

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #1  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT**

**April 5, 2022 at 1:30 p.m.**

**8805 Independence Way, Alamosa CO 81101**

**And by Zoom Teleconference**

**Present:** Brian Brownell, President; Carla Worley, Vice-President; Clay Mitchell, Secretary/Treasurer; Jamie Hart, BOM; Miguel A. Diaz, BOM; Sheldon Rockey, BOM; Chris Miner, BOM; Tony Holcomb, BOM; Jake Burris, BOM; James Cooley, BOM; and, Mike Kruse, Ex-Officio Member.

**Staff and Consultants:** Pete Ampe, Hill & Robbins P.C.; Marisa Fricke, Program Manager; Clinton Phillips, Davis Engineering; Wylie Keller, Water Resource Specialist; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

**Guests:** Deb Sarason, David Hofmann, Brian Rue, Dale Bartee, Ramstetter Farms, Andy Jones, Bill Paddock, Doug Gunnels, William Hoffner, John Kretsinger, Kim Cooley, Mirko Kruse.

**Meeting Called to Order**

President Brownell called the meeting to order at 1:34 p.m. A quorum was present, the Pledge of Allegiance was recited.

**Approval of the Agenda**

President Brownell asked for approval of the agenda. A motion was made by Sheldon Rockey to approve the agenda as presented. The motion was seconded by Carla Worley and unanimously approved.

**Oath of Office for James Cooley**

President Brownell asked for the Oath of Office for James Cooley. Pete Ampe swore in James Cooley representing the San Luis Valley Irrigation District, he was welcomed to the Board of Managers.

**Action Items**

- *Plan of Water Management#4 revisions*

Marisa Fricke presented a memo outlining the revisions made to the Plan of Water Management #4 since the last meeting. She read through recommendation No. 2 titled Delayed Depletions by Wells on Non-benefited Subdistrict Land. Ms. Fricke explained the Plan has been revised to provide that the Subdistrict will not be responsible for replacing delayed depletions for wells that leave the Subdistrict. Bill Paddock highlighted the current state of the law when it comes to the Subdistricts responsibility of replacing delayed depletions. Discussion was held on the motion that was made prior and how the Board wants to move forward.

A motion was made by Sheldon Rockey to take the recommendation from the memorandum and of the attorneys, and do not, as a Subdistrict cover any past depletions for wells that leave the Subdistrict and enter into an augmentation plan, future depletions from past pumping. The motion was seconded by Miguel Diaz, Jake Burris opposed, the motion passed.

Marisa Fricke highlighted the terms Creditable Water and Surface Water Credits. She reported the Board decided to stick with the one term of Surface Water Credit. Clinton Phillips explained how the Subdistrict will transition to a year in arrears. Discussion was held on how surface water credits will work during the transition year. Ms. Fricke presented her Plan of Water Management No. 4 Rollout Summary and explained how credits can be purchased to offset pumping. She then reported clarifying the definition of Farm Unit and added in the definition of Subdistrict Rules in order to delete repetitive language in the Plan. Pete Ampe explained a section was added for water export reasons, Bill Paddock further described. Discussion was held on the ownership of rim inflow and how it could be measured. Ms. Fricke reported on the transition provisions and how existing well inclusion contracts would be treated under the fourth amended plan. She also reported the calculation of surface water credits and the budget and accounting would be moved to the Subdistrict Rules and Regulations so that they could be adjusted without the need to amend the Plan of Water Management. Mr. Ampe provided the next steps in order to get the Plan of Water Management No. 4 completed.

**Executive Session**

President Brownell asked for a motion to enter into executive session to receive legal advice concerning a potential sale. A motion was made by Sheldon Rockey to enter into executive session. The motion was seconded by Carla Worley and unanimously approved.

Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to receive legal advice concerning a potential sale. The Board would take no formal action or position during the executive session.

**Possible Action from Executive Session**

President Brownell asked for possible action from executive session. A motion was made by Sheldon Rocky to accept the offer from Subdistrict No. 2 for 200-acre feet of water. The motion was seconded by James Cooley and unanimously approved.

A motion was made by Jamie Hart to go with the attorney's recommendation and do an exchange of stored water with Mammoth Farms up to sixty (60) shares of Santa Maria currently held by Mammoth Farms for an alike acre foot amount of transmountain water. The motion was seconded by Carla Worley and unanimously approved.

**Board of Managers Open Discussion**

President Brownell asked for Board of Managers open discussion. Marisa Fricke provided an update on the Well Permit Purchase Program. Discussion was held on selling Subdistrict No. 1 stored reservoir water to other Subdistricts. Chris Miner directed Ms. Fricke to reach out to Amber Pacheco to see if her Subdistricts were interested in purchasing water from Subdistrict No. 1. Pete Ampe and Deb Sarason explained how the model would work if there were a change to the model and response functions. Ms. Fricke reported well owners not currently covered by the Subdistrict or an augmentation plan received notification from the State. She reminded the Board of the December deadline to contract into the Subdistrict but asked the Board if they would be ok with accepting contracts prior to the ARP deadline. Discussion was held on how many letters from the state were sent out, if augmentation water was available, and the need to discuss permanent forbearance.

**New Business**

President Brownell asked for new business. There were none.

**Next Meeting**

A special meeting was scheduled for April 12, 2022 at 9:00 a.m.

Another special meeting was scheduled for April 26, 2022 at 1:30 p.m.

The next quarterly meeting is scheduled for June 7, 2022 at 1:30 p.m.

**Adjournment**

The meeting was adjourned at 4:26 p.m.

  
President

  
Secretary/Treasurer

I James Cooley, do [select swear, affirm, or swear by the everliving God] that I will support the constitution of the United States, the constitution of the state of Colorado, and the laws of the state of Colorado, and will faithfully perform the duties of the office of [name of office or position] upon which I am about to enter to the best of my ability.

  
James Cooley

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