

**RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
May 1, 2023, at 11:00 A.M.
Rio Grande Water Conservation District Conference Room
And By Zoom Teleconference**

Present: Greg Higel, President; Armando Valdez, Vice-President; Zeke Ward, Secretary/ Treasurer; Peggy Godfrey, Director; Mark Deacon, Director; and, Cory Off, Director.

Absent: Mike Kruse, Director and, Doug Gunnels, Director.

Staff and Consultants: David Robbins and Matt Montgomery, Hill & Robbins, P.C.; Amber Pacheco, Deputy General Manager; 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 April Mondragon, Administrative Assistant.

Guests: David Hofmann, Michelle Lanzoni, and Chris Lopez.

CALL TO ORDER

President Greg Higel called the meeting to order at 11:03 a.m. There was a quorum present for the meeting.

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 Elliott Salazar to approve the agenda as presented. The motion was seconded by Peggy Godfrey and unanimously approved.

PUBLIC COMMENT

President Higel asked for public comment. There was none.

REVIEW AND POSSIBLE ACTION ON RESOLUTION AUTHORIZING GREG HIGEL TO SIGN AT CLOSING FOR REAL PROPERTY BEING PURCHASED BY SUBDISTRICT NO. 3

President Higel asked for review and possible action on the Resolution authorizing Greg Higel to sign at closing for real property being purchased by Subdistrict No. 3. Amber Pacheco gave an overview of the purchase and an update on the CWCB loan. She reported Subdistrict No. 3 was working with the Trinchera Subdistrict on the purchase. Ms. Pacheco provided the deadlines and explained the resolution which was being required by the title company for closing. President Higel suggested creating a resolution that would authorize the President or Vice-President to sign at all closings.


A motion was made by Cory Off to approve the resolution as amended to include authorizing the President or Vice-President to sign for the Rio Grande Water Conservation District at closings. The motion was seconded by Mark Deacon and unanimously approved.

Clinton Phillips provided an update on the approval of the Subdistrict No. 3 SWSP for Alpha Hay Farms. He provided the acre-feet of surface water consumptive use and the acre-feet of historical groundwater consumptive use. Amber Pacheco explained how the water from the purchase would be used as a replacement source.

ADJOURN

The meeting was adjourned at 11:15 a.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**

RECITALS

WHEREAS, the Rio Grande Water Conservation District (“District”) was created pursuant to section 37-48-102, C.R.S.; and,

WHEREAS, pursuant to section 37-48-108, C.R.S., the Rio Grande Water Conservation District is authorized to establish special improvement districts; and

WHEREAS, pursuant to the request of certain water users within the Conejos Response Area and section 37-48-123, C.R.S., the District filed a Petition to establish Special Improvement District No. 3 of the Rio Grande Water Conservation District (“Subdistrict No. 3”) in the District Court, Conejos County, and said Court approved said petition on October 16, 2016; and

WHEREAS, Subdistrict No. 3 as a local government entity is authorized to establish a water activities enterprise pursuant to Article 45.1 of Title 37 of the Colorado Revised Statutes and Subdistrict No. 3 has established a Water Activities Enterprise (“WAE”); and

WHEREAS, the mailing address of the District is 8805 Independence Way, Alamosa, CO 81101; and

WHEREAS, on April 15, 2022, the District, for and on behalf of the WAE of Subdistrict No. 3, entered into a Lease and Option to Purchase Agreement with Alpha Hay Farms, LLC (“Alpha Hay”), which was duly extended on February 16, 2023, *nunc pro tunc*, January 1, 2023, by an Extension of Option and Diligence Lease Term Agreement (collectively, the “Lease and Option to Purchase”); and

WHEREAS, under the Lease and Option to Purchase, Alpha Hay, *inter alia*, granted the District, for and on behalf of the WAE of Subdistrict No. 3, an exclusive, irrevocable option to purchase the real property described in Exhibit A (the “Property”), including certain surface and groundwater rights (the “Option”); and

WHEREAS, the District previously authorized the purchase of the Property and exercised the Option; and

WHEREAS, the Board of Directors of the District (“Board”) now wishes to provide the following statement of authority showing who may act on behalf of the District, Subdistrict No. 3, and/or the WAE to convey, encumber, or otherwise affect title to real property for the purposes of closing on the purchase of the Property.

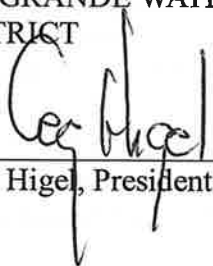
RESOLUTION

NOW THEREFORE, be it resolved by the Board of Directors of the Rio Grande Water Conservation District that:

1. The Board affirms that the District is authorized to purchase the Property.
2. Greg Higel, President, Rio Grande Water Conservation District, may act of behalf of the District, Subdistrict No. 3, and/or the WAE to convey, encumber, or otherwise affect title to real property for the purposes of closing on the purchase of the Property.


RESOLVED this 1st day of May, 2023

RIO GRANDE WATER CONSERVATION
DISTRICT



Greg Higel, President

ATTEST



Zeke Ward, Secretary/Treasurer

Exhibit A
(Real Property)

The Northeast 1/4 of Section 20, Except that portion conveyed to Chickery Kelloff by Deed recorded in Book 180 at Page 66;

Except for a tract of land described as commencing at the Southeast Corner of Section 20; thence West on the Section Line a distance of 1962 feet to a point on the Center Line of the Denver and Rio Grande Railroad; thence North 03°02' West along said Center Line a distance of 2640 feet; thence East a distance of 110 feet to the point of beginning of the tract hereby conveyed; thence North 03°02' West, a distance of 1714.5 feet parallel with the East boundary of said Railroad Right-of-Way; thence around a 01°30' curve to the right a distance of 1040.0 feet and parallel to said East Railroad Right-of-Way; thence North 12°33' East a distance of 2659.0 feet and parallel to said East Railroad Right-of-Way; thence West a distance of 10.0 feet; thence South 12°33' West a distance of 2659.0 feet and congruent to the East Right-of-Way Boundary Line for said Denver and Rio Grande Railroad; thence West a distance of 50.0 feet; thence around a 01°30' curve to the Left a distance of 1040.0 feet and congruent with said east Railroad Right-of-Way; thence South 03°02' East a distance of 1714.5 feet, more or less, and congruent to said East Railroad Right-of-Way Boundary; thence East a distance of 60.0 feet to the Point of Beginning, containing 4.35 acres, more or less, all in the Northeast Quarter (NE¼) of Section 20; and t:1e Southeast Quarter (SE¼) of Section 17; and

Except for a tract of land described as a tract or parcel of land No. 3, of the Department of Highways, State of Colorado, Project No. F 025-2 (8), containing 6.002 acres, more or less, in the NE¼ of Section 20, being more particularly described as follows: Beginning at a point on the North Line of said Section 20, from which point the N¼ Corner of Section 20 bears North 89°09'15" West a distance of 291.9 feet; thence South 89°09'15" East along the North line of Section 20 a distance of 119.3 feet to a point on the Westerly Right-of-Way Line of the Denver and Rio Grande Western Railroad; thence continuing along the Westerly Right-of-Way Line of said Railroad along the arc of a curve to the Left, having a radius of 3790.0 feet, a distance of 942.7 feet (the chord of this arc bears South 4°06' West a distance of 940.2 feet); thence South 3°01'30" East continuing along the Westerly Right-of-Way Line of said Railroad a distance of 1721.4 feet to a point on the South Line of the NE¼ of Section 20; thence North 89°01' West along the South Line of the NE¼ of Section 20, a distance of 70.2 feet; thence North 3°01'30" West a distance of 1350.4 feet to a point on the Southerly Boundary of a County Road; thence South 79°46'30" West along the Southerly Boundary of the County Road a distance of 94.8 feet; thence North 10°20'30" West a distance of 100.0 feet; thence North 41°58'30" East a distance of 80.30 feet; thence North 3°01'30" West a distance of 152.7 feet; thence North 1°41' West a distance of 405.2 feet; thence along the arc of a curve to the right, having a radius of 2940.0 feet, a distance of 388.7 feet (the chord of this arc bears North 4°45'45" East a distance of 388.4 feet); thence North 11°12'30" East a distance of 227.9 feet, more or less, to the point of beginning; and

The Northwest 1/4 of Section 21;

all in Township 33 North, Range 9 East of the N.M.P.M., County of Conejos, State of Colorado