

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
October 15, 2025 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; Corey Hill, Manager; and Kit Caldon, Manager.

Absent : Dale Gerstberger, Manager; Doug Gunnels, Ex Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Wylie Keller, Water Resource Specialist; and April Mondragon, Administrative Assistant.

Guests: Tim Lovato, Deb Sarason, Kim Cooley, Joshua Gonzales.

Meeting Called to Order

President Schmittel called the meeting to order at 4:59 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 George Whitten to approve the agenda as presented. The motion was seconded by Kit Caldon and unanimously approved.

Approval of the Consent Agenda

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

- July 18, 2025-Quarterly Meeting 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. Tim Lovato reported having questions and ask to address them at the end of the meeting.

Attorney's Report

President Schmittel asked for the attorney's report. Pete Ampe updated the Board on the settlement agreement in the Texas vs New Mexico and Colorado Rio Grande Compact case. He highlighted the year the compact was adopted and went over some of the history. Mr. Ampe gave an update on matters his office had been working on including change cases. He reported on a challenge to Phase 7 of the Model by a group on Diamond Springs in Conejos County. He highlighted response functions would be in effect for the 2026 ARP year. Mr. Ampe reported on the increased depletions to Saguache Creek and how Subdistrict No. 1 would owe to Saguache Creek. He provided the trial start date for the Subdistrict No. 1 Plan of Water Management No. 4 and for the SWAG case.

Engineers Report

President Schmittel asked for the Engineers report. Chris Ivers presented the Subdistrict No. 5 Saguache monitoring well map as well as the individual charts for each well. He went over the change compared to the 2015 baseline and 2024. Discussion was held on the Meadow Ranch wells in the Subdistrict No. 1 response area and the effect they may have on Subdistrict No. 5.

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 formation and the remaining balance owed to the District. Mr. Ivers presented the Balance Sheet and the Profit and Loss Statement. He went over the balance in the checking account, accounts receivables, total assets, liabilities, equity, and 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.

Review and Consider Participation Contract

President Schmittel asked for review and consideration of a Participation Contract. Chris Ivers presented the proposed Participation Contract and a letter submitted by Joshua Gonzales. He provided the WDID, the gallons per minute and how the well is used. Mr. Ivers went over the pumping history and the Subdistricts standard procedures in these situations. He provided the total fees if the well had been included in the Subdistrict since formation and highlighted Mr. Gonzales’s request to waive fees. Discussion was held on how/why the well had been operating without paying fees. Mr. Gonzales reported on his goal to use the well for agricultural purposes and a minuscule amount of water for an Airbnb. Deb Sarason explained the requirements in order for Mr. Gonzales to use the well for commercial use.

A motion was made by George Whitten to table the consideration of the Joshua Gonzales Participation Contract until additional information is provided and it is known how the well would be used. The motion was seconded by Kit Caldon and unanimously approved.

Review MOU Between Subdistricts with Stream Depletions Accruing to Saguache Creek

President Schmittel asked for review MOU between Subdistricts with stream depletions accruing to Saguache Creek. Chris Ivers presented the MOU, he highlighted the edits and an added paragraph.

A motion was made by George Whitten to approve the MOU pending minor corrections by staff. The motion was seconded by Kit Caldon and unanimously approved.

Update and Discussion on Future Stream Remedies

President Schmittel asked for update and discussion on future stream remedies. Chris Ivers provided an update on the augmentation wells, pump test on the Hazard property and a discussion with the owner of North Star Farms. Discussion was held on preparing for Phase 7 of the RGDSS Model to be in effect, the bid documents being worked on by Davis Engineering and project with the State Land Board.

Executive Session to Receive Legal Advice Concerning the Potential Purchase of Real Property and to Receive Legal Advice Concerning Potential Litigation

President Schmittel asked for a motion to enter into executive session to receive legal advice concerning the potential purchase of real property and to receive legal advice concerning potential litigation. A motion was made by Kit Caldon at 6:00 p.m. 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 receive legal advice concerning the potential purchase of real property and to receive legal advice concerning potential litigation. 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. There was none.

Direction for Staff

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

New Business

President Schmittel asked for new business. Tim Lovato questioned the readings on the SAG monitoring wells. He commented on the inflow, injury being caused by wells and suggested an in depth study be done on the monitoring wells.

Next Meeting


A special meeting was scheduled for November 25, 2025 at 5:00 p.m.

The next quarterly meeting is January 21, 2026 at 5:00 p.m.

Adjournment

The meeting was adjourned at 6:25 p.m.

President



Vice-President/Secretary/Treasurer