

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #3
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
December 16, 2021 at 8:00 a.m.
8805 Independence Way, Alamosa CO 81101
And By Zoom/Teleconference**

Present: LeRoy Salazar, President; Nathan Coombs, Vice-President/Secretary/Treasurer; Warren Crowther, Manager; Sam Vance, Manager; Ruben Sandoval, Manager; Doug Bagwell, Manager; and Dwight Martin, Ex-Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C; Clinton Phillips, Davis Engineering; Cleave Simpson, General Manager; Amber Pacheco, Program Manager; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; Linda Ramirez, Program Assistant; April Mondragon, Administrative Assistant; and, Michael Carson, Database Administrator.

Guests: David Hofmann, DWR, Jack Gilleland, and, Charlie Goodson.

Meeting Called to Order

President Salazar called the meeting to order at 8:05 a.m. A quorum was present. The Pledge of Allegiance was recited. Ruben Sandoval led the opening prayer.

Approval of the Agenda

President Salazar asked for approval of the agenda. A motion was made by Nathan Coombs to approve the agenda as presented. The motion was seconded by Ruben Sandoval and unanimously approved.

Public Comment

President Salazar asked for public comment. There was none.

Executive Session

President Salazar asked for a motion to enter into executive session to receive legal advice concerning the purchase of real property. A motion was made by Warren Crowther to enter into executive session. The motion was seconded by Doug Bagwell and unanimously approved.

Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to receive legal advice concerning the purchase of real property. The Board would take no formal action or position during the executive session.

Possible Discussion and/or Action from Executive Session

President Salazar asked for possible action from executive session.

A motion was made by Nathan Coombs to continue discussions to decide how to allocate the price of the potential property purchase equally amongst the potential buyers, to determine which property each Subdistrict might hold, and to work with the sellers on a quiet title action or other process for any portion of a water right that is in dispute. The motion was seconded by Doug Bagwell. A change to the motion was made to allow Nathan Coombs to work with the sellers and other owners of the water rights in dispute to come up with a resolution to quiet the title. Nathan accepted the amended motion and a second was made for the amended motion. The motion passed unanimously.

A motion was made by Nathan Coombs to direct staff to a counter-offer to Subdistrict No. 1 with \$100 for the offer that includes the Monte Vista Canal water and \$250 for the Rio Grande Canal water. The motion was seconded by Sam Vance and unanimously approved.

Discussion and Possible Action on 2022 Forbearance Bonus Resolution

President Salazar asked for a discussion and possible action on the 2022 Forbearance Bonus Resolution. The Board discussed if they should make the agreements three (3) or five (5) years and what the bonus amount should be. Ms. Pacheco reported on the value of some of the higher priced forbearance agreements and the struggle it would be to get wet water to the stream if these agreements were not in place. Nathan Coombs requested setting up a meeting with the Terrace Irrigation Company to talk about possibly setting up an administrative exchange.

A motion was made by Nathan Coombs to accept the 2022 Forbearance Bonus Resolution as written, except under the \$300 bonus, include three (3) and five (5) year contracts. The motion was seconded by Doug Bagwell and unanimously approved.

Ms. Pacheco reported all of the April 2021 forbearance payments had been made and she is working to get out the final forbearance payments for May 1 through November 1, 2021. She provided the total amount of forbearance paid last year. Mr. Coombs thanked the Board and staff for the good progress the Subdistrict has made.

Next Meeting

The annual meeting was scheduled for March 3, 2022, at 8:00 a.m.

Adjournment

The meeting was adjourned at 9:52 a.m.



President



Vice-President/Secretary/Treasurer

RESOLUTION OF SPECIAL IMPROVEMENT DISTRICT NO. 3 OF
THE RIO GRANDE WATER CONSERVATION DISTRICT
(Regarding Forbearance Contracts)

Resolution 2021-2

RECITALS

WHEREAS, Special Improvement District No. 3 of the Rio Grande Water Conservation District (“Subdistrict No. 3”) was created pursuant to section 37-48-108, C.R.S., and pursuant to section 37-48-101.3(1), C.R.S., is a body corporate under the laws of Colorado; and

WHEREAS, Subdistrict No. 3 was formed for the purpose of designing and implementing a cooperative plan for water management to assure the protection of senior surface water rights and promote the maximum beneficial and sustainable use of water resources; and

WHEREAS, Subdistrict No. 3 entered into numerous forbearance agreements with ditches whereby the Subdistrict was able to remedy injury to those ditches caused by groundwater withdrawals from Subdistrict Wells by providing a cash payment rather than introducing water at the top of the affected reach; and

WHEREAS, such forbearance agreements allowed the Subdistrict to meet its goals of remedying injury to senior surface water rights at a lower cost than expected; and

WHEREAS, not all ditches that entered into forbearance agreements received a financial benefit; and

WHEREAS, Subdistrict No. 3 wishes to thank all of those ditches who entered into forbearance agreements for ARP year 2021 and encourage those and other ditches to enter into forbearance agreements for ARP year 2022 and beyond; and

WHEREAS, Subdistrict No. 3 sees great value and increased efficiencies in working closely with other Subdistricts on entering into joint forbearance agreements.

RESOLUTION

NOW, THEREFORE, be it resolved by the Board of Managers, as follows:

1. Bonus Payment for ARP Year 2022. Subdistrict 3 will pay a one-time bonus of \$200.00 for each one-year forbearance agreement for ARP Year 2022 with Subdistrict 3. This bonus payment applies to every one-year forbearance agreement for ARP Year 2022 and is in addition to any payments due under a forbearance agreement.
2. Bonus Payment for multi-year forbearance agreement. Subdistrict 3 will pay a bonus of \$300.00 for each year of the ARP to any multi-year forbearance agreement with

Subdistrict 3. This bonus payment applies to every forbearance agreement for ARP Year 2022 and is in addition to any payments due under a forbearance agreement. Equal payments of \$300.00 will be made annually through the term of the forbearance agreement.

RESOLVED this 16th day of December 2021.

ATTEST:

**BOARD OF MANAGERS
SPECIAL IMPROVEMENT DISTRICT NO. 3 OF
THE RIO GRANDE WATER CONSERVATION
DISTRICT**


Secretary


President