

RECORD OF PROCEEDING

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**SOUTHEASTERN COLORADO  
WATER CONSERVANCY  
DISTRICT  
MINUTES**

**March 16, 2023**

A meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, March 19, 2023 at 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. Mr. Long asked Margie Medina for a roll call for those connected via ZOOM.

President Long established that a Quorum was present.

**DIRECTORS PRESENT:**

Alan Hamel	Howard “Bub” Miller(remote)	Patrick Garcia
Andy Colosimo	Kevin Karney(remote)	Seth Clayton
Ann Nichols(remote)	Mark Pifher	Tom Goodwin(remote)
Bill Long	Matt Heimerich	
Curtis Mitchell	Pat Edelmann	

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

Dallas May, and Greg Felt.

**DISTRICT OFFICIALS:**

Executive Director James Broderick; 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; Administrator of Administration Leann Noga; Finance Manager Stephanie Shipley; Administrative Support Specialist’s Margie Medina and Patty Rivas; Kogovsek and Associates Christine Arbogast; Kleinfelder, Gordon Dillon and H2O Consultants Roy Vaughan.

**VISITORS PRESENT:**

Abba Ahmed and Rick Kienitz, Aurora Water; Bill Tyner; Curtis Thompson, AECOM; Jerry Pena, Kennedy Jenks; Krystal Brown, USGS; Mike Holmberg, USBR; Rachel Zancanella, Colo Division of Water Resources; and Travis White, JHL Constructors (@ 9:45).

**VISITORS CONNECTED VIA ZOOM:**

Brandon Bernard, Widefield Water & Sanitation; Jeffery DeHerrera, Pueblo West Metro; Lisa Wade, Wilson Water; Luke Mecklenburg, Assistant Attorney General, Federal and Interstate Water Unit; Rachel Duran, Kansas Department of Ag; Roy Heald, Security Water & Sanitation; and Scott Lorenz, Colorado Springs Utilities.

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**INTRODUCTION OF VISITORS:**

President Long welcomed the visitors to the meeting.

**APPROVAL OF MINUTES:**

President Long said the minutes from the January 19, 2023, District Board meeting were 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:**

Mr. Clayton reported the financial statements for January and February 2023 were posted to OnBoard and the website for review. Mr. Clayton moved, seconded by Mr. Garcia for acceptance of the January and February 2023 financial statements and payment of the March 2023 bills. Motion unanimously carried.

**PRESENTATION ITEMS:**

*2023 BUDGET, BUSINESS PLAN AND STRATEGIC PLAN PUBLICATIONS*

Mrs. Noga introduced the presentations. She gave recognition to Chris Woodka and Stephanie Shipley for their hard work on creating the publications, as well as all staff members.

Mr. Woodka took over and reviewed in depth, each publication:

1. Reviewed annual publications that are regularly published.
2. Financial Report - An audited statement of the previous year's financial information.
3. Strategic Plan - A 15-year roadmap that applies strategic initiatives to focus areas and areas of responsibility.
4. Business Plan for 2023 - A three-year overview of forecasted revenues and expenditures of programs, projects and activities of the District and Enterprise.
5. Adopted Budget for 2023 - A one year look at Revenues, expenditures with added depth about programs, projects and activities of the District and Enterprise.
  - a. Executive Summary- Description of Fry-Ark Project & District: "Who, What, Where, When, Why and How?"
  - b. Offices and Human Capital: "Who?"
  - c. Financial Planning: "How?"
  - d. Budget Overview, Description & Comparison Data: What?"
  - e. Major Fund Driving Factors, Partnerships, Programs and Projects: "Why?"
  - f. Strategic Long-Range Planning: "When?"
  - g. Appendix

Mr. Woodka went into a deeper review of the individual aspects of the Budget Publication.

President Long, on behalf of the Board thanked all involved in the creation of the publications.

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

Mr. Mike Holmberg provided a written report reviewing the following, March 8, 2023:

- There were 218,252 acre-feet stored in Pueblo Reservoir; 118,042 acre-feet of Project water; 44,094 acre-feet of Excess Capacity water; 35,984 acre-feet of Winter water and winter carryover.
  1. 32,073 acre-feet 2023 winter water
  2. 3,911 acre-feet of winter water carryover
- There is currently 127,331 acre-feet of Project space in Pueblo Reservoir and 50,265 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- SNOTEL water equivalent (SWE) % of Normal as of March 12, 2023
  1. Upper Arkansas
  2. Colorado Headwaters
  3. Fryingpan (Fremont, Independence, Ivanhoe, Nast)
- CBRFC models showing elevation bands above Ruedi, in the mid 80-90% range of average soil moisture in November 2022
- Water Scheduling/Fry Ark Forecast WY2023
- Forecasted vs. Actual Imports 2002-2022
- February 2023 Forecast:
  1. 30% - 48.5 KAF
  2. 50% - 59.9 KAF
  3. 70% - 70.4 KAF
- March 2023 Forecast:
  1. 30% - 46.7 KAF
  2. 50% - 56.2 KAF
  3. 70% - 65.8 KAF
- General Updates:
  1. Pueblo Sedimentation Study
    - a. Bathymetric and Sediment Sampling
  2. Winter Operations
  3. Collection System
    - a. Snow Removal 3/26 to 4/14
    - b. Site Setup 4/17 to 4/28
  4. Snow Monitoring Station Grant Proposal
- As of March 8, 2023 spill probabilities are low
  1. Current Content 218,252
    - a. New WW 9,927
    - b. Project Water 2,214
    - c. M&I Inflow (est) 1,854
    - d. M&I Total Releases (est) 7,359
    - e. Evap 3,472

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f. 2022 W.W	3,911
g. 2022 Ag. Proj W.	<u>2,608</u>
	214,897 – 245,373 = 30,476

The rest of the informational statistics were included in his PowerPoint. The Board was provided a copy.

*COLORADO DIVISION OF WATER RESOURCES*

Mrs. Rachel Zancanella presented a PowerPoint titled: Futile Call Administration Update

1. Definition of a Futile Call
  - a. Evolving
  - b. Traditionally when the Water Commissioner determined that curtailing an upstream junior would not result in getting wet water to the downstream senior when he needs it, they allowed the junior diversion.
  - c. Originally enacted out in the “hinterlands.” Over time, and generations, sometimes synonymous with unadministered. As in, it’s futile for me to get up there (big Basin).
  - d. By and large, no records kept except in some rare cases in the comments, leads to abandonment etc.
2. Authority for a Futile Call Determination
3. New Guidance 2015
4. Guidance Update 2023
5. What does this mean:
  - a. In a basin where we treat surface and groundwater as a system, and there is always a downstream Senior calling, there are no futile calls:
    - Roll out
      - ◆ Could have varied impacts
      - ◆ No new appropriations under new futile call
      - ◆ No applications
      - ◆ Can still make absolute previous rights legally diverted under futile call
      - ◆ Going forward
        - Considering 1 year grace period an engineering analysis showing it is not tributary, enforcement starting in 2024
        - Otherwise, it will be administered in priority

Questions were asked of Ms. Zancanella

*U.S GEOLOGICAL SURVEY*

Ms. Brown presented to the Board a presentation covering USGS Flood Inundation Mapper:

- Introduced the system “ Flood Inundation Mapper,” a link was provided to access it.
- Snapshots of functions of the system
- USGS flood database for Colorado
  1. Originally compiled flood data from 1867-2011, updated in 2015
    - a. Approximately 6,800 flood events
    - b. Approximately 1,600 individual sites
    - c. Includes paleoflood data from flood occurring in the past 10,000 years

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2. Sources of information

- a. USGS indirect-discharge measurements stored in USGS offices and referenced in USGS reports
  - b. USGS National Water Information System peak-streamflow database
  - c. Paleoflood studies published in peer reviewed journals
- USGS Flood database for Colorado
  - Snapshots of functions of the system
  - Information on the June 3, 1921 Flood

Questions were asked of Mrs. Brown.

*STATE LEGISLATION UPDATE*

Mr. Lee Miller provided an update to the Board by reporting The 74th General Assembly has completed about half of the 120-day session. The District participates in the Colorado Water Congress (CWC) State Affairs Committee, which meets most Mondays during the session. Lee Miller serves as one of the vice chairs of the committee.

Bills of interest to the District that have been introduced include:

**SB23-177:** This is the annual bill to identify construction projects under the Colorado Water Conservation Board (CWCB).

**HJR23-1007:** This resolution is the annual resolution that identifies and submits the list of selected water projects for funding approval under the Colorado Water Resources & Power Development Authority.

In addition to those bills that have been introduced, the proposed DNR stream restoration bill concept clarifies that stream restoration projects do not fall under the definitions of a diversion, storage, or a dam and do not need to go through the lengthy and expensive water-court process to secure a water right. Before a project begins, proponents would have to file an information form with the state Division of Water Resources (DWR) showing the project will stay within the historical footprint of the floodplain before it was degraded and doesn't create new wetlands. These forms would be publicly available, and anyone could then challenge whether the project meets the requirements by filing a complaint to the DWR staff. The CWC State Affairs Committee has formed a subcommittee to work on this issue; April Hendricks from Burns Figa & Will is on the subcommittee and reporting to Lee on the subcommittee's work.

Finally, the Water Resources and Agriculture Review Committee (WRARC) held its first regular session meeting on March 8, 2023. This first meeting results from the enactment of SB23-010 that modified the scope of the committee to allow it to meet during the calendar year rather than being limited to interim committee status. The WRARC received information on the DNR stream restoration bill concept discussed above and on compact issues, primarily focusing on current Colorado River Compact issues.

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*COLORADO RIVER ISSUES STATUS*

Mr. Lee Miller updated the Board, as reported in January's Colorado River Issues report, the Basin states provided two separate proposals for consideration by the Bureau of Reclamation (Reclamation) in the Supplemental Environmental Impact Statement (SEIS) to the December 2007 Record of Decision entitled, *Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead* (2007 Interim Guidelines). California did not agree with a proposal made by six states: Colorado, Wyoming, Utah, and New Mexico in the Upper Basin, joined by Arizona and Nevada from the Lower Basin. The 6-Basin States and the California proposals were posted to the Board's Colorado River Resources page on OnBoard.

The 6-Basin States proposal accounts for roughly 1.5 million acre-feet of water that is lost to evaporation and system leaks based on where those losses most likely occur. Accounting for that lost water would effectively operate as cuts in water allocations to the three lower basin states, and more than half would come from California's share of the river. It also includes additional cuts of up to 450,000 acre-feet between the three states based on percentages that increase as Lake Mead's level falls.

On February 27, 2023, the UCRC conducted a virtual special meeting to adopt the 2022 Drought Responder Operations Agreement Amendment and its transmittal to Reclamation. The following two-part motion was adopted unanimously by the UCRC Commissioners:

- That the Upper Division States, acting through the Upper Colorado River Commission, approve an amendment to Attachment C to the 2022 DROA Plan in substantially the same form as the provided document while preserving the possibility by separate amendment of recovery actions during the 2022 Plan year.
- Further, the Upper Division States and UCRC staff are directed to confer with Reclamation and the Lower Division States as soon as possible regarding the disposition of the 480,000 acre-feet 2022 Cooperative Action, DROA 2023 Plan Recovery, and potential balancing releases in WY 2023.

On February 27, 2023, the CWCB sent to the Upper Colorado River Endangered Fish Recovery Program (Upper Colorado Program) and the San Juan River Basin Recovery Implementation Program (San Juan Program) the final post-2023 capital and annual funding proposal agreed to by the federal agencies and the states. The proposal includes Fish and Wildlife Service funding and in-kind funding. A summary of the proposal was provided to the Board. The funding proposal is being incorporated into the post-2023 authorizing legislation to be considered by Congress in the future.

A copy of the Colorado River Recovery Programs Funding Proposal was provided to the Board.

The Board was reminded that the next Colorado River and Water Supply Committee meeting will be held April 20, 2023, ½ hour after the Board Meeting Adjourns.

Leann was asked to give an update that the Fountain Valley Conduit has been paid off in full.

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On behalf of the Board and Staff of SECWCD, President Long asked Mr. Bill Tyner to join him at the Podium. Mr. Broderick presented Mr. Tyner a glass sculpture as a thank you, on behalf of the SECWCD Board and Staff, for his service thru the Colorado Division of Water Resources, and his last position held as Division Engineer for four years.

**INFORMATIONAL ITEMS:**

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

- Water Court Resume
- Recovery of Storage Update
- ARBWF 2023 Forum, April 25-26, 2023, Colorado Springs
- NWRA Federal Water Issues April 17–19, 2023

President Long asked if there were any other matters to come before the District Board. Hearing no other matters to come before the Board, Mr. Long adjourned the District Meeting at 11:04 a.m.

Respectfully submitted,

Patty Rivas  
Administrative Support Associate

Secretary

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