

Minutes of the First 2023 Quarterly Board Meeting of the  
Board of Directors of the  
Republican River Water Conservation District  
February 21, 2023

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.

Present were:

**Board Members:**

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

Debra Daniel, RRWCD General Manager, excused  
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

Guests present over Zoom: Stuart Dykstra, V3 Enterprises, and Aaron Thompson, Bureau of Reclamation

Guests present in the room: Kevin Rein, State Engineer, and Mike Sullivan, Assistant State Engineer

**STATEMENT OF QUORUM**

Vice Chair Greg Larson 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. Gil Anderson declared a quorum with all present except for Rod Lenz.

Greg Larson introduced guests Kevin Rein, State Engineer, and Mike Sullivan, Assistant State Engineer.

**AGENDA AND APPROVAL OF MINUTES**

At 10:10 AM Vice Chair Larson asked for any amendments to the agenda for the meeting. Anderson moved to have Aaron Thompson and Stuart Dysktra give their reports for the meeting after the approval of the previous meetings minutes. There was a motion to approve the agenda with the suggested changes, which was seconded and approved unanimously.

- Vice Chair Larson, asked if there were any changes to the minutes of the November 15th quarterly meeting minutes. Hearing no changes, there was a motion to approve the minutes, which was seconded and approved unanimously.
- Vice Chair Larson, asked if there were any changes to the minutes of the Special meeting minutes for January 5 & 6th. Brooke Campbell stated her name was listed twice. There was a motion to approve the minutes as amended, which was seconded and approved unanimously.
- Vice Chair Larson asked for changes to the Executive Session minutes for the January 6<sup>th</sup>, 2023 Special meeting. There was a motion to approve the minutes, which was seconded and approved unanimously.
- Vice Chair Larson asked for changes to the Special virtual meeting on January 25, 2023. There was a motion to approve the minutes, which was seconded and approved unanimously.

### **REPORT FROM BUREAU OF RECLAMATION**

Aaron Thompson of the Bureau of Reclamation (BOR) gave an update on the Bonny Dam facility. Thompson discussed the comprehensive analysis conducted on Bonny Dam, and discussed exterior cracking may have been caused by sediment differential. The comprehensive review will likely lead to the BOR to breach the Dam in the future. BOR will be looking for a cost share partner and suggested this may be a lower cost alternative to some of the modifications that have been previously suggested.

- Stuart Dykstra commented that one of the issues with breaching the dam is the county road running over the Dam needs to be maintained for use. He suggested rerouting as a bridge was not seen as feasible.
- Bledsoe asked what the cost share percentage would be, Thompson answered this question will be more flushed out in the future.
- Seedorf requested when Thompson needs to be placed on the Agenda for an RRWCD Quarterly meeting again? Thompson stated that he will be able to give a report by the August meeting.

Stuart Dykstra, gave an update on the SFRRRC project. The survey company is engaged, they have purposely held back on conducting the survey until the leaves have fallen off the trees. They will be conducting that survey soon. The clearing work will be completed by June/July, and the resprouts will be sprayed next fall and into next spring. Dykstra discussed pursuing a Watersmart grant, IIAJ grant and a technical assistance grant. The skeleton of the Watersmart grant has been completed but with the additional information from Thompson, changes will be made. Dykstra discussed pursuing funds for the outlet relocation, and Dykstra discussed the significant reconfiguration for that project. Monies will be pursued for channel restoration funds. There is significant water retention during small and medium water events, the water retention further enhances the phreatophyte growth. Agricultural drainage is being looked at to solve the issue of sediment retention behind the dam. Profiling the sediments located in the drainage area will be important to get through flow of shallow ground water. There was a recreational study conducted at the beginning of this study. The next step to be conducted will be researching equestrian opportunities.

- Robbins asked Dykstra if the news from Thompson would change the pursuit of grant monies. Dykstra stated the grants can be pursued and later withdraw the grant if the project no longer falls into that realm. Robbins stated that the District board will not be rushing to cost share on the project unless the cost share helps them meet their goals with the SFRRRC project.
- Larson asked if an updated report can be expected at the May meeting. Dykstra stated that yes, you can expect a report from him at the May meeting.

### **FINANCIAL REPORT**

Office and Finance Manager Reon McBride presented the financial report for the quarter ending December 31, 2022. McBride discussed journal entries will occur in the future to adjust some of the accounts mentioned during the report. She is looking at the irrigated acre reports and will update the board when she has further information. The group met with Scott Szabo about the cost of future audits. A motion to approve the financial report for the Fourth Quarter of 2022 was made, seconded, and approved unanimously.

### **SFFZ REPORT**

Payton Liming presented that there are 7,501.41 acres under contract for the SFFZ under the District's conservation programs. Liming discussed the amount designated through ARPA funds and also discussed how much of the \$2 million incentive paid through CWCB has been used.

- Seedorf suggested that not all of the landowners in the SFFZ are aware of the increased ARPA rates. Seedorf requested a breakdown of the programs from the beginning of the ARPA funds. There was extensive discussion on using the ARPA dollars to get the maximum amount of acres retired. There was discussion on the rate decreasing after the ARPA dollars are exhausted. Sprague stated the Budget has not been expanded to encompass the loss of those funds.
- There were suggestions of utilizing news articles, radio spots, letters, and social media to better alert those in the SFFZ about the retirement of acres and how the rate will change after the ARPA funds are exhausted.

### **TRACY TRAVIS: PIPELINE REPORT**

Reon McBride reported for Tracy Travis. “We started pumping on November 18, 2022 discharging approximately 60 acre-feet per day running all 8 wells. We had to shut down a few days before Christmas during the subzero weather due to ice conditions on the tank sensor. I installed a heat cable around the sensor that seems to help the situation. During the next couple of snowstorms, I got plenty of good use out of the tractor and would suggest purchasing a hydraulic angle snow blade for the front loader. I believe it would save a lot of time plowing snow and could also be used to blade the roads. John Deere can order one with delivery in about nine months. I would suggest a heavy duty one that I could also use to grade roads. These cost around \$9,000.00. I can get an exact bid if you are interested. Road conditions to and from the pipeline were not good during the storms and are just now starting to get better. If you have any questions, give me a call.”

### **COMMITTEE REPORTS**

- Director Aaron Sprague, Budget Committee Chairperson, no meetings scheduled yet, but he expects this will be a year where there is more than one meeting.
- Director Steve Kramer, Conservation Committee Chairperson, stated there have been multiple meetings already since the beginning of the year. There has been discussion about what was learned at the Board retreat. The committee wants to assist the GWMDs in the building of their conservation programs. The committee wants to utilize the Joint Task Force. The committee will encourage the GWMDs to have an answer for a plan by the May meeting, but if they do not want to do so, the District would request that the GWMD support the District in pursuing jurisdictional authority. If that does not succeed, the District will need to pursue buying more water for the pipeline. The conservation committee is looking into building a presentation to discuss these issues.
  - Bledsoe asked Hendrix what the decrease in water use would need to be. Hendrix stated the Model is not made to look at the numbers that way. Bledsoe stated to accomplish anything there must be a benchmark. There was extended discussion between Hendrix and Bledsoe on getting a number to use as a benchmark in the reduction of water use in the Basin.
- Kevin Penny, Fee Evaluation Committee Chairperson, gave a report on the current members of the Fee Evaluation Committee and gave a report on the history of the water use fee. Penny asked Robbins if policy 19-3 needs to be looked at by the FEC? Robbins stated it should be included when the committee is making considerations for their proposals.
  - Hendrix discussed 19-3 was drafted to capture every groundwater diversion which impacts the groundwater model with depletions. Penny read through 2.1 of Policy 19-3, and asked Hendrix what that point meant to him. Hendrix stated in 2015, flow meters were accepted by the state as the input variable for the groundwater used for the groundwater model. There was discussion on why the crop estimate is figured at the county level, (issues with not having a weather station in each GWMD). Penny then read question 1 from the letter of the WY letter and asked for clarification from the attorneys. There was extended discussion on the District operating as a budget based entity and the 2016 Resolution.
  - FEC will take time and discuss the next step. The FEC will send out letters to the GWMDs and Counties to maintain an open line of contact and will request responses from
    - Robbins wanted to clarify that if the state does not meet the 25,000 acres, then Kansas will withdraw their agreement to the Resolution, which in turn will mean the District will no longer be in compliance with the Compact. The District will lose 100 percent credit on the pipeline, and will also be out of compliance on the South Fork. The SEO will only have one way to solve the problem if the Basin is found to be out of compliance and that will be to curtail pumping.
    - Sullivan clarified there are two Resolutions between the three states. He does not know what would happen if the State decided to pull the plug on the Harlan county Resolution.

- There was discussion on how the board will handle future unexpected expenses.
- Director Steven Meakins, Chairperson of the Innovation & Technology Committee, nothing to report.
- Director Wil Bledsoe, Chairperson of the Legislative Committee, began by discussing the meeting with Rep. Holtorf at the January Retreat. The Basin economic study bill must be in front of the committee by Friday. Bledsoe asked Brown and Larson to discuss the Legislative day at the Capitol. Brown stated the district has a phenomenal lobbyist, and Gates made sure the group met with all of the important folks. It was very important that the group thanked the legislators for the ARPA funds received. Larson stated the Legislators were very excited to hear the acre numbers from the District.
  - Bledsoe discussed the District moving from MBS to Constitution Partners. Five folks are making the trip to DC, March 6<sup>th</sup> through 9<sup>th</sup> and the group will focus on meeting with USDA and formulating the Farm bill. Bledsoe discussed the Legislative reception on March 1, and is looking for 4 to 6 people to go.
- Director Greg Larson, Chairperson of the Negotiating Committee, it has been very quiet. The group may have a meeting before farming season starts.
- Director Steven Meakins, Chairperson of the Nominating Committee, reported nothing until fall.
- Director Brooke Campbell, Chairperson of the Personnel Committee, the group has a recommendation for Reon's 6-month review which will be discussed later.
- Director Tim Pautler, Chairperson of the PTAC Committee, not much to report on the movement of the revegetation issue. The group will meet soon to figure out where they will go from here.

#### **ASSOCIATED ORGANIZATION REPORTS**

- Director Tim Pautler, Colorado Groundwater Commission, not much to report, there is a meeting this Friday, the meeting was moved to accommodate a commissioner going to state wrestling. There are only a few hearings scheduled to be heard.
- Greg Larson, Colorado Water Congress, there were 540 registrations, the biggest meeting ever held. Sen. Simpson introduced a bill for the Interim water committee to meet all year round. Rosie Brummet wants to meet with the group (she is a point person for the Farm Bill). The group met with John Tracy, the director of the Water Center. Carpio will be in Pennsylvania in March and wants to meet the group in DC if possible. Larson discussed the Colorado River issue and stated that last year was our year and this is the year for the Colorado River.
- Yuma County Water Authority, Roger and Robin will be in contact with each other to get a representative figured out.
- Roger Seedorf, Yuma County Weed Control, Mike Foor stated that the Arikaree has 30 to 40 trees growing and they are currently 3 to 4 feet tall. Foor estimated the cost of spraying this issue will be near \$3,000.00. Sprague stated the line item is now channel restoration and it is allowed for use on all channels.
- **There was a motion to allocate up to \$3,000.00 for phreatophyte control on the Arikaree River. There was a second and the vote was unanimous.** There was discussion on the receiving 78 percent on the Arikaree and the importance of maintaining flow.

The group broke for lunch at 12:06 PM. The group reconvened at 12:51 PM.

#### **REPORT FROM ATTORNEY GENERAL PHIL WEISER**

- Attorney General, Phil Weiser spoke at length about the concerns the District has and advised that however the board decides to proceed in the future, the District will have the AG's support.

#### **PUBLIC COMMENT**

##### **Public Comment was opened at 1:27 PM**

- Nate Midcap, Big 4 GWMD Manager, began by stating in 2019 the Big 4 GWMDs received funds from the District to work on conservation plans. Midcap stated the board can ask Randy for that study if they need to. The GWMD boards found the report helpful, and he encouraged additional groups to also pursue having the reports done. Midcap discussed the GWMDS spent \$22,000 on ballot questions and three of the four ballots failed,

Frenchman was the only ballot which passed. He believes the group will ask for funds to get a grant writer in the future.

- Dale Hansen, Burlington CO (farmer) began irrigating in 1973, discussed the irrigation changes from the beginning to now. Hansen showed an example of drastic changes in pumping ability in one of his wells, and information about a random well received from Daniel. Hansen paid \$77.50 per acre foot vs. the \$13.30 acre foot for the well Daniel provided anonymous information for.
- Mark Hillman, farms south of Burlington, thanked the group for the big task they are undertaking. He carried the legislation to build the District. Hillman discussed the group needed to change the structure of the water use fee. What do you have and what do you need to use? Hillman asked the group to change the structure fee because the group must change to meet compliance and folks need to have accountability. Hillman stated the whole basin will suffer consequences if accountability doesn't occur. Hillman thanked the group for their work and urged them to find solutions.
- Bart Mulch, representative of the Plains GWMD, the Plains GWMD is charging the group to find a fair and equitable solution to charge the Basin the water use fee. Mulch discussed the water use fee changes since the district began and urges the Board to find a more equitable way to charge for water usage.
- Carolyn Talbert, East Cheyenne, discussed that the acre-foot pumped would be the most fair charge, as the issue is the depletions of the Ogallala aquifer. Talbert was told she hit the 5 minute mark and kept going. Changing the fee would be favorable to the farmers in east Cheyenne because they do not have the ability to pump as much water as other GWMD.
- Dennis Weiser, on the Arikaree GWMD, stated he built a plan for the water use fee and would like to share it with the FEC.
- Sean Brenner, farmer (in the Plains district), discussed how his family is on the Launchman and is in the SFFZ. He stated that the District is in charge of making the tough decisions. He wants the Basin to come together to have a plan that can keep the Basin operational. He believes the Plains district is making a sacrifice and wants the Basin to acknowledge that by practicing conservation by changing the fee.
- Dave Hornung, KCC Commissioner and irrigator, changing the structure incentivizes farmers to conserve.
- Stan Hitchcock, KCC commissioner and business owner, the North vs. South argument needs to end, everyone needs to conserve.
- Dennis Coryell, Plains District, in 2004, everyone was asked what the main challenge would be. Coryell stated the issue would be keeping the Basin unified. The Basin will not be able to solve problems comprehensively if there is no unification. He stated the District needs to find a compromise and stay unified.

**Public comment closed at 2:08PM**

## **PROFESSIONALS' REPORTS**

- Randy Hendrix, Engineer's Report,

### ***Fee Evaluation Committee***

Participated in conference zoom calls with members of the Fee Evaluation Committee to assist with technical questions that arise from the various presentations being made by the committee. In addition, annual diversion and acreage data was provided to the committee to further understand the potential impacts of the proposed fee structure.

### ***General Updates***

Updated past engineering analyses that include pumping within the District through 2021. This included the annual water balances for the District and the groundwater management districts. We also updated the groundwater impacts to the computed beneficial consumptive use analysis.

### ***Miscellaneous Mapping***

HWE prepared a map for a farm located on the edge of the South Fork Focus Zone regarding the RAMP program at the request of Deb Daniel.

### ***Compact Compliance Pipeline Estimate 2022***

The Compact Compliance Pipeline Estimate will be updated in April. The April estimate will determine when the CCP will need to be turned off for the summer. It is still anticipated that 2023 will probably be considered a water short year for Compact Accounting. Since it might be a water short year Colorado will be limited on the amount of Beaver Creek entitlement. This reduces the total amount of Compact entitlement that Colorado receives thus potentially increasing the amount of water needed to be pumped by the CCP for compliance with the Compact.

### ***Permanent Dry-Up Compliance Mapping Project***

HWE continues to work on this project as our time allows, and we have no further update on the project at this time.

### ***Irrigated Acreage Mapping Project***

HWE has shifted the focus on the irrigated acreage mapping project to the South Fork Focus Zone to determine the amount of irrigated acreage in the year 2016. This project requires HWE to review the SEO 2015 irrigated acreage to 2015 aerial photographs. Determine if there are discrepancies in those acres based on our interpretation of the aerial photographs. In addition, we are evaluating the SEO shapefiles in 2015 and 2021 for differences but still need to identify those parcels in 2015 that were taken out of production as part of the various programs within the District. photographs and 2016.irrigated acres in 2016.

**Public comment was reopened for Darin Dickey at 2:10 PM**

- Darin Dickey, Cheyenne County Commissioner, the concern of the Cheyenne county well owners is that more pumping is occurring based on the per irrigated acre fee. Their concern is that once the 2029 deadline is met and all of the small pumping wells are retired and the basin is still over pumping what happens next?

**Public comment closed at 2:13PM**

- Pete Ampe/David Robbins, Attorney's Report, WPPP contract was drafted Friday for the District Administrative team, WOTUS is raising its head again. Bill drafting has been going in circles, and now that it is in the drafter's hands it is more difficult to make changes but that will be completed by Friday.

**REPORT FROM STATE ENGINEER'S OFFICE**

- Report from State Engineer, Kevin Rein, Rein deferred to Sullivan for the report today.
- Report from Deputy State Engineer, Mike Sullivan, the next meeting with KS & NE is tomorrow. 2023 will be a water short year for Harlan County Reservoir, meaning the District will need to make up 1800 acre-feet. When years begin dropping off the 5-year average, the District will be coming up against the ability of the pipeline. Sullivan discussed the issue the Colorado River is coming up against now, especially with 6 of the 7 states coming to an agreement. The SEO's office is now collecting data just in case the Colorado River issue goes to court.
- Larson read Resolution 23-01 honoring Mike Sullivan, who is retiring from state service, for the dedication and time he spent working with the members of the RRWCD as deputy state engineer.

**REPORT FROM COLORADO WATER COMMISSIONER FOR THE REPUBLICAN RIVER**

- Chris Kucera, Team Lead Commissioner, Kucera was not present, however Matt Blecha spoke. Blecha spoke on 64 orders for over pumping going out earlier this month. The well owners have two weeks to contest the orders. The report for pumping this year was estimated at approximately 900,000 acre-feet and the true number is likely closer to 870,000 to 880,000 acre feet.

**BOARD DISCUSSION AND ACTION ITEMS**

- Discuss and vote on Resolution honoring Mike Sullivan for his service to the District—Greg Larson, Vice Chair
  - There was a motion to approve the Resolution honoring Mike Sullivan, there was a second and the vote passed unanimously.
- Discuss Representative Holtorf's draft economic study bill—Wil Bledsoe, Legislative committee chairperson
  - Bledsoe discussed the changes the draft has gone through and the cost for the study has yet to be determined. The idea behind the study is that the state will own the bill and when we have a future request for the cost of the retirements the Legislature will be more allowing. Ampe stated the bill is trying to look at the additional impact which will occur in the local communities in NE & KS, and whether the Center feels they have the data to look at that impact. There was discussion on if a Democratic sponsor has been found yet. Larson clarified that McCormick will be the Democratic sponsor. The cost will be a separate line item, so the funding does not come out of the budget for CSU. The cost will be added to the bill when the bill goes through appropriation.
- Discuss engaging with Joint Task Force—Steve Kramer, Conservation committee chairperson
  - The conservation committee has the allowance to alter their presentation and the committee will be asking for a notice from the GWMD about establishing a conservation program answer by the May meeting. **There was a motion to have Hendrix conduct the water study for the remaining GWMD (the Big 4 had them done), there was a second. There was an amendment to the initial motion to allow Hendrix to share the reports with each appropriate GWMD. The second agreed with the amendment to the motion.**
    - There was additional discussion clarifying what the request to Hendrix is and an example of what the water study results are. There was extended discussion on the results of the water study and

how this would help the board. There was discussion on how to manage the information for Bonny Dam.

▪ **There was a vote and it passed unanimously.**

- Receive and vote on Recommendation from Personnel Committee – Brooke Campbell, Personnel committee chairperson
  - **There was a motion to follow the recommendation per the Personnel Committee, there was a second. There was discussion on the date of McBride’s 6-month deadline (February 6, 2023). The vote passed unanimously.**
- Discuss and vote on increasing the amount from \$1,000 to \$5,000 on checks General Manager may sign –Reon McBride, Finance and Office Manager
  - McBride discussed the strain on Lenz to make it to the office to sign checks. McBride discussed the additional changes to the Accounting and Banking policy in the Board packet to keep the policy updated.
  - **There was a motion to amend the board manual accounting and banking as presented by McBride, there was a second. The vote was unanimous.**
- Discuss letter from Aaron Sprague regarding furthering his education opportunity
  - **There was a motion to allow Sprague to pursue being able to participate in the study conducted through the bill to satisfy graduation requirements. There was a second and the vote was unanimous.**

**OLD BUSINESS**

- Robbins discussed the new information received from the BOR relating to Bonny Dam. It is the property of BOR, if the breach is a notch, the only cost share the District should participate in is the deepening of the notch. Robbins stated the revegetation plan is also heading towards a conclusion.

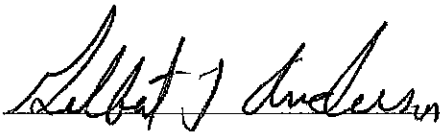
**NEW BUSINESS**

- No New Business

**EXECUTIVE SESSION**

- There was no Executive Session.

At 3:12 there was a motion to adjourn the meeting, which was seconded and approved unanimously.

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Secretary

5-16-23 \_\_\_\_\_

Date