



# COLORADO WATER CONSERVATION BOARD



## WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date: Jan. 4. 2016

East Mesa Water Company Thomas Creek Crossing and  
Pipeline replacement and measuring flume at Headgate.

### Name of Water

East Mesa Water Company, Carbondale Colorado

### Name of Applicant

Colorado Basin

Amount from Statewide  
Account:

Amount from Basin  
Account(s):

Total WSRA Funds  
Requested:

Approving Basin Roundtable(s)  
*(If multiple basins specify amounts in parentheses.)*

FEIN: 84-1612324

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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](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	East Mesa Water Company			
	Mailing address:	East Mesa Water Company 1625 Prince Creek Road Carbondale, CO 81623			
	FEIN #:	84-1612324			
	Primary	Richard McIntyre	Position/Ti	Sec - Treasure	
	Email:	Richard@flvingdogales.com			
	Phone	Cell	970 948 9628	Office	970 963 1923
	Alternate	Martv Nieslanik	Position/Ti	President	
	Email	nieslanikbeef@gmail.com			
	Phone	Cell	970 948 2102	Office	970 963 6822

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 East Mesa Water Company is an incorporated ditch company in the State of Colorado. The Company has an elected board of directors that manage the day-to-day business and operations of the ditch. The Ditch has a hired “ditch walker” to manage flows of water to the users of the ditch and to do some maintenance work. The East Mesa Water Company articles of incorporation and by-laws are included in Exhibit C.

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

The ditch company will sign contracts and will hire a construction company to install the pipeline.

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.

This is not a Taxing entity

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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

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

The piped section will conserve water by reducing seepage, thus conserving irrigation water for this pre 1922 water right.

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

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 --

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

Latitud

39.348780N

Longitud

-107.197880W

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 East Mesa Water Company has completed an inventory of their Ditch and structures. This document is named “East Mesa Water Company Handbook” and has assisted us in determining the Structures and or sections that are most in need or replacement or repair. There are three sites selected for work in 2016.

The projects on the East Mesa Ditch will consist of replacing the measuring device and structure at the headgate, replacing a failing flume over Thomas Creek and replacing a segment of leaking pipe just below the Nettle Creek pipe. These projects improve an existing water supply system in the Crystal River Valley in the northern portion of Pitkin County and the southern portion of Garfield County, Colorado. This project will provide a more stable water flow and improve overall conservation efforts. Through these improvements, a more efficient water delivery system will be in place and will reduce sedimentation from ditch erosion and chance of landslides on the existing system.

This project is on the Crystal River with water rights of 41.8 CFS total allocation of which 31.8 were appropriated in 1894. The project protects the continual use of pre-1922 water rights and therefore protects Upper Basin water within compact compliance.

The East Mesa Water Company will install a 48 inch ADS plastic pipeline over Thomas Creek to replace the existing failing flume. This pipeline is located about 5 miles south of the intersection of Highway 82 and 133 at Carbondale, Colorado. The specific location is 39.348780, -107.197880. Current plans are to complete the proposed work this spring or this fall and winter while the ditch is not in use. The proposal is to construct a 140 ft. 48-inch diameter pipe over the creek.

The other small project of the Ditch is to replace about 140 feet of rusted pipe with 48 inch ADS plastic pipe in a section of the ditch that has historically leaked and the ditch embankment fails. This pipeline is located about 8.5 miles south of the intersection of Highway 82 and 133 at Carbondale, Colorado near the Nettle Creek crossing. The specific location is 39.299033, -107.213688.

The third phase will be the replacement of the failing measuring flume and short pipe section at the headgate. A new 48 inch Parshall Flume will be installed along with a 20 ft section of 46" elliptical Corrugated Metal Pipe. This portion of the project is located nine miles south of Carbondale, Co. The new Parshall Flume will provide more accurate record of water diverted for the East Mesa Ditch.. This project location is 39.293624, -107.216585.

This project and service area lies in the Crystal River Valley in the western portion of Pitkin County and serves an area in the southeastern portion of Garfield County, Colorado. The Ditch Company has approximately 8.5 miles of distribution ditch starting at the diversion 9 miles south of the intersection of Highway 82 and 133 at Carbondale, Colorado. The service area is 740 acres in size and is known locally as East Mesa of the Crystal River and lies approximately one to five miles south of Carbondale, Colorado. It should also be noted that

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much of this acreage is in numerous conservation easements held by Aspen Valley Land Trust. Therefore, the inherent continued irrigation of this property protects the beauty of Mount Sopris, the open space and agricultural setting of the area.

The ditch company services the 740 total acres with 12 users including private landowners and home owners association. The land use is nearly 100% agricultural. Irrigated acreage within the service area is primarily used for cattle ranching, nursery trees, and to grow hay and forage crops. The hay crop is used as cattle and horse feed, or is sold.

The Crystal River Valley area, Pitkin County and Garfield County, all have seen rapid population growth and development. This growth has placed additional demands on the water in the Crystal River and Roaring Fork River for agriculture irrigation, recreation, municipal and industrial uses. Matching this trend, the East Mesa Water Company has increased its number of shareholders of 6 in 1977 to 12 shareholders currently.

The area is greatly influenced by recreation, tourism and increased population, creating major changes in agriculture uses of the land and water. The water resources are having additional demands from domestic uses and industrial uses, specifically in the Town of Carbondale, as a result of this continued growth. The increased efficiency of this delivery system should ensure not only cleaner water (from the reduced debris) but also additional water into the Colorado River Basin where 4 endangered fish species are in critical habitat in Garfield County.

The economic impact of the agricultural production of the acreage affected, even assuming a small economic leverage factor, far exceeds total project cost within months, if not weeks, if this ditch were to fail. A quick economic value of the hay production alone would be: 740 ac. X 4 ton per acre X \$170.00 per ton = \$503,200.00 per year. Greater than this however, is the economic value created within the Roaring Fork Valley closely related to recreation and tourism. The effect on overall commerce would be significant if one of the most scenic views in the valley, that approaching Mt Sopris, were to be brown and dry rather than green and lush because this ditch failed. These economic and recreational effects are impossible to calculate in dollars.

This project could be involved in local conservation tours sponsored by the Mt. Sopris Conservation District. Related to this, appropriate press coverage and one-on-one discussions and meetings will educate local landowners about the improved water delivery and opportunities to protect this valuable water resource.

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### Budget:

Phase one pipe crossing at Thomas Creek		
Mobilization	\$	2,000.00
Clearing and Grubbing		5,000.00
Install pipe/concrete/I Beam/Trucking		20,000.00
140 ft. 48 inch ADS plastic pipe		10,920.00
Concrete work inlet and outlet structures		10,000.00
15 % Engineering contingency		<u>7,188.00</u>
Total estimated cost		\$55,108.00
Phase two Pipe Ditch lining		
Mobilization	\$	1,500.00
Clearing and grubbing		4,000.00
140 ft. 48 ft ADS plastic pipe		10,920.00
Installation of pipe		8,000.00
Flared Inlet		900.00
15 % Engineering contingency		<u>3,828.00</u>
Total estimated cost		\$ 29,148.00
Phase Three Headgate area Parshall flume and Pipe		
Mobilization	\$	2,000.00
Clearing and grubbing site prep.		3,000.00
48 inch Parshall Flume		5,000.00
Installation of Parshall Flume		7,000.00
46 elliptical pipe		2,800.00
Installation of 46 elliptical CMP pipe		6,000.00
15 % Engineering contingency		<u>3,889.00</u>
Total estimated cost		\$ 29,689.00
<b>Total of 3 phases</b>	<b>=</b>	<b>\$113,945.00</b>

### Project financial overview:

#### Sources of Funds

Ditch Company funds	\$ 18,945.00
Colorado River Water Conservation District - Grant Program	\$ 35,000.00
Colorado River Water Roundtable Funds	\$ 60,000.00
<b>Total</b>	<b>\$113,945.00</b>

#### Uses of Funds

Construction (Materials, Grading and Shaping, and Reclamation)	<b>\$113,945.00</b>
<b>Total</b>	<b>\$113,945.00</b>



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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>

The proposed project does not conflict with State water law and appropriation system. The project is following the Company's water rights.

- 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.

This application will be completed once evaluation and approval is given by the Colorado River Basin Roundtable.

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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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- 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.

To be determined at Colorado River Basin Roundtable meeting.

- 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)

### Budget:

#### Project financial overview:

##### Sources of Funds

Ditch Company funds	\$ 18,945.00
Colorado River Water Conservation District - Grant Program	\$ 35,000.00
Colorado River Water Roundtable Funds	\$ 60,000.00
<b>Total</b>	<b>\$113,945.00</b>

##### Uses of Funds

Construction (Materials, Grading and Shaping, and Reclamation)	\$113,945.00
<b>Total</b>	<b>\$113,945.00</b>

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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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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.

**The applicant is not applying for Statewide account funds.**

### 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

**The applicant is not applying for Statewide account funds.**

- 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).

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- 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

**The applicant is not applying for Statewide account funds.**

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

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

**Please attach additional pages as necessary.**

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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.

Water for the East Mesa Water Company is supplied by a direct diversion from the Crystal River delivered through an open ditch to shareholders of the East Mesa Water Company. The diversion from the river is located 9 miles south of the intersection of highway 82 and 133 on the east side of the River. The Ditch is usually turned on in the first two weeks of May and runs until about the middle of October.

Total Water Rights are 41.8 CFS. 10.0 CFS direct flow irrigation, domestic and other beneficial use water right in the East Mesa Ditch on the Crystal River, decreed in Civil Action No. 4033, District Court, Garfield County, with an adjudication date of October 24, 1952, and an appropriation date of May 1, 1942.

The remaining 31.8 CFS direct flow irrigation right in the East Mesa Ditch on the Crystal River, decreed in Civil Action No. 990, District Court, Garfield County, with an adjudication date of December 12, 1902, and an appropriation date of August 10, 1894.

#### **See Exhibit C for additional Legal Documents**

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

The NRCS has completed design information for this project (attached as Exhibit D). As well as Private engineering firm for the headgate and Parshall flume work.

Darcy Leavitt

GeoSpatial Logic, LLC

Pitkin County will be informed of work that involves land outside of the ditch ROW.

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.

#### **See Exhibit A**

## **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:** Marty Nieslanik, President  
East Mesa Water Company

**Project Title:** East Mesa Water Company Thomas Creek  
Crossing and Pipeline replacement

**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)