

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
July 18, 2025 at 3:00 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 Kit Caldon, Manager.

Absent : Corey Hill, Manager; Doug Gunnels, Ex Officio Member.

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

Guests: David Hofmann, Jessica Valdez, Ryan Unterreiner, Ryan Smith, Rebie Hazard.

Meeting Called to Order

President Schmittel called the meeting to order at 3:04 p.m. A quorum was present for the meeting. The Pledge of Allegiance was recited.

Approval of the Agenda

President Schmittel asked for 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 Dale Gerstberger and unanimously approved.

Approval of the Consent Agenda

President Schmittel asked for changes, additions or a motion to approve the consent agenda items:

- April 9, 2025-Quarterly Meeting Minutes
- June 5, 2025-Special Meeting Minutes
- June 5, 2025-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.

Public Comment

President Schmittel asked for public comment. There was none.

Presentation on Airborne Electromagnetic Survey and Request for Support-Ryan Smith

President Schmittel asked for the presentation on Airborne Electromagnetic Survey and request for support. Ryan Smith introduced himself and provided an overview of what he is proposing to do. He explained what AEM is and how it could be beneficial to the San Luis Valley. Mr. Smith described the plan to fund the study through CWCB Water Plan Grant which requires 25% match. Discussion was held on how the data could be used in the next Model run. Mr. Smith asked the Board to consider contributing within the next couple of months. He explained the incentives to the Subdistrict if they contribute to the survey.

Attorney's Report

President Schmittel asked for the attorney's report. Pete Ampe updated the Board on the Subdistrict No. 1 Plan of Water Management No. 4 litigation scheduled to take place in January 2026 and the SWAG trial set to begin in June 2026. Mr. Ampe reported on the protest filed by a group in the Conejos area on the State Engineers approval of Phase 7 RGDSS Model. He reported on the approval of Phase 7 Response Functions based on the new Model. Mr. Ampe went over the plan to change the North Star property water rights purchased by the Subdistricts as well as the Malone Sullivan water right.

Engineers Report

President Schmittel asked for the Engineers report. Clinton Phillips presented the map of the San Luis Valley unconfined aquifer storage study. He reported the wells are measured and updated monthly. Mr. Phillips gave the change for June 2025, the change between June 2024 and 2025, the

current aquifer level, the current five (5) year average level and the acre feet needed to get to the -400,000 level. Pete Ampe explained how the Subdistrict No. 1 Plan of Water Management No. 4 would operate. Mr. Phillips presented a snapshot of the aquifer level during the study period on a monthly basis. He also showed a graph of the entire study period, the five (5) year average groundwater withdrawals in the confined aquifer response areas in Division three (3) and a graph of the composite water head change. Mr. Phillips reported the Saguache area showed the highest positive change.

Program Manager's Report

President Schmittel asked for the Program Manager's report

- *Review and Consider Financial Report*

Chris Ivers presented the costs covered by the District for and since formation as well as the remaining balance due to the District. He presented the Balance Sheet and the Profit and Loss Statement. Mr. Ivers went over the assets, the balance in the checking accounts, liabilities, expenses and property management expenses.

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

- *Saguache Creek Augmentation Update*

Chris Ivers highlighted discussions with the State Land Board regarding the potential to drill an augmentation well on one of their properties. He described the option for a 30 year term access lease with the option to renew. Mr. Ivers explained how the augmentation well would be useful to the Subdistrict not just in high years. The Board was in favor of the option, Mr. Ivers reported he would work with the State Land Board to draft a contract. Discussion was held on the number of augmentation wells needed.

Review and Consider Inclusion Agreement

President Schmittel asked for review and consideration Inclusion Agreement. Chris Ivers reported on a prior approach made by Steven Carlson to ask the Board to consider possibly including his well in Subdistrict No. 5. He went over the fees that would have been assessed if it had been included in the Subdistrict originally. Mr. Ivers reported the contract fee had been paid and asked the Board if they would like to consider including his small capacity well.

A motion was made by Kit Caldon to approve the Inclusion Agreement with all back fees in the amount of \$2,207.61. The motion was seconded by Dale Gerstberger and unanimously approved.

Review and Consider Memorandum Between Subdistrict Owing Depletions to Saguache Creek

President Schmittel asked for review and consideration Memorandum between Subdistricts owing depletions to Saguache Creek. Chris Ivers presented the redlined version of the Memorandum. He explained how he came up with a way to remedy and split costs already incurred by Subdistrict No. 5 between Subdistrict No.'s 1 and 4. Staff was directed to proceed.

Review and Discuss Preliminary 2026 Budget

President Schmittel asked for review and discussion of the preliminary 2026 budget. Chris Ivers presented the preliminary draft Subdistrict No. 5 budget. He reported on the amount of groundwater and admin fee collected and the amount carried over from 2024. Mr. Ivers went over the anticipated remedy portfolio expenses, water rights and property leases. He provided the amount received from the first CWCB loan and reported on the projection to spend all of the 2025 budget. Mr. Ivers highlighted the first payment toward the CWCB loan and the added operational reserve fund. Discussion was held on the potential number of additional augmentation wells needed and whether or not to support the AEM Survey. Mr. Ivers presented the projected fees. He reported maintaining the fees at what they have been for the last two (2) years. Mr. Ivers explained why the fish well fees have changed.

A motion was made by Kit Caldon to approve the preliminary 2026 annual budget and present it to the District. The motion was seconded by Dale Gerstberger and unanimously approved.

Direction for Staff

President Schmittel asked for direction for staff. There was none.

New Business

President Schmittel asked for new business. There was none.

Next Meeting

The next quarterly meeting is October 15, 2025 at 5:00 p.m.

Adjournment

The meeting was adjourned at 5:21 p.m.



President



Vice-President/Secretary/Treasurer