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sampling location for the facility.

Kendrick said this MMI problem will be worse when MMI 4.0 creates an even higher MMI standard than the current unattainable state standard in upper Monument Creek. TLWWTF will never be able to meet the new higher MMI standard due to the solid rock stream bottom next to TLWWTF that prevents aquatic life from existing, much less flourishing up to an even higher state standard, he said.

The meeting adjourned at 11:58 a.m.

The next meeting is scheduled for 10 a.m. Sept. 12 at the Tri-Lakes Wastewater Treatment Facility, 16510 Mitchell Ave. Meetings are normally held on the second Tuesday of the month and are open to the public. For information, call Bill Burks at 719-481-4053.

Lisa Hatfield can be reached at lishatfield@ocn.me.

Donala Water and Sanitation District, Aug. 17

Southeastern Conservancy District director gives membership briefing

By Jim Kendrick

On Aug. 17, the Donala Water and Sanitation District board heard guest presentations on the procedures for Donala becoming a member of the Southeastern Colorado Water Conservancy District and Donala's cash investments that are managed by Chandler Asset Management. Donala General Manager Kip Petersen reiterated long-held district positions on aquifer recharging and property taxes. Several Donala residents attended this meeting.

The absences of the board President Dave Powell and Director Bob Denny for travel and medical reasons were unanimously excused. Vice President Ken Judd presided with a quorum that also included Directors Ed Houle and Dennis Snyder.

Southeastern Conservancy District membership benefits

Petersen said that "during the last several board meetings we have discussed the possibility of joining the conservancy district. These discussions arose from the potential spill of our water in Pueblo Reservoir and how we can minimize any potential loss of water, as well as reduce our costs of storage." He asked General Manager Jim Broderick to present the advantages and costs for Donala to join the Southeastern Water Conservancy District, which manages the Pueblo Reservoir for the federal Bureau of Reclamation. See www.ocn.me/v17n8.htm#dwsd, www.secwcd.org.

Broderick said he would give an overview of the Southeastern district and the process of becoming a member of this district, what it means for Donala's contract storage by not being a member, and the long-term impacts of aging Southeastern district assets. If after the overview Donala is interested in moving this further, it should send a letter of interest requesting a preview of requirements for a Southeastern district membership, he said.

Conservancy districts are normally created to pay off large projects. The Southeastern district was created in 1958 to develop and administer the Fryingpan-Arkansas, or "Fry-Ark," Project. In 1965, the U.S. Department of the Interior, Bureau of Reclamation and the Southeastern district entered into a contract providing "construction of the Fryingpan-Arkansas Project works for the purpose of supplying water for irrigation, municipal, domestic, and industrial uses." Funding to fulfill this obligation to the federal government is derived from a tax on all property within the Southeastern district boundaries. Southeastern's total payments to Reclamation are over \$4.5 million per year. See www.secwcd.org/content/history-southeastern-colorado-water-conservancy-district.

Pueblo Reservoir is part of the Long-Term Excess Capacity Master Contract. The term for this Southeastern district contract is 50 years, but federal law limits the length to 40 years, so a second 10-year contract is necessary. Excess storage capacity allows non-district-member participants, like Donala, to store non-Fry-Ark Project water like that from Donala's Willow Creek Ranch in the Pueblo Reservoir. See www.secwcd.org/content/long-term-excess-capacity-master-contract.

Broderick said Donala would use an inclusion by election process, which has never happened before, in accordance with Colorado Revised Statute 37-45-136 (3.5). This requires a petition to the district court signed by not less than 25 percent of the owners of land in Donala and not less than 10 percent of Donala electors who each seek inclusion by the Southeastern district. The Southeastern district board would file this petition with its district court since Southeastern would be including Donala after a subsequent election by all of Donala's voters. If the inclusion were to be approved by the Donala voters, the federal Secretary of the Interior would then have to approve the inclusion.

The other two types of inclusion are inclusion by municipal annexation and inclusion by landowner petition. There have been 20 inclusions by the Southeastern district in 59 years by these other methods. See www.secwcd.org/content/inclusion-southeastern-colorado-water-conservancy-district and <http://codes.findlaw.com/co/title-37-water-and-irrigation/co-rev-st-sect-37-45-136.html>.

New Southeastern district members are usually asked to make an inclusion payment that would reflect what they would have paid since 1958 had they been founding members. For Donala, this would be based on Donala's overall annual assessed property value each year since 1958, in accordance with audited Donala records through the previous year (2016 at this moment).

The Southeastern district mill levy on individual properties has varied from 0.4 mills in 1958 to 0.935 mills currently, Broderick said. This mill levy pays for operations and maintenance, interest, and debt (principal.) Annual Southeastern district total revenue from this mill levy is about \$7.1 million. Broderick estimated that Donala's main Area A assessed value is \$76.5 million and that Donala's Area B is \$268,000. His rough first estimation of Donala's back taxes was \$1.6 million. His rough first estimation of Donala's first annual Southeastern district tax would be about \$71,500. The Policy Board of the Southeastern district will decide what the actual negotiated back tax payment will be after discussions with Donala.

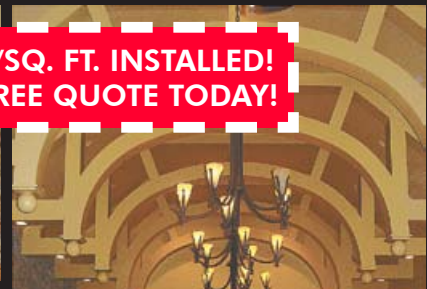
If Donala were to be included, it would still be required to provide its own water for storage in Pueblo Reservoir, as it does now. The Southeastern district cannot sell Fry-Ark Project water to Donala from its members' 163,400 acre-feet of municipal storage space. Pueblo Reservoir's total storage capacity is 250,000 acre-feet. An acre-foot is 325,851 gallons.

Every five years, Donala has to provide an up-



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