



KERN BOARD REGULAR MEETING

May 11, 2015

Immediately before the Regular Town Board Meeting

Town Board Chambers

301 Walnut Street, Windsor, CO 8055

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

AGENDA

1. Call to Order
2. Roll Call of Directors Present
3. Approval of Minutes March 9, 2015 Board of Directors Meeting – K. Eucker
4. Approval of Bills – D. Moyer
5. Resolution 2015-KB01 - A Resolution of the Kern Reservoir and Ditch Company Approving an Agreement for Ditch Rider Services – I. McCargar
6. Status of Junior Water Right application for Kern Reservoir – I. McCargar
7. Communications
 - Verbal update on rip rap project
8. Adjourn



KERN BOARD REGULAR MEETING

March 9, 2015

Immediately before the Regular Town Board Meeting
Town Board Chambers
301 Walnut Street, Windsor, CO 8055

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

MINUTES

1. Call to Order

President Vazquez called the meeting to order at 6:59 pm

2. Roll Call of Directors Present

President John Vazquez
Vice President Kristie Melendez
Secretary/Treasurer Christian Morgan
Myles Baker
Jeremy Rose
Robert Bishop-Cotner
Ivan Adams

Also Present: Town Manager
Town Attorney
Deputy Town Clerk

Kelly Arnold
Ian McCargar
Krystal Eucker

3. Approval of Minutes January 26, 2015 Board of Directors Meeting – P. Garcia

Vice President Melendez motioned to approve the minutes as presented; Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion passed.

4. Approval of Bills – K. Arnold

Board Member Adams motioned to approve the bills as presented; Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion passed.

5. Communications

None

6. Adjourn

Board Member Bishop-Cotner motioned to adjourn; Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion passed.

The meeting was adjourned at 7:01 p.m.

Krystal Eucker, Deputy Town Clerk

Accounts Payable

Transactions by Account

User: ssvanson
 Printed: 05/06/2015 - 2:37PM
 Batch: 000000.00 0000

Feb 28 - May 1, 2015



TOWN OF WINDSOR
 301 WALNUT STREET
 WINDSOR, CO 80550
 WWW.WINDSORGOV.COM
 (970) 674-2400
 MON-FRI 8AM TO 5PM

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
06-484-6244-000	LOWER LATHAM RESERVOIR C	LATHAM RESERVOIR LEASE	04/10/2015	72764	8,190.00	
		Vendor Subtotal for Department:484			8,190.00	
06-484-6253-000	CLEAR WATER SOLUTIONS INC	KERN/WCSD RE-4 12-120	03/12/2015	72504	765.00	
06-484-6253-000	CLEAR WATER SOLUTIONS INC	WINDSOR GENERAL WATER RIGI	03/12/2015	72504	6,242.48	
06-484-6253-000	CLEAR WATER SOLUTIONS INC	KRDC GENERAL WATER RIGHTS	03/12/2015	72504	2,309.36	
06-484-6253-000	CLEAR WATER SOLUTIONS INC	KRDC GENERAL WATER RIGHTS	04/09/2015	72737	2,494.30	
06-484-6253-000	CLEAR WATER SOLUTIONS INC	KERN/WCSD RE-4 12-120	04/09/2015	72737	1,317.50	
06-484-6253-000	CLEAR WATER SOLUTIONS INC	WINDSOR GENERAL WATER RIGI	04/09/2015	72737	10,925.32	
		Vendor Subtotal for Department:484			24,053.96	
06-484-6260-000	XCEL ENERGY	UTILITIES-KERN	03/12/2015	72406	68.16	
06-484-6260-000	XCEL ENERGY	UTILITIES-KERN	04/10/2015	72717	55.04	
		Vendor Subtotal for Department:484			123.20	
06-484-8456-000	AQUA ENGINEERING, INC	WELL CONSTRUCTION DRAWING	03/12/2015	72418	2,255.00	
		Vendor Subtotal for Department:484			2,255.00	
06-484-8456-000	LEONARD RICE ENGINEERS INC	KYGER PIT DESIGN-PUMP STATIC	03/05/2015	72391	35,000.00	
		Vendor Subtotal for Department:484			35,000.00	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
			Subtotal for Fund: 06		69,622.16	
			Report Total:		69,622.16	



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<u>Finance Department</u>	
Vendor #	107283
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 04082015	Notes:
VENDOR: Lower Latham Reservoir Co.	
DBA	
(IF OTHER THAN VENDOR)	
Address: 8209 W. 20th Street, Suite A	
Greeley, CO 80634	
Phone:	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
4/8/2015	Wade Willis	<i>[Signature]</i>	<i>[Signature]</i>

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6289	N/A	Latham Lease	\$8,190.00
		6244			
				TOTAL	\$8,190.00

POSTED

06.484.6284

Latham Lease

WATER LEASE

04082015

THIS WATER LEASE ("LEASE") is by and between Lower Latham Reservoir Company ("LATHAM"), and Kern Reservoir and Ditch Company ("KERN") upon the following terms and conditions:

1. LATHAM hereby leases unto KERN 27.3 (twenty seven and three tenths) consumptive-use (c.u.) acre-feet of water associated with certain shares in the Lower Latham Ditch Company which were changed to include use for augmentation in the decree entered in consolidated case nos. 03CW047/06CW291 ("WATERS") owned by LATHAM, to be used by KERN for augmentation and replacement purposes associated with the plan for augmentation in Case No. 02CW301. The WATERS were delivered to the South Platte River in the daily amounts as shown in the attached schedule of deliveries (Table 1), and were in excess of the amount of water needed by LATHAM to satisfy its augmentation and replacement obligations. KERN shall pay LATHAM a sum equal to \$300 per acre-foot, to be paid by KERN to LATHAM upon acceptance of the WATERS by the Division Engineer for use by KERN. The total amount to be paid by KERN to LATHAM under this LEASE is \$8,190.00 (eight thousand one hundred ninety dollars).

2. LATHAM agrees that the WATERS delivered are fully consumable water decreed by the water court and approved by the Division of Water Resources for augmentation and replacement uses. Specifically, the source of water delivered per Table 1 are the result of deliveries to the South Platte River at the Powell Spillway of water attributable to certain Lower Latham Ditch Company shares included and changed pursuant to the decree entered in consolidated Case Nos. 03CW047/06CW291.

3. The location of delivery of the WATERS is the Powell Spillway, which discharges into the South Platte River in the SW1/4 of Section 14, Township 5 North, Range 65 West of the 6th P.M., Weld County Colorado.

4. This LEASE constitutes the entire agreement between the parties hereto relating to the subject hereof, and no modification of the same shall be valid, binding, recognized or enforceable unless made in writing and signed by both parties.

5. This LEASE shall be binding upon the parties hereto, and their respective heirs, executors, administrators, assigns, and successors.

IN WITNESS WHEREOF, LATHAM and KERN have caused this LEASE to be executed by their duly authorized representatives in duplicate on the date(s) written herein below.


Dennis J. Hoshiko, President Date 10/17/14
Lower Latham Reservoir Company


Kelly Arnold Date 10-20-14
Kern Reservoir and Ditch Company

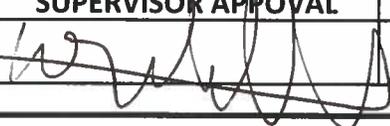


301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	105551
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 4417	Notes:
VENDOR: Clear Water Solutions	
DBA	
(IF OTHER THAN VENDOR)	
Address: 8010 S. County Road 5, Ste. 105	
Windsor, CO 80528	
Phone: (970) 223-3706	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
3/4/2015	Wade Willis		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	KERN/WCSD RE-4 12-120	\$765.00
				TOTAL	\$765.00

POSTED



*clear***WATER***solutions*
 water rights • planning • engineering

Clear Water Solutions
 8010 South County Road 5
 Suite 105
 Windsor, CO 80528
 970-223-3706

Kern Reservoir & Ditch Co
 301 Walnut Street
 Windsor, CO 80550

Invoice number **4417**
 Date 03/04/2015

Project **12-120 KERN/WCSD RE-4
 AUGMENTATION PLAN 2015**

Billing Period: 2/2/15– 3/1/15

A detail of the value provided by Clear Water Solutions, Inc. during this billing period is as follows:

Phase A: Kern Reservoir & Ditch Company

- Complete and submit December and January accounting
- Ask Wade questions about some general operation items
- Follow up with Dennis Wagner regarding questions regarding planned culvert construction project

Please do not hesitate to contact us with any questions regarding this invoice or your project.

Invoice Summary

Description	Current Billed
KERN RESERVOIR & DITCH COMPANY	
A KERN RESERVOIR & DITCH COMPANY	765.00
KERN REIMBURSABLE EXPENSES	0.00
Subtotal	765.00
Total	765.00

KERN Reservoir & Ditch Company
Kern Reservoir & Ditch Company
 Professional Fees

	Hours	Rate	Billed Amount
Sr. Project Manager VII	4.50	170.00	765.00
KERN Reservoir & Ditch Company subtotal			765.00

Invoice total 765.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4417	03/04/2015	765.00	765.00				
	Total	765.00	765.00	0.00	0.00	0.00	0.00

We thank you for your business!



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	105551
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 4404	Notes:
VENDOR: Clear Water Solutions	
DBA	
(IF OTHER THAN VENDOR)	
Address: 8010 S. County Road 5, Ste. 105	
Windsor, CO 80528	
Phone: (970) 223-3706	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT HEAD APPROVAL
3/4/2015	Wade Willis	<i>[Signature]</i>	<i>[Signature]</i>

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	WINDSOR GENERAL WATER RIGHTS 09-280	\$6,242.48
				TOTAL	\$6,242.48

POSTED



clear WATER solutions
water rights • planning • engineering

Clear Water Solutions
8010 South County Road 5
Suite 105
Windsor, CO 80528
970-223-3706

Town of Windsor
301 Walnut Street
Windsor, Co 80550
Wade Willis

Invoice number 4404
Date 03/04/2015

Project **09-280 WINDSOR GENERAL WATER RIGHTS SERVICES NON POTABLE 2015**

Billing Period: 2/2/15– 3/1/15

A detail of the value provided by Clear Water Solutions, Inc. during this billing period is as follows:

Phase A: General Water Rights Services

- 14CW3074 - Comments from Cache la Poudre
- Email correspondence with Dennis regarding accounting update for Kyger
- Kyger reservoir accounting for State and lessee
- Email correspondence with Wade regarding RBV balance in Kyger Reservoir
- Correspondence with Dennis regarding status on leased Kyger water accounting and additional 75 ac-ft lease
- Update decree accounting forms with addition of Covenant Park Well
- Finalized Summary of Consultation for Brad Grasmick
- Forward accounting and stage/storage table to Mark Simpson
- Update Kyger accounting with gauge reading from February 19
- Conference call with Caren Aguilar at State Division 1 Office regarding updates/changes to Kyger accounting
- Send Town State measurement and accounting requirements
- Phone conversation with Dan Brown regarding accounting status

Please do not hesitate to contact us with any questions regarding this invoice or your project.

Invoice Summary

Description	YTD Billed	Current Billed
A GENERAL WATER RIGHTS SERVICES	10,456.25	5,830.00
ADMINISTRATION	480.00	240.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	389.47	172.48
REIMBURSABLE EXPENSES	0.00	0.00
Total	11,325.72	6,242.48

General Water Rights Services

Professional Fees

	Hours	Rate	Billed Amount
Principal	16.50	180.00	2,970.00
Sr. Project Manager VII	1.50	170.00	255.00
Project Manager II	7.00	115.00	805.00
Sr. Project Manager III	12.25	145.00	1,776.25
Sr. Water Resource Engineer II	0.25	95.00	23.75
Phase subtotal			5,830.00

Town of Windsor

Invoice number 4404

Invoice date 03/04/2015

\$6,242.48

Description	Prior Billed	Current Billed
ADMINISTRATION	240.00	240.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	216.99	172.48
Total	456.99	412.48

Invoice total **6,242.48**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4404	03/04/2015	6,242.48	6,242.48				
	Total	6,242.48	6,242.48	0.00	0.00	0.00	0.00

We thank you for your business!



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	105551
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 4403	Notes:
VENDOR: Clear Water Solutions	
DBA (IF OTHER THAN VENDOR)	
Address: 8010 S. County Road 5, Ste. 105 Windsor, CO 80528	
Phone: (970) 223-3706	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
3/4/2015	Wade Willis		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	KRDC GENERAL WATER RIGHTS 08-210 2015	\$2,309.36
				TOTAL	\$2,309.36

POSTED



clearWATERsolutions
water rights • planning • engineering

Clear Water Solutions
8010 South County Road 5
Suite 105
Windsor, CO 80528
970-223-3706

Kern Reservoir & Ditch Co
301 Walnut Street
Windsor, Co 80550
Wade Willis

Invoice number **4403**
Date **03/04/2015**

Project **08-210 KRDC GENERAL WATER RIGHTS SERVICES 2015**

Billing Period: 2/2/15– 3/1/15

A detail of the value provided by Clear Water Solutions, Inc. during this billing period is as follows:

- Phase A: Decree Accounting
- Decree accounting
 - Kern Reservoir levels
 - Miscellaneous planning for 2015/2016 with Dennis
 - Provide Wade a heads up on call
 - Review rip rap project and ditch crossing

Please do not hesitate to contact us with any questions regarding this invoice or your project.

Invoice Summary

Description	YTD Billed	Current Billed
A DECREE ACCOUNTING	5,300.00	2,060.00
B MISCELLANEOUS	0.00	0.00
ADMINISTRATION	360.00	120.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	346.35	129.36
REIMBURSABLE EXPENSES	6.20	0.00
Total	6,012.55	2,309.36

Decree Accounting

Professional Fees

	Hours	Rate	Billed Amount
Principal	10.50	180.00	1,890.00
Sr. Project Manager VII	1.00	170.00	170.00
Phase subtotal			2,060.00

Description	Prior Billed	Current Billed
ADMINISTRATION	240.00	120.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	216.99	129.36
Total	456.99	249.36

\$2,309.36

Invoice total **2,309.36**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4403	03/04/2015	2,309.36	2,309.36				
	Total	2,309.36	2,309.36	0.00	0.00	0.00	0.00

We thank you for your business!



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	105551
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 4437	Notes:
VENDOR: Clear Water Solutions	
DBA	
(IF OTHER THAN VENDOR)	
Address: 8010 S. County Road 5, Ste. 105	
Windsor, CO 80528	
Phone: (970) 223-3706	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
4/1/2015	Melissa Chew	<i>[Signature]</i>	<i>[Signature]</i>

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	KRDC GENERAL WATER RIGHTS 08-210	\$2,494.30
				TOTAL	\$2,494.30

POSTED



clear WATER solutions
water rights • planning • engineering

Clear Water Solutions
8010 South County Road 5
Suite 105
Windsor, CO 80528
970-223-3706

Kern Reservoir & Ditch Co
301 Walnut Street
Windsor, Co 80550
Wade Willis

Invoice number
Date

4437
04/01/2015

Project **08-210 KRDC GENERAL WATER RIGHTS SERVICES 2015**

Billing Period: 3/2/15– 3/29/15

A detail of the value provided by Clear Water Solutions, Inc. during this billing period is as follows:

Phase A: Decree Accounting
- Add Main Park wells to Kern decree
- Reservoir accounting

Phase B: Miscellaneous
- Discussion with Brad regarding Kyger SWSP
- Draft SWSP to add Kyger water to Kern augmentation plan
- Update accounting and projection forms

Please do not hesitate to contact us with any questions regarding this invoice or your project.

Invoice Summary

Description	YTD Billed	Current Billed
A DECREE ACCOUNTING	6,065.00	765.00
B MISCELLANEOUS	1,486.25	1,486.25
ADMINISTRATION	480.00	120.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	469.40	123.05
REIMBURSABLE EXPENSES	6.20	0.00
Total	8,506.85	2,494.30

Decree Accounting

Professional Fees

	Hours	Rate	Billed Amount
Principal	4.25	180.00	765.00

Miscellaneous

Professional Fees

	Hours	Rate	Billed Amount
Principal	4.00	180.00	720.00
Sr. Project Manager VII	4.00	170.00	680.00
Project Manager II	0.75	115.00	86.25

Phase subtotal 1,486.25

2,494.30

Description	Prior Billed	Current Billed
ADMINISTRATION	360.00	120.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	346.35	123.05
Total	706.35	243.05

Invoice total **2,494.30**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4437	04/01/2015	2,494.30	2,494.30				
	Total	2,494.30	2,494.30	0.00	0.00	0.00	0.00

We thank you for your business!

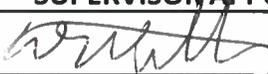
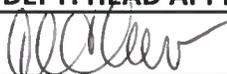


301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	105551
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 4447	Notes:
VENDOR: Clear Water Solutions	
DBA (IF OTHER THAN VENDOR)	
Address: 8010 S. County Road 5, Ste. 105 Windsor, CO 80528	
Phone: (970) 223-3706	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
4/1/2015	Melissa Chew		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	KERN/WCSD RE-4 12-120	\$1,317.50
				TOTAL	\$1,317.50

POSTED



clear WATER solutions
 water rights • planning • engineering

Clear Water Solutions
 8010 South County Road 5
 Suite 105
 Windsor, CO 80528
 970-223-3706

Kern Reservoir & Ditch Co
 301 Walnut Street
 Windsor, CO 80550

Invoice number
 Date

4447
 04/01/2015

Project **12-120 KERN/WCSD RE-4
 AUGMENTATION PLAN 2015**

Billing Period: 3/2/15– 3/29/15

A detail of the value provided by Clear Water Solutions, Inc. during this billing period is as follows:

- Phase A: Kern Reservoir & Ditch Company
- Follow up on Latham lease
 - February and MArch accounting
 - 2015 projection and dry up mapping
 - Planning for upcoming water year

Please do not hesitate to contact us with any questions regarding this invoice or your project.

Invoice Summary

Description	Current Billed
KERN RESERVOIR & DITCH COMPANY	
A KERN RESERVOIR & DITCH COMPANY	1,317.50
KERN REIMBURSABLE EXPENSES	0.00
Subtotal	1,317.50
Total	1,317.50

1,317.50

KERN Reservoir & Ditch Company
Kern Reservoir & Ditch Company
Professional Fees

	Hours	Rate	Billed Amount
Sr. Project Manager VII	7.75	170.00	1,317.50
KERN Reservoir & Ditch Company subtotal			1,317.50

Invoice total **1,317.50**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4447	04/01/2015	1,317.50	1,317.50				
	Total	1,317.50	1,317.50	0.00	0.00	0.00	0.00

We thank you for your business!



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	105551
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 4441	Notes:
VENDOR: Clear Water Solutions	
DBA (IF OTHER THAN VENDOR)	
Address: 8010 S. County Road 5, Ste. 105 Windsor, CO 80528	
Phone: (970) 223-3706	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
4/1/2015	Melissa Chew	<i>[Signature]</i>	<i>[Signature]</i>

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	WINDSOR GENERAL WATER RIGHTS 09-280	\$10,925.32
				TOTAL	\$10,925.32

POSTED



clear**WATER**solutions
water.rights • planning • engineering

Clear Water Solutions
8010 South County Road 5
Suite 105
Windsor, CO 80528
970-223-3706

Town of Windsor
301 Walnut Street
Windsor, Co 80550
Wade Willis

Invoice number
Date

4441
04/01/2015

Project **09-280 WINDSOR GENERAL WATER RIGHTS SERVICES NON POTABLE 2015**

Billing Period: 3/2/15– 3/29/15

A detail of the value provided by Clear Water Solutions, Inc. during this billing period is as follows:

Phase A: General Water Rights Services

- Correspondence with Brad Grasmick on adding Kyger to Kern Decree
- Kyger Reservoir accounting form updates as requested by SEO
- Main Park/Town Hall Water Court application with LJCG
- Email Caren Aguilar the latest version of accounting spreadsheet
- Email correspondence with Dan Brown regarding questions on accounting and RBV's balance
- Revisions to RBV portion of Kyger Reservoir accounting for Dan
- Break out and further explain daily gains/losses per SEO

Please do not hesitate to contact us with any questions regarding this invoice or your project.

Invoice Summary

Description	YTD Billed	Current Billed
A GENERAL WATER RIGHTS SERVICES	20,977.50	10,521.25
ADMINISTRATION	720.00	240.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	553.54	164.07
REIMBURSABLE EXPENSES	0.00	0.00
Total	22,251.04	10,925.32

General Water Rights Services

Professional Fees

	Hours	Rate	Billed Amount
Principal	17.75	180.00	3,195.00
Sr. Project Manager VII	1.25	170.00	212.50
Project Manager II	42.00	115.00	4,830.00
Sr. Project Manager III	15.75	145.00	2,283.75
Phase subtotal			10,521.25

Description	Prior Billed	Current Billed
ADMINISTRATION	480.00	240.00

10,925.32

Description	Prior Billed	Current Billed
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	389.47	164.07
Total	869.47	404.07

Invoice total **10,925.32**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4441	04/01/2015	10,925.32	10,925.32				
	Total	10,925.32	10,925.32	0.00	0.00	0.00	0.00

We thank you for your business!



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	100552
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 447444775	Notes: KERN BILL
VENDOR: Xcel Energy	ACCT# 53-0029078-2
DBA: (IF OTHER THAN VENDOR)	
Address: PO BOX 9477 MPLS, MN 55484-9477	
Phone:	KERN
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
03/03/15	S Swanson		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6260	000	KERN-NON POTABLE WATER	\$68.16
				107A CHIMNEY PARK DR-UNIT KERN	
				1A MAIN ST UNIT KERN	
				561 E GARDEN DR	
				10A E Garden Dr 53-0877549-9	
				POSTED	
				TOTAL	\$68.16



MAILING ADDRESS	ACCOUNT NUMBER	DUE DATE
TOWN OF WINDSOR KERN 301 WALNUT ST WINDSOR CO 80550-5141	53-0029078-2	03/23/2015
	STATEMENT NUMBER	STATEMENT DATE
	447444775	03/03/2015
		AMOUNT DUE
		\$68.16

QUESTIONS ABOUT YOUR BILL?

See our website: xcelenergy.com
 Email us at: Customerservice@xcelenergy.com
 Please Call: 1-800-481-4700
 Hearing Impaired: 1-800-895-4949
 Fax: 1-800-311-0050

Or write us at: XCEL ENERGY
 PO BOX 8
 EAU CLAIRE WI 54702-0008

ACCOUNT BALANCE

Previous Balance	As of 01/27	\$63.41
Payment Received	Check 02/19	-\$63.41 CR
Balance Forward		\$0.00
Current Charges		\$68.16
Amount Due		\$68.16

PREMISES SUMMARY

PREMISES NUMBER	PREMISES IDENTIFIER	PREMISES DESCRIPTOR	CURRENT BILL
304241524	107A N CHIMNEY PARK DR UNIT KERN		\$15.84
304241529	1A MAIN ST UNIT KERN		\$15.42
304241530	561 E GARDEN DR		\$21.66
304331438	10A E GARDEN DR		\$15.24
Total			\$68.16

INFORMATION ABOUT YOUR BILL

Thank you for your payment.

Call before you move

If you're moving, remember to contact us *in advance* so we can stop your natural gas and electricity billing at your current address and start service, if needed, at your new one. Save yourself money and ensure a smooth transition to your new place. Please call or submit your changes at xcelenergy.com up to 45 days in advance.

RETURN BOTTOM PORTION WITH YOUR PAYMENT • PLEASE DO NOT USE STAPLES, TAPE OR PAPER CLIPS





301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<u>Finance Department</u>	
Vendor #	100552
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 451513512	Notes: KERN BILL
VENDOR: Xcel Energy	ACCT# 53-0029078-2
DBA:	
(IF OTHER THAN VENDOR)	
Address: PO BOX 9477	
MPLS, MN 55484-9477	
Phone:	KERN
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
04/03/15	S Swanson		<i>DM</i>

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6260	000	KERN-NON POTABLE WATER	\$55.04
				107A CHIMNEY PARK DR-UNIT KERN	
				1A MAIN ST UNIT KERN	
				561 E GARDEN DR	
				10A E Garden Dr 53-0877549-9	
				TOTAL	\$55.04

POSTED



MAILING ADDRESS	ACCOUNT NUMBER	DUE DATE
TOWN OF WINDSOR KERN 301 WALNUT ST WINDSOR CO 80550-5141	53-0029078-2	04/23/2015
	STATEMENT NUMBER	STATEMENT DATE
	451513512	04/03/2015
		AMOUNT DUE
		\$55.04

QUESTIONS ABOUT YOUR BILL?

See our website: xcelenergy.com
 Email us at: Customerservice@xcelenergy.com
 Please Call: 1-800-481-4700
 Hearing Impaired: 1-800-895-4949
 Fax: 1-800-311-0050
 Or write us at: XCEL ENERGY
 PO BOX 8
 EAU CLAIRE WI 54702-0008

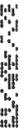
ACCOUNT BALANCE

Previous Balance	As of 02/25	\$68.16
Payment Received	Check 03/16	-\$68.16 CR
Balance Forward		\$0.00
Current Charges		\$55.04
Amount Due		\$55.04

PREMISES SUMMARY

PREMISES NUMBER	PREMISES IDENTIFIER	PREMISES DESCRIPTOR	CURRENT BILL
304241524	107A N CHIMNEY PARK DR UNIT KERN		\$15.56
304241529	1A MAIN ST UNIT KERN		\$15.09
304241530	561 E GARDEN DR		\$9.43
304331438	10A E GARDEN DR		\$14.96
Total			\$55.04

001336 1/3

**78 INFORMATION ABOUT YOUR BILL**

Thank you for your payment.

Stealing electricity or natural gas is dangerous, against the law and ultimately costs all of our customers. Protect yourself and others by reporting anyone tapping into a line, bypassing a meter, tampering with equipment or otherwise stealing energy to Xcel Energy's Revenue Assurance Hotline at 1-888-823-1511. Information you report will be kept confidential and you'll remain anonymous.

RETURN BOTTOM PORTION WITH YOUR PAYMENT • PLEASE DO NOT USE STAPLES, TAPE OR PAPER CLIPS



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

Finance Department	
Vendor #	103803
Obligation #	

PURCHASE ORDER

- 1 - VENDOR COPY
- 2 - DEPARTMENT
- 3 - ACCTG CONTROL

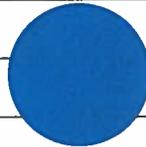
3-13-15

The Purchase Order Number listed below must appear on all related correspondence, shipping papers, and invoices.

VENDOR Aqua Egnineering	SHIP TO: Town of Windsor - Finance Dept
DBA:	
ADDRESS 375 E. Horsetooth Road, Building 2-202	
Fort Collins, CO 80525-3196	

P.O. Date		P.O. #		Requisitioner		Shipped VIA		F.O.B. POINT		TERMS	
02-09-15		020915-002		W.Willis							
Line	Fund	Dept	Function	Proj	Description/Stock NBR	Unit	Qty	Unit Price	TOTAL		
1	06	484	8456		Well Construction Drawings				2500		
2									2,255.00		
3											
4											
5											
6											
7											
8											
9											
10									2,255.00		

INV# 26087



- Please send two copies of your invoice whenever possible.
- Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
- Please notify the requisitioner immediately if you are unable to ship as specified.
- Send all invoices to:

SUBTOTAL	2500
SALES TAX	EXEMPT
SHIPPING/HANDLING	
OTHER	
TOTAL	2500

2,255.00 ✓

TOWN OF WINDSOR
 ATTN: ACCOUNTS PAYABLE
 301 WALNUT STREET
 WINDSOR, CO 80550

POSTED

Authorized by _____ Date 3/9/15

 Received by _____ Date 3-5-15



375 E. Horseshoe Road, Building 2-202
 Fort Collins, CO 80525-3196
 970.229.9688 office
 970.226.3855 fax
 www.aquaengineering.com

Windsor Parks & Recreation
 Wade Willis
 301 Walnut Street
 Windsor, CO 80550

Invoice number **26087**
 Date **02/27/2015**

Project **Covenant Park Groundwater Pump System**

Professional Services through February 27, 2015

Professional Fees

	Hours	Rate	Billed Amount
CULLEN B. KINOSHITA	2.50	125.00	312.50
JASON H. KLAUSNER	9.50	95.00	902.50
ROBERT W. BECCARD	1.00	160.00	160.00
Professional Fees subtotal	13.00		1,375.00

Consultant

	Billed Amount
SUBCONSULTANT Gust Engineering	880.00
Invoice total	2,255.00

Invoice Summary

Description	Contract Amount	Prior Billed	Total Billed	Current Billed
IRRIGATION WELL PUMP SYSTEM CONSTRUCTION DOCUMENTS	2,500.00	0.00	2,255.00	2,255.00
IRRIGATION WELL PUMP SYSTEM CONSTRUCTION OBSERVATION SERVICES	600.00	0.00	0.00	0.00
Total	3,100.00	0.00	2,255.00	2,255.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
26087	02/27/2015	2,255.00	2,255.00				
	Total	2,255.00	2,255.00	0.00	0.00	0.00	0.00

<A Finance Charge of 2% per month (24% per annum) will be added to any invoice not paid per contract terms>

Accounts Payable

Transactions by Account

User: sswanson
 Printed: 05/06/2015 - 2:36PM
 Batch: 00000.00.0000



TOWN OF WINDSOR
 301 WALNUT STREET
 WINDSOR, CO 80550
 WWW.WINDSORGOV.COM
 (970) 674-2400
 Mon-Fri 8AM to 5PM

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-418-6253-500	LAWRENCE JONES CUSTER GR/	LEGAL SERVICES - KYGER 3074	03/19/2015	72526	72.00	
01-418-6253-500	LAWRENCE JONES CUSTER GR/	LEGAL SERVICES - 02CW276	03/19/2015	72526	312.00	
01-418-6253-500	LAWRENCE JONES CUSTER GR/	LEGAL SERVICES - GENERAL MA	03/19/2015	72526	120.00	
01-418-6253-500	LAWRENCE JONES CUSTER GR/	LEGAL SERVICES - AUG PLAN 021	03/19/2015	72526	88.50	
Vendor Subtotal for Department:418					592.50	
Subtotal for Fund: 01					592.50	
Report Total:					592.50	



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	106424
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 46151	Notes:
VENDOR: Lawrence Jones Custer Grasmick LLP	
DBA:	
Address: 5245 Ronald Reagan Blvd., Ste 1 Johnstown, CO 80534	
Phone: 970-622-8181	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
3/11/15	Megan Walter		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
01	418	6253	500	Kyger 3074	72.00
TOTAL					\$ 72.00

POSTED

LAWRENCE JONES CUSTER GRASMICK LLP

Attorneys at Law
5245 Ronald Reagan Blvd., Suite 1
Johnstown, CO 80534

Invoice submitted to:
Town of Windsor
Kelly Arnold, Town Manager
301 Walnut Street
Windsor, CO 80550

March 11, 2015

In Reference To: Kyger 3074

*Invoice #*46151

Professional Services

	<u>Amount</u>
2/11/2015 BG Attend status conference with Court and parties.	72.00
For professional services rendered	\$72.00
Previous balance	\$341.50
2/9/2015 Payment - thank you. Check No. 72009	(\$101.50)
2/19/2015 Payment - thank you. Check No. 72185	(\$240.00)
Total payments and adjustments	(\$341.50)
Balance due	<u>\$72.00</u>

PLEASE MAKE CHECKS PAYABLE TO LAWRENCE JONES CUSTER GRASMICK LLP.

PLEASE NOTE THE NEW TELEPHONE NUMBER (970)622-8181.

DUE UPON RECEIPT. 1.5% PER MONTH INTEREST CHARGED ON ALL PAST DUE BILLS. REFLECTS ONLY PAYMENTS AND CHARGES THROUGH ABOVE DATE.



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

Finance Department	
Vendor #	106424
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 46149	Notes:
VENDOR: Lawrence Jones Custer Grasmick LLP	
DBA:	
Address: 5245 Ronald Reagan Blvd., Ste 1 Johnstown, CO 80534	KRDC EXPENSE
Phone: 970-622-8181	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
3/11/15	Megan Walter		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
01	418	6253	500	02CW276	312.00
TOTAL					\$ 312.00

POSTED

LAWRENCE JONES CUSTER GRASMICK LLP

Attorneys at Law
5245 Ronald Reagan Blvd., Suite 1
Johnstown, CO 80534

Invoice submitted to:
Kern Reservoir and Ditch Company
301 Walnut Street
Windsor, CO 80550

March 11, 2015

In Reference To: 02CW276

*Invoice #*46149

Professional Services

	<u>Amount</u>
2/11/2015 BG Make final revisions to Decree and revise Stipulations for New Cache and Centennial and email same to Ronni and Don.	240.00
2/23/2015 BG Email correspondence with Sperling and Frick regarding Stipulation.	48.00
2/24/2015 BG Email correspondence with Ronni and Don Frick on Stipulation.	24.00
For professional services rendered	<u>\$312.00</u>
Balance due	<u><u>\$312.00</u></u>

PLEASE MAKE CHECKS PAYABLE TO LAWRENCE JONES CUSTER GRASMICK LLP.

PLEASE NOTE THE NEW TELEPHONE NUMBER (970)622-8181.

DUE UPON RECEIPT. 1.5% PER MONTH INTEREST CHARGED ON ALL PAST DUE BILLS. REFLECTS ONLY PAYMENTS AND CHARGES THROUGH ABOVE DATE.



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

Finance Department	
Vendor #	106424
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 46148	Notes:
VENDOR: Lawrence Jones Custer Grasmick LLP	
DBA:	
Address: 5245 Ronald Reagan Blvd., Ste 1 Johnstown, CO 80534	KRDC EXPENSE
Phone: 970-622-8181	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
03/11/2015	Megan Walter		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
01	418	6253	500	General Matters	120.00
				TOTAL	\$ 120.00

POSTED

LAWRENCE JONES CUSTER GRASMICK LLP

Attorneys at Law
5245 Ronald Reagan Blvd., Suite 1
Johnstown, CO 80534

Invoice submitted to:
Kern Reservoir and Ditch Company
301 Walnut Street
Windsor, CO 80550

March 11, 2015

In Reference To: General
Invoice #46148

Professional Services

	<u>Amount</u>
2/4/2015 BG Email correspondence with Rachel and Wade regarding Latham Notice.	72.00
2/24/2015 BG Email correspondence with Town regarding Kern meeting.	48.00
For professional services rendered	\$120.00
Previous balance	\$716.00
2/9/2015 Payment - thank you. Check No. 72009	(\$188.00)
2/19/2015 Payment - thank you. Check No. 72185	(\$528.00)
Total payments and adjustments	(\$716.00)
Balance due	<u>\$120.00</u>

PLEASE MAKE CHECKS PAYABLE TO LAWRENCE JONES CUSTER GRASMICK LLP.

PLEASE NOTE THE NEW TELEPHONE NUMBER (970)622-8181.

DUE UPON RECEIPT. 1.5% PER MONTH INTEREST CHARGED ON ALL PAST DUE BILLS. REFLECTS ONLY PAYMENTS AND CHARGES THROUGH ABOVE DATE.



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

Finance Department	
Vendor #	106424
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 46147	Notes:
VENDOR: Lawrence Jones Custer Grasmick LLP	
DBA:	
Address: 5245 Ronald Reagan Blvd., Ste 1 Johnstown, CO 80534	KRDC EXPENSE
Phone: 970-622-8181	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
3/11/2015	Megan Walter		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
01	418	6253	500	AUG Plan 02CW301	88.50
				TOTAL	\$ 88.50

POSTED

LAWRENCE JONES CUSTER GRASMICK LLP

Attorneys at Law
5245 Ronald Reagan Blvd., Suite 1
Johnstown, CO 80534

Invoice submitted to:
Kern Reservoir and Ditch Company
301 Walnut Street
Windsor, CO 80550

March 11, 2015

In Reference To: Aug Plan 02CW301

*Invoice #*46147

Professional Services

	<u>Amount</u>
2/5/2015 BG Emails regarding Latham Notice of Use and future operations in case of shortfall.	48.00
2/10/2015 RD Review letter from Dave Nettles approving notice of use.	16.50
2/24/2015 BG Follow up with Rachel on status of engineering to add Kyger to Kern Decree.	24.00
For professional services rendered	\$88.50
Previous balance	\$694.00
2/9/2015 Payment - thank you. Check No. 72009	(\$293.50)
2/19/2015 Payment - thank you. Check No. 72185	(\$400.50)
Total payments and adjustments	(\$694.00)
Balance due	<u>\$88.50</u>

PLEASE MAKE CHECKS PAYABLE TO LAWRENCE JONES CUSTER GRASMICK LLP.

PLEASE NOTE THE NEW TELEPHONE NUMBER (970)622-8181.

DUE UPON RECEIPT. 1.5% PER MONTH INTEREST CHARGED ON ALL PAST DUE BILLS. REFLECTS ONLY PAYMENTS AND CHARGES THROUGH ABOVE DATE.



MEMORANDUM

Date: May 11, 2015
To: Kern Reservoir Board
From: Wade Willis, Parks and Open Space Manager
Re: Kern - Whitney Ditch Rider Services Agreement
Item #: 5

Background / Discussion:

Through a cooperative effort of the Parks, Recreation & Culture Department and the Public Works Department, staff has worked out the terms of an agreement with the Whitney Irrigating Ditch Company for ditch rider services. These services were formerly performed by the Public Works Department, but the Town no longer has the capacity to perform ditch maintenance and operations. The attached Irrigation System Services Agreement has been negotiated by staff and the Whitney, and contains the terms necessary to carry out this change.

Financial impact:

Although this agreement calls for a payment from the Kern to the Whitney of \$12,000, this cost is presently being absorbed by the Parks and Public Works Department budgets.

Recommendation:

Approve resolution Kern Reservoir and Ditch Company Resolution No. 2015-KB01

Attachments:

- a. Kern Reservoir and Ditch Company Resolution No. 2015-KB01
- b. Irrigation System Services Agreement

KERN RESERVOIR AND DITCH COMPANY

RESOLUTION NO. 2015-KB01

A RESOLUTION OF THE KERN RESERVOIR AND DITCH COMPANY APPROVING AN AGREEMENT FOR DITCH RIDER SERVICES

WHEREAS, Kern Reservoir and Ditch Company (“Kern”) is a duly-constituted Colorado non-profit corporation with offices in the Town of Windsor, County of Weld, State of Colorado; and

WHEREAS, the Kern operates a system of irrigation storage and delivery facilities, all of which require care and attention during the irrigation season (“Ditch Rider Services”); and

WHEREAS, historically, the Town of Windsor’s Public Works and Parks, Recreation and Culture Departments have provided Ditch Rider Services for the benefit of the Kern; and

WHEREAS, the Town of Windsor has reached the point where it is no longer capable of devoting time and labor to the Kern’s Ditch Rider Services; and

WHEREAS, the Kern has negotiated an Irrigation System Services Agreement with the Whitney Irrigating Ditch Company, a copy of which is attached hereto and incorporated herein by this reference as if set forth fully (“Agreement”); and

WHEREAS, the Kern Board of Directors has determined that the said Agreement contains terms acceptable to the Kern.

NOW, THEREFORE, BE IT RESOLVED BY THE KERN RESERVOIR AND DITCH COMPANY BOARD OF DIRECTORS AS FOLLOWS:

1. The attached Irrigation System Services Agreement is hereby approved.
2. The Kern’s Supervisor, Kelly E. Arnold, is hereby authorized to execute the said Agreement on the Kern’s behalf.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 11th day of May, 2015.

KERN RESERVOIR AND DITCH COMPANY

ATTEST:

President

Secretary/Treasurer

OPERATIONAL MANAGEMENT SERVICES AGREEMENT

OPERATIONAL MANAGEMENT SERVICES AGREEMENT (“Agreement”) is dated this ____ day of May, 2015, by and between THE KERN RESERVOIR AND DITCH COMPANY, a Colorado non-profit corporation and mutual ditch company (“Kern”), and THE WHITNEY IRRIGATING DITCH COMPANY, a Colorado mutual ditch corporation (“Whitney”). Kern and Whitney are sometimes referred to therein as the “parties” collectively, and “party” individually.

RECITALS

WHEREAS, Kern is the owner and operator of a ditch and reservoir system with structures within the Town of Windsor, Colorado; and

WHEREAS, in conjunction with its ditch and reservoir system, Kern desires to retain Whitney to provide operational management services which the Whitney is capable of providing; and

WHEREAS, Whitney intends to provide operational management services described herein, subject to the provisions set forth below; and

WHEREAS, the parties wish to memorialize the terms and conditions under which operational management services will be provided by Whitney on behalf of Kern.

NOW, THEREFORE, in consideration of the mutual covenants and obligations set forth herein, the parties agree as follows:

1. Scope of Services. Whitney agrees to provide operational management services described as follows:
 - a. Prepare Kern’s primary irrigation ditch before each irrigation season (generally occurring in March) by burning weeds along the ditch, clearing weeds and debris from the ditch, and inspecting for any needed repairs.
 - b. Provide minor maintenance on Kern’s primary irrigation ditch and related structures, and notify the Town of Windsor Parks Manager (“Parks Manager”) of the need for more-substantial maintenance or repairs.
 - c. Coordinate anticipated share and daily augmentation deliveries to users.
 - d. Bring in Kern’s primary irrigation ditch for the season.

- e. Regularly monitor Kern's irrigation structures, systems, measurement devices and associated measurement systems.
- f. Regularly monitor and evaluate SCADA systems. Report issues with any component of the system in a timely manner.
- g. Measure the total volume diverted on a daily basis using the ditch flume and measuring equipment, report daily diversions to the Parks Manager, and report daily diversions to shareholders as reasonably requested.
- h. Manage water delivery according to orders from water users and considering available supplies.
- i. Check system daily, once in the morning, and once in the afternoon. Address any operational issues such as debris in the head gate structures, broken boards, clogs, debris flow, wildlife issues, public concerns, water user concerns, or vandalism. Bring more significant issues to the Parks Manager for their consideration before addressing with the public or water users.
- j. Continued weed maintenance along Kern's primary irrigation ditch throughout the season with the use of herbicide treatments, weed trimmer, shovels or other appropriate hand tools or burning (but only as and if permitted by the Windsor Severance Fire District).
- k. Prepare an end-of-year report to the Parks Manager summarizing total daily diversions, listing any issues encountered or repairs done during the season and suggesting any repairs necessary on Kern's primary irrigation ditch.
- l. Report, as appropriate and within a reasonable period of time, any vandalism, blockage, rain, hail, wind, or flood events, and make reasonable and prompt efforts to address and secure Kern's primary irrigation ditch in order to minimize impact and damage to Kern structures.
- m. Utilize computer systems to acquire ditch flow information, adjust gates, run reports and related data acquisition.
- n. Promptly answer email messages, phone calls, and attend meetings, as necessary.
- o. Kern will secure the proper approval and provide the appropriate decrees and/or authorization and documentation for Whitney to provide services under this Agreement. Kern will provide all measuring devices for proper tracking and accounting for water carried in the Kern system.

The Parties understand and agree that the priority for operations, as between the structures operated on behalf of the Whitney and Kern, is that the Whitney operations are first in priority. In the event that the Whitney directs its ditch superintendent to place greater priority on the needs of the Whitney's system at the material expense of time otherwise available to undertake the foregoing tasks for the benefit of Kern, the Whitney shall promptly inform Kern of any such direction. Nothing herein shall be construed to permit Kern any right to withhold payment, or any portion thereof, under these circumstances.

2. Term. This Agreement shall commence on the date first appearing above, and shall remain in effect for the irrigation season.
3. Compensation to Whitney. Kern shall pay to the Whitney the annual sum of Twelve-thousand dollars (\$12,000.00) for the services described herein. This annual sum will be paid in six (6) equal installments of \$2,000.00 each, falling due on the first day of May, June, July, August, September and October of each calendar year during which this Agreement is in effect. In the event of early termination by either party, the annual amount will be pro-rated to correspond with the months prior to termination of this Agreement.
4. Notice. All notices provided under this Agreement shall be deemed delivered three (3) days following mailing, first-class postage prepaid, to the following addresses:

WHITNEY:
Judy Firestien
Secretary, Whitney Irrigation Company
30951 County Road 27
Greeley, CO 80631

KERN:
Town of Windsor
Attn: Wade Willis
301 Walnut Street
Windsor, CO 80550

5. Quality Standard, Insurance Responsibility. Whitney shall be responsible for the quality, timely completion and the coordination of all services rendered by the Whitney. Whitney shall promptly remedy and correct any errors, omissions, or other deficiencies upon notification thereof by Kern. At all times during the term of this Agreement, the Whitney shall maintain liability insurance in an amount of no less than \$1,000,000 combined single limits, and shall maintain Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of no less than ONE MILLION DOLLARS (\$1,000,000) each accident with respect to each of Whitney's owned, hired and/or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision. Whitney shall upon request provide Kern with independent written verification that the policy or policies required under this paragraph are in effect. At all times during the term of this Agreement, Whitney shall have in place a policy of Workers Compensation insurance as required by Colorado law covering the ditch rider(s)

providing services under this Agreement.

6. Kern Representative. Kern's representative for all purposes relating to this Agreement is Wade Willis. Mr. Willis shall make, within the scope of his authority, all necessary and proper decisions with reference to the work. All requests for interpretations, and other clarification or instruction shall be directed to Mr. Willis.
7. Independent Contractor. The services to be performed by Whitney are those of an independent contractor and not of an employee of Kern or of the Town of Windsor. Neither Kern nor the Town of Windsor shall not be responsible for withholding any portion of Whitney's compensation hereunder for the payment of FICA, Workers' Compensation, other taxes or benefits or for any other purpose.
8. Personal Services. It is understood that Kern enters into this Agreement based on the special abilities of the Whitney. Accordingly, the Whitney shall not assign or subcontract any responsibilities, nor shall it delegate any duties arising under this Agreement, without the prior written consent of Kern.
9. Acceptance Not Waiver. Kern's approval of any work or materials furnished hereunder shall not in any way relieve the Whitney of responsibility for the quality of the work. Kern's approval or acceptance of, or payment for, any of the services shall not be construed as a waiver of any rights or benefits provided to Kern under this Agreement.
10. Water Rights and Condition of Structures. Whitney accepts no liability and has no responsibility for the condition of Kern structures, their water rights, or the general maintenance and repair of structures in the Kern system. Except for the operational services described herein, Kern retains all liability and responsibility for the condition, repair and maintenance of their structures in their system and shall indemnify and hold Whitney harmless from any claims related to the condition or failure of structures in the Kern system.
11. Indemnification. Kern agrees that in the event there is any lawsuit or claim brought against Whitney or its Board of Directors, officers and employees arising from or related to the services provided herein and any failure of structures in the Kern system, then to the extent permitted by law Kern shall hold harmless, indemnify and defend Whitney, its directors, officers and employees for the cost and defense of said suit and/or any claim for damages relating thereto. If agreed upon by Whitney and Kern in writing, Kern may directly defend such suit or suits. Nothing in this paragraph shall be interpreted to require Kern to indemnify Whitney, its Board of Directors, officers and employees for damage or injury caused by the gross negligence of Whitney in the services provided under this Agreement.
12. Irresistible Force. Whitney shall not be liable or responsible for any delay or

failure to perform under this Agreement due to conditions or events of irresistible force. Irresistible force shall mean any delay or failure of a party to perform its obligations under this Agreement caused by events beyond Whitney's reasonable control, including, without limitation, acts of God, terrorism, explosion, vandalism, flood, earthquakes and tornadoes. For purposes of this Agreement, Irresistible Force.

13. Insurance. Each party will continue to maintain its own policies of insurance with respect to the services being undertaken pursuant to this Agreement. Each party will name the other as "additional insured's" under their respective liability insurance policies. The parties agree that said insurance coverage shall be maintained throughout the life of this Agreement and be in amount sufficient to cover liability, claims, demands and other obligations common to ditch and reservoir company operations.

KERN RESERVOIR & DITCH COMPANY

WHITNEY IRRIGATING
DITCH COMPANY

Kelly E. Arnold, Superintendent

Stanley K. Everitt, President

MEMORANDUM

To: Kern Reservoir and Ditch Company Board of Directors

From: Brad Grasmick, Lawrence Jones Custer Grasmick LLP; Special Water Counsel

Date: May 5, 2015

Re: Confidential Attorney-Client Communication regarding the Status of Junior Water Right application for Kern Reservoir

This memo will provide a summary and update on the application for the junior storage right for Kern Reservoir filed in Case No. 02CW276 and the application to add the ability to irrigate Town Hall with the Main Park Well and augment the same under the Kern augmentation plan decreed in Case No. 02CW301.

1. Application to irrigate Town Hall property with Main Park Well and add that use to the Kern Augmentation plan; case NO. 15CW3027.

- a. Nature of Case. An application was filed to adjudicate a water right to allow Main Park well to be used to irrigate the property around Town Hall and to augment that use within the Kern augmentation plan on March 13, 2015.
- b. Progress to Date. Statements of Opposition, if any are filed, will be due as of the end of May 2015. While there may be statements of opposition, we don't anticipate there will be substantial opposition to this case. As a point of reference, an application to decree a water right and add the Covenant Park Well to the Kern augmentation plan was filed in Case No. 14CW3084 in June of 2014. There were no objectors to that case and a decree was entered on December 15, 2014.

2. Kern Reservoir and Ditch Company, Application for Water Rights, Case No. 02CW276

- a. Nature of Case. Kern filed an application on November 25, 2002 for enlargement of Windsor Lake to increase storage capacity to 3766 acre feet. The City of Boulder, Centennial Water and Sanitation District, City of Greeley, the Greeley Irrigation Company and the New Cache La Poudre Irrigating Company have filed statements of opposition to the application. Greeley Irrigation Company withdrew its statement of opposition. All parties have now stipulated to a decree in this case and a motion for entry of ruling and decree was filed with the court on March 5, 2015.
- b. Progress to Date. On April 30, 2015, I received an email from the water referee that included a comment and requested change from the Division Engineer's office related to accounting. Kern's engineers are reviewing the comment and requested change to insure it is consistent with current accounting practices for the reservoir. It is not anticipated that the Division Engineer's comment and proposed change will be controversial; once that is confirmed, we will respond to the Referee and the ruling and decree should be entered quickly thereafter.

If you have any questions or would like further information regarding either of the above cases, please don't hesitate to contact me.

Sincerely,

LAWRENCE JONES CUSTER GRASMICK LLP



Bradley C. Grasmick

BCG/alp
cc: Steve Nguyen