

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
March 21, 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; 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; Linda Ramirez, Program Assistant; Rose Vanderpool, Program Assistant; April Mondragon, Administrative Assistant; Wylie Keller, Water Resource Specialist; and Michael Carson, Database Administrator.

Guests: David Hofmann, William Myers, Peggy Godfrey, Elliot Salazar, Willie Hoffner, Darrell, Thom Torrez.

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 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.

Public Comment

President Schmittel asked for public comment. There was none.

Groundwater Allocation Rules Variance Request

President Schmittel asked for groundwater allocation rules variance request. Mr. Ivers reported on a Subdistrict member who went over the allocation last year, but was unable to attend the meeting. and would attempt to get him on the next meeting agenda. Mr. Ivers provided an update on the credit carry over/over pumping forms. He reported the forms would be going out to Subdistrict members and asked the Board to consider extending the deadline.

A motion was made by Dale Gerstberger to extend the credit carry over form deadline to May 1st. The motion was seconded by Kit Caldon and unanimously approved.

Mr. Ivers explained how to complete the credit carry over form which would be mailed out and highlighted the form is available on the District's website. Discussion was held on the amount of credit carry over available on the North Star circle.

Discuss Progress on Well Drilling

President Schmittel asked for discuss progress on well drilling. Chris Ivers reported the well had been drilled to depth with no issues and the test pumping had begun. He updated the Board on the step test, sustain draw down test and reported on the grouting issues with the old well. Mr. Ivers provided the pump test results and highlighted a meeting to be set with the Division of Water Resources to determine ways to use the old well. Discussion was held on the Subdistrict's required gallons per minute and amount of dry up on the Hazard water rights. Mr. Ivers presented the replacement numbers. He highlighted the projected number of depletions and the forecasted inflow projections for Saguache Creek. Mr. Ivers provided an update on the status of the Annual Replacement Plan submittal. David Hofmann explained how the dry up on the Hazard property would be determined. He also provided ways to accelerate the dry up process on the Hazard property. Mr. Ivers presented a map of the property; he highlighted the areas with the largest issues and explained the available options. He updated the Board on the pipeline bid, power installation and the need to have a generator on site.

Discuss 2023 Injurious Depletions and Remedies

President Schmittel asked for discuss 2023 injurious depletions and remedies. Chris Ivers provided the remedy options available including Well Injury Payment agreements. Discussion was held on the amount to offer well owners with surface water rights and the historical calling priorities. Mr. Ivers highlighted the going rates and a letter sent out by the Board in 2021 requesting Well Injury Payment agreements. He provided the amount that would be owed if the Subdistrict received 100% Well Injury Payment participation and the total Subdistrict budget. George Whitten requested a list of the individuals the Board could call. Discussion was held on the difficulties the Subdistrict has had getting Well Injury Payment agreement participation. Staff was directed to have discussions with surface water right owners, no dollar amount was given.

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 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. There was none.

New Business

President Schmittel asked for new business. Tim Lovato asked for the draw down on the well and what side the power lines would be installed on.

Next Meeting

A Well Owners work session was scheduled for April 4, 2023 at 5:00 p.m. at the Land Use Office in Saguache.

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

Adjournment

The meeting was adjourned at 6:25 p.m.



President



Vice-President/Secretary/Treasurer