



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Upper Swan River Restoration Project

Name of Water Activity/Project

Blue River Watershed Group

Name of Applicant

Colorado Basin Roundtable

Amount from Statewide Account: \$0

Amount from Basin Account(s): \$30,000.00

Total WSRA Funds Requested: \$30,000.00

Approving Basin Roundtable(s)

(If multiple basins specify amounts in parentheses.)

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Required Exhibits

- A. Statement of Work, Budget, and Schedule
- B. Project Map
- C. As Needed (i.e. letters of support, photos, maps, etc.)

Appendices – Reference Material

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

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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 and approval is outlined in materials in Appendix 1.

Once approved by the local Basin Roundtable, the applicant should submit this application **with a detailed statement of work including budget and schedule as Exhibit A** to CWCB staff by the application deadline.

WSRA applications are due with the roundtable letter of support 60 calendar days prior to the bi-monthly Board meeting at which it will be considered. Board meetings are held in January, March, May, July, September, and November. Meeting details, including scheduled dates, agendas, etc. are posted on the CWCB website at: <http://cwcb.state.co.us> Applications to the WSRA Basin Account are considered at every board meeting, while applications to the WSRA Statewide Account are only considered at the March and September board meetings.

When completing this application, the applicant should refer to the WSRA Criteria and Guidelines available at: <http://cwcb.state.co.us/LoansGrants/water-supply-reserve-account-grants/Documents/WSRACriteriaGuidelines.pdf>

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:

Greg Johnson – WSRA Application
Colorado Water Conservation Board
1580 Logan Street, Suite 200
Denver, CO 80203
gregory.johnson@state.co.us

If you have questions or need additional assistance, please contact Greg Johnson at: 303-866-3441 x3249 or gregory.johnson@state.co.us.

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

1.	Applicant Name(s):	Blue River Watershed Group			
	Mailing address:	PO Box 1626 Frisco, Colorado - 80443			
	Taxpayer ID#:	20-1771307			
	Primary Contact:	Steve Swanson	Position/Title:	Executive Director	
	Email:	steves@blueriverwatershed.org			
	Phone Numbers:	Cell:	970-485-5581	Office:	na
	Alternate Contact:	Jim Shaw	Position/Title:	Treasurer	
	Email:	jim@xeoponix.com			
	Phone Numbers:	Cell:	970-485-2636	Office:	na

2. Eligible entities for WSRA funds 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) – authorities, Title 32/special districts, (conservancy, conservation, and irrigation districts), and 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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3. Provide a brief description of your organization

The mission of the Blue River Watershed Group is to promote, protect and restore a healthy Blue River watershed through cooperative community education, stewardship, and resource management.

The Blue River Watershed Group, (BRWG), began as a gathering of concerned local citizens. The group began their work in October, 2004, with a primary emphasis on public education and involvement. Group members were encouraged by the attendance at their first public information sessions on basic water law and water issues. Formal articles of incorporation were officially recognized by the Colorado Secretary of State on October 20, 2004.

The group's steering committee met on December 2, 2004, and officially formed a board of directors, elected a chairperson, and established by-laws. The group received 501(c)(3) status from the IRS on September 8, 2005. Additional public information sessions were held in 2005 and 2006 on such topics as flood potential, the impact of snow-making, legislative issues related to water, and various government projects affecting the Blue River.

The BRWG completed the Snake River Watershed Study in 2009 and as a result of it, three mine remediation projects in Peru Creek have received a 319 Grant and worked commenced on this program in late part of 2011. An Executive Director was contracted in 2009 and now the organization is proceeding to fulfill a role as a non-profit group by representing stakeholders and securing & administering grant funds for restoration projects. The group has a Board of Directors and an Advisory Board with members from Summit County who are very qualified and experienced in water and environmental fields. They are available to contribute their expertise to the projects as needed. The BRWG has many partnerships with other nonprofit and volunteer organizations, along with our own list of volunteers who are willing to lend support to our restoration work.

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

The Contract entity and the applicant are the same.

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 link to this standard contract is included in Appendix 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.

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There are no relevant TABOR issues that should have any effect on the applicant.

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Part II. - Description of the Water Activity/Project

1. What is the primary purpose of this grant application? (Please check only one)

- | | |
|--|--|
| <input checked="checked" type="checkbox"/> | Nonconsumptive (Environmental or Recreational) |
| <input type="checkbox"/> | Agricultural |
| <input type="checkbox"/> | Municipal/Industrial |
| <input type="checkbox"/> | Needs Assessment |
| <input type="checkbox"/> | Education |
| <input type="checkbox"/> | Other |

Explain:

2. If you feel this project addresses multiple purposes please explain.

It does not appear that the project addresses multiple purposes at this time.

3. Is this project primarily a study or implementation of a water activity/project? (Please check only one)

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> Study | <input type="checkbox"/> Implementation |
|--|---|

4. To catalog measurable results achieved with WSRA funds can you provide any of the following numbers?

- | | |
|--|--|
| <input type="text"/> | New Storage Created (acre-feet) |
| <input type="text"/> | New Annual Water Supplies Developed, Consumptive or Nonconsumptive (acre-feet) |
| <input type="text"/> | Existing Storage Preserved or Enhanced (acre-feet) |
| <input checked="checked" type="checkbox"/> | Length of Stream Restored or Protected (linear feet) |
| <input type="text"/> | Length of Pipe/Canal Built or Improved (linear feet) |
| <input type="text"/> | Efficiency Savings (acre-feet/year OR dollars/year – circle one) |
| <input checked="checked" type="checkbox"/> | Area of Restored or Preserved Habitat (acres) |
| <input type="text"/> | Other -- Explain: |

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4. To help us map WSRA projects please include a map (Exhibit B) and provide the general coordinates below:

Latitude:

39°30'45.46" N

Longitude:

105°56'55.14" W

5. 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. A full **Statement of Work** with a detailed budget and schedule is required as **Exhibit A** of this application.

The Swan River drainage located east of Breckenridge and west of the Continental Divide, and its sensitive aquatic habitat, wetlands and riparian areas are identified as priority resources for protection and enhancement in Summit County Master Plans and U. S. Forest Service management plans. Summit County Government, the Town of Breckenridge, the U.S. Forest Service, and others have been working collaboratively to purchase and protect land in this watershed for over 15 years. The U.S. Forest Service has initiated a large-scale collaborative partnership effort to restore the entire Upper Swan River Watershed. The White River National Forest is pursuing landscape restoration as a top priority. The Blue River Watershed Group, (BRWG), working with these groups and others has made the Upper Swan River Restoration one of its major projects. It is not often that we have private property landowners working with local, county, state and federal government and other private groups such as Friends of the Dillon Ranger District and Trout Unlimited cooperatively.

The Upper Swan River Watershed is incredibly important due to the potential to restore hydrological function and water quality throughout a 24,000 acre watershed. A preliminary assessment of the watershed shows that restoration of 2.2 miles of the Swan River devastated by dredge mining in the early 20th century might provide stream continuity to 17 miles of habitat and significantly decrease unnatural rates of sedimentation. The 17 miles of reconnected stream would provide outstanding habitat for a reintroduced meta-population of Colorado River cutthroat trout. Currently, Colorado River cutthroat trout are struggling throughout the Colorado Basin as a result of habitat degradation and the invasion of non-native species. The overall project is expected to provide significant benefits to species as a whole throughout the Colorado Basin by providing additional habitat and by significantly reducing adverse impacts from sedimentation.

Summit County Government and the Town of Breckenridge completed a conceptual design for restoration of approximately 1.0 stream mile on their public properties in 2009, and more recently the BRWG undertook a master planning process focused on all private properties for approximately 1.2 miles upstream. The current request is for the critical funding required to integrate these two efforts into one plan. This integration will establish the key elevations needed for road crossings and advance the overall design to a level that necessary permit applications can be developed and submitted. This design effort, coupled with the ongoing design of gravel mining operations, will allow cost estimates to be developed and a reclamation strategy to be finalized. This level of design will allow the participants to secure funding and begin implementation of this project on both public and private lands.

The design phase will begin as soon as funding is available. It is expected to last about four months. Much of the work will not require field access, but the current schedule looks like the design period will coincide with some of the summer's field season. Following the completion of this design, which will include a better idea of overall restoration costs, fundraising will begin in earnest. The overall schedule is integrally tied to the mining of the dredge materials. It is hoped that the project can be completed in 3-5 years. A more detailed schedule is not possible until more information is developed and is dependent in part on our ability to raise money for the actual restoration activities.

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The consulting firm Ecological Resource Consultants, Inc. is just completing the conceptual design on the private lands. The next effort will advance that design and integrate it with the Summit County Open Space and Town of Breckenridge Open Space and Trails conceptual design, advancing both designs to a more detailed level. The cost estimate for this design work is \$42,000.00. With the appropriate management of the project by the Blue River Watershed Group and the need and desire to continue this effort collaboratively with multiple parties, the budget for this phase is \$50,000.00. The remaining \$20,000.00 will come from the Summit County Open Space and Trails and the Town of Breckenridge. There will be continued in-kind contributions from the U.S. Forest Service, Colorado Parks and Wildlife, Friends of the Dillon Ranger District, Trout Unlimited, and the private landowners which are not included in this budget.

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Part III. – 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

This water activity will be consistent with Section 37-75-102 Colorado Revised Statutes and will comply with the existing water rights adjudication system.

- 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.

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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- 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.
- 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. Statewide requests must also include a minimum match of **5 percent** of the total grant amount from Basin Funds. 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 **Exhibit A** of this application)

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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2. For Applications that include a request for funds from the **Statewide Account**, describe how the water activity/project meets all applicable **Evaluation Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines and repeated below.) Projects will be assessed on how well they meet the Evaluation Criteria. **Please attach additional pages as necessary.**

Evaluation Criteria – the following criteria will be utilized to further evaluate the merits of the water activity proposed for funding from the Statewide Account. In evaluation of proposed water activities, preference will be given to projects that meet one or more criteria from each of the three “tiers” or categories. Each “tier” is grouped in level of importance. For instance, projects that meet Tier 1 criteria will outweigh projects that only meet Tier 3 criteria. WSRA grant requests for projects that may qualify for loans through the CWCB loan program will receive preference in the Statewide Evaluation Criteria if the grant request is part of a CWCB loan/WSRA grant package. For these CWCB loan/WSRA grant packages, the applicant must have a CWCB loan/WSRA grant ratio of 1:1 or higher. Preference will be given to those with a higher loan/grant ratio.

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

- a. The water activity addresses multiple needs or issues, including consumptive and/or non-consumptive needs, or the needs and issues of multiple interests or multiple basins. This can be demonstrated by obtaining letters of support from other basin roundtables (in addition to an approval letter from the sponsoring basin).
- b. The number and types of entities represented in the application and the degree to which the activity will promote cooperation and collaboration among traditional consumptive water interests and/or non-consumptive interests, and if applicable, the degree to which the water activity is effective in addressing intrabasin or interbasin needs or issues.
- c. The water activity helps implement projects and processes identified as helping meet Colorado’s future water needs, and/or addresses the gap areas between available water supply and future need as identified in SWSI or a roundtable’s basin-wide water needs assessment.

Tier 2: Facilitating Water Activity Implementation

- d. Funding from this Account will reduce the uncertainty that the water activity will be implemented. For this criterion the applicant should discuss how receiving funding from the Account will make a significant difference in the implementation of the water activity (i.e., how will receiving funding enable the water activity to move forward or the inability obtaining funding elsewhere).
- e. The amount of matching funds provided by the applicant via direct contributions, demonstrable in-kind contributions, and/or other sources demonstrates a significant & appropriate commitment to the project.

Tier 3: The Water Activity Addresses Other Issues of Statewide Value and Maximizes Benefits

- f. The water activity helps sustain agriculture & open space, or meets environmental or recreational needs.
- g. The water activity assists in the administration of compact-entitled waters or addresses problems related to compact entitled waters and compact compliance and the degree to which the activity promotes maximum utilization of state waters.
- h. The water activity assists in the recovery of threatened and endangered wildlife species or Colorado State species of concern.
- i. The water activity provides a high level of benefit to Colorado in relationship to the amount of funds requested.
- j. The water activity is complimentary to or assists in the implementation of other CWCB programs.

Continued: Explanation of how the water activity/project meets all applicable **Evaluation Criteria**.

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Please attach additional pages as necessary.

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Part IV. – 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 water rights issues, and the name/location of water bodies affected by the water activity.

At this time, it is unknown the amount of new water rights that may be required by the creation of new wetlands and riparian area associated with the implementation of this restoration. The river will be restored to the original state of riparian habitat, just as it was before the mechanical mining took place about one hundred years ago. As stated earlier, the engineer performing the additional study will quantify the new total of open space water and any proposed wetlands, which will help facilitate an evaluation of new water rights required for the project. Mr. Scott Hummer, Project Manager for the Colorado Water Trust, has committed his help and expertise in the establishment of the required amount of new water rights required for the project. New water rights should be available for purchase throughout the basin.

2. Please provide a brief narrative of any related studies or permitting issues.

The Blue River Watershed Group is currently completing a conceptual design of the project area contracted out by Ecological Resource Consultants, Inc. The White River National Forest is also conducting a basin wide restoration strategy and action plan to restore the entire Swan River watershed. Permits will need to be obtained by Everist Materials, LLC., for the crushing of the dredge rock located on the project area.

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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.** All WSRA funds are disbursed on a reimbursement basis after review invoices and appropriate backup material.

Please provide a detailed statement of work using the template in Exhibit A. Additional sections or modifications may be included as necessary. Please define all acronyms and include page numbers.

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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.

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: */s/ Steve Swanson*

Print Applicant's Name: Steve Swanson

Project Title: Upper Swan River Restoration Project

Return an electronic version (hardcopy may also be submitted) of this application to:

Greg Johnson – WSRA Application
Colorado Water Conservation Board
1580 Logan Street, Suite 200
Denver, CO 80203
gregory.johnson@state.co.us

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