

**RECORD OF PROCEEDINGS**  
**SAN JUAN WATER CONSERVANCY DISTRICT**  
**DECEMBER 13, 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, Susan Nossaman. Also present in person was Sally High (SJWCD Executive Assistant).

Attending the meeting by Zoom were Attorney Jeffery Kane, Director Joe Tedder, Director Doug Secrist, Director John Porco, and the 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 4:26 p.m.

**Revisions to Agenda**

The Board considered Revisions to Agenda and one item was added. Mandy Eskelson requested a letter of confirmation of funding, to be added to the documentation of the Pagosa Gateway Project. Director Pfister moved. Director Nossaman seconded. Unanimous approval.

**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.

**Attorney Update on BLM Treasure Pass Water Rights Case**

Attorney Kane updated Directors about the BLM's water rights cases regarding the Treasure Pass Ditch Transmountain Diversion, near Wolf Creek Pass, which diverts water from a headwater tributary of the San Juan River over the Continental Divide to the Rio Grande River Basin. The ditch has been in place for approximately 100 years and has an existing water right of 7 cfs to irrigate up to 80 acres. The U.S. Bureau of Land Management filed two applications to change water rights. One application would change the historic use of 7 cfs to a new use enhancing wetlands in San Luis Valley. BLM applied for a new junior water right for 13 cfs. BLM circulated proposed decrees that clarify their intention to divert no more than 13 cfs across the Divide, not 20 cfs as

previously described. Attorney Kane and Director Pfister met with BLM's Roy Smith and their attorney Adam Eckler today. Water Court will hear Status Cases on January 7 and 10, 2022. BLM circulated an Engineering Report that substantiates the amount of water proposed in the requested changes. Attorney Kane suggested that SJWCD contact Erin Wilson (Wilson Water Group) to determine the potential impact on SJWCD's various responsibilities, including Colorado River Compact and cutthroat trout protection. Director Pfister contacted Steve Wolff (Southwestern Water Conservation District) who will provide additional information when relevant. If SJWCD waits for SWCD to share their concerns, the timeline to respond to Water Court would be extremely limited. Director Secrist asked Director Pfister to contact Erin Wilson regarding the BLM Engineering Report and 2 decrees. Director Nossaman asked the Board to consider the quantity of water affected, approximately one tenth of the total of the Chama Diversion. Director Pfister moved that Steve Wolff and Erin Wilson be contacted. Director Hudson seconded. Unanimous approval with Director Porco abstaining (away from his Zoom screen). Other entities that have filed letters of objection include SWCD (solicitor's office), Rio Grande Water Conservancy District, Conejos Water Conservancy District, Boot Jack Ranch, State Board of Land Commissioners, and others.

### **Consideration of Approval of Record of Proceedings for November 8, 2021 Special Meeting**

Directors considered the approval of the November 8, 2021 Record of Proceedings. Director Hudson moved. Director Nossaman seconded. Unanimous approval.

### **Consideration of Resolution to Adopt 2022 Budget and Certify Mill Levy**

Director Pfister moved to approve Resolution 2021-05 and Mill Levy certification. Director Nossaman seconded. Unanimous approval.

### **Consideration of Revisions to Bylaws**

Director Nossaman moved that Revisions to the Bylaws be tabled until Directors review all the changes from the April and June 2021 minutes. Director Pfister seconded. Unanimous approval.

### **Consideration of RFP to Hire Community Engagement Consultant**

Director Tedder sent the Board a revised RFP describing a shortened "phase one" approach to starting the Community Engagement process. Directors Tedder and Hudson met with Kim Elzinger and heard her concerns about the feasibility of the long-term scope in the original RFP. Ms. Elzinger revised the original contract and provided an alternate contract that was not shared with Directors.

Directors engaged in lengthy discussion. Director Hudson moved to hire Ms. Elzinger for \$800: (1) to interview relevant community entities and SJWCD Board Members, and (2) to provide SJWCD a report of her findings. Director Nossaman seconded. Directors

Hudson, Nossaman and Tedder voted yes. Directors Secrist, Porco and Pfister voted no. The motion failed.

Director Secrist moved to resubmit the original RFP to a wider audience. Director Porco seconded. The motion passed, 5 votes to 1. Director Hudson voted no. Director Pfister and Ms. High will revise RFP and its timeline. It will be distributed to a significantly expanded list of recipients in early January.

### **Update on Growing Water Smart Activities**

The Sonoran Institute did not approve Growing Water Smart's request for funding, but sent a Water Now Alliance application for up to \$25,000 of technical assistance over a 6-month period. The tasks originally requested are included in the technical services offered by Water Now Alliance. Director Pfister agreed to submit the new application.

### **Consideration of Extension of Executive Assistant Contract**

Director Nossaman moved to extend Ms. High's contract for one year, through December 31, 2022, limited to budgeted \$12,000. Director Pfister seconded. Unanimous approval.

### **Consideration of Letter Confirming Funding and Endorsing WEP's Pagosa Gateway Project**

Mandy Eskelson of Watershed Enhancement Partnership/Mountain Studies Institute requested a letter from SJWCD stating commitment of 2022 funding of \$2,500 and support of WEP's Pagosa Gateway Project. Director Pfister agreed to write letter.

There being no further business to come before the Board, the meeting was adjourned at 6:02 p.m.

Respectfully submitted,

Sally High  
Executive Assistant SJWCD  
For the Board of Directors