

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #4
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
March 3, 2020 at 9:00 a.m.
Rio Grande Water Conservation District
Alamosa, CO 81101**

Present: David Frees, President; Pete Stagner, Vice-President/Secretary/Treasurer; Richard Blumenhein, Manager; Jan Waye, Manager; and Peggy Godfrey, Ex-Officio Member.

Absent: Pete Stagner, Manager

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

Guests: Deb Sarason, Ray Miller, Ann Bunting and John Mattingly.

Meeting Called to Order

President Frees called the meeting to order at 9:03 a.m. A quorum was present. The Pledge of Allegiance was recited.

Approval of the Agenda

President Frees asked to add the swearing in of a new Board of Manager to the Subdistrict to the agenda and asked for any other amendments or a motion to approve the consent agenda with the amendment. A motion was made by Pete Stagner to approve the consent agenda as amended. The motion was seconded by Richard Blumenhein and unanimously approved

Appoint New Board of Manager

President Frees asked for the appointment of the new Board of Manager to Subdistrict No. 4. Pete Ampe swore in Jan Waye.

Approval of Minutes

President Frees asked for changes or a motion to approve the December 3, 2019 quarterly meeting minutes and February 5, 2020 special meeting minutes. A motion was made by Pete Stagner to approve the minutes as presented. The motion was seconded by Jan Waye and unanimously approved.

Attorney Report

President Frees asked for the attorney report. Pete Ampe reported Subdistrict No. 4 and Subdistrict No. 5's Plan of Water Managements have been submitted to the State for approval. Mr. Ampe explained the steps following the state's approval, and stated Subdistrict No.'s 1, 2 and 3 were working on their Annual Reports, and Subdistrict No. 6 continues to move forward. Mr. Ampe explained forbearance to Jan Waye as well as the benefits over buying water. President Frees asked about a meeting with the Fish and Wildlife, Chris stated he would work on getting a meeting together.

Program Manager's Report

President Frees asked for the Program Manager's report. Chris Ivers presented the Profit and Loss Statement and the Balance Sheet which included the total expenses of the Subdistrict since the day of formation. Mr. Ampe reminded the Board of the repayment agreement with the District on Subdistrict formation expenses. Mr. Ivers provided an update on potential reservoir sites and reported on conversations with potential contracting organizations. John Mattingly asked where the potential reservoirs would be.

Review and Consider for Action

- Resolution Opposing Export of Water from the Rio Grande Basin (copy attached)

Chris Ivers presented a draft resolution opposing export of water from the Rio Grande basin. John Mattingly asked if it was determined who was responsible for the publicized telephone survey and questioned what they have to offer. President Frees stated the consideration of the resolution is in support of our parent organization. Mr. Ampe reported any change or movement of water would only make the situation of the Subdistrict's more difficult. A motion was made

by Jan Waye to approve the Resolution to Oppose Export of Water from the Rio Grande Basin. The motion was seconded by Richard Blumenhein and unanimously approved.

Discussion on Draft Rules and Regulations and Contract Requirements

President Frees asked for the discussion on draft Rules and Regulations. Chris Ivers reported the Subdistrict needed to address the contracting fee. Pete Ampe explained why a contract would be needed, when it would be allowed and what professional fees would be involved when producing a contract. President Frees stated due to the work involved to develop a contract, he suggested the fee be set at \$500.

Discussion was held on putting sustainability requirements in contracts instead of writing them into the Rules and Regulations.

A motion was made by Richard Blumenhein to set a onetime, non-refundable fee for an inclusion contract at \$500 whether it is approved by the Board of Managers or not. The motion was seconded by Jan Waye and unanimously approved.

Discussion on Replacement Sources

President Frees asked for the discussion on replacement sources. Chris Ivers presented the average amount of depletions for a wet, average and dry year and explained the Subdistrict would need to acquire either wet water or Well Injury Payment agreements. Mr. Ampe explained how the daily reports would be run and how the Subdistrict could lease, fallow and/or build a reservoir to make replacements. Discussion was held on the location of the top of the reach, storage, well injury payments and the possibility of offering bonuses for well injury payments. Mr. Ivers explained how well injury payments work and the importance of getting people to understand them. Mr. Ivers asked the Board to consider the bonus amount they want to offer or not offer. President Frees questioned if there would be potential for the Subdistrict to enter into a CWCB Loan or an agreement with State agencies to partner and cost share if it decided to build a reservoir. Mr. Ampe and Mr. Ivers explained how a CWCB loan would work. Dick Blumenhein asked for the talking points when discussing forbearance agreements.

Next Meeting

A work session was tentatively scheduled for April 6, 2020 at 10:00 a.m. The next quarterly meeting is scheduled for June 2, 2020 at 9:00 a.m.

Adjournment

A motion was made by Richard Blumenhein to adjourn the meeting. The motion was seconded by Jan Waye and unanimously approved

The meeting was adjourned at 10:37 a.m.



President



Vice-President/Secretary/Treasurer

RESOLUTION OF THE
SPECIAL IMPROVEMENT DISTRICT NO. 4 OF THE RIO GRANDE WATER
CONSERVATION DISTRICT

(Opposing Export of Water from the Rio Grande Basin)

RECITALS

WHEREAS, on January 15, 2019 the Board of Directors of the Rio Grande Water Conservation District adopted a resolution titled "Opposing Export of Water from the Rio Grande Basin"; and,

WHEREAS, the Board of Managers of Special Improvement District No. 4 of the Rio Grande Water Conservation District agrees in full with said Resolution; and,

WHEREAS, in addition to said Resolution, the Board of Managers of Special Improvement District No. 4 of the Rio Grande Water Conservation District notes that various court approved Rules and Regulations and several opinions of the Water Court in and for Water Division No. 3 and the Colorado Supreme Court have held that there is no unappropriated water within the San Luis Valley.

RESOLUTION

NOW, THEREFORE, be it resolved by the Board of Managers, as follows:

1. The Board of Managers hereby supports the resolution of the Rio Grande Water Conservation District titled "Opposing Export of Water from the Rio Grande Basin", dated January 15, 2019 and adopts said resolution as its own.

RESOLVED this 3 day of March, 2020.

ATTEST:

BOARD OF MANAGERS
SPECIAL IMPROVEMENT DISTRICT NO. 4 OF
THE RIO GRANDE WATER CONSERVATION
DISTRICT


Secretary


President