



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT GRANT APPLICATION FORM

Helena Diversion Structure/BV Boat Chute Improvement Project
Arkansas Basin Roundtable

Name of Water Activity/Project

Approving Basin Roundtable

\$350,320.00

Amount from Statewide Account

\$290,000.00

Total Amount of Funds Requested

Amount from Basin Account

\$35,000.00

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Form Revised March 2009

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/IWMD>.

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):	Arkansas Headwaters Recreation Area (AHRA)		
	Mailing address:	307 W. Sackett Ave. Salida, CO 81201		
	Taxpayer ID#:	84-0644739	Email address:	rob.white@state.co.us
	Phone Numbers: Business:	719.539.7289		
	Home:	719.207.2050		
	Fax:	719.539.3771		

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

Name:	Robert J. White
Position/Title	AHRA Park Manager (Colorado State Parks)

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

<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Public (Districts) – special, water and sanitation, conservancy, conservation, irrigation, or water activity enterprises.
<input type="checkbox"/>	Private Incorporated – mutual ditch companies, homeowners associations, corporations.
<input type="checkbox"/>	Private individuals, partnerships, and sole proprietors are eligible for funding from the Basin Accounts but not for funding from the Statewide Account.
<input type="checkbox"/>	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 Arkansas Headwaters Recreation Area (AHRA), a Colorado State Park managed in partnership with the Bureau of Land Management, the US Forest Service and the Colorado Division of Wildlife, is recognized as one of the nation's most popular locations for whitewater rafting and kayaking and is home to the most commercially rafted river in the United States – the Arkansas River! Tumbling 4,650' in 150 miles, boaters can find anything from roaring Class IV and V rapids, to milder Class II and III sections, which are ideal for beginner and family trips. AHRA is also recognized for hosting one of Colorado's premier brown trout fisheries. Known for its' eddies, ripples and deep pools, the Arkansas River offers excellent angling opportunities along its entire length. Stretching from the loftiest peaks in the Rockies to the plains of eastern Colorado, AHRA also offers abundant opportunities for camping, picnicking, hiking, wildlife watching, horseback riding, mountain biking, OHV travel and sightseeing among the deep canyons, broad valleys and towering mountain peaks found within the Arkansas River Valley.

In terms of its mission, by coordinating efforts with public and private entities, AHRA is able to leverage limited financial and personnel resources to accomplish a number of projects that improve both recreational and water resources while at the same time providing for increased public safety.

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

AHRA (described above) will be the Contracting Entity and a qualified civil engineering firm/construction firm will be selected per State of Colorado contracting guidelines to coordinate all engineering and construction related activities. The types of firms that may be qualified to work on a project such as this include those firms that have experience in river restoration and/or recreational facility design and construction within rivers.

These types of engineering/construction firms have pioneered several in-stream design and restoration technologies. Examples of these types of innovative construction activities include low-head-dam re-design projects that allow dangerous and impassable dams to provide safe passage, recreation, and restoration the river's natural morphology in a way that allows fish to pass upstream for a healthy and robust in-stream and riparian zone environment. These types of projects have been implemented by various firms on small narrow low head dams, and on large dams on wide rivers.

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.

X

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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

Part B. - Description of the Water Activity

1. Name of the Water Activity/Project:

Helena Diversion Structure/BV Boat Chute 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 proposed activity, an engineering and construction project that will benefit both consumptive and nonconsumptive users, will replace an existing diversion structure/boat chute, with a new diversion structure/boat chute that will improve water delivery capabilities, enhance boater safety, allow for better fisheries management (fish ladder to allow fish spawning movement upstream) while enhancing the overall the recreational experience of visitors to the Arkansas Headwaters Recreation Area.

This grant application is for \$350,320.00 to conduct an engineering and construction project within the upper Arkansas River Valley on an existing water diversion structures in order to improve the water delivery efficiency of the water diversion structure at all water levels while vastly improving boater safety, fisheries management and the recreational experience of visitors to the Arkansas Headwaters Recreation Area.

The Helena Diversion Structure at Buena Vista is currently run by both private an commercial boaters, but is extremely dangerous due to portions of the structure (boat chute & diversion structure) that have shifted over time creating an unpredictable and dangerous spillway that resulted in a commercial passenger boating fatality during the 2007 summer boating season.

In addition to the above noted safety issues, the above identified structures also prohibit the safe passage aquatic species both up and down the river cooridor during critical time periods such as the spawning season. It is therefore desirable to obtain Arkansas Basin funding which will provide for the replacement of this structure to eventually allow for an improved fishery and enhanced public safety for the ever increasing recreational boating community.

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.)

AHRA is a state agency headquartered in Salida, Colorado and therefore meets the eligibility requirements as outlined in Part 3 of the Criteria and Guidelines. The proposed activity, an engineering and construction project that will benefit both consumptive and nonconsumptive users, will replace an existing diversion structure/boat chute, with a new diversion structure/boat chute that will improve water delivery capabilities, enhance boater safety, allow for better fisheries management (fish ladder to allow fish spawning movement upstream) and enhance the overall the recreational experience of visitors to the Arkansas Headwaters Recreation Area also meets the eligibility requirements as outlined in Part 3 of the Criteria and Guidelines.

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

This study will not affect existing water rights. All investigations will be undertaken in cooperation with the signatories to the Arkansas River Voluntary Flow Agreement, an accord that assists in sustaining the recreational economy of the upper Arkansas River Valley.

- 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 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.

A letter from the Arkansas Basin Roundtable Chairman is provided under separate cover.

- 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.

Water-based recreation within the AHRA has been recognized as a critical non-consumptive water need in the Arkansas Basin. This project will provide the necessary engineering and construction of facilities that will benefit both non-consumptive and consumptive water users.

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.

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 CWCBC. 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)

Arkansas Basin Roundtable - \$35,000

Various Interested Parties/Entities - \$25,320

* Arkansas Headwaters Recreation Area /Arkansas River Outfitters Association / Individual AHRA Outfitters / Colorado Department of Corrections / Natural Resource Conservation Service / Various Helena Diversion Structure Ditch Owners

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.)

The Helena Diversion Structure/BV Boat Chute Improvement Project will seek to match grant dollars requested from Arkansas Basin and Statewide funds through in-kind and cash contributions from the Arkansas Headwaters Recreation Area, the Arkansas River Outfitters Association, individual AHRA Outfitters, the Colorado Department of Corrections, the Natural Resource Conservation Service and various Helena Diversion Structure ditch owners to provide engineering and construction to replace the Helena Diversion Structure/BV Boat Chute. The goal of the construction will be to improve the water delivery efficiency of the water diversion structure at all water levels while vastly improving boater safety, fisheries management and the recreational experience of visitors to the Arkansas Headwaters Recreation Area.

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 water source to be utilized is the Arkansas River within the Arkansas Headwaters Recreation Area at the Helena Diversion Structure in Buena Vista, Colorado. The Helena diversion Structure (Helena Ditch) is owned/operated by the following individuals/entities:

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Colorado Department of Corrections

Mr. & Mrs. Cogan

Mr. & Mrs. Moltz

Mr. & Mrs. Diamond

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

In 2008 a Water Supply Reserve Account Grant was received in the amount of \$57,954.50 to conduct a preliminary engineering study within the upper Arkansas River Valley on four existing water diversion structures in order to develop designs and obtain cost estimates for the completion of future engineering/construction activities.

The four diversion structures located within the Arkansas Headwaters Recreation Area (specifically between Granite, CO and Canon City, CO) are in need of improvement or replacement for multiple reasons. Updating these structures will create more efficient water delivery for the intended water users at all water levels, improve the safety of recreational boaters, and improve the fishery by allowing safe passage aquatic species both up and down the river corridor during critical time periods such as the spawning season.

The Granite Diversion Structure at Granite is unpassable to rafts and kayaks year-round and if accidentally boated under current conditions could very well result in a single or multiple fatalities.

The Helena Diversion Structure at Buena Vista is currently run by both private and commercial boaters, but is extremely dangerous due to portions of the structure that have shifted over time creating an unpredictable and dangerous spillway that resulted in a commercial passenger boating fatality during the 2007 summer boating season.

The Hydraulic Diversion Structure at Canon City is unpassable to rafts and kayaks during low water time periods in the summer months since the ditch company that maintains this structure typically has to extend the structure from one bank to the other in order to get their appropriated water. As a result, both commercial and private boaters must drag their boats over this diversion structure in order to continue to the take-out in Canon City, CO. This activity typically results in several minor injuries to visitors to the AHRA as they navigate over the rocks and debris of the diversion structure, as well as continued deterioration of the structure itself.

The Oil Creek Diversion Structure at Canon City currently has exposed metal and therefore presents another serious danger to all recreational boaters at various flow levels as they make their way to the take-out in Canon City.

In addition to the above noted safety issues, all of the above identified structures also prohibit the safe passage aquatic species both up and down the river corridor during critical time periods such as the spawning season. It is therefore desirable to obtain Arkansas Basin funding which will provide engineering plans and specific costs estimates to eventually allow for an improved fishery and enhanced public safety for the ever increasing recreational boating community.

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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 - Helena Diversion Structure/BV Boat Chute Improvement Project

GRANT RECIPIENT - Colorado State Parks/Arkansas Headwaters Recreation Area

FUNDING SOURCE - \$290,000 State / \$35,000 Basin / \$25,320 Match

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)

The proposed activity, an engineering and construction project that will benefit both consumptive and nonconsumptive users, will replace an existing diversion structure/boat chute, with a new diversion structure/boat chute that will improve water delivery capabilities, enhance boater safety, allow for better fisheries management (fish ladder to allow fish spawning movement upstream) and enhance the overall the recreational experience of visitors to the Arkansas Headwaters Recreation Area.

This grant application is for \$350,320.00 to conduct an engineering and construction project within the upper Arkansas River Valley on an existing water diversion structures in order to improve the water delivery efficiency of the water diversion structure at all water levels while vastly improving boater safety, fisheries management and the recreational experience of visitors to the Arkansas Headwaters Recreation Area.

The Helena Diversion Structure at Buena Vista is currently run by both private an commercial boaters, but is extremely dangerous due to portions of the structure (boat chute & diversion structure) that have shifted over time creating an unpredictable and dangerous spillway that resulted

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in a commercial passenger boating fatality during the 2007 summer boating season.

In addition to the above noted safety issues, the above identified structures also prohibit the safe passage aquatic species both up and down the river corridor during critical time periods such as the spawning season. It is therefore desirable to obtain Arkansas Basin funding which will provide for the replacement of this structure to eventually allow for an improved fishery and enhanced public safety for the ever increasing recreational boating community.

OBJECTIVES

List the objectives of the project

1. Improve Public Safety – Replace Failing Diversion Structure
2. Improve Water Delivery – Replace Failing Headgate
3. Improve Public Safety – Replace Dangerous/Deadly Boat Chute
4. Improve Fishery – Construct Fish Ladder
5. Reduce Trespass – Build Class II Structure in Class II Water

TASKS/BUDGET

Helena Ditch Diversion Structure Improvement Project Arkansas River Preliminary Cost Estimate-Alternative 1					
12/1/2009-Revised 1/10/11					
Design & Engineering Costs					
Item Number	Description	Estimated Quantity	Unit	Unit Price	Item Total Price
1	USACE Section 404 Permitting: Professional Engineering Firm will prepare a section 404 permit application for submittal to the Corps of Engineers for review. This assumes an individual permit will be required and that the scope of the of the improvements being recommended are extensive enough that a waiver will not be granted.	60	Hours	\$130	\$7,800
2	Final Design Drawings. The Engineer will revise the preliminary design drawings, refining elevations, dimensions and critical specifications in order to have the drawings ready for the construction bidding. Includes one review by stakeholders and revisions as needed. Includes the design and engineering of a new headgate for the Helena Ditch.	60	Hours	\$130	\$7,800
3	HEC-RAS Model Revisions & Floodplain Permitting: The Engineer will revise and update the preliminary flood model that was completed during the preliminary design phase. The model findings will be summarized in report form and submitted to the Chaffee County floodplain administrator.	30	Hours	\$130	\$3,900
4	Bid Process & Support: The Engineer will work with AHRA staff to prepare bid documents and work with prospective bidders in order to obtain the most accurate construction bids.	30	Hours	\$130	\$3,900
5	Construction Phase Services: Engineering staff will oversee construction of the proposed improvements and work on site with a qualified contractor to complete the improvements.	160	Hours	\$130	\$20,800
Engineering Subtotal					\$44,200

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Construction Costs					
1	Mobilization: Includes costs for bonding, insurance, traffic control, staging, etc.; no measurement for payment shall be made of any of the work, materials and equipment used for mobilization.	1	L.S.	\$15,000	\$15,000
2	Water Control: Measures include construction of coffer dams and pumping of nuisance water. Specific requirements and conditions may be required by regulatory agencies during the permit process.	1	L.S.	\$45,000	\$45,000
3	Structure #1-New Rock Grade Control Drop Structure: Includes rock acquisition & hauling, general excavation, placement, grouting, backfill, and pool excavation.	200	cubic yards grouted rock	\$110	\$22,000
4	Structure #2-New Rock Grade Control Drop Structure: Includes rock acquisition & hauling, general excavation, placement, grouting, backfill, and pool excavation.	175	cubic yards grouted rock	\$110	\$19,250
5	Structure #3-New Rock Grade Control Drop Structure: Includes rock acquisition & hauling, general excavation, placement, grouting, backfill, and pool excavation.	100	cubic yards grouted rock	\$110	\$11,000
6	Stone Divider Island: Construction of a rock island splitting and stabilizing the right and left channels. Includes the acquisition, hauling, placement grouting and backfill of all required stone.	350	cubic yards grouted rock	\$110	\$38,500

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7	River Left Channel: Reconfigure existing boulders and fill as needed to provide safer passage. Includes placement of grouted stone and removal of existing hazards.	467	cubic yards grouted rock	\$110	\$51,370
8	UngROUTED Rock Mattress- Includes rock acquisition, placement as directed by an REP representative, and compaction.	200	cubic yards rock	\$65	\$13,000
9	8-foot wide 3/8-inch minus crushed gravel trail (6-inch depth). This project element was completed in October of 2010. However it is likely that the trail will have to be disturbed in order to provide construction access to the site. Includes 2-3 foot boulder terracing at the put-in and take-out locations	200	L.F	\$40	\$8,000
10	Landscaping and Re-vegetation: Re-seeding and re-vegetating the banks of the river in disturbed areas as needed.	1	L.S.	\$8,000	\$10,000
11	Replacement Headgate: Replace the existing headgate to meet the needs of the existing diversion and reduce maintenance requirements.	1	L.S.	\$43,000	\$43,000
12	Miscellaneous equipment hours: as directed by the Project Engineer.	150	hours	\$200	\$30,000
Construction Subtotal					\$306,120
Estimated Engineering & Construction Total					\$350,320

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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SCHEDULE

Task	Weeks																																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	
1. Engineering Bid Process																																					
2. USACE Permit Submittal																																					
3. Final Design Revisions																																					
4. HEC-RAS Model updates and floodplain permitting																																					
5. Submit draft final design to Stakeholders for review.	Mar-11				Apr-11				May-11				Jun-11				Jul-11				Aug-11				Sep-11												
6. Final Design Complete																																					
7. Bid Document Preparation																																					
8. Bid Process																																					
9. Construction of proposed improvements																																					
10. Final project documentation and reporting																																					

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 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: Robert J. White

Project Title: Helena Diversion Structure/BV Boat Chute Improvement Project – Arkansas Basin

Date: 1/12/2011

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

To submit applications by Fax, send to: (303) 894-2578

For questions, call Telephone No.: (303) 866-3426

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Attachment 1 Reference Information

The following information is available via the internet. The reference information provides additional detail and background information.

Colorado Water Conservation Board (<http://cwcb.state.co.us/>)

Loan and Grant policies and information are available at – <http://cwcb.state.co.us/Finance/>

Interbasin Compact Committee and Basin Roundtables (<http://ibcc.state.co.us/>)

Interbasin Compact Committee By-laws and Charter (under Helpful Links section) –

<http://ibcc.state.co.us/Basins/IBCC/>

Legislation

House Bill 05-1177 - Also known as the Water for the 21st Century Act –

<http://cwcbweblink.state.co.us/DocView.aspx?id=105662&searchhandle=28318>

House Bill 06-1400 – Adopted the Interbasin Compact Committee Charter –

<http://cwcbweblink.state.co.us/DocView.aspx?id=21291&searchhandle=12911>

Senate Bill 06-179 – Created the Water Supply Reserve Account –

<http://cwcbweblink.state.co.us/DocView.aspx?id=21379&searchhandle=12911>

Statewide Water Supply Initiative

General Information – <http://cwcb.state.co.us/TWMD/>

Phase 1 Report – <http://cwcb.state.co.us/TWMD/SWSITechnicalResources/SWSIPhaseIReport/>

Attachment 2
Insurance Requirements

NOTE: The following insurance requirements taken from the standard contract apply to WSRA projects that exceed \$25,000 in accordance with the policies of the State Controller's Office. Proof of insurance as stated below is necessary prior to the execution of a contract.

13. INSURANCE

Grantee and its Sub-grantees shall obtain and maintain insurance as specified in this section at all times during the term of this Grant: All policies evidencing the insurance coverage required hereunder shall be issued by insurance companies satisfactory to Grantee and the State.

A. Grantee

i. Public Entities

If Grantee is a "public entity" within the meaning of the Colorado Governmental Immunity Act, CRS §24-10-101, et seq., as amended (the "GIA"), then Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA. Grantee shall show proof of such insurance satisfactory to the State, if requested by the State. Grantee shall require each Grant with Sub-grantees that are public entities, providing Goods or Services hereunder, to include the insurance requirements necessary to meet Sub-grantee's liabilities under the GIA.

ii. Non-Public Entities

If Grantee is not a "public entity" within the meaning of the GIA, Grantee shall obtain and maintain during the term of this Grant insurance coverage and policies meeting the same requirements set forth in §13(B) with respect to sub-Grantees that are not "public entities".

B. Sub-Grantees

Grantee shall require each Grant with Sub-grantees, other than those that are public entities, providing Goods or Services in connection with this Grant, to include insurance requirements substantially similar to the following:

i. Worker's Compensation

Worker's Compensation Insurance as required by State statute, and Employer's Liability Insurance covering all of Grantee and Sub-grantee employees acting within the course and scope of their employment.

ii. General Liability

Commercial General Liability Insurance written on ISO occurrence form CG 00 01 10/93 or equivalent, covering premises operations, fire damage, independent Grantees, products and completed operations, blanket Grantual liability, personal injury, and advertising liability with minimum limits as follows:

(a) \$1,000,000 each occurrence; (b) \$1,000,000 general aggregate; (c) \$1,000,000 products and completed operations aggregate; and (d) \$50,000 any one fire. If any aggregate limit is reduced below \$1,000,000 because of claims made or paid, Sub-grantee shall immediately obtain additional insurance to restore the full aggregate limit and furnish to Grantee a certificate or other document satisfactory to Grantee showing compliance with this provision.

iii. Automobile Liability

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Automobile Liability Insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

iv. Additional Insured

Grantee and the State shall be named as additional insured on the Commercial General Liability and Automobile Liability Insurance policies (leases and construction Grants require additional insured coverage for completed operations on endorsements CG 2010 11/85, CG 2037, or equivalent).

v. Primacy of Coverage

Coverage required of Grantee and Sub-grantees shall be primary over any insurance or self-insurance program carried by Grantee or the State.

vi. Cancellation

The above insurance policies shall include provisions preventing cancellation or non-renewal without at least 45 days prior notice to the Grantee and the State by certified mail.

vii. Subrogation Waiver

All insurance policies in any way related to this Grant and secured and maintained by Grantee or its Sub-grantees as required herein shall include clauses stating that each carrier shall waive all rights of recovery, under subrogation or otherwise, against Grantee or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

C. Certificates

Grantee and all Sub-grantees shall provide certificates showing insurance coverage required hereunder to the State within seven business days of the Effective Date of this Grant. No later than 15 days prior to the expiration date of any such coverage, Grantee and each Sub-grantee shall deliver to the State or Grantee certificates of insurance evidencing renewals thereof. In addition, upon request by the State at any other time during the term of this Grant or any sub-grant, Grantee and each Sub-grantee shall, within 10 days of such request, supply to the State evidence satisfactory to the State of compliance with the provisions of this **§13**.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Attachment 3

Water Supply Reserve Account Standard Contract

NOTE: The following contract is required for WSRA projects that exceed \$100,000. (Projects under this amount will normally be funded through a purchase order process.) Applicants are encouraged to review the standard contract to understand the terms and conditions required by the State in the event a WSRA grant is awarded. Significant changes to the standard contract require approval of the State Controller's Office and often prolong the contracting process.

It should also be noted that grant funds to be used for the purchase of real property (e.g. water rights, land, conservation easements, etc.) will require additional review and approval. In such cases applicants should expect the grant contracting process to take approximately 3 to 6 months from the date of CWCB approval.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Attachment 4

W-9 Form

NOTE: A completed W-9 form is required for all WSRA projects prior execution of a contract or purchase order. Please submit this form with the completed application.

CERTIFICATE OF EXEMPTION FOR COLORADO STATE SALES/USE TAX ONLY

THIS LICENSE IS
NOT TRANSFERABLE

USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION		ISSUE DATE
98-17835-0000	01 006	N 010482	MAR 09 2006

1313 SHERMAN ST 423 DENVER CO

COLO DEPT OF NATURAL RESOURCES
DEPT OF NATURAL RESOURCES
1313 SHERMAN ST 423
DENVER CO 80203


Executive Director
Department of Revenue

NEW AUTOMATED SERVICES FOR AND ABOUT BUSINESSES

The Colorado Department of Revenue Sales Tax Information System provides the following automated services:

- * Colorado Sales Tax Rates – find specific city, county and special district rates.
- * Verification of Sales Tax License Exemption Numbers – determine whether a Colorado sales tax license or exemption certificate is valid.
- * Tax Rates by Account Number – find sales tax rates and locations for specific sales tax accounts.

These services make it possible for taxpayers to help themselves to information 24 hours a day – without requiring the assistance of a customer service representative. In this way, more complicated or confidential tax information inquiries can be reserved for speaking to a live agent.

Listen and look for these services on the department's business tax information phone line at 303-238-FAST (3278) for specific account information, 303-238-SERV (7378) for general information or the DOR Web site at www.taxcolorado.com

Web users can try the new system online at www.taxview.state.co.us We are interested in your comments about the system. You can send us an e-mail with your comments through our Department of Revenue Web site.

10 January 2011

Arkansas River Roundtable
c/o Rob White
307 W. Jackett Ave
Salida Co 81201

Dear Members

In late 2010 Rob White and I discussed possibly getting a solution to the Helena ditch dam and Boat Chute. I am very much in favor of a complete "re do" of the entire structure - dam, headgate, and Boat chute.

There is some technical help available from N.R.C.S. and possibly some financial.

I will sign on to the project if it can be done within financial practicality, time frame (Fall low streamflow) and with N.R.C.S. approval. We do not have the experience, nor the Engineering expertise so need N.R.C.S. help.

I own 18% share of the water right, the State of Colorado has 65%+ and 2 (3) other parties have the rest.

The river drops about 15 feet in $\frac{1}{8}$ mile and on old rule of thumb is one CFS dropping 10 ft equals one horsepower.

This comes out as expending 7500 ft ^{7500 HP} when running 5000 CFS! I welcome the chance to make the river ^{Horse Power} safer as I have witnessed many wrecks in the short time I spend at my headgate.

Whitewater people should design the boat chute.

Sincerely,
B & Cogan LLC. Joe Cogan mgr.



P.O. Box 1887, 702 Gregg Drive, Buena Vista, CO 81211
Ph: (719) 395-3790 Fax: (719) 395-3794

12/14/2010

Robert White, Park Manager
Arkansas Headwaters Recreation Area
307 West Sackett Ave.
Salida, CO 81201

Dear Mr. White,

I am writing in support of AHRA seeking funding for a grant for the reconstruction of the Helena Diversion Dam near Buena Vista, Colorado to include safe passage for river craft. I understand this proposed project includes a new head gate, boat chute and fish ladder.

The existing dam/diversion structure has been changing in recent years, particularly during the 2010 runoff season. Rocks have shifted creating a significant hazard that needs to be addressed. Boats are hitting these new rocks on river left causing boats to flip and people to be knocked out of rafts. At low flows, boats must either risk hitting rocks hard on the river left side of the drop, or grind down the unacceptable shallow right side boat chute. Boats are also getting stuck on the left side, causing boat to boat collisions.

Another change seems to be the severe disintegration of the wing dam that is structurally critical to the dam. The left side seems to no longer be connected to the head gate. I worry that a major failure could occur that not only dries up the Helena ditch, but also releases concrete and rebar into the river channel below. Rebar and concrete are major hazards to boats and swimmers. In the early 1980's, prior to the reconstruction of the dam, a customer of Buffalo Joe's Rafting was impaled by rebar in the dam, causing significant injury. Reconstructing the dam will alleviate these future risks.

You are already aware that the violent nature of the drop has caused numerous flips and swims without collisions with rocks. In addition, unfortunately there has also been at least one tragic commercial boating fatality that has occurred in this location. Replacing the existing boat ramp and therefore reducing the energy of this drop will also help avoid future flips that may result additional fatalities.

As one of the four Helena Ditch owners I pledge my support to the project as follows:

1. Furnish large Rip Rap for River Diversions (up to 60 tons at no charge)
2. A \$10.00 a cubic yard discount on the structural concrete from ACA Products
3. In House (ACA Products) engineering & review of project at no cost.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Paul Mott', with a stylized flourish at the end.



12/17/2010

Mr. Robert White, Park Manager
Arkansas Headwaters Recreation Area
307 West Sackett Ave.
Salida, CO 81201

Dear Rob,

I am writing in support of AHRA seeking funding for a grant for the reconstruction of the Helena Diversion Dam near Buena Vista, Colorado to include safe passage for river craft. I understand this proposed project includes a new head gate, boat chute and fish ladder.

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Good luck in your application to the Arkansas Basin Roundtable and other potential funding sources.

Sincerely,

Andy Neinas
Echo Canyon and Four Corners Rafting

Mike Harvey

To: White, Rob
Subject: RE: Helena head gate and dam on Ark river

-----Original Message-----

From: Gardiner, William - Salida, CO
[<mailto:William.Gardiner@co.usda.gov>]
Sent: Monday, January 10, 2011 4:08 PM
To: White, Rob
Subject: Helena head gate and dam on Ark river

Rob,

Thanks for your call today. NRCS would be willing to scope out this project with AHRA and other partners to determine what role we could play in providing solutions in replacing this irrigation dam and head gate structure. Please let me know when you are prepared to go to the next step.

Sincerely,

Bill Gardiner
District Conservationist
USDA-NRCS
Salida, Colorado 81201
719-539-7331
william.gardiner@co.usda.gov

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1191 / Virus Database: 1435/3373 - Release Date: 01/11/11

Mike Harvey

To: White, Rob
Subject: RE: FW: Helena Diversion Structure Grant Application

From: Jim Heaston [<mailto:Jim.Heaston@doc.state.co.us>]
Sent: Tuesday, January 11, 2011 12:58 PM
To: White, Rob
Subject: Re: FW: Helena Diversion Structure Grant Application

Rob, thanks for the e-mail. I have discussed this with the Director of Correctional Industries and he is very supportive of the project and would be willing to provide funds up to \$10,000.00 .

Thanks ,
Jim Heaston

>>> "White, Rob" <Rob.White@state.co.us> 1/7/2011 11:22 AM >>>

Jim,

Per our telephone discussion yesterday, I am following up with an email I sent Brian a couple of months ago. As mentioned during our telephone conversation and noted below, if you can get a letter of support to me as soon as possible (by Tuesday of next week) noting that DOC is supportive of the project (grant request) and would willing to provide some level of funding support in the future it would be much appreciated.

If you need any additional information please feel free to give me a call.

Thank you,

Rob White

Park Manager

AHRA

719.539.7289

From: White, Rob
Sent: Monday, November 01, 2010 2:09 PM
To: 'brian.hardin@doc.state.co.us'
Cc: John Nahomenuk; Waters, Tom

Subject: FW: Helena Diversion Structure Grant Application
Importance: High

Brian,

Approximately three years ago I received a grant from the Arkansas Basin Roundtable (Roundtable) to study four existing diversion structures on the Arkansas River within the Arkansas Headwaters Recreation Area (AHRA). The purpose of the study was to determine how much funding would be needed to reconstruct/replace the existing diversions to allow for both safe boat & fish passage through these structures.

One of the existing structures we had Recreational Engineering and Planning examine was the Helena Diversion Structure (Silver Bullet Boat Chute). Their report, completed in 2009, estimated that the cost to reconstruct the existing boat chute would be approximately \$290,000. In further examining the diversion structure, and in additional discussions with various owners of the diversion structure itself, it has been determined that the headgate to the Helena Diversion Structure also needs to be reconstructed/replaced. The estimate for reconstructing/replacing the headgate is approximately \$100,000.

As discussed on the telephone this am, AHRA is currently exploring the feasibility of pursuing a \$400,000 grant application through the Roundtable to reconstruct both the boat ramp and the headgate associated with the Helena Diversion Structure.

The grant application requires both letters of support and a percentage of matching funds. AHRA will be gathering letters of support from various entities/organizations and also providing a project match of \$5,000. I am requesting that the Department of Corrections provide a letter of support for this project and also consider a cash match of \$5,000 to further strengthen the proposed grant application.

It would be much appreciated if you would please consider this grant opportunity and the associated letter of support/monetary request. I will be happy to answer any questions you may have in regards to this request.

Thank you,

Rob White

Park Manager

Arkansas Headwaters Recreation Area

719.539.7289

No virus found in this message.

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Version: 10.0.1191 / Virus Database: 1435/3373 - Release Date: 01/11/11



12844 East Highways 24 & 285
Buena Vista, CO 81211
www.americanadventure.com
raftinginfo@americanadventure.com

Toll Free: 1-800-288-0675
1-719-395-2409
Fax: 1-719-395-2848

12/14/2010

Mr. Robert White, Park Manager
Arkansas Headwaters Recreation Area
307 West Sackett Ave.
Salida, CO 81201

Dear Mr. White (or Rob),

I am writing in support of AHRA seeking funding for a grant for the reconstruction of the Helena Diversion Dam near Buena Vista, Colorado to include safe passage for river craft. I understand this proposed project includes a new head gate, boat chute and fish ladder.

The existing dam/diversion structure has been changing in recent years, particularly during the 2010 runoff season. Rocks have shifted creating a significant hazard that needs to be addressed. Boats are hitting these new rocks on river left causing boats to flip and people to be knocked out of rafts. At low flows, boats must either risk hitting rocks hard on the river left side of the drop, or grind down the unacceptable shallow right side boat chute. Boats are also getting stuck on the left side, causing boat to boat collisions.

Another change seems to be the severe disintegration of the wing dam that is structurally critical to the dam. The left side seems to no longer be connected to the head gate. I worry that a major failure could occur that not only dries up the Helena ditch, but also releases concrete and rebar into the river channel below. Rebar and concrete are major hazards to boats and swimmers. Reconstructing the dam will alleviate future risks.

You are already aware that the violent nature of the drop has caused numerous flips and swims without collisions with rocks. In addition, unfortunately there has also been at least one tragic commercial boating fatality that has occurred in this location. Replacing the existing boat ramp and therefore reducing the energy of this drop will also help avoid future flips that may result additional fatalities.

Good luck in your application to the Arkansas Basin Roundtable and other potential funding sources.

Sincerely,

Mike Kissack
Owner/Operator
American Adventure Expeditions

12/14/2010

Mr. Robert White, Park Manager
Arkansas Headwaters Recreation Area
307 West Sackett Ave.
Salida, CO 81201

Dear Mr. White (or Rob),

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Good luck in your application to the Arkansas Basin Roundtable and other potential funding sources.

Sincerely,
W.D.Dvorak

Bill Dvorak's Kayak and Rafting Expeditions Inc
17921 hwy 285
Nathrop, CO 81236

Geo Tours Whitewater Raft Trips

12/14/2010

Mr. Robert White, Park Manager
Arkansas Headwaters Recreation Area
307 West Sackett Ave.
Salida, CO 81201

Dear Rob,

I am writing in support of AHRA seeking funding for a grant for the reconstruction of the Helena Diversion Dam near Buena Vista, Colorado. As an outfitter that principally uses this stretch of the Arkansas River, I understand this proposed project will include, a much needed, new head gate, boat chute and fish ladder.

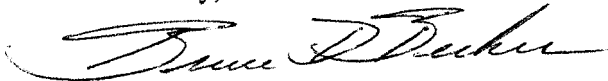
The existing dam/diversion structure has been changing dramatically in recent years, particularly during this past season. Rocks have shifted creating a significant hazard that must be addressed. Rafts are hitting these new, repositioned, rocks on river left causing boats to flip and/or people to be ejected out of rafts. At low flows, boats must either risk hitting the rocks on river left or grinding down the unacceptably shallow right side boat chute. Rafts are also getting stuck and/or wrapped on the left side, causing boat-to-boat collisions.

Another change seems to be the severe disintegration of the wing dam that is structurally critical to the dam. Rebar and concrete have become major hazards to rafts and swimmers. Reconstructing the dam should alleviate these risks.

You are already aware that the violent nature of the leftside drop has caused numerous flips, collisions and swims. Replacing the existing boat ramp will create an acceptable low water alternative and help reduce future flips and collisions

Good luck in acquiring funding for this project.

Sincerely,



Bruce Becker
Geo Tours Whitewater Raft Trips

Geo Tours, 229 Hwy 8, P O Box 483, Morrison, CO 80465-0483
Local: 303-756-6070, Toll Free: 800-660-7238, FAX 303-756-9532
E-mail: Bruce@georrafting.com Website: www.georrafting.com



Arkansas River Outfitters Association
Dennis Wied, President
2315 E Main Street
Canon City, CO 81212

Arkansas Headwaters Recreation Area
Rob White, Park Manager
307 West Sackett Avenue
Salida, Co 81201

Dear Rob,

The Arkansas River Outfitters Association (AROA) wishes to express its very strong support for the project to improve what is commonly referred to as the Silver Bullet Diversion Structure near Buena Vista. Over the past years the structure has deteriorated to the extent that it poses a significant hazard to the rafting public and any efforts to improve it are both greatly appreciated and will certainly contribute to improved public safety.

As a show of support for this project AROA has pledged a \$1000 contribution to the effort at our November Board meeting.

We look forward to the completion of this project and are enthusiastic supporters of, and contributors to, the efforts.

Sincerely,

Dennis N Wied
AROA President