

**RIO GRANDE WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS QUARTERLY MEETING  
July 16, 2024, at 9:30 A.M.  
Ski Hi Complex  
2335 Sherman Ave., Monte Vista, CO 81144  
And By Zoom Teleconference**

**Present:** Greg Higel, President; Armando Valdez, Vice-President; Zeke Ward, Secretary/ Treasurer; Cory Off, Director; Peggy Godfrey, Director; Mark Deacon, Director; Mike Kruse, Director; Elliott Salazar, Director; and, Doug Gunnels, Director.

**Staff and Consultants:** David Robbins and Pete Ampe, Hill & Robbins, P.C.; Amber Pacheco, Deputy General Manager; Chris Ivers, Program Manager; Taylor Chick, Program Manager; Angelo Bellah, Program Manager; Wylie Keller, Water Resource Specialist; Clinton Phillips, Davis Engineering; Rose Vanderpool, Program Assistant; Linda Ramirez, Program Assistant; Crystal Benavidez, HCP Coordinator/Program Assistant; Kylie Gregg, Office Manager; April Mondragon, Administrative Assistant; Trevor Harmon, Well Technician; Kelsey Weeks, ASU Intern; and, Michael Carson, Database Administrator.

**Guests:** Ryan Unterreiner, Chris Lopez, Virginia Christensen, Rio de la Vista, Chris Schaffer, Jamie Hart, Leroy Salazar, Paul Formisano, Holland Sheppard, Bryn Phinney, Karla Willschau, Kimberley Temple, Virgil Valdez, Jeff Regenold, Clay Mitchell, Monty Smith, Mario Curto, Ron Reinhardt, David Schmittel, Karla Shriver, and Austin Mellott.

**CALL TO ORDER**

President Greg Higel called the meeting to order at 9:36 a.m. There was a quorum present for the meeting. The Pledge of Allegiance was recited.

**INTRODUCTION OF STAFF AND GUESTS**

President Higel welcomed all those present and asked for introductions.

**APPROVE AGENDA**

President Higel asked for changes or a motion to approve the agenda. A motion was made by Cory Off to approve the agenda as presented. The motion was seconded by Elliott Salazar and unanimously approved.

**APPROVAL OF THE CONSENT AGENDA**

President Higel asked for approval of the consent agenda items:

- April 15, 2024-Special Meeting Minutes
- April 16, 2024-Annual Meeting Minutes

A motion was made by Cory Off to approve the consent agenda items as presented. The motion was seconded by Peggy Godfrey and was unanimously approved.

**PUBLIC COMMENT**

President Higel asked for public comment. There was none.

**MANAGER'S REPORT**

President Higel asked for the Manager's report. Amber Pacheco updated the Board on her upcoming presentations and gave an overview on her attendance of the Senate Ag Subcommittee hearing in Burlington. She reported she attended the Rio Grande Compact meeting in El Paso Texas and participated in a tour with New Mexico Interstate Stream Commission. Ms. Pacheco reported she is working with David Robbins and Pete Ampe on the ongoing court cases and the Farm Bill process. She described the audit process the District was subjected to in connection with the federal funds under the SB22-028 funds. Finally, she thanked Trevor Harmon for the improvements to the groundwater monitoring network.

**DISTRICT ATTORNEY'S REPORT-DAVID ROBBINS**

President Higel asked for the District Attorney's report. David Robbins updated the Board on the US Supreme Court's ruling in the Texas vs New Mexico/Colorado case. He reported he is continuing to assist staff with SB22-028 funding applications. Mr. Robbins discussed the ongoing discussions with

Congresswoman Stansbury from New Mexico regarding federal legislation to call for a study of the Rio Grande River. Mr. Robbins explained the possible impact the legislation could have on Colorado. Pete Ampe updated the Board on the water court trials coming up in 2026. He highlighted that preparation for these trials will begin in 2025. President Higel pointed out the need to be mindful of attorney fees and engineering fees within the 2025 and 2026 budgets.

### **CONSIDER APPROVAL OF THE DISTRICT'S 2023 FINANCIAL AUDIT PRESENTED BY WALL, SMITH AND BATEMAN**

President Higel asked to consider approval of the District's 2023 Financial Audit presented by Wall, Smith and Bateman. Karla Willschau announced she would be retiring at the end of the year. She thanked the Board for allowing her to work with them and introduced her colleague, Kimberley Temple. Ms. Temple went through the financial statements, the independent auditor's report, and the government auditing standard in connection with the SB22-028 federal funds. She highlighted the Statement of Expenditures for the District and Subdistricts. Ms. Temple went over notes and a summary of accounting policies and highlighted the single audit section. She explained the material weakness on internal controls over financial reporting and provided recommendations. President Higel asked if an end of year budget meeting would need to be held each year. Amber Pacheco described the non-routine transactions and supplemental budgets for special projects.

A motion was made by Elliott Salazar to approve the 2023 Financial Audit as presented. The motion was seconded by Cory Off and unanimously approved.

### **REVIEW AND POSSIBLE ACTION**

President Higel asked for the review and possible action items:

- *Financial Statements*

Amber Pacheco presented the Profit and Loss Budget vs Actual statement. She went over property tax revenues, other revenues, reimbursements and expenditures. Ms. Pacheco highlighted the SB22-028 incoming and outgoing funds and the cost of the special audit for the federal funds. She provided an update on the building of a garage/shop project.

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

Staff was directed to monitor and investigate proposition 108 and initiative 50 regarding property taxes in order for the District to determine if they need to take an official position prior to the November election.

- *Consider approval of the purchase of a Downhole Camera for the District's Monitoring Well Network*

Trevor Harmon introduced himself and explained what well integrity testing is and how it is performed. He described what a downhole camera is designed for and how it works. Discussion was held on upgrading the equipment from a manual wench control to a motorized wench control and how often slug/integrity testing is done.

A motion was made by Cory Off to approve the purchase of a downhole camera for the District's monitoring well network. The motion was seconded by Peggy Godfrey and unanimously approved.

- *Purchase of Water Rights from North Star Farms-Subdistrict No. 5*

Chris Ivers reported on the agreement reached with the owner of North Star Farms regarding the sale of groundwater rights from three irrigated quarters to Subdistrict No. 5. Mr. Ivers reported the purchase of these water rights was approved by the Subdistrict No. 5 Board of Managers. He provided the total purchase price and the plan to revegetate.

Discussion was held on the number and depth of wells drilled on the Hazard property. Taylor Chick reported on a gain/loss study done by the Division of Water Resources on Saguache Creek.

A motion was made by Mark Deacon to approve the Subdistrict No. 5 purchase of water rights from North Star Farms. The motion was seconded by Cory Off and unanimously approved.

- *Consider approval of the sale of two (2) tracts on Alpha Hay Farms-Subdistrict No. 3*

Angelo Bellah presented a plat map of the Alpha Hay Farms tracts. He reported on the tracts that had been sold, the current offer for Tract 5, the purchase price and amount of acreage.

A motion was made by Cory Off to approve the sale of Tract 5 of Alpha Hay Farms. The motion was seconded by Peggy Godfrey and unanimously approved.

- Funding for a multi-district sponsored public opinion poll in Douglas County regarding water

Amber Pacheco went over the request for funding for a multi-district sponsored public opinion poll in Douglas County. She highlighted the dollar amount committed by others and the dollar amount being requested from the District. Ms. Pacheco explained how the poll may not be necessary for this Board at this time. The Board held a lengthy conversation regarding the positive and negative outcomes of opinion polls.

A motion was made by Cory Off to deny the funding for a multi-district sponsored public opinion poll in Douglas County. The motion was seconded by Mark Deacon.

Bryn Phinney described the benefits of the poll and how it would provide feedback and give them direction on how to move forward with RWR. Discussion was held on how the poll could create unintended consequences and be used against the District. Armando Valdez commented on the District needing to be on the proactive end and receive additional research from experts. Zeke Ward commented on the value of spending the funds on messaging.

The motion was voted on. Armando Valdez voted no, all others were in favor and the motion passed.

- Extension of the deadline for SB22-028 Groundwater Compact Compliance and Sustainability Fund Program

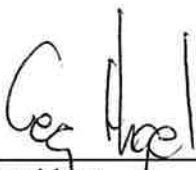
Amber Pacheco reported on the approaching June 1<sup>st</sup> application deadline. She explained the need to remove the deadline and allow the submission of additional applications in order to spend all the funds. Conversations were held between the District and the State and the funds would be available to the District through the end of 2024.

A motion was made by Peggy Godfrey to approve extending the deadline without a closing date for SB22-028. The motion was seconded by Cory Off and unanimously approved.

### ADJOURN

The meeting was adjourned at 12:09 p.m.

The next quarterly meeting is scheduled for October 15, 2024.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary/Treasurer