



KERN BOARD REGULAR MEETING

March 14, 2016 – 6:30 p.m. or immediately following the regular 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 of September 28, 2015 Board of Directors Meeting – K. Eucker
4. Approval of Bills – D. Moyer
5. Resolution No. 2016-KB01 - A Resolution Approving the Operational Management Services Agreement Between the Kern Reservoir and Ditch Company and the Whitney Irrigating Ditch Company for the 2016 Irrigation Season
 - Staff presentation: Eric Lucas, Director of Parks, Recreation & Culture
6. Communications
7. Adjourn



KERN BOARD REGULAR MEETING
September 28, 2015
Immediately before the Regular Town Board Meeting
Town Board Chambers
301 Walnut Street, Windsor, CO 8055

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MINUTES

1. Call to Order

President Vazquez called the meeting to order at 6:00 pm.

2. Roll Call of Directors Present

President John Vazquez
Myles Baker arrived at 6:04 p.m.
Robert Bishop-Cotner
Ivan Adams
Secretary/Treasurer Christian Morgan
Jeremy Rose
Vice President Kristie Melendez

Absent

Also Present:

Town Attorney
Town Clerk/Assistant to Town Manager
Parks/Open Space Manager
Director of Planning
Associate Planner
Director of Finance
Deputy Town Clerk

Ian McCargar
Patti Garcia
Wade Willis
Scott Ballstadt
Paul Hornbeck
Dean Moyer
Krystal Eucker

3. Approval of Minutes of July 13, 2015 Board of Directors Meeting – K. Eucker
Board Member Bishop Cotner motioned to approve the minutes as presented; Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas-Rose, Morgan, Bishop-Cotner, Adams, Vazquez; Nays – None. Motion passed.

4. Approval of Bills – D. Moyer

Director of Finance Dean Moyer provided an overview of the bills within the Kern Board packet.

Mr. Vazquez inquired as to what the consulting fees are to Clear Water Solutions.
Mr. Moyer stated they are associated with the water rights that we own.

Mr. Vazquez inquired if it is management of existing water rights.
Mr. Moyer stated that is correct.

Board Member Bishop- Cotner motioned to approve the bills as presented; Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Rose, Morgan, Bishop-Cotner, Adams, Vazquez; Nays – None. Motioned passed.

Board Member Baker joined the meeting.

5. Water Court Filing, New Cache Shares – K. Arnold/ Ian McCargar

Town Attorney Ian McCargar provided a summary of a memorandum provided to the Kern Board from Lawrence, Jones, Custer and Grasmick LLC. Mr. Grasmick recommends starting the process to change the use of eight shares of New Cache La Poudre Irrigation Company stock that the Kern Reservoir and Ditch Company own. Mr. Grasmick is recommending starting the process for changing those shares so they can go from irrigation to other purposes such as municipal, industrial and recreation. The process starts with getting approval from New Cache La Poudre Irrigation Company Board of Directors or referred to as the Catlin approval. Once that approval is received, the change can be filed in district court. Mr. Grasmick would like to do that in 2016 and is recommending the change to add flexibility to the Kern Reservoir water portfolio and to enable use in conjunction not only with Kern Reservoir, but perhaps with the Town owned Kyger Reservoir.

Mr. Vazquez inquired as to why go through change in case.

Mr. McCargar stated augmentation in this setting is a distinct use over irrigation.

The goal is to gain as much flexibility as possible with from the eight shares.

Another benefit of going through the proves to change the use of the shares is that if new shares are added to that decree and get a change of use, it is a lot easier.

Board Member Baker motioned to Authorize Council to Move Forward with the Change of Use on Eight Shares of New Cache La Poudre; Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Bishop-Cotner, Adams, Vazquez; Nays – None. Motioned passed.

6. Communications

None.

7. Adjourn

Board Member Bishop-Cotner motioned to adjourn; Board Member Morgan seconded the motion. Roll call on vote resulted as follows: Yeas – Baker, Rose, Morgan, Bishop-Cotner, Adams, Vazquez; Nays – None. Motioned passed.

The meeting was adjourned at 6:09 p.m.

Accounts Payable

Transactions by Account

User: sswanson
 Printed: 11/04/2015 - 2:25PM
 Batch: 00000-00-0000



TOWN OF WINDSOR
 301 WALNUT STREET
 WINDSOR, CO 80550
 WWW.WINDSORCO.COM
 (970) 674-2400
 Mon-Fri 9am to 5pm

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
06-484-6253-000	CLEAR WATER SOLUTIONS INC	KRDC GENERAL WATER RIGHTS 08	10/15/2015	74751	2,523.93	
06-484-6253-000	CLEAR WATER SOLUTIONS INC	WINDSOR GENERAL WATER RIGHT	10/15/2015	74751	10,136.93	
06-484-6253-000	CLEAR WATER SOLUTIONS INC	KERN/WCSF RE-4 12-120	10/15/2015	74751	3,077.50	
		Vendor Subtotal for Department:484			15,738.36	
06-484-6260-000	NORTH WELD COUNTY WATER DIST	TRANSFERRED WATER	10/09/2015	74624	36.30	
		Vendor Subtotal for Department:484			36.30	
06-484-6260-000	XCEL ENERGY	UTILITIES-KERN	10/15/2015	74712	63.19	
		Vendor Subtotal for Department:484			63.19	
06-484-8456-000	AQUA ENGINEERING, INC.	COVENANT PARK GROUNDWATR P	10/29/2015	74892	220.00	
		Vendor Subtotal for Department:484			220.00	
06-484-8494-485	NEW CACHE LA Poudre IRRIGATI	TRANSFER FEES-CACHE LA POUDR	09/24/2015	74513	200.00	
06-484-8494-485	NEW CACHE LA Poudre IRRIGATI	SHARE TRACE FOR EKLUND WATE	09/30/2015	74590	500.00	
		Vendor Subtotal for Department:484			700.00	
01-418-6253-500	LAWRENCE JONES CUSTER GRASM	LEGAL SERVICES	10/16/2015	74770	144.00	
01-418-6253-500	LAWRENCE JONES CUSTER GRASM	LEGAL SERVICES	10/16/2015	74770	301.00	

01-418-6253-500	LAWRENCE JONES CUSTER GRASM LEGAL SERVICES	10/16/2015	74770	120.00
01-418-6253-500	LAWRENCE JONES CUSTER GRASM LEGAL SERVICES	10/16/2015	74770	886.00
	Vendor Subtotal for Department:418			1,451.00
	Subtotal for Fund: 06			18,208.85
	Report Total:			18,208.85



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: 4654	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
10/7/2015	Wade Willis		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	KRDC GENERAL WATER RIGHTS 08-210	\$2,523.93
				TOTAL	\$2,523.93

KRDC EXPENSE

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 **4654**
Date **10/07/2015**

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

Billing Period: 9/1/15 – 10/4/15

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

Phase A: Decree Accounting

- Decree accounting
- Correspondence with Brad regarding Kirby Farm dry-up
- Correspondence with Applegate Group
- Review decree and dry-up
- Review engineering of how New Cache shares would be quantified and how much dry-up would be needed
- Update GIS mapping to Exhibit 2 and dry-up related calculations
- GIS mapping and calculations for dry-up obligations
- Review reservoir levels

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	10,020.00	1,118.75
B MISCELLANEOUS	8,912.50	1,105.00
ADMINISTRATION	1,082.50	120.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	1,147.36	180.18
REIMBURSABLE EXPENSES	6.20	0.00
Total	21,168.56	2,523.93

Decree Accounting

Professional Fees

	Hours	Rate	Billed Amount
Principal	3.50	180.00	630.00
Project Manager II	4.25	115.00	488.75
Phase subtotal			1,118.75

Miscellaneous

Professional Fees

	Hours	Rate	Billed Amount
Sr. Project Manager VII	6.50	170.00	1,105.00

2,523.93

Description	Prior Billed	Current Billed
ADMINISTRATION	962.50	120.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	967.18	180.18
Total	1,929.68	300.18

Invoice total **2,523.93**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4635	09/02/2015	750.05		750.05			
4654	10/07/2015	2,523.93	2,523.93				
	Total	3,273.98	2,523.93	750.05	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: 4566 4655	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
10/7/15	Wade Willis		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	WINDSOR GENERAL WATER RIGHTS 09-280	\$10,136.93
				TOTAL	\$10,136.93

KRDC EXPENSE
POSTED



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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 **4655**
Date **10/07/2015**

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

Billing Period: 9/1/15 – 10/4/15

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

Phase A: General Water Rights Services

- Review Kyger draft decree and provide comments to Brad Grasmick
- Eklund Farm due diligence for New Cache shares
- Correspondence with Dale at New Cache
- Correspondence with former farm owner
- Complete and submit August 2015 Kyger Reservoir accounting
- Visit Eklund Farm
- GIS mapping
- Correspondence with the State DWR and Wade Willis on out-of-priority water
- Kyger Reservoir gain calculations
- Correspondence with Brad G and attorneys regarding Main Park well application
- Eklund Farm New Cache diversions for direct and reservoir shares
- Estimate Lake Canal and L&W CU
- Prepare calculations for Main Park well permit application to include Town Hall irrigated area
- New Cache stock trace
- Correspondence with Wes and Ryan on Town Hall application for permit
- Meeting with Town regarding Non-Potable water 9/17/15
- Research River Bluffs Veldman accounting and operational affects on Kyger reservoir
- Prepare response to United Water with Brad
- Complete and submit September 2015 Kyger Reservoir accounting

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	71,635.00	9,595.00
ADMINISTRATION	2,160.00	240.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	1,777.70	240.24
REIMBURSABLE EXPENSES	61.69	61.69
Total	75,634.39	10,136.93

General Water Rights Services

Professional Fees

Principal	Hours	Rate	Billed Amount
	25.00	180.00	4,500.00

General Water Rights Services

Professional Fees

	Hours	Rate	Billed Amount
Sr. Project Manager VII	4.00	170.00	680.00
Project Manager II	36.50	115.00	4,197.50
Sr. Project Manager III	1.50	145.00	217.50
Phase subtotal			9,595.00

Reimbursable Expenses

Reimbursables

	Billed Amount
Miles	61.69

Description	Prior Billed	Current Billed
ADMINISTRATION	1,920.00	240.00
EQUIPMENT, SUPPLIES & GENERAL EXPENSES	1,537.46	240.24
Total	3,457.46	480.24

Invoice total **10,136.93**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4636	09/02/2015	10,196.46		10,196.46			
4655	10/07/2015	10,136.93	10,136.93				
	Total	20,333.39	10,136.93	10,196.46	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

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

PAYMENT REQUEST

INVOICE NUMBER: 4646	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	KRDC EXPENSE
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
10/7/2015	Wade Willis	<i>[Signature]</i>	<i>[Signature]</i>

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6253	N/A	KERN/WCSD RE-4 12-120	\$3,077.50
				TOTAL	\$3,077.50

POSTED



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 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 **4646**
 Date 10/07/2015

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

Billing Period: 9/1/15 – 10/4/15

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 July and August accounting
- Correspondence with Mark Simpson regarding inflow issues and water stored in priority
- Send reports to Mark Simpson and FRE
- Send reports to WCSD and Wade
- Coordinate Loudon releases given call with John
- Coordinate augmentation releases
- Order New Cache water for irrigation in September
- Prepare end of season accounting
- Correspondence with Wade regarding operational issues including Boardwalk and augmentation releases
- Correspondence with Dale regarding reservoir levels
- Begin preparation of September accounting

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	3,077.50
KERN REIMBURSABLE EXPENSES	0.00
Subtotal	3,077.50
Total	3,077.50

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

	Hours	Rate	Billed Amount
Sr. Project Manager VII	16.75	170.00	2,847.50
Project Manager II	2.00	115.00	230.00
Phase subtotal			<u>3,077.50</u>
KERN Reservoir & Ditch Company subtotal			<u>3,077.50</u>

Invoice total **3,077.50**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
4646	10/07/2015	3,077.50	3,077.50				
	Total	<u>3,077.50</u>	<u>3,077.50</u>	0.00	0.00	0.00	0.00

We thank you for your business!



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 Office 970-674-2400
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<i>Finance Department</i>	
Vendor #	100487
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 092315	Notes:
VENDOR: North Weld County Water District	
DBA (IF OTHER THAN VENDOR)	
Address: PO Box 56 Lucerne, CO 80646	
Phone: (970) 356-3020	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
9/23/2015	Wade Willis	<i>[Signature]</i>	

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6260	N/A	TRANSFERRED WATER	\$36.30
				TOTAL	\$36.30

POSTED



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

Finance Department	
Vendor #	100552
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 474127841	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
10/05/15	S Swanson		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	6260	000	KERN-NON POTABLE WATER	\$63.19
				107A CHIMNEY PARK DR-UNIT KERN	
				1A MAIN ST UNIT KERN	
				561 E GARDEN DR	
				10A E Garden Dr 53-0877549-9	
				TOTAL	\$63.19

PAID



MAILING ADDRESS	ACCOUNT NUMBER	DUE DATE
TOWN OF WINDSOR KERN 301 WALNUT ST WINDSOR CO 80550-5141	53-0029078-2	10/23/2015
	STATEMENT NUMBER	STATEMENT DATE
	474127841	10/05/2015
		AMOUNT DUE
		\$63.19

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 08/24	\$62.84
Payment Received	Check 09/15	-\$62.84 CR
Balance Forward		\$0.00
Current Charges		\$63.19
Amount Due		\$63.19

PREMISES SUMMARY

PREMISES NUMBER	PREMISES IDENTIFIER	PREMISES DESCRIPTOR	CURRENT BILL
304241524	107A N CHIMNEY PARK DR UNIT KERN		\$16.29
304241529	1A MAIN ST UNIT KERN		\$15.42
304241530	561 E GARDEN DR		\$16.06
304331438	10A E GARDEN DR		\$15.42
Total			\$63.19

001150 1/3

3 INFORMATION ABOUT YOUR BILL

Thank you for your payment.

Convenience at your service - Pay your bills electronically-fast and easy with Electronic Funds Transfer. Call us at 1-800-481-4700 or visit us at www.xcelenergy.com.

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

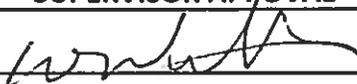


301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<i>Finance Department</i>	
Vendor #	103803
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 26338	Notes:
VENDOR: Aqua Engineering, Inc.	
DBA (IF OTHER THAN VENDOR)	
Address: 4803 Innovation Drive Fort Collins, CO 80525	
Phone: (970) 229-9668	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
10/20/2015	Wade Willis		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	8456 ✓	COV E800	COVENANT PARK GROUNDWATER PUMP SYSTEM	\$220.00
					
				TOTAL	\$220.00

POSTED



375 E. Horsetooth Road, Bldg 2 202
 Fort Collins, CO 80525-3198
 970.229.9699 of/cx
 970.226.3856 fax
 www.aquaengineering.com

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

Invoice number **26338**
 Date **10/20/2015**

Project **Covenant Park Groundwater Pump System**

Professional Services through October 20, 2015

Professional Fees

	Hours	Rate	Billed Amount
CULLEN B. KINOSHITA	1.00	125.00	125.00
JASON H. KLAUSNER	1.00	95.00	95.00
Professional Fees subtotal	2.00		220.00
Invoice total			220.00

Invoice Summary

Description	Contract Amount	Prior Billed	Total Billed	Current Billed
IRRIGATION WELL PUMP SYSTEM CONSTRUCTION DOCUMENTS	2,500.00	2,255.00	2,475.00	220.00
IRRIGATION WELL PUMP SYSTEM CONSTRUCTION OBSERVATION SERVICES	600.00	0.00	0.00	0.00
Total	3,100.00	2,255.00	2,475.00	220.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
26338	10/20/2015	220.00	220.00				
	Total	220.00	220.00	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>



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

Finance Department

Vendor # **105419**

Obligation #

PAYMENT REQUEST

INVOICE NUMBER: 092215	Notes:
VENDOR: New Cache La Poudre Irrigating Co.	
DBA:	
(IF OTHER THAN VENDOR)	
Address: 33040 Railroad Ave	
Lucerne, CO 80646	
Phone:	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
09-22-15			<i>[Signature]</i>

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
06	484	8494	485	Transfer fee for Cache La Poudre Reservoir Company stock	\$100.00
06	484	8494	485	Transfer fee for New Cache La Poudre Poudre Irrigating Company stock	\$100.00
				TOTAL	\$200.00



POSTED

CACHE LA POUFRE MANAGEMENT COMPANY

P.O. BOX 104 • LUCERNE, CO 80646 • (970) 352-0222

3078



Name <i>Town of Windsor</i>				Check No. <i>74513</i>			
Address							
City			Zip Code		By		
Description	Cache La Poudre Mgmt. Co.	Cache La Poudre Irr. Co.	Cache La Poudre Res. Co.	Lower Poudre Aug. Plan	Spec. Res. Acct.		
<i>Stock Certificate</i>		<i>200.00</i>					
<i>Transfer</i>							
<i>Eklund - #4973</i>							
<i># 4176</i>							
Cash	Charge	On Acct.		Date	INVOICE TOTAL	<i>\$200⁰⁰</i>	
				<i>10.16.15</i>			



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

Finance Department	
Vendor #	105419
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 092215	Notes:
VENDOR: New Cache La Poudre Irrigating Co.	
DBA: (IF OTHER THAN VENDOR)	
Address: 33040 Railroad Ave Lucerne, CO 80646	
Phone:	
Fax:	

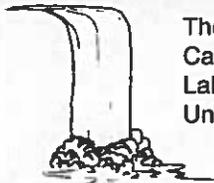
INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
09-22-15			<i>[Signature]</i>

BUDGET LINE ITEM				DESCRIPTION	TOTAL
FUND	DEPT.	FUNCTION	PROJECT		
06	484	8494	485	Share trace for Eklund water shares	\$500.00
				TOTAL	\$500.00



POSTED

CACHE LA POUFRE MANAGEMENT COMPANY



The New Cache La Poudre Irrigating Company • The Cache La Poudre Reservoir Company
Cache La Poudre Pressurized Irrigation Company • Lower Poudre Augmentation Company
Lake Canal Company • Lake Canal Reservoir Company • The Cooke Irrigation Company
Union Lateral Irrigating Company • Weld County Underground Water Users Association

STATEMENT

DATE: September 22, 2015

TO: City of Windsor
Dennis Wagner
301 Walnut Street
Windsor, CO 80550

FROM: The New Cache La Poudre Irrigating Company
PO Box 104
Lucerne, CO 80646

SUBJECT: Request to perform share trace for James R. and Megan C. Eklund

Charge for obtaining stock certificate information and data for the above mentioned client:

Our Staff: Project Charge \$500.00

TOTAL AMOUNT DUE:

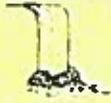
\$500.00

Please return check to The New Cache La Poudre Irrigating Copany

CACHE LA POUFRE MANAGEMENT COMPANY

P.O. BOX 104 • LUCERNE, CO 80646 • (970) 352-0222

3019



Name <i>Town of Windsor</i>		Check No. <i>74590</i>					
Address							
City		Zip Code	By				
Description	Cache La Poudre Mgmt. Co.	Cache La Poudre Irr. Co.	Cache La Poudre Res. Co.	Lower Poudre Aug. Plan	Spec. Res. Acct.		
<i>Share charge</i>		<i>500.00</i>					
<i>for Ekland</i>							
<i>Share</i>							
Cash	Charge	On Acct.		Date <i>10.06.15</i>	INVOICE TOTAL	<i>7500.00</i>	



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

Finance Department	
Vendor #	106424
Obligation #	

PAYMENT REQUEST

INVOICE NUMBER: 47387	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
10/6/2015	Megan Walter		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
01	418	6253	500	Kern Add Main Park 3027	144.00
				TOTAL	\$ 144.00

POSTED

LAWRENCE JONES CUSTER GRASMICK LLP

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

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

October 06, 2015

In Reference To: Kern Add Main Park 3027

Invoice #47387

Professional Services

	<u>Amount</u>
9/9/2015 WK Emailed Clearwater about status of Main Park well, discussed applications with Brad, began filling out well permit applications for two newly decreed water rights.	70.00
9/15/2015 WK Emailed Ryan at Clearwater about annual withdrawal and size of parcel for Town Hall parcel. Finished filling out GWS-45 permits for both wells. Sent to Brad for review.	50.00
BG Review well permits.	24.00
For professional services rendered	\$144.00
Previous balance	\$109.50
9/22/2015 Payment - thank you. Check No. 7442	(\$109.50)
Total payments and adjustments	(\$109.50)
Balance due	<u>\$144.00</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: 47384	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
10/6/2015	Megan Walter		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
01	418	6253	500	General Matters	301.00
				TOTAL	\$ 301.00

POSTED



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

Finance Department	
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PAYMENT REQUEST

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Phone: 970-622-8181	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
10/6/2015	Megan Walter		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
01	418	6253	500	General Matters	301.00
				TOTAL	\$ 301.00

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

October 06, 2015

Invoice #47384

Professional Services

	<u>Amount</u>
9/2/2015 WK Looked over docs concerning Main Park wells including decree, researched applicable well application forms.	35.00
9/4/2015 WK Discussed what needed to be done going forward with Brad, obtained permit.	10.00
For professional services rendered	\$45.00
Additional Charges :	
9/16/2015 Recording Fee: record decree in Weld County's records.	256.00
Total costs	\$256.00
Total amount of this bill	\$301.00
Previous balance	\$382.00
9/22/2015 Payment - thank you. Check No. 7442	(\$382.00)
Total payments and adjustments	(\$382.00)
Balance due	\$301.00

PLEASE MAKE CHECKS PAYABLE TO LAWRENCE JONES CUSTER GRASMICK LLP.

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

(970)622-8181



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: 47385	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
10/6/2015	Megan Walter		

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

October 06, 2015

In Reference To: Aug Plan 02CW301

*Invoice #*47385

Professional Services

	<u>Amount</u>
9/4/2015 BG Review email from Wade with question regarding use of Diamond Valley well and respond to same.	120.00
For professional services rendered	<u>\$120.00</u>
Previous balance	\$120.00
9/22/2015 Payment - thank you. Check No. 7442	(\$120.00)
Total payments and adjustments	<u>(\$120.00)</u>
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

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

PAYMENT REQUEST

INVOICE NUMBER: 47386	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
10/6/2015	Megan Walter		

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
01	418	6253	500	General Matters	886.00
				TOTAL	\$ 886.00

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

October 06, 2015

In Reference To: General
Invoice #47386

Professional Services

	<u>Amount</u>
9/1/2015 WK Talked with Brad about the answer I came up with to Qs from client.	30.00
9/2/2015 WK Amended answers to questions from client, put together docs referenced in answers to questions from client.	40.00
BG Discuss Wes's review of Contracts between Kern and New Cache; Review information from Wes and revise responses to Wade's questions on the New Cache Agreements with Kern and email responses to questions to Wade.	288.00
9/21/2015 BG Draft memo to Kern Board regarding changing Kern New Cache shares.	480.00
9/25/2015 BG Review information from Rachel regarding Kirby Farm Dry Up issue related to New Cache.	48.00
For professional services rendered	\$886.00
Previous balance	\$315.00
9/22/2015 Payment - thank you. Check No. 7442	(\$315.00)
Total payments and adjustments	(\$315.00)
Balance due	\$886.00

PLEASE MAKE CHECKS PAYABLE TO LAWRENCE JONES CUSTER GRASMICK LLP.

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

(970)622-8181



MEMORANDUM

Date: March 14, 2016
To: Kern Reservoir Board
From: Wade Willis, Parks and Open Space Manager
Re: Kern - Whitney Ditch Rider Services Agreement
Item #5: Ditch Rider Services Agreement

Background / Discussion:

Staff has negotiated an updated agreement with the Whitney Irrigating Ditch Company for ditch rider services for 2016. 2015 was the first year that the Town entered into a contract for Ditch Rider services for the Kern. Previously these services were handled by town staff however; the Town no longer has the capacity to perform ditch maintenance and operations. The Whitney staff did an excellent job operating the system in 2015 and is willing to renew a contract for 2016. The Whitney Board is requesting a price increase from 2016 due to an increase in the term of the agreement and because of actual costs which were speculative in 2015, but are now known.

-Ditch Rider Salary:	\$10,400.00 (\$1,300 per month x 8 months)
-Mileage Reimbursement:	\$ 1,950.32
-Expense Reimbursement:	\$ 50.00
-Payroll Taxes:	\$ 795.60
-Workers comp:	\$ 534.82
-Legal review:	\$ 200.00
-Administrative support/tax prep:	\$ 1,200.00
-Contingency: \$	<u>\$ 1,549.26</u>
-Total:	\$16,680.00

Financial impact:

\$16,680 from the Non-Potable Water Fund. This was not a requested budget line item for 2016 but is critical to ensure the Town remains in compliance with the Kern Decree. A funding request will be submitted for subsequent year as this is a required annual operational expenditure.

Recommendation:

Approve resolution Kern Reservoir and Ditch Company Resolution No. 2016-KB01

Attachments:

- Kern Reservoir and Ditch Company Resolution No. 2016-KB01
- Irrigation System Services Agreement

KERN RESERVOIR AND DITCH COMPANY

RESOLUTION NO. 2016-KB01

A RESOLUTION APPROVING THE OPERATIONAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE KERN RESERVOIR AND DITCH COMPANY AND THE WHITNEY IRRIGATING DITCH COMPANY FOR THE 2016 IRRIGATION SEASON

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, on May 11, 2015, the Kern Board of Directors approved an Irrigation System Services Agreement with the Whitney Irrigating Ditch Company for the 2015 irrigation season, which was later amended by the First Amendment to Operational Management Services Agreement, approved by the Kern Board of Directors on July 13, 2015; and

WHEREAS, following the 2015 irrigation season, the parties evaluated the outcomes, and have concluded that the arrangement for Ditch Rider Services should continue, subject to an adjustment in the compensation to be paid by Kern to Whitney in 2016; and

WHEREAS, the representatives of the parties have negotiated the attached Operational Management Services Agreement (2016 Irrigation Season) (“2016 Agreement”); and

WHEREAS, the terms of the 2016 Agreement have been reviewed by staff and the Town Attorney; and

WHEREAS, the Kern Board of Directors has determined that the 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 Operational Management Services Agreement (2016 Irrigation Season) 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 14th day of March, 2016.

KERN RESERVOIR AND DITCH COMPANY

ATTEST:

President

Secretary/Treasurer

OPERATIONAL MANAGEMENT SERVICES AGREEMENT

OPERATIONAL MANAGEMENT SERVICES AGREEMENT (“Agreement”) is dated this 14th day of March, 2016, 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 Sixteen-thousand six hundred eighty dollars (\$16,680.00) for the services described herein. This annual sum will be paid in six (8) equal installments of \$2,085.00 each, falling due on the first day of April, May, June, July, August, September, October and November 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 to operate 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, Kern 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 its structures in its system and shall, to the extent limited and permitted by Colorado law, 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 limited and permitted by Colorado 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.

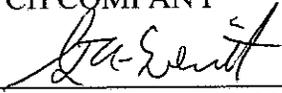
12. Irresistible Force. Whitney shall not be liable or responsible for any delay or failure to perform under this Agreement due to conditions or events of irresistible force. Irresistible force shall mean any delay or failure of a party to perform its obligations under this Agreement caused by events 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. 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

Kelly E. Arnold, Superintendent

WHITNEY IRRIGATING
DITCH COMPANY



Stanley K. Everitt, President