



COLORADO WATER CONSERVATION BOARD

WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM



Josh Ames Diversion Removal on Poudre River

Name of Water Activity/Project

Colorado Water Trust (with City of Fort Collins)

Name of Applicant

Amount from Statewide Account:

\$200,000

**South Platte (\$75,000)
& Metro (\$25,000)**

Amount from Basin Account(s):

\$100,000

Approving Basin Roundtable(s)
(If multiple basins specify amounts in parentheses.)

Total WSRA Funds Requested:

\$300,000



WSRA Funds will be used to deconstruct the Josh Ames Diversion structure, (last used in 1971) and restore the river and riparian area at the site. Funding to removing this barrier is urgent. This is the only unfunded element of the Sterling / Josh Ames restoration project on the Poudre River in Fort Collins scheduled to begin construction November 1, 2013.

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

| | | | | |
|----|--------------------|---|-----------------|-------------------------|
| 1. | Applicant Name(s): | Colorado Water Trust | | |
| | Mailing address: | 1420 Ogden Street, Suite A2 Denver, CO 80218 | | |
| | Taxpayer ID#: | 84-1606567 | | |
| | Primary Contact: | Amy Beatie | Position/Title: | Executive Director |
| | Email: | ABeatie@ColoradoWaterTrust.org | | |
| | Phone Numbers: | Cell: 720-204-5843 | Office: | 720-750-2897 |
| | Alternate Contact: | Caroline Bradford | Position/Title: | Fundraising Coordinator |
| | Email: | CarolineBradford@wildblue.net (Consultant to CWT) | | |
| | Phone Numbers: | Cell: 970-688-0812 | Office: | 970-688-0812 |

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 Colorado Water Trust is a private, nonprofit organization that engages in and supports voluntary efforts to restore and protect stream flows in the state of Colorado. These efforts include permanent acquisitions of water, leases of water and physical solutions that achieve water conservation benefits.

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

Colorado Water Trust is the project sponsor and the contracting entity for removal of the diversion structure which is located on land owned by City of Fort Collins. WSRA funds awarded will be used for project elements related to this portion of the Sterling/Josh Ames Project in collaboration with the City of Fort Collins Natural Areas Department.

[All other elements of the Sterling/Josh Ames Project are being contracted by City of Fort Collins Natural Areas Department. The West Vine Stormwater Outfall project is being contracted by the City of Fort Collins Stormwater Utility Department and the North Shields Bridge replacement, trailhead parking and trails are being contracted by Larimer County Engineering Department.]

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

If awarded in September, the contract will need to be expedited by both parties so that work can begin immediately in coordination with the Larimer and Weld Ditch operations scheduled on November 1, 2013. This is extremely important to the smooth execution of this project.

☐

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.

Not applicable. There are no TABOR issues that may affect 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="" 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.

The Sterling/Josh Ames project will restore aquatic habitat in half a mile of river and restore 5.7 acres of riparian and wetland habitat. Multiple project sponsors will realize efficiencies of scale and cost savings on this site by undertaking the river channel reconfiguration (narrowing/filling a segment of graded channel,) the wetland (reclaimed gravel pit) enhancement, the levee removal, the riparian restoration, the stormwater outfall, the bridge replacement, the trail and parking enhancements and the removal of an unused diversion structure all at the same time. The project construction is planned simultaneously so that all the projects can take advantage of the timing with the Larimer and Weld Canal upstream. The construction in the river will take place while the canal is diverting most of the flow of the river.

Multiple benefits of the restoration and removal of the diversion structure include lower water temperatures and minimize evaporative loss because of shallower ponding of water stored behind the old check structure. Removal of this barrier--one of many barriers planned for removal as part of the larger project--will cumulatively improve the transitional habitat necessary for several threatened and endangered plains fish species. Public safety will be enhanced by removing the dam which presents a hazardous obstacle for float-boaters.

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

| | | | |
|--------------------------|-------|-------------------------------------|----------------|
| <input type="checkbox"/> | Study | <input checked="" 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="" type="checkbox"/> | Length of Stream Restored or Protected (linear feet) About 2.900 linear feet restored |
| <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="" type="checkbox"/> | Area of Restored or Preserved Habitat (acres) 5.7 acres riparian and wetland habitat |
| <input checked="" type="checkbox"/> | Other -- Explain: Minimize Evaporative Loss: Lower water temperature |

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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 degrees 6'18.96"N

Longitude:

105 degrees 5'59.33"W



5. Please provide an overview/summary of the proposed water activity (no more than one page).

This project is the first step in a series of major Poudre River Projects in collaboration with multiple partners to connect the length of the Poudre River with the heart of downtown Fort Collins, CO. The Poudre River Projects include myriad benefits to downtown businesses, stream flow, water quality, parks, recreation, natural areas, wildlife, riparian & aquatic health, floodplain protection, roadway, bridge and pedestrian safety.

This is the first phase of implementation projects in the larger Poudre River Vision being implemented in collaboration with Colorado Water Trust, City of Fort Collins and Larimer County. This phase includes three major project elements along ½ mile of the Poudre River totaling about \$8.5 Million.

- North Shields Bridge Replacement \$5,100,000 Larimer County
- West Vine Stormwater Outfall \$2,000,000 City of Fort Collins
- Sterling/Josh Ames Project \$1,400,000 City of Fort Collins / Colorado Water Trust

The Sterling/Josh Ames project includes the restoration of the North Shields Ponds Natural Areas, the restoration of ½ mile of the riparian corridor, wetlands and aquatic habitat as well as reconnection of the floodplain to the river and the removal of the Josh Ames Diversion and check structure.

The Josh Ames Diversion and check structure is located just upstream of the North Shields Avenue Bridge. The structure has been unused since 1971, when the point of diversion was moved. The check structure stretches from bank to bank, creating a dam approximately six feet high. This dam collects sediment and backs up water, increasing water temperatures and evaporative water loss and creating a barrier to fish passage.

Larimer County is the lead sponsor of the North Shields bridge replacement and trailhead construction. The City of Fort Collins is the lead sponsor of the Sterling restoration and the West Vine Stormwater outfall. The Colorado Water Trust is the lead sponsor of the deconstruction and removal of the Josh Ames Diversion structure.

This is the final increment of the project that is not yet fully funded. This application requests \$75,000 from South Platte Basin Funds, \$25,000 from Metro Basin Funds and \$200,000 from Statewide Account WSRA funds to be used to remove the Josh Ames check dam and diversion structure and restore the habitat at the site of the deconstruction. Thank you for your consideration.

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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

The Sterling/Josh Ames project is consistent with Section 37-75-102 Colorado Revised Statutes because the project will not repeal or in any manner amend the existing water rights adjudication system. The removal of the Josh Ames Diversion structure will 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.

- 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.

The vote of support for the project at both the South Platte (6/11/13) and Metro Roundtable (6/12/13) meetings was unanimous. Letters of support recommending funding of the application in full to the CWCB Board are attached from Sean Cronin, South Platte Roundtable Chair and Mark Koleber, Metro Roundtable Chair.

- 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.

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.

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 ongoing 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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The Sterling/Josh Ames project will assist in meeting the water supply needs identified in the South Platte Basin's non-consumptive needs assessments. In the South Platte Basin Non-consumptive Needs Assessment, (CWCB/CDM 2010) Figure 3-10 and Table 3-3 in the "South Platte Non-consumptive Needs Assessment Focus Reaches" identifies this reach of the Poudre River to the confluence with the South Platte as an "Environmental Focus Area" and notes "*Habitat for plains fish that are listed as state endangered, threatened and species of concern. Municipal Recreational Corridor.*" By removing the barrier to fish and restoring the aquatic, riparian and wetland habitat, this project improves conditions that support the Recovery Program as well as the "Municipal Recreational Corridor." The dam is a serious safety obstacle that requires portaging to avoid injury to floaters. Because of the thick, deep sediments and cobbles, egress from the stream during portage is awkward and hazardous.

- 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)

| | | |
|--|-------------|---------|
| Colorado Water Trust/City of Fort Collins/Partners | \$1,000,000 | Match |
| Volunteer Labor/Volunteer Coordination RMFC/TU | | In Kind |
| Statewide Account Request | \$ 200,000 | |
| South Platte Basin Fund Request | \$ 75,000 | |
| Metro Basin Fund Request | \$ 25,000 | |

The project sponsor and partners are providing a cash match of \$1,000,000 for the Statewide Account request of \$200,000 which exceeds the minimum 20 percent match of \$40,000 from the applicant as required by the grant guidelines. The request from the South Platte Basin Fund Account of \$75,000 exceeds the minimum 5 percent match of \$10,000 as required by the grant guidelines. The request from the Metro Basin Fund does not require additional match.

Additional project leverage of about \$7,200,000 is provided by the City of Fort Collins and Larimer County for related project elements including improving water quality with the West Vine Stormwater Outfall, enhanced flood protection with the North Shields Avenue Bridge replacement and increased safety and recreational access with construction of new off-street trailhead parking and trail construction.

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

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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).

The Sterling/Josh Ames project will restore aquatic habitat in half a mile of river and restore 5.7 acres of riparian and wetland habitat. Multiple project sponsors will realize efficiencies of scale and cost savings on this site by undertaking the river channel reconfiguration (narrowing/filling a segment of braided channel,) the wetland (reclaimed gravel pit) enhancement, the levee removal, the riparian restoration, the stormwater outfall, the bridge replacement, the trail and parking enhancements and the removal of an unused diversion structure all at the same time. The project construction is planned simultaneously so that all the projects can take advantage of the timing with the Larimer Weld Canal upstream. The construction in the river will take place while the canal is diverting most of the flow of the river.

Multiple benefits of the restoration and removal of the diversion structure include lower water temperatures and minimize evaporative loss because of shallower ponding of water stored behind the old check structure. Removal of this barrier--one of many barriers planned for removal as part of the larger project--will cumulatively improve the transitional habitat necessary for several threatened and endangered plains fish species. Public safety will be enhanced by removing the dam which presents a hazardous obstacle for float-boaters.

Implementing the Sterling/Josh Ames project promotes collaboration in multiple venues focused on different aspects of water concerns between the City of Fort Collins and the many local water providers, ditch and canal companies and industrial users.

The Poudre River Projects will collectively provide major positive for economic development for businesses in Fort Collins to be linked to developed greenway through town. A similar effort in Denver by the Greenway Foundation has shown more than \$100 million dollar economic impact in Denver and has leveraged millions of dollars from other sources. This project reflects the same spirit of cooperation and urban river redevelopment goals. The community's vision is for the Cache la Poudre to be a "healthy working river."

- 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.

The Sterling /Josh Ames Diversion Removal Project in the South Platte Basin sought and incorporated the input and advice of affected local governments, water providers, and other

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interested stakeholders and members of the community in establishing the non-consumptive needs of the Poudre River through Fort Collins. The broad process for the Poudre River Projects involves multiple stakeholder groups representing traditional consumptive water interests, water providers, ditch companies, local beer industry as well as non-consumptive water interests such as private citizens, nonprofit organizations, CSU, downtown business groups and students.

This project implementation is the first step in an ambitious community plan to restore the riparian and aquatic habitat of the Poudre River through the downtown corridor of Fort Collins. Dozens of public master planning meetings have resulted in creation of the project vision and implementation plans. “The Poudre Runs Through It,” is a broad based community dialogue process facilitated by the Water Institute at CSU. “UniverCity Connections” is a collaboration between the University and the community sponsored by the Bohemian Foundation, City of Fort Collins, the Fort Collins Downtown Development Authority and CSU. Reports from both processes have expressed strong support focused on how to implement projects that will provide increased public access and remove unnecessary barriers, including the Josh Ames diversion structure, from the Poudre River.

The Colorado Water Trust has provided letters of support for this grant from a diverse group of constituents including Northern Colorado Water Conservancy District, Trout Unlimited Flycasters, (the local TU Chapter in Fort Collins,) and The Greenway Foundation in Denver. Martin-Marietta Corporation already funded and completed a portion of the removal of an old bridge.

- 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.

In the South Platte Basin Nonconsumptive Needs Assessment, (CWCB/CDM 2010) Figure 3-10 and Table 3-3 in the “South Platte Nonconsumptive Needs Assessment Focus Reaches” identifies this reach of the Cache la Poudre River to the confluence with the South Platte as an “Environmental Focus Area” and notes in the table “*Habitat for plains fish that are listed as state endangered, threatened and species of concern. Municipal Recreational Corridor.*” By removing the barrier to fish and restoring the aquatic, riparian and wetland habitat, this project improves conditions that support the Recovery Program and municipal & recreational goals.

State floodplain maps and multiple master planning processes have identified the old bridge at North Shields as a construction point during flood flows on the Poudre River. Larimer County is replacing the bridge with a much larger span which will improve flood flow capacity of the Poudre River and protect private property from flooding damage.

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

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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).

Funding from each of these Water Supply Reserve Accounts will eliminate the uncertainty that the deconstruction of the Josh Ames structure will take place. This is the only project element that is not fully funded yet.

The Poudre River Projects is a massive undertaking initiated and supported by many members of the community at large. This first step to collaborate on three large projects in this relatively small reach of the Poudre River has developed significant leadership and funding support from multiple revenue streams but those sources are stretched to their limits by these projects. Neither the City nor the County is able to deconstruct the Josh Ames diversion structure unless additional funds are secured by the Colorado Water Trust from other sources. Private funding is being sought from multiple local sources to cover necessary items before the grant is anticipated to be awarded (not funded by the WSRA). Those sources are uncertain at this time as they also anticipate being tapped to fund the next large phase of the Poudre River Projects planned over the next five years. Local businesses may want to see this first phase demonstrate success before investing additional large sums of money in the Poudre River Vision.

Without this funding from WSRA, it is very uncertain that the Colorado Water Trust will be able to recreate this opportunity at this site in the future. The use of WSRA funds will make a significant difference in the synergy available now to implement this project element.

- 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.

The investment of \$1,000,000 in matching funds by public and private project partners is a significant and appropriate commitment to the Sterling/Josh Ames project. When this match is combined with the additional leveraged dollars being invested in this reach of the Poudre River by the project partners at one time, demonstrates an outstanding leverage of the Water Supply Reserve Account Funds.

In addition to this cash match, there is an in-kind volunteer outreach component being coordinated by the City of Fort Collins educational outreach department with volunteers from Rocky Mountain Fly Casters, the local Trout Unlimited Chapter, as well as volunteers from several different private companies that have expressed a strong interest in the restoration planting component of 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.

The Sterling/Josh Ames project addresses issues of statewide value by removing unnecessary agricultural diversion hazards that no longer serve a useful purpose for agriculture. As agricultural needs change or diversions are abandoned, this project demonstrates multiple benefits of working in

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collaboration with partners to achieve complementary goals. This project complements the open space and environmental goals of the Fort Collins Natural Areas Department by expanding wetlands, and improving riparian, aquatic and terrestrial habitat. By reconnecting the river to flood plain, flood flows will be dissipated and public safety goals will be met.

Safe recreational use of the river will be improved by removing the six foot dam from the river which poses a significant safety hazard to float boaters in this reach. The addition of a 42 space trailhead parking lot will improve public safety by moving recreational parking off the narrow two lane road used to access the Poudre River and Natural Areas trails. Public safety will also improve with the addition of pedestrian sidewalks over the Poudre River with the replacement of the North Shields Avenue Bridge. The popular fishing access will be enhanced with the improvements to the Poudre River trails with a new underpass that will be constructed with the Bridge replacement. Fishing will improve with the enhancements to fish habitat, riparian connectivity and wetland connectivity. Water quality will improve with the West Vine Stormwater Outfall enhancement.

The Poudre River project seeks to replicate the Greenway Foundation's successful efforts to address similar concerns throughout the South Platte River in Denver. These are just a few of the many ways this project addresses issues of statewide value and maximizes benefits to the people of Colorado.

- 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.

The Sterling/Josh Ames project does not have a direct relationship to the administration of compact-entitled waters nor does it address any problems with compact compliance.

- h. The water activity assists in the recovery of threatened and endangered wildlife species or Colorado State species of concern.

The Cache La Poudre River through the municipal corridor of Fort Collins provides transitional habitat for the plains fish that are listed as state endangered, threatened and species of concern. The collective impact of removing unnecessary barriers to fish migration and improving habitat on the Poudre River helps improve conditions necessary for the continued recovery of these species. Increasing the acres of healthy riparian and wetland habitat also has a positive impact on migratory wildlife when viewed collectively across the South Platte Basin and the State. Wetland and riparian restoration projects provide cumulative positive impacts to the Recovery efforts across the State.

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

The Sterling / Josh Ames project complements the objectives of Colorado Parks and Wildlife to protect and restore terrestrial and aquatic habitat across the State. By helping Colorado Water Trust to fund this small element of the projects in the Poudre River Vision, the CWCB is supporting the overarching goals of the Colorado Water Trust and the City of Fort Collins for the Poudre River. These goals include the donation of senior water rights from shares in the Coy Ditch in Fort Collins to CWCB's In- Stream Flow program. The prospective Coy Ditch ISF donation is a promising complementary project that is currently being developed with public and private partners in Fort Collins.

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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.

The Josh Ames Irrigation Ditch (“Josh Ames”) was originally decreed in Civil Action No. 0320 by the District Court of Larimer County on April 11, 1882, with an appropriation date of October 1, 1867, for 2155 cubic feet per minute, or 35.91 cfs. In Civil Action No. 3040, decreed on August 28, 1912, the District Court of Larimer County decreed a change of water right of 10 cfs of the Josh Ames Ditch for use in the Larimer County Canal No. 2 Irrigating Company’s ditch and the New Mercer Ditch Company’s ditch. This left 25.91 cfs remaining at the Josh Ames.

In Civil Action No. 3595, dated January 2, 1919, the District Court of Larimer County found that the Josh Ames had abandoned 10.91 cfs of the original appropriation of 35.91 cfs. The court applied that reduction (9/32s) to the 10 cfs changed out of the Josh Ames, reducing the amount transferred under Civil Action No. 3040 from 10 cfs to 7.03 cfs.³ The court then took the 25 cfs the Josh Ames was then entitled to and subtracted the 7.03 cfs from it, so that only 17.97 cfs remained at the Josh Ames.

Finally, in a Plan for Augmentation submitted by the City of Fort Collins, decreed on June 6, 1972, in Case No. W-1424, the court abandoned an additional 2.97 cfs. Fort Collins changed the remaining 15 cfs of the Josh Ames for diversion to one of eight different diversion locations as part of a conveyance to North Poudre Irrigation Company. Unlike other water rights changed in W-1424 that specifically allowed for continued diversion at the original points of diversion, the Josh Ames change moved the remaining 15 cfs off the Josh Ames. According to Division of Water Resources records, the last year of diversion at the Josh Ames was 1971.

Removal of the Josh Ames Diversion structure will not have any impact on these water rights. The following table summarizes this information.

| CASE NO. | TYPE | USE | AMT. | APPR'N | ADJ'N |
|------------------|------------------------------|--|---|-----------|-----------|
| CA0320 | Original | Irrigation and Domestic | 2155 cfm (35.91 cfs) | 10/1/1867 | 4/11/1882 |
| Amendment CA0320 | Amendment to original decree | No change | No change | No change | 4/11/1884 |
| CA3040 | Change Point of Diversion | No change | Changed 10 cfs to Larimer County Ditch No. 2 and New Mercer Ditch | | 8/28/1912 |
| CA3595 | Abandonment Suit | No change | 35.91 cfs reduced to 25 cfs. 10 cfs changed in CA3040 reduced to 7.03 cfs. 17.97 cfs remain | | 1/2/1919 |
| W1424 | Fort Collins Aug Plan | 8 alt. points of diversion, added storage, M & I depending on point of diversion | 17.97 cfs. 2.97 cfs abandoned. 15 cfs remain. | | 6/6/1972 |

¹ Note that the court’s math wasn’t 100% right.

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

The restoration of the Poudre River through the City of Fort Collins has been the focus of many master plans and studies including the "*City of Fort Collins Land Use Code*" (1997), "*Cache La Poudre River Natural Areas Management Plan*" (2001) was updated in 2010 to reflect continuing public support for the Poudre River ecosystem and Natural Areas protections. The comprehensive "*City Plan Fort Collins* (2011) also addresses the project area. *UniverCity Connections*, the "*Poudre Runs Through It*" public dialogue report (2012) and expresses support for the goals of the project to ensure the Poudre is a Healthy Working River. The permitting process has not revealed any issues that have not been successfully addressed. The engineering and design of the check dam removal will ensure pipes crossing under the river are appropriately addressed.

All appropriate local, state and federal permits necessary for work in the stream are in the process of being secured and will be available for review prior to the start of any work funded in part by the grant.

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

Attached:

Exhibit A-Part 1. Statement of Work, Budget Summary, Project Schedule and Location Map

Exhibit A-Part 2. Detailed Budget Spreadsheet (Fee breakdown worksheet with unit costs/amounts corresponding to tasks in SOW and Summary Budget)

Water Supply Reserve Account – Application Form

Revised December 2011

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.

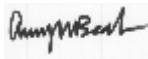
Final Deliverable: At completion of the project, the applicant shall provide the CWCB a final report that summarizes the project and documents how the project was completed. This report may contain photographs, summaries of meetings and engineering reports/designs.

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:



Print Applicant's Name: Amy W. Beatie

Project Title: JOSH AMES DIVERSION DECONSTRUCTION ON POUDRE RIVER

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

Exhibit A

Statement of Work

WATER ACTIVITY NAME

Josh Ames Diversion De-Construction on Poudre River and Sterling Pond Restoration

GRANT RECIPIENT

Colorado Water Trust

FUNDING SOURCE – WSRA

South Platte Basin Fund \$75,000; Metro Basin Fund \$25,000; Statewide Account: \$200,000

INTRODUCTION AND BACKGROUND

The Josh Ames Diversion De-Construction and Sterling Pond Restoration on the Poudre River will restore aquatic habitat in half a mile of the Cache La Poudre River and restore 5.7 acres of riparian and wetland habitat. WSRA Funds will be used to deconstruct the Josh Ames Diversion structure, last used in 1971, which spans the full breadth of the Poudre River. The river and riparian area will be restored throughout the project site. The construction in the river will take place while the canal is diverting most of the flow of the river.

Multiple project collaborators (Colorado Water Trust, City of Fort Collins, Larimer County and CDOT) will realize efficiencies of scale and cost savings in this area by undertaking the river channel reconfiguration (narrowing/filling a segment of braided channel,) the wetland enhancement (reclaimed gravel pit), the levee removal, the riparian restoration, the stormwater outfall, the North Shields Avenue Bridge replacement, the trail and parking enhancements and the removal of an unused diversion structure, *all at the same time*.

LIST OF OBJECTIVES

- Minimize evaporative loss from shallow ponding of water stored behind the old check structure and in the ponds. Ponds will be partially filled with the sediments and cobbles removed from behind the dam.
- Lower water temperatures.
- Removal of this barrier--one of many barriers planned for removal as part of the larger project--will cumulatively improve the transitional habitat necessary for several threatened and endangered plains fish species.
- Public safety will be enhanced by removing the dam which presents a hazardous obstacle for float-boaters.
- Improve pedestrian safety and connectivity with the Poudre River which fosters economic development opportunities with local businesses.

LIST OF TASKS

- | | |
|---|---------------------------------|
| 1. Engineering/Permitting (Prior to contract) | 4. Grading/Wetland Construction |
| 2. Engineering Services During Construction | 5. Landscaping |
| 3. De-Watering/Josh Ames Removal | 6. As-Constructed Documentation |

TASK 1 – PRIOR TASKS – ENGINEERING AND PERMITTING (NOT TO BE PAID BY WSRA FUNDS)

Description of Task

Prepare plans and specifications for the De-Construction of the Josh Ames Diversion and the Sterling Pond Restoration Project. This includes floodplain modeling for FEMA review.

Method/Procedure

The City of Fort Collins, Natural Areas hired Biohabitats and Anderson Consulting Engineers for the design of the grading, wetland creation, and floodplain modeling. Colorado Water Trust hired Tessara Water for the design of the structure de-construction.

Deliverable

Final design documents, 404 permit, Conditional Letter of Map Revision, USFWS Habitat Concurrence and Platte River Depletion.

TASK 2 – ENGINEERING SERVICES DURING CONSTRUCTION

Description of Task

Submit plans to qualified contractors and receive bids for the de-construction of the Josh Ames Diversion Structure. Organize pre-construction meeting and provide on site supervision to ensure final design grades are met, in-channel structures are installed properly, and planting, seeding, and erosion control measure are installed properly

Method/Procedure

City of Fort Collins, Natural Areas will hire Biohabitats. Colorado Water Trust will hire Tessara Water.

Deliverable

Progress reports will be emailed on a daily basis to project sponsor. Before, during, and after photographs will be provided to the Roundtable and CWBC at the conclusion of the project.

TASK 3 – DE-WATERING AND JOSH AMES DIVERSION REMOVAL

Description of Task

Hire an appropriate contractor to de-construct the Josh Ames diversion structure per the final plans and specifications.

Method/Procedure

Colorado Water Trust will contract with a construction firm to de-construct the structure.

Deliverable

The structure will be de-constructed per the final plans and specification and all materials will be removed from site to an appropriate land fill or concrete recycling processor.

TASK 4 – GRADING AND WETLAND CONSTRUCTION

Description of Task

Hire a contractor to remove excess material from behind the structure and along the left bank of the river and utilize this material to create wetland/vegetation zones in Sterling Pond.

Method/Procedure

City of Fort Collins, Natural Area will hire Biohabitats to be responsible for all grading and wetland construction per the final design documents.

Deliverable

The project will be constructed such that the Poudre River will be stable with the structure removed and the river will be reconnected to its floodplain along the left bank.

TASK 5 – LANDSCAPING

Description of Task

Hire a contractor to supply install the native vegetation to create a natural riparian buffer along the left bank of the river.

Method/Procedure

City of Fort Collins, Natural Area will hire Biohabitats to be responsible for all plant materials and plant installation per the final design documents.

Deliverable

The project will be installed such that a natural riparian buffer will be established along the left bank and within the newly created wetland zones.

TASK 6 – AS-CONSTRUCTED DOCUMENTATION

Description of Task

Hire a surveyor to provide post-construction topographic survey to ensure final design grades have been achieved and the as-constructed grades will be used to verify flood elevations.

Method/Procedure

City of Fort Collins, Natural Area will hire Biohabitats to be responsible for all as-constructed documentation.

Deliverable

The project area will be surveyed and a topographic plan of the project area will be produced. The new grades will be modeled to verify flood elevations.

REPORTING AND FINAL DELIVERABLE

Reporting: The Colorado Water Trust shall provide the CWCB a progress report every 6 months, beginning from the date of the executed contract.

Final Deliverable: At completion of the project, the Colorado Water Trust shall provide the CWCB a final report that summarizes the project and documents how the project was completed.

BUDGET

| Josh Ames Diversion De-Construction and Sterling Pond Restoration | | | | |
|---|--|------------------|------------------|---------------------|
| Tasks | Task Description | Direct Costs | Matching Funds | Total Project Costs |
| Task 1 - Prior Tasks | Engineering, Army Corps of Engineer Permitting, Floodplain Modeling and Permitting, Plans and Specifications, Project Coordination | | \$145,500 | \$145,500 |
| Task 2 | Engineering Services During Construction | \$15,000 | \$67,045 | \$82,045 |
| Task 3 | Josh Ames Diversion De-Construction and De-Watering | \$200,000 | | \$200,000 |
| Task 4 | Grading and Wetland Construction | \$85,000 | \$481,988 | \$566,988 |
| Task 5 | Landscaping | | \$288,494 | \$288,494 |
| Task 6 | As-Constructed Documentation | | \$3,095 | \$3,095 |
| | | | | |
| TOTAL | | \$300,000 | \$986,122 | \$1,286,122 |

The Fee Breakdown Worksheet with unit costs corresponding to each task is attached as Exhibit A. Part 2.

SCHEDULE

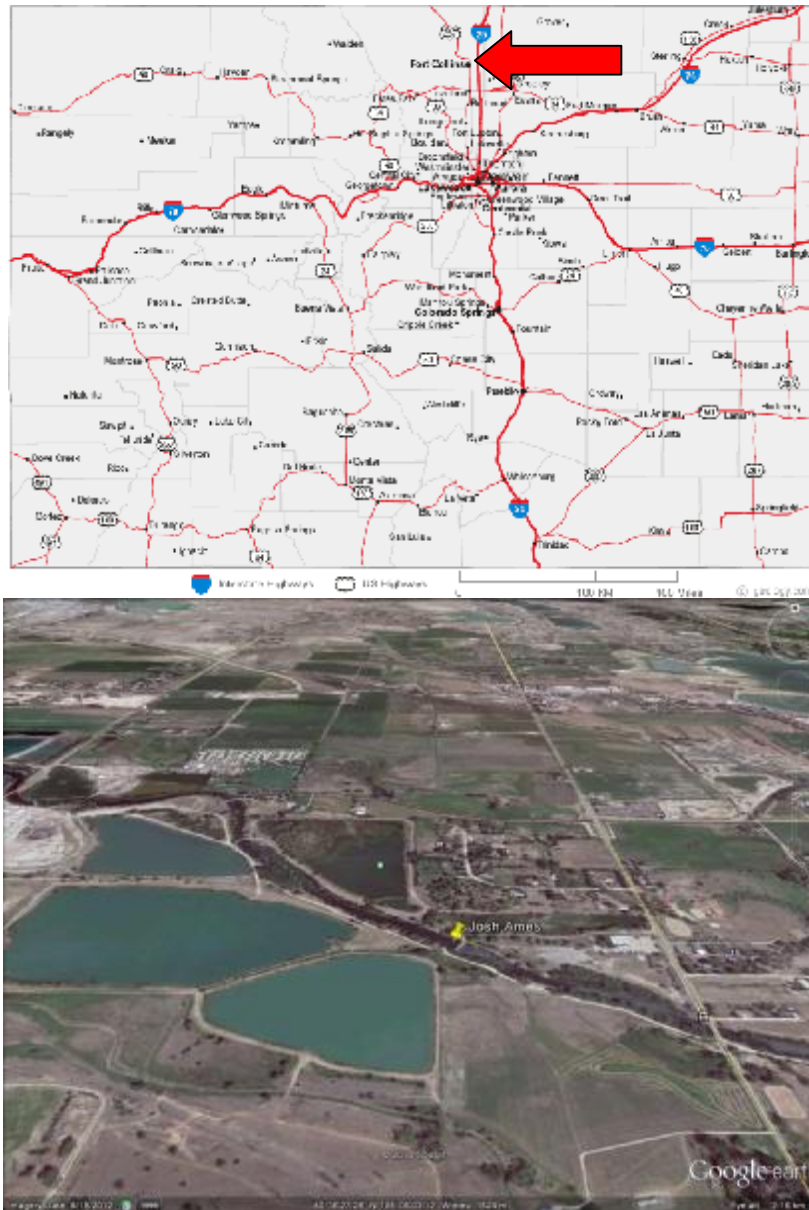
| Josh Ames Diversion De-Construction and Sterling Pond Restoration | | | |
|---|--|------------|-------------|
| Tasks | Task Description | Start Date | Finish Date |
| Task 1 - Prior Tasks | Engineering, Army Corps of Engineer Permitting, Floodplain Modeling and Permitting, Plans and Specifications, Project Coordination | 3/1/2012 | 8/1/2013 |
| Task 2 | Engineering Services During Construction | 10/1/2013 | 4/30/2014 |
| Task 3 | Josh Ames Diversion De-Construction and De-Watering | 10/28/2013 | 11/15/2013 |
| Task 4 | Grading and Wetland Construction | 10/1/2013 | 11/30/2013 |
| Task 5 | Landscaping | 4/1/2014 | 4/30/2014 |
| Task 6 | As-Constructed Documentation | 12/1/2013 | 12/31/2013 |
| | | | |
| | | | |

No elements to be funded with state funds will be started before NTP is received.

We respectfully request the contract be expedited to receive NTP by October 28, 2013.

NOTE REGARDING URGENCY: This schedule is carefully coordinated with other large projects happening simultaneously in the same reach of the Cache La Poudre River. The whole project schedule is heavily dependent on working with the timing of the diversion of most of the Poudre River into the Larimer-Weld canal—just upstream of the project. Thank you for your consideration.

Exhibit B Map



Josh Ames Diversion and Sterling Ponds, located on Cache La Poudre River just NW / Upstream of the North Shields Avenue Bridge in Fort Collins.

**Appendix 3
Insurance Documentation (Attached to hard copy)
Appendix 4
Completed W-9 Form (Attached to hard copy)**

**Sterling/Josh Ames Restoration Construction
FEE BREAKDOWN WORKSHEET
July 2013**

PHASE -- CONSTRUCTION**Biohabitats Labor (includes Construction Administration and Supervision)**

| | | |
|---|----|--------------------|
| Material Procurement, Pre-Construction Meeting, | \$ | 15,595.00 |
| Construction Administration | | |
| Construction Supervision | \$ | 46,450.00 |
| Post construction -- as built | \$ | 3,095.00 |
| TOTAL BIO FEE | | \$65,140.00 |

CWT staff and consultant time

| | | |
|---|----|-----------|
| Construction Supervision and Bidding Services | \$ | 20,000.00 |
|---|----|-----------|

Josh Ames De-Construction

| ITEM | UNIT | QTY | UNIT COST | |
|----------------------------------|------|-----|--------------|---------------------|
| Mobilization | LS | 1 | \$15,000.00 | \$15,000.00 |
| De-Watering | LS | 1 | \$25,000.00 | \$25,000.00 |
| Excavation and Diversion Removal | LS | 1 | \$150,000.00 | \$155,000.00 |
| Concrete Disposal and cleanup | LS | 1 | \$10,000.00 | \$5,000.00 |
| TOTAL JOSH AMES | | | | \$200,000.00 |

Grading and Survey

| ITEM | UNIT | QTY | UNIT COST | |
|-------------------------------------|------|-----|---------------|---------------------|
| Budhoe Backhoe (includes bond) | LS | 1 | \$ 390,885.00 | \$ 390,885.00 |
| Survey staking | LS | 1 | \$ 6,600.00 | \$ 6,600.00 |
| Boulders for Riffle Stabilization | LS | 1 | \$ 125,400.00 | \$ 125,400.00 |
| Riprap+Matting behind Benches | LS | 1 | \$ 44,102.30 | \$ 44,102.30 |
| TOTAL GRADING & SURVEYOR | | | | \$566,988.00 |

Plant Material

| ITEM | UNIT | QTY | UNIT COST | |
|-----------------------------|------|-----|--------------|---------------------|
| Aquatic and Wetland Nursery | LS | 1 | \$ 83,065.85 | \$ 83,065.85 |
| TOTAL PLANT MATERIAL | | | | \$ 83,066.00 |

Plant Installation

| ITEM | UNIT | QTY | UNIT COST | |
|-----------------------------|------|-----|--------------|--------------------|
| Aquatic and Wetland Nursery | LS | 1 | \$ 89,390.85 | \$ 89,390.85 |
| TOTAL PLANTING | | | | \$89,391.00 |

Other Items (includes compost, caging, and fencing)

| ITEM | UNIT | QTY | UNIT COST | |
|--------------------------|------|-----|--------------|---------------------|
| ESC | LS | 1 | \$ 5,060.00 | \$ 5,060.00 |
| Soil | LS | 1 | \$ 61,551.97 | \$ 61,551.97 |
| Mulch | LS | 1 | \$ 1,398.10 | \$ 1,398.10 |
| Caging and Fencing | LS | 1 | \$ 28,160.00 | \$ 28,160.00 |
| misc items | LS | 1 | \$ 6,666.00 | \$ 6,666.00 |
| TOTAL OTHER ITEMS | | | | \$102,837.00 |

Grading Check Survey and Model Run

| ITEM | UNIT | QTY | UNIT COST | |
|-----------------------|------|-----|--------------|--------------------|
| Survey and modeling | LS | 1 | \$ 13,200.00 | \$ 13,200.00 |
| TOTAL PLANTING | | | | \$13,200.00 |

STERLING POND RESTORATION AND JOSH AMES DE-CONSTRUCTION COST SUMMARY

| | | | | |
|------------------------------|----|--|----|-----------------------|
| Subtotal | | | | \$1,140,622.00 |
| Biohabitats Performance Bond | | | \$ | 23,313 |
| Contingency | 5% | | \$ | 57,031 |

| | |
|--------------|-----------------------|
| TOTAL | \$1,220,966.10 |
|--------------|-----------------------|

PHASE -- PRIOR TASKS - ENGINEERING AND PERMITTING**CWT staff and consultants**

| | |
|--|-------------|
| De-Construction Engineering, Coordination, Consulting | \$67,500.00 |
|--|-------------|

Biohabitats

| | |
|---|-------------|
| Sterling Restoration and Corps Permitting | \$54,000.00 |
|---|-------------|

Anderson Consulting

| | |
|------------------------------------|-------------|
| Floodplain Modeling and Permitting | \$24,000.00 |
|------------------------------------|-------------|

| | |
|---|---------------------|
| TOTAL ENGINEERING AND PERMITTING | \$145,500.00 |
|---|---------------------|

| | |
|--|-----------------------|
| TOTAL CONSTRUCTION AND ENGINEERING WITHOUT BOND AND CONTINGENCY | \$1,286,122.00 |
|--|-----------------------|