

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
January 23, 2023 at 6:00 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; Dale Gerstberger, Manager; and Kit Caldon, Manager.

Absent : Doug Gunnels, Ex Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Linda Ramirez, Program Assistant; and Clinton Phillip, Davis Engineering.

Guests: William Myers, Willie Hoffner, Sally Weir, David Hoffman, Trent Lund, R. Martinez, Peggy Godfrey, John Gerstle, Amos Beason.

Meeting Called to Order

President Schmittel called the meeting to order at 6:00 p.m. A quorum was present for the meeting. The Pledge of Allegiance was recited.

Approval of the Consent Agenda

President Schmittel asked for approval of the consent agenda. A motion was made by George Whitten to approve the consent agenda as presented. The motion was seconded by Kit Caldon and unanimously approved.

Public Comment

President Schmittel asked for public comment. Willie Hoffner reported on his commitment to no longer pump a well and his disappointment of the allocation amount set by the Board of Managers. Kit Caldon highlighted Subdistrict No. 5 being the only Subdistrict in the valley to voluntarily place an allocation. George Whitten described the work the Subdistrict has done to mitigate the impact of the wells on Saguache Creek.

Attorney's Report

President Schmittel asked for attorney's report. Pete Ampe reported on the continued work being done to establish criteria for applications for the funds from SB22-028. He provided an update on the Compact litigation between Texas, New Mexico and Colorado.

Program Manager's Report

President Schmittel asked for Program Manager's report. Chris Ivers presented the financial report. He highlighted the Subdistrict costs since formation and the checking account balance. Mr. Ivers presented the Profit and Loss Statement and provided an update on the revised CWCB loan amount. He presented data showing the steady creek stream flow trends during the time the wells in Subdistrict No. 5 turned on in 2022.

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

Review and Consider Bids to Drill Augmentation Well

President Schmittel asked for review and consider bids to drill augmentation well. Chris Ivers reported received three (3) bids for the augmentation well. He provided the bid totals, who submitted them and how long it would take them to drill the well. Discussion was held on the significant difference in price on the bids. Mr. Ivers gave an update on the completed augmentation well and the final pump test results. David Hofmann reported for the record the Board would need to talk to the Divisions inspector to be sure the seal to ninety (90) feet is adequate to change it to production well. Discussion was held on the amount of water the well would need to produce to satisfy the needs in April and the costs associated with power to the well. The Board discussed the pros and cons of each bid.

A motion was made by George Whitten to accept the bid from Ray Newmyer for \$221,850.00. The motion failed to receive a second, therefore the motion died.

A motion was made by George Whitten to table the discussion concerning awarding a bid to drill augmentation well. The motion was seconded by Kit Caldon and unanimously approved.

Groundwater Conservation Easement Presentation from Sally Weir of Colorado Open Lands

President Schmittel asked for groundwater conservation easement presentation. Sally Weir introduced herself and reported on the project structures. She explained how conservation easements could be an option for land owners in Subdistrict No. 5. Ms. Weir described the similarities and differences between conservation easements and groundwater easements. She explained how land/water values are determined as well as the financial and tax benefits to the land owner.

Discussion on Remedies for Injurious Stream Depletions

President Schmittel asked for discussion and remedies for injurious stream depletions.

• ***San Luis Creek and Subdistrict No. 4 Update***

Chris Ivers reported on the Peachwood groundwater conservation easement. He explained the amount of water acquired would be enough to remedy depletions for Subdistrict No's 4 and 5.

• ***Saguache Creek Ideas***

Chris Ivers provided the amount of depletions the Subdistrict owes to Saguache Creek as well as the daily obligation. He also provided the forecast and outlook for the next three (3) months.

Willie Hoffner voiced his concerns.

Executive Session to Receive Legal Advice Regarding Pending Litigation and to Discuss Potential Lease of Property

President Schmittel asked for executive session to receive legal advice regarding pending litigation and to discuss potential lease of property. A motion was made by George Whitten to enter into executive session. The motion was seconded by Kit Caldon 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 regarding pending litigation and to discuss potential lease of property. The Board would take no formal action or position during the executive session.

Next Meeting

A special meeting was scheduled for January 27, 2023 at 10:00 a.m.

The next quarterly meeting is scheduled for April 19, 2023 at 5:00 p.m.

Adjournment

The meeting was adjourned at 9:18 p.m.



President



Vice-President/Secretary/Treasurer