



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date:11/01/2016

Pedersen Bend Farm Recharge Project

Name of Water Activity/Project

Ducks Unlimited, Inc.

Name of Applicant

South Platte Basin

Amount from Statewide Account:

\$140,835

Amount from Basin Account(s):

\$46,945

Total WSRA Funds Requested:

\$187,780

Approving Basin Roundtable(s)

(If multiple basins specify amounts in parentheses.)

FEIN: 13-5643799

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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 (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.

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

1.	Applicant Name(s):	Ducks Unlimited, Inc.		
	Mailing address:	1825 Sharp Point Drive, Suite 118 Fort Collins, CO 80525		
	FEIN #:	13-5643799		
	Primary Contact:	Jason A. Roudebush	Position/Title:	Hydrologist
	Email:	jroudebush@ducks.org		
	Phone Numbers:	Cell: 970.231.8317	Office:	970.482.2048
	Alternate Contact:	Billy Gascoigne	Position/Title:	Ag. Economist
	Email:	bgascoigne@ducks.org		
	Phone Numbers:	Cell: 970.593.8938	Office:	970.482.2048

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

Ducks Unlimited, Inc. is a member organization structured under section 501(c)(3). The organization was created in 1937 for the conservation of North America's waterfowl and its habitat. Ducks Unlimited conserves, restores, and manages wetlands and associated habitats for North America's waterfowl. These habitats also benefit other wildlife and people.

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

N/A

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

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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

☒

X

Other

Explain:

Multi-purpose: Ag, Rec & Env (non-cons)

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

This is a multi-purpose aquifer recharge project that firms up agricultural water supplies, creates wildlife habitat, expands recreational opportunities, helps Colorado meet its obligations under the South Platte River Compact, and provides water for four threatened or endangered riverine species downstream in the Central Platte.

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

☐

Study

☒

X

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:

Longitude:

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.

With Water Supply Reserve Funds and DU matching funds, we propose to construct a series of groundwater recharge ponds and install the associated water infrastructure to deliver water from the Pedersen Ditch to the ponds (Figure 3). The existing pumps and water conveyance will be integrated with new infrastructure, enabling water managers to operate the ponds independently or in-concert, as water is available. The land surface will require earthwork to create the ponds and install in the infrastructure. After installation the site will be contoured and planted back into native grasses that support waterfowl, upland birds, and other wildlife. Once grasses have become established, the property will be opened up for grazing and haying by local livestock producers.

CWCB funds will be used to complete the following tasks:

Task 1 – Land Acquisition: completed in October 2016

Task 2 – Project Administration: scheduling, invoicing, and progress reports

Task 3 – Land Surveying and Engineering Plan Set Development: site-wide cadastral survey and creation of final engineering plan sets for construction

Task 4 – Construction: solicitation of bids, site showings, contracting, construction management, materials and labor

Task 5 – Final Report to the CWCB: upon project completion

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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.¹

The proposed application is consistent with the referenced statute as we are not seeking in any way to supersede, abrogate, or otherwise impair the current system of allocating water. We respect the General Assembly's affirmation of the state constitution's recognition of water rights as a private usufructuary property right, and our project 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.

- 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 project was evaluated by the South Platte Basin Roundtable and the members voted unanimously to fully fund the project (\$46,945) with two conditions:

1. Ducks Unlimited must enter into a water operations agreement with Julesburg Irrigation district by November 1, 2017
2. Ducks Unlimited must provide annual reporting to the Roundtable for the first three years of the project in order to evaluate the success (quantity of water) that will be recharged through the site.

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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The letter of support from SPBRT Chairman Joe Frank, outlining the two conditions is included with this application packet.

Regarding the two conditions:

Water Agreement

Ducks Unlimited worked closely with Larry Frame, Superintendent of Julesburg Irrigation District before acquiring the property to ensure that JID was onboard with project development and was willing to supply recharge water to the site. After gaining JID's approval, DU acquired the property and we are now working on the language of the water operations agreement. The specifics of the agreement will be discussed at the JID Board meeting in February 2017 and DU fully expects to have the agreement executed by both parties this spring.

Annual Reporting

Any water entering the site must be measured and reported to the Colorado State Engineer on an annual basis. DU has a staff member who sits on the South Platte basin Roundtable as the Recreational Representative and will happily report on project performance every year.

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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.

The South Platte Basin Roundtable letter of support is included with this application and fulfills Threshold Criteria B (part III 1.b.).

- d) Matching Requirement: For requests from the **Statewide Fund**, the applicants will be required to demonstrate a **50 percent** (or greater) match of the total grant request from the other sources, including by not limited to Basin Funds. A minimum match of 10% of the total grant amount shall be from Basin Account funds. A minimum match of 10% 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)

Match requirements are met. See attached Exhibit A

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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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.

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- 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.

Please refer to the project benefits section of Exhibit A where the project goals are aligned with the Critical Action Plan section (10.0) of the Colorado Water Plan.

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Part IV. – Required Supporting Material

1. **Water Rights, Availability, and Sustainability** – This information is needed to assess the viability of the water project or activity. Please provide a description of the water supply source to be utilized, or the water body to be affected by, the water activity. This should include a description of applicable water rights, and water rights issues, and the name/location of water bodies affected by the water activity.

The recharge ponds will be added under JID's plan for augmentation and receive delivery from the Pedersen Ditch.

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

No studies or permits are required to complete construction.

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.

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: Stephen E. Adair, Director

Project Title: Pederson Bend Farm Recharge Project

Date: 11/1/2016

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

EXECUTIVE SUMMARY

Ducks Unlimited (DU) proposes to construct a multi-purpose aquifer recharge project in the lower South Platte River Basin to improve agricultural viability, support strong environmental and recreational opportunities, and narrow the projected Lower South Platte net water gap of 16,000 acre-feet in 2050 (p. 4-92 SPBIP). Specifically, we propose to construct four groundwater recharge ponds on a 100-acre tract of land in Water District 64 that was acquired by DU's land holding entity, Wetlands America Trust for this project. Colorado Water Conservation Board (CWCB) funds will be used to complete the land survey, develop the engineering plan sets, acquire and install the water infrastructure, accomplish the earthwork, and provide construction management throughout the project duration.

Prior to acquisition, Lower South Platte Water Conservancy District and DU conducted on-site soil coring to determine the suitability of the alluvial sediments for groundwater recharge and general project development. The soil cores and existing drill logs from the nearby production and monitoring wells confirmed the presence of a highly permeable and continuous sand and gravel layer ranging from 20-28 feet thick. With a depth to water greater than 15 feet throughout the site, aquifer conditions are considered highly suitable for groundwater recharge operations.

The site will receive delivery of recharge water through the Pedersen Ditch, under Julesburg Irrigation District's (JID) administration. Through CWCB funding, the existing pumps and pipelines will be integrated with new water infrastructure, enabling delivery to four separate recharge cells which can be utilized independently or in-concert. The diversity of options will enable JID to better manage South Platte River water resources and improve agricultural viability into the future by firming up augmentation supplies for well depletions.

In addition to providing agricultural augmentation water to agricultural users in the area, the ponds will provide critical off-channel waterfowl and migratory bird habitat (Section 3.2.3.4 SPBIP). The ponds will aide in maintaining the habitat base for the significant population of nonbreeding waterfowl that utilize the lower South Platte River in fall, winter and, especially, spring. The added habitat will help support recreational hunting opportunities in the South Platte, which serves more than 80% of the state's waterfowl hunters.