

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #1  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
December 21, 2022 at 1:30 p.m.  
8805 Independence Way, Alamosa CO 81101  
And by Teleconference**

**Present:** Brian Brownell, President; Jake Burris, Vice President; Clay Mitchell, Secretary/Treasurer; Jamie Hart, BOM; Miguel A. Diaz, BOM; Sheldon Rockey, BOM; Tony Holcomb, BOM; Chris Miner, BOM; James Cooley, BOM; Brett Hemmerling, BOM; and Mike Kruse, Ex-Officio Member.

**Staff and Consultants:** Pete Ampe, Hill & Robbins P.C.; Rob Phillips, Program Manager; Linda Ramirez, Program Assistant; Chris Ivers, Program Manager; Wylie Keller, Water Resource Specialist; Clinton Phillips, Davis Engineering; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

**Guests:** Mark Peterson, Tuck Slane, Heather Dutton, Greg Higel, Andrea Rue, Peggy Godfrey, JJ Cooley, Kyle Beiriger, Jim Urlich, Willie Hoffner, Bill Paddock, Joseph Stanoch, Willie Myers, Ross Rierson.

**Meeting Called to Order**

President Brownell called the meeting to order at 1:32 p.m. A quorum was present.

**Approval of the Agenda**

President Brownell asked for approval of the agenda. A motion was made by Jamie Hart to approve the agenda as presented. The motion was seconded by Miguel Diaz and unanimously approved.

**Public Comment**

President Brownell asked for public comment. There was none.

**Oath of Office-Brett Hemmerling**

President Brownell asked for Oath of Office for Brett Hemmerling. Pete Ampe swore in Brett Hemmerling representing Rio Grande Canal Water Users Association, he was welcomed to the Board of Managers.

**Discussion and Possible Action**

President Brownell asked for Discussion and Possible Action.

• **Plan of Water Management**

Pete Ampe reported sending the Board of Managers the latest redlined version of the Plan of Water Management No. 4. He highlighted the change to the definition of non-benefited lands and reported incorporating staffs and most of the Division of Water Resources suggestions. Discussion was held on the definition of “fee acres” and how it could be clarified. Mr. Ampe provided the definition of non-benefited lands and the administrative expense of tracking it. Clinton Phillips suggested changing “net” to “total” in section 1.25 and explained the volumetric change referred to in section 1.28. Peggy Godfrey commented on Subdistrict No. 5 and the Closed Basin Project in connection with section 2.1.8 aquifer recovery. Discussion was held on section 2.5.7 and whether or not it would put the Subdistrict in a competitive situation. Mike Kruse reported the Plan of Water Management No. 4 would need to be clear on what the Subdistrict plans to do with the water that has been purchased. Discussion was held on the need to clarify surface water rights and groundwater rights. Heather Dutton suggested clarifying the requirements of selling the surface water and groundwater the Subdistrict has purchased. Mr. Ampe explained the wells purchased by the Subdistrict were covered under the Districts conservation plan. Peggy Godfrey commented on the wet years in the 80’s and how the State managed the water. Mr. Ampe explained section 2.7 Accretions to the Rio Grande and reported what he added at the request of the Division of Water Resources. Discussion was held on the hydrologic period and section 3.4.8 the Plan of Water Management No. 4 calendar year or ARP year start date. The Board also discussed the section of the Plan of Water Management No. 4 that was moved to the Rules and Regulations. Mr. Ampe clarified the definition of post plan depletions.

A motion was made by Jake Burris to accept the Plan of Water Management No. 4 with the changes discussed today and submit the plan to the Rio Grande Water Conservation District Board of Directors to review. The motion was seconded by Jamie Hart, roll call vote was taken:

Brett Hemmerling: YES  
Jamie Hart: YES  
Sheldon Rockey: YES  
Clay Mitchell: YES

Jake Burris: YES  
Tony Hart: YES  
James Cooley: YES  
Chris Miner: YES  
Miguel Diaz: YES  
Brian Brownell: YES

The motion passed unanimously.

The Board took a brief recess.

- Rules and Regulations

Rob Phillips highlighted a section that was added and reported additional formatting would need to be done. He went over some of the definitions, discussion was held on the definition of imported water. Mr. Phillips described an addition that was made at the request of Amber Pacheco and highlighted the section that addresses fees and timelines. He reported the dates section may need to be amended when the Subdistrict transitions to a year in a rear. Clinton Phillips reported on the intent to provide a credit summary in March and fee summaries for the previous year in January. Rob Phillips read through the Rules and Regulations. Wylie Keller explained the calculation process and the example in section 6.5.3. Discussion was held on surface water rights not being delivered from land located within other Subdistricts and the Subdistricts annual budget deadline. The Board discussed the addition that the Board of Managers may consider other surface water right inclusions on a case-by-case basis. Mr. Phillips presented and read the changes made in sections 11.2.1 and 11.3.3.2.

A motion was made by Jake Burris to approve the Rules and Regulations with the changes made today. The motion was seconded by Clay Mitchell, roll call vote was taken:

Brett Hemmerling: YES  
Jamie Hart: YES  
Sheldon Rockey: YES  
Clay Mitchell: YES  
Jake Burris: YES  
Tony Hart: YES  
James Cooley: YES  
Chris Miner: YES  
Miguel Diaz: YES  
Brian Brownell: YES

The motion passed unanimously.

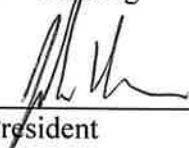
Pete Ampe reported unpaid fees would be handled through the county and explained the actions that would be taken should the fees remain unpaid.

Next Meeting

The next quarterly meeting is scheduled for March 7, 2023 at 1:30 p.m.

Adjournment

The meeting was adjourned at 5:19 p.m.

  
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President

  
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Secretary/Treasurer