

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
July 17, 2024 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; and Kit Caldon, Manager.

**Absent :** Dale Gerstberger, Manager; Corey Hill, Manager; Doug Gunnels, Ex Officio Member.

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

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

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:00 p.m. A quorum was present for the meeting. The Pledge of Allegiance was recited.

**Approval of the Consent Agenda**

President Schmittel asked for changes, additions or a motion to approve the consent agenda items:

- Agenda
- March 28, 2024-Special Meeting Minutes
- March 28, 2024-Executive Session Minutes
- April 11, 2024-Special Meeting Minutes
- April 11, 2024-Executive Session Minutes
- April 23, 2024-Annual Meeting Minutes
- April 23, 2024-Executive Session Minutes
- May 22, 2024-Special Meeting Minutes
- May 22, 2024-Executive Session 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. David Hofmann explained the issues with the augmentation well. He asked staff to correspond with DWR staff on the installation of the meter on the second well in order to set it efficiently. Mr. Hofmann explained why the meter test was close to failing. Discussion was held on how often the meters would need to be recertified and how to remedy the current meter issue as well as the importance of having a backup plan should the well go down. Tim Lovato asked for the amount of water being pumped from the augmentation well. Mr. Hofmann provided the amount of water being pumped and diverted to Saguache Creek.

**Attorney's Report**

President Schmittel asked for the attorney's report. Pete Ampe provided an update on the US Supreme Court's rejection of the three states settlement in the ruling of the Texas vs New Mexico Colorado case. He also gave an update on the upcoming trials in 2026.

**Engineers Report**

President Schmittel asked for the Engineers report. Clinton Phillips presented the Subdistrict No. 5 Saguache monitoring well update. He highlighted the layers on the map and provided the change from the baseline of 2015 and 2024. Mr. Phillips went over the change and yearly difference in model layers 4, 3 and 1. He presented the current sustainability metric five-year average including the CAS stipulation showing Subdistrict No. 5 to be considered sustainable. Mr. Phillips provided an update on the composite water head and reported on the increase in the confined aquifer. Discussion was held on the potential impact the Meadow Ranch wells could have on the Subdistrict.

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

President Schmittle asked for the Program Manager's report. Chris Ivers presented the financial report. He went over the costs and expenses covered by the District for and since formation as well as the remaining amount owed. Mr. Ivers presented the Balance Sheet and the Profit and Loss Statement. He highlighted the balance in the checking account, accounts receivable, water lease and Well Injury Payments (WIP) on San Luis Creek.

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

Chris Ivers reported on the approval from the District Board to purchase three (3) water rights from North Star Farms. He highlighted an offer from William Myers for trans mountain diversions being stored in the Rio Grande Reservoir. Mr. Ivers explained how the water could potentially be utilized in Subdistrict No. 5. George Whitten asked if Middlemist water could benefit the Subdistrict. Mr. Ivers highlighted the wet water the District has stored and available for purchase by the Subdistricts if needed. William Myers described his offer of 48.8-acre feet of water to the Subdistrict. Mr. Ivers highlighted the agreement with Rio Grande Reservoir.

A motion was made by Kit Caldon to direct Pete Ampe to draw up an agreement with William Myers for 48.8-acre feet of stored water in the Rio Grande Reservoir in exchange for good faith with potential to offset depletions to Saguache Creek. The motion was seconded by George Whitten and unanimously approved.

### **Discussion Regarding Options for Contract Wells to Contract with Higher Fees as an Offset to Increased Depletions**

President Schmittle asked for a discussion regarding options for contract wells to contract with higher fees as an offset to increased depletions. Chris Ivers reminded the Board of their denial of a request from an individual seeking a participation contract with the Subdistrict prior to purchasing a well. Mr. Ivers reported receiving another request from the individual asking the Board to reconsider at a higher fee in exchange for a contract. George Whitten explained the initial decision to deny because of the well's location. Direction was given to staff to inform the individual of the Board's decision to deny the request.

### **Executive Session to Receive Legal Advice Concerning the Potential Purchase of Real Property**

President Schmittle asked for executive session to receive legal advice concerning the potential purchase of real property. A motion was made at 6:01 p.m. by Kit Caldon to enter into executive session. The motion was seconded by George Whitten 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.

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

President Schmittle asked for possible action from executive session. A motion was made by Kit Caldon to approve the contract with Mr. Sheppard for an easement to drill a well for \$75,000 and a second easement if needed for an additional \$75,000 and \$13,000 for electric hook up. The motion was seconded by George Whitten and unanimously approved.

### **Direction for Staff**

President Schmittle asked for direction for staff. Clinton Phillips and staff were directed to continue to proceed with the third augmentation well design/bids on the Sheppard property.

### **New Business**

President Schmittle asked for new business. Tim Lovato asked for the location and purpose of the third augmentation well. Mr. Lovato also asked about the water level of the second augmentation well. He suggested the Subdistrict team up with Saguache County to get transducers into the wells in order to monitor.

### **Next Meeting**

The next quarterly meeting is scheduled for October 16, 2024 at 5:00 p.m.

**Adjournment**

The meeting was adjourned at 6:29 p.m.

  
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President

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Vice-President/Secretary/Treasurer