



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

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**TO:** Colorado Water Conservation Board Members

**FROM:** Kirk Russell, P.E., Finance Section Chief

**DATE:** November 14-15, 2018 Board Meeting

**AGENDA ITEM:** 13. Emergency Dam Response Funding - Refresh

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### Introduction

The Emergency Dam Repair Cash Fund was created in CRS 37-60-122.5 as available funding for “in the opinion of the state engineer, conditions of any dam or reservoir are so dangerous to the health and safety of life or property as not to permit time for issuance and enforcement of an order relative to construction, modification, maintenance, or restriction of storage, or the dam is threatened by any large flood, the state engineer may immediately employ remedial measures necessary to protect such life and property.” This is reflected in CRS 37-87-108.5.

CRS 37-60-122.5 states:

*Emergency dam repair cash fund. There is hereby created in the state treasury the emergency dam repair cash fund. The state treasurer is hereby authorized and directed to transfer moneys from the Colorado water conservation board construction fund to the emergency dam repair cash fund in such amounts and at such times as determined by the Colorado water conservation board. Such transfers shall not exceed five hundred thousand dollars. The moneys in the emergency dam repair cash fund are hereby continuously appropriated to the Colorado water conservation board for the emergency repair of dams pursuant to section 37-87-108.5.*

Concerns about public safety downstream of the Cucharas #5 Dam in Huerfano County have caused the Dam Safety Branch of the Division of Water Resources to take control of the privately owned dam and begin removal. Scott Cuthbertson, Assistant State Engineer, will provide an update regarding the use of the fund for Cucharas #5 Dam removal and the need to replenish the fund for a future emergency response.

### Staff Recommendation

Staff recommends the Board authorize the transfer of \$500,000, to re-establish a \$500,000 balance as of December 1, 2018, from the Construction Fund to the Emergency Dam Repair Cash Fund which will remain available to the CWCB and the Division of Water Resources for its intended use.

