

**RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS QUARTERLY MEETING
October 18, 2022 at 10:00 A.M.
Rio Grande Water Conservation District Conference Room
And By Zoom Teleconference**

Present: Greg Higel, President; Dwight Martin, Secretary/ Treasurer; Peggy Godfrey, Director; Cory Off, Director; Steve Keller, Director; Zeke Ward, Director; Mike Kruse, Director; and Doug Gunnels, Director.

Absent : Armando Valdez, Vice-President.

Staff and Consultants: David Robbins and Pete Ampe, Hill & Robbins, P.C.; Cleave Simpson, General Manager; Amber Pacheco, Acting Deputy General Manager; Chris Ivers, Program Manager; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; Linda Ramirez, Program Assistant; Kylie Gregg, Office Manager; Clinton Phillips, Davis Engineering; Cassandra McCuen, HCP Coordinator/Program Assistant; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

Guests: Erin Minks, Rio de la Vista, Heather Dutton, Emma Ressor, Deb Sarason, Pat McDermott, Sally Weir, Jan Waye, Chris Lopez, Brian Rue, Monica McCafferty, David Frees, Roger Sherman, Hannah Thill, Bethany Howell, Susan Storm, Thomas Hanson, Sarah Parmar, Christine Arbogast, Dick Sparks, Vern Heersink, Brian David, David Hofmann, Antonio Huerta, Nathan Pearson, Ryan Unterrianer, and John Irizarry.

CALL TO ORDER

President Greg Higel called the meeting to order at 10:05 a.m. There was a quorum present for the meeting. The Pledge of Allegiance was recited.

INTRODUCTION OF STAFF AND GUESTS

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

APPROVE AGENDA

A motion was made by Cory Off to approve the agenda as presented. The motion was seconded by Dwight Martin and unanimously approved.

APPROVE THE CONSENT AGENDA ITEMS

President Higel asked for a motion to approve the consent agenda items.

- July 19, 2022-Quarterly Meeting Minutes

A motion was made by Cory Off to approve the consent agenda items as presented. The motion was seconded by Dwight Martin and unanimously approved.

PUBLIC COMMENT

President Higel asked for public comment. There was none.

FINANCIAL REPORT

President Higel asked for the financial report. Cleave Simpson presented the September Financial Report. He reported the property tax revenues were tracking well and noted the Subdistrict No. 5 purchase of the Hazard Ranch. Mr. Simpson highlighted the revenue and expenses were tracking within the budget. He presented the check register, balance sheet and highlighted the audit expense.

A motion was made by Cory Off to approve the September Financial Report as presented. The motion was seconded by Dwight Martin and unanimously approved.

MANAGER'S REPORT

President Higel asked for the Manager's report.

- *Discuss the draft 2023 budget*

Cleave Simpson presented the draft 2023 budget which included the District and all six (6) Subdistricts. He highlighted the fund balance, revenues and suggested keeping the mill levy the same

as last year. Mr. Simpson reported the Bureau of Reclamation contract funds at zero (0) due to the termination of the cooperative agreement. He highlighted the expenditures and staff salaries. He explained Amber Pacheco's role as Acting Deputy General Manager and reported offering Rob Phillips the Subdistrict No. 1 Program Manager position.

Discussion was held on the possibility of creating a Deputy General Manager position and hiring a new Program Manager. Mike Kruse asked for a discussion regarding the storage agreement. Mr. Simpson highlighted education funding for the Salazar Center and reported on a conversation with Cassandra McCuen regarding possible incentives for participation in the HCP program. He also reported on funding for monitoring wells, the contract with U.S.G.S. and building a detached garage. Mr. Simpson provided the ending fund balance and explained that the District and each Subdistrict would submit a budget to the State.

- ***Consider date in December for 2023 Budget Work Session and Hearing***

A budget work session was scheduled for November 3, 2022, at 12:30 p.m. and a budget hearing was scheduled for December 9, 2022, at 10:00 a.m.

- ***Review and possible action-Resolution directing the District Manager to revise the Employee Policy and Procedures Manual***

Mr. Simpson explained the Colorado Healthy Family and Workplace Act which increases employees sick leave from five (5) to six (6) days per year.

A motion was made by Dwight Martin to adopt the resolution directing the District Manager to revise the Employee Policy and Procedures Manual consistent with the Colorado Healthy Family and Workplaces Act. The motion was seconded by Zeke Ward and unanimously approved.

- ***Review and possible action the Joint Funding Agreement for fiscal year 2023 with the U.S. Geological Survey***

A motion was made by Cory Off to approve the joint funding agreement for fiscal year 2023 with the U.S. Geological Survey. The motion was seconded by Peggy Godfrey and unanimously approved.

Cleave Simpson reminded the Board of Becky Brooks' retirement in September and stated he was in the process of preparing a request for qualifications in order to identify candidates for a new lobbyist.

PROGRAM MANAGER'S REPORTS

President Higel asked for Program Manager's Reports.

- ***Subdistrict No. 1***

Cleave Simpson announced Rob Phillips was offered the Subdistrict No. 1 Program Manager position and accepted on a part-time basis in order for him to transition from his current job. Linda Ramirez reported working on meter readings, well permit purchase contracts, CREP contracts and reconciliation of fees. Discussion was held on the status of the Rules and Regulations, the Plan of Water Management No. 4, the steps moving forward and how to reach to the end goal. Mr. Simpson reported the Board of Directors needed to consider the draft budget; he highlighted the notable items. Pete Ampe explained the adoption process of the Plan of Water Management No. 4. Ms. Ramirez reported receiving six (6) temporary CREP contracts, she explained the difference between permanent and temporary contracts.

A motion was made by Mike Kruse to approve the Subdistrict No. 1 draft proposed 2023 budget. The motion was seconded by Cory Off and unanimously approved.

- ***Subdistrict No.'s 4 and 5***

President Higel reported on a Subdistrict No. 4 meeting he attended by phone and suggested the Board of Managers attend this meeting in person rather than submitting a letter. Chris Ivers highlighted a discussion regarding a project from the last Subdistrict No. 4 meeting and the Board's intention to seek funding from SB22-028. David Frees, President of SD #4 Board of Managers, provided a letter and asked that it be a part of the record, a copy is attached. Mr. Frees explained the project Subdistrict No. 4 is working on, the number of irrigated acres it would retire, the reduction in groundwater use and reported the project would bring the Subdistrict into sustainability. He highlighted how the Subdistrict currently relies only on forbearance agreements to remedy stream depletions and how having consumptive use to pump would be a tool to be able to make replacements in time, location and amount. Mr. Frees explained some of the other challenges of making up replacements and explained

why tying water conservation to land conservation is important. David Robbins emphasized how the funds from SB22-028 must be used. Mr. Ivers reported Subdistrict No. 4 would not be seeking funding from the Bill to fund the augmentation portion. Mike Kruse voiced his concerns and stated he has many questions which need to be addressed in connection with the funding sources of the project. Sarah Parmar highlighted the permanency of the retired well use as well as the aquifer recovery, financial leverage and the environmental benefits the project brings to Subdistrict No. 4. Cory Off commented on the importance of leveraging the thirty million dollars in order to get the most benefit and how important conservation is. Mr. Ivers updated the Board on the augmentation well being drilled in Subdistrict No. 5.

The meeting recessed for lunch at 12:00 p.m. and resumed at 1:07 p.m.

- ***Subdistrict No.'s 2, 3, and 6***

Amber Pacheco reported Subdistrict No.'s 2, 3 and 6 continue to work to find permanent and temporary water replacements and ways to secure longer term forbearance agreements. She explained why Subdistrict No.'s 2 and 6 raised their fees. Ms. Pacheco provided an update on Subdistrict No. 3's purchase of a portion of Alpha Farms and filing a loan through CWCB. She reported on a notice Subdistrict No. 6 sent out seeking interest in fallowing with the purpose to locate replacement sources. Ms. Pacheco updated the Board on the Colorado Master Irrigators Program and the structure of the cohorts for 2023. Discussion was held on the amount of water put in storage.

DISTRICT ENGINEER'S REPORT

President Higel asked for the District Engineer's report. Clinton Phillips presented the map of the San Luis Valley Unconfined Aquifer Storage Study. He highlighted the change for October 2022 and the change between October 2021 and 2022. Mr. Phillips presented the current 5-year level and the acre-feet needed to get to the -400,000 level. He also reported on the confined aquifer storage and the well measurements by model layer.

DISTRICT ATTORNEY'S REPORT-DAVID ROBBINS

President Higel asked for the District Attorney's report. David Robbins highlighted his interests and concerns regarding promptly identifying the types of proposals and projects that will be accepted by the Board of Directors, State Engineer and the legislature in connection with SB22-028. Mr. Robbins provided an update on the Texas vs. New Mexico case, the Family Medical Leave Act, the SWAG case and a Subdistrict No. 2 matter involving the acquisition of Navajo transbasin water. He also reported on Subdistrict No. 1's Rules and Regulations and the fourth (4th) Amended Plan of Water Management. Mr. Robbins highlighted his concerns regarding a potential legislation being introduced by the State of New Mexico of how water on the Rio Grande could be managed and how it would impact the District.

KOGOVSEK & ASSOCIATES-CHRISTINE ARBOGAST

President Higel asked for Kogovsek & Associates report. Christine Arbogast reported she has been heavily focused on the Rio Grande Bill and working with the State of Colorado and the Southwestern Water Conservation District in opposition. She highlighted the discussions and strategy sessions and reported on the dangerous precedence of bringing the federal government in to manage rivers. Ms. Arbogast explained the steps forward and the need to figure out a strategy. David Robbins described the State of New Mexico is trying to deal with their struggles to find water and keep up with demands. Ms. Arbogast also provided an update on the Farm Bill, water shed health, fire mitigation and the infrastructure funds being disbursed by the Bureau of Reclamation.

SENATOR BENNET'S OFFICE-ERIN MINKS

President Higel asked for Senator Bennet's office report. Erin Minks provided an update on the Water Security Act and the reasons the State of Colorado is in opposition. She explained the importance of educating the public on how our rivers are administered. Ms. Minks reported on the Farm Bill, inflation and the recently passed infrastructure bill.

COLORADO OPEN LANDS-SARAH PARMAR

President Higel asked for Colorado Open Land report. Sarah Parmar updated the Board on the groundwater conservation easement with Subdistrict No. 4 which was set to close soon. She explained the project and the hope to work with others interested in reducing groundwater withdrawals. Ms. Parmar welcomed the opportunity to talk with other Subdistricts about groundwater easements. She introduced Sally Weir in her new position at Colorado Open Lands.

SLVWC DISTRICT/CWCB REPORTS-HEATHER DUTTON

President Higel asked for the SLVWCD/CWCB reports. Heather Dutton reported on a snow study project in partnership with the Conejos Conservancy District. She explained the goal of the project, how the idea came about, the benefits of a Snowlite rather than a Snowtel and explained how the project came together. Ms. Dutton presented an analysis of the sites with existing coverage and of the sites with high precipitation. She presented a map of the locations of the current Snowtel sites and where they propose to install Snowlites. Ms. Dutton reported on the funding sources and the amount being requested from the Rio Grande Water Conservation District. She highlighted the possibility of funding opportunities from CWCB and provided an update on the San Luis Valley Water Conservancy District.

RIO GRANDE HEADWATERS RESTORATION PROJECT-EMMA REESOR

President Higel asked for the Rio Grande Headwaters Restoration project report. Emma Reesor presented photos and a map of recent projects on the Conejos River, Rio Grande River and on Saguache Creek. She also presented a map and explained a new project on the Alamosa Wildlife Refuge.

DIVISION (3) ENGINEER'S REPORT

President Higel asked for the Division 3 Engineer's report. Pat McDermott presented the 2021-2022 snowpack snow water equivalent projections graph and the initial ten (10) day report for 2022 irrigation. He also presented the historical average on the Conejos River and Rio Grande and reported on the current curtailment and obligations to the downstream states. Mr. McDermott reported November 1st would be the end of the irrigation season. He presented a histogram and hydrograph for Saguache Creek, Trinchera Creek and the Alamosa River. Mr. McDermott highlighted the storage in Elephant Butte reservoir and the 2020 abandonment procedure. He also reported Rito Hondo and Alberta Park reservoirs were empty.

EDUCATION REPORT-HANNAH THILL

President Higel asked for the Education report. Hannah Thill provided an update on the programs throughout the year. She reported on the number of interactions with youth and highlighted work done at the pumpkin patch and at the poster conference. Ms. Thill reported having an office in Monte Vista and is possibly looking to move back into the NRCS office.

HEADWATERS ALLIANCE-THOMAS HANSON

President Higel asked for the Headwaters Alliance report. Thomas Hanson updated the Board on his new position with the Headwaters Alliance which he took over from Heather Greenwolf. He reported on a 3D groundwater modeling site, flood mitigation, stream stability and flood mitigation for the north Creede reach. Mr. Hanson explained the goals of the Growing Water Smart team. He reported on a possible water summit. Mr. Hanson explained the funding request amount and why it had increased.

COLORADO STATE PARKS AND WILDLIFE REPORT-RYAN UNTERREINER

President Higel asked for Colorado State Parks and Wildlife report. Ryan Unterreiner reported on reservoir projects and provided an update on Sand Creek. He highlighted the short transmountain season due to poor runoff and maintenance work being done in the wilderness.

U.S.B.R. REPORT-MORGAN GARCIA/SUSAN STORM

President Higel asked for the U.S.B.R. report. Susan Storm provided the water accounting and total deliveries. She provided an update on projects being done by the maintenance branch and water laboratory.

U.S.P.S. REPORT-FRED BUNCH

President Higel asked for the U.S.P.S. report. Fred Bunch reported on the Medano Ranch closing on 9,000 acres from the Nature Conservancy. He explained the transition and the things that needed to get worked out. Mr. Bunch reported on the record rainfall, the peak date, phase two (2) of the Sand Creek Project and reported on the 20% drop in visitation at the park. He provided the projected visitation for the upcoming season and thanked David Robbins for writing the legislation for the National Park.

DISCUSSION REGARDING SB22-028

President Higel asked for discussion regarding SB22-028. Cleave Simpson explained what the Bill allows with the agreement with the Republican River Water Conservation District. He presented a draft eligibility and application criteria and asked for guidance, thoughts and ideas from the Board of Directors. Mr. Simpson presented the criteria and disqualification information and asked for discussions on conflict of interest. Discussion was held on who is eligible and the type of programs that would qualify. David Robbins reminded the Board how the bill came about. He explained the purpose of the funds and how the funds could not be used. Discussion was held on when Board of Directors would need to recuse themselves, what Subdistricts may qualify for funds and if a cost-share component would be considered.

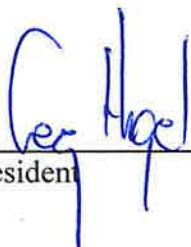
OTHER REPORTS OR COMMENTS

President Higel asked for other reports or comments. Cleave Simpson reported on the Family and Medical Leave Insurance and explained the District's current insurance would be a better option than what the State is offering. Discussion was held on the deadline for applications for SB22-028 funds.

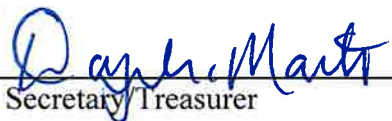
ADJOURN

The meeting was adjourned at 5:35 p.m.

The next quarterly meeting was scheduled for January 17, 2023.



President



Secretary/Treasurer

**A RESOLUTION DIRECTING THE DISTRICT MANAGER TO REVISE THE
EMPLOYEE POLICY AND PROCEDURES MANUAL CONSISTENT WITH THE
COLORADO HEALTHY FAMILY AND WORKPLACES ACT**

WHEREAS, the Colorado Legislature adopted the Colorado Healthy Families and Workplaces Act (the “Act”);

WHEREAS, the Act requires Colorado employers with fewer than sixteen employees, including the Rio Grande Water Conservation District (“District”), to provide two types of paid sick leave to their employees: public health emergency leave and accrued sick leave, beginning January 1, 2022;

WHEREAS, the District began offering paid sick leave consistent with the Act beginning January 1, 2022;

WHEREAS, the District needs to update the Employee Policy and Procedures Manual consistent with the Act;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Rio Grande Water Conservation District as follows:

1. The Board of Directors directs the District Manager, in consultation with legal counsel, to update the Employee Policy and Procedures Manual consistent with the Act.

Dated this 18th day of October, 2022.

**RIO GRANDE WATER CONSERVATION
DISTRICT**

By: 

Greg Higel, President

ATTEST:

By: 

Dwight Martin, Secretary/Treasurer

Board of Directors
Special Improvement District #4
San Luis Creek Subdistrict
David Frees, President

October 10, 2022

Rio Grande Water Conservation District
Greg Higel, President
8805 Independence Way
Alamosa, CO

Mr. President and Directors of the Board,

This year Colorado Senate Bill 22-028 was signed into law providing funding to, in part, preserve the aquifers of the San Luis Valley and meet the sustainability requirements in the Groundwater Rules for Division 3. As the Board of Directors begins developing the rules and procedures governing the distribution of these funds and determining the eligibility requirements for projects, the Board of Managers of Subdistrict #4 desires to inform the Board of a project in Subdistrict #4 that we believe should be considered for a portion of the SB22-028 funding and one that may serve as a guide for similar projects in the San Luis Valley.

Subdistrict #4 has been working with Colorado Open Lands, a non-profit land conservation organization, and Mr. Ron Bowman, a subdistrict landowner, to implement a first of its kind Groundwater Conservation Easement on Mr. Bowman's Peachwood Farm. This easement would permanently retire the majority of agricultural well use on this property (~an average of 1,681 AF), while preserving a portion of the historical consumptive use (~450 AF) to be used to replace injurious stream depletions to San Luis Creek, if needed. The surface of the property will be revegetated to native flora and protected from sub-division and development.

Subdistrict #4 anticipates this project will have the following beneficial effects:

Aquifer Sustainability: Aquifer withdrawals in Subdistrict #4 are currently unsustainable as defined by the Groundwater Rules for Division 3. Subdistrict #4 anticipates this project will retire sufficient use of groundwater to bring Subdistrict #4 into sustainability. The planned reduction of aquifer withdrawals represents ~15% of the current 5-year average of groundwater withdrawals.

Replacement Source for Stream Depletions: A portion of the historical consumptive use of the purchased wells will be made available for the replacement of injurious stream depletions caused by the operation of Subdistrict wells. Since Subdistrict #4 has no surface reservoirs, the remaining consumptive use portion of the project water rights will be used as an on-demand source to replace injurious stream depletions in time, location and amount utilizing the aquifer as a reservoir. Alternate points of diversion may be developed to deliver the replacement water to the most advantageous reach of the stream. This replacement water will serve as an adjunct to Forbearance Agreements, currently the only tool the Subdistrict has to mitigate injurious stream depletions.

Reduction of Injurious Stream Depletions: The project wells are on either side and in close proximity to San Luis Creek. Reducing the pumping of these specific wells will significantly decrease the magnitude of injurious stream depletions within the Subdistrict.

Economic Continuity: Since the reduction of consumptive groundwater use enabled by this project will bring Subdistrict #4 into sustainability, curtailment of irrigation on the remaining agricultural lands will be minimal or not necessary. This will preserve the majority of agricultural economic activity in the Subdistrict.

Soil Conservation: Ownership of the surface portion of the property enables the Subdistrict to stabilize the extraordinarily erodible soil found on the farm and revegetate the fields with native vegetation to permanently stabilize the site.

Wildlife Habitat: Revegetation of the project lands to native plants will provide habitat for a wide variety of game and non-game species. The project lands are an important winter range for elk, deer and pronghorn in the northern San Luis Valley.

Riparian Restoration: The Subdistrict will work to restore and revegetate the reach of San Luis Creek flowing through the project property. This will facilitate surface water transport to downstream surface water users and enhance wildlife habitat.

Cultural Preservation: Protecting the surface of project lands from development will preserve the rural nature of the property and maintain open space. Following the completion of revegetation efforts, the Subdistrict will pursue a cooperative agreement with Colorado Parks and Wildlife to work toward a final, permanent status of the property.

Subdistrict #4 looks forward to applying to the RGWCD for funds from Senate Bill 22-028 to fund a portion of this project.

Sincerely,

David L. Frees
President, Subdistrict #4

Pete Stagner
Vice-President

Jeremy Uhlenbrock
Manager

Jan Waye
Manager

**Bureau of Reclamation Report to the
Closed Basin Project Operating Committee
October 17, 2022**

OPERATIONS

Water salvage operations continued as recommended by the Project Operating Committee to meet Rio Grande Compact and mitigation obligations.

For the YTD (1/1/2022 to 9/30/2022)

A total of 1,401 AF was delivered to the Alamosa National Wildlife Refuge through CHO1 & 2.

A total of 1,223 AF was delivered to the Blanca Wildlife Habitat Area through CHO3 & 4.

Delivery to the Rio Grande has been 6,029 AF.

San Luis Lake is dry at an Elevation of 7509.0 ft.

San Luis Lake (9/30/22)

San Luis Lake	San Luis Lake Elevation	7509.0 ft. MSL
	Storage	0 acre-feet
	TDS	N/A ppm TDS

Project Deliveries: (1/1/2022 to 9/30/22)

Deliveries to:	Rio Grande—total	6,029 acre feet
	Alamosa National Wildlife Refuge—total	1,401* acre feet
	Blanca Wildlife Habitat Area—total	1,223* acre feet
	San Luis Lake—total	0.0 acre feet
	Head Lake (West)	0.0 acre feet
	Total Deliveries as of September 30, 2022	<u>8,653 acre-feet</u>

**Includes 119 AF exchange of Treasure Pass Water delivered to BLM.*

**Includes 47.6 AF of CPW water through exchange*

**Includes 305 AF of FWS water delivered to BLM for well augmentation*

MAINTENANCE BRANCH

Well rehabilitation operations have been completed for 13 wells to date in 2022. Summer operations are wrapping up with weed control and mucking at check structures. Blade work continued on lateral roads and canal berms.

Rio Grande Water Conservation District

District staff continues to assist with mowing and removal of aquatic weeds and sediment from the canal and associated structures, and repair of erosion along the canal berms.

WATER LABORATORY

A total of 626 samples were collected from the Closed Basin Project during the period of April 1, 2022, through September 30, 2022.

Total Dissolved Solids at the Outlet was an average of 295 mg/L for the period.