

**RIO GRANDE WATER CONSERVATION DISTRICT
SPECIAL BOARD OF DIRECTORS HEARING
July 14, 2023 at 1:00 P.M.
Rio Grande Water Conservation District Conference Room
And By Zoom Teleconference**

Present: Greg Higel, President; Zeke Ward, Secretary/ Treasurer; Peggy Godfrey, Director; Elliott Salazar, Director; Mark Deacon, Director; Cory Off, Director; and, Mike Kruse, Director.

Absent: Armando Valdez, Vice-President; and, Doug Gunnels, Director.

Staff and Consultants: David Robbins and Pete Ampe, Hill & Robbins, P.C.; Amber Pacheco, Deputy General Manager; Taylor Chick, Program Manager; Chris Ivers, Program Manager; Clinton Phillips, Davis Engineering; Angelo Bellah, Program Manager; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; Kylie Gregg, Office Manager; Linda Ramirez, Program Assistant; Michael Carson, Database Administrator; and, Crystal Benavidez, HCP Coordinator/Program Assistant.

Guests: Jake Burris, Sheldon Rockey, Chris Miner, Patrick O’Neil, Les Alderete, Asier Artaechevarria, Ryan Donovan, Lawrence Crowther, Bethany Howell, Kathleen Voight, William Myers, Clay Mitchell, Chris Lopez, and Jaime Hart.

CALL TO ORDER

President Greg Higel called the meeting to order at 1:07 p.m. There was a quorum present for the meeting. The Pledge of Allegiance was recited.

INTRODUCTION OF STAFF AND GUESTS

President Higel welcomed all those present and asked for introductions.

APPROVE AGENDA

President Higel asked for changes or additions to the agenda. A motion was made by Mark Deacon to approve the agenda as presented. The motion was seconded by Zeke Ward and unanimously approved.

PUBLIC COMMENT

President Higel asked for public comment. Ryan Donovan reported he was representing the Northeast Water Users Association (NEWUA) and the Sustainable Water Augmentation Group (SWAG). He reported the SWAG trail was set to begin and commented on the exhibits submitted by the District. Mr. Donovan requested the Board of Directors consider rejecting the Fourth Amended Plan of Water Management (POWM4) for Subdistrict No. 1. He summarized the objections contained in the written letter submitted to the District regarding the Depletion Fee and the State Engineer’s Office’s failure to submit a response to a request submitted to them from his clients. Peggy Godfrey commented on the State’s Doctrine of Prior Appropriation.

REVIEW AND POSSIBLE ACTION/ADOPTION OF FOURTH AMENDED PLAN OF WATER MANAGEMENT FOR SPECIAL IMPROVEMENT DISTRICT #1

President Higel asked for the review and possible action/adoption of the Fourth Amended Plan of Water Management for Special Improvement District No. 1. Mike Kruse commented on the inadequacy of the prior POWM and his concerns regarding the stipulation. Pete Ampe explained the stipulation would not apply to the new POWM. Mr. Kruse reported being in agreement with most of the POWM4, however, he would be voting against it. Zeke Ward described his reluctance to be in a position that could bring long term repercussions when the time he had to review the objections was limited. Mr. Kruse recommended the Board should approve the POWM4. David Robbins explained legal oppositions would need to be resolved in court and the process to follow should the Board of Directors reject the POWM4. Elliott Salazar commented on the time and effort the Board of Managers of Subdistrict No. 1 put into preparing the POWM4.

A motion was made by Cory Off to approve the Fourth Amended Plan of Water Management for Subdistrict No. 1. The motion was seconded by Mark Deacon.

Zeke Ward commented on the Division of Water Resources approval of the POWM4. Peggy Godfrey described why should would be voting against approval of the POWM4.

Roll call vote was taken:

Mark Deacon-Yes
Peggy Godfrey-No

Zeke Ward-Yes
Elliott Salazar-Yes
Mike Kruse-No
Cory Off-Yes
Greg Higel-Yes

The motion passed with five (5) yes votes and two (2) no votes.

OTHER ACTIONS AS REQUESTED

President Higel asked for other action as requested. There was none.

ADJOURN

The meeting was adjourned at 1:37 P.M.

The next quarterly meeting is scheduled for July 18, 2023, at 10:00 a.m.



President



Secretary/Treasurer

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

**TO APPROVE THE FORTH AMENDED AND RESTATED OFFICIAL PLAN FOR
SPECIAL IMPROVEMENT DISTRICT NO. 1**

WHEREAS, on July 19, 2006, the District Court, in and for Alamosa County, entered the Order Establishing Special Improvement District No. 1 of the Rio Grande Water Conservation District (“Subdistrict No. 1”); and

WHEREAS, the Board of Directors of the Rio Grande Water Conservation District duly appointed a Board of Managers for Subdistrict No. 1; and

WHEREAS, the Board of Managers has been operating under official plans previous to this date, and

WHEREAS, the Board of Managers realized that the official plan the Subdistrict was operating under was not meeting the requirements to achieve and maintain a sustainable water supply; and

WHEREAS, said Board of Managers has drafted an amended and restated official plan for Subdistrict No. 1 in order to address the inadequacies of the previous official plan; and

WHEREAS, said official plan includes a groundwater management plan; and

WHEREAS, the Board of Managers of Subdistrict 1 approved said official plan, known as the Fourth Amended and Restated Plan of Water Management, on June 6, 2023; and

WHEREAS, said official plan was been presented to and approved by the Board of Directors pursuant to section 37-48-126(2); and



WHEREAS, in compliance with statute, the Plan of Water Management was presented to the Office of the State Engineer and approved by the State Engineer June 20, 2023; and

WHEREAS, after proper notice the Board of Directors held a hearing July 14, 2023 on the adoption of the Plan of Water Management.

RESOLUTION

NOW, THEREFORE, be it resolved and adopted by the Board of the District that:

1. The Board of Directors hereby adopts the Forth Amended and Restated Plan of Water Management as the official plan of Special Improvement District No. 1 of the Rio Grande Water Conservation District.

RESOLVED this 14th day of July, 2023.

ATTEST:

RIO GRANDE WATER
CONSERVATION DISTRICT

By: Zeke Ward
Zeke Ward
Secretary/Treasurer

By: Greg Higel
Greg Higel
President

COUNTY OF ALAMOSA)
) ss
STATE OF COLORADO)

Subscribed and sworn to me this 14th day of July, 2023, by Greg Higel, President, Board of Directors of the Rio Grande Water Conservation District.

Witness my hand and seal.

My commission expires: 7/16/2025

LINDA S. RAMIREZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 19934010173
MY COMMISSION EXPIRES JULY 16, 2025

Linda S. Ramirez
Notary Public