

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #1
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
January 14, 2025 at 12:30 p.m.
8805 Independence Way, Alamosa CO 81101
And by Zoom/Teleconference**

Present: Jake Burris, President; Clay Mitchell, Vice-President; Michael Jones, Secretary/Treasurer; Chris Miner, BOM; Miguel A. Diaz, BOM; Jamie Hart, BOM; Tony Holcomb, BOM; Brett Hemmerling, BOM; Patrick Brownell, BOM; James Cooley, BOM; and Mike Kruse, Ex-Officio Member.

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

Guests: Dee Greeman, Les Alderete, Chris Lopez, Andy Jones, Virginia, Joaquin Valdez, and Deb Sarason.

Meeting Called to Order

President Burris called the meeting to order at 12:30 p.m. A quorum was present.

Approval of the Agenda

President Burris asked for changes, additions or a motion to approve the agenda. The agenda was amended to add Quinton Norris as a signer on the Subdistrict bank accounts and discuss the purchase of Sutron devices under New Business. A motion was made by Miguel Diaz to approve the agenda as amended. The motion was seconded by Jamie Hart and unanimously approved.

Public Comment

President Burris commented on the number of applicants received for Program Manager. He welcomed Quinton Norris and noted his impressive resume as well as the confidence he has in him to do well. There was no other public comment.

Discussion and Possible Action Items

President Burris asked for discussion and possible action items:

- *Approval of Resolution for 2025 Fallow Program*

President Burris reported on the earlier roll out of the Fallow Program this year and the need for some specifications. He asked the Board to consider allowing a limited or zero amount of irrigation on fallow quarters. Discussion was held on the minimum number of inches needed to establish a cover crop and the success of the program last year. Amber Pacheco highlighted the average number of inches requested on the bids last year, and gave the budgeted amount for the program. Dee Greeman described his conservationist perspective and how his customers would appreciate some sort of cover crop.

A motion was made by Mike Kruse to approve the One-Year Fallow Program and allow up to three (3) inches of water maximum. The motion was seconded by Michael Jones. Tony Holcomb, Chris Miner and Michael Jones voted yes, all others voted no, the motion failed.

A motion was made by James Cooley to approve the Resolution for 2025 Fallow Program as it is, with no cap/changes. The motion was seconded by Miguel Diaz. Tony Holcomb voted no, the remainder of the Board voted yes; the motion passed.

President Burris highlighted the application deadline of February 21, 2025 at 4:00 p.m.

- *Approval of Resolution for 2025 Well Purchase Program*

Amber Pacheco updated the Board on the funds remaining from the Senate Bill Program and explained the miscommunication regarding the deadline.

A motion was made by Miguel Diaz to approve the Resolution for 2025 Well Purchase Program with the same deadline of February 21, 2025 at 4:00 p.m. The motion was seconded by Brett Hemmerling and unanimously approved.

Discussion and Possible Approval to Amend the Prior Approval of a Participation Contract

President Burris asked for discussion and possible approval to amend the prior approval of a Participation Contract. Amber Pacheco presented a map of the L Cross Ranch property. President Burris described Q equations from the Division of Water Resources (DWR) regarding the use of surface water. Pete Ampe reported on the rules put forward by DWR and the possible need for the Subdistrict to go back and review contracts to be sure they are consistent with the new Plan. Andy Jones reported on the direction his clients tend to go in connection with the Fourth Amended Plan of Water Management. He asked the Board to consider giving the depletion fee credit while simultaneously recognizing not receiving wet water credit with the State. Mr. Jones reminded the Board that the Subdistrict needs to provide a response to their pleading. Ms. Pacheco reported reviewing the records and went over her understanding. She highlighted the Board’s formal decision/approval of the Participation Contract at the June 2024 Quarterly Meeting. Ms. Pacheco explained why the Subdistrict may need to refile the Annual Replacement Plan (ARP). Mr. Jones asked the Board to consider amending the contract to include the well conditionally upon SWSP approval.

A motion was made by Michael Jones to approve the Participation Contract including all proposed wells contingent upon judicial or administrative approval of SWSP or other means. The motion was seconded by Miguel Diaz and unanimously approved.

Ms. Pacheco asked Mr. Jones to provide the approval of the SWSP and court case once they become available.

Board of Managers Open Discussion

President Burris asked for Board of Managers open discussion. There was none.

New Business

President Burris asked for new business. Amber Pacheco explained the need to add Quinton Norris as the new Program Manager of Subdistrict No. 1 to the financial accounts.

A motion was made by Jamie Hart to add Quinton Norris as the new Program Manager of Subdistrict No. 1 to the signature cards on all of the financial/bank accounts. The motion was seconded by James Cooley and unanimously approved.

Amber Pacheco requested Board approval for staff to order/purchase four (4) new Sutron measuring devices to be placed at the recharge project at a cost of about \$15,000.

A motion was made by Michael Jones to approve the purchase of four (4) Sutron measuring devices. The motion was seconded by Jamie Hart and unanimously approved.

Next Meeting

The next quarterly meeting is scheduled for March 4, 2025 at 1:30 p.m.

Adjournment

The meeting was adjourned at 1:28 p.m.



President



Secretary/Treasurer

RESOLUTION
SPECIAL IMPROVEMENT DISTRICT NO. 1 OF THE
RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF MANAGERS

Creating the One-Year Ranked Fallow Program

WHEREAS, as part of its approved Plan of Water Management, Special Improvement District No. 1 of the Rio Grande Water Conservation District (Subdistrict No. 1) is required to recover and maintain the unconfined aquifer under Subdistrict No. 1 to certain levels; and,

WHEREAS, Subdistrict No. 1 has funded numerous short- and long-term conservation programs to reduce consumptive use of groundwater and to assist in recovering the unconfined aquifer to meet the requirements of the Plan of Water Management; and,

WHEREAS, Water Division No. 3 remains in a long-term reduction in water supplies; and,

WHEREAS, despite the efforts and financial support of Subdistrict No. 1, the unconfined aquifer has not recovered to the level as required by the Plan of Water Management; and,

WHEREAS, Subdistrict No. 1 remains committed to meet the terms of the Plan of Water Management; and,

WHEREAS, the Subdistrict No. 1 desires to introduce another conservation program to assist in meeting those terms; and,

WHEREAS, Subdistrict No. 1 has determined that the temporary reduction in groundwater withdrawals is needed; and,

WHEREAS, Subdistrict No. 1 desires to create a program to temporarily reduce groundwater withdrawals to assist in the recovery of the unconfined aquifer.

R E S O L U T I O N

NOW, THEREFORE, be it resolved by the Board of Managers of Special Improvement District No. 1, acting by and through its Water Activity Enterprise, that:

1. Subdistrict No. 1 hereby establishes a One-Year Ranked Fallow Program under the following terms:

1.1 Interested Subdistrict Members (“Producers”) may offer a field to fallow to verifiably reduce groundwater withdrawals by Subdistrict Wells during the 2025 ARP Year.

1.2 Producers who wish to participate in the Program must submit a sealed bid prior to the program deadline. The bid will be on a form provided by the Subdistrict and will include, at a minimum, the legal description of the location of the well and the place of use of the well,

the annual ground water withdrawals from 2020 through 2024, inclusive, the WDID for the well, any permit number or decree name and case number.

1.3 The Board of Managers of Subdistrict No. 1 will evaluate and rank each bid to determine the potential benefit to the Subdistrict per dollar spent by the Subdistrict. That ranking will be as follows:

1.3.1 The total offered price will be divided by the average pumping over the previous 5 years to produce a base ranking number that is the dollars per acre-foot of reduced pumping.

1.3.2 If applicant plans on irrigating during the contract term, the amount projected to be used to irrigate (i.e. 3 inches on 120 acres= 30 acre-feet) will be subtracted from the 5-year average that is used to calculate the cost per acre-foot.

1.3.3 The fee acres that are to be fallowed will be subtracted from the cost per acre-foot ranking number, resulting in a final total rank number.

1.3.4 Subdistrict Staff will rank the bids based on that dollar per acre-foot, with the less cost per acre-foot being ranked higher.

1.3.5 The lower number in the final total rank is the better ranking.

2. Participation in the Program is limited to the then available funds of Subdistrict No. 1.

3. Subdistrict No. 1 will rely primarily, but not solely, on the final rank number in determining which offers to accept. Subdistrict No. 1 may, in its sole discretion, also consider the following:

3.1 Cropping history.

3.2 Soil conservation plan for the dried-up acres

3.3 If the groundwater rights were historically part of a voluntary or formal conservation program.

3.7 Consultation with community members or others with specialized knowledge.

3.8 Such other factors as the Board may, in its sole discretion, consider to be relevant.

4. Subdistrict No. 1 reserves the right to reject any offer in its sole discretion.

5. Interested parties must submit an irrevocable offer on a form provided by Subdistrict No. 1 and said form must be received by Subdistrict No. 1 before **4:00 pm on February, 21st, 2025**.

6. Subdistrict No. 1 will evaluate the offers and provide notice of offer acceptance prior to March 14th, 2025.

7. If accepted, payment under this program will be made on or before November 1st, 2025.

I certify that the foregoing is a true and correct copy of a resolution adopted by the members of the Board of Managers of Special Improvement District No. 1 in a special meeting assembled in Alamosa, Colorado on the 14th day of January, 2025 at which a quorum was present.



Jake Burris
President

Attest:



Michael Jones
Secretary/Treasurer

**RESOLUTION
SPECIAL IMPROVEMENT DISTRICT NO. 1 OF THE
RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF MANAGERS**

Creating the Well Purchase Program

WHEREAS, as part of its approved Plan of Water Management, Special Improvement District No. 1 of the Rio Grande Water Conservation District (Subdistrict No. 1) is required to recover and maintain the unconfined aquifer under Subdistrict No. 1 to certain levels; and,

WHEREAS, Subdistrict No. 1 has funded numerous short- and long-term conservation programs to reduce consumptive use of groundwater and to assist in recovering the unconfined aquifer to meet the requirements of the Plan of Water Management; and,

WHEREAS, Water Division No. 3 remains in a long-term reduction in water supplies; and,

WHEREAS, despite the efforts and financial support of Subdistrict No. 1, the unconfined aquifer has not recovered to the level as required by the Plan of Water Management; and,

WHEREAS, Subdistrict No. 1 remains committed to meet the terms of the Plan of Water Management; and,

WHEREAS, the Subdistrict No. 1 desires to introduce another conservation program to assist in meeting those terms; and,

WHEREAS, Subdistrict No. 1 has determined that permanent retirement of ground water wells and the associated irrigated acreage is needed; and,

WHEREAS, the participation in the Conservation Reserve Enhancement Program has not been at the levels Subdistrict No. 1 anticipated; and,

WHEREAS, Subdistrict No. 1 desires to create a program to purchase well permits and ground water decrees and permanently dry-up the associated irrigation to assist in the recovery of the unconfined aquifer.

RESOLUTION

NOW, THEREFORE, be it resolved by the Board of Managers of Special Improvement District No. 1, acting by and through its Water Activity Enterprise, that:

1. Producers must agree that any lands served by the wells that are accepted by the Subdistrict, enrolled in the program, and purchased by the Subdistrict, being those lands that may be legally irrigated by the well, will be subject to a covenant that prohibits any future use of groundwater for irrigation that will bind all future owners of the land. Surface water may continue to be used for irrigation on those lands. Future lawn and garden irrigation under an

exempt well will also be permitted. Subdistrict No. 1, in its sole discretion, may allow a certain amount of ground water to be used from the offered well for revegetation or other conservation purposes for a limited amount of time.

2. Subdistrict No. 1 hereby establishes a Well Purchase Program under the following terms:

2.1 Interested Subdistrict Members (“Producers”) may offer ground water rights and permits for purchase by Subdistrict No. 1.

2.2 Producers who wish to participate in the Program must submit a sealed bid prior to the program deadline. The bid will be on a form provided by the Subdistrict and will include, at a minimum, the legal description of the location of the well and the lands irrigated by the well, the annual ground water withdrawals from the previous 10 years, inclusive, the WDID for the well, the number and location of the acres that may legally be irrigated by the well, any permit number or decree name and case number, and a listing of any other water rights that may legally irrigate those same acres. The Producer must also include a plan for revegetation of the land or otherwise conserving the soil of the ground to be enrolled.

2.3 The Board of Managers of Subdistrict No. 1 will evaluate and rank each bid to determine the potential benefit to the Subdistrict per dollar spent by the Subdistrict. That ranking will be as follows:

2.3.1 The total offered price will be divided by the average pumping over the previous 10 years, not including any years in which the well was enrolled in a Subdistrict conservation or fallow program or enrolled in the prevent plant to produce a base ranking number.

2.3.2 In recognition that a well may be legally allowed to irrigate a larger area than it has in the past, the acres that may legally be irrigated by the well will be multiplied by 2 and subtracted from the aquifer ranking number, resulting in a total rank number.

2.3.3 The lower number in the final ranking is the better ranking.

2.3.4 An example of the ranking procedure is shown below:

Avg. Pumping:	200 af/yr	200 af/yr	200 af/yr
Total Price:	\$500,000	\$500,000	\$400,000
Acres:	160 potential acres	240 potential acres	160 potential acres
Base	2500 (\$/af)	2500 (\$/af)	2000 (\$/af)
2 x Potential acres	320	480	320
Total rank number	2180	2020	1680

2.3.5 The Board of Managers may also consider the Producer's revegetation or soil conservation plan for land in determining what offers to accept.

3. All wells that can legally irrigate the offered lands must be included in the Producers offer. Surface water is not eligible for the Well Purchase Program.
4. Subdistrict No. 1 will hold title to the water permit or water right under the Well Purchase Program and, in its sole discretion, may cancel the permit or abandon the water right.
5. Participation in the Program is limited to the then available funds of Subdistrict No. 1.
6. Subdistrict No. 1 will rely primarily, but not solely, on the final rank number in determining which offers to accept. Subdistrict No. 1 may, in its sole discretion, also consider the following:
 - 6.1 Cropping history.
 - 6.2 Soil conservation plan for the dried-up acres
 - 6.3 Annual appropriation for each well.
 - 6.4 If the groundwater rights were historically part of a voluntary or formal conservation program.
 - 6.5 Potential future use of the ground water under the offered decrees and/or permits if the well is not purchased by Subdistrict No. 1.
 - 6.6 Cumulative impact on local tax base.
 - 6.7 Consultation with community members or others with specialized knowledge.
 - 6.8 Such other factors as the Board may, in its sole discretion, consider to be relevant.
7. Subdistrict No. 1 reserves the right to reject any offer in its sole discretion.
8. Any water rights or permits acquired by Subdistrict No. 1 under this program will not be sold or transferred to any entity nor will the water rights or permits acquired be exported from Water Division No. 3 or used to support or facilitate such an export.
9. Interested parties must submit an irrevocable offer on a form provided by Subdistrict No. 1 and said form must be received by Subdistrict No. 1 before 4:00 pm on February 21, 2025.
10. Subdistrict No. 1 will evaluate the offers and provide notice of offer acceptance prior to March 14, 2025.

I certify that the foregoing is a true and correct copy of a resolution adopted by the members of the Board of Managers of Special Improvement District No. 1 in a special meeting assembled in Alamosa, Colorado on the 14th day of January, 2025 at which a quorum was present.



Jake Burris
President

Attest:



Michael Jones
Secretary/Treasurer