

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #1  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
June 1, 2021 at 1:30 p.m.  
8805 Independence Way, Alamosa, CO 81101  
And 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; Tony Holcomb, BOM; Asier Artaechevarria, BOM; Mike Kruse, Ex-Officio.

**Absent:** Les Alderete, BOM;

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

**Guests:** William Myers, David Hofmann, Deb Sarason, Peggy Godfrey, Jake Burris, Steve Keller, Dale Bartee, Ross Rierson, Brian Rue, Andrea Rue, Mike Dill, Michael Rob Jones, Chayito Espinoza, Monica McCafferty, Eric Pfannestiel, Manny Hemmerling, John Mattingly, Dan Davis, Benjamin Schmidt, Mike Hurst, David Towes, Patrick O'Neil, Jay Yeager, George Whitten, and Leslie Bechaver.

**Meeting Called to Order**

President Brownell called the meeting to order at 1:36 p.m. A quorum was present. The Pledge of Allegiance was recited.

**Approval of the Agenda**

President Brownell asked for amendments or an approval of the agenda. Item A and H were switched so that item A would be discussed last. A motion was made by Sheldon Rockey to approve the agenda as amended. The motion was seconded by Tony Holcomb and unanimously approved.

**Approval of Minutes**

President Brownell asked for approval of the following minutes:

- February 5, 2021-Special Meeting
- February 5, 2021- Executive Session
- February 9, 2021-Special Meeting
- March 2, 2021-Budget Hearing
- March 2, 2021-Quarterly Meeting
- March 2, 2021-Executive Session
- March 31, 2021-Special Meeting
- March 31, 2021-Executive Session
- April 13, 2021-Special Meeting

A motion was made by Clay Mitchell to approve the minutes as presented. The motion was seconded by Carla Worley and unanimously approved.

**Public Comment**

President Brownell asked for public comment. There were none.

**Program Manager's Report**

President Brownell asked for the Program Manager's report. Marisa Fricke reported sending out the 2021 Farm Unit updates, she provided the deadline for returning them as well as the deadline for returning surface water credit leases. Ms. Fricke reported the office was open to full capacity and highlighted the continued work with Judy Lopez and Allen Law. She also provided an update on the CREP and Fallow programs. Ms. Fricke reported on the new staff member, potential Cleave Simpson return date and gave a report on the 2021 replacement water operations.

**A. Financial Report**

Marisa Fricke presented the financials and highlighted the misc. revenue received. She reported tracking similarly to this time last year with the larger payments to be made in October.

A motion was made by Sheldon Rockey to approve the financial report as presented. The motion was seconded by Miguel Diaz and unanimously approved.

### **Engineer's Report**

President Brownell asked for the Engineer's report. Clinton Phillips presented the change in the unconfined aquifer, the change between May 2020 and 2021, the current aquifer level, the current five (5) year average and the acre feet needed to get to the -400,000 level. Mr. Phillips presented a snapshot of the study graph which showed the monthly change and the five (5) year running average. He highlighted the acre feet amount needed to get to the recovery level. Mr. Phillips presented figures and examples based on one-to-one scenarios. He highlighted the amount of aquifer recovery if the Subdistrict would have been operating one to one.

### **Attorney's Report**

President Brownell asked for the attorney's report. Pete Ampe provided an update on NEWUA and Farming Tech. He also updated the Board on the denial of Subdistrict No. 5's Partial Year and Full year Annual Replacement Plan and the solutions they are working towards.

### **Action Items**

#### **A. Discussion and possible action on preliminary 2022 Budget Draft**

Marisa Fricke highlighted the budget committee met and the draft 2022 budget had been put together and a copy distributed to the Board. She went over the fund balance, administrative fee, variable fee and the estimated revenues. A discussion was held on the groundwater easement program roll out and how the Subdistrict would contribute, putting a cap on the well permit purchase program and whether or not they will continue to support the Fallow program or not. Ms. Fricke highlighted the CREP portion of the Budget and reported the current contracts are based off current incentives.

A motion was made by Sheldon Rockey to accept the preliminary 2022 budget. The motion was seconded by Carla Worley and unanimously approved.

#### **B. Discussion and possible action on Subdistrict No. 1 properties**

Marisa Fricke reported on a lease Pete Ampe drafted on property owned by Subdistrict No. 1 with the Dickies and explained the terms contained in the lease. Discussion was held on possibly changing the Subdistricts billing method and whether or not they should start a bidding process in the future to allow other people the opportunity to lease Subdistrict owned property.

A motion was made by Sheldon Rockey to charge \$2,000 with the same requirements and maintenance as before on the Gary Dickey lease. The motion was seconded by Carla Worley and unanimously approved.

#### **C. Discussion and possible action on well inclusion**

Marisa Fricke reported on a well inclusion request made by Keenan Anderson. She highlighted that a large confined well is in the Subdistrict No. 1 boundaries and provided his plans for the well. Ms. Fricke reported the ARP would have to be amended as well as recalculate the depletions. David Hofmann clarified that the north well is in Subdistrict No. 5 boundary and response area, the big well to the south is in Subdistrict No. 1's response area. Ms. Fricke reminded the Board of the Rio Grande Canal shares Mr. Anderson contracted into the Subdistrict at the last meeting. She provided the estimated costs associated with staff time to amend the ARP and the possibility of additional wells coming forth wanting to contract into Subdistrict No. 1.

A motion was made by Carla Worley to stand by the rules and deny the well inclusion request from Kennan Anderson. The motion was seconded by Clay Mitchell, Tony Holcomb and Jamie Hart opposed; the motion passed.

#### **D. Review and consider state of opposition to current water court resume**

Pete Ampe was asked to highlighted the water court resume 2021CW3010 Mike and Jim Kruse Partnership. Mr. Ampe reported on the concerns and summarized filing a statement of opposition to monitor and stay in the loop to be sure it doesn't have an effect on the Subdistrict. Mike Kruse recused himself from speaking as a Board member.

A motion was made by Carla Worley to file a statement of opposition in the water court resume 2021CW3010 Mike and Jim Kruse Partnership. The motion was seconded by Clay Mitchell and unanimously approved.

**E. Fallow Contracts**

(Brian Brownell recused himself, Carla Worley stepped in.)

Marisa Fricke reported on the following Fallow applications and asked for approval on the following:

- Southern Colorado Farms one (1) field for four (4) years
- Delmer Rochelle one (1) field for four (4) years
- Zapata Seed two (2) fields for two (2) years
- Kelby Pepper Farms one (1) field for four (4) years.

A motion was made by Sheldon Rockey to accept all four (4) Fallow applications. The motion was seconded by Tony Holcomb and unanimously approved.

**F. Surface Water Inclusions**

(Carla Worley turned the meeting back over to Brian Brownell)

Marisa Fricke highlighted the surface water inclusion request from Coleman Walker for four (4) shares of Rio Grande Canal shares.

A motion was made by Sheldon Rockey to accept the Coleman Walker Surface Water Inclusion of four (4) shares of Rio Grande Canal shares. The motion was seconded by Miguel Diaz and unanimously approved.

Ms. Fricke highlighted the surface water inclusion request from Brian Paulson with B&B Farms for eighty-five (85) acre feet of Big Ruby water held in Big Ruby Lake to recharge in Subdistrict No. 1 lands.

A motion was made by Miguel Diaz to accept the Big Ruby Lake surface water inclusion request from Brian Paulson. The motion was seconded by Chris Miner and unanimously approved.

**G. Discussion and possible action on change to POWM**

Pete Ampe presented the first draft of the fourth amended Plan of Water Management and explained the primary goal to change the focus of the plan from a voluntary economic plan to one that pushes towards having a balance between water imported to water consumed. Mr. Ampe highlighted that the background changed as well as the water value in order to attempt to reach the goal of one to one. Discussion on a pumping allocation of less than one to one was held. Mike Kruse highlighted the importance of everyone agreeing on the meaning of one-to-one consumptive use basis giving one credit on one acre foot of water with a limit on pumping. Discussion was held on changing the name of the variable fee and incentive to dis incentive in some instances. Additional suggestions and changes would be emailed to Pete Ampe and Marisa Fricke and discussed at the next meeting.

**Board of Managers Open Discussion**

President Brownell asked for Board of Mangers open discussion. There were none.

**New Business**

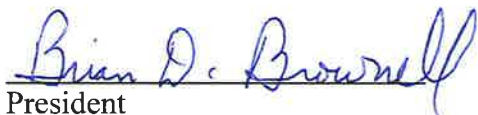
President Brownell asked for new business. There were none.

**Next Meeting**

The next quarterly meeting is scheduled for September 7, 2021 at 1:30 a.m.

**Adjournment**

The meeting was adjourned at 5:24 p.m.

  
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President

  
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Secretary/Treasurer