

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
March 23, 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; and Dale Gerstberger, Manager;

**Absent:** Kit Caldon, Manager; and, Corey Hill, Manager.

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

**Guests:** David Hofmann, Deb Sarason, Joann Ortega, John Gerstle, William Myers, Anthony Lobato, David Frees, Lynn Sutherland, Rebie Hazard, Jas Sandhu with DS Farms Limited, Dale Bartee.

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:04 p.m. A quorum was present for the meeting.

**Approval of the Agenda**

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

**Public Comment**

President Schmittel asked for public comment. There were none.

**Discussion and Possible Action on Revising the Groundwater Allocation Rules**

President Schmittel asked for the discussion and possible action on revising the Groundwater Allocation Rules. Chris Ivers reported on a conversation he had with Cory Hill regarding inactive zeros not being counted in the average when no groundwater withdrawals took place. Mr. Ivers presented a spreadsheet outlining the handful of wells with limited zeros. Pete Ampe explained the general variance language from the Rules and how the variance could be used. Anthony Lobato asked about Senate Bill 22-028 sponsored by Cleave Simpson and said he hopes it will relieve some of the pressure on producers. Mr. Lobato asked Mr. Ivers to please fight for Subdistrict No. 5's share of the funds.

**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 Dale Gerstberger 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.


**Next Meeting**

A special meeting was scheduled for March 30, 2022.

The annual meeting is scheduled for April 20, 2022.

**Adjournment**

The meeting was adjourned at 5:52 p.m.

  
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President

  
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Vice-President/Secretary/Treasurer