



COLORADO WATER CONSERVATION BOARD

WATER SUPPLY RESERVE ACCOUNT 2008-2009 GRANT APPLICATION FORM



Park Ditch Improvements

Southwest

Name of Water Activity/Project

River Basin Location

\$85,000

☒

Basin Account

☐

Yes

☐

Statewide Account

☐

No

Amount of Funds Requested

Please Check Applicable Box

Approval Letter Signed By
Roundtable Chair and
Description of Results of
Evaluation and Approval
Process

*** For the Basin Account, the Application Deadline is 60 Days Prior to the Bimonthly CWCB meeting. The CWCB meetings are posted at www.cwcb.state.co.us and are generally the third week of the month.**

*** For the Statewide Account, the Application Deadline is 60 Days Prior to the March and September CWCB Board Meetings.**

* In completing the application you may attach additional sheets if the form does not provide adequate space. If additional sheets are attached please be sure to reference the section number of the application that you are addressing (i.e., A.1. etc.).

Instructions: This application form must be submitted in electronic format (Microsoft Word or Original PDF are preferred). The application can be emailed or a disc can be mailed to the address at the end of the application form. The Water Supply Reserve Account Criteria and Guidelines can be found at <http://cwcb.state.co.us/IWMD/>. The criteria and guidelines should be reviewed and followed when completing this application. You may attach additional sheets as necessary to fully answer any question, or to provide additional information that you feel would be helpful in evaluating this application. Include with your application a cover letter summarizing your request for a grant. If you have difficulty with any part of the application, contact Todd Doherty of the Intrastate Water Management and Development (Colorado Water Conservation Board) for assistance, at (303) 866-3441 ext.3210 or email Todd at todd.doherty@state.co.us.

Generally, the applicant is also the prospective owner and sponsor of the proposed water activity. If this is not the case, contact the Todd Doherty before completing this application.

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

Part A. - Description of the Applicant (Project Sponsor or Owner);

1. Applicant Name(s):

Mailing address:

Taxpayer ID#: Email address:
Phone Numbers: Business:
Home:
Fax:

2. Person to contact regarding this application if different from above:

Name:

Position/Title

3. Provide a brief description of your organization below: see “Description of Applicant” in Part 2 of Criteria and Guidance for required information.

The Park Ditch Company, a private incorporated mutual ditch company, was established in 1896. The Park Ditch Company Articles of Incorporation and By-Laws are provided as Attachment A. There is a Board of Directors consisting of 6 seats, and 598 shares in the Park Ditch held by 30 parties. The Park Ditch Company employs no staff; most administrative and professional services, and construction equipment provision and services, are voluntary.

The Park Ditch Company was established in 1896 to provide irrigation water to local ranches and farms. The ditch has been in continuous use for irrigation and stock water since that time. The Park Ditch irrigates approximately 2300 acres. 15% of the irrigated land is in hay production with a yield averaging 1.5 to 1.75 tons per acre. The balance of the irrigated land is used for livestock grazing.

The original Park Ditch ran from the inlet on the San Juan River to what is now the Tierra del Oro subdivision. In 1949, the Ditch was extended from Tierra del Oro to Mill Creek. This is referred to as the Bramwell Extension. The Colton – Montroy Ditch was incorporated into the system at that time. In the 1960’s, the ditch was expanded to accommodate

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

water from the old Diamond Ditch. There are thus three types of shares owned by members of the Park Ditch: original “A” shares, 1949 “B” shares and “C” expansion shares. To date, the Park Ditch Company has never made a distinction between the three share types concerning seniority of rights.

There are 60 cubic feet per second (cfs) of water in the 17.7 mile-long ditch, which begins on the main stem of the San Juan River eight miles northeast of the Town of Pagosa Springs. A location map is provided in Attachment B. The ditch head gate is generally opened in May and closed in November. Shareholders have San Juan River senior water rights during this time. For an historical example of water rights, at one time in 2002, the San Juan River was flowing at 25 cfs above the Park Ditch Intake. Due to its water rights, the Park Ditch Company was able to divert 13 cfs, or just over half of the flow.

Each Park Ditch shareholder pays an amount of ditch repair and improvement costs proportionate to the number of shares held. The annual dues per share are calculated in June of each year by dividing the cost of maintenance and operations for the prior year by 598 shares. In 2008, annual dues were approximately \$35 per share. Because a substantial percentage of the shares are owned by a relatively few parties, and because of the current economics of ranching, hay production, and stagnant to declining cattle prices, this has the potential to create a significant, if not impossible, financial burden on these shareholders to fund repair and improvement projects without outside financial assistance such as grants.

4. If the Contracting Entity is different then the Applicant (Project Sponsor or Owner) please describe the Contracting Entity here.

N/A

Part B. - Description of the Water Activity – Please Refer to Criteria and Guidance Document for Eligibility Requirements

1. Name of water activity/project:

Park Ditch Improvements

What is the purpose of this grant application?

☐

Environmental compliance and feasibility study

☐

Technical Assistance regarding permitting, feasibility studies, and environmental compliance

☐

Studies or analysis of structural, nonstructural, consumptive, nonconsumptive water needs, projects

Study or Analysis of:

☐

Structural project or activity

☐

Nonstructural project or activity

☐

Consumptive project or activity

☐

Nonconsumptive project or activity

☒

Structural and/ or nonstructural water project or activity

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

2. Describe how the water activity meets these **Threshold Criteria**.

- A. The water activity meets the eligibility requirements outlined in Part 2 of the Criteria and Guidelines.

The water activity meets the eligibility requirements as:

- 1) The activity is for a private incorporated mutual ditch company.
- 2) The activity is a structural water project. Grant funds will be used for labor and equipment to make improvements to the Park Ditch in order to secure a reliable water supply for ditch shareholders.
- 3) Please see Section B.4., below, for further project description and details.

- B. The water activity is consistent with Section 37-75-102 Colorado Revised Statutes. The requirements/language from the statute is provided in Part 3 of the Criteria and Guidelines.

The Park Ditch Company and this water activity (improvements to the Park Ditch) are consistent with Section 37-75-102. Neither the improvements nor the financial assistance of the Water Supply Reserve Account will restrict the ability of any water right holder to use or dispose of that water right in any manner permitted under Colorado law. The Park Ditch Company will not cause injury, in any way, to any vested or decreed water right. The Park Ditch Company will be able to use its decreed water rights in accordance with Colorado law, and the Park Ditch Company will continue to be able to enter into agreements, contracts or memorandums of understanding with other persons or entities to appropriate, move or use water under the provisions of law.

- C. The water activity underwent an evaluation and approval process and was approved by the Basin Roundtable (BRT) and the application includes a description of the results of the BRT's evaluation and approval of the activity. At a minimum, the description must include the level of agreement reached by the roundtable, including any minority opinion(s) if there was not general agreement for the activity. The description must also include reasons why general agreement was not reached (if it was not), including who opposed the activity and why they opposed it. Note- If this information is included in the letter from the roundtable chair simply reference that letter.

This application is being submitted to the Southwest Basin Roundtable for consideration.

- D. The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes. The requirements/language from the statute is provided in Part 3 of the Criteria and Guidelines.

The Park Ditch Company and this water activity meet the provisions of Section 37-75-104(2). One of the 2003 Statewide Water Supply Initiative (SWSI) Major Findings was "The ability of smaller, rural water providers **and agricultural water users** to adequately address their existing and future water needs is significantly affected by their financial abilities." The Park Ditch Company does not possess the financial resources to make the required improvements to protect its existing water rights. Additionally, the SWSI Management Objectives, depicted in Table 5-1 of SWSI Phase II Report Section 5: Addressing the Water Supply Gap Technical Roundtable, include to "sustainably meet agricultural demands." That management objective is directly met through this activity.

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

3. For Applications that include a request for funds from the Statewide Account, describe how the water activity meets the **Evaluation Criteria**. See Part 3 of Criteria and Guidelines.

Not applicable at this time.

4. Please provide an overview of the water project or activity to be funded including – type of activity, statement of what the activity is intended to accomplish, the need for the activity, the problems and opportunities to be addressed, expectations of the participants, why the activity is important, the service area or geographic location, and any relevant issues etc. Please include any relevant TABOR issues that may affect the Contracting Entity. Please refer to Part 2 of Criteria and Guidance document for additional detail on information to include.

There are three improvements that must be made to the Park Ditch in order to ensure a reliable water supply and delivery of full water rights. Photos of these improvement areas are attached to this application as Attachment C.

- a) **Head Gate Replacement:** The existing Park Ditch head gate on the San Juan River is nearly fifty (50) years old. During sudden and high river flow in late summer and early fall, the head gate poorly controls the intake volume, which creates difficulty in maintaining the integrity of the ditch and contributes to ditch failure (blow outs) in some areas, the repair of which requires financial resources beyond the means of several shareholders. Ditch failure, due to head gate failure, creates a loss of usable water and irrigable land. Additionally, the head gate can no longer be adequately repaired in its current condition. Performing routine maintenance on this structure is at times unnecessarily difficult and unacceptably dangerous, particularly in times of high flow. Also, the inadequate intake structure regularly collects trash and causes log jams which block water flow and create a hazardous situation to clear.

The Park Ditch Head Gate improvement entails replacing the old structure with new gates incorporated in precast concrete sections, new 36 inch pipes and protective steel sheet piling on each flank, installation of a sluice gate with trash rack and installation of a trash deflector. The outcome of this improvement will be the ability to safely control the intake and flow of water in the ditch, and the ability to manage river flood events that otherwise compromise the integrity of the ditch. In addition, it is anticipated that slight modifications to the intake design may increase the reliability of water diversion in dry years.

Time is of the essence in making this improvement. Fundamentally, the head gates present a public safety issue and, given their age and continually eroding nature, have the potential to cause ditch failure on a large scale.

Preliminary engineering designs and a location map for the head gate replacement are attached to this application as Attachment D.

- b) **Slide Section Improvement:** A 500 ft. section of the Park Ditch, located on a steep slope above mile post 147.5 on U.S. Highway 160, is vulnerable to land movement (landslides) that are caused by saturated soils from precipitation and runoff, primarily in the spring. Although the area has been sliding for hundreds of years, the slide was exacerbated in the 1960s when CDOT cut into the toe of the slide in order to widen Hwy 160. The most recent slope failure occurred in spring 2008, blocking the ditch and affecting highway operations. Subsequent to the 2008 slide, the US Forest Service and the Colorado Department of Transportation (CDOT)

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

engaged the Park Ditch Company in a series of discussions, a field trip to the site and correspondence regarding responsibility for repairs. The outcome of these discussions was an agreement by the Park Ditch Company to work with the CDOT to temporarily stabilize the slide area where it was undercut by the ditch until permanent repairs could be afforded by the Ditch Company. Last summer, in an effort to keep the slide area stabilized, the Ditch Company only ran 2/3 of their allowed flow in 2008.

The Park Ditch Slide Section improvement entails encasing the 500 foot length of ditch in 60" corrugated polyethylene pipe. The hill will be excavated back and the pipeline will be installed on a stable shale base. A 4" corrugated polyethylene drain pipe and solid wall outfall pipe will also be installed to improve drainage and seepage under the pipeline.

Time is of the essence in making this improvement, as seen in correspondence and discussions between the Ditch Company, the US Forest Service and the Colorado Department of Transportation, attached to this application as Attachment E.

In addition to CDOT and Forest Service concerns, this slide section has created a hardship for share holders as only 2/3 of normal flow can be run through the ditch in order to keep the slope stabilized. This is not a viable longterm solution. This situation has the potential to create shareholder conflicts, particularly if the area experiences a drought.

c) Blowout Section Improvement:

A 690 ft. section of the Park Ditch, located south of the Slide Section described above, has an historic record of blowouts. In recent years, developments and buildings have been built and erected on private land below this section. Piping this section of the ditch eliminates the chances for a blow out event and thus protects the private structures below from possible catastrophic damage.

The Park Ditch Blowout Section improvement entails encasing the 500 foot length of ditch in 60" corrugated polyethylene pipe. The hill will be excavated back and the pipeline will be installed on a stable shale base. A 4" corrugated polyethylene drain pipe and solid wall outfall pipe will also be installed to improve drainage and seepage under the pipeline.

Preliminary engineering designs and a location map for the (b) slide section and (c) blowout section improvements are attached to this application as Attachment F.

In summary, award of a Water Supply Reserve Account grant will enable the Park Ditch Company to make immediate improvements to the Park Ditch that are necessary for safety and for preservation of existing agricultural non-consumptive water rights.

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

5. Please summarize the proposed scope of work.

Scope of Work

I. Task 1

Description: Survey and engineering for head gate improvement and pipeline by Jerry Archuleta, Natural Resource Conservation Service.

Major deliverables/products: engineering design work; materials specifications; topographic surveys

Task 2

Description: Head gate replacement. Heavy equipment operation and labor by PAWSD staff and Park Ditch shareholders, directed by George Khoury and Jerry Archuleta.

Major deliverables/products: installation of new head gates, sheet piling, sluice gate and trash catcher and trash deflector.

Task 3

Description: Encase slide section in pipeline. Heavy equipment operation and labor by PAWSD staff and Park Ditch shareholders, directed by George Khoury and Jerry Archuleta.

Major deliverables/products: installation of pipeline, drain pipe, backfill, removal of overburden and clean up

Task 4

Description: Encase blowout section in pipeline. Heavy equipment operation and labor by PAWSD staff and Park Ditch shareholders, directed by George Khoury and Jerry Archuleta.

Major deliverables/products: installation of pipeline, drain pipe, backfill and clean up

II. Personnel

Project-specific personnel:

Jerry Archuleta (NRCS): Services provided - Site surveys and engineering; project management.

George Khoury (Park Ditch shareholder): Construction foreman/site manager

Art Holloman (PAWSD Superintendent): Equipment superintendent

Equipment Operators and Service Technicians (PAWSD): Construction, equipment operation, welding & fabrication

Park Ditch Shareholders (various) Equipment operation and labor

Sheila Berger (PAWSD Special Projects Manager / SJWCD contractual) – Administrative assistance

Other agency involvement

Kevin Khung: US Forest Service Pagosa District Ranger

Ed Archuleta: CDOT Region 5 Resident Engineer

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

III. Budget

The total Project Budget, which includes a 15% contingency, is \$227,340. Please see Attachment 1 for budget detail.


Important Note: All professional services (engineering, survey, project management) provided by NRCS are in-kind. For the purposes of the attached budget, no value has been attached to these services, particularly Task 1, and they are not listed here.

IV. Schedule

Essentially, the Park Ditch improvements will occur in three phases due to the need to balance restriction of flows during work with the flow requirements of the shareholders over the summer, and allowing for other maintenance that may be required in the interim due to heavy winter weather.

Note: All improvements are weather-dependent and thus the schedule, below, is subject to change.

Task	First 6 Months						Second 6 Months					
	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Mar-10	Apr-10	May-10	Oct-10	Nov-10	Dec-10
Notification of NRCS Award and NTP												
1 – Survey and Engineering (NRCS)												
Notification of WSRA Award and NTP												
2 – Head Gate Replacement												
3 – Slide section improvement												
4 – Blowout section improvement												
Final Reports												

 if necessary for completion

6. Water Availability and Sustainability – this information is needed to assess the viability and effectiveness of the water project or activity. Please provide a description of each water supply source to be utilized for, or the water body to be affected by, the water activity. For water supply sources being utilized, describe its location, yield, extent of development, and water right status. For water bodies being affected, describe its location, extent of development, and the expected effect of the water activity on the water body, in either case, the analysis should take into consideration a reasonable range of hydrologic variation.

Water Supply Utilized: The only water supply utilized by the water activity herein described is the Park Ditch. Although due to slide and blow-out concerns the ditch has been running at 40 cfs, its ordinary and decreed flow is 60 cfs and it generally runs 6 months from mid-May to mid-November. The ditch serves 30 shareholders, who primarily use the water for ranching (cattle and horses) and hay production. During its months of operation, the Park Ditch water rights are senior to those of most other San Juan River rights, including to the Colorado Water Conservation Board (CWCB) instream flow right and to the Pagosa Area Water and Sanitation District M&I rights on the main stem of the San Juan River below the Town of Pagosa Springs.

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

Water Bodies Affected: The only water body affected by this water activity is the main stem of the San Juan River. There is no new development or net affect on the San Juan River due to this project; this water project simply makes the existing use (Park Ditch) reliable so that the shareholders may consistently enjoy the full development of their senior water rights. The head gate repair will improve the intake so that log jamming and trash collection are no longer significant factors; thus, this project will improve the general hydrology of the river.

The location of the Park Ditch in relation to the San Juan River is shown on Attachment B.

7. Please provide a brief narrative of any related or relevant previous studies.

In the spring of 2008, the slope failure that occurred along the Park Ditch (Slide Section) also affected Highway 160. The Colorado Department of Transportation coned off the area and engaged the Park Ditch Company and the US Forest Service in a series of discussions, a field trip to the site and correspondence regarding responsibility for repairs. The outcome of these discussions was an agreement by the Park Ditch Company to work with the CDOT and to temporarily stabilize the slide area where it is crossed by the ditch until permanent repairs could be afforded by the Ditch Company. Subsequently, in an effort to keep the slide area stabilized, the Ditch Company only ran 2/3 of their allowed flow in 2008. See Attachment E for copies of the correspondence.

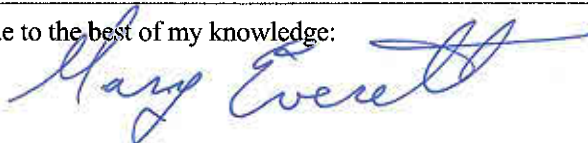
8. Additional Information – If you feel you would like to add any additional pertinent information please feel free to do so here.

Public Notice: In order to solicit public comment, the Park Ditch Company ran an announcement for two weeks in the local newspaper of record, The Pagosa Springs Sun, indicating Park Ditch improvement work to be undertaken. No comments were received. The announcement is attached to this application as Attachment G.

Financial Capability of Park Ditch Company: The Park Ditch Company is working with the Natural Resources Conservation Service (NRCS) to acquire a \$95,000 match for this project. The application for this NRCS Environmental Quality Incentive Program (EQIP) cost share program will be considered by NRCS for approval in May. The Park Ditch Company does not have the financial means to make the improvements herein described. Because a substantial percentage of the shares are owned by a relatively few parties, and because of the current economics of ranching, hay production and stagnant to declining cattle prices, without outside financial assistance these improvements would create a significant, if not impossible, financial burden on these shareholders.

The above statements are true to the best of my knowledge:

Signature of Applicant:



Print Applicant's Name: Gary Everett, President, Park Ditch Company Board of Directors

Project Title: Park Ditch Improvements

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

Attachment 1

Budget Summary: Total Costs					
	Materials	Equipment and Labor	Matching Funds (cash)	Matching Funds (in-kind)	Total Project Costs
Task 2- Head gate replacement	8,550	1,540	12,430	1,590	\$24,080
Task 3 –Slide section pipeline	25,000	10,080	44,160	3,580	82,820
Task 4 – Blowout section pipeline	34,500	5,360	48,340	2,600	90,800
SubTotal	68,020	16,980	104,930	7,770	\$197,700
15% Contingency			29,640		29,640
Total Project Costs:	68,020	16,980	134,570	7,770	\$227,340

Task 2: Head gate replacement	Water Supply Reserve Account	Park Ditch Co Match (cash)	Park Ditch Co Match (in-kind)	NRCS Match (cash)	Total Task 2 Costs
Precast concrete and valves	4,020	30		4,050	\$8,100
Steel sheet piling	3,300			3,300	6,600
Trash catcher	600			600	1,200
Cables and hardware	100			100	200
36 inch pipe: 40 ft @ \$25/ft	500			500	1,000
Excavate and remove existing gates: Track hoe @\$185/hr -8 hr	740			740	1,480
Gate installation: Track hoe& labor @ \$200/hr – 8 hr	800			800	1,600
Sheet piling installation: Backhoe&labor@ \$110/hr – 16 hr		880		880	1,760
Trash deflector install: Backhoe & labor @ \$110/hr – 5 hr		275		275	550
Backfill: Backhoe @ \$85/hr – 6 hr			510		510
Misc. labor @ \$18/hr – 60 hr			1,080		1,080
Subtotal	11,245	1,185	1,590	11,245	\$24,080
Contingency 15%		3,600			3,600
TOTAL Task 2	10,060	4,785	1,590	11,245	\$27,680

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

Task 3: Slide section pipeline	Water Supply Reserve Account	Park Ditch Co Match (cash)	Park Ditch Co Match (in-kind)	NRCS Match (cash)	Total Task 3 Costs
60 inch poly pipe: 500 ft @ 100/ft	25,000			25,000	\$50,000
Gravel delivered: 460 yd @ \$18/yd		4,140		4,140	8,280
Perforated 4 inch drain pipe		400		400	800
Pipe excavation: Track hoe @ \$1,480/day – 3 days	2,220			2,220	4,440
Pipe install: Track hoe & labor @ \$1,600 day – 4 days	2,400		1,600	2,400	6,400
Gravel placement: Cat 950 @ \$1,040/day – 3 days	1,560			1,560	3,120
Backfill & cleanup: Track hoe @ \$1,480 day – 1 day	740			740	1,480
Backfill: Cat 950 @ \$1,040/day – 3 days	1,560			1,560	3,120
Backfill: D3 dozer @ \$800 day – 4 days	1,600			1,600	3,200
Labor, Drain pipe install: \$18/hr – 30 hr			540		540
Misc. labor: \$18/hr – 80 hr			1,440		1,440
Subtotal	35,080	4,540	3,580	39,620	\$82,820
Contingency 15%		12,420			12,420
TOTAL Task 3	\$35,080	16,960	3,580	\$39,620	\$95,240

Water Supply Reserve Account – Grant Application Form

Form Revised May 2007

Task 4: Blowout section pipeline	Water Supply Reserve Account	Park Ditch Co Match (cash)	Park Ditch Co Match (in-kind)	NRCS Match (cash)	Total Task 4 Costs
60 inch poly pipe: 690 ft @ 100/ft	34,500			34,500	\$69,000
Pipe excavation: Track hoe @ \$1,480/day – 4 days	2,960			2,960	5,920
Pipe install: Track hoe & labor @ \$1,600 day – 3 days	2,400			2,400	4,800
Backfill & cleanup: Track hoe @ \$1,480 day – 2 days		1,480		1,480	2,960
Backfill: Cat 950 @ \$1,040/day – 3 days		1,560		1,560	3,120
Backfill: D3 dozer @ \$800 day – 4 days		1,200	800	1,200	3,200
Misc. labor: \$18/hr – 100 hr			1,800		1,800
Subtotal	39,860	4,240	2,600	44,100	\$90,800
Contingency 15%		13,620			13,620
TOTAL Task 4	39,860	17,860	2,600	44,100	\$104,420

	Water Supply Reserve Account	Park Ditch Co Match (cash)	Park Ditch Co Match (in-kind)	NRCS Match (cash)	Total Project Costs
Project Total	\$85,000	\$39,605	\$7,770	\$94,965	\$227,340

CONCEPTS FOR BASIN EVALUATION AND PRIORITIZATION

The following will be used to evaluate a project submitted to the Southwestern Colorado Basin Roundtable: (*Applicant's responses indicated in italics*)

Required:

A. Projects must be submitted on an application form used by the State IBCC and CWCB.

All applicable sections must be completed. *The above application uses the proper form.*

B. Projects must address the values encompassed by the SW Basin Bylaws, especially the following goals and objectives:

- Seek the involvement of all interested parties and stakeholders. *At the June 2008 shareholders meeting, the shareholders agreed to move forward with this water project. Letter of support from two shareholders representing 18% of Park Ditch shares included as Attachment H.*
- Propose methods or projects, both structural and non-structural, for meeting any future needs as well as utilizing any unappropriated waters. *Addressed in application.*
- Promote the protection, conservation, and use of water in the Southwestern Colorado Roundtable area. *Addressed in application. This project seeks to protect agricultural interests by preserving agricultural water use and water rights.*
- Promote the socio-economic sustainability of the Southwestern Colorado Roundtable area. *Full water delivery from the Park Ditch is essential to retaining agricultural activities and preserving the agricultural heritage of this area.*
- Promote the protection and conservation of the natural environment, including the protection of open space. *See response, above. Preserving our agricultural heritage will preserve the 2300 acres of open space irrigated by the Park Ditch.*

C. Provide the financial details of the plan, including cost sharing and other possible funding sources. Give a financial overview and rough timeline for completion of the project. *Addressed in "Scope of Work" in the above application.*

To assist the Southwest Roundtable in determining whether and to what extent a proposed project meets the values set forth in the Bylaws, the following questions should be addressed separately as can reasonably be answered by the applicant.

1. What benefit(s) does the project provide? Are there multiple purposes?

The project provides the following benefits:

- a. Ensures full delivery of decreed water rights (60 cfs) to agricultural users*
- b. Protects loss of water due to landslide or catastrophic failure (blowout)*
- c. Prevents loss by other private property owners due to blow out event*

- d. Will assist CDOT in resolving landslide issues affecting US Highway 160
- e. Allows control of water flow and the ability to moderate affects of wet weather on ditch integrity, reducing annual maintenance costs
- f. Resolves unsafe conditions for repair and maintenance at ditch intake
- g. Preserves agricultural heritage and open space

2. Outline the steps needed for completion of the project. What permit issues must be overcome? How will funds acquired in this process be used to accomplish the final goal?

The only permit required will be from the US Forest Service for cutting any trees that need to be cut in order to make the pipeline improvements. As the Forest Service is a stakeholder in this project (see Attachment E), this is anticipated to be a minor process. Use of funds is addressed in the application "Scope of Work."

3. For prioritization of different proposals and assessment of the merits of the plan, can this project be physically built with this funding. Are further studies needed before actual construction is commenced(if the project anticipates construction)? Will these studies or additional steps delay the completion of the project substantially? *The project can be physically built with this funding. The funding will be matched by an NRCS EQIP cost share and Park Ditch Company cost participation. The project cannot be fully completed without this funding. No further studies are needed; engineering by the NRCS will commence this summer.*

4. How does the proposal envision and anticipate support from its beneficiaries or from other sources in addition to the funding requested here? Would a loan reasonably address the needs of the applicant or, with a grant, should a recommendation be added to assess the future project status for ability to repay a portion of the grant? *See response regarding cost share, above. The Budget section of the application describes in detail matching and in-kind funds to this grant. Payback of a loan or grant would not be possible for the Park Ditch Company.*

5. What is the ability of the sponsor to pay for the project? What actions have been taken to secure local funding? Are there supporting factors which overcome the sponsor's inability to pay? (These could be related to basin water needs and compact considerations). *Described in Budget section of application.*

6. What alternative sources of water or alternative management ideas have you considered? Are there water rights conflicts involving the source of water for the project? If so, please explain. *There are no alternative sources of water to the San Juan River. Any alternative management requires a reduction of flow in the ditch, which reduces the agricultural use that can be supported, increases the potential for shareholder conflicts and over the long term could potentially result in a loss of senior water rights.*

7. How has public input been solicited and is there local support for the project? Have the beneficiaries solicited funding, letters or other documentation to demonstrate support? *Public support was solicited through a newspaper ad that ran for two weeks*

(see Attachment G. No public comments were received. Correspondence between the Park Ditch Company and CDOT, and discussions with the Forest Service (Attachment E) indicate support/direction by those agencies for this project.

8. Is there opposition to the project? If there is opposition, how have those concerns been addressed? *There has been no opposition.*

9. How does the project affect the protection and conservation of the natural environment, including the protection of open space? *Full water delivery from the Park Ditch is essential to retaining agricultural activities and preserving the agricultural heritage of this area. Preserving our agricultural heritage will preserve the 2300 acres of open space irrigated by the Park Ditch.*

10. What is the impact of the proposed action on other non-decreed values of the stream or river? Non-decreed values may include things such as non-decreed water rights or uses, recreational uses and soil/land conservation practices. *No impact.*

11. How does the project relate to **local** land use plans? If conflicts exist, how will these be addressed? *The area served by the Park Ditch is zoned by the County as agricultural. The project supports that designation. There are no land use planning conflicts.*

12. Identify any intrabasin conflicts and how they will be addressed. *Not applicable.*

13. Identify any interbasin impacts and how any conflicts would be addressed. *Not applicable.*

14. How does the project support agricultural development or protect the existing agricultural economy? *The function of the Park Ditch is to provide irrigation water to local ranches and farms. Without this project, the irrigation water rights cannot be fully or reliably used; this project is required to protect the existing agricultural economy that depends upon the ditch.*

Attachment A

PARK DITCH COMPANY ARTICLES OF
INCORPORATION AND BY-LAWS

BY-LAWS OF

PARK DITCH COMPANY, INC.

ARTICLE 1. OFFICES.

The principal office of the corporation shall be in the State of Colorado and shall be located in the City of Pagosa Springs, County of Archuleta.

ARTICLE 2. SHAREHOLDERS.

SECTION 1. Annual Meeting. The annual meeting of the shareholders shall be held on the 2nd Monday in the month of June in each year, beginning with the year 1990, at the hour of 7:00 P.M., for the purpose of electing Directors and for the transaction of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of Colorado, such meeting shall be held on the next succeeding business day. If the election of Directors shall not be held on the day designated herein for an annual meeting of shareholders, or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the shareholders as soon thereafter as conveniently may be.

SECTION 2. Special Meeting. Special meetings of the shareholders, for any purpose or purposes, unless otherwise prescribed by statute, may be called by the President or by the Board of Directors, and shall be called by the President at the request of the holders of not less than twenty (20) per cent of all the outstanding shares of the corporation entitled to vote at the meeting.

SECTION 3. Place of Meeting. The Board of Directors may designate any place, within the State of Colorado unless otherwise prescribed by statute, as the place of meeting for any annual meeting or for any special meeting called by the Board of Directors. A waiver of notice signed by all shareholders entitled to vote at a meeting may designate any place, either within or without the State of Colorado, unless otherwise prescribed by statute, as the place for holding of such meeting. If no designation is made, or if a special meeting be otherwise called, the place of meeting shall be the principal office of the corporation in the State of Colorado.

SECTION 4. Notice of Meeting. Written or printed notice stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than 10 nor more than 30 days before the date of the meeting, either personally or by certified mail, by or at the direction of the President, or the Secretary, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the stock transfer books of the corporation, and with postage thereon prepaid.

SECTION 5. Closing of Transfer Books or Fixing of Record Date.

For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or shareholders entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the Board of Directors of the corporation may provide that the stock transfer books shall be closed for a stated period but not to exceed, in any case 30 days. If the stock transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed for at least 10 days immediately preceding such meeting. In lieu of closing the stock transfer books, the Board of Directors may fix in advance a date as the record date for any such determination of shareholders, such date in any case to be not more than 45 days and, in case of a meeting of shareholders, not less than 35 days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the Board of Directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders. When a determination of shareholders entitled to vote or any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof.

SECTION 6. Voting Lists. The officer or agent having charge of the stock transfer books for shares of the corporation shall make, at least 10 days before each meeting of shareholders, a complete list of the shareholders entitled to vote at such meeting, or any adjournment thereof, arranged in alphabetical order, with address of and the number of shares held by each, which list, for a period of 5 days prior to such meeting, shall be kept on file at the registered office of the corporation and shall be subject to inspection by any shareholder at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to inspection of any shareholder during the whole time of the meeting. The original stock transfer book shall be prima facie evidence as to who are the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.

SECTION 7. Quorum. A majority of the outstanding shares of the corporation entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders. If less than a majority of the outstanding shares are represented at a meeting, a majority of the shares so represented may adjourn the meeting from time to time without further notice. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted at the meeting as originally notified. The shareholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

SECTION 8. Proxies. At all meetings of shareholders, a shareholder may vote by proxy executed in writing by the shareholder or by his duly authorized attorney in fact. Such proxy shall be filed with the Secretary of the corporation before or at the time of the meeting.

SECTION 9. Voting of Shares. Each outstanding share entitled to vote shall be entitled to one vote upon each matter submitted to a vote at a meeting of shareholders.

SECTION 10. Voting of Shares by Certain Holders. Shares standing in the name of another corporation may be voted by such officer, agent or proxy as the by-laws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine.

Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name.

Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

Shares of its own stock belonging to the corporation or held by it in a fiduciary capacity shall not be voted, directly or indirectly, at any meeting, and shall not be counted in determining the total number of outstanding shares at any given time.

ARTICLE 3. BOARD OF DIRECTORS.

SECTION 1. General Powers. The business and affairs of the corporation shall be managed by its Board of Directors.

SECTION 2. Number, Tenure and Qualifications. The number of directors of the corporation shall be not less than 5 nor more than 9. Each director of the corporation shall hold office for a period of three years and until his successor shall have been elected and qualified. The terms of elected directors shall be staggered in such a manner that no more than three are elected in any given year.

The first Board of Directors shall have two directors elected for one year, two for two years and two for three years. After the completion of the first terms, all terms will be three year thereafter.

The Board of Directors shall be made up of shareholders of the corporation, however, a shareholder elected to the Board of Directors can select another person to serve in his or her stead with the approval of 3/4 majority of the stockholders attending the annual meeting.

SECTION 3. Regular meetings. A regular meeting of the Board of Directors shall be held without other notice than this by-law immediately after, and at the same place as, the annual meeting of

shareholders. The Board of Directors may provide, by resolution, the time and place for the holding of additional regular meetings without other notice than such resolution.

SECTION 4. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors. The person or persons authorized to call special meetings of the Board of Directors may fix the place for holding any special meeting of the Board of Directors called by them.

SECTION 5. Notice. Notice of any special meeting shall be given by the fastest means of communication and waiver of notice of such communication shall be considered given by the attendance of the director at such special meeting.

SECTION 6. Quorum. A majority of the number of directors fixed by section 2 of this Article 3 shall constitute a quorum for the transaction of business at any meeting of the board of Directors, but if less than such majority is present at a meeting a majority of the directors present may adjourn the meeting from time to time without further notice.

SECTION 6. Manner of Acting. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

SECTION 8. Vacancies. Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining directors though less than a quorum of the Board of Directors, unless otherwise provided by law. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. Any directorship to be filled by reason of an increase in the number of directors shall be filled by election at an annual meeting or at a special meeting of shareholders called for that purpose.

SECTION 9. Compensation. By resolution of the Board of Directors, the Directors may be paid their expenses, if any, of attendance at each meeting of the Board of Directors, and may be paid a fixed sum for attendance at each meeting of the Board of Directors or a stated salary as Director. No such payment shall preclude any director from serving the corporation in any other capacity and receiving compensation therefor.

SECTION 10. Presumption of assent. A director of the corporation who is present at a meeting of the Board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the corporation within 7 days after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of such action.

ARTICLE 4. OFFICERS.

SECTION 1. Number. The officers of the corporation shall be a President, a Vice-President, a Secretary and a Treasurer, each of whom shall be elected by the Board of Directors. Such other officers and assistant officers as may be deemed necessary may be elected or appointed by the Board of Directors. The office of President and Vice-President shall be filled from the Board of Directors and the individual so elected shall be a resident of Archuleta County, Colorado.

SECTION 2. Election and Term of Office. The officers of the corporation to be elected by the Board of directors shall be elected annually by the Board of directors at the first meeting of the Board of Directors held after each annual meeting of the shareholders. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided. A shareholder elected to the Board of Directors can select another person to serve in his or her stead with the approval of a 3/4 majority of the shareholders voting at the annual meeting.

SECTION 3. Removal. Any officer or agent elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

SECTION 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

SECTION 5. President. The President shall be the principal executive officer of the corporation and, subject to control of the Board of Directors, shall in general supervise and control all of the business and affairs of the corporation. He shall, when present, preside at all meetings of the shareholders and of the Board of Directors. He may sign, with the Secretary or any other proper officer of the corporation thereunto authorized by the Board of Directors, certificates for shares of the corporation, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution hereof shall be expressly delegated by the Board of Directors or by these By-Laws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of President, and such other duties as may be prescribed by the Board of Directors from time to time.

SECTION 6. Vice-President. In the absence of the President or in the event of his death, inability or refusal to act, the Vice-President shall perform the duties of the President, and when so acting, shall

have all the powers of and be subject to all the restrictions upon the President. The Vice-President shall perform such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

SECTION 7. Secretary. The Secretary shall: (a) keep the minutes of the shareholders' and of the Board of Directors' meetings in one or more books provided for that purpose (b) see that all notices are duly given in accordance with the provisions of these By-Laws or as required by law; (c) be custodian of the corporate records and of the seal of the corporation and see that the seal of the corporation is affixed to all documents the execution of which on behalf of the corporation under its seal is duly authorized; (d) keep a register of the postoffice address of each shareholder which shall be furnished to the Secretary by such shareholder; (e) have general charge of the stock transfer books of the corporation; and (f) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the President or by the Board of Directors. The office of Secretary and Treasurer may be held by one person.

SECTION 8. Treasurer. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine. He shall: (a) have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for moneys due and payable to the corporation from any source whatsoever, and deposit all such moneys in the name of the corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article 5 of these By-Laws; and (b) in general perform all of the duties incident to the office of treasurer and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

SECTION 9. Salaries. The salaries of the officers shall be fixed from time to time by the shareholders and no officer shall be prevented from receiving such salary by reason of the fact that he is also a director of the corporation.

ARTICLE 5. LOANS, CONTRACTS, CHECKS, AND DEPOSITS.

SECTION 1. Loans. No loans shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of a majority of the Board of Directors. Such authority may be general or confined to specific instances.

SECTION 2. Contracts. The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

SECTION 3. Checks, Drafts, Etc. All checks, drafts or other orders for payment of money, note or other evidences of indebtedness

Directors, after a delinquency of one (1) year, to bring suit, at the delinquent shareholders expense, in a court of law for the forfeiture of all shares held by such shareholder as payment or for the recovery of the delinquent assessment together with all interest and penalties.

SECTION 4. Interest on Delinquent Assessments. The corporation shall have the power to assess interest, penalties and costs on past due assessments. Assessments of shareholders on shares which are not paid within the thirty (30) day grace period allowed in Section 2 shall bear interest at a rate of two (2) per cent above the rate charged to the corporation by its depository bank.

Any Loans the corporation may obtain to provide financing for the benefit of the shareholders shall be charged to the shareholders on a prorata basis as to amount of assessment made and not paid by each shareholder. If a shareholder pays his proportional share of any assessment by the due date, no additional interest charges will be made by the corporation against that shareholder. Any collection fees, penalties or cost to obtain any assessments made against any shareholder that is delinquent will be borne by that shareholder alone.

SECTION 5. Delinquent Transfer. No certificate of stock or share of stock shall be assigned or transferred while the assignor is indebted to the company on account of such stock.

SECTION 6. Water Amount. Each share of stock in this corporation shall represent 1/10th cubic foot of water per second of time, provided that in the event of shortage of water the supply shall be prorated equally among holders of shares of stock of the same class. Provided further that if title to any water right conveyed to this corporation shall fail, the corporation shall have the right to recall and cancel all shares of stock issued therefor.

SECTION 7. Minimum Transfer. No tranfer of stock in this corporation of less than three (3) shares shall be allowed.

ARTICLE 9. DISTRIBUTION.

The Board of Directors shall have full authority to regulate the distribution of water including designation of location of headgates, division boxes or other orifices for distributing water to the shareholders.

ARTICLE 10. SEAL.

The Board of Directors shall provide a corporate seal which shall be circular in form and shall have inscribed thereon the name of the corporation and the State of incorporation and the words, "Corporate Seal".

ARTICLE 11. WAIVER OF NOTICE.

Unless otherwise provided by law, whenever any notice is required to be given to any shareholder or director of the corporation under the provisions of these By-Laws or under the provisions of the articles of

incorporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE 12. AMENDMENTS.

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by a vote of the shareholders representing 3/4ths of all the shares issued and outstanding, at any annual shareholders' meeting or at any special shareholders' meeting when the proposed amendment has been set out in the notice of such meeting.

ARTICLE 13. SALE OF SHARES.

In the event any shareholder shall be desirous of selling his stock or any part thereof separate from the sale of his land, he shall give the secretary notice in writing of his intention so to do, setting out in said notice the price to be paid for the stock and the terms of the sale. The corporation, if it shall be desirous of purchasing the stock for such price and on such terms, shall give the shareholder notice in writing within 10 days after receipt of the notice by it from the shareholder of its intention so to do and shall within 10 days thereafter complete the purchase. If the corporation shall not give such notice, it shall be construed as having consented to the sale and to have waived its right to purchase said stock at that offering.

Shares of stock presented for transfer to a person who does not hold lands that are serviceable by the Park Ditch Co., Inc. shall first obtain approval of such transfer by a vote of at least a majority of the stockholders of the corporation.

ARTICLE 14. OLD DITCH COMPANYS.

All rights, priveleges, properties and assignments of the original Park Ditch Company and Park Ditch Company, Inc of December 31, 1966 are held to be valid for the corporation.

All shares of stock of record in the Park Ditch Company, Inc. of December 31, 1966 are deemed to be issued as shareholders of record in the Park Ditch Co., Inc. of April 5, 1989 and will have all rights and obligations of shareholders under these By-Laws as adopted by the undersigned incorporators.

Incorporators:

Dated April 10, 1989.

Attachment B

PARK DITCH AREA MAP

Attachment C

PHOTOGRAPHS OF IMPROVEMENT AREAS

HEAD GATE AREA

Right: Log jam and trash collection at head gate (annual event).

Below: After clearing and ditch in service. Plywood head gates frequently attacked by beavers prohibit full closure and control of flow. Note also deteriorating sheet metal shoring.



HEAD GATE AREA



Looking down several feet into the “hole” that is visible in the previous picture under the first wheel. Water flows from San Juan River (top of photo) through plywood gate into a 20 foot-long, 36 inch pipe (bottom of photo) that daylights into onset of Park Ditch. An “attractive” nuisance for neighboring subdivision resident children and pets, this structure serves as an access to the pipe in order to release wedged debris. Releasing debris in this manner is a dangerous proposition, with the potential to wedge and drown the person doing the maintenance if balance is lost.

SLIDE AREA

Right: Looking up at slide from Highway 160. Ditch is located in center of photo.



Below: Photo of ditch bank after temporary repairs.



SLIDE AREA



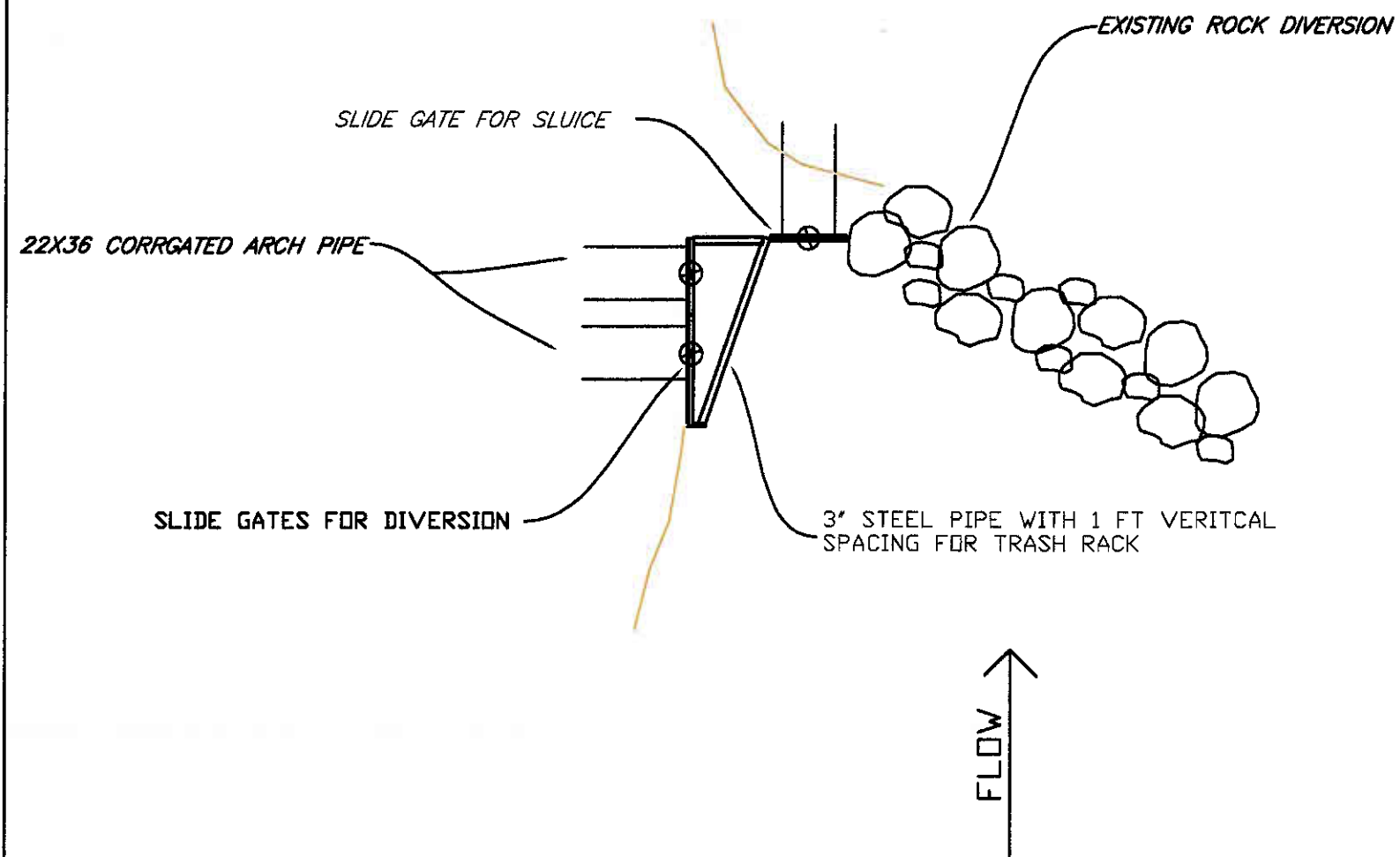
Park Ditch after temporary repairs. The proposed pipe will be placed in the exposed undisturbed shale on left of photo.

Attachment D

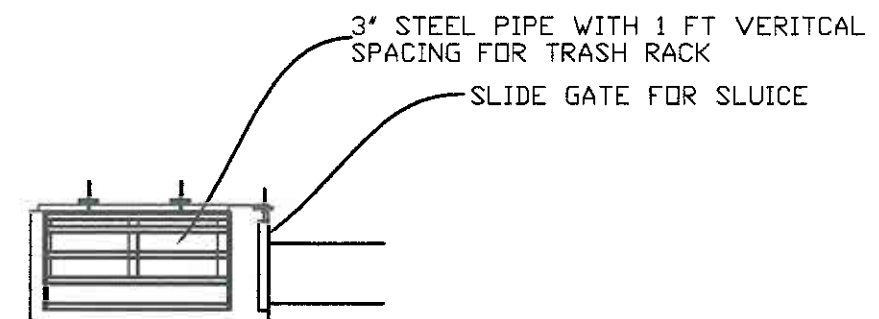
PRELIMINARY ENGINEERING DESIGNS AND
LOCATION MAP

HEAD GATE IMPROVEMENT

PLAN VIEW TRASH RACK



FRONT VIEW TRASH RACK



PARK DITCH DIVERSION - PRELIMINARY

PAGOSA SPRINGS F.D. FY 2009 SAN JUAN CD

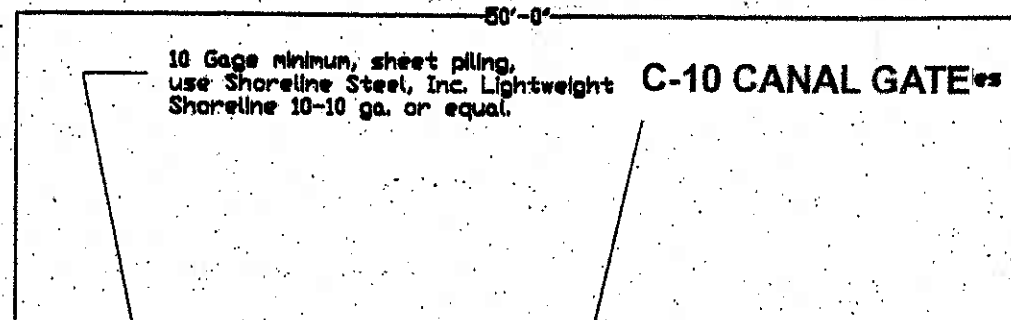
U.S. DEPT. OF AG. NATURAL RESOURCES CONSERVATION SERVICE

date	Designed	date	Approved	date	Approved
	Drawn		Title		Title
	Traced		Approved		Approved
	Checked		Title		Title

CAD FILE NO.

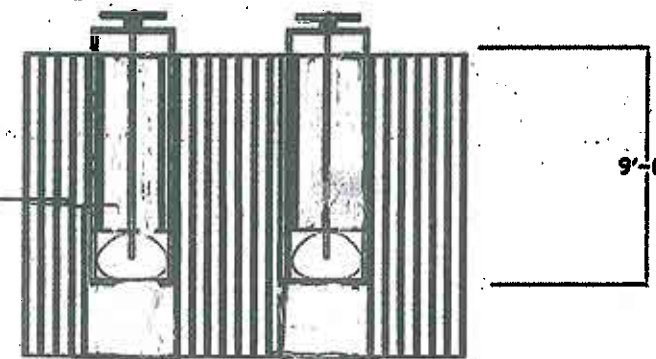
DRAWING NO.

SHEET NO. OF



Plan View

Preliminary Design - Not For Construction



Frontal View

Paint all non-galvanized steel with coal tar epoxy paint or equal

date	designed	approved	date	approved
	drawn	title		title
	checked			
Park Ditch Headgate - Preliminary Pagosa Springs F.D. FY2007 San Juan CO U.S. DEPT. OF AG. NATURAL RESOURCES CONSERVATION SERVICE				
SHEET NO. 1 OF 1				



FOUR CORNERS PRE-CAST

A subsidiary of Navajo Engineering and Construction Authority

Concrete Products . Farmington, New Mexico

800-691-4874

505-327-4874



Irrigation

*Building for Your
Business for Over 30 Years*

- Septic Tanks
- Cisterns
- Sewer Manholes
- Catch Basins & Curb Drop Inlets
- Irrigation
- Ranch
- Median Barriers
- Buildings
- New Mexico Highway Dept.
- NEW! Redi-Rock Retaining Walls
- Grease Traps
- Miscellaneous Products
- Service and Delivery
- Directions and Map



Irrigation Products

- Parshall flumes, 6", 12", 24" and larger
- CHO boxes
- Headwall structures with gates
- T-boxes: 12"x12"x12"; 24" x 24"x12"
- Ditch liners
- Custom structures

800-691-4874

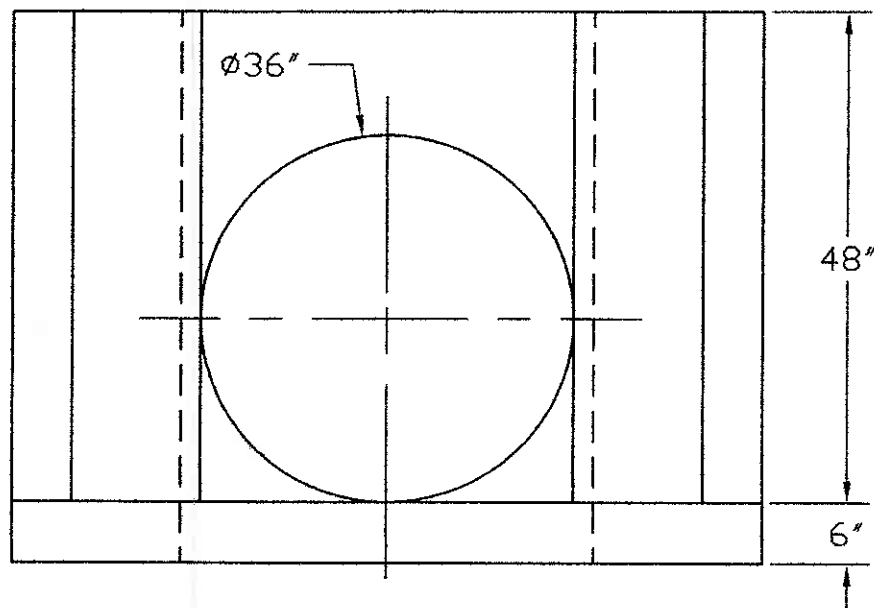
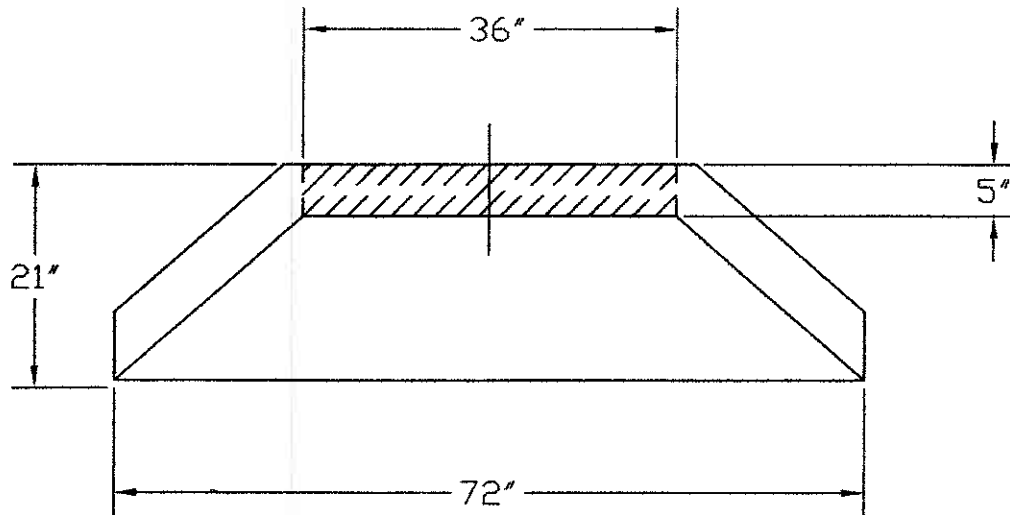
505-327-4874

Bisti Highway
Farmington, NM

DIRECTIONS AND MAP

e-mail us

HOME



**FOUR CORNERS
PRE-CAST, INC.**

A SUBSIDIARY OF NAVAJO ENGINEERING
& CONSTRUCTION AUTHORITY
PH 505-327-4874 - FAX 505-327-1262



TITLE: **CONCRETE HEAD WALL**

PROJECT

FOR: **PARK DITCH COMPANY**

APPROVED FOR BUILD

SIGNATURE

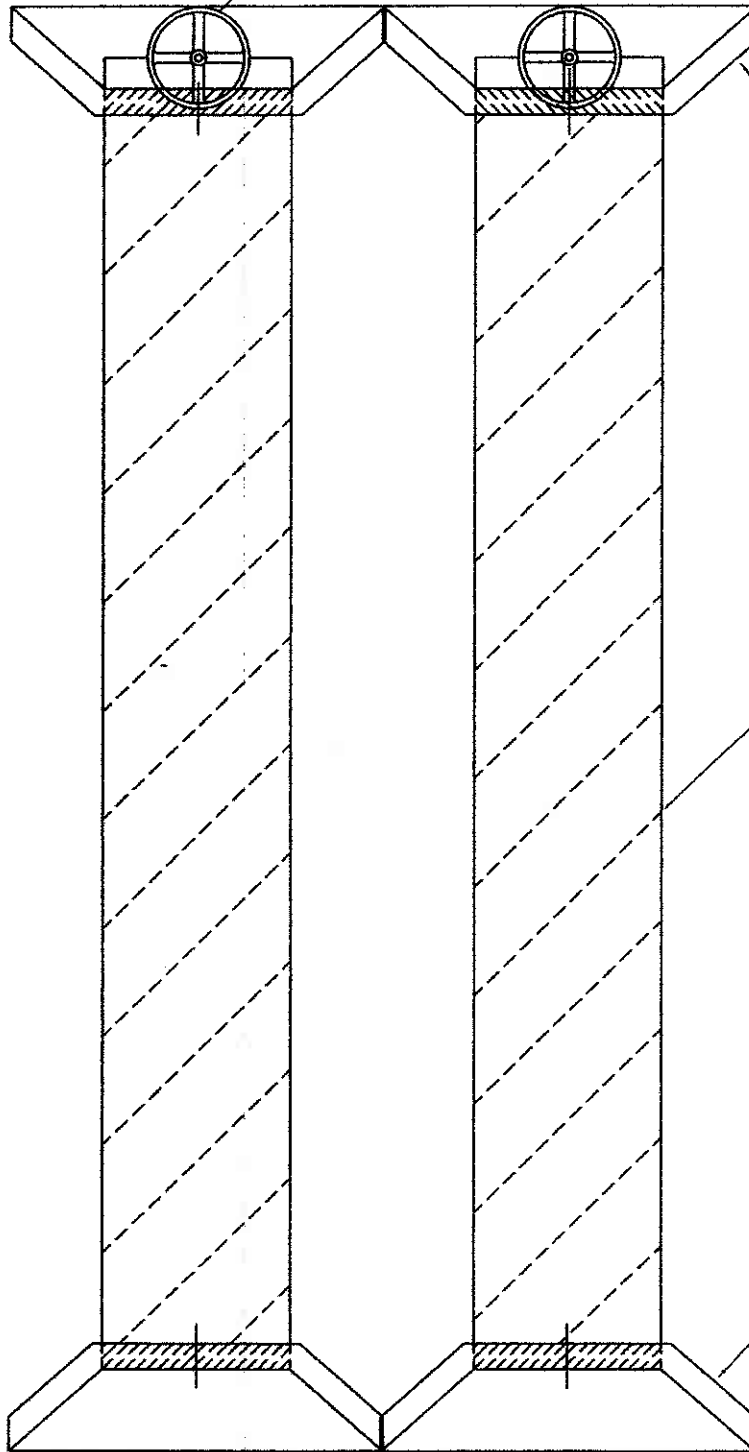
DATE:

TITLE

DRAWN BY: **LEON**
DATE: **2-9-09**

CHECKED BY:

HEAD GATE



HEAD WALL

20' 36" CMP

HEAD WALL USED
AS A TAIL WALL



**FOUR CORNERS
PRE-CAST, INC.**

A SUBSIDIARY OF NAYARD ENGINEERING
A CONSTRUCTION AUTHORITY

PH 505-327-4874 - FAX 505-327-1262



TITLE: **COMPLETE INSTALLATION**
PROJECT

FOR: **PARK DITCH COMPANY**

APPROVED FOR BUILD

SIGNATURE

DATE:

TITLE

DRAWN BY: **LEON**
DATE: **2-9-09**

CHECKED BY:

Attachment E

**CORRESPONDENCE REGARDING SLIDE AREA
IMPROVEMENTS**



USDA Forest Service
San Juan National Forest
Pagosa Ranger District
<http://www.fs.fed.us/r2/sanjuan>

Pagosa Public Lands Office
180 Pagosa Street
PO Box 310
Pagosa Springs, CO 81147
Ph (970) 264-2288 Fax (970) 264-1538



USDI Bureau of Land Management
San Juan Center
Pagosa Field Office
<http://www.co.blm.gov>

File Code: 7100

Date: May 30, 2008

Bob Formwalt
Park Ditch Company
P.O. Box 1051
Pagosa Springs, CO 81147

Dear Concerned Party:

Enclosed are the notes from the Park Ditch Slide field trip from May 16, 2008. Please contact Becca Smith at the Pagosa Ranger District office (970-264-2268) for questions or comments.

Sincerely,

KEVIN C. KHUNG
District Ranger



Park Ditch slide field trip notes
May 16, 2008

Attending: USFS – Kevin Khung, Becca Smith
CDOT – Joe Colley, Nick Lopez, Tom Allen
Park Ditch Company – Bob Formwalt, Charles Formwalt, Jim Morehouse, Ernie

The slide is located at mile marker 147.5 on Highway 160. The most active part of the slide is currently between the Park Ditch and Highway 160.

Bob Formwalt stated that sometime in the 1960s, the whole mountain slid all the way to the river. When Highway 160 was constructed in its present location, it cut into the toe of the slide. In 1979, 3000 feet of a 6 foot diameter pipe was installed in the ditch behind Old Miner's. This pipe has failed once since it was installed, but otherwise has worked well. There is 600 feet of pipe in the ditch just down ditch of the slide. Last year the ditch company moved a portion of the ditch at the slide location into the hillslope about 10 feet in order to try to get the ditch into stable ground. The material removed from the ditch was placed on the ditch bank. Bob doesn't disagree that the sliding section of the ditch needs to be piped, but he wants to make sure the ditch is on solid ground before the pipe is installed so that the pipe won't break. He estimated that it would be two years before the pipe could be installed. They want to move the ditch back into the hill, go through one winter to see if the ditch is stable, and then a pipe could be installed. They also need time to raise the money. They estimate the cost to be \$100,000. The NRCS has looked at this slide and may have some money that could be used to repair the ditch.

Kevin Khung stated that the long term fix needs to be that the ditch will be piped. The FS needs a plan in place from the ditch company stating what will be done when. The quicker the work gets done and gets done right, the better it will be for all parties involved. Perhaps the ditch could be piped within a year.

Bob stated that they plan to clean the ditch this spring (within the next few days) and the dirt will be placed on the ditch bank.

Tom Allen was concerned about placing the dirt on the active slide area because the dirt is weighting down the slide and contributing to its movement.

Bob proposed that in the low spot in the ditch bank along the slide, they would lay plastic over the cracks to seal the cracks, move the ditch into the ditch bank, and build the ditch bank back up.

Tom stated that this would be an improvement over the current condition for the short term. Anything done to seal up the cracks is good in the short term. Tom suggested avoiding putting more weight on the ditch bank through the active slide area as much as possible and instead moving the dirt off of the slide area.

Kevin suggested that the Ditch Company and CDOT could work together to remove the dirt. CDOT stated that this decision had to be made higher up than the personnel present on the field trip.

Bob stated that the slide is a mutual problem and that we all need to work together to solve the problem.

Tom suggested moving the material that was placed on the ditch bank last year to the low spot to build up the ditch bank in order to avoid moving the ditch further into the bank until they are ready to install the pipe. Bob agreed with this suggestion. Tom suggested shaping the dirt between the ditch and the highway so that surface water would drain off of it and wouldn't collect and pond on the surface. The height of the existing ditch bank where work was performed last year could also be reduced.

After the field trip, Tom was going to look at what needs to be done at the bottom of the slide. CDOT may be able to build an access road up from the highway as they reshape the bottom part of the slide.

Agreements made:

The ditch company will bring equipment in to access the ditch along the route that they have previously used (from Fawn Gulch Road through the wet area and up the slope to the ditch bank). If the ditch company determines that they cannot use this route, they will notify the Forest Service for approval of an alternate route. The ditch company will continue assessing access routes for bringing in pipe for the long term fix.

The ditch company will seal the cracks in the low spot in the ditch, build up the ditch bank in that location, and move dirt off the ditch bank where it was stockpiled last year. They will grade the top of the slide area just below the ditch bank as much as possible.

The ditch company will begin working on a plan for the long term fix.

Kevin will call Ed Archuleta from CDOT to discuss CDOT and the ditch company working together to remove material from the slide area.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

RESIDENT ENGINEER

REGION 5

3803 North Main Avenue, Suite 208
Durango, CO 81301
(970) 385-1440
(970) 385-8365 Fax



June 2, 2008

Mr. Bob Formwalt
Park Ditch Company
P.O. Box 1051
Pagosa Springs, CO. 81147

Mr. Formwalt:

Please accept this correspondence as notification that the Park Ditch Company is responsible for the clean up and mitigation of the landslide located on US 160 at MM 178.5. The material which has been deposited in the highway right of way (ROW) as a direct result of leakage and water from the ditch saturating the hillside has created a safety hazard. The Park Ditch Company could potentially be held liable in the event of an accident occurring at or near the site. The material must be removed in a manner that does not further jeopardize the stability of the slope, causing additional slope instability.

The material that requires removal in order to stabilize the slope extends outside the CDOT ROW. Over the years the maintenance cleaning of the ditch has "loaded" the down hill slope of the ditch, increasing the weight of the soil on a saturated slope. The slope being saturated by the open, unlined irrigation ditch.

As stated by the United States Forest Service the best solution is to place the ditch in a pipe. By installing pipe to convey water across this slope your long term water loss would be reduced, the down hill slope would likely be more stable and your liability risk would be reduced.

Please contact Ms. Jo Cuthbert at 385-3626 to acquire a special use permit in order to complete the work within CDOT Right of Way.

Please contact when the work is scheduled to be completed at 970-385-1440. Thank you.

Ed Archuleta
Region 5 Resident Engineer

Cc Reynolds
McVaugh
Powers

June 17, 2008

Mr. Ed. Archuleta
Department of Transportation
Resident Engineer, Region 5
3803 North Main Ave. Suite 208
Durango, CO 81301

Re: your letter dated June 2, 2008

Dear Mr. Archuleta:

The Park Ditch Company respectfully disagrees with the full assignment of responsibility for the slide at MM 147.5. This steep hill side has a long history of land movement, documented by local area residents, since the widening of Hwy 160 in the late 1960s. This spring of 2008 movement, one of many in this county this year, followed a wet winter and is a continuation of an ongoing process. It also happened to occur when the ditch had not been in service for many months. This downward land movement, clearly visible, starts hundreds of feet above ditch level. It is unfortunate that both the ditch and the roadway intercept this slip. We believe there are complex geologic and hydrological processes in play here.

The ditch company will continue to monitor the repaired ditch for the 2008 irrigation season and into next spring to ascertain the best and most cost effective solution to help protect the integrity of the ditch and its interests using means and methods with a proven record of reasonable success.

On Monday June 16th, ditch company directors and some shareholders met with Commissioner Steve Parker to explain their views and to share some of the history and

knowledge of this particular area as well as to show past preventative efforts on the part of the ditch company to maintain the ditch on the steep slope in that area.

It is our desire to resolve this issue in a manor acceptable to all parties, consequently we request a meeting with you and interested CDOT officials at your earliest convenience at a location of your choosing.

Sincerely,

Gary Everett, president, PDC

cc: Mr. Richard Reynolds, RTD Durango

Mr. Steve Parker, Transportation Commissioner, Region 5, Durango

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 5 - Engineering
3803 N. Main Ave., Suite 300
Durango, Colorado 81301

(970) 385-1400
FAX (970) 385-1410



US 160 MM 148
Park Ditch Company

March 2, 2009

VIA CERTIFIED MAIL

Mr. Bob Formwalt
Park Ditch Company
P.O. Box 1051
Pagosa Springs, CO. 81147

RE: US 160 MM 148/ Park Ditch Company

Mr. Formwalt:

The Colorado Department of Transportation (CDOT) Region 5 Maintenance Section 7 wishes to work in a cooperative effort with the Park Ditch Company of Archuleta County. The project location is MM 148 on US 160 east of Pagosa Springs. The work to be completed is the removal of soil and vegetation deposited on the hillside between the ditch bank and south side of US 160.

CDOT proposes the following:

1. The operation will occur at a mutually agreed time period and will be completed in one continuous operation over a time period not to exceed 5 working days prior to June 30, 2009.
2. The Park Creek Ditch Company will provide adequately sized excavation equipment to excavate, grade the hillside and load trucks for removal of the material.
3. CDOT will provide 3 trucks for 5 days time.
4. CDOT will dump the material at a Ditch Company provided site within 5 miles of the project. Stockpiling and spreading by Ditch Company.
5. The Ditch Company will be responsible for obtaining a permit to work within the CDOT right of way (ROW)
6. CDOT will provide traffic control.
7. The Ditch Company will be responsible for erosion control and final site stabilization for all disturbed areas, including CDOT ROW and USFS property.
8. The fence will be replaced by the Ditch Company to USFS standards.
9. The Ditch Company is responsible for contacting the utility companies for utility locates
10. The Ditch Company is responsible for any damage that may occur to utilities as a result of the excavation and grading operations.

The United States Forest Service, USFS, requires the following:

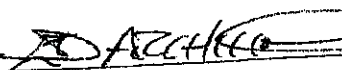
1. The Ditch Company will need written authorization from the USFS to remove the soil from the USFS land.
2. The Ditch Company will be required to obtain concurrence from the USFS on the proposed erosion control measures prior to beginning the work.

Upon completion of this work the Park Ditch Company will be responsible for all future removal, grading and erosion control within the CDOT ROW.

With written concurrence of this proposal please contact Mr. Adam Padilla CDOT Maintenance Section 7 at 719-587-6402 to schedule the work.

Regards,
Ed Archuleta P.E.
Resident Engineer

I concur


Mr. Bob Formwalt
Park Ditch Company
P.O. Box 1051
Pagosa Springs, CO. 81147

3-2-09
Date

cc: Powers
Padilla, Adam, Section 7
USFS – Rebecca Smith
Project file

April 13, 2009
Park Ditch Company
Mr. Gary Everett, Pres.& Board of Directors
P.O. Box 1955
Arboles, Colorado, 81121

Mr. Ed Archuleta
CDOT
3803 N. Main Ave, Ste. 300
Durango, Colorado, 81301

Dear Mr. Archuleta,

We are in receipt of your letter of April 6, 2009. Thank you for your offer to work with us (as we proposed in the spring of 2008).

However, we cannot accept or agree to your proposal of April 6 since we are in no position, legally or otherwise, to assume your contractual or statutory duties with regards to the project you refer to as "US 160 MM 148".

We would like to remind you that the slide in question is an historical slide in a geologically unstable area and both CDOT and the Park Ditch Company are at the mercy of Mother Nature here. We did not cause the slide!

We look forward to your efforts to resolve this issue amicably and at a minimal cost.

Respectfully Yours,

Gary Everett, President
Park Ditch Company

Cc: Powers
Padilla
Smith (USFS)
Parker

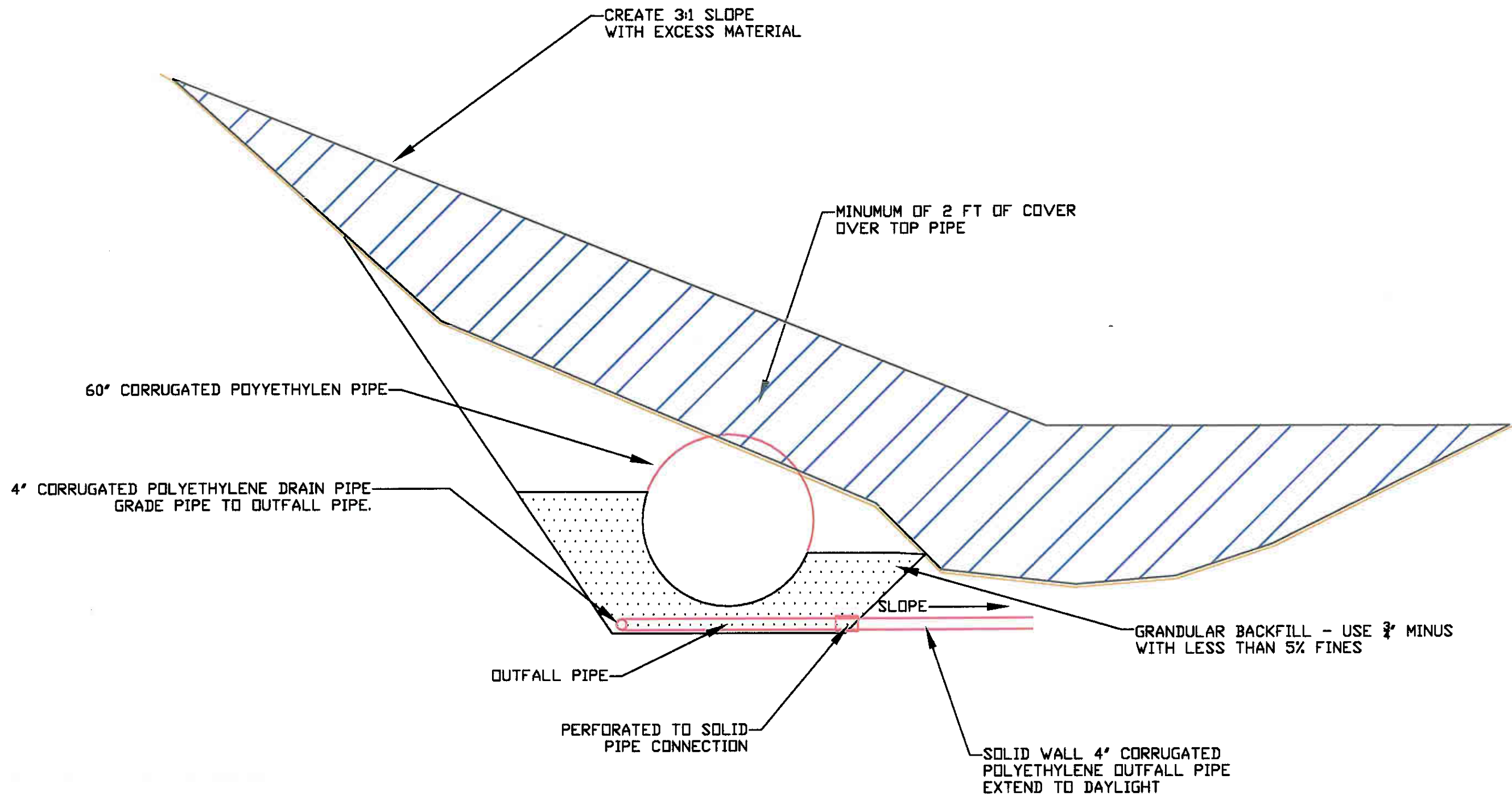
Attachment F

**PRELIMINARY ENGINEERING DESIGNS AND
LOCATION MAP**

PIPELINE ENCASEMENT IMPROVEMENTS



PARK DITCH PIPING PROJECT - PRELIMINARY PAGOSA SPRINGS F.D. FY2009 SAN JUAN CD	Designed	date	Approved	date
	Drawn		Title	
	Traced		Approved	
	Checked		Title	
U.S. DEPT. OF AG. NATURAL RESOURCES CONSERVATION SERVICE				
SAB FILE NO.				
DRAWING NO.				
SHEET NO. OF				



PARK DITCH DRAIN DETAIL - PRELIMINARY
 PAGOSA SPRINGS F.D. FY 2009 SAN JUAN CD

U.S. DEPT. OF AG. NATURAL RESOURCES CONSERVATION SERVICE

CAD FILE NO.

DRAWING NO.

SHEET NO. OF

Designed	JRA	date	Approved	date
Drawn	JRA	2/09	Title	2/09
Traced			Approved	
Checked			Title	

Attachment G

PUBLIC NOTICE OF PROJECT

Public Notice

The Pagosa Springs Sun March 19 - 26, 2009

THE PARK DITCH COMPANY intends to undertake ditch improvements this summer at various locations including a geologically unstable hillside in the approximate vicinity of U.S. Hwy. 160, mile post 147.5. Public questions and comments may be submitted to Sheila Berger at sheila@pawsd.org, or call 731-2691.

Attachment H

LETTER OF SUPPORT



P.O. Drawer 4610
Pagosa Springs, CO 81157



P.O. Box 4632
Pagosa Springs, CO 81157

April 13, 2009

Mr. Mike Preston, Chairman
Southwestern Colorado Basin Roundtable
P.O. Box 1150
Cortez, Colorado 81321

Re: Support for Park Ditch Company's Request for Basin Account Funds

To Mr. Preston and Members of the Southwestern Basin Roundtable:

The Pagosa Area Water and Sanitation District (PAWSD) and the San Juan Water Conservancy District (SJWCD) fully support the Park Ditch Company in its application for Southwestern Colorado Basin Roundtable Account Funds.

The 10-mile long Park Ditch serves 600 shares and a total of 2300 acres of agricultural land. The Park Ditch Company must make three substantial and relatively costly repairs in order to keep the ditch reliably operational: the 50-year old, inadequate and dangerous head gate must be replaced, and two areas that have a history of slides and blowouts must be encased in pipe (556 of the 600 shares are downstream from these slide areas).

Once completed, this project will allow all shareholders to enjoy a reliable source of irrigation water in order to continue to farm and ranch. Because the highest priority of the SJWCD is to provide water for the health and welfare of its constituents, because both Districts are shareholders in the Park Ditch, and because the Park Ditch Company is not in a financial position to cover solely the cost of these required expenditures, we fervently support the Park Ditch Company in its grant request.

PAWSD and SJWCD regard this grant as a great opportunity for the Southwestern Colorado Basin Roundtable to fund a non-consumptive use project that will support the increasingly small agricultural sector of our community and assist it to remain viable.

Sincerely,

Karen A. Wessels
President, Board of Directors
Pagosa Area Water and Sanitation District

Ernie Amos
President, Board of Directors
San Juan Water Conservancy District