

RECORD OF PROCEEDING

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**SOUTHEASTERN COLORADO WATER  
CONSERVANCY DISTRICT**

**MINUTES**

**June 21, 2018**

A regular meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, June 21, 2018 at 9:34 a.m. at the District office, 31717 United Avenue, Pueblo, Colorado.

President Long announced a quorum was present.

**DIRECTORS PRESENT:**

Bill Long	Ann Nichols	Curtis Mitchell
Gibson Hazard	Kevin Karney	Carl McClure
Tom Goodwin	Dallas May	Greg Felt
Mark Pifher	Alan Hamel	Seth Clayton
Andy Colosimo	Patrick Garcia	Howard "Bub" Miller

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

None

**DISTRICT OFFICIALS PRESENT:**

Executive Director James Broderick; General Counsel Lee Miller; Administrative Manager Toni Gonzales; Principal Engineer Kevin Meador; Water Resources Engineer Garrett Markus; Issues Management Program Coordinator Chris Woodka; Finance Manager Leann Noga; and Federal Lobbyist Christine Arbogast.

**VISITORS PRESENT:**

Terry Dawson, Bureau of Reclamation-Pueblo Office; Abby Ortega, Colorado Springs-Utilities; Doug Fitzgerald, U.S. Congressman Scott Tipton's office; Cathy Garcia, U.S. Senator Cory Gardner's office; Dwight Gardner, U.S. Senator Michael Bennet's office; Jerry Peña, GEI Consultants; Bill Banks, U.S. Geological Survey; Curt Thompson, AECOM; Lain Leoniak, Colorado Attorney General's Office; Brent Newman, Colorado Water Conservation Board; Bob Hartzman, City of Canon City Water; Judy Leonard, Pueblo West Metropolitan Board; Kevin Niles, Arkansas Groundwater Users Association; and Steve Witte, Division Engineers Office.

**INTRODUCTION OF VISITORS:**

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

RECORD OF PROCEEDING

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**APPROVAL OF MINUTES:**

President Long said the minutes of the May 17, 2018 Board meeting were posted to the Board website for review, and asked if there were any corrections or additions. Hearing none, Mr. Howard “Bub” Miller moved, seconded by Mr. Garcia, to approve the minutes. Motion unanimously carried.

**FINANCE COMMITTEE REPORT:**

Treasurer Nichols reported the financial statements for May were posted to the Board website for review. Ms. Nichols moved, seconded by Mr. Clayton, for acceptance of the April financial statements and payment of the June 2018 bills. Motion unanimously carried.

**CONSENT ITEMS:**

None

**PRESENTATIONS:**

**COLORADO WATER CONSERVATION BOARD: COLORADO RIVER COMPACT**

Lain Leoniak and Brent Newman presented a PowerPoint presentation, *Colorado River Drought Management Planning and Status*. Lain Leoniak reviewed the following:

- Overview of Drought Planning
- Interstate Water Issues
- Colorado’s Representatives
- Context-Colorado River Compact 1922
- Context-Upper Colorado River Compact 1948
- Context-2007 Interim Guidelines
- Interstate Contingency Planning-General
- DCP v. 2007 Guidelines Discussions
- Current Issues: Drought
- Drought Contingency Relationships
- Lower Basin DC Planning
- Contemplated Proposed Lower Basin Reductions

Brent Newman reviewed the following:

- Upper Basin Contingency Planning
- Minimum Power Pool
- Operational Impacts
- Upper Basin DCP-Plan Elements
- CRSP Reservoir Operations
- What is Demand Management?
- Goals of Demand Management
- Demand Management
- Demand Management Considerations
- System Conservation Pilot Program

RECORD OF PROCEEDING

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- System Conservation Pilot Program
- Intra-State Activities
- CWCB Outreach Approach
- Demand Management Considerations
- Context-Reactive v. Proactive
- Next Steps

President Long recessed the District meeting at 10:25 a.m. and reconvened it at 10:34 a.m.

**ACTION ITEMS:**

**EXECUTIVE COMMITTEE APPOINTMENTS**

President Long reported pursuant to the District's bylaws, *"An Executive Committee consisting of eight members of the Board, including the President (in office) may be appointed by the Board of Directors annually at the first meeting of the Board held after the appointment of directors by the court. The Executive Directors of said Board shall be a nonvoting member ex officio (only in sessions not dealing with personnel matters relating to the Executive Director). It shall have all the powers of the Board in the interim between Board meetings. The actions of the Executive Committee shall be subject to the approval of the whole Board. Meetings may be held at any time, and at any place within the State of Colorado, upon call by any Committee member. Notice of any meeting shall be given to each member in person, or by telephone, or it may be mailed electronically, mailed or telegraphed to him or her at his or her residence or business address at least 24 hours before the meeting. Public notice shall be provided consistent with applicable statutes. Three members shall constitute a quorum. The Secretary shall keep record of the minutes of each Executive Committee meeting in a book kept for the purposes and shall report same to the Board of Directors at its next meeting."*

Mr. Howard "Bub" Miller moved, seconded by Mr. Felt, to approve President Long's recommendation and appoint the following to the Executive Committee:

- Bill Long, President and Chairman of the Arkansas Valley Conduit Committee
- Curtis Mitchell, Vice President and Chairman of Resource & Engineering Planning Committee
- Gibson Hazard, Secretary and Chairman of the Excess Capacity Committee
- Ann Nichols, Treasurer and Chairwoman of the Finance Committee
- Tom Goodwin, Chairman of the Colorado River & Water Supply Committee
- Alan Hamel, Chairman of Human Resources Committee
- Carl McClure, Chairman of the Allocation Committee
- James Broderick, Executive Director (nonvoting member ex officio)

Motion unanimously carried.

RECORD OF PROCEEDING

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**INCLUSION OF LAND ANNEXED BY COLORADO SPRINGS**

Mr. Markus reported the Resource and Engineering Planning Committee had previously recommended the Board approve inclusions of properties located outside of the District, which were annexed by towns and cities in the District. These inclusions are subject to the standard terms and conditions, Secretarial Assent, and District Court decree including the lands within the District.

There are three methods of including lands into the District:

1. Annexation by a town or city located in the District.
2. Petition of the property owners.
3. Vote of the property owners.

All three of these methods require assent from the Secretary of Interior, for which Reclamation requires a National Environmental Policy Act (NEPA) review of the lands to be included in the District boundaries. Once the Board approves the inclusion by Resolution, then Secretary Assent by Reclamation is requested. The inclusion is submitted to the District Court for a decree including the lands within the District. The Application of Assent has been submitted to the District and will be forwarded to Reclamation for the property.

The Resolution for Inclusion is:

<b>RESOLUTION NO.</b>	<b>More Commonly Known As</b>	<b>Legal</b>	<b>Acres</b>	<b>County</b>
2018-02D INCL-AX	Briargate Church Assembly of God	Lot 20 ex S 30 ft blk B Spring Crest AMD FIL Sec29 T12SR66	8.26	El Paso

Mr. Clayton moved, seconded by Mr. Pifher, the Board approve, by Resolution, the inclusion of the Briargate Church Assembly of God annexed by Colorado Springs subject to the following terms and conditions:

1. Approval of these inclusions into the Southeastern Colorado Water Conservancy District will not increase the amount of Fryingpan-Arkansas Project water available to the city. Any Fryingpan-Arkansas Project water used on these included lands will need to come from the water allocated to the city through Fryingpan-Arkansas Project water allocations made pursuant to the District's Allocation Principles and Policies; and
2. Any use of Fryingpan-Arkansas Project water on the included lands is subject to the decrees for the Fryingpan-Arkansas Project, and to all lawful rules, regulations, principles, policies, and contractual obligations of the District; and
3. The annexed lands will be subject to ad valorem taxes levied by the District as any other similarly situated lands in the District at the time of this inclusion; and
4. Prior to the District filing a petition for District Court approval of this inclusion, the Municipality, and/or owner(s) of the annexed lands shall have paid all the costs charged by the United States in connection with the contracting officer's assent to this inclusion.

RECORD OF PROCEEDING

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Motion unanimously carried.

APPROVAL OF STIPULATIONS IN SOUTHEASTERN'S DIVISION 2 CHANGE APPLICATION  
(CASE NO. 16CW3076)

Lee Miller reported the Board directed Special Water Counsel to file the Application in Case No. 16CW3076 on October 20, 2016, through Resolution No. 2016-02D. The Board has authorized stipulations with seven of the eleven opposers in Case No. 16CW3076: Pueblo Board of Water Works (Pueblo Water), District 67 Irrigation Canals Association (District 67), and The Amity Mutual Irrigation Company (Amity) on July 20, 2017; Tri-State Generation and Transmission Association, Inc. (Tri-State) and Penrose Water District (Penrose) on January 18, 2018; the City of Aurora (Aurora) on April 19, 2018; and Colorado Water Conservation Board (CWCB) on May 17, 2018. Legal counsel provided the Board a confidential executive session memorandum on these cases in November 2017.

The District's remaining conditional Fryingpan-Arkansas Project (Project) Water rights in Water Division 2, on the east slope, include some of the storage rights for Pueblo Reservoir, Twin Lakes Reservoir, and Turquoise Reservoir, and six rights related to the Project's unbuilt Arkansas Power Canal System (APCS): Malta Canal, Otero Conduit, Otero-Wapaco A, Otero-Wapaco B, Wapaco Diversion, and Chalk Creek Diversion (collectively, "APCS Rights").

With the Board's authorization through Resolution No. 2016-02D, Special Water Counsel filed a Change Application on November 23, 2016 (Case No. 16CW3076) to change the District's APCS Rights to allow diversion and storage of those water rights at Pueblo Reservoir, to allow diversion and storage of the Otero-Wapaco a right in Clear Creek Reservoir, and to correct three legal descriptions, and filed a Diligence Application on November 29, 2016 (Case No. 16CW3079) to maintain its remaining conditional rights in Division 2, including the APCS Rights. The District's First Amendment to the Application in Case No. 16CW3076, which revised corrections to legal descriptions following the Division Engineer's review, was accepted by the Court for filing on May 4, 2017.

The District's objectives in Case No. 16CW3076 are to (1) change the point of diversion for the District's APCS Rights to Pueblo Reservoir, and for the Otero-Wapaco Subsection A right, to Pueblo Reservoir and Clear Creek Reservoir; (2) obtain a decree that allows storage of the APCS Rights in Pueblo Reservoir (including future enlargement space), and for the Otero-Wapaco Subsection A right, in Pueblo Reservoir and Clear Creek Reservoir; and (3) correct the errors in some previously decreed legal descriptions.

There are eleven opposers in Case No. 16CW3076. Seven have stipulated. The most recent previous proposed decree is dated May 4, 2018, which was filed with the CWCB stipulation.

Colorado Springs Utilities (CS-U) will stipulate to the revised proposed decree dated May 18, 2018. The District's engineering consultants and CS-U's engineers have spent significant time this spring discussing and resolving CS-U's concerns. Most recently, CS-U raised the concern that, in the event that the District calls at the original APCS Rights locations, small augmentation plans on the Arkansas River

RECORD OF PROCEEDING

---

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that are allowed to replace depletions downstream at Pueblo Reservoir could be injured. To address this concern, the District can reduce its total, combined diversions of the changed APCS Rights by five (5) cfs. General and Special Water Counsel and the District's engineering consultants believe this reduction is appropriate. Paragraphs 12.3.6 and 13.4.2 incorporate this five (5) cfs reduction. In the approximately four out of every sixty years when the changed APCS Rights are in priority, which are very wet years, a reduction of five (5) cfs should not significantly reduce the amount of water available to the changed APCS Rights for diversion and storage.

PSCo will stipulate to the revised proposed decree dated May 21, 2018. In paragraph 12.3.11, the proposed decree confirms that any calls by the changed APCS Rights will not be placed in a manner contrary to the stipulations with PSCo and Penrose. (As the Board approved in January 2018, the stipulation between the District and Penrose provides that, to meet any Pueblo Reservoir call for the changed APCS Rights, the District will accept Penrose's winter replacement water at Pueblo Reservoir, rather than requesting upstream replacement to the Arkansas River.) PSCo owns water rights on the South Arkansas River, which is a tributary downstream from the original APCS Rights locations. These water rights would not have been affected by calls on the APCS Rights at their original points of diversion. To ensure that any calls by the changed APCS Rights do not injure PSCo's South Arkansas water rights, the District and PSCo negotiated the following stipulation term:

Southeastern and PSCo agree that, if and to the extent Southeastern's APCS Rights changed in this case place any priority call at Pueblo Reservoir, either formally, through State water administration officials, or informally, Southeastern will not request that the Division Engineer curtail any of PSCo's decreed water rights in the South Arkansas River drainage basin in response to such a call.

Because PSCo's counsel is recommending this term to PSCo, General and Special Water Counsel are requesting authorization to agree to a stipulation with this term or one that is substantially similar.

General and Special Water Counsel and District staff believe that the May 18, 2018 and May 21, 2018 proposed decrees satisfy the District's objectives, consistent with the previously approved stipulations.

If the Board approves the stipulations with CS-U and PSCo, two opposing parties will remain in Case No. 16CW3076: Lower Arkansas Water Management Association (LAWMA) and Pueblo West Metropolitan District (Pueblo West). (CS-U and PSCo are not opposers in the District's Diligence Case No. 16CW3079. LAWMA and Pueblo West also are the remaining two opposers in Case No. 16CW3079.)

Mr. Hamel moved, seconded by Mr. Karney, to authorize Special Water Counsel to execute stipulations with the City of Colorado Springs and Public Service Company (PSCo) in the District's Change Case No. 16CW3076, consenting to entry of decrees that are no less restrictive on the District than the proposed decrees dated May 18, 2018 and May 21, 2018, respectively, and agreeing in the stipulation

RECORD OF PROCEEDING

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with PSCo to an appropriate term protecting PSCo's South Arkansas water rights from a downstream call for the APCS Rights. Motion unanimously carried.

APPROVAL OF STIPULATION IN COLORADO SPRINGS UTILITIES APPLICATION (CASE NO. 16CW3056)

Lee Miller reported this case is Colorado Springs Utilities (CS-U's) Application for a plan for augmentation, additional replacement water sources and replacement location, and conditional exchange rights. CS-U owns several structures that are the subject of decreed augmentation plans. CS-U seeks to replace depletions associated with those structures using additional sources of augmentation water consistent with the terms and conditions of the previous augmentation plans. CS-U also seeks to add new sources of water to replace historical return flows, including historical return flows from its Sugar Loaf Reservoir (a/k/a Turquoise Reservoir) water right. CS-U's new replacement sources include Chilcott Ditch Company shares, Fountain Mutual Irrigation Company shares, and temporary use agreement waters. CS-U would replace return flows associated with the Sugar Loaf right at the confluence of Fountain Creek and the Arkansas River, which is upstream of the current replacement location at the confluence of Salt Creek and the Arkansas River. Finally, CS-U seeks an exchange to deliver substitute supply water from the same sources, including temporary use agreement waters, to several points on Fountain Creek and its tributaries.

The District's five objectives in Case No. 16CW3056 are to ensure that: (1) appropriate terms and conditions for any use of Fryingpan-Arkansas Project (Project) facilities are included in a decree; (2) CS-U continues to replace historical return flows to the Arkansas River in amounts, times, and locations sufficient to avoid injury; (3) any decree is consistent with relevant terms of related CS-U decrees and stipulations with the District; (4) augmentation plan and exchange operations do not injure the District's water rights and operations, including exchanges and deliveries on Fountain Creek, and the Winter Water Storage Program (WWSP); and (5) Project water and Project Return Flows are not used, and that any combined accounting that includes Project water involved in past CS-U decrees properly accounts for Project water in a manner consistent with such decrees and District allocations.

The proposed decree confirms that CS-U's use of Project facilities remains subject to terms and conditions that the District and CS-U agreed on in CS-U's Case No. 86CW117. CS-U changed the Sugar Loaf right for municipal use and quantified its historical return flow obligations in Case No. 86CW117. The 86CW117 Decree contains terms and conditions to protect Project facilities. The District stipulated in Case No. 86CW117.

The proposed decree requires sufficient replacement in time, place, and amount. The proposed decree requires compliance with the terms of CS-U's underlying augmentation plan decrees, to which the District stipulated. CS-U's new sources of replacement water are fully consumable and reusable, which prevents injurious depletions downstream, including to the WWSP. Additionally, the District requested that its engineering consultants, Wilson Water Group, review CS-U's proposed operations in one reach on Fountain Creek where CS-U will be replacing depletions below the points of depletion because the

RECORD OF PROCEEDING

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District delivers Project Return Flows down Fountain Creek from Colorado Springs. Wilson Water Group did not believe that Project operations in this reach will be adversely affected.

The proposed decree requires CS-U to pay transit losses and requires that out-of-priority diversions will be curtailed. The proposed decree provides that CS-U will use fully consumable temporary use agreement waters, and included descriptions of three “classes” of temporary use agreement waters it may use with different procedures for each. CS-U uses the same three classes of temporary use water and procedures under its Decree in Case No. 05CW96, to which the District consented following its stipulation.

For the exchange, CS-U claims an appropriation date of 2/24/2015 and a priority date of 2016), which is junior to the exchanges the District operates. CS-U will comply with priority administration, and will operate the exchanges only when there are live stream conditions.

Finally, Project water is not one of the new replacement sources. The accounting forms are proposed to include information that is consistent with the proposed decree in this case and prior decrees; and, prior to beginning operations, CS-U will provide any updated or modified accounting forms to opposers, including the District, for review. Thus, Special Water Counsel, General Counsel, and District Staff believe that the February 16, 2018 Proposed Decree satisfies the District’s objectives. The Board was provided the Proposed Decree dated February 16, 2018.

Mr. Hazard moved, seconded by Mr. Pifher, to authorize Special Water Counsel to execute a stipulation in Case No. 16CW3056 with Colorado Springs Utilities consenting 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 February 16, 2018. Motion unanimously carried.

#### COLOTRUST & INVESTMENT STRATEGY

Leann Noga reported at the May 17, 2018 Finance Committee meeting an information item regarding possibly investing in COLOTrust was presented. The Finance Committee requested an investment strategy.

##### *Investment Strategy*

##### *Evaluating Investment Option*

The investment strategy would consist of a calculation comparison at each Wells Fargo investment maturity, prior to reinvestment. The comparison would evaluate the differences in investing in a Wells Fargo single CUSIP’s or COLOTrust investment pool over the same time period. This will all be considered while at the same time, maintain the lateral year approach within District Wells Fargo accounts. Considerations will include treasury rates, agency rates, COLOTrust rates and forward-looking rates such as market and federal expectations.



RECORD OF PROCEEDING

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*Six Month Review Period*

From June to December 2018, the District will have 30 percent of its total Wells Fargo portfolio reach maturity. No more than 30 percent of the District funds will be invested in COLOTrust in the next six months. The Finance Committee will receive monthly updates regarding Wells Fargo and COLOTrust investments. During this same six-month period, staff will prepare additional strategies to align 2019 as well as budget expectations.

The Board was provided a summary of the Wells Fargo investment accounts with maturity dates for the District.

Upon the approval of this item the Finance Committee will have a meeting on June 27, 2018 at 10:00 a.m. for an introduction presentation given by Joe Carroll from COLOTrust.

Staff will continue to ensure that the District investments follow current policy of *“primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield.”*

Mr. Clayton moved, seconded by Ms. Nichols, to approve to open a COLOTrust investment account for the District investment funds. Motion unanimously carried.

**MONTHLY/QUARTERLY REPORTS:**

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

Terry Dawson provided a PowerPoint presentation reviewing the following:

- As of June 17, 2018 there were 229,733 acre-feet stored in Pueblo Reservoir; 143,597 acre-feet of Project water; 43,274 acre-feet of Excess Capacity water; 43,081 acre-feet of Winter water
- There is currently 101,776 acre-feet of Project space in Pueblo Reservoir and 29,384 acre-feet of space in Turquoise and Twin Lakes Reservoirs
- Charts illustrating storage amounts in Turquoise, Pueblo, and Twin Lakes
- Total M&I Project Water in the System
- Project Reservoirs: Turquoise 105%; Twin Lakes 109%; Pueblo 128%
- Boustead Imports
- May 1 Forecast-58,200 acre-feet (Now-40,000 acre-feet)

Mrs. Dawson also provided a PowerPoint presentation reviewing the following;

- RiverWare Long-Term Planning Model-Fryingpan-Arkansas Project
- RiverWare Model Status
- RiverWare Model Application and Project Benefit
- RiverWare Model Components

Mrs. Dawson said in the future, the model will be used to support Fryingpan-Arkansas Project operations. The model will be modified by the Pueblo Reclamation Field Office to support real-time

RECORD OF PROCEEDING

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project operations and accounting. Discussion was had regarding which agencies and stakeholders would be invited to review the model and comment.

DIVISION ENGINEER'S REPORT

Mr. Witte discussed the following:

A) River and Reservoir Report

- 1) Reference Arkansas River Daily Report. River Call is:
  - i) 2/21/1887 Amity (Only Amity and Ft. Bent can call through John Martin)
  - ii) 11/4/1887 Lamar (Internal to Water District 67 only)
  - iii) 5/31/1949 Compact Call (State line to John Martin)  
<http://www.dwr.state.co.us/div2/aras/arascal.asp>
- 2) Current River/Reservoir Operations
  - i) Pueblo Reservoir
    - (1) Content is 228,471 af.
  - ii) John Martin
    - (1) Current content is 240,342 af
    - (2) Kansas run 600 cfs Section II
  - iii) Trinidad Reservoir
    - (1) Current content is 26,482 af.
    - (2) Declared distribution based on priority June 14

B) Compact Issues

- 1) Meetings of the Special Engineering Committee
  - i) Circulated a draft proposal to allocate water for post-Compact uses between the states based on proposed usability criteria for circumstances when John Martin is not spilling and when it is spilling. So far the Division Engineers office has not received a response or reaction from Kansas.
- 2) Dry-up verification begin next week with Kansas

C) Administrative Activities

- 1) Fry-Ark Project water imports and allocations does not appear to have caused the three major well associations to need to reduce pumping for the final post-June 1 approvals.

D) Personnel Matters

- 1) Bill Tyner has been appointed to be the next Division Engineer for Water Division 2 effective July 1, 2018.
- 2) Mr. Witte's final day at work prior to retirement will be June 22, 2018.
- 3) Assistant Division Engineer, Rachel Zancanella, has returned to work following maternity leave.

Mr. Witte reminisced about the issues he has had the opportunity to work with the District Board members and staff on issues regarding district-wide and state matters.

RECORD OF PROCEEDING

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President Long presented Mr. Witte with an Outstanding Service Award

U.S. GEOLOGICAL SURVEY

Bill Banks presented a PowerPoint titled, *USGS Update-Evaluation of Selected Water-Quality Issues*, reviewing the following:

- 1972 Clean Water Act
- 1974 Colorado River Basin Salinity Control Program
- Change in Flow-Normalized Baseflow Dissolved Solids Loads form 1986-2011
- Addressing the Problem
- Arkansas Basin Implementation Guide to Watershed Health

STATE LEGISLATION UPDATE

Mr. Miller provided a written report:

The General Assembly adjourned *sine die* on May 9, 2018. The Board was provided the Colorado Water Congress (CWC) final bill status sheet, showing the bills the CWC State Affairs Committee considered and the final disposition of these bills.

At this point, attention turns to the Water Resources Review Committee (WRRC). The WRRC participated in a Water Education Colorado Tour in Monte Vista on June 12, 2018. On June 19, 2018, the WRRC will meet to hear about the following topics:

1. Republican River Issues
2. Severance Tax Revenue
3. Water Plan Grants First Year of Funding
4. Species Conservation Trust Fund Success Stories
5. Potable Reuse
6. HB16-1256 South Platte Storage Study
7. Technologically Enhanced Naturally Occurring Radioactive Materials
8. Report on HB17-1285 Refinance Water Pollution Control Program Act

Mr. Miller will keep the Board updated as he learns of topics for the future WRRC meetings.

The 2019 legislative session will convene on January 4, 2019. This date is earlier than usual and particularly unusual because it is a Friday. The General Assembly has to be in session and completed

RECORD OF PROCEEDING

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the formalities of certifying the election and related measures in order for the Governor and other statewide officers to be sworn in.

President Long recessed the District meeting at 11:21 a.m. and reconvened 11:51 a.m.

**EXECUTIVE SESSION:**

Lee Miller said a request had been made for the Southeastern Colorado Water Conservancy District to enter Executive Session for the purpose of:

Discussion with legal counsel on the on the following matter:  
Repayment Contract Amendment Negotiations

Pursuant to:

- C.R.S. §24-6-402(4)(b):** (Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions)
- C.R.S. §24-6-402(4)(e):** (Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators)

The presence of the following persons is requested at this Executive Session:

1. Non-Excused Board Members (state for the record any who are excused)
2. Executive Director
3. General Counsel
4. Finance Manager
5. Water Resources Engineer

Minutes will be electronically recorded as required by the Colorado Open Meeting Act.

Mr. Clayton moved, seconded by Mr. Garcia, to enter into Executive Session. President Long recessed the District meeting at 11:51 a.m. The District meeting was reconvened at 12:53 p.m.

**REPORT OUT OF EXECUTIVE SESSION:**

Lee Miller reported that the District Board received legal advice regarding the Repayment Contract Amendment Negotiations and provided instructions to negotiators. The District Board has no action item as a result of the Executive Session.

**INFORMATIONAL ITEMS:**

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

- Water Court Resume

RECORD OF PROCEEDING

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- City of Aurora and Busk-Ivanhoe (Case No. 09CW142)
- Bureau of Reclamation Quarterly Report on Inclusions
- Colorado Water Congress Summer Conference
- NWRA Western Water Seminar

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 12:54 p.m.

Respectfully submitted,

Toni Gonzales  
Administrative Manager

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Secretary

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