

**ANNUAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #3  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
March 5, 2020 at 8:00 a.m.  
Rio Grande Water Conservation District Conference Room  
Alamosa, Colorado 81101**

**Present:** LeRoy Salazar, President; Nathan Coombs, Vice-President/Secretary/Treasurer; Sam Vance, Manager; Warren Crowther, Manager; Ruben Sandoval, Manager; and, Dwight Martin, Ex-Officio Member.

**Absent:** Doug Bagwell, Manager

**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C; Cleave Simpson, General Manager; Amber Pacheco, Program Manager; Rose Vanderpool, Program Assistant; Chris Ivers, Program Manager; and, April Mondragon, Administrative Assistant.

**Guests:** Deb Sarason, Division of Water Resources.

**Meeting Called to Order**

President Salazar called the meeting to order at 8:10 a.m. A quorum was present. The Pledge of Allegiance was recited. Sam Vance led the opening prayer.

**Approval of Agenda**

President Salazar asked for any additions or corrections to the agenda. Pete Ampe asked to add a discussion regarding hiring BBA and discuss attending the Peer Review Team meetings to the agenda. A motion was made by Sam Vance to approve the agenda as amended. The motion was seconded by Dwight Martin and unanimously approved.

**Approval of the Consent Agenda**

- December 2, 2019-Special Meeting minutes
- December 5, 2019-Quarterly Meeting minutes
- December 5, 2019-Executive Session minutes
- January 28, 2020-Special Meeting minutes

A motion was made by Warren Crowther to approve the consent agenda. The motion was seconded by Dwight Martin and unanimously approved.

**Election of Officers**

President Salazar asked for the election of officers. A motion was made by Sam Vance to retain all current officers. The motion was seconded by Ruben Sandoval and unanimously approved.

**Regular Business**

- *BBA and Peer Review Team Update:*

President Salazar reported on the Confined Aquifer Sustainability group's (CAS) current funding situation and how the Subdistrict has been involved with CAS in the past. President Salazar asked the Board to consider funding to allow BBS to continue to attend PRT meetings on behalf of CAS. An additional request to fund services of BBA would be brought to Subdistrict No. 3, in conjunction with Subdistrict No. 6, in the form of funding requests. Discussion was held on the potential costs and the need of additional engineering.

A motion was made by Sam Vance to support cost-sharing with Subdistrict No. 6 to allow BBS to continue to attend PRT meetings and provide updates to the Subdistricts, with additional Subdistrict approval required on larger projects. The motion was seconded by Ruben Sandoval and unanimously approved.

**Public Comment**

President Salazar asked for public comment. There was none.

**Attorney's Report**

President Salazar asked for the Attorney's report. Pete Ampe reported the Rio Grande Water Conservation District approved Plans of Water Management for Subdistrict No. 4 and 5 and provided the next steps. Mr. Ampe also provided an update on the Peer Review Team and their area of focus and gave an update on leases

for water and how it will be split up. Dwight Martin reported on the poor condition of the La Jara Creek due to beaver dam issues. Sam Vance reported the Sheriff's Office is working to train a potential Law Enforcement Officer to specialize in water with the authority to ticket individuals that are non-compliant with respect to water.

### **Program Manager's Report**

*Financial Update:* Amber Pacheco presented the Balance Sheet and Profit and Loss statement. She discussed the forbearance bonuses paid last year and provided the current total due to the Rio Grande Water Conservation District since the court-approved formation of the Subdistrict.

### **Review and Consideration of a Policy for Approving Contracts to Include Wells in the Subdistrict's Annual Replacement Plan**

President Salazar asked for the review and consideration of a policy for approving contracts to include wells in the Subdistrict's Annual Replacement Plan. Amber Pacheco reported on the importance and the purpose of having a policy in place when considering contracting wells into the Subdistrict.

A motion was made by Nathan Coombs to approve the policy with the addition of a statement Pete Ampe provided which stated "The Board can take into account such unique circumstances as may be necessary to arrive at an equitable decision allowing the policy to be amended when necessary." The motion was seconded by Sam Vance and unanimously approved.

### **Review and Consider Contracts Submitted for Inclusion in 2020 Annual Replacement Plan**

President Salazar asked for the review and consideration of contracts submitted for inclusion in the 2020 Annual Replacement Plan. Amber Pacheco provided the details of the received contracts from the Town of Romeo, Town of Sanford, North Conejos School District, New Conejos-Los Cerritos Cemetery District and the Bureau of Land Management. Discussion was held on how many wells each has and the consumptive use of each. Ms. Pacheco suggested that the Board waive the application fee for the New Conejos-Los Cerritos Cemetery contract because it had not been provided the opportunity to petition the well in at the time the Subdistrict was forming.

A motion was made by Nathan Coombs to waive the application fee for the Los Cerritos Cemetery contract. The motion was seconded by Sam Vance and unanimously approved.

A motion was made by Nathan Coombs to approve all five contracts as presented. The motion was seconded by Dwight Martin and unanimously approved.

### **Discussion on Appeal for the Sowards Well**

President Salazar asked for a discussion on the Sowards well appeal. Amber Pacheco stated she revisited everything in connection with the Sowards appeal. She presented the total well fee and stated the well was changed to a fish well in 2018. Discussion was held on how the water from the well was used and not used, how it has been modeled and if there are any return flows. Pete Ampe reminded the Board of the importance of remaining consistent. A request was made to direct Mr. Ampe to bring this type of well situation up with the Peer Review Team to assure it is handled properly moving forward. There was no approval of a refund as requested in the appeal because the well fees assessed were based on the use prior to the change to fish. Moving forward, the Subdistrict will be assessing fees with the fish use included in their five-year average.

### **Discuss Progress on Annual Replacement Plan for 2020**

President Salazar asked for a discussion on the progress of the 2020 Annual Replacement Plan. Amber Pacheco provided an overview and the projections for depletions in the 2020 ARP. Ms. Pacheco explained how the projections are calculated and highlighted Subdistrict No. 3's monthly stream depletions. The Conejos response area estimated net groundwater consumptive use worksheet was also presented. Ms. Pacheco reported the Conejos River was being forecast at 50%, therefore, the estimates for pumping were higher than 2019. A table of monthly depletions by reach of the three rivers was presented. Ms. Pacheco stated the Subdistrict will request water from the Closed Basin production for the wintertime depletions on the Rio Grande and the Conejos. Ms. Pacheco updated the Board on how many forbearance agreements had been received and how much wet water was needed to meet the projected depletions.

Discussion was held on long-term storage with the Rio Grande Reservoir. Ms. Pacheco also reported on a potential cost-share idea to construct a permanent structure on the Valdez property that would benefit all Subdistricts.

A motion was made by Sam Vance to support the cost-share of the construction to install a structure on the Valdez property for the purpose of recharging Santa Maria water. The motion was seconded by Ruben Sandoval and unanimously approved.

### **Executive Session to Receive Legal Advice Concerning the Potential Purchase of Real Property**

President Salazar asked for a motion to enter into executive session to receive legal advice regarding a potential purchase of real property. A motion was made by Nathan Coombs to enter into executive session. The motion was seconded by Ruben Sandoval and unanimously approved.

**Action on Executive Session**

Pete Armpc stated the Board was in executive session and had voted to come out. Discussion was related to receiving legal advice regarding the potential purchase of real property.

A motion was made by Nathan Coombs to authorize the continued negotiations for land and water which was discussed in executive session, as well as direct himself and Ruben Sandoval to open negotiation and gage interest on certain water rights, with no authority to make firm or final offers on behalf of the Board. The motion was seconded by Sam Vance and unanimously approved.


**Next Meeting**

A special telephone meeting was scheduled for April 13, 2020, at 8:00 a.m. The next quarterly meeting is scheduled for June 4, 2020, beginning at 8:00 a.m.

**Adjournment**

The meeting was adjourned at 11:50 a.m.

  
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President

  
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Vice-President/Secretary/Treasurer