

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
July 19, 2023 at 5:00 p.m.  
Rio Grande Water Conservation District Conference Room  
And by Zoom/Teleconference**

**Present:** David Schmittel, President; Dale Gerstberger, Manager; and Kit Caldon, Manager.

**Absent:** George Whitten, Vice-President/Secretary/Treasurer; Corey Hill, Manager; and Doug Gunnels, Ex Officio Member.

**Staff and Consultants:** David Robbins, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Wylie Keller, Water Resource Specialist; Linda Ramirez, Program Assistant; Crystal Benevidez, HCP Coordinator/Program Assistant; Clinton Phillips, Davis Engineering; and April Mondragon, Administrative Assistant.

**Guests:** William Myers, Tim Lovato, David Hofmann, Ryan Unterreiner.

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:15 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
- April 13, 2023-Special Meeting Minutes
- April 19, 2023-Annual Meeting Minutes
- April 19, 2023-Executive Session Minutes
- May 15, 2023-Special Meeting Minutes
- May 15, 2023-Executive Session Minutes

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

**Public Comment**

President Schmittel asked for public comment. There was none.

**Attorney's Report**

President Schmittel asked for the attorney's report. David Robbins reported on the efforts of Matt Montgomery in connection with the three (3) quarters and the matters involving Saguache County. He provided an update on the SWAG trail and the events leading up to a motion filed to dismiss.

**Program Manager's Report**

President Schmittel asked for the Program Manager's report. Chris Ivers presented the financial report. He highlighted the total costs since the formation of the Subdistrict, the amount reimbursed and the total remaining balance due to the District. Mr. Ivers presented the Balance Sheet and Profit and Loss Statement. He highlighted the checking account balance, accounts receivable, the total assets and explained a separate item for costs associated with the augmentation well. Dale Gerstberger commented on the high costs associated with the utility bill. Mr. Ivers described the expenses in connection with the water lease, wells, permits and Well Injury Payment Agreements (WIP).

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

Mr. Ivers presented the Saguache Response area tracking sheet. He highlighted the total acre foot amount of depletions and the prior decision to submit the Annual Replacement Plan with the NRCS's dry year forecast. Mr. Ivers described the amount of depletions on a dry, wet and average year. Mr. Ivers explained the benefits of replacing depletions at a higher rate.

A motion was made by Kit Caldon to amend the response function to reflect the average year streamflows and submit to the Division of Water Resources. The motion was seconded by Dale Gerstberger and unanimously approved.

Clinton Phillips reported working with Cooper Drilling on an estimate and contract. Discussion was held on the costs associated with redrilling the Ray Newmyer well. Mr. Phillips also reported on a digital read out meter which would allow for remote operation and monitoring. Tim Lovato questioned the amount of water pumped from the new well. Chris Ivers provided the acre foot amount pumped. David Hofmann reported on the resubmitted SWSP and the new well permit issued for year two (2) of the SWSP.

**Recharge Pond Discussion**

President Schmittel asked for the recharge pond discussion. Chris Ivers described the lease from last year with Corey Hill. He explained the difficulty of getting water down Mr. Hill's existing irrigation ditch into a recharge pond. Mr. Ivers asked the Board if they had interest in continuing to potentially make it a permanent source of remedy going forward. Discussion was held on how to get water down the ditch and into the recharge pond, the costs associated with the project, and how it would benefit the Subdistrict. Mr. Ivers was directed to continue conversations with Mr. Hill.

**Revegetation and Property Management Discussion**

President Schmittel asked for the revegetation and property management discussion. Chris Ivers updated the Board on a tour of the properties with the Revegetation Committee. He reported on the condition of the fallow fields, highlighted flooding issues and described the condition of the soil on the Hazard property. Mr. Ivers reported on the interest from the District Board to purchase quarters from North Star Farms and the farm owner's suggestion to do a friendly condemnation proceeding. David Robbins reported the Board of Directors had not come to a final decision and more information would be provided. Mr. Robbins explained the meaning of friendly condemnation and the Districts authority to engage in such an action.

**Direction for Staff**

President Schmittel asked for direction for staff. There was none.

**New Business**

President Schmittel asked for new business. There was none.


**Next Meeting**

A special meeting was scheduled for August 22, 2023 at 3:00 p.m.

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

**Adjournment**

The meeting was adjourned at 6:04 p.m.

  
\_\_\_\_\_  
President

\_\_\_\_\_  
Vice-President/Secretary/Treasurer