

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO WATER
CONSERVANCY DISTRICT
MINUTES
June 16, 2022**

A meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, May 19, 2022, at 9:34 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado. The ZOOM platform was also made available for Board members and visitors.

DIRECTORS PRESENT:

Alan Hamel	Dallas May (remote)	Matt Heimerich
Andy Colosimo	Greg Felt (remote)	Patrick Garcia (remote)
Ann Nichols	Howard Miller (remote)	Seth Clayton
Bill Long	Kevin Karney	Tom Goodwin
Curtis Mitchell	Mark Pifher	

DIRECTOR(S) ABSENT AND EXCUSED:

Pat Edelmann

President Long asked Margie Medina for a roll call of Board Members connected via ZOOM. President Long established that a quorum was present. President Long asked all present to introduce themselves. Margie Medina provided a roll call for all Staff and Visitors connected remotely.

DISTRICT OFFICIALS PRESENT:

Executive Director James Broderick; General Counsel Lee Miller; Staff Attorney Peter Levish; Senior Policy and Issues Manager Chris Woodka; Water Resource Engineer Garrett Markus; Principal Engineers Kevin Meador (remote) and Mark Scott; Administrator of Finance and Administration Leann Noga (remote); Administrative Support Specialists Margie Medina and Patty Rivas (remote); Intern, Eleanor Ludwig; and Christine Arbogast, Kogovsek & Associates.

VISITORS PRESENT:

Krystal Brown and Brandon Forbes, USGS; Mike Holmberg, Bureau of Reclamation; Rachel Zancanella, Division Engineers Office; Scott Lorenz, Colorado Springs Utilities.

VISITORS CONNECTED REMOTELY:

Barbara Crockett, Jacobs (@ 9:42); Jeffery DeHerrera, Pueblo West Metro District; Cathy Garcia, Congress-woman Lauren Boebert's Office; Jerry Pena, Kennedy Jenks; Kari Linker, Senator Hickenlooper's Office; Lisa Brown, Wilson Water Group; Rick Kienitz, Aurora Water; and Travis White, JHL Constructors.

APPROVAL OF MINUTES:

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President Long said the minutes of the May 19, 2022, District Board meeting were posted to OnBoard and the Board website for review and asked if there were any corrections or additions. Mr. Goodwin moved, seconded by Mr. Karney to approve the minutes. Motion unanimously carried.

ACTION ITEMS:

EXECUTIVE COMMITTEE APPOINTMENT

Mr. Broderick reported the President of the Board recommends to the Board members an Executive Committee. Per the bylaws, the Board members are required to approve the Executive Committee appointments.

Pursuant to the District's bylaws, "An Executive Committee consisting of eight members of the Board, including the President (in office) may be appointed by the Board of Directors annually at the first meeting of the Board held after the appointment of directors by the court. The Executive Directors of said Board shall be a nonvoting member ex officio (only in sessions not dealing with personnel matters relating to the Executive Director). It shall have all the powers of the Board in the interim between Board meetings. The actions of the Executive Committee shall be subject to the approval of the whole Board. Meetings may be held at any time, and at any place within the State of Colorado, upon call by any Committee member. Notice of any meeting shall be given to each member in person, or by telephone, or it may be mailed electronically, mailed, or telegraphed to him or her at his or her residence or business address at least 24 hours before the meeting. Public notice shall be provided consistent with applicable statutes. Three members shall constitute a quorum. The Secretary shall keep record of the minutes of each Executive Committee meeting in a book kept for the purposes and shall report same to the Board of Directors at its next meeting."

Current members of the Executive Committee are:

- Bill Long, President
- Curtis Mitchell, Vice President
- Seth Clayton, Secretary
- Ann Nichols, Treasurer
- Alan Hamel
- Kevin Karney
- Tom Goodwin
- Jim Broderick, Executive Director (nonvoting member ex officio)

Mr. Hamel moved seconded by Mr. Clayton that the Board approve President Long's recommendation and appoint the following to the Executive Committee:

- Bill Long, President
- Curtis Mitchell, Vice President
- Seth Clayton, Secretary
- Ann Nichols, Treasurer
- Alan Hamel
- Kevin Karney
- Tom Goodwin

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- Andy Colosimo (is now Chairman of the Allocation and Storage Committee)
 - Jim Broderick, Executive Director (nonvoting member ex officio)

Motion carried Unanimously.

MONTHLY/QUARTERLY REPORTS:

U.S BUREAU OF RECLAMATION REPORT

Mr. Mike Holmberg provided a written report reviewing the following as of June 12, 2022:

- There were 203,015 acre-feet stored in Pueblo Reservoir; 123,845 acre-feet of Project water; 40,245 acre-feet of Excess Capacity water; 21,624 acre-feet of Winter water and winter carryover
- There is currently 121,528 acre-feet of Project space in Pueblo Reservoir and 28,882 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- Charts illustrating storage amounts in Turquoise Lake, Twin Lakes, and Pueblo Reservoir
- Project Reservoirs: Turquoise 103%, Twin Lakes 98%, Pueblo 103% as of June 12, 2022
- Snowpack summaries for Arkansas River Basin and Colorado Headwaters
- Boustead Stored Cumulative Imports 2022
- Ivanhoe Water Conveyed through the Boustead
- Modeled Snow Water Equivalent for June 13, 2022
- Daily Boustead Imports
- 2022 Monsoon Daily Average Surface Dewpoint at Tucson International Import
- As of May 31, 2022, Total M&I in the System = 121,454 AF
 1. East = 19,154
 2. West = 8,851
 3. Pueblo = 16,659
 4. Other = 3,971
 5. FVA = 72,819
 - a. CSU – 52,964
 - b. Fountain = 6,305
 - c. Security = 5,190
 - d. Stratmoor = 1,974
 - e. Widefield = 6,386

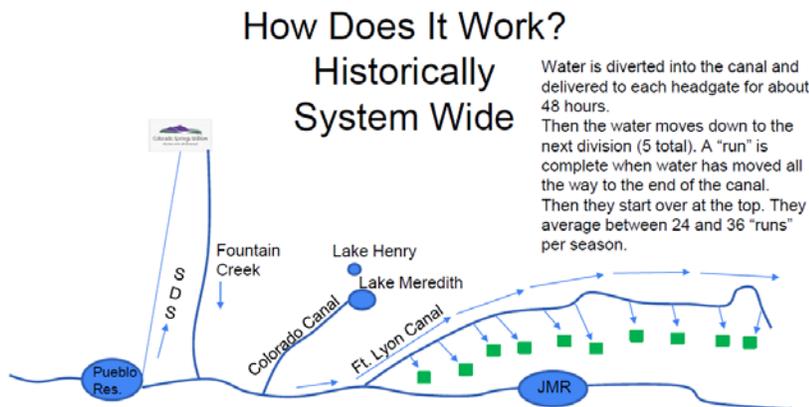
DIVISION ENGINEERS REPORT

Jim Broderick introduced Rachel Zancanella, presenting for Bill Tyner who was unable to attend this month's Board Meeting. The presentation was titled *Cooperative Water Sharing in the Arkansas Basin and the John Martin Reservoir (JMR) Multi-Use Account Connection*. Mrs. Zancanella explained this was presented to the state of Kansas Water Department in February 2022.

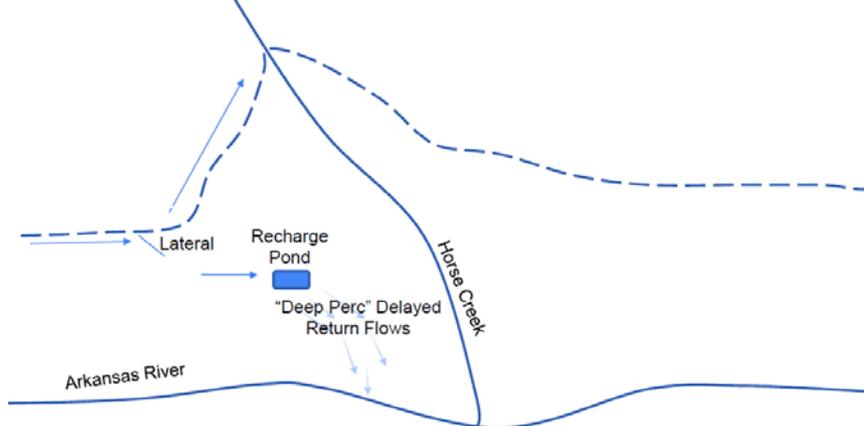
- Goals:
 1. Look at one component of ONE complex AG to Municipal Agreement that is ideal for the JMR Multi-Use Account Pilot Project

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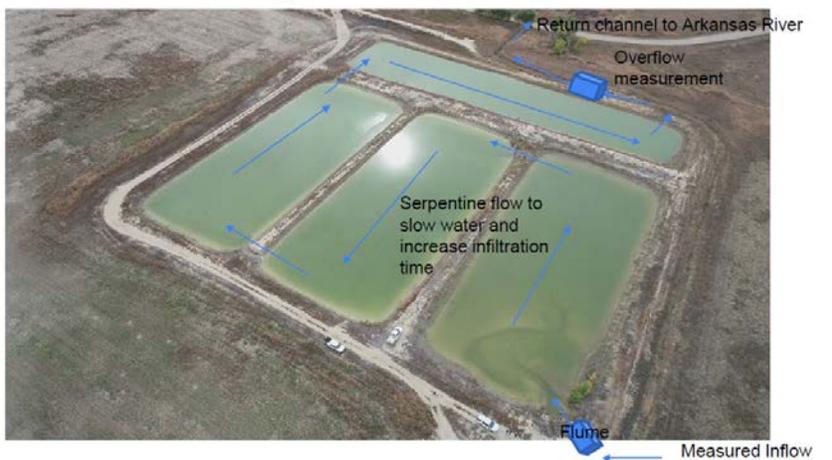
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2. Discuss how to fund this trend (change cases in general) impacts the future of Water Quality in the Basin.
- Outline:
 1. Example Cooperative Agreement
 - a. Parties
 - b. Transactions
 - c. Legal
 - d. Operation
 2. Kansas Interests:
 - a. Proposed Operations
 - b. Benefits
 - Water Quality/Water Quantity
 - Players involved in the Project:
 1. Fort Lyon Canal Company (FLCC)
 2. Arkansas River Farms, LLC (ARF)
 3. Lower Arkansas Water Management Association (LAWMA)
 4. Colorado Springs Utilities (CS-U)
 - Operations
 1. This plan seeks to change the direct flow water rights from ARF's 40 Farms (7500 shares of FLCC) (approximately 70 cfs) under the FLCC to use for augmentation and replacement in LAWMA's suite of replacement plans (Rule 14, Rule 10, Blanket Aug Plan 02CW181 and various SWSPs).
 2. And under a water sharing agreement, an Alternative Transfer Method, "ATM" with CS-U, to make 3303 of the FLCC shares subset available for CS-U's portion of LAWMA shares for use in their municipal service area, 5 out of 10 years and for LAWMA's memberships benefit, (excluding CS-U) the other 5 years of 10 years. (Again, 2022 will be CS-U's first delivery year).



Recharge Pond Operations



Recharge Pond Operations



- Conclusions:
 1. This is ONE example of Ag Municipal sharing change case
 2. The portion of the SWSP that pertains to the CS-U Un-exchangeable CU could be delivered to the JMR Multi-Use Pilot Project Account 2022 through 4 augmentation stations (clean, available wet water) (Est. 500 af) (Temporarily approved for 1 year, only operates 5 of 10 years)
 3. Long term take home:
 - a. A JMR Multi-Use Account will decrease need for new recharge ponds in the future as these change cases continue.

Q&A was opened to the Board.

President Long announced that a proposed intergovernmental agreement (IGA) between Bent County and Colorado Springs Utilities for future water supply will be considered by county

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commissioners at a public hearing to be held July 12, 2022 at 9 a.m. in the courtroom of the Bent County Courthouse.

U.S. GEOLOGICAL SURVEY REPORT

Mrs. Krystal Brown and Mr. Brandon Forbes presented a report on USGS that covered the following topics:

1. USGS Colorado Real-Time Stream GNetwork
 - a. Fountain Creek at Pinon
 - b. Transit Times at Oak Meadow Park Met Station
 - c. Transit Times, Arkansas River above Pueblo (DWR), and Moffat St.
 - d. Transit Times, Arkansas River at Moffat St, at Pueblo, and near Avondale
2. USGS Stream Gages Purgatoire River
 - a. Purgatoire River Near Thatcher, CO
 - b. Purgatoire River at Rock Crossing near Timpas, CO
3. USGS Water Alert
 - a. USGS Flood Inundation Mapper, a review of all the information that can be gathered

Q&A was opened to the Board.

STATE LEGISLATION UPDATE

Mr. Lee Miller advised that the Board the final day of the 2022 legislative session was May 11, 2022. The Governor has until June 11, 2022, to act on bills that were passed later in the session. However, soon after Mr. Miller submitted his report for posting, Governor Polis signed off on:

- HB22-1151: This bill requires the CWCB to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The CWCB will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist. After amendments in the Senate, the bill has passed both houses and awaits action by the Governor. Also signed by Governor Polis was:
- SB22-114: This is the Colorado Counties, Inc., supported bill to address concerns regarding ponds used for fire suppression that are unpermitted and incapable of augmentation, either because augmentation is infeasible because it is economically prohibitive or water-availability constraints. Following several amendments, many to do with the rights of a potentially injured water rights holders, the bill passed both the House and Senate and awaits action by the Governor.

In the last days of the legislature, a non-water-related bill that may impact the District's tax revenues was passed in two day's and quickly signed by the Governor. **SB22-238** reduces real property taxation for the 2023 and 2024 property tax years. It is a complex bill; District staff is assessing how it will

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impact the District and will report on these impacts as we learn more.

Finally, we are evaluating one initiative's impact on the District's and employees' finances. Colorado voters approved **Proposition 118** in November of 2020, paving the way for a state-run paid Family and Medical Leave Insurance (FAMLI) program. The FAMLI program is intended to ensure all Colorado workers have access to paid leave to take care of themselves or their family during life circumstances that pull them away from their jobs — like growing their family or taking care of a loved one with a serious health condition. Eligible employees will receive up to twelve weeks of leave. Those who experience pregnancy or childbirth complications will receive an additional four weeks. FAMLI will start providing benefits to employees beginning January 1, 2024. Both employers and employees will contribute premiums for the program. Employees may start to see a premium contribution on their pay stubs beginning January 1, 2023. District staff is beginning to evaluate options regarding implementation of this new program.

Dates for the Water Resources and Agriculture Review Committee have been announced:

- August 4, 2022 – location has not been announced
- August 24, 2022 – at the CWC Summer Conference
- September 22, 2022 – at the State Capitol

As Mr. Miller mentioned at the May Board Meeting, the Water Resources Review Committee, Senator Don Coram will not be participating in the upcoming Interim Session, because he is running for Congress. Senator Cleave Simpson will be taking his slot on the Committee.

COLORADO RIVER ISSUES STATUS

Mr. Lee Miller updated the Board, the Upper Colorado River Commission will hold its Summer Work Session (not open to the public) and the 296th Summer Regular Meeting (open to the public) on June 13-14, 2022, in Cheyenne, Wyoming. Lee Miller attended both meetings as a member of the Legal Committee.

Mr. Miller discussed some of the highlights of the summer regular meeting.

- A resolution to recognize Patrick Tyrell who has served on the Commission for 20 years
- A resolution to recognize John D'Antonio who has served for 12 years collectively
- A resolution to recognize Norman Johnson, Assistant Attorney General, Utah Office of the Attorney General, has a 25 year history in working with water resources
- A presentation by UCRC Executive Director Chuck Cullom on water use in the Upper and Lower Basins
- A presentation by Patrick Dent, Assistant General Manager, Water Policy of the Central Arizona Project on the implementation of the "500-plus" water conservation program in the Lower Basin

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INFORMATIONAL ITEMS:

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

- Water Court Resume
- Committee Appointments
- Audio and Visual Upgrades to Board and Conference Rooms Status
- NWRA Western Water Seminar information
- CWC Summer Conference information

President Long asked if there were any other matters to come before the Board, hearing none, Mr. Long adjourned the District Meeting at 11:13 a.m.

Respectfully submitted,

Patty Rivas
Administrative Support Associate

Secretary
