

RECORD OF PROCEEDINGS
SAN JUAN WATER CONSERVANCY DISTRICT
REGULAR MEETING - AUGUST 21, 2023, 4 pm

Attendance

A Regular Meeting of San Juan Water Conservancy District was held Monday, August 21, 2023, at 4 pm in person at 46 Eaton Drive Suite 5 and on Zoom.

The following Directors were present in person: Al Pfister, Rob Hagberg, Candace Jones, Joe Tedder, Susan Nossman, and Chuck Riehm. Also present were Sally High (SJWCD Executive Assistant), Bill Hudson (PAWSD and Pagosa Daily Post), and Josh Pike (Pagosa Sun). Josh Kurz joined at 5:00 pm.

Director Rod Proffitt attended by Zoom. Others on Zoom were Jeff Kane (SJWCD Attorney) and Terri House (Pagosa Sun). Renee Lewis (PAWSD and grant writer) joined at 5:35.

Call to Order

The Regular Meeting of the San Juan Water Conservancy District (SJWCD) was called to order by Chairman Al Pfister at 4:00 p.m. A quorum was present.

Revisions to Agenda

The Board considered Revisions to the Agenda. Director Pfister stated that Renee Lewis would join the meeting at 5:30, so Agenda Item 10 would be considered at that time.

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. Bill Hudson (PAWSD Board Member and Pagosa Daily Post) addressed Directors about his opinion that they need to reconsider wording of the Frequently Asked Questions (talking points) on the SJWCD website. Mr. Hudson stated that he was speaking for himself, not the PAWSD Board. He then stated that the Archuleta County lease of the 20-acre parcel would be on the agenda for the PAWSD board's Thursday, August 24 meeting. The PAWSD District Manager recommended to Mr. Hudson that he support tabling the issue. He was thanked for his comments. No other public comments were offered.

Consideration of Attorney's Report

Directors considered Attorney Kane's updates on several water rights cases. There was no written report in the Board Packet.

- Attorney Kane met with Directors Pfister and Jones to discuss the FOIA reports, from the USFS and the BLM, regarding the transmountain diversions at Treasure Pass. The USFS appeared to be taking seriously environmental concerns, similar to those of SJWCD, about increased use of the existing ditch and the granting of a Special Use permit to BLM. USFS told BLM that the request for expanded use was denied until BLM's water rights case was resolved. Review of the FOIA materials resulted in identification of issues and documents that Kane will use in additional discussions with BLM's attorneys. The identified documents will be shared with other entities interested in the types of measurement structures and diversion structures that BLM plans to use to divert water. Information obtained through the FOIA request is useful in representing SJWCD and the interests of the citizens of the District.
- Kane stated that he is following the proposed Piedra Pass diversion case and Boot Jack Ranch cases. Status conferences in relevant water rights cases are expected soon.

Consideration of Treasurer's Report

Directors considered the AIR Form and Balance Sheet, through August 12, provided in the Board Packet by Director Tedder. He explained that due to underestimating the interest income in the Colorado Trust account, he expected approximately \$8,500 in additional income this year. The Executive Assistant has begun to submit two monthly invoices, one for administrative Support Services

and one for website development. The division of tasks will keep both the Support Services and Public Education line items within the predicted budget. Director Hagberg moved to accept the Treasurer's Report. Director Jones seconded. The vote to accept was unanimous.

Director Pfister expressed concern that spending from the Travel and Training line items not exceed budgeted amounts. The upcoming Water Law in a Nutshell training in Durango was cited as an example. Two board members are registered and Director Pfister also wants to attend. Car pooling was mentioned as an option. Directors were encouraged to attend upcoming the October Roundtable meeting in Durango and the statewide C9 Summit involving all state river basins in November.

Updates from Chairman

- Director Hagberg attended the recent 2 3 2 meeting in Chama, New Mexico (two states, three rivers, two forests). He reported valuable discussions of wildlife management and water retention. Using evidence from dendrochronological studies over the last 700 years, it was reported that forest fire incidents were greatly reduced in the last 200 years. This is because of reduction of fuels due to domestic grazing. Affordable projects that prevent elk damage and encourage beaver (re)introduction result in significant retention of water in the ground. He identified these ideas as worthy of Objective Two's consideration.
- Director Pfister attended the recent Southwest Basin Roundtable meeting and described valuable presentations by Colorado River Work Group. A Risk Study concluded that, among West Slope basins, the Southwest Basin of the state was the most susceptible to water shortages (susceptible to a call). The transmountain diversions were specifically mentioned. The more senior water rights tend to be on the western slope. The Yampa White Green Basin Roundtable is writing a position paper to describe the possible effects on their water by Colorado River management in the future. The Southwest Basin Roundtable is considering doing the same. Director Pfister described a CSU analysis of consumptive use and support for wise agricultural practices on the Western Slope. The study included Ute Mountain agriculture. Director Pfister will make the presentations available electronically.

- Directors received a letter from Becky Mitchell, former CWCB Director and recent appointee to the Colorado River Task Force as Colorado's Colorado River Commissioner. The letter described Colorado's negotiating positions for equitable outcomes after the 2026 decisions.
- Colorado's draft water measurement rules were described at a presentation by the State Water Engineer. Director Pfister will forward revisions of the draft rules for more accurate measurements. Hundreds of water users with water rights in the District will be affected.

Consideration of Approval of Records of Proceedings

Directors approved Records of Proceedings from the June Regular Meeting. Director Hagberg moved for approval. Director Jones seconded. Approval was unanimous.

Directors approved Records of Proceedings from the July Special Meeting. Director Hagberg moved for approval. Director Riehm seconded. Director Jones abstained, and remaining directors voted unanimously to approve the motion.

Consideration of the Lease of the 20-acre parcel to Archuleta County

PAWSD reported that they have too many pressing issues to meet with SJWCD at this time. The lease is on their agenda for their Thursday August 24 meeting, however Justin Ramsey of PAWSD stated to Director Pfister of SJWCD that they expect to table the discussion. Director Jones stated that the County Commissioners asked about this lease at their recent Work Session. Attorney Kane was instructed to confer with PAWSD attorneys, regarding liability, indemnification and any other issues they or the PAWSD Board may have with the lease. Depending on the results of that conversation, he will research relevant issues. Director Hagberg moved that the attorney be empowered to confer and research. Director Nossaman seconded. Approval was unanimous.

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 Riehm met with Rick Ehat. Ehat created a two-page detailed spread sheet to track his steps. The spread sheet was in the Board Packet. October 15 is a reasonable date to expect a preliminary report from Ehat Engineering. Prior studies that were forwarded to Ehat will be posted on the SJWCD website.

Objective Two: Consider strategies beyond water storage for meeting agricultural, municipal, environmental, and recreational water needs of the SJWCD community.

The Objective Two Committee stated that they planned a Work Session for Friday, August 25, to explore appropriate projects. The Work Session will be noticed on the SJWCD website.

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.

Director Tedder thanked Josh Kurz for his three community presentations, "Water Fluency 101, Developing a Water-fluent Community." Positive feedback was received from participants at San Juan Outdoor Club, Weminuche Audubon Society, and Noon Rotary Club. Board members were encouraged to find the presentation slides, Water Fluency 101, on the SJWCD website by going to the pull-down main menu across the top of the homepage. Directors were asked to view the presentation and offer comments. Before the September meeting, directors should explore the website and offer suggestions about organizing it so that information is easily accessed.

Consideration of Hiring a Grant Writer

Director Pfister welcomed Renee Lewis who had joined the meeting on Zoom. Renee asked about two SJWCD projects: the Upper San Juan film project (Objective 3) and the CWCB assistance in preparing a BLM application (Objective 1). Details and deadlines were provided. Regarding the film, both Christie Bode

Skeie and Josh Kurz have been consulted and Christie can be ready to resume the conversation in September. Renee disclosed that an advisor at CWCB stated that the film project was possible under CWCB's Water Supply Reserve Fund (WSRF) Grant Program. Regarding the application for CWCB assistance in working toward BLM funding, Renee explained the necessity that Ehat's engineering work cover key components of project, enough to convince CWCB that SJWCD was able to proceed with and manage the reservoir project. Director Pfister described the work that SJWCD had undertaken in order to adequately fulfill expectations. A proposal to the Southwest Basin Roundtable is due at the end of September for consideration at the October 27 meeting. Refinement of concepts and adjustments to budgets can be made between the September presentation and October decision. The Roundtable sends its approved proposals to CWCB in December. The federal BLM application is significantly more complicated and requires that Ehat's 2023 engineering work be completed.

Renee offered one small change to the wording of her contract. The final bullet point in Section I: Scope of Agreement will read: "Additionally, Contractor will work with a designated Board member to assist in identifying activities/actions needed to be completed by Ehat Engineering in order for the District to prepare a federal grant request." Technical assistance, funding, and other necessary services are needed from CWCB in advance of completing a grant application for small reservoir construction with the Bureau of Land Management. Grant navigation was briefly discussed. Director Hagberg moved to approve the contract as amended and authorize Director Pfister to sign the contract on behalf of the District. Director Nossaman seconded. Approval was unanimous.

There being no further business to come before the Board, the Regular Meeting was adjourned at 5:52 pm.

SAN JUAN WATER CONSERVANCY DISTRICT

By /s/ Sally High

Executive Assistant for Board of Directors

DISTRICT SEAL