

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #6
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
January 18, 2024 at 1:00 p.m.
Rio Grande Water Conservation District Conference Room
Alamosa, CO 81101
And by Zoom/Teleconference**

Present: Tyler Faucette, President; Virgil Valdez, Vice-President; Ronald Reinhardt, Secretary/Treasurer; Mario Curto, Manager; Rodney Reinhardt, Manager; Peter Clark, Manager; Austin Miller, Manager; Gerald Faucette, Manager; Robert Middlemist, Manager; and, Kenneth Reynolds, Manager.

Absent: Armando Valdez, Ex-Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins P.C.; Amber Pacheco, Deputy General Manager; Angelo Bellah, Program Manager; Wylie Keller, Water Resource Specialist; Chris Ivers, Program Manager; Taylor Chick, Program Manager; Michael Carson, Database Administrator; Clinton Phillips, Davis Engineering; and, April Mondragon, Administrative Assistant.

Guests: David Hofmann, Jim Relya, Rod Archer, Luke Archer, Manuel Archuleta, Travis de Clerk, Sally Weir, Chris Schaefer, Michelle Lanzoni, Jace Booth, and, Shay Yund.

Meeting Called to Order

President Faucette called the meeting to order at 1:00 p.m. A quorum was present. The Pledge of Allegiance was recited.

Approval of the Agenda

President Faucette amended the agenda to add Participation Contracts. He asked for any other changes or a motion to approve the agenda. A motion was made to approve the agenda as amended. The motion was seconded and unanimously approved.

Public Comment

President Faucette asked for public comment. There was none.

Participation Contracts

President Faucette asked for Participation Contracts. Jim Relya reported on a purchase of property and explained his plan to convert it into a commercial wood and metal shop. He reported working on getting the well into compliance and how it would be used. Angelo Bellah went over the compliance requirements from the Division of Water Resources.

A motion was made to approve the Resolution to extend the Participation Contract deadline to January 18, 2024. The motion was seconded and unanimously approved.

A motion was made to approve/accept the Jim Relya Participation Contract. The motion was seconded and unanimously approved.

Angelo Bellah presented the Wayne Cody request to accept an Inclusion Contract for a well located on and be used in the operation of the Farm Brewery. He highlighted the water court case, the gallons per minute, and how the well would be operated. Discussion was held on the location of the well, the decreed amount, the terms and conditions, and how calculations would be done and tracked.

A motion was made to accept the Wayne Cody Inclusion Contract. The motion was seconded and unanimously approved.

Discuss Potential Measures to Achieve Aquifer Sustainability

President Faucette asked for a discussion on potential measures to achieve aquifer sustainability. He reported the discussion would be in continuation of the last special meeting. Angelo Bellah presented an outline of ideas. Wylie Keller provided an update on the Senate Bill program. He reported most of the funding had been applied for and is in the process of closing out the received applications. Mr. Keller highlighted the potential to open up the application process again in March, if funds remain. President Faucette reported on an incentive program approved by Subdistrict No. 1 and 3 and asked the Board if they wanted to pursue a similar program.

A motion was made to retroactively approve \$500 per acre foot to incentivize the Senate Bill 22-028 program if additional funds become available. The motion was seconded and unanimously approved.

Discussion was held on possibly offering a well purchase program and using an allocation program as a last resort. Pete Ampe described Subdistrict No. 1's ranking system used in the well purchase program and why the wells do not get abandoned. Other discussion was held on the value of water, a lease purchase program, temporary/permanent fallow programs. Travis de Clerk commented on the dollar amount he would accept in

order to follow a circle. He spoke about the effects to the community when fields are permanently taken out of production. Jace Booth commented on the flooding issues on his property and asked how to go about putting water on the prairie for recharge. President Faucette suggested Mr. Booth have a discussion with the ditch company regarding his issue. Discussion went back to a temporary fallow program and how it would be funded. David Hofmann commented on the Jace Booth flooding issue and how the situation could be handled in a way to be beneficially to all. Austin Miller commented on permanent fallow vs temporary fallow and advertising to purchase wells too see if there is any interest. Ronald Reinhardt reported on a potential incentive program based on the amount of groundwater reduction. Pete Ampe explained the Subdistrict's fee for service and the inability to use penalty fees. He described how it could be set up under conservation programs based on snowpack. Sally Weir updated the Board on the application process, availability of funds, and how Colorado Open Lands groundwater conservation easements work. Ms. Weir highlighted the tax benefits, the need for creativity and the appraisal process being the largest obstacle with a groundwater conservation easement. Discussion was held on how/when to move forward on a fallow program, the need to better communicate/notify the public of meetings/programs, and the need to get information out to insurance companies regarding prevent plant. Staff was directed to collect contact information from Subdistrict members.

Next Meeting

The next quarterly meeting was scheduled for February 14, 2024 at 1:30 p.m.

Adjournment

A motion was made to adjourn the meeting. The motion was seconded and unanimously approved.

The meeting was adjourned at 3:41 p.m.



President



Secretary/Treasurer

DRAFT

**RESOLUTION
SPECIAL IMPROVEMENT DISTRICT NO. 6 OF THE
RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF MANAGERS**

Adding Additional Incentives to the RGWCD Groundwater Compact Compliance and Sustainability Fund within Subdistrict No. 6

WHEREAS, as part of its approved Plan of Water Management, Special Improvement District No. 6 of the Rio Grande Water Conservation District (Subdistrict No. 6) is required to recover and maintain the confined aquifer under Subdistrict No. 6 to certain levels; and,

WHEREAS, Subdistrict No. 6 wishes to fund numerous short- and long-term conservation programs to reduce consumptive use of groundwater and to assist in recovering the confined aquifer to meet the requirements of the Plan of Water Management; and,

WHEREAS, Water Division No. 3 remains in a long-term reduction in water supplies; and,

WHEREAS, Subdistrict No. 6 wishes to remain in compliance with the requirements of the Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (The Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights (“Groundwater Use Rules”); and,

WHEREAS, Subdistrict No. 6 remains committed to meet the terms of the Plan of Water Management and Groundwater Use Rules; and,

WHEREAS, Subdistrict No. 6 has determined that permanent retirement of ground water wells and the associated irrigated acreage is needed to support the hydrostatic pressure of the confined aquifer; and,

WHEREAS, the Rio Grande Water Conservation District has adopted a Groundwater Compact Compliance and Sustainability Fund (June 14, 2023) (“SB22-028 Program”), attached hereto and incorporated herein; and

WHEREAS, any disbursement of the SB22-028 Program funds must support a verifiable reduction in groundwater withdrawals from non-exempt wells that are subject to aquifer sustainability requirements as outlined in the State’s Rules and Regulations for Groundwater Withdrawals in Colorado Water Division No. 3.

WHEREAS, the participation in the SB22-028 Program within Subdistrict No. 6 has not been at the levels Subdistrict No. 6 anticipated; and,

WHEREAS, Subdistrict No. 6 desires to add additional incentives to increase voluntary participation in the SB22-028 Program within Subdistrict No. 6 under Paragraph 9.2 of the SB22-028 Program.

R E S O L U T I O N

NOW, THEREFORE, be it resolved by the Board of Managers of Special Improvement District No. 6, acting by and through its Water Activity Enterprise, that:

1. Subdistrict No. 6 hereby establishes a Supplemental SB22-028 Incentive Program under the following terms:
 - 1.1 Interested Subdistrict Members (“Producers”) may offer water rights and permits for purchase under the RGWCD’s SB22-028 Program.

- 1.2 Producers who wish to participate in the Supplemental SB22-028 Incentive Program must meet all requirements of the RGWCD's SB22-028 Program and be accepted into that Program.
 - 1.3 Producers must comply with all terms and conditions of the RGWCD's SB22-028 Program, including but not limited to the execution of a dry-up covenant and transfer of the well permit and/or decree to the RGWCD.
 - 1.4 Both the point of diversion and legal place of use for the groundwater right must be within the boundary of the Alamosa/La Jara Response Area as defined by the Groundwater Use Rules.
2. Producers will be eligible for the following incentives, which are in addition to the payments to be paid under the RGWCD's SB22-028 Program:
 - 2.1 The Supplemental SB22-028 Incentive Program will pay to the producer five hundred dollars (\$500.00) per acre-foot of historical groundwater withdrawal.
 - 2.2 The historical groundwater withdrawal will be determined under the RGWCD's SB22-028 program and will be applied to the Supplemental SB22-028 Program.
3. Application for the Supplemental SB22-028 Incentive Program will be on a form provided by the Subdistrict and must be submitted with the application for the RGWCD's SB22-028 Program.
 4. All such payments will be made by Subdistrict No. 6 to the Producer at the time mutually agreed to between the Subdistrict and the Applicant, but not before August 31, 2024.

5. Funding for this Supplemental SB22-028 Incentive Program is solely from Subdistrict No. 6 funds. The RGWCD will have no obligation to any Applicant under this Supplemental SB22-028 Incentive Program. This Supplemental SB22-028 Incentive Program is dependent upon the Subdistrict's budget and the Subdistrict may modify or withdraw the Program at any time and in its sole discretion.

6. The Supplemental SB22-028 Incentive Program will cease at 4:00 pm on December 31, 2023 without further action from the Subdistrict or RGWCD. Completed applications must be received by the Subdistrict prior to this day and time to be eligible under the Supplemental SB22-028 Incentive Program.


Tyler Faucette
President

Attest:


Ronald Reinhardt
Secretary/Treasurer