

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO WATER
CONSERVANCY DISTRICT**

MINUTES

October 15, 2020

A virtual meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, October 15, 2020 at 9:30 a.m. via ZOOM.

President Bill Long welcomed all in attendance to the virtual meeting. Mr. Long asked Leann Noga to do a role call. Mr. long established that a Quorum was present.

DIRECTORS CONNECTED:

Alan Hamel	Curtis Mitchell	Mark Pifher
Andrew Colosimo	Dallas May	Pat Edelmann
Ann Nichols	Greg Felt	Patrick Garcia
Bill Long	Howard “Bub” Miller	Seth Clayton
Carl McClure	Kevin Karney	Tom Goodwin

DIRECTOR(S) ABSENT AND EXCUSED:

None

DISTRICT OFFICIALS CONNECTED:

Executive Director James Broderick; General Counsel Lee Miller; Principal Engineer Kevin Meador; Senior Policy and Issues Manager Chris Woodka; Water Resource Engineer Garrett Markus; Finance Manager Leann Noga; Administrative Support Specialist Margie Medina; Accounting Specialist Stephanie Shipley and Lynette Holt; Administrative Support Associate Patty Rivas.

VISITORS CONNECTED:

Jenny Bishop and Scott Lorenz, Colorado Springs Utilities; Kevin Salter, State of Kansas Department of Agriculture; Cathy Garcia, Senator Cory Gardner’s Office; Jeffery DeHerrera, Pueblo West Metro District; Jerry Pena, Kennedy Jenks; Mark Scott and Daniel Rice, Providence Infrastructure Consultants; Brett Gracely, LRE Water; Tom Simpson and Rick Kienitz, City of Aurora; Nick Perchess, Upper Ark Rocky Mountain Farmers Union.

APPROVAL OF MINUTES:

President Long said the minutes of the September 17, 2020 Board meeting were posted to the Board website for review and asked if there were any corrections or additions. Mr. Clayton moved, seconded by Mr. Felt to approve the minutes. Motion unanimously carried.

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TREASURER REPORT:

Treasurer Nichols reported the financial statements for September 2020, were posted to the Board website for review. Ms. Nichols moved, seconded by Mr. Clayton for acceptance of the September 2020 financial statements and payment of the September 2020 bills. Motion unanimously carried.

ACTION ITEM:

SOUTH ARKANSAS RIVER EXCHANGE DILIGENCE APPLICATION

Mr. Lee Miller presented an action item to recommend that the Board adopt a resolution authorizing Special Water Counsel to file an application for a finding of reasonable diligence to maintain the Districts conditional exchange rights decreed in Case No. 97CW160, and to make a portion of the conditional exchange rights absolute.

The District holds absolute and conditional exchange rights, decreed in Case No. 97CW160, that enable the District to deliver allocated Fryngpan-Arkansas Project water to its constituents with water systems or storage facilities located on the South Arkansas River or its tributaries. The deadline to file a diligence application to continue the conditional portion of those decreed exchange rights is November 30, 2020.

The District's constituents that are eligible to receive deliveries of allocated Project Water through this exchange include Upper Arkansas Water Conservancy District, the City of Salida, and the Town of Poncha Springs; the decree also authorizes the District to make exchanges of Project water to other constituents who may take delivery of allocated Project water along the South Arkansas River. Any constituent receiving Project water through this exchange must use that water within the District's boundaries and in accordance with the District's allocation principles and policies. The 97CW160 decree included both absolute and conditional rights for the District's exchange of Project Water along the South Arkansas River and its tributaries; the District's absolute rights to exchange Project water to North Fork Reservoir and the Poncha Springs Wells are not at issue in diligence applications. The remaining conditional South Arkansas River exchange rights that were decreed in Case No. 97CW160 permit the District to exchange Project water from the confluence of the Arkansas and South Arkansas Rivers upstream for storage in O'Haver Reservoir and Boss Lake, and to any other point along the South Arkansas River upstream of the Poncha Springs Wells or along the North Fork of the South Arkansas River downstream of North Fork Reservoir. The total exchange rate for all exchanges decreed in Case No. 97CW160, both conditional and absolute, is 60 c.f.s. with a maximum total volume of 495 acre-feet per year.

With its diligence application, the District may also apply to convert some of its conditional rights to absolute rights, if it has sufficient evidence to do so. Since the last diligence decree was entered for the conditional portion of the South Arkansas River Exchange in Case No. 14CW3034 on November 19, 2014, the District has exchanged allocated Project Water to O'Haver Reservoir and to Boss Lake. District Staff is working with Wilson Water Group to quantify the exchange rate and the amount of water that has been exchanged and stored in these two reservoirs. The evidence for these exchanges is sufficient to request that this portion of the conditional water rights decreed in Case No. 97CW160 be made absolute.

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Mr. Lee Miller provided a copy of the proposed Resolution No. 2020-03D directing Special Water Counsel to file an application for diligence, along with the current draft application. This draft application is subject to further revision prior to filing, to (1) state the final exchange rate and amount of water to be made absolute and (2) update the amounts of the District's diligence expenditures, as may be necessary. The Resolution explains the need to seek a finding of reasonable diligence to maintain the District's conditional exchange rights decreed in Case No. 97CW160 and the basis for seeking to make a portion of the conditional rights absolute. By adopting the proposed resolution, the Board will show the District's intent to seek a finding of reasonable diligence, to make part of the conditionally decreed exchange rights absolute, and to continue development and use of the remaining conditional rights.

Mr. Edelman moved, seconded by Mr. Pifher, that the Board adopt Resolution No. 2020-03D, which authorizes Special Water Counsel to file an application for diligence with the Water Court by November 30, 2020. Motion unanimously carried.

MONTHLY/QUARTERLY REPORTS:

U.S. BUREAU OF RECLAMATION REPORT

Roy Vaughan provided a written report reviewing the following:

As of October 6, 2020

- There were 179,473 acre-feet stored in Pueblo Reservoir; 132,292 acre-feet of Project water; 43,358 acre-feet of Excess Capacity water; 2,968 acre-feet of Winter water
- There is currently 113,081 acre-feet of Project space in Pueblo Reservoir and 32,766 acre-feet of space in Turquoise and Twin Lakes Reservoirs
- Charts illustrating storage amounts in Turquoise, Twin Lakes, and Pueblo Reservoir
- Project Reservoirs: Turquoise 88%, Twin Lakes 90%, Pueblo 113% as of October 6, 2020.
- First Use Project + PCO Municipal Water
- Total M&I PW in the system is 129,503 as of September 30, 2020
- Boustead Stored Cumulative Imports for 2020

DIVISION ENGINEER'S REPORT

Mr. Tyner provided a written report on *Pond Enforcement Efforts*:

Division 2

Pond Enforcement Initiative Information

Policy as of 2020

Water rights in Colorado are unique when compared to other parts of the United States. The use of water is governed by what is known as the "Prior Appropriation System". This system of water allocation controls who uses how much water, the types of uses allowed, and when those waters can be used.

What is this Initiative?

To identify and administer ponds in the Arkansas River Basin starting with tributaries having the most impact within each district. We are systematically working in priority drainages beginning at the bottom of each. This may mean you received a notice and your neighbor has not yet received a similar notice.

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Who we are:

Colorado Division of Water Resources, Division 2, Arkansas River Basin

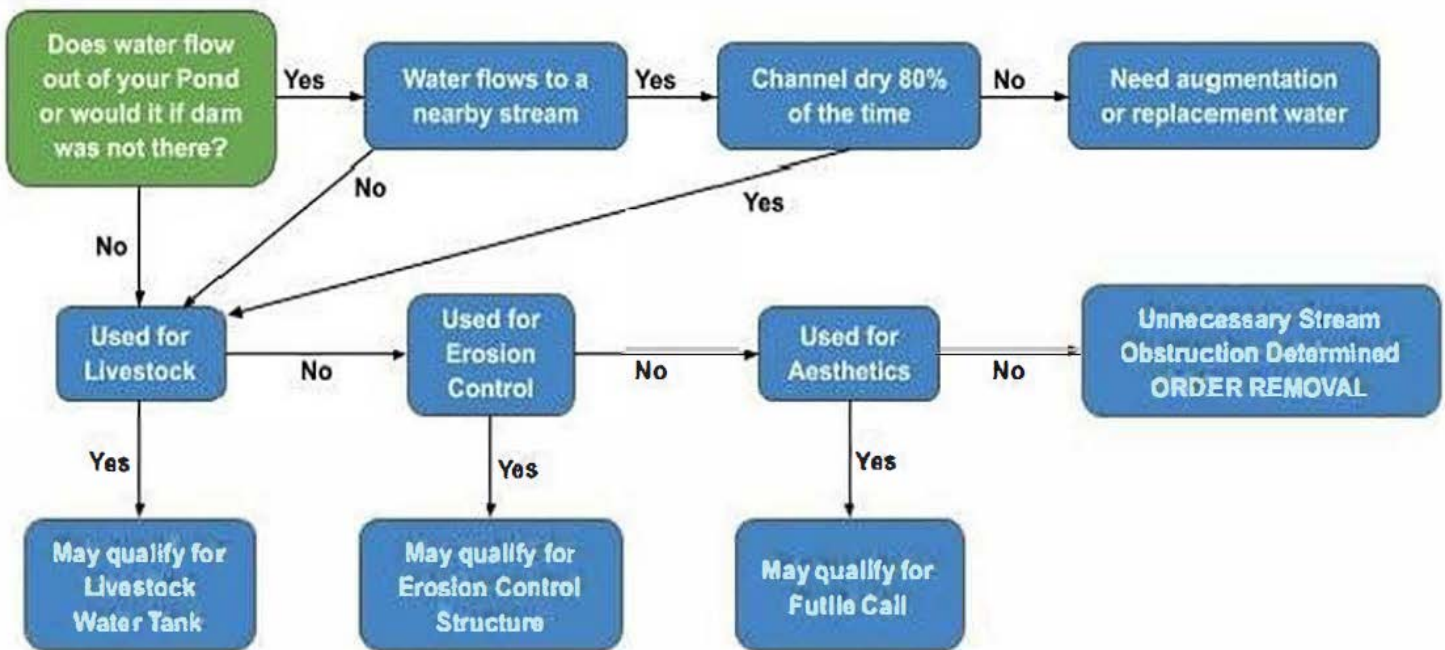
Why are we doing this?

- One pond has minimal effect on legally approved water rights, but the effect of all of these ponds together have a detrimental effect on legal water rights.
- For every acre of pond surface area up to I MILLION gallons of water is lost to evaporation each year.
- The majority of these ponds were created without legal water rights.

What to expect?

A pond inspection will be scheduled with you by your local Water Commissioner, to assist in assessing your possible options.

Above Ground Pond – Surface Water Flowing Into Pond



U.S. GEOLOGICAL SURVEY REPORT

Krystal Brown provided a written report titled, *Arkansas River Water Quality Summaries*. Containing the following link: https://co.water.usgs.gov/infodata/ark_summaries/index.html

- Summarizes USGS Arkansas Rivas Basin water-quality data for selected sites
- Data will soon be available through water year 2019
- Comparison of data to State of Colorado instream standards

