

# San Juan Water Commission

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MEMBERS:  
City of Aztec  
City of Bloomfield  
City of Farmington  
San Juan County  
S.J. County Rural Water Users Association

**Final Minutes Approved September 7, 2016**

## SAN JUAN WATER COMMISSION REGULAR MEETING MINUTES AUGUST 3, 2016

The San Juan Water Commission met in a Regular Meeting pursuant to due Notice, Wednesday, August 3, 2016 at 9:00 A.M. in the San Juan Water Commission's Conference Room in the San Juan Water Commission Office Building, 7450 East Main Street, Farmington, New Mexico.

### **CALL TO ORDER**

Chairman K. Johns called the regular meeting of the San Juan Water Commission (SJWC) to order at 9:00 A.M.

#### **Members Present**

City of Aztec

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City of Bloomfield

Eric Strahl - Alternate Commissioner

City of Farmington

Cy Cooper - Commissioner

San Juan County

Keith Johns - Commissioner

S.J. Rural Water Users Assoc.

Jim Dunlap - Commissioner

Keith Lee - Alternate Commissioner

#### **Members Absent**

City of Aztec

Josh Ray - Commissioner

Austin Randall - Alternate Commissioner

City of Bloomfield

Elwin Roark – Commissioner

City of Farmington

Jay Burnham - Alternate Commissioner

San Juan County

Margaret McDaniel - Alternate Commissioner

#### **Legal Present**

Doug Echols – San Juan County/SJWC

Jolene McCaleb – SJWC Attorney

#### **Staff Present**

Aaron Chavez

Shaun Bishop

Jacqueline Allcorn

Gordon Miller

Jimmy Hodges

#### **Visitors: (1)**

In the absence of Commissioner E. Roark, Alternate Commissioner E. Strahl was the voting member for the City of Bloomfield. In the absence of Commissioner J. Ray, and Alternate Commissioner A. Randall there was no voting member for the City of Aztec.

## **APPROVAL OF AGENDA**

Chairman K. Johns called for approval of the Final Agenda. Motion was made by C. Cooper and seconded by J. Dunlap to approve the Final Agenda as written, and upon voice vote the motion carried unanimously (C. Cooper, J. Dunlap, K. Johns, and E. Strahl all voted yes).

## **CONSIDERATION OF APPROVAL OF THE JUNE 1, 2016 REGULAR MEETING MINUTES**

Motion was made by J. Dunlap, and seconded by C. Cooper to approve the June 1, 2016 regular meeting minutes, and upon voice vote the motion carried unanimously (C. Cooper, J. Dunlap, K. Johns, and E. Strahl all voted yes).

## **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

## **ANIMAS-LA PLATA PROJECT UPDATE**

Aaron Chavez updated the Commission on the progress of the ALP and distributed a letter from D. Wolf, Colorado State Engineer for the Commissioners' review. A. Chavez said D. Wolf's letter stated that upon review of the February 18, 2016 letter from R. Howard, General Manager, Animas La Plata Operation Maintenance and Replacement Association (A-LP OM&R), requesting permanent change of water year for the Animas-La Plata Project, the Colorado State Engineer concluded that changing the water year from October 1 through September 30 to April 1 through March 31 will not injure or impact other water users, and therefore, changing the water year for the Project now will not alter historic call regime. A. Chavez said that the change in water year is to maximize the projects water rights. A. Chavez added that that the SJWC will inform the member entities about the change in water year in order to meet the requirements of the ALP. J. Dunlap commented that the change in water year will improve the ability to condense the electrical cost.

A. Chavez presented an update on the U.S. Geological Survey's (USGS) effort to solicit funding partners in support of the stream-gage on the Animas River at Durango, Colorado. A. Chavez said the Association will participate in funding the estimated annual O&M cost of \$16,000. A Chavez said the cost share breakdown is; USGS (39%), USBR (25%), A-LP Association (12%), City of Durango (12%), and SWCD (12%).

A. Chavez said the A-LPOM&R Association has been granted the Basin Creek water rights. The water right application was submitted with no objection or opposition. A. Chavez said the Judge signed the decree that transferred the water right to the Association.

A. Chavez said the BOR transferred funds to the Association in the amount of \$700,000.00 to cover estimated interior coating costs on the pumps and general repair costs. A. Chavez added that the Association directed R. Howard to invest \$700,000 in a 2-year CD to receive a return of .55% interest with First National Bank of Durango.

A. Chavez gave a brief review of the 2017 A-LP Proposed Budget by noting that the Association was presented with a 3-year work plan and a proposed budget that highlighted the differences from prior budgets. A. Chavez said the budget outlined projections in health insurance, energy costs, boiler maintenance, legal, water engineering, and capital improvement expenses. A. Chavez said there was a \$50,000 energy cost credit for FY 2016 due to not running the pumps. A. Chavez said R. Howard suggested placing the \$50,000 credit in a replacement reserve fund and presented the Association with four replacement reserve funding options. A. Chavez said after a brief discussion, along with the \$50,000, the Association chose the option that includes adding the \$45,000 that the BOR is required to pay yearly into the replacement reserve fund. J. Dunlap commented that a cap may need to be placed on the accumulative funds in the replacement reserve fund account.

A. Chavez said the BOR was going to collect settlement samples from Lake Nighthorse to establish a sediment baseline. A. Chavez added that at this time, there are no signs of contamination since the Project has not pumped water since the Gold King Mine spill.

## **LACEY ACT UPDATE**

A. Chavez said he presented the Lacey Act update to the A-LP OM&R Association at their July 7, 2016 meeting. A. Chavez said during the Lacey Act update he expressed the San Juan Water Commission's concerns with the Lacey act and further requested support from the Association in getting Lacey Act legislation passed. A. Chavez said on June 9, 2016 Representative Gohmert of Texas, introduced Bill

H.R. 5430 *The Public Water Supply Invasive Species Compliance Act of 2016*. A. Chavez noted that while H.R. 5430 addresses interstate transfers, the language only exempts the states of Texas, Arkansas, and Louisiana and that there is no language for New Mexico or Colorado. A. Chavez said the San Juan Water Commission and the A-LP OM&R Association sent letters requesting support to Representatives Lujan, Lamborn, Tipton and Senators Bennet, Gardner, Heinrich, and Udall. A. Chavez said on June 23, 2016 the Water, Power and Oceans Subcommittee discussed H.R. 5430 and the Animas-La Plata Project during their hearing. A. Chavez said staff has been working in conjunction with the A-LP OM&R Association to develop language to address New Mexico and Colorado's concerns. A. Chavez added that the SJWC's staff is preparing a letter to be sent to Representative Lujan requesting assistance in obtaining the U.S. Fish and Wildlife Service's assessment of the Lacey Act's potential impact on cross-border water transfers from Southwestern Colorado to Northwestern New Mexico. A. Chavez added that the House of Representatives is in recess until September 5, 2016, noting that this recess will allow us time to work with our legislative contacts.

#### **CONSIDERATION OF DRAFT "GIS DATA COLLECTION AGREEMENT BETWEEN SAN JUAN WATER COMMISSION AND SOUTHSIDE MUTUAL DOMESTIC WATER ASSOCIATION"**

A. Chavez said Southside Water Association had expressed an interest in participating in the SJWC's GIS mapping project. A. Chavez said staff had met with Southside Water Association to discuss the draft "GIS Data Collection Agreement". A. Chavez presented the draft "GIS Data Collection Agreement between the San Juan Water Commission and Southside Mutual Domestic Water Association" to the Commissioners for their review and comments. J. Dunlap commented that the language on page 2. Item 5. Restriction of Use was vague and he suggested amending Item 5. Restriction of Use: *by placing a period after "layers" and striking "without the prior consent of the SJWC."* J. Dunlap said his next amendment could be found in Item 6. Title: to strike *"Except as otherwise provided in this agreement"* and have it now read *"The SJWC does not transfer any right, title, or interest in the GIS digital data layers it provides to Southside."*

Motion was made by J. Dunlap and seconded by C. Cooper to amend the GIS Data Collection Agreement between San Juan Water Commission and Southside Mutual Domestic Water Association to read as follows: Item 5. Restriction of Use *"Southside shall not share, sell or transfer any of the GIS digital data layers"*; and Item 6. Title to read as: *"The SJWC does not transfer any right, title, or interest in the GIS digital data layers it provides to Southside"*, and upon voice vote the motion carried unanimously (C. Cooper, J. Dunlap, K. Johns, and E. Strahl all voted yes).

#### **UPDATE ON REAL-TIME WATER QUALITY MONITORING ON THE ANIMAS RIVER**

A. Chavez said due to the concerns of the heavy metals released from the Gold King Mine and the potential of other incidents, Commissioner J. Ray had asked staff to investigate possible real-time water quality monitoring for reaches of the Animas River. A. Chavez said Commissioner Ray's concern was that during the Gold King Mine spill a year ago, it took days to a week to receive any sort of water quality data or information and Commissioner Ray would have liked data and information that would have help in decisions regarding the City of Aztec's and other organization's operations.

A. Chavez said staff investigated the potential of real-time water quality monitoring for metals, and currently there is no real-time metal detection technology available. A. Chavez said at present, samples are taken and are "field prepped" and are either taken to an in-state certified lab or sent to an out-of-state certified lab. Based on the incident and results need, many labs categorize the time frame for results into tiers.

Tier 1 – Usually Emergency Situations. Results are processed immediately and technicians work 24/7, results take 1-2 days. The cost to process the results are high.

Tier 2 – Usually not a severe but a high priority. Results are processed and technicians work 8 hour shifts and results usually take a week. The cost to process the results are not as high a Tier 1 but still expensive.

Tier 3 – Is the lowest priority. The results are processed when time is available and make take up to 6 to 8 weeks. Lowest cost to process the sample and get results.

A. Chavez said that Dennis McQuillian along with the City of Farmington have done additional sampling and monitoring and in-turn had developed a correlation between turbidity and total lead, noting that lead is one of the metals of concern since the spill. A. Chavez said the drinking water standard established by the Surface Water Quality Bureau made this correlation possible. A. Chavez noted that the City of Farmington currently has 4 monitors or "sondes" on their diversion. A. Chavez said the monitors enable the City to monitor turbidity using white or broadband wavelength of light, adding, this correlation during the monsoon season has been determined at 400 NTU or Nephelometric Turbidity Unit which is equal to the NM drinking water standard limit for

lead of 15 ug/L or microgram per liter. A. Chavez said additional monitoring and review has been done for the spring runoff. A. Chavez noted that once levels of turbidity rise and hit a threshold that the City of Farmington has set – the City’s diversion and pumping shuts off.

A. Chavez remarked that the USGS stream gage stations in Colorado and New Mexico have begun to sample turbidity using Infrared Monochromatic Wavelength of light sources to gather data from March to present date on the Animas near Cedar Hill, Animas below Aztec, San Juan at Farmington, and San Juan at Shiprock. A. Chavez added that from April to present date the Infrared Monochromatic Wavelength technology was used at Cement Creek, Animas at Silverton, Animas at Durango, and from May to present date at San Juan at Four Corners. A. Chavez said currently no correlation has been made between the USGS gages and the New Mexico Water Quality Standard. A. Chavez said the USGS has in place an initial real-time monitoring site that allows the user to receive text or emails based on data limits the user sets. A. Chavez noted that due to the lack of correlation between the USGS gages and the New Mexico Water Quality Standard, the turbidity data for the New Mexico end user will not be as effective until the correlation between USGS’s Infrared Monochromatic Wavelength and the New Mexico Water Quality Standard have been made.

A. Chavez said the City of Durango has developed a similar process, and that the City has installed a monitor in their raw water treatment facility to monitor turbidity. If levels exceed their set threshold, the plant will automatically shut down. A. Chavez noted the City of Durango only has one season of internal data because it diverts most of its supply from the Florida River and only diverts from the Animas during the late summer and fall.

A. Chavez commented that staff recommends using the USGS as an indicator for real-time water quality monitoring and said that additional analysis needs to be done in order to use the gages as an indicator for total lead and other metals. A. Chavez remarked that San Juan County Emergency Management is following the “Spring Runoff Preparedness Plan” and the “GKM Stakeholders Alert and Notification Plan” developed by the EPA. In addition, the Animas River Alert and Notification Plan that was developed in Colorado, provides information on the steps to take when emergencies arise.

#### **CLOSED EXECUTIVE SESSION**

Motion was made by C. Cooper and seconded by J. Dunlap to go into a Closed Executive Session pursuant to Sections 10-15-1(H) (7), and (8) NMSA 1978, under the attorney-client privilege to discuss matters pertaining to threatened or pending litigation in which the public body is or may become a participant and the acquisition or disposal of water rights - a.) *Stream Adjudication* - b.) *Colorado Water Court Case No. 13WC3011* and upon voice vote the motion carried unanimously (C. Cooper, J. Dunlap, K. Johns, and E. Strahl all voted yes).

Chairman K. Johns closed the meeting at 9:40 A.M.

Motion was made by J. Dunlap, seconded by C. Cooper to reopen the meeting and upon voice vote the motion carried unanimously (C. Cooper, J. Dunlap, K. Johns, and E. Strahl all voted yes).

Chairman K. Johns reopened the meeting at 10:45 A.M.

C. Cooper stated that no discussion, other than that [discussion] pertaining to threatened or pending litigation in which the public body is or may be a participant and the acquisition or disposal of water rights and a.) *Stream Adjudication*, b.) *Colorado Water Court Case No. 13WC3011* took place during the Closed Executive Session.

#### **COMMENTS FROM THE COMMISSIONERS, ALTERNATES, AND STAFF**

Aaron Chavez said the Regional Water Planning Steering Committee would meet today starting at 1:00 PM in the SJWC Commission conference room to further discuss the public comments received so far on the updated San Juan Basin Regional Water Plan. A. Chavez said because of the ISC’s funding limits, S. Bishop, San Juan Water Commission staff member, would again facilitate this meeting for the ISC.

A. Chavez announced that there will be an Animas River Celebration at the Power House Science Center in Durango, Colorado beginning today, August 3, 2016 at 5:30 PM.

A. Chavez announced that he was invited to participate in a Roundtable Discussion to be held by Representative Ben Ray Lujan on Tuesday, August 9, 2016. The purpose of the Roundtable is to bring together members of affected communities to discuss the Gold King Mine incident. A. Chavez said the Roundtable will

begin at 9:30 a.m., at the Sycamore Community Center in Farmington, NM. A. Chavez said he would send detailed information regarding the Roundtable to all Commissioner and Alternates.

J. Dunlap commented on the need for the Environmental Protection Agency (EPA) to put in place methods to keep further contamination away from the Animas River in New Mexico. J. Hodges informed the Commission that he attended the EPA Public meeting on June 9, 2016 at San Juan College. J. Hodges remarked that the public meeting was held to discuss the proposal to make the Bonita Peak Mining District (BPMD) a "Superfund Site" by putting it on a National Priority List. J. Hodges said currently there are 300 mines in the BPMD, and of these, 48 are going to require remediation. J. Hodges added that the EPA is going to treat the mines within the BPMD boundary and has put in place an onsite mobile waste water plant at each mine bulk-head to assist in hampering any further contamination.

#### **ADJOURNMENT**

Chairman K. Johns called for a motion to adjourn. Motion was made by J. Dunlap, and seconded by C. Cooper to adjourn and upon voice vote the motion carried unanimously (C. Cooper, J. Dunlap, K. Johns, and E. Strahl all voted yes).

There being no further business, Chairman K. Johns adjourned the meeting at 10:50 A.M.

**APPROVED THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2016  
SAN JUAN WATER COMMISSION:**

*Signature on File*  
**Keith Johns, Chairman**