

**SPECIAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
April 19, 2021 at 5:00 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; Amber Pacheco, Program Manager; Rose Vanderpool, Program Assistant; Allen Davey and Clinton Phillips, Davis Engineering; Michael Carson, Database Administrator; and, April Mondragon, Administrative Assistant.

**Guests:** Deb Sarason, David Hofmann, Tyrell Mares, Mike Kruse, Tim Lovato, Calvin Coleman, and Ryan Fox.

**Meeting Called to Order**

President Schmittel called the meeting to order at 5:09 p.m. A quorum was present.

**Approval of the Agenda**

President Schmittel asked for approval of the agenda. A motion was made by Dale Gerstberger to approve the agenda as presented. The motion was seconded by Kit Caldon and unanimously approved.

**Public Comment**

President Schmittel asked for public comment. There were none.

**Executive Session**

President Schmittel 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 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 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 Schmittel asked for possible action from executive session. There were none.

**Discussion on Saguache Creek Remedies**

President Schmittel asked for discussion on Saguache Creek remedies. Pete Ampe reported receiving the engineering on the Woodard property and that he would file an SWSP. Discussion was held on forming a committee and holding a special meeting in Saguache.

**Approval of the 2021 Annual Replacement Plan**

President Schmittel asked for approval of the 2021 Annual Replacement Plan.

• ***Board Discussion***

Chris Ivers presented the Annual Replacement Plan and reported the chance of it being approved without the final contracts was not good. Pete Ampe highlighted the State could approve the Plan once water supplies are secured. Discussion was held on the potential Tarbell lease and those involved. Calvin Coleman was available on the phone and spoke in reference to the Tarbell lease, he reported he would not be signing the lease. Mr. Ivers presented the secured Well Injury Payment agreements on San Luis and Kerber Creeks. He highlighted an agreement with the Town of Saguache, a potential lease with North Star and that the depletions to the Rio Grande would be replacement-replaced sources-through an allocation from the Closed Basin Project.

• ***Public Comment***

Mike Kruse suggested providing the owners of the Tarbell water their own legal counsel in order to help them better understand the contract that was provided to them by the Subdistrict. Discussion was held on how the Subdistrict could legally enforce a pumping cutback.

- ***Recommendation to Board of Directors***

A motion was made by Dale Gerstberger to approve the Subdistrict No. 5 2021 Annual Replacement Plan. The motion was seconded by Kit Caldon and unanimously approved.

**Other Director Reports/Comments/Questions**

President Schmittel asked for other Director Reports/Comments/Questions. There were none.

**New Business**

President Schmittel asked for new business. There were none.

**Next Meeting**

The annual meeting is scheduled for April 21, 2021.

**Adjournment**

The meeting was adjourned at 6 :12 p.m.



\_\_\_\_\_  
President



\_\_\_\_\_  
Vice-President/Secretary/Treasurer