

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #1  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
March 31, 2021 at 2:00 p.m.  
By Zoom Teleconference**

**Present:** Brian Brownell, President; Carla Worley, Vice-President; Jamie Hart, BOM; Miguel A. Diaz, BOM; Sheldon Rockey, BOM; Clay Mitchell, BOM; Chris Miner, BOM; Les Alderete, BOM; Tony Holcomb, BOM; Asier Artaechevarria, BOM; and Mike Kruse, Ex-Officio.

**Staff and Consultants:** Pete Ampe, Hill & Robbins P.C.; Marisa Fricke, Program Manager; Amber Pacheco, Program Manager; Linda Ramirez, Program Assistant; Clinton Phillips, Davis Engineering; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

**Guests:** Deb Sarason, David Hofmann, Dale Bartee, Jake Burris, William Myers, Ernie Myers, Chayito Espinoza, Leslie Bechaver, Cheryl Santi, Royce Nickel, and Steven McCullough.

**Meeting Called to Order**

President Brownell called the meeting to order at 2:10 p.m. A quorum was present.

**Approval of the Agenda**

President Brownell asked for amendments or for approval of the agenda. A motion was made by Jamie Hart to approve the agenda as presented. The motion was seconded by Les Alderete and unanimously approved.

**Public Comment**

President Brownell asked for public comment. There were none.

**Discussion and Possible Action**

President Brownell asked for discussion and possible action items.

- ***Well Inclusion Contracts for 2021 ARP***

Marisa Fricke presented a list of sixteen (16) wells for the Board to consider. She highlighted that the contracts would be accepted conditionally on the approval of SWSPs.

A motion was made by Sheldon Rockey to accept the well inclusion contracts with the conditions. The motion was seconded by Clay Mitchell. Carla Worley and Asier Artaechevarria recused themselves. The motion was voted on and passed.

- ***Subdistrict No. 1 Properties***

Marisa Fricke reported on the potential renewal of the steel building storage lease. Discussion was held on possibly selling the property or doing a one- or three-year lease.

A motion was made by Carla Worley to renew the lease for one year. The motion was seconded by Chris Miner and unanimously approved.

Discussion was held on the buildings and bins on Subdistrict owned property. Carla Worley, Mike Kruse and Chris Miner volunteered to serve on a committee and would begin to investigate the properties and the options to sell the properties.

- ***Fallow Contracts***

Marisa Fricke reported receiving applications for Fallow from Valley Alliance, Southern Colorado Farms, and Miller Coors. She highlighted the individual circumstances of each contract, the number of fields per contract as well as her recommendations. Ms. Fricke reminded the Board of a discussion they had on not allowing re-enrollment of Fallow Contracts and the reasoning behind that. Discussion was held on the amount budgeted for Fallow, following the Fallow rules and restrictions and how to get fields from Fallow into CREP.

A motion was made by Carla Worley to accept field No. 8 owned by Southern Colorado Farms for four (4) years, same for Miller Coors. The motion was seconded by Clay Mitchell, discussion was held.

Ms. Fricke reported she would inform Southern Colorado Farms that field 8 would be eligible and would come back to the Board if they choose to proceed. Carla Worley rescinded her motion. Sheldon Rockey suggested the same apply to the Miller Coors contract.

A motion was made by Jamie Hart to approve the Valley Alliance fallow contract. The motion was seconded by Miguel Diaz and unanimously approved.

Discussion was held on whether or not the Subdistrict would forgive and/or allow a farm to be removed from a fallow contract if accepted into the well buyout program.

A motion was made by Jamie Hart that if someone applies and is accepted into the well buyout program and requests to be removed from their fallow contract, that would be acceptable. The motion was seconded Clay Mitchell and unanimously approved.

- ***Surface Water Inclusions***

Marisa Fricke explained a request made by Kennon Anderson to move fifteen (15) of his shares of surface water from Subdistrict No. 5 into Subdistrict No. 1 for one (1) year. She presented a map in connection with his request and highlighted the location where the water would be recharged.

A motion was made by Tony Holcomb to accept the Kennon Anderson surface water inclusion agreement to move 15 shares from Subdistrict No. 5 to Subdistrict No. 1 for one year with a one-year average. The motion was seconded by Clay Mitchell and unanimously approved.

Marisa Fricke reported on the Rod Clayton surface water inclusion request and explained step two (2) of Mr. Claytons augmentation plan.

A motion was made by Carla Worley to accept the Rod Clayton surface water inclusion contract. The motion was seconded by Sheldon Rockey and unanimously approved.

Cheryl Santi addressed the Board and asked if Subdistrict No. 1 would have interest in using her water from the silver ditch in exchange for figuring out the quantity of water she owns. Carla Worley suggested Ms. Santi reach out to the other Subdistricts with her offer. Ms. Santi highlighted her property should not be in Subdistrict No. 1 and question if there was a way to opt out of Subdistrict No. 1 and join Subdistrict No. 2.

- ***GSDNP Forbearance***

Marisa Fricke reported the Great Sand Dunes National Park (GSDNP) is in the Subdistrict No. 1 ARP, she highlighted the Subdistrict did the forbearance agreement last year and reported it was up for consideration again this year. Pete Ampe reported the forbearance agreement would cover the visitors center at the park and recommend approval.

A motion was made by Sheldon Rockey to approve the GSDNP forbearance agreement. The motion was seconded by Jamie Hart and unanimously approved.

Amber Pacheco thanked Brian Brownell and the Board for their consideration of requests made by Subdistricts Nos. 2, 3 and 6 to purchase amounts of stored water from Subdistrict No. 1 for use in their upcoming 2021 or future ARP's. She highlighted the Subdistricts continue to face challenges and continue to seek other water sources. Ms. Pacheco reminded the Board of the amounts of water in acre feet each Subdistrict has requested.

### **Executive Session**

President Brownell asked for a motion to enter into executive session to review and discuss sale of stored water to Subdistricts and Well Permit offers. A motion was made by Chris Miner to enter into executive session. The motion was seconded by Clay Mitchell and unanimously approved.

Mr. Ampe stated the Board was entering into executive session to discuss sale of stored water to Subdistricts and Well Permit offers. The Board would take no formal action or position during the executive session.

### **Possible Action on Executive Session Discussion**

Pete Ampe stated the Board was in executive session and had voted to come out. Discussion was related to review and discuss sale of stored water to Subdistricts and well permit offers. Mr. Ampe stated for the record that during the Well Permit Purchase Program discussion, Mike Kruse excused himself from the executive session and took no part in the discussion.

President Brownell provided a counter proposal of \$500 per acre foot to purchase water from Subdistrict No. 1 with the agreement the water would be run to the ditches in the Subdistrict No. 1 system. Jamie Hart provided some of the reasons the Subdistrict is asking a higher price for the water.

A motion was made by Sheldon Rockey to accept the MOU based on the recommendations from the committee at \$500 per acre foot with the additional requirement that water only be used to replace injury to the canals that enter into Subdistrict No. 1. The motion was seconded by Clay Mitchell and unanimously approved.

President Brownell provided the number of applications received for the Well Permit Purchase Program that met the criteria.

A motion was made by Asier Artaechevarria to table the well permit purchase offers for one month. The motion was seconded by Les Alderete. Discussion was held and vote was taken, Les Alderete and Asier Artaechevarria voted in favor of the motion, the remainder of the Board voted against the motion.

The motion fails with eight (8) no's and two (2) yeses.

A motion was made by Jamie Hart that any acceptance of any offer pending before the Board is contingent upon the due diligence and finding of good and marketable title etc. for the wells and the resolution of the budget litigation to assure that the Subdistrict has the funds to make those payments. The motion was seconded by Clay Mitchell, vote was taken, Les Alderete and Asier Artaechevarria voted against the motion, the remainder of the Board voted in favor of the motion.

The motion passed with eight (8) yesses and two (2) nos.

Marisa Fricke explained the well bid ranking process and how the lowest ranking numbers are favorable to the Subdistrict. Ms. Fricke presented a list of all of the ranks, she highlighted eleven (11) of the lowest scoring wells and the amount of consumptive use that would be retired as well as the average price.

A motion was made by Jamie Hart to accept the eleven (11) presented Well Permit Purchase Program contracts.

Asier Artaechevarria voiced his concern and opposition without seeing the offers and explained what other information he would like to see. Discussion was held on the importance of making fair decisions and how to accomplish that.

The motion on the floor was voted on, Les Alderete and Asier Artaechevarria voted no, the remainder of the Board voted in favor, the motion passed.

The motion passed with eight (8) yesses and two (2) nos.

#### **Next Meeting**

A special meeting was scheduled for April 13, 2021 at 9:00 a.m. The next quarterly meeting is scheduled for June 1, 2021 at 1:30 p.m.

#### **Adjournment**

The meeting was adjourned at 6:47 p.m.

  
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President

  
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Secretary/Treasurer