

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #6
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
April 6, 2022, at 9:00 a.m.
Rio Grande Water Conservation District Conference Room
And By Zoom/Teleconference**

Present: Tyler Faucette, President; Virgil Valdez, Vice-President; Ronald Reinhardt, Secretary/Treasurer; Gerald Faucette, Manager; Rodney Reinhardt, Manager; Peter Clark, Manager; Mario Curto, Manager; Ted Heersink, Manager; and, Robert Middlemist, Manager.

Absent: Kenneth Reynolds, Manager; and, Armando Valdez, Ex-Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Amber Pacheco, Program Manager; Rose Vanderpool, Program Assistant; Michael Carson, Database Administrator; Wylie Keller, Water Resources Specialist; Cassandra McCuen, HCP Coordinator/Program Assistant; and, April Mondragon, Administrative Assistant.

Guests: Deb Sarason, David Hofmann, Adrian Absmeier and Shane Johnson.

Meeting Called to Order

President Faucette called the meeting to order at 9:01 a.m. A quorum was present.

Approval of Agenda

President Faucette asked for changes, amendments or a motion to approve the agenda. The agenda was amended under item No. 6 to add the discussion of possible rental of Santa Maria shares under the Monte Vista Canal and under item No. 7 to discuss whether or not to leave the offer on the table to purchase stored water in Santa Maria Reservoir currently owned by Subdistrict No. 1. A motion was made to approve the agenda as amended. The motion was seconded and unanimously approved.

Public Comment

President Faucette asked for public comment. Adrian Absmeier reported on a letter he received from the Division of Water Resources describing a well at a mobile home park he owns. The letter stated the well needed to either be in the Subdistrict or in an augmentation plan. Mr. Absmeier was not sure he ever received a previous letter issued by the State. He provided the mobile home park's consumptive use and said the State directed him talk to the Subdistrict.

Rose Vanderpool provided the tracking history of petitions and reported Mr. Absmeier did not want to contract into the Subdistrict initially because of an issue with the well. Ms. Vanderpool reported she had also contacted Adams State University but it may have fallen through the cracks during the many employee changes. Ms. Vanderpool also explained Nick Chiovitti was adamant on not petitioning his large well into the Subdistrict at the time he signed up his small capacity well.

Shane Johnson reported he is in a multi-year lease with Mr. Chiovitti and was not aware of the situation with the Subdistrict. He explained his situation and the hardship it would cause if he was not allowed to turn on the well. Discussion was held on why these wells were not red-tagged by the State last year.

Discussion and Possible Action to Approve Contracts

President Faucette asked for discussion and possible action to approve contracts.

- **Adams State University Participation Contract**
Amber Pacheco reported Adams State University received a cease and desist letter from the State. She explained they have had three (3) Directors of Facilities since the Subdistrict petitioned and none of them were aware they needed to get contracted with the Subdistrict. Ms. Pacheco provided the size of the well, the average acre-feet pumped and what the water would be used for. Ms. Pacheco reported it would be charged at the sprinkler rate.
- **Nick Chiovitti Inclusion Contract**
Amber Pacheco highlighted the average acre-feet pumped from the irrigation well owned by Nick Chiovitti. She provided the location of the well and reported it would be charged at the sprinkler rate if the contract is approved.

- Adrian Absmeier Participation Contract

Amber Pacheco provided the average consumptive use and stated the commercial well is located at a mobile home park. She highlighted how the water is used and provided an estimate of what the fees could be. Adrian Absmeier reported on a meter reading discrepancy. There was a discussion on why the mobile home park was non-exempt. David Hofmann explained.

President Faucette thanked Ms. Pacheco for all she has done and continues to do. Ms. Pacheco explained the concern of having enough water to cover additional wells and presented a spreadsheet with her projections. Discussion was held on whether or not to allow the Adams State University, Nick Chiovitti and Adrian Absmeier wells to join the Subdistrict and what penalties to include.

A motion was made to extend the 2022 Annual Replacement Plan contract deadline and accept the Adams State University Participation Contract with a 20% penalty and all back fees. The motion was seconded. There were two (2) no votes and seven (7) yes votes. The motion passed.

A motion was made to extend the 2022 Annual Replacement Plan contract deadline and accept the Nick Chiovitti Inclusion Contract with a 20% penalty and all back fees. The motion was seconded. There were three (3) no votes and six (6) yes votes. The motion passed.

A motion was made to extend the 2022 Annual Replacement Plan contract deadline and accept the Adrian Absmeier Participation Contract with a 20% penalty and all back fees. The motion was seconded and unanimously approved.

Mario Curto expressed he did not think a 20% penalty is not enough and that the penalty should be raised going forward.

Discuss Possible Offer to Lease Santa Maria Shares Under the Monte Vista Canal

President Faucette asked for the discussion and possible lease of the Santa Maria shares under the Monte Vista. He provided the acre foot per share and discussion was held on the amount the Board is willing to pay to lease the shares.

A motion was made to offer \$200 per share to lease the Santa Maria shares under the Monte Vista Canal. The motion was seconded and unanimously approved.

Discuss Possible Offer to Purchase Santa Maria Water from the Currently Owned Subdistrict No. 1

President Faucette asked for discussion of possible offer to purchase Santa Maria water from Subdistrict No. 1. President Faucette reported on a phone call he received from Subdistrict No. 1's Program Manager. He highlighted a misunderstanding between the two Subdistricts and asked the Board if they wanted to renew the offer to purchase 2,000-acre feet of Santa Maria Water currently owned by Subdistrict No. 1 at \$250 per acre-foot plus storage fees. Discussion was held on the amount of time Subdistrict No. 1 had to consider the offer as well as the other options and programs Subdistrict No. 6 is working on.

A motion was made to offer Subdistrict No. 1 \$250 per acre-foot plus storage fees beginning January 1st of the year Subdistrict No. 6 acquires the water with the stipulation the water has to go north and the Subdistrict will be able to use the water when they choose to use it for replacements. The motion was seconded and unanimously approved.

Staff was directed to notify the Board of Managers how much the budget will accommodate to purchase.

Next Meeting

The next quarterly meeting was scheduled for May 11, 2022, at 1:30 p.m.

Adjournment

A motion was made to adjourn the meeting. The motion was seconded and unanimously passed. The meeting was adjourned at 10:59 a.m.



President



Secretary/Treasurer