



**COLORADO RIVER DISTRICT**  
PROTECTING WESTERN COLORADO WATER SINCE 1937

**Notice**  
**Special Joint Meeting of the**  
**Board of Directors of the**  
**Colorado River Water Conservation District**  
**and of the Colorado River Water Conservation**  
**District Acting by and Through Its**  
**Colorado River Water Projects Enterprise**  
**December 8, 2021**  
**1:00 p.m.**  
**Virtual Meeting**

A special joint meeting of the Board of Directors of the Colorado River Water Conservation District and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise will be held on Wednesday, December 8, 2021, commencing at 1:00 p.m. (via Zoom).

***Please note it is anticipated that portions of the meeting  
will be held in Executive Session.***

You can register to attend and/or listen to the meeting live at:  
<https://crwcd-org.zoom.us/meeting/register/tZErfu2uqj8jG926eR39JwxrS0DFVXIYzIzg>

After registering, you will receive a confirmation email with instructions on accessing the meeting.



**COLORADO RIVER DISTRICT**  
PROTECTING WESTERN COLORADO WATER SINCE 1937

**Agenda**  
**Special Joint Meeting of the**  
**Board of Directors of the**  
**Colorado River Water Conservation District**  
**and of the Colorado River Water Conservation**  
**District Acting by and Through Its**  
**Colorado River Water Projects Enterprise**  
**December 8, 2021**  
**1:00 p.m.**  
**Virtual Meeting**

1. **2021 Triennial Salary Survey Update.**
2. **General Manager & General Counsel Personnel Review (Executive Session).**
  - a. Review and Summary of Personnel Executive Session.
3. **General Counsel's Report:**
  - a. Matters Proposed for Executive Session:
    - i. WOLFORD Mountain Reservoir. (An Enterprise Matter).
    - ii. Application of Colorado River District, Ouray County BOCC, Ouray County Water Users Association, and Tri-County Water Conservancy District in Case No. 19CW3098, Water Division 4, and Proposed Approval of Related No-Call Agreement with Co-Applicants and Objector, Uncompahgre Valley Water Users Association.
    - iii. Review and Summary of Executive Session.
  - b. Approval of Taylor Park Dam & Reservoir Agreement with Upper Gunnison River Water Conservancy District and Taylor River Hydro, LLC.
4. **Approval for Cloud Seeding Generator Purchase.**

**5. General Manager’s Report.**

*Please note it is anticipated that a portion of the meeting will be held in Executive Session.*

You can register to attend and/or listen to the meeting live at:  
<https://crwcd-org.zoom.us/meeting/register/tZErfu2uqj8jG926eR39JwxrS0DFVXIYzIzg>

After registering, you will receive a confirmation email with instructions on accessing the meeting.

The Board may address the agenda in any order to accommodate the needs of the Board and the Audience.

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Persons who need special accommodations due to a disability are requested to call the River District at  
970-945-8522 at least three days prior to the meeting.

This agenda may be viewed and printed from our website at  
[www.crwcd.org](http://www.crwcd.org)



# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD

**FROM:** AUDREY TURNER, CHIEF OF OPERATIONS

**SUBJECT:** TRIENNIAL SALARY SURVEY PRESENTATION

**DATE:** DECEMBER 6, 2021

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***ACTION:*** Staff recommends Board approval of the recommended salary ranges for the General Manager and General Counsel, and delegation to the General Manager and General Counsel to make salary range adjustments for their respective staff based on recommendations as outlined in the report.

**STRATEGIC INITIATIVE(S):**

***11. River District Staff Resources:*** For the River District to successfully fulfill its mission and meet strategic initiatives of the organization, it is imperative to attract and retain a highly qualified staff. The River District values each employee and their contributions and recognizes that the success of the organization depends heavily on the success of its employees.

***11. A. The River District will seek to be an attractive and competitive employer in the region, state, and water community. This includes maintaining, to the best of its ability, a highly competitive compensation package and supporting the work-life balance that is valued by the District and its employees.***

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### **I. Introduction**

We reported to the Board in October that we were making progress on the salary survey utilizing a new consultant, Peter R. Johnson & Company (PRJ). The consultant has completed the study and the report is included with this memo. Robin Drew, Managing Principal at PRJ, will be presenting the report findings at the meeting.

In October, staff provided a detailed memo about the District's compensation philosophy and salary survey history. Given the time allotted at the special meeting on Wednesday, December 8<sup>th</sup>, and the other important agenda items, we do not propose to cover the background of the study process and propose to focus on the primary salary survey findings and recommendations.



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## **II. Salary Survey Findings and Recommendations**

As we anticipated, there are numerous positions with recommendations for range adjustments. As our consultant will discuss with the Board, there has been significant wage growth across all industries and across the country. While we have made annual adjustments to the salary ranges based on survey data from Employers Council, the annual adjustments have not kept up in most circumstances.

Two other factors influencing the range changes are the development of new positions and modifications to previous positions since the last survey in 2018 (e.g. Chief of Operations, Director of Strategic Partnerships, Technical Directors, and External Affairs Directors) and the narrowing of the threshold for adjustment to ranges from 90-110% of the target to 95-105% of the target.

The consultant also recommended that the salary ranges be broadened to better align with the market standard and allow for more flexibility in hiring and retaining employees. The District has not addressed salary range spreads for over a decade, and we agree with the consultants' recommendations. It is important to note that increasing the range spread does not impact the midpoint, which is what the salary survey study focused on.

The 2021 report is shorter and simpler than previous years. We hope that the Board and staff find the presentation of the data much easier to understand. Previous reports caused confusion because they contained significant background data and different methods of portraying similar information.

Please recall that the salary survey addresses position ranges only. Individual staff salaries fall within the salary ranges, and although the salary range may be adjusted, it does not necessarily equate to an individual salary adjustment. The Board is only responsible for setting the salaries of the General Manager and General Counsel.

## **III. General Manager and General Counsel Salary Ranges**

The consultants have recommended new salary ranges for the General Manager ("GM") and General Counsel ("GC"), with a 12.3% increase to the midpoint for GM and 7.4% increase to the midpoint for GC. The General Counsel salary range last had a market adjustment in 2012 as a result of the salary survey. The General Manager salary range has not had a market adjustment based on the salary survey since 2006, although it was below the market target in 2018 and 2015 (96% and 93% respectively). While the annual range adjustments have helped, the survey indicates that they have not kept pace with the market. I believe the survey data supports a salary range adjustment for both positions in 2021.

## **IV. Inflation and Cost of Living**

The River District historically has made salary adjustments based on regional survey data from Employers Council, not the cost of living. Included in the 2022 budget is a staff-wide salary increase pool of 3.7% based on survey data from Employers' Council. This does not mean that



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each employee will receive a 3.7% salary increase. Instead, the budgeted 3.7% salary increase pool will be allocated amongst employees utilizing a merit-based performance review system.

I am certain that you are all aware that inflation is much higher than 3.7% this year. Recent projections show that inflation will end up at 6% for the year. If the Board is willing, I would suggest that the River District consider a separate supplemental cost-of-living adjustment for 2022 salaries in the amount of \$2,500 per employee. If approved, the 2022 budget will need to be amended next fall to account for the adjustment.



# COLORADO RIVER DISTRICT

## MARKET PRICING AND CUSTOM SURVEY RESULTS

December 2021

Prepared by: Peter R. Johnson & Company  
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HRComp@prjandco.com Robin@prjandco.com

Strategic Compensation Solutions. Valuable Results

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## **Executive Summary**

### **Introduction**

Peter R. Johnson & Company (PRJ), specialists in compensation consulting, was retained by the Colorado River District (CRWCD) for the purpose of conducting a compensation review and custom salary survey for its positions. The following information details the project methodology.

### **Methodology**

- Initially, Peter R. Johnson & Company (PRJ) gathered organizational information in the form of base compensation, current salary ranges, and other data, as necessary.
- Conducted meetings with the General Manager/CEO, Chief of Operations/COO and General Counsel.
- Reviewed published surveys for competitive labor market comparisons.
- “Matched” positions to survey job descriptions to ensure appropriate comparisons.
- Competitive labor market has been defined to include organizations of a similar size (revenues, number of employees), geographic region and industry.
- Data was extracted and tabulated from the published surveys based upon the cluster comparisons noted above. The 65<sup>th</sup> percentile of the market data was utilized in the analysis.
- A custom survey was designed and distributed to a set of peer institutions identified by CRWCD. Results were tabulated following the receipt of 14 survey responses.

Once competitive labor market rates were identified, the consultant revised the salary structure for each position which reflects the trend of data. Specifically, the 65<sup>th</sup> percentile of the market data and the 65<sup>th</sup> percentile of the custom survey data were weighted equally in the calculation of new market rate for the position. Average market rates between 95% and 105% of the current midpoints resulted in no change to the midpoint; Market rates falling below 95% or above 105% resulted in an update to the midpoint to the newly calculated market rate for the position.

## Executive Summary

This section highlights top level findings and results from the Market Pricing and Custom Survey:

### Recommendations & Observations

#### Range Midpoint Adjustments

- 19 out of 25 midpoints are recommended to be adjusted upward.
- 6 out of 25 midpoints are recommended to remain unchanged
- No positions are recommended to experience a reduction in the position midpoint.

The average of the market and custom survey data reflects a range of between 95.6% to 115.0% when compared to current midpoints.

#### Range Spreads

We recommend increasing range spreads based on the position to between 50 and 80%.

It is recommended that range spreads be increased across the organization to allow for added flexibility in compensation. This is especially important for employees with long tenure to avoid “maxing” out of the range. Typically, lower level positions have narrower range spreads and more senior positions have broader range spreads. We recommend this approach across industries and geographies as a market-leading tool for managing an organization’s compensation program.

#### Notable Market Data Changes

7 positions will experience a midpoint adjustment of 10% or greater.

<u>Job Title</u>	<u>Market &amp; Custom Survey Average compared to current Midpoint</u>
Director of Technical Advocacy	115.0%
Accountant	114.4%
Contract Administrator/Information Specialist	113.6%
Chief of Operations/COO	113.4%
General Manager/CEO	112.3%
Water Resources Engineer	110.8%
Project Caretaker/Dam Operator II	110.0%

## Executive Summary (continued)

### Positions with No Midpoint Adjustment

The midpoints for the following 6 positions will remain unchanged:

<u>Job Title</u>	<u>Market &amp; Custom Survey Average compared to current Midpoint</u>
Director of Science & Interstate Matters	104.1%
Public Relations & Media Specialist	103.0%
Water Resources Specialist	101.7%
Administrative Assistant	99.9%
Staff Attorney	97.7%
Senior Water Resources Specialist	95.6%

### Custom Survey

- 14 out of 24 invited organizations participated in the survey (58%) – participants are listed on page 8 of this report
- Organizational size varied widely among survey participants.
- State distribution of the participants is as follows:
  - Colorado – 10
  - California – 2
  - Arizona – 1
  - Nevada – 1

## External Salary Sources

PRJ utilized the following external resources throughout the compensation project. All our research is based on an appropriate array of current and validated data sources to access the most relevant market data by industry, geography, and organization size, thus ensuring the necessary levels of source integrity and objectivity.

- 1) Economic Research Institute - Salary Assessor
  - Cluster 1 – Colorado State, Engineering, Environmental & Protection Services
  - Cluster 2 – Colorado State, All Industries
  - Cluster 3 – Colorado State, Government Relations
  - Cluster 4 – Colorado State, Public Administration
- 2) Economic Research Institute - Executive Assessor
  - Cluster 1 - Colorado - Engineering, Environmental & Protection Services, \$20mm Revenue
  - Cluster 2 - Colorado - All Industries, \$20mm Revenue
  - Cluster 3 - Colorado - Government Relations, \$20mm Revenue
  - Cluster 4 - Colorado - Colorado State, Public Administration, \$20mm Revenue
- 3) CompAnalyst
  - Cluster 1 - Colorado (State), Public Administration, \$10mm- \$50mm Revenues
  - Cluster 2 - Colorado (State), Architectural & Engineering Services, \$10mm- \$50mm Revenues
  - Cluster 3 - Colorado (State), Civic & Environmental Advocacy, \$10mm - \$50mm Revenues
  - Cluster 4 - Colorado (State), Public Administration, 50 - 100 FTEs
  - Cluster 5 - Colorado (State), Architectural & Engineering Services, 50 - 100 FTEs
  - Cluster 6 - Colorado (State), Civic & Environmental Advocacy, 50 - 100 FTEs
- 4) American Council of Engineering Companies (ACEC) – 2021 Survey - Colorado
- 5) Employers Council – 2021 Benchmark Compensation Survey (AZ, UT, CO, WY)
- 6) Employers Council – 2021 Public Employers Compensation Survey
- 7) Peter R. Johnson & Company Confidential Client Files

## External Salary Comparisons

<u>Job Title</u>	<u>Current Position Midpoint</u>	<u>External Market Data - 65th</u>	<u>Custom Survey Results - 65th</u>	<u>Average of Market &amp; Custom Survey</u>	<u>Average compared to current Midpoint</u>	<u>Recommended New Midpoint</u>	
General Manager/CEO	\$193,529	\$210,127	\$224,720	\$217,424	112.3%	\$217,424	
General Counsel	\$227,654	\$237,841	\$251,373	\$244,607	107.4%	\$244,607	
Chief of Operations/COO	\$167,367	\$186,208	\$193,442	\$189,825	113.4%	\$189,825	
Director of Asset Management/Chief Engineer	\$142,847	\$151,728	\$154,201	\$152,964	107.1%	\$152,964	
Director of Technical Advocacy	\$142,847	\$164,289	insufficient data reported	\$164,289	115.0%	\$164,289	
Director of Science & Interstate Matters	\$142,847	\$154,004	\$143,415	\$148,710	104.1%	\$142,847	no change
Senior Water Resources Engineer	\$126,138	\$132,647	\$132,601	\$132,624	105.1%	\$132,624	
Water Resources Engineer	\$104,290	\$112,522	\$118,650	\$115,586	110.8%	\$115,586	
Senior Water Resources Specialist	\$124,025	\$122,909	\$114,271	\$118,590	95.6%	\$124,025	no change
Water Resources Specialist	\$97,530	\$100,943	\$97,351	\$99,147	101.7%	\$97,530	no change
Engineering Technician	\$66,197	\$70,656	\$72,512	\$71,584	108.1%	\$71,584	
Project Caretaker/Dam Operator II	\$67,388	\$77,154	\$71,124	\$74,139	110.0%	\$74,139	

## External Salary Comparisons

<u>Job Title</u>	<u>Current Position Midpoint</u>	<u>External Market Data - 65th</u>	<u>Custom Survey Results - 65th</u>	<u>Average of Market &amp; Custom Survey</u>	<u>Average compared to current Midpoint</u>	<u>Recommended New Midpoint</u>	
Project Caretaker/Dam Operator I	\$57,556	\$64,304	\$59,717	\$62,010	107.7%	\$62,010	
Senior Counsel	\$177,114	\$185,900	\$196,440	\$191,170	107.9%	\$191,170	
Staff Attorney	\$97,675	\$97,600	\$93,181	\$95,390	97.7%	\$97,675	no change
Paralegal	\$70,352	\$74,477	\$73,803	\$74,140	105.4%	\$74,140	
Director of Government Relations	\$110,944	\$116,650	\$122,253	\$119,452	107.7%	\$119,452	
Director of Public Relations	\$110,944	\$114,500	\$123,468	\$118,984	107.2%	\$118,984	
Public Relations & Media Specialist	\$70,673	\$73,100	\$72,517	\$72,808	103.0%	\$70,673	no change
Director of Strategic Partnerships	\$124,025	\$134,200	insufficient data reported	\$134,200	108.2%	\$134,200	
Chief Accountant	\$114,557	\$124,597	\$124,910	\$124,754	108.9%	\$124,754	
Accountant	\$66,447	\$72,150	\$79,869	\$76,009	114.4%	\$76,009	
Contract Administrator/Information Specialist	\$72,743	\$74,400	\$90,806	\$82,603	113.6%	\$82,603	
Executive Assistant	\$64,734	\$66,707	\$71,016	\$68,862	106.4%	\$68,862	
Administrative Assistant	\$56,550	\$58,556	\$54,408	\$56,482	99.9%	\$56,550	no change

## Recommended Updated Position Ranges

<b><u>Job Title</u></b>	<b><u>Minimum</u></b>	<b><u>Midpoint</u></b>	<b><u>Maximum</u></b>
General Manager/CEO	\$155,303	\$217,424	\$279,545
General Counsel	\$174,719	\$244,607	\$314,495
Chief of Operations/COO	\$140,611	\$189,825	\$239,039
Director of Asset Management/Chief Engineer	\$113,307	\$152,964	\$192,622
Director of Technical Advocacy	\$121,696	\$164,289	\$206,882
Director of Science & Interstate Matters *	\$105,813	\$142,847	\$179,881
Senior Water Resources Engineer	\$102,018	\$132,624	\$163,229
Water Resources Engineer	\$88,912	\$115,586	\$142,259
Senior Water Resources Specialist *	\$95,404	\$124,025	\$152,645
Water Resources Specialist *	\$75,023	\$97,530	\$120,037
Engineering Technician	\$57,267	\$71,584	\$85,901
Project Caretaker/Dam Operator II	\$59,311	\$74,139	\$88,967
Project Caretaker/Dam Operator I	\$49,608	\$62,010	\$74,413
Senior Counsel	\$141,608	\$191,170	\$240,732
Staff Attorney *	\$75,135	\$97,675	\$120,215
Paralegal	\$59,312	\$74,140	\$88,968
Director of Government Relations	\$88,483	\$119,452	\$150,420
Director of Public Relations	\$88,136	\$118,984	\$149,832
Public Relations & Media Specialist *	\$56,538	\$70,673	\$84,808
Director of Strategic Partnerships	\$99,407	\$134,200	\$168,993
Chief Accountant	\$95,964	\$124,754	\$153,543
Accountant	\$60,808	\$76,009	\$91,211
Contract Administrator/Information Specialist	\$66,082	\$82,603	\$99,124
Executive Assistant	\$55,089	\$68,862	\$82,634
Administrative Assistant *	\$45,240	\$56,550	\$67,861

\* Indicates the market data did not result in a recommended update to the position's midpoint.

## **Custom Salary Survey – Participants and Methodology**

### **Participating Organizations**

Central Arizona Project  
City of Grand Junction  
Coachella Valley Water District  
Colorado Water Conservation Board  
Denver Water  
Dolores Water Conservancy District  
Eagle River Water and Sanitation District  
Las Vegas Valley Water District/Southern Nevada Water Authority  
Metropolitan Water District of Southern California  
Montrose County  
Southwestern Water Conservation District  
Upper Gunnison River Water Conservancy District  
Upper Yampa Water Conservancy District  
Ute Water Conservancy



## **Custom Salary Survey – Participants and Methodology**

(continued)

### **Geographic Differentials**

The following represent geographic differentials among the base locations of participating organizations:

<b>LOCATION</b>	<b>Salary Geographic Differential (compared to CO state Avg)</b>
NV – Las Vegas	101.2%
AZ – Phoenix	94.2%
CA – Los Angeles	113.9%
CA - Palm Desert	106.2%

Salary data provided by respondents located in areas with a salary differential of <100% or close to 100% compared with Colorado were not adjusted upward. However, data provided for respondents from California were adjusted downward based on the differential percentages above.

### **Data Scrubbing**

Consultant identified several pieces of salary data submitted by respondents which were deemed inaccurate or significantly outside the range (high or low) of data provided by other survey respondents. These data elements were removed from the final calculations of the custom survey results.

### **Insufficient Data**

For two survey positions, insufficient data was returned by participating organizations. In these instances, the recommendation for an adjustment to the midpoint for these positions was determined solely based on market data from our survey sources.

### **Partial Data**

In several instances, responding organizations reporting salary range data for positions without an incumbent. In other cases, responding organizations provided incumbent salary data only.

GO BACK TO AGENDA

2. General Manager & General Counsel Personnel Review (Executive Session) - NO MATERIAL AVAILABLE




**COLORADO RIVER DISTRICT**  
PROTECTING WESTERN COLORADO WATER SINCE 1937

**PUBLIC MEMO FOR  
December 8, 2021 Special Joint Meeting**

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**TO:** BOARD OF DIRECTORS, CRWCD AND CRWCD ENTERPRISE

**FROM:** PETER C. FLEMING, GENERAL COUNSEL   
JASON V. TURNER, SENIOR COUNSEL

**RE:** TOPICS FOR DECEMBER 8, 2021 SPECIAL JOINT MEETING

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**I. Welford Mountain Reservoir and Ritschard Dam Operations (an Enterprise Matter.)**

*This subject is discussed in the General Counsel's Confidential Report. We recommend that the Board discuss it in Executive Session.*

**II. Application of Colorado River District, Ouray County BOCC, Ouray County Water Users Association, and Tri-County Water Conservancy District in Case No. 19CW3098, Water Division 4, and Proposed Approval of Related No-Call Agreement with Co-Applicants and Objector, Uncompahgre Valley Water Users Association.**

*This subject is discussed in the General Counsel's Confidential Report. We recommend that the Board discuss it in Executive Session.*

**III. Proposed Approval of Taylor Park Dam & Reservoir Agreement with Upper Gunnison River Water Conservancy District and Taylor River Hydro, LLC.**

*Action: We recommend that the Board authorize staff and counsel to execute the Taylor River Hydro Agreement.*

*Strategic Initiatives: 2 (Outreach in All Basins), 6 (Agricultural Water Use), and 7 (Water Needs and Project Development).*

Taylor Park Reservoir is a component of the Uncompahgre Valley Project, owned by the United States primarily for the benefit of the Uncompahgre Valley Water Users Association (the "UVWUA"). The River District is a party to the 1975 Taylor Park Reservoir Exchange Agreement amongst the River District, the Upper Gunnison River Water Conservancy District, the UVWUA, and the United States, Bureau of Reclamation. The 1975 Exchange Agreement established a method of water exchange between Taylor Park Reservoir and the Aspinall Unit that provides

significant benefits to water users, recreational uses, and fish flows in the Taylor River and upper Gunnison River. The 1975 Exchange Agreement also formed the initial basis for the Taylor Park Reservoir Refill/Second Fill Storage Right.

Recently, the UVWUA and the Gunnison County Electric Association (“GCEA”) formed Taylor River Hydro, LLC in order to develop a hydro-electric power plant at Taylor Park Reservoir. We support the development and operation of the hydro facility at the reservoir, provided that it does not impact the existing operations of Taylor Park Reservoir in accordance with the 1975 Exchange Agreement.

The attached proposed agreement was negotiated primarily by the Upper Gunnison District, the UVWUA, and GCEA at the request of the Upper Gunnison District for the purpose of ensuring that the hydro facility does not impact existing water rights and practices. We requested that the River District be added as a party to the proposed agreement in order to protect its rights under the 1975 Exchange Agreement. The other signatories do not object to including the River District as a party. *We therefore recommend that the Board authorize the General Manager and/or General Counsel to execute the Taylor River Hydro Agreement, which is included as Attachment A to this memo.*

Attachment:

A. Taylor River Hydro Agreement.

## **AGREEMENT**

This Agreement is entered into on \_\_\_\_\_, 2021 between the Upper Gunnison River Water Conservancy District, a Water Conservancy District created pursuant to the Water Conservancy Act, §37-45-101, et seq., Colorado Revised Statutes (District), the Colorado River Water Conservation District, created pursuant to §37-46-101, et seq., Colorado Revised Statutes (the CRD) and Taylor River Hydro LLC, a Colorado Limited Liability Company, to establish terms and conditions of Taylor River Hydro's effort to install and operate a hydroelectric generation facility in the existing facilities at Taylor Park Dam.

## **RECITALS**

A. Taylor Park Dam and Reservoir were constructed by the United States Bureau of Reclamation in 1937. Water is stored in the reservoir and released for multiple purposes, including recreation, flood control, and supplemental irrigation in the Uncompahgre Basin and within the District.

B. The United States is the owner of water rights for the Uncompahgre Project as described in a decree granted on May 8, 1913 in Case No. 1745, Water District No. 62, Montrose County, for diversions into the Gunnison Tunnel and South Canal in an amount not to exceed 1,300 cubic feet per second (Gunnison Tunnel Right) and as described in the decree granted on April 21, 1942 in Case No. 2021, Water District 59, Gunnison County, for storage in Taylor Park Reservoir in an amount not to exceed 111,230 acre-feet annually (First Fill Right). The Uncompahgre Valley Water Users Association (Association) operates and maintains the Uncompahgre Project and is the beneficial owner of those water rights.

C. The District, the CRD, and the Association, together with the United States are parties to the Taylor Park Reservoir Operation and Storage Exchange Agreement dated August 28, 1975, Contract No. 6-07-01-00027 (1975 Agreement).

D. The United States is the owner of a water right described in a decree granted September 18, 1990 (as amended November 13, 1990) in Case No. 86CW203, Water Division 4, (supplemented by the Decrees in Case No. 11CW31 and 15CW3064, Water Division 4) for the refill of Taylor Park Reservoir in the amount of 106,230 acre-feet annually, and for releases from that storage calculated to enhance fishery and recreational uses in the Taylor and Gunnison rivers and provide supplemental irrigation within the District (Refill Right). The District is the beneficial owner of the Refill Right under the terms of a contract with the United States dated April 16, 1990 and an

Assignment of Water Rights dated March 22, 1993. The decree for the Refill Right contains Accounting Conditions governing storage and release of water from Taylor Park Reservoir (Reservoir).

E. Gunnison County Electric Association (GCEA) wishes to diversify its power supply portfolio through the addition of renewable and environmentally friendly sustainable resources pursuant to the terms and conditions of its contract with Tri-State Generation and Transmission Association, Inc. and believes that development of a hydroelectric generation facility at Taylor Park Dam could assist in that effort.

F. GCEA and the Association have formed Taylor River Hydro for the purpose of development, design, and construction of a hydroelectric generation facility at Taylor Park Dam utilizing releases from Taylor Park Reservoir.

G. Taylor River Hydro has entered into a Lease of Power Privilege (LOPP) with the United States that grants the right to use Uncompahgre Project facilities for the generation, use, and/or sale of hydroelectric power.

H. The District, the CRD, and the Association support the development of renewable energy resources and acknowledge that a hydroelectric generation facility at Taylor Park Dam has the potential to assist GCEA in its efforts to develop such resources; however, operation of Taylor Park Dam and Reservoir in accordance with the decrees described above and the 1975 Agreement is critical to the operation and maintenance of the Uncompahgre Project and to the fishery, recreational, and supplementary irrigation benefits to which the District's and CRD's constituents are entitled under the Refill Decree and 1975 Agreement.

THEREFORE, in order to provide for a cooperative effort to develop renewable and environmentally friendly sources of energy in the Gunnison Basin while preserving and protecting the benefits provided by the decrees described above, the 1975 Agreement, and operation of Taylor Park Dam and Reservoir thereunder, and in consideration of the mutual promises and agreements herein contained, the sufficiency of which is acknowledged by all parties, the parties have reached the following agreement.

### **AGREEMENT**

1. The Recitals set forth above are a part of this Agreement.
2. Taylor River Hydro understands that any hydroelectric generation facility developed at Taylor Park Dam, or in any way using water impounded thereby or released therefrom, shall operate solely as a "run of the river" facility, as authorized by the LOPP, utilizing only the releases made in

accordance with the decrees described above and the 1975 Agreement, and shall have no claim whatsoever for rates of flow or timing of releases for hydroelectric generation or any other purpose. The parties understand that Taylor River Hydro may use its hydroelectric generation facility at Taylor Park Dam, as authorized by the LOPP, once the facility is completed, and will generate electricity at this “run of the river” facility, and the District, the CRD, and Association will not object to Taylor River Hydro’s use of the facility for that purpose.

3. Taylor River Hydro agrees that it will not seek or acquire, directly or indirectly, any water right for storage of water in Taylor Park Reservoir or release of water therefrom for the generation of hydropower as authorized by the LOPP, or for any other purpose.

4. Taylor River Hydro understands that, regardless of the cooperative effort to develop a hydroelectric generation facility at Taylor Park Dam or successful completion of such a facility, it shall have no standing whatsoever under the 1975 Agreement, or in any negotiation to modify or extend that agreement.

5. This Agreement is the result of substantial negotiations between the parties and their counsel, and has been prepared utilizing the joint efforts of the attorneys of all parties. Accordingly, the fact that counsel for one party may have drafted any portion of this Agreement is immaterial, and this Agreement shall not be strictly construed against any party as the draftsman thereof.

6. This Agreement contains the entire understanding and agreement between the parties with respect to the subject matter hereof and supersedes all prior commitments, understandings, warranties, and negotiations, all of which are by the execution hereof rendered null and void. No amendment or modification of this Agreement shall be made or deemed to have been made unless in writing, executed by all parties hereto and approved by the United States.

Upper Gunnison River Water Conservancy District

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By: Michelle Pierce, President

Taylor River Hydro, LLC  
By: Gunnison County Electric Association, Member

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By: Mike McBride, Chief Executive Officer

By: W. U. Taylor Park Hydro, Inc., Member

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By: Daris Jutten, President

Colorado River Water Conservation District

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By: Andrew Mueller, General Manager

APPROVED:  
United States Department of the Interior  
Bureau of Reclamation

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By: Ed Warner, Area Manager, Western Colorado Area Office





# COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

## MEMORANDUM

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**TO:** BOARD OF DIRECTORS, CRWCD  
ANDY MUELLER, GENERAL MANAGER  
PETER FLEMING, GENERAL COUNSEL

**FROM:** MICHAEL EYTEL, SENIOR WATER RESOURCE SPECIALIST

**SUBJECT:** Central Colorado Mountain River Basin Cloud Seeding Generator Purchase Operation

**DATE:** December 7, 2021

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**ACTION:** *Staff Requests Board action to authorize the General Manager, with review and approval by General Counsel, to accept a purchase order from the Colorado Water Conservation Board (CWCB) in the amount of \$80,000 and enter into related contracts with North American Weather Consultants (NAWC) for a not to exceed the amount of \$121,050 to acquire and install cloud seeding equipment for the Central Colorado Mountain River Basin Weather Modification Program (CCMRB).*

### **STRATEGIC INITIATIVES:**

- 3. C. The River District will engage in and support water supply planning efforts, local and regional, which include adapting to climate change impacts.**
- 4. C. The River District will continue to study mechanisms, such as water supply augmentation to address the risk of overdevelopment.**
- 7. C. The River District will look for opportunities where its efforts are needed as a catalyst to help in-District interests plan for and meet their water needs in a manner that is consistent with the District's compact contingency planning goals and objectives.**
- 7.D. The River District will actively pursue funding sources and provide financial assistance to be used for the refurbishment and modernization of the aging water supply infrastructure within the District in order to help preserve and improve existing supplies and operations.**

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Since 2016, the River District has acted as the Fiscal Agent and Project Manager for the CCMRB Program on behalf of regional partners, several ski areas, the Front Range Water Council (FRWC), and the CWCB (with funding from Lower Colorado River Basin contributors). River District staff cooperatively manages CCMRB planning and implementation efforts, collects funds pursuant to a multi-partner cost-share agreement, and disburses payments to contractors that perform cloud-seeding activities throughout the CCMRB project area.

To improve the effectiveness of the CCMRB cloud seeding program, there is an effort to upgrade and replace, as funding becomes available, manually-operated cloud seeding generators with newer, remote-operated generators, as we did in 2018. CWCB staff recently notified the River District that it has \$80,000 of funding available for this effort, however, the funds need to be contracted for before the end of 2021. The CWCB would provide this funding to the River District through a purchase order (PO). Upon Board approval, this additional funding from the CWCB will allow the River District to acquire two state-of-the-art generators, on behalf of the program, for installation within the CCMRB target area. The River District will own the equipment which will be located on private land, pursuant to landowner agreements, and will be operated by a contractor.

NAWC will be the party responsible for purchasing, siting, and installing the generators. The cost associated with NAWC's siting and installation of the generators—\$41,050—will be paid for by the CCMRB partners through the current CCMRB cost-share agreement. Likewise, the cost of operation and maintenance of the new generators will be funded through the CCMRB program.