

RECORD OF PROCEEDING

---

---

**SOUTHEASTERN COLORADO WATER  
CONSERVANCY DISTRICT**

**MINUTES**

**May 15, 2008**

A regular meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District was held on Thursday, May 15, 2008 at 9:40 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado.

President Long announced a quorum was present.

**DIRECTORS PRESENT:**

Bill Long	Scott Reed	Edward Bailey
Ann Nichols	Shawn Yoxey	Vera Ortigón
Gibson Hazard	Greg Johnson	Howard "Bub" Miller
Lissa Pinello	Reed Dils	Carl McClure
Kevin Karney	Lee Simpson	
Alan Hamel-Advisory Board Member		

**DIRECTOR ABSENT AND EXCUSED:**

Harold Miskel

**DISTRICT OFFICIALS PRESENT:**

Attorneys Stephen Leonhardt, Lee Miller, and Alix Joseph; 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; Engineering Support Specialist Margie Medina; and Federal Lobbyists Ray Kogovsek and Christine Arbogast.

**VISITORS PRESENT:**

Mike Ryan, CJ McKeral, and Roy Vaughan, U.S. Bureau of Reclamation; Chris Woodka, The Pueblo Chieftain; Steve Witte, Colorado Division of Water Resources-Division 2; Tom Simpson, Aurora Water; Dan Henrichs, High Line Canal Company; Mike Fink, City of Fountain Water Department; Doris Morgan, Senator Wayne Allard's office; Roy Heald, Security Water District; Pat Edelman, U.S. Geological Survey; Brett Gracely, Colorado Springs Utilities; Kevin Meador, Black & Veatch; Brenda Fillmore, AGUA; Ron Gasser, Penrose Water District; Dwight Gardner, Senator Ken Salazar's office; Terry Scanga, Ken Baker, and Tom Young, Upper Arkansas Water Conservancy District; Steve Howell, Ninyo & Moore; Steve Harrison, Pueblo West Metropolitan District; Valerie Sarton, Colorado Springs, Berniece McClure, Olney Springs; Shirley Kundzicz, Salida; Wendell Hutchinson, Glenn E. Everett, Denzel Goodwin, and David Sarton, SECWCD Past Board Members; and Ken Weber. Jace Ratzliff,

RECORD OF PROCEEDING

---

---

Congresswoman Musgrave's office; and Loretta Kennedy, Congressman Salazar's office (present only during Special Event)

**INTRODUCTION OF VISITORS:**

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

**APPROVAL OF MINUTES:**

President Long asked if the members of the Board had received their copy of the minutes of the April 17, 2008 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:**

Treasurer Ann Nichols reported that the new look of the financial report is due to the software conversion implementation.

Treasurer Ann Nichols reported that the financial report for the month of April for the District was mailed to the Board and moved for the acceptance of the financial report for April and payment of the May bills for the District, seconded by Mr. Hazard. Motion unanimously carried.

**PRESENTATIONS:**

**2008 WATER SEASON**

Steve Witte presented a PowerPoint titled *Snowpack and Weather Reports*. He reviewed the following:

- How Much Snow Do We Have?
- Arkansas River Basin Snow Water Equivalent
- Upper Arkansas Basin Snowpack-May 14, 2008
- Fry-Ark Collection System SNOTELS-May 14, 2008
- May 1 Upper Arkansas River Basin Snowpack
- Colorado Snowpack Summary for 2008
- Look Ahead to Rest of Spring
- 11 Storm Systems=Stormy Spring with Rapid Shifts from Hot, Dry, and Windy to Wet, Cloudy, and Cool
- Looking Ahead:WY 07/08

Pat Edelmann presented a PowerPoint reviewing the following:

- Map of Real-time Streamflow Compared to Historical Streamflow for the Day of the Year (Colorado) May 15, 2008
- Arkansas River Basin SNOTEL Snow Water Equivalent as Percent of Average Peak SWE
- Percent Change (from peak) in Snow Water Equivalence, May 14, 2008
- SNOTEL Snow Water Equivalence (in inches), May 13, 2008
- Snow Data Assimilation System

RECORD OF PROCEEDING

---

---

- Streamflow at Selected Tributaries, April 12-May 14, 2008
- Summary of Flows, May 1-May 12, 2008
- Colorado SNOTEL June 1 Snowpack Projection Map as of May 14, 2008

Mr. Vaughan reported currently Reclamation is moving 225 cfs of Project water from the upper reservoirs to Pueblo Reservoir and will stop the Project run on May 19. The May 1 forecast was 100,600 acre-feet.

**ACTION ITEMS:**

**EXECUTIVE COMMITTEE APPOINTMENT**

Mr. Broderick said that President Long appointed the officers and committee chairperson of each committee to serve on the Executive Committee. The Executive Committee appointment is to be approved by the Board. Mr. Hazard moved, seconded by Mr. Reed to approve President Long's recommendation and appoint the following to the Executive Committee:

Bill Long, President and Chairman of the Arkansas Valley Conduit Committee  
Harold Miskel, Vice President and Chairman of the PSOP Implementation Committee  
Scott Reed, Secretary  
Ann Nichols, Treasurer and Chairwoman of the Finance Committee  
Edward Bailey, Chairman of the Human Resources Committee  
Carl McClure, Chairman of the Allocation Committee  
Vera Ortégón, Chairwoman of the Resource & Engineering Planning Committee  
James Broderick, Executive Director (nonvoting member ex officio)

Motion unanimously carried.

**2007 FINANCIAL AUDIT AND REPORT TO GOVERNANCE**

Treasurer Nichols said the 2007 Audit Report was presented at the April 17, 2008 Board meeting. Treasurer Nichols moved, seconded by Mr. Bailey, to accept the 2007 Audit Report as presented by Bondi and Company. Motion unanimously carried.

**ALLOCATION COMMITTEE**

Chairman of the Allocation Committee Carl McClure reported at the Tuesday, May 6, 2008 Allocation Committee meeting, the Bureau of Reclamation released its forecast of 83,021 acre-feet of Fry-Ark Project water available for allocation. Based upon the 1979 Allocation Principles, the District's Allocation Policy, and last year's NPANIW allocation there is 45,321 acre-feet available for municipal entities and 37,700 acre-feet available for agricultural entities. Municipal entities requested only 34,097 acre-feet, which left a surplus of 11,224 acre-feet available for allocation to agricultural entities, increasing the agricultural allocation to 48,924 acre-feet.

Chairman McClure moved, seconded by Mr. Howard Miller, that the Board allocate municipal Fry-Ark Project water as presented to the Board (see attached). Motion unanimously carried.

RECORD OF PROCEEDING

---

---

Chairman McClure moved, seconded by Mrs. Pinello, that the Board allocate agricultural Fry-Ark Project water as presented to the Board (see attached). Motion unanimously carried.

The Committee voted to recommend that because of the amount of water in Project reservoirs that the 80/20 rule will not be waived and that 80 percent must be used by November 1, 2008 and the remaining 20 percent must be used by May 1, 2009. Chairman McClure moved, seconded by Mr. Howard Miller, that staff notify all entities allocated 2008 agricultural Project water that the 80/20 rule will not be waived for the 2008 agricultural allocation, and that eighty percent (80%) of all agricultural allocations must be used by November 1, 2008 and the remaining twenty percent (20%) must be used by May 1, 2009. Motion unanimously carried.

Chairman McClure moved, seconded by Mr. Johnson, that any Fry-Ark Project water available for allocation over and above the 83,021 acre-feet of this allocation be used to pay back Colorado Springs Utilities (CS-U) per the 1998 Safety of Dams Agreement, if CS-U has space for the water. Motion unanimously carried. Mr. Hamilton thanked Mr. Broderick for his assistance in working on the CS-U issue.

Chairman McClure said the three other main issues that need to be resolved by the Committee and to be brought to the Board for action prior to sending out applications for 2009 Fry-Ark Project water and return flows so that all of the applicants are aware of any changes are:

- Clarification of the use of agricultural Project water allocated to irrigation ditch companies for agricultural well augmentation. Should this use be permitted or should the policy be changed to address unintended consequences of such allocations?
- Discussion on the agricultural allocation of Project water on a Reclamation Reform Act eligible acres under a ditch basis as opposed to evaluating the cropping patterns under each farm and allocating water to the ditches based upon irrigated acres and crops.
- Discussion of the allocation of municipal Project storage space according to the Allocation Principles and the Repayment contract, and how do municipal entities not specified in either document fit into the picture.

#### MARCH 2008 WATER COURT RESUME

Mr. Hamilton reported in Case 08CW17, which is an application by United Feeders, Inc. for Approval of a Plan for Augmentation in Otero County. This proposed Plan for Augmentation is for the use of Catlin Canal shares leased from the Division of Wildlife. This application concerns staff because the lease expires December 31, 2009, which staff believe may be a short term lease and not suitable for a permanent Plan for Augmentation. The other aspect of the application that needs to be addressed is the statement in the application that the applicant will use an "if and when" contract in Pueblo Reservoir to store water until May 31, 2012 to satisfy post pumping depletions. There is no indication of how the applicant proposes to move the water into Pueblo Reservoir, nor does the applicant have such an account in Pueblo Reservoir. Staff checked with Dan Gallagher in the Loveland Reclamation Office and there is no pending storage contract application for United Feeders. Based on the deficiencies mentioned above, staff recommends that the District file a Statement of Opposition in Case 08CW17. Legal counsel has

RECORD OF PROCEEDING

---

---

filed comments on the applicant's substitute supply plan. Mrs. Pinello moved, seconded by Mrs. Yoxey, that the District file a Statement of Opposition in Case No. 08CW17, an Application by United Feeders for a Plan for Augmentation. Motion unanimously carried.

Mr. Hamilton reported in Case 08CW18, which is an application by the Lower Arkansas Water Management Association (LAWMA) for a Plan for Augmentation. LAWMA originally wanted to add seven (7) additional wells or other structures to its Plan for Augmentation which was decreed in Case 02CW181, in which the District stipulated to a consent decree. In the April Résumé, LAWMA has filed an amendment to the March application adding nine (9) additional wells or other structures to its Plan for Augmentation. For the most part staff has no problem with this application, except that Lamar would like to have the flexibility to operate its wells under either LAWMA's Plan for Augmentation or the augmentation plan proposed by Lamar in Case No. 05CW107. Staff recommends filing a Statement of Opposition in this case to monitor compliance with the terms and conditions in Case No. 02CW181 and to protect the District from any injury that may occur as a result of including the City of Lamar's two (2) wells in both Plans. Both LAWMA and Lamar include Fry-Ark Project water and/or return flows as augmentation sources in their augmentation plans. Mr. Bailey moved, seconded by Mr. Howard Miller, that the District file a Statement of Opposition in Case No. 08CW18, an Application by Lower Arkansas Water Management Association for a Plan for Augmentation. Motion unanimously carried.

## FRONT RANGE WATER COUNCIL

Lee Miller reported District representatives have been meeting informally for several years with other Front Range water providers to hear and provide updates on matters of mutual interest. More recently, those entities have collaborated in providing comments to state and federal agencies on various matters affecting water users, such as the letter to Reclamation regarding a proposed pipeline that would deliver water from Flaming Gorge Reservoir to the Front Range in Colorado and comments to the Bureau of Land Management on the Oil Shale-Tar Sands Draft Programmatic Environmental Impact Statement.

Lee Miller recommended the Board formalize this relationship with other Front Range water providers by authorizing the District to join in the creation of the Front Range Water Council, an unincorporated nonprofit association. The declaration of creation and bylaws were provided to the Board. The Front Range Water Council is being formed for the purpose of advocating the member organizations' mutual interests, as transmountain diverters of water from Colorado's West Slope to its East Slope, in water policy and water supply for the population of the Colorado Front Range. Lee Miller said he understands that the Northern Colorado Water Conservancy District, Board of Water Works of Pueblo, Colorado Springs Utilities and Aurora Water have authorized their representatives to sign the declaration. In addition, Denver Water and the Twin Lakes Reservoir and Canal Company have participated informally and are expected to authorize signing of the declaration of creation. Mrs. Yoxey moved, seconded by Mrs. Ortegón, to sign the Front Range Water Council an Unincorporated NonProfit Association Declaration of Creation. Motion passed with Mr. McClure and Mr. Dils voting no.

RECORD OF PROCEEDING

---

---

**MONTHLY REPORTS:**

**U.S. BUREAU OF RECLAMATION REPORT**

Roy Vaughan reported as of May 12, there were 234,675 acre-feet of water stored in Pueblo Reservoir, 156,803 acre-feet of Project water, 36,203 acre-feet of water stored in If & When space, and 41,750 acre-feet of Winter water.

There is currently 100,146 acre-feet of Project space in Pueblo Reservoir, and 101,121 acre-feet of Project space available in Turquoise and Twin Lakes Reservoirs.

Mr. Vaughan reported that the Eastern Colorado Office Work Plan Estimates SECWCD second quarter 2008 were in the Board binders for review.

**DIVISION ENGINEER'S REPORT**

Mr. Witte congratulated the District on its 50 years of service to the water users of the Arkansas River.

Mr. Witte reviewed the Division Engineer's monthly report for May 15, 2008 and the Arkansas River Daily Report, Ditch and Reservoirs for May 14, 2008.

Mr. Witte said letters have been sent out to entities for nominations to serve on an Advisory Committee to provide advice and recommendations on proposed rules and regulations to ensure that improvements to surface water irrigation systems in the Arkansas River basin in Colorado comply with the terms of Article IV-D of the Arkansas River Compact.

Mr. Broderick said he would like to review the letter when the District receives a copy, and make recommendations at the June Board meeting.

**U.S. GEOLOGICAL SURVEY REPORT**

Mr. Edelmann expressed his congratulations to the District on its 50<sup>th</sup> anniversary, and said he has appreciated the long-term association he has had with the District.

Mr. Edelmann reported USGS has provided data to the State's contractor who is working on assessing growth potential for zebra mussels in Pueblo Reservoir. The contractor called to request information on circulation and retention times. USGS will use the 2-D hydrodynamic water-quality model that was developed in cooperation with Reclamation for the Southern Delivery System Environment Impact Statement to address these questions.

On April 18, USGS met with several members of the Regional Resource Planning Group (RRPG) to provide a status on Arkansas Basin water-quality issues. Mr. Edelmann summarized available data, data gaps, and tools that could be used to address various issues. USGS is working with the RRPG to prioritize issues to be addressed in the next phase. To help facilitate that prioritization, USGS has provided the RRPG with a list of questions to prioritize. Mr. Broderick said that the RRPG will meet in Glenwood on May 21.

RECORD OF PROCEEDING

---

---

President Long recessed the District meeting to convene the Enterprise meeting at 11:14 a.m., and reconvened at 11:52 a.m.

**INFORMATIONAL ITEMS:**

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

- State Legislation
- Managing for Excellence
- Quarterly O, M & R
- Water Court Résumé
- Legal Matters

**OTHER BUSINESS MATTERS:**

President Long announced the appointments to committees for 2008-2009. He said the committee cards were in their binders for reference. There had been some requests by Board members to serve on committees, and he will make those changes to accommodate the requests.

Mr. Reynolds announced that Reed Dils had been selected as the recipient of the Bob Appel “Friend of the Arkansas Award” at the Arkansas River Basin Water Forum on April 30 in Westcliffe.

President Long recessed the meeting for lunch at 11:54 a.m., and reconvened at 1:03 p.m. Mrs. Yoxey was not present for the remainder of the meeting.

**SPECIAL EVENT:**

President Long read a welcoming speech. He then introduced past Board members Glenn Everett (1977-2005), Denzel Goodwin (1990-2006), Wendell “Doc” Hutchinson (1967-1986), and Dave Sarton (1986-2002). Each of the past Board members commented on their time as a Board member, it was the consensus that each one had met and established long time friends of fellow Board members, with each having a vast knowledge to share with each other. Each said as a Board tremendous accomplishments were reached.

Each Board member and past Board member were given a 50<sup>th</sup> anniversary shirt, *History of the Fryingpan-Arkansas Project* book, and a 50<sup>th</sup> anniversary buffalo pin. Guests were given the book and pin.

Mr. Leonhardt presented the history of the District’s formation, which was very informative information of the purpose which was intended when the District was created.

Ray Kogovsek read a letter from Governor Ritter. The following read entries made in the Congressional Record and presented framed versions to the District:

- Doris Morgan, from Senator Wayne Allard
- Christine Arbogast, from Senator Ken Salazar
- Jace Ratzliff, from Congresswoman Marilyn Musgrave
- Loretta Kennedy, from Congressman John Salazar

RECORD OF PROCEEDING

---

---

Great Plains Regional Director of Reclamation Mike Ryan, read a letter from Robert Johnson, Commissioner of Reclamation. He then presented the District with a framed picture commemorating the 50<sup>th</sup> anniversary of the District.

President Long then introduced Bob Hamilton, who was also a past Board member, who now serves as the District's Director of Engineering and Resource Management. Mr. Hamilton said he served as a member of the Board 1985 -1987, and during his first year on the Board he just listened, and learned a lot of valuable information.

President Long welcomed Board members to make comments. Vera Ortégón said she is honored to be the first woman to serve on the Board. Alan Hamel, said this was a special day to stop and reflect the District, and had great mentors while serving on the Board. Carl McClure said he was honored to work with a lot of the past Board members, and appreciated the opportunity to be able to serve on the Board. Ray Kogovsek said he was proud to represent the Board as their federal lobbyist. President Long said the seed had been planted for future generations, and we need to continue to look beyond today, and look at the future.

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 2:10 p.m.

Respectfully submitted,

Toni Gonzales  
Administrative Manager

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_