

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
November 29, 2022 at 5:00 p.m.  
Rio Grande Water Conservation District Conference Room  
And by Zoom/Teleconference**

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

**Absent :** Doug Gunnels, Ex Officio Member.

**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Clinton Phillips, Davis Engineering; Rose Vanderpool, Program Assistant; and April Mondragon, Administrative Assistant.

**Guests:** Deb Sarason, David Hofmann, Michelle Lanzoni, John Gerstle, Chance Baker, Faith O'Reilly, Patrick Shea, and William Myers.

**Meeting Called to Order**

President Schmittle called the meeting to order at 5:02 p.m. A quorum was present for the meeting.

**Approval of the Agenda**

President Schmittle asked for any changes, additions or a motion to approve the agenda. A motion was made by Kit Caldon to approve the agenda as presented. The motion was seconded by George Whitten and unanimously approved.

**Public Comment**

President Schmittle asked for public comment. There was none.

**Review and Consider Participation Contracts**

President Schmittle asked for review and consider participation contracts.

- **Saguache Lodge**

Chris Ivers presented the proposed contract and reported on the decreed use of the two (2) small capacity nonexempt wells. Mr. Ivers reported on the lack of metered diversion records and explained the owner of the well may be required to have a meter installed. Faith O'Reilly, owner of the parcel, reported she had already requested a meter be installed. Mr. Ivers reported the wells would be subject to the groundwater withdrawal and administrative fees every year, he asked the Board if they wanted to assess back fees. Discussion was held on the amount of water the wells pump, what the water is used for and the type of notice the owner received when the Subdistrict was being formed.

A motion was made by Dale Gerstberger to approve the Saguache Lodge participation contract, including the contract fee and normal Subdistrict fees going forward. The motion was seconded by Kit Caldon and unanimously approved.

Deb Sarason reported they would be expected to fill in any missing information into the response function. Mr. Ivers explained the meter reading process to Ms. O'Reilly and provided her with an estimated cost per acre-foot.

- **Werner Ranch**

Chance Baker explained how contracting the two (2) wells into the Subdistrict would benefit the Werner Ranch and provided the pumping capacity of each well. Chris Ivers reported on the wells decreed irrigation use and highlighted the historical pumping. George Whitten voiced his concern on allowing wells to pump from the unconfined aquifer close to the creek. Mr. Ivers provided the depth of the wells and the historical averages. Discussion was held on how the wells would affect the response function and the amount of back fees that would be owed to the Subdistrict.

A motion was made by Dale Gerstberger to wave any previous fees, allow him to use the amount of water he could have used if he were in the Subdistrict and set up an average going forward. The motion was amended to accept the contract with the \$500 application fee and back fees for administration costs and pumping fees if any. The motion was seconded by Kit Caldon. The motion was voted on, George Whitten opposed, the motion passed 3-1.

Chris Ivers reported on a request from Monte Innes to contract into the Subdistrict. He highlighted the location of the wells, the historical and average acre-feet amount of pumping. George Whitten explained his concerns of the creek's ability to deliver water downstream when unconfined wells operate next to the creek.

A motion was made by Kit Caldon to table the Monte Innes participation contract until the next meeting. The motion was seconded by Corey Hill and unanimously approved.

**Discussion Regarding 2022 Administrative and Groundwater Withdrawal Fee Assessments**

President Schmittel asked for discussion regarding 2022 Administration and Groundwater Withdrawal fee Assessments. Chris Ivers provided an update on the CWCB loan, he presented the repayment schedule with total expenditures. Mr. Ivers presented the budgeted amount for the groundwater withdrawal fee and the administrative fee.

**Resolution to Approve 2022 Administrative and Groundwater Withdrawal Fee Assessments**

President Schmittel asked for Resolution to approve 2022 Administration and Groundwater Withdrawal Fee Assessments. Chris Ivers presented the proposed Resolution.

A motion was made by Kit Caldon to approve the Resolution to Assess Fees for Special Improvement District No. 5 of the Rio Grande Water Conservation District as presented. The motion was seconded by George Whitten and unanimously approved.

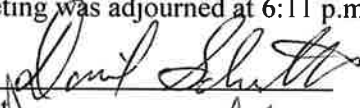
Clinton Phillips provided an update on the drilling of the monitoring well on the Hazard property and reported he would get in contact with Hydro Resources once the contract is completed. Chris Ivers reminded the Board the groundwater allocation would need to be set by January 1, 2023.


**Next Meeting**

A special meeting was scheduled for December 12, 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 6:11 p.m.

  
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President

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

**RESOLUTION TO ASSESS FEES FOR SPECIAL IMPROVEMENT DISTRICT NO. 5 OF THE RIO GRANDE WATER CONSERVATION DISTRICT**

A RESOLUTION ASSESSING FEES FOR THE BUDGET YEAR 2023 TO (1) FUND THE ADMINISTRATIVE COSTS OF SPECIAL IMPROVEMENT DISTRICT NO. 5 OF THE RIO GRANDE WATER CONSERVATION DISTRICT'S WATER ACTIVITY ENTERPRISE (SUBDISTRICT NO. 5); AND, (2) TO FUND THE COSTS OF REMEDYING INJURIOUS DEPLETIONS AS REQUIRED BY THE PLAN OF WATER MANAGEMENT FOR SUBDISTRICT NO. 5 FOR THE 2023 BUDGET YEAR.

WHEREAS, the amount of money necessary to balance the budget for Subdistrict No. 5 administrative expenses is \$136,343.49; and

WHEREAS, the amount of money necessary to fund the replacement of injurious depletions is \$547,946.81.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Managers of Subdistrict No. 5, Colorado:

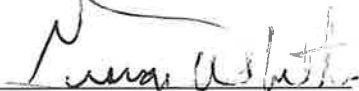
Section 1: That for the purpose of meeting all administrative expenses of the Special Improvement District No. 5 during the 2023 budget year there is hereby assessed a fee of \$686.87 per active Subdistrict Well and \$343.43 per inactive Subdistrict Well as defined by the Plan of Water Management for Subdistrict No. 5 for the year 2021.

Section 2: That for the purpose of funding the remedy of injurious depletions of Subdistrict No. 5 there is hereby assessed a fee of \$27.82 per acre-foot under sprinkler application, \$20.11 per acre-foot under flood application and between \$4.36 and \$33.52 per acre-foot for wells under an "other" application based on groundwater withdrawals during the period year 2021 as defined by the Plan of Water Management for Subdistrict No. 5.

Section 3: That the General Manager is hereby authorized and directed to immediately certify to the County Commissioners of Saguache County, Colorado, the assessments above determined and set.

ADOPTED, this 29th day of November, 2022.

  
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President

Attest:   
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Secretary/Treasurer