

**RIO GRANDE WATER CONSERVATION DISTRICT  
SPECIAL BOARD OF DIRECTORS HEARING  
May 28, 2020 at 10:00 A.M.  
By Zoom Teleconference**

**Present:** Greg Higel, President; Armando Valdez, Vice-President; Dwight Martin, Secretary/  
Treasurer; Steve Keller, Director; Peggy Godfrey, Bill McClure Director; Mike Kruse, Director;  
Cory Off, Director; and Zeke Ward, Director.

**Staff and Consultants:** David Robbins, Hill & Robbins P.C.; Pete Ampe, Hill & Robbins, P.C.;  
Cleave Simpson, General Manager; Chris Ivers, Program Manager; Rose Vanderpool, Program  
Assistant; Michael Carson, Data Base Administrator; Clinton Phillips, Davis Engineering; and  
April Mondragon, Administrative Assistant.

**Guests:** Jan Waye, Dick Bluemenhein, Deb Sarason, Pete Stagner, George Whitten, David Frees,  
Jeremy Uhlenbroch, David Hofmann.

**CALL TO ORDER**

President Greg Higel called the hearing to order at 10:13 a.m.

**APPROVE AGENDA**

President Higel asked for any changes or additions to the agenda. A motion was made by Bill  
McClure to approve the agenda as presented. The motion was seconded by Dwight Martin and  
unanimously approved.

**PUBLIC COMMENT:**

President Higel asked for public comment. Cleave Simpson explained the notice including how  
to file the objection. Mr. Simpson reported receiving written comments regarding the Plan of  
Water Management of Subdistrict No. 4 from Thad and Sue Englert which will be part of the  
official record as public comments (COPY ATTACHED). David Robbins reported the  
Englert's did not state they object to any part of the Plan of Water Management, rather submitted  
questions, comments and criticisms to the Plan of Water Management. Peggy Godfrey  
commented on Mr. Simpson's response to the Englert's comments.

**REVIEW AND POSSIBLE ACTION/ADOPTION OF PLAN OF WATER  
MANAGEMENT FOR SPECIAL IMPROVEMENT DISTRICT #4**

President Higel asked for the review and possible action/adoption of Plan of Water Management  
for Special Improvement District #4. Mr. Simpson read a statute and reported how the Plan of  
Water Management was developed. He reported the Board of Managers approved the Plan of  
Water Management at their last meeting and are present in the audience. Greg Higel thanked the  
Board of Managers.

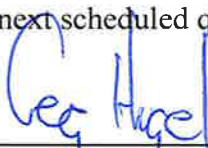
A motion was made by Peggy Godfrey to adopt the Subdistrict No. 4 Plan of Water  
Management. The motion was seconded by Bill McClure and unanimously approved.


Mr. Simpson thanked staff, Pete Ampe and reported the Annual Replacement Plan would be due  
to the Division of Water Resources. David Frees expressed his gratitude to the staff and everyone  
involved in getting the Subdistrict to this point.

**ADJOURN**

The meeting was adjourned at 10:28 a.m.

The next scheduled quarterly meeting will be held on July 21, 2020 at 10:00 a.m.

  
\_\_\_\_\_  
President

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

Comments On  
**Plan of Water Management**  
Special Improvement District No. 4

**2.1 Current Situation**

2.1.1 "... The RGDSS Ground Model has calculated stream depletions..." Why do we insist on taking model output rather than making indisputable measurements?

((I'm not sure which section, if any, addresses the possibility of neighboring wells close to the model's subdistrict boundaries having an effect on wells in the adjacent subdistrict.))

2.4.5 Are the fees described here the same for non-members as well as members?

**2.5 Effective Date of Plan**

2.5.2 "...as well as Post-Plan injurious stream depletions..." It seems entirely against common sense to assume the RGDSS model can fairly determine ground water withdrawal for times prior to careful monitoring. It's not likely that previous owners of our land and the wells were as careful as we are.

**3.0 Description of Plan of water Management**

3.2I.10 "Data collection and analysis programs designed to verify OR REFUTE RGDSS predictios..." If hard data says RGDSS model is wrong let's correct it and move on.

3.2.2 "This plan recognizes it may be necessary..." This not a criticism but applauds the notion of subdistricts , especially adjacent subdistricts, work together.

3.1.....we have several comments for this section.

Suppose a well is shut down but no definitive effect to surface waters can be shown by measurement nor model. Is the owner reimbursed for loss of income during the shut down?

If absolute measurements give unquestionable results saying the well(s) in question is(are) not related to the flow of the stream in question then some reimbursement to the owner is due.

No where in this document do we see reference to the effects of the Closed Basin Project.

**3.5 Sustainable Water Supply**

3.5.1.1 For example: We have exempt wells that we have re-permitted with lower flow rates but still remain exempt. Such should not be penalized.

**4.0 SUBDISTRICT COSTS, FEES AND CHARGES**

4.1.4 Budgets and Expenditures must be made available

4.1.5 The last two lines: “..Fee on some previous time-period...” The word “some” is too arbitrary. There are other parts of this section that should be rethought.

#### **4.2 Description of Annual Service and User Fees**

4.2.1.2 “.... Subdistrict will use Division of Water Resources records...” We encourage well owners to keep close records of their own since we have had instances of well records for non-existent well!

4.2.1.3 “... assessed an Administrative Fee...” Is this in addition to Admin fees already assessed?

4.2.2.4 We have had no response from subdis#4 so far regarding our method of measurement.

4.2.3.4 Most of our well permits date back from 1920 to 19522 and show flows that are beyond realism!



Thad J. Englert



Sue Ellen Englert