



# COLORADO WATER CONSERVATION BOARD



## WATER SUPPLY RESERVE ACCOUNT GRANT APPLICATION FORM

Yampa River/Walker Ditch River Restoration Project  
Yampa/White

**Name of Water Activity/Project**

**Approving Basin Roundtable**

\$40,000

**Amount from Statewide Account**

\$20,000

**Total Amount of Funds Requested**

**Amount from Basin Account**

\$20,000

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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/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](mailto: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](mailto:todd.doherty@state.co.us).

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

1.	Applicant Name(s):	The Upper Walker Ditch Company/Walker Ditch Company % Doug Monger		
	Mailing address:	12110 CR 69 Hayden, Co. 81639		
	Taxpayer ID#:	35-2365107	Email address:	dmonger@co.routt.co.us
	Phone Numbers: Business:	970-870-5221		
	Home:	970-276-4291		
	Fax:	970-879-3992		

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

Name:	Doug Monger
Position/Title	Treasurer

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.

4. Provide a brief description of your organization

The Upper Walker Ditch Company will be the Applicant/Contracting Entity, and will partner with and collaborate with the Walker Ditch Company (both Mutual Ditch companies). The Nature Conservancy, Wolf Mountain Ranch, and the Town of Hayden will also be partners. The Upper Walker Ditch Company and the Walker Ditch Company are tenants in common of the Walker Ditch. Both are incorporated, not for profit mutual ditch companies that provide irrigation water to agriculture users, to some of the Hayden parks and schools and to the Hayden Cemetery. Members of the two ditch companies include local ranchers, Town of Hayden, Hayden School District, Hayden Cemetery District, and The Haven-Senior Assisted Living Center. The other partners – The Nature Conservancy and Wolf Mountain Ranch are both Agriculture users and The Nature Conservancy is also the monitoring agency of the Conservation Easement encumbering the land where the project will occur. The water rights belonging to the members of the Upper Walker Ditch/Walker Ditch Companies are among the most senior water rights on the Yampa River.

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

Contracting Entity and Applicant are the same.

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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.

The Upper Walker Ditch Company is a private Not for Profit entity and has no Tabor issues.

### Part B. - Description of the Water Activity

1. Name of the Water Activity/Project:

Yampa River/Walker Ditch River Restoration 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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1. 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 Walker Ditch point of diversion is located on the south side of the Yampa River on the Carpenter Ranch near Hayden. The Yampa River is a dynamic river, constantly moving and evolving, and this is documented by past aerial photos and past and present surveys of the river. The Walker Ditch and its head gate were both constructed in the late 1800's. In the early 1900's the river evolved and moved to the point where the ditch had to be lengthened and a new diversion head gate had to be constructed. In 1985, the river moved again, causing the main body of the river to shift away from the second head gate. Since the river shift in 1985, the river has continued to migrate further north. During the last few years another new channel has developed north of the main river channel. This new channel is now capturing almost the entire flow of the river. Since 1985 when the river made a major shift, temporary gravel dams have been required to get water to the Walker ditch head gate in low flow times. Recently, with the main body of the river moving increasingly further away from the diversion point, more and bigger seasonal gravel dams are required to divert late summer low flows into the South meander bend (pre 1985 channel) that supplies water to the ditch. The goal of the project is to construct an obstruction of the new north side channel with root wads, boulders and other approved natural materials that will create an effective floodplain in the newly created north channel, decrease the rate of river migration, and maintain low flows in the south channel that feeds the Walker Ditch head gate. In addition to the north channel obstruction, two low head boulder diversion structures and a new concrete

head gate structure will be installed to provide a long-term and sustainable diversion system that is not a barrier to fish migration and recreational boating, but will deliver a full decree of reliable irrigation water to local ranches, the Town of Hayden, and other users who make up the ditch members.

Funding from the WSRA will be used as a matching component to fund any component of the entire project. Project components consist of design, creation of bid documents, construction and project management. The project will be managed and administered by the Upper Walker Ditch Company or their representative. Funding partners include the Upper Walker Ditch Company Walker Ditch Company, Colorado River Water Conservation District, the Upper Yampa River Water Conservancy District, the Town of Hayden, the Watershed Restoration grant program from the CWCB, the Wolf Mountain Ranch and possibly others. The river restoration project will stabilize this particular river section while adding benefits to the down river properties, including decreasing the rate of river migration and increasing public safety by adding indirect protection to the Town of Hayden's water filtration plant.

#### **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.<sup>1</sup>

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<sup>1</sup> 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

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1. This project will help maintain the existing water rights of the Walker Ditch and will not in any manner amend the existing water rights adjudication system or 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. This project affirms the protections for contractual and property rights recognized by the contract and takings protections under the state constitution and related statutes. This project will not diminish, impair, or cause injury to any property or contractual right created by intergovernmental agreements, contracts, or 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 project will not supersede, abrogate, or cause injury to vested water rights or decreed conditional water rights and 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 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.

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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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- c) The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes.<sup>2</sup> 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.
- 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)

### Match Summary

CRWCD-cash	\$ 33,000
UYRWCD-cash	\$ 25,000
Town of Hayden-in kind	\$ 5,000
Wolf Mtn Ranch-in kind	\$ 4,250
Walker Ditch-cash/in kind	\$ 5,000
Watershed Restoration Fund-cash	\$ 20,000
<b>Total</b>	<b>\$ 92,250</b>

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<sup>2</sup> 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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<b>Total Project Cost</b>	<b>\$132,250</b>
<b>Percent Match</b>	<b>70%</b>

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.)
1. The Upper Walker Ditch Company along with the Walker Ditch Company, both private, incorporated, mutual ditch companies, are proposing to construct a structural water project and thereby meets the eligibility requirements.
  2. The water activity is consistent with Section 37-75-102 C.R.S.1 as noted above
  3. The project proposes a 70% match to the requested WSRA funds
  4. The project meets Tier 1 criteria: “Promoting Collaboration/Cooperation and Meeting Water Management Goals and Identified Water Needs”
    - a. The water activity addresses multiple needs or issues, including consumptive and non-consumptive needs, by meeting the water right needs of the Walker Ditch, eliminating the need for disruptive annual damming of the river bed, maintaining environmental flows to critical habitat adjacent to The Nature Conservancy’s Carpenter Ranch and providing for fish migration, wetland habitat, and recreational boating.
    - b. The entities represented in the application include the ranchers on the Upper Walker Ditch, the Walker Ditch, the Town of Hayden, the Hayden School District, Hayden Cemetery, The Nature Conservancy at Carpenter Ranch and recreational interests on the river. The activity will promote cooperation and collaboration among traditional consumptive water interests and non-consumptive interests and is effective in addressing intra-basin needs.
    - c. The water activity helps implement projects and processes identified as helping meet Colorado’s future water needs.
    - d. Roughly 70% of the ranch land irrigated by the Walker Ditch is encumbered by permanent conservation easements.

### Part D. – Required Supporting Material

**Suggested Format for Scope of Work**

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 body affected is a section of the Yampa River, approximately three miles east of Hayden, Colorado. A list of water rights owned by both the Upper Walker Ditch members and Walker Ditch members is provided below. It should be noted that these rights encompass some of the most senior rights on the entire Yampa River.

Upper Walker Ditch Members.

Jocko and Coleen Camilletti	3.562cfs
Nancy H Merrill Living Trust	6.048cfs
Doug Monger/Lauretta Davidson	4.992cfs
Jerry More/Beverly Powell	7.438cfs
Hayden Gulch Terminal/Peabody Energy	2.697cfs
West Routt Rural Health Council (The Haven)	1.000cfs
Williams Family Trust	5.740cfs

Walker Ditch Members

Cannon Trust	0.100cfs
Kevin Copeland	0.334cfs
Craig/Pamela Copeland	1.500cfs
Hayden Cemetery District	0.500cfs
Hayden School District	0.500cfs
Ted Hoffman/Steven Zittle	0.200cfs
Pat Holderness	3.102cfs
Wesley/Linda Signs	2.500cfs
Town of Hayden	4.287cfs

Total	44.500cfs
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**Appropriation Dates for the Walker Ditch**

The dates for the 1st 5 Walker Ditch rights on the Yampa River are:

Priority #	appropriation	adjudication net amount	
2	5/1/1882	9/22/1892	8.39 cfs
34	10/1/1888	9/22/1892	8.39 cfs
73-6-A	6/1/1902	6/18/1914	1.92 cfs
67C	7/1/1901	10/6/1914	1.92 cfs
178	10/1/1888	7/12/1948	20.61cfs

Priority 2 is the second water right on the entire Yampa drainage. (The first right on the system is shared by the Marshall Roberts and Williams ditches.) Priority 34 is the 59th water right on the system, shared with the Brock and Williams ditches.

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

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** - Yampa River/Walker Ditch River Restoration Project

**GRANT RECIPIENT** – The Upper Walker Ditch Company

**FUNDING SOURCE** – Statewide and Basin Accounts of the Water Supply Reserve Account plus 70% cash and in-kind 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 Walker Ditch irrigates hundreds of acres of prime farm ground in the Morgan Bottoms area of the Yampa River near Hayden. Natural meandering and migrating channels of the Yampa River have all but abandoned the head gate of the Walker Ditch and has required the ditch owners to implement potentially habitat disrupting excavation methods in order to get their irrigation water. This project will replace those practices with a sustainable rehabilitation of the existing river channels and direct the late summer low flows of the river into the original meander bend that will continue to supply reliable irrigation water to the ditch. The redirection of low flows will be accomplished with low-head boulder structures that do not create a barrier to fish migration and recreational boating, while also creating further wildlife habitat and sustainable wetland features.

## **OBJECTIVES**

List the objectives of the project

1. Provide a full decree of irrigation water to the Walker Ditch
2. Reconstruct the floodplain with natural materials that will recreate an effective floodplain to dissipate flood stage hydraulic energy and revegetate with native riparian species.
3. Provide water to critical aquatic and terrestrial habitat around Elk Island.
4. Eliminate routine annual excavation in the river bottom.
5. Construct two low-head rock diversion structures that will divert both irrigation and environmental sustaining flows without creating a barrier to fish migration and recreational boating.
6. Provide a concrete head gate structure with slide gate valves at the point of diversion for the Walker Ditch which will help maintain regulated flows in the ditch, allow for easier ditch maintenance, and reduce down ditch spring flooding.

## **TASKS**

Provide a detailed description of each task using the following format

### **TASK 1 – Hydrologic Analysis**

Description of Task

Hydrologic and hydraulic analysis of the river above and below the diversion

Method/Procedure

Field data collection and creation of a HEC-RAS model to determine the bank full water surface elevation and the change in water surface elevations at various flow events due to floodplain reconstruction

Deliverable

Output files from HEC-RAS model

**TASK 2 – Design Drawings**

Description of Task

Development of design drawings for construction of the project

Method/Procedure

Field surveying data collection and development of AutoCAD drawings

Deliverable

Design drawings & material quantities for construction

**TASK 3 – Floodplain Reconstruction**

Description of Task

Rehabilitate the north side channel into an effective floodplain with native riparian vegetation

Method/Procedure

Fill with root wads, boulders, woody debris, gravel & native riparian plantings to the bank full height of the floodplain

Deliverable

Effective floodplain for dissipation of flood flow energies and low flow diversion to south channel and Walker Ditch

**TASK 4 – Diversion Structures**

Description of Task

Construct two low-head diversion structures to divert low flows into the Walker Ditch and to critical habitat around Elk Island

Method/Procedure

Install boulder diversion structures in the existing south channel to direct water through the historic Elk Island meander bend and slough and at the point of diversion into the Walker Ditch.

Deliverable

Delivery of minimum flow necessary to fulfill Walker Ditch water right and provide environmental enhancement flows to Elk Island

**TASK 5 – Headgate Structure**

Description of Task

Construct new concrete head gate structure into Walker Ditch

Method/Procedure

Construction of concrete head gate with new slide gate valves.

Deliverable

Reliable and sustainable delivery of 44.5 cfs into Walker Ditch while providing for habitat/wetland enhancement at Elk Island, fish migration and recreational boating.

**TASK 6 – Project Management**

Description of Task

Construction management and grant administration

Method/Procedure

Semi-annual reporting and accounting to funding entities

Deliverable

Final report and account reconciliation to the Colorado Water Conservation Board

**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.

**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.

<b>Task Description</b>	<b>WSRA</b>	<b>Match</b>	<b>Total Costs</b>
Hydrologic Analysis	\$ 5,000	\$ 15,000	\$ 20,000
Design Drawings	\$ 5,000	\$ 5,000	\$ 10,000
Rehabilitate north side channel	\$ 10,000	\$ 30,000	\$ 40,000
Construct 2 diversions	\$ 10,000	\$ 20,000	\$ 30,000



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Construct Headgate	\$ 10,000	\$ 5,000	\$ 15,000
Subtotal	\$ 40,000	\$ 75,000	\$ 115,000
Project Management		\$ 17,250	\$ 17,250
<b>Total</b>	<b>\$ 40,000</b>	<b>\$ 92,250</b>	<b>\$ 132,250</b>

### SCHEDULE

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.

Task	Start Date	Finish Date
1	Upon NTP	NTP + 60 days
2	Upon NTP	NTP + 60 days
3	NTP + 90 days	9/1/11
4	NTP + 90 days	9/1/11
5	NTP + 90 days	10/1/11
6	NTP	11/1/11

NTP = Notice to Proceed

### 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

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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.

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](mailto:todd.doherty@state.co.us)

### **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/>

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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 21<sup>st</sup> 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/IWMD/>

Phase 1 Report – <http://cwcb.state.co.us/IWMD/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

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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**

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

## **Water Supply Reserve Account – Grant Application Form**

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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.

### **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.

### **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.

Completed form W-9 will be submitted with application.