



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT GRANT APPLICATION FORM

La Plata River and Cherry Creek Ditch Co

Name of Water Activity/Project

Approving Basin Roundtable

\$25,000

Amount from Statewide Account

Total Amount of Funds Requested

Amount from Basin Account

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1. Reference Information
2. Insurance Requirements (Projects Over \$25,000)
3. WSRA Standard Contract (Projects Over \$100,000)
4. W-9 Form (Required for All Projects)

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Instructions

To receive funding from the Water Supply Reserve Account (WSRA), a proposed water activity must be approved by the local Basin Roundtable AND the Colorado Water Conservation Board (CWCB). The process for Basin Roundtable consideration/approval is outlined in Attachment 1.

Once approved by the local Basin Roundtable, the applicant should submit this application, a detailed statement of work, detailed project budget, and project schedule to the CWCB staff by the application deadline.

The application deadlines are:

- Basin Account – 60 calendar days prior to the bi-monthly Board meeting
- Statewide Account – 60 calendar days prior to the September Board meeting

Board Meeting Dates	Basin Account Deadlines	Statewide Account Deadlines
July 20-21, 2010	May 21, 2010	n/a
September 21-22	July 23, 2010	July 23, 2010
November 16-17	September 17, 2010	n/a
January 2011	60 days prior	n/a
March 2011	60 days prior	n/a
May 2011	60 days prior	n/a
July 2011	60 days prior	n/a
September 2011	60 days prior	60 days prior

When completing this application, the applicant should refer to the WSRA Criteria and Guidelines available at: <http://cwcb.state.co.us/TWMD>.

The application, statement of work, budget, and schedule must be submitted in electronic format (Microsoft Word or text-enabled PDF are preferred) and can be emailed or mailed on a disk to:

Mr. Todd Doherty
Colorado Water Conservation Board
Water Supply Planning Section
WSRA Application
1580 Logan Street, Suite 200
Denver, CO 80203
Todd.Doherty@state.co.us

If you have questions or need additional assistance, please contact Todd Doherty of the Water Supply Planning Section at 303-866-3441 x3210 or todd.doherty@state.co.us.

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

1.	Applicant Name(s):	La Plata River and Cherry Creek Ditch Co		
	Mailing address:	c/o Wally Patcheck 15411 CR 105 Mancos, CO 81328		
	Taxpayer ID#:		Email address:	wally.patcheck@state.co.us
	Phone Numbers: Business:	970-533-7480		
	Home:	970-533-7480		
	Fax:	970-533-7480		

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

Name:

Position/Title

3. Eligible entities that may apply for grants from the WSRA include the following. What type of entity is the Applicant?

- ☐ Public (Government) – municipalities, enterprises, counties, and State of Colorado agencies. Federal agencies are encouraged to work with local entities and the local entity should be the grant recipient. Federal agencies are eligible, but only if they can make a compelling case for why a local partner cannot be the grant recipient.
- ☐ Public (Districts) – special, water and sanitation, conservancy, conservation, irrigation, or water activity enterprises.
- ☒ Private Incorporated – mutual ditch companies, homeowners associations, corporations.
- ☐ Private individuals, partnerships, and sole proprietors are eligible for funding from the Basin Accounts but not for funding from the Statewide Account.
- ☐ Non-governmental organizations – broadly defined as any organization that is not part of the government.

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4. Provide a brief description of your organization

The La Plata River and Cherry Creek Ditch Co is an private incorporated ditch company located in La Plata County. The ditch diverts water out of the La Plata River and brings it to Cherry Creek to satisfy users with the highest priority of #10 in the system. The ditch serves 21 owners with 20.75 shares.

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

N/A

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6. Successful applicants will have to execute a contract with the CWCB prior to beginning work on the portion of the project funded by the WSRA grant. In order to expedite the contracting process the CWCB has established a standard contract with provisions the applicant must adhere to. A copy of this standard contract is included in Attachment 3. Please review this contract and check the appropriate box.

☒ The Applicant will be able to contract with the CWCB using the Standard Contract

☐ The Applicant has reviewed the standard contract and has some questions/issues/concerns. Please be aware that any deviation from the standard contract could result in a significant delay between grant approval and the funds being available.

7. The Tax Payer Bill of Rights (TABOR) may limit the amount of grant money an entity can receive. Please describe any relevant TABOR issues that may affect the applicant.

N/A

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Part B. - Description of the Water Activity

1. Name of the Water Activity/Project:

La Plata River and Cherry Creek Ditch Co Diversion Improvement Project

2. What is the purpose of this grant application? (Please check all that apply.)

☐

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

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3. Please provide an overview/summary of the proposed water activity (no more than one page). Include a description of the overall water activity and specifically what the WSRA funding will be used for.

The current ditch heading is a gravel berm leading into a 10 foot channel with a 5 ft parshall flume which washes out with the spring run-off every year. We have had to rebuild it every spring in order to divert water into the ditch. We have so far been able to do this with small equipment.

We need to re-place it with a more permanent structure that wouldn't require yearly re-building. We are proposing to build a new diversion structure, sluiceway and headgates. The diversion would be built up rock and the headgate and sluiceway would be a steel structure.

The funding will be used for actual construction, material and labor for the full build out project. We attached an estimate from the NRCS dated June 22, 09 which describes their engineering plans for the reconstruction. Upon reviewing the Army Corps of Engineers guidelines, we feel that a 404 permit will not be required because of the limited channel disturbance. All necessary permits will be obtained to complete this project.

The diversion of water through the La Plata Cherry Creek Ditch and this to be improved diversion structure is proving to be an efficient method to get water to the NM State line gage. It was shown this summer that more water can be delivered to NM and to Colorado water users using Cherry Creek. The state has used the ditch to make deliveries to nm instead of using the la plata river bed which loses up to 90% of the water. In our trial run, we have only lost about 20% of the water running it down the ditch into Cherry Creek.

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Part C. – Threshold and Evaluation Criteria

1. Describe how the water activity meets these **Threshold Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)

- a) The water activity is consistent with Section 37-75-102 Colorado Revised Statutes.¹

This project is consistent with Section 37-75-102 CRS because we are not changing the use, place of use or consumptive use of any water. We are simply making our diversion structure more efficient and to maximize the use of the available water.

¹ 37-75-102. Water rights - protections. (1) It is the policy of the General Assembly that the current system of allocating water within Colorado shall not be superseded, abrogated, or otherwise impaired by this article. Nothing in this article shall be interpreted to repeal or in any manner amend the existing water rights adjudication system. The General Assembly affirms the state constitution's recognition of water rights as a private usufructuary property right, and this article is not intended to restrict the ability of the holder of a water right to use or to dispose of that water right in any manner permitted under Colorado law. (2) The General Assembly affirms the protections for contractual and property rights recognized by the contract and takings protections under the state constitution and related statutes. This article shall not be implemented in any way that would diminish, impair, or cause injury to any property or contractual right created by intergovernmental agreements, contracts, stipulations among parties to water cases, terms and conditions in water decrees, or any other similar document related to the allocation or use of water. This article shall not be construed to supersede, abrogate, or cause injury to vested water rights or decreed conditional water rights. The General Assembly affirms that this article does not impair, limit, or otherwise affect the rights of persons or entities to enter into agreements, contracts, or memoranda of understanding with other persons or entities relating to the appropriation, movement, or use of water under other provisions of law.

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- b) 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 BRTs 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.

N/A

- c) The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes.² The Basin Roundtable Chairs shall include in their approval letters for particular WSRA grant applications a description of how the water activity will assist in meeting the water supply needs identified in the basin roundtable's consumptive and/or non-consumptive needs assessments.

N/A

² 37-75-104 (2)(c). Using data and information from the Statewide Water Supply Initiative and other appropriate sources and in cooperation with the on-going Statewide Water Supply Initiative, develop a basin-wide consumptive and nonconsumptive water supply needs assessment, conduct an analysis of available unappropriated waters within the basin, and propose projects or methods, both structural and nonstructural, for meeting those needs and utilizing those unappropriated waters where appropriate. Basin Roundtables shall actively seek the input and advice of affected local governments, water providers, and other interested stakeholders and persons in establishing its needs assessment, and shall propose projects or methods for meeting those needs. Recommendations from this assessment shall be forwarded to the Interbasin Compact Committee and other basin roundtables for analysis and consideration after the General Assembly has approved the Interbasin Compact Charter.

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- d) Matching Requirement: For requests from the Statewide Fund, the applicants is required to demonstrate a 20 percent (or greater) match of the request from the Statewide Account. Sources of matching funds include but are not limited to Basin Funds, in-kind services, funding from other sources, and/or direct cash match. Past expenditures directly related to the project may be considered as matching funds if the expenditures occurred within 9 months of the date the application was submitted to the CWCB. Please describe the source(s) of matching funds. (NOTE: These matching funds should also be reflected in your Detailed Budget in Part D of this application)

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2. For Applications that include a request for funds from the Statewide Account, describe how the water activity meets the **Evaluation Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)

N/A

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Part D. – Required Supporting Material

1. Water Rights, Availability, and Sustainability

This information is needed to assess the viability of the water project or activity. Please provide a description of the water supply source to be utilized, or the water body to be affected by, the water activity. This should include a description of applicable water rights and the name/location of water bodies affected by the water activity.

The ditch was adjudicated 41.5 cfs in Case CA807 with an appropriation date of 1898. This right has a priority of #10 in the La Plata River system and for the use of irrigation of 2,500 acres.

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

A June 2009 evaluation and construction cost estimate was done for the La Plata Cherry Creek Ditch Co. by the NRCS. The conclusions were the diversion structure can be constructed, to control the amount of water diverted and reduce the annual maintenance, with a cost estimate of \$120,000. See the attached NRCS report.

3. Statement of Work, Detailed Budget, and Project Schedule

The statement of work will form the basis for the contract between the Applicant and the State of Colorado. In short, the Applicant is agreeing to undertake the work for the compensation outlined in the statement of work and budget, and in return, the State of Colorado is receiving the deliverables/products specified. Please note that costs incurred prior to execution of a contract or purchase order are not subject to reimbursement.

Please provide a detailed statement of work using the following template. Additional sections or modifications may be included as necessary. Please define all acronyms. If a grant is awarded an independent statement of work document will be required with correct page numbers.

Statement of Work

WATER ACTIVITY NAME - La Plata River and Cherry Creek Ditch Co Diversion Improvement Project

GRANT RECIPIENT – La Plata Cherry Creek Ditch Co

FUNDING SOURCE – NRCS, San Juan Basin Roundtable, SWCD and in-kind service by Ditch Co.

INTRODUCTION AND BACKGROUND

Provide a brief description of the project. (Please limit to no more than 200 words; this will be used to inform reviewers and the public about your proposal)

See NRCS Report

OBJECTIVES

List the objectives of the project

- Increase water diversion from the La Plata River into the La Plata Cherry Creek Ditch.

TASKS

Provide a detailed description of each task using the following format

TASK 1 – [Name]

Description of Task

- Design and Specifications by NRCS
- Construction Management and Contracting by La Plata Cherry Creek Ditch Co.

Method/Procedure

- Operation Maintenance and Replacement by La Plata Cherry Creek Ditch Co.

Deliverable

Scheduling

- | | | |
|---|--------------------|---------------------------|
| - | Winter 2010-11 | Secure Funding |
| - | Spring 2011 | Design and Specifications |
| - | Summer - Fall 2011 | Construction |

TASK 2 – [Name]

Description of Task

Method/Procedure

Deliverable

REPEAT FOR TASK 3, TASK 4, TAKE 5, ETC.

REPORTING AND FINAL DELIVERABLE

Reporting: The applicant shall provide the CWCB a progress report every 6 months, beginning from the date of the executed contract. The progress report shall describe the completion or partial completion of the tasks identified in the statement of work including a description of any major issues that have occurred and any corrective action taken to address these issues.

Final Deliverable: At completion of the project, the applicant shall provide the CWCB a final report that summarizes the project and documents how the project was completed. This report may contain photographs, summaries of meetings and engineering reports/designs.

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BUDGET

Provide a detailed budget by task including number of hours and rates for labor and unit costs for other direct costs (i.e. mileage, \$/unit of material for construction, etc.). A detailed and perfectly balanced budget that shows all costs is required for the State's contracting and purchase order processes. Sample budget tables are provided below. Please note that these budget tables are examples and will need to be adapted to fit each individual application. Tasks should correspond to the tasks described above.

Total Costs				
	Labor	Other Direct Costs	Matching Funds (If Applicable)	Total Project Costs
Task 1 – Construction	122,000			122,000
Task 2 – Design	10,000			10,000
Task 3 – Construction Management	12,000			12,000
Total Costs:				144,000

Example Titles							
Example Project Personnel: Hourly Rate:	Project Manager	Project Engineer	Geologist	Scientist	Graphics/ Designer	Clerical	Total Costs
Task 1 -							
Task 2 -							
Total Hours:							
Cost:							

Other Direct Costs						
Item:	Copies	Materials	Equipment/ Supplies	Mileage		Total
Units: Unit Cost:	No.			Miles		
Task 1 – Construction		122,000				
Task 2 -						
Total Units:						
Total Cost:						

In-Kind Contributions (If Applicable)				
Project Personnel: Hourly Rate:				Total
Task 2 – Design	10,000			10,000
Task 3 – Const Management	12,000			12,000
Total Hours:				22,000

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Total Cost:				12,000
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SCHEDULE - See Page 13

Provide a project schedule including key milestones for each task and the completion dates or time period from the Notice to Proceed (NTP). This dating method allows flexibility in the event of potential delays from the procurement process. Sample schedules are provided below. Please note that these schedules are examples and will need to be adapted to fit each individual application.

Example 1

Task	Start Date	Finish Date
1	Upon NTP	NTP + 90 days
2	Upon NTP	NTP + 180 days
3	Upon NTP	NTP + 180 days
4	Upon NTP	12/31/11
5	NTP + 60 days	12/31/11
6	NTP + 60 days	12/31/11
7	NTP + 60 days	12/31/11

NTP = Notice to Proceed

Example 2

Task	First 6 Months			Second 6 Months			
	1/10 – 3/10	4/10 – 6/10		7/10 – 9/10	10/10 – 12/10		
A – Economic Analysis							
B – Storage Analysis							
C – TA for Ditch Cos							
D – Injury Analysis							
Final Reports							

PAYMENT

Payment will be made based on actual expenditures and invoicing by the applicant. Invoices from any other entity (i.e. subcontractors) cannot be processed by the State. The request for payment must include a description of the work accomplished by major task, and estimate of the percent completion for individual tasks and the entire water activity in relation to the percentage of budget spent, identification of any major issues and proposed or implemented corrective actions. The last 5 percent of the entire water activity budget will be withheld until final project/water activity documentation is completed. All products, data and information developed as a result of this grant must be provided to the CWCB in hard copy and electronic format as part of the project documentation. This information

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will in turn be made widely available to Basin Roundtables and the general public and help promote the development of a common technical platform.

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

Signature of Applicant:

Print Applicant's Name:

Project Title:

Return this application to:

Mr. Todd Doherty
Intrastate Water Management and Development Section
COLORADO WATER CONSERVATION BOARD
1580 Logan Street, Suite 200
Denver, CO 80203

To submit applications by Email, send to: todd.doherty@state.co.us

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

Signature of Applicant: *Wallace Patchek*

Print Applicant's Name: *WALLACE PATCHEK*

Project Title: *LAPLATA AND CHERRY CREEK*

Return this application to:

Mr. Todd Doherty
Intrastate Water Management and Development Section
COLORADO WATER CONSERVATION BOARD
1580 Logan Street, Suite 200
Denver, CO 80203

To submit applications by Email, send to: todd.doherty@state.co.us

La Plata River and Cherry Creek Ditch Co. (LCCDC)
c/o Wally Patcheck

Additional Questions:

1. The benefits of this project are:
 - a. To provide a more steady supply of water through a new diversion structure. This would meet the irrigation and stock needs of the users on the ditch in priority. This structure will divert more water in low-flow conditions on the La Plata River.
 - b. To provide a carriage system to more efficiently meet the La Plata Interstate compact with New Mexico. Water through the La Plata Cherry Creek Ditch and down Cherry Creek has been delivered to the state line with a 20 % loss compared with a 90% loss down the main stem of the La Plata River at low flows (less than 30 cfs at Hesperus)
2. Final designs and specifications will be prepared by the NRCS. This will be done through a federal program which provides the design service and 65% funding for accepted projects. Applications for additional funding to use to cost share with the NRCS will be obtained from the San Juan Basin Roundtable and the SWCD. Construction management would be done by the LCCDC how would solicit for construction bids, award and administer the contract. The result of this contract would be a completed project ready to accept water by the spring of 2012. Construction would take place during the fall of 2011. The Corps of Engineers will be approached about the need for permits but it is believed no specific permit will be needed for the minimal impact to the stream channel. This will depend on the actual design developed. The new structures will remain on the existing easements over private land. No federal land is to be involved in this project. The LCCDC has liability insurance to cover the work anticipated. With the NRCS, SJ Basin Roundtable funding and SWCD funding it is anticipated the entire project can be constructed. In kind services by the LCCDC for construction management will complete the project.
3. The funds being requested along with the SWCD funding and NRCS funding will complete the project. The final design and spec will be needed to put construction work out for bid. This will be part of the NRCS grant package they will provide. This work is included in the estimate provided by the NRCS. This is planned for in the proposed schedule.
4. The direct beneficiaries of this project are the share holders of the LCCDC who are in full support. The Colorado Div. of Water Res. is in support to help in administration of the La Plata River. There are no known adversaries of doing this project.
5. The LCCDC has the financial capability to operate and maintain the project after it is constructed. They do not have the full resources to construct the project but with the help of the multiple entities they have the opportunity to improve their ditch water deliveries.
6. There are no reliable alternate sources of water. This project will actually help implement an alternative management plan for the administration of the La Plata River. Getting water from Hesperus to the state line as required by the interstate La Plata River Compact is very difficult when flows go below 30 cfs at Hesperus. By using Cherry Creek instead of the La Plata River main stem to transport water is more efficient in

providing more water to New Mexico as well as providing more water to Colorado users. This project of improving the river diversion will help this management. Even if the use of Cherry Creek as a transport for water to meet compact is not used in the future the diversion improvement will improve deliveries to the LCCDC.

7. Public input has not been solicited on this project because it is totally within a private ditch company. The CDWR and the NRCS are in support of the project. The La Plata Water Conservancy District has been made aware of the project and has not expressed opposition to it.
8. There is no known opposition to this project.
9. This project does not affect any local land use plans as it only makes an existing structure more efficient. There is a CWCB in stream flow at and below this diversion which will not be impacted by this project. The operation of this diversion must allow the ISF to be bypassed when in priority.
10. It is not anticipated that non decreed values of the stream will be changed as a result of improving this ditch diversion.
11. There are no known local land use plans which will be impacted.
12. This project supports the existing agricultural economy by allowing the ditch to carry more water in low-flow periods. This would also support the administration of the La Plata River compact by allowing more water to be carried and not lost to the stream-bed of the natural channel of the La Plata River. The current river administration based on priority will be maintained.
13. This project has the potential to help the CDWR administer the river including implementation of the La Plata River Compact.
14. The main purpose of this project is to help make more water available for the existing agricultural economy.

United States Department of Agriculture



Natural Resources Conservation Service
31 Suttle Street
Durango, Colorado 81303

Phone: 970-259-3289
FAX: 970-247-9301

To: Wally Patcheck

Date: June 22, 2009

Subject: La Plata Cherry Creek Ditch Heading Information

Wally,

Following are some options to consider in addressing the ditch heading on the La Plata Cherry Creek Ditch. We reviewed the site with our Area Engineer and he recommended using rock as opposed to using sheet piling in this case to create a diversion in the river due to durability and cost issues. Attached is a typical diversion/headgate design that NRCS has employed in numerous locations that could be easily adapted to this situation.

Option 1:

Install a rock weir structure, sluiceway, and headgates at the point of diversion in the La Plata River. An example of the type of structure we recommend is attached. The headgate and sluiceway structures can be constructed from sheet piling or steel plate. Two headgates would probably be the best alternative for the ditch water, (Two 3 foot wide gates, 6' total width). A double drop may be required (2 rows of rock) to stair step the water down. We won't know for sure until a survey and design is completed.

*Estimated quantities and costs are as follows: 350-400 cubic yards of 3-5' rock (525-600 tons), 50 cubic yards backfill around headgate and sluiceway (native material?), 5000 lbs of steel, 3 cubic yards concrete (structure floors), 3 headgates (2 for ditch, 1 for sluiceway).

*Estimated costs are as follows:

7500 lbs steel x \$4.10 lb	=	\$30,750.00
Headgates (72" total width)	=	\$ 4,752.00
Sluiceway (36")	=	\$ 2,376.00
Concrete (3 cubic yds, floor)=		\$ 3,600.00
Rock 400 cubic yards	=	\$ 56,000.00
Misc.	=	\$ 10,000.00

Total Estimated Cost . \$107,478.00

IF the project were accepted for funding through the Environmental Quality Incentive Program for financial assistance, the "cost-share" payment would be approximately \$70,000.

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Additionally, removing the existing upper headgate and wasteway structure with pipe should probably be done to correct the leakage, etc. at that structure. Installing 60' of CMP sized similarly to what was installed further downstream (71" x 47") could be done through that section to remedy that area. At this time I don't see replacing the upper structure with a new one of similar design as there is the second structure further downstream which is serving the same function, unless there is more to the situation that I am unaware of.

*Estimated cost for pipe

71" x 47" CMP x 60' = \$14,400.00 Total Estimated Cost

\$9360.00 Estimated EQIP Payment

***The estimates shown are just that, as no survey or design has been completed. Actual quantities of materials needed and costs may be higher or lower than these estimates.**

Installing the new diversion structure would eliminate the need to push gravel annually to control the flow into the ditch and would give you control of the water at the actual point of diversion. The downside is the installation cost, and the logistics of hauling material into the site, construction, etc..

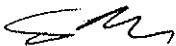
Option 2 :

Replace the upper headgate/wasteway structure with pipe as described in option 1. Continue to operate the point of diversion at the river as in the past. Approximate total cost of \$14,400.00 with potential EQIP payment of \$9360.00. The cost is relatively low, but it does not address managing the water at the point of diversion in the river. The pipe would eliminate the need to maintain the old structure, prevent water loss at that point, etc..

Because we have an EQIP application on file for you concerning this project, we could process the application this summer and it could potentially be funded later this summer depending on its ranking in relation to other projects and availability of funds. Therefore, we need to have the decision made on what exactly will be included in the contract by **July 1, 2009**. This doesn't leave a lot of time, but could be accomplished if everyone is in agreement. The EQIP program is ongoing, and if additional time is needed to work out exactly what needs to be done, etc., we can roll the application over and include it in next year's funding cycle.

Please give me a call if you have any questions, and contact us as soon as possible with what decision you have made so we can continue processing this application.

Sincerely,



Sterling Moss
District Conservationist
Durango F.O.

