

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #1  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
June 4, 2024 at 1:30 p.m.  
8805 Independence Way, Alamosa CO 81101  
And by Zoom Teleconference**

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

**Staff and Consultants:** Pete Ampe, Hill & Robbins P.C.; Taylor Chick, Program Manager; Linda Ramirez, Program Assistant; Wylie Keller, Water Resource Specialist; Michael Carson, Database Administrator; Clinton Phillips, Davis Engineering; Crystal Benavidez, HCP Coordinator/Program Assistant; Kylie Gregg, Office Manager; and Kelsey Weeks, ASU Intern.

**Guests:** Deb Sarason, Sally Wier, Jennifer Aldum, Lee Welch, Kim Cooley, Scott Consaul, Dee Greeman, Manny Hemmerling, Les Alderetti.

**Meeting Called to Order**

President Burris called the meeting to order at 1:30 p.m. The Pledge of Allegiance was recited, a quorum was present.

**Approval of the Agenda**

President Burris asked for changes, additions or approval of the agenda. A motion was made by Jamie Hart to approve the agenda as presented. The motion was seconded by Miguel Diaz and unanimously approved.

**Approval of the Minutes**

President Burris asked for approval of the following minutes:

- February 27, 2024-Special Meeting
- March 5, 2024-Annual Meeting
- March 20, 2024-Special Meeting
- March 20, 2024-Executive Session
- March 28, 2024-Special Meeting
- April 11, 2024-Special Meeting

Jamie Hart asked for a correction to the March 5, 2024 minutes. Chris Miner asked for a correction to the February 27, 2024 minutes. A motion was made by Miguel Diaz to approve the minutes with the requested corrections. The motion was seconded by Jamie Hart and unanimously approved.

**Oath of Office**

President Burris asked for the Oath of Office of Patrick Brownell. Pete Ampe swore in Patrick Brownell.

**Public Comment**

President Burris asked for public comment. There was none.

**Program Manager's Report**

President Burris asked for the Program Manager's report.

- *Financial Report*

Taylor Chick highlighted the balance in the checking account, certificate of deposit account, admin and variable collectable and total receivable. Kylie Gregg reported on the accounts receivable being a month behind due to new regulations that were implemented. Mr. Chick went over the total assets, liabilities, CREP obligations, water storage costs, Fallow obligations, appeals, and incentives payable. He presented the Profit and Loss Statement and highlighted the conservation funds.

A motion was made by Jamie Hart to approve the financial report as presented. The motion was seconded by Brett Hemmerling and unanimously approved.

- *Program Manager's Report*

Taylor Chick highlighted the Annual Replacement Plan (ARP) approval letter and the conditions laid out. He reported verifying all of the one (1) year Fallow Program applicants and gave an update on the SB22-028 incentive program. Mr. Chick also provided a PRT update and discussion was held on the model changes and how the plan to go one (1) for one (1) will affect the model and the depletions.

### **Attorney's Report**

President Burris asked for the Attorney's report. Pete Ampe provided an update on the Farm Bill, the Dredge and Fill Bill, and the Compact case. He provided the trial dates for the POWM No. 4, SWAG case and the Alamosa Augmentation plan.

### **Engineer's Report**

President Burris asked for the Engineer's report. Clinton Phillips presented the map of the San Luis Valley showing the unconfined aquifer storage study area. He reported on the change for May 2024, change between May 2023 and 2024, the current aquifer level, current five (5) year average level and the acre feet needed to get to the -400,000 level. Mr. Phillips provided an update on the recharge pond projects on the White, McConnell and Lacy properties.

### **Discussion and Possible Action Items**

President Burris asked for discussion and possible action items.

- *Western SARE Grant Study-Letter of Support*

Taylor Chick presented a letter of support for a study on applying fungi and acid treatments on soil in an attempt to promote water retention.

A motion was made by Miguel Diaz to approve a letter of support for the study. The motion was seconded by James Cooley and unanimously approved.

- *PRT Update*

Clinton Phillips gave an update on the mapping, designing and drilling of monitoring wells near the Subdistrict recharge ponds.

- *Revisit Lease for "Lacy" Property-Darryl Ensz*

Taylor Chick explained the benefits of entering into a lease agreement on the Lacy property.

A motion was made by Michael Jones to accept the lease agreement as presented. The motion was seconded by Brett Hemmerling and unanimously approved.

- *Discussion of Potential Opposition against Supplemental Wells*

Pete Ampe reported on the need for a discussion on the application for supplemental wells from the May Resume. Mr. Ampe asked for direction from the Board to either get involved in the water court case or not. Deb Sarson described the change of use process in order to get a supplemental well. The Board agreed to not participate.

- *Fallow Contract Termination*

Taylor Chick went over the misunderstandings and events which led to the breach of a Fallow contract. He explained the Subdistricts contract termination conditions and Lee Welch's desire to appeal the breach of contract interest and recovery costs due to miscommunication.

A motion was made by Jamie Hart to accept the payment for the 2023 year from Lee Welch and forgive the remaining back payment. The motion was seconded by James Cooley and unanimously approved.

- *CREP Contract Termination*

Taylor Chick reported on the FSA terminated CREP contract due to noncompliance. He explained the failure to establish a cover crop after the first year, the explanation of termination on the Subdistricts part. Mr. Chick asked for a discussion on how to calculate the fees and interest owed to the Subdistrict. He reported the property owner also applied for Senate Bill 22-028 funds. Clay Mitchell reported planting the field and recused himself due to a conflict of interest.

A motion was made by Michael Jones for the termination and a repayment of \$196,896 which is made up of the total back payments plus 20% of one year. The motion was seconded by Brett Hemmerling, Clay Mitchell abstained, the motion passed.

- Participation Contract (Renewal)

Taylor Chick asked the Board for consideration of the renewal of the S&T participation contract. He highlighted the surface water and number of wells, and his recommendation to conditionally approve pending the court case. Discussion was held on how the contract would be affected under the new Plan of Water Management and native water versus imported water. Dee Greeman commented on the use of the well and the original well permit.

A motion was made by James Cooley to conditionally approve the participation contract pending the court case as recommended by staff. The motion was seconded by Jamie Hart. Jake Burris opposed; the motion passed.

- Participation Contract Addendum

Taylor Chick reported on a well contracted in to the Subdistrict in 2021. He highlighted the 2004 court case and cu analysis, and described other similar contracts that had been done in the past.

A motion was made by Michael Jones to approve the contract addendum as recommended by staff. The motion was seconded by Jamie Hart and unanimously approved.

- Appeals

Taylor Chick reported on the Agvance & Vista Farmland LLC appeal to assess 10% of pumping rather than 100%. He provided the adjusted acre feet to be assessed and the dollar amount to be refunded. Dee Greeman explained the pumping stipulation in the decree, the water court history and the misunderstanding in the engineering to make the facility work. Mr. Greeman reported on their plan to produce a water court application in order to address the use amount.

A motion was made by Clay Mitchell to approve the 2023 adjustment as per staff recommendation. The motion was seconded by Chris Miner and unanimously approved.

Taylor Chick reported on the Consaul Farms appeal request and a misunderstanding on the rule with carryover credit.

A motion was made by Brett Hemmerling to approve the appeal per staff recommendation. The motion was seconded by James Cooley and unanimously approved.

Taylor Chick went over the Sun House Ventures appeal due to a meter reading error.

A motion was made by Miguel Diaz to approve the appeal as presented. The motion was seconded by Jamie Hart and unanimously approved.

Taylor Chick presented the Hanson Kevin appeal request due to a meter reading error.

A motion was made by Jamie Hart to approve the appeal as presented. The motion was seconded by Miguel Diaz and unanimously approved.

- Surface Water Inclusion Agreements

Taylor Chick presented a proposal for surface water inclusion for three (3) shares of Excelsior Ditch. He presented a map and highlighting the acreage inside of the Subdistrict No. 1 response area. Michael Jones recused himself.

A motion was made by Jamie Hart for a one-year approval for an inclusion contract. The motion was seconded by Chris Miner, Michael Jones recused himself, the motion passed.

Taylor Chick reported on a request from Grand Slam Ranch for an inclusion contract and to change his contract from yearly to permanent. Discussion was held on the difficulty of changing the contract to permanent.

A motion was made by James Cooley to approve a one-year inclusion contract. The motion was seconded by Jamie Hart. Brett Hemmerling recused himself, Jake Burris opposed, the motion passed.

Pete Ampe described the challenges and difficulties associated with recharge decrees.

**Executive Session to Receive Legal Advice Concerning Potential Purchase of Real Property, and to Receive Legal Advice Thereto**

President Burris asked for a motion to enter into executive session to receive legal advice concerning potential purchase of real property, and to receive legal advice thereto. A motion was made by James Cooley at 4:15 p.m. to enter into executive session. The motion was seconded by Jamie Hart and unanimously approved.

Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to receive legal advice concerning potential purchase of real property, and to receive legal advice thereto. The Board would take no formal action or position during the executive session.

**Board of Mangers Open Discussion**

President Burris asked for Board of Managers Open Discussion. There was none.

**New Business**

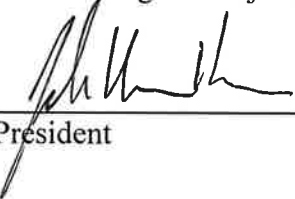
President Burris asked for new business. There was none.

**Next Meeting**

The next quarterly meeting is scheduled for September 3, 2024 at 1:30 p.m.

**Adjournment**

The meeting was adjourned at 4:52 p.m.

  
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President

  
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Secretary/Treasurer

I Patrick Brownell, do [select swear or affirm] that I will support the constitution of the United States, the constitution of the state of Colorado, and the laws of the state of Colorado, and will faithfully perform the duties of the office of Manager of the Board of Special Improvement District No. 1, upon which I am about to enter, to the best of my ability.



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Patrick Brownell

June 4, 2024