

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #6
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
May 13, 2020 at 1:30 p.m.
By Zoom/Teleconference Only**

Present: Tyler Faucette, President; Virgil Valdez, Vice-President; Ronald Reinhardt, Secretary/Treasurer; Kenneth Reynolds, Manager; Gerald Faucette, Manager; Rodney Reinhardt, Manager; Ted Heersink, Manager; Peter Clark, Manager; Mario Curto, Manager; and, Armando Valdez, Ex-Officio Member

Absent: Rodney Archer, Manager

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Cleave Simpson, General Manager; Amber Pacheco, Program Manager; Rose Vanderpool, Program Assistant; Chris Ivers, Program Manager; Clinton Phillips, Davis Engineering; Tim Carden; Program Assistant; and, April Mondragon, Administrative Assistant

Guests: Janell Martin, Virginia Christensen, Ron Brink, Dana Ellisco, Heath Haedje, Julie Miller, Phillip

Meeting Called to Order

President Faucette called the meeting to order at 1:30 p.m. A quorum was present.

Approval of Agenda

President Faucette asked for changes, amendments or a motion to approve the agenda. Amber Pacheco asked to add Public Comment after the approval of the minutes. President Faucette asked to add New Business under the CWCB Grant and to discuss the John Riddick well under the Review and Possible Approval of Participant Contracts. A motion was made to approve the agenda as amended. The motion was seconded and unanimously approved.

Approval of the Minutes

President Faucette asked for changes or a motion to approve the following minutes:

- February 12, 2020-Annual Meeting

A motion was made to approved the February 12, 2020 Annual Meeting Minutes as presented. The motion was seconded and unanimously approved.

- March 23, 2020, Special Meeting and April 21, 2020, Special Meeting

President Faucette asked for a correction to the time the meeting was called to order time in both the March 23, 2020, and the April 21, 2020, meeting minutes. A motion was made to approve the March 23, 2020 and April 21, 2020 minutes with the corrections. The motion was seconded and unanimously approved.

Public Comment

President Faucette asked for public comment. Ron Brink was available by telephone and requested to speak during the discussion regarding a possible agreement to lease to acquire water.

Attorney's Report

President Faucette asked for the Attorney's Report. Pete Ampe updated the Board on the Santa Maria Reservoir case and three (3) cases filed in water court by the City of Alamosa. Mr. Ampe reported the Rio Grande Water Conservation District is an opposer in each of the City of Alamosa cases.

Program Manager's Report

President Faucette asked for the Program Manager's Report. Amber Pacheco presented the financial report. Payment for a recharge structure built in the Monte Vista Canal was discussed. Ms. Pacheco provided the cost associated with the construction of the structure which included a head gate, partial flume and an automatic recorder. Ms. Pacheco reported that Subdistrict No. 6 and other Subdistricts will benefit from the structure, therefore, a cost-share agreement needs to be prepared. Ms. Pacheco also provided the amount of assessments that had been collected and presented a breakdown of the total due to the Rio Grande Water Conservation District.

A motion was made to approve the financial report as presented. The motion was seconded and unanimously approved.

Ms. Pacheco reported both Subdistrict No. 2 and No. 3 Annual Replacement Plans were approved and are operating accordingly. She updated the Board on the forecast and stated she would continue to monitor it. She also reported she is continuing to work on acquiring water sources. Ms. Pacheco provided an update on forbearance agreements and stated they would continue to collect them and seek State approval upon receipt of any new agreements. She reported on a potential purchase of Jasper augmentation water from the Terrace Irrigation Company. Ms. Pacheco also reported on a potential purchase of transmountain water and two (2) shares of Monte Vista Canal water. Discussion was held regarding obtaining permission from a ditch company to change the use of the water.

Review and Consideration of a Policy for Approving Contracts and Inclusion Agreements to Include Wells in the Subdistrict's Annual Replacement Plan

President Faucette asked for the review and consideration of a policy for approving contracts to include wells in the Subdistrict's Annual Replacement Plan. Ms. Pacheco explained the policy and went over the considerations included in the policy. She stated the policy is a way to standardize the process and would be the procedure the Subdistrict would follow when considering contracts.

A motion was made to approve Subdistrict No. 6 Policy No. 20-01. The motion was seconded and unanimously approved.

Review and Possible Approval of Participation Contracts and Inclusion Agreements

President Faucette asked for the review and possible approval of the following Participation Contracts and Inclusion Agreements:

Ms. Pacheco presented the details of each Participation Contract and Inclusion Agreement for the Board.

Robert and Terry Booth-Participation Contract

A motion was made to approve the Participation Contract for Robert and Terry Booth. The motion was seconded and unanimously approved.

Bureau of Land Management-Participation Contract

A motion was made to approve the Participation Contract for the Bureau of Land Management. The motion was seconded and unanimously approved.

Heath and Dana Haedge-Participation Contract

A motion was made to approve the Heath and Dana Haedge Participation Contract. The motion was seconded and unanimously approved.

Julie Miller and Dana Ellisco-Participation Contract

A motion was made to approve the Julie Miller and Dana Ellisco Participation Contract. The motion was seconded and unanimously approved.

Muleskinner Limited (Erwin and Lynne Young)-Participation Contract

Ms. Pacheco presented and highlighted the details of the Muleskinner Limited Participation Contract and stated they did not have the opportunity to petition into the Subdistrict. Discussion was held regarding how the consumptive use is calculated. A motion was made to approve the Muleskinner Limited Participation Contract. The motion was seconded and unanimously approved.

Barry and Patricia Pitarresi-Participation Contract

A motion was made to approve the Barry and Patricia Pitarresi Participation Contract. The motion was seconded and unanimously approved.

Town of Capulin

A motion was made to approve the Town of Capulin Participation Contract. The motion was seconded and unanimously approved.

Ms. Pacheco explained the difference between a participation contract and an inclusion contract.

Patrick Murphy-Inclusion Agreement

A motion was made to approve the Patrick Murphy Inclusion Contract. The motion was seconded and unanimously approved.

Thomas and Michon Roberts-Inclusion Agreement

A motion was made to approve the Thomas and Michon Roberts Inclusion Contract. The motion was seconded and unanimously approved.

Alfonso and Loretta Vigil-Inclusion Agreement

A motion was made to approve the Alfonso and Loretta Vigil Inclusion Contract. The motion was seconded and unanimously approved.

Ms. Pacheco explained an issue of an incorrect WDID being petitioned into the Subdistrict. The well belongs to Jason Coombs. Mr. Coombs requested the Subdistrict allow him to correct the WDID and remove the incorrect one from the Subdistrict Well List. Pete Ampe reported what could be done to clear up the issue and staff was directed to require an affidavit from Mr. Coombs explaining the well was incorrect on the petition.

Rodney Reinhart asked for a discussion regarding a well owned by John Riddick. Mr. Reinhart explained the situation. Discussion was held on requiring Mr. Riddick to contract into the Subdistrict as well as charging back fees. Discussion regarding this well will be placed on the next agenda to be considered at the next Subdistrict meeting.

Ms. Pacheco went through a list of potential contracts staff is currently working on and provided the number of wells, the use of the wells and the acre-feet of pumping of the wells.

Review and Possible Action on Appeals of 2019 Fee Assessments

President Faucette asked for a review and possible action on appeals of 2019 fee assessments. Amber Pacheco presented three appeals for the Board's consideration. Ms. Pacheco reported that refunds on approved appeals would not be disbursed until the assessments are verified as paid in full.

John Jancar Appeal

Ms. Pacheco stated John Jancar was charged at an incorrect rate and, therefore, was assessed incorrectly. Staff recommendation is a refund in the amount of \$276.98.

A motion was made to approve the John Jancar Appeal and issue a refund in the amount of \$276.98 upon verification of the assessments being paid in full. The motion was seconded and unanimously approved.

Skyline Hospitality Appeal

Ms. Pacheco presented the Skyline Hospitality appeal and stated the well is a non-benefited well and is already covered by the San Luis Valley Water Conservancy District's augmentation plan. Staff recommendation is a refund in the amount of \$228.02.

A motion was made to approve the Skyline Hospitality appeal and issue a refund in the amount of \$228.02 upon verification of the assessments being paid in full. The motion was seconded and unanimously approved.

Mark Haugen Appeal

Ms. Pacheco presented the Mark Haugen appeal and stated the well was charged at an incorrect rate and, therefore, was assessed incorrectly. Staff recommendation is a refund in the amount of \$334.15.

A motion was made to approve the Mark Haugen appeal and issue a refund in the amount of \$334.15 upon verification of the assessments being paid in full. The motion was seconded and unanimously approved.

Discussion was held on how late in the year the Subdistrict would be accepting contracts.

Update on CWCB Grant

President Faucette asked for an update on the CWCB Grant request. Clinton Phillips reported he was working on an application for the CWCB Grant for the Alamosa River ATM Project. Mr. Phillips provided the name of his contact and provided an update on the funding. He also provided the potential submission date and scope of the work. Mr. Phillips reported the funding is flexible

and provided the potential uses and stated he hoped to have a draft budget to Amber Pacheco and Pete Ampe soon.

Small Capacity Wells Discussion

President Faucette reported on a conversation he had with Martin Reynolds regarding possibly purchasing some irrigation wells and combining them to make a larger water right and what the value to the Subdistrict would be. Pete Ampe commented on the idea and President Faucette reported on the fee associated with changing the use of a water right. Deb Sarason confirmed the process and fee.

Discussion Regarding Possible Agreement with Subdistrict No. 1 to Lease or Acquire Water in Storage

President Faucette asked for a discussion regarding a possible agreement with Subdistrict No. 1 to lease or acquire water in storage. Amber Pacheco reported on the price increase on an agreement Subdistrict No. 1 entered into to allow Subdistricts No. 2, 3 and 6 to lease a portion of their Santa Maria Reservoir stored water to use for depletions. Ms. Pacheco stated staff is working to keep costs down and suggested the Subdistrict offer to purchase some of their stored water. She provided some of Subdistrict No. 1's concerns surrounding storage costs and the details of how the potential agreement would be structured as well as how it could benefit both Subdistricts. President Faucette commented on the amount of money Subdistrict No. 1 has invested in the stored water and if they would consider selling portion of it. Discussion was held on the dollar amount to offer Subdistrict No. 1 for water.

Direction for Staff

President Faucette asked Amber Pacheco to continue to update to the Board on any progress. Ms. Pacheco reported she would begin negotiation discussions with Marisa Fricke regarding the idea of purchasing a portion of their stored water.

Next Meeting

The next quarterly meeting is scheduled for August 4, 2020, at 1:30 p.m.

Adjournment

A motion was made to adjourn the meeting. The motion was seconded and unanimously passed. The meeting was adjourned at 3:58 p.m.



President



Secretary/Treasurer