

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
October 18, 2023 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; Corey Hill, Manager; and Kit Caldon, Manager.

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

**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; and April Mondragon, Administrative Assistant.

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

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:04 p.m. A quorum was present for the meeting. The Pledge of Allegiance was recited.

**Approval of 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 Corey Hill and unanimously approved.

**Approval of the Consent Agenda**

President Schmittel asked for approval of the consent agenda items:

- July 19, 2023-Quarterly Meeting Minutes
- September 7, 2023-Special Meeting Minutes
- September 7, 2023-Executive Session Minutes

A motion was made by Kit Caldon to approve the consent agenda as presented. The motion was seconded by Corey Hill and unanimously approved.

**Public Comment**

President Schmittel asked for public comment. There was none.

**Attorney's Report**

President Schmittel asked for the attorney's report. Pete Ampe updated the Board on Subdistrict No. 3 and the Trinchera Subdistrict ranch purchase. He asked the Board if they wanted to move forward with a change case on the Hazard surface water. Mr. Ampe explained how an SWSP is temporary and can only be renewed five (5) times. Mr. Ivers reported not achieving the 100% dry up on the Hazard property. Mr. Ampe suggested filing the SWSP next year in an attempt to receive full credit. David Hofmann reminded the Board of the small flows in certain months and how depletions need to be made by time and place. Mr. Ivers reported working with a well driller on the lower flows and a new smaller well which could possibly be done this fall. Discussion was held on where the 15 gallons per minute would need to be delivered and the type of pump to use. Pete Ampe provided an update on the Texas vs New Mexico/Colorado litigation settlement.

**Engineers Report**

President Schmittel asked for the Engineers report. Clinton Phillips was not present. Mr. Ivers presented the Davis Engineering Subdistrict No. 5 Saguache Monitoring Wells study update. He highlighted the Change Compared to the 2015 Baseline and 2022 chart as well as the monitoring well charts. Mr. Ivers reported on the increase in the water table.

**Program Manager's Report**

President Schmittel asked for the Program Manager's report. Chris Ivers presented the financial report. He highlighted the Subdistrict formation costs remaining balance due to the District. Mr. Ivers presented the Balance Sheet and the Profit and Loss Statement. He went over the checking account balance, accounts receivable, total assets, liabilities and utility costs which included the monthly Xcel Energy bill to get power to the augmentation well. Mr. Ivers highlighted the special projects including fees associated with rental of the generator, pipeline and construction of the pipeline, water leases and

all costs associated with the augmentation well. George Whitten asked about the average monthly Xcel Energy charges.

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

Chris Ivers provided an update on the zero curtailment and no use of the Closed Basin Project water. He reported the Subdistrict would use the Districts water stored in Beaver Reservoir to remedy depletions. David Hofmann reported the compact obligations had already been met. Discussion was held on when the compact call would come back on. William Myers asked if the Subdistrict could use Santa Maria shares.

- Appeal

Chris Ivers reported receiving an appeal from William Myers for 2020. He provided the requested refund amount and explained his recommendation to approve the appeal and refund the amount requested.

A motion was made by Kit Caldon to approve the appeal and refund William Myers what he is owed from the Subdistrict. The motion was seconded by Corey Hill and unanimously approved.

**Update and Discussion on Future Stream Remedies**

President Schmittel asked for update and discussion on future stream remedies. Chris Ivers presented the depletions in gallons per minute on the Hazard HCU at 100% dry up. He explained which months the Subdistrict would not be able to cover depletions. Mr. Ivers updated the Board on a conversation with the well driller regarding the cost to haul water to the site and about installing two (2) pumps in one hole. He provided the Board with the well drillers estimated time frame on the completion of the well. George Whitten asked if storing water in a small lined reservoir would be cheaper than drilling a well. Discussion was held on needing the current well in a wet year, drilling a smaller well down stream and the timing of the return flows.

A motion was made by Kit Caldon to move forward with the drilling of a second well on the Hazard property. The motion was seconded by Corey Hill.

Discussion was held on exploring another site for a larger well.

The motion was voted on and passed unanimously.

**Direction for Staff**

President Schmittel asked for direction for staff. Staff was directed to locate a new well site.

**New Business**

President Schmittel asked for new business. George Whitten reported on a 20–30 thousand gallon tank on road X which could be suitable for water, Mr. Ivers stated he would look into it.

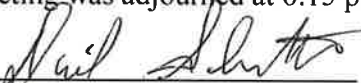
**Next Meeting**

A special meeting was scheduled for November 29, 2023 at 5:00 p.m.

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

**Adjournment**

The meeting was adjourned at 6:15 p.m.

  
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President

  
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Vice-President/Secretary/Treasurer