

Minutes of the First 2022 Quarterly Board Meeting of the  
Board of Directors of the  
Republican River Water Conservation District  
February 15, 2022 – Burlington, 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, Burlington Event Center, Burlington, Colorado

Present were:

Board Members:

Rod Lenz, President  
Gil Anderson, Secretary  
Aaron Sprague, Treasurer  
Don Brown  
Wil Bledsoe  
Brooke Campbell  
Kevin Penny  
Kenny Helling  
Jim Hadachek  
Steve Kramer  
Kristen Schneider  
Rod Mason  
Steven Meakins  
Tim Pautler  
Roger Seedorf  
Josh Lechman

Deb Daniel, RRWCD General Manager  
Suzanna Baker, RRWCD Office Manager  
Payton Liming, RRWCD Administrative Assistant  
Pete Ampe, RRWCD General Counsel, Hill & Robbins, P.C.  
Randy Hendrix, RRWCD Engineer, Hendrix WAI Engineering, LLC

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 9:59 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, Kenny Helling was absent for roll call but arrived at 10:10 A.M. Anderson declared a quorum with 15 board members present.

Don Brown, new board member representing Central Yuma GWMD, was sworn in via Zoom.

Guests joining the meeting in person and welcomed by President Lenz were Darlene Carpio, Kari Linker, and Chelsea Erikson.

**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 November 16, 2021. Suzanna Baker explained the edits. Kevin Penny requested a change in the presentation name from Penny's speech to presentation by Plains GWMD. There was a motion to approve the minutes with said changes, seconded and approved unanimously.

President Lenz asked for changes to the November 16, 2021 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 December 7, 2021 board retreat notes. Noted that Brooke Campbell needed to be added for attendance at the retreat. With noted changes, there was a motion to approve the minutes, seconded and approved unanimously.

President Lenz asked for changes to the December 27, 2021 special board meeting minutes. With no changes, there was a motion to approve the minutes, seconded and approved unanimously.

President Lenz asked for changes to the January 10, 2022 special board meeting minutes. With no changes, there was a motion to approve the minutes, seconded and approved unanimously.

### **PRESIDENT'S REPORT**

At 10:07 AM, President Rod Lenz gave his report. He discussed the many meetings held by committees and how the board will hear reports from them soon. He discussed how Payton Liming has seamlessly integrated herself into a valuable role in the office. President Lenz noted she makes him smile every time she answers the phone. Lenz continued that he can't say enough about the effective efforts Deb, Suzanna and Payton are displaying.

Lenz then asked, "do you as board members find it difficult to represent your constituents and the RRWCD board?" Lenz continued stating he sometimes struggles with that issue. Sometimes the intents of the board he represents doesn't align with the RRWCD board. Sometimes he must make the call about what is right for the GWMD and what is right for the district. He stated it is important to represent your constituents but still maintain board cohesion. Sometimes it gets sloppy, and some misjudgments occur. If you make a mistake, admit it, and move on. Support the board narrative if possible and look forward with a common vision.

**Kenny Helling arrived at 10:10AM.**

### **GENERAL MANAGER'S REPORT**

At 10:10 AM, General Manager Deb Daniel, gave her report. Daniel thanked everyone for coming to the meeting. She thanked the board members for their efforts attending many meetings.

Daniel discussed the legislative committee and their search for a federal lobbyist and showing support for SB22-28. Daniel also discussed the meetings held by the fee evaluation committee, and the personnel committee. Daniel stated SB22-28 was being read by the Senate for the second time. Daniel reported Landon Gates is doing a fantastic job promoting the bill and keeping the district informed. She thanked David Robbins for leading the charge, and Aaron Sprague for doing an excellent job answering questions from legislators at the Senate Ag Committee hearing.

Daniel then discussed the status of in-process contracts for the district stating there are four contracts to be added to the acreage count soon, and over sixty folders in process. The district meets with new people interested in putting their land into a program every week.

Daniel then discussed Payton Liming and Suzanna Baker have been working diligently getting reports and minutes done.

## FINANCIAL REPORT

Office Manager, Suzanna Baker, presented the financial report for the quarter ending December 31, 2021, 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.

## CCP OPERATIONS REPORT

Tim Pautler reported for Tracy Travis. The pipeline started pumping on December 11, 2021. We're currently pumping approximately 60-acre ft per day. We have pumped approximately 5,700 acre-feet so far this season. We have had two power outages that shut down all eight wells—one from a windstorm and because of a YW transmission line outage. We have also had a radio/computer shutdown, it was reset and has been working fine since.

## COMMITTEE REPORTS

- Director Aaron Sprague, Budget Committee Chairman, reported there may be joint meetings between the Budget Committee and the Fee Evaluation Committee in the future.
- Director Steve Kramer, Conservation Committee Chairman, reported the committee met on February 3, 2021. General Manager Daniel updated the committee group on the CREP rates, discussing the 10% discount. There are many applicants for both programs—CREP & EQIP. There was additional discussion concerning the delay in getting rental rates for the counties. During the meeting, Daniel also mentioned her concern about applicants not receiving the full years' worth of payments from the agencies. During the committee meeting, Tim Davis suggested the applicants hold off from applying until later in the year. The CREP rates have increased for the most part this year, especially in Kit Carson. The committee recommends not backfilling contracts, which will be discussed later in the meeting. The EQIP rate went up this year, it is a popular program—most of the conservation contracts that are outside of the SFFZ are going into CREP though. The committee will have a recommendation for the board about inactive wells being brought online to get funds from the district. The committee will recommend not paying those wells brought online if they were not pumping in 2016. There have been wells brought online already in the Stratton area and the fee evaluation committee has also voiced concerns about this issue. Kramer also discussed meeting with Meakins about conservation programs ideas.

President Lenz thanked the committee for being proactive about issues they see could be coming down the road.

- Director Kevin Penny, Chairman of the Fee Evaluation Committee, reported on the meetings the committee had held since its inception. Please see Exhibit 2 for the report.

There was much discussion on the Fee Evaluation report, each of the committee members discussed their initial thoughts about the direction the committee was going. There was discussion on how it is a complicated issue with many variables to be considered. The committee feels they have a moral obligation to alert well owners that pumping in 2022 **may be** used in future assessments. With that in mind, the committee came prepared with a Resolution. Penny then read Resolution 22-02.

There was discussion about this issue being premature and potential to harm the public's opinion of the District, especially when there is such a large ask for funds in front of the legislature. Lots of discussion ensued, however, Roger Seedorf felt it was more fitting for the notice to the public to take the form of a proclamation. Further discussion was held on how the agenda states Resolution and there cannot be an amendment made to change the resolution to a proclamation. Discussion on how there will be special meetings between now and the May meeting and the proclamation could be voted on at a special meeting.

- Director Steven Meakins, Chairman of the Innovation & Technology Committee, spoke on the TAPs competition and how they are asking for participation for this year. The committee would like to participate again and will have a meeting in the near future. The committee placed well in the two categories they participated in for the 2021 growing season. The committee plans to do everything identical to last year and then see how it turns out.

President Lenz stated he was happy to see the committee move from “How can I win?” to “what can I learn?”

- Director Wil Bledsoe, Chairman of the Legislative Committee, reported the committee has been very busy. The senate ag committee heard our bill and it is moving to the house ag committee. There is a lot of work left to do but it has gone very well. We are asking for \$100 million to split between the RRWCD and Rio Grande District. Thanks to Aaron Sprague for your representation of the District at the hearing. Landon Gates has been doing a phenomenal job. Bledsoe continued the District is still looking for a federal lobbyist. The committee members have it narrowed down to three and will be conducting interviews over the next few weeks to make a final decision. The candidates are: Lane Dickson The Ferguson Group, Phil Carsten, and Denise Bode of Michael Best Strategies.
- Director Roger Seedorf, member of the Negotiating Committee, gave the report for the Negotiating Committee as Greg Larson was unavailable. There will be discussion of the Dryden property during executive session. Last year it was under lease to the Bledsoe family, but we did not re-lease the ground to them.
- Director Steven Meakins, Chairman of the Nominating Committee had nothing to report at this time.
- Director Brooke Campbell, Chairman of the Personnel Committee, reported the committee met in late January and will be discussing the Flex-time policy and salary later in the meeting.
- Director Tim Pautler, Chairman of the PTAC Committee, reported there was nothing more to report after his earlier report for Tracy Travis.

#### **ORGANIZATION REPORTS**

- Director Tim Pautler reported on the latest Colorado Groundwater Commission meeting, the Commission is always dealing with issues. Some of the issues have been on the agenda for many years and the process is just grueling. Pautler stated they are dealing with over-pumping across the basin. He discussed how the committee is not made up only of irrigators but of people with unique perspectives such as legal advisers and water engineers.
- General Manager Deb Daniel reported that the Colorado Water Congress (CWC) held a conference, and she enjoys the networking opportunity. Daniel stated it is good to strengthen the districts relationship with CWC. At the conference, many leaders in the state spoke, including Mike Kaufman and Governor Polis. David Robbins was the moderator of a panel and Daniel participated in panels discussing compact compliance. Christine Arbogast also moderated a panel and federal lobbyist hopeful Lane Dickson gave a presentation on federal funding opportunities (Daniel shared his presentation with the board). As the conference was in person it was fantastic to have one-on-one conversations. There was also a touching tribute to Judge Hobbs which began with Robbins comments.

President Lenz reported on Hobbs expansive handprint through Colorado water laws. Lenz discussed interesting programs being introduced such as Cash for Lawns. Lenz also mentioned Kelly Romero-Heaney’s support, from the Department of Natural Resources, of the district at the SB22-028 bill hearing.

- General Manager Deb Daniel reported on the South Platte Basin Round Table, there was no December meeting and there is a new chairperson. Daniel is enthused about the new president. If any of the District board members are interested in being a member, Daniel stated they must be appointed to represent either a county or a municipality.
- Director Kenny Helling reported on the South Fork Republican Restoration Coalition. Last week the coalition had a Zoom meeting, with several CPW staff members, Commissioner Hornung and Commissioner Wiley, Rod Lenz, David Robbins and RRWCD office staff, and Stuart Dykstra were in attendance. Discussion was held on the CPW grant currently held and funding opportunities through the infrastructure bill. The group is looking to put a contract together for Dykstra to go after funds. There was discussion of meeting with Aaron Thompson of BOR on the reconfiguration of the outfall structure of Bonny Dam. Some of the CPW grant funding will be used for phreatophyte removal and there will be a public bid process to award the winning applicant.

Lenz discussed how BOR would like to be relieved of the Hale outfall structure and the SFRRRC/RRWCD can use that to lever that into future negotiations.

- Director Kenny Helling, representative for Yuma County Water Authority, had nothing to report.
- Director Roger Seedorf, representative of Yuma County Pest District, reported they failed to get any funds from the Covid Relief Bill. They are willing to write letters in support of our grant search.

#### **PROFESSIONALS REPORTS**

- Tim Davis, RRWCD Program Consultant, not present, so Deb Daniel gave the report in his stead. CREP rates were released. EQIP contracts are currently moving through the NRCS offices. On a personal note, Daniel is concerned \$65 million may not be enough funding moving forward. NRCS will not evaluate any contracts until the end of this year into next year.

Sprague stated these programs are so important to the district's process and require the support of those in DC.

- Landon Gates, RRWCD State Lobbyist, appeared via Zoom and apologized about not being in person at the meeting, however SB22-28 was considered by the full Senate that morning. Senator Simpson spoke in support of the bill. Gates hoped there would be further discussion because soon the fight for the funds will begin. The third and final vote will be February 16. The heavy lifting on the bill will be actually getting the funding. Sprague and RGWCD did a good job presenting during the Senate Ag Committee hearing last week. The bill is moving well and will soon move to the House after the next vote. After the House, the bill will move to the Governor's desk for signature.

Gates discussed other bills moving through the legislature that he was keeping his eye on for the district and discussed Capitol Focus' upcoming legislative reception.

- RRWCD is currently looking for a Federal Lobbyist, there was no report at this time.
- Randy Hendrix, RRWCD water engineer gave his report and also included a written report for the board packet.

**Fee Evaluation Committee:** HWE prepared a general presentation for the Fee Evaluation Committee and gave that presentation on January 5th on the background of the calculation of Colorado's groundwater computed beneficial consumptive use (CBCU) as part of the final settlement stipulation, the methods used

to determine groundwater pumping in the groundwater model, use of flow meter records within the model and a general comparison of countywide estimated pumping and flow meter records.

Prepared for and participated in a committee meeting on February 7th to discuss the concept of split fee assessment based on a base structure fee, pumping fee, and depletion fee and how to determine that structure.

**19CW3002 Trial:** We prepared for and participated in 2 days of the trial regarding the rules and regulations governing the diversion of water within the RRCA groundwater model domain. This included reviewing the expert reports in the case, reviewed direct testimony questions, and prepping responses to those questions with the attorneys.

**Conservation plans for the GWMDs:** We are continuing our work on the impacts to static water levels as a result of potential conservation measures within GWMDs. This work has to also be in accordance with how the RRCA groundwater model is to be operated as we continue to explore options outside of the groundwater model.

**Compact Compliance Pipeline Estimate 2022:** The full delivery rate would continue from January 1, 2022 to April 30, 2022. We will continue to work with Willem Schreuder and Mike Sullivan and monitor the pipeline deliveries through the winter before the April 2022 projection estimate is prepared. Willem's initial (way early projection) for 2022 is 9,500 acre-feet again. This way early projection at 9,500 acre-feet indicates to us that we have absorbed the initial swings in the groundwater model and are only looking at variations in the hydrologic conditions. Of course, if the 2022 year is deemed a water short year additional pumping may need to be provided with the loss of the Beaver Creek allocation.

**Permanent Dry-Up Compliance Mapping Project:** HWE is continuing to work on maps for Yuma and Kit Carson Counties and we are now in possession of 2021 aerial photographs that will be used instead of 2019 aerial photographs for the other counties.

**Irrigated Acreage Mapping Project:** HWE continued development of a series of maps of the irrigated acreages in 2010, 2016, and 2019 in order to determine the number of acres that have been retired for compliance with the 10,000 acres retired by December 31, 2022. This work is being done in conjunction with the Permanent Dry-Up Compliance Mapping Project in order to accurately determine which acres would be accepted as retired acres by the compact. We will be incorporating the 2021 aerial photographs in this project as well.

- Pete Ampe, RRWCD Legal Counsel, reported that there is still work to be done regarding the legislation. What is occurring now is just discussing the structure, the real fight will be getting the funding. We have been working on contracts and they will be discussed during executive session. We have also been working with the personnel committee to update the Flex-Time policy. The Basin Rules lawsuit brought on by East Cheyenne trial was interesting. Steve Meyers, Kevin Rein and Mike Sullivan all testified. We are expecting a ruling shortly.

President Lenz thanked Hill & Robbins for their diligent work the last few months.

11:58 AM the board took a break for lunch.

12:58 PM the board reconvened.

## PUBLIC COMMENT

At 12:59 PM, President Lenz invited comment from the public,

- Brandi Baquera, local coordinator of Colorado Master Irrigator Program discussed participation of the most recent class. There were 23 registrations, six of whom were retailers and crop advisors. Baquera then distributed hats to board members who got others to sign up for the program. The class was very discussion heavy, so much that the agenda usually ran an hour behind. A potential follow-up class may be well maintenance. During the class discussion the fee assessment came up, Baquera stated that most of the participants fell into the “If you are charging me, I’m going to turn it on and let it run,” camp. Baquera stated the district can’t have bad publicity, but transparency is a requirement.

Tim Pautler and Rod Lenz both commended Baquera on her work with the Master Irrigator Program success. Baquera also announced the program had expanded to the San Luis Valley.

- President Rod Lenz then read the RRWCD’s thank you letter to Pete Wilson, President of Wray State Bank.

Wilson then spoke and stated that the WSB had to do this because 84.9 percent of the bank’s business is from irrigated agriculture in the RRWCD basin. He continued, saying the bank will not survive if the District does not do its job. Wilson suggested that other local businesses who receive producers’ business should follow his example.

- Darlene Carpio, representing Congressman Buck, stated that when issues pop up, the office needs to know, to be of any assistance. Carpio discussed how Congressman Buck is working to address the trade issue with China as they did not meet the requirements set forth by the agreement. Exhibit C is a letter Buck signed with his counterparts addressing this issue.
- Kari Linker, representing Senator Hickenlooper, requested that the District keep in contact with their office so they are aware of the District’s concerns. Linker discussed money for water issues embedded in the infrastructure bill. Linker discussed how that funding will be rolled out by Nate Pearson of DNR. She repeated that their office is there to support the District’s efforts and if they don’t know the answer, they will find out.

The Senator heard the District loud and clear about the delayed timing for the rates for NRCS and FSA. There is discussion about what to do to prevent this issue in the future, there is also ongoing discussion about the priorities for the 2023 Farm Bill. Linker thanked Don Brown for his assistance in writing letters for the rental rates for the Senator. Hickenlooper’s office is also working to learn as much as possible about the Nebraska canal project and how to navigate that politically.

Public comment closed at 1:24 PM, with there being no other comments from the public.

## STATE ENGINEER’S OFFICE REPORT

- Kevin Rein, State Engineer and Mike Sullivan, Assistant Engineer gave their report via Zoom. Rein discussed his disappointment at not making the meeting in person. Rein stated there are so many issues touching on so many different areas including drought in Colorado, and Covid restrictions. Rein expressed his gratitude to their staff for continuing to do a great job.

Rein discussed the Basin Rules hearing, and thanked Pete for giving a clear update about it before the lunch break. Rein also discussed the South Platte Compact and they are watching that closely. They have no more information than anyone else at this point, however it is on their radar. There was some discussion on the South Platte River and then Daniel thanked Rein and Sullivan for their efforts and

support at the Senate Ag Committee hearing on SB22-028. President Lenz also thanked Rein and Sullivan for their work and keeping the district in mind.

- Chris Kucera, Republican River Team Lead Commissioner, reported on the annual acre-foot water usage in the Basin for the previous year of 2021. He also discussed the number of wells over pumping and how to combat that issue with flow meters. He also discussed the flow of rivers at the state boundary and how that compared to this time last year.

#### **PRESENTATIONS**

- Presentation by Director Steven Meakins, Steve Kramer had asked him to present at this board meeting. There was discussion held on how this conservation program helps to reduce the acre-feet of water being used in the basin and also asks the GWMD to be involved. This plan demonstrates the district is working on Compact Compliance and also reducing the usage of the CCP. Discussion was held on Meakins presentation and the funding for this potential program. Meakins believes the district has to start somewhere to even work at getting something shovel ready. Discussion was held on next steps. Kramer was surprised by Baquera's comment about the guys pumping because it costs them more to turn them on. Discussion on the San Luis Valley's fee structure (increasing to \$1,000/acre-feet.) and how conservation must come back to Compact Compliance. The presentation can be shared with others and Lechman would like the conservation committee to look at it from the lens of a single crop.

#### **BOARD DISCUSSION AND ACTION ITEMS**

- Report from Plains GWMD on 2021 grant funding from the District- Kevin Penny and Tim Pautler reported the Plains district is working on designing a conservation program in their area called CAMP (Colorado Aquifer Management Program). The PGWMD has researched which townships had the greatest depletions. The GWMD district wanted to see a reduction of 7%. The Plains GWMD had a grower meeting last year, and to the GWMD surprise, had 50 producers. Then the RRWCD Water Use Fee assessment was increased to cover the added expense of conservation programs in the SFFZ and it was hard to continue the conservation discussion at that time. Discussion of when moving forward a shift in policy may be well received.
- Discuss and vote on annual sponsorship of Water Education Colorado projects. General Manager Deb Daniel reported that last year the district made a \$1,000 donation and was asked later in the year to make a \$1,000 donation to sponsor a magazine publication. The district also paid \$90 to get the board members a copy of the publication. They are a good organization and Daniel wants to continue supporting them.

There was a motion to pay the Water Education Colorado projects for \$1,090, there was a second. There was an amendment to the motion, stating that the board would pay \$1,000, there was a second. The vote was unanimous.

- Review and discuss Resolution 22-02 from the Fee Evaluation Committee. Based on conversations earlier in the meeting Kevin Penny asked to table the Resolution for possible amendments for a later board meeting. There was a motion to table the resolution for a later meeting, which was seconded and passed unanimously.
- Discuss and vote on amending personnel policies in RRWCD Board Member manual to include Families First Coronavirus Response Act (FFRCA). Senate Bill 20-205 section 4.31 offered some necessary changes to the district's personnel policy-Brooke Campbell, committee chairwoman and Pete Ampe, legal counsel

There was a motion to amend the personnel policies as presented by Ampe, the motion was seconded and passed unanimously.

- There was discussion on wells which were inactive in 2016 going into EQIP. There was further discussion on what qualified wells as inactive, program requirements and availability of funds. The board decided the issue needed more research and was tabled for a later meeting.
- Discuss wells going in CREP contract with FSA after the October signup date. The concern is that well owners had applied for CREP before the October signup date, but they still have not been approved by FSA. If contracts are not approved by FSA prior to October 1, FSA will prorate the first year's payment. There was discussion on how to handle this issue because the well owners were told they would receive \$4,500/retired irrigated acre starting in 2021. After much discussion the board agreed to honor those who had begun the process of entering 2022 CREP prior to October. There was a motion to honor those entering the FSA 2022 fiscal year CREP program, which was seconded and approved unanimously.

#### **OLD BUSINESS**

No old business

#### **NEW BUSINESS**

**No new business**

#### **EXECUTIVE SESSION**

At 3:16PM there was a break before executive session.

At 3:32PM the meeting was reconvened.

At 3:32 PM there was a motion to enter the executive session, seconded and approved unanimously.

Executive Session 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

At 4:01 PM Deb Daniel, Suzanna Baker, Payton Liming and Randy Hendrix left the executive session of the meeting.


At 4:40 PM Deb Daniel, Suzanna Baker, Payton Liming and Randy Hendrix returned to the executive session of the meeting.

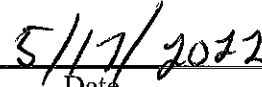
At 4:49 PM there was a motion to exit the executive session, seconded and approved unanimously.

- Coming out of executive session the following motions were made
  - Roger Seedorf discussed for board consideration the board potentially allowing the negotiating committee the authorization to make an exchange of interests in real property.
    - No motion made at this time

- Brooke Campbell, chairperson of the Personnel Committee made the recommendation to the board for Resolution 22-01, which updated the FFRCA (Flex-place) policy.
  - There was a motion to accept Resolution 22-01, seconded and approved unanimously.
- Brooke Campbell, chairperson of the Personnel Committee, recommended to the board that the salary for General Manager Deb Daniel be increased to \$96,000 and the salary of Office Manager Suzanna Baker be increased to \$56,000.
  - There was a motion to increase the General Manager's and Office Manager's salary to the amounts listed earlier, effective January 1, 2022, there was a second and the motion passed unanimously.

A motion was made to adjourn the meeting at 4:52 PM, seconded and passed unanimously.

  
Secretary

  
Date