



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date:

West End of Montrose County Reservoir Project

Name of Water Activity/Project

Montrose County

Name of Applicant

Southwest Basin
Roundtable

Amount from Statewide Account:

\$250,000

Amount from Basin Account(s):

\$50,000

Total WSRA Funds Requested:

\$300,000

Approving Basin Roundtable(s)

(If multiple basins specify amounts in parentheses.)

FEIN:

Application Content

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Required Exhibits

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

Appendices – Reference Material

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

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Instructions

To receive funding from the Water Supply Reserve Account (WSRA), a proposed water activity must be approved by the local Basin Roundtable **AND** the Colorado Water Conservation Board (CWCBC). 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 CWCBC 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 CWCBC website at: <http://cwcb.state.co.us> Applications to the WSRA Basin Account are considered at every board meeting, while applications to the WSRA Statewide Account are only considered at the March and September board meetings.

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

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

Craig Godbout - WSRA Application
Colorado Water Conservation Board
1313 Sherman St., Room 721
Denver, CO 80203
Craig.godbout@state.co.us

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

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

| | | | | |
|----|--------------------|---|-----------------|------------------------|
| 1. | Applicant Name(s): | Montrose County | | |
| | Mailing address: | 317 South Second Street Montrose , Colorado 81401 | | |
| | FEIN #: | 84-6000787 | | |
| | Primary Contact: | Marc Catlin | Position/Title: | Water Rights |
| | Email: | mcatlin@montrosecounty.net | | |
| | Phone Numbers: | Cell: 970-209-3436 | Office: | 970-252-4546 |
| | Alternate Contact: | Jon Waschbrusch | Position/Title: | Director Govt. Affairs |
| | Email: | jwashchbrusch@montrosecounty.net | | |
| | Phone Numbers: | Cell: | Office: | 970-252-4549 |

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

Montrose County is a political subdivision of the State of Colorado.

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

Montrose County 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 application.

Montrose County is not restricted by any provisions under the Taxpayer Bill of Rights (TABOR).

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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:

Piscatorial Releases.

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

The conditional rights held by Montrose County include water for piscatorial release. This may benefit trout in the San Miguel River. Releases can be made for the benefit of species of special concern if needed.

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

☒

Study

☐

Implementation

4. To catalog measurable results achieved with WSRA funds can you provide any of the following numbers?

New Storage Created (acre-feet)

New Annual Water Supplies Developed, Consumptive or Nonconsumptive (acre-feet)

Existing Storage Preserved or Enhanced (acre-feet)

Length of Stream Restored or Protected (linear feet)

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

Efficiency Savings (acre-feet/year OR dollars/year – **circle one**)

Area of Restored or Preserved Habitat (acres)

Other -- Explain:

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

Latitude:

38 13' 38" N

Longitude:

108 29" 41.7" 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.

Montrose County holds a conditional water right out of the San Miguel River in the west end of the county. The conditional water rights were granted in 2012. Montrose County is now in feasibility period. There are 4 reservoir sites listed in the conditional water right. Montrose County is to decide which site or combination of two (2) sites will be the best to build a reservoir. This application is for funding to move forward with the geo technical investigations, feasibility studies, and cost analysis of building a reservoir in the San Miguel River basin.

WSRA funding will be used to pay a portion of the costs for doing feasibility work. Montrose County is committed to do the work to determine what type of project could be built and where it should be built.

Deere & Ault Consultants, Inc. have been retained by Montrose County to do the work contemplated in this application. That work will be detailed in Exhibit A.

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.)

Montrose County has submitted an application for the geotech work activities and feasibility studies.

Feasibility includes geo technical investigations, cost studies, and permitting requirements for access on federal lands.

This work will determine if a dam and reservoir can be built in the San Miguel River basin.

1. This application meets the requirements stated in Part 2 of the criteria and guidelines.

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

This project is part of the conditional water right held by Montrose County. The State of Colorado requires conditional water right holder to determine if a project can be built. Under these statutes the Conditional water right holder has to determine if the project can be built and at what cost. Montrose County is working to determine what type of dam structure should be built in the various sites listed in the conditional water right granted by the State of Colorado in 2012. Pursuant to the Conditional water right Montrose County must decide where to build the dam structure and what size the reservoir will be to meet the future needs of the west end of Montrose County.

- 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 BRTs 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 proposed activity was presented to the South West Basin Roundtable at its meeting on November 12, 2014. Montrose County was approved by the Roundtable to move on to the next phase in this WSRA grant process. The decision of the roundtable will be described by the letter of recommendation provided by the roundtable chair.

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

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- 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.

Montrose County application is made in an attempt to meet the Southwest Basin Round Table needs assessment documentation. This water project is listed on the SW Basin Roundtable (IPP list) and the (BMP) list recently delivered to the CWCBC for consideration in the Colorado Water 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)

This application requests funds from the WSRA and the SW Basin Roundtable:

\$250,000 WSRA fund

\$ 50,000 South west Basin Roundtable funds

\$300,000 Total

Montrose County is committed to \$966,000 in additional (matching funds) separate and independent of the request in this application.

Total project cost \$1,266,000

WSRA funds \$ 300,000

Montrose County \$966,000

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

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4r 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.**

This application is for partial funding for work on Case Nos. 10CW164, 10CW165, 10CW166 and 10CW169 also known as (Consolidated Cases). The decree in (Consolidated Cases) sets forth conditions that are required of Montrose County by (No later than Oct. 31, 2018.)

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).

The water developed under this project will include Municipal and Industrial water (consumptive) and along with water for piscatorial release (Non-consumptive).

- 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.

Montrose County has met with Colorado Parks and Wildlife regarding this project. It is not clear if the piscatorial water mentioned in the conditional water right will be helpful to trout but it may be helpful to the species of special concern in the San Miguel River. A letter is attached from the Colorado Parks and Wildlife office (Montrose)

Montrose County has contacted Trout Unlimited in the Southwest Basin Roundtable regarding the project. We did tell them that this potential reservoir’s water would most likely not be of benefit to trout species because of its location in the San Miguel basin.

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- 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.

When developed this project will meet future needs listed in the South west Basin needs assessment, BMP document and the Basin IPP list.

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).

Funding from WSRA will assist Montrose County to accomplish the work required under the decree conditional water rights. This work is required by the conditional decree to make determinations as to for which reservoir can be built. Along with what type of dam and spill way structures should be built. It is a fact that it is very expensive to determine if a project is even feasible. Funding from WSRA will allow Montrose County to determine if a reservoir can or even should be built.

- 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.

Montrose County is committed to accomplish the requirements under the decrees granted by the State of Colorado. Montrose County demonstrates the ability to commit \$966,000 of the costs required to determine the feasibility of building a dam and reservoir.

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.

This water when developed could be used in helping the species of special concern in the Dolores Basin

- 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.

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

Please attach additional pages as necessary.

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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.

Montrose County is attempting to determine water availability and sustainability for the potential reservoir sites. The water right held by the County is conditional water right.

The San Miguel River is the body of water being analyzed. The conditional rights identify the river as source for the water right. The location of the potential reservoirs is just upstream from Nucla, Colorado in Maverick Draw, Big Bucktail Draw, Tuttle Draw.

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

Montrose County has applied for and received permits to allow the geo technical work to be done on BLM land. These permits are part of the feasibility work contemplated in this application.

As work is completed under this investigation Montrose County will be going through the Federal NEPA requirements for locating reservoirs on BLM land. Federal requirements will be attempted when this is completed.

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

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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.

Attached is a copy of the Statement of Work supplied by the Consultants employed by Montrose County. Deere and Ault Consultants, Inc.

A detailed description is included as to what tasks are to be undertaken and what deliverables will be supplied to Montrose County and State of Colorado.

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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.

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

Signature of Applicant:



Print Applicant's Name: Marc Catlin

Project Title: Western Montrose County Reservoir Project Diligence

November 3, 2014

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