

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO WATER
CONSERVANCY DISTRICT**

MINUTES

January 15, 2015

A regular meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, January 15, 2015 at 10:00 a.m. at the District office, 31717 United Avenue, Pueblo, Colorado.

President Long announced a quorum was present.

DIRECTORS PRESENT:

Bill Long	Vera Ortegon	Harold Miskel
Kevin Karney	Gibson Hazard	Gary Bostrom
Carl McClure	Howard "Bub" Miller	Leonard Pruett
Jay Moore	David Simpson	Pat Edelmann
Tom Goodwin	Curtis Mitchell	
Alan Hamel-Advisory Board Member		

DIRECTOR(S) ABSENT AND EXCUSED:

Ann Nichols

DISTRICT OFFICIALS PRESENT:

Executive Director James Broderick; General Counsel Lee Miller; Administrative Manager Toni Gonzales; Principal Engineer Kevin Meador; Water Resources Specialist/Engineer Garrett Markus; Program-Project Coordinator Jean Van Pelt; Special Water Counsel Steve Leonhardt and Courtney Shephard; and Federal Lobbyists Ray Kogovsek and Christine Arbogast.

VISITORS PRESENT:

Chris Woodka, The Pueblo Chieftain; Gerry Knapp and Tom Simpson, Aurora Water; Doug Fitzgerald, U.S. Congressman Scott Tipton's office; Dwight Gardner, U.S. Senator Michael Bennet's office; Roy Vaughan, U.S. Bureau of Reclamation; Bill Tyner, Colorado Division of Water Resources-Division 2; Jerry Peña, GEI Consultants; Terry Book, Board of Water Works of Pueblo; John Knapp, NRCS (retired); Curt Thompson, AECOM; Bob Hartzman, City of Canon City Water; Roy Heald, Security Water District and Fountain Valley Authority.

INTRODUCTION OF VISITORS:

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

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APPROVAL OF MINUTES:

President Long said the minutes of the December 4, 2014 Board meeting were posted to the Board website for review, and if there were any corrections or additions. Hearing none, Mrs. Ortegon moved, seconded by Mr. Pruett, to approve the minutes. Motion unanimously carried.

FINANCE COMMITTEE REPORT:

Mr. Karney reported the financial statements for November and draft December 2014 were posted to the Board website for review. Mr. Karney moved, seconded by Mr. Pruett, for acceptance of the November and draft December 2014 financial statements and payment of the January 2015 bills. Motion unanimously carried.

CONSENT ITEMS:

None

PRESENTATIONS:

ROCKY FORD CASE REVEGETATION STATUS AND ISSUES

Gerry Knapp presented a PowerPoint titled, *Rocky Ford II Transfer-CW169 (A) Status Discussion Regarding Revegetation and Continued Farming Programs*, reviewing the following:

- Rocky Ford II Transfer Background
- Revegetation Progress
- Revegetation Clarification IGA
- Continued Farming Program
- Continued Farming Augmentation Decree
- Continued Farming Program Sufficiency
- Continued Farming Water Supply Sufficiency
- Drought and Associated Effects
- Characterizing the Drought
- Rocky Ford Drought Conditions
- Precipitation at Rocky Ford
- Rocky Ford Precipitation History
- 2014 vs. Normal Precipitation Data-Rocky Ford
- Effects on Condition of Revegetation are Significant
- Aurora's Plan and Proposal for 2015
- Aurora Proposes to Reduce Amount of Water Diverted at Alternate Point

ACTION ITEMS:

OPEN MEETING RESOLUTION NO. 2015-01D

Lee Miller reported A Resolution Relating to the Compliance by the Southeastern Colorado Water Conservancy District with the Colorado Open Meeting Law is required under Colorado Revised Statute §37-45-101 *et seq.* this resolution defines where the public notice of each meeting will be posted at least

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24 hours prior to the meeting. After the approval of the resolution, notice will be sent to the County Clerk and Recorder of each of the nine counties within the District boundaries.

Mr. Goodwin moved, seconded by Mr. Hazard, to adopt Resolution No. 2015-01D, A Resolution Relating to the Compliance by the Southeastern Colorado Water Conservancy District with the Colorado Open Meeting Law. Motion unanimously carried.

INCLUSION OF LAND ANNEXED BY THE CITY OF COLORADO SPRINGS

Garrett Markus reported Reclamation completed environmental reviews on the following:

Property	Resolution
Ordinance No. 06-164, Powerwood Addition No. 7 Annexation	Resolution No. 2015-01D INCL-AX
Ordinance No. 08-94, Northgate Estates Annexation	Resolution No. 2015-02D INCL-AX
Ordinance No. 14-53, Saddle Tree Village Annexation	Resolution No. 2015-03D INCL-AX
Ordinance No. 14-92, Capital Annexation No. 1	Resolution No. 2015-04D INCL-AX

Reclamation assented to the inclusion of the Ordinance No. 06-164, Ordinance No. 08-94, Ordinance No. 14-53, and Ordinance No. 14-92 properties into the District.

The Resource and Engineering Planning Committee reviewed these annexations and voted to recommend the Board adopt the four resolutions listed and petition the District Court to confirm the inclusion of these properties described in the City of Colorado Springs Ordinances numbered 06-164, 08-94, 14-53, and 14-92 into the District.

Mr. Simpson moved, seconded by Mrs. Ortegon, the Board adopt Resolutions No. 2015-01D INCL-AX, No. 2015-02D INCL-AX, No. 2015-03D INCL-AX, and No. 2015-04D INCL-AX and direct staff and legal counsel to petition the District Court for confirmation of inclusion of the four properties described by City of Colorado Springs Annexation Ordinances numbered 06-164, 08-94, 14-53, and 14-92 into the District. Motion passed, with Mr. Bostrom recusing.

INCLUSION OF LAND ANNEXED BY THE CITY OF CANON CITY

Garrett Markus reported Reclamation completed environmental reviews on the following properties:

Property	Resolution
Ordinance No. 2 Series 1999, Tezak/Dawson Ranch Annexation	Resolution No. 2015-05D INCL-AX
Ordinance No. 17 Series 2000, Fox Hollow Annexation	Resolution No. 2015-06D INCL-AX
Ordinance No. 23 Series 2000, Windemere Annexation	Resolution No. 2015-07D INCL-AX
Ordinance No. 4 Series 2001, Snake Rock Annexation	Resolution No. 2015-08D INCL-AX

Reclamation assented to the inclusion of the Ordinance No. 2 Series 1999, Ordinance No. 17 Series 2000, Ordinance No. 23 Series 2000, and Ordinance No. 4 Series 2001 properties into the District.

The Resource and Engineering Planning Committee reviewed these annexations and voted to recommend the Board adopt the four resolutions listed and petition the District Court to confirm the

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inclusion of these properties described in the City of Canon City Ordinances numbered 2 Series 1999, 17 Series 2000, 23 Series 2000, and 4 Series 2001 into the District.

Mr. Goodwin moved, seconded by Mr. Bostrom, the Board adopt Resolutions No. 2015-05D INCL-AX, No. 2015-06D INCL-AX, No. 2015-07D INCL-AX, and No. 2015-08D INCL-AX and direct staff and legal counsel to petition the District Court for confirmation of inclusion of the four properties described by City of Canon City Annexation Ordinances numbered 2 Series 1999, 17 Series 2000, 23 Series 2000, and 4 Series 2001 into the District. Motion unanimously carried.

MONTHLY/QUARTERLY REPORTS:

U.S. BUREAU OF RECLAMATION REPORT

Roy Vaughan provided a PowerPoint presentation reviewing the following:

- As of January 12, 2015 there were 221,494 acre-feet stored in Pueblo Reservoir; 134,488 acre-feet of Project water; 46,370 acre-feet of Excess Capacity water; 38,643 acre-feet of Winter water.
- There is currently 122,461 acre-feet of Project space in Pueblo Reservoir and 42,368 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- Project Reservoirs: Turquoise 92%; Twin Lakes 108%; Pueblo 130%
- Arkansas River Basin Time Series Snowpack Summary January 13, 2015
- Upper Colorado River Basin Time Series Snowpack Summary January 13, 2015
- Colorado SNOTEL Snowpack Update Map

Mr. Vaughan reported Mt Elbert Conduit is running 250 cfs, but will reduce flows soon. Currently Reclamation is moving 112 cfs. The movement of water will be adjusted according to the forecast and customer's needs.

DIVISION ENGINEER'S REPORT

Bill Tyner reported on the following:

- Winter Water Storage Program
 - December storage just under 54,000 acre-feet
- Compact Issue
 - A federal representative attended the Arkansas River Compact meeting on December 17, 2014.
 - Representatives from Kansas requested a report from the District, which Mr. Broderick presented.
 - Kansas ran their water for the first time in three years.
- Catlin Pilot Program
 - CWCB has been provided for review
- Review of Marijuana Cultivation
 - Rule 14 review process

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U.S. GEOLOGICAL SURVEY REPORT

None

STATE LEGISLATION UPDATE

Lee Miller reported the 2014 session of the General Assembly was called to order on January 7, 2015. The Colorado Constitution limits the length of regular legislative session to no more than 120 consecutive calendar days. The last day upon which the General Assembly may adjourn sine die is May 6, 2015. The General Assembly may adjourn earlier than that date, but not later than May 6, 2015.

The District participates in the Colorado Water Congress State Affairs Committee, which generally meets on Monday mornings in Denver before the Legislature begins its work for the week. There was a meeting held on Monday, January 12, 2015.

Bills are currently being introduced. Each of the legislators must file their first three bills by early the week of January 12; the deadline is different for the House and the Senate.

After the last legislative session, Governor John Hickenlooper vetoed Senate Bill 14-023, Senator Gail Schwartz's agriculture water efficiency bill, reportedly because of "unresolved concerns about its potential impact to water rights." In his veto letter, the Governor further expressed concerns that this legislation may have the unintended consequence of polarizing stakeholders in water plan effort. The veto letter further stated, "We ought to do all that we can to encourage conservation of water resources and keep more water in our streams and rivers for water quality purposes, but this has to be done in ways that respect our long tradition of prior appropriation and prevent injury to downstream users." Finally, the veto letter expressed support for "a targeted pilot program" to help "preserve broad stakeholder consensus across basins on how to carefully introduce changes to our water law."

The Department of Natural Resources (DNR) has convened a working group who has been developing a new draft agriculture water efficiency bill. Despite having spent countless hours working on last year's legislation, the District was not invited to participate in the DNR working group. Early drafts of the bill suggest that DNR bill will use the same Colorado Water Conservation Board process that was created for the following pilot program legislation, and does not provide a useful role for the Water Court. The current draft proposes twelve "pilots" in the west slope water divisions, only five of which can be in any one division. This doesn't appear to meet the "targeted pilot program" goal of the Governor. Lee Miller said there will no doubt considerable time will be spent on this issue again this legislative session.

LEE WILL PROVIDE ADDITIONAL VERBIAGE FOR ADDITIONAL BILLS DISCUSSED

INFORMATIONAL ITEMS:

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

- Water Court Resume

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- Quarterly Legal Report
- Colorado Water Congress 2015 Annual Convention – January 28-30, Denver
- 13th Annual DARCA Convention – February 11-13, Grand Junction
- 27th Annual Family Farm Alliance Conference – February 20-21, Las Vegas

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 11:53 a.m.

Respectfully submitted,

Toni Gonzales
Administrative Manager

Secretary
