

**RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS QUARTERLY MEETING
October 20, 2020 at 10:00 A.M.
By Zoom Teleconference**

Present: Greg Higel, President; Armando Valdez, Vice-President; Dwight Martin, Secretary/Treasurer; Peggy Godfrey, Director; Steve Keller, Director; Zeke Ward, Director; Mike Kruse, Director; Cory Off, Director; and Bill McClure, Director.

Staff and Consultants: David Robbins, Hill & Robbins P.C.; Pete Ampe, Hill & Robbins P.C.; Cleave Simpson, General Manager; Clinton Phillips, District Engineer; Amber Pacheco, Program Manager; Marisa Fricke, Program Manager; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Linda Ramirez, Program Assistant; Cheryl Anderson, Office Manager; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

Guests: John Mattingly, Donald Valdez, Lori Laske, Carlos Lopez, Greg Peterson, Daniel Boyes, Daniel Dingmann, Becky Brooks, Christi Bode, Rob Phillips, Monica McCafferty, Heather Dutton, David Hofmann, Erin Minks, Hannah Thill, Rio de la Vista, Jeff Derry, Sheldon Rockey, Craig Cotton, Judy Lopez, Marry Finnegan, Ryan Unterreiner, Tom McCracken.

CALL TO ORDER

President Greg Higel called the meeting to order at 10:07 a.m. There was a quorum present for the meeting.

INTRODUCTION OF STAFF AND GUESTS

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

APPROVE AGENDA

President Higel asked for amendments or a motion to approve the agenda. An update from State Representative Donald Valdez was added to the agenda, Heather Dutton's report was moved to right after the Salazar Rio Grande Del Norte Center report. A motion was made by Bill McClure to approve the agenda as amended. The motion was seconded by Cory Off and unanimously approved.

APPROVE THE CONSENT AGENDA ITEMS

President Higel asked for a motion to approve the consent agenda items:

- July 21, 2020-Quarterly Meeting Minutes
- September 14, 2020-Special Meeting Minutes
- September 30, 2020-Special Meeting Minutes

A motion was made by Cory Off to approve the consent agenda. The motion was seconded by Peggy Godfrey and unanimously approved.

PUBLIC COMMENT

President Higel asked for public comment. There were none.

DISCUSSION WITH JOHN MATTINGLY-BUY AND BANK PROPOSAL

President Higel asked for a discussion with John Mattingly regarding his Buy and Bank proposal. Cleave Simpson gave a preamble of John Mattingly's presentation. John Mattingly expressed his gratitude for the opportunity to present to the Board and reported he was not there for any entity or person looking to export water. Mr. Mattingly provided the Board with his background and farming history. Mr. Mattingly presented his ideas to the Board on buy and bank and asked if there would be a way it could be done to benefit everyone. Cory Off commented that he believes a farmer should never sell his water rights and will always oppose a 3rd party purchase. David Robbins reminded the Board of their formal position on this issue and stated they would need to modify their opposing position if they choose to pursue Mr. Mattingly's position. Mike Kruse stated he disagrees with Mr. Mattingly's proposal and thinks the Rio Grande Water Conservation District should not change their position. Mr. Mattingly explained why he believes buy and bank is not the same as buy and dry and challenged the Board to reconsider his proposal and consider allowing and endorsing the formation of a committee. Armando Valdez commented on the due diligence in connection with the topic and the value of exploring the topic further. Mr. Valdez reported he would be uncomfortable with modifying the District's position at this time, however would not be opposed to seeking further information. Mr.

Robbins reported how strongly the people of the San Luis Valley view the creditability of the Rio Grande Water Conservation District as the guardian of the Valley's water against export. Discussion was held on the position of the District and understanding Mr. Mattingly's proposal. Heather Dutton emphasized water in the Valley is not money, but tied to community values that needs to be protected. Ms. Dutton advised that the Board should use caution when discussing water as a stranded asset.

President Higel thanked Mr. Mattingly for his presentation.

REPRESENTATIVE DONALD VALDEZ

President Higel asked for the update from Representative Donald Valdez. Representative Donald Valdez provided an update on the COVID-19 pandemic and thanked the Board for allowing him to be present at the meeting. Representative Valdez reported that keeping water in the San Luis Valley was a high priority and the importance of working together to create a policy that supports our water. Armando Valdez questioned the legislation that was proposed concerning water. Representative Valdez updated the Board on the proposed HB - 1327 bill that was introduced. Cleave Simpson highlighted his perspective and how it unfolded. Mr. Simpson reported that he did not have the opportunity to present the proposed bill to the Board for consideration due to short timing and sought to find a path forward. Mr. Simpson provided the timeline in which the bill was provided to him and stated the bill was not approved by the Board due to the lack of time he was given prior to it being introduced. Discussion was held on the need to have open conversations and the need to continue to collaborate. President Higel apologized for the mis-communication and encouraged Representative Valdez to come to the Board for ideas with future bills. Representative Valdez reported looking forward to working together to keep water in the San Luis Valley.

President Higel thanked Representative Valdez for his update.

DISCUSSION WITH SLV IRRIGATION DISTRICT, STORAGE AGREEMENT-ROB PHILLIPS

President Higel asked for the discussion with SLV Irrigation District regarding a potential storage agreement. Cleave Simpson highlighted the potential storage agreement concept of booking or storing a fixed amount of water in the Rio Grande Reservoir for Subdistrict purposes. Mr. Simpson reported that Memorandum of Understandings with the Subdistricts would need to be completed. Cory Off affirmed the agreement would be for storage only and the Subdistrict's would continue to seek and secure water sources. Rob Phillips proposed the idea of investing in the Rio Grande basin in order to maintain the community and replace depletions together. Mr. Phillips highlighted the amount of storage being offered as well as the cost of the storage per acre foot. Discussion was held on what would happen if the reservoir were to spill and how the agreements with the Subdistricts would work.

President Higel thanked Mr. Phillips for his report.

DISCUSSION WITH COLORADO AG WATER ALLIANCE-GREG PETERSON

President Higel asked for discussion with Colorado Ag Water Alliance. Greg Peterson updated the Board on issues being discussed throughout the state regarding nutrient management and water quality. Mr. Peterson explained the Water Quality Control Division's Reg. 85 and what it focuses on. Discussion was held on whether the practices Mr. Peterson proposes can be used in the San Luis Valley. David Robbins commented on a water nutrient study done years before in the Valley by the USGS.

President Higel thanked Mr. Peterson for his update.

PBS 'BUY & DRY' DOCUMENTARY VIDEO PRODUCTION UPDATE-CHRISTI BODE-MOXIECRAN MEDIA

President Higel asked for the PBS 'Buy & Dry' documentary video production update. Christi Bode thanked the Board for their support and contribution to the film. Ms. Bode provided the history of the conversation and decision to pursue a documentary on buy and dry in the State of Colorado. Ms. Bode highlighted the timeline and reported on the secured funding for the project. She stated that the production would be aired more than once.

President Higel thanked Ms. Bode for the update.

SALAZAR RIO GRANDE DEL NORTE CENTER-RIO DE LA VISTA

President Higel asked for the Salazar Rio Grande Del Norte Center report. Rio de la Vista reported helping Christi Bode promote the documentary on ‘Buy and Dry’. Ms. De la Vista thanked the Board, staff and others for their support at the Rio Grande symposium. She reported they will be looking to make the symposium a yearly event. Ms. De la Vista provided an update on restore Colorado and highlighted the different outreaches.

President Higel thanked Ms. De la Vista for her report.

SLVWC DISTRICT/CWCB REPORTS-HEATHER DUTTON

President Higel asked for the SLVWC District and CWCB reports. Heather Dutton updated the Board on the number of certificates SLVWCD has issued to help individuals come into compliance with the Rules and Regulations. Ms. Dutton reported on water releases and provided the benefit of the water they release. Ms. Dutton thanked staff for working together on Protect San Luis Valley Water and expressed how important the subject is. Ms. Dutton provided an update on the last CWCB meeting and the programs they would be working on in the next year.

President Higel Thanked Ms. Dutton for her report.

A motion was made by Cory Off to adjust the agenda to move the remaining reports up and the District reports toward the end of the agenda. The motion was seconded by Dwight Martin and unanimously approved.

The meeting recessed for lunch at 12:40 p.m. and resumed at 1:05 p.m.

STEALEY II-BECKY BROOKS

President Higel asked for the Stealey II report. Becky Brooks reported not having a lot to report on from the Legislature due to the election. Ms. Brooks highlighted that no one has the ability to know what has been filed by a legislator unless they share it with you. She reported being in on the communication concerning the proposed HB - 1327 bill and highlighted the importance of closer communication prior to a draft bill being sent to Legislative Drafting.

President Higel thanked Ms. Brooks for her report.

SENATOR BENNET’S OFFICE-ERIN MINKS

President Higel asked for the Senator Bennet’s Office report. Erin Minks updated the Board on discussions being held at the state level with small business owners and the concerns they have going into the winter months as well as the possibility of another COVID-19 relief package. Ms. Minks reported that she was given direction to work with our team on the challenges of getting CREP implemented as Mr. Bennet would like to learn more about it.

President Higel thanked Ms. Minks for her report.

DIVISION (3) ENGINEER’S REPORT

President Higel asked for the Division (3) Engineer’s Report. Craig Cotton reported on his office closure and began his report with the years surface water flows. Mr. Cotton provided the average flows through the basin and an update on the compact as well as the amount owed to the downstream states on the Rio Grande River and the Conejos River. Mr. Cotton reported not needing to curtail diversions this year due to deliveries being slightly over the compact requirements, he provided those amounts per river. Mr. Cotton reported on the calculated evaporation loss and the option to extend the irrigation season or recharge the water. Mr. Cotton updated the Board on Subdistrict No. 1’s difficult year and reported the States were discussing potentially holding a virtual compact commission meeting in November. He reminded everyone when the Rules will go into effect and updated the Board on the Supreme Court case, the abandonment process, and how to file an SWSP.

President Higel thanked Mr. Cotton for his report.

COLORADO STATE PARKS AND WILDLIFE REPORT-RYAN UNTERREINER

President Higel asked for the Colorado State Parks and Wildlife Report. Ryan Unterreiner provided an update on a restock of the Rio Grande Cutthroat and the fish kill situation at Smith Reservoir. Mr. Unterreiner reported on the voluntary fishing closures and thanked Amber Pacheco for working with

them in getting contracts completed. Mr. Unterreiner updated the Board on the wetlands program and projects.

President Higel thanked Mr. Unterreiner for his report.

EDUCATION REPORT-HANNAH THILL

President Higel asked for the education report. Hannah Thill reported filling in for Bethany Howell as she provided an overview of her written report (copy attached). Ms. Thill thanked the District for their support and described her position with the RGWEI. Cleave Simpson informed the Board that Ms. Howell has submitted a funding request to be considered for the same amount as last year. A request was made to see a list of the other funding sources, how they leverage the funds, and if they should be self-sustaining. Mr. Simpson reported that the requested information is included on the written funding request.

President Higel thanked Ms. Thill for her report.

RIO GRANDE HEADWATERS RESTORATION PROJECT-DANIEL BOYCE

President Higel asked for the Rio Grande Headwaters Restoration Project report. Daniel Boyce provided an update on potential upcoming projects and the continued work on phase five (5) of the restoration project on the Rio Grande River. Mr. Boyce also reported on the reconnection of flood plains near Alamosa and a partnership with the Forest Service on a stream crossing and parking. Mr. Boyce reported that he too had submitted a funding request and thanked the Board for their support.

President Higel thanked Mr. Boyce for his report

HEADWATERS ALLIANCE-HEATHER GREENWOLF

President Higel asked for the Headwaters Alliance report. Cleave Simpson reported Heather was not available to report today, however she has submitted a funding request which he will forward to the Board.

RIO GRANDE HEADWATERS LAND TRUST/RiGHT-ALLEN LAW

President Higel asked for the Rio Grande Headwaters Land Trust/RiGHT report. Allen Law provided an update on the conservation easements that have been finalized and closed as well as the ones being worked on. Mr. Law reported working with attorneys on GO Conservation Easements and provided the next steps. He also provided an update on the Local Farms to Local Families program and announced a job opening within his office. Mr. Law reported they have submitted a funding request and thanked the Board for their support.

President Higel thanked Mr. Law for his report.

COLORADO DUST ON SNOW-JEFF DERRY

President Higel asked for the Colorado Dust on Snow report. Jeff Derry presented the WY2020 Rio Grande Watershed power point which showed the boundary of the basin they monitor. He reported how dust on snow effects the snow pack and provided a recap of the dry year. Mr. Derry highlighted the US Drought Monitor, total dust on snow locations and events as well as the general work being done.

President Higel thanked Mr. Derry for his report.

FINANCIAL REPORT

President Higel asked for the Financial report. Cleave Simpson presented the financial report which included the Profit and Loss statement, expenditures and total administration expenditures. Mr. Simpson highlighted the professional services, a cooperative agreement with the USGS and reported on the resignation of one of the District employees working under the direction of the Bureau of Reclamation. Mr. Simpson noted a positive amount in the fund balance, discussion was held on how much of that was due to the COVID-19 pandemic. Mr. Simpson presented the Check Register report, Balance Sheets for the District and Subdistricts as well as the out of the ordinary expenses. Discussion was held on Subdistrict No. 1 rate increase.

A motion was made by Bill McClure to approve the financial report as presented. The motion was seconded by Cory Off and unanimously approved.

MANAGER'S REPORT

President Higel asked for the Manager's report. Mr. Simpson reported on the following:

- **Present DRAFT 2021 Budget**-Cleave Simpson presented the draft 2021 budget. Discussion was held on the effect of the Gallagher Amendment to the District's budget as well as the benefits of having a full-time engineer on staff would bring to the District. Mr. Simpson highlighted the expense of a new stream gauge and expenses in connection with a property acquisition. Mr. Simpson provided the dates the Management Committee would be meeting and a budget work session was scheduled for November 20, 2020 at 9:00 a.m.
- **MOU with Alamosa County and RADAR support**-Cleave Simpson reported working with David Robbins on an MOU for funding of the doppler radar going forward. Mr. Simpson also updated the Board on a property appraisal they agreed to request.

President Higel thanked Mr. Simpson for his report.

PROGRAM MANAGER'S REPORTS

President Higel asked for the Program Manager's reports.

- **Subdistrict No. 1- Marisa Fricke:** Marisa Fricke updated the Board on the tough year they have had in Subdistrict No. 1. Ms. Fricke reported on the CREP rental rates being decreased and how staff is working to respond. She highlighted the volume of calls from the public regarding the court challenge to the budget, export questions and meter readings. Ms. Fricke reported on the new programs they offered and stated the Board of Managers would be meeting for a retreat in November. Director Kruse reported on the expectations he has for a Board retreat and his hope for significant changes in Subdistrict No. 1. Director Godfrey highlighted the presentation given to Subdistrict No. 5 by Thad Englert.

President Higel thanked Ms. Fricke for her report.

- **Subdistrict No.'s 2, 3 and 6-Amber Pacheco:** Amber Pacheco reported the Annual Replacement Plans for Subdistrict's No. 2 and 3 had been approved and they continue to make replacement on schedule. Ms. Pacheco highlighted that due to the decrease in actual stream flows the State approved amended depletion schedules for both Subdistricts. Ms. Pacheco updated the Board on an Interruptible Water Supply Agreement being worked on in Subdistrict No. 2 as well as seeking interest in fallowing lands in 2021. Ms. Pacheco reported Subdistrict No. 3 continues to work toward a purchase of water rights to use as a permanent source of replacement water. Ms. Pacheco updated the Board on a joint Subdistrict No. 2, 3, 6 and Trinchera meeting that was held including some of the concerns and conversations that were held. She also reported Michael Schaefer and Scot Schaefer were up for reappointment to Subdistrict No. 6 Board of Managers.

A motion was made by Peggy Godfrey to reappoint Michael Schaefer and Scot Schaefer for 2 years to Subdistrict No. 6 Board of Managers. The motion was seconded by Armando Valdez and unanimously approved.

President Higel thanked Ms. Pacheco for her report.

- **Subdistrict No.'s 4 and 5-Chris Ivers:** Chris Ivers reported Subdistrict No. 4 had their Plan of Water Management approved and are working to set a budget and fees for the first time. Mr. Ivers provided an update on Well Injury Payment agreements and asked the Board to consider approving Subdistrict No. 4 and Subdistrict No. 5's Rules and Regulations. Mr. Ivers reported on the lack of participation on Well Injury Payment agreements from Subdistrict No. 5 and stated this Subdistrict may need to pursue wet water.

A motion was made by Cory Off to approve Subdistrict No. 4 and Subdistrict No. 5's Rules and Regulations. The motion was seconded by Peggy Godfrey and unanimously approved.

President Higel thanked Mr. Ivers for his report.

DISTRICT ENGINEER'S REPORT

President Higel asked for the District engineer's report. Clinton Phillips presented the change in the unconfined and confined aquifer storage and presented a graph from 2002 to current. Mr. Phillips highlighted decline and the average amount of recovery needed in order to achieve the -400,000 level. Mr. Phillips gave a reference of how much the levels have changed due to the recent dry years.

President Higel thanked Mr. Phillips for his report.

DISTRICT LEGAL COUNCIL'S REPORT

President Higel asked for the District's attorney report. Pete Ampe updated the Board on land acquisition issues, the S&T appeal, the WOTUS issue with Water Congress and work being done with Saguache County on a 1041 review. Mr. Ampe reported waiting on the ruling from the court concerning a challenge to Subdistrict No. 1's budget.

President Higel thanked Mr. Ampe for his report

Executive Session

President Higel asked for a motion to enter into executive session to receive legal advice concerning a potential real property acquisition. A motion was made by Cory Off to enter into executive session. The motion was seconded by Armando Valdez and unanimously approved.

Mr. Ampe stated the Board was entering into executive session to discuss a potential real property purchase. The Board would take no formal action or position during the executive session.

Action on Executive Session Discussion

Pete Ampe stated the Board was in executive session and had voted to come out. Discussion was related to a potential property purchase.

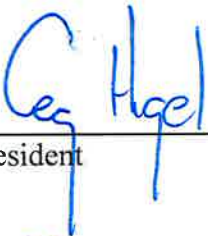
A motion was made by Cory Off to authorize the General Manager to engage with Mr. Woodard to act on and sign a letter of interest to negotiate and advance on the potential property purchase. The motion was seconded by Peggy Godfrey and unanimously approved.

ADJOURN

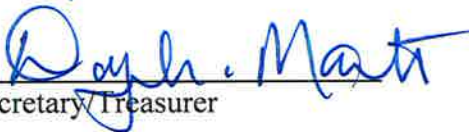
A motion was made by Bill McClure to adjourn the meeting. The motion was seconded by Armando Valdez and unanimously approved.

The meeting was adjourned at 5:22 p.m.

The next scheduled quarterly meeting will be held on January 19, 2021.



President



Secretary/Treasurer

October 2020 Program Manager Report-Amber Pacheco

Subdistrict 2 and 3 –Both Subdistrict 2 and 3 Annual Replacement Plans were submitted to the State Engineer on April 15th and were approved on May 1, 2020. October 7, the State approved an amended depletion schedule for Subdistrict No. 2 to account for the decrease in streamflow compared to the forecast used for the original ARP. October 8th the State approved an amended depletion schedule for Subdistrict No. 3 because of the decrease in actual stream flows on the Conejos system compared to the forecast in the original ARP.

Subdistrict No. 2 is working with Peter Nichols and Peter Ampe to put together an Interruptible Water Supply Agreement for a ditch on the Rio Grande to allow the owners of those ditch rights to lease the Subdistrict their HCU in 3 out of 10 years. If the entire ditch participates those parcels can be alternated during those 10 years so an amount is always available to lease.

Subdistrict 2 sent a request out to all SD 2 members seeking any interest in fallowing lands in 2021 to lease the HCU to the Subdistrict for use in their 2021 ARP. I have 2 already interested.

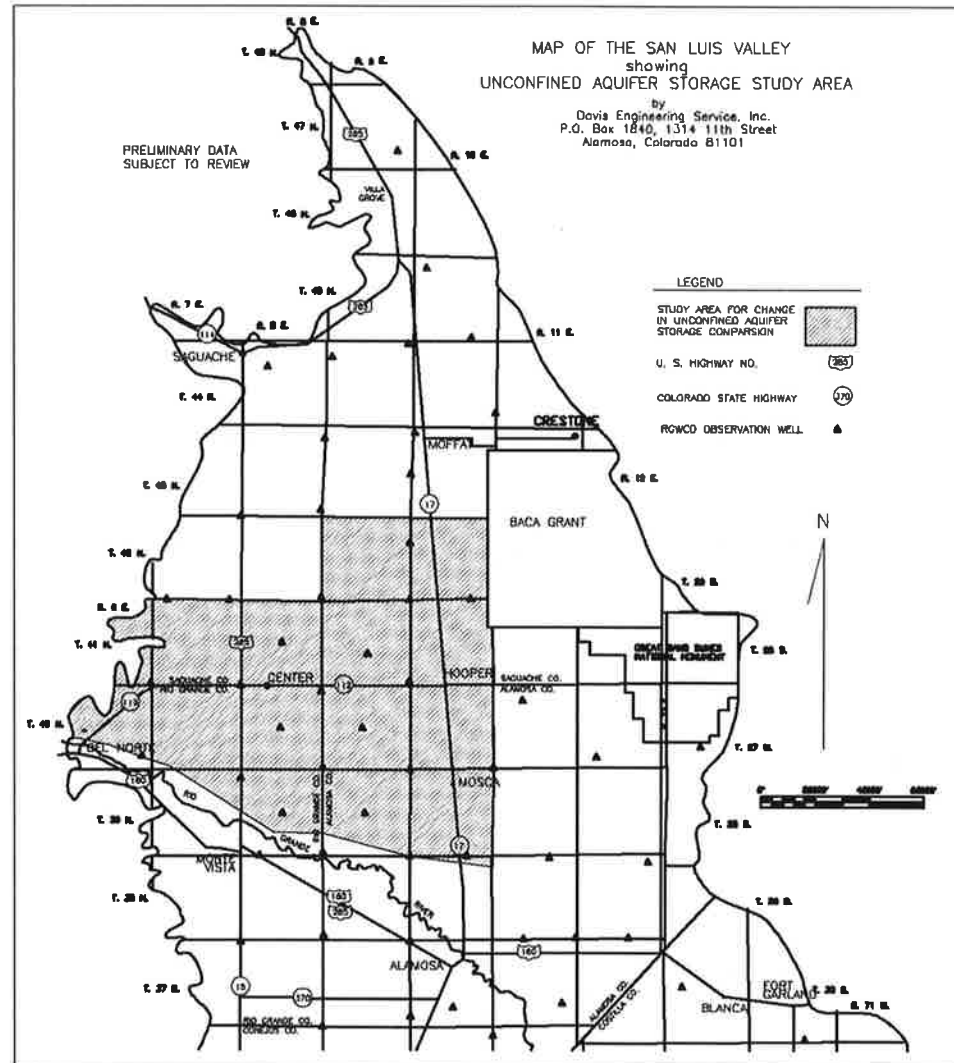
Subdistrict No. 3 continues to work with a landowner in the Conejos area to purchase water rights for use as a permanent source of replacement water for the Subdistrict on the Conejos River. Due diligence would include financing, effect to subdistrict fees, historical consumptive use of water rights, etc.

Subdistrict 6 - Subdistrict No. 6 ARP was approved on September 25 and replacements began on September 26th. The Board of Managers has been working on a plan to set up an ATM Program on the Alamosa River. The goal is to set up a ditch-wide program that allows water right owners on four ditches to fallow their land and lease their HCU to the Subdistrict for 3 out of ten years under a rotational fallow program as an alternative to buy and dry. CWCB hopes this project can be a model for future ATM programs in this water division.

Subdistrict 2, 3, 6 and the Trinchera Presidents and Vice-Presidents met together for a joint Subdistrict meeting to talk about how we can work together to secure replacements and to work with the State to make the process more easily manageable.

Upcoming Subdistrict Meetings

- Subdistrict 2 Quarterly Meeting - Tuesday, November 3rd beginning at 9:00 a.m.
- Subdistrict 6 Quarterly Meeting-Tuesday, November 3rd beginning at 1:30 p.m.
- Subdistrict 3 Quarterly Meeting-December 3rd beginning at 8:00 a.m.



EXPLANATION

Change in unconfined aquifer storage has been calculated for a defined area which is shown on the above map. The changes in aquifer storage were based on approximately 27 RGWCD monitoring wells located within the area. The method of computing the change in aquifer storage was in accordance with the Thiessen mean method whereby a polygon is constructed around each observation well and the assumption is made that the change in water level throughout the area of the polygon is the same as the change in the well within the polygon. A graph showing changes since 1976 is attached. Zero on the vertical axis of the graph was assumed as corresponding to 1976 for graphing purposes; however, it should not be assumed that the unconfined aquifer was at equilibrium as of that date.

Change in Unconfined Aquifer Storage Study Update

Change for October 2020: +15,046 ac.-ft.

Change between October 2019 & 2020: -142,549 ac.-ft.

Current Aquifer Level: -1,206,396 ac.-ft.

Current 5 Year Average Level: -1,080,972 ac.-ft. (12/1/19)

Acre-Feet needed to get to -400,000 Level: 680,972 ac.-ft.

Rio Grande Watershed Conservation & Education Initiative

RGWCD District Report – October 20, 2020

Staff News

In August, we were excited to bring on our first full-time program coordinator, Hannah Thill. Hannah has worked with RGWCEI for the past two years as our Mennonite Volunteer. Hannah has a biology degree from Goshen College and previously worked in their environmental education center. She coordinates our K-12 programs with the help of our full time Americorps member, Megan Peterson. Megan is from North Carolina and started with RGWCEI in late August. Megan and Hannah are creating digital videos and activities for all grades to access on our newly re-designed website www.rgwcei.org. Some are already up about pollinators. They are also creating and facilitating all our fall programs with schools and community members.

Reminder that Bethany Howell is now working more closely with broader community water education, particularly through the Rio Grande Basin Roundtable. She has started creating articles, infographics, and a podcast “Big River Podcast: Stories of the Rio Grande” which has two episodes about the Del Norte Riverfront Project and trail creation highlighting the Rito Seco trail with more to come. Its available on Apple, Stitcher, Spotify, Amazon Music, and online at rgbrt.org.

Programs

After a rocky spring and summer, we are excited to offer a new program and modified versions of our traditional fall programs.

The conservation poster contest is still being sponsored by the local conservation districts, Colorado Association of Conservation Districts, and the National Association of Conservation Districts. With the uncertainty of back to school, posters will still be eligible for contest, but staff may not give in person presentations this year. Staff have created an interactive powerpoint presentation on the topic “Pollinators: Where would we BEE without them?” that can be accessed on our website. In addition to posters, RGWCEI will also accept videos on this theme from local schools. These will not be eligible to compete at the state or national level but will allow more creativity around this topic and are eligible for local district prizes.

We also created a new program for kids involved in online learning to connect with different sites outdoors called “Explore Your Watershed.” We are observing all COVID-19 social distancing and mask guidelines, with a capped number of participants. Kids from K-12 are able to participate. Field trip topics and sites so far have included Cole Park in Alamosa (snow science), Shriver Wright State Wildlife Area (macroinvertebrates/water quality), and Rockey Farms (potato harvest and soil science).

Some schools are able to participate in the SLV School Pumpkin Patch this year. We will space out groups to stay under state guidelines, disinfect supplies, and stay outside and get dirty!

The high school Envirothon competition will potentially take place in 2021, but as a virtual experience only. We have been unable to work with high schools due to strict COVID-19 guidelines against guest presenters or outside school field trips. Finally, we are looking forward to a spring of more Exploring Your Watershed Field Trips and a potential Water Festival.



FALL 2020 PROGRAMS

RIO GRANDE WATERSHED CONSERVATION EDUCATION



Check out our updated website www.rgwcei.org for digital videos and lessons!

