

**AMENDED RESOLUTION
SPECIAL IMPROVEMENT DISTRICT NO. 1 OF THE
RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF MANAGERS**

Adding Additional Incentives to the RGWCD Groundwater Compact Compliance and Sustainability Fund within Subdistrict No. 1

WHEREAS, as part of its approved Plan of Water Management, Special Improvement District No. 1 of the Rio Grande Water Conservation District (Subdistrict No. 1) is required to recover and maintain the unconfined aquifer under Subdistrict No. 1 to certain levels; and,

WHEREAS, Subdistrict No. 1 has funded numerous short- and long-term conservation programs to reduce consumptive use of groundwater and to assist in recovering the unconfined aquifer to meet the requirements of the Plan of Water Management; and,

WHEREAS, Water Division No. 3 remains in a long-term reduction in water supplies; and,

WHEREAS, despite the efforts and financial support of Subdistrict No. 1, the unconfined aquifer has not recovered to the level as required by the Plan of Water Management; and,

WHEREAS, Subdistrict No. 1 remains committed to meet the terms of the Plan of Water Management; and,

WHEREAS, Subdistrict No. 1 has determined that permanent retirement of ground water wells and the associated irrigated acreage is needed; and,

WHEREAS, the Rio Grande Water Conservation District has adopted a Groundwater Compact Compliance and Sustainability Fund (June 14, 2023) (“SB22-028 Program”), attached hereto and incorporated herein; and

WHEREAS, any disbursement of the SB22-028 Program funds must support a verifiable reduction in groundwater withdrawals from non-exempt wells that are subject to aquifer sustainability requirements as outlined in the State’s Rules and Regulations for Groundwater Withdrawals in Colorado Water Division No. 3.

WHEREAS, the participation in the SB22-028 Program within Subdistrict No. 1 has not been at the levels Subdistrict No. 1 anticipated; and,

WHEREAS, Subdistrict No. 1 desires to add additional incentives to increase voluntary participation in the SB22-028 Program within Subdistrict No. 1 under Paragraph 9.2 of the SB22-028 Program.


RESOLUTION

NOW, THEREFORE, be it resolved by the Board of Managers of Special Improvement District No. 1, acting by and through its Water Activity Enterprise, that:

1. Subdistrict No. 1 hereby establishes a Supplemental SB22-028 Incentive Program under the following terms:
 - 1.1 Interested Subdistrict Members (“Producers”) may offer water rights and permits for purchase under the RGWCD’s SB22-028 Program.

- 1.2 Producers who wish to participate in the Supplemental SB22-028 Incentive Program must meet all requirements of the RGWCD's SB22-028 Program and be accepted into that Program.
 - 1.3 Producers must comply with all terms and conditions of the RGWCD's SB22-028 Program, including but not limited to the execution of a dry-up covenant and transfer of the well permit and/or decree to the RGWCD.
 - 1.4 Both the point of diversion and legal place of use for the groundwater right must be within the boundary of Response Area No. 1 as defined by the Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (The Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights.
2. Producers will be eligible for the following incentives, which are in addition to the payments to be paid under the RGWCD's SB22-028 Program:
 - 2.1 The Supplemental SB22-028 Incentive Program will pay to the producer One-Thousand Two-Hundred and Fifty dollars (\$1,250) per acre-foot of historical groundwater withdrawal.
 - 2.2 The historical groundwater withdrawal will be determined under the RGWCD's SB22-028 program and will be applied to the Supplemental SB22-028 Incentive Program.

3. Application for the Supplemental SB22-028 Incentive Program will be on a form provided by the Subdistrict and must be submitted with the application for the RGWCD's SB22-028 Program.
4. All such payments will be made by Subdistrict No. 1 to the Producer at the time mutually agreed to between the Subdistrict and the Applicant, on or before August 31, 2024.
5. Funding for this Supplemental SB22-028 Incentive Program is solely from Subdistrict No. 1 funds. The RGWCD will have no obligation to any Applicant under this Supplemental SB22-028 Incentive Program. This Supplemental SB22-028 Incentive Program is dependent upon the Subdistrict's budget and the Subdistrict may modify or withdraw the Program at any time and in its sole discretion.
6. The Supplemental SB22-028 Incentive Program will cease at 4:00 pm on May 31st, 2024 without further action from the Subdistrict or RGWCD. Completed applications for the SB22-028 program must be received by the District prior to this day and time to be eligible under the Supplemental SB22-028 Incentive Program.



Jake Burris
President

Attest:



Michael Jones
Secretary/Treasurer