

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO
WATER CONSERVANCY
DISTRICT
MINUTES**

March 17, 2022

A meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, February 17, 2022 at 10:17 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado. The ZOOM platform was also made available for Board members and visitors. Mr. Mitchell asked Margie Medina for an updated roll call.

Vice President Mitchell established that a Quorum was present.

DIRECTORS PRESENT:

Alan Hamel	Dallas May	Pat Edelmann
Andy Colosimo	Greg Felt (remote)	Patrick Garcia
Ann Nichols (remote)	Howard Miller (remote)	Seth Clayton
Bill Long (remote)	Kevin Karney	Tom Goodwin
Curtis Mitchell	Mark Pifher	

DIRECTOR(S) ABSENT AND EXCUSED:

Carl McClure

DISTRICT OFFICIALS PRESENT:

Executive Director James Broderick; General Counsel Lee Miller and Peter Levis; Senior Policy and Issues Manager Chris Woodka; Water Resource Engineer Garrett Markus; Principal Engineers Kevin Meador, and Mark Scott; Administrator of Finance and Administration Leann Noga; Accountant Stephanie Shipley (remote); Accounting Specialist Lynette Holt (remote); Administrative Support Specialist's Margie Medina and Patty Rivas; and Christine Arbogast, Kogovsek & Associates.

VISITORS CONNECTED REMOTELY:

Abby Ortega, Colorado Springs Utilities; Barbara Crockett, Jacobs; Bill McDonald, McDonald Water Policy; Cathy Garcia, Congress-woman Lauren Boebert's Office; Curtis Thompson, AECOM; Jeffery DeHerrera, Pueblo West Metro District; Jerry Pena, Kennedy Jenks; Joe Stadterman, Colorado Parks & Wildlife Lake Pueblo; Kari Linker, Senator Hickenlooper's office; Kevin Salter, Kansas Department of Agriculture @ 12:24; Rachel Duran Kansas City Dept of Ag; Rachel Zancanella, Division Engineer; and Roy Heald, Security Water and Sanitation.

VISITORS PRESENT:

Bill Tyner, Division Engineer; Krystal Brown and Brandon Forbes, USGS; Mike Holmberg USBR; Oliver Wesley and Traves White, JHL Constructors; and Rick Kienitz, Aurora Water.

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APPROVAL OF MINUTES:

Vice President Mitchell said the minutes of the February 17, 2022, District Board meeting were posted to OnBoard and the Board website for review and asked if there were any corrections or additions. Mr. Garcia pointed out that action item authorizing Special Water Counsel to file a statement of Opposition to the Application of the city of Lamar in Case No. 21CW3085 did not state “Motion Unanimously Passed” Mr. Lee Miller advised that correction will be made. Mr. Goodwin moved, seconded by Mr. Hamel to approve the minutes with the necessary correction. Motion unanimously carried.

TREASURER REPORT:

Kevin Karney reported the financial statements for February 2022 were posted to OnBoard and the Board website for review. Mr. Karney moved, seconded by Mr. Clayton for acceptance of the February 2022 financial statements and payment of the March 2022 bills. Motion unanimously carried.

PRESENTATION ITEMS:

2022 BUDGET, BUSINESS PLAN AND STRATEGIC PLAN PUBLICATIONS

Mrs. Noga introduced the presentations. She gave recognition to Chris Woodka and Stephanie Shipley for their hard work on creating the publications. Mr. Woodka took over and presented a PowerPoint that covered:

1. Reviewed annual publications that are regularly published
2. Strategic Plan for 2022
3. Business Plan for 2022
4. Adopted Budget for 2022
 - a. Executive Summary
 - b. Offices and Human Capital
 - c. Financial Planning
 - d. Budget Overview, Description & Comparison Data
 - e. Major Fund Driving Factors
 - f. Strategic Long-Range Planning

The Board thanked all that were involved in the Publication process and echoed a “Job Well Done.”

ACTION ITEMS:

STATEMENT OF OPPOSITION IN THE APPLICATION OF TRIVIEW METROPOLITAN DISTRICT CASE NO. 22CW3004 (WATER DIVISION 2)

Mr. Lee Miller reported an action item recommending the Board authorize Special Water Counsel to file a Statement of Opposition to the Application of Triview Metropolitan District in Case No. 22CW3004, Water Division 2.

The Triview Metropolitan District (Triview) filed an application in Water Division 2 (Case No. 21CW3004) to change its Bale Ditch rights on the South Arkansas River at Salida. The application is similar to Triview’s pending application to change rights from Cottonwood Creek (21CW3044) and raises similar concerns for the District, perhaps the only material difference being that the District’s potentially affected exchange right is on the South Ark (97CW160) rather than Cottonwood Creek. The application seeks to change the decreed use from irrigation to municipal purposes for use in Triview’s service area near Monument Creek, north of Colorado Springs. The application also seeks to store the

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water in Big Johnson, Stonewall Springs, and Pueblo Reservoirs. Triview has a long-term excess capacity contract to store 999 acre-feet in Pueblo Reservoir dated December 29, 2021. The application proposes to replace historical return flows to calling rights on Cottonwood Creek and the Arkansas River with fully consumable water from the Arkansas Valley Irrigation Canal or from Triview's Denver Basin groundwater sources, in addition to water decreed for replacement use from Triview's share ownership in the Fountain Mutual and Excelsior Ditches, and its unchanged rights in the Bale 1 and 2 Ditches on the South Arkansas River.

Triview's application involves storing water in Pueblo Reservoir to ultimately transport it to Triview's service area using the Southern Delivery System or by exchange. The application may impact the District's rights in Pueblo Reservoir, absent appropriate terms and conditions in the decree. Staff and counsel recommend filing a statement of opposition to seek standard terms regarding Triview's use of Pueblo Reservoir, to ensure no injury to the District's rights in Pueblo Reservoir. The application is similar in some respects to the Upper Arkansas WCD's pending Case No. 19CW3089. As in that case, the District will also want to assure that the quantification of the changed water right, and terms and conditions for return flow replacement, protect the District's exchange right on Cottonwood Creek (96CW17) and VFMP flows at the Wellsville Gage.

Mr. Edelman moved, seconded by Mr. Pifer, that the District Board authorize Special Water Counsel to file a Statement of Opposition to the Application of Triview Metropolitan District in Case No. 22CW3004, Water Division 2. Motion unanimously carried.

Mr. Miller took time to acknowledge Peter Levish composed this report, and Peter will be appearing in court on this and other water court cases in the future along with Burns, Figa, and Will.

MONTHLY/QUARTERLY REPORTS:

U.S BUREAU OF RECLAMATION REPORT

Mr. Mike Holmberg provided a written report reviewing the following as of March 14, 2022:

- There were 223,768 acre-feet stored in Pueblo Reservoir; 120,358 acre-feet of Project water; 43,025 acre-feet of Excess Capacity water; 39,452 acre-feet of Winter water and winter carryover
- There is currently 125,015 acre-feet of Project space in Pueblo Reservoir and 57,023 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- Charts illustrating storage amounts in Turquoise Lake, Twin Lakes, and Pueblo Reservoir
- Project Reservoirs: Turquoise 68%, Twin Lakes 100%, Pueblo 101% as of March 14, 2022
- Total M&I PW in the system as of February 28, 2022:
 - a) East 19,147
 - b) West 9,609
 - c) Pueblo 17,019
 - d) Other 4,029
 - e) FVA 69,388
 - CSU 51,618

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- Fountain 5894
- Security 4,741
- Stratmoor 1,818
- Widefield 5,316
- Winter Operations:
 - a) Target 60 KAF of space available in Upper Reservoirs
 - 1. Currently there is about 57 KAF available
 - b) Movement of water can be adjusted based on forecast and customer needs
- Snowpack summaries for:
 - 1. Arkansas River Basin
 - 2. Colorado Headwaters
- March Forecast:
 - 1. 25% - 35.4 KAF
 - 2. 50% - 47.4 KAF
 - 3. 75% - 60.0 KAF

Mr. Holmberg advised that Reclamation does not anticipate a Spill.

DIVISION ENGINEER REPORT

Mr. Bill Tyner presented a report on Running the River topics of discussion:

- Winter Storage & Transition to Irrigation Season
- Tracking Water
- Winter Water Storage Program Tracking
- Conservation Storage in John Martin Reservoir
- Tracking Water
 - Reservoir Release, Delivery and Storage
 - Fountain Creek Sources
- Exchanges/APD'S – Pueblo Reservoir and below
- Exchanges above Pueblo

U.S. GEOLOGICAL SURVEY REPORT

Mrs. Krystal Brown and Mr. Brandon Forbes presented a report on USGS Update: Arkansas River Streamflow Conditions and Snowpack Monitoring Program Overview. Topics of discussion:

- Historical perspective, monthly streamflow comparison
- EF Arkansas River at HWY 24, nr Leadville
- Arkansas River nr Avondale, CO
- Arkansas River at Las Animas, CO
- Arkansas River nr Coolidge, KS
- Colorado Water Science Center – Snowpack Monitoring Program
 - 1. Manual Observations
- Real-Time Instrumentation
- Remote Sensing
- Modeling
- Next Steps

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COLORADO PARKS & RECREATION-LAKE PUEBLO UPDATE

Mr. Joe Stadterman presented to the Board a PowerPoint which covered the following topics:

- CPW Marine Evidence Recovery Team (MERT)
- Marine Evidence Recovery Team – Boats, Towable Sonar, Boat Mounted Sonar, Remote Operated Vehicle, and Aerial Drone

Mr. Stadterman provided a link to a video that reviews the above named topics.

<https://youtu.be/RHaOuFch-Oc>

STATE LEGISLATION UPDATE

Mr. Lee Miller provided an update the Board on bills of interest to the District:

HB22-1151: This bill sponsored by Representatives Marc Catlin and Dylan Roberts and Senators Jeff Bridges and Cleave Simpson requires the Colorado Water Conservation Board (CWCB) to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs.

SB22-028: This Water Resource Review Committee (WRRC) approved bill, seeks to establish a funding vehicle to receive money which will be applied to the needs in the Republican River and Rio Grande areas to further interstate compact compliance requirements. The bill sets forth the structure of the fund and how it will be administered. The priority uses of the funds are identified as retiring certain acreages of irrigated farmland and the shutdown of some wells. Funding is expected to come from federal funds under one or more of the bills recently passed.

SB22-029: This is the WRRC-approved “anti-speculation” bill. This bill was approved by the WRRC as a “place-holder” to address concerns by some that “hedge funds” and other investment buyers were profiting from scarce Colorado water resources.

SB22-030: This is another WRRC bill that proposes to expand the scope of interest of the WRRC beyond water to include agricultural issues. Some proponents have suggested that this is limited to agricultural water issues, but the text does not support such an interpretation and the history of the WRRC suggests that agricultural water issues have always been considered by the WRRC.

SB22-114: This is the Colorado Counties, Inc., supported bill to address concerns regarding ponds used for fire suppression that are unpermitted and presumably incapable of being augmented, either because augmentation is infeasible because it is economically prohibitive or water-availability constraints.

SB22-126: This bill sponsored by Senators Jerry Sonnenberg and Kerry Donovan and Representative Richard Holtorf requires the Colorado Water Conservation Board (CWCB) prioritize water storage in the South Platte River Basin in choosing projects to finance with money from the CWCB construction fund. Current law requires the CWCB to prioritize projects that will increase the beneficial consumptive

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use of Colorado's undeveloped compact-entitled waters. The bill includes within this priority a specific priority for projects that increase or improve water storage in the South Platte river basin as a means of increasing the beneficial consumptive use of undeveloped water entitled under the South Platte river compact and in a manner that reduces reliance on transmountain diversions.

Recreational In-Channel Values Reach—RIVR draft legislation: Environmental organizations, led by American Whitewater, have finally surfaced proposed legislation amending the Recreational In-Channel Diversion (RICD) program. A draft legal conceptual outline was attached to last month's report. This is a much more modest proposal than concepts previously floated by American Whitewater and allies. We understand that conversations on the draft legislation will continue, and this will likely come to the legislature as a late-bill.

COLORADO RIVER ISSUES STATUS

Mr. Lee Miller updated the Board on the current state of Lake Powell. A release from Commissioner Becky Mitchell was received the evening of March 16th which Mr. Miller read to the Board. In summary, Lake Powell will decline below 3,525 feet in elevation in the near future, announced the Bureau of Reclamation (Reclamation) and U.S. Department of the Interior. Reclamation said the drop is temporary and reflects the "abnormally dry winter season." Lake Powell's elevation is expected to recover above 3,525 feet through the course of the spring runoff season, likely in May, according to the Reclamation.

Reclamation, Upper Division States, and Upper Colorado River Commission are preparing additional measures to implement later this year to help maintain elevation 3,525 feet at Lake Powell. The Seven Basin States Principals are also in discussions regarding the issue.

INFORMATIONAL ITEMS:

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

- Water Court Resume
- Recovery of Storage Update
- Club20 2022 Spring Conference
- ARBWF 2022 Forum

Hearing no other matters to come before the Board, Mr. Mitchell adjourned the District Meeting at 12:42 p.m.

Respectfully submitted,

Patty Rivas
Administrative Support Associate

Secretary
