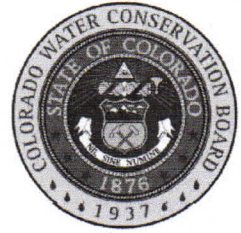




# COLORADO WATER CONSERVATION BOARD

## WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM



February 1, 2015

Agricultural Land and Water Buffer Feasibility Analysis

### Name of Water Activity/Project

Open Water Foundation

### Name of Applicant

South Platte

Amount from Statewide Account:

\$84,954

Amount from Basin Account(s):

\$20,000

Total WSRA Funds Requested:

\$104,954

### Approving Basin Roundtable(s)

(If multiple basins specify amounts in parentheses.)

FEIN: 46-2676240

### Application Content

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### Required Exhibits

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

### Appendices – Reference Material

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

## Water Supply Reserve Account – Application Form

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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](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):	Open Water Foundation		
	Mailing address:	320 E. Vine Drive, Suite 315 Fort Collins, CO 80524		
	FEIN #:	46-2676240		
	Primary Contact:	Louann Decoursey	Position/Title:	CEO
	Email:	louann.decoursey@openwaterfoundation.org		
	Phone Numbers:	Cell: 970-372-8126	Office:	(970) 286-7439
	Alternate Contact:	Steve Malers	Position/Title:	CTO
	Email:	steve.malers@openwaterfoundation.org		
	Phone Numbers:	Cell: 970-988-1447	Office:	(970) 286-7439

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 Open Water Foundation (OWF)** is a 501(c)3 nonprofit formed in 2013 to focus on developing and supporting open source software for water resources in order to make better decisions. OWF recognizes that water is an important public resource and its management and administration should benefit from commonly-available open data and tools. OWF's initiatives involve open source software; improved data access and transparency; application of data and software to sustainable irrigated agriculture, natural river systems, and municipal water providers and communities; education of water organizations; internships focusing on water systems; and helping other nonprofits with water interests to accelerate their development. As an integrator of data and technologies for the benefit of water organizations, OWF supports study of system-wide problems and interactions, including relationships between agriculture, environment, and municipal water uses. A primary goal of OWF is to improve understanding of complex systems and issues through improved data analysis, visualization, and education.

**Colorado Open Lands (COL)** is a 501(c)3 non-profit land conservation organization that accomplishes its mission through voluntary partnerships with private landowners, the business community, federal, state and local government agencies, and other conservation organizations. Since 1981, Colorado Open Lands has permanently protected over 378,000 acres of open space throughout the state. Colorado Open Lands' work protects landscapes and lifestyles that make Colorado unique by ensuring lasting protection of our open spaces and promoting our cultural heritage as farmers, ranchers, sportsmen, and guardians of the land.

Colorado Open Lands offers the perfect "home" for exploration of the issues and implications of more flexible treatment of water rights in conservation from the perspective of both a potential easement donor and from the perspective of a land trust tasked with stewarding significant water rights. As different stakeholders begin to look toward conservation easements as a tool to achieve multiple water-related goals, Colorado Open Lands is in a prime position to take a leadership role in this research.

As a partner in the Agricultural Land/Water Buffer Feasibility Analysis, COL will take the lead on the discrete tasks of: 1) exploring alternative water rights treatment in conservation easements; 2) exploring other conservation tools to facilitate ATMs, and 3) developing a resource list of conservation funding options along the Front Range corridor. COL will develop a focus group and contract with experienced conservation/water attorneys with particular knowledge of IRS regulations and interpretation as well as an appraiser specializing in conservation easement water rights analysis.

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

N/A



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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.

OWF has no TABOR issues that may affect our ability to contract with the CWCB.

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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: Multi-purpose project (ag, env, muni)

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

This project is very much a multiple purpose project in that it ~~seeks~~ to develop a program to facilitate water sharing agreements with farmers/ranchers and municipal water providers ~~through~~ use of conservation easements and other protection tools. In addition to the agriculture and municipal uses, it is envisioned that environmental uses of water can and should be incorporated such as wetland recharge projects. Not ~~only~~ do these projects have environmental components such as providing waterfowl habitat but they also provide for valuable augmentation credits to be used to help with the exchange of water.

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

☒ Study

☐ Implementation

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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)

x

Other -- Explain:

Feasibility study (n/a)



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

Latitude: 40.425871

Longitude: 104.733883

5. Please provide an overview/summary of the proposed water activity (no more than one page). Include a description of the overall water activity and specifically what the WSRA funding will be used for. A full **Statement of Work** with a detailed budget and schedule is required as **Exhibit A** of this application.

The purpose of this project is to evaluate the feasibility of the development of an Agricultural Land and Water Buffer Program in the South Platte River Basin. The concept is simple, protection of land and water rights to achieve multiple goals and leverage different types of interests and resources. Specifically, such a program could: 1) provide an important open space buffer between towns and cities, 2) promote local agricultural production and support agricultural families, and 3) create an interruptible water supply project that would operate during defined hydrologic conditions (i.e. dry year following, drought recovery).

This project will bring together the land conservation community, water planning and provider community in a focused, problem-solving effort. This feasibility analysis will examine threshold issues related to the use of conservation easements that include interruptible supply agreements as well as the willingness for city, county and water managers to participate in such a program, incentives for landowners to participate in such a program, and recommendations for additional actions to advance this concept. The proposed Agricultural Land and Water Buffer Program brings together many ideas that have been piloted across the state, but this study focuses on how the best ideas from these pilots may be combined into a working program and scaled for implementation in the South Platte River Basin.

The project study area is the South Platte River basin. The Statewide Water Supply Initiative (SWSI) 2010 forecasted that Colorado's population is expected to double by the year 2050 from 5 million people to nearly 10 million. As much as 80% of the new citizens will be located within the Colorado Front Range. CWCB estimates that the South Platte basin alone could lose nearly 50% of its 830,000 acres of irrigated acreage by 2050 under status quo conditions. Much of Colorado's future growth is expected to occur in northern Colorado including Boulder, Larimer, Weld, Adams and Morgan counties. As new suburban development occurs, including the subdivision of farms into 'farmettes,' decreases in irrigated acreage will result.

In their July 31, 2014 Draft Basin Implementation Plan, the Metro and South Platte Roundtables expressed support for studies investigating methods for reducing the impacts of agricultural transfers. The draft BIP states that "additional study of practices that allow for continued agricultural production, while at the same time permitting municipal uses, is encouraged." (Section 5—Implementation Strategies for the Projects and Methods). This feasibility project meets this expressed recommendation of the two roundtables.

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While the Colorado Front Range is the major economic engine for the state and the region, Coloradoans have indicated that a viable agricultural economy, the natural environment, rural economies and open space are important values that need to be protected. The need to meet these future municipal demands coupled with the desire to keep water available to support agricultural and natural resources dictates that our state find alternatives to the status quo of water transfers. A key objective of this project is to provide guidance to those communities desiring to protect these important natural resources while obtaining some water for municipal and industrial uses.

In Colorado's land conservation community, both private and local government conservation programs have worked toward the dual goals of protecting agricultural lands and creating community buffers, but no known work has been undertaken to develop an open space land preservation program with an interruptible water supply component. In part, this is because there are several threshold questions that need to be explored with regard to the relationship between the charitable rules governing conservation easements and a more flexible approach to including water in an easement.

In Colorado's water community, significant work has been done in exploring alternatives to buy and dry; however, some municipal water providers have indicated a preference for permanent supply and without such a supply were reluctant to commit to the adoption of an ATM water supply (*Alternative Agricultural Water Transfer Methods Grant Program Summary and Status Update*, CWCB, November 2012).

Coupling conservation easements with interruptible water supply agreements is an identified means to achieve this permanence desired by the water providers, at the same time, providing the open space benefits sought by the land conservation community. This effort will bring together land use and water resources planning disciplines together on a comprehensive basis and regional scale. This project will explore land and water protection tools for land trusts, municipal water providers and local governments wishing to establish such a program and will explore solutions to possible barriers to participation. In addition, this effort will also examine how this type of program can be incorporated into a water provider's system.

This feasibility study will rely upon the findings of past ATM projects and studies and encourage learning across projects and basins in Colorado, at the same time looking to innovative pilots across the western U.S. It is important to note that the project team intends to leverage and build upon previous work and not repeat work already performed.



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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>

All proposals included in this feasibility analysis will involve willing seller/buyers of land (including development rights) and water rights. All proposals will be entirely consistent with Section 37-75-102 Colorado Revised Statutes and any transactions resulting from this study will be on a willing buyer/seller or willing lessee/lessor basis utilizing existing laws and regulations to ensure non-injury to any other water rights.

If implemented, this Front Range Ag/Water Buffer project would seek to transfer only the historic consumptive use water associated with a water right. It is imperative that no injury occurs during the transfer and that historical return flow patterns are continued.

- 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 South Platte Basin Roundtable reviewed this application through its Needs Committee where it was approved unanimously. The application was then forwarded to the full basin roundtable where it was also approved unanimously. This project is supported by several entities including,

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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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the Weld County Board of Commissioners, Colorado Corn Growers Association, Ducks Unlimited and The Nature Conservancy. Three of these entities have seats on the South Platte BRT.

- 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.

During the January 13, 2015 South Platte Basin Roundtable meeting, many members spoke in support of the project indicating that this is the type of creative and innovative concept that the Roundtable members want to move forward and help support the recommendations in the South Platte/Metro draft Basin Implementation Plan. This proposal helps implement three specific strategies identified in the South Platte/Metro BIP including:

- Continuance of state funding for pilot projects for water sharing partnerships between cities and agriculture entities including alternative water transfer methods
- Support of free market water sharing transaction methods without interference
- Support for agricultural conservation easements coupled with municipal water lease options

In Section 4.4.2.2, Alternative Transfer Methods of the South Platte draft Basin Implementation Plan, ATMs are identified as an important tool for the basin in meeting their future water supplies.

ATMs have the potential to reduce the amount of irrigated acres permanently dried up through the traditional "buy and dry" method. This can reduce the adverse recreational and environmental impacts associated with permanent dry-up. Additionally, mechanisms can be included with ATMs to provide further environmental and recreational protections. For example, agricultural conservation easements can be used to provide further insurance that agricultural lands will remain in production. Off channel regulating reservoirs, needed for some ATMs, may be designed and operated in a manner to provide fishery, habitat, wildlife and recreational benefits.

This effort will examine key legal and appraisal issues related to coupling conservation easements with municipal water lease options. It will also explore the role of land protection mechanisms (i.e. fee title ownership, conservation easements and other mechanisms/agreements) and key

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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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entities' willingness to participate in such a program. ~~This~~ proposal will continue to address the barriers to ATMs, specifically: certainty of long-term/permanent water supply, infrastructure *needs and advanced water quality treatment issues.*

- 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)

The total project budget is estimated at \$134,954. ~~We are~~ committing a minimum of \$30,000 in cash match which combined with the basin funds equates to a **37%** cash match towards overall project costs. Combined the cash match and the South Platte Basin Funds equal nearly 60% of the Statewide request.

### Source of Funds

Cash Match (private foundations):	\$30,000
WSRA SP Basin Funds:	\$20,000
WSRA Statewide Funds:	\$84,954
 Total:	 \$134,954



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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. 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 obtaining letters of support from other basin roundtables (~~in addition to an approval letter from the sponsoring basin~~). **This project has received support from numerous entities in northern Colorado including Weld County, Colorado Corn Growers, TNC, Ducks Unlimited and the Poudre Water Sharing Group. The project will examine methods to benefit multiple needs including agricultural, municipal, industrial, environmental and recreational uses.**
- 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. **One of the main objectives is to promote collaboration between entities that have not traditionally worked together. Namely, the proposal seeks to engage local governments and the conservation community in a dialogue on ways to preserve working agriculture lands while allowing for some water to be used for alternative transfers.**
- c. The water activity helps implement projects and processes ~~identified~~ as helping meet Colorado’s future water needs, and/or addresses the gap areas between ~~available~~ water supply and future need as identified in SWSI or a roundtable’s basin-wide water needs assessment.  
**The South Platte Basin Roundtable identified ATMs as an important tool for the basin in meeting their future water supplies (Section 4.4.2.2). Further, the CWCB has identified ATMs as an important tool for meeting the gap in the draft Colorado Water Plan.**



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### Tier 2: Facilitating Water Activity Implementation

- d. Funding from this Account will reduce the uncertainty ~~that the water activity will be implemented~~. For this criterion the applicant should discuss how receiving funding from the Account will make a significant difference in the implementation of the water activity (i.e., ~~how will receiving funding enable the water activity to move forward or the inability obtaining funding elsewhere~~). **This project has received significant contributions from private sources but funding from the South Platte WSRA Basin and Statewide Account are needed to ensure this project moves forward.**
- 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.~~ **As indicated, \$30,000 of project costs will be from other sources (i.e. non-state funds).**

### 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.~~ **At the heart of this project is the goal of preserving irrigated agriculture and protecting open space while provide some water via an ATM. This program proposes to advance the preservation techniques of high value agricultural lands located within the Colorado Front Range area and explore additional funding mechanisms for such projects, so that they can be widely and successfully utilized. Considering the growth pressures of the Front Range, this project seeks to preserve working agricultural lands while providing interruptible water supplies to participating communities and providing added benefits such as locally grown food and providing open space benefits including urban buffers.**
- 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. **This project promotes the maximum utilization of the State's waters by creating agreements where municipal users will utilize the water during critical dry periods when water is most valuable (i.e. drought recovery).**
- h. The water activity assists in the recovery of threatened and endangered wildlife species or Colorado State species of concern. **Through the preservation of working lands and ag buffers provides habitat and migration corridors for a variety of aquatic and migratory species. Additionally, no additional water is being developed and therefore places no further pressures on the threatened/endangered species or Colorado State species of concern. The project proponents will be looking for ways to enhance the water dependent natural environment while developing partnerships between farmers and municipal providers.**
- i. The water activity provides a high level of benefit to Colorado in relationship to the amount of funds requested. **If the concept proves to be feasible, there will be significant leveraging of dollars made available through the donation of conservation easements, municipal water providers and local governments (i.e. open space departments). Therefore, significant leveraging of funds can be applied to help preserve irrigated agriculture and contribute to help meet the State's water supply gap.**
- j. The water activity is complimentary to or assists in the ~~implementation~~ of other CWCB programs. **This project is directly related to the CWCB's Water Supply Planning section and the implementation of components of the State Water Plan and the South Platte/Metro BIP.**

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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 geographic scope of the project will be northern Colorado within the South Platte Basin including Boulder, Larimer, Weld, Adams and Morgan counties. This project is a conceptual feasibility study and will not target specific water rights or properties for acquisition. The project will involve interviewing various water providers, local governmental officials, open space departments, water districts, farmers and ditch companies all of which have a direct interest in the water supply being discussed. Generally, the source of the water is from the South Platte main stem, its tributaries or potentially C-BT water.

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

This effort will examine the work from previous CWCB studies and projects that dealt with conservation easements and permanent protection of agricultural lands. Municipal water providers have identified the permanence issue as a major obstacle in the adoption of ATMs and the purpose of this effort is the advance the understanding of this potentially valuable tool. It is important to note that the project team intends to leverage and build upon previous work and not repeat work already performed. Concerns over the ownership, control and permanency of water rights and supplies will be examined from a private property rights protection perspective. This feasibility study would take a holistic look at the various ATM projects that have been piloted to date and encourage learning across projects and basins in Colorado.

This study will incorporate SWSI 2010, results from the Basin Implementation Studies, the Alternative Agricultural Water Transfer Methods Grant Program Summary and Status Update, November 2012 and relevant CWCB ATM reports. The project team has consulted with members of two other ATM projects: The Poudre River Working Group and the Colorado River Water Bank (TNC). Both groups indicated support for this study and believe that this project will produce valuable information that is relevant to their specific projects.



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### 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.

A statement of work is provided with the application materials.



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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 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:** Louann DeCoursey

**Project Title:** Agricultural Land/Water Buffer Feasibility Analysis

**Date:** January 30, 2015

**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)  
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