

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #2
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
December 7, 2023, 4:00 p.m.
Rio Grande Water Conservation District Conference Room
And by Zoom/Teleconference**

Present: Karla Shriver, President; Eric Hinton, Vice-President; Scot Schaefer, Secretary/Treasurer; Michael Schaefer, BOM; Harold Stoeber, BOM; and, Gerald Ziegler, BOM.

Absent: Mark Deacon, BOM; and, Greg Higel, Ex-Officio.

Staff and Consultants: Pete Ampe, Hill & Robbins P.C.; Amber Pacheco, Deputy General Manager; Angelo Bellah, Program Manager; Wylie Keller, Water Resource Specialist; Clinton Phillips, Davis Engineering; Michael Carson, Database Administrator; and, April Mondragon, Administrative Assistant.

Guests: David Hofmann, Tyler Faucette, and, William Myers.

Meeting Called to Order

President Shriver called the meeting to order at 4:00 p.m. A quorum was present. The Pledge of Allegiance was recited.

Approval of the Agenda

President Shriver asked for changes or a motion to approve the agenda. A motion was made by Eric Hinton to approve the agenda as presented. The motion was seconded by Harold Stoeber and unanimously approved.

Public Comment

President Shriver asked for public comment. There was none.

Discussion Regarding Participation in the Taos Valley No. 3 SWSP

President Shriver asked for the discussion regarding participation in the Taos Valley No. 3 SWSP. Angelo Bellah presented a memo from Jason Lorenz. The memo explained how other Subdistricts could possibly benefit from the Taos Valley water right and a plan of action. He provided the annual average total depletions per Subdistrict, the percent of total depletions, the average daily depletions and reservoir storage. David Hofmann provided clarification on the depletion bank operation. President Shriver thanked Jason Lorenz and Monty Smith for bringing the opportunity and potential water source to all of the Subdistricts. Discussion was held on the location of reach 3 and possible ways to utilize the water.

A motion was made by Eric Hinton to move forward with participation in the Taos Valley No. 3 SWSP. The motion was seconded by Scot Schaefer and unanimously approved.

Discussion Regarding the Resolution for 2024 ARP Forbearance Bonuses

President Shriver asked for the discussion regarding the Resolution for 2024 Forbearance Bonuses. She reported the Resolution had been emailed to the Board prior to the meeting and no changes were made from last year.

A motion was made by Eric Hinton to approve the 2024 ARP Forbearance Bonus Resolution. The motion was seconded by Gerald Ziegler and unanimously approved.

Executive Session to Receive Legal Advice Concerning the Lease/Purchase of Real Property

President Shriver asked for a motion to enter into executive session to receive legal advice concerning the lease/purchase of real property. A motion was made at 4:20 p.m. by Gerald Ziegler to enter into executive session. The motion was seconded by Michael Schaefer and unanimously approved.

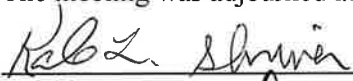
Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to receive legal advice concerning the lease/purchase of real property. The Board would take no formal action or position during the executive session.

Possible Action from Executive Session

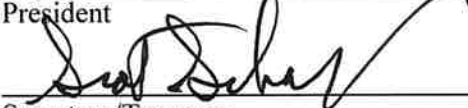
President Shriver asked for possible action from executive session.

Adjournment

The meeting was adjourned at 4:50 p.m.



President



Secretary/Treasurer

RESOLUTION OF SPECIAL IMPROVEMENT DISTRICT NO. 2 OF
THE RIO GRANDE WATER CONSERVATION DISTRICT
(Regarding Forbearance Contracts)

RECITALS

WHEREAS, Special Improvement District No. 2 of the Rio Grande Water Conservation District (“Subdistrict No. 2”) was created pursuant to section 37-48-108, C.R.S., and pursuant to section 37-48-101.3(1), C.R.S., is a body corporate under the laws of Colorado; and

WHEREAS, Subdistrict No. 2 was formed for the purpose of designing and implementing a cooperative plan for water management to assure the protection of senior surface water rights and promote the maximum beneficial and sustainable use of water resources; and

WHEREAS, Subdistrict No. 2 entered into numerous forbearance agreements with ditches whereby the Subdistrict was able to remedy injury to those ditches caused by groundwater withdrawals from Subdistrict Wells by means other than introducing water at the top of the affected reach; and

WHEREAS, such forbearance agreements allowed the Subdistrict to meet its goals of remedying injury to senior surface water rights at an economic cost which allows for the continued use of groundwater with the Subdistrict; and

WHEREAS, not all ditches that entered into forbearance agreements received a benefit because there was no forbearance due to those ditches during the ARP Year; and

WHEREAS, Subdistrict No. 2 wishes to thank all of those ditches who entered into forbearance agreements for ARP Years 2020, 2021, 2022 and 2023, and to encourage those and other ditches to enter into forbearance agreements for ARP Year 2024 and beyond; and

WHEREAS, Subdistrict No. 2 sees great value and increased efficiencies in working closely with other Subdistricts on entering into joint forbearance agreements.

RESOLUTION

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

1. Bonus Payment for ARP Year 2024. Subdistrict 2 will pay a one-time bonus of \$200.00 for each one-year forbearance agreement for ARP Year 2024 with Subdistrict 2. This bonus payment applies to every one-year forbearance agreement for ARP Year 2024 and is in addition to any payments due under a forbearance agreement.
2. Bonus Payment for a three-year forbearance agreement beginning in ARP Year 2024. Subdistrict 2 will pay a bonus of \$300.00 for each ARP Year for any three-year

forbearance agreement with Subdistrict 2. This bonus payment applies to every three-year forbearance agreement beginning with ARP Year 2024 and is in addition to any payments due under a forbearance agreement. Equal payments of \$300.00 will be made annually through the term of the forbearance agreement.

3. Bonus Payment for a five-year forbearance agreement beginning in ARP Year 2024. Subdistrict 2 will pay a bonus of \$500.00 for each ARP Year for any five-year forbearance agreement with Subdistrict 2. This bonus payment applies to every five-year forbearance agreement beginning with ARP Year 2024 and is in addition to any payments due under a forbearance agreement. Equal payments of \$500.00 will be made annually through the term of the forbearance agreement.

4. Bonus Payment for a ten-year forbearance agreement beginning in ARP Year 2024. Subdistrict 2 will pay a bonus of \$1,000.00 for each ARP Year for any ten-year forbearance agreement with Subdistrict 2. This bonus payment applies to every ten-year forbearance agreement beginning with ARP Year 2024 and is in addition to any payments due under a forbearance agreement. Equal payments of \$1,000.00 will be made annually through the term of the forbearance agreement.

RESOLVED this 7th day of December, 2023.

ATTEST:

BOARD OF MANAGERS
SPECIAL IMPROVEMENT DISTRICT NO. 2 OF
THE RIO GRANDE WATER CONSERVATION
DISTRICT


Secretary


President