

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #1
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
December 8, 2021 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; Asier Artaechevarria, BOM; and, Mike Kruse, Ex-Officio.

Absent: Les Alderete, BOM

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

Guests: Jake Burris, Steve Keller, Dan Davis, Kelly Deacon, Chris Lopez, Margaret Goehl Trujillo, Ramstetter Farms, Shawn Beiriger, Brian Rue, Mike Dill, David Hofmann, Zach Gaines, Dale Barte, Monica McCafferty, Dan Merton, Doug Gunnel, Dan Burton, Ross Riersen, Michael Jones, Bethany Howell, Terry Good, Ben Schmidt, Judy Jolly, Rylan Good, Royce Nickel, Rob Jones.

Meeting Called to Order

President Brownell called the meeting to order at 1:35 p.m. A quorum was present. The Pledge of Allegiance was recited.

Approval of the Agenda

President Brownell asked for amendments or for approval of the agenda. Action Item E (Plan of Water Management) was moved up to Letter A. A motion was made by Jamie Hart to approve the agenda as amended. The motion was seconded by Miguel Diaz and unanimously approved.

Approval of the Consent Agenda

President Brownell asked for approval of the consent agenda items:

- August 11, 2021-Quarterly Meeting Minutes
- August 11, 2021-Executive Session Minutes
- September 7, 2021-Special Meeting Minutes
- November 1, 2021-Special Meeting Minutes

A motion was made by Carla Worley to approve the consent agenda. The motion was seconded by Sheldon Rockey and unanimously approved.

Public Comment

President Brownell asked for public comment. There was none.

Program Manager's Report

President Brownell asked for the Program Manager's report. Marisa Fricke reported staff finalized the 2021-meter readings. She explained the calculations and provided the pumping totals. Ms. Fricke highlighted how the pumping numbers affect the budget, she also reported on the lowest pumping in Subdistrict No. 1 in recorded history. Ms. Fricke reported on some of the feedback she had received regarding the fourth amended Plan of Water Management, asked for guidance on the Groundwater only Board of Manger seat vacancy and provided an update on the enrollment in the Master Irrigator Course coming up. Ms. Fricke highlighted the growth in the Well Permit Program, the results from the Rio Grande Water Conservation District audit and provided an update on the 2021 replacement water operations.

A. Financial Report

Marisa Fricke presented the balance sheet and highlighted what is being collected from 2020. She also highlighted the net income.

A motion was made by Sheldon Rockey to approve the financial report as presented. The motion was seconded by Chris Miner and unanimously approved.

Engineer's Report

President Brownell asked for the Engineer's report. Clinton Phillips presented an update on the unconfined aquifer storage study area. He provided the current aquifer level, gave the current five (5) year average level, acre feet needed to get to the -400,000 level and presented the change in unconfined aquifer storage year 2002-2021.

Attorney's Report

President Brownell asked for the attorney's report. Pete Ampe updated the Board on the roll out of Renewable Water Resources' official offer and plan to Douglas County. Mr. Ampe highlighted the changes made to the WPP documents and explained the issue of warranty deed vs. quit claim deed. Mr. Ampe also provided the Board with an update on Subdistrict's No. 2, 3, 4, 5 and 6.

Action Items

A. Plan of Water Management: Pete Ampe highlighted the changes made to the Fourth Amended Plan of Water Management. He asked the Board for direction on how to tie in the sustainability factor into the five (5) year benchmark and if there should be a mandatory use of the tool or if its use would be at the Board's discretion. Marisa Fricke explained the tool and a way for the Board to look at the Subdistrict's goals and recovery on an annual basis, as well as the requested twenty (20) year extension and to be able to calculate the recovery rate yearly. Clinton Phillips presented an over pumping spreadsheet for a one-to-one plan and how it ties into the graph Ms. Fricke presented. Mr. Phillips explained the Board would have guidelines as to when they would need to take action in order to see recovery. Discussion was held on when the Subdistrict would adjust the sustainability factor to reduce net groundwater use to change the recovery slope. Pete Ampe highlighted the challenge of attaching the sustainability factor tool to the Plan of Water Management. Additional public outreach, a revised economic report, and another presentation with all of the changes that had been made to the Fourth Amended Plan of Water Management to the public was requested. Discussion was held on the water the Subdistrict has in storage and credits from rim inflow.

B. Participation Contracts

Marisa Fricke reported receiving eight (8) requests to contract into the Subdistrict:

- *Miner-C&C Farms*
- *Sangre de Cristo School*
- *Hooper Solar*
- *Paul Deacon*
- *Sun House Ventures*
- *Kennan Anderson*
- *Two (2) Rylan Good*

Ms. Fricke provided the 5-year average and decreed use for each well.

A motion was made by Sheldon Rockey to accept all of the participation contracts. The motion was seconded by Carla Worley. Ms. Fricke asked for clarification on which contracts had contingencies. Mr. Rockey and Ms. Worley rescinded the motion.

A motion was made by Sheldon Rockey to accept the Kennan Anderson contract and the two (2) Rylan Good contracts with the contingency they have to replace their groundwater withdrawals. The motion was seconded by Tony Holcomb and unanimously approved.

A motion was made by Clay Mitchell to approve all the other contracts without contingencies. The motion was seconded by Jamie Hart, Chris Miner recused himself, the motion passed.

C. Surface Water Inclusion Contracts

Marisa Fricke reported receiving two (2) surface water inclusion requests, both to be recharged within the Subdistrict boundaries. A motion was made by Jamie Hart to include the Rylan Good surface water inclusion of 20 shares of Rio Grande Canal and Michael Matthew surface water inclusion of 10 shares of Santa Maria. The motion was seconded by Tony Holcomb and unanimously approved.

D. Appeals

Marisa Fricke provided the details of a 2020 Roger Mix appeal which was based on an erroneous meter. She also provided the proposed refund amount.

A motion was made by Jamie Hart to approve the Roger Mix appeal. The motion was seconded by Clay Mitchell and unanimously approved.

E. SRS Contract renewal

Marisa Fricke highlighted the terms of the prior SRS Contract and read the provided proposal into record (copy attached). Discussion was held between the Board of Managers and members of SRS.

A motion was made by Jamie Hart to renew the SRS contract, to allow the separation of the farms with automatic five (5) year renewal with the agreement they would use their wet water credits to cover any over pumping in same farm unit. The motion was seconded by Sheldon Rockey and unanimously approved.

Executive Session-to receive legal advice concerning the potential sale of real property (tentative)

President Brownell asked for a motion to enter into executive session to receive legal advice concerning the potential sale of real property. A motion was made by Clay Mitchell to enter into executive session. The motion was seconded by Tony Holcomb and unanimously approved.

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

Possible Action from Executive Session

President Brownell reported in connection with the Rio Grande offer the Board decided to investigate and discuss further.

A motion was made by Jamie Hart to accept the Memorandum of Understanding between Subdistrict No. 2 and Subdistrict No. 1 for 1500-acre feet of water at \$250 plus rent for last year and must be ran into Subdistrict No. 1. Discussion was held on the Monte Vista Canal water; Jamie Hart retracted his motion.

A motion was made by Jamie Hart to approve the Memorandum of Understanding between Subdistrict No. 3 and Subdistrict No. 1 to include the Monte Vista Canal 150-acre feet of water. The motion was seconded by Carla Worley, Clay Mitchell voted no, the motion passed.

A motion was made by Jamie Hart to approve the Memorandum of Understanding between Subdistrict No. 2 and Subdistrict No. 1 for 1500-acre feet of water. The motion was seconded by Tony Holcomb. Clay Mitchell, Miguel Diaz, Chris Miner, Carla Worley and Brian Brownell voted no, Asier Artaechevarria voted yes, the motion did not pass.

A motion was made by Jamie Hart to approve the Memorandum of Understanding between Subdistrict No. 6 and Subdistrict No. 1. The motion was seconded by Tony Holcomb. Clay Mitchell, Miguel Diaz, Chris Miner, Carla Worley, and Brian Brownell voted no, Asier Artaechevarria voted yes, the motion did not pass.

Direction was given to staff to work with the modelers and other Rio Grande Water Conservation District staff to gather additional information and provide the Board with more data and material on how the other Subdistricts plan to use the water.


Next Meeting

A special meeting was scheduled for January 7, 2022 at 9:00 a.m.

The next quarterly meeting will be held on March 1, 2022 at 1:30 p.m.

Adjournment

The meeting was adjourned at 6:00 p.m.



President



Secretary/Treasurer

To the Subdistrict Board.

We as the owners of the farm land, formerly under the SRS Aug Plan, would like to thank you for the 3-year trial operating period you gave us. There are 3 points we would like to ask the board to consider today. These requests are common to most lands within Subdistrict 1.

1. We would ask for our inclusion into the subdistrict 1 be permanent.

2. As of now the 5 quarters have 3 owners and are currently administered as one group. We would like these quarters of land to be separated and administered individually.

3. Under current plan we were not allowed to transfer water credits off of these lands onto other farmland with in our farm units. We would ask that we would be able to move and transfer these credits within farm units.

Thank you for your consideration.