RIO GRANDE WATER CONSERVATION DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING
FRIDAY, APRIL 14, 2017
1:30 P.M.

RIO GRANDE WATER CONSERVATION DISTRICT CONFERENCE ROOM

**Present:** Greg Higel, President, Brian David, Vice-President; Dwight Martin, Secretary/Treasurer; Peggy Godfrey, Director; Cory Off, Director; Bill McClure, Director; Lewis Entz, Director; and, Lawrence Gallegos, Director (via telephone).

**Excused:** Mike McClure, Director.

**Staff:** Cleave Simpson, General Manager; Pete Ampe, District’s Attorney; Cheryl Anderson, Office Manager; Rob Phillips, Program Manager; Rose Vanderpool, Assistant Program Manager; and, Linda Ramirez, Administrative Assistant.


President Higel called the meeting to order at 1:30 p.m. There was a quorum present. The Pledge of Allegiance was recited.

President Higel asked for introduction of staff and guests.

**APPROVAL OF AGENDA**

President Higel asked for approval of the agenda. A motion was made by Peggy Godfrey to approve the agenda. The motion was seconded by Brian David and unanimously approved.

**PUBLIC COMMENT**

President Higel asked for public comment. Mike Kruse stated he had an opposition to the Annual Replacement Plan which has been presented to the Board. Mr. Kruse stated he attended Subdistrict #1’s special meeting on April 12, 2017, and has withdrawn his opposition at this time. He is opposing escrow and budgetary issues. Mr. Kruse is working with Cleave Simpson and feels they can come to a resolution on the budgetary issue. On the escrow issue he feels he gave up his right to appeal to the Court but believes he still has recourse. Mr. Kruse asked Pete Ampe his position on whether he still retains that right. Mr. Ampe did not give any advisory position. Mr. Kruse has been reviewing the plans carefully and likes that Subdistrict #1 appointed a finance committee.

Bill McClure stated he had been approached by Subdistrict #1 Board members and asked if it is a conflict of interest for him to talk directly with Board members. Pete Ampe replied it is not a conflict but if 3 or more gather it is considered a public meeting and proper notice must be given.

**REVIEW AND ACTION SUBDISTRICT #1 2017 ANNUAL REPLACEMENT PLAN (ARP)**

President Higel asked for review and action on Subdistrict #1 2017 Annual Replacement Plan. Rob Phillips gave an update on the minor revisions made to the ARP. Mr. Phillips read the introductory paragraph along with other sections of the plan. President Higel wanted it on record that in his opinion it is hard to believe in stretch number one Subdistrict # 1 is accuring water to the river based on his experience living on the river and with the hole in the aquifer north of the river.

Cleave Simpson stated the $3.85 million to remedy post plan impacts for State Engineer’s purposes was withdrawn from the ARP this year. Subdistrict #1 currently has 18,000 or more acre feet of water in storage. Subdistrict #1’s financial committee will build accounting policies on reserves, general fund balance, how they deal with CREP, and escrowing future lag depletions. Discussion was had on the ARP and Mr. Phillips thanked staff and Davis Engineering for everyone’s efforts in finalizing the ARP. President Higel also thanked Rob Phillips for his contribution to the ARP.

President Higel asked for a motion on the Resolution to use a portion of the Closed Basin Project of Injurious Depletions under the 2017 Annual Replacement Plan. Lewis Entz made a motion to
use a portion of the Closed Basin Project of Injurious Depletions under the 2017 Annual Replacement Plan. The motion was seconded by Dwight Martin and unanimously approved.

President Higel asked for a motion on the Resolution Approving the 2017 Annual Replacement Plan of Special Improvement District No. 1. A motion was made by Dwight Martin to approve the 2017 Annual Replacement Plan of Special Improvement District No. 1. The motion was seconded by Peggy Godfrey and unanimously approved. Cory Off thanked Mike Kruse for his comments and staff for getting Mr. Kruse’s comments to the Board.

**REVIEW AND ACTION, NOMINATION TO SUBDISTRICT #1 BOARD OF MANAGERS FOR THE BILLINGS DITCH REPRESENTATIVE**

President Higel asked for review and action on Nomination to Subdistrict #1 Board of Managers for the Billings Ditch Representative. President Higel stated the Board’s packet contains a letter of resignation from Lynn McCullough along with a letter of recommendation from the Billings Ditch appointing Miguel Diaz to Subdistrict #1’s Board of Managers. President Higel asked for a motion to accept the recommendation from Billings Ditch to appoint Miguel Diaz to serve on Subdistrict #1’s Board of Managers. A motion was made by Cory Off to appoint Miguel Diaz to serve on Subdistrict #1’s Board of Managers. The motion was seconded by Lawrence Gallegos and unanimously approved.

**REVIEW AND ACTION, APPOINTMENT OF SUBDISTRICT #3 BOARD OF MANAGERS**

President Higel asked for review and action on appointment of Subdistrict #3’s Board of Managers. Lawrence Gallegos asked how the selection of Subdistrict #3’s Board of Managers is different from Subdistrict #1 and Subdistrict #2. Cleave Simpson stated that each one structures their own Subdistrict. Subdistrict #1 is by ditch, Subdistrict #2 is by election in a geographic area, Subdistrict #3 is by appointment in a geographic area, Subdistrict #4 and Subdistrict #5 will be by appointment with no geographic area and Subdistrict #6 will be by ditch companies, conservancy districts and well owners associations. Pete Ampe stated each Subdistrict put a lot of thought into the process and each Subdistrict came up with what they thought was best for their Subdistrict. Dwight Martin asked Cleave Simpson to go through which candidates were on the steering committee. Mr. Simpson stated there was a core group of eight individuals. LeRoy Salazar, Ruben Sandoval, Grace Bagwell, Nathan Coombs, Jack Gilleland, Warren Crowther, Tim Crowther and Sam Vance. Dwight Martin made nominations for the Board of Managers for Subdistrict #3 as follows:

Area south of Road G: LeRoy Salazar
Area East of County Road 17 and North of Road G: Ruben Sandoval and Warren Crowther
Area West of County Road 17 and North of Road G: Sam Vance, Jack Gilleland and Nathan Coombs.

Peggy Godfrey asked what term limits were. Amber Pacheco responded one member in each of the groups would serve a two year term; all others would serve a four year term, after the initial stagger, four year terms will be served. There will be no limit on the number of terms an individual can serve.

Lawrence Gallegos commented he would like to make nominations. President Higel stated there is one set of nominations on the floor and is awaiting a second. Lewis Entz seconded the motion.

Lawrence Gallegos commented he was approached by three people with concerns that Nathan Coombs is the manager of the Conejos Water Conservancy District; they thought it would be a conflict for Mr. Coombs to serve on the Subdistrict Board. Mr. Ampe stated the Conejos Board gave Mr. Coombs permission to serve on the Subdistrict Board and therefore, there is no conflict of interest. There was a technical conflict of interest but that has been waived so Mr. Coombs is eligible to sit on the Subdistrict Board.

Dwight Martin commented the individuals he has nominated were on the steering committee and have experience in putting this Subdistrict together and Nathan Coombs brings an extreme amount of knowledge and experience from the Conejos River that will greatly add to the Board of Managers for Subdistrict #3.
Lawrence Gallegos mentioned that in Roberts Rules of Order if going through a nomination process you need to allow other nominations. President Higel stated if Dwight Martin will rescind his nominations the Board will go through and vote on each person. Discussion was had on how the process should be handled by the Board and other Subdistricts. Several Board members expressed feeling uncomfortable voting for Board members in this manner. Mr. Ampe expressed to the Board that this is how Subdistrict #3 community members decided it would be done and it was written in their Petition and this Board must elect Subdistrict #3’s Board of Managers.

Lawrence Gallegos stated he would like to nominate Colin Henderson from Road G and also Brock Canty, Marty Peterson and Scott Johnson. Pete Ampe stated Mr. Gallegos could not nominated three people for two positions. Lawrence Gallegos stated he would nominate Colin Henderson North of Road G and he nominated Brock Canty and Marty Peterson.

President Higel stated they would vote name-by-name and area-by-area.

Area 1: LeRoy Salazar. Peggy Godfrey made a motion to appoint LeRoy Salazar by acclamation. The motion was seconded by Bill McClure and unanimously approved.

Dwight Martin before voting would like to encourage the Board to vote for the individuals that participated on the steering committee in the last ten years. Brock Canty, Marty Peterson, Scott Johnson and Colin Henderson have not attended any meetings; they have been passive water interests and he believes if they were truly interested in the Subdistrict, they would have attended at least some of the meetings over the last ten years.

President Higel stated Ruben Sandoval, Warren Crowther, Marty Peterson and Brock Canty have all been nominated. Lawrence Gallegos understands that there have been individuals involved for a long time but feels it is good to have different perspectives as there are different interests.

Area 2: There are four nominees, Ruben Sandoval, Warren Crowther, Marty Peterson and Brock Canty. President Higel stated the first one to be voted on is Ruben Sandoval.

Dwight Martin – Yes
Cory Off – Yes
Lewis Entz – Yes
Brian David – Yes
Lawrence Gallegos – Yes
Bill McClure – Yes
Mike McClure – Yes
Peggy Godfrey – Yes.

Board vote was unanimous for Ruben Sandoval.

Votes for Warren Crowther

Mike McClure – Yes
Bill McClure – No
Lawrence Gallegos – No
Brian David – Yes
Lewis Entz – Yes
Peggy Godfrey – Yes
Dwight Martin – Yes
Cory Off – Yes

The Board voted 6 for and 2 against for Warren Crowther. Warren Crowther was appointed to the Board of Managers for Subdistrict #3 by majority.

Area 3: There are four nominees, Sam Vance, Jack Gilleland, Nathan Coombs and Colin Henderson:

Votes for Sam Vance:

Dwight Martin – Yes
Cory Off – Yes
Lewis Entz – Yes
Brian David – Yes
Lawrence Gallegos – Yes
Bill McClure – Yes
Mike McClure – Yes
Peggy Godfrey – Yes

Board vote was unanimous for Sam Vance.

Votes for Jack Gilleland:

Dwight Martin - Yes
Cory Off – Yes
Lewis Entz – Yes
Brian David – Yes
Lawrence Gallegos – No
Bill McClure – Yes
Mike McClure – Yes
Peggy Godfrey – Yes

Board vote was 7 for 1 against. Jack Gilleland was appointed to the Board of Managers for Subdistrict #3 by majority.

Votes for Nathan Coombs:

Dwight Martin - Yes
Cory Off – Yes
Lewis Entz – Yes
Brian David – Yes
Lawrence Gallegos – No
Bill McClure – No
Mike McClure – Yes
Peggy Godfrey – No

Board vote was 5 for and 3 against. Nathan Coombs was appointed to the Board of Managers for Subdistrict #3 by majority.

Amber Pacheco stated the Board needed to appoint an ex-officio member from the District Board. Dwight Martin made a motion to appoint Lawrence Gallegos as ex-officio member for Subdistrict #3. The motion was seconded by Cory Off and unanimously approved.

REVIEW AND ACTION, PETITION TO REQUEST FORMATION OF SUBDISTRICT #4 (SAN LUIS CREEK RESPONSE AREA)

President Higel asked for review and action on the Petition to Request Formation of Subdistrict #4 (San Luis Creek Response Area). Amber Pacheco gave a review of the formation for Subdistrict #4. The individuals involved in formation of Subdistrict #4 are Jerry Berry, Jeremy and Jack Uhlenbrock, Kelly Smith, David Fress and Dick Blumenhein. Subdistrict #4 will be a five member Board required to be a landowner or representative of a landowner. This area has a lot of absentee landowners and it may be difficult to form a five member Board. Subdistrict #4 can operate with 3 Board members if they cannot get five Board members. The next step is to file the Petition with the Court and await a hearing date which will be set in 60 to 90 days. The Petition will then be published in the newspaper. It was suggested that the Valley Courier print up the legal descriptions for the Petition and do an insert into the Saguache Crescent. Ms. Pacheco directed the Board to a map of the areas included in Subdistrict #4. Ms. Pacheco stated Subdistrict #4 will need an ex-officio member from the District Board to serve. Dwight Martin asked for an explanation of the ex-officio position. Amber Pacheco stated Subdistrict #4 is different from the other Subdistricts in that if one of the Board members from the Rio Grande Water Conservation District is unable to serve in the ex-officio capacity, the Subdistrict can seek someone within the Subdistrict to represent the District Board as an ex-officio member.
Thad Englert stated San Luis and Saguache response areas go through his property. Mr. Englert has wells in both response areas. Mr. Englert is not sure they can afford to belong to one subdistrict, he is sure they cannot belong to two subdistricts. Mr. Englert discussed his understanding of how his property would be treated in the Subdistricts. Amber Pacheco stated that Mr. Englert has to stay in both subdistricts at this time and there are other Subdistrict individuals in the same position. The State could reassign wells after the Rules and Regulations are finalized. Mr. Ampe stated the State set boundaries for the response area but is not outlining the boundaries for the Subdistricts and there are opportunities to contract between Subdistricts. Ms. Pacheco stated the State will review these wells after the trial is settled. Ms. Pacheco made sure the State understood these unique situations.

President Higel asked for a motion to accept the Petition for Subdistrict #4. Cory Off made a motion to accept the Petition for Subdistrict #4. The motion was seconded by Peggy Godfrey and unanimously approved.

**ADJOURN**
The meeting was adjourned at 3:32 p.m. The next scheduled meeting will be held on July 18, 2017.

\[Signature\]
President

\[Signature\]
Secretary/Treasurer
RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
RIO GRANDE WATER CONSERVATION DISTRICT

TO ALLOW SUBDISTRICT NO. 1 TO USE A PORTION OF THE CLOSED BASIN
PROJECT FOR THE REPLACEMENT OF INJURIOUS DEPLETIONS UNDER THE
2017 ANNUAL REPLACEMENT PLAN

The Board of Directors of the Rio Grande Water Conservation District at a special
meeting held on April 14, 2017, in Alamosa, Colorado does hereby resolve that:

WHEREAS, Special Improvement District No. 1 of the Rio Grande Water Conservation
District ("Subdistrict No. 1") was created to conserve and stabilize the water supply and
groundwater storage in the unconfined aquifer of the Closed Basin for irrigation, domestic,
municipal and other beneficial uses for the water users within the boundaries of Subdistrict No.
1; and

WHEREAS, Subdistrict No. 1 is operating under an approved Plan of Water
Management which requires the development of an Annual Replacement Plan ("ARP") showing,
among other things, the predicted injurious depletions caused by Subdistrict Well pumping and
the manner in which the Subdistrict will remedy those depletions; and

WHEREAS, the production from the Closed Basin Project can and should be used as a
source of water to remedy injurious depletions caused by Subdistrict Well Pumping.

RESOLUTION

NOW, THEREFORE, be it resolved by the Board of Directors of the Rio Grande Water
Conservation District that:

1. The District anticipates that the vast majority of this Project Water will be used to
replace non-irrigation season depletions from October 31 through March 31. There may be
circumstances during the irrigation season when Subdistrict No. 1 cannot deliver water to the Rio
Grande below the Chicago Ditch due to intervening dry stream reaches or excessive losses in
deliveries. In those circumstances, the District believes Project Water is an appropriate
replacement source, but intends that its use during the irrigation season be minimized.

2. The inclusion of 1,000 acre-feet of water from the production of the Closed Basin
Project as a source of supply in the Subdistrict No. 1 2017 Annual Replacement Plan ("2017
ARP") and the use of said water under the 2017 ARP to remedy injurious depletions is approved.
ATTEST:          RIO GRANDE WATER  
                 CONSERVATION DISTRICT

By:                By:

Dwight Martin     Greg Higel
Secretary/Treasurer President

COUNTY OF ALAMOSA  )
) SS
STATE OF COLORADO   )

Subscribed and sworn to me this 14th day of 2017, by Greg Higel, President, Board of Directors of the Rio Grande Water Conservation District.

Witness my hand and seal.

My commission expires: 7/10/17

LINDA S. RAMIREZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 1935401073
MY COMMISSION EXPIRES JULY 16, 2017

Notary Public

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RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
RIO GRANDE WATER CONSERVATION DISTRICT

APPROVING THE 2017 ANNUAL REPLACEMENT PLAN
OF SPECIAL IMPROVEMENT DISTRICT NO. 1
OF THE RIO GRANDE WATER CONSERVATION DISTRICT

The Board of Directors of the Rio Grande Water Conservation District at a special
meeting held on April 14, 2017, in Alamosa, Colorado does hereby resolve that:

WHEREAS, Special Improvement District No. 1 of the Rio Grande Water Conservation
District ("Subdistrict No. 1") was created to conserve and stabilize the water supply and
groundwater storage in the unconfined aquifer of the Closed Basin for irrigation, domestic,
municipal and other beneficial uses for the water users within the boundaries of Subdistrict No.
1; and

WHEREAS, Subdistrict No. 1 is operating under an approved Plan of Water
Management which requires the development of an Annual Replacement Plan showing, among
other things, the predicted injurious depletions caused by Subdistrict Well groundwater
withdrawals and the manner in which the Subdistrict will remedy those depletions.

RESOLUTION

NOW, THEREFORE, be it resolved by the Board of Directors of the Rio Grande Water
Conservation District that:

1. The Board of Directors of the Rio Grande Water Conservation District hereby
accepts and approves the 2017 Annual Replacement Plan of Special Improvement District No. 1
of the Rio Grande Water Conservation District.

ATTEST:                                            RIO GRANDE WATER
By: Dwight Martin                 CONSERVATION DISTRICT
Secretary/Treasurer              By: Greg Higel
                                             President


COUNTY OF ALAMOSA
STATE OF COLORADO

Subscribed and sworn to me this 14th day of 2017, by Greg Higel, President, Board of Directors of the Rio Grande Water Conservation District.

Witness my hand and seal.

My commission expires: 1/1/17

LINDA S. RAMIREZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19944010173
MY COMMISSION EXPIRES JULY 15, 2017

Notary Public