

**RIO GRANDE WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS SPECIAL MEETING  
June 14, 2023 at 9:00 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; Elliott Salazar, Director; Mark Deacon, Director; Mike Kruse, Director; and, Doug Gunnels, Director.

**Absent:** Cory Off, Director.

**Staff and Consultants:** David Robbins and Pete Ampe, Hill & Robbins, P.C.; Cleave Simpson, General Manager; Amber Pacheco, Deputy General Manager; Chris Ivers, Program Manager; Taylor Chick, 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, April Mondragon, Administrative Assistant.

**Guests:** David Hofmann, Michelle Lanzoni, David Schmittel, Jake Burris, Heather Dutton, Pricilla Wagnor, Pete Stagner, Deb Sarason, Virgil Valdez, Becca Ford and Erin Minks.

**CALL TO ORDER**

President Greg Higel called the meeting to order at 9:02 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 Doug Gunnels 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 AMENDED AND RESTATED PLAN OF WATER MANAGEMENT FOR SUBDISTRICT NO. 1**

President Higel asked for review and possible action on the amended and restated Plan of Water Management (POWM 4) for Subdistrict No. 1. Cleave Simpson reminded the Board of their approval of Subdistrict No. 1's POWM 4 last year. He highlighted some of the concerns and suggested changes brought up by the State. Mr. Simpson reported on the negotiations that had been taking place between Subdistrict No. 1 and the State as well as the agreement that had been made. He highlighted the equation contained in the Plan and the new equations included in the POWM 4. Pete Ampe described the approval process and how the State examined the POWM 4. Mr. Simpson provided the next steps in the approval process. Jake Burris thanked the Board of Directors for holding the meeting in order to expedite the process. He provided an overview of the significant differences in the current approved POWM and the proposed POWM 4. Discussion was held on potential court challenges, the public hearing process, the timeline and the process if there are objections. Deb Sarason commented on the POWM 4 metric to recover the aquifer. Mr. Burris commended Taylor Chick for his work on the POWM 4.

A motion was made by Mark Deacon to approve the Subdistrict No. 1 POWM 4. The motion was seconded by Peggy Godfrey. Mike Kruse abstained. The motion passed unanimously.

**DISCUSSION REGARDING CONDEMNATION OF PROPERTY**

President Higel asked for discussion regarding condemnation of property. Cleave Simpson reported on discussions held by the District staff to attempt to purchase the North Star Farms. He highlighted conversations held with the owner of the property who brought up the idea of friendly condemnation and the tax benefits. Mr. Simpson explained the owners request for the Board of Directors to consider condemnation. He explained the District authority by statute and provided the appraised amount and acre-feet of water. Mr. Simpson asked the Board if there was any interest from the Board. He also talked about a loan from CWCB. David Robbins described the condemnation process. He explained eminent domain and asked if any members of the Board were opposed to condemnation. Mike Kruse raised his hand and explained he would need to be convinced should they pursue. Doug Gunnels reported not being in support of condemnation without further information. Peggy Godfrey commented on the contract and loan to purchase the three (3) circles. Zeke Ward provided his understanding of condemnation. Elliott Salazar

reported being in favor of the idea and explained how it could be a successful approach. Peggy Godfrey highlighted her concerns. President Higel reported on the benefits to both the Subdistrict and the owner of North Star Farms. Mark Deacon reported being in support. Armando Valdez reported viewing condemnation as an appropriate option and being in support. Mr. Gunnels urged the Board to proceed with caution. Chris Ivers stated the current lease with Subdistrict No. 5 was only for this year.

A motion was made by Doug Gunnels to table the discussion for further information and discussion. The motion was seconded by Peggy Godfrey and unanimously approved.

**DISCUSSION AND POSSIBLE ACTION TO SET THE APPLICATION PERIOD FOR SB22-028 FUNDING**

President Higel asked for discussion and possible action to set the application period for SB22-028 funding. Cleave Simpson reported on the intergovernmental agreement with the Republican River and being in a position to move the program forward. He presented the Groundwater Compliance and Sustainability Fund Program and highlighted the changes to include an application period. Mr. Simpson explained the importance of timing and the agreement with the Republican River, as well as the need to have the funds committed by a certain date. Discussion was held on the structure of the program, how and when to advertise, the application process, the program timelines and a potential second round of applications.

A motion was made by Peggy Godfrey to approve the Groundwater Compliance and Sustainability Fund and move forward. The motion was seconded by Elliott Salazar and unanimously approved.

**DISCUSSION AND POSSIBLE ACTION ON REQUEST FROM SUBDISTRICT NO. 3 TO SELL LAND AND EQUIPMENT FROM THE ALPHA HAY FARMS PURCHASE**

President Higel asked for discussion and possible action on request from Subdistrict No. 3 to sell land and equipment from the Alpha Hay Farms purchase. Angelo Bellah reported Subdistrict No. 3 was seeking Board approval to sell assets included in the Alpha Hay Farms purchase. He presented a draft bid announcement, the details of the equipment being bid on, the minimum bids to be considered, the timeline and how the notice would be advertised. Mr. Bellah highlighted how the bids would be considered and how the proceeds would be expended.

A motion was made by Mike Kruse to approve the sell of assets for Subdistrict No. 3. The motion was seconded by Peggy Godfrey and unanimously approved.

Angelo Bellah presented a map of a portion of the Alpha Hay Farms property Subdistrict No. 3 was seeking approval to sell to the Conejos Water Conservancy District. He reported on the reservoir project being worked on by the Conejos Water Conservancy District and why the open bid process would not be necessary on the sale. Mr. Bellah provided the purchase price would be an exchange for storage rights in the new reservoir. Amber Pacheco highlighted the Subdistrict's authority to sell thirty-five (35) acres without subdividing the property. Clinton Phillips reported on the survey plat to be filed with Conejos County and the retention of ownership of the recharge pond and a strip of land by the Subdistrict.

A motion was made by Peggy Godfrey to authorize Subdistrict No. 3 Board of Managers to sell a forty (40) acre tract of land from the Alpha Hay Farms purchase to the Conejos Water Conservancy District. The motion was seconded by Mark Deacon and unanimously approved.

**ADJOURN**

The meeting was adjourned at 11:20 a.m.

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

  
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President

  
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Secretary/Treasurer