

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #1
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
July 23, 2024 at 1:30 p.m.
8805 Independence Way, Alamosa CO 81101
And by Zoom/Teleconference**

Present: Jake Burris, President; Clay Mitchell, Vice President; Chris Miner, BOM; Jamie Hart, BOM; Miguel A. Diaz, BOM; Michael Jones, BOM; Brett Hemmerling, BOM; Patrick Brownell, BOM; and Mike Kruse, Ex-Officio Member.

Absent: Tony Holcomb, BOM; and, James Cooley, BOM.

Staff and Consultants: David Robbins, Hill & Robbins P.C.; Taylor Chick, Program Manager; Wylie Keller, Water Resource Specialist; Clinton Phillips, Davis Engineering; Kylie Gregg, Office Manager; Michael Carson, Database Administrator; Kelsey Weeks, ASU Intern; and April Mondragon, Administrative Assistant.

Guests: Deb Sarason, William Myers, Peggy Godfrey, Brian Rue, Wayne (last name not identified).

Meeting Called to Order

President Burris called the meeting to order at 1:32 p.m. A quorum was present, the Pledge of Allegiance was recited.

Approval of the Agenda

President Burris asked for changes, additions or a motion to approve the agenda. A motion was made by Jamie Hart to approve the agenda as presented. The motion was seconded by Clay Mitchell and unanimously approved.

Public Comment

President Burris asked for public comment. There was none.

Discussion and Possible Action

President Burris asked for discussion and possible action items:

- **Bid Review for White Property Recharge Station Project**

Taylor Chick presented an abstract of the bids that had been received. He reported receiving five (5) total bids, one from Mackey Construction Company, SLV Earth Movers, Seger West, Robins Construction and Cooley & Sons. Mr. Chick named Mackey Construction Company as the lowest bidder. He went over the projected start date and end date as well as a potential completion date. Discussion was held on the potential amount of overflow the ponds could produce. Clinton Phillips recommended the base, the overflow ditch and the larger pond. He presented a map of the overall proposed construction plan he designed. Mr. Phillips provided the total dimensions of the ponds and described the White property overflow area options. Jamie Hart commented on the valuable information to be gained from the project. Discussion was held on when to start the other project, the data to be provided from the project and where it fits into the Subdistricts budget. Mr. Phillips reminded the Board of the potential to apply for funds from the Roundtable to help cover the cost of construction on the other facilities/structures.

A motion was made by Jamie Hart to accept the Mackey Construction Company bid for option 2. The motion was seconded by Chris Miner and unanimously approved.

- **SB22-028 Incentives Resolution**

Taylor Chick presented the SB22-028 Incentives Resolution. He reported it was the same resolution that had been approved prior with a change made to the deadline. He reported on the plan to reopen the application process and seek interest in the program. President Burris reported on the discussions from the Budget Committee meeting regarding incentives for the senate bill.

A motion was made by Jamie Hart to approve the SB22-028 Incentives Resolution. The motion was seconded by Clay Mitchell and unanimously approved.

- **New CREP Contracts**

Taylor Chick presented the proposed temporary CREP contracts. He highlighted the location of the wells, provided the names of the well owners, and explained how temporary contracts work.

A motion was made by Miguel Diaz to approve the CREP contracts as presented. The motion was seconded by Jamie Hart and unanimously approved.

- Potential Fallow Program for 2025

Taylor Chick asked for a discussion on a potential Fallow Program for 2025. He reported sending the Board a description of how the program operated last year. Discussion was held on how to track the pumping reduction, the need to review the data, and the establishment of a cover crop. Michael Jones commented on the positive feed back received. Jamie Hart brought up the idea of incentivizing CREP by purchasing farm equipment. President Burris mentioned the situation on Saguache Creek and the unknown factor. He also reported on the discussion from the budget committee to consider the Well Purchase Program as well as incentivizing the senate bill program. Mike Kruse explained how permanent well retirement would be a greater benefit to the Subdistrict.

Executive Session to Receive Legal Advice Concerning Potential Purchase of Real Property, and to Receive Legal Advice Thereto

President Burris asked for a motion to enter into executive session to receive legal advice concerning potential purchase of real property, and to receive legal advice thereto. A motion was made by Miguel Diaz at 2:25 p.m. to enter into executive session. The motion was seconded by Clay Mitchell 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 potential purchase of real property, and to receive legal advice thereto. The Board would take no formal action or position during the executive session.

Board Open Discussion

President Burris asked for Board open discussion. A motion was made by Mike Kruse to direct Clinton Phillips to see if a conversation could be held with the State regarding their findings in connection with Subdistrict No. 5 and the amount of water Subdistrict No. 1 may owe on Saguache Creek and ask how the model will be affected if/when the Plan of Water Management No. 4 comes into effect. The motion was seconded by Chris Miner and unanimously approved.

New Business


President Burris asked for new business. Taylor Chick reported submitting the admin record for the Plan of Water Management No. 4.

Next Meeting

The next quarterly meeting is scheduled for September 3, 2024 at 1:30 p.m.

Adjournment

The meeting was adjourned at 3:22 p.m.



President



Secretary/Treasurer

**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 September 31st, 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 when all SB22-028 funding is obligated through contract without further action from the Subdistrict or RGWCD. Completed applications for the SB22-028 program must be received and approved by the District to be eligible for the Supplemental SB22-028 Incentive Program.



Jake Buris
President

Attest:


Michael Jones
Secretary/Treasurer