

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO WATER
CONSERVANCY DISTRICT**

MINUTES

January 17, 2008

A regular meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District was held on Thursday, January 17, 2008 at 9:48 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado.

President Long announced a quorum was present.

DIRECTORS PRESENT:

Bill Long	Harold Miskel	Carl Genova
Ann Nichols	Shawn Yoxey	Vera Ortegón
Gibson Hazard	Greg Johnson	Lee Simpson
Lissa Pinello	Reed Dils	Carl McClure
Alan Hamel-Advisory Board Member		

DIRECTORS ABSENT AND EXCUSED:

Edward Bailey, Howard "Bub" Miller, and Scott Reed.

DISTRICT OFFICIALS PRESENT:

Attorneys Stephen Leonhardt and Lee Miller; Executive Director James Broderick; Administrative Manager Toni Gonzales; Projects Manager Phil Reynolds; Chief Financial Officer Kathie Fanning; Director of Engineering and Resource Management Bob Hamilton; and Federal Lobbyists Ray Kogovsek and Christine Arbogast.

INTRODUCTION OF VISITORS:

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

VISITORS PRESENT:

Roy Vaughan, U.S. Bureau of Reclamation; Chris Woodka, The Pueblo Chieftain; Brenda Fillmore, AGUA; Dick Wolfe, State Engineer; Steve Witte, Colorado Division of Water Resources- Division 2; Kevin Meador, Black & Veatch; Tom Simpson and Rick Kienitz, Aurora Water; Jack Yaklich, High Line Canal Company; Joe Rall, Congressman Doug Lamborn's office; Dwight L. Gardner, Senator Ken Salazar's office; Larry Patterson, Fountain Utilities; Doris Morgan, Senator Wayne Allard's office; Bob Hartzman, City of Canon City; John Gillogley, Department of Corrections; Steve Howell, Ninyo and Moore Consultants; Roy Heald, Security Water District; Jill Gacnik and Curt Thompson, Merrick and Company; and Ken Weber.

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APPROVAL OF MINUTES:

President Long asked if the members of the Board had received their copy of the minutes of the December 6, 2007 Board meeting, and if there were any corrections or additions. Hearing none, Mrs. Ortegón moved, seconded by Mr. Johnson, to approve the minutes. Motion unanimously carried.

FINANCE COMMITTEE REPORT:

Mr. Johnson reported that the financial report for the month of December for the District was mailed to the Board and moved for the acceptance of the financial report for December and payment of the January bills for the District, seconded by Mrs. Pinello. Motion unanimously carried.

PRESENTATIONS:

COLORADO RIVER BRIEFING

Lee Miller gave a PowerPoint presentation titled, *Record of Decision for Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead*. In his presentation he reviewed the following:

- Purpose
- History
- The Record of Decision Adopts Four Key Elements of River Management
- Determination of Normal Shortage and Surplus Conditions
- Surplus Conditions
- Intentionally Created Surplus
- Shortage Conditions
- Coordinated Operation of Lakes Mead and Powell
- Period and Termination of Operations
- Implementing Agreements
- Some of the Benefits to Colorado of the Record of Decision
- Future Actions

Lee Miller said James Eklund, Assistant Attorney General gave a presentation October 31, 2007 at the State Engineer's Forum on the Colorado River Compact Operations, Administration, and Compliance. The Board was provided a copy of that presentation. The Board was also provided a confidential memorandum from James Lochhead reviewing Colorado River Interim Guidelines.

Mr. Broderick complimented Lee Miller on doing a great job presenting a complex topic. Mr. Miskel said Rod Kuharich, James Lochhead, and Scott Balcomb were at the table to represent Colorado interests, and did an outstanding job.

UPDATE ON NEW SNOTEL SITES

Bob Hamilton gave a PowerPoint presentation titled, *Update on the Installation of Three New SNOTEL Sites*.

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Mr. Hamilton reviewed the following:

- Brief History
- Funding for SNOTEL Sites-3 Sites costing \$17,000 each
 - Hayden Pass Site
 - Saint Elmo Site
 - Chapman Tunnel Site
- How to Find Information for the New SNOTEL Sites

ACTION ITEMS:

OPEN MEETINGS RESOLUTION

Mr. Broderick read Resolution-No. 2008-1, A Resolution Relating to the Compliance by the Southeastern Colorado Water Conservancy District with the Colorado Open Meeting Law. Mr. Miskel moved, seconded by Mrs. Yoxey, to adopted Resolution-No. 2008-1. Motion unanimously carried.

WATER COURT RÉSUMÉ

Mr. Hamilton reported in the November résumé, there is one case of interest to the District. Case No. 07CW111, which is an application by the Town of Poncha Springs for the change of agricultural water rights from the Friend Ranch on the South Arkansas River to municipal use and well augmentation. The plan for augmentation in the résumé implies that the Town of Poncha Springs has an annual entitlement of 45 acre-feet of Fry-Ark Project water. This proposed change of water rights is the result of an annexation agreement with the Friend Ranch Family Partnership. The proposed annexation involves property outside of the existing Southeastern boundaries, which must go through Reclamation's NEPA review and assent process before the property can be included within the District. Mr. Hamilton recommended that the District file a statement of opposition in this case. Mrs. Pinello moved, seconded by Mrs. Yoxey, to file a Statement of Opposition in Water Division 2, Case No. 07CW111. Motion unanimously carried.

Mr. Hamilton reported at the November 2007 Board meeting, the Board authorized legal counsel to execute a two (2) month extension for filing a Statement of Opposition in Case 07CW96, which is an application by Petra/Buffalo Park for water rights on Half Moon Creek. The Fry-Ark Project has a diversion site that is used by Reclamation for the generation of electricity at the Mount Elbert Power Plant on Half Moon Creek. The concern is that this application could possibly have an adverse effect on those diversions. Mr. Hamilton contacted the applicant's engineer, Mr. Ron Blatchley, and expressed the District's concerns. Mr. Blatchley subsequently contacted Reclamation concerning this application. Mr. Blatchley informed Mr. Hamilton that Reclamation told him that they did not have a problem with the application and that they would be sending him a letter stating that fact. Because of the uncertain timing of Reclamation's letter, Mr. Hamilton requested authorization of a two (2) month extension to the November 2007 agreement, which expires on January 31, 2008. Mr. Dils moved, seconded by Mr. McClure, to authorize legal counsel to execute a letter agreement for up to two (2) months extension to the November 2007 extension letter in Case 07CW96, Petra/Buffalo Park. Motion unanimously carried.

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Mr. Broderick reported staff, Mr. Johnson, and legal counsel are continuing to work on a matrix determining the criteria for entering into cases.

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

Roy Vaughan reported as of January 15, there were 208,169 acre-feet of water stored in Pueblo Reservoir, 110,135 acre-feet of Project water, 47,186 acre-feet of water stored in If & When space, and 50,856 acre-feet of Winter water. New Winter water stored is 27,555 acre-feet.

There is currently 146,814 acre-feet of Project space in Pueblo Reservoir, and 38,675 acre-feet of Project space available in the Turquoise and Twin Lakes Reservoirs.

Mr. Vaughan said Reclamation is currently moving 200 cfs of Project water from the upper reservoirs to Pueblo Reservoir. The total Project diversions for 2007 were 54,270 acre-feet.

Mr. Broderick congratulated Mr. Vaughan, and said the transition between Mr. Musgrove and Mr. Vaughan has been seamless.

Mr. Vaughan reported there was a meeting held January 16 to discuss the zebra mussels found for the first time in Colorado in Lake Pueblo. The mussel usually is spread by boats. The concerns among water users is that the zebra mussel could attach to the outlet works, and restrict the flows in the pipes. The Colorado Department of Parks and Outdoor Recreation are investigating whether it has any authority to require mandatory boat regulations to prevent further spread.

DIVISION ENGINEER'S REPORT

Steve Witte reviewed the Division Engineer's monthly report for January 17, 2008 and the Arkansas River Daily Report, Ditch and Reservoirs for January 16, 2008. The river call is Winter Water Storage Program decree (84CW179) River call 3/1/1910. Mr. Witte said the mid-January Report shows Winter Storage system grand total of approximately 83,000 acre-feet, which is greater than last year on this date, the five year average and the long-term historical average.

Mr. Witte reported the Colorado Supreme Court has appointed a Water Court Committee charged with the responsibility of reviewing water court processes for the purpose of identifying efficiencies while maintaining the quality of outcomes and competence of those participating. The committee is still working out its strategy for collecting public input, but Mr. Witte hopes to be able to describe that process to the District within the next month or two.

Mr. Witte introduced Dick Wolfe, State Engineer. Mr. Wolfe gave a summary of his background and said his goals include more inclusiveness, communication, and repairing broken relationships regarding draft efficiency rules. Mr. Wolfe believes that a rational basis exists for the rules, and wants to slow down the process to allow for the following:

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- Scheduling of public meetings so that he and Jennifer Gimbel, CWCB Director, can attend in person,
- Update some preliminary analysis,
- Evaluating whether additional studies, programs, etc would be useful, and
- Meet with several water experts / leaders and their attorneys

U.S. GEOLOGICAL SURVEY REPORT

No report was given.

INFORMATIONAL ITEMS:

Written material was provided to the Board on the following topics:

- State Legislation
- Water Court Résumé
- Legal Matters

Mr. Broderick provided the Board copies of the following:

- Deadline Schedule for the 2008 Colorado General Assembly
- 2008 Senate Committees of Reference
- 2008 Session: Senate Committee Schedule
- Colorado State Water Bills-January 14, 2008
- Colorado Water Congress State Affairs Committee Report
- Status of Bills
- Senate Calendar
- House Calendar

Mr. Broderick said the 2008 State Legislative Bills will be available on the District web page. Additionally, links have been set up for Colorado Water Congress and the Colorado State Legislative site.

OTHER BUSINESS MATTERS:

Mr. Broderick reviewed the following:

- The process has begun for the upcoming Board appointments,
- Master calendar is posted on District web page,
- Jennifer Gimbel, CWCB
- 10,825 issues, will do presentation to the Board at a future meeting,
- Pitkin County and Aspen issues,
- Colorado Water Congress Annual Convention,
- Letter from Harris Sherman, Director Colorado Department of Natural Resources, reference to water marketing from Flaming Gorge Reservoir, Aaron Million's Regional Water Supply Project (RWSP), Colorado River Storage Project,
- Series of water articles published in The Pueblo Chieftain, and

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- Western Water publication

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 11:35 a.m.

Respectfully submitted,

Toni Gonzales
Administrative Manager

Secretary
