



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT GRANT APPLICATION FORM

Seneca Ditch - Structure for Water Control

Name of Water Activity/Project

Approving Basin Roundtable

\$57,539.70

Amount from Statewide Account

N/A

Total Amount of Funds Requested

Amount from Basin Account

\$57,539.70

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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

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): **Loban, Hackleman and Olsen LLC.**

Mailing address:

**P.O. Box 35
Cowdrey, CO 80434**

ID#:

71-0876751

Email address:

tchackleman@centurylink.net

Phone Numbers: Home:

970-723-4401

Cell:

970-232-6502

Fax:

N/A

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

Name:

Tom Hackleman

Position/Title

**Representative for: Loban, Hackleman and Olsen LLC. (Seneca Ditch -
Structure For Water Control)**

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.

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☐

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

4. Provide a brief description of your organization

The Seneca Ditch is currently controlled by 3 water owners in the northern part of Jackson County and irrigates approximately 1,100 acres of hay and pasture lands in parts of sections: 30 T10N R79W, 19 T10N R79W, 24 T10N R80W, 13 T10N R80W and 14 T10N R80W.

The ditch was originally constructed in 1885 by Benton Miles to carry 1 cubic foot per second (cfs) of water. The ditch was then enlarged in order to carry an additional 2 cfs in 1886. In 1887, D.L. Moore and Charles Cowdrey further enlarged the ditch enabling it to carry 23 cfs of water. Charles Cowdrey continued enlarging the ditch over the next couple of years until its carrying capacity was a total of 29 cfs.

Around the year of 1954, the Michigan River changed course and the point of diversion for the Seneca Ditch had to be relocated to its present location (SE 1/4 of the NE 1/4 of section 31, Township 10 north, Range 79 west, 6th pm, on the left bank of the west channel of the Michigan River, at a point 650 feet from the east line and 1850 feet from the north line). At that same time the Gardner Ditch carrying 4 cfs (with an appropriation of 1889) was transferred into the Seneca Ditch.

Since then, the Seneca Ditch has been enlarged to carry an additional 40 cfs (appropriated in 1947). Four cfs of the appropriated water in 1947 was designated for livestock use, therefore, bringing the current carrying capacity of the Seneca Ditch to its present condition of 73 cfs.

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

N/A

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.

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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.**

N/A The Seneca Ditch –Structure For Water Control Structure Project applicant is an individual.

Part B. - Description of the Water Activity

1. **Name of the Water Activity/Project:**

Seneca Ditch - Structure for Water Control Project

2. **What is the purpose of this grant application? (Please check all that apply.)**

☐

Environmental compliance and feasibility study

☐

Technical Assistance regarding permitting, feasibility studies, and environmental compliance

☐

Studies or analysis of structural, nonstructural, consumptive, nonconsumptive water needs, projects

Study or Analysis of:

☐

Structural project or activity

☐

Nonstructural project or activity

☐

Consumptive project or activity

☐

Non-consumptive 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.**

The Seneca Ditch water right owner's propose to replace an old, deteriorated headgate at the point of diversion on the Michigan River. The headgate structure plays an essential role in regulating and controlling the flow of irrigation and livestock water entering the Seneca ditch.

The existing structure is run down and no longer has the ability to effectively regulate and control water. A new structure will allow the user's to effectively and efficiently manage the amount water entering the Seneca ditch during seasonal irrigation flows, as well as provide a positive shutoff control, to the ditch, at the structure. This improved level of water control will improve irrigation water management and benefit all uses associated with the Seneca ditch water.

Installation of the Structure for Water Control addresses both consumptive and non-consumptive needs in a cost effective, collaborative way. The Seneca Ditch provides irrigation water to three different landowners in the northern part of the county, which irrigate approximately 1,100 acres of hay and pasture land. In addition to irrigating the highly valuable hayland, some water is also allocated for livestock use. The irrigation ditches below the structure create extremely valuable irrigation induced wetlands and riparian areas that provide habitat for many species of big game, waterfowl and upland birds, including the Greater Sage Grouse.

The water right holder's of the Seneca Ditch headgate have received technical and engineering assistance through the Natural Resources Conservation Service (NRCS) for the survey and design of the proposed structure. NRCS will continue to provide technical support throughout the construction, installation, revegetation, and maintenance phases of the project.

The entire amount of the WSRA funds requested will be used in the actual construction, installation and administration of the new structure.

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 participant and the project are both eligible under the criteria outlined in “Threshold Criteria (a.)”.
 - b. The water activity will be consistent with Section 37-75-102 Colorado Revised Statutes.¹ Implementation of this project will not harm, nor adversely affect any other appropriations, but will in fact improve the water holder’s and commissioner’s abilities to better manage the water rights and flows associated with the Home Ditch No. 2 and the Walden Reservoir.
 - c. This proposal will be evaluated by the North Park Basin Round Table (NPBRT) at their November 23rd, 2010 meeting. Results of their evaluation and decision will be submitted in the future.
 - d. M r. Kent Crowder, Chairman of NPBRT, has provided the attached letter of approval of this application.
2. **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)**

This application is being submitted as an individual request and therefore, is not eligible for Statewide Account Funds.

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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3. **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 – Not eligible for statewide funds

Part D. – Required Supporting Material

1. Water Rights, Availability, and Sustainability

The Seneca Ditch water right holder's currently hold a total right of 73 cubic feet per second (cfs) of water in the Michigan River. The majority of the water is for irrigation purposes with a small right of 4 cubic feet per second for livestock use.

Water Rights are as follows:

1 cfs – 1885
2 cfs – 1886
20 cfs – 1887
4 cfs – 1887
1 cfs – 1888
4 cfs – 1889 (Gardner Ditch transferred to Seneca Ditch)
1 cfs – 1889
40 cfs – 1947 (4cfs designated as stock water use)

Only the Seneca Ditch and its water users will be affected by the installation of the new Structure for Water Control. Installation of the structures will improve the water users and commissioner's abilities to better manage the water rights and flows associated with the Seneca Ditch.

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

N/A

3. Statement of Work, Detailed Budget, and Project Schedule

Statement of Work

WATER ACTIVITY NAME – Seneca Ditch - Structure for Water Control Project

GRANT RECIPIENT – Loban, Hackleman and Olson LLC.

FUNDING SOURCE – WSRA: North Platte Basin Roundtable Allocation

INTRODUCTION AND BACKGROUND:

Provide a brief description of the project. (Please limit to no more than 200 words; this will be used to inform reviewers and the public about your proposal)

The Seneca Ditch water right owner's propose to replace an old, deteriorated headgate at the point of diversion on the Michigan River. The headgate structure plays an essential role in regulating and controlling the flow of irrigation and livestock water entering the Seneca ditch.

The existing structure is run down and no longer has the ability to effectively regulate and control water. A new structure will allow the user's to effectively and efficiently manage the amount water entering the Seneca ditch during seasonal irrigation flows, as well as provide a positive shutoff control, to the ditch, at the structure. This improved level of water control will improve irrigation water management and benefit all uses associated with the Seneca ditch water.

Installation of the Structure for Water Control addresses both consumptive and non-consumptive needs in a cost effective, collaborative way. The Seneca Ditch provides irrigation water to three different landowners in the northern part of the county, which irrigate approximately 1,100 acres of hay and pasture land. In addition to irrigating the highly valuable hayland, some water is also allocated for livestock use. The irrigation ditches below the structure create extremely valuable irrigation induced wetlands and riparian areas that provide habitat for many species of big game, waterfowl and upland birds, including the Greater Sage Grouse.

The water right holder's of the Seneca Ditch headgate have received technical and engineering assistance through the Natural Resources Conservation Service (NRCS) for the survey and design of the proposed

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structure. NRCS will continue to provide technical support throughout the construction, installation, revegetation, and maintenance phases of the project.

The entire amount of the WSRA funds requested will be used in the actual construction, installation and administration of the new structure.

OBJECTIVES:

1. To install a Structure for Water Control (headgate) that will efficiently and effectively control the amount of water entering into the Seneca Ditch, provide a positive shutoff at the structure location.
2. To provide the water users and commissioner with a better means of controlling and administering the water rights and flows associated with the Seneca Ditch.

TASKS:

TASK 1 – Determination of Project Need and Feasibility (COMPLETED)

Description of Task – Determine the need and feasibility of installing a new Structure for Water Control in the Seneca Ditch

Method/Procedure – Site visit: Seneca Ditch representative and NRCS personnel

- ✓ Assess the current condition of the existing structure and consider the need, feasibility and cost of installing a new structure.

Deliverable – Project was determined to be needed and feasible

TASK 2 – Engineering Survey and Design (COMPLETED)

Description of Task - Perform the on-site engineering survey and design a Structure for Water Control.

Method/Procedure - Follow-up visit: NRCS staff

- ✓ an engineering survey will be performed

Deliverable – An engineering plan, draft structure design and copies of NRCS's Standards and

Specifications were provided to the company contact. Reference: the attached NRCS Structure for Water Control design

TASK 3 – Project Construction and Installation

Description of Task – The planned Structure for Water Control shall be installed

Method/Procedure – On site: Contractor (NRCS staff and contact person when needed)

- ✓ the structure shall be constructed/installed
- ✓ the site shall be smoothed and reseeded

Deliverable – A completed and functioning Structure for Water Control

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.

- ✓ *A final report will be provided to the CWCB after the construction and installation of the project is completed.*

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BUDGET

* Total Costs		
	* <i>Labor/Equipment/Materials</i>	<i>Cost</i>
Task 1 – Need and Feasibility	NRCS staff: In-Kind Contribution Project Contact Person: In-Kind Contribution	300.00
Task 2 – Survey and Design	NRCS staff: In-Kind Contribution	2,200.00
Task 3 – Construction and Installation	Contractor : Concrete Riprap Bar Grates (cat walk) Gates	63,300.00
Administration Costs	Copies, Billing, Reports and Etc. (1% of monetary cost of structure)	633.00
Total Costs:		66,433.00

Contributions	
NRCS (In- Kind Contribution):	2,500.00
Applicant / Water Owners Contribution (10% of monetary contribution):	6,393.30
WRSA Contribution:	57,539.70
Total Contributions:	66,433.00

- * The Applicant/Landowner shall be responsible for any and all cost over-rides.
- * If the final project completion cost is less than the requested WRSA funds, the remaining funds will be returned to the Basin Account.

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SCHEDULE

Task	Estimated Start Date	Estimated Completion Date
1. Need and Feasibility	COMPLETED	
2. Survey and Design	COMPLETED	
3. Construction and Installation	07/01/2012	10/01/2013

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: Loban, Hackleman and Olsen LLC.

Print Applicant's Name: Loban, Hackleman and Olsen LLC.

Project Title: Seneca Ditch – Structure For Water Control Project

Date:

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

To submit applications by Fax, send to: (303) 894-2578

For questions, call Telephone No.: (303) 866-3426

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/IWMD/>

Phase 1 Report –

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.

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

Signature of Applicant: Loban, Hackleman and Olsen LLC.

Loban Hackleman Olsen LLC By Thomas W Hackleman member

Print Applicant's Name: Loban, Hackleman and Olsen LLC.

Project Title: Seneca Ditch – Structure For Water Control Project

Date:

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

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For questions, call Telephone No.: (303) 866-3426