

1. Agenda

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[2021.12.07 SPECIAL MEETING AGENDA.PDF](#)

2. Meeting Materials

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[2021.12.07 SPECIAL MEETING PACKET.PDF](#)



SPECIAL MEETING OF THE TOWN BOARD

**Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, December 7, 2021 6:30 p.m.**

This is an IN-PERSON meeting at the location and time noted above.

You may also join virtually using Zoom:

Phone: 1-346-248-7799 or 301-715-8592

Web: www.zoom.us/join

Use this Meeting ID: 819 3617 1259

Please note that you will need to call into the meeting if you wish to speak and do not have a microphone on your computer. If you are using a mobile device, it is highly recommended that you download the Zoom app.

- I. Metropolitan District Discussion (Charles Norton)**
- II. Water Policy Discussion (Pete Johnson)**
- III. EXECUTIVE SESSION**

Pursuant to C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators. And the following details are provided: Negotiations for Potential Water Acquisition

And to conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). And the following is provided for informational purposes: Discuss potential litigation issues

December 7, 2021 Agenda

The order of agenda items listed above are approximate and intended as a guideline for the Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk, 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.



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Town of Berthoud

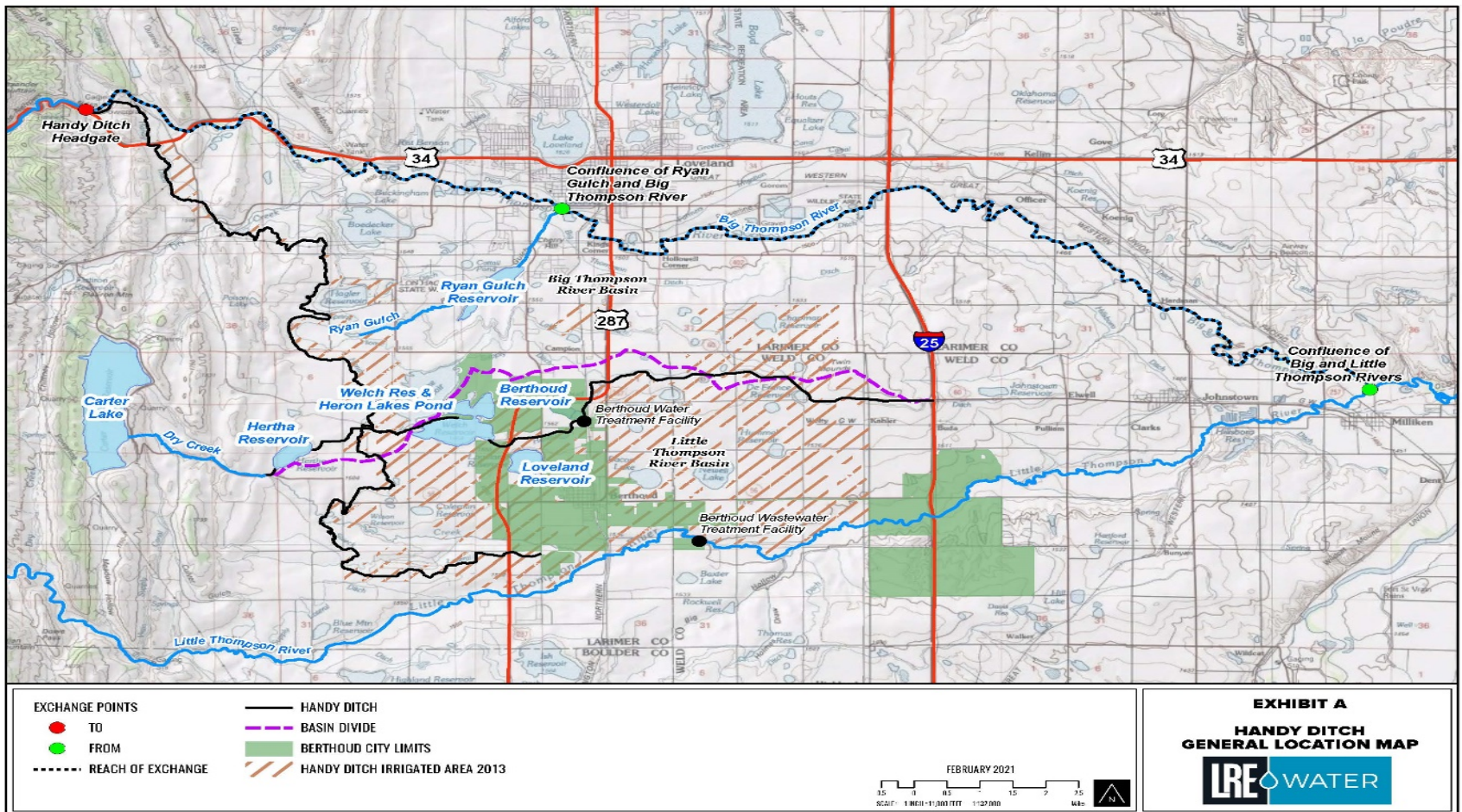
Water Rights and Projects Update

December 7, 2021

Colorado Water Law

- Appropriation Doctrine
 - First in time, first in right
- Units of Measure
 - Acre foot (AF) = 325,851 gallons
 - Cubic foot per second (cfs) = 448 gallons per minute
 - SFE: Single Family Equivalent 0.4 acre feet

Native Water Rights

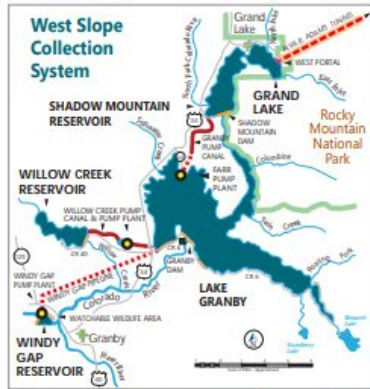


Berthoud's Senior Water Rights

- Berthoud's Senior River Rights
 - 3.0 cfs
 - 4.14 cfs } Average 2,191 acre feet/year
 - Historically Delivered through the Handy Ditch
- Renegotiated Carriage Agreement
- Priority Upheld in Colorado Supreme Court
- Changed Water Rights
 - Can now also divert water through Colorado Big Thompson System

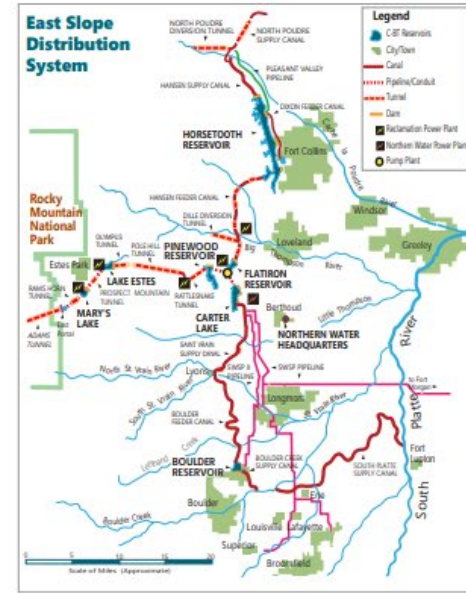
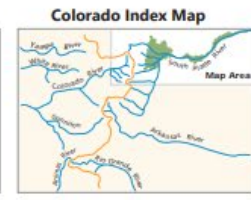
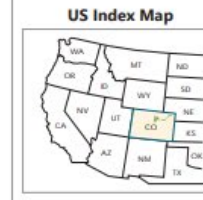
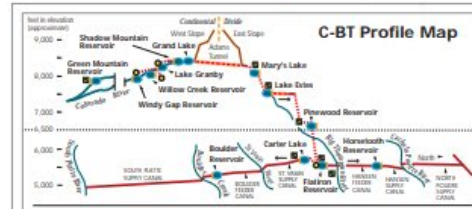
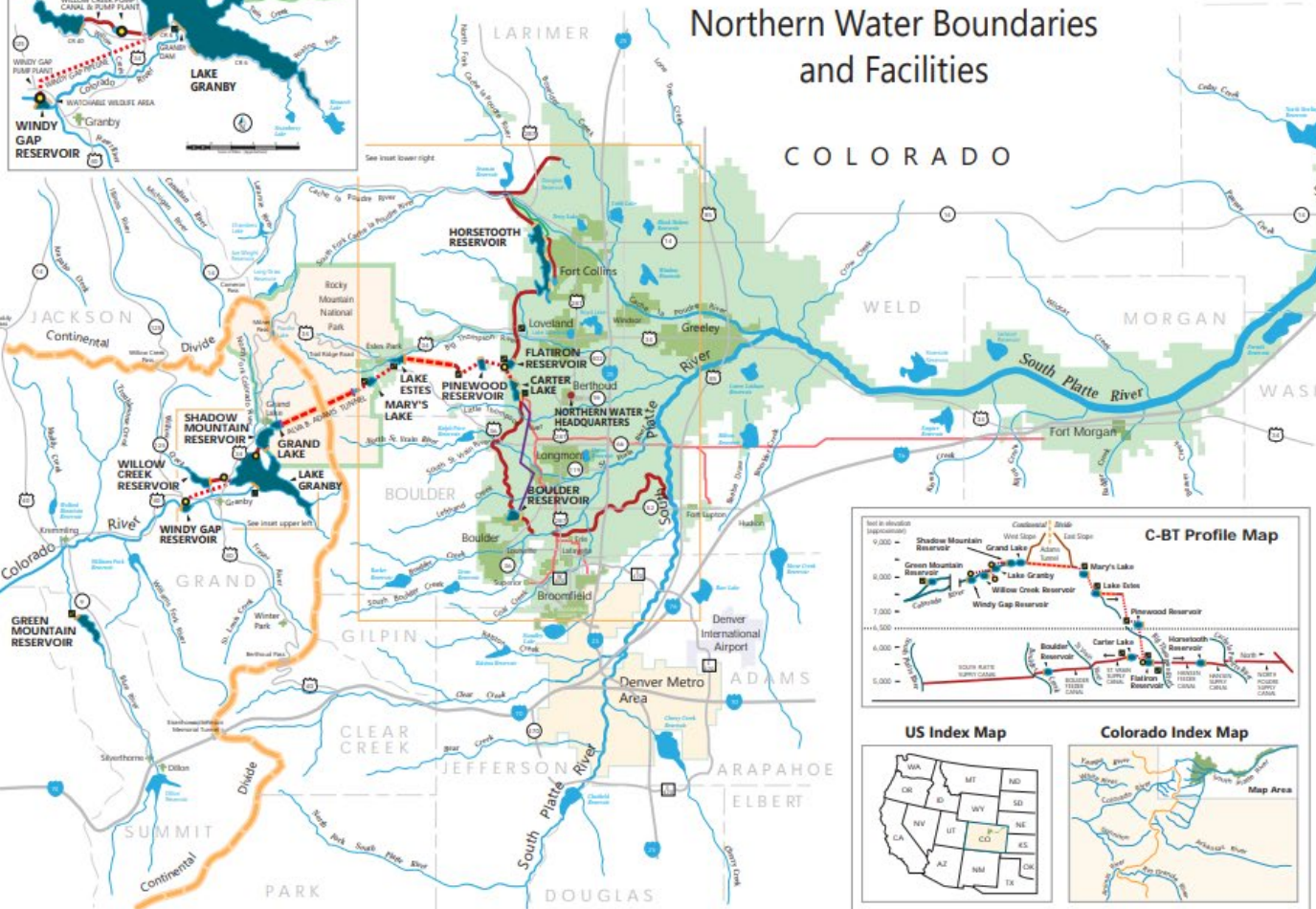
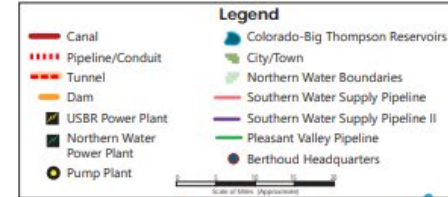
Other Native Water Rights

- Handy Ditch: 40.33 shares
 - 4.4 acre feet/share firm yield; 11 acre feet/share average yield
 - 177 acre feet/year firm yield; 444 acre feet/year average yield
- Ryan Gulch: 34 shares
 - 2.17 acre feet/share firm yield; 6.85 acre feet/share average yield
 - 74 acre feet/year firm yield; 233 acre feet/year average yield
- Loveland Lake & Ditch Company: 76.16 shares
 - 3.3 acre feet/share average deliveries
 - 251.3 acre feet/year average yield
- Welch Contract Rights: 212 “inches”
 - 1.5 acre feet/inch
 - 318 acre feet/year average yield
- Consolidated Home Supply Ditch and Reservoir Company: 2 shares
 - 2.42 acre feet/share direct flow firm yield
 - Storage rights



Northern Water

Colorado-Big Thompson Project



Colorado Big Thompson Units

- Town owns 988 Colorado Big Thompson (“CBT”)Units
- Yield 0.6 acre feet/Unit = 592.8 acre feet/year
- CBT Units
 - Bought and sold without Water Court
 - Can be used directly or stored
 - Very expensive

Windy Gap Units

- Town owns 8 Windy Gap Units
- Yield will be approximately 100 acre feet/Unit (800 acre feet) once Units are firmed
- Windy Gap Units
 - Can be used without Water Court
 - Can be reused
 - Town is moving forward with plans to reuse and to “firm” the Units

Water Supply/Demands Overview

- Current:
 - Town has more than sufficient water supply for currently permitted developments
- Future:
 - 2,500+ additional taps with current water portfolio and additional infrastructure
 - Development of non-potable system for irrigation will increase availability of potable water taps
 - Town can meet 2021 Comprehensive Plan build out (10,753 households) with sources described in 2020 Raw Water Master Plan and South Platte River sources.

Water Resources Master Plan

- Water Resources Master Plan prepared by Leonard Rice in 2013; updates in 2015, 2016, 2017, and 2020
- 2020 Master Plan Recommendations:
 - Develop reusable supplies (Windy Gap and Handy)
 - Reservoir Storage
 - New Wells and Augmentation Plan
 - New Jr. Water Rights
 - Develop & Evaluate Non-Potable Irrigation Systems
 - Acquire LLDC for non-potable irrigation use
 - Re-evaluate Water Rates

Water Rights and Projects - Update

- Windy Gap Units
 - Firming of Units (development of water storage)
 - Potential storage sites have been identified
 - Reuse of Units (new wells, augmentation plan)
 - LRE Feasibility Study
- Carter Lake Pipeline
 - Connection to SWSP II - increase capacity to 10 cfs
 - Study of capacity of existing pipeline to treatment plant
- Berthoud Reservoir
 - Improvements for treatment of stored water

Water Rights and Projects - Update

- Heron Lakes
 - Change of Handy Shares
 - Challenges with Handy Ditch Company to get “Catlin” approval to file the water application for changing the Handy Ditch shares
 - Currently working with Little Thompson Water District regarding the same issues
 - Engineering analyses to be completed by end of 2021
 - Will file Catlin application shortly after engineering analysis is completed
 - Ryan Gulch shares have been removed from the Handy Application and a separate water application was filed in March 2021.

Water Rights and Projects - Update

- Heron Lakes
 - Case No. 21CW3023 - Change of 34 Ryan Gulch Shares
 - Application filed in March 2021
 - Currently negotiating with opposing parties
 - Ryan Gulch water was used this summer for irrigation at Heron Lakes and potable supply

Water Rights and Projects - Update

- Wilson Ranch
 - Water Supply and Treatment
 - Wastewater Treatment
- Adjustment of Cash-in-Lieu Price
- Acquire Additional Water Sources
 - Recent Acquisition of 2.5 Handy Shares
 - Negotiating Acquisition of LLDC Shares
- Non-Potable System Planning and Development

Conclusions

- Berthoud is in an excellent position with its water resources
- Have continued to purchase water rights and pursue facilities to increase the yield and maximize the use of existing water rights
- Currently have significant funds for additional rights and facilities
- The next few years will be critical to developing infrastructure to provide a reliable water supply for future development