

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
June 1, 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; Kit Caldon, Manager; Corey Hill, Manager; and Doug Gunnels, Ex Officio Member.

Absent: Dale Gerstberger, Manager.

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

Guests: David Hofmann, Deb Sarason, William Myers, Warren Collins, Rebie Hazard, John Gerstle, Peggy Godfrey, David Hawley, and Tim Lovato.

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. Chris Ivers added variance request after public comment. A motion was made by George Whitten to approve the agenda as amended. The motion was seconded by Kit Caldon and unanimously approved.

Public Comment

President Schmittel asked for public comment. There were none.

Variance Request

President Schmittel asked for variance request. William Myers was present and requested a variance on a well located on S Road. He reported the well was nonoperational for a period of time and then produced a bad meter reading in 2020. Mr. Myers requested to use his metered pumping from 2021 for his groundwater restriction allocation. He provided the pumping average and identified the surface water right associated with the quarter. Chris Ivers presented his groundwater withdrawal allocation amount based off the 2020 average and the 2021 average pumping. Discussion was held on how Mr. Myers' surface water credit would apply, the possibility of similar situations arising, and the amount of average that would be fair.

A motion was made by George Whitten to accept the William Myers variance for 200-acre feet. Corey Hill identified the similarity of Mr. Myers' situation and Scot Alexanders situation. The motion was seconded by Kit Caldon and unanimously approved.

Cleave Simpson introduced students visiting from the School of Mines and Virginia Tech who were in the Valley studying the efforts made surrounding groundwater management. Mr. Simpson reported they have researched other systems in Kansas and were here to talk with producers and gather some information.

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 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 Schmittel asked for possible action from executive session. A motion was made by Kit Caldon to approve a one-year lease with Corey Hill for a recharge pit with compensation of a head gate and flume installation to recharge some of the newly purchased water in order to meet obligations of remedy on the stream. The motion was seconded by George Whitten, Corey Hill abstained, the motion passed.

David Hofmann reminded the Board that water could not be put in the recharge pit until the SWSP is approved. Discussion was held on the size and location of the recharge pit.

2022 Annual Replacement Plan Update

President Schmittel asked for 2022 Annual Replacement Plan (ARP) update. Chris Ivers reported on conversations held with the Division of Water Resources (DWR) concerning the recharge pit, return flows and the timeframe of when producers may turn on their wells. David Hofmann highlighted the Annual Replacement Plan (ARP) would likely be approved with conditions. Deb Sarason reported producers would not be allowed to turn on their wells until the Subdistrict is making replacements to the stream and the SWSP has been approved. Mr. Ivers highlighted the rules would need to be approved prior to the 70% allocation figures being determined.

Saguache Creek Depletion Remedies

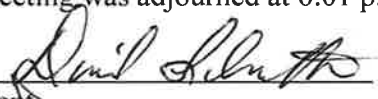
President Schmittel asked for Saguache Creek depletion remedies. Discussion was held on a potential well to be added to the Subdistrict ARP. Clinton Phillips gave an update on the search for a well driller. George Whitten reported on a conversation he had with Saguache County Commissioner Tom McCracken regarding a study being done on the well logs throughout the Subdistrict. Mr. Whitten requested the Board meet with the County Commissioners to have a discussion on the matter.

Next Meeting

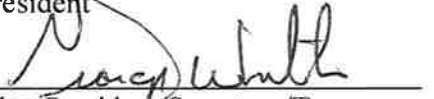
The next quarterly meeting is scheduled for July 20, 2022 at 5:00 p.m.

Adjournment

The meeting was adjourned at 6:01 p.m.



President



Vice-President/Secretary/Treasurer