

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
November 29, 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; Corey Hill, Manager; and, Dale Gerstberger, Manager.

Absent : 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: David Hofmann, Joann Ortega, Ryan Unterreiner, and, William Myers.

Meeting Called to Order

President Schmittel called the meeting to order at 5:03 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.

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

President Schmittel asked for executive session to receive legal advice concerning the potential purchase of real property. A motion was made by Kit Caldon at 5:06 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 asked for possible action from executive session. Chris Ivers read the following statement:

As Subdistrict No. 5 and the District have engaged in good faith negotiations with the owner of groundwater permit numbers 20210-RR, 20228-RR and 1845-F, but have not come to an agreement;

And

As those water rights are necessary for the public use – that is for a long term successful and sustainable subdistrict and approval of annual replacement plans to protect the members of Subdistrict No. 5 and the general economy of the Saguache area;

That the Board of Managers of Subdistrict No. 5 recommend to the Board of Directors that they begin proceedings to acquire those groundwater permits upon the payment of just compensation.

A motion was made by George Whitten to approve the statement read by Chris Ivers. The motion was seconded by Corey Hill and unanimously approved.

Staff was directed to start negotiations as directed.

Review and Consider Participation Contract

President Schmittle asked for review and consider Participation Contract. Chris Ivers presented the Participation Contract for Terri Kelling. He provided the WDID, the gallons per minute, location of the well, and reported the contract fee of \$500 had been paid.

A motion was made by Corey Hill to approve the Terri Kelling Participation Contract and assess the back administrative fees and the \$500 contract fee. The motion was seconded by Kit Caldon and unanimously approved.

Chris Ivers presented the Participation Contract for John Baxter. He provided the WDIDs for two (2) wells with no pumping history, reported on the Rio Grande shares and explained how the wells would be used.

A motion was made by George Whitten to approve the John Baxter Participation Contract and assess the back administrative fees and the \$500 contract fee. The motion was seconded by Kit Caldon and unanimously approved.

Discussion Regarding 2023 Administrative and Groundwater Withdrawal Fee Assessments

President Schmittle asked for discussion regarding 2023 Administrative and Groundwater Withdrawal Fee Assessments. Chris Ivers presented the updated draft Subdistrict No. 5 budget and calculation sheet. He highlighted the changes since they were last reviewed and explained how the calculations are performed.

Resolution to Approve 2023 Administrative and Groundwater Withdrawal Fee Assessments

President Schmittle asked for Resolution to Approve 2023 Administrative and Groundwater Withdrawal Fee Assessments. Chris Ivers presented the Resolution to assess fees.

A motion was made by Kit Caldon to approve the budget and the Resolution to approve the 2023 Administrative and Groundwater Withdrawal Fee Assessments. The motion was seconded by George Whitten and unanimously approved.

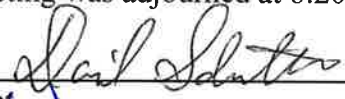
Mr. Ivers reminded the Board they would need to set the groundwater pumping allocation by January 1st.

Next Meeting

A special meeting was scheduled for December 13, 2023 at 5:00 p.m. The next quarterly meeting is January 17, 2024 at 5:00 p.m.

Adjournment

The meeting was adjourned at 6:20 p.m.



President



Vice-President/Secretary/Treasurer

RESOLUTION TO ASSESS FEES FOR SPECIAL IMPROVEMENT DISTRICT NO. 5 OF THE RIO GRANDE WATER CONSERVATION DISTRICT

A RESOLUTION ASSESSING FEES FOR THE BUDGET YEAR 2024 TO (1) FUND THE ADMINISTRATIVE COSTS OF SPECIAL IMPROVEMENT DISTRICT NO. 5 OF THE RIO GRANDE WATER CONSERVATION DISTRICT'S WATER ACTIVITY ENTERPRISE (SUBDISTRICT NO. 5); AND, (2) TO FUND THE COSTS OF REMEDYING INJURIOUS DEPLETIONS AS REQUIRED BY THE PLAN OF WATER MANAGEMENT FOR SUBDISTRICT NO. 5 FOR THE 2024 BUDGET YEAR.

WHEREAS, the amount of money necessary to balance the budget for Subdistrict No. 5 administrative expenses is \$133,394.27; and

WHEREAS, the amount of money necessary to fund the replacement of injurious depletions is \$533,505.85.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Managers of Subdistrict No. 5, Colorado:

Section 1: That for the purpose of meeting all administrative expenses of the Special Improvement District No. 5 during the 2024 budget year there is hereby assessed a fee of \$655.50 per active Subdistrict Well and \$327.75 per inactive Subdistrict Well as defined by the Plan of Water Management for Subdistrict No. 5 for the year 2022.


Section 2: That for the purpose of funding the remedy of injurious depletions of Subdistrict No. 5 there is hereby assessed a fee of \$27.86 per acre-foot under sprinkler application, \$20.14 per acre-foot under flood application and between \$4.36 and \$33.57 per acre-foot for wells under an "other" application based on groundwater withdrawals during the period year 2022 as defined by the Plan of Water Management for Subdistrict No. 5.

Section 3: That the General Manager is hereby authorized and directed to immediately certify to the County Commissioners of Saguache County, Colorado, the assessments above determined and set.

ADOPTED, this 29th day of November, 2023.


President

Attest:


Secretary/Treasurer