

**RIO GRANDE WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS SPECIAL MEETING  
February 24, 2020 at 10:00 A.M.  
RIO GRANDE WATER CONSERVATION DISTRICT CONFERENCE ROOM**

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

**Staff and Consultants:** David Robbins, Hill & Robbins. P.C.; Cleave Simpson, General Manager; Cheryl Anderson, Office Manager; Amber Pacheco, Program Manager; Chris Ivers, Deputy Program Manager; Rose Vanderpool, Program Assistant; Clinton Phillips and Allen Davey, Davis Engineering; and April Mondragon, Administrative Assistant.

**Guests:** George Whitten, Kyler Brown, Patrick O'Neil, Deb Sarason, David Hofmann, Jan Waye, Eric Harmon, John Mattingly, David Frees, Patricia Reigel, Carols Lopez, Willie Hoffner, Rob Oliver, Heather Dutton, Michelle Lanzoni, Jose Villa, Max Fontenof, Chuck Finnegan, Emmy Savage, David Lee, Mark Bluestein, Lisa Cyriacks, Ricardo Espinoza, Judy Lopez, Ron Garcia, Martin Shellabarger, Les Aldereti, Craig Cotton, Rich Roberts, Anke Parizert, Erin Minks, Shon Tonner.

**CALL TO ORDER**

President Greg Higel called the meeting to order at 10:04 a.m. The Pledge of Allegiance was recited. There was a quorum present for the meeting.

**APPROVE AGENDA**

President Higel asked for any changes or additions to the agenda. Cleave Simpson added a presentation by Cathy James to the agenda. A motion was made by Dwight Martin to approve the agenda as amended. The motion was seconded by Peggy Godfrey and unanimously approved.

**PUBLIC COMMENT:**

President Higel asked for public comment. There were none.

**REVIEW AND CONSIDER FOR ACTION**

President Higel asked for the review and consider for action items.

- *Subdistrict No. 4 Plan of Water Management and Subdistrict No. 5 Plan of Water Management*

Chris Ivers provided the background of the steps that lead up to this point and went over the changes that were made to the Plans of Water Management for Subdistrict's No. 4 and No. 5 since the Boards original approval last fall. Cleave Simpson explained the next steps once the plans are approved by the Board of Directors as well as the time frame. Mr. Ivers stated the Subdistricts would not have an Annual Replacement Plan until next year. Discussion was held on the effect precipitation and pumping have had in the Subdistricts based on the current model results.

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

A motion was made by Peggy Godfrey to approve the Plan of Water Management for Subdistrict No. 5 as written. The motion was seconded by Bill McClure and unanimously approved.

- *Appoint Jan Waye as a New Board of Manager to Subdistrict No. 4*

Cleave Simpson reported Subdistrict No.4 had two (2) vacant seats on its Board of Managers and received a letter of interest from Jan Waye. Mr. Waye was present, he introduced himself and stated why he would like to serve on Subdistrict No. 4 Board of Managers.

A motion was made by Peggy Godfrey to accept Jan Waye as a new Board of Manager of Subdistrict No. 4. The motion was seconded by Bill McClure and unanimously approved.

- Report from Mosca Hooper Soil Conservation District-Recharge Project

Cleave Simpson reported the District funded a portion of the Mosca Hooper Soil Conservation District-Recharge Project. Patrick O'Neil was present and provided an overview of the project. Mr. O'Neil presented a power point presentation which included how the funds were used in the project. Kate Zeigler, the Project consultant, was available via Mr. O'Neil's cell phone and reported what her team learned from the project.

- Consider Funding for Mosca Hooper Soil Conservation District-Consensus Building Exercise-Patrick O'Neil

Patrick O'Neil and Kyler Brown provided the Board with an update on the proposed consensus building process and how the process works. Mr. O'Neil presented a funding request, in the amount of \$74,000, in order to initiate and complete the consensus process. The Board asked several questions, including if there were other funding sources that were being sought. Several Board members stated they were not sure the Board would be able to fund the entire amount. President Higel stated the Board needed to have a conversation amongst themselves regarding the funding request and would then ask Mr. Simpson to report back to Mr. O'Neil. No further action was taken.

- Consider Approval of a Letter of Support for Grant Application by Dr. Katherine James, Associate Professor at the University of Colorado Anschutz Medical Campus

Dr. Katherine James was in attendance via Zoom. Dr. James introduced herself and provided her background. She presented a power point presentation which highlighted drought, drinking water, arsenic and other metal exposure and the effects on people. Dr. James presented her proposed research, and what she hopes to develop with the models she will develop and operate.

A motion was made by Cory Off to adopt a letter of support for Dr. James. The motion was seconded by Mike Kruse and unanimously approved.

- Consider a Memorandum of Understanding with Saguache County Commissioners Concerning Review of Saguache County 1041 Permit Authority.

Cleave Simpson provided an overview of a proposed agreement (MOU) with Saguache County to fund a review of the County's 1041 Regulations by attorney Gerald Dahl. Mr. Robbins provided the history of the existing 1041 regulations and Jerry Dahl's scope of work and stated that he would support the approval of the MOU.

A motion was made by Cory Off to approve entering into a memorandum of understanding with Saguache County for that purpose. The motion was seconded by Armando Valdez and unanimously approved.

- Legislation Update

Cleave Simpson updated the Board on the series of events that transpired over the last several weeks. Mr. Simpson reported receiving a draft Basin of Origin bill from Representative Donald Valdez, he stated he would send a copy to the Board. Mr. Simpson highlighted the suggested amendments sent to Mr. Valdez. The Board has not been asked for formal position on the bill at this time.

Break for lunch: 12:25-1:00 p.m.

- HRS Closed Basin Project-Eric Harmon

Mr. Simpson read the motion, made by Director Peggy Godfrey at the last meeting concerning the operation of Stages 4 and 5 of the Closed Basin Project. Mr. Simpson reported that he had contacted Mr. Eric Harmon, a well known hydrogeologist with lots of experience in the San Luis Valley to do the independent review of the data and information about the operation of Stages 4 and 5 of the Closed Basin Project, as directed by the Board in the motion. Mr. Simpson introduced Mr. Harmon, who was present. Mr. Harmon reported on the feasibility of another impact study of the Closed Basin Project phases 4 and 5. Mr. Harmon advised against a separate impact study, and he provided an explanation of the data available, the investigations that had already occurred and his reasoning for advising against doing an additional study.

Board members then provided their opinions and comments and President Higel allowed the public to comment. No further action was taken.

Break at 2:05-2:12 p.m.

- Sigler Communications-Outline the Path Forward

Cleave Simpson welcomed and introduced Lisa Sigler. Ms. Sigler highlighted her PR plan to address the misinformation being distributed by Renewable Water and described what needs to be done moving forward. Discussion was held on getting the Board and Valley interests engaged, working with CWCB and developing a communication plan and website. They also discussed getting the message out of the Valley. Ms. Sigler will report back to the Board at the next quarterly meeting to present a draft for them to review.

**Executive Session-Discuss Real Property Acquisition**

President Higel asked for a motion to enter into executive session to receive legal advice regarding a potential real property acquisition.

A motion was made by Armando Valdez to enter into executive session. The motion was seconded by Mike Kruse and unanimously approved.

Mr. Robbins stated statutory authority for the Board to enter into executive session. All discussion would relate to receiving legal advice regarding the potential real property acquisition. The Board would take no formal position while in executive session.

**Action on Executive Session Discussion**

Mr. Robbins stated the Board had been in executive session and had voted to come out. Board discussion was related to receiving legal advice regarding a potential real property acquisition.

Director Off made a motion to direct Manager Cleave Simpson to engage in a conversation with the owner of property in Saguache County around the possibility of the District conducting a market appraisal for the property and under what terms/conditions the District would pay for the appraisal. The motion was seconded by Bill McClure and unanimously approved.

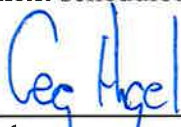
Mr. Simpson asked for direction regarding the request from the Mosca Hooper Conservation District and Patrick O'Neil to fund its proposed consensus building project.


A motion was made by Mike Kruse to deny the funding request from the Mosca Hooper Conservation District. The motion was seconded by Dwight Martin and unanimously approved.

**ADJOURN**

The meeting was adjourned at 3:30 p.m.

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

  
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President

  
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Secretary/Treasurer

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF THE  
RIO GRANDE WATER CONSERVATION DISTRICT**

**TO APPROVE THE OFFICIAL PLAN FOR SPECIAL IMPROVEMENT DISTRICT  
NO. 4 (SAN LUIS CREEK SUBDISTRICT)**

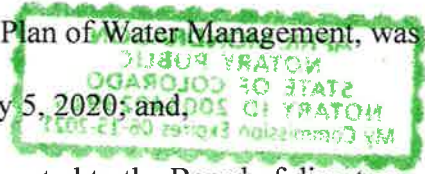
WHEREAS, on July 21, 2017, the District Court, in and for Saguache County, entered the Order Establishing Special Improvement District No. 4 of the Rio Grande Water Conservation District (“Subdistrict No. 4”); and,

WHEREAS, the Board of Directors of the Rio Grande Water Conservation District duly appointed a Board of Managers for Subdistrict No. 4; and,

WHEREAS, said Board of Managers has drafted an official plan for Subdistrict No. 4; and,

WHEREAS, said official plan includes a groundwater management plan; and,

WHEREAS, said official plan, known as a Plan of Water Management, was approved by the Board of Managers of Subdistrict 4 on February 5, 2020; and,



WHEREAS, said official plan has been presented to the Board of directors pursuant to section 37-48-126(2), C.R.S.

**RESOLUTION**

NOW, THEREFORE, be it resolved and adopted by the Board of Directors of the Rio Grande Water Conservation District that:

1. The Board of Directors hereby approves the official plan of Subdistrict No. 4.
2. The Board of Directors hereby directs staff to submit said official plan to the State Engineer, as required by section 37-48-126(2), C.R.S.



**RESOLUTION  
OF THE BOARD OF DIRECTORS OF THE  
RIO GRANDE WATER CONSERVATION DISTRICT**

**TO APPROVE THE OFFICIAL PLAN FOR SPECIAL IMPROVEMENT DISTRICT  
NO. 5 (SAGUACHE CREEK SUBDISTRICT)**

WHEREAS, on December 18, 2017, the District Court, in and for Saguache County, entered the Order Establishing Special Improvement District No. 5 of the Rio Grande Water Conservation District (“Subdistrict No. 5”); and,

WHEREAS, the Board of Directors of the Rio Grande Water Conservation District duly appointed a Board of Managers for Subdistrict No. 5; and,

WHEREAS, said Board of Managers has drafted an official plan for Subdistrict No. 5; and,

WHEREAS, said official plan includes a groundwater management plan; and,

WHEREAS, said official plan, known as a Plan of Water Management, was approved by the Board of Managers of Subdistrict 5 on February 5, 2020; and,

WHEREAS, said official plan has been presented to the Board of directors pursuant to section 37-48-126(2), C.R.S.

**RESOLUTION**

NOW, THEREFORE, be it resolved and adopted by the Board of Directors of the Rio Grande Water Conservation District that:

1. The Board of Directors hereby approves the official plan of Subdistrict No. 5.
2. The Board of Directors hereby directs staff to submit said official plan to the State Engineer, as required by section 37-48-126(2), C.R.S.

RESOLVED this 24<sup>th</sup> day of February 2020.

ATTEST:

RIO GRANDE WATER  
CONSERVATION DISTRICT

By: *Dwight Martin*  
Dwight Martin  
Secretary/Treasurer

By: *Greg Higel*  
Greg Higel  
President

COUNTY OF ALAMOSA    )  
  ) ss  
STATE OF COLORADO    )

Subscribed and sworn to me this 24<sup>th</sup> day of February 2020, by Greg Higel, President,  
Board of Directors of the Rio Grande Water Conservation District

Witness my hand and seal: *April Mondragon*

My commission expires 6-15-21

