



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date: November 5, 2014

Lower Arkansas Valley Water Quality and Water Use Efficiency Working Group

Name of Water Activity/Project

Southeastern Colorado Water Conservancy District

Name of Applicant

James Broderick
Executive Director

Amount from Statewide Account:

Amount from Basin Account(s):

Total WSRA Funds Requested:

\$29,460

\$29,460

Approving Basin Roundtable(s):
Arkansas

FEIN: 84-6012143

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Required Exhibits

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

Appendices – Reference Material

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

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Instructions

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

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

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

When completing this application, the applicant should refer to the WSRA Criteria and Guidelines available at: <http://cwcb.state.co.us/LoansGrants/water-supply-reserve-account-grants/Documents/WSRACriteriaGuidelines.pdf>. In addition, the applicant should also refer to the [Supplemental Scoring Matrix](#) applied to Evaluation Criteria Tiers 1-3 for Statewide Account requests .

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
1313 Sherman St., Room 721
Denver, CO 80203
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.

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

1.	Applicant Name(s):	Southeastern Colorado Water Conservancy District		
	Mailing address:	31717 United Ave. Pueblo, CO 81001		
	FEIN #:	84-6012143		
	Primary Contact:	Jean Van Pelt	Position/Title:	Program-Project Coordinator
	Email:	jean@secwcd.com		
	Phone Numbers:	Cell: 719-251-2845	Office:	719-948-2400
	Alternate Contact:	Leann Noga	Position/Title:	Finance Coordinator
	Email:	Leann@secwcd.com		
	Phone Numbers:	Cell:	Office:	719-948-2400

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 Southeastern Colorado Water Conservancy District was created under the Colorado State Statutes on April 29, 1958, by the District Court of Pueblo, Colorado, for the purpose of developing and administering the Fryingpan-Arkansas Project. The District extends along the Arkansas River from Buena Vista to Lamar, and along Fountain Creek from Colorado Springs to Pueblo, Colorado. The District consists of parts of nine counties deriving benefits from the project.

The District is the legal agency responsible for repayment of the reimbursable costs of the project. In addition to administering this repayment responsibility, the District allocates supplemental water from the Fryingpan-Arkansas Project for use by approximately 280,660 acres of irrigated land under various private and mutual ditch companies, and for the use by the many municipal and domestic water suppliers who directly serve the District's approximately 600,000 constituents. The District is governed by a fifteen member board of directors representing the nine counties within the District. Each board member is appointed by the state's district court system. Director positions may also be elected if citizens petition the court for such an election. Members serve for four-year terms and are them subject to re-appointment.

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

NA

5. Successful applicants will have to execute a contract with the CWCB prior to beginning work on the portion of the project funded by the WSRA grant. In order to expedite the contracting process the CWCB has established a standard contract with provisions the applicant must adhere to. A link to this standard contract is included in Appendix 3. Please review this contract and check the appropriate box.

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

☐ The Applicant has reviewed the standard contract and has some questions/issues/concerns. Please be aware that any deviation from the standard contract could result in a significant delay between grant approval and the funds being available.

6. The Tax Payer Bill of Rights (TABOR) may limit the amount of grant money an entity can receive. Please describe any relevant TABOR issues that may affect the applicant.

The Southeastern Colorado Water Conservancy District does have a TABOR limitation with regard to grant money received from the State of Colorado. The District monitors this limitation regularly to ensure compliance.

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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.

This is a request for technical assistance related to permitting, feasibility studies, and environmental compliance. The funding will be used for meetings and working group facilitation that will support the development of best management practices (both structural and non-structural) associated to the appropriate management of municipal water resources in the lower Arkansas Valley.

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**)

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:

Longitude:

This grant project will cover the lower Arkansas River basin.

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.

Many water companies and municipalities in the Lower Arkansas River Valley utilize source water that is impacted by metals, salts, and/or radionuclides. The management of these source waters has become more complicated as a result of recent regulatory actions by the Colorado Department of Public Health and the Environment (CDPHE). Specifically, CDPHE has promulgated a new Solid Waste Regulation (Section 9) which may be applicable to the ongoing operations of water providers that perform iron filtration and metals removal as part of their water treatment. Under this regulation, water providers that do not have exempt facilities are required to either develop an engineering design and operation plan (EDOP) to operate a solid waste management facility or a Demonstration Plan showing site-specific data that the operations pose little risk to local groundwater resources. This requirement has created issues in the Lower Arkansas Valley for two reasons:

1. Most of the private water companies do not have the available resources to either develop the EDOP or the Demonstration Plan. At this point, it appears that none of the potentially regulated entities that operate “regulated water treatment operations” have filed either an EDOP or Demonstration Plan.
2. The State has not had the resources to interact with the potentially regulated group of water providers in a consistent manner such that some confusion currently exists regarding what is required and is not required.

Most importantly, the Arkansas Valley Conduit (AVC) is widely known as the best management practice to eliminate the need for iron treatment – which also improves local water use efficiency since water is not used and discharged to waste as a result of operating and backwashing iron filters. Therefore, the AVC construction and operation will eliminate the need for the potentially regulated water providers to need either an EDOP or Demonstration Plan. The Section 9 regulation has a clause that indicates the following:

“Based on a case-by-case determination by the Department, other waste impoundments may be exempt under Section 9.1.2 (A) (18) of the Solid Waste Regulations. If a facility wishes to pursue this exemption, the facility should contact the Department prior to making a formal request.”

This clause may be applicable to the temporary operation of the potentially regulated water providers; however for it to apply, the State would need to apply it consistently for those organizations in the valley that will benefit from the AVC in the future.

In addition, many of the Arkansas Valley Conduit (AVC) participants have state of Colorado enforcement orders and/or are out of compliance with the safe drinking water standards. To better clarify this and other issues, the District is proposing a methodology to help improve communications with CDPHE and the AVC participants who are out of compliance and/or have issues with discharge regulations of solid waste associated with treatment. The District is proposing the development and facilitation of a “Working Group” to bring together the key stakeholders with the following objectives in mind:

- i) Identify workable solutions for the appropriate management of water resources in the lower Arkansas

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- Valley in light of AVC supplies that are planned to replace currently impacted water sources.
 - ii) Support local water companies that have limited financing options available to maintain and upgrade infrastructure and sustain regulatory response investments.
 - iii) Develop a consistent application of the applicable or relevant regulations to entities that are either directly or indirectly impacted.

Part III. – Threshold and Evaluation Criteria

Describe how the water activity meets these **Threshold Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)

This is a request for technical assistance related to permitting, feasibility studies, and environmental compliance. The funding will be used for meetings and working group facilitation that will support the development of best management practices (both structural and non-structural) associated to the appropriate management of water resources in the Lower Arkansas Valley in light of new water supplies that are being planned to replace currently impacted water sources; and state regulations related to the management of radionuclides and other water treatment related solid waste.

The working group will strive to help ensure that the communities served by the waters of the lower Arkansas River have adequate and reliable water supplies to meet current needs and the needs of the future.

1.

- a) The water activity is consistent with Section 37-75-102 Colorado Revised Statutes.¹

This water activity does not repeal or in any manner amend the existing water rights adjudication system. This activity recognizes water rights as a private property right, and 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.

- 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

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

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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 proposed project has undergone an evaluation and approval process and was approved by the Arkansas BRT. TBD

- 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.

Note that the proposed project will achieve/address the following WSRA Key Evaluation Criteria, as a component of project execution (noting that the project is proposed for funding through the Arkansas River Round Table and not the IBCC and the Statewide WSRA):

- Promotes cooperation between the State of Colorado and the water community located in the Lower Arkansas River basin
- Addresses identified water needs and gaps in the Arkansas River basin
- Supports current and future municipal and industrial water use needs, and tangentially supports agricultural and environmental water use needs
- The project has implications related to multiple purposes (including interstate compacts)
- The project facilitates water activity implementation (related to the facilitation of the AVC)
- Has a matching commitment of over 50%
- The project will not proceed without the support of the Arkansas Basin Roundtable
- The project outcomes will provide a high level of cost-benefit for Colorado – because of the nature of the issues, the stakes of water companies being out of compliance which would potential directly impact the reliability and sustainability of water supply for thousands, if not tens of thousands of people.

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

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- 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 contract or purchase order between the applicant and the State of Colorado is executed. 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)

\$ 29,460.00	Grant Request	
\$ 72,021.20	Total Project Cost	
\$ 7,500.00	District Match (cash)	
\$ 7,500.00	LAVWCD Match (cash)	
\$ 10,791.20	District In-Kind Match	
\$ 16,770.00	Other-In Kind Match	
\$ 42,561.20	Total match	
59%	Match	

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.**

The District is requesting funding from Basin funds.

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. The applicant should also refer to the Supplemental Scoring Matrix applied to Evaluation Criteria Tiers 1-3 for Statewide Account requests. 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

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obtaining letters of support from other basin roundtables (in addition to an approval letter from the sponsoring basin).

- b. The number and types of entities represented in the application and the degree to which the activity will promote cooperation and collaboration among traditional consumptive water interests and/or non-consumptive interests, and if applicable, the degree to which the water activity is effective in addressing intrabasin or interbasin needs or issues.
- c. The water activity helps implement projects and processes identified as helping meet Colorado's future water needs, and/or addresses the gap areas between available water supply and future need as identified in SWSI or a roundtable's basin-wide water needs assessment.

Tier 2: Facilitating Water Activity Implementation

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

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

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

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

Evaluation Criteria.

Please attach additional pages as necessary.

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.

Regional solutions to water efficiency and water quality management have been increasingly important in the Arkansas basin. The water supply sources include the AVC participants' water rights and Fryingpan-Arkansas Project water rights owned by Southeastern Colorado Water Conservancy District.

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

The approval of the National Environmental Project Act (NEPA) Environmental Impact Statement (EIS) Record of Decision for the Arkansas Valley Conduit and Excess Capacity Master Contract.

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.

Exhibit A: Statement of Work, Detailed Budget and Project Schedule is attached.

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 10 percent of the entire water activity budget will be withheld until final project/water activity documentation is completed. All products, data and information developed as a result of this grant must be provided to the CWCB in hard copy and electronic format as part of the project documentation. This information will in turn be made widely available to Basin Roundtables and the general public and help promote the development of a common technical platform.

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

Signature of Applicant:

Print Applicant's Name: James W. Broderick

Project Title: Executive Director

Date:

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

Craig Godbout – WSRA Application
Colorado Water Conservation Board
1313 Sherman St., Room 721
Denver, CO 80203
303-866-3441, ext. 3210 (office)
303-547-8061 (cell)
craig.godbout@state.co.us

Proposed Project Budget
Creation of a Lower Arkansas Water Quality and Water Use Working Group
Southeastern Colorado Water Conservancy District

		Bouvette		Expenses	Van Pelt		Working Group Members					
Tasks		hours	\$	120	hours	\$	57.40	hours	\$	60		
1	Data Collection											
	Interviews/Data Collection	50	\$	6,000	\$	1,450	30	\$	1,722	32	\$	1,920
	Intrepretations	32	\$	3,840			10	\$	574	0	\$	-
		82	\$	9,840	\$	1,450	40	\$	2,296	32	\$	1,920
2	Working Meetings											
	February	12	\$	1,440	\$	1,210	8	\$	459	37.5	\$	2,250
	April	12	\$	1,440	\$	1,210	8	\$	459	37.5	\$	2,250
	June	12	\$	1,440	\$	1,210	8	\$	459	37.5	\$	2,250
	August	12	\$	1,440	\$	1,210	8	\$	459	37.5	\$	2,250
	October	12	\$	1,440	\$	1,210	8	\$	459	37.5	\$	2,250
		60	\$	7,200	\$	6,050	40	\$	2,296	187.5	\$	11,250
3	Reporting/Communications											
	Meeting Set-Up	24	\$	2,880			40	\$	2,296	15	\$	900
	Meeting Follow-Up	60	\$	7,200			42	\$	2,411	30	\$	1,800
	Scenario Development	60	\$	7,200			16	\$	918	15	\$	900
		144	\$	17,280			98	\$	5,625	60	\$	3,600
4	Project Admin											
	Invoicing	14	\$	1,680			6	\$	344	0	\$	-
	Progress Reporting	8	\$	960			4	\$	230	0	\$	-
		22	\$	2,640			10	\$	574	0	\$	-

Proposed Project Schedule
Creation of a Lower Arkansas Water Quality and Water Use Working Group
Southeastern Colorado Water Conservancy District

	2015													
Task	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
1 Data Collection														
Interviews/Data Collection														
Intpretations														
2 Working Meetings														
March														
May														
July														
September														
November														
3 Reporting/Communications														
Meeting Set-Up														
Meeting Follow-Up														
Scenario Development														
4 Project Admin														
Invoicing														
Progress Reporting														