

**Minutes of the Second 2016 Quarterly Board Meeting of the  
Board of Directors of the  
Republican River Water Conservation District**

**April 14, 2016**

**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, at Quintech LLC in Yuma, Colorado.

Present were:

Board Members:

Rod Lenz, President  
Greg Larson, Vice President  
Tim Pautler, Secretary  
Byron Weathers, Treasurer  
Eugene Bauerle  
Wil Bledsoe  
Dennis Coryell  
Steve Kramer  
Stan Laybourn  
Rod Lenz  
Rod Mason  
Steven Meakins  
Wayne Skold  
Aaron Sprague

Deb Daniel, RRWCD General Manager  
Dawn Webster, RRWCD Administrative Assistant  
Matt Montgomery, RRWCD General Counsel, Hill & Robbins, P.C.  
Jim Slattery, RRWCD Engineer, Slattery & Hendrix Engineering

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 10:04 a.m., welcomed the public and started the meeting with the Pledge of Allegiance and a prayer. Secretary Tim Pautler conducted a roll call of Board members, noting that Directors Brent Deterding and Jack Dowell were absent but excused. With 13 Directors attending the meeting, Secretary Pautler declared that a quorum of the Board was present.

## **AGENDA AND APPROVAL OF MINUTES**

President Lenz asked for any amendments to the agenda for the meeting. President Lenz asked that the Irrigation Research project be moved to the first action item on the agenda. A motion to approve the agenda with the change was made, seconded, and approved unanimously.

Prior to this meeting, the Directors had received, electronically, a draft of the minutes of the regular Board meeting held on January 14, 2016, and the executive session held during that meeting. These documents were also included in the Board packet today. President Lenz asked if there were any changes or corrections to the minutes. Having no changes, a motion to approve the minutes of the regular Board meeting held on January 14, 2016, and the minutes of the executive session held during that meeting was made, seconded, and approved unanimously.

## **GENERAL MANAGER'S REPORT**

At 10:09 a.m., General Manager Deb Daniel discussed the approval of the increased CREP rental rate of \$180.00 an acre and thanked everyone involved in getting the rate increased. Next, Ms. Daniel reported that the District had received five applications for the 2016 Ogallala Aquifer Initiative (OAI), stating that all are for permanent retirement but none are in the target zone. Mrs. Daniel also reported on the moisture monitoring systems, noting that two applications had been received for the funding. Finally, Ms. Daniel spoke on the loss of Dianne Hoppe.

## **FINANCIAL REPORT**

At 10:12 a.m., Administrative Assistant Dawn Webster presented the financial report and the disbursement for the quarter ending March 31, 2016, which were previously sent to the entire Board electronically as well as being included in the Board packet. A motion to approve the financial report and the disbursements for the second quarter of 2016 was made, seconded, and approved unanimously.

## **CCP OPERATIONS REPORT**

At 10:15a.m., CCP Operations Manager Tracy Travis reported to the Board on the operations of the Pipeline, stating that everything went exceptionally well during the pumping period, and the Pipeline was turned off on March 20, 2016, after the required appropriation was pumped. Mr. Travis stated that he will start maintenance of the Pipeline soon and expects to have no issues come up.

## **COMMITTEES, ORANGIZATIONS, & PROFESSIONALS REPORTS**

Before the Committee chairmen reported on the Committees, President Rod Lenz thanked them and the committee members for continuing to do an excellent job for the District.

At 10:21 a.m., Director Greg Larson, chairman of the RRWCD Negotiating Committee, reported on the Hutton Foundation negotiations, stating that a meeting between the Negotiating Committee and Directors of the Jim Hutton Educational Foundation met on January 26, 2016, to discuss the Hutton Foundation's water rights. Mr. Larson stated that while there were good discussions, no negotiations were made.

Director Steve Kramer reported that the Conservation Committee had met to discuss what Conservation efforts had been done in the past and what the Board's focus should be in regards to Conservation in the future. Mr. Kramer also noted that discussions of split-fee assessment fee rates in the future were had.

Director Wil Bledsoe, Chairman of the Legislative Committee, reported that he had went to Denver in January to meet with State Engineer Dick Wolfe and Jerry Sonnenberg to discuss the boundary issue, noting that the State will be putting together an Advisory Committee to establish the revised rules. Mr. Bledsoe also reported that General Manager Deb Daniel, along with himself and Director Coryell met with Cheyenne County Commissioners and East Cheyenne Groundwater Management District to inform them about the boundary issue. Next, Mr. Bledsoe reported that Director Pautler and Coryell met with Kit Carson County Commissioners, informing them about the boundary issue also. Mr. Bledsoe stated that both meetings went very well.

Director Greg Larson reported that General Manager Deb Daniel and President Rod Lenz attended the Colorado Water Congress (CWC) annual winter meeting January 26 through January 28, 2016. President Lenz briefed the Board on the meeting since Director Larson was unable to attend.

Next, Director Steve Kramer reported that the Water Preservation Partnership (WPP) met in February and stated that Colorado State University will administer a 10 million dollar grant to do a study on the Ogallala Aquifer. Mr. Kramer also noted that a survey is currently at the top of the WPP's agenda.

Director Byron Weathers had nothing to report on the Yuma County Water Authority (YCWA).

Tim Davis, RRWCD Program Consultant, reported to the Board on the various Farm Bill programs, noting that he requested a 30 day extension to the Ogallala Aquifer Initiative deadline. Finally, Mr. Davis thanked Senator Gardner and Senator Bennett's office, specifically Dr. Alan Foutz, for pushing to get the CREP rental rate increased. Next, there was discussion with Mr. Davis regarding an amendment if the wells outside of the District's basin boundary could get into a conservation program if they are eventually included in the basin's boundary.

Christine Arbogast, RRWCD federal lobbyist, reported on the National Water Resources Association that she had attended in Washington D.C. at the beginning of April. Ms. Arbogast also informed the Board that she will be speaking at the Groundwater Management District Association's summer conference at the end of June if any of the Directors were interested in attending.

Scott Meiklejohn, RRWCD state lobbyist, updated the Board of various bills. The Board discussed HB 16-1337 at length with Mr. Meiklejohn, informing him that the District should support the bill. President Lenz asked Director's Kramer, Coryell, and Larson to meet with Mr. Montgomery to devise a motion regarding HB 16-1337.

Jim Slattery, RRWCD water engineer, reported on the Compact Compliance Pipeline deliveries for the pumping season. Mr. Slattery also stated that he has been working on the orphan well that is located in the Central Yuma Groundwater Management District, but will need to be exported into the Sandhills Groundwater Management District, noting that he should have that completed in the next four to five weeks.

Matt Montgomery, RRWCD legal counsel, updated the Board on the North Fork change case with Yuma County Water Authority, noting that it is proceeding ahead and legal counsel hope to have it done by mid May. Mr. Montgomery updated the Board on the Hutton Foundation vs the State of Colorado lawsuit, stating that the first round of motions have started and that the primary issue is the constitutionality of SB-52. Finally, Mr. Montgomery reported on a report by the EPA and USGS regarding flow targets and the concern that they may lead to Federal agencies asserting more control of rivers in Colorado. After discussion amongst the Board, a motion to instruct counsel to submit comments on behalf of the RRWCD to the EPA and USGA technical report and cooperate with the RGWCD about the concern of the potential overreach into Colorado was made, seconded, and passed unanimously.

Dr. Alan Foutz, representative for Senator Gardner, reported on various issues.

At 12:12 p.m., President Lenz recessed the meeting for lunch.

At 1:03 p.m., the meeting was re-convened.

General Manager Deb Daniel reported that she had not been able to attend the latest South Platte Roundtable meeting due to another meeting being held the same day.

## **PUBLIC COMMENT**

At 1:08 p.m., President Lenz invited comment from the public.

Dave Keeler, representing Division of Water Resources, introduced Matt Hardesty as the new Northern area Well Commissioner.

Ted Tietjen, representing Northeast Republican River Restoration Partners, extended an invitation to the RRWCD to have a Board member sit on their Board. Mr. Tiegent also expressed his desire for the RRWCD to look into the water smart project that Kansas put together for conservation. President Lenz asked Mr. Tiegent to send him some information.

Kenny Helling, an irrigator from Southern Yuma County, Board member of the Arikaree Groundwater Management District, Water Preservation Partnership committee member, and board member of Colorado Corn Growers, expressed his approval of a water study proposal that

was being brought to the Board during the meeting, stating that the Colorado Corn Growers is helping to fund the project. Mr. Helling asserted that the project would be a great way to get Colorado Corn Growers and the RRWCD to come together and help producers within the Basin learn how to conserve water. Mr. Helling expressed that he would really ask that the Board of Directors really consider funding the project.

At 1:18 p.m., having no other comments from the public, public comment was closed.

## **PRESENTATION**

At 1:18 p.m., Chad Godsey, Ph. D., from Godsey Precision Ag, LLC gave a presentation to the Board titled ‘Research project: Identifying Water Savings Potential with the Latest Technologies in Variable Rate Irrigation.’ Mr. Godsey and producer Donnie Rogers approached the Board for monetary funding for the project. The Board asked Mr. Godsey and producer Donnie Rogers several questions regarding the project.

After discussion, a motion to strike ‘moisture monitor soil probes’ and put in place ‘equipment’ in #5 - #7 in the Conditions for Grant Approval Providing Funding by RRWCD for a Research Project titled: Identifying Water Savings was made, seconded and passed unanimously.

After President Lenz asked each Director for their comments regarding funding the project, a motion to fund the proposed grant for \$27,080.00 was made, seconded and passed with Director’s Coryell, Bauerle, and Skold voting nay.

## **REPORTS**

At 2:50 p.m., Scott Steinbrecher from the Attorney General’s office updated the Board on the negotiations with Kansas regarding the Compact Compliance Pipeline (CCP) and the Bonny Arbitrations. Mr. Steinbrecher believes that negotiations with Kansas are progressing and a long-term agreement will be reached soon. Mr. Steinbrecher also informed the Board that the State Engineer’s office is conserving making all of the water users within the groundwater domain contribute to Compact Compliance.

At 3:04 p.m., Director Laybourn left the meeting.

## **BOARD DISCUSSION & ACTION ITEMS**

At 1:40 p.m., the Board discussed a membership to Colorado Foundation for Water Education. After discussion, a motion to join the Foundation for \$1,000.00 towards membership and \$500.00 towards underwriting opportunities sponsorship was made, seconded, and approved unanimously.

Next, the Board discussed Resolution 16-02 regarding the approval of CREP rental rate increase. After discussion, a motion to approve Resolution 16-02 was made, seconded, and approved unanimously.

Next, the Board discussed Resolution 16-03 adopting a policy for access to public records of the District. After discussion, a motion to adopt Resolution 16-03 was made, seconded, and passed unanimously.

Next, after some discussion, a motion to approve a payment-in-lieu of taxes for the Dryden property for 2015 of \$5,495.22 was made, seconded, and passed unanimously.

Next, the Board discussed teleconference meeting etiquette.

Finally, a motion to direct Scott Meiklejohn, RRWCD State Lobbyist, to support HB 16-1337 on behalf of the RRWCD and also give the Legislative Committee, and Director's Kramer and Larson permission to select someone to appear in front of the committee on behalf of the RRWCD was made, seconded, and approved unanimously.

### **EXECUTIVE SESSION**

At 3:30 p.m., a motion was made pursuant to section 24-6-402(4), C.R.S., to enter into 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. The motion was seconded and passed unanimously. President Lenz stated that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur in executive session. Before entering into executive session, President Lenz thanked the public for attending the meeting. Mr. Lenz asked Scott Steinbrecher and Dave Keeler and his staff to stay for a period of executive session.

At 4:00 p.m., Dave Keeler and his staff left executive session.

At 4:36 p.m., Scott Steinbrecher left executive session.

The Executive Session ended at 5:13 p.m. and the Board returned to open public session. President Lenz confirmed that no formal action had occurred during the executive session.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

There was no new business.

At 5:15 p.m., having no further business to be brought before the Board, a motion to adjourn the meeting was made, seconded, and passed unanimously.

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Secretary

\_\_\_\_\_  
Date