

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO WATER
CONSERVANCY DISTRICT**

MINUTES

September 19, 2013

A regular meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, September 19, 2013 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	Ann Nichols	Harold Miskel
Vera Ortegon	Kevin Karney	Gibson Hazard
Greg Johnson	Carl McClure	Howard "Bub" Miller
Tom Goodwin	Shawn Yoxey	Jay Moore
Leonard Pruett		

DIRECTOR(S) ABSENT AND EXCUSED:

Gary Bostrom, David Simpson, 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; Director of Engineering and Resource Management Bob Hamilton; Project-Program Coordinator Jean Van Pelt; Administrative Support Specialist Leann Noga; and Special Water Counsel Steve Leonhardt.

VISITORS PRESENT:

Chris Woodka, The Pueblo Chieftain; John VanOort, Lonnie Spady, and Phil Reynolds, Colorado Division of Water Resources-Division 2; David Mau, U.S. Geological Survey; Terry Book, Board of Water Works of Pueblo; Roy Vaughan, Bureau of Reclamation; Mike Gossett, HDR Engineering; Dwight Gardner, Senator Michael Bennet's office; Brian McCain, Congressman Scott Tipton's office; Doris Morgan, Congressman Cory Gardner's office; Christina Thiebaut, U.S. Senator Mark Udall's office; Scott Lorenz, Arkansas Groundwater Users Association; Terry Scanga, Upper Arkansas Water Conservancy District; Jack Goble and Jay Winner, Lower Arkansas Valley Water Conservancy District; Curt Thompson, Consultant; Jerry Peña, CDM Smith; Curtis Mitchell, City of Fountain; and Tim Payne, Fremont County.

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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 asked if the members of the Board had received their copy of the minutes of the August 15, 2013 Board meeting, and if there were any corrections or additions. 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 August was posted to the Board website for review. Treasurer Nichols moved, seconded by Mr. Pruet, for acceptance of the August 2013 financial statement and payment of the September 2013 bills. Motion unanimously carried.

CONSENT ITEMS:

None

PRESENTATIONS:

COLORADO RIVER BASIN STUDY

Lee Miller presented a PowerPoint titled, *An Upper Basin Perspective-The Colorado River Basin Study of 2012*. Reviewing the following:

- Upper Basin Conditions
- Upper Division Shortages
- Current Conditions
- The Basin Study and the Future
- An Upper Basin View of the Study
- Conclusions

Lee Miller reported on the Agricultural Conservation and Transfers Workgroup meeting he attended on August 27, 2013 at McCarran International Airport in Las Vegas. He reported that Colorado is well represented on all the workgroups that have been established.

ACTION ITEMS:

WATER COURT RESUME

United Feeders (Case No. 2013CW3022)

Mr. Hamilton reported Case No. 2013CW3022 is an application by United Feeders, Inc. for Approval of Plan for Augmentation and Change of Water Rights. This application is a new case because the previous application, to which the District had objected, has been dismissed by the Water Court. The applicant proposes to use Catlin Canal Company and High Line Canal Company shares and the associated Winter water for well augmentation and to “dry up” the lands associated with the water rights. This application raises similar concerns as the District had in the previous application, and there are several discrepancies in the resume. For example, the Range in the legal description for the well is Range 59 West, which is

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18 miles west of Range 56, where the latitude and longitude, and the county road description say where the well is located. Also, the Resume states the applicant owns 12.5 shares of the 22,500 outstanding shares of the High Line Canal Company. There are only 2,250 outstanding shares of the High Line Canal Company. The application does not specifically state the changed use or how the Winter water or the “dried up” lands will be specifically handled. For the above reasons, staff, general counsel, and special water counsel recommend the Board authorize special water counsel to file a Statement of Opposition in Case No. 2013CW3022.

Mrs. Yoxey moved, seconded by Dr. Moore, the Board authorize special water counsel to file a Statement of Opposition in Water Division 2, Case No. 2013CW3022. Motion passed with Mr. Bub Miller abstaining.

City of Manitou Springs (Case No. 2013CW3027)

Mr. Hamilton reported Case No. 13CW3027 is an amended application by the City of Manitou Springs (Manitou) for Approval of Plan for Augmentation. Seven wells and three springs will be augmented with this plan with a total of no more than 50 acre-feet annually of Fryingpan-Arkansas Project water (Project water) and Project water return flows, which are stored in Manitou Reservoir. Manitou owns eight of the ten structures, and the other two structures are located on easements owned by Manitou. Legal counsel for Manitou has been in contact with special water counsel concerning this application. It is noted in this Resume that “Any decree entered in this case shall contain all relevant provisions and restrictions required by the Southeastern Colorado Water Conservancy District for the use of Project water in a plan for augmentation.”

Staff, general counsel, and special water counsel have reviewed this application and amendments, and recommended filing a Statement of Opposition in Case No. 13CW3027 to ensure the correct “Standard Language” concerning the use of Project water and Project water return flows for augmentation is included in the decree.

Mr. Hazard moved, seconded by Mr. Goodwin, the Board authorize special water counsel to file a Statement of Opposition in Water Division 2, Case No. 2013CW3027. Motion passed with Ms. Nichols abstaining.

COLORADO SPRINGS UTILITIES (Case No. 04CW132)

Steve Leonhardt reported Colorado Springs Utilities (CS-U) filed its application in December 2004 to add reusable Denver Basin groundwater and non-sewered return flows to its previously decreed exchanges on Fountain Creek and its tributaries. The application included a claim for an exchange of non-sewered return flows to Williams Creek Reservoir. In its August 2, 2013 proposed decree, CS-U withdrew its claims for the exchange to Williams Creek Reservoir. That exchange is part of CS-U’s Case No. 12CW31, to which the District stipulated in in March. On September 11, 2013 CS-U held a meeting that Bob Hamilton attended, in which CS-U staff members addressed several parties’ questions on CS-U’s exchange accounting.

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The District was primarily concerned with: (1) ensuring that the proposed decree requires exchanges be consistent with CS-U's main Consolidated Cases Exchange Decree; (2) incorporating standard language regarding Project water in the proposed decree related to the Williams Creek Reservoir exchange; and (3) ensuring that the proposed decree requires CS-U to use the USGS Fountain Creek Transit Loss Model or an appropriate successor methodology. The Williams Creek Reservoir exchange has been withdrawn from the August 2, 2013 proposed decree, addressing the District's first concerns, and an appropriate condition has been included in the proposed decree regarding transit losses. The remaining exchange is consistent with the Consolidated Cases Decree.

Mr. Goodwin moved, seconded by Dr. Moore, to authorize legal counsel to execute a stipulation with Colorado Springs Utilities, stipulating to entry of a decree that is no less restrictive on CS-U and no less protective of the District than the proposed decree dated August 2, 2013. Motion unanimously carried.

Mr. Leonhardt reported on the Catlin Canal Company's motion to dismiss agricultural return flows from the District's return flow exchange case (01CW151), in which he attended oral argument on motions in Water Court on Friday, September 13. Catlin would like to prevent any exchange of agricultural return flows based on the 1989 Stipulation on the District's 1939 exchange priority. Judge Schwartz considered the arguments and expects to issue a decision later this year.

APPOINTMENT OF BUDGET OFFICER

Treasurer Nichols reported due to the resignation of Tina White, who was appointed Budget Officer at the August Board meeting, she moved to appoint James Broderick, Executive Director, as the Budget Officer for the 2014 budget preparation, seconded by Dr. Moore. Motion unanimously carried.

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

Roy Vaughan provided a PowerPoint presentation reviewing the following:

- As of September 16, there were 129,187 acre-feet stored in Pueblo Reservoir; 105,035 acre-feet of Project water; 21,659 acre-feet of Excess Capacity water; 1,338 acre-feet of Winter water.
- There is currently 151,914 acre-feet of Project space in Pueblo Reservoir and 31,417 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- Project Reservoirs: Turquoise 90%; Twin Lakes 77%; Pueblo 93%
- Historic Average
 - Arkansas at Portland (Based on 52 years of record)
 - Arkansas at Pueblo (Based on 47 years of record)
- Discharge, cubic feet per second Arkansas River near Avondale
- Pictures of the flooded area in Northern Colorado

DIVISION ENGINEER'S REPORT

John VanOort reviewed the following:

- River and Reservoir Report
 - Reference Arkansas River Daily Report. River Call is

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|---------------|-------------------------|
| (1) 3/11/1886 | Rocky Ford Highline |
| (2) 3/13/1888 | Las Animas Consolidated |
| (3) 4/1/1893 | Amity |
| (4) 7/22/1889 | X-Y Canal |

<http://www.dwr.state.co.us/div2/aras/arascal.asp>

- Current River/Reservoir Operations
 - Explanation of Rationale for Split Calls
 - Flood Control Operations at Pueblo Reservoir
 - Conservation Storage, Will Not Occur
 - Flow Conditions
- Compact Issues
 - Special Arkansas River Compact Administration Meeting Held September 17, 2013 in Holly to Discuss GP Irrigated Farms Projects Near Lamar, Granada, and Holly – Informational Only.
 - It Appears that Kansas Will Not Call for a Release of Any Water from John Martin Reservoir for an Unprecedented Third Consecutive Year.
- Winter Storage
 - Board of Trustees Will Meet October 18, 2013 at Otero Junior College in La Junta
 - Reactivation of the Baldwin-Stubbs Water Right (11/30/1907 – 22 cfs)

USGS

David Mau presented a PowerPoint titled, *Waldo Canyon Post-Fire Debris-Flow Analysis and Prediction Tools*, reviewing the following

- Wildfire Impact on Watersheds
- Post-Wildfire Analysis
- Waldo Canyon Low Burn Severity
- Benefit of Probability Models
- Probability Model Inputs
- Debris Flow Probability Model for Waldo Canyon Burn Area
- Debris Flow Volume Probability Model for Waldo Canyon Burn Area
- Video Camera Early Warning Alert System

STATE LEGISLATION UPDATE

Lee Miller reported the Water Resources Review Committee (WRRC) meets in the interim between the regular legislative sessions to discuss water issues and potential legislation for the upcoming legislative session. The WRRC is a joint committee of Senate and House members.

The WRRC met on August 21, 2013 in Steamboat Springs, associated with the Colorado Water Congress summer meeting. A summary of the meeting, prepared by WRRC was provided to the Board members.

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The schedule for upcoming WRRC meetings include:

September 26	10:00 a.m.	State Capitol
September 27	10:00 a.m.	State Capitol
October 9	10:00 a.m.	State Capitol
October 10	10:00 a.m.	State Capitol
October 11	10:00 a.m.	State Capitol
October 30	10:00 a.m.	State Capitol
October 31	10:00 a.m.	State Capitol

INFORMATIONAL ITEMS:

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

- Water Court Resume
- O M & R Update
- Other Business Matters
 - NWRA 81st Annual Conference, November 13-15, 2013-San Antonio, TX
 - December Board Meeting-December 5, 2013

OTHER BUSINESS MATTERS:

President Long announced a Workshop for Water Policy Makers will be held October 7, 2013 in Colorado Springs. He asked that the Board members notify Toni Gonzales if they plan on attending so she can register them.

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 11:43 a.m.

Respectfully submitted,

Toni Gonzales
Administrative Manager

Secretary

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