

**RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
February 28, 2023 at 1:00 P.M.
Rio Grande Water Conservation District Conference Room
And By Zoom Teleconference**

Present: Greg Higel, President; Dwight Martin, Secretary/ Treasurer; Peggy Godfrey, Director; Steve Keller, Director; Zeke Ward, Director; Mike Kruse, Director; and Doug Gunnels, Director.

Absent: Armando Valdez, Vice-President; Cory Off, Director.

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

Guests: Rio de la Vista, Willie Hoffner, Chris Lopez, Mario Curto, Kim Cooley, Deb Sarason, Sally Weir, Monty Smith, George Whitten, Rob Phillips, John Gerstle, Michelle Lanzoni.

CALL TO ORDER

President Greg Higel called the meeting to order at 1:00 p.m. There was a quorum present for the meeting. The Pledge of Allegiance was recited.

INTRODUCTION OF STAFF AND GUESTS

President Greg Higel welcomed all those present and asked for introductions.

APPROVE AGENDA

A motion was made by Dwight Martin to approve the agenda as presented. The motion was seconded by Steve Keller and unanimously approved.

PUBLIC COMMENT

President Higel asked for public comment. Willie Hoffner asked for six (6) minutes. Dwight Martin objected to Mr. Hoffner's request for six (6) minutes. Mr. Hoffner highlighted the vote last week to approve financing for Subdistrict No. 5. He stated for the record Peggy Godfrey and Doug Gunnels are in Saguache County and Mike Kruse is in Alamosa County. Mr. Hoffner reported people and leaders in Saguache have problems with Subdistrict No. 5, as does he. He reported on the goals he and his wife have accomplished, what disappoints him, and asked for the Board of Directors support for what he and his family have done in the San Luis Valley.

DISCUSSION AND POSSIBLE ACTION ON SB 22-028 PROGRAM

President Higel asked for discussion and possible action on SB 22-028 program. David Robbins described the potential for conflicts of interest by Board of Directors. He cautioned the Board against advocating for an allocation mechanism that may benefit their proposed application should they seek participation in the program. Mr. Robbins emphasized the importance of making clear decisions to permit staff to finalize a program and submit to the State for approval promptly. He explained the review/approval process as well as the timeline. Mr. Robbins highlighted the changes made to the program draft being presented. Mike Kruse recused himself from the remainder of the discussion. Peggy Godfrey reported on the complexity of the program plan. Amber Pacheco presented the draft program plan, each section was discussed and amendments were made.

A motion was made by Dwight Martin to leave a fifty (50) acre-foot minimum requirement in 2.1.3. The motion was seconded by Zeke Ward, Peggy Godfrey abstained, the motion passed.

Discussion was held on 2.1.4 regarding surface water credits, recharge decrees and whether or not dry up would be a requirement.

A motion was made by Steve Keller to strike out "wells that are used to pump in whole or in part" in 2.1.4 and replace it with: "withdrawals that depend on", and a period after the word "credit". The motion was seconded by Zeke Ward and unanimously approved.

Sally Weir thanked the Board and Mr. Robbins for including groundwater conservation easement language in the program plan. She asked the Board to consider allowing partial reduction on groundwater easements and addressed the burden of enforcement. Mr. Robbins highlighted the District's statutory responsibility for the funds and the operation of the program.

A motion was made by Dwight Martin to keep No. 5 the same. The motion was seconded by Zeke Ward and unanimously approved.

Discussion was held on section No. 7, Potential Second Application Cycle. Steve Keller suggested allowing for creativity in the second round and avoid offering the same criteria. Doug Gunnels asked if additional staff would need to be hired to assist with the added work load. Discussion was held on removing the base payment from the second round of applications.

A motion was made by Zeke Ward to approve section No. 7 with changes. The motion was seconded by Doug Gunnels, Steve Keller voted No, the motion passed.

David Robbins asked if the last motion removed industrial and municipal wells, it was confirmed that it did.

A motion was made by Peggy Godfrey to approve section No. 8 with an amendment to remove recharge credits. The motion was seconded by Zeke Ward and unanimously approved.

Discussion was held on section No. 9, Additional Considerations. David Robbins highlighted the District's intent to cooperate with land owners choosing to revegetate. Discussion was held on weed management, soil erosion and the revegetation terms. A limit of six (6) inches of water per year for two (2) years was added to section No. 9.

A motion was made by Dwight Martin to approve section No. 9.1 with amendments. The motion was seconded by Zeke Ward and unanimously approved.

David Robbins highlighted the removal of "Base Payment, or the Withdrawal Payment or the Total Payment," and ended the sentence with payments in section No. 9.2. There was no discussion or changes to sections 9.3, 9.4, 9.5, and 10. Mr. Robbins reported he would change the dates throughout the program plan. Zeke Ward asked for the amount set in section No. 7. The Board agreed to leave the amount at \$2,000.

ADJOURN


The meeting was adjourned at 4:28 p.m.

A special meeting was scheduled for March 3, 2023 at 1:00 p.m.

The next quarterly meeting was scheduled for April 18, 2023 at 10:00 a.m.



President



Secretary/Treasurer