

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #1
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
February 2, 2023 at 1:30 p.m.
8805 Independence Way, Alamosa CO 81101
And by Zoom/Teleconference**

Present: 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; Michael Jones, BOM; and Mike Kruse, Ex-Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins P.C.; Amber Pacheco, Deputy General Manager; Linda Ramirez, Program Assistant; Rose Vanderpool, Program Assistant; Kylie Gregg, Office Manager; Wylie Keller, Water Resource Specialist; Clinton Phillips, Davis Engineering; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

Guests: Brian Rue, Andrea Rue, Barbara, Peggy Godfrey, Willie Hoffner, David Broberg, Roger Sherman, Connie Eastman, Derek Schrek, Steve Keller, Deb Sarason, David Hofmann, Dale Bartee, Sally Weir, Elbert Davis

Meeting Called to Order

Vice President Burris conducted the meeting, he called the meeting to order at 1:31 p.m. A quorum was present.

Approval of the Agenda

Vice President Burris asked for approval of the agenda. A motion was made by Clay Mitchell to approve the agenda as presented. The motion was seconded by Tony Holcomb and unanimously approved.

Public Comment

Vice President Burris asked for public comment. Willie Hoffner asked for an explanation on what the Fourth Amended Plan of Water Management looks like on the Johnny Smith Creek right. Pete Ampe explained the native water is limited to the use on the farm plan where the credit was generated to keep individuals from using native water to create water to allow more pumping somewhere else. He further explained Mr. Hoffner does not have a well to apply credit to. Deb Sarason reported credit is not given for return flows.

Oath of Office-Michael Jones

Vice President Burris asked for Oath of Office for Michael Jones. Pete Ampe swore in Michael Jones representing San Luis Valley Canal Company, he was welcomed to the Board of Managers. Pete Ampe reported a conflict of interest and disclosure of water rights owned by the Board of Managers would be completed at the next annual meeting.

Discussion and Possible Action

Vice President Burris asked for Discussion and Possible Action.

• **Participation Contracts**

Linda Ramirez reported sending the Participation Contracts to the Board of Managers for review prior to the meeting. She also reported Rob Phillips suggested approval of all ten (10). Vice President Burris requested the Eric Ellithorpe contract be pulled from the group of contracts to be discussed individually in order for him to recuse himself from the discussion.

A motion was made by Tony Holcomb to approve the nine (9) participation contracts, excluding the Ellithorpe. The motion was seconded by Sheldon Rockey and unanimously approved.

Pete Ampe asked for any discussion on the Ellithorpe participation contract.

A motion was made by Sheldon Rockey to approve the Ellithorpe Participation Contract. The motion was seconded by Jaime Hart and unanimously approved. Vice President Burris recused himself.

• **Surface Water Inclusion Agreements**

Linda Ramirez reported sending the Surface Water Inclusion Agreements to the Board of Managers for review prior to the meeting. She highlighted a correction made to the percentages on the Manny Hemmerling agreement and reported on a request to include additional surface water shares from Mike Schrek at ProSeed. Derek Schrek provided the information he had.

A motion was made by Tony Holcomb to accept the Mike Schrek Surface Water Inclusion Agreement for 2023 moving forward. The motion was seconded by James Cooley and unanimously approved.

Wylie Keller explained the Manny Hemmerling water right and their request to include surface water outside the Subdistrict boundary response area. Brett Hemmerling stepped out of the Board of Manager role. Clinton Phillips presented a map of the area and highlighted what they have been receiving credit for and what they are requesting to receive credit for. He also presented the underground flow map. Mike Kruse reported he felt the matter would need to be handled in court. Discussion was held on how much credit goes into Subdistrict No. 1 and how the credits are calculated.

A motion was made by James Cooley to table the Hemmerling Surface Water Inclusion Agreement for more discussion. The motion was seconded by Clay Mitchell and unanimously approved. Brett Hemmerling recused himself.

- Appeals

Linda Ramirez highlighted an incorrect refund on a 2021 appeal to Roger Christensen. Wylie Keller reported on the incorrect meter reading and math error.

A motion was made by Jaime Hart to approve all of the appeals. The motion was seconded by Sheldon Rockey.

Ms. Ramirez described the Lawrence Good appeal and his failure to turn in his Surface Water Credit Lease by the deadline. She provided the dollar amount of the appeal; discussion was held on how to handle appeals with missed deadlines vs. staff error.

The motion was amended by Jamie Hart to approve the other five (5) appeals excluding the Lawrence Good appeal. The motion was seconded by Sheldon Rockey and unanimously approved.

Further discussion was held on the Lawrence Good appeal, when leases are due, the need to act retroactively and if Surface Water Leases should be a part of the Farm Plan submission process.

A motion was made by Sheldon Rockey to approve the Lawrence Good appeal. The motion was seconded by Jamie Hart, Chris Miner and Tony Holcomb were opposed; the motion passed.

- Well Purchase Program

Vice President Burris reported on the approaching deadline for bids under the existing program parameters. He explained the necessity to discuss the program overall and address supplemental wells. Pete Ampe presented the resolution and highlighted where he addressed the Boards concerns of buying out supplemental wells. Discussion was held on the criteria to be evaluated when considering bids. Mike Kruse and Tony Holcomb reported on a potential new concept when considering bids. They provided the Board with a handout and explained the concept. Sheldon Rockey reported the current program is good and does not want to change anything. Continued discussion was held on whether or not to change the Well Purchase Program criteria and the potential ways to make the new concept work as well as the amount to set the cap.

A motion was made by Sheldon Rockey to stay with the current criteria in the Well Purchase Program as advertised. Vice President Burris reported a motion was not necessary. Mr. Rockey withdrew his motion.

Pete Ampe reported the program could be changed for 2024 if the Board so chooses.

A motion was made by Sheldon Rockey to accept the Resolution with a deadline of March 15th with the redline corrections and numbering corrections. The motion was seconded by Clay Mitchell and unanimously approved.

Pete Ampe reported he would attempt to rewrite the new concept for the Board to discuss further. Vice President Burris asked for it to be discussed at the next meeting. Mike Kruse provided an update on discussions held by the Board of Directors regarding the criteria to apply for funds from SB22-028.

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

Vice President Burris asked for an executive session to discuss candidates interviewed for Program Manager. A motion was made by Sheldon Rockey to enter into executive session. The motion was seconded by Clay Mitchell and unanimously approved.

Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to discuss candidates interviewed for Program Manager. The Board would take no formal action or position during the executive session.

Possible Action from Executive Session

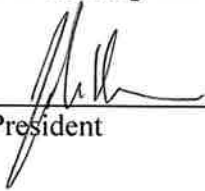
Vice President Burris asked for possible action from the executive session. A motion was made by Sheldon Rockey to make a recommendation to hiring manager to offer the Program Manager position to Taylor Chick. The motion was seconded by Clay Mitchell and unanimously approved.

Next Meeting

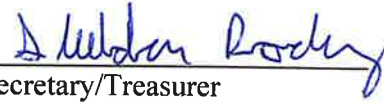
The next annual/quarterly meeting is scheduled for March 7, 2023 at 1:30 p.m.

Adjournment

The meeting was adjourned at 4:06 p.m.



President



Secretary/Treasurer