

**Minutes of the First 2012 Quarterly Board Meeting of the  
Board of Directors of the  
Republican River Water Conservation District**

**January 12, 2012**

**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, at the Burlington Community & Education Center, Burlington, Colorado.

Present were:

Board Members:

Dennis Coryell, President  
Greg Larson, Vice President  
Byron Weathers, Treasurer  
Tim Pautler, Secretary  
Eugene Bauerle  
Raymond Enderson  
Garry Kramer  
Steve Kramer  
Bruce Latoski  
Rod Lenz  
Rod Mason  
Wayne Skold  
Aaron Sprague

Deb Daniel, RRWCD General Manager  
Dawn Webster, RRWCD Administrative Assistant  
David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.  
Dennis Montgomery, RRWCD General Counsel, Hill & Robbins, P.C.  
Jim Slattery, RRWCD Engineer, Slattery & Hendrix Engineering LLC  
Tim Davis, RRWCD Program Consultant, TJD LLC

A sign in sheet listing the members of the public attending the meeting is attached as Exhibit 1.

**STATEMENT OF QUORUM**

President Dennis Coryell called the meeting to order at 10:07 a.m. and welcomed the public. Secretary Tim Pautler conducted a roll call of Board members, noting that Directors Jack Dowell and Stan Laybourn 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 Coryell asked for any amendments to the agenda for the meeting. Director Gene Bauerle requested to add bids for a new District vehicle under Old Business. There being no other changes, a motion to approve the agenda with that addition was made, seconded, and approved unanimously.

Prior to this meeting, the Directors had received, electronically, a draft of the minutes of the special Board meeting held on November 9 and 10, 2011, and the special telephonic Board meeting held on November 23, 2011, and the executive sessions held during the special Board meeting on November 9 and 10, 2011. These documents were also included in the Board packet today. President Coryell asked if there were any changes or corrections to the minutes. There were none. A motion to approve the minutes of the special Board meeting held on November 9 and 10, 2011, and the special Board meeting held on November 23, 2011, and the minutes of the executive sessions held during the November 9 and December 10, 2011 Board meetings was made, seconded, and approved unanimously.

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

At 10:12 a.m., General Manager Deb Daniel gave a brief progress report on the Compact Compliance Pipeline (Pipeline), noting that the District would like to set up a tour of the Pipeline for Board Members, GWMD managers and board members, and well as a tour for the public. Next, General Manager Daniel informed the Board that the hearing on the export application for the Pipeline was scheduled for January 24, 2012, before the Board of Directors of the Sandhills Groundwater Management District (GWMD). Finally, General Manager Daniel presented the financial report and the disbursements for the quarter ending December 31, 2011, which were previously sent to the entire Board electronically as well as being included in the Board packet. General Manager Daniel answered questions from the Directors about the financial report and the disbursements. A motion to approve the financial report and the disbursements for the fourth quarter of 2011 was made, seconded, and approved unanimously.

### **PROGRAM UPDATES AND REPORTS**

At 10:26 a.m., Tim Davis, RRWCD Program Consultant, provided an update on the Conservation Reserve Enhancement Program (CREP) and the Agriculture Water Enhancement Program (AWEP). Mr. Davis discussed the funding available for AWEP and noted that if there is interest when funding is not available through AWEP, then requests will be made through the Environmental Quality Incentives Program (EQIP). He also noted that there has not been a decision from the USDA on the proposed CREP amendment.

Director Byron Weathers asked that David Robbins, RRWCD legal counsel, report on the Colorado Water Congress (CWC). Mr. Robbins noted the upcoming CWC annual convention and discussed two proposed initiatives before the Title Setting Board to amend the Colorado Constitution that would adopt the public trust doctrine and limit the appropriation of water. He explained the prohibition on spending money on initiatives once they are on the ballot, but said the Board could spend money to challenge the accuracy of the title of an initiative or the single-subject requirement. He recommended that the Board make a contribution to the CWC to support its efforts to challenge the accuracy of the titles of these proposed initiatives and whether they satisfy the single-subject requirement.

Director Gene Bauerle reported that the South Platte Roundtable held a meeting on January 10, 2012. He said bills have been proposed regarding eradication of tamerisk, municipal use, and water quality standards. He said there were no requests for funding at that meeting.

Director Jack Dowell was not present to report on the Republican River Weed Control program.

Director Bruce Latoski did not give a report on Yuma County Water Authority (YCWA); however, he said he had talked to Commissioner Robin Wiley, who said that Yuma County is currently looking at ways to take over Bonny Reservoir.

Christine Arbogast, RRWCD federal lobbyist, discussed the prospect for legislation and funding for conservation programs in 2012 and suggested the Board consider planning a trip to Washington, D.C., in February to discuss the upcoming Farm Bill and funding for conservation programs. President Coryell asked Ms. Arbogast to stay until after Public Comment so the Board could discuss a trip to Washington, D.C.

Jim Slattery, RRWCD Engineer, reported on his meeting with Dennis and Laura Lengel concerning their Scherrer Ditch water right and said he is continuing to work on the Rush Creek water rights. Mr. Slattery also noted that he had assisted legal counsel on the Cure Land lease amendment and had worked on various issues with the Pipeline Technical Advisory Committee (PTAC) relating to the Pipeline. Finally, he noted that he has been assisting legal counsel to prepare for the hearing before the Board of Directors of the Sandhills GWMD on the export application.

David Robbins, RRWCD legal counsel, briefed the Board on the Hutton Educational Foundation's lawsuit against the Colorado State Engineer, noting that a trial has been set for April 23rd & 24th, 2012. Mr. Robbins also informed the Board of other matters that legal counsel had been working on, including preparing for the export hearing and drafting responses to the questions from the Sandhills GWMD Board of Directors concerning the proposed export. Finally, he informed the Board that the Water Quality Control Commission is holding a hearing in March to consider adopting very stringent criteria for the state's water bodies, which could cost dischargers 22 to 23 billion dollars to comply with.

At 11:30 a.m., State Engineer Dick Wolfe briefed the Board on the status of negotiations with Kansas to obtain the Republican River Compact Administration (RRCA)'s approval of the Pipeline project. Mr. Wolfe said he has been in communication with Kansas Chief Engineer David Barfield and has asked him to respond to Colorado's proposals. He said he feels that Kansas is diligently working on responding to Colorado's proposals, and answered questions from the directors regarding Kansas' positions on the Pipeline and Bonny Reservoir and a timetable for presenting a resolution to the RRCA to approve the Pipeline project. He gave a brief update on draining Bonny Reservoir and efforts to keep the outlet clear. Water Commissioner Dave Keeler then gave a slide presentation on Bonny Reservoir and thanked several individuals in the District and from the State for assistance in cleaning out the trash rack. General Manager Daniel thanked Mr. Keeler and Assistant Water Commissioner Devin Ridnour for their efforts to clean out the trash rack.

## **PRESENTATION**

At 12:09 p.m., Steve Townsley and Paul Eggers of GEI Consulting, Inc. (GEI), gave an update on the Pipeline project, and concluded their presentation with photos of the construction progress. Mr. Eggers answered a question about the requirements for testing the compaction and quality of the concrete being used.

At 12:25 p.m., President Coryell recessed the meeting for lunch.

At 1:24 p.m., the meeting was re-convened.

### **PUBLIC COMMENT**

At 1:25 p.m., President Coryell invited comment from the public. There were no comments from the public.

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

At 1:26 p.m., the Board considered Christine Arbogast's suggestion to check with other Districts in Colorado on a joint trip to Washington, D.C. Ms. Arbogast also suggested a meeting with Senator Bennet and Senator Udall and with Congressman Gardner and Congressman Tipton in Colorado rather than meeting with them in Washington, D.C. After discussion, the Board instructed Ms. Arbogast to schedule a meeting with the Congressmen at the CWC annual convention and to try to arrange separate meetings in Colorado with the Senators.

Because there were no change orders for the Pipeline construction contract for the Board to consider at this time, this action item was stricken from the agenda.

Next, the Board discussed the timeline for completion of the Pipeline project and whether to set a set a date for the Pipeline dedication. The Board discussed a possible date for the Pipeline dedication in August to coincide with the Ground Water Commission's meeting so the Commission could tour the Pipeline. President Coryell instructed General Manager Daniel to check with State officials on who would be present at the dedication.

Next, the Board discussed adopting a resolution to encourage Colorado to submit a resolution to the RRCA for approval of the Pipeline project. A motion to instruct legal counsel to draft a resolution to encourage Colorado to submit such a resolution to the RRCA no later than April 1, 2012.

Next, the Board discussed the public place or places for posting notice of meetings in accordance with the Colorado Open Meetings Law. A motion to continue posting such notice at the Yuma County Courthouse and the RRWCD website was made, seconded, and passed unanimously.

The Board then reviewed the rates for Professional Associates for 2012. After discussion, a motion to approve the rates that had been submitted by Professional Associates for 2012 was made, seconded, and approved unanimously.

Next, the Board discussed well repairs on the Dryden property owned by the District that is being leased to Bledsoe Cattle Company. Vice President Larson explained the well repairs that have been made and the additional well repairs required. A motion to approve an additional \$25,000.00

for expenses on the Dryden property that the Executive Committee is authorized to approve through the remainder of the lease was made, seconded, and approved unanimously.

Finally, the Board discussed making a payment-in-lieu of taxes to Yuma County for the Dryden property. A motion to approve making a payment-in-lieu of taxes to Yuma County for 2012 for the Dryden property was made, seconded, and approved unanimously.

### **EXECUTIVE SESSION**

At 2:35 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 from the RRWCD's attorneys on legal questions concerning the hearing by the Sandhills GWMD on the export application and Compact compliance; discuss and determine positions, develop strategies, and instruct negotiators concerning the purchase of surface water rights, and receive legal advice on legal questions related to the purchase of surface water rights. The motion was seconded and passed unanimously. President Coryell 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 Coryell thanked the public for attending the meeting.

At 4:08 p.m., the executive session ended.

A motion was then made to approve an agreement with Dave and Julie Keeler and Greg and Amy Collins for the purchase of their Rush Creek surface water rights at a purchase price of \$525,000, to authorize legal counsel to draw up an agreement with the Keelers and the Collinses, to authorize the Negotiating Committee to approve the terms of the final agreement, and to authorize the President to sign the final agreement approved by the Negotiating Committee. The motion was seconded and approved unanimously.

### **OLD BUSINESS**

At 4:12 p.m., Director Gene Bauerle reported that the Vehicle Committee, made up of Director Jack Dowell and himself, met with General Manager Daniel on January 9, 2012, and narrowed down vehicle bids to four vehicles. Following a discussion of the four vehicles and the bids, a motion to purchase a 2012 Chevrolet Silverado at the price of \$25,839.00 from Korf in Yuma, Colorado, was made, seconded, and approved unanimously.

### **NEW BUSINESS**

A motion to contribute \$500.00 to the Colorado Water Congress to support its efforts to challenge the accuracy of the titles and the single-subject requirement of the proposed initiatives to amend the Colorado Constitution that were discussed earlier in the meeting was made, seconded, and approved unanimously.

Finally, the Board discussed GEI's suggestion that it consider bringing on line the person who will operate the Pipeline. Mr. Slattery recommended that he discuss this with GEI and the PTAC and then bring it back to the Board. The Board concurred with Mr. Slattery's recommendation.

At 4:41 p.m., having no further business to be brought before the Board, a motion to adjourn the meeting was made, seconded, and passed unanimously.

---

Secretary

---

Date