

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
October 19, 2022 at 5:00 p.m.
Rio Grande Water Conservation District Conference Room
And by Zoom/Teleconference**

Present: David Schmittel, President; George Whitten, Vice-President/Secretary/Treasurer; Dale Gerstberger, Manager; and Kit Caldon, Manager.

Absent: Corey Hill, Manager; and Doug Gunnels, Ex Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Wylie Keller, Water Resource Specialist; Clinton Phillip, Davis Engineering; and April Mondragon, Administrative Assistant.

Guests: Deb Sarason, William Myers, Ryan Unterranier, Tim Lovato, John Gerstle, and Richard Lawrence.

Meeting Called to Order

President Schmittel called the meeting to order at 5:03 p.m. A quorum was present for the meeting. The Pledge of Allegiance was recited.

Approval of the Consent Agenda

President Schmittel asked for approval of the consent agenda items:

- Agenda
- July 20, 2022-Quarterly Meeting Minutes
- September 2, 2022-Special Meeting Minutes
- September 3, 2022-Special Meeting Minutes
- September 12, 2022-Special Meeting Minutes

A motion was made by Kit Caldon to approve the consent agenda as presented. The motion was seconded by George Whitten and unanimously approved.

Public Comment

President Schmittel asked for public comment. There was none.

Attorney's Report

President Schmittel asked for attorney's report. Pete Ampe reported the District Board of Directors were working on the criteria for applications for funding from SB22-028. He highlighted what the funds must be used for and said he would notify the Board once the criteria and guidelines were known. Mr. Ampe provided an update on the Texas vs. New Mexico case and reported he would continue to monitor.

Program Manager's Report

President Schmittel asked for Program Manager's report. Chris Ivers presented the financial report which included the Balance Sheet and Profit and Loss Statement. He highlighted the amount paid back to the District and the remaining balance. Mr. Ivers reported on the remaining fees to be collected, engineering fees, lease payment to North Star and the monthly loan payment on the Hazard property. He highlighted the timeline to apply for a CWCB loan and explained the next steps.

A motion was made by George Whitten to approve the financial report as presented. The motion was seconded by Kit Caldon and unanimously approved.

Review and Consider Contract Fee for Surface Water Inclusion Agreements

President Schmittel asked for review and consider contract fee for Surface Water Inclusion Agreements. Chris Ivers reported receiving two (2) requests to include Rio Grande Canal shares. He reported the Board would need to set the contract fee.

A motion was made by George Whitten to set the contract fee at \$100 for Surface Water Inclusion Agreements. The motion was seconded by Kit Caldon and unanimously approved.

Review and Consider Surface Water Inclusion Agreements

President Schmittel asked for review and consider Surface Water Inclusion Agreements. Chris Ivers reported receiving a completed contract from Arow Cattle to include five (5) shares of Rio Grande Canal. He explained how the shares are used and how much it would offset their pumping/fees. Mr. Ivers also explained that if approved, there would be a reduction in revenue, reflection in the response function and an offset of depletions.

A motion was made by Kit Caldon to approve the Arow Cattle Surface Water Inclusion Agreement as presented. The motion was seconded by George Whitten and unanimously approved.

Discussion on Remedies for Injurious Stream Depletions

President Schmittel asked for discussion and remedies for injurious stream depletions.

- ***Saguache Creek Ideas***

Chris Ivers provided an update on the drilling of the augmentation well. Clinton Phillips reported on some of the challenges at the drilling site from his last visit. Discussion was held on the amount of water the well will produce, the drilling methods being used, and when it would be completed.

- ***San Luis Creek and Subdistrict No. 4 Update***

Chris Ivers provided an update on the purchase and sale agreement Subdistrict No. 4 entered into. He reported on the number of acres that would be retired and the acre foot amount of water the Subdistrict is retaining. Mr. Ivers explained that the amount of water being retained would be enough to cover Subdistrict No. 4 and Subdistrict No. 5's injuries to San Luis Creek. He highlighted the conservation easement and the Subdistricts approach on financing the transaction. Mr. Ivers highlighted the CWCB loan process and the status of applying for SB22-028 funds.

Direction for Staff

President Schmittel directed staff to proceed to secure a CWCB loan.

New Business

President Schmittel asked for new business. Tim Lovato asked if the monitoring well permit had been converted to a production well permit. Clinton Phillips reported they would work with the Division of Water Resources and it would be done simultaneously. Discussion was held on being able to test run the monitoring well. Mr. Lovato reported on the potential impact to his north section of hay meadow.

Next Meeting

A special meeting was scheduled for November 29, 2022 at 5:00 p.m.

The next quarterly meeting is scheduled for January 18, 2023 at 5:00 p.m.

Adjournment

The meeting was adjourned at 6:03 p.m.



President



Vice-President/Secretary/Treasurer