

RECORD OF PROCEEDING

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**SOUTHEASTERN COLORADO WATER  
CONSERVANCY DISTRICT  
MINUTES**

**February 18, 2021**

A virtual meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, January 21, 2021 at 9:30 a.m. via ZOOM.

President Bill Long welcomed all in attendance to the virtual meeting. Mr. Long asked Margie Medina to do a roll 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
<i>Carl McClure (@ 9:38)</i>	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; Administrative Manager Toni Gonzales; Finance Manager Leann Noga; Administrative Support Specialist Margie Medina; Accounting Specialist, Stephanie Shipley; Accounting Specialist Support, Lynette Holt; and Patty Rivas Administrative Support Associate.

**VISITORS CONNECTED:**

Bill Tyner, Division Engineers Office; Cathy Garcia, Congress Woman Lauren Boebert’s office; Curtis Thompson, AECOM; Jason Meyers, GMS Consulting; Jeffery Deherrera, Pueblo West Metro District; Jenny Bishop, Colorado Springs Utilities; Jerry Pena, Kennedy Jenks; Kevin Bergschneider, HDR Engineering; Kevin Salter and Rachel Duran, Kansas Department of Agriculture; Krystal Brown, USGS; Mark Scott, Providence Infrastructure; Mike Holmberg, USBR; and Rick Kienitz, Aurora Water.

**APPROVAL OF MINUTES:**

President Long said the minutes of the January 21, 2021 Board meeting were posted to the Board website for review and asked if there were any corrections or additions. Mr. Garcia moved, seconded by Mr. Hamel to approve the minutes. Motion unanimously carried.

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**TREASURER REPORT:**

Treasurer Nichols reported the financial statements for January 2021, were posted to the Board website for review. Ms. Nichols moved, seconded by Mr. Clayton for acceptance of the January 2021 financial statements and payment of the February 2021 bills. Motion unanimously carried.

**PRESENTATION ITEM:**

**U.S. BUREAU OF RECLAMATION**

Mr. Mike Holmberg from the Bureau of Reclamation office presented the update which reviewed the following:

As of February 10, 2021

- There were 203,169 acre-feet stored in Pueblo Reservoir; 128,503 acre-feet of Project water; 42,647 acre-feet of Excess Capacity water; 23,817 acre-feet of Winter water.
- There is currently 116,870 acre-feet of Project space in Pueblo Reservoir and 42,891 acre-feet of space in Turquoise and Twin Lakes Reservoirs
- Charts illustrating storage amounts in Turquoise, Twin Lakes, and Pueblo Reservoir
- Project Reservoirs: Turquoise 108%, Twin Lakes 79%, Pueblo 95% as of February 10, 2021
- First Use Project + PCO Municipal Water
- Total M&I PW in the system is 127,277 as of January 31, 2021
- Snowpack figures as of February 12, 2021 for the Arkansas River Basin and the Colorado River Basin and the Frying-Pan Water Shed Collection System were reviewed.

Mr. Holmberg advised that the Forecast Imports will be out on March 1, 2021. President Long asked if there were any questions of Mike, Greg Felt requested some additional information on imports.

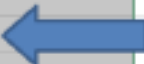
**DIVISION ENGINEER'S REPORT**

Mr. Bill Tyner from the Division Engineers office presented the update. The topics for discussion were "A recap of 2020 Water Supply and an Update and Expanded Report on The Importance of Fryingpan-Arkansas Project Water, Return Flows and the Winter Water Storage Program in the Arkansas Basin.

2020 Hydrologic Conditions Hindsight and 2021 Conditions Forecast. In comparing the irrigation season in 2020 to other years since 1950, using the composite gage flow analysis presented previously to the SECWCD Board (aggregated flows from Fountain Creek, Pueblo Reservoir and the Purgatoire River), 2020 achieved the rank of 10th lowest. Less water supply was experienced in the past twenty years in 2012, 2002, 2003, 2018 and 2013 and prior to 1980 in 1977, 1954, 1963, 1964, 1950, 1956, 1978 and 1974. The aggregated flow values for these Very Dry years are shown in the table below:

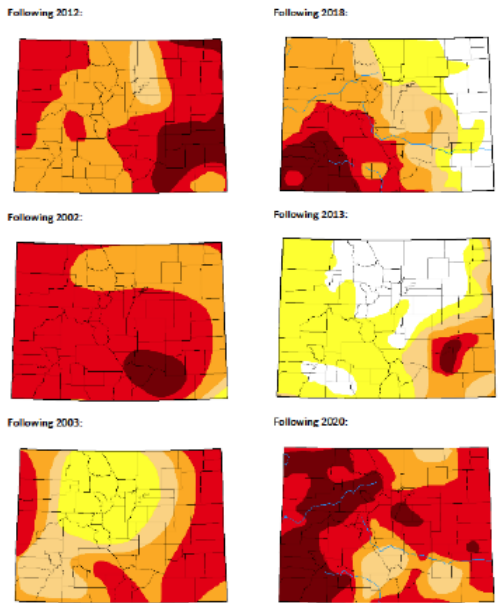
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Year Type	Year	Total Flow (ac-ft)	Update Year	Total Flow (ac-ft)
<b>Total Streamflow at ARKPUECO, FOUPECO and PURLASCO</b>				
			2012	173381
			2002	174684
	1977	245971		
	1954	288346		
	1963	315011		
			2003	331885
<b>Very Dry</b>			2018	342,177
	1964	345783		
			2013	355132
			2020	362,593
	1950	384034		
	1956	384065		
	1978	385099		
<b>Upper Limit</b>	1974	394598		
396404			2004	399114



It is notable that each decade from 1950 through 1979 and from 2000 to 2020 experienced at least two very dry years while there were not years classified as very dry during the 1980-1999 period. The optimist in each of us wishes for another hydrologic shift to a wetter period like the 1980's and 1990's, however it is likely prudent to prepare for continued challenging hydrologic conditions during the upcoming decade.

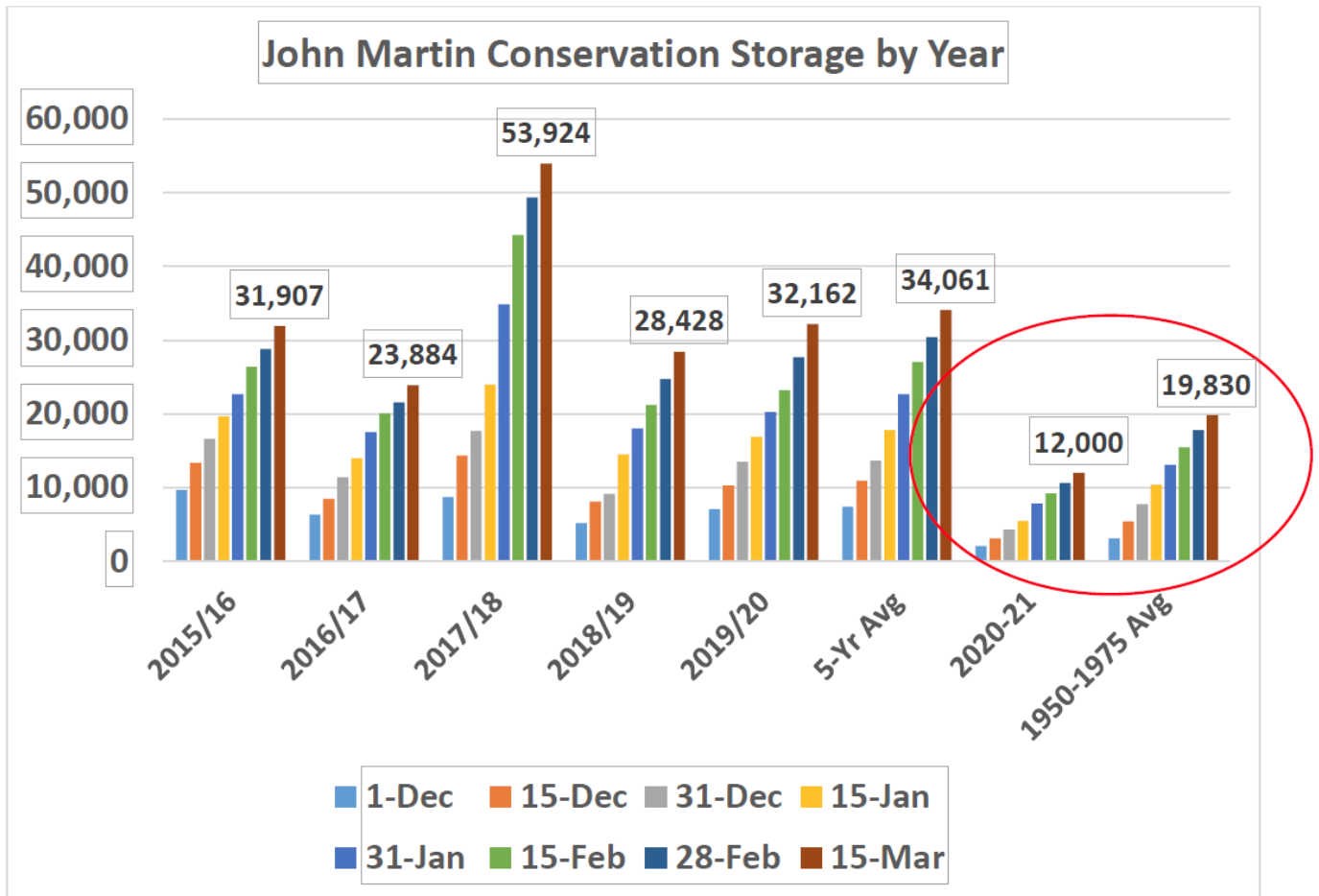
Perhaps another important way to consider what 2020 was like is to compare the drought condition maps for January just following each drought year. The Drought Classification Index is shown below and is relevant to each of the post drought year maps shown below:



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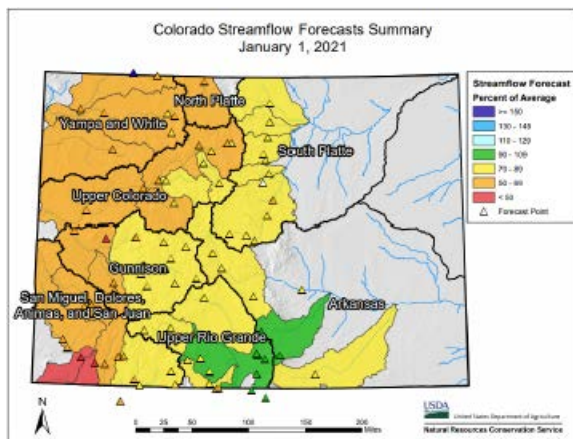
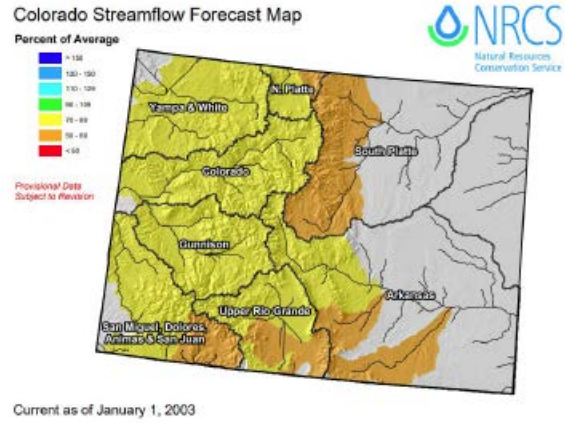
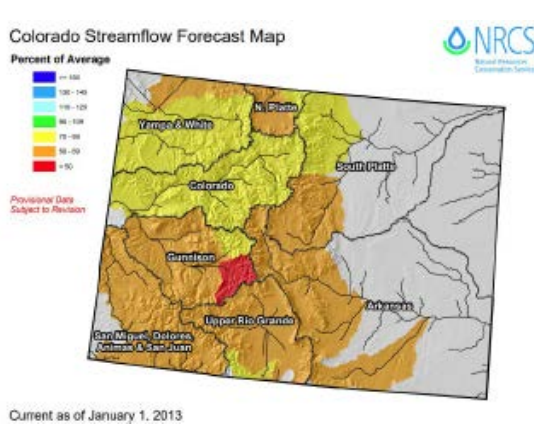
Although the eastern plains of the Arkansas Basin have seen some snow over the past few weeks the drought map has not significantly changed so far indicating that early application of irrigation water may result in more soil moisture recovery and less return flows which typically results in river calls being more senior. Stored water supplies for agriculture are often very important to early season irrigation or as a supplement to end of season irrigation.

The Pueblo Winter Water Storage Program has struggled along during 2020-21 with a projection of approximately 95,000 acre-feet of storage by March 15, 2021. The graph below compares this storage amount to prior recent years and the twenty-year average for PWWSP storage.



The January streamflow forecast is illustrative for purposes of comparing the post-2020 conditions to post-2012 and post-2002 streamflow forecasts.

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The 2021 January streamflow map offers some optimism about how snowmelt runoff might occur. It is significantly important to acknowledge that much of the water supply trend will be impacted by how much snow and precipitation occurs between February and April 2021 and by how the summer monsoon season turns out.

### Significance of the Pueblo Winter Water Storage Program and Fryingpan Arkansas Project Water for the Arkansas Basin Mainstem Ditches

In a previous report last fall, data was presented on the use of supplemental water (Project water and PWWP water) by the major mainstem ditches between Pueblo and John Martin Reservoirs. This report updates for the entire 2020 season the data previously presented through August 2020. This update also looks at the past ten-year history for each ditch.

Project water as a supplemental supply during 2020 ranged from 5% of total supply (Catlin Canal) to 34% of total supply (Otero Canal). Project water represented 12% of the weighted average for supply to all of the ditches summarized in this report.

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With respect to water stored under the Pueblo Winter Water Storage Program in Pueblo Reservoir or in participating Off-Channel Reservoirs, the supplemental percentage ranged from 12% of ditch supply (Bessemer Ditch) to 59% of ditch supply (Holbrook Canal). Winter Water represented 21% of the weighted average supply for all of the ditches.

Data was presented on the following Ditches:

- BESSEMER DITCH
- ROCKY FORD HIGHLINE
- OXFORD FARMERS DITCH
- OTERO CANAL
- CATLIN CANAL
- FORT LYON CANAL
- HOLBROOK CANAL
- LAS ANIMAS CONSOLIDATED CANAL

**Significance of Fryingpan Arkansas Agricultural Return Flows for Well Augmentation and Irrigation Improvement Rule Compliance**

In order to also illustrate the importance of SECWCD’s allocation of Agricultural return flows and Municipal Project water for east of Pueblo, data was compiled for the calendar years 2015-2020 for the Arkansas Groundwater Users Association (AGUA), Colorado Water Protective & Development Association (CWPDA), Lower Arkansas Water Management Association (LAWMA) for use of Project water and agricultural return flows in their Rule 14 Plans and associated augmentation plans and for the Lower Arkansas Valley Water Conservancy District (LAVWCD) for their Rule 10 Plan under the Irrigation Improvement Rules. The table below shows the results of the tabulation:

Plan	Year	FARF's	% of Total	
AGUA	2020	1,115	22.2%	
AGUA	2019	1,100	17.1%	
AGUA	2018	892	20.4%	
AGUA	2017	1,154	27.3%	
AGUA	2016	1,300	28.3%	
AGUA	2015	1,291	26.3%	
	Average	1,142	23.6%	
Plan	Year	FARF's	FAR Muni PW	% of Total
CWPDA	2020	9,546	1,588	50.9%
CWPDA	2019	7,587	28	38.8%
CWPDA	2018	6,467	1,467	43.1%
CWPDA	2017	7,057	344	48.6%
CWPDA	2016	7,492	601	41.5%
CWPDA	2015	5,529	1,031	37.1%
	Average	7,280	843	43.3%
Plan	Year	FARF's	% of Total	
LAWMA	2020	2,020	6.8%	
LAWMA	2019	1,278	4.3%	
LAWMA	2018	678	2.3%	
LAWMA	2017	757	3.5%	
LAWMA	2016	1,654	9.0%	
LAWMA	2015	581	3.1%	

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	Average	1,161	4.8%
Plan	Year	FARF's	% of Total
LAVWCD Rule 10	2020	1401	92.7%
LAVWCD Rule 10	2019	988	81.7%
LAVWCD Rule 10	2018	1003	68.1%
LAVWCD Rule 10	2017	1136	66.4%
LAVWCD Rule 10	2016	1501	62.2%
LAVWCD Rule 10	2015	1040	72.0%
	Average	1,178	73.8%

As can be seen from the above data the use of allocated Project water and Project Return Flow water represents a significant portion of AGUA's, CWPDA's and LAVWCD's replacement supply while LAWMA relies on less of a percentage primarily because of a limited amount of eligible wells within the SECWCD boundary.

Mr. Long asked if anyone had questions for Mr. Tyner. Mr. Pifher wanted additional information on the importance of the conservation pool in John Martin Reservoir. Mr. May stated as an irrigator that relies on the water to the lower valley, he was very thankful for this detailed information that was provided. Mr. Broderick also thanked Mr. Tyner for his valuable information and requested further discussion on the droughts effect on Colorado in the coming months.

**ACTION ITEM:**

**APPROVAL OF STIPULATION IN THE APPLICATION OF PUEBLO EAST PHASE (PEP) III, LLC CASE NO. 20CW3013**

Mr. Lee Miller reported in Case No. 20CW3013, PEP III seeks approval of a plan for augmentation to replace out-of-priority depletions associated with the operation of three wells (located within the District's boundaries) and the out-of-priority storage of precipitation or other inflows of water into the PEP III Reservoir. The augmentation sources at issue in this proposed augmentation plan include AGUA water stored in Pueblo Reservoir, and AGUA allocations of Project Water and/or Project Return Flows. Two of the wells, along with the reservoir, at issue in this case were originally part of Stonewall Springs LLC's augmentation plan decreed in Case No. 16CW3094, but were removed from that plan prior to the entry of a final decree due to PEP III's acquisition of those structures and associated lands.

The District's objectives in Case No. 20CW3013 are to (1) ensure that the proposed decree contains appropriate terms and conditions for the use of Project Water or Project Water Return Flows as an augmentation source; (2) ensure the proposed decree contains appropriate terms and conditions concerning the use of Project Facilities; (3) ensure all use of Excelsior water rights and revegetation of historically irrigated land is in accordance with the decree in Case No. 04CW62; (4) ensure the Court retains jurisdiction for an appropriate timeframe; and (5) ensure that all depletions to the Arkansas River are replaced in an appropriate time, place, and manner.

Special Water Counsel, General Counsel, and District Staff believe that the January 12, 2021 Proposed Decree satisfies the District's objectives, as follows:

PEP III's proposed decree in Case No. 20CW3013 includes the District's requested Standard Language terms concerning the use of Project Water, Project Water Return Flows, and Project Facilities in Paragraph

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10.A.iii. PEP III has included appropriate language in Paragraph 10.A.ii to ensure that no provisions of the decree in Case No. 04CW62 will be altered by the decree entered in this case; the language that PEP III has used in its proposed decree is a variation upon the District's Standard Language that was also used in Stonewall Springs, LLC's related augmentation plan decree in Case No. 16CW3094. Paragraph 35 of PEP III's proposed decree includes a retained jurisdiction period of five years following the date that PEP III files and serves the parties with notice that 800 acre-feet of out-of-priority depletions have been replaced under the augmentation plan, which is a sufficient period to allow other water rights owners to evaluate whether plan operations will result in injury. Paragraph 12 of the proposed decree includes sufficient terms and conditions to ensure that all of PEP III's out-of-priority depletions are replaced in an appropriate time, place, and manner.

Mr. Pifher moved, seconded by Mr. Hamel, the Board authorize Special Water Counsel to enter into a stipulation with Pueblo East Phase III, LLC, consenting to entry of a decree in Case No. 20CW3013 that is no less restrictive on PEP III and no less protective of the District than the proposed decree dated January 12, 2021. Motion unanimously carried.

**MONTHLY/QUARTERLY REPORTS:****U.S. GEOLOGICAL SURVEY REPORT**

Krystal Brown provided a written report titled, *Current Arkansas River Streamflow Conditions*. Slides included the following:

- Historical Perspective January 2020 & January 2021
  1. Arkansas River at Moffat St.
  2. Arkansas River nr Avondale, CO
  3. Arkansas River at Las Animas, CO
  4. Arkansas River blw John Martin Reservoir
  5. Arkansas River nr Coolidge, KS

**STATE LEGISLATION UPDATE**

Mr. Lee Miller provided a written report updating the Board. The General Assembly held an initial three-day session beginning on January 13, 2021. The first three days allowed lawmakers to be sworn in and work on time-sensitive legislation, primarily fixing errors in bills passed during the 2020 regular session and bills from the November special session. None of these bills were water-related.

On February 16, 2021, the General Assembly is scheduled to reconvene, beginning again with normal business. At the time this report was written, no water-related bills were introduced. The written report stated that a large number of bills were expected to be introduced on the first day after reconvening, and there are questions on how hearings on the bills will proceed. District staff will plan to keep the Board updated on bills and hearings of interest to the District.



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**COLORADO RIVER ISSUES STATUS**

Mr. Lee Miller provided a written report on Colorado River issues with recent activity. Following the Board Meeting, The Colorado River and Water Supply Committee will meet. The discussion will include:

- Anti-Speculation Law Work Group
- CWCB Demand Management Feasibility Investigation
- Colorado Water Congress Colorado River Project

**INFORMATIONAL ITEMS:**

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

- Water Court Resume
- Club 20 Winter Water Policy Committee Meeting March 11, 2021 Virtual
- NWRA – Federal Water Issues Conference is still undetermined

President Long asked if there were any other matters to come before the Board. Mr. Long made note of the Directors whose term will be up for renewal in April, Mr. Clayton, Mr. Colosimo, Mr. Felt, Mr. McClure, and Mr. Howard “Bub” Miller. Mr. Long also congratulated Mr. Jim Broderick on being awarded the 2021 Wayne N. Aspinall award at this year’s Colorado Water Congress Conference, due to COVID-19 restrictions still in place, the conference was held virtually. A proper presentation will be held at a later date. No other matters were brought before the Board, President Long adjourned the meeting at 10:25 a.m.

Respectfully submitted,

Patty Rivas  
Administrative Support Associate

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Secretary

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