



**COLORADO WATER CONSERVATION BOARD**  
**WATER SUPPLY RESERVE ACCOUNT**  
**APPLICATION FORM**



Today's Date: Feb 28<sup>th</sup> 2014

Upper Ohio Creek Flow Restoration

**Name of Water Activity/Project**

Jesse Kruthaupt-Trout Unlimited

**Name of Applicant**

Gunnison Basin

Amount from Statewide Account:

0

Amount from Basin Account(s):

\$6,000

Total WSRA Funds Requested:

\$6,000

**Approving Basin Roundtable(s)**

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

FEIN

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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)

## Water Supply Reserve Account – Application Form

Revised October 2013

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### **Instructions**

To receive funding from the Water Supply Reserve Account (WSRA), a proposed water activity must be approved by the local Basin Roundtable **AND** the Colorado Water Conservation Board (CWCB). The process for Basin Roundtable consideration and approval is outlined in materials in Appendix 1.

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

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

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

The application, statement of work, budget, and schedule **must be submitted in electronic format** (Microsoft Word or text-enabled PDF are preferred) and can be emailed or mailed on a disk to:

Craig Godbout - WSRA Application  
Colorado Water Conservation Board  
1580 Logan Street, Suite 200  
Denver, CO 80203  
[Craig.godbout@state.co.us](mailto:Craig.godbout@state.co.us)

If you have questions or need additional assistance, please contact Craig Godbout at: 303-866-3441 x3210 or [craig.godbout@state.co.us](mailto:craig.godbout@state.co.us).

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

1.	Applicant Name(s):	Jesse Kruthaupt			
	Mailing address:	57564 Hwy 50 Gunnison, CO 81230			
	FEIN #:				
	Primary Contact:	Jesse Kruthaupt	Position/Title:	Trout Unlimited	
	Email:	jkruthaupt@tu.org			
	Phone Numbers:	Cell:	970-209-0976	Office:	
	Alternate Contact:	Steve Merrifield	Position/Title:	Manger RH Ranch	
	Email:	smerrifield1@msn.com			
	Phone Numbers:	Cell:	970-596-4680	Office:	970-641-0299

### 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

Trout Unlimited is a sportsmen's conservation organization with programming in the Upper Gunnison Basin focused on water use solutions that will benefit agricultural operations as well protect and improve cold water trout habitat.

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

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.

None

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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 checked="" 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.

This project will improve an existing irrigation system as well as improve the water quality and nonconsumptive values of the source stream.

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
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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)
1 mile	Length of Stream Restored or Protected (linear feet)
<input type="text"/>	Length of Pipe/Canal Built or Improved (linear feet)
306	Efficiency Savings <b>acre-feet/year</b> OR dollars/year – <b>circle one</b>
<input type="text"/>	Area of Restored or Preserved Habitat (acres)
<input type="text"/>	Other -- Explain: <input type="text"/>

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

Latitude:

Longitude:

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.

This project will improve an existing irrigation delivery system and irrigation water management to decrease negative impacts irrigation withdrawals can have the aquatic habitat in Castle Creek. This will be accomplished by upgrading 38 acres of irrigated pasture and hay meadow on the Rock House Ranch from flood irrigation to pressurized sprinkle irrigation. An irrigation management plan will be incorporated with the improvements to closely match irrigation deliveries to crop demands. The infrastructure and management changes at the Rock House combined with remote monitoring at the head gate and coordination with other water users on the ditch will reduce diversions at the Acme Ditch head gate and help prevent Castle Creek from being completely dewatered. The reduction of diversions will be a result of reduced “return flow” that typically returns to the stream several miles down. WSRA funding will be used for purchase of materials and installation of the center pivot, settling structure and delivery pipe to the pivot.

Changes to crop production volume and quality will be monitored for the area under the pivot and be compared to data recorded years prior as well as adjacent areas flood irrigated. This information will be available for others in the Upper Gunnison Basin considering pressurized irrigation.

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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>

This project is consistent with Section 37-75-102 and will continue to protect the use of senior water rights in the State of Colorado and in no way impair any contractual or property rights related to the use of irrigation 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.

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<sup>1</sup> 37-75-102. Water rights - protections. (1) It is the policy of the General Assembly that the current system of allocating water within Colorado shall not be superseded, abrogated, or otherwise impaired by this article. Nothing in this article shall be interpreted to repeal or in any manner amend the existing water rights adjudication system. The General Assembly affirms the state constitution's recognition of water rights as a private usufructuary property right, and this article is not intended to restrict the ability of the holder of a water right to use or to dispose of that water right in any manner permitted under Colorado law. (2) The General Assembly affirms the protections for contractual and property rights recognized by the contract and takings protections under the state constitution and related statutes. This article shall not be implemented in any way that would diminish, impair, or cause injury to any property or contractual right created by intergovernmental agreements, contracts, stipulations among parties to water cases, terms and conditions in water decrees, or any other similar document related to the allocation or use of water. This article shall not be construed to supersede, abrogate, or cause injury to vested water rights or decreed conditional water rights. The General Assembly affirms that this article does not impair, limit, or otherwise affect the rights of persons or entities to enter into agreements, contracts, or memoranda of understanding with other persons or entities relating to the appropriation, movement, or use of water under other provisions of law.

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- c) The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes.<sup>2</sup> The Basin Roundtable Chairs shall include in their approval letters for particular WSRA grant applications a description of how the water activity will assist in meeting the water supply needs identified in the basin roundtable's consumptive and/or non-consumptive needs assessments.

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- d) Matching Requirement: For requests from the **Statewide Fund**, the applicants will be required to demonstrate a 25 percent (or greater) match of the total grant request from the other sources, including by not limited to Basin Funds. A minimum match of 5% of the total grant amount shall be from Basin funds. A minimum match of 5% of the total grant amount must come from the applicant or 3rd party sources. 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)

Matching funds and In-kind contributions are being provided by Trout Unlimited, Rock House Ranch, and Castle Creek Ranch. Funding request have recently been approved by the Upper Gunnison River Water Conservation District and are pending from the Colorado River District. The requested amount is within the match requirement and is reflected in the Project Budget in Exhibit A.

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<sup>2</sup> 37-75-104 (2)(c). Using data and information from the Statewide Water Supply Initiative and other appropriate sources and in cooperation with the on-going Statewide Water Supply Initiative, develop a basin-wide consumptive and nonconsumptive water supply needs assessment, conduct an analysis of available unappropriated waters within the basin, and propose projects or methods, both structural and nonstructural, for meeting those needs and utilizing those unappropriated waters where appropriate. Basin Roundtables shall actively seek the input and advice of affected local governments, water providers, and other interested stakeholders and persons in establishing its needs assessment, and shall propose projects or methods for meeting those needs. Recommendations from this assessment shall be forwarded to the Interbasin Compact Committee and other basin roundtables for analysis and consideration after the General Assembly has approved the Interbasin Compact Charter.

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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. This project is a collaborative effort between several agricultural operations, the NRCS, and Trout Unlimited. It addresses both consumptive and nonconsumptive values that are desirable for all participating parties.
- b. Five entities are represented in this application. This project is an example of how a conservation organization interested in protecting nonconsumptive values can cooperate with traditional agricultural consumptive uses and implement a plan that will benefit both interests. Balancing between nonconsumptive and consumptive uses is becoming more challenging in the Upper Gunnison Basin as demographics change and water use demands increase. This is especially apparent in the Ohio Creek Valley.
- c. This project implements processes that will help meet future water demands by increasing water use efficiency, and implementing creative management practices that will maintain agricultural production while protecting in-stream water quality and the recreational values associated with a healthy cold water fishery.

### Tier 2: Facilitating Water Activity Implementation

- d. Funding from the Gunnison Basin WSRA account will increase the likelihood this project will be implemented in a timely manner.
- e. A combination of funds from Trout Unlimited, the Rock House Ranch, UGRWCD, and NRCS for more than to \$85,000 demonstrates a high level of commitment to the project.

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

- f. This project will help sustain agriculture & open space needs by improving historical agricultural irrigation management practices so the producers will be more adaptable to increasing recreational demands and variable climate conditions. The project will also implement practices that will help to meet exiting recreational and environmental needs on Castle Creek and Upper Ohio Creek.
- g. This project promotes maximum utilization of the state’s waters by improving irrigation management to maintain both agricultural use and protecting nonconsumptive values of the source stream.

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- h. The water activity provides a high level of benefit to Colorado in relationship to the amount of funds requested. This project will provide benefit to values that are very important to Colorado residents, agriculture and water quality, for a relatively small investment from the WSRA of \$6,000.

### 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.

Castle Creek is the source stream for Acme Ditch which is in water diversion 4, district 59. Three irrigation water rights are associated with Acme ditch. A portion of the most senior right was available during the 2012 irrigation season.

- 11cfs adj in 1906, admin # 17340
- 13 cfs adj in 1906 admin # 18902
- 46 cfs adj in 1941 admin # 30667.17340.

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

Monitoring of diversions and deliveries during the 2013 and 2012 irrigation season focused on identifying individual user needs, areas of shortage, as well as ideas for improvement. Supply shortages during 2013 were experienced in during the first 2 weeks of July and for a week in August. A call on Ohio Creek during the 2012 curtailed Acme diversions, irrigation shortages were seen during much of that season.

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

The statement of work will form the basis for the contract between the Applicant and the State of Colorado. In short, the Applicant is agreeing to undertake the work for the compensation outlined in the statement of work and budget, and in return, the State of Colorado is receiving the deliverables/products specified. **Please note that costs incurred prior to execution of a contract or purchase order are not subject to reimbursement.** All WSRA funds are disbursed on a reimbursement basis after review invoices and appropriate backup material.

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

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### REPORTING AND FINAL DELIVERABLE

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

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

### PAYMENT

Payment will be made based on actual expenditures and invoicing by the applicant. Invoices from any other entity (i.e. subcontractors) cannot be processed by the State. The request for payment must include a description of the work accomplished by major task, and estimate of the percent completion for individual tasks and the entire water activity in relation to the percentage of budget spent, identification of any major issues and proposed or implemented corrective actions. The last 5 percent of the entire water activity budget will be withheld until final project/water activity documentation is completed. All products, data and information developed as a result of this grant must be provided to the CWCB in hard copy and electronic format as part of the project documentation. This information will in turn be made widely available to Basin Roundtables and the general public and help promote the development of a common technical platform.

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

**Signature of Applicant:** *Jesse Kruthaupt*

**Print Applicant's Name:** Jesse Kruthaupt

**Project Title:** Upper Ohio Creek Flow Restoration Project

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

Craig Godbout – WSRA Application  
Colorado Water Conservation Board  
1580 Logan Street, Suite 200  
Denver, CO 80203  
[craig.godbout@state.co.us](mailto:craig.godbout@state.co.us)

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