RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
TUESDAY, OCTOBER 10, 2017
9:00 A.M.

RIO GRANDE WATER CONSERVATION DISTRICT CONFERENCE ROOM

Present: Greg Higel, President; Brian David, Vice-President; Dwight Martin, Secretary/Treasurer; Cory Off, Director; Peggy Godfrey, Director; Lawrence Gallegos, Director; and, Bill McClure, Director.

Excused: Lewis Entz, Director; Mike McClure, Director;

Staff: David Robbins, District Attorney (via telephone); Cleave Simpson, General Manager; Amber Pacheco, Program Manager; Rob Phillips, Program Manager; Cheryl Anderson, Office Manager; and, Linda Ramirez, Administrative Assistant.

Guests: Deb Sarason, Division of Water Resources; and Christi Bode, video producer.

CALL TO ORDER
President Greg Higel called the meeting to order at 9:15 a.m. The Pledge of Allegiance was recited. There was a quorum present for the meeting.

INTRODUCTION OF STAFF & GUESTS
President Higel welcomed all those present and asked for introductions.

REVIEW AND CONSIDER FOR ACTION AMENDMENT TO SD#1 RULES AND REGULATIONS ASSOCIATED WITH NEW FALLOW PROGRAM.
President Higel asked for review and consideration for action on the amendment to Subdistrict #1’s Rules and Regulations associated with the new fallow program. Cleave Simpson gave a brief history of Subdistrict #1’s previous fallow program and stated this new fallow program is a rewrite of the 2012 Rules and Regulations. Mr. Simpson stated Subdistrict #1 has approved the new Rules and Regulations and is seeking approval from the District Board.

Rob Phillips discussed how Subdistrict #1 conducted a survey two years ago and Sheldon Rockey took the lead in putting this new fallow program into effect. Brian Brownell tried to make it as administratively efficient as possible. The new fallow program will allow rotational acres and will pay $200.00 per acre for irrigated acres irrigated the previous year and $144.00 per acre for irrigated acres irrigated by flood the previous year. It is a four year commitment and the participants need not identify the fallow parcel until the spring of each year. It is zero water use for both ground water and surface water. The producer can graze the cover crop on the fallow parcel for the contract year. Mr. Phillips is working with NRCS to pair up with RCPP so producers can cost share their cover crop.

Lawrence Gallegos asked if there is a cap on acreage. Mr. Phillips stated Subdistrict #1 has set aside $500,000.00 for sign up which is approximately twenty circles. Peggy Godfrey asked about producer interest. Mr. Phillips stated he has about five contracts showing interest with sign up running until October 31, 2017. President Higel asked if producers would be entitled to surface water credits. Mr. Phillips replied as long as the surface water does not apply to the fallow acres. Ms. Godfrey asked about half circles not being irrigated because the producer does not have enough water to farm a full circle. Ms. Godfrey stated it is involuntarily fallowed ground. Mr. Phillips stated it was a good question and that issue has not come up at this time. Mr. Phillips stated the Contract states no half circles and the fallowed acres must have been irrigated the previous year. Discussions were had on other aspects of the fallow program and potential for other types of programs.

Cleave Simpson stated Subdistrict #1 is taking contracts at this time contingent upon approval of the amendment to the Rules and Regulations by the District Board. President Higel asked if there were any other legal processes if the District approved the Rules and Regulations. David Robbins replied no, it is not a change in the Plan of Water Management and approval by the District would make the Rules and Regulations effective.
A motion was made by Cory Off to accept the amendment to Subdistrict #1’s Rules and Regulations. The motion was seconded by Lawrence Gallegos and unanimously approved.

**REVIEW AND CONSIDER FOR ACTION SD#2 PLAN OF WATER MANAGEMENT.**

President Higel asked for review and consideration for action on Subdistrict #2’s Plan of Water Management. Cleave Simpson stated after several public meetings, legal review and rewrites Subdistrict #2 is ready to submit their detailed Plan of Water Management for approval. Mr. Simpson stated if the District Board approves the Plan, it will be submitted to the State Engineer for approval. After approval by the State Engineer, the District will have a formal public hearing for adoption of the Plan. If there is opposition to the Plan at the public hearing the Board can reconsider the issues raised, if the Plan is accepted without change an opposer has ten days to file an objection with the District Court.

Cleave Simpson stated Subdistrict #1’s Plan of Water Management has been used as a blue print for other Subdistrict’s Plans of Water Management. Amber Pacheco previously provided the Board with a list differences between Subdistricts #1’s and #2’s Plans of Water Management. Ms. Pacheco went through each of the listed differences.

In response to a question David Robbins stated all existing ditches in Subdistrict #2 are operating under historic water rights decreed for irrigation and have no right to reuse return flows; they only get one use under their decree. Mr. Robbins also stated that in order to claim a right to recharge return flows the decrees would have to be changed to allow for recharge as a beneficial use.

Discussions were had on how Subdistrict #2’s process will work and when fees might be assessed.

A motion was made by Peggy Godfrey to approve Subdistrict #2’s Plan of Water Management. The motion was seconded by Brian David and unanimously approved.

**APPOINTMENT OF SD#4 BOARD OF MANAGERS, 5 POSITIONS.**

President Higel asked for review and action to appoint a Board of Managers for Subdistrict #4. Cleave Simpson stated the Court approved formation of Subdistrict #4 in July. Staff asked for letters of interest to serve on the Board of Managers and received six letters of interest for five positions. Staff conducted a straw poll and reviewed those results of the poll with the District Board. Discussions were had on which five interested participants to appoint.

A motion was made by Cory Off to appoint the following participants as the Board of Managers for Subdistrict #4:

Jeremy Uhelnbrock  
Ronald Bowman  
David Frees  
Richard Blumenhein  
Pieter Van der Lann, Jerry Berry as designated representative

The motion was seconded by Lawrence Gallegos. The vote was six in favor and one abstained.

A motion was made by Bill McClure to nominate Peggy Godfrey as the ex-officio Board member for Subdistrict #4. The motion was seconded by Cory Off and unanimously approved.

**PRESENTATION OF DISTRICT 2018 DRAFT BUDGET AND ESTABLISH DATE AND TIME FOR BUDGET HEARING.**

President Higel asked for presentation of the District’s 2018 draft budget and establishment of a date and time for a budget hearing. Cleave Simpson reviewed the draft budget and stated the draft budget needs to be made available to the public by October 15, 2017. Mr. Simpson stated he would like a meeting with the employee finance committee to review salaries and benefits. Discussions were had on salary surveys and how those tools can be used by the committee to come up with comparable salaries for staff. President Higel asked about Director’s fees in the budget. Amber Pacheco stated the Board had elected to receive $50.00 per meeting but State statute allows up to $100.00 per meeting for Directors. Mr. Simpson asked the Board to consider
hiring a full time staff engineer. Funds could be pulled from Davis Engineering to pay for this position.

Peggy Godfrey asked about using continuous monitoring in the Davis Engineering ground water storage study area instead of the current monthly measurements. Mr. Simpson stated that a company had loaned the District three automatic transducers and transponders which were installed by staff. Staff is happy with the way this trial equipment is functioning. Mr. Simpson stated there are 29 wells in the study area and staff is seeking a proposal to get all 29 wells set up on transducers and transponders through grant funds.

David Robbins explained the hydraulic divide study and its importance as part of Subdistrict #1’s Plan. Peggy Godfrey asked if updating the study every three years instead of every year would accomplish the needs of the Subdistrict. Mr. Simpson stated he would like time to review the study and discuss it in greater detail at the budget work session.

Cleave Simpson went over the proposed budgets for Subdistricts #2 and #3. Mr. Simpson stated these Subdistricts do not have revenue streams at this time and the District will be paying expenses until revenues become available at which time the District will be reimbursed.

Cleave Simpson went over the proposed budget for Subdistrict #1 and stated Subdistrict #1 lowered their administrative and CREEP fees. Subdistrict #1 is escrowing funds to cover committed CREEP contracts.

The following meetings were scheduled:

Management Subcommittee will meet October 24, 2017, at noon.

A budget work session will be held on November 27, 2017, at 9:00 a.m.

A budget hearing has been set for December 7, 2017, at 10:00 a.m.

REVIEW AND POSSIBLE ACTION (STATEMENT OF OPPOSITION) CASE NO. 2017CW4, S&T FARMS LLC – APPLICATION FOR CHANGE OF WATER RIGHT.

President Higel asked for review and possible action on the Application for Change of Water Right filed by S&T Farms, LLC. Cleave Simpson gave background information on S&T Farms and their involvement with Subdistrict #1. Mr. Simpson stated S&T Farms, LLC, has filed an Application for Change of Water Right which the District believes may result in expanded use. David Robbins stated the District would have to file a Statement of Opposition to the Application if it was concerned with the level of potential use. Mr. Simpson stated the Application is hard to follow and may have some oversights. Mr. Robbins stated S&T Farms, LLC, has not given any supporting documentation and believes the District should file a Statement of Opposition.

A motion was made by Dwight Martin to file a Statement of Opposition to the Application for Change of Water Right filed by S&T Farms, LLC. The motion was seconded by Brian David and unanimously approved.

Mr. Simpson asked the Board about structuring the quarterly meeting and how the Board would like to see action items. The Board stated action items are okay where appropriate. Cory Off stated he would like to see decisions made up front.

ADJOURN

Meeting was adjourned at 12:35 p.m. The next scheduled quarterly meeting will be held on October 17, 2017, at 10:00 a.m.