

**QUARTERLY MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
October 21, 2021 at 5:00 p.m.  
305 3<sup>rd</sup> Street, Saguache, CO 81149  
And by Zoom/Teleconference**

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

**Absent:** Bill McClure, Ex-Officio Member.

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

**Guests:** Deb Sarason, David Hofmann, JoAnn Ortega, John Gerstle, Joe Smesny, Andrea Smesny, Everette Davey, CJ Weis, Peggy Godfrey, Thad Englert, Donny Whitten, Allen Davey, Marilyn Davey, William Myers, Cody Loewen, Chris Shaffer, and Anthony Lobato.

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:03 p.m. A quorum was present.

**Approval of the Consent Agenda**

President Schmittel asked for approval of the consent agenda items:

- Agenda
- June 25, 2021-Special Meeting Minutes
- June 25, 2021-Executive Session Minutes
- June 30, 2021-Special Meeting Minutes
- June 30, 2021-Executive Session Minutes
- July 21, 2021-Quarterly Meeting Minutes
- July 21, 2021-Executive Session Minutes
- August 11, 2021-Special Meeting Minutes
- August 11, 2021-Executive Session Minutes
- August 23, 2021-Special Meeting Minutes
- September 29, 2021-Special Meeting Minutes
- September 29, 2021-Executive Session Minutes

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

**Public Comment**

President Schmittel asked for public comment. Thad Englert commented on the monitoring and measuring of the aquifer in connection with the groundwater withdrawal allocations.

**Attorney's Report**

President Schmittel asked for the Attorney's report. Pete Ampe reported on a real estate purchase made by Subdistrict No. 3 and highlighted a study focused on ATMs that Subdistricts No. 2 and 6 are participating in. Mr. Ampe reported Subdistrict No. 1 continues to discuss changes to their Plan of Water Management and has been busy working with staff on various contracts.

**Program Manager's Report**

President Schmittel asked for the Program Manager's report. Chris Ivers presented the financial report. He highlighted the total professional fees, misc., payroll, amount paid to the District this year and the total remaining balance due to the District. Mr. Ivers presented the Balance Sheet, highlighted the total year to date collected in contract fees, total expenses and reported the leases with the Subdistrict are for a period of one year.

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

Discussion was held on the complaints and issues submitted to the Subdistrict by Duane Davey who feels his fees have been calculated incorrectly.

Chris Ivers provided the Board with an update on the augmentation well being drilled and the steps following the completion of the drilling. He also provided an update on the 1041 permitting process.

Clinton Phillips gave an update on the confined aquifer in the Saguache area. He highlighted the areas of improvement and explained why some of the wells did not have a reading.

**Discussion on Delinquent 2020 Service and User Fees**

President Schmittle asked for the discussion on delinquent 2020 service and user fees. Chris Ivers reported sending a letter out to those with unpaid fees with a reminder of potentially being removed from the Subdistrict with the continued failure to pay. He provided the total amount of unpaid fees and asked the Board if they wanted to take further action.

**Review and Consider Rules Governing Groundwater Withdrawal Allocations for Subdistrict Wells**

President Schmittle asked for the review and consider Rules Governing Groundwater Withdrawal Allocations for Subdistrict Wells. Chris Ivers presented a spreadsheet with allocation examples. Kit Caldon suggested waiting to set an allocation to see what the pumping was this year with the cut back that was in place. Mr. Ivers reported the Board of Directors approved the Rules, Pete Ampe reminded the Board a decision would need to be made by January 1<sup>st</sup>. Discussion was held on possibly tying an allocation amount to precipitation, the snow pack percentage, and not reducing at all due to failing to receive Well Injury Payment Agreements.

**Discussion on Saguache Creek Remedies**

President Schmittle asked for the discussion on Saguache Creek remedies. Discussion was held on individuals leasing their water to the Subdistrict or to other individuals. Dale Gerstberger asked staff to develop a standard form. Mr. Ivers asked for any other ideas to remedy Saguache Creek.

**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 Dale Gerstberger 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 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 Schmittle asked for possible action from executive session.

**Next Meeting**

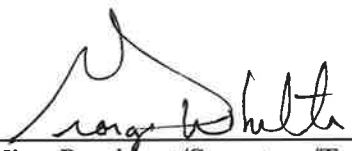
The next quarterly meeting is scheduled for January 19, 2022.

**Adjournment**

The meeting was adjourned at 6:20 p.m.

  
\_\_\_\_\_

President

  
\_\_\_\_\_

Vice-President/Secretary/Treasurer