

RECORD OF PROCEEDING

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**SOUTHEASTERN COLORADO  
WATER CONSERVANCY  
DISTRICT MINUTES  
June 20, 2024**

A meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, June 20, 2024, 9:32 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	Tom Goodwin
Andy Colosimo	Howard "Bub" Miller	
Ann Nichols	Mark Pifher	
Bill Long	Pat Edelmann	
Curtis Mitchell	Seth Clayton	

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

Greg Felt, Justin DiSanti, Matt Heimerich, and Kevin Karney

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; Administrative Support Specialist's Margie Medina and Patty Rivas; H2O Consultant Roy Vaughan; Kogovsek & Associates Christine Arbogast, and Burns, Figa & Will, April Hendricks; Kennedy Jenks, Jerry Pena, and Greg Sekera (remote); AECOM, Curtis Thompson; and McDonald Water Policy, Bill McDonald.

**VISITORS PRESENT:**

Aurora Water, Abba Ahmed; USGS, Krystal Brown and Andrew Klakulak; Pueblo West Metro District, Jeffery DeHerrera and Bobby Bandham; USBR, Jeff Rieker and Mike Holmberg; JHL Constructors, Dominic Marquez; Senator Michael Bennet's Office, Rosy Weber; and

RECORD OF PROCEEDING

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Colorado Springs Utilities, Scott Lorenz.

**VISITORS CONNECTED VIA ZOOM:**

Wilson Water Group, Lisa Brown; Otero County Commissioners, Tim Knabenshue, Rob Oquist; and Otero County Administrator, Amy White-Oquist; Black & Veatch, Alberto Morales; Colorado River Conservation District, Bruce Walters; LP Water Logic, LLC, Lowell Pimley; Kansas Dept of Agriculture, Rachel Duran; and Aurora Water, Rick Kienitz.

**APPROVAL OF MINUTES:**

President Long said the minutes from the May 16, 2024, District Board meeting was posted to OnBoard and the Website for review and asked if there were any corrections or additions. Hearing none, Mr. Hamel moved, seconded by Mr. Colosimo, to approve the minutes. Motion unanimously carried.

**TREASURER REPORT:**

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

**PRESENTATION ITEMS:**

None

**ACTION ITEMS:**

**EXECUTIVE COMMITTEE APPOINTMENT**

President Long requested approval from the Board for the recommendations for Members of the Executive Committee. President Long asked if there were any questions. Hearing None, Mr. Hamel moved, seconded by Mr. Pifher to approve President Longs recommendation for the Executive Committee:

- Bill Long, President
- Curtis Mitchell, Vice President
- Seth Clayton, Secretary
- Ann Nichols, Treasurer
- Alan Hamel
- Kevin Karney
- Tom Goodwin
- Andy Colosimo
- Leann Noga, Executive Director (nonvoting member ex officio)

Motion carried unanimously.

RECORD OF PROCEEDING

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AUTHORIZATION OF STIPULATION IN THE APPLICATION OF TRIVIEW METROPOLITAN DISTRICT. CASE NO. 22CW3004, WATER DIVISION 2

Mr. Peter Levish presented to the Board an action item recommending that the Board of Directors authorize Special Water Counsel to execute a stipulation with Triview Metropolitan District ("Triview") in Case No. 22CW3004, Water Division 2, consenting to entry of a decree that is no less restrictive on Triview and no less protective of the District's water rights and interests than the proposed decree dated May 24, 2024.

In Case No. 22CW3004, Triview seeks to change the entire water right for the Bale Ditch No. 1 (2.33 cfs) and the Bale Ditch No. 2 (a total of 2 cfs: 1 cfs owned by Triview, and 1 cfs owned by co-Applicants James and Diane Treat). The source of the Bale Ditch water right is the South Arkansas River near Salida, and Triview proposes to change these water rights from their historical irrigation use to municipal purposes within Triview's service area (near Monument Creek, north of Colorado Springs) or for use to meet return flow obligations. Triview seeks to store the water in Pueblo Reservoir, as well as Big Johnson and Stonewall Springs Reservoirs. Triview has entered into a long-term excess capacity contract with the Bureau of Reclamation to store 999 acre-feet in Pueblo Reservoir, for use outside of the District's boundaries. Triview proposes to replace historical return flows to downstream calling rights on the South Arkansas River and the Arkansas River with fully consumable water from the Bale Ditches, Triview's Denver Basin groundwater sources, and water decreed for replacement use from Triview's share ownership in the Fountain Mutual and Excelsior Ditches.

The District's objectives in Case No. 22CW3004 are to: (1) ensure that the proposed decree includes appropriate Standard Language terms for Triview's use of Fryingpan-Arkansas Project ("Project") facilities, such as Pueblo Reservoir; (2) ensure that all historic return flows are replaced in a manner that avoids injury to the District's rights and operations, including the District's exchange right on the South Arkansas River decreed in Case No. 97CW160, and VFMP flows at the Wellsville Gage; (3) ensure appropriate quantification of the changed water rights to avoid injury; and (4) ensure that the Water Court retains jurisdiction for an appropriate timeframe to evaluate injury that may result from Triview's proposed change. The District feels that these paragraphs sufficiently cover any concerns.

A copy of the Proposed Decree was provided to the Board.

Mr. Clayton moved, seconded by Mr. Pipher to authorize Special Water Counsel to enter a stipulation with Triview consenting to entry of a decree in Case No. 22CW3004 that is no less restrictive on Triview and no less protective of the District's water rights than the proposed decree dated May 24, 2024. Motion carried unanimously.

**MONTHLY/QUARTERLY REPORTS:**  
UNITED STATES BUREAU OF RECLAMATION

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

As of June 16, 2024

- 238,079 acre-feet stored in Pueblo Reservoir
- 155,248 acre-feet of Project Water
- 44,976 acre-feet of Excess Capacity Water
- 31,311 acre-feet of Winter Water
- 89,945 acre-feet of Project Water Space Available in Pueblo
- 33,038 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 AFAs of 6/17/2024, 37,921 AF imported
  
- Upper Res Operations:
  1. 4/26 got news that Mt. Elbert U2 failed  
Began releasing 350 cfs
  2. 5/17 began releasing 450 cfs  
Dropped flows to allow Lake County to armor CR5A
  3. 6/6 began reducing flows incrementally  
10-12 cfs cuts for bank stability
  4. 6/8 – 6/9 Appears runoff peaked  
Will continue to drop/match inflows until Mt. Elbert Unit 1 becomes available  
Drop to 15 cfs after
  
- Pueblo Reservoir:
  1. Top of Active Conservation is 4,880.38 ft (245,373 AF)
  2. Current Elevation (6/18) – 4,878.82 (238,512 AF)
  3. Looks like a spill will be avoided
  4. VFMP

An update on the Interlaken Fire was given. Questions were asked of Mr. Holmberg.

## RECORD OF PROCEEDING

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### STATE LEGISLATIVE UPDATE

Mr. Peter Levish updated the Board. The Water Resources and Agriculture Review Committee will meet on July 11, August 7, August 21, and September 18, 2024. We have not yet seen agendas for any of the upcoming meetings; however, the Colorado Water Congress (CWC) has solicited topics to share with the Committee for possible inclusion on the agendas. If there are specific topics you would like to be considered, please email those to Peter Levish at [Peter@secwcd.com](mailto:Peter@secwcd.com) as soon as possible so that he can share them with CWC no later than the end of day, on June 21, 2024.

The Water Quality Control Division will be hosting a series of Dredge and Fill Stakeholder meetings on September 4, October 1, November 6, and December 4, 2024, to prepare for implementing the legislation passed during this last legislative session. District staff will participate in these meetings to the extent possible and useful to the District's projects.

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

### COLORADO RIVER ISSUES

Mr. Lee Miller updated the Board first by stating, as part of the transition of duties:

1. Peter Levish will now be giving the State Legislature Update at the Board Meetings. Peter is getting more involved in areas that he needs to be in, under the direction of Lee Miller.
2. Mr. Lee Miller has stepped down as CWC Vice Chair for State Affairs

The Upper Division States (UDS) sent a letter to the Bureau of Reclamation (Reclamation) Commissioner on June 11, 2024 (UDS letter), regarding Reclamation's consideration of existing Colorado River Basin Project Act storage volume provisions. The UDS letter points out that the "Section 602(a)" storage volumes were not properly included in Reclamation's "no action alternative" in the National Environmental Policy Act (NEPA) analysis of post-2026 guidelines for operating Lakes Powell and Mead. The letter requested that the issue be properly addressed before continuing with the NEPA analysis. A copy of the UDS letter is attached. A copy of the letter was provided to the Board.

The Upper Colorado River Commission (UCRC) will meet on June 26, 2024, in Cheyenne, Wyoming. Topics will include the 2024 System Conservation Pilot Program, Demand Management Program, and hydrologic shortages in the UDS. Lee Miller will attend the UCRC meeting and the work session preceding the meeting as a member of the UCRC Legal Committee.

Representatives of the Colorado River District and Xcel Energy have made presentations throughout the state, including a presentation at the Arkansas Basin Roundtable meeting, in an effort to promote the "Shoshone Water Right Preservation" or the "Shoshone Permanency." Information on this effort can be found at <https://keepshoshoneflowing.org/>. Leann Noga (remotely) and Lee Miller attended a meeting at Xcel's offices in Denver last week with representatives from Reclamation, the State of Colorado and water users throughout the state

RECORD OF PROCEEDING

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to begin discussion on terms and conditions for adding instream flow purposes to the Shoshone Power Plant Water Rights. The River District recently provided the District with a technical analysis on how the change of the Shoshone Water Rights to instream flow purposes would impact the Roaring Fork basin. District staff is reviewing this and other information.

The Colorado Water Congress's (CWC) special project covering the Endangered Species Project on the Colorado River and San Juan River (CRP) is experiencing transition, including the upcoming retirement of Tom Pitts. The CWC Executive Committee recently requested that all CWC special projects, at a minimum, elect a project Chair and Vice Chair, and consider the election of a project Treasurer, as needed. The CRP is a CWC special project, and thus, needs to begin the selection of officers. Due to the transition, there is a budget shortfall and the CWC will soon be asking sponsors of the CRP to help make up the shortfall. The CRP Executive Committee is also working on a set of questions to submit to the Water Acquisition Committee in regard to the Shoshone Water Rights.

**INFORMATIONAL ITEMS:**

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

- Water Court Resume
- NWRA Western Water Seminar – July 23-25
- Colorado Water Congress Summer Conference – August 19-22

President Long recessed the District Board Meeting at 10:08 a.m.

President Long reconvened the District Board meeting for the purpose of going into Executive Session at 10:12 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 following matter: Aurora Water Purchase. As well as a request has been made for the Southeastern Colorado Water Activity Enterprise to enter Executive Session for the purpose of discussion with legal counsel on the following matter: AVC Contract 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 was requested at the Executive Session:

RECORD OF PROCEEDING

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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 (April Hendricks)
6. Senior Policy and Issues Manager
7. Water Resources Principal Engineer

Mr. Clayton moved, seconded by Mr. Hamel 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 12:04 p.m.

RECORD OF PROCEEDING

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**Respectfully submitted,**

**Patty Rivas**  
**Administrative Support Specialist**

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**Seth Clayton – Secretary**

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**Bill Long – President**

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**Howard “Bub” Miller**

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**Curtis Mitchell – Vice President**

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**Justin Disanti**

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**Ann Nichols – Treasurer**

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**Kevin Karney**

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**Alan Hamel**

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**Mark Pifher**

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**Andy Colosimo**

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**Matt Heimerich**

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**Dallas May**

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**Pat Edelmann**

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**Greg Felt**

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**Tom Goodwin**