

**ANNUAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #4
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
December 3, 2024 at 9:00 a.m.
8805 Independence Way, Alamosa CO 81101
And by Zoom/Teleconference**

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

Staff and Consultants: Pete Ampe, Hill and Robbins, P.C.; Chris Ivers, Program Manager; Linda Ramirez, Program Assistant; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; April Mondragon, Administrative Assistant; Crystal Benavidez, HCP Coordinator/Program Assistant; Clinton Phillips, Davis Engineering; and, Michael Carson, Database Administrator.

Guests: David Hofmann, John Mattingly.

Meeting Called to Order

President Frees called the meeting to order at 9:05 a.m. There was a quorum present for the meeting. The Pledge of Allegiance was recited.

Approval of the Agenda

President Frees asked for amendments or a motion to approve the agenda. A motion was made by Jan Waye to approve the agenda as presented. The motion was seconded by Jeff Regenold and unanimously approved.

Approval of the Minutes

President Frees asked for approval of the minutes:

- September 3, 2024-Quarterly Meeting Minutes

A motion was made by Jan Waye to approve the minutes as presented. The motion was seconded by Jennifer Rodriguez and unanimously approved.

Election of Officers-President, Vice President/Secretary/Treasurer

President Frees asked for Election of Officers. Pete Ampe opened the floor for nominations for the position of President of the Subdistrict including self-nominations. A motion was made by Jan Waye to retain David Frees as President. The motion was seconded by Jeff Regenold and unanimously approved. President Frees asked for nominations for Vice President/Secretary/Treasurer. A motion was made by Jan Waye to nominate Pete Stagner as Vice President/Secretary/Treasurer. The motion was seconded by Jeff Regenold and unanimously approved.

Public Comment

President Frees asked for public comment. John Mattingly commented on the Senate Bill program and the lack of a historical consumptive use report being done on the wells. He reported on potential challenges to the inflation reduction act and explained why he is in favor of a market solution rather than government solutions. Mr. Mattingly reminded the Board of his presentation several years ago on an idea of a buy and bank market solution. He also explained a few of his other ideas including the introduction of an economic viability test to find out what is economically rational and the idea to get historic consumptive use on water left in the aquifer.

Attorney's Report

President Frees asked for the Attorney's report. Pete Ampe updated the Board on the trials set throughout 2026 and gave an update on the Texas vs New Mexico and Colorado Supreme Court litigation. Mr. Ampe highlighted the Board's decision to not file an SWSP on the Peachwood wells this year. He explained the SWSP process and what it entails. President Frees asked David Hofmann if there had been a resolution to the missing CFS of water on San Luis Creek. Mr. Hofmann explained a gap in the forbearance agreement scenario and suggested he and Chris

Ivers get together and compare notes on the transfer of priority No. 33 from the Kennedy to the San Luis Company Ditch.

Engineer's Report

President Frees asked for the Engineer's report. Clinton Phillips presented the Subdistrict No. 4 San Luis Monitoring Wells update. He highlighted the change compared to the 2015 Baseline to current by model layer and reported on the yearly difference. Discussion was held on the continued effort to determine a realistic pressure head from 1978-2000, abandonment vs discontinued use and a potential pumping reduction program for those that wish to cut back but fear losing their water right.

Program Manager's Report

President Frees asked for the Program Manager's report.

- *Financial Report*

Chris Ivers went over the costs covered by the District for formation, the expenses since formation and the total remaining balance due to the District. He presented the Balance Sheet and Profit and Loss Statement. Mr. Ivers provided the balance in the checking account, accounts receivables, and expenses.

A motion was made by Jeff Regenold to approve the financial report as presented. The motion was seconded by Jan Waye and unanimously approved.

Review and Consider Participation Contract

President Frees asked for review and consider Participation Contract. Chris Ivers presented the proposed Renewable Water Resources (RWR) Participation Contract. He highlighted the Board's denial of participation in 2022 partially due to the lack of historical pumping and the effect including the well would have on sustainability. Pete Ampe provided the Subdistrict standards. Jeff Regenold commented on the Subdistrict's efforts to reduce use and not add to their post plan depletions. President Frees mentioned how the purchase of the Peachwood property helped the Subdistrict accomplish sustainability and that the additional pumping from this contract could threaten the Subdistrict's efforts towards sustainability. Mr. Ampe reported on the possibility to owe depletions to Saguache Creek according to phase 7 of the model.

A motion was made by Jeff Regenold to deny the RWR Participation Contract. The motion was seconded by Jan Waye and unanimously approved.

Update and Discussion on Phase 7 of the RGDSS Groundwater Model

President Frees asked for update and discussion on Phase 7 of the RGDSS Groundwater Model. Chris Ivers presented the preliminary depletions from the Phase 7 updates. He explained how often the model is updated and reported Phase 7 response functions would be based on 2011-2020, if they are made the same way as the Phase 6 response functions. Mr. Ivers described the preliminary estimates and the potential amount of water that would be owed to Saguache Creek from Subdistricts No. 1, 4 and 5. Mr. Ivers reported on Subdistrict No. 5's plan to purchase additional quarters from North Star Farm and drill additional augmentation wells. He explained Subdistrict No. 4's potential to work with Subdistrict No. 5 in certain years and the need to develop alternate solutions in other years. Discussion was held on the retirement of the Peachwood wells and how/when it would affect depletions and have an impact on the model.

Discuss and Possible Action-Augmentation Well

President Frees asked for discuss and possible action-augmentation well. Chris Ivers reported on the water available to the Subdistrict from the Peachwood purchase to use though an augmentation well. He presented a map showing potential locations to drill an augmentation well. Mr. Ivers reported why it would make sense to drill the well close to where the stream remains typically wet. Pete Ampe explained how an augmentation well could be used when the calling right did not have a Well Injury Payment Agreement (WIP) in place. Discussion was held on the risk of drilling an augmentation well prior to obtaining an SWSP and how to get power to the well. President Frees directed staff to begin the discussions regarding the plan as discussed. Mr. Ivers provided the remaining amount available from the loan, the balance in the checking account and the CWCB project timeline.

New Business

President Frees asked for new business. A work session was scheduled for January 14, 2025 at 9:00 a.m. to discuss further conservation efforts. David Hofmann reported Casey Johnson purchased property with a contracted well and is no longer wishing to extend the contract. Mr. Hofmann reported the wells would stay on the response function due to lag depletions. Chris Ivers gave an update on the archeology report.

Next Meeting

The next quarterly meeting is scheduled for March 4, 2025 at 9:00 a.m.

Adjournment

A motion was made by Pete Stagner to adjourn the meeting. The motion was seconded by Jennifer Rodriguez and unanimously approved.

The meeting was adjourned at 11:19 a.m.



President



Vice-President/Secretary/Treasurer