

Minutes of the Third 2021 Quarterly Board Meeting of the
Board of Directors of the
Republican River Water Conservation District
August 17, 2021

The Board of Directors of the Republican River Water Conservation District convened a regular meeting, pursuant to notice required by statute and the District's By-Laws. Because of the coronavirus pandemic the meeting occurred with participants following recommended protocols and with others participating through the Zoom platform.

Present were:

Board Members:

Rod Lenz, President
Greg Larson, Vice President
Gil Anderson, Secretary
Aaron Sprague, Treasurer
Wil Bledsoe
Brooke Campbell
Brent Deterding
Kevin Penny
Jim Hadachek
Kenny Helling
Steve Kramer
Stan Laybourn
Rod Mason
Steven Meakins
Tim Pautler
Roger Seedorf
Wayne Skold

Deb Daniel, RRWCD General Manager
Suzanna Baker, RRWCD Administrative Assistant
David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.
Randy Hendrix, RRWCD Engineer, Hendrix WAI, LLC

STATEMENT OF QUORUM

President Rod Lenz called the meeting to order at 10:01 am, welcomed the public and started the meeting with the Pledge of Allegiance and a prayer. Secretary Gil Anderson conducted a roll call of Board members. Gil Anderson declared a quorum with all present but Stan Laybourn who was excused.

AGENDA AND APPROVAL OF MINUTES

At 10:02 President Lenz asked for any amendments to the agenda for the meeting. There was a motion to approve the agenda with no changes, which was seconded and approved unanimously.

President Lenz asked if there were any changes to the May 18th quarterly meeting minutes. With no changes, there was a motion to approve the minutes, which was seconded and approved unanimously.

President Lenz asked if there were any changes to the May 27th special meeting minutes. With no changes, there was a motion to approve the minutes, which was seconded and approved unanimously.

President Lenz asked if there were any changes to the June 8th special meeting minutes. With no changes, there was a motion to approve the minutes, which was seconded and approved unanimously.

PRESIDENT'S REPORT

At 10:07 AM, President Rod Lenz gave his report:

First, President Lenz appreciates and loves to see the turnout at today's meeting. Last month, Lenz attended a field day called "Prairie Futures". Normally, Lenz would have very little in common with their world view, but Lenz wanted to see what crops and cropping patterns they were exploring and try to determine if any of them may have a future as an alternative crop to our conventional crop rotations.

Lenz visited with a college professor, who is originally from Kansas. Lenz asked him about the mentality of irrigators in southern Kansas. The professor said there are three mentalities:

1. Smaller, innovative farmers, who try changes, but struggle to be viable because of costs in market development and legal challenges.
2. Irrigators who know that changes need to be made but are unwilling or afraid to change what has been working until they are forced.
3. Larger irrigators who acknowledge that we are mining the aquifer are doing it as profitably as possible with the intention to walk away when the water is gone.

President Lenz continued that he believes that the 2nd group of irrigators can be separated into two. Those who try to economize on water with technology and try to adapt, and those who really want to pad their pumping numbers in the event that coming regulations are tied to past pumping. In other words, those who game the system.

Lenz then asked the board where do you and your neighbors fall in these categories?

Next, Lenz thanked Steve Kramer and the Conservation Committee: Wil Bledsoe, Rod Mason, Tim Pautler, Kenny Helling, Aaron Sprague, Jim Hadachek, and Brooke Campbell for their dedicated work over the last months in order to bring us a recommendation to deal with the SFFZ. Also, a huge thank you to Deb and Suzanna and their efforts to coordinate and bring all of the boards ideas together. Lenz stated that everyone is giving up something that they wanted in this resolution in order to come up with an acceptable resolution for everyone.

The success of retiring 25,000 acres will largely depend on our support or lack of support. If, as RRWCD board members, we support a final resolution, it will go a long way toward that success. If, as RRWCD board members, we attack and degrade whatever comes out of today's meeting, success will be much more difficult. To our Ground Water Management District members in attendance today, your support will be much appreciated in the final outcome.

GENERAL MANAGER'S REPORT

At 10:15 AM, General Manager Deb Daniel began her report. The Conservation Committee has been busy having meetings and lots of discussions on their recommendations to increase the conservation program payment rates paid by the RRWCD which will be presented this afternoon. Since the May Board meeting, Rod Lenz, Steve Kramer, and Daniel met once or twice with 7 of the 8 GWMDs to discuss the Committee recommendations and to gather input from the ground water management districts.

Daniel and Suzanna Baker worked with Justin Dodsworth, from Premier Accounting, in creating a financial report that Justin presented to the Conservation Committee during their virtual meeting last week. CAPA participated in one of the Conservation Committee meetings to share their ideas for how to encourage retirement of acres in the SFFZ. The committee has taken into consideration suggestions from Board members and from the public. Suffice it to say that a TON of work has gone into the recommendations from the Conservation Committee, and Daniel looks forward to the Board voting on the Resolutions so that she can discuss the approved payment rates with anyone applying for a conservation program contract.

Daniel was asked to assist with the Water Education Colorado newest edition of the Citizen's Guide on Colorado's Interstate Water Compacts edition. Daniel was also interviewed for an article in the Headwaters Magazine on water storage. Jayla Poppleton and Caitlin Coleman asked Daniel to please let them include Bonny Reservoir in their Headwaters magazine even though Bonny Reservoir is dry. They recognize that it is still a functioning flood control flow-through structure and they wanted to feature the work of the South Fork Republican Restoration Coalition in the article for the Headwaters magazine. Daniel feels we should take advantage of every chance we get ~ to tell how we are doing everything possible to enhance our efforts to stay in compact compliance and to assist the State of Colorado.

Thanks to Devin Ridnour and Chris Kucera, our local surface and groundwater commissioners in the Republican River Basin, Lonny McArthur, NE Pioneer Ditch Rider and Elaine Crider, for working together in cleaning out the channel of the North Fork Republican from the Pioneer diversion east to the town of Laird.

Mark Lengel is planning to mow the cattails on the South Fork Republican River, at the Highway 385 bridge, on his property to clean up this area again this summer. Last year, Mark Lengel worked with the RRWCD in grinding phreatophytes and mowing the cattails on his property in this area. Being able to show the "before and after" photos has been helpful to include in the grant applications submitted by the SFRRRC.

Daniel was asked by Russ Sands, Senior Program Manager and Water Supply Planning Manager for the Colorado Water Conservation Board, to serve on the Water Equity Task Force from the SPBRT. The establishment of the Water Equity Task Force is to better understand existing equity, diversity and inclusivity challenges in Colorado water issues and inform the Colorado Water Plan. This Task Force was created to ensure future efforts in planning for Colorado's water future are increasingly inclusive through the Colorado Water Plan. Currently, Russ has scheduled an all-day workshop for the Task Force on September 30th.

Daniel has been working with Alex Funk, from CWCB, in applying for a grant from CWCB to assist with the cost of retiring acres in the SFFZ. David Robbins and Daniel plan to participate in the September CWCB meeting and if the application receives approval to be presented to the CWCB Board in November, we will plan to participate in that meeting as well.

Daniel has been asked to participate in the Lessons Learned from Compact Administration Stories panel at Colorado Water Congress on Tuesday, August 24th. Daniel is working with Doug Kemper from CWC and the other panelists in preparing for this session, which will be in one week.

Landon Gates, lobbyist, and co-owner of Capitol Focus has asked the Interim Water Resources Committee if they could tour the RRWCD later this summer/early fall. Daniel may not receive a response from the Committee until after they have met to decide on who will be their chairman and to set a schedule for their meetings. Right now, we are planning 5-6 public meetings to inform well owners of the outcome of the decisions made by the Board today. We are planning to have the meetings in: Haxtun, Holyoke, Wray, Yuma, Burlington and possibly in Stratton or Seibert. We are hoping that by having large public meetings in several

locations in the Basin that well owners will be able to attend a meeting which will fit into their schedules. Greg Peterson, from Colorado Agriculture Water Alliance, has offered to work with us in organizing and co-sponsoring a portion of these meetings.

We are working with applicants to the 2021 EQIP and CREP contracts. FSA closed sign-ups on August 6th. NRCS allows continual signup for the EQIP program, but they have closed the sign-ups for the 2021 EQIP and 2021 EQIP-CIC programs. The EQIP applicants are waiting for the decision from the Board today to know what they will be receiving for their 2021 contracts from the RRWCD.

FINANCIAL REPORT

Administrative Assistant Suzanna Baker presented the financial report for the quarter ending June 30, 2021. A motion to approve the financial report for the second quarter of 2021 was made, seconded, and approved unanimously.

TRACY TRAVIS: PIPELINE REPORT

Deb reported for Tracy Travis, maintenance went great this summer. No major issues to address. They are still planning to start pumping in mid-November.

COMMITTEE REPORTS

- Director Aaron Sprague, Budget Committee Chairman, stated that we need to schedule a meeting to determine the 2021 budget. Be on the lookout for emails for the Budget meeting coming up.
- Director Steve Kramer, Conservation Committee Chairman, met with all the GWMDs throughout the basin. He had numerous committee meetings trying to figure out the next steps. The RRWCD staff, accountants, legal and engineers were hard at work for us. We needed all hands-on deck to determine the best course of action for the basin. The bottom line is that we believe it is a comprehensive plan. Kramer is supportive of the resolutions; we are coming down to the final hour and need to keep moving forward.
- Director Wil Bledsoe, Chairman of the Legislative Committee, introduced Landon Gates who attended by zoom. Bledsoe gave a quick background and thanked Landon for joining.

Landon introduced himself. He grew up in the basin, in Yuma and Wray, CO. He went to CSU and started lobbying after that. He partnered with Brock Herzberg in starting their own state lobbying firm. He then gave a background on his firm. He stated he can't promise us anything, but he knows you can't get anything if you don't ask. He has been working hard to try and get the district some financial assistance to retire irrigation wells. Much of the COVID-19 stimulus funding has already been allocated but he believes we can try for some funding. We are partnered with the Rio Grande Water Conservation District on this issue, the more backing we have the better chances we have. Mr. Gates then gave a background on Brock Herzberg, finalizing that they continue to focus on agriculture. Should the district choose to go with their firm we will receive a weekly newsletter during the legislative session. It is monthly outside of the legislative session. They will also provide a bill tracking link for the board's access. He stated that they will communicate with us as much as we want, and of course, as necessary. He will be attending Colorado Water Congress with Deb Daniel and Greg Larson.

Wil Bledsoe provided Chairman of the Legislative Committee provided an update. Ag-Labor bill passed during the last session; the Colorado Department of Labor is having 3 stakeholder meetings.

First, is today from 3-5pm. The next meeting is next week and will deal with minimum wage and overtime. Senator Simpson has a draft bill in the works to secure financials for the Rio Grande Water Conservation District and the RRWCD. He is hoping to do tours with legislators, especially those who don't have an ag background, as an effort to educate about the ag industry. He believes we have an opportunity to start a PR campaign for Senator Simpson's Bill. Joey Bunch, a longtime reporter, did a great article on water and called out the legislature for not providing more water for the Colorado Water Plan. Gates recommended partnering with Joey Bunch to help write articles for the District.

Bledsoe reported that he is recommending adding Landon Gates as our state lobbyist.

- Director Steven Meakins, Chairman of the Innovation & Technology Committee, is participating in the TAPS program. He is trying to watch the soil moisture monitors. He is using a 'Goguru' moisture monitor that has sensors every 6 inches. They did have a sprinkler break down and they couldn't get the computer board fast enough with all the covid delays.
- Director Greg Larson, member of the Negotiating Committee, will need to discuss the Dryden lease soon because it is a short 1-year lease. Need to set up a meeting soon, maybe in conjunction with the budget meeting to discuss.
- Director Steven Meakins, Chairman of the Nominating Committee, reminded the Board the executive committee elections will be held at the next meeting. If you wish to run, please let Steven know before the next board meeting.
- Director Roger Seedorf, Chairman of the Personnel Committee, stated district employee reviews are coming up. They will be amending the forms this year to include the entire board and will make amendments to fit the district better. The main categories will remain the same; they will be adding subcategories. The scores will be 0-100 with three different levels. During the November meeting it is the personnel committee's intention to give a year review report. The meeting can remain open at the request of the employees. The personnel committee will run the meetings with the board having the opportunity to score over fifteen days after the review. The committee will compute the scores and give the normal objectives for the year. They will have a meeting with the General Manager and Administrative Assistant. They will then meet with the entire board at the retreat or February to finalize salaries.

If the increase in the RRWCD's fee is passed, Seedorf being anticipates that the workload is going to increase greatly. We are considering a contract labor position to help with the workload. The WY board recommended that the individual would be in charge of seeking additional funding from state and federal levels. They could also help with the notification campaign. The needs of well owners need to be researched and the individual could go to each well owner and try to sell the programs to the owners based on individual needs. We need to establish the responsibilities of the additional employee.

David Robbins added that we need to decide if the position will be permanent or temporary. You can't back into a permanent position by going with a temporary position first. If it ever becomes permanent the appropriate advertising would need to be done.

Brook added that she was on a judicial performance evaluation. She said you could go into the public to grade on the district's performance. Use surveys to grade the evaluation of the district's employees. We could pull in professionals, producers, and the public. The evaluation would be anonymous.

- Director Tim Pautler, Chairman of the PTAC Committee, nothing to report.

- Tim Pautler reported on Colorado Groundwater Commission- Plains GWMD made a request for a rule change, there have been two stakeholder meetings. The Plains Ground Water Management District is requesting that the CO Groundwater Commission create a rule that if a GWMD approves a water conservation program that limits/restricts water pumping, the rule would allow a well owner to retain their historic consumptive use of their well prior to the conservation program going into effect. The meetings are virtual, the commission meeting is Friday.

ORGANIZATION REPORTS

- Director Greg Larson reported that he is now the Colorado Water Congress board member representing the groundwater sector. The Colorado Water Congress meeting has been moved to September. Larson let the board know that the RRWCD pays for his expenses as a board member for CWC.
- General Manager Deb Daniel reported on the South Platte Basin RoundTable, they had a meeting last week but she was not able to attend due to GWMD meetings. She has been participating in conversations as far as agriculture water. She participates in the virtual meetings as much as possible, they are beginning to meet in person again. She hopes they will continue to meet in person.

Deb Daniel has been working with Kirk Russell on the grant to assist with compact compliance for \$2 million, and that he has moved positions, but she has continued working with Kirk Russell.

- Director Kenny Helling, South Fork Republican Restoration Coalition, reported that the Coalition has received a \$300,000 grant from CPW. We did not receive the two other grants that we applied for, so we need to revamp our plans to match funding received. We continue to look for more grants.
- Director Steve Kramer reported that the Water Preservation Partnership (WPP) has nothing to report. Tim Pautler asked about the status of the WPP funding that the Plains District asked for back several months. The WPP needs to meet to make a plan on the remaining funds.
- Director Kenny Helling, representative for Yuma County Water Authority, had a roundtable with some state officials and professionals. They had some discussion on State Land Board wells, CPW wells and others to set an example of retiring their wells instead of putting it all on the private landowner. It was a good roundtable with healthy discussion that educated many.
- Director Roger Seedorf, representative of Yuma County Pest District, said they have projects set up around Beecher Island to spray treeblings.

PROFESSIONALS REPORTS

- Tim Davis, RRWCD Program Consultant reported that we have had trouble with rental rates for CREP in one county, Kit Carson. We have worked with NASS and others to get the data updated. The NASS data has not been updated or sent out yet. They are trying to get the Kit Carson rental rates back up.

EQIP- Davis reported that he had a good conversation with Clint Evans, we currently have a 5-year payment program, and we are trying to get a 10-year program set up. Clint Evans is hoping to get to that point, but it won't happen until it is a national program next year. USDA is currently trying to catch-up.

Since FSA decided to take a 10% increase in payments, Daniel asked if EQIP would be willing to do the same. Davis is not thinking that is an option.

With the informational meetings that the RRWCD is putting on this fall, it will be part of the agenda to educate on how important the NASS data is for payments.

- Christine Arbogast, RRWCD Federal Lobbyist, could not attend but is continuing to monitor the infrastructure package.
- Randy Hendrix, RRWCD water engineer, included a written report in the board packet. Randy Hendrix made many maps for RRWCD. They are creating maps with all the retired acres to make program checks easier going forward. Randy's time has been focused elsewhere with court trials.
- David Robbins, RRWCD Legal Counsel, talked about how grateful he is to be here after 18 months away due to the pandemic.

Robbins is helping to create Senator Simpson's bill that creates a separate fund with CWCB to be allocated to the RRWCD and Rio Grande to help with conservation. Robbins did not draft it himself but created the outline and content for the bill and has been working closely with the drafters. He will keep us informed on the process.

The East Cheyenne GWMD did not file any expert reports in the State Engineer's Rules case. They have the burden of proving the State Engineer was wrong in adopting the Rules but without an expert report that will make it much harder for them going forward. A trial is still scheduled in early 2022.

Time over the past couple months, legal has not done a ton of work except for the SFFZ and working on how to comply with the Resolution made between the 3 states in 2016. Also answering board member questions and providing feedback to decisions made through the conservation committee.

STATE AND FEDERAL LEGISLATOR REPORTS

- Darlene Carpio with Ken Buck's office reported it has been a busy month. They have toured NE Colorado the past couple weeks. Several things have been going on to help with compact compliance. The letter included the SFFZ and dryland CREP to help move both efforts forward. The Colorado Water Act was introduced again two weeks ago. The act is a common-sense free market solution to address rising costs of water to assist farmers and ranchers.
- 11:45 AM Kari Linker provided a report, she thanked Deb Daniel and Don Brown for their guidance over the past couple months. They are also working on dryland CREP. Linker previously sent a report that listed the following for Western Water Infrastructure.
 - **Western Water Infrastructure:**
 - \$3.2 billion for aging infrastructure
 - \$1 billion for water recycling, including \$450 million for large water recycling projects
 - \$1 billion for rural water and \$500 million for dam safety
 - \$300 million for the Drought Contingency Plan, including \$50 million for Upper Basin States
 - \$400 million for WaterSMART, including \$100 million for natural infrastructure projects
 - \$100 million for cooperative watershed management, \$250 million for aquatic ecosystem restoration program, and \$100 million for watershed projects
 - \$50 million for Colorado River endangered species recovery and conservation programs

Kari Linker then continued updating the board on various topics.

At 11:52 AM, President Lenz recessed the meeting for lunch.

At 12:56 PM, President Lenz reconvened the meeting.

PUBLIC COMMENT

At 1:00 PM, President Lenz invited comments from the public limiting comments to five minutes.

- Joe Newton, producer in Yuma and representing CAPA. He thanked the board for the opportunity to present to the Conservation committee. He personally liked the deferred payments option and thinks the first 10,000 acres are incredibly important. The retirement of acres needs to happen ASAP. He also mentioned the letter that was sent from CAPA to the board. He also added that the partial retirement through the EQIP program is a great option for producers. Rod Lenz thanked CAPA for their input during the meetings.
- Don Brown, Yuma County and past Colorado Commissioner of Ag. He thanked the board for their efforts. In the future he asked for the resolution to be printed prior to the meeting so that the public could read the resolutions. He also mentioned that having Landon Gates on board is great. In addition, using Joey Bunch's editorial gifts would be to your advantage. Don Brown continued to say that the board's expediency is very important, and he commends them for it. Acting under the current resolution between three states is extremely important. The tone of the other states (Kansas and Nebraska) is changing, and we must act now.

REPORT FROM STATE ENGINEER'S OFFICE

- At 1:19 PM Colorado State Water Engineer, Kevin Rein, Mike Sullivan, Asst. Engineer, gave their report. Kevin Rein thanked the board for the invitation to the meeting. Kevin Rein talked about the dire situation the state is in from severe drought, especially on the Colorado River. He then gave an update on Senate bill 48, an anti-speculation bill. They wondered if their anti-speculation laws are strong enough. He encouraged the board to look on the DNR website for the report. As part of the report, the Water Resources Committee has decided to take it up at their meeting next week. He then talked about a webinar that will be on Thursday at 6PM. They are introducing measurement rules on the western slope. He talked about 3 storage projects along the front range, one had their groundbreaking ceremony last week.

Mike Sullivan then reported that he is now done doing two jobs and that they have promoted another individual to help with his responsibilities. Colorado, Kansas, Nebraska have regular meetings to make sure the communication stays open so that any issues or problems never grow into major problems. They settled Colorado's overuse a few years ago by funding the other states. It's great because both states are using that money for conservation in the Republican River Basin in their respective states. States are pulling out of Harlan County for the irrigation season. Sullivan believes that next year will still not be a water short year with normal flows. They want to get excess water out of the Platte to go into the Republican River basin in Nebraska.

Sullivan addressed Helling stating that Kansas is trying to address the South Fork; they received a \$2 million grant to clean up phreatophytes.

Randy, Wilhem and Mike will be getting together to do final calculations for the RRCA, due by September 10th. The RRCA annual meeting will be held in McCook, Nebraska, he will send the meeting information to Deb to share with the Board.

President Lenz stated that we plan to be at the meeting. Lenz then asked how we could present the SFRRRC project so that it is palatable to Kansas, so that Colorado could get credit for all of their efforts. Sullivan stated that all they can do is say no, it won't hurt to ask. President Lenz then asked if Harlan County and Swanson Reservoir were full, is there a scenario where the pipeline wouldn't need to pump? Sullivan again said it wouldn't hurt to bring it up but be prepared for them to ask for Nebraska.

Roger then asked for the negotiating committee, always looking at water available for the pipeline. Should we make sure we have 2,000 acre-feet in reserve. Will it grow? Sullivan stated that it will grow

over time. Sullivan thought we were ok with the reserve we have. Sullivan suggested using the 2000 acre-feet for water short year.

Deb asked for the RRCA meeting to be held in the Republican River Basin. Sullivan stated that will be a priority.

BOARD DISCUSSION AND ACTION ITEMS

All Resolutions discussed below are available for review on the RRWCD website and the RRWCD office.

- Discuss and vote on Resolution 21-04. To enhance efforts for compact compliance, the RRWCD is to be focused on water conservation. President Lenz introduced the Resolutions. Lenz then stated the Resolution would be read aloud for the public. Robbins did a great job putting together the resolution stating that conservation is for compact compliance. Robbins then stated that conservation for its sole sake is really vested with the GWMD. GWMDs are able to enforce conservation programs. Historically the GWMDs have not done that. RRWCD's main charge is to assist, achieve and maintain compliance with Kansas and Nebraska. The GWMD did not want another entity over them with authority. So the RRWCD does not have the authority to implement required conservation. Resolution 21-04 is meant to identify the fact that conservation is a strategy for long term compact compliance.

Lenz then read the 'Therefore' section of Resolution 21-04 for the benefit of the public.

Roger Seedorf then asked if we are stepping on the toes of the GWMDs. Stating the GWMDs didn't get conservation done so we are going to get it done. Lenz stated he didn't think so that this just stated we are acknowledging how important conservation is to compact compliance is to the district. Seedorf questioned some of the language in the Resolution. Seedorf brought up specific examples, specifically when 'may' and 'will' are used. His concerns were surrounding possible future events. Seedorf didn't want to promise funds if a future board decided not to. Seedorf then brought up Hendrix's priorities from his presentation in the last board meeting. He believes we need to be focusing funds in those areas where we will see immediate effects rather than on conservation programs for the GWMDs. Robbins clarified that he wanted to give the RRWCD flexibility to help fund the GWMDs conservation programs. Robbins also stated we are looking 50 years down the road, not just at today. Seedorf asked that it be clarified that the GWMDs keep the authority and RRWCD will not have authority over them. Seedorf, Robbins and others discussed the language of the resolution.

There was a motion to amend the Resolution #3 and #4 to change the 'will(s)' to may(s) to ensure the district is not bound to conservation action, keep the authority with the GWMDs. The motion was seconded. Some discussion ensued. The motion passed with all in favor.

There was then a motion to pass Resolution 21-04, seconded and approved with 1 opposed, Roger Seedorf.

- Receive recommendation from Conservation Committee - Steve Kramer., chairman presented Resolution 21-05. Due to pressing concerns about compact compliance and the need for effective conservation in the Basin, the Conservation Committee recommends:

Rod Lenz then outlined the 'Therefore' outlined below.

- The RRWCD should increase the payments for conservation programs for irrigated acres in the South Fork Focus Zone to:
 - CREP ~ permanent retirement of the irrigated right ~ revegetate to grass for wildlife cover ~ no dryland farming or grazing
 - \$4,500/irrigated acre

- EQIP ~ permanent retirement of the irrigated right ~ may dryland farm or graze the acre
 - \$3,500/irrigated acre
- EQIP-PAR~ Partial Acre Retirement ~ permanent retirement of no less than 15% of currently irrigated acres ~ must reduce length of sprinkler ~ no reduction of appropriation for the first 10,000 acres retired in the SFFZ ~ may dryland farm and graze the acres
 - \$2,000/irrigated acre
- To off-set additional cost of conservation program payments for irrigated acres inside the SFFZ, the RRWCD should increase the Water Use Fee:
 - Add additional \$15.50/irrigated acre fee in 2022 to \$14.50/irrigated acre Water Use Fee making a total of \$30/irrigated acre
 - Budget committee will review the Water Use Fee in 2024
 - Sunset for Water Use Fee increase ~ 12/31/2029

The board then asked clarification questions on Resolution 21-05. It was clarified that the resolution would create a 3rd contract for additional funds that would bring it up to a total of \$4,500 per acre for CREP and would not affect the contracts already required by the RRWCD and FSA/USDA.

Discussions continued regarding appropriations. Appropriations cannot be more than 2.5 acre-feet per acre. It can be less than that.

If it doesn't apply in the future, what does it take to amend the resolution? Legal answered that you can amend the resolution or eliminate the resolution and create a new one to fit the times in the future.

Brooke suggested making the deadline December 31, 2024, instead of 10,000 acres. Producers would be subject to the terms of the resolution in 2.3. After 2024, producers would be subject to the terms in 2.4.

Deb Daniel then brought up the requirement for irrigation from 2016-2020, she asked the date be changed from 2016 to the date of the application. Each Board Member then provided comments:

Wil- Brooke had a great point. He is concerned about painting ourselves into a corner with the 50%. We are betting a lot that it is going to work.

Jim- nothing I add, there are a lot of good ideas.

Rod- have a date instead of acres

Brooke -wants the date. 50% seems like a lot. Agreed with 2016- date of applications

Steve- agreed with all recommendations.

Greg-agreed with recommendations

Rod- agreed with recommendations, thinks 50% is a lot but also thinks it needs to stay.

Gil-agreed

Aaron- agreed with recommendations, thinks the 50% needs to stay the same.

Roger- agreed with recommendations, he prefers the percentage enrollment but could live with the 50%

Tim- agreed with recommendations

Kenny- agreed with recommendations, if the state is going to reduce to 2.5 per acre ft. and it should be looked at basin wide and not just the SFFZ.

Kevin- agreed with recommendations, bring to the current date of application, we may be screwing ourselves of acres.

Steven-- agreed with recommendations, thinks the 50% needs to stay the same, is there even a well that can pump 30" of water in the SFFZ

Brent-- agreed with recommendations, does not agree with 50%.

Wayne- agreed with recommendations, thinks the 50% may not be enough for some wells.

- Roger presented on allowing the general manager to hire supplementary staff, if necessary, to assist with additional workload. Are we interested in contract, temporary or permanent positions? What will the job description be? Seek funding for every conservation program? Make contact in the SFFZ? Roger is seeking input from the Board, not just the personnel committee.

Deb gave her opinion on the 'land man', those who have wells large or small, those wells mean a lot to them. She believes we have to approach those people in the correct manner. If the individuals aren't already thinking about retiring their acres, then that's not what they are going to do. She is concerned about how someone representing the district would portray the district and its reputation. There was a lot of discussion on the responsibilities of the individual.

Steven Meakins - brought up that it should be the responsibility of Deb to hire who she desires.

David Robbins then read the statute to clarify that the board is unique, and the board hires the employees. It would still be up to the board to give Deb Daniel or the general manager the responsibilities to hire staff as needed and within budget.

There was some discussion about what the job description would be and the compensation going forward.

- Aaron Sprague presented Resolution 21-06 offering an increase in conservation program payments for permanently retired irrigated acres outside the South Fork Focus Zone, after a comprehensive water conservation plan is in place in their GWMD. The Resolution is outlined below.

Brent Deterding would like a definition on comprehensive.

Aaron--You could change the language to be identifiable and quantifiable.

PUBLIC COMMENT ON RESOLUTIONS

- Dennis Coreyell, Kit Carson County, commented that he disagreed on the assessment fee of \$30/acre. It will make it very hard for the Plains District to sell a conservation plan. He agrees with the determination of the board to implement conservation. However, with commodity prices and the late start of the board, he believes it is going to be extremely hard for producers to do that. He brought up the pipeline and how if we didn't do that the basin was going to be shut down. Many of the producers feel as though this board put the target on their back. Now, we are turning around and wanting them to retire acres in short order. Fortunately, the area of the SFFZ predominantly has soils that could support dryland farming. The Plains district does not trust the RRWCD. The executive committee is made up of members from the Big 4 districts and no one from the South. The Dryden property is worth several million. And yet you are wanting to raise fees to the amount that you are. In the May meeting you brought up going to an acre foot fee but now it is not on the table. The split fee would bring up some administrative problems. Coreyell continued, in 2008 when the board increased the fee from \$5.50 to \$14.50, and the commercial and evaporative fee was assessed by acre foot. He finished saying it is possible. When the first CREP came out in 2006, 16,000-17,000 acres were retired in two years. That would equate to about 40,000 acres being taken out of production and would be devastating to our area but I know that has to happen.
- Denny Salvador--the issues we are facing are critical. We do not feel like one person can do it. Another thing that was brought up and irritated him, is that it was mentioned that the GWMD haven't done conservation programs. He stated it is the district board's fault if this fails.

- Tyson Brown, Yuma County, WY GWMD. He wanted to address some conversations. Staying the W-Y was looking more at a program coordinator that is all they would do, full-time. They have to have a good reputation. The conservation task force that he served on with Rod, Steve and Deb who also attended. He feels unheard. The 50% reduction keeps being brought up. But what about over-appropriated wells, cutting them 50% wouldn't do anything? He stated he agrees with Steven.
- Joe Newton, speaking for CAPA, Resolution 21-04 that has already passed, does that create a jurisdiction problem? Robbins answered that it does not create a jurisdictional problem but stated that if any GWMD started a conservation plan the district could participate financially to aid in the program and compact compliance. This district could not say 30% reduction across the board, that is up to the GWMD.
- Ruben Richardson, W-Y GWMD, stated (the RRWCD board) haven't done anything in 90 days, don't lose sight. 21-04 deals with conservation, when there weren't two people who could agree on a conservation plan with the conservation task force. He is fearful that local control has been taken away. He said he agreed on the date and not the first 10,000 acres. He believes we still don't know what it is going to cost to retire the acres. Now, we even have surplus money. Aaron Sprague spoke up stating that is not true and explained the budgeted funds going towards acres outside of the zone. Steven Meakins explained treating the additional acres as acres retired outside the zone.

Richardson then brought up the Dryden property, what is the point right now? Board explained that it is currently confidential.

BOARD DISCUSSION AND ACTION ITEMS

- Vote on Conservation Committee recommendations in Resolution 21-05.
 - There was a motion to amend the resolution to change the 10,000-acre limit to a deadline of December 31, 2024. The motion was seconded and approved unanimously.
 - There was a motion to amend Section 2.1 amended to say 2016 to the date of application, and any other location within the resolution. The motion was seconded and approved unanimously.
 - There was a motion to change the appropriation from 50% reduction to the percentage of reduction of acres to match appropriation, that would go into effect after 2024. Seconded and required a roll call vote. The motion failed 10 to 5.

Rod-did not vote
 Greg Larson - Nay
 Gil Anderson - Nay
 Aaron Sprague - Nay
 Wil Bledsoe - Yes
 Brooke Campbell - Nay
 Kevin Penny - Nay
 Brent Deterding - Yes
 Jim Hadacheck - Nay
 Kenny Helling - Nay
 Steve Kramer - Yes
 Stan Laybourn - absent
 Rod Mason - Yes
 Steve Meakins - No

Tim Pautler - No
Roger Seedorf - Yes
Wayne Skold - No
Yay-5
Nay-10
Motion fails

Rod asked for comments on Resolution 21-05. Steven Meakins stated he believes he is the start behind this resolution. Meakins continued it did not go how he envisioned but he hopes it works and everyone continues to irrigate.

There was then a note on Resolution 2-05, approved unanimously.

- Vote on Conservation Committee recommendations in Resolution 21-06, with the following amendments there was a motion to pass Resolution 21-06, seconded and passed unanimously.
 - 1. The District's Budget Committee, on an annual basis, will examine the district's available funds raised outside of the increase in fees set forth in Resolution 21-05 and, in the Committee's discretion, use such funds to fund additional conservation incentives including retirement of irrigated acres outside of the South Fork Focus Zone.
 - 2. Such additional funding will be made only in the Ground Water Management Districts who have adopted an identifiable and quantifiable conservation plan.
- Receive Legislative Committee recommendation on hiring a new state lobbying firm - Wil Bledsoe, Legislative Committee chairman motioned to hire Capitol Focus LLC out of Denver to do the RRWCD's lobbying services at the same rate. Some discussion regarding budgeting timelines. Passed unanimously.
- Suzanna Baker reported on Payment in lieu of taxes on Dryden property. There was a motion to approve the Payment in Lieu of Taxes, seconded and passed unanimously.
- Suzanna Baker then led discussion on the Board Retreat. Took ideas from the board to hold the retreat within the basin this year.

OLD BUSINESS

- No Old Business

NEW BUSINESS

- Roger brought up needing direction from the board on job description on hiring additional personnel as needed. There have been two visions of the role this person should have. More as a 'landman' or more administrative role to help Deb.

Brent Deterding thought there was some merit to not having someone not with the RRWCD. Rod Mason wondered how they would represent the RRWCD.


Roger's motion to GM as needed to hire 1 individual not to exceed 6 months of employment and \$25,000 salary pursuant to a job description developed by GM and personnel committee. The motion was seconded and passed unanimously.


Wil suggested after 6 months to consider a land man might get things done. Land men can do insurmountable things.

EXECUTIVE SESSION

There was no executive session.

At 4:38 there was a motion to adjourn the meeting, seconded and approved unanimously.


Secretary


Date