

**RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
March 2, 2021 at 11:00 A.M.
By Zoom Teleconference**

Present: Greg Higel, President; Dwight Martin, Secretary/ Treasurer; Peggy Godfrey, Director; Steve Keller, Director; Zeke Ward, Director; Mike Kruse, Director; and Bill McClure, Director.

Absent: Armando Valdez, Vice-President; and Cory Off, Director.

Staff and Consultants: David Robbins and Pete Ampe, Hill & Robbins P.C.; Amber Pacheco, Program Manager; Marisa Fricke, Program Manager; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Cheryl Anderson, Office Manager; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

Guests: Jeremy Uhlenbrock, Patrick Shea, John Gerstle, Kim Cooley, George Whitten, David Frees, David Hofmann, Deb Sarason.

CALL TO ORDER

President Greg Higel called the meeting to order at 11:03 a.m. There was a quorum present for the meeting.

INTRODUCTION OF STAFF AND GUESTS

President Greg Higel welcomed all those present and asked for introductions.

APPROVE AGENDA

President Higel asked for amendments or a motion to approve the agenda. A motion was made by Bill McClure to approve the agenda as presented. The motion was seconded by Dwight Martin and unanimously approved.

PUBLIC COMMENT

President Higel asked for public comment. There were none.

REVIEW AND ACTION SUBDISTRICT NO. 4 2020 PARTIAL YEAR ANNUAL REPLACEMENT PLAN

President Higel asked for the review and consider for action items:

• ***Resolution for Approval of the 2020 Partial Year Annual Replacement Plan:***

Chris Ivers provided the number of wells in the Subdistrict and total groundwater withdrawals. Mr. Ivers highlighted the monthly stream depletions for plan year and presented the total post plan stream depletions. He reported Subdistrict No. 4 is not requesting a guaranty from the District as they have the ability to assess fees. Mr. Ivers reported on the Well Injury Payment agreements the Subdistrict has secured and the cost of the agreements. He highlighted the number of lag depletion years, the number of petitioned wells and number of contracted wells. Discussion was held on Well Injury Payments on property with conservation easements.

A motion was made by Dwight Martin approve/adopt the resolution for approval of the Subdistrict No. 4 2020 partial year Annual Replacement Plan. The motion was seconded by Steve Keller and unanimously approved.

REVIEW AND ACTION SUBDISTRICT NO. 5 2020 PARTIAL YEAR ANNUAL REPLACEMENT PLAN

President Higel asked for review and consider for action items:

• ***Resolution for Approval of the 2020 Partial Year Annual Replacement Plan***

Chris Ivers reported on the number of wells that are in Subdistrict No. 5 including the amount of withdrawals made. He provided the total monthly stream depletions for plan year and highlighted Subdistrict No. 5 has the same Well Injury Payment agreements as Subdistrict No. 4 on San Luis Creek. He reported they would be requesting an allocation from the Closed Basin Project for depletions on the Rio Grande River and will be asking to move forward with the ARP without having full source of replacement on Saguache Creek. Mr. Ivers reported on the negotiations with surface water owners regarding Well Injury Payment agreements. Discussion was held on the wells in

Subdistrict No. 5 being red tagged if the plan does not get approved by the State. Mr. Ivers updated the Board on other possible remedies the Subdistrict has been pursuing such as property purchases, reduction in pumping, and constructing a pipeline. He also reported on a CWCB loan the Subdistrict applied for. David Robbins reported on the timing issue and suggested the Board consider approval with contingencies. George Whitten commented on how farmers would be impacted if not allowed to pump their wells. Discussion was held on how mitigation would be handled if wells were not able to pump.

A motion was made by Dwight Martin to approve/adopt the resolution for approval of the Subdistrict No. 5 2020 partial year Annual Replacement Plan with the contingency for remedies to be sought in the near future to address the injuries. The motion was seconded by Bill McClure and unanimously approved.

President Higel acknowledged the incorrect order of approval of the partial year Annual Replacement Plan which was on the agenda to come after consideration of the resolution to allow Subdistrict No. 5 to use a portion of the Closed Basin Project for the replacement of injurious depletions.

- ***Resolution to allow Subdistrict No. 5 to use a portion of the Closed Basin Project for the replacement of injurious depletions***

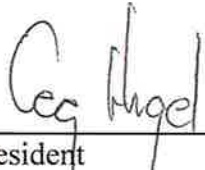
Dwight Martin explained how he felt this was a good idea and work trying to see if it would work. Peggy Godfrey reported she would abstain and is neither for it nor against it. Mike Kruse stated he would vote in favor but registered his objections.

A motion was made by Bill McClure to approve/adopt the resolution to allow Subdistrict No. 5 to use 60-acre feet of the Closed Basin Project for the replacement of injurious depletions. The motion was seconded by Dwight Martin and unanimously approved.


ADJOURN

The meeting was adjourned at 11:58 a.m.

The next scheduled quarterly meeting will be held on April 20, 2021.



President



Secretary/Treasurer

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
RIO GRANDE WATER CONSERVATION DISTRICT**

March 2nd, 2021

**APPROVING 2020 PARTIAL YEAR ANNUAL REPLACEMENT PLAN
OF SPECIAL IMPROVEMENT DISTRICT NO. 4
OF THE RIO GRANDE WATER CONSERVATION DISTRICT**

The Board of Directors of the Rio Grande Water Conservation District (“District”) at a special meeting held on March 2, 2021, in Alamosa, Colorado does hereby resolve that:

WHEREAS, Special Improvement District No. 4 of the Rio Grande Water Conservation District (“Subdistrict No. 4”) was created to conserve and stabilize the water supply and groundwater storage for irrigation, domestic, municipal and other beneficial uses for the water users within the boundaries of Subdistrict No. 4 and to remedy injurious depletions caused by groundwater withdrawals from Subdistrict Wells; and

WHEREAS, Subdistrict No. 4 is operating under an approved Plan of Water Management which requires the development of an Annual Replacement Plan showing, among other things, the predicted injurious depletions caused by Subdistrict Well groundwater withdrawals and the manner in which the Subdistrict will remedy those depletions; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District on the 2nd day of March, 2021, that:

The District hereby accepts and approves the Subdistrict No. 4 Partial Year 2020 Annual Replacement Plan.

ATTEST:

RIO GRANDE WATER CONSERVATION
DISTRICT

By: 
Dwight Martin
Secretary/Treasurer

By: 
Greg Higel,
President

COUNTY OF ALAMOSA)
) ss
STATE OF COLORADO)

Subscribed and sworn to me this 2nd day of March, 2021, by Greg Higel, President, Board of Directors of the Rio Grande Water Conservation District

Witness my hand and seal.

My commission expires: 6-15-21



April Mondragon
Notary Public

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
RIO GRANDE WATER CONSERVATION DISTRICT**

March 2nd, 2021

**APPROVING 2020 PARTIAL YEAR ANNUAL REPLACEMENT PLAN
OF SPECIAL IMPROVEMENT DISTRICT NO. 5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT**

The Board of Directors of the Rio Grande Water Conservation District (“District”) at a special meeting held on March 2, 2021, in Alamosa, Colorado does hereby resolve that:

WHEREAS, Special Improvement District No. 5 of the Rio Grande Water Conservation District (“Subdistrict No. 5”) was created to conserve and stabilize the water supply and groundwater storage for irrigation, domestic, municipal and other beneficial uses for the water users within the boundaries of Subdistrict No. 5 and to remedy injurious depletions caused by groundwater withdrawals from Subdistrict Wells; and

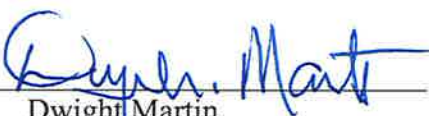
WHEREAS, Subdistrict No. 5 is operating under an approved Plan of Water Management which requires the development of an Annual Replacement Plan showing, among other things, the predicted injurious depletions caused by Subdistrict Well groundwater withdrawals and the manner in which the Subdistrict will remedy those depletions; and


NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District on the 2nd day of March, 2021, that:

The District hereby accepts and approves the Subdistrict No. 5 Partial Year 2020 Annual Replacement Plan with the contingency a sufficient source of remedy for all injurious depletions projected to occur to all streams is secured prior to the State Engineer’s approval of the Annual Replacement Plan.

ATTEST:

RIO GRANDE WATER CONSERVATION
DISTRICT

By: 
Dwight Martin
Secretary/Treasurer

By: 
Greg Higel,
President

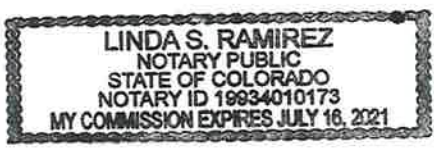
COUNTY OF ALAMOSA)
) ss
STATE OF COLORADO)

Subscribed and sworn to me this 2nd day of March, 2021, by Greg Higel, President, Board of Directors of the Rio Grande Water Conservation District

Witness my hand and seal.

My commission expires: 7/16/2021

Linda S. Ramirez
Notary Public



**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
RIO GRANDE WATER CONSERVATION DISTRICT**

**TO ALLOW SPECIAL IMPROVEMENT DISTRICT NO. 5 TO USE A PORTION OF
THE PRODUCTION OF THE CLOSED BASIN PROJECT FOR THE REPLACEMENT
OF INJURIOUS DEPLETIONS UNDER ITS PARTIAL YEAR 2020 ANNUAL
REPLACEMENT PLAN**

The Board of Directors of the Rio Grande Water Conservation District at a special meeting held on March 2, 2021, in Alamosa, Colorado does hereby resolve that:

WHEREAS, Special Improvement District No. 5 of the Rio Grande Water Conservation District (“Subdistrict No. 5”) was created to conserve and stabilize the water supply and groundwater storage for irrigation, domestic, municipal and other beneficial uses for the water users within the boundaries of Subdistrict No. 5 and to remedy injurious depletions caused by groundwater withdrawals from Subdistrict Wells; and

WHEREAS, Subdistrict No. 5 is operating under an approved Plan of Water Management which requires the development of an Annual Replacement Plan (“ARP”) showing, among other things, the predicted injurious depletions caused by Subdistrict Well groundwater withdrawals and the manner in which the Subdistrict will remedy those depletions; and

WHEREAS, the production from the Closed Basin Project can and should be used as a source of water to remedy injurious depletions caused by groundwater withdrawals from wells included in the Subdistrict’s Partial Year 2020 ARP.

R E S O L U T I O N

NOW, THEREFORE, be it resolved by the Board of Directors of the Rio Grande Water Conservation District that:

1. The District anticipates that this Project Water will be used to replace depletions from March 16th – April 30th, 2020.
2. The inclusion of 60 acre-feet of water from the production of the Closed Basin Project as a source of supply in the Subdistrict No. 5 Partial Year 2020 Annual Replacement Plan and the use of said water under the 2020 ARP to remedy injurious stream depletions is approved.

ATTEST:

RIO GRANDE WATER
CONSERVATION DISTRICT

By: *Dwight Martin*
Dwight Martin
Secretary/Treasurer

By: *Greg Higel*
Greg Higel
President

COUNTY OF ALAMOSA)
) ss
STATE OF COLORADO)

Subscribed and sworn to me this 2nd day of March, 2020, by Greg Higel, President, Board of Directors of the Rio Grande Water Conservation District.

Witness my hand and seal.

My commission expires: 6-5-21



April Mondragon
Notary Public