

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
November 18, 2024 at 5:00 p.m.
8805 Independence Way, Alamosa CO 81101
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; and Doug Gunnels, Ex Officio Member.

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

Guests: William Myers, David Hofmann.

Meeting Called to Order

President Schmittel called the meeting to order at 5:00 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 George Whitten and unanimously approved.

Public Comment

President Schmittel asked for public comment. There was none.

Update and Discussion on Phase 7 of the RGDSS Groundwater Model

President Schmittel asked for update and discussion on Phase 7 of the RGDSS Groundwater Model. Wylie Keller explained the updates being made on phase 7 of the RGDSS Groundwater Model and how it effects the depletions. He reported on the higher ten (10) year average and presented a depletion comparison graph. Chris Ivers explained how, according to the new figures in the model, Subdistrict No's 5, 1 and 4 would owe significantly more water to the stream in addition to the remedies already in place. Discussion was held on the complexity of the model and how it is developed. David Hofmann suggested the Board attend a PRT meeting in order to gain a better understanding of the model. Discussion was held on the locations of the augmentation wells and the costs associated to build the replacement systems.

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

President Schmittel asked for executive session to receive legal advice concerning the potential purchase of real property. A motion was made by Kit Caldon at 5:56 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. 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.

A motion was made by Kit Caldon to purchase the land and water of four (4) quarters from North Star Farms for the amount of \$4,000,000.00 and apply for a loan for three (3) augmentation wells in the amount of \$6,093,256.59. The motion was seconded by George Whitten and unanimously approved.

Discussion Regarding 2024 Administrative and Groundwater Withdrawal Fee Assessments

President Schmittel asked for discussion regarding 2024 Administrative and Groundwater Withdrawal Fee Assessments. Chris Ivers updated the Board on the change made to the Remedy

Portfolio Expenses line item of the budget. He also explained the change made to the CWCB Loan disbursement. Mr. Ivers presented the fee calculation sheet, he provided the amount to be charged per acre foot for sprinkler, flood, and the admin cost per active and inactive well. He also highlighted the total to be collected for the groundwater withdrawal fee and the administrative fee. Mr. Ivers asked the Board to consider how to manage the wells purchased by the District through the Senate Bill well retirement program. He provided the amount to be collected should the Board choses to continue assessing fees on the wells. Mr. Ivers reported a policy had not been set by the District on how to approach the Senate Bill wells for this fee cycle. Discussion was held on the wells that were partially retired, the well use for the next three (3) years to establish a cover crop and the amount of water to be allowed for revegetation.

A motion was made by George Whitten to assess fees for three (3) years on the wells purchased by the District through the Senate Bill program. The motion failed to receive a second and died.

Mr. Ivers provided the Board with the options including the options to wave fees or continue to collect fees in which case a change to the budget would be required.

George Whitten rescinded the motion.

A motion was made by George Whitten to not charge fees on the wells that have been retired through the Senate Bill program. The motion was seconded by Kit Caldon and unanimously approved.

Resolution to Approve 2024 Administrative and Groundwater Withdrawal Fee Assessments

President Schmittel asked for Resolution to Approve 2024 Administrative and Groundwater Withdrawal Fee. Mr. Ivers presented the proposed Resolution; he highlighted the amount of money needed to balance the budget for administrative expenses and the amount to fund the replacement of injurious depletions.

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


Next Meeting

A special meeting was scheduled for December 10, 2024 at 5:00 p.m.

The next quarterly meeting is scheduled for January 15, 2025 at 5:00 p.m.

Adjournment

The meeting was adjourned at 7:08 p.m.



President

Vice-President/Secretary/Treasurer

**RESOLUTION TO ASSESS FEES FOR SPECIAL IMPROVEMENT DISTRICT
NO. 5 OF THE RIO GRANDE WATER CONSERVATION DISTRICT**

A RESOLUTION ASSESSING FEES FOR THE BUDGET YEAR 2025 TO (1) FUND THE ADMINISTRATIVE COSTS OF SPECIAL IMPROVEMENT DISTRICT NO. 5 OF THE RIO GRANDE WATER CONSERVATION DISTRICT'S WATER ACTIVITY ENTERPRISE (SUBDISTRICT NO. 5); AND, (2) TO FUND THE COSTS OF REMEDYING INJURIOUS DEPLETIONS AS REQUIRED BY THE PLAN OF WATER MANAGEMENT FOR SUBDISTRICT NO. 5 FOR THE 2025 BUDGET YEAR.

WHEREAS, the amount of money necessary to balance the budget for Subdistrict No. 5 administrative expenses is \$160,648.69; and

WHEREAS, the amount of money necessary to fund the replacement of injurious depletions is \$664,576.78.


NOW THEREFORE, BE IT RESOLVED BY THE Board of Managers of Subdistrict No. 5, Colorado:

Section 1: That for the purpose of meeting all administrative expenses of the Special Improvement District No. 5 during the 2025 budget year there is hereby assessed a fee of \$875.20 per active Subdistrict Well and \$437.60 per inactive Subdistrict Well as defined by the Plan of Water Management for Subdistrict No. 5 for the year 2023.


Section 2: That for the purpose of funding the remedy of injurious depletions of Subdistrict No. 5 there is hereby assessed a fee of \$27.86 per acre-foot under sprinkler application, \$20.14 per acre-foot under flood application and between \$4.36 and \$33.57 per acre-foot for wells under an "other" application based on groundwater withdrawals during the period year 2023 as defined by the Plan of Water Management for Subdistrict No. 5.

Section 3: That the General Manager is hereby authorized and directed to immediately certify to the County Commissioners of Saguache County, Colorado, the assessments above determined and set.

ADOPTED, this 18th day of November, 2024.



President

Attest: 

Secretary/Treasurer