



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT GRANT APPLICATION FORM

Canal #1 Check Structure Pilot Project @ Dalton, Kiefer & Springer Properties

Name of Water Activity/Project

Colorado Basin Roundtable

\$25,212

Amount from Statewide Account

\$0

Total Amount of Funds Requested

Amount from Basin Account

\$25,212

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Water Supply Reserve Account – Grant Application Form

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): Orchard Mesa Irrigation District

Mailing address: 668 38 Road
Palisade, Colorado 81526

Taxpayer ID#: 84-0790376

Email address: max@acsol.net

Phone Numbers: Business: 970-464-7885

Home: 970-201-0130

Fax: 970-464-5928

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

Name: Max Schmidt

Position/Title: General Manager

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

☐ Public (Government) – municipalities, enterprises, counties, and State of Colorado agencies. Federal agencies are encouraged to work with local entities and the local entity should be the grant recipient. Federal agencies are eligible, but only if they can make a compelling case for why a local partner cannot be the grant recipient.

☒ Public (Districts) – special, water and sanitation, conservancy, conservation, irrigation, or water activity enterprises.

☐ Private Incorporated – mutual ditch companies, homeowners associations, corporations.

☐ Private individuals, partnerships, and sole proprietors are eligible for funding from the Basin Accounts but not for funding from the Statewide Account.

☐ Non-governmental organizations – broadly defined as any organization that is not part of the government.

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4. Provide a brief description of your organization

The Orchard Mesa Irrigation District (OMID) was organized in 1904 and became a part of the Federal Grand Valley Project in 1922. The District operates under the 1921 Irrigation Act. District By-Laws are included in **Appendix A**. The District has the power to levy annual assessments.

The District serves a mesa on the south side of the Colorado River in the Grand Valley, Mesa County, known as Orchard Mesa. The area is approximately seventeen miles long and one to three miles wide and covers 9,200 acres from east of the Town of Palisade to the confluence of the Gunnison and Colorado Rivers. An area known as “the Vinelands” is also served by District water east of Palisade. Facilities include the Colorado River Siphon in Debeque Canyon, a power canal, a pumphouse and two pump stations, two irrigation canals and one pressurized pipeline. A map of the District’s service area is included in **Appendix B**.

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

There are NO Tabor issues involved with this project.

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Part B. - Description of the Water Activity

1. Name of the Water Activity/Project:

Canal #1 Check Structure Pilot Project @ Dalton, Kiefer & Springer Properties

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.

This project consists of the installation of one Rubicon Water, Inc. FlumeGate in the District's Canal #1 at the check structure near the Dalton, Kiefer and Springer properties. This would be a pilot project demonstrating the capabilities of the RubiconWater irrigation gate technology and how it could be used in the completion of the overall project.

The overall project is authorized under P.L. 106-392, as amended. This legislation authorizes the Bureau of Reclamation to provide Federal cost sharing funds for the Upper Colorado River Endangered Fish Recovery Program. The overall project would consist of installation of check structures, pipelines and other water infrastructure appurtenances. These facilities will enable the District to reduce its irrigation diversions while enhancing system reliability and water supply for its users. The saved water can be redirected to increase instream flows in most water years in the 15-mile reach of the Colorado River, which is endangered fish critical habitat that has experienced near dry conditions in the past. The saved water will also generate additional hydropower, improve water quality in the Colorado River, and, in severe drought years, improve water supply reliability for other Colorado River water users in the State of Colorado.

The estimated construction cost of the pilot project is \$47,962. The District is requesting \$25,212 from the WSRA and the remaining \$22,750 will be the project cost share provided by the District.

The FlumeGate includes the following items:

1. All aluminum gate made of marine grade aluminum with integral sensors (see below) and control pedestal which is the control and motor housing. Housing encases the batteries, remote telemetry unit or RTU, batteries, operator interface, solar charging unit, and optional communications device (such as radio, cellular modem).
2. Standard processor for level sensor input, motor encoder input, program execution and communications interface.
3. Keypad and LCD screen for Operator Interface, diagnostics, alarm annunciation, and automation selection.
4. Control Modes available to the operator: Manual Gate Position; Auto Level; Auto Flow control. With a SCADA system, all modes can be selected from a remote location and new setpoints entered remotely.
5. Five meter mast with solar panel and radio antenna. Everything on the gate is powered by the solar panels and batteries.
6. Aluminum primary frame with stainless steel anchors, fastening bolts, Hilti capsules and SIKA sealant.
7. Battery pack consisting of three 12 volt DC deep cycling batteries. Battery set provided up to 48 hours of backup power for a continuously operating gate.
8. Set of primary level sensors (long range); set includes an upstream and downstream level transmitter.
9. Aluminum walkway integral to each Flume Gate™. Walkways are configured for entry from either side of the gate and accommodate access to the control pedestal.
10. Installation of the frames by a RubiconWater certified Field Technician. The Field Technician will provide minor trimming of the concrete walls if necessary.
11. Supervision of gate installation, followed by startup, calibration, and commissioning of the FlumeGate by a Rubicon certified Field Technician. The Technician will also provide training in the operation and maintenance of the gates.

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Part C. – Threshold and Evaluation Criteria

1. Describe how the water activity meets these **Threshold Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)
 - a) The water activity is consistent with Section 37-75-102 Colorado Revised Statutes.¹
 - The water activity is consistent with Section 37-75-102 C.R.S. because with the installation of the Rubicon Water gate structure the District will be able to reduce its irrigation diversions and enhance system reliability and water supply for its users. It does not supersede, abrogate, or otherwise impair the State's current system of allocating water within Colorado nor does it in any manner affect Colorado's water rights adjudication system. By improving and enhancing the check structures on the District's canal system, this project will save Colorado River water that can be redirected to increase instream flows to protect critical endangered fish habitat, generate additional hydropower, improve water quality in the river, and in severe drought years improve water supply reliability for other Colorado River water users in the State of Colorado.

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

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- b) The water activity underwent an evaluation and approval process and was approved by the Basin Roundtable (BRT) and the application includes a description of the results of the BRT's evaluation and approval of the activity. At a minimum, the description must include the level of agreement reached by the roundtable, including any minority opinion(s) if there was not general agreement for the activity. The description must also include reasons why general agreement was not reached (if it was not), including who opposed the activity and why they opposed it. Note- If this information is included in the letter from the roundtable chair simply reference that letter.
- This information is included in the approval letter from the Chairman of the Colorado Basin Roundtable.
- 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.
- The WSRA funding requested is for the installation of a canal check structure as a pilot project to a much larger project, that will be designed by the Bureau of Reclamation that, when constructed, will conserve an average of 17,000 acre feet of water annually in the Colorado River basin.
- The pilot project will demonstrate the effectiveness of precise water control, accurate flow measurements, and reliable functionality of canal structures that can conserve and save water for other uses in the Colorado River System and provide more water for compact compliance in drought years.

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)

N/A

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

N/A

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Part D. – Required Supporting Material

1. Water Rights, Availability, and Sustainability

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

The District owns excellent senior water rights on the Colorado River. (See Appendix C) These rights include 460.2 cfs (450 cfs priority 1907 and 10.2 priority 1898) for irrigation and pumping purposes diverted at the Grand Valley Diversion Dam and 14 cfs (priority 1966) irrigation right at the 29 Road Pump Station. All return flows within the District boundaries belong to the District. Water right lands within the District have a base allocation of 8.18 gallons per minute (gpm) per acre, continuous flow. The system is classified as an “on demand” system, which means that the canals must be at the proper levels at all times to deliver at any and all headgates the required 8.18 gpm. This may be reduced in times of shortage by “pinching” headgates on the system to restrict the flows at the headgates.

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

The Bureau of Reclamation, in cooperation with the District and California Polytechnic University, recently completed an analysis of the District’s operations that identified the ability to conserve an average of 17,000 acre-feet annually by constructing physical improvements to the District facilities. The District diverts up to 800 cfs of water from the Colorado River near the Town of Palisade, Colorado for irrigation and hydropower production. The associated very senior water rights play a critical role in administration of the Colorado River and its tributaries, affecting both east and west slope water users. Because of the geographic location of the District’s diversion within and upstream of critical habitat for four federally listed endangered fish species, there will be substantial benefits to endangered fish habitat. The completion of the overall improvement project would directly support efforts to recover these species by the Upper Colorado River Endangered Fish Recovery Program, and to provide water for the species in accordance with state water law and interstate compacts.

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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 - Canal #1 Check Structure Pilot Project @ the Dalton, Kiefer and Springer Properties.

GRANT RECIPIENT – Orchard Mesa Irrigation District

FUNDING SOURCE - WSRA Basin Account and the Orchard Mesa Irrigation District.

INTRODUCTION AND BACKGROUND

This project consists of the installation of one RubiconWater, Inc. FlumeGate in the District's Canal #1 at the Orchard Mesa Irrigation District check structure near the Dalton, Kiefer and Springer properties. This would be a pilot project demonstrating the capabilities of the RubiconWater irrigation gate technology and how it could be used in the completion of the overall project that is federally authorized and consists of Bureau of Reclamation designed check structures, pipelines and other water infrastructure appurtenances. These facilities will enable the District to reduce its irrigation diversions while enhancing system reliability and water supply for its users. The saved water can be redirected to increase instream flows in most water years in the 15-mile reach of the Colorado River, which is endangered fish critical habitat that has experienced near dry conditions in the past.

OBJECTIVES

- To install a pilot gate facility at an existing irrigation canal check structure to evaluate the structural reliability, flow measurement accuracy, installation procedures, communication technology, solar power performance, and overall value of a gate system to be used in a large irrigation improvement project designed to provide the ability to conserve an average of 17,000 acre-feet annually in the Colorado River basin.

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- To install a pilot gate facility at an existing irrigation canal check structure in order to better control the flow at the check, enhance flow measurement, fine-tune the downstream flow releases, and upgrade the overall control of the ditch at a critical section upstream of an urban area.

TASKS

Provide a detailed description of each task using the following format

TASK 1 – Frame Installation

Description of Task

This task consists of the installation of the aluminum primary frame for the flume gate, including stainless steel anchors, Hilti capsules and SIKA sealants applied to the existing concrete check structure. The existing concrete check structure walls will be utilized for the foundation of the primary frame.

Method/Procedure

The frame will be installed by District crews under the supervision of RubiconWater certified Field Technicians.

Deliverable

One (1) aluminum primary frame, c/w stainless steel anchors, Hilti capsules, and SIKA sealant.

TASK 2 – Gate & Walkway Installation

Description of Task

This task consists of the installation, calibration, and testing of all gate operations.

Method/Procedure

The gate will be installed by District crews under the supervision of RubiconWater certified Field Technicians.

Services by RubiconWater during installation include:

- Supervise installation of the gate into the frame.
- Commissioning of the gate: Calibrate, initialize and test all gate operations.
- Training in the operation and maintenance of the gate.

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Deliverable

One (1) RubiconWater FlumeGate Model FGA-2575-1437, One (1) Walkway Model 2575 provided with entries on both sides, knee rail and hand rail, and services during installation (see above).

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.

Total Costs				
	Labor	Other Direct Costs	Matching Funds (If Applicable)	Total Project Costs
Task 1 – Frame Installation	\$1,500	\$1,500		\$3,000
Task 2 – Gate & Walkway Installation	\$1,725	\$40,487		\$42,212
In-Kind Contributions	\$2,750			\$2,750
Total Costs:	\$5,975	\$41,987		\$47,962

Personnel Titles

Example Project Personnel: Hourly Rate:	Project Manager	Project Engineer	Controls Technician Lot	Scientist	Graphics/ Designer	Clerical		Total Costs
Task 1 – Frame Installation	N/A	N/A	\$1,500	N/A	N/A	N/A		\$1,500
Task 2 – Gate & Walkway Installation	N/A	N/A	\$1,725	N/A	N/A	N/A		\$1,725

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Total Hours:							
Cost:			\$3,225				\$3,225

Other Direct Costs						
Item:	Copies	Materials	Equipment/ Supplies	Mileage		Total
Task 1 – Frame Installation		\$1,500				\$1,500
Task 2 – Gate & Walkway Installation		\$40,487				\$40,487
Total Units:						
Total Cost:		\$41,987				\$41,987

In-Kind Contributions (If Applicable)				
Project Personnel: Hourly Rate:	OMID Crew Lot			Total
Task 1				
Task 2 – Backhoe and Operator	\$2,750			\$2,750
Total Hours:				
Total Cost:	\$2,750			\$2,750

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.

Canal #1 Check Structure Pilot Project Construction Schedule

Task	Start Date	Finish Date
1 – Frame Installation	April 1, 2011 - NTP	April 5, 2011
2 – Gate & Walkway Installation	August 1, 2011	August 5, 2011

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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 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

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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

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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**.

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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.

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Attachment 4

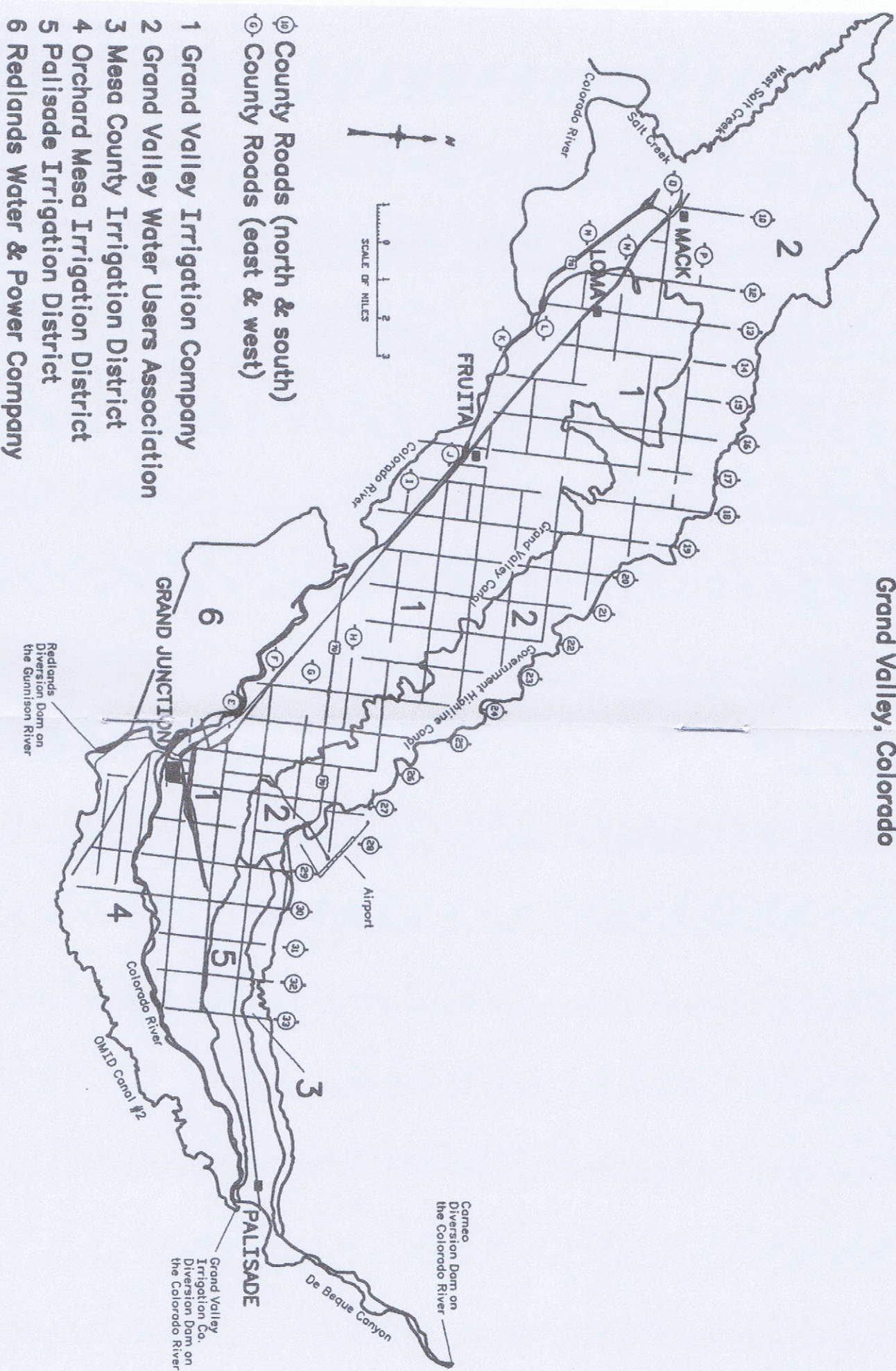
W-9 Form

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.

Attachment A

Map

Irrigation Companies and Districts Grand Valley, Colorado



Attachment B
Water Rights

Attachment C

Bylaws

**BYLAWS
OF
ORCHARD MESA IRRIGATION DISTRICT**

ARTICLE I

Organization of District

This District is subject to the Irrigation District Law of 1921, § 37-43-101, et seq., C.R.S., as well as the general laws of the State of Colorado. The territory of the District, the qualifications, duties, rights and liabilities of the members of this District, and the number, election, qualifications, duties, rights and liabilities of the directors of the District are controlled by such Colorado laws.

ARTICLE II

Voting

Those entitled to vote in District elections are:

- (1) Natural persons who (a) are at least eighteen (18) years of age; (b) are Citizens of the United States; and, (c) either (i) have been residents of the District or the area to be included in the District for not less than thirty-two (32) days, or (ii) have been residents of the State of Colorado for not less than twenty-five (25) days and own, or whose spouse owns, taxable real or personal property within the District or the area to be included in the District; and,
- (2) An owner of agricultural land within the district who (a) is over twenty-one (21) years of age; (b) is a citizen of the United States or who has declared his intention to become a citizen of the United States; (c) is a resident of the State of Colorado; and, (d) (i) has paid real property taxes upon property located within the District on an area in excess of one (1) acre during the year preceding the election (if a resident of the District) or on an area of 40 acres or more (if not a resident of the District) or (ii) is an entryman upon public lands of the United States and is residing there. For the purposes of this subsection, no lands which are platted or subdivided into residence or business lots shall be considered agricultural lands.

In the election of directors only, each landowner may cast as many votes as he has water right acres of land within the District. This Article II is intended to comply with the provisions of the Irrigation District Law of 1921, codified at Colorado Revised Statutes §§ 37-

42-101 through 141, as amended, and the provisions of the Irrigation Districts of 1905 and 1921 and Irrigation District Salinity Control Act, codified at Colorado Revised Statutes §§ 37-43-101 through 189, as amended. To the extent this Article II conflicts with the provisions of those statutes, as they may be amended from time to time, the provisions of those statutes shall control.

ARTICLE III

Meetings and Elections

Section 1. Annual Meetings. An annual meeting of the landowners shall be held once each year in the month of January at a date, time and place designated by the board of directors of the District, for the purpose of a general election of a board of directors for the ensuing year and for transacting any business requiring or permitting a vote of the landowners.

Section 2. Special Elections. A special election may be called at any time by the board of directors by resolution passed and entered into records of the proceedings of the board.

Section 3. Notice of Elections. Notice of general or special elections shall be mailed to each landowner of the District at his last address as shown by the records of the District at least 30 days prior to the date of such election, and shall also be published once each week for four consecutive weeks immediately preceding such election, in a newspaper designated by the board of directors and of general circulation in the District. Notice of general elections shall call attention to the date and place of such election. Notice of special elections shall state the nature of the business to be transacted at such election, and no business shall be transacted other than that stated.

Section 4. Proxies. Any landowner entitled to vote may be represented at any general or special election by a written proxy signed by the landowner within eleven months of the date of the election at which the proxy is exercised. Before being exercised at any election, all proxies must be certified as accurate by the Manager of the district or his agent. No proxy shall be valid unless it is received for review and certification at the district office at 668 38 Road, Palisade, Colorado 81526 no less than 72 hours prior to the scheduled beginning of the meeting at which such proxy is to be exercised. If that deadline falls on a Saturday, Sunday, legal holiday, or other day when the District office is closed, proxies must be received for review and certification at the district office before 12:00 p.m. on the preceding business day. All proxies shall be tabulated and preserved in the records of any election.

ARTICLE IV

Directors

Section 1. Number of Directors. The board of directors shall consist of five members of the District who qualify as voters under Article II.

Section 2. Division in the District. The District shall be divided into three divisions and one director shall be elected from each division. One division shall embrace the area in the District on the west side of 30 Road, another division shall embrace the land between 30 Road and 33 Road, and another division shall embrace the land east of 33 Road. Two directors at large shall be elected from any area within the District.

Section 3. Term of Directors. Each director shall serve for three years.

Section 4. Regular Meetings. The board of directors shall meet at least four times each year. The regular meetings shall be held on the first Thursday of the month, unless such date shall be a holiday, in which case the meeting shall be held on the following day. Meetings shall be at the office of the District, and any business may be acted upon at regular meetings. Scheduled board meetings may be canceled by vote of the board, subject to the limitations of this Section.

Section 5. Special Meetings. Special meetings of the board of directors may be called by a majority of the board with at least five day notice, which notice must specifically state the business to be transacted. Notice, however, may be waived if all directors concur. Special meetings may be held by telephone and both waiver of notice and votes on all issues raised at special meetings may be made by mail or by telephone.

Section 6. Public Meetings. All board meetings shall be public and the records of board meetings open to general public inspection during business hours

Section 7. Binding Vote. A majority of all members of the board shall concur in order to bind the District or the board in any matter.

Section 8. Bond. Each director shall execute an official bond in the sum of \$3,000.00.

Section 9. Vacancies. If a vacancy occurs in the membership of the board of directors, the remaining members shall select a successor to serve out the unexpired term.

Section 10. Compensation. Each director shall receive a maximum of ~~\$100.00~~ for each meeting spent in the discharge of District business.

Section 11. Contracts. No director shall be interested directly or indirectly, in any manner, in any contract awarded or to be awarded by the board or in the profits from any contract.

ARTICLE V

Officers and Manager

Section 1. Elections. Immediately following the annual meeting of the District, the board shall elect officers from among the directors.

Section 2. President. The president shall, subject to the direction and supervision of the board of directors, be the chief executive officer of the District and shall have general and active control of its affairs and business and general supervision of its officers, agents and employees. He shall preside at all meetings of landowners and the board.

Section 3. Vice President. The vice president shall assist the president and shall perform such duties as may be assigned to him by the president or by the board. In the absence of the president, the vice president shall have the powers and shall perform the duties of the president.

Section 4. Secretary. The secretary shall himself or through delegation (a) keep the minutes of the proceedings of the annual meeting and the board of directors; (b) publish all notices in accordance with the provisions of these Bylaws and as required by law; (c) act as custodian of the corporate records and of the seal of the corporation; and (d) perform any duties as may from time to time be assigned by the president of the board.

Section 5. Manager. The board of directors shall have the power to employ a manager and delegate to him control of the affairs and business of the District under the board's general supervision. As long as any loans from the United States to the District are unpaid, the Regional Director of the Bureau of Reclamation, Department of Interior shall have the right to approve or disapprove any manager and the District shall comply with the wishes of the Bureau in this regard.

ARTICLE VI

Classification of Lands

Section 1. Classification of Lands. The board of directors may classify and reclassify lands within its boundaries from time to time and in such a manner that in its judgment will

give consideration to the quality of the land and the purposes for which it is used or may become adapted, and to place valuations upon the land for annual assessment purposes. The results of any reclassification shall be promptly reported to the Regional Director of Region 4, Bureau of Reclamation, United States Department of Interior.

Section 2. Limitations on Reclassification. No land designated for agricultural purposes and classified as productive shall be reclassified as permanently unproductive (except for residential or industrial purposes) without the consent of the Regional Director of Region 4, Bureau of Reclamation, United States Department of Interior.

Section 3. Classifications Categorized. The lands within the District shall be classified or reclassified into one of the following classes:

A. Lands used for agricultural purposes:

- Class 1 ~~-Fruit land~~ AGRICULTURAL LAND - 5.01 ACRES OR MORE
Class 2 ~~-Good agricultural land~~
Class 3 ~~-Fair agricultural land~~

B. Lands used for other purposes

- Class 4A ~~-Residential, commercial 1 acre or less~~ 0.01 to 1.50 ACRES
Class 4B ~~-Residential, commercial more than 1 acre~~ 1.51 to 5.00 ACRES

Section 4. Valuations. The board may set different valuations on the different types of lands as classified or reclassified, and the valuation shall be the same for all lands within a particular class.

ARTICLE VII

Exchange of Water

A water user who is unable or who does not desire to use his proportionate share of water in any irrigation year may have his water turned into the headgate of another member or if:

- a. The other headgate is on the same canal; and

- b. All water users taking water through the respective headgates involved shall consent to the change; and
- c. Written notice of the change, along with the consents referred to in the preceding paragraph, shall be provided to the District before April 1 of the each year; and
- d. The District approves the change as not detrimental to the interests of the District.

ARTICLE VIII

Amendments

The board of directors may amend, alter, add to, or repeal these Bylaws at any meeting, provided that all five directors are in attendance and that a majority of the directors votes for such amendment.

ARTICLE IX

Laterals

The District shall have no obligations in connection with water delivery systems beyond the headgate except and to the extent provided by a resolution of its board of directors.

ORCHARD MESA IRRIGATION DISTRICT

By:


Secretary

Orchard Mesa Irrigation District
Regular Board Meeting
October 15, 1997

Larry Clark made a motion to change the Orchard Mesa Irrigation District By-laws to reflect a change in the monthly meeting date. The OMID Board Meeting will be changed to the first Thursday of the month from the third Wednesday. Change will be effective November 6, 1997. Norman Friend seconded, passed by vote.