



# COLORADO WATER CONSERVATION BOARD



## WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date: 3/24/2015

Mallon Extension Ditch Bypass Structure

### Name of Water Activity/Project

Colorado Division of Parks and Wildlife

### Name of Applicant

North Platte

Amount from Statewide Account:

\$0

Amount from Basin Account(s):

\$35,900

Total WSRA Funds Requested:

\$35,900

### Approving Basin Roundtable(s)

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

FEIN:

### Application Content

Application Instructions	page 2
Part I – Description of the Applicant	page 3
Part II – Description of the Water Activity	page 5
Part III – Threshold and Evaluation Criteria	page 7
Part IV – Required Supporting Material	
Water Rights, Availability, and Sustainability	page 10
Related Studies	page 10
Signature Page	page 12

### 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

---

### **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).

## Water Supply Reserve Account – Application Form

Revised October 2013

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

1.	Applicant Name(s):	Colorado Division of Parks and Wildlife		
	Mailing address:	PO Box 701 Walden, CO 80480		
	FEIN #:			
	Primary Contact:	Pepper Canterbury	Position/Title:	Dist. Wildlife Manager
	Email:	Pepper.canterbury@state.co.us		
	Phone Numbers:	Cell: 970-819-6741	Office:	970-723-4625
	Alternate Contact:	Jeremiah Rummel	Position/Title:	Wildlife Technician
	Email:	Jeremiah.rummel@state.co.us		
	Phone Numbers:	Cell: 970-819-6438	Office:	970-723-4625

### 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.

## Water Supply Reserve Account – Application Form

Revised October 2013

---

3. Provide a brief description of your organization

The Colorado Division of Parks and Wildlife (CPW) is a branch of the State of Colorado's Department of Natural Resources. This division is in place to protect, preserve, enhance, and manage the wildlife, natural, scenic, and scientific resources of this state for the use, benefit, and enjoyment of the people of this state and its visitors.

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

Not Applicable

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.

Not Applicable

## Water Supply Reserve Account – Application Form

Revised October 2013

### 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.

Construction of bypass structure on the Wolfer Ditch will allow for increased efficiency in water delivery to the Delaney Butte Lakes SWA whose water resources are managed for agricultural, environmental and recreational uses. The structure will also allow for more efficient use of water for agricultural purposes on private lands adjacent to the SWA. Please see project description for further detail.

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)

3007 Existing Storage Preserved or Enhanced (acre-feet)

Length of Stream Restored or Protected (linear feet)

Length of Pipe/Canal Built or Improved (linear feet)

\$2400 Efficiency Savings (~~acre-feet/year~~ OR dollars/year – circle one)

Area of Restored or Preserved Habitat (acres)

Other -- Explain:

## Water Supply Reserve Account – Application Form

Revised October 2013

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

Latitude:

40° 42' 19.423"

Longitude:

106° 32' 32.496"

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 proposed project is the construction of a bypass structure and measuring device located on the Wolfer Ditch, which diverts water from Roaring Fork Creek. The ditch delivers water to the South and East Delaney Lakes within the Delaney Butte Lakes State Wildlife Area (SWA). Water stored in these lakes is used jointly for agricultural irrigation, piscatorial, recreational and environmental uses. Piscatorial and recreational uses occur within the Delaney Butte Lakes which are among the premier flat water fishing destinations in Colorado. Water is also stored and released from the Delaney Lakes for the irrigation on the Double R Ranch. Both Colorado Parks and Wildlife (CPW) and the Double R Ranch hold water storage rights in the Delaney Lakes.

In late July and early August, after irrigation in North Park has typically concluded, the landowner adjacent and down-gradient of the Wolfer Ditch will cut hay. Prior to cutting, the Wolfer Ditch must be shut off in order to sufficiently dry out the those fields below the ditch, and this typically occurs in mid-July. During this period however, water may still be available to other users for direct flow irrigation or for diversion into the Delaney Lakes. In order to utilize available water, and accommodate the need to dry adjacent fields, water can be routed into Butte Creek, bypassing approximately 3 miles of the Wolfer Ditch. Butte Creek is an intermittent drainage tributary to Roaring Fork Creek which is typically dry if not for water from the Wolfer Ditch (introduced either by seepage or direct release from the ditch). Delivering water to the Delaney Lakes via Butte Creek allows CPW to maximize its ability to fill the lakes (during the short window of opportunity between the end of the irrigation season and the onset of freezing conditions) without causing any disruption to agricultural operations on adjacent private lands.

Currently there is no structure or measuring device for diversion of water from the ditch into Butte Creek. To date, CPW staff has had to construct a make-shift dam each year to check water into Butte Creek. The WSRA funding will be used to construct a permanent check structure, gate and measuring device. This will allow ditch operators to route Wolfer Ditch water down Butte Creek where it can be picked up and rediverted into the Mallon Extension of the Wolfer Ditch and subsequently delivered to the lakes.

# **Water Supply Reserve Account – Application Form**

Revised October 2013

---

# Water Supply Reserve Account – Application Form

Revised October 2013

---

## 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 activities undertaken in the project will conform to the stipulations set forth within the above statute

- 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.

To be included

---

<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.



## Water Supply Reserve Account – Application Form

Revised October 2013

---

- 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.

This project meets the provisions of Section 37-75-104(2) and will assist in meeting the water supply needs identified in the BRT's SWSI needs assessment. Section 2.4 of the North Platte Needs Assessment (2010) identifies important lake fishing as being ranked second among all identified nonconsumptive attributes in the basin. Wetland wildlife viewing, waterfowl/shorebird habitat and amphibians also rank among the top 5. By increasing the efficiency and seasonal reliability of water delivery to Delaney Buttes Lakes, this project will help maintain a healthy fishery and associated habitat in accordance with the attributes identified as important by the basin roundtable. Delaney Buttes Lakes are identified as one of the most popular public access lake fishing within the basin.

Furthermore the Basin Needs Assessment identifies the preservation of agriculture and associated water supplies as integral to the future economic, recreational and environmental health of the basin. This project enhances the ability of CPW and private landowners to cooperate in the timing of water delivery so that agricultural needs, particularly the need to dry out fields prior to and during cutting, are not compromised. Filling the lakes in a timely manner improves the reliability and availability of irrigation water stored within the Delaney Buttes Lakes. Maximizing storage in the lakes helps preserve and enhance agricultural, environmental and recreational needs as identified in the Needs Assessment report.

This project is identified as a proposed project in the North Platte Basin Implementation Plan.

- 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)

---

<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.

## **Water Supply Reserve Account – Application Form**

Revised October 2013

---

## Water Supply Reserve Account – Application Form

Revised October 2013

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).
- 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.

## Water Supply Reserve Account – Application Form

Revised October 2013

---

- 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.**

## Water Supply Reserve Account – Application Form

Revised October 2013

---

### 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.

This project will facilitate the delivery of several adjudicated water rights, including direct flow irrigation rights and storage rights that are delivered through the Mallon Extension of the Wolfer Ditch. Water rights delivered through the Mallon Extension of the Wolfer ditch include:

Wolfer Ditch – Direct flow irrigation right adjudicated in CA3750, CA1784 (1<sup>st</sup> enlargement), CA3570 (2<sup>nd</sup> enlargement). CPW owns 4 shares of the Wolfer Ditch which were changed to allow for storage in South and East Delaney Butte Lakes. These shares are currently under lease to the Double R ranch for irrigation.

Butte Reservoir (aka South and East Delaney Butte Lakes) – Senior storage right for irrigation adjudicated in CA0286. CPW also owns junior water rights in the South and East Lakes for fish, wildlife and recreational uses adjudicated in 88CW193 and 88CW194.

This proposed project will not alter the decreed point of diversion, place of use or season of use of the above-mentioned water rights.

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

The Bureau of Land Management (BLM) is the landowner underneath and adjacent to the location of the proposed project. BLM has reviewed the proposed project and scope of work and has issued a permit to undertake the proposed work. Additionally, all work proposed by CPW will be conducted within the historic prescriptive easement of the ditch.

## Water Supply Reserve Account – Application Form

Revised October 2013

---

### 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.

**Please see attached Exhibits A-C for statement of work, detailed budget, project schedule, project map and letters of support.**

## **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.

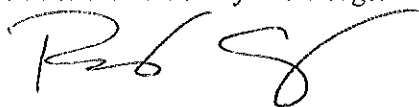
## Water Supply Reserve Account – Application Form

Revised October 2013

---

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

Signature of Applicant:



Print Applicant's Name: Pete Conovitz

Project Title: Mallon Extension Ditch Bypass Structure

Date: March 24, 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)  
[craig.godbout@state.co.us](mailto:craig.godbout@state.co.us)