Enterprise Financing legislation, was voted down 2-3 during its first hearing in the Senate Agriculture Committee. Only Senator Sonnenberg (R-Sterling) joined Senator Coram in voting for the bill.

### **Navigable Waters/Dredge and Fill Update:**

Last month, the 10<sup>th</sup> Circuit Court of Appeals lifted an injunction that was withholding implementation of the Trump Administration's WOTUS rule, otherwise known as the Navigable Waters Protection Rule, in Colorado. As we've discussed in the past, the Trump Administration's rule decreased the jurisdictional scope of streams and rivers considered to be waters of the United States and therefore subject to federal permits for the discharge of dredge or fill material.

Prior to the Trump Administration's rule, the Waters of the United States, and the Waters of the State of Colorado, as defined in the Water Quality Control Act were extremely similar and the Water Quality Control Act specifically stated that if an entity received a permit to engage in dredge and fill in jurisdictional waters through the federal government, that permit was also valid for activities in State Waters. With the Trump Administration rule soon taking effect in Colorado, the state has again raised concerns about the loss of federal protection and for permitting of activities in certain State Waters (i.e., "Gap Waters"). The Colorado Department of Public Health and Environment (CDPHE) has maintained that the Colorado Water Quality Control Act prohibits the discharge of dredged or fill material into State Waters without a permit, and that legislation will be necessary to allow projects in Gap Waters to proceed because it currently lacks authority to issue permits for such projects.

Staff has been attending regular stakeholder meetings hosted by CDPHE regarding pursuit of legislation this year. We expect a bill to be introduced in the legislature this year to authorize and direct the establishment of a state-run dredge and fill permit program overseen by CDPHE's Water Quality Control Division.

Staff will continue to engage with the Department on this issue in the coming days and week and will work to keep you apprised of any developments.

### **Budget and Spending Update:**

Last month, just as Congress was prepared to pass a large federal stimulus bill, a group of bipartisan state lawmakers joined Governor Polis to announce their own economic stimulus and recovery plan for Colorado.



The Colorado stimulus proposal totals about \$700 million in spending and is the result of higher than expected state revenues (primarily income and sales taxes), which were not impacted by the pandemic as badly as some lawmakers and budget analysts had originally feared.

According to Speaker Garnett's office, the \$700 million state stimulus package should be spent over 12 to 18 months and each of the priorities in the plan would be funded via individual bills. Included below is a brief overview of some West Slope/River District priorities within the spending plan:

- **Broadband Investments:** Funding for middle and last mile to expand broadband infrastructure in response to the social and economic disruption caused by the COVID-19 pandemic.
  - Proposed Funding Amount: \$50-75 Million
- **State Water Plan Projects:** One-time additional funds to complete water infrastructure projects.
  - Proposed Funding Amount: \$20 Million
- **Wildfire Recovery and Risk Mitigation Grants:** Funds to support several thousand acres of shovel-ready forest restoration projects to protect communities, property and infrastructure in the wildland-urban interface from wildfire.
  - Proposed Funding Amount: \$10-25 Million
- **Watershed Restoration Grant Program:** Funds to protect and preserve Colorado watersheds and defend against wildfire.
  - Proposed Funding Amount: \$10-25 Million
- **Rural Economic Diversification:** Funding to assist local communities impacted by coal mine closures to create new job opportunities. Funding can be used for infrastructure investments or workforce training opportunities.
  - Proposed Funding Amount: \$10-15 Million
- **Rural Jump Start:** Additional funding toward the Rural Jump Start program to attract businesses and incentivize job creation in rural Colorado.
  - Proposed Funding Amount: \$3 Million
- **Investments in Agricultural supply chains:** Competitive grants for rural agriculture infrastructure investment, including processing plants, storage, and distribution.
  - Proposed Funding Amount: \$20-35 Million
- **Investments in Drought Response:** Funding to help farmers and ranchers prepare for and respond to the impacts of severe drought.
  - Proposed Funding Amount: \$2-5 Million



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD  
ANDY MUELLER, GENERAL MANAGER  
PETER FLEMING, GENERAL COUNSEL

**FROM:** ZANE KESSLER, DIRECTOR OF GOVERNMENT RELATIONS

**SUBJECT:** FEDERAL AFFAIRS UPDATE

**DATE:** APRIL 3, 2021

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***ACTION:*** No specific action requested with this memo; however, as always, Board direction and priority-setting welcomed.

***STRATEGIC INITIATIVE(S):*** 1.A, 1.B Outreach and Advocacy

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### Congressional Delegation Update:

Colorado's Western Slope will be well represented on key committees in both the House and Senate in the 117<sup>th</sup> Congress.

- U.S. Senator Michael Bennet announced last month that he will chair the Senate Agriculture Committee's Subcommittee on Conservation, Climate, Forestry, and Natural Resources as well as the Senate Finance Committee's Subcommittee on Energy, Natural Resources, and Infrastructure.
- Colorado's junior U.S. Senator, John Hickenlooper, has been appointed to the Energy and Natural Resources Committee's Subcommittee on Water and Power, which has primary jurisdiction over Western water and power issues.
- Congresswoman Lauren Boebert was appointed in January to the House Natural Resources Committee's Subcommittee on Water, Oceans and Wildlife.

Note: On March 11, the Senate Energy and Natural Resources Committee's Subcommittee on Water and Power held their first hearing of the current Congress. During the hearing, which focused primarily on "natural infrastructure," Senator Hickenlooper highlighted the 2018 effort led by the River District to coordinate releases to from Ruedi Reservoir in order to benefit cold water fish species in the Roaring Fork River and agricultural water users downstream.

### **Infrastructure on the Front Burner:**

Senator Bennet authored a letter that was also signed by Senators Hickenlooper, Wyden and Merkley urging the Biden Administration to include western water priorities in their infrastructure proposal. Investments in western water infrastructure, the Senators argued, are essential to western states as they face the continued impacts of drought and climate change. The letter, [which can be found here](#), included five recommendations to address western water needs within a broader infrastructure proposal: 1) fully funding aging water delivery and storage systems, 2) increasing storage capacity in existing reservoirs, 3) repairing federal and nonfederal dams, 4) investing in USDA conservation programs (e.g. P.L. 566, EQIP, and RCPP), and 5) prioritizing clean water for Tribal nations.

### **Biden Releases Plan to “Build Back Better”:**

On March 31, 2021, President Biden released his administration’s initial infrastructure proposal, the **American Jobs Plan**. The proposal gave some mention to the importance of water infrastructure, specifically emphasizing the need for improved drinking water infrastructure. The plan also prioritized infrastructure funding for rural and disadvantaged communities. But a national coalition of over 200 agricultural organizations and water districts, including the Family Farm Alliance and the National Water Resources Associations, called on Congress to go further than the Administration’s plan to bolster investment in western water infrastructure.

National Water Resources Association President Christine Arbogast said in a coalition press release that “we look forward to additional details and discussion on the Western water and rural water elements specifically mentioned in the President’s Build Back Better proposal. Infrastructure needs in the West are different from other regions of the country, and they deserve the attention and investment which will come from the vigorous debate which will now begin in earnest.”

At a very high level the Administration is proposing to:

- Invest \$111 billion in drinking water,
- Invest \$50 billion in infrastructure investments, including funding for wildfire and drought mitigation and support for agricultural resources management),
- Invest \$16 billion for abandoned well and mine clean up,
- Expedite federal permitting of key infrastructure projects
- The proposal also has a stated goal of getting America 100 percent carbon free power by 2035.

Below please find additional information focusing on sections of interest:

### **Infrastructure Resilience**

- The American Jobs Plan very broadly calls for \$50 billion in dedicated investments to improve infrastructure resilience. This section does note: “President Biden’s plan will protect and, where necessary, restore nature-based infrastructure – our lands, forests, wetlands, watersheds, and coastal and ocean resources.”

- The plan goes on to say that: “President Biden is calling on Congress to invest in protection from extreme wildfires, support for agricultural resource management and climate-smart technologies, and the protection and restoration of major land and water resources.” Additionally, the President’s plan provides funding for the western drought crisis by investing in water efficiency and recycling programs, Tribal Water Settlements, and dam safety.

### **Drinking Water**

The Administration proposes to invest \$111 billion in drinking water infrastructure, including:

- Replacing 100 percent of the nation’s lead pipes and service lines. - \$45 billion for Environmental Protection Agency’s Drinking Water State Revolving Fund and in Water Infrastructure Improvements for the Nation Act (WIIN) grants.
- Upgrade and modernize America’s drinking water, wastewater, and stormwater systems, tackle new contaminants, and support clean water infrastructure across rural America. - \$56 billion in grants and low-cost flexible loans to states, Tribes, territories, and disadvantaged communities across the country. Aging water systems threaten public health in thousands of communities nationwide. President Biden proposed to modernize these systems by scaling up existing, successful programs.
- \$10 billion in funding to monitor and remediate PFAS (per- and polyfluoroalkyl substances) in drinking water and to invest in rural small water systems and household well and wastewater systems, including drainage fields.

### **Energy Efficiency and Clean Electricity Standard**

- The proposal calls for the establishment of an Energy Efficiency and Clean Electricity Standard (EECES) aimed at cutting electricity bills and electricity pollution, increasing competition in the market, incentivizing more efficient use of existing infrastructure, and continuing to leverage the carbon pollution-free energy provided by existing sources like nuclear and hydropower. Moving toward 100 percent carbon-free power by 2035.

### **Abandoned well and mine clean up**

- The Administration’s proposal calls for an immediate up-front investment of \$16 billion for plugging abandoned oil and gas wells and restoring and reclaiming abandoned coal, hardrock, and uranium mines.

### **Partnering with rural and Tribal communities to create jobs in rural America**

- The plan states that "President Biden’s plan invests in rural and Tribal communities, including by providing 100 percent broadband coverage, rebuilding crumbling infrastructure like roads, bridges, and water systems, providing research and development funding to land grant universities, and positioning the U.S. agricultural sector to lead the shift to net-zero emissions while providing new economic opportunities for farmers.”

### **Covid-19 Relief Package:**

On March 11, President Biden signed the **American Rescue Plan Act of 2021 (H.R. 1319)** enacting the measure into law.

H.R. 1319 provided significant funding for States, local, and tribal governments. These include both direct funding from the U.S. Department of Treasury and program monies that will flow through other federal agencies. While direct funding for States will flow through the State Fiscal Recovery Fund, funding for other governments will go through the Coronavirus Local Fiscal Recovery Fund and are guaranteed to go to every local government. The programmatic funds go to States and local entities that meet certain eligibility requirements. Thus, for these funds, there is no guaranteed level of funding for every local government.

In total, States received a total of \$219.8 billion. Cities and counties will receive an additional \$130.2 billion. Out of that total, \$65.1 billion will go to counties and \$45.57 billion will go to cities over 50,000 in population. For cities under 50,000, funds will be allocated according to population. Counties and cities have until December 31, 2024 to spend the money.

The measure did not include funding for special districts.

#### **Legislative Radar:**

- On March 24, Senate Ron Wyden (D – OR) introduced the **Water for Conservation and Farming Act**. Among other things, the bill would create a Bureau of Reclamation fund to support water recycling projects, water-use efficiency project, and dam safety projects. Among other things, the bill would expand the WaterSMART program and authorize \$40 million for the Cooperative Watershed Management Program.
- On March 29, Senator Dianne Feinstein (D – CA) released a draft of the **Support To Rehydrate the Environment, Agriculture, and Municipalities (STREAM) Act**. The legislation would authorize \$1.65 billion in funding for a variety of water infrastructure and conservation programs. Specifically, \$750 million for groundwater and surface storage projects and conveyance, \$250 million for water recycling projects, \$250 million for environmental funding, and \$50 million for natural water retention and release projects.



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD

**FROM:** HUNTER CAUSEY, P.E.

**SUBJECT:** WOLFORD MOUNTAIN RESERVOIR CONTRACT REQUEST

**DATE:** APRIL 5, 2021

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***ACTION:***

*Staff requests Board authorization for General Manager to enter into a contract for Engineering Services at Ritschard Dam with HDR Engineering, Inc. for \$323,840, subject to review and approval by General Counsel.*

***STRATEGIC INITIATIVE(S):***

*13. Asset Management*

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This memorandum provides a description of a contract request for Wolford Mountain Project.

### **Implementation of 2020 CDSE recommendations**

In 2020, the Colorado River District conducted a dam safety evaluation which resulted in a report containing recommendations to decrease uncertainty in the risk assessment and increase public safety. Staff has worked to implement those recommendations including ongoing tests to determine the dam's sand filter compatibility with the clay core, stockpiling of emergency materials at the site, developing a comprehensive monitoring plan, and planning a dam safety exercise for late 2021. A subset of the recommendations warrants outside consulting services.

Staff prepared a request for proposals (RFP) for additional instrumentation recommendations, high-flow inundation mapping, field exploration and testing, and geotechnical and engineering analysis. Staff distributed the RFP to eight qualified engineering consultant firms and received two proposals. Staff reviewed the proposals and is recommending HDR Engineering, Inc. because the proposal demonstrates the consultant's experience, capabilities, and understanding needed to successfully complete the scope of services. HDR's facilitation of the 2020 dam safety evaluation also provides them a familiarity with the project and the purpose of this work. Staff is requesting authorization to enter into a contract with HDR Engineering, Inc. for Engineering Services at Ritschard Dam for \$323,840. One component of this work is to develop a field exploration plan to supplement the previous geotechnical investigations that the District has implemented in prior

**WOLFORD MOUNTAIN RESERVOIR CONTRACT REQUEST**

April 5, 2021

Page 2 of 2

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years. The cost to implement that plan is not included in this request because the plan has not been developed and will need to be contracted at a future date.

GO BACK TO AGENDA

15. Future Meetings (No Material Available):
  - a. Third Regular Joint Quarterly Meeting, **July 20-21, 2021, Glenwood Springs, CO.**
  - b. CRWCD 2022 Budget Workshop, **mid-September 2021 Location TBD.**
  - c. CRWCD Annual Seminar, **TBD.**
  - d. Fourth Regular Joint Quarterly Meeting, **October 19-20, 2021, Glenwood Springs, CO.**
  - e. Board Fact Finding Mission to Lower Basin, re: Agricultural Fallowing and Augmentation Programs, **TBD.**
  - f. Other Meetings:
    - i. CWC Summer Conference, **TBD.**
    - ii. CRWUA Conference, **TBD.**