

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
February 4, 2021 at 9:00 a.m.
By Zoom/Teleconference**

Present: David Schmittel, President; George Whitten, Vice-President/Secretary/Treasurer; Kit Caldon, Manager; Dale Gerstberger, Manager; Corey Hill, Manager and, Peggy Godfrey, Ex-Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Allen Davey and Clinton Phillips, Davis Engineering; Michael Carson, Data Base Administrator; and, April Mondragon, Administrative Assistant.

Guests: Rebie Hazard, Daryl Dinkla, Steve Leverenz, Tom McCracken, Tim Lobato, Steve Keller, John Gerstle, William Myers, Deb Sarason, Dave Hofmann, Cody Redden, Tyrell Mares, Lynn Thompson.

Meeting Called to Order

President Schmittel called the meeting to order at 9:05 a.m. A quorum was present.

Approval of the Agenda

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

Executive Session

President Schmittel asked for a motion to enter into executive session to receive legal advice concerning a potential real property purchase. 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 to discuss a potential real property purchase. The Board would take no formal action or position during the executive session.

Action on Executive Session Discussion

President Schmittel asked for action on executive session. He reported the Board is in the process of making an application for a loan and asked the public if they had any questions. Chris Ivers reported the loan would be from CWCB, he provided the amount of the loan as well as the terms of the loan. Mr. Ivers highlighted the purpose of the loan and discussion was held on Saguache County requirements.

A motion was made by George Whitten to proceed with the loan application and process for the loan. The motion was seconded by Kit Caldon and unanimously approved.

Discussion was held on the timeline of being able to make replacements by April 1st and the likelihood of being able to do that with the pipeline project and if the State would consider a variance to the Subdistrict. Deb Sarason explained the general procedure of how the Division of Water Resources to order a well to not divert for noncompliance. Clinton Phillips provided an update on the pipeline and CDOT.

Update on 2020 Subdistrict Fees

President Schmittel asked for update on 2020 Subdistrict fees. Chris Ivers explained why the Subdistrict fees were not placed on the 2021 tax rolls. He reported invoices would be sent out to collect fees for 2021 with the same payment schedule as if it were on their property taxes. Pete Ampe confirmed the Subdistrict has the legal authority to proceed.

A motion was made by George Whitten to direct staff to proceed to send out invoices for water fees for this year due to the fees not being placed on the tax rolls and the payment due date will be the same as the property tax payments. The motion was seconded by Kit Caldon and unanimously approved.

Discussion on Groundwater Withdrawal Restrictions and the Plan of Water Management

President Schmittel asked for discussion on groundwater withdrawal restrictions and the Plan of Water Management. George Whitten reported on an email he sent out expressing his concerns and ideas to take a new approach to managing the aquifer. Mr. Whitten highlighted the amount of pumping reductions he predicts will be necessary. Kit Caldon reported assessing fees will result in lower pumping. Peggy Godfrey highlighted that the Subdistricts Plan of Water Management allows the Subdistrict to regulate the amount of pumping. Pete Ampe provided the consequences if the restrictions were to be violated if regulations were in place. David Hofmann provided information regarding the sustainability metric. Tom McCracken stated that Mr. Whitten’s proposal was the best he had heard in connection with restoring the aquifer and using the snow pack as a metric. Allen Davey explained an idea to calculate a reduction in pumping that would have long term benefits. Chris Ivers highlighted the record dry period. Mr. Davey also highlighted the impact a well shut down would have on conservation easements. Discussion was held on a way to measure the amount of water that gets returned to the ground, the need for more monitoring gauges and the need for additional studies on Saguache Creek. Mr. Whitten reported on his hope of the surface water users helping the Subdistrict with WIP agreements and no longer requiring a pipeline. The difficulties and impact COVID-19 has had on in person conversations was discussed. Cory Hill provided the consensus of the water users was that if it was a bad year for them, it would be a bad year for the wells. Rebie Hazard commented on the conversations and further discussion was held on continuing with the pipeline

Direction for Staff

President Schmittel directed staff to proceed as directed in the motion regarding the CWCB loan, follow up with the Saguache County Commissioners on any requirements, and figure out the best way to curtail pumping would be. Chris Ivers suggested a Fallow program as an alternative option to curtailment. Discussion was held on what the best method would be to see reductions in pumping and staff was directed to proceed to establish a steering committee.

Next Meeting

President Schmittel asked for the next meeting. A work session was scheduled for February 18, 2021 at the Saguache Road and Bridget at 1:00 p.m. The annual meeting is scheduled for April 21, 2021.

Adjournment

The meeting was adjourned at 11:19 a.m.



President



Vice-President/Secretary/Treasurer