

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #4
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
February 11, 2021 at 5:30 p.m.
By Zoom Teleconference**

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

Staff and Consultants: Pete Ampe, Hill and Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Clinton Philips, Davis Engineering; and Michael Carson, Data Base Administrator.

Guests: David Hofmann, Deb Sarason, Tyrell Mares, Cody Redden.

Meeting Called to Order

President Frees called the meeting to order at 5:30 p.m. A quorum was present.

Approval of the Agenda

President Frees stepped out of the chair and made a motion to approve the agenda with the addition of consideration to possibly approve the Town of Moffat contract and the Fish and Wildlife contract to item three (III) of the agenda. The motion was seconded by Jan Waye and unanimously approved.

Review and Consider Participation Contracts

President Frees asked for review and consider of the following participation contracts:

- ***Town of Crestone Participation Contract***

Chris Ivers presented the Town of Crestone participation contract. He provided the number of wells requesting to be included, how the wells are used and return flows. Mr. Ivers recommendation was to approve. President Frees asked about irrigation uses regarding all of the participation contracts up for participation.

A motion was made by Jeremy Uhlenbrock to approve the Town of Crestone participation contract. The motion was seconded by Pete Stagner and unanimously approved.

- ***KV Homeowners***

Chris Ivers presented the KV Homeowners participation contract. He provided the use of the wells and the amount average withdrawals. President Frees expressed concern over the increased use over the past few years. Discussion was held on the contract fee and if the Subdistrict has a mechanism in place to require a reduction of use.

David Frees stepped out of the chair and made a motion to approve the KV Homeowners participation contract with the addition of \$500 for a contract fee. The motion was seconded by Pete Stagner and unanimously approved.

- ***Elementall, LLC***

Chris Ivers presented the Elementall, LLC participation contract. Rose Vanderpool reported what the wells are used for and provided the historical use. Mr. Ivers stated there are no metered diversions, and presented the arial photos of the property. Deb Sarason reported on the partial abandonment and David Hofmann explained why they need to contract with the Subdistrict.

A motion was made by Pete Stagner to approve the Elementall, LLC participation contract as long as they fulfill the abandonment process. The motion was seconded by Jeremy Uhlenbrock and unanimously approved.

- ***Larry Mitchell***

Chris Ivers presented the Larry Mitchell participation contract. He reported on the ownership issues of the small well and provided the location of the well. Mr. Ivers provided the decreed uses of the well, the maximum gallons per minute and reported on the split of the contract fee due to the ownership issue. The depth of the well, location of the well and whether or not it is a flowing well was discussed.

A motion was made by Pete Stagner to approve the Larry Mitchell participation contract. The motion was seconded by Jeremy Uhlenbrock and unanimously approved.

- ***Town of Moffat***

Chris Ivers presented the Town of Moffat participation contract. He reported on the historical use and municipal public supply issues in connection with the wells. Discussion was held on the fire department well and the 420-grow operation. The Board discussed re-assessing the Town of Moffat contract in one year.

A motion was made by Jeremy Uhlenbrock to approve the Town of Moffat contract as presented. The motion was seconded and unanimously approved.

- ***US Fish & Wildlife***

Chris Ivers presented the US Fish & Wildlife participation contract. Mr. Ivers reported on the net reduction in stream depletion on Crestone Creek if the wells are included. He also reported keeping the contract vague in order to keep the contract flexible. Mr. Ivers read through the terms of the contract and how the Subdistrict may acquire credit through a MOU with Subdistrict No. 1. He highlighted the language US Fish & Wildlife added to the contract, how the forbearance price will be set and provided an update on their Well Injury Payment agreement. Discussion was held on the treatment plant discharge making it to the stream. Mr. Ivers was directed to make the requested changes to the contract, follow up on the Well Injury Payment contract and be brought back to the Board for consideration at the next meeting.

Discussion on Memorandum of Understanding (MOU) with Subdistrict No. 5

President Frees asked for discussion on memorandum of understanding with Subdistrict No. 5. Pete Ampe reported that this Board had discussed entering into an MOU with Subdistrict No. 5 with the agreement that Subdistrict 4 would remedy Subdistrict No. 5's depletions. Discussion was held on the cost of the injury. Mr. Ampe informed the Board he would draft the MOU and present to the Board for consideration at the next meeting.

2020 Fee Invoicing

President Frees asked for 2020 fee invoicing. Pete Ampe provided the due dates and how the payments would be collected and tracked. A motion was made by Jeremy Uhlenbrock to direct Chris Ivers to send out invoices for the fees that were not placed on the County tax roll due to a miscommunication. The motion was seconded by Pete Stagner and unanimously passed.

Discussion on Well Injury Payment Agreements

President Frees asked for discussion on Well Injury Payment Agreements. Chris Ivers provided an update on the US Fish & Wildlife, Nick Chambers and Little Rivers Well Injury Payment agreements. He also provided an update on the Ridgley's and Kyanna Holdings agreements.

Executive Session

President Frees asked for a motion to enter into executive session to receive legal advice concerning a potential purchase of real property. A motion was made by Pete Stagner to enter into executive session. The motion was seconded by Jan Wayne and unanimously approved.

Mr. Ampe stated the Board was entering into executive session to discuss a potential real property purchase. The Board would take no formal action or position during the executive session.

Action on Executive Session Discussion

President Frees asked for action on executive session. Pete Ampe reported staff has received instructions and no formal decisions have been made at this point.

New Business:

President Frees asked for new business. There were none.

Next Meeting

A special meeting was scheduled for February 17, 2021 at 4:00 p.m. The next quarterly meeting is scheduled for March 2, 2021 at 9:00 a.m.

Adjournment

A motion was made by Jan Wayne to adjourn the meeting. The motion was seconded by Jeremy Uhlenbrock and unanimously approved

The meeting was adjourned at 7:44 p.m.



President



Vice-President/Secretary/Treasurer



Rio Grande Water Conservation District

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Protecting & Conserving San Luis Valley Water

RESOLUTION

Whereas, Special Improvement District No. 4 of the Rio Grande Water Conservation District wishes to do banking with local banks in the San Luis Valley, and

Whereas, the General Manager of Rio Grande Water Conservation District shall be a signatory on all bank accounts held by the Subdistrict, and

Whereas, the Board of Managers of Special Improvement District No. 4 of the Rio Grande Water Conservation District desire to have the Program Manager, President, Vice-President, and Secretary/Treasurer, as signatories on all bank accounts held by the Subdistrict, and

Therefore, be it resolved, that Special Improvement District No. 4 Board of Managers requests the banks allow the General Manager, Program Manager, President, Vice-President and Secretary/Treasurer to discharge the banking business of the Subdistrict.

Signed on this 4th day of November 2020, at the special meeting of Special Improvement District No. 4.



President

Secretary/Treasurer