

**Water Supply Reserve Fund
Water Activity Summary Sheet
July 17, 2019
Agenda Item 8(d)**

Applicant & Grantee: Perry Ranch
Water Activity Name: The Toponas Project: Phase One
Water Activity Purpose: Agricultural Implementation
County: Routt
Drainage Basin: Colorado
Water Source: Toponas Creek
Amount Requested: \$25,490 Colorado Basin Account
Matching Funds: Applicant Match (cash & in-kind) = \$43,000

- 168% of the Basin Account request (meets 25% min)
- 62.8% of the total project cost of \$68,490

Staff Recommendation:

Staff recommends approval of up to \$25,490 from the Colorado Basin Account to help fund the project titled: The Toponas Project: Phase One.

Water Activity Summary: This project supports improvements to Toponas Rock Reservoir in Routt County. Funds will primarily be used for spillway repairs deemed mandatory by Division of Water Resources, Division 5, as a result of Spring 2019 runoff damage to address safety concerns and deferred maintenance. Toponas Rock Reservoir is a large body of water on the State School Section. The Perrys own the majority share the 1st fill and all of the 2nd fill (up to 262 AF annually). Production includes 400 acres of hay production under irrigation which includes two neighboring ranches (leased), along with grazing areas on one state land board parcel. Spring 2019 runoff caused severe damage to the spillway construction that was implemented Fall 2018. The State Engineer’s Office have instructed Perry Ranch that mandatory repairs (totaling \$28,490) will need to take place late summer 2019 to address new dam safety concerns that include repairs to the spillway, spillway finish, and downstream channel path.

Discussion: As described in the Colorado Basin Roundtable (BRT) chair’s recommendation letter, this project was unanimously supported and recommended for approval by the roundtable on May 20, 2019. This project will meet the Colorado Basin Implementation Plan goals to 1) “Sustain Agriculture”. Once complete, phase one will address the primary concerns of the Colorado Dam Safety Office, as this is an outstanding work order that has appeared in the past 2-3 inspection reports. Funding from the Colorado Basin account will allow the ranching operation to repair, sustain, and improve upon, current consumptive needs.

Regarding any mention of the “Perry Pipeline” in the application: This project and scope of work was divided into two phases as the applicant had not yet secured substantial funding to pursue repair of the Perry Pipeline portion of the project. Perry Ranch expects to receive funding for the pipeline from

NRCS in 2020 which they will pair with an ag loan (with CoBank or CWCB). Toponas Rock water cannot be used on the ranch until a pipeline is installed to deliver water to the Perry's hay meadow.

Issues/Additional Needs: None

Eligibility Requirements: The application meets requirements of all eligibility components.

Evaluation Criteria: Staff has determined this activity satisfies the Evaluation Criteria.

Funding Summary / Matching Funds:

<u>Funding Source</u>	<u>Cash</u>	<u>In-Kind</u>	<u>Total</u>
Perry Ranch (Marissa Perry)	\$43,000	\$0	\$43,000
WSRF Colorado Basin Account	\$25,490	n/a	\$25,490
Totals	\$68,490	\$0	\$68,490

CWCB Project Manager: Megan Holcomb

THE COLORADO BASIN ROUNDTABLE
C/O P.O. BOX 1120
GLENWOOD SPRINGS, COLORADO 81602

May 24, 2019

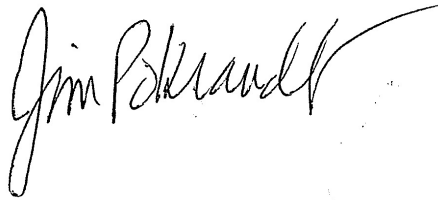
Megan Holcomb
Colorado Water Conservation Board
Water Supply Planning Section
1313 Sherman Street
Denver CO

Dear Megan:

The Colorado Basin Roundtable voted unanimously at its May 20, 2019 meeting to support the WSRF request of \$25,490 for the Perry Ranch project to repair the Toponas Rock Reservoir No. 2 dam. This comports with our Basin Implementation Plan in our theme of sustaining agriculture. More than that, so much work in water concerns fixing what we got to get full usage of existing infrastructure – and this is that.

The Perrys are in a sustained program to improve their ranch and irrigation infrastructure. This grant will help them comply with work the Colorado Dam Safety Office has been urging for the past number of years. Once completed, the Dam Safety Engineer says this project will “much extend the service life of this dam.”

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Pokrandt". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Jim Pokrandt
Chair, Colorado Basin Roundtable



Last Update: July 31, 2018

Colorado Water Conservation Board
Water Supply Reserve Fund
Grant Application

Instructions

All WSRF grant applications shall conform to the current [2016 WSRF Criteria and Guidelines](#).

To receive funding from the WSRF, a proposed water activity must be approved by a Roundtable(s) **AND** the Colorado Water Conservation Board (CWCB). The process for Roundtable consideration and recommendation is outlined in the 2016 WSRF Criteria and Guidelines. The CWCB meets bimonthly according to the schedule on page 2 of this application.

If you have questions, please contact the current CWCB staff Roundtable liaison:

<p>Arkansas</p> <p>Ben Wade ben.wade@state.co.us 303-866-3441 x3238</p>	<p>Gunnison North Platte South Platte Yampa/White</p> <p>Craig Godbout craig.godbout@state.co.us 303-866-3441 x3210</p>	<p>Colorado Metro Rio Grande Southwest</p> <p>Megan Holcomb megan.holcomb@state.co.us 303-866-3441 x3222</p>
--	--	---

WSRF Submittal Checklist (Required)

X	I acknowledge this request was recommended for CWCB approval by the sponsoring roundtable.
X	I acknowledge I have read and understand the 2016 WSRF Criteria and Guidelines .
X	I acknowledge the Grantee will be able to contract with CWCB using the Standard Contract . ⁽¹⁾
Application Documents	
x	Exhibit A: Statement of Work ⁽²⁾ (<i>Word – see Template</i>)
x	Exhibit B: Budget & Schedule ⁽²⁾ (<i>Excel Spreadsheet – see Template</i>)
x	Letters of Matching and/or Pending 3 rd Party Commitments ⁽²⁾
x	Map ⁽²⁾
x	Photos/Drawings/Reports
x	Letters of Support
Contracting Documents ⁽³⁾	
	Detailed/Itemized Budget ⁽³⁾ (<i>Excel Spreadsheet – see Template</i>)
	Certificate of Insurance ⁽⁴⁾ (<i>General, Auto, & Workers' Comp.</i>)
	Certificate of Good Standing ⁽⁴⁾
	W-9 Form ⁽⁴⁾
	Independent Contractor Form ⁽⁴⁾ (<i>If applicant is individual, not company/organization</i>)
	Electronic Funds Transfer (ETF) Form ⁽⁴⁾

(1) Click "Grant Agreements". For reference only/do not fill out or submit/required for contracting
 (2) Required with application if applicable.
 (3) Additional documentation providing a Detailed/Itemized Budget maybe required for contracting. Applicants are encouraged to coordinate with the CWCB Project Manager to determine specifics.
 (4) Required for contracting. While optional at the time of this application, submission can expedite contracting upon CWCB Board approval.



Last Update: July 31, 2018

Schedule		
CWCB Meeting	Application Submittal Dates	Type of Request
January	December 1	Basin Account; BIP
March	February 1	Basin/Statewide Account; BIP
May	April 1	Basin Account; BIP
July	June 1	Basin Account; BIP
September	August 1	Basin/Statewide Account; BIP
November	October 1	Basin Account/BIP

Desired Timeline	
Desired CWCB Hearing Month:	July 2019
Desired Notice to Proceed Date:	August 1, 2019

Water Activity Summary	
Name of Applicant	Charles F. Perry (Perry Ranch)
Name of Water Activity	The Toponas Project: Phase One
Approving Roundtable(s)	Basin Account Request(s) ⁽¹⁾
Colorado River Basin Roundtable	\$25,490
Basin Account Request Subtotal	\$25,490
Statewide Account Request ⁽¹⁾	\$0
Total WSRF Funds Requested (Basin & Statewide)	\$25,490
Total Project Costs:	\$68,490 (Phase 2 expected costs: \$143,552)



Last Update: July 31, 2018

Grantee and Applicant Information	
Name of Grantee(s)	Charles F. Perry
Mailing Address	PO Box 213, Toponas, CO 80479
FEIN	
Grantee's Organization Contact ⁽¹⁾	Chuck Perry
Position/Title	Owner
Email	cfperryco@hughes.net
Phone	970.638.4581
Grant Management Contact ⁽²⁾	<u>Marissa Perry</u>
Position/Title	General Manager
Email	rooperry@gmail.com (pls include Marissa on all communication)
Phone	720.810.7352

Description of Grantee
<p>Provide a brief description of the grantee's organization (100 words or less).</p> <p>Perry Ranch is a 5th generation ranch of approximately 350 acres. We are seeking funding for water projects and a pipeline installation. We own water rights from 2 sources, the Toponas Rock #2 (262af) and the EM Curry Reservoirs (13af). Primary goals: to improve the production of the land, stabilize the structure and deliverability of water resources. In 1992, the majority of the former ranch (approx. 2,650 acres) South of Hwy 134 was foreclosed on. We retained all land & water rights North of Hwy 134. Our majority share of Toponas Rock water cannot be used on the ranch until a pipeline is installed to deliver water to our hay meadow. We have had NRCS support and plans since 1993. In early 2019, after informal negotiations 1993-2015 and a formal legal pursuit 2015-2019, we came to an agreement with our neighbors and purchased an easement of 900 feet across their land between the state school section and our upper meadow. We have spent \$40,000 on reservoir improvement as of Fall, 2018 along with \$143,049.97 in legal fees since 2015. <u>Total spend past 4 years: \$183,049.97</u></p> <p>From 1950-1962, we raised approximately 30 acres of oats. Our organization seeks to develop this formerly productive land additional acres of Timothy and Red Clover. In addition, 50-80 acres of pasture can be irrigated for better grazing, more hay production or exploratory crops.</p> <p>The pipeline from the reservoir will augment limited irrigation of 13af from the EM Curry Reservoir to the restore the existing hay meadow, and add acreage to produce more hay.</p> <p>Please note the spring runoff has caused severe damage to the spillway construction implemented Fall, 2018. Mandatory repairs will need to take place late summer 2019 to address new dam safety concerns – that total is \$28,490 minimum. We would like to also apply now, or in future for the statewide basin/August 1st deadline for the CWBC grant app/loans. We've broken up the project into several phases to take place over the next 2-4 years and will reapply for funding as needed. We expect to receive funding for the pipeline from NRCS in 2020 which we'll pair with an ag loan. We're applying for an Ag loan with CoBank, will apply with CWCB as well depending on interest rates. Due to work schedules, spring season and notice on April 24th of outside funding needed, we're still in the loan application process.</p>



Last Update: July 31, 2018

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.
	Public (Districts): authorities, Title 32/special districts (conservancy, conservation, and irrigation districts), and water activity enterprises
	Private Incorporated: mutual ditch companies, homeowners associations, corporations
X	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, any organization that is not part of the government
	Covered Entity: as defined in Section 37-60-126 Colorado Revised Statutes

Type of Water Activity (check one)	
	Study
X	Implementation

Category of Water Activity (check all that apply)		
	Nonconsumptive (Environmental)	
	Nonconsumptive (Recreational)	
X	Agricultural	
	Municipal/Industrial	
	Needs Assessment	
	Education & Outreach	
X	Other	Explain: Repairs to Spillway work done Fall 2018. Greater Community Benefit: Source of water for Routt County Emergency Response and Forest Service for fire suppression. Future Pipeline installation creates a more direct path to the Colorado River and downstream ag lease potential.

Location of Water Activity	
Please provide the general county and coordinates of the proposed activity below in decimal degrees . The Applicant shall also provide, in Exhibit C, a site map if applicable.	
County/Countries	Routt County
Latitude	40° 5'56.74"N
Longitude	106°45'36.94"W

Water Activity Overview
Please provide a summary of the proposed water activity (200 words or less). Include a description of the activity and what the WSRF funding will be used for specifically (e.g. studies, permitting, construction). Provide a description of the water supply source to be utilized or the water body affected by the activity. 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, area of habitat improvements. If this project addresses multiple purposes or spans multiple basins, please explain.



Last Update: July 31, 2018

Water Activity Overview

The Applicant shall also provide, in Exhibit A, a detailed Statement of Work, Budget, and Schedule.

Water activities are centered around repairs to the Toponas Rock Reservoir Spillway, improvements to overall irrigation, the Toponas Rock No 2 Reservoir, and pipeline installation. Primary goals are to repair & improve our reservoir, improve agricultural production and the surrounding natural environment.

Toponas Rock Reservoir is a large body of water on the State School Section. Perry's own the majority share the 1st fill and all of the 2nd fill - up to 262 af annually. 400 acres of hay production under irrigation currently include 2 neighboring ranches we lease to every other year as requested, along with grazing areas on 1 state land board parcel. Funds will be used for addressing 2019 runoff damage, safety & deferred maintenance, installing an outlet pipe liner of 203 feet, finishing a splash pool basin (mostly done 2018) with path into West fork of Toponas Creek, erosion control on the road base, final road grading and reseeding. See Exhibit A, maps.

Perry Pipeline is a design from NRCS to transport our Toponas Rock water via existing waterways to our meadow and grazing area West of the state school section. We had a hydrologist study completed in 2018 to determine the best pathway with least impact on the land and least amount of transit loss. See Exhibit A, maps and hydrologist video. Spring, 2019 – NRCS will conduct another site visit to finalize and reapprove the 1993 plans recertified back in 2015. They may change the siphon system to a horizontal drill at the end of the pipeline.

It is noteworthy to mention Toponas Rock #2 sits on an existing state school section. Water from Toponas Rock enters Toponas Creek which flows into Egeria Creek, tributaries to the Colorado River. Our water resources are divided between the state land board, and up to 3 ranches currently with lease potential downstream. The National Forest Service and Routt County Fire Control have accepted our offer to dedicate a percentage of our stored water annually for fire suppression use. We will install a dry hydrant at our North meadow fence line upon pipeline completion. We are in process of developing a partnership for an area of wild land study and sage grouse protection. We have reached out to the engineering departments at CSU and School of Mines to offer a field experience to students in 2020-2023.

Measurable Results

To catalog measurable results achieved with WSRF funds please provide any of the following values.

	New Storage Created (acre-feet)	
Limit of transit loss	New Annual Water Supplies Developed or Conserved (acre-feet), Consumptive or Nonconsumptive	
153 af + 109 af refill = 262 af	Existing Storage Preserved or Enhanced (acre-feet)	
50-75 feet of stream restoration	Length of Stream Restored or Protected (linear feet)	
At least 40-50 af	Efficiency Savings (indicate acre-feet/year OR dollars/year)	
	Area of Restored or Preserved Habitat (acres)	
900 ft	Length of Pipe/Canal Built or Improved	
Safety & Environmental Impact	Other	Explain: Addressing urgent safety concerns & deferred maintenance at the reservoir <u>and</u> installing a pipeline will restore natural areas and allow for increased vegetation growth along the Western border of land surrounding the State School Section.



Last Update: July 31, 2018

Water Activity Justification

Provide a description of how this water activity supports the goals of [Colorado's Water Plan](#), the most recent [Statewide Water Supply Initiative](#), and the respective [Roundtable Basin Implementation Plan and Education Action Plan](#) ⁽¹⁾. 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).

For applications that include a request for funds from the Statewide Account, the proposed water activity shall be evaluated based upon how well the proposal conforms to Colorado's Water Plan criteria for state support (CWP, Section 9.4, pp. 9-43 to 9-44;) (Also listed pp. 4-5 in [2016 WSRF Criteria and Guidelines](#)).

Funding from the Basin account will allow the ranching operation to repair, sustain, and improve upon, current consumptive needs. The water projects seek to mitigate damage from the 2019 spring thaw, costs on repairs are unforeseen and unestimatable until conclusion of spring runoff. We're in regular contact with the dam safety engineer, water commissioner and our contractor. We have been instructed by the SEO to plan on mandatory work on the spillway repairs, spillway finish and downstream channel path for late summer, 2019.

Overall goal is to improve existing water resources and demonstrates to the State of Colorado that the owner of the water rights aims to preserve and enhance usage to expand agricultural production, grazing capacity with a focus on community and public benefit where possible in our remote location. This work will also enhance the existing remote ecosystem for native wildlife. Funding for The Toponas Project will benefit the state of Colorado by improving the structure of the reservoir spillway (also the road base), the safety of the outlet pipe and transfer to measuring box, & the ditch inception point on the state's school section property. Reseeding the erosion site will protect and mitigate further damage to the state school section.

Perry Ranch water rights serve the land and the state of Colorado best by reaching their full potential on the land where consumptive needs are met first, nearest the source of the water. Perry Ranch is East of Toponas, in a remote area of Northwestern Colorado. The owner seeks to capture and optimize water activity where it will be most productive. Enhancing the existing reservoir structure will benefit the ag lease on the school section and at least 3 ranchers enabling sustained agricultural production.

From a conservation standpoint, using the water nearest the source eliminates evaporation, seepage and transit loss when sent thru the to be constructed Perry Pipeline downstream via Skinner Creek, into Toponas Creek into Egeria Creek, then Rock Creek. Current water activity can be improved upon by implementation of the pipeline to allow Mr. Perry to use water he owns but currently cannot access. Funding for the pipeline will ensure that the land reaches its optimal production potential, creating a significant improvement in the current condition and increase productive acreage of irrigated meadow and pastureland by 80+ acres.

The Toponas Project supports other environmental needs. With the installation of the pipeline, the current meadow and grazing areas will receive more moisture creating a more inviting and welcoming ecosystem for sage grouse and other wildlife that currently exist and regularly migrate through our land. We have letters of support from the community showing how the land will become an area of multi-use and public benefit. The National Forest Service and local fire departments have accepted our offer to dedicate a percentage of stored water annually for fire suppression use along with our pledge to install a dry hydrant closer to Hwy 134. We are currently pursuing a partnership with local conservationists for protection of sage grouse lecks. Letters of support from:

- CO State Land Board; Div 5 State Engineer's Office; Routt County Emergency Response
- Yampa Forest Service Office; Sage Grouse Working Groups
- NRCS Steamboat Office; Ranch Manager/Ranch Real Estate Specialist
- Local Ranchers/Lessee Rancher



Last Update: July 31, 2018

Matching Requirements: Basin Account Requests	
<p>Basin (only) Account grant requests require a 25% match (cash and/or in-kind) from the Applicant or 3rd party and shall be accompanied by a letter of commitment as described in the 2016 WSRF Criteria and Guidelines (submitted on the contributing entity's letterhead). Attach additional sheet if necessary.</p>	
Contributing Entity	Amount and Form of Match (note cash or in-kind)
Marissa Perry	\$43,000 (of which \$40,000 already expended in fall 2018 for Toponas Rock Spillway work)
<i>Ag Loan from CO Bank or CWCB (pending/unconfirmed)</i>	<i>\$10,000 Summer/Fall 2019</i>
Total Match	\$43,000
If you requested a Waiver to the Basin Account matching requirements, indicate the percentage you wish waived.	

Matching Requirements: Statewide Account Requests	
<p>Statewide Account grant requests require a 50% match as described in the 2016 WSRF Criteria and Guidelines. A minimum of 10% match shall be from Basin Account funds (cash only). A minimum of 10% match shall be provided by the applicant or 3rd party (cash, in-kind, or combination). The remaining 30% of the required match may be provided from any other source (Basin, applicant, or 3rd party) and shall be accompanied by a letter of commitment. Attach additional sheet if necessary.</p>	
Contributing Entity	Amount and Form of Match (note cash or in-kind):
Total Match	\$



Last Update: July 31, 2018

Matching Requirements: Statewide Account Requests

<p>If you requested a Waiver to the Statewide Account matching, indicate % you wish waived. (Max 50% reduction of requirement).</p>	
---	--

Related Studies

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

Michael Erion with Resource Engineering completed a hydrology assessment in 2019 for Perry Ranch. Please see his video and exhibits. The improvements to Toponas Rock Reservoir will impact the State School Section by positively addressing 30+ years of safety concerns related to the spillway, road base, outlet pipe and downstream flow into the West Fork of Toponas Creek, a tributary of Egeria Creek. Improvements to the Toponas Rock Reservoir will impact the state school section, up to 3 ranches currently with potential for more downstream leases, improve the condition of the water storage for wildlife in the area, the state land board livestock lease, and the state land board recreational lease.

The Perry Pipeline will give the surrounding land owners (primarily Perry Ranch and optional lease neighbors) the ability to directly transfer stored water to their land to the West of the state school section. The efficient transfer of up to 262 acre feet of stored water annually will increase the productivity of the land directly surrounding the state school section that is currently irrigated with a 13 acre foot, much smaller draw, from the EM Curry Reservoir. Having the ability to augment current irrigation practices with a greater source of stored water is imperative during periods of drought & future climate change.

Previous CWCB Grants

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

None. Perry Ranch applied in 2015, and during our presentation to the CO River Basin Roundtable – we received support and were asked to reapply after we secured our easement.

Tax Payer Bill of Rights

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.



Last Update: July 31, 2018

None.



Last Update: January 9, 2018

Colorado Water Conservation Board	
Water Supply Reserve Fund	
<u>Exhibit A - Statement of Work</u>	
Date:	August 1, 2019
Water Activity Name:	The Toponas Project: Phase One
Grant Recipient:	Charles F. Perry
Funding Source:	WSRF: Colorado Basin Roundtable
Water Activity Overview:	
<p>This grant supports improvements to Toponas Rock Reservoir, splash pool channel, and road base. Perry Ranch owns the majority share the 1st fill and all of the 2nd fill (up to 262 acre-feet annually). Funds will be used for spillway repair as a result of Spring 2019 runoff damage, addressing safety concerns and deferred maintenance, finishing a splash pool basin, outlet pipe lining and outlet seepage cure, finish construction of splash pool path into West fork of Toponas Creek. Some road base strengthening may be required by spillway along with reseeding at end of project. Funding from the Basin account will allow the ranching operation to repair, sustain, and improve upon, current consumptive needs.</p>	
Objectives:	
<p><u>Toponas Rock Reservoir:</u></p> <ul style="list-style-type: none"> • Repair spillway damage • Spillway Splash pool channel finish into Toponas Creek • Address road base issue above spillway and install outlet pipe liner or CIPP and stabilize the area around the outlet pipe per Div 5 instruction • install the new custom measuring and splitter box a bit downstream from outlet pipe <p>Start date target in late summer 2019 with finish by 2020 or 2021. Outcomes include safety compliance with Div 5 along spillway, controlling high spring melt flow into Toponas Creek, limit of outlet pipe seepage for optimum water flow to areas of irrigation use, improvement & restored natural environment on state land board benefitting wildlife, vegetation, grazing cattle and the ag lease/recreational lease partners. We will address the lesser safety concern of the outlet pipe repairs in 2-3 years per the permission of the State Engineer’s office as of May, 2019.</p>	

Tasks



Last Update: January 9, 2018

Tasks
Provide a detailed description of each task using the following format:
Task 1 - (Name): Toponas Rock Reservoir No. 2 Spillway REPAIRS
Description of Task:
<p><u>Spring 2019:</u> Monitor spring runoff, watershed during snowmelt, currently tracking erosion and damage via photo and video logs to submit to state engineer. Make note of road base erosion, spillway use, note worsening impacts on splash pool and channel into stream flow during heavy snow year/high run-off season. As of June 1, the Spillway has been active since mid-May, further erosion and damage is being documented and communicated with the Div 5 Dam Safety Engineer</p> <p>Goal of start is late summer into fall 2019. Repair East side of spillway and stilling basin with contractor to reinstall Mirafi and fracking tarp, move soil, grade, reinstall concrete railroad ties that were displaced during run off.</p> <p>Per same structure as 2018 – K&M will haul in heavy equipment and supplies, deposit at state land board approved staging site – working consecutive days, including weekends, to finish this work. We will document progress with notes and photos.</p>
Method/Procedure:
<ol style="list-style-type: none"> 1. Spring, 2019 planning session with K&M Excavation and Corey Kadrmas from Div 5. Craft plan of attack on spillway repairs and dirt work to be done. 2. Haul in equipment, soil grading. 3. Reposition and install Mirafi and Fracking tarp base layers 4. Re-establish structure of spillway design by repositioning concrete ties, securing in place. 5. Haul in and spread load of cinder gravel 6. Grade base/install new culvert 7. Grade base/prep for channel path in Step 2, as previously done fall 2018
Grantee Deliverable:
Once complete task one will finish addressing the primary concern of Div 5 Dam Safety. This is a serious safety concern. The runoff moved several concrete ties, each weighing 725 lbs. Cost for mandatory work this season is \$28,490. We would have liked to also addressed road base, but will try to push out a year if the state land board and state engineer will allow.
CWCB Deliverable:
We will provide CWCB with a dropbox link of meeting summaries, designs reviewed & approved by Div 5, any delays or obstacles we encounter along with a final report of this task including notes, photos, invoices, and finally – a statement of completion from Div 5.

Tasks



Last Update: January 9, 2018

Tasks
Provide a detailed description of each task using the following format:
Task 2 - (Name): Toponas Rock Reservoir No. 2 Spillway Finish/Channel Path
Description of Task: Build transition from bottom of stilling basin down path into Toponas Creek
<p><u>Spring 2019:</u> Monitor watershed during snowmelt, make note of road base erosion, spillway use, note impact on splash pool and channel into stream flow during heavy snow year/high run-off season</p> <p><u>Goal of start is late summer into fall 2019.</u> Possible movement of road into hillside by 3-7 feet, creating a berm on West side to act as a guard rail and erosion mitigation. Grade channel to stream bed of West Fork of Toponas Creek, implementing one of two options:</p> <ul style="list-style-type: none"> A. 60 ft controlled flow sluice box (cheapest) B. Channel Path Trench & placement of large cobble per design with Div 5 engineer. <p><u>In Process:</u> 2 options for channel path being presented to state engineer: a controlled sluice box (cheaper) using materials from Perry Ranch or trenched channel with rip rap. Determine task build after Spring planning meeting with SEO. Schedule work before prime hunting seasons – partner with state land board and keep record of dates workmen are on site. Schedule work to be done all at once, as quickly as possible during dry months before snowfall. Request utility locate on phone line under road base. Per same structure as 2018 – K&M will haul in heavy equipment and supplies, deposit at state land board approved staging site – working consecutive days, including weekends, to finish this work. We will document progress with notes and photos.</p>
Method/Procedure:
<ul style="list-style-type: none"> 8. Spring, 2019 planning session with K&M Excavation and Korey Kadrmas from Div 5. Craft plan of attack on road base stabilization and channel path work to be done. Review updated estimates from contractor (K&M) and supplier (Egeria Aggregates). Process: 9. Establish road base work, excavate into East hillside above spillway to shift road further in and create a protective berm to act as a safety measure and guard rail. 10. Channel Path: Install a controlled sluice box of 60 ft vs. higher cost of excavation and loading in large angular rip rap. We are not able to repurpose more concrete ties as proposed in late 2018, supply is depleted. Per Korey with State Engineer’s office, we will need to create a hybrid of my dad’s new proposed design and the more robust original design utilizing some step down approaches and large, angular rip rap to ensure the velocity and damage control of the water running thru the spillway can be slowed and controlled.
Grantee Deliverable:
Once complete, task two will finish addressing the primary concern of Div 5 Dam Safety. This is an outstanding work order that has appeared in the past 2-3 inspection reports. The work has been deferred for 20-30 years.
CWCB Deliverable:
We will provide CWCB with a dropbox link of meeting summaries, designs reviewed & approved by Div 5, any delays or obstacles we encounter along with a final report of this task including notes, photos, invoices, and finally – a statement of completion from Div 5.



Last Update: January 9, 2018

Reporting Requirements

Progress Reports: The grantee 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 grantee shall provide the CWCB a Final Report on the grantee'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.

Payments

Payment will be made based on actual expenditures, must include invoices for all work completed and must be on grantee's letterhead. The request for payment must include a description of the work accomplished by task, an estimate of the percent completion for individual tasks and the entire Project in relation to the percentage of budget spent, identification of any major issues, and proposed or implemented corrective actions.

The CWCB will pay the last 10% of the entire water activity budget when 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 water activity and purchase order or contract will be closed without any further payment. Any entity that fails to complete a satisfactory Final Report and submit to CWCB within 90 days of the expiration of a purchase order or contract may be denied consideration for future funding of any type from CWCB.

Performance Requirements

Performance measures for this contract shall include the following:

(a) Performance standards and evaluation: Grantee will produce detailed deliverables for each task as specified. Grantee shall maintain receipts for all project expenses and documentation of the minimum in-kind contributions (if applicable) per the budget in Exhibit B. Per Grant Guidelines, the CWCB will pay out the last 10% of the budget when the final deliverable is completed to the satisfaction of CWCB staff. Once the final deliverable has been accepted, and final payment has been issued, the purchase order or grant will be closed without any further payment.

(b) Accountability: Per the Grant Guidelines full documentation of project progress must be submitted with each invoice for reimbursement. Grantee must confirm that all grant conditions have been complied with on each invoice. In addition, per the Grant Guidelines, Progress Reports must be submitted at least once every 6 months. A Final Report must be submitted and approved before final project payment.

(c) Monitoring Requirements: Grantee is responsible for ongoing monitoring of project progress per Exhibit A. Progress shall be detailed in each invoice and in each Progress Report, as detailed above. Additional inspections or field consultations will be arranged as may be necessary.

(d) Noncompliance Resolution: Payment will be withheld if grantee is not current on all grant conditions. Flagrant disregard for grant conditions will result in a stop work order and cancellation of the Grant Agreement.



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

Colorado Water Conservation Board

Water Supply Reserve Fund

EXHIBIT B - BUDGET AND SCHEDULE - Direct & Indirect (Administrative) Costs

Date: 03/19/2019

Water Activity Name: The Toponas Project

Grantee Name: Charles F. Perry

<u>Task No.</u> ⁽¹⁾	<u>Description</u>	<u>Start Date</u> ⁽²⁾	<u>End Date</u>	<u>Matching Funds</u> (cash & in-kind) ⁽³⁾	<u>WSRF Funds</u> (Basin & Statewide combined) ⁽³⁾	<u>Total</u>
1	Toponas Rock Reservoir - Spillway Repair	August 2019	Dec 2019	\$42,000	\$13,000	\$15,000
2	Toponas Rock Reservoir - Spillway/Channel Path Construction	August 2019	Dec 2019	\$1,000	\$12,490	\$13,490
TOTALS				\$43,000	\$25,490	\$68,490

(1) The single task that include costs for Grant Administration must provide a labor breakdown (see Indirect Costs tab below) where the total WSRF Grant contribution towards that task does not exceed 15% of the total WSRF Grant amount.

(2) Start Date for funding under \$100K - 45 Days from Board Approval; Start Date for funding over \$100K - 90 Days from Board Approval.

(3) Round values up to the nearest hundred dollars.

- Additional documentation providing a Detailed/Itemized Budget may be required for contracting. Applicants are encouraged to coordinate with the CWCB Project Manager to determine specifics.

- 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 the grantee enters contract and receives formal signed State Agreement.

The CWCB will pay the last 10% of the entire water activity budget when the Final Report is completed to the satisfaction of the CWCB staff project manager. Once the Final Report has been accepted, the final payment has been issued, the water activity and purchase order (PO) or contract will be closed without any further payment. Any entity that fails to complete a satisfactory Final Report and submit to the CWCB with 90 days of the expiration of the PO or contract may be denied consideration for future funding of any type from the CWCB.

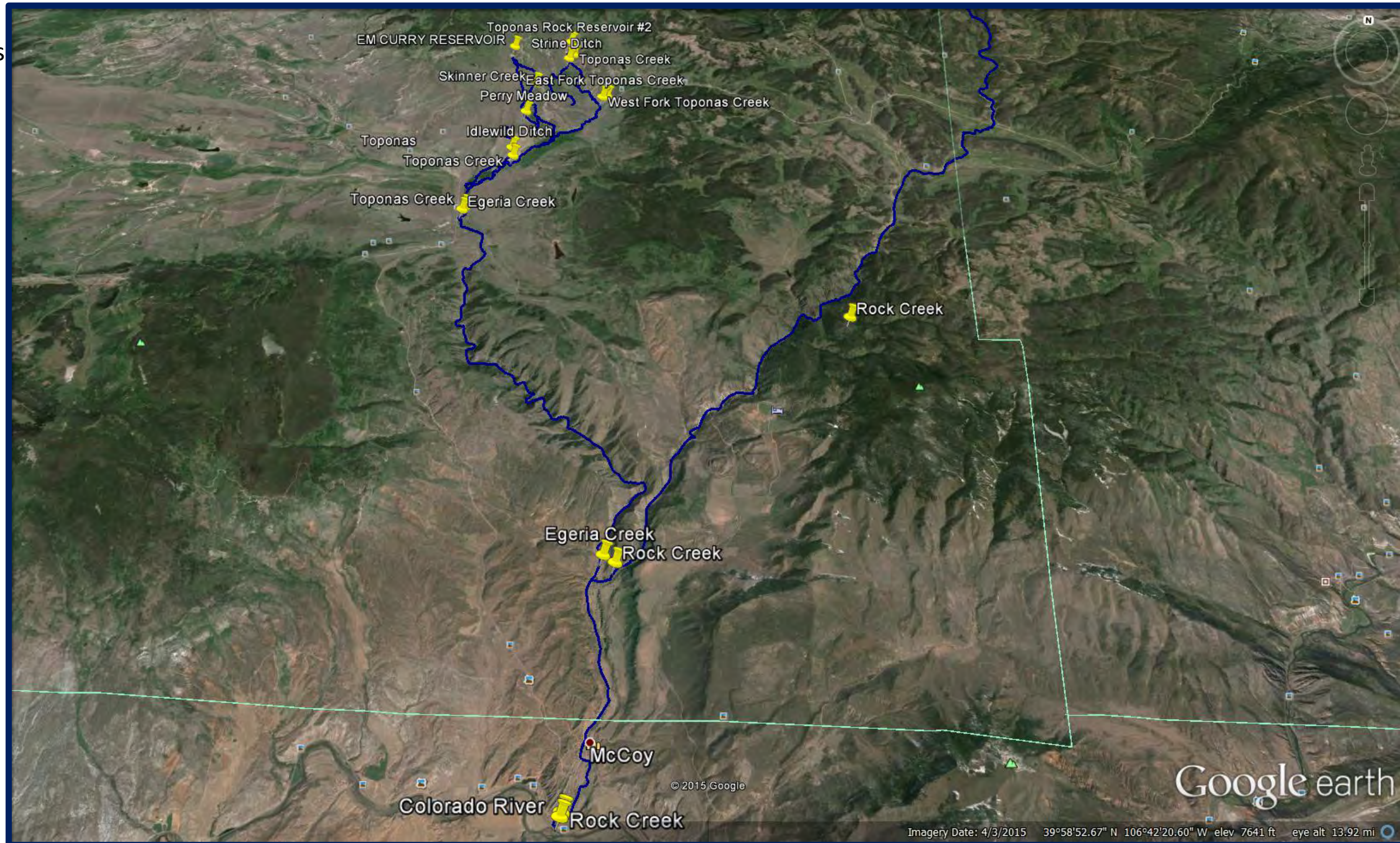
- Additionally, the applicant shall provide a progress report every 6 months, beginning from the date of contract execution

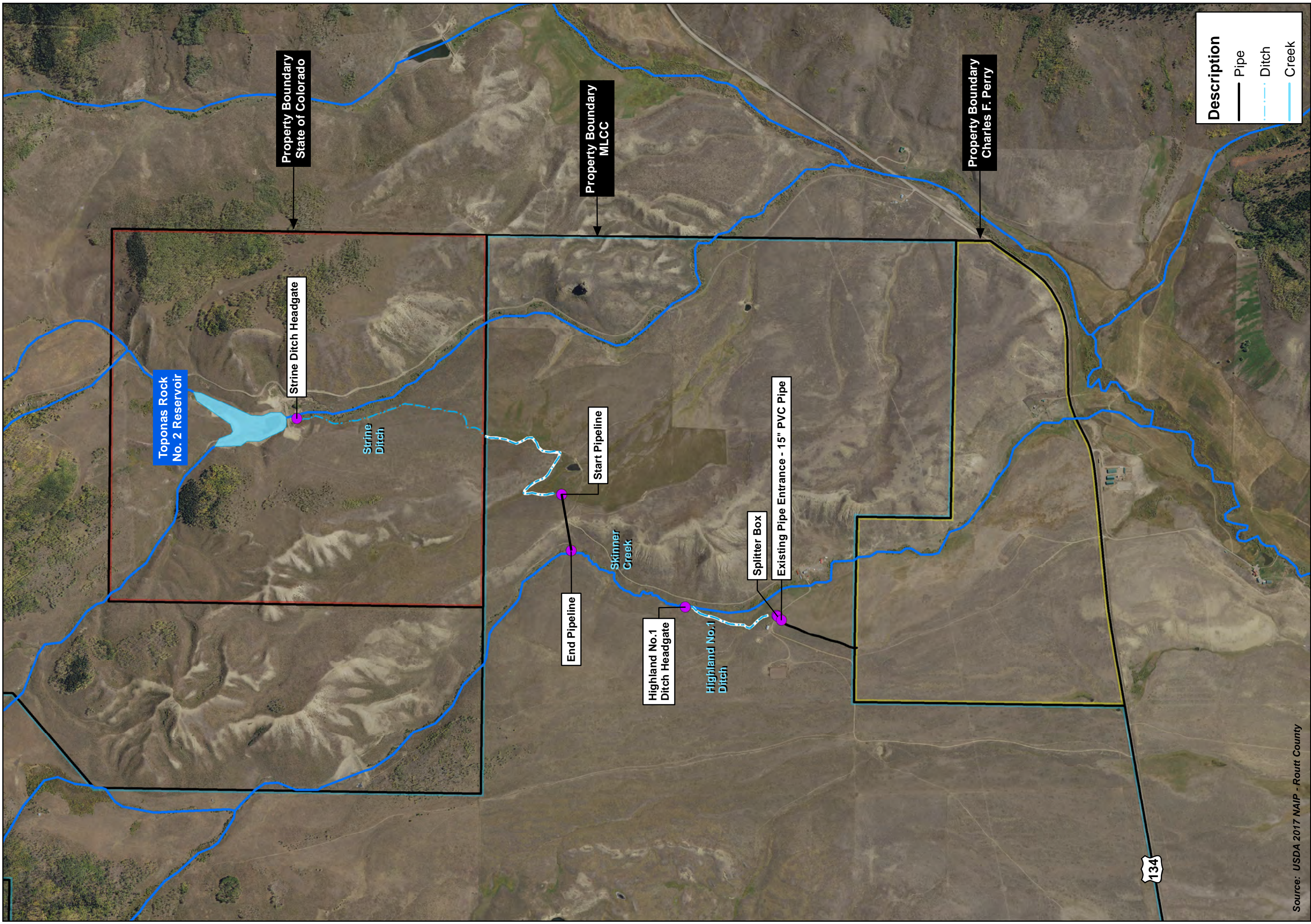
- Standard contracting procedures dictate that the Expiration Date of the contract shall be 5 years from the Effective Date.

The Path of Water Flowing from Perry Ranch to The Colorado River

■ Perry Ranch is located in the Colorado River Water Basin: 3 Miles NE of Toponas off HWY 134

- Tributaries Include:
- Perry Ranch Ditches
- E. Toponas Creek
- W. Toponas Creek
- Egeria Creek
- Rock Creek

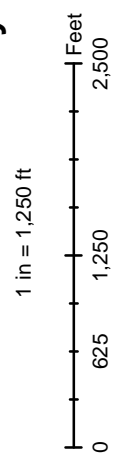




Description	
—	Pipe
- · - · -	Ditch
—	Creek

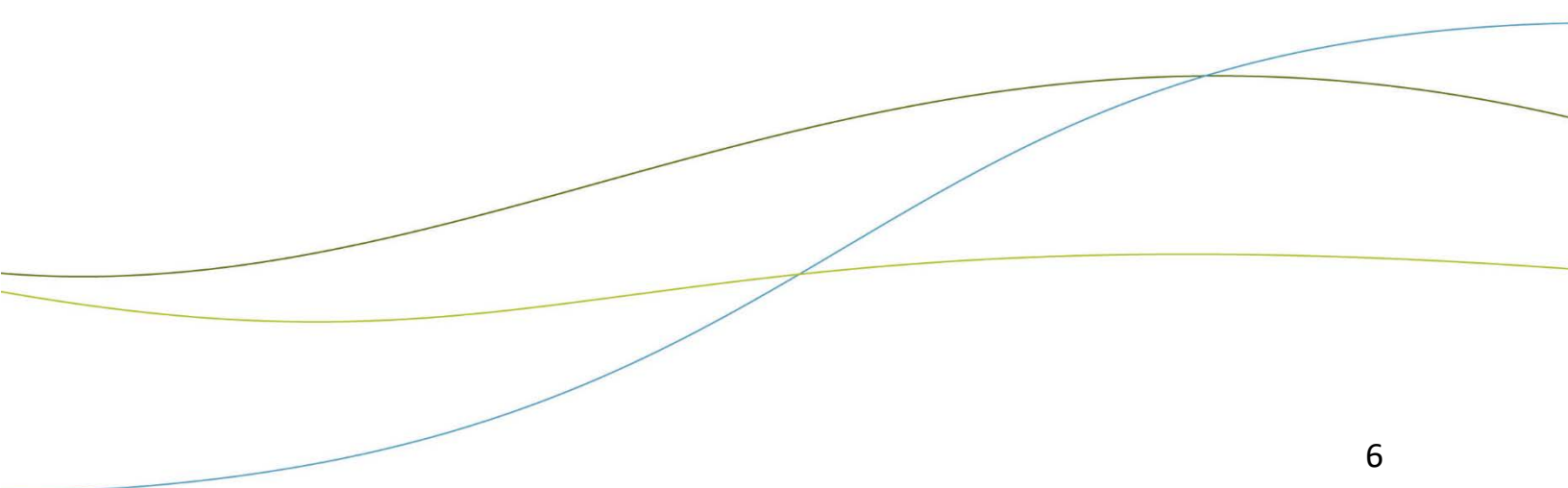
Source: USDA 2017 NAIP - Routt County

Overview Map
Perry Pipeline, LLC
Toponas Rock No. 2 Reservoir Water Conveyance to Perry Ranch



Date: 2019-01-02
 File: 1534-1.0
 Drawn: ABS/MNR
 Approved: MJE

Letters of Support



Toponas Rock #2 Dam Statement of Support

Inbox



Kadrmas - DNR, Korey

Mon, May 6, 8:10
AM (2 days ago)

Ms. Perry,

The purpose of this email is to offer support for on-going dam safety efforts from the owners of Toponas Rock #2 Dam (DAMID 530133). Representatives from Colorado Dam Safety have noted dam safety issues over the past 10 years regarding potential failure modes associated with the spillway and outlet works. Our office appreciates the efforts of the owner to start rehabilitation work on the spillway stilling basin and rundown in the Fall of 2018; however, only the stilling basin could be completed. The stilling basin feature as constructed is functioning as intended to dissipate routine spillway flows but without the rundown an erosion scour area has developed. Our office is in full support of any funding to address these dam safety issues including completing the spillway rehabilitation and possibly address the outlet works. This dam has generally been a good performing structure and the proposed work by the owner will much extend the service life of this dam. Please don't hesitate to contact me with any questions regarding Toponas Rock #2 Dam. Thank you.

Korey J. Kadrmas, PE, PMP
Dam Safety Engineer
[Colorado Dam Safety](#)

O 970.945.5665 x5021 / M 303.518.1829
202 Center Drive, Glenwood Springs, CO 81601
korey.kadrmas@state.co.us / www.water.state.co.us

Russ and Renee Steele

P.O. Box 282

Jensen, Utah

March 19,2019

To Whom It May Concern,

We currently graze cattle on the Perry Ranch at 35590 Hwy 134, near Toponas, CO. We have grazed cattle there for two seasons.

In 2017, we had fifty cow-calf pairs and two bulls on the Perry Ranch. We arrived with the cattle on June 10, 2017. We were unable to complete the normal grazing season due to lack of irrigation water on the Perry Ranch. We removed thirty-five cow-calf pairs and two bulls on September 16, 2017. The remaining cow-calf pairs were left on the Perry Ranch until October 29, 2017.

On June 2, 2018 we brought thirty-one cow-calf pairs and two bulls to the Perry Ranch. We reduced the number of cattle from the previous year, to hopefully avoid having to remove cattle before the normal grazing season was over.

I am 55 years old and have been involved in agriculture for over 40 years. I grew up in South Routt County, and have leased and worked on several ranches in this area. In my opinion, with adequate irrigation water, the Perry Ranch should be able to run more cattle on the pasture, produce hay on the meadows, and graze the meadows after the hay crop has been harvested. The Perry Ranch is set up for this with fencing, irrigation ditches, and hay storage stack-yards. In my opinion, all that is lacking, is the appropriate supply of irrigation water for the Perry Ranch. With this water the Perry Ranch would be very productive.

The Perry Ranch is working to address dam safety concerns at the Toponas Rock Reservoir, on the state school section after the July 2018 state engineer's inspection.

Sincerely,

Russ Steele

(435)828-6235

Sent from my iPad

russteeleranch@gmail.com

Jack McComber

July 16, 2018

Statement of Agricultural Activity on Perry Ranch, Toponas Colorado:

In 2011 I was given the opportunity to lease the Miller ranch for one year. Rob and Laura Kinney needed to be on a family owned property at Wray, Co. so I leased the Toponas property from approximately April until November of 2011. While I do not recall exact numbers, I ran about 300 cow-calf pairs for the Spade Ranch which is a Texas based operation. In addition, Carl and Chip Herold put up the hay on the ranch and I paid them on a custom type basis. They also put up the hay on the Perry Ranch which is an adjoining neighbor. Herold's took a share of the hay for their service, Chuck Perry kept a portion of the hay to winter his horses and I purchased for resale the remainder. After the hay was harvested I believe I put 100 cow-calf pairs on the Perry Ranch for 30 days prior to shipping in October. While I do not recall exact figures, the business done was good for me, good for the Herolds and provided cash flow to the Perry Ranch.

While I was only on the Miller property for a single season I felt there were many situations in which irrigation water could be used more efficiently. I am not being critical only stating that there is always room for improvement. That said, I felt as an outside observer the same approach would well serve the Perry Ranch. Without knowing the details, I would be in favor of improvements made in the handling of water.

I have very fond memories of my time spent in the Toponas area. I hope my recollections of 2011 are of some benefit to you.

Most Sincerely,

Jack McComber

719-980-7197

jgmcboss@gmail.com

March 20, 2019

Jim Pokrandt
Director of Community Affairs
Colorado River Water Conservation District
Colorado River Basin Roundtable
PO Box 1120
Glenwood Springs, CO 81602

RE: Letter of Support – The Toponas Project

Dear Mr. Pokrandt,

I am writing to express my support for The Toponas Project as presented by Marissa Perry. My support for this project comes from my background as a ranch manager and land steward, a property consultant, and a ranch and rural real estate broker. Through my experiences throughout the state and specifically in Routt County, I have witnessed the necessity for property owners to find creative solutions to address problems that impact productivity as well as environmental impact.

Marissa Perry is a 5th generation rancher looking to sustain the ranch property for the next Perry generation. In order to do so, the water rights associated with her property must be protected, utilized, and maintained. The Toponas Project incorporates critical maintenance projects securing the Toponas Rock Reservoir Dam to limit loss and waste, prevent issues with erosion, and increase efficiency. This work is coupled with the installation of a pipeline to transport water to where it can best be utilized. Funding and approval of this project is critical with a positive, direct impact on both the Perry Ranch and the surrounding rural community.

Small agricultural properties continue to fight for existence due to cost of production and constraints on production. The Toponas Project would allow an established water right (from the work of Marissa's great, great grandfather in the early 1900's) to be utilized on a portion of land best suited for effective agricultural production. Without the pipeline and system improvements, the water is not utilized to its best potential and the Perry Ranch misses out on critical income.

Additionally, the Toponas Project has a positive impact on the rural community as a whole. The Perry family has been ranching in the region since the late 1880s and has tried to adapt and evolve. While we are all aware of cultural, economic, and other social changes impacting agriculture over the course of time, the loss of “family farms” has a ripple effect through local communities, the region, and our society. While managing a ranch not too far from the Perry Ranch for a 12 -year period, I witnessed families sell land to corporate owners who did not live or invest locally. I witnessed the purchase of thousands of acres in an attempt to “buy and dry” ranches to capture a quick profit on water rights. I witnessed the consolidation of ranches and the decrease in what was a healthy rural population. The impact is then felt in the rural school system, the support industries and small businesses, and the relationships that are the fabric of a healthy society. Hardworking stewards of the land in our rural areas need assistance to remain sustainable in the modern world. I encourage you to please support the Toponas Project as I do!

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Re". The signature is stylized and fluid.

Cat Creek Ranch, LLC

PO Box 135
Yampa, CO 80483

Mar 15, 2019

Over the last decade, Cat Creek Ranch, LLC has harvested the hay crop three years on Perry's hay meadow located at 35590 Hwy 134, Toponas, CO 80479. The amount of native grass hay production was as follows:

2011	151.2 tons harvested
2015	146.3 tons harvested
2016	112.2 tons harvested

In 2015, Cat Creek Ranch, LLC purchased an additional 41.3 Tons of meadow hay, in large round bales on site, remaining from the 2014 harvest.

In 2017 and 2018 no hay was produced on Perry's meadow due to insignificant rainfall and the lack of irrigation water. As there would have been a poor yield, harvesting was not cost effective and the meadow was grazed to salvage the poor crop.

Cat Creek Ranch, LLC also leased the pasture adjoining the hay meadow and the meadow for grazing, after the crop was harvested, in 2015 and 2016. The pasture and meadow combined, carried 222 animal units total in 2015 and 141.14 animal units total in 2016.

From what we have observed, grass production on the Perry meadow has been declining due to lack of rainfall and lack of irrigation water. If the trend continues, the meadow will be reclaimed by sage brush, rabbit brush, noxious weeds and other evasive plant species, rendering it unusable for hay production and poor grazing. If the volume of irrigation water were significantly increased, hay production would once again be a viable use of the ground.

Carl W Herold

Cat Creek Ranch, LLC

cwherold@protonmail.com

Box 135
Yampa, Colorado 80483
October 18, 2015

Jim Pokrandt
201 Centennial Suite 200
Glenwood, CO 81601

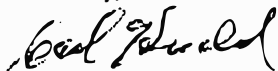
Dear Sir:

After seeing the land on the Perry Ranch at Toponas, Colorado, I feel this ground would benefit the Greater Sage Grouse if there was an increase of irrigation on the meadow lands. Specifically, the use of pipe lines to expand the flow of available water to the historical Sage Grouse habitat.

- 1) It has been shown in the studies of the area, that increased water flows to meadow lands increases the forage for grouse, and also increases the insect population for the diet of the young chicks. In the first 3 weeks after hatching, insects, (beetles, ants and grasshoppers) are the primary food for chicks. Diets of 4 to 8 week old chicks consist of more soft plant material such as clover, approximately 70% of the diet.
- 2) Wyoming Ground Squirrels will prey on both young chicks and eggs. Water on meadow land discourages the ground squirrels, as they will not burrow in wet ground.
- 3) After the hay is cut in the meadows, sage grouse, including the immature sage grouse utilize the short foliage. Much of this use is in the evenings after the raptors cease flying for the day.

The area around the proposed meadow land of the Perry's has a good balance of tall, medium and short sage brush, to give the sage grouse cover in all seasons of the year. A pipeline would boost water flow to the meadows and therefore benefit the Sage Grouse on the Perry ranch.

Sincerely,



Carl Herold
Former Advisor to the Northern Eagle/Southern Routt Greater Sage Grouse Work Group



File Code: 5130
Date: March 20, 2019

Colorado River Water Conservation District
201 Centennial, Suite 200
Glenwood Springs, CO 81601

Dear Mr. Pokrandt:

We write this letter in support of the proposed improvement to Toponas Rock #2 Reservoir.

The proposed actions will help create a reliable water source for wildland operations in the advent of a wildfire in the area. This will increase the timeliness and effectiveness of suppression activities not only for federal assets but also for local volunteer departments responsible for private lands adjacent to forest. By enhancing our suppression capabilities we will have greater success at keeping unwanted fires small, which may reduce suppression costs and firefighter exposure to risk.

We look forward to the completions of this project which will aid all responding agencies during a wildland fire and increase our margin of success.

Thank you for your time and consideration of this proposal.

Sincerely,

Rebecca Smith
Acting District Ranger





Jim Pokrandt, Director of Community Affairs
Colorado River Water Conservation District /
Colorado River Basin Roundtable
201 Centennial, Suite 200
Glenwood Springs, CO 81601
via email: jpokrandt@crwcd.org

March 21, 2019

SUBJECT: Funding program support letter for Perry Ranch and Toponas Rock #2 Dam

Dear Mr. Pokrandt,

The purpose of this letter is to offer support to Perry Ranch in their funding request to address needed dam safety improvements to Toponas Rock #2 Dam (DAMID 530133) located in Routt County, Colorado. The dam is a homogeneous earthen embankment that was constructed circa 1945. The dam is about 45 feet high and impounds 197 acre-feet of water. The dam is classified as Low Hazard and provides irrigation to land owners that have had livestock on nearby rangeland for several generations.

Colorado Dam Safety has successfully worked with the dam owners to maintain safe storage levels at Toponas Rock #2 Dam and the owners have been very responsive and dedicated to the safe operation and maintenance of the dam. The owners have routinely removed woody vegetation and tall brush from all aspects of the dam, repaired erosion areas from cattle damage, addressed animal burrows causing holes within the embankment, and addressed rutting on the dam crest. In 2018, our office performed an inspection of the dam and assigned a Conditionally Satisfactory rating and allowed conditional full storage. However, there are several dam safety issues that have been identified and require action by the owner in the near future to maintain safe storage levels and avoid a storage restriction.

Dam safety issues include spillway scour and headcutting in the discharge channel that if allowed to worsen could put the dam or adjacent road at risk with each spillway operation, a deteriorated outlet pipe that requires an internal video inspection to assess the condition and remaining service life of the outlet and to support future outlet pipe rehabilitation, and historic seepage issues on both abutments that require additional monitoring to assess the extent and amount of seepage risk on the dam.



Currently, our office is working with Perry Ranch, majority owner, to construct spillway improvements at the dam to address the scour issues using a cost effective solution that was developed in a collaborative effort between our office, the owner, and a local contractor. These efforts have already added value by reduce dam safety risk and improving the spillway performance; especially considering the high snowpack this Winter and likelihood of higher Spring runoff conditions. The spillway improvement concept includes constructing a terminal structure and rundown chute using concrete railroad ties and course aggregate to fill voids as a means to provide the necessary energy dissipation and best utilize available resources.

Construction started in late Fall 2018 but did not allow enough time to complete the entire project due to early and heavy snow. The contractor was able to fill the scour hole downstream of the dam with compacted fill and re-grade the channel downstream of the spillway pipe outfall to improve hydraulic flow characteristics. The terminal structure was completed at the spilway pipe outfall; however, the owner intends to construct the rundown channel in 2019 to complete this project. The 2018 Construction Inspection Reports can be made available from our office by request.

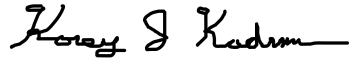
Perry Ranch informed our office of their funding request and this letter offers background on the dam safety issues with Toponas Rock #2 Dam and the associated benefits that would come from any funding assistance if provided by the Colorado River Basin Roundtable to Perry Ranch. Our office would work with the owners to ensure that any funding would be applied in the best effort to address these dam safety issues and reduce risk and maintenance concerns at the dam. In summary, Perry Ranch is working hard to address dam safety issues at Toponas Rock #2 in an effort to maintain safe storage levels and our office is in full support of this project.

If you have any questions regarding this letter or require any additional information, please feel free to contact me at (970) 945-5665, ext. 5021.



Mr. Jim Pokrandt
Funding Support Letter - Perry Ranch and Toponas Rock #2 Dam
March 21, 2019
Page 3 of 3

Sincerely,

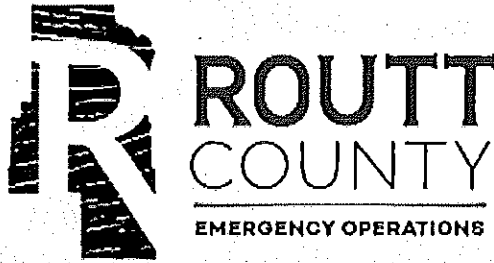


Korey Kadmas, P.E.
Division 5 Dam Safety Engineer

Enc: None

ec: Alan Martellero, Division Engineer
Rick Bumgardner, Water Commissioner
Bill McCormick, Chief, Colorado Dam Safety
Perry Ranch, Owner
Miller Land and Cattle Company, Owner





Mar 25, 2019

Jim Pokrandt
Colorado River Water Conservation District
201 Centennial
Suite 200
Glenwood Springs, CO 81601

RE: Toponas Rock #2 Reservoir Improvements and Perry Pipeline

Mr. Pokrandt

This letter is in support of Mr. Perry's proposed improvements to Toponas Rock #2 and installation of the Perry Pipeline for wildland fire.

Wildland fires are becoming an increasing hazard throughout Routt County as decreasing moisture is creating more fuel for wildland fires. Both the number and size of wildland fires has steadily increased over the last five years, as well as the total cost to suppress those fires.

One challenge facing rural firefighters is the availability of water. Numerous water tenders are required to transport the water required, and the location and scarcity of water sources often require significant drive times to refill these tenders.

The proposed actions, per agreement, will provide a more accessible water supply for wildland fire suppression efforts in the surrounding area. Getting sufficient water to suppress wildland fires in a timelier manner is critical to controlling the fires before they exceed the capability of the locally responding firefighters, as well as better ensure firefighter safety.

Thank you for considering this proposal.

Sincerely

A handwritten signature in black ink, appearing to read 'David DeMorat'. The signature is fluid and cursive, written over the word 'Sincerely'.

David DeMorat
Emergency Operations Director
Routt County

Colorado River Water Conservation District
c/o Jim Pokrandt
PO Box 1120
Glenwood Springs, CO 81602

March 29, 2019

Mr. Pokrandt,

The Colorado State Land Board (“State Land Board”) would like to state its support for the Toponas Rock Reservoir dam safety project. Specifically, the State Land Board supports the Perry family in working to address issues associated with the Toponas Rock Reservoir, as well as securing funding and grants to support this effort.

This reservoir is located on State Land Board property in Section 36, Township 2 North Range 84 West; the right-of-way associated with the reservoir was originally issued in 1935. Therefore, it is in the State Land Board’s interests to support the repair of the spillway and erosion issues that could create resource damage in the future. These repairs will ensure the protection of resources on the State Land Board parcel, as well as the current and future lessees of this land.

Please contact me at (970)879-9992 with any questions regarding this letter of support.

Best Regards,

A handwritten signature in black ink, appearing to read "Jerod Smith". The signature is written in a cursive, flowing style.

Jerod Smith
NW District Manager

May 1, 2019

Dear Ms. Perry:

This letter is in Response to your request for information regarding the possibility of NRCS funding through the EQIP program. The EQIP application process is competitive and that there is no guarantee of any funding until a contract has been signed between the applicant and the NRCS. The next signup deadline has not been announced, but it will be after October 1st, 2019. EQIP payment rates are flat rates that are developed at a regional scale and are estimates of 50% of the cost of standard types of projects based on the material and labor. The payment is made based on what is installed. At this time we cannot accurately give an estimated cost share for the pipeline project if it were to get funded in the next signup. I can say that the project was funded in a previous EQIP contract that was canceled for reasons out of your control, and the estimated payment for the project in that contract was \$18,106.

The Toponas Rock Reservoir project would likely not be eligible for EQIP funding due to requirements of the program. A field visit is needed to verify this but based on our conversation I do not believe it would meet the requirements.

Please contact me if you have any questions.

Sincerely,

Clinton Whitten
District Conservationist
Resource Team Lead
970-879-3225 x108

United States Department of Agriculture



U.S. Department of Agriculture
Natural Resources Conservation Service

Natural Resources Conservation Service
101 S Craft Drive, Suite B
Alamosa, Colorado 81101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 22, 2017

CHARLES F PERRY
PO BOX 213
TOPONAS CO 80479

RE: Contract #748B05161M1

Mr. Perry:

The Natural Resources Conservation Service (NRCS) is in receipt of your written request to cancel Environmental Quality Incentives Program (EQIP) Contracts #748B05161M1. As of the date of this letter, I approve your cancellation request. According to Title Seven of the Code of Federal Regulations (7 C.F.R.) §1466.26 (EQIP) and Title 440 of the Conservation Programs Manual (440-CPM) Section 512.57(a) all rights to any further payments under the contracts are hereby forfeited.

NRCS is not seeking cost recovery or refund of previous payments made under this contract due to the fact that no practices were performed.

This decision is not appealable because you requested the contract cancellation. Furthermore, in accordance with the program provisions, because NRCS is not seeking cost recovery associated with the cancellation of this contract, this decision does not meet the regulatory definition for an adverse decision under Department of Agriculture appeal procedures at 7 CFR Section 11.1.

If you have any questions, please contact me at (970)242-4511, ext. 124.

Sincerely,

Francine Lheritier

Digitally signed by FRANCINE
LHERITIER
Date: 2017.09.25 07:48:05 -06'00'

Francine Lheritier
Area Conservationist

cc:

Deb Heerney, District Conservationist, NRCS, Steamboat Springs, CO

Helping People Help the Land
An Equal Opportunity Provider and Employer