

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #3
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
December 13, 2023 at 8:00 a.m.
8805 Independence Way, Alamosa, CO 81101
And By Zoom/Teleconference**

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

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

Guests: David Hofmann, Jason Lorenz, Michelle Lanzoni, Austin Miller, Deb Sarason, Tyler Faucette, Robert Middlemist, Rod Reinhardt, Virgil Valdez, Mario Curto, and, William Myers.

Meeting Called to Order

President Salazar called the meeting to order at 8:04 a.m. A quorum was present. The Pledge of Allegiance was recited. Leroy Salazar led the opening prayer.

Approval of the Agenda

President Salazar asked for any changes, amendments or a motion to approve the agenda. A motion was made by Sam Vance to approve the agenda as presented. The motion was seconded by Warren Crowther and unanimously approved.

Public Comment

President Salazar asked for public comment. There was none.

Discussion on What Programs/Measures to Implement in Order to Achieve Aquifer Sustainability

President Salazar asked for the discussion on what programs/measure to implement in order to achieve aquifer sustainability.

• **Incentive Programs, Disincentive Measures, Reactive Measures, and Other programs**

President Salazar reported on the progress made with forbearance agreements and explained the purpose of this meeting surrounding sustainability. He provided a summary of the presentation given by Jason Lorenz at the last meeting. President Salazar highlighted some of the challenges the Subdistrict faces including the need to change the legislation CAS stipulations and asked for a discussion on incentive programs. Angelo Bellah provided a summary of the SB22-028 program and highlighted the additional incentive offered by Subdistrict No. 1 in an attempt to increase participation. Wylie Keller explained how partial retirement would work as well as the Division of Water Resources requirements. President Salazar suggested offering an additional \$500 per acre foot. Discussion was held on the idea to offer the incentive, how it fits in the budget and the need to offer many alternatives. President Salazar highlighted all Subdistricts have worked to reduce groundwater pumping except for Subdistrict No. 3 and 6. He reported on the Boards authority to enforce mandatory cutbacks. Nathan Coombs reported a mandatory cut back should be a last resort measure. Discussion was held on holding educational sessions in an attempt to obtain voluntary participants, the potential to sell or trade allocations and possibly doing a percent cutback across the board. President Salazar highlighted ways a temporary fallow program could work for some. Discussion was held on protecting the fallow participants pumping average and offering flexibility. President Salazar highlighted the difference between the SB22-28 program and COL Groundwater Conservation Easements. Discussion was held on possibly offering incentives to COL Groundwater Conservation Easements, the standard on which to start a fallow program and simplifying the program as much as possible. Deb Sarason explained the way the Trinchera Subdistricts remains in control of the allocation and how the Subdistrict is seeing recovery in their aquifer. Chris Ivers reported on how the allocation system and the carryover of credits is working in Subdistrict No. 5. He also reported temporary fallow has been the least effective program in most Subdistricts. Clinton Phillips commemorated the Board for acting proactively and explained how the northern Subdistricts have learned to manage the water they have.

A motion was made by Nathan Coombs to offer an incentive of \$200 per acre foot of cutback for a period of 2009-2022 as the average unless the pumping is under 70-acre feet. The motion was seconded by Sam Vance

Discussion was held on the years to use for the pumping average.

Nathan Coombs amended the motion to set the average according to 2009-2018, unless pumping is under 70-acre feet then it would be the numbers they have on record according to farm unit with a sign-up deadline of January 31, 2024. The motion was voted on and unanimously approved.

A motion was made by Sam Vance to offer \$500 as an additional incentive if approved for SB22-028 program for the partial or full retirement of a well. The motion was seconded by Nathan Coombs and unanimously approved.

Staff was directed to get a newsletter out with the information as soon as possible.

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

President Salazar asked for an executive session to receive legal advice concerning the purchase of real property. A motion was made at 10:20 a.m. by Nathan Coombs to enter into executive session. The motion was seconded by Sam Vance and unanimously approved.

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

Possible Action from Executive Session

President Salazar asked for possible action from the executive session. A motion was made by Doug Bagwell to amend the motion made earlier to state any well participating in Subdistrict programs must be an operating well, can not be filled inactive. The motion was seconded by Nathan Coombs and unanimously approved.

Next Meeting

President Salazar asked Angelo Bellah to coordinate an educational session in January.

The next quarterly meeting was scheduled for March 7, 2024 at 8:00 a.m.

Adjournment

A motion was made by Nathan Coombs to adjourn the meeting. The motion was seconded by Warren Crowther and unanimously approved.

The meeting was adjourned at 11:06 a.m.



President



Vice-President/Secretary/Treasurer

**RESOLUTION
SPECIAL IMPROVEMENT DISTRICT NO. 3 OF THE
RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF MANAGERS**

Adding Additional Incentives to the RGWCD Groundwater Compact Compliance and Sustainability Fund within Subdistrict No. 3

WHEREAS, as part of its approved Plan of Water Management, Special Improvement District No. 3 of the Rio Grande Water Conservation District (Subdistrict No. 3) is required to recover and maintain the confined aquifer under Subdistrict No. 3 to certain levels; and,

WHEREAS, Subdistrict No. 3 wishes to fund numerous short- and long-term conservation programs to reduce consumptive use of groundwater and to assist in recovering the confined aquifer to meet the requirements of the Plan of Water Management; and,

WHEREAS, Water Division No. 3 remains in a long-term reduction in water supplies; and,

WHEREAS, despite the efforts and financial support of Subdistrict No. 3, the Subdistrict may be out-of-compliance with the requirements of the Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (The Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights (“Groundwater Use Rules”); and,

WHEREAS, Subdistrict No. 3 remains committed to meet the terms of the Plan of Water Management and Groundwater Use Rules; and,

WHEREAS, Subdistrict No. 3 has determined that permanent retirement of ground water wells and the associated irrigated acreage is needed to support the hydrostatic pressure of the confined aquifer; and,

WHEREAS, the Rio Grande Water Conservation District has adopted a Groundwater Compact Compliance and Sustainability Fund (June 14, 2023) (“SB22-028 Program”), attached hereto and incorporated herein; and

WHEREAS, any disbursement of the SB22-028 Program funds must support a verifiable reduction in groundwater withdrawals from non-exempt wells that are subject to aquifer sustainability requirements as outlined in the State’s Rules and Regulations for Groundwater Withdrawals in Colorado Water Division No. 3.

WHEREAS, the participation in the SB22-028 Program within Subdistrict No. 3 has not been at the levels Subdistrict No. 3 anticipated; and,

WHEREAS, Subdistrict No. 3 desires to add additional incentives to increase voluntary participation in the SB22-028 Program within Subdistrict No. 3 under Paragraph 9.2 of the SB22-028 Program.

R E S O L U T I O N

NOW, THEREFORE, be it resolved by the Board of Managers of Special Improvement District No. 3, acting by and through its Water Activity Enterprise, that:

1. Subdistrict No. 3 hereby establishes a Supplemental SB22-028 Incentive Program under the following terms:

- 1.1 Interested Subdistrict Members (“Producers”) may offer water rights and permits for purchase under the RGWCD’s SB22-028 Program.
 - 1.2 Producers who wish to participate in the Supplemental SB22-028 Incentive Program must meet all requirements of the RGWCD’s SB22-028 Program and be accepted into that Program.
 - 1.3 Producers must comply with all terms and conditions of the RGWCD’s SB22-028 Program, including but not limited to the execution of a dry-up covenant and transfer of the well permit and/or decree to the RGWCD.
 - 1.4 Both the point of diversion and legal place of use for the groundwater right must be within the boundary of the Conejos Response Area as defined by the Groundwater Use Rules.
2. Producers will be eligible for the following incentives, which are in addition to the payments to be paid under the RGWCD’s SB22-028 Program:
 - 2.1 The Supplemental SB22-028 Incentive Program will pay to the producer five-hundred dollars (\$500.00) per acre-foot of historical groundwater withdrawal.
 - 2.2 The historical groundwater withdrawal will be determined under the RGWCD’s SB22-028 program and will be applied to the Supplemental SB22-028 Program.
3. Application for the Supplemental SB22-028 Incentive Program will be on a form provided by the Subdistrict and must be submitted with the application for the RGWCD’s SB22-028 Program.

- 4. All such payments will be made by Subdistrict No. 3 to the Producer at the time mutually agreed to between the Subdistrict and the Applicant, but not before August 31, 2024.


- 5. Funding for this Supplemental SB22-028 Incentive Program is solely from Subdistrict No. 3 funds. The RGWCD will have no obligation to any Applicant under this Supplemental SB22-028 Incentive Program. This Supplemental SB22-028 Incentive Program is dependent upon the Subdistrict’s budget and the Subdistrict may modify or withdraw the Program at any time and in its sole discretion.

- 6. The Supplemental SB22-028 Incentive Program will cease at 4:00 pm on December 31, 2023 without further action from the Subdistrict or RGWCD. Completed applications must be received by the Subdistrict prior to this day and time to be eligible under the Supplemental SB22-028 Incentive Program.



LeRoy Salazar
President

Attest:



Nathan Coombs
Secretary/Treasurer