

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO
WATER CONSERVANCY
DISTRICT AND WATER
ACTIVITY ENTERPRISE
MINUTES**

December 9, 2021

A meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) and Water Activity Enterprise (Enterprise) was held on Thursday, December 9, 2021, at 9:39 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.

President Long established that a Quorum was present. President Long called to order both the District and Enterprise Meetings.

DIRECTORS PRESENT:

Alan Hamel
Andy Colosimo
Ann Nichols
Bill Long

Curtis Mitchell
Dallas May
Greg Felt (remote)
Kevin Karney
Mark Pifher(remote)

Pat Edelmann(remote)
Patrick Garcia
Seth Clayton
Tom Goodwin

DIRECTOR(S) ABSENT AND EXCUSED:

Carl McClure, and Howard “Bub” Miller

DISTRICT /ENTERPRISE OFFICIALS PRESENT:

Executive Director James Broderick; General Counsel Lee Miller; Senior Policy and Issues Manager Chris Woodka; Water Resource Engineer Garrett Markus; Administrator of Finance and Administration Leann Noga; Administrative Support Specialist Margie Medina; Accountant Stephanie Shipley; Accounting Specialist Lynette Holt; Administrative Support Associate Patty Rivas; and Kogovsek and Associates Christine Arbogast

VISITORS PRESENT:

Chane Polo, Colorado Water Congress; Dan Phipps(remote), Tetra Tech; Gibson Hazard, previous Member of the SECWCD/SECWAE Board of Directors; Peter Levish, Colorado Water Congress; Will Landin, HDR Inc.

INTRODUCTION OF VISITORS:

President Long welcomed the visitors to the meeting.

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APPROVAL OF MINUTES:

President Long said the minutes of the November 18, 2021, Board meeting were posted to the Board website for review and asked if there were any corrections or additions. President Long asked for a motion to approve both the District and Enterprise minutes. Mr. Garcia moved, seconded by Mr. Goodwin to approve the minutes. Motion unanimously carried.

TREASURER REPORT:

None

PRESENTATION ITEMS:

None

ACTION ITEMS:

STATEMENT OF OPPOSITION THE APPLICATION OF TRIVIEW METROPOLITAN DISTRICT, CASE NO. 21CW3058 (WATER DIVISION 2) (District-only action item)

Mr. Lee Miller presented an action item recommending the District Board that the District Board authorize Special Water Counsel to file a Statement of Opposition to the Application of Triview Metropolitan District in Case No. 21CW3058, Water Division 2.

The Triview Metropolitan District (Triview) filed an application seeking approval of conditional appropriative rights of exchange on the mainstem of the Arkansas River and on Fountain Creek, including the right to exchange water into Pueblo Reservoir for storage and subsequent use within its municipal water system in northern El Paso County.

Water will be exchanged from the Excelsior Ditch and Stonewall Springs Reservoir east of Pueblo, and from the mouth of Fountain Creek. Triview's sources of supply for these exchanges include its changed shares in the Excelsior Irrigating Company and Fountain Mutual Irrigation Company, as well as its Arkansas Valley irrigation Canal (AVIC) water right, which Triview is changing in pending Case No. 21CW3044 (to which the District filed a statement of opposition in October).

Triview is obtaining a long-term (40-year) excess capacity contract from Reclamation to store up to 999 acre-feet in Pueblo Reservoir, including the use of the North Outlet Works, where water can be released to the Southern Delivery System (SDS) pipeline and related infrastructure owned by Colorado Springs Utilities ("CS-U"). Triview is negotiating an agreement with CS-U to provide for CS-U's conveyance, treatment, and delivery of Triview's water supplies stored in Pueblo Reservoir (including the water stored by exchange in this case) through the SDS to Triview's municipal water facilities.

Because Triview's proposed exchange may impact the District's rights in Pueblo Reservoir and related operations, staff and counsel recommend filing a statement of opposition to seek standard terms regarding Triview's use of Pueblo Reservoir, to ensure no injury to the District's rights, and to ensure that Triview's proposed exchanges do not injure the Winter Water Supply Program (WWSP). The District will also want to assure that any proposed decree in this case includes terms and conditions to

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protect the Pueblo flow program and releases of stored Project water from Pueblo Reservoir for decreed purposes (including hydropower).

Mr. Hamel moved, seconded by Mr. Clayton that the District Board authorize Special Water Counsel to file a Statement of Opposition to the Application of Triview Metropolitan District in Case No. 21CW3058, Water Division 2. Mr. Felt abstained from the vote. Motion carried.

President Long presented a 10-year service award to Mr. Lee Miller. President Long reviewed Mr. Miller's timeline from his beginnings with the District to his current position. Mr. Long commended Mr. Miller for his outstanding work for the District thus far, and is looking forward to many more years.

2022 WATER SALES AND STORAGE RATE RESOLUTION ADOPTION

Leann Noga reported an action item at 9:45 a.m., that recommends the board adopt Resolution and Order No. 2021-01E for the 2022 Water Sales and Storage Rates as presented at the 2022 Budget Public Hearing on November 18, 2021.

The Board of Directors in conjunction with the budget process, adopts the Water Sales and Storage Rate for the following water year at the December Board meeting.

In December 2020 the Board of Directors approved the 2021 Water Sales and Storage Rate. Staff recommend no increase or decrease to this rate for the 2022 water year.

2022 PROPOSED BUDGET AND RESOLUTION ADOPTION

Leann Noga reported the Board received the 2022 Proposed Budget on October 15, 2021. The 2022 Proposed Budget was presented to the Board of Directors and the general public at the November 18, 2021, Public Hearing.

Since the November Public Hearing, there have been no changes to the 2022 Proposed Budget.

Final assessed valuation figures for the 2022 tax collection are anticipated to be received from all counties by December 10, 2021. Staff will then certify the full mill levy by December 15, 2021. This process occurs after approval of the 2022 Budget, staff will adjust the mill levy tax revenues for the Final 2022 Budget Publication.

All other description regarding the 2022 Budget will be included in the 2022 Adopted Budget Publication.

Mr. May moved, seconded by Mr. Hamel that the Board of Directors adopt the 2022 Water Sales and Storage Rates and the 2022 Proposed Budgets as presented in the attached resolutions. Also authorize the Budget Officer to make any necessary adjustments to the stated Mill Levies by December 15, 2021.

- Order No. 2021-01DF: 2022 Budget for District General
- Order No. 2021-02EF: 2022 Water Sales and Storage Rate
- Order No. 2021-03EF: 2022 Budget for Enterprise Operations

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- Order No. 2021-04EF: 2022 Budget for Arkansas Valley Conduit
- Order No. 2021-05EF: 2022 Budget for Hydroelectric

The Board members were provided the 2022 Proposed Budget, and copies of resolution 2021-01DF for the District as well as 2021-02EF, 2021-03EF, 2021-04EF, and 2021-05EF for the Enterprise.

MONTHLY/QUARTERLY REPORTS:

None

INFORMATIONAL ITEMS:

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

- Water Court Resume
- Colorado River Water Users Association December 14-16
- Colorado Water Congress Conference January 26-28

President Long made mention of an article that was published in *The Colorado Sun* newspaper and posted to the district news for December 7. The article was titled **“A Colorado family tried to save their cattle ranch by betting big on rare birds. It’s paying off.”** The May Family Ranch has been involved with very much needed changes in the farming industry, realizing how very important it is to protect the environment. “They are doing what needs to be done,” President Long emphasized for all the Board to read the article that was posted and wanted to give Mr. Dallas May and family some very well-deserved recognition for making a difference.

Mr. Broderick also commended the May Family Ranch for their fine work. It was thought that the Board would be very enlightened to see the work in person. The question was asked of Mr. May if he would be agreeable to having a Board Meeting at the Ranch in the future. Mr. May welcomed the idea, arrangements between the Board and Mr. May will be discussed.

Mr. Broderick wanted to advise the Board that 2022 will mark the 60th anniversary of the Fry-Ark. Event information will be forthcoming.

President Long asked if there were any other matters to come before the District /Enterprise Board. Hearing none, the meeting was adjourned at 10:00 a.m.

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Respectfully submitted,

Patty Rivas
Administrative Support Associate

Secretary
