

Republican River Water Conservation District
Board meeting – February 20, 2024
offered virtually and in person
Burlington Community Center, 340 S 14th St, Burlington, CO 80807
Proposed Agenda
(Times are Approximate)

A. 10:00 AM - Welcome – Rod Lenz - President of the Board

- a. Pledge of Allegiance & Prayer
- b. Roll call of Directors/declare a quorum – Kristen Schneider, Secretary of the Board
 - i. Rod Lenz, President
 - ii. Steve Kramer, Vice President
 - iii. Kristen Schneider, Secretary
 - iv. Aaron Sprague, Treasurer
 - v. Wil Bledsoe
 - vi. Don Brown
 - vii. Brooke Campbell, via Zoom
 - viii. Tim Fetzer
 - ix. Jim Hadacheck
 - x. Greg Larson, via Zoom
 - xi. Josh Lechman
 - xii. Robin Liming
 - xiii. Steven Meakins
 - xiv. Tim Pautler
 - xv. Kevin Penny
 - xvi. Roger Seedorf
 - xvii. Dennis Wieser
 - xviii. Quorum declared with 17 present
- c. Introduction of guests
 - i. Sarah Parmer, Colorado Open Lands
 - ii. Pete Wilson, Wray State Bank
 - iii. Mike Leerar, Yuma County Commissioner
 - iv. Jeff Mangus, Plains Groundwater Management District
 - v. Darlene Carpio, Representative Ken Buck's office
 - vi. Dustin Ridder, public
 - vii. Chris Kucera, Division of Water Resources
 - viii. Matt Blecha, Division of Water Resources
- d. Approve the agenda
 - i. **There was a motion to approve the agenda with corrections (adding the PTAC action item and the CAPA letter under negotiating), there was a second and the vote was unanimous.**
- e. Approve the minutes
 - i. November 21, 2023 - quarterly Board meeting
 - 1. **There was a motion to approve the minutes from the November 21, 2023 quarterly meeting. There was a second. The vote was unanimous.**
 - ii. December 5, 2023 - special Board meeting
 - 1. **There was a motion to approve the minutes from the December 5, 2023 special board meeting. There was a second. The vote was unanimous.**
 - iii. January 3 & 4, 2024 - special Board meeting
 - 1. **There was a motion to approve the minutes from the January 3 & 4, 2024 Board Retreat. There was a second. The vote was unanimous.**
 - iv. January 3, 2024 - special board meeting executive session

1. **There was a motion to approve the executive session minutes from the January 3, 2024 Board Retreat. There was a second. The vote was unanimous.**
- v. January 4, 2024 - special board meeting executive session
 1. **There was a motion to approve the executive session minutes from the January 4, 2024 Board Retreat. There was a second. The vote was unanimous.**
- vi. February 12, 2024 - special Board meeting
 1. **There was a motion to approve the minutes from the February 12, 2024 special board meeting. There was a second. The vote was unanimous.**

B. 10:05 AM - Administration Reports

- a. President's Report – Rod Lenz, Board President
 - i. Lenz's presidential report discussed all of the high notes the district has hit lately on-track with retiring acres in the SFFZ, working with BOR on the SFRRRC project, and seeking funds to continue retiring acres at the same rate in the SFFZ. However, water levels continue to drop and conservation needs to be the focus of the District moving forward.
- b. General Manager's Report – Deb Daniel, General Manager
 - i. Daniel showed the new FSA rates and NRCS rates. Daniel then discussed the process for retiring acres throughout the District. Daniel discussed the importance of making sure the acres certified as irrigated are correct. Daniel continued her report by thanking Wray State Bank for their continued support of the District. Daniel showed many graphic examples of the depleting aquifer.
- c. Financial Report – Reon McBride, Finance/Office Manager
 - i. **There was a motion to approve the financial report. There was a second and the vote was unanimous.**
 - ii. Mileage reimbursement rate for 2024 has increased to .67 cents per mile, this will be voted on later in the meeting
- d. SFFZ Acre Update – Payton Liming, Administrative Assistant
 - i. 12,020.33 acres in SFFZ
 - ii. pending contracts: 730 acres in RAMP contracts, approximately 239 acres outside SFFZ, approximately 3,000 acres at FSA & NRCS agencies awaiting contracts
 - iii. There was discussion on how many acres will be able to receive the \$5,250 for CREP and \$4,250 for EQIP when the federal agencies contracts are approved. There was discussion on how to prioritize the South Fork Focus Zone acres once the ARPA funding is gone.
- e. CCP Operation Report – Tracy Travis, CCP Operator
 - i. Everything is going well, 59 acre-feet a day is being pumped, there have been no interruptions in the pipeline operations as of today. The district has pumped 8,100 acre feet as of the Board meeting. Lenz has noticed that there is a slight decrease in the daily pumping and Tracy reiterated there have not been any mechanical problems.

C. 10:30 AM - RRWCD Committee Reports

- a. Budget Committee – Aaron Sprague, chairperson
 - i. Please expect an upcoming meeting.
- b. Conservation Committee – Steve Kramer, chairperson
 - i. Kramer discussed the letter and mailers the office has recently sent out to irrigated landowners in the South Fork Focus Zone. He also discussed meeting with local farmers and how those farmers have asked for conservation from the GWMDs. He continued discussing his fear is: If the rates go down in the SFFZ, the interest in program retirements will decrease. Kramer and Daniel need to work on Dryland farmable CREP suggestions and will do so in the future.

- c. Fee Evaluation Committee – Kevin Penny, chairperson
 - i. Penny stated staff are working to format the data for the assessments.
- d. Innovation/Technology Committee – Steven Meakins, chairperson
 - i. Nothing to report for IT. Meakins suggested the Board needs to see the data for “backfilling” the SFFZ payments after the ARPA funds are exhausted.
 - ii. There was discussion to ensure budget requirements and cash flow was consistent until 2029.
- e. Legislative Committee – Wil Bledsoe, chairperson
 - i. The District has utilized the ARPA funds well and wants the economic impact study to positively impact our monetary requests at the state legislature in the future.
 - ii. Will meet with the state lobbyist next Tuesday.
 - iii. Plans to have another trip to Washington, D.C. this year to make sure RRWCD requests are known by legislators before the Farm Bill is approved.
- f. Negotiation Committee – Roger Seedorf, chairperson
 - i. Seedorf discussed the process for getting the 3-year lease completed for the recently purchased FPI property. The high bid was \$120,500.00 which was for both tracts.
 - ii. Seedorf discussed the letter received from CAPA, carbon copying Deb Daniel on February 12, 2024 which discussed the state land board ground in the SFFZ. There have been public comments about additional state ground in the SFFZ and members of the public question why the state land board is not participating in the retirement of acres.

D. 11:10 AM - Presentation

- a. Report on status of Republican River Basin Economic Study
 - i. CSU Prof. Jordan Suter, CSU Prof. Dale Manning & John Tracy, CO Water Center
 - ii. Professor Suter discussed the data required for future modeling including how the data has been collected to this point from CDL (cropland data layer), NASS and FSA records.
 - iii. The objective of the study is to see the broader impact on the local economies. The regional analysis will utilize input-output modeling with IMPLAN.
 - 1. The study will simulate the retirement of the 543,516 irrigated acres in the basin. This changes the demand for local inputs and labor in other sectors while decreasing the locally-produced supply of grains (indirect effects)
 - 2. The loss of irrigation may lower household incomes, further affecting the demand for local goods and services
 - a. other effects: local government revenue and expenditures
 - iv. There will be “multiplier effects” with backward linkages and forward linkages
 - v. Key outcomes:
 - 1. change in jobs by sector in each region
 - 2. changes in sales and expenditures
 - 3. change in local and state government revenue
 - vi. Limitations
 - 1. can’t capture price changes
 - 2. constant amount of labor and other inputs per acre
 - vii. John Tracy added an additional caveat - the modeling for input/output modeling is kind of a “worst case scenario” modeling.
 - 1. The analysis does not consider the continuing retirement of the acres in the SFFZ.
 - viii. Tracy discussed trying to pin the State Engineer’s office down on not utilizing the Prior Appropriation Doctrine vs. curtailing the entirety of the basin.
- b. Nominating Committee – Steven Meakins, chairperson
 - i. No elections today, nothing to report.
- c. Personnel Committee – Brooke Campbell, chairperson

- i. Nothing to report.
- d. PTAC Committee – Tim Pautler, chairperson
 - i. PTAC has been looking at well maintenance costs and the costs associated with tying wells into the pipeline system in the future. More discussion to be held in the afternoon during the PTAC presentation.

E. 11:30 AM - Associated Organizations Reports

- a. Colorado Groundwater Commission –Tim Pautler
 - i. Not much going on, there will be a vote on a variance in the future.
- b. Colorado Water Congress – Greg Larson
 - i. Larson discussed wildfire prevention, flood prevention systems and the issues with the downstream states on the Colorado River.
 - ii. Kramer discussed listening to Mark Rude from Kansas and implementing a temporary CREP retirement.
 - 1. Kramer spoke with Dan Gibbs, Phil Wieser, Dick Wolfe, and Kevin Rein.
 - 2. The DWR is aware of the challenges ahead regarding the Perkins County Canal.
 - iii. Daniel spoke about the changed reactions toward the members of the RRWCD.
 - iv. Lenz spoke about growing his network, and reconnecting with Robert Sakata in his new position as ag advisor to Gov. Polis.
 - 1. Lenz enjoyed the Fremont Butte project presentation. Lenz reported “It does have legs and it is moving forward in the permitting process.”
- c. South Fork Republican Restoration Coalition – Stuart Dykstra
 - i. Dykstra updated the board about the ongoing project.
 - ii. Dykstra is having a very difficult time finding anyone to apply herbicide by hand and would like suggestions for someone to do the work, if possible.
- d. South Platte Basin Roundtable – Deb Daniel
 - i. Daniel participated virtually and reported the SPBRT was discussing when their meetings should be held so all members can participate easily.
 - ii. Daniel discussed bringing the SPBRT board out for a tour in the upcoming year.
 - iii. Daniel discussed getting more local representation onto the SPBRT board for more votes for funding in the area.
- e. Yuma County Water Authority – Mike Leerar
 - i. The three municipalities will be putting on the conservation program again through the CSU extension program.
 - ii. Leerar mentioned that the county will be able to call the bond early on the North Fork.
- f. Yuma County Pest Control – Roger Seedorf
 - i. Nothing to report

12:00 PM LUNCH – provided for everyone in attendance

F. 1:00 PM – Public Comment

- a. Brandi Baquera-Colorado Master Irrigator-only 6 of 11 registrants showed up for the first class. Late registrations are possible
 - i. Some participants are from the Joes area because one of their neighbors who attended no longer irrigates following a rain after attending CoMI.
 - ii. There are talks to expand the program across the state in the future.
 - 1. Daniel commended Brandi on the past work she has done
- b. Public comment closed at 1:06PM

G. 12:45 PM – Legislative reports

- a. Federal Legislative representatives:
 - i. James Thompson - Senator Bennet-not available for report
 - ii. Sally Boccella - Senator Hickenlooper

1. Daniel has funding opportunities from Hickenlooper's office
- iii. Darlene Carpio - Congressman Buck
 1. Buck will not be running for reelection again. Carpio suggested the public attend March 3, 2024 in Holyoke to see the candidates running for Buck's seat debate. Everything is all over the board, if the country's budget is figured out in March, then perhaps the Farm Bill may be looked at in April. If not, the Farm bill looks to be in peril.

H. 1:40 PM - Report from Acting State Engineer, Tracy Kosloff

- a. Kosloff introduced a new member of their staff, Marie Sullivan, whose title is Compliance and Outreach Coordinator
 - i. Kosloff discussed the process for hiring a new state engineer. Interviews are scheduled for next week and the new hire is likely to be in attendance at the next RRWCD quarterly meeting
 - ii. Colorado will be in attendance at the US Supreme court hearing of oral arguments on March 20, 2024 in the Texas v. New Mexico and Colorado case
 - iii. Legislative change to streamline and extend the expiration dates for commercial wells
- b. Report by Chris Kucera, Republican River Team Lead Commissioner
 - i. Provisional pumping records are available
 - ii. 568,000 acre feet pumped in 2023 (probably exaggerated)
 - iii. Lowest recorded basin wide pumping since 2009
 - iv. 3,314 active wells
 - v. 709,000 acre foot pumped for 5 year average (on the higher end of the usage)
 - vi. 2 overpumpers, 1 in Plains and 1 in Sandhills
 - vii. Flagler Reservoir, the dam may be removed. The area would then be put into a wildlife refuge
 1. CPW has a junior water right and due to the call on the river, no water can be stored there

I. 2:00 PM - Professional Reports

- a. Lobbyist Reports
 - i. Federal Lobbyists – Denise Bode/Patrick Firth, Constitution Partners, LLC
 1. Tax credit bill legislation
 - a. In a continuing resolution for FY 2024 and the FY 2025 budget has not even been a thought at this point, it is possible it could be a "twofer"
 2. Farm Bill-there has been an extension from 2023. If it is not approved in the first 6 months of the year, then it is highly likely to happen in November 2024 (after the election).
 3. Firth stated that everyone should exercise their right to vote on Super Tuesday
 4. Speaker Johnson is on thin ice as the Speaker of the House. This does not bode well for the caucus
 5. NASS published their findings last Tuesday. The group is looking through the results now
 6. Regarding the RRWCD Farm bill priorities, the best time to make a trip to Washington DC may be March 11 through March 13th to discuss the CREP Improvement Act priorities. We are also working to get this into the Farm Bill.
 - a. Firth is working with Rosy Brummette, from Senator Bennet's office to figure out the concerns the USDA has with the CREP Improvement Act
 - ii. State Lobbyists – Landon Gates/Brock Herzberg, Capitol Focus, LLC
 1. Colorado is one third of the way through the legislative session. Landon feels the wheels have not fallen off the wagon yet. The capitol is more cohesive than last year.
 2. Budget is more similar to prior to ARPA/Covid funding.

3. Pesticide bill may be killed before Senate
4. Senate Bill 26: concerns public meeting notification for CPW meetings
5. Senate Bill 3: would allow counties to issue fines for noxious weeds and issue injunctions for violations
6. Senate Bill 37: would authorize a study for green infrastructure
7. Senate Bill 38: Senator Cleave Simpson's Bill-dealing with conservancy districts wanting to participate in augmentation plans
8. Senate Bill 127: WOTUS-gap waters program
 - a. would put the permitting for water quality under DNR
9. Senate Bill 152: regenerative agriculture practices-tax credit- would go to food and beverage company that purchases products from the farmer
- b. Engineer's Report – Randy Hendrix, water engineer, Hendrix Wai Engineering LLC
 - i. CBCU-5 year average is 31,000-allocation is 23,000
 1. The difference between CBCU and allocation is widening due to lower streamflows
 - a. Pete Ampe clarified "The more water you have, the more opportunity you have to deplete the water source."
 - b. Kansas is playing the more water stays in the ground, the more sustainable the aquifer will be in the future.
- c. Attorney's Report – David Robbins/Pete Ampe, legal counsel, Hill and Robbins P.C.
 - i. Things have been going fairly smoothly, ARPA funding has been streamlined. Texas vs. New Mexico will start March 20 and recordings will be posted afterwards.

J. 2:00 PM - Presentations

- a. Yuma County Conservation District grazing project in Bonny dam -Tanya Fell, YCCD
 - i. Fell gave an update on the year one ending
 - ii. YCCD selected the cooperators-Kyle & Jolynne Richards-225 cows and 45 calves
 - iii. Grazing was to be held February & March 2023 - was actually October 1, 2023 through November 29, 2023
 - iv. Tanya Fell met with BOR, and CPW she stated they were pleased with the outcome and will begin grazing May of 2024
 1. Will potentially expand into new areas if they stay out of the cattails during the Black Rail nesting season
 - v. Next steps are weed control and spraying, the YCCD is looking at new technologies for example, virtual fencing
- b. Presentation on Conservation Easements-Sarah Parmar, CO Open Lands, Director of Conservation
 - i. Conservation Easements-private ownership with the easement being implemented to protect the property's value
 1. Parmar tailors each agreement to fit the needs of the owner of the property
 - ii. CO has exchangeable tax credits which are usable for 20 years, however the state tax credit = 90% of appraised CE value
 - iii. It is a taxable income but does count as a deduction on AGA (for federal deduction) (USDA)
 - iv. Groundwater Conservation Easements focuses on groundwater restrictions and is less restrictive than CREP
 1. Percent reduction in pumping is permanent, but the irrigator determines how to best achieve the reduction (not all or nothing)
 2. This is reliant on an appraisal; the process is less black and white than CREP/EQIP
 3. Tailored and less restrictive than CREP; reduction with production
 - v. Owners can take the cash but tax credits are on a waiting list until 2026
 - vi. Discussion on altering the surface water rights on the South Fork

The group took a break at 3:05 for 10 minutes

- c. Report on Compact Compliance Pipeline Extension Proposal -Tim Pautler, PTAC Chairman, Randy Hendrix, water engineer, Bill Hahn/Dennis McGrane – GEI Engineering
 - i. Hendrix Wai Engineering will be the buffer between GEI and construction and the PTAC committee
 - ii. Bill Hahn spoke about the well field current groundwater levels-drawing attention to well A8. Hahn spoke about the well maintenance program and the approach he would suggest for moving forward
 - iii. Hahn described the satellite imagery showing the current pipes to each well and the potential lines to additional wells
 - iv. Hahn introduced Dennis McGrane who gave a quick background discussing his experience
 - v. Moving forward, work will be done to compile data on candidate wells, evaluations must be done to look at the construction of the wells, and the data must be tabulated
 - vi. Hendrix spoke about what the CCP currently has a 42 inch transmission line and system capacity for 15 wells
 - vii. The current plan if a well goes down now, is to have a longer pumping season. An expansion in the current CCP would allow a transfer of the pumping requirement
 - viii. Pautler spoke about the importance of expanding the well field to add the some of the remaining wells and also expanding the footprint of the well field

Brooke Campbell left the meeting at 3:40 PM

K. 4:04 PM – Board Discussion & Action Items

Aaron Sprague left the meeting and Brooke Campbell rejoined the meeting at 4:04 PM

- a. Vote on updating RRWCD mileage rate
 - i. **There was a motion to approve the new mileage rate at 67 cents for 2024. There was a second and the vote was unanimous.**
- b. Discuss and vote on trip to Washington DC - Wil Bledsoe, Legislative chairperson
 - i. **There was a motion to approve allowing 4 people to go to Washington D.C. on March 11, 12 and 13. There was a second and the vote was unanimous.**
- c. Receive report on recent meeting with the Sandhills GWMD - Steve Kramer, Aaron Sprague and Kristen Schneider, Executive Committee
 - i. There was discussion on how much the District would be invoiced from Sandhills. Robbins pointed out that the District has previously paid payment-in-lieu for property that has been owned by the District. In the past, the District decided not to pay for the change in the tax basis.
 - ii. Midcap pointed out that this was brought up because of the Retained Jurisdiction Clause in the export agreement.
 - iii. *The group requested that Midcap bring two invoices to the District one for pipeline use and one for water that has gone through an export hearing. -This is going to be done before the May meeting.*
 - iv. There will be additional discussion on a water use fee for the amount of water pumped.
- d. Review and vote on Third Amendment to Purchase and Sale Agreement - Tim Pautler, PTAC chairman and David Robbins, Legal Counsel
 - i. Pautler discussed points of the agreement for the board.
 - ii. **There was a vote to approve the Third Amendment to Purchase and Sale Agreement. There was a second and the vote was unanimous.**

- e. Review and report on Pipeline Expansion proposal-Tim Pautler, PTAC chairman and Randy Hendrix, RRWCD Water Engineer
 - i. **There was a motion to engage with Hahn Water Resources, LLC and GEI consultants for their respective components to the project not to exceed \$25,000. There was a second. The vote was unanimous.**
- f. Discuss and review Guidelines for Board members - Rod Lenz, Board President, and David Robbins, Legal Counsel
 - i. Robbins discussed the Guidelines for Board members and how they were created by the board to show good faith participation and show civility within the board.

L. 5:00 PM - Old Business

- a. Seedorf suggested using Mike Sullivan to get the Dryland Farmable CREP issue resolved.
 - i. Brown stated that he believes the upcoming legislation has spooked USDA and it is possible that we will lose traction if a new Secretary of Agriculture is appointed.
 - ii. Daniel stated that she will set a meeting with Brown to get the language structured correctly and go forward.

M. 5:05 PM - New Business

- a. None

N. 5:08 PM - Executive session pursuant to Subsection (4) of Section 24-6-402 of the Colorado Revised Statutes 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

- a. **There was a motion to go into Executive Session at 5:08 PM. There was a second and the vote was unanimous.**
- b. The group discussed possible land acquisitions and altering resolutions to create a government land retirement program.
- c. The group discussed possible land acquisitions for the pipeline wellfield.
- d. **At 5:51 there was a motion to exit the executive session, there was a second and the vote was unanimous.**

O. 5:52 PM - Adjourn meeting

- a. **At 5:52 there was a motion to adjourn the meeting. There was a second and the vote was unanimous.**

Kristina M. Schmeider
Secretary

7/31/24
Date

RRWCD

Meeting Sign-in Sheet

Date **FEB 20, 2024**

Name	Address	Representing	Phone	Email
Janelle Fran	Po Box 420 Young, CO 80759	Quality Irrigation	970-430-3692	janelle@qualityirrigation.com
Chris Kurvat		DWR		
Mike Leener	310 Ash Coney S1016	YCSWA	970 638 5683	mleener@colorado.com
MATT Blecke		DWR		
Justin Bellin	2124 cr 48 Burlington		719-342-5111	
Sarah Farmer	825 S. Queen Way	Colorado Open Lands	520 780 1711	sarah@coloradoopenlands.org
Nolan Leavin	Yuma	ReBunk		
Pat Williams	Wray	10513a142	630-5236	