



COLORADO

Colorado Water Conservation Board *Department of Natural Resources*

DIRECTOR'S REPORT

May 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: May 20-21, 2020

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

~TABLE OF CONTENTS~

Pg. 3 – STATEWIDE

- CWCB Small Feasibility Grant Fund Update

Pg. 3 – COLORADO RIVER BASIN

- Colorado River Water Use

Pg. 4 – COLORADO RIVER BASIN

- Demand Management Update

Pg. 5- GUNNISON RIVER BASIN

- Recently Decreed ISF Water Rights On Coal Creek

Pg. 5- ARKANSAS RIVER BASIN

- Recently Decreed ISF Water Rights On Bonnett Creek
- Recently Decreed ISF Water Rights On Stout Creek

Pg. 6- WATER CONSERVATION AND DROUGHT PLANNING UPDATES

- CWCB Water Efficiency Grant Fund Program (WEGF) Update

Pg. 8- WATERSHED AND FLOOD UPDATES

- Community Assistance Program/NFIP Coordinator

Pg. 9 – WATERSHED AND FLOOD UPDATES

- Community Assistance Program/NFIP Coordinator
- Flood Section Welcomes New Staff Member, Part Deux

Pg. 10- WATERSHED AND FLOOD UPDATES

- Risk MAP Project Updates by Major Water Basin

Pg. 15 – AGENCY UPDATES

- 2020 Legislation Involving The Instream Flow Program And Other Water-Related Matters

Pg. 17 – INSTREAM FLOW ATTACHMENTS

- Instream Flow and Natural Lake Level Program Summary of Resolved Opposition Cases

Pg. 17 - 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

~STATEWIDE~

CWCB SMALL FEASIBILITY STUDY GRANT FUND UPDATE:

New grant applications approved:

1. North Poudre Irrigation Company – Park Creek Reservoir Expansion (\$34,645)
2. Colorado Water Protective and Development Authority – Gravel Pit Purchase and Operational Improvements (\$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)
3. Boulder & White Rock Ditch and Reservoir Company – Panama Reservoir Dredging (\$50,000)
4. City of Loveland – Green Ridge Glade Reservoir Expansion (\$50,000)

Total funds approved for feasibility study grants in FY19/20: \$273,145.

~COLORADO RIVER BASIN~

COLORADO RIVER WATER USE—

2020 Colorado River Storage as of May 4, 2020			
	Elevation (feet above mean sea level)	Storage (MAF)	Percent of Capacity
Lake Mead	1,096.08	11.388	44%
Lake Powell	3,599.26	11.680	48%
Total System Active Storage		30.641	51%
2020 Total Active Storage		27.425	46%
		Flow (MAF)	Percent of Average
Forecasted Unregulated Inflow into Powell (Forecasted Water Year 2020)		8.118	75%

Forecasted CY 2019 Lower Basin Consumptive Use		
State	Use (MAF)	Total (MAF)
Arizona	2.414	
California		
California Agricultural	3.305	
Metro. Water District	0.846	4.166
Other	0.015	
Nevada	0.243	6.823

*Note MAF = million acre-feet

Demand Management

CWCB staff and the Demand Management Project Management Team have been working pursuant to the Demand Management Work Plan, adopted by the Colorado Water Conservation Board in March 2019. The Work Plan outlined four key elements of the initial stage of the Feasibility Investigation: (1) Establish Workgroups comprised of Colorado River experts from across the state; (2) Hold three Regional Workshops; (3) Conduct Education and Outreach; and (4) Provide a Report summarizing this work to the Board to inform the Board's determination as to next steps. The purpose of this initial stage of the investigation was to convene stakeholders, water users, interested parties, and Colorado River experts, in a grassroots effort to assist in identifying key threshold issues associated with a potential Demand Management program, and to frame those issues for the Board's consideration in order for the Board to determine next steps in the process. The Interbasin Compact Committee has also contributed to the ongoing discussion, particularly relating to the issue of equity.

As the state agency charged with setting state water policy, it is the Colorado Water Conservation Board's charge to develop and guide the next steps of the feasibility investigation and eventually, to make the ultimate determination of whether Demand Management is feasible and advisable for the State of Colorado. The Project Management Team intends to engage the Board in a discussion about the work performed to date pursuant to the Work Plan, and to seek direction on next steps in Colorado's feasibility investigation.

At the July 2020 Board meeting, the Project Management Team will provide a summary and report out on the topics discussed among the workgroups and the IBCC, at regional workshops, and more broadly in community outreach. This will be followed by a Board workshop focused entirely on Demand Management, to be scheduled as circumstances permit in July or August 2020. The purpose of this workshop will be to provide an opportunity for the Board to focus on the work done and knowledge gained throughout the course of the 2019 Work Plan, and will include discussion and analysis of: (1) key threshold issues identified by the workgroups and the IBCC as summarized in the July 2020 report to the Board; (2) consideration of potential options for filling remaining data gaps identified in the report and by the Board; and (3) discussion of the communications strategy, and specifically, how Board members can be more actively engaged in public outreach and serve as key resources throughout the next stage of the feasibility investigation.

Relating to the second point regarding potential options for filling remaining data gaps, the Project Management Team anticipates the literature review to be performed by the consultants will help to inform this discussion. CWCB staff and the Project Management Team have been working to identify, select, and get consultants under contract throughout the first stage of the feasibility investigation. All consultants are now under contract and have begun their work. The consultants' work will focus on literature reviews relevant to each workgroup's subject matter, as well as identification of data gaps and potential mechanisms for addressing them. The consultants selected are as follows:

- WestWater Research: agricultural impacts; economic impacts and local government; funding

- SGM: environmental considerations; water data/monitoring and verification; facilitation; project management
- CDR: education and outreach

The work of the workgroups to date, as well their work product to come, will help inform the scope of the consultants' literature reviews. The Project Management Team has provided regular updates to the Board on the RFP process, and anticipates the updates will become more substantive now that the consultants have begun their work.

CWCB staff will not offer recommendations for Board action until the Board has had the opportunity to fully consider the work done to date pursuant to the 2019 Work Plan at the Demand Management Workshop and provide their input to CWCB staff. The Project Management Team looks forward to discussing all of these issues in more detail with the Board in July 2020 and after.

~GUNNISON RIVER BASIN~

RECENTLY DECREED ISF WATER RIGHTS ON COAL CREEK- On March 9, 2020, the Division 4 Water Court decreed instream flow (ISF) water rights to the CWCB on a reach of Coal Creek in Case No. 17CW3064 for 1.3 cfs (01/01-03/31), 5.9 cfs (04/01-08/15), 3.7 cfs (08/16-11/30), and 2.0 cfs (12/01-12/31), with an appropriation date of January 24, 2017. The upstream terminus is Coal Creek's headwaters, and the lower terminus is the Spann Nettick Ditch headgate. This reach is approximately 7.67 miles long and flows in a southeasterly direction through parts of Gunnison County. This water right is in addition to an existing ISF on Coal Creek decreed in Case No. 80CW0102, with an appropriation date of March 17, 1980, to the CWCB for 2.0 cfs (01/01-12/31). American Rivers and High Country Conservation Advocates recommended this reach to protect the creek's populations of brook trout (*Salvelinus fontinalis*) and brown trout (*Salmo trutta*).

~ARKANSAS RIVER BASIN~

RECENTLY DECREED ISF WATER RIGHTS ON BONNETT CREEK- On April 21, 2020, the Division 2 Water Court decreed ISF water rights to the CWCB on a reach of Bonnett Creek in Case No. 19CW3064 for 0.4 cfs (09/01-03/31), 1.0 cfs (04/01-06/30), and 0.55 cfs (07/01-08/31), with an appropriation date of January 29, 2019. The upstream terminus is Bonnett Creek's headwaters, and the lower terminus is the confluence with the Cucharas River. This reach is approximately 4.05 miles long and flows in an easterly direction through parts of Huerfano County. Colorado Parks and Wildlife recommended this reach to protect the creek's population of brook trout (*Salvelinus fontinalis*).

RECENTLY DECREED ISF WATER RIGHTS ON STOUT CREEK- On April 29, 2020, the Division 2 Water Court decreed ISF water rights to the CWCB on a reach of Stout Creek in Case No. 19CW3069 for 3.5 cfs (05/01-06/30), 1.5 cfs (07/01-08/31), and 0.60 cfs (09/01-04/30), with an appropriation date of January 29, 2019. The upstream terminus is the U.S. Forest Service/Bureau of Land Management (BLM) property boundary, and the lower terminus is the confluence with an unnamed tributary. This reach is approximately 0.62 miles long and flows in a southeasterly direction through parts of Fremont County.

The BLM recommended this reach to protect the creek's populations of brook trout (*Salvelinus fontinalis*) and brown trout (*Salmo trutta*).

~ WATER CONSERVATION AND DROUGHT PLANNING UPDATES ~

CWCB WATER EFFICIENCY GRANT FUND PROGRAM (WEGF) UPDATE:

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

- **City of Aurora** –Watersmart Parks Project
- **Denver Urban Gardens** - Regulation 84 Edible Crop Irrigation Public Education and Outreach

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

- **Crested Butte South Metropolitan District** –Water Efficiency Plan (\$30,000)

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

- **City of Northglenn** –Water Efficiency Plan Update – *50 & 75% Progress Reports*
- **University of Colorado-Denver** – Land Use Survey – *50% Progress Reports*
- **Central Weld County Water District** – Water Efficiency Plan – *Final Plan Submitted*
- **Metro State University of Denver – OWOW** – Water Collaboratory Phase 2 – *75% Progress Report*
- **City of Alamosa** – Water Efficiency Plan – *Final Plan Submitted*
- **City of Steamboat Springs** – Regional 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

- **City and County of Broomfield**
- **Little Thompson Water District**

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.

Conditional Approval

- **Widefield Water & Sanitation District**
- **Town of Eaton**
- **City of Lamar**
- **City of Loveland**
- **Steamboat Springs/Mount Werner Water & Sanitation District Regional Plan**

Water Efficiency Plans in review

- **Central Weld County Water District**
- **Town of Eagle**
- **City of Alamosa**
- **Fort Lupton**
- **Pueblo West**
- **City of Westminster**
(Kevin Reidy & Ben Wade)

GOVERNOR’S WATER AVAILABILITY TASK FORCE: The next Water Availability Task Force meeting will be held on May 28 from 9:30-11:30am. 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. 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 is Phase Four and is occurring through June 2020. The Covid-19 response has pushed back some participation in phase four but the team hopes we will pick them back up again by extending into June. During this same phase, the team is preparing a survey of participants to see what worked and what didn’t. **(Kevin Reidy)**

LAND/WATER PLANNING NEXUS:

- 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 and last of the three trainings was supposed to take May 6-8, 2020 but due to COVID-19 it has been postponed to mid-August 2020.
- Kevin and Christy Wiseman from DOLA organized a utility leadership roundtable at the end of February to gauge how leading utilities are integrating water efficiency into land use planning. We then took the major themes and presented them at the Rocky Mountain Land Use Initiative's annual conference on March 6, 2020. We organized it as a panel with several of the roundtable participants and reported out to the audience (mainly land use professionals) on what utilities are doing and how they were thinking of land use planning. **(Kevin Reidy)**

~WATERSHED AND FLOOD UPDATES~

Community Assistance Program/NFIP Coordinator

Tiered State Framework (TSF)

Following FEMA Regional and Headquarters review of our submitted Tiered State Framework assessment tool, our participation in the NFIP Community Assistance Program (CAP) is rated as "Proficient" – exceeding the minimum foundational requirements. The state demonstrated above average capacity and capability in the program's implementation and established a strong foundation to achieve the highest rating, Advanced, in the next assessment cycle.

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).

(Doug Mahan)

Colorado Fluvial Hazard Zone (FHZ) Mapping

In order to recognize and assess the hazards associated with erosion, sediment deposition, and other dynamic river processes, the Colorado Water Conservation Board has developed a technical protocol to help communities identify, map, and plan for natural hazards. The State of Colorado's Fluvial Hazard Zone Mapping Program represents a significant and necessary step forward in adaptively managing stream corridors, preparing for and mitigating flood impacts, protecting environmental processes, and making informed land use decisions based on an awareness of fluvial processes.

The draft "Colorado Fluvial Hazard Zone Delineation Protocol" was out for public comment in early 2020. The CWCB and its consultants received 124 comments on the draft, and the responses are now available on the Fluvial Hazard Zone website referenced below. The CWCB has been preparing resources for communities to learn more about how to utilize the protocol and resultant maps in their planning. Some resources recently created include:

1. *A new website for the program:* www.ColoradoFHZ.com
2. *A Fact Sheet related to the program:* <https://www.coloradofhz.com/s/CWCB-FHZ-Fact-Sheet-v33.pdf>
3. *A Quick Start Guide for communities that are interested in incorporating Fluvial Hazard Zones into their planning:* <https://www.coloradofhz.com/s/CWCB-FHZ-Quick-Start-v1.pdf>

The CWCB will be coordinating with other agencies on two critical efforts related to the program:

1. *Assistance in finalizing a model Fluvial Hazard Zone ordinance for interested local communities.*
2. *Incorporation of Fluvial Hazard Zone language, concepts, and resources into Colorado's Water Plan and the Division of Local Affairs' Planning For Hazards website.*

(Chris Sturm)

Flood Section Welcomes New Staff Member, Part Deux – The Watershed and Flood Protection Section is pleased to introduce its second new section member in as many meetings, Andrea Harbin Monahan. Andrea will be filling the position recently held by Joe Busto, although her duties will look remarkably different than Joe's. Most of Joe's workload, from weather modification to snow science and runoff forecasting research, has been transferred to the Interstate and Federal Section moving forward. Andrea will retain the management of the CWCB-owned reach of the South Platte River from the Chatfield Reservoir outlet to the confluence of Bear Creek. However, the majority of Andrea's workload will be dedicated to assisting Chris Sturm with grant management and other watershed-related duties.

Marta comes from CDMSmith, where she worked as an environmental scientist. Andrea attended graduate school at CSU in Watershed Science and has a bachelor's degree from Beloit College in Wisconsin. She joins Marta Blanco Costano, who was introduced at the March meeting in finalizing full employment in the Flood Section for the first time in nearly two years. Welcome Andrea!

(Kevin Houck)

Risk MAP Project Updates by Major Water Basin – Note that the format for this section has been changed from the traditional layout by year to a geographical report by watershed.

North Platte – No work being conducted in this area.

South Platte – Park, Jefferson, Gilpin, Boulder, Larimer, Weld, Morgan, Washington, Sedgwick, and Logan Counties with studies being conducted:

- South Platte River areas: working towards appeal period in May.
- Cache La Poudre Additional Studies: floodplain mapping task has been submitted. Contractor verifying Fort Collins area Letter of Map Revision topographic data.
- 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. FEMA provided additional funds for this effort in FY 2018.
- Weld County: work on hold for Cache La Poudre floodplain mapping issues.
- CHAMP Physical Map Revision, Phases 1-2: 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.
 - o Boulder County: The 90-day appeal period started March 25 and 26.
 - o Larimer and Big Thompson River areas: currently waiting on final guidance from FEMA regarding some Estes Park floodplain issues.
- The St. Vrain Risk Map phase 3 project continues from its original funding in FY16. Gilpin County's preliminary period is on hold, but Jefferson County's appeal period has ended as of April 2020.

Colorado – Mesa, Eagle, and Garfield Counties with studies being conducted:

- Mesa County Phase 2: Survey data being finalized along the Colorado River structures. Contractor working on hydraulics for this Colorado River areas and basemap tasks across all of Mesa County.
- Flood Risk Information System (Mesa County): Contractor is starting on the web app development step after having developed draft flood risk products in Mesa County.
- Eagle County Physical Map Revision: contractor is working on floodplain mapping, with a proposed submittal deadline of mid-May. There have been some model/mapping issues in the Town of Basalt area which should be resolved in the next few weeks. Flood risk review meeting anticipated for June/July.
- Garfield Phase 2: CWCB received a \$212,558 grant from FEMA in FY17 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. Additional funds awarded for Phase 3 of this project in 2018.
- Garfield County Phase 2-3: Project originally funded in FY17 and continued currently. Scope changes being worked on by contractor and FEMA. Hydraulics submittal being completed and flood risk review meeting will likely take place in June/July.

Gunnison/Uncompahgre – Delta, Gunnison, Hinsdale, and Ouray Counties with studies being conducted:

- Delta County Phase 2: Hydrology task being finalized for review. Survey data delivered. Some issues with hydraulics data in the southern tip of the county being handled since there is not topographic data available.
- Upper Gunnison Phases 2-3: This project is being continued under new grants, part of which are covered by state funds such as the Hinsdale County Partial Countywide Revision. The Gunnison Physical Map Revision process is being covered by FEMA FY19 funds.
 - o Hinsdale County: Hydraulic data updates are being conducted for Lake City in due to new LiDAR data.
 - o Gunnison County: Survey for the Gunnison River being acquired. Modeling in Crested Butte is moving forward as previously planned, with survey data getting completed in May.

Rio Grande – Costilla, Alamosa, Rio Grande Counties with studies being conducted:

- Rio Grande River hydrology: a roadshow is planned to take place this summer to conduct presentations and outreach with communities in which hydrology updates have taken place.
- City of Alamosa levee: surveying will take place late April or early May so that a final report is anticipated for June/July.

Arkansas – Lake, Chaffee, Fremont, Teller, El Paso, Custer, Huerfano, Las Animas, Otero, Bent, Prowers, and Lincoln Counties with studies being conducted:

- Arkansas River Physical Map Revision: Chaffee/Fremont Counties hydraulics being reviewed. Prowers County hydraulics submittal has been delayed slightly.
- El Paso BLE and Templeton Gap (T-Gap) pre-levee work: Original work in El Paso County was funded in 2014, but continues through FY19. Discovery meeting held in April and communities working on draft data reviews. T-Gap levee meeting also held in April, and hydrology updates will be examined under the El Paso County phase 2 scope of work for FY19.
- Teller County BLE: Discovery meeting held in April and communities working on draft data reviews.

Yampa/White – Rio Blanco, Routt, and Moffat Counties with studies being conducted:

- Upper Yampa River hydrology: hydrology has been completed and FEMA team will review all data submittals in the coming weeks.
- Upper White Watershed/Rio Blanco County Additional Studies: Originally, the Upper White Watershed project was funded in FY16 but work continues today. The Consultation Coordination Officer meeting took place in April, and the public meeting may be delayed due to communities asking for an in-person meeting.
- Upper White Watershed phase 3: This project is almost fully expended. More information under FEMA FY18 Risk Map project updates.

San Miguel/Dolores/Animas/San Juan – La Plata, San Juan Counties with studies being conducted:

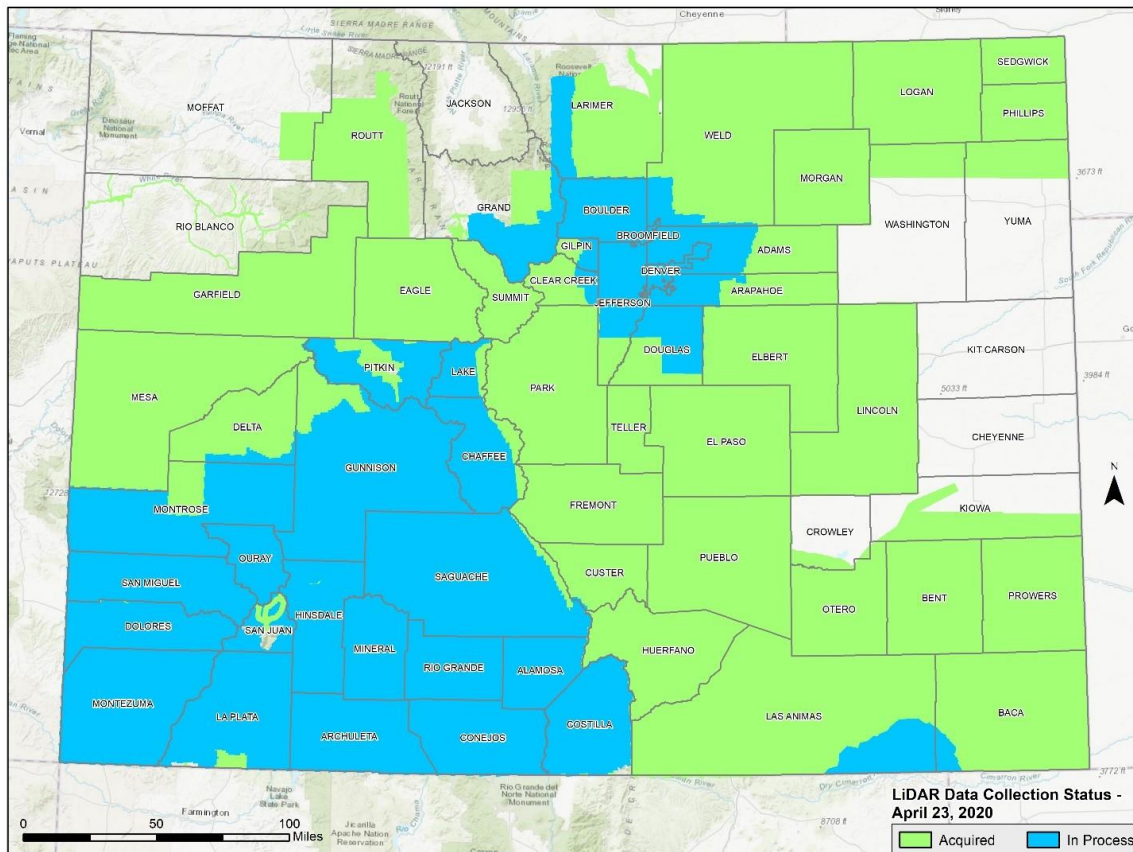
- Animas Watershed Phase 2: FEMA awarded CWCB \$654,717 to fund this project's phase 2 to update hydrologic and hydraulic engineering, (including post-fire conditions for Junction Creek), updated floodplain mapping and sediment-bulked flooding along the Animas River, and an evaluation of ice jamming conditions in Silverton. FEMA then awarded funds for Phase 3 of this project under FY18 to take the project through additional community and public meetings as well as the appeal period.
- Animas Watershed Phases 2-3: Floodplain mapping getting ready to submit, while hydraulics data was approved. Preliminary status of the Risk Map project may be delayed.
-

Multi-Watershed Projects:

- CHAMP 3 Phase 2 (also see Rio Grande River hydrology work for related information): *Bent and Otero County* hydrology analyses being conducted for areas north of the Arkansas River, and BLE for areas south of the river. Arkansas River corridor hydraulics approved, and floodplain

mapping on hold. *Lake County* work is on hold for LiDAR data to be delivered by mid-June. *Costilla County* floodplain mapping updates being delivered, though Rio Grande River hydraulics are being updated due to recent hydrology availability. *Ouray County* 2D model is currently being developed. *San Miguel County* hydraulics comments are being reviewed, and the flood risk review meeting is likely going to take place June/July.

- CHAMP 3 Phase 3: *Moffat County* survey currently being prepared. *Lincoln County* terrain modeling to be completed soon. *Phillips County* terrain submittal completed, and future tasks for both Lincoln and Phillips Counties will be transferred to a new contractor. *Mineral County* waiting on LiDAR data to come for countywide mapping updates, and contractor is also updating hydraulics through the Town of Creede. A related levee certification project may affect these model processes. *Saguache County* hydraulics being updated due to diversion structure near Town of Crestone.
- LiDAR acquisition: CWCB received \$3.4 million in a FEMA FY16 grant and \$2.2 million in FY18 for LiDAR acquisition in Colorado for future floodplain mapping projects.
 - o The 2016 grant 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). The FY18 grant funded LiDAR in northeastern and southeastern corners of Colorado. Other LiDAR collection tasks are currently being completed for Montrose, Gunnison, Lake, and Chaffee Counties and should be delivered by mid-June. Southwest CO data collection led by the USGS may be available in the next month. Below is a map of the current status for LiDAR data in Colorado:



FEMA Projects working through contracting/not started yet:

- Base Level Engineering (BLE) projects in the following counties: Prowers, Bent-Otero, Fremont-Custer, Lake-Chaffee, Las Animas, Elbert, Park, Huerfano, and Southwest Colorado (Montezuma, Dolores, San Juan, La Plata, Archuleta, Hinsdale, Mineral).
- Levee related projects: Las Animas levee (Bent County), Granada/Holly levee (Prowers County), and Grand Junction levee (Mesa County).
- Phases 2-3 of Risk MAP projects:
 - Counties in phase 2 stage: El Paso, Teller, and Otero-Bent,
 - Counties in phase 3 stage: Delta, Eagle, Phillips, Lincoln, Lake, Ouray, San Miguel, Costilla, Gunnison, and Moffat.

(Thuy Patton and Marta Blanco Castano)

~AGENCY UPDATES~

2020 LEGISLATION INVOLVING THE INSTREAM FLOW PROGRAM AND OTHER WATER-RELATED MATTERS

The General Assembly passed and the Governor signed three bills this year that pertain to the Instream Flow (“ISF”) Program. Summaries of each bill and, where relevant, CWCB staff’s next steps are 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): This bill adds section 37-92-102(4.5) and amends section 37-92-305 (8)(c), C.R.S. The bill provides direction on the CWCB’s filing of augmentation plans to augment stream flows to preserve and improve the natural environment to a reasonable degree (“ISF augmentation plan”). The CWCB will implement this bill via its ISF acquisition process (ISF Rule 6), and will make findings on flow rates needed to preserve and improve the natural environment in the stream reach(es) to be augmented under the plan. The CWCB may only use water rights in ISF augmentation plans for which (1) the historical consumptive use has been quantified and (2) a change of water rights to include any augmentation use has been judicially approved. All terms of such water rights’ decrees will continue to apply (e.g., return flow maintenance). The CWCB may file an application for an ISF augmentation plan only if the owner of the water right(s) to be used in the plan has consented to the application. The CWCB and the owner would enter into a contract for use of the water in the plan. In addition to terms and conditions typically included in decrees to prevent injury to vested water rights and decreed conditional water rights, HB-1037 directs the water court to impose terms and conditions as needed to prevent injury to other water rights and administratively approved undecreed exchanges, to the extent those undecreed exchanges have been administratively approved before the date the CWCB filed its application for the ISF augmentation plan. HB-1037 requires consent from the owner of any existing infrastructure that will be used or physically modified for operation of an ISF augmentation plan, and requires the operator of the plan to bear all reasonable construction costs associated with such physical modifications or related O&M costs.

The CWCB staff will continue to work with the Poudre Flows stakeholder group on developing and bringing a proposal to the Board later this year for filing an ISF augmentation plan that would augment stream flows on the Poudre River from the canyon mouth at the Canyon Gage to the Poudre River’s confluence with the South Platte River. Staff also will request the Board to evaluate and accept offers of water to be used in the ISF augmentation plan.

HB-1037 can be found at: http://leg.colorado.gov/sites/default/files/2020a_1037_signed.pdf

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): This bill amends section 37-83-105, C.R.S. The bill established two types of temporary loans of water for ISF use: expedited and renewable.

Expedited temporary loans have a term of up to one year, and may be exercised for up to 120 days in a single calendar year pursuant to a decreed ISF water right. An applicant may not reapply for an additional expedited loan. The process for obtaining approval of expedited loans is the same process used under existing law for 3 in 10 year loans, with two additional requirements: (1) in addition to sending notice of an application to the relevant Substitute Water Supply Plan mailing list, notice must be provided to the registered agent of a ditch company, irrigation district, water users' association, or other water supply or delivery entity within whose system the loaned water rights fall; and (2) the applicant must prove that the loan will not injure undecreed existing exchanges of water to extent that such exchanges were administratively approved before loan approval request filed with State Engineer.

Renewable loans may be exercised for 5 years over a 10-year period and for no more than 3 consecutive years. An applicant may reapply for a renewable loan for up to two additional 10-year periods. The CWCB may use water under a renewable loan to preserve or improve the natural environment to a reasonable degree, and must have a decreed instream flow water right on the subject reach. The process for obtaining approval of a renewable loan includes the following:

- Same notice requirements as expedited loans
- Sixty-day public comment period
- In each year that a renewable loan exercised, applicant must provide notice again.
- If the loaned water will be used to improve the natural environment:
 - CWCB must request and review biological analysis from CPW on extent to which proposed loan will improve the natural environment; and
 - CWCB must give preference to loans of stored water, when available, over loans of direct flow water.

HB-1157 requires the CWCB to promulgate rules to implement the bill's provisions. CWCB staff and attorneys are planning the rulemaking process and developing draft rules. Staff intends to update the Board on this process at the July CWCB meeting. HB-1157 can be found at:

http://leg.colorado.gov/sites/default/files/2020a_1157_signed.pdf

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): This bill adds section 37-92-502(2)(c), C.R.S. The bill directs the State Engineer to confirm claims made under section 37-92-102(3)(b), C.R.S. of uses or exchanges of water existing as of the date of an ISF appropriation if such uses or exchanges were not previously confirmed by the water court. The bill provides that a person making such a claim also may seek confirmation of such uses or exchanges by the water court.

CWCB staff routinely works with water users on such claims in context of water court cases and will continue to do so when possible. Staff anticipates participating in the administrative process that the State Engineer establishes to implement this bill.

HB-1159 can be found at: http://leg.colorado.gov/sites/default/files/2020a_1159_signed.pdf

Other water-related bills recently signed by the Governor include:

SB20-048 (Concerning a Study to Consider the Strengthening of the Prohibition on Speculative Appropriations of Water): This bill adds section 37-98-103(8), C.R.S. The bill directs the DNR Executive Director to convene a work group to explore ways to strengthen current water anti-speculation law. The work group will include current and former employees of the Division of Water Resources, the CWCB, the Attorney General's Office, and the judicial department, and such other stakeholders the DNR Executive Director determines would be helpful to the process. The bill requires the work group to submit a written report to the Water Resources Review Committee by August 15, 2021 regarding any proposed changes to the law.

HSB-048 can be found at: http://leg.colorado.gov/sites/default/files/2020a_048_signed.pdf

HB20-195 (Concerning the authority of a local government's master plan to include policies to implement state water plan goals as a condition of development approvals, and, in connection therewith, making an appropriation): This bill amends section 30-28-106(3)(a) and amends section 30-23-206, C.R.S. The bill requires a local government master plan that includes a water supply element to include water conservation policies, which may include goals specified in Colorado's Water Plan, and policies that condition development approvals on implementation of those goals. The bill authorizes the Department of Local Affairs to hire and employ a full-time employee to provide educational resources and assistance to local governments that include water conservation policies in their master plans.

HB-195 can be found at: http://leg.colorado.gov/sites/default/files/2020a_1095_signed.pdf

~INSTREAM FLOW ATTACHMENTS~

- 01 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

**May 20-21, 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 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. 17CW3057 (Water Division 1) - Application of North Weld County Water District

The Board ratified this Statement of Opposition at its July 2017 meeting. Applicant requests a change of water rights for shares of the Water Supply and Storage Company ("WSSC") to alternate points of diversion and alternate places of storage, change from direct flow to storage, to add types of use and places of use. Applicant also requests appropriate rights of exchange.

The CWCB holds instream flow water rights, including the following, in Water Division 1 in the Cache La Poudre, Colorado Headwaters and Upper Laramie watersheds that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
87CW0270 (Div. 1)	Cache la Poudre River	confl La Poudre Pass Creek	confl Joe Wright Creek	16 (11/1 - 3/31) 32 (4/1 - 10/31)	12/11/1987
85CW0419 (Div. 1)	Cache la Poudre River	confl Joe Wright Creek	confl Sheep Creek	20 (1/1 - 12/31)	11/08/1985
85CW0422 (Div. 1)	Cache la Poudre River	confl Sheep Creek	confl SF Cache la Poudre	38 (1/1 - 12/31)	11/08/1985
85CW0425 (Div. 1)	Cache la Poudre River	confl SF Cache la Poudre	Wild & Scenic terminus	55 (1/1 - 12/31)	11/08/1985
87CW0276 (Div. 5)	Colorado River	confl Onahu Creek	hdgt Redtop Valley Ditch	10 (10/1 - 4/30) 18 (5/1 - 9/30)	10/02/1987
86CW0307 (Div. 1)	Jinks Creek	headwaters	confl McIntyre Creek	1 (1/1 - 12/31)	09/05/1986
87CW0264 (Div. 1)	Joe Wright Creek	confl NF Joe Wright Creek	confl Chambers Lake	2 (10/1 - 3/31) 5 (4/1 - 9/30)	12/11/1987

86CW0295 (Div. 1)	Link Creek	headwaters	confl Laramie River	1.5 (1/1 - 12/31)	09/05/1986
78W9254 (Div. 1)	North Fork Joe Wright Creek	headwaters in vicinity	confl Joe Wright Creek	2 (1/1 - 12/31)	01/19/1978
78W9255 (Div. 1)	Trap Creek	headwaters in vicinity	confl Chambers Lake	3 (1/1 - 12/31)	01/19/1978

- CWCB secured protective decree terms addressing applicant's junior exchanges that de-water reaches of instream flow water rights, and its extraterritorial use claims that could injure instream flow water rights.

(2) Case No. 17CW3217 (Water Division 1) - Application of Evergreen Metropolitan District

The Board ratified this Statement of Opposition at its March 2018 meeting. Applicant sought surface water rights and a change of water rights. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement 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 1 in the Upper South Platte watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
94CW0259 (Div. 1)	Bear Creek	outlet Evergreen Lake	confl Swede Gulch	5 (10/16 - 4/14) 9.9 (4/15 - 10/15)	09/13/1994
94CW0260 (Div. 1)	Bear Creek	confl Swede Gulch	hdgt Harriman Ditch	14.9 (4/1 - 10/15) 7 (10/16 - 3/31)	09/13/1994
94CW0255 (Div. 1)	Troublesome Creek	confl Bergen Creek	confl Bear Creek	0.2 (6/1 - 3/31) 1.25 (4/1 - 5/31)	11/03/1994

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 following decree term effectuates some of the agreements obtained in this case.
 - "In order to insure prevention of injury to the CWCB's existing decreed Bear Creek and Troublesome Creek instream flow water rights, EMD shall not store water in the Buchanan Ponds whether by augmented out-of-priority diversion by exchange, or under the storage rights decreed herein when the CWCB has placed a valid enforceable call with state water officials for its Bear Creek or Troublesome Creek instream flow water rights decreed in Case Nos. 94CW259, 94CW260, or 94CW255. Any depletions caused by out-of-priority storage in the Buchanan Ponds while CWCB's instream flow water rights are a calling water right shall be replaced as they occur in accordance with the accounting procedures described in paragraph 24.2 of this Decree. Aggregation of replacements shall not exceed 72 hours for depletions that occur during administration of a CWCB instream flow water right, unless otherwise approved by the water commissioner to achieve a benefit to the instream flow water right being administered."

(3) Case No. 18CW3106 (Water Division 1) - Application of Central Colorado Water Conservancy District, and Ground Water Management Subdistrict of the Central Colorado Water Conservancy District

The Board ratified this Statement of Opposition at its November 2018 meeting. Applicant requested a change of water rights. The CWCB holds many instream flow water rights in Water Division 1 that could have been injured by this application. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement to ensure that the CWCB's instream flow water rights will not be injured. CWCB secured protective decree terms addressing applicant's uses of the changed water rights, if such use allowed out-of-priority depletions within instream flow reaches at times when applicant would be providing augmentation water at a downstream location.

(4) Case No. 18CW3211 (Water Division 1) - Application of The Evans Ranch Preservation Association and Mountain Mutual Reservoir Company

The Board ratified this Statement of Opposition at its March 2019 meeting. Applicants sought water rights for several ponds and a plan for augmentation including substitution and exchange. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement 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 1 in the Upper South Platte watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
94CW0258 (Div. 1)	Bear Creek	confl Truesdell Creek	inlet Evergreen Lake	10 (4/15 - 10/15) 5 (10/16 - 4/14)	09/13/1994
94CW0262 (Div. 1)	Corral Creek	confl Vance Creek	confl Bear Creek	2 (7/16 - 3/31) 5 (4/1 - 7/15)	09/13/1994
94CW0248 (Div. 1)	Vance Creek	headwaters in vicinity	confl Corral Creek	1.5 (7/16 - 3/31) 3 (4/1 - 7/15)	09/13/1994

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

- CWCB requested and obtained several decree clarifications on the claims and beneficial uses; provided an agreement for exceptions to the priority system under 37-92-102(3)(b); and obtained decree terms for particular operations including which augmentation sources can be used to augment which instream flow calls.
- The following decree term effectuates some of the agreements obtained in this case.
 - "Instream flow water rights exist on Bear Creek and Vance Creek, decreed in Case Nos. 94CW248, 94CW258, and 94CW262, with priority dates of September 13, 1994 ("ISF Rights"). Although the beneficial use and appropriation dates ("Priority Dates") claimed herein are junior to the ISF Rights, CWCB agrees that Peedee Reservoir, Headquarters Ponds 2 and 3, and Mayer Legacy Pond were constructed

and operated prior to September 13, 1994, and were therefore present uses of water pursuant to appropriations or practices in existence on the date of the instream flow appropriations. The ISF Rights are subject to uses or exchanges of water pursuant to appropriation or practices in existence on the date of an instream flow water right appropriation, whether decreed or not, pursuant to C.R.S. § 37-92-102(3)(b). Releases for augmentation to replace out-of-priority diversions to refill evaporative losses in Peedee Reservoir, Headquarters Ponds 2 and 3, and Mayer Legacy Pond are not required to prevent injury to the ISF Rights, even when replacement is required to prevent injury to other senior water rights. However, augmentation is a conditional claim in this case and was not a use on or before 1994, and this use is not augmented under this decree; therefore refill after releases for augmentation use may only be made in priority. In other words, releases for augmentation of Applicants' water rights may replace out-of-priority diversions to refill evaporative losses in Peedee Reservoir, Headquarters Ponds 2 and 3, and/or Mayer Legacy Pond whether or not an instream flow call is calling so long as there are no other calling water rights upstream of the Harriman Ditch. No allowance under C.R.S. § 37-92-102(3)(b) is claimed or decreed herein for Ryan Pond, Mayer Pond, Headquarters Pond 1, Vollbracht Pond, or Nelson Pond. Replacement of out-of-priority diversions to refill evaporative losses in these ponds must be made to prevent injury to the ISF Rights."

(5) Case No. 19CW3019 (Water Division 1) - Application of Fort Collins - Loveland Water District

The Board ratified this Statement of Opposition at its May 2019 meeting. Application sought to quantify municipal return flows for use in an augmentation plan and for use to meet return flow obligations. The CWCB holds many instream flow water rights in Water Division 1 that could have been injured by this application. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement to ensure that the CWCB's instream flow water rights will not be injured. CWCB secured protective decree terms addressing applicant's uses of the changed water rights, if such use allowed out-of-priority depletions within instream flow reaches at times when applicant would be providing augmentation water at a downstream location.

(6) Case No. 18CW0002 (Water Division 2) - Application of RP on TC, LLC d/b/a Eden West Ranch

The Board ratified this Statement of Opposition at its July 2018 meeting. Pro Se Applicant claims a change of water rights by requesting modifications to its predecessor's previously decreed terms. CWCB participated in the previous Case No. 98CW0082 filed by Children Of The Son ("COTS") involving a change for three ditches and an augmentation plan. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement 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 Arkansas Headwaters watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
98CW0149 (Div. 2)	Texas Creek	confl Lake Creek	confl Arkansas River	3.5 (11/1 - 4/30) 7.75 (5/1 - 10/31)	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:

- Critical terms that CWCB negotiated in the previous change Case No. 98CW0082 are preserved in this new decree.
- Additional terms include a new mechanism for replacing return flows that now includes an augmentation type station at the re-established point of diversion when the historical consumptive use is being stored.

(7) Case No. 18CW3014 (Water Division 2) - Application of John Hightower and Melissa Hightower

The Board ratified this Statement of Opposition at its May 2018 meeting. Applicant sought two water storage rights, change of water right, and for approval of plan for augmentation. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement 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 Arkansas Headwaters watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
80CW0072 (Div. 2)	Bear Creek	headwaters in vicinity	confl Arkansas River	10 (1/1 - 12/31)	05/07/1980

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

- CWCB obtained clarification of the plan for augmentation through decree terms and maps included in the decree.
- The following decree term effectuates some of the agreements obtained in this case.
 - "The Colorado Water Conservation Board's existing instream flow water right adjudicated in Case No. 80CW72 on Bear Creek decreed in the rate of 10 cfs year round from the headwaters to the confluence of the Arkansas River was adjudicated prior to the filing of the application in this case no. 18CW3014. When this instream flow right is not satisfied and there is a valid call being placed for this instream flow water right that is being administered downstream of Hightower Cabin Pond, and augmentation water is not available in time, location and amount, then the Applicants shall (i) by-pass all inflows, (ii) cease storing either groundwater or surface water, and (iii) cause both Hightower Barn Pond and Hightower Cabin Pond to drop commensurate with the rate of evaporation. Under this scenario Hightower Barn Pond shall not be used to make replacements for out-

of-priority depletions in Hightower Cabin Pond. Both the Hightower Cabin Pond and the Hightower Barn Pond shall be equipped with gravity drainage systems to the satisfaction of the Division Engineer.”

(8) Case No. 18CW3055 (Water Division 2) - Application of USA - USFS

The Board ratified this Statement of Opposition at its January 2019 meeting. Applicant requests approval of plan for augmentation and for appropriative right of exchange.

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
W-4435(1976) (Div 2)	Saint Charles River	headwaters	conf N St. Charles River	3 (1/1 - 12/31)	01/14/1976

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

- After several discussions with the Applicant and a visit to the site for reconnaissance of the setting and facilities, CWCB and Applicant were able to reach agreement that provides 100% protection for the existing ISF water right through a combination of (1) allowing for an exception to the priority system under 37-92-102(3)(b) for this reservoir built in the 1930s, and (2) an agreement to maintain a flowing stream below the reservoir.
- The following decree terms effectuate some of the agreements obtained in this case.
 - “Pursuant to Colorado Statute, the Colorado Water Conservation Board’s instream flow (“ISF”) water right decreed in Case No. W-4435 (76) on the St. Charles River, is “[s]ubject to the present uses or exchanges of water being made by other water users pursuant to appropriation or practices in existence on the date of such appropriation, whether or not previously confirmed by court order or decree.” C.R.S. § 37-92-102(3)(b) (2018). Although the storage right was not decreed until Case No. 82CW66, Lake Isabel existed and was operated to maintain a full reservoir by storing in-priority or exchanged water at the time of the appropriation of the ISF water right in 1976. Therefore, the ISF water right is subject to the filling and refilling of the reservoir as needed to replace evaporative losses, whether by exchange or in-priority diversion. If stored water is released from this reservoir for augmentation of any uses other than evaporation from this reservoir as provided in paragraph 9.7 herein, the ISF water right is not subject to refilling the reservoir after such release. The subordination of the ISF water right to Applicant’s diversions decreed herein pursuant to section 37-92-102(3)(b) C.R.S. shall not result in general subordination of the ISF water right to any other water rights junior to such ISF water right.”
 - “At times when the exchange described in Paragraph 10 is operating to refill Lake Isabel, the Applicant will ensure that a minimum of 1 c.f.s. of streamflow, as

- measured as the outlet of Lake Isabel, is passed without storage. Applicant shall maintain a measuring device and a record of flows passed without storage to the satisfaction of the Division Engineer.”

(9) Case No. 16CW3024 (Water Division 3) - Application of City of Monte Vista

The Board ratified this Statement of Opposition at its March 2017 meeting. Applicant requested changes of water rights and a plan for augmentation and exchanges. Changes requested include changes to points of diversion, additional places of use, and types of use. Staff, in cooperation with the Attorney General’s Office, has negotiated a settlement 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 3 in the Alamosa-Trinchera, Conejos and Rio Grande Headwaters watersheds that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
13CW3013^ (Div. 3)	Alamosa River	outlet Terrace Reservoir	hdgt Gabino Gallegos Ditch	2.5 (07/01 - 12/31)	04/15/1870
13CW3014^ (Div. 3)	Alamosa River	outlet of Terrace Reservoir	Valdez Ditch hdgt	0.5 (07/01 - 12/31)	04/10/1870
83CW0051 (Div. 3)	Clear Creek	confl N & S Clear Creek	confl Rio Grande River	5 (10/1 - 4/30) 10 (5/1 - 9/30)	08/16/1982
84CW0138, 82CW237, 82CW214, 82CW216	Conejos River	confl unnamed tributary	USGS gage near Mogote	Varies	10/07/1982
83CW47, 83CW40, 83CW49, 83CW39, 83CW42	North Clear Creek	1 mile below Continental Res	confl S Fork Rio Grande	Varies	08/16/1982

^ Donated/Acquired Water Right

- After adjustments for ditch losses, Applicant included the location of decreed instream flow water rights on its decree mapping, agreed to include decree terms to protect the instream flow water rights, and agreed to provide notice of contractual arrangements.
- The following decree term effectuates some of the agreements obtained in this case.
 - “The priority date for the exchange rights decreed herein is December 15, 2016. The exchange rights are junior to all other water rights with decreed priorities senior to that date, including rights of exchange and instream flow water rights located in the same area, which include the instream flow rights decreed in Case Nos. 83CW39, 83CW40, 83CW42, and 83CW49.”

(10) Case No. 17CW3176 (Water Division 5) - Application of Municipal Subdistrict, Northern Colorado Water Conservancy District, and Colorado River Water Conservation District

The Board ratified this Statement of Opposition at its January 2018 meeting. Applicants sought Amendment and Determination of Decrees Entered in Case Nos. CA 1768, W-4001, 80CW108, 85CW135, 88CW169, and 89CW298 and Determination Regarding the Colorado River Connectivity Channel. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement 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 5 in the Colorado Headwaters watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
90CW0300 (Div. 5)	Colorado River	outlet Granby Res	confl Fraser River	40 (5/1 - 8/31) 20 (9/1 - 4/30)	11/27/1990
80CW0447 (Div. 5)	Colorado River	hdgt Windy Gap Project div	confl Williams Fork River	90 (1/1 - 12/31)	07/08/1980

- CWCB and applicant negotiated a term that is included in the case stipulation regarding measurements of instream flow rates at the Northern Windy Gap diversion location, as follows.
 - "CWCB and the Municipal Subdistrict will coordinate a way to measure flows to enable the CWCB to calculate and establish flows below the Colorado River Connectivity Channel and to monitor and enforce the 80CW447 instream flow right. This may involve measurement of the Colorado River flows at or near the facilities that place water into the Colorado River Connectivity Channel and, because of the difficulty of gaging flows in winter months, also could include manual measurements at that location, at the existing USGS gage below Windy Gap, or at another location with the prior approval of the CWCB, potentially by the Municipal Subdistrict or another entity."

(11) Case No. 17CW3249 (Water Division 5) - Application of CJC Properties Limited Partnership and The Eagle River Water & Sanitation District

The Board ratified this Statement of Opposition at its March 2018 meeting. Applicants sought a change of water right, plan for augmentation and appropriative right of exchange, and surface water right. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement 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 5 in the Eagle watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
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80CW0126 (Div. 5)	Eagle River	confl Lake Creek	confl Brush Creek	45 (10/1 - 4/30) 110 (5/1 - 9/30)	03/17/1980
80CW0124 (Div. 5)	Eagle River	confl Brush Creek	confl Colorado River	50 (10/1 - 4/30) 130 (5/1 - 9/30)	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:

- CWCB obtained protective terms for its intervening instream flow water rights on the Eagle River as follows.
 - “CWCB Instream Flow Rights and Applicant’s Fully Depletive Reach of Stream. Note that to the extent the Wolcott Treatment Plant Intake is within 25 feet of the downstream discharge of the Wolcott Wastewater Plant, it is considered at or below the discharge point for purposes of the CWCB instream flow decreed in Case No. 80CW126. The Alternate Points of Diversion described in paragraph 7A above are located above the Wolcott Wastewater Plant discharge point, so the amounts diverted at the Alternate Points of Diversion for in-building or other non-irrigation uses will be fully depletive to the segment of the Eagle River between the Alternate Points of Diversion and the Wolcott Wastewater Plant. The amounts diverted at the Alternate Points of Diversion for irrigation uses will also be fully depletive to the segment of the Eagle River between such points unless the irrigation return flows accrue to the Eagle River at or above the Alternate Points of Diversion. The CWCB’s instream flow water right decreed in Case No. 80CW126 is located within such stream segment. If one or more of the Alternate Points of Diversion are used at times that there is a call by the CWCB under such instream flow water right that is recognized and administered by the Water Commissioner or Division Engineer within the foregoing stream segment, the District will replace by releases from Eagle Park Reservoir and/or Homestake Reservoir an amount equal to 100% of the diversions from the Alternate Points of Diversion during the period of such call.”
 - “However, if the District can demonstrate to the satisfaction of the Division Engineer that the depletive reach is shortened or eliminated by offsetting diversions with irrigation return flows, then that portion of the irrigation diversions shall be subject to the irrigation depletion factors and calculations under paragraph 6 above or such other calculations agreed to between the District and the Division Engineer. To demonstrate such a situation, the District shall provide to CWCB and the Division Engineer 60 days prior written notice with the information supporting the claim that all or a portion of the return flows from the irrigation diversions at the Alternate Points of Diversion accrue to the Eagle River at or above the Alternate Points of Diversion. The CWCB shall provide any comments to the Division Engineer within 60 days of receiving any such notice from the District, and the Division Engineer shall provide written notification to the CWCB and the District of any determinations or agreements made by the Division Engineer under this paragraph. Any such administrative determinations or agreements shall be reviewable by the Water Court as a water matter. Nothing contained in this decree shall modify the measurement and accounting obligations of any entity or individual as contained in any previously entered decrees.”

- CWCB and Applicant did not agree on the proper assumptions for historical consumptive use for this case. As such, the decree resulted in negotiated quantification of the changed water right, and a robust no-precedent decree term, as follows.
 - “This ruling and decree is the result of compromise and settlement between the parties in this litigation. This ruling and decree does not establish any precedent and will not be construed as requiring any specific findings of fact, conclusions of law, specific engineering methodologies, or administrative practices in future rulings and decrees. Specifically, Applicant has relied on locally calibrated crop coefficients derived in Grand County to determine the historical consumptive use of the O&H Senior Right. CWCB’s settlement agreement in this case does not indicate an acceptance of these factors for future historical consumptive use analyses for water rights located outside of the area for which the coefficients were established. Likewise, the Applicants’ settlement agreement with the CWCB to use these Grand County calibrated crop coefficients in this matter does not indicate an acceptance by the Applicants that the Applicants’ original determination of historical consumptive use was in error with respect to the use of a different set of crop coefficients.”

(12) Case No. 18CW3162 (Water Division 5) - Application of Connell Development Co.

The Board ratified this Statement of Opposition at its January 2019 meeting. Applicant seeks Storage Water Rights and Approval of Plan for Augmentation. Staff, in cooperation with the Attorney General’s Office, has negotiated a settlement 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 5 in the Roaring Fork watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
73W1955 (Div. 5)	Fryingpan River	confl NF Fryingpan River	confl Ruedi Reservior	30 (10/1 - 3/31) 200 (6/1 - 6/30) 150 (5/1 - 5/31) 100 (4/1 - 4/30) 100 (7/1 - 7/31) 75 (8/1 - 8/31) 65 (9/1 - 9/30)	07/12/1973

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

- Applicant’s claims included a flow-through ditch and pond system that depletes the intervening instream flow reach by 100% of the diversions, but augmentation would only replace the small consumptive portion of the depletions. CWCB was able to negotiate and obtained protective decree terms and appropriate mapping for the decree that requires curtailment of the diversions when the intervening instream flow water right is not met and is being administered on the Fryingpan River.

(13) & (14) Case Nos. 17CW3042 and 17CW3043 (Water Division 6) - Applications of City of Steamboat Springs

The Board ratified these two Statements of Opposition at its March 2018 meeting. Case No. 17CW3043 is an application for an absolute water storage right and an appropriative right of exchange. Case No. 17CW3042 is an application for a change of water right. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement that includes both cases to ensure that the CWCB's instream flow water rights will not be injured (Case No. 17CW3043). Case No. 17CW3042 will be withdrawn when proposed decree is filed in Case No. 17CW3043.

The CWCB holds instream flow water rights, including the following, in Water Division 6 in the Upper Yampa watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
79CW0103 (Div. 6)	Burgess Creek	Forest Service boundary	confl Yampa River	2 (1/1 - 12/31)	03/14/1979
W-959(1976)^ (Div. 6)	Burgess Creek	Forest Service boundary	confl Yampa River	0.0293 & 0.0375 (1/1 - 12/31)	12/31/1902
W-959(1976)^ (Div. 6))	Fish Creek (Hoyle & Knight)	hdgt Mt Werner Pipeline	confl Yampa River	1 (1/1 - 12/31)	10/01/1927

^ Donated/Acquired Water Right

- Applicant filed this case to obtain a water right for Casey's Pond in Steamboat Springs. During construction of Hwy 40, it appears that the physical alignment of the streams was changed on or about the time of the instream flow appropriation. Because of the relatively complex history, CWCB and applicant agreed to the following term to direct administration of the water rights relative to one another.
 - "For purposes of administering the water rights decreed herein, Casey's Pond may be filled or refilled and the exchange may operate regardless of a call by CWCB for its instream flow water right on Burgess Creek decreed in Case No. 79CW103, because the outlet of Casey's Pond is essentially at the lower terminus of the Burgess Creek instream flow water right at the confluence with the Yampa River. The confluence of Burgess Creek and the Yampa River was reconfigured into its current configuration during construction of Highway 40 on or about the time of CWCB's Burgess Creek instream flow appropriation. Given the reconfiguration of Burgess Creek, water in Burgess Creek may continue to run into and through Casey's Pond (and/or if needed for the City's operation of Casey's Pond some portion of the flow in Burgess Creek may be directed to the overflow channel that flows into Walton Creek) during a CWCB call for the instream flow water right decreed in 79CW103 on Burgess Creek."
- Also, because of a conflict regarding ownership of the Hoyle and Knight water right priorities, the change case in 17CW3042 will be withdrawn, as agreed by Applicant and documented in the CWCB stipulation as follows.

- “The City agrees to withdraw its pending application in Case No. 17CW3042 contemporaneously with filing the motion to approve the proposed decree in this case [17CW3043].”

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. 19CW3243 (Water Division 1) - Application of Evergreen Metropolitan District

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. 94CW0259 on Bear Creek and 94CW0260 on Bear Creek. This case was resolved with CWCB by a letter agreement, dated February 27, 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. In order to insure prevention of injury to the CWCB's existing decreed Bear Creek instream flow water rights, EMD shall not exchange water either by an administrative exchange or under the Exchange decreed herein to Evergreen Reservoir when the CWCB has placed a valid, enforceable call with state water officials for its Bear Creek instream flow rights decreed in Case Nos. 94CW259 or 94CW260.

(2) Case No. 19CW3253 (Water Division 1) - Application of Parker Water and Sanitation District and Lower South Platte Water Conservancy District

During the December 2019 Water Court Resume Review, CWCB staff identified concerns regarding potential injury to CWCB’s instream flow water rights and to enforce CWCB’s exclusive authority to adjudicate instream flow rights. This case is partially resolved and will be monitored by CWCB staff and the AGO. Email agreements were obtained with each of the applicants, dated February 26, 2020 (LSPWCD) and March 24, 2020 (PWSD), 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.

- “In order to allow the CWCB the ability to monitor the proceedings in Case No. 19CW3253 and to obtain additional information regarding applicants’ proposal in that case, LSPWCD’s and PWSD’s board has agreed to provide the CWCB with its proposals and information that it provides to formal opposers and will consent to a motion to intervene by CWCB as long as such intervention occurs no later than 60 days after the matter has been re-referred to the Judge or September 30, 2020, whichever occurs later” if such terms and conditions are not included. The

terms and conditions are as follows:

- “The claim to use the water rights decreed herein for contract of out-of-district service does not seek, and the Court does not approve a priority for administration of any exchange, substitution, or augmentation other than the appropriative rights of exchange specifically set out in the application in this matter.”
- “The water rights decreed herein shall not be used for instream flow purposes absent an agreement with the CWCB pursuant to its exclusive authority”

(3) Case No. 19CW3262 (Water Division 1) - Application of Williams Development LLC and Mountain Mutual Reservoir Company

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. 94CW0250 on North Turkey Creek. This case was resolved with CWCB by a letter agreement, dated March 27, 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:

- Applicant acknowledges that the CWCB has the following instream flow water right to preserve the natural environment to a reasonable degree, which rights were appropriated prior to the filing of the application in this matter and prior to Applicant’s filing for a plan for augmentation and for new junior underground water rights in Case No. 05CW266:

Case No.	Stream	Amount (cfs)	Appropriation Date
94CW250	North Turkey Creek	2.9 (Summer) 0.75 (Winter)	11/8/85

- Applicant has junior groundwater rights decreed in Case No. 05CW266; specifically, CBC Wells Nos. 1 through 3. In connection with the diversion of water under those junior groundwater rights, at any time the streamflow of North Turkey Creek within the CWCB’s instream flow reach, which is downstream from these diversion points, is at or below the stream flow appropriated by the CWCB in Case No. 94CW250, Applicant agrees to replace the depletions in time and amount at or above the upstream terminus of the CWCB’s instream flow water right.
- Applicant in Case No. 05CW266 also decreed an augmentation plan to permit it to make out-of-priority diversions through CBC Wells Nos. 1 through 3. To the extent that the Applicant seeks to divert out-of-priority through CBC Wells Nos. 1 through 3 in a manner not covered in paragraph (2) above, Applicant agrees that it will not divert unless: a. The CWCB’s instream flow water rights are fully satisfied on North Turkey Creek; or b. The Applicant replaces its out-of-priority depletions in time and amount at or above the upstream terminus of the CWCB’s instream flow water right.

- Applicant in this matter seeks a right of substitution and exchange on North Turkey Creek. Applicant agrees it will not operate its right of substitution and exchange at any time the flow in the North Turkey Creek within the instream flow reach of the CWCB's instream flow water right is at or below the stream flow appropriated by the CWCB in Case No. 94CW250.
- So as to assure the operation of the augmentation and exchange plan, Applicant will install and maintain such water measuring devices, implement such accounting procedures, and provide such calculations as may be required by the State or Division Engineer to administer the terms of this Decree. The Colorado Water Conservation Board shall have access to any such measuring device(s) at reasonable times in order to make readings therefrom.

(4) Case No. 19CW3097 (Water Division 4) - Application of Wilson Mesa at Telluride Metropolitan District

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. 84CW0430 on South Fork San Miguel River and 84CW0432 on Lake Fork. This case was resolved with CWCB by a letter agreement, dated February 27, 2020, by which CWCB agreed not to file a statement of opposition, provided Applicant incorporates certain terms and conditions into any draft and final decrees.

- For this case, CWCB staff was concerned about the claimed appropriation of augmentation water without any reference to an augmentation plan. However, because it appeared that anticipated depletions were so small, CWCB worked to understand the claim without filing a statement of opposition. Applicant explained that the Metro District operates the plan described and approved in 00CW166. The vast majority of the calls originate from the main stem of the San Miguel River. The Metro District has not claimed an exchange in this case and has no plans to exchange this water in the future. If that should change, the Metro District would have to file a new application for an exchange. Therefore, Applicant agreed to include a reference to the 00CW166 plan for augmentation use to be decreed in this case, which satisfied CWCB staff concern in this case.

(5) & (6) Case Nos. 19CW3169 and 20CW3023 (Water Division 5) - Application of Conundrum + Castle, LLC

During the February 2020 Water Court Resume Review, CWCB staff identified concerns regarding potential injury to CWCB's instream flow water rights decreed in Case Nos. W-2947(1976) on Castle Creek, W-2948(1976) on the Roaring Fork River and 85CW0646 on the Roaring Fork River. This case was resolved with CWCB by a letter agreement, dated April 20, 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. Note the 102(3)(b) exception for the 1986 ISF right on the Roaring Fork River. The terms are based on the application paragraph 9 with a few additions that are underlined:

- “At times when a call originates from a point above the confluence of the Roaring Fork and Fryingpan Rivers, including CWCB’s instream flow water rights on the Roaring Fork River and Castle Creek decreed in Case Nos. W-2947 (1976) and W-2948 (1976), Applicant will replace depletions from an onsite water tank which is filled from water exchanged in priority pursuant to the decreed exchange in Case No. 19CW3169 to the well under the BWCD Allotment water and supplied to the tank. Pursuant to 37-92-102(3)(b), C.R.S., CWCB’s instream flow water right on the Roaring Fork River decreed in Case No. 86CW646 is subject to the well’s use existing since 1981 and at the time of the ISF appropriation in 1986. Therefore a call for administration under 86CW646 would not curtail or cause augmentation of well diversions decreed herein.”

C. LETTER TO APPLICANT - NO OTHER ACTION TAKEN

CWCB staff sent a letter to the Applicant in the following case, 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. 20CW3001 (Water Division 6) - Application of The Donald Myers & Phyllis Myers Trust Dated July 7, 2017

During the January 2020 Water Court Resume Review, CWCB staff identified concerns regarding potential injury to CWCB’s instream flow water rights decreed in Case No. 92CW0076 on Williams Fork. 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 course of resume review, CWCB noticed the Application for an Alternate Point of Diversion filed in Case No. 20CW3001. CWCB holds an instream flow water right ("ISF") on the subject reach of the Williams Fork, decreed in Case No. 92CW76. To ensure this ISF is not injured by the application, CWCB requests the following language be included in any final decree entered in this case:

- “Diversions of the Underpass Livestock Diversion water right at the original point of diversion, New Alternate Point of Diversion, or any combination thereof, shall be limited to the amount of water legally and physically available at the original point of diversion for the Underpass Livestock Diversion water right as decreed in Case No. 93CW116.”



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: May 20, 2020 Board Meeting

Directors Report: Water Project Loans
Interest Rates

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.





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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: May 20, 2020 Board Meeting

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

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. Projects are also identified if they have a Health/Safety (*), Economic Impact (†), or Federal Match (‡) component.

BORROWER	PROJECT NAME	POTENTIAL LOAN AMOUNT
South Platte		
NISP Participants	NISP	\$750,000,000
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
City of Fort Collins	Halligan Reservoir Enlargement	\$120,000,000
Northern Colorado WCD	Windy Gap Firming (increase)	\$40,000,000
Cherry Creek Water Project Authority	Walker Pit	\$14,500,000
City of Loveland	Reservoir Enlargement	TBD
Lookout Mountain MD (*)	Reservoir Rehabilitation	\$2,000,000
Rural Ditch Company (†)	Diversion Structure Improvements	\$760,000
SPROWG Participants	SPROWG	\$1,800,000,000
Genesee Water and Sanitation District	Reservoir Enlargement	\$3,000,000
Fort Morgan Farms (†)	New Reservoir	\$12,000,000
City of Milliken (*)	Hillsboro Dam Rehabilitation	\$15,000,000
Colorado Parks and Wildlife (*)	Tarryall Dam Rehabilitation	\$5,000,000
Subtotal		\$2,783,360,000



BORROWER	PROJECT NAME	POTENTIAL LOAN AMOUNT
Arkansas		
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
City of Colorado Springs	Irrigation System Improvements	\$3,500,000
Amity Mutual Irrigation Company (*,†,‡)	Queen Dam Rehabilitation	\$1,025,000
Round Mountain Water & Sanitation	New Reservoir	TBD
Subtotal		\$20,525,000
San Miguel/Juan		
Town of Bayfield	Ditch Piping Project	\$500,000
Redmesa Reservoir and Ditch Co. (*)	Redmesa Reservoir Enlargement	\$8,500,000
City of Cortez	Distribution System (Loss Prevention)	\$10,000,000
Webber Ditch Company (‡)	Ditch Piping	TBD
Subtotal		\$19,000,000
Colorado		
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
Horse Pasture HOA	Ditch Piping Project	\$100,000
Orchard Mesa Irrigation District	Hydropower Plant	\$7,500,000
Subtotal		\$18,300,000
Gunnison		
Gunnison County Electric	Taylor Park Hydro	\$1,000,000
Duke Ditch Company	Ditch Piping Project	\$400,000
City of Grand Junction (*)	Pipeline Replacement/Dam Rehab	\$22,000,000
Bostwick Park Water Conservancy District	Dam construction	TBD
Redlands Water and Power Company	Headgate Rehabilitation	\$100,000
Vouga Reservoir Association	Reservoir Rehabilitation	\$300,000
Subtotal		\$23,800,000
North Platte		
Colorado Parks and Wildlife (*)	North Michigan Creek Reservoir	\$6,000,000
Subtotal		\$6,000,000



BORROWER	PROJECT NAME	POTENTIAL LOAN AMOUNT
Rio Grande		
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 WCD (+)	Shaw Reservoir Purchase	TBD
Colorado Parks and Wildlife	Alberta Park Dam Rehabilitation	\$4,000,000
Subtotal		\$22,200,000
Yampa		
Town of Oak Creek (*)	Reservoir Rehabilitation	\$5,600,000
Rio Blanco WCD	Wolf Creek Reservoir	\$100,000,000
Subtotal		\$105,600,000





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Rebecca Mitchell, Director

To: Colorado Water Conservation Board Members

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

Board Meeting: May 20, 2020 Board Meeting

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

The CWCB Loan Program has Substantially Completed Twenty Two (22) projects in Fiscal Year 2019 - 2020 as shown in Table 1. There are currently forty six (46) projects authorized to receive loan funding totaling \$301 million. There are thirty eight (38) projects currently under contract and in the Design and Construction phase totaling \$200 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 W&S District	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 W&S District	Water Infra & Sup. Effncy (WISE)	Douglas/Arapahoe	\$347,967	12/1/2019
10	Inverness W&S District	Water Infra & Sup. Effncy (WISE)	Douglas/Arapahoe	\$431,914	12/1/2019
11	Pinery W&WW District	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 (g)
15	Tunnel Water Company	Laramie-Poudre Tunnel Rehab	Larimer	\$1,654,041	2/1/2020
16	Roxborough Water & San. Dist	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 (h)
18	Bessemer Irrigation Ditch Co	Landslide Stabilization & Lining	Pueblo	\$903,602	4/1/2020
19	Dominion Water & San. District	Chatfield Reallocation Purchase	Douglas	\$4,191,989	4/1/2020 (i)
20	Consolidated Ditch&Headgate Co	Diversion & Headgate Project	Rio Grande	\$756,129	4/1/2020
21	Republican River WCD	Surface Water Rights Purchase	Yuma	\$5,570,150	5/1/2020
22	Arabian Acres	Automatic Meter Implementation	Teller	\$214,459	5/1/2020
			Total	\$100,647,627	

Fiscal Year 2019 - 2020 has added or preserved 113,127 acre-feet of reservoir storage; (a) 17,964; (b) 4,274; (c) 1,006; (d) 6,922; (e) 10; (f) 81,692; (g) 651; (h) 108; (i) 500



Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
Projects in Design or Construction								
1	Cedar Mesa Ditch Company >Lower Cedar Mesa Ditch Piping CT2020-2680	Delta	\$1,359,460	100%	Fall 2020 - Spring 2022	0%	MS	The company has selected a contractor, however, they are pursuing a Water Plan Grant prior to construction. Construction will likely start in November 2020.
2 - 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	
3- 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. A majority of the park has reopened and nearly all onsite construction activities are completed. Phase 1 contracts were fully disbursed in the July 2019 pay request with exception of Center of Colorado's contract as they are paying cash instead of using its loan funds.
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	
d	Central Colorado Water Conservancy District >(C150407B) CT2016-2058	Arapahoe Douglas Park Weld	\$0	100%	Sept 2017 - Fall 2019	100%	KR	
4 - 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

Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
b	Centennial Water & Sanitation District >(C150405C) CT2016-2056	Arapahoe Douglas Park Weld	\$10,934,260	100%	Fall 2019 - Summer 2020	80%	KR	irrigation, and mitigation monitoring. Phase 2 covers the construction work remaining after Phase 1 loan funds are fully depleted.
c	Central Colorado Water Conservancy District >(C150407C) CT2016-2060	Arapahoe Douglas Weld	\$7,000,310	100%	Fall 2019 - Summer 2020	80%	KR	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.
5	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. Work is completed and waiting on formal closeout only.
6	Central Colorado Water Conservancy District WAS >Shores Lakes Pond C Infrastructure Improvement CT2018-2851	Weld	\$2,367,440	100%	Feb 2019 - Dec 2019	99%	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. Project completion is expected in the next few months.
7	Church Ditch Water Authority >Ditch System Improvements CT2018-1335	Jefferson	\$3,615,800	95%	Dec 2017 - Jun 2020	99%	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.
8	Duke Ditch Company >Piping the Duke Ditch CT2017-915 CTGG1 2017-212 (WSRF)	Delta	\$90,900	100%	No Hold	0%	MS	NRCS finalized the design in August 2018. Federal grant expired. Company is evaluating options of applying for a loan increase and completing project without federal grant dollars.
9	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. Redesign portion and time extension to 3/2022.
10	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
11	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.
12	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.
13 - 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 2021 - Fall 2022	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 approval.

Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
b	Orchard Mesa Irrigation District >Grand Valley Power Plant Rehabilitation CT2017-2878 - SCTF	Mesa	\$1,717,000	100%	Fall 2021 - Fall 2022	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 District is exploring construction of a new plant nearby to avoid need for final approval.
14	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.
15	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.
16	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. Preparing bid documents for Ph4.
17	Julesburg Irrigation District >Diversion Structure Rehabilitation CT2020-396 WPG CTGG1-2020-2445	Sedgwick	\$2,886,580	100%	Spring 2020 - Fall 2021	5%	CB	This project is a diversion structure replacement on the South Platte. The Contractor has been selected and a first disbursal has been made for long lead-time materials. Construction had been slowed due to the State's shelter-in-place order, but is still moving ahead.
18	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.
19	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.
20	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. The pipeline has been installed and 100% of loan funds have been disbursed. Substantial completion is expected in Summer 2020.
21	Lower Arkansas Water Management Association >West Farm Gravel Pit Storage Purchase CT2020-2335, WPGGrant CTGG1 2020-2127	Prowers	\$3,630,950	100%	Sep 2019 - Sep 2020	N/A	RP	water rights purchase
22	Missouri Heights Mountain Meadow Irr Company >Ditch Piping Phase B CT2019-2241 (WSRF) POGG1 2020-2754	Garfield	\$404,000	100%	Oct 2018 - Spring 2020	65%	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.
23	Ogilvy Irrigating and Land Company >Seely Reservoir Dredging CT2019-2099 CTGG1 2019-2018 (WPG)	Weld	\$2,274,520	85%	Fall 2020 - Fall 2022	0%	RP	USACE 12/2019 non jurisdictional determination. Finalizing contractor agrmt, bonds, construction plans. OILC initiating sediment removal Fall 2020. OILC excavate a few exploratory pits to verify soil conditions and depths to bedrock Summer 2020.
24	Orchard Ranch Ditch Company >Orchard Ranch Ditch Pipe Project CT2016-2795 POGG1 2017-493	Delta	\$151,500	100%	Dec 2018 - Sep 2020	99%	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. Anticipate SC August 2020.

	Borrower/Projects	County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
25	Pueblo Conservancy District >Arkansas River and Wildhorse Creek Levees CT2019-366	Pueblo	\$23,230,000	100%	Dec 2014 - Jun 2021	98%	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 from Projects Bill 2020. Wrapping up construction Phase 6.
26	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. Substantial Completion is currently under way.
27	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	95%	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.
28	Schneider Ditch Company >Diversion Structure Replacement CT2020-437	Logan	\$1,245,330	100%	Sep 2019 - May 2020	90%	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.
29	Springdale Ditch Company >Diversion Structure Replacement Project CT2020-3110	Logan	\$1,222,100	100%	Spring 2020 - Fall 2021	0%	CB	This project will replace Springdale's aging diversion structure on the South Platte. Contracting was recently completed and they expect to begin work after the irrigation season in September 2020.
30	St. Vrain & Left Hand Water Conservancy District >Lake No. 4 Outlet Pipeline Repair CT2017-3213	Boulder	\$864,560	100%	Sept 2019 - April 2020	75%	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.
31	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	75%	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.
32	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.
33	Tunnel Water Company >West Half Laramie-Poudre Tunnel Rehabilitation CT2019-3706	Larimer	\$17,250,800	100%	Sep 2019 - Apr 2022	30%	RP	Construction scheduled to begin the Fall 2019, when low water and non-irrigation season. Requesting loan increase 11/2019, 3/2020 from Projects Bill 2020.
34	Upper Platte and Beaver Canal Company >Diversion Structure Replacement CT2020-333	Morgan	\$4,435,920	100%	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. A loan to DSIC was approved in January. Work will begin upon completion of that contract, likely in Summer 2020.
35-	WALKER RECHARGE							\$15,150,000
a	Central Colorado WCD >Walker Recharge CT2020-310	Weld	\$2,272,500	100%	Fall 2019 - Spring 2020	25%	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.

Borrower/Projects		County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
b	Groundwater Management Subdistrict of CCWCD >Walker Recharge CT2020-324	Weld	\$9,847,500	100%	Fall 2019 - Spring 2020	25%	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	25%	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.
36	Wiggins, Town of >Wiggins Recharge Facility at Glassey Farms CT2018-892	Morgan	\$2,408,850	100%	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.
37- 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 11/15/18. Jacobs selected. Pump and Pipeline construction bid Feb2020, Award planned Mar2020. PreCon scheduled Apr2020.
b	Inverness W&S Dist - C150409C (CT2015-119)	Douglas/ Arapahoe	\$1,427,130	100%	Spring 2020 - Fall 2022	0%	RP	
c	Parker W&S Dist - C150410C (CT2015-109)	Douglas/ Arapahoe	\$3,418,658	100%	Spring 2020 - Fall 2022	0%	RP	
d	Pinery (Den SE WSD)C150411B (CT2015-086)	Douglas/ Arapahoe	\$1,427,130	100%	Spring 2020 - Fall 2022	0%	RP	
38 - 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	

	Borrower/Projects	County	Loan Amount	Design Status	Const. Start/End	Const Status	PM	Status Description/Update
	Projects Under Contract		\$199,899,478					
	Approved Projects - Not Under Contract							
a	San Juan Water Conservancy District >Dry Gultch 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. Project loan conditions were amended at the March Board Meeting. Construction is tentatively planned to begin in November 2020.
c	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.
d	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.
e	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.
f	Highland Meadow Estates at Castle Peak Ranch, Inc >Noecker Reservoir Repair CT2020-XXXX	Eagle	\$655,490				MS	
g	South Fork, Town of >Augmentation Water Purchase CT2020-XXXX	Rio Grande	\$444,400	100%	Spring 2020 - Fall 2020	100%	RP	augmentation water purchase
h	Duel and Snyder Improvement Company >Diversion Structure Replacement CT2020-XXXX	Morgan	\$649,430				CB	
	Not Under Contract SubTotal =		\$101,169,535					
	Grand Total =		\$301,069,013					

**WATER PROJECT CONSTRUCTION LOAN PROGRAM
LOAN REPAYMENT DELINQUENCY REPORT
LOAN FINANCIAL ACTIVITY REPORT
May 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 April 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 192. Two Rivers Water and Farming Company had an annual payment due March 1, 2020 in the amount of \$76,006.78 which has not been remitted to CWCB as of this Board Meeting (May 20, 2020). This is the 5th year that the Company has not made their loan payment on time. A late fee of 5% or \$3800.34 will be assessed per CWCB policy because the payment has not been received within 60 days of the due date. If the delinquency continues, at 180 days of the due date a recommendation will be made to the Board of action to address this.

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 \$25.7M for this year. Funds disbursed relative to new project loans totaled \$43.2M for this year. Net activity resulted in \$17.5M 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 \$15.8M in receivables and \$25M in disbursements for a total net activity of \$9.2M disbursed over received. The STPBF consists of \$10M in receivables and \$18.3M in disbursements for a total net activity of \$8.3M 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	\$ 3,851,473	\$ (2,463,721)
February 2020	\$ 347,298	\$ 274,238	\$ 621,535	\$ 2,460,326	\$ (1,838,791)
March 2020	\$ 517,150	\$ 480,065	\$ 997,216	\$ 278,821	\$ 718,395
April 2020	\$ 1,116,941	\$ 596,504	\$ 1,713,444	\$ 4,286,811	\$ (2,573,367)
FY 2020 Totals	\$ 11,036,038	\$ 4,752,129	\$ 15,788,168	\$ 24,978,857	\$ (9,190,690)

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	\$ 613,553	\$ (122,576)
February 2020	\$ 177,578	\$ 114,993	\$ 292,572	\$ 1,970,987	\$ (1,678,416)
March 2020	\$ 425,788	\$ 264,286	\$ 690,073	\$ 447,644	\$ 242,429
April 2020	\$ 448,891	\$ 33,951	\$ 482,843	\$ 4,493,150	\$ (4,010,307)
FY 2020 Totals	\$ 5,996,765	\$ 3,940,172	\$ 9,936,937	\$ 18,243,586	\$ (8,306,649)

GRAND TOTALS	\$ 17,032,803	\$ 8,692,301	\$ 25,725,105	\$ 43,222,443	\$ (17,497,339)
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