

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

**MINUTES OF BOARD OF DIRECTORS MEETING
September 14, 2017**

CALL TO ORDER

The regular Board of Directors meeting was called to order at the District office at 10:00 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, Secretary Robert J. Zanella, and Director Kelly Couey was absent. Also in attendance were Tammy Keenan, Office Manager; Wendy Ryan, Colorado River Engineering, Inc.; Edward B. Olszewski, Counsel; and Laurie Rink, Middle Colorado Watershed Council

PUBLIC COMMENT

There was no comment from the public.

INTERGRATED WATER MANAGEMENT PLAN

Laurie Rink of the Middle Colorado Watershed Council presented the integrated water management plan.

2016 AUDIT

Brian Blair of Blair and Associates, P.C. presented the 2016 audit, followed by discussion.

MINUTES

Robert J. Zanella moved the minutes of the August 2017, 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 August 2017, Financial Statements prepared by Barnes, Pearson & Associates, LLC be accepted; Robert J. Zanella seconded; motion carried.

WATER CONTRACTS

Abel Esteban Gomez assignment from **Fiona Lloyd**: Robert J. Zanella moved approval of this assignment, 1 a.f., Domestic, General Stored Water; seconded by Bruce E. Wampler; motion carried.

Gary Sennett assignment from **Kent and Terry Hyrup**: Robert J. Zanella moved approval of this assignment, 1 a.f., Domestic, General Stored Water; seconded by Bruce E. Wampler; motion carried.

Davis and Tashka Alvey assignment from **Christa M. Hinckley**: Robert J. Zanella moved approval of this assignment, 1 a.f., Fourmile; seconded by Bruce E. Wampler; motion carried.

ROUNDTABLE REPORT

Received written and oral report from Dan R. Harrison of the August 22, 2017 meeting. The next meeting will be September 25, 2017.

HYDROLOGISTS' REPORT

Received oral report on pending projects from Wendy Ryan.

Alsbury Reservoir: On August 29, 2017 there was a field visit that showed the water level to be below the flat lined level of 37.2 AF. The outlet gate was fully opened and closed and then left closed for the winter. This will allow for as much in-priority storage as possible in the event that an early call on East Divide of Divide Creek occurs. This will be monitored closely in the spring.

The piezometer readings were all within the normal range.

The wetlands were inspected and no new beaver/muskrat damage was visible.

The slough area was measured and checked against the May measurements. At this time, no additional movement has occurred.

The spillway and seepage were inspected again and it was determined that the spillway could be grouted to slow the seepage through the sandstone layers.

Martin Reservoirs: On September 13, 2017 there was a field visit to perform the releases to cover the depletions by Oak Meadows (OMWA/OMSCO).

Martin #1 - a large hole has formed at the top of the dam. This will be monitored closely.

Martin # 2 – the entire reservoir will be released for OMWA/OMSCO augmentation.

Martin # 3 – the outlet gate will not open. The only way to release water at this time is with a siphon or pump.

The dam slopes were measured to get better estimates for the staff gages. The estimated cost of the staff gages is \$ 3,608. The board approved the installation be done in the fall of 2017.

ATTORNEY'S REPORT

Received written and oral report from counsel.

Robert J. Zanella moved to adopt Resolutions 17-01; seconded by Bruce Wampler. Resolutions duly adopted.

Roll call vote: Samuel B. Potter -- yes; Dan R. Harrison -- yes; Bruce E. Wampler-- yes; Robert J. Zanella --yes; Kelly Couey -- absent. Resolution duly adopted. (Copie attached)

NEW BUSINESS

The next meeting is scheduled for October 19, 2017.

TAMMY'S ANNUAL REVIEW

Robert J. Zanella moved to go into executive session per CRS 24-6-402(4) for the purpose of Tammy's annual review; seconded by Bruce E. Wampler; motion carried. At 12:45 p.m. the meeting moved out of executive session. Robert J. Zanella moved to raise Tammy Keenan's wage by \$400 per month; seconded by Bruce E. Wampler; motion carried. Tammy Keenan was given the option to shop for cheaper health insurance and the board will continue to cover her monthly premium. Her next annual review will be September 2018.

ADJOURN

Meeting adjourned at 1:00 p.m.

SIGNED:



Robert J. Zanella, Secretary

ATTEST:



Samuel B. Potter, President

GENERAL FUND

| Num | Name | Memo | Account | Amount |
|--------|---------------------------------------|--|--------------------------------------|----------|
| DD1013 | Keenan, Tamara S | Direct Deposit | 5221 · Salary | 1,291.07 |
| 5117 | Tammy S. Keenan | Sept 2017 | 5396 · Janitorial | 75.00 |
| 5118 | Bookcliff Professional Building, LLC | Escrow | 5394 · Rent-Prop.Taxes/Ins/Utilities | 200.00 |
| 5118 | Bookcliff Professional Building, LLC | Oct Rent | 5395 · Rent--Office unit | 854.00 |
| eft | Electronic Federal Tax Payment System | 84-0976632 | 2205-FICA/MED/FWT Payable | 552.94 |
| 5119 | CEBT | | 2100 · Payroll Liabilities | 700.96 |
| 5119 | CEBT | | 1575 · Insurance due from Janet | 631.00 |
| 5119 | CEBT | | 5222 · Medical Insurance--Employer | 645.34 |
| 5120 | Desktop Consulting, Inc. | Hosted exchange with Outlook | 5100 · Office Supplies | 156.00 |
| 5121 | Olszewski, Massih & Maurer, P.C. | General Legal | 5280 · Legal | 294.00 |
| 5121 | Olszewski, Massih & Maurer, P.C. | Water Rights | 5280 · Legal | 434.00 |
| 5122 | Capital One, F.S.B. | Postage, Stamped envelopes for billing | 5300 · Postage/Box Rent/Etc. | 732.37 |
| 5122 | Capital One, F.S.B. | Century Link | 5390 · Telephone & Internet | 121.06 |
| | | | | 6,687.74 |






GENERAL STORED WATER

| | | | | |
|------|------------------------------------|--|------------------------------------|-----------|
| 2254 | Garrett& Mindy Kennedy | void - replaced by 2255 | | 0 |
| 2255 | Land Title Guarantee | Wesson to Kennedy 84 Lariat Road | 1200 · Accounts Receivable | 360.00 |
| 2256 | General Fund | 3rd Q Reimbursement | 7061 · Accounting Fees Proration | 3,660.00 |
| 2256 | General Fund | 3rd Q Reimbursement | 7064 · Directors Fees Proration | 2,277.25 |
| 2256 | General Fund | 3rd Q Reimbursement | 7063 · Office Rent Proration | 2,537.75 |
| 2256 | General Fund | 3rd Q Reimbursement | 7062 · Personnel Service Proration | 7,336.25 |
| 2257 | Garfield County Clerk and Recorder | Memorandums | 7070 · Memorandum Recording Fees | 49.00 |
| 2258 | Colorado River Engineering, Inc. | Bd Mtg, new contracts, CO Water Plan G | 7032 · Hydrology--General | 4,525.10 |
| 2258 | Colorado River Engineering, Inc. | Site visit, readings and memo | 7034 · Hydrology--Alsbury | 1,600.00 |
| 2259 | Olszewski, Massih & Maurer, P.C. | Contracts | 7047 · Legal--General | 112.00 |
| 2259 | Olszewski, Massih & Maurer, P.C. | Alsbury Diligence | 7047 · Legal--General | 294.00 |
| 2259 | Olszewski, Massih & Maurer, P.C. | Area A | 7047 · Legal--General | 825.50 |
| 2259 | Olszewski, Massih & Maurer, P.C. | Emails | 7052 · Legal -- Kendig Reservoir | 22.50 |
| 2259 | Olszewski, Massih & Maurer, P.C. | Directors | 7045 · Legal | 98.00 |
| | | | | 23,697.35 |






FOURMILE

| | | | | |
|------|----------------------------------|---------------------|-------------------------------------|----------|
| 1780 | General Fund #1414008103 | 3rd Q Reimbursement | 8056 · Rent--office Space Proration | 618.75 |
| 1780 | General Fund #1414008103 | 3rd Q Reimbursement | 8058 · Accounting Fees Proration | 892.50 |
| 1780 | General Fund #1414008103 | 3rd Q Reimbursement | 8057 · Directors fees Proration | 555.25 |
| 1780 | General Fund #1414008103 | 3rd Q Reimbursement | 8059 · Personnel Service Proration | 1,789.00 |
| | | | | |
| 1781 | Colorado River Engineering, Inc. | General | 8030 · Hydrology | 240.00 |
| | | | | |
| 1782 | Olszewski, Massih & Maurer, P.C. | VOID | 8050 · Legal--General | 0.00 |
| | | | | |
| 1783 | Olszewski, Massih & Maurer, P.C. | General | 8050 · Legal--General | 1,604.00 |
| | | | | 5,699.50 |

SILT INTERCONNECT

| | | | | |
|-----|----------------------------------|---------------------|-------------------------------------|----------|
| 388 | General Fund 1414008103 | 3rd Q Reimbursement | 8100 · Rent--Office Space Proration | 353.50 |
| 388 | General Fund 1414008103 | 3rd Q Reimbursement | 8200 · Personnel Service Proration | 1,022.25 |
| 388 | General Fund 1414008103 | 3rd Q Reimbursement | 8400 · Directors Fees Proration | 317.25 |
| 388 | General Fund 1414008103 | 3rd Q Reimbursement | 8300 · Accounting Fees Proration | 510.00 |
| | | | | |
| 389 | Garfield County Clerk & Recorder | Memorandum | 8000 · Memorandum Recording Fees | 46.00 |
| | | | | 2,249.00 |

GRAND TOTAL **38,333.59**

**WEST DIVIDE WATER CONSERVANCY DISTRICT
RESOLUTION 17-01**

**RESOLUTION SETTING POLICY REGARDING
WATER FOR MARIJUANA CULTIVATION**

WHEREAS, West Divide Water Conservancy District (“West Divide”) provides augmentation water allotment contracts to various water users;

WHEREAS, certain water allotment contract applicants may seek water contracts for the cultivation of marijuana;

WHEREAS, many of West Divide’s augmentation sources are delivered from Federal Bureau of Reclamation facilities (Ruedi Reservoir and Green Mountain Reservoir) and pursuant to Federal law the cultivation of marijuana is illegal;

WHEREAS, West Divide shall not provide water from Federal facilities pursuant to any contract with the Bureau of Reclamation for the cultivation of marijuana;

WHEREAS, West Divide has other non-Federal facilities and water rights and may, in its sole and absolute discretion, provide water for the cultivation of marijuana from those non-Federal facilities and sources;

WHEREAS, this Policy shall apply to all current and future West Divide water allotment contracts.

NOW THEREFORE BE IT RESOLVED, that West Divide adopts the following Policy with respect to augmentation water allotment contracts related to the cultivation of marijuana:

Pursuant to Federal Law, the cultivation of marijuana is illegal. The U.S. Bureau of Reclamation has declared it unlawful to use Federal water facilities for the irrigation of marijuana or in furtherance of the cultivation of marijuana. The West Divide Water Conservancy District provides augmentation water to contractees from Ruedi Reservoir and Green Mountain Reservoir, both of which are Federal water facilities managed by the Bureau of Reclamation. Therefore, the West Divide Water Conservancy District will not contract to provide augmentation water from Ruedi Reservoir or Green Mountain Reservoir for the irrigation of marijuana or in furtherance of the cultivation of marijuana. Any such contracts shall be deemed null and void.

The West Divide Water Conservancy District owns or possesses delivery contracts for other non-Federal water sources from which the District is able to provide augmentation water for the irrigation of marijuana or in furtherance of the cultivation of marijuana. Should any contractee obtain

a water allotment contract from the West Divide Water Conservancy District for the augmentation or irrigation of marijuana or in furtherance of the cultivation of marijuana, any and all such water shall be deemed to come from the non-Federal sources referenced above.

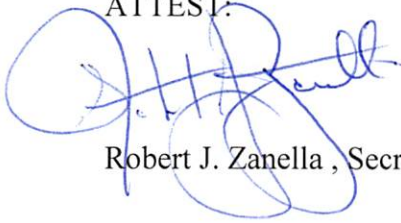
READ, APPROVED, AND ADOPTED this 14th day of September, 2017.

SIGNED:



Samuel B. Potter, President

ATTEST:



Robert J. Zanella , Secretary