

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
February 24, 2021 at 1:00 p.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, Steve Keller, John Gerstle, William Myers, Deb Sarason, Dave Hofmann, Cody Redden, Mike Kruse, Chance Baker, Justin Truhar, Warren Collins.

Meeting Called to Order

President Schmittel called the meeting to order at 1:08 p.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 Corey Hill and unanimously approved.

Review and Possible Consideration of Memorandum of Understanding

President Schmittel asked for review and possible consideration of memorandum of understanding. Chris Ivers explained the terms of the memorandum and that the Subdistrict would pay their own Well Injury Payment agreements.

A motion was made by Kit Caldon to accept the Memorandum of Understanding as presented. The motion was seconded by Corey Hill and unanimously approved.

Discussion on Paying a Pro-Rata Share of the Subdistrict Fees Billed to the Russell Lakes State Wildlife Area Wells

President Schmittel asked for discussion on paying a pro-rata share of Subdistrict fees billed to the Russell Lakes State Wildlife Area wells. Chris Ivers presented the groundwater withdrawal fees, the administrative fees, and the pro rata share amount per Subdistrict. Mr. Ivers explained the purpose of the agreement. Discussion was held on the amount of groundwater withdrawals made per year. Mr. Ivers reported how a shut down of the wells at Russell Lakes would impact the Closed Basin Project. He also reported the other Subdistrict's agreed to pay their share of the Subdistrict fees on a one-year trial bases. Discussion was held on the Closed Basin Project making this Subdistrict's depletions to the Rio Grande River and how the Subdistrict would benefit. Mr. Ivers provided the number of depletions the Subdistrict would owe to the Rio Grande if they did not have the Closed Basin Project water. Peggy Godfrey commented on how the Closed Basin Project affects Subdistrict No. 4. Mr. Ivers reported the agreement is dependent on all Subdistricts agreeing to the pro-rata share of the Subdistrict fees.

A motion was made by George Whitten to table the pro-rata share of the Subdistrict fees billed to the Russell Lakes State Wildlife Area Wells. The motion was seconded by Dale Gerstberger and unanimously approved.

Review and Consider Participation Contracts

President Schmittel asked for review and consider participation contracts. Chris Ivers reported the office lost its server today and had no access to files, therefore will ask for review and consider participation contracts at the next meeting.

Update on CWCB Loan and Pipeline Construction

President Schmittel asked for update on CWCB loan and pipeline construction. Chris Ivers reported following through with the loan application process and provided an update on a tour of the pipeline site with a representative from CWCB. Mr. Ivers highlighted the final recommendations and loan conditions as well as a few of the closing requirements. Pete Ampe provided his opinion regarding the 1041 regulations and Clinton Phillips provided an update on easements.

Discussion Regarding Subcommittee Work Session

President Schmittel asked for discussion regarding subcommittee work session. Chris Ivers provided some information on an email George Whitten sent out. Mr. Whitten explained his idea of utilizing the information they do have around tying snowpack to groundwater withdrawals. Discussion was held on how and what the Subdistrict could do to gain interest and get surface water users to talk to the Subdistrict about Well Injury Payment Agreements.

Discussion Regarding 2020 Partial Year Annual Replacement Plan

President Schmittel asked for discussion regarding 2020 partial year annual replacement plan. Chris Ivers provided an update on a meeting he attended with Division of Water Resources staff. He provided the partial year Annual Replacement Plan deadline; discussion was held on requesting a variance and if they have any other options besides Well Injury Payment agreements and building a pipeline. Steve Leverenz and Daryl Dinkla expressed interest in leasing or selling some of their water to the Subdistrict.

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.

Direction for Staff

Chris Ivers reported he has received direction.

New Business

President Schmittel asked for new business. Chris Ivers was asked to explain the bills and what the fees are based on.

Next Meeting


A special meeting was scheduled for March 1, 2021 at 1:00 p.m. The annual meeting is scheduled for April 21, 2021.

Adjournment

The meeting was adjourned at 3:04 p.m.



President



Vice-President/Secretary/Treasurer