

**ANNUAL MEETING OF THE BOARD OF MANAGERS  
OF SPECIAL IMPROVEMENT DISTRICT #5  
OF THE RIO GRANDE WATER CONSERVATION DISTRICT  
April 23, 2024 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; Clinton Phillips, Davis Engineering; and April Mondragon, Administrative Assistant.

**Guests:** 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 Consent Agenda**

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

- Agenda
- January 17, 2024-Quarterly Meeting
- January 17, 2024-Executive Session Minutes
- March 12, 2024-Special Meeting Minutes
- March 12, 2024-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.

**Election of Officers**

President Schmittel asked for election of officers. Pete Ampe opened up the floor for nominations including self-nominations for President of Subdistrict No. 5 Board of Managers and or nominations to maintain the current slate of officers.

A motion was made by Kit Caldon to maintain the current slate of officers. The motion was seconded by George Whitten and unanimously approved.

**Disclosure of Potential Conflicts of Interest**

President Schmittel asked for disclosure of potential conflicts of interest. Pete Ampe explained the purpose and procedure of the disclosure, then asked the Board to list the water rights they have personal interest in.

David Schmittel: Groundwater

George Whitten: Groundwater, Subdistrict No. 1, Subdistrict No. 5, Saguache Creek, Hartman Brothers, participated in the SB22-028 program, Middlemist.

Kit Caldon: Groundwater, Subdistrict No. 3, Manassa Ditch, Subdistrict No. 6, Commonwealth, Middlemist.

**Public Comment**

President Schmittel asked for public comment. There was none.

**Attorney's Report**

President Schmittel asked for the attorney's report. Pete Ampe reported on the settlement reached by the States in the Texas vs New Mexico/Colorado case. He updated the Board on the Dredge and Fill bill and how it could impact Saguache Creek. George Whitten provided an update on the last Closed Basin Project Operating Committee meeting.

**Engineers Report**

President Schmittel asked for the Engineers report. Clinton Phillips presented the Subdistrict No. 5 monitoring well update. He highlighted the location of the wells being measured and described the

model layers of the wells. Mr. Phillips presented the change compared to the 2015 baseline and 2022. He reported the individual hydrographs were included the in the Board packets. Discussion was held on the lack of monitoring wells in model layer two (2).

**Program Manager's Report**

President Schmittel asked for the Program Manager's report. Chris Ivers presented the financial report. He highlighted the costs and expenses covered by the District for formation and since formation. Mr. Ivers reported on the remaining balance owed to the District, Pete Ampe reminded the Board of the zero interest. Mr. Ivers presented the Balance Sheet, he highlighted the checking account balance, accounts receivable and total assets. Next, he presented the Profit & Loss Statement. Mr. Ivers went over the income, expenses, water lease payment on the North Star lease and the 2023 Well Injury Payments (WIP).

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

**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 at 5:25 p.m. by Kit Caldon to enter into executive session. The motion was seconded by Corey Hill 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. There was none.

**Direction for Staff**

President Schmittel directed staff continue as discussed.

**New Business**


President Schmittel asked for new business. There was none.

**Next Meeting**

The next quarterly meeting is scheduled for July 17, 2024 at 5:00 p.m.

**Adjournment**

The meeting was adjourned at 6:16 p.m.

  
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President

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Vice-President/Secretary/Treasurer