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# COLORADO

## Colorado Water Conservation Board *Department of Natural Resources*

### DIRECTOR'S REPORT

March 2020

Interstate Compact Compliance • Watershed Protection • Flood Planning & Mitigation • Stream & Lake Protection  
Water Project Loans & Grants • Water Modeling • Conservation & Drought Planning • Water Supply Planning



# COLORADO

## Colorado Water Conservation Board

Department of Natural Resources

TO: Colorado Water Conservation Board Members

FROM: Rebecca Mitchell  
Alana Holdren

DATE: March 11-12, 2020

SUBJECT: **Agenda Item 5d, March 2020 CWCB Board Meeting Director's Report**

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**~STATEWIDE~**

**CWCB SMALL FEASIBILITY STUDY GRANT FUND UPDATE:**

New grant applications approved:

1. Boulder & White Rock Ditch and Reservoir Company - Panama Reservoir Dredging (\$50,000)
2. City of Loveland - Green Ridge Glade Reservoir Expansion (\$50,000)

Previously approved grants in FY19/20:

1. Lower Arkansas Valley Water Conservancy District - John Martin Reservoir Storage Account (\$38,500)
2. San Luis Valley Water Conservancy District - Shaw Reservoir Purchase (\$50,000)

Total funds approved for feasibility study grants in FY19/20: \$188,500.

**~COLORADO RIVER BASIN~**

**COLORADO RIVER WATER USE—**

2020 Colorado River Storage as of January 13, 2020			
	Elevation (feet above mean sea level)	Storage (MAF)	Percent of Capacity
Lake Mead	1,095.97	11.378	44%
Lake Powell	3,603.33	12.071	50%
Total System Active Storage		31.064	52%
2020 Total Active Storage		26.776	45%
		Flow (MAF)	Percent of Average
Forecasted Unregulated Inflow into Powell (Forecasted Water Year 2020)		8.564	79%

Forecasted CY 2019 Lower Basin Consumptive Use		
State	Use (MAF)	Total (MAF)
Arizona	<b>2.479</b>	
California		
California Agricultural	3.494	
Metro. Water District	0.699	<b>4.193</b>
Other	0.016	
Nevada	<b>0.250</b>	<b>6.939</b>

\*Note MAF = million acre-feet

## **UPPER COLORADO WILD AND SCENIC STAKEHOLDER GROUP UPDATE —**

The Upper Colorado River Wild and Scenic Stakeholder Group continues to make progress towards finalizing the alternative management plan and developing final Outstandingly Remarkable Values (ORVs) indicators and Resource Guides related to recreational fishing and floatboating. The provisional period to finalize all ORVs and Resource Guides ends on June 12, 2020.

The Stakeholder Group held a special meeting on January 6 and its quarterly meeting on January 23 to discuss and clarify the use and role of Resource Guides in the Plan. The Stakeholder Group has developed a path forward on the use of Resource Guides, which includes a timeline for finalizing proposed Resource Guides and an approval process. Not all stakeholders endorse the Resource Guides or believe that the ranges they represent are necessary to support the ORVs. Nevertheless, the Stakeholder Group has negotiated the Resource Guides as one source of information among others for informing SG discussions under the Plan.

The Stakeholder Group plans to vote on the adoption of final ORVs, Resource Guides, and revised version of the SG Plan at its March 30 quarterly meeting. At its June 8 special meeting, the Stakeholder Group plans to discuss any comments received from the federal agencies and formally adopt the revised SG Plan.

### **~ SAN MIGUEL/SAN JUAN/DOLORES RIVER BASIN ~**

**LOWER DOLORES WORKING GROUP UPDATE:** The Lower Dolores Plan Working Group continues to conduct outreach and education on the draft National Conservation Area (NCA) legislation. The Four Corners Water Resources Center at Fort Lewis College is archiving the work done by the Group, particularly research and data related to native fish on the Dolores River. The Center also will coordinate with the Group on opportunities for students and scientists to work with the Native Fish Monitoring and Recommendation Team (M&R Team) on fish monitoring and other data collection and analyses linked to the Native Fish Implementation Plan. The M&R Team met on March 2, 2020 to evaluate the 2019 managed release and to discuss the forecast and potential for a 2020 managed release and initial consideration of 2020 monitoring activity. On March 5 and 6, the Group held a strategic retreat at Fort Lewis College to set up a framework for proactive deployment of monitoring teams in accordance with the Lower Dolores Implementation Plan as managed release opportunities arise. Fort Lewis College faculty have expressed interest in this work and were invited to the retreat.

**UPDATE ON LEGISLATION—** Seven bills have been introduced thus far this legislative session directly involve the Colorado Water Conservation Board. The status of each bill as of the date of this report is set forth below.

HB20-1037 (Concerning the Colorado Water Conservation Board's authority to augment stream flows with acquired water rights that have been previously decreed for augmentation use): Passed through House Rural Affairs and Agriculture Committee and House Committee of the Whole; passed through Senate Agricultural and Natural Resources Committee.

HB20-1157 (Concerning the Colorado Water Conservation Board's authority to use water that a water right owner voluntarily loans to the Board for instream flow purposes): Passed through House Rural Affairs and Agriculture Committee; being considered by House Committee of the Whole.

HB20-1159 (Concerning the authority of the State Engineer to confirm the extent of uses of water in existence on the date of an instream flow appropriation): Passed through House Rural Affairs and Agriculture Committee; being considered by House Committee of the Whole.

HB20-1327 (Concerning additional requirements applicable to diversions of water from water division 3): Introduced and assigned to House Rural Affairs and Agriculture Committee.

SB20-153 (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): Was postponed indefinitely at the Sponsor's request on 2/13/2020.

SB20-024 (Concerning the inclusion of public input in the development of a state water resources demand management program): Was postponed indefinitely at the Sponsor's request on 1/30/2020.

SB20-048 (Concerning a study to consider the strengthening of the prohibition on speculative appropriations of water): Passed House 2<sup>nd</sup> Reading and awaits a final vote.

## ~ WATER CONSERVATION AND DROUGHT PLANNING UPDATES ~

### CWCB WATER EFFICIENCY GRANT FUND PROGRAM (WEGF) UPDATE:

Two grant applications have been received since the January 2020 Director's Report

- **City of Westminster** – AMI Water Meter Installation
- **South Crested Butte Metropolitan District** – Water Efficiency Plan

One grant was approved since the January 2020 Director's Report:

- **City of Westminster** – AMI Water Meter Installation (\$49,500)

The following are deliverables sent to the CWCB since the last Director's Report:

- **City of Evans** –Water Efficiency Plan Update – *50% Progress Report*

- **Town of Bayfield** – Drought Management Plan – *50% & 75% Progress Reports*
- **Central Weld County Water District** – Water Efficiency Plan – *Final Plan Submitted*

**(Ben Wade)**

**WATER EFFICIENCY & DROUGHT PLANS UPDATE:** The Office of Water Conservation & Drought Planning (OWCDP) continues to work with the following providers to approve their Water Efficiency and Drought Management Plans:

## **DROUGHT MANAGEMENT PLANS**

### **Approved Plans**

No Plans have been approved since the last Director's Report

### **Drought Management Plans in review**

- City of Durango

## **WATER EFFICIENCY PLANS**

### **Approved Plans**

- **Town of Olathe**
- **City of Rifle**
- **Town of Wellington**

The following plans have been given *conditional approval*. CWCB staff will continue to work with these entities until their respective Water Efficiency Plans achieve approval status.

- **City and County of Broomfield**

### **Water Efficiency Plans in review**

- **Widefield Water & Sanitation District**
- **Town of Eaton**
- **City of Lamar**
- **Central Weld County Water District**

**(Kevin Reidy & Ben Wade)**

**GOVERNOR'S WATER AVAILABILITY TASK FORCE:** A Joint Water Availability & Flood Task Force meeting will be held on March 23 from 9:00am-12:00pm at the Colorado Parks & Wildlife Headquarters 6060 Broadway, Denver, CO in the Bighorn Room. Please check the website (<http://cwcb.state.co.us/public-information/flood-water-availability-task-forces/Pages/main.aspx>) for additional information.

**(Ben Wade)**

**CO WATER LOSS INITIATIVE:** Kevin Reidy has started the CO Water Loss Initiative which will culminate in a 2-year training and technical assistance water loss control program for water providers across Colorado. Kevin convened a small advisory group to weigh in on the scope of work and to assist with the development of the programming. Approximately 120 water providers have signed up so far for the training. The first round of 8 workshops was completed in mid-May and were a resounding success. We have heard some great feedback from the participants as to the value and thoroughness of the program. At present, the consultant team is working through the one-on-one technical assistance sessions with each participant utility to ensure the water loss audit data from the participating utilities is correct and valid. This represents phase Two of the Four phase project. The advisory team met by phone on July 31 and has another on October 9. Phase Three will consist of another round of in-person workshops in the fall of 2019 and another round of technical one-on-one meetings (Phase Four) happening in spring 2020. The initiative is still accepting participants so please spread the word! **(Kevin Reidy)**

**LAND/WATER PLANNING NEXUS:** Kevin Reidy is working with counterparts from DOLA to create trainings and other related projects specified in SB 15-008 (AKA the land use bill). This bill stated that the CWCB and DOLA would create trainings for land use and water planning professionals in order to incorporate water conservation and demand management best practices into land use planning. Additional work is as follows:

- Sonoran Institute, through a CWCB water plan grant, has extended their Colorado Growing Smart program to carry out 3 more additional workshops over the next 18-24 months. Kevin is on the advisory group for these trainings. The next training will take place in Estes Park September 11-13, 2019 and will host Boulder County, Colorado Springs, Commerce City, Greeley, Pueblo County, and Little Thompson Water District. As part of the same water plan grant, the Sonoran Institute is also designing a stakeholder process that will evaluate and ultimately select a set of metrics that community and state officials can use to track their progress in meeting the state water plan goal. The advisory team has developed a draft set of metrics and will be working through them with stakeholders at a workshop on Sept. 10.
- Also, the Colorado Growing Water Smart program has won the *2019 APA Colorado Honor Award* in the category of Sustainability and Environmental Planning from the Colorado chapter of the American Planning Association. Kevin Reidy will be accepting the award along with Sonoran Institute staff at the Colorado American Planning Association annual conference on September 19.
- Water Education Colorado and the Babbitt Center are teaming up with CWCB to implement several workshops and webinars through the end of the year to train local governments on integrating a land use element into their local water efficiency plans. These trainings will be based on the *Best Practices for Implementing Water Conservation and Demand Management Through Land Use Planning Efforts- Addendum to 2012 Guidance Document* presented to the board in January 2019. So far, we have done a webinar sponsored by the Special Districts Association and held a small workshop at Water Congress. Future workshops will be held in Longmont (Sept. 16th), Durango (Oct. 30th), Pueblo (Nov. 5th) and Grand Junction (Nov. 12th). They are free so spread the word! <https://www.watereducationcolorado.org/lu-wep/> **(Kevin Reidy)**



**DIRECT POTABLE REUSE:** Through a water plan grant, Reuse Colorado has convened stakeholders along with CDPHE and CWCB to create a regulatory framework for direct potable reuse in Colorado. This project has also enlisted a panel of experts from across the nation to weigh in on the discussions and make recommendations on how to create the regulations and what should be in them. The final panel/stakeholder meeting will take place on November 12 with the final report from this effort completed by the end of this year. **(Kevin Reidy)**

### ~WATERSHED AND FLOOD UPDATES~

#### **FEMA Risk MAP Update**

**FY19 Activities:** The CWCB has been awarded \$5.6 million for FY19 FEMA grant funding for Risk Map projects. Working on task orders for projects funded this year. The CWCB has 27 new FEMA grants funded this year. A new FTE was recently hired to assist with the management of the Risk MAP program.

**FY18 Activities:** The CWCB was awarded \$5.5 million from FEMA in their FY18 cycle for Risk Map projects. The following is a list of the FY18 Risk Map projects:

The CWCB received a \$231,823 from FEMA for Project management tasks. This also includes \$80,000 allocated to the Division of Water Resources Dam Safety office for a pilot project.

\$350,000 was awarded to fund Delta County Risk Map Phase 2, which will include data development tasks such as hydrology, hydraulics, and floodplain mapping throughout Delta County. Delta County Risk Map Phase 2 includes 41.5 river miles of enhanced flood study, post-fire flooding analysis, and an evaluation of sediment-bulked flooding.

The Upper White Watershed Risk Map project received an additional \$70,000 from FEMA to conduct analysis on two levees that were discovered within Rio Blanco County during the routine hydraulic analysis. The updated mapping results in a significant amount of shallow flooding in Rangely. Final floodplain mapping tasks are underway and we anticipate the distribution of Preliminary Maps in early 2020. The Consultation Coordination Officer (CCO) meeting with community officials will be held sometime this Spring 2020.

The Cache La Poudre Risk Map project is also receiving additional funds to address local community comments. A total of \$195,000 of FEMA funding is awarded to resolve the comments and complete the Risk Map project for Cache La Poudre. The CWCB mapping contractor has addressed comments

and submitted to FEMA for their review. Additional community comments have been incorporated and the final products will be reviewed by FEMA's contractor.

Analyzing levees continue to be a challenge for the Risk Map program. Fortunately, FEMA provides funding and resources to help Cooperating Technical Partners (CTPs), such as the CWCB to assess levee pre-certification options. The CWCB received \$275,000 from FEMA to evaluate the Templeton Gap levee in Colorado Springs. A portion of this funding will also be used to conduct a high level base level engineering analysis for Teller County. This grant covers both Colorado Springs, El Paso and Teller Counties.

For the Animas River watershed, FEMA has awarded \$295,000 to complete this project through effective mapping. Phase 2 of this project was funded in 2017. Draft floodplain mapping has been completed and a Flood Risk Review meeting was held with La Plata, San Juan, and Archuleta counties and communities within those counties. The tentative schedule for distribution of Preliminary Maps will be summer of 2020.

FEMA has awarded the CWCB \$620,000 to complete the regulatory update for CHAMP Phase 3 projects through floodplain mapping and effective.

The CWCB funded regional hydrology updates for the Arkansas River from the headwaters near Leadville, Colorado to the Kansas State line as well as the Colorado River from Granby to the western border of Mesa County. The CWCB leveraged this work to obtain funds from FEMA to study the Arkansas River hydraulics and floodplain mapping. \$340,000 was awarded for this effort. Kick off meetings were held this past summer 2019 for all communities impacted by this map update.

Garfield County Phase 3 received \$346,752 from FEMA and this effort will include completing this Risk Map project through effective maps.

The CWCB has funded a hydrology update for the Yampa River basin. Work is underway currently, with paleo work conducted by Dr. Bob Jarrett.

**FY17 Activities:** The CWCB received a \$212,558 grant from FEMA to provide an updated hydrologic and hydraulic engineering and floodplain mapping for the Roaring Fork River and floodplain mapping services for the Colorado River within Garfield County (Phase 2). FEMA has awarded the CWCB funds for Phase 3 of this project in FY 2018. Hydraulics and Floodplain mapping tasks continue, with survey work almost complete.

The CWCB was able to leverage \$929,729 from FEMA to continue CHAMP through the FEMA regulatory process. This study involves analyzing streams across seven counties in northeast Colorado and will include 233 FIRM panel updates. The counties include Boulder, Logan, Larimer, Morgan, Weld, Washington, and Sedgwick Counties. The preliminary distribution for the Little Thompson River in Larimer County took place in January and the Consultation Coordination Officer (CCO) meeting took place in April. Larimer County public meeting was held for Little Thompson River. The 90-day appeal

period for both Little Thompson and Jefferson County have ended. The CWCB did not receive any appeals.

The CWCB previously funded a Discovery project in the Animas River Watershed. From that effort, the local communities were able to identify several mapping needs. FEMA awarded CWCB \$654,717 to fund the proposed projects that identified from the Discovery effort. This is Phase 2 and includes updated hydrologic and hydraulic engineering, (including post-fire conditions for Junction Creek), updated floodplain mapping, and sediment-bulked flooding along the Animas River, and an evaluation of ice jamming conditions in Silverton. Field survey work has been completed and additional coordination with local communities has taken place to determine if additional work to include impacts from the wild fires is needed. FEMA has awarded the CWCB funds for Phase 3 of this project, which will cover tasks through effective mapping.

The CWCB funded a regional hydrology update for the Arkansas River from the headwaters near Leadville, Colorado to the Kansas State line. The CWCB is working with Wood (formerly Amec Foster Wheeler) on this analysis. The final report has been approved by FEMA. The final report is available on the CWCB website.

**FY16 Activities:** Upper White Watershed Risk Map Phase II preliminary map issuance will be delayed. A revised scope of work was submitted and approved by FEMA to conduct additional analysis. A meeting with the community officials took place in mid-December 2018 and a significant amount of coordination and discussion has taken place between Rangely, CWCB and FEMA regarding the hydrology analysis. A revised updated hydrology is being finalized by CWCB's mapping contractor and will be sent to FEMA and the local community for review concurrently. The funds from Phase 2 grant have been expended and work moving forward will be funded under Phase 3.

CWCB received \$3.4 million FEMA grant for LiDAR acquisition in Colorado for future floodplain mapping projects. This money was used to leverage an additional \$1 million from the USGS to supplement a late spring 2018 LiDAR acquisition in Eastern Colorado. This data has been collected and final deliverables are now available by request on the Colorado Hazard Mapping website ([www.coloradohazardmapping.com](http://www.coloradohazardmapping.com))

A regional hydrology study update on the Colorado River near Granby to the border with Utah has been completed and the results have been approved by FEMA. The CWCB has met with nearly every local community affected by this update. Final results are available for viewing on the Colorado Hazard Mapping website and on the CWCB website. A CLOMR is under review to conditionally accept the hydrology results with FEMA.

**FY15 Activities:** The Cache La Poudre Phase III project funds were re-scoped to address comments from Fort Collins, City of Greeley, and the City of Windsor. Comments are now being addressed and an updated schedule for this project will be provided this Fall 2018. FEMA provided additional funds for this effort in FY 2018.

Upper Gunnison Risk Map Project Phase 2 hydraulic tasks were recently submitted to FEMA for review. Draft results show increased flood risk throughout the Town of Crested Butte. The model was done in 2D and the mapping contractor is working on refining the results. A Flood Risk Review with local community officials took place on February 11, 2019 and the mapping contractor is working with the Town to incorporate their latest construction work.

**FY14 Activities:** The erosion zone study for the Salt Creek Wash near the Town of Collbran in Mesa County was approved by FEMA. This report is now available on the Risk Map website.

FEMA has provided funding to conduct a countywide approximate floodplain mapping for El Paso County, referred to as a Base Level Engineering (BLE) study. A part of this grant funding will be rescoped to fund the revised preliminary project for the El Paso County DFIRM project, which became effective on December 7, 2018. (Thuy Patton)

### **Community Assistance Program/NFIP Coordinator**

#### **Tiered State Framework**

On January 14th, FEMA issued guidance and assessment tool for the Tiered State Framework (TSF). In response to feedback from state partners, FEMA created the CAP-SSSE Tiered State Framework. The TSF helps FEMA recognize, invest in, and incentivize state efforts to develop the capabilities necessary to meet the goals of the CAP-SSSE program and grow a state's broader floodplain management ability. The TSF and an aligned program funding methodology allow FEMA to:

- Increase transparency around state activities;
- Enable a performance-based program allowing FEMA to fairly evaluate State NFIP Coordinating Office strengths and areas of improvement; and
- Establish a level playing field for CAP-SSSE to make judgements about the resources that states may require to deliver upon the goals of the program.

The TSF establishes three tiers: Foundational, Proficient, and Advanced. A state's tier is based on a two-step assessment of a state's floodplain management program against a series of benchmarks at least every three years. A state's tier assignment influences their annual scope of work (SOW) (beginning in 2020) and their funding (beginning in 2021). Significant strengths in a state's TSF assessment enable special access to incentives such as additional funding, increased autonomy over workplans and strategies, and funding eligibility of certain non-traditional projects. Conversely, gaps or deficiencies in a state's TSF assessment, coupled with their state-specific aspirations and goals, help determine the activities, performance metrics, training plans, reporting requirements, and subsequent funding levels to address those gaps. The four categories assessed in the TSF are Capacity (the resources and authority to complete the work of CAP), Capability (the ability and expertise to support communities in implementing the NFIP), Performance Measures (demonstrated history of performing at or above expectations in administering the CAP), and Planning & Coordination (demonstrated coordination across agencies).

The NFIP coordinator completed and submitted the assessment and supporting documentation to FEMA within the deadline. FEMA will review the assessment at the regional and national level and finalize tier assignments in early April. Any deficiencies identified in the state's program will be addressed and re-assessed in early 2021.

### **Advanced Floodplain Management Workshops**

In cooperation with the US Army Corps of Engineers and FEMA, the NFIP Coordinator participated as an instructor for two advanced floodplain management workshops in February. These workshops were held in Buena Vista and Berthoud for Colorado community floodplain administrators and other floodplain professionals. The workshop topics include regulating development in unmapped areas, permit considerations for substantial improvements, the role of the floodplain administrator in a flood disaster, 2D modeling, pre-disaster planning. More than 2 dozen floodplain professionals attended each workshop.

### **FEMA Community Assistance Program (CAP) Annual Conference**

The 2020 Annual CAP conference was held in Denver on Feb. 25-27 and was attended by the NFIP coordinators from all 6 states in FEMA Region VIII including Colorado. Topics of this year's conference included FEMA agriculture & accessory structures policy, Risk Rating 2.0, base level engineering & 2D floodways, levee certification, and the FEMA appeals process. The CO NFIP coordinator in partnership with his Montana counterpart led a 2-hour discussion of the community compliance, violation, and enforcement actions. The conference also featured a tour of the National Science Foundation Ice Core Facility and demonstrations of FEMA's FloodWalk at Confluence Park. (Doug Mahan)

**Thank You to CWCB Staff and Board by Kevin Houck** – As section chief of this embattled section, I would like to take this rare opportunity to thank everyone at CWCB from the bottom of my heart. February was a bit of a lost weekend for me as I type this during the last week of the month. Still reeling from the loss of Joe Busto to cancer (to my knowledge, the only CWCB staff member that I've worked with from any section at this agency to EVER pass away), the next disaster struck on January 29<sup>th</sup> with the sudden death of Chris Sturm's teenage daughter, Emery. As can be expected, Chris asked to take an indefinite period of leave, leaving the flood section with just three staff members (Kevin, Thuy, and Doug). The outpouring of support by both staff and the Board has been heartwarming to say the least, and the well wishes for not only Chris but also the section have been greatly appreciated.

Many staff members from every agency section took this support one step further. As a result of being short-handed, and with Chris out of touch for an extended period, I fell into a period of triage, sorting every incoming inquiry and known task into one of three buckets – what I can personally take care of with the limited time I have, what I can ask for help from others with, and what things I need to work with stakeholders to ask them to wait for a few weeks. When this effort first started, it was the second of these buckets (getting help from others) that was the most difficult to identify solutions. Within only a day or two, the offers came pouring in from agency staff, including some who had never worked directly with Chris before, to assist with managing his workload until he returns. The help was so prodigious that within

a week or two, a fairly well-established system was worked out, with clearly defined roles for others to help move the work along in Chris's absence. There were multiple emotional days where I was nearly moved to tears by the level of support provided by so many people without them being asked. And everybody cares so deeply for one of their own – by an overwhelming margin, the biggest inquiries I received in the weeks following was quite simply “how is Chris doing?” along with “what can I do for Chris?”

On behalf of my section, I just want to say a loud and immense THANK YOU to the agency administration, the CWCB Board, and most of all, the CWCB staff from every section that made this truly horrible month a little more bearable. Although I didn't need a reminder, I got one anyway that this is the kindest, most supportive, “have your back” kind of operation. There is nowhere else I'd rather be. I'm certain Chris feels the same way as well.

### **~AGENCY UPDATES~**

**Flood Section Welcomes New Staff Member** – The Watershed and Flood Protection Section is pleased to introduce Marta Blanco Castaño into the section. Marta is the first person to fill the new position created by an expanded FEMA grant for operational support of floodplain mapping activities conducted by CWCB. Marta comes from Wood Engineering, where she helped on various risk analysis and mitigation work. As part of the Flood Section, she will assist with floodplain mapping, Lidar acquisitions, and will help manage the forthcoming Letter of Map Revision delegation program. Marta has a master's degree in GIS, and this will be a skill that will be a useful addition to the Flood Section. Marta also speaks fluent Spanish and is able to lend her translation talents to anyone in the agency in need of it. Welcome, Marta!

### **CWCB's Emergency Dam Repair Fund – Two Rivers Settlement**

An Emergency Dam Repair Fund is established for the Board to respond quickly to pay for costs related to emergency repair of dams in collaboration with the Division of Water Resources. In July of 2018, the Board authorized a transfer of \$500,000 from the Construction Fund to the Emergency Dam Repair Fund. Then again in November of 2018 the Board refreshed the fund to a \$500,000. Of that \$1,000,000 authorization, \$670,802.67 was spent to lower the Cucharas Reservoir #5 dam, owned by Two Rivers Water & Farming Company, to a safe level.

On July 16, 2019 the State of Colorado entered into Stipulations with Two Rivers Water & Farming Company and Wayne E. Harding, III in People v. Two Rivers, et al., to repay all costs incurred by the State Engineer's Office (Division of Water Resources) to demolish Cucharas Reservoir #5. Starting in February 2020 and continuing through April 2022, Division of Water Resources will receive about \$27,500 per month which will be credited to the Emergency Dam Repair Fund until it is replenished to \$500,000 and the remainder will be credited to the Construction Fund as outlined in statute. On February 20, 2020 the Division of Water Resources received the first installment of the settlement agreement.

(Lauren Miremont)

**~INSTREAM FLOW ATTACHMENTS~**

- 01 Stream and Lake Protection Section De Minimis Cases
- 02 Instream Flow and Natural Lake Level Program Summary of Resolved Opposition Cases

**~LOAN PROGRAM ATTACHMENTS~**

- 01 Water Project Loan Program Interest Rates
- 02 Prequalified Project List and Loan Prospect Summary
- 03 Design and Construction Status Report
- 04 Loan Repayment Delinquency Report
- 05 Construction Fund, Special Funds and Severance Tax Funds Non-Reimbursable Investments Status Report Fiscal Year 2018-2019

**Director's Report Attachment - March 11-12, 2020 CWCB Meeting  
Stream and Lake Protection Section De Minimis Cases**

The following table summarizes applications that have the potential to injure the Board's instream flow water rights, but the impact is considered de minimis. In these cases, the cumulative impact to the Board's right is less than 1%. Pursuant to ISF Rule 8(e) (the de minimis rule), staff has not filed a Statement of Opposition in these cases and has provided the required notification to the Division Engineers and applicants.

Applicant Case No.	Water Division	Applicant	Waterbody/ CWCB Case No.	ISF Flow Amount (cfs/date)	Individual Injury (%)	Cumulative Injury (%)	Count
19CW3100	4	Keith Kenneth Swanson, II Revocable Trust & Nancy Jean Swanson Revocable Trust	Lake Fork San Miguel River/ 84CW432	5 (1/1 - 12/31)	0.08000 0.08000	0.08000 0.08000	1
19CW3040	7	Allen P. Small & Maragaret E. Poer	Florida River/ 77W1764	20 (10/15 - 6/30) 12 (7/1 - 10/14)	0.16670 0.10000	0.54324 0.31691	17



**March 11-12, 2020 Board Meeting  
Instream Flow and Natural Lake Level Program  
Summary of Resolved Opposition Cases**

The Board's Instream Flow ("ISF") Rule 8i(1) states:

In the event the pretrial resolution includes terms and conditions preventing injury or interference and does not involve a modification, or acceptance of injury or interference with mitigation, the Board is not required to review and ratify the pretrial resolution. Staff may authorize its counsel to sign any court documents necessary to finalize this type of pretrial resolution without Board ratification.

Staff has resolved issues of potential injury in the following water court cases; the CWCB Director has authorized the Attorney General's Office to enter into stipulations that protect the CWCB's water right(s).

**A. STATEMENTS OF OPPOSITION**

**(1) Case No. 18CW3193 (Water Division 1) - Application of City of Loveland**

The Board ratified this Statement of Opposition at its March 2019 meeting. Applicant sought to quantify and use return flows. Applicant's proposed place of use to undefined extraterritorial locations as "uses outside of Loveland's service area by lease, trade, exchange, sale or other such arrangement," could have injured CWCB's instream flow water rights. Staff, in cooperation with the Attorney General's Office, has entered into a stipulation with Applicant to ensure that the CWCB's instream flow water rights will not be injured.

In addition to standard terms regarding measuring devices, accounting and retained jurisdiction, the Applicant has agreed to the following additional protective terms and conditions:

- "8.5. Right of Use, Reuse, Successive Use and Disposition. In addition to the uses described in Paragraphs 8.1.1. and 8.1.2, above, Loveland has the right of disposition, use, reuse, and successive use, to extinction, including uses outside of Loveland's service area by lease, trade, sale or such other arrangement entered into by Loveland. Reuse and successive use of the LIRFs outside of Loveland's water service boundary area may only be made pursuant to a separate decree quantifying the rate, timing, and location of water available for such reuse and successive use."
- "8.7. CWCB Instream Flow Right. Any direct use or storage of this water, if made by undecreed exchange, substitution, or other mechanism, whether by administrative approval or not, shall not occur through an instream flow water right at times when the instream flow decreed rate is not met and is being administered. Provided however, that pursuant to section 37- 92-102(3)(b), C.R.S., any such instream flow water right appropriation shall be subject to Loveland's uses or exchanges of water pursuant to appropriation or practices in existence on the date of an such instream flow water right appropriation, whether or not previously confirmed by court order or decree."

**(2) Case No. 18CW0011 (Water Division 2) - Application of Gold Basin Mine, LLC**

The Board ratified this Statement of Opposition at its March 2019 meeting. Applicant has a 15 cfs direct diversion right from Cache Creek, decreed in Case No. 86CW79. They are proposing to replace the evaporative depletions associated with this right with water leased from UAWCD. Staff, in cooperation with the Attorney General's Office, has entered into a stipulation with Applicant to ensure that the CWCB's instream flow water rights will not be injured. The decree was entered on 2/13/2020.

The CWCB holds instream flow water rights, including the following, in Water Division 2 in the Arkansas River Headwaters watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
98CW0164	Cache Creek	confl unnamed tributary	confl Arkansas River	1 (12/1 - 4/30) 3 (5/1 - 10/14) 1.5 (10/15 - 11/30)	01/29/1998

In addition to standard terms regarding measuring devices, accounting and retained jurisdiction, the Applicant has agreed to the following additional protective terms and conditions:

- “26.a. The CWCB holds an instream flow water right on Cache Creek decreed in Case No. 98CW164 (“Cache Creek ISF”). The reach of the Cache Creek ISF is located downstream from the depletions from the Gold Basin Mine Placer Ponds, but upstream from the confluence with the Arkansas River where the replacement water will be delivered. 26.b. Applicant’s water rights decreed in Case No. 86CW79 are senior to the Cache Creek ISF, and so when those water rights are diverted in-priority under that decree, such diversions need not be curtailed in order to satisfy a call by the junior Cache Creek ISF. 26.c. The CWCB is entitled to maintenance of the stream conditions existing at the time of its appropriation and to resist proposed developments through augmentation plans that in any way materially injure the Cache Creek ISF. See Colo. Water Conservation Bd. v. City of Central, 125 P.3d 424, 440 (Colo. 2005). Thus, and except as described under paragraph 26.d, below, out-of-priority depletions from the Gold Basin Mine Placer Ponds are not senior to the Cache Creek ISF and shall be subject to administration during a call by the Cache Creek ISF. In the event of such a call, Applicant shall cease any out-of-priority diversions augmented under this decree and shall cause the level of the Gold Basin Mine Placer Ponds to fall commensurate with any evaporation in excess of that described in paragraph 18, above. 26.d. Pursuant to C.R.S. § 37-92-102(3)(b), and in recognition of Applicant’s historical water uses and practices that preceded the appropriation of the Cache Creek ISF, uses of the Gold Basin Mine Placer Ponds at the following rates and volumes shall not be subject to administration during a call by the Cache Creek ISF: 26.d.i. An annual initial fill of the Gold Basin Mine Placer Ponds in the amount of the total combined capacity of the ponds or 2.0 acre-feet per year, whichever is less. When operating pursuant to this augmentation plan, the diversion rate for the initial fill into the Gold Basin Mine Placer Ponds shall be limited to 50 gpm. 26.d.ii. Refill of the Gold Basin Mine Placer Ponds of 0.63 acre-feet annually and at the monthly volumes necessary to replace evaporation as described in paragraph 18 above. 26.e. The subordination of the Cache Creek ISF to Applicant’s uses for the Gold Basin Mine Placer Ponds described herein pursuant to C.R.S. § 37-92-102(3)(b) shall not interfere with the administration of the Gold Basin Mine Placer Ponds in priority as against other

water rights, and shall not result in general subordination of the Cache Creek ISF to any other water rights. 26.f. At times when the Cache Creek ISF is being administered, any diversions in excess of the rates and amounts described in paragraph 26.d., above, shall be returned to the stream unconsumed upstream of the upper terminus of the Cache Creek ISF.”

### (3) Case No. 18CW3033 (Water Division 2) - Application of Sheep Camp Holdings, LLC

The Board ratified this Statement of Opposition at its July 2018 meeting. Applicant requested a change of water right and approval of plan of augmentation. Staff, in cooperation with the Attorney General’s Office, has entered into a stipulation with Applicant to ensure that the CWCB’s instream flow water rights will not be injured.

The CWCB holds instream flow water rights, including the following, in Water Division 2 in the Purgatoire watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
09CW0090	Purgatoire River	confl M/N Fork Purgatoire River	confl Lopez Canyon	21 (5/15 - 8/15) 15 (8/16 - 9/15) 8.4 (9/16 - 11/30) 7 (12/1 - 4/14) 8.4 (4/15 - 5/14)	01/27/2009
09CW0088	South Fork Purgatoire River	confl unnamed tributary	confl Torres Canyon	18 (6/1 - 6/30) 13 (7/1 - 8/15) 5 (8/16 - 10/15) 3 (10/16 - 4/30) 9.6 (5/1 - 5/31)	01/27/2009

In addition to standard terms regarding measuring devices, accounting and retained jurisdiction, the Applicant has agreed to the following additional protective terms and conditions:

- “35. The CWCB has instream flow water rights on the South Fork Purgatoire River decreed in Case No. 09CW88 and on the Purgatoire River decreed in Case No. 09CW90 (collectively, “Purgatoire ISFs”). Pursuant to §37-92-102(3)(b), C.R.S., and in recognition of Applicant’s historical water uses and practices that preceded the appropriation of the Purgatoire ISFs, Applicant shall not be required to augment out-of-priority depletions of water as described in this decree from the Tercio Lodge Pond, the Tercio Lodge Forebay, or Sheep Camp #3 Pond solely to satisfy a call under the decrees entered in Case Nos. 09CW88 and 09CW90, so long as the sizes of the structures do not exceed the capacities described under paragraph 12, above, or the surface areas described in Table 4 of paragraph 17, above. The subordination of the Purgatoire ISFs to Applicant’s uses for the Tercio Lodge Pond, the Tercio Lodge Forebay, and Sheep Camp #3 Pond decreed herein, pursuant to §37-92-102(3)(b), C.R.S., shall not interfere with the administration of said structures in priority as against other water rights, and shall not result in general subordination of the Purgatoire ISFs to any other water rights junior to those instream flow water rights. While the Purgatoire ISFs are subject to the Applicant’s uses for the Tercio Lodge Pond, the Tercio Lodge Forebay, and Sheep Camp #3 Pond as decreed herein, pursuant

to §37-92-102(3)(b), C.R.S., these structures and augmentation plan decreed herein will be administered subject to the prior appropriation system in relation to all other water rights.”

- “39. Additional Sources of Augmentation Water. In addition to the Subject Water Rights and in accordance with §37-92-305(8)(c), C.R.S., the Court may authorize Applicant to use supplies of water of limited duration and additional or alternative sources of replacement water, including water leased by the Applicant, to satisfy its replacement obligations associated with the plan for augmentation, provided that such supplies and sources are decreed or lawfully available for replacement use. This paragraph sets forth the procedures under which these sources may be used as additional or alternative sources of replacement water under this decree.”

**(4) Case No. 18CW3044 (Water Division 2) - Application of B Lazy M Ranch Owners Association**

The Board ratified this Statement of Opposition at its November 2018 meeting. Applicant requested a change of water right, approval of plan for augmentation, and appropriative rights of substitution and exchange. Staff, in cooperation with the Attorney General’s Office, has entered into a stipulation with Applicant to ensure that the CWCB’s instream flow water rights will not be injured.

The CWCB holds instream flow water rights, including the following, in Water Division 2 in the Upper Arkansas watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
00CW0101	Fourmile Creek	confl Barnard Creek	confl High Creek	5.8 (4/15 - 10/14) 2.75 (10/15 - 4/14)	01/26/2000
00CW0101	Fourmile Creek	confl Barnard Creek	confl High Creek	5.8 (4/15 - 10/14) 2.75 (10/15 - 4/14)	01/26/2000
00CW0102	Fourmile Creek	confl High Creek	confl Cripple Creek	8.2 (4/15 - 10/14) 4.9 (10/15 - 4/14)	01/26/2000
00CW0103	Fourmile Creek	confl Cripple Creek	confl Trail Gulch	4.5 (10/15 - 4/14) 9.4 (4/15 - 10/14)	01/26/2000
00CW0104	Fourmile Creek	confl Trail Gulch	confl Felch Creek	9.1 (4/15 - 10/14) 4.75 (10/15 - 4/14)	01/26/2000
00CW0105	Fourmile Creek	confl Felch Creek	hdgt Canon Heights div structure	5 (10/15 - 4/14) 9.5 (4/15 - 10/14)	01/26/2000
00CW0106	Fourmile Creek	hdgt Canon Heights div structure	confl Wilson Creek	9.5 (5/15 - 6/14) 5 (11/1 - 3/31) 3.5 (4/1 - 5/14) 3.5 (6/15 - 10/31)	01/26/2000

In addition to standard terms regarding measuring devices, accounting and retained jurisdiction, the Applicant has agreed to the following additional protective terms and conditions:

- “20. Based on the March 8, 1963 appropriation date decreed in Case No. 11CW54, the decreed uses of Jordan Reservoir, specifically recreation, maintenance and propagation of fish and wildlife, and fire protection, were being made up to the amount decreed in Case No. 11CW54 pursuant to appropriation or practices in existence at the time of the CWCB’s appropriations of instream flow rights on Four Mile Creek in Case Nos. 00CW101, 00CW102, 00CW103, 00CW104, and 00CW105 (collectively, “CWCB ISF Rights”). Pursuant to C.R.S. § 37-92-102(3)(b), therefore, the CWCB ISF Rights are subject and shall be subordinate to the uses and amount decreed for Jordan Reservoir in Case No. 11CW54. The decree in Case No. 11CW54 does not confirm any appropriation for a refill right in Jordan Reservoir. To the extent that Jordan Reservoir has lawfully been refilled to replace evaporative losses prior to 2000 with an undecreed diversion (“Evaporative Loss Replacement Refill”), the CWCB’s instream flow rights are also subject to that Evaporative Loss Replacement Refill up to the amount of such refill. Therefore, CWCB agrees that the CWCB ISF Rights are subject and subordinate to (1) the uses and amount decreed for Jordan Reservoir in Case No. 11CW54 and (2) the Evaporative Loss Replacement Refill of Jordan Reservoir up to the amount of such refill. However, the CWCB ISF Rights are not subject or subordinate to any fill or refill of Jordan Reservoir beyond the uses and amount decreed for Jordan Reservoir in Case No. 11CW54 and such Evaporative Loss Replacement Refill amount. For example, if Jordan Reservoir releases an amount or amounts of augmentation water in a given year, the CWCB ISF Rights are not subject or subordinate to the refill of such amounts in that same year or in subsequent year(s).”

**(5) & (6) Case Nos. 16CW3085 & 16CW3086 (Water Division 4) - Application of Town of Crested Butte**

The Board ratified these Statements of Opposition at its March 2017 meeting. Applicant requested changes of 0.5 cfs of its water right and 0.64 cfs of its contractual interest in water, as well as appropriative rights of exchange. Both change cases are changes to points of diversion, additional places of use, and types of use for use within the Town of Crested Butte's current service area and as it is extended in the future. Staff, in cooperation with the Attorney General’s Office, has entered into stipulations with Applicant in each of these companion cases to ensure that the CWCB’s instream flow water rights will not be injured.

The CWCB holds instream flow water rights, including the following, in Water Division 4 in the East-Taylor watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
80CW0102	Coal Creek	headwaters in vicinity	confl Slate River	2 (1/1 - 12/31)	03/17/1980
83CW0230	East River	confl Brush Creek	confl Alkali Creek	10 (1/1 - 12/31)	06/03/1982
83CW0228	East River	confl Alkali Creek	confl Taylor River	27 (10/1 - 4/30) 50 (5/1 - 9/30)	06/03/1982
80CW0092	Slate River	confl Coal Creek	confl East River	12 (12/1 - 3/31) 23 (4/1 - 11/30)	03/17/1980

In addition to standard terms regarding measuring devices, accounting and retained jurisdiction, the Applicant has agreed to the following additional protective terms and

conditions:

- The CWCB holds an instream flow water (“ISF”) right on Coal Creek decreed for 2.0 c.f.s. year-round in Case No. 80CW102, Division 4 Water Court. Applicant shall not divert the changed water right at either of the APODs when such diversion will result in less than 2.0 c.f.s. of flow at any point during administration on Coal Creek on the approximate 2-mile stretch of Coal Creek between the intake structure of the Crested Butte Water Ditch and the headgate of the McCormick Ditch.
- Applicant shall divert the changed water right at the APODs only during the historical irrigation season of May through September.
- Maintenance of Irrigation Season Return Flows. Applicant’s return flow obligations are set forth in the table below and Exhibit D. If and to the extent that Applicant is diverting the water right changed in this case for its changed uses, Applicant shall meet historical return flow obligations in time, place and amount during the irrigation season of May through September, by electing one of the following scenarios: (1) leaving the historical return flow component of the subject 0.31 c.f.s. in the stream; or (2) diverting the historical return flow component at the APODs and then delivering the return flow component to the Slate River via Applicant’s municipal water supply and delivery system so that such return flows accrue to the Slate River at or above the point described in paragraph 5.E.viii below. Under scenario 1, in order to meet the return flow obligation, Applicant shall be limited to the diversion limits shown below. Applicant may divert up to the quantified NSD credit of 16.32 acre-feet.
- Maintenance of Non-Irrigation Season Return Flows. If and to the extent that Applicant has diverted the water right changed in this case and diverted the subject changed interest in McCormick Ditch, Priority 164 for the changed uses, Applicant shall meet its non-irrigation season return flow obligations shown in Exhibit D (column 11) in time, place and amount by electing and utilizing one or more of the following water supplies, alone or in combination: (a) release of NSDs in excess of historical consumptive use stored in Glazier Pond (the pond at the water treatment plant) shown on Exhibit A; (b) accretions resulting from NSDs diverted into a recharge storage facility located in Rainbow Park, shown on Exhibit A; (c) releasing water stored in Lake Irwin (a/k/a/ Brennand Reservoir), shown on Exhibit A, under the Town’s municipal water storage right, decreed in Civil Action 2563, Gunnison County District Court, pursuant to the terms and conditions for the water right; or (d) using additional water supplies developed in the future pursuant to the procedure set forth below.
- Applicant shall ensure that the replacement water for both its irrigation and non-irrigation season return flow obligations reaches the location where the return flows historically accrued to the stream described as the point of on the Slate River located in the NE ¼ SE ¼ of Section 2, Township 14 South, Ranch 86 West of the 6th P.M., approximately 1308 feet from the East section line and 2311 feet from the South section line (Gunnison County) (UTM coordinates: Easting 0329314, Northing 4303648; Zone 13) and shown on Exhibit E (point of potable irrigation return flows). Applicant shall install and maintain any measuring devices necessary and/or required by the Division Engineer to measure the discharge of effluent from its municipal water system into the Slate River.

- The CWCB holds several decreed ISF water rights on Coal Creek and the Slate River. Specifically, the CWCB holds: (1) an ISF on Coal Creek for 2.0 c.f.s. year-round decreed in Case No. 80CW102, Division 4 Water Court; and (2) an ISF on the Slate River for 12.0 c.f.s. (Dec. 1 - March 31) and 23.0 c.f.s. (Apr. 1 - Nov. 20) decreed in Case No. 80CW92, Division 4 Water Court. Applicant shall not operate the Coal Creek or Slate River Exchanges at any time that the ISF water rights described in this paragraph are not being met and are being administered by the Division Engineer in the reach of Coal Creek between the upstream termini and the McCormick Ditch or the Slate River between the upstream termini and the confluence with Coal Creek.

#### **(7) Case No. 18CW3065 (Water Division 4) - Application of Double RL Company**

The Board ratified this Statement of Opposition at its March 2019 meeting. Applicant seeks water storage rights. Staff, in cooperation with the Attorney General's Office, has entered into a stipulation with Applicant to ensure that the CWCB's instream flow water rights will not be injured. The water court referee entered the court's ruling in this case on 2/7/2020.

The CWCB holds instream flow water rights, including the following, in Water Division 4 in the Uncompahgre watershed that could be injured by this application:

<b>Case Number</b>	<b>Stream</b>	<b>Upper Terminus</b>	<b>Lower Terminus</b>	<b>CFS Rate (Dates)</b>	<b>Approp. Date</b>
84CW0425	Beaver Creek	headwaters in vicinity	confl EF Dallas Creek	1.5 (1/1 - 12/31)	05/04/1984
98CW0234	Dallas Creek	confl E & W Forks Dallas Cr	confl Ridgway Reservoir	9 (10/15 - 4/30) 20 (5/1 - 10/14)	07/13/1998
98CW0222	Uncompahgre River	Highway 62 bridge	confl Ridgway Res	20 (10/15 - 4/30) 65 (5/1 - 10/14)	07/13/1998
84CW0423	West Fork Dallas Creek	headwaters in vicinity	hdgt Burkhart Eddy div	2.5 (1/1 - 12/31)	05/04/1984

In addition to standard terms regarding measuring devices, accounting and retained jurisdiction, the Applicant has agreed to the following additional protective terms and conditions:

- "5.G (1). The Marlboro Pond was in existence and being used for stockwatering before the CWCB's instream flow water rights were appropriated on Beaver Creek in Case No. 84CW0425, Dallas Creek in Case No. 98CW0234 and the Uncompahgre River in Case No. 98CW0222. Therefore, the Marlboro Pond water right is a use of water to which the instream flow rights are subject pursuant to C.R.S. § 37-92-102(3)(b). While the CWCB's instream flow rights decreed in Case Nos. 84CW0425, 98CW0234 and 98CW0222 are subject to the Marlboro Pond water right decreed herein, the Marlboro Pond will be administered under the prior appropriation system in relation to all other water rights. Administration of this provision shall not result in a general subordination of the CWCB instream flow water rights to any other water rights.
- 5.G (2). Cattail Pond was not in existence prior to appropriation of CWCB's instream flow water rights on West Fork Dallas Creek decreed in Case Nos. 84CW0423, Dallas Creek in Case No. 98CW0234 and the Uncompahgre River in Case No. 98CW0222, and therefore the Cattail Pond water right will be administered as junior to the CWCB water rights. When

the CWCB water rights are not met and being administered, Applicant shall not divert or store water in Cattail Pond by curtailing any ditch diversions for the Cattail Pond at the Carroll Ditch and Ruffe-Wade Ditch headgates. All local inflow to the pond shall be bypassed to the stream system and the pond should drop commensurate with evaporation and other losses.

- 6.A. Outlet Works. Marlboro and Cattail Pond shall be equipped with outlet works capable of passing all out of priority inflows.
- 6.B. Freshening Flows. When diverting for the purpose of running freshening flows into Cattail Pond, the Carroll Ditch and Ruffe-Wade Ditch shall be limited to diverting at a collective rate of 1 cfs from April 1 to October 31 of each year, and at a collective rate of 0.25 cfs from November 1 to March 31 of each year.
- 6.C. Curtailment. When CWCB water rights are not met and being administered, Applicant shall not divert or store water in Cattail Pond by curtailing any ditch diversions for the Cattail Pond at the Carroll Ditch and Ruffe-Wade Ditch headgates. All local inflow to the pond shall be bypassed to the stream system and the pond should drop commensurate with evaporation and other losses.”

#### **(8) Case No. 19CW3012 (Water Division 4) - Application of Double RL Company**

The Board ratified this Statement of Opposition at its May 2019 meeting. Applicant requested changes of water rights, but dropped one claim so that the case is only to correct a legal description. Staff, in cooperation with the Attorney General’s Office, has entered into a stipulation with Applicant to ensure that the CWCB’s instream flow water rights will not be injured. The water court referee entered the court’s ruling in this case on 2/7/2020.

The CWCB holds instream flow water rights, including the following, in Water Division 4 in the Uncompahgre watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
98CW0234	Dallas Creek	confl E & W Forks Dallas Cr	confl Ridgway Reservoir	9 (10/15 - 4/30) 20 (5/1 - 10/14)	07/13/1998

In addition to standard terms regarding measuring devices, accounting and retained jurisdiction, no additional protective terms and conditions were required after Applicant dropped the change case that could have caused injury.

#### **B. LETTERS-IN-LIEU**

The following cases were resolved by Staff through negotiated letters in lieu of filing water court Statements of Opposition. This method of settlement is preferred when facts and time allow such negotiation before the Statement of Opposition period ends. In each case, CWCB staff will continue to monitor the proposed rulings and decrees. In each case, Applicant has agreed to not oppose a motion to intervene if the agreed upon terms are not included. The



following were negotiated to resolution:

**(1) Case No. 19CW3250 (Water Division 1) - Application of Eldora Enterprises LLC**

During the December 2019 Water Court Resume Review, CWCB staff identified concerns regarding potential injury to CWCB's instream flow water rights decreed in Case No. 87CW0285 on Jenny Creek. This case was resolved with CWCB by a letter agreement, dated February 19, 2020, by which CWCB agreed not to file a Statement of Opposition, provided Applicant incorporates the following terms and conditions into any draft and final decrees and Applicant agrees to not oppose a motion to intervene by CWCB if such terms and conditions are not included. The terms and conditions are as follows:

- "Eldora shall not operate the exchange decreed herein when flow in Jenny Creek is below the Colorado Water Conservation Board's instream flow water right of 1 cfs decreed in Case No. 87CW285, Water Division 1."

**(2) Case No. 19CW3078 (Water Division 4) - Application of Summer Camp Ranch, LLC**

During the November 2019 Water Court Resume Review, CWCB staff identified concerns regarding potential injury to CWCB's instream flow water rights decreed in Case Nos. 11CW0129 on San Miguel River and 84CW0442 on Naturita Creek. This case was resolved with CWCB by a letter agreement, dated January 30, 2020, by which CWCB agreed not to file a Statement of Opposition, provided Applicant incorporates the following terms and conditions into any draft and final decrees and Applicant agrees to not oppose a motion to intervene by CWCB if such terms and conditions are not included. The terms and conditions are as follows:

- "Colorado Water Conservation Board Instream Flow Water Rights on Naturita Creek and the San Miguel River: The Home Spring as decreed herein in the amount of 55 gpm to provide water for domestic, fire protection, and commercial uses associated with use cabin and guest accommodations; and stockwatering from the North and South Ponds were practices in existence at the time of the instream flow water rights appropriations on Naturita Creek and the San Miguel River decreed in Case Nos. 11CW129 and 84CW442. Pursuant to Section 37-92-102(3)(b), C.R.S., the Home Spring and North and South Ponds water rights may continue to divert up to the decreed amount herein during a Colorado Water Conservation Board ("CWCB") call for its instream flow water rights decreed in Case Nos. 11CW129 and 84CW442. The subordination of the instream flow water rights to the Applicant's water uses decreed herein pursuant to 37-92-102(3)(b) shall not interfere with the administration of the water rights decreed herein in priority as against all other water rights and shall not result in general subordination of the CWCB's decreed Naturita Creek and San Miguel River instream flow rights to any other water rights junior to such instream flow water rights."

### **(3) Case No. 19CW3173 (Water Division 5) - Application of Hackstaff Ranch, LLC**

During the December 2019 Water Court Resume Review, CWCB staff identified concerns regarding potential injury to CWCB's instream flow water rights decreed in Case Nos. 80CW0446 on Colorado River, 80CW0447 on Colorado River, 80CW0448 on Colorado River and 90CW0308 on Fraser River. This case was resolved with CWCB by a letter agreement, dated February 19, 2020, by which CWCB agreed not to file a statement of opposition, provided Applicant incorporates the following terms and conditions into any draft and final decrees and Applicant agrees to not oppose a motion to intervene by CWCB if such terms and conditions are not included. The terms and conditions are as follows:

1. "Applicant recognizes that the Colorado Water Conservation Board's existing instream flow water rights on the Fraser River and the Colorado River decreed in Case Nos. 90CW308, 80CW446, 80CW447, and 80CW448, Water Division 5 were decreed prior to the filing of this case."
2. "The claimed exchanges on the Colorado River and the Fraser River extend from the location of replacement water from Wolford Reservoir accruing to the Colorado River up to the headgate of the Scybert Ditch with an appropriation date of October 4, 2019."
3. "The Exchanges and the Hackstaff Pond water rights claimed herein are junior to CWCB's previously decreed instream flow water rights on the Fraser River and the Colorado River. When any of these instream flow water rights are not met and the stream is being administered, the exchanges and Hackstaff Pond water rights shall be curtailed at the headgate of the Scybert ditch. At such time, the Scybert Ditch shall only divert its senior water rights to the extent needed for irrigation."

### **C. LETTER to APPLICANT - NO OTHER ACTION TAKEN**

CWCB staff sent letters to the Applicants in the following cases, with copies to the State and Division Engineers, for the purpose of notifying the Applicant that while staff might see a potential for injury to ISF water rights from the specified claims in the application, staff did not file a Statement of Opposition based upon its understanding of the law as it applies to those claims, and in reliance on priority water rights administration.

### **(1) Case No. 19CW0006 (Water Division 2) - Application of Terry J. Peavler**

During the November 2019 Water Court Resume Review, CWCB staff identified concerns regarding potential injury to CWCB's instream flow water rights decreed in Case No. W4663(1977) on North Cottonwood Creek. Rather than filing a Statement of Opposition, CWCB staff sent a letter to the Applicant with copies to the State and Division Engineers.

The letter states the following:

In the process of reviewing the water court resume, this case came to the attention of the Colorado Water Conservation Board (CWCB) staff, specifically for a potential injury to CWCB's instream flow water rights on Cottonwood Creek. In an effort to resolve our

concerns and not hold up your application, the CWCB requests the following term and condition be included into the decree for this case:

"This change of the direct flow water right allows only a change in the point of diversion; the decree does not authorize a change in place of use, type of use, or season of use of the water."

**(2) Case No. 19CW3128 (Water Division 5) - Application of The Fulford Association, Inc**

During the November 2019 Water Court Resume Review, CWCB staff identified concerns regarding potential injury to CWCB's instream flow water rights decreed in Case No. 85CW0656 on Nolan Creek. Rather than filing a Statement of Opposition, CWCB staff sent a letter to the Applicant with copies to the State and Division Engineers. For this case, Applicant responded in the affirmative.

The letter states the following:

"During January 2020 resume review CWCB staff noticed this application. While we are not necessarily concerned with the water right or the point of diversion change/correction in the legal description, staff took note of the statement in the application at paragraph 3 C. The statement is "There are no water rights decreed between the decreed location of the Fulford Cistern and Pipeline and the new location described herein..." However, CWCB holds a water right in this reach of Nolan Creek, therefore the statement is not accurate, and should not be included in a decree."



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

1313 Sherman Street  
Denver, CO 80203

P (303) 866-3441  
F (303) 866-4474

Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

**TO:** Colorado Water Conservation Board Members

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

**Board Meeting:** March 11-12, 2020 Board Meeting

**Directors Report:** Water Project Loans  
Interest Rates

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### Introduction

The CWCB establishes interest rates bi-monthly for the Water Project Loan Program (per Financial Policy #7).

The current rates for a 30-year term are as follows:

- 1.35% - Agricultural
- 1.90% - Low-income Municipal
- 2.15% - Middle-income Municipal
- 2.35% - High-income Municipal
- 6.00% - Commercial
- 2.00% - Hydroelectric

The standard loan term is 30 years. Rates are reduced by 0.25% for 20-year loans, and by 0.60% for 10-year loans. Rates are increased by 0.25% for 40-year loans.

The rates can also be found on the CWCB web site under the "Loans and Grants" tab. These rates will be applicable for loans presented at this Board meeting.





**COLORADO**

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Department of Natural Resources

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Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

**TO:** Colorado Water Conservation Board Members

**FROM:** Matthew Stearns, P.E., Project Development

**DATE:** March 11-12, 2020 Board Meeting

**DIRECTORS REPORT: Water Project Loan Program**  
Prequalified Project List and Loan Prospect Summary

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The Finance Section compiles a list of prequalified projects for the Water Project Loan Program. In order to be included on this list, potential borrowers must submit a Loan Application and three years of financial statements to the CWCB staff. In addition, Borrowers requesting to be placed on the Prequalification Project List have a defined project, have performed preliminary engineering, and have a reasonable estimate of the project costs.

Projects on this list fit the initial criteria of the Water Project Loan Program; however, the list does not constitute loan approval. In order to receive a loan, borrowers must additionally submit a completed Loan Feasibility Study for review by CWCB staff. Staff will then prepare a recommendation to the Board for approval at a future CWCB meeting. Projects will remain on this list for one year from the date of the application or until Board approval of a loan.



## Prequalified Project List

BORROWER	PROJECT NAME	APPLICATION DATE	BASIN	PROJECT DESCRIPTION	PROJECT COST/LOAN AMOUNT
Previously Approved Applications					
	No prequalified projects at this time				
Total					\$ -



The Finance Section also compiles a list of potential borrowers/projects for the Water Project Loan Program. This list represents borrowers that have contacted the CWCB about a potential need for funding but have not submitted a loan application and loan feasibility study.

BORROWER	PROJECT NAME	POTENTIAL LOAN AMOUNT
<b>South Platte</b>		
NISP Participants	NISP	\$100,000,000
Woods Lake Mutual Ditch Company	Culvert Replacement	\$150,000
Town of Kersey	Water Line Project	TBD
Riverside Reservoir and Land Company	Ditch Rehabilitation	\$250,000
Town of Bennett	Raw Water Tank	\$500,000
Evergreen Metro District	Evergreen Dam Enlargement	TBD
Left Hand Water District	Dry Creek Reservoir	TBD
Roxborough Water & Sanitation District	Reservoir Rehabilitation	TBD
Shawnee Water Consumers Association	Reservoir Rehabilitation	\$200,000
Boulder and White Rock Ditch & Res. Co.	Reservoir Dredging	TBD
Western Mutual Ditch Company	Reservoir Dredging	TBD
Bergen Ditch and Reservoir Company	Reservoir Rehabilitation	TBD
Louviers Water and Sanitation District	Regional Connection	TBD
City of Fort Collins	Irrigation Ditch Piping	\$20,000,000
Northern Colorado WCD	Windy Gap Firming (increase)	\$40,000,000
Cherry Creek Water Project Authority	Walker Pit	\$8,000,000
City of Loveland	Reservoir Enlargement	TBD
Arapahoe County W/WW Authority	Reservoir Rehabilitation	\$2,500,000
Lookout Mountain MD	Reservoir Rehabilitation	\$2,000,000
Rural Ditch Company	Diversion Structure Improvements	\$760,000
<b>Subtotal</b>		<b>\$174,360,000</b>
<b>Arkansas</b>		
Oxford Ditch	Siphon Repair	\$1,800,000
Town of Manitou Springs	Raw Water Pipeline	\$3,000,000
City of Woodland Park	Storage Project	\$1,000,000
Fort Lyon Canal Company	Adobe Creek Enlargement	\$8,000,000
Deweese Ditch and Reservoir Co.	Reservoir Enlargement	TBD
Holbrook Ditch Company	Reservoir Enlargement	TBD
Lake County	New Reservoir	TBD
Catlin Canal Company	Canal System Improvement	\$1,500,000
Empire Lodge HOA	Water Rights Purchase	\$700,000
Lower Arkansas WCD	New Storage Account	TBD
Donala Water and Sanitation District	Ditch Construction	TBD
<b>Subtotal</b>		<b>\$16,000,000</b>
<b>San Miguel/Juan</b>		
Town of Bayfield	Ditch Piping Project	\$500,000
Redmesa Reservoir and Ditch Company	Redmesa Reservoir Enlargement	\$5,000,000
City of Cortez	Distribution System (Loss Prevention)	\$10,000,000
Webber Ditch Company	Ditch Piping	TBD
<b>Subtotal</b>		<b>\$15,500,000</b>



BORROWER	PROJECT NAME	POTENTIAL LOAN AMOUNT
<b>Colorado</b>		
Town of Breckenridge	Goose Pasture Tarn Dam	\$10,000,000
Orchard Mesa Irrigation District	Lateral Piping	\$300,000
Silt Water Conservancy District	Harvey Gap Reservoir	\$300,000
Middle Ditch	Ditch Piping Project	TBD
New Multa Trina Ditch Company	Ditch Piping Project	TBD
Grand River Water Company	Ditch Piping Project	\$100,000
Lateral Ditch ML47	Ditch Piping Project	\$620,000
<b>Subtotal</b>		<b>\$11,320,000</b>
<b>Gunnison</b>		
Gunnison County Electric	Taylor Park Hydro	\$1,000,000
Duke Ditch Company	Ditch Piping Project	\$400,000
Redlands Water & Power Company	Pipe Replacement	\$400,000
City of Grand Junction	Pipeline Replacement/Dam Rehab	\$22,000,000
<b>Subtotal</b>		<b>\$23,800,000</b>
<b>North Platte</b>		
No projects at this time		
<b>Subtotal</b>		<b>\$0</b>
<b>Rio Grande</b>		
Manassa Land & Irrigation Co.	Ditch Rehabilitation	\$6,000,000
Baca Grande WSD	Water Rights Purchase	\$1,000,000
Sanchez Ditch and Reservoir Co.	Dam Rehabilitation	\$4,000,000
Rio Grande WCD - Subdistrict #1	Water Rights Purchase	\$5,000,000
Trinchera Water Conservancy District	Water Rights Purchase or Lease	\$2,000,000
Town of Center	Water Meter Project	\$200,000
San Luis Valley Water Conservancy District	Shaw Reservoir Purchase	TBD
<b>Subtotal</b>		<b>\$18,200,000</b>
<b>Yampa</b>		
Town of Oak Creek	Reservoir Rehabilitation	\$500,000
Rio Blanco WCD	Wolf Creek Reservoir	\$100,000,000
<b>Subtotal</b>		<b>\$100,500,000</b>







## COLORADO

### Colorado Water Conservation Board

Department of Natural Resources

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Jared Polis, Governor

Dan Gibbs, DNR Executive Director

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To: Colorado Water Conservation Board Members

From: Kirk Russell, P.E., Finance Section Chief  
Jessica Halvorsen, Program Assistant

Board Meeting: March 11-12, 2020 Board Meeting

Directors Report: Water Project Loan Program, Design & Construction Status Report

The CWCB Loan Program has Substantially Completed seventeen (17) projects in Fiscal Year 2019 - 2020 as shown in Table 1. There are currently fifty one (51) projects authorized to receive loan funding totaling \$307 million. There are forty one (41) projects currently under contract and in the Design and Construction phase totaling \$197 million.

The attached spreadsheet summarizes the status of the projects. A detailed description about each project is provided in the digital version of the Director's Report.

TABLE 1

	Borrower	Project	County	Loan Amount	Complete
1	Lamar, City of	Repurposing of Wells 12 and 13	Prowers	\$83,200	7/1/2019
2	Trinchera Irrigation Company	Mountain Home Dam Outlet Reha	Costilla	\$643,715	9/1/2019 (a)
3	Central Colorado WCD	Chatfield Reallocation	Weld	\$19,812,059	9/1/2019 (b)
4	Bonus Ditch Company	St. Vrain Diversion Replacement	Longmont/Boulder	\$1,144,351	9/1/2019
5	Castle Pines North Metro Dist.	Chatfield Reallocation	Douglas	5,462,484	9/1/2019 (c)
6	Chilcott Ditch Company	Chilcott Augmentation Station	El Paso	\$266,217	10/1/2019
7	Centennial Water & San. Dist.	Chatfield Reallocation	Douglas	\$37,573,717	11/1/2019 (d)
8	Empire, Town of	Guanella Res. Storage Purchase	Clear Creek	\$124,230	11/1/2019 (e)
9	Cottonwood Water & San. District	Water Infra & Sup. Effncy (WISE)	Douglas/Arapahoe	\$347,967	12/1/2019
10	Inverness Water & San. District	Water Infra & Sup. Effncy (WISE)	Douglas/Arapahoe	\$431,914	12/1/2019
11	Pinery Water & Wastewater Dist	Water Infra & Sup. Effncy (WISE)	Douglas/Arapahoe	\$3,270,784	12/1/2019
12	Fowler, Town of	Augmentation Pipeline Project	Otero	\$60,851	12/1/2019
13	Fort Lyon Canal Company	Adobe Creek Dam Rehabilitation	Bent	\$8,053,081	2/1/2020 (f)
14	Walsenburg, City of	City Lake Dam Rehab & Enlarge	Huerfano	\$6,889,210	2/1/2020
15	Tunnel Water Company	Laramie-Poudre Tunnel Rehab	Larimer	\$1,654,041	2/1/2020
16	Roxborough Water & San. District	Ravenna Development Interconct	Douglas	\$1,464,050	2/1/2020
17	Big Elk Meadows Association	Emergency Raw Water Storage	Boulder/Larimer	\$1,729,427	2/1/2020 (g)
			Total	\$89,011,298	

Fiscal Year 2019 - 2020 has added or preserved 111,976 acre-feet of reservoir storage; (a) 17,964; (b) 4,274; (c) 1,006; (d) 6,922; (e) 10; (f) 81,692; (g) 108



Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
Projects in Design or Construction								
1	Arabian Acres >Automatic Meter Implementation CT2019-2792	Teller	\$404,000	100%	Apr 2019 - Oct 2019	98%	RP	All meters connected. Determining loan SC date.
2	Bessemmer Irrigation Ditch Company >Landslide Stabilization and Ditch Lining CT2018-2832	Pueblo	\$909,000	100%	March 2018 - Dec 2019	98%	RP	Ditch stabilization phase complete. Backfill complete along wall. Winter 2019 design/bid ditch lining. Majority ditch lining complete by 3/17/2019. Finalize construction 12/2019. Determining loan SC date.
3	Cedar Mesa Ditch Company >Lower Cedar Mesa Ditch Piping CT2020-2680	Delta	\$1,359,460	100%	Spring 2020 - Fall 2022	0%	MS	The company has selected a contractor, however, they are exploring additional grant opprtunites before moving forward with construction. Construction will likely start in November 2020.
4 - CHATFIELD Reallocation Project - First Cost of Storage								
a	Castle Pines North Metropolitan District >(C150404A) CT2018-1617	Arapahoe Douglas Park Weld	\$723,160	N/A	N/A	0%	KR	This contract is to provide reimbursement for the Chatfield Reallocation Project, specific to the "first cost of storage." Payment will be due once storage in the new reservoir pool is allowed (after Phase 1 Mitigation contract is complete). It is estimated this will occur in April 2020
b	Centennial Water & Sanitation District >(C150405A) CT2016-2053	Arapahoe Douglas Park Weld	\$4,978,290	N/A	N/A	0%	KR	
c	Center of Colorado Water Conservancy District >(C150406A) CT2016-2047	Arapahoe Douglas Park Weld	\$94,637	N/A	N/A	0%	KR	
d	Central Colorado Water Conservancy District >(C150407A) CT2016-2057	Arapahoe Douglas Park Weld	\$3,187,560	N/A	N/A	0%	KR	
5- CHATFIELD Reallocation Project - Phase 1 Mitigation								\$19,522,290
a	Castle Pines North Metropolitan District >(C150404B) CT2018-1616	Arapahoe Douglas Park Weld	\$0	100%	Sept 2017 - Fall 2019	100%	KR	These contracts provided reimbursement for the Chatfield Reallocation Project, for engineering, recreation facilities construction, on-site mitigation, off-site mitigation, and mitigation monitoring. Phase 1 covers the majority of work required before storage is allowed. All construction funds will come out of Phase 1 contract until fully disbursed, and then construction funds will come out of Phase 2's contract.
b	Centennial Water & Sanitation District >(C150405B) CT2016-2055	Arapahoe Douglas Park Weld	\$0	100%	Sept 2017 - Fall 2019	100%	KR	
c	Center of Colorado Water Conservancy District >(C150406B) CT2016-2048	Arapahoe Douglas Park Weld	\$511,363	100%	Sept 2017 - Fall 2019	100%	KR	

Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
d	Central Colorado Water Conservancy District >(C150407B) CT2016-2058	Arapahoe Douglas Park Weld	\$0	100%	Sept 2017 - Fall 2019	100%	KR	
6 - CHATFIELD Reallocation Project - Phase 2 Mitigation								\$7,000,310
a	Castle Pines North Metropolitan District >(C150404C) CT2018-1990	Arapahoe Douglas Park Weld	\$1,587,720	100%	Fall 2019 - Summer 2020	80%	KR	This contract provides reimbursement for the Chatfield Reallocation Project, for engineering, recreation facilities construction, on-site mitigation, off-site mitigation, and mitigation monitoring. Phase 2 covers the construction work remaining after Phase 1 loan funds are fully depleted.  Phase 2 began disbursement of funds with the July 2019 pay request. It was originally estimated Phase 2 work could last until 2028. However, the on-site mitigation in Phase 1 is proving more effective than planned, lessening the amount of off-site mitigation in Phase 2. It is currently anticipated that Phase 2 could be completed by summer 2020.
b	Centennial Water & Sanitation District >(C150405C) CT2016-2056	Arapahoe Douglas Park Weld	\$10,934,260	100%	Fall 2019 - Summer 2020	80%	KR	
c	Central Colorado Water Conservancy District >(C150407C) CT2016-2060	Arapahoe Douglas Weld	\$7,000,310	100%	Fall 2019 - Summer 2020	80%	KR	
7	Centennial Irrigating Ditch Company >Centennial Diversion Replacement CT2018-1999	Rio Grande	\$232,300	100%	Jan 2018 - Fall 2019	99%	CB	This diversion structure replacement is one of the five "Five Ditches" Projects undertaken with the Rio Grande Headwaters Restoration Project. Remaining work includes a concrete pad for a measuring device and some bank stabilization. Project closeout is expected by the end of the year.
8	Central Colorado Water Conservancy District WAS >Shores Lakes Pond C Infrastructure Improvement CT2018-2851	Weld	\$2,367,440	100%	Feb 2019 - Dec 2019	95%	CB	Shores Lake Pond C is a former gravel pit being retrofitted for use as an augmentation water reservoir. Work was briefly shut down due to contractor scheduling conflicts, but is now back underway. 84% of funds have been disbursed.
9	Church Ditch Water Authority >Ditch System Improvements CT2018-1335	Jefferson	\$3,615,800	95%	Dec 2017 - Jun 2020	95%	RP	Loan covers 5 individual projects within the Church Ditch system. Leyden Flushing Structure, Headgate 53 Retaining Wall complete. The Area 15 Ditch Lining, Ford Street Siphon, and Legacy Farms Culvert complete. Area 15 Ditch lining complete April 2019. Touching up access riprap before 3/2020 then will determine SC date.
10	Consolidated Ditch and Headgate Co >Consolidated Diversion and Headgate Replacement CT2018-1017	Rio Grande	\$1,010,000	100%	Jan 2018 - Fall 2019	99%	CB	This diversion structure and headgate replacement is one of the five "Five Ditches" Projects undertaken with the Rio Grande Headwaters Restoration Project. Project is essentially complete with closeout expected when the other "Five Ditches" Projects are complete.
11	Dominion Water & Sanitation District >Chatfield Storage Reallocation Project Purchase CT2020-3122	Douglas	\$4,191,989	100%	N/A	N/A	KR	Dominion is under contract to purchase 500 shares of CWCB's Orphan shares. This is expected to occur in February of 2020 with final closing documents to follow.
12	Duke Ditch Company >Piping the Duke Ditch CT2017-915 CTGG1 2017-212 (WSRF)	Delta	\$90,900	100%	No Hold	0%	AM	NRCS finalized the design in August 2018. Federal grant expired. Company is evaluating options of reapplying for federal funding in 2019 or possibly applying for a loan increase and completing project without federal grant dollars.
13	Firestone, Town of >Storage Development and Water Rights Purchase CT2017-2880	Weld	\$10,000,000	95%	May 2018 - Mar 2022	50%	RP	LG Everist to complete mining and reclamation of future reservoir in Fall 2017/Winter 2018. Lower Boulder water rights purchased in July 2017. Final design pending - engineer analyze alternatives to fill reservoir. Change case appl filed 2017 reservoir water rights. Time extension to 3/2022.

Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
14	Florida Consolidated Ditch Company >Hess Lateral Improvement CT2019-2034 CTGG1 2020-XXXX (WSRF)	La Plata	\$1,085,750	50%	Spring 2020 - Fall 2021	0%	KR	Company is currently using CDOT funds to secure ROW
15	Fruitland Irrigation Company >Tunnel and Canal Renovation CT2019-2848 CTGG1 2019-2449 CTGG1 2019-2475	Delta & Montrose	\$1,746,290	100%	Jan 2020 - Dec 2022	11%	RP	Contract needed by - 11/30/2018. Sept 2018 letter from Bureau of Reclamation recvd. Require letter prior to CWCB contract. Construction material delivery began 11/2019.
16	Grand Mesa Water Conservancy District >Peak Res. & Blanche Park Res. Rehabilitation C150354 (CT2015-061)	Delta	\$227,250	100%	Mar 2013 - Dec 2021	50%	MS	Construction on Peak Reservoir began in the 2013 season and was completed in Oct 2014. Blanche Park construction is delayed due to Forest Service permit issues and requires extensions. Access road construction began Fall 2018 and dam construction will begin summer 2020.
17 - GRAND VALLEY POWER PLANT REHABILITATION								\$3,434,000
a	Grand Valley Water Users Association >Grand Valley Power Plant Rehabilitation CT2017-2875 - SCTF	Mesa	\$1,717,000	100%	Fall 2019 - Spring 2021	0%	MS	Project was delayed due to a Dept of the Interior review of pending projects nationwide. Design is 100% complete but has not had final approval from Bureau of Reclamation. Final approval is still pending, and Association is exploring construction of a new plant nearby to avoid need for final approval.
b	Orchard Mesa Irrigation District >Grand Valley Power Plant Rehabilitation CT2017-2878 - SCTF	Mesa	\$1,717,000	100%	Fall 2019 - Spring 2021	0%	MS	Project was delayed due to a Dept of the Interior review of pending projects nationwide. Design is 100% complete but has not had final approval from Bureau of Reclamation. Final approval is still pending, and Association is exploring construction of a new plant nearby to avoid need for final approval.
18	Groundwater Management Subdistrict of CCWCD >Pioneer Reservoir CT2019-3687	Weld	\$8,697,110	50%	Fall 2021 - Spring 2022	0%	CB	This is a gravel pit retrofit for augmentation water supply. Funds for the initial reservoir purchase and some engineering were disbursed in May 2019. Construction efforts are expected to begin in 2020.
19	Hidden Valley Water District >Master Water Meter Connection CT2020-2244	Jefferson	\$1,737,200	100%	Feb 2020 - Dec 2020	5%	RP	Assets and operations are all to the District. District signed and approved EMD IGA. Precon Dec2019. Construction begin Feb 2020.
20	Huerfano County Water Conservancy District >Regional Augmentation Project C150364 (CT2015-047)	Huerfano	\$2,666,400	95%	Jan 2014 - Dec 2021	90%	RP	Land and water rights purchase occurred in January 2014. Phase I completed Oct 2017. Ph 3 - Reservoir liner complete 8/2019. Approved loan increase and time extension 11/2019 mtg.
21	Larimer & Weld Irrigation Company >Headgate Structure Replacement CT2017-2253	Larimer & Weld	\$681,750	100%	Nov 2017 - Apr 2018	98%	KR	Construction began in November 2017 and was substantially completed in April 2018. Final invoicing is expected soon.
22	Left Hand Ditch Company >Allen's Lake Filler Canal Improvements CT2019-3463	Boulder	\$772,650	99%	Spring 2020 - Summer 2020	0%	CB	This project will replace 2,750 feet of open ditch with a buried pipe. No funds have been disbursed. Construction is expected to begin after Grading Permit is received. Loan Increase was approved in January.
23	Left Hand Water District >Participation in Southern Water Supply Project II CT2018-2028	Broomfield & Weld	\$10,000,000	100%	July 2018 - March 2020	99%	CB	This contract is for LHWD's participation in Southern Water Supply Project II--a large pipeline supplying water to users in the Northern Front Range. Approximately 98% of the pipeline has been installed and 100% of loan funds have been disbursed. Substantial completion is expected in March 2020.

	Borrower/Projects	County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
24	Lower Arkansas Water Management Association >West Farm Gravel Pit Storage Purchase CT2020-2335, WPGGrant CTGG1 2020-2127	Prowers	\$3,630,950	100%	Sep 2019 - Jun 2020	100%	RP	water rights purchase
25	Missouri Heights Mountain Meadow Irr Company >Ditch Piping Phase B CT2019-2241	Garfield	\$404,000	100%	Oct 2018 - Spring 2020	35%	CB	This project will replace 9,000 feet of open irrigation ditch with buried pipe. Last winter preliminary construction work was undertaken and 17% of funds were disbursed before shutting down for the irrigation season. Work resumed in November. Accompanying grant was approved in January.
26	Ogilvy Irrigating and Land Company >Seely Reservoir Dredging CT2019-2099 CTGG1 2019-2018 (WPG)	Weld	\$2,274,520	85%	Spring 2020 - Fall 2022	0%	RP	Permitting considerations being made. Permitting/Eval. USACE 12/2019 non jurisdictional determination. Finalizing contractor agrmt, bonds, construction plans
27	Orchard Ranch Ditch Company >Orchard Ranch Ditch Pipe Project CT2016-2795 POGG1 2017-493	Delta	\$151,500	100%	Dec 2018 - Sep 2020	98%	RP	PreBid 7/23/18. Material supply issue - JUB redesign and rebid 10/2018. Construction begin 12/2018. July 2019 construction complete. Pipeline is working well. Spring 2020 reseeding and habitat replacement plan complete.
28	Pueblo Conservancy District >Arkansas River and Wildhorse Creek Levees CT2019-366	Pueblo	\$23,230,000	100%	Dec 2014 - Jun 2021	90%	RP	Funds approved June 2018. Phase 5 under construction - removing, replacing concrete where Ph4 ended. Phase 5A under construction - grouting, filling voids in toe of levee for future Ph6. Requesting loan increase 11/2019. Construction underway Phase 6
29	San Luis Valley Canal Company >San Luis Valley Canal Headgate Construction CT2019-2046	Rio Grande	\$303,000	100%	Jan 2019 - May 2019	99%	CB	This headgate replacement is one of the five "Five Ditches" Projects undertaken with the Rio Grande Headwaters Restoration Project. Project is essentially complete with closeout expected when the other "Five Ditches" Projects are complete.
30	San Luis Valley Irrigation District >Rio Grande Reservoir Rehabilitation CT-2018-3303, CTGG1-2018-1805	Hinsdale, Rio Grande	\$15,000,000	100%	Aug 2018 - June 2020	85%	KR	Moltz Constructors is in full swing on the gate house foundation & pipe installation. Tunnel work is near complete. Original gates have been encased in concrete. Reservoir releases are managed for construction of tunnel and pipe installation. New Gate House is installed.
31	Schneider Ditch Company >Diversion Structure Replacement CT2020-437	Logan	\$1,245,330	100%	Sep 2019 - May 2020	80%	CB	The SDC is replacing their diversion structure on the South Platte near Sterling. Long lead-time items have been purchased and a contractor selected. The pre-construction meeting was held in mid-October. Work began in November.
32	St. Vrain & Left Hand Water Conservancy District >Lake No. 4 Outlet Pipeline Repair CT2017-3213	Boulder	\$864,560	100%	Sept 2019 - April 2020	33%	CB	This project and the Emergency Rock'n WP are independent components of a larger rehabilitation of reservoirs destroyed in 2013. Early in the construction phase, disagreement arose between the owner and contractor and Work shut down, but is now back underway.
33	St. Vrain & Left Hand Water Conservancy District > Emergency Rock'n WP Ranch Lake No. 4 Repair CT2016-2452	Boulder	\$4,545,000	100%	Sept 2019 - April 2020	33%	CB	This project and the Lake No. 4 Outlet Pipe are independent components of a larger rehabilitation of reservoirs destroyed in 2013. Early in the construction phase, disagreement arose between the owner and contractor and Work shut down, but is now back underway.
34	Southeastern CO Water Conserv. District >Pueblo Dam Hydroelectric Project CT2018-833	Pueblo	\$17,392,200	100%	June 2017 - Dec 2020	99%	RP	Construction beginning fall 2017. District anticipates power production by fall of 2018. Tie-in to SDS complete April 2018. Waiting on transformer approval from Black Hills.Turbine and generator placement and fiber optic line approval. Functional and producing power. Finalizing adjustments and design details. Time extension 12/2020.
35	Tunnel Water Company >West Half Laramie-Poudre Tunnel Rehabilitation CT2019-3706	Larimer	\$11,615,000	100%	Sep 2019 - Apr 2021	30%	RP	Construction scheduled to begin the Fall 2019, when low water and non-irrigation season. Requesting loan increase 11/2019, 3/2020.

Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
36	Upper Platte and Beaver Canal Company >Diversion Structure Replacement CT2020-333	Morgan	\$4,435,920	0%	Fall 2020 - Winter 2020	0%	CB	This project will support the replacement of UPBCC's 1,400 foot long diversion struction on the South Platte. Project now under contract but no disbursals have been made. An application for a loan to the Duel and Sneider Ditch is currently being reviewed for their participation in the project.
37 - WALKER RECHARGE								\$15,150,000
a	Central Colorado WCD >Walker Recharge CT2020-310	Weld	\$2,272,500	100%	Fall 2019 - Spring 2020	15%	CB	The Walker Recharge project consists of diversions off the South Platte, a pipeline, and infiltration facilities to re-time augmentation flows. Two other loans and a grant are tied to the project. Construction related to the grant will began in November and the first dipursals were made in December.
b	Groundwater Management Subdistrict of CCWCD >Walker Recharge CT2020-324	Weld	\$9,847,500	100%	Fall 2019 - Spring 2020	15%	CB	The Walker Recharge project consists of diversions off the South Platte, a pipeline, and infiltration facilities to re-time augmentation flows. Two other loans and a grant are tied to the project. Construction related to the grant will began in November and the first dipursals were made in December.
c	Well Augmentation Subdistrict of CCWCD >Walker Recharge CT2020-326	Weld	\$3,030,000	100%	Fall 2019 - Spring 2020	15%	CB	The Walker Recharge project consists of diversions off the South Platte, a pipeline, and infiltration facilities to re-time augmentation flows. Two other loans and a grant are tied to the project. Construction related to the grant will began in November and the first dipursals were made in December.
38	Wiggins, Town of >Wiggins Recharge Facility at Glassey Farms CT2018-892	Morgan	\$2,408,850	95%	Spring 2019 - Summer 2019	0%	CB	The purpose of this project is to develop an augmentation water source for the Town. In August 2017 the Town purchased Glassey Farms and its associated water rights and 52% of funds were disbursed at that time. The project is currently on hold due to staffing changes.
39 -WISE Project - Phase 1 Infrastructure								\$0
a	Cottonwood W&S Dist - C150408B (CT2015-106)	Douglas/ Arapahoe	\$0	100%	SC December 1, 2019	100%	RP	Infrastructure to treatment plant completed. 42-inch Pipeline construction on Ridgeway line continues. E470 bore complete. All lines in ground and connections in place. Next step, testing. Waiting on water treatment piece before startup testing in May 2018. Ridgeway pipeline complete - punchlist items. WISE system has been delivering water since August of 2017 as connection come online. All but 2 members connected to the pipeline and those connections have been tested. Centennial Water and Sanitation has built their connection and is working on finalizing the controls programing. Anticipate CWSD start up around Fall 2018. Pinery working on physical connection and anticipate accepting water Fall 2018. Substantially complete 12/1/2019.
b	Inverness W&S Dist - C150409B (CT2015-118)	Douglas/ Arapahoe	\$0	100%	SC December 1, 2019	100%	RP	
c	Parker W&S Dist - C150410B (CT2015-108)	Douglas/ Arapahoe	\$0	100%	SC June 1, 2019	100%	RP	
d	Pinery (Den SE WSD)C150411B (CT2015-085)	Douglas/ Arapahoe	\$0	100%	SC December 1, 2019	100%	RP	
40 - WISE Project - Phase 2 Infrastructure								\$7,400,078
a	Cottonwood W&S Dist - C150408C (CT2015-105)	Douglas/ Arapahoe	\$1,127,160	100%	Spring 2020 - Fall 2022	0%	RP	Binney Connection Pipeline of Water Infrastructure and Supply Efficiency project will increase WISE flow capacity to 30MGD and provide infrastructure from Aurora Binney Facility to SMWA. Engineer Prebid
b	Inverness W&S Dist - C150409C (CT2015-119)	Douglas/ Arapahoe	\$1,427,130	100%	Spring 2020 - Fall 2022	0%	RP	

Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
c	Parker W&S Dist - C150410C (CT2015-109)	Douglas/ Arapahoe	\$3,418,658	100%	Spring 2020 - Fall 2022	0%	RP	Infrastructure from Aurora Binney Facility to SMWA. Engineer hired 11/15/18. Jacobs selected. Pump and Pipeline construction bid Feb2020, Award planned Feb2020.
d	Pinery (Den SE WSD)C150411B (CT2015-086)	Douglas/ Arapahoe	\$1,427,130	100%	Spring 2020 - Fall 2022	0%	RP	
41 - WISE Project - DIA Connection								
a	Cottonwood W&S Dist - C150408D (CT2015-104)	Douglas/ Arapahoe	\$363,600	80%	N/A	60%	RP	Annual disbursement to be made on this loan through 2021.Design Status indicates percent of funds disbursed to date. No orthophosphate determination created need for alternatives and renegotiations. Working through alternatives and have finalized by Dec2019.
b	Inverness W&S Dist - C150409D (CT2015-120)	Douglas/ Arapahoe	\$454,500	80%	N/A	60%	RP	
c	Parker W&S Dist - C150410D (CT2015-110)	Douglas/ Arapahoe	\$1,099,890	80%	N/A	60%	RP	
d	Pinery (Den SE WSD)C150411B (CT2015-087)	Douglas/ Arapahoe	\$454,500	80%	N/A	60%	RP	
		Projects Under Contract	\$196,669,987					
Approved Projects - Not Under Contract								
a	San Juan Water Conservancy District >Dry Gulch Reservoir Land Acquisition CT2020-XXXX	Archuleta	\$2,000,000	0%	Spring 201x - Fall 202x	0%	KR	Contract needed by - Postponed Indefinitely CWCB approval is conditioned on voters approving debt. Debt approval failed at November 2017 election. District is determining if/how/when to move the project forward.
b	Municipal Subdistrict >Windy Gap Project CT2020-XXXX	Larimer	\$90,000,000	0%	Summer 2020 - Summer 2023	0%	CB	Construction contract was awarded in December and allotment contracts among project participants are being drafted. Contractor was selected in October. Review of project loan conditions is currently underway for approval at the March Board Meeting.
c	Julesburg Irrigation District >Diversion Structure Rehabilitation CT2020-XXXX	Sedgwick	\$3,341,080	0%	Spring 2020 - Fall 2021	0%	CB	A landowner election was held on October 16 which resulted in approval of accepting the loan. Contracting is currently underway for this loan and the associated grant.

Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
d	Logan Irrigation District >Prewitt Reservoir Rehabilitation CT2020-XXXX Grant CTGG1 2020XXXX	Washington and Logan	\$1,849,310	0%	Spring 201x - Fall 202x	0%	CB	This project will support dredging efforts to eliminate a dead pool at Prewitt Reservoir. The project is currently on hold.
e	Taylor & Gill Ditch Company >Ditch Piping CTGG1 2020-XXXX	Larimer	\$126,500	0%	Spring 2020 - Fall 2021	0%	CB	This project will replace 1,000 feet of open ditch with a buried pipe. Contracting documents are currently out to the borrower for signing.
f	Republican River Water Conservation District >Surface Water Rights Purchase CT2020-XXXX	Yuma	\$5,570,150	100%	Spring 2020 - Fall 2020	100%	RP	water rights purchase
g	Springdale Ditch Company >Diversion Structure Replacement Project CT2020-XXXX	Logan	\$1,222,100	0%	Spring 2020 - Fall 2021	0%	CB	Currently in contracting.
h	Groundwater Management Subdistrict of Central Colorado Water Conservancy District >Hokestra Reservoir Purchase CT2020-XXXX	Weld	\$5,444,405	0%	Spring 2020 - Fall 2021	0%	CB	Currently in contracting.
i	Highland Meadow Estates at Castle Peak Ranch, Inc >Noecker Reservoir Repair CT2020-XXXX	Eagle	\$655,490				MS	
j	South Fork, Town of >Augmentation Water Purchase CT2020-XXXX	Rio Grande	\$444,400	100%	Spring 2020 - Fall 2020	100%	0	augmentation water purchase
	Not Under Contract SubTotal =		\$110,653,435					
	Grand Total =		\$307,323,422					



**WATER PROJECT CONSTRUCTION LOAN PROGRAM  
LOAN REPAYMENT DELINQUENCY REPORT  
LOAN FINANCIAL ACTIVITY REPORT  
March 2020**

**LOAN REPAYMENT DELINQUENCY**

Loan Repayments received relative to the Water Project Construction Loan Program have been reviewed for the period covering July 2019 through February 2020. The effective due date of the payment is inclusive of the Board's current 60 day late policy. Hence, the date the payment was received was compared to the last day allowable prior to the payment being considered late.

Repayments due for Fiscal Year 2020 totaled 146. All loan payments were made on time.

**LOAN FINANCIAL ACTIVITY**

Loan Financial Activity relative to the Water Project Construction Loan Program for Fiscal Year 2020 is summarized as follows: Funds received relative to loans in repayment totaled \$21.8M for this year. Funds disbursed relative to new project loans totaled \$34M for this year. Net activity resulted in \$12.2M disbursed by the CWCB Construction Fund and the Severance Tax Perpetual Base Fund (STPBF) over the total received.

Further breakdown is summarized as follows: The Construction Fund portion consists of \$13.1M in receivables and \$20.6M in disbursements for a total net activity of \$7.5M disbursed over received. The STPBF consists of \$8.7M in receivables and \$13.7M in disbursements for a total net activity of \$5M disbursed over received.

**CONSTRUCTION FUND**

Period	Principal	Interest	Total Received	Disbursements	Net Activity
July 2019	\$ 660,666	\$ 71,225	\$ 731,892	\$ 273,915	\$ 457,977
August 2019	\$ 2,265,217	\$ 324,915	\$ 2,590,132	\$ 2,390,397	\$ 199,735
September 2019	\$ 2,235,440	\$ 1,404,956	\$ 3,640,396	\$ 1,990,714	\$ 1,649,682
October 2019	\$ 325,196	\$ 144,136	\$ 469,332	\$ 2,688,540	\$ (2,219,208)
November 2019	\$ 1,164,553	\$ 126,031	\$ 1,290,584	\$ 3,285,898	\$ (1,995,314)
December 2019	\$ 1,365,072	\$ 980,813	\$ 2,345,885	\$ 3,471,963	\$ (1,126,078)
January 2020	\$ 1,038,505	\$ 349,247	\$ 1,387,752	\$ 3,989,194	\$ (2,601,441)
February 2020	\$ 347,298	\$ 274,238	\$ 621,535	\$ 2,460,326	\$ (1,838,791)
<b>FY 2020 Totals</b>	<b>\$ 9,401,947</b>	<b>\$ 3,675,561</b>	<b>\$ 13,077,508</b>	<b>\$ 20,550,947</b>	<b>\$ (7,473,439)</b>

**SEVERANCE TAX TRUST FUND PERPETUAL BASE ACCOUNT**

Period	Principal	Interest	Total Received	Disbursements	Net Activity
July 2019	\$ 47,905	\$ 27,699	\$ 75,605	\$ -	\$ 75,605
August 2019	\$ 72,309	\$ 390,111	\$ 462,420	\$ 3,115,484	\$ (2,653,064)
September 2019	\$ 3,632,085	\$ 1,263,843	\$ 4,895,928	\$ 3,198,392	\$ 1,697,536
October 2019	\$ 472,987	\$ 612,465	\$ 1,085,452	\$ 2,879,968	\$ (1,794,516)
November 2019	\$ 153,956	\$ 958,486	\$ 1,112,442	\$ 1,055,544	\$ 56,898
December 2019	\$ 240,147	\$ 108,478	\$ 348,626	\$ 468,864	\$ (120,238)
January 2020	\$ 325,118	\$ 165,860	\$ 490,977	\$ 779,935	\$ (288,957)
February 2020	\$ 168,618	\$ 107,644	\$ 276,262	\$ 1,970,987	\$ (1,694,726)
<b>FY 2020 Totals</b>	<b>\$ 5,113,126</b>	<b>\$ 3,634,585</b>	<b>\$ 8,747,711</b>	<b>\$ 13,469,173</b>	<b>\$ (4,721,463)</b>
<b>GRAND TOTALS</b>	<b>\$ 14,515,073</b>	<b>\$ 7,310,146</b>	<b>\$ 21,825,219</b>	<b>\$ 34,020,120</b>	<b>\$ (12,194,902)</b>