



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date: May 1, 2015

Upper Platte & Beaver / Deuel & Snyder Feasibility Study

Name of Water Activity/Project

Upper Platte and Beaver Canal Company

Name of Applicant

Amount from Statewide Account: \$46,875

Amount from Basin Account(s): \$46,875

Total WSRA Funds Requested: \$93,750

Approving Basin Roundtable(s)

(If multiple basins specify amounts in parentheses.)

FEIN: 84-0405195

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

If you have questions or need additional assistance, please contact Craig Godbout at: 303-866-3441 x3210 or 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):	Upper Platte and Beaver Canal Company			
	Mailing address:	P.O. Box 69 Fort Morgan, CO 80701			
	FEIN #:	84-0405195			
	Primary Contact:	Steve Griffiths	Position/Title:	President	
	Email:	upbccompany@gmail.com			
	Phone Numbers:	Cell:	(970) 380-9346	Office:	(970) 842-2552
	Alternate Contact:	Tom Dea	Position/Title:	Consulting Engineer	
	Email:	tdea@tza4water.com			
	Phone Numbers:	Cell:	(303) 882-3749	Office:	(303) 971-0030

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 Upper Platte and Beaver Canal Company (UP&B) is an irrigation company with 96 shareholders and a total of 1,187 shares. UP&B diverts approximately 30,000 – 35,000 acre feet of water off of the South Platte River on an annual basis. The decreed diversion rate is 234 CFS. Water is diverted for direct irrigation and water is also delivered to recharge sites and used for augmentation of irrigation wells, municipal wells and recreational use wells. UP&B irrigates approximately 9,500 acres of land. UP&B currently has four recharge ponds and additional recharge sites are being planned.

The Deuel & Snyder Improvement Company (D&S) is effectively a co-applicant for this project because UP&B and D&S both rely on the same diversion structure to deliver water to their ditch systems. D&S is an irrigation company with 15 shareholders and a total of 161 shares. The company diverts approximately 5,000 – 6,000 acre feet of water off of the South Platte River on an annual basis. Water is diverted for direct irrigation and water is also delivered to recharge sites and used for augmentation of irrigation wells, and feedlot wells. D&S irrigates approximately 1,650 acres of land, and currently has six operating recharge ponds and nineteen additional recharge sites are planned.

Since UP&B and D&S rely on the same diversion structure across the South Platte River, both companies share the cost on a 6/7 to 1/7 basis. UP&B is the applicant for this project, but both UP&B and D&S will participate on a 6/7 to 1/7 basis, respectively.

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

The Upper Platte and Beaver Canal Company will be the Contracting Entity.

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.

N/A

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)

<input type="checkbox"/>	Nonconsumptive (Environmental or Recreational)
<input checked="" type="checkbox"/>	Agricultural
<input type="checkbox"/>	Municipal/Industrial
<input type="checkbox"/>	Needs Assessment
<input type="checkbox"/>	Education
<input type="checkbox"/>	Other

Explain:

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

The final project will also benefit all municipal, industrial, agricultural and recreational water users downstream of the existing diversion structure. Improvements to the existing diversion structure will reduce the potential for a diversion dam breach. Morgan County Quality Water has critical water system infrastructure that could be damaged due to flooding. The nearby downstream developments of Morgan Heights, Blue Sky, and Country Club Estates will also benefit by minimizing flood potential at their wastewater treatment plant facility. A municipal benefit is that the City of Brush augments well use with water that is diverted through the UP&B. We have had preliminary discussions with the Colorado Parks and Wildlife Engineering section and they are interested in collaborating and evaluating the feasibility of installing fish passage structures.

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

<input checked="" type="checkbox"/>	Study	<input type="checkbox"/>	Implementation
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4. To catalog measurable results achieved with WSRA funds can you provide any of the following numbers?

<input type="text" value="TBD"/>	New Storage Created (acre-feet)
<input type="text" value="TBD"/>	New Annual Water Supplies Developed, Consumptive or Nonconsumptive (acre-feet)
<input type="text" value="TBD"/>	Existing Storage Preserved or Enhanced (acre-feet)
<input type="text" value=">9,500'"/>	Length of Stream Restored or Protected (linear feet)
<input type="text" value="TBD"/>	Length of Pipe/Canal Built or Improved (linear feet)
<input type="text" value="TBD"/>	Efficiency Savings (acre-feet/year OR dollars/year – circle one)

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°16'31.17"N

Longitude: 103°50'2.71"W

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 existing diversion dam spans the South Platte River and allows UP&B and D&S to divert water into their intake structures. The original structure was constructed over 80 years ago and UP&B and D&S have modified and repaired the structure throughout its history to make it useable for both companies. Recent investigations have found problem areas where the shale bedrock has been undermined resulting in structural damage that must be addressed so that the diversion structure does not catastrophically fail, and so that UP&B and D&S can insure efficient operation of their irrigation systems. The work to be performed in this feasibility study will consist of a thorough evaluation of the existing diversion structure and associated diversion components that are owned and operated by both UP&B and D&S. The feasibility study will be designed to evaluate options to repair and/or upgrade the existing structures as well as provide options to replace the existing structure with a new diversion dam across the South Platte River. The goal of this feasibility study is to evaluate the existing structures and determine if it is best to repair/modify the existing structure or if it is best to replace the dam. The design and construction phase that will follow will be designed to provide an efficient, safe, diversion structure that will provide benefits for the next 80+ years. Additional benefits that have been identified for evaluation at this time include, but are not limited to the following:

- Fish passage structure(s) designed to provide a detour route for migrating native Colorado fish.
 - Brassy Minnow
 - Sucker Mouth Minnow
- Channelization of the South Platte River to minimize flood impacts and ongoing erosion on the north and south banks of the South Platte River at and near the diversion structure
- Bank stabilization
- Protection of existing downstream infrastructure (Morgan County Quality Water, Morgan Heights, etc...)
- Safe operations

The deliverable result of the feasibility study will be an engineering report and recommendations. The study will evaluate alternatives and provides cost estimates for various alternates. Each alternate evaluated will take into account system reliability, infrastructure longevity, efficiency and operational safety of the dam.

Feasibility study work activities will include the following items:

1. Visual inspection and structural evaluation of existing infrastructure;
2. Geotechnical evaluation and mapping of bedrock surfaces;
3. Hydraulic modeling;
4. Evaluation of fish passages.
5. Develop options for construction, cost estimates and professional opinions associates with options
6. Provide recommendations and budget estimates for recommended construction activities

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.¹

The proposed activities do not impair, limit or otherwise affect existing decrees or other water rights. No new diversions or allocation of existing diversions is proposed. This project shall conform to the requirements/language of the above Statute. We affirm the prior appropriation doctrine and water rights adjudication system as presented in C.R.S. 37-75-102.

- 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 performed

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.

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.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.

To be performed

- 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 but 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)

This application is based on a total feasibility study project cost of \$125,000. Upper Platte and Beaver is seeking \$46,875.00 from the statewide account and \$46,875.00 from the basin roundtable account. Matching funds totaling 25% of the total project cost (\$31,250) have been secured and will be provided by UP&B (\$26,786.00) and D&S (\$4,464.00). Additional funds and or funds to perform feasibility analysis for fish passages may be available from Colorado Parks and Wildlife, but this is still being evaluated.

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.

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.**

To be provided

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.

This project is an example of long term collaboration and partnership between UP&B and D&S. We have also had preliminary discussions with and plan to work in collaboration with Colorado Parks and Wildlife, Morgan County Quality Water, the City of Brush, Morgan Heights, Blue Sky, and Country Club Estates. This project will not only benefit the UP&B and D&S Irrigation users, but we envision that it will also benefit all water users located downstream of this structure. Wildlife dependent upon these areas and the people of Colorado who use the South Platte River for recreation and wildlife resources will also benefit from this project. Public benefit will also be bolstered by increasing the safety, efficiency, and reliability of the diversion structure.

Improvements in efficiency of the diversion and headgate structures will allow both UP&B and D&S the opportunity to divert and recharge more water than what is currently feasible to divert during “free river” conditions. Any and all additional water that can be placed into recharge sites will bolster irrigation supplies and this will increase return flows to the South Platte River. Increased return flows will benefit downstream users (Municipal, Irrigation, and Industrial users) and increased return flows can benefit others by minimizing direct diversions needed during times of drought. Additional water placed into recharge structures may also benefit upstream water users in the South Platte basin as well as water users in other basins.

Water Supply Reserve Account – Application Form

Revised October 2013

- 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.

UP&B and D&S combine to irrigate more than 11,000 acres in Morgan County, Colorado. Improving the efficiency and effectiveness of the diversion structure will insure that irrigators have reliable infrastructure that is needed to meet current and future demands. Improvements to the diversion dam structure will also result in reliable long term safe operations. A well designed and maintained efficient structure will decrease maintenance costs and increase the volume of water that may be placed into recharge sites during free river conditions, effectively improving the overall health of the South Platte River system.

UP&B and D&S view this project as phase one of a two phase project. Once the feasibility study is completed UP&B and D&S will plan to begin phase 2, which will consist of final design and completion of construction improvements. UP &B and D&S plan to apply for a CWCB loan to fund part or all of the construction project.

As discussed above, UP &B and D&S are actively developing recharge sites. While these recharge site are not lined storage, they do create effective storage (timed return flows) that in turn allows wells pumping that would not be feasible without a well-managed augmentation plan. While this does not specifically address the gap areas between available water supply and future need, there is no doubt that it will improve the reliability of the irrigation demands and allow storage of additional supplies during free river conditions.

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.

Funding provided by this WSRA grant will allow the applicant to complete a much needed feasibility study. The existing structure has reached its useful lifetime and is in need of major repairs and/or total replacement. The results of the feasibility study will and then the applicant will

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.

This water activity is critical to sustaining agriculture and open space. This project will also be designed to benefit both environmental and recreational needs. If the existing diversion structure fails, it would be most likely fail during spring runoff (highest historical flows). A failure of the diversion structure would result in:

- A safety issue;
- Would cause environmental damage to the area;
- Would likely destroy downstream infrastructure;
- Could result in the loss of production from over 11,000 acres of irrigated farmland;
- Would negatively impact the agricultural community in Morgan County and the State of Colorado.

Water Supply Reserve Account – Application Form

Revised October 2013

- 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.

As stated above, increased recharge creates effective storage (timed return flows) that in turn allows wells pumping that would not be feasible without a well-managed augmentation plan. While this does not specifically address administration of compact-entitled waters, an increase in recharge will improve the reliability of the irrigation demands and effectively allow for storage of additional supplies during free river conditions. Construction of a more efficient diversion structure will allow the applicant to maximize utilization of state waters.

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

As discussed above, we have had preliminary discussions with the engineering department of Colorado Parks and Wildlife and we will evaluate fish passage structure(s) designed to provide a detour route for migrating native Colorado fish. Colorado Parks and Wildlife have identified these species of concern in the area as:

1. Brassy Minnow
2. Sucker Mouth Minnow

- i. The water activity provides a high level of benefit to Colorado in relationship to the amount of funds requested.

j.

The impact from agriculture alone provides a high level of benefit to Colorado in relationship to the amount of funds requested.

- k. 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**.

This feasibility study will be complimentary and will likely result in a CWCB loan request to fund final design and construction improvements that will be necessary to complete this project.

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.

To be provided upon request

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

See attached PowerPoint presentation

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

To be provided upon request

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.

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:

Project Title: Upper Platte & Beaver / Deuel & Snyder Feasibility Study

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