

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, January 17, 2008

TIME: 2:00 p.m.

AGENDA

1. Call to Order
2. Minutes of December 10, 2007, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
4. Reappointment of Directors
5. Director Compensation and Mileage Reimbursement
6. Office Building Lease Renewal
7. Website
8. Application Procedures/Deadlines
9. Area B Contract Policy
10. Water Allotment Contracts
11. Purchase of River District Water
12. Alsbury Reservoir
13. Roundtable Report
14. Water Resources's Report
15. Hydrologist's Report
16. Attorney's Report
17. Adjourn

NEXT MEETING IS FEBRAURY 21, 2008

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: January 17, 2008

Time: 9:00 a.m

Place: District Office
109 West Fourth Street
Rifle, Colorado

Name	Company/mailling address
1. Janet Maddock	
2. Bob Zanello	
3. Bruce Wampler	
4. Don Hamman	drove
5. Maria Pastor	
6. Kelly Sundeen	
7. Ed Ossowski	
8. [Signature]	
9. Steve Tepel	
10. Kelly Cowey	drove
11.	
12.	
13.	
14.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING January 17, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney

Directors and Staff Absent

Lyndie Pearson, CPA

Guests

Steve Trexel, DWR

CALL TO ORDER

The regular Board of Directors meeting was called to order at 2:00 p.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the December 10, 2007, meeting be approved as received; Bruce E. Wampler seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Robert J. Zanella moved the attached list of bills be paid; Bruce E. Wampler seconded; motion carried.

Financial Statements: Robert J. Zanella moved the December 2007, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Bruce E. Wampler seconded; motion carried.

REAPPOINTMENT OF DIRECTORS

Kelly Couey and Robert J. Zanella were reappointed on January 4, 2008, each for another four-year term. Thank you!

DIRECTOR COMPENSATION AND MILEAGE REIMBURSEMENT

Court signed an Order increasing the Director compensation to a maximum amount of \$2400 per annum in the discretion of the Board, plus necessary travel expenses for each Director, effective April 2, 2007.

Directors will be compensated for 2007 activities since April 2, including past director LaVerne Starbuck.

New policy is \$100 per month plus \$100 per month for any additional activity. [After the meeting there arose some discrepancy regarding this decision.] A resolution will be prepared for the next meeting.

OFFICE BUILDING LEASE RENEWAL

Lease for 2008, rent increased to \$611.00. Robert J. Zanella moved to execute the lease with Remington Square for 1 year; seconded by Bruce E. Wampler; motion carried.

WEBSITE

Grand River Consulting Corporation, presented several proposals for the website and logo. Discussion followed. No decision.

WATER CONTRACTS

Vance and Joan Kier assignment from **William and Nancy Sabel**: Robert J. Zanella moved approval of this assignment, 1 af domestic; seconded by Bruce E. Wampler; motion carried.

Libby Shelton: Robert J. Zanella moved approval of this Fourmile amendment from 4.0 af to 2.5 af domestic; seconded by Bruce E. Wampler. Discussion. Kelly Couey amended the motion for approval of 1 af (consumption) or 2.5 af (diversion). Applicant will be given the opportunity to choose whichever figure she wishes. Seconded by Bruce E. Wampler; amended motion carried.

Robert O. Klein (Power Line Well #1): Robert J. Zanella moved approval of this application for 3.08 af commercial; seconded by Kelly Couey; motion carried.

Robert O. Klein (Power Line Well #2): Kelly Couey moved approval of this application for 1 af commercial; seconded by Dan Harrison; motion carried.

Robert O. Klein (Power Line Well #3): Kelly Couey moved approval of this application for 1 af commercial; seconded by Dan Harrison; motion carried.

Upper Four Mile Rd. Ranch Co. : Robert J. Zanella moved approval of this Fourmile application, 1 af domestic; seconded by Kelly Couey; motion carried.

Canberra Concrete Pumping of North America: Robert J. Zanella moved approval of this application for 1af commercial; seconded by Bruce E. Wampler; motion carried.

Grand River Ranches, LLC: Robert J. Zanella moved approval of this application for 2.82 af subdivision; seconded by Kelly Couey; motion carried.

George Bauer: Robert J. Zanella moved approval of this Area B, 2.95 af domestic application; seconded by Kelly Couey; motion carried.

Parachute Management, LLC: Robert J. Zanella moved approval of this application for 1.75 af domestic; seconded by Kelly Couey; motion carried.

EnCana Oil & Gas (USA) Inc.: Robert J. Zanella moved approval of this direct hauler amendment from 20 af to 40 af; seconded by Kelly Couey; motion carried.

PURCHASE OF RIVER DISTRICT RUEDI RESERVOIR WATER

Counsel recommended West Divide "contract for 1,000 acre feet of Colorado River water based upon the following: 1) West Divide would pay the River District 10 percent [which is about \$10 per acre foot] of the River District's annual contract costs, including O&M, for 1,000 acre feet of water stored in Ruedi Reservoir; 2) In the event West Divide needed to use a portion of the 1,000 acre feet, West Divide would lease 200 acre feet blocks of water at the River District's standard rate; 3) In the event the River District had a third party water user who needed Ruedi water and the River District could not supply that third party user due to West Divide's contract, West Divide would be required to lease the entire block of water or release it back to the River District." Counsel was authorized to present above proposal to the River District.

ALSBURY RESERVOIR

Grand River Consulting Corporation received draft hydrology report prepared by RJH Consultants, Inc. for BasePoint Design Corporation; input was supplied. Final report will be submitted to the State.

Discussed water right to decree seepage. Quantify seepage and get it decreed. This is done on gravel pits. Possible solution to receive credit for seepage. If this worked we would not have to grout. Ed and Kerry to explore possibilities.

ROUNDTABLE REPORT

No report.

WATER RESOURCES' S REPORT

Received Steve Trexel's report.

HYDROLOGIST' S REPORT

Maria Pastore gave an update on letters of support received for the DOLA grant application.

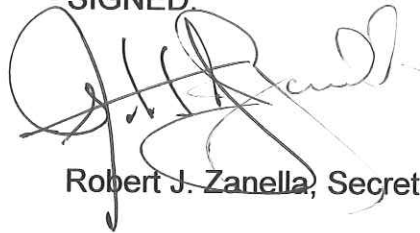
ATTORNEY' S REPORT

Received written report.

ADJOURN

Meeting adjourned at 5:15 p.m.

SIGNED:

A handwritten signature in black ink, appearing to read "Robert J. Zanella". The signature is stylized and cursive.

Robert J. Zanella, Secretary

ATTEST:

A handwritten signature in blue ink, appearing to read "Samuel B. Potter". The signature is stylized and cursive.

Samuel B. Potter, President

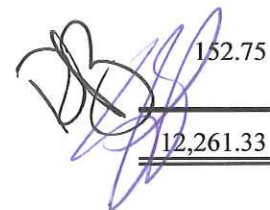
West Divide Water Conservancy District-General Fund
 Bills to be Paid
 January 17, 2008

Num	Name	Memo	Account	Amount
3277	Olszewski, Massih & Maurer, P.C.	Directors (2007)	5280 · Legal	48.00
3277	Olszewski, Massih & Maurer, P.C.	Review Resume (2007)	5280 · Legal	120.00
3277	Olszewski, Massih & Maurer, P.C.	Prep. for mtg/attend mtg. (2007)	5280 · Legal	1,084.64
3278	Capital One, F.S.B.	Postage	5300 · Postage/Box Rent/Etc.	15.99
3279	Urman Company, The	Employee January	5222 · Medical Insurance--Emp	338.98
3279	Urman Company, The	Family January	5223 · Medical Insurance Dep	457.27
3280	Office Depot	Office Supplies	5100 · Office Supplies	232.32
3281	Qwest	December (2007)	5390 · Telephone	159.17
3282	Remington Square	Feb	5395 · Rent	458.25
3282	Remington Square	Utilities	5392 · Utilities	82.43
3283	Xcel Energy	November (2007)	5392 · Utilities	85.68
3284	CNA Surety	2/7/08-2/7/09 Blanket Bond	5600 · Ins.--Officers' Bond	300.65
3285	Pioneer Machine & Tool	January	5396 · Janitorial	60.00
3286	Kelly Couey	Sept. - Dec. 2007	5020 · Director Fees	400.00
3286	Kelly Couey	Sept. - Dec. 2007	5230 · Directors' Expenses	6.48
3287	Samuel B. Potter	Sept. - Dec. 2007	5230 · Directors' Expenses	152.56
3287	Samuel B. Potter	Sept. - Dec., 2007	5020 · Director Fees	400.00
3288	Robert Zanella	Sept. - Dec. 2007	5020 · Director Fees	400.00
3288	Robert Zanella	Sept. - Dec., 2007	5230 · Directors' Expenses	73.80
3289	Bruce E. Wampler	Sept. - Dec. 2007	5020 · Director Fees	400.00
3289	Bruce E. Wampler	Sept. - Dec. 2007	5230 · Directors' Expenses	64.80
3290	Colorado Department of Revenue	03-91472	2210-Colorado With. Payable	825.00
3291	Alpine Bank	84-0976632	2205-FICA/MED/FWT Payable	1,473.78
3292	Northwestern Mutual Life Ins. Co.	Company	2227 · Simple IRA Payable	90.76
3292	Northwestern Mutual Life Ins. Co.	Employee	2227 · Simple IRA Payable	1,041.00
3293	Dan Harrison	Sept. - Dec. 2007	5020 · Director Fees	400.00
3293	Dan Harrison	Sept. - Dec. 2007	5230 · Directors' Expenses	31.38

West Divide Water Conservancy District-General Fund


Bills to be Paid
January 17, 2008

3294	Colo. Special Districts Property & Liab.	1/1/08-1/1/09	5590 · Insurance-Prop. & Liab	589.00
3294	Colo. Special Districts Property & Liab.	1/1/08-1/1/09	5610 · Insurance-E&O	485.35
3294	Colo. Special Districts Property & Liab.	1/1/08-1/1/09	5580 · Insurance-Autos	197.00
3295	Maddock, Janet E	3,717.25-457.27 Ins.=3,259.98	5221 · Salary	3,259.98
3295	Maddock, Janet E	IRA	2227 · Simple IRA Payable	-1,041.00
3295	Maddock, Janet E	FWT	2205-FICA/MED/FWT Payable	-975.00
3295	Maddock, Janet E	FICA/MED	2205-FICA/MED/FWT Payable	-249.39
3295	Maddock, Janet E	CWT	2210-Colorado With. Payable	-275.00
3296	void		5100 · Office Supplies	
3297	Mountain Clear Water Company Inc.	bottled water	5100 · Office Supplies	7.10
3298	Grand River Consulting Corp.	Board meeting & preparation (2007)	5260 · Hydrology	876.93
3299	Colorado State Treasurer	4th QTR 2007	5226 · Unemployment Tax	30.67
3300	Sammy's Restaurant	New Year Party		
3301	Remington Square	Balance of Feb. rent	5395-Rent	152.75


12,261.33

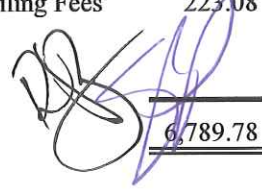
West Divide Water Conservancy District-General Stored Water
 Bills to be Paid
 January 17, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1689	Bookcliff Survey Services, Inc.	Alsburry Survey	7030 · Hydrology	3,640.00
1690	Colo Special Districts Property & Liab.	1/1/08-1/1/09	7040 · Insurance--Alsburry Gen Liab	4,111.73
1691	Grand River Consulting Corp.	Water Task Force	7030 · Hydrology	2,979.50
1691	Grand River Consulting Corp.	Alsburry	7030 · Hydrology	692.50
1692	Olszewski, Massih & Maurer, P.C.	General	7045 · Legal	87.00
1693	BasePoint Design Corporation	Hazard Classification Study	7080 · Capital Outlay--Alsburry	13,448.35
1694	Grand River Consulting Corp.	Database/GIS/Autocad	7030 · Hydrology	2,073.75
1694	Grand River Consulting Corp.	Water Right Acctg/Adm.	7030 · Hydrology	2,815.00
1694	Grand River Consulting Corp.	Aslbury	7030 · Hydrology	543.24
1694	Grand River Consulting Corp.	Water Task Force	7030 · Hydrology	162.50


30,553.57

West Divide Water Conservancy District-Fourmile Creek
 Bills to be Paid
 January 17, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1482, 1483, 1484		void		
1485, 1486, 1487		Written in December 2007		
1488	Grand River Consulting Corp.	Zilm Opposition	8030 · Hydrology	1,505.00
1489	void			
1490	void			
1491	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal	660.00
1491	Olszewski, Massih & Maurer, P.C.	Elk Meadows	8050 · Legal	60.00
1491	Olszewski, Massih & Maurer, P.C.	Zilm/05CW148	8050 · Legal	3,790.50
1491	Olszewski, Massih & Maurer, P.C.	Advanced Costs	8050 · Legal	11.20
1492	Grand River Consulting Corp.	Zilm Opposition	8030 · Hydrology	540.00
1493	Independent Court Reporting	Zilm Case No. 02CW225	8055 · Legal Publications/Filing Fees	223.08
				<u>6,789.78</u>



West Divide Water Conservancy District--Silt Interconnect
 Bills to be Paid
 January 17, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
76	Olszewski, Massih & Maurer. P.C.	Rifle Creek Aug Plan (2007)	7801 · Legal	1,551.85
77	Grand River Consulting Corporation	Rifle Creek Aug/General (2007)	7802 · Hydrology	3,577.50
78	Grand River Consulting Corporation	Rifle Creek Aug/General (2007)	7802 · Hydrology	6,541.99
79	Silt Water Conservancy District	Proceeds from 2007 Contracts 2008 Expense	7100 · SWCD Operating Expenses	2,546.00
				<u>14,217.34</u>

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(970) 625-5461
water@wdwcd.org**

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, February 21, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of January 17, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
4. Director Compensation
 - a. Mileage Reimbursement
 - b. Resolution 08-01
5. Website
6. Water Allotment Contracts
7. Water Resources's Report
8. Alsbury Reservoir
9. Hydrologist's Report
10. Attorney's Report
11. Roundtable Report
12. Adjourn

NEXT MEETING IS MARCH 20, 2008

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: February 21, 2008

Time: 9:00 a.m

Place: District Office
109 West Fourth Street
Rifle, Colorado

Name	Company/mailling address
1. <i>Jane Maddock</i>	
2. <i>Ed Olszowski</i>	
3. <i>Bob Ranella</i>	
4. <i>Ken Harrison</i>	
5. <i>Maria Pastore</i>	
6. <i>Kerry Sundeen</i>	
7. <i>[Signature]</i>	
8. <i>[Signature]</i>	
9. <i>Jim Lemon</i>	<i>DWR</i>
10.	
11.	
12.	
13.	
14.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING

February 21, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney

Directors and Staff Absent

Lyndie Pearson, CPA
Kelly Couey, Vice President (excused absence)

Guests

Jim Lemon, DWR

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:00 a.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the January 17, 2008, meeting be approved as received; Bruce E. Wampler seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Robert J. Zanella moved the attached list of bills be paid; Bruce E. Wampler seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the January 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

President Potter requested that the financial statements be reformatted to show current month, prior year month, current year to date, prior year to date, budget and variance.

DIRECTOR COMPENSATION

Mileage Reimbursement: Robert J. Zanella moved to increase the mileage rate paid to Directors to 50.5 cents per mile, effective January 1, 2008, to keep in line with the IRS; seconded by Dan Harrison; motion carried.

WEBSITE

Contracted with a company to design a logo. Reviewed some of their designs. Should have a prototype of the website for the next meeting.

WATER CONTRACTS

Richard and Danielle Ettles assignment from **Ray T. Reynolds:** Robert J. Zanella moved approval of this assignment, Domestic 1 af, Silt Interconnect; seconded by Bruce E. Wampler; motion carried.

Mark Marcotte assignment from **Thomas and Elizabeth Lippitt:** Robert J. Zanella moved approval of this assignment, Domestic 1 af, Silt Interconnect ; seconded by Bruce E. Wampler; motion carried.

Mark W. and Elizabeth Spidell assignment from **William L. Flood:** Robert J. Zanella moved approval of this assignment, Domestic 1 af, Fourmile; seconded by Bruce E. Wampler; motion carried.

Duane L. and Linda K. Storey: Robert J. Zanella moved approval of this amendment to add a second dwelling, Domestic 1 af, Silt Interconnect; seconded by Bruce E. Wampler; motion carried.

James and Maria Gornick: Robert J. Zanella moved approval of this application/contract for 3.12 af, Domestic, Colorado River; seconded by Bruce E. Wampler.

WATER RESOURCES' S REPORT

Mike Mello has retired as commissioner, however he will continue in a temporary status. Jim Lemon has applied for a position in Grand Junction.

ALSBURY RESERVOIR

The Hazard Classification and Hydrology Reports have been submitted to the State. BasePoint provided construction drawings (preliminary) for the spillway modification. Kit Choi recommends constructing the V-notch and waiting on the filter. Kit is preparing information for the bid for construction. The Forest Service needs to be contacted regarding the V-notch.

Reviewed and discussed draft Emergency Action Plan. Need to set up an EAP team.

HYDROLOGIST' S REPORT

Kerry Sundeen requested the Colorado Division of Water Resources provide formal written procedure regarding the annual water use report in order to avoid multiple revisions. President Potter suggested a letter be drafted to Alan Martellaro and Kyle Whitaker for his signature, making such request.

There were 127 applications for the DOLA grant. We should know the results of West Divide' s soon.

Grand River Consulting Corporation was contacted by Jason Sewell regarding " acquiring a water supply to irrigate 90 acres for pasture-grass, an area historically irrigated by the Sweet Jessup Canal. The water right share of the Sweet Jessup was sold off years ago and Mr. Sewell is exploring any opportunities that might exist to partner with West Divide for a joint water storage project."

ATTORNEY' S REPORT

At 11:02 a.m. Robert J. Zanella motioned to move into Executive Session to discuss litigation; seconded by Bruce E. Wampler; motion carried. Moved out of Executive Session at 11:26 a.m.

It was decided to have a settlement workshop Wednesday, February 27th at 11:00 a.m.

ROUNDTABLE REPORT

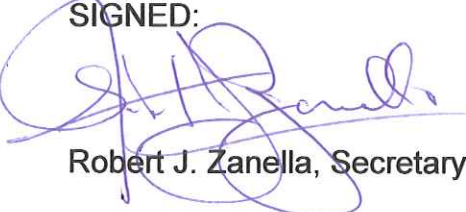
Received Bob Zanella' s oral report. Discussed applying for grant for Alsbury repairs and for the Crystal River study regarding Jason Sewell' s property.

ADJOURN

Meeting time changed to 1:00 p.m. for March and April. Need to schedule April meeting as we will be in trial on the regular date.

Meeting adjourned at 11:30 a.m.

SIGNED:



Robert J. Zanella, Secretary

ATTEST:



Samuel B. Potter, President

West Divide Water Conservancy District-General Fund

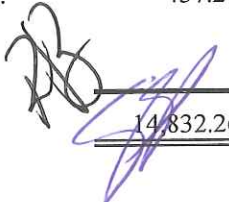
Bills to be Paid
February 21, 2008

Num	Name	Memo	Account	Amount
3300	Sammy's on Park Avenue	"Christmas Party"/Bubbles Recog.	5255- Public Relations	736.45
3301	check used in January			
3302	Maddock, Janet E	\$4,030.01-457.27 Ins.= \$3,572.74	5221- Salary	3,572.74
3302	Maddock, Janet E	IRA	2227 · Simple IRA Payable	-1,084.00
3302	Maddock, Janet E	FWT	2205-FICA/MED/FWT Payable	-1,100.00
3302	Maddock, Janet E	FICA	2205-FICA/MED/FWT Payable	-273.32
3302	Maddock, Janet E	CWT	2210-Colorado With. Payable	-300.00
3303	Maddock, Janet E	Balance of payroll audit	5221 · Salary	31.47
3304	Pioneer Machine & Tool	February	5396 · Janitorial	60.00
3305	Jean's Printing	Stationery	5100 · Office Supplies	54.12
3306	Qwest	January	5390 · Telephone	153.34
3307	Xcel Energy	Nov. and Dec.	5392 · Utilities	82.78
.07	Xcel Energy	January	5392 · Utilities	40.00
3308	Club 20	2008 membership dues	5240 · Dues/Registration	200.00
3309	Remington Square	March	5395 · Rent	611.00
3309	Remington Square	February	5392 · Utilities	144.43
3310	Urman Company, The	Employee Feb.	5222 · Medical Insurance--Emp.	340.18
3310	Urman Company, The	Family Feb.	5223 · Medical Insurance Dep.	457.27
3311	Barnes, Pearson & Associates, LLC	Dec. and Jan. receivables	5150 · Accounting	1,180.00
3311	Barnes, Pearson & Associates, LLC	Additional Budget review	5200 · Budget Preparation	475.00
3311	Barnes, Pearson & Associates, LLC	Bkkpg & FS for Oct/Nov/Dec.	5150 · Accounting	1,760.00
3311	Barnes, Pearson & Associates, LLC	Audit adjustments	5150 · Accounting	480.00
3311	Barnes, Pearson & Associates, LLC	Payroll review	5150 · Accounting	65.00
3312	Mountain Clear Water Company Inc.	bottled water	5100 · Office Supplies	14.65
3313	Potter, Samuel B.	Bubbles' AIsbury Picture	5230 · Directors' Expenses	285.89
3314	Grand River Consulting Corp.	Board meeting & preparation	5260 · Hydrology	432.50
3314	Grand River Consulting Corp.	Water demand calculations	5260 · Hydrology	227.50
3314	Grand River Consulting Corp.	Website	5394 · Website	330.00

West Divide Water Conservancy District-General Fund

Bills to be Paid
February 21, 2008

3315	Olszewski, Massih & Maurer, P.C.	Directors	5280 · Legal	204.00
3315	Olszewski, Massih & Maurer, P.C.	Review Water Resume	5280 · Legal	288.00
3315	Olszewski, Massih & Maurer, P.C.	Prep. for mtg/attend mtg.	5280 · Legal	888.00
3316	Capital One, F.S.B.	Domain and Web Host	5393 · Internet	152.00
3316	Capital One, F.S.B.	Postage	5300 · Postage/Box Rent/Etc.	15.99
3317	Alpine Bank	84-0976632	2205-FICA/MED/FWT Payable	1,646.64
3318	Northwestern Mutual Life Ins. Co.	Company	2227 · Simple IRA Payable	107.18
3318	Northwestern Mutual Life Ins. Co.	Employee	2227 · Simple IRA Payable	1,084.00
3319	Special District Association of Colo.	2008 Membership	5240 · Dues/Registration	672.00
3320	Urman Company, The	Employee March	5222 · Medical Insurance--Emp.	340.18
3320	Urman Company, The	Family March	5223 · Medical Insurance Dep.	457.27


14,832.26


West Divide Water Conservancy District-General Stored Water

Bills to be Paid
February 21, 2008


Num	Name	Memo	Account	Amount
1695	Bauer, George	Refund of charge for Aug Plan	4028 · Colorado River Aug	162.50
1696	Garfield County Clerk and Recorder	Memorandums	7070 · Memo Recording Fees	43.00
1697	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	84.00
1697	Olszewski, Massih & Maurer, P.C.	Umbrella Plan	7045 · Legal	252.00
1697	Olszewski, Massih & Maurer, P.C.	General	7045 · Legal	60.00
1698	Grand River Consulting Corp.	Report prep, database, GIS, acct & adm	7030 · Hydrology	1,035.00
1698	Grand River Consulting Corp.	Alsbury	7030 · Hydrology	325.00
1698	Grand River Consulting Corp.	Water Task Force	7030 · Hydrology	97.50


2,059.00

West Divide Water Conservancy District-Fourmile Creek
 Bills to be Paid
 February 21, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1494	Grand River Consulting Corp.	General	8030 · Hydrology	225.00
1494	Grand River Consulting Corp.	Zilm Opposition	8030 · Hydrology	3,707.50
1495	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	96.00
1495	Olszewski, Massih & Maurer, P.C.	Elk Meadows	8050 · Legal--General	192.00
1495	Olszewski, Massih & Maurer, P.C.	Zilm Dispute	8050 · Legal--General	348.00
1495	Olszewski, Massih & Maurer, P.C.	Advanced Costs	8050 · Legal--General	225.12
1495	Olszewski, Massih & Maurer, P.C.	Sunlight Inn Opposition	8050 · Legal--General	60.00
1495	Olszewski, Massih & Maurer, P.C.	05CW148	8050 · Legal--General	7,000.50
1496	Garfield County Clerk & Recorder	Memorandum	8070 · Memorandum Recording Fees	42.00
1497	Greenwald Children's Irrevocable Trust	Refund of 25% of 2008 fees	2400 · Due to Greenwald Trust	3,903.50
				 <u>15,799.62</u>

West Divide Water Conservancy District--Silt Interconnect
 Bills to be Paid
 February 21, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
80	Olszewski, Massih & Maurer. P.C.	Rifle Creek	7801 · Legal	300.00
80	Olszewski, Massih & Maurer. P.C.	Advanced Costs	7800 · Capital Expenditures	11.20
81	Grand River Consulting Corporation	Rifle Creek/General	7802 · Hydrology	950.00
82	Void			
83	Void			
84	Daily Sentinel, The	Rifle/Elk Creek Aug. Pub.	9010 · Legal Pub./Filing Fees	875.52
85	Colorado Mountain News Media	Rifle/Elk Creek Aug. Pub.	9010 · Legal Pub./Filing Fees	1,336.19
86	Silt Water Conservancy District	Silt Interconnect expenses		 # 1142.13 <u><u>3,472.91</u></u>

**WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org**

SPECIAL MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Wednesday, February 27, 2008

TIME: 11:00 a.m.

AGENDA

1. Call to Order
2. Executive Session for litigation settlement discussion
3. Adjourn

WEST DIVIDE WATER CONSERVANCY DISTRICT

**MINUTES OF SPECIALBOARD OF DIRECTORS MEETING
February 27, 2008**

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Robert J. Zanella, Secretary
Dan Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney

Directors and Staff Absent

Lyndie Pearson, CPA
Bruce E. Wampler, Treasurer

Guests

CALL TO ORDER

The special Board of Directors meeting was called to order at 11:15 a.m. by President Samuel B. Potter, for the purpose of discussing litigation.

Robert J. Zanella motioned to immediately move into Executive Session; seconded by Dan Harrison; motion carried. Moved out of Executive Session at 12:55 p.m.

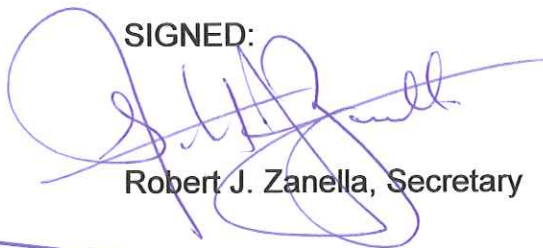
ALSBURY RESERVOIR

Robert J. Zanella moved to approve the attached Scope and Estimate for Construction Estimate prepared by Professional Engineering and Construction Services, LLC in the amount of \$2,685; seconded by Dan Harrison; motion carried.

ADJOURN

Meeting adjourned at 1:15 p.m.

SIGNED:



Robert J. Zanella, Secretary

ATTEST:



Samuel B. Potter, President



E&C SERVICES

Consulting in Water Resources, Dams, and Construction

February 27, 2008

Dr. Y.K. Choi
BasePoint Design Corporation
2280 South Xanadu Way
Aurora, CO 80014

via: email

SUBJECT: Estimate for Alsbury Dam Spillway Modifications

Dear Kit,

Thank you for the opportunity to prepare an estimate for you on the subject project. We have briefly reviewed the drawings and developed the following estimate for preparing an estimate. Please review the table below shows our impressions of the scope and costs.

Alsbury Dam Spillway Modifications Scope and Estimate for Construction Estimate

Work Task	Total Hours	Total Estimated Service Costs	Comments
1 - Review drawings; Develop task quantities	5.00	625.00	Contemplates E&C doing pricing level quantity take offs
2 - Consider Bid Schedule; do detailed estimate; summarize estimate	6.00	750.00	Develop detailed, task- based, resource driven estimate
3 - Develop Preliminary Construction Schedule and back of envelope schedule check estimate	1.50	187.50	1 st pass- bar chart schedule with interdependency logic; simple schedule driven cost check - labor and equipment
4 - Identify and evaluate risks; including market conditions	2.50	312.50	Judgment driven; include limited industry contact in immediate project area
5 - Draft memo	3.00	375.00	Capture to present the above tasks
6 - Coordinate with BP Design	1.50	187.50	phone and email interaction
7 - E&C Clerical estimate/memo support	3.50	157.50	
	23.0	\$ 2,595.00	
<i>Rounded OH and Proj Administration - 3.5%</i>		\$ 90.00	
Total Estimated Costs		\$ 2,685.00	

Note: No anticipated Reimbursable Expenses

We have considered a fairly thorough scope, which as with Visitor Center, we believe is necessary to capture a sound estimate. Kit, we appreciate the opportunity to offer this estimate and look forward to helping you on another project. Please call to discuss our scope or estimated cost/effort.

Sincerely,
E & C Services, LLC

Jeffrey C. Allen, P.E.

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, March 20, 2008

TIME: 1:00 p.m.

AGENDA

1. Call to Order
2. Minutes of February 21 and 27, 2008, meetings
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
4. Resolution 08-01
5. Website
6. Water Allotment Contracts
7. DOLA Grant
8. Alsbury Reservoir
9. Roundtable Report
10. Water Resources's Report
11. Hydrologist's Report
12. Attorney's Report
13. Set April meeting (1 p.m.)
14. Adjourn

NEXT MEETING IS _____

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: march 20, 2008

Time: 9:00 a.m - 1:00 p.m

Place: District Office
 109 West Fourth Street
 Rifle, Colorado

Name	Company/mailling address
1. Janet Maddock	
2. Bob Zanella	
3. Ed (520wsk)	
4. Kerry Sundeen	
5. Marie Pastore	
6. Dan Ham	
7. Kelly Sundeen	
8. Mr. J. J. Jansler	
9. [Signature]	
10. Kelly Cowey	
11.	
12.	
13.	
14.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING

March 20, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney
Directors and Staff Absent
Lyndie Pearson, CPA

Guests

None present.

CALL TO ORDER

The regular Board of Directors meeting was called to order at 1:00 p.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the February 21 and 27, 2008, meetings be approved as received; Bruce E. Wampler seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Robert J. Zanella seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the February 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

RESOLUTION 08-01

Robert J. Zanella moved to adopt Resolutions 08-01; seconded by Bruce E. Wampler; roll call: Samuel B. Potter -- yes; Kelly Couey -- yes; Dan Harrison -- yes; Bruce E. Wampler--yes; Robert J. Zanella--yes. Resolutions duly adopted. (Copy attached)

WEBSITE

Discussed logo. Dane Ensign, Grand River Consulting Corp., will attend the next meeting for an indepth discussion on the logo and website.

WATER CONTRACTS

Ed Dunn and Nina Sonnier assignment from **Paul and Bonnie Hoffmann**: Robert J. Zanella moved approval of this assignment, 1 af Domestic, Silt Interconnect; seconded by Bruce E. Wampler; motion carried.

Noble Energy, Inc.: Bruce E. Wampler moved approval of this amendment from 170 af to 57 af, Direct Hauling, contingent upon receipt of payment for fees; seconded by Robert J. Zanella; motion carried.

William K. Hall: Robert J. Zanella moved approval of this application/contract for 1 af, Domestic, Colorado River; seconded by Kelly Couey; motion carried.

DOLA GRANT

Received notification of award of \$300,000 from state Energy and Mineral Impact Assistance funds. Will receive draft contract soon. Legal counsel to research and verify that West Divide can enter into contract with USGS without requiring bids. Need documentation from counsel for West Divide's file. Counsel to draft resolution selecting USGS to build and maintain an electronic database of water well information and entering into a contract with the State of Colorado for the use and benefit of the Department of Local Affairs for receipt of the grant. To date, short \$40,000 in matching fund pledges. USGS will have a booth at the Energy Expo on April 30, 2008, which will include promotion of the data repository.

ALSBURY RESERVOIR

See attached letter from Dam Safety Engineer, John Blair, and from RJH Consultants, Inc.

Robert J. Zanella moved to allocate \$7500 to complete the study; seconded by Dan Harrison; motion carried.

Counsel and hydrologists to meet March 25, 2008, with Assistant Division 5 Engineer, Kyle Whitaker, to discuss decreeing seepage at Alsbury.

ROUND TABLE REPORT

Received written report from Robert J. Zanella.

WATER RESOURCES' S REPORT

No commissioner in attendance. Jim Lemon has been transferred to Grand Junction.

HYDROLOGISTS' REPORT

There will probably be no need to run the Silt Interconnect pump this year.

ATTORNEY' S REPORT

Received written report. Zilm trial scheduled for April 15-18, 2008.

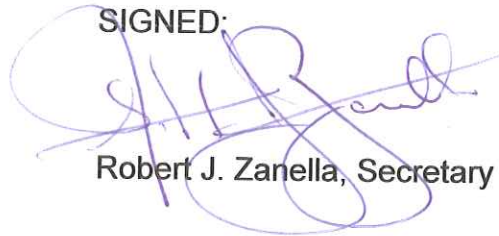
SET APRIL MEETING DATE

Next meeting will be April 24, 2008, 9:00 a.m. Kerry Sundeen will try to reserve the River District conference room and schedule a tour to follow of Jason Sewell' s property--- a potential reservoir site.

ADJOURN

Meeting adjourned at 3:00 p.m.

SIGNED:



Robert J. Zanella, Secretary

ATTEST:



Samuel B. Potter, President

West Divide Water Conservancy District-General Fund
 Bills to be Paid
 March 20, 2008

Num	Name	Memo	Account	Amount
3321	Maddock, Janet E	\$4,030.01-457.27Ins.=	5221 · Salary	3,572.74
3321	Maddock, Janet E	IRA	2227 · Simple IRA Payable	-1,084.00
3321	Maddock, Janet E	FWT	2205-FICA/MED/FWT Payable	-1,100.00
3321	Maddock, Janet E	FICA	2205-FICA/MED/FWT Payable	-273.32
3321	Maddock, Janet E	CWT	2210-Colorado With. Payable	-300.00
3322	Urman Company, The	Employee March	5222 · Medical Insurance--Emp	340.18
3322	Urman Company, The	Family March	5223 · Medical Insurance Dep	457.27
3323	Rifle Veterans Nursing Home	In memory of Carl H. Bernklau	5255 · Public Relations	100.00
3324	Mountain Clear Water Co. Inc.	bottled water	5100 · Office Supplies	13.45
3325	Zanella, Robert J.	2007 additional fees	5020 · Director Fees	600.00
3326	Wampler, Bruce E.	2007 additional fees	5020 · Director Fees	100.00
3327	Couey, Kelly	2007 additional fees	5020 · Director Fees	300.00
3328	Starbuck, LaVerne	2007 additional fees	5020 · Director Fees	300.00
3329	Potter, Samuel B.	2007 additional fees	5020 · Director Fees	821.60
3330	Qwest	February	5390 · Telephone	153.80
3331	Remington Square	April	5395 · Rent	611.00
3331	Remington Square	March	5392 · Utilities	158.56
3332	Pioneer Machine & Tool	March	5396 · Janitorial	60.00
3333	Sopris Surfers LLC	2/12/08-5/12/08	5393 · Internet	75.00
3334	Alpine Bank	84-0976632	2205-FICA/MED/FWT Payable	1,646.64
3335	Northwestern Mutual Life Ins. Co.	1451628	2227 · Simple IRA Payable	107.18
3335	Northwestern Mutual Life Ins. Co.	1451628	2227 · Simple IRA Payable	1,084.00
3336	Capital One, F.S.B.	Postage	5300 · Postage/Box Rent/Etc.	146.54

West Divide Water Conservancy District-General Fund
Bills to be Paid
March 20, 2008

3337	Grand River Consulting Corp.	Board meeting & preparation	5260 · Hydrology	450.00
3337	Grand River Consulting Corp.	Website	5394 · Website	3,108.75
3338	Olszewski, Massih & Maurer, P.C.	Legislation	5280 · Legal	252.00
3338	Olszewski, Massih & Maurer, P.C.	Prep. for mtg/attend mtg.	5280 · Legal	888.00
3338	Olszewski, Massih & Maurer, P.C.	Advanced costs	5280 · Legal	115.20
3339	Qwest	February (balance)	5390 · Telephone	5.00

12,709.59

West Divide Water Conservancy District-General Stored Water
Bills to be Paid
March 20, 2008

Num	Name	Memo	Account	Amount
1699	void	void	7045 · Legal	0.00
1700	Grand River Consulting Corp.	Report prep, database, GIS, acctg & adm	7030 · Hydrology	2,027.50
1700	Grand River Consulting Corp.	Alsburly	7030 · Hydrology	1,830.00
1701	BasePoint Design Corporation	Contract Addendum No. 6	7080 · Capital Outlay--Alsburly	6,630.00
1702	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	72.00
1702	Olszewski, Massih & Maurer, P.C.	Umbrella Plan	7045 · Legal	84.00
1702	Olszewski, Massih & Maurer, P.C.	General	7045 · Legal	24.00

10,667.50

West Divide Water Conservancy District-Fourmile Creek
 Bills to be Paid
 March 20, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1498	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	474.00
1498	Olszewski, Massih & Maurer, P.C.	Zilm Dispute	8054 · Legal Litigation	4,692.17
1498	Olszewski, Massih & Maurer, P.C.	Advanced costs	8050 · Legal--General	11.20
1499	Grand River Consulting Corp.	Zilm Opposition	8030 · Hydrology	2,447.50
1500	Patterson Reporting & Video Service, Inc.	Zilm Opposition--Depositions	8054 · Legal Litigation	433.60
				<u>8,058.47</u>

West Divide Water Conservancy District--Silt Interconnect
 Bills to be Paid
 March 20, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
87	Olszewski, Massih & Maurer. P.C.	Rifle Creek/General	7801 · Legal	1,776.00
88	Grand River Consulting Corporation	Rifle Creek/General	7802 · Hydrology	1,802.50
				<u>3,578.50</u>

**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-01**

**RESOLUTION SETTING POLICY FOR REIMBURSEMENT
OF DIRECTOR EXPENSES AND FEES**

WHEREAS, in resolution 03-05 adopted June 12, 2003, it was resolved that the Directors shall be reimbursed the expenses incurred for mileage, registration, and motel, when attending conferences or special events on behalf of or in their capacity as Directors for the District;

WHEREAS, on January 4, 2008, an Order was signed by the District Court Judge authorizing an increase to the Director compensation up to \$2,400 per annum, in the discretion of the Board, plus necessary travel expenses, for each Director, effective April 2, 2007;

WHEREAS, in the discretion of the Board of Directors, authorization is provided for compensation to each Director at \$100 per month, plus an additional \$100 for each day for any activity on behalf of the District, up to a maximum of \$2400 per annum.

NOW THEREFORE BE IT RESOLVED, that the Directors shall be reimbursed the expenses incurred for mileage, registration, and motel, when attending conferences or special events on behalf of or in their capacity as Directors for the District;

That the Director compensation shall be a maximum of \$2,400 per annum, in the discretion of the Board of Directors;

That in the discretion of the Board of Directors, authorization is provided for compensation to each Director at \$100 per month, plus an additional \$100 for each day for any activity on behalf of the District, up to a maximum of \$2400 per annum.

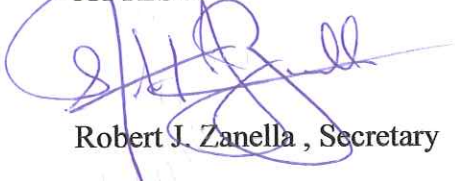
READ, APPROVED, AND ADOPTED this 20th day of March, 2008, to be effective April 2, 2007.

SIGNED:



Samuel B. Potter, President

ATTEST:



Robert J. Zanella, Secretary

STATE OF COLORADO

DIVISION OF WATER RESOURCES
WATER DIVISION 5
Office of the State Engineer
Department of Natural Resources
P O Box 396 (50633 U S Highway 6 & 24)
Glenwood Springs CO 81602
Phone (970) 945-5665
FAX (970) 945-8741 (call first)



March 3, 2008

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolff
State Engineer

Alan C. Martellaro
Division Engineer

Korey Kadrmas, P.E.
RJH Consultants, Inc.
9800 Mt. Pyramid Court, Suite 330
Englewood, CO 80112

ALSBURY RESERVOIR
W. Div. 5, DAMID: 450123

RE: Review of Hazard Classification and Hydrology Reports

Dear Korey:

Thank you for submitting the Hazard Classification and Hydrology Reports for lowering the spillway to the restricted level. We have completed our review. Attached is a copy of my design review memorandum, which details the review and items of concern.

The review and related independent analysis indicates that the dam may still be rated high hazard even if the spillway is lowered to the restricted level. If West Divide and the engineer wish to dispute this conclusion, they will need to investigate the actual elevation of the upstream toe of the dam, which is the main reason for the high hazard conclusion. It appears from as-constructed documents that the upstream toe of the dam at its maximum section is about 10' lower than the outlet invert. The dam failure simulation should be performed down to its upstream toe and not just to the bottom of active storage. Also, future plans for the area at section -8.66 (it is believed that this area will be subdivided) should be looked into and other items addressed in the memorandum need to be addressed before revising the hazard classification report.

Regarding the hydrology report, especially with the belief that this dam is high hazard, it is suggested (although not required since you chose to use HMR49) to revisit this analysis with the updated EPAT tool dated January 16, 2008 and use the actual recommended temporal distribution as this may produce more favorable runoff scenarios to the dam owner regarding the design of a spillway.

We cannot approve the hazard classification report or hydrology study until these items are investigated and all concerning items outlined in this memorandum are addressed.

Thank you for the conscientious efforts and thoroughness put forth in these reports. If you wish to discuss these items, please call me at (970) 945-5665 ext. 5016 and I will gladly meet with you to discuss these reports.

Sincerely,



John Blair, P.E.

Division 5 Dam Safety Engineer

Enclosures: Design Review Memorandum

Cc: Kerry Sundeen Grand River Consulting
Mark Haynes, Dam Safety Chief Engineer
Ying-Kit Choi, BasePoint Design Corporation, 2280 South Xanadu Way, Suite 350, Aurora,
CO 80014
Steve Trexel, District 45 Water Commissioner (w/o enclosure)
Jim Lemon, District 45 Water Commissioner (w/o enclosure)
Janet Maddock, West Divide Conservancy District (w/o enclosure)



March 19, 2008
Project 07100

Mr. Ying-Kit Choi
Project Manager/President
BasePoint Design Corporation
2280 South Xanadu Way, Suite 250
Aurora, CO 80014

**Re: Alsbury Dam, Mesa County, Colorado
Proposal for Additional Services to Address SEO Comments**

Dear Mr. Choi:

As we discussed during a phone conversation on March 7, 2008, RJH Consultants, Inc. (RJH) has developed a scope of services and budget to address additional work tasks required by Mr. John Blair, local SEO dam safety engineer, for approval of the January 2008 Alsbury Dam Hazard Classification Report.

RJH and Grand River Consulting met with Mr. Blair on March 7, 2008 to discuss his comments presented in the Design Review Memorandum dated February 26, 2008, and to discuss additional work tasks that the SEO would require to approve the referenced report. All work tasks were developed based on the SEO meeting and the assumption that Mr. Blair would be involved concurrently with each task. These work tasks were scoped considering the time required to write summary work descriptions, submittal to the SEO, and associated work required for SEO approval of individual tasks. RJH will receive Mr. Blair's concurrence before beginning subsequent work tasks.

Scope of Work

We propose to complete the following services to address SEO comments on the Hazard Classification Report for the dam.

Task 1 – Project Management:

Objectives: SEO letter review, team conference call (March 7, 2008), SEO meeting in Glenwood Springs, Colorado (March 7, 2008), and task project management.

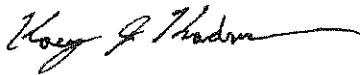
**TABLE 1
ESTIMATED COSTS AND SCHEDULE BY TASK**

Task	Description	Anticipated Submittal to SEO	Anticipated SEO Concurrence with Task	Estimated Cost (\$)
1	Administrative Work	N/A	N/A	500
2	Evaluate Controlling Breach Scenario	3/26/08	3/28/08	1,000
3	Finalize Breach Parameter Selection	4/2/08	4/4/08	1,500
4	Finalize Dam Breach Modeling	4/9/08	4/11/08	2,000
5	Prepare Addendum Letter	4/18/08	4/25/08	2,500
Total				7,500

We look forward to assisting BasePoint in completing the SEO approval process for the Alsbury Dam Hazard Classification Report. Please call if you have any questions or require additional information.

Sincerely,

RJH CONSULTANTS, INC.



Korey J. Kadrmas, P.E.
RJH Project Manager

KJK/jmm

**WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org**

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, April 17, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of March 20, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements Unavailable
4. Website/Logo
5. Water Allotment Contracts
6. Water Task Force
 - a. Resolution 08-02
 - b. Execution of Contract
7. Alsbury Reservoir
8.
 - a. Construction Cost Estimate
 - b. Application for State Engineer Design Review
 - c. Sale of Irrigation Water
 - d. Seepage Decree Status
9. Roundtable Report
10. Water Resources's Report
11. Hydrologist's Report
 - a. Sewell Property Site Visit
 - b.
12. Attorney's Report
13. Adjourn

NEXT MEETING IS MAY 15, 2008





WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: April 17, 2008

Time: 9:00 a.m

Place: District Office
109 West Fourth Street
Rifle, Colorado

Name	Company/ mailing address
1. Janet Maddock	
2. 	
3. 	
4. Bruce Wampler	
5. Steve Trepel	
6. Kelly Conroy	
7. Dan Hammit	
8. Mama Pastore	
9. Kerry Sundeen	
10. Linda Pearson	
11. 	
12. 	
14.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING April 17, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney
Dane Ensign, Computer Specialist
Lyndie Pearson, CPA

Directors and Staff Absent

None

Guests

Steve Trexel, DWR

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:00 a.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the March 20, 2008, meeting be approved as received; Bruce E. Wampler, seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Robert J. Zanella seconded; motion carried.

Financial Statements: Unavailable

WATER CONTRACTS

Barbara Sinclair assignment from **Walter J. and Joan K. Knuepfer**: Robert J. Zanella motioned approval of this assignment, 1 af, Domestic, Silt Interconnect; seconded by Bruce E. Wampler; motion carried.

Andrew H. Beuter and Mathew J. Beuter assignment from **Bailey Sterrett, III and Steven C. Sterrett**: Robert J. Zanella motioned approval of this assignment, 2 af, Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Quicksilver Court Homeowners' Association assignment from **George H. Daniels, III**: Robert J. Zanella motioned approval of this assignment and amendment from 2 af to 4 af, Subdivision, Colorado River; seconded by Bruce E. Wampler; motion carried.

Hank Kracht and Kamron DiMarco-Kracht: Tabled this application to amend because this well is currently located in Area B. If the amendment were approved, it is unlikely the State would issue a new permit and the status of the current permit could be in jeopardy.

WATER TASK FORCE

Discussed the DOLA Grant Contract which everyone had an opportunity to review prior to the meeting. The application work is to be part of the \$20,000 of in-kind contributions pledged by West Divide. If the in-kind work does not total \$20,000 then the remainder will be donated in cash. It is not to be counted in the matching funds.

Resolution 08-02: Robert J. Zanella moved adoption of Resolution 08-02; seconded by Kelly Couey; roll call: Samuel B. Potter, yes; Kelly Couey, yes; Robert J. Zanella, yes; Bruce E. Wampler, yes; Dan Harrison, yes. Resolution duly adopted. (Copy attached.)

ALSBURY RESERVOIR

Construction Cost Estimate and Application for State Engineer Design Review: Tabled. Kerry Sundeen and Maria Pastore to conduct further research.

Sale of Irrigation Water: There is water for sale. Kerry will figure the amount as usual for the two irrigation contractees.

Seepage Decree Status: Counsel advised that there was a meeting with the Assistant Division Engineer and the State's attorney who raised concerns with attempting to use the reservoir as both a storage facility and a recharge facility. Counsel remains skeptical that West Divide will be able to claim seepage credits from Alsbury Reservoir.

ROUNDTABLE REPORT

Received written report from Robert J. Zanella.

WATER RESOURCES' S REPORT

Received verbal report from Steve Trexel.

HYDROLOGISTS' REPORT

Discussed Jason Sewell property near Carbondale as possible reservoir site. Field tour scheduled for April 24th at 1:00 p.m.

ATTORNEY' S REPORT

Trial in 05CW148/05CW253 has been vacated. A trial setting conference has been set for May 5, 2008.

Requested authorization to file a Statement of Opposition in Salvatore Rubino' s water rights application in the Crystal River drainage. Applicant referenced West Divide water, which he does not have and the Fourmile augmentation plan, which is the wrong area. Authorization granted.

WEBSITE/LOGO

Dane Ensign presented several logo samples. Much discussion followed. He will narrow the choices and we will review again.

ADJOURN

Meeting adjourned at 12:00 noon.

SIGNED:



Robert J. Zanella, Secretary

ATTEST:



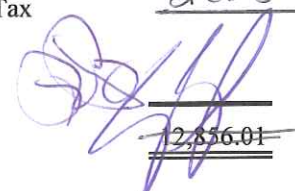
Samuel B. Potter, President

West Divide Water Conservancy District-General Fund
 Bills to be Paid
 April 17, 2008

Num	Name	Memo	Account	Amount
3340	Pinnacol Assurance	Ins. Audit adjustment	5080 · Worker Comp. Ins.	31.00
3341	Grand River Consulting Corp.	Meetings and Preparation	5260 · Hydrology	747.50
3341	Grand River Consulting Corp.	Website Development	5394 · Website	522.50
3341	Grand River Consulting Corp.	Supplies for Website	5394 · Website	613.37
3342	Maddock, Janet E	\$4,030.01-457.27 Ins.= \$3,572.74	5221 · Salary	3,572.74
3342	Maddock, Janet E	IRA	2227 · Simple IRA Payable	-1,084.00
3342	Maddock, Janet E	FWT	2205-FICA/MED/FWT Payable	-1,100.00
3342	Maddock, Janet E	FICA	2205-FICA/MED/FWT Payable	-273.32
3342	Maddock, Janet E	CWT	2210-Colorado With. Payable	-300.00
3343	Celerity Corporation	Yearly copier maint. agrmt	5100 · Office Supplies	875.00
3344	Qwest	March	5390 · Telephone	152.17
3345	Remington Square	May	5395 · Rent	611.00
3345	Remington Square	March	5392 · Utilities	77.06
3346	Zanella, Robert J.	Fees Jan-Mar	5020 · Director Fees	700.00
3346	Zanella, Robert J.	Expenses Jan-Mar	5230 · Directors' Expenses	109.08
3347	Harrison, Dan	Fees Jan-Mar 2008	5020 · Director Fees	400.00
3347	Harrison, Dan	Expenses Jan-Mar 2008	5230 · Directors' Expenses	100.00
3348	Harrison, Dan	Alsbury Oct. 12, 2007	5020 · Director Fees	100.00
3349	Potter, Samuel B.	Fees Jan-Mar 2008	5020 · Director Fees	500.00
3349	Potter, Samuel B.	Expenses Jan-Mar 2008	5230 · Directors' Expenses	76.76
3350	Wampler, Bruce E.	Fees Jan-Mar 2008	5020 · Director Fees	300.00
3350	Wampler, Bruce E.	Expenses Jan-Mar 2008	5230 · Directors' Expenses	90.90
3351	Couey, Kelly	Fees Jan-Mar 2008	5020 · Director Fees	300.00
3351	Couey, Kelly	Expenses Jan-Mar 2008	5230 · Directors' Expenses	27.27
3352	Olszewski, Massih & Maurer, P.C.	Brd mtg/prep	5280 · Legal	852.00
3352	Olszewski, Massih & Maurer, P.C.	Water Rights Inventory	5280 · Legal	192.00
3353	Office Depot	Office Supplies	5100 · Office Supplies	32.99
3354	Mountain Clear Water Co. Inc.	bottled water	5100 · Office Supplies	21.30

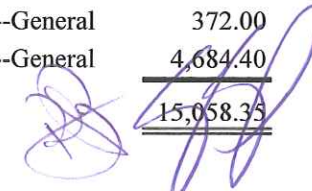
West Divide Water Conservancy District-General Fund
Bills to be Paid
April 17, 2008

3355	Alpine Bank	84-0976632	2205-FICA/MED/FWT Payable	1,646.64
3356	Pioneer Machine & Tool	April	5396 · Janitorial	60.00
3357	HRH of Colorado	Employee May	5222 · Medical Ins--Employee	340.18
3357	HRH of Colorado	Family May	5223 · Medical Ins Dependent	457.27
3358	Northwestern Mutual Life Ins. Co.	Employee	2227 · Simple IRA Payable	1,084.00
3358	Northwestern Mutual Life Ins. Co.	Company	2227 · Simple IRA Payable	107.18
3359	Colorado Department of Revenue	1st quarter 2008	2210-Colorado With. Payable	875.00
3360	void			
3361	Capital One, F.S.B.	Lunch for Wtr workshop	5300 · Postage/Box Rent/Etc.	22.43
3361	Capital One, F.S.B.	Postage	5300 · Postage/Box Rent/Etc.	15.99
3362	void			
3363	Colorado State Treasurer	1st Qtr 2008	5226 · Unemployment Tax	

20.87

12,836.01

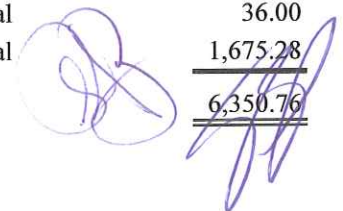
West Divide Water Conservancy District-Fourmile Creek
Bills to be Paid
April 17, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1501	Grand River Consulting Corp.	General	8030 · Hydrology	450.00
1501	Grand River Consulting Corp.	Zilm Opposition	8030 · Hydrology	9,376.95
1501	Grand River Consulting Corp.	Zilm Copies (Zilm to be billed)	8030 · Hydrology	175.00
1502	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	372.00
1502	Olszewski, Massih & Maurer, P.C.	Zilm opposition	8050 · Legal--General	4,684.40


15,058.35

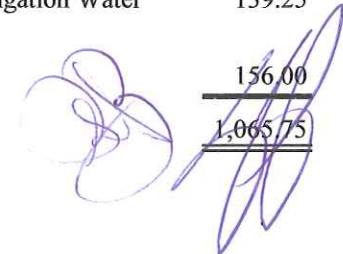
West Divide Water Conservancy District-General Stored Water
Bills to be Paid
April 17, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1703	CRWCD	Wolford O & M 7/1/08-6/30/09	7076 · Wolford Reservoir	277.50
1704	Garfield County Clerk & Recorder	Memorandums	7070 · Recording Fees	156.00
1705	Grand River Consulting Corp.	Report prep, database, GIS, acct & adm	7030 · Hydrology	1,745.00
1705	Grand River Consulting Corp.	Alsbury	7030 · Hydrology	948.00
1705	Grand River Consulting Corp.	Water Task Force	7030 · Hydrology	902.50
1706	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	24.00
1706	Olszewski, Massih & Maurer, P.C.	Alsbury	7045 · Legal	526.48
1706	Olszewski, Massih & Maurer, P.C.	02CW123	7045 · Legal	60.00
1706	Olszewski, Massih & Maurer, P.C.	EnCana	7045 · Legal	36.00
1706	Olszewski, Massih & Maurer, P.C.	DOLA Grant	7045 · Legal	1,675.28
				<u>6,350.76</u>



West Divide Water Conservancy District--Silt Interconnect
Bills to be Paid
April 17, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
89	Grand River Consulting Corp.	Rifle Creek/General	7802 · Hydrology	727.50
90	Garfield County Clerk & Recorder	Memorandums	8000 · Recording Fees	43.00
91	Farmers Irrigation Company	First 1/2 annual fee for 23 shares	7015 · Farmers Irrigation Water	139.25
92	Olszewski, Massih & Maurer, P.C.	General	7801 · Legal	156.00
				<u>1,065.75</u>



**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-02**

**RESOLUTION APPROVING GRANT CONTRACT BETWEEN
STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS AND
WEST DIVIDE AND SELECTING U.S. GEOLOGICAL SURVEY AS CONTRACTOR**

WHEREAS, the West Divide Water Conservancy District ("West Divide") submitted an application for state Energy and Mineral Impact Assistance funds to the State of Colorado Department of Local Affairs ("DOLA") in December, 2007;

WHEREAS, the purpose of the application was to obtain \$300,000.00 in funding to create and maintain a water resource database and website to promote the health, safety and welfare of the public;

WHEREAS, DOLA provided an expedited review of the application and approved the application by letter dated February 21, 2008;

WHEREAS, DOLA requires the execution of a Grant Contract prior to providing funding;

WHEREAS, West Divide determined that the U.S. Geological Survey ("USGS") was the agency best suited to build and maintain such water resource database and website;

WHEREAS, the USGS requires the execution of an Agreement to create and maintain a water resource database and website;

WHEREAS, West Divide desires to enter into the Grant Contract with DOLA to receive the funding as requested and desires to enter into a contract with the USGS to create and maintain a water resource database and website.

NOW THEREFORE BE IT RESOLVED, that West Divide has reviewed and approves the Grant Contract between West Divide and DOLA attached hereto as Exhibit A, and that the same shall be executed by West Divide.

BE IT FURTHER RESOLVED, that West Divide has reviewed and approves the Agreement between West Divide and the USGS attached hereto as Exhibit B, and that the same shall also be executed by West Divide.

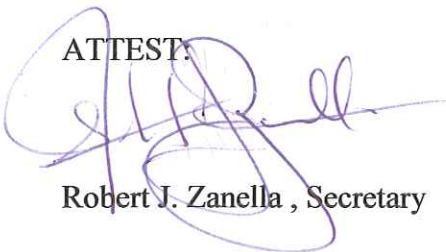
READ, APPROVED, AND ADOPTED this 17th day of April, 2008.

SIGNED:



Samuel B. Potter, President

ATTEST:



Robert J. Zanella, Secretary

Exhibit A

Contract Routing #	01563
Vendor #	
CFDA #	N/A

**GRANT CONTRACT
ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM**

THIS CONTRACT, made by and between the State of Colorado for the use and benefit of the Department of Local Affairs, 1313 Sherman Street, Denver, Colorado 80203 hereinafter referred to as the State, or the Department, and the West Divide Water Conservancy District, P.O. Box 203, Rifle, Colorado 81650, hereinafter referred to as the Contractor.

WHEREAS, authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for encumbering and subsequent payment of this Contract in Fund Number 153, Appropriation Code Number 128, Org. Unit FAA0, GBL SMH4, Contract Encumbrance Number F08MLG6165; and

WHEREAS, required approval, clearance and coordination have been accomplished from and with appropriate agencies; and

WHEREAS, the State desires to assist political subdivisions and state agencies of the State of Colorado that are experiencing social and economic impacts resulting from the development, processing, or energy conversion of minerals or mineral fuels; and

WHEREAS, pursuant to sections 34-63-102, C.R.S., the Local Government Mineral Impact Fund has been created, which fund is administered by the Department of Local Affairs, herein referred to as the "Department" through the Energy and Mineral Impact Assistance program; and

WHEREAS, pursuant to section 34-63-102(5)(a)(I), C.R.S., the Executive Director of the Department is authorized to make grants from the Local Government Mineral Impact Fund to political subdivisions, including public schools, for the planning, construction and maintenance of public facilities and for public services; and

WHEREAS, the Contractor, a political subdivision or state agency eligible to receive Energy and Mineral Impact Assistance funding, has applied to the Department for assistance for developing a common data repository of privately and publically-owned surface and ground water sources in the South Piceance Basin area for the West Divide Water Conservancy District, as further described in the attached Exhibit A, herein referred to as the "Project"; and

WHEREAS, the Executive Director of the Department desires to distribute said funds pursuant to law; and

WHEREAS, the Executive Director wishes to provide assistance in the form of a grant from the Local Government Mineral Impact Fund to the Contractor for the Project upon mutually agreeable terms and conditions as hereinafter set forth;

NOW THEREFORE, in consideration of and subject to the terms, conditions, provisions and limitations contained in this Contract, the State and the Contractor agree as follows:

1. **Scope of Services.** The Contractor shall do, perform, and carry out, in a satisfactory and proper manner, as determined by the State, all work elements as indicated in the "Scope of Services" section of Exhibit A, attached hereto and incorporated by reference herein.
2. **Responsible Administrator.** The performance of the services required hereunder shall be under the direct supervision of Janet Maddock, an employee or agent of the Contractor who is hereby designated as the "Responsible Administrator" of the Project. At any time, the Contractor may propose, in writing, and seek the State's approval of a replacement Responsible Administrator, in accordance with paragraph 8.b.ii) of this Contract. The State, in its sole discretion, may direct that Project work be suspended in the event the current Responsible Administrator ceases to serve as such prior to the approval by the State of a replacement Responsible Administrator.
3. **Time of Performance.** This Contract shall become effective upon approval by the State Controller or designee (the "Effective Date") and extend through the completion date set forth in the "Time of Performance" section of Exhibit A. Performance of this Contract shall commence as soon as practicable after the Effective Date of this Contract; provided however, that the Contractor shall not be entitled to payment for any performance rendered before the Effective Date and shall not be eligible for reimbursement of any expenses incurred before the Effective Date. The Contractor shall undertake and perform its obligations hereunder as set forth in Exhibit A. The Contractor agrees that time is of the essence in the performance of its obligations under this Contract.

4. **Authority to Enter into Contract and Proceed with Project.** The Contractor represents and warrants that it possesses the legal authority to enter into this Contract and has taken all actions required to exercise such authority and to lawfully authorize its undersigned signatory to execute this Contract and to bind the Contractor to its terms. The person signing and executing this Contract on behalf of the Contractor does hereby warrant and guarantee that he/she has full authorization to execute this Contract. In addition, the Contractor represents and warrants that it currently has the legal authority to proceed with the Project.

Furthermore, if the nature or structure of the Project is such that a decision by the electorate is required, the Contractor represents and warrants that it has held such an election and secured the voter approval necessary to allow the Project to proceed.

5. **Payment of Funds: Grant.** In consideration for the work and services to be performed hereunder, the State agrees to provide to the Contractor a grant from the Local Government Mineral Impact Fund in an amount not to exceed THREE HUNDRED THOUSAND AND XX/100 Dollars (\$300,000.00). The method and time of payment of such grant funds shall be made in accordance with the "Distribution Schedule" set forth in Exhibit A.

The Contractor shall use the funds provided by the State under this Contract solely for the purposes set forth in Exhibit A.

6. **Refund of Excess Funds to the State.**

a) Any State funds paid to the Contractor and not expended in connection with the Project shall be remitted by the Contractor to the State within thirty (30) days of either (i) the completion of the Project or (ii) a determination by the State, in its sole discretion, that the Project will not be completed, whichever occurs first. Any State funds not required for completion of the Project shall be de-obligated by the State.

b) It is expressly understood that if the Contractor receives funds from this Contract during any fiscal year in excess of its spending limit for such fiscal year, the Contractor shall refund all excess funds to the State within thirty (30) days of the later of (i) the receipt of such funds or (ii) the determination of such excess.

c) Under no circumstances shall unexpended or excess funds received by the Contractor under this Contract be refunded or paid to any party other than the State.

7. **Financial Management and Budget.** At all times from the Effective Date until completion of the Project, the Contractor shall maintain properly segregated accounts of State funds, matching funds, and other funds associated with the Project. All receipts and expenditures associated with the Project shall be documented in a detailed and specific manner, in accordance with the "Budget" section of Exhibit A. The Contractor may adjust individual budgeted expenditure amounts without approval of the State; provided that no transfers to or between administration categories are made; and provided further, that cumulative budgetary line item changes do not exceed the lesser of ten percent (10%) of the total budgeted amount or Twenty Thousand Dollars (\$20,000.00). All other budgetary modifications must be approved by the State pursuant to paragraph 8 of this Contract. Matching funds, if required, shall be expended by the Contractor on the Project in accordance with the requirements set forth in the "Budget" section of Exhibit A.

8. **Modification and Amendment.**

a) **Modification by Operation of Law.** This Contract is subject to such modifications as may be necessitated by changes in federal or state law or their implementing regulations. Any such required modifications automatically shall be incorporated into and be part of this Contract on the effective date of such modification, as if fully set forth herein.

b) **Modification by State.**

i) **Option Letter.** The State unilaterally may extend the term for performance of this Contract for up to one (1) additional year on the same terms and conditions specified in this Contract and Exhibit A. The State may exercise the option by written notice to the Contractor within thirty (30) days prior to the end of the current Contract term, in a form substantially equivalent to Exhibit B-1 attached hereto and incorporated by reference herein. The State may exercise this option only once during the duration of this Contract. The total duration of this Contract shall not exceed a total Contract period of five (5) years. Financial obligations of the State of Colorado payable after any current fiscal year are contingent upon the availability of funds for that purpose as set forth in paragraph 24 of this Contract.

ii) **Change Order Letter.** The State may make the following modifications to this Contract using a Unilateral Change Order Letter, in a form substantially equivalent to Exhibit B-2 attached hereto and incorporated by reference herein, when such modifications are requested by the Contractor, in writing, or determined by the State to be necessary and appropriate:

- A) Change of Responsible Administrator, set forth in paragraph 2 of this Contract;
- B) Transfers to or between administrative budgetary categories, as required by paragraph 7 of this Contract;
- C) Changes to cumulative budgetary line item in excess of the lesser of ten percent (10%) of the total budgeted amount or Twenty Thousand Dollars (\$20,000.00), as required by paragraph 7 of this Contract;
- D) Change of Remit Address set forth in paragraph 5 of Exhibit A.

c) **Other Modifications.** If either Party desires to modify the terms of this Contract other than as set forth in subparagraphs a) and b) of this paragraph 8, written notice of the proposed modification shall be given to the other Party. No such modification shall take effect unless agreed to in writing by both Parties in an amendment to this Contract properly executed and approved in accordance with Colorado law, fiscal rules, and policies. Such amendment may also incorporate any modifications permitted under subparagraphs a) and .b) of this paragraph 8.

9. Audit.

a) **Discretionary Audit.** The State, through the Executive Director of the Department of Local Affairs, the Colorado State Auditor, or any of their duly authorized representatives and the federal government or any of its duly authorized representatives shall have the right to inspect, examine and audit the Contractor's and any subcontractor's records, books, accounts and other relevant documents. For the purposes of discretionary audit, the State specifically reserves the right to hire an independent certified public accountant of the State's choosing. A discretionary audit may be requested at any time and for any reason during the period commencing on the Effective Date and continuing for five (5) years after the date of the final payment for the Project under this Contract is received by the Contractor, provided that the audit is performed during normal business hours.

b) **Mandatory Audit.** Whether or not the State or the federal government calls for a discretionary audit as provided above, the Contractor shall include the Project in its annual audit report as required by the Colorado Local Government Audit Law, 29-1-601, et seq., C.R.S., and implementing rules and regulations. Such audit reports shall be simultaneously submitted to the Department and the State Auditor. Thereafter, the Contractor shall supply the Department with copies of all correspondence from the State Auditor related to the relevant audit report. If the audit reveals evidence of non-compliance with applicable requirements, the Department reserves the right to institute compliance or other appropriate proceedings notwithstanding any other judicial or administrative actions filed pursuant to 29-1-607 or 29-1-608, C.R.S.

10. Insurance.

10.1 The Contractor shall obtain, and maintain at all times during the term of this agreement, insurance in the following kinds and amounts:

- a. Worker's Compensation Insurance as required by state statute, and Employer's Liability Insurance covering all of the contractor's employees acting within the course and scope of their employment.
- b. Commercial General Liability Insurance written on ISO occurrence form CG 00 01 10/93 or equivalent, covering premises operations, fire damage, independent contractors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows:
 - i. \$1,000,000 each occurrence;
 - ii. \$1,000,000 general aggregate;
 - iii. \$1,000,000 products and completed operations aggregate; and
 - iv. \$50,000 any one fire.

If any aggregate limit is reduced below \$1,000,000 because of claims made or paid, the contractor shall immediately obtain additional insurance to restore the full aggregate limit and furnish to the State a certificate or other document satisfactory to the State showing compliance with this provision.

- c. Automobile Liability Insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit as follows: \$1,000,000 each accident combined single limit.

- 10.2 The State of Colorado shall be named as additional insured on the Commercial General Liability and Automobile Liability Insurance policies (leases and construction contracts will require the additional insured coverage for completed operations on endorsements CG 2010 11/85, CG 2037, or equivalent). Coverage required of the contract will be primary over any insurance or self-insurance program carried by the State of Colorado.
 - 10.3 The Insurance shall include provisions preventing cancellation or non-renewal without at least 45 days prior notice to the State by certified mail.
 - 10.4 The contractor will require all insurance policies in any way related to the contract and secured and maintained by the contractor to include clauses stating that each carrier will waive all rights of recovery, under subrogation or otherwise, against the State of Colorado, its agencies, institutions, organizations, officers, agents, employees and volunteers.
 - 10.5 All policies evidencing the insurance coverages required hereunder shall be issued by insurance companies satisfactory to the State.
 - 10.6 The contractor shall provide certificates showing insurance coverage required by this contract to the State within 7 business days of the effective date of the contract, but in no event later than the commencement of the services or delivery of the goods under the contract. No later than 15 days prior to the expiration date of any such coverage, the contractor shall deliver the State certificates of insurance evidencing renewals thereof. At any time during the term of this contract, the State may request in writing, and the contractor shall thereupon within 10 days supply to the State, evidence satisfactory to the State of compliance with the provisions of this section.
 - 10.7 Notwithstanding subsection a of this section, if the Contractor is a "public entity" within the meaning of the Colorado Governmental Immunity Act, CRS 24-10-101, et seq., as amended ("Act"), the contractor shall at all times during the term of this contract maintain only such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Act. Upon request by the State, the contractor shall show proof of such insurance satisfactory to the State.
11. **Conflict of Interest.** The Contractor shall comply with the provisions of 18-8-308 and 24-18-101 through 24-18-109, C.R.S.
12. **Remedies.** In addition to any other remedies provided for in this Contract, and without limiting the remedies otherwise available at law or in equity, if the Contractor fails to comply with any contractual provision, the State, after written notice to the Contractor, may:
- a) suspend this Contract and withhold further payments and/or prohibit the Contractor from incurring additional obligations of contractual funds, pending corrective action by the Contractor or a decision by the State to terminate this Contract in accordance with provisions herein. The State, in its sole discretion, may allow expenditures during the suspension period which the Contractor could not reasonably avoid, provided such costs were necessary and reasonable for the conduct of the Project; or
 - b) terminate this Contract for default.

The above remedies are cumulative and the State, in its sole discretion, may exercise any or all of them individually or simultaneously.

13. **Contract Termination.** This Contract may be terminated as follows:
- a) **Termination Due to Loss of Funding.** The Parties hereto expressly recognize that the Contractor is to be paid or reimbursed with funds provided to the State for the purposes set forth herein, and therefore, the Contractor expressly understands and agrees that all its rights, demands and claims to payment or reimbursement arising under this Contract are contingent upon receipt of such funds by the State. In the event that such funds or any part thereof are not received by the State, the State may immediately terminate or amend this Contract.

b) **Termination for Cause.** If, for any reason, the Contractor shall fail to fulfill in a timely and proper manner its obligations under this Contract, or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Contract, the State shall give written notice to the Contractor of such delay or non-performance. If the Contractor fails to promptly correct such delay or non-performance within the time specified in the notice or twenty (20) days from the date of such notice, which ever is greater, the State shall have the right, at its sole option, to terminate this entire Contract, or such part of this Contract as to which there has been delay or failure to properly perform, for cause. If the State terminates this Contract for cause, the State shall reimburse the Contractor only for eligible expenditures made up to the date of termination.

Notwithstanding the above, the Contractor shall remain liable to the State for any damages sustained by the State by virtue of any breach of this Contract by the Contractor, and the State may withhold any payments to the Contractor for the purpose of offset until such time as the exact amount of damages due the State from the Contractor is determined.

c) **Termination for Convenience.** When the interests of the State so require, the State may terminate this Contract in whole or in part for the convenience of the State. The State shall give written notice of termination to the Contractor specifying the termination of all or a part of this Contract and the effective date thereof, at least twenty (20) days before the date of termination. Exercise by the State of this termination for convenience provision shall not be deemed a breach of contract by the State. Upon receipt of written notice, the Contractor shall incur no further obligations in connection with the terminated work and, on the date set in the notice of termination, the Contractor shall stop work to the extent specified. The Contractor also shall terminate outstanding orders and subcontracts as they relate to the terminated work.

14. **Integration.** This Contract, together with its exhibits and attachments, is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion or modification hereto shall have any force or effect whatsoever, unless embodied in a writing, executed by the Parties pursuant to paragraph 8 of this Contract, and approved in accordance with Colorado State fiscal rules and policies.

15. **Severability.** To the extent that this Contract may be executed and performance of the obligations of the Parties may be accomplished within the intent of this Contract, the terms of this Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

16. **Waiver.** The waiver of any breach of a term, provision or requirement hereof shall not be construed as a waiver of any other term, provision or requirement or of any subsequent breach of the same term, provision or requirement.

17. **Binding on Successors.** Except as otherwise provided herein, this Contract shall inure to the benefit of and be binding upon the Parties, and their respective successors and assigns.

18. **Assignment.** Notwithstanding paragraph 17, the Contractor may not assign its rights or duties under this Contract without the prior written consent of the State. No subcontract or transfer of this Contract shall in any case release the Contractor of responsibilities under this Contract.

19. **Survival of Certain Contract Terms.** Notwithstanding anything herein to the contrary, all terms and conditions of this Contract, including but not limited to the exhibits and attachments hereto, which may require continued performance, compliance or effect beyond the termination date of this Contract shall survive such termination date and shall be enforceable by the State in the event of any failure to perform or comply by the Contractor or its subcontractors.

20. **Successor in Interest.** In the event the Contractor is an entity formed under intergovernmental agreement and the project is for the acquisition, construction or reconstruction of real or personal property to be used as a public facility or to provide a public service, the Contractor warrants that it has established protections that ensure that, in the event the Contractor entity ceases to exist, ownership of the property acquired or improved shall pass to a constituent local government or other eligible governmental successor in interest, or other successor if specifically authorized in Exhibit A, so that the property can continue to be used as a public facility or to provide a public service.

21. **Non-Discrimination.** The Contractor agrees to comply with the letter and the spirit of all applicable state and federal laws and requirements with respect to discrimination and unfair employment practices.

22. **Compliance with Applicable Laws.** At all times during the performance of this Contract, the Contractor shall strictly adhere to all applicable federal, state and local laws, and their implementing regulations, that have been or may hereafter be established, which laws and regulations are incorporated herein by this reference as terms and conditions of this Contract. The Contractor also shall require compliance with such laws and regulations by subcontractors under subcontracts entered into in connection with the Project.

23. **Order of Precedence.** In the event of conflicts or inconsistencies between this Contract and its exhibits or attachments, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority:

- A. Colorado Special Provisions, of this contract.
- B. Modifications to the Contract, pursuant to Exhibits B-1,B-2, or Amendment.
- C. Remaining paragraphs of the Contract.
- D. Exhibit A, Scope of Services.

24. **Availability of Funds.** This Contract is contingent upon the continuing availability of State appropriations as provided in Section 2 of the Colorado Special Provisions, incorporated as a part of this Contract. The State is prohibited by law from making fiscal commitments beyond the term of its current fiscal period. If federal appropriations or grants fund this Contract in whole or in part, this Contract is subject to and contingent upon the continuing availability of appropriated federal funds for this Contract. If State of Colorado or federal funds are not appropriated, or otherwise become unavailable to fund this Contract, the State may immediately terminate this Contract in whole or in part without further liability.

25. **Third Party Beneficiaries.** The enforcement of the terms and conditions of this Contract and all rights of action relating to such enforcement shall be strictly reserved to the State and the Contractor. Nothing contained in this Contract shall give or allow any claim or right of action whatsoever by any third person. It is the express intention of the State and the Contractor that any such person or entity, other than the State or the Contractor, receiving services or benefits under this Contract shall be deemed an incidental beneficiary only.

SPECIAL PROVISIONS

The Special Provisions apply to all contracts except where noted in *italics*.

1. **CONTROLLER'S APPROVAL. CRS 24-30-202 (1).** This contract shall not be deemed valid until it has been approved by the Colorado State Controller or designee.
2. **FUND AVAILABILITY. CRS 24-30-202(5.5).** Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.
3. **INDEMNIFICATION.** Contractor shall indemnify, save, and hold harmless the State, its employees and agents, against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees and related costs, incurred as a result of any act or omission by Contractor, or its employees, agents, subcontractors, or assignees pursuant to the terms of this contract.

[Applicable Only to Intergovernmental Contracts] No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions, of the Colorado Governmental Immunity Act, CRS 24-10-101 et seq., or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq., as applicable, as now or hereafter amended.
4. **INDEPENDENT CONTRACTOR. 4 CCR 801-2.** Contractor shall perform its duties hereunder as an independent contractor and not as an employee. Neither contractor nor any agent or employee of contractor shall be or shall be deemed to be an agent or employee of the state. Contractor shall pay when due all required employment taxes and income taxes and local head taxes on any monies paid by the state pursuant to this contract. Contractor acknowledges that contractor and its employees are not entitled to unemployment insurance benefits unless contractor or a third party provides such coverage and that the state does not pay for or otherwise provide such coverage. Contractor shall have no authorization, express or implied, to bind the state to any agreement, liability or understanding, except as expressly set forth herein. Contractor shall provide and keep in force workers' compensation (and provide proof of such insurance when requested by the state) and unemployment compensation insurance in the amounts required by law and shall be solely responsible for its acts and those of its employees and agents.
5. **NON-DISCRIMINATION.** Contractor agrees to comply with the letter and the spirit of all applicable State and federal laws respecting discrimination and unfair employment practices.
6. **CHOICE OF LAW.** The laws of the State of Colorado, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this contract. Any provision of this contract, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law, whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract, to the extent that this contract is capable of execution. At all times during the performance of this contract, Contractor shall strictly adhere to all applicable federal and State laws, rules, and regulations that have been or may hereafter be established.
7. **[Not Applicable to Intergovernmental Contracts] VENDOR OFFSET. CRS 24-30-202 (1) and 24-30-202.4.** The State Controller may withhold payment of certain debts owed to State agencies under the vendor offset intercept system for: (a) unpaid child support debt or child support arrearages; (b) unpaid balances of tax, accrued interest, or other charges specified in Article 21, Title 39, CRS; (c) unpaid loans due to the Student Loan Division of the Department of Higher Education; (d) amounts required to be paid to the Unemployment Compensation Fund; and (e) other unpaid debts owing to the State or its agencies, as a result of final agency determination or reduced to judgment, as certified by the State Controller.
8. **SOFTWARE PIRACY PROHIBITION. Governor's Executive Order D 002 00.** No State or other public funds payable under this contract shall be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Contractor hereby certifies that, for the term of this contract and any extensions, Contractor has in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Contractor is in violation of this paragraph, the State may exercise any remedy available at law or equity or under this contract, including, without limitation, immediate termination of this contract and any remedy consistent with federal copyright laws or applicable licensing restrictions.
9. **EMPLOYEE FINANCIAL INTEREST. CRS 24-18-201 and 24-50-507.** The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this contract.
10. **[Not Applicable to Intergovernmental Contracts]. ILLEGAL ALIENS – PUBLIC CONTRACTS FOR SERVICES AND RESTRICTIONS ON PUBLIC BENEFITS. CRS 8-17.5-101 and 24-76.5-101.** Contractor certifies that it shall comply with the provisions of CRS 8-17.5-101 et seq. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. Contractor represents, warrants, and agrees that it (i) has verified that it does not employ any illegal aliens, through participation in the Basic Pilot Employment Verification Program administered by the Social Security Administration and Department of Homeland Security, and (ii) otherwise shall comply with the requirements of CRS 8-17.5-102(2)(b). Contractor shall comply with all reasonable requests made in the course of an investigation under CRS 8-17.5-102 by the Colorado Department of Labor and Employment. Failure to comply with any requirement of this provision or CRS 8-17.5-101 et seq., shall be cause for termination for breach and Contractor shall be liable for actual and consequential damages.
Contractor, if a natural person eighteen (18) years of age or older, hereby swears or affirms under penalty of perjury that he or she (i) is a citizen or otherwise lawfully present in the United States pursuant to federal law, (ii) shall comply with the provisions of CRS 24-76.5-101 et seq., and (iii) shall produce one form of identification required by CRS 24-76.5-103 prior to the effective date of this contract.

CONTRACT SIGNATURE PAGE

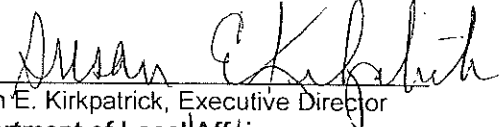
THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

CONTRACTOR:

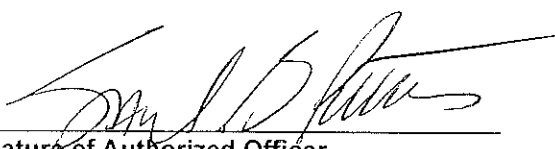
STATE OF COLORADO:

WEST DIVIDE WATER CONSERVANCY DIST.
Legal Name of Contracting Entity

BILL RITTER, JR., GOVERNOR

By 
Susan E. Kirkpatrick, Executive Director
Department of Local Affairs

Date 5/1/08



Signature of Authorized Officer

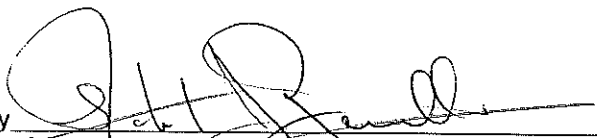
PRE-APPROVED CONTRACT FORM REVIEWER:



Samuel B. Patter PRESIDENT
(Print) Name & Title of Authorized Officer

Date 4-17-08

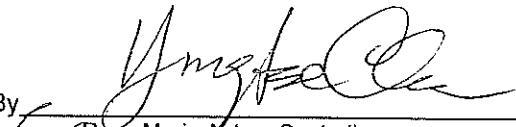
CORPORATIONS:
(A corporate attestation is required.)

Attest (Seal) By 
(Corporate Secretary or Equivalent, or Town/City/County Clerk) (Place corporate seal here, if available)

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

STATE CONTROLLER:
Leslie M. Shenefelt

By 
Rose Marie Muten, Controller
Department of Local Affairs

Date 5/2/08

EXHIBIT A
SCOPE OF SERVICES

SCOPE OF SERVICES

1. PROJECT DESCRIPTION, OBJECTIVES AND REQUIREMENTS

The Project consists of developing a common data repository of privately and publically-owned surface and ground water sources in the South Piceance Basin area for the West Divide Water Conservancy District (Contractor). The data repository will assist interested parties evaluate existing water-resources data, record changes in surface and ground-water resources, perform baseline assessments of available water-resources data and develop regional economic monitoring strategies. The focus of the Project will be on those water resources affected or influenced by energy development. The Project will provide the necessary information to understand the relation between energy development activities and water resource conditions.

A contract shall be awarded to a qualified vendor or firm through a formal competitive selection process with the Contractor being obligated to award the contract to the lowest responsible bidder meeting the Contractor's specifications.

If cost savings are incurred while completing the Project, the State may require that those savings be split on a pro-rata basis between the State and the Contractor.

Eligible expenses include any personnel, operating, travel, printing and overhead costs associated with the Project.

Energy and Mineral Impact Assistance program funds in the amount of THREE HUNDRED THOUSAND AND XX/100 Dollars (\$300,000.00) are provided under this Contract to finance Project costs. The Contractor shall provide THREE HUNDRED FOUR THOUSAND FOUR HUNDRED FIFTY AND XX/100 Dollars (\$304,450.00) in Project financing from sources other than State funds, and, in any event, is responsible for all Project cost in excess of THREE HUNDRED THOUSAND AND XX/100 Dollars (\$300,000.00).

Copies of any and all contracts entered into by the Contractor in order to accomplish this Project shall be submitted to the Department of Local Affairs upon execution, and any and all contracts entered into by the Contractor or any of its subcontractors shall comply with all applicable federal and state laws and shall be governed by the laws of the State of Colorado.

The Contractor agrees to acknowledge the Colorado Department of Local Affairs in any and all materials or events designed to promote or educate the public about the Project, including but not limited to: press releases, newspaper articles, op-ed pieces, press conferences, presentations and brochures/pamphlets.

2. ENERGY AND MINERAL IMPACT

The State Oil and Gas Conservation Commission reported that in 2006 there was 335,195,794 million cubic feet of natural gas production in Garfield County, 28 percent of total state production. Final statistics for 2007 will reveal even more activity. The sharp increase in natural gas production primarily in Garfield County, but also in parts of Mesa and Delta Counties, has resulted in concerns about water availability for domestic and agricultural uses and preserving quality.

3. TIME OF PERFORMANCE

The Project shall commence upon the Effective Date and shall be completed on or before May 31, 2009. In accordance with paragraph 8.b.i. of this Contract, the Contractor may request an extension of the time for performance by submitting a written request, including a full justification for the request, to the State at least thirty (30) days prior to the termination of the performance period. If the State, in its sole discretion, consents to an extension, the State shall grant such extension in accordance with paragraph 8.b.i. of this Contract.

4. BUDGET

<u>Revenues</u>		<u>Expenditures</u>	
Energy/Mineral Impact - GRANT	\$300,000	Database and Website Interface Development and Maintenance	\$262,900
Contractor Funds	<u>304,450</u>	Study Reports: (Database and Website Documentation; Surface and Groundwater Assessment)	304,550
		Regional Monitoring Plan	<u>37,000</u>
Total	\$604,450	Total	\$604,450

5. REMIT ADDRESS: (Address to where payments are to be sent)

P.O. Box 203

Rifle, CO 81650

6. DISTRIBUTION SCHEDULE

Grant Payments

\$270,000	Available for interim payments reimbursing the Contractor for actual expenditures made in the performance of this Contract. Payments shall be based upon properly documented financial and narrative status reports detailing expenditures made to date.
<u>30,000</u>	Available for final payment to be made to Contractor upon the completion of the Project and submission by the Contractor of final financial and narrative status reports documenting the expenditure of all Energy/Mineral Impact Assistance funds for which payment has been requested.
\$300,000	Maximum Available

7. PAYMENT PROCEDURE

The State shall establish billing procedures and pay the Contractor for actual expenditures made in the performance of this Contract based on the submission of statements in the format prescribed by the State. The Contractor shall submit requests for reimbursement, setting forth a detailed description of the amounts and types of reimbursable expenses.

Payments pursuant to this Contract shall be made, in whole or in part, from available funds encumbered for the purposes of this Contract. The liability of the State, at any time, for such payments shall be limited to the amount remaining of such encumbered funds. In the event this Contract is terminated, final payment to the Contractor may be withheld at the discretion of the State until completion of final audit. Incorrect payments to the Contractor due to omission, error, fraud, or defalcation shall be recovered from the Contractor by deduction from subsequent payment under this Contract or other contracts between the State and the Contractor, or by the State as a debt due to the State.

8. CONTRACT MONITORING

The State shall monitor this Contract on an as-needed basis, as determined by the State in its sole discretion. The State or any of its duly authorized representatives shall have the right to enter, inspect and examine the Project upon twenty-four (24) hours advance written notice to the Responsible Administrator.

9. REPORTING SCHEDULE

At the time the Contractor submits periodic payment requests, the Contractor shall submit, on a periodic basis, financial and narrative status reports detailing Project progress and properly documenting all to-date expenditures of Energy and Mineral Impact Assistance funds. The form and substance of such status reports shall be in accordance with the procedures developed and prescribed by the State. The preparation of reports in a timely manner shall be the responsibility of the Contractor and failure to comply may result in the delay of payment of funds and/or termination of this Contract. Required reports shall be submitted to the State at such time as otherwise specified by the State.

EXHIBIT B1
OPTION LETTER

EXHIBIT B1

Contract Routing #	
Encumbrance #	
Vendor # (for Remit Address)	
APPR	GBL

OPTION LETTER # _____

(Grant Between Colorado Department of Local Affairs and (Grantee Name and Address))

Date: _____ State Fiscal Year: _____ Option Letter No.: _____

SUBJECT: Option to renew for additional term

In accordance with paragraph 8.b.i of contract routing number _____, between the State of Colorado, Department of Local Affairs, (Division name) and (Contractor's Name) _____, the State hereby exercises the option for an additional term of (OPTION 1) ____ () months, (OPTION 2) one (1) year. The State may exercise this option only once during the duration of the Contract.

The amount of the current Fiscal Year contract value shall remain unchanged. The first sentence in paragraph 3 of Exhibit A of the Contract is hereby modified accordingly.

The total contract value to include all previous amendments, option letters, etc. is (\$ _____)

APPROVALS:

State of Colorado:

Bill Ritter, Jr., Governor

By: _____ Date: _____
(for) Susan E. Kirkpatrick, Executive Director
Department of Local Affairs

Reviewed by: _____
Pre-approved Form Contract Reviewer

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This Option Letter is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance under this Option Letter until the Option Letter is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and / or services provided.

STATE CONTROLLER:
Leslie M. Shenefelt

By _____
Rose Marie Auten, Controller
Department of Local Affairs

Date _____

EXHIBIT B2
CHANGE ORDER LETTER

Contract Routing #
Encumbrance #
Vendor # (for Remit Address)
APPR GBL

CHANGE ORDER LETTER # _____

In accordance with paragraph 8.b.ii of contract routing number _____ between the State of Colorado Department of Local Affairs, and (Name of Contractor _____), covering the period of (include performance period here), the State hereby unilaterally modifies the Contract as follows:

(Indicate purpose by choosing at least one of the following)

Choice #1: Responsible Administrator:

Paragraph 2 of the Contract is amended by deleting the name of the current Responsible Administrator in the first sentence and inserting in lieu thereof the name of the successor Responsible Administrator as follows:

Choice #2: Administrative Budget Categories: Exhibit A (Statement of Work) to the Contract is amended by transferring revenues and expenditures among administrative categories of paragraph 4 (Budget) as follows:

The total revenues and expenditures set forth in paragraph 4 of Exhibit A (Scope of Services) remain unchanged.

Choice #3: Cumulative Budgetary Line Item Changes in Excess of the lesser of ten percent (10%) or Twenty Thousand Dollars (\$20,000.00). Exhibit A (Scope of Services) to the Contract is amended by modifying paragraph 4 (Budget) as follows:

The total revenues and expenditures set forth in paragraph 4 of Exhibit A (Scope of Services) remain unchanged.

Choice #4: Remit Address: Exhibit A (Scope of Services) to the Contract is amended by deleting the current "Remit Address" in paragraph 5 (Remit Address) and inserting in lieu thereof the new "Remit Address" as follows:

The effective date of this change order is upon approval of the State Controller, or delegee, or _____, 20____, whichever is later.

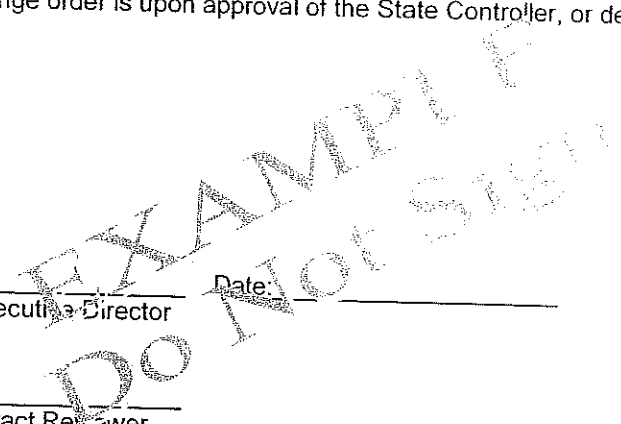
APPROVALS:

State of Colorado:

Bill Ritter, Jr., Governor

By: _____ Date: _____
(for) Susan E. Kirkpatrick, Executive Director
Department of Local Affairs

Reviewed by: _____
Pre-approved Form Contract Reviewer



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STATE CONTROLLER:

Leslie M. Benfante

Rose Marie Auten, Controller
Department of Local Affairs

Date: _____

Exhibit B

Form 9-1366
(Oct. 2005)

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR WATER RESOURCES INVESTIGATIONS

Customer No: NEW
Agreement No: DRAFT
Project No:
TIN #: 84-0976632
Fixed Cost Agreement Yes No

THIS AGREEMENT is entered into as of the 1st day of April, 2008 by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the WEST DIVIDE WATER CONSERVANCY DISTRICT, party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation the **partial support of the Common Data Repository and Water Resource Assessment for the Southern Piceance Basin, Western Colorado**, hereinafter called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.00.

(a) \$75,000.00 by the party of the first part during the period
May 1, 2008 to December 31, 2010

(b) \$340,500.00 * by the party of the second part during the period
May 1, 2008 to December 31, 2010

* \$265,500.00 Unmatched

(c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.

(d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

- 3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
- 4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
- 5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to ensure the required standards of accuracy subject to modification by mutual agreement.
- 6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
- 7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
- 8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.
- 9. USGS will issue billings utilizing Department of the Interior Bill for Collection (Form DI-1040). Billing documents are to be rendered **quarterly**. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.)

USGS Point of Contact
Name: Kirby Wynn
Address: 764 Horizon Drive Rm 125
Grand Junction, CO 81506
Telephone: 970-245-5257 x23
Email: khwynn@usgs.gov

Customer Point of Contact
Name: Janet Maddock
Address: PO Box 1478
Rifle, CO 81650
Telephone: 970-625-5461 fax: 970-625-2796
Email:

By DRAFT Date _____
James E. Kircher Director, Colorado
Water Sciencd Center

By DRAFT Date _____
West Divide Water Conservancy
District Duns #
124866497

**WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org**

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, May 29, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of April 17, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements—March and April
4. Water Contracts
5. Water Rights Inventory
6. Water Task Force
7. Alsbury Reservoir
8. Roundtable Report
9. Water Resources's Report
10. Hydrologists' Report
 - a. Crystal River/Sewell Site Visit
 - b. Grant Application
11. Attorney's Report
12. Website/Logo
13. Adjourn

NEXT MEETING IS June 19, 2008

**WEST DIVIDE WATER CONSERVANCY DISTRICT
 109 WEST FOURTH STREET
 P. O. BOX 1478
 RIFLE, COLORADO 81650-1478
 TELEPHONE (970) 625-5461
 FAX (970) 625-2796
 water@wdwcd.org**

Attendance Roster Board of Directors Meeting

Date: may 29, 2008

Time: 9:00 a.m

Place: District Office
 109 West Fourth Street
 Rifle, Colorado

Name	Company/mailling address
1. Janet Maddock	
2. Bob Zambella	
3. Jim Wampler	
4. Don Hamson	
5. Maria Pastore	
6. Kerry Sundeen	
7. Ed Ossowski	
8. John	
9. Steve Trexel	
10.	
11.	
12.	
14.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING

May 29, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney

Directors and Staff Absent

Kelly Couey, Vice President
Lyndie Pearson, CPA

Guests

Steve Trexel, DWR

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:00 a.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the April 17, 2008, meeting be approved as received; Bruce E. Wampler seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Robert J. Zanella seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the March and April 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

WATER CONTRACTS

Zacharia and Jessica Roberts assignment from **Guy and Elaine Lawson:** Robert J. Zanella moved approval of this assignment, 1 af Domestic, Silt Interconnect; seconded by Bruce E. Wampler; motion carried.

Strong Lumber and Specialty Log Products: Robert J. Zanella moved approval of this amendment of type of commercial use—no increase in water demand, 1 af, Colorado River; seconded by Bruce E. Wampler; motion carried.

319 Water Company LLC: Robert J. Zanella moved approval of this amendment of type of commercial use—no increase in water demand, 16.23 af, Colorado River, seconded by Bruce E. Wampler; motion carried.

Scott T. and Birgie A. Niemann: Robert J. Zanella moved approval of this amendment of existing well location per State's requirement, 1.21 af Commercial, Colorado River, seconded by Bruce E. Wampler; motion carried.

Robert and Laura Taylor: Robert J. Zanella moved approval of this application/contract for 4.26 af Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Preston and Elizabeth Simpson: Robert J. Zanella moved approval of this application/contract for 1 af Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Salvatore A. Rubino: Robert J. Zanella moved approval of this application/contract for 3.3 af Domestic, Colorado River Area B; seconded by Bruce E. Wampler; motion carried.

Becky Warner: Robert J. Zanella moved approval of this application/contract for 1 af Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Cascade Tanks, LLC: Bruce E. Wampler moved approval of this application/Contract for 2 af Direct Hauling, Colorado River; seconded by Bruce E. Wampler; motion carried.

WATER RIGHTS INVENTORY

Janet Maddock completed the inventory of West Divide's water rights which were included in the meeting packets. Discussion.

WATER TASK FORCE

The matching funds have been met, plus a little over. We have the final Grant Agreement with DOLA. Waiting on the final agreement and the scope of work with the USGS.

ALSBURY RESERVOIR

John Blair needs time to lower the hazard classification. The hazard classification needs to be reduced in order for Kit to proceed.

ROUNDTABLE REPORT

Received written report from Maria Pastore. She and Kerry Sundeen attended. At the Roundtable meeting Kerry gave a presentation on the funding grant request for the

Feasibility and Design Assessment of Off-Channel Reservoir Sites on the Crystal River Watershed. They are hopeful for funding which should be determined at the next meeting.

WATER RESOURCES' S REPORT

Received verbal report.

HYDROLOGISTS' REPORT

Briefly discussed strategic planning to define the role and objectives of the district. To be added to next month' s agenda.

ATTORNEY' S REPORT

Received written report. Ed is still working to set up a meeting with Farmer' s Irrigation Company to work on the Rifle Creek augmentation plan. Ed was directed to work on compiling a set of district policies using the preliminary work Janet has compiled, SDA guidelines, statutes, etc. This is an item that should be included in the strategic planning session.

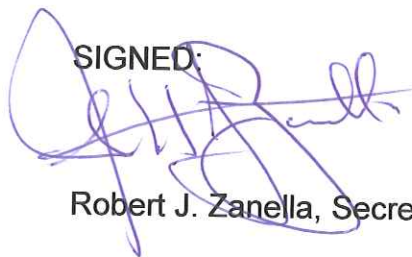
WEBSITE/LOGO

Dane Ensign presented a variety of logos based on the last meeting' s direction. One logo was unanimously chosen. Dane will fine tune it and bring more information on the logo and website to the next meeting.

ADJOURN

Meeting adjourned at 11:45 a.m.

SIGNED:



Robert J. Zanella, Secretary

ATTEST:



Samuel B. Potter, President

West Divide Water Conservancy District-General Fund
 Bills to be Paid
 May 29, 2008

Num	Name	Memo	Account	Amount
3364	United States Treasury	1st 1/4 Form 941	5225 · Payroll Taxes	4.79
3365	Maddock, Janet E	\$4,030.01-457.27 Ins.= \$3,572.74	5221 · Salary	3,572.74
3365	Maddock, Janet E	IRA	2227 · Simple IRA Payable	-1,084.00
3365	Maddock, Janet E	FWT	2205-FICA/MED/FWT Payable	-1,100.00
3365	Maddock, Janet E	FICA	2205-FICA/MED/FWT Payable	-273.32
3365	Maddock, Janet E	CWT	2210-Colorado With. Payable	-300.00
3366	Alpine Bank	84-0976632	2205-FICA/MED/FWT Payable	1,646.64
3367	Northwestern Mutual Life Ins. Co.	Company	2227 · Simple IRA Payable	107.18
3367	Northwestern Mutual Life Ins. Co.	Employee	2227 · Simple IRA Payable	1,084.00
3368	Pioneer Machine & Tool	May	5396 · Janitorial	60.00
3369	HRH of Colorado	Employee June	5222 · Medical Ins--Employee	340.18
3369	HRH of Colorado	Family June	5223 · Medical Ins Dependent	457.27
3370	Remington Square	June	5395 · Rent	611.00
3370	Remington Square	May	5392 · Utilities	97.56
3371	Office Depot	Office Supplies	5100 · Office Supplies	79.99
3372	Olszewski, Massih & Maurer, P.C.	General	5280 · Legal	884.76
3373	Grand River Consulting Corp.	Meetings and Preparation	5260 · Hydrology	457.50
3373	Grand River Consulting Corp.	Website	5394 · Website	495.00
3374	Barnes, Pearson & Associates, LLC	2007 yr. end. reports	5150 · Accounting	200.00
3374	Barnes, Pearson & Associates, LLC	Jan/Feb financials	5150 · Accounting	775.00
3374	Barnes, Pearson & Associates, LLC	Bank deposits	5150 · Accounting	425.00
3375	Computer Support and Sales	Computer service call	1450 · Office Equipment	50.00
3376	Flatops Electric, Inc.	Light	5100 · Office Supplies	243.30
3377	Mountain Clear Water Co. Inc.	Bottled Water	5100 · Office Supplies	15.20
3378	Void			
3379	Qwest	April	5390 · Telephone	154.62

West Divide Water Conservancy District-General Fund
Bills to be Paid
May 29, 2008

3380	Postmaster	P. O. Box 203 Rent	5300 · Postage/Box Rent/Etc.	42.00
3381	Sopris Surfers LLC	5/12/08-8/12/08	5393. · Internet	75.00
3382	Xcel Energy	April	5392 · Utilities	74.27
3383	Void			
3384	Capital One, F.S.B.	Postage	5300 - Postage/Box Rent/Etc.	87.49

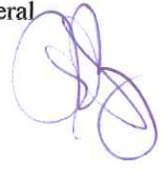

9,283.17

West Divide Water Conservancy District-General Stored Water
Bills to be paid
May 29, 2008

Num	Name	Memo	Account	Amount
1707	BasePoint Design Corporation	Contract Addendum No. 7	7080 · Capital Outlay--Alsbury	4,262.50
1708	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	156.00
1708	Olszewski, Massih & Maurer, P.C.	02CW123	7045 · Legal	84.00
1708	Olszewski, Massih & Maurer, P.C.	Alsbury	7045 · Legal	96.00
1708	Olszewski, Massih & Maurer, P.C.	Opposition of Rubino	7045 · Legal	315.70
1708	Olszewski, Massih & Maurer, P.C.	Crystal River site visit	7045 · Legal	360.00
1708	Olszewski, Massih & Maurer, P.C.	DOLA grant	7078 · DOLA -- In-Kind Cont	351.00
1709	Barnes, Pearson & Assoc., P.C.	Accounting/meeting	7078 · DOLA -- In-Kind Cont	625.00
1710	CSAFE Account #84-0976632-02	Transfer to CSAFE	1576 · CSAFE Fund	200,000.00
1711	BasePoint Design Corporation	Contract Addendum No. 6	7080 · Capital Outlay--Alsbury	4,500.00
1712	Grand River Consulting Corp.	Database	7030 · Hydrology	950.00
1712	Grand River Consulting Corp.	Contract spreadsheet calcs	7030 · Hydrology	650.00
1712	Grand River Consulting Corp.	Water Right Acct. & Adm.	7030 · Hydrology	6,855.00
1713	DOLA Grant Restricted Funds	Move funds to new bank acct.	1035 · DOLA Matching Funds	20,500.00
1714	General Fund	Move 2007 DOLA Acctg.	7078 · DOLA -- In-Kind Cont	950.00
		Exp into GSW		<u>240,658.20</u>

West Divide Water Conservancy District-Fourmile Creek
 Bills to be Paid
 May 29, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1503	Grand River Consulting Corp.	General	8030 · Hydrology	962.50
1503	Grand River Consulting Corp.	Zilm Opposition	8030 · Hydrology	325.00
1504	Olszewski, Massih & Maurer, P.C.	Zilm opposition	8050 · Legal--General	443.20
				<u>1,730.70</u>

West Divide Water Conservancy District--Silt Interconnect
 Bills to be Paid
 May 29, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
93	C-SAFE GSW #84-0976632-02	Pay off GSW Loan	2000 · GSW Loan	75,000.00
94	Olszewski, Massih & Maurer. P.C.	General	7801 · Legal	359.20
95	Grand River Consulting Corporation	Rifle Creek/General	7802 · Hydrology	407.31




75,766.51

**WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org**

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Monday, June 23, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of May 29, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
4. Water Contracts
5. Water Task Force
 - Jude Thomas -- USGS
6. Alsbury Reservoir
7. Roundtable Report
8. Water Resources's Report
9. Hydrologists' Report
10. Website
11. Attorney's Report
12. Strategic Planning
13. Adjourn

NEXT MEETING IS JULY 17, 2008

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: June 23, 2008

Time: 9:00 a.m

Place: District Office
109 West Fourth Street
Rifle, Colorado

Name	Company/mailling address
1. Ed Okzowski	
2. Kerry Sundeen	
3. Maria Pastore	
4. Dan Harrison	
5. Kelly Conroy	rode with Dan
6. Lynne Pearson	
7. Bruce Dangler	
8. John	
9. DoFonella	
10. Janet Maddock	
11. Steve Telford	
12. James Kellogg	DWR
14.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING

June 23, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan R. Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney
Lyndie Pearson, CPA

Directors and Staff Absent

None

Guests

Steve Trexler, DWR
James Kellogg, DWR

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:00 a.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the May 29, 2008, meeting be approved as received; Bruce E. Wampler seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Robert J. Zanella seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the May 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

WATER CONTRACTS

Cancelled Contracts:

Accepted the cancellation of the following water allotment contracts:

EnCana Oil & Gas (USA) Inc.

Contract #AR060620EC(a)

Direct Hauling from Alsbury Reservoir. No need for the water.

Flag Resources, Inc.

Contract #050317FR(a)

Parts of Section 11 and 12, T6S, R92W, 6th P.M.

Contractee's own augmentation plan has been approved. No longer needs West Divide's augmentation plan.

PetroHunter Energy Corporation

Contract #060720GSL(b)

Direct Hauling from Colorado River. Contractee no longer needs water.

Presco Inc.

Contract #050519P(a)

Direct Hauling from Colorado River. Sold Battlement Mesa property to Noble Energy. No interest from Noble Energy regarding assignment of contract.

RTZ Industrial, LLC

Contract #070621RTZ(a)

Parts of Section 28, 32 and 33 T7S, R96W, 6th P.M.

Due to permitting delays contractee does not anticipate needing water for approximately two years. At that time it will reapply.

Dawn Ree Archuleta

Contract #980109SM(b)

Permit # 049657-F

SE1/4NW1/4 S31, T6S, R94W, 6th P.M.

Non-payment

Myron W. Black

Contract #040826MB-South(a)

Contract #040826MB-North(a)

SE1/4SE1/4 S2 T6S, R92W, 6th P.M.

Non-payment

John Buxman

F061026JB(a)

Case No. 98CW180

W1/2 SE1/4 S15, T7S, R89W, 6th P.M.

Non-payment

Steven L. and Chanda M. Emmons

Contract S011025GTW#I(b)

Permit #56613-F

NW1/4 SW1/4 S34, T5S, R92W, 6th P.M.

Non-payment. Foreclosure.

Assignments and New Contracts:

Manuel P. and Tina Renee Gomez assignment from **Carl W. Tuttle, Jr.:** Robert J. Zanella moved approval of this assignment for 1 af Domestic, Colorado River; seconded by Kelly Couey; motion carried.

Simon Casas and Genoveva Lopez: Robert J. Zanella moved approval of this amendment from 1.73 af to 2.35 af; seconded by Bruce E. Wampler motion carried.

WATER TASK FORCE

Presentation by Jude Thomas, project manager from the USGS on the Scope of Work.

Joint Funding Agreement executed this date, in accordance with adoption of Resolution 08-02, executed April 17, 2008.

ALSBURY RESERVOIR

Reviewed inspection report from John Blair dated June 10, 2008. Maria Pastore drafted a letter of response which will be revised, signed by the President and mailed to Mr. Blair. (Revised letter attached.)

ROUNDTABLE REPORT

Grant application on the Crystal River will likely be approved.

WATER RESOURCES' S REPORT

James Kellogg, hydrologist for the Division of Water Resources, spoke to the need for a stream gauge on East Divide Creek. \$1800 per year O & M plus initial cost and installation. Kelly Couey moved to table until more information is obtained; seconded by Dan Harrison; motion carried. Steve Trexel will check with the irrigators in the area to see if there is any interest in purchasing a stream gauge. The cost could be a cooperative effort between the irrigators and possibly West Divide. Division of Water Resources would provide the administration and assist with the hydrology.

HYDROLOGISTS' REPORT

Graphs of amount of water contracted in the Silt, Fourmile, and Colorado River water plans were reviewed and discussed. Discussed acquisition of River District water. Directed counsel to send another letter to the River District stating West Divide would like to purchase 100 acre feet with the option for another 900 acre feet with 10 year term.

ATTORNEY' S REPORT

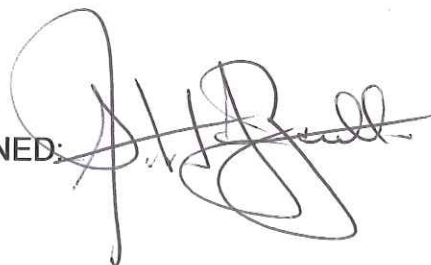
Discussed status of Colorado River Aug Plan, Case # 02CW123 and Area A Structures Aug Plan, Case # 02CW281. Counsel promised to bring them to decree as soon as possible.

Discussed outline of policies for the WDWCD manual, and directed Counsel to begin with number IV on his outline which is the draft of policies compiled by Janet from the Board

meetings and resolutions. Maria, Kerry, and Janet to work with Counsel in preparing a district policy manual.

ADJOURN

Meeting adjourned at 12:10 p.m.

SIGNED: 

Robert J. Zanella, Secretary

ATTEST:


Samuel B. Potter, President

West Divide Water Conservancy District-General Fund

Bills to be Paid

June 23, 2008

Num	Name	Memo	Account	Amount
3385	Janet Maddock	Ink Cartridges	5100 · Office Supplies	158.98
3386	HRH of Colorado	Employee June	5222 · Medical Insurance--Emp	415.60
3386	HRH of Colorado	Family June	5223 · Medical Insurance Dep	435.25
3387	Xcel Energy	May	5392 · Utilities	55.31
3388	Mountain Clear Water Co Inc.	bottled water	5100 · Office Supplies	7.60
3389	Postmaster	P. O. Box 1478 rent	5300 · Postage/Box Rent/Etc.	70.00
3390	Qwest	May	5390 · Telephone	153.90
3391	Capital One, F.S.B.	Postage	5300 · Postage/Box Rent/Etc.	115.99
3392	Remington Square	July	5395 · Rent	611.00
3392	Remington Square	June	5392 · Utilities	78.79
3393	Pioneer Machine & Tool	June	5396 · Janitorial	60.00
3394	Grand River Consulting Corp.	Meetings and Prep	5260 · Hydrology	572.50
3394	Grand River Consulting Corp.	Website	5394 · Website	357.50
3394	Grand River Consulting Corp.	Round Table	5260 · Hydrology	357.50
3395	Olszewski, Massih & Maurer, P.C.	General	5280 · Legal	1,298.26
3396	Alpine Bank	84-0976632	2205-FICA/MED/FWT	1,650.00
3397	Northwestern Mutual Life Ins. Co.	Company	2227 · Simple IRA Payable	107.18
3397	Northwestern Mutual Life Ins. Co.	Employee	2227 · Simple IRA Payable	1,084.00
3398	Barnes, Pearson & Assoc, LLC	1st 1/4 payroll	5150 · Accounting	75.00
3398	Barnes, Pearson & Assoc, LLC	Financials for Mar/Apr. and prepare new format	5150 · Accounting	1,480.00
3398	Barnes, Pearson & Assoc, LLC	Bank deposits	5150 · Accounting	95.00
3399	Maddock, Janet E	\$4030.01-\$435.25 Ins.=\$3594.76	5221 · Salary	3,594.76
3399	Maddock, Janet E		2227 · Simple IRA Payable	-1,084.00
3399	Maddock, Janet E		2205-FICA/MED/FWT Payable	-1,375.00
3399	Maddock, Janet E		2210-Colorado With. Payable	-300.00

10,075.12

West Divide Water Conservancy District-General Stored Water

Bills to be Paid

June 23, 2008

Num	Name	Memo	Account	Amount
1715	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	72.00
1715	Olszewski, Massih & Maurer, P.C.	02CW123	7045 · Legal	84.00
1715	Olszewski, Massih & Maurer, P.C.	Crystal River	7045 · Legal	24.00
1715	Olszewski, Massih & Maurer, P.C.	EnCana	7045 · Legal	60.00
1715	Olszewski, Massih & Maurer, P.C.	Rubino	7045 · Legal	58.50
1716	Grand River Consulting Corp.	Crystal River	7030 · Hydrology	1,414.00
1716	Grand River Consulting Corp.	Water Task Force	7030 · Hydrology	1,725.00
1716	Grand River Consulting Corp.	Alsbury	7030 · Hydrology	457.50
1716	Grand River Consulting Corp.	Database	7030 · Hydrology	1,111.25
1716	Grand River Consulting Corp.	Contractee Adm.	7030 · Hydrology	1,755.00
1716	Grand River Consulting Corp.	Water Right Assmt.	7030 · Hydrology	2,402.50
1717	Garfield County Clerk & Recorder	Memorandums	7070 · Recording Fees	38.00
1718	Bureau of Reclamation	Green Mountain	7075 · USBR	4,250.00
1719	Barnes, Pearson & Associates, P.C.	DOLA Grant	7078 · DOLA -- In-Kind Cont	125.00
				<u>13,576.75</u>

West Divide Water Conservancy District-Fourmile Creek

Bills to be Paid

June 23, 2008

Num	Name	Memo	Account	Amount
1505	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	516.00
1505	Olszewski, Massih & Maurer, P.C.	Zilm opposition	8050 · Legal--General	192.00
				<u>708.00</u>

West Divide Water Conservancy District--Silt Interconnect

Bills to be Paid

June 23, 2008

Num	Name	Memo	Account	Amount
96	Olszewski, Massih & Maurer. P.C.	General	7801 · Legal	108.00
				<u>108.00</u>

WEST DIVIDE WATER CONSERVANCY DISTRICT
100 WEST FOURTH STREET P. O. BOX 1477
RIFLE, COLORADO 81650-1477

water@wdwcd.org
wdwcd.org

Tel: 970-625-5461
Fax: 970-625-2709

July 7, 2008

John Blair
Division of Water Resources, Water Division 5
Office of the State Engineer
Department of Natural Resources
PO Box 396 (50633 US Highway 6 & 24)
Glenwood Springs, CO 81602

RE: Alsbury Dam Engineer's Inspection Report dated June 10, 2007

Dear John:

Thank you for your recent engineer's inspection report for Alsbury Dam. We appreciate your correspondence to ensure that we continue to meet all requirements necessary for the proper operation, maintenance and function of the dam. The Board's intention was to have the outlet completely open this past spring for runoff, and only upon the June inspection was the Board made aware that the outlet was only halfway open. West Divide understands the requirement to keep the outlet wide open through the peak of the runoff next year and to carry out all action items noted in the inspection report this year.

As you know, the District's plan is to lower the spillway to the restricted level which would thereby lower the hazard classification of the dam from "high" to "significant". West Divide submitted both the hazard classification report and hydrology study required for this modification earlier this year. Upon State review, the reports were updated to completely address all concerns / issues identified and both reports have been resubmitted to the State. West Divide is currently waiting for a response from the State accepting the final reports.

Please note that until West Divide has a formal response from the State confirming approval of the change in hazard classification, the design and construction plans cannot be completed. With that said, the deadline of January 1, 2009 the State has issued for all submittals for the planned work may be contingent upon the State's timely review of the final hazard classification report

Samuel B. Fetter, President Kelly Covey, Vice President Robert J. Zanella, Secretary
Bruce E. Wampler, Treasurer Dan Harrison, Director

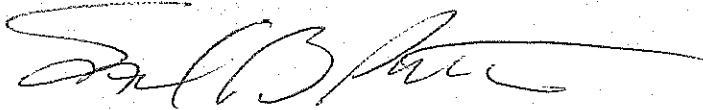
John Blair
July 7, 2008
Page 2

and hydrology study. In addition, the Emergency Action Plan (EAP) cannot be finalized until we understand what the final hazard classification is for the dam. The EAP contents and required information are specific for high and significant hazard dams so it would be helpful for us to understand the final hazard classification to include only what is necessary in the EAP (specifically for inundation mapping).

We are hopeful that the updated reports have met all your expectations. Upon approval of the hazard re-classification for the dam, we will complete the final design and construction plans in a timely manner. Please let us know at your earliest convenience the appropriate next steps for West Divide to take.

We sincerely value our relationship with the State and look forward to continue working with you so we can meet all expectations for proper management of Alsbury Dam.

Sincerely,



Samuel B. Potter, President

cc: Alan Martellaro, Division Engineer
Ying-Kit Choi, BasePoint Design Corporation
Kerry Sundeen, Grand River Consulting

Samuel B. Potter, President

Kelly Conway, Vice President

Robert J. Zarella, Secretary

Bruce E. Wampler, Treasurer

Don Harrison, Director

**WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org**

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, July 17, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of June 23, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
4. Water Contracts
5. Alsbury Reservoir
6. Roundtable Report
7. Water Resources's Report
8. Hydrologists' Report
9. Attorney's Report
10. Update from Peter Fleming
 - Energy Demands Study
 - Colorado River Basin Proposal—Blue River Humpback
 - 10825 Solution
 - Compact Curtailment Plan
11. Adjourn

NEXT MEETING IS AUGUST 21, 2008

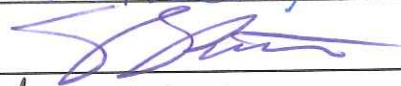
WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: July 17, 2008

Time: 9:00 a.m

Place: District Office
109 West Fourth Street
Rifle, Colorado

Name	Company/ mailing address
1. Janet Maddock	
2. Bob Zanello	
3. Spica Wampler	
4. Steve Truel	
5. Ed Okszewski	
6. 	
7. Maria Pastore	
8. Dan Ham	
9. Kelly Conroy	rode with Dan
10. Dan Birge	CRWCD
11. Peter Fleming	CRWCD
12.	
14.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING

July 17, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan R. Harrison, Director
Janet Maddock, Office Manager
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney

Directors and Staff Absent

Lyndie Pearson, CPA
Kerry D. Sundeen, Hydrologist

Guests

Steve Trexel, DWR
Peter Fleming, CRWCD
Dan Birch, CRWCD

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:00 a.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the June 23, 2008, meeting be approved as received; Bruce E. Wampler seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Robert J. Zanella seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the June 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

Discussed the \$100,000 FDIC limit per entity.

WATER CONTRACTS

Scenic River Ranches Inc. assignment from **Grand River Ranches, LLC:** Robert J. Zanella moved approval of this assignment, 2.82 af Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Carl M. Metcalf, II and Lori Metcalf assignment from Travis J. Metcalf: Robert J. Zanella moved approval of this assignment, 25.236 af Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Richard and Rhonda Parker assignment from Todd Witte: Robert J. Zanella moved approval of this assignment, 1 af Domestic, Silt Interconnect; seconded by Bruce E. Wampler; motion carried.

James L. and Bonnie L. Lawrence: Robert J. Zanella moved approval of this amendment from 4.88 af Commercial to 1 af Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

EnCana Oil and Gas (USA) Inc.: Robert J. Zanella moved approval of this amendment from 28 af to 56 af, Direct Hauling in Piceance Basin, Colorado River; seconded by Bruce E. Wampler; motion carried.

Lawrence and Dawn Thrun: Robert J. Zanella moved approval of this amendment from 1.7 af Domestic to 2.11 af Commercial, Fourmile; seconded by Bruce E. Wampler; motion carried.

Division of Colorado State Parks and Outdoor Recreation: Robert J. Zanella moved approval of this 2008 annual contract for 15 shares of Farmers' Irrigation Company water; seconded by Bruce E. Wampler; motion carried.

Sean and Teresa Vetter: Robert J. Zanella moved approval of this application/contract for 1 af Commercial, Colorado River; seconded by Bruce E. Wampler; motion carried.

FFC Outreach: Robert J. Zanella moved approval of this application/contract for 1 af Domestic, Colorado River, seconded by Bruce E. Wampler; motion carried. Cover letter to include language that in the near future the Colorado Division of Water Resources may shrink the Area A line in the Rifle and Elk Creek areas which would put in jeopardy West Divide's ability to augment the well. We are working on mitigating any negative impact to water users in these areas with an agreement with Farmers' Irrigation Company to bring additional augmentation water into the Rifle and Elk Creek areas. We hope to have this program in place within the next year.

ALSBURY RESERVOIR

There were 149 af in the reservoir this morning—losing 8-10 af a week. Frank Daley wants water next week followed by Spring Creek.

John Blair responded to our letter of response to John's report. We are on hold. He cannot get to any reports right now. Do not be concerned about the January 1 deadline for all submittals for the planned work.

Discussed attached memo from counsel regarding seepage claims.

ROUNDTABLE REPORT

No report.

WATER RESOURCES' S REPORT

Discussed need for the USGS to obtain access to the State Well Image Database for the Piceance Basin. Maria Pastore was directed to draft a letter from West Divide to State Engineer Dick Wolfe requesting access by the USGS to this database.

HYDROLOGISTS' REPORT

The Crystal River Watershed grant application for \$40,000 with West Divide matching funds of \$15,000 was approved by the Round Table. The CWCB will review the application at its Board meeting September 16 and 17. We could possibly see funding in 30 days.

Met with Farmers and Silt directors to discuss the use of the Silt/Farmers' facilities that are needed for the Rifle and Elk Creeks augmentation plan.

ATTORNEY' S REPORT

Rifle Corrections potentially has water for lease from its reservoir on West Rifle Creek, however it doesn't know how much is available or how the Division Engineer's office will require it to be operated. The credits could potentially be used in the Rifle and Elk Creeks augmentation plan.

REPORT FROM CRWCD

Peter Fleming and Dan Birch gave a report on the following topics:

- Energy Demands Study
- Colorado River Basin Proposal–Blue River Humpback
- 10825 Solution
- Compact curtailment Plan–SB122 Study

ADJOURN

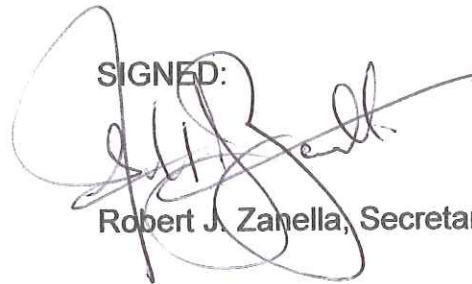
Meeting adjourned at 11:45 a.m.

ATTEST:



Samuel B. Potter, President

SIGNED:



Robert J. Zanella, Secretary

West Divide Water Conservancy District-General Fund
 Bills to be Paid
 July 17, 2008

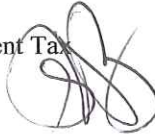
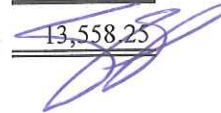
Num	Name	Memo	Account	Amount
3400	Pioneer Machine & Tool	July	5396 · Janitorial	60.00
3401	Qwest	June	5390 · Telephone	154.46
3402	Grand River Consulting Corp.	Meetings and Preparation	5260 · Hydrology	302.50
3402	Grand River Consulting Corp.	Website	5394 · Website	1,935.00
3403	Colorado River Water Cons Dist	2008 Dues	5240 · Dues/Registration	60.00
3404	Remington Square	Aug.	5395 · Rent	611.00
3404	Remington Square	July	5392 · Utilities	84.99
3405	Capital One, F.S.B.	Postage	5300 · Postage/Box Rent/Etc.	115.99
3405	Capital One, F.S.B.	Vac bags	1450 · Office Equipment	11.80
3406	Harrison, Dan	Apr, May, June 2008	5020 · Director Fees	400.00
3406	Harrison, Dan	Apr, May, June 2008	5230 · Directors' Expenses	148.00
3407	Wampler, Bruce E.	Apr, May, June 2008	5020 · Director Fees	400.00
3407	Wampler, Bruce E.	Apr, May, June 2008	5230 · Directors' Expenses	90.90
3408	Zanella, Robert J.	Apr, May, June 2008	5020 · Director Fees	400.00
3408	Zanella, Robert J.	Apr, May, June 2008	5230 · Directors' Expenses	81.81
3409	Potter, Samuel B.	Apr, May, June 2008	5020 · Director Fees	900.00
3409	Potter, Samuel B.	Apr, May, June 2008	5230 · Directors' Expenses	169.68
3410	Couey, Kelly	Apr, May, June 2008	5020 · Director Fees	300.00
3410	Couey, Kelly	Apr, May, June 2008	5230 · Directors' Expenses	9.09
3411	HRH of Colorado	Employee July	5222 · Medical Ins--Employee	415.60
3411	HRH of Colorado	Family July	5223 · Medical Ins Dependent	435.25
3412	Olszewski, Massih & Maurer, P.C.	Meetings, etc.	5280 · Legal	506.26
3412	Olszewski, Massih & Maurer, P.C.	Work on policies	5280 · Legal	1,367.50
3413	Colorado Department of Revenue	Colo. Withholding	5225 · Payroll Taxes	900.00
3414	Alpine Bank	Payroll taxes	2205-FICA/MED/FWT Payable	1,650.00
3415	Northwestern Mutual Life Ins. Co.	Company	2227 · Simple IRA Payable	107.18
3415	Northwestern Mutual Life Ins. Co.	Employee	2227 · Simple IRA Payable	1,084.00

West Divide Water Conservancy District-General Fund

Bills to be Paid

July 17, 2008

3416	Maddock, Janet E	\$4030.01-\$435.25 Ins.=	\$3594.76	5221 · Salary	3,594.76
3416	Maddock, Janet E			2227 · Simple IRA Payable	-1,084.00
3416	Maddock, Janet E			2205-FICA/MED/FWT Payable	-1,375.00
3416	Maddock, Janet E			2210-Colorado With. Payable	-300.00
3417	Colorado State Treasurer	2nd 1/4 2008		5226 · Unemployment Tax	21.48


13,558.25


West Divide Water Conservancy District-General Stored Water

Bills to be Paid

July 17, 2008

Num	Name	Memo	Account	Amount
1720	Silt Mesa Interconnect	Richard Parker	Deposit in Error	120.00
1721	Olszewski, Massih & Maurer, P.C.	CRWCD	7045 · Legal	360.00
1721	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	96.00
1721	Olszewski, Massih & Maurer, P.C.	Alsburly	7045 · Legal	456.00
1721	Olszewski, Massih & Maurer, P.C.	02CW123	7045 · Legal	648.00
1721	Olszewski, Massih & Maurer, P.C.	EnCana	7045 · Legal	36.00
1721	Olszewski, Massih & Maurer, P.C.	Resume/diligence	7045 · Legal	312.00
1721	Olszewski, Massih & Maurer, P.C.	General	7045 · Legal	450.27
1722	Grand River Consulting Corp.	Database	7030 · Hydrology	1,527.50
1722	Grand River Consulting Corp.	Alsburly	7030 · Hydrology	722.50
1722	Grand River Consulting Corp.	Water Tasl Force	7030 · Hydrology	1,017.50
1723	void			
1724	void			
1725	BasePoint Design Corporation	Contract Addendum No. 7	7080 · Capital Outlay--Alsburly	8,559.00
1726	void			
1727	void			


14,304.77


West Divide Water Conservancy District-Fourmile Creek
 Bills to be Paid
 July 17, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1506	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	372.00
1507	Grand River Consulting Corp.	General	8030 · Hydrology	810.00
				1,182.00

West Divide Water Conservancy District--Silt Interconnect
 Bills to be Paid
 June 26 through July 17, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
97	Grand River Consulting Corporation	Meetings/preparation	7802 · Hydrology	507.50
97	Grand River Consulting Corporation	Database	7802 · Hydrology	1,085.00
97	Grand River Consulting Corporation	Water right acctg/adm.	7802 · Hydrology	2,450.00
98	Olszewski, Massih & Maurer. P.C.	General	7801 · Legal	1,660.21
99	Olszewski, Massih & Maurer. P.C.	General	7801 · Legal	36.00
				5,738.71

MEMO

To: West Divide Board of Directors
From: Ed Olszewski
Re: Right to Use Seepage Water from Alsbury Reservoir
Date: July 10, 2008

This Memo is prepared for the Board of Directors, West Divide Water Conservancy District, regarding the feasibility of claiming seepage credits from Alsbury Reservoir for augmentation. The Board has expressed an interest in adjudicating an augmentation plan that would rely, in part, upon seepage water for augmentation. This memo discusses the case law related to such claims.

SEEPAGE CLAIMS

Judicial pronouncements with respect to appropriation of seepage water in a direct use situation currently apply to reservoirs. Any seepage water, whether from a reservoir or an irrigation ditch, is presumed to be tributary to the stream system and thus subject to appropriation. Such seepage, therefore, is not available for any new independent appropriation, where the diversion will be to the detriment of prior vested rights. In other words, the next most senior water right owner on the stream gets the benefit of the seepage.

The controlling case on the issue is *Fort Morgan Reservoir and Irrigation Co. v. McCune*, 206 P.2d 393 (1922). Although this is an old case, it is still good law. In *Fort Morgan*, the Plaintiffs sought to enjoin the state engineer from enforcing an order allowing a reservoir owner to capture and use seepage water from his own reservoir. The reservoir owner did not seek to make a new appropriation of seepage water, but alleged that recaptured seepage water was part of his original decreed storage appropriation. The Supreme Court held that seepage water could not be recaptured and applied to the original appropriation because once water has escaped, it is presumed tributary and subject to subsequent appropriation.

Similar principles were applied in *Lamont v. Riverside Irrigation District*, 498 P.2d 1150 (1972). In *Lamont*, the Plaintiffs owned land below defendant's reservoir. For fifty years, seepage from the reservoir had percolated through Plaintiff's land, maintaining a lush pasture. Plaintiffs did not construct or maintain any formal diversion or measuring device. Through a quiet title action, Plaintiffs sought to enjoin the construction of a well by Defendant which would interfere with the sub-irrigation. Plaintiffs claimed a prescriptive right to the seepage. The court found that the claim arose from the assumption that the Defendant had a right in the seepage water in the first place. The court found that the reservoir company had no right to the seepage water. Plaintiffs thus could acquire no right from Defendant.

There is, however, an exception to this rule for imported or non-tributary water. In a recent conversation with Austin Hamre, the attorney for Rifle Corrections, Mr. Hamre mentioned the case

Public Service v. Willows, 856 P.2d 829 (1993). However, that case dealt specifically with the reuse of foreign, non-tributary water and is not applicable to the Alsbury situation.

Given the above cases, I believe it is clear that seepage water cannot be claimed for reuse from Alsbury Reservoir. However, if the Board desires, we could pursue a "creative" augmentation plan that would claim the use of such seepage.

PLANS FOR AUGMENTATION

Plans for augmentation are intended to allow diversions of water "out-of-priority while ensuring the protection of senior water rights." *Empire Lodge Homeowners' Ass'n v. Moyer*, 39 P.3d 1139, 1154 (Colo.2002). Augmentation plans implement the Colorado doctrine of optimum use and priority administration, which favors management of Colorado's water resource to extend its benefit for multiple beneficial purposes.

Out-of-priority diversions can occur only when a replacement supply of water, suitable in quantity and quality, is made available to substitute for the otherwise diminished amount of water available to supply other water rights exercising their priorities. Depletions not adequately replaced result in curtailment of the out-of-priority diversions. *Empire Lodge Homeowners' Ass'n v. Moyer*, 39 P.3d 1139, 1154 (Colo.2002). The replacement water can derive from any legally available source and be provided by a variety of means. C.R.S. § 37-92-103(9).

C.R.S. Section 37-92-103(9) provides that a plan for augmentation is: a detailed program, which may be either temporary or perpetual in duration, to increase the supply of water available for beneficial use in a division or portion thereof by the development of new or alternate means or points of diversion, by a pooling of water resources, by water exchange projects, by providing substitute supplies of water, by the development of new sources of water, or by any other appropriate means.

Although the statute emphasizes increasing the supply of water, "[n]ew water need not be injected to give life and validity to a plan for augmentation." *Kelly Ranch v. Se. Colo. Water Conservancy Dist.*, 191 Colo. 65, 74, 550 P.2d 297, 303 (1976). Rather, plans for augmentation are meant to increase the usable supply of water, not necessarily the physical supply. *City of Florence v. Bd. of Waterworks*, 793 P.2d 148, 152 (Colo.1990). A plan for augmentation operates outside the priority system and therefore operates out of priority. *Colorado Water Conservation Board v. City of Central*, 125 P.3d 424 (Colo. 2005); *Empire Lodge Homeowners' Ass'n v. Moyer*, 39 P.3d 1139, 1154 (Colo.2002).

CONCLUSION

Although the reuse of seepage water from storage has long been prohibited, West Divide may be able to devise a plan for augmentation that provides for very precise measuring and accounting on reservoir inflow and seepage in such a manner that augmentation credits can be quantified. Such a plan may be accepted by the Division Engineer's Office. However, it is my opinion that, if

contested, West Divide will have a very difficult time claiming augmentation credits resulting from seepage due to the McCune case.

There is a balancing act between protecting vested right under McCune, and providing for the maximum utilization of water under the augmentation plan statute. If West Divide receives no opposition to its application, and the Division Engineer's Office is cooperative and not obstructive, West Divide may be able to succeed in its claim for seepage credits. One fear I have is that even if the Division Engineer's Office is cooperative now, it will require a term and condition in the decree which would allow it to modify its position at a later date. In addition, given the remote location of Alsbury Reservoir, I believe the detailed monitoring and accounting program that would be required for the augmentation plan would be very difficult and time consuming to administer.

**WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org**

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, August 28, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of July 17, 2008 meeting

- 9:00 a.m. PUBLIC MEETING ON INCLUSIONS

3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements Unavailable
 - c. \$100,000 FDIC limit
4. Logo and Website Update
5. Water Contracts
6. Alsbury Reservoir
7. Roundtable Report
8. Water Resources's Report
9. Hydrologists' Report
10. Attorney's Report
11. Adjourn

NEXT MEETING IS SEPTEMBER 18, 2008

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: August 28, 2008

Time: 9:00 a.m

Place: District Office
109 West Fourth Street
Rifle, Colorado

Name	Company/mailing address
1. Janet Maddock	
2. Bob Zanella	
3. Bob Zanella	
4. Bruce Wampler	
5. Eddie Rubin Eddie Rubin	DWR Dist 39
6. Steve Trujil	
7. Kelly Coney	rode with Dan
8. Dan Han	
9. Maria Pastre	
10. Kerry Sundeen	
11. Ed Oszewski	
12.	
14.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING

August 28, 2008

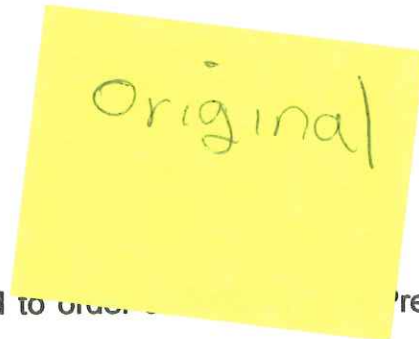
ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan R. Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney
Directors and Staff Absent
Lyndie Pearson, CPA

Guests

Steve Trexel, DWR
Eddie Rubin, DWR



CALL TO ORDER

The regular Board of Directors meeting was called to order by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the July 17, 2008, meeting be approved as received; Bruce E. Wampler seconded; motion carried.

PUBLIC HEARING ON INCLUSION PETITIONS

Public hearing opened at 9:05 a.m. There were no comments from the public on two petitions for inclusion, Valton D. Whittington Family Trust and Scott T. and Birgie A. Niemann. Robert J. Zanella moved to adopt Resolution 08-03 and attached Order; seconded by Bruce E. Wampler; roll call: Samuel B. Potter – yes; Dan R. Harrison – yes, Kelly Couey – yes; Robert J. Zanella – yes, and Bruce E. Wampler – yes. Resolution and Order duly adopted. (Copy attached.) Public meeting closed at 9:10 a.m.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Robert J. Zanella seconded; motion carried.

Financial Statements: July Financial Statements unavailable. Accountant on vacation.

\$100,000 FDIC Limit: President Potter spoke with the president of Alpine Bank, Jay Rickstrew. West Divide's funds are insured beyond the \$100,000 FDIC limitation by a pool of eligible securities pledged to cover 102 percent of the value of uninsured funds. (Attached is a letter received after the meeting from Mr. Rickstrew with attached Public Depository Designation Certification.)

LOGO AND WEBSITE UPDATE

Moved, seconded, carried to have envelopes, letterhead and business cards printed and proceed with website design according to revisions, corrections, and additions as discussed.

WATER CONTRACTS

Cascade Tanks, LLC: Robert J. Zanella moved approval of this amendment from 2 af to 10 af, Direct Hauling; seconded by Bruce E. Wampler; motion carried.

Donald Ziegler/Peregrine 08 Investments, LLC: Robert J. Zanella moved approval of this amendment from 1.69 af to 2.54 af Commercial, Colorado River, and change of name to include Peregrine 08 Investments, LLC; seconded by Bruce E. Wampler; motion carried.

Ryan May: Robert J. Zanella moved approval of two applications/contracts each for 1 af, Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Callahan Commercial Park, LLC: Robert J. Zanella moved approval of this application/contract for 1 af, Commercial, Colorado River; seconded by Bruce E. Wampler; motion carried. (Approval with verification of location of well.)

Robert Klein: Robert J. Zanella moved approval of this application/contract for 1 af, Commercial, Colorado River, contingent upon application being for one 12,000 sq. ft. warehouse; seconded by Bruce E. Wampler; motion carried. (Further communication required with applicant regarding warehouse and legal description that does not match information on application.)

ALSBURY RESERVOIR

The significant hazard classification has been approved by the State Engineer and we can now move forward with the spillway enlargement. May need to confer with the Forest Service. BasePoint Design Corporation will be contacted to finalize the spillway plans and submit to the State.

Execution of Addendum #8: Robert J. Zanella moved execution of Addendum #8 (attached); seconded by Bruce E. Wampler; motion carried.

ROUNDTABLE REPORT

Received written report from Robert J. Zanella. Discussed attending the Colorado River District's Annual Water Seminar on September 19 in Grand Junction.

WATER RESOURCES' S REPORT

Two new water commissioners: Eddie Rubin, District 39 and Bill West District 45. Received positive response from letter sent to Dick Wolf, State Engineer, regarding Water Task Force database request.

HYDROLOGISTS' REPORT

General consensus if West Divide does not get the grant money for the Crystal River Water Storage project to continue with the feasibility study anyway.

Kelly Couey moved to authorize Sopris Engineering LLC to proceed with the surveying services required for the Crystal River Water Storage project with or without the grant money; seconded by Robert J. Zanella; motion carried.

Discussed Orion Energy's need for 300 af of water in Garfield Creek. It would use a pipeline instead of trucking the water. The directors endorsed working with Orion Energy on a reduced industrial rate instead of the usual direct hauling rate. Kerry will invite Orion Energy to attend one of our meetings for further discussion.

ATTORNEY' S REPORT

Received written report. Discussed draft of policy procedures.

ADJOURN

Meeting adjourned at 11:30 a.m.

SIGNED:

Robert J. Zanella, Secretary

ATTEST:

Samuel B. Potter, President

WEST DIVIDE WATER CONSERVANCY DISTRICT

RESOLUTION 08-03

**ORDER FOR INCLUSION OF CERTAIN LANDS
IN THE WEST DIVIDE WATER CONSERVANCY DISTRICT**

WHEREAS, **Valton D. Whittington Family Trust** and **Scott T. and Birgie A. Niemann**, have petitioned the Board of Directors of West Divide Water Conservancy District for inclusion of certain lands into the District boundaries;

WHEREAS, the attached Order for Inclusion outlines the proper procedures that were followed for inclusion of the lands described in the Order.

NOW THEREFORE, the Board of Directors of the West Divide Water Conservancy District hereby resolves to execute the attached Order for Inclusion accepting said lands into its district boundaries.

READ, APPROVED, AND ADOPTED this 28th day of August 2008.

SIGNED:



Samuel B. Potter, President

ATTEST



Robert J. Zanella, Secretary

ORDER FOR INCLUSION OF CERTAIN LANDS IN THE WEST DIVIDE WATER CONSERVANCY DISTRICT

THE BOARD OF DIRECTORS of the West Divide Water Conservancy District, having received and considered the Petitions of **Valton D. Whittington Family Trust** and **Scott T. and Birgie A. Niemann**, for the inclusion within the District of the lands hereinafter described finds:

1. That the Petitions are in proper form pursuant to C.R.S. 37-45-136.
2. That proper notice of filing of such Petitions and of the Board's hearing on said Petitions have been duly given as required by law.
3. That the Board has heard the Petitions and no written objections thereto have been presented.
4. That a public hearing was held at the West Divide Water Conservancy District office, 109 West Fourth Street, Rifle, Colorado, on August 28, 2008, at which hearing said Petitions and any objections thereto were heard.
5. That a quorum of the Board was present at said public hearing and, upon consideration of the merits of said Petitions, the Petitions should properly be granted.
6. That the hereinafter described lands should properly be included within the District and attached to and made a part of existing Division 3 of the District.

NOW, THEREFORE, IT IS HEREBY ORDERED that said Petitions of **Valton D. Whittington Family Trust** and **Scott T. and Birgie A. Niemann** shall be and hereby are granted, and the following described lands situated in the County of Garfield, State of Colorado, are hereby included within the District.

VALTON D. WHITTINGTON FAMILY TRUST LEGAL DESCRIPTION

A tract of land situate in Lot 3 and the SE1/4NW1/4 of Section 6, Township 6 South, Range 91 West of the 6th P.M. being that parcel of land described in Book 425 at Page 288 together with portions of those tracts of land described in Book 393 at Page 510 and Book 369 at Page 462 said tract being more particularly described as follows:

Beginning at a point in an existing fence whence the S1/4 Corner of Section 34, Township 5 South, Range 91 West of the 6th P.M. bears N 62 degrees 14'05" E 2051.27 feet; thence along said fence line S 01 degrees 36'07" E 151.73 feet; thence S 00 degrees 23'06" E 110.67 feet; thence S 00 degrees 58'41" W 104.98 feet; thence S 04 degrees 07'04" E 128.73 feet to a point on the westerly boundary of that parcel of land described in Book 529 at Page 315; thence along said boundary line S 55 degrees 16'38" W 68.74 feet; thence S 71 degrees 24'16" W 43.25 feet; thence S 29 degrees 47'09" W 12.87 feet; thence S 27 degrees 29'24" W 39.24 feet; thence S 31 degrees 46'40" W 83.49 feet; thence S 14 degrees 41'46" W 123.77 feet; thence S 27 degrees

03'30" W 118.80 feet; thence S 03 degrees 05'59" E 168.55 feet; thence S 13 degrees 05'30" E 259.27 feet to the Northerly right-of-way of County Road 214; thence 145.31 feet along the arc of a curve to the left having a radius of 208.00 feet and a central angle of 40 degrees 01'35" the chord of which bears N 63 degrees 09'42" W 142.37 feet; thence N 06 degrees 05'08" W 341.72 feet; thence S 89 degrees 56'54" W 112.42 feet; thence N 32 degrees 22'55" E 119.05 feet; thence N 11 degrees 26'42" W 281.78 feet; thence N 19 degrees 50'28" W 183.22 feet; thence N 19 degrees 28'35" E 126.88 feet; thence N 47 degrees 06'08" E 140.22 feet; thence N 14 degrees 35'52" E 216.39 feet; thence N 88 degrees 50'48" E 204.40 feet; thence S 54 degrees 22'52" E 119.61 feet; to the point of beginning containing 8.62 acres more or less.

SCOTT T. AND BIRGIE A. NIEMANN
LEGAL DESCRIPTION

A tract of land situated in Section 5, Township 6 South, Range 91 West of the 6th P.M. more particularly described as follows:

Beginning at a point whence the East ¼ corner of Section 5, Township 6 South, Range 91 West of the 6th P.M. bears S 00 degrees 53'30" East 1335.93 feet; thence South 89 degrees 24'45" West 393.82 feet; thence North 00 degrees 53'30" West 553.07 feet; thence North 89 degrees 24'45" East 393.83 feet; thence South 00 degrees 53'30" East 553.07 feet to the point of beginning.

Excepting however, from the above described parcel a tract of land in Section 5, Township 6 South, Range 91 West of the 6th P.M. more particularly described as follows:

Beginning at the East ¼ corner of Section 5; thence North 00 degrees 53'30" West 1335.93 feet; thence South 89 degrees 24'45" West 331.82 feet to the true point of beginning; thence from the true point of beginning South 89 degrees 24'45" West 62.00 feet; thence North 00 degrees 53'30" West 175.65 feet; thence North 89 degrees 24'45" East 62.00 feet; thence South 00 degrees 53'30" East 175.65 feet to the true point of beginning.

County of Garfield, State of Colorado.

AND FURTHER ORDERED that said lands shall be included within and made a part of existing Division 3 of the District.

ADOPTED by the Board of Directors of the West Divide Water Conservancy District on the 28th day of August, 2008.

WEST DIVIDE WATER CONSERVANCY DISTRICT

By: _____
President


ATTEST:

Secretary

West Divide Water Conservancy District-General Fund

Bills to be Paid
August 28, 2008

Num	Name	Memo	Account	Amount
3418	CSAFE Account #84-0976632-01	Transfer to CSAFE	1137 · CSAFE	25,000.00
3419	Sopris Surfers LLC	8/12/08-11/12/08	5393 · Internet	75.00
3420	void	void		
3421	void	void		
3422	void	void		
3423	Capital One, F.S.B.	Act# 4802-1325-8817-3677	5300 · Postage/Box Rent/Etc.	70.88
3424	HRH of Colorado	Employee Sept.	5222 · Medical Ins--Emp	415.60
3424	HRH of Colorado	Family Sept.	5223 · Medical Ins-- Dep	435.25
3425	Tammy S. Keenan	August Janitorial	5396 · Janitorial	60.00
3426	Qwest	June	5390 · Telephone	152.97
3427	Remington Square	Sept.	5395 · Rent	611.00
3427	Remington Square	August	5392 · Utilities	84.23
3428	Barnes, Pearson & Associates, LLC	May Fin. and deposits	5150 · Accounting	775.00
3428	Barnes, Pearson & Associates, LLC	Board meeting	5150 · Accounting	550.00
3429	Alpine Bank	84-0976632	2205-FICA/MED/FWT	1,650.00
3430	Edward Jones Investments	1451628	2227 · Simple IRA Payable	107.18
3430	Edward Jones Investments	1451628	2227 · Simple IRA Payable	1,084.00
3431	Olszewski, Massih & Maurer, P.C.	Directors	5280 · Legal	36.00
3431	Olszewski, Massih & Maurer, P.C.	Mtg, resume, etc.	5280 · Legal	1,404.00
3432	Grand River Consulting Corp.	Meeting and preparation	5260 · Hydrology	622.67
3433	Maddock, Janet E	\$4030.01-\$435.25 Ins.=\$3594.76	5221 · Salary	3,594.76
3433	Maddock, Janet E		2227 · Simple IRA Payable	-1,084.00
3433	Maddock, Janet E		2205-FICA/MED/FWT	-1,375.00
3433	Maddock, Janet E		2210-Colorado With. Payable	-300.00
3434	void	void		
3435	Office Depot	Office Supplies	5100 · Office Supplies	289.33
3436	Xcel Energy	June	5392 · Utilities	59.47
3436	Xcel Energy	July	5392 · Utilities	60.56
3437	Mountain Clear Water Co Inc.	bottled water	5100 · Office Supplies	24.30


24.30
34,403.20

West Divide Water Conservancy District-General Stored Water
 Bills to be Paid
 August 28, 2008

Num	Name	Memo	Account	Amount
1728	CSAFE Account #84-0976632-02	Transfer to CSAFE	1576 · CSAFE Fund	103,600.00
1729	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	60.00
1729	Olszewski, Massih & Maurer, P.C.	CRWCD	7045 · Legal	24.00
1729	Olszewski, Massih & Maurer, P.C.	02CW123	7045 · Legal	357.30
1729	Olszewski, Massih & Maurer, P.C.	Crystal River Aug Plan	7045 · Legal	48.00
1729	Olszewski, Massih & Maurer, P.C.	EnCana	7045 · Legal	72.00
1729	Olszewski, Massih & Maurer, P.C.	Alsbury	7045 · Legal	255.98
1730	Grand River Consulting Corp.	Database	7030 · Hydrology	725.00
1730	Grand River Consulting Corp.	Water Right Acct/Adm.	7030 · Hydrology	2,124.00
1730	Grand River Consulting Corp.	Alsbury	7030 · Hydrology	1,667.82
1730	Grand River Consulting Corp.	Water Task Force	1035- DOLA Matching Funds	487.50
1730	Grand River Consulting Corp.	Crystal River	7030 · Hydrology	310.00
1731	Garfield County Clerk and Recorder	Memorandums	7070 · Recording Fees	28.00
1732	BasePoint Design Corporation	#08-07-08 Add #6	7080 · Capital Outlay--Alsbury	1,090.00
				<u>110,849.60</u>
	Dola Grant Restrict Funds Checking Account			
1001	USGS	June 1/4ly billing	7079 · DOLA-- USGS	19,779.00

West Divide Water Conservancy District-Fourmile Creek
 Bills to be Paid
 August 28, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1508	Grand River Consulting Corp.	General	8030 · Hydrology	180.00
1509	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	1,176.00
1509	Olszewski, Massih & Maurer, P.C.	Zilm	8054 · Legal Litigation	99.00
				<u>1,455.00</u>

RS

West Divide Water Conservancy District--Silt Interconnect
 Bills to be Paid
 August 28, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
100	Olszewski, Massih & Maurer. P.C.	General	7801 · Legal	888.00
101	Grand River Consulting Corporation	General	7802 · Hydrology	270.00
				<u>1,158.00</u>

RS



Alpine Bank

Rifle

100 East 4th Street
Rifle, Colorado 81650
970-625-9610
Fax 970-625-9616

August 27, 2008

West Divide Water Conservancy
Attn: Sam Potter
PO Box 1478
Rifle, CO 81650-1498

Dear Sam:

As of July 11, 2008, the total of uninsured Public Balances held at Alpine Bank were \$329,619,742.58.


The Public Deposit Protection Act does not require that banks pledge specific securities to specific deposits. It requires that a pool of eligible securities be pledged to cover 102% of the value of uninsured public deposits held by each bank.

The current balances covered under the Public Deposit Protection Act are: West Divide Water Conservancy as of August 28, 2008 were: \$282,716.12.

I have attached a copy of Alpine Bank's Public Depository Designation Certification. If additional information is required please visit <http://www.dora.state.co.us/banking/pdpainformation/pdpaindex.htm>.

Please do not hesitate to call me with any questions.

Sincerely,



Jay Rickstrew
President

attachment

STATE OF COLORADO

Department of Regulatory Agencies
Steven V. Berson
Executive Director



Roy Romer
Governor

DIVISION OF BANKING

Ralph E. Mires
State Bank Commissioner

James T. Dillon
Chief Deputy Bank Commissioner

JD Chatman
Chief Financial Institutions Examiner

COLORADO BANKING BOARD

ELIGIBLE PUBLIC DEPOSITORY

DESIGNATION CERTIFICATION

Pursuant to the provisions of Section 11-10.5-106, C.R.S. (1989), the undersigned does hereby accept the written statements filed on behalf of the ALPINE BANK & TRUST and designate said bank as an eligible public depository under the provisions of The Public Deposit Protection Act, and the rules and regulations promulgated thereunder.

This certificate acknowledges that ALPINE BANK & TRUST, GLENWOOD SPRINGS, COLORADO, having complied with the requirements of Section 11-10.5-106, C.R.S. (1989), and having been designated hereunder as an eligible public depository by the Banking Board, is an eligible public depository in accordance with and subject to the provisions of Article 10.5, Title 11, C.R.S. (1989), from this date until such time as this designation and certification is cancelled, revoked, or suspended.

ON BEHALF OF THE COLORADO BANKING BOARD

SEPTEMBER 1, 1989

Date

Ralph E. Mires
State Bank Commissioner

Title 11, Article 10.5, C.R.S. (1989)

P.D.P.A. Bank Identification Number 312

THIS DESIGNATION AND CERTIFICATION IS NOT ASSIGNABLE
303 West Colfax Avenue, Suite 650, Denver, CO 80204 (303) 620-4358/FAX (303) 620-4751

BasePoint Design Corporation

Civil/Geotechnical Design Services

July 21, 2008

Samuel Potter
West Divide Water Conservancy District
P.O. Box 1478
Rifle, CO 81650

**Subject: Contract Addendum No. 8, Additional Analysis to Address SEO
Review Comments on Hazard Classification, Alsbury Dam, Mesa
County, Colorado**

Dear Mr. Potter:

The purpose of this letter is to execute contract Addendum No. 8 on our existing agreement to perform additional engineering work to assist West Divide Water Conservancy District to perform additional analysis and resubmit the report to address the review comments of the Hazard Classification Report. The analysis and report were performed by RJH Consultants, and their proposal dated March 19, 2008 is attached. In addition to the RJH costs, we have added 12 hours of our project manager (Ying-Kit Choi) time to coordinate with RJH, Grand River, SEO, and to review RJH draft report.

RJH fees (see March 19, 2008 RJH proposal):	\$7500
Ying-Kit Choi, 12 hours @ \$110/hr	<u>\$1320</u>
Estimated Addendum 8 Total:	\$8820

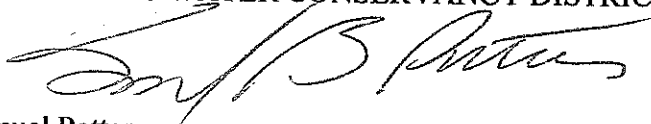
Please sign below to authorize the additional work for this addendum.

Sincerely,
BASEPOINT DESIGN CORPORATION



Ying-Kit Choi, Ph.D., P.E.
Project Manager

Concur,
WEST DIVIDE WATER CONSERVANCY DISTRICT



Samuel Potter
President

Attachment – RJH Consultants Proposal dated March 19, 2008



March 19, 2008
Project 07100

Mr. Ying-Kit Choi
Project Manager/President
BasePoint Design Corporation
2280 South Xanadu Way, Suite 250
Aurora, CO 80014

**Re: Alsbury Dam, Mesa County, Colorado
Proposal for Additional Services to Address SEO Comments**

Dear Mr. Choi:

As we discussed during a phone conversation on March 7, 2008, RJH Consultants, Inc. (RJH) has developed a scope of services and budget to address additional work tasks required by Mr. John Blair, local SEO dam safety engineer, for approval of the January 2008 Alsbury Dam Hazard Classification Report.

RJH and Grand River Consulting met with Mr. Blair on March 7, 2008 to discuss his comments presented in the Design Review Memorandum dated February 26, 2008, and to discuss additional work tasks that the SEO would require to approve the referenced report. All work tasks were developed based on the SEO meeting and the assumption that Mr. Blair would be involved concurrently with each task. These work tasks were scoped considering the time required to write summary work descriptions, submittal to the SEO, and associated work required for SEO approval of individual tasks. RJH will receive Mr. Blair's concurrence before beginning subsequent work tasks.

Scope of Work

We propose to complete the following services to address SEO comments on the Hazard Classification Report for the dam.

Task 1 – Project Management:

Objectives: SEO letter review, team conference call (March 7, 2008), SEO meeting in Glenwood Springs, Colorado (March 7, 2008), and task project management.

Task 2 – Evaluate Controlling Breach Scenario (Maximum Section versus Outlet Works Section):

Objectives: Develop maximum section using BasePoint provided topography, evaluate location of dead pool with relation to maximum section, determine if dead pool needs to be considered in breach modeling, perform breach parameter sensitivity analysis for both scenarios, and select failure scenario for final analysis.

Task 3 – Finalize Breach Parameter Selection:

Objectives: Evaluate existing dam conditions related to breach modeling (dam geometry, embankment soils, structure locations, etc.), finalize empirical equation calculations with consideration of Task 2 results and existing dam conditions, finalize BREACH computer model with incorporation of SEO recommendations, and select final dam breach parameters.

Task 4 – Finalize Dam Breach Modeling:

Objectives: Discuss selection of dam breach computer model with the SEO, update downstream channel to incorporate SEO comments, finalize dam breach modeling and prepare simulation output.

Task 5 – Prepare Hazard Classification Report Addendum Letter:

Deliverables:

- Summarize work description to SEO for Work Tasks 2 through 4.
- Participate in a team meeting via conference call at the completion of Task 4 to discuss work results prior to start of Addendum Letter preparation.
- Five copies of the Hazard Classification Report Addendum Letter (submit two to the SEO).

Costs and Schedule

We propose to complete the above scope of services on a time and expense basis in accordance with the terms and conditions in our contract. Our estimated not-to-exceed costs and schedule for the work tasks described above are provided Table 1.

**TABLE 1
ESTIMATED COSTS AND SCHEDULE BY TASK**

Task	Description	Anticipated Submittal to SEO	Anticipated SEO Concurrence with Task	Estimated Cost (\$)
1	Administrative Work	N/A	N/A	500
2	Evaluate Controlling Breach Scenario	3/26/08	3/28/08	1,000
3	Finalize Breach Parameter Selection	4/2/08	4/4/08	1,500
4	Finalize Dam Breach Modeling	4/9/08	4/11/08	2,000
5	Prepare Addendum Letter	4/18/08	4/25/08	2,500
Total				7,500

We look forward to assisting BasePoint in completing the SEO approval process for the Alsbury Dam Hazard Classification Report. Please call if you have any questions or require additional information.

Sincerely,

RJH CONSULTANTS, INC.



Korey J. Kadmas, P.E.
RJH Project Manager

KJK/jmm

**WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org**

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, September 18, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of August 28, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
4. Water Contracts
5. Water Task Force
6. Alsbury Reservoir
 - a. Execution of Application for Alteration of Dam
 - b. Addendum Update
 - c.
7. Roundtable Report
8. Water Resources's Report
9. Hydrologists' Report
10. Attorney's Report
11. Colorado River District Seminar car pooling
12. Adjourn

NEXT MEETING IS October 16, 2008

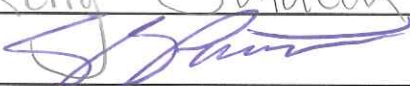

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: September 18, 2008

Time: 9:00 a.m

Place: District Office
109 West Fourth Street
Rifle, Colorado

Name	Company/ mailing address
1. Janet Maddock	
2. Bob Zanella	
3. Bruce Dwyler	
4. Steve Tepe	
5. Kelly Conroy	rode with Dan
6. Dan Harrison	
7. Maria Pastre	
8. Kerry Sundeem	
9. 	
10. 	
11. Ed Orzowski	
12. Jim Pearce	Canyon Writer Res.
13. Chris Berger	Balcomb + Green P.C.
14. Tanya Frenzel	Denver, Co

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING September 18, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan R. Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney

Directors and Staff Absent

Lyndie Pearson, CPA

Guests

Steve Trexel, DWR
Eddie Rubin, DWR
Jim Pearce, Canyon Water Resources, LLC
Chris Geiger, Balcomb & Green, P.C.
Taryn Frenzel, Orion Energy

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:00 a.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the August 28, 2008, meeting be approved as received; Bruce E. Wampler seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Robert J. Zanella seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the July and August 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

WATER CONTRACTS

George Yeakel assignment from Karen Witt and Scott Szklarz: Robert J. Zanella moved approval of this assignment, 1 af, Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Wise Cardiff Properties LLC, a Colorado Limited Liability Company assignment from George W. and Jeri L. Sherick: Robert J. Zanella moved approval of this assignment, 1 af, Domestic, Fourmile; seconded by Bruce E. Wampler; motion carried.

Orion Energy: Chris Geiger, Jim Pearce and Taryn Frenzel were in attendance representing Orion Energy who wishes to contract for approximately 180 af for its pipeline diverting directly out of the Colorado River. They asked for special consideration on rate structure because of volume. Directors advised to submit application to be reviewed at the next meeting when the 2009 rate structure would also be decided.

ALSBURY RESERVOIR

Robert J. Zanella moved approval of execution of the Application for Review of Plans and Specifications for the Alteration, Modification, or Repair of a Dam and Reservoir as required by the State; seconded by Bruce E. Wampler; motion carried.

Discussed attached compilation of all the work BasePoint Design Corporation has performed to date which includes the original Agreement and Addendums 1 through 8.

ROUNDTABLE REPORT

No meeting since the last Board meeting.

WATER RESOURCES' S REPORT

Nothing additional.

HYDROLOGISTS' REPORT

Discussed Crystal River Reservoir grant application. CWCB met Monday. Staff recommended approval, but we have not heard anything definite.

ATTORNEY' S REPORT

Received written report. At 10:45 a.m. Robert J. Zanella moved to go into executive session to discuss litigation; seconded by Bruce E. Wampler; motion carried. At 12:05 moved out of executive session.

ADJOURN

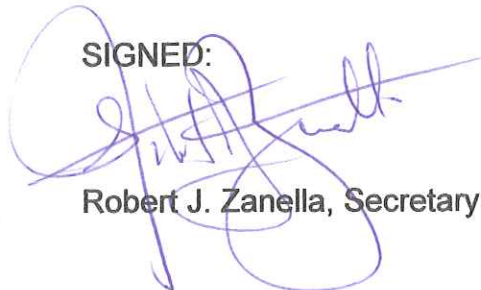
Meeting adjourned at 12:15 p.m.

ATTEST:



Samuel B. Potter, President

SIGNED:



Robert J. Zanella, Secretary

West Divide Water Conservancy District-General Fund
 Bills to be Paid
 September 18, 2008

Num	Name	Memo	Account	Amount
3438	Qwest	July	5390 · Telephone	169.55
3439	Remington Square	Oct.	5395 · Rent	611.00
3439	Remington Square	Sept.	5392 · Utilities	90.01
3440	Tammy S. Keenan	September Janitorial	5396 · Janitorial	60.00
3441	HRH of Colorado	Employee Oct.	5222 · Medical Ins--Employee	415.60
3441	HRH of Colorado	Family Oct.	5223 · Medical Ins Dependent	435.25
3442	Mountain Clear Water Company Inc.	bottled water	5100 · Office Supplies	8.10
3443	Capital One, F.S.B.	Acct # 4802-1325-8817-3677	5300 · Postage/Box Rent/Etc.	115.99
3444	Olszewski, Massih & Maurer, P.C.	Directors	5280 · Legal	144.00
3444	Olszewski, Massih & Maurer, P.C.	Contracts	5280 · Legal	96.00
3444	Olszewski, Massih & Maurer, P.C.	Brd.mtg. & preparation	5280 · Legal	1,068.00
3444	Olszewski, Massih & Maurer, P.C.	Work on policies	5280 · Legal	1,800.00
3445	Alpine Bank	Payroll Deductions	2205-FICA/MED/FWT Payable	1,650.00
3446	Edward Jones Investments	Employer	2227 · Simple IRA Payable	107.18
3446	Edward Jones Investments	Employee	2227 · Simple IRA Payable	1,084.00
3447	Grand River Consulting Corp.	Brd mtg & prep	5260 · Hydrology	367.50
3447	Grand River Consulting Corp.	Reimbursable Expenses	5260 · Hydrology	185.00
3447	Grand River Consulting Corp.	Website Development	5394 · Website	1,155.00
3448	Maddock, Janet E	\$4030.01-\$435.25Ins.=	5221 · Salary	3,594.76
3448	Maddock, Janet E		2227 · Simple IRA Payable	-1,084.00
3448	Maddock, Janet E		2205-FICA/MED/FWT Payable	-1,375.00
3448	Maddock, Janet E		2210-Colorado With. Payable	-300.00
3449	void			
3450	Janet Maddock	CRD Seminar Registration	5240 · Dues/Registration	125.00
3451	Xcel Energy	August	5392- Utilities	65.39

10,588.33



West Divide Water Conservancy District-General Stored Water
Bills to be Paid
September 18, 2008

	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1733	Grand River Consulting Corp.	Wtr Right Acctg/Adm.	7030 · Hydrology	2,000.00
1733	Grand River Consulting Corp.	Alsbury	7030 · Hydrology	65.00
1733	Grand River Consulting Corp.	Water Task Force	7078 · DOLA -- In-Kind Contribution	520.00
1734	Glenwood Post Independent	Inclusions, Whittington & Niemann	7046 · Legal Publications/filing fees	307.33
1735	Olszewski, Massih & Maurer, P.C.	Alsbury Diligence	7045 · Legal	156.00
1735	Olszewski, Massih & Maurer, P.C.	02CW123	7045 · Legal	288.00
1735	Olszewski, Massih & Maurer, P.C.	EnCana 05CW052	7045 · Legal	36.00
1735	Olszewski, Massih & Maurer, P.C.	CRWCD Option Agrmt	7045 · Legal	528.00
1736	Garfield County District Court	Certified copies /inclusion	7046- Legal Publications/filing fees	60.00
1737	Colorado Div. of Water Resources	Renewal of Area A TSSP	7046 - Legal Publication	300.00
				<u>4,260.33</u>

West Divide Water Conservancy District-Fourmile Creek
Bills to be Paid
September 18, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1510	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	1,056.00
1510	Olszewski, Massih & Maurer, P.C.	Zilm	8054 · Legal Litigation	745.50
1511	Colorado Div. of Water Resources	Renewal of TSSP	8055 - Legal Publication	300.00
				<u>2,101.50</u>

West Divide Water Conservancy District--Silt Interconnect
Bills to be Paid
September 18, 2008

<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>	
102	Olszewski, Massih & Maurer. P.C.	General	7801 · Legal	468.00
103	U. S. Dept. of Interior	Carriage of non-project water in Silt pump canal	7010 · Warren Act/Non-Project Water	1,821.14
				<u>2,349.14</u>

Table 1. BasePoint Design Contracts for Alsbury Reservoir (August 2008)

Contracts	Date	Contract Amount	Description	% Sub Work	Subcontractor Description	Amt. Paid to Date	% Paid	Notes
Original Agreement	07/18/2003	\$7,050	Tech & Cost Proposal for Alsbury Reservoir Project	0	N/A	\$7,015	100	Completed
Addendum No. 1	10/08/2003	\$8,605	Tech & Cost Proposal for Data Collection Work, Alsbury Dam	34	Phase I Geophysical Survey (MGC)	\$8,132	100	Completed
Addendum No. 2	05/25/2004	\$2,664	Tech & Cost Proposal for Phase II Geophysical Survey, Alsbury Dam	82	Phase II Geophysical Survey & Report (MGC)	\$2,664	100	Completed
Addendum No. 3	08/27/2004	\$17,646	Revised Tech & Cost Proposal, Spillway Feas Study, Alsbury Dam	0	N/A	\$16,673	80	Completed
Addendum No. 4	03/07/2005	\$21,398	Tech & Cost Proposal, Downstream Inundation Study, Alsbury Dam	0	N/A	\$19,428	90	Completed
Addendum No. 5	01/10/2006	\$22,186	Technical & Cost Proposal, Downstream Filter Berm Final Design, Alsbury Dam	0	N/A	\$11,130	50	Not Complete – on hold
Addendum No. 6	01/26/2007	\$34,845	Tech & Cost Proposal, Spillway Enlarge Feas Study & Final Design, Alsbury Dam	0	N/A	\$28,038	80	Not Complete - draft final design report will be sent to SEO.
Addendum No. 7	11/12/2007	\$15,320	Analysis to Update Hazard Classification, Alsbury Dam	91	Hazard Analysis (RIH)	\$17,711	116	Completed: Final Report accepted by State
Addendum No. 8	08/21/2008	\$8,820	Additional Analysis to Address SEO Review Comments on Hazard Classification, Alsbury Dam	85	Additional Hazard Analysis (RIH)	\$8,559	97	Complete
TOTAL Contract Amt:						\$138,534		
TOTAL Paid:						\$119,350		

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, October 16, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of September 18, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
 - c. CSAFE Investments
4. 2007 Audit
5. 2009 Budget (First Draft)
6. 2009 Rate Schedule and Resolution
7. Water Contracts
8. Roundtable Report
9. Water Resources's Report
10. Alsbury Reservoir
11. Hydrologists' Report
12. Attorney's Report
13. Adjourn

NEXT MEETING IS November 20, 2008

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: October 16, 2008

Time: 9:00 a.m

Place: District Office
 109 West Fourth Street
 Rifle, Colorado

Name	Company/mailing address
1. Janet Maddock	
2. Bob Zanella	
3. Sunny Dangler	
4. Lyndie Pearson	
5. John	
6. Ed Olszewski	
7. Kerry Sundeen	
8. Maria Pastre	
9. Bill	
10. Steve Trepl	
11.	
12.	
13.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING

October 16, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney
Lyndie Pearson, CPA

Directors and Staff Absent

Dan R. Harrison, Director (excused)
Kelly Couey, Vice President (unexcused)

Guests

Steve Trexel, Water Commissioner
Bill West, Water Commissioner

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:07 a.m. by President Samuel B. Potter.

MINUTES

Bruce E. Wampler moved the minutes of the September 18, 2008, meeting be approved as received; Robert J. Zanella seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Robert J. Zanella seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the September 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

C-SAFE INVESTMENTS

Reviewed and discussed written reports received from C-Safe regarding the status of investments.

2007 AUDIT

Tabled to the November meeting. Auditor Pete Blair was ill.

2009 BUDGETS

Lyndie Pearson presented the first draft of the 2009 budgets. Discussed in detail; a few revisions were made. Discussed the need in the General Fund to keep the expenses and revenue low.

2009 RATE SCHEDULE AND RESOLUTION

Discussed the current rate schedule and potential changes for 2009. Agreed to increase domestic, subdivision, commercial, each \$30 in General Stored Water, change commercial to commercial/industrial in each fund. At the November meeting there will be a resolution to adopt the changes for the 2009 rate schedule.

Bruce E. Wampler moved to adopt a policy that water costs are prorated monthly for the year the application is made; seconded by Robert J. Zanella; motion carried.

WATER CONTRACTS

Henry Kiang assignment from **Marie Kiang**: Robert J. Zanella moved acceptance of this assignment, 1 af, Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

Deborah J. Meader: Robert J. Zanella moved approval of this application/contract for 1 af, Domestic, Colorado River; seconded by Bruce E. Wampler; motion carried.

ROUNDTABLE REPORT

Received written report from Maria Pastore.

WATER RESOURCES' S REPORT

Welcomed Bill West, new commissioner, District 45.

HYDROLOGISTS' REPORT

Alsbury Reservoir: John Blair wants West Divide to proceed with discussions with the Forest Service. We are waiting on revisions from BasePoint Design on final spillway design documents. Maria worked on the weirs so they won't leak this spring.

Crystal River Reservoirs: Grant is on hold until at least the first of November because of a State hiring and new construction freeze.

ATTORNEY' S REPORT

CRWCD: Bruce E. Wampler moved to approve the contract with the Colorado River Water Conservation District for 100 acre feet of Ruedi Round II water; seconded by Robert J. Zanella. Counsel will finalize contract.

08CW24: Robert J. Zanella moved to withdraw from the Rubino Case that incorrectly referenced the Fourmile case in its water application, as all concerns have been resolved; seconded by Bruce E. Wampler; motion carried.

Ski Sunlight 07CW58: Robert J. Zanella moved to approve the Joint Stipulation and Motion to Approve Stipulation with authority given to counsel to negotiate changes as necessary to resolve the case; seconded by Bruce E. Wampler; motion carried.

Cooperation for inclusion of West Divide in the Participation Agreement for the pipeline with Sunlight, Reserve at Elk Meadows and Prehm has improved due to letters Ed sent to Garfield County regarding Sunlight's PUD application and West Divide's interest in the pipeline.

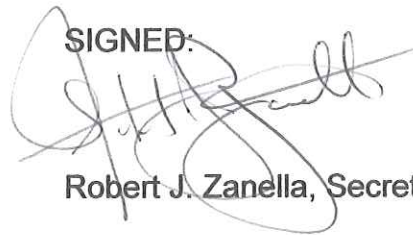
OTHER

Authorized Bruce E. Wampler to purchase and set up a router for the office.

ADJOURN

Meeting adjourned at 12:40 a.m.

SIGNED:



Robert J. Zanella, Secretary

ATTEST:




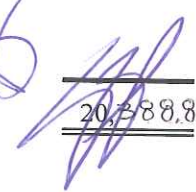
Samuel B. Potter, President

West Divide Water Conservancy District-General Fund
 Bills to be Paid
 October 16, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
3453	HRH of Colorado	Employee Nov.	5222 · Medical Ins--Employee	415.60
3453	HRH of Colorado	Family Nov.	5223 · Medical Ins Dependent	435.25
3454	Blair & Associates, P.C.	2007 audit	5180 · Audit Preparation	5,250.00
3455	Catholic Outreach	Memorial donation for Al Pearson	5100 · Office Supplies	75.00
3456	Remington Square	Nov.	5395 · Rent	611.00
3456	Remington Square	Oct.	5392 · Utilities	88.40
3457	Barnes, Pearson & Associates, LLC	Bank deposits	5150 · Accounting	125.00
3457	Barnes, Pearson & Associates, LLC	June-July-Aug. Financials	5150 · Accounting	1,785.00
3458	Capital One, F.S.B.	Account # 4802-1325-8817-3677	5300 · Postage/Box Rent/Etc.	115.99
3459	Qwest	August	5390 · Telephone	161.47
3460	Tammy S. Keenan	October Janitorial	5396 · Janitorial	60.00
3461	Harrison, Dan	July, Aug. Sept. 2008	5020 · Director Fees	400.00
3461	Harrison, Dan	July, Aug., Sept. 2008	5230 · Directors' Expenses	66.66
3462	Couey, Kelly	July, Aug., Sept. 2008	5020 · Director Fees	400.00
3462	Couey, Kelly	July, Aug., Sept. 2008	5230 · Directors' Expenses	0.00
3463	Wampler, Bruce E.	July, Aug., Sept. 2008	5020 · Director Fees	300.00
3463	Wampler, Bruce E.	July, Aug., Sept. 2008	5230 · Directors' Expenses	90.90
3464	Grand River Consulting Corp.	Brd mtg & prep	5260 · Hydrology	475.00
3464	Grand River Consulting Corp.	Round Table	5260 · Hydrology	407.50
3464	Grand River Consulting Corp.	Website Development	5394 · Website	1,010.00
3465	Olszewski, Massih & Maurer, P.C.	Directors	5280 · Legal	96.00
3465	Olszewski, Massih & Maurer, P.C.	Prepare for/attend Brd mtg.	5280 · Legal	720.00
3465	Olszewski, Massih & Maurer, P.C.	Review resume	5280 · Legal	168.00
3465	Olszewski, Massih & Maurer, P.C.	Attend CRWCD Seminar in GJ	5280 · Legal	600.00
3465	Olszewski, Massih & Maurer, P.C.	Prepare info for auditor	5280 · Legal	240.00
3465	Olszewski, Massih & Maurer, P.C.	General	5280 · Legal	180.00
3466	Alpine Bank	Payroll deductions	2205-FICA/MED/FWT Payable	1,650.00
3467	Colorado Department of Revenue	Colorado Withholding	2210-Colorado With. Payable	900.00


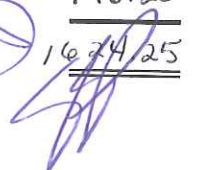
West Divide Water Conservancy District-General Fund
Bills to be Paid
October 16, 2008

3468	Edward Jones Investments	Company 3%	2227 · Simple IRA Payable	107.18
3468	Edward Jones Investments	Employee	2227 · Simple IRA Payable	1,084.00
3469	Zanella, Robert J.	July, Aug., Sept. 2008	5020 · Director Fees	600.00
3469	Zanella, Robert J.	July, Aug., Sept. 2008	5230 · Directors' Expenses	200.43
3470	Potter, Samuel B.	July, Aug., Sept. 2008	5020 · Director Fees	600.00
3470	Potter, Samuel B.	July, Aug., Sept. 2008	5230 · Directors' Expenses	113.12
3471	Maddock, Janet E	\$4030.01-\$435.25 Ins=\$3594.76	5221 · Salary	3,594.76
3471	Maddock, Janet E		2227 · Simple IRA Payable	-1,084.00
3471	Maddock, Janet E		2205-FICA/MED/FWT Payable	-1,375.00
3471	Maddock, Janet E		2210-Colorado With. Payable	-300.00
3472	Colorado State Treasurer	3rd 1/4 2008 Unemployment Tax	5226 · Unemployment Tax	<u>21.51</u>



20,588.83

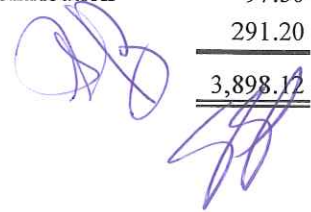
West Divide Water Conservancy District--Silt Interconnect
Bills to be Paid
October 16, 2008

Num	Name	Memo	Account	Amount
104	Olszewski, Massih & Maurer. P.C.	Regional Water System Rifle & Elk Creeks	7801 · Legal	828.00
105	Silt Water Conservancy District	Augmentation Plan	7850 · SWCD Reimbursement	796.25



16,742.25

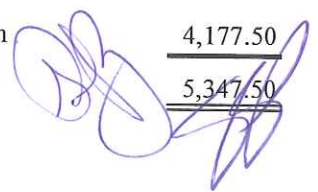
West Divide Water Conservancy District-General Stored Water
 Bills to be Paid
 October 16, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1738	Colorado Mountain News Media	Director aptmt	7046 · Legal Publications/filing fees	52.62
1739	BasePoint Design Corporation	Inv. #08-09-06 Addm #6	7080 · Capital Outlay--Alsburly	1,189.00
1740	Mesa County Clerk and Recorder	Inclusion recording	7070 · Memorandum Recording Fees	16.00
1741	Pitkin County Clerk & Recorder	Inclusions	7070 · Memorandum Recording Fees	16.00
1742	Garfield County Clerk and Recorder	Inclusions/Memorandums	7070 · Memorandum Recording Fees	38.00
1743	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	36.00
1743	Olszewski, Massih & Maurer, P.C.	Area A Umbrella 02CW123	7045 · Legal	552.00
1743	Olszewski, Massih & Maurer, P.C.	Alsburly	7045 · Legal	36.00
1743	Olszewski, Massih & Maurer, P.C.	Opposition to Rubino	7045 · Legal	60.00
1744	Grand River Consulting Corp.	Database	7030 · Hydrology	813.80
1744	Grand River Consulting Corp.	Alsburly	7030 · Hydrology	97.50
1744	Grand River Consulting Corp.	Crystal River Reservoirs	7030 · Hydrology	602.50
44	Grand River Consulting Corp.	Water Task Force	7078 · DOLA -- In-Kind Contribution	97.50
1744	Grand River Consulting Corp.	Water Acctg/Adm	7030 · Hydrology	291.20
				3,898.12



West Divide Water Conservancy District-Fourmile Creek
 Bills to be Paid
 October 16, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1512	Grand River Consulting Corp.	General	8030 · Hydrology	1,170.00
1513	Olszewski, Massih & Maurer, P.C.	Legal Litigation	8054 · Legal Litigation	4,177.50
				5,347.50



**WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org**

MEETING NOTICE

WHAT: Board of Directors Meeting

WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado

WHEN: Thursday, November 20, 2008

TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of October 16, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
4. 2007 Audit
5. 2009 Budgets
6. 2009 Rates Resolution
7. Colorado Watershed Steward
8. Water Contracts
9. Roundtable Report
10. Water Resources's Report
11. Alsbury Reservoir
12. Hydrologists' Report
13. Attorney's Report
14. Other
15. Adjourn

NEXT MEETING IS DECEMBER 11, 2008

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: November 20, 2008

Time: 9:00 a.m

Place: District Office
109 West Fourth Street
Rifle, Colorado

Name	Company/mailing address
1. Janet Maddock	
2. Ed Oszowski	
3. Bob Zanella	
4. [Signature]	
5. [Signature] Pete Blair	
6. Kerry Sundeen	
7. Mark Postrel	
8. Dan Hanson	
9. Kelly Couey	drove himself
10. Sam Potter	
11. [Signature]	
12. Steve Toppel DWR	
13. Bill West	
Chris Berger	Balcomb + Green Orion
Jim Pearce	Canyon Water Resources Orion.

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING November 20, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Kelly Couey, Vice President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan R. Harrison, Director
Janet Maddock, Office Manager
Maria Pastore, Hydrologist
Kerry D. Sundeen, Hydrologist
Edward B. Olszewski, Attorney

Directors and Staff Absent

Lyndie Pearson, CPA

Guests

Steve Trexel, Water Commissioner
Bill West, Water Commissioner
Eddie Rubin, Water Commissioner
Pete Blair, Blair and Associates, P.C.
Chris Geiger, Balcomb & Green P.C.
Jim Pearce, Canyon Water Resources, LLC

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:00 a.m. by President Samuel B. Potter.

MINUTES

Bruce E. Wampler moved the minutes of the October 16, 2008, meeting be approved as received; Robert J. Zanella seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Robert J. Zanella moved the attached list of bills be paid; Bruce E. Wampler seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the October 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

2007 AUDIT

Pete Blair of Blair and Associates, P.C. presented the 2007 audit. Discussion followed.

2009 BUDGET

Reviewed and revised the second draft of the 2009 budget. Final budget will be adopted at the next meeting on December 11.

2009 RATES RESOLUTION

Robert J. Zanella moved adoption of Resolution 08-04 (copy attached) setting the rates for 2009; seconded by Bruce E. Wampler; roll call. Samuel B. Potter –yes, Kelly Couey – yes, Bruce E. Wampler – yes, Robert J. Zanella – yes, Dan Harrison – yes. Resolution duly adopted.

COLORADO WATERSHED STEWARD

Discussed proposal letter from Denis Reich, CSU Extension, regarding establishing a watershed-wide plan. Discussion followed. Some interest. Kerry and Maria will further investigate.

WATER CONTRACTS

Orion Energy Partners: Robert J. Zanella moved approval of this application/contract for 180 af, Direct Pumping, from the Colorado River to a pipeline with the following stipulations:

- Contract is for priority diversions only;
- Contract is billed at the commercial/industrial rate;
- Contract is approved effective January 1, 2009.

Seconded by Bruce E. Wampler; motion carried.

Dawn M. Kelley assignment from **Troy H. and Dawn M. Kelley:** Robert J. Zanella moved approval of this assignment for 1 af domestic; seconded by Bruce E. Wampler; motion carried.

ROUNDTABLE REPORT

Received written and oral report from Robert J. Zanella.

WATER RESOURCES' S REPORT

Steve Trexel discussed four wells on East and West Divide Creeks that are out of priority. Two have West Divide contracts.

HYDROLOGISTS' REPORT

Kerry and Maria met with the Forest Service to bring them up to date with the Alsbury activities. Don't expect any big issues. Disposal of excavated material only issue.

Annual accounting for the State is finished.

Discussed feasibility of a rural/domestic water supply system for the Silt regional area. Met with the Silt Water Conservancy District and the Town of Silt. Kerry prepared a draft letter to be addressed to WDWCD, SWCD, and Town of Silt with a list of work tasks and cost of services estimated at \$8,500. The next workshop is December 10.

ATTORNEY'S REPORT

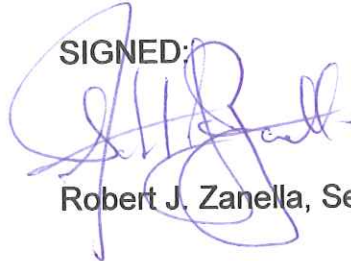
Received written and oral report. Authorized counsel to file Alsbury diligence application to make water right absolute for the Baldy Reservoir.

Dan Harrison was reappointed as a Director on October 27, 2008.

ADJOURN

Meeting was adjourned at 11:55 a.m.

SIGNED:



Robert J. Zanella, Secretary

ATTEST:



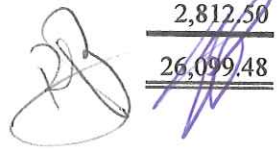
Samuel B. Potter, President

West Divide Water Conservancy District-General Fund
 Bills to be Paid
 November 20, 2008

Num	Name	Memo	Account	Amount
3473	Qwest	October	5390 · Telephone	163.53
3474	Remington Square	Dec.	5395 · Rent	611.00
3474	Remington Square	Oct.	5392 · Utilities	76.08
3475	Office Depot	Office Supplies	5100 · Office Supplies	342.32
3476	Tammy S. Keenan	November Janitorial	5396 · Janitorial	60.00
3477	Alpine Bank	84-0976632	2205-FICA/MED/FWT Payable	1,650.00
3478	Edward Jones Investments	Employer	2227 · Simple IRA Payable	107.18
3478	Edward Jones Investments	Employee	2227 · Simple IRA Payable	1,084.00
3479	Xcel Energy	September	5392 · Utilities	64.01
3480	Olszewski, Massih & Maurer, P.C.	Brd mtg, report	5280 · Legal	972.00
3480	Olszewski, Massih & Maurer, P.C.	Directors	5280 · Legal	192.00
3481	HRH of Colorado	Employer Dec.	5222 · Medical Insurance--Employee	415.60
3481	HRH of Colorado	Employee Dec.	5223 · Medical Insurance Dependent	435.25
3482	Barnes, Pearson & Associates, LLC	September Financial Stmt	5150 · Accounting	595.00
3482	Barnes, Pearson & Associates, LLC	3rd 1/4 payroll	5150 · Accounting	75.00
3482	Barnes, Pearson & Associates, LLC	Attend Oct. brd mtg.	5150 · Accounting	405.00
3483	Mountain Clear Water Company Inc.	bottled water	5100 · Office Supplies	23.05
3484	Xcel Energy	October	5392 · Utilities	53.90
3485	Capital One, F.S.B.	Credit Card	5300 · Postage/Box Rent/Etc.	229.80
3486	Maddock, Janet E	\$4030.01-\$435.25Ins.=	5221 · Salary	3,594.76
3486	Maddock, Janet E		2227 · Simple IRA Payable	-1,084.00
3486	Maddock, Janet E		2205-FICA/MED/FWT Payable	-1,375.00
3486	Maddock, Janet E		2210-Colorado With. Payable	-300.00
3487	Grand River Consulting Corp.	Brd mtgs/prep	5260 · Hydrology	642.50
3487	Grand River Consulting Corp.	Web development	5394 · Website	2,200.00
				<u>11,232.98</u>

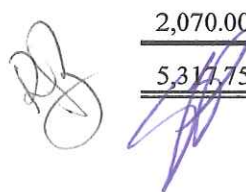
West Divide Water Conservancy District-General Stored Water
 Bills to be Paid
 November 20, 2008

Num	Name	Memo	Account	Amount
1002	U. S. Dept. of Interior Geological Survey	Bill #8-8582-0309 2nd 1/4ly billing	7079 · DOLA-- USGS	19,779.00
1745	Olszewski, Massih & Maurer, P.C.	Rock 'n Pines Opposition	7045 · Legal	36.00
1745	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	204.00
1745	Olszewski, Massih & Maurer, P.C.	02CW123	7045 · Legal	648.00
1745	Olszewski, Massih & Maurer, P.C.	General	7045 · Legal	384.00
1745	Olszewski, Massih & Maurer, P.C.	Alsbury	7045 · Legal	96.00
1745	Olszewski, Massih & Maurer, P.C.	Rubino Opposition	7045 · Legal	604.50
1745	Olszewski, Massih & Maurer, P.C.	Advanced costs	7045 · Legal	115.48
1746	Grand River Consulting Corp.	Crystal River Res.	7030 · Hydrology	32.50
1746	Grand River Consulting Corp.	2nd 1/4 billing correspondence	7078 · DOLA -- In-Kind Cont.	162.50
1746	Grand River Consulting Corp.	Alsbury	7030 · Hydrology	1,225.00
1746	Grand River Consulting Corp.	Water right acctg.	7030 · Hydrology	2,812.50
				<u>26,099.48</u>




West Divide Water Conservancy District-Fourmile Creek
 Bills to be Paid
 November 20, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1514	Olszewski, Massih & Maurer, P.C.	Sunlight litigation	8054 · Legal Litigation	3,204.00
1514	Olszewski, Massih & Maurer, P.C.	Zilm liigation	8054 · Legal Litigation	43.75
1515	Grand River Consulting Corp.	Water Right Assessment	8030 · Hydrology	<u>2,070.00</u>
				<u>5,317.75</u>



West Divide Water Conservancy District--Silt Interconnect
 Bills to be Paid
 November 20, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
106	Olszewski, Massih & Maurer. P.C.	Conference Call Expense	7801 · Legal	59.72
106	Olszewski, Massih & Maurer. P.C.	General	7801 · Legal	<u>600.00</u>
				<u>659.72</u>



WEST DIVIDE WATER CONSERVANCY DISTRICT

**RESOLUTION 08-04
2009 WATER ALLOTMENT CONTRACT RATES**

WHEREAS, the Board of Directors of the West Divide Water Conservancy District (WDWCD) sells augmentation/exchange water in Mesa, Pitkin, and Garfield counties;

WHEREAS, the Board of Directors of WDWCD annually reviews and sets rates for the following year;

THEREFORE, the Board of Directors of WDWCD hereby adopts those certain water rates as outlined on Exhibit A, attached hereto, to be the effective rates for 2009.

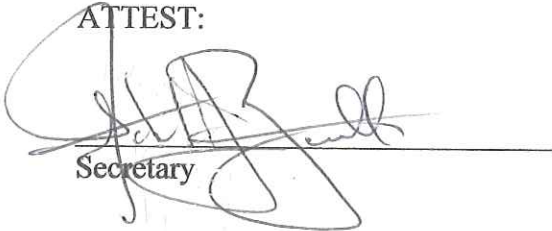
APPROVED AND ADOPTED THE 20th day of November, 2008.

WEST DIVIDE WATER CONSERVANCY
DISTRICT



President

ATTEST:



Secretary

**WEST DIVIDE WATER CONSERVANCY DISTRICT
2009 WATER ALLOTMENT CONTRACT RATES**

FEES:

Administration Fee (<i>non-refundable</i> application fee).....	\$250.00
Administration Fee for Complex or Incomplete Applications	
Requiring Additional District Services	500.00
Amend Contract.....	110.00
Assignment of Contract	110.00
Division and Assignment of Contract (per resulting contract)	110.00
Annexation Fee for 3 Lots or less (plus publication costs).....	150.00
Annexation Fee for more than 3 Lots (plus publication costs).....	300.00
Recording Fee	10.00
Colorado River Augmentation Plan Assessment (per contract acre foot)	55.00
Fourmile Augmentation Plan Assessment (per contract acre foot)	165.00
Alsby Augmentation Plan Assessment (per contract acre foot)	165.00
Silt Interconnect Augmentation Plan Assessment (per contract acre foot).....	165.00

WATER COSTS:

Minimum of one acre foot per contract

Colorado River Augmentation Plan

Domestic	\$135.00
Subdivision	160.00
Commercial/Industrial	185.00
Direct Hauling (total diversion per acre foot).....	450.00
<i>Contracts outside the WDWCD boundary</i>	<i>additional, per acre foot 25.00</i>
<i>(This surcharge is in lieu of taxes, or contractee may annex into the District)</i>	

Fourmile Augmentation Plan

Domestic	\$300.00
Subdivision	370.00
Commercial/Industrial	440.00
Direct Hauling (total diversion per acre foot).....	700.00
Snowmaking	1,000.00

Silt Interconnect Augmentation Plan

Domestic	\$300.00
Subdivision	370.00

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
(970) 625-5461
water@wdwcd.org

MEETING NOTICE

WHAT: Board of Directors Meeting
WHERE: West Divide Water Conservancy District Office
109 West Fourth Street
Rifle, Colorado
WHEN: Thursday, December 11, 2008
TIME: 9:00 a.m.

AGENDA

1. Call to Order
2. Minutes of November 20, 2008, meeting
3. Financial Report
 - a. Bills to be Paid
 - b. Financial Statements
4. Water Allotment Contracts
5. Roundtable Report
6. Water Resources's Report
7. Hydrologists' Report
8. Attorney's Report
9. Holiday Party
10. Election of Officers
11. Engagement of Hydrologist, Attorney, Accountant
12. Proposed 2009 Budget

PUBLIC HEARING (10:30 a.m.)

1. *Proposed 2009 Budgets*
 - a. *General Fund*
 - b. *General Stored Water Enterprise Fund*
 - c. *Fourmile Creek Enterprise Fund*
 - d. *Silt Interconnect Enterprise Fund*
2. *Resolution to Appropriate Sums of Money*
3. *Resolution to set Mill Levies*
4. *Resolution Designating all Year-end Fund Balances as a "Reserve Increase"*

Close public hearing

13. Adjourn

NEXT MEETING IS _____

WEST DIVIDE WATER CONSERVANCY DISTRICT
109 WEST FOURTH STREET
P. O. BOX 1478
RIFLE, COLORADO 81650-1478
TELEPHONE (970) 625-5461
FAX (970) 625-2796
water@wdwcd.org

Attendance Roster Board of Directors Meeting

Date: December 11, 2008

Time: 9:00 a.m

Place: District Office
 109 West Fourth Street
 Rifle, Colorado

Name	Company/mailling address
1. Janet Maddock	
2. Bob Zanella	
3. Bruce Wampler	
4. Steve Trefel	
5. Eddie Rubin	
6. Ed Oszowski	
7. Dan Hamlin	
8. Maria Pastre	
9. Kelly Sandeen	
10. Sarah Potter	
11.	
12.	
13.	

WEST DIVIDE WATER CONSERVANCY DISTRICT

MINUTES OF BOARD OF DIRECTORS MEETING December 11, 2008

ATTENDANCE ROSTER

Directors & Staff Present

Samuel B. Potter, President
Bruce E. Wampler, Treasurer
Robert J. Zanella, Secretary
Dan Harrison, Director
Janet Maddock, Office Manager
Kerry D. Sundeen, Hydrologist
Maria Pastore, Hydrologist
Edward B. Olszewski, Attorney

Directors and Staff Absent

Lyndie Pearson, CPA
Kelly Couey, Vice President, excused

Guests

Steve Trexel, Water Commissioner
Eddie Rubin, Water Commissioner

CALL TO ORDER

The regular Board of Directors meeting was called to order at 9:00 a.m. by President Samuel B. Potter.

MINUTES

Robert J. Zanella moved the minutes of the November 20, 2008, meeting be approved as received; Bruce E. Wampler seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Robert J. Zanella moved the attached list of bills be paid; Bruce E. Wampler seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the November 2008, Financial Statements as prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

WATER CONTRACTS

B&G Water Services, LLC: Robert J. Zanella moved to approve this application/contract for 1 af Direct Hauling; seconded by Bruce E. Wampler; motion carried.

ROUND TABLE REPORT

No report--no meeting this month.

WATER RESOURCES' S REPORT

Discussed contracts augmented by Alsbury Reservoir.

HYDROLOGISTS' REPORT

Discussed and reviewed draft of Alsbury Emergency Action Plan (EAP). It reflects what the dam will look like after the spillway modification. The EAP needs to be completed by the end of the month and an EAP team named.

Discussed Silt Rural Domestic System. Possible CRWCD grant money available.

ATTORNEY' S REPORT

Approval from the Silt Water Conservancy Directors and the Farmers' Irrigation Company Directors is needed to move the augmentation application forward. Their attorney is not getting any direction. Ed requested Sam to talk to Calvin or Dom.

Expect to have River District contract and option contract this month on the Ruedi water purchase.

HOLIDAY PARTY

Holiday party and next Board meeting scheduled for January 15, 2009. Meeting will be at 2:00 p.m.; party to follow at approximately 5:00 p.m. at Sammy' s Restaurant. President Potter to make arrangements.

ELECTION OF OFFICERS

Bruce E. Wampler moved to retain the current slate of officers; seconded by Robert J. Zanella ; motion carried.

ENGAGEMENT OF HYDROLOGIST, ATTORNEY, ACCOUNTANT

Bruce E. Wampler moved to retain the current hydrologist, attorney, and accountant; seconded by Robert J. Zanella; motion carried.

PUBLIC HEARING ON 2009 PROPOSED BUDGETS

At 10:40 a.m. the President announced the meeting would move into a public hearing regarding the 2009 proposed budgets, pursuant to the public notice published in the Post Independent and the Citizen Telegram announcing this meeting. No one from the public present, the Board of Directors proceeded to review the proposed 2009 budgets.

Robert J. Zanella moved to adopt Resolutions 08-05 through 08-11; seconded by Bruce E. Wampler; roll call: Samuel B. Potter -- yes; Kelly Couey -- absent; Dan

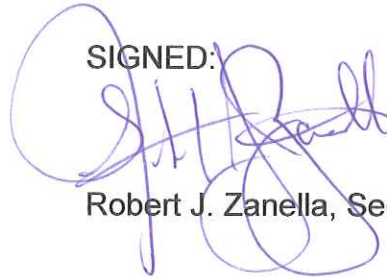
Harrison -- yes; Bruce E. Wampler--yes; Robert J. Zanella --yes. Resolutions duly adopted. (Copies attached)

Public meeting closed at 10:55 a.m.

ADJOURN

Meeting adjourned at 11:00 a.m. .

SIGNED:



Robert J. Zanella, Secretary

ATTEST:



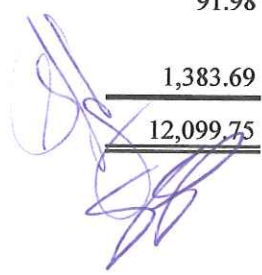
Samuel B. Potter, President

West Divide Water Conservancy District-General Fund
Bills to be Paid
December 11, 2008

Num	Name	Memo	Account	Amount
3488	Maddock, Janet E	\$4030.01-\$435.21Ins.=\$3594.76	5221 · Salary	3,594.76
3488	Maddock, Janet E		2227 · Simple IRA Payable	-1,084.00
3488	Maddock, Janet E		2205-FICA/MED/FWT Payable	-1,375.00
3488	Maddock, Janet E		2210-Colorado With. Payable	-300.00
3489	void			0.00
3490	void			0.00
3491	void			0.00
3492	Xcel Energy	November	5392 · Utilities	60.00
3493	Pinnacol Assurance	2009	5080 · Worker Comp. Ins.	293.00
3494	Colorado Mountain News Media	Budget notice	5290 · Legal Notices	27.32
3495	Alpine Bank	Payroll deductions	2205-FICA/MED/FWT Payable	1,650.00
3496	Edward Jones Investments	Employer	2227 · Simple IRA Payable	107.18
496	Edward Jones Investments	Employee	2227 · Simple IRA Payable	1,084.00
3497	Remington Square	January 2009	5395 · Rent	611.00
3498	Olszewski, Massih & Maurer, P.C.	Review Resume	5280 · Legal	120.00
3498	Olszewski, Massih & Maurer, P.C.	Prepare for/attend brd mtg	5280 · Legal	480.00
3498	Olszewski, Massih & Maurer, P.C.	General	5280 · Legal	192.00
3499	Qwest	November	5390 · Telephone	168.14
3500	Capital One, F.S.B.	Postage	5300 · Postage/Box Rent/Etc.	30.05
3501	Colo. Special Districts Property & Liab.	(2009)	5590 · Insurance-Prop. & Liability	585.00
3501	Colo. Special Districts Property & Liab.	(2009)	5610 · Insurance-E&O	470.79
3501	Colo. Special Districts Property & Liab.	(2008)	5580 · Insurance-Autos	197.00
3502	Potter, Samuel B.	Oct. Nov. Dec.	5020 · Director Fees	400.00
3502	Potter, Samuel B.	Oct. Nov. Dec.	5230 · Directors' Expenses	66.66
3503	Harrison, Dan	Oct. Nov. Dec.	5020 · Director Fees	300.00
3503	Harrison, Dan	Oct. Nov. Dec.	5230 · Directors' Expenses	33.34
3504	Couey, Kelly	Oct. Nov. Dec.	5020 · Director Fees	300.00
3504	Couey, Kelly	Oct. Nov. Dec.	5230 · Directors' Expenses	9.09

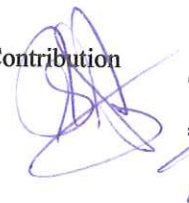
West Divide Water Conservancy District-General Fund
 Bills to be Paid
 December 11, 2008

3505	Zanella, Robert J.	Oct. Nov. Dec.	5020 · Director Fees	500.00
3505	Zanella, Robert J.	Oct. Nov. Dec.	5230 · Directors' Expenses	81.81
3506	Wampler, Bruce E.	Oct. Nov. Dec.	5020 · Director Fees	300.00
3506	Wampler, Bruce E.	Oct. Nov. Dec.	5230 · Directors' Expenses	199.09
3507	Grand River Consulting Corp.	Board meeting	5260 · Hydrology	295.00
3508	Sopris Surfers LLC	11/12/08 - 2/12/09	5393 · Internet	75.00
3509	Tammy S. Keenan	December	5396 · Janitorial	60.00
3510	HRH of Colorado	Employee Jan.	5222 · Medical Ins--Employee	415.60
3510	HRH of Colorado	Family Jan.	5223 · Medical Ins Dependent	435.25
3511	Club 20	2009 membership dues	5240 · Dues/Registration	200.00
3512	Postmaster	Stamps	5300 · Postage/Box Rent/Etc.	42.00
513	Remington Square	Nov. Utilities	5392-Utilities	91.98
5314	Jean's Printing	Stationery, business cards	5100-Office supplies	1,383.69


1,383.69
12,099.75

West Divide Water Conservancy District-General Stored Water
 Bills to be Paid
 December 11, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1747	Bureau of Reclamation	Ruedi I O & M 2008	7075 · USBR (Ruedi & Green Mtn.)	179.00
1748	Bureau of Reclamation	Ruedi II 2009	7075 · USBR (Ruedi & Green Mtn.)	34,943.00
1749	Olszewski, Massih & Maurer, P.C.	CRWCD	7045 · Legal	396.00
1749	Olszewski, Massih & Maurer, P.C.	Contracts	7045 · Legal	360.00
1749	Olszewski, Massih & Maurer, P.C.	Alsbury	7045 · Legal	240.00
1749	Olszewski, Massih & Maurer, P.C.	02CW123 Area A Umbrella	7045 · Legal	588.00
1749	Olszewski, Massih & Maurer, P.C.	Rubino	7045 · Legal	39.00
1749	Olszewski, Massih & Maurer, P.C.	CRWCD Ruedi Application	7046 · Legal Publications/filing fees	400.00
1749	Olszewski, Massih & Maurer, P.C.	02CW123	7046 · Legal Publications/filing fees	13.50
1750	Garfield County Clerk and Recorder	Memorandums	7070 · Memorandum Recording Fees	84.00
1751	Colo Special Districts Property & Liab.	(2009)	7040 · Insurance--Alsbury Gen Liab.	3,395.11
1752	Grand River Consulting Corp.	Annual Accounting	7030 · Hydrology	6,696.17
1752	Grand River Consulting Corp.	02CW281	7030 · Hydrology	360.00
752	Grand River Consulting Corp.	Alsbury	7030 · Hydrology	310.00
1752	Grand River Consulting Corp.	DOLA Project management	7078 · DOLA -- In-Kind Contribution	97.50
				48,101.28



West Divide Water Conservancy District-Fourmile Creek
Bills to be Paid
December 11, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
1516	Olszewski, Massih & Maurer, P.C.	Sunlight litigation	8054 · Legal Litigation	540.00
1516	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	144.00
1516	Olszewski, Massih & Maurer, P.C.	Zilm lit	8054 · Legal Litigation	624.00
1516	Olszewski, Massih & Maurer, P.C.	Advanced costs	8055 · Legal Publications/Filing Fees	13.50
1517	Price, David D.	2008 Minimum fee	8090 · Water Lease--Price, Ber., Zilm	739.78
1518	Void			
1519	Zilm, William M. and Charlotte B.	2008 af lease	8090 · Water Lease--Price, Ber., Zilm	5,496.30
1519	Zilm, William M. and Charlotte B.	2009 Miniumum fee	8090 · Water Lease--Price, Ber., Zilm	739.78
1520	Elk Meadows Properties LLC	2009 Minimum fee	8090 · Water Lease--Price, Ber., Zilm	739.78
1520	Elk Meadows Properties, LLC	2008 af lease	8090 · Water Lease--Price, Ber., Zilm	5,496.30
1521	General Stored Water	Loan payment	2240--Loan from General Stored Water	20,000.00
				<u>34,533.44</u>

West Divide Water Conservancy District--Silt Interconnect
Bills to be Paid
December 11, 2008

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
107	Farmers Irrigation Company	First 1/2 annual fee for 23 shares	7015 · Farmers Irrigation Water	109.25
108	Olszewski, Massih & Maurer. P.C.	Rural Water Supply	7801 · Legal	336.00
108	Olszewski, Massih & Maurer. P.C.	General	7801 · Legal	531.00
109	Grand River Consulting Corporation	General	7802 · Hydrology	1,220.00
				<u>2,196.25</u>

**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-05
RESOLUTION TO ADOPT 2009
GENERAL FUND BUDGET**

A resolution summarizing expenditures and revenues for each fund and adopting a budget for the West Divide Water Conservancy District, Colorado, for the calendar year beginning on the first day of January 2009, and ending on the last day of December 2009;

WHEREAS, the Board of Directors of the West Divide Water Conservancy District has hired Barnes, Pearson & Associates, LLC, to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget was submitted to this governing body on **October 16, 2008**, for consideration; and

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at the West Divide Water Conservancy District's office, 109 West Fourth Street, Rifle, Colorado; a public hearing was held on **December 11, 2008**; and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increase may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, be it resolved by the Board of Directors of the West Divide Water Conservancy District, Colorado:

1. That the budget as submitted and herein summarized by fund, hereby is approved and adopted as the budget of the West Divide Water Conservancy District for the year stated above.
2. That the budget hereby approved and adopted shall be signed by the President and Secretary and made a part of the public records of the West Divide Water Conservancy District.

ADOPTED this **11th** day of December, **2008**.

WEST DIVIDE WATER CONSERVANCY DISTRICT



Samuel B. Potter, President

ATTEST:



Secretary

WEST DIVIDE WATER CONSERVANCY DISTRICT
2009 BUDGET
GENERAL FUND

	2007 Actual	2008 Approved Budget	2008		Budget 2009
			Actual through August	Estimated Year-End	
FUND BALANCE BEGINNING	<u>\$ 157,406</u>	<u>\$ 131,354</u>	<u>\$ 138,832</u>	<u>\$ 138,832</u>	<u>\$ 81,463</u>
REVENUES					
General Property Taxes - Garfield	88,023	88,887	88,042	88,887	95,069
General Property Taxes - Mesa	680	1,030	1,028	1,030	1,350
General Property Taxes - Pitkin	1,342	1,556	1,471	1,556	1,451
Specific Ownership Tax	7,892	9,000	5,293	6,000	8,000
Personnel Service Reimbursement	-	-	-	-	41,701
Interest Income	6,961	9,000	2,476	3,800	4,000
Total Revenues	<u>104,898</u>	<u>109,473</u>	<u>98,310</u>	<u>101,273</u>	<u>151,571</u>
EXPENDITURES					
Personnel Services					
Director Fees	4,000	9,000	8,822	12,000	12,000
Director Expenses	1,015	2,500	1,518	2,000	2,000
Office Manager	39,276	42,943	28,368	42,943	46,431
Medical Insurance - Employee	3,616	4,800	3,286	4,930	5,200
Medical Insurance - Dependent	4,590	5,500	4,049	5,500	5,500
Simple IRA	1,097	1,288	840	1,288	1,400
Payroll Taxes	3,003	3,500	3,071	3,500	3,600
Unemployment Tax	114	-	73	120	120
Workers Comp Insurance	294	400	(20)	300	300
Total Personnel Services	<u>57,005</u>	<u>69,931</u>	<u>50,007</u>	<u>72,581</u>	<u>76,551</u>
Supplies					
Office Supplies and Copying	5,255	5,500	1,988	3,000	4,000
Total Supplies	<u>5,255</u>	<u>5,500</u>	<u>1,988</u>	<u>3,000</u>	<u>4,000</u>

WEST DIVIDE WATER CONSERVANCY DISTRICT
2009 BUDGET
GENERAL FUND

			2008		Budget 2009
	2007 Actual	2008 Approved Budget	Actual through August	Estimated Year-End	
Purchased Services					
Accounting	10,215	8,500	6,910	10,000	10,000
Audit Preparation	5,000	6,000	-	6,000	7,000
Budget Preparation	3,975	3,000	475	3,000	3,000
Dues/Registration	924	1,000	932	1,000	1,000
Public Relations	2,000	2,000	858	1,400	1,400
Hydrology	7,401	12,000	5,047	12,000	8,000
Legal	14,119	18,000	10,428	18,000	18,000
Legal Notices	74	150	-	100	100
Postage, Box Rent, etc.	1,075	1,000	699	1,000	1,000
Telephone	1,898	1,800	1,239	1,800	1,800
Internet Service	300	500	378	500	500
Website	-	15,000	7,363	15,000	5,000
Utilities	1,705	2,000	1,266	2,000	2,000
Total Purchased Services	48,686	70,950	35,595	71,800	58,800
Fixed Charges					
Bank Charges	-	25	-	-	20
Building Rent	5,499	6,700	4,888	6,700	9,000
County Treasurer's Fees	1,852	1,850	1,869	2,000	2,000
Insurance - Autos	197	200	197	197	200
Insurance - Prop & Liability	589	700	589	589	700
Insurance - Officer Blanket Bond	451	1,000	301	450	475
Insurance - E & O	510	1,000	485	525	600
Janitorial Services	785	1,000	480	800	900
Total Fixed Expenses	9,883	12,475	8,809	11,261	13,895
Other Expense					
Capital Outlay	2,643	81,971	-	-	79,788
Total Other Expense	2,643	81,971	-	-	79,788
Total Expenditures	123,472	240,827	96,399	158,642	233,034
FUND BALANCE ENDING	\$ 138,832	\$ -	\$ 140,743	\$ 81,463	\$ -
MILL LEVY		0.0769			0.0751
TAX LEVY		\$ 91,473			\$ 97,870

**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-06
RESOLUTION TO ADOPT 2009
GENERAL STORED WATER ENTERPRISE FUND BUDGET**

A resolution summarizing expenditures and revenues for each fund and adopting a budget for the West Divide Water Conservancy District, Colorado, for the calendar year beginning on the first day of January 2009, and ending on the last day of December 2009;

WHEREAS, the Board of Directors of the West Divide Water Conservancy District has hired Barnes, Pearson & Associates, LLC, to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget was submitted to this governing body on **October 16, 2008**, for consideration; and

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at the West Divide Water Conservancy District's office, 109 West Fourth Street, Rifle, Colorado; a public hearing was held on **December 11, 2008**; and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increase may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, be it resolved by the Board of Directors of the West Divide Water Conservancy District, Colorado:

1. That the budget as submitted and herein summarized by fund, hereby is approved and adopted as the budget of the West Divide Water Conservancy District for the year stated above.
2. That the budget hereby approved and adopted shall be signed by the President and Secretary and made a part of the public records of the West Divide Water Conservancy District.

ADOPTED this **11th** day of December, **2008**.

WEST DIVIDE WATER CONSERVANCY DISTRICT



Samuel B. Potter, President

ATTEST



Secretary

WEST DIVIDE WATER CONSERVANCY DISTRICT
2009 BUDGET
GENERAL STORED WATER

	2007 Actual	2008 Approved Budget	2008		Budget 2009
			Actual through August	Estimated Year-End	
FUND BALANCE BEGINNING	\$ 1,423,175	\$ 1,837,102	\$ 1,788,237	\$ 1,788,237	\$ 2,147,544
REVENUES					
DOLA Grant Reimbursement	-	-	-	19,779	150,000
Avalanche Canal & Siphon	1,200	1,200	1,200	1,200	1,200
Alsbury Contracts	18,046	10,000	4,468	4,468	5,000
Colorado River Contracts	399,618	375,000	402,324	404,000	410,000
Loan Reim Silt Interconnect	25,000	75,000	75,000	75,000	-
Grant-Chrystal River Reservoir	-	-	-	-	40,000
Interest Income	74,494	55,000	37,883	56,830	57,000
Total Revenues	518,358	516,200	520,875	561,277	663,200
EXPENDITURES					
Bank Charges	-	25	482	500	50
Brookings Hydrology	45,665	45,000	39,143	45,000	45,000
Insurance - Alsbury Gen Liability	3,670	4,000	4,112	4,112	4,000
Legal	9,180	10,000	5,221	10,000	10,000
Legal Publications and Filing Fees	1,018	2,000	-	2,000	2,000
Operating Costs - Alsbury	-	10,000	-	-	10,000
Permit U.S. Forest Service	-	500	-	-	500
Personnel Service Expense	-	-	-	-	33,851
Memorandum Recording Fees	461	1,000	265	500	500
U.S. Bureau of Reclamation Water	40,407	45,000	40,398	45,000	45,000
CRWCD - Wolford	250	1,000	278	300	500
CRWCD - Ruedi II	-	-	-	-	27,000
DOLA Grant Administration	-	20,000	-	-	-
DOLA- In-Kind Contributions	-	-	12,392	15,000	10,000
DOLA- USGS	-	-	19,779	39,558	150,000
Loan to Four Mile Creek	30,000	53,500	-	-	-
Grant Admin-Crystal R. Reservoirs	-	-	-	-	55,000
Capital Outlay - Alsbury	22,645	400,000	38,489	40,000	125,000
Capital Outlay	-	100,000	-	-	-
Total Expenditures	153,296	692,025	160,559	201,970	518,401
FUND BALANCE ENDING	\$ 1,788,237	\$ 1,661,277	\$ 2,148,553	\$ 2,147,544	\$ 2,292,343

**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-07
RESOLUTION TO ADOPT 2009
FOURMILE CREEK ENTERPRISE FUND BUDGET**

A resolution summarizing expenditures and revenues for each fund and adopting a budget for the West Divide Water Conservancy District, Colorado, for the calendar year beginning on the first day of January 2009, and ending on the last day of December 2009;

WHEREAS, the Board of Directors of the West Divide Water Conservancy District has hired Barnes, Pearson & Associates, LLC, to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget was submitted to this governing body on **October 16, 2008**, for consideration; and

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at the West Divide Water Conservancy District's office, 109 West Fourth Street, Rifle, Colorado; a public hearing was held on **December 11, 2008**; and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

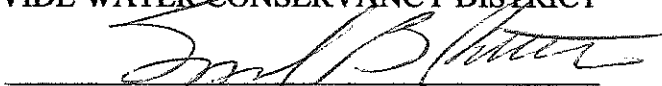
WHEREAS, whatever increase may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, be it resolved by the Board of Directors of the West Divide Water Conservancy District, Colorado:

1. That the budget as submitted and herein summarized by fund, hereby is approved and adopted as the budget of the West Divide Water Conservancy District for the year stated above.
2. That the budget hereby approved and adopted shall be signed by the President and Secretary and made a part of the public records of the West Divide Water Conservancy District.

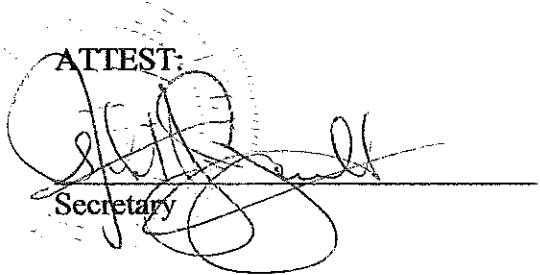
ADOPTED this **11th** day of December, **2008**.

WEST DIVIDE WATER CONSERVANCY DISTRICT



Samuel B. Potter, President

ATTEST:



Secretary

WEST DIVIDE WATER CONSERVANCY DISTRICT
2009 BUDGET
FOUR MILE CREEK (ENTERPRISE FUND)

	2007 Actual	2008 Approved Budget	2008		Budget 2009
			Actual through August	Estimated Year-End	
FUND BALANCE BEGINNING	\$ 3,997	\$ (54,853)	\$ 7,634	\$ 7,634	\$ 21,387
REVENUES					
Water Contracts	50,871	110,000	107,956	110,000	110,000
Excess Atkinson Ditch Water	2,141	2,200	2,216	2,216	2,200
Interest Income	199	200	327	490	450
Loan from Gen Stored Water	30,000	53,500	-	-	-
Total Revenues	83,211	165,900	110,499	112,706	112,650
EXPENDITURES					
Augmentation	2,691	3,900	3,903	3,903	3,900
Bank Charges	110	100	-	-	50
Hydrology	10,126	7,000	20,706	21,000	5,000
Hydrology - Litigation	-	-	-	-	10,000
Ind. Forbearance Pmt - Bershenyi	-	5,300	-	-	5,300
Operating Costs	-	5,000	-	-	1,000
Legal	49,057	35,000	11,669	35,000	35,000
Legal - Litigation	-	25,000	14,239	25,000	25,000
Legal Publication and Filing Fees	3,831	1,000	223	1,000	1,000
Personnel Service Expense	-	-	-	-	5,750
Recording Fees	39	50	42	50	50
Water Leasing - Price/Ber/Zilm	13,720	13,000	-	13,000	13,000
Capital Outlay	-	15,697	-	-	-
Total Expenditures	79,574	111,047	50,782	98,953	105,050
FUND BALANCE ENDING	\$ 7,634	\$ -	\$ 67,351	\$ 21,387	\$ 28,987

**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-08
RESOLUTION TO ADOPT 2009
SILT INTERCONNECT ENTERPRISE FUND BUDGET**

A resolution summarizing expenditures and revenues for each fund and adopting a budget for the West Divide Water Conservancy District, Colorado, for the calendar year beginning on the first day of January 2009, and ending on the last day of December 2009;

WHEREAS, the Board of Directors of the West Divide Water Conservancy District has hired Barnes, Pearson & Associates, LLC, to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget was submitted to this governing body on October 16, 2008, for consideration; and

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at the West Divide Water Conservancy District's office, 109 West Fourth Street, Rifle, Colorado; a public hearing was held on December 11, 2008; and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increase may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, be it resolved by the Board of Directors of the West Divide Water Conservancy District, Colorado:

1. That the budget as submitted and herein summarized by fund, hereby is approved and adopted as the budget of the West Divide Water Conservancy District for the year stated above.
2. That the budget hereby approved and adopted shall be signed by the President and Secretary and made a part of the public records of the West Divide Water Conservancy District.

ADOPTED this 11th day of December, 2008.

WEST DIVIDE WATER CONSERVANCY DISTRICT



Samuel B. Potter, President

ATTEST:



Secretary

WEST DIVIDE WATER CONSERVANCY DISTRICT
2009 BUDGET
SILT INTERCONNECT (ENTERPRISE FUND)

	2007 Actual	2008 Approved Budget	2008		Budget 2009
			Actual through August	Estimated Year-End	
FUND BALANCE BEGINNING	\$ 115,354	\$ 159,219	\$ 129,656	\$ 129,656	\$ 61,972
REVENUES					
Farmers' Irrigation Co.	10,125	10,500	10,125	10,125	10,125
Interest Income	2,050	1,500	605	910	1,000
Water Contracts	28,093	40,000	24,409	30,000	30,000
Grants - U.S. Dept of Interior	8,576	30,363	-	-	-
Grants - CRWCD	15,000	-	-	-	-
Grants - Silt Cost Share	-	-	-	-	-
Silt- In-Kind Income	-	-	1,360	1,360	-
Total Revenues	63,844	82,363	36,499	42,395	41,125
EXPENDITURES					
Rural Water Supply	-	-	-	-	10,000
Legal	5,508	5,000	6,846	7,000	10,000
Hydrology	16,201	5,000	18,319	18,319	15,000
Farmers' Irrigation	248	200	139	200	200
Warren Act/Nonproject Water	1,881	1,900	-	1,900	1,900
SWCD Operating	280	500	3,689	3,700	4,500
SWCD Joint Project Legal	-	-	-	-	2,500
Memorandum Fees	123	150	43	100	100
Maintenance	-	10,000	-	-	2,000
Legal Publication and Filing Fees	300	1,000	2,212	2,500	2,500
Personnel Service Expense	-	-	-	-	2,100
Bank Charges	1	-	-	-	-
Loan Pmt Gen Stored Water	25,000	75,000	75,000	75,000	-
Construction Expenses - Silt In-Kind	-	-	1,359	1,360	-
Total Expenditures	49,542	98,750	107,607	110,079	50,800
FUND BALANCE ENDING	\$ 129,656	\$ 142,832	\$ 58,548	\$ 61,972	\$ 52,297



**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-09
RESOLUTION TO APPROPRIATE SUMS OF MONEY**

A resolution appropriating sums of money to the various funds and spending agencies, in the amounts and for the purposes as set forth below, for the West Divide Water Conservancy District, Colorado, for the 2009 budget year;

WHEREAS, the Board of Directors of the West Divide Water Conservancy District has adopted the annual budget in accordance with the Local Government Budget Law on **December 11, 2008**; and

WHEREAS, the Board of Directors of the West Divide Water Conservancy District has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the District.

NOW, THEREFORE, be it resolved by the Board of Directors of the West Divide Water Conservancy District, Colorado:

That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

General Fund current operating expenses	\$ 233,034
General Stored Water Enterprise Fund current operating expenses	\$ 518,401
Four Mile Creek Enterprise Fund current operating expenses	\$ 105,050
Silt Interconnect Enterprise Fund current operating expenses	\$ 50,800

ADOPTED this 11th day of December, 2008.

WEST DIVIDE WATER CONSERVANCY DISTRICT



Samuel B. Potter, President

ATTEST:



Robert J. Zanella, Secretary

**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-10
RESOLUTION TO SET MILL LEVIES**

A resolution levying general property taxes for the year **2009**, to help defray the costs of government for the West Divide Water Conservancy District, Colorado, for the **2009** budget year.

WHEREAS, the Board of Directors of the West Divide Water Conservancy District has adopted the annual budget in accordance with the Local Government Budget Law on **December 11, 2008**; and

WHEREAS, the amount of money necessary to balance the budget for general operating purposes from property tax revenue is **\$97,870**; and

WHEREAS, the **2009** valuation for assessment for the West Divide Water Conservancy District as certified by the County Assessors is **\$1,298,744,190**.

NOW, THEREFORE, be it resolved by the Board of Directors of the West Divide Water Conservancy District, Colorado:

1. That for the purpose of meeting all general operating expenses of the West Divide Water Conservancy District during the **2009** budget year, there is hereby levied a tax of **.248** mills which includes a temporary property tax credit of **.173** mills for a total mill levy of **.075** upon each dollar of the total valuation for assessment of all taxable property within the West Divide Water Conservancy District for the year **2009**.

2. Janet Maddock is hereby authorized and directed to certify to the County Commissioners of Garfield, Pitkin, and Mesa counties, Colorado, the mill levies for the West Divide Water Conservancy District as hereinabove determined and set.

ADOPTED, this 11 day of **December, 2008**.

WEST DIVIDE WATER CONSERVANCY DISTRICT



Samuel B. Potter, President

ATTEST:



Robert J. Zanella, Secretary

**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 08-11
RESOLUTION DESIGNATING ALL YEAR-END
FUND BALANCES AS A "RESERVE INCREASE"**

WHEREAS, the West Divide Water Conservancy District is required to prepare an annual budget;

WHEREAS, the Board of Directors of the West Divide Water Conservancy District has considered the provisions of Article X, Section 20, of the Colorado Constitution and has attempted to comply with the terms thereof;

WHEREAS, the Board of Directors finds that it is appropriate to approve a resolution setting forth the intentions of the Board regarding such year-end fund balances for the year 2007;

NOW, THEREFORE, be it resolved by the Board of Directors of the West Divide Water Conservancy District that any and all year-end fund balances shall be considered a "reserve increase" and therefore a part of 2009 "fiscal year spending" within the meaning of Article X, Section 20(2)(e), of the Colorado Constitution.

READ, APPROVED, AND ADOPTED this 11th day of December, 2008.

WEST DIVIDE WATER CONSERVANCY DISTRICT



Samuel B. Potter, President

ATTEST:



Robert J. Zanella, Secretary