

Minutes of the Second 2022 Quarterly Board Meeting of the  
Board of Directors of the  
Republican River Water Conservation District  
May 17, 2022 – Yuma, Colorado

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, Quintech, Yuma, Colorado

Present were:

Board Members:

Rod Lenz, President

Greg Larson, absent

Gil Anderson, Secretary

Aaron Sprague, Treasurer

Kenny Helling

Don Brown

Wil Bledsoe

Brooke Campbell

Kevin Penny

Jim Hadachek

Steve Kramer

Kristen Schneider

Rod Mason

Tim Pautler

Roger Seedorf

Josh Lechman

Steven Meakins, late (participated via Zoom at 10:20AM, and left the meeting before board action items)

Deb Daniel, RRWCD General Manager

Suzanna Baker, RRWCD Office Manager

Payton Liming, RRWCD Administrative Assistant

Pete Ampe, RRWCD General Counsel, Hill & Robbins, P.C.

David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.

Randy Hendrix, RRWCD Engineer, Hendrix WAI Engineering, LLC

**Guests in attendance via Zoom:**

Tim Davis, TJD, LLC

Denise Bode, Michael Best Strategies

Jordan, Representative Bockenfield Aide

Chelsea Erickson

Patrick Firth, Michael Best Strategies

James Thompson, Regional Director for Senator Bennet

Garold Roberts, local farmer

A sign in sheet listing the members of the public attending the meeting is attached as Exhibit 1.

**STATEMENT OF QUORUM**

President Rod Lenz called the meeting to order at 10:03 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, Greg Larson was absent but excused, and Steven Meakins was absent but excused.

## **AGENDA AND APPROVAL OF MINUTES**

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

President Lenz then asked for changes to the minutes from the quarterly meeting on February 15, 2022. There was a motion to approve the minutes with changes as submitted, seconded and approved unanimously.

President Lenz asked for changes to the February 15, 2022 executive session minutes, with no changes there was a motion to approve the minutes, seconded and approved unanimously.

President Lenz asked for changes to the April 7, 2022 special board meeting minutes. With no changes, there was a motion to approve the minutes, seconded and approved unanimously.

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## **PRESIDENT'S REPORT**

At 10:07 AM, President Rod Lenz gave his report. President Lenz began by discussing the Guidelines for Board members. Lenz stated he wants to have a document that gives direction to Board member as they are representatives of the RRWCD and the GWMD or county each member represents. President Lenz wants board members to have consistent guidance, so that the district does not have to do damage control.

Rod Lenz is proud of the office staff and stated they are very busy. He is sad to see a transition with Suzanna Baker leaving after her maternity leave ends.

## **GENERAL MANAGER'S REPORT**

At 10:14 AM, General Manager Deb Daniel, gave her report. Daniel began by thanking everyone who made the trip even if they took time off being in the field. The committees have been very busy and everyone will see this soon. Thank you to the state representatives who are able to be here. Payton Liming has been here for five months and has been very helpful. Daniel thanked Suzanna Baker for all of her time and stated Baker has been an incredible asset to the district. Daniel knew Baker would be an exceptional employee when they conducted her job interview.

## **FINANCIAL REPORT**

Suzanna Baker thanked everyone and then presented the financial report for the quarter ending March 31, 2022, which was previously sent to the entire Board electronically as well as being included in the Board packet. A motion to approve the financial report was made, seconded, and approved unanimously.

**At approximately 10:20 AM Steven Meakins joined by phone.**

## **CCP OPERATIONS REPORT**

Tracy Travis reported on the pipeline. The pipeline started pumping November 11, 2021 and ran through April 25, 2022. It pumped approximately 9,500-acre ft. The pipeline was down three days due to wind and then down 5 days because of a faulty collection tank sensor. Travis will start summer maintenance next month. Rod Lenz asked if Travis anticipated any more costly maintenance issues because of age of the pipeline. Tracy stated bearings in the wells may be an issue and smaller electrical issues have been cropping up. The totalizing flowmeters were tested and repaired this year.

## **COMMITTEE REPORTS**

- Director Aaron Sprague, Budget Committee Chairman, began his report by thanking everyone for making meetings. He then discussed the priority is to decide how to use funds from SB22-28. He discussed Resolution 22-03 and an amendment to Resolution 21-05. Sprague discussed backfilling contracts which have previously signed contracts with the District. Sprague discussed purchasing dry up covenants and the

purchase of alluvial wells. The primary discussion point is the increase in monetary incentives and how to capture EQIP and RAMP contracts when there are no federal funds.

- There was discussion among the board members on backfilling already existing contracts, and how best to utilize the ARPA funds to maximize the retirement of acres in the SFFZ. There was also discussion on using the funds to retire alluvial wells on the South Fork of the Republican. Discussion was held on how the RRCA will account for the number of acres irrigated in 2016 and how the “retired acres” will be determined in the future.
- Director Steve Kramer, Conservation Committee Chairman, reported last Friday the conservation committee held a meeting, focusing on retirement of irrigated acres in the South Fork Focus Zone (SFFZ). Kramer stated some serious questions have come up, for example, what acres really count? There is concern about funding through NRCS, because no RAMP contracts were funded this year. There is also a concern about public information. People are purchasing land in the SFFZ and then retiring those acres. This is only an issue when those permits which have not been used in the past (are inactive currently) are brought online to qualify for retirement. The conservation committee suggests not funding the retirement of those acres. The Water Preservation Partnership (WPP) tried to meet this past spring but was unable to have a quorum of members available for the meeting. The WPP needs to discuss what the organization is going to do moving forward. Kramer also explained there are people with wells located in the SFFZ who have already retired acres and people are frustrated there are not more people stepping forward to retire acres. Steve Kramer talked about how he retired acres in the SFFZ in 2006.
  - Roger Seedorf asked how much money is left in WPP, Deb answered approximately \$34,000 and Suzanna stated approximately the same amount as Deb.
  - Deb Daniel then stated that there are 3,723 acres signed contracts with the District in the SFFZ and 6,000 more acres in queue. There was discussion on how many acres are being entered into EQIP and how many are being entered in CREP.
- Director Kevin Penny, Chairman of the Fee Evaluation Committee, reported on the public notice the committee put together and how the current fee structure has been decided based upon “buckets.” The committee has been learning about many different wells, such as those which are pre- and post- compact.
- Director Steven Meakins, Chairman of the Innovation & Technology Committee, reported the corn for the TAPS contest has been planted and likely broke through yesterday or today. Irrigation will start soon.
- Director Wil Bledsoe, Chairman of the Legislative Committee, thanked Landon Gates, Aaron Sprague, Don Brown and David Robbins for all of their time and efforts in getting SB 22-028 approved through the state legislature. Bledsoe mentioned that Denise Bode, from Michael Best Strategies was hired as the federal lobbyist. Her office is located on the East Coast, and she was highly recommended for this position. There were several good candidates who were interviewed by the Legislative Committee.
  - Aaron Sprague thanked Representative Holtorf for his support and assistance in getting Senate Bill 22-028 passed.
- Director Roger Seedorf, member of the Negotiating Committee, reported there will be discussion during executive session.
- Director Steven Meakins, Chairman of the Nominating Committee had nothing to report at this time.
- Director Brooke Campbell, Chairperson of the Personnel Committee, reported there had been a flurry of activity in the last 10 days. During executive session Payton’s 6-month review, Suzanna’s maternity leave and transition, and Deb’s salary will be discussed. No action will be taken during executive session.

- Director Tim Pautler, Chairman of the PTAC Committee, reported there has been discussion on how to proceed concerning the revegetation of the compact compliance pipeline wellfield acres. Legal is advising and looking through the contract with Cure Land LLC. Pautler reported the committee will hold another Zoom meeting to discuss how to proceed in the future.
- Randy Hendrix, RRWCD water engineer gave his report. He started by thanking the board for moving his report earlier in the meeting. The compact compliance pipeline will start pumping in November 10th and will probably need to run through April again in 2023. Those dates will be decided after running the groundwater model again in September. Estimated to pump 9,500 acre-feet for 2022/2023. *Randy Hendrix's report is attached as Exhibit 2.*
  - Randy reported Harlan Reservoir is currently releasing water therefore this will not be considered a water short year, which will increase the credit Colorado receives for Beaver Creek. This will also have an impact on the amount of water Colorado must deliver through the pipeline.

### ORGANIZATION REPORTS

- Director Tim Pautler reported on the latest Colorado Groundwater Commission. The commission will be meeting on Friday, May 20th at 10 o'clock in Castle Rock. There are two new appointees on the commission. Tim Hume is representing the Southern Hi Plains designated basin. This seat has been empty for a long while. Pautler stated the State Engineer's Office keeps allowing new well permits in the Southern High Plains basin because water is available and local people are not happy about it. Keith Vander Horst will be retiring this summer.
- David Robbins reported that the Colorado Water Congress (CWC) supported several bills that were approved through the state legislature. The CWC completed their annual board retreat yesterday and the summer convention will be in Steamboat in August.
- General Manager Deb Daniel reported on the South Platte Basin Round Table (SPBRT). She stated she hasn't been able to attend every month. Daniel stated local members of SPBRT are attending via Zoom and she finds that disappointing. There have been applications for three grants. The first applicant did a good job and was prepared and the other two were asking for funds to repair projects they had not maintained for years. Daniel stated if you are interested in participating on the SPBRT you must be appointed by the county you live in or by a municipality in your area.
- President Rod Lenz reported on the South Fork Republican Restoration Coalition, stating the Yuma County Conservation District (YCCD) wants to intensely graze the footprint of Bonny. Tanya Fell, district manager for YCCD wrote the grant they received for \$10,000.
  - Kenny Helling stated there is a contract for Stuart Dykstra in the board packet. Dykstra is being considered as the project manager of the Bonny dam project. Deb Daniel stated she is asking the board to approve the RRWCD to be the "fiscal agent" of the SFFRC project. The SFRRC does not have the capacity to serve as the fiscal agent for this project.
- Director Kenny Helling, representative for Yuma County Water Authority, asked Commissioner Scott Weaver to report. Weaver stated the commissioners would like to know what they can do for the RRWCD board. There was discussion on having better communication between the commissioners and the RRWCD board. President Rod Lenz stated he believes the county commissioners have been doing a great job of supporting the district. Deb Daniel thanked commissioner Scott Weaver for putting together the Yuma County Ag Week earlier this spring and felt it was a good opportunity for the constructive conversation between the RRWCD and the public.
- Director Roger Seedorf, representative of Yuma County Pest District, asked Mike Foor to come to the RRWCD meeting to report but he was unable to attend. Seedorf reported Foor has been unable to secure any additional funds through grants to address phreatophyte control along the rivers. Foor was also unable to address the phreatophytes along the Arikaree River by Beecher Island. Foor will be conducting a survey to best address this issue moving forward. Seedorf asked Foor about the intensive grazing study and Foor had not heard anything

about it. If someone wants to discuss it with Foor, please have them give him a call. There was additional discussion about the intense grazing program with shock collars for cattle that can be controlled by cell phones.

### PROFESSIONALS REPORTS

- Tim Davis, RRWCD Program Consultant, was present via Zoom. This year 1/3 of the applications are for CREP contracts. The FSA CREP rental rate for Kit Carson County was brought up and thought to be fair for that county. NRCS expended all their funding by approving several EQIP contracts, but were unable to approve all the applications they received for the program. The RAMP program was not prioritized as highly by NRCS, therefore no RAMP contracts were approved, because NRCS wanted to fund the EQIP program first. Davis is trying to set up meetings with CO NRCS to discuss funding going forward.
- Denise Bode, RRWCD Federal Lobbyist from Michael Best Strategies, introduced Patrick Firth and stated that others on her team may be pulled in for other meetings because they utilize several team members who have the best contacts. She has served as a federal lobbyist for over 40 years, and worked as a state elected official in Oklahoma. She also worked in the Oklahoma Governor's office and managed all the utilities as the Principal State Regulators Chairman of the Oklahoma Corporation Commission. She has worked for the Senate Finance Committee and has worked in water issues for the Oklahoma Governor's office. She was Chairman of the Oklahoma State Commission for 10 years. She has also been CEO of the Independent Petroleum Association of America, CEO of the American Wind Energy Association, and the Clean Skies Foundation. She is currently Chairing the Federal Policy Practice for Michael, Best and Fredrich. She is also a lawyer, in fact a "double-down" lawyer with JD and Master of Law. Patrick Firth has been working with her for five years, as a Senior Associate. Patrick understands energy, natural resources, and water projects.

General federal update: The Fiscal Year 2023 Budget request is one of the latest requests ever and most organizations already have their requests in; Ukraine: trying to get funding to incentivize American production to cover the production lost because of the war, and the Covid-19 bill for additional funding because of the new variant rising. Funding for the bipartisan infrastructure bill, is coming out for a variety of things, including ag. Someone associated with the Supreme Court leaked the decision on abortion, which has been in the headlines lately. Inflation and addressing the high cost of utilities, caused by the ban on Russian oil because of the war in Ukraine is also a hot topic in Washington D.C. This is having a huge impact on the barrel cost which includes diesel, distillate, and jet fuel. The loss of production of 700,000 barrels a day has caused an extraordinary increase in prices. The EU uses 2 million barrels a day and this is increasing prices across the world. This is an issue because production uses diesel and gasoline and exorbitant price increases make it difficult for producers to break even.

Denise Bode also spoke about Congressional updates. 2023 appropriations are active now: this includes funding for USDA-NRCS funding focus. Bode spoke about upcoming deadlines and how it will be crazy moving forward because of the August recess and trying to get appropriations passed by the House and Senate before the end of the fiscal year. The deadlines can be moved through a continuing resolution and then be approved after the elections are over. Bode discussed how these bills can be passed via omnibus or minibus packages. Bode also spoke about other bills and where they are at. Bode spoke on the 2022 Election and how focus will be divided until after that is over.

Bode spoke about building the one-page documents focusing on the 2023 Farm Bill that are given to members of Congress and the Senate, and to committee staff and administration. Another one-pager will be focused on the appropriations request for Bonny Dam for the Environmental Infrastructure Projects. And finally comprehensive monitoring services for issues of importance for the district. Michael Best Strategies also informs the district with bi-weekly virtual meetings and daily email newsletters. Bode stated they are already prioritizing making relationships with key members of the House and Senate Agriculture Committees. She is building strong relationships with legislators in representing the RRWCD.

- Landon Gates, RRWCD State Lobbyist from Capitol Focus, LLC, reported SB22-028 passed unanimously and is sitting on the desk of the Governor. The money is not yet at CWCB but will be there soon. The funds are federal ARPA dollars so there will be a lot of reporting requirements. The next deadline is August 15, 2024. Any money

not encumbered by that date will be clawed back by the state. If the amount that is unencumbered is less than \$20 million those funds can be taken back for the full amount. If the amount that is unencumbered is more than \$20 million, they can take \$20 million back and give it to the state water plan. Those funds must be spent by 2026. The governor has until June 10th to sign the bill. Gates thanked everyone involved in the process. There was a lot of work done behind the scenes to get this done. Gates stated, "We hope we made this look easy." Gates thanked several senators and representatives, including Donovan, Holtorf, and several others. Gates will be attending Colorado Water Congress summer conference and would be happy to organize any necessary meetings. Gates then continued that all eyes will be on the two districts to make sure the monies are being spent in the correct manner.

Deb Daniel then added she spoke to Kirk Russell of CWCB and asked about the process for getting those funds reimbursed. Rod Lenz then thanked everyone for their hard work and stated that Gates has worked very hard for the district.

- Pete Ampe, RRWCD Legal Counsel, from Hill and Robbins, reported that Compact Rules are finalized as of two weeks ago. Ampe is working with DNR to get the process for reporting the ARPA funds done and also working with committees to get funds/contracts lined out for the usage of the ARPA funds.
- David Robbins, RRWCD Legal Counsel, from Hill and Robbins, stated that he wants to be clear that this is federal funds and we have to fill out all of the federal paperwork required for that. It will not be fun for office staff or the counsels. We are working with Justin Doddsworth, RRWCD accountant from Premier Accounting, to figure out the 1099-S issue. David has contacted a tax attorney for his opinion on this issue. Robbins reported it has taken months of effort to get the contract from Stuart Dykstra. Seed money will be required to be put up to pay Dykstra to begin the process of getting grants and funding. Robbins stated the PTAC committee along with Deb Daniel and Tim Pautler are working on determining how to move forward with the revegetation issue. Conservation, for the district, is only in the role of keeping the district in Compact Compliance. The district has been approached by GWMD to cover the implementation of conservation. Robbins mentioned the Board guidelines that will be discussed later were created to help the board president if issues concerning Board members arise. Robbins has been working on the negotiation committee trade between the district and another entity.

12:02 PM the board took a break for lunch.

12:58 PM the board reconvened.

#### **PUBLIC COMMENT**

At 1:01 PM, President Lenz invited comment from the public. Representative Richard Holtorf of House District 64, spoke extensively congratulating the district of the success of getting SB22-028 approved through the legislature. He also strongly encouraged the board to come back to the state legislature for an additional \$10 million request in 2023.

#### **STATE ENGINEER'S OFFICE REPORT**

- Mike Sullivan, Deputy Assistant Engineer gave his report. Colorado is still 100 percent in drought, so are parts of Kansas and Nebraska. Lake Powell, Lake Mead and the Colorado River basin is drying up. This has been a less than robust year for Harlan County Reservoir, which won't be an issue for Colorado this year but could be the next year. Thank you for getting SB22-028 through. There will a lot of reporting requirements for the ARPA funds. Dollars must be obligated by mid-2024 and out the door by 2026.

Rep. Holtorf said that there are funds for automating the ARPA paperwork and making it web based. Mike Sullivan is going to investigate this.

Daniel asked about how the retired acres in the SFFZ are actually going to be measured, whether using satellite imagery or the District's records. Sullivan stated that they will begin with the satellite imagery and then will look at records to double check those records.

- Chris Kucera, Republican River Team Lead Commissioner, reported the North Fork is flowing at 3.8 cfs, Arikaree ~.4 cfs and there is no flow on the South Fork Republican River. There is flow at the Arikaree gauge when the Pioneer ditch is running. Kucera stated the state will be able to clean the channel of the North Fork west of Laird earlier than usual this year because it has been so dry. Kucera reported the state has had people ask about the ability to call for their surface water rights on the South Fork.

Kenny Helling asked how long it has been since they used these surface water rights. One has been used partially, the other was pre-compact but the right was approved in 1970 so they can't use it. There was discussion that if they don't come up with a plan they will be put on the abandonment list, (that list comes out every ten years).

#### **PRESENTATIONS STATE REPRESENTATIVES**

- Report from Kari Linker, regional director for Senator Hickenlooper's office, Linker stated that Denise Bode gave a good update on what is being discussed in Washington DC. Senator Hickenlooper's office has ongoing discussions with USDA. Linker congratulated the District on the approval of SB 22-028, and stated she was glad to see those funds actually touch the district project in the basin. Linker stated that if the district encounters any issues with the reporting of the ARPA funds, reach out to Sen. Hickenlooper's office. The WaterSmart Grant has opened up through BOR. Linker discussed the broadband bill, stating Agriculture is a big user. The broadband roll out may be held up by supply chain issues on the ground. The district's request for Congressionally Directed Spending is moving forward.
- Report from Darlene Carpio, regional director for Congressman Buck's office. Carpio noted that having a direct ask from the RRWCD makes the offices more effective. The open conversation with Deb Daniel helps that so much. Spring is fly-in season and Carpio has been on many of those calls. Carpio updated the board on Congressman Buck's views of the Congressionally Directed Spending and mentioned how the funds were taken out as ear-marks and most often were used as favors. There was too short of a timeline to review the many pages in the earmarks and that is why Congressman Buck voted no because he is a conservative spender. Carpio wishes the District luck in receiving the Congressionally Directed Spending.
- Report from James Thompson, regional director for Senator Bennet's office. Thompson reported the Senate Ag committee is looking forward to seeing dryland farmable CREP come into fruition. Thompson thanked the District for continuing to engage with them. Thompson stated Sen. Bennet continues to advocate for more funding and is specifically looking for \$1 billion for NRCS funding. Thompson mention that as well as being regional director for Bennet's office he is also in charge of the Ag section. There will be meetings around the state for Senator Bennet's office in the future.
- President Rod Lenz reported on the conversation with Attorney General Phil Wieser, during his eastern plains tour, Lenz conveyed his disappointment with Wieser's lack of support for enforcing the GWMD plans for conservation in their area, but Lenz was pleased to hear Attorney General Wieser was receptive to analyzing the legality of GWMD plans for implementing conservation.

#### **PRESENTATIONS**

- Presentation by Neil Hutton, board member of the Arikaree Ground Water Management District and petroleum engineer. Hutton reported that in some instances, water produced from some oil and gas wells is more pure than the water from the Ogallala Aquifer in Colorado. Hutton reported there are oil wells in Washington County, that produce this pure water. These wells are near the Anton, Arikaree School area. Most of these are north of Highway 36. They produce 1.27 cubic feet per second a day (830 acre-feet a year), and they could potentially triple the production with changes to the well.

Discussion was held on what the limiting factors of the idea are at present. Hutton stated a gathering system would have to be created to capture this water. The water comes out of the D or J formation. The wells in Washington county produce water that is clean enough to put it into another source of water. There are systems being tested for filtration currently. Hutton suggests commingling the water so the operating agent would only need one filtration permit. This water is brought to the surface and contributes to the cost of operating the oil rigs. Roger Seedorf asked if there was

permitting precedence for this. Robbins answered that yes, the agent would have to get a permit for beneficial use and also apply for a permit through the health department. Adam Gates asked how far this water has been transported historically? There was discussion from both board members and the public about Hutton's presentation. President Rod Lenz discussed assigning this idea to the Innovation and Technology Committee.

## **BOARD DISCUSSION AND ACTION ITEMS**

### **Recommendation from Budget Committee**

- Discuss and vote on Resolution 22-03 to increase CREP/EQIP/RAMP payments in SFFZ – Aaron Sprague, Budget Committee chairman

Daniel stated the payments from NRCS for the EQIP program is the same rate NRCS pays for RAMP contracts. In 2022, NRCS paid \$142 per acre per year, for the 5-year contract for a total of \$710/irrigated acre retired.

Don Brown suggested adding may or will into a couple of sentences to make the Resolution more "flexible." Aaron Sprague clarified where that comment came from context wise. Pete Ampe clarified that adding "may" would mean the board would have to look at every single District contract and OK moving forward with them.

There was discussion on disproportionately incentivizing the programs (RAMP=38% at a \$750 increase compared to 21% at a \$750 increase for EQIP) there was additional discussion about RAMP not being prioritized as highly as regular EQIP programs. NRCS has to show water savings when an EQIP or RAMP contract is approved and NRCS is concerned there is the potential for no water savings with the RAMP program.

There was discussion about whether the Board should push well owners toward programs they can dryland farm, meaning EQIP or RAMP. Tim Pautler asked producers down in the SFFZ if they would consider retiring the acres through EQIP with permanent well downsizing or RAMP with everyone splitting the difference and losing appropriation on their well permits.

There was discussion on how the District submits the worksheet to FSA before they start the application process but not for NRCS. Deb Daniel made the point that the RRWCD has not funded some EQIP contracts because of issues such as not paying the RRWCD Water Use Fee or not actually irrigating the land (proven by pumping records from the state) even if the 578 forms certified the acres as irrigated.

**There was a motion to approve the resolution as read.**

Discussion related to funding RAMP and well permitting issues followed.

**There was a motion and a second to accept Resolution 22-03 as read. The vote was unanimous.**

### **2022 EQIP rates**

- Discuss and vote on 2022 and future EQIP and RAMP contracts to reduce the amount of time allowed to downsize or abandon the well by December 1<sup>st</sup> of the year the contract is signed – Steve Kramer, Conservation committee chairman

**There was a motion to approve, shortening the timeline for 2022 and future EQIP and RAMP contracts to reduce the amount of time allowed to downsize or abandon the well by December 1<sup>st</sup> of the year the contract is signed, and second.**

Brooke Campbell asked when do producers receive the payments now? Daniel clarified the district makes the first payment when the producer downsizes or abandons their well. Discussion was held on the timeline of applications, contracts, and the current time crunch to retire acres. Brooke Campbell asked how the producer will be notified? Daniel clarified the District will let them know when they meet to sign up for programs.

**The vote in favor of the motion was unanimous.**

- Discuss and vote on providing no RRWCD funding for EQIP or RAMP contracts if the well owner was not paying the RRWCD Water Use Fee in 2016 throughout the Basin effective upon approval by Board- Steve Kramer Conservation committee chairman

Daniel's bar graph was shown (the bar graph is in the Board packet for the May meeting.)

Don Brown asked how many acres have been brought back online? Per the information received from Roger Seedorf there have been 514 acres brought online in the District. Daniel believes the District can possibly recapture 200 of those acres.

**There was a motion to approve providing no RRWCD funding for EQIP or RAMP contracts if the well owner was not paying the RRWCD Water Use Fee in 2016 throughout the Basin, and there was a second.**

There was discussion on adding an amendment to the motion clarifying the well also had to be actively pumping during 2016.

**There was an amendment to the motion to add "and was active in 2016" (addition after "Water Use Fee in 2016"). The second approved the amendment.**

**The vote was unanimous.**

#### **RRWCD Board Guidelines for Directors**

- Discuss draft Guidelines for Board Members, President Rod Lenz read the draft for those present at the meeting. Don Brown discussed why having Guidelines are so important and demonstrated how a set of guidelines made lines clear for him when he was at the capitol. (Brown's example included guidelines for how/when to log the time for each position he previously held as Colorado Ag Commissioner.)

President Rod Lenz asked Board members to get their comments to Rod, David Robbins or Deb Daniel before the August meeting for future discussion.

#### **SFRRRC Project Manager Contract**

- Discuss and vote on contract with Stuart Dykstra as project manager of SFRRRC Bonny project – David Robbins, legal counsel

Robbins discussed the issues he found with the contract and how Dykstra requested the \$120/hour payment. Robbins clarified in the contract that the RRWCD is only the fiscal agent (there is a blank in the contract for the payment to Stuart to get him started)

Daniel discussed how the district did not get the DOLA grant for this project, but the Yuma County and Kit Carson County commissioners have discussed giving \$15,000 each to begin the project. (Both of these county commissioner Boards have not voted on this issue yet but will soon.)

Robbins advised discussing Dykstra's performance because he was concerned about how long it took Daniel to get the contract from Dykstra. Robbins advised against making the full channel restoration budget line item available to Dykstra, hence why he suggested the RRWCD be the fiscal agent.

President Rod Lenz suggested matching the funds from Kit Carson County and Yuma County to get Dykstra looking for funding.

Kenny Helling stated the district should not take action until the counties do as well. Robbins stated make the contract subject to the acceptance of the county's approval.

**There was a motion and second to accept Stuart Dykstra as the project manager for the SFRRC project and accept the contract written by David Robbins under the condition Yuma County and Kit Carson County commissioners approve the contract and make a donation from each county as well. The vote was unanimous.**

#### **Colorado Ag in the Classroom**

- Discuss & vote on contribution to Colorado Ag in the Classroom – Deb Daniel, GM

There was discussion on what classrooms and ages are educated by this program.

**There was a motion to contribute \$500 to Ag in the Classroom, there was a second. The vote was unanimous.**

#### **OLD BUSINESS**

No old business

#### **NEW BUSINESS**

#### **Tim Pautler wanted to mention that the 2022 EQIP rate needs a public notice**

The District office staff will inform the public with a news article.

#### **Deb Daniel asked about increasing the new conservation program contracts by \$750**

There was discussion among board members and legal staff about if this will require an additional contract or if this increase can be added through the current program contract forms.

#### **EXECUTIVE SESSION**

At 4:13PM there was a break before executive session.

At 4: 22 PM the meeting was reconvened.

At 4:22 PM there was a motion to enter the executive session, seconded and approved unanimously.

Executive Session pursuant to section 24-6-402(4), C.R.S. to receive legal advice on legal questions and litigation concerning South Fork water rights; to discuss and determine positions, develop strategies, and instruct negotiators concerning the purchase or lease of water rights; determine positions and instruct negotiators concerning water supply acquisition, receive legal advice on legal questions related to such agreements, contracts and easements, discuss program applications; Compact Compliance and discussions with Kansas (to the extent subject to privilege), and the Compact Compliance Pipeline and Bonny Reservoir, and to discuss personnel matters

- Roger Seedorf discussed for board consideration the timeline of the negotiating committee to make an exchange of interests in real property.

At 4:34 PM Deb Daniel and Payton Liming left the executive session of the meeting.

Don Brown left the meeting at 5:35 PM

At approximately 5:41 PM there was a motion to exit the executive session, seconded and approved unanimously.

Coming out of executive session the following motions were made:

Brooke Campbell, chairperson of the Personnel Committee, recommended to the board that the salary for General Manager Deb Daniel be increased to \$112,000 effective July 1<sup>st</sup> and starting July 1, Daniel will no longer have to pay a monthly reimbursement to the District for the professional use of the District pickup.

**The motion was seconded and was passed with a vote of 10 to 3 with Rod Mason, Kenny Helling and Wil Bledsoe opposed.**

Brooke Campbell, chairperson of the Personnel Committee, recommend to the board that the salary for Administrative Assistant Payton Lining be increased to \$45,000, effective for July 1st.

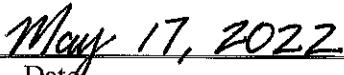
**The motion was seconded and was passed with unanimous vote.**

Brooke Campbell, chairperson of the Personnel Committee, made a motion to approve implementing Policy No. 22-04 (Maternity Leave & Flex-Place Policy) for Suzanna Baker.

**The motion was seconded and passed unanimously.**

**A motion was made to adjourn the meeting at 5:44 PM, seconded and passed unanimously.**

  
Secretary

  
Date