RIO GRANDE WATER CONSERVATION DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING
MARCH 19, 2018
1:30 P.M.
RIO GRANDE WATER CONSERVATION DISTRICT CONFERENCE ROOM

Present: Greg Higel, President, Dwight Martin, Secretary/Treasurer; Peggy Godfrey, Director; Brian David, Director; Lewis Entz, Director; Mike McClure, Director and, Bill McClure, Director.

Excused: Lawrence Gallegos, Director, Cory Off, Director

Staff: David Robbins, District’s Attorney; Cleave Simpson, General Manager; Cheryl Anderson, Office Manager; and, April Mondragon, Administrative Assistant.

Guests: Deb Sarason, DWR; Kit Caldon, North Star Farm; Sue Englert, self; Thad Englert, self; David Schmittal, self; Corey Hill, self; Aubrey Hill, self; George Whitten, self; and, Dale Gerstberger, self.

CALL TO ORDER
President Greg Higel called the meeting to order at 1:30 p.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.

APPROVE AGENDA
President Higel asked for any changes or additions to the agenda. Cleave Simpson added an update from Legal Counsel right after Public Comment and a Managers update at the end, right before Adjournment. A motion was made by Bill McClure to approve the agenda with changes as presented. The motion was seconded by Peggy Godfrey and unanimously approved.

PUBLIC COMMENT
President Higel asked for public comment. There was no public comment.

DISTRICT ATTORNEY’S REPORT-DAVID ROBBINS
President Higel asked for the District’s Attorney’s report. David Robbins addressed the following issues:

- Mr. Robbins reported the first round of the Texas vs. New Mexico/Colorado case in the Supreme Court was argued on January 8, 2018. The decision was made the United States of America could file a complaint with this case being the limit, not as a general rule.
- The evidence was completed on Rules and Regulations case, the parties are submitting proposed findings and conclusions to the Judge for her consideration. Mr. Robbins estimates her ruling late summer or early fall.
- Mr. Malouff has elected to withdraw his application to pursue a change of water right and plan of augmentation.

CONSIDER APPOINTMENT OF SUBDISTRICT #5 BOARD OF MANAGERS
President Higel asked to Consider Appointment of Subdistrict #5 Board of Managers. Cleave Simpson provided a reminder to the Board on how the process worked. Mr. Simpson reported receiving eleven applications for the five Board of Manager positions. Ballots were sent out to the 60 constituents of Subdistrict 5 and a straw poll was completed. Mr. Simpson reminded the Board they would need to appoint the five Board of Managers and one Ex-Offico of Subdistrict 5. Mr. Simpson provided the results from the straw poll:

Corey Hill- 33 votes
David Schmittal- 32 votes
George Whitten- 30 votes
Kit Caldon/North Star Farms- 17 votes
Mark Smith/ Meadow Ranch- 15 votes
Dale Gertsberger - 14 votes
Thad Englert - 11 votes
Lynn Sutherland - 10 votes
Kermit Krantz - 9 votes
Sue Englert - 4 votes
Paul O' Connor - 2 votes

Peggy Godfrey stated she is willing to take on the role of Ex-Officio. President Higel asked for comments from the members of Subdistrict No. 5 that were present to introduce themselves and make a statement.

A motion was made by Lewis Entz to appoint Corey Hill, David Schmittal and George Whitten as Board of Managers for Subdistrict No. 5. The Motion was seconded by Bill McClure and unanimously approved.

A motion was made by Lewis Entz to appoint Kit Caldon of North Star Farms and Dale Gertsberger to the Board of Managers of Subdistrict No. 5. The Motion was seconded by Dwight Martin, voted on with five in favor and one against. Motion passed.

A motion was made by Brian David to appoint Peggy Godfrey as the Ex-Officio for Subdistrict No. 5. The motion was seconded by Bill McClure and unanimously approved.

RECONSIDER THE MOTION TO EXTEND THE TIME FRAME FOR FACILITATED DISCUSSION
President Higel asked to reconsider the motion to extend the time frame for facilitated discussion. Cleave Simpson stated the Board agreed to pay for one of the facilitated discussions if it occurred prior to the end of February. The first opportunity to have the facilitated discussion would be the end of March rather than February.

A motion was made by Peggy Godfrey to reconsider the motion to extend the time frame for the facilitated discussion. The motion was seconded by Dwight Martin and unanimously approved.

A substitute motion was made by Dwight Martin to extend the time frame for the facilitated discussion to no later than March 31, 2018. The motion was seconded by Peggy Godfrey and unanimously approved.

APPROVE MINUTES
President Higel asked for a motion to approve the January 16, 2018 minutes.

A motion was made by Lewis Entz to except the minutes as written. The motion was seconded by Dwight Martin and unanimously approved.

CONSIDER PENDING LEGISLATION THAT ALLOWS CWCB PILOT PROJECTS TO INCLUDE DEFICIT IRRIGATION PROJECTS
President Higel asked to consider the pending legislation that allows CWCB Pilot Projects to include deficit irrigation projects. Cleave Simpson reported the bill is going to be withdrawn by Senator Crowder. David Robbins suggested it could be beneficial to Senator Crowder if the Board would make a motion.

A motion was made by Lewis Entz to instruct Mr. Simpson to convey to Senator Crowder the Board would appreciate if he would withdraw the Bill and refer to the interim water committee. The motion was seconded by Dwight Martin and unanimously approved.

CONSIDER FOR APPROVAL SUBDISTRICT #2 AND #3 “WATER ACTIVITY ENTERPRISE” RESOLUTIONS
President Higel asked to consider the approval of Subdistrict #2 and #3 “Water Activity Enterprise” resolutions. David Robbins stated an Enterprise is a government business which has limitations and is a fee for service business. An Enterprise runs on the cost of its fees and not on tax dollars. Rio Grande Water Conservation District is operated as a general tax district and Subdistricts operate on fee money. Mr. Robbins recommends each Subdistrict set up its own enterprise for a broader range of funding opportunities.
A motion was made by Peggy Godfrey to approve Water Activity Enterprises resolutions for Subdistrict No. 2 and Water Activity Enterprises resolution for Subdistrict No. 3. The motion was seconded by Bill McClure and unanimously approved.

**CONSIDER APPROVAL OF SUBDISTRICT #1 RULES AND REGULATIONS WITH AMENDMENT**

President Higel asked to consider the approval of Subdistrict #1 Rules and Regulations with Amendment. Mr. Simpson reported the old Fallow Program was replaced with the updated Fallow program in the new Rules and Regulations for Subdistrict #1.

A motion was made by Peggy Godfrey to approve Subdistrict #1 Rules and Regulations with current amendment for Fallowing. The motion was seconded by Brian David and unanimously approved.

**CONSIDER REQUEST FROM THE BUREAU OF RECLAMATION TO HIRE A LAB TECHNICIAN**

President Higel asked to consider the request from the Bureau of Reclamation to hire a Lab Technician. Cleave Simpson stated it was a position the District has employed in the past and is beneficial to the District.

A motion was made by Peggy Godfrey to allow the District to hire a Lab Technician to work full time at the Bureau of Reclamation. The motion was seconded by Dwight Martin and unanimously approved.

**UPDATE OF ACTIVITIES ASSOCIATED WITH RIO GRANDE RESERVOIR**

President Higel asked for the Manager’s Report. Cleave Simpson provided an update on the activities associated with the Rio Grande Reservoir. Mr. Simpson stated some improvements on the reservoir had been completed, however they face a large obstacle. Mr. Simpson reported the structure was very old and not able to release more than about 1,200 CFS. A loan and a grant are being sought from the Colorado Water Conservation Board to help make the repairs. Rio Grande Water Conservation District on behalf of Subdistrict No. 1 is a shareholder. A ballot in April will question the 15 million dollars’ worth of debt over a certain amount of years for the repairs needed on the outlet structure. Mr. Simpson is seeking advisement from the Board.

A motion was made by Lewis Entz to authorize Cleave Simpson as the General Manager of Rio Grande Water Conservation District acting on behalf of Subdistrict No. 1 to vote as they direct.

**MANAGER’S REPORT**

President Higel asked for the Manager’s Report. Cleave Simpson reported he agreed to work with the Salazar Center on the Rio Grande Natural Area. They stated they will seek investors to collaborate in order to implement some of the management plan practices. David Robbins provided information on the history of the Rio Grande Natural Area.

Mr. Simpson stated a special meeting will need to be held on April 11th, 12th or 13 for Board to approve Subdistrict No. 1 Annual Replacement Plan. The plan will need to be submitted to the state by April 15, 2018.

Mr. Simpson reported he was in contact with Peak Investments and will have more information on it at the April meeting.

**OTHER REPORTS AND COMMENTS**

President Higel asked if there were any other reports or comments. Cleave Simpson reported on the following:

- The Nature Conservancy has funding in place to purchase the East Medano and is moving closer to closing.
- The Doppler Radar Acquisition is nearing the end and is hopeful the Doppler Radar facility will be operating at the Alamosa Airport by this fall.
- The Rio Grande Water Conservation District will partner with the Conejos Water Conservancy District and San Luis Valley Water Conservancy District on a current snow pack conditions education campaign. The project consists of contributing funds which will be around two hundred dollars to put together educational posters.
ADJOURN
Meeting was adjourned at 3:19 p.m.

The next scheduled quarterly meeting will be held on April 17, 2018, at 10:00 a.m.

[Signature]
President

[Signature]
Secretary/Treasurer