

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

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

**Absent:** Dale Gerstberger, Manager; Corey Hill, Manager.

**Staff and Consultants:** Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Allen Davey and Clinton Phillips, Davis Engineering; Michael Carson, Data Base Administrator; and, April Mondragon, Administrative Assistant.

**Guests:** Steve Keller, John Gerstle, Deb Sarason, Dave Hofmann, Cody Redden, Patrick Shea, Tim Lovato, Joe Smenty.

**Meeting Called to Order**

President Schmittel called the meeting to order at 1:06 p.m. A quorum was present.

**Approval of the Agenda**

President Schmittel asked for 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.

**Discussion and Possible Action on Paying a Pro-Rata Share of the Subdistrict Fees Billed to the Russell Lakes State Wildlife Area Wells**

President Schmittel asked for discussion and possible action on paying a pro-rata share of the Subdistrict fees billed to the Russell Lakes State Wildlife Area wells. Chris Ivers presented a chart of the shared fees and explained why Subdistrict No. 5's share is lower than the other Subdistricts. Peggy Godfrey made comments on the Closed Basin Project and well to well augmentation.

A motion was made by George Whitten to approve the concept of the fee structure of the pro-rata share of the Subdistrict fees billed to Russell Lakes State Wildlife Area wells. The motion was seconded by Kit Caldon and unanimously approved.

**Review and Consider Participation Contracts**

President Schmittel asked for review and consider participation contracts. Chris Ivers provided the location, the gallons per minute, and the rate they would charge for the wells included in the following proposed participation contracts:

- Rylan Good
- Hill Family
- Saguache Hay Ranch
- Dennis L. Porter Trust
- Adam Ranch
- Silver Maple
- Susan Canterbury Living Trust

A motion was made by Kit Caldon to approve all seven (7) of the participation contracts and eleven (11) wells as presented. The motion was seconded by George Whitten and unanimously approved.

Pete Ampe announced for the record Corey Hill was not present therefore did not vote on his own contract.

Chris Ivers asked to discuss the Russell Lakes and Colorado State Land Board contracts. He reported including these government contracts in the ARP but he could remove if the Board chose not to approve. A motion was made by Kit Caldon to approve the Russell Lakes and Colorado State Land Board contracts. The motion was seconded by George Whitten and unanimously approved.

**Groundwater Withdraw Reduction Ideas Discussion**

President Schmittel asked for discussion on groundwater withdraw reduction ideas. George Whitten updated the Board on a discussion he had with Ryan Fox regarding leasing his water. Discussion was held on the price Renewable Water Resources is offering for water. Chris Ivers reported how leasing the Fox water alone would not be enough to take care of the Subdistrict's needs this year, he provided the amount of water needed in April. Mr. Whitten highlighted the potential to see a drastic reduction in

pumping due to fees being charged. He suggesting meeting with the water users to discuss pumping reduction tied to snow pack and Well Injury Payment agreements. Discussion was held on what dollar amount to offer Well Injury Payment agreements and if there were any other choice besides a pipeline. Dale Gerstberger reported on a conservation easement he signed with the Cattlemen's association. Discussion was held on how to make Well Injury Payment agreements work with the Cattlemen's Association and the possibility of not being able to pump the wells at the beginning of the irrigation season. Kit Caldon explained the impact no pumping would have on a farm, George Whitten described his farming operation. Mr. Ivers reported on a discussion held at the subcommittee meeting regarding a possible 30% pumping cutback in exchange for Well Injury Payment agreements.

**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 Dale Gerstberger 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.

**Possible Action from Executive Session**

Chris Ivers requested to go back to item four (4) on the agenda to consider approval of one additional contract. He provided the details of the proposed Town of Saguache contract. Pete Ampe highlighted the contract would provide the Subdistrict with some wet water.

A motion was made by George Whitten to approve the Town of Saguache contract. The motion was seconded by Kit Caldon and unanimously approved.

**Possible Action on 2020 Partial Year Annual Replacement Plan**

President Schmittel asked for possible action on 2020 partial year Annual Replacement Plan. Chris Ivers presented the 2020 partial year Annual Replacement Plan. He provided the number of wells and the total amount of withdrawals. Mr. Ivers highlighted the streamflow, a breakdown of the 2020 pumping, the history of depletions and the post plan stream depletions. He reported the Subdistrict has a significant amount of Well Injury Payment agreements on the San Luis Creek.

A motion was made by Kit Caldon to approve the 2020 partial year Annual Replacement Plan. The motion was seconded by Dale Gerstberger and unanimously approved.

**Direction for Staff**

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

**New Business**

President Schmittel asked for new business. There were none.

**Next Meeting**

A special meeting was scheduled for March 9, 2021 at 1:00 p.m. The annual meeting is scheduled for April 21, 2021.

**Adjournment**

The meeting was adjourned at 4:00 p.m.

  
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President

  
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Vice-President/Secretary/Treasurer