

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO WATER
CONSERVANCY DISTRICT**

MINUTES

April 18, 2013

A regular meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, April 18, 2013 at 9:45 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado.

President Long announced a quorum was present.

DIRECTORS PRESENT:

Bill Long	Ann Nichols	Vera Ortegon
Gary Bostrom	Kevin Karney	Reed Dils
Gibson Hazard	Greg Johnson	Carl McClure
Howard "Bub" Miller	David Simpson	Shawn Yoxey
Tom Goodwin	Jay Moore	

DEPARTING BOARD MEMBER:

Reed Dils

DIRECTOR(S) ABSENT AND EXCUSED:

Leonard Pruett and Alan Hamel-Advisory Board Member.

DISTRICT OFFICIALS PRESENT:

Executive Director James Broderick; General Counsel Lee Miller; Administrative Manager Toni Gonzales; Project Engineer Kevin Meador; Finance Manager Tina White; Director of Engineering and Resource Management Bob Hamilton; Project-Program Coordinator Jean Van Pelt; Special Water Counsel Steve Leonhardt and Alix Joseph; and Federal Lobbyists Ray Kogovsek and Christine Arbogast.

VISITORS PRESENT:

David Mau, U.S. Geological Survey; Chris Woodka, The Pueblo Chieftain; Steve Witte, Colorado Division of Water Resources-Division 2; Doris Morgan, Congressman Cory Gardner's office; Terry Book, Board of Water Works of Pueblo; Bob Hartzman, City of Canon City Water Department; Roy Vaughan, Bureau of Reclamation; Tom Simpson, Aurora Water; Roy Heald, Security Water District and Fountain Valley Authority; Terry Scanga, Upper Arkansas Water Conservancy District; Scott Lorenz, Arkansas Groundwater Users Association; Mark Scott, GEI; Curt Thompson, Merrick & Company; Tim Payne, Fremont County; Ken Lykens, HDR Engineering; Keith Goodwin, Otero County

RECORD OF PROCEEDING

Commissioner; Curtis Mitchell, City of Fountain; Scott Campbell, Colorado Canal; Dan Henrichs, High Line Canal Company; Mark Morley, Excelsior; and Sean Chambers, Cherokee Metro.

INTRODUCTION OF VISITORS:

President Long welcomed the visitors to the meeting, and asked them to introduce themselves and identify the organization they represented.

ACTION ITEMS:

SWEARING IN OF APPOINTED BOARD MEMBERS

Lee Miller said he had received a Court Order appointing Gary Bostrom, Carl McClure, Howard “Bub” Miller, Jay Moore, and David Simpson to four-year terms on the District Board. He asked that Mr. Bostrom, Mr. McClure, Mr. Howard “Bub” Miller, Dr. Moore, and Mr. Simpson stand and repeat the oath. After reading the oath, the appointed Board members were asked to sign the oath, for filing with the court.

President Long welcomed Dr. Moore as the new member appointed to serve on the Board, and congratulated the reappointed members.

APPROVAL OF MINUTES:

President Long asked if the members of the Board had received their copy of the minutes of the March 21, 2013 Board meeting, and if there were any corrections or additions. Hearing none, Mrs. Ortegon moved, seconded by Mr. Johnson, to approve the minutes. Motion unanimously carried.

FINANCE COMMITTEE REPORT:

Treasurer Ann Nichols reported the financial statement for March was posted to the Board website for review. Treasurer Nichols moved, seconded by Mr. Goodwin, for acceptance of the March 2013 financial statement and payment of the April 2013 bills. Motion unanimously carried.

CONSENT ITEMS:

None

PRESENTATIONS:

Lower Arkansas Water Management Association (LAWMA), CASE NO. 02CW181

Alix Joseph presented a PowerPoint titled, *LAWMA, Case No. 02CW181*, reviewing the following:

- Revegetation in Case NO. 02CW181
- Revegetation Requirements in Case No. 02CW181
- Paragraph 30.B of the Decree in Case No. 02CW181
- LAWMA’s Revegetation Efforts
- Stipulation with LAWMA Regarding Petition to Confirm Establishment of Dry-Land Farming or Revegetation (Stipulation)
- Stipulation
- 2012 Status Report

RECORD OF PROCEEDING

- Response to Annual Report
- The Court Will Set a Hearing
- Work with Bent County
- Resolution by Hearing
- Settlement Discussions

An Executive Session was scheduled to discuss this issue, and will take place at the conclusion of the Enterprise Board meeting.

MONTHLY REPORTS:

U.S. BUREAU OF RECLAMATION REPORT

Roy Vaughan provided a PowerPoint presentation reviewing the following:

- As of April 14, there were 174,227 acre-feet stored in Pueblo Reservoir; 125,262 acre-feet of Project water; 31,732 acre-feet of Excess Capacity water; 17,175 acre-feet of Winter water.
- There is currently 131,687 acre-feet of Project space in Pueblo Reservoir and 58,470 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- Project Reservoirs: Turquoise 47%; Twin Lakes 80%; Pueblo 88%
- Time Series Snowpack Summary for Upper Colorado River Basin and Arkansas River Basin
- Snow Water Equivalent Graphs for Independence Pass, Ivanhoe, and Nast Lake, Kiln

Discussion was had on the criteria for moving water from the upper reservoirs to Pueblo Reservoir.

DIVISION ENGINEER'S REPORT

Mr. Witte reviewed the following:

- River and Reservoir Reports
 - Arkansas River Daily Report. River Call is:
 - (1) 3/31/1882 Bessemer
 - (2) 4/15/1884 Fort Lyon
 - (3) 1/29/1885 Buffalo
 - <http://www.dwr.state.co.us/div2/aras/arascal.asp>
- Current River/Reservoir Operations
 - Low flow conditions
 - Highline / Oxford release of Winter Water (59 cfs to yield 44 cfs)
 - Colorado Springs Utilities has recently resumed ability to exchange into Pueblo (13cfs)
 - Recognizing Aurora's ability to call Rocky Ford to Rocky Ford headgate with trade to Meredith
 - Increased transit losses.

RECORD OF PROCEEDING

- Division Engineers Office has reviewed Rule 14 Replacement Plans to replace well depletions
 - Total temporary pumping approvals:
 - AGUA 5466
 - CWPDA 14,666
 - LAWMA 10,132
 - Replacement supplies will be needed to preserve the ability of a number of municipal and domestic well users who are members of CWPDA

- Two applications for approval of Rule 10 Plans have been submitted, one by the LAVWCD and a second plan specifically addressing improvements under the Ft. Lyon Canal system under the auspices of the LAVWCD. Both plans state their intention to rely on Fry-Ark return flows to be used as a source to maintain return flows associated with surface water irrigation improvements. Additionally, the LAVWCD intends to utilize two recharge ponds as means of maintaining return flow patterns. These are still under review and will be acted on prior to next months District Board meeting.

- Personnel
 - Chad Brummit GW La Junta
 - John Morgan GW La Junta Temp.
 - Don Morton GW Pueblo Temp.
 - Jeff Thomas WD 12 Deputy
 - David Deidrich WD 4/15/79
 - Ashenafi Hydebo Hydrographer

U.S. GEOLOGICAL SURVEY REPORT

Mr. Mau presented a PowerPoint titled, *Summary of Water Conditions in the Arkansas River Basin*, reviewing the following:

- Current Stream Flow Conditions
- Colorado SNOTEL Snowpack Update Map
- Modeled Snow Depth for 2013 April 17, 2013
- Snowpack Maps
- Arkansas, Colorado, and Rio Grande Spring and Summer Streamflow Forecasts as of April 1, 2013
- Precipitation Maps
- Drought Maps

STATE LEGISLATION UPDATE

Lee Miller as discussed last month, of particular interest to the District is SB13-019, sponsored by Senate Agriculture Committee Chair Gail Schwartz. As introduced, the operative sections 3 and 4 provided an avenue for changing the difference between the amount of agricultural water historically diverted and the reduced diversion amount achieved through efficiency measures to non-consumptive water uses below the original diversion point, denying upstream junior water rights (such as the Fry-Ark

RECORD OF PROCEEDING

and Twin Lakes) the right to divert when water in priority is available. Significant concerns with the legislation were raised by many water users from various parts of the state. The bill, as amended by the Senate Agriculture Committee, restricts a water judge from determining a water user's historical consumptive use in Water Divisions 4, 5, or 6 based on water use reductions resulting from:

- Enrollment in a federal land conservation program;
- Participation in certain water conservation programs;
- Participation in an approved land fallowing program or to provide water for compact
- Compliance; or
- Participation in a water banking program.

Some minor additional amendments were made in the House of Representatives, and the Senate has concurred in these amendments. This bill has passed both the House and Senate and awaiting the Governor's signature.

Another bill the District has been following is HB03-1130, sponsored by Representatives Fisher and Sonnenberg. This bill allows the State Engineer to reapprove operation of an interruptible water supply agreement for up to two additional ten year periods (continuing to limit the use to three years out of every 10 years). The Senate Agriculture Committee received testimony on April 4, 2013, and made some additional amendments.

House Agriculture Chair Randy Fischer has again teamed up with Lower Ark District and the Super Ditch to introduce a lease/fallowing bill. As originally introduced, HB03-1248 authorizes the Colorado Water Conservation Board (CWCB) to administer a pilot program consisting of up to three (3) pilot projects, each up to ten (10) years in duration, in the lower Arkansas River basin to demonstrate the practice of fallowing agricultural irrigation land and leasing the associated water rights for temporary municipal use. In the House Agriculture Committee, the bill was amended to authorize 10 pilot projects statewide; with no more than three (3) projects in each of the major river basins. The bill no longer includes a size limitation, instead directing the CWCB to address this and other issues in a criteria and guidelines process. The amended bill passed the House on April 11, 2013, and the process has begun in the Senate.

NRCS COLORADO BASIN OUTLOOK REPORT March 1, 2013

Mr. Hamilton reported the Colorado Basin Outlook Report for April 1, 2013 was posted to the Board website and a copy was in their Board binders. The monthly report will be posted and provided in their binders each month.

Mr. Hamilton presented a PowerPoint reviewing the following:

- Colorado SNOTEL Snowpack Update Map with Site Data
- Upper Arkansas River Basin and Collection System Snowpack Graphs
- Arkansas River Basin and Upper Colorado River Basin SNOTEL Snow/Precipitation Update Report

RECORD OF PROCEEDING

- Thomasville Gage on the Fryingpan River
- Boustead Tunnel Outlet Gage
- Boustead Tunnel Historic Ave Diversions

INFORMATIONAL ITEMS:

The Board was provided written material on the following topics, which were posted to the Board website:

- Water Court Résumé
- O M & R Update
- Legal Quarterly Report
- Twin Lakes Dam Corrective Action Study
- Arkansas River Basin Water Forum, April 24-25, Walsenburg

President Long recessed the meeting at 11:15 a.m. to convene the Enterprise meeting, and reconvened the District meeting at 11:50 a.m.

OTHER BUSINESS MATTERS:

President Long presented Reed Dils with an Outstanding Service Award clock and a framed photo by Ed Posa of a buffalo, Mr. Dils is an outgoing Board of Director. Mr. Dils said he decided to term limit himself. He said he was proud to work with the other Board members, and that it was an exciting and pleasurable experience.

EXECUTIVE SESSION:

Lee Miller said a request had been made for the Southeastern Colorado Water Conservancy District to enter Executive Session for the purpose of:

Discussion with legal counsel on the LAWMA (Case No. 02CW181, Water Division 2)

Pursuant to:

- C.R.S. §24-6-402(4)(b):** (Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions)
- C.R.S. §24-6-402(4)(e):** (Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators)

The presence of the following persons is requested at this Executive Session:

1. Executive Director
2. General Counsel
3. Special Water Counsel
4. Director of Engineering and Resource Management

RECORD OF PROCEEDING

MINUTES WILL BE ELECTRONICALLY RECORDED AS REQUIRED BY THE COLORADO OPEN MEETING ACT

Mr. Goodwin moved, seconded by Mr. Johnson, to enter into Executive Session. Motion unanimously carried.

At this time the Southeastern Colorado Water Conservancy District Board will enter into Executive Session. The Board meeting was recessed at 11:58 am., and reconvened at 12:25 pm.

REPORT OUT OF EXECUTIVE SESSION:

Lee Miller reported the Directors discussed with legal counsel on LAWMA (Case No. 02CW181 Water Division 2), and no action item resulted from the Executive Session.

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 12:26 p.m.

Respectfully submitted,

Toni Gonzales
Administrative Manager

Secretary

