

**UPPER ARKANSAS WATER  
CONSERVANCY DISTRICT**

**Water Activity Enterprise Committee**

**June 10, 2021  
1:10 P.M.**

The Upper Arkansas Water Conservancy District Water Activity Enterprise committee held its regular meeting Thursday, June 10, 2021 at the District offices, 339 East Hwy 50, Salida, Colorado, commencing at 1:10 P.M., notice having been given by posting of Notice and Agenda on June 10, 2021, at the offices of the Upper Arkansas Water Conservancy District, 339 East Hwy 50, Salida, Colorado.

**COMMITTEE MEMBERS PRESENT (IN PERSON)**

Ralph L. (Terry) Scanga	Timothy C. Canterbury	Mike Shields
Ken Baker	Tom French	Brett Mc Murry
Franklin J. (Jay) Moore	Tim Payne	Warren Diesslin
Robert B. (Bill) Donley	Tony Telck	

**COMMITTEE MEMBERS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)**

Gregory W. Felt  
Rich Hilderbrand  
Mannie Colon

**COMMITTEE MEMBERS ABSENT**

Thomas Goodwin

**DISTRICT OFFICIALS/STAFF MEMBERS PRESENT (IN PERSON)**

Jord Gertson, Hydrologist	Gracy Goodwin, Projects Manager
Chris Manera, Engineer	Jennifer A. Scanga, Secretary
Kendall Burgemeister, Attorney	

**DISTRICT OFFICIALS/STAFF MEMBERS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)**

Richard Brown, Legislative Consultant

**DISTRICT OFFICIALS/STAFF MEMBERS ABSENT**

None

**STATE OFFICIALS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)**

Will Scott, Water Commissioner, District 12  
Dan Henrichs, Water Commissioner, District 11  
Bill Tyner, Division Engineer

**STATE OFFICIALS ABSENT**

Brian Sutton, Augmentation Coordinator

**GUESTS PRESENT**

Joe Stone, Hear of the Rockies Radio

**GUESTS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)**

Joel Benson, Town of Buena Vista  
Sarah Mudge, Lake County Commissioner  
Cathy Garcia, Southern Colorado Regional Director for Congresswoman, Lauren Boebert  
Clarice Navarro, Senior Staff for 3<sup>rd</sup> Congressional District for Congresswoman, Lauren Boebert  
Bill Canda, Custer County Commissioner  
Dwayne McFall, Fremont County Commissioner  
Dave Schneider, District Manager, Round Mountain WSD  
Bob Hartzman, Canon City Water Superintendent

## RECORD OF PROCEEDING

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### **CHAIRMAN'S INTRODUCTION**

Introduction of guests will be held over to the Board meeting.

### **MINUTES OF THE MEETING OF May 13, 2021**

The minutes of the meeting of May 13, 2021, were approved upon motion by committee member Colon with second by committee member Donley.

### **TREASURER'S REPORT**

Upon motion by committee member Colon with second by committee member French, the committee approved the financial reports dated May 31, 2021.

### **MANAGER'S REPORT – Terry Scanga**

#### **Augmentation Report**

Manager Scanga displayed the augmentation report for May 31, 2021. As of the end of May, total State approvals for augmentation were 713.18 acre-feet. Replacements were 122.71 acre-feet including transit loss.

### **HYDROLOGIST REPORT**

#### **Reservoir Storage**

Hydrologist Gertson reported that in our Twin Lakes account, we have 8.7 acre-feet of native water and 41.4 acre-feet of Twin Lakes, Transmountain water. Pueblo reservoir had 1502.5 acre-feet of project carryover and 1,500.0 acre-feet of project water. Total storage was at 4882.5 acre-feet. Committee member Colon asked if the project water is in danger? Manager Scanga explained that the project water has already been delivered and there is currently 1938 acre feet of total carryover project water. He further explained that project carry over is water that was previously allocated to the District and is stored in several storage vessels including the Pueblo Reservoir. The 1500 acre feet of project water is last year's allocation which is currently delivered. Mr. Scanga added that the only way to lose that water is if it were to spill out of the reservoir, which is very unlikely because the bureau will not allow it. Manager Scanga said that water is not at risk of being called out due to the Colorado Compact. He added that this year 861 acre feet of project water has already been received and allocated and is not shown on the storage report. Manager Scanga stated that the Southeast District has divided their allocations into two parts and they are only giving the District 60-80% of the request amount in the first allocation and they are holding back on the remainder in anticipation of more clarity on how much water will come across. Manager Scanga said a compact call will not affect us now but could affect us next year. Manager Scanga added that he feels it is a good question and something to think about for the future in terms of what is happening on the Colorado River. He added that the lower basin states have been taking a lot of water for many years even though Colorado is meeting the upper basin states compact requirements and the reason Lake Powell is falling is not because of the lack of deliveries from the upper basin states but because of the amount of water being taken out of the reservoir by the lower basin states. The risk at Lake Powell is falling below the power pool elevation, which is the primary objective of the project with its number one priority being power generation. Committee member French asked which allocation of water takes precedence, those states that are guaranteed a certain amount of acre footage or states such as Colorado that are granted a certain percentage of run off? He added that if the acre feet totals are continually honored, the states that are allocated a certain percentage will be required to give up a specific amount to guarantee the allotted acre feet.

Manager Scanga said Colorado has an obligation to deliver 75,000,000 acre feet in ten years which is an average of 7.5 million acre feet per year and that is a running number. He added that right now, Colorado is averaging 9 million. Mr. Scanga stated that the 9 million includes all upper basin states. He asked Atty Burgemeister if he knew what percentage comes from each state? *(Note: typically Colorado contributes approximately 70% of the upper basin requirement to Lake Powell)*

Atty Burgemeister said he did not know but with respect to Colorado there is no law that says how it gets allocated among the various basins.

Committee member Colon asked if there is not enough to generate power at Lake Powell, will we be told how to allocate water? Manager Scanga stated that he did not know the answer although that is why the Drought Contingency Plan was created. He said that the Drought Contingency Plan gives states the ability to voluntarily provide "conserved consumptive use" into the reservoir. He

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commented that it is important to not confuse conserved consumptive use with historic consumptive use in Colorado, which is the calculated amount of a water right a person owns in a change case. Manager Scanga said that if Colorado were to deliver water in excess of the requirement and put it into a “water bank”, i.e. Demand Management Pool in Lake Powell, which the Drought Contingency Plan allows to happen, the lower basin states could be restricted from taking that water unless Colorado wanted them to take it to meet the requirement. He added that this is the concept of Demand Management. Manager Scanga stated that it is unknown the extent of authority the state engineer has to curtail diversions to meet the compact call. He added that the Demand Management argument is how to create more conserved consumptive use, in the context of a compact call not in the context of a water right change case.

Engineer Manera explained that most trans basin rights are controlled by two, large irrigation districts; the Shoshone Power Plant in Glenwood Springs and the Cameo call in Grand Junction, Colorado. He said the flow rate call is usually around 2000 cfs when triggered, which shuts down the trans basin rights. Mr. Manera stated that the Colorado River flow is currently at about 1000 cfs in comparison to a typical year at 10,000 cfs. He added that in 25 years this is the first year he has not seen the river get muddy. He noted that after checking historical data for the past 20 years, this year can be compared to the year 2012 which was about the same. He added that once the flow reaches around 2000 cfs then a call is placed and water upstream will be impeded.

Atty Burgemeister confirmed that the upper basin compact call says that Arizona gets the first 50,000 acre feet out of 75,000,000 acre feet, and everyone else shares a percentage of what is left.

### **ENGINEER’S REPORT – Chris Manera, Colorado River Engineering**

Deferred to next meeting

### **LEGAL REPORT - Kendall Burgemeister, Law of the Rockies**

Deferred to next meeting

### **OTHER BUSINESS**

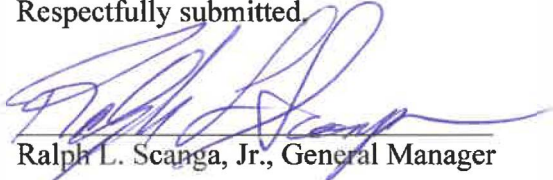
### **ADJOURN**

No further business to come before the committee, the meeting adjourned at 1:37 pm

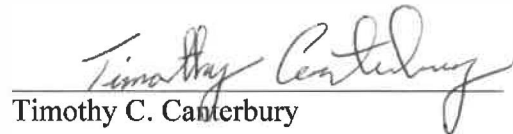
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RECORD OF PROCEEDING

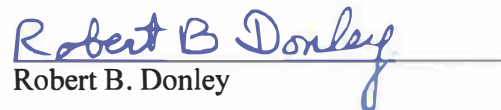
Respectfully submitted

  
Ralph L. Scanga, Jr., General Manager

  
Ken Baker

  
Timothy C. Canterbury

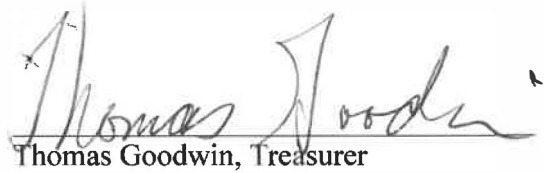
*approved remotely - no signature*  
Mannie Colon

  
Robert B. Donley

*absent - no signature*  
Gregory W. Felt

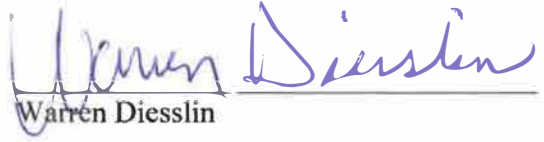
  
Tom E. French

  
A. McMurry

  
Thomas Goodwin, Treasurer

  
Richard Hilderbrand

  
Franklin J. Moore

  
Warren Diesslin

*absent - no signature*  
Tim Payne

  
Tony Telck

*absent - no signature*  
Mike Shields