

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
January 19, 2022 at 5:00 p.m.  
Rio Grande Water Conservation District Conference Room  
And by Zoom/Teleconference**

**Present:** David Schmittle, President; George Whitten, Vice-President/Secretary/Treasurer; Kit Caldon, Manager; Dale Gerstberger, Manager; and, Corey Hill, Manager.

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

**Guests:** Deb Sarason, David Hofmann, John Gerstle, William Myers, Dale Bartee, Tim Lovato, Tony Wyndam, Ryan Unterrainer, Mike Dill, Ty Mares, Monica McCafferty, Darrell.

**Meeting Called to Order**

President Schmittle called the meeting to order at 5:00 p.m. A quorum was present, the Pledge of Allegiance was recited.

**Approval of the Consent Agenda**

President Schmittle asked for approval of the consent agenda items:

- Agenda
- October 21, 2021-Quarterly Meeting Minutes
- October 21, 2021-Executive Session Minutes
- November 29, 2021-Special Meeting Minutes
- December 15, 2021-Special Meeting Minutes
- December 15, 2021-Executive Session Minutes

A motion was made by Kit Caldon to approve the consent agenda as presented. The motion was seconded by George Whitten and unanimously approved.

**Executive Session**

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

**Public Comment**

President Schmittle asked for public comment. William Myers asked if Subdistrict No. 5 planned to file an ARP. Chris Ivers reported the Subdistrict did not have a source of water on Saguache Creek.

**Attorney's Report**

President Schmittle asked for the Attorney's report. Pete Ampe reported working with Program Managers to seek sources of remedies for all of the Subdistricts. He reported Subdistrict No. 1 continues to work to revise their Plan of Water Management.

**Program Manager's Report**

President Schmittle asked for the Program Manager's report. Chris Ivers presented the financial report which included the Balance Sheet and Profit and Loss statements. He highlighted the administrative, legal and engineering expenditures as well as the normal payments and deposits. Discussion was held on the Cooley and Sons invoice and the potential breach of contract due to time requirements. Staff was directed to research the issue further and report back to the Board before making a payment.

A motion was made by Corey Hill to approve the financial report. The motion was seconded by George Whitten and unanimously approved.

**Discussion and Possible Action on Wells with Unpaid Fees**

President Schmittel asked for the discussion and possible action on wells with unpaid fees. Chris Ivers provided the amount due for the wells with unpaid fees. He highlighted that there are no rules are in place and explained the motion Subdistrict No. 4 made to clear up the issue.

A motion was made by George Whitten to require all wells with past due unpaid fees be paid in full in order to be included in the Subdistrict No. 5 Annual Replacement Plan. The motion was seconded by Kit Caldon and unanimously approved.

**Discussion on Saguache Creek Replacements**

President Schmittel asked for the discussion on Saguache Creek replacements. Chris Ivers highlighted the Woodard lease and the potential to enter into an agreement like the Subdistrict did last year. President Schmittel suggested making the 30% pumping allocation public by publishing a notice in the newspaper and asking for help with Well Injury Payment agreements. Pete Ampe suggested adding in the updated information regarding the Cattlemen's Association. Discussion was held on how to handle the Well Injury Payments on San Luis Creek from last year and next year.

**New Business**

President Schmittel asked for new business. Chris Ivers read into record an email from Scott and Pearl Alexander requesting the Subdistrict increase their average year use and allocation amount (copy attached). The Alexander's situation was discussed as well as similar situations. Pete Ampe said he would review the Rules and report back to the Board at the next meeting on how to handle the situation. Mr. Ivers explained Dale Barteo was the new representative for Saguache County appointed to the Rio Grande Water Conservation District Board of Directors and likely the new Ex Officio of Subdistrict No. 5. Mr. Ampe provided an update on the judicial review.

**Next Meeting**

A special meeting was scheduled for January 27, 2022.

The annual meeting is scheduled for April 20, 2022.

**Adjournment**

The meeting was adjourned at 6:55 p.m.

  
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President

  
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Vice-President/Secretary/Treasurer