

RECORD OF PROCEEDINGS
SAN JUAN WATER CONSERVANCY DISTRICT
January 23, 2023 SPECIAL MEETING

Attendance

A Special Meeting of San Juan Water Conservancy District was held Monday, January 23, 2023, at 3 pm in person at 46 Eaton Drive Suite 5 and on Zoom.

The following Directors were present in person: Al Pfister, Susan Nossaman, and Joe Tedder. Also present were Sally High (SJWCD Executive Assistant), Dana Guinn (San Juan Headwaters Forest Health Partnership and Mountain Studies Institute), and Derek Kutzer (Pagosa Sun).

Directors attending by Zoom were Candace Jones, Doug Secrist, and Bill Nobles. Others on Zoom were Jeff Kane (SJWCD Attorney), Terri House (Pagosa Sun), and Randi Pierce (Pagosa Sun).

Call to Order

The Special Meeting of the San Juan Water Conservancy District (SJWCD) was called to order by Chairman Al Pfister at 3:01 p.m. A quorum was present.

Revisions to Agenda

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

Declarations of Conflicts of Interest

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

Public Comments

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

Consideration of Attorney's Report

Directors received a copy of Attorney Kane's report in the Board Packet. It covered updates on three water rights cases.

Dry Gulch Application for Diligence

No Statements of Opposition were filed regarding SJWCD's Dry Gulch Reservoir Senior Storage Right Application for Diligence. The Division Engineer will file a Consultation Report in coming

months. The report will verify SJWCD's application and will recommend granting diligence. At that time, Attorney Kane will prepare a Decree for the Water Court.

Treasure Pass Water Rights

Attorney Kane sent a comment letter to BLM's counsel in September 2022 regarding two Treasure Pass Ditch Water Rights Cases. SJWCD received a letter in response in November 2022, confirming that the Bureau of Land Management (BLM) is not seeking any expansion of historical use. BLM claimed that additional compliance with National Environmental Policy Act (NEPA) and Federal Land Policy and Management Act (FLPMA) is not required, because Congress demanded that they purchase the water rights. Directors continued to voice concerns that (1) BLM was not complying with NEPA and Endangered Species Act (ESA) requirements, (2) Forest Service was not researching or enforcing compliance, and (3) Forest Service's lack of response implied permission for the BLM to run (13 cfs plus 7 cfs) water across USFS land. Directors agreed that the Rio Grande River drainage already receives significant water from the Colorado River drainage. Attorney Kane stated that he will respond to points in BLM's letter, address SJWCD's concerns, and contact other objectors. Director Pfister will contact other conservation and conservancy districts, that may or may not be objectors to BLM's request for Treasure Pass Ditch water.

Boot Jack New Applications

Boot Jack Ranch, a large private property through which the West Fork of the San Juan River runs, applied for two new water rights. One is for existing conditional rights to be made permanent. The second is for 14.1-acre feet of water from a pump station at Wolf Creek, a tributary of the West Fork, to fill a new 2-acre, 10-foot deep pond. Directors expressed concern about appropriate water use in Colorado and any interference with SJWCD's water rights for use at the San Juan Headwaters Project. A letter of objection to the new water right application must be filed by the end of February. Director Pfister moved that Attorney Kane file a letter of objection for the new Boot Jack application. Director Nossaman seconded. The motion was amended to cover opposition to both Boot Jack applications. The amended motion passed unanimously.

Consideration of Treasurer's Report

Director Tedder, Treasurer, stated that two final checks for 2022 obligations were sent since Directors approved the budget in December 2022. He must use a 2011 version of QuickBooks that is only accessible on the SJWCD office computer. New on-line QuickBooks is not affordable and does not appear in the 2023 budget. An updated budget will be provided at the February 2023 Regular Meeting.

Consideration of Support for San Juan Headwaters Forest Health Partnership (SJHFHP)

Dana Guinn, Coordinator of SJHFHP and Director of Mountain Studies Institute (MSI) Forest Programs, provided materials relevant to SJWCD's continued funding. Directors received SJHFHP documents, describing projects and requesting funds for 2023, in the Board Packet.

Discussion covered SJHFHP's history, current funding sources, relationship with MSI, the Plumbtree Fire, a locally produced documentary, and an upcoming Snowtography Site. Director Jones moved to fund SJHFHP at the requested \$2,500 amount. Director Nossaman seconded. Unanimous approval.

Consideration of Resolution 2023-01

Resolution 2023-1 authorized SJWCD to apply for an exemption from a 2022 audit. Director Tedder agreed to contact Ronnie Farmer, SJWCD accountant, and request that he apply for Exemption. The 2023 budget allocated \$800 for this purpose. Director Nobles moved to approve Resolution 2023-01. Director Tedder seconded. Unanimous approval.

Updates from Chairman

- Natural Resource Conservation Service (NRCS) shared their grazing plan with Director Pfister. He will forward to all Directors.
- Southwestern Conservation Board met.
 - J.R. Ford was reappointed to represent Archuleta County.
 - A 24-month study about the status of the Colorado River will be released soon.
 - BLM is preparing an Environmental Impact Statement (EIS) re: shortages in Lake Powell and Lake Mead.
 - A System Conservation Pilot Program (SCPP) is designed to pay water owners/users to send water downstream to Powell and Mead. The SCPP is not equivalent to a demand management study.
 - Eleven grants were approved. MSI's Snowtography project received funding. Trout Unlimited received a \$17,000 cash match for the Pagosa Gateway Project. The total Pagosa Gateway price tag is \$1.2 million. BLM received \$375,000 for associated administrative costs.
- Southwest Basin Roundtable received a report from Colorado Water Conservation Board (CWCB) about water conditions in 2022 and projections for 2023. Navajo Lake is 52% full. Lake Powell is 24% full and decreasing.
 - Recommended SCPP as a future funding source.
 - Celebrated the 2023 Colorado Water Plan. Carrie Padgett is now a CWCB advocate for the southwest quadrant of the state.
- Water Information Program (WIP) Steering Committee met and is planning two water-related events.
 - The Annual Water Seminar is March 31 at Sky Ute Casino in Ignacio. The 2023 theme is "Collaboration in Crisis."
 - The Children's Water Festival, for regional 5th graders, is May 10 at Fort Lewis College. SJWCD will contact Archuleta School District (ASD) about sending the 5th grade class.
- The Pagosa Environmental Film Festival, produced by Geothermal Greenhouse Partnership, is April 14 and 15. All films are current Colorado productions and water films are featured.

Consideration of Cloud Seeding / Weather Modification

Directors considered the effectiveness of cloud seeding for SJWCD territory and other funding sources supporting Western Weather Consultants. The amount that SJWCD budgeted for 2023 is \$1,000. An 8% increase was requested. Director Nobles moved to pay Western Weather Consultants \$1,100 for 2023 cloud seeding. Director Nossaman seconded. Approval was unanimous.

Consideration of Additional Funding for Water Information Program

Directors considered the request by Water Information Program for a 15 % increase from \$2,500 to \$2,875 in 2023. The added \$375 will be transferred from contingency funds. Director Jones moved to fund WIP in 2023. Director Tedder seconded. Unanimous approval.

Consideration of Directors' Reports on Three Strategic Objectives

Objective One: Advance the San Juan River Headwaters Project (SJRHP) as one resource for meeting agricultural, municipal, environmental, and recreational water needs of the San Juan Water Conservancy District (SJWCD) community. Directors Pfister and Secrist report at SJWCD board meetings about progress made in Objective One.

Director Pfister reminded Directors that they have discussed an 11,000-acre feet sized reservoir, based on the Wilson Water Group study and the Water Court recommendation. Director Secrist moved that SJWCD approve a target size of 11,000-acre feet for the San Juan River Headwaters Project's reservoir. Director Nobles seconded. Unanimous approval.

Director Pfister requested a joint meeting (work session) with Pagosa Water and Sanitation District (PAWSD) to gauge their support of the SJRHP and to institute a planning process. SJWCD recognized that PAWSD is responsible for municipal water use, while SJWCD and SJRHP are responsible for all water uses. Some PAWSD actions will be required, even if the PAWSD board does not intend to fully support SJRHP. The next scheduled PAWSD meeting is January 30. A joint work session will be discussed.

Director Pfister described plans to consult with Colorado Water Conservation Board (CWCB) about opportunities for their assistance in funding efforts, grant writing, and technical assistance. The hiring of a researcher/grant writer was discussed.

Directors Pfister and Secrist identified seven potential funding partners and related opportunities. A February 7 meeting is scheduled with the Water Department of the Southern Ute Tribe. Areas of common interest will be identified.

Outreach to recent Colorado-area water storage projects was identified as necessary for planning SJRHP.

Directors Pfister and Secrist concluded that communication with the local community requires accurate and consistent descriptions of factors like reservoir size, pre-design planning, engineering, and all costs, as factors become known.

Objective Two: Consider strategies beyond water storage for meeting agricultural, municipal, environmental, and recreational water needs of the SJWCD community. Directors Jones, Nossaman, and Suh report at SJWCD board meetings about progress made in Objective Two.

Directors Nossaman and Jones identified the need to research existing mapped water aquifers, irrigation ditches, and domestic and agricultural wells. Resources like Joe Crabb (Division of Water Resources District 7) and the State Water Engineer were mentioned.

Research into resiliency of water resources was an identified need. Examples of sources of information named were Wildfire Adapted Partnership (Bill Trimarco), SJHFHP (Dana Guinn), PAWSD (Justin Ramsey), US Geological Survey (USGS), and San Juan Conservation District (Cynthia Purcell).

Directors Nossaman and Jones reported that valid reasons that support the need for SJRHP should be documented. The community needs to know why a storage project makes sense.

Objective Three: Educate the SJWCD community about the water resources of the Upper San Juan River Basin and related issues, including SJRHP, water resource planning, water conservation, and the work of SJWCD. Directors Tedder, Nobles, and Proffitt report at SJWCD board meetings about progress made in Objective Three.

Directors Tedder, Nobles, and Proffitt identified the following needs to effectively educate the public. Concrete actions included:

- partnering with WIP in a more focused way
- submitting (quarterly?) articles to the Sun
- participating in public events
- partnering with practicing educators
- creating a "Balanced Scoreboard" to convey relevant water data in graphic form
- creating a tracking system in a spread sheet/table for monthly board communication.

There being no further business to come before the Board, the Special Meeting was adjourned at 5:55 pm.

SAN JUAN WATER CONSERVANCY DISTRICT

By /s/ Sally High

Executive Assistant for Board of Directors

DISTRICT SEAL