

Republican River Water Conservation District
Minutes of the Second 2023 Quarterly Board Meeting of the
Board of Directors of the
Republican River Water Conservation District
May 15, 2023

St. John's Lutheran Church Education Hall
405 S. Albany St, Yuma CO 80759

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

a. The Board members began the meeting at 10:01 AM with the Pledge of Allegiance and Tim Pautler conducted the prayer.

b. Board members present were:

Rod Lenz, President
Greg Larson, Vice President
Gil Anderson, Secretary
Wil Bledsoe
Kevin Penny
Jim Hadachek
Robin Liming
Steve Kramer
Kristen Schneider
Rod Mason
Tim Pautler
Don Brown
Roger Seedorf
Josh Lechman

Board members excused:

Aaron Sprague, Treasurer, excused
Brooke Campbell, excused (on and off the meeting, did not participate in any votes)
Steven Meakins, excused

c. **STATEMENT OF QUORUM**

Secretary Gil Anderson conducted a roll call of Board members. Gil Anderson declared a quorum with all present except for Aaron Sprague, Steven Meakins and Brooke Campbell.

Debra Daniel, RRWCD General Manager
Reon McBride, RRWCD Office & Finance Manager
Payton Liming, RRWCD Administrative Assistant

David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.
Pete Ampe, RRWCD General Counsel, Hill & Robbins, P.C.
Randy Hendrix, RRWCD Engineer, Hendrix WAI, LLC

d. **Guests present in the room:**

- i. Kevin Rein, State Engineer, and Tracy Kosloff, Deputy State Engineer
- ii. Carolyn Talbert, Nate Midcap, and Jeff Mangus, all managers of groundwater management districts
- iii. Pete Wilson, Wray State Bank President

e. **Guests present over Zoom:**

- i. Chelsea Erikson

f. AGENDA AND APPROVAL OF MINUTES

- i. At 10:05 AM President Lenz asked for any amendments to the agenda for the meeting. There was a motion to approve the agenda with no changes, which was seconded and approved unanimously.
- ii. President Lenz asked if there were any changes to the minutes of the February 21, 2023 quarterly meeting minutes. There was a motion to approve the minutes, which was seconded and approved unanimously.
- iii. President Lenz then asked for changes to the minutes of the Special Board meeting on March 22, 2023. There was a motion to approve the minutes, which was seconded and approved unanimously.

B. Administration Reports

- a. President's Report – Rod Lenz, President of the Board
 - i. President Lenz's report discussed the opportunities the RRWCD has had and the accomplishments it has achieved and he contemplated whether this was due to coincidence or providence
- b. General Manager's Report – Deb Daniel, General Manager
 - i. Daniel stated it is time to celebrate that the District has retired over 10,000 acres in the SFFZ
 - ii. Daniel discussed the history for getting Dryland Farmable CREP
 1. Don Brown spoke on background and work required to establish Dryland Farmable CREP
 2. Brown stated the program is still restrictive, but he and the legislators are still working to amend the agreement.
 - iii. Daniel discussed the passage of HB23-1220 and recognized all of those who had contributed.
 - iv. Daniel also thanked President Lenz for all the work and travel he has done for the District.
- c. Financial Report – Reon McBride, Finance and Office Manager
 - i. McBride discussed the audit, assessments, and the task of ensuring the funds at WSB are secured correctly and moving money between line items in the budget.
 - ii. There was a motion to accept the first quarter financials as presented, there was a second and the vote passed unanimously.
- d. SFFZ Acre Report – Payton Liming, Administrative Assistant
 - i. 11,202.04 acres are subject to contracts
 - ii. \$1,869,446.00 incentive funds used
 - iii. \$18,044,520.03 ARPA funds encumbered
- e. CCP Operation Report – Tracy Travis, CCP Operator
 - i. Daniel gave Travis' report. There was discussion on where the static level of the wells in the well field are, how deep the pumps were placed, and how much draw-down there is when the wells are pumping.

C. RRWCD Committee Reports

- a. Budget Committee – Aaron Sprague, chairperson, not present
- b. Conservation Committee – Steve Kramer, chairperson
 - i. Kramer thanked Don Brown for working on the Dryland Farmable CREP, Kramer hopes this will save the district some dollars in the future.
 - ii. Kramer hopes to hear from some of the GWMD about their conservation plans later in the meeting
 - iii. Discussion needs to be held on when the district will need to add more wells to the pipeline
 1. Kramer's statements boiled down to balancing the budget between conservation and wellfield purchases
 - iv. Kramer gave kudos to Daniel for prompt and accurate responses on producers signing up for programs
 - v. Lenz asked the group to respond to the question: what do we need to do for conservation?
- c. Fee Evaluation Committee – Kevin Penny, chairperson
 - i. Penny handed out the presentation Randy Hendrix showed at the last fee evaluation meeting
 - ii. Penny discussed the different assessment fee structures the committee has looked at
 - iii. Next meeting will be June 7, and Dennis Wieser will be in attendance
- d. Innovation/Technology Committee – Steven Meakins, chairperson

- i. The oil well field produced water questions have been answered and the group will meet soon to discuss the feasibility of this project.
- e. Legislative Committee – Wil Bledsoe, chairperson
 - i. HB23-1220 passed! Phenomenal job to state lobbyist Landon Gates.
 - ii. Bledsoe discussed the Washington D.C. trip and meeting USDA undersecretary Robert Bonnie and getting the paperwork finalized for the Dryland Farmable CREP program
- f. Negotiation Committee – Greg Larson, chairperson
 - i. Not much going on and open to ideas, may need to act to add more sources for the wellfield again to maintain pipeline capacity
- g. Nominating Committee – Steven Meakins, chairperson
 - i. Nothing to report
- h. Personnel Committee – Brooke Campbell, chairperson
 - i. Campbell is continuing to work on getting insurance for the staff
- i. PTAC Committee – Tim Pautler, chairperson
 - i. Pautler found a blade for the tractor used by Tracy Travis, it is \$1,000 cheaper than the PTAC committee expected, and the District should have the blade by July
 - ii. The District will not pay the 50% cost share, for revegetation, to the Cures until the wells are abandoned in the well field. If the revegetation project should be completed to NRCS standards then the District will pay the contract. The District is currently waiting on the Cure family to respond to the District’s latest proposed amendment to the original sale agreement.
 - iii. Pautler is concerned about acquiring more wells to add to the Pipeline, currently the District has 13,000 acre-feet HCU budgeted.

D. Associated Organizations Reports

- a. Colorado Groundwater Commission –Tim Pautler
 - i. Southern High Plains Basin, the Ground Water Commission turned down a request to close the basin, because the group wanting to close the basin did not have all the paperwork lined up and those who want to close the Basin need legal help to finalize the paperwork.
- b. Colorado Water Congress – Greg Larson
 - i. Retreat is Sunday, Monday, and Tuesday, the group is going to look at reservoir projects.
 - ii. Summer conference – Aug. 22-24, there will be panels on the RRWCD Compact and the South Platte Compact.
- c. South Platte Basin Roundtable – Deb Daniel
 - i. There is a project in Sedgwick County, in the South Platte Basin. The Roundtable had previously decided not to pay for maintenance for well owners, but it seems those issues are on the agenda again.
 - ii. There has been discussion on the Colorado Water plan and how the plan deals with the Northern High Plains Basin.
- d. South Fork Republican Restoration Coalition – Stuart Dykstra, project manager
 - i. No report, as Dykstra was not present
 - ii. Request for federal funding in the amount of \$120,000 has been made to Sen. Hickenlooper and Sen. Bennet’s offices through Congressionally Directed Spending
- e. Yuma County Water Authority – North Fork Channel – Deb Daniel
 - i. Daniel will report during the afternoon portion of the meeting
- f. Yuma County Pest District – Roger Seedorf
 - i. Mike Foor estimated \$3,000 will be needed for spraying the phreatophytes along the Arikaree by Beecher Island. Foor had to change the spray plan based upon the phreatophytes discovered. The North Fork spray project will be completed after the Arikaree project is finished.
 - 1. Daniel wants an estimate of cost for the North Fork before the next meeting (August 15, 2023).

E. Professional Reports

- a. Lobbyist Updates
 - i. Denise Bode/Patrick Firth -- federal lobbyist, Constitution Partners
 - 1. Daniel gave the report for Constitution Partners
 - 2. Daniel stated the group had a great and productive trip to Washington, D.C.

3. Daniel and members of the legislative committee will be meeting with all of the representatives that the group met in D.C. via Zoom to continue building/maintaining the relationships created.
- ii. Landon Gates – state lobbyist, Capital Focus, LLC
 1. HB 23-1220 passed, apologies it took so long, Gates shared the stress with Daniel as they awaited the passage of the bill. The governor has not signed the bill yet. CSU will have funds available July 1, 2023 and then CSU will be on a 2.5 year timeline to complete the study.
 2. The District is very well positioned and very well respected. State leadership acknowledges the challenges to meet Compact obligations, Democrats also acknowledge the District's issues.
 3. Thanks to Kevin Rein and the staff at DNR.
 4. Gates will work with Larson to meet legislators present at CWC.
 5. Over the legislative recess the interim committee for Water Resources and Agriculture Review committee will discuss how to handle water issues facing the state of Colorado
 6. Lenz thanked Gates for persevering through the hardest state legislation session yet
 7. Brown also stated HB 23-1220 was precarious in the beginning and Gates handled the work well
 8. Brown suggested a handwritten thank you to those who carried HB23-1220

F. The group recessed for lunch at 12:00PM.

G. The meeting reconvened at 12:42PM

H. Report from James Thompson, regional director for Senator Bennet's office

- a. Thompson discussed changing the language of the agreement to make Dryland Farmable CREP more useable.
- b. The Congressionally Directed Spending-committee will meet again in August/September. The decisions are made by the appropriations folks, and next fall will be when those funds are available for use.
- c. Sen. Bennet will be asking about drought needs and staffing at the local office levels.

I. Continued professional reports

- a. Engineer's Report – Randy Hendrix, RRWCD water engineer, Hendrix Wai Engineering LLC
 - i. Submitted the CCP deliveries for this year: 12,800 acre-feet
 - ii. Mapping the acres retired after 2017
 - iii. Creating a map showing the retirement of acres over time
 - iv. Working on a transmissivity grid
- b. Attorney's Report – David Robbins/Pete Ampe, RRWCD legal counsel, Hill and Robbins P.C.
 - i. Ampe concentrated on writing SFFZ contracts
 - ii. Worked on getting legislation passed
 - iii. Robbins has been working on drafting and redrafting the amendment for the Cure revegetation agreement

J. Public Comment opened at 1:00PM

- a. Nate Midcap-Big 4 GWMD,
 - i. Applauds the District, it is a big accomplishment retiring 10,000 acres, the effort is seen and appreciated
 - ii. The Big 4 GWMDs have met about the reports Hendrix created
 - iii. The Big 4 want to utilize the funds from the district to hire a grant writer to get funds to incentivize folks to curtail pumping by 20%
 - iv. All Big 4 boards aren't in agreement about how the program should function but want the funds to start the process
 - v. There has been discussion on utilizing WPP funds for hiring a grant writer
 1. Brandi Baquera of Colorado Master Irrigator (CMI) stated that CMI has experience writing grants and they would be more than happy to help write grants to get funds
- b. Brandi Baquera
 - i. Thanked the District for supporting Colorado Master Irrigator
 - ii. The \$48,000 from the District allows CMI to have stipends for another year
 - iii. There has been a huge mindset shift, toward conservation, in the District board since Baquera began coming to the meetings
 - iv. Baquera extended the invitation to help write grants to all the GWMDs

- c. Carolyn Talbert, East Cheyenne Groundwater Management District
 - i. Talbert stated she required the board members of the East Cheyenne GWMD to participate in something that impacts their livelihood.
 - ii. The issue East Cheyenne GWMD has is that it is difficult to create a program for both compact wells and non-compact wells.
 - iii. East Cheyenne GWMD has a hard time finding funding for conservation

d. Public comment closed at 1:13PM

K. Report from State Engineer Kevin Rein and Deputy Director, Tracy Kosloff

- a. Started by introducing Tracy Kosloff, Deputy Director of the Colorado Division of Water Resources
- b. Discussed Kosloff's first Groundwater commission meeting
 - i. Kosloff thanked the District for the warm welcome and discussed working with the District in the future
- c. Rein discussed the importance of the Dryland Farmable CREP agreement, it was so important he had his wife drive him to the Capitol very soon after having knee surgery to participate in the ceremony
- d. Perkins County canal, the Nebraska Legislators approved the requested \$600 million from appropriations. Keep a watchful eye on this issue in the future.
 - i. Nebraska can call for significant quantities of water for those rights junior to the 1921 compact
 - ii. Julesburg Reservoir has senior rights and has the storage for approximately 35,000 acre feet
- e. The District needs to get the documentation together for Rein to verify the acres retired before the RRCA meeting in August
- f. There was extended discussion on the Perkins County canal issue
- g. Report by Chris Kucera, Republican River Team Lead Commissioner
 - i. 42.8 cfs on the North Fork
 - ii. Pioneer Ditch is overflowing on the Nebraska side
 - iii. There was water at the Benkelman gauge, but when the USGS checked it, it was dry
 - iv. 865,000 acre-feet water pumped in the Basin during 2022
 - v. 47 wells over pumped, 1,500 acre-feet pumped over their appropriations
 - vi. Slowly eliminating power meters, and many irrigators are moving towards flow meters (flow meters are more accurate with representation of water usage)
 - vii. Discussion on using power conversion coefficients vs. flowmeters

L. Report from State Legislators

- a. Report from Sen. Byron Pelton (first year in the legislature)
 - i. The only bill that was only Republican sponsored to pass the Senate was the District's bill
 - ii. HB23-1220 passed unanimously in both chambers
 - iii. The state legislators understand how important the District is to the Colorado economy
 - iv. Peltonia (both Sen. Rod Pelton and Sen. Byron Pelton)-represent 44% of the state with 7% of the population

M. Report from Darlene Carpio, regional director for Congressman Buck's office

- a. Congratulations from Buck's office on all the milestones and thank you for continuing to work on these issues. Thank you for taking the time to educate the Washington D.C office.
- b. The office is pushing back on the definition of WOTUS and suggests going back to the 2015 definition.
- c. Congressman Buck's office is doing a study on CREP rates (District 4)

N. Board Discussion & Action Items

- a. Financial Update-Discuss funding opportunities at Wray State Bank – Reon McBride, Fin. & Office Mgr.
 - i. Recommendation from Reon: move the money from FPNB to First Farm Bank (9 mo. CD, 4.7%) max of \$250,000, McCook National Bank (12 mo. CD, 4.5%) max of \$1 million, and the rest will go to WSB (12 mo. CD, 4.65%)
 - ii. Extended discussion about FDIC insurance and CDARS and keeping funds liquid for programs payments and cash flows
 - iii. **There was a motion to accept the recommendation from McBride, there was a second and the vote passed unanimously.**
- b. Consultant contract with Mike Sullivan
 - i. Review consultant contract with Mike Sullivan, recently retired from CO DWR
 - ii. Work on Dryland Farmable CREP and 2023 Farm Bill – Don Brown
 - iii. Contract discussion – Pete Ampe, legal counsel

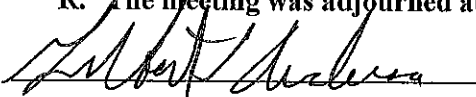
- iv. The contract would begin September 1, 2023. Sullivan would step-in to take care of a lot of the program questions that Tim Davis used to handle.
 - v. There was discussion on Sullivan being required to receive PERA
 - vi. **There was a motion to enter a contract with Sullivan Engineering on September 1, 2023. There was a second and the vote was unanimous.**
- c. Budget Transfer
 - i. Review and vote on Ordinance for Budget Transfer Resolution – Reon McBride, Finance and Office Manager
 - ii. **There was a motion to accept Resolution 23-04 for the Budget Transfer, there was a second, and the vote was unanimous.**
 - d. Colorado Water Conservation Board
 - i. Discuss and vote on additional incentive funding from CWCB – Deb Daniel, GM
 - ii. **There was a motion to continue the \$200/ acre incentive payments in the SFFZ. There was a second.**
 - iii. There was discussion on letting the current funds run out before signing a new CWCB contract again.
 - iv. **The vote was unanimously approved.**
 - v. **There was a motion to amend the first motion with the caveat that the funds must be approved by CWCB. There was a second. The vote was 13 positive votes, with Rod Lenz abstaining from the vote.**
 - e. North Fork Republican River
 - i. Discuss NFR flooding issue during winter months west of Laird – Deb Daniel GM
 - ii. Daniel showed photos from Devin Ridnour of the North Fork of the Republican.
 - iii. **There was a motion to allow the administrative staff to address streamflow issues with landowners and NRCS on all tributaries in the Basin. There was a second.**
 - iv. Discussion on how improving stream flow impacts the District.
 - 1. Robbins discussed the Snag and Drag program in the Rio Grande Water Conservation District.
 - v. **The motion passed unanimously.**
 - f. Water Education Colorado
 - i. Discuss & vote on contribution to Water Education Colorado – Deb Daniel, GM
 - ii. **There was a motion to renew the \$1,000 subscription for Water Education Colorado. There was a second and the vote was unanimous.**
 - g. Colorado Ag in the Classroom
 - i. Discuss and vote on contribution to Colorado Ag in the Classroom – Deb Daniel, GM
 - ii. **There was a motion to renew the \$500 contribution to Colorado Ag in the Classroom. There was a second and the vote was unanimous.**
 - h. Gmail accounts for RRWCD Board members
 - i. The Board discussed creating and using RRWCD specific Gmail accounts with input from Reon McBride, Finance and Office Manager
 - ii. There was a recommendation that each member of the Board establish a Gmail account and use the Gmail account for RRWCD business.
 - iii. There were extended discussions on the pros and cons of establishing a Gmail account for RRWCD business. **It was moved, the board of directors will require board members to create a designated email account in a specific format and manual procedures must be amended to include the requirement of all board members to have all District business be conducted through the email account.**
 - iv. **There was a second and the vote was unanimous.**

O. Old Business

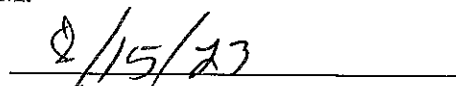
P. New Business

Q. There was a motion and second to adjourn the meeting. The vote was unanimous.

R. The meeting was adjourned at 2:52 PM.



Secretary



Date