



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources
1313 Sherman Street, Room 718
Denver, CO 80203

**WSRF – Arkansas – Otero Ditch Company
Otero Ditch Infrastructure Update - POGG1 2020-2743**

January 9, 2020

Otero Ditch Company

Attn: Kenny Mills, Organization President

Attn: Amber Weber, Arkansas Valley Writing & Planning Services, LLC

P.O. Box 239

La Junta, CO 81050

Dear Grantee:

We are pleased to inform you that the Colorado Department of Natural Resources, Colorado Water Conservation Board (CWCB) has approved your request for funding for your project pursuant to the WSRF Grant Program (“Program”). This letter authorizes you to proceed with Otero Ditch Infrastructure Update Project (“Project”) in accordance with the terms of this Grant Award Letter.

Attached to this letter are the terms and conditions of your Grant. Please review these terms and conditions, as they are requirements of this Grant to which you, Otero Ditch Company, agree by accepting the Grant Funds.

If you have any questions or concerns regarding the project, please contact Rachel Pittinger, Project Manager at 303-866-3441 or at Rachel.Pittinger@state.co.us. Please send all grant correspondence directly to Rachel and cc me on your invoice billing requests.

Thank you.

Sincerely,

//s//

Doriann Vigil

Program Assistant II

O 303-866-3441 ext. 3250

1313 Sherman Street, Rm. 719, Denver, CO 80203

Dori.vigil@state.co.us / cwcb.state.co.us





STATE OF COLORADO
Department of Natural Resources

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| ORDER | | *****IMPORTANT***** | | | | |
|---|--|---|------------|------------------|-------------------|--------------------------|
| Number: | POGG1,PDAA,202000002743 | The order number and line number must appear on all invoices, packing slips, cartons, and correspondence. | | | | |
| Date: | 1/9/20 | BILL TO | | | | |
| Description: | PDAA WSRF OTERO INFRASTRUCTURE UPDATES | COLORADO WATER BOARD CONSERVATION 1313 SHERMAN STREET, ROOM 718 DENVER, CO 80203 | | | | |
| Effective Date: | 01/08/20 | SHIP TO | | | | |
| Expiration Date: | 12/31/21 | COLORADO WATER BOARD CONSERVATION 1313 SHERMAN STREET, ROOM 718 DENVER, CO 80203 | | | | |
| BUYER | | SHIPPING INSTRUCTIONS | | | | |
| Buyer: | | Delivery/Install Date: - | | | | |
| Email: | | FOB: FOB Dest, Freight Allowed | | | | |
| VENDOR | | | | | | |
| OTERO DITCH COMPANY | | | | | | |
| PO BOX 239 | | | | | | |
| LA JUNTA, CO 81050-0239 | | | | | | |
| Contact: | EFT Remit | | | | | |
| Phone: | 7193848149 | | | | | |
| VENDOR INSTRUCTIONS | | | | | | |
| | | | | | | |
| EXTENDED DESCRIPTION | | | | | | |
| | | | | | | |
| Line Item | Commodity/Item Code | UOM | QTY | Unit Cost | Total Cost | MSDS Req. |
| 1 | G1000 | | 0 | 0.00 | \$5,000.00 | <input type="checkbox"/> |
| Description: PDAA WSRF OTERO INFRASTRUCTURE UPDATES | | | | | | |
| Service From: 01/08/20 | | Service To: 12/31/21 | | | | |
| Line Item | Commodity/Item Code | UOM | QTY | Unit Cost | Total Cost | MSDS Req. |
| 2 | G1000 | | 0 | 0.00 | \$50,000.00 | <input type="checkbox"/> |
| Description: PDAA WSRF OTERO INFRASTRUCTURE UPDATES | | | | | | |
| Service From: 01/08/20 | | Service To: 12/31/21 | | | | |
| TERMS AND CONDITIONS | | | | | | |
| https://www.colorado.gov/pacific/osc/small-dollar-grant-award-terms-conditions | | | | | | |
| DOCUMENT TOTAL = \$55,000.00 | | | | | | |



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| Colorado Water Conservation Board | |
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| Water Supply Reserve Fund | |
| <u>Exhibit A - Statement of Work</u> | |
| Date: | August 1, 2019 |
| Water Activity Name: | Otero Ditch Infrastructure Updates |
| Grant Recipient: | Otero Ditch Company |
| Funding Source: | Arkansas Basin Account and Water Supply Reserve Fund |
| Water Activity Overview: (Please provide brief description of the proposed water activity (no more than 200 words). Include a description of the overall water activity and specifically what the WSRF funding will be used for. | |
| <p>Otero Ditch Company's head gates and inlet structures were built in 1911 and since then have endured many weather and watering events. Because of those events, there wear and tear to the structures itself including concrete that has become deteriorated and head gates that need replaced (see attached pictures). This is primarily at the first head gate or the inlet structure, one half mile downstream of Otero Ditch's Arkansas River dam. Concrete needs to be reinforced, or perhaps replaced, with reinforced concrete caps, reinforcing the abutments all the way down into the water. The head gates on the structure currently have four gates, however only two, five feet wide gates will need to be replaced with new head gates. This work will be Arkansas River water diverted into the Otero Ditch of approximately 5,140 shares in Otero Ditch, with 80 to 123 cfs of decreed winter water and/or summertime flood water diverted according to the Arkansas River priority system and a second 1903 decree of 334.92 cfs. The second piece of the grant will go to updating the Timpas Creek waste gate structure. This structure needs to be cleaned out and will be done so by contractors. A new 10 foot gate, or two five foot gates, will be placed in this structure to aid in keeping the structure clean and functional. The water in this structure is wastewater that is being diverted back to the river through Timpas Creek. This structure also needs to be reinforced with concrete, reinforcing the abutments several feet into the water. The third piece to this grant is to reinforce a culvert approximately 25 yards south of the waste gate structure. This culvert carries drain water and is deteriorating.</p> | |
| Objectives: (List the objectives of the project) | |
| <ol style="list-style-type: none">1. To reinforce the structure of the inlet structure and installation of head gates2. To reinforce the structure the waste gate and install either one large 10' waste gate or two, five foot waste gates3. To reinforce the culvert 25 yards south of the waste gate | |



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| Tasks |
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| Provide a detailed description of each task using the following format: |
| <u>Task 1 – Structure Reinforcement at Inlet Structure</u> |
| Description of Task: Concrete is deteriorating on the inlet structure that supports the head gates and the entire structure. The abutments will need to be either replaced or capped off with reinforced concrete that will go down into the water. After reinforcement is complete, two new five-foot head gates will be installed. Through academic review, site visits, and expert consultation, a full analysis on head gates and installation will be performed. This will be completed by looking at current systems in the area such as the Rocky Ford Ditch Company gates. After completing the research, a decision on the most feasible and effective gate for the project area will be made. The gates will be purchased and installed by the chosen company/contractor. |
| Method/Procedure: The chosen contractor will work with Otero Ditch Company to determine what the best course of action is (capping with reinforced concrete or replacing). The contractor will work with any other necessary water professionals and Otero Ditch to carry out the reinforcement. The new head gates will be installed into the reinforced structure. Using phone calls, site visits, and research, the information will be compiled into a spreadsheet and/or report. |
| Grantee Deliverable: (Describe the deliverable the grantee expects from this task) |
| A report of progress will be written and provided to the Otero Ditch Board of Directors. |
| CWCB Deliverable: (Describe the deliverable the grantee will provide CWCB documenting the completion of this task) |
| A progress report will be written and provided in the final report. |



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| Tasks |
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| Provide a detailed description of each task using the following format: |
| <u>Task 2 – Reinforce the Structure and Install of Waste Gates in Structure</u> |
| Description of Task: A contractor will be selected to clean the waste gate out which could be done by dragline or other methods. Cleaning of the waste gate needs to be done to allow the contractors to begin work on reinforcing the structure and replacing the waste gate(s) as well as to prevent trash build up, to allow the head gates to open and close properly, and to eliminate trash from traveling down-stream to other gates/pipes/diversions. |
| Method/Procedure: The chosen contractor will work with Otero Ditch Company to determine what the best course of action is (capping with reinforced concrete or replacing and with what materials). The contractor will work with any other necessary water professionals and Otero Ditch to carry out the reinforcement. The new head gate(s) will be installed into the reinforced structure. Using phone calls, site visits, and research, the information will be compiled into a spreadsheet and/or report. |
| Grantee Deliverable: (Describe the deliverable the grantee expects from this task) |
| A report of the process and progress will be given to the Otero Ditch Company Board of Directors. |
| CWCB Deliverable: (Describe the deliverable the grantee will provide CWCB documenting the completion of this task) |
| A final report with the contents of the research and implementation will be provided to the grantor. |



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| Tasks |
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| Provide a detailed description of each task using the following format: |
| <u>Task 3 – Culvert Reinforcement</u> |
| Description of Task: A contractor will be selected to reinforce the current pipe in the culvert which carries drain water. This culvert is about ready to collapse and this portion of the project will reinforce the structure. In addition to reinforcing the pipe, the ground surrounding the pipe also needs to be reinforced using concrete head walls, dirt compaction, rip rap, etc. This work will be analyzed by the selected contractor and implemented. |
| Method/Procedure: Otero Ditch will select a contractor to provide the services needed to reinforce the culvert to prevent collapse. |
| Grantee Deliverable: (Describe the deliverable the grantee expects from this task) A report of the project will be written and given to the board of Otero Ditch Company. |
| CWCB Deliverable: (Describe the deliverable the grantee will provide CWCB documenting the completion of this task) The grantor will receive a final report with the progress of the project. |

| Tasks |
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| Provide a detailed description of each task using the following format: |
| <u>Task 4 – Project and Grant Management</u> |



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| Tasks |
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| <p>Description of Task:</p> <p>In order to keep the project on time and within budget, management will be required. This will include reporting to consultants, Otero Ditch board, and CWCB as well as any necessary duties in order to keep the project on schedule. Specific project management duties could include site visits, speaking with contractors, attending meetings, calling stakeholders, performing research, etc. Grant management includes writing reports, providing invoices, and managing the timeline.</p> |
| <p>Method/Procedure:</p> <p>Reports will be written for both the Otero Ditch Company board and CWCB. Any other duties could include drafting documents, making phone calls, setting up site visits, and providing information to various shareholders, and the duties performed will be in each report.</p> |
| <p>Grantee Deliverable: (Describe the deliverable the grantee expects from this task)</p> <p>All reports will be presented to the Otero Ditch board; information will be shared with consultants, board of directors, and staff; and site visits will be set up.</p> |
| <p>CWCB Deliverable: (Describe the deliverable the grantee will provide CWCB documenting the completion of this task)</p> <p>All reports will be provided to CWCB in the final report.</p> |

| Budget and Schedule |
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| <p>Exhibit B - Budget and Schedule: This Statement of Work shall be accompanied by a combined Budget and Schedule that reflects the Tasks identified in the Statement of Work and shall be submitted to CWCB in <u>excel format</u>. A separate <u>excel formatted</u> Budget is required for engineering costs to include rate and unit costs.</p> |



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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.

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Colorado Water Conservation Board**Water Supply Reserve Fund****EXHIBIT B - BUDGET AND SCHEDULE - Direct & Indirect (Administrative) Costs****Date: July 2019****Water Activity Name: Infrastructure Updates for Otero Ditch****Grantee Name: Otero Ditch Company**

| Task No. ⁽¹⁾ | Description | Start Date ⁽²⁾ | End Date | Matching Funds (cash & in-kind) ⁽³⁾ | WSRF Funds (Basin & Statewide combined) ⁽³⁾ | Total |
|--------------------------------|---|----------------------------------|-------------------|--|--|------------------|
| 1 | Inlet Structure Reinforcement and Head Gate Install | March 31, 2020 | December 31, 2021 | \$12,500 | \$22,500 | \$35,000 |
| 2 | Waste Gate Reinforcement and Waste Gate Install | January, 2020 | December 31, 2021 | \$18,000 | \$24,000 | \$42,000 |
| 3 | Culvert Reinforcement | March 31, 2020 | December 31, 2021 | \$9,500 | \$8,000 | \$17,500 |
| 4 | Project and Grant Management | January, 2020 | December 31, 2021 | \$9,500 | \$500 | \$10,000 |
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| Total | | | | \$49,500 | \$55,000 | \$104,500 |

(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.

(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.

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.