

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #2  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
November 2, 2021, 9:00 a.m.  
Rio Grande Water Conservation District Conference Room  
Alamosa, CO 81101  
And by Zoom/Teleconference**

**Present:** Karla Shriver, President; Eric Hinton, Vice-President; Gerald Ziegler, BOM; Mark Deacon, BOM; Harold Stoeber, BOM; Michael Schaefer, BOM; and, Greg Higel, Ex-Officio.

**Absent:** Scot Schaefer, Secretary/Treasurer.

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

**Guests:** David Hofmann and, Deb Sarason, DWR; Tony Aloia, Charlie Goodson, Bill Faucette, Steve Keller, Rick Davey, Ryan Unterreiner, Monica McCafferty, Lyla Hathaway.

**Meeting Called to Order**

President Shriver called the meeting to order at 9:01 a.m. A quorum was present, The Pledge of Allegiance was recited.

**Approval of the Agenda**

President Shriver asked for amendments or approval of the agenda. A motion was made by Michael Schaefer to approve the agenda as presented. The motion was seconded by Eric Hinton and unanimously approved.

**Approval of Minutes:**

President Shriver asked for approval of the following meeting minutes:

- August 3, 2021-Quarterly Meeting
- August 3, 2021-Executive Session
- September 14, 2021-Special Meeting

A motion was made by Mark Deacon to approve the minutes as presented. The motion was seconded by Eric Hinton and unanimously approved.

**Public Comment**

President Shriver asked for public comment. Charlie Goodson from Colorado Open Lands introduced himself.

**Attorney's Report**

President Shriver asked for the Attorney's report. Pete Ampe reported on a recent purchase made by Subdistrict No. 3 of a portion of a ditch and provided an update on the augmentation well being drilled by Subdistrict No. 5. Mr. Ampe also updated the Board on the Texas vs. New Mexico case.

**Program Manager's Report**

President Shriver asked for the Program Manager's report.

- Financial Report: Amber Pacheco presented the financial report and highlighted the amount due to the Rio Grande Water Conservation District since formation. She provided the amount that has been reimbursed to the District and went over the balance sheet. Ms. Pacheco presented the Profit and Loss Statement and explained how the fees are assessed. She went over expenses, water leases and highlighted the BBA fees.

A motion was made by Mark Deacon to approve the financial report as presented. The motion was seconded by Harold Stoeber and unanimously approved.

- Update on Annual Replacement Plan Operations: Amber Pacheco reported the irrigation season ended except for on the Conejos system who had a different arrangement. She reported

Subdistrict No. 2 used every forbearance agreement they had and provided the amount of acre-feet of water that was released into the stream. Ms. Pacheco thanked Karla Shriver for her participation in the Centennial SWSP and provided a brief overview of what was learned. She highlighted the average cost of forbearance and average cost of wet water. Ms. Pacheco presented the sources, amount and locations of water for the current and future ARPs. Pete Ampe provided an overview of the agreement Subdistrict No. 1 made with Trout Unlimited for their winter time depletions.

### **Discussion and Possible Action on Participation Contracts**

President Shriver asked for the discussion and possible action on participation contracts.

- Del Norte Schools-New Contract: Amber Pacheco reported the proposed contract would cover the football field at the new school. She provided the five-year average, reported the well is within the Subdistrict response area and stated they would be charged at the sprinkler rate if the contract is approved.

A motion was made by Michael Schaefer to approve the Del Norte school participation contract including the contract fee, all past administration fees, pumping fees and current fees. The motion was seconded by Gerald Zeigler and unanimously approved.

- Debra Martinez: Amber Pacheco reported working with Debra Martinez who is requesting coverage by the Subdistrict for two (2) wells she owns which are both inactive and decreed for irrigation.

A motion was made by Eric Hinton to approve the Debra Martinez participation contract including all current and past fees. The motion was seconded by Mark Deacon and unanimously approved.

- Cheryl and Richard Santi-New Contract: Amber Pacheco reported she had not received a contract from the Santi's or their attorney yet. She highlighted the conversations that had been held surrounding the potential request to join Subdistrict No. 2.

A motion was made by Eric Hinton to table the Cheryl and Richard Santi request for a contract until further information. The motion was seconded by Michael Schaefer and unanimously approved.

Upper Rio Grande Response Area Contracts-Renewals: Amber Pacheco provided the number of contracts in the upper Rio Grande Response Area up for renewal. President Shriver provided some of the history on the wells and asked for conversations and ideas on how they could work together to make up depletions. Rick Davey and Tony Aloia were present and highlighted some of their assets that may be beneficial to the Subdistrict that may allow them to work together. Mr. Aloia pointed out some of the State's resources and reported on a potential lawsuit on Beaver Reservoir that may have an impact. Ms. Pacheco explained how Mr. Davey's ditch priorities would have been a beneficial forbearance agreement in 2021. Pete Ampe explained forbearance to Mr. Davey. Discussion was held on the amount of water needed by Subdistrict No. 2.

A motion was made by Mark Deacon to renew the upper Rio Grande Response Area contracts with the understanding they would continue to move forward and work with the Colorado Parks and Wildlife and others to resolve the issues and to be a positive impact for all parties involved. The motion was seconded by Eric Hinton and unanimously approved.

### **Discussion Regarding Alternative Transfer Method (ATM) Projects**

President Shriver asked for the discussion regarding Alternative Transfer Method (ATM) Projects. Mark Deacon provided an update on a meeting held with BBA and the Monte Vista Canal shareholders. He highlighted the dollar amount per acre-foot that had been suggested in order to gain participation. Discussion was held on how the Subdistrict could move forward and continue to work on ATM concepts. Amber Pacheco reported receiving a grant from CWCB which could help fund and identify some of the issues.

### **Executive Session to receive Legal Advice Concerning the Potential Lease/Purchase of Real Property**

President Shriver asked for a motion to enter into executive session to receive legal advice concerning the potential lease/purchase of real property. A motion was made by Mark Deacon to enter into executive session. The motion was seconded by Harold Stoeber and unanimously approved.

Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to discuss a potential lease/purchase of real property. The Board would take no formal action or position during the executive session.

**Direction for Staff**

Staff was directed to continue to seek properties and assets for sale.

**Next Meeting**

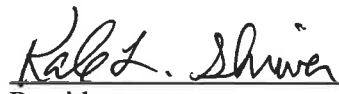
A special meeting was scheduled for November 22, 2021, at 9:00 a.m.


The annual meeting was scheduled for February 1, 2022, at 9:00 a.m.

**Adjournment**

A motion was made by Gerald Ziegler to adjourn the meeting. The motion was seconded by Eric Hinton and unanimously approved.

The meeting was adjourned at 11:32 a.m.

  
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President

  
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Secretary/Treasurer