

**RIO GRANDE WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS SPECIAL MEETING  
April 21, 2022 at 9:00 A.M.  
8805 Independence Way, Alamosa CO 81101  
And By Zoom Teleconference**

**Present:** Greg Higel, President; Dwight Martin, Secretary/ Treasurer; Peggy Godfrey, Board of Director; Cory Off, Board of Director; Mike Kruse, Board of Director; Zeke Ward, Board of Director; Steve Keller, Board of Director; and, Doug Gunnels, Board of Director.

**Absent :** Armando Valdez, Vice-President.

**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C.; Amber Pacheco, Acting Deputy General Manager; Chris Ivers, Program Manager; Wylie Keller, Water Resource Specialist; Clinton Phillips, Davis Engineering; Rose Vanderpool, Program Assistant; Linda Ramirez, Program Assistant; Cassandra McCuen, HCP Coordinator/Program Assistant; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

**Guests:** David Hofmann, John Gerstle, David Schmittel, William Myers.

**CALL TO ORDER**

President Greg Higel called the meeting to order at 9:15 a.m. There was a quorum present for the meeting.

**INTRODUCTION OF STAFF AND GUESTS**

President Greg Higel welcomed all those present.

**APPROVE AGENDA**

President Higel asked for amendments or a motion to approve the agenda. A motion was made by Steve Keller to approve the agenda as presented. The motion was seconded by Mike Kruse and unanimously approved.

**PUBLIC COMMENT**

President Higel asked for public comment. There were none.

**EXECUTIVE SESSION TO DISCUSS THE POTENTIAL PURCHASE OF REAL PROPERTY**

President Higel asked for an executive session to receive legal advice concerning the potential purchase of real property. A motion was made by Mike Kruse to enter into executive session. The motion was seconded by Steve Keller 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 potential purchase of real property. The Board would take no formal action or position during the executive session.

**DISCUSSION AND POSSIBLE ACTION ON POTENTIAL CONTRACT FOR PURCHASE OF REAL PROPERTY**

President Higel asked for action on a resolution to allow the Acting Deputy General Manager and discussion with possible action on potential contract for purchase of real property.

A motion was made by Mike Kruse to adopt the resolution confirming the authority of Amber Pacheco to enter into real estate contracts as the Acting Deputy General Manager. The motion was seconded by Steve Keller and unanimously approved.

A motion was made by Mike Kruse to sign the contract for the potential real estate acquisition in Subdistrict No. 5 as presented realizing the seller requested that the Rio Grande Water Conservation signs first. The motion was seconded by Steve Keller and unanimously approved.

A motion was made by Steve Keller to approve the Bowman Purchase and Sale Agreement pending approval by the Board for Subdistrict No. 4. The motion was seconded by Peggy Godfrey. Mike Kruse recused himself. The motion passed.

**REVIEW AND ACTION SUBDISTRICT NO. 5's 2022 ANNUAL REPLACEMENT PLAN (ARP)**

President Higel asked for the review and consideration of the following action items:

- ***Resolution to allow Subdistrict No. 5 to use a portion of the Closed Basin Project for the replacement of injurious depletions***

A motion was made to approve/adopt the Resolution to allow Subdistrict No. 5 to use 286 acre-feet of Closed Basin Project water for replacement of injurious depletions as presented. The motion was seconded by Steve Keller. Peggy Godfrey voted no. The motion passed.

- ***Resolution for approval of the 2022 Annual Replacement Plan***

Steve Keller voiced his concern of not having a source to replace the water in the month of April and he suggested another extension. Pete Ampe reported another extension and judicial review would not be available. Mike Kruse felt the Subdistrict was in the same position as last year and suggested the Board move forward with a vote.

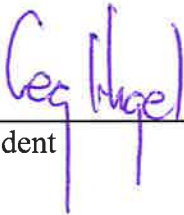
A motion was made by Dwight Martin to approve/adopt the resolution for approval of the Subdistrict No. 5 2022 Annual Replacement Plan. The motion was seconded by Cory Off. Steve Keller, Peggy Godfrey and Mike Kruse opposed. The motion passed five (5) to three (3).

**ADJOURN**

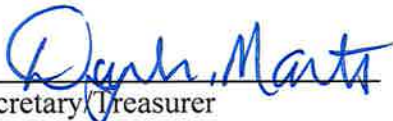
A motion was made by Steve Keller to adjourn the meeting. The motion was seconded by Mike Kruse and unanimously approved.

The meeting was adjourned at 10:20 a.m.

The next quarterly meeting was scheduled for July 19, 2022.



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President



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Secretary/Treasurer

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

**CONFIRMING THE AUTHORITY OF AMBER PACHECO AS ACTING GENERAL  
MANAGER TO ENTER INTO REAL ESTATE CONTRACTS**

WHEREAS, The Board of Directors has previously approved Amber Pacheco as acting General Manager for the Rio Grande Water Conservation District at such times as General Manager Cleave Simpson is absent from the District due to his commitments as a Colorado State Senator; and,

WHEREAS, The Board of Directors wishes to confirm such authority.

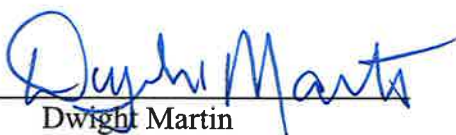
**R E S O L U T I O N**

NOW, THEREFORE, be it resolved and adopted by the Board of the District that:

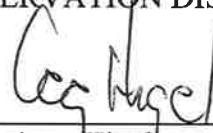
1. The Board of Directors hereby confirms that Amber Pacheco has the authority from this Board to enter into the approved the Purchase and Sale Agreement with the Hazards and such agreement will be binding upon the District and this Board.

RESOLVED this 21<sup>st</sup> day of April 2022.

ATTEST:

By:   
Dwight Martin  
Secretary/Treasurer

RIO GRANDE WATER  
CONSERVATION DISTRICT

By:   
Greg Higel  
President



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

**TO ALLOW SPECIAL IMPROVEMENT DISTRICT NO. 5 TO USE A PORTION OF  
THE PRODUCTION OF THE CLOSED BASIN PROJECT FOR THE REPLACEMENT  
OF INJURIOUS DEPLETIONS UNDER ITS 2022 ANNUAL REPLACEMENT PLAN**

The Board of Directors of the Rio Grande Water Conservation District at a special meeting held on April 21, 2022, in Alamosa, Colorado does hereby resolve that:

WHEREAS, Special Improvement District No. 5 of the Rio Grande Water Conservation District (“Subdistrict No. 5”) was created to conserve and stabilize the water supply and groundwater storage for irrigation, domestic, municipal and other beneficial uses for the water users within the boundaries of Subdistrict No. 5 and to remedy injurious depletions caused by groundwater withdrawals from Subdistrict Wells; and

WHEREAS, Subdistrict No. 5 is operating under an approved Plan of Water Management which requires the development of an Annual Replacement Plan (“ARP”) showing, among other things, the predicted injurious depletions caused by Subdistrict Well groundwater withdrawals and the manner in which the Subdistrict will remedy those depletions; and

WHEREAS, the production from the Closed Basin Project can and should be used as a source of water to remedy injurious depletions caused by groundwater withdrawals from wells included in the Subdistrict’s 2022 ARP.

**R E S O L U T I O N**

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

1. The District anticipates that this Project Water will be used to replace depletions from May 1<sup>st</sup>, 2022 – April 30<sup>th</sup>, 2023, on the Rio Grande.

2. The inclusion of 286 acre-feet of water from the production of the Closed Basin Project as a source of supply in the Subdistrict No. 5 2022 Annual Replacement Plan and the use of said water under the 2022 ARP to remedy injurious stream depletions is approved.



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

**April 21, 2022**

**APPROVING 2022 ANNUAL REPLACEMENT PLAN  
OF SPECIAL IMPROVEMENT DISTRICT NO. 5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT**

The Board of Directors of the Rio Grande Water Conservation District (“District”) at a special meeting held on April 21, 2022, in Alamosa, Colorado does hereby resolve that:

WHEREAS, Special Improvement District No. 5 of the Rio Grande Water Conservation District (“Subdistrict No. 5”) was created to conserve and stabilize the water supply and groundwater storage for irrigation, domestic, municipal and other beneficial uses for the water users within the boundaries of Subdistrict No. 5 and to remedy injurious depletions caused by groundwater withdrawals from Subdistrict Wells; and

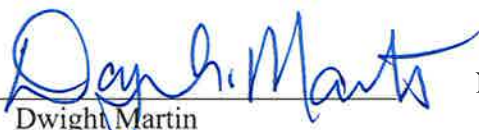
WHEREAS, Subdistrict No. 5 is operating under an approved Plan of Water Management which requires the development of an Annual Replacement Plan showing, among other things, the predicted injurious depletions caused by Subdistrict Well groundwater withdrawals and the manner in which the Subdistrict will remedy those depletions; and

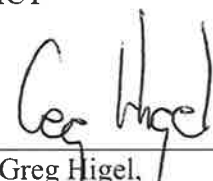
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District on the 21<sup>st</sup> day of April, 2022, that:

The District hereby accepts and approves the Subdistrict No. 5 2022 Annual Replacement Plan with the contingency a sufficient source of remedy for all injurious depletions projected to occur to all streams is secured prior to the State Engineer’s approval of the Annual Replacement Plan.

ATTEST:

RIO GRANDE WATER CONSERVATION  
DISTRICT

By:   
Dwight Martin  
Secretary/Treasurer

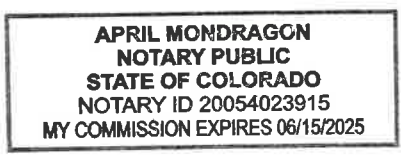
By:   
Greg Higel,  
President

COUNTY OF ALAMOSA            )  
  ) ss  
STATE OF COLORADO            )

Subscribed and sworn to me this 21<sup>st</sup> day of April, 2022, by Greg Higel, President, Board of Directors of the Rio Grande Water Conservation District

Witness my hand and seal.

My commission expires: 6.15.25



April Mondragon  
Notary Public



**SPECIAL MEETING OF THE BOARD OF DIRECTORS  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
EXECUTIVE SESSION  
April 21, 2022 at 9:00 a.m.  
Rio Grande Water Conservation District Conference Room  
And By Zoom Teleconference**

**Present:** Greg Higel, President; Dwight Martin, Secretary/ Treasurer; Peggy Godfrey, Board of Director; Mike Kruse, Board of Director; Zeke Ward, Board of Director; Steve Keller, Board of Director; Cory Off, Board of Director and, Doug Gunnels, Board of Director.

**Absent :** Armando Valdez, Vice-President.


**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C.; Amber Pacheco, Acting Deputy General Manager; Chris Ivers, Program Manager; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

**DISCUSSION DURING EXECUTIVE SESSION**

Pete Ampe advised the Board on the rules of an executive session. A discussion with the Board was held to receive legal advice concerning potential purchases of real properties.

A motion was made by Steve Keller to come out of executive session. The motion was seconded by Mike Kruse and unanimously approved.

  
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President

  
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Secretary/Treasurer