

RECORD OF PROCEEDING

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**SOUTHEASTERN COLORADO WATER  
CONSERVANCY DISTRICT**

**MINUTES**

**June 18, 2015**

A regular meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, June 18, 2015 at 10:20 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
Harold Miskel	Kevin Karney	Gibson Hazard
Carl McClure	Howard "Bub" Miller	Gary Bostrom
Jay Moore	Pat Edelmann	Tom Goodwin
David Simpson	Alan Hamel-Advisory Board Member	

**DIRECTOR(S) ABSENT AND EXCUSED:**

Curtis Mitchell and Leonard Pruett.

**DISTRICT OFFICIALS PRESENT:**

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

**VISITORS PRESENT:**

Chris Woodka, The Pueblo Chieftain; Doug Fitzgerald, U.S. Congressman Scott Tipton's office; Dwight Gardner, U.S. Senator Michael Bennet's office; Cathy Garcia, U.S. Senator Gardner's office; Roy Vaughan, U.S. Bureau of Reclamation; Steve Witte, Colorado Division of Water Resources-Division 2; Bill Banks, U.S. Geological Survey; Mark Scott, GEI; Brett Gracely, Colorado Springs Utilities; Terry Book, Board of Water Works of Pueblo; Tom Simpson, Aurora Water; Mike Weber, Colorado Water Protective Development Association; Amy Louise, Don Gallegos, and Jason Woodruff, U.S. Army Corps of Engineers; Terry Scanga, Upper Arkansas Water Conservancy District; Jack Goble, Lower Arkansas Valley Water Conservancy District; George Hanzas, Catlin Canal; Kevin Niles, Arkansas Groundwater Users Association; Bob Hamilton, retired; Jim Baldwin and Keith Goodwin, Otero County; Curtis Thompson, AECOM; Bud O'Hara, retire and Metrix Design; Tracey Bouvette, Sustainable Practices; and Roy Heald, Security Water District and Fountain Valley Authority.

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**INTRODUCTION OF VISITORS:**

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

**APPROVAL OF MINUTES:**

President Long said the minutes of the May 21, 2015 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. Goodwin, to approve the minutes. Motion unanimously carried.

**FINANCE COMMITTEE REPORT:**

Treasurer Nichols reported the financial statements for May 2015 were posted to the Board website for review. Ms. Nichols moved, seconded by Mr. Howard "Bub" Miller, for acceptance of the May 2015 financial statements and payment of the June 2015 bills. Motion unanimously carried.

**CONSENT ITEMS:**

None

**PRESENTATIONS:**

None

**ACTION ITEMS:**

**WATER COURT RESUME**

Mr. Lee Miller reported on the following:

Case No. 2015CW3014 – The Lower Arkansas Water Management Association (LAWMA) seeks to amend its Case No. 02CW181 augmentation decree to include additional wells or structures. This is the latest in a series of cases to amend LAWMA's augmentation decree. The District has made efforts to reach an agreement with LAWMA that necessary terms associated with use of Fry-Ark water and facilities would be included, but have not been successful. The District's objectives in this case will be to: (1) Ensure that any decree in this case contains terms ensuring LAWMA only uses Project water and return flows to replace depletions occurring within District boundaries occurring from structures located within District boundaries; (2) protecting Southeastern's Project water rights by making sure any decree allowing use of Project water contains the appropriate standard terms on allocation of Project water; (3) that nothing in this case modifies Southeastern's decrees; (4) recognizes that Project water is a supplemental supply for use within District boundaries; and (5) has appropriate standard terms for use of Project water in augmentation plan. Finally, the District will ensure that any wells added to the augmentation plan in Case No. 02CW181 are subject to terms and conditions at least as restrictive as those in decree in Case No. 02CW181.

Case No. 2015CW3016 – The United States of America (USA), for the benefit of the U.S. Air Force Academy, seeks storage rights and an augmentation plan. The USA proposes that Colorado Springs Utilities provide augmentation for the storage ponds, which are located outside the District's boundaries. The application raises issues regarding use of Fry-Ark Project water and facilities. Among the District's

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objectives in this case are likely to be ensuring the decree contains terms and conditions prohibiting Colorado Springs Utilities and the USA from using Project water to augment any structures or depletions outside District boundaries.

Mr. Bostrom moved, seconded by Mr. Simpson, to authorize special water counsel to file a statement of opposition in Case No. 2015CW3014, (Lower Arkansas Water Management Association). Motion unanimously carried.

Mr. McClure moved, seconded by Howard “Bub” Miller, to authorize special water counsel to file a statement of opposition in Case No. 2015CW3016, (United States of America). Motion passed, with Mr. Bostrom recusing.

#### CLIMAX MOLYBDENUM COMPANY (CASE NO. 12CW124) APPROVAL OF STIPULATION

Steve Leonhardt introduced Morgan Figuers a new associated at Burns, Figa & Will.

Mr. Leonhardt said Case No. 12CW124 is Climax’s application for approval of a plan for augmentation, together with new conditional water rights and appropriative rights of exchange. Climax’s main objective is to replace depletions to the Arkansas River system from its diversion and storage facilities above Leadville for the Climax Mine. One claimed source of substitute supply is water that Climax plans to lease from the Board of Water Works of Pueblo (BWWP) and release to the Arkansas River from various locations, including Twin Lakes and Turquoise Reservoir (and, until recently, Pueblo Reservoir).

The District’s primary objectives in this case have been: (1) to ensure proper conditions for use of Project facilities, consistent with BWWP’s contractual rights to such facilities; (2) to ensure appropriate terms and conditions to protect the Upper Arkansas River Voluntary Management Flow Management Program (the VFMP); (3) to ensure that the augmentation plan and exchange operations do not cause injury to the District’s water rights, including exchanges; (4) to ensure that the decree includes appropriate standard language terms to protect the Winter Water Storage Program (WWSP); (5) to ensure Climax’s use of Columbine Ditch water is consistent with the District’s stipulations in recent cases; and (6) to ensure that the decree does not cause significant injury to water rights on the Arkansas River below Lake Fork, by appropriately quantifying and replacing depletions.

In response to recent comments from counsel for the District and BWWP, Climax is dismissing its claims for exchanges and augmentation releases from Pueblo Reservoir, the Lake Meredith outlet, and other locations on the Arkansas River below its confluence with Clear Creek. Thus, any exchange or augmentation releases will be made at or above the Clear Creek Reservoir outlet north of Buena Vista. The current proposed decree (dated June 2, 2015) reflects the removal of those claims, and is substantially consistent with the District’s objectives. It also includes terms the District requested to protect the VFMP (paragraph 19(G)) and the WWSP (paragraph 19(H)), clarifies that Climax’s lease from the BWWP will not include Project water (paragraph 18(C)), and provides for consistency with the previously stipulated decrees for the Columbine Ditch water rights (paragraph 18 (A)(5)). With these

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changes, District staff and legal counsel believe that the augmentation plan and exchange operations will provide appropriate replacements to avoid injury to water rights. Climax has added conditions for use of Fryingpan-Arkansas Project facilities (mainly in paragraph 13(A)) that are similar but not identical those the District proposed. Special water counsel is continuing to review and discuss with Climax the terms on Project facilities, and (with District staff) will assure that a stipulated proposed decree has language satisfactory to the District in this regard.

Mr. Karney moved, seconded by Mr. Bostrom, to authorize special water counsel to enter into a stipulation with Climax Molybdenum consenting to entry of a decree that is no less restrictive on Climax and no less protective of the District than the proposed decree dated June 2, 2015, with final revisions that are acceptable to District staff and legal counsel. Motion unanimously carried.

**MONTHLY/QUARTERLY REPORTS:****U.S. BUREAU OF RECLAMATION REPORT**

Roy Vaughan provided a PowerPoint presentation reviewing the following:

- As of June 16, 2015 there were 275,481 acre-feet stored in Pueblo Reservoir; 150,905 acre-feet of Project water; 56,916 acre-feet of Excess Capacity water; 40,802 acre-feet of Winter water.
- There is currently 106,044 acre-feet of Project space in Pueblo Reservoir and 35,641 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- Project Reservoirs: Turquoise 86%; Twin Lakes 112%; Pueblo 147%
- Arkansas River Basin Time Series Snowpack Summary April 14, 2015, May 18, 2015, June 16, 2015.
- Upper Colorado River Basin Time Series Snowpack Summary April 14, 2015, May 18, 2015, and June 16, 2015.
- Arkansas River Basin Snowpack and Streamflow Forecasts, May 1, 2015
- Upper Colorado River Basin Snowpack and Streamflow Forecasts, May 1, 2015
- Boustead Imports 31,858 Acre-Feet
- Flood Control Inflow into Pueblo Dam
- Releases from Pueblo Dam
- U.S. Drought Monitor WEST

A lengthy discussion was held regarding the high water caused by the current rain storms and the procedures that are being followed.

**DIVISION ENGINEER'S REPORT**

Steve Witte reported on the following:

- River and Reservoir Report  
Reference Arkansas River Daily Report. River Call is
    - 5/31/1949 Compact call at Stateline
    - 5/31/1949 Compact call at John Martin Reservoir
- <http://www.dwr.state.co.us/div2/aras/arascal.asp>

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- Current River/Res. Operations
  - ArkDaily: Pueblo inflow = 6,520 cfs, ARKPUECO = 4,080 (+ 700 today), Admin = 32,000 af since Tuesday, June 11. Attempting to release at maximum non-damaging rate (Currently 5,290 cfs) but administration is increasing approximately 4,500 af/day.
  - Temporary Flood Detention at Pueblo
    - (1) June 16, at midnight cut Pueblo Reservoir release by 3,100 cfs.
    - (2) June 16, Ark Avondale Peak approximately 9,500 cfs.
  - Other movements of water
    - (1) June 12 involved in a deliberations as to whether Twin Lakes Tunnel could be used to provide flood relief to Roaring Fork through Aspen.
    - (2) Nearly everything is full except Turquoise, Horse Creek, Great Plains (storing for the first-time in 12 years), John Martin and Trinidad.
      - John Martin Storage – Conservation Storage since May 9, 2015, Currently = 80,180+ af, Amity Section 3 limited at 50,000 af from Great Plains transfer decree, Permanent Pool =10,078 af.
- Misc.
  - The Division Engineers Office will be filing a motion to close the 2010 abandonment proceeding later this week.

STATE LEGISLATION UPDATE

Lee Miller reported with the conclusion of the Regular Session, focus moves to the Water Resources Review Committee (WRRC). The WRRC membership is as follows:

Senators	Representatives
<i>Ellen Roberts, Chair</i>	<i>Ed Vigil, Vice-chair</i>
Randy Baumgardner	Jeni Arndt
Mary Hodge	Jon Becker
Matt Jones	Don Coram
Jerry Sonnenberg	Diane Mitsch Bush

The following table displays the meeting dates and locations:

Regular Meeting			SB14-115 Hearings on State Water Plan			
Date	Time	Location	River Basin	Date	Time	Location
June 11-12	Foundation for Water Education – Metro Tour					
July 20	2:00 PM	Durango	Dolores-San Miguel-San Juan	July 20	6:00 PM – 8:00 PM	Durango
July 21	2:00 PM	Montrose	Gunnison	July 21	6:00 PM – 8:00 PM	Montrose

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July 22	2:00 PM	Craig	Yampa-White	July 22	6:00 PM – 8:00 PM	Craig
			Rio Grande	August 10	6:00 PM – 8:00 PM	Alamosa
			Arkansas	August 11	6:00 PM – 8:00 PM	Salida
			Colorado River	August 12	6:00 PM – 8:00 PM	Granby
August 19-21	This meeting will be in conjunction with the Water Congress summer meeting	Vail				
			North Platte	September 14	12:00 PM – 1:00 PM	Walden
			S. Platte	September 14	6:00 PM – 8:00 PM	Greeley
October 7	9:00 AM	State Capitol – Denver				
October 29	9:00 AM	State Capitol – Denver				

One last bill of interest to the District that the Governor signed on May 29:

- **SB15-212**, sponsored by Senator Sonnenberg and Representative Winter, addresses the operation of certain water retention facilities that have been constructed to intercept storm runoff and to control the discharge of that excess water into the stream system in a controlled and safe manner. Because of the recent experience with wild fires throughout the state, the bill includes the facilities that are designed to control post-wildland fire runoff as well. The bill sets forth a definition of both types of facilities, and several provisions in the bill are intended to preclude detention facilities that do not meet the new strict definitions from using the new operation guidelines. The bill was modified in conference committee and then readopted by both houses.

U.S. GEOLOGICAL SURVEY REPORT

Bill Banks introduced himself as the Office Chief in the Pueblo office, he began on June 1, 2015, and said he is happy to be in Pueblo.

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**INFORMATIONAL ITEMS:**

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

- Water Court Resume
- Colorado Water Congress Summer Conference, August 19-20, Vail

President Long said if there were Board members that were going to attend the Colorado Water Congress Summer Conference, to inform Toni Gonzales, so that registrations and reservations can be sent in.

President Long announced there **will not** be an August Board meeting.

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 11:34 a.m.

Respectfully submitted,

Toni Gonzales  
Administrative Manager

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Secretary

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