



COLORADO WATER CONSERVATION BOARD

WATER SUPPLY RESERVE ACCOUNT GRANT APPLICATION FORM



Rotating Agricultural Fallowing Public Policy Working Group

Name of Water Activity/Project

Approving Basin Roundtable

\$20,000

Amount from Statewide Account

Total Amount of Funds Requested

Amount from Basin Account

\$5,000 Ark
\$5,000 Metro,
\$5,000 each
from two
other RT's

Application Content

Application Instructions	page 2
Part A – Description of the Applicant	page 3
Part B – Description of the Water Activity	page 6
Part C – Threshold and Evaluation Criteria	page 8
Part D – Required Supporting Material	
Water Rights, Availability, and Sustainability	page 12
Related Studies	page 12
Statement of Work, Detailed Budget, and Project Schedule	page 12
Signature Page	page 17

Attachments

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

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.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

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

1. Applicant Name(s): Pikes Peak Regional Water Authority

Mailing address: P.O. Box 1976, Colorado Springs, CO 80901

Taxpayer ID#: 84-1428849 Email address: barbergl@aol.com

Phone Numbers: Business: 719.660.0948

Home:

Fax:

719.329.1444

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

Name: Gary Barber

Position/Title: 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.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

Provide a brief description of your organization

El Paso County Water Authority, was organized under an Establishing Contract as a water authority, a body corporate and politic, a separate governmental entity, a political subdivision and a public corporation of the State of Colorado, pursuant to Section 18(2)(a) and 2(b) of Article XIV, Constitution of the State of Colorado, and to § 29-1-204.2, Colorado Revised Statutes approved on or about November 4, 1996. The document is recorded at Reception No. 097075620 of the records of the El Paso County Clerk and Recorder's Office. Following a dissolution of the Pikes Peak Regional Water Authority, with the specific intent of merging with the El Paso County Water Authority, the combined Authorities adopted the name Pikes Peak Regional Water Authority. In acting to merge the two Authorities, the former El Paso County Water Authority accepted by assignment all rights title and interest to the activities and work products of PPRWA.

The reconstituted Pikes Peak Regional Water Authority currently has twelve members, including all of the agencies, metropolitan districts, water and sanitation districts, towns and cities, within El Paso County which were formerly members of both Authorities. The Authority meets the first Wednesday of each month in the Board of County Commissioners Hearing Room, 3rd Floor, El Paso County Administration Building, 27 East Vermijo, Colorado Springs, Colorado. The monthly meetings are open to the public and carried over the internet by the El Paso County Information Technology Department.

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

6. 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. None.

Water Supply Reserve Account – Grant Application Form
Form Revised March 2009

Part B. - Description of the Water Activity

1. Name of the Water Activity/Project: ROTATING AGRICULTURAL FALLOWING PUBLIC POLICY WORKING GROUP

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

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

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 objectives of the ROTATING AGRICULTURAL FALLOWING PUBLIC POLICY WORKING GROUP fits within a three (3) pronged approach to addresses this consumptive and non-consumptive method to address the needs of the Arkansas Basin Roundtable (see below). Two (2) of those strategies address technical issues within the Arkansas Basin. However, the Public Policy dialogue associated with potential statutory changes related to implementation of rotating agricultural fallowing may impact all of Colorado's river basins. Therefore, the purpose of the Working Group is twofold: 1) Fully explore existing statutes with an eye toward changes/modifications that might be beneficial to implementation, and; 2) To convene stakeholders in a multi-basin, facilitate dialogue to determine if common areas of interest might be identified. At a minimum, the research and dialogue will inform the decision making within each basin and perhaps identify a basis for action on a collaborative approach. The Arkansas Basin Roundtable has identified rotating agricultural fallowing as the primary method for meeting its near-term consumptive and, possibly, non-consumptive needs.

<MEMORANDUM FROM THE EXECUTIVE COMMITTEE OF THE ARKANSAS BASIN RT>

Memorandum

To: Arkansas Basin Roundtable Executive Committee
CC: Alternatives to Ag Transfers Stakeholders
From: Gary Barber
Date: 3/9/2011
Re: Moving forward on strategies I

The purpose of this memo is to summarize our discussion today on a three-pronged approach to address implementation of the rotating agricultural fallowing program in the Arkansas Basin. We discussed these elements:

- A. Development of an Administrative Tool based on historic data that protects decreed water rights and return flow patterns within the context of temporary dry-up of irrigated lands. This Administrative Tool will be developed to be completely compatible with the Decision Support System and fully compliant with judicial paradigms.
- B. Organization of a Pilot Program to beta-test the Administrative Tool with a volunteer group of irrigators to assess the validity and reliability of the Tool.
- C. Sponsorship by the Arkansas Basin Roundtable of a facilitated multi-basin roundtable Public Policy Working Group to investigate and discuss the efficacy of any statutory changes to current water law related to rotating fallowing.

When combined, these three initiatives are intended to answer a range of questions. The Administrative Tool asks “How” and determines “What” the objectives are. The Pilot Program asks “Who” is willing to attempt the program and offers feedback on the functionality of the Tool, defining “When” it may be broadly applied. The Public Policy Working Group will focus on “Why” this initiative is important enough to merit the attention of the General Assembly.

As presently conceived, the Administrative Tool will be developed in draft by an Ark Roundtable subcommittee that includes: John Stulp, Alex Davis of DNR, Todd Doherty of CWCB, the roundtable IBCC representatives, and self selected staff/representation by Upper Ark Conservancy, Lower, SECWCD, PBWW, Colorado Springs Utilities, Colorado State University, DWR and an environmental advocate.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

March 9, 2011

The Pilot Program will be organized by Super Ditch Company, Lower Ark and/or other participants in the CWCB as following grant program. The Public Policy Working Group will move forward under a multi-basin WSRA grant request prepared and administered by the Pike Peak Regional Water Authority (approved by PPRWA in concept on March 2, 2011), inviting all roundtables to participate in both the dialogue and the funding.

The goal is to move a Public Policy WSRA grant request at the April Arkansas Basin Roundtable for distribution and consideration by other roundtables in May. The Administrative Tool subcommittee will provide an update in April, review the conceptual approach with stakeholders in May and provide a vetted approach to the Ark Roundtable in June. To the extent WSRA grant funds are sought, the goal would be to have an approved grant request available for consideration at the September, 2011 CWCB meeting.

The results of the Policy Working Group should be available by the 4th Quarter of 2011. Commencement of the Pilot Program in 2012 could then be fully supported by both the Administrative Tool and an appropriate statutory regime.

GB

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

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 report produced by the Working Group, by engaging in a facilitated dialogue based on thorough research into existing statutes, will be based on maintaining this requirement.

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.

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

- 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.
- 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. *Below is an extract of the Arkansas Basin Roundtable's November, 2009 Resource Document:*

Much of water supply "Gap" of the Arkansas basin, nearly 20,000 acre-feet, could be addressed in the near term if, and only if, the Rotating Agricultural Fallowing method is coupled with regional cooperation on new infrastructure.

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.

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 impact of rotating agricultural fallowing, as a public policy, on Colorado's consumptive and non-consumptive needs cannot be underestimated.

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

To date, the Lower Arkansas Valley Water Conservancy District has spent over \$2.0 million on this topic. Pikes Peak Regional Water Authority has committed funds and project member's time and consulting fees, as a group and on an individual basis, since 2007.

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

Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

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.

See Task and Budget Estimate below

<i>Agricultural Transfers Public Policy Working Group</i>				
Task #	<u>Sand Dollar Research</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
1.0	Review existing statutory law concerning agricultural water transfers	4	\$175	\$700
2.0	Identify pertinent citations that might be modified for expediting ag transfers; Report to Working Group	4	\$175	\$700
3.0	Participate in the facilitated dialogue with stakeholders	16	\$175	\$2,800
4.0	Draft potential language for review by stakeholder	4	\$175	\$700
5.0	Prepare draft summary report	8	\$175	\$1,400
6.0	Prepare and deliver three (3) presentations of final report	6	\$175	\$1,050
		42		\$7,350
Task #	<u>Peak Facilitation</u>	<u>Hours Principle (\$135/hr)</u>	<u>Hours Assistant (\$85/hr)</u>	
1.0	Contact possible stakeholders for involvement in the dialogue	6	3	\$1,065
2.0	Reconcile representative interests to keep the working group manageable	6	0	\$810
3.0	Convene initial working group and establish Norms for the dialogue	4	2	\$710
4.1	Prepare agendas, meeting notes, schedule for the program	4	16	\$1,900
4.2	Convene and facilitate five (5) working group sessions	15	15	\$3,300
5.0	Prepare and circulate for comment a summary report	8	8	\$1,760
6.1	Prepare and distribute a final report in coordination with Sand Dollar Res	6	6	\$1,320
6.2	Prepare and deliver three (3) presentations of final report	6	0	\$810
		55	50	\$11,675
<u>Bookeeping and Admin Support</u>				
	Review invoices and submit for reimbursement	12	\$75	\$900
Total All Tasks:				\$19,925
<u>SOURCES OF FUNDING</u>				
	Arkansas Basin Roundtable basin funds			\$ 5,000
	Metro Basin Roundtable basin funds			\$ 5,000
	TBD Roundtable basin funds			\$ 5,000
	TBD Roundtable basin funds			\$ 5,000
				\$20,000

Statement of Work

To be completed upon approval

WATER ACTIVITY NAME -

GRANT RECIPIENT –

FUNDING SOURCE -

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)

OBJECTIVES

List the objectives of the project

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

Signature of Applicant:

Print Applicant's Name: Pikes Peak Regional Water Authority

Project Title: ROTATING AGRICULTURAL FALLOWING PUBLIC POLICY WORKING GROUP

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