

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT**

**July 21, 2021 at 5:00 p.m.**

**8805 Independence Way**

**Alamosa, CO 81101**

**And by Zoom/Teleconference**

**Present:** David Schmittel, President; George Whitten, Vice-President/Secretary/Treasurer; Kit Caldon, Manager; Dale Gerstberger, Manager; Corey Hill, Manager; and, Bill McClure, Ex-Officio Member.

**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Wylie Keller, Water Resource Specialist; Linda Ramirez, Program Assistant; Clinton Phillips, Davis Engineering; Michael Carson, Database Administrator; and, April Mondragon, Administrative Assistant.

**Guests:** Deb Sarason, David Hofmann, JoAnn Ortega, John Gerstle, Ryan Unterreiner, James Stephenson, and Anthony Lobato.

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:06 p.m. A quorum was present.

**Approval of the Consent Agenda**

President Schmittel asked for approval of the consent agenda items:

- Agenda
- March 9, 2021-Special Meeting
- March 9, 2021-Executive Session
- March 12, 2021-Special Meeting
- March 12, 2021-Executive Session
- March 18, 2021-Special Meeting
- March 18, 2021-Executive Session
- March 23, 2021-Special Meeting
- March 23, 2021-Executive Session
- March 30, 2021-Special Meeting
- March 30, 2021-Executive Session
- April 8, 2021-Special Meeting
- April 8, 2021-Executive Session
- April 13, 2021-Special Meeting
- April 13, 2021-Executive Session
- April 19, 2021-Special Meeting
- April 19, 2021-Execuitve Session
- April 21, 2021-Annual Meeting
- April 21, 2021-Executive Session
- April 27, 2021-Special Meeting
- April 27, 2021-Executive Session
- May 17, 2021-Special Meeting
- May 17, 2021-Executive Session
- June 1, 2021-Special Meeting
- June 1, 2021-Executive Session
- June 4, 2021-Special Meeting
- June 4, 2021-Executive Session
- June 8, 2021-Special Meeting
- June 8, 2021-Executive Session
- June 14, 2021-Special Meeting
- June 14, 2021-Executive Session
- June 17, 2021-Special Meeting
- June 17, 2021-Executive Session

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 the Attorney's report. Pete Ampe reported Matt Montgomery from his office had been working with Chris Ivers on contracts and will be taking over on the 1041 process. Bill McClure asked for an update on conversations held with the Saguache County Commissioners. Mr. Ampe explained the Commissioners held their conversations in executive session.

#### **Program Manager's Report**

President Schmittel asked for the Program Manager's report. Chris Ivers presented the financial report and highlighted the amount due to the Rio Grande Water Conservation District since formation as well as the amount already paid. Mr. Ivers presented the Profit & Loss statement, the current checking account balance, the outstanding balance not yet collected and the balance which needs to be collected from the other Subdistricts for Russell Lakes.

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

#### **Review and Consider Request for Appeal**

President Schmittel asked for review and to consider request for appeal. Chris Ivers presented the Flying X Cattle appeal; he highlighted the issues with the location of the wells and that given the updated locations the owner should not have petitioned them into the Subdistrict. Mr. Ivers' recommendation was to grant approval of the appeal.

A motion was made by Kit Caldon to approve the appeal as recommended by staff. The motion was seconded by George Whitten and unanimously approved.

#### **Review and Consider Rules Governing Groundwater Withdrawal Allocations for Subdistrict Wells**

President Schmittel asked for review and consider Rules Governing Groundwater Withdrawal Allocations for Subdistrict Wells. Pete Ampe presented the draft Rules with the requested amendments.

A motion was made by George Whitten to accept the draft Rules Governing Groundwater Withdrawal Allocations for Subdistrict Wells as modified in the draft as presented. The motion was seconded by Kit Caldon and unanimously approved.

#### **Discussion on Saguache Creek Remedies**

President Schmittel asked for discussion on Saguache Creek remedies. Chris Ivers asked if the Board had any new ideas. President Schmittel reported reaching out to Calvin Coleman but had not received a call back. Anthony Lobato questioned the amount of uncollected fees, Mr. Ivers reported some payments had come in so the amount may have changed.

#### **Executive Session**

President Schmittel asked for a motion to enter into executive session to receive legal advice concerning the potential purchase of real property. A motion was made by Kit Caldon to enter into executive session. The motion was seconded by Corey Hill and unanimously approved.

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

#### **Possible Action from Executive Session**

President Schmittel asked for possible action from executive session.

A motion was made by Kit Caldon to approve the John Baxter contract as sent out to the Board at \$90 per acre foot lease payment. The motion was seconded by George Whitten and unanimously approved.

A motion was made by Kit Caldon to direct staff to open negotiations as discussed in executive session on the Allen property. The motion was seconded by Dale Gerstberger and unanimously approved.

Chris Ivers reported they will move forward with the well drilling project and SWSP once a signed contract is received from John Baxter.

**Next Meeting**

A special meeting was scheduled for August 11, 2021 at 5:00 p.m., the next quarterly meeting is scheduled for October 20, 2021.

**Adjournment**

The meeting was adjourned at 6:16 p.m.

  
\_\_\_\_\_  
President

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