

**WEST DIVIDE WATER CONSERVANCY DISTRICT  
818 Taughenbaugh Blvd., Suite 101  
Rifle, Colorado 81650**

**MINUTES OF BOARD OF DIRECTORS MEETING  
October 21, 2021**

**CALL TO ORDER**

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

**ROLL CALL**

The following directors were present: President Samuel B. Potter, Vice President Dan R. Harrison, Treasurer Bruce E. Wampler via zoom, Secretary Richard L. McNeill and Director Kelly Couey was absent. Also in attendance were Tammy Keenan, Office Manager; Wendy Ryan via zoom, Colorado River Engineering, Inc.; Edward B. Olszewski, Counsel; Tiffanie Rudow via zoom, Accountant.

**PUBLIC COMMENT**

There was no comment from the public.

**MINUTES**

Richard L. McNeill moved the minutes of the September 16, 2021 meeting be approved as received with corrections; Dan R. Harrison seconded; motion carried.

**PUBLIC HEARING REGARDING INCLUSION PETITIONS**

Richard L. McNeill moved to open a public meeting; Dan R. Harrison seconded; motion carried. The president opened the Public Hearing at 9:05 a.m.. There was no comment from the public on the petitions of Shannon Ochoa, Iron Mountain Hot Springs or Don and Janice Nisbet for inclusion into the District boundaries. Notice was published in the Rifle Citizen Telegram and the Post Independent per C.R.S. 37-45-136. Richard L. McNeill moved to adopt Resolution 21-01 and attached Order; seconded by Dan R. Harrison roll call: Samuel B. Potter- yes; Dan R. Harrison-yes; Richard L. McNeill-yes; Bruce E. Wampler-yes. Resolution and Order duly adopted. (Copy attached.) Public hearing closed at 9:10 a.m.

**FINANCE REPORT**

**Bills to be Paid:** Richard L. McNeill moved the attached list of bills be paid; Bruce E. Wampler seconded; motion carried.

**Financial Statements:** Bruce E. Wampler moved the September 2021, Financial Statements prepared by Barnes, Pearson & Rudow, LLC be accepted; Richard L. McNeill seconded; motion carried.

**Barnes Pearson & Rudow PC 2022 Budget Engagement Letter:** Richard L. McNeill moved and directed the President to accept and sign the engagement letter; Dan R. Harrison seconded; motion carried

DRAFT 2022 BUDGETS

Tiffanie Rudow presented the 2022 budget and the board discussed the numbers.

RATE DISCUSSION

The board discussed the current rates compared to other Districts and the current inflation. Bruce E. Wampler moved to increase costs 12.5%, rounded to the next \$5.00 increment; Richard L McNeill seconded; motion carried.

Bruce E. Wampler moved to increase fees 25%, rounded to the next \$5.00 increment; Richard L McNeill seconded; motion carried.

POLICY REVIEW

The policy review was tabled until the November 18, 2021 meeting.

LEASE RENEWAL *at Bookcliff Professional Building*

After review and discussion of the current lease Bruce E. Wampler moved to exercise the lease option within the current lease; Dan R. Harrison seconded; motion carried.

WATER CONTRACTS

Richard L. McNeill moved approval of the following assignments; seconded by Bruce E. Wampler; motion carried; assignments approved.

**Kalob L. and Alexandra M. Foreman** assignment from **Lindsay Jo Jewell**, 1.00 a.f., domestic, General Stored Water.

**Miguel Gonzalez;** assignment from **Joel and Ruben Ruiz**, 1.00 a.f., domestic, General Stored Water.

**Armando Aragon;** assignment from **Randy Mandel**, 1.00 a.f., domestic, General Stored Water.

ROUNDTABLE REPORT

Received written and oral report from Richard L McNeill of the past meeting. The next meeting will be November 22, 2021.

HYDROLOGISTS' REPORT

Water Watch and Augmentation reports were provided and discussed with Wendy Ryan. East Divide Creek and Elk Creek are still currently on call.

**ACCOUNTING**

Meter readings are still being received. Water usage calculations have begun on the readings provided.

**ALSBURY RESERVOIR**

Wendy is planning a trip to the reservoir soon to close the outlet.

**CRYSTAL RIVER**

Wendy discussed the continued research and provided different scenarios showing size, location and demands.

**FLANNERY YIELD STUDY**

Wendy discussed the draft report and flow scenarios with the board, they will get their final comments to her soon.

**MARTIN RESERVOIR**

Releases were made on October 8 – 10<sup>th</sup>. A total of 1.54-acre feet were released from Martin #2. This included an overage of 0.32-acre feet to cover the depletions when the call came off. There will be no more releases for the season.

ATTORNEY'S REPORT

Received written and oral report from counsel.


NEW BUSINESS

The next meeting is scheduled for November 18, 2021.

ADJOURN

Meeting adjourned at 12:20p.m.

SIGNED:

  
Richard L. McNeill, Secretary

ATTEST:



Samuel B. Potter, President

**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 **Iron Mountain Hot Springs, LLC, Don and Janice Nisbet, and Shannon Ochoa** 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 has 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 District Office, 818 Taughenbaugh Blvd., #101, Rifle, Colorado on October 21, 2021 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 attached as Exhibits A, B and C, should properly be included within the District and made a part of existing Divisions 2 (**Iron Mountain Hot Springs, LLC**) and 3 (**Don and Janice Nisbet, and Shannon Ochoa**) of the District.

NOW, THEREFORE, IT IS HEREBY ORDERED that said Petitions of **Iron Mountain Hot Springs, LLC, Don and Janice Nisbet, and Shannon Ochoa** shall be and hereby are granted, and said lands, situated in the County of Garfield, State of Colorado, are hereby included within the District, to wit:

AND FURTHER ORDERED that said lands shall be included within and made a part of existing Divisions 2 and 3 of the District.

ADOPTED by the Board of Directors of the West Divide Water Conservancy District on the 21st day of October, 2021.

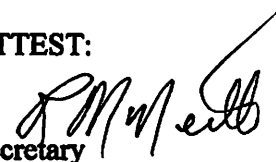
WEST DIVIDE WATER CONSERVANCY DISTRICT

By: \_\_\_\_\_

President

ATTEST:

Secretary

  
Secretary

**EXHIBIT A**  
**IRON MOUNTAIN HOT SPRINGS, LLC**  
**Property Description**

**PARCEL NO. 1:**

Lot 2  
Block 1  
North Glenwood Center  
In the City of Glenwood Springs

**PARCEL NO. 2:**

Lot 1  
Block 2  
North Glenwood Center  
In the City of Glenwood Springs

**PARCEL NO. 3:**

Tract 1) That part of Parcel No. 35-A of the State Department of Highways, Division of Highways, State of Colorado, Project No. I 70-1(8)113 Sec. 2, in the NW1/4NW1/4, Section 9, and Lot 8 Section 4, Township 6 South, Range 89 West of the 6th P.M., described as follows:

Beginning at a point on the South line of Section 4, Township 6 South, Range 89 West, from which point the SW corner of Section 4 bears N. 88°21' W. 727.5 feet;  
thence S. 88°21'E., along the South line of Section 4, 41.4 feet;  
thence along the arc of a curve to the right, having a radius of 5829.6 feet, 174.4 feet (the chord of this arc bears N. 36°02'30: W. 174.4 feet);  
thence S. 23°38'30"E. 152.6 feet, more or less, to the point of beginning

Tract 2) That part of said Parcel No. 35-A described as follows:

Beginning at a point on the North line of Section 9, Township 6 South, Range 89 West, from which point the NW corner of Section 9 bears N. 88°21'W. 727.5 feet;  
thence S. 23°38'30"E., along the Southerly right-of-way line of the Denver & Rio Grande Western Railroad, 561.9 feet to a concrete monument, being the monument described in Book 340 at Page 565, of the Garfield County records;  
thence N.39°06'30"E. 186.2 feet;  
thence along the arc of a curve to the right, having a radius of 5829.6 feet, 476.6 feet (the chord of this arc bears N.39°14'W. 476.4 feet) to the North line of Section 9;  
thence N. 88°21'W., along the North line of Section 9, 41.4 feet, more or less, to the point of beginning.

**EXCEPTING** all that portion of said Parcels 1) and 2) above described as follows, to-wit:

Beginning at the concrete monument referred to in the description of Tract 2) above, being that monument as described in Book 340 at Page 565, of the Garfield County records;  
thence N. 39°06'30"E. 186.21 feet;

thence along the arc of a curve to the right having a radius of 5829.6 feet, 137.64 feet (the chord of this arc bears N. 40°53'57"W. 137.64 feet);  
thence S. 42°31'33"W. 48.80 feet,  
thence S. 85°00' W. 84.50 feet;  
thence S. 23°38'30"E. 224.00 feet, more or less, to the point of beginning.

**Tract 3) A tract of land in the SW1/4SW1/4 Section 4 and the NW1/4NW1/4 Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., described as follows:**

**Beginning at a point whence the common corner to Sections 4, 5, 8 and 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., bears N. 88°21'W. 727.5 feet;**  
**thence S. 23°38'30"E. 561.9 feet;**  
**thence S. 39°06'30" W. 217.5 feet:**  
**thence N. 20°55'30" W. 239.3 feet;**  
**thence S. 46°38'30" W. 435.4 feet;**  
**thence N. 05°33'10" W. 1340.4 feet;**  
**thence S. 41°17'30" E. 579.5 feet;**  
**thence S. 23°38'30" E. 152.6 feet, more or less, to the point of beginning.**

**PARCEL NO. 4**

**A tract or parcel of land No. E-35 of the State Department of Highways, State of Colorado, Project No. 179-1(8)113 Sec, 2, in Lot 8 of Section 4, Township 6 South, Range 89 West of the 6<sup>th</sup> Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:**

**Beginning at a point from which the SW corner of Section 4, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., bears S. 79°52'30" W., a distance of 676.5 feet;**

- 1. Thence N. 29°47'30" W., a distance of 336.3 feet;**
- 2. Thence N. 72°07' W., a distance of 130.8 feet;**
- 3. Thence S. 41°17'30" E., a distance of 441.9 feet, more or less to the point of beginning.**

**EXHIBIT B**  
**Don and Janice Nisbet**  
**Property Description**

All that part of Lot 4, Section 4, Township 6 South, Range 91 West of the 6<sup>th</sup> P.M., lying Northerly of the County Road, as constructed and in use, described as follows;

Beginning at a point on the Westerly line of said Section 4, and on the Northerly line of said County Road; whence the West ¼ of said Section 4 bears South 1372.6 feet; thence North 458.00 feet along the Westerly line of said Section 4; thence North 84°31' East 146.67 feet; thence South 472.0 feet to a point on the Northerly line of said County Road; thence West 146.0 feet along the Northerly line of said County Road to the POINT OF BEGINNING.

**EXHIBIT C**  
**Shannon Ochoa**  
**Property Description**

A parcel of land situated in the SE  $\frac{1}{4}$  Section 6, Township 6 South, Range 91 West of the Sixth Principal Meridian, said parcel being that portion of that parcel described in Book 1085 at Page 177 lying north of County Road 214 and being more particularly described as follows:

Beginning at a point on the northerly right-of-way of County Road No. 214, whence the E  $\frac{1}{4}$  corner of said Section 6 bears N 77°25'49" W 987.26 feet; thence along said northerly right-of-way N 79°52'47" W 153.82 feet; thence N 70°56'50" W 137.27 feet; thence N 69°43'41" W 215.36 feet; thence departing said right-of-way, N 05°54'00" W 66.79 feet; thence N 89°55'13" E 471.69 feet; thence S 01°14'32" 213.60 feet to the Point of Beginning having an area of 1.648 acres.



**WEST DIVIDE WATER CONSERVANCY DISTRICT**

**RESOLUTION 21-01**

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

WHEREAS, **Iron Mountain Hot Springs, LLC, Don and Janice Nisbet, and Shannon Ochoa** 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 certain lands described on Exhibit A, B and C of 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 21st day of October, 2021.

SIGNED:



Samuel B. Potter, President

ATTEST:



Richard L. McNeill, Secretary

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thence S. 88°21'E., along the South line of Section 4, 41.4 feet;  
thence along the arc of a curve to the right, having a radius of 5829.6 feet, 174.4 feet (the chord of this arc bears N. 36°02'30: W. 174.4 feet);  
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**EXHIBIT C**  
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GENERAL FUND				
Num	Name	Memo	Account	Amount
DD1095	Keenan, Tamara S	Direct Deposit	5221 · Salary	2,300.21
5523	Bookcliff Professional Building, LLC	Escrow	5394 · Rent-Prop.Taxes/Ins/Utilities	200.00
5523	Bookcliff Professional Building, LLC	Rent	5395 · Rent--Office unit	943.94
5524	CEBT	TSK Health Ins	5222 · Medical Insurance--Employer	917.99
5525	Blair & Associates, P.C.	2020 Audit	5180 · Audit Preparation	7,500.00
5526	Barnes, Pearson & Rudow, PC	August Financials	5150 · Accounting	660.00
5526	Barnes, Pearson & Rudow, PC	September Financials	5150 · Accounting	660.00
eft	Capital One, F.S.B.	Water	5100 · Office Supplies	29.77
eft	Capital One, F.S.B.	postage, packets	5300 · Postage/Box Rent/Etc.	69.74
eft	Capital One, F.S.B.	Comcast	5390 · Telephone & Internet	163.58
eft	Capital One, F.S.B.	Zoom	5100 · Office Supplies	16.21
eft	Capital One, F.S.B.	Coffee, creamer, postage pd envel	5100 · Office Supplies	1,015.70
eft	Capital One, F.S.B.	Quickbooks Support	5100 · Office Supplies	89.95
5520	Couey, W. Kelly		5020 · Director Fees	297.30
5521	Harrison, Dan R.		5020 · Director Fees	426.82
5522	Potter, Samuel B.		5020 - Director Fees	311.85
DD1096	McNeill, Richard L	Direct Deposit	5020 · Director Fees	435.52
DD1097	Wampler, Bruce E	Direct Deposit	5020 · Director Fees	381.45
eft	Electronic Federal Tax Payment System 84-0976632		2205-FICA/MED/FWT Payable	1,061.42
eft	American Funds		2227 · Simple IRA Payable	97.13
eft	American Funds		2227 · Simple IRA Payable	226.63
5527	Olszewski, Massih & Maurer, P.C.	General	5280 · Legal	640.00
				<u>18,445.21</u>

GENERAL STORED WATER				
Num	Name	Memo	Account	Amount
2493	Olszewski, Massih & Maurer, P.C.	CRWCD	7047 · Legal--General	496.00
2493	Olszewski, Massih & Maurer, P.C.	Pioneer Ditch	7047 · Legal--General	192.00
2493	Olszewski, Massih & Maurer, P.C.	Inclusion	7047 · Legal--General	824.00
2493	Olszewski, Massih & Maurer, P.C.	Area A	7047 · Legal--General	464.00
2493	Olszewski, Massih & Maurer, P.C.	WD Diligence	7046 · Legal--WD project Diligence	240.00
2493	Olszewski, Massih & Maurer, P.C.	Crystal	7048 · Legal--Crystal River	48.00
2494	Colorado Mountain News Media	Inclusions	7044 · Legal Publications/filing fees	240.80
2495	Garfield County Clerk and Recorder	Memorandums	7070 · Memorandum Recording Fees	36.00
2496	Colorado River Engineering, Inc.	General	7032 · Hydrology--General	2,010.00
2496	Colorado River Engineering, Inc.	Pioneer Ditch	7030 · Hydrology	180.00
				<u>4,730.80</u>

FOURMILE CREEK

Num	Name	Memo	Account	Amount
1938	General Stored Water Enterprise Fund #14		1550 · Due from Other Funds	150.00
1939	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal--General	1,000.00
1939	Olszewski, Massih & Maurer, P.C.	Martin Diligence	8053 · Legal -- Martin Reservoirs	624.00
1939	Olszewski, Massih & Maurer, P.C.	Zilm Hydropower	8050 · Legal--General	68.00
1940	Colorado River Engineering, Inc.	Flannery Yield Operations	8030 · Hydrology	2,100.00
1940	Colorado River Engineering, Inc.	Releases and memo	8033 · Hydrology -- Martin # 1 & 2	894.60
1940	Colorado River Engineering, Inc.	Martin Diligence	8053 · Legal -- Martin Reservoirs	780.00
1940	Colorado River Engineering, Inc.	General	8030 · Hydrology	120.00
1940	Colorado River Engineering, Inc.	Calls w/Forest Service; Site visit	8080 · Maintenance - Martin Reservoir	300.00
				<u>6,036.60</u>

SILT INTERCONNECT

Num	Name	Memo	Account	Amount
511	Olszewski, Massih & Maurer, P.C.	Rifle Creek Diligence	7801 · Legal	88.00
512	Colorado River Engineering, Inc.	General	7802 · Hydrology	390.00
				<u>478.00</u>

*[Handwritten signatures and initials]*  
 731  
 699.60  
 98



# Barnes Pearson & Rudow PC

September 23, 2021

*Guiding you beyond tax season*

Board of Directors  
West Divide Water Conservancy District

We appreciate the opportunity to assist you with the preparation of the 2022 budget for the West Divide Water Conservancy District. To minimize the possibility of a misunderstanding between us, we are setting forth pertinent information about the services we will perform for you.

The budget preparation will encompass the following funds:

1. General Fund
2. General Stored Water
3. Silt Interconnect
4. Four Mile

We will prepare the following with respect to your budgets:

1. We will prepare the budget in a format acceptable to the Division of Local Governments.
2. We will perform the calculations relating to the specific revenue limitations - TABOR limitations and the 5.5% limitation.
3. We will provide Tammy with a format for completing the 2022 budget column with draft figures.
4. Once we receive the budget numbers from Tammy, we will input those in to the budget worksheet and will supply a draft budget for review and discussion at the October Board meeting.
5. A final budget will be submitted for approval at the December Board meeting. This will be subject to the final review of updated valuations that are generally received from the counties at the beginning of December.

West Divide Water Conservancy District (WDWCD) will prepare the following:

1. Tammy will supply the 2022 budget numbers for our input into the draft for Board review.
2. WDWCD will prepare the notification for the public notice.
3. Once the budget is final, WDWCD will complete all other required forms and submit the appropriate documentation to the respective counties and state.

Fees for the above listed services will be based upon the amount of time required at our standard billing rate plus out-of-pocket expenses. All invoices are due and payable upon presentation.

We will be pleased to discuss this letter with you at any time. If the forgoing is in accordance with your understanding, please sign the copy of this letter in the space provided and return it to us.

Sincerely;

*Barnes, Pearson & Rudow, PC*

Approved:

Board Member Signature

Sam B. Pearson

Printed Name

President

Title

10/21/2021

Date

Telephone: (970) 384-0400

1607 Grand Avenue, Suite 32 \* P.O. Box 2298 \* Glenwood Springs, CO 81602