

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
December 13, 2023 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; and, Dale Gerstberger, Manager.

**Absent :** 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; Wylie Keller, Water Resource Specialist; and, April Mondragon, Administrative Assistant.

**Guests:** David Hofmann, Darrel Atkinson, and William Myers.

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:05 p.m. A quorum was present for the meeting.

**Approval of the Agenda**

President Schmittel asked for 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 Schmittel asked for public comment. There was none.

**Allocation of Groundwater Withdrawals for 2024**

President Schmittel asked for allocation of groundwater withdrawals for 2024. Chris Ivers presented the allocation comparison with preliminary pumping numbers for 2023. He provided the amount of carryover, the total 2023 allocation, the amount of surface water credit, the 2023 preliminary diversions, and the amount of carry over credit from 2023 into 2024. Mr. Ivers reported Subdistrict No. 5 was the only Subdistrict with an allocation in place. He provided the composite water head change in acre feet and reported seeing an increase in groundwater levels. Kit Caldon reported the lower groundwater withdrawals were the result of the fees and the allocation amount having minimal effect. He also highlighted the aquifer recovery in Subdistrict No. 5. President Schmittel reminded the Board of the allocation amount set last year. Concerns were raised on the amount of carry-over from year to year. George Whitten described the Subdistrict fees being the main cause of lower groundwater withdrawals and the Subdistrict operating as planned.

A motion was made by Dale Gerstberger to set the allocation at 90%. The motion was seconded by Kit Caldon and unanimously approved.

**Executive Session to Receive Legal Advice Concerning the Potential Litigation**

President Schmittel asked for executive session to receive legal advice concerning potential litigation. A motion was made by Kit Caldon at 5:31 p.m. to enter into executive session. The motion was seconded by Dale Gerstberger 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 directed staff to continue with negotiations.

**Next Meeting**

The next quarterly meeting is January 17, 2024 at 5:00 p.m.

**Adjournment**

The meeting was adjourned at 5:57 p.m.

  
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President

  
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Vice-President/Secretary/Treasurer