

RECORD OF PROCEEDING

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**SOUTHEASTERN COLORADO WATER  
CONSERVANCY DISTRICT**

**MINUTES**

**October 17, 2013**

A regular meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, October 17, 2013 at 10:13 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado.

President Long announced a quorum was present.

**DIRECTORS PRESENT:**

Bill Long	Harold Miskel	Vera Ortegon
Gibson Hazard	Gary Bostrom	Tom Goodwin
Carl McClure	Leonard Pruett	David Simpson
Alan Hamel-Advisory Board Member		

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

Greg Johnson, Kevin Karney, Howard "Bub" Miller, Jay Moore, Ann Nichols, and Shawn Yoxey.

**DISTRICT OFFICIALS PRESENT:**

**ENTERPRISE OFFICIALS PRESENT:**

Executive Director James Broderick; General Counsel Lee Miller; Administrative Manager Toni Gonzales; Project Engineer Kevin Meador; Director of Engineering and Resource Management Bob Hamilton; Administrative Support Specialist Leann Noga; Special Water Counsel Alix Joseph; and Federal Lobbyists Ray Kogovsek and Christine Arbogast.

**VISITORS PRESENT:**

Chris Woodka, The Pueblo Chieftain; Terry Book, Board of Water Works of Pueblo; Gary Fuller, HDR Engineering; Dwight Gardner, Senator Michael Bennet's office; Ian Lyle, Congressman Scott Tipton's office; Jack Goble, Lower Arkansas Valley Water Conservancy District; Curt Thompson, Consultant; Keith Goodwin, Otero County; Bob Hartzman, City of Canon City Water Department; Chris Woodka, The Pueblo Chieftain; Tom Simpson, Aurora Water; Scott Lorenz, Arkansas Groundwater Users Association; Doug Kemper, Colorado Water Congress; James Eklund, Colorado Water Conservation Board; and Tim Payne, Fremont County.

**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 asked if the members of the Board had received their copy of the minutes of the September 19, 2013 Board meeting, and if there were any corrections or additions. Mrs. Ortegon moved, seconded by Mr. Goodwin, to approve the minutes. Motion unanimously carried.

**FINANCE COMMITTEE REPORT:**

President Long said the acceptance of the September financial statement would be deferred until the November Board meeting.

**CONSENT ITEMS:**

None

**PRESENTATIONS:**

**COLORADO WATER PLAN**

Lee Miller introduced James Eklund, Director of the Colorado Water Conservation Board. Mr. Eklund presented a PowerPoint titled, *A Plan by Coloradoans-Colorado's Water Plan for Colorado*, reviewing the following:

- 1974 Colorado State Water Plan
- Colorado Population by Region
- Upper Colorado Basin Snowpack
- Water Withdrawals in Colorado
- Colorado's Water Plan Will...
- Colorado's Water Plan Could...
- Colorado's Water Plan Can...
- Colorado's Water Plan Framework
- CWCB Flood Response

The Board members were provided Colorado's Water Plan and Colorado's Water Plan Frequently Asked Questions.

Mr. Eklund referred Board members to the website [www.coloradowaterplan.com](http://www.coloradowaterplan.com), where the event calendar can be viewed, comment forms are available, and updated Colorado Water Plan documents are available. Other social media are Twitter@COWaterPlan and Facebook.

**COLORADO WATER CONGRESS POSITION REGARDING AG EFFICIENCIES LEGISLATION**

Lee Miller introduced Doug Kemper, Executive Director, Colorado Water Congress (CWC). Mr. Kemper provided the Board members a copy of CWC Positions Regarding Agricultural Efficiency Legislation. CWC is providing the document to assist in drafting legislative proposals that will increase agricultural efficiency of tributary water, while at the same time protecting existing water rights. Section two of the document discusses current Colorado law on potentially relevant legal issues. The sources cited are provided at the end of the document. Section three of the document sets out areas of concern that CWC believes should be addressed in any legislative proposal.

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**PUBLIC TRUST**

Doug Kemper reported CWC earlier this year initiated a special project to ensure that CWC members and water stakeholder from around the state are prepared for any ballot initiatives that would disrupt ownership or management of Colorado's water resources, such as the Public Trust Doctrine.

Mr. Kemper said the CWC Public Trust Special Project was designed to monitor any ballot filings or legal actions, assess the public level of knowledge and support for the doctrine, and create and implement a communication and action plan.

Mr. Kemper reviewed the following:

- Statewide Poll
- E-newsletter
- Special Project-Advisory Committee

Christine Arbogast introduced Ian Lyle, Deputy Director for Congressman Scott Tipton's office. Mr. Lyle reported H.R.3189 was introduced, which would prohibit the conditioning of any permit, lease, or other use agreement on the transfer, relinquishment, other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture. Mr. Lyle said the CWC and Farm Bureau have endorsed the bill.

**ACTION ITEMS:**

**SET PUBLIC HEARING FOR 2014 PROPOSED BUDGET**

President Long said each of the next three action items were the same as were reported on in the Enterprise meeting, and there was not a need to report on each item again.

Tom Goodwin moved, seconded by Mr. Bostrom, the Board set November 21, 2013 at 9:45 a.m. at the office of the Southeastern Colorado Water Conservancy District for a Public Hearing of the 2014 Proposed Budget. Motion unanimously carried.

**RESOLUTION No. 2013-01-DF, ADOPTION OF SUNFLOWER BANK CORPORATION AUTHORIZATION RESOLUTION, AND RESOLUTION AUTHORIZING TREASURY MANAGEMENT SERVICES**

Mr. Hazard moved, seconded by Mr. Simpson, the Board adopt Resolution No. 2013-01-DF, the Sunflower Bank Corporate Authorization Resolution, and the Sunflower Bank Resolution Authorizing Treasury Management Services, which the Board was provided documentation of each. Motion unanimously carried.

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**RESOLUTION No. 2013-02-DF AND WELLS FARGO SECURITY, LLC CERTIFICATE OF AUTHORITY-GENERAL**

Mr. Pruett moved, seconded by Mr. Goodwin, the Board adopt Resolution No. 2013-02-DF and direct the Secretary of the Board to sign the Certificate of Authority-General, which the Board was provided documentation of each. Motion unanimously carried.

Harold Miskel left the meeting at 12:00 p.m.

**AURORA/HIGH LINE EXCHANGE (CASE NO. 05CW105) MOTION TO DISMISS APPLICATION WITHOUT PREJUDICE**

Lee Miller reported that Aurora and High Line filed an application in December 2005, requesting both absolute and conditional appropriative rights of exchange for exchanges from the High Line Canal headgate to Pueblo Reservoir, Turquoise Reservoir, Twin Lakes Reservoir and other diversion and storage facilities. The District filed its statement of opposition on February 21, 2006, and filed its own competing exchange applications (Case No. 06CW7 and 06CW8) for exchanges of non-Project water for the benefit of Southeastern's constituents.

Last year, the Water Referee, based on new policies in Water Division 2, set a deadline of September 13, 2013 for resolution of this case on the Referee's docket or rereferral to the Water Judge for trial setting. At this deadline, Aurora and High Line reported they would decide shortly whether to request dismissal of the case, among other alternatives. On October 3, 2013, Aurora's attorneys requested Southeastern's and other objectors' consent to dismiss the case "without prejudice." The Applicants' proposed motion, proposed order and request for consent did not address whether the dismissal "without prejudice" would result in postponement of the priority of any new application for the same rights until the year in which the new application is filed, which is usually the effect of "dismissal without prejudice" in water cases. Special water counsel called Aurora's attorneys to discuss this point. Mr. Dingess confirmed that High Line and Aurora intend to preserve their right to claim antedated 2004 and 2005 priority dates in a future exchange application, to the extent they operated the exchanges in those years. Mr. Dingess stated that it was of particular importance to High Line shareholders to preserve the right to reassert senior exchange claims.

After a lengthy discussion regarding the suggested motion regarding the Aurora/High Line Exchange Case No. 05CW105, Mr. McClure moved, seconded by Mrs. Ortegon, to table the decision until the November Board meeting. Motion unanimously carried.

**MONTHLY REPORTS:**

**U.S. BUREAU OF RECLAMATION REPORT**

Roy Vaughan provided a PowerPoint presentation with the following information, time did not permit the PowerPoint to be presented. The following information was included in the PowerPoint.

- As of October 14, there were 129,393 acre-feet stored in Pueblo Reservoir; 103,604 acre-feet of Project water; 24,494 acre-feet of Excess Capacity water; 1,211 acre-feet of Winter water.

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- There is currently 153,345 acre-feet of Project space in Pueblo Reservoir and 32,416 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- Project Reservoirs: Turquoise 92%; Twin Lakes 79%; Pueblo 95%

**DIVISION ENGINEER'S REPORT**

No representative present

**STATE LEGISLATION UPDATE**

Lee Miller reported Doug Kemper reviewed the most important items under his presentation.

**INFORMATIONAL ITEMS:**

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

- Water Court Resume
- Legal Quarterly Report
- Other Business Matters
  - Winter Water Annual Meeting-October 18, 2013 – Otero Jr. College
  - NWRA 82<sup>nd</sup> Annual Conference, November 13-15, 2013-San Antonio, TX
  - CRWUA Annual Conference – December 11-13, 2013 – Las Vegas, NV

**OTHER BUSINESS MATTERS:**

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 12:22 p.m.

Respectfully submitted,

Toni Gonzales  
Administrative Manager

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Secretary

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