



# COLORADO WATER CONSERVATION BOARD



## WATER SUPPLY RESERVE ACCOUNT

Today's Date:

April 20, 2017

### APPLICATION FORM

Leon Lake Reservoir / Dam Groin Seep Hole Repair

#### Name of Water Activity/Project

Leon Lake Ditch & Reservoir Company

#### Name of Applicant

Gunnison Basin Roundtable

Amount from Statewide  
Account:

\$0

Amount from Basin Account(s):

\$41,000.00

Approving Basin Roundtable(s)  
Requested:

Total WSRA Funds

\$41,000.00

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

FEIN: 84-6038786

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#### Required/Attached Exhibits

- A. Statement of Work, Budget, and Schedule
- B. Project Map
- C1. DWR Engineer's Inspection Report
- C2. DWR Reservoir Storage Restriction Order
- D1. Resource Engineering Emergency Seepage Repairs
- D2. DWR, Chief, Dam Safety Approval of Emergency Repairs
- D3. Resource Engineering Cost Estimate for Emergency Repairs

#### 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](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 Name(s): Leon Lake Ditch & Reservoir Company

Mailing address:

POB 399  
Cedaredge,  
CO 81413

FEIN #:

84-6038786

Primary Contact:

Gerald Figueroa

Position/Title:

President

Email:

glsfigueroa@sopris.net

Phone Numbers:

Cell:

970-234-7260

Office:

(H) 970-399-7137

Alternate Contact:

Dan Hawkins

Position/Title:

Vice President

Email:

danhawkins@uscdwua.com

Phone Numbers:

Cell:

970-216-6627

Office:

970-856-7199

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

Leon Lake Ditch & Reservoir Company (LLDRC) is a private corporation filed on May 20th, 1900 in the State of Colorado. LLDRC is a shareholder company (3726 shares & 156 shareholders) whose ownership is comprised of two reservoirs (Leon Lake – 2,377 af & Colby Horse Park - 470 af), appropriated in 1898, adjudicated in 1916, within Division 5 CO DWR. Both reservoirs are located at/near the headwaters of Leon Creek in Mesa County. Leon Lake's decree of 3500 af for irrigation of 5000 acres within the Surface Creek Valley, and inclusive of 2000 af multi-use (domestic/municipal/ augmentation/piscatorial) for use, either in small part share ownership or larger part GMWCD brokered exchange, by municipalities, rural private water company's - serving well over 3,500 households, and diversion augmentation requirements. All Leon Lake water is diverted via a tunnel to Surface Creek (Delta County), via Marcott Creek to Surface Creek, for administration by Division 4, CO DWR.

Leon Lake's single outlet (tunnel) is a trans-mountain diversion canal into Division 4, priority calls upon Leon Lake inflows within Division 5 are satisfied/exchanged by releases from Colby Horse Park Reservoir into Leon Creek.

Leon Lake Reservoir Dam is the subject of this Grant Application funding for Repair.

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

Not applicable.

5. Successful applicants will have to execute a contract with the CWCB prior to beginning work on the portion of the project funded by the WSRA grant. In order to expedite the contracting process, the CWCB has established a standard contract with provisions the applicant must adhere to. A link to this standard contract is included in Appendix 3. Please review this contract and check the appropriate box.

☒ The Applicant will be able to contract with the CWCB using the Standard Contract

☐ The Applicant has reviewed the standard contract and has some questions/issues/concerns. Please be aware that any deviation from the standard contract could result in a significant delay between grant approval and the funds being available.

6. The Tax Payer Bill of Rights (TABOR) may limit the amount of grant money an entity can receive. Please describe any relevant TABOR issues that may affect the applicant.

Leon Lake Ditch & Reservoir Company (LLDRC), as a private corporation, is not subject to the limitations of the Tax Payer Bill of Rights.

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### Part II. - Description of the Water Activity/Project

1. What is the primary purpose of this grant application? (XXXXXXXXXXXXX) (Please check only one)

<input checked="" type="checkbox"/>	Non-consumptive (Environmental or Recreational)	
<input checked="" type="checkbox"/>	Agricultural	
<input checked="" type="checkbox"/>	Municipal/Industrial	
<input type="checkbox"/>	Needs Assessment	
<input type="checkbox"/>	Education	
<input checked="" type="checkbox"/>	Other	Explain: Domestic, Piscatorial, and Augmentation

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

Emergency repair of Leon Lake Reservoir Dam will remove the current DWR Dam Safety fill restriction (Exhibit C2) and allow the reservoir to store it full decree which include the following:

#### NON-CONSUMPTIVE:

ENVIRONMENTAL - Both reservoirs have been used by CO FWS for fish species studies and stocking. Currently, chiefly native cutthroat trout thrive in the reservoirs.

RECREATIONAL - Hiking, fishing and camping are available and accessible via FS 4WD road 127 and hiking trail 717.

#### CONSUMPTIVE:

ARICULTURAL - Repair of the Dam will protect/preserve/restore 13% of the South Grand Mesa water storage shed as decreed to 5000 acres of Surface Creek Valley farm land. This water source is vital to the Valley's fruit, feed/hay, and livestock industries - plus, safeguard of CO's valued agricultural (shorted) water rights.

MUNICIPAL/DOMESTIC - The 2000 af municipal/domestic decree available, either through share ownership or exchange contract via the Grand Mesa Conservancy District, to the towns of Cedaredge & Orchard City, Upper Surface Creek Domestic Water Users Association, and Colby Domestic Water – inclusively serving over 3500 households. No other Grand Mesa Reservoir stores this decree's amount of M/D water, a major goal of Basin and State Initiatives.

AUGMENTATION - Current and future needs for augmentation purposes (M/I) are secured by this Reservoir's decree.

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

☐☒

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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:

This additional amount above storage capacity is factored as releases through the Leon Tunnel Canal. As Leon Lake Reservoir's only outlet is the trans-mountain diversion tunnel canal to Division 4, it stores all seasonal inflows in which the sum-total volume stored/impounded numerical value can be greater than the reservoir's capacity. When the lake's inflows are called out-of-priority, compensatory releases are then made from Colby Horse Park Reservoir.

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

Latitude: 39 Deg. 04' 06.47" North

Longitude: 107 Deg. 48' 08.76" West

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.

WSRA funds will be used to repair Leon Lake Dam Abutment and remove a current DWR Dam Safety fill restriction (Exhibit C2). This activity involves plugging (grout & patch) of an entrance seep hole on the upstream slope of the Leon Lake Dam left groin area. Repair sequence includes:

1. Draw down Leon Lake Reservoir water level down to 0.0 feet.
2. Mobilize/position equipment.
3. Excavate & stockpile fill material near repair site.
4. Over-excavate seepage repair area.
5. Apply resin grout into sinkhole.
6. Fill/compact 2' fill soil onto repair area.
7. Install & key fabric & pond liners.
8. Final backfill, compaction and grading.
9. Restoration/cleanup.
10. Demobilization.
11. Engineering Services design and during repair.

Exhibit D3, Engineer's estimate (including 20% contingency) total repair cost: \$96,660. Engineer's estimate was adjusted to exclude Repair Design (\$4,760 Paid by LLDRC) and reduction to a 10% Contingency allowance. WSRA funding to fund costs include: Roundtable Basin - \$ 41,000.00 (50% of total cost). Statewide - \$ 0.



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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>

This project will restore this facility's storage to its full June 1, 1916 adjudication potential. Hence, providing its shareholders with decreed augmentation, municipal, stock, domestic, piscatorial, and agricultural uses - all absolute.

- 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.

This project has been classified TIER 1 by the Gunnison Round Table.

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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,

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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.
- 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)

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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.

### 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

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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 Project Evaluation Criteria.

**Please attach additional pages as necessary.**

**Merits of Leon Lake Dam repair project are based upon the following ‘Evaluation Criteria’:**

Tier 1 -

- a. As Leon Lake’s multi-use decree (Irrigation, municipal, domestic, stock, piscatorial and augmentation), including consumptive/non-consumptive uses, this project is vital to many users, including but not limited to Municipalities (Cedaredge & Orchard City), rural domestic water companies, Surface Creek Valley farms, DOW and increasing demands for augmentation purposes. Moreover, in the interest of public safety, Leon Lake's 'High Hazard' classification requires this dam repair be accomplished for removal of DWR's fill and full storage restriction.
- b. Leon Lake Ditch & Reservoir Company is the applying entity. As decreed/contracted, the Grand Mesa Conservancy District and Grand Mesa Water Users Assoc. provide administration/contracting/exchanging of Leon Lake's multi-use waters - which address inter/intra basin beneficial use primary concerns and primary.
- c. Repair of Leon Lake guarantees fulfillment of CO's current/future needs - esp. growing water development and augmentation requirements.

Tier 2 – (see Tier 1)

Tier 3 - (see Tier 1)

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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.

Leon Lake Ditch & Reservoir Company comprises the ownership of two reservoirs at the headwaters of Leon Creek in Mesa County (DWR Div. 5). Those reservoirs include Leon Lake and Colby Horse Park Reservoirs. This project addresses the repair of Leon Lake's Dam abutment groin sink hole for which DWR Dam Safety has imposed a fill restriction until such repair is accomplished (Exhibit C2). Attendant decrees to Leon Lake Reservoir is a Tunnel Canal decree and Colby Horse Park Reservoir decree.

Water rights are as follows:

ID#	Name	Administration #	Adj. Date	Amount	Priority	Use Code
3839	Leon Lake Reservoir	22995.17810	06/01/1916	3500.00 af	#1	1
3839	Leon Lake Reservoir	Case #02CW026	06/01/1916	2000.00 af	#1	2,6,8,9 & A
3834	Colby Horse Park	Res. 22995.18506	06/01/1916	446.30 af	#2	1
758	Leon Tunnel Canal	22995.18425	06/01/1916	54.0 cfs	#4	T

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

Three seepage monitoring points were installed below the downstream toe of the dam two decades ago to monitor left abutment seepages. In 2009 recorded seepage had increased. Dye testing at a suspected abutment entry point verified the source of seepage. A liner patch system was installed with successful abatement of the seep. Past years since, seepage flows slowly began to increase with accelerated amounts in 2016. In addition, a seep entry point was discovered in the left abutment above ~14' water elevation level. Result of the 2016 Dam Safety Inspection on August 22, 2016 imposed a fill restriction order to not exceed the 13' level (a 51% loss of storage) – Exhibits C1 & C2 refer. On September 27, 2016, Resource Engineering, Inc., Glenwood Springs, CO designed a Leon Lake Dam seepage repair plan (Ex. D1). That repair plan was subsequently approved by CO DWR Dam Safety (Ex. D2). Resource Engineering, Inc. will be monitoring and documenting this project's repair process. A properly and sufficiently bonded/insured contractor will be conducting the repair.

As the entire repair process is contained well within the footprint of the reservoir, no permitting issues are expected.

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### 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.

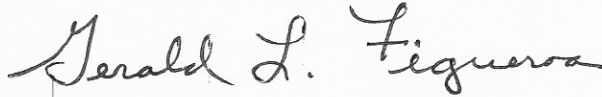
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The above statements are true to the best of my knowledge:

Signature of Applicant:



Print Applicant's Name: Gerald L. Figueroa, President, Leon Lake Ditch & Reservoir Company

Project Title: Leon Lake Reservoir / Dam Groin Seep Hole Repair

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)