Last Updated: July 2017

## Colorado Water Conservation Board

# Water Plan Grant Application

## Instructions

To receive funding for a Water Plan Grant, applicant must demonstrate how the project, activity, or process (collectively referred to as "project") funded by the CWCB will help meet the measurable objectives and critical actions in the Water Plan. Grant guidelines are available on the CWCB website.

If you have questions, please contact CWCB at (303) 866-3441 or email the following staff to assist you with applications in the following areas:

Supply and Demand Gap Projects: Rebecca.Mitchell@state.co.us

Water Storage Projects: Anna.Mauss@state.co.us

Conservation, Land Use Planning: Kevin.Reidy@state.co.us

Education & Innovation Activities: Mara.MacKillop@state.co.us

Agricultural Projects: Gregory.Johnson@state.co.us

Environmental & Recreation Projects: Linda.Bassi@state.co.us

Applicants interested in submitting an 'Intent to Apply' in the future are encouraged to check here ☐ and fill in all sections with the best information available at the time. Exhibits excluded.

This "Intent to Apply" will help CWCB prioritize Projects that are not ready for fully completed Water Plan Grant Application due to the initial timeframe and deadlines required.

## Water Project Summary

| | |
|---|---|
| Name of Applicant | La Plata Water Conservancy District |
| Name of Water Project | Bobby K. Taylor Reservoir Recharge Pits |

| | |
|---|---|
| CWP Grant Request Amount | $35,000 |
| Other Funding Sources N/A | $0 |
| Other Funding Sources N/A | $0 |
| Applicant Funding Contribution | $35,000 |
| Total Project Cost | $70,000 |

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| Applicant & Grantee Information | |
|---|---|
| Name of Grantee(s) | La Plata Water Conservancy District |
| Mailing Address | P.O. Box 71<br>Marvel, CO 81326 |
| FEIN | 84-1191941 |
| Organization Contact | Brice Lee |
| Position/Title | President |
| Email | brice@obii.net |
| Phone | 970-588-3369 |
| Grant Management Contact | Eric Bikis |
| Position/Title | Project Manager |
| Email | ericb@sgm-inc.com |
| Phone | 970-385-2340 |
| Name of Applicant<br>(if different than grantee) | Same as above. |
| Mailing Address | |
| Position/Title | |
| Email | |
| Phone | |

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| Description of Grantee/Applicant |
| --- |
| Provide a brief description of the grantee's organization (100 words or less). |
| La Plata Water Conservancy District (LPWCD), located in southwest La Plata County, was formed in 1944 by area irrigators and continues to be run by a volunteer Board.<br><br>LPWCD has been working with irrigators, ditch companies, and the Colorado Division of Water Resources (CDWR) to monitor and help solve water shortage and allocation issues.<br><br>LPWCD works with a range of water users to achieve water conservation, storage within Bobby K. Taylor (BKT) Reservoir for irrigation supplies, La Plata River Compact compliance, and native fish protection. LPWCD also manages Marvel Spring, an important, non-potable, water supply hauling station for local residents. |

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| Type of Eligible Entity (check one) | |
|---|---|
| | **Public (Government):** Municipalities, enterprises, counties, and State of Colorado agencies. Federal agencies are encouraged to work with local entities. Federal agencies are eligible, but only if they can make a compelling case for why a local partner cannot be the grant recipient. |
| X | **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:** Private parties may be eligible for funding. |
| | **Non-governmental organizations (NGO):** Organization that is not part of the government and is non-profit in nature. |
| | **Covered Entity:** As defined in Section 37-60-126 Colorado Revised Statutes. |

| Type of Water Project (check all that apply) | |
|---|---|
| | Study |
| X | Construction |
| X | Identified Process or Program |
| | Other |

| Category of Water Project (check all that apply) | | |
|---|---|---|
| X | Supply and Demand Gap Projects - Multi-beneficial projects and those projects identified in basin implementation plans to address the water supply and demand gap. (Applicable Exhibit A Task(s) _1&2__) | |
| X | Water Storage Projects - Projects that facilitate the development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs to restore the reservoirs' full decreed storage capacity. (Applicable Exhibit A Task(s) __1&2_____) | |
| | Conservation and Land Use Planning Projects - Activities and projects that implement long-term strategies for conservation, land use, and drought planning. (Applicable Exhibit A Task(s) _____) | |
| | Engagement & Innovation Projects - Activities and projects that support water education, outreach, and innovation efforts. Please fill out the Supplemental Application available on the website. (Applicable Exhibit A Task(s) _____) | |
| X | Agricultural Projects - Projects that provide technical assistance and improve agricultural efficiency. (Applicable Exhibit A Task(s) _1____) | |
| | Environmental & Recreation Projects – Projects that promote watershed health, environmental health, and recreation. (Applicable Exhibit A Task(s) _____) | |
| | Other | Explain: |

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| Location of Water Project | |
|---|---|
| Please provide the general county and coordinates of the proposed project below in **decimal degrees**. The Applicant shall also provide, in Exhibit C, a site map if applicable. | |
| County/Counties | La Plata County |
| Latitude | 37.191° |
| Longitude | -108.081° |

## Water Project Overview

Please provide a summary of the proposed water project (200 words or less). Include a description of the project and what the CWP Grant funding will be used for specifically (e.g., studies, permitting process, construction). Provide a description of the water supply source to be utilized or the water body affected by the project, where applicable. Include details such as acres under irrigation, types of crops irrigated, number of residential and commercial taps, length of ditch improvements, length of pipe installed, and area of habitat improvements, where applicable. If this project addresses multiple purposes or spans multiple basins, please explain.
The Applicant shall also provide, in Exhibit A, a detailed Statement of Work, Budget, Other Funding Sources/Amounts and Schedule.

The BKT Reservoir is located on Long Hollow just above its confluence with the La Plata River. The primary water sources for the BKT Reservoir include: natural drainage and groundwater irrigation return flows from Long Hollow and Government Draw, along with precipitation. LPWCD obtained a final decree in Division 7, Case No. 00CW49 that grants storage rights for the filling of BKT Reservoir through recharge to the Red Mesa aquifer by means of seepage from ditches and percolation through recharge pits. Practically speaking, LPWCD would divert available water in-priority from the La Plata River through existing agricultural ditches and percolate those supplies into the aquifer for natural and delayed conveyance to BKT Reservoir.

This project would consist of constructing three recharge pits atop the Red Mesa aquifer, each approximately 50 ft. x 50 ft. x 5 ft., with 3:1 side slopes. In addition, a total of 11,020 linear feet across six laterals, each approximately 2 ft. x 2 ft., with 2:1 side slopes, would be constructed from existing ditches to the new recharge pits. This project would also include the installation of six headgates and fourteen measurement structures for LPWCD operation and CDWR administration.

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## Measurable Results

To catalog measurable results achieved with the CWP Grant funds, please provide any of the following values as applicable:

| | | |
|---|---|---|
| N/A | New Storage Created (acre-feet) | |
| 250-500 AF | New Annual Water Supplies Developed or Conserved (acre-feet), Consumptive or Nonconsumptive | |
| N/A | Existing Storage Preserved or Enhanced (acre-feet) | |
| N/A | Length of Stream Restored or Protected (linear feet) | |
| N/A | Efficiency Savings (indicate acre-feet/year OR dollars/year) | |
| N/A | Area of Restored or Preserved Habitat (acres) | |
| N/A | Quantity of Water Shared through Alternative Transfer Mechanisms | |
| N/A | Number of Coloradans Impacted by Incorporating Water-Saving Actions into Land Use Planning | |
| 3<br>11,020 | Other | Explain: Recharge Pits<br>Linear feet of laterals installed |

## Water Project Justification

Provide a description of how this water project supports the goals of Colorado's Water Plan, the most recent Statewide Water Supply Initiative, and the applicable Roundtable Basin Implementation Plan and Education Action Plan. The Applicant is required to reference specific needs, goals, themes, or Identified Projects and Processes (IPPs), including citations (e.g. document, chapters, sections, or page numbers).

The proposed water project shall be evaluated based upon how well the proposal conforms to Colorado's Water Plan Framework for State of Colorado Support for a Water Project (CWP, Section 9.4, pp. 9-43 to 9-44;)

The BKT Reservoir Recharge Pits project will provide an estimated average of 250-500 AF per year of new water supply development, depending on the type of water year, to further enhance the inflows into BKT Reservoir. The Southwest Basin Roundtable specifically addressed these BKT Reservoir recharge pits in its Basin Implementation Plan Appendix A Identified Projects and Processes (IPP) List in ID No.14-LaP.

The La Plata River Basin is over-appropriated, under strict administration by the Division of Water Resources, and is bound by the 1922 La Plata River Compact. The BKT Reservoir stores water during the non-Compact season for multiple uses, including: the exchange of stored supplies for 23 irrigation ditches, whose combined service area is approximately 21,000 acres; supplemental water supply to meet the La Plata River Compact; and to provide water during low flows to support the native fisheries in the La Plata River, per the 2007 Memorandum of Understanding with the LPWCD, Colorado Department of Natural Resources, Colorado Division of Parks and Wildlife (CDPW), and the Division of Water Resources.

All additional water supply development in BKT Reservoir benefits local irrigators by reducing the agricultural water supply gap, the CDWR in meeting its daily La Plata River Compact requirements with New Mexico, and the CDPW in supporting native local fisheries, as well as enhancing the La Plata River base flows. LPWCD has obtained a decree for the use of recharge pits to store water in BKT Reservoir, and has initiated technical analyses with the CDWR to coordinate the administration of the

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## Water Project Justification

recharge storage. LPWCD is able to fund half of the project and will employ a local contractor who is experienced in ditch work and maintenance. This project is technically and fiscally feasible and shovel-ready.

The construction of the laterals and recharge pits will be conducted on privately held lands whose owners are engaged in ongoing coordination regarding the construction of the recharge pits and facilities, and will not require any permitting. Tracking of the water diversions, including recharge, will be completed by the LPWCD, and will ultimately benefit the CDWR in administering La Plata River Compact operations.

## Related Studies

Please provide a list of any related studies, including if the water project is complementary to or assists in the implementation of other CWCB programs.

LPWCD and its engineers are currently coordinating the required delayed return flow analyses with the CDWR to establish the required structures, monitoring, and delayed inflow timing associated with the recharge of the Red Mesa aquifer.

## Previous CWCB Grants, Loans or Other Funding

List all previous or current CWCB grants (including WSRF) awarded to both the Applicant and Grantee. Include: 1) Applicant name; 2) Water activity name; 3) Approving RT(s); 4) CWCB board meeting date; 5) Contract number or purchase order; 6) Percentage of other CWCB funding for your overall project.

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## Previous CWCB Grants, Loans or Other Funding

1) LPWCD, La Plata River Water Resources Operations Model, $148,823, January 12, 2011, No. C150477. 80% CWCB, 20% LPWCD Match.

2) LPWCD, Long Hollow Reservoir Compact Delivery Study, $52,950, July 16-17, 2014, No. POGGI PDAA 20150000000000000122, 72% CWCB, 19% LPWCD Match, 9% CDWR.

3) LPWCD, Joseph Freed & Red Mesa Headgate and Ditch Improvement Project in the Southwest River Basin, $71,552, September 21-22, 2016, No. POGG1 PDAA 201700000460, 77% CWCB, 23% LPWCD Match.

## Taxpayer Bill of Rights

The Taxpayer Bill of Rights (TABOR) may limit the amount of grant money an entity can receive. Please describe any relevant TABOR issues that may affect your application.

LPWCD held a vote amongst its members on November 6, 2001 addressing budget issues related to TABOR. The result was an approval of the following referred issue:

WITHOUT AUTHORIZING ANY PROPERTY TAXES, SHALL THE LA PLATA WATER CONSERVANCY DISTRICT OF LA PLATA COUNTY, COLORADO, BE AUTHORIZED TO COLLECT, AND EXPEND OR RETAIN THE FULL AMOUNT OF ANY REVENUE RECEIVED
AFTER NOVEMBER 6, 2001 FROM ANY SOURCE, INCLUDING NON-FEDERAL GRANTS,
NOT WITHSTANDING ANY RESTRICTION ON REVENUE OR SPENDING, INCLUDING THE REVENUE GROWTH LIMITATIONS CONTAINED IN C.R.S. SECTION 29-1-301, et seq., AND IN ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION, SUCH AUTHORIZATION TO CONSTITUTE A VOTER-APPROVED REVENUE AND SPENDING CHANGE?

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| Submittal Checklist | |
|---|---|
| X | I acknowledge the Grantee will be able to contract with CWCB using the Standard Contract. |
| Exhibit A | |
| X | Statement of Work(1) |
| X | Budget & Schedule(1) *(Spreadsheet)* |
| X | Letters of Matching and/or Pending 3rd Party Commitments(1) |
| Exhibit C | |
| X | Map(1) |
| | Photos/Drawings/Reports |
| | Letters of Support (Support letter from Basin Roundtable encouraged) |
| | Certificate of Insurance (General, Auto, & Workers' Comp.) |
| | Certificate of Good Standing with Colorado Secretary of State(2) |
| | W-9(2) |
| | Independent Contractor Form(2) (If applicant is individual, not company/organization) |
| Engagement & Innovation Grant Applicants ONLY | |
| | Engagement & Innovation Supplemental Application(1) |

(1) Required with application.
(2) Required for contracting. While optional at the time of this application, submission can expedite contracting upon CWCB Board approval.

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## Colorado Water Conservation Board

### Water Plan Grant - Exhibit A

## Statement Of Work

| | |
|---|---|
| **Date:** | **August 1, 2017** |
| **Name of Applicant:** | **La Plata Water Conservancy District** |
| **Name of Water Project:** | **Bobby K. Taylor Reservoir Recharge Pits** |
| **Funding Source:** | **CWCB** |

**Water Project Overview:** Please provide a summary of the proposed water project (200 words or less). The same summary can be used from Page 5 of the CWP Grant Application.

The BKT Reservoir is located on Long Hollow just above its confluence with the La Plata River. The primary water sources for the BKT Reservoir include: natural drainage and irrigation return flows from Long Hollow and Government Draw, along with precipitation. LPWCD obtained a final decree in Division 7, Case No. 00CW49 that grants storage rights for the filling of BKT Reservoir through recharge to the Red Mesa aquifer by means of seepage from ditches and percolation through recharge pits. Practically speaking, LPWCD would divert available water in-priority from the La Plata River through existing agricultural ditches and percolate those supplies into the aquifer for natural and delayed conveyance to BKT Reservoir.

This project would consist of constructing three recharge pits atop the Red Mesa aquifer, each approximately 50 ft. x 50 ft. x 5 ft., with 3:1 side slopes. In addition, a total of 11,020 linear feet across six laterals, each approximately 2 ft. x 2 ft., with 2:1 side slopes, would be constructed from existing ditches to the new recharge pits. This project would also include the installation of six headgates and fourteen measurement structures for LPWCD operation and CDWR administration.

**Objectives:** List the objectives of the project.

Objectives of the proposed work:

- Construct three recharge pits and associated laterals, headgates, and measurement structures that can be used during the non-compact season to recharge the Red Mesa aquifer.
- Recharge of the Red Mesa aquifer will increase inflows into the BKT Reservoir.
- Water stored in the BKT Reservoir can be used to:
    - Reduce the agricultural water supply gap by developing additional agricultural supplies for exchange.
    - Improve La Plata River Compact deliveries and streamline water management.
    - Help to support native fish species.
    - Enhance La Plata River base flows.

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| Tasks |
|---|
| Provide a detailed description of each project task using the following format: |
| **Task 1 – Construct three recharge pits and equip six recharge pits** |
| Description of Task: |
| • Construct three recharge pits atop the Red Mesa aquifer; an additional three pits currently exist.<br>• Equip six recharge pits with CDWR approved measurement devices. |
| Method/Procedure: |
| • LPWCD contractor will use a dozer, backhoe, and excavator to construct three recharge pits.<br>  ○ Each pit will measure approximately 50 ft. x 50 ft. x 50 ft., with 3:1 side slopes. |
| Grantee Deliverable: Describe the deliverable the grantee expects from this task |
| Construction of three recharge pits and equip six recharge pits. |
| CWCB Deliverable: Describe the deliverable the grantee will provide CWCB documenting the completion of this task |
| A final report for task 1 will be submitted documenting work performed including photographs. |

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| Tasks |
|---|
| Provide a detailed description of each task using the following format: |
| **Task 2 – Construction of Recharge Pit Laterals** |
| Description of Task: |
| • Construct a total of 11,020 linear feet combined for six laterals from existing ditches to the six recharge pits.<br>• Equip laterals with operable headgates.<br>• Equip laterals with six headgates and eight CDWR-approved measurement structures. |
| Method/Procedure: |
| • LPWCD contractor will use a dozer, backhoe, and excavator to construct six laterals and associated measurement structures.<br>  ○ Each lateral will measure approximately 2 ft. x 2 ft., with 2:1 slopes |
| Grantee Deliverable: Describe the deliverable the grantee expects from this task |
| Construction of six laterals, six headgates, and eight associated measurement structures. |
| CWCB Deliverable: Describe the deliverable the grantee will provide CWCB documenting the completion of this task |
| A final report for task 2 will be submitted documenting work performed including photographs. |

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## Budget and Schedule

This Statement of Work shall be accompanied by a combined Budget and Schedule that reflects the Tasks identified in the Statement of Work and shall be submitted to CWCB in excel format.

## Reporting Requirements

**Progress Reports:** The applicant shall provide the CWCB a progress report every 6 months, beginning from the date of issuance of a purchase order, or the execution of a contract. The progress report shall describe the status 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. The CWCB may withhold reimbursement until satisfactory progress reports have been submitted.

**Final Report:** At completion of the project, the applicant shall provide the CWCB a Final Report on the applicant's letterhead that:

- Summarizes the project and how the project was completed.
- Describes any obstacles encountered, and how these obstacles were overcome.
- Confirms that all matching commitments have been fulfilled.
- Includes photographs, summaries of meetings and engineering reports/designs.

The CWCB will withhold disbursement the last 10% of the budget until the Final Report is completed to the satisfaction of CWCB staff. Once the Final Report has been accepted, and final payment has been issued, the purchase order or grant will be closed without any further payment.

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COLORADO
Colorado Water Conservation Board
Department of Natural Resources

# Colorado Water Conservation Board

## Water Plan Grant - Exhibit A
## Budget and Schedule

**Date: August 1, 2017**

**Name of Applicant: La Plata Water Conservancy District**

**Name of Water Project: Bobby K. Taylor Reservoir Recharge Pits**

| Task No. | Task Description | Start Date[1] | End Date | Water Project Funding Category | Grant Funding Request | Match Funding | Total |
|---|---|---|---|---|---|---|---|
| 1 | Construct three recharge pits (50 ft x 50 ft x 5 ft with 3:1 side slope) | 1/15/2018 | 5/31/2018 | Agricultural | $4,500 | $4,500 | $9,000 |
| 2 | Construct laterals from ditches to recharge pits with diversion and measurement structures (11,020 ft x 2 ft x 2 ft with 2:1 side slope) | 01/15/2018 | 5/31/2018 | Agricultural | $30,500 | $30,500 | $61,000 |
| | | | | **Total** | $35,000 | $35,000 | $70,000 |

**(1)** Start Date for funding under $100K, minimum 45 Days from Board Approval; Start Date for funding over $100K, minimum 90 Days from Board Approval.

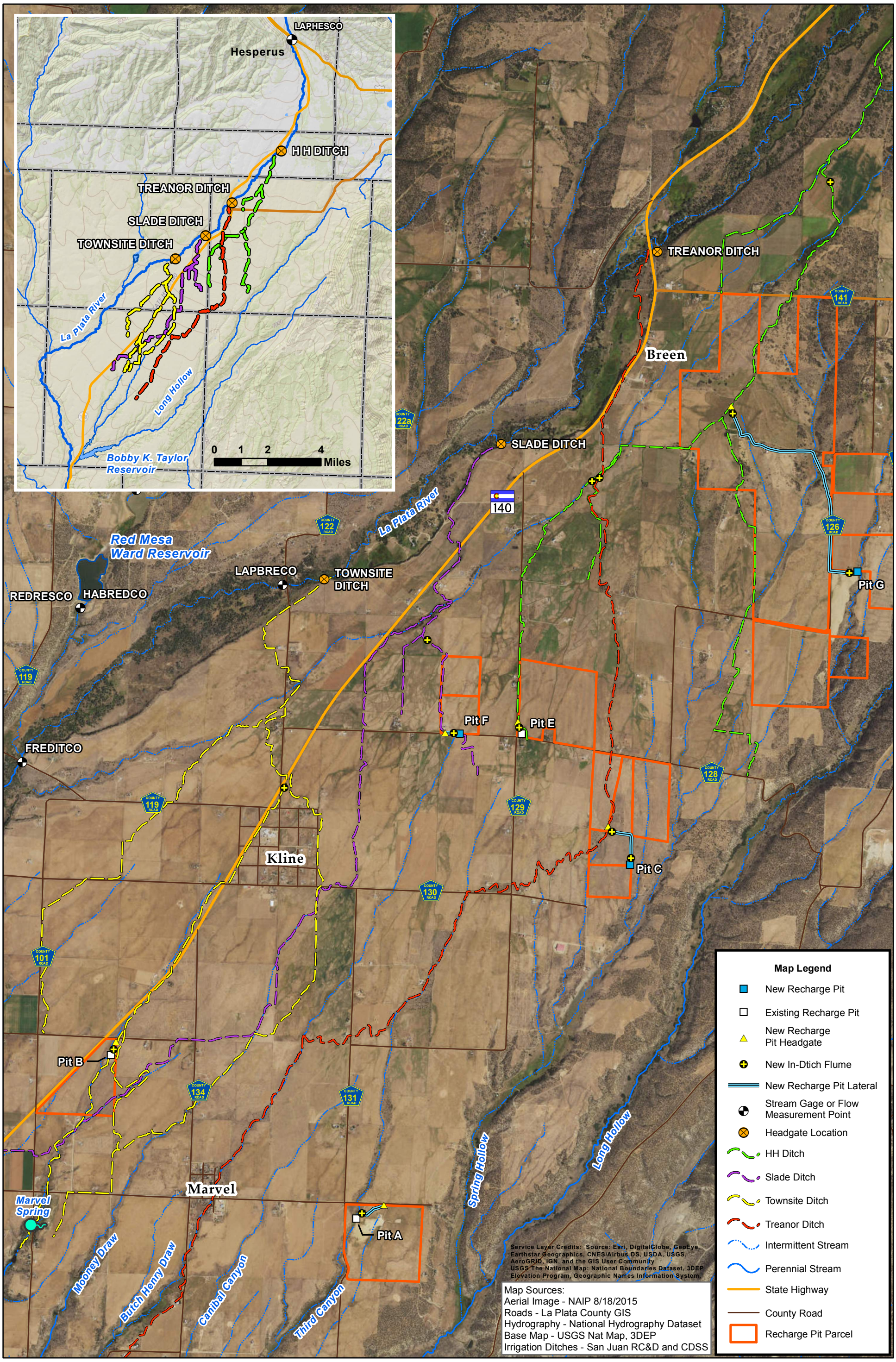
·Round values up to the nearest hundred dollars.

·Reimbursement eligibility commences upon the grantee's receipt of a Notice to Proceed (NTP)

·NTP will not be accepted as a start date. Project activities may commence as soon as grantee enters contract and receives formal NTP if prior to the listed "Start Date".

·The applicant shall provide a progress repost every 6 months, beginning from the date of contract execution.

·CWCB will withhold disbursement of the last 10% of the total grant amount until a Final Report is completed to the satisfaction of CWCB staff (2017 CWP Grant Guidelines).




SGM
555 RiverGate Lane, Suite B4-82
Durango, CO 81301
(970) 385-2340ph 385-2341fx
www.sgm-inc.com

N

0 1,500 3,000 6,000 Feet

1 inch = 3,000 feet

Designed by:RZM
Checked by: NJD
Date: 8/1/2017
Scale: 1:36,000

# LPWCD Recharge Pits and Laterals

DRAFT

Figure 1

P:\Project Files\00206 LPWCD\Mapping\ArcMap_files\2017\Recharge-Pits\Fig1-LPWCDPitsLaterals.mxd

**LA PLATA WATER CONSERVANCY DISTRICT**
**PO Box 71**
**Marvel, CO 81329-0071**

August 1, 2017

Email: Gregory.Johnson@state.co.us

Mr. Gregory Johnson
Colorado Water Conversation Board
1313 Sherman St, Room 718
Denver, CO 80203

Re: Colorado Water Plan Grant Fund Application – Bobby K. Taylor Reservoir Recharge Pits

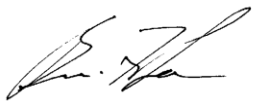
Dear Mr. Johnson,

The La Plata Water Conservancy District (LPWCD) obtained a final decree in Division 7, Case No. 00CW49 that grants storage rights for the filling of Bobby K. Taylor (BKT) Reservoir through recharge to the Red Mesa aquifer by means of seepage from ditching and percolation through recharge pits. LPWCD is seeking CWCB funding through the Colorado Water Plan Grant program to increase storable inflows to the BKT Reservoir. The existing BKT Reservoir is used for agricultural water supply, Compact compliance with New Mexico, and to support native fisheries.

The BKT Reservoir Recharge Pits project will involve the construction of three recharge pits, six laterals, six headgates and fourteen measurement structures. The completion of this project will improve La Plata River compact operation, water management and conservation, increase efficiency of water delivery to Colorado ditches, reduce the agricultural water supply gap, help support native fish populations and enhance the La Plata River base flow.

We are very supportive of this project and are seeking LPWCD Board approval of $35,000 to fund the Bobby K. Taylor Reservoir Recharge Pits Project at the upcoming LPWCD board meeting to be held on August 8th, 2017. We anticipate the Board will fully endorse and approve of this use of LPWCD funds for the BKT Reservoir Recharge Pits project. We request the CWCB also support this important project in the La Plata River Basin. Please contact me if you have any questions.

**LA PLATA WATER CONSERVANCY DISTRICT**



Brice F. Lee, President

**LA PLATA WATER CONSERVANCY DISTRICT**
**PO Box 71**
**Marvel, CO 81329-0071**

August 10, 2017

Email: Gregory.johnson@state.co.us

Mr. Gregory Johnson
Colorado Water Conversation Board
1313 Sherman St, Room 718
Denver, CO 80203

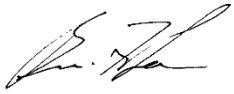
Re: Colorado Water Plan Grant Fund Application – Bobby K. Taylor Reservoir Recharge Pits

Dear Mr. Johnson,

The La Plata Water Conservancy District (LPWCD) has submitted a Colorado Water Plan Grant application request of $35,000 for the proposed Bobby K. Taylor (BKT) Reservoir Recharge Pits project. Since the submittal of that application on August 1st, the LPWCD Board has approved of the $35,000 matching funds for the Bobby K. Taylor Reservoir Recharge Pits Project at the August 8, 2017 LPWCD board meeting. The Board fully endorses and approves of this use of LPWCD funds for the BKT Reservoir Recharge Pits.

Please contact me if you have any questions or need additional information.

**LA PLATA WATER CONSERVANCY DISTRICT**



Brice F. Lee, President

COLORADO
Division of Water Resources
Department of Natural Resources

Water Division 7 – Main Office
160 Rockpoint Drive, Suite E
Durango, CO 81301

September 1, 2017

Brent Newman
1313 Sherman St., Room 718
Denver, CO 80203
Sent via email: Brent.newman@state.co.us

RE: La Plata Water Conservancy District Grant Applications

Dear Mr. Newman,

I am writing you in response to your inquiry into the La Plata Water Conservancy District's two Colorado Water Plan Grant applications, the first being the Red Mesa Aquifer Recharge Project and the second being the Treanor Enterprise Ditch Company's Ditch Lining Project. As you know the La Plata River is over-appropriated in Colorado and is legally bound under a 1922 interstate compact to deliver water to New Mexico. Under my supervision, staff strictly administers water rights within the La Plata River Basin and delivers compact water to the state line every year. Even during wet years (such as 2017) there is not enough water available for all water users within the basin. Both projects were identified in the Southwest Basin Implementation Plan IPP list, and could benefit water users, the La Plata River and the Compact.

The La Plata Water Conservancy District's (LPWCD) Bobby K. Taylor (BKT) Reservoir has been operational for three years now, and has provided additional water supplies to a diverse set of stakeholders including more than 20 ditch companies, and has provided me and my staff with an additional tool to meet the needs of Colorado water users while helping fulfill our obligation to New Mexico. Specifically, at the end of each November, the La Plata River Compact period ends, and LPWCD can store available inflows for all the mentioned uses. However, the first 300 AF of all storage supplies are dedicated to the DWR for La Plata River Compact compliance. We have a Memorandum of Agreement that was executed in 2007 between the DWR and LPWCD that specifies these operations for the BKT Reservoir.

LPWCD obtained a decree that allows them to divert water in priority (when available) to recharge the Red Mesa Aquifer. This effectively allows LPWCD to retime and redirect runoff to increase baseflows into Long Hollow and Government Draw which fill the BKT Reservoir. The hydrology within the La Plata River varies significantly between wet and dry years, and retiming and redirecting surplus supplies to increase baseflows will result in additional BKT Reservoir storage, including the DWR's Compact Pool for subsequent release. LPWCD's engineers are working with DWR staff in Denver to quantify the timing of these recharge rights. My staff will oversee the measurement and recording of future diversions for the benefit of multiple stakeholders in the BKT Reservoir. After three years of overseeing BKT Reservoir operations, we have seen direct benefits in our operations and administration of the La Plata River and

our Compact with New Mexico, and can confirm that water has been passed through the reservoir for native fish during times of the year.

Regarding the Treanor Ditch, the ditch owners have quantified significant ditch losses through the upper portion of their ditch, and are seeking to leverage their maintenance funds to line a greater distance of the ditch. This project will allow them to more fully utilize their water rights by reducing ditch losses. The lining project will allow for the Treanor Ditch to achieve a greater water supply without additional diversions from the La Plata River. The majority of the surface water and irrigation groundwater return flows from the Treanor Ditch accrues to Long Hollow and may be stored in BKT Reservoir when in-priority or may be passed through to meet native fish flow requirements. Further, the Treanor Ditch is one of the supply ditches that will convey supplies to the LPWCD Red Mesa Recharge Pits.

Please contact me if you have any questions.

Sincerely,

/s/ Robert B. Genualdi

Robert B. Genualdi
Division Engineer
Division 7

# MEMORANDUM OF AGREEMENT BETWEEN THE COLORADO DIVISION OF WATER RESOURCES AND THE LA PLATA WATER CONSERVANCY DISTRICT ON THE OPERATION OF LONG HOLLOW RESERVOIR

## I. Purpose

This Memorandum of Agreement (MOA) sets out the agreement between the Colorado Division of Water Resources ("CDWR") and the La Plata Water Conservancy District ("LPWCD") regarding the operation of the proposed Long Hollow Reservoir ("the Reservoir"), including both the District and Compact Pools of the Reservoir. The Reservoir is to assist in fulfilling Colorado's obligations under the La Plata River Compact ("Compact") while providing at least two major incidental benefits: supplemental irrigation water by exchange to Colorado water users diverting from the La Plata River and improved base flow conditions on the La Plata River.

This MOA does not change or expand agency authorities or supersede, abrogate or impair, the Compact, well permits, the authority of the District Court, Water Division 7 ("Water Court") or Water Court decrees. The State Engineer remains responsible for all Colorado water rights administration, including, but not limited to, operation of Long Hollow Reservoir in priority, as described below.

## II. Reservoir Operations

LPWCD shall operate the Reservoir under the direction of the State Engineer to capture and store water that is legally and physically available without adverse impact to Colorado's compliance with its Compact water delivery obligations to New Mexico, or injury to other Colorado water rights and in compliance with the Piscatorial Agreement between LPWCD and the Colorado Department of Natural Resources, dated May 31, 2007, and available from LPWCD

for review, for the protection of the roundtail chub in the Lower La Plata River. The storage of water in the Reservoir shall be controlled by the priority system and the terms and conditions of LPWCD's decreed water rights for the Reservoir.

## III. Reservoir Pools

The Reservoir shall have two designated pools for annual Reservoir operations and accounting:

1. A Compact Pool of 300 acre-feet. The Compact Pool is to fill first, to a maximum of 300 acre-feet, and be used to help meet Compact obligations when River conditions are such that an attempt to deliver water for Compact purposes from the upper La Plata River to the lower River would be futile. During periods of futile conditions as determined by the Division 7 Engineer, Colorado ditches will be entitled to divert and utilize water in the upper La Plata River as has been the historic practice. The Compact pool will be used to supplement the flows in the lower La Plata River and its tributaries to assist in meeting New Mexico's Compact entitlement.

2. A District Pool, defined as the annual volume difference between the maximum amount of water in physical storage in the Reservoir and the Compact Pool. The District Pool is to fill second to the Compact Pool and is to be used to provide supplemental irrigation water to La Plata River water rights in priority by exchange, water banking, direct delivery or augmentation, and by delivering water to the Lower Index Gage in lieu of curtailing existing water rights.

3. No volume of water in the Reservoir is designated for piscatorial releases to the stream. The Piscatorial Agreement requires only that inflow into the Reservoir be bypassed under certain conditions.

## IV. Operating Principles and Reservoir Release Schedule During a Compact Call

LPWCD agrees to the following principles regarding reservoir operations when a New Mexico Compact call is in effect:

1. The parties agree that Colorado's obligations under Article II.2 of the Compact are not affected by the existence or operation of the Reservoir or this Agreement or whether the Compact Pool is empty, and the CDWR retains authority to take actions necessary to fulfill such obligations.

2. Compact Pool. The parties agree that if the flow at the Interstate Station, as described in Article I of the Compact, is less than one-half the flow at the Hesperus Station, as described in Article I of the Compact, and the La Plata River is being administered such that an attempt to deliver water for Compact purposes from the upper La Plata River to the lower River would be futile as determined by the Division Engineer, the Division Engineer may call for the release of water from the Compact Pool to satisfy the requirements of Article II.2 of the Compact.

3. District Pool. Water shall be released from the District Pool at the sole direction of the LPWCD and in compliance with Colorado law. The LPWCD may rely on such releases to support in priority exchanges to provide supplemental irrigation water supply for La Plata ditches, and such releases from the District Pool shall, at the direction of the LPWCD, be accounted for as exchanges for that purpose.

## V. Operating Principles and Reservoir Release Schedule Without a Compact Call

At times when there is no call from New Mexico under the Compact, releases may be made from the District Pool for beneficial use in accordance with the Doctrine of Prior Appropriation and Colorado law.

## VI. Reservoir Storage, Management, Accounting, and Reporting

1. Prior to beginning storage of any water in the Reservoir, LPWCD shall complete the following:

   a. install a permanent Reservoir elevation gage with a satellite relay monitoring system at a location approved by the Division 7 Engineer;

   b. provide a Reservoir surface area-capacity-elevation table approved by a Licensed Professional Engineer in a format acceptable to the Division 7 Engineer;

   c. install a gage with a satellite relay monitoring station to measure inflow to the reservoir on Government Draw, above the Reservoir, at a location acceptable to the Division 7 Engineer and install a gage with satellite monitoring to measure inflow to the reservoir on Long Hollow Creek above the Reservoir at a location acceptable to the Division 7 Engineer; and,

   d. install a gage with a satellite relay monitoring station to measure releases from the reservoir, on Long Hollow just below the reservoir outlet at a location acceptable to the Division 7 Engineer, and,

e. install a gage with a satellite relay monitoring station on the La Plata River below the confluence of Long Hollow and the La Plata River at a location acceptable to the Division 7 Engineer;

2. After storage of water begins in the Reservoir, and within a time acceptable to the Division 7 Engineer, the LPWCD shall complete the following:

a. provide daily to the Division 7 Engineer, and/or his representative, Reservoir elevations and a release schedule, during the period February 15 through November 30 and weekly reports during the period December 1 through February 14; and,

b. provide a plan of operations, acceptable to the Division 7 Engineer, prior to the annual meeting required by paragraph VI below, for the subsequent year's Reservoir operations.

3. Evaporation Accounting. Evaporation shall be assessed to the Compact Pool and District Pool in proportion to each Pool's percentage of the overall active Reservoir Pool capacity.

## VI. Performance Review and Coordination

The Colorado State Engineer, or the State Engineer's designee, and the LPWCD Board of Directors, and/or their representatives, shall meet annually, no later than February 1 of each year, unless all parties to this agreement consent to a later date in writing, regarding the effectiveness and progress of activities identified in this MOA.

## VII. Effective Date

This agreement is effective upon the date of signature of all parties below and will continue in force until modified by mutual consent or mutually terminated.

**Approved:**

COLORADO DIVISION OF WATER RESOURCES

Hal D. Simpson
State Engineer

Date: 5/31/07

LA PLATA WATER CONSERVANCY DISTRICT

Bruce F. Lee, President

Date: 4/30/07

MEMORANDUM OF UNDERSTANDING REGARDING
LONG HOLLOW RESERVOIR OPERATIONS
TO BENEFIT THE NATIVE FISHERY IN THE LA PLATA RIVER

This Agreement, effective on the date of the last party to sign, is executed by the La Plata Water Conservancy District ("LP District"), a Colorado quasi-municipal public entity established under and subject to C.R.S. §37-45-101, et seq., the Colorado Department of Natural Resources ("CDNR"), The Colorado Division of Water Resources ("CDWR") and the Colorado Division of Wildlife ("CDOW")

A. Pass Through of Flows entering Long Hollow Reservoir to Help Sustain Native Fish Habitat.

1. The LP District intends to construct Long Hollow Reservoir ("LHR"), an on-stream Reservoir, with a planned capacity of 5,400 acre-feet, on Long Hollow, a tributary to the La Plata River, to be located approximately 22 miles southwest of Durango, Colorado, in Sections 29, 32, and 33, Township 33 North, Range 12 West, N.M.P.M.

2. In order to maintain habitat for Colorado-listed native aquatic species of concern, primarily the roundtail chub, a New Mexico endangered fish, in the La Plata River below its confluence with Long Hollow ("Confluence"), a flow of 4 cfs at the Confluence has been determined by the CDOW to be appropriate. Therefore, as part of operating LHR, the LP District, or the operator of LHR ("LHR Operator"), will help to provide fishery flows during the La Plata River Compact Non-Compact period (December 1 through February 14) ("Non-Compact Period") when the flow at the Confluence, measured as the "Lower La Plata Gauge Index Flow," see Paragraph 3 below, is less than 4 cfs.

To seek to maintain the 4 cfs flow during the Non-Compact period the inflow into LHR, as measured as described in Paragraph 5 below, will be compared to the "Five Year Average Daily Flow" in Long Hollow. For the day of each week ("Administration Date") that the CDWR checks the LHR inflow and level of the bypass through LHR ("Pass Through"), the LHR Operator will Pass Through LHR native inflow according to the following provisions:

a. If the LHR inflow is greater than 90% of the Five Year Average Daily Flow for the Administration Date, as measured as described in Paragraph 5 below, the LHR Operator will Pass Through LHR 2.0 cfs or the amount of natural inflow into LHR, whichever is less.

b. If the LHR inflow is less than or equal to 90% but greater than 80% of Five Year Average Daily Flow for the Administration Date, as measured as described in Paragraph 5 below, the 2.0 cfs LHR Pass Through requirement will be reduced to 1.5 cfs or the amount of natural inflow into LHR, whichever is less.

c. If the LHR inflow is less than or equal to 80% of Five Year Average Daily Flow, as measured for the Administration Date as described in Paragraph 5 below, the maximum LHR Pass Through requirement will be reduced to 1.0 cfs or the amount of natural inflow into LHR, whichever is less.

d. In no case shall the Pass Through exceed the amount of water necessary to meet the 4 cfs Lower La Plata Gauge Index Flow.

e. At the end of the non-compact period, CDWR shall provide a report to CDOW summarizing the amounts and dates of water passed through the reservoir under the terms and conditions of this section A(2).

3. The "Lower La Plata River Gauge Index Flow" is the measured flow at a gauge located on the La Plata River immediately below the Confluence, the "Lower La Plata Gauge," see Paragraph 4 below, plus any diversions into the Morgan & Stambaugh Ditch, with a headgate located on the La Plata River approximately 50 to 100 feet above the Confluence.

4. Three new stream gauging stations will be operating on or before LHR construction is complete, as follows: 1) on the La Plata River immediately below the Confluence (Lower La Plata Gauge), 2) in Long Hollow immediately above the LHR full pool elevation (Long Hollow Inflow Gauge), and 3) in Government Draw immediately above the LHR full pool elevation (Government Draw Inflow Gauge). Because the LHR embankment will be built at or on the existing Long Hollow Gauge prior to the completion of LHR, the existing Long Hollow Gauge, located approximately 2,000 feet above the Confluence will be moved downstream a sufficient distance to measure the outflow from LHR (Long Hollow Outflow Gauge).

5. a. The "Average Daily Flow" in Long Hollow will be based on the five-year running average of the daily flow measured at the existing Long Hollow Gauge. After installation of the Long Hollow and Government Draw Inflow Gauges, the sum of the Long Hollow and the Government Draw Inflow Gauges will replace the readings at the Long Hollow Gauge. The five-year daily running average will be calculated using daily flow data for the previous five years of record, as described in Paragraph 5(b) below. Flow records have been recorded at the Long Hollow Gauge, constructed in 1988, for irrigation years 1989 to 2006.

b. To determine the "Five Year Average Daily Flow," the Long Hollow and Government Draw Inflow Gauges will be used, in conjunction with the Long Hollow Outflow Gauge, for the first four years of measurement after completion of filling LHR. During year five, only the Inflow Gauges will be used. For example, during the first year, four years of data from the Outflow Gauge and one year of data from the Inflow Gauges will be used to calculate the five-year running daily average. During the fourth year, four years of Inflow Gauge data and one year of Outflow Gauge data will be used to calculate the five-year running average. During and after the fifth year, the "Five Year Average Daily Flow" will be calculated using data from only the Inflow Gauges.

6. No water previously stored in LHR will be released from storage to help to meet the 4 cfs fishery goal. Rather native inflow will be by-passed (or passed through LHR) to help to meet the 4 cfs fishery goal.

7. In order assist in meeting the goals of this Memorandum of Understanding, during the Non-Compact Period the CDWR shall give the CDOW prior notification of any proposed diversion from the La Plata River below the confluence of Long Hollow, or in the Morgan Stambaugh Ditch immediately upstream of the confluence, that may reduce the quantity of water in

the La Plata River to an amount lower than the CDOW desired flow of 4 cfs from the confluence downstream to the Colorado/New Mexico state line. The CDWR shall determine that such diversions are a reasonable beneficial use of water prior to allowing such diversion.

B. Mitigation related to non-native fish species.

The following requirements, related to preventing the establishment of a non-native fishery in LHR and below LHR in the La Plata River, are deemed acceptable and prudent: the LP District 1) shall have installed a screen in the LHR outlet works; 2) shall not stock non-native fish in LHR; and, 3) shall restrict public access to LHR.

**LA PLATA WATER CONSERVANCY DISTRICT**

by:_____ 4/30/07

Brice F. Lee, President Date

**COLORADO DEPARTMENT OF NATURAL RESOURCES**

by:_____ 5/10/07

Date

**COLORADO DIVISION OF WILDLIFE**

by:_____ 5/31/07

Date

**COLORADO DIVISION OF WATER RESOURCES**

by:_____ 5/5/07

Harold (Hal) D. Simpson, State Engineer Date

STATE OF COLORADO )
)ss
County of La Plata )

The foregoing Memorandum of Understanding Regarding Long Hollow Reservoir Operations to Benefit the Native Fishery in the La Plata River was subscribed before me this ____ day of _____, 20___, by Brice F. Lee, President, La Plata Water Conservancy District

My Commission Expires: _____ _____

Notary Public

STATE OF COLORADO )
)ss
County of La Plata )

The foregoing Memorandum of Understanding Regarding Long Hollow Reservoir Operations to Benefit the Native Fishery in the La Plata River was subscribed before me this 10th day of May, 2007, by Mike King, as Deputy Director Colorado Department of Natural Resources.

My Commission Expires: April 18, 2011 Susan E. Evans
Notary Public

SUSAN E. EVANS
NOTARY PUBLIC
STATE OF COLORADO

STATE OF COLORADO )
)ss
County of La Plata )

The foregoing Memorandum of Understanding Regarding Long Hollow Reservoir Operations to Benefit the Native Fishery in the La Plata River was subscribed before me this 21st day of May, 2007, by Bruce McCloskey, as Director, Colorado Division of Wildlife.

My Commission Expires: 9/17/2010 Notary Public

STATE OF COLORADO )
)ss
County of La Plata )

The foregoing Memorandum of Understanding Regarding Long Hollow Reservoir Operations to Benefit the Native Fishery in the La Plata River was subscribed before me this 5th day of May, 2007, by Hal Simpson, as State Engineer Colorado Division of Water Resources.

My Commission Expires: 1-29-2010 Notary Public

MARTA AHRENS
STATE OF COLORADO
NOTARY PUBLIC