

RECORD OF PROCEEDINGS
SAN JUAN WATER CONSERVANCY DISTRICT
December 14, 2022 REGULAR MEETING

Attendance

A Regular Meeting of San Juan Water Conservancy District was held Wednesday, December 14, 2022, at 2 pm in person at 46 Eaton Drive Suite 5 and on Zoom.

The following Directors were present in person: Al Pfister, Susan Nossaman, Candace Jones, Doug Secrist, and Bill Nobles. Also present were Sally High (SJWCD Executive Assistant), Justin Ramsey (PAWSD), and Derek Kutzer (Pagosa Sun).

Directors attending by Zoom were Joe Tedder and Rod Proffitt. Also on Zoom were Jeff Kane (SJWCD Attorney) and Terri House and the Pagosa Sun.

Call to Order

The Regular Meeting of the San Juan Water Conservancy District (SJWCD) was called to order by Chairman Al Pfister at 2:01 p.m.

Revisions to Agenda

The Board considered Revisions to Agenda. No revisions were necessary.

Declaration of Conflicts of Interest

The Board considered Declarations of Conflict of Interest. No Conflicts of Interest were identified.

Public Comment

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

Public Budget Hearing / Consideration of 2023 Budget Hearing

Directors considered the final version of the projected budget and Budget Resolution 2022-03. Director Nobles moved to adopt the finalized budget. Director Nossaman seconded. The motion passed unanimously.

Attorney Kane asked that in the Budget Resolution's description of Tabor obligations, the fourth Whereas, "all terms" be changed to "all applicable terms." Director Secrist moved to accept Budget Resolution #2022 -03, as amended. Director Nobles seconded. Unanimous approval.

The document will be delivered to the Archuleta County Commissioners through the Finance Office. Chairman Pfister closed the Public Hearing.

Consideration of Treasurer's Report

Directors considered the November Year-to-Date Budget versus Actual report, provided by Director Tedder, Treasurer. Director Tedder reminded Directors that line items can be adjusted during the fiscal year. No action was necessary.

Attorney's Update on Water Rights Cases

Jeff Kane, SJWCD Attorney, updated Directors about two pending water cases: Dry Gulch Water Rights and Treasure Pass Ditch Water Rights.

The application for renewing SJWCD's Dry Gulch Water Rights was filed with Water Court on time at the end of October. No objectors have stepped forward and no oppositions have been filed. Southwestern Water Conservation District supports SJWCD's application. The deadline for opposers to come forward is the end of December. The attorney will file a Decree to the Water Court in early 2023.

The U.S. Bureau of Land Management (BLM) has applied to transfer water in the Treasure Pass Ditch east to San Luis Valley wetlands. BLM owns two water rights, but may not move water from the San Juan drainage without Water Court permission. SJWCD opposes all trans-mountain diversions. Attorney Kane coordinates with other opposers. A concern recently discussed by SJWCD Directors was the failure of BLM to follow NEPA requirements. BLM contended that they aren't required to follow NEPA requirements, because Congress appropriated money for the action. Directors and the Attorney disagreed. Status conferences are scheduled for March 2023 and Directors will be updated.

Updates from Chairman

- Laura Spann resigned from San Juan Conservation District and has gone to work for regional Colorado Water Conservation Board. Laura will be a valuable resource to help SJWCD identify grant opportunities. Director Pfister will forward to Directors a relevant recent email from Upper Colorado River Commission about future water issues.
- Directors Secrist and Pfister plan to meet with Colorado Parks and Wildlife to discuss the Running Iron Ranch 20-acre parcel with river frontage, its potential public access to the San Juan River, fish habitat, and role in the Pagosa Gateway Project. Public entities involved in the Pagosa Gateway Project include Watershed Enhancement Partnership, PAWSD, SJWCD, Town of Pagosa Springs, Archuleta County, and Colorado Parks and Wildlife.

Consideration of Approval of Records of Proceedings from October 17 Regular Meeting, October 24 Special Meeting, and November 14 Special Meeting

Director Nobles moved to approve the 10/17/22 Record. Director Nossaman seconded. Unanimous approval.

Director Jones moved to approve the 10/24/22 Record. Director Secrist seconded. Unanimous approval.

Director Jones moved to approve 11/14/22 Record. Director Nobles seconded. Unanimous approval.

Consideration of Running Iron Ranch Lease Extension

Director Nobles moved to approve the revised Running Iron Ranch Lease. Director Nossaman seconded. Director Proffitt stated opposition to pursuing any private interest on the property and his preference to see the property used for public interest as soon as possible. The motion passed 6 to 1, with Director Proffitt voting no.

Consideration of Volunteering for One of Three Objectives or Specific 2023 Actions

Directors Pfister and Secrist agreed to lead Objective One.

Directors Jones and Nossaman agreed to lead Objective Two.

Directors Tedder, Nobles, and Proffitt agreed to lead Objective Three.

Director Jones suggested that future meetings contain a regular agenda item allowing the Board to hear updates on related actions.

Consideration of Renewing Membership in Water Education Colorado (WECO)

Director Jones moved to renew the SJWCD membership in WECO. Director Secrist seconded. Membership fees (\$307) are paid from the Board Expense line item. Unanimous approval.

Consideration of Letter in Support of Four Corners Water Center at Fort Lewis College

Director Nobles moved to approve sending the support letter provided in the Board Packet. Director Secrist seconded. Unanimous approval.

Other Business Briefs

The Executive Assistant informed Directors that they would receive an email containing an Annual Schedule of legal deadlines relevant to SJWCD.

Director Tedder reminded Directors that Resolution 2021 – 04 authorized Impact Fees to be transferred to pay for the Wilson Water Group study. Directors approved Resolution 2021 – 04 in August 2021, but the decision has not been reflected in the SJWCD budget until now.

Directors scheduled a January Special Meeting for Monday, January 23, at 3 pm.

There being no further business to come before the Board, the Special Meeting was adjourned at 3:20 pm.

SAN JUAN WATER CONSERVANCY DISTRICT

By /s/ Sally High

Executive Assistant for Board of Directors

DISTRICT SEAL

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