

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
February 10, 2022 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; Dale Gerstberger, Manager; and, Corey Hill, Manager.

Absent: Kit Caldon, Manager.

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

Guests: David Hofmann, William Myers, Joann Ortega, Tony Windham, Chance Baker, Darrell, Ryan Unterrianer, Tim Lovato, and Jared.

Meeting Called to Order

President Schmittel called the meeting to order at 5:05 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 George Whitten to approve the agenda as presented. The motion was seconded by Corey Hill and unanimously approved.

Public Comment

President Schmittel asked for public comment. There were none.

Discussion on Groundwater Withdrawal Allocation

President Schmittel asked for the discussion on Groundwater Withdrawal Allocation. Chris Ivers reminded the Board of the correspondence received from Scott Alexander who asked for an alternate way to calculate his average to allow him to have a higher allocation. Mr. Ivers reported on several wells that were inactive for the ten (10) year period then in the last 2-3 years began using the wells which gave them a low allocation based on the ten (10) year period. He also explained some wells are associated with surface water rights; on a dry year they could be quite significant and on a wet year the groundwater withdrawals would go down to almost zero therefore, their allocations are significantly lower than what they historically use when they used their well. Mr. Ivers provided an example, Pete Ampe stated the Rules may need to be amended. Corey Hill reported several people have asked him about the same situation. Clinton Phillips provided an example of a way to come up with the standard well use, discussion was held on how to treat the inactive wells and the wells that are just coming online. Deb Sarason explained what Subdistrict No. 7 did for allocation legal irrigated acreage. President Schmittel asked Mr. Ampe to develop a few strategies and bring them back to the Board to consider.

Executive Session

President Schmittel 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 Corey Hill 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.

Possible Action from Executive Session

President Schmittel asked for possible action from executive session. A motion was made by George Whitten to pay the Cooley's contract in a timely manner and move forward. The motion was seconded and unanimously approved.

Pete Ampe highlighted a rumor to not be true regarding the DWR not allowing wells to operate in 2022 as long as the Subdistrict has an approved Annual Replacement Plan.


Next Meeting

A special meeting was scheduled for February 17, 2022.

The annual meeting is scheduled for April 20, 2022.

Adjournment

The meeting was adjourned at 5:50 p.m.



President



Vice-President/Secretary/Treasurer