



# COLORADO WATER CONSERVATION BOARD



## WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Prewitt Reservoir Wetland Partnership

### Name of Water Activity/Project

Ducks Unlimited, Inc.

### Name of Applicant

South Platte River Basin  
Roundtable

Amount from Statewide Account:

\$ 45,414

Amount from Basin Account(s):

\$ 45,414

Total WSRA Funds Requested:

\$ 90,828

### Approving Basin Roundtable(s)

*(If multiple basins specify amounts in parentheses.)*

## Application Content

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

1.	Applicant Name(s):	Ducks Unlimited, Inc.		
	Mailing address:	Great Plains Regional Office 2525 River Road Bismarck, North Dakota 58503		
	Taxpayer ID#:	FIN 13-5643799		
	Primary Contact:	Matthew Reddy	Position/Title:	Regional Biologist
	Email:	mreddy@ducks.org		
	Phone Numbers:	Cell: (970)381-2876	Office:	(970)221-9862
	Alternate Contact:	Kevin Warner	Position/Title:	Engineer
	Email:	kwarner@ducks.org		
	Phone Numbers:	Cell: (970)590-1545	Office:	(970)221-9865

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

Ducks Unlimited, Inc. (DU) is a private not for profit (501(c)3) organization whose mission is to “conserve, restore and manage wetlands and associated habitats for North America’s waterfowl. These habitats also benefit other wildlife and people.” Established in 1937, DU was founded by a group of men who realized the climatic impact of the “Dust Bowl” was having a devastating effect on waterfowl populations. They set about to form an organization which has become the preeminent conservator of North American wetland habitats. Wetlands are one of the most dynamic natural systems on earth, providing flood irrigation, recharge of aquifers, contaminant removal, wildlife habitat, and they provide the basis for the livelihoods and recreation of millions of people. Over our 75 year history, DU has conserved more than 11 million acres of wetlands and associated habitats. DU is a science-based organization and it pursues its mission continent-wide, focusing on priority areas with the biggest impact on North American waterfowl populations.

In Colorado, DU has worked with several organizations focused on both wildlife conservation and water resources conservation. Since 1997, we have conserved, restored and managed more than 75,000 acres of wetlands and associated habitats in Colorado, including 16,000 acres in the South Platte River watershed (SPR). To deliver wetland conservation projects in the state, DU maintains a staff including a full-time program manager, a regional biologist, a certified engineer, and a regional director of grassroots membership. We also maintain a registered membership of over 10,000 members in the state of Colorado.

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

N/A

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.

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The Applicant will be able to contract with the CWCB using the Standard Contract

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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.

N/A

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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)

- ☒ Nonconsumptive (Environmental or Recreational)
- ☐ Agricultural
- ☐ Municipal/Industrial
- ☐ Needs Assessment
- ☐ Education
- ☐ Other      Explain:

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

The principal goal of the proposed work is to enhance migratory bird habitat associated with Prewitt Reservoir, a nonconsumptive purpose. However, certain elements of the work will allow managers of Prewitt Reservoir more flexibility in managing water levels in the reservoir. Proposed levees will protect existing infrastructure found along the shoreline of the reservoir. Reservoir levels can, therefore, be increased without damage to these structures.

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

- ☐ Study      ☒ Implementation

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

- New Storage Created (acre-feet)
- New Annual Water Supplies Developed, Consumptive or Nonconsumptive (acre-feet)
- Existing Storage Preserved or Enhanced (acre-feet)
- Length of Stream Restored or Protected (linear feet)
- Length of Pipe/Canal Built or Improved (linear feet)
- Efficiency Savings (acre-feet/year OR dollars/year – **circle one**)
- 452 Area of Restored or Preserved Habitat (acres)
- 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: 40.421

Longitude: -103.366

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 goal of the Prewitt Reservoir Wetland Partnership is the enhancement of over 450 acres of wetland habitat immediately associated with Prewitt Reservoir (See attached map). The marshes and pools provided along the margins of the reservoir provide some of the highest-quality foraging and roosting sites for populations of migratory birds in the state. These wetlands also provide recreational opportunities for many Coloradoans, ranging from bird-watching to fishing to waterfowl hunting. The proposed activities will address habitat and recreational opportunities through the development of passive and active water management on both public and private properties surrounding the reservoir. Many of the area's wetlands are flooded through the normal operation of the reservoir. With the installation of water-control structures and suitable excavations, the quality of these areas (or, at least, their persistence) can be increased even under normal water management provided by reservoir operators. Other wetlands in the scope of work can be developed such that active water management improves habitat quality and recreational opportunities. Provision of water for wetland wildlife habitat and waterfowl hunting recreation are two important nonconsumptive needs identified by the South Platte Basin Roundtable. These important goals will be accomplished without any additional diversions on the South Platte River.

This project provides for the attainment of these nonconsumptive water supply goals by achieving the following objectives:

- 1.) The enhancement of existing shallow-water basins associated with Prewitt whose disrupted hydrology has resulted in a shift in plant communities and degradation in habitat quality for wildlife;
- 2.) The identification of areas marginal to the reservoir that may be enhanced through the careful excavation of material impeding the natural back-flooding of shallow basins providing the best habitats to birds, other wetland wildlife, as well as fish;
- 3.) The design and installation of small levees placed (sometimes temporarily) on the margins of the reservoir that would serve both to protect existing infrastructure as well as provide additional flooded shallows.

WSRA funds will fund Ducks Unlimited staff and/or their assignees in the development, permitting, contracting and delivery of wetland conservation activities on three properties associated with Prewitt Reservoir. We estimate nearly 1,200 hours of work will be spent on the three tasks. We anticipate the rehabilitation of up to 10,000 linear feet of ditch, the excavation (and fill) of nearly 20,000 cubic yards of fill, the installation of 12 water-control structures, and other activities necessary to secure high-quality

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habitat and recreational opportunity along the reservoir's boundaries.

This work represents a continuation of DU's efforts to conserve the wetland habitats associated with one of the most important reservoir/wetland complexes found within the South Platte Basin. Since 2010, DU has, in association with its conservation partners, has expended nearly a half a million dollars protecting the water resources and wetland habitats found on two private properties associated with the southern and eastern boundaries of the reservoir. The work proposed here will extend those efforts, enhancing the wetland resources to the benefit of the migratory birds, fish, wildlife and to the public utilizing the reservoir. This project includes public access components on all three of the tracts where work is proposed. Prewitt Reservoir State Wildlife Area already allows public access to the reservoir and portions of its shores. DPG Prewitt will allow limited access to youth waterfowl hunters. Prewitt Ranch will allow limited public tours to its shores for birders and those interested in the interaction of agricultural water suppliers and wildlife conservation interests.

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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.<sup>1</sup>

The proposed activities do not impair, limit or otherwise affect existing decrees or other water rights. No new diversions or allocation of existing diversions is proposed. This project shall conform to the requirements/language of the above Statute. We affirm the prior appropriation doctrine and water rights adjudication system as presented in C.R.S. 37-75-102.

- 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.

Please refer to attached letter from SPBRT Chair, Mr. Harold Evans.

- c) The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes.<sup>2</sup> The Basin

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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.

<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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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.

Please refer to attached letter from SPBRT Chair, Mr. Harold Evans.

- 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)

The following tables present the matching contribution amounts for the Prewitt Reservoir Wetland Partnership. It shows that we have already secured 41% of the cash match required to deliver the proposed projects. The request to the Water Supply Reserve Account represents 24% of the total project cost, 12% from the basin and statewide accounts respectively.

Funding Source			Status	\$	%
1	a	WSRA - Statewide Account	Request	45,414	12%
1	b	WSRA - Basin Account	Request	45,414	12%
2		Colorado Parks and Wildlife	Pending	112,552	29%
3		NA Wetlands Conservation Act	Secured	140,461	37%
4		Playa Lakes Joint Venture	Secured	25,000	7%
5		Prewitt Ranch	Secured	14,915	4%
TOTAL				383,755	



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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.

This partnership represents the collaboration of Ducks Unlimited with two landowners, one of which is a traditional ranching/farming operation, the State of Colorado, the Playa Lakes Joint Venture (a multi-state bird conservation group) and the federal US Fish and Wildlife Service in consultation with the managers of Prewitt Reservoir. We all share the goal of maximizing the quality and availability of wetland habitats within the immediate area of Prewitt Reservoir. This will not only benefit the wildlife dependent upon these areas, but it will also benefit the people of Colorado who visit the reservoir to enjoy those wildlife resources. Public benefit is also bolstered by the allowance by the two private landowners of some degree of public access to the resources developed under this proposal. DPG Farms has agreed to limited youth waterfowl hunting on the property and Prewitt Ranch has agreed to allow limited birding tours of the property. All activities will be performed in consultation with the managers of Prewitt Reservoir and work within the restrictions generated by their management of water supplies within the water body.

- 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.

The South Platte Basin Roundtables nonconsumptive needs assessment recognizes wetland habitat and waterfowl-based recreation as important resources within the basin. Maintenance and/or expansion of these benefits without expanding water use in the basin is a key strategy to achieving nonconsumptive goals in light of the high demand for water supplies in the basin.

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### 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).

The area of concern for this proposal is large, being marginal to the shores of Prewitt Reservoir. Our initial work there has indicated a good deal more work than was originally anticipated. The allocation of WSRA funds to the project will allow us to fully survey and develop any suitable site within the project boundaries. Absent this funding we will have to reduce the scope of work presented here, thus losing out on a significant amount of public benefit arising from the work. WSRA funds are critical for us to achieve matching requirements for the other funding sources now pending. Without these funds our ability to mobilize those funds on the properties will be severely restricted, further diminishing the impact of the proposed work.

- 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.

Our request to the WSRA accounts for less than a ¼ of the total project cost securing the nonconsumptive benefits targeted here. This share does not account for the hundreds of thousands of dollars recently spent acquiring conservation easements on the two privately-held tracts. Most of the funding proposed for the project arises from state and federal-level wildlife conservation agencies. Nearly half of the funding has already been secured.

### 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.

Aside from the acknowledged importance of reservoirs to migratory bird populations generally, the three properties targeted here represent three important land uses associated with water resources in the Platte River Basin. The DPG parcel represents a privately-held tract, conserved in perpetuity, managed for high-quality waterfowl hunting. Prewitt Ranch represents agricultural land, with crop production and cattle ranching adding to the economic base of the county. This property, also protected in perpetuity, sits between I-76 and Prewitt Reservoir. Conservation of its water resources will sustain all of the mentioned needs. Finally, Prewitt Reservoir SWA represents publicly-accessible recreation ground. Both consumptive (sportsmen and women, anglers) and nonconsumptive (birders and campers) enjoy the water body and the abundant fish and wildlife it attracts. Our proposed work will maintain and enhance these qualities for a long period of time (30+ years).

- 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.

The activities proposed here will benefit Piping Plover, a state and federally threatened species. Prewitt Reservoir is a known site for these birds and the wetland enhancements proposed here will increase habitat suitability for the birds by providing more suitable foraging areas.

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According to Colorado's Wildlife Action Plan, Tier 1 and Tier 2 Species of Greatest Conservation Need that will benefit from the proposed activities include American Pelican, Forster's Tern, Marbled Godwit, Northern Harrier, Northern Pintail, Snowy Egret, White-faced Ibis, Wilson's Phalarope and leopard frog spp.

- i. The water activity provides a high level of benefit to Colorado in relationship to the amount of funds requested.

Our request represents a rate of \$200 of WSRA funds per wetland acre conserved. The Playa Lakes Joint Venture's HABS database estimates that the habitats enhanced under this proposal could support more than 250,000 Duck Use Day Equivalents. This represents a significant proportion of the migratory population goal in this stretch of the Platte River as espoused by North American waterfowl managers.

- j. The water activity is complimentary to or assists in the implementation of other CWCB programs.

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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.

Water supplies for the proposed projects originate from groundwater flows or from the normal operation of Prewitt Reservoir. This project does not propose the development of any new water right or diversion nor does it propose the re-allocation of any existing diversion. Water supplies to wetlands marginal to the reservoir will be passively received as Prewitt undergoes its normal ebb and flow. We will not expand the use of water in the wetland basins surrounding the reservoir; indeed, our management of the basins should return flows to historic conditions.

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

Within the last nine months, one of the properties, DPG Prewitt, already has achieved feasibility, permitting, and we have completed some of the planned enhancement work. The request here will fund ongoing construction activities there. The Prewitt Ranch project site has been surveyed and mapped with a preliminary construction plan forthcoming for review. The proposed activities need be permitted by the Corps of Engineers under a Nationwide Permit 27. Prewitt Reservoir SWA will need to be surveyed, a new design set developed and construction activities permitted. Again, this permission will be advanced under a Nationwide Permit 27.

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

Signature of Applicant:



Print Applicant's Name:

Stephen E. Adair

Project Title: Prewitt Reservoir Wetlands Partnership

Date:

2/6/13

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](mailto:gregory.johnson@state.co.us)