

**The Southwestern Water Conservation District  
The West Building, 841 E Second Avenue  
Durango, CO 81301**

NOTICE IS HEREBY GIVEN  
A Regular Board Meeting of the  
Southwestern Water Conservation District  
will be held via Zoom and in person at  
841 E 2nd Avenue in Durango, Colorado

**Wednesday, February 14, 2024**

**Noon to 5:30 p.m.**

and

**Thursday, February 15, 2024**

**8:30a.m. - 1:00 p.m.**

[Click here to join Zoom](#)

**Phone Number: (346) 248 7799**

**Meeting ID: 835 9975 3537**

**Password: 474186**

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**Posted and Noticed on February 13, 2024 Tentative Agenda**

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*Public may attend the meeting in person at SWCD's office (841 E 2nd Avenue in Durango, Colorado) or via Zoom using the connection information above. **If you plan to attend in person, please RSVP to [info@swgcd.org](mailto:info@swgcd.org) to ensure there will be adequate space in SWCD's conference room.***

*Please email [morock@swgcd.org](mailto:morock@swgcd.org) if you have difficulty joining the Zoom meeting. Please raise your hand to be recognized by the chair. To raise your hand by phone, dial \*9. To raise your hand by computer, please use Alt+Y (Windows) or Option+Y (Mac). To mute and unmute by phone, dial \*6.*

*Except the time indicated for when the meeting is scheduled to begin, the times noted for each agenda item are estimates and subject to change. The Board may address and act on agenda items in any order to accommodate the needs of the Board and the audience. Agenda items can also be added during the meeting at the consensus of the Board.*

*Agenda items may be placed on the Consent Agenda when the recommended action is non-controversial. The Consent Agenda may be voted on without reading or discussing individual items. Any Board member may request clarification about items on the Consent Agenda. The Board may remove items from the Consent Agenda at their discretion for further discussion.*

## **Wednesday, February 14, 2024**

- 1.0 Call to Order – Roll Call, Verification of Quorum (12:00 PM)**
- 2.0 Review and Approve Agenda (12:02 PM)**

- 3.0 SWCD Board of Director Appointments for Hinsdale, La Plata and San Juan Counties – *Beth/Steve* (12:05 PM)
- 4.0 Annual Election of Board Officers (**Board Action**) - *Beth/Steve* (12:10 PM).....Page 01
- 5.0 Approve and/or Remove Consent Agenda Items (12:45 PM)
- 6.0 Consent Agenda (**Board Action**) ..... Page 04
  - 6.1 Approval of Minutes (07-12/13-2023, 09-28-23, 10-05-23, 10-11/12-23, 12-06-23, 01-09-24)
  - 6.2 Summary and Acceptance of Year-End 2023 Treasurer’s Report
  - 6.3 Resolution 2024-04 Designation of Meeting Posting Location
- 7.0 Shoshone Water Rights Preservation – Peter Fleming, General Counsel, CRWCD (1:00 PM)
- 8.0 Questions and Comments from the Audience (1:35 PM)
- Break (1:45 PM)
- 9.0 SWCD Grant Program - *Mo/Carrie/Steve* (2:00 PM)..... Page 23
  - 9.1 2023 Grant Program Summary Report
  - 9.2 Review of SWCD Grant Program Criteria
  - 9.3 Revision and Consideration of 2024 SWCD Grant Applications (**Board Action**)
    - 9.3.1 Animas Watershed Partnership - \$20,000 – *Public Forums/Studies*
    - 9.3.2 Mancos Conservation District - \$12,000 – *Public Forums/Studies*
    - 9.3.3 Wright-Ingrahm Institute - \$20,000 – *Public Forums/Studies*
    - 9.3.4 Aspen Trails Metropolitan District - \$20,000 – *\*Water Supply/Restoration*
    - 9.3.5 Hermosa Company Ditch - \$2,100 – *Water Supply/Restoration*
    - 9.3.6 Southwest Conservation Corps - - \$22,000 – *Water Supply/Restoration*
    - 9.3.7 Fort Lewis College - \$10,000 – *Education*
    - 9.3.8 Montezuma Land Conservancy - \$9,000 - *Education*
    - 9.3.9 Montezuma Valley Irrigation Company - \$50,000 – *Emergency*
  - 9.4 Review of Line-Item Grants Contained in SWCD’s Annual Budget
    - 9.4.1 Bonita Peak CAG (\$5,000)
    - 9.4.2 Center for Snow & Avalanche Studies (\$7,000)
    - 9.4.3 San Miguel Watershed Coalition (\$7,000)
    - 9.4.4 Watershed Education – Telluride Institute (\$6,000)
  - 9.5 Staff and Board Review of Grant Program
- Break (4:00 PM)
- 10.0 Executive Session (4:15 PM)
  - 10.1 Colorado River Compact, Interstate and Intrastate matters, including 2024 System Conservation Pilot Program and modeling efforts
  - 10.2 Settlement negotiations regarding the Applications of the U.S. Bureau of Land Management for Change of Water Right, Appropriative Rights of Exchange and Junior Water Right, Case Nos. 21CW3014 (Division 3) and 21CW3029 (Division 7) (Treasure Pass Diversion Ditch)

- 10.3 Settlement negotiations regarding the Amended Application of Navajo Development Co., Inc. Rio Grande Water Conservation District, and Special Improvement District No. 2 of the Rio Grande Water Conservation District for Appropriative Right of Exchange and to Change Purpose of Use, Case No. 20CW3016, Division 3 (Williams Creek-Squaw Pass Ditch)
- 10.4 Settlement negotiations regarding the Application of the San Luis Valley Water Conservancy District for Appropriative Rights of Substitution and Exchange, Case No. 21CW3004, Division 3 (Pine River-Weminuche Pass Ditch)
- 10.5 Development and Potential Structure of SWCD Water Conservation and Infrastructure Program

**10.0 Summary and Action Items from Executive Session (5:25 PM)**

**11.0 Adjourn (5:30 PM)**

*Three or more members of the board may meet at XXX for dinner at 7:00 p.m.*

**Thursday, February 15, 2024**

**12.0 Call to Order – Roll Call, Verification of Quorum (08:30 AM)**

**13.0 Review and Approve Agenda (08:32 AM)**

**14.0 Special Presentation (08:35 AM)**

Colorado Water Trust (Blake Mamich & Danielle Snyder)

**15.0 General Counsel Legal Report – Beth (09:00 AM)..... Page 192**

15.1 Proposed Professional Services Agreement with FZA for SWCD's 2023 Audit (Board Action)

15.2 Proposed Ratification of SWCD Statements of Opposition filed in Case Nos. 23CW35 and 23CW36, Water Division 4 (Applications of Michael Orpi) (Board Action)

15.3 Monthly Water Court Resume Review (Divisions 3, 4 and 7)

**16.0 Questions and Comments from the Audience (09:20 AM)**

**17.0 Staff Reports - Steve/Mo (09:35 AM) ..... Page 268**

17.1 Colorado River Basin Conditions & Activities

17.2 Division 6 Measurement Rules

17.3 SWCD's Strategic Plan

17.3.1 Proposed Updates

17.3.2 2024 Action Plan

17.4 Draft Agenda for SWCD's 40th Annual Water Seminar

17.5 General Manager Activities

17.6 Proposed Assignment of a Portion of the FY2023 Year-End Fund Balance (Board Action)

17.6.1 Discussion on Fund Balance Assignments – Policy?

17.7 SWCD Water Conservation and Infrastructure Program Update

17.8 CWCB Approval of San Juan Resource Conservation and Development's Local Capacity Grant Application and Potential Next Steps (Board Action)

17.9 Mineral Point Ditch Water Right Acquisition

17.10 Bill.com Credit Card

17.11 Streamline Website Update

**Break (10:45 AM)**

**18.0 Legislative Affairs (11:00 AM) ..... Page 357**

18.1 Federal Affairs Update - Christine

18.2 State Legislative Update, including discussion and possible SWCD position on any introduced bills - Garin

**19.0 Partner Updates (11:30 AM) ..... Page 392**

19.1 Division Engineers for Water Divisions 4 and 7 – Bob Hurford and Rob Genualdi

19.2 Update from SWB Roundtable and IBCC - Ed Tolen & Ken Curtis

19.3 Efforts to develop broader state program to protect Colorado’s wetlands and streams, and other water quality matters – Peter Butler

19.4 Water Information Program Report - Elaine Chick

19.5 Upper Colorado & San Juan River Basin Recovery Implementation Programs (Carrie/Steve)

19.6 SWCD WEco Scholarship Recipient 2023– Logan Hartl

**20.0 Director Updates and Issues for Discussion (12:30 PM)**

**21.0 Executive Session (if needed)**

**22.0 Upcoming Meetings and Announcements (12:55 PM)**

SWCD Special Board Meeting (Legislative Activities) - Thursday, Feb. 29; Noon (Virtual Only)

SWCD Special Board Meeting (Legislative Activities) - Thursday, Mar. 14; Noon (Virtual Only)

SWCD Board/Speakers Dinner – Tuesday, March 26; ~5:00 PM, Sky Ute Casino, Ignacio

SWCD Annual Water Seminar, Wednesday, March 27; 8:00 AM, Sky Ute Casino, Ignacio

SWCD Regular Board Meeting, April 10 – 11, SWCD Office, Durango

**23.0 Adjournment (1:00 PM)**

## 4.0 Annual Election of Board Officers



## THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the  
San Juan and Dolores Rivers and their Tributaries  
West Building – 841 East Second Avenue  
DURANGO, COLORADO 81301

### BOARD MEMORANDUM

**From:** Steve Wolff, General Manager  
Beth Van Vurst, General Counsel

**Subject:** Officer Elections

**Date:** February 7, 2024

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As is required by our enabling act, the Board needs to hold officer elections at the beginning of our February meeting. Officer elections will be held early on the first day, Wednesday, of your two-day board meeting. The process outlined below is essentially the same SWCD has used in previous years with in-person meetings. The process seemed to provide for elections that were both respectful and efficient. This will all occur in open session, but your nomination, your vote, and the vote count are confidential. All nominations and elections will be held via paper ballot, and Beth will be the only one to see each ballot. Beth has confirmed that the Colorado Open Meetings statute allows for confidential nominations and voting for officers.

#### **At the Meeting:**

Elections will occur shortly after the meeting begins on Wednesday (*Agenda Item 4.0*). You will vote for president first. The current president will open the floor for nominations for president. Nominations, including any self-nominations, will then take place via paper ballot. No second is required for a nomination. Who made a nomination as well as the number of nominations for an individual will remain confidential; only one nomination is required to hold a vote. Beth will announce publicly the nominations for president and then will confirm that the nominee(s) is/are willing to serve in the office. If there is only one nominee for president, then that individual may simply be elected by acclamation upon a motion from one of the other board members. If there is more than one nominee, we will move into a confidential voting process. Beth will tabulate your votes and announce publicly the new president but not the vote count.

If there is more than one candidate for president and no one receives a majority of the vote, we will then have a runoff between the top two vote-getters following the same voting procedure, and the winner will be announced. In the event of a tie vote, Beth will share publicly the tied

individuals and allow the tied nominees to address the board, then ask for a new vote. Each office will require a majority vote of the quorum present.

After electing the president, the gavel will pass to the new president, and we will follow the same procedure for vice president and then secretary-treasurer. Again, Beth will receive and count your nominations and votes. An unsuccessful nominee for one office may be a nominee for another office.

## 9.0 SWCD Grant Program





## THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the  
San Juan and Dolores Rivers and their Tributaries

West Building – 841 East Second Avenue

DURANGO, COLORADO 81301

### BOARD MEMORANDUM

**From: SWCD Staff**  
**Subject: 2023 Grant Summaries**  
**Date: 02/14/24**

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This memorandum is to summarize the grants awarded during SWCD's 2023 Grant Program. In 2023, the SWCD Board approved \$167,986 in local grant funding, the Board also approved an Emergency Grant totaling \$65,000 in mid-2023. In late 2023, two grants were approved for extension through 2024, listed below, one of which was originally for 2022 (Yamaguchi). The board determined that both extensions would need to be completed in 2024 or would need to reapply for the Grant Program.

**2024 Grant Extension** (\$47,000):

1. Town of Pagosa Springs - Yamaguchi South Project - \$30,000
2. Trout Unlimited - Pagosa Gateway Project - \$17,000

**Paid** (\$197,156):

1. Fort Lewis College - Tribal Water Media Fellowship - \$5,000
2. Florida Consolidated Ditch Company - West Lateral Repair - \$38,770 (came in under budget) out of \$45,000
3. Mancos Conservation District – Community Consensus Workshop - \$8,500
4. Montezuma Land Conservancy - Water Education at Fozzie's Farm - \$5,000
5. Montezuma Valley Irrigation Company - Beaver Creek Ditch Repair - \$65,000
6. Mountain Studies Institute - San Juan Mountain Snowtopography Workshop - \$20,000
7. RiversEdge West - Dolores River Restoration - \$19,386
8. San Miguel Watershed Coalition - Integrated Modeling - \$20,000
9. Summit Reservoir Ditch Company – Turkey Ditch Cleaning - \$15,500

**Canceled/Postponed** (\$12,600):

1. Bonita Peak - Animas River Data Collection - \$9,600
2. San Juan Basin Archaeological Society - Water in the Ancient World Conference - \$3,000

## 2023 Water Supply/Watershed Restoration Funding Category

In 2023, the SWCD Board approved a total of \$116,886 in the Water Supply/Watershed Restoration Category. The Pagosa Gateway Project was extended to 2024 and the West Lateral Repair came in under budget, bringing the total spent in this category to \$81,933.

### West Lateral Repair

The Florida Consolidated Ditch Company applied for \$45,000 to repair their water lateral ditch. The project ended up coming under budget, so FCD only requested reimbursement for \$38,770. FCD has provided a final report.



## San Juan Mountains Snowtopography Study

Mountain Studies Institute was awarded a grant of \$20,000 in 2023. This funding was used to install two snowtopography monitoring sites, one just outside of Swamp Angel and the other on Jackson Mountain. Both of these installations were finished in 2023 and MSI has provided a final report.

## Dolores River Partnership – Tamarisk Removal

RiversEdge West, on behalf of the Dolores River Restoration Partnership, was awarded a grant of \$19,386 to support improving riparian habitat along the Dolores River. RiversEdge West partnered with Southwest Conservation Corps (SCC) and the Bureau of Land Management (BLM), along with a handful of volunteers to plant 95 native plants across 8 acres of a recently burned cottonwood gallery. Additionally, a Conservation Corps strike team was able to remove 1.85 acres of dense tamarisk infestation, which can be seen in the photos below! RiversEdge has provided a final report.



## Turkey Gulch Ditch Cleaning

Summit Reservoir Ditch Company (SRDC) requested \$15,500 in 2023 for the cleaning of Turkey Gulch Ditch. SRDC provided the following summary of activities “Turkey Creek Ditch was cleaned out by Jay Wallace with Wallace Fencing. He and a crew used large and smaller track hoes and some manual labor to complete the project this fall. Bentonite was placed in various spots throughout the ditch to stop and prevent further seepage in the ditch. Summit also donated hours of manual labor to help with work and costs for the company. We are very thankful for the grant received as it went to great use for our company and stockholders who rely on the water from this ditch.” Summit Reservoir Ditch Company has provided a final report.

## 2023 Public Forums and Studies

In 2023, the SWCD Board approved a total of \$38,100 in the Public Forums and Studies Category. The Animas River Data Collection was canceled, bringing the total spent in this category to \$28,500.

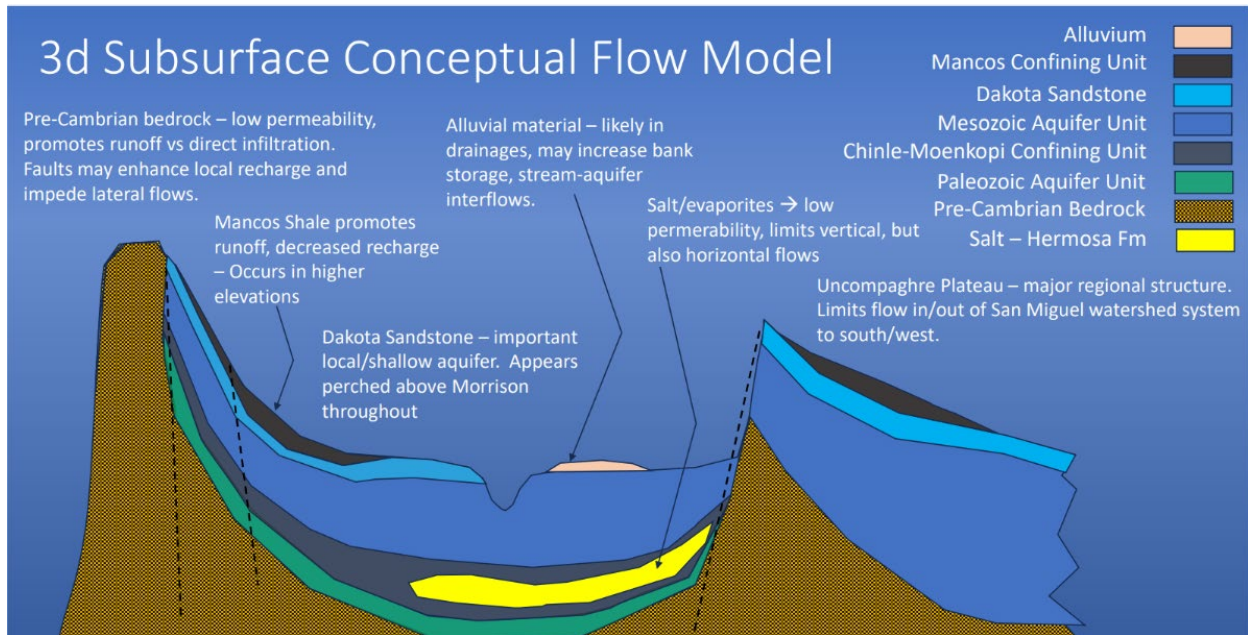
## Community Census Institute Workshop

The Mancos Conservation District (MCD) applied for \$8,500 in 2023 to host various public forums and workshops to help educate the community on the Mancos watershed. These consisted of four parts, as follows: Task 1: Community Consensus Institute “One Watershed-One Community” for General Participants, Task 2: One Watershed-One Community” Special Workshops, Task 3: Continued Delivery of CCI Learning Materials, and Task 4: Community Celebration. All aspects of the project were completed in 2023 and MCD has submitted a final report.



## Integrated Modeling

The San Miguel Watershed Coalition was awarded \$20,000 in 2023 to create an Integrated Hydrological Model of the San Miguel Watershed. SMWC has developed and calibrated a watershed-scale, integrated hydrologic model. Simulating changing hydrologic conditions under future climate scenarios. SMWC has provided a final report.



## 2024 Education

In 2023, the SWCD Board approved a total of \$13,000 in the Education Category. The Water in the Ancient World Seminar was canceled, bringing the total spent in this category to \$10,000.

## Tribal Water Media Fellowship

The Four Corners Water Center at Fort Lewis College requested \$5,000 in 2023 to help fund their Tribal Water Media Fellowship. This program was a two-week summer intensive, followed by an independent project for Fellows. Staff were able to attend the Tribal Water Media Fellowship Showcase and enjoyed seeing the various projects that students had the opportunity to work on. The program consisted of 12 fellows. FLC provided a final report at the end of the project.

## Water Education at Fozzie's Farm

The Montezuma Land Conservancy District was awarded \$5,000 for their Water Education at Fozzie's Farm in 2023. This funding helped fund two programs: the Agricultural Immersion Program and the Fozzie's Farm Internships. Both programs were completed in 2023 and MLCD provided a final report.

### 2023 Fozzie's Farm Summer Youth Program Photos





Agriculture Immersion participants and Fozzie's Farm interns helping Dan Hobbs with his garlic harvest



Celebrating graduation with Rick and Brian

## 2024 Emergency

In 2023, SWCD approved an emergency grant request for the Beaver Creek Breach, totaling \$65,000.

### Beaver Creek Ditch Repairs - Phase One

In late 2023, SWCD approved an emergency grant to help Montezuma Valley Irrigation Ditch Company repair the first phase of the Beaver Creek Ditch, this grant totaled \$65,000. All work was completed in 2023 and MVIC has provided a final report.

Photo of Breach #1: June 1, 2023



Photo of repairs: October 25, 2023







## THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters of the  
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
IN SOUTHWESTERN COLORADO

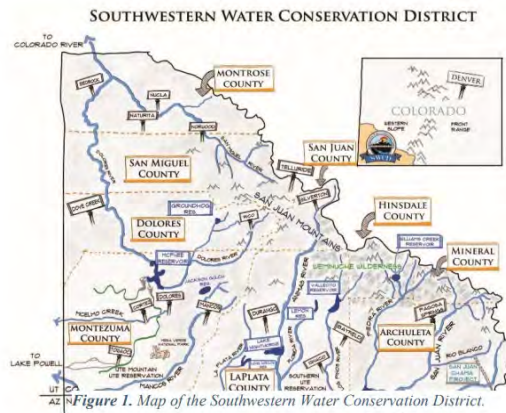
### 2024 GRANT PROGRAM GUIDELINES

#### 1. Southwestern Water Conservation District Background

The Southwestern Water Conservation District (“SWCD”) is a political subdivision of the State that was established by the Colorado General Assembly in 1941 to protect, conserve, use, and develop the water resources of the San Juan and Dolores River Basins as well as to safeguard all waters to which the state of Colorado is equitably entitled.<sup>1</sup> SWCD periodically offers financial assistance in the form of grants to “qualified entities”<sup>2</sup>, that are carrying out projects consistent with SWCD’s statutory purposes. Funding for this program is subject to SWCD’s discretion, annual budget, and appropriation process. The Board retains the right, in its sole discretion, to approve, reduce, or deny any grant request.

Before applying, please ensure you can answer “yes” to each of the following questions:

- Are you a qualified entity<sup>2</sup>?
- Are you located within the SWCD’s boundaries?
- Is the project anticipated to start and finish in 2024?
- Are you providing cash or in-kind match of at least 25% of the total project cost?
- Is the SWCD grant request for no more than 50% of the total project cost?
- Have you spoken with SWCD staff (Mo Rock, 970-247-1302) about the project and grant application before submission?



<sup>1</sup> See C.R.S. § 37-47-101 through -151

<sup>2</sup> See “Additional Requirements” for the definition of a “qualified entity”.



## 2. General Program Information

For the 2024 grant program, applications may be submitted from **August 1st through November 17th, 2023**. Applicants are encouraged to submit their application as early as possible so that there is adequate time to work with SWCD staff to ensure that the application meets all requirements in advance of the November 17<sup>th</sup> deadline. Applications received after November 17<sup>th</sup>, 2023 will not be considered, unless the application qualifies as an emergency grant request. In most cases, final decisions will be made by the Board shortly after the first regular Board meeting of 2024.

**Emergency Grant Requests:** The deadlines provided above apply to routine grant requests and can be modified to address emergencies. Examples of Emergency Requests include but are not limited to: flood events causing damage to diversion or measurement structures, catastrophic canal or pipeline failure that prevents the delivery of water, spillway or dam failure, regulatory restrictions, wildfire impacts including post-fire runoff, and other impacts, and toxic spills. Contact SWCD staff directly if this occurs to discuss submitting an emergency grant application.

SWCD annually anticipates receiving grant requests well over the available funds. The maximum amount of money potentially available from SWCD in the 2024 calendar year for all grant recipients is listed in the table below. The amounts available for each category are based on the assumption that the SWCD Board will continue to allocate a total of \$250,000 to SWCD’s grant program in 2024, and may change if the Board subsequently elects to increase or decrease the total funding available to the program.

| <b>Grant Funding Category</b>   | <b><u>Anticipated 2024 Funds Available</u></b> | <b><u>Annual Max Grant Request per Applicant per Category</u></b> | <b><u>Five-Year Max Grant Funds received per Applicant per Category</u></b> |
|---|--|---|---|
| <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction | \$125,000                                      | \$60,000  | \$120,000   |
| <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  | \$50,000                                       | \$20,000  | \$40,000  |
| <b>Education:</b> Teaching seminars, workshops, and related programs  | \$25,000                                       | \$10,000  | \$20,000  |
| <b>Emergency requests</b>   | \$50,000                                       | N/A   | N/A   |

Any member of SWCD’s Board of Directors or Staff with a financial or property interest in a grant request will disclose any such interest or any other conflict of interest and recuse themselves from participating in any recommendation, vote, or decision-making process related to that grant request.



### 3. Additional Requirements

#### A. Eligibility:

SWCD will only consider grant requests from “qualified entities” for (1) development or improvement of water supply and watershed restoration or enhancement projects, including related design, engineering, and construction, (2) studies and facilitating stakeholder involvement in water-related matters, including water quality, (3) educational purposes, including teaching seminars, workshop, and related programs, and (4) emergency situations.

“Qualified entities” are defined by statute to include any public entity, non-profit corporation, not-for-profit corporation, carrier ditch company, mutual ditch or reservoir company, unincorporated ditch or reservoir company, or cooperative association within the boundaries of SWCD.<sup>3</sup> Individuals are not eligible. All projects, studies, and program grants will be limited to “raw” or untreated water supplies. Only projects or portions of projects located within the SWCD’s boundaries are eligible for grant funding.

SWCD will **not** consider grant requests or funding for:

- a. Completed Projects; however, the Board may make an exception for projects completed within the past six months arising from emergencies;
- b. Municipal or domestic drinking water projects that do not qualify as a “public water system,” which is defined for the purposes of these guidelines to mean any system that does not have a public water system ID number with the state of Colorado;
- c. Any part of a municipal or domestic “public water system” which is unrelated to raw water storage or delivery. Applications for eligible portions of the public water system should include the state ID number for the system;
- d. Wastewater treatment projects;
- e. Legal fees or payroll costs. SWCD will not pay an employee’s salary or hourly wages but may consider paying for crew or seasonal work as it pertains to the specific project described in the grant proposal. If your project includes salary or hourly wages for employees, please identify them as a separate line item in the proposed budget and explain how you will pay for those costs without using SWCD grant funds. If you would like to apply grant funding to crew or seasonal project work, please identify this in your application and be aware that additional documentation may be required by the Board to approve such requests. Paying for project-specific crew or seasonal workers’ time will be at the discretion of the Board;
- f. Grant administration costs;
- g. Weed management projects, although consideration will be given to programs that specifically remove phreatophytes if the Applicant demonstrates it has a plan, including funding, for appropriate revegetation and ongoing maintenance.

<sup>3</sup> C.R.S. § 37-47-107(1)(j.5).



## **B. Matching Contributions**

SWCD will not award a grant for more than 50% of the total project costs,<sup>4</sup> and Applicants must demonstrate that they are actively contributing to the project for which they are requesting a grant. Any grant approval will be contingent on the recipient demonstrating, prior to disbursement of the grant, that the Applicant has secured funding for the remaining total project costs.

In addition, Applicants or beneficiaries of the proposed project must also demonstrate that they will provide, through a cash contribution and/or in-kind goods or services, at least 25% of the total project costs (in other words, half of the matching funds).<sup>5</sup> Applications proposing the use of in-kind goods and services as all, or a portion of the required matching contribution, must provide detailed information identifying the time and valuation (at an hourly or total project rate) of in-kind contributions. The Board may, at their discretion, consider previous expenditures directly related to the proposed project as matching contributions if those expenditures occurred within six months of the grant application deadline.

Non-profit, or non-governmental organizations, serving on behalf of a broad group of local constituents that do not receive tax revenues and do not have opportunities for third-party contributions for the project, may request a reduction of the match requirement to 10% of the total project cost (subject to approval by the Board) by garnering and documenting strong community or watershed support for the project.

## **C. Limits on Grant Funding**

The amount of funding each “qualified entity” may receive from SWCD is further limited to the following:

- a. Recipients of grants for the development or improvement of water-related projects may not receive more than \$60,000 in a single year or a total of \$120,000 in any given five-year period.
- b. Recipients of grants for participation in public forums and the performance of studies may not receive, more than \$20,000 in any single year or a total of \$40,000 in any given five-year period.
- c. Recipients of grants for educational purposes may not receive more than \$10,000 in a single year or a total of \$20,000 in any given five-year period.

Additional funds, outside of SWCD’s grant program, may be available through SWCD’s loan program. Please review the Loan section below or contact SWCD staff to find out more about SWCD’s loan program.

<sup>4</sup> For multi-phase projects, “total project costs” shall mean all costs related to the particular phase of the project for which the Applicant is requesting funding.

<sup>5</sup> The Applicant’s 25% match cannot be met through a loan from SWCD.



## 4. Application Instructions and Process

Completion of SWCD's application is required for SWCD to consider grant requests. The Board will not consider applications that do not meet the minimum requirements. To ensure consideration for funding by SWCD, please apply for a grant before the water project, study or educational program has been initiated. Please use the following application:

### [General Application for Financial Assistance 2024](#)

Each application should be typed and include, at a minimum, the required information indicated by an asterisk, \*, and all applications and supporting documentation must be submitted in a single .pdf file.

Please attach additional sheets as necessary to fully answer any question to assure that all information that might be helpful in evaluating your application is considered. Please return the **signed copy** of the application to Southwestern Water Conservation District and retain a copy for your records. Please submit to the following address or email: Southwestern Water Conservation District, 841 E. 2<sup>nd</sup> Avenue, Durango, CO 81301, *or* [morock@swgcd.org](mailto:morock@swgcd.org). Once your grant application is received, it will be reviewed by SWCD staff to ensure that it meets the minimum requirements before consideration by the Board. Staff will endeavor to share its funding recommendation with the Applicant prior to the meeting.

The Board will review and consider grant applications at the first Regular Board meeting in 2024. Applicants are encouraged to attend the meeting at which the funding requests will be considered, either in person or virtually, so that they can provide a **brief summary** of their grant request and answer questions that may arise.

For questions about the application or board meeting, please contact SWCD staff by phone (970-247-1302) or e-mail ([morock@swgcd.org](mailto:morock@swgcd.org)). For your reference, agendas are generally posted to the [swgcd.org](http://swgcd.org) website one week prior to regular board meetings.

## 5. Evaluation Criteria

Grant proposals will be evaluated based on how well the proposed project, study, or educational request carries out the purposes, mission, and strategic priorities of SWCD. The Board will give special consideration to grant proposals that further the use or protection of pre-compact water rights and the development of Colorado River Compact entitlements as well as educational-related requests that complement or otherwise further SWCD's existing programs.

Furthermore, Applicants must demonstrate adequate shareholder assessments and reserves for ongoing operation, maintenance, and repair of their infrastructure. The Board will give favorable consideration to grant proposals from Applicants that are proactively and financially planning for their own future needs.



## 6. Disbursement of Grant Funds

Once a grant application has been reviewed and approved by the Board, a request for the release of grant funds may be made during 2024. If the Applicant will not be able to use the funds in that year, please contact the SWCD office as soon as possible.

For grant funds to be released, the Applicant must complete the following tasks:

1. Sign the “Document of Understanding” that accompanies the grant approval letter sent by SWCD;
2. Complete a “Request for Release of Funds” form found on the SWCD [website](#);
3. Provide written documentation that all committed matching funds have been secured; and
4. Provide written documentation that the Applicant continues to be a “qualified entity”, documentation can include but is not limited to; articles of incorporation, corporate bylaws, or [a certificate of good standing](#) from the Colorado Secretary of State.

The signature of the Applicant’s authorized representative on the “Request for Release of Funds” form indicates that the funds are needed at that time and that the Applicant ensures and verifies that the funds are only being used for the specific purpose(s) described in the application and amount(s) indicated in SWCD’s grant approval letter. The Applicant agrees to allow SWCD to display a public notice identifying the project or activity as being partially funded by the SWCD. Additional documentation may be requested at SWCD’s discretion before the release of funds.

In the event the project, study, or program for which the grant was awarded ultimately comes in under budget, the grant recipient must return a pro-rata portion of the remaining funds to SWCD within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget and SWCD contributed 20% of the total anticipated project costs, then the grant recipient must return \$4,000 (20% of \$20,000) to SWCD.

## 7. Changing the Use of Funds

If the Board approves funding for the application, and at a future date the intended use of funds changes, please notify staff as soon as possible. Board review and approval of the change is necessary. Otherwise, SWCD requires reimbursement of funds.



## 8. Grant Extension Requests

If the Board approves funding for the application, and completion of the project, study, program, or other grant-funded task will not occurred in 2024, the Applicant must submit a written grant extension request to SWCD Staff describing the progress to date and the projected timeline for completion. Staff may elect to approve or deny a one-year extension of the grant, or elevate the request to the Board.

Grant extensions are usually limited to one year. However, the Board may at its option: approve grant extensions of more than one year; require the Applicant to submit a new application; or require any previously disbursed spent or unspent grant funds to be returned.

## 9. Annual Reporting Requirement

If the Board approves funding for the application, the Applicant must provide a written report and/or supporting documentation of the work accomplished no later than December 31, 2024. This written report must include a detailed accounting of the use of SWCD funds including supporting documentation for any expenses incurred, as well as a detailed outline of the total project budget spent. Additional documentation may be requested at the discretion of SWCD. See sample final reports at [swgcd.org](http://swgcd.org). If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024, which explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision or submit an unacceptable final report.

## 10. Loans

Loans and/or loan-grant packages may be approved for water-related projects or construction, studies, educational programs, and sponsorships. The terms and security for payment will be determined at the time the loan is approved. All documents required by SWCD for the loan shall be executed before SWCD will release the approved loan amount. Documents that SWCD, at its sole discretion, may require to include, but may not be limited to, a loan agreement, promissory note, deed of trust for real property, and/or a uniform commercial code financing statement for personal property.



## THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the  
San Juan and Dolores Rivers and their Tributaries

West Building – 841 East Second Avenue

DURANGO, COLORADO 81301

### BOARD MEMORANDUM

**From: SWCD Staff**

**Subject: 2024 Grant Review**

**Date: 02/14/24**

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The purpose of this memorandum is to provide a summary of the grant applications received for the 2024 SWCD Grant Program. SWCD staff, with support from Carrie Padgett, reviewed and critiqued 8 applications received during the submittal period. A total of \$163,855 was requested in grant applications for activities occurring in 2024. SWCD has budgeted \$250,000 for 2024 requests. The following memorandum provides a summary of each application, their proposed budget, and recommendations and comments from staff. A summary table is attached. If you have any questions about the grant review or recommendations, please reach out to Mo Rock or Steve Wolff.

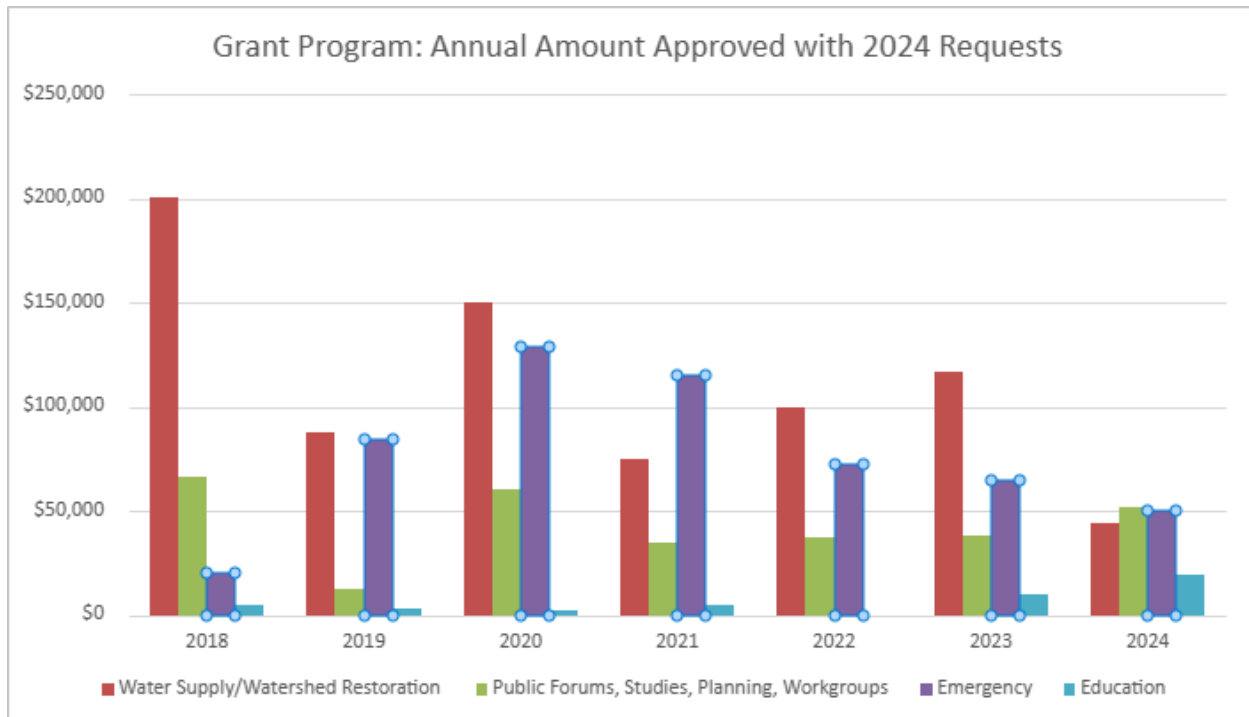
It should be noted that Carrie Padget serves as the Chair of the San Juan Resource and Conservation Development Council (SJRCDC). SJRCDC provides fiscal management for the Animas River Partnership. SJRCDC charges an administrative fee to manage funds for this project as described in the project's Memorandum of Understanding with SJRCDC. Carrie does not receive any monetary compensation for serving as a council member. Carrie assisted in the review process, serving as the engineering expert when we had questions, and helping create charts for easy review.

Additionally, it should be noted that Mo Rock worked for Conservation Legacy before her position here and still has close relationships with employees of that organization, Southwestern Conservation Corps is a program under Conservation Legacy and has applied for funding this year. Lastly, SWCD staff participate in partner meetings for the Animas River Plan.



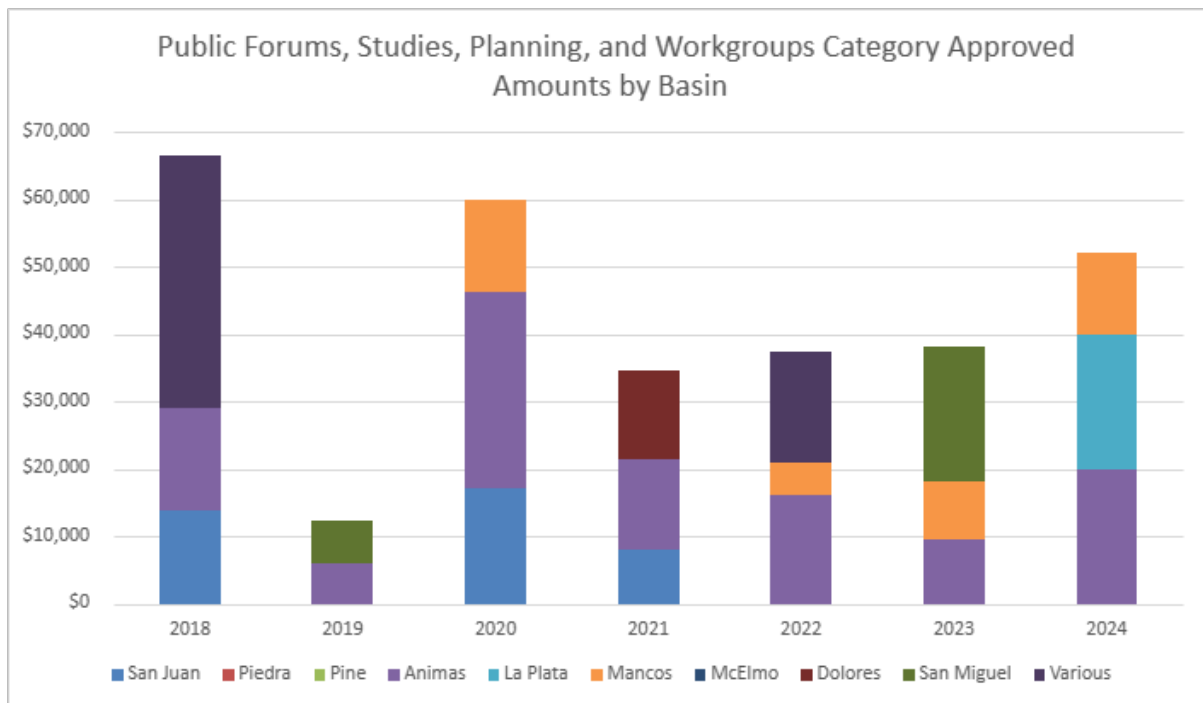
## 2024 Quick Guide

| Category                 | Applicant                                 | Project   | Amount   |
|--------------------------|---|---|----------|
| Public Forms/Studies     | Animas Watershed Partnership              | Animas River Plan Interim Phase   | \$20,000 |
|                          | Mancos Conservation District              | Conserving Natural Resource Consumption through Public Education and Outreach | \$12,000 |
|                          | Wright- Ingrahm Institute                 | Nexus of Land and Water: Addressing the Issue of Dust on Snow                 | \$20,000 |
| Water Supply Restoration | Aspen Trail Metropolitan District         | ATMD Water System Feasibility Study   | \$20,000 |
|                          | Hermosa Company Ditch                     | HDC Mid-System Parshall Flume   | \$1,155  |
|                          | Southwest Conservation Corps              | Dolores River Partnership – Tamarisk Removal                                  | \$22,000 |
| Education                | Fort Lewis College                        | Tribal Water Media Fellowship   | \$10,000 |
|                          | Montezuma Land Conservancy                | Water Education at Fozzie’s Farm  | \$9,000  |
| Emergency                | Montezuma Valley Irrigation Ditch Company | Beaver Creek Repairs – Phase 2  | \$50,000 |



## 2024 Public Forums and Studies

The grant funding category for “public forums, workgroups, studies, and planning efforts” has a total of \$50,000 available for allocation in 2024. The maximum grant request per application in this category is \$20,000. The maximum amount any applicant can receive in a five-year period is \$40,000. Three applicants applied for these funds from this category, pushing the total amount requested to \$52,000. Although this total exceeds the 2024 limit, other ‘buckets’ have shown to come in far under the budgeted amount.



## Animas River Plan Interim Phase and Demonstration Projects

The Animas Watershed Partnership (AWP) is applying for gap funding to help continue the efforts of the Animas River Plan (ARP). In 2022-2023 AWP and partners established a scope of work for the ARP including a data gaps analysis, stakeholder assessment, and identification of priority attributes/areas for river health assessment (phase 1). The ARP will initially focus on the main stem of the Animas from Baker’s Bridge to the state line, including Southern Ute Indian Tribal Lands. Phase two is anticipated to begin in early 2025. This request (interim phase) is to fund activities in 2024 that will address the near-term priorities of stakeholders necessary to complete before planning begins. The interim phase is anticipated to cost a total of \$67,679, and their request from SWCD is for \$20,000, also, AWP is providing a match of \$47,679, all of which meet SWCD Guidelines. In the last 5- years, AWP has not received the maximum amount

of funding in this category. AWP's match is made up of their in-kind contributions as well as partner's in-kind and financial contributions.

AWP a diverse, grassroots group of individuals from Colorado, New Mexico, Ute Mountain Ute Tribe, various government agencies and non-profit representatives. The mission of AWP is to collaborate across boundaries to advance protection and improvement of water resources in the Animas Watershed. Please note that although AWP operates in other areas, this project lies within SWCDs boundaries.

Qualifications:

- AWP estimates the total project cost to be \$67,697
  - AWP is requesting \$20,000 (30% of the total project cost) from SWCD
  - AWP is providing a cash match of \$47,697 (70% of the total project cost)
- AWP uses San Juan Resource Conservation and Development Council as its fiscal agent.
- AWP's project is in SWCD Boundaries

## Recommendations and Comments

The Animas River Plan working group pulls together a diverse set of water users along the Animas River. With this in mind, SWCD staff believe that helping AWP keep the group going through a 'gap' phase will support the group and help keep the momentum moving forward on an Animas River Plan. AWP has provided a complete application, meets SWCD Strategic priorities, and qualify for receiving a grant, SWCD staff recommend approving the grant.

## Conserving Natural Resources in Montezuma County through Robust Outreach and Education Opportunities

The Mancos Conservation District (MCD) is applying for funding for ongoing outreach and education opportunities in Montezuma County. Through this project, MCD will host workshops, river literacy lessons, a water festival, and a Mancos Watershed tour. The 8 workshops hosted will benefit the community highlighting Climate Smart Practices, with topics including cover crops, grazing land management, prescribed grazing, nutrient management, forestry, upland habitat management, and riparian restoration. MCD is requesting \$12,000, and the total project costs \$29,000. MCD is providing a match of \$6,000, and with the support of the Natural Resource Conservation Service, they are providing an additional \$6,000, bringing the total match to \$12,000.

MCD's mission is to "promote long-term sustainable use and protection of the Mancos River Watershed. We provide educational, financial, and technical assistance to meet these conservation goals." To meet our mission, MCD supports rural and urban landowners by providing information, technical and engineering support, and access to government cost-sharing programs. The MCD is dedicated to supporting community consensus to reach our conservation goals in a way that's responsive to our stakeholders' needs.

Through MCD's 8 workshops, they plan to reach 40 community members per workshop and will have the watershed tour available for 30 people. Their river literacy lessons reach 40 students a month for 8 months during the school year and 2 field trips with 35 students in each class. A total of 740 community members and students within the Mancos Watershed will be impacted by MCD's education and outreach efforts.

#### Qualifications:

- MCD estimates the total project cost to be \$24,000
  - MCD is requesting \$12,000 (50% of the total project cost) from SWCD
  - MCD is providing a cash match of \$6,000 (25% of the total project cost)
  - Where is the other \$6,000 coming from?
- MCD is a qualified entity
- MCD's project is located in SWCD Boundaries

### Recommendations and Comments

This project meets multiple priorities in SWCD's strategic plan. Mancos Conservation District has received funds in the last five years, but the current request puts them under the \$40,000 limit in the Public Forms Category. MCD has provided a complete application, meets SWCD Strategic priorities, and qualifies for receiving a grant, SWCD staff recommend approving the grant.

### Nexus of Land and Water: Addressing the Issue of Dust on Snow

The Wright-Ingraham Institute (WII) is a private, non-profit education and research institution based in Colorado and New York. Their mission is to identify and understand complex interfaces between cultural, technological, environmental, and ecological systems. Since their founding in 1970 their field station programs have focused on research and post-graduate education, using field-based interdisciplinary strategies to study these interfaces and articulate problems and possible solutions associated with them. Field stations in 2022 took place in the San Juan and Rio Grande River Basins focusing on complex social and environmental problems in the Southwest.

For Dust on Snow, they are working in partnership with Mountain Studies Institute (MSI) a non-profit that utilizes science people can use to empower mountain communities through research, monitoring, and education. The project, "Nexus of Land and Water: Dust on Snow," will take place in Cortez, Colorado to identify key problems and associated solutions to the dust on snow issue facing the San Juan Mountains and dependent water users. This interdisciplinary project will bring together experts in hydrology, agronomy, soil science, agriculture, range management, education, and design fields including data visualization to develop and prioritize a list of pilot projects to begin to address the dust on snow issue. Currently, efforts have focused on the hydrologic impact of dust on snow, which has shown increased snow melt rates, and decreased

summer water availability, adding additional stress on a water resource system that is already facing impacts from climate change and aridification.

The project will begin in May of 2024 with in-person and hybrid listening sessions with stakeholders, scientists, and community members. During these listening sessions, participants will define target areas of study and form focus groups that will meet twice a month for three months to study pressing land and water relations to work towards a solution to the dust on snow issue. The project will conclude with a three-day in person Field Stations workshop in July of 2024 to share findings.

Qualifications:

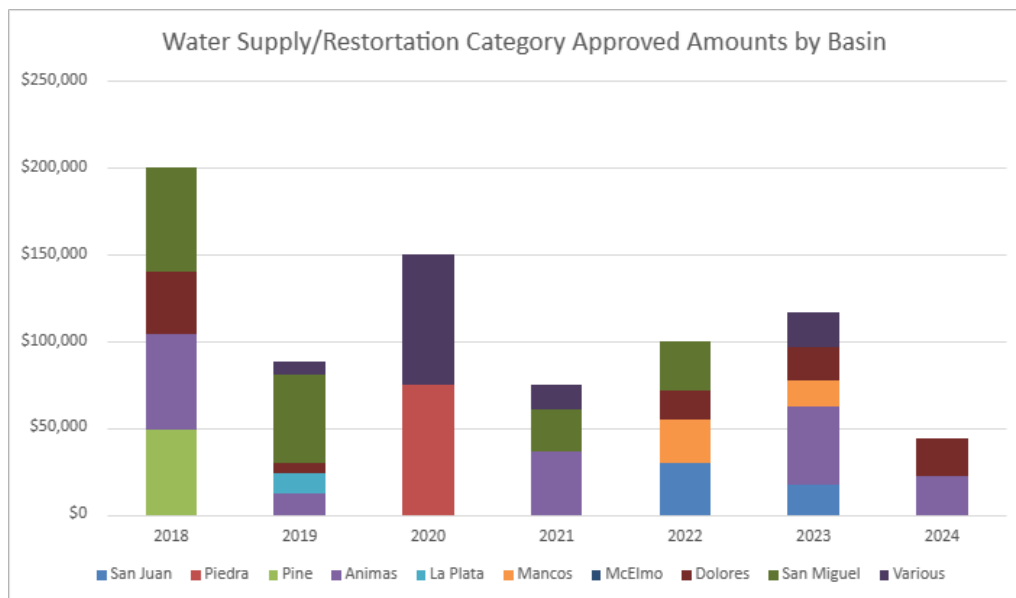
- WII estimates the total project cost to be \$120,000.
  - WII is requesting \$20,000 (16.7% of the total project cost) from SWCD
  - WII is providing a match of \$60,000 (50% of the total project cost)
  - Other funds?
- WII is a qualified entity
- WII is located in SWCD Boundaries

### Recommendations and Comments

WII has a handful of local partners in SWCD, and is aiming to help our communities adapt to dust on snow events. They provided a complete application, meets SWCD Strategic priorities, and qualifies for receiving a grant, SWCD staff recommend approving the grant.

## 2024 Water Supply/Watershed Restoration Funding Category

The grant funding category for “development or improvement of water supply and watershed restoration or enhancement projects, including related design, engineering and construction” has a total of \$125,000 available for allocation in 2024. A maximum grant request per application in this category is \$60,000. The maximum amount any applicant can receive in five years is \$120,000. Three applicants applied for these funds from this category. The total amount requested from this category is \$42,855.



## Aspen Trails Metropolitan District Water System Feasibility Study

Aspen Trails Metropolitan District (ATMD) is applying to receive a grant to help fund a feasibility study to determine if their wells, which are not currently in working order, can be rehabilitated to serve the Aspen Trails Subdivision. ATMD has gotten quotes from multiple local engineers and determined the study would cost approximately \$40,000, including a feasibility study (\$30,000) and local water quality testing (\$10,000). ATMD is looking to leverage a Roundtable grant (\$15,000) as a portion of their match and are currently providing a match of \$5,000, which is under the recommended 25%. Contingent on the Roundtable Grant, ATMD may or may not reach 25%.

The Aspen Trails Subdivision is located approximately 15 miles northeast of Downtown Durango, Colorado and is adjacent to County Road 240. It is in the Florida River valley near Lemon Reservoir. It was first formed in the 1970s as a seasonal community for late spring through late fall residents south of Lemon Reservoir. A water system was also installed when the roads were put in, which accompanied significant water rights. However, due to the seasonal nature of the

community, the water system was only intended to be used during the warmer months and the distribution lines were not buried deep enough to avoid freezing during the winter. Thus, the water system was only operational during the summer months. Over the years, the number of full year residents has grown and forced residents to find other sources, such as self-hauling or drilling wells, which eventually led to the deterioration of the seasonal system, which is no longer functional.

Aspen Trails Metropolitan District (ATMD) was formed in 2003 and serves the whole subdivision. Primarily responsibility is road maintenance, but the district is interested in rehabilitating the water wells and system to begin serving water again. ATMD is funded through mill levies, annual fees imposed by the Board and grants/donations. The district operates on an annual budget of \$80,000. Additional sources of funding would be sought to build the system and residents would be charged for water usage. A new water system would serve approximately 100 households.

#### Qualifications:

- ATMD estimates the total project cost to be \$40,000
  - ATMD is requesting \$20,000 (50% of the total project cost) from SWCD
  - ATMD is providing a cash match of \$5,000 + CWCBC Roundtable \$15,000
  - Where are the remaining funds coming from?
- ATMD is a qualified entity
- ATMDs project is in SWCD Boundaries

#### Recommendations and Comments

Due to ATMD's small operating budget (\$80,000), we are working with them to come up with the appropriate match, whether it be through in-kind services or in-house dollars. ATMD has provided a complete application and meets SWCD Strategic priorities, and qualifies for receiving a grant, beyond match, SWCD staff recommend approving the grant, contingent on ATMD meeting matching requirements.

#### Hermosa Company Ditch Mid-System Parshall Flume

The Hermosa Company Ditch (HCD) is applying to receive a grant of \$1,155 to put in a mid-system Parshall flume. This project will help HCD better serve their constituents and more accurately measure the water that is 'in-system'. HCD received quotes from multiple vendors and determined the cost of a mid-system flume would be \$2,685. They are providing a match of \$1,530, which is over 25% of the matching costs. HCD has not received funding in the last 5 years.

HCD serves 48 properties for 44 HCD members. With the aging of HCD's infrastructure and their experience with the detrimental effects of the 416 wildfire's sediment-laden flooding, HCD decided to increase their annual assessment in recent years to \$135. This increase reflects HCD's

willingness to adapt and update its systems, all the while maintaining financial stability. While HCD currently has Parshall flumes installed just below the Hermosa Creek headgate and ‘up ditch’ of HCD main ditch’s confluence with Tripp Creek, HCD has no measurement capability between these two flume locations. This reach includes 4 of the 5 HCD Laterals and the bulk of water rights (approximately 80%) that are delivered in the system. It has become evident in recent years that the addition of an additional measurement capability would ensure more accurate and ongoing delivery of Hermosa Creek waters to their water rights holders.

Additionally, HCD waters are co-mingled with Animas Consolidated Ditch Company (ACDC) waters on the same laterals, and on some properties the need for accurate measurement is heightened. As well, because HCD delivers water to the Kerr-Dudley ditch and ‘dumps’ return water to the John Thomas Ditch and into the ACDC system east of highway 550, it is desirable to monitor water flows constantly for accurate and ongoing delivery to water rights holders throughout the HCD system and to HCD’s ‘ditch neighbors’.

Qualifications:

- HCD estimates the total project cost to be \$2,685.
  - HCD is requesting \$1,155 (50% of the total project cost) from SWCD
  - HCD is providing a cash match of \$1,530 (50% of the total project cost)
- HCD is a qualified entity
- HCD is located in SWCD Boundaries

## Recommendations and Comments

Overall, this project falls within SWCD’s grant program guidelines. The applicant showed how this project falls within SWCDs strategic priorities and gave a timeline that fits within 2024. With HCD’s small operating budget, it makes sense for them to request funding for this project. As with other construction projects, the project’s budget was based on bid estimates from local contractors this past fall. We are curious if the applicant was able to secure these estimates or if the project’s budget may increase due to inflation. HCD has provided a complete application, meets SWCD Strategic priorities, and qualify for receiving a grant, SWCD staff recommends approving the grant, yet think it is an appropriate time for the board to discuss the capacity they would like to approve grant requests for flumes. With the addition of DWR’s Division 7 Measurement Rules, staff feel that there will be an increase demand for these devices which may outweigh our ability to fund them.

## Dolores River Partnership – Montrose County Tamarisk Removal

Southwest Conservation Corps (SCC) is applying for a grant to fund the Dolores River Partnership. SWCD has funded the Dolores River Partnership since 2020 through SCC and RiversEdge West. The Dolores River Partnership is a public-private collaborative working to remove invasive phreatophytes and other noxious weeds to restore native vegetation communities and overall ecological function along the Dolores River. SWCD’s help with this



project has totaled \$62,204, breaking down as \$25,000 in 2020 for SCC revegetation, \$17,818T in 2022 for RiversEdge West Monitoring, and most recently RiversEdge West for \$19,386 in 2023. These totals do not reach the SWCD limit of \$120,000 for our 5-year max, but we wanted to show the historic use of funds for the Dolores River Partnership, versus just showing funding for each fiscal agent (SCC & RiversEdge West).

SCC is a program of Conservation Legacy, a 501(c)(3) non-profit based in Durango, Colorado. Conservation Legacy is a national organization that supports locally based conservation corps programs. SCC operates conservation service programs that encourage environmental stewardship, foster community partnerships, emphasize experiential learning, and serve a diverse population that is representative of the Southwest; including youth, graduates, veterans, and a cross-section of ethnicities and income levels.

The project area for this funding is located in Montrose County along the Dolores River and spans from Bedrock, Colorado to just south of the San Miguel confluence (to the Mesa County Line). SCC will employ an 8-person saw crew for two weeks and deploy their 3-person strike team to work for a total of 4 weeks. SWCD funds will only go to fund the seasonal strike crew.

Qualifications:

- SCC is estimating the total project cost to be \$48,000.
  - SCC is requesting \$22,000 (46% of the total project cost) from SWCD
  - SCC is providing a cash match of \$26,000
- SCC is a qualified entity
- SCC's project is within SWCD Boundaries

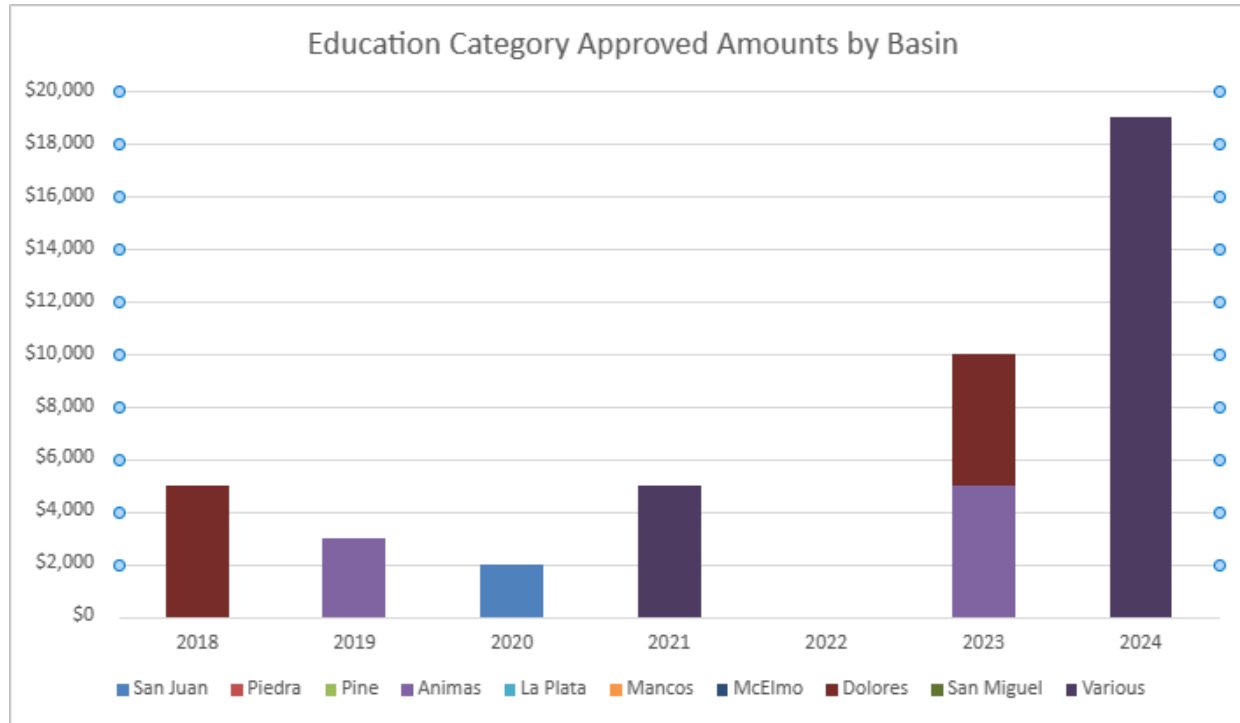
## Recommendations and Comments

SWCD has supported the Dolores River Partnership through SCC and RiversEdge West totaling \$62,204, breaking down as \$25,000 in 2020 for SCC revegetation, \$17,818T in 2022 for RiversEdge West Monitoring, and most recently RiversEdge West for \$19,386 in 2023. These totals do not reach the SWCD limit of \$120,000 for our 5-year max, but we wanted to show the historic use of funds for the Dolores River Partnership, versus just showing funding for each fiscal agent (SCC & RiversEdge West).

Although SCC, nor the Dolores River Partnership are at the 5-year limit, staff would recommend discussion around the 5-year limit and whether that should consist of just the fiscal agent or include the whole project. This clarification will help with future applications from the Dolores River Partnership. SCC has provided a complete application, meets SWCD Strategic priorities, and qualifies for receiving a grant, SWCD staff recommend approving the grant.

## 2024 Education

The grant funding category for “teaching seminars, workshops, and related programs” has a total of \$25,000 available for allocation in 2024. The maximum grant request per application in this category is \$10,000. The maximum amount any applicant can receive in a five-year period is \$20,000. Two applicants applied for this funding, totaling \$19,000.



## Tribal Water Media Fellowship

Fort Lewis College's Four Corners Water Center (FLC), KSUT Public Radio (KSUT), and Rocky Mountain Public Media (RMPM) have created the Tribal Water Media Fellowship to train the next generation of media professionals to tell stories about tribal water topics. Fort Lewis College is dedicated to experiential learning for its diverse students and has faculty with water and communication expertise across disciplines who are dedicated to growing environmental and water focused academic and co-curricular programming. KSUT, founded in 1976 to serve the Southern Ute Tribe, now includes two broadcast streams: Tribal Radio and Four Corners Public Radio, and serves the broader Four Corners region. KSUT continues to be an innovator and leader in Native broadcasting. RMPM is a Colorado statewide leader in public broadcasting with a station in Durango and a presence on FLC's campus RMPM's mission includes strengthening the civic fabric of Colorado where everyone feels seen and heard.

By creating an annual fellowship focused on local Native community topics and water issues, this partnership hopes to further the cause of water protection in the area. The fellowship has two major phases. Fifteen students will be recruited from Fort Lewis College and surrounding areas to participate in both programs, with preference given to Indigenous students and students who are able to complete both phases. The summer intensive consists of a two-week workshop taking place in May 2024 which will include media training, lectures on water topics, an overnight river trip, and social activities. Students will start to conceptualize long-term projects and gain media production skills during the Intensive. The Independent Media Project will take place from June through October. Participants will be actively working on a media project connected to tribal water topics they choose with their mentors. Students will present their projects to the public in an October Showcase, and media partners will assist with the broad dissemination to local/regional/national media outlets.

Qualifications:

- FLC estimates the total project cost to be \$166,161
  - FLC is requesting \$10,000 (06% of the total project cost) from SWCD
  - FLC is providing a match of \$35,000 (21% of the total project cost)
- FLC is a qualified entity
- FLC is located in SWCD Boundaries

Note: SWCD staff attended the final showcase of the student presentations at Fort Lewis College.

## Recommendations and Comments

FLC has provided a complete application, meets SWCD Strategic priorities, and qualifies for receiving a grant, SWCD staff recommend approving the grant.

## Water Education at Fozzie's Farm

Montezuma Land Conservancy (MLC) is requesting funding to help continue water education at Fozzie's Farm totaling \$9,000. This funding will go towards summer programs and youth internships at the farm. Students learn practical skills of farming, as well as gain appreciation for the land, water, and community, they work 20 hours a week in the summer. MLC has budgeted this project costing a total of \$36,280 and has provided a match (through in-kind and donations) of \$18,580, which exceeds the 25% match.

MLC was founded in 1998 to assist local landowners with completing voluntary conservation easements on their private property to protect farm and ranch lands, wildlife habitat, and open space. Since then, MLC has protected over 46,000 acres in Montezuma, Dolores, and San Miguel counties. We are a private, not-for-profit organization with the mission of "Changing lives through land conservation by connecting people to place, forever." Since 2015 MLC has

expanded its mission to include a more community-focused strategy. This shift reflects the needs of landowners for education about soil and water conservation practices, the decline in connection to the natural world that young people face, and the lack of resources for young adults looking for meaningful work in the outdoors. In 2016 MLC received a generous donation of an 83-acre property in Lewis, Colorado called Fozzie's Farm. The irrigated farm has become the hub for our Community Programs.

Qualifications:

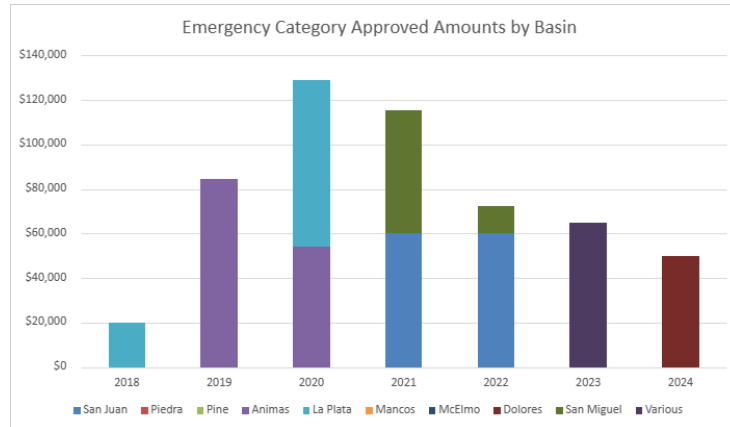
- MLC estimates the total project cost to be \$36,280
  - MLC is requesting \$9,000 (25% of the total project cost) from SWCD
  - MLC is providing a match of \$18,580 (51% of the total project cost)
- MLC is a qualified entity
- MLC is located in SWCD Boundaries

### Recommendations and Comments

Montezuma Land Conservancy has only received one grant from SWCD in the past and does not bump out of the five-year maximum with this request. MLC has provided a complete application, meets SWCD Strategic priorities, and qualify for receiving a grant, SWCD staff recommend approving the grant.

## 2024 Emergency

The grant funding category for “Emergency requests” does not have a specified maximum for allocation in 2024. There is no maximum grant request per application in this category. There is no maximum amount any applicant can receive in a five-year period. One applicant applied for these funds from this category. The total amount requested from this category is \$50,000.



## Beaver Creek Ditch Repairs - Phase Two

The Montezuma Valley Irrigation Company (MVIC) is requesting \$50,000 to help mitigate financial burden from an emergency ditch blowout that occurred in June of 2023. In late 2023, SWCD approved an emergency grant to help cover the first phase of the blowout, totaling \$65,000. The second phase of the project totaled \$518,322, MVIC is providing a match of \$468,322, which exceeds the 25% match requirement.

Groundhog Reservoir was built in Dolores County in 1905 to impound and store water. It has a current capacity of 25,700 acre-feet. It is owned and operated by MVIC. Beaver Creek Ditch contributes 25% of the water held in Groundhog Reservoir. The failure of the ditch in 2023 led to two sinkholes and washed-out areas, causing spring runoff and diverted water away from Groundhog Reservoir. Beaver Creek Ditch repair #2 was approximately 60 feet wide and 90 feet long and 30-40 feet deep. With the unforeseen financial burden of these repairs, MVIC is requesting a retrospective grant for phase two of this project, which was completed in late 2023. The project was originally completed with MVIC’s operating budget.

### Qualifications:

- MVIC’s total project cost were \$518,322
  - MVIC is requesting \$50,000 (10% of the total project cost) from SWCD
  - MVIC is providing a match of \$468,322 (over 25% of the total project cost)
- MVIC is a qualified entity
- MVIC is located in SWCD Boundaries

## Recommendations and Comments

SWCD staff see the importance of supporting local organizations, especially in the wake of emergencies. With that being said, SWCD does not have a limit on request for emergencies, either in the current year or over the last 5 years. This flexibility clearly gives the SWCD board the discretion to determine these values on a case-by-case basis. With the initial event occurring approximately 9 months ago, SWCD staff recommend the board discuss their comfort to continue to support MVIC with this request. For reference, the board approved a \$65,000 emergency grant late last year for the first phase of this project.

The only concern that staff have is that the project was completed in 2023, and MVIC has shown the ability to cover the cost of the project in-house, yet staff recognize the prolonged burden of the emergency. If the board is comfortable with the continued support, MVIC has provided a complete application, meets SWCD Strategic priorities, and qualify for receiving a grant, SWCD staff recommend approving the grant.



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| 1 - APPLICANT INFORMATION       |   |
|---------------------------------|---|
| <b>Name of Qualified Entity</b> | * San Juan Resource Conservation and Development Council (dba Animas Watershed Partnership)                 |
| <b>Type of Qualified Entity</b> | * Nonprofit Corporation <span style="float: right;"><i>*listed on Page 3 of the Grant Guidelines</i></span> |
| <b>Mailing Address</b>          | * PO Box 1006, Durango, CO 81302  |
| <b>Federal ID Number</b>        | 74-2408579  |
| <b>Public Water System ID</b>   |   |
| <b>Contact Person 1</b>         | * Warren Rider, Coordinator Animas Watershed Partnership  |
| <b>Title</b>                    | * 970-274-3646  |
| <b>Phone Number</b>             | * 970-274-3646  |
| <b>Email</b>                    | * warren@riderwater.com   |
| <b>Contact Person 2</b>         | Carrie Padgett  |
| <b>Title</b>                    | Chair, SJRCD  |
| <b>Phone Number</b>             | 970-259-5322  |
| <b>Email</b>                    | carrie@durangowater.com   |

| 2 - WATER ACTIVITY SUMMARY      |  |
|---------------------------------|--|
| <b>Date of Submittal</b>        | * December 13, 2023  |
| <b>Type of Submittal</b>        | * Grant <span style="float: right;"><i>*grant, loan, or a combination thereof</i></span> |
| <b>Project Name</b>             | * Animas River Plan Interim Phase and Demonstration Projects                             |
| <b>Applicant</b>                | * SJRCD/Animas Watershed Partnership   |
| <b>River Basin &amp; County</b> | * Animas River, La Plata County  |
| <b>Amount Request</b>           | * \$20,000   |
| <b>Total Project Cost</b>       | * \$67,679   |
| <b>Applicant Match</b>          | * \$47,679   |
| <b>Use of Funds Year</b>        | <b>2024</b>  |

| 3 - WATER ACTIVITY CATEGORY   |          |   |
|---|----------|---|
| X*  | Limit    | Category  |
|   | \$60,000 | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
| ✓   | \$20,000 | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
|   | \$10,000 | <b>Education:</b> Teaching seminars, workshops, and related programs  |
|   | \$50,000 | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |
| <p><b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board.</p> |          |   |

## 6 - APPLICANT DESCRIPTION

\*Provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment. (250-word max)

Animas Watershed Partnership (AWP) is a diverse, grassroots group of individuals from Colorado, New Mexico, Ute Mountain Ute Tribe, various government agency and nonprofit representatives. The mission of AWP is to collaborate across boundaries to advance protection and improvement of water resources in the Animas Watershed.

The San Juan Resource Conservation and Development Council (SJRCDC) acts as the fiscal agent for AWP. SJRCDC was established in 1972 for the purpose of helping residents of southwest Colorado to use, protect and improve natural, cultural, historic, and economic resources.

AWP has been a long-standing project of SJRCDC. Together the organizations have managed multiple local, state, and federal grants to better the Animas River Basin in Colorado and New Mexico.

\*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

AWP is matching this grant proposal (interim phase) with in-kind and cash support from local Animas River stakeholders. In addition, AWP intends to apply for a Colorado Water Conservation Board Water Plan Grant to advance the planning phase (Phase II) of the Animas River Plan. Local support will be secured for match to that grant. AWP has also recently secured funding via the State of Colorado/319 EPA funds to compete an update to the Watershed-Based Plan (focus on water quality). Additional funding options to support the ongoing work of AWP include Great Outdoors Colorado, US Bureau of Reclamation, federal infrastructure funding, private and state-wide foundations, and contributions from local partners.

## 7 - PROJECT DESCRIPTION

\*Provide a narrative description of the activity's physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

In 2022-2023 Animas River established a scope of work for the Animas River Plan including a data gaps analysis, stakeholder assessment, and identification of priority attributes/areas for a river health assessment (Phase I). The Animas River Plan will initially focus on the mainstem of the Animas from Baker's Bridge to the state-line including the Southern Ute Indian Tribal lands. Planning (Phase II) is anticipated to begin in early 2025. The purpose of this request (interim phase) is to fund activities in 2024 that will address near-term priorities of stakeholders that are necessary to complete before planning begins. These include advancing demonstration projects, integrating with other plans/partner initiatives, and building long-term leadership capacity of AWP.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)



SWCD Goal 2) to ensure stakeholders can adapt to and be resilient to climate change. The outcome of the Animas River Plan will be prioritized strategies and projects for stakeholders to implement in the face of climate change and other stressors. The integration of the Animas River Plan with other watershed plans that focus on water quality, recreation, fluvial hazards, forest/fuels mitigation, or other issues, is critical to ensuring efficient and coordinated project implementation among stakeholders, and enlisting community-support for initiatives.

**SWCD Strategic Priority 2:**

Stakeholders identified concerns over an increase in water administration and uncertainty for reduced allocations as the State of Colorado responds to Colorado River issues and increasing development pressures. They see that pursuing the Animas River Plan effort will help position them to better understand and protect the Animas River to meet stakeholder/water user needs.

**SWCD Strategic Priority 3:**

SWCD Goal 1) Work with stakeholders in water management discussions, seek consensus. Animas River stakeholders have committed the past 18 months to developing the Animas River Plan scope of work. Maintaining their engagement in the interim period prior to initiating planning is important for trust and relationship building. Stakeholders have established a consensus decision making process for their work on the Animas River Plan and it is anticipated that will continue. Additionally, involvement of the Southern Ute Indian Tribe (SUIT) has been a priority. The work to be completed in 2024 will be integral in providing space to further understanding the needs, interests, and role of SUIT and other stakeholders in the planning phase.

**SWCD Strategic Priority 4:**

SWCD Goal 1) Water infrastructure, supply planning, conservation and protection opportunities identified. Stakeholders have stated that there are projects ready to go, that have been identified in previous planning efforts, and if implemented, can raise awareness of the planning effort, show progress, and enlist additional stakeholders. Initiating these projects will help them advance in the near-term, potentially positioning them for federal infrastructure or Water Plan grant funds.

**SWCD Strategic Priority 5:**

SWCD Goal 1) Increase SWCD mission recognition and credibility with target audiences. SWCD has been an important stakeholder thus far, providing funding for pre-planning and participating in all stakeholder meetings. Continuing stakeholder meetings and initiatives will provide an opportunity for SWCD to continue to engage, provide important perspectives, and build relationships with Animas River basin stakeholders.

## 8 - WATER PROJECT TIMELINE

\*Provide a narrative description of the timeline for the project's major tasks and/or a detailed outline (250-word max)

**1. Determine demonstration projects (Jan-Jun 2024)**

Task will include an inventory of projects from previous planning efforts, determination of project champions, identify funding opportunities, and support design and pre-planning if needed.

**2. Ensure integration of Animas River Plan with other plans/partners (Mar-Dec 2024)**

Task will include stakeholder meetings/conversations (4 meetings), identification of areas of plan alignment, adjustments to Animas River Plan scope of work as needed, identification of budget needs, and identification/submission of funding opportunities to support the planning process.

**3. Develop AWP organizational/leadership capacity (Jan-Sept 2024).**

Task will include support to AWP to reaffirm Steering Committee commitment and expectations. Training on best practices for organizational management. Strategic planning discussions.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

**11 - WATER PROJECT BUDGET**

\*Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment. \*Describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project.

| Task/Materials Description  | Funded By<br>(Applicant, SWCD, Other) | Amount |
|---|---------------------------------------|--------|
| See attached table.   |                                       |        |
|   |                                       |        |
|   |                                       |        |
|   |                                       |        |
|   |                                       |        |
|   |                                       |        |
|   |                                       |        |
|   |                                       |        |
| <b>Total Project Cost</b>   |                                       |        |
| <b>Grant Administration Costs as a Percentage of Total Project Cost</b> |                                       |        |

**12 - WATER ACTIVITY BUDGET**

Provide any narrative description of the project expense and funding budget that is necessary. (200-word max)

All three tasks require time from the Animas Watershed Partnership Coordinator (projects inventory, report compilation, technical support), facilitation consultant (convene stakeholders, provide organizational development and strategic planning expertise, facilitation), Project Team (technical and community support, leadership), and Animas River Work Group (direct stakeholders to the planning effort). Task 1 requires support from a project design consultant who will support stakeholders to initiate projects. River Network will provide in-kind support to advance integration of the Animas River Plan with other plans/initiatives. SWCD funds will primarily be utilized for professional consultant support (facilitation and project design) to advance the project.

\*Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations. Attach supporting documentation if necessary.

All stakeholder and AWP Steering Committee time is valued at the Colorado volunteer service rate of \$34.36 (independentsector.org) unless specific in-kind costs are detailed by an organization, which is the case for project team members (e.g., Mountain Studies Institute, Fort Lewis College, River Network).

Stakeholder in-kind is calculated at 15 stakeholders/Work Group members at a total six hours each per quarter (divided by task).

AWP Steering Committee time is calculated for six members, four hours each a month for one year.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swwcd.org](mailto:morock@swwcd.org)

**16 - APPLICANT SIGNATURE**

\*By signing below, I acknowledge I have read the 2024 SWCD Grant Program Guidelines, understand and agree to abide by all program requirements, and that this grant application is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD's grant approval letter.

I understand that grant funding may be requested when needed in 2024. Upon the District's receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District's 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District's Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

**Warren Rider** Digitally signed by Warren Rider  
Date: 2023.12.18 09:14:39 -07'00'

**12/14/2023**

Signature

Date

Printed Name **Warren Rider**

As Authorized Representative for **Animas Watershed Partnership**

Please sign and submit the completed application as one PDF via email to [morock@swcd.org](mailto:morock@swcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swcd.org](mailto:morock@swcd.org)

**San Juan RC&D**  
**Balance Sheet**  
 As of November 30, 2023

|   | Nov 30, 23       |
|---|------------------|
| <b>ASSETS</b>                           |                  |
| <b>Current Assets</b>                   |                  |
| <b>Checking/Savings</b>                 |                  |
| 1000 · Bank of CO - SJRCD               | 38,210.28        |
| 1005 · Bank of CO - Old Fort            | 1,854.38         |
| 1010 · Bank of CO - San Juan Recycling  | 22,343.00        |
| <b>Total Checking/Savings</b>           | 62,407.66        |
| <b>Accounts Receivable</b>              |                  |
| 1200 · Accounts Receivable              | 240.00           |
| <b>Total Accounts Receivable</b>        | 240.00           |
| <b>Total Current Assets</b>             | 62,647.66        |
| <b>TOTAL ASSETS</b>                     | <b>62,647.66</b> |
| <b>LIABILITIES &amp; EQUITY</b>         |                  |
| <b>Liabilities</b>                      |                  |
| <b>Current Liabilities</b>              |                  |
| <b>Accounts Payable</b>                 |                  |
| 2000 · Accounts Payable                 | 308.93           |
| <b>Total Accounts Payable</b>           | 308.93           |
| <b>Other Current Liabilities</b>        |                  |
| 2400 · Payroll Liabilities              |                  |
| 2402 · Accrued Unemployment             | 44.97            |
| 2405 · Accrued Federal Taxes            | 75.00            |
| 2410 · Accrued FICA - ER                | -55.85           |
| 2415 · Accrued FICA EE                  | -55.85           |
| <b>Total 2400 · Payroll Liabilities</b> | 8.27             |
| <b>Total Other Current Liabilities</b>  | 8.27             |
| <b>Total Current Liabilities</b>        | 317.20           |
| <b>Total Liabilities</b>                | 317.20           |
| <b>Equity</b>                           |                  |
| 3000 · Opening Balance Equity           | 59,221.13        |
| 3130 · Perm. Restricted Net Assets      | 94,545.88        |
| 3200 · Unrestricted Net Assets          | -70,089.66       |
| Net Income                              | -21,346.89       |
| <b>Total Equity</b>                     | 62,330.46        |
| <b>TOTAL LIABILITIES &amp; EQUITY</b>   | <b>62,647.66</b> |

4:20 PM  
12/13/23  
Accrual Basis

**San Juan RC&D**  
**Profit & Loss**  
January through November 2023

---

|                     | <u>Jan - Nov 23</u>     |
|---------------------|-------------------------|
| 9450 · Scholarships | <u>58,970.00</u>        |
| Total Other Expense | <u>157,364.16</u>       |
| Net Other Income    | <u>-10,740.80</u>       |
| Net Income          | <u><u>-9,297.51</u></u> |

| Project Budget: Animas River Plan Interim Phase & Demonstration Projects - Jan. 1, 2024 - Dec. 31, 2024 |                  |                           |                      |                    |               | Project Match |                      |                         |              |               |                        |
|---|------------------|---------------------------|----------------------|--------------------|---------------|---------------|----------------------|-------------------------|--------------|---------------|------------------------|
|   | Qty (Hours)      | Cost                      | Total Project Budget | SWCD Grant Request | Total Match   | TNC (cash)    | River Network (cash) | River Network (in-kind) | FLC in-kind  | AWP (in-kind) | Stakeholders (in-kind) |
| <b>Task 1 - Determine Demonstration Projects</b>  |                  |                           |                      |                    |               |               |                      |                         |              |               |                        |
| Coordinator, Animas Watershed Partnership   | 40               | 110                       | 4,400                | -                  | 4,400         | 1,700         | 1,700                |                         |              | 1,000         |                        |
| Facilitator, Strategic By Nature, Inc.  | 32               | 140                       | 4,480                | 2,480              | 2,000         | 1,000         | 1,000                |                         |              |               |                        |
| Project Team, Mountain Studies Institute  | 16               | 90                        | 1,440                | -                  | 1,440         | 1,280         | 160                  |                         |              |               |                        |
| Project Team, Fort Lewis College  | 16               | 70                        | 1,120                | -                  | 1,120         |               |                      |                         | 1,120        |               |                        |
| Consultant, Project Design  | 36               | 165                       | 5,940                | 5,161              | 779           | 219           | 560                  |                         |              |               |                        |
| Work Group Engagement, Stakeholders   | 180              | 34.36                     | 6,185                | (0)                | 6,185         |               |                      |                         |              |               | 6,185                  |
| <b>Task 1 subtotal</b>  |                  |                           | <b>23,565</b>        | <b>7,641</b>       | <b>15,924</b> | <b>4,199</b>  | <b>3,420</b>         | <b>-</b>                | <b>1,120</b> | <b>1,000</b>  | <b>6,185</b>           |
| <b>Task 2</b>   |                  |                           |                      |                    |               |               |                      |                         |              |               |                        |
| Coordinator, Animas Watershed Partnership   | 40               | 110                       | 4,400                | 3,400              | 1,000         |               |                      |                         |              | 1,000         |                        |
| Facilitator, Strategic By Nature, Inc.  | 32               | 140                       | 4,480                | 4,480              | -             |               |                      |                         |              |               |                        |
| Project Team, Mountain Studies Institute  | 16               | 90                        | 1,440                | -                  | 1,440         |               | 1,440                |                         |              |               |                        |
| Project Team, Fort Lewis College  | 16               | 70                        | 1,120                | -                  | 1,120         |               |                      |                         | 1,120        |               |                        |
| Project Team, River Network   | 32               | 70                        | 2,240                | -                  | 2,240         |               |                      | 2,240                   |              |               |                        |
| Meeting Space, Fort Lewis College   | 4                | 100                       | 400                  | -                  | 400           |               |                      |                         | 400          |               |                        |
| Work Group Engagement, Stakeholders   | 180              | 34.36                     | 6,185                | (0)                | 6,185         |               |                      |                         |              |               | 6,185                  |
| <b>Task 2 subtotal</b>  |                  |                           | <b>20,265</b>        | <b>7,880</b>       | <b>12,385</b> | <b>-</b>      | <b>1,440</b>         | <b>2,240</b>            | <b>1,520</b> | <b>1,000</b>  | <b>6,185</b>           |
| <b>Task 3</b>   |                  |                           |                      |                    |               |               |                      |                         |              |               |                        |
| Coordinator, Animas Watershed Partnership   | 40               | 110                       | 4,400                | -                  | 4,400         | 1,310         | 2,090                |                         |              | 1,000         |                        |
| Facilitator, Strategic By Nature, Inc.  | 32               | 140                       | 4,480                | 4,480              | -             |               |                      |                         |              |               |                        |
| Project Team, Mountain Studies Institute  | 16               | 90                        | 1,440                | -                  | 1,440         | 1,440         |                      |                         |              |               |                        |
| Project Team, Fort Lewis College  | 16               | 70                        | 1,120                | -                  | 1,120         |               |                      |                         | 1,120        |               |                        |
| Steering Committee, Animas Watershed Partnership  | 288              | 34.36                     | 9,896                | (0)                | 9,896         |               |                      |                         |              | 9,896         |                        |
| <b>Task 3 subtotal</b>  |                  |                           | <b>21,336</b>        | <b>4,480</b>       | <b>16,856</b> | <b>2,750</b>  | <b>2,090</b>         | <b>-</b>                | <b>1,120</b> | <b>10,896</b> | <b>-</b>               |
| <b>Grant Administration</b>   |                  |                           |                      |                    |               |               |                      |                         |              |               |                        |
| San Juan RCD 7%   | 1                | 2,513.70                  | 2,514                | (0)                | 2,514         | 1,251         | 1,250                |                         |              | 13            |                        |
| <b>Grant Administration Subtotal</b>  |                  |                           | <b>2,514</b>         | <b>(0)</b>         | <b>2,514</b>  | <b>1,251</b>  | <b>1,250</b>         | <b>-</b>                | <b>-</b>     | <b>13</b>     | <b>-</b>               |
| <b>Total</b>  |                  |                           | <b>67,679</b>        | <b>20,000</b>      | <b>47,679</b> | <b>8,200</b>  | <b>8,200</b>         | <b>2,240</b>            | <b>3,760</b> | <b>12,909</b> | <b>12,370</b>          |
| <b>Match Summary</b>  |                  |                           |                      |                    |               |               |                      |                         |              |               |                        |
|   | <b>Amount</b>    | <b>Percent of Project</b> |                      |                    |               |               |                      |                         |              |               |                        |
| In-kind Match   | \$ 31,279        | 46%                       |                      |                    |               |               |                      |                         |              |               |                        |
| Cash Match  | \$ 16,400        | 24%                       |                      |                    |               |               |                      |                         |              |               |                        |
| <b>Total Match</b>  | <b>\$ 47,679</b> | <b>70%</b>                |                      |                    |               |               |                      |                         |              |               |                        |



December 14, 2023

Mr. Steve Wolff  
General Manager  
Southwestern Water Conservation District  
841 E. 2<sup>nd</sup> Ave  
Durango, CO 81301

RE: Animas River Stream Management Plan Grant Application

Dear Mr. Wolff and the SWCD Board,

On behalf of the Four Corners Water Center at Fort Lewis College, I am writing to support the Animas Watershed Partnership's application for partial funding of the "Animas River Plan Interim Phase and Demonstration Projects" proposal. The Animas Watershed Partnership has built incredible momentum during Phase 1 (the pre-planning initiative) of this project by bringing together stakeholders, evaluating targets and metrics, and setting the stage for strong collaborative efforts that will improve the state of the Animas Watershed. The next steps in this project will take this momentum to initiate action within our watershed to protect water and ecological resources, engage our community, and plan for the future.

The Animas Watershed Partnership has been working on stream health initiatives for 20 years in the Animas Basin. They are ideally situated to continue to lead the next phase of the Animas River Stream Management Plan (SMP), which will include initiating demonstration projects and integrating other plans into the SMP. In order to complete these tasks, continued development of AWP's organizational capacity will be key. Support from SWCD will help with these efforts and allow continuation of critical work as the SMP is transitioned into its next stages.

The Animas River SMP process will continue to be a collaborative effort, leveraging the work of several organizations, including the Mountain Studies Institute, the Nature Conservancy, and River Network. The Four Corners Water Center is proud to be part of this effort and is able to commit at least 48 hours of in-kind time from FLC water faculty (at an average rate of \$70/hour) to assist with the next steps in the planning effort.

Sincerely,

A handwritten signature in black ink that reads "Kaitlin J. Mattos".

Kaitlin J. Mattos

Interim Director, Four Corners Water Center

Assistant Professor, Environment & Sustainability Department and Teacher Education Department

[kjmattos@fortlewis.edu](mailto:kjmattos@fortlewis.edu), office phone (970) 247-6055



December 14, 2023

Steve Wolff, Director  
Southwestern Water Conservation District  
841 E 2nd Ave, Durango, CO 81301

Re: Animas Watershed Partnership application for Animas River Plan Interim Phase and Demonstration Projects

Dear Southwestern Water Conservation District,

On behalf of Mountain Studies Institute's (MSI) Board of Directors and staff, please accept our sincere recommendation for the Animas Watershed Partnership's (AWP) application for Animas River Plan Interim Phase and Demonstration Projects. MSI is an independent not-for-profit mountain research and education center established in 2002 in Silverton, Colorado. MSI connects scientists and stakeholders across the San Juan Mountains region to go beyond scientific inquiry to the meaningful application of knowledge that makes a difference for the quality of the environment, our communities, and our future.

MSI has partnered with the AWP since the development of the Animas Watershed Based Plan (2011) to bring scientific resources to its efforts, including assessing the changing needs of the Animas River to be resilient in the face of competing demands and a changing future. AWP has done significant work to convene watershed-wide stakeholders and evaluate data gaps during the pre-planning SMP stage. We strongly support AWP's leadership in the next Animas River SMP phase by initiating demonstration projects and integrating all Animas River planning efforts. Support from SWCD will ensure that momentum and stakeholder engagement will continue leading to the identification and implementation of on the ground projects that will benefit the Animas River watershed.

Please feel free to contact me should you have any questions regarding our interest, commitment, or partnership with Animas Watershed Partnership for the Animas River Stream Management Plan, Phase I.

Sincerely,

Melissa May  
MSI Executive Director





**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application.*

| 1 - APPLICANT INFORMATION       |                                |
|---------------------------------|--------------------------------|
| <b>Name of Qualified Entity</b> | Mancos Conservation District   |
| <b>Type of Qualified Entity</b> | Public Entity                  |
| <b>Mailing Address</b>          | PO Box 694 Mancos, CO 81328    |
| <b>Federal ID Number</b>        | 84-0614777                     |
| <b>Public Water System ID</b>   |                                |
| <b>Contact Person 1</b>         | Sensa Wolcott                  |
| <b>Title</b>                    | Watershed Coordinator          |
| <b>Phone Number</b>             | 970-533-7317                   |
| <b>Email</b>                    | mancoscd.coordinator@gmail.com |
| <b>Contact Person 2</b>         |                                |
| <b>Title</b>                    |                                |
| <b>Phone Number</b>             |                                |
| <b>Email</b>                    |                                |

## 2024 SWCD Financial Assistance Checklist

| 4 - SWCD SUBMITTAL CHECKLIST |  |
|------------------------------|--|
| SW                           | *I acknowledge I have read and understand the <a href="#">2024 SWCD Grant Program Guidelines</a> . |
| SW                           | *The request does not exceed 50% of the total project cost   |
| SW                           | *The applying organization is funding at least 25% of the total project cost                       |
| SW                           | *The request is for funds to be used in 2024, for a project to be completed in 2024                |
| SW                           | *I understand that SWCD does not fund payroll, legal, or grant administration costs                |
| SW                           | *I have included a detailed project expense budget   |
| SW                           | *I have included a detailed project funding budget.  |
| SW                           | *I have consulted with SWCD staff to ensure all minimum criteria have been met                     |
| SW                           | *I have gathered all of the required attachments indicated below                                   |
| SW                           | * The Application is ONE PDF - including attachments in the order indicated below                  |

| 5 - ATTACHMENT CHECKLIST |   |          |         |
|--------------------------|---|----------|---------|
|                          | <b>* Attach in this order</b>   | Status   | Section |
|                          | *Qualified entity - <i>see guidelines</i>   | Required | 1       |
|                          | *Financial statements to demonstrate adequate reserve - <i>no more than 5 pages</i>     | Required | 6       |
|                          | Map and/or photos of project location   | Optional | 7       |
|                          | Measurable results  | Optional | 7       |
|                          | “Water Rights Tabulation” Report  | Optional | 7       |
|                          | Water project timeline supporting documents   | Optional | 8       |
|                          | Feasibility study/assessments done for the project                                      | Optional | 9       |
|                          | Water activity budget supporting documents  | Optional | 10      |
|                          | Matching requirement supporting documents   | Optional | 11      |
|                          | *Detailed Expense and Funding Budget - <i>can use space provided in the application</i> | Required | 12      |
|                          | Applicant liability or indebtedness supporting documents                                | Optional | 14      |
|                          | Letters of Support  | Optional | 16      |

\*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

The MCD 2024 budget is estimated at \$2,098,209 with 95% of this total secured from grant revenue designated for planning, engineering, and project implementation outside of this grant request. While this budget amount reflects MCD's success with grant acquisition, our long-term sustainability with unrestricted funding is at 5% of our annual budget. MCD continues to work on long-term sustainability and the continuation of pilot projects and programs once grant funding has ended. We do this by utilizing the 5% of unrestricted funding once grant eligibility has passed. While our financial sustainability sans grants are more fluid than hoped, we can minimize expenditures elsewhere, such as office space. We were given our current office and property by a local landowner in the 1950's. While these cost cuts are a significant aid in the sustainability of our organization and show great confidence from our stakeholders in the work we do, it does not mitigate the need for grant dollars to continue to support projects that will allow us to better serve our constituents.

## 7 - PROJECT DESCRIPTION

\*Provide a narrative description of the activity's physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

The Conserving Natural Resources in Montezuma County Through Robust Outreach and Education Opportunities project will prioritize agricultural and natural resource outreach and education. Through this project, the Mancos Conservation District will host workshops, river literacy lessons, a water festival, and a Mancos Watershed tour. The 8 workshops hosted will benefit the community by highlighting Climate Smart Practices, with topics including cover crops, grazing land management, prescribed grazing, nutrient management, forestry, upland habitat management, and riparian restoration. In addition to workshops, river literacy lessons, and field trips, MCD will contract with Lotic Hydrological to gain a better understanding of the water quality data collected over the last 8 years. MCD will also host a second Mancos Watershed tour to provide education on how water is utilized in our community. Our planned workshops, watershed tour, and data analysis will bridge the gap in the importance of this resource and the community's knowledge of how they utilize and interact with the river. Since the Mancos River supports the entire Mancos community in a variety of ways, maintaining the health of this vital water source is imperative to the community that relies so heavily on it.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

in the Mancos Valley while supporting SWCD's strategic priority 3.

Providing a watershed tour and educational workshops provides community members an excellent opportunity to shape conservation efforts in the Mancos Valley, and grow in a sense of community while learning more about the tribal and federal partners that work within the watershed. As a Special District, one of our main goals is to better serve private landowners and the community in which we reside. Our education opportunities are a fantastic way for us to serve not only landowners who currently have ongoing projects in collaboration with MCD but also all other stakeholders and municipal water users in the Mancos Valley. Through previous stream management plan workshops and stewardship events, there has been stakeholder feedback for increased resources and education available to the community. By providing more workshops, field trips, data analysis, and river literacy lessons we will connect all sectors of the watershed and provide tools to the community on how they can be actively involved in conservation efforts.

*\* Denotes required information - applications will be returned if required fields are missing*  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

2024 SWCD Grant Application  
Page 7

## 8 - WATER PROJECT TIMELINE

\*Provide a narrative description of the timeline for the project's major tasks and/or a detailed outline (250-word max)

- I. Task 1: Climate Smart Practices Outreach and Education Workshops & Water Festival
  - A. MCD will plan and host 8 public workshops throughout 2023, focused on water conservation, water quality, soil health, and forest mitigation.
  - B. MCD will plan and host an Annual Water Festival to engage the community in watershed health and conservation efforts.
- II. Task 2: River Literacy
  - A. MCD will plan and host twice-a-month River Literacy lessons at the Mancos Public Library to educate youth on river health and ecosystem services.
  - B. MCD will plan and host 2 field trips through the Mancos School District to get students outside and learn about natural resource management.
- III. Task 3: Watershed Tour
  - A. MCD will plan and host an all-day watershed tour providing a unique experience to community members. MCD will rent vans to drive 30 people from the upper reaches of the watershed down to the tribal land. Lunch and snacks will be provided for participants.
- IV. Task 4: Data Analysis Contractor - Lotic Hydrological Watershed Assessment
  - A. Lotic Hydrological will conduct a comprehensive assessment of aquatic health monitoring datasets previously collected by MCD in the Mancos watershed. Lotic Hydrological will create a final report with findings and present the report to staff.
  - B. Lotic will also facilitate two additional 1.5-hour meetings to support the

|  |                 |  |  |
|--|-----------------|--|--|
|  |                 |  |  |
| Total Applicant Match (At Least 25%)     | \$6,000         |  |  |
| Total Other Funding                      | \$17,000        |  |  |
| SWCD Request (Up to 50% of Project Cost) | \$12,000        |  |  |
| <b>Total Project Cost</b>                | <b>\$29,000</b> |  |  |

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swcd.org](mailto:morock@swcd.org)

| <b>11 - WATER PROJECT BUDGET</b>   |                                       |                 |
|--|---------------------------------------|-----------------|
| *Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment. *Describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project. |                                       |                 |
| Task/Materials Description   | Funded By<br>(Applicant, SWCD, Other) | Amount          |
| Task I - Food, speaker stipends, water festival  | NRCS, SWCD                            | \$7,400         |
| Task II - River Literacy lessons and field trips   | NRCS                                  | \$4,000         |
| Task III - Van rentals, food, printing supplies  | SWCD                                  | \$1,600         |
| Task IV - Data analysis contract   | CWCB, SWCD                            | \$10,000        |
| Task V - MCD grant admin/project management  | MCD                                   | \$6,000         |
|  |                                       |                 |
| <b>Total Project Cost</b>  |                                       | <b>\$29,000</b> |
| <b>Grant Administration Costs as a Percentage of Total Project Cost</b>  |                                       | <b>5%</b>       |

|  |                 |
|--|-----------------|
| Food (\$15/person)   | \$450           |
| Printing supplies  | \$100           |
| Snacks   | \$150           |
| <b>Task 4: Data Analysis Contractor</b>  |                 |
| Lotic Hydrologic Watershed Assessment  | \$10,000        |
| <b>Task 5: MCD grant admin/project management</b>  |                 |
| Project Management (90 hours)  | \$4,800         |
| Grant Administration (20 hours)  | \$1,200         |
| <b>Total Project Cost</b>  | <b>\$29,000</b> |
| *Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations. Attach supporting documentation if necessary. |                 |
|  |                 |

\* Denotes required information - applications will be returned if required fields are missing  
 Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

**13 - PREVIOUS SWCD AWARDS AND REQUESTS**

\*Please list all previous requests and awards from SWCD. Please ensure that your entity does not exceed the five-year limits on awards outlined in the [guidelines](#).

| Year | Amount   | Project Title   |
|------|----------|---|
| 2009 | \$15,000 | Mancos Valley Watershed Management Project                            |
| 2010 | \$15,000 | Tech Assistance to Mancos River Watershed Project                     |
| 2011 | \$15,000 | Tech Assistance to Mancos River Watershed Project                     |
| 2012 | \$15,000 | Mancos River Diversion Project  |
| 2013 | \$43,000 | Mancos River Diversion Project, Montezuma STFP, Bolen & Sheek Ditches |
| 2014 | \$15,000 | Mancos River Diversion Project  |
| 2015 | \$15,000 | Mancos River Diversion Project  |
| 2016 | \$20,000 | Montezuma STFP  |
| 2017 | \$20,000 | Montezuma STFP  |
| 2020 | \$13,746 | Mancos Watershed Stream Management Plan, Phase I (Public              |

**16 - APPLICANT SIGNATURE**

\*By signing below, I acknowledge I have read the 2024 SWCD Grant Program Guidelines, understand and agree to abide by all program requirements, and that this grant application is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD’s grant approval letter.

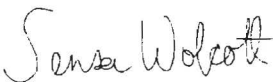
I understand that grant funding may be requested when needed in 2024. Upon the District’s receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District’s 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District’s Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.



12/14/23

Signature

Date

Printed Name: Sensa Wolcott

As Authorized Representative for Mancos Conservation District

Please sign and submit the completed application as one PDF via email to [morock@swgcd.org](mailto:morock@swgcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

\* Denotes required information - applications will be returned if required fields are missing Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

# Mancos Conservation District

## Balance Sheet

As of November 30, 2023

|  | TOTAL               |
|--|---------------------|
| <b>ASSETS</b>                          |                     |
| Current Assets                         |                     |
| Bank Accounts                          |                     |
| 10000 CHECKING - DOLORES STATE BANK    | 62,145.16           |
| 11000 SAVINGS - DOLORES STATE BANK     | 1,335.76            |
| 12000 48 MONTH CD                      | 558.81              |
| <b>Total Bank Accounts</b>             | <b>\$64,039.73</b>  |
| Accounts Receivable                    |                     |
| 11001 Accounts Receivable              | 45,616.86           |
| <b>Total Accounts Receivable</b>       | <b>\$45,616.86</b>  |
| Other Current Assets                   |                     |
| 11011 Property Tax Receivable          | 22,940.00           |
| 12001 Undeposited Funds                | 236.50              |
| <b>Total Other Current Assets</b>      | <b>\$23,176.50</b>  |
| <b>Total Current Assets</b>            | <b>\$132,833.09</b> |
| Fixed Assets                           |                     |
| 15000 Fixed Assets                     |                     |
| 15050 Accumulated Depreciation         | -10,515.00          |
| 15100 Furniture and Equipment          | 71,258.00           |
| 15200 Building                         | 32,400.00           |
| 15300 Land                             | 20,000.00           |
| <b>Total 15000 Fixed Assets</b>        | <b>113,143.00</b>   |
| <b>Total Fixed Assets</b>              | <b>\$113,143.00</b> |
| <b>TOTAL ASSETS</b>                    | <b>\$245,976.09</b> |
| <b>LIABILITIES AND EQUITY</b>          |                     |
| Liabilities                            |                     |
| Current Liabilities                    |                     |
| Credit Cards                           |                     |
| 27300 CAPITAL ONE                      | 8,134.56            |
| <b>Total Credit Cards</b>              | <b>\$8,134.56</b>   |
| Other Current Liabilities              |                     |
| 20001 Deferred Revenue                 | 22,940.00           |
| 24000 Payroll Liabilities              | 4,519.35            |
| H.I. Deduction Holm                    | -408.88             |
| <b>Total Other Current Liabilities</b> | <b>\$27,050.47</b>  |
| <b>Total Current Liabilities</b>       | <b>\$35,185.03</b>  |
| <b>Total Liabilities</b>               | <b>\$35,185.03</b>  |
| Equity                                 |                     |
| 32000 Unrestricted Net Assets          | -24,421.25          |
| 33000 TABOR                            | 17,612.00           |
| 34000 Net Investment in Capital Asset  | 113,143.00          |
| 35000 Retained Earnings                | 35,123.37           |



# Mancos Conservation District

## Profit and Loss

January - November, 2023

|                                       | TOTAL                 |
|---------------------------------------|-----------------------|
| <b>Income</b>                         |                       |
| 40000 MCD - INCOME                    |                       |
| 41000 MCD - Grant Income              |                       |
| 41020 AIM Grant                       | 17,204.77             |
| 41030 CHRF Grant                      | 17,538.00             |
| 41050 COSWAP                          | 53,875.13             |
| 41055 CPW Grant                       | 6,378.75              |
| 41100 CSCB-DCT Grant                  | 108,188.24            |
| 41110 CSCB-MG Grant                   | 25,000.00             |
| 41120 CSCB-SH Grant                   | 43,820.90             |
| 41201 CWCB Tech Assistance Grant      | 41,193.35             |
| 41203 CWCB SMP Grant                  | 88,567.50             |
| 41300 Direct Assistance               | 8,625.27              |
| 41305 DOLA Affordable Housing         | 458,640.16            |
| 41350 RN-CWP Grant                    | 16,976.00             |
| 41400 MSI-WCS Grant                   | 26,965.00             |
| 41401 MSI-RESTORE Grant               | 16,570.00             |
| 41500 SWCD Grant                      | 10,930.32             |
| 41700 USFW Fish Passage Grant         | 18,000.00             |
| <b>Total 41000 MCD - Grant Income</b> | <b>958,473.39</b>     |
| 42000 MCD - Other Income              |                       |
| 42049 Mill Levy                       | 26,221.26             |
| 42050 Capital One Rewards             | 700.00                |
| 42057 Equipment Rental                | 4,550.10              |
| 42060 Fees for Service                | 47,252.11             |
| 42073 Misc Income                     | 203.23                |
| 42075 Private Donations               | 1,104.58              |
| 42080 Rental Income                   | 1,311.60              |
| 42100 Town of Mancos Partnership      | 30,000.00             |
| <b>Total 42000 MCD - Other Income</b> | <b>111,342.88</b>     |
| 43000 MCD - Interest Income           | 171.69                |
| <b>Total 40000 MCD - INCOME</b>       | <b>1,069,987.96</b>   |
| Unapplied Cash Payment Income         | 180.00                |
| <b>Total Income</b>                   | <b>\$1,070,167.96</b> |
| <b>GROSS PROFIT</b>                   | <b>\$1,070,167.96</b> |

# Mancos Conservation District

## Profit and Loss

January - November, 2023

|  | TOTAL                 |
|--|-----------------------|
| 68300 Travel and Meetings              | 4,908.35              |
| 68310 Conference, Convention, Meeting  | 1,150.05              |
| 68315 Mileage Reimbursement            | 3,953.17              |
| 68320 Travel                           | 9,427.22              |
| <b>Total 68300 Travel and Meetings</b> | <b>19,438.79</b>      |
| <b>Total 60000 MCD - EXPENSES</b>      | <b>1,000,945.02</b>   |
| Reimbursements                         | 0.00                  |
| Unapplied Cash Bill Payment Expense    | 0.00                  |
| <b>Total Expenses</b>                  | <b>\$1,000,945.02</b> |
| NET OPERATING INCOME                   | <b>\$69,222.94</b>    |
| NET INCOME                             | <b>\$69,222.94</b>    |



United States Department of Agriculture

September 19, 2023

Mancos Conservation District  
P.O. Box 694  
Mancos, CO 81328  
mancoscd1@gmail.com

SUBJECT: Funding Opportunity USDA-NRCS-NHQ-ECO-23-NOFO0001222 - Equity in Conservation Outreach Cooperative Agreements

Dear Mancos Conservation District,

The Natural Resources Conservation Service (NRCS) has conditionally selected your application for the above referenced funding opportunity for award. The anticipated Federal share is \$634,062. **This award is contingent upon negotiations with NRCS that includes developing a statement of work containing your deliverables and an associated budget.**

The next step in the process will be to discuss the details associated with the development of the potential agreement for your proposal. An NRCS Outreach and Partnerships Division staff member will contact you within ten (10) business days to provide meeting options to begin the process.

**This letter is not an authorization to begin performance or to incur costs prior to an award being fully executed.** The Notice of Grant and Agreement Award (form NRCS-ADS-093), when signed by an authorized NRCS official, is the authorizing and fully executed document. The incurrence of any pre-award costs, for which your organization would seek reimbursement after an agreement is fully executed, must first be negotiated, and approved in advance in writing by the NRCS. Any pre-award costs not approved by the NRCS will not be reimbursed and are incurred at your organization's own risk.

Again, thank you for your application and we look forward to working with you and your organization on this project. If you have any questions, you may contact me at 202-380-6380 or via email: [ronald.harris@usda.gov](mailto:ronald.harris@usda.gov).

I look forward to working with your organization on this project.

Sincerely,

/S/

Ronald A. Harris  
Director of Outreach and Partnerships Division



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| 1 - APPLICANT INFORMATION |   |
|---------------------------|---|
| Name of Qualified Entity  | *Wright-Ingraham Institute  |
| Type of Qualified Entity  | *Non-Profit 501C3 <span style="float:right"><i>*listed on Page 3 of the Grant Guidelines</i></span> |
| Mailing Address           | * 633 seventeenth st., suite 2200, Denver CO 80202  |
| Federal ID Number         | 84-0601146  |
| Public Water System ID    |   |
| Contact Person 1          | *Dylan Gauthier   |
| Title                     | *Managing Director (646) 701-1134   |
| Phone Number              | *Managing Director (646) 701-1134   |
| Email                     | *dylan@wright-ingraham.org  |
| Contact Person 2          |   |
| Title                     |   |
| Phone Number              |   |
| Email                     |   |

| 2 - WATER ACTIVITY SUMMARY |  |
|----------------------------|--|
| Date of Submittal          | * 11/17/2023   |
| Type of Submittal          | * Grant <span style="float:right"><i>*grant, loan, or a combination thereof</i></span> |
| Project Name               | *Nexus of Land and Water: Addressing The Issue of Dust on Snow                         |
| Applicant                  | *Wright-Ingraham Institute   |
| River Basin & County       | *San Juan/ La Plata  |
| Amount Request             | *\$20,000  |
| Total Project Cost         | *\$120,000   |
| Applicant Match            | *\$60,000  |
| Use of Funds Year          | <b>2024</b>  |

| 3 - WATER ACTIVITY CATEGORY  |          |   |
|--|----------|---|
| X*   | Limit    | Category  |
|  | \$60,000 | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
| ✓  | \$20,000 | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
|  | \$10,000 | <b>Education:</b> Teaching seminars, workshops, and related programs  |
|  | \$50,000 | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |
| <b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board. |          |   |

## 2024 SWCD Financial Assistance Checklist

| 4 - SWCD SUBMITTAL CHECKLIST |  |
|------------------------------|--|
| ✓                            | *I acknowledge I have read and understand the <a href="#">2024 SWCD Grant Program Guidelines</a> . |
| ✓                            | *The request does not exceed 50% of the total project cost   |
| ✓                            | *The applying organization is funding at least 25% of the total project cost                       |
| ✓                            | *The request is for funds to be used in 2024, for a project to be completed in 2024                |
| ✓                            | *I understand that SWCD does not fund payroll, legal, or grant administration costs                |
| ✓                            | *I have included a <u>detailed</u> project expense budget  |
| ✓                            | *I have included a <u>detailed</u> project funding budget.   |
| ✓                            | *I have consulted with SWCD staff to ensure all minimum criteria have been met                     |
| ✓                            | *I have gathered all of the required attachments indicated below                                   |
| ✓                            | * The Application is ONE PDF - including attachments in the order indicated below                  |

| 5 - ATTACHMENT CHECKLIST  |          |         |
|---|----------|---------|
| * Attach in this order  | Status   | Section |
| ✓ *Qualified entity - <i>see guidelines</i>   | Required | 1       |
| ✓ *Financial statements to demonstrate adequate reserve - <i>no more than 5 pages</i>     | Required | 6       |
| Map and/or photos of project location   | Optional | 7       |
| Measurable results  | Optional | 7       |
| “Water Rights Tabulation” Report  | Optional | 7       |
| Water project timeline supporting documents   | Optional | 8       |
| ✓ Feasibility study/assessments done for the project                                      | Optional | 9       |
| Water activity budget supporting documents  | Optional | 10      |
| Matching requirement supporting documents   | Optional | 11      |
| ✓ *Detailed Expense and Funding Budget - <i>can use space provided in the application</i> | Required | 12      |
| Applicant liability or indebtedness supporting documents                                  | Optional | 14      |
| ✓ Letters of Support  | Optional | 16      |

### Frequently Asked Questions:

**Q:** What documentation do I need to submit to prove we’re a “Qualified Entity”?

**A:** Examples of proper documentation include (but are not limited to) articles of incorporation, corporate bylaws, or a Certificate of Good Standing from the Colorado Secretary of State.

**Q:** Should I gather everything I need for my application before reaching out to SWCD Staff?

**A:** The more you can gather, the easier the process will be - feel free to reach out to staff at any point in the application process and we can help answer any questions you may have.

**Q:** Why are there word/page limits on some application sections, what if I need more space?

**A:** Limits are set to give you an idea on how detailed answers need to be and to help staff review your application, please reach out if you have any concerns about these limits.

Please refer to our [FAQ Page](#) for other frequently asked questions.

\* Denotes required information - applications will be returned if required fields are missing

Questions? Contact: Mo Rock, 970-247-1302, [morock@swwcd.org](mailto:morock@swwcd.org)

Feb. 14-15, 2024

SWCD Regular Board Meeting Packet

If possible, include measurable results such as acres served, watersheds impact, types of crops, number of taps, length of ditch improvements, length of pipe installed, area of habitat improvements, or students impacted. Photos, maps, or other graphics can be inserted here or attached.

This work is the next logical step by turning to the source of dust, and creating a cooperative group of stakeholders and experts to create solutions that minimize the mobilization of particulate matter in desert environments. Through the creation of pilot projects and eventual implantation of these projects, this group aims to increase seasonal availability of water to downstream users in the watersheds of the San Juan Mountains.

\*What are the benefits of the project? Consider the following prompts in your answer, hitting all points if possible:

1. How does the project assist SWCD in furthering its statutory mission to protect, conserve, use, and develop the water resources of southwestern Colorado, as well as safeguard all waters to which Colorado is entitled?
2. In February of 2022, SWCD adopted a strategic plan with six strategic priorities, [read the priorities here](#). Which priorities does this project satisfy and how?
3. Does your project enhance or preserve any pre-compact water rights? If so, please describe the amount, appropriation date and adjudication date of these water rights .

Additionally, attach a “Water Rights Tabulation” report from the Colorado Division of Water Resources (DWR). (750-word max)

*For help acquiring water rights information, call DWR (San Miguel Basin: 970-249-6622, Other Basins: 970-247-1845).*

This project will deliver a number of benefits to the local community and will help further the statutory mission of SWCD “to protect, conserve, use, and develop the water resources of southwestern Colorado, as well as safeguard all waters to which Colorado is entitled” by developing and prioritizing through a stakeholder working group implementable projects that directly reduce the mobilization of particulate matter (dust) and subsequent deposition on the mountain snowpack.

A portion of this project will take place in Cortez, Colorado and will include in person and hybrid listening sessions with stakeholders, scientists, and community members. Core stakeholders – including Jeff Derry of the Center for Snow and Avalanche Studies, Dr. Heidi Steltzer of Fort Lewis College, Kevin Lambard, Professor of Horticulture and Superintendent of the New Mexico State University Agricultural Science Center, Patrick O’ Neal, agronomist, and Ute Mountain Ute staff and tribal members – will present the latest research and lived experiences of the dust on snow issue.

The core stakeholders will be joined by additional local and international experts, as the dust on snow issue is not unique to the Rocky Mountains and the work accomplished here can be utilized by the international community, particularly in the Alps.

During these initial listening sessions participants will define target areas of study and form focus groups that will meet twice a month for three months to clearly articulate the problem and develop a shovel ready pilot project to address the issue.

*\* Denotes required information - applications will be returned if required fields are missing*

Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

Feb. 14-15, 2024

SWCD Regular Board Meeting Packet

**9 - ENGINEERING AND LEGAL FEASIBILITY**

\*Will the Project require the acquisition of additional water rights or a change of existing water rights? If yes, please explain. (150-word max)

No

\*Will the Project require local, state or federal regulatory permits of any type? If yes, please explain. (150-word max)

No

List below and attach to this application any feasibility studies or investigations that have been completed or are now in progress for the proposed project. (200-word max)

\*See Attached\*

- <https://doi.org/10.1029/2007GL030284>
- <https://doi.org/10.1029/2009JG001077>
- <https://doi.org/10.1002/hyp.10569>
- <https://tc.copernicus.org/articles/12/413/2018/>
- <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2015JD023287>
- <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2011JD016482>

**10 - MATCHING REQUIREMENTS**

\* Applicants must demonstrate that they are actively contributing to the project for which they are requesting funding. Any grant approval will be contingent upon the recipient ultimately demonstrating that they have secured funding for the full project cost.

In addition, applicants must also demonstrate that they will provide, through a cash contribution and/or the performance of in-kind services, at least 25% of the total project costs. See the guidelines for more information. Attach additional information if necessary.

| Contributing Entity                                     | Amount           | In-Kind or Cash | Approval Date or Anticipated Approval Date |
|---|------------------|-----------------|--|
| Misc Foundation Requests                                | \$40,000         | Cash            | Anticipated                                |
| National Endowment for the Arts                         | \$20,000         | Cash            | Received                                   |
| Gale Family Foundation                                  | \$20,000         | Cash            | Received                                   |
| Thomas L. Parker Charitable Trust (Annual Fund for WII) | \$20,000         | Cash            | Received                                   |
|   |                  |                 |  |
| Total Applicant Match (At Least 25%)                    | \$60,000         |                 |  |
| Total Other Funding                                     | \$40,000         |                 |  |
| SWCD Request (Up to 50% of Project Cost)                | \$20,000         |                 |  |
| <b>Total Project Cost</b>                               | <b>\$120,000</b> |                 |  |

\* Denotes required information - applications will be returned if required fields are missing

**13 - PREVIOUS SWCD AWARDS AND REQUESTS**

\*Please list all previous requests and awards from SWCD. Please ensure that your entity does not exceed the five-year limits on awards outlined in the [guidelines](#).

| Year | Amount | Project Title |
|------|--------|---------------|
|      |        | N/A           |
|      |        |               |
|      |        |               |
|      |        |               |
|      |        |               |
|      |        |               |
|      |        | <b>Total</b>  |

**14 - APPLICANT LIABILITY OR INDEBTEDNESS**

\*Please list any existing long-term liability (multi-year) or indebtedness that exceeds one thousand dollars. This might include bank loans, government agency loans, or bond issues. Please provide the lender's name, address, remaining principal, annual payment, and maturity date. If any of these liabilities are currently in default or have been in default at any time in the past, please provide a detailed explanation. Attach a separate schedule as necessary.

N/A

**15 - FOR LOAN REQUESTS**

\*Please identify all revenue sources for the applicant that would be available to repay SWCD should financial assistance be offered in the form of a loan.

N/A

\* Denotes required information - applications will be returned if required fields are missing



Erickson, Brown & Kloster, LLC  
Certified Public Accountants  
4565 Hilton Parkway, Ste 101  
Colorado Springs, CO 80907

August 12, 2022

Wright-Ingraham Institute  
659 Carroll Street #2  
Brooklyn, NY 11215  
Attention: Catherine Tobin Ingraham

Dear Catherine:

Enclosed is the organization's 2021 Exempt Organization return.

Specific filing instructions are as follows.

FORM 990 RETURN:

This return has qualified for electronic filing. After you have reviewed the return for completeness and accuracy, please sign, date and return Form 8879-TE to our office. We will transmit the return electronically to the IRS and no further action is required. Return Form 8879-TE to us by August 15, 2022.

A copy of the return is enclosed for your files. We suggest that you retain this copy indefinitely.

Enclosed is an additional copy of Form 990. This copy should be kept available for public inspection.

Remember to update your information on the Colorado Secretary of State's charitable solicitations homepage. Updating this information is an annual Colorado requirement

Sincerely,

Erickson, Brown & Kloster, LLC

Form **990**

**Return of Organization Exempt From Income Tax**

OMB No. 1545-0047

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

**2021**

Department of the Treasury  
Internal Revenue Service

▶ Do not enter social security numbers on this form as it may be made public.  
▶ Go to [www.irs.gov/Form990](http://www.irs.gov/Form990) for instructions and the latest information.

Open to Public Inspection

**A** For the **2021** calendar year, or tax year beginning **APR 1, 2021** and ending **MAR 31, 2022**

|  |   |   |  |
|--|---|---|--|
| <b>B</b> Check if applicable:<br><input type="checkbox"/> Address change<br><input type="checkbox"/> Name change<br><input type="checkbox"/> Initial return<br><input type="checkbox"/> Final return/terminated<br><input type="checkbox"/> Amended return<br><input type="checkbox"/> Application pending | <b>C</b> Name of organization<br><b>WRIGHT-INGRAHAM INSTITUTE</b>                                     |   | <b>D</b> Employer identification number<br><b>84-0601146</b>   |
|  | Doing business as   |   | <b>E</b> Telephone number<br><b>718-230-9643</b>   |
|  | Number and street (or P.O. box if mail is not delivered to street address)                            | Room/suite #  |  |
|  | <b>659 CARROLL STREET</b>   |   | <b>G</b> Gross receipts \$ <b>190,581.</b>   |
|  | City or town, state or province, country, and ZIP or foreign postal code<br><b>BROOKLYN, NY 11215</b> |   | <b>H(a)</b> Is this a group return for subordinates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <b>F</b> Name and address of principal officer: <b>CATHERINE INGRAHAM</b><br><b>659 CARROLL STREET APT. #2, BROOKLYN, NY 11</b>  |   | <b>H(b)</b> Are all subordinates included? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>If "No," attach a list. See instructions                                     |  |
| <b>I</b> Tax-exempt status: <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c) ( ) ◀ (insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527   |   | <b>H(c)</b> Group exemption number ▶  |  |
| <b>J</b> Website: ▶ <b>WRIGHT-INGRAHAM.ORG</b>   |   | <b>K</b> Form of organization: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other ▶ |  |
|  |   | <b>L</b> Year of formation: <b>1973</b>   | <b>M</b> State of legal domicile: <b>CO</b>  |

**Part I Summary**

|   |   |  |                                 |
|---|---|--|---------------------------------|
| <b>Activities &amp; Governance</b>  | <b>1</b> Briefly describe the organization's mission or most significant activities: <b>PROMOTE, DIRECT, ENCOURAGE AND DEVELOP OPPORTUNITIES CONTRIBUTING TO THE CONSERVATION, PRESERVATION</b> |  |                                 |
|   | <b>2</b> Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.  |  |                                 |
|   | <b>3</b> Number of voting members of the governing body (Part VI, line 1a)  | <b>3</b>                                     | <b>5</b>                        |
|   | <b>4</b> Number of independent voting members of the governing body (Part VI, line 1b)  | <b>4</b>                                     | <b>5</b>                        |
|   | <b>5</b> Total number of individuals employed in calendar year 2021 (Part V, line 2a)   | <b>5</b>                                     | <b>0</b>                        |
|   | <b>6</b> Total number of volunteers (estimate if necessary)   | <b>6</b>                                     | <b>0</b>                        |
|   | <b>7 a</b> Total unrelated business revenue from Part VIII, column (C), line 12   | <b>7a</b>                                    | <b>0.</b>                       |
| <b>b</b> Net unrelated business taxable income from Form 990-T, Part I, line 11     | <b>7b</b>   | <b>0.</b>                                    |                                 |
| <b>Revenue</b>  | <b>8</b> Contributions and grants (Part VIII, line 1h)  | <b>Prior Year</b><br>183,411.                | <b>Current Year</b><br>190,581. |
|   | <b>9</b> Program service revenue (Part VIII, line 2g)   | 0.   | 0.                              |
|   | <b>10</b> Investment income (Part VIII, column (A), lines 3, 4, and 7d)   | 0.   | 0.                              |
|   | <b>11</b> Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)  | 0.   | 0.                              |
|   | <b>12</b> Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)  | 183,411.                                     | 190,581.                        |
| <b>Expenses</b>   | <b>13</b> Grants and similar amounts paid (Part IX, column (A), lines 1-3)  | 0.   | 40,000.                         |
|   | <b>14</b> Benefits paid to or for members (Part IX, column (A), line 4)   | 0.   | 0.                              |
|   | <b>15</b> Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)   | 0.   | 68,328.                         |
|   | <b>16a</b> Professional fundraising fees (Part IX, column (A), line 11e)  | 0.   | 0.                              |
|   | <b>b</b> Total fundraising expenses (Part IX, column (D), line 25) ▶ <b>2,625.</b>  |  |                                 |
|   | <b>17</b> Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)  | 78,407.                                      | 168,144.                        |
| <b>18</b> Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25) | 78,407.   | 276,472.                                     |                                 |
| <b>19</b> Revenue less expenses. Subtract line 18 from line 12                      | 105,004.  | -85,891.                                     |                                 |
| <b>Net Assets or Fund Balances</b>  | <b>20</b> Total assets (Part X, line 16)  | <b>Beginning of Current Year</b><br>178,456. | <b>End of Year</b><br>92,565.   |
|   | <b>21</b> Total liabilities (Part X, line 26)   | 0.   | 5,898.                          |
|   | <b>22</b> Net assets or fund balances. Subtract line 21 from line 20  | 178,456.                                     | 86,667.                         |

**Part II Signature Block**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

|                  |  |      |
|------------------|--|------|
| <b>Sign Here</b> | Signature of officer   | Date |
|                  | <b>CATHERINE INGRAHAM, PRESIDENT</b><br>Type or print name and title |      |

|                               |   |   |   |  |                          |
|-------------------------------|---|---|---|--|--------------------------|
| <b>Paid Preparer Use Only</b> | Print/Type preparer's name<br><b>BONNIE FARMER, CPA</b> | Preparer's signature<br><b>BONNIE FARMER, CPA</b> | Date<br><b>08/12/22</b>   | Check <input checked="" type="checkbox"/> if self-employed | PTIN<br><b>P01255952</b> |
|                               | Firm's name ▶ <b>ERICKSON, BROWN AND KLOSTER, LLC</b>   | Firm's EIN ▶ <b>84-0957308</b>                    | Firm's address ▶ <b>4565 HILTON PARKWAY, SUITE 101<br/>COLORADO SPRINGS, CO 80907</b> |  |                          |
|                               |   |   | Phone no. <b>719-531-0445</b>   |  |                          |

May the IRS discuss this return with the preparer shown above? See instructions  Yes  No

# Wright-Ingraham Institute

## Statement of Financial Position

As of November 17, 2023

|                                     | TOTAL              |
|-------------------------------------|--------------------|
| <b>ASSETS</b>                       |                    |
| Current Assets                      |                    |
| Bank Accounts                       |                    |
| NONPROFIT BUS CLAS (1597) - 1       | 77,627.18          |
| PayPal Bank                         | 0.00               |
| <b>Total Bank Accounts</b>          | <b>\$77,627.18</b> |
| Other Current Assets                |                    |
| Payments to deposit                 | 0.00               |
| <b>Total Other Current Assets</b>   | <b>\$0.00</b>      |
| <b>Total Current Assets</b>         | <b>\$77,627.18</b> |
| <b>TOTAL ASSETS</b>                 | <b>\$77,627.18</b> |
| <b>LIABILITIES AND EQUITY</b>       |                    |
| Liabilities                         |                    |
| <b>Total Liabilities</b>            |                    |
| Equity                              |                    |
| Fund Balance                        | 101,798.29         |
| Net Revenue                         | -24,171.11         |
| <b>Total Equity</b>                 | <b>\$77,627.18</b> |
| <b>TOTAL LIABILITIES AND EQUITY</b> | <b>\$77,627.18</b> |

**Wright Ingraham Institute**  
**Nexus of Land and Water: Dust on Snow Budget (2024)**

**INCOME**

|   |             |
|---|-------------|
| Misc Foundation Requests                                | \$40,000.00 |
| SWCD Grant (Requested)                                  | \$20,000.00 |
| National Endowment for the Arts (Received)              | \$20,000.00 |
| Gale Family Foundation (Received)                       | \$20,000.00 |
| Thomas L. Parker Charitable Trust (Annual Fund for WII) | \$20,000.00 |

**HARD COSTS** **SOURCE**

**PERSONNEL**

|                                  |             |                 |
|----------------------------------|-------------|-----------------|
| PROGRAM CO-DIRECTORS (Honoraria) | \$11,560.00 | WII Annual Fund |
| WII EXECUTIVE DIRECTOR HOURS     | \$4,500.00  | WII Annual Fund |
| WII MANAGING DIRECTOR HOURS      | \$3,500.00  | WII Annual Fund |
| WII FIELD STATION MANAGER HOURS  | \$3,500.00  | WII Annual Fund |

**TRAVEL FOR 20 PARTICIPANTS**

|                       |             |                                |
|-----------------------|-------------|--------------------------------|
| TRAVEL/AIRFARE        | \$15,300.00 | SWCD + Foundation Grants + WII |
| LODGING               | \$18,000.00 | SWCD + Foundation Grants + WII |
| MEALS / PER DIEM      | \$3,540.00  | SWCD + Foundation Grants + WII |
| GROUND TRANSPORTATION | \$4,000.00  | SWCD + Foundation Grants + WII |

**OTHER COSTS**

|  |             |                 |
|--|-------------|-----------------|
| CORE STAKEHOLDER HONORARIA (5 @ \$3,500)         | \$17,500.00 | SWCD + WII      |
| EXTERNAL PARTICIPANTS HONORARIA (10@\$3,000 per) | \$30,000.00 | NEA + WII       |
| WEBSITE, GRAPHICS, PUBLICATIONS DESIGN           | \$3,500.00  | WII Annual Fund |
| ACCESS ACCOMMODATIONS (ASL/TRANSCRIP.)           | \$2,500.00  | WII Annual Fund |
| REPORTING / INDEPENDENT EVAL.                    | \$2,000.00  | WII Annual Fund |
| AV / TECH.                                       | \$600.00    | WII Annual Fund |

|               |                     |
|---------------|---------------------|
| <b>TOTAL</b>  | <b>\$120,000.00</b> |
| <b>INCOME</b> | <b>\$120,000.00</b> |



17 Nov 2023

Soil Health Services, PBC  
73 State Ave  
Alamosa, CO 81101  
719-588-0836  
[patrick@soilhealthservices.com](mailto:patrick@soilhealthservices.com)

Southwest Conservation District  
841 E. Second Ave.  
Durango, CO 81301

Re: Nexus of Land and Water: Addressing The Issues of Dust on Snow

**Document of Collaboration**

Dear Southwest Conservation District,

Soil Health Services, PBC is providing a letter of support to express our endorsement of the Wright-Ingraham Institutes (WII) proposed project, "Nexus of Land and Water" Addressing The Issues of Dust on Snow. This project looks to bring together a core group of stakeholders, as well as local, regional, and international problem solvers to clearly identify problems, and propose well articulated, shovel ready problems to address this issue facing the Rocky Mountains, and mountain ranges globally.

This project aligns with Soil Health Services' mission to grow healthy soil, to produce an abundance of nutrient dense foods and forages, to build resiliency in farms and ranches and their communities, and overall to cause no harm. And all of this will be done while finding ways to reduce the risk of dust and the negative impacts of dust-on-snow events and their eventual negative outcomes relative to snowmelt timing.

WII has secured funding internally and through the National Endowment of the Arts that constitutes 50% of the funding needed and is looking to the Southwestern Water Conservation District, and Colorado Water Conservation board for the remainder of the funding needed for equipment and labor.

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink that reads "Patrick O'Neill".

Patrick O'Neill  
Certified Crop Adviser CCA# 324321  
Agronomist / Soil Scientist  
President – Soil Health Services, PBC



# UTE MOUNTAIN UTE TRIBE

P.O. Box 248  
Towaoc, Colorado 81334-0248  
(970) 565-3751

November 17, 2023

Southwest Conservation District  
841 E. Second Ave.  
Durango, CO 81301

Re: Nexus of Land and Water: Addressing the Issues of Dust on Snow

Dear Southwest Conservation District,

The Ute Mountain Ute Tribe is providing a letter of support to express our endorsement of the Wright-Ingraham Institutes (WII) proposed project, *Nexus of Land and Water: Addressing the Issues of Dust on Snow*. This project looks to bring together a core group of stakeholders, as well as local, regional, and international problem solvers to clearly identify problems, and propose well-articulated, shovel ready problems to address this issue facing the Rocky Mountains, and mountain ranges globally.

This project aligns with the Ute Mountain Ute Tribe's mission to reduce dust pollution by implementing progressive range management practices on Tribal lands.

WII has secured funding internally and through the National endowment of the arts that constitutes 50% of the funding needed and is looking to the Southwestern Water Conservation District, and Colorado Water Conservation board for the remainder of the funding needed for equipment and labor.

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Stoner".

David W. Stoner

Natural Resource Director  
Ute Mountain Ute Tribe

[Dstoner@utemountain.org](mailto:Dstoner@utemountain.org)  
(970) 238-0836



CENTER FOR  
SNOW & AVALANCHE  
STUDIES

BOARD OF DIRECTORS

Jeff Deems  
Laurna Kaatz  
Dave Kanzer  
Frank Kugel  
Art Mears  
Keith Roush  
Tom Ryan  
Heidi Steltzer  
Martha "Marti" Whitmore

November 16, 2023

Southwest Water Conservation District  
841 E. Second Ave.  
Durango, CO 81301

Re: Nexus of Land and Water: Addressing The Issues of Dust on Snow

Dear Southwest Water Conservation District,

Center for Snow and Avalanche Studies is providing a letter of support to express our endorsement of the Wright-Ingraham Institutes (WII) proposed project, Nexus of Land and Water Addressing: The Issues of Dust on Snow. This project looks to bring together a core group of stakeholders, as well as local, regional, and international problem solvers to clearly identify problems, and propose well-articulated, shovel ready solutions to address this issue facing the Rocky Mountains, and mountain ranges globally.

This project aligns with Center for Snow and Avalanche Studies' core mission to "enhance the interdisciplinary investigation of the alpine snow system's behavior and role in human/environment relationships by offering resources – people, information, and facilities – for field-based research and education." And dust-on-snow issues, causes, affects, and solutions is central to this mission.

WII has secured funding internally and through the National endowment of the arts that constitutes 50% of the funding needed and is looking to the Southwestern Water Conservation District, and Colorado Water Conservation board for the remainder of the funding needed for equipment and labor.

Thank you for considering this request.

Sincerely,

Jeff Derry – Executive Director

Jeff Derry  
Executive Director

Mail:  
P.O. Box 190  
Silverton, CO  
USA 81433

Center:  
428 Greene Street  
Suite 103  
Silverton, CO

Telephone:  
Office: (970) 387-5080  
Cell: (970) 231-6595

Website:  
[www.snowstudies.org](http://www.snowstudies.org)

Email:  
[derry@snowstudies.org](mailto:derry@snowstudies.org)



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| <b>1 - APPLICANT INFORMATION</b> |  |
|----------------------------------|--|
| <b>Name of Qualified Entity</b>  | * Aspen Trails Metropolitan District   |
| <b>Type of Qualified Entity</b>  | * public entity within SWCD <i>*listed on Page 3 of the Grant Guidelines</i> |
| <b>Mailing Address</b>           | * 1 Trew Creek, Durango, CO 81301  |
| <b>Federal ID Number</b>         |  |
| <b>Public Water System ID</b>    | CO0134124  |
| <b>Contact Person 1</b>          | * Aaron Ball   |
| <b>Title</b>                     | * President - Aspen Trails Metropolitan District - 970-903-8355              |
| <b>Phone Number</b>              | * President - Aspen Trails Metropolitan District - 970-903-8355              |
| <b>Email</b>                     | * board@aspenrailsmd.com   |
| <b>Contact Person 2</b>          | Brad Fuhrman   |
| <b>Title</b>                     | Treasurer - Aspen Trails Metropolitan District                               |
| <b>Phone Number</b>              | 970-247-0237   |
| <b>Email</b>                     | board@aspenrailsmd.com   |

| <b>2 - WATER ACTIVITY SUMMARY</b> |   |
|-----------------------------------|---|
| <b>Date of Submittal</b>          | *   |
| <b>Type of Submittal</b>          | * Grant <i>*grant, loan, or a combination thereof</i>                 |
| <b>Project Name</b>               | * Aspen Trails Metropolitan District - Water System Feasibility Study |
| <b>Applicant</b>                  | * Aspen Trails Metropolitan District                                  |
| <b>River Basin &amp; County</b>   | * Florida River Basin, La Plata County                                |
| <b>Amount Request</b>             | * \$20,000  |
| <b>Total Project Cost</b>         | * \$40,000  |
| <b>Applicant Match</b>            | * \$5,000   |
| <b>Use of Funds Year</b>          | <b>2024</b>   |

| <b>3 - WATER ACTIVITY CATEGORY</b> |              |   |
|------------------------------------|--------------|---|
| <b>X*</b>                          | <b>Limit</b> | <b>Category</b>   |
|                                    | \$60,000     | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
| ✓                                  | \$20,000     | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
|                                    | \$10,000     | <b>Education:</b> Teaching seminars, workshops, and related programs  |
|                                    | \$50,000     | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |

**Note:** The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board.



## 2024 SWCD Financial Assistance Checklist

| 4 - SWCD SUBMITTAL CHECKLIST |  |
|------------------------------|--|
| ✓                            | *I acknowledge I have read and understand the <a href="#">2024 SWCD Grant Program Guidelines</a> . |
| ✓                            | *The request does not exceed 50% of the total project cost   |
| ✓                            | *The applying organization is funding at least 25% of the total project cost                       |
| ✓                            | *The request is for funds to be used in 2024, for a project to be completed in 2024                |
| ✓                            | *I understand that SWCD does not fund payroll, legal, or grant administration costs                |
| ✓                            | *I have included a <u>detailed</u> project expense budget  |
| ✓                            | *I have included a <u>detailed</u> project funding budget.   |
| ✓                            | *I have consulted with SWCD staff to ensure all minimum criteria have been met                     |
| ✓                            | *I have gathered all of the required attachments indicated below                                   |
| ✓                            | * The Application is ONE PDF - including attachments in the order indicated below                  |

| 5 - ATTACHMENT CHECKLIST  |          |         |
|---|----------|---------|
| * <b>Attach in this order</b>   | Status   | Section |
| ✓ *Qualified entity - <i>see guidelines</i>   | Required | 1       |
| ✓ *Financial statements to demonstrate adequate reserve - <i>no more than 5 pages</i>     | Required | 6       |
| ✓ Map and/or photos of project location   | Optional | 7       |
| Measurable results  | Optional | 7       |
| “Water Rights Tabulation” Report  | Optional | 7       |
| Water project timeline supporting documents   | Optional | 8       |
| Feasibility study/assessments done for the project  | Optional | 9       |
| Water activity budget supporting documents  | Optional | 10      |
| Matching requirement supporting documents   | Optional | 11      |
| ✓ *Detailed Expense and Funding Budget - <i>can use space provided in the application</i> | Required | 12      |
| Applicant liability or indebtedness supporting documents                                  | Optional | 14      |
| Letters of Support  | Optional | 16      |

### Frequently Asked Questions:

**Q:** What documentation do I need to submit to prove we’re a “Qualified Entity”?

**A:** Examples of proper documentation include (but are not limited to) articles of incorporation, corporate bylaws, or a Certificate of Good Standing from the Colorado Secretary of State.

**Q:** Should I gather everything I need for my application before reaching out to SWCD Staff?

**A:** The more you can gather, the easier the process will be - feel free to reach out to staff at any point in the application process and we can help answer any questions you may have.

**Q:** Why are there word/page limits on some application sections, what if I need more space?

**A:** Limits are set to give you an idea on how detailed answers need to be and to help staff review your application, please reach out if you have any concerns about these limits.

Please refer to our [FAQ Page](#) for other frequently asked questions.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swwcd.org](mailto:morock@swwcd.org)

### 6 - APPLICANT DESCRIPTION

\*Provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment. (250-word max)

The Aspen Trails Subdivision was first formed in the 1970s as a seasonal community for late spring through late fall residence. A water system was also installed when the roads were put in, which accompanied significant water rights at the time. However, due to the seasonal nature of the community, the water system was only intended to be used during warmer months and the distribution lines were not buried deep enough to avoid freezing during the winter. Thus, the water system was only operational during the summer months. Over the years, the number of full-year residents has grown and forced residents to find other sources, such as self-hauling or drilling wells, which eventually led to the deterioration of the seasonal system, which is no longer operational.

Aspen Trails Metro District formed in 2003 and serves the whole subdivision. Primary responsibility is road maintenance, but the District is interested to rehabilitate the water wells and system to begin serving water again.

\*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

ATMD's budget is funded through mill levies, annual fees imposed by the Board and grants/donations (see attached). Our district operates on a small annual budget (\$80,000), so our goal would be to obtain a grant to cover the initial study and design of any potential water system. If the project was found to be feasible, additional funding sources would be sought to build the system and residents would be charged for water usage.

### 7 - PROJECT DESCRIPTION

\*Provide a narrative description of the activity's physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

Aspen Trails Metropolitan District is located approximately 15 miles northeast of downtown Durango, CO adjacent to County Road 240. It is situated in the Florida River valley, near Lemon Reservoir. Three Division of Water Resources registered wells are owned by the district and would be the source of water for any future water system. This project is for a feasibility study that would determine multiple elements including if the wells would supply the quantity and quality of the raw water to support any new water system in the district, and the cost of installing water treatment, distribution, and storage. In order to use the well water allowed through our existing water rights, the study must consider these limited aspects of treatment and distribution since they are major constraints.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

If possible, include measurable results such as acres served, watersheds impact, types of crops, number of taps, length of ditch improvements, length of pipe installed, area of habitat improvements, or students impacted. Photos, maps, or other graphics can be inserted here or attached.

This is all to be determined by the feasibility study. A new water system would serve approximately 100 household taps (see attached map).

\*What are the benefits of the project? Consider the following prompts in your answer, hitting all points if possible:

1. How does the project assist SWCD in furthering its statutory mission to protect, conserve, use, and develop the water resources of southwestern Colorado, as well as safeguard all waters to which Colorado is entitled?
2. In February of 2022, SWCD adopted a strategic plan with six strategic priorities, [read the priorities here](#). Which priorities does this project satisfy and how?
3. Does your project enhance or preserve any pre-compact water rights? If so, please describe the amount, appropriation date and adjudication date of these water rights .

Additionally, attach a “Water Rights Tabulation” report from the Colorado Division of Water Resources (DWR). (750-word max)

*For help acquiring water rights information, call DWR (San Miguel Basin: 970-249-6622, Other Basins: 970-247-1845).*

1. This project furthers SWCD's statutory mission by enabling residents of Southwest Colorado to continue utilizing their senior water rights. These water rights would otherwise likely be considered abandoned and lost if the water system is not rehabilitated in the next couple of years.

2. This project primarily and directly meets strategic priority #4: Support investment in improvements to existing and development of new infrastructure for multiple uses in southwest Colorado. Significant infrastructure investment is needed to continue serving this southwest Colorado community with safe water for household and daily use. This feasibility study will provide the preliminary engineering design needed to understand the scope of infrastructure needs and inform the community as to the cost and benefits. Aspen Trails MD has already had significant contact with CDPHE Water Quality Control Division from a regulatory and funding perspective. We anticipate being able to apply to Colorado State Revolving Fund using the results of this study, which will leverage federal and state dollars, and likely the 2021 Bipartisan Infrastructure Law funding, to bring investment into use of southwest Colorado's water resources.

Additionally, this project aligns with strategic priority #3: Balance meeting multiple water needs amongst a diverse set of priorities, especially when there is potential for conflict or mutual benefit. Residents of this very small community in southwest Colorado face significant burdens in meeting their domestic water needs and face significant insecurity in their water future; the homeowners who self-haul water meet their daily and basic water needs with a notoriously unreliable, expensive and burdensome practice, while the homeowners with private wells also face questionable water quality safety and insecurity, especially in the face of climate change. By banding together, these neighbors have much potential for mutual benefit to meet their domestic water needs with a more reliable Public Water System.

3. Details on the three wells to supply the water system are below. We are unsure if these rights are pre-compact or not, and the scope of the feasibility study will include water rights research and engineering to understand the exact standing of these water rights and how they may be utilized. These wells are Aspen Trails Well 1 (permit# 16432-F), Aspen Trails Well 3 (permit# 16430-F), and Aspen Trails Well 4 (permit# 16431-F).

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Max Decreed Rate: 0.0222 CFS

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**8 - WATER PROJECT TIMELINE**

\*Provide a narrative description of the timeline for the project’s major tasks and/or a detailed outline (250-word max)

The metro district wishes to secure an engineering firm that would conduct the feasibility study within a month of receiving guaranteed funding. The project tasks would include evaluating existing senior water rights and existing DWR wells to determine viability of quantity and quality of water supply to serve the district's household needs, determine estimated extent of water treatment, storage, and distribution, and the estimated costs of such a project. A few engineers have been contacted to help create a projected budget for this project. We expect to contract the engineer in spring 2024 and work to be completed by fall 2024. Next steps beyond the scope of this application would be to apply to the State Revolving Fund for 2025 funding.

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| 9 - ENGINEERING AND LEGAL FEASIBILITY   |
|---|
| <p>*Will the Project require the acquisition of additional water rights or a change of existing water rights? If yes, please explain. (150-word max)</p> <p>A significant portion of this feasibility study would be to determine whether the existing senior water rights are sufficient or if additional supplemental water is needed.</p>                |
| <p>*Will the Project require local, state or federal regulatory permits of any type? If yes, please explain. (150-word max)</p> <p>If the wells and water system are able to be rehabilitated, it would be considered a Public Water System regulated by the Safe Drinking Water Act, enforced by Colorado Department of Public Health and Environment.</p> |
| <p>List below and attach to this application any feasibility studies or investigations that have been completed or are now in progress for the proposed project. (200-word max)</p>   |
|   |

| 10 - MATCHING REQUIREMENTS   |                 |                 |  |
|--|-----------------|-----------------|--|
| <p>*Applicants must demonstrate that they are actively contributing to the project for which they are requesting funding. Any grant approval will be contingent upon the recipient ultimately demonstrating that they have secured funding for the full project cost.</p> <p>In addition, applicants must also demonstrate that they will provide, through a cash contribution and/or the performance of in-kind services, at least 25% of the total project costs. See the guidelines for more information. Attach additional information if necessary.</p> |                 |                 |  |
| Contributing Entity  | Amount          | In-Kind or Cash | Approval Date or Anticipated Approval Date |
| Southwest Basin Roundtable/CWCB Grant  | \$15,000        | Cash            | April 30, 2024                             |
| <small>note that DOLA may have another grant available if the Roundtable application is unsuccessful</small>   |                 |                 |  |
|  |                 |                 |  |
|  |                 |                 |  |
| Total Applicant Match (At Least 25%)   | \$5,000         | Cash            | January 10, 2024                           |
| Total Other Funding  |                 |                 |  |
| SWCD Request (Up to 50% of Project Cost)   | \$20,000        | Cash            | January 24, 2024                           |
| <b>Total Project Cost</b>  | <b>\$40,000</b> |                 |  |

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Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

**11 - WATER PROJECT BUDGET**

\*Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment. \*Describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project.

| Task/Materials Description  | Funded By<br>(Applicant, SWCD, Other)    | Amount   |
|---|--|----------|
| Engineering Feasibility Study   | SWCD, SW Basin Roundtable, and Applicant | \$30,000 |
| Well Water Quality Testing (Sampling by water operator and laboratory fees) | SWCD, SW Basin Roundtable, and Applicant | \$10,000 |
|   |  |          |
|   |  |          |
|   |  |          |
|   |  |          |
|   |  |          |
| <b>Total Project Cost</b>   |  | \$40,000 |
| <b>Grant Administration Costs as a Percentage of Total Project Cost</b>     |  | \$0      |

**12 - WATER ACTIVITY BUDGET**

Provide any narrative description of the project expense and funding budget that is necessary. (200-word max)

The extent of this project has been described previously in this application. Based on discussion with three separate engineering firms, we have estimated \$30,000 to be sufficient for the engineering firm's feasibility study. The additional \$10,000 is our estimate for water quality testing to be performed locally, which is more cost effective than having the engineering firm conduct the testing.

\*Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations. Attach supporting documentation if necessary.

The ATMD board is made up of volunteers who will support this project with their own donated time.

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Questions? Contact: Mo Rock, 970-247-1302, [morock@swcd.org](mailto:morock@swcd.org)

**13 - PREVIOUS SWCD AWARDS AND REQUESTS**

\*Please list all previous requests and awards from SWCD. Please ensure that your entity does not exceed the five-year limits on awards outlined in the [guidelines](#).

| Year | Amount | Project Title |
|------|--------|---------------|
|      |        | None          |
|      |        |               |
|      |        |               |
|      |        |               |
|      |        |               |
|      |        |               |
|      |        |               |
|      |        |               |
|      |        | <b>Total</b>  |

**14 - APPLICANT LIABILITY OR INDEBTEDNESS**

\*Please list any existing long-term liability (multi-year) or indebtedness that exceeds one thousand dollars. This might include bank loans, government agency loans, or bond issues. Please provide the lender's name, address, remaining principal, annual payment, and maturity date. If any of these liabilities are currently in default or have been in default at any time in the past, please provide a detailed explanation. Attach a separate schedule as necessary.

None.

**15 - FOR LOAN REQUESTS**

\*Please identify all revenue sources for the applicant that would be available to repay SWCD should financial assistance be offered in the form of a loan.

N/A

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [mo@rock@swcd.org](mailto:mo@rock@swcd.org)

**16 - APPLICANT SIGNATURE**

\*By signing below, I acknowledge I have read the 2024 SWCD Grant Program Guidelines, understand and agree to abide by all program requirements, and that this grant application is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD's grant approval letter.

I understand that grant funding may be requested when needed in 2024. Upon the District's receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District's 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District's Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

|  |                        |
|--|------------------------|
| Signature _____  | <u>January 3, 2024</u> |
| Printed Name <u>Jonathon Aaron Ball</u>                                    | Date _____             |
| As Authorized Representative for <u>Aspen Trails Metropolitan District</u> |                        |

Please sign and submit the completed application as one PDF via email to [morock@swcd.org](mailto:morock@swcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

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**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| 1 - APPLICANT INFORMATION       |   |
|---------------------------------|---|
| <b>Name of Qualified Entity</b> | * Aspen Trails Metropolitan District  |
| <b>Type of Qualified Entity</b> | * public entity within SWCD <span style="float: right;"><i>*listed on Page 3 of the Grant Guidelines</i></span> |
| <b>Mailing Address</b>          | * 1 Trew Creek, Durango, CO 81301   |
| <b>Federal ID Number</b>        |   |
| <b>Public Water System ID</b>   | CO0134124   |
| <b>Contact Person 1</b>         | * Aaron Ball  |
| <b>Title</b>                    | * President - Aspen Trails Metropolitan District - 970-903-8355   |
| <b>Phone Number</b>             | * President - Aspen Trails Metropolitan District - 970-903-8355   |
| <b>Email</b>                    | * board@aspenrailsmd.com  |
| <b>Contact Person 2</b>         | Brad Fuhrman  |
| <b>Title</b>                    | Treasurer - Aspen Trails Metropolitan District  |
| <b>Phone Number</b>             | 970-247-0237  |
| <b>Email</b>                    | board@aspenrailsmd.com  |

| 2 - WATER ACTIVITY SUMMARY      |  |
|---------------------------------|--|
| <b>Date of Submittal</b>        | *  |
| <b>Type of Submittal</b>        | * Grant <span style="float: right;"><i>*grant, loan, or a combination thereof</i></span> |
| <b>Project Name</b>             | * Aspen Trails Metropolitan District - Water System Feasibility Study                    |
| <b>Applicant</b>                | * Aspen Trails Metropolitan District   |
| <b>River Basin &amp; County</b> | * Florida River Basin, La Plata County   |
| <b>Amount Request</b>           | * \$20,000   |
| <b>Total Project Cost</b>       | * \$40,000   |
| <b>Applicant Match</b>          | * \$5,000  |
| <b>Use of Funds Year</b>        | <b>2024</b>  |

| 3 - WATER ACTIVITY CATEGORY   |          |   |
|---|----------|---|
| X*  | Limit    | Category  |
|   | \$60,000 | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
| ✓   | \$20,000 | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
|   | \$10,000 | <b>Education:</b> Teaching seminars, workshops, and related programs  |
|   | \$50,000 | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |
| <p><b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board.</p> |          |   |

## 2024 SWCD Financial Assistance Checklist

| 4 - SWCD SUBMITTAL CHECKLIST |  |
|------------------------------|--|
| ✓                            | *I acknowledge I have read and understand the <a href="#">2024 SWCD Grant Program Guidelines</a> . |
| ✓                            | *The request does not exceed 50% of the total project cost   |
| ✓                            | *The applying organization is funding at least 25% of the total project cost                       |
| ✓                            | *The request is for funds to be used in 2024, for a project to be completed in 2024                |
| ✓                            | *I understand that SWCD does not fund payroll, legal, or grant administration costs                |
| ✓                            | *I have included a <u>detailed</u> project expense budget  |
| ✓                            | *I have included a <u>detailed</u> project funding budget.   |
| ✓                            | *I have consulted with SWCD staff to ensure all minimum criteria have been met                     |
| ✓                            | *I have gathered all of the required attachments indicated below                                   |
| ✓                            | * The Application is ONE PDF - including attachments in the order indicated below                  |

| 5 - ATTACHMENT CHECKLIST  |          |         |
|---|----------|---------|
| * Attach in this order  | Status   | Section |
| ✓ *Qualified entity - <i>see guidelines</i>   | Required | 1       |
| ✓ *Financial statements to demonstrate adequate reserve - <i>no more than 5 pages</i>     | Required | 6       |
| ✓ Map and/or photos of project location   | Optional | 7       |
| Measurable results  | Optional | 7       |
| “Water Rights Tabulation” Report  | Optional | 7       |
| Water project timeline supporting documents   | Optional | 8       |
| Feasibility study/assessments done for the project  | Optional | 9       |
| Water activity budget supporting documents  | Optional | 10      |
| Matching requirement supporting documents   | Optional | 11      |
| ✓ *Detailed Expense and Funding Budget - <i>can use space provided in the application</i> | Required | 12      |
| Applicant liability or indebtedness supporting documents                                  | Optional | 14      |
| Letters of Support  | Optional | 16      |

### Frequently Asked Questions:

**Q:** What documentation do I need to submit to prove we’re a “Qualified Entity”?

**A:** Examples of proper documentation include (but are not limited to) articles of incorporation, corporate bylaws, or a Certificate of Good Standing from the Colorado Secretary of State.

**Q:** Should I gather everything I need for my application before reaching out to SWCD Staff?

**A:** The more you can gather, the easier the process will be - feel free to reach out to staff at any point in the application process and we can help answer any questions you may have.

**Q:** Why are there word/page limits on some application sections, what if I need more space?

**A:** Limits are set to give you an idea on how detailed answers need to be and to help staff review your application, please reach out if you have any concerns about these limits.

Please refer to our [FAQ Page](#) for other frequently asked questions.

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If possible, include measurable results such as acres served, watersheds impact, types of crops, number of taps, length of ditch improvements, length of pipe installed, area of habitat improvements, or students impacted. Photos, maps, or other graphics can be inserted here or attached.

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|---|
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|  |                 |                 |  |
|  |                 |                 |  |
|  |                 |                 |  |
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| Total Other Funding  |                 |                 |  |
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|   |  |          |
|   |  |          |
|   |  |          |
|   |  |          |
|   |  |          |
| <b>Total Project Cost</b>   |  | \$40,000 |
| <b>Grant Administration Costs as a Percentage of Total Project Cost</b>     |  | \$0      |

**12 - WATER ACTIVITY BUDGET**

Provide any narrative description of the project expense and funding budget that is necessary. (200-word max)

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The ATMD board is made up of volunteers who will support this project with their own donated time.

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Questions? Contact: Mo Rock, 970-247-1302, [mo rock@swwed.org](mailto:mo rock@swwed.org)

| 13 - PREVIOUS SWCD AWARDS AND REQUESTS  |        |               |
|---|--------|---------------|
| *Please list all previous requests and awards from SWCD. Please ensure that your entity does not exceed the five-year limits on awards outlined in the <a href="#">guidelines</a> . |        |               |
| Year  | Amount | Project Title |
|   |        | None          |
|   |        |               |
|   |        |               |
|   |        |               |
|   |        |               |
|   |        |               |
|   |        |               |
|   |        | <b>Total</b>  |

| 14 - APPLICANT LIABILITY OR INDEBTEDNESS   |
|--|
| *Please list any existing long-term liability (multi-year) or indebtedness that exceeds one thousand dollars. This might include bank loans, government agency loans, or bond issues. Please provide the lender's name, address, remaining principal, annual payment, and maturity date. If any of these liabilities are currently in default or have been in default at any time in the past, please provide a detailed explanation. Attach a separate schedule as necessary. |
| None.  |

| 15 - FOR LOAN REQUESTS   |
|--|
| *Please identify all revenue sources for the applicant that would be available to repay SWCD should financial assistance be offered in the form of a loan. |
| N/A  |

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swwed.org](mailto:morock@swwed.org)

**16 - APPLICANT SIGNATURE**

\*By signing below, I acknowledge I have read the 2024 SWCD Grant Program Guidelines, understand and agree to abide by all program requirements, and that this grant application is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD's grant approval letter.

I understand that grant funding may be requested when needed in 2024. Upon the District's receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District's 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District's Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

|  |                        |
|--|------------------------|
| <hr/>  | <u>January 3, 2024</u> |
| Signature  | Date                   |
| Printed Name <u>Jonathon Aaron Ball</u>                                    |                        |
| As Authorized Representative for <u>Aspen Trails Metropolitan District</u> |                        |

Please sign and submit the completed application as one PDF via email to [morock@swcd.org](mailto:morock@swcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swcd.org](mailto:morock@swcd.org)



**Aspen Trails Metropolitan District**  
**Balance Sheet**  
As of December 31, 2023

|  | Dec 31, 23        |
|--|-------------------|
| <b>ASSETS</b>                          |                   |
| <b>Current Assets</b>                  |                   |
| <b>Checking/Savings</b>                |                   |
| BSJ-1- Gen. Fund Oper. Res-0028        | 84,481.73         |
| BSJ-2-Gen. Fund MM Savings-5307        | 2,500.02          |
| BSJ-3 Gen.Fund CD-10621(11/24)         | 50,000.00         |
| CSAFE- Con.Trust.Fund - xx67-01        | 13,213.96         |
| CSAFE - Tabor Reserve - xx67-02        | 4,809.59          |
| <b>Total Checking/Savings</b>          | 155,005.30        |
| <b>Accounts Receivable</b>             |                   |
| <b>Accounts Receivable</b>             |                   |
| Annual O&M Fee Receivable              | 59,358.46         |
| WCA Trash Service Receivable           | 5,974.00          |
| Accounts Receivable - Other            | 1,166.62          |
| <b>Total Accounts Receivable</b>       | 66,499.08         |
| <b>Total Accounts Receivable</b>       | 66,499.08         |
| <b>Other Current Assets</b>            |                   |
| General Fund due from Trash Fnd        | 2,066.46          |
| Prepaid Insurance                      | 2,076.00          |
| Property Taxes Receivable-O&M          | 13,762.00         |
| <b>Total Other Current Assets</b>      | 17,904.46         |
| <b>Total Current Assets</b>            | 239,408.84        |
| <b>Other Assets</b>                    |                   |
| <b>Bond Issuance Cost (GW)</b>         |                   |
| Bond Iss. Cost - Amort (GW)            | -5,000.00         |
| Bond Issuance Cost (GW) - Other        | 5,000.00          |
| <b>Total Bond Issuance Cost (GW)</b>   | 0.00              |
| Capital Road Improvement (GW)          | 177,698.00        |
| <b>Total Other Assets</b>              | 177,698.00        |
| <b>TOTAL ASSETS</b>                    | <b>417,106.84</b> |
| <b>LIABILITIES &amp; EQUITY</b>        |                   |
| <b>Liabilities</b>                     |                   |
| <b>Current Liabilities</b>             |                   |
| <b>Other Current Liabilities</b>       |                   |
| Deferred Prop Tax Revenue-O&M          | 13,762.00         |
| Trash Fund due to General Fund         | 2,066.46          |
| <b>Total Other Current Liabilities</b> | 15,828.46         |
| <b>Total Current Liabilities</b>       | 15,828.46         |
| <b>Total Liabilities</b>               | 15,828.46         |
| <b>Equity</b>                          |                   |
| Debt Service Equity                    | 4,879.00          |
| Invested In Capital Assets-Net         | 175,154.93        |
| Opening Bal Equity                     | -1,790.00         |
| Prior Year Adjustment                  | 5,064.67          |
| Retained Earnings                      | 217,932.45        |
| Net Income                             | 37.33             |
| <b>Total Equity</b>                    | 401,278.38        |
| <b>TOTAL LIABILITIES &amp; EQUITY</b>  | <b>417,106.84</b> |



Translate



**COLORADO**  
Department of Local Affairs



- [Home](#)
- [Local Government](#)
- [Property Taxation](#)
- [Housing](#)
- [Assessment Appeals](#)
- [Disaster Recovery](#)

## Local Government E-Filing Portal - Summary

**Local Government:** Aspen Trails Metropolitan District (65199)

**User Type:** Official DLG Contact

**Current User:** Brad Fuhrman

**User ID:** EF65199YJ4



- [Summary](#)
- [Budget](#)
- [Finance](#)
- [Director Information](#)
- [Elections](#)
- [Maps & Boundaries](#)
- [Organizational](#)
- [Service Plan](#)
- [Contacts](#)
- [Other Filings](#)

**PLEASE NOTE:** The links displayed on this tab will send you to the read-only display of the document information. If you are able to update a document, you will need to navigate to the appropriate categorical tab, then use the button located to the right of the document listing to edit the document information.

**Status of Documents Submitted:**

**Submitted but not approved** 1

**Approved** 45

**Past 15 Documents with Activity:**

[Maps & Boundaries: Map Letter \(No Boundary Change\) filed on 01/02/2024 10:7 AM](#)

Submitted but not approved

[Service Plan: Annual Report on the Service Plan filed on 10/14/2023 8:5 PM](#)

Approved

**Pending Documents:**

[Maps & Boundaries: Map Letter \(No Boundary Change\) filed on 01/02/2024 10:7 AM by Brad Fuhrman,](#)

New Tax Entity?  YES  NO **LA PLATA County COUNTY ASSESSOR** Date 01/03/2024

**NAME OF TAX ENTITY:** ASPEN TRAILS METRO DISTRICT

**USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATION ("5.5%" LIMIT) ONLY**

IN ACCORDANCE WITH 39-5-121(2)(a) and 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2023 :

|     |   |     |              |
|-----|---|-----|--------------|
| 1.  | PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:   | 1.  | \$ 2,752,480 |
| 2.  | CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: ‡  | 2.  | \$ 3,190,050 |
| 3.  | LESS TOTAL TIF AREA INCREMENTS, IF ANY:   | 3.  | \$ 0         |
| 4.  | CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:  | 4.  | \$ 3,190,050 |
| 5.  | NEW CONSTRUCTION: *   | 5.  | \$ 11,330    |
| 6.  | INCREASED PRODUCTION OF PRODUCING MINE: ~   | 6.  | \$ 0         |
| 7.  | ANNEXATIONS/INCLUSIONS:   | 7.  | \$ 0         |
| 8.  | PREVIOUSLY EXEMPT FEDERAL PROPERTY: ~   | 8.  | \$ 0         |
| 9.  | NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD OR LAND (29-1-301(1)(b), C.R.S.): ☐  | 9.  | \$ 0         |
| 10. | TAXES RECEIVED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1)(a), C.R.S.). Includes all revenue collected on valuation not previously certified: | 10. | \$ 0.00      |
| 11. | TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a), C.R.S.) and (39-10-114(1)(a)(T)(B), C.R.S.):  | 11. | \$ 0.00      |

‡ This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec. 20(8)(b), Colo. Constitution  
 \* New Construction is defined as: Taxable real property structures and the personal property connected with the structure.  
 ~ Jurisdiction must submit to the Division of Local Government respective Certifications of Impact in order for the values to be treated as growth in the limit calculation; use Forms DLG 52 & 52A.  
 ☐ Jurisdiction must apply to the Division of Local Government before the value can be treated as growth in the limit calculation; use Form DLG 52B.

**USE FOR TABOR "LOCAL GROWTH" CALCULATION ONLY**

IN ACCORDANCE WITH ART. X, SEC. 20, COLO. CONSTITUTION AND 39-5-121(2)(b), C.R.S., THE LA PLATA County ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2023 :

|   |   |    |               |
|---|---|----|---------------|
| 1.  | CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: ¶   | 1. | \$ 36,124,290 |
| <b>ADDITIONS TO TAXABLE REAL PROPERTY</b> |   |    |               |
| 2.  | CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: *   | 2. | \$ 169,150    |
| 3.  | ANNEXATIONS/INCLUSIONS:   | 3. | \$ 0          |
| 4.  | INCREASED MINING PRODUCTION: §  | 4. | \$ 0          |
| 5.  | PREVIOUSLY EXEMPT PROPERTY:   | 5. | \$ 0          |
| 6.  | OIL OR GAS PRODUCTION FROM A NEW WELL:  | 6. | \$ 0          |
| 7.  | TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT: (If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.): | 7. | \$ 0          |

**DELETIONS FROM TAXABLE REAL PROPERTY**

|     |  |     |      |
|-----|--|-----|------|
| 8.  | DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: | 8.  | \$ 0 |
| 9.  | DISCONNECTIONS/EXCLUSIONS:                         | 9.  | \$ 0 |
| 10. | PREVIOUSLY TAXABLE PROPERTY:                       | 10. | \$ 0 |

¶ This includes the actual value of all taxable real property plus the actual value of religious, private school, and charitable real property.  
 \* Construction is defined as newly constructed taxable real property structures.  
 § Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS:  
**TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY \$36,409,850**

IN ACCORDANCE WITH 39-5-128(1.5), C.R.S., THE ASSESSOR PROVIDES:  
 HB21-1312 ASSESSED VALUE OF EXEMPT BUSINESS PERSONAL PROPERTY (ESTIMATED): \*\* **\$5,512**  
 \*\*\* The tax revenue lost due to this exempted value will be reimbursed to the tax entity by the County Treasurer in accordance with 39-3-119.5(3), C.R.S.

**NOTE:** ALL LEVIES MUST BE CERTIFIED to the COUNTY COMMISSIONERS NO LATER THAN DECEMBER 15.



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| 1 - APPLICANT INFORMATION       |  |
|---------------------------------|--|
| <b>Name of Qualified Entity</b> | *Hermosa Company Ditch   |
| <b>Type of Qualified Entity</b> | *Colorado Non-Profit Corporation <span style="float: right;"><i>*listed on Page 3 of the Grant Guidelines</i></span> |
| <b>Mailing Address</b>          | *P.O. Box 9165 Durango CO 81302  |
| <b>Federal ID Number</b>        | 84-1147883   |
| <b>Public Water System ID</b>   | NA   |
| <b>Contact Person 1</b>         | *Jimbo Buickerood  |
| <b>Title</b>                    | President, Hermosa Company Ditch Board of Directors  |
| <b>Phone Number</b>             | *980 560-1111  |
| <b>Email</b>                    | *jimbobuickerood@gmail.com   |
| <b>Contact Person 2</b>         | Marie Roessler   |
|                                 | Treasurer, Hermosa Company Ditch Board of Directors  |
| <b>Phone Number</b>             | 970 382-1217   |
| <b>Email</b>                    | marieroessler@outlook.com  |

| 2 - WATER ACTIVITY SUMMARY      |   |
|---------------------------------|---|
| <b>Date of Submittal</b>        | *December 12, 2023  |
| <b>Type of Submittal</b>        | *Grant <span style="float: right;"><i>*grant, loan, or a combination thereof</i></span> |
| <b>Project Name</b>             | *Hermosa Company Ditch Mid-System Parshall Flume  |
| <b>Applicant</b>                | *Hermosa Company Ditch  |
| <b>River Basin &amp; County</b> | *Hermosa Creek/Animas River – La Plata County   |
| <b>Amount Request</b>           | *\$1,155.00   |
| <b>Total Project Cost</b>       | * \$2,685.00  |
| <b>Applicant Match</b>          | * \$1,530.00  |
| <b>Use of Funds Year</b>        | <b>2024</b>   |

| 3 - WATER ACTIVITY CATEGORY   |          |   |
|---|----------|---|
| X*  | Limit    | Category  |
| X   | \$60,000 | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
|   | \$20,000 | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
|   | \$10,000 | <b>Education:</b> Teaching seminars, workshops, and related programs  |
|   | \$50,000 | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |
| <p><b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board.</p> |          |   |

## 2024 SWCD Financial Assistance Checklist

| 4 - SWCD SUBMITTAL CHECKLIST |  |
|------------------------------|--|
| X                            | *I acknowledge I have read and understand the <a href="#">2024 SWCD Grant Program Guidelines</a> . |
| X                            | *The request does not exceed 50% of the total project cost   |
| X                            | *The applying organization is funding at least 25% of the total project cost                       |
| X                            | *The request is for funds to be used in 2024, for a project to be completed in 2024                |
| X                            | *I understand that SWCD does not fund payroll, legal, or grant administration costs                |
| X                            | *I have included a <u>detailed</u> project expense budget  |
| X                            | *I have included a <u>detailed</u> project funding budget.   |
| X                            | *I have consulted with SWCD staff to ensure all minimum criteria have been met                     |
| X                            | *I have gathered all of the required attachments indicated below                                   |
|                              | * The Application is ONE PDF - including attachments in the order indicated below                  |

| 5 - ATTACHMENT CHECKLIST      |   |          |         |
|-------------------------------|---|----------|---------|
| <b>* Attach in this order</b> |   | Status   | Section |
| X                             | *Qualified entity - <i>see guidelines</i>   | Required | 1       |
| X                             | *Financial statements to demonstrate adequate reserve - <i>no more than 5 pages</i>     | Required | 6       |
| X                             | Map and/or photos of project location   | Optional | 7       |
|                               | Measurable results  | Optional | 7       |
|                               | “Water Rights Tabulation” Report  | Optional | 7       |
|                               | Water project timeline supporting documents   | Optional | 8       |
|                               | Feasibility study/assessments done for the project                                      | Optional | 9       |
|                               | Water activity budget supporting documents  | Optional | 10      |
|                               | Matching requirement supporting documents   | Optional | 11      |
| X                             | *Detailed Expense and Funding Budget - <i>can use space provided in the application</i> | Required | 12      |
|                               | Applicant liability or indebtedness supporting documents                                | Optional | 14      |
|                               | Letters of Support  | Optional | 16      |

### Frequently Asked Questions:

**Q:** What documentation do I need to submit to prove we’re a “Qualified Entity”?

**A:** Examples of proper documentation include (but are not limited to) articles of incorporation, corporate bylaws, or a Certificate of Good Standing from the Colorado Secretary of State.

**Q:** Should I gather everything I need for my application before reaching out to SWCD Staff?

**A:** The more you can gather, the easier the process will be - feel free to reach out to staff at any point in the application process and we can help answer any questions you may have.

**Q:** Why are there word/page limits on some application sections, what if I need more space?

**A:** Limits are set to give you an idea on how detailed answers need to be and to help staff review your application, please reach out if you have any concerns about these limits.

Please refer to our [FAQ Page](#) for other frequently asked questions.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Reck, 970-247-1302, [moreck@swgcd.org](mailto:moreck@swgcd.org)

**6 - APPLICANT DESCRIPTION**

\*Provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment. (250-word max)

Hermosa Company Ditch serves 48 properties for 44 HCD members. The HCD service area spreads from the Hermosa Creek headgate (approximately ¼ mile upstream of Barr Bridge on CR 203) southward on the west side of CR 203 (and adjacent to the Animas Consolidated Ditch) to Tripp Creek and also on the east side of Highway 550 from Tripp Creek southward to Hermosa Meadows Road. The annual member assessment is \$135.00.

In recent years the HCD board (with membership approval) increased the annual assessment more than once with the most recent increase to \$135.00. With the aging of HCD’s infrastructure and our experience with the detrimental effects of the 416 Wildfire’s sediment-laden flooding, HCD decided to increase our annual assessment with these needs: 1) to address the infrastructure maintenance and specific infrastructure replacement needs, 2) to mitigate measures related to possible wildfire and flooding events and 3) to increase our capability to responsibly and accurately measure flows with appropriate diversion and flow measurement devices. In general, HCD maintains the main ditch while the HCD members are responsible for the collective maintenance of the five lateral ditches, though HCD attempts to coordinate such work and did provide some financial support dealing with the unforeseen post-416 flooding challenges.

\*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

As noted above, HCD has recently increased member dues to address maintenance needs and we strive to maintain a sufficient balance in our bank account to be able to address any unanticipated and/or emergency expenses with the aim of both providing consistent water delivery to our members while avoiding any need for loans.

**7 - PROJECT DESCRIPTION**

\*Provide a narrative description of the activity’s physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

While HCD currently has Parshall flumes installed (see map) just below the Hermosa Creek headgate and just “upditch” of the HCD main ditch’s confluence with Tripp Creek (and its co-mingling with Animas Consolidated Ditch Company (ACDC) water at this point, HCD has no measurement capability between these two flume locations. This reach includes the 4 of the 5 HCD laterals as well as the bulk of the water rights (approximately 80%) that are delivered by the system. It has become evident in recent years, especially dealing with the dual challenges of 1) overall lower flows on Hermosa Creek and 2) the post-416 Wildfire environment (higher sediment load and an increase in “flashier flows”) that the addition of an additional measurement capability would insure more accurate and ongoing delivery of Hermosa Creek

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Questions? Contact: Mo Rock, 970-247-1302, [mo rock@swcd.org](mailto:mo rock@swcd.org)

waters to our water rights holders served by HCD. Because HCD diverted is co-mingled with ACDC water on some laterals and on some properties the need for accurate measurement between the headgate and Tripp Creek area Parshall flumes is heightened.

*\* Denotes required information - applications will be returned if required fields are missing*  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swcd.org](mailto:morock@swcd.org)

If possible, include measurable results such as acres served, watersheds impact, types of crops, number of taps, length of ditch improvements, length of pipe installed, area of habitat improvements, or students impacted. Photos, maps, or other graphics can be inserted here or attached.

The addition of the Mid-system Parshall Flume will support our capability to insure that HCD water rights holders “downditch” of the new flume receive their legally designated flows because we will be able to better assess the main ditch flow prior to the co-mingling of the HCD flow with Tripp Creek natural flows and the ACDC flow utilizing Tripp Creek as the delivery method.

\*What are the benefits of the project? Consider the following prompts in your answer, hitting all points if possible:

1. How does the project assist SWCD in furthering its statutory mission to protect, conserve, use, and develop the water resources of southwestern Colorado, as well as safeguard all waters to which Colorado is entitled?
2. In February of 2022, SWCD adopted a strategic plan with six strategic priorities, [read the priorities here](#). Which priorities does this project satisfy and how?
3. Does your project enhance or preserve any pre-compact water rights? If so, please describe the amount, appropriation date and adjudication date of these water rights .

Additionally, attach a “Water Rights Tabulation” report from the Colorado Division of Water Resources (DWR). (750-word max)

*For help acquiring water rights information, call DWR (San Miguel Basin: 970-249-6622, Other Basins: 970-247-1845).*

#1 Over the past two years the HCD Board of Directors has communicated to the HCD membership the overall need and importance for the accuracy and related monitoring of Hermosa Creek waters to HCD water right holders served by HCD. This professed interest and trajectory was expressed by the Board prior to learning of the state’s initiative to update the Division 7 measurements rules and has reached out to other SW Colorado water districts (including the Mancos Conservation District) to learn of their planning and financing for their measurement upgrades. Further, there has been expressed interest by the HCD membership in the continual maintenance and upgrade of HCD infrastructure including measurement systems.

While HCD currently has Parshall flumes installed (see map) just below the Hermosa Creek headgate and just “up-ditch” of the HCD main ditch’s confluence with Tripp Creek (and its comingling with Animas Consolidated Ditch Company (ACDC) water at this point, HCD has no measurement capability between these two flume locations. This reach includes the 4 of the 5 established HCD laterals as well as the bulk of the water rights (approximately 80%) that are delivered by the system. It has become evident in recent years, especially dealing with the dual challenges of 1) overall lower flows on Hermosa Creek (especially during the irrigation season) and 2) the post-416 Wildfire (higher sediment load and a increase in “flashier flows”) that the addition of an additional measurement capability will likely insure more accurate and ongoing delivery of Hermosa Creek waters to our water rights holders served by HCD.

Because HCD waters are co-mingled with ACDC waters on some laterals and on some properties the need for accurate measurement is heightened. As well, because HCD delivers water to the Kerr-Dudley ditch and “dumps” return water to the John Thomas ditch and into the ACDC system east of Highway 550 it is desirable to monitor water flows constantly for accurate and ongoing delivery to water rights holders throughout the HCD system and to HCD’s “ditch neighbors.”

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [monock@swgcd.org](mailto:monock@swgcd.org)



#2 We believe the narrative within #1 (above) addresses SWCD's Strategic Priorities 1, 3, 4 and 5. The intended goals for this grant do not include fulfilling advocacy components as delineated in Priority 2. And while HCD's intended goals do not specifically address the issue of the increase of SWCD's credibility, the upgrading of measurement capability by HCD does represent an increase in the credibility of SWCD as being supportive of required measurement infrastructure.

#3 While some of the individual member water rights were filed prior to the Compact, HCD operates from the 1923 Decree Book for the Animas River – hence our project does not enhance or preserve pre-Compact rights.

## 8 - WATER PROJECT TIMELINE

\*Provide a narrative description of the timeline for the project's major tasks and/or a detailed outline (250-word max)

Pending the outcome of this grant request, HCD will order the Parshall flume which will be completed by February 29, 2024. Ground work will take place in March 2024 as conditions permit including concrete form construction, concrete pours and the installation of the Mid-System Parshall flume. The project aims to install the flume prior to the usual irrigation season opening of late March or early April (2024).

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock. 970-247-1302, [moreck@swcd.org](mailto:moreck@swcd.org)

| 9 - ENGINEERING AND LEGAL FEASIBILITY  |
|--|
| <p>*Will the Project require the acquisition of additional water rights or a change of existing water rights? If yes, please explain. (150-word max)</p>   |
| No   |
| <p>*Will the Project require local, state or federal regulatory permits of any type? If yes, please explain. (150-word max)</p>  |
| No   |
| <p>List below and attach to this application any feasibility studies or investigations that have been completed or are now in progress for the proposed project. (200-word max)</p>  |
| <p>The HCD board is under discussions with the property owners whose lands are traversed by the main Hermosa Company Ditch in the area (a 25-yard reach) where the Mid-System Parshall flume will be installed. As there is an adequate legal easement within this reach for the installment of the flume, the discussions with the landowners relate to possible secondary or unintended effects of the flume installation on their property. The issue of adequate foot access to the flume for measurement needs will be determined as well as the consideration of short-term access to the flume installation site for construction material transport.</p> |

| 10 - MATCHING REQUIREMENTS   |                   |                     |  |
|--|-------------------|---------------------|--|
| <p>*Applicants must demonstrate that they are actively contributing to the project for which they are requesting funding. Any grant approval will be contingent upon the recipient ultimately demonstrating that they have secured funding for the full project cost.</p>          |                   |                     |  |
| <p>In addition, applicants must also demonstrate that they will provide, through a cash contribution and/or the performance of in-kind services, at least 25% of the total project costs. See the guidelines for more information. Attach additional information if necessary.</p> |                   |                     |  |
| Contributing Entity  | Amount            | In-Kind or Cash     | Approval Date or Anticipated Approval Date |
| Hermosa Company Ditch  | \$230.00          | In-Kind (Materials) | February, 2024                             |
| Hermosa Company Ditch Member Volunteer   | \$1,300.00        | In-Kind (Labor)     | February, 2024                             |
|  |                   |                     |  |
| Total Applicant Match (At Least 25%)   | \$1,530.00        |                     |  |
| Total Other Funding  |                   |                     |  |
| SWCD Request (Up to 50% of Project Cost)   | \$1,155.00        |                     |  |
| <b>Total Project Cost</b>  | <b>\$2,685.00</b> |                     |  |

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [mo rock@swcd.org](mailto:mo rock@swcd.org)

**11 - WATER PROJECT BUDGET**

\*Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment. \*Describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project.

| Task/Materials Description  | Funded By<br>(Applicant, SWCD, Other) | Amount     |
|---|---------------------------------------|------------|
| Construction materials for flume installation                           | Hermosa Company Ditch                 | \$230.00   |
| Labor for flume installation  | HCD Member Volunteer                  | \$1,300.00 |
| Parshall Flume (galvanized)   | SWCD                                  | \$1,155.00 |
|   |                                       |            |
|   |                                       |            |
|   |                                       |            |
| <b>Total Project Cost</b>   |                                       | \$2,685.00 |
| <b>Grant Administration Costs as a Percentage of Total Project Cost</b> |                                       |            |

**12 - WATER ACTIVITY BUDGET**

Provide any narrative description of the project expense and funding budget that is necessary. (200-word max)

The project expense involves three elements as detailed below:  
 Construction materials: concrete, rebar, forms, fasteners - \$230.00  
 Volunteer labor: Estimated 38 hours at \$34.36 (CO volunteer rate) ~ \$1,300.00  
 Parshall Flume: Galvanized flume fabricated by Seibel Welding (Ignacio, CO) - \$1,155.00

\*Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations. Attach supporting documentation if necessary.

In-Kind Materials and Services  
 Purchased by HCD
 

- Construction materials: concrete, rebar, forms, fasteners - \$230.00

 Provided by HCD Member Volunteers
 

- Volunteer labor: Estimated 38 hours at \$34.36 (CO volunteer rate) ~ \$1,300.00

\* Denotes required information - applications will be returned if required fields are missing  
 Questions? Contact: Mo Rock, 970-247-1302, [mo@rock@swcd.org](mailto:mo@rock@swcd.org)

| <b>13 - PREVIOUS SWCD AWARDS AND REQUESTS</b>   |              |                                 |
|---|--------------|---------------------------------|
| *Please list all previous requests and awards from SWCD. Please ensure that your entity does not exceed the five-year limits on awards outlined in the <a href="#">guidelines</a> . |              |                                 |
| Year  | Amount       | Project Title                   |
| 2019*   | \$9,450.00** | 416 Flooding Emergency Response |
|   |              |                                 |
| *Extended into 2020   |              |                                 |
| **Amount spent by HCD: \$7,254.00   |              |                                 |
|   |              |                                 |
|   |              |                                 |
|   |              | <b>Total</b>                    |

| <b>14 - APPLICANT LIABILITY OR INDEBTEDNESS</b>  |
|--|
| *Please list any existing long-term liability (multi-year) or indebtedness that exceeds one thousand dollars. This might include bank loans, government agency loans, or bond issues. Please provide the lender's name, address, remaining principal, annual payment, and maturity date. If any of these liabilities are currently in default or have been in default at any time in the past, please provide a detailed explanation. Attach a separate schedule as necessary. |
| HCD does not hold any loans nor have any financial liabilities.  |

| <b>15 - FOR LOAN REQUESTS</b>  |
|--|
| *Please identify all revenue sources for the applicant that would be available to repay SWCD should financial assistance be offered in the form of a loan. |

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Roek, 970-247-1302, [mo.roeka@swcd.org](mailto:mo.roeka@swcd.org)

Not applicable.

*\* Denotes required information - applications will be returned if required fields are missing*  
Questions? Contact: Mo Rock, 970-247-1302, [mo.rock@swcd.org](mailto:mo.rock@swcd.org)

**16 - APPLICANT SIGNATURE**

\*By signing below, I acknowledge I have read the 2024 SWCD Grant Program Guidelines, understand and agree to abide by all program requirements, and that this grant application is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD's grant approval letter.

I understand that grant funding may be requested when needed in 2024. Upon the District's receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District's 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District's Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

As Authorized Representative for \_\_\_\_\_

Please sign and submit the completed application as one PDF via email to [morock@swgcd.org](mailto:morock@swgcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock. 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

# Hermosa Company Ditch

## Profit and Loss

January - November, 2023

|                               | TOTAL             |
|-------------------------------|-------------------|
| Income                        |                   |
| Membership Dues               | 5,360.00          |
| Transfer Fees                 | 500.00            |
| Unapplied Cash Payment Income | -150.00           |
| <b>Total Income</b>           | <b>\$5,710.00</b> |
| <b>GROSS PROFIT</b>           | <b>\$5,710.00</b> |
| Expenses                      |                   |
| Bank Charges                  | 0.00              |
| Bookkeeping Fees              | 900.00            |
| Insurance                     | 1,250.00          |
| Meeting Expenses              | 55.20             |
| Office Supplies               | 82.35             |
| Postage                       | 285.80            |
| Repairs and Maintenance       | 325.67            |
| <b>Total Expenses</b>         | <b>\$2,899.02</b> |
| <b>NET OPERATING INCOME</b>   | <b>\$2,810.98</b> |
| <b>NET INCOME</b>             | <b>\$2,810.98</b> |







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## Summary

| Details                                 |  |                       |                       |
|---|--|-----------------------|-----------------------|
| <b>Name</b>                             | Hermosa Company Ditch  |                       |                       |
| <b>Status</b>                           | Good Standing  | <b>Formation date</b> | 03/27/2010            |
| <b>ID number</b>                        | 20091547255  | <b>Form</b>           | Nonprofit Corporation |
| <b>Periodic report month</b>            | December   | <b>Jurisdiction</b>   | Colorado              |
| <b>Principal office street address</b>  | 8147 County Road 203, Durango, CO 81301, 9703855298, United States |                       |                       |
| <b>Principal office mailing address</b> | 8147 CR 203, DURANGO, CO 81301, CO, United States                  |                       |                       |

| Registered Agent       |  |
|------------------------|--|
| <b>Name</b>            | Marie A Roessler                                       |
| <b>Street address</b>  | 8147 County Road 203, Durango, CO 81301, United States |
| <b>Mailing address</b> | 8147 County Road 203, Durango, CO 81301, United States |

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**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| 1 - APPLICANT INFORMATION       |   |
|---------------------------------|---|
| <b>Name of Qualified Entity</b> | *Conservation Legacy' s Southwest Conservation Corps  |
| <b>Type of Qualified Entity</b> | *Not-for-profit corporation <span style="float: right;"><i>*listed on Page 3 of the Grant Guidelines</i></span> |
| <b>Mailing Address</b>          | * 701 Camino Del Rio Suite 101, Durango, CO 81301   |
| <b>Federal ID Number</b>        | 84-1450808  |
| <b>Public Water System ID</b>   |   |
| <b>Contact Person 1</b>         | *Nate Peters  |
| <b>Title</b>                    | *Watershed Programs Manager 970-903-0839  |
| <b>Phone Number</b>             | *Watershed Programs Manager 970-903-0839  |
| <b>Email</b>                    | *npeters@conservationlegacy.org   |
| <b>Contact Person 2</b>         | Juan Fernandez  |
| <b>Title</b>                    | Interim Corps Director  |
| <b>Phone Number</b>             | 970-902-3563  |
| <b>Email</b>                    | jfernandez@conservationlegacy.org   |

| 2 - WATER ACTIVITY SUMMARY      |  |
|---------------------------------|--|
| <b>Date of Submittal</b>        | *12/15/2023  |
| <b>Type of Submittal</b>        | * Grant <span style="float: right;"><i>*grant, loan, or a combination thereof</i></span> |
| <b>Project Name</b>             | *Dolores River Restoration Partnership - Montrose County Tamarisk Removal                |
| <b>Applicant</b>                | *Nate Peters   |
| <b>River Basin &amp; County</b> | *Dolores River Basin - Montrose County   |
| <b>Amount Request</b>           | *  |
| <b>Total Project Cost</b>       | *384,098   |
| <b>Applicant Match</b>          | *  |
| <b>Use of Funds Year</b>        | <b>2024</b>  |

| 3 - WATER ACTIVITY CATEGORY   |          |   |
|---|----------|---|
| X*  | Limit    | Category  |
| <input checked="" type="checkbox"/>   | \$60,000 | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
| <input type="checkbox"/>  | \$20,000 | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
| <input type="checkbox"/>  | \$10,000 | <b>Education:</b> Teaching seminars, workshops, and related programs  |
| <input type="checkbox"/>  | \$50,000 | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |
| <p><b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board.</p> |          |   |

### 6 - APPLICANT DESCRIPTION

\*Provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment. (250-word max)

The Southwest Conservation Corps (SCC) is a program of Conservation Legacy, a 501(c)(3) non-profit based in Durango, CO. Conservation Legacy is a national organization that supports locally based conservation corps programs. SCC operates conservation service programs that encourage environmental stewardship, foster community partnerships, emphasize experiential learning, and serve a diverse population that is representative of the Southwest; including youth, graduates, veterans, and a cross-section of ethnicities and income levels. SCC is a critical partner in the Dolores River Restoration Partnership (DRRP), which is a public-private collaborative working to remove invasive phreatophytes and other noxious weeds to restore native vegetation communities and overall ecological function along the Dolores River. For 13 years, the DRRP has been working collaboratively to restore riparian habitat across 2 states, 4 BLM field offices, 5 counties, and more than 26 private lands.

\*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

The Dolores River Restoration Partnership (DRRP) has support staff from both SCC and RiversEdge West who meet monthly to work together to seek out funding opportunities and proactively plan multi-year operating budgets to support staff capacity and project work on the Dolores River. The partnership brings in diverse funding streams from both state and federal grants, as well as assistance agreements with the BLM.

### 7 - PROJECT DESCRIPTION

\*Provide a narrative description of the activity's physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

This proposed project area is located in Montrose County along the Dolores River and spans from Bedrock, CO just south of the San Miguel confluence to the Mesa County Line. The purpose and benefit of this work is to remove tamarisk along the riparian corridor of the Dolores River, allowing for native plant recruitment, improved wildlife habitat, and overall improved watershed health.

SCC will employ an 8-person saw crew for 2 weeks to work in the Uncompahgre BLM field office to remove tamarisk. SCC will also deploy their 3-person strike team to work for a total of 4 weeks, working alongside the 8-person crew to efficiently complete this project. Cut stump methods will be used to remove the tamarisk and treat the stump with aquatic safe herbicide to prevent regrowth.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Reck, 970-247-1302, [moreck@swcd.org](mailto:moreck@swcd.org)

**8 - WATER PROJECT TIMELINE**

\*Provide a narrative description of the timeline for the project’s major tasks and/or a detailed outline (250-word max)

The project work funded by SWCD will take place in September or October of 2024. The project will be completed by November 15, 2024.

*\* Denotes required information - applications will be returned if required fields are missing*  
Questions? Contact: Mo Rock, 970-247-1362, [mo@rock@swgcd.org](mailto:mo@rock@swgcd.org)

**11 - WATER PROJECT BUDGET**

\*Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment. \*Describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project.

| Task/Materials Description  | Funded By<br>(Applicant, SWCD, Other)       | Amount    |
|---|---|-----------|
| 2 Weeks SCC 8-person chainsaw crew (2024)                               | SWCD  | \$22,000  |
| 10 Weeks SCC 3-person strike team (2024-2025)                           | BLM Assistance Agreement                    | \$99,700  |
| 12 Weeks SCC 3-person strike team (2024-2026)                           | National Fish and Wildlife Foundation Grant | \$88,400  |
| 16 Weeks SCC 3-person strike team (2024-2026)                           | Colorado Water Conservation Board           | \$117,200 |
| 2 weeks SCC 8-person chainsaw crew (2024)                               | Colorado Water Conservation Board           | \$22,000  |
| Native grass seed (2024)  | Colorado Water Conservation Board           | \$3,298   |
| 7 weeks SCC 2-person vegetation monitoring crew (2024)                  | Forever Our Rivers Foundation               | \$31,500  |
| <b>Total Project Cost</b>   |   | 384,098   |
| <b>Grant Administration Costs as a Percentage of Total Project Cost</b> |   | N/A       |

**12 - WATER ACTIVITY BUDGET**

Provide any narrative description of the project expense and funding budget that is necessary. (200-word max)

Each SCC crew week listed in the budget will contribute towards restoration efforts on the over 200 miles of Dolores River corridor over the next 3 years. The weekly crew rate is comprised of sub budget lines for personnel, fringe, travel, tools and overhead.

\*Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations. Attach supporting documentation if necessary.

N/A

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [mo@rock@swcd.org](mailto:mo@rock@swcd.org)

**16 - APPLICANT SIGNATURE**

\*By signing below, I acknowledge I have read the 2024 SWCD Grant Program Guidelines, understand and agree to abide by all program requirements, and that this grant application is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD’s grant approval letter.

I understand that grant funding may be requested when needed in 2024. Upon the District’s receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District’s 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District’s Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

|   |                   |
|---|-------------------|
|   | <b>12/15/2023</b> |
| Signature   | Date              |
| Printed Name <b>Nate Peters</b>                             |                   |
| As Authorized Representative for <b>Conservation Legacy</b> |                   |

Please sign and submit the completed application as one PDF via email to [morock@swwed.org](mailto:morock@swwed.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swwed.org](mailto:morock@swwed.org)

**Conservation Legacy  
Income Statement  
For YTD Ending December 31, 2022**

|                                  |                                     | <u>SCC:FC</u>         | <u>SCC:LV</u>       |
|----------------------------------|-------------------------------------|-----------------------|---------------------|
| <b>ORDINARY INCOME / EXPENSE</b> |                                     |                       |                     |
| <b>INCOME</b>                    |                                     |                       |                     |
| Project Partners                 |                                     |                       |                     |
| Federal Government               |                                     |                       |                     |
| Dept of Agriculture              |                                     |                       |                     |
| 1-4020-CRW                       | US Department of Agriculture (USDA) | \$17,781.15           | \$0.00              |
| 1-4020-IDP                       | US Department of Agriculture (USDA) | \$0.00                | \$0.00              |
| 1-4020-OTH                       | US Department of Agriculture (USDA) | \$45,466.55           | \$0.00              |
| 1-4030-CRW                       | US Forest Service (USFS)            | \$912,784.49          | \$500,492.27        |
| 1-4030-IDP                       | US Forest Service (USFS)            | \$280,120.13          | \$0.00              |
| 1-4030-OTH                       | US Forest Service (USFS)            | \$0.00                | \$44,800.00         |
| Total Dept of Agriculture        |                                     | <u>\$1,256,152.32</u> | <u>\$545,292.27</u> |
| <b>Dept of Interior</b>          |                                     |                       |                     |
| 1-4110-CRW                       | Bureau of Indian Affairs (BIA)      | \$45,000.00           | \$0.00              |
| 1-4110-IDP                       | Bureau of Indian Affairs (BIA)      | \$0.00                | \$0.00              |
| 1-4110-OTH                       | Bureau of Indian Affairs (BIA)      | \$0.00                | \$0.00              |
| 1-4120-CRW                       | Bureau of Land Management (BLM)     | \$1,866,977.91        | \$12,250.00         |
| 1-4120-IDP                       | Bureau of Land Management (BLM)     | \$257,761.87          | \$220,020.75        |
| 1-4120-OTH                       | Bureau of Land Management (BLM)     | \$0.00                | \$3,356.00          |
| 1-4130-CRW                       | Bureau of Reclamation (BOR)         | \$0.00                | \$0.00              |
| 1-4130-IDP                       | Bureau of Reclamation (BOR)         | \$0.00                | \$0.00              |
| 1-4130-OTH                       | Bureau of Reclamation (BOR)         | \$0.00                | \$0.00              |
| 1-4140-CRW                       | Department of the Interior (DOI)    | \$0.00                | \$0.00              |
| 1-4140-IDP                       | Department of the Interior (DOI)    | \$0.00                | \$0.00              |



|                         |                   |                     |                     |
|-------------------------|-------------------|---------------------|---------------------|
| 2-4400-CRW              | State Gov't       | \$0.00              | \$0.00              |
| 2-4400-IDP              | State Government  | \$0.00              | \$0.00              |
| 2-4400-OTH              | State Government  | \$0.00              | \$0.00              |
| Total State Government  |                   | <u>\$279,510.14</u> | <u>\$421,313.73</u> |
| Local Government        |                   |                     |                     |
| 1-4500-CRW              | Local Gov't       | \$124,040.00        | \$176,594.92        |
| 1-4500-IDP              | Local Gov't       | \$0.00              | \$0.00              |
| 1-4500-OTH              | Local Government  | \$0.00              | \$0.00              |
| 2-4500-CRW              | Local Gov't       | \$0.00              | \$0.00              |
| 2-4500-IDP              | Local Government  | \$0.00              | \$0.00              |
| 2-4500-OTH              | Local Government  | \$0.00              | \$0.00              |
| Total Local Government  |                   | <u>\$124,040.00</u> | <u>\$176,594.92</u> |
| Tribal Government       |                   |                     |                     |
| 1-4600-CRW              | Tribal Gov't      | \$17,000.00         | \$0.00              |
| 1-4600-IDP              | Tribal Gov't      | \$0.00              | \$0.00              |
| 1-4600-OTH              | Tribal Government | \$0.00              | \$0.00              |
| 2-4600-CRW              | Tribal Gov't      | \$0.00              | \$0.00              |
| 2-4600-IDP              | Tribal Government | \$0.00              | \$0.00              |
| 2-4600-OTH              | Tribal Government | \$0.00              | \$0.00              |
| Total Tribal Government |                   | <u>\$17,000.00</u>  | <u>\$0.00</u>       |
| Non Profit              |                   |                     |                     |
| 1-4700-CRW              | Non Profit        | \$376,217.82        | \$172,083.75        |
| 1-4700-IDP              | Non Profit        | \$46,093.00         | \$0.00              |
| 1-4700-OTH              | Non Profit        | \$0.10              | \$0.00              |
| 2-4700-CRW              | Non Profit        | \$0.00              | \$0.00              |
| 2-4700-IDP              | Non Profit        | \$0.00              | \$0.00              |
| 2-4700-OTH              | Non Profit        | \$0.00              | \$0.00              |
| Total Non Profit        |                   | <u>\$422,310.92</u> | <u>\$172,083.75</u> |
| Corporations            |                   |                     |                     |
| 1-4900-CRW              | Corporations      | \$27,000.00         | \$48,000.00         |

|                            |                                 |                     |                     |
|----------------------------|---------------------------------|---------------------|---------------------|
| Total Grants - Federal     |                                 | <u>\$506,394.71</u> | <u>\$371,754.72</u> |
| Grants - Non Federal       |                                 |                     |                     |
| 1-5300-CRW                 | Nat'l Fish & Wildl Found (NFWF) | \$0.00              | \$0.00              |
| 1-5300-IDP                 | Nat'l Fish & Wildl Found (NFWF) | \$0.00              | \$0.00              |
| 1-5300-OTH                 | Nat'l Fish & Wildl Found (NFWF) | \$0.00              | \$0.00              |
| 1-5310-CRW                 | Nat'l Forest Foundation (NFF)   | \$0.00              | \$0.00              |
| 1-5310-IDP                 | Nat'l Forest Foundation (NFF)   | \$0.00              | \$0.00              |
| 1-5310-OTH                 | Nat'l Forest Foundation (NFF)   | \$0.00              | \$0.00              |
| 1-5390-CRW                 | Youth Summits                   | \$0.00              | \$0.00              |
| 1-5390-IDP                 | Youth Summits                   | \$0.00              | \$0.00              |
| 1-5390-OTH                 | Youth Summits                   | \$0.00              | \$0.00              |
| 1-5400-CRW                 | Miscellaneous Grants            | \$224,633.38        | \$77,941.25         |
| 1-5400-IDP                 | Miscellaneous Grants            | \$0.00              | \$0.00              |
| 1-5400-OTH                 | Miscellaneous Grants            | \$217,465.44        | \$98,673.03         |
| 2-5300-CRW                 | Nat'l Fish & Wildl Found (NFWF) | \$0.00              | \$0.00              |
| 2-5300-IDP                 | Nat'l Fish & Wildl Found (NFWF) | \$0.00              | \$0.00              |
| 2-5300-OTH                 | Nat'l Fish & Wildl Found (NFWF) | \$0.00              | \$0.00              |
| 2-5310-CRW                 | Nat'l Forest Foundation (NFF)   | \$0.00              | \$0.00              |
| 2-5310-IDP                 | Nat'l Forest Foundation (NFF)   | \$0.00              | \$0.00              |
| 2-5310-OTH                 | Nat'l Forest Foundation (NFF)   | \$0.00              | \$0.00              |
| 2-5390-CRW                 | Youth Summits                   | \$0.00              | \$0.00              |
| 2-5390-IDP                 | Youth Summits                   | \$0.00              | \$0.00              |
| 2-5390-OTH                 | Youth Summits                   | \$0.00              | \$0.00              |
| 2-5400-CRW                 | Miscellaneous Grants            | \$0.00              | \$0.00              |
| 2-5400-IDP                 | Miscellaneous Grants            | \$0.00              | \$0.00              |
| 2-5400-OTH                 | Miscellaneous Grants            | (\$22,184.18)       | \$0.00              |
| Total Grants - Non Federal |                                 | <u>\$419,914.64</u> | <u>\$176,614.28</u> |
| Accrued Revenue            |                                 |                     |                     |
| 1-5500-OTH                 | Accrued Revenue                 | \$0.00              | \$0.00              |
| 2-5500-OTH                 | Accrued Revenue                 | \$0.00              | \$0.00              |
| Total Accrued Revenue      |                                 | <u>\$0.00</u>       | <u>\$0.00</u>       |

|                    |                                       |                       |                       |
|--------------------|---------------------------------------|-----------------------|-----------------------|
| 2-5515-CRW         | Events/Fundraising                    | \$0.00                | \$0.00                |
| 2-5515-IDP         | Events/Fundraising                    | \$0.00                | \$0.00                |
| 2-5515-OTH         | Events/Fundraising                    | \$0.00                | \$0.00                |
| 2-5525-CRW         | In-Kind Donations                     | \$0.00                | \$0.00                |
| 2-5525-IDP         | In-Kind Donations                     | \$0.00                | \$0.00                |
| 2-5525-OTH         | In-Kind Donations                     | \$0.00                | \$0.00                |
| 3-5511-OTH         | Donations - Legacy Fund               | \$0.00                | \$0.00                |
| Total Other Income |                                       | <u>\$44,177.35</u>    | <u>\$16,122.47</u>    |
| 1-5995-OTH         | Net Assets released from Restrictions | \$224,911.61          | \$30,403.51           |
| 2-5995-OTH         | Net Assets released from Restrictions | <u>(\$224,911.61)</u> | <u>(\$25,895.75)</u>  |
| TOTAL - INCOME     |                                       | <u>\$5,512,547.79</u> | <u>\$2,316,765.55</u> |

**EXPENSES**

Staff Wages

|                        |               |                     |                     |
|------------------------|---------------|---------------------|---------------------|
| 1-6010-CRW             | Staff Wages   | \$413,645.22        | \$258,389.66        |
| 1-6010-IDP             | Staff Wages   | \$69,696.55         | \$0.00              |
| 1-6010-OTH             | Staff Wages   | \$285,188.63        | \$101,412.94        |
| 1-6090-CRW             | Accrued Wages | \$0.00              | \$0.00              |
| 1-6090-IDP             | Accrued Wages | \$0.00              | \$0.00              |
| 1-6090-OTH             | Accrued Wages | \$0.00              | \$0.00              |
| Total Salaries & Wages |               | <u>\$768,530.40</u> | <u>\$359,802.60</u> |

Crew Leader & Field Sup Wages

|                                     |                          |                     |                     |
|-------------------------------------|--------------------------|---------------------|---------------------|
| 1-6020-CRW                          | Crew Ldr/Field Sup Wages | \$974,503.06        | \$348,122.97        |
| 1-6020-IDP                          | Crew Leaders Wages       | \$0.00              | \$0.00              |
| 1-6020-OTH                          | Crew Leaders Wages       | \$0.00              | \$0.00              |
| Total Crew Leader & Field Sup Wages |                          | <u>\$974,503.06</u> | <u>\$348,122.97</u> |

Corps Member Stipends

|            |                                      |             |             |
|------------|--------------------------------------|-------------|-------------|
| 1-6025-CRW | Non AC Participant Wages             | \$93,182.41 | \$80,273.59 |
| 1-6025-IDP | Non AC Participant Wages             | \$75,477.12 | \$620.00    |
| 1-6026-CRW | Non AC Participant Housing Allowance | \$0.00      | \$0.00      |
| 1-6026-IDP | Non AC Participant Housing Allowance | \$20,999.16 | \$0.00      |

|                         |  |                     |                     |
|-------------------------|--|---------------------|---------------------|
| 1-6124-IDP              | Health Benefit - Non AC Part.            | \$3,332.74          | \$0.00              |
| 1-6130-CRW              | Health Benefit - Member                  | \$0.00              | \$0.00              |
| 1-6130-IDP              | Health Benefit - Member                  | \$5,341.19          | \$0.00              |
| 1-6130-OTH              | Health Benefit - Member                  | \$0.00              | \$0.00              |
| 1-6140-CRW              | Life, Dental, Vision                     | \$5,382.57          | \$2,851.32          |
| 1-6140-IDP              | Life, Dental, Vision                     | \$976.30            | \$0.00              |
| 1-6140-OTH              | Life, Dental, Vision                     | \$3,615.64          | \$1,363.72          |
| 1-6150-CRW              | Retirement - 403b                        | \$4,972.14          | \$3,617.31          |
| 1-6150-IDP              | Retirement - 403b                        | \$1,567.16          | \$0.00              |
| 1-6150-OTH              | Retirement - 403b                        | \$6,488.50          | \$2,920.33          |
| 1-6160-CRW              | Supportive Services                      | \$0.00              | \$0.00              |
| 1-6160-IDP              | Supportive Services                      | \$0.00              | \$0.00              |
| 1-6160-OTH              | Supportive Services                      | \$0.00              | \$0.00              |
| 1-6170-CRW              | Unemployment Insurance - AZ and CO       | \$9,142.74          | \$5,176.55          |
| 1-6170-IDP              | Unemployment Insurance - AZ and CO       | \$1,848.99          | \$1,880.97          |
| 1-6170-OTH              | Unemployment Insurance - AZ and CO       | \$9,338.86          | \$4,815.54          |
| 1-6180-CRW              | Work Comp Insurance - Staff              | \$16,812.02         | \$11,674.47         |
| 1-6180-IDP              | Work Comp Insurance - Staff              | \$141.02            | \$0.00              |
| 1-6180-OTH              | Work Comp Insurance - Staff              | \$3,205.15          | \$486.19            |
| 1-6182-CRW              | Work Comp Insurance - CL/Field Sup       | \$41,374.27         | \$26,723.62         |
| 1-6183-IDP              | Work Comp Insurance - Non AC Participant | \$1,284.40          | \$3.25              |
| 1-6184-CRW              | Work Comp Insurance - Members - Crew     | \$48,141.57         | \$31,086.57         |
| 1-6184-IDP              | Work Comp Insurance - Members - IP       | \$6,497.77          | \$994.97            |
| 1-6190-CRW              | Accrued PTO                              | \$1,014.19          | (\$2,761.62)        |
| 1-6190-IDP              | Accrued PTO                              | (\$1,327.28)        | \$0.00              |
| 1-6190-OTH              | Accrued PTO                              | (\$6,076.21)        | \$946.48            |
| Total Personnel Related |  | <u>\$526,928.32</u> | <u>\$243,598.21</u> |

Program Equip & Supplies

Program

Field & Camp Supplies

|            |                       |             |             |
|------------|-----------------------|-------------|-------------|
| 1-6210-CRW | Field & Camp Supplies | \$33,444.13 | \$10,495.32 |
| 1-6210-IDP | Field & Camp Supplies | \$0.00      | \$0.00      |
| 1-6210-OTH | Field & Camp Supplies | \$0.00      | \$0.00      |

|            |                                    |                     |                     |
|------------|------------------------------------|---------------------|---------------------|
|            | Total Tools                        | <u>\$23,759.47</u>  | <u>\$29,867.08</u>  |
| Uniforms   |                                    |                     |                     |
| 1-6280-CRW | Uniforms - Crew                    | \$23,520.54         | \$11,667.98         |
| 1-6280-IDP | Uniforms - IP                      | \$2,424.05          | \$2,660.82          |
| 1-6280-OTH | Uniforms                           | \$0.00              | \$0.00              |
|            | Total Uniforms                     | <u>\$25,944.59</u>  | <u>\$14,328.80</u>  |
|            | Total Program                      | <u>\$289,551.24</u> | <u>\$122,603.41</u> |
|            | Total Materials & Supplies         | <u>\$289,551.24</u> | <u>\$122,603.41</u> |
| Vehicles   |                                    |                     |                     |
| 1-6310-CRW | Auto Insurance - Crew              | \$31,828.30         | \$19,949.21         |
| 1-6310-IDP | Auto Insurance - IP                | \$0.00              | \$0.00              |
| 1-6310-OTH | Auto Insurance - Admin             | (\$93.00)           | \$0.00              |
| 1-6320-CRW | Field Fuel                         | \$66,196.77         | \$27,637.74         |
| 1-6320-IDP | Field Fuel                         | \$521.63            | \$0.00              |
| 1-6320-OTH | Fuel                               | \$0.00              | \$0.00              |
| 1-6330-CRW | Vehicle & Trailer Fees             | \$6,656.59          | \$2,607.14          |
| 1-6330-IDP | Vehicle & Trailer Fees             | \$0.00              | \$0.00              |
| 1-6330-OTH | Vehicle & Trailer Fees             | \$7,504.34          | \$3,369.10          |
| 1-6340-CRW | Vehicle Leasing                    | \$139,751.89        | \$13,929.03         |
| 1-6340-IDP | Vehicle Rentals                    | \$0.00              | \$0.00              |
| 1-6340-OTH | Vehicle Rentals                    | \$0.00              | \$0.00              |
| 1-6350-CRW | Vehicle & Trailer Repairs & Maint. | \$35,380.88         | \$8,445.50          |
| 1-6350-IDP | Vehicle & Trailer Repairs & Maint. | \$0.00              | \$0.00              |
| 1-6350-OTH | Vehicle & Trailer Repairs & Maint. | \$25,646.41         | \$15,074.06         |
| 1-6360-CRW | Vehicle Trailers                   | \$0.00              | \$0.00              |
| 1-6360-IDP | Vehicle Trailers                   | \$0.00              | \$0.00              |
| 1-6360-OTH | Vehicle Trailers                   | \$0.00              | \$0.00              |
| 1-6380-CRW | Vehicle & Trailer Sales tax        | \$0.00              | \$0.00              |
| 1-6380-IDP | Sales Tax                          | \$0.00              | \$0.00              |
| 1-6380-OTH | Vehicle & Trailer Sales Tax        | \$370.38            | \$0.00              |

|                               |                             |                    |                    |
|-------------------------------|-----------------------------|--------------------|--------------------|
| 1-6470-OTH                    | Travel & Meetings           | \$3,496.54         | \$2,788.79         |
|                               | Total Staff Devt & Travel   | <u>\$23,116.67</u> | <u>\$12,253.47</u> |
| Background Searches           |                             |                    |                    |
| 1-6500-CRW                    | Background Searches - Crew  | \$7,743.52         | \$2,674.34         |
| 1-6500-IDP                    | Background Searches - IP    | \$654.48           | \$726.83           |
| 1-6500-OTH                    | Background Searches         | <u>\$989.60</u>    | <u>\$419.81</u>    |
|                               | Total Background Searches   | <u>\$9,387.60</u>  | <u>\$3,820.98</u>  |
| Recruitment                   |                             |                    |                    |
| 1-6510-CRW                    | Recruitment -Crew           | \$7,183.44         | \$2,655.96         |
| 1-6510-IDP                    | Recruitment - IP            | \$306.73           | \$0.00             |
| 1-6510-OTH                    | Recruitment                 | <u>\$3,796.20</u>  | <u>\$1,373.51</u>  |
|                               | Total Recruitment           | <u>\$11,286.37</u> | <u>\$4,029.47</u>  |
| Consultants                   |                             |                    |                    |
| 1-6520-CRW                    | Consultants - Crew          | \$29,898.53        | \$14,435.00        |
| 1-6520-IDP                    | Consultants - IP            | \$12,720.00        | \$0.00             |
| 1-6520-OTH                    | Consultants                 | <u>\$400.00</u>    | <u>\$0.00</u>      |
|                               | Total Consultants           | <u>\$43,018.53</u> | <u>\$14,435.00</u> |
| Contract Labor                |                             |                    |                    |
| 1-6525-CRW                    | Contract Labor - Crew       | \$65.00            | \$0.00             |
| 1-6525-IDP                    | Contract Labor - IP         | \$0.00             | \$0.00             |
| 1-6525-OTH                    | Contract Labor              | <u>\$0.00</u>      | <u>\$0.00</u>      |
|                               | Total Contract Labor        | <u>\$65.00</u>     | <u>\$0.00</u>      |
| Office/Computer Supplies & IT |                             |                    |                    |
| 1-6290-CRW                    | Office Supplies & Equipment | \$0.00             | \$0.00             |
| 1-6290-IDP                    | Office Supplies & Equipment | \$0.00             | \$0.00             |
| 1-6290-OTH                    | Office Supplies & Equipment | \$3,112.47         | \$2,699.25         |
| 1-6293-CRW                    | Postage & Shipping - Crew   | \$684.23           | \$256.16           |
| 1-6293-IDP                    | Postage & Shipping - IP     | \$565.91           | \$208.40           |
| 1-6293-OTH                    | Postage & Shipping - Admin  | \$90.75            | \$129.40           |

|                 |                          |                    |                    |
|-----------------|--------------------------|--------------------|--------------------|
| 1-6626-CRW      | Telephone and Internet   | \$0.00             | \$0.00             |
| 1-6626-IDP      | Telephone and Internet   | \$0.00             | \$0.00             |
| 1-6626-OTH      | Telephone and Internet   | \$2,079.14         | \$2,336.62         |
| 1-6630-CRW      | Facility Repairs & Maint | \$0.00             | \$0.00             |
| 1-6630-IDP      | Facility Repairs & Maint | \$0.00             | \$0.00             |
| 1-6630-OTH      | Facility Repairs & Maint | \$9,956.10         | \$23,575.39        |
| 1-6650-CRW      | Property & Other Taxes   | \$0.00             | \$0.00             |
| 1-6650-IDP      | Property & Other Taxes   | \$0.00             | \$0.00             |
| 1-6650-OTH      | Property & Other Taxes   | \$0.00             | \$0.00             |
| Total Occupancy |                          | <u>\$72,144.51</u> | <u>\$40,059.77</u> |

Interest Expense

|            |                               |                   |                    |
|------------|-------------------------------|-------------------|--------------------|
| 1-6370-CRW | Capital Lease Finance Charges | \$0.00            | \$0.00             |
| 1-6370-IDP | Capital Lease Finance Charges | \$0.00            | \$0.00             |
| 1-6370-OTH | Capital Lease Finance Charges | \$5,844.62        | \$3,722.84         |
| 1-6640-CRW | Mortgage Interest Payments    | \$0.00            | \$0.00             |
| 1-6640-IDP | Mortgage Interest Payments    | \$0.00            | \$0.00             |
| 1-6640-OTH | Mortgage Interest Payments    | \$0.00            | \$7,796.31         |
| 1-6645-OTH | Interest Expense              | \$0.00            | \$157.13           |
| Total      |                               | <u>\$5,844.62</u> | <u>\$11,676.28</u> |

Insurance

|            |                      |          |            |
|------------|----------------------|----------|------------|
| 1-6710-CRW | Additional Coverages | \$0.00   | \$0.00     |
| 1-6710-IDP | Additional Coverages | \$0.00   | \$0.00     |
| 1-6710-OTH | Additional Coverages | \$0.00   | \$0.00     |
| 1-6720-CRW | D&O                  | \$0.00   | \$0.00     |
| 1-6720-IDP | D&O                  | \$0.00   | \$0.00     |
| 1-6720-OTH | D&O                  | \$0.00   | \$0.00     |
| 1-6730-CRW | General Liability    | \$0.00   | \$0.00     |
| 1-6730-IDP | General Liability    | \$0.00   | \$0.00     |
| 1-6730-OTH | General Liability    | \$0.00   | \$0.00     |
| 1-6740-CRW | Property/Contents    | \$0.00   | \$0.00     |
| 1-6740-IDP | Property/Contents    | \$0.00   | \$0.00     |
| 1-6740-OTH | Property/Contents    | \$632.88 | \$2,895.04 |

|                       |                       |                   |                   |
|-----------------------|-----------------------|-------------------|-------------------|
| 1-6880-CRW            | Over/Short Petty Cash | \$0.00            | \$0.00            |
| 1-6880-IDP            | Over/Short Petty Cash | \$0.00            | \$0.00            |
| 1-6880-OTH            | Over/Short Petty Cash | \$0.00            | \$0.00            |
| 1-6890-CRW            | Suspense              | \$0.00            | \$0.00            |
| 1-6890-IDP            | Suspense              | \$0.00            | \$0.00            |
| 1-6890-OTH            | Suspense              | \$1,288.00        | \$0.00            |
| 1-6893-CRW            | Visa Bills Pending    | \$0.00            | \$0.00            |
| 1-6893-IDP            | Visa Bills Pending    | \$0.00            | \$0.00            |
| 1-6893-OTH            | Visa Bills Pending    | \$0.00            | \$0.00            |
| Total Other Operating |                       | <u>\$6,577.57</u> | <u>\$4,758.06</u> |

Depreciation

|                    |              |                    |                    |
|--------------------|--------------|--------------------|--------------------|
| 1-6900-CRW         | Depreciation | \$0.00             | \$0.00             |
| 1-6900-IDP         | Depreciation | \$0.00             | \$0.00             |
| 1-6900-OTH         | Depreciation | \$81,371.26        | \$59,836.85        |
| Total Depreciation |              | <u>\$81,371.26</u> | <u>\$59,836.85</u> |

Distributable Expenses

|                              |                        |               |               |
|------------------------------|------------------------|---------------|---------------|
| 1-6950-CRW                   | Distributable Expenses | \$0.00        | \$0.00        |
| 1-6950-IDP                   | Distributable Expenses | \$0.00        | \$0.00        |
| 1-6950-OTH                   | Distributable Expenses | \$0.00        | \$0.00        |
| Total Distributable Expenses |                        | <u>\$0.00</u> | <u>\$0.00</u> |

|                |                       |                       |
|----------------|-----------------------|-----------------------|
| Total Expenses | <u>\$4,588,163.31</u> | <u>\$2,102,044.39</u> |
|----------------|-----------------------|-----------------------|

|  |                            |                            |
|--|----------------------------|----------------------------|
| <b>TOTAL - ORDINARY INCOME / EXPENSE</b> | <u><b>\$924,384.48</b></u> | <u><b>\$214,721.16</b></u> |
|--|----------------------------|----------------------------|

**OTHER EXPENSES**

|            |                                    |        |        |
|------------|------------------------------------|--------|--------|
| 1-6845-OTH | In-Kind Donated Services/Goods Exp | \$0.00 | \$0.00 |
| 1-6846-OTH | In-Kind Donated Facilities Exp     | \$0.00 | \$0.00 |
| 1-7500-CRW | Expense: Cash Match                | \$0.00 | \$0.00 |
| 1-7500-IDP | Expense: Cash Match                | \$0.00 | \$0.00 |
| 1-7500-OTH | Expense: Cash Match                | \$0.00 | \$0.00 |





**SOUTHWEST  
CONSERVATION CORPS**  
A program of Conservation Legacy

January 3<sup>rd</sup>, 2024

To the Board of the Southwest Water Conservation District,

On behalf of the Dolores River Restoration Partnership (DRRP), I would like to convey the partnership's plan and note our funding for ongoing monitoring and maintenance activities on the Dolores River. The DRRP has been a collaborative since 2012 and is comprised of several non-profit organizations, federal agencies, and private landowners. The DRRP works to maintain over 200 miles of river corridor which spans across five counties in two states and four Bureau of Land Management (BLM) field offices. The partnership operates on diverse funding streams from foundations, both state and federal grants as well as funding coming directly from the BLM. This not only helps to fund staff capacity to plan and support the work, but also funds contractors as well as various AmeriCorps programs to engage youth in performing ongoing monitoring and maintenance.

Currently, the DRRP has substantial funding for the next 3 years to continue this work. That includes \$99,700 in secured funding from the BLM, \$88,400 in pending funding from the National Fish and Wildlife Foundation (NFWF), and \$117,200 in pending funding from the Colorado Water Conservation Board (CWCB). There is also an additional \$22,000 in secured funding from CWCB. The funding mentioned above specifically supports a 3-person Southwest Conservation Corps (SCC) strike team to perform primary removal of invasive phreatophytes such as Tamarisk and Russian Olive. It also supports treatment of resprouts and secondary weed species as well as revegetation projects in treated areas. The DRRP currently has \$3,298 in secured funding from CWCB to purchase native grass seed for revegetation efforts. These revegetation projects are typically part of volunteer events held in the Spring or Fall, where community members or students work alongside the SCC strike team to spread seed and plant native trees, shrubs and grasses. The funding request which was recently submitted to the Southwest Water Conservation District would help to fund a larger 8-person SCC crew to perform primary Tamarisk removal in more dense stands of Tamarisk which would be too thick and challenging for 3-person crew to treat.

In addition to restoration projects, the DRRP also receives annual funding from Forever Our Rivers Foundation to support a 2-person SCC vegetation monitoring crew for 8 weeks each year. This crew monitors native and non-native vegetation in riparian and upland areas along the Dolores River corridor which span the Tres Rios, Uncompahgre, Grand Junction and Moab BLM field offices on a 3-year rotating cycle. This allows the partnership to regularly track successes, setbacks, and pinpoint high priority treatment areas. The DRRP has an ArcGIS database which holds monitoring data that goes back to 2015.

The DRRP is primarily coordinated by representatives from SCC and RiversEdge West in collaboration with ecologists and hydrologists from each of the four BLM field offices. Together, these organizations have made great strides with restoring the Dolores River corridor back to its natural state for the betterment of plant communities, fish and wildlife, recreationalists and the overall health of the river basin. However, there is still much more work needing to be done. The DRRP has a strong track record of having positive impacts since its inception and plans to build off previous successes to continue this work years into the future.

Thank you so much for your consideration.

Sincerely,

Nate Peters  
Watershed Programs Manager  
Southwest Conservation Corps

701 Camino Del Rio, Suite #101 Durango, CO 81301  
970.903.0839 npeters@conservationlegacy.org | sccorps.org



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| <b>1 - APPLICANT INFORMATION</b> |  |
|----------------------------------|--|
| <b>Name of Qualified Entity</b>  | * Fort Lewis College   |
| <b>Type of Qualified Entity</b>  | * Public entity - <i>*listed on Page 3 of the Grant Guidelines</i>   |
| <b>Mailing Address</b>           | * 1000 Rim Drive, Durango, CO 81301                                  |
| <b>Federal ID Number</b>         | 846000556  |
| <b>Public Water System ID</b>    |  |
| <b>Contact Person 1</b>          | * Kaitlin Mattos   |
| <b>Title</b>                     | * 970-247-6055   |
| <b>Phone Number</b>              | * 970-247-6055   |
| <b>Email</b>                     | * <a href="mailto:kjmattos@fortlewis.edu">kjmattos@fortlewis.edu</a> |
| <b>Contact Person 2</b>          | Damian Walsh   |
| <b>Title</b>                     | Director, Sponsored Programs   |
| <b>Phone Number</b>              | 970-247-7695   |
| <b>Email</b>                     | <a href="mailto:ospr@fortlewis.edu">ospr@fortlewis.edu</a>           |

| <b>2 - WATER ACTIVITY SUMMARY</b> |  |
|-----------------------------------|--|
| <b>Date of Submittal</b>          | * 15 December 2023   |
| <b>Type of Submittal</b>          | * Grant <i>*grant, loan, or a combination thereof</i>                |
| <b>Project Name</b>               | * Tribal Water Media Fellowship Summer Intensive                     |
| <b>Applicant</b>                  | * Fort Lewis College, KSUT Public Radio, Rocky Mountain Public Media |
| <b>River Basin &amp; County</b>   | * San Juan River Basin, La Plata County                              |
| <b>Amount Request</b>             | * 10,000   |
| <b>Total Project Cost</b>         | * \$166,161  |
| <b>Applicant Match</b>            | * \$35,000   |
| <b>Use of Funds Year</b>          | <b>2024</b>  |

| <b>3 - WATER ACTIVITY CATEGORY</b>   |              |   |
|--|--------------|---|
| <b>X*</b>  | <b>Limit</b> | <b>Category</b>   |
|  | \$60,000     | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
|  | \$20,000     | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
| ✓  | \$10,000     | <b>Education:</b> Teaching seminars, workshops, and related programs  |
|  | \$50,000     | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |
| <b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board. |              |   |

### 6 - APPLICANT DESCRIPTION

\*Provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment. (250-word max)

Fort Lewis College's Four Corners Water Center (4CWC), KSUT Public Radio (KSUT), and Rocky Mountain Public Media (RMPM) have created the Tribal Water Media Fellowship to train the next generation of media professionals to tell stories about tribal water topics.

- FLC is dedicated to experiential learning for its diverse students and has faculty with water and communication expertise across disciplines who are dedicated to growing environmental and water focused academic and co-curricular programming.
- KSUT, founded in 1976 to serve the Southern Ute Tribe, now includes two broadcast streams: Tribal Radio and Four Corners Public Radio, and serves the broader Four Corners region. KSUT continues to be an innovator and leader in Native broadcasting.
- RMPM is a Colorado statewide leader in public broadcasting with a station in Durango and a presence on FLC's campus. RMPM's mission includes strengthening the civic fabric of Colorado where everyone feels seen and heard.

\*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

The Tribal Water Media Fellowship has recently secured \$250,000 in funding from the Walton Family Foundation to support the Fellowship through 2025. Alongside in-kind contributions of employee time, space, and access to equipment from the partnering organizations (FLC, KSUT, RMPM), this will allow for the Fellowship program to continue as long as there are students who want to participate and gain new skills in media storytelling.

### 7 - PROJECT DESCRIPTION

\*Provide a narrative description of the activity's physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

The partners of the Tribal Water Media Fellowship are all physically located in the heart of the Southwest's critical water issues and Tribal lands issues. Each partner brings stability and strengths to create robust synergies and long-term collaborations benefiting students and our region. By creating an annual fellowship focused on local Native community topics and water issues, this partnership hopes to further the cause of water protection in the area, but also in Colorado and the greater Southwestern region. This will be furthered by giving future scientists and media professionals the tools to communicate the vital research, evolving practices, and up-to-date information in methods that average citizens can both comprehend and integrate into their lives.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [mo rock@swwed.org](mailto:mo rock@swwed.org)

**8 - WATER PROJECT TIMELINE**

\*Provide a narrative description of the timeline for the project’s major tasks and/or a detailed outline (250-word max)

The Tribal Water Media Fellowship has two major phases. Fifteen students will be recruited from Fort Lewis College and surrounding areas to participate in both programs, with preference given to Indigenous students and students who are able to complete both phases. Applications will be open from October-February. The Summer Intensive consists of a two-week workshop taking place in May 2024 which will include media training, lectures on water topics, an overnight river trip, and social activities. Students will start to conceptualize long-term projects and gain media production skills during the Intensive. The Independent Media Project will take place from June through October. Participants will be actively working on a media project that is connected to tribal water topics that they choose with their mentors. Students will present their projects to the public in an October Showcase, and media partners will assist with the broad dissemination to local/regional/national media outlets.

*\* Denotes required information - applications will be returned if required fields are missing*  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swcd.org](mailto:morock@swcd.org)

**11 - WATER PROJECT BUDGET**

\*Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment. \*Describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project.

| Task/Materials Description   | Funded By<br>(Applicant, SWCD, Other) | Amount  |
|--|---------------------------------------|---------|
| Stipends for coordinators, students, mentors, and instructors (including benefits) | Walton Family Foundation              | 29,930  |
| Travel expenses, events, supplies, and equipment for the Summer Intensive          | Walton Family Foundation              | 32,263  |
| Direct partner expenses for project consultants and mentors                        | Walton Family Foundation              | 40,000  |
| Indirect Expenses for the WFF grant administration                                 | Walton Family Foundation              | 20,439  |
| Partial FLOW Trip participation costs for 20 participants (\$400/person)           | SWCD                                  | \$8,000 |
| October Showcase Event catering and production costs                               | SWCD                                  | \$1,500 |
| Public media water event during the Summer Intensive food costs                    | SWCD                                  | \$500   |
| <b>Total Project Cost</b>  |                                       | 132,632 |
| <b>Grant Administration Costs as a Percentage of Total Project Cost</b>            |                                       | 15.4%   |

**12 - WATER ACTIVITY BUDGET**

Provide any narrative description of the project expense and funding budget that is necessary. (200-word max)

Our main expenses are for offering the Summer Intensive program, including stipends for fellows, housing and meal costs, transportation for field trips, partial staff compensation, travel costs for experts-in-residence, and the river trip. The river trip costs \$675/person. We are asking for part of that cost (\$8,000) to be funded by this SWCD grant (\$400/person for 20 people, including 15 fellows, 2 experts-in-residence, and 3 program staff). Additional project costs include supplies, equipment, and partner expenses for mentors and consultants who are advising on this program. Finally, we will host several events for recruitment, a summer media event, and the October Showcase. In this application, we are requesting \$1,500 for the October Showcase and \$500 for a public event in the summer.

\*Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations. Attach supporting documentation if necessary.

In-kind support is provided by:  
 Fort Lewis College (\$14,530): 1.3 months of faculty time through the Four Corners Water Center (\$8450), two weeks of administrative support (\$1700) for the program, fringe for these employees, vehicle use (subsidized at \$265/day by FLC), and facilities, lab, and field equipment usage.  
 Rocky Mountain Public Media (\$9,000): 180 hours of media employee time at \$50/hour  
 KSUT Public Radio and Tribal Media Center (\$10,000): 25% FTE and fringe

\* Denotes required information - applications will be returned if required fields are missing  
 Questions? Contact: Mo Rock, 970-247-1302, [morock@swwcd.org](mailto:morock@swwcd.org)

**16 - APPLICANT SIGNATURE**

\*By signing below, I acknowledge I have read the 2024 SWCD Grant Program Guidelines, understand and agree to abide by all program requirements, and that this grant application is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD's grant approval letter.

I understand that grant funding may be requested when needed in 2024. Upon the District's receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District's 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District's Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

|                                  |   |                   |
|----------------------------------|---|-------------------|
| <b>Damian Walsh</b>              | <small>Digitally signed by Damian Walsh<br/>Date: 2023.12.14 08:43:05 -07'00'</small> | <b>12/13/2023</b> |
| Signature                        |   | Date              |
| Printed Name                     | <b>DAMIAN WALSH</b>   |                   |
| As Authorized Representative for | <b>Fort Lewis College</b>   |                   |

Please sign and submit the completed application as one PDF via email to [mo rock@swcd.org](mailto:mo rock@swcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [mo rock@swcd.org](mailto:mo rock@swcd.org)



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| 1 - APPLICANT INFORMATION       |   |
|---------------------------------|---|
| <b>Name of Qualified Entity</b> | * Montezuma Land Conservancy  |
| <b>Type of Qualified Entity</b> | * non-profit, 501(c)3 <span style="float: right;"><i>*listed on Page 3 of the Grant Guidelines</i></span> |
| <b>Mailing Address</b>          | * PO Box 1522 Cortez CO 81321   |
| <b>Federal ID Number</b>        | 31-1632961  |
| <b>Public Water System ID</b>   |   |
| <b>Contact Person 1</b>         | * Jay Loschert, Community Programs Director   |
| <b>Title</b>                    | * 970-799-1475  |
| <b>Phone Number</b>             | * 970-799-1475  |
| <b>Email</b>                    | * jay@montezumaland.org   |
| <b>Contact Person 2</b>         | Travis Custer   |
| <b>Title</b>                    | Executive Director  |
| <b>Phone Number</b>             | 970-565-1664  |
| <b>Email</b>                    | travis@montezumaland.org  |

| 2 - WATER ACTIVITY SUMMARY      |  |
|---------------------------------|--|
| <b>Date of Submittal</b>        | * 02/02/2024   |
| <b>Type of Submittal</b>        | * Grant <span style="float: right;"><i>*grant, loan, or a combination thereof</i></span> |
| <b>Project Name</b>             | * Experiential Water Education for Youth   |
| <b>Applicant</b>                | * Montezuma Land Conservancy   |
| <b>River Basin &amp; County</b> | * Dolores & San Juan River basins, Montezuma County                                      |
| <b>Amount Request</b>           | * \$9,000  |
| <b>Total Project Cost</b>       | * \$36,280   |
| <b>Applicant Match</b>          | * \$18,580   |
| <b>Use of Funds Year</b>        | <b>2024</b>  |

| 3 - WATER ACTIVITY CATEGORY   |          |   |
|---|----------|---|
| X*  | Limit    | Category  |
| ☐   | \$60,000 | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
| ☐   | \$20,000 | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
| ☑   | \$10,000 | <b>Education:</b> Teaching seminars, workshops, and related programs  |
| ☐   | \$50,000 | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |
| <p><b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board.</p> |          |   |

### 6 - APPLICANT DESCRIPTION

\*Provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment. (250-word max)

Montezuma Land Conservancy (MLC) was founded in 1998 to assist local landowners with completing voluntary conservation easements on their private property to protect farm and ranch lands, wildlife habitat, and open space. Since then, we have protected over 46,000 acres in Montezuma, Dolores, and San Miguel counties. We are a private, not-for-profit organization with the mission of “Changing lives through land conservation by connecting people to place, forever.”

Since 2015 MLC has expanded its mission to include a more community-focused strategy. This shift reflects the needs of landowners for education about soil and water conservation practices, the decline in connection to the natural world that young people face, and the lack of resources for young adults looking for meaningful work in the outdoors. In 2016 MLC received a generous donation of an 83-acre property in Lewis, Colorado called Fozzie’s Farm. The irrigated farm has become the hub for our Community Programs.

\*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

Financial support for the internship program has largely come from grants, including through the Montezuma Inspire Coalition (MIC) with funds from Great Outdoors Colorado (GOCO) and last year from SWCD. MIC funding expired in 2023, so we have been actively building new relationships with other funders to supplement revenue generated by the farm enterprises. These include securing funds for 2024 from Colorado Housing Authority Foundation, and applying for funds from the Colorado Health Foundation and Colorado Water Conservation Board.

### 7 - PROJECT DESCRIPTION

\*Provide a narrative description of the activity’s physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

Fozzie’s Farm is in Montezuma County about 12 miles north of Cortez in Lewis. The 83-acre farm and ranch is irrigated with 60 shares of water from Montezuma Valley Irrigation Company, sourced from the Dolores River. About half of the farm is watered with flood irrigation through gated pipe, and half is under side roll sprinklers. We produce mixed forage, selling hay and leasing pasture to local livestock producers. Since taking over management in water year 2017, our focus has been on improving soil health through rotational grazing, expanding diversity, and planting cover crops with minimal tillage. Increasing soil carbon has become a key strategy for resilience, as we anticipate future uncertainty of irrigation supply; more organic material allows greater water storage in the soil.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swcd.org](mailto:morock@swcd.org)



The Internship Program also addresses questions of equity and diversity. Of the 15 youth we have worked with in the program since 2019, seven have been from Indigenous or LatinX heritage. We recruit our interns with the goal of creating new opportunities for youth who may not have access to their own farmland or experience with agriculture. Doing so helps MLC learn what specific needs or concerns exist in underrepresented communities with whom we work. It also offers fresh perspectives on our mission and broader conservation goals.

While this project does not directly enhance or preserve water rights, at a more fundamental level it bolsters the current system of water management by demystifying it for our young participants. They not only learn the proximate systems for delivering irrigation water at Fozzie's Farm, but also the bigger picture of the hydrology that defines agriculture on the Colorado Plateau. They observe not only how drought affects farm management but also learn how long-term climate trends threaten Colorado's water supply. Perhaps most importantly the interns come to appreciate water and value conservation. This seems critical to SWCD's mission, both now and in the future.

## 8 - WATER PROJECT TIMELINE

\*Provide a narrative description of the timeline for the project's major tasks and/or a detailed outline (250-word max)

The internship program is well developed and follows a proven schedule. In early spring we begin recruiting local youth to apply for the available positions. We do this through classroom visits to local high schools, talking with partner organizations that also work with youth, and attending the "Futures Fair," a community-wide job and career event for youth. By mid-April the application process closes, and we begin reviewing the candidates. Once selected, the interns begin working at the farm on Fridays in May; the first day is dedicated to a thorough orientation, team-building, and goal-setting. Once the school year concludes, interns begin their summer schedule of approximately 20 hours per week. We plan on mid-season performance reviews in July. Once the new school year begins, interns return to the Fridays-only schedule until mid- to late September, when the program concludes. For the last day, we invite families and MLC staff to the farm for a cook out and celebration.

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Questions? Contact: Mo Rock, 970-247-1302, [mo rock@swcd.org](mailto:mo rock@swcd.org)



**16 - APPLICANT SIGNATURE**

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If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

|   |                             |
|---|-----------------------------|
| <br>_____<br>Signature | 02/02/2024<br>_____<br>Date |
| Printed Name <u>Jay Loschert</u>  |                             |
| As Authorized Representative for <u>Montezuma Land Conservancy</u>  |                             |

Please sign and submit the completed application as one PDF via email to [morock@swgcd.org](mailto:morock@swgcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

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Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

**Montezuma Land Conservancy**  
**Statement of Financial Condition**  
As of December 31, 2023

|  | Dec 31, 23                 | Dec 31, 22                 | \$ Change               | % Change            |
|--|----------------------------|----------------------------|-------------------------|---------------------|
| <b>ASSETS</b>  |                            |                            |                         |                     |
| <b>Current Assets</b>                                |                            |                            |                         |                     |
| 1010 · Cash  |                            |                            |                         |                     |
| 1015 · Vectra-Operating Checking Acct                | 133,409.71                 | 146,604.56                 | -13,194.85              | -9.0%               |
| 1016 · Fozzie's Farm Operating Acct                  | 10,083.46                  | 10,437.17                  | -353.71                 | -3.39%              |
| 1017 · MIC-Restricted Checking Acct                  | 11,666.40                  | 21,868.76                  | -10,202.36              | -46.65%             |
| 1018 · Vectra-Restricted Checking Acct               | 601,047.40                 | 371,966.51                 | 229,080.89              | 61.59%              |
| 1019 · Vectra Raffle                                 | 939.35                     | 1,202.01                   | -262.66                 | -21.85%             |
| <b>Total 1010 · Cash</b>                             | <u>757,146.32</u>          | <u>552,079.01</u>          | <u>205,067.31</u>       | <u>37.15%</u>       |
| <b>Total Checking/Savings</b>                        | 757,146.32                 | 552,079.01                 | 205,067.31              | 37.15%              |
| <b>Accounts Receivable</b>                           | -18.00                     | 0.00                       | -18.00                  | -100.0%             |
| <b>Other Current Assets</b>                          |                            |                            |                         |                     |
| 1121 · AR Audit Adjustment                           | 283,000.00                 | 616,609.68                 | -333,609.68             | -54.1%              |
| 1122 · AR Discount Audit Adjustment                  | -35,529.43                 | -35,529.43                 | 0.00                    | 0.0%                |
| 1450 · Prepaid insurance                             | 6,281.87                   | 10,525.62                  | -4,243.75               | -40.32%             |
| <b>1500 · Marketable Securities-US Bank</b>          |                            |                            |                         |                     |
| 1510 · Landowner Assistance-Cash                     | 2,667.43                   | 4,256.47                   | -1,589.04               | -37.33%             |
| 1515 · Landowner Assistance-Securities               | 90,916.55                  | 31,457.76                  | 59,458.79               | 189.01%             |
| 1520 · Legacy-Cash                                   | 5,050.01                   | 5,431.61                   | -381.60                 | -7.03%              |
| 1525 · Legacy-Securities                             | 191,487.09                 | 212,433.01                 | -20,945.92              | -9.86%              |
| 1530 · Conservation Defense-Cash                     | 9,303.38                   | 5,492.76                   | 3,810.62                | 69.38%              |
| 1535 · Conservation Defense-Securities               | 291,311.27                 | 270,753.44                 | 20,557.83               | 7.59%               |
| 1540 · Stewardship-Cash                              | 34,173.53                  | 69,295.52                  | -35,121.99              | -50.68%             |
| 1545 · Stewardship-Securities                        | 1,086,648.52               | 1,009,089.05               | 77,559.47               | 7.69%               |
| <b>Total 1500 · Marketable Securities-US Bank</b>    | <u>1,711,557.78</u>        | <u>1,608,209.62</u>        | <u>103,348.16</u>       | <u>6.43%</u>        |
| <b>1560 · Marketable Sec-Community Found</b>         | <u>47,653.97</u>           | <u>0.00</u>                | <u>47,653.97</u>        | <u>100.0%</u>       |
| <b>Total Other Current Assets</b>                    | <u>2,012,964.19</u>        | <u>2,199,815.49</u>        | <u>-186,851.30</u>      | <u>-8.49%</u>       |
| <b>Total Current Assets</b>                          | <u>2,770,092.51</u>        | <u>2,751,894.50</u>        | <u>18,198.01</u>        | <u>0.66%</u>        |
| <b>Fixed Assets</b>                                  | 609,418.03                 | 609,418.03                 | 0.00                    | 0.0%                |
| <b>TOTAL ASSETS</b>                                  | <u><u>3,379,510.54</u></u> | <u><u>3,361,312.53</u></u> | <u><u>18,198.01</u></u> | <u><u>0.54%</u></u> |
| <b>LIABILITIES &amp; EQUITY</b>                      |                            |                            |                         |                     |
| <b>Current Liabilities</b>                           |                            |                            |                         |                     |
| <b>Accounts Payable</b>                              | -251.59                    | 16,717.25                  | -16,968.84              | -101.51%            |
| <b>Credit Cards</b>                                  | 1,798.19                   | 2,917.58                   | -1,119.39               | -38.37%             |
| <b>Other Current Liabilities</b>                     | -506,477.74                | 54,931.32                  | -561,409.06             | -1,022.02%          |
| <b>Total Current Liabilities</b>                     | <u>-504,931.14</u>         | <u>74,566.15</u>           | <u>-579,497.29</u>      | <u>-777.16%</u>     |
| <b>Total Liabilities</b>                             | -504,931.14                | 74,566.15                  | -579,497.29             | -777.16%            |
| <b>Equity</b>  |                            |                            |                         |                     |
| <b>3000 · Net Assets Without Restrictions</b>        |                            |                            |                         |                     |
| 3005 · Other Net Assets w/o Restrict                 | 31,262.24                  | 31,262.24                  | 0.00                    | 0.0%                |
| 3010 · Investment in Fixed Assets                    | 570,768.24                 | 570,768.24                 | 0.00                    | 0.0%                |
| 3020 · Board Des. Operating Fund                     | 150,000.00                 | 150,000.00                 | 0.00                    | 0.0%                |
| 3030 · Board Des. Legacy Fund                        | 161,914.29                 | 161,914.29                 | 0.00                    | 0.0%                |
| 3040 · Board Des. Landowner Assist                   | 111,294.54                 | 111,294.54                 | 0.00                    | 0.0%                |
| 3050 · Board Des. Conservation Defense               | 112,144.93                 | 112,144.93                 | 0.00                    | 0.0%                |
| 3060 · Board Des. Stewardship                        | 215,474.25                 | 215,474.25                 | 0.00                    | 0.0%                |
| 3070 · Board Des. Stewardship Earnings               | 31,482.84                  | 31,482.84                  | 0.00                    | 0.0%                |
| <b>Total 3000 · Net Assets Without Restrictions</b>  | <u>1,384,341.33</u>        | <u>1,384,341.33</u>        | <u>0.00</u>             | <u>0.0%</u>         |
| <b>3200 · Net Assets w/ Endowment Restrict</b>       |                            |                            |                         |                     |
| 3215 · Temp. Restricted Cons. Defense                | 119,515.08                 | 119,515.08                 | 0.00                    | 0.0%                |
| 3216 · Temp. Restricted Stew Fund                    | 447,519.00                 | 447,519.00                 | 0.00                    | 0.0%                |
| 3251 · Perm Restricted Legacy Fund                   | 9,450.00                   | 9,450.00                   | 0.00                    | 0.0%                |
| 3255 · Perm. Restricted Stew. Fund                   | 168,737.00                 | 168,737.00                 | 0.00                    | 0.0%                |
| <b>Total 3200 · Net Assets w/ Endowment Restrict</b> | <u>745,221.08</u>          | <u>745,221.08</u>          | <u>0.00</u>             | <u>0.0%</u>         |
| <b>3300 · Net Assets - Other Restrictions</b>        |                            |                            |                         |                     |
| 3600 · Net Income Clearing                           | 1,153,470.33               | 901,693.61                 | 251,776.72              | 27.92%              |
| <b>Net Income</b>                                    | <u>597,695.30</u>          | <u>251,776.72</u>          | <u>345,918.58</u>       | <u>137.39%</u>      |
| <b>Total Equity</b>                                  | <u>3,884,441.68</u>        | <u>3,286,746.38</u>        | <u>597,695.30</u>       | <u>18.19%</u>       |
| <b>TOTAL LIABILITIES &amp; EQUITY</b>                | <u><u>3,379,510.54</u></u> | <u><u>3,361,312.53</u></u> | <u><u>18,198.01</u></u> | <u><u>0.54%</u></u> |

**Montezuma Land Conservancy**  
**Statement of Activities by Class with Budget-Fozzies**  
January through December 2023

|  | <u>Jan - Dec 23</u> | <u>Budget</u>       | <u>% of Budget</u> |
|--|---------------------|---------------------|--------------------|
| <b>Ordinary Income/Expense</b>                   |                     |                     |                    |
| <b>Income</b>                                    |                     |                     |                    |
| <b>6000 · Fee-Owned Lands</b>                    |                     |                     |                    |
| 6010 · Fozzie's Farm                             | 700                 | 1,000               | 70%                |
| 6020 · Grazing/Leasing                           | 4,815               | 3,100               | 155%               |
| 6030 · Hay Sales                                 | 0                   | 14,000              | 0%                 |
| 6040 · Rent from Housing                         | 5,674               | 5,920               | 96%                |
| 6050 · Classroom Rental                          | 309                 | 600                 | 52%                |
| 6060 · Cost Share/Reimbursement                  | 5,849               | 6,350               | 92%                |
| <b>Total 6000 · Fee-Owned Lands</b>              | <u>17,347</u>       | <u>30,970</u>       | <u>56%</u>         |
| <b>Total Income</b>                              | <u>17,347</u>       | <u>30,970</u>       | <u>56%</u>         |
| <b>Gross Profit</b>                              | 17,347              | 30,970              | 56%                |
| <b>Expense</b>                                   |                     |                     |                    |
| <b>8100 · Non-personnel expenses</b>             |                     |                     |                    |
| 8110 · Supplies                                  | 300                 | 500                 | 60%                |
| 8130 · Telephone                                 | 1,376               | 1,400               | 98%                |
| 8160 · Equip maintenance                         | 103                 | 1,950               | 5%                 |
| <b>Total 8100 · Non-personnel expenses</b>       | <u>1,779</u>        | <u>3,850</u>        | <u>46%</u>         |
| <b>8200 · Occupancy expenses</b>                 |                     |                     |                    |
| 8220 · Utilities                                 | 1,720               | 2,100               | 82%                |
| <b>Total 8200 · Occupancy expenses</b>           | <u>1,720</u>        | <u>2,100</u>        | <u>82%</u>         |
| <b>8500 · Administrative Expenses</b>            | 20                  |                     |                    |
| <b>8700 · Fee-Owned Lands Costs</b>              |                     |                     |                    |
| <b>8710 · Fixed Costs</b>                        |                     |                     |                    |
| 8711 · Water                                     | 2,660               | 2,300               | 116%               |
| 8712 · Taxes                                     | 245                 | 300                 | 82%                |
| <b>Total 8710 · Fixed Costs</b>                  | <u>2,905</u>        | <u>2,600</u>        | <u>112%</u>        |
| <b>8720 · Operations &amp; Maintenance</b>       |                     |                     |                    |
| 8721 · Direct Labor                              | 500                 |                     |                    |
| 8722 · Irrigation Materials                      | 603                 | 1,000               | 60%                |
| 8723 · Custom Contract Work                      | 255                 | 1,000               | 26%                |
| 8724 · Fencing                                   | -154                | 300                 | -51%               |
| 8720 · Operations & Maintenance - Other          | 4,026               | 4,000               | 101%               |
| <b>Total 8720 · Operations &amp; Maintenance</b> | <u>5,230</u>        | <u>6,300</u>        | <u>83%</u>         |
| 8730 · Hay Cutting                               | 0                   | 7,000               | 0%                 |
| 8740 · Cover Crop                                | 3,825               | 2,000               | 191%               |
| 8750 · Weed Management                           | 1,683               | 2,500               | 67%                |
| 8760 · Fertilizer                                | 0                   | 2,000               | 0%                 |
| <b>Total 8700 · Fee-Owned Lands Costs</b>        | <u>13,643</u>       | <u>22,400</u>       | <u>61%</u>         |
| <b>Total Expense</b>                             | <u>17,162</u>       | <u>28,350</u>       | <u>61%</u>         |
| <b>Net Ordinary Income</b>                       | 185                 | 2,620               | 7%                 |
| <b>Other Income/Expense</b>                      | 1                   |                     |                    |
| <b>Net Income</b>                                | <u><u>186</u></u>   | <u><u>2,620</u></u> | <u><u>7%</u></u>   |



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
 Developing and Conserving the Waters of the  
 SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
 IN SOUTHWESTERN COLORADO

**2024 APPLICATION FOR FINANCIAL ASSISTANCE**

*\*Please review the [2024 Grant Program Guidelines](#) prior to starting this application*

| 1 - APPLICANT INFORMATION       |   |
|---------------------------------|---|
| <b>Name of Qualified Entity</b> | *Montezuma Valley Irrigation  |
| <b>Type of Qualified Entity</b> | * <span style="float: right;"><i>*listed on Page 3 of the Grant Guidelines</i></span> |
| <b>Mailing Address</b>          | * PO Box 1056, Cortez, CO 81321   |
| <b>Federal ID Number</b>        | 84-0270210  |
| <b>Public Water System ID</b>   |   |
| <b>Contact Person 1</b>         | *Brandon Johnson  |
| <b>Title</b>                    | *970-759-6457   |
| <b>Phone Number</b>             | *970-759-6457   |
| <b>Email</b>                    | *bjohnson@mVIC.info   |
| <b>Contact Person 2</b>         | Wendy Weygandt  |
| <b>Title</b>                    | Administrative Assistant  |
| <b>Phone Number</b>             | 970-565-3332/970-560-0412   |
| <b>Email</b>                    | wweygandt@mVIC.info   |

| 2 - WATER ACTIVITY SUMMARY      |  |
|---------------------------------|--|
| <b>Date of Submittal</b>        | *  |
| <b>Type of Submittal</b>        | * Grant <span style="float: right;"><i>*grant, loan, or a combination thereof</i></span> |
| <b>Project Name</b>             | *Beaver Ditch #2 Breach  |
| <b>Applicant</b>                | *Montezuma Valley Irrigation Company   |
| <b>River Basin &amp; County</b> | *Dolores County  |
| <b>Amount Request</b>           | *\$50,000  |
| <b>Total Project Cost</b>       | *\$518,322   |
| <b>Applicant Match</b>          | *25%   |
| <b>Use of Funds Year</b>        | 2024   |

| 3 - WATER ACTIVITY CATEGORY   |          |   |
|---|----------|---|
| X*  | Limit    | Category  |
| ☐   | \$60,000 | <b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration or enhancement projects, including design, engineering, and construction |
| ☐   | \$20,000 | <b>Public Forums/Studies:</b> Public forums, workgroups, studies, planning efforts  |
| ☐   | \$10,000 | <b>Education:</b> Teaching seminars, workshops, and related programs  |
| ☑   | \$50,000 | <b>Emergency:</b> Situations arising from catastrophic or unforeseen events   |
| <p><b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board.</p> |          |   |



*Montezuma Valley Irrigation Company*

24055 Road L.4

PO Box 1056, Cortez, CO 81321

970-565-3332 Fax 970-565-8505

November 14, 2023

To Whom It May Concern:

I am writing to express my sincere interest in applying for Southwestern Conservation District Emergency Funding to help with the Beaver Ditch repairs to redirect the tributary water back into the Groundhog Reservoir. The high spring runoff resulted in two sinkholes and washed-out areas that directed water away from Groundhog Reservoir. The proposed repair project aligns with the SWCD mission of preserving and safeguarding waters to which Colorado is entitled. It also supports pre-compact water rights established since 1929.

I am grateful for the support demonstrated by SWCD for the repairs to the Beaver Creek Ditch #1. I am excited about the opportunity to partner with SWCD and believe that the project to repair Beaver Creek Ditch #2 has the potential to make a significant impact. I am committed to ensuring that the project is carried out with the highest level of professionalism and accountability.

Thank you for considering my letter of intent and grant proposal. I will be happy to submit additional information about this project as requested.

Sincerely,

A handwritten signature in blue ink that reads 'Brandon Johnson'.

Brandon Johnson  
General Manager

**6 - APPLICANT DESCRIPTION**

\*Provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment. (250-word max)

Montezuma Valley Irrigation Company (MVIC): Mutual Ditch Company 501(c)12

# of shareholders: 1,546

# of shares: 33,284 shares

Acres served: 37,500 acres

Annual assessment: 2023 account fee: \$380.00; Assessed share fee \$38 per share

\*Describe how the Applicant is proactively and financially planning for their own future needs through adequate assessments, reserves, and other means. (250-word max)

MVIC proactively and financially plans for their future:

\*Annual budget approved by shareholders at the Annual Meeting held in January

\*Invests in CDs

\*Maintains interest bearing checking accounts

\*Hires individuals with special skills such as construction, welding, mechanics to minimize contractual services

\*Invests in pipelines, metered turnouts, and other improvements which save water and staff maintenance time.

\*Board of Directors collect a small portion of their monthly dues paid; and contribute the remaining amount to a special project fund.

\*Participates in project funding reimbursement opportunities.

**7 - PROJECT DESCRIPTION**

\*Provide a narrative description of the activity's physical location, as well as its purpose. Additionally, provide a description of the water supply source to be utilized or the water body affected by the project. (200-word max)

Groundhog Reservoir (GR) was built in Dolores County in 1905 to impound and store water. It has a current capacity of 25,700 acre feet. It is an artificial lake owned and operated by Montezuma Valley Irrigation (MVIC) and is also managed as a state wildlife area by CPW which stocks it with sportfish. Beaver Creek Ditch contributes 25% (carrying capacity of 150 cfs) of the water held in GR. In 2023, the ditch failed in two locations resulting in sinkholes and washed out areas caused by spring runoff and diverted water away from GR. GR supplements McPhee & Narraquinnep reservoirs later in the season and the loss of water from the breach is a justifiable threat to the economy of the farmers and ranchers in the MVIC area.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [mo@rockin.org](mailto:mo@rockin.org)



**8 - WATER PROJECT TIMELINE**

\*Provide a narrative description of the timeline for the project's major tasks and/or a detailed outline (250-word max)

**WCA**

**\*Mobilization**

\*Remove and stockpile trees, vegetation, and topsoil for later use

\*Slope the washout

\*Haul rock from borrow area near Groundhog spillway and strategically place at the base of the fill area

\*Build back ditch with engineered fill in 8-12" horizontal lifts. Existing, on-site material located in the immediate, localized area will be used to create the engineered fill. Additional borrow material will be needed and shall be excavated and hauled from a designated MVIC area on the north side fo Groundhog Reservoir.

\*Install liner

\*Once engineered fill is complete, liner installed, the ditch line and fill areas will be graded and sloped. Topsoil will be placed on the graded slopes.

\*Lastly, the localized washout repairs will be reseeded and mulched

Estimated WCA completion time: 9/5/2023 through 11/17/2023

Jones & DeMille Engineering

\*Jones & DeMille Engineering witll assess and provide a final report

Jones & DeMille Engineering estimated completion time: 5/1/2023

*See Appendix F.*

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

| 11 - WATER PROJECT BUDGET  |                                       |                  |
|--|---------------------------------------|------------------|
| *Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment. *Describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project. |                                       |                  |
| Task/Materials Description   | Funded By<br>(Applicant, SWCD, Other) | Amount           |
| WCA MOBILIZATION BREACH #2   | MVIC                                  | 19,028.00        |
| LINER  | MVIC                                  | 9,400.00         |
| WCA REPAIR COST  | SWCD/MVIC                             | 448,100          |
| MVIC: LABOR & EQUIPMENT  | MVIC                                  | \$41,794         |
| ENGINEERING & WRAP UP  | MVIC                                  | PENDING          |
|  |                                       |                  |
|  |                                       |                  |
| <b>Total Project Cost</b>  |                                       | <b>\$518,322</b> |
| <b>Grant Administration Costs as a Percentage of Total Project Cost</b>  |                                       |                  |

| 12 - WATER ACTIVITY BUDGET  |
|---|
| Provide any narrative description of the project expense and funding budget that is necessary. (200-word max)   |
| This breach was unexpected and unplanned. Due to the urgency and location being subject to adverse weather conditions, MVIC used its operational funds to proceed with the repairs. <i>This was not a budgeted project.</i> |
| *Please include a detailed description of in-kind materials and services, if any, along with the basis for in-kind valuations. Attach supporting documentation if necessary.  |
| *MVIC will offer in kind materials and services in the form of heavy equipment and operators to assist WCA with the washout repair.   |
| See Appendix G:   |

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swgcd.org](mailto:morock@swgcd.org)

**16 - APPLICANT SIGNATURE**

\*By signing below, I acknowledge I have read the 2024 SWCD Grant Program Guidelines, understand and agree to abide by all program requirements, and that this grant application is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I understand that the grant funds shall only be used by a qualified entity for the specific purpose(s) described in my SWCD grant application and up to the amount indicated in SWCD's grant approval letter.

I understand that grant funding may be requested when needed in 2024. Upon the District's receipt of the *Request for Release of Funds* form, documentation showing the applicant continues to be a qualified entity and that all other matching project funds required by the District's 2024 Grant Program Guidelines have been committed and secured, the grant will be made available.

If the intended use of grant funds changes, I am required to inform SWCD staff and further review and approval by the District's Board will be necessary. The District may require additional documentation regarding the use of the funds at its discretion.

In addition, in the event the project, study, or program for which the grant was awarded ultimately comes in under budget, I must return a pro-rata portion of the remaining funds to the District within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget, and SWCD contributed 20% of the total project costs, then the grant recipient shall be required to return \$4,000 (20% of \$20,000) to SWCD.

I acknowledge that a final written report, including a description of work completed and a detailed accounting of the use of funds, will be due to SWCD within three (3) months of the final expenditure or by December 31, 2024, whichever occurs first. If the Applicant cannot submit the final report by the deadline, they must submit a written request for an extension of time to SWCD staff prior to December 31, 2024 that explains the reporting delay and a proposed final submittal date. The Board will not consider future grant requests from Applicants that do not comply with this provision and submit an acceptable final report.

If the project will not be completed in 2024, I understand that it is necessary to submit a written grant extension request.

Brandon Johnson  
Signature 11-14-2023  
Date

Printed Name Brandon Johnson

As Authorized Representative for Montezuma Valley Irrigation

Please sign and submit the completed application as one PDF via email to [morock@swcd.org](mailto:morock@swcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

\* Denotes required information - applications will be returned if required fields are missing  
Questions? Contact: Mo Rock, 970-247-1302, [morock@swcd.org](mailto:morock@swcd.org)

**Appendix A: Qualified Entity  
Articles of Incorporation**



Colorado Secretary of State  
 Date and Time: 01/11/2018 03:47 PM  
 ID Number: 19871072724  
 Document number: 20181031402  
 Amount Paid: \$25.00

Document must be filed electronically.  
 Paper documents will not be accepted.  
 Fees & forms are subject to change.  
 For more information or to print copies  
 of filed documents, visit [www.sos.state.co.us](http://www.sos.state.co.us).

ABOVE SPACE FOR OFFICE USE ONLY

**Restated Constituent Filed Document**

filed pursuant to §7-90-301, et seq. and §7-110-106 or §7-130-106 or §7-56-203 or §7-90-304.5 of the Colorado Revised Statutes (C.R.S.)

- ID number: 19871072724
1. Entity name: MONTEZUMA VALLEY IRRIGATION COMPANY
2. The restated constituent filed document associated with this filing is attached.
3. (Optional) Delayed effective date: \_\_\_\_\_  
 (mm/dd/yyyy)

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

4. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

|  |                        |                                      |                         |
|--|------------------------|--------------------------------------|-------------------------|
| <u>Justus</u>  | <u>John</u>            | <u>P.</u>                            |                         |
| <small>(Last)</small>  | <small>(First)</small> | <small>(Middle)</small>              | <small>(Suffix)</small> |
| <u>200 Grand Avenue, Suite 400</u>                                     |                        |                                      |                         |
| <small>(Street name and number or Post Office Box information)</small> |                        |                                      |                         |
| <u>Post Office Box 40</u>  |                        |                                      |                         |
| <hr/>  |                        |                                      |                         |
| <u>Grand Junction</u>  | <u>CO</u>              | <u>81502</u>                         |                         |
| <small>(City)</small>  | <small>(State)</small> | <small>(Postal/Zip Code)</small>     |                         |
| <u>United States</u>   |                        |                                      |                         |
| <small>(Province - if applicable)</small>                              |                        | <small>(Country - if not US)</small> |                         |

*(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box  and include an attachment stating the name and address of such individuals.)*

**Disclaimer:**

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

in connection therewith still held by said district and covenanted prior to the rendition of said decree, and for the transfer and delivery to the proper officer of this Corporation of all moneys constituting the general or maintenance fund of said district, and which said decree did further provide that upon the consummation thereof, all owners of the assessed lands lying within said district, and all owners of lands holding perpetual water rights, and all holders of contracts for the use of said water with said irrigation district, directly or as assignee, shall be entitled to shares of the capital stock of this Corporation on the basis of one share for each acre of land so owned by them and theretofore subject to assessment or contract as aforesaid.

2. To build, construct, purchase, acquire, hold, use, operate, control, manage and maintain ditches, canals, pipe lines, and reservoirs, for the purpose of carrying, storing and distributing water for irrigation and domestic purpose, and to acquire, by purchase or otherwise, ditches, canals, pipe lines or reservoirs, and ditch, reservoir or irrigation interests, whether represented by filings, franchises, easements, stock in other corporations or priorities to the use of water under decrees of court.

3. To distribute and supply water to the stockholders of this Corporation, for domestic and irrigation purposes, proportionately and equitably, according to the available supply of water, in the ratio that each share of stock in this Corporation bears to the total number of shares issued, and which is to be distributed to the stockholders so entitled thereto upon such terms and at such time and under such conditions as may be hereafter fixed by the Bylaws of this Corporation, and to others entitled thereto under contracts entered into by the Corporation from time to time, as the Board of Directors shall deem appropriate, provided however, that no such contracts may be entered into by the Board for the lease or sale of any of this corporations water except that which is in excess of shareholder needs for the relevant water year during which said lease or sale is contemplated. Further provided however that no such contract may be entered into by the Board of Directors for a period exceeding one year without the approval of a majority of the shares voted thereon at a special meeting of shareholders called for that purpose or at the regular annual meeting of stockholders. No lease of Corporation water shall occur prior to August 1st of each year or when the Board of Directors deems excess water over and above what is needed to provide all stockholders their full Supply, and no such lease shall cause injury to any stockholders water supply. In the event the Board determines that injuries may occur, all leases shall terminate, with a refund to lessee, based on unused water. Corporation water leases shall be beneficially applied in Montezuma Valley Irrigation Company service area at no less than fair market value.

4. This company shall have the power to borrow money and to execute notes, bonds, mortgages, debentures or other evidences of indebtedness, securing the same by mortgage or deed of trust, as may be desirable in the premises; and, generally, to do and perform any and all things necessary or convenient in the carrying out of the aforesaid purposes.

Signed and dated this 12<sup>th</sup> of December, 2017.

The Montezuma Valley Irrigation Company

By: *Heath W. Koppelman*  
President

CERTIFICATE

I hereby certify that the foregoing Restated Articles of Incorporation of The Montezuma Valley Irrigation Company were adopted by the Board of Directors of the Corporation as of \_\_\_\_\_, 2017.

*Bruce Black*  
Secretary

**Appendix B:**  
**Balance Sheet**  
**Profit & Loss Budget vs. Actual**



**Montezuma Valley Irrigation Company**  
**Balance Sheet**  
 As of October 31, 2023

|  | Oct 31, 23           |
|--|----------------------|
| <b>ASSETS</b>  |                      |
| <b>Current Assets</b>  |                      |
| <b>Checking/Savings</b>  |                      |
| 100 · Checking 5501  | (1,893.32)           |
| 100.1 · Checking 4540  | 737,899.72           |
| 101 · Capital Reserve 5502 (Director Fees)                       | 67,622.76            |
| 102 · CWCB Reserve 5503 (Loans C150251)                          | 160,704.65           |
| 103 · General Reserve 5504 (General Savings Funds)               | 291,647.66           |
| 104 · Certificate of Deposit Accounts                            |                      |
| 104.10 · EJ 06428FC96 (Matures 11/27/2023, interest rate: 4.75%) | 50,000.00            |
| <b>Total 104 · Certificate of Deposit Accounts</b>               | 50,000.00            |
| 105.1 · Totten Account 7344                                      | 18,867.69            |
| 106 · Petty Cash   | 585.57               |
| <b>Total Checking/Savings</b>                                    | 1,325,434.73         |
| <b>Accounts Receivable</b>                                       |                      |
| 107 · Accounts Receivable  |                      |
| 107.1 · Accts Rec - Assessments Class A                          | (4,406.00)           |
| 107 · Accounts Receivable - Other                                | 105,937.00           |
| <b>Total 107 · Accounts Receivable</b>                           | 101,531.00           |
| <b>Total Accounts Receivable</b>                                 | 101,531.00           |
| <b>Other Current Assets</b>                                      |                      |
| 108 · Receivables - Year End                                     | 4,984.00             |
| 111 · Prudential Annuity   | 393,719.43           |
| 112 · Suspense   | 574.77               |
| <b>Total Other Current Assets</b>                                | 399,278.20           |
| <b>Total Current Assets</b>                                      | 1,826,243.93         |
| <b>Fixed Assets</b>  |                      |
| 121 · Buildings  |                      |
| 121.2 · New Office Building                                      | 168,188.75           |
| <b>Total 121 · Buildings</b>                                     | 168,188.75           |
| 122 · Machinery & Equipment                                      | 1,395,092.72         |
| 123 · Vehicles   | 549,471.44           |
| 124 · Reservoirs   |                      |
| 124.2 · Groundhog Outlet   | 352,484.36           |
| 124.3 · GH Guard Gate  | 34,261.27            |
| 124.4 · LP Pond  | 9,945.95             |
| 124 · Reservoirs - Other   | 441,856.10           |
| <b>Total 124 · Reservoirs</b>                                    | 838,547.68           |
| 125 · Ditches  |                      |
| 125.2 · May Lateral  | 3,275,310.75         |
| 125.3 · Cortez Lateral   | 908,592.38           |
| 125.4 · Laterals   | 1,124,109.00         |
| 125.5 · Moonlight  | 3,141.14             |
| 125.7 · Shop-Keeler Property                                     | 30,332.00            |
| 125.8 · Ditches & Pavings  | 656,244.00           |
| 125.9 · Rubicon Gate   | 87,662.10            |
| 125 · Ditches - Other  | 120,334.00           |
| <b>Total 125 · Ditches</b>                                       | 6,205,725.37         |
| 126 · Pipelines  |                      |
| 126.1 · LP Construction  | 3,864,436.42         |
| 126 · Pipelines - Other  | 103,297.19           |
| <b>Total 126 · Pipelines</b>                                     | 3,967,733.61         |
| 127 · Special Structures   | 537,696.00           |
| 199 · Accumulated Depreciation                                   | (4,030,531.05)       |
| <b>Total Fixed Assets</b>  | 9,631,924.52         |
| <b>TOTAL ASSETS</b>  | <b>11,458,168.45</b> |
| <b>LIABILITIES &amp; EQUITY</b>                                  |                      |
| <b>Liabilities</b>   |                      |
| <b>Current Liabilities</b>                                       |                      |
| Accounts Payable   |                      |

### Montezuma Valley Irrigation Company Profit & Loss Budget vs. Actual

January through December 2023

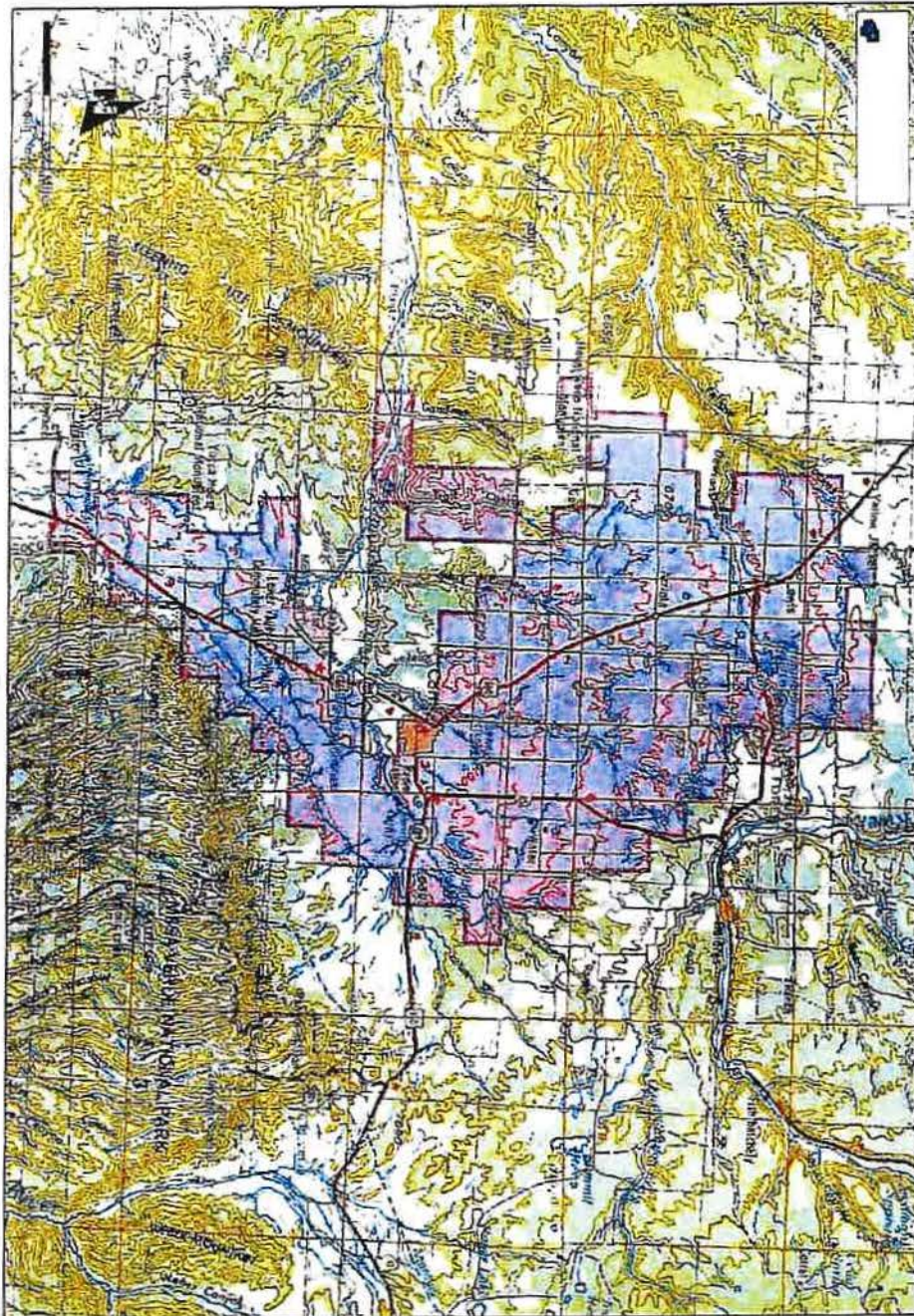
|   | Jan - Dec 23        | Budget              | \$ Over Budget      | % of Budget   |
|---|---------------------|---------------------|---------------------|---------------|
| <b>Ordinary Income/Expense</b>                            |                     |                     |                     |               |
| <b>Income</b>   |                     |                     |                     |               |
| 402.c Other Reimbursements                                | 8,050.00            | 0.00                | 8,050.00            | 100.0%        |
| 400 - Assessments   |                     |                     |                     |               |
| 400.1 - Assessments - Class A                             | 1,244,144.14        | 1,264,792.00        | (20,647.86)         | 98.4%         |
| 400.2 - Assessments - Class B                             | 58,831.33           | 78,037.00           | (9,205.67)          | 88.2%         |
| 400.3 - Maintenance - Account Fee                         | 582,354.49          | 581,020.00          | 1,334.49            | 100.2%        |
| 400.4 - Maintenance - Reimbursement                       | 6,920.02            | 5,000.00            | 1,920.02            | 138.4%        |
| <b>Total 400 - Assessments</b>                            | <b>1,902,249.98</b> | <b>1,928,849.00</b> | <b>(26,599.02)</b>  | <b>98.6%</b>  |
| 401 - Other Stock Fees                                    |                     |                     |                     |               |
| 401.1 - Stock Transfer Fees                               | 7,450.00            | 6,000.00            | 1,450.00            | 124.2%        |
| 401.2 - Shareholder Lease Fees                            | 4,925.00            | 5,000.00            | (75.00)             | 98.5%         |
| 401.3 - Finance Charges                                   | 11,064.74           | 5,000.00            | 6,064.74            | 221.3%        |
| 401.5 - Certified/Restricted Mail                         | 462.00              | 250.00              | 212.00              | 184.8%        |
| 401.6 - Fees Income                                       | 0.00                | 1,500.00            | (1,500.00)          | 0.0%          |
| 401.7 - Public Auction Sale                               | 0.00                | 0.00                | 0.00                | 0.0%          |
| <b>Total 401 - Other Stock Fees</b>                       | <b>23,901.74</b>    | <b>17,750.00</b>    | <b>6,151.74</b>     | <b>134.7%</b> |
| 402 - TH OM&R Reimbursements                              | 90,490.05           | 90,000.00           | 490.05              | 100.5%        |
| 402.a - Dolores Project OM&R Salinity                     | 0.00                | 100,000.00          | (100,000.00)        | 0.0%          |
| 402.b - Lone Pine Lateral Replacement                     | 93,442.54           | 121,069.65          | (27,627.11)         | 77.2%         |
| 403 - Interest - Banks                                    | 5,712.31            | 500.00              | 5,212.31            | 1,142.5%      |
| 403.10 - Interest-EJ 98970L3B7-1.75% (Matures 02/20/2023) | 441.10              | 0.00                | 441.10              | 100.0%        |
| 403.11 - Interest-EJ 031677YF2; 4.75% (Matures 8/22/2023) | 4,710.36            |                     |                     |               |
| 403.12 - Interest-EJ 949763YT7-2.75% (Matures 3/28/2022)  | 0.00                | 0.00                | 0.00                | 0.0%          |
| 403.19 - 104.19 EJ 38149M2N2, 0.45 % (Matures 9/9/2022)   | 0.00                | 0.00                | 0.00                | 0.0%          |
| 403.20 - 104.20 EJ 856285K34 (Matures 9/22/2022)          | 0.00                | 0.00                | 0.00                | 0.0%          |
| 405 - Unrealized Gain (Annuity)                           | 10,109.01           | 0.00                | 10,109.01           | 100.0%        |
| 406 - Unrealized Loss (Annuity)                           | (101,419.29)        | (90,000.00)         | (11,419.29)         | 112.7%        |
| 410 - Income - Grants                                     |                     |                     |                     |               |
| 410.1 - Annuity - Prudential                              | 101,419.29          | 101,419.29          | 0.00                | 100.0%        |
| <b>Total 410 - Income - Grants</b>                        | <b>101,419.29</b>   | <b>101,419.29</b>   | <b>0.00</b>         | <b>100.0%</b> |
| 4700 - Gain (Loss) on Asset Sales                         | 210.05              |                     |                     |               |
| 499 - Other Income  | 156,079.41          | 15,010.00           | 141,069.41          | 1,039.8%      |
| <b>Total Income</b>                                       | <b>2,295,397.15</b> | <b>2,284,597.94</b> | <b>10,799.21</b>    | <b>100.5%</b> |
| <b>Gross Profit</b>                                       | <b>2,295,397.15</b> | <b>2,284,597.94</b> | <b>10,799.21</b>    | <b>100.5%</b> |
| <b>Expense</b>  |                     |                     |                     |               |
| 500 - Salary & Wages Expense                              |                     |                     |                     |               |
| 500.1 - Wages - Ditchriders                               | 263,925.66          | 355,990.02          | (92,064.36)         | 74.1%         |
| 500.2 - Wages - Maintenance                               | 49,811.28           | 76,092.62           | (26,281.34)         | 65.5%         |
| 500.3 - Wages - Administration                            | 119,720.81          | 186,664.36          | (66,943.55)         | 64.1%         |
| 500.6 - Bonus   | 0.00                | 0.00                | 0.00                | 0.0%          |
| <b>Total 500 - Salary &amp; Wages Expense</b>             | <b>433,457.75</b>   | <b>618,747.00</b>   | <b>(185,289.25)</b> | <b>70.1%</b>  |
| 501 - Payroll Tax & Benefit Exp                           |                     |                     |                     |               |
| 501.1 - FICA & Medicare                                   | 33,224.59           | 50,118.51           | (16,893.92)         | 66.3%         |
| 501.10 - Required CDL Costs                               | 0.00                | 1,000.00            | (1,000.00)          | 0.0%          |
| 501.2 - FUTA  | 514.84              | 510.00              | 4.84                | 100.9%        |
| 501.3 - SUTA  | 7,324.97            | 7,700.00            | (375.03)            | 95.1%         |
| 501.4 - Company IRA Contribution                          | 9,343.20            | 18,562.41           | (9,219.21)          | 50.3%         |
| 501.5 - Company Health Insurance Exp                      | 42,552.32           | 80,000.00           | (37,447.68)         | 53.2%         |
| 501.6 - Dental & Vision Reimbursements                    | 4,789.90            | 7,000.00            | (2,210.10)          | 68.4%         |
| 501.7 - Workmans Compensation                             | 13,110.00           | 18,000.00           | (4,890.00)          | 72.8%         |
| 501.c - Employee Purchase Reimbursement                   | 343.85              | 0.00                | 343.85              | 100.0%        |
| 501 - Payroll Tax & Benefit Exp - Other                   | 14,925.67           | 9,000.00            | 5,925.67            | 165.6%        |
| <b>Total 501 - Payroll Tax &amp; Benefit Exp</b>          | <b>126,129.34</b>   | <b>191,890.92</b>   | <b>(65,761.58)</b>  | <b>65.7%</b>  |
| 502 - Headgates & Pipe Repairs                            |                     |                     |                     |               |
| 502.a - Towaoc Highline                                   |                     |                     |                     |               |
| 502.a1 - TH - Salinity                                    | 6.24                |                     |                     |               |
| 502.a - Towaoc Highline - Other                           | 6,241.63            | 44,483.91           | (38,242.28)         | 14.0%         |
| <b>Total 502.a - Towaoc Highline</b>                      | <b>6,247.87</b>     | <b>44,483.91</b>    | <b>(38,236.04)</b>  | <b>14.0%</b>  |
| 502.b - Rocky Ford  |                     |                     |                     |               |
| 502.b2 - B & 21 Strain Structure                          | 0.00                | 265.90              | (265.90)            | 0.0%          |
| 502.b - Rocky Ford - Other                                | 12,359.61           | 2,911.26            | 9,448.35            | 424.5%        |
| <b>Total 502.b - Rocky Ford</b>                           | <b>12,359.61</b>    | <b>3,177.16</b>     | <b>9,182.45</b>     | <b>389.0%</b> |
| 502.c - Simon Suckla                                      | 368.74              |                     |                     |               |
| 502.d - Ute Pipeline                                      | 1,069.84            | 700.00              | 369.84              | 152.8%        |
| 502.e - Garrett Ridge                                     | 1,566.14            | 51,215.38           | (49,649.24)         | 3.1%          |
| 502.f - Lower Arickaree                                   | 0.00                | 40,185.11           | (40,185.11)         | 0.0%          |
| 502.g - Upper Arickaree                                   | 16.08               | 1,355.27            | (1,339.19)          | 1.2%          |
| 502.h - West Lateral                                      | 2,589.64            | 313.79              | 2,275.85            | 825.3%        |
| 502.i - Hermana   | 35.40               | 391.18              | (355.78)            | 3.6%          |
| 502.j - U Lateral   | 285.83              | 5,168.93            | (4,883.10)          | 5.5%          |
| 502.k - Moonlight   | 4,306.83            | 2,470.49            | 1,836.34            | 174.3%        |
| 502.l - Big Corkscrew                                     | 270.43              | 87.97               | 182.46              | 307.4%        |
| 502.m - Little Corkscrew                                  | 1,622.12            | 501.92              | 1,120.20            | 323.2%        |

**Montezuma Valley Irrigation Company  
Profit & Loss Budget vs. Actual  
January through December 2023**

|   | Jan - Dec 23        | Budget              | \$ Over Budget      | % of Budget     |
|---|---------------------|---------------------|---------------------|-----------------|
| <b>509.4 · Professional Fees</b>                        |                     |                     |                     |                 |
| 509.4a · Legal Fees                                     | 30,320 22           | 80,000 00           | (49,679 78)         | 37 9%           |
| 509.4b · CPA/Accounting Fees                            | 1,200 00            | 6,300 00            | (5 100 00)          | 19 0%           |
| 509.4c · Engineering Fees                               | 80,340 00           | 50,000 00           | 10,340 00           | 120 7%          |
| <b>Total 509.4 · Professional Fees</b>                  | <b>91,860 22</b>    | <b>136,300 00</b>   | <b>(44,439 78)</b>  | <b>67 4%</b>    |
| <b>509.5 · Director Expense</b>                         |                     |                     |                     |                 |
| 509.5a · Director Fees                                  | 7,700 00            | 40,200 00           | (32,500 00)         | 19 2%           |
| 509.5b · Director Seminars/Training                     | 110 40              | 3 500 00            | (3,389 60)          | 3 2%            |
| 509.5c · Director Travel                                | 0 00                | 1,500 00            | (1,500 00)          | 0 0%            |
| 509.5d · Director Meals/Meetings                        | 0 00                | 1,500 00            | (1,500 00)          | 0 0%            |
| <b>Total 509.5 · Director Expense</b>                   | <b>7,810 40</b>     | <b>46,700 00</b>    | <b>(38,889 60)</b>  | <b>16 7%</b>    |
| <b>Total 509 · Administrative Expense</b>               | <b>189,130 93</b>   | <b>284,600 00</b>   | <b>(95,469 07)</b>  | <b>66 5%</b>    |
| 5625 · Miscellaneous Expense                            | 0 00                | 0 00                | 0 00                | 0 0%            |
| 66910 · Bank Service Charges                            | 819 40              |                     |                     |                 |
| <b>Total Expense</b>                                    | <b>1,630,316 17</b> | <b>1,635,237 92</b> | <b>(4,921 75)</b>   | <b>99 7%</b>    |
| <b>Net Ordinary Income</b>                              | <b>665,080 98</b>   | <b>649,360 02</b>   | <b>15,720 96</b>    | <b>102 4%</b>   |
| <b>Other Income/Expense</b>                             |                     |                     |                     |                 |
| <b>Other Expense</b>                                    |                     |                     |                     |                 |
| 700 · Capital Projects                                  |                     |                     |                     |                 |
| 700.2 · Groundhog                                       | 8,625 86            | 80,000 00           | (71,374 14)         | 10 8%           |
| 700 · Capital Projects - Other                          | 0 00                | 175,000 00          | (175,000 00)        | 0 0%            |
| <b>Total 700 · Capital Projects</b>                     | <b>8,625 86</b>     | <b>255,000 00</b>   | <b>(246,374 14)</b> | <b>3 4%</b>     |
| 701 · McPhee Project                                    |                     |                     |                     |                 |
| 701.1 · McPhee Obligation Payment                       | 0 00                | 63,200 00           | (63,200 00)         | 0 0%            |
| 701.2 · McPhee Account Charges                          | 0 00                | 14,650 00           | (14,650 00)         | 0 0%            |
| 701.3 · T/H OM&R Expense                                | 0 00                | 48,500 00           | (48,500 00)         | 0 0%            |
| 701.4 · DWCD Project Water/O&M Expense                  |                     |                     |                     |                 |
| 701.4a · DWCD Pumping Expense                           | 0 00                | 7,000 00            | (7,000 00)          | 0 0%            |
| 701.4 · DWCD Project Water/O&M Expense - Other          | 0 00                | 230,000 00          | (230,000 00)        | 0 0%            |
| <b>Total 701.4 · DWCD Project Water/O&amp;M Expense</b> | <b>0 00</b>         | <b>237,000 00</b>   | <b>(237,000 00)</b> | <b>0 0%</b>     |
| 701.5 · DWCD Non-Project Water/O&M Exp                  | 0 00                | 0 00                | 0 00                | 0 0%            |
| <b>Total 701 · McPhee Project</b>                       | <b>0 00</b>         | <b>363,350 00</b>   | <b>(363,350 00)</b> | <b>0 0%</b>     |
| 702 · Other Expense - Annual Payments                   |                     |                     |                     |                 |
| 702.2 · Interest Expense CWCB Loan                      |                     |                     |                     |                 |
| 702.2a · CWCB Interest                                  | 29,560 95           | 29,560 95           | 0 00                | 100 0%          |
| 702.2b · CWCB Principal                                 | 108,105 00          | 108,105 00          | 0 00                | 100 0%          |
| <b>Total 702.2 · Interest Expense CWCB Loan</b>         | <b>137,665 95</b>   | <b>137,665 95</b>   | <b>0 00</b>         | <b>100 0%</b>   |
| 702.3 · Vehicle & Equipment Purchases                   | 0 00                | 0 00                | 0 00                | 0 0%            |
| 702.4 · Equipment - Capital Purchases                   | 6,783 10            | 20,000 00           | (13,216 90)         | 33 9%           |
| <b>Total 702 · Other Expense - Annual Payments</b>      | <b>144,449 05</b>   | <b>157,665 95</b>   | <b>(13,216 90)</b>  | <b>91 5%</b>    |
| <b>Total Other Expense</b>                              | <b>153,074 91</b>   | <b>776,015 95</b>   | <b>(622,941 04)</b> | <b>19 7%</b>    |
| <b>Net Other Income</b>                                 | <b>(153,074 91)</b> | <b>(776,015 95)</b> | <b>622,941 04</b>   | <b>19 7%</b>    |
| <b>Net Income</b>                                       | <b>512,006 07</b>   | <b>(126,655 93)</b> | <b>638,662 00</b>   | <b>(404.2)%</b> |

**Appendix C:**  
**MVIC Service Area**  
**Beaver Ditch Breach locations**  
**Borrow Areas**

A. Montezuma Valley Irrigation Service Area



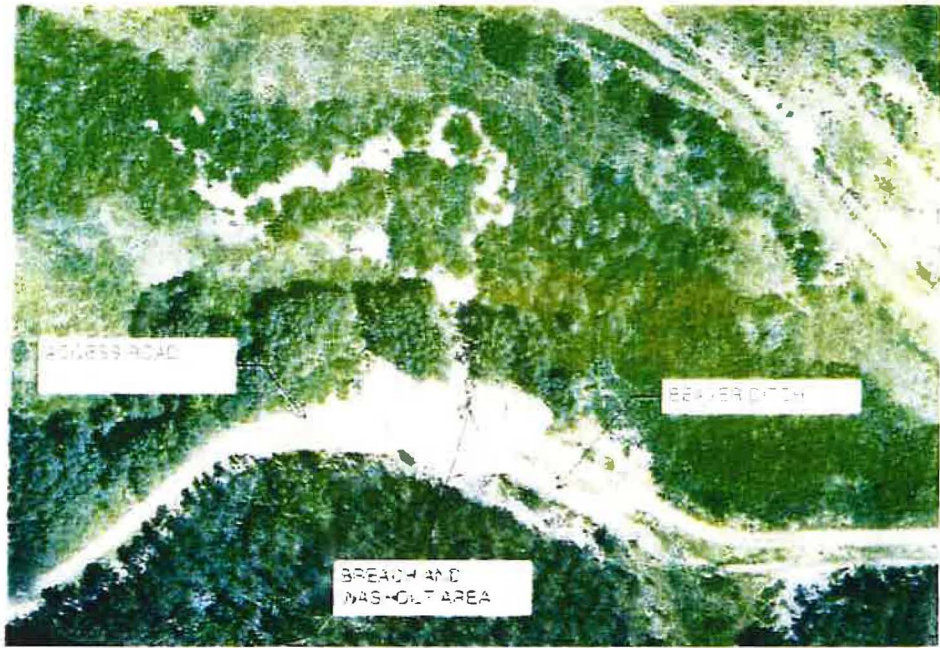


Figure 2 - Breach 1

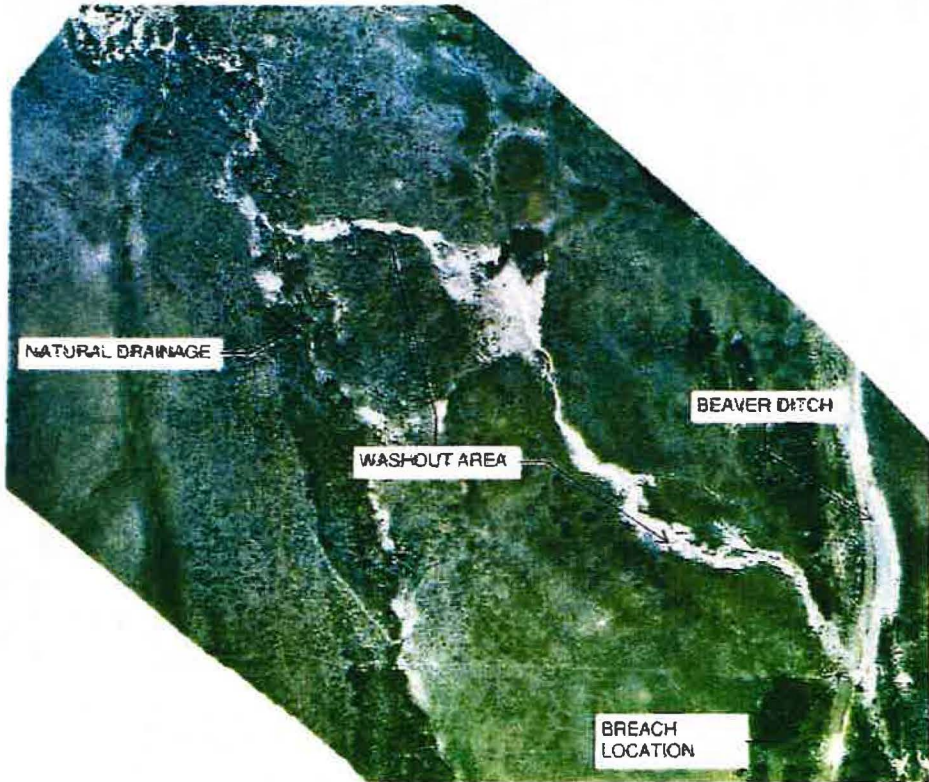


Figure 3 - Breach 2

**Appendix D:**  
**“Water Rights Tabulation” Report**  
**Groundhog Reservoir**  
**Beaver Creek Ditch**

| waterright_name     | structure_name      | Physical_WaterSource | Physical_P | decreed_uses | max_decre | total_vol_l | AdjType | adj_date        | padj_date            | appro_date      | admin_no | priority_nc | case_number | sequence_ | alter_wdid | plan_type | plan_wdid |
|---------------------|---------------------|----------------------|------------|--------------|-----------|-------------|---------|-----------------|----------------------|-----------------|----------|-------------|-------------|-----------|------------|-----------|-----------|
| GROUNDHOG RESERVOIR | GROUNDHOG RESERVOIR | Groundhog Creek      | N          | 1            |           | 1291        | S       | 12/18/1933 0:00 | 2/1/1892 12:00:00 AM | 8/1/1905 0:00   | 20301    | D-4R        | CA0967      | 3         |            | E         | 7107008   |
| GROUNDHOG RESERVOIR | GROUNDHOG RESERVOIR | Groundhog Creek      | N          | 1            |           | 9332        | S,C     | 12/18/1933 0:00 | 2/1/1892 12:00:00 AM | 8/1/1905 0:00   | 20301    | D-4R        | CA0967      | 3         |            | E         | 7107008   |
| GROUNDHOG RESERVOIR | GROUNDHOG RESERVOIR | Groundhog Creek      | N          | 1            |           | 9332        | S,CA    | 12/18/1933 0:00 | 2/1/1892 12:00:00 AM | 8/1/1905 0:00   | 20301    | D-4R        | CA0967      | 4         |            | E         | 7107008   |
| GROUNDHOG RESERVOIR | GROUNDHOG RESERVOIR | Groundhog Creek      | N          | 1            |           | 400         | S,TF    | 12/18/1933 0:00 | 2/1/1892 12:00:00 AM | 8/1/1905 0:00   | 20301    | D-4R        | 95CW0104    | 6         | 7103612    | A         | 7107009   |
| GROUNDHOG RESERVOIR | GROUNDHOG RESERVOIR | Groundhog Creek      | N          | 12346789AQ   |           | 400         | S,TT    | 12/18/1933 0:00 | 2/1/1892 12:00:00 AM | 8/1/1905 0:00   | 20301    | D-4R        | 95CW0104    | 7         | 7103612    | A         | 7107009   |
| GROUNDHOG RESERVOIR | GROUNDHOG RESERVOIR | Groundhog Creek      | N          | 1            |           | 11086       | S,C,TT  | 12/18/1933 0:00 | 2/1/1892 12:00:00 AM | 10/24/1929 0:00 | 29151    | D-9R        | CA0967      | 5         | 7103605    |           |           |
| GROUNDHOG RESERVOIR | GROUNDHOG RESERVOIR | Groundhog Creek      | N          | 1            |           | 11086       | S,CA    | 12/18/1933 0:00 | 2/1/1892 12:00:00 AM | 10/24/1929 0:00 | 29151    | D-9R        | CA0967      | 1         |            | E         | 7107008   |
| GROUNDHOG RESERVOIR | GROUNDHOG RESERVOIR | Groundhog Creek      | N          | 189          |           | 4410        | S       | 12/31/2012 0:00 | 12/31/2011 0:00      | 6/30/1983 0:00  | 59169.49 |             | 12CW0020    | 8         |            |           |           |
| GROUNDHOG WELL      | GROUNDHOG WELL      | Groundhog Creek      | N          | 8            | 0 0222    |             | O       | 12/31/1972 0:00 |                      | 6/30/1950 0:00  | 36705    |             | W0635       | 1         |            |           |           |



**Water Rights**

WID: 7100638 BEAVER DITCH

| Decreed | Absolute | Conditional | AP/EX Abs. | AP/EX Cond. | Decreed | Absolute | Conditional | AP/EX Abs. | AP/EX Cond. |
|---------|----------|-------------|------------|-------------|---------|----------|-------------|------------|-------------|
| Rate    | 150.0000 | 0.0000      | 0.0000     | 0.0000      | Volume  |          |             |            |             |

Transactional  Net Amounts

| Seq # | Case Number | Adj Date   | Appt Date  | Priority # | Decreed Rate | Decreed Vol | Adj Type | Uses | Comments   |
|-------|-------------|------------|------------|------------|--------------|-------------|----------|------|--|
| 1     | LA0967      | 12/18/1933 | 10/24/1929 |            | 150.0000     |             | S,C      | 1    | DECREED FOR 141N RW SEC 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 |
| 2     | CA0967      | 12/18/1933 | 10/24/1929 |            | 150.0000     |             | S,CA     | 1    | MADE ABSOLUTE IN 1981 ORDER AMENDING THE 1963 DECREE OF CA 967 ALSO SEE CONSULTATION IN 100W24   |
| 3     | EX W00020   | 12/17/2012 | 06/30/1981 |            | 150.0000     |             | S        | 0    | ADDITIONAL FEE FOR GROUP 2002 RESERVE FOR USE AND CONTROL OF THE ABOVE DESCRIBED WATER RIGHTS  |

Open New Create

**Explanation of Codes:**

**Use Codes:**

0 - Storage, 1 - Irrigation, 2 - Municipal, 3 - Commercial, 4 - Industrial, 5 - Recreation, 6 - Fishery, 7 - Fire, 8 - Domestic, 9 - Stock, A - Augmentation, B - Export From Basin, C - Change of Use / Return Flow, E - Evaporation, F - Federal Reserve, G - Geothermal Making, M - Minimum Streamflow, N - Net Effect on River, P - Power Generation, Q - Other, R - Recharge, S - Export From State, T - Transmountain Export, W - Wildlife, X - All Beneficial Uses

**Adj Type Codes:**

AB - Abandoned, AP - Alternate Point, C - Conditional, CA - Conditional Made Absolute, EX - Exchange, O - Original, S - Supplemental, TF - Transfer From, TT - Transfer To

**Appendix E:**  
**Beaver Creek Ditch Repairs Feasibility Study**



## BEAVER CREEK DITCH REPAIRS

### FEASIBILITY STUDY



SEPTEMBER 5, 2023

Prepared by



Jones & DeMille  
Engineering

MVIC Project #: 232-4520

JDE Project #: 2306-059

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Figure 1. Breach 1 (right) and erosion (top left)

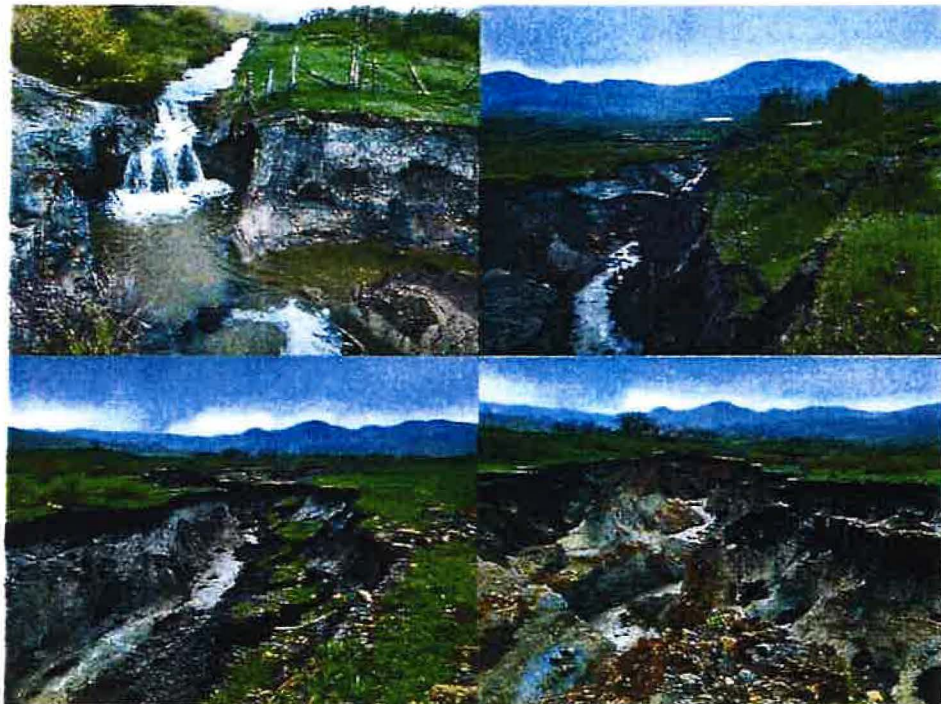


Figure 2. Breach 2 (top left); unstable slopes and erosion (top right and bottom left); erosion area (bottom right)

Groundhog Reservoir is a large, artificial lake originally constructed in 1908 and rebuilt in 1938 with funds from the Public Works Administration (PWA) to double the water capacity to impound and store water. The reservoir is owned and operated by Montezuma Valley Irrigation Company and is managed as a state wildlife area by Colorado Parks and Wildlife (CPW), which stocks it with sport fish. The reservoir has a current storage capacity of 26,710 acre-feet of water. Since 2001 drought conditions have worsened, and water has become increasingly precious. Agricultural and recreational losses are excessive. Montezuma Valley Irrigation Company depends on Groundhog Reservoir to supplement both McPhee and Narraguinnep Reservoirs later in the irrigation season. The new breaches in Beaver Ditch diverting water away from Groundhog Reservoir are a significant threat to the economy of farmers and ranchers in Montezuma County.

**Appendix F:**  
**Water Activity Budget Supporting Documents**

## 2023 Beaver Ditch Repairs

|                                | Beaver Ditch #1     | Beaver Ditch #2     | Total               |
|--------------------------------|---------------------|---------------------|---------------------|
| WCA Construction               | \$148,180.85        | \$455,221.12        | \$603,401.97        |
| Jones & DeMille                | \$42,427.50         |                     | \$42,427.50         |
| Western Ag Liner               | \$8,930.00          | \$9,399.80          | \$18,329.80         |
| Southwest Seed                 |                     | \$1,636.32          | \$1,636.32          |
| Mesa Sandstone                 |                     | \$9,340.03          | \$9,340.03          |
| Stonertop/Choice/Basin<br>Coop |                     | \$931.65            | \$931.65            |
| Jones & DeMille & Wrap<br>Up   |                     | Pending             | Pending             |
| <b>Sub Total:</b>              | <b>\$199,538.35</b> | <b>\$476,528.92</b> | <b>\$676,067.27</b> |
| MVIC: Labor                    | \$6,180.00          | \$10,592.87         | \$16,772.87         |
| MVIC: Equipment                | \$23,232            | \$31,202.00         | \$54,434.00         |
| <b>Sub Total:</b>              | <b>\$29,412.00</b>  | <b>\$41,794.87</b>  | <b>\$71,206.87</b>  |
| <b>Grand Total:</b>            | <b>\$228,950.35</b> | <b>\$518,323.79</b> | <b>\$747,274.14</b> |
| SWCD Emergency Grant           | \$65,000.00         |                     |                     |
|                                |                     |                     |                     |
|                                |                     |                     |                     |
| <b>Grand Total:</b>            | <b>\$163,950.35</b> | <b>\$518,323.79</b> | <b>\$747,274.14</b> |

BEAVER CREEK DITCH WASHOUTS: PROPOSED TIMELINE

## August

- **Mobilization**  
8/16-25/2023
- **Washout #1 C&G, Earthwork**  
8/21/2023-9/5/2023

## September

- **Washout #2 C&G, Earthwork**  
9/5-10/16/2023

## October

- **Washout #2 C&G, Earthwork (cont'd)**  
9/5-10/16/2023
- **Washout #1 Liner and Rip Rap**  
10/17-11/6/2023

## November

- **Washout #2 Liner and Rip Rap**  
10/31-11/17/2023

**Note:** Due to the location of the two Beaver Creek breaches being at a higher elevation, it is unlikely the work slotted for October and November will be completed in its entirety. The liner installation and seeding/mulching will likely be postponed due to snow/rain days and colder temperatures. The geothermal liner should be installed when temperatures are between 90 degrees and 40 degrees. The Montezuma Valley Irrigation Company is prioritizing Washout #1 to be completed in 2023. The Project Budget reflects the two-year span of completion, despite the proposed timeline listed above.



**Appendix G:**  
**Matching Requirement Supporting Documents**  
**In-Kind**  
**Cash**

MVIC - INKIND Match-Beaver Ditch #2

|                                     | Hours | Rate      | Total               |
|-------------------------------------|-------|-----------|---------------------|
| Operator/Mechanic                   | 251.5 | \$ 30.02  | \$ 7,550.03         |
| Driver                              | 61    | \$ 43.50  | \$ 2,653.50         |
| Driver #2                           | 18    | \$ 21.63  | \$ 389.34           |
|                                     | 330.5 |           | \$ 10,592.87        |
| Dump truck                          | 31    | \$ 77.00  | \$ 2,387.00         |
| Excavator                           | 134   | \$ 168.00 | \$ 22,512.00        |
| Backhoe                             | 1     | \$ 90.00  | \$ 90.00            |
| Light trucks                        | 102   | \$ 27.00  | \$ 2,754.00         |
| Light trucks #2                     | 21    | \$ 38.00  | \$ 798.00           |
| Lowboy Trailer                      | 34    | \$ 23.00  | \$ 782.00           |
| Side-by-side                        | 7     | \$ 52.00  | \$ 364.00           |
| Skidsteer                           | 5     | \$ 81.00  | \$ 405.00           |
| Gooseneck Trailer                   | 7     | \$ 15.00  | \$ 105.00           |
| Excavator #2                        | 3     | \$ 50.00  | \$ 150.00           |
| End Dump Trailer                    | 15    | \$ 57.00  | \$ 855.00           |
|                                     | 360   |           | \$ 31,202.00        |
|                                     |       |           |                     |
|                                     |       |           |                     |
| <b>Total: Labor &amp; Equipment</b> |       |           | <b>\$ 41,794.87</b> |

MVIC - CASH Match -Beaver Ditch #2

Payment to WCA: \$268,591.83  
**Total MVIC Match: 310,386.66**

**Required SWCD Match: 129,580.50**

4:59 PM

11/13/23

Accrual Basis

**Montezuma Valley Irrigation Company**  
**Transaction Detail By Account**  
October 4, 2023

---

| Type                         | Date       | Num      | Name                 | Memo            | Class       | Clr | Split             | Amount            | Balance           |
|------------------------------|------------|----------|----------------------|-----------------|-------------|-----|-------------------|-------------------|-------------------|
| 507 · Contract Labor<br>Bill | 10/04/2023 | 8026-... | WCA Construction LLC | GH/Beaver Di... | Headgate... |     | 200 · Accounts... | 268,591.83        | 268,591.83        |
| Total 507 · Contract Labor   |            |          |                      |                 |             |     |                   | 268,591.83        | 268,591.83        |
| <b>TOTAL</b>                 |            |          |                      |                 |             |     |                   | <b>268,591.83</b> | <b>268,591.83</b> |

---

**Appendix H:**  
**Applicant Liability & Indebtedness Supporting Documents**  
**CWCB**



**COLORADO**

**Colorado Water Conservation Board**

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

April 05, 2023

Montezuma Valley Irrigation Company  
P.O. Box 1056  
Cortez, CO 81321  
bjohnson@mvic.info

Subject: Receipt for Loan Contract No. C150251

Thank you for your payment in the amount of \$137,665.95 on April 5, 2023 for the above loan contract(s), which was distributed as follows:

| Loan Contract No. | Payment Due Date | Amount Paid  | Principal Paid | Interest Paid | Balance      |
|-------------------|------------------|--------------|----------------|---------------|--------------|
| C150251           | April 1, 2023    | \$137,665.95 | \$113,024.45   | \$24,641.50   | \$982,153.36 |

Please refer to your loan contract insurance provisions and provide a Certificate of Liability Insurance at the time of its renewal as applicable.

Should you have any questions, please contact me at (303) 866-3441, ext. 3205 or [mimi.winter@state.co.us](mailto:mimi.winter@state.co.us)

Sincerely,

*Mimi Winter*

Mimi Winter, Finance Manager  
Finance Section  
(303) 866-3441 x 3205  
mimi.winter@state.co.us



**Appendix I:**  
**Letters of Support**



# Dolores Water Conservancy District

60 S. Cactus St. P.O. Box 1150 Cortez, CO 81321  
Phone: 970-565-7562 Fax: 970-565-0870  
Email: [dwcd@frontier.net](mailto:dwcd@frontier.net)

July 31, 2023

Southwestern Water Conservation District Board of Directors  
Via Steve Wolff, General Manager

Dolores Water Conservancy District is a shareholder of and Dolores Project partner with Montezuma Valley Irrigation Company. Groundhog storage is a critical asset of Dolores River utilization primarily for agriculture, but also upstream exchange programs helping Rico and other residents above McPhee. For many decades Groundhog has been filled by several diversions including Beaver ditch. This spring, with the near record setting snowpack, Beaver Ditch experienced a wash out that prevented Groundhog Reservoir from filling and eroded significant material onto the adjacent landowners. Due to its high elevation, Beaver Ditch has always been inaccessible until later in the summer. Though MVIC has spillways to avoid this problem, the excessive runoff and other unknown conditions led to this unforeseen failure. As a shareholder in the Montezuma Valley Irrigation Company the DWCD Board discussed this project, after presentations by MVIC, and fully supports repairing the two washouts to make Beaver Ditch functional again and understands that this includes appropriate necessary mitigation to eroded material on adjacent properties.

This repair will both support the private landowners whose land is now unstable and unsafe and prone to further deterioration and preserve the storage of water that supports farmers and ranchers in the Montezuma Valley Irrigation service area along with other Dolores Project interests in Dolores and Montezuma Counties.

I believe this repair is consistent with the mission of the Southwestern Water Conservation District to protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins for the welfare of all the inhabitants, and safeguard for Colorado all waters to which the state is entitled. I hope that you will be able to support this emergency request from Montezuma Valley Irrigation Company to support their emergency repairs.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth W. Curtis III", is written over a faint, circular stamp or watermark.

Kenneth W. Curtis III  
DWCD General Manager



*Ute Mountain Ute Tribe*  
**FARM & RANCH ENTERPRISE**

P.O. Box 53 • Towaoc, Colorado 81334  
(970) 565-6412 • Fax (970) 565-9473

July 28, 2023

To Whom It May Concern:

It is my pleasure to write a letter of support of the Montezuma Valley Irrigation proposal for emergency funding to repair the Beaver Ditch tributary being submitted to the Southwest Water Conservation District.

Montezuma Valley Irrigation is a reputable company that has been in operation for over 100 years. They have safeguarded shareholder water rights and ensured the delivery of water via reservoirs, ditches, canals, and pipelines.

In conclusion, I fully support the efforts of Montezuma Valley Irrigation Company as they seek external funding to engage efforts designed to repair and mitigate damages done by snow-pack runoff on private land and pledge to preserve water storage that will help the agriculture and water recreation of our region. Please consider financially contributing to this viable effort.

Best regards,

*Ding Mauf*  
*(General Manager)*  
*Ute Mountain Farm + Ranch Enterprise*



17.0 Staff Reports



# Colorado Basin River Forecast Center

National Weather Service

## Water Supply Forecast Discussion February 1, 2024

The [Colorado Basin River Forecast Center \(CBRFC\)](#) geographic forecast area includes the Upper Colorado River Basin (UCRB), Lower Colorado River Basin (LCRB), and Eastern Great Basin (GB).

### Water Supply Conditions Summary

An active weather pattern during January resulted in near to above average monthly precipitation across most CRB and GB high elevation areas. Snow water equivalent (SWE) conditions as a percent of normal (median) improved during January, but generally remain below normal. February 1 CBRFC model SWE conditions generally range between 65-95% of normal across the UCRB, 40-75% of normal across the LCRB, and 80-90% of normal across the GB.

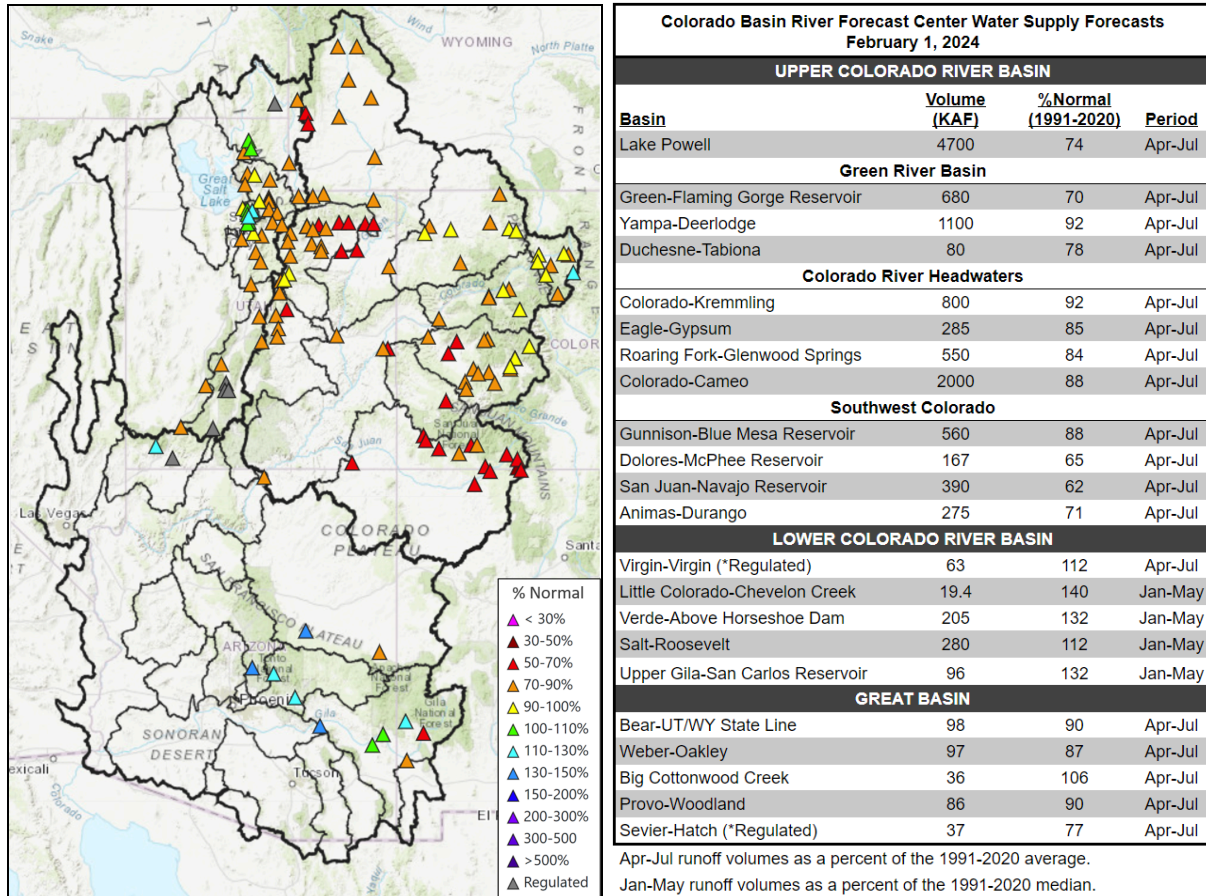
The water supply outlook has improved across the GB and UCRB due to above average January precipitation. However, seasonal (April-July) water supply volumes remain below normal in the UCRB and near to below normal in the GB. LCRB January-May volume forecasts are generally near to above normal and take into account the current El Niño, which is expected to continue through the winter and typically results in increased chances of wetter than average winter weather across the LCRB.

A long wave trough is moving ashore into the Western US and is expected to remain over the region through Saturday, February 10. Associated with this trough, a series of disturbances will move across the region, resulting in daily chances of precipitation over the next five days. Precipitation totals are highest in the LCRB, where 2-4 inches of precipitation are expected, with locally higher amounts possible along the Mogollon Rim. In the GB and UCRB, 1-2 inches of precipitation are expected, with 2-3 inches of precipitation possible across the higher terrain of UT and CO.

## Water Supply Forecasts

The water supply outlook has improved across the GB and UCRB due to above average January precipitation. However, seasonal (April-July) water supply volumes remain below normal in the UCRB and near to below normal in the GB. LCRB January-May volume forecasts are generally near to above normal and take into account the current El Niño, which is expected to continue through the winter and typically results in increased chances of wetter than average winter weather across the LCRB.

February 1 water supply forecasts are summarized in the figure and table below.

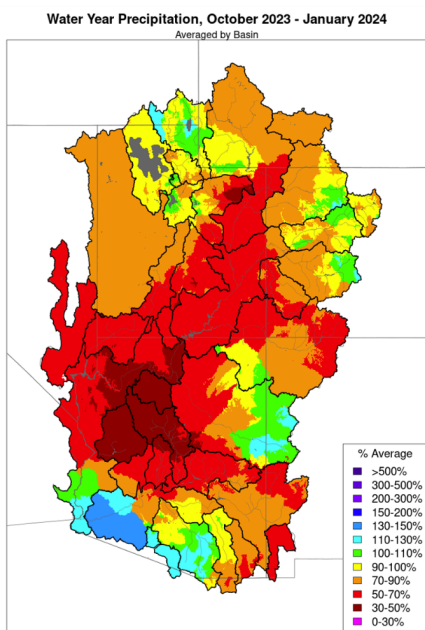
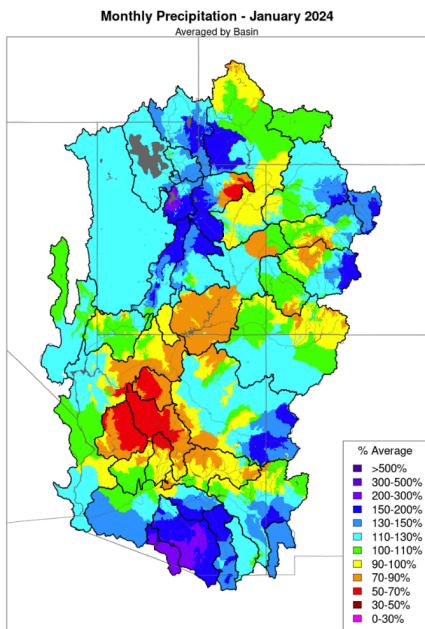


February 1, 2024 seasonal water supply forecast summary.

CBRFC water supply forecast [Map](#) | [List](#)

## Water Year Precipitation

Precipitation during the first three months (October-December) of water year 2024 was below average across the region. An active weather pattern during January resulted in near to above average monthly precipitation across most CRB and GB high elevation areas. Water year 2024 precipitation (October-January) is near to below normal and summarized in the figures and table below.



Prepared by NOAA, Colorado Basin River Forecast Center  
Salt Lake City, Utah, www.cbrfc.noaa.gov

| <b>Water Year 2024<br/>CBRFC Precipitation (Major Contributing Areas)<br/>Percent of 1991-2020 Average</b> |            |                |
|--|------------|----------------|
| <b>UPPER COLORADO RIVER BASIN</b>  |            |                |
|  | <b>Jan</b> | <b>Oct-Jan</b> |
| Above Lake Powell  | 120        | 86             |
| <b>Green River Basin</b>   |            |                |
| Above Fontenelle   | 97         | 81             |
| Above Flaming Gorge  | 111        | 85             |
| Yampa/White  | 133        | 96             |
| Duchesne   | 124        | 76             |
| Price/San Rafael/Dirty Devil   | 152        | 91             |
| <b>Colorado River Headwaters</b>   |            |                |
| Above Kremmling  | 145        | 91             |
| Eagle  | 125        | 96             |
| Roaring Fork   | 110        | 94             |
| Above Cameo  | 126        | 93             |
| <b>Southwest Colorado</b>  |            |                |
| Gunnison   | 118        | 90             |
| Dolores  | 101        | 72             |
| San Juan   | 94         | 67             |
| <b>LOWER COLORADO RIVER BASIN</b>  |            |                |
| Virgin   | 112        | 59             |
| Little Colorado  | 94         | 63             |
| Verde  | 79         | 48             |
| Salt   | 92         | 67             |
| Upper Gila   | 107        | 72             |
| <b>GREAT BASIN</b>   |            |                |
| Bear   | 126        | 97             |
| Weber  | 131        | 92             |
| Six Creeks   | 130        | 98             |
| Provo/Utah Lake  | 134        | 90             |
| Sevier   | 129        | 71             |

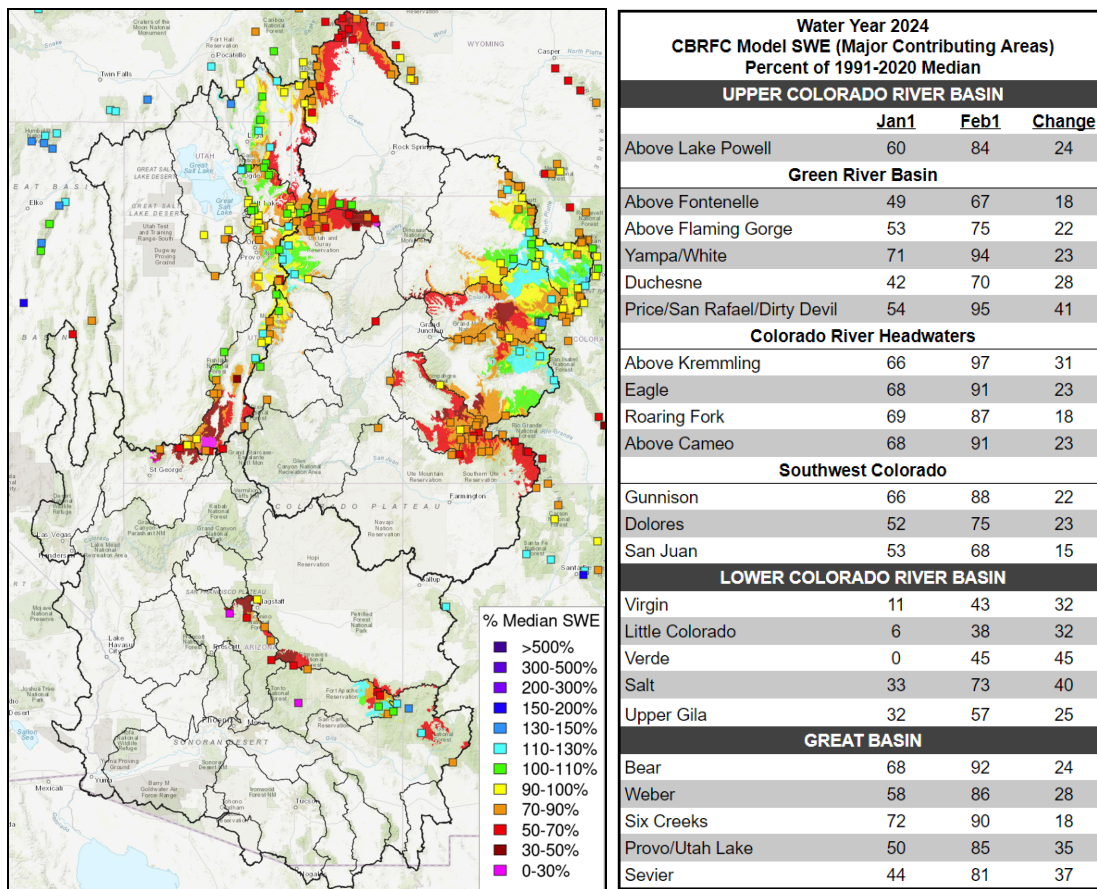
CBRFC observed precipitation maps: [Daily](#) | [Monthly](#) | [Water Year](#)

## Snow

Snow water equivalent (SWE) conditions as a percent of normal (median) improved during January, but generally remain below normal. UCRB February 1 SWE conditions range between 65-95% of normal and are most favorable (85-95%) across portions of central and northwest CO including the Gunnison, Colorado River headwaters, and White/Yampa basins. SWE conditions are less favorable (65-75% of normal) across the Upper Green, Duchesne, Dolores, and San Juan basins. February 1 SWE at a number of SNOTEL stations in the Upper Green and Duchesne basins is below the 10<sup>th</sup> percentile and ranked in the driest five on record.

LCRB February 1 CBRFC model SWE conditions range between 40-75% of normal. LCRB SWE conditions are most favorable (55-75%) across portions of the Salt and Upper Gila River Basins in higher elevation areas near the AZ/NM border. LCRB SWE conditions are well below normal and generally around the 25<sup>th</sup> percentile at SNOTEL stations across central AZ and southwest UT.

GB February 1 SWE conditions are slightly below normal and range between 80-90% of normal. GB snowpack conditions are more evenly distributed and generally better when compared to the UCRB. SWE conditions are summarized in the figure and table below.



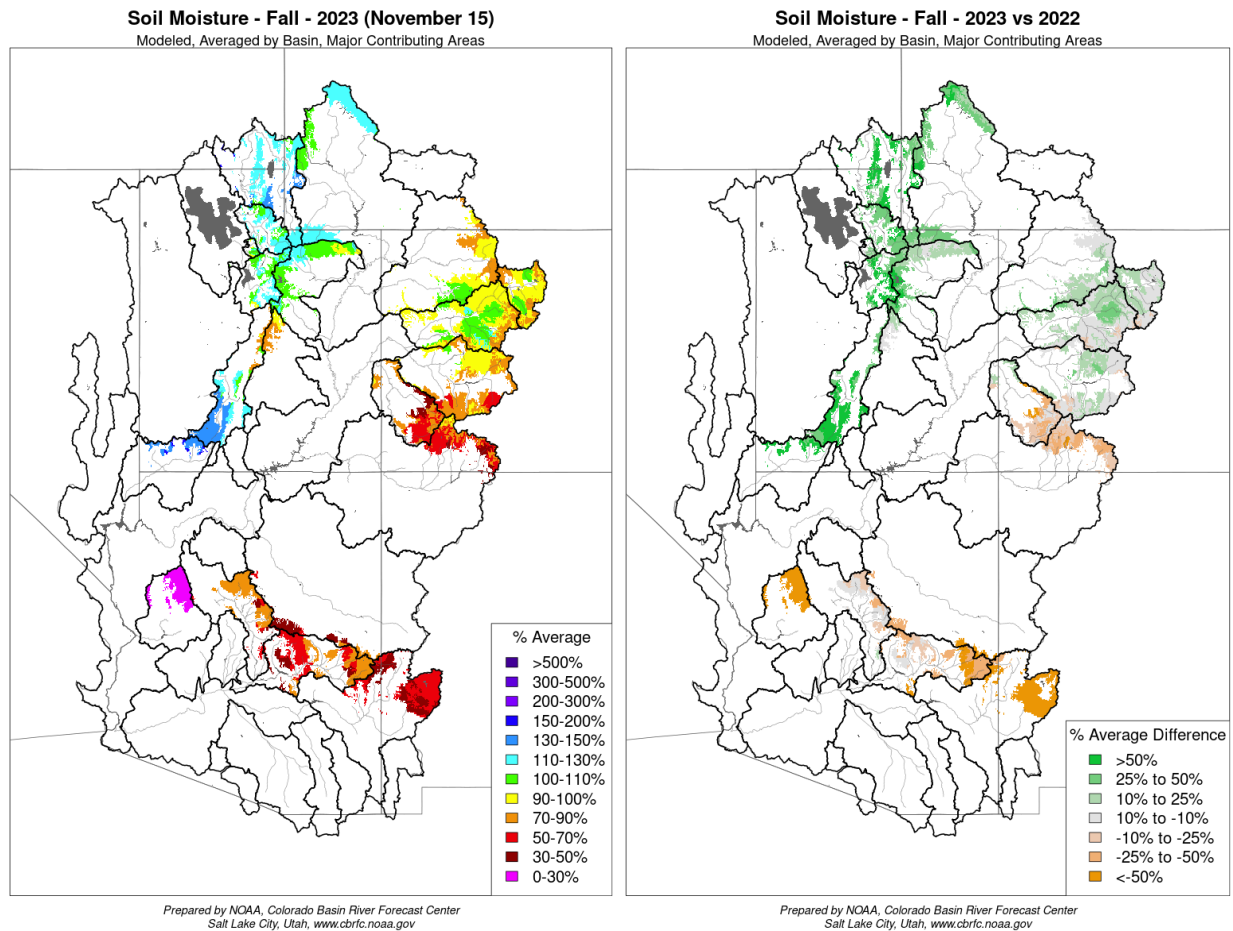
Left: February 1, 2024 SWE - NRCS SNOTEL observed (squares) and CBRFC hydrologic model.

Right: trend in CBRFC hydrologic model SWE conditions.

Current snow conditions: [SNOTEL](#) | [CBRFC Model](#)

## Soil Moisture

Above normal spring 2023 runoff was followed by a drier than normal Southwest monsoon season across much of the region. June-October precipitation was generally below the 15<sup>th</sup> percentile across most of AZ and southwest CO, resulting in below normal fall (antecedent) soil moisture conditions that are worse compared to a year ago. However, northern areas including the GB, Upper Green, and much of northwest CO received above normal summer/fall precipitation, leading to above normal fall soil moisture conditions that are improved from a year ago.



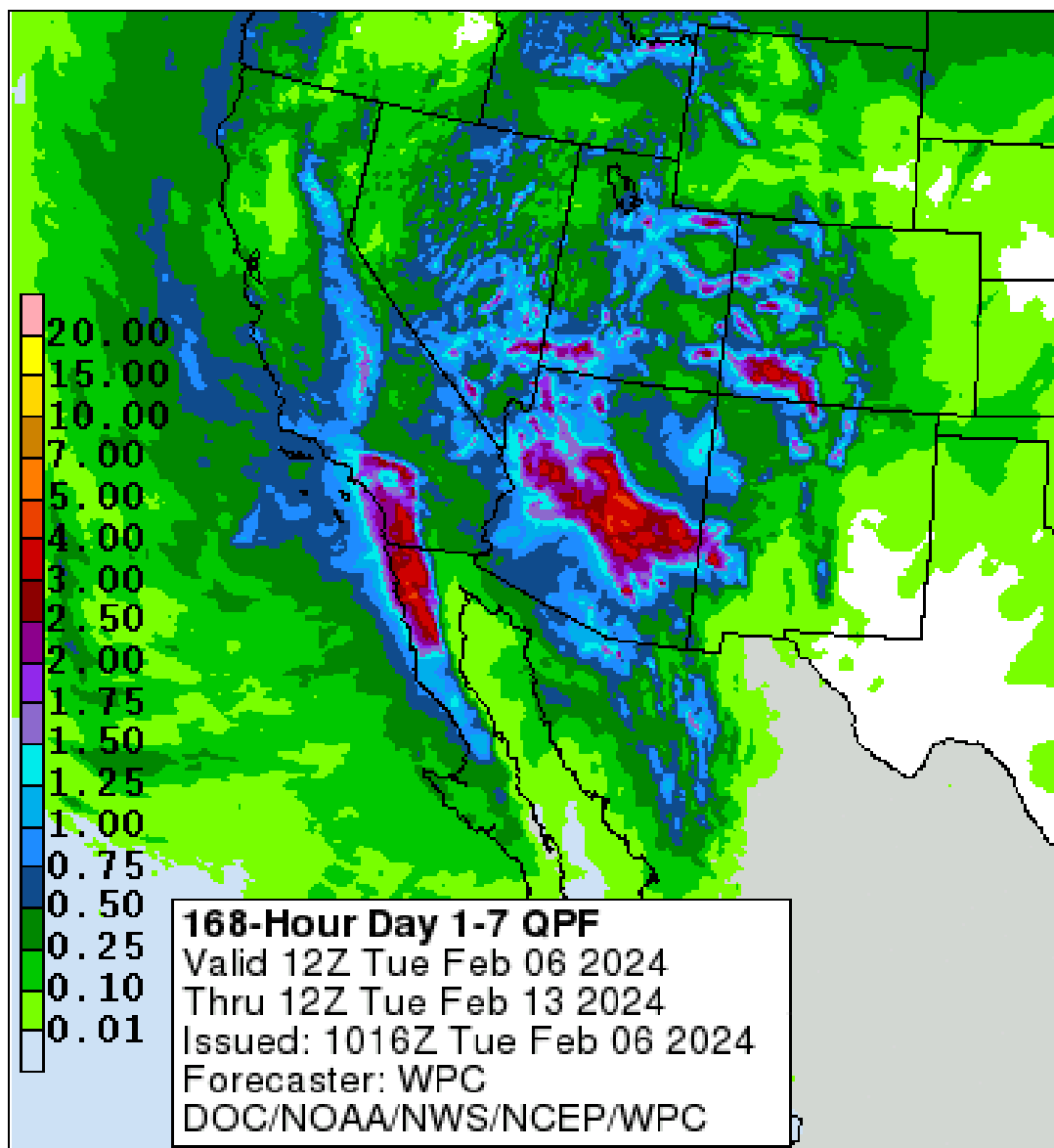
November 2023 CBRFC hydrologic model soil moisture conditions - as a percent of the 1991-2020 average (left) and compared to November 2022 (right).

CBRFC model fall soil moisture conditions impact early season water supply forecasts and the efficiency of spring runoff. Basins with above average soil moisture conditions can be expected to experience more efficient runoff from rainfall or snowmelt while basins with below average soil moisture conditions can be expected to have lower runoff efficiency until soil moisture deficits are fulfilled. The timing and magnitude of spring runoff is ultimately a result of snowpack conditions, spring weather, and soil moisture conditions.

CBRFC hydrologic model soil moisture conditions are available [here](#).

## Upcoming Weather

A long wave trough is moving ashore into the Western US and is expected to remain over the region through Saturday, February 10. Associated with this trough, a series of disturbances will move across the region, resulting in daily chances of precipitation over the next five days. Precipitation totals are highest in the LCRB, where 2-4 inches of precipitation are expected, with locally higher amounts possible along the Mogollon Rim. In the GB and UCRB, 1-2 inches of precipitation are expected, with 2-3 inches of precipitation possible across the higher terrain of UT and CO. Temperatures during this period will be below normal. Beginning this weekend, a ridge of high pressure will develop over the Pacific Northwest, with below normal mid-level heights further south towards Mexico. This pattern change will result in a decrease in precipitation and drier than normal conditions across northern portions of the GB and UCRB, while an active subtropical jet stream towards the LCRB will result in continued chances of above average precipitation.



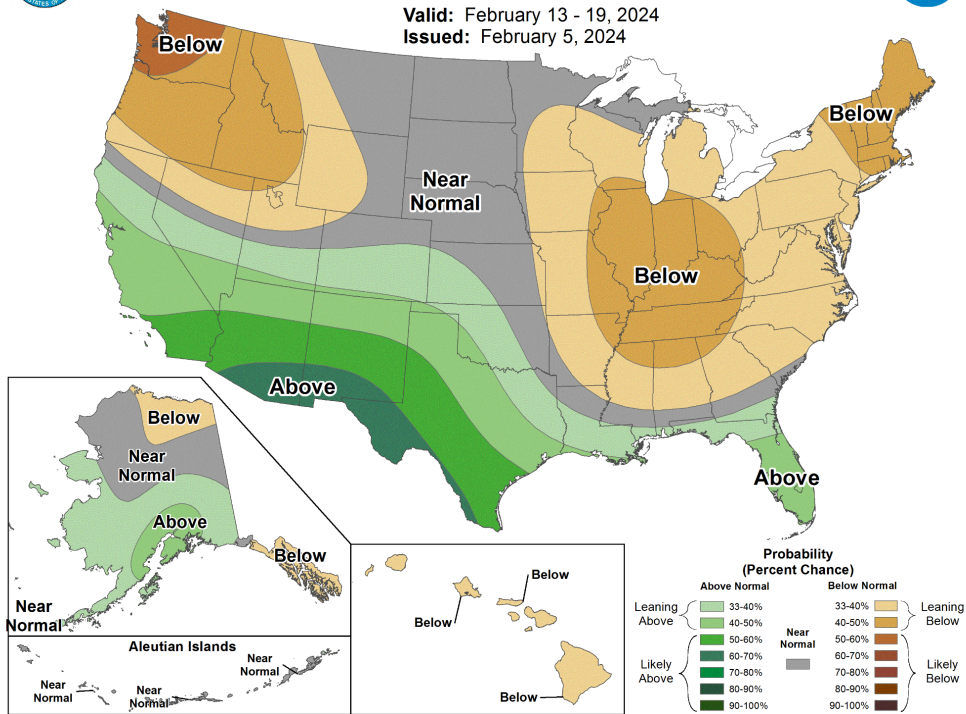
NWS Weather Prediction Center precipitation forecast for February 6-13, 2024.



# 8-14 Day Precipitation Outlook



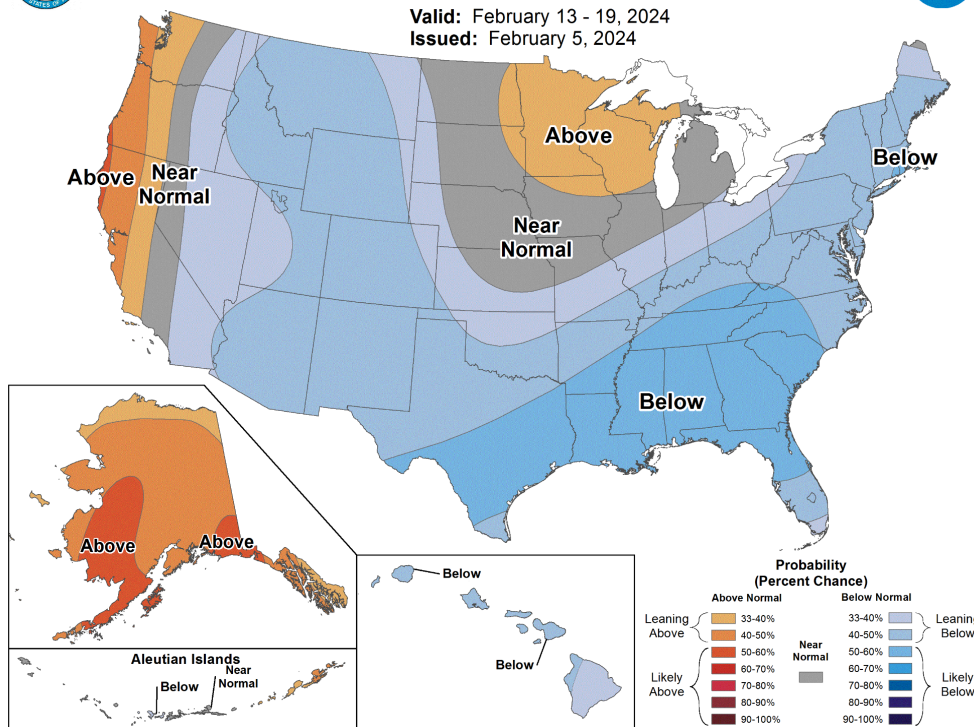
Valid: February 13 - 19, 2024  
Issued: February 5, 2024



# 8-14 Day Temperature Outlook



Valid: February 13 - 19, 2024  
Issued: February 5, 2024



Climate Prediction Center precipitation and temperature probability forecasts for February 13-19, 2024.



**CBRFC Web Links**

Official Water Supply Forecasts: [Map](#) | [List](#)  
Latest Water Supply Model Guidance: [Map](#) | [List](#)  
Snowpack Conditions: [SNOTEL](#) | [CBRFC Model](#)  
Monthly Precipitation: [Map](#) | [Image](#)  
Soil Moisture: [Map](#) | [Image](#)  
7-Day Precipitation Forecast: [Map](#) | [Image](#)  
Climate Forecasts: [Image](#)  
Water Supply Briefing Webinars: [Registration](#)

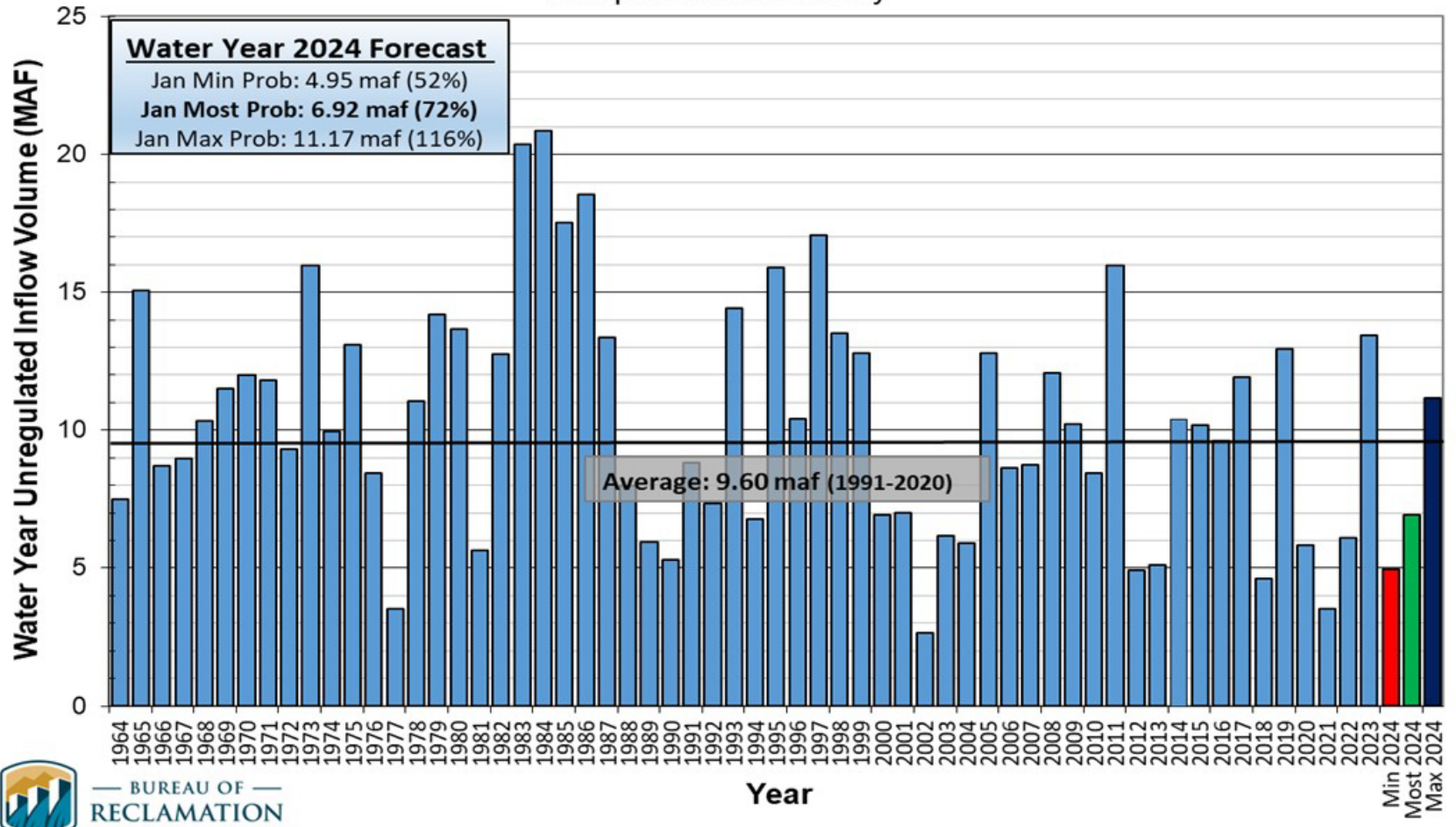
**Acronyms & Abbreviations**

CBRFC - Colorado Basin River Forecast Center  
CPC - Climate Prediction Center  
CRB - Colorado River Basin  
ENSO - El Niño/Southern Oscillation  
ESP - Ensemble Streamflow Prediction  
GB - Great Basin  
KAF - Thousand Acre-Feet  
LCRB - Lower Colorado River Basin  
MAF - Million Acre-Feet  
NWS - National Weather Service  
QPF - Quantitative Precipitation Forecast  
SNOTEL - Snow Telemetry  
SWE - Snow Water Equivalent  
UCRB - Upper Colorado River Basin  
WPC - Weather Prediction Center

# Lake Powell Unregulated Inflow

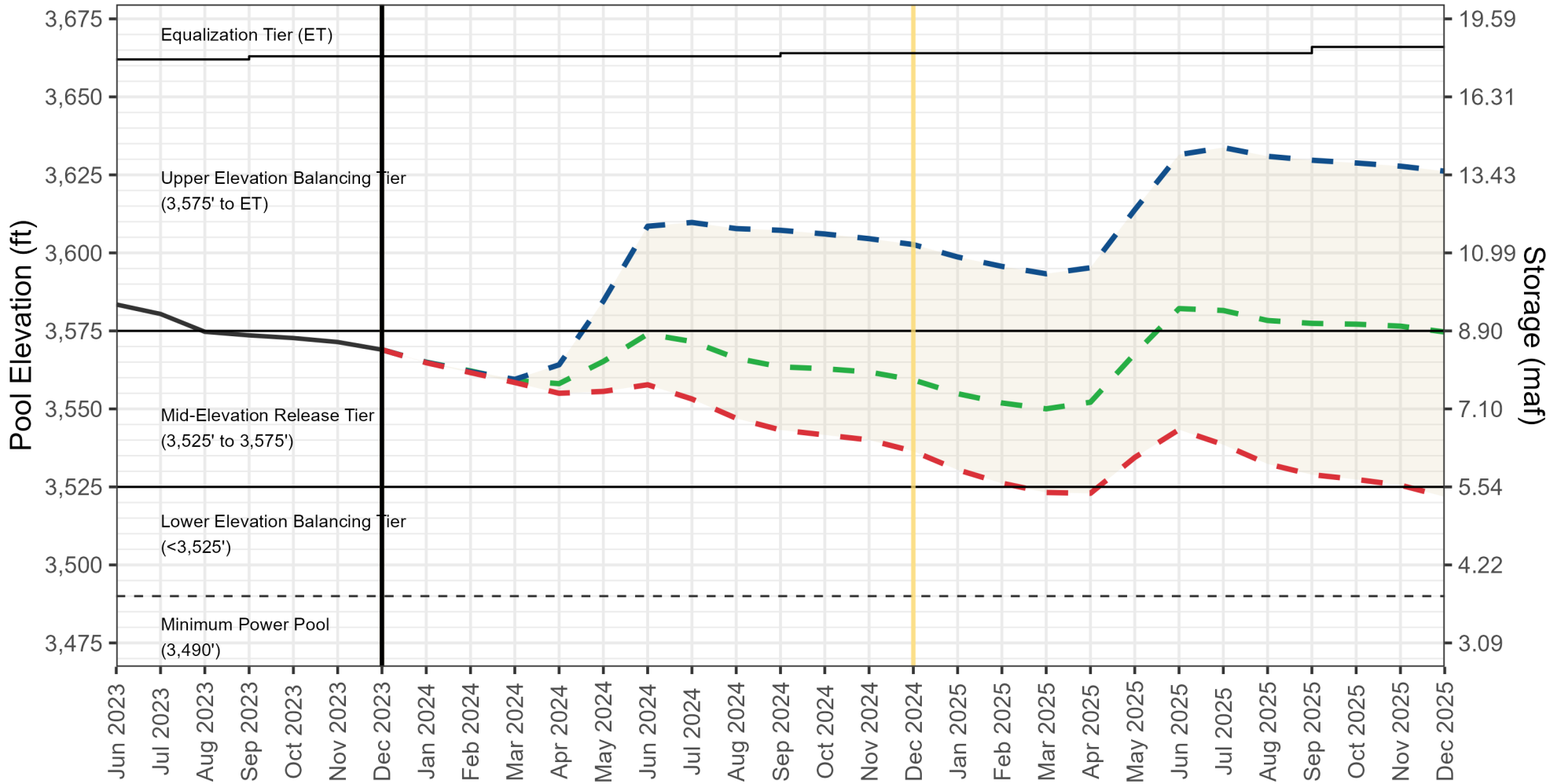
## Water Year 2024 Forecast *(issued January 4)*

### Comparison with History



# Lake Powell End-of-Month Elevations

## Projections from January 2024 24-Month Study Inflow Scenarios

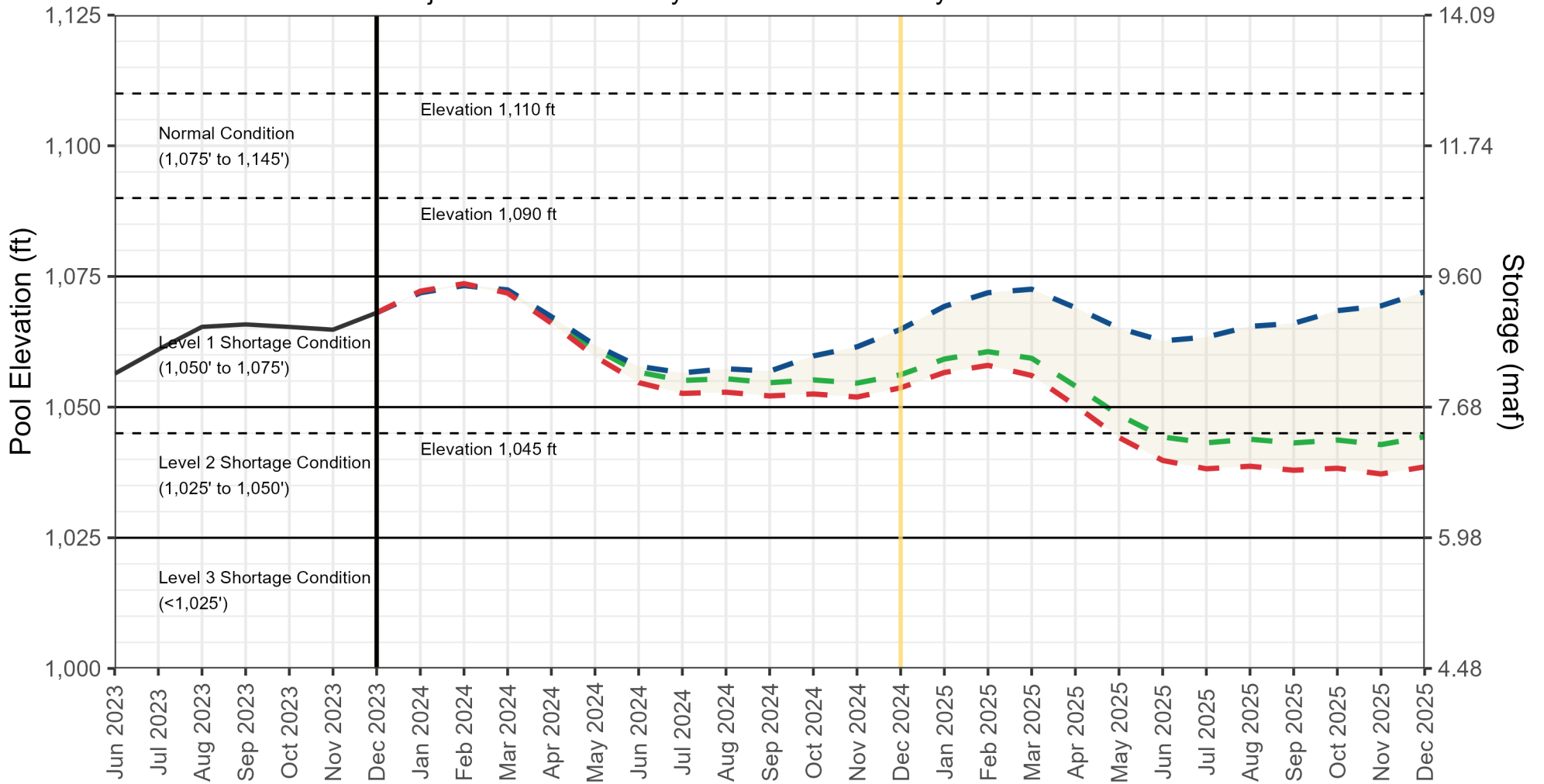


- Historical Elevations
- - - January 2024 Most Probable Inflow with a Lake Powell release of 7.48 maf in WY 2024 and WY 2025
- - - January 2024 Probable Maximum Inflow with a Lake Powell release of 7.48 maf in WY 2024 and 9.00 maf in WY 2025
- - - January 2024 Probable Minimum Inflow with a Lake Powell release of 7.48 maf in WY 2024 and WY 2025

The Drought Response Operations Agreement (DROA) is available online at <https://www.usbr.gov/dcp/finaldocs.html>.  
 Feb. 14-19, 2024 SWCD Regular Board Meeting Packet

# Lake Mead End-of-Month Elevations

## Projections from January 2024 24-Month Study Inflow Scenarios



- Historical Elevations
- January 2024 Most Probable Inflow with a Lake Powell release of 7.48 maf in WY 2024 and WY 2025
- January 2024 Probable Maximum Inflow with a Lake Powell release of 7.48 maf in WY 2024 and 9.00 maf in WY 2025
- January 2024 Probable Minimum Inflow with a Lake Powell release of 7.48 maf in WY 2024 and WY 2025

The Drought Response Operations Agreement (DROA) is available online at <https://www.usbr.gov/dcp/finaldocs.html>.  
 Feb. 14-19, 2024 SWCD Regular Board Meeting Packet

# Comparison of Current (January 2024) and Last Published (August 2023) CRMMS-ESP 5-Year Projections

## Chance of Lake Powell Falling Below Critical Reservoir Elevations in any Month of the Water Year (WY)

|  | Run                 | WY 2024   | WY 2025    | WY 2026    | WY 2027 <sup>1</sup> | WY 2028 <sup>1</sup> |
|--|---------------------|-----------|------------|------------|----------------------|----------------------|
| <b>Lake Powell less than 3,525 feet</b>                              | August 2023         | 0%        | 7%         | 13%        | 13%                  | 13%                  |
|  | <b>January 2024</b> | <b>0%</b> | <b>13%</b> | <b>13%</b> | <b>23%</b>           | <b>17%</b>           |
|  | Difference          | 0%        | 6%         | 0%         | 10%                  | 4%                   |
| <b>Lake Powell less than 3,490 feet<br/>(minimum power pool)</b>     | August 2023         | 0%        | 0%         | 0%         | 0%                   | 3%                   |
|  | <b>January 2024</b> | <b>0%</b> | <b>0%</b>  | <b>7%</b>  | <b>7%</b>            | <b>7%</b>            |
|  | Difference          | 0%        | 0%         | 7%         | 7%                   | 4%                   |
| <b>Lake Powell less than 3,375 feet<br/>(dead pool = 3,370 feet)</b> | August 2023         | 0%        | 0%         | 0%         | 0%                   | 0%                   |
|  | <b>January 2024</b> | <b>0%</b> | <b>0%</b>  | <b>0%</b>  | <b>0%</b>            | <b>0%</b>            |
|  | Difference          | 0%        | 0%         | 0%         | 0%                   | 0%                   |

All results are computed based on projected physical elevations for Lake Powell.

<sup>1</sup> For modeling purposes, simulated years beyond 2026 assume a continuation of the 2007 Interim Guidelines, the 2019 Colorado River Basin Drought Contingency Plans, and Minute 323, including the Binational Water Scarcity Contingency Plan. Except for certain provisions related to ICS recovery and Upper Basin demand management, operations under these agreements are in effect through 2026. Reclamation initiated the process to develop operations for post-2026 in June 2023, and the modeling assumptions described here are subject to change for the analysis to be used in that process.



# Comparison of Current (January 2024) and Last Published (August 2023) CRMMS-ESP 5-Year Projections

## Chance of Lake Mead Falling Below Critical Reservoir Elevations in any Month of the Calendar Year

|  | Run                 | 2024      | 2025      | 2026      | 2027 <sup>1</sup> | 2028 <sup>1</sup> |
|--|---------------------|-----------|-----------|-----------|-------------------|-------------------|
| <b>Lake Mead less than 1,020 feet</b>                          | August 2023         | 0%        | 0%        | 3%        | 10%               | 7%                |
|  | <b>January 2024</b> | <b>0%</b> | <b>0%</b> | <b>3%</b> | <b>13%</b>        | <b>13%</b>        |
|  | Difference          | 0%        | 0%        | 0%        | 3%                | 6%                |
| <b>Lake Mead less than 1,000 feet</b>                          | August 2023         | 0%        | 0%        | 0%        | 0%                | 3%                |
|  | <b>January 2024</b> | <b>0%</b> | <b>0%</b> | <b>0%</b> | <b>0%</b>         | <b>3%</b>         |
|  | Difference          | 0%        | 0%        | 0%        | 0%                | 0%                |
| <b>Lake Mead less than 950 feet<br/>(minimum power pool)</b>   | August 2023         | 0%        | 0%        | 0%        | 0%                | 0%                |
|  | <b>January 2024</b> | <b>0%</b> | <b>0%</b> | <b>0%</b> | <b>0%</b>         | <b>0%</b>         |
|  | Difference          | 0%        | 0%        | 0%        | 0%                | 0%                |
| <b>Lake Mead less than 900 feet<br/>(dead pool = 895 feet)</b> | August 2023         | 0%        | 0%        | 0%        | 0%                | 0%                |
|  | <b>January 2024</b> | <b>0%</b> | <b>0%</b> | <b>0%</b> | <b>0%</b>         | <b>0%</b>         |
|  | Difference          | 0%        | 0%        | 0%        | 0%                | 0%                |

All results are computed based on projected physical elevations for Lake Mead.

<sup>1</sup> For modeling purposes, simulated years beyond 2026 assume a continuation of the 2007 Interim Guidelines, the 2019 Colorado River Basin Drought Contingency Plans, and Minute 323, including the Binational Water Scarcity Contingency Plan. Except for certain provisions related to ICS recovery and Upper Basin demand management, operations under these agreements are in effect through 2026. Reclamation initiated the process to develop operations for post-2026 in June 2023, and the modeling assumptions described here are subject to change for the analysis to be used in that process.



# Upper Basin – Lake Powell

## Percent of Traces with Event or System Condition

### Results from January 2024 CRMMS-ESP (values in percent)

| Event or System Condition   | 2024 | 2025 | 2026 | 2027 <sup>5</sup> | 2028 <sup>5</sup> |
|---|------|------|------|-------------------|-------------------|
| <b>Equalization Tier (Powell ≥ Equalization [EQ] Elevation)</b>                 | 0    | 0    | 7    | 17                | 17                |
| <i>Equalization – annual release &gt; 8.23 maf</i>                              | 0    | 0    | 7    | 17                | 17                |
| <i>Equalization – annual release = 8.23 maf</i>                                 | 0    | 0    | 0    | 0                 | 0                 |
| <b>Upper Elevation Balancing Tier (Powell &lt; EQ Elevation and ≥ 3,575 ft)</b> | 0    | 30   | 43   | 43                | 50                |
| <i>Upper Elevation Balancing – annual release &gt; 8.23 maf</i>                 | 0    | 23   | 40   | 43                | 47                |
| <i>Upper Elevation Balancing – annual release = 8.23 maf</i>                    | 0    | 0    | 3    | 0                 | 3                 |
| <i>Upper Elevation Balancing – annual release &lt; 8.23 maf</i>                 | 0    | 7    | 0    | 0                 | 0                 |
| <b>Mid-Elevation Release Tier (Powell &lt; 3,575 and ≥ 3,525 ft)</b>            | 100  | 63   | 40   | 20                | 20                |
| <i>Mid-Elevation Release – annual release = 8.23 maf</i>                        | 0    | 0    | 0    | 0                 | 0                 |
| <i>Mid-Elevation Release – annual release = 7.48 maf</i>                        | 100  | 63   | 40   | 20                | 20                |
| <b>Lower Elevation Balancing Tier (Powell &lt; 3,525 ft)</b>                    | 0    | 7    | 10   | 20                | 13                |
| <i>Lower Elevation Balancing – annual release &gt; 8.23 maf</i>                 | 0    | 0    | 0    | 7                 | 7                 |
| <i>Lower Elevation Balancing – annual release &lt; 8.23 maf</i>                 | 0    | 7    | 10   | 13                | 7                 |

Notes:

<sup>1</sup> Modeled operations include the 2007 Interim Guidelines, Upper Basin Drought Response Operations, Lower Basin Drought Contingency Plan, and Minute 323, including the Binational Water Scarcity Contingency Plan.

<sup>4</sup> Reservoir conditions for 2024-2028 were simulated using the January 2024 CRMMS in ensemble mode using the CBRFC unregulated inflow forecast ensemble (CRMMS-ESP) dated January 4, 2024.

<sup>5</sup> For modeling purposes, simulated years beyond 2026 assume a continuation of the 2007 Interim Guidelines, the 2019 Colorado River Basin Drought Contingency Plans, and Minute 323, including the Binational Water Scarcity Contingency Plan. Except for certain provisions related to ICS recovery and Upper Basin demand management, operations under these agreements are in effect through 2026. Reclamation initiated the process to develop operations for post-2026 in June 2023, and the modeling assumptions described here are subject to change for the analysis to be used in that process.

<sup>6</sup> Percentages shown in this table may not be representative of the full range of future possibilities that could occur with different modeling assumptions.

<sup>7</sup> Percentages shown may not sum to 100% due to round to the nearest percent.

Feb. 14-15, 2024



# Lower Basin – Lake Mead

## Percent of Traces with Event or System Condition

### Results from January 2024 CRMMS-ESP (values in percent)

| Event or System Condition  | 2024 | 2025 | 2026 | 2027 <sup>5</sup> | 2028 <sup>5</sup> |
|--|------|------|------|-------------------|-------------------|
| <b>Surplus Condition – any amount (Mead ≥ 1,145 ft)</b>                          | 0    | 0    | 0    | 0                 | 0                 |
| Surplus – Flood Control  | 0    | 0    | 0    | 0                 | 0                 |
| <b>Normal or ICS Surplus Condition (Mead &lt; 1,145 and &gt; 1,075 ft)</b>       | 0    | 10   | 17   | 20                | 20                |
| Recovery of DCP ICS / Mexico’s Water Savings (Mead >/≥ 1,110 ft)                 | 0    | 0    | 0    | 3                 | 10                |
| DCP Contribution / Mexico’s Water Savings (Mead ≤ 1,090 and > 1,075 ft)          | 0    | 10   | 17   | 13                | 3                 |
| <b>Shortage Condition – any amount (Mead ≤ 1,075 ft)</b>                         | 100  | 90   | 83   | 80                | 80                |
| <i>Shortage / Reduction – 1<sup>st</sup> level (Mead ≤ 1,075 and ≥ 1,050)</i>    | 100  | 90   | 47   | 40                | 43                |
| DCP Contribution / Mexico’s Water Savings (Mead ≤ 1,075 and > 1,050 ft)          | 100  | 90   | 47   | 40                | 43                |
| <i>Shortage / Reduction – 2<sup>nd</sup> level (Mead &lt; 1,050 and ≥ 1,025)</i> | 0    | 0    | 37   | 33                | 30                |
| DCP Contribution / Mexico’s Water Savings (Mead ≤ 1,050 and > 1,045 ft)          | 0    | 0    | 27   | 7                 | 10                |
| DCP Contribution / Mexico’s Water Savings (Mead ≤ 1,045 and > 1,040 ft)          | 0    | 0    | 7    | 10                | 0                 |
| DCP Contribution / Mexico’s Water Savings (Mead ≤ 1,040 and > 1,035 ft)          | 0    | 0    | 3    | 7                 | 7                 |
| DCP Contribution / Mexico’s Water Savings (Mead ≤ 1,035 and > 1,030 ft)          | 0    | 0    | 0    | 3                 | 3                 |
| DCP Contribution / Mexico’s Water Savings (Mead ≤ 1,030 and ≥/ > 1,025 ft)       | 0    | 0    | 0    | 7                 | 10                |
| <i>Shortage / Reduction – 3<sup>rd</sup> level (Mead &lt; 1,025)</i>             | 0    | 0    | 0    | 7                 | 7                 |
| DCP Contribution / Mexico’s Water Savings (Mead </≤ 1,025 ft)                    | 0    | 0    | 0    | 7                 | 7                 |

Notes:

<sup>1</sup> Modeled operations include the 2007 Interim Guidelines, Upper Basin Drought Response Operations, Lower Basin Drought Contingency Plan, and Minute 323, including the Binational Water Scarcity Contingency Plan.

<sup>4</sup> Reservoir conditions for 2024-2028 were simulated using the January 2024 CRMMS in ensemble mode using the CBRFC unregulated inflow forecast ensemble (CRMMS-ESP) dated January 4, 2024.

<sup>5</sup> For modeling purposes, simulated years beyond 2026 assume a continuation of the 2007 Interim Guidelines, the 2019 Colorado River Basin Drought Contingency Plans, and Minute 323, including the Binational Water Scarcity Contingency Plan. Except for certain provisions related to ICS recovery and Upper Basin demand management, operations under these agreements are in effect through 2026. Reclamation initiated the process to develop operations for post-2026 in June 2023, and the modeling assumptions described here are subject to change for the analysis to be used in that process.

<sup>6</sup> Percentages shown in this table may not be representative of the full range of future possibilities that could occur with different modeling assumptions.

<sup>7</sup> Percentages shown may not sum to 100% due to round to the nearest percent.





# Water Measurement Rules Now in Effect for Yampa, White, Green, and North Platte River Basins

(Steamboat Springs) - The Colorado Division of Water Resources announced that as of January 16, 2024, new rules governing the measurement of surface and groundwater diversions and storage are now in effect for Division 6. The division includes the Yampa, White, Green and North Platte River basins.

“The Division 6 Measurement Rules are the first set of rules covering surface water measurement in the State of Colorado and are a significant milestone for the Division of Water Resources,” said Erin Light, Division 6 Engineer. “The adoption of the rules will provide the Division of Water Resources greater leverage in assuring that the diversion and use of water is administerable and properly measured and recorded.”

For background, Colorado statutes include a requirement that owners of ditches and reservoirs install headgates where water is taken from the natural stream. These statutes also give the state and division engineer the authority to require owners and users of water rights to install measuring devices.

“Accurate measurement of diversions is critical to protect Colorado’s entitlement to water, including under the Colorado River Compact, and to ensure we are maximizing the beneficial use of the public’s water resource for consumptive and environmental purposes,” said Jason Ullmann, Deputy State Engineer.

The statutes, however, do not include any specifics regarding what is considered an acceptable headgate or measuring device. Historically, it has been administered by the Division of Water Resources (DWR) through issuing orders to owners for the installation of headgates or measuring devices.

“Over several years, Division 6 has issued hundreds of orders for the installation of operable headgates and measuring devices with varying degrees of success,” said Division Engineer Light. “I believe that these rules will help water users in Division 6 by providing clarity regarding what structures require measurement and what is considered an acceptable level of accuracy for the required measurement methods.”

The rules describe two types of measurement methods: measuring devices, which are physical devices (flumes, weirs, etc) that are placed in a diversion for measurement. Then there are alternative measurement methods, which are typically indirect methods of measuring flow rates without a physical device.

Water users are provided the following time periods to comply with the rules:  
Diversion structures with a capacity or water rights greater than or equal to 5.0 cfs - 12 months (January 16, 2025);  
Diversion structures with a capacity or water rights greater than or equal to 2.0 cfs and less than 5.0 cfs - 18 months (July 16, 2025);

Diversion structures with a capacity or water rights less than 2.0 cfs - 24 months (January 16, 2026);

Reservoirs with a capacity or water rights greater than or equal to 5.0 AF - 12 months (January 16, 2025);

Reservoirs with a capacity or water rights less than 5.0 AF - 24 months (January 16 2026).

Water users unsure of their decreed water right or permitted well permit flow rates and volumes can use DWR's online tools available through CDSS (<https://dwr.state.co.us/Tools/>) to find this information. Anyone who has questions regarding how these Rules apply to their diversion or how to install a measuring device on their system can contact the DWR's Division 6 Lead Hydrographer at (970) 291-6551. [The Rules are available on the DWR website as a Laserfiche imaged document.](#)

**STATE ENGINEER’S STATEMENT OF BASIS AND PURPOSE FOR RULES AND REGULATIONS  
GOVERNING THE MEASUREMENT OF SURFACE WATER AND GROUNDWATER DIVERSIONS AND  
STORAGE, RELEASE, AND DELIVERY OF WATER LOCATED IN WATER DIVISION 6**

DATE FILED: October 28, 2022 3:11 PM  
FILING ID: 464D865B9EFC4  
CASE NUMBER: 2022CW3102

This Statement of Basis and Purpose has been prepared to elaborate upon and clarify the reason for and intent of the Rules and Regulations Governing the Measurement of Surface Water and Groundwater Diversions and Storage of Water Located in Division 6 (“Division 6 Measurement Rules” or “Rules”). The purpose of the Rules generally is to establish consistent and reliable standards to assist the State Engineer and Division Engineer for Water Division 6 in the administration, distribution, and regulation of the waters of the state in Water Division 6. Capitalized terms used in this Statement of Basis and Purpose take the meanings assigned to them in the Rules.

**I. Purpose**

Historically, the Division Engineer for Water Division 6 would issue individual orders for the installation or repair of Headgates and Measuring Devices for any Diversions without existing or workable Headgates or Measuring Devices when a stream system became subject to an administrative call or when the Diversion was identified as a key administration point. The need for administrative calls in Water Division 6 has increased in recent decades due to reduced water supplies caused by drought conditions and increased demands for new water uses and rights. In many areas, Water Division 6 has experienced multiple years where unprecedented administrative calls occurred, highlighting the tightening of supplies and increased competition for the limited water resource. These circumstances have resulted in new and complex water court decrees, augmentation plans, exchanges, reservoir operations, and determinations of additional areas where enhanced water administration is required. More robust measurement of Diversions is needed to ensure that water is optimally delivered and used by Owners and Users of vested water rights in Water Division 6. The Rules are therefore necessary to respond to the needs of the Water Users and the Division Engineer under these circumstances.

**II. Authority for Proposed Rulemaking**

**A. Statutory Authority for the Installation of Headgates and Measuring Devices**

The Colorado Revised Statutes set forth responsibilities of Water Users and Owners in article 84 of title 37. Sections 37-84-112 through -117, C.R.S., establish certain responsibilities related to the installation of Headgates and Measuring Devices, including the installation of gage rods and capacity tables associated with water storage structures, where necessary, in connection with taking water from any stream or controlling water at all ordinary stages. The State Engineer is authorized to order any Owner or User of a water right to install and maintain, at such owner’s or user’s expense, necessary meters, gages, or other measuring devices and to report at reasonable times to the appropriate Division Engineer the readings of such meters, gages, or other measuring devices, pursuant to section 37-92-502(5)(a), C.R.S. In addition, section 37-92-502(5)(b), C.R.S., authorizes the State Engineer to order any person or company supplying energy used to pump groundwater to provide, at reasonable times to the appropriate Division Engineer, records of energy used to pump groundwater. However, this statutory section

is relevant only when the person or company is using the amount of energy consumed as the Measurement Method to determine the amount of water so diverted.

### B. Authority for Proposed Rulemaking

Section 37-80-102(g), C.R.S., vests rulemaking authority for the Division of Water Resources in the State Engineer. Section 37-92-501, C.R.S., authorizes the State Engineer to adopt rules and regulations to assist in the performance of the administration, distribution, and regulation of the waters of the state in accordance with the constitution of the State of Colorado, the provisions of Article 92 (The Water Right Determination and Administration Act of 1969), and other applicable laws.

### III. Public Process for Developing the Rules

Prior to initiating the formal rulemaking process in Water Court for Water Division 6, the State Engineer held stakeholder meetings, released drafts of the Rules, circulated comment forms to stakeholders and interested parties to solicit public feedback and input on the draft Rules, and then released updated drafts of the Rules based on that feedback. In October 2021, the State Engineer held six in-person stakeholder meetings in Water Division 6 in Steamboat Springs, Oak Creek, Rangely, Meeker, Walden, and Craig. The State Engineer also held a virtual stakeholder meeting in November 2021, via Zoom. In February 2022, the State Engineer circulated comment forms and a copy of the revised draft Rules to stakeholders, persons on the notification list, and persons who provided contact information to the State Engineer during the stakeholder meetings. And in June and July 2022, the State Engineer held four additional in-person stakeholder meetings in Water Division 6 in Meeker, Walden, Steamboat Springs, and Craig. Finally, the State Engineer held a virtual stakeholder meeting in July 2022, via Zoom.

All stakeholder meetings were open to the public and noticed on the State Engineer's website, and email notice was sent to all persons who provided contact information or who signed up on the notification list and on the water commissioner contact lists. At all times during the stakeholder process, a working draft of the Rules was posted on the Division of Water Resources website. As the State Engineer responded to stakeholder input with amended draft versions of the Rules, each updated version of the draft Rules was posted on the Division of Water Resources website, shared with the notification list, and presented at the public stakeholder meetings to invite additional review and comment. In addition, all stakeholder comments submitted on the February 2022 comment forms were compiled into a table with the State Engineer's responses and posted on the Division of Water Resources website.

During the stakeholder meetings in 2021, the State Engineer provided general information on water administration in Colorado; background on what Measuring Devices are and how they are used; recordkeeping, recording, and reporting procedures; the purpose and need for the proposed rules; the rulemaking process; and a detailed walk-through of the draft Rules.

Pursuant to stakeholder feedback received during the 2021 and 2022 stakeholder process, the Rules were revised by the State Engineer. The stakeholder meetings in 2022 focused on the changes to the draft Rules. The State Engineer presented a brief overview of the purpose and

need for the proposed rules, the rulemaking process and water court venue, and a detailed walk-through of the draft Rules with particular focus on any changes made.

Virtual meetings via Zoom were offered to provide a venue given ongoing COVID-19 concerns, to accommodate more schedules, and to solicit wider input from the public to provide feedback.

#### **IV. Overview of the Rules and Mechanisms for Compliance**

##### **Rules 1 and 2: Title and Authority**

Rules 1 and 2 state the title and statutory authority for the Rules, which are discussed in Sections I and II, above.

##### **Rule 3: Scope and Purpose**

###### **Rule 3.1: Scope**

Rule 3.1 defines the scope of the Rules and cites specific exceptions to which the Rules do not apply. The Rules apply to all surface water and groundwater Diversions and storage of water, unless a particular Diversion is specifically listed as an exception in the Rules. A Diversion means removing water from its natural course or location, or controlling water in its natural course or location, by means of a control structure, ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure. For purposes of the Rules, the definition of a Diversion does not include instream flow water rights and such rights do not fall within the scope of the Rules.

Importantly, nothing in these Rules exempts Water Users from the requirements of any other laws, rules, or water court decrees governing the use, diversion, and administration of surface water and groundwater in Water Division 6.

The exceptions to the Rules along with the bases for the exceptions are as follows:

(1) Permitted or unregistered wells that operate pursuant to the provisions of section 37-92-602(1), C.R.S. Such wells are either issued under a finding of no injury, or are presumed by state statute to not cause material injury to the vested water rights of others and are exempt from administration under the prior appropriation system. For the purpose of determining the amount of diversion, the limited nature of these uses constitute one frequently-sufficient basis to develop an accurate estimate of the diverted amount. The State and Division Engineers retain their discretion to order measurement of such wells on a case-by-case basis, as reasonably necessary, outside of the requirements of these Rules.

(2) Ponds used for the limited purposes of livestock watering, wildlife watering, fire protection, or any combination thereof that do not intercept groundwater and are not filled by a Diversion from a stream. The majority of the ponds that fall within this category are located on ephemeral, normally dry streams, or capture only surface runoff. Furthermore, these ponds are

relatively small and result in minimal depletions when used only for these limited purposes. For the purpose of determining the amount of diversion, the limited nature of these uses constitute one frequently-sufficient basis to develop an accurate estimate of the diverted amount. The State and Division Engineers retain their discretion to order measurement for such ponds on a case-by-case basis, as reasonably necessary, outside of the requirements of these Rules.

(3) Head stabilization ponds. These ponds do not constitute storage of water because water is not stored for more than 72 hours, nor are they considered a diversion of water independent of the diversion under the water right used to supply the ponds. Instead, head stabilization ponds are a part of the conveyance and application of water, usually for crop irrigation, and while they are subject to the Division Engineer's administrative authority, their measurement is not generally necessary because the measurement already took place at the Diversion. The State and Division Engineers retain their discretion to order measurement for such ponds on a case-by-case basis, as reasonably necessary, outside the requirements of these Rules.

(4) Surface diversions (including springs) used for the limited purposes of domestic use in no more than three single-family dwellings, fire protection, watering of domestic animals, the irrigation of not over one acre of home gardens and lawns, livestock watering, wildlife watering, or any combination thereof. For the purpose of determining the amount of diversion, the limited nature of these uses constitute one frequently-sufficient basis to develop an accurate estimate of the diverted amount. The State and Division Engineers retain their discretion to order Headgates and measurements of such diversions on a case-by-case basis, as reasonably necessary, outside the requirements of these Rules.

(5) Erosion control dams subject to section 37-87-122, C.R.S. Such dams are located on channels considered to be normally dry. Any such structure constructed with a capacity in excess of 2 AF must be equipped with an ungated outlet tube. These structures do not store water for later beneficial use.

(6) Diversion Structures that have been declared to be inactive in accordance with the Rules. These structures may physically exist, but no water is Diverted.

### Rule 3.2: Purpose

Rule 3.2 explains the purposes of the Rules and makes it clear that nothing in the Rules is designed to allow an expanded or unlawful use of water.

### **Rule 4: Definitions**

Rule 4 lists all defined terms used in the Rules so that their meaning is clearly understood. Generally, any term that is defined in articles 87, 90, and 92 of title 37 of the Colorado Revised Statutes has the same meaning as defined in statute and is not separately defined in these Rules. However, for the purpose of clarifying these Rules, several of the defined terms in this Rule have established meanings in statute and have cited references where applicable.

## **Rule 5: Headgate Requirements**

Rule 5 sets forth requirements for the installation of Headgates. For certain Diversions, pumps may be considered a Headgate.

## **Rule 6: Measurement Methods and Recording Requirements**

The general purpose of the Rules, as stated in Rule 3.2, "...is to establish consistent and reliable standards to assist the State Engineer and Division Engineer in the administration, distribution, and regulation of the waters of the state in Water Division 6." Rule 3.2.1 more specifically describes the purpose of establishing standards for Measurement Methods and Diversion Structures. Rule 6.1 accomplishes those purposes by describing minimum standards for Measurement Methods, whether the Measurement Method is a Measuring Device or an Alternative Measurement Method, and it establishes a consistent standard for compliance in Water Division 6. Consistent standards allow Water Users to know the expectations in order to comply with the Rules. Specifically, Water Users know what components of the Diversion or Reservoir operation must be measured (Rule 6.1.1); the accuracy standards for Diversion Structures at different Flow Rates (Rules 6.1.2–6.1.4); the standards for location and operational maintenance (Rules 6.1.5–6.1.6); and the standards for providing rating tables, stage-storage tables, or other information necessary to allow for accurate determination of Flow Rates, Total Volume, or both (Rule 6.1.8).

Rules 6.1.9–6.1.10 provide the standards for Measurement Methods for Off-Stream Reservoirs and On-Stream Reservoirs.

In the event that a Diversion Structure must be equipped with a Recording Device, Rule 6.2 provides minimum standards for the installation and operation of that Recording Device.

Rule 6.3 states that the Division Engineer has the discretion to allow a different Measurement Method on a temporary basis if the previously accepted Measurement Method is incapable of accurately measuring the necessary components of the Diversion or Reservoir's use.

Rules 6.4.1 and 6.4.2 set forth requirements for verification of Measurement Methods. Rule 6.4.1 provides that if a Measuring Device is properly installed and maintained and has a standard or accepted rating table, the Division Engineer will not require additional verification of the accuracy of the device. The Division Engineer or their staff will have the discretion to determine whether the Measuring Device is properly installed and maintained such that it continues to be operational. Note that this standard is not applicable to an Alternative Measurement Method, which, as described in Rule 7, will require the Water User to submit more detailed information to the Division Engineer for review and to obtain approval.

Rule 6.4.2 describes the Division Engineer's authority to require verification of a Measurement Method's accuracy. For most Measuring Devices, if properly installed and maintained in compliance with Rule 6.1, the Division Engineer likely will not need to exercise that authority.

Rule 6.4.3 describes the standard for the frequency of verification of an Alternative Measurement Method. The remainder of Rule 6.4 describes the standards for conducting the verification of any Measurement Method's accuracy.

All of these standards in Rule 6 are necessary to facilitate the most efficient process for the Water User when taking steps to comply with the Rules and also lead to the most efficient application and enforcement of the Rules for the Division Engineer.

### **Rule 7: Approval**

Rule 7 requires that the Water Commissioner or the Division Engineer approve each Measurement Method and explain the process to obtain approval of a Measuring Device or an Alternative Measurement Method. A Measuring Device is a Measurement Method that is typically a permanently installed device, such as a flume, weir, or totalizing flow meter, which is used to directly determine the Flow Rate; the Total Volume, including the volume of water stored in a Reservoir; or both. These standard devices are used to measure water that, when properly installed and maintained, meet the accuracy requirements set forth in the Rules. An Alternative Measurement Method, on the other hand, is a Measurement Method that does not meet the definition of a Measuring Device and must be approved by the Division Engineer. To obtain approval of an Alternative Measurement Method, the Water User must provide the basis for the use of an Alternative Measurement Method and provide evidence that it will operate according to the accuracy standards identified in the Rules. Once the Alternative Measurement Method is installed and used, the Water User must provide evidence to the Division Engineer that the Measurement Method meets the accuracy requirements.

For a Measurement Method that was installed prior to the effective date of these Rules, a Water User can obtain approval of the Measurement Method from the Water Commissioner or Division Engineer, and such approval shall specify whether and how the Measurement Method complies with these Rules.

### **Rule 8: Data Recording and Submission**

In recognition of the importance of recording and reporting of measurement data, Rule 8 provides that the recording and submission of data will be a cooperative effort between the Water User and Water Commissioner. The Division Engineer may order Water Users to report at reasonable times the readings of Measurement Methods pursuant to section 37-92-502(5)(a), C.R.S.

### **Rule 9: Inactive Diversion Structures**

Rule 9 describes the process to declare a Diversion Structure as inactive with the Division Engineer, in order to exclude the Diversion Structure from application of these Rules. Water Users must notify the Division Engineer before using a Diversion Structure declared as inactive. Before using such an inactive Diversion Structure, Water Users must receive approval from the Division Engineer that the Diversion Structure and Measurement Method comply with these Rules.



**Rule 10: Noncompliance**

Rule 10 addresses enforcement for noncompliance with the Rules.

**Rule 11: Variance**

Rule 11 describes the process by which the Division Engineer may grant a variance to these Rules when the strict application of these Rules presents practical difficulties or may cause undue hardship. Any request for a variance shall be made to the Division Engineer and will be granted or denied at the sole discretion of the Division Engineer. The Division Engineer may impose any additional terms and conditions to a variance as are necessary in accordance with the Rules.

**Rule 12: Effect of Rules**

Rule 12 states that these Rules do not exempt any Water User from any other requirements of any other laws, rules, or water court decrees.

**Rule 13: Process to Appeal a Decision to the State Engineer under these Rules**

Rule 13 describes the process to appeal a decision made under the Rules to the State Engineer. Appeals to the State Engineer will proceed in accordance with the State Engineer's Procedural Rules, 2 CCR 402-5. The intent of Rule 13 is to provide a timely and less expensive alternative to a person adversely affected by a decision of the Division Engineer under these Rules. Any final determinations by the State Engineer are subject to judicial review under the State Administrative Procedures Act.

**Rule 14: Severability**

Rule 14 explains that if any rule, or part of a rule, is found to be invalid, the remaining rules remain in full force and effect.

**Rule 15: Revisions**

Rule 15 explains that the Rules may be revised in accordance with applicable law.

**Rule 16: Statement of Basis and Purpose Incorporated by Reference**

Rule 16 incorporates this Statement of Basis and Purpose as part of the Rules.

**Rule 17: Phase In**

To allow Water Users sufficient time to acquire and install Headgates, Measuring Devices, and any other equipment necessary, Rule 17 sets forth the time frame within which Water Users are required to come into compliance with the Rules.

**Rule 18: Effective Date**

Rule 18 sets forth the effective date of the Rules. If protests are filed, the Rules will be stayed until judicial resolution, and the effective date will be the date on which all protests have been resolved, or April 1, 2023, whichever date is later.

|  |   |
|--|---|
| DISTRICT COURT, WATER DIVISION 6<br>Routt County Justice Center<br>1955 Shield Drive, Unit 200<br>Steamboat Springs, CO 80487<br>(970) 879-5020  | DATE FILED: January 16, 2024 12:46 PM<br>CASE NUMBER: 2022CW3102  |
| <b>IN THE MATTER OF THE RULES AND REGULATIONS FOR GOVERNING THE MEASUREMENT OF SURFACE AND GROUNDWATER DIVERSIONS AND STORAGE, RELEASE, AND DELIVERY OF WATER LOCATED IN WATER DIVISION 6</b><br><br>IN ROUTT, JACKSON, MOFFAT, GRAND, GARFIELD, AND RIO BLANCO COUNTIES, COLORADO | ▲ COURT USE ONLY ▲<br><br>Case No. 2022CW3102<br>Water Division 6 |
| <b>FINAL JUDGMENT CONFIRMING RESOLUTION OF ALL PROTESTS TO THE PROPOSED RULES</b>  |   |

THIS MATTER comes before the Court upon the State Engineer’s Motion for Final Judgment Confirming Resolution of all Protests to the Proposed Rules. The Court, having reviewed the motion and being otherwise fully advised finds as follows:

1. On October 28, 2022, acting pursuant to the authority granted to him under sections 37-92-501 and 37-80-104, C.R.S., the State Engineer adopted the “Rules and Regulations for Governing the Measurement of Surface and Groundwater Diversions and Storage of Water Located in Water Division 6” (“Proposed Rules”).
2. The Proposed Rules are attached as Attachment A.
3. Contemporaneously with the State Engineer’s adoption of the Proposed Rules, the State Engineer filed the Proposed Rules with the Water Court for Water Division No. 6. In accordance with section 37-92-501(2)(g), C.R.S., the Proposed Rules were then published in the counties where measurement of surface and groundwater diversions and storage, release, and delivery of water exist, and the Proposed Rules were published in the October 2022 resume for Water Division No. 6.
4. On December 29, 2022, the State Engineer filed a Notice of Filing Proofs of Publication, confirming that the Proposed Rules were published in newspapers of general circulation in the counties of Moffat, Jackson, Grand, Garfield, Rio Blanco, and Routt.
5. Under section 37-92-501(3)(a), C.R.S., any person desiring to protest the Proposed Rules could do so in the same manner as provided in section 37-92-304, C.R.S., for the protest of a ruling of the water referee.

6. The following parties filed protests to the Proposed Rules:

- a. City of Fort Collins
- b. Colowyo Coal Company L.P.
- c. Mr. Don Johnson
- d. Upper Yampa Water Conservancy District
- e. Caerus Cross Timbers LLC and Caerus Piceance LLC
- f. City of Steamboat Springs
- g. Jackson County Water Conservancy District

7. The Proposed Rules are presumed valid until shown otherwise by a preponderance of the evidence. *See Simpson v. Cotton Creek Circles, LLC*, 181 P.3d 252, 261 (Colo. 2008).

8. The Proposed Rules cannot become effective until all protests are heard and resolved. *See Simpson v. Bijou Irrigation Co.*, 69 P.3d 50, 71 (Colo. 2003).

9. All of the protests to the Proposed Rules listed in paragraph 6 of this final judgment have been resolved by stipulation. Each stipulation has been approved by this Court, and no protests remain for this Court to resolve.

10. Because all of the protests to the Proposed Rules have been heard and resolved, and no evidence that the Proposed Rules are invalid has or will be presented, the Proposed Rules are now effective.

Based upon the foregoing, this Court GRANTS the State Engineer's Motion for Final Judgment Confirming Resolution of all Protests to the Proposed Rules and ORDERS that the Proposed Rules in the form as finally submitted by the State Engineer and attached hereto as Attachment A become effective on issuance of this final judgment. The trial scheduled to commence on February 26, 2024 is vacated.

DONE AND SIGNED this 16<sup>th</sup> day of January 2024,

BY THE COURT:



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MICHAEL A. O'HARA III  
Chief Judge/Water Judge  
Water Division 6

**RULES AND REGULATIONS GOVERNING THE MEASUREMENT OF SURFACE WATER AND GROUNDWATER DIVERSIONS AND STORAGE, RELEASE, AND DELIVERY OF WATER LOCATED IN WATER DIVISION 6**

DATE FILED: October 28, 2022 4:16 PM  
FILING ID: 404D885B9EFC4  
CASE NUMBER: 2022CW3102

**ORDER OF THE STATE ENGINEER**

**IT IS ORDERED** that the following rules governing the measurement of surface water and groundwater diversions and storage, release, and delivery of water located in Water Division 6 are adopted by the State Engineer.

**Rule 1. Title**

The title of these rules and regulations is “Rules and Regulations Governing the Measurement of Surface Water and Groundwater Diversions and Storage, Release, and Delivery of Water Located in Water Division 6.” In this document these rules and regulations may be referred to as “Rules.”

**Rule 2. Authority**

In order for the State Engineer and Division Engineer for Water Division 6 to obtain information needed for the administration, distribution, and regulation of the waters in Water Division 6, it is necessary to adopt rules governing the measurement of surface water and groundwater diversions and storage, release, and delivery of water located in Water Division 6. The State Engineer’s authority to adopt these Rules is based on section 37-80-102(g), C.R.S., which vests rulemaking authority for the Division of Water Resources in the State Engineer; section 37-92-501, C.R.S., which authorizes the State Engineer to adopt rules and regulations to assist in the performance of the administration, distribution, and regulation of the waters of the state in accordance with the constitution of the State of Colorado, the provisions of article 92 of title 37, C.R.S., (The Water Right Determination and Administration Act of 1969), and other applicable laws; section 37-92-502(5)(a), C.R.S., which authorizes the State Engineer to order any owner or user of a water right to install and maintain, at such owner’s or user’s expense, necessary meters, gages, or other measuring devices and to report at reasonable times to the appropriate Division Engineer the readings of such meters, gages, or other measuring devices; and section 37-92-502(5)(b), C.R.S., which authorizes the State Engineer to order any person or company supplying energy used to pump groundwater to provide, at reasonable times to the Division Engineer, records of energy used to pump groundwater.

### **Rule 3. Scope and Purpose of the Rules**

#### **3.1 Scope**

These Rules apply to all surface water diversions, groundwater diversions, and the storage, release, and delivery of surface water and groundwater located within Water Division 6, as defined in section 37-92-201(1)(f), C.R.S., with the following exceptions:

- 3.1.1** Permitted or unregistered wells that operate pursuant to the provisions of section 37-92-602(1), C.R.S.;
- 3.1.2** Ponds used for the limited purposes of livestock watering, wildlife watering, fire protection, or any combination thereof that do not intercept groundwater and are not filled by a Diversion from a natural stream;
- 3.1.3** Head stabilization ponds that are part of the conveyance and application of water and do not Divert water independently of the Diversion under the Water Right, and do not store water for more than 72 hours;
- 3.1.4** Surface water Diversions, including springs, that are Diverted at less than 15 gallons per minute and are used for the limited purposes of domestic use in no more than three single-family dwellings, fire protection, watering of domestic animals, the irrigation of not over one acre of home gardens and lawns, livestock watering on farms and ranches, wildlife watering, or any combination thereof;
- 3.1.5** Erosion control dams, as described in section 37-87-122, C.R.S.; and
- 3.1.6** A Diversion Structure that is declared to be an Inactive Diversion Structure in accordance with Rule 9.

#### **3.2 Purpose**

The purpose of these Rules is to establish consistent and reliable standards to assist the State Engineer and Division Engineer in the administration, distribution, and regulation of water in Water Division 6. These Rules shall be liberally construed to carry out the purposes described in this Rule 3.2.

Specifically, these Rules are intended to:

- 3.2.1** Establish standards for the selection and installation of Measurement Methods and Diversion Structures or Other Structures for the purpose of controlling and measuring Diversions or measuring storage, releases, or deliveries of water.
  - 3.2.2** Establish consistent and reliable minimum standards for the recording and reporting of data for water Diversions, the storage, release, and delivery of water, and the means by which the Division Engineer will receive such data.
  - 3.2.3** Establish consistent and reliable standards for assessing compliance with the State Engineer’s and Division Engineer’s authority to implement and enforce the statutory requirement for installation of Measurement Methods and Headgates.
- 3.3** Nothing in these Rules is intended to or shall be interpreted to interfere with, constrain, or otherwise limit the right to appropriate water for beneficial use in accordance with Colorado law. These Rules do not relieve any Owner or Water User of a water right of any obligation to comply with the terms and conditions of any applicable water court decree, rule, permit, or order.

**Rule 4. Definitions**

- 4.1** Definitions: Any term used in these Rules that is defined in articles 82, 87, 90, and 92 of title 37 of the Colorado Revised Statutes has the same meaning given therein unless otherwise stated in these Rules.
- 4.1.1** “Alternative Measurement Method” means a Measurement Method that does not meet the definition of a Measuring Device and is used to determine the Flow Rate, Total Volume, or the volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose within the standards of accuracy identified in these Rules.
  - 4.1.2** “Diversion” or “Divert” means removing water from its natural course or location, or controlling water in its natural course or location, by means of a control structure, ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device, as more fully defined in section 37-92-103(7), C.R.S.
  - 4.1.3** “Diversion Structure” means a control structure, ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device designed to Divert water from its natural water course or location or control water in its natural course or location.

- 4.1.4** “Flow Rate” means instantaneous flow, usually expressed in gallons per minute (“gpm”) or cubic feet per second (“cfs”).
- 4.1.5** “Groundwater” means any water not visible on the surface of the ground under natural conditions, as defined in section 37-90-103(19), C.R.S.
- 4.1.6** “Headgate” means a structure sufficient to control the rate of Diversion of water at all ordinary stages, as more fully described in section 37-84-112(1), C.R.S.
- 4.1.7** “Inactive Diversion Structure” means a Diversion Structure for which a Water User files an affidavit, on a form prescribed by the State Engineer, with the Division Engineer declaring the Water User’s intent to not use the Diversion Structure for any Diversion or water application purpose, as more fully described in Rule 9.
- 4.1.8** “Measuring Device” means a Measurement Method that is a permanently-installed device, such as a flume, weir, staff gage associated with a stage-storage curve, or totalizing flow meter, including a totalizing flow meter that may be removed in the winter when the structure is not in use, used to directly determine the Flow Rate, Total Volume, or volume of water diverted, stored in a Reservoir, released from a Reservoir, or delivered for any purpose within the standards of accuracy identified in these Rules.
- 4.1.9** “Measurement Method” means a method used to determine the Flow Rate, Total Volume, or volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose within the standards of accuracy identified in these Rules, and includes Measuring Devices and Alternative Measurement Methods.
- 4.1.10** “Notice,” “Notify,” or “Notification” to the Division Engineer means submission of a written message to the Division Engineer by mail or email, or the submission of a completed form or other format prescribed by the State Engineer where specifically required by these Rules.
- 4.1.11** “On-Stream Reservoir” means a Reservoir that is located on a natural stream.
- 4.1.12** “Off-Stream Reservoir” means a Reservoir that is located such that a natural stream does not flow through the Reservoir and the Reservoir fills by diverting water from a natural stream by means of a control structure, ditch, canal, flume, bypass, pipeline, conduit, well, pump, or other structure or device, or is filled by spring water, stormwater runoff, precipitation, or return flows, including effluent.



- 4.1.13** “Other Structure” means a structure operated to release water from a Reservoir or operated either to return water to the natural stream or to deliver a measured amount of water for any purpose subject to administration, distribution, and regulation by the State Engineer or Division Engineer, including but not limited to a waste ditch or wasteway.
- 4.1.14** “Person” means an individual, a partnership, a corporation, a municipality, the State of Colorado, the United States, or any other legal entity, public or private, as defined in section 37-92-103(8), C.R.S.
- 4.1.15** “Qualified Tester” means a Person who either is currently certified by the State Engineer as qualified to determine the accuracy of an installed Measuring Device or Alternative Measurement Method or is a hydrographer, hydrologic technician, or professional engineer competent in such testing.
- 4.1.16** “Recording Device” means any device acceptable to the Water Commissioner or Division Engineer that is capable of recording the flow data or water level for a Diversion Structure or Other Structure.
- 4.1.17** “Reservoir,” for the purpose of these Rules, means a structure designed to impound and store water, or store and subsequently release water, for one or more beneficial uses.
- 4.1.18** “Total Volume” means the volume of water, usually expressed in acre-feet (“AF”), that is Diverted or that is stored in or released from a Reservoir over a specific period of time or is in storage in a Reservoir at a given point in time.
- 4.1.19** “Verification” or “Verified” means the test performed by a Qualified Tester to verify the accuracy of a Measuring Device or an Alternative Measurement Method.
- 4.1.20** “Water Right” means a right to use in accordance with its priority a certain portion of the waters of the state by reason of the appropriation of the same, as defined in section 37-92-103(12), C.R.S.
- 4.1.21** “Water User” or “User” means a Person who owns or uses a Diversion Structure, any Water Right decreed to the Diversion Structure, or any Other Structure. For the purposes of these Rules, “Water User,” “User,” and “Owner” may be used interchangeably.
- 4.1.22** “Well” means any structure or device used for the purpose or with the effect of obtaining groundwater for beneficial use from an aquifer, as more fully defined in section 37-92-103(14), C.R.S.

**4.2** Other Definitions. All other terms used in these Rules shall be given their usual, customary, and accepted meanings. All words of a technical or legal nature specific to the administration, distribution, and regulation of Water Rights in the State of Colorado shall be given the meaning that is generally accepted within that field.

**Rule 5. Headgate Requirements**

All Diversions of surface water within the scope of these Rules shall have a Headgate, if necessary, to control the rate of Diversion. Headgates must allow the Water Commissioner, or Owner at the direction of the Water Commissioner, to accurately adjust the Diversion of water with reasonable effort and within a reasonable amount of time and to secure the Diversion Structure at the adjusted condition so as to prevent any unauthorized Diversion or adjustment.

**Rule 6. Measurement Methods and Recording Requirements**

All Diversion Structures within the scope of these Rules shall either: (1) be equipped with a Measuring Device or an Alternative Measurement Method that meets the requirements of Rule 6.1 and is approved by the Division Engineer as described in Rule 7; or (2) be declared an Inactive Diversion Structure as described in Rule 9. For any Other Structure, a Measuring Device or Alternative Measurement Method that meets the requirements of Rule 6.1 may be required by the Division Engineer and approved by the Division Engineer as described in Rule 7. All Measurement Methods must be resistant to tampering or other physical interference.

**6.1 Measurement Method Functional Standard:**

- 6.1.1** A Measuring Device or Alternative Measurement Method must measure Flow Rate, Total Volume, or other volume of water passing through a Diversion Structure or Other Structure, depending on the defining elements of a Diversion Structure's Water Right, the purposes for other Diversions by a Diversion Structure, or the purposes of any Other Structure.
- 6.1.2** For Diversion Structures or Other Structures that have or propose Flow Rates greater than 1.0 cfs, a Measuring Device or Alternative Measurement Method shall be designed to accurately measure flows to within plus or minus five percent (5%) throughout the full range of anticipated flows.
- 6.1.3** For Diversion Structures or Other Structures that have or propose Flow Rates greater than 0.25 cfs and less than or equal to 1.0 cfs, a Measuring Device or Alternative Measurement Method shall be designed to accurately measure flows to within plus or minus 0.05 cfs throughout the full range of anticipated flows.
- 6.1.4** For Diversion Structures or Other Structures that have or propose Flow Rates less than or equal to 0.25 cfs, a Measuring Device or Alternative Measurement

Method shall be designed to meet an accuracy standard approved by the Division Engineer throughout the full range of anticipated flows.

- 6.1.5** A Measuring Device or Alternative Measurement Method shall be located within reasonable proximity of the Diversion Structure or Other Structure, as determined by the Water Commissioner, to enable the Water Commissioner to observe the effect of any Headgate adjustments or other operational adjustments.
- 6.1.6** A Measuring Device or Alternative Measurement Method shall be properly installed, and, if applicable, calibrated to engineering specifications.
- 6.1.7** A Measuring Device or Alternative Measurement Method shall be maintained by the User in a condition that provides accurate measurement throughout the full anticipated range of Flow Rate or volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose.
- 6.1.8** A Measuring Device or Alternative Measurement Method shall not be deemed complete and acceptable until such time that the proper rating table for the Measuring Device or Alternative Measurement Method, or stage-capacity table, as applicable, has been made available to the Water Commissioner, unless such rating table is for a standard flume, weir, or meter and is otherwise available to the Water Commissioner.
- 6.1.9** Off-Stream Reservoirs require two of the following, as approved by the Water Commissioner or Division Engineer:
  - 6.1.9.1** A Measuring Device or Alternative Measurement Method at the point of Diversion of the structure used to deliver water to a Reservoir;
  - 6.1.9.2** A Measuring Device or Alternative Measurement Method used to measure the volume of water in storage; or
  - 6.1.9.3** A Measuring Device or Alternative Measurement Method used to measure releases. Measurement of releases may also be made by calibrated release tables, gaging, or calculation of the change in storage.
- 6.1.10** On-Stream Reservoirs require:
  - 6.1.10.1** The installation of an outlet or other structure capable of releasing all out-of-priority inflows;
  - 6.1.10.2** A Measuring Device or Alternative Measurement Method used to measure the volume of water in storage; and

**6.1.10.3** A Measuring Device or Alternative Measurement Method used to measure releases from storage. Measurement of releases may also be made by calibrated release tables.

The combination of 6.1.10.2 and 6.1.10.3, above, shall be considered sufficient by the Division Engineer to determine or calculate evaporation, inflows, and outflows.

## **6.2 Recording Device Functional Standard:**

**6.2.1** A Recording Device may be required for any Measuring Device or Alternative Measurement Methods pursuant to the terms and conditions of a water court decree, the terms and conditions of a well permit, or as may be reasonably required by the Division Engineer.

**6.2.2** Where a Recording Device is required, the Recording Device shall be a device acceptable to the Water Commissioner or Division Engineer that is capable of the accurate and continuous recording of Flow Rates in accordance with the standards set forth in Rule 6.1.2, 6.1.3, or 6.1.4 depending on the Flow Rate, at no greater than 15-minute intervals.

**6.2.3** Where a Recording Device is required, the Recording Device must include a means to verify on-site that the Recording Device is properly calibrated.

**6.2.4** Where a Recording Device is required, the Recording Device shall not be deemed complete and acceptable until all equipment and software necessary to download and process recorded data from the Recording Device is supplied to the Water Commissioner and/or the Division Engineer by the User.

## **6.3 Temporary Measurement Method:**

In the instance where an accepted Measuring Device or Alternative Measurement Method is incapable of accurately measuring flows, the Division Engineer may allow another temporary Measurement Method until the Measuring Device or Alternative Measurement Method is repaired, replaced, or restored.

## **6.4 Measurement Method Verification:**

**6.4.1** If a Measuring Device is properly installed and maintained and has a standard rating table, an accepted custom rating table, or stage-capacity table, as applicable, the Division Engineer shall presume that the Measuring Device is accurate, and no verification will be required.

- 6.4.2 The Division Engineer may at any time require that a Measuring Device or Alternative Measurement Method be rated or verified to be operating properly. Such verification shall be conducted by a Qualified Tester.
- 6.4.3 Alternative Measurement Methods shall be rated or verified every four years beginning on the date the Alternative Measurement Method is approved by the Division Engineer. Such rating or verification shall be conducted by a Qualified Tester.
- 6.4.4 All flow measuring equipment, such as a current meter or acoustic velocity meter, used by a Qualified Tester to certify the accuracy and working condition of Measuring Devices and Alternative Measurement Methods in the field must be calibrated every two years to be accurate within plus or minus two percent (2%). Calibration and certification of accuracy of such testing equipment must be accomplished by a facility qualified and equipped to certify a test meter as accurate in accordance with this Rule using National Institute of Standards and Technology (NIST) traceable standards.
- 6.4.5 A report of the verification testing shall be provided to the Division Engineer on a form developed by the State Engineer.

### **Rule 7. Approval of Measurement Method**

To comply with these Rules, each Measurement Method must be approved by the Water Commissioner or Division Engineer.

- 7.1 To confirm approval of the use of a pre-existing Measurement Method that was installed prior to the effective date of these Rules, the Water User should contact the Water Commissioner or Division Engineer. The Water Commissioner or Division Engineer will confirm with notice in writing, including via email, that the pre-existing Measurement Method is approved or denied.
- 7.2 For the purpose of obtaining approval of the use of a Measurement Method, and in compliance with the timelines described in the phase in provisions of Rule 17, the Water User seeking to use a newly installed, reinstalled, or changed Measurement Method shall provide Notice to the Division Engineer or the Division Engineer's delegate that includes the following information: (1) Person's name, (2) Diversion Structure or Other Structure name, (3) decree case number (if applicable), (4) legal description (PLSS quarter-quarter, section, township and range or UTM coordinates) of the Diversion or Other Structure, (5) Measuring Device installed, (6) rating table for Measuring Device (if non-standard), and/or a stage-capacity table in the case of a Reservoir, and (7) the date of installation.

- 7.3 To obtain approval of a Measuring Device, the Water User must provide evidence that the Measuring Device is properly rated and properly installed, as described in Rule 6.1.
- 7.4 To obtain approval of an Alternative Measurement Method, the Water User must provide the basis for the use of an Alternative Measurement Method, including, but not limited to, any and all assumptions, field conditions, and calculations, to the satisfaction of the Division Engineer, as described in Rule 6.1.7, to ensure that the Division Engineer can accurately determine that the Alternative Measurement Method will operate according to the accuracy standards identified in these Rules.

### **Rule 8. Data Recording and Data Submission**

The Division Engineer has the authority to require the Water User to record and report at reasonable times the data for Diversions by any Diversion Structure or for measurement for Other Structures subject to these Rules. Diversion data will be recorded by the Water Commissioner, Water User, or both as determined by the Division Engineer, in cooperation with the Water User.

### **Rule 9. Inactive Diversion Structures**

Inactive Diversion Structures are excluded from these Rules provided that the Water User files an affidavit, on a form prescribed by the State Engineer, with the Division Engineer declaring the Water User's intent to not use the Diversion Structure for any Diversion or water application purpose. Once an Inactive Diversion Structure affidavit is filed with the Division Engineer, no further filings are required under these Rules unless the Water User wishes to change the Diversion Structure from inactive status to active status. When a Water User desires to change an Inactive Diversion Structure to active status, written Notification from the Water User to the Division Engineer is required prior to activation. A Diversion Structure listed as inactive under this Rule 9 shall not be used until such Notification is given and the Diversion Structure and associated Measurement Method are determined by the Division Engineer to be in compliance with these Rules.

### **Rule 10. Noncompliance**

Failure to comply with any of these Rules or a valid order of the Division Engineer to comply with these Rules may subject an Owner and/or User to court proceedings and the state's costs, including reasonable attorney's fees, associated with enforcement of these Rules or a valid order of the Division Engineer to comply with these Rules pursuant to sections 37-92-502 and -503, C.R.S. Prior to filing any court action, the Division Engineer shall notify the Owner and, if a different Person, the User, if both are known by records maintained by the Division Engineer, of the violation in writing in the form of an order to comply, by certified mail and shall advise the

Owner and/or User of the date by which the violation must be corrected to avoid court proceedings, which date shall be at least ten (10) calendar days following the date of receipt of the notice by the Owner and/or User or personal service of the notice on the Owner and/or User. The Division Engineer may also order the Water User to curtail all Diversions by a Diversion Structure until the Water User is in compliance with these Rules.

**Rule 11. Variance**

When the strict application of any provision of these Rules presents practical difficulties or may cause undue hardship, the Division Engineer may grant a variance for a specific instance or method of application under these Rules, and the Division Engineer may impose any additional terms and conditions to such variance as are necessary to ensure compliance under these Rules. Any request for a variance shall be made to the Division Engineer, in a format prescribed by the State Engineer, and shall state the basis for the requested variance and provide supporting documentation. If the Division Engineer finds the request justifiable, the Division Engineer may issue a written order granting the variance and setting forth the terms and conditions on which the variance is granted. Variance requests are granted at the sole discretion of the Division Engineer.

**Rule 12. Effect of Rules**

Nothing in these Rules exempts Water Users from the requirements of any other laws, rules, permits, or water court decrees governing the use, Diversion, and administration, distribution, and regulation of surface water and groundwater in Water Division 6, whether now existing or hereafter adopted or decreed.

**Rule 13. Process to Appeal a Decision under these Rules**

Any Person adversely affected or aggrieved by the State Engineer's or Division Engineer's application of the Rules to a particular Diversion Structure or approval or disapproval of a Measurement Method under these Rules may request administrative review of such determinations. Administrative review will be conducted in accordance with the adjudicatory and reconsideration procedures of the State Engineer's Procedural Rules (2 CCR 402-5), subject to judicial review of the final agency action under section 24-4-106 of the State Administrative Procedure Act, §§ 24-4-101 to 24-4-204, C.R.S.

**Rule 14. Severability**

If any Rule or part thereof is found to be invalid, the remaining Rules will remain in full force and effect, including any part thereof not found to be invalid.

**Rule 15. Revisions**

These Rules may be revised in accordance with applicable laws.

## **Rule 16. Statement of Basis and Purpose Incorporated by Reference**

The Statement of Basis and Purpose for these Rules is incorporated herein as part of these Rules.

## **Rule 17. Phase In**

- 17.1** In order to allow Water Users the time necessary to come into compliance with these Rules, Water Users shall meet the following deadlines for installation of Measuring Devices, approval and implementation of Alternative Measurement Methods, or declaring an Inactive Diversion Structure under Rule 9:
- 17.1.1** For Diversion Structures with a capacity or total Water Rights greater than or equal to 5.0 cfs, the deadline shall be 12 months after the effective date of the Rules.
  - 17.1.2** For Diversion Structures with a capacity or total Water Rights greater than or equal to 2.0 cfs and less than 5.0 cfs, the deadline shall be 18 months after the effective date of the Rules.
  - 17.1.3** For Diversion Structures with a capacity or total Water Rights less than 2.0 cfs, the deadline shall be 24 months after the effective date of the Rules.
  - 17.1.4** For Reservoirs with a capacity or total Water Rights greater than or equal to 5.0 AF, the deadline shall be 12 months after the effective date of the Rules.
  - 17.1.5** For Reservoirs with a capacity or total Water Rights less than 5.0 AF, the deadline shall be 24 months after the effective date of the Rules.
- 17.2** Water Users are not in violation of Rules 5 or 6 during the applicable Phase In period if they meet the deadlines set forth in Rule 17.1, above.
- 17.3** Upon a showing of good cause by the Water User, the Division Engineer may extend the compliance deadlines of Rule 17.1 for one or more periods of time not exceeding one year each and may impose such terms and conditions as part of such extension as the Division Engineer deems reasonably necessary to ensure compliance with the requirements of the Rules. Good cause requires that the Water User demonstrate that it has been diligent in its efforts to comply with the requirements of these Rules, has made substantial progress in complying with the requirements of these Rules, and despite its diligent and good faith efforts has been unable to fully comply with the requirements of these Rules. The Water User must also provide an estimate of the amount of additional time required for it to fully comply with the Rules and such other information as the Division Engineer may reasonably require in order to evaluate a request for an extension of time.



**Rule 18. Effective Date**

These Rules shall become effective on April 1, 2023, in accordance with section 37-92-501, C.R.S., and will thereafter remain in effect until amended as provided by law.

IT IS FURTHER ORDERED that any persons wishing to protest these Rules may do so in the manner provided in section 37-92-501, C.R.S. In the event that protests are filed with respect to these Rules, the Effective Date is the date on which all protests have been resolved, or April 1, 2023, whichever date is later.

Dated this 28th day of October, 2022.



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Kevin G. Rein, P.E.  
State Engineer



## THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the  
San Juan and Dolores Rivers and their Tributaries  
West Building – 841 East Second Avenue  
DURANGO, COLORADO 81301

### Southwestern Water Conservation District

Strategic Plan: 2022 – 2026

Adopted: February 17, 2022 – **Updated January 2024**

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### Background

The Southwestern Water Conservation District (SWCD) was created on April 16, 1941 by the Colorado General Assembly through House Bill #795 ([CRS 37-47-101 et seq.](#)). SWCD is comprised of all or part of nine counties in southwestern Colorado: Archuleta, Dolores, La Plata, Montezuma, San Juan, San Miguel, and parts of Hinsdale, Mineral, and Montrose. Each Board of County Commissioners appoints one representative to the SWCD Board of Directors, which currently meets at least every other month.

SWCD's statutory authority is to protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins (Figure 1) for the welfare of the SWCD, and safeguard for Colorado all waters to which the state is entitled. Following this mandate, SWCD has assumed a broad strategic role on behalf of its diverse constituents for more than 80 years. ~~That~~ That history is an important part of SWCD and we plan to document the details of that history in a stand-alone document to be prepared in the near future.

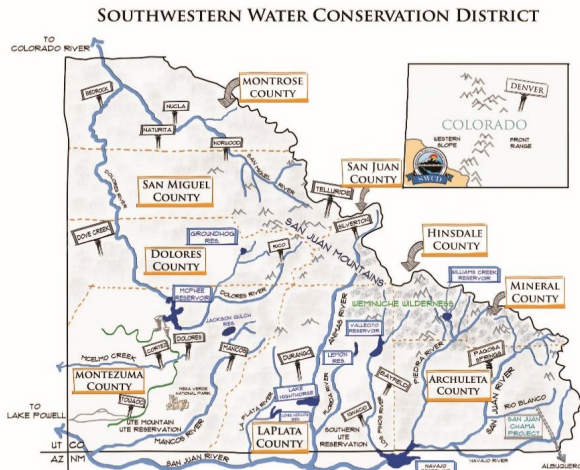


Figure 1. Map of the Southwestern Water Conservation District.

SWCD carries out this essential work thanks to a small tax levied on property within SWCD. For 2024, the Board of Directors adopted a budget showing total revenues of ~~\$2,119,612,780,111~~ with ~~\$2,063,286,871,603~~ in proposed operating expenses. SWCD's ending fund balance for fiscal year 2023 was ~~\$4,986,893,193,347~~. SWCD currently employs two full-time staff: a general manager, and a programs coordinator. SWCD contracts out for legal, engineering, and other needed professional services.

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In 2019, the SWCD Board of Directors initiated discussions about the need to develop a strategic plan. Subsequently, the Board and SWCD staff, with support from Wellstone Collaborative Strategies, have worked to develop this plan.

## Strategic priorities

### 1. In coordination with the appropriate partners, ensure SWCD remains engaged in obtaining, updating and analyzing water supply, demand and quality data necessary to address the water management challenges facing southwest Colorado

**Overview:** As the demand for water resources increases, and supplies simultaneously decline, more innovation and cooperation will be required to continue to effectively manage the water we have. At the forefront of this is the need for the best possible available information on the quantity and quality of the supplies we have, as well as the demand ~~on~~for those resources. Furthermore, in the face of reduced supplies, SWCD must prepare for inevitably tighter water administration, which only heightens the need for better water data.

SWCD is at ground zero when it comes to climate change and drought in the western United States, necessitating adaptation and resiliency in the face of increasingly hotter and drier conditions. Drought and climate have already impacted agriculture, municipal water supplies, and the environment.

- **Goal 1:** -Through SWCD sponsorship and related partnerships, ensure ongoing data collection efforts on water supply, demand, and quality.
  - *Indicator 1:* ~~In By~~ 2023, SWCD ~~completed work to better~~ ~~has an increased~~ understanding ~~of~~ intra-district water supply, demand and risks. ~~We now will be working to and has~~ initiated discussions with local water user entities on future needs and issues ~~based on those findings~~.
  - *Indicator 2:* Continue to fund and support accurate and increased data collection on water quantity and quality in southwestern Colorado to encourage a common foundation of information for decision-making among diverse interests.
  - *Indicator 3:* By 2024, enhance funding partnerships (state, federal, local, or other) that support drought planning and implementation efforts.
  - *Indicator 4:* By 2026, SWCD is supporting the implementation/development of two to three regional water supply planning efforts for water users and providers at a sub-basin scale.

- **Goal 2:** SWCD and its stakeholders have the necessary data, tools, and agreements in place to understand, adapt to and be resilient in the face of extended drought and climate change.
  - *Indicator 1:* Where needed, work to develop or support regional augmentation plans in water short areas that can be utilized as a tool for climate and drought planning.

## 2. Lead advocacy for southwest Colorado in Colorado River, interstate, and transmountain issues

**Overview:** SWCD has a unique and important role to play as one of three entities in state with the statutory charge to safeguard the waters of the Colorado River Basin. As such, a primary goal of SWCD is to protect water for future generations, and interstate Colorado River issues may be one of the greatest threats to water supply certainty. Much of the water development activities in southwest Colorado are relatively recent as compared to some other river basins in Colorado, and there is concern how that may impact those water users. There is uncertainty how that could impact southwest Colorado water users.

Colorado River Basin issues are further exacerbated by a drier future with a decrease in supplies and an imbalance between supply and demand across the entire Colorado River Basin and in several places within SWCD. This priority points directly to our statutorily charge to protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins for the welfare of SWCD, and safeguard for Colorado all waters to which the state is entitled.

- **Goal 1:** Waters within SWCD, to the extent possible, are protected for current and future uses.
  - *Indicator 1:* SWCD continues to be engaged and helping to inform Colorado River Basin discussions at the SWCD, state, interstate and federal levels to protect and advocate for southwestern Colorado’s unique risks while leveraging similarities with other river basins in Colorado.
  - *Indicator 2:* Any newly negotiated Colorado River Basin operational guidelines are a product SWCD can support.
  - *Indicator 3:* Continue to monitor activities related to transmountain diversions that may impact the water supply within SWCD’s boundaries. Respond accordingly and proportionately.
- **Goal 2:** Continue to provide support to both the Upper Colorado River and San Juan River Endangered Species Recovery Implementation programs (RIPs).
  - *Indicator 1:* Provide support to the ongoing reauthorization and funding post 2023 processes ~~to develop the framework~~ for the continued operations ~~and funding~~ of the RIPs for the period of 202~~4~~<sup>3</sup> – 203~~1~~<sup>7</sup>.

- *Indicator 2:* As appropriate, help facilitate the continued success of both RIPs into the future by remaining an active participant in both programs.

### 3. Balance meeting multiple water needs amongst a diverse set of priorities, especially when there is potential for conflict or mutual benefit

**Overview:** Water needs within SWCD are diverse and in some cases in conflict. Rather than advocating for any one water interest, SWCD supports balancing needs, being proactive, and identifying opportunities for win-win situations. Specific needs that SWCD hopes to help address through multi-purpose projects and collaborative water management include:

- **Tribal:** Support partnerships to help facilitate meeting tribal water needs.
- **Municipal / domestic water use, especially small communities:** -Try to serve as a resource to smaller communities that have a less certain water supply and/or in the face of increasing demands.
- **Agriculture:** Agricultural water supplies have also dwindled in some basins due to drought. In addition, some irrigated lands have been subdivided and the water rights are not being exercised as they were historically. Similarly, there is not as much farming and agricultural water use as there used to be due to generational shifts. There is ~~needa need~~ to preserve historic agricultural rights as well as improve agricultural water conservation tools.
- **Environment:** Having a healthy environment and ensuring that native fish have sufficient clean water to survive is important. The endangered fish species recovery programs and CWCB's instream flow program need to be monitored and supported where appropriate, all the while considering future water development needs. ~~The consumptive needs of the environment, such as cottonwoods and willows, are also important to the ecology of the region.~~ The consumptive needs of the environment, such as cottonwoods and willows, are also important to the region's ecology.
- **Recreation:** The recreational economy, such as boating and fishing, is critical to southwest Colorado ~~some~~ communities.
- **Water Quality:** Mine drainage, sediment, and temperature exceedances are specific areas of concern that must be addressed ~~in areas of concern~~ on some stream segments within SWCD.

**Goal 1:** Work with and support all stakeholders in water management discussions. Always seek consensus and attempt to minimize potential conflicts through active planning and engagement.

- *Indicator 1:* Support integrated water planning efforts through funding and engagement. As appropriate, meet regularly with local water users to discuss and plan for future water needs. This effort includes understanding the water supply, water rights and water demands in SWCD to meet multiple needs. Scenarios identified in the Southwest Basin Implementation Plan may help guide this effort.

- *Indicator 2:* SWCD will seek to strengthen relationships with the Southern Ute and Ute Mountain Ute Tribes and identify opportunities to partner with on water management issues. Establish regular coordination efforts with Tribal Councils.
- *Indicator 3:* Work collaboratively with the diverse partnerships present in the San Juan and Dolores River basins to support ways to address the multiple sets of water quantity and quality priorities.

#### 4. Support investment in improvements to existing and development of new infrastructure, as well as water conservation for projects, for multiple uses and users in southwest Colorado

**Overview:** There is a significant amount of aging infrastructure that requires evaluation, rehabilitation and reinvestment. The challenges and costs to rebuild and repair are considerable. Yet it is important for maximizing storage, ensuring agricultural deliveries, enhancement of native fish and ecological restoration needs, and supplying municipal needs for communities that this infrastructure be restored and maintained.

Deteriorating agricultural ditches, diversions, and reservoirs need to be repaired ~~and~~ improved. Moreover, efficiency in agricultural water deliveries is a critical issue in record dry hydrologic conditions.

Municipal infrastructure must upgrade water and wastewater treatment to keep up with new water quality regulations. In addition, some municipal water supplies needed for future growth are not fully secured. Several small rural municipalities in southwest Colorado do not have adequate domestic water supply for dry summers. SWCD can support these communities evaluate their supply gaps, implement strategies to address their needs, and seek state funding.

Additional water storage may be a valuable tool for southwestern Colorado, particularly in drier hydrologic conditions. Maximizing existing storage within SWCD can involve activities such as dredging, expanding storage at existing reservoirs, rehabilitating existing dams that have fallen into disrepair or no longer meet public safety standards, and securing and constructing new storage facilities. Several aging reservoirs within SWCD are under storage restrictions to protect the public, and the costs for their repair and rehabilitation are major challenges to continue their operation. SWCD should serve as a key local advocate for state and federal funding to support these much-needed projects.

~~And finally, U~~nder a severe climate scenario, southwest Colorado's risk for natural disasters is greatly increased. Forest fires can have devastating impacts on reservoirs, run-off, and water quality. ~~The~~ SWCD is expected to have increased ~~damages~~ damage due to wildfires. SWCD must remain involved in forest health discussions, to support the connections to water supply conditions.

Finally, in 2023, the SWCD Board directed staff to initiate the development of a new Water Conservation and Infrastructure Program in southwest Colorado to help SWCD Constituents gain access to the unprecedented water funding that is currently available. To that end, SWCD staff have taken the following steps to carry out this request.

1. Developed a framework document to help guide this effort
2. Applied and received a technical assistance grant from CWCB to help with capacity issues within the District. This grant will be used to contract for help to work within the federal grant processes.
3. In January 2024 we held our first partner meeting. Over 40 people attended representing 27 water user and conservation organizations and one Tribal Nation.

Commented [MR1]: would this be better in the action plan?

- **Goal 1:** Water infrastructure restoration needs, as well as water supply planning, conservation and protection opportunities are identified.
  - *Indicator 1:* Ensure that opportunities brought by the 2021 infrastructure bill are realized, which will entail working with federal, state and local entities to identify and develop projects worthy of funding
  - *Indicator 2:* Ensure SWCD’s grant program prioritizes use of funds to leverage state and federal dollars to maximize the benefit of our resources to meet the goals of SWCD.
  - ~~*Indicator 3:* SWCD will continue to participate in forest health initiatives and collaboratives to understand and advocate for benefits to water supply and quality.~~
  - ~~*Indicator 3:* In conjunction with our partners, continue to develop the Southwestern Colorado Water Conservation and Infrastructure program.~~

## 5. Strengthen the continued professional and efficient operation of SWCD while building a culture of mutual trust and respect

**Overview:** Building and maintaining a culture of mutual trust and respect among SWCD staff, Board members, consultants and stakeholders is essential to developing consensus around unifying goals, enhancing partnerships, engendering the engagement of relevant stakeholders, and ultimately advancing SWCD’s mission. SWCD’s internal culture must serve as an example of how our partners, stakeholders and even adversaries are treated. SWCD’s internal operations must be trustworthy as well, with continued responsible fiscal management, a culture of public transparency in our operations, and a constant effort of “customer service”.

Professionalism is the foundation for building an internal culture of respect and trust, as it empowers SWCD representatives to stay focused on their common goals, undeterred by unrelated issues that derail progress and distract from the SWCD’s statutory obligations to its constituents. For example, having clear staff job descriptions, director responsibilities, and fluid

communication with SWCD consultants ensures that expectations of each team member's contributions are clear.

With SWCD's lean budget and limited capacity, Board, staff, and consultant commitment to efficiency is critical to achieving SWCD's other strategic priorities. Improving operational efficiency starts with the development of this strategic plan, which will guide the SWCD team in focusing its efforts and budgeted resources toward identified priorities and related outcomes. Efficiencies can also be sought in small ways, such as seeking improved, cost-effective office management techniques or implementing standing policies to guide financial management so the Board can focus on water policy and advocacy.

- **Goal 1:** Increase professionalism by establishing clear expectations for the SWCD's team.
  - *Indicator 1:* By 2022, review and update staff job descriptions and implement an effective performance evaluation process. (Completed)
  - *Indicator 2:* By 2023, adopt director responsibilities and board code of conduct.
  - *Indicator 3:* By 2022, the board will consider adoption of a SWCD investment policy to ensure appropriate financial management of its funds. (Completed)
  
- **Goal 2:** Align SWCD resources and activities with strategic plan priorities.
  - *Indicator 1:* Board and staff annually review and update, as needed, strategic plan.
  - *Indicator 2:* By 2022, review and discuss SWCD staffing needs with the Board. (Ongoing)
  - *Indicator 3:* Starting in 2023, ensure budgeted resources are directed towards strategic plan priorities.
  - *Indicator 4:* Further improve coordination and utilization of SWCD consultant team to ensure agility and efficiency.
  
- **Goal 3:** Facilitate inclusive conversations, prioritize transparency, and seek active stakeholder input for strategic Board decisions.
  - *Indicator 1:* Seek to return to in-person board meetings as soon as practicable while pursuing enhanced avenues for Board and stakeholders' engagement in the virtual world.
  - *Indicator 2:* SWCD Board meetings will be led by the president in a clear fashion that encourages Board engagement, allows space for public participation, and facilitates board consensus on key decisions.



## 6. Cultivate SWCD credibility with decisionmakers and public through targeted outreach efforts

**Overview:** SWCD’s policy efforts are effective when its voice and mission are easily identified by local and state decisionmakers, as well as its constituents. Building SWCD’s name recognition and credibility will require prioritizing public outreach to brand SWCD as southwest Colorado’s water expert and the “go-to” on water policy in our corner of the state. While the SWCD maintains a group of interested supporters, focused outreach can expand our base constituency, increase communication and collaboration with key partners, and generally improve visibility of SWCD’s work with the public. Moreover, strengthening SWCD’s digital communication infrastructure will prepare its efforts to convey advocacy messages or other urgent information to key leaders and constituents.

Furthermore, any public entity should be able to clearly justify to taxpayers its value and need. In that sense, public outreach reinforces SWCD accountability to constituents by regularly reporting SWCD activities, policy positions, and goals directly to them. Increased outreach would also seek to meet the public’s expectations regarding accessibility in the digital age by entering the communications spaces they engage with regularly. Finally, should a future board wish to request a tax increase from voters, SWCD will be better positioned having already implemented key outreach strategies.

- **Goal 1:** Increase SWCD mission recognition and credibility with target audiences.
  - *Indicator 1:* By 2022, SWCD Board, staff, and consultants have agreed upon an “elevator speech” and tagline that adequately summarizes SWCD’s work.
  - *Indicator 2:* By 2023, SWCD Board and staff have identified target audiences to deliver the agreed upon message of SWCD’s work and credibility on various policy matters.
  - *Indicator 3:* By 2024, SWCD staff has prioritized and begun implementing a suite of selected strategies to reach target audiences.
- **Goal 2:** Develop and operate a SWCD outreach program that can provide information, education and support to water users across the basin.
  - *Indicator 1:* Compile and write history of the SWCD

**SWCD's 40<sup>th</sup> Southwest Water Seminar:  
Fluid Horizons: Navigating the Waters of Innovation  
Wednesday, March 27, 2024  
DRAFT AGENDA – V2**

**8:00**            **Registration & Breakfast**

**8:30**            **Welcome and Opening Remarks: Your District at Work**

- Steve Wolff, General Manager, Southwestern Water Conservation District
- Tribal Blessing & Welcome – **(Chairman Baker)** Confirmed
- Board President (TBD), Southwestern Water Conservation District

**9:00**            **Innovative Solutions for Agriculture**

Moderator: Kate Greenberg – Commissioner – CO Department of Ag (Confirmed)

- Perry Cabot - Agricultural Research - **Extension Western Regional Specialist (Mo to reach out- need to follow-up)**
- Greg Vlaming - Soil Health - **Confirmed**
- Eric Whyte - Ute Mountain Ute Farm & Ranch Enterprise – Hay Manager - **Confirmed**
- Greg Peterson - Alternative Crops – Executive Director at Colorado Ag Water Alliance **Confirmed**

**10:15**           **Networking Break**

**10:30**           **Moving Forward on Interstate and Tribal Matters**

Moderator – Steve Wolff

- Manuel Heart, Chairman – UMU *Confirmed*
- Lorelei Cloud, Vice Chair – SUIT *Confirmed*
- Becky Mitchell, Colorado River Commissioner – Colorado *Confirmed*
- Estevan López. Colorado River Commissioner - New Mexico *Confirmed*

**NOTE: we will not have a conference call with this panel. Steve will relay all info to these folks.**

**11:45**           **Lunch**

**1:00**            **WIP Introduction – Some form of Icebreaker audience interaction?**

- Introduction: Elaine Chick, Water Information Program

**1:15**            **Voices from Around the State**

- Robert Sakata, Water Policy Advisor, CDA - **Confirmed**
- Andy Mueller, Colorado River Water Conservation District (**Confirmed**)
- Lauren Ris, CWCB Director - **Confirmed**

2:30            Network Break

**3:00**            Funding Opportunities- Laura Spann, CWCB Regional Grant Coordinator (**Confirmed**)

**3:15**            **Southwest Achievements and Initiatives at the Community Level**

**(Note: Identify source/project, how it led to funding, prioritize and completed)**

Moderator: Mo Rock

- Gretchen Rank - Mancos Conservation District (**Confirmed**)

- Sarah Burch – San Juan Citizens Alliance (Confirmed)
- Al Pfister - Upper San Juan Watershed Enhancement Partnership (Confirmed)
- Adrian Bergene - San Miguel Stream Management Plan – (Confirmed)
- Jude Schuenemeyer - Montezuma Orchard Project – (Confirmed)

**4:15**

**Closing Remarks**

Mo Rock, Programs Coordinator, Southwestern Water Conservation District



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**

Developing and Conserving the Waters in the  
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
West Building – 841 East Second Avenue  
DURANGO, COLORADO 81301  
(970) 247-1302

**BOARD MEMORANDUM**

**From:** Steve Wolff, General Manager

**Subject:** General Manager Activities

**Date:** February 7, 2024

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This memo is provided with the intent of keeping the Board of Directors informed of some of my more relevant activities/meetings between each regular board meeting that are not ongoing or regular duties. This memo covers the period from November 2023 through early March 2024.

- 11/14/23 Attended the C9 Summit (representatives of all roundtables and IBCC) in Denver. Good discussion about revitalizing the purpose of the IBCC.
- 11/15/23 Met with La Plata County Commissioner Porter-Norton to discuss a variety of topics, but primarily property tax legislation.
- 11/27-28/23 Attended Upper Colorado River Commission Engineering Committee and Commission work sessions. I still chair the Engineering Committee.
- December/January Participated on the selection committee to hire a new Upper Colorado River Endangered Fish Recovery Program water user representative.
- 12/11-12/23 Participated in 7-basin states discussions considering the new operational guidelines.
- 12/13/23 Held SWCD-sponsored dinner at Colorado Water Users Association meetings. 23 friends of SWCD attended.

## **Upcoming**

- 2/20/24 Meeting with “Growing Water Smart” program sponsors to continue plans to hold a workshop in southwest Colorado in late 2024 or early 2025. Growing Water Smart is a joint program between the Babbitt Center for Land and Water Policy and The Sonoran Institute that introduces communities within the Colorado River Basin to the full range of collaboration, communications, public engagement, planning, and policy implementation tools to realize their watershed health and community resiliency goals. Through Growing Water Smart, communities can learn how they can integrate land use and water planning.
- 2/28/24 Director Huff and I will present to the La Plata County Commission on SWCD activities, Drought Task Force and Colorado River issues.
- March 2024 UCRC Engineering Committee will be meeting in Denver or Salt Lake City to continue the discussion on the development of consumptive use protocols.



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**BOARD MEMORANDUM**

**Date:** February 14, 2024

**From:** SWCD Staff

**Subject:** Recommendation regarding the assignment of a portion of the 2023 year-end fund balance to SWCD Water Defense and SWCD Water Development

Below is our recommendation regarding the assignment of a portion of the projected 2022 year-end fund balance to SWCD Water Defense and SWCD Water Development as follows:

| <b>Projected Fund Balance on 12-31-23<br/>(After Adoption of Recommendation)</b>   |   |                    |
|--|---|--------------------|
| <b>Restricted</b>  |   |                    |
|  | 3% TABOR Reserve  | \$56,980           |
| <b>Committed</b>   |   |                    |
|  | Undisbursed Grants*   | \$47,000           |
| <b>Assigned</b>  |   |                    |
|  | SWCD Water Defense** \$2,307,000<br><i>Proposed increase of \$244,355<br/>60% of remaining \$407,259</i>      | \$2,551,355        |
|  | SWCD Water Development*** \$1,538,000<br><i>Proposed increase of \$162,904<br/>40% of remaining \$407,259</i> | \$1,700,904        |
|  | Water Information Program****   | \$130,000          |
| <b>Unassigned*****</b>   |   | \$500,654          |
|  | <b>Total Projected Fund Balance</b>   | <b>\$4,986,893</b> |
| <p><b>Notes:</b><br/>           *A projection generated from “Previously Committed Local Financial Support” budget line<br/>           **Created to defend the water resources of the District<br/>           ***Created to develop and maintain the water resources of the District<br/>           ****These assignments reflect prior contribution from external parties for these purposes as</p> |   |                    |

well as the District’s matching contributions  
 \*\*\*\*\*Amount is a projection, audited unassigned fund balance at year-end may vary.

At the February meeting, staff will be recommending that the Board confirm its intent to assign those portions of the general fund balance to SWCD Water Defense, SWCD Water Development, and Water Information Program as set forth on the Projected Fund Balance table above.

For reference, below is the City of Loveland’s helpful graphic explanation of the five classifications of fund balance:

GASB 54 defines five classifications of fund balance, which are summarized in the table below:

**Governmental Accounting Standards Board  
Statement No. 54 Fund Balance Classifications**

|                           | Classification | Definition  | Degree of Spendability |
|---------------------------|----------------|---|------------------------|
| Restricted Fund Balance   | Nonspendable   | Resources that are not in a spendable form (inventories, prepaid items, or items required to be maintained intact).   | Nonspendable           |
|                           | Restricted     | Resources constrained to specific purposes by external providers (creditors, grantors, contributors, and other levels of government) through laws and regulations.                                |                        |
| Unrestricted Fund Balance | Committed      | Resources constrained by limitations the City imposes upon itself at its highest level of decision-making authority (City Council); limitations remain binding unless removed in the same manner. |                        |
|                           | Assigned       | Resources a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates authority.            |                        |
|                           | Unassigned     | Resources available for any purpose; these resources are reported only in the General Fund.   | Spendable              |



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**BOARD MEMORANDUM**

**From:** Steve Wolff & Mo Rock

**Subject:** Possible Development of Policy on Use of SWCD Water Development Assigned Dollars

**Date:** February 7, 2024

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As the Board is aware, each year SWCD assigns a portion of our cash assets not needed for operational expenses to two different purposes: Litigation and Water Development. If the staff recommendation is approved by the Board at the February 2024 meeting, the total assigned to Litigation will be \$ 2,551,355, and the total to Water Development will be \$ 1,700,904. The purpose of the Litigation assignment is generally clear. However, how or for what purpose the Board may decide to spend dollars assigned to Water Development is less clear. Given that SWCD is funded primarily by property tax revenues, it may be worthwhile to develop a policy that can be used to guide this and future Boards, and provide information to the public, on how those dollars may (or may not) be spent.

If the Board agrees with that path, we suggest that we plan to have a Board “work session” at an upcoming Board meeting (suggesting June 2024) to have an in-depth discussion on the elements of such a policy. This memo is just informational and staff is just looking for guidance from the Board on if and how to proceed.



Update on SWCD's  
Water Conservation and Infrastructure Program  
Development



February 15, 2024



# SOUTHWESTERN WATER CONSERVATION DISTRICT'S WATER CONSERVATION AND INFRASTRUCTURE PROGRAM PROPOSAL

## **Summary**

Southwestern Water Conservation District (SWCD) proposes the development of a water conservation and infrastructure program to pursue and implement projects identified in SWCD strategic priorities, SW Basin Implementation Plans (BIP), and through other community-engaged processes. SWCD and regional partners plan to request federal, state and other funding to support the expansion of SWCD's grant program, which includes developing a Priority Project Pipeline and creating a Community Navigator position. In addition, as part of the development of the federal funding application, SWCD and partners will identify the additional capacity needed to implement such a program. Add language around applying for state funding.

This program will identify, fund, and coordinate watershed-scale, multi-benefit, infrastructure, and water conservation projects that require complex regional partner collaboration and larger monetary investment to be achieved. Ultimately, this program seeks to leverage current unprecedented amounts of federal funding to increase SWCD's capacity to assist regional partners/stakeholders in the development and implementation of local projects that will address the goals and needs of multiple stakeholders in the San Juan and Dolores River basins within southwest Colorado (Southwest Basin).

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## BACKGROUND

With diminishing water availability in the West due to drought, aridification, and growing populations, there is an ongoing need to conserve water while maintaining the economic viability of our communities. SWCD has an interest in pursuing the ongoing development of these projects and in advancing water conservation efforts, all to help the region maintain economic viability and quality of life in the face of ongoing drought, increasing water demands, and other challenges.

Currently, there are ample opportunities to conserve water within our existing systems. The projects in the SW BIP all share this common goal. Projects that upgrade agricultural water infrastructure, make more efficient use of existing water supplies, improve flow monitoring and water management, restore habitats and ecosystems, and provide thoughtful development of municipal and industrial water services all continue to support ongoing conservation efforts in the Southwest Basin.

When the 2022 Southwest Basin Implementation Plan (SW BIP) was completed, it identified 148 projects in the Southwest Basin with an estimated \$790 million construction cost. This price tag presents a huge challenge as project proponents don't have the revenue to fund projects on their own. The current update of the SW BIP coincides with historic federal funding that is available to fund these projects now. Accessing federal funding can increase the number, scale, and timeline of projects implemented in the Southwest Basin.

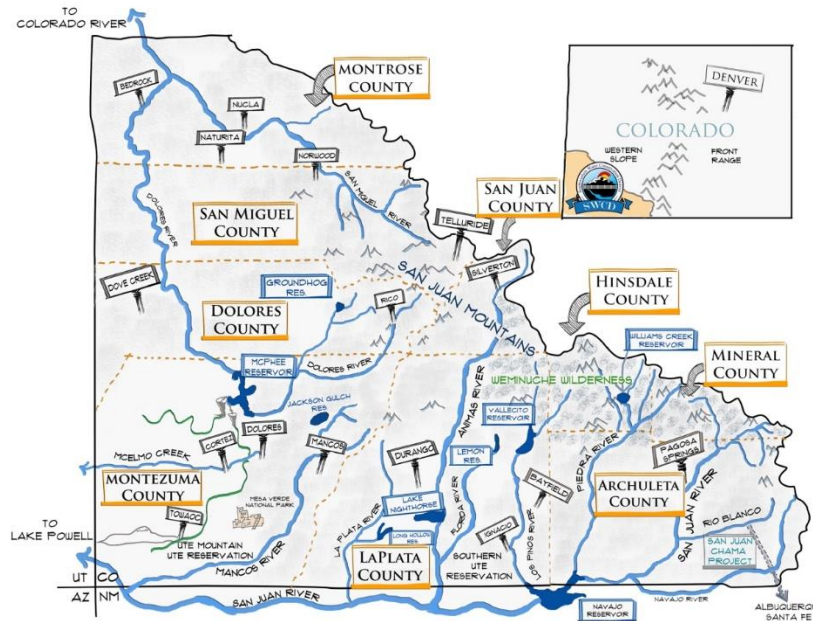
## APPROACH

SWCD is uniquely positioned to leverage federal funding to implement local water projects in their district for many reasons.

1. Mission alignment with regional and state funding initiatives.
2. SWCD is a local entity that can uniquely access and leverage federal funds.
3. SWCD has the organizational structure in place with its existing grant program.
4. SWCD has supported numerous projects in the Southwest Basin and helped collect information for many more.
5. SWCD is a regional leader and has strong working relationships with the project proponents, partners, and stakeholders.

SWCD consists of nine sub-basins within the San Juan and Dolores River basins of Colorado. SWCD was created by the Colorado General Assembly in 1941 "to protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins for the welfare of all the inhabitants, and safeguard for Colorado all waters to which the state is entitled". SWCD currently funds water supply projects, recreational development, environmental improvements, community collaboration, water quality studies, and others that carry out the statutory purpose of the SWCD. This experience makes SWCD an excellent entity to help connect federal funds to local projects.

## SOUTHWESTERN WATER CONSERVATION DISTRICT



SWCD’s strategic priorities are:

1. In coordination with the appropriate partners, ensure the SWCD remains engaged in obtaining, updating, and analyzing water supply, demand, and quality data necessary to address the water management challenges facing southwest Colorado.
2. Lead advocacy for southwest Colorado in Colorado River, interstate, and transmountain issues.
3. Balance meeting multiple water needs amongst a diverse set of priorities, especially when there is potential for conflict or mutual benefit.
4. Support investment in improvements to existing infrastructure as well as the development of new infrastructure for multiple uses in southwest Colorado.
5. Strengthen the continued professional and efficient operation of SWCD while building a culture of mutual trust and respect.
6. Cultivate SWCD’s credibility with decision-makers and the public through targeted outreach efforts.

SWCD’s statutory purpose and strategic priorities align with the goals of the Colorado Water Plan and the SW BIP. The Colorado Water Plan and Basin Implementation Plans led by the Colorado Water Conservation Board (CWCB) are statewide and regional plans that identify priorities and projects to address water resource challenges in our state. The Colorado Water Plan provides a framework for helping Colorado meet its water challenges through collaborative action around water development and water conservation. Each major river basin in Colorado produced its own detailed Water Plan called Basin Implementation Plans (BIPs), within the larger framework of the State Water Plan. The Southwest Basin covers the same nine sub-basins

in the San Juan and Dolores basins as SWCD, with the addition of a portion of Mesa County (lower Dolores River).

The Southwest Basin Implementation goals are to:

- Balance all needs and reduce conflict.
- Support the needs of agriculture.
- Meet municipal and industrial water needs.
- Meet recreational water needs.
- Meet environmental water needs.
- Promote healthy watersheds.
- Manage risk associated with the Colorado River Compact and the Upper Colorado River Basin Compact.

A wide variety of projects and activities have been implemented since the first SW BIP was completed in 2015. The ongoing and completed projects have achieved results that further the goals of the SW BIP and improve water management in the basin (SW BIP 2022, p.14). Since 2015 over 97 projects have been completed or implemented. Of these completed projects, 18 met agricultural needs, seven met municipal/industrial needs, four met environmental, and four were innovative and multi-benefit projects. These funded projects received financial support through the Water Supply Reserve Funds (WSRF) program through the CWCB, the Southwest Basin Roundtable (SW BIP 2022, p.14-20) and the SWCD Grant Program. There are many more future projects to implement that were cataloged in the 2022 SW BIP update, for which SWCD helped compile project details. In addition, there are many other projects that did not make it on the BIP list for a variety of reasons including a lack of awareness of the BIP process or simply new developments since the list was completed.

SWCD's grant program helps to fund projects throughout the Southwest Basin. In their 2024 budget, SWCD has appropriated \$250,000 in total grant funding for the year: \$125,000 for water supply projects, \$50,000 for studies and processes, \$25,000 for education, and \$50,000 for emergencies. Other projects funded include ditch rehabilitation, water storage development, water quality studies, collaborative events, targeted educational outreach, and habitat restoration.

There are currently historic levels of federal funding for water projects from the Inflation Reduction Act (IRA) and Infrastructure Investment and Jobs Act (IIJA). The Bureau of Reclamation (Reclamation) has been allocated \$4 billion for drought mitigation across the Country from the IRA. Regionally, Reclamation announced in the fall of 2022 that "at least \$500 million would be available for investment in the Upper Colorado River Basin States for long-term system efficiency improvements that will result in additional water conservation for the entire system". They are focusing these funds on system conservation and long-term, durable projects that incorporate efficiency improvements, demonstration of innovation, and ecosystem restoration projects with drought benefits. SWCD and regional partner organizations strive to take advantage of this available funding.

There are many experienced and invested regional partners that can help SWCD leverage this federal funding to develop the program. These include:

- Southwest Basin Roundtable (SWBRT). One of the nine basin roundtables that were formed in 2005 in Colorado “to facilitate continued discussions within and between basins on water management issues, and to encourage locally driven collaborative solutions to water supply challenges. The SWBRT led the development of the SW BIP and provides funding for local projects and supports local applications to state funding sources.
- Colorado Ag Water Alliance (CAWA). CAWA is comprised of agricultural leaders from across Colorado committed to the preservation of agriculture through the wise use of Colorado’s water resources.
- Theodore Roosevelt Conservation Partnership (TRCP). The TRCP is a policy-oriented nonprofit with the mission to guarantee all Americans quality places to hunt and fish, is working to help ensure that federal funding is accessible to on-the-ground partners across the West. They have recently conducted research on the challenges of accessing and utilizing federal funding for cross-boundary watershed-scale projects (2022 Universal Barriers Report).
- Colorado Farm Bureau
- The Nature Conservancy (TNC). TNC is working to position local place-based community collaboratives and Tribes to apply for and utilize federal funding for projects. They are working in the San Juan and Dolores Basins.
- Trout Unlimited. TU is actively working to support local communities in designing and implementing multi-benefit projects.
- Mancos Conservation District (MCD). The MCD has successfully coordinated with local partners to grow their capacity to implement projects and have developed an integrated water management plan. The District Manager, Gretchen Rank, piloted a Community Navigator position with the River Network funded by a CWCB Water Plan grant.
- Strategic by Nature (SBN). SBN is an independent consultant that has worked on many projects with organizations and communities to advance multi-benefit projects through planning, organizational development, grant writing, facilitation, and is local to the region.

The proposal project team consists of SWCD, TRCP, and SBN. The project team exists to support SWCD to implement this proposal by utilizing their extensive community relationships and experience with similar initiatives past and current.

## PROGRAM GOALS AND OBJECTIVES

The goal of this program is to increase the capacity of the Southwest Basin to develop projects and leverage federal funding to achieve SWCD strategic priorities, SW BIP goals, and related water conservation needs. The measurable objective is to **is to grow the capacity within SWCD and local partners to operate a water conservation program with annual disbursements of up to \$7 million annually and \$35 million from 2024 to 2028.**

Specific tasks are to:

- Apply for a local capacity grant from CWCB to help support a Community Navigator position in SW Colorado to support efforts to implement our water conservation program. The SWCD Board has included required matching funds in its 2024 budget.
- *(SWCD was notified in January 2024 that our CWCB grant had been approved.)*
- Position SWCD and other regional partners to apply for a “block grant” or similar programmatic agreement to distribute federal funding to community partners.
- Identify readiness and priority of projects from the SW BIP and other stakeholders to create a “pipeline of projects” to utilize funds most effectively.
- Identify and support watershed-scale, multi-benefit and water conservation projects that require complex regional partner collaboration and larger monetary investment to be achieved. This will require close coordination with water conservancy districts, irrigation districts, conservation districts and others.
- Coordinate with existing regional project navigators (e.g., Mancos, Upper San Juan) to ensure collaboration and leveraging of resources when possible.

The program will make improvements in the SWCD’s ability to “protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins for the welfare of all the inhabitants”, per SWCD’s statutory purpose. This means, in part, implementing as many quality SW BIP projects as possible, as quickly as possible. The SW BIP identifies projects that support the needs of many diverse stakeholders, including agricultural, environmental, recreational, municipal, and industrial, with the goal of doing so in a balanced way that minimizes conflict. Of the projects cataloged in the 2022 SW BIP, 48 projects were identified as ready to launch as soon as funding is available while another 34 projects are almost ready to launch but need additional development prior to implementation. The SW BIP is not inclusive of all projects that could be eligible for the program. Thus, SWCD will help identify and fund additional multipurpose projects that address the goals and needs of multiple stakeholders in the SWCD.



Doing so will also fulfill the second part of SWCD’s statutory purpose, which is to “safeguard for Colorado all waters of the basin to which the state is entitled.” By investing in these SW BIP projects, this shows commitment, future planning, and demonstrated cooperation between all water users to protect, conserve, and wisely use this resource. This could help protect Colorado’s water interests from out-of-state claims, water rights calls, or federal mandates, because there is hard evidence of programmatic, collaborative work to improve water conservation and management.

In addition to expanding the funds available for projects, the expanded grant program can address these other barriers to project implementation:

- The lack of funding for staff capacity on the part of project proponents. Specifically, there is often limited capacity for project and organizational capacity specific to administration and planning during the development and funding coordination phases of a project (River Network, 2023, Scaling Up Capacity for Multi-Benefit Projects in Colorado). Incorporating resources for these activities (e.g., funding and/or technical support) into grants, as allowable by the federal funding sources, can dramatically increase a project’s chances for success.
- Need for coordination among stakeholders to bundle projects, collaborate, and leverage resources to create program proposals that are large enough in scope to be competitive for federal funding programs (TRCP, 2022 Challenges in Accessing and Utilizing Federal Funding to Support Cross-Boundary Watershed Scale Restoration). Implementing a community navigator position to assist with this type of collaboration could prove beneficial in terms of garnering more funding and realizing efficiencies and learning between projects.

## PROGRAM DESCRIPTION

The proposed program consists of four integral parts:

1. Expanding the amount of funds in SWCD’s existing grant program;
2. Creating a Priority Project Pipeline across the Southwest Basin;
3. Establishing a Community Navigator position; and
4. Ensuring the appropriate capacity at SWCD and other partner organizations.

## EXPANDED GRANT PROGRAM

SWCD’s current grant program funds (1) water supply/watershed restoration projects, (2) research studies and stakeholder involvement activities, (3) education & outreach efforts, and (4) emergency needs. In the past five years, the grant program has ranged in budget from \$230,000 to \$500,000. Recipients receive between \$3,000 to \$70,000. Twelve grants were given out in 2023 which is about the average per year. The proposed scope expansion would build on this focus and scale providing more opportunity for the SWCD to support multi-benefit projects throughout their geographic area.

The benefit of this expanded program is the ability to identify and support watershed-scale, infrastructure, multi-benefit, and water conservation projects that require complex regional partner collaboration and larger monetary investment to be achieved. Similar programs in the Rio Grande basin and the Colorado River District (CRD)'s Community Funding Partnership can serve as helpful resources to develop this program. Though the CRD program operates on a larger scale, there could be important lessons to draw from in terms of communication approaches, program metrics, and capacity needs that could be useful for SWCD to apply to their program development.

#### PRIORITY PROJECT PIPELINE

To apply these funds strategically and with maximum benefit, a Priority Project Pipeline will be developed to identify the priority and readiness of projects to implement. This will be done by working with local partners and following the SW BIP goals and strategies/actions to guide prioritization. This task is essential to be able to access federal funds.

Throughout this process, multi-benefit, infrastructure, watershed-scale, and water conservation projects will be identified. These are projects that can support the SW BIP goals on a watershed-scale across multiple sub-basins and bring together collaboration between multiple local partners and stakeholders. With an expanded grant program, the basin will have the funding and capacity to implement larger watershed-scale, multi-benefit, and water conservation projects in the near term.

The first task will be to identify which projects would be ready for funding in the next 1-3 years and estimate the amount of funding that SWCD could reasonably request from federal sources to support those projects. This will be used in the federal funding application to develop this expanded grant program.

#### COMMUNITY NAVIGATOR

To achieve the goals of supporting watershed-scale, multi-benefit, and water conservation projects, a dedicated position called a "Community Navigator" is recommended to coordinate and facilitate collaboration between project partners to leverage larger federal investment.

Community navigation can connect local project proponents to "bundle" or elevate regional-scale projects that are more likely to garner federal funding support. Shared goals, strong relationships, and connected partners are essential to successfully accessing grant funding. In addition, this role will help community organizations navigate funding opportunities, align projects with available federal funding resources, support the development of proposals for federal funding, coordinate with federal agencies (e.g., USFS, BLM) on funding opportunities, understand what's needed to prepare to apply for funding, and coordinate stakeholders during project implementation.

To design this role to provide the best service to the Southwest Basin, background research will be done to identify gaps in coordination that currently exist within the Southwest Basin (e.g., Pine River, Florida River, etc.). It will also be important to understand how this position can complement other community navigation that is currently underway in the Southwest Basin (e.g., through TNC with Tribal partners and MCD). This position will ideally be designed for longevity, with consistent funding sources identified to support it in the future. TRCP will provide ongoing support to SWCD in identifying and pursuing long-term capacity resources. Other communities that have created similar positions will be helpful resources for this information. TRCP will also work with the navigator to troubleshoot any challenges in navigating/accessing federal resources and help leverage NGO support for SWCD proposals. The community navigator position is in alignment with the Colorado Water Plan grant funding criteria which could potentially be a funding source for the position.

#### CAPACITY TO SUPPORT THE PROGRAM

Expanding SWCD's existing grant program will require additional capacity to facilitate basin and region-wide coordination between community partners and address geographic inequities, as well as provide increased capacity to administer and manage a greater number of contracts. SWCD, with the help of regional partners, needs to determine the specifics of the additional services to successfully expand this grant program.

Additional administrative, management, technical resources and community coordination support will be needed to develop this Program. For example, the Upper Gunnison River Water Conservancy District (UGRWCD) found great success in hiring an agricultural engineer to provide technical assistance up-front to support project design for their grantees, prior to application. This helps the UGRWCD ensure their grant program criteria for multi-benefit projects are met and helps the provide the project proponent with a needed service that they would otherwise have to raise funds for, potentially delaying the project.

While multiple additional staff could be required to fill the needed capacity, there are also opportunities for collaboration with partners to help fulfill capacity needs (e.g., cost-share or partnerships with NGOs, State, and Federal Agencies).

The following is a brief list of duties and responsibilities that will form the job description of these support roles:

1. Pre-Application/Program Development (supported with the current capacity of the proposal team)
  - a. Research and coordinate consultation on TABOR law to understand funding requirements and restrictions to support additional capacity as relates to state funding sources.
  - b. Identify requirements and restrictions of funding sources, including reporting requirements, insurance requirements, entity eligibilities, and contract administration.

- c. Prepare a budget for the proposed program which includes capacity to manage the program.
  - d. Submit funding proposals to federal agencies.
2. Expanded Grant Program
- a. Determine program funding restrictions and expectations.
  - b. Outreach about the program.
  - c. Administer the program for SWCD, including processing and reviewing proposals.
  - d. Provide technical assistance support to project proponents for project design.
  - e. Help local partners apply for and manage their grant funding.
  - f. Complete reporting back to federal agencies.
3. Priority Project Pipeline
- a. Inventory projects identified in the SW BIP and other regional water planning efforts (e.g., integrated water management plans, etc.).
  - b. Conduct outreach with Southwest Basin stakeholders to garner updates and additions to project lists and learn opportunities and potential challenges that may need to be considered in developing the SWCD program.
  - c. Identify which projects would be ready for funding in the next 1-3 years and estimate the amount that SWCD could reasonably request from federal sources to support those projects.
  - d. Create a process for rolling updates to the pipeline.
4. Community Navigator
- a. Become familiar with funding opportunities, projects, and stakeholders in the Southwest Basin.
  - b. Help community organizations navigate the Priority Project Pipeline and understand what is required to apply for funding.
  - c. Coordinate and facilitate collaboration between project partners.
  - d. Perform basin-wide outreach to show SWCD has added to this community benefit.
  - e. Work with partners to develop a long-term funding plan to maintain the community navigator position.

## PROGRAM SCOPE AND NEXT STEPS

In the following sections, a description of the program scope, timing, and who it serves is provided along with next steps needed to pursue this program.

### **What is it?**

A proposal to request federal funding to support the expansion of SWCD's grant program, which includes developing a Priority Project Pipeline and creating a Community Navigator position. In addition, as part of the development of the federal funding application, SWCD and partners will identify the additional capacity needed to include in the request for funding.

### **Where will it take place?**

The program will have the same jurisdiction as SWCD and will operate with a focus on "water conservation". It is important to have local staff support because they are familiar with the local landscape, projects, and have existing relationships with local and regional partners.

### **Who is the target audience?**

This program will be available to any qualified entity (per SWCD's current grant program eligibility requirements) with a project that needs financial support. These include public entities, non-profit corporations, not-for-profit corporations, carrier ditch companies, mutual ditch or reservoir companies, unincorporated ditch or reservoir companies, or cooperative associations within the boundaries of the District organizations are all eligible. The program will target multi-benefit projects that have multiple project proponents and stakeholders. To reach this target audience, outreach and relationship building between community partners will be critical. SWCD can rely on regional partners, SWBRT, CAWA, TRCP, SBN, TNC, and others, to help coordinate these outreach and communication activities.

### **Who will fund it?**

Potential funding sources include U.S. Bureau of Reclamation (USBR) Upper Colorado River Basin System Conservation and Efficiency Program (Bucket 2), USBR WaterSMART Cooperative Watershed Management Program, Colorado Water Conservation Board Local Capacity Grant Program.

### **Who will staff it?**

Additional staff will be needed to help administer and manage this program. The SWCD Board has already discussed the need for additional staff and will consider the need when staff resources are better defined. SWCD will lean on partner organizations to help fill the capacity needs required for the program's success. The number of staff required to be effective for the program is to be determined and will be determined during the development of the federal funding application.

### **What is the timing?**

The plan is for SWCD and partners to complete a federal grant proposal in the summer of 2024. The approval and contracting process may take 6-9 months. After this point, if awarded, the program can be implemented with the goal of the first expanded funding round available in the fall of 2024.

## METRICS AND EVALUATION PROCESS

SWCD and regional partners can determine specific metrics to track and evaluate the success of the expanded funding program. Initial ideas of metrics include:

1. Track the BIP goals achieved or progressed toward.
2. Track the number of applications/proposals for funding supported.
3. Track the amount of dollars leveraged (private, federal, state).
4. Identify a target number of projects to be implemented after a specified number of years. Choose an attainable number of projects and a reasonable timeframe. For example:
  - a. “Fund and coordinate 2 multi-benefit, watershed-scale and/or water conservation projects in the first year.”
  - b. “Fund 10 completed agricultural improvement projects, 5 municipal/industrial, 3 environmental, 2 recreation, and 4 multi-benefit projects in the next 5 years.”
  - c. “Procure stable funding to support the Community Navigator position for the foreseeable future.”
5. When able, measurable results – water conserved, ditch treated, miles of stream restored, acres of forest/watersheds restored etc.

Determining metrics that are tailored to and appropriate for the Southwest Basin will require input from SWCD and other stakeholders during the development of the federal funding application for this program.

## PARTNERSHIPS AND COLLABORATION

There are many organizations and entities looking to the federal funding opportunity with much coordination already happening throughout the Southwest Basin. For example, the MCD has recently scaled up its capacity through support from various partners and the development of its integrated water management plan. Another example, TNC, has recently supported the Upper San Juan Watershed Enhancement Partnership, to hire a watershed coordinator position using Reclamation WaterSMART funds and is also supporting local Tribes in coordinating federal grant proposals that are currently open. In all these examples, these organizations are positioning themselves and local partners to access federal funding as it becomes available. These entities will be critical partners to SWCD as they advance federal funding programs, allowing the opportunity to leverage each other's knowledge and resources and ensuring that efforts are targeted to the areas of the Southwest Basin that need support rather than duplicating efforts.

## MULTI-YEAR BUDGET

Estimated total cost (TBD)

## TIMELINE

### IDEA CULTIVATION



At the July 2023 Regular Board Meeting SWCD Board of Directors discussed the formation of a new program within SWCD that would help SWCD constituents access the unprecedented Federal and State funding now available

### PROGRAM FRAMEWORK



A small group was developed to help pull program ideas together including SWCD, Theodore Roosevelt Conservation Partnership (TRCP), and Strategic by Nature (SBN). Together, they drafted a program framework and began pulling data together for the Project Pipeline.

### PROJECT PIPELINE



A critical aspect of this program is the Project Pipeline. The creation of this tool began when the project framework was drafted and continues to be updated regularly. Projects were pulled from the Basin Implementation Plan, stream management plans, and local experts, and is now open for anyone to add projects to it.

### BOARD APPROVAL TO MOVE FORWARD



An updated Framework Document was presented to SWCD Directors at their October 2023 meeting. The board unanimously agreed to move forward with submitting a CWCB Local Capacity grant to help fund the program, specifically to hire a Community Navigator, manage the Project Pipeline, and to help get the program off the ground.

### GRANT SUBMISSION



With the help of TRCP and SBN, a CWCB Local Capacity Grant was submitted by SWCD using the San Juan Resource and Development Council (SJRDC) as a fiscal agent in late December 2023.

## PARTNER MEETING



On January 10, 2024, SWCD hosted the first Partner Meeting reaching out to diverse water users across the Southwest portion of the state. Over 40 individuals attended representing 26 organizations (see below).

- American Rivers
- Animas-La Plata Water Conservancy District
- Bonita Peak CAG
- Colorado Parks and Wildlife
- Colorado Water Conservation Board
- Colorado Water Trust
- Dolores Water Conservancy District
- Fort Lewis College
- La Plata West Water Authority
- Lake Durango Water Authority
- Mancos Conservation District
- Mountain Studies Institute
- Pagosa Area Water and Sanitation District
- Representative Lauren Bobert's Office
- RiversEdge West
- San Juan National Forest
- San Miguel Watershed Coalition
- Strategic by Nature
- SW Basin Roundtable
- The Nature Conservancy
- Theodore Roosevelt Conservation Partnership
- Trout Unlimited
- Upper San Juan WEP
- Ute Mountain Ute Tribe
- Water Information Program
- Western Resource Advocates

## GRANT APPROVAL



In January 2024, SWCD's Local Capacity Grant was approved by CWCB. SWCD is currently reviewing contracts and is hopeful to get all the needed documentation back to CWCB soon.



#### UPDATING SWCD BOARD OF DIRECTORS



SWCD Staff plan on updating SWCD Directors at the SWCD Regular Board Meeting on February 14<sup>th</sup> and 15<sup>th</sup> to make sure program direction is in line with what the board was envisioning and to guide next steps.

#### A SECOND PARTNER MEETING



SWCD plans on organizing the second partner meeting to discuss updates and how partners want to stay involved with the program in the spring of 2024.

#### HIRING A COMMUNITY NAVIGATOR



Timing TBD, but hiring a Community Navigator will be a critical step in keeping the momentum of this program moving forward.

#### APPLYING FOR ADDITIONAL FEDERAL FUNDS



Timing TBD, the Community Navigator will help bundle local projects together and help SWCD apply for Federal Funding for those projects and the program as a whole.



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**

Developing and Conserving the Waters in the  
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West Building – 841 East Second Avenue  
DURANGO, COLORADO 81301  
(970) 247-1302

**BOARD MEMORANDUM**

**From: Mo Rock**

**Subject: CWCB Technical Assistance Grant Award**

**Date: February 6, 2024**

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In 2023 SWCD submitted a local assistance program grant application to CWCB to support the implementation of the Water Conservation and Infrastructure Program, and more specifically to address the funding of a community navigator and the maintenance of a project pipeline. In January, the District was awarded \$156,706. Currently, the General Counsel is reviewing both the MOU from the San Juan Resource Conservation and Development Council (to serve as Fiscal agent) and the contract from CWCB. This grant requires a 25% match, which SWCD has allocated for in our 2024 budget.

# Draft Instream Flow Protection Strategy

## Mineral Point Ditch and Burrows Creek

### Background

- Mineral Point Ditch was decreed in District Court, La Plata County, in Civil Action 1751-B, dated March 21, 1966. The decree confirms 11.0 cfs for irrigation, domestic, stock water and fish culture use with an appropriation date of September 27, 1956. The decreed point of diversion is located on Burrows Creek, which is a tributary of the Animas River. Historically, the water was conveyed to the headwaters to the Uncompahgre River watershed and re-diverted downstream for irrigation use near Ouray.
- The Bureau of Land Management (BLM) purchased 10.75 cfs of the Mineral Point Ditch water right on October 8. BLM is currently in negotiations with the owner of the remaining 0.25 cfs to purchase that portion of the water right. A quiet title action may be required before the purchase of the 0.25 cfs can be completed.
- BLM seeks to lease the Mineral Point Ditch water right to the Colorado Water Conservation Board (CWCB) to ensure that it is utilized within Burrows Creek and the larger Animas River watershed for instream flow and other complementary uses.
- The Bonita Peak Citizen Advisory Group, which focuses on water quality and abandoned mine land issues in the upper Animas River watershed, has indicated its support for using the Mineral Point Ditch water right for instream purposes.
- The water right acquired by BLM has many characteristics that are similar to the Carbon Lake Ditch, which was donated to the CWCB in 2002. Both are transmountain ditches that diverted water from the upper Animas River watershed and conveyed water to the Uncompahgre River watershed for irrigation use. A change to instream use for the Carbon Lake Ditch was decreed in 2006.
- BLM is open to additional uses of the acquired water right, after it is used for instream flow purposes in the Animas River watershed.

### Draft Instream Flow Strategy

#### *First Quarter 2024*

- Negotiate language for a perpetually renewable lease agreement between BLM and CWCB.
- Identify short term administrative options available under state law to place the water right to instream use while the partners in the project begin implementation of a long-term instream flow protection strategy.
- Reach out to Southwestern Water Conservation District and other interested stakeholders to seek input on a long-term instream flow protection strategy.

#### *Second Quarter 2024*

- Evaluate historical diversion data for Mineral Point Ditch.
- Collect and evaluate water availability data for Burrows Creek watershed.
- Create plan for collecting field data necessary to support instream flow strategy.
- Seek CWCB board approval for perpetually renewable lease.

#### *Third Quarter 2024*

- Collaborate with Riverwatch and/or Mountain Studies institute to collect macroinvertebrate data for Burrows Creek.
- Analyze aerial imagery to confirm that flows in Burrows Creek help support wetland complexes adjacent to Burrows Creek. These wetland communities include fens.
- Assemble bibliography that confirms the role of surface water hydrology in the functioning of fen complexes.
- Identify maps and aerial images that confirm extent and type of wetlands adjacent to Burrows Creek.
- If R2Cross is agreed upon as suitable quantification method, collect R2Cross data on Burrows Creek to identify flow rates for an instream flow appropriation.

#### *Fourth Quarter 2024*

- BLM and CPW jointly draft instream flow recommendation for Burrows Creek to support macroinvertebrate communities and riparian wetland communities.
- Reach out to stakeholders concerning the proposed instream flow appropriation and the role of leased Mineral Point Ditch water right in maintaining protected flows.

#### *First Quarter 2025*

- Request CWCB board appropriate instream flow water right for Burrows Creek.
- Request CWCB Board approval of the water right lease from BLM and to file a water court application to change Mineral Point Ditch water right to instream use.



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June 20, 2023

Bureau of Land Management  
Attn: James Lovelace  
Gunnison Field Office  
2500 East New York Ave.  
Gunnison, CO 81230

**RE: Comments on Environmental Assessment (DOI-BLM-CO-S060-2023-0007-EA) for the Mineral Point Ditch Acquisition**

Dear Mr. Lovelace:

The Southwestern Water Conservation District (SWCD) appreciates the opportunity to submit these comments on the draft Environmental Assessment for the Mineral Point Ditch Acquisition (the “draft EA”).

SWCD was created in 1941 by the Colorado General Assembly (CRS 37-47-101 et seq.). SWCD is comprised of all or part of nine counties in southwestern Colorado: Archuleta, Dolores, La Plata, Montezuma, San Juan, San Miguel, and parts of Hinsdale, Mineral, and Montrose. SWCD’s statutory authority is to protect, conserve, use, and develop the water resources of the San Juan and Dolores River Basins for the welfare of the SWCD, and safeguard for Colorado all waters to which the state is entitled. Following this mandate, SWCD has assumed a broad strategic role on behalf of its diverse constituents for more than 80 years.

The Bureau of Land Management’s potential acquisition of the Mineral Point Ditch is of particular interest to SWCD because this ditch originates within SWCD’s boundaries and presently exports water out of the Upper Animas River watershed, which is tributary to the San Juan River Basin. **In general, SWCD supports the proposed action to acquire all property interests associated with the Mineral Point Ditch, including any associated transbasin water right(s), and permanently cease the out-of-basin transfer of water from the Animas River headwaters.** However, we do offer the following comments/questions for consideration:

- The draft EA describes a number of instream flow and other environmental benefits along Burrows Gulch and the Upper Animas River that will occur once BLM stops operating the Mineral Point Ditch. As presently drafted, whether intentional or not, the draft EA seems to imply BLM intends to apply to Water Court to change any transbasin water rights associated with the Mineral Point Ditch so that this water may be used within a decreed instream flow right along Burrows Creek. *See* Section 1.3 – Purpose and Need (providing “BLM would coordinate closely with CWCB and Southwestern Water Conservation District to commit the acquired water right to instream uses.”). While SWCD supports BLM’s efforts to achieve the stated environmental objectives within this headwaters area, we believe the draft EA should be revised to recognize that there may be other, more preferable legal mechanisms available to achieve these objectives so long as the Mineral Point Ditch and its associated infrastructure are removed and water is no longer diverted and conveyed out of the Animas River Basin. SWCD supports the BLM’s acquisition and removal of the Mineral Point Ditch and is prepared to assist with evaluating the available legal mechanisms after BLM has acquired the Mineral Point Ditch.
- Throughout the document, some of the benefits of the preferred alternative appear to be significantly overstated or, at a minimum, very attenuated. For example, the assertion that the proposed action will benefit the Upper Colorado River Endangered Fish Recovery Program cannot be supported.

We appreciate the opportunity to comment on this proposed action and would appreciate being informed of this project as it progresses. Please feel free to contact me with any questions.

Sincerely,



Steve Wolff,  
General Manager



## THE SOUTHWESTERN WATER CONSERVATION DISTRICT

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### BOARD MEMORANDUM

**From:** Mo Rock  
**To:** SWCD Board  
**Subject:** Bill.com Credit Card  
**Date:** February 07, 2024

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The program that SWCD uses to pay bills, Bill.com, has a credit card available that would tie seamlessly into our accounting software and allow easier reimbursement requests from Directors. Currently, SWCD's credit card does not tie into our accounting software and is the most time-consuming account to reconcile.

SWCD currently uses a credit card from Bank of Colorado. Bank of Colorado uses Spendtrack through fisevr as their credit card website and card management system. Fisevr does not tie into QuickBooks like the Bank of Colorado's banking website, or Bill.com. Without this link between software, time-consuming steps are added to the monthly reconciliation process.

Bill.com offers a competitive Credit Card with cash back and point redemption options that do not have a fee. Currently, SWCD's credit card collects a limited number of points, but as I did research, I had a hard time accessing them – this is something I am looking into. The Bank of Colorado Card also does not have a fee.

Bill.com pre-approved our limit at \$22,000, our current limit is \$25,000 total and \$3,500/user. We can set similar limits at Bill.com.

Bill.com offers an extension to their current website for Credit Card holders. This extension includes features like Easy Reimbursement Requests: Directors and staff can have a profile on an app or website where they can submit reimbursement requests to the district. These profiles will not have access to SWCD finances overall but will provide an easier way to ask for reimbursements, prompting users to take photos of receipts and continually updating with the current mileage rate.

The features offered by Bill.com, although not integral to the internal operation of SWCD, would make the processes more seamless, freeing up staff time to work on other projects. As such, I would recommend moving forward with a Bill.com application, which would give us more information if we wanted to fully switch to Bill.com's credit card system. Lastly, it would be beneficial to have two credit cards (one assigned to Steve and one to Mo, for ease of use).



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### BOARD MEMORANDUM

**From:** Mo Rock  
**To:** SWCD Board  
**Subject:** Website Accessibility - Streamline  
**Date:** January 17, 2024

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HB21-1110 requires that CO state agencies (including all special districts) comply with accessibility guidelines with a plan due by July 1, 2022 and fully passing by July 1, 2024. Since we are rapidly approaching the second deadline, staff have dived into options to update our website to be ADA compliant in the coming months.

From research, staff recommends moving forward with Streamline to help manage our website, updating documents/pages to current standards, and helping staff stay up-to-date on changing ADA guidelines. We find it important to have a platform accessible to all constituents of our District.

#### Background:

- Thousands of special districts have been sued across the country due to ADA compliance – these payouts range from \$4,000 to \$40,000.
- Our website is currently NOT ADA compliant, leaving the district vulnerable to litigation.
- Based on estimates, it would take 45-90 days (about 3 months) to completely update our website on our own. I do not have the expertise, or capacity to do this.
- Hiring an outside contractor is an option, but costs range from about \$3,000 to \$5,000 and does not include regular maintenance.
- Accessibility experts (come in for 5-10 grand) don't keep things compliant

#### Current Website Costs:

- About \$1,000/year through Blue Channel
- \$375/year Mailchimp
- \$ Eventbrite (takes 20% about)



Streamline:

- Only works with Special Districts and
- Partners with the Special Districts Association (SDA), which offers us discounted pricing.
- Has optional additional features that would consolidate other software that we use regularly
  - For example, we currently pay for MailChimp, but we could switch to doing newsletters through our website
- Community Pro - \$350/Month
- Compliance Basics - \$235/Month

The Special District Website Accessibility Report

Share or Download Report

## Southwestern Water Conservation District

*Web Accessibility and Risk Report*

Prepared on 10/31/2023 - 06:10 PM

**What you'll find in this report:**

1. [Your current accessibility report / risk snapshot](#)
2. [Top accessibility issues on your site](#)
3. [Pages that need to be fixed](#)
4. [Your timeline to reach accessibility](#)
5. [Your monthly progress tracker](#)

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Created by districts  
for districts ❤️

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### 1. Your current accessibility / risk snapshot

**Overall accessibility and risk score**

94

FAIL

**Your current accessibility & risk rating score: 94/100 (FAIL)**

It appears your website needs a bit of work to reach accessibility, but don't worry you're not alone. Countless other districts are in the same boat. The most important thing to do is set up a plan to reach compliance.

**Why is 100% compliance critical?**

- More than **2,403 districts** have been affected by an accessibility action. About 6% of all districts in the US, including county-dependent districts have been fined, received demand letters, or gotten Department of Justice Office of Civil Rights (OCR) letters for website ADA violations in the US. **That number is expected to exceed 4,000 (10%) by the end of 2024.**
- **The number of lawsuits rose 56% in 2021, and the penalties for noncompliance are rising fast** – averaging \$4,000 for an ADA claim in 2019 to \$39,000 in 2022. It's a situation that The Wall Street Journal calls "very perilous" in a [recent article](#).
- **Very few if any**, special district insurance policies even partially cover the costs of web accessibility issues.

#### 4. Your timeline to reach accessibility

Obviously, **timeline is the big question**. While we don't know all the ins and outs of your organization or tech stack, we do know the major factors that can affect the timeline of your accessibility plan. We've laid out the known factors and a couple of scenarios below that would get you back to compliance and away from risk.

##### Factors for your timeline

|  |                             |
|--|-----------------------------|
| Factor 1: Your CMS   | WordPress                   |
| Factor 2: The type of errors on your site                                    | Structural + Presentational |
| Factor 3: The volume of errors on your site                                  | 438                         |
| Factor 4: The amount of time your staff has available to work on remediation | Unknown                     |

##### Estimated Remediation Scenarios ✔

##### Details

- ❌ **Option 1: Do it yourself**
  - 🚧 Between 45 - 90 days of hands-on remediation.
  - Plan for dedicated developer and staff time each week.
  - [Share this report with your web developer](#)
- 📄 **Option 2: Hire a remediation service**
  - 📄 Custom quote required for timeline.
  - Plan for an in-depth audit, a full website remediation project, and ongoing fees (in addition to current website and hosting).
- ✔ **Option 3: Use an accessible-first website platform**
  - ✔ Our special district website partner [Streamline](#) will convert your site to a fully-compliant platform for you.
  - Plan for 1 hour of staff training. Includes ongoing accessibility, state compliance tools, indemnification against ADA claims, and unlimited support.

[Get a Quote](#)

#### Example:



## STREAMLINE

# How special districts stay safe from ADA website risks

*It's the law, and it's the right thing to do. We're committed to the best user experience for users with disabilities.*

Just as buildings must have wheelchair ramps, public websites must have special provisions for users with disabilities. The number of lawsuits rose 56% in 2021<sup>1</sup>, and the penalties for noncompliance are rising fast—averaging \$4,000 for an ADA claim in 2019<sup>2</sup> to \$39,000 in 2022. It's a situation that *The Wall Street Journal* calls “very perilous” in a [recent article](#).

The most appalling development is that the majority of new actions are targeting organizations smaller than 30 million in revenue, as they are often not aware of or prepared to meet web accessibility standards.

### Quantifying the risk

Districts often ask themselves, “What is the actual risk that an ADA claim will affect us?” The results are both surprising and unpredictable.

The overwhelming majority of ADA-related claims never make it to court. They are quietly settled, usually forced by insurance pools who want to manage risk without admitting to any wrongdoing or panicked districts who realize their EPLI insurance doesn't cover *website*-related ADA issues (the majority do not).

|   |   |
|---|---|
| <p><b>More than 2,403</b><br/><b>districts affected</b></p> <p>(about 6% of all districts in the US, including county-dependent districts) have been fined, received demand letters, or gotten Department of Justice Office of Civil Rights (OCR) letters for website ADA violations in the US.</p> <p>That number is expected to <b>exceed 4,000</b> (10%) by the end of 2024.</p> | <p><b>Very few</b><br/><b>if any, special district insurance policies even partially cover the costs of web accessibility issues</b></p> <p>Most insurance carriers, including district statewide insurance pools, do not cover website-specific ADA claims in their EPLI policies. ADA is <i>not</i> covered by cyber, either.</p> <p>Median deductible: <b>\$5,200</b><br/>Median settlement: <b>\$25,000</b><sup>3</sup></p> |
|---|---|

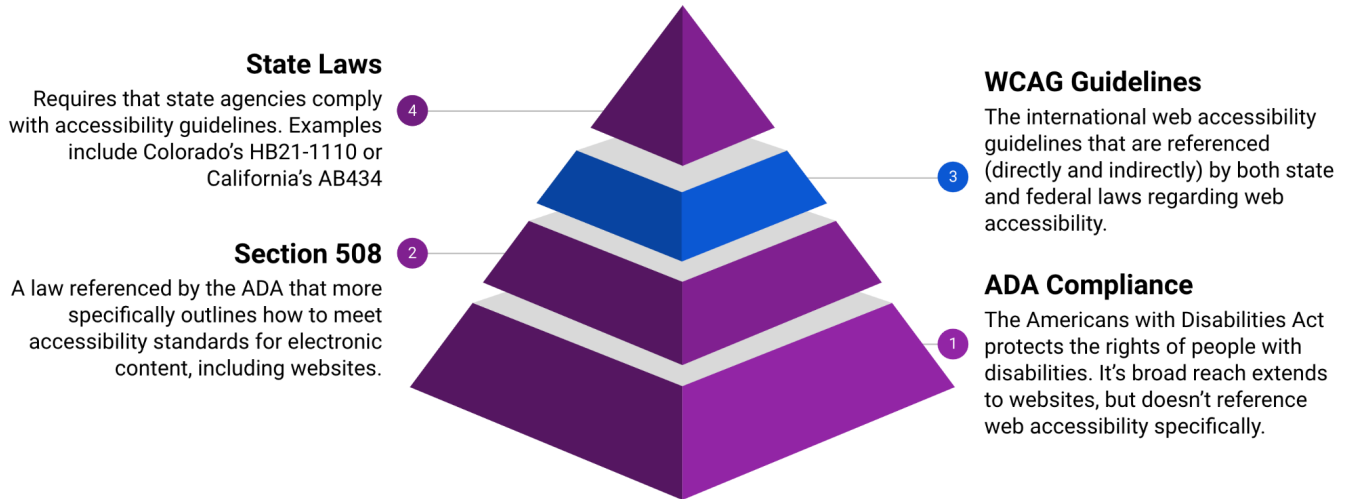
<sup>1</sup> <https://www.wsj.com/articles/lawsuits-over-digital-accessibility-for-people-with-disabilities-are-rising-11626369056>

<sup>2</sup> <https://ada.jmbm.com/ada-website-accessibility-lawsuits-wont-go-away-in-2020-part-1-how-we-got-here/>

<sup>3</sup> <https://www.boia.org/blog/did-u-s-businesses-spend-billions-on-legal-fees-for-inaccessible-websites-in-2020>



## Accessibility Laws

The laws surrounding accessibility are both disjointed and nuanced. There are a few layers of federal regulations further augmented by state regulations. *While more and more state laws are emerging with their own timelines and penalties, most districts do not realize that they are already liable for violations of federal laws, which comprise the majority of current actions.*



## Understanding website accessibility

Districts are required to have not only a website that is technically accessible but policies and procedures for reporting and remediation.

|  |  |
|--|--|
| <p><b>What is my district's risk now?</b><br/>One way to assess risk is to scan your homepage. Learn how to use Lighthouse or run a free scan at <a href="https://getstreamline.com/accessibility-scanner">getstreamline.com/accessibility-scanner</a></p>  <p><b>What is Google Lighthouse?</b><br/>A free tool that anyone can use to scan your webpage to check for accessibility. It is available in the Chrome browser by hitting F12.</p> | <p style="text-align: center;"> <br/> <b>76</b><br/> <b>Accessibility</b> </p> <p>Lighthouse tests basic webpage conformance to standards such as WCAG, which is one of many requirements for web accessibility. Districts must also scan all pages, PDF documents, maintain an accessibility policy, check for closed captioning on videos, and more to meet federal standards.</p> |
|--|--|

## Streamline will protect you

### Streamline cares about accessibility

The Streamline team has a long history of working on accessible websites. At the California Capital, Streamline’s CEO was presented with the “Vision Award” from Disability Rights California, the nation’s largest disability rights advocacy group, for their work on making websites more accessible to the public.

The award was presented by Jeffrey Thom, a board member, Stanford-trained attorney, and long-time champion of disability rights. In presenting the award, Jeffrey, who is blind, challenged the audience.

”Consider how frustrated you would be if you went to your favorite website and you got just a blue screen with nothing on it,” he said. “This is the reality for many users with disabilities.”



### Meet our legal team

Streamline has partnered with two of the most recognized ADA defense attorneys in the United States—Martin Orlick and Stuart Tubis of Jeffer Mangels Butler & Mitchell LLP. They are intimately familiar with your website, the Streamline platform, and understand the unique nature of public sector Title II ADA complaints.



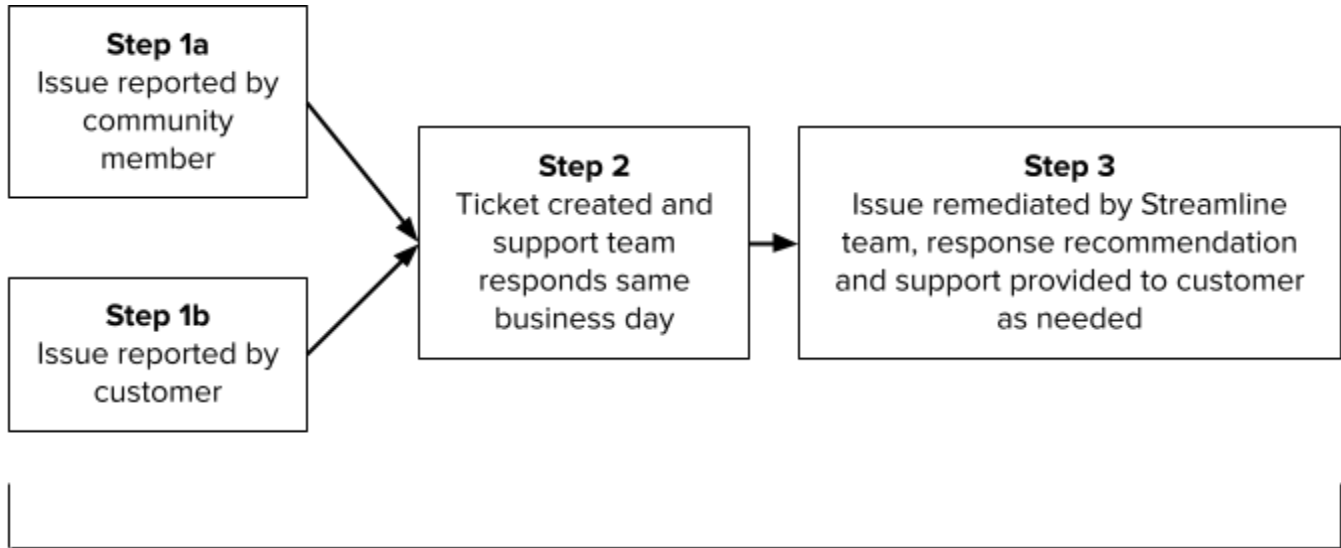
### Our accessibility review process

Streamline conducts rigorous audits of its own platform in partnership with LevelAccess, one of the leading providers of web accessibility testing. This includes numerous real users with real disabilities on various accessible technologies (ATs) testing the site for issues.

Any identified issues are immediately addressed by our engineering team. Since accessibility best practices are constantly evolving, our work is never complete. If we find a widespread issue affecting multiple sites, we will work with those customers directly to resolve the issue in a timely manner.

### Our rapid response process

Streamline is committed to a speed response when either you or a member of your community finds an issue. Also, all communication is carefully documented in case the request for accommodation leads to a legal action or demand letter.



within one business day

### Ongoing training

Streamline offers CE-credit eligible ongoing accessibility training for special districts. Learn more or sign up for a class at [getstreamline.com/accessibility](https://getstreamline.com/accessibility).

## How Streamline can help you

### Streamline Accessibility Shield™

Streamline is the first and only company to offer ADA scanning built into its product for special districts.

The screenshot displays the Streamline Accessibility Shield dashboard. At the top, there are tabs for 'Compliance' and 'Accessibility'. Below this, the 'Your Accessibility Snapshot' section shows a 'Homepage Score' of 100/100, 'Pages (Need Attention)' of 18, 'Files (Need Attention)' of 0, and 'Images (Need Attention)' of 5. A 'Site Snapshot' donut chart indicates that 80% of website pages are accessible. A '6 Month Site Scan Snapshot' bar chart shows accessibility percentages for August (50%), September (90%), October (100%), November (100%), December (100%), and January (80%). The 'Your Accessibility To-Do List' section highlights missing alt tags for five images: firefighting.jpeg, thisisengineering-raeng., books-apple-abc.jpg, B4Eg70BC-D8E7-4190--, and FAC3B321-EF91-4E13-8. A 'Not sure where to start?' button is also present.

What AccessibilityShield can do for your board members and management:

- Monthly comprehensive site scans
- Public accessibility policy landing page with up-to-date best practices for your state
- Website issue reporting form
- Scan results and remediation action reports
- Monthly board-ready compliance reports<sup>4</sup>

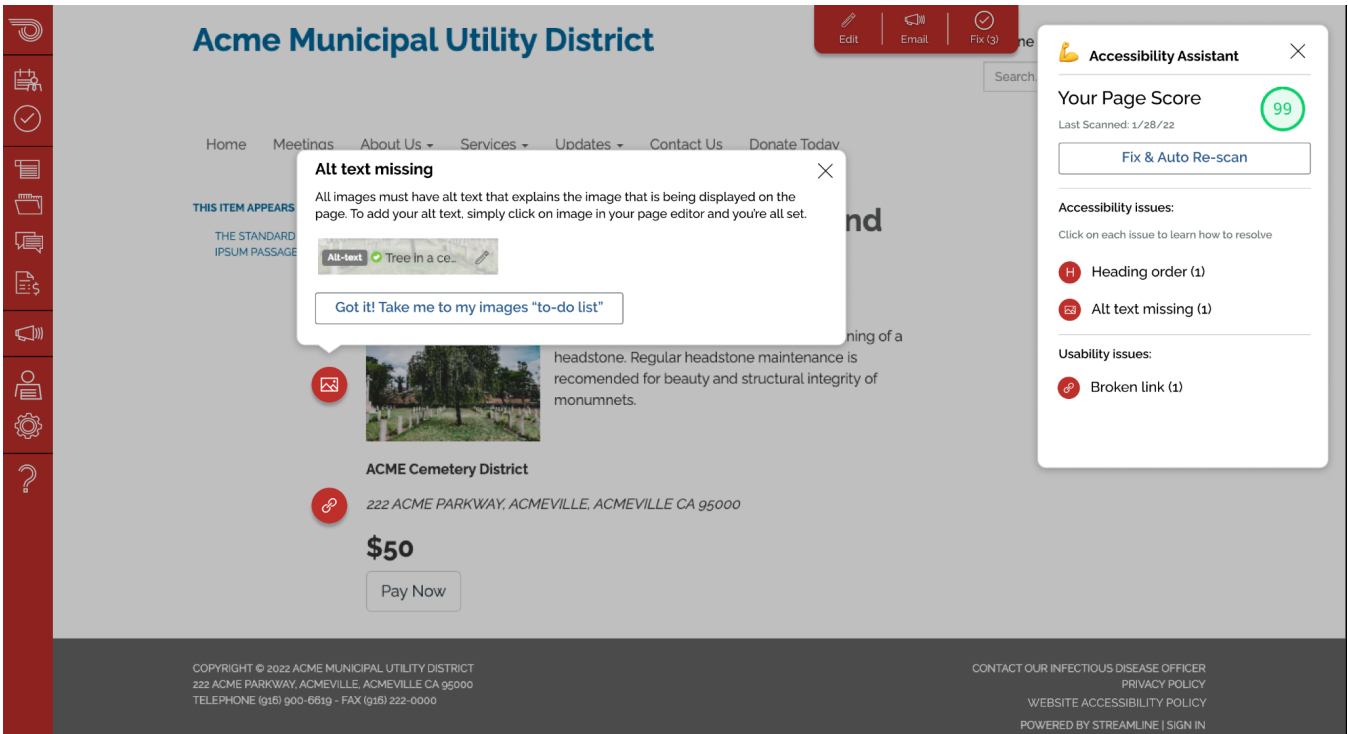
Why the person editing your website (e.g. a board secretary or communications director) will love it:

- AI-driven alt-text will automatically tag your images
- Color contrast boundaries, correctly-formatted headers, specific ADA-friendly fonts selected
- Mobile responsive designs that maintain ADA compliance for the 40% of people not on a desktop

What AccessibilityShield doesn't do (yet) that you will need to check manually:

- Check your PDFs for potential accessibility issues (coming soon)
- Check your images to make sure they don't have text in them that you should also have on your page, such as a flyer (coming soon)
- Check your videos for closed captioning (this is something you will want to have in place)
- Check third-party content or linked content, such as an embedded map or widget, so please place custom HTML with care, or just ask us for help!

<sup>4</sup> Coming in 2023



Streamline’s accessibility assistant will guide you through specific fixes right on the page, without having to go to another system. With other systems, it can take a few hours to go through all the identified items and fix them on your site. With Streamline, remediation is right at your fingertips, with most identified problems being automatically resolved by the tool. Because Streamline is so easy to use, you can do the fixes yourself, or with help from our responsive team.

## Acme Municipal Utility District

### Website Accessibility Compliance Report

Reporting Period: April 2022

[Download or Share](#)

Compliance Snapshot:

**Overall Website Score: 80**

At the time of this report, 80% of the pages on your website meet accessibility requirements

**Number of pages scanned: 56**

Your website currently has 56 pages that are accessible to the public. All of these pages were scanned and evaluated in preparation of this report.

**Pages in the process of remediation: 11**

Your website currently has 11 pages that require remediation to meet full compliance.

[View your list of pages that require remediation](#)

| Page                           | Score |
|--------------------------------|-------|
| <a href="#">About Us</a>       | 98    |
| <a href="#">Something Else</a> | 99    |
| <a href="#">Another Page</a>   | 99    |

Comprehensive reports, policies, and workflows will be developed for your organization, bringing you into full compliance.



**ADA Legal Shield™ Coming Soon**

***We won't just stand by our product, we'll stand by you in court.***

Streamline is the first and only company to offer a robust legal defense as part of its offering.

We will indemnify your district against website ADA claims. Our Harvard and MIT-trained attorneys will defend your district against website accessibility claims and demand letters at no cost to you. We'll strike fear into the hearts of trial attorneys looking to make a quick buck off your district, and more importantly, we will make users with genuine disability-related issues get the respect and support they deserve.



Note that ADA Legal Shield™ requires having the accessibility shield criteria met, as well as the district agreeing to reasonable provisions, such as giving Streamline and its legal team strategic control of litigation and waivers/exclusion of claims against physical property matters (such as wheelchair ramps), class action lawsuits, and third-party content. We'll explain all of this in detail if you're interested in learning more.

*All offerings are subject to the terms and conditions of the contract. The Streamline Accessibility Shield is in Beta and developed in active collaboration with districts, attorneys, district associations, and state and local government officials. Pricing and features are subject to change over time.*

## 18.0 Legislative Affairs

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## Southwestern Water Conservation District

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### [HB24-1168](#)

### Equal Access to Public Meetings

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**Comment:**

**Position:**

**Calendar**

Wednesday, February 21 2024

**Notification:**

Transportation, Housing & Local Government

1:30 p.m. Room LSB-A

(2) in house calendar.

**Short Title:**

Equal Access to Public Meetings

**Sponsors:**

M. Froelich (D) | M. Rutinel (D) / N. Hinrichsen (D)

**Summary:**

The bill requires state and local public bodies (public bodies) to ensure that the following accessibility requirements are implemented by July 1, 2025:

- Any public meeting at which public business is discussed, formal action may be taken, or recommendations to the governing body of the public body may be discussed (meeting) held by a public body is required to be accessible in real time by live streaming video or audio that is recorded and accessible to individuals with disabilities;
- A public body is required to post on its website, at least 24 hours before a meeting, any documents that will be distributed during the meeting;
- For any meeting of a public body during which public testimony will be heard, the public body is required to allow any individual to participate in the meeting and offer public testimony by using a video conferencing platform unless the meeting occurs in a geographic location that lacks broadband internet service; and
- A public body is required to provide any auxiliary aids or services requested in time for the meeting for which they were requested. A public body may require that a request for auxiliary aids or services to attend a meeting of the public body with the use of the video conferencing platform be made up to 7 days before the date of the meeting.

Nothing in the bill prohibits a public body from promulgating rules for the administration of public testimony so long as the rules apply to both in-person and remote testimony, and nothing in the bill requires a public body to provide hardware or software or internet or phone access at an individual's home.

The failure of any public body to comply with the applicable requirements of the bill constitutes discrimination on the basis of disability. Any individual who is subjected to a violation is entitled to seek relief as currently provided in law.

*(Note: This summary applies to this bill as introduced.)*

**Status:** 1/31/2024 Introduced In House - Assigned to Transportation, Housing & Local Government  
**Date Introduced:** 2024-01-31

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**[HB24-1178](#)      **Local Government Authority to Regulate Pesticides****

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**Comment:**

**Position:**

**Calendar Notification:** Thursday, February 15 2024  
 Energy & Environment  
 1:30 p.m. Room LSB-A  
 (1) in house calendar.

**Short Title:** Local Government Authority to Regulate Pesticides

**Sponsors:** C. Kipp (D) | M. Froelich (D) / L. Cutter (D) | S. Jaquez Lewis (D)

**Summary:** Current law prohibits a local government from creating laws that regulate the use of pesticides by pesticide applicators regulated by state or federal law. The bill allows a local government to create and enforce laws regulating the sale or use of pesticides to protect the health and safety of the community with certain exceptions.

*(Note: This summary applies to this bill as introduced.)*

**Status:** 2/1/2024 Introduced In House - Assigned to Energy & Environment  
**Date Introduced:** 2024-02-01

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**[SB24-127](#)      **Regulate Dredged & Fill Material State Waters****

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**Comment:**

**Position:**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Regulate Dredged & Fill Material State Waters

**Sponsors:** B. Kirkmeyer (R) / S. Bird (D)

**Summary:** The bill creates the stream and wetlands protection commission (commission) in the department of natural resources (department) and

requires the commission to develop, adopt, and maintain a dredge-and-fill permit program (permit program) for:

- Regulating the discharge of dredged or fill material into certain state waters; and
- Providing protections for state waters, which protections are no more restrictive than the protections provided under the federal "Clean Water Act" as it existed on May 24, 2023.

The bill creates the stream and wetlands protection division (division) in the department to administer and enforce the permit program.

The commission is required to promulgate rules as expeditiously as is prudent and feasible concerning the issuance of permits under the permit program. Until the division implements such rules, the bill prohibits the water quality control division in the department of public health and environment from taking any enforcement action against an activity that includes the discharge of dredged or fill material into state waters if the activity causing the discharge is conducted in a manner that provides for protection of state waters consistent with the protections that would have occurred through compliance with federal law prior to May 25, 2023.

The bill establishes enforcement mechanisms for the permit program. A person who violates the terms of a permit, a rule, or a cease-and-desist order or clean-up order is subject to a civil penalty of not more than \$10,000 per day per violation.

The bill directs the state treasurer to transfer \$600,000 from the severance tax operational fund to the capital construction fund on July 1, 2024, for the implementation of the bill.

*(Note: This summary applies to this bill as introduced.)*

**Status:** 2/6/2024 Introduced In Senate - Assigned to Agriculture & Natural Resources  
**Date Introduced:** 2024-02-06

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**[SB24-129](#) Nonprofit Member Data Privacy & Public Agencies**

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**Comment:**  
**Position:**  
**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Nonprofit Member Data Privacy & Public Agencies  
**Sponsors:** B. Pelton (R) | C. Kolker (D) / C. deGruy Kennedy (D) | L. Frizell (R)  
**Summary:** With certain exceptions, the bill prohibits a public agency from:

- Requiring any person to provide the public agency with data that may identify a member of a nonprofit entity (member-specific data) or compelling the disclosure of member-specific data;
- Disclosing member-specific data to any person; or
- Requesting or requiring a current or prospective contractor or a current or prospective grantee of a grant program administered by the public agency to provide a list of nonprofit entities to which the current or prospective contractor or grantee has provided financial or nonfinancial support.

A nonprofit entity or any of its members affected adversely by a public agency's violation of the bill's provisions may initiate a civil action against the public agency in district court for injunctive relief, damages, or such other relief as is appropriate. Notwithstanding existing laws concerning governmental immunity, a court may award damages against a public agency that violates the bill's provisions as follows:

- Not less than \$2,500 for each violation; and
- Not less than \$7,500 for each intentional violation.

A court may also award the costs of litigation to a complainant that prevails in such an action.

*(Note: This summary applies to this bill as introduced.)*

**Status:** 2/6/2024 Introduced In Senate - Assigned to Business, Labor, & Technology  
**Date Introduced:** 2024-02-06

**SWCD**

**Bill Tracker**

February 7, 2024

| Bill #                    | Comments | Position | Calendar Notification   | Short Title   | Sponsors  | Most Recent Status  |
|---------------------------|----------|----------|---|---|---|---|
| <a href="#">HB24-1007</a> |          |          | Friday, February 9 2024<br>THIRD READING OF BILLS - FINAL PASSAGE<br>(1) in house calendar.                                 | Prohibit Residential Occupancy Limits                         | M. Rutinel (D)   J. Mabrey (D) / T. Exum (D)   J. Gonzales (D)        | 2/6/2024 House Third Reading Laid Over to 02/09/2024 - No Amendments                                  |
| <a href="#">HB24-1024</a> |          |          | NOT ON CALENDAR   | Extend Outreach Campaigns Wildfire Risk Mitigation            | T. Story (D)   E. Velasco (D) / L. Cutter (D)                         | 1/22/2024 House Committee on Agriculture, Water & Natural Resources Refer Unamended to Appropriations |
| <a href="#">HB24-1091</a> |          |          | NOT ON CALENDAR   | Fire-Hardened Building Materials in Real Property             | K. Brown (D)   B. Titone (D) / L. Cutter (D)   S. Jaquez Lewis (D)    | 2/7/2024 Introduced In Senate - Assigned to Local Government & Housing                                |
| <a href="#">HB24-1168</a> |          |          | Wednesday, February 21 2024<br>Transportation, Housing & Local Government<br>1:30 p.m. Room LSB-A<br>(2) in house calendar. | Equal Access to Public Meetings                               | M. Froelich (D)   M. Rutinel (D) / N. Hinrichsen (D)                  | 1/31/2024 Introduced In House - Assigned to Transportation, Housing & Local Government                |
| <a href="#">HB24-1178</a> |          |          | Thursday, February 15 2024<br>Energy & Environment<br>1:30 p.m. Room LSB-A<br>(1) in house calendar.                        | Local Government Authority to Regulate Pesticides             | C. Kipp (D)   M. Froelich (D) / L. Cutter (D)   S. Jaquez Lewis (D)   | 2/1/2024 Introduced In House - Assigned to Energy & Environment                                       |
| <a href="#">SB24-005</a>  |          |          | NOT ON CALENDAR   | Prohibit Landscaping Practices for Water Conservation         | D. Roberts (D)   C. Simpson (R) / K. McCormick (D)   B. McLachlan (D) | 2/2/2024 Introduced In House - Assigned to Agriculture, Water & Natural Resources                     |
| <a href="#">SB24-026</a>  |          |          | NOT ON CALENDAR   | Agriculture & Natural Resources Public Engagement Requirement | D. Roberts (D)   P. Will (R) / B. McLachlan (D)   M. Catlin (R)       | 1/18/2024 Senate Committee on Agriculture & Natural Resources Refer Amended to Appropriations         |
| <a href="#">SB24-031</a>  |          |          | NOT ON CALENDAR   | Local Authority Enforce Violation of Noxious Weed Act         | D. Roberts (D) / M. Lukens (D)   B. McLachlan (D)                     | 2/2/2024 Introduced In House - Assigned to Agriculture, Water & Natural Resources                     |
| <a href="#">SB24-037</a>  |          |          | NOT ON CALENDAR   | Study Green Infrastructure for Water Quality Management       | C. Simpson (R)   J. Bridges (D) / M. Lynch (R)   K. McCormick (D)     | 1/10/2024 Introduced In Senate - Assigned to Agriculture & Natural Resources                          |
| <a href="#">SB24-038</a>  |          |          | NOT ON CALENDAR   | Authorize Conservancy District Water Management               | J. Bridges (D)   C. Simpson (R) / M. Martinez (D)   K. McCormick (D)  | 1/10/2024 Introduced In Senate - Assigned to Agriculture & Natural Resources                          |

|                           |  |         |  |   |  |   |
|---------------------------|--|---------|--|---|--|---|
| <a href="#">SB24-127</a>  |  |         | NOT ON CALENDAR  | Regulate Dredged & Fill Material State Waters   | B. Kirkmeyer (R) / S. Bird (D)   | 2/6/2024 Introduced In Senate - Assigned to Agriculture & Natural Resources       |
| <a href="#">SB24-129</a>  |  |         | NOT ON CALENDAR  | Nonprofit Member Data Privacy & Public Agencies | B. Pelton (R)   C. Kolker (D) / C. deGruy Kennedy (D)   L. Frizell (R) | 2/6/2024 Introduced In Senate - Assigned to Business, Labor, & Technology         |
| <a href="#">SJR24-004</a> |  | Support | Thursday, February 15 2024<br>Agriculture, Water & Natural Resources<br>Upon Adjournment Room 0107<br>(1) in house calendar. | Water Projects Eligibility Lists                | D. Roberts (D)   C. Simpson (R) / K. McCormick (D)   M. Catlin (R)     | 2/2/2024 Introduced In House - Assigned to Agriculture, Water & Natural Resources |



**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 24-0606.01 Richard Sweetman x4333

**SENATE BILL 24-127**

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**SENATE SPONSORSHIP**

**Kirkmeyer,**

**HOUSE SPONSORSHIP**

**Bird,**

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**Senate Committees**

Agriculture & Natural Resources

**House Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING THE ESTABLISHMENT OF A DREDGE-AND-FILL PERMIT**  
102           **PROGRAM TO REGULATE THE DISCHARGE OF POLLUTANTS INTO**  
103           **CERTAIN STATE WATERS IN RESPONSE TO RECENT CHANGES IN**  
104           **FEDERAL LAW, AND, IN CONNECTION THEREWITH, ESTABLISHING**  
105           **THE STREAM AND WETLANDS PROTECTION COMMISSION AND**  
106           **THE STREAM AND WETLANDS PROTECTION DIVISION AND**  
107           **AUTHORIZING THE STREAM AND WETLANDS PROTECTION**  
108           **DIVISION TO ADMINISTER AND ENFORCE THE DREDGE-AND-FILL**  
109           **PERMIT PROGRAM IN ACCORDANCE WITH RULES PROMULGATED**  
110           **BY THE STREAM AND WETLANDS PROTECTION COMMISSION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

*not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the stream and wetlands protection commission (commission) in the department of natural resources (department) and requires the commission to develop, adopt, and maintain a dredge-and-fill permit program (permit program) for:

- Regulating the discharge of dredged or fill material into certain state waters; and
- Providing protections for state waters, which protections are no more restrictive than the protections provided under the federal "Clean Water Act" as it existed on May 24, 2023.

The bill creates the stream and wetlands protection division (division) in the department to administer and enforce the permit program.

The commission is required to promulgate rules as expeditiously as is prudent and feasible concerning the issuance of permits under the permit program. Until the division implements such rules, the bill prohibits the water quality control division in the department of public health and environment from taking any enforcement action against an activity that includes the discharge of dredged or fill material into state waters if the activity causing the discharge is conducted in a manner that provides for protection of state waters consistent with the protections that would have occurred through compliance with federal law prior to May 25, 2023.

The bill establishes enforcement mechanisms for the permit program. A person who violates the terms of a permit, a rule, or a cease-and-desist order or clean-up order is subject to a civil penalty of not more than \$10,000 per day per violation.

The bill directs the state treasurer to transfer \$600,000 from the severance tax operational fund to the capital construction fund on July 1, 2024, for the implementation of the bill.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4 (a) On May 25, 2023, the United States supreme court issued an  
5 opinion in *Sackett v. Environmental Protection Agency* that defined the

1 types of water resources that are considered to be "waters of the United  
2 States" and are subject to federal permitting requirements under section  
3 404 of the federal "Clean Water Act", Pub.L. 92-500, for the discharge of  
4 dredged or fill material. The *Sackett* ruling became immediately effective  
5 in Colorado, and federal permitting requirements for the discharge of  
6 dredged or fill material no longer apply to certain state waters. The United  
7 States supreme court effectively narrowed the scope of the federal "Clean  
8 Water Act", undoing protections that have safeguarded many of  
9 Colorado's waters for over fifty years.

10 (b) To date, Colorado has not had a state permit program to  
11 authorize the placement of dredged or fill material into state waters but  
12 has relied on the federal government's permit program. The new  
13 definition of "waters of the United States" under *Sackett*, narrowing  
14 federal jurisdiction in this area, has created a need for a state permit  
15 program. This decision has added a tremendous amount of regulatory  
16 uncertainty regarding the protection of Colorado's aquatic ecosystems and  
17 put at risk sustainable land use. This decision has also shifted the burden  
18 to the states to fill the void in permitting programs.

19 (c) Some projects involving the discharge of dredged or fill  
20 material, such as for flood control; stream restoration; water development;  
21 construction or maintenance of underground utilities, roads, transit, rail,  
22 and housing; and similar efforts that are not regulated by the federal  
23 "Clean Water Act", face regulatory uncertainty unless Colorado develops  
24 its own dredge-and-fill permit program.

25 (2) The general assembly further finds that:

26 (a) Water is Colorado's most critical natural resource. Colorado's  
27 water resources provide essential ecosystem services for a healthy

1 environment and serve as a fundamental element of the state's economic  
2 growth and prosperity.

3 (b) Colorado has a strong interest in protecting water in Colorado  
4 because our economy and way of life rely on clean water. Colorado's  
5 rivers supply millions of people in the United States with water needed  
6 for drinking, agriculture, industry, and outdoor recreation. Moreover,  
7 Colorado must find a way forward to protect waters within its borders and  
8 provide regulatory certainty for the economic, environmental, and social  
9 quality of life in Colorado.

10 (c) The lack of a permitting program will further exacerbate the  
11 unmet housing needs in Colorado and will place at risk the historic  
12 investment of close to one billion dollars for affordable housing made by  
13 the state over the past three years;

14 (d) A state dredge-and-fill permit program can provide a  
15 mechanism for protecting the ecological integrity of Colorado's water  
16 resources while accommodating their sustainable utilization to facilitate  
17 a strong and prosperous economy;

18 (e) Development of the state water plan involved the largest civic  
19 engagement process in the state's history. The state water plan provides  
20 a policy roadmap for managing Colorado's water resources in a way that  
21 leads to a productive economy, vibrant and sustainable cities, productive  
22 agriculture, a strong environment, and a robust recreation industry.

23 (f) In creating a permitting program for dredge-and-fill activities,  
24 Colorado can strike a balance between environmental conservation and  
25 economic development, ensuring that such activities are conducted  
26 responsibly while preserving critical waterways. This will further enable  
27 the state to address specific regional challenges, uphold ecological

1 resilience, and provide a crucial layer of protection.

2 (3) Therefore, the general assembly declares that the state must  
3 adopt a permit program to regulate the discharge of dredged or fill  
4 material into state waters, and, moreover, it is imperative that the state do  
5 so as soon as possible.

6 **SECTION 2.** In Colorado Revised Statutes, **add** article 21 to title  
7 36 as follows:

8 **ARTICLE 21**

9 **Stream and Wetlands Protection Act**

10 **36-21-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 21 IS  
11 THE "STREAM AND WETLANDS PROTECTION ACT".

12 **36-21-102. Definitions.** AS USED IN THIS ARTICLE 21, UNLESS THE  
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "CLEAN WATER ACT" MEANS THE "FEDERAL WATER  
15 POLLUTION CONTROL ACT AMENDMENTS OF 1972", PUB.L. 92-500,  
16 CODIFIED AT 33 U.S.C. SEC. 1251 ET SEQ., AS AMENDED.

17 (2) "COMMISSION" MEANS THE STREAM AND WETLANDS  
18 PROTECTION COMMISSION CREATED IN SECTION 36-21-104.

19 (3) "COMPENSATORY MITIGATION" MEANS REDUCING AN  
20 ACTIVITY'S ADVERSE IMPACTS TO THE AQUATIC ENVIRONMENT BY  
21 REPLACING LOSSES OF STATE WATERS OR WETLANDS.

22 (4) "CORPS OF ENGINEERS" MEANS THE UNITED STATES ARMY  
23 CORPS OF ENGINEERS.

24 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL  
25 RESOURCES CREATED IN SECTION 24-33-101.

26 (6) (a) "DISCHARGE OF DREDGED MATERIAL" MEANS, EXCEPT AS  
27 DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION, ANY ADDITION OF

1 DREDGED MATERIAL INTO, INCLUDING REDEPOSIT OF DREDGED MATERIAL  
2 OTHER THAN INCIDENTAL FALLBACK WITHIN, STATE WATERS. THE TERM  
3 INCLUDES:

4 (I) THE ADDITION OF DREDGED MATERIAL TO A SPECIFIED  
5 DISCHARGE SITE LOCATED IN STATE WATERS;

6 (II) RUNOFF OR OVERFLOW FROM A CONTAINED LAND OR WATER  
7 DISPOSAL AREA; AND

8 (III) ANY ADDITION, INCLUDING REDEPOSIT OTHER THAN  
9 INCIDENTAL FALLBACK, OF DREDGED MATERIAL INTO STATE WATERS THAT  
10 IS INCIDENTAL TO ANY ACTIVITY, INCLUDING MECHANIZED LAND  
11 CLEARING, DITCHING, CHANNELIZATION, OR OTHER EXCAVATION.

12 (b) "DISCHARGE OF DREDGED MATERIAL" DOES NOT INCLUDE:

13 (I) DISCHARGES OF POLLUTANTS INTO STATE WATERS RESULTING  
14 FROM THE ONSHORE PROCESSING OF DREDGED MATERIAL THAT IS  
15 EXTRACTED FOR ANY COMMERCIAL USE OTHER THAN FILL, WHICH  
16 DISCHARGES ARE SUBJECT TO SECTION 402 OF THE CLEAN WATER ACT  
17 EVEN THOUGH THE EXTRACTION AND DEPOSIT OF SUCH MATERIAL MAY  
18 REQUIRE A SECTION 404 PERMIT OR A PERMIT ISSUED PURSUANT TO THIS  
19 ARTICLE 21;

20 (II) ACTIVITIES THAT INVOLVE ONLY THE CUTTING OR REMOVING  
21 OF VEGETATION ABOVE THE GROUND, SUCH AS MOWING, ROTARY CUTTING,  
22 AND CHAIN-SAWING, SO LONG AS THE ACTIVITY NEITHER SUBSTANTIALLY  
23 DISTURBS THE ROOT SYSTEM NOR INVOLVES MECHANIZED PUSHING,  
24 DRAGGING, OR OTHER SIMILAR ACTIVITIES THAT REDEPOSIT EXCAVATED  
25 SOIL MATERIAL; OR

26 (III) INCIDENTAL FALLBACK.

27 (7) (a) "DISCHARGE OF FILL MATERIAL" MEANS THE ADDITION OF

1 FILL MATERIAL INTO STATE WATERS. THE TERM INCLUDES:

2 (I) PLACEMENT OF FILL MATERIAL THAT IS NECESSARY FOR THE  
3 CONSTRUCTION OF ANY STRUCTURE OR INFRASTRUCTURE IN STATE  
4 WATERS;

5 (II) THE BUILDING OF ANY STRUCTURE, INFRASTRUCTURE, OR  
6 IMPOUNDMENT REQUIRING ROCK, SAND, DIRT, OR OTHER MATERIAL FOR ITS  
7 CONSTRUCTION;

8 (III) SITE-DEVELOPMENT FILLS FOR RECREATIONAL, INDUSTRIAL,  
9 COMMERCIAL, RESIDENTIAL, OR OTHER USES;

10 (IV) CAUSEWAYS OR ROAD FILLS;

11 (V) DAMS AND DIKES;

12 (VI) ARTIFICIAL ISLANDS;

13 (VII) PROPERTY PROTECTION OR RECLAMATION DEVICES SUCH AS  
14 RIPRAP;

15 (VIII) LEVEES;

16 (IX) PLACEMENT OF FILL MATERIAL FOR INFRASTRUCTURE SUCH  
17 AS SEWAGE TREATMENT FACILITIES, INTAKE AND OUTFALL PIPES  
18 ASSOCIATED WITH POWER PLANTS, AND SUBAQUEOUS UTILITY LINES;

19 (X) PLACEMENT OF FILL MATERIAL FOR CONSTRUCTION OR  
20 MAINTENANCE OF ANY LINER, BERM, OR OTHER INFRASTRUCTURE  
21 ASSOCIATED WITH SOLID WASTE LANDFILLS; AND

22 (XI) PLACEMENT OF OVERBURDEN, SLURRY, OR TAILINGS OR  
23 SIMILAR MINING-RELATED MATERIALS.

24 (b) "DISCHARGE OF FILL MATERIAL" DOES NOT INCLUDE:

25 (I) PLOWING, CULTIVATING, SEEDING, OR HARVESTING FOR THE  
26 PRODUCTION OF FOOD, FIBER, OR FOREST PRODUCTS; OR

27 (II) PLACEMENT OF PILINGS IN STATE WATERS UNLESS THE

1 PLACEMENT HAS OR WOULD HAVE THE EFFECT OF A DISCHARGE OF FILL  
2 MATERIAL. PLACEMENT OF PILINGS FOR LINEAR PROJECTS, SUCH AS  
3 BRIDGES, ELEVATED WALKWAYS, AND POWER LINE STRUCTURES,  
4 GENERALLY DOES NOT HAVE THE EFFECT OF A DISCHARGE OF FILL  
5 MATERIAL. FURTHERMORE, PLACEMENT OF PILINGS IN STATE WATERS FOR  
6 A PIER, A WHARF, OR AN INDIVIDUAL HOUSE ON STILTS GENERALLY DOES  
7 NOT HAVE THE EFFECT OF A DISCHARGE OF FILL MATERIAL.

8 (8) "DIVISION" MEANS THE STREAM AND WETLANDS PROTECTION  
9 DIVISION CREATED IN SECTION 36-21-107.

10 (9) "DREDGED MATERIAL" MEANS MATERIAL THAT IS EXCAVATED  
11 OR DREDGED FROM STATE WATERS.

12 (10) "DREDGED OR FILL MATERIAL" MEANS DREDGED MATERIAL  
13 OR FILL MATERIAL.

14 (11) (a) "FILL MATERIAL" MEANS MATERIAL PLACED IN STATE  
15 WATERS WHERE THE MATERIAL HAS THE EFFECT OF:

16 (I) REPLACING ANY PORTION OF STATE WATERS WITH DRY LAND;  
17 OR

18 (II) CHANGING THE BOTTOM ELEVATION OF ANY PORTION OF ANY  
19 STATE WATERS.

20 (b) "FILL MATERIAL" INCLUDES ROCK, SAND, SOIL, CLAY, PLASTICS,  
21 CONSTRUCTION DEBRIS, WOOD CHIPS, OVERBURDEN FROM MINING OR  
22 OTHER EXCAVATION ACTIVITIES, AND MATERIALS USED TO CREATE ANY  
23 STRUCTURE OR INFRASTRUCTURE IN STATE WATERS.

24 (c) "FILL MATERIAL" DOES NOT INCLUDE SOLID WASTE.

25 (12) (a) "LOSS OF STATE WATERS" MEANS STATE WATERS THAT  
26 ARE PERMANENTLY ADVERSELY AFFECTED BY FILLING, FLOODING,  
27 EXCAVATION, OR DRAINAGE BECAUSE OF THE DISCHARGE OF DREDGED OR



1 FILL MATERIAL. FOR THE PURPOSES OF THIS SUBSECTION (12):

2 (I) THE ACREAGE OF LOSS OF STATE WATERS IS CALCULATED  
3 WITHOUT CONSIDERING COMPENSATORY MITIGATION; IT IS NOT A NET  
4 CALCULATION BASED ON THE DIFFERENCE BETWEEN LOSS OF STATE  
5 WATERS AND COMPENSATORY MITIGATION;

6 (II) THE LOSS OF STREAM BED INCLUDES THE ACRES OR LINEAR  
7 FEET OF STREAM BED THAT ARE FILLED OR EXCAVATED AS A RESULT OF A  
8 REGULATED ACTIVITY; AND

9 (III) WHEN CALCULATING LOSS OF STATE WATERS, THE  
10 FOLLOWING ARE NOT INCLUDED:

11 (A) WATERS TEMPORARILY FILLED, FLOODED, EXCAVATED, OR  
12 DRAINED BUT RESTORED TO PRECONSTRUCTION CONTOURS AND  
13 ELEVATIONS AFTER CONSTRUCTION; AND

14 (B) IMPACTS RESULTING FROM ACTIVITIES THAT ARE EXEMPT  
15 PURSUANT TO SECTION 36-21-106 (2)(b).

16 (b) AS USED IN THIS SUBSECTION (12), "PERMANENTLY ADVERSELY  
17 AFFECTED" INCLUDES PERMANENT DISCHARGES OF DREDGED OR FILL  
18 MATERIAL THAT CHANGE AN AQUATIC AREA TO DRY LAND, INCREASE THE  
19 BOTTOM ELEVATION OF A BODY OF WATER, OR CHANGE THE USE OF A  
20 BODY OF WATER.

21 (13) "PERMIT PROGRAM" MEANS THE DREDGE-AND-FILL PERMIT  
22 PROGRAM ADOPTED BY THE COMMISSION PURSUANT TO SECTION  
23 36-21-105(1) AND ADMINISTERED BY THE DIVISION PURSUANT TO SECTION  
24 36-21-107.

25 (14) "PRIOR-CONVERTED CROPLAND" MEANS ANY AREA THAT,  
26 PRIOR TO DECEMBER 23, 1985, WAS DRAINED OR OTHERWISE  
27 MANIPULATED FOR THE PURPOSE, OR HAVING THE EFFECT, OF MAKING

1 PRODUCTION OF AN AGRICULTURAL PRODUCT POSSIBLE. FOR THE  
2 PURPOSES OF THIS SUBSECTION (14):

3 (a) THE COMMISSION AND THE DIVISION SHALL RECOGNIZE  
4 DESIGNATIONS OF PRIOR-CONVERTED CROPLAND MADE BY THE UNITED  
5 STATES SECRETARY OF AGRICULTURE;

6 (b) AN AREA IS NO LONGER CONSIDERED PRIOR-CONVERTED  
7 CROPLAND IF THE AREA IS ABANDONED AND HAS REVERTED TO WETLANDS;

8 (c) ABANDONMENT OCCURS WHEN PRIOR-CONVERTED CROPLAND  
9 IS NOT USED FOR, OR IN SUPPORT OF, AGRICULTURAL PURPOSES AT LEAST  
10 ONCE IN THE IMMEDIATELY PRECEDING FIVE YEARS; AND

11 (d) THE DIVISION SHALL DETERMINE WHETHER PRIOR-CONVERTED  
12 CROPLAND HAS BEEN ABANDONED.

13 (15) "SECTION 404 PERMIT" MEANS A PERMIT ISSUED BY THE CORPS  
14 OF ENGINEERS PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT.

15 (16) "STATE WATER PLAN" MEANS THE STATE WATER PLAN  
16 DESCRIBED IN SECTION 37-60-106.3.

17 (17) "STATE WATERS" HAS THE MEANING SET FORTH IN SECTION  
18 25-8-103 (19).

19 (18) "WETLANDS" MEANS AREAS THAT ARE INUNDATED OR  
20 SATURATED BY SURFACE OR GROUNDWATER AT A FREQUENCY AND  
21 DURATION SUFFICIENT TO SUPPORT, UNDER NORMAL CIRCUMSTANCES, A  
22 PREVALENCE OF VEGETATION TYPICALLY ADAPTED FOR LIFE IN  
23 SATURATED SOIL CONDITIONS.

24 **36-21-103. Intent and scope of article.** (1) THIS ARTICLE 21 IS  
25 INTENDED TO ADDRESS THE REGULATORY GAP IN REGULATION CREATED  
26 BY THE UNITED STATES SUPREME COURT'S MAY 2023 *SACKETT V.*  
27 *ENVIRONMENTAL PROTECTION AGENCY* DECISION BY MANAGING

1 DISCHARGES OF DREDGED OR FILL MATERIAL INTO STATE WATERS, USING  
2 COLORADO-SPECIFIC CONDITIONS, IN A MANNER CONSISTENT WITH THE  
3 REGULATION OF STATE WATERS UNDER THE FEDERAL REGULATIONS AND  
4 STATE PROCEDURES IN EFFECT BEFORE *SACKETT*, WHILE ACCOUNTING FOR  
5 CONSTITUTIONAL LIMITATIONS. THIS ARTICLE 21 IS FURTHER INTENDED TO  
6 PROVIDE A SUFFICIENTLY SPECIFIC AND UNDERSTANDABLE DESCRIPTION  
7 OF THOSE PROTECTED WATER RESOURCES, AS SET FORTH IN SECTION  
8 36-21-106(2), TO GIVE CERTAINTY TO PERSONS CONDUCTING REGULATED  
9 ACTIVITIES.

10 (2) THE PERMIT PROGRAM IMPLEMENTED PURSUANT TO THIS  
11 ARTICLE 21 MUST INCORPORATE THE ELEMENTS OF, AND BE NO LESS  
12 BROAD IN COVERAGE THAN, NATIONWIDE AND GENERAL SECTION 404  
13 PERMITS ADDRESSING SUBJECTS THAT ARE APPLICABLE TO COLORADO.

14 (3) THE PERMIT PROGRAM IMPLEMENTED PURSUANT TO THIS  
15 ARTICLE 21 MUST CARRY FORTH THE PRINCIPLES AND GOALS OF THE STATE  
16 WATER PLAN AS DESCRIBED IN SECTION 37-60-106.3, SPECIFICALLY ITS  
17 CALL FOR A MORE EFFICIENT PERMITTING PROCESS AND BETTER  
18 INTEGRATION OF WATER QUALITY AND QUANTITY PLANNING AND  
19 MANAGEMENT. THIS WILL REQUIRE COLLABORATION AND COORDINATION  
20 WITHIN AND AMONG VARIOUS STATE AGENCIES.

21 (4) THE PERMIT PROGRAM IMPLEMENTED PURSUANT TO THIS  
22 ARTICLE 21 IS INTENDED TO PROTECT AND MANAGE THOSE WATER  
23 RESOURCES THAT WERE SUBJECT TO THE JURISDICTION OF THE SECTION  
24 404 PERMIT PROGRAM PRIOR TO *SACKETT* BUT ARE NO LONGER SUBJECT TO  
25 FEDERAL REGULATION. THE PERMIT PROGRAM IS NOT INTENDED TO  
26 REGULATE DISCHARGES TO GROUNDWATER.

27 (5) THIS ARTICLE 21 SHALL BE CONSTRUED TO REQUIRE THE

1 PERMIT PROGRAM TO IMPOSE REGULATORY MEASURES THAT ENSURE THAT  
2 THE ENVIRONMENTAL BENEFITS OF THE REGULATORY MEASURES HAVE A  
3 REASONABLE RELATIONSHIP TO THE ECONOMIC, ENVIRONMENTAL,  
4 ENERGY, AND PUBLIC HEALTH COSTS AND IMPACTS OF THE REGULATORY  
5 MEASURES.

6 (6) (a) NO PROVISION OF THIS ARTICLE 21 SHALL BE INTERPRETED  
7 SO AS TO SUPERSEDE, ABROGATE, OR IMPAIR RIGHTS TO DIVERT WATER  
8 AND APPLY WATER TO BENEFICIAL USES IN ACCORDANCE WITH:

9 (I) SECTIONS 5 AND 6 OF ARTICLE XVI OF THE STATE  
10 CONSTITUTION;

11 (II) ANY COMPACT ENTERED INTO BY THE STATE;

12 (III) ARTICLES 80 TO 92 OF TITLE 37; OR

13 (IV) ANY COLORADO COURT DETERMINATIONS WITH RESPECT TO  
14 THE DETERMINATION AND ADMINISTRATION OF WATER RIGHTS.

15 (b) NOTHING IN THIS ARTICLE 21 SHALL BE CONSTRUED,  
16 ENFORCED, OR APPLIED SO AS TO CAUSE OR RESULT IN MATERIAL INJURY  
17 TO WATER RIGHTS.

18 **36-21-104. Stream and wetlands protection commission -**  
19 **created - membership - compensation - public meetings - voting.**

20 (1) THE STREAM AND WETLANDS PROTECTION COMMISSION IS CREATED  
21 IN THE DEPARTMENT AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
22 24-1-105. THE COMMISSION EXERCISES ITS POWERS AND PERFORMS ITS  
23 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT.

24 (2) THE COMMISSION CONSISTS OF NINE RESIDENTS OF THE STATE,  
25 EACH OF WHOM IS APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF  
26 THE SENATE, FOR TERMS OF THREE YEARS; EXCEPT THAT, OF THE MEMBERS  
27 WHO ARE INITIALLY APPOINTED TO THE COMMISSION, THE GOVERNOR

1 SHALL SPECIFY THREE MEMBERS WHO SHALL SERVE INITIAL TERMS OF ONE  
2 YEAR AND THREE MEMBERS WHO SHALL SERVE INITIAL TERMS OF TWO  
3 YEARS.

4 (3) (a) THE MEMBERSHIP OF THE COMMISSION MUST REPRESENT  
5 DIVERSE REGIONS OF THE STATE AND REFLECT SUCH REGIONS' INTERESTS  
6 IN WATER IN THE STATE.

7 (b) AT LEAST THREE MEMBERS OF THE COMMISSION MUST RESIDE  
8 WEST OF THE CONTINENTAL DIVIDE.

9 (c) NO MORE THAN FIVE MEMBERS OF THE COMMISSION MAY BE  
10 AFFILIATED WITH THE SAME POLITICAL PARTY.

11 (d) AT LEAST ONE MEMBER OF THE COMMISSION MUST BE FROM AN  
12 AGRICULTURAL COMMUNITY.

13 (e) AT LEAST THREE MEMBERS OF THE COMMISSION MUST BE  
14 EMPLOYED IN A SECTOR OF THE STATE'S ECONOMY THAT HAS BEEN OR IS  
15 LIKELY TO BE REGULATED BY THE DIVISION.

16 (f) AT LEAST THREE MEMBERS OF THE COMMISSION MUST HAVE  
17 SUBSTANTIAL AND RELEVANT SCIENTIFIC, TECHNICAL, OR LEGAL  
18 EXPERIENCE.

19 (g) AT LEAST THREE MEMBERS OF THE COMMISSION MUST HAVE  
20 SUBSTANTIAL EXPERIENCE WITH WATER RIGHTS OR WATER RESOURCES  
21 MANAGEMENT.

22 (4) WHENEVER A VACANCY ON THE COMMISSION EXISTS, THE  
23 GOVERNOR SHALL APPOINT A MEMBER FOR THE REMAINING PORTION OF  
24 THE UNEXPIRED TERM CREATED BY THE VACANCY, SUBJECT TO  
25 CONFIRMATION BY THE SENATE.

26 (5) (a) THE GOVERNOR MAY REMOVE A MEMBER OF THE  
27 COMMISSION FOR MALFEASANCE IN OFFICE, FAILURE TO REGULARLY

1 ATTEND MEETINGS, OR ANY OTHER CAUSE THAT RENDERS THE MEMBER  
2 INCAPABLE OR UNFIT TO DISCHARGE THE MEMBER'S DUTIES.

3 (b) IF ANY MEMBER OF THE COMMISSION IS ABSENT FROM TWO  
4 CONSECUTIVE MEETINGS, THE CHAIR OF THE COMMISSION SHALL  
5 DETERMINE WHETHER THE CAUSE OF THE ABSENCES WAS REASONABLE. IF  
6 THE CHAIR DETERMINES THAT THE CAUSE OF THE ABSENCES WAS  
7 UNREASONABLE, THE CHAIR SHALL NOTIFY THE GOVERNOR OF THE CHAIR'S  
8 DETERMINATION. AFTER REVIEWING THE CHAIR'S DETERMINATION, THE  
9 GOVERNOR MAY REMOVE THE MEMBER FROM THE COMMISSION AND  
10 APPOINT A QUALIFIED PERSON FOR THE UNEXPIRED PORTION OF THE  
11 MEMBER'S TERM, SUBJECT TO CONFIRMATION BY THE SENATE.

12 (6) EACH MEMBER OF THE COMMISSION WHO IS NOT A FULL-TIME  
13 EMPLOYEE OF THE STATE MAY RECEIVE A PER DIEM IN AN AMOUNT EQUAL  
14 TO THE AMOUNT PAID TO MEMBERS OF THE GENERAL ASSEMBLY FOR  
15 ATTENDANCE AT INTERIM COMMITTEES, AS ESTABLISHED BY THE  
16 EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL PURSUANT TO  
17 SECTION 2-2-307 (3)(a)(IV)(A), FOR EACH DAY ACTUALLY AND  
18 NECESSARILY SPENT IN THE DISCHARGE OF OFFICIAL DUTIES, NOT TO  
19 EXCEED ONE THOUSAND TWO HUNDRED DOLLARS IN ANY STATE FISCAL  
20 YEAR, AND EACH MEMBER SHALL RECEIVE REIMBURSEMENT FOR TRAVEL  
21 AND OTHER NECESSARY EXPENSES ACTUALLY INCURRED IN THE  
22 PERFORMANCE OF THE MEMBER'S OFFICIAL DUTIES.

23 (7) THE COMMISSION SHALL SELECT FROM ITS MEMBERSHIP A  
24 CHAIR, A VICE-CHAIR, AND A SECRETARY. THE SECRETARY OF THE  
25 COMMISSION SHALL KEEP A RECORD OF THE COMMISSION'S PROCEEDINGS.

26 (8) THE COMMISSION SHALL HOLD REGULAR PUBLIC MEETINGS AND  
27 MAY HOLD OTHER MEETINGS UPON THE CALL OF THE CHAIR OR THE

1 VICE-CHAIR AT SUCH OTHER TIMES AS THE CHAIR OR VICE-CHAIR DEEM  
2 NECESSARY. WRITTEN NOTICE OF THE TIME AND PLACE OF EACH MEETING  
3 SHALL BE E-MAILED TO EACH MEMBER AT LEAST FIVE DAYS BEFORE THE  
4 MEETING OCCURS.

5 (9) EACH MEMBER OF THE COMMISSION HAS ONE VOTE.  
6 TWO-THIRDS OF THE MEMBERS OF THE COMMISSION CONSTITUTES A  
7 QUORUM. THE CONCURRENCE OF A MAJORITY OF THE COMMISSION  
8 MEMBERS ON ANY MATTER WITHIN THE SCOPE OF THE COMMISSION'S  
9 POWERS AND DUTIES IS REQUIRED FOR ANY DETERMINATION MADE BY THE  
10 COMMISSION.

11 **36-21-105. Duties of commission - rules - administrator.**

12 (1) THE COMMISSION SHALL:

13 (a) DEVELOP, ADOPT, AND MAINTAIN A DREDGE-AND-FILL PERMIT  
14 PROGRAM FOR REGULATING THE DISCHARGE OF DREDGED OR FILL  
15 MATERIAL INTO STATE WATERS;

16 (b) PROMULGATE RULES CONCERNING THE ISSUANCE OF PERMITS,  
17 AS DESCRIBED IN SECTION 36-21-106;

18 (c) SET PERMIT FEE AMOUNTS IN ACCORDANCE WITH SECTION  
19 36-21-106, WHICH FEE AMOUNTS MUST REQUIRE PERMITTEES TO PAY NO  
20 MORE THAN FIFTY PERCENT OF THE COST OF ADMINISTERING THE PERMIT  
21 PROGRAM, AND REVIEW THE AMOUNTS OF THE FEES AT LEAST EVERY  
22 THREE YEARS;

23 (d) ADVISE, CONSULT WITH, AND COOPERATE WITH OTHER  
24 AGENCIES OF THE STATE, THE FEDERAL GOVERNMENT, AND OTHER STATES  
25 AND WITH GROUPS, POLITICAL SUBDIVISIONS, AND INDUSTRIES AFFECTED  
26 BY THIS ARTICLE 21 AND THE POLICIES OR RULES OF THE COMMISSION;

27 (e) EXERCISE, WITH THE DIVISION, ALL INCIDENTAL POWERS

1 NECESSARY OR PROPER FOR CARRYING OUT THE PURPOSES OF THIS  
2 ARTICLE 21, INCLUDING THE POWERS TO ISSUE AND ENFORCE RULES AND  
3 ORDERS;

4 (f) PERFORM SUCH OTHER DUTIES AS MAY LAWFULLY BE ASSIGNED  
5 TO THE COMMISSION BY LAW; AND

6 (g) ACT AS AN APPELLATE BODY TO REVIEW DETERMINATIONS OF  
7 THE DIVISION, AS DESCRIBED IN SECTION 36-21-109 (4).

8 (2) (a) THE COMMISSION SHALL EMPLOY AN ADMINISTRATOR WHO  
9 SHALL PERFORM SUCH DUTIES AS THE COMMISSION DEEMS NECESSARY;  
10 EXCEPT THAT THE COMMISSION SHALL NOT DELEGATE TO THE  
11 ADMINISTRATOR ANY AUTHORITY TO:

12 (I) PROMULGATE RULES;

13 (II) MAKE DETERMINATIONS; OR

14 (III) ISSUE ORDERS OR COUNTERMAND ORDERS OF THE  
15 COMMISSION.

16 (b) THE ADMINISTRATOR MUST HAVE APPROPRIATE PRACTICAL,  
17 EDUCATIONAL, AND ADMINISTRATIVE EXPERIENCE RELATED TO WATER  
18 RESOURCES MANAGEMENT AND SHALL BE EMPLOYED BY THE DEPARTMENT  
19 PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

20 (3) BEFORE TAKING ANY FINAL ACTION, THE COMMISSION SHALL  
21 CONSIDER THE TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS  
22 OF THE ACTION, INCLUDING AN EVALUATION OF THE BENEFITS DERIVED  
23 FROM ACHIEVING THE GOALS OF THIS ARTICLE 21 AND THE ECONOMIC,  
24 ENVIRONMENTAL, PUBLIC HEALTH, AND ENERGY IMPACTS TO THE PUBLIC  
25 AND AFFECTED PERSONS.

26 **36-21-106. Permit program - rules.** (1) AS EXPEDITIOUSLY AS  
27 IS PRUDENT AND FEASIBLE, THE COMMISSION SHALL PROMULGATE RULES



1 FOR THE DEVELOPMENT, ADOPTION, AND MAINTENANCE OF THE PERMIT  
2 PROGRAM. THE COMMISSION SHALL MAXIMIZE THE USE OF GENERAL  
3 PERMITS TO ENSURE THAT MOST ACTIVITIES THAT ARE SUBJECT TO THE  
4 PERMIT PROGRAM MAY PROCEED WITHOUT AN INDIVIDUAL PERMIT SO  
5 LONG AS THE PERMITTEE COMPLIES WITH THE TERMS OF THE GENERAL  
6 PERMIT. THE COMMISSION SHALL PROMULGATE THE RULES AS FOLLOWS:

7 (a) **General permits.** THE COMMISSION SHALL PROMULGATE  
8 RULES ADOPTING GENERAL PERMITS FOR CATEGORIES OF ACTIVITIES THAT  
9 ARE SIMILAR IN NATURE AND CAUSE ONLY MINIMAL ADVERSE EFFECTS TO  
10 STATE WATERS WHEN PERFORMED SEPARATELY. IN THE RULES, THE  
11 COMMISSION SHALL INCORPORATE BY REFERENCE THE NATIONWIDE,  
12 GENERAL, AND REGIONAL PERMITS ISSUED BY THE CORPS OF ENGINEERS AS  
13 OF MAY 24, 2023, TO THE EXTENT THAT THE SUBJECTS OF SUCH PERMITS  
14 ARE APPLICABLE IN COLORADO. THE COMMISSION SHALL ALSO  
15 INCORPORATE BY REFERENCE ALL ADDITIONAL NATIONWIDE, GENERAL,  
16 AND REGIONAL PERMITS ISSUED BY THE CORPS OF ENGINEERS AFTER MAY  
17 24, 2023, TO THE EXTENT THAT THE SUBJECTS OF SUCH PERMITS ARE  
18 APPLICABLE IN COLORADO. THE COMMISSION SHALL ALSO AFFORD  
19 GENERAL PERMIT COVERAGE BY RULE FOR ADDITIONAL ACTIVITIES,  
20 INCLUDING ACTIVITIES WITH EFFECTS IN EXCESS OF IMPACT THRESHOLDS  
21 IN EXISTING CORPS OF ENGINEERS NATIONWIDE PERMITS, TO PROCEED  
22 UPON PRECONSTRUCTION NOTIFICATION, SO LONG AS MITIGATION OF THE  
23 LOSS OF STATE WATERS AT A ONE-FOR-ONE RATIO ENSURES IMPACTS TO  
24 STATE WATERS ARE NO MORE THAN MINIMAL.

25 (b) **Preconstruction notifications.** THE COMMISSION SHALL  
26 PROMULGATE RULES THAT UTILIZE THE EXISTING STRUCTURE OF  
27 PRECONSTRUCTION NOTIFICATIONS IN THE NATIONWIDE, GENERAL, AND

1 REGIONAL PERMITS ESTABLISHED BY THE CORPS OF ENGINEERS, INCLUDING  
2 RULES DESCRIBING CIRCUMSTANCES IN WHICH A PRECONSTRUCTION  
3 NOTIFICATION IS NOT REQUIRED. WHERE SUCH RULES REQUIRE  
4 PRECONSTRUCTION NOTIFICATION BEFORE THE COMMENCEMENT OF AN  
5 ACTIVITY, THE RULES MUST REQUIRE THE PROJECT PROPONENT TO PROVIDE  
6 AT LEAST THIRTY CALENDAR DAYS OF PRECONSTRUCTION NOTICE TO THE  
7 DIVISION. AFTER PROVIDING SUCH PRECONSTRUCTION NOTIFICATION, THE  
8 PERMITTEE MAY COMMENCE THE ACTIVITY IF:

9 (I) THE DIVISION INDICATES IN WRITING THAT THE PERMITTEE MAY  
10 COMMENCE THE ACTIVITY; OR

11 (II) FORTY-FIVE CALENDAR DAYS ELAPSE WITHOUT THE DIVISION  
12 PROVIDING THE PERMITTEE A WRITTEN OBJECTION TO THE ACTIVITY. A  
13 NOTICE OF OBJECTION PROVIDED TO A PERMITTEE BY THE DIVISION MUST  
14 STATE THE BASIS OF THE DIVISION'S OBJECTIONS WITH SPECIFICITY.

15 (c) **Individual permits.** THE COMMISSION SHALL PROMULGATE  
16 RULES FOR THE ISSUANCE OF INDIVIDUAL PERMITS FOR THE DISCHARGE OF  
17 DREDGED OR FILL MATERIAL INTO STATE WATERS IN ASSOCIATION WITH  
18 ACTIVITIES THAT DO NOT REQUIRE A GENERAL PERMIT AS DESCRIBED IN  
19 SUBSECTION (1)(a) OF THIS SECTION. THE RULES MUST STREAMLINE THE  
20 APPLICATION AND ADMINISTRATIVE REVIEW PROCESS TO MINIMIZE DELAY  
21 OF THE COMMENCEMENT OF ACTIVITIES SUBJECT TO THE PERMIT PROGRAM.

22 (d) THE RULES ADOPTED BY THE COMMISSION FOR THE PERMIT  
23 PROGRAM MUST USE CRITERIA THAT ARE NO MORE STRINGENT THAN THE  
24 CRITERIA DEVELOPED BY THE ADMINISTRATOR OF THE FEDERAL  
25 ENVIRONMENTAL PROTECTION AGENCY IN CONJUNCTION WITH THE  
26 SECRETARY OF THE ARMY PURSUANT TO 33 U.S.C. SEC. 1344 (b).

27 (2) **Applicability and scope of permit program.** (a) EXCEPT AS

1 INDICATED IN SUBSECTION (2)(b) OF THIS SECTION, A PERSON MUST  
2 POSSESS A PERMIT ISSUED PURSUANT TO THIS ARTICLE 21 IN ORDER TO  
3 DISCHARGE DREDGED OR FILL MATERIAL INTO ANY:

4 (I) STATE WATERS THAT EXHIBIT A BED, BANK, AND ORDINARY  
5 HIGH WATERMARK;

6 (II) FENS; OR

7 (III) WETLANDS LYING WHOLLY OR PARTIALLY WITHIN THE  
8 ONE-HUNDRED-YEAR FLOODPLAIN OR WITHIN ONE THOUSAND FIVE  
9 HUNDRED FEET OF THE ORDINARY HIGH WATERMARK OF A STREAM,  
10 RESERVOIR, OR LAKE.

11 (b) **Exemptions from the permit program.** NOTWITHSTANDING  
12 ANY OTHER PROVISION OF THIS ARTICLE 21, AND EXCEPT AS DESCRIBED IN  
13 SUBSECTION (2)(c) OF THIS SECTION, THE DISCHARGE OF DREDGED OR FILL  
14 MATERIAL DOES NOT REQUIRE A PERMIT AND IS NOT PROHIBITED BY OR  
15 OTHERWISE SUBJECT TO REGULATION UNDER THIS ARTICLE 21 IF THE  
16 DREDGED OR FILL MATERIAL IS DISCHARGED:

17 (I) INTO A WASTE TREATMENT SYSTEM, INCLUDING A TREATMENT  
18 POND OR LAGOON, THAT IS DESIGNED TO MEET THE REQUIREMENTS OF THE  
19 CLEAN WATER ACT OR THE "COLORADO WATER QUALITY CONTROL ACT",  
20 ARTICLE 8 OF TITLE 25;

21 (II) INTO GROUNDWATER, AS DEFINED IN SECTION 37-91-102 (7);

22 (III) INTO PRIOR-CONVERTED CROPLAND;

23 (IV) INTO HUMAN-MADE DITCHES OR CANALS THAT CONVEY  
24 WATER OR WASTEWATER;

25 (V) INTO WETLANDS THAT ARE ADJACENT TO A DITCH OR CANAL  
26 AND SUPPORTED BY THE WATER IN THE ADJACENT DITCH OR CANAL;

27 (VI) INTO ANY COMPONENT OF A CONVEYANCE OR SYSTEM OF

1 CONVEYANCES, INCLUDING ROADS WITH DRAINAGE SYSTEMS, MUNICIPAL  
2 STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, HUMAN-MADE  
3 CHANNELS, OR STORM DRAINS THAT ARE DESIGNED TO:

4 (A) CONVEY, RETAIN, CONCENTRATE, SETTLE, REDUCE, OR  
5 REMOVE POLLUTANTS, EITHER ACTIVELY OR PASSIVELY, FROM  
6 WASTEWATER OR STORM WATER SYSTEMS PRIOR TO DISCHARGE; OR

7 (B) ELIMINATE SUCH DISCHARGE;

8 (VII) INTO AN ARTIFICIALLY IRRIGATED AREA THAT WOULD  
9 REVERT TO DRY LAND IF THE IRRIGATION CEASED;

10 (VIII) INTO AN ARTIFICIAL LAKE OR POND CREATED BY  
11 EXCAVATING OR DIKING DRY LAND, SUCH AS A FARM AND STOCK  
12 WATERING POND, AN IRRIGATION POND, A SETTLING BASIN, A LOG  
13 CLEANING POND, OR A COOLING POND;

14 (IX) INTO AN ARTIFICIAL REFLECTING POOL, A SWIMMING POOL, OR  
15 ANY OTHER SMALL ORNAMENTAL BODY OF WATER CREATED BY  
16 EXCAVATING OR DIKING DRY LAND TO RETAIN WATER FOR PRIMARILY  
17 AESTHETIC REASONS;

18 (X) INTO WATER-FILLED DEPRESSIONS CREATED IN DRY LAND,  
19 WHICH DEPRESSIONS ARE INCIDENTAL TO MINING OR CONSTRUCTION  
20 ACTIVITY, INCLUDING ANY PITS THAT ARE EXCAVATED FOR OBTAINING  
21 FILL, SAND, OR GRAVEL AND FILL WITH WATER;

22 (XI) INTO ANY SWALE OR EROSIONAL FEATURE, SUCH AS A GULLY  
23 OR SMALL WASH, WHICH SWALE OR EROSIONAL FEATURE IS  
24 CHARACTERIZED BY LOW-VOLUME, INFREQUENT, OR SHORT-DURATION  
25 FLOW;

26 (XII) INTO A WASTEWATER RECYCLING STRUCTURE CONSTRUCTED  
27 ON DRY LAND, A DETENTION AND RETENTION BASIN BUILT FOR

1 WASTEWATER RECYCLING, A GROUNDWATER RECHARGE BASIN, A  
2 PERCOLATION POND BUILT FOR WASTEWATER RECYCLING, OR A WATER  
3 DISTRIBUTARY STRUCTURE BUILT FOR WASTEWATER RECYCLING;

4 (XIII) INTO WATERS THAT ARE DETERMINED TO NOT BE WATERS  
5 OF THE UNITED STATES IN AN APPROVED JURISDICTIONAL DETERMINATION  
6 ISSUED BY THE CORPS OF ENGINEERS BEFORE MAY 25, 2023;

7 (XIV) FROM NORMAL FARMING, SILVICULTURE, AND RANCHING  
8 ACTIVITIES, SUCH AS PLOWING; SEEDING; CULTIVATING; MINOR DRAINAGE;  
9 HARVESTING FOR THE PRODUCTION OF FOOD, FIBER, AND FOREST  
10 PRODUCTS; OR UPLAND SOIL AND WATER CONSERVATION PRACTICES;

11 (XV) FOR THE PURPOSE OF MAINTAINING CURRENTLY  
12 SERVICEABLE STRUCTURES SUCH AS DIKES, DAMS, LEVEES, GROINS,  
13 RIPRAP, BREAKWATERS, CAUSEWAYS, BRIDGE ABUTMENTS OR  
14 APPROACHES, AND TRANSPORTATION STRUCTURES, INCLUDING:

15 (A) EMERGENCY REPAIR, RECONSTRUCTION, OR REPLACEMENT OF  
16 RECENTLY DAMAGED PARTS; AND

17 (B) MINOR DEVIATIONS IN A STRUCTURE'S CONFIGURATION OR  
18 FILLED AREA TO ACCOMMODATE CHANGES IN MATERIALS, CONSTRUCTION  
19 TECHNIQUES, REGULATORY REQUIREMENTS, OR CONSTRUCTION CODES OR  
20 SAFETY STANDARDS;

21 (XVI) FOR THE PURPOSE OF CONSTRUCTING OR MAINTAINING  
22 FARM OR STOCK PONDS OR DITCHES OR CANALS;

23 (XVII) FOR THE PURPOSE OF CONSTRUCTING TEMPORARY  
24 SEDIMENTATION BASINS ON A CONSTRUCTION SITE THAT DOES NOT  
25 INCLUDE PLACEMENT OF FILL MATERIAL INTO STATE WATERS;

26 (XVIII) FOR THE PURPOSE OF CONSTRUCTING OR MAINTAINING  
27 FARM ROADS, FOREST ROADS, OR TEMPORARY ROADS FOR MOVING MINING

1 EQUIPMENT, SO LONG AS THE ROADS ARE CONSTRUCTED AND MAINTAINED  
2 IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES TO ASSURE THAT  
3 FLOW AND CIRCULATION PATTERNS AND CHEMICAL AND BIOLOGICAL  
4 CHARACTERISTICS OF THE STATE WATERS ARE NOT IMPAIRED, THAT THE  
5 REACH OF THE STATE WATERS IS NOT REDUCED, AND THAT ANY ADVERSE  
6 EFFECT ON THE AQUATIC ENVIRONMENT IS MINIMIZED;

7 (XIX) FOR THE PURPOSE OF PROVIDING EMERGENCY RESPONSE TO,  
8 MITIGATION OF, OR RECOVERY FROM DAMAGE CAUSED BY A FIRE, A FLOOD,  
9 OR OTHER NATURAL DISASTER SO LONG AS THE DISCHARGE IS CONDUCTED  
10 IN A MANNER THAT MINIMIZES THE LOSS OF STATE WATERS TO THE EXTENT  
11 PRACTICABLE AND IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES  
12 THAT DO NOT INTERFERE WITH EFFORTS TO ADDRESS THE UNDERLYING  
13 EMERGENCY;

14 (XX) AS A RESULT OF DREDGING TO RECLAIM LOST CAPACITY IN  
15 A RESERVOIR, SO LONG AS THE DISCHARGE IS PERFORMED IN ACCORDANCE  
16 WITH BEST MANAGEMENT PRACTICES AND IN COORDINATION WITH THE  
17 DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104 TO  
18 ENSURE MINIMAL IMPACTS TO FISH AND WILDLIFE RESOURCES;

19 (XXI) IN ASSOCIATION WITH A PROJECT THAT PROCEEDS UNDER A  
20 SECTION 404 PERMIT ISSUED PRIOR TO MAY 25, 2023;

21 (XXII) PURSUANT TO AUTHORIZATION UNDER A SECTION 404  
22 PERMIT;

23 (XXIII) IN A MANNER THAT CAUSES A LOSS OF STATE WATERS  
24 CONSISTING OF NO MORE THAN ONE-TENTH OF AN ACRE OF WETLANDS OR  
25 THREE-HUNDREDTHS OF AN ACRE OF STREAM; OR

26 (XXIV) IN COMPLIANCE WITH A MINING AND RECLAMATION  
27 PERMIT ISSUED BY THE DIVISION OF RECLAMATION, MINING, AND SAFETY



1 WETLANDS PROTECTION DIVISION IS CREATED WITHIN THE DEPARTMENT  
2 TO ADMINISTER AND ENFORCE THE PERMIT PROGRAM.

3 (2) THE DIRECTOR OF THE DIVISION:

4 (a) IS EMPLOYED BY THE DEPARTMENT PURSUANT TO SECTION 13  
5 OF ARTICLE XII OF THE STATE CONSTITUTION;

6 (b) MUST BE A LICENSED PROFESSIONAL ENGINEER OR HAVE A  
7 GRADUATE DEGREE IN ENGINEERING OR OTHER SPECIALTY DEALING WITH  
8 WETLANDS OR WATER RESOURCES MANAGEMENT;

9 (c) MUST HAVE APPROPRIATE PRACTICAL AND ADMINISTRATIVE  
10 EXPERIENCE IN WETLANDS OR WATER RESOURCES MANAGEMENT; AND

11 (d) MUST NOT BE THE ADMINISTRATOR EMPLOYED BY THE  
12 COMMISSION PURSUANT TO SECTION 36-21-105 (2).

13 (3) THE DIVISION SHALL:

14 (a) ACT AS STAFF TO THE COMMISSION IN COMMISSION  
15 PROCEEDINGS OTHER THAN ADJUDICATORY OR APPELLATE PROCEEDINGS  
16 IN WHICH THE DIVISION IS A PARTY;

17 (b) CARRY OUT THE ENFORCEMENT PROVISIONS OF THIS ARTICLE  
18 21;

19 (c) ADMINISTER THE PERMIT PROGRAM AS PROVIDED IN SECTION  
20 36-21-106;

21 (d) MAINTAIN A MAILING LIST OF PERSONS REQUESTING NOTICE OF  
22 ACTIONS BY THE DIVISION OR BY THE COMMISSION AND NOTIFY PERSONS  
23 ON THE LIST OF SUCH ACTIONS; AND

24 (e) PERFORM SUCH OTHER DUTIES AS ARE LAWFULLY ASSIGNED TO  
25 THE DIVISION BY THE COMMISSION.

26 (4) BEFORE TAKING ANY FINAL ACTION, THE DIVISION SHALL  
27 CONSIDER THE TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS



1 OF THE ACTION, INCLUDING AN EVALUATION OF THE BENEFITS DERIVED  
2 FROM ACHIEVING THE GOALS OF THIS ARTICLE 21 AND THE ECONOMIC,  
3 ENVIRONMENTAL, PUBLIC HEALTH, AND ENERGY IMPACTS TO THE PUBLIC  
4 AND AFFECTED PERSONS.

5 **36-21-108. Enforcement.** (1) A PERSON WHO VIOLATES THIS  
6 ARTICLE 21, THE TERMS OF A PERMIT ISSUED UNDER THIS ARTICLE 21, A  
7 RULE PROMULGATED PURSUANT TO THIS ARTICLE 21, OR A  
8 CEASE-AND-DESIST ORDER OR CLEAN-UP ORDER ISSUED PURSUANT TO THIS  
9 ARTICLE 21 IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TEN  
10 THOUSAND DOLLARS PER DAY PER VIOLATION. IN DETERMINING THE  
11 AMOUNT OF A PENALTY UNDER THIS SUBSECTION (1), A COURT SHALL  
12 CONSIDER:

- 13 (a) THE POTENTIAL DAMAGE CAUSED BY THE VIOLATION;
- 14 (b) THE VIOLATOR'S COMPLIANCE HISTORY;
- 15 (c) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR  
16 NEGLIGENT;
- 17 (d) ANY GOOD FAITH EFFORTS BY THE VIOLATOR TO AVOID THE  
18 VIOLATION;
- 19 (e) THE IMPACT UPON OR THREAT POSED TO THE PUBLIC HEALTH  
20 OR ENVIRONMENT AS A RESULT OF THE VIOLATION;
- 21 (f) THE DURATION OF THE VIOLATION; AND
- 22 (g) THE ECONOMIC BENEFIT REALIZED BY THE VIOLATOR AS A  
23 RESULT OF THE VIOLATION.

24 (2) WHENEVER THE DIVISION HAS REASON TO BELIEVE THAT A  
25 VIOLATION OF THIS ARTICLE 21, A RULE PROMULGATED PURSUANT TO THIS  
26 ARTICLE 21, OR AN ORDER OR PERMIT ISSUED PURSUANT TO THIS ARTICLE  
27 21 HAS OCCURRED, THE DIVISION SHALL CAUSE WRITTEN NOTICE TO BE

1 SERVED PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
2 UPON THE ALLEGED VIOLATOR OR THE ALLEGED VIOLATOR'S AGENT FOR  
3 SERVICE OF PROCESS. THE NOTICE SHALL STATE THE NATURE OF THE  
4 VIOLATION AND THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION, AND  
5 THE NOTICE MAY INCLUDE THE NATURE OF ANY PROPOSED CORRECTIVE  
6 ACTION.

7 (3) THE DIVISION MAY INSTITUTE AN ADMINISTRATIVE ACTION OR  
8 A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION TO IMPOSE AND  
9 COLLECT PENALTIES UNDER THIS SECTION. IN SUCH AN ACTION, THE COURT  
10 MAY CONSIDER THE APPROPRIATENESS OF THE AMOUNT OF THE PENALTY  
11 IF THIS ISSUE IS RAISED BY THE PARTY AGAINST WHOM THE PENALTY WAS  
12 ASSESSED.

13 **36-21-109. Judicial review - jurisdiction - appeals.** (1) ANY  
14 FINAL RULE, ORDER, PERMIT, OR DETERMINATION BY THE COMMISSION OR  
15 DIVISION IS SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH ARTICLE  
16 4 OF TITLE 24.

17 (2) A STAY OF ANY ORDER OF THE DIVISION PENDING JUDICIAL  
18 REVIEW DOES NOT RELIEVE ANY PERSON FROM LIABILITY UNDER SECTION  
19 36-21-108, BUT THE COURT SHALL CONSIDER THE REASON FOR THE  
20 REQUEST FOR JUDICIAL REVIEW IN DETERMINING THE AMOUNT OF ANY  
21 PENALTY.

22 (3) A PROCEEDING FOR JUDICIAL REVIEW OF ANY FINAL ORDER,  
23 PERMIT, OR DETERMINATION OF THE COMMISSION OR DIVISION SHALL BE  
24 FILED IN THE DISTRICT COURT FOR THE DISTRICT IN WHICH THE AFFECTED  
25 STATE WATERS ARE LOCATED. ANY PROCEEDING FOR JUDICIAL REVIEW OF  
26 ANY FINAL RULE OF THE COMMISSION SHALL BE FILED IN THE DENVER  
27 DISTRICT COURT.

1 (4) A FINAL DECISION OF THE DIVISION MAY BE APPEALED TO THE  
2 COMMISSION, ALTHOUGH AN APPEAL TO THE COMMISSION IS NOT A  
3 PREREQUISITE TO JUDICIAL REVIEW OF A FINAL DECISION OF THE DIVISION.

4 **SECTION 3.** In Colorado Revised Statutes, 24-33-104, **add** (1)(I)  
5 as follows:

6 **24-33-104. Composition of the department.** (1) The department  
7 of natural resources consists of the following commissions, divisions,  
8 boards, offices, and councils:

9 (I) THE STREAM AND WETLANDS PROTECTION COMMISSION  
10 CREATED IN SECTION 36-21-104 AND THE STREAM AND WETLANDS  
11 PROTECTION DIVISION CREATED IN SECTION 36-21-107.

12 **SECTION 4.** In Colorado Revised Statutes, 25-8-202, **amend** (7)  
13 introductory portion and (7)(b)(I) as follows:

14 **25-8-202. Duties of commission - rules.** (7) The commission and  
15 the division shall recognize water quality responsibilities of the following  
16 state agencies, referred to in this subsection (7) as the "implementing  
17 agencies": The office of mined land reclamation; the state engineer; the  
18 energy and carbon management commission created in section  
19 34-60-104.3 (1); THE STREAM AND WETLANDS PROTECTION COMMISSION  
20 CREATED IN SECTION 36-21-104; and the state agency responsible for  
21 activities related to the federal "Resource Conservation and Recovery Act  
22 of 1976", 42 U.S.C. sec. 6901 et seq., as amended, and related state  
23 programs. Activities subject to the jurisdiction of the implementing  
24 agencies that result in discharge to state waters shall be regulated as  
25 follows:

26 (b) (I) The division ~~shall be~~ IS solely responsible for the issuance  
27 and enforcement of permits authorizing point source discharges to surface

1 waters of the state affected by such discharges; EXCEPT THAT THE STREAM  
2 AND WETLANDS PROTECTION DIVISION CREATED IN SECTION 36-21-107 IS  
3 SOLELY RESPONSIBLE FOR THE ISSUANCE AND ENFORCEMENT OF PERMITS  
4 AUTHORIZING DISCHARGES OF DREDGED OR FILL MATERIAL INTO STATE  
5 WATERS, AS DEFINED IN SECTION 25-8-103 (19).

6 **SECTION 5.** In Colorado Revised Statutes, 39-29-109.3, **amend**  
7 (1) introductory portion; and **add** (11) as follows:

8 **39-29-109.3. Severance tax operational fund - core reserve -**  
9 **grant program reserve - repeal.** (1) The executive director of the  
10 department of natural resources shall submit with the department's budget  
11 request for each fiscal year a list and description of the programs the  
12 executive director recommends to be funded from the severance tax  
13 operational fund created in section 39-29-109 (2)(b), referred to in this  
14 section as the "operational fund". Except as otherwise provided in  
15 ~~subsection (10)~~ SUBSECTIONS (10) AND (11) of this section, the general  
16 assembly may appropriate money from the total money available in the  
17 operational fund to fund recommended programs as follows:

18 (11)(a) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER  
19 SIX HUNDRED THOUSAND DOLLARS FROM THE OPERATIONAL FUND TO THE  
20 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302 (1)(a) FOR  
21 THE IMPLEMENTATION OF THE "STREAM AND WETLANDS PROTECTION  
22 ACT", ARTICLE 21 OF TITLE 36.

23 (b) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2026.

24 **SECTION 6. Safety clause.** The general assembly finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.

## 19.0 Partner Updates



## Elaine Chick - WIP Update – SWCD Board Meeting

- **Children’s Water Festival** – This year Children’s Water Festival will be taking place on May 15, 2024 at Ft. Lewis College. As I mentioned in the last WIP meeting, we were pushed a week later to hold the festival due to Ft. Lewis staffing and events taking place during commencement. They do not now have the capability to have an outside event so close to the other school events. One new issue that this presents to us is we will have the festival during summer classes at the college. We have never had to deal with other college students on campus during our festival, as we have held it right after commencement and just days prior to summer classes starting.

I am meeting with the Ft. Lewis events department and their police security manager to review how we will ensure the safety of our 5<sup>th</sup> grade students and keep the integrity of the outdoor presentations to not be disturbed by any college students.

As well, this is now so close to the end of semester. Hopefully all will work out OK.

This year I am working with the 9R school district Superintendent to help with transportation, in hopes that we can get more accurate scheduling of the buses.

All of the teacher invitations have been sent out as well as presenter invitations.

- **Forest to Faucets** – Each year, the Water Information Program, Mountain Studies Institute, San Juan Mountain Association, and Fort Lewis College host a two-day, hands-on exploration of our local watersheds for teachers. Designed for local teachers to instruct their students about where water comes from – because it doesn’t just come from the faucet. The curriculum guide is based on the children’s book “My Water Comes from the San Juan Mountains.”

We will be holding our next Forest to Faucets training in Pagosa Springs on June 4 – 5, 2024. We will be using the Pagosa Area Water Sanitation District conference room as our classroom base. Thank you to them.

Educators participate in various activities in the class about the water cycle, non-point source pollution, what watershed they live in; they met with experts from the San Juan National Forest and learned about the impacts of fire on our Watershed, benthic macroinvertebrates and the health of the rivers. Our next planning meeting is Feb. 12.

This was a wonderful way to get teachers outdoors and find out about the resources available to them for field trips and place-based education and activities that address Colorado State Standards. And a great way for teachers to network with other teachers!

WIP provides all the teacher kits that included all items necessary for teachers to reproduce our activities, helped with the coordination and planning, provided lunch for all teachers and presenters for the two days, and Elaine facilitated two activities.

- **Water Law in a Nutshell Course** – WIP presented three Water Law courses in 2023, two virtual for realtors in January (63 people in attendance) and December (33 people in attendance), and in person in September. There were 43 people in attendance at our in-person course, lower than we have had in the past with sell-outs of 60 people. This year I am looking to present an in-person Water Law in a Nutshell course in Norwood in the fall and a four-hour virtual Water Law course towards the end of May. I am still working on the dates.
- **New Video Project** – this year I proposed a new outreach video project. We will produce four 2 – 3 minute videos on various partners or projects. Originally, I had a videographer who was going to offer her services for a very low cost. Things have changed and she is no longer available. I have suggested that WIP and PEPO share the cost to produce these videos, which will enable us to look at other videographers. I am going to approach Christi Bode to see if she is interested and available and what her cost would be.

I already have two confirmed organizations that I will work with on a couple of video concepts. I will be working with Ken and the Dolores Water Conservancy District to produce a video on Ag, and the other will be working with Mancos Conservation District on some of the projects they have been working on.

- **WIP Year End Update and Partner Contributions 2024** – The Water Information Program has had another amazing year growing its outreach and water education programs. I will be sending out the partner invoices this week. Thank you all for your continued support.

I want to acknowledge and thank the partners who have increased their contributions this year. A very special thank you to Animas La Plata Water Conservancy District for a \$2000.00 increase to their annual contribution. As well, I want to thank the City of Durango, Colorado Water Resources & Power Development Authority, Florida Water Conservancy District, La Plata Archuleta Water District, for increasing your annual contribution to WIP. As you know SWCD matches dollar for dollar. This has really helped our budget remain strong for the program for the year ahead.

- I did not have the opportunity last year to create a new WIP display. I would like to transfer the funds we had in last year's budget to this year to design and create a new WIP display.



## **SWCD**

- **SWCD Annual Conference** –And once again, I will be producing SWCD’s 40<sup>th</sup> Annual Water Seminar at the Sky Ute Casino in Ignacio on March 27<sup>th</sup>, the Board and speaker dinner will be held March 26. We are working on the panel topics and speaker selection now; we are 90% confirmed. The theme of the conference is Fluid Horizons: Navigating the Waters of Innovation. Registration is live now on Eventbrite. Hopefully we will have an even larger attendance next year.

As of writing this we have 22 tickets sold. I will be sending out a press release and another marketing push to register for tickets.

### **Panel topics include:**

**Innovative Solutions for Agriculture**

**Moving Forward on Interstate and Tribal Matters**

**Voices from Around the State**

**Southwest Achievements and Initiatives at the Community Level**

Please help spread the word.