

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
November 29, 2021 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; Dale Gerstberger, Manager; Corey Hill, Manager.

**Absent:** Bill McClure, Ex-Officio Member.

**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Wylie Keller, Water Resources Specialist, Clinton Phillips, Davis Engineering; Linda Ramirez, Program Assistant; Michael Carson, Database Administrator; and, April Mondragon, Administrative Assistant.

**Guests:** William Myers, Deb Sarason, John Gerstle, David Hofmann, Darrell, Allen Davey, Tim Lovato, and Anthony Lobato.

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:12 p.m. A quorum was present.

**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 George Whitten and unanimously approved.

**Public Comment**

President Schmittel asked for public comment. William Myers asked the Board if they would consider covering his depletions from his Subdistrict No. 1 wells to Reach 1 of the Rio Grande River on a contract basis for an augmentation plan. Pete Ampe explained that it may be something the Subdistrict could do, more information and further discussion would be needed. Anthony Lobato asked for an update on a pending bill to help try to meet groundwater sustainability and compact, Mr. Ampe provided. Discussion was held on the status and progress of the drilling of the augmentation well. The Board expressed their concern with how long it was taking to complete the drilling of the well, enforcing a deadline and possibly seeking liquidated damages was discussed.

**Discussion Regarding 2021 Administrative and Groundwater Withdrawal Fee Assessments**

President Schmittel asked for discussion regarding 2021 Administrative and Groundwater Withdrawal Fee Assessments. Chris Ivers provided the amount approved in the last budget for the groundwater withdrawal fee and the administrative fee. Mr. Ivers reported redoing the calculations based off of updated numbers from the State after the budget was set, he provided the new groundwater withdrawal fee, administrative fee, and inactive well fee.

A motion was made by Kit Caldon to keep the fee structure at \$17.26, the administrative fee at \$568.74. The motion was seconded by Dale Gerstberger and unanimously approved.

**Resolution to Approve 2021 Administrative and Groundwater Withdrawal Fee Assessments**

President Schmittel asked for Resolution to approve 2021 Administrative and Groundwater Withdrawal Fee Assessments. Chris Ivers presented the Resolution, he highlighted the administrative expenses, the amount of money necessary to fund the replacement of injurious depletions, the administrative expense per active and inactive well, the per acre foot amount to fund the remedy of injurious depletions for sprinkler application, flood application and other application based on groundwater withdrawals during 2020.

A motion was made to adopt the Resolution to Assess Fees for Special Improvement District No. 5 of the Rio Grande Water Conservation District as presented. The motion was seconded by George Whitten and unanimously approved.

**Next Meeting**

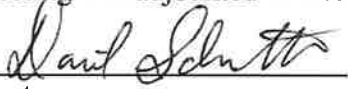
A special meeting was scheduled for December 15, 2021 at 5:00 p.m.

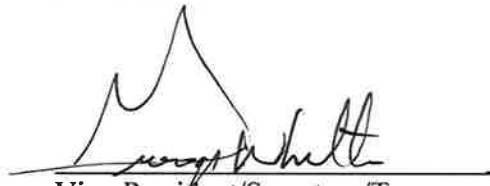
Chris Ivers reported some petitioned wells have unpaid fees, he highlighted how Subdistrict No. 4 voted to handle the same situation. Discussion was held on if the current protest would cover April 2022 pumping.

The next quarterly meeting is scheduled for January 19, 2022 at 5:00 p.m.

**Adjournment**

The meeting was adjourned at 6:05 p.m.

  
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President

  
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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 2022 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 2022 BUDGET YEAR.

WHEREAS, the amount of money necessary to balance the budget for Subdistrict No. 5 administrative expenses is \$111,330.87; and

WHEREAS, the amount of money necessary to fund the replacement of injurious depletions is \$578,402.46.

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

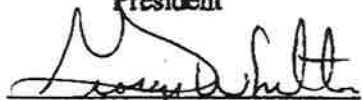
Section 1: That for the purpose of meeting all administrative expenses of the Special Improvement District No. 5 during the 2022 budget year there is hereby assessed a fee of \$568.74 per active Subdistrict Well and \$284.37 per inactive Subdistrict Well as defined by the Plan of Water Management for Subdistrict No. 5 for the year 2020.

Section 2: That for the purpose of funding the remedy of injurious depletions of Subdistrict No. 5 there is hereby assessed a fee of \$17.26 per acre-foot under sprinkler application, \$12.48 per acre-foot under flood application and between \$2.70 and \$20.80 per acre-foot for wells under an "other" application based on groundwater withdrawals during the period year 2020 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, 2021.

  
President

Attest:   
Secretary/Treasurer