

**MINUTES<sup>1</sup>**  
**SECOND REGULAR QUARTERLY MEETING OF THE**  
**BOARD OF DIRECTORS OF THE**  
**COLORADO RIVER WATER PROJECTS ENTERPRISE OF THE**  
**COLORADO RIVER WATER CONSERVATION DISTRICT**

**April 17, 2013**

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Pursuant to notice duly and properly given, the Second Regular Quarterly Meeting of the Board of Directors of the Colorado River Water Projects Enterprise of the Colorado River Water Conservation District (CRWCD) was held on Wednesday April 17, 2013 at the Hotel Denver, 402 7<sup>th</sup> Street, Glenwood Springs, Colorado.

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**Directors present during all or part of the meeting:**

James Newberry, President	Tom Alvey
David H. Merritt	Stan Whinnery
Andrew A. Mueller	Gary Martinez
John Ely	Kai Turner
Steve Acquafresca	

**Directors not present:**

Jon Stavney	Stephen M. Mathis
William S. Trampe	Rebie Hazard
Tom Gray	Thomas R. Sharp

**Others present during all or part of the meeting:**

Eric Kuhn, General Manager, CRWCD  
Peter Fleming, General Counsel, CRWCD  
Dan Birch, Deputy General Manager, CRWCD  
John Currier, Chief Engineer, CRWCD  
Mary Kalmes, Chief Accountant, CRWCD  
Chris Treese, Manager, External Affairs, CRWCD  
Jason Turner, Associate Counsel, CRWCD  
Audrey Turner, Administrative Chief, CRWCD  
Laurie DePaolo, Executive Assistant, CRWCD  
Jim Pokrandt, Communication & Education Specialist, CRWCD  
Ray Tenney, Deputy Chief Engineer, CRWCD  
Don Meyer, Sr. Water Resources Engineer, CRWCD  
Ian Philips, Accountant, CRWCD  
Dave Smith, Engineering Technician, CRWCD  
Martha Moore, Public Affairs Specialist, CRWCD  
Denise Hussain, Records Specialist, CRWCD  
Lorra Nichols, Paralegal, CRWCD

**Quorum.**

President Newberry found a quorum and called the meeting to order at 10:45 a.m.

**Review and Approve Meeting Agenda and Objectives.**

Peter Fleming requested the addition of Potential Transmountain Drought Mitigation Water Marketing Sales as agenda item 5.a.ii. and Proposed Approval of Pass-Through Contract with Aqua Ria as agenda item 5.b.iv. Director Mueller moved, seconded by Director Ely, to approve the agenda as amended. Motion carried

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<sup>1</sup> An audio recording has been made of the meeting. The motions described herein may not necessarily represent a verbatim transcription. The audio recordings are available for listening at the CRWCD offices during regular office hours. These minutes are the official record of the Colorado River Water Conservation District's meeting.

unanimously.

**Approval of Minutes and Actions Taken.**

Director Merritt moved, seconded by Director Mueller, to approve the minutes and actions taken at the First Regular Quarterly Meeting, January 16, 2013. Motion carried unanimously.

**Financial Matters.**

**Acceptance of Treasurer's Reports for December 2012 and January 2013:**

Director Merritt moved, seconded by Director Alvey, to accept the treasurer's reports and check registers for December 2012 and January 2013. Motion carried unanimously.

**Projects Operations Update.**

**Wolford Mountain Reservoir:**

John Currier reported that Wolford Mountain Reservoir is 42,000 AF down from its maximum storage capacity of 66,000 AF with current snowpack above the reservoir at 59% of normal. Mr. Currier also relayed that monitoring of the dam settlement is continuing.

Director Mueller moved, seconded by Director Ely, to extend a Continuing Services Agreement with Expert Excavation to October 31, 2013 for miscellaneous excavation work at Wolford Mountain Reservoir. Motion carried unanimously.

**Elkhead Reservoir:**

Ray Tenney reported that Elkhead Reservoir is expected to fill this year with snowpack above the reservoir at 73% of normal.

Director Mueller moved, seconded by Director Acquafresca, to approve a 5-year Continuing Services Agreement (CSA) with URS Corporation for wetlands monitoring and miscellaneous engineering services at Elkhead Reservoir in an amount not to exceed \$25,000 per year over the term of the CSA. Motion carried unanimously with Director Merritt abstaining from the vote.

**General Counsel's Report – Executive Session.**

Peter Fleming reported that the following matter qualified for discussion in Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations):

- i. River District Conditional Water Right for Wolford Mountain Reservoir Second Fill.

Director Mueller moved, seconded by Director Whinnery, to proceed into Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations). Motion carried unanimously.

Peter Fleming stated that no further record of the Executive Session need be kept based on his opinion that the discussion will constitute privileged attorney-client communications.

*President Newberry reconvened into Public Session at 11:27 a.m.*

**General Counsel's Report – Public Session.**

Peter Fleming reported that during Executive Session, the Board provided guidance to staff and General Counsel on the following matter:

- i. River District Conditional Water Right for Wolford Mountain Reservoir Second Fill.

Director Mueller moved, seconded by Director Acquafresca, to confirm the Board's intent to maintain the conditional portion of the Wolford Mountain Reservoir refill right and direct staff and Counsel to take steps

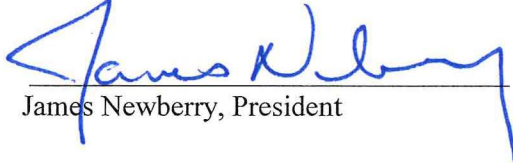
necessary to complete the appropriation in a reasonably expedient and efficient manner, consistent with Colorado law, and to direct staff and Counsel to file an application seeking reasonable diligence for the remaining conditional portion of the Wolford Mountain Reservoir Refill right, and claim to make the refill right absolute in the amounts, and for the beneficial purposes, justified by the operations of the reservoir and law. Motion carried unanimously.

Director Alvey moved, seconded by Director Whinnery, to ratify Statements of Opposition in the Application of Snake River Water District, Case No 12CW175, Water Division 5 and the Application of Inyanga Ranch LLC, Case No. 12CW191, Water Division 5. Motion carried unanimously.

Director Acquafresca moved, seconded by Director Alvey, to approve language to be inserted in all River District water marketing contracts that are used as an alternative source of supply for Green Mountain Reservoir water contracts that recognizes the Bureau of Reclamation's discretion to call for the water, yet still provides the River District operational flexibility to serve water from its various supplies, provided that water will meet Reclamation's intended purpose of protecting the Historic Users' Pool. Motion carried unanimously.

Director Alvey moved, seconded by Director Mueller, to approve a pass-through contract amendment with Aqua Ria in amount not to exceed \$38,305 for technical work associated with a 319 grant on behalf of the Middle Colorado River Watershed Partnership with a 1% management fee for the River District's Enterprise. Motion carried unanimously. Prior to the motion, it was disclosed that Aqua Ria principal, Laurie Rink, is the spouse of Deputy General Manager Dan Birch.

There being no further business before the Board, President Newberry adjourned the meeting at 11:40 a.m.

  
James Newberry, President

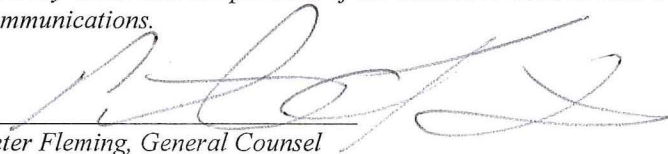
ATTEST:



R. Eric Kuhn, Secretary/General Manager

*Executive Session Attestations.*

*I hereby attest that the portions of the Executive Session that were not recorded constituted privileged attorney-client communications.*

  
Peter Fleming, General Counsel

