

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
June 4, 2021 at 4:00 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; Dale Gerstberger, Manager; and, Peggy Godfrey, Ex-Officio Member.

**Absent:** Corey Hill, Manager.

**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Amber Pacheco, Program Manager; Marisa Fricke, Program Manager; Allen Davey, Davis Engineering; Michael Carson, Database Administrator; and, April Mondragon, Administrative Assistant.

**Guests:** Deb Sarason, David Hofmann, Michael Sullivan, Ed Nielsen, Marilyn Davey, Tim Lovato, Lori Lovato, Lynn Thompson, William Myers, Kevin Rein, Mike Kruse, John Gerstle, James Stephenson, Ryan Fox, Dan Davis, Jeff McCullough, Stan Nielsen, Judy Lopez, Heather Dutton, Craig Cotton, Dee Greeman, John Mattingly, Darin Schepp, Lisa Sigler, Kevin Boyle, Pat McDermott, Ryan Unterreiner, Miguel Diaz, Justin, Nathan Coombs, Asier Artaechevarria, Anthony Lobato, Joe Smesny.

**Meeting Called to Order**

President Schmittel called the meeting to order at 4:08 p.m. A quorum was present. The Pledge of Allegiance was recited.

**Approval of the Agenda**

President Schmittel 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 Dale Gerstberger and unanimously approved.

**Discussion with State Engineer Kevin Rein- Division of Water Resources**

President Schmittel asked for discussion with State Engineer Kevin Rein from the Division of Water Resources. Kevin Rein introduced himself and thanked the Board for the invitation to attend. He reported knowing the difficulties the Subdistrict has been going through and the efforts put forth. Mr. Rein stated a few of the options the Subdistrict had been exploring would need to be explained as well as have a discussion on a path forward. The Subdistrict's request for a variance under the Groundwater Rules was discussed, including accrual of additional depletions while not operating and the severity of the adverse effect to the community. Mr. Rein asked to hear more about the Board's current prospects. Kit Caldon described some of the options the Subdistrict had pursued, including the pipeline, WIPs, and water purchases. He also detailed the challenges faced in lack of storage and finding acceptable sources of water to move for an augmentation well. Mr. Caldon also stated that as a Board they are all in agreement that the Subdistrict needs to reduce pumping even though they are currently sustainable under the Groundwater Rules. George Whitten provided some of the history and highlighted how some of the animosity in the area began. Mr. Rein stated that the solution of the pipeline seems to be a fairly strong solution in the long term because it provides the amount of water where it is needed. Chris Ivers stated that the Subdistrict has faced significant push back to the pipeline proposal and asked for the State's point of view on how using wells and pipelines for augmentation. Mr. Rein stated that the Republican River is already using augmentation wells. Mr. Sullivan described how it works to replace injury because not all of the water pumped comes from the stream and the timing of depletions. Mr. Rein stated that because you are taking water that was already being consumed you are getting benefit from it. Tim Lovato distributed a letter from the Saguache County Board of County Commissioners and asked for the concerns contained in the handout to be addressed. Further discussion on using groundwater as a source of replacements was held. Mr. Cotten pointed out that the Trinchera Subdistrict was already using wells as a source of augmentation. David Schmittel commented on the feelings of confusion from the community of Saguache in connection with the potential pipeline and stated that the Subdistrict did not have any other options at this time. Mr. Rein reiterated that he sees the pipeline option as a viable solution. Judy Lopez commented on the use of groundwater conservation easements to

restrict pumping and the potential to lose the opportunity to use them if the Subdistrict stays shut off. Further discussion on groundwater conservation easements was held. Mr. Caldron pointed out that if you put ninety-nine of the wells under easement, but that one percent not under easement would still have to find a way to remedy their depletions. Dee Greeman pointed out the economic hardships the well owners he represents are facing. Mr. Ivers asked if the State had a policy or some other guidance, they could provide to the Subdistrict regarding how far a well can be transferred. Mr. Sullivan stated that they would have to evaluate it on a case by case basis.

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

President Schmittel asked for a motion to take a quick break then enter into executive session to receive legal advice concerning the potential purchase of real property. A motion was made by Dale Gerstberger to take a quick break then enter into executive session. The motion was seconded by Kit Caldron and unanimously approved.

Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to discuss a potential purchase of real property. The Board would take no formal action or position during the executive session.

**Possible Action from Executive Session**

Pete Ampe stated the Board was in executive session and had voted to come out. Discussion was related to a potential property purchase.

**Direction for Staff**

President Schmittel asked for direction for staff. Staff reported receiving directions.

**New Business**

President Schmittel asked for new business. There was none

**Next Meeting**


A special meeting was scheduled for June 7, 2021 at 5:00 p.m.

The next quarterly meeting is scheduled for July 21, 2021.

**Adjournment**

The meeting was adjourned at 7:03 p.m.

  
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President

  
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Vice-President/Secretary/Treasurer