



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date: May 1, 2017

Fruitland Irrigation Renovation Project

Name of Water Activity/Project

Fruitland Irrigation Company

Name of Applicant

Gunnison Basin

Amount from Statewide
Account:

\$ 750,000

Amount from Basin
Account(s):

\$ 150,000

Approving Basin Roundtable(s)

(If multiple basins specify amounts in parentheses.)

Total WSRA Funds
Requested:

\$ 900,000

FEIN: 84-0207921

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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	Fruitland Irrigation Company		
	Mailing address:	c/o Danny Todd 34918 Fruitland Mesa Rd Crawford, CO 81415		
	FEIN #:	84-0207921		
	Primary	Danny Todd	Position/Title	President
	Email:	toddcattlecompany@gmail.com		
	Phone	Cell: 970-589-5230	Office	970-921-7051
	Alternate	Ron Klaseen	Position/Title	Board Member
	Email:	waterboy2829@aol.com		
	Phone	Cell: 970-234-2928	Office	970-921-6657

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

Fruitland Irrigation Company (FIC) is a mutual ditch company and a non-profit corporation registered in the State of Colorado, established in 1901. Originally established by the Gould brothers as the Fruitland Land, Water and Livestock Company, the company acquired its current name when ownership transferred to the water users of Fruitland Mesa in 1937. There are currently 130 shareholders for the 200,000 shares of FIC stock. The Fruitland Irrigation Company has the power to set annual assessments to be paid by the shareholders, the power to cut off water deliveries to shareholders that fail to pay their assessments, and the power to offer stock for sale to pay back assessments.

The FIC operates and maintains the Fruitland Highline Canal - 17.7 miles of earthen ditch; the Gould Canal – 22 miles of earthen ditch, including 0.8 miles through two rock tunnels; and the Gould Reservoir (aka Fruitland or Onion Valley Reservoir) with 10,168 acre-feet of decreed storage. Water is delivered via this system to irrigate an estimated 5900 acres on Fruitland Mesa, southwest of the town of Crawford. Irrigated acreage within the service area is primarily used for cattle ranching and hay production, with some grain production as well.

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

Same

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.

Since the Fruitland Irrigation Company is a private entity without taxing authority, no TABOR restrictions apply.

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Part II. - Description of the Water Activity/Project

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

☐

Nonconsumptive (Environmental or Recreational)

☒

Agricultural

☐

Municipal/Industrial

☐

Needs Assessment

☐

Education

☐

Other

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

This project addresses agricultural water supply and efficiency by assuring continued reliable delivery of irrigation water and reducing delivery system losses; both water quality and wildlife habitat are improved by significant reductions in salinity and selenium contributions to the Gunnison and Colorado Rivers.

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

☐

Study

☒

Implementation

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

New Storage Created (acre-feet)

New Annual Water Supplies Developed, Consumptive or Nonconsumptive

Existing Storage Preserved or Enhanced (acre-feet)

Length of Stream Restored or Protected (linear feet)

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

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

Area of Restored or Preserved Habitat (acres)

Other --

Annual reductions of salinity 5790 tons & selenium 460 lbs

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

Latitude

38.603457

Longitude:

-107.590801

5. Please provide an overview/summary of the proposed water activity (no more than one page). Include a description of the overall water activity and specifically what the WSRA funding will be used for. A full **Statement of Work** with a detailed budget and schedule is required as **Exhibit A** of this application.

The two rock wall tunnels of the Gould Canal were constructed over 100 years ago, and have eroded to the point that collapse is threatened. If either of these tunnels collapse, water delivery out of Gould Reservoir will be obstructed, prohibiting irrigation water delivery to the service area after their direct flow diversion right is out of priority, typically by mid-June. This project plans to install 2 miles of polyethylene pipe from the reservoir outlet through the two tunnels. Cellular concrete will be injected between the pipe and rock walls to stabilize the tunnel and protect the pipe. Another 10.3 miles of earthen delivery ditches will be improved with PVC-geotech liner covered with shotcrete.

An analysis of piping options was completed by Applegate Group, Inc. engineers, and this approach to renovating the Fruitland Irrigation system canals was determined to be the most feasible and cost effective. A copy of this feasibility study is included in Exhibit C.

WSRF funding will contribute to financing the pipeline portion of this project. As a substantial agricultural infrastructure renovation project, the WSRF funds requested are an essential, though minor portion of project funding (<10%). These state funds will enable Fruitland Irrigation Company to access major project funding through the Colorado River Salinity Control Program administered by the Bureau of Reclamation.

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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

No water rights will be impacted by this project, other than preserving the ability to put those rights held by the Fruitland Irrigation Company to beneficial use.

- 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 WSRF application will be submitted to the Gunnison Basin Roundtable Selection Committee by May 1, 2017.

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

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- c) The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes.² The Basin Roundtable Chairs shall include in their approval letters for particular WSRA grant applications a description of how the water activity will assist in meeting the water supply needs identified in the basin roundtable's consumptive and/or non-consumptive needs assessments.

Repair of the Fruitland Tunnels is listed as a Tier 2 project in the 2015 Gunnison Basin Implementation Plan, though it is a critical project to maintain water delivery to over 5000 irrigated acres.

The project supports the following Gunnison Basin Roundtable goals:

1. Primary Goal: Protect existing water uses in the Gunnison Basin,
 2. Discourage the conversion of productive agricultural land to all other uses,
 3. Improve agricultural water supplies to reduce shortages,
 -
 6. Improve water quality,
 -
 8. Restore, maintain, and modernize critical water infrastructure.
- 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 but 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)

Total estimate construction cost for this project is \$10.5 million. Funding to complete this project is being solicited from Bureau of Reclamation, Colorado River Basinwide Salinity Control Program, USDA-NRCS Regional Conservation Partnership Program, Colorado River District, WSRF State and Basin grants, and CWCB Water Project Loan. The WSRF amounts listed on this application are the maximum funding amounts requested, amounts may be decreased if application for NRCS-RCPP is successful. The two anticipated funding scenarios are summarized in the table below.

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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Funding Source	Scenario 1: With NRCS-RCPP Funding			Scenario 2: Without NRCS-RCPP Funding		
	Grant	Loan	Percent	Grant	Loan	Percent
BOR Basinwide Funding	\$ 6,000,000		57%	\$ 7,451,349		74%
NRCS-RCPP	\$ 3,625,000		34%	-		
CO River District	\$ 50,000		0.5%	\$ 50,000		0.5%
CWCB Water Project Loan		\$ 547,746	5%		\$ 1,721,397	16%
Fruitland IC - In-Kind	\$ 40,000		0%	\$ 40,000		0.4%
WSRF Gunnison Basin Grant	\$ 25,000		0.2%	\$ 150,000		1.4%
WSRF State Fund Grant	\$ 250,000		2%	\$ 750,000		7%
Total	\$ 9,990,000	\$ 547,746	100%	\$ 8,441,349	\$ 1,721,397	100%
Project Total	\$ 10,537,746			\$ 10,162,746		

Matching funds provided for this project from the applicant and third party sources vary from 82% to 88% depending on the funding scenario secured. Gunnison Basin WSRF contributions requested are either 10% or 12.5% of total WSRF funds requested, exceeding the minimum 5% requirement. In either scenario, the majority of funding will be provided by the Bureau of Reclamation, and the project will proceed.

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. WSRF 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/WSRF grant package. For these CWCB loan/WSRF grant packages, the applicant must have a CWCB loan/WSRF 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).

This project meets both agricultural water supply and instream water quality needs, including aquatic habitat benefits from reduced salinity and selenium contributions impacting the endangered fish species in the Gunnison and Colorado Rivers. These benefits accrue to both the Gunnison and Colorado River basins within Colorado, as well as to all downstream water users within the Colorado River basin beyond our state line.

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- 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.

Support for this project will come from at least five collaborating entities. As described above, this project effectively addresses interbasin water quality and aquatic wildlife habitat needs.

- 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.

The FIC project will create an additional 1856 AF of agricultural water supply by decreasing seepage losses that can be stored in an existing reservoir, therefore maximizing the benefit of existing storage and helping to decrease the current agricultural water supply gap of 128,000 AF identified in the 2010 Gunnison Basin SWSI report.

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).

While the majority of funding for this project will be provided by the Colorado River Salinity Control Program administered by the Bureau of Reclamation, the ability to secure these federal funds is dependent on the WSRF and Water Project Loan funds requested from the Gunnison Basin Roundtable and CWCB. State and applicant contributions are essential to make the application for Reclamation funds competitive, and both federal and state funds will be required to finance this significant agricultural infrastructure renovation project. Without the contribution of both state and federal funds to finance this project, the continued beneficial use of these agricultural water rights is in jeopardy.

- 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.

The Fruitland Irrigation Company is completely committed to this project, the future of their water supply depends upon it. At their 2017 annual meeting, the FIC water users unanimously approved assessment increases to service a significant loan that will be required to supplement the anticipated Reclamation and WSRF funding available. FIC will also provide in-kind contribution of project management estimated at an additional \$40,000. It is also of note that Fruitland water users have committed to efficient use of their agricultural water supplies. Nearly 50% of the service area is irrigated by sprinklers, with an estimated 77% system-wide efficiency. Overall, cultivated land in Delta County is 95% surface irrigated, with typical system efficiencies of 50% or less. With an improved, reliable and efficient off-farm delivery system, there is the opportunity to address on-farm irrigation efficiency for another 2,700 acres, including 5 miles of laterals with the potential for pressurized delivery.

Tier 3: The Water Activity Addresses Other Issues of Statewide Value and Maximizes Benefits

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- f. The water activity helps sustain agriculture & open space, or meets environmental or recreational needs.

This project is critical to maintaining irrigated agriculture on the over 5000 acre service area. The improved management of the system enabled by this project will provide increased economic benefits of related on-farm improvements, particularly with an extended irrigation season in times of drought

- 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.

This project addresses agricultural use of water rights tributary to the Colorado River, including continued beneficial use of rights both senior (442 cfs) and junior (95 cfs) to the 1922 Colorado River Compact.

- h. The water activity assists in the recovery of threatened and endangered wildlife species or Colorado State species of concern.

By removing 5790 tons per year of salinity and 460 lbs per year of selenium contributed to the Gunnison and Colorado Rivers, this project directly improves critical aquatic habitat benefiting the Recovery Program for the four endangered fish species inhabiting these waters.

- i. The water activity provides a high level of benefit to Colorado in relationship to the amount of funds requested.

While the applicant appreciates that this application requests significant funding from the WSRF, these funds will be used to leverage at least \$7.4 million in federal funds, providing a state benefit to cost ratio of over 62:1. This economic analysis includes both WSRF and CWCB loan funds as the state costs. Benefits are quantified at the USBR salinity control rate of \$300 per ton, and increased hay production valued at \$150/ton.

- j. The water activity is complimentary to or assists in the implementation of other CWCB programs.

The Fruitland Irrigation Renovation Project is consistent with the following goals of the Colorado Water Plan:

- Supports a vibrant agricultural economy;
- Improves the efficiency of water delivery infrastructure; and
- Promotes a strong & healthy environment by improving water quality in the Colorado River, including aquatic habitat for the four endangered fish species.

This project also supports of the Colorado Water Plan's identified Agricultural Critical Actions to:

- Maintain agricultural viability; and
- Support agricultural water conservation and efficiency.

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

Please attach additional pages as necessary.

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Part IV. – Required Supporting Material

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

The Fruitland Canal diverts water from Crystal Creek, tributary to the Gunnison River, and conveys water to Gould Reservoir (aka Onion Valley Reservoir, Fruitland Reservoir), and to the irrigated service area via Gould Canal. Fruitland Irrigation Company holds absolute water rights to divert 537.1375 cfs, and storage rights of 10,167.95 acre-feet. Structure Summaries with the details of these water rights are included in the Exhibit D.

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

All work planned for this project will occur below the outlet of Gould Reservoir, therefore no Army Corps 404 permitting will be required. NEPA studies and BOR review will be included in the pre-construction phase of the project, as required by federal funding.

Renovation of the Fruitland Irrigation system began with reconstruction of the Gould Reservoir outlet in 1988. Feasibility studies for further improvements continued with a Water Management Plan prepared in collaboration with the Delta Conservation District in 2002, evaluation of potential combination with the Cattleman's Ditch prior to the 2015 USBR Basinwide FOA, and were further developed in the 2016 Feasibility Study prepared by Applegate Group, funded by CWCB. This Feasibility Study is included in Exhibit C.

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.

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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: *Danny Todd President*

Print Applicant's Name: Fruitland Irrigation Company, Danny Todd, President

Project Title: Fruitland Irrigation Renovation Project

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)