

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 on June 1, 2016

SAN JUAN WATER COMMISSION REGULAR MEETING MINUTES APRIL 6, 2016

The San Juan Water Commission met in a Regular Meeting pursuant to due Notice, Wednesday, April 6, 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

Josh Ray - Commissioner
Robert Oxford - Alternate Commissioner

City of Bloomfield

Teresa Brevik - Alternate Commissioner

City of Farmington

Jay Burnham - Alternate Commissioner

San Juan County

Keith Johns - Commissioner
Margaret McDaniel - Alternate Commissioner
(*entered meeting at 9:10*)

S.J. Rural Water Users Assoc.

Jim Dunlap - Commissioner
Keith Lee - Alternate Commissioner

Members Absent

City of Bloomfield
City of Farmington

Elwin Roark - Commissioner
Cy Cooper - Commissioner

Legal Present

Doug Echols – San Juan County/SJWC
Joe Sawyer – San Juan County/SJWC
Liz Taylor – SJWC Attorney

Staff Present

Aaron Chavez
Shaun Bishop
Jacqueline Allcorn
Gordon Miller
Jimmy Hodges

Visitors: (4)

In the absence of Commissioner E. Roark, Alternate Commissioner T. Brevik was the voting member for the City of Bloomfield. In the absence of Commissioner C. Cooper, Alternate Commissioner J. Burnham was the voting member for the City of Farmington.

APPROVAL OF AGENDA

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

CONSIDERATION OF APPROVAL OF THE MARCH 2, 2016 REGULAR MEETING MINUTES

Motion was made by J. Ray, and seconded by T. Brevik to approve the March 2, 2016 regular meeting minutes, and upon voice vote the motion carried unanimously (T. Brevik, J. Burnham, J. Dunlap, K. Johns, and J. Ray all voted yes).

COMMENTS FROM THE PUBLIC

There were no comments from the public.

CONSIDERATION OF THE CITY OF FARMINGTON'S REQUEST TO PURCHASE APPROXIMATELY 14.68 ACRE-FEET OF DIVERSION WATER RIGHTS FROM MR. WAYNE WALLING

Per Section VIII C of the Joint Powers Agreement, A. Chavez said the staff had reviewed the 14.68 acre-feet of [diversion] water rights indicated in the City of Farmington's notification and recommended that the Commission allow the City of Farmington to proceed with the purchase.

Motion was made by J. Dunlap, seconded by J. Ray to not exercise the Commission's option of first right of refusal and allow the City of Farmington to proceed with their purchase of approximately 14.68 acre-feet of [diversion] water rights from Mr. Wayne Walling, pursuant to their letter dated March 29, 2016 and upon voice vote the motion carried unanimously (T. Brevik, J. Burnham, J. Dunlap, K. Johns, and J. Ray all voted yes).

CONSIDERATION OF THE CITY OF FARMINGTON'S REQUEST TO PURCHASE APPROXIMATELY 37.09 ACRE-FEET OF DIVERSION WATER RIGHTS FROM MR. JOHN HARPER

Per Section VIII C of the Joint Powers Agreement, A. Chavez said the staff had reviewed the 37.09 acre-feet of [diversion] water rights indicated in the City of Farmington's notification and recommended that the Commission allow the City of Farmington to proceed with the purchase.

Motion was made by J. Dunlap, seconded by J. Ray to not exercise the Commission's option of first right of refusal and allow the City of Farmington to proceed with their purchase of approximately 37.09 acre-feet of [diversion] water rights from Mr. John Harper, pursuant to their letter dated March 29, 2016 and upon voice vote the motion carried unanimously (T. Brevik, J. Burnham, J. Dunlap, K. Johns, and J. Ray all voted yes).

M. McDaniel entered the meeting at 9:15 AM.

CONSIDERATION OF RESOLUTION 2016-04 ~ "A RESOLUTION AUTHORIZING THE SAN JUAN WATER COMMISSION REPRESENTATIVES ON THE ALP OM&R ASSOCIATION TO SIGN THE "RELEASE AGREEMENT" RELATING TO THE SETTLEMENT OF LITIGATION IN 2013CW3011 AND 2013CW3034"

A. Chavez said he and J. Dunlap would be attending the April 7, 2016 ALP OM&R Association meeting in Durango, CO. A. Chavez asked the Commission to consider approving Resolution 2016-04, which would allow J. Dunlap or A. Chavez to sign the "Release Agreement" that was related to the Settlement of Litigation on behalf of the Commission. K. Johns noted that the Settlement Agreement in 2013CW3011 and 2013CW3034, previously approved by the Commission, was critically important to the Commission, and that the Settlement Agreement was a long time coming.

Motion was made by J. Ray, and seconded by T. Brevik to approve Resolution 2016-04 "A Resolution Authorizing the San Juan Water Commission Representatives On The ALP OM&R Association To Sign The "Release Agreement" Relating To The Settlement of Litigation in 2013CW3011 And 2013CW3034", and allow the SJWC's representatives on the ALP OM&R Association to sign the "Release Agreement" on the Commission's behalf, and upon voice vote the motion carried unanimously (T. Brevik, J. Burnham, J. Dunlap, K. Johns, and J. Ray all voted yes).

DISCUSSION OF WATER ALLOCATION ISSUES

Chairman K. Johns opened the floor for discussion relating to the allocation of the water held by the San Juan Water Commission. Chairman K. Johns announced that there would be no formal action taken at the meeting today on the issues relating to the allocation of water. K. Johns noted the Commission has been in existence for 30 years and the issue of water allocation has been visited many times. A discussion ensued which included the following topics: Permitting the water rights to the individual entities – to be held individually and not jointly with the Commission; how permitting the water rights to an individual entity could affect an entity's water plan; how the adjudication of water rights in the 1948 Echo Ditch Decree may affect diversion water rights and consumptive water rights within the state of New Mexico; the original Animas La Plata storage contract between the Bureau of Reclamation and the San Juan Water Commission; the San Juan Water Commission's original intent of the JPA and the rationale behind the amounts allocated to the member entities in the JPA; the protection of water rights and jurisdiction of use under the San Juan Water Commission. In addition, SJ County CEO Kim Carpenter said the Commission must also consider how to repay the County for the \$4.6 million dollars (not including interest) that the Commission used to pay the Animas-La Plata capital costs on behalf of the La Plata Conservancy District, in order to keep the use of that ALP water in San Juan County. At the discussions end no formal action was taken. K. Lee recommended that the Commission's staff develop simple and reasonable criteria for requesting water held by the Commission. K. Johns directed A. Chavez to develop a Water Request Criteria for the member entities to use when requesting water from the San Juan Water Commission.

CLOSED EXECUTIVE SESSION

There was no Closed Executive Session held.

COMMENTS FROM THE COMMISSIONERS, ALTERNATES, AND STAFF

A. Chavez introduced the SJWC's newest employee, Mr. Jimmy Hodges. A. Chavez said J. Hodges was employed as the SJWC's Water Resources Specialist. A. Chavez said J. Hodges had worked for the Office of the State Engineer for eight years before coming to the Commission. Chairman K. Johns welcomed J. Hodges on behalf of the entire Commission.

As previously noticed by the ISC, Aaron Chavez said the Regional Water Planning Steering Committee would meet today starting at 1:00 PM in the Commission's conference room to 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 be facilitating this meeting for the ISC.

J. Dunlap requested that the Commission's staff set-up a tour in April of the Animas-La Plata Project. J. Dunlap said he felt a tour would give perspective to the purpose of the Project and the intent of the JPA. A. Chavez said he would coordinate a tour with Russ Howard, General Manager of the ALP OM&R Association, and that the SJWC's staff would send out the information about the tour as soon as it was set-up.

ADJOURNMENT

Chairman K. Johns called for a motion to adjourn. Motion was made by J. Dunlap, seconded by J. Ray to adjourn and upon voice vote the motion was carried unanimously (T. Brevik, J. Burnham, J. Dunlap, K. Johns, and J. Ray all voted yes).

There being no further business, Chairman K. Johns adjourned the meeting at 9:50 A.M.

**APPROVED THIS 1ST DAY OF JUNE, 2016
SAN JUAN WATER COMMISSION:**

Signature on File
Keith Johns, Chairman