



# COLORADO WATER CONSERVATION BOARD



## WATER SUPPLY RESERVE ACCOUNT GRANT APPLICATION FORM

Lake Durango Water Authority/ Source Water Infrastructure

**Name of Water Activity/Project**

**Approving Basin Roundtable**

\$500,000

**Amount from Statewide Account**

\$450,000

**Total Amount of Funds Requested**

**Amount from Basin Account**

\$50,000

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## Water Supply Reserve Account – Grant Application Form

Form Revised March 2009

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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):	Lake Durango Water Authority		
	Mailing address:	P.O. Box 657 Durango, CO 81302		
	Taxpayer ID#:	26-1939339	Email address:	manager@lakedurango.org
	Phone Numbers: Business:	970-247-4062		
	Home:	970-799-2468		
	Fax:	970-247-0969		

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

Name:	Charles Smith
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?

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

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4. Provide a brief description of your organization

The Lake Durango Water Authority (Authority) owns and operates a water treatment and distribution system that provides potable water to retail and bulk water users in south central La Plata County. The Authority is governed by a five member Board with representatives appointed by Durango West 1(DW1) and Durango West 2(DW2) Metropolitan Districts and La Plata County.

The water system was originally developed by the Lake Durango Water Company (LDWC) but shortages in water supply during dry years, poor customer satisfaction, and poor water quality resulted in PUC intervention and negotiations between the Company and affected users. A Memorandum of Agreement between the Water Company, La Plata County, and DW1 and DW2 outlined the establishment of a water authority for the purpose of acquiring the assets of and assuming operation of the Lake Durango Water Company system. The Authority was established in January 2008 and in July 2009 the Authority successfully acquired LDWC assets and took over operation of the water system.

The mission statement for LDWA is “Our goal is to provide reliable quality water to the 1435 current tap holders and to develop additional water resources to expand the service area.”

The Authority services 1182 active taps and has 243 additional tap commitments. The Authority employs a General Manager, 2 Distribution Operators, and an Administrative Assistant. Treatment plant operations are contracted to a Class A Treatment Operator.

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

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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.

<input checked="checked" type="checkbox"/>	The Applicant will be able to contract with the CWCB using the Standard Contract
<input type="checkbox"/>	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.

Lake Durango West Water Authority is not considered a "district" as that term is used in TABOR. The Authority does not have the power to levy taxes or to hold elections. In a relevant Colorado Court of Appeals case, *Olson v. City of Golden*, the court ruled that an entity that lacked these capacities could not be considered a local government within the TABOR definition of "district" and was not subject to the provisions of TABOR. Since the Authority also lacks these capacities, it is not subject to TABOR regulations and can receive grants directly from the state of Colorado and other local governments.

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

1. Name of the Water Activity/Project:  
Source Water Supply Infrastructure Engineering and Construction.
  
2. What is the purpose of this grant application? (Please check all that apply.)

<input checked="checked" type="checkbox"/>	Environmental compliance and feasibility study
<input checked="checked" type="checkbox"/>	Technical Assistance regarding permitting, feasibility studies, and environmental compliance
<input type="checkbox"/>	Studies or analysis of structural, nonstructural, consumptive, nonconsumptive water needs, projects
	Study or Analysis of:
<input type="checkbox"/>	Structural project or activity
<input type="checkbox"/>	Nonstructural project or activity
<input type="checkbox"/>	Consumptive project or activity
<input type="checkbox"/>	Nonconsumptive project or activity
<input checked="checked" type="checkbox"/>	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 is to provide infrastructure to deliver raw water from the Animas La Plata Project (ALP, aka Lake Nighthorse) to Lake Durango Reservoir. Additional source water supply will allow the Authority to meet its current 1435 tap commitments and to serve existing and projected future demand in the Authorities geographic service area.

Bikis Water Consulting in cooperation with Russell Planning and Engineering performed a Safe Yield Analysis of existing Authority water rights and a Source Water Evaluation of potential sources of additional water supply. The Safe Yield Report determined that the firm yield of the Authorities existing water rights are not sufficient to meet the current commitment of 1435 taps; the safe yield is adequate to serve approximately 792 taps in drought conditions. The Source Water Evaluation identified three options for increased water supply; increased storage capacity to capture additional runoff, development of existing Lightner Creek Water rights, and development of a new supply from ALP. The result of the evaluation determined that ALP was the preferred supply alternative.

The ALP water supply alternative includes construction of a 500-gpm pump station at the existing Lake Nighthorse intake structure, a 4,170 foot access road, and a 4.6 mile 8-inch supply pipeline. The pump station and pipeline would be able to convey 780 Acre-feet of water annually from Lake Nighthorse to Lake Durango. Overall project cost is estimated to be \$2,951,000 which includes engineering, environmental and permitting, infrastructure construction, and the purchase of an initial 100 acre-feet of water.

WSRA funding will be used for engineering and design, environmental and permitting, legal costs, and infrastructure construction.

WSRA Grant would be contingent upon the Authority acquiring loans for the remainder of project costs.

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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.<sup>1</sup>

The Authority will pursue the purchase of water from the Colorado Water Resources and Power Development Authority (CWRPDA.) Alternatively, if available, water may be purchased from the State of Colorado or leased from the Sothern Ute Indian Tribe or Mountain Ute Indian Tribe. The activity will not affect any water right as described in Section 37-75-102 Colorado Revised Statutes.

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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 restrict the ability of the holder of a water right to use or to dispose of that water right in any manner permitted under Colorado law. (2) The General Assembly affirms the protections for contractual and property rights recognized by the contract and takings protections under the state constitution and related statutes. This article shall not be implemented in any way that would diminish, impair, or cause injury to any property or contractual right created by intergovernmental agreements, contracts, stipulations among parties to water cases, terms and conditions in water decrees, or any other similar document related to the allocation or use of water. This article shall not be construed to supersede, abrogate, or cause injury to vested water rights or decreed conditional water rights. The General Assembly affirms that this article does not impair, limit, or otherwise affect the rights of persons or entities to enter into agreements, contracts, or memoranda of understanding with other persons or entities relating to the appropriation, movement, or use of water under other provisions of law.



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- b) The water activity underwent an evaluation and approval process and was approved by the Basin Roundtable (BRT) and the application includes a description of the results of the BRTs evaluation and approval of the activity. At a minimum, the description must include the level of agreement reached by the roundtable, including any minority opinion(s) if there was not general agreement for the activity. The description must also include reasons why general agreement was not reached (if it was not), including who opposed the activity and why they opposed it. Note- If this information is included in the letter from the roundtable chair simply reference that letter.

The [Statewide grant](#) application was approved at the January 12, 2010 meeting of the Basin Roundtable. BRT Chair Michael Preston will provide an approval letter that includes a description of the BRT evaluation.

- 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.

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

~~The Authority will provide matching funds for the additional \$1,951,000 of estimated project costs (66%) through loans provided by CWRPDA, CWCB, and/or other sources.~~

A \$450,000 grant and \$2,500,000 loan were approved by the CWCB Board on May 19, 2011 contingent upon the Authority acquiring the remaining \$50,000 of project funding from other sources.

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

Tier 1: Promoting Collaboration/Cooperation and Meeting Water Management Goals and Identified Water Needs.

Lake Durango Water Company, now Lake Durango Water Authority, is identified in SWSI as an IPP for the potential joint project with Durango West Metropolitan Districts to construct a raw water pipeline.

Use of Animas La Plata Project water is also an IPP in SWSI.

Tier 2: Facilitating Water Activity Implementation.

A major cause for the establishment of the Authority was the uncertainty in the availability of water to service existing tap commitments and demand in the water system service area. The La Plata County Board of County Commissioners placed a moratorium on new developments and the sale of additional water taps in June 2003. LDWC was unsuccessful in establishing a new water source to satisfy over commitments exacerbated by the severe drought in the years 2002-2003.

The size and demographic of the Authority service area make it difficult to fund a complete source water infrastructure project without grant funding. A WSRA grant and low interest loans will make the project economically viable.

Tier 3; The Water Activity Addresses Issues of Statewide Value and Maximizes Benefits.

Construction of ALP supply infrastructure and the purchase of ALP water will allow the Authority to be less dependent on its Pine Ridge Ditch water rights. The Pine Ridge Ditch diverts water transbasinally from the La Plata River to Lake Durango. Authority demand can have the impact of placing the river on call, adversely affecting other water users, and affecting administration of the La Plata River compact with New Mexico.

Utilization of ALP project water stored in Lake Nighthorse is complimentary to other CWCB programs.

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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.

This project will utilize ALP project water stored in Lake Nighthorse.

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

- Lake Durango Water Authority, Safe Yield Report – Bikis Water Consultants, LLC  
The Safe Yield Report determines the water supply that will reliably be available under drought conditions to Lake Durango Water Authority using its existing water supply sources (Pine Ridge Ditch water rights and seasonal runoff) and infrastructure (Lake Durango and Amber Reservoirs). The Analysis determined that the safe yield of the system is 309 Acre-feet/year which can serve approximately 792 taps in a drought scenario similar to the years 2002 and 2003. A key point made evident by the analysis is that existing water sources are a “pulsed” water supply, not available on a continuous basis.
- Lake Durango Water Authority, Source Water Evaluation – Bikis Water Consultants, LLC  
The Source Water Evaluation Report identified three options for increased water supply; increased storage capacity to capture additional runoff, development of existing Lightner Creek Water rights, and development of a new supply from ALP. The result of the evaluation determined that ALP was the preferred supply alternative.
- Lake Durango Water Authority, Master Plan – Water Facilities – Russell Planning and Engineering, Inc.(RPE)  
RPE was contracted by the Authority to prepare a water facilities master plan that would guide the future operation of the water system. The Master Plan Infrastructure Needs Evaluation identifies securing additional source water utilizing the ALP alternative as the Authorities highest priority.

All reports will be made available upon request

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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** - Source Water Infrastructure

**GRANT RECIPIENT** – Lake Durango Water Authority

**FUNDING SOURCE** – WSRA [Statewide and Basin](#) grants and ~~CWRPDA or other loans~~ [CWCB Loan](#)

### **INTRODUCTION AND BACKGROUND**

This project is to provide infrastructure to deliver raw water from the Animas La Plata Project (ALP, aka Lake Nighthorse) to Lake Durango Reservoir. Additional source water supply will allow the Authority to meet its current 1435 tap commitments and to serve existing and projected future demand in the Authorities geographic service area.

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The ALP water supply alternative includes construction of a 500-gpm pump station at the existing Lake Nighthorse intake structure, a 4,170 foot access road, and a 4.6 mile 8-inch supply pipeline. The pump station and pipeline would be able to convey 780 Acre-feet of water annually from Lake Nighthorse to Lake Durango. Overall project cost is estimated to be \$2,951,000 which includes engineering, environmental and permitting, infrastructure construction, and the purchase of an initial 100 acre-feet of water from Colorado Water Resources and Power Development Authority (CWRPDA). Additional water will be purchased as needed to meet demand.

WSRA funding will be used for engineering and design, environmental and permitting, legal costs, and infrastructure construction.

### **OBJECTIVES**

The objective of the project is to provide reliable raw water supply to Lake Durango to meet current and future demand.

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### **TASKS**

Please see attached cost estimates developed by Russell Engineering and Planning. Detailed task descriptions, procedures and deliverables will be developed in final project engineering.

Task 1 – Engineering and Design

Task 2 – Environmental and Permitting

Task 3 – Water Purchase

Task 4 – Infrastructure Construction

### **REPORTING AND FINAL DELIVERABLE**

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

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

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### BUDGET

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

Cost Estimates are based on the Master Plan developed by Russell Planning and Engineering for the Source Water Evaluation Report. Task 1 and 4 are derived from the Construction Cost Table on the following page. Task 2 cost was prepared by Bikis Water Consultants for the Master Plan. Task 3 cost is based on the current Bureau of Reclamation Preliminary Cost Allocation for CWRPDA ALP Water. Water purchase is for an initial 100 acre-feet. Additional water will be purchased from CWRPDA as needed to meet demand.

Detailed task descriptions and costs will be developed in final project engineering.

Task	Cost Estimate
Task 1 – Engineering and Design	\$144,000
Task 2 – Environmental, Permitting and Easements	\$54,000
Task 3 – Water Purchase (\$1476/AF)	\$147,600
Task 4 – Infrastructure Construction	\$2,605,400
<i>Total</i>	\$2,951,000



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Russell Planning & Engineering, Inc.  
 Conceptual Engineer's Estimate  
 Lake Durango Water Authority  
 September 30, 2010

Improvements Required to Construct 8" Supply Line from ALP to Deliver 229 AF and 780 AF of water per year

Pump Station				
Item Description	Unit	Quantity	Unit Cost	Item Cost
Engineering Design	Lump Sum	1	\$ 40,000.00	\$ 40,000.00
Mobilization	Lump Sum	1	\$ 35,000.00	\$ 35,000.00
Construction Staking	Lump Sum	1	\$ 6,000.00	\$ 6,000.00
8" Surge Anticipator in 4' manhole	Each	1	\$ 10,000.00	\$ 10,000.00
8" Air Relief Valve in 4' manhole	Each	1	\$ 10,000.00	\$ 10,000.00
120HP 480 volt, 565TDH @ 500gpm	Each	1	\$ 80,000.00	\$ 80,000.00
Electrical Parts and Labor	Each	1	\$ 50,000.00	\$ 50,000.00
Check valve, Pressure Gauge, Flow Meter, misc. station plumbing	Each	1	\$ 15,000.00	\$ 15,000.00
Pump Station Building	Each	1	\$ 50,000.00	\$ 50,000.00
Extend Power to pump station	LF	10570	\$ 30.00	\$ 317,100.00
			<b>Subtotal</b>	<b>\$ 613,100.00</b>

Supply Line				
Item Description	Unit	Quantity	Unit Cost	Item Cost
Engineering Design	Lump Sum	1	\$ 50,000.00	\$ 50,000.00
Mobilization	Lump Sum	1	\$ 75,000.00	\$ 75,000.00
Construction Staking	Lump Sum	1	\$ 11,000.00	\$ 11,000.00
8" Waterline & Trench - Class 350 Ductile Iron Pipe	LF	4170	\$ 60.00	\$ 250,200.00
8" Waterline & Trench - C900 PVC DR 14	LF	20260	\$ 40.00	\$ 810,400.00
			<b>Subtotal</b>	<b>\$ 1,196,600.00</b>

Access Road				
Item Description	Unit	Quantity	Unit Cost	Item Cost
Engineering Design	Lump Sum	1	\$ 30,000.00	\$ 30,000.00
Mobilization	Lump Sum	1	\$ 27,500.00	\$ 27,500.00
Construction Staking	Lump Sum	1	\$ 5,000.00	\$ 5,000.00
Clearing & Grubbing	Acres	4	\$ 1,500.00	\$ 6,000.00
Unclassified Excavation	Cubic Yds.	22,500	\$ 8.00	\$ 180,000.00
Muck Excavation	Cubic Yds.	0	\$ 9.00	\$ -
Embankment Material	Cubic Yds.	1,800	\$ 8.50	\$ 15,300.00
Class 2	Tons	3,480	\$ 20.00	\$ 69,600.00
Class 6	Tons	4,680	\$ 21.00	\$ 98,280.00
Topsoil	Cubic Yds.	500	\$ 6.00	\$ 3,000.00
Drainage Culverts	Linear Ft	500	\$ 40.00	\$ 20,000.00
Stabilized Construction Entrance	Lump Sum	1	\$ 1,500.00	\$ 1,500.00
Silt Fence	Linear Ft.	500	\$ 1.50	\$ 750.00
Erosion Bales	Each	80	\$ 45.00	\$ 3,600.00
Seeding (Native)	Acre	1.00	\$ 540.00	\$ 540.00
Mulching (Weed Free Straw)	Acre	1.00	\$ 700.00	\$ 700.00
Soil Retention Blanket (Excelsior)	Square Yd.	500	\$ 3.00	\$ 1,500.00
Fence Barbed Wire with Metal Posts	Linear Ft.	8500	\$ 2.00	\$ 17,000.00
12 Foot Gate	Each	2	\$ 600.00	\$ 1,200.00
			<b>Subtotal</b>	<b>\$ 481,470.00</b>

Subtotal \$ 2,291,170.00  
 20% Contingency \$ 458,234.00

**Total \$ 2,749,404.00**

## Notes

1. Engineering Design includes all necessary SEO, CDWR, CDPHE, CDOT, and LPC Permitting (Environmental and Legal Fees Excluded)
2. Power will be supplied from LPEA substation located along CR 210
3. High pressures along the pump station Driveway will required 4170' of Ductile Iron pipe
4. Access Road will follow existing easement to the existing Lake Nighthorse Intake Structure.

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### 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.

Lake Durango Water Authority Source Water Infrastructure Project		
	Start Date	Finish Date
Engineering and Design	NTP	NTP + 180 days
Permitting and Easements	NTP	NTP + 1 year
Construction	Spring 2013	Summer 2014
Final Report	Fall 2014	Fall 2014

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.

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



**Signature of Applicant:**

**Print Applicant's Name:** Charles Smith

**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/>

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/>

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**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.

**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.