

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #4
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
April 10, 2026 at 2:30 p.m.
8805 Independence Way, Alamosa CO 81101
And by Zoom/Teleconference**

Present: David Frees, President; Pete Stagner, Vice-President/Secretary/Treasurer; Jan Waye, Manager; and Jeff Regenold, Manager.

Absent: Jennifer Rodriguez, Manager

Staff and Consultants: Pete Ampe, Hill and Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; April Mondragon, Administrative Assistant; Clinton Phillips, Davis Engineering; and, Michael Carson, Database Administrator.

Guests: Jessica Valdez, William Myers, John Mattingly, David Hofmann.

Meeting Called to Order

President Frees called the meeting to order at 2:31 p.m. There was a quorum present for the meeting.

Approval of the Agenda

President Frees asked for amendments or a motion to approve the agenda. A motion was made by Jan Waye to approve the agenda as presented. The motion was seconded by Jeff Regenold and unanimously approved.

Public Comment

President Frees asked for public comment. John Mattingly reported he would be filing a complaint into the validity of the Peachwood conservation easement. He described the basis of his complaint and reported the Subdistrict would be added to the complaint if they continue to use the Peachwood property in their ARP.

Review and Consider Approving the Memorandum of Understanding Between Subdistrict No. 1, Subdistrict No. 4 and Subdistrict No. 5 Regarding Remedy of Injurious Depletions Within Saguache Response Area

President Frees asked for review and consider approving the Memorandum of Understanding (MOU) Between Subdistrict No. 1, Subdistrict No. 4 and Subdistrict No. 5 Regarding Remedy of Injurious Depletions Within Saguache Response Area. Chris Ivers reported providing the Board with a copy of the MOU prior to the meeting. He explained how Subdistrict No. 1, Subdistrict No. 4, and Subdistrict No. 5 owe injurious depletions to Saguache Creek. Mr. Ivers reported Subdistrict No. 5 agreed to provide the remedy for injurious depletions to Saguache Creek for Subdistricts No. 1 and No. 4. He explained how Subdistrict No. 5 may require an additional augmentation well to remedy all of the depletions. Mr. Ivers explained how the Subdistricts would work together to cover the costs according to the amount of injury caused by each Subdistrict.

A motion was made by Jeff Regenold to approve the MOU between Subdistrict No. 1, Subdistrict No. 4 and Subdistrict No. 5 Regarding Remedy of Injurious Depletions within Saguache Response Area. The motion was seconded by Jan Waye and unanimously approved.

Approval of the 2026 Annual Replacement Plan

President Frees asked for approval of the 2026 Annual Replacement Plan (ARP).

• **Board Discussion**

Chris Ivers presented the Annual Replacement Plan. He reported how other Subdistricts owing depletions to Saguache Creek was the most substantial change from last year. Mr. Ivers reported on the removal of one (1) well from the well list, the acre feet of groundwater withdrawals from 2025 and the projected 2026 groundwater withdrawals. Mr. Ivers went over the projected stream flow forecast on Saguache Creek and North Crestone Creek. He reported on the new level flood irrigation and wild flood irrigation categories. Mr. Ivers went over the projected net groundwater consumptive use for 2026 and the accretion and depletion changes due to Phase 7 Response

Functions. He provided the monthly stream depletions for plan year on San Luis Creek and Saguache Creek. Mr. Ivers described how depletions drop on San Luis Creek in May of dry years. Mr. Ivers went over the post plan depletions and the Well Injury Payment (WIP) agreements. He reported on the added table of remedies for Saguache Creek replacement sources including the MOU with Subdistrict No. 1 and 4. Mr. Ivers highlighted the five (5) year average groundwater withdrawals for 2025. Jan Wayne and President Frees thanked Chris Ivers and staff for their efforts in completing the ARP.

- Public Comment

John Mattingly asked for clarification on paragraph eleven (11). Chris Ivers explained how the Subdistrict would be required to remedy post plan stream depletions if they were to be shut down after 2026. He also explained how the Peachwood property is lowering the five (5) year average. Mr. Mattingly voiced his concern with the Colorado Open Lands transition plan and the lack of annual reports. Pete Ampe addressed Mr. Mattingly's threat or intention to file a law suit on the District. President Frees reported on the meetings held to discuss the management and continuing operations of revegetation on the Peachwood property. He highlighted how the records and well meter reports show a decrease of water consumption during the transition period. Mr. Mattingly questioned the oversight of the easement and the accounting of the progress on the project. David Hofmann reported Phase 8 of the RGDSS model will reflect the impact of the reduced pumping on the Peachwood property.

- Recommendation to the Board of Directors

A motion was made by Jan Wayne to approve the 2026 Annual Replacement Plan and recommend it to the Board of Directors. The motion was seconded by Jeff Regenold and unanimously approved.

Other Director Reports/Comments/Questions

President Frees asked for other Director reports/comments/questions. There were none.

New Business

President Frees asked for new business. There was none.

Next Meeting

The next quarterly meeting is scheduled for June 2, 2026 at 9:00 a.m.

Adjournment

A motion was made by Jeff Regenold to adjourn the meeting. The motion was seconded by Pete Stagner and unanimously approved.

The meeting was adjourned at 3:08 p.m.



President

Vice-President/Secretary/Treasurer

**MEMORANDUM OF UNDERSTANDING BETWEEN SUBDISTRICT NO. 1,
SUBDISTRICT NO. 4 AND SUBDISTRICT NO. 5 REGARDING REMEDY OF
INJURIOUS DEPLETIONS WITHIN SAGUACHE RESPONSE AREA**

April __, 2026

Groundwater withdrawals from Wells included within Special Improvement District No. 1 (“Subdistrict No. 1) and Special Improvement District No. 4 (“Subdistrict No. 4”) may cause injurious stream depletions to Saguache Creek within the Saguache Response Area, as that area is defined by the Colorado Division of Water Resources. Subdistrict No. 1, Subdistrict No. 4 and Special Improvement District No. 5 (“Subdistrict No. 5”) agree that it will be more efficient for Subdistrict No. 5 to provide a remedy for injurious depletions to Saguache Creek within the Saguache Response Area caused by groundwater withdrawals from Wells included in the Subdistrict No. 1 and Subdistrict No. 4 Annual Replacement Plans than have Subdistrict No. 1 and Subdistrict No. 4 attempt to find independent sources to remedy those injurious depletions to Saguache Creek.

The additional injurious depletions to Saguache Creek from Subdistrict No. 1 and Subdistrict No. 4 may exceed the ability of Subdistrict No. 5 to remedy the total daily rate of injurious depletions and necessitate additional infrastructure beyond what Subdistrict No. 5 requires to remedy its injurious depletions to Saguache Creek. In this event Subdistrict No.1, Subdistrict No. 4, and Subdistrict No. 5 will determine their pro-rata cost to secure the infrastructure needed to remedy all of the injurious depletions to Saguache Creek.

Subdistrict No. 5 agrees it will provide the remedy for injurious depletions to Saguache Creek from Subdistrict No. 1 and Subdistrict No. 4 Well’s groundwater withdrawals under the terms contained in this Memorandum of Understanding.

Some of the injurious depletions within the Saguache Response Area will be remedied through the application of Well Injury Payment contracts between surface water rights and the individual Subdistricts. Subdistrict No. 1 and Subdistrict No. 4 will be responsible for all payments to surface water right holders for any due under any Well Injury Payment Contract and Subdistrict No. 5 will not be responsible for any such payments.

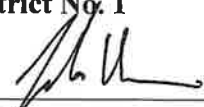
Within 90 days of the end of each ARP Year, Subdistrict No. 5 will determine the total costs it incurred in remediating injurious depletions to Saguache Creek, not including costs under Well Injury Payment contracts. Each Subdistrict will determine the calculated depletions to Saguache Creek due to groundwater withdrawals from wells within its ARP. Subdistrict No. 5 will then determine Subdistrict No. 1’s and Subdistrict No. 4’s pro-rata shares of the injurious depletions and apply each subdistrict’s pro-rata share to the total costs incurred as determined above.

Subdistrict No. 5 will supply an invoice of that pro-rata share of remedy costs to Subdistrict No. 1 and Subdistrict No. 4. Subdistrict No. 1 and Subdistrict No. 4 will pay said costs as invoiced within 60 days of receipt.

Term: This Memorandum of Understanding will remain in effect until revoked in writing by either Subdistrict No. 1, Subdistrict No. 4, or Subdistrict No. 5. Such notice of revocation must be provided at least 180 days prior to the start of an ARP Year.

Signed:

Subdistrict No. 1

By: 

Jake Burris, President

4/13/26


Date

Subdistrict No. 4

By: _____
David Frees, President

Date

Subdistrict No. 5

By: 

David Schmittel, President

4/15/24

Date

Subdistrict No. 5 will supply an invoice of that pro-rata share of remedy costs to Subdistrict No. 1 and Subdistrict No. 4. Subdistrict No. 1 and Subdistrict No. 4 will pay said costs as invoiced within 60 days of receipt.

Term: This Memorandum of Understanding will remain in effect until revoked in writing by either Subdistrict No. 1, Subdistrict No. 4, or Subdistrict No. 5. Such notice of revocation must be provided at least 180 days prior to the start of an ARP Year.


Signed:

Subdistrict No. 1

By: _____
Jake Burris, President

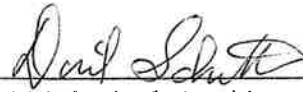
Date

Subdistrict No. 4

By: 
David Frees, President

April 14, 2026
Date

Subdistrict No. 5

By: 
David Schmitt, President

4/15/26
Date