

The meeting was held at 9:03 a.m. on Friday, May 24, 2013 at the Grant Sawyer State Office Building, 555 East Washington Avenue, Suite 3100, Las Vegas, Nevada.

COMMISSIONERS IN ATTENDANCE

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| Chairman | George F. Ogilvie III |
| Vice Chairwoman | Marybel Batjer |
| Commissioner | Bob Coffin |

COMMISSIONERS IN ATTENDANCE VIA TELECONFERENCE

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| Commissioner | J. Brin Gibson |
| Commissioner | Duncan R. McCoy |
| Commissioner | Berlyn D. Miller |

COMMISSIONER NOT IN ATTENDANCE

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| Commissioner | Steve Sisolak |
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DEPUTY ATTORNEY GENERAL

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| Senior Deputy Attorney General | Ann C. Pongracz |
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COMMISSION STAFF IN ATTENDANCE

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| Executive Director | Jayne Harkins, P.E. |
| Deputy Executive Director | James D. Salo |
| Chief of Finance and Administration | Douglas N. Beatty |
| Energy Accountant | Kalora E. Snyder |
| Office Manager | Judy K. Atwood |
| Administrative Assistant II | Gina L. Goodman |

**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF MAY 24, 2013**

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The Colorado River Commission meeting was called to order by Chairman Ogilvie at 9:00 a.m. followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Executive Director Jayne Harkins confirmed that the meeting was in compliance with the Open Meeting Law.

B. Comments and questions from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

Chairman Ogilvie asked if there were any comments or questions from the public. There were none.

C. For Possible Action: Consideration of and possible action to approve an amendment to the contract for legal services with Fennemore Craig, P.C., to include the addition of the Attorney General as a party to the contract, and Lauren Caster Esq.'s representation as Special Deputy Counsel.

Ms. Harkins explained that on March 12, 2013, the Commission approved a contract between the Commission and Fennemore Craig, P.C., primary attorney Lauren Caster, Esq., to engage his services to provide legal representation in *The Navajo Nation v. U.S.*, CV-03-00507 PCT PGR, which the Court recently redesignated as CV-03-00507 PCT JWS, in the United States District Court, For the District of Arizona, and related matters. Prior to contract approval by the Board of Examiners, Attorney General Catherine Cortez Masto met with Ms. Harkins and Senior Deputy Attorney General Crandell and requested that the Attorney General be made a party to the contract, and that Mr. Caster's appointment as a Special Deputy Counsel be specifically written into the contract.

The Attorney General has the authority as the attorney for the Commission, to conduct actions, proceedings and hearings, pursuant to NRS 41.03435, NRS 228.110(1) and NRS 538.151. The Attorney General has the authority to retain special counsel, in legal jurisdictions outside of the State of Nevada. The Attorney General also is specifically authorized, pursuant to NRS 288.180 and NRS 228.190, to intervene, in the name of the State in any action establishing and determining the rights of the State of Nevada in and to the water of all interstate streams located partly in Nevada where such waters or parts thereof are claimed by any other state. The Attorney General clearly has the statutory authority to intervene in this case concerning the Colorado River.

Based on these changes, Staff recommended the Commission approve the amendment to the contract with Fennemore Craig, P.C., primary attorney Lauren Caster, and authorize the Executive Director to sign it on behalf of the Commission,

Upon approval of the Amendment to the Contract by the Commission, Staff will expedite it to the Board of Examiners for approval. Expedience is necessary because of the

litigation schedule: the Navajo Nation is expected to file its amended complaint on June 1, 2013.

Chairman Ogilvie asked if the purpose, scope of work of Mr. Caster's duties and the cost to the Commission for this contract remains unchanged.

Ms. Harkins replied that is correct.

Commissioner Coffin asked if Mr. Caster had to be sworn in.

Deputy Executive Director James D. Salo responded that it is his impression from Ms. Crandell, that since the amendment is written to designate Mr. Caster as a Special Deputy Counsel, and it includes the Attorney General as a party to the contract, this contract is sufficient without Mr. Caster being sworn in.

Commissioner Coffin stated it would be nice to have outside counsel sworn in by the State.

Mr. Salo stated that the Attorney General may choose to do that once Mr. Caster is in town at some point.

Commissioner McCoy stated that as the Attorney General wants it done this way and the desired attorney will be her deputy, it is fine.

Commissioner Miller moved for approval of the amendment to the contract for legal services with Fennemore Craig, P.C., to include the addition of the Attorney General as a party to the contract, and Lauren Caster Esq.'s representation as Special Deputy Counsel, and authorized the Executive Director to sign on behalf of the Commission. The motion was seconded by Vice Chairwoman Batjer and approved by a unanimous vote.

D. Comments and questions from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

Chairman Ogilvie asked if there were any other comments or questions from the public. There were none.

E. Comments and questions from the Commission members.

Chairman Ogilvie asked if there were any comments or questions from the Commission members. There were none.

F. Selection of the next possible meeting date.

The next meeting was tentatively scheduled for 1:00 p.m. on Tuesday, June 11, 2013 at the Clark County Commission Chambers.

G. Adjournment.

The meeting adjourned at 9:10 a.m.

Jayne Harkins, P.E., Executive Director

APPROVED:

George F. Ogilvie III, Chairman