

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO
WATER CONSERVANCY
DISTRICT MINUTES
May 16, 2024**

A meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, May 16, 2024, 9:41 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado. The ZOOM platform was also made available for Board members and visitors.

President Long asked Margie Medina for a roll call of those connected via ZOOM.

DIRECTORS PRESENT:

Alan Hamel	Dallas May (remote)	Matt Heimerich
Andy Colosimo	Howard "Bub" Miller	Pat Edelmann
Ann Nichols	Justin DiSanti	Seth Clayton
Bill Long	Kevin Karney (remote)	Tom Goodwin
Curtis Mitchell	Mark Pifher	

DIRECTOR(S) ABSENT AND EXCUSED:

Greg Felt

President Long established that a Quorum was present.

INTRODUCTION OF VISITORS:

President Long asked all present to introduce themselves and welcomed the visitors to the meeting.

DISTRICT OFFICIALS:

Executive Director Leann Noga; General Counsel Lee Miller; Staff Attorney Peter Levish; Senior Policy and Issues Manager Chris Woodka; Water Resources Principal Engineer Garrett Markus; Principal Engineer Kevin Meador; Principal Engineer/Operations Coordinator Gordon Dillon; Finance Manager Stephanie Shipley; Accountant Meg Scarlett; Administrative Support Specialist's Margie Medina and Patty Rivas; H2O Consultant Roy Vaughan; Kogovsek & Associates Christine Arbogast, and Burns, Figa & Will Steve Leonhardt.

VISITORS PRESENT:

Aurora Water, Rick Kienitz and Abba Ahmed; USGS, Krystal Brown and Andrew Klakulak; Pueblo West Metro District, Jeffery DeHerrera and Bobby Bandham; and USBR, Mike Holmberg.

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VISITORS CONNECTED VIA ZOOM:

Security Water & Sanitation District, Roy Heald; Colorado Springs Utilities, Christopher Olney; Wilson Waer Group, Lisa Brown; Otero County Commissioners, Tim Knabenshue, Rob Oquist; and Otero County Administrator, Amy White-Oquist.

APPROVAL OF MINUTES:

President Long said the minutes from the April 18, 2024, District Board meeting were posted to OnBoard and the Website for review and asked if there were any corrections or additions. Hearing none, Mr. Colosimo moved, seconded by Mr. Hamel, to approve the minutes. Motion unanimously carried.

TREASURER REPORT:

Ms. Nichols reported the financial statements for April 2024, were posted to OnBoard and the Website for review. Ms. Nichols moved, seconded by Mr. Clayton, for acceptance of the April 2024 financial statements and payment of the May 2024 bills. Motion unanimously carried.

PRESENTATION ITEMS:

None

MONTHLY/QUARTERLY REPORTS:

UNITED STATES BUREAU OF RECLAMATION

Mr. Mike Holmberg presented a PowerPoint to the Board that reviewed the following topics.

As of May 12, 2024

- 237,426 acre-feet stored in Pueblo Reservoir
- 125,361 acre-feet of Project Water
- 45,465 acre-feet of Excess Capacity Water
- 34,057 acre-feet of Winter Water
- 120,012 acre-feet of Project Water Space Available in Pueblo
- 58,072 acre-feet of Project Space in Twin & Turquoise Lake
 - Import Forecast:
 - a. February 1 – 52,400 AF
 - b. March 1 – 58,000 AF
 - c. April 1 – 60,400 AF
 - d. May 1 – 60,600 AF
 - Mount Elbert Powerplant
 - a. Planned Dual Outage
 - 1. December 2023 – April 2024
 - Mount Elbert Conduit
 - a. ~370 cfs capacity
 - b. Used to move Project Water from Turquoise to Twin Lakes
 - c. Capped to 400 cfs on Lake Fork Creek as per Good Neighbor Agreement with Lake County
 - 1. Currently releasing ~350 cfs

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- Pictures were presented of County Road 5A, in Lake County, flooding and erosion
- Import Modeling
- Modeling Scenarios
- Mitigation Steps

Questions were asked of Mr. Holmberg

ACTION ITEMS:

ELECTION OF OFFICERS

President Long asked if there were any nominations other than the current slate of Officers of the Board of Directors. Hearing none, Mr. Hamel moved, seconded by Mr. Goodwin to vote the current slate of Officers of the Board of Directors:

Bill Long - President

Curtis Mitchell -Vice President

Seth Clayton - Secretary

Ann Nichols - Treasurer

Leann Noga- Executive Director (nonvoting member ex officio)

Motion unanimously carried.

APPROVAL OF STIPULATION IN THE APPLICATION OF SECURITY WATER AND SANITATION DISTRICTS AND FOUNTAIN MUTUAL IRRIGATION COMPANY CASE NO. 23CW3039, WATER DIVISION 2

Mr. Peter Levish presented to the Board an action item recommending that the Board authorize Special Water Counsel to execute a stipulation with Security Water and Sanitation Districts and the Fountain Mutual Irrigation Company (collectively, "Security") in Case No. 23CW3039, Water Division 2, consenting to entry of a decree that is no less restrictive on Security and no less protective of the District's water rights than the proposed decree dated March 15, 2024 ("Proposed Decree").

On October 19, 2023, the Board authorized Special Water Counsel to file a statement of opposition to Security's application in Case No. 23CW3039 for a change of water rights and approval of a plan for augmentation.

Security Water District has decreed plans for augmentation in Case Nos. W-4212, 90CW28, 01CW149, 06CW117, 07CW51, 09CW92, and 12CW99 ("Augmentation Plans"), which are used to replace depletions to Fountain Creek resulting from Security's municipal well field diversions from the Widefield Aquifer in El Paso County. Security seeks to quantify the historical consumptive use yield of 86 unchanged Fountain Mutual Irrigation Company ("FMIC") shares and to change the FMIC shares to all municipal uses, including without limitation, storage and augmentation, and the right to use, reuse, and successively use to extinction the historical use yield after replacement of historical return flows under the existing Augmentation Plans. These Augmentation Plans rely, in part, on Fryngpan-Arkansas Project

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(“Project”) Water as an augmentation source. Security further seeks approval of a permanent plan of augmentation to replace out of priority depletions associated with two ponds located at Security’s sewer treatment plant.

Security has also included terms and conditions for its use of Project Water and Project Return Flows as an augmentation source (Paragraphs 19.2.1 and 33). Many of these terms are slight variations of the District’s standard language terms related to the use of Project Water, but those variations are consistent with Security’s previous augmentation plan decree in Case No. 12CW99.

A copy of the Proposed Decree, Case no. 23CW3039 dated March 15, 2024, was provided to the Board.

Questions were asked of Peter & Lee.

Mr. Pifher moved, seconded by Mr. Clayton, to authorize Special Water Counsel to enter a stipulation with Security consenting to entry of a decree in Case No. 23CW3039 that is no less restrictive on Security and no less protective of the District’s water rights than the proposed decree dated March 15, 2024.

MONTHLY/QUARTERLY REPORTS (CON’T):

STATE LEGISLATIVE UPDATE

Mr. Lee Miller updated the Board stating the 74th General Assembly adjourned on May 8, 2024, completing its 120-day session.

For the most part it was an uneventful legislative session for water legislation, with one exception. There were two legislative proposals to regulate “dredge and fill activities” in state waters, in response to a recent federal court action. SB24-127 was introduced by Senator Barbara Kirkmeyer, and HB24-1379 and was sponsored by House Speaker Julie McCluskie and supported by the Colorado Department of Public Health and Environment. HB24-1379 was introduced on March 8, 2024, following more than a year of stakeholder discussions. SB24-127 cleared the Senate Agriculture and Natural Resources Committee in a 4-3 vote, before being stalled in the Senate Finance Committee. Once HB24-1379 moved from the House to the Senate, negotiations on reconciling the two bills advanced and ultimately led to changes to HB24-1379, leading to Senator Kirkmeyer abandoning SB24-197 and cosponsoring HB24-1379 with the Senate amendments. The House quickly concurred with the Senate amendments and once again passed the bill on May 6, 2024. The Colorado Water Congress State Affairs Committee also voted on May 6, 2024, to change its position from oppose to support, based on the Senate amendments.

A copy of the Colorado Water Congress Bill Status Sheet was provided to the Board.

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INFORMATIONAL ITEMS:

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

- Water Court Resume
- Special Water Counsel Legal Report
- Committee Appointments
- NWRA Western Water Seminar – July 23-25
- Colorado Water Congress Summer Conference – August 19-22

President Long recognized two staff members with a “10 years of service plaque.” Garrett Markus and Patty Rivas. They were thanked for their efforts and service to the District.

President Long directed the Boards attention to information item V.C. *Committee Appointments*. The Board was asked to review their committee assignments to ensure that is still where they want to serve.

President Long recessed the District Board Meeting at 10:28 a.m.

President Long reconvened the District Board meeting for the purpose of going into Executive Session at 11:13 a.m.

Mr. Lee Miller announced that a request has 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: Aurora Water Purchase

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 were requested at the Executive Session:

1. Non-Excused Committee and Board Members (state for the record any who are excused)
2. Executive Director
3. General Counsel
4. Staff Attorney
5. Special Water Counsel (Steve Leonhardt)
6. Senior Policy and Issues Manager
7. Water Resources Principal Engineer

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Mr. Hamel moved, seconded by Mr. Howard "Bub" Miller for the District Board to move into Executive Session. Motion unanimously carried.

Mr. Lee Miller announced that during the executive session the Board received legal advice and provided direction to negotiators regarding discussions of the Aurora water purchase, there was no action needed as a result of Executive Session.

President Long adjourned the District Board Meeting at 12:33 p.m.

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Respectfully submitted,

Patty Rivas
Administrative Support Specialist

Seth Clayton – Secretary

Bill Long – President

Howard “Bub” Miller

Curtis Mitchell – Vice President

Justin DiSanti

Ann Nichols – Treasurer

Kevin Karney

Alan Hamel

Mark Pifher

Andy Colosimo

Matt Heimerich

Dallas May

Pat Edelmann

Greg Felt

Tom Goodwin