

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
January 20, 2021 at 1:00 p.m.
By Zoom/Teleconference**

Present: David Schmittel, President; George Whitten, Vice-President/Secretary/Treasurer; Dale Gerstberger, Manager; Corey Hill, Manager; Kit Caldon, Manager; and, Peggy Godfrey, Ex-Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Cleave Simpson, General Manager; 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: Deb Sarason, Dave Hofmann, Cody Redden, Tyrell Mares, John Gerstle, Chance Baker, Mike Dill, Ryan Unterreiner.

Meeting Called to Order

President Schmittel called the meeting to order at 1:08 p.m. A quorum was present.

Approval of the Consent Agenda

President Schmittel asked for additions or a motion to approve the consent agenda which included the following minutes:

- Agenda
- October 19, 2020-Quarterly Meeting
- October 19, 2020-Executive Session
- November 4, 2020-Special Meeting
- November 4, 2020-Executive Session
- November 30, 2020-Special Meeting
- December 8, 2020-Special Meeting
- December 8, 2020-Executive Session
- December 15, 2020-Special Meeting
- December 15, 2020-Executive Session
- January 8, 2021-Special Meeting
- January 8, 2021-Executive Session

The consent agenda was amended to add a discussion with CPW. 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. There were none.

Attorney Report

President Schmittel asked for the attorney report. Pete Ampe reported working with Chris Ivers and Clinton Phillips on remedy sources. Mr. Ampe provided an update on the Subdistrict No. 1 budget litigation.

Program Manager's Report

President Schmittel asked for the Program Manager's report. Chris Ivers presented the Subdistrict No. 5 financial report.

A motion was made by George Whitten to approve the financial report as presented. The motion was seconded by Dale Gerstberger and unanimously approved.

Mr. Ivers updated the Board on the status of contracts and Russel Lakes.

Review and Consider Participation Contract

President Schmittel asked for review and consider participation contract. Chris Ivers presented the Scot Alexander proposed participation contract as well as the reason he wanted to contract into the Subdistrict.

A motion was made by Dale Gerstberger to accept the Scot Alexander participation contract and waive the contract fee. The motion was seconded by Kit Caldon and unanimously approved.

Mr. Ivers presented the Michael and Ronda Hollenbeck and Terri Kellings proposed participation contracts as well as why they are requesting to contract into the Subdistrict.

A motion was made by Dale Gerstberger to accept the Hollenbeck and Kellings participation contracts and require them to pay all necessary fees. The motion was seconded by Kit Caldon and unanimously approved.

Discussion on Preliminary 2021 Injurious Stream Depletions

President Schmittel asked for discussion on preliminary 2021 injurious stream depletions. Chris Ivers presented the Saguache response area monthly net stream depletions for 2020 plan year and highlighted the amounts owed to the creeks. Discussion was held on possibly using the Closed Basin Project to make replacements, Well Injury Payment agreement fee and when the Subdistrict would begin paying depletions.

Discussion with Parks and Wildlife

President Schmittel asked for discussion with Parks and Wildlife. Chris Ivers reported working on contracting the Russell Lakes into the Subdistrict. Ryan Unterrainer provided information on the wells, property and the purpose of the wells. Mr. Unterrainer highlighted the history of the Russell Lakes, the complicated factors and the reluctance from the Bureau of Reclamation. Discussion was held on the number of wells, how they are modeled, how the water is identified, and whether the wells are exempt or non-exempt.

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 Kit Caldon to enter into executive session. The motion was seconded by George Whitten 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.

Action on Executive Session Discussion

President Schmittel asked for action on executive session. Pete Ampe reported staff has received instructions and no formal decisions have been made at this point.

New Business

President Schmittel asked for new business. Deb Sarason reported on a letter sent out by the Division of Water Resources. President Schmittel requested staff to follow up on a letter from CCALT regarding conservation easements in connection with WIP contracts.

Next Meeting

President Schmittel asked for the next meeting. A special meeting was scheduled for February 4, 2021 at 9:00 a.m. The next quarterly meeting is scheduled for April 21, 2021 at 1:00 p.m.

Adjournment

The meeting was adjourned at 2:52 p.m.



President



Vice-President/Secretary/Treasurer