

# 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

## SAN JUAN WATER COMMISSION REGULAR MEETING MINUTES MARCH 7, 2018

The San Juan Water Commission met in a Regular Meeting pursuant to due notice, Wednesday, March 7, 2018 at 9:00 A.M. in the San Juan Water Commission's conference area in the San Juan Water Commission Office Building, 7450 East Main Street, Farmington, New Mexico.

### **CALL TO ORDER**

Vice-Chairman Cy Cooper called the regular meeting of the San Juan Water Commission (SJWC) to order at 9:00 A.M.

#### **Members Present**

City of Aztec	Sheri Rogers - Commissioner
City of Bloomfield	Eric Strahl - Alternate Commissioner
City of Farmington	Cy Cooper - Commissioner
San Juan County	Margaret McDaniel - Alternate Commissioner
S.J. Rural Water Users Assoc.	Jim Dunlap - Commissioner Keith Lee - Alternate Commissioner

#### **Members Absent**

City of Aztec	Austin Randall - Alternate Commissioner
City of Bloomfield	Elwin Roark – Commissioner
City of Farmington	Jay Burnham - Alternate Commissioner
San Juan County	John T. Beckstead - Commissioner
S.J. Rural Water Users Assoc.	- - -

#### **Legal Present**

Doug Echols  
Liz Taylor

#### **Staff Present**

Aaron Chavez  
Shaun Bishop  
Jacqueline Allcorn  
Jimmy Hodges  
Gordon Miller

#### **Visitors:**

(5)

In the absence of Chairman J. Beckstead, Vice-Chairman C. Cooper conducted the meeting. 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. Beckstead, Alternate Commissioner M. McDaniel was the voting member for San Juan County.

*Vice-Chairman C. Cooper took a moment to thank his fellow SJWC Commissions, Alternates and Staff for their support and goodwill during his brief absence.*

## **PLEDGE OF ALLEGIANCE**

Vice-Chairman C. Cooper led the Pledge of Allegiance

*S. Rogers said she enjoyed her brief time serving as the Commissioner for the City of Aztec, and thanked the Commission for their support. S. Rogers stated that at this time, she did not know who the new Commission for the City of Aztec would be.*

## **APPROVAL OF AGENDA**

Vice-Chairman C. Cooper called for approval of the Final Agenda. Motion was made by M. McDaniel and seconded by J. Dunlap to approve the Final Agenda as written, and upon voice vote the motion carried unanimously (C. Cooper, J. Dunlap, M. McDaniel, S. Rogers, and Eric Strahl all voted yes).

## **CONSIDERATION OF APPROVAL OF THE JANUARY 3, 2018 REGULAR MEETING MINUTES**

Vice-Chairman C. Cooper called for approval of the January 3, 2018 regular meeting minutes. Motion was made by J. Dunlap, and seconded by S. Rogers to approve the January 3, 2018 regular meeting minutes, and upon voice vote the motion carried unanimously (C. Cooper, J. Dunlap, M. McDaniel, S. Rogers, and Eric Strahl all voted yes).

## **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

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

Russ Howard, General Manager of the ALPOM&R Association updated the Commission on the status of recreation at Lake Nighthorse, and in addition, provided a revised Lake Nighthorse Recreation Map. R. Howard said the City of Durango has committed to opening Lake Nighthorse to the public on April 1, 2018. R. Howard said from April 1<sup>st</sup> until May 15<sup>th</sup> the lake will be open for day use on weekends only, and will only allow the use of non-motorized watercraft such as; paddle boards, kayaks, canoes, etc. R. Howard said prior to May 15<sup>th</sup> there are still a few infrastructure projects that will need to be addressed, noting the construction of the overflow parking lot, chip sealing the boat ramp road, the Tribute Garden driveway, installation of one of the four boat docks at the boat ramp, and install buoys, security cameras, and multiple use signage.

R. Howard added that maintenance for recreation of the lake will be provide by the City of Durango and further added that the City of Durango and the La Plata County Sheriff's office are in the process of determining law enforcement presence at the lake.

R. Howard said the Tribute Garden will remain an asset of the ALPOM&R, and maintenance will be covered under the ALPOM&R Association's Operation and Maintenance budget. A. Chavez said there were original funds donated to the Tribute Garden from members of the Association toward maintenance and R. Howard added that remaining maintenance funds will be applied toward the chip sealing of the Tribute Garden.

R. Howard informed the Commission that there have been many discussions on the recreational experience on Lake Nighthorse regarding recreational use and noise levels. R. Howard said the recreational use schedule is in discussion and the lake use schedule may include periods for wakeless water, non-motorized watercraft, and multi watercraft use. R. Howard said the entry fee schedule is still being discussed. R. Howard added that there will be no recreation on Lake Nighthorse from November 30<sup>th</sup> to March 30<sup>th</sup>.

J. Dunlap asked if there will be a warning system for periods of weather and high waves, which would make it dangerous for people on the lake. R. Howard remarked that a warning system is still in discussion. R. Howard added, water rescue training has been scheduled and noted there is a landline phone available at the entrance station and cell phone coverage is available in some areas of the lake if an emergency event arises.

R. Howard said that he is aware that the primary purpose of the Animas La Plata Project is a water supply project, and he recognizes the San Juan Water Commission's concern for water quality. R. Howard said that the ALPOM&R Association will be monitoring the water quality and if there are spikes in E.coli or pollutants, the Association will react swiftly to protect the water quality of the lake. R. Howard said any future expansion of recreation at Lake Nighthorse must be brought before the ALPOM&R Association and he added that proper management of recreation will assure that the Project stays consistent to its original intent.

### **CLOSED EXECUTIVE SESSION**

Motion was made by J. Dunlap and seconded by M. McDaniel 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.) *Colorado Water Court Case No, 17CW3002*, b.) *Andrea Corporation Water Rights*, c.) *San Juan River Adjudication*, and upon roll call vote, the motion carried unanimously (C. Cooper - yes, J. Dunlap - yes, M. McDaniel - yes, S. Rogers - yes, and E. Strahl - yes).

Vice-Chairman C. Cooper closed the meeting at 9:40 A.M.

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

Vice-Chairman C. Cooper reopened the meeting at 10:40 A.M.

J. Dunlap 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.) *Colorado Water Court Case No, 17CW3002*, b.) *Andrea Corporation Water Rights*, c.) *San Juan River Adjudication* took place during the Closed Executive Session.

### **DISCUSSION OF SP-2883-C POINTS OF DIVERSION**

A. Chavez said based on previous direction, staff had worked diligently to create a blanket point of diversion. A. Chavez commented that staff was also working with the local State Engineer's office to establish the Point of Diversion process. A. Chavez asked SJWC attorney E. Taylor to brief the Commission on the SP-2883-C Points of Diversion permit(s).

E. Taylor said staff had hoped to obtain a blanket permit for the 2883-C points of diversion, utilizing the points of diversion associated with Permit 4498. E. Taylor said A. Chavez and J. Hodges had met with the local office of the State Engineer and were informed that the local OSE office did not want to duplicate Permit 4498 for a blanket permit. E. Taylor said staff recommendation is to process points of diversion as needed by each individual entity. By consensus the Commission determined that this was the process going forward.

Vice-Chairman Cooper thanked E. Taylor for the update.

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

A. Chavez said staff is currently working on the Budget for FY 2018-2019 and will present the proposed budget in April for the Commissions consideration.

A. Chavez announced two upcoming March meetings. A. Chavez said there will be a presentation on "Snow Pack Conditions and Trends" and "2018 Wildfire Forecast and Concerns" on March 8, 2018 at 2 p.m. at the San Juan Public Lands Center, and that there will be a presentation on "Acequia Pathways to Funding: Financial Compliance" on Thursday, March 15, 2018, 9 a.m.-12 p.m. at the Bloomfield Cultural Complex.

A. Chavez reviewed the letter from staff to Chairman Flake and Ranking Member Cortez Masto in regards to S. 2166 "Endangered Fish Recovery Programs Extension Act of 2017", which amends P.L. 106-392. A. Chavez said the authorizing legislation for the programs will provide for continued use of

Colorado River Storage Project revenues for annual funding of Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program through 2023, at currently authorized levels. A. Chavez said the Colorado River Storage Project revenues provide critical funding in recovering the listed endangered fish in each program, and in addition, cost sharing for the programs is provided by the States of Colorado, Wyoming, New Mexico, and Utah, water users, and CRSP power customers. A. Chavez noted that staff has contacted and has worked with the New Mexico delegation and requested co-sponsorship of the bill in the Senate and was successful in getting co-sponsorships.

A. Chavez presented the monthly Water Resource Update and commented on the present snowpack levels being similar to the snowpack levels in 2002.

A. Chavez concluded his updates by noting his upcoming participation in the Upper Colorado Endangered Fish Recovery and San Juan Basin Recovery Program Briefing in Washington, DC, March 19-22, 2018.

**ADJOURNMENT**

There being no further business, Vice-Chairman C. Cooper adjourned the meeting at 10:50 A.M.

**APPROVED THIS 4<sup>TH</sup> DAY OF APRIL, 2018**

**SAN JUAN WATER COMMISSION:**

  
CHAIR PRO TEM