

**Yellow Jacket Water Conservancy District
Board Meeting
Location: 685 Main Street, Suite 5
Minutes of the March 15, 2012 Meeting
Conference Room – 685 Main Street – The Main Street Building**

- I. Meeting Called to Order at Noon
- II. Directors Present: Directors Coryell, Smith, Brennan, Sheridan, Dunham, Proctor (via telephone), and Rogers. Director Kelly was unable to attend due to illness.
- III. Guests in attendance: Sarah Klahn via conference call. Representatives from Hoskin Farina & Kampf were in attendance; Mr. L. Richard (Dick) Bratton, Eliza (Lisa) F. Hillhouse and Greg Hoskin.
- IV. Agenda: It was moved, seconded and approved to approve the Agenda as presented. A copy is attached.
- V. Quorum: President Coryell noted a quorum and that Notice for the meeting was duly posted and published.
- VI. Recording Secretary: It was duly moved, seconded and approved to appoint Trina Zagar-Brown as recording Secretary for the March 15, 2012, Meeting.
- VII. Public Comment: There was no public comment.
- VIII. Minutes: Review and approval of the minutes from February 2, 2012 was tabled.
- IX. Due Diligence Cases:
 - a. Executive Session: Secretary Counsel called for an Executive Session. It was duly moved and seconded to go into Executive Session to discuss matters of litigation pertaining to the YJ Due Diligence cases and the Appeal to the Supreme Court. Ms. Klahn joined the meeting via phone. At the conclusion of the Executive session the public was welcomed back to the meeting.
 - b. No Action was taken during Executive Session.
 - c. It was duly moved, seconded and approved to direct Ms. Klahn to respond to recent settlement requests by Fawn Creek Ranch and report back to the Board at its next meeting.



- X. Treasurer Report: Mr. Brennan reported on the balance of the accounts:
- a. CD: \$10,000.00
 - b. Bank Account: The current balance in the YJ checking account equals \$9,097.88
 - c. The Treasurer reported that at this time he did not think it was necessary to engage the monthly services of Colorado CPA.
- XI. Yellow Jacket Water Storage Feasibility Study:
- a. Ms. Zagar-Brown stated that there was nothing new to report – Phase I Report is not yet complete but in the final review process.
- XII. Secretary Counsel Report:
- a. Secretary Counsel reviewed the Exemption from Audit Form with the Board and obtained the necessary signatures.
 - b. Secretary Counsel: The firm of Hoskin, Farina & Kampf gave a general presentation to the YJ Board submitting their interest for consideration of YJ Interim Secretary Counsel. Mr. L. Richard (Dick) Bratton, Eliza (Lisa) F. Hillhouse and Greg Hoskin gave the presentation to the Board which included the attached written information.
- XIII. Executive Session: It was duly moved, seconded and approved to go into Executive Session to discuss appointment of Interim Secretary Counsel. Upon the conclusion of the Executive Session the public was welcomed back to the meeting. No action was taken during Executive Session.
- XIV. **Next Meeting:** The Board set a meeting for March 22, 2012 at Noon to be held at the Main Street Building, Basement Conference Room. The Board directed to invite the firm of Balcomb & Green to attend the meeting to be considered for the position of Interim Secretary Counsel.
- XV. **It was duly moved, seconded and approved to Adjourn the meeting.**

Read and approved this 24th day of May, 2012

Signed: 

Attest: 



**Yellow Jacket Water Conservancy District
Board Meeting
Agenda
Thursday, March 15, 2012
Noon to 2:00 PM
Main Street Building
Basement Conference Room
685 Main Street, Meeker, CO 81641
Lunch Provided to Board Memebers**

- I. **Call Meeting to Order**
- II. Approve Agenda
- III. Appoint Recording Secretary for March 15, 2012 Meeting
- IV. Public Comment – Limited to 2 minutes per speaker
- V. Due Diligence Case Update – Appeal to Colorado Supreme Court
 - a. General Update
 - b. Settlement Discussions / Executive Session
- VI. Treasurer's Report
- VII. Yellow Jacket Water Storage Feasibility Study
 - a. Secretary-Counsel – Update
- VIII. Secretary Council Report:
 - a. General Update
- IX. Executive Session – Secretary Counsel
- X. Review & Approve Minutes – February 2012
- XI. **Adjourn**





WATER AND NATURAL RESOURCES PRACTICE

Hoskin Farina & Kampf, Professional Corporation, is one of the largest law firms in western Colorado, employing nineteen attorneys, six legal assistants, and an experienced support staff. We proudly trace our history back over 75 years to one of the first law partnerships established in western Colorado. We have a broad practice with a commercial and business orientation. Our home office is located in Grand Junction, we have an office in Gunnison, and two of our attorneys practice out of Denver. Our principal goal is and always has been to provide increased value to our clients, through high-quality, efficient, and timely legal services that are aligned with and responsive to our clients' needs and challenges.

Recently, we expanded our water and natural resources practice by bringing aboard L. Richard (Dick) Bratton, William A. Hillhouse II, and Eliza (Lisa) F. Hillhouse.

Dick Bratton practices in our Gunnison office. Dick's interest in water started in the Salida area where he was born, having been raised 100 yards from the Arkansas River and working on local ranches. He is best known in the water world for representing the Upper Gunnison River Water Conservancy District for over 40 years, commencing in 1961, where he represented the Board in legal, policy and political matters, including successfully defeating an application for a large transmountain diversion and a case of first impression in establishing the right to store water in a reservoir for future use within the river downstream for recreational uses. He has litigation and transactional experience in many areas of water law, especially in representing ranchers in water rights adjudications, diligence proceedings, changes of water rights and water rights title and conveyance matters. Dick has been an active member of the Colorado Water Congress for nearly 50 years; he was president in 1975 and received its Wayne N. Aspinall Leadership award in 2002. Dick was appointed in 2002 by President Bush to be Chairman of the Upper Colorado River Commission and he served until 2010.

Bill Hillhouse practices out of Denver, but works throughout the state of Colorado. He has extensive litigation and transactional experience in virtually every area of water law, including water rights adjudications, augmentation plans, exchanges, changes of water rights, disputes over the exportation of water, disputes over priorities, groundwater regulations, interstate compacts, water quality battles, negotiation and drafting of water transactional documents, performance of due diligence, development of water use plans, and defense of state enforcement actions. Bill represents cities, industries, special districts, water

organizations, individual water users, and water investment groups. Bill also has served as an expert witness in water cases. He is a former staff attorney for the National Water Commission and an adjunct professor of water law at the University of Denver Law School. Bill was named the Best Lawyers' 2012 Denver Water Law Lawyer of the Year.

Lisa Hillhouse also practices out of Denver, and similarly represents clients throughout the state. Lisa began her professional career in Washington, D.C., by serving as a legislative assistant to Senator Marlow W. Cook of Kentucky, dealing primarily with energy-related matters before the Commerce Committee. After law school, she moved to Colorado in 1981 and began practicing natural resources law. Lisa has represented clients in several states on water rights matters, and in federal forums concerning reserved right and water quality issues. She has experience in water rights title and conveyance matters. Her practice experience also includes environmental and land use permitting, securing approvals for mining, refining, waste management and real estate projects, title work associated with oil and gas and mining operations, environmental compliance and remediation, and related matters concerning oil and gas and mining operations throughout the western states.

Dick, Bill and Lisa join Gregory K. Hoskin and John T. Howe – both of whom practice in our Grand Junction office – in our statewide water and natural resources practice. Greg Hoskin, a name partner in our firm, has extensive experience in the water law practice. He served on the Colorado River Water Conservation Board for seven years and the Colorado Water Conservation Board for four years. John Howe is experienced in water rights litigation, including adjudication of water rights, augmentation plans, change cases, administrative enforcement actions, and abandonment matters. He also has extensive experience in transactional matters, including due diligence, title review and conveyance of real estate, water rights and easements. John has additional expertise working with water organizations, particularly mutual ditch companies.

Collectively, our water and natural resources experience encompasses roughly 190 combined years. The following are representative water clients:

Alexander Twin Domestic Pipeline Company; Bluestone Ditch Association; Bluestone Water Conservancy District; Collbran Water Conservancy District; Consolidated Ditches Company; Corporation of the Presiding Bishop; Deacon Family Investments, LP; Farming Technology Corporation; High Cimarron, LLC; Loma Ditch and Lateral Company; Panorama Improvement District; Redd Ranches; Redlands Water & Power Company; Salazar Farms; City of Thornton, Colorado; Tri-State Generation and Transmission Association, Inc.; Ware and Hinds Ditch Association; Wexford Capital, LP.

Biographical information on all of our attorneys and a list of general representative clients is attached.

We welcome each opportunity to provide legal services to new and existing clients. Please feel free to call, write or fax any questions you may have concerning our firm and our range of legal services.

HOSKIN FARINA & KAMPF

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General Civil Practice. Corporation and Business Organizations, Banking, Creditors' Rights, Commercial, Insurance, Labor and Employment, Immigration, Workers' Compensation Defense, Education Law, Real Estate, Construction Law, Estate Planning, Probate, Water Rights, Environmental, Mining, Oil and Gas, Trials, Appeals, Civil Rights, Administrative, Health Care, Products Liability, Personal Injury Defense, Adoptions and Domestic Relations.

Firm Profile: The Firm of Hoskin Farina & Kampf has been awarded Martindale-Hubbell's highest award for legal ability and ethical standards.

GREGORY K. HOSKIN, born Portland, Oregon, December 31, 1939; admitted to bar, 1965, Colorado. *Education:* Stanford University (B.A., 1962); University of Colorado (J.D., 1965). Phi Alpha Delta; Order of the Coif. Leading Articles Editor, University of Colorado Law Review, 1964-1965. *Member:* Mesa County (President, 1974-1975), and Colorado (Member, Board of Governors, 1980-1982) Bar Associations; Fellow: Colorado Bar Foundation, American Bar Foundation; Colorado State Board of Law Examiners, 1977-1989 and Chairman, 1984-1989; Colorado River Water Conservation Board, 1989-1995, and Vice President, 1992; Colorado Water Conservation Board, 2001-2004. **PRACTICE AREAS:** Natural Resources Law; Healthcare Law; Litigation; Commercial Law. **E-MAIL:** ghoskin@hfak.com

TERRANCE FARINA, born Oceanside, Long Island, New York, April 19, 1938; admitted to bar, 1963, California; 1964, Colorado. *Education:* Amherst College (B.A., cum laude, 1960); Stanford University Law School (J.D., 1963). Recipient "Outstanding Young Lawyer of the Year," Colorado Bar Association, 1975. District Attorney, 21 Judicial District of Colorado, 1972-1984. *Member:* Mesa County (President, 1973-1974), and Colorado (Member, Board of Governors, 1976-1978) Bar Associations; First National Bank (President, Chairman, CEO, 1985-1990); St. Mary's Hospital (Member of Board, President, 1989-1995). **PRACTICE AREAS:** Commercial Law; Litigation; Estate Planning Law; Business Organization Law. **E-MAIL:** tfarina@hfak.com

GREGG K. KAMPF, born Memphis, Tennessee, August 29, 1948; admitted to bar, 1974, Colorado. *Education:* University of Colorado (B.S., cum laude, 1970; J.D., 1974). Beta Gamma Sigma; Alpha Epsilon Delta; Order of the Coif. Casenote Editor, University of Colorado Law Review, 1973-1974. Law Clerk to Chief Justice Edward E. Pringle, Colorado Supreme Court, 1974-1975. Fellow, American College of Trust and Estate Counsel. *Member:* Mesa County, Colorado, and American Bar

Associations; Professionalism Award, Colorado Bar Association, 1995. **PRACTICE AREAS:** Estate Planning Law; Probate Law; Real Estate Law; Commercial Law. **E-MAIL:** gkampf@hfak.com

DAVID M. SCANGA, born Salida, Colorado, February 12, 1957; admitted to bar, 1983, Colorado. *Education:* Adams State College (B.A., summa cum laude, 1979); University of Nebraska (M.A., 1982; J.D., high distinction, 1983). Order of the Coif. Lead Articles Editor and Executive Editor, Nebraska Law Review, 1981-1983. Author: Note, "Second Class Speech: The Court's Refinement of Content Regulation," 61 Nebraska Law Review 361, 1982; Comment, "Title VII Class Actions: A New Era?" 62 Nebraska Law Review 130, 1983. *Member:* Mesa County, Colorado, and American Bar Associations; American Health Lawyers Association. **PRACTICE AREAS:** Health Care Law; Employment Law; Commercial Law. **E-MAIL:** dscanga@hfak.com

DAVID A. YOUNGER, born Madison, Wisconsin, June 9, 1956; admitted to bar, 1983, Colorado. *Education:* University of Denver (B.S., summa cum laude, 1978); Vanderbilt University (J.D., 1983). Certified Public Accountant, Colorado, 1979. *Member:* Mesa County, and Colorado Bar Associations; Christian Legal Society. **PRACTICE AREAS:** Civil Litigation; Commercial Law; Real Estate Law; Business Organization Law; Creditors' Rights; Adoptions. **E-MAIL:** dyounger@hfak.com

MICHAEL J. RUSSELL, born Brainerd, Minnesota, May 14, 1954; admitted to bar, 1986, Colorado. *Education:* University of Northern Colorado (B.A., 1977); Gonzaga University (J.D., magna cum laude, 1986). Business Editor, Canadian-American Law Journal. *Member:* Mesa County (President, 2001-2003), and Colorado Bar Associations. **PRACTICE AREAS:** Complex Commercial Litigation and Transactions; Construction and Real Property Law; Creditors' Rights; Corporate Counsel. **E-MAIL:** mrussell@hfak.com

JOHN T. HOWE, born Los Angeles, California, September 26, 1961; admitted to bar, 1989, Colorado. *Education:* Colorado School of Mines (B.S., 1983); University of Colorado (J.D., 1989). Order of the Coif. Law Clerk to Justice William H. Erickson, Colorado Supreme Court, 1989-1990. *Member:* Mesa County, Colorado, and American Bar Associations. **PRACTICE AREAS:** Litigation; Health Care Law; Real Estate Law; Water Law. **E-MAIL:** jhowe@hfak.com

LAURIE A. CAHILL, born Boulder, Colorado, July 8, 1960; admitted to bar 1990, Colorado; 1991, U.S. District Court, District of Colorado; 1993, U.S. District Court, District of Northern California. *Education:* University of Colorado at Boulder (B.A., with distinction, 1986); New York University (J.D. 1990). Phi Beta Kappa. Co-Author: with Jeff B. Groy, "CERCLA and EPA's Lender Liability Rule," Environmental Liability, Vol. 1 Issue 10, 1993, United Kingdom; "Environmental Law," Annual Survey of Colorado Environmental Law, 1993-1995. *Member:* Mesa County, Colorado (Member, Environmental Section), and American Bar Associations. **PRACTICE AREAS:** Estate Planning Law; Probate; Elder Law; Real Estate Law; Business Law; Environmental Law; Creditors' Rights. **E-MAIL:** lcahill@hfak.com

DAVID MICHAEL DODERO, born San Francisco, California, November 17, 1966; admitted to bar, 1994, Colorado. *Education:* University of Colorado (B.A., 1989; J.D., 1994). *Member:* Mesa County, Colorado, and American Bar Associations. **PRACTICE AREAS:** Employment Law; Construction Law; Real Estate Law; Insurance Law; Commercial and Civil Litigation; Civil Appeals; Workers' Compensation Defense; Personal Injury Defense. **E-MAIL:** ddodero@hfak.com

ANDREW H. TESKE, born Denver, Colorado, June 27, 1980; admitted to bar, 2005, Colorado; 2005, U.S. District Court, District of Colorado. *Education*: Westmont College (B.A., summa cum laude, 2002); University of Colorado School of Law (J.D., 2005). Editor, University of Colorado School of Law Journal of Telecommunications and High Technology Law, 2004-2005. *Member*: Mesa County, Colorado, and American Bar Associations. **PRACTICE AREAS**: Civil Litigation; Personal Injury Defense; Commercial Law; Family Law; Real Estate Law. **E-MAIL**: ateskc@hfak.com

– ASSOCIATE ATTORNEYS –

IMELDA C. MULHOLLAND, born Belfast, Northern Ireland, December 3, 1960; admitted to bar, 2006, Colorado; 2007, U.S. District Court, District of Colorado; 2007, U.S. Court of Appeals For The Tenth Circuit. *Education*: Metropolitan State College of Denver (B.S., cum laude, 1998); University of Denver College of Law (J.D., 2004). Co-Author: Annual Survey of Colorado Law (2000), Environmental Law, CLECI, Inc., 1996, 1997, 1999 and 2000. *Member*: Mesa County, Denver, Colorado, and American Bar Associations; American Immigration Lawyers Association; Court Appointed Special Advocate, Arapahoe County, Colorado, 1998-present; Rocky Mountain Immigration Advocacy Network, pro bono lawyer, 2006-present. **PRACTICE AREAS**: Immigration and Naturalization; Civil Litigation; Premises Liability. **E-MAIL**: imulholland@hfak.com

JARROD W. PEARSON, born Denver, Colorado, March 14, 1981; admitted to bar, 2008, Colorado; 2008, U.S. District Court, District of Colorado. *Education*: Mesa State College (B.A., magna cum laude, 2003); University of Denver College of Law (J.D., Order of St. Ives, 2008). **PRACTICE AREAS**: Commercial Transactions; Business Law; Real Estate Law. **E-MAIL**: jpearson@hfak.com

NICHOLAS H. GOWER, born Cedar City, Utah, October 9, 1984; admitted to bar, 2010, Colorado; 2011, U.S. District Court, District of Colorado. *Education*: Southern Utah University (B.A. summa cum laude, 2007); University of Colorado (J.D. 2010). *Member*: Colorado and Mesa County Bar Associations. **PRACTICE AREAS**: Civil Litigation; Real Estate and Construction Law; Business Law. **E-MAIL**: ngower@hfak.com

– OF COUNSEL –

DAVID A. PRICE, born Lemmon, South Dakota, June 10, 1959; admitted to bar, 1984, Colorado. *Education*: University of Colorado (B.A. 1981); University of Colorado School of Law (J.D., 1984). *Member*: Colorado Supreme Court Board of Continuing Legal and Judicial Education; Colorado Council of School Board Attorneys (Member and Past President); NSBA Council of School Attorneys; Mesa County, and Colorado Bar Associations; Colorado West Health Care Systems d/b/a Community Hospital (Member, Board of Trustees; Chairman of the Board, 2007). **PRACTICE AREAS**: Education Law, with emphasis in Public Finance, Special Education, Civil Rights, Contracts, Local Government, and Employment Law; Civil Litigation; Business Transactions and Contracts; Corporations and Partnerships; Health Care Law; Real Estate and Construction Law; Natural Resources and

Environmental Law; Employment Law; Workers' Compensation Law; Arbitration and Mediation.
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TAMMY ERET FELTZ, born Bitburg, Germany, August 31, 1968; admitted to bar, 1994, Colorado; 1994, U.S. Court of Appeals For The Tenth Circuit; 2002, U.S. District Court, District of Colorado. *Education:* Colorado State University (B.A., 1991); Creighton University School of Law (J.D., 1994), Phi Delta Phi. *PRACTICE AREAS:* Civil Litigation; Business Law. *E-MAIL:* tfeltz@hfak.com

ANTHONY F. PRINSTER, born Grand Junction, Colorado, March 8, 1941; admitted to bar, 1966, Colorado. *Education:* University of Notre Dame (B.A., 1963); University of Colorado (J.D., 1966), Phi Delta Phi. *Member:* Business Advisory Council, Federal Reserve Bank, Kansas City. *Member:* Mesa County (President 1980-1981), Colorado (Member Board of Governors, 1982), and American Bar Associations. *PRACTICE AREAS:* Corporate and Business Law; Real Estate Law; Estate Planning Law. *E-MAIL:* tprinster@hfak.com

L. RICHARD (DICK) BRATTON, born Salida, Colorado, April 12, 1932; admitted to bar, 1957, Colorado. *Education:* Western State College (B.A., 1954); University of Colorado (LL.B., 1957). *Member:* Colorado Water Congress (President 1975), (2002 Recipient of Wayne N. Aspinall Leadership Award), Chairman of the Board of Trustees of State Colleges of Colorado (1963-1975), Colorado Bar Association (Past Chairman of Water Law and Agricultural Law Sections), University of Colorado Law Alumni Lee Knous Award 2011, Chairman, Upper Colorado River Commission (2002 through 2010), Club 20 (2011 Recipient of John Vanderhoof Award), American Bar Association, Colorado Foundation for Water Education (2009 Recipient of President's Award). *PRACTICE AREAS:* Water Law; Agricultural Law; Natural Resources Law; Real Estate Law. *E-MAIL:* rbratton@hfak.com

WILLIAM A. HILLHOUSE II, born Colorado Springs, Colorado, March 7, 1939; admitted to bar, 1965, California; 1965, Colorado; 1972, US Supreme Court. *Education:* Stanford University (B.A., 1961), with Great Distinction; Stanford University (LL.B. 1964). Revising Editor, Stanford Law Review (1963-1964); Teaching fellow, University of Chicago Law School, 1964-1965; Staff attorney, National Water Commission, 1972. *Member:* Colorado Supreme Court Water Committee, Education Subcommittee; Colorado Bar Association (Past Chairman, Water Section) (current member of Executive Counsel); American Bar Association (Past Chairman, Water Section); Denver Bar Association; Former Water Law Review Advisory Board member; 2012 Denver Water Law Lawyer of the Year, Best Lawyers®. *PRACTICE AREAS:* Water Law; Natural Resources Law; Litigation. *E-MAIL:* whillhouse@hfak.com

ELIZA (LISA) F. HILLHOUSE, born Detroit, Michigan, May 15, 1950; admitted to bar, 1981, Texas, 1982, Colorado. *Education:* University of Michigan, Ann Arbor (B.A. 1973), with Distinction; University of Houston (J.D. 1981) (Honor Court 1979-1980) (Honor Court Chief Justice 1981). *Member:* American Bar, Colorado Bar, Denver Bar and Texas Bar Associations. Published works: Mining and Public Lands Law, 1985 Annual Survey of Colorado Law, American Law of Mining (2d ed. 1984). *PRACTICE AREAS:* Water Law; Mining Law; Oil and Gas Law. *E-MAIL:* ehillhouse@hfak.com

ATTORNEYS FOR:

Alpine Bank; B&B Excavating, Inc.; Blanchard Insurance; CAPCO, Inc.; Club 20; CNA Insurance Companies; CNIC Health Solutions, Inc.; Colorado Northwestern Community College; Colorado Printing Company; De Beque School District 49-JT; Delta Sand & Gravel Co.; Dillon Companies, Inc.; Downey Excavation, Inc.; Energy Air Drilling; Fairway Pines Homeowners Association; FCI Constructors, Inc.; Fountain Greens, LLC; Four Corners Materials, Inc.; Grand Junction Steel/Tumac Industries, Inc.; Grand Valley National Bank; Grand Valley Rural Power Lines, Inc.; Gunnison County Electric Association, Inc.; Gunnison Watershed School District RE-1J; Home Loan Investment Company and Industrial Bank; Hospice of the Grand Valley; Jobsite, Inc.; The Kroger Co.; Leitner-Poma of America, Inc.; Liberty Mutual Insurance Company; Mesa County Health Department; Mesa Systems, Inc.; Mesa County Valley School District No. 51; Moffat Consolidated School District No. 2; Mountain West Insurance, Inc.; Oldcastle SW Group, Inc.; Quality Health Network; Plateau Valley School District No. 50; Rangely Rural Fire Protection District; Rangely District Hospital; Rangely School District RE-4; Redlands Mesa Golf Course & Development; Ridgway Valley Enterprises, Inc.; Rocky Mountain Health Plans; Saccomanno Higher Education Foundation; SAFECO Property and Casualty Insurance; San Luis Valley Rural Electric Cooperative; School District 51 Federal Credit Union; St. Mary's Hospital & Medical Center; SDG Macerich Properties, L.P.; Telluride Gravel, Inc.; TransColorado Gas Transmission Co.; U.S. Bank, National Association; Umetco Minerals Corp.; United Companies of Mesa County; Unocal Corp.; Wheeler Machinery Co.; Withers Broadcasting Co.

APPROVED ATTORNEYS FOR: Attorneys Guaranty Fund, Inc.

