

**RECORD OF PROCEEDINGS**  
**SAN JUAN WATER CONSERVANCY DISTRICT**  
**AUGUST 16, 2021 REGULAR MEETING**

**Attendance**

The Regular Meeting was held in person at the SJWCD office at 46 Eaton Drive, Suite #5. A Zoom link was also provided.

The following Directors were present in the office: Al Pfister, Bill Hudson, Doug Secrist, Susan Nossaman, and Joe Tedder. Director John Porco attended by Zoom.

Also present in-person was Sally High. Attending the meeting by Zoom were Jeffery Kane (Attorney), Joe Crabb (Division of Water Resources), Seth Mason (Lotic Hydrologic), Mandy Eskelson (WEP), and Jessica Hanson (Pagosa Sun).

**Call to Order**

The Regular Meeting for the San Juan Water Conservancy District (SJWCD) was called to order by Chairman Al Pfister at 4 p.m.

**Revisions to Agenda**

The Board considered Revisions to Agenda. Revisions requested after Consideration of Attorney's Report include (1) Consideration of Treasure Pass Ditch Water Rights Applications and (2) Consideration of Executive Session.

**Declaration of Conflicts of Interest**

The Board considered Declarations of Conflicts of Interest. No conflicts were declared.

**Public Comment**

Chairman Pfister opened the meeting to public comment. No comments were offered.

**Consideration of Attorney's Report**

The Attorney's Report included two items for the Directors' consideration: (1) Proposed Resolution 2021-04: Authorizing Transfer of Impact Fee Revenue to Main Account and (2) Treasure Pass Ditch Water Rights Applications filed by the U.S. Bureau of Land Management. While Proposed Resolution 2021-04 appears on the agenda as Item #10, Attorney Kane pointed out that Consideration of BLM's Treasure Ditch Applications was not a separate agenda item. Chairman Pfister indicated that the Treasure Pass Ditch issue would be considered today. Each future agenda will include an item stating the option for the Directors to go into Executive Session.

Attorney Kane explained the Bureau of Land Management's filing two water rights applications that would allow transferring a total of 20 cfs from Treasure Pass Ditch from the San Juan River headwaters east over Wolf Creek Pass to the Rio Grande Basin. Directors Pfister and Secrist remind directors that the SJWCD Strategic Plan opposes any trans-basin diversion of water. Southwestern Water Conservation District (SWCD) is filing an objection. Objections are due by August 31, 2021. Attorney Kane will file a separate objection for SJWCD. Director Pfister moves that Attorney Kane draft an objection. Director Nossaman seconds. The motion passes unanimously.

Regarding diligence for Dry Gulch, Attorney Kane explains that SJWCD has demonstrated diligence in numerous ways. Directors concur.

Attorney Kane left meeting at 4:28 p.m. Director Porco announced that he would leave the meeting early.

### **Update Regarding WEP Phase III**

Mandy Eskelson and Seth Mason updated Directors about Upper San Juan Watershed Enhancement Partnership (WEP) progress, beginning with a review of Phase II and its movement toward an integrated water needs plan.

<http://www.mountainstudies.org/sanjuan/smp>. The needs assessment for environmental and recreational water involved partners: Lotic Hydrological, Western Wildlife, Mountain Studies Institute, and SJWCD.

Phase III will involve the same 4 entities, plus Southwestern Water Conservation District data about the Blanco and adjacent areas. The goal is an integrated water plan identifying projects, ready for action before June 2022, to be added to the Basin Implementation Plan. WEP is looking for a demonstration project.

WEP is partnering with the Town of Pagosa Springs on river enhancement projects at several properties upstream from ToPS town limits as well as recreational use improvements and channel enhancement at Yamaguchi South and downstream.

WEP is scheduling a public workshop for Tuesday, September 21, hopefully at the Western Heritage Pavilion at the Extension/Fairgrounds. WEP is developing an on-line interactive survey to determine projects the public wants. Environmental, agricultural and recreational projects will be considered.

### **Consideration of Approval of June 21, 2021 Regular Meeting and July 19, 2021 Special Meeting (Work Session)**

Draft minutes will be included in the Board Packet in the future. Director Pfister moved to approve June 21 and July 19 minutes. Director Nossaman seconded. Five directors voted to approve. Director Hudson abstained.

### **Treasurer's Report**

No questions or comments.

### **Consideration of New ColoTrust Investment Fund**

Director Hudson described new ColoTrust Edge Fund with a higher interest rate and longer time (5 days) required for withdrawal. PAWSD, Town of Pagosa Springs, Archuleta School District, Pagosa Peak Open School are either using or are considering the Edge Trust Fund. Directors considered advantages. Director Hudson moved to place \$100,000 in Edge Account Trust Fund. Director Porco seconded. Motion passed unanimously.

### **Consideration of Resolution 2021-04 to Move Impact Fees to Main Account**

Directors considered and agreed that the Edge Trust Fund was now the Main Account of SJWCD. Impact Fees will be included in the \$100,000 transferred to the Edge account. Director Hudson moved. Director Porco seconded. Unanimous approval.

### **Consideration of Report on Diligence Regarding Dry Gulch Water Rights**

Directors considered Attorney Kane's conclusion that ample evidence exists and expectations of diligence are met, including Wilson Water Group data. Directors concluded that SJWCD has met diligence obligations.

### **Consideration of SJWCD Joining Water Education Colorado**

Directors considered potential of membership advantages and cost effectiveness. Director Secrist moved to join WECO at \$300 level. Director Hudson seconded. Unanimous approval.

### **Consideration of Hiring Marketing/Outreach Contractor DRAFT Request For Proposal (RFP)**

Directors considered the draft Request for Proposals (copy attached). Director Tedder stated that goals of GWS, WEP, and SJWCD coincide enough to begin development of a focused community outreach program. Future funding possibilities include the Sonoran Institute and CWCB. The draft RFP proposed that SJWCD expend \$10,000 to hire a public relations specialist, create plan, develop materials, and disseminate one unified water message to public. SJWCD leads the broader conversation toward consensus that includes the San Juan Headwaters Project. Director Pfister moved to spend \$10,000 for the contract with a public relations professional. Director Tedder seconded. Motion passed with 4 yes votes. Director Hudson voted no. Directors Tedder and Hudson agreed to deliver a revision of the RFP on Wednesday, August 25. A Special Meeting was scheduled for Friday, August 27, at 3 p.m. in the SJWCD office and by Zoom.

**Update Regarding Joint Growing Water Smart and Upper San Juan Watershed Enhancement Partnership (WEP) meeting on August 4, 2021**

Directors agreed that relevant information had been discussed.

**Update regarding Stream Monitoring Program**

Directors considered the need for stream gauges in the East Fork or the West Fork. Director Hudson's report contained opinions of local water professionals and costs associated with a new stream gauge. PAWSD will draw water from West Fork in future. Water Commissioner Joe Crabb explained that any data collected from a new stream gauge needs to be for legitimate reasons identified by water group(s). Ample reasons were identified. Director Hudson will continue to research funding partners.

**Discussion of SJWCD Participation in Pagosa Springs Urban Renewal Authority Listening Sessions**

Director Hudson will participate for Pagosa Housing Partners. Director Pfister will represent SJWCD. All directors are encouraged to join one of three listening sessions.

**Discussion of Storing Documents on SJWCD.org or Google Drive for Public Access**

Directors consider public access to documents in Board Packet and confidentiality of Attorney's Report. Director Pfister will ask Attorney Kane for clarification. This item will be considered at the Special Meeting on Friday, August 27.

There being no further business to come before the Board, the meeting was adjourned at 7:23 p.m.

Respectfully submitted,

Sally High  
Executive Assistant SJWCD  
For the Board of Directors