

**Minutes of a Special Board Meeting of the  
Republican River Water Conservation District**

**November 8 and 9, 2007**

**Aurora, Colorado**

Present were:

Board Members:

Dennis Coryell, President  
Kim Killin, Vice President  
Tim Pautler, Secretary  
Rick Seedorf, Treasurer  
Grant Bledsoe  
Eugene Bauerle  
Jack Dowell  
Raymond Enderson  
Garry Kramer  
Steve Kramer  
Bruce Latoski  
Greg Terrell  
Wayne Skold  
Stan Laybourn

Stan Murphy, RRWCD General Manager  
Dana Barnett, RRWCD Administrative Assistant  
Dennis Montgomery, General Counsel, Hill & Robbins, P.C.

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

**NOVEMBER 8, 2007**

**STATEMENT OF QUORUM**

On Thursday, November 8, 2007, President Dennis Coryell called the meeting to order at 1:12 p.m and welcomed the public and guests. Secretary Pautler conducted a roll call of Board members, noting that Director Harris was absent and that his absence was excused and that Director Laybourn was going to be late. No other Board members were absent; therefore, a quorum was declared.

## AGENDA AND APPROVAL OF MINUTES

President Coryell asked for any amendments to the agenda. An addition was made to add a presentation by Mike Shimmin to the portion of the meeting on Update on Compact Compliance Pipeline Project. A motion to approve the agenda with that addition was made, seconded, and approved unanimously. At 1:20 p.m., Director Laybourn joined the meeting.

### GENERAL MANAGER'S REPORT

General Manager Stan Murphy reported that there were no minutes or financial reports to go over for this meeting. He reviewed some of the ongoing projects taking place in the office to get the use fee assessment list correct, as well as a meeting he and David Robbins had with the District's new lobbyist, Kogovsek & Associates.

### PROGRAM UPDATES AND REPORTS

District Engineers Jim Slattery and Randy Hendrix provided an update on the water source evaluation for a Compact compliance pipeline and made a brief presentation regarding Compact compliance options.

Dick Westmore and Steve Townsley of GEI Consultants then gave a brief update on the status of the feasibility study for the Compact compliance pipeline project. They are still reviewing two alternatives, one acquiring existing rights to designated ground water and one combining acquiring rights to designated ground water and drilling new wells in locations where there is unappropriated ground water. They also presented some very preliminary cost estimates for the construction of the project as well as operation and maintenance and the personnel that might be necessary. There was considerable discussion and questions from the Board regarding the timeline for the necessary steps (design, bidding, etc.) for the project.

Ken Knox, Deputy State Engineer, then gave a presentation regarding the process to obtain approval from the Republican River Compact Administration for the Compact compliance pipeline under the Final Settlement Stipulation. Several questions were asked by the Board.

Mike Shimmin then made a presentation regarding a proposal he has made to the groundwater management districts he represents to pursue a new "Compact Compliance Well" concept to provide water for the Compact compliance pipeline. Mr. Shimmin believes this concept will make the project cost substantially less than buying existing rights to designated ground water. This plan does require amendment of the Colorado Ground Water Commission's existing rules and regulations to allow the construction of new "Compact Compliance Wells" in areas that are otherwise over-appropriated under the Commission's rules and regulations. The Board had many questions for Mr. Shimmin, including the time it would take for the proposed rule changes to be heard by the Commission, the impacts of allowing new "Compact Compliance Wells," as well as the assumptions he has made regarding costs. Mr. Shimmin stated that he would be learning how much support there was for this concept from his clients; he asked that the District support the proposal to the extent that the District propose it to the Commission.

## PUBLIC COMMENT

At 3:20 p.m., President Coryell opened the meeting for public comment.

Byron Weathers, a producer from Wray, Colorado, asked the Board to consider Mr. Shimmin's proposal and to support the new "Compact Compliance Well" plan.

There being no further public comment, President Coryell thanked the public for coming to the meeting and informed them that the Board would now be going into executive session.

## EXECUTIVE SESSION

At 3:40 p.m., a motion was made pursuant to section 24-6-402(4), C.R.S., to enter into executive session to discuss water supply purchases, determine positions and instruct negotiators, and receive legal advice on legal questions related to agreements for such purchases. The motion was seconded and approved unanimously. President Coryell stated that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur in executive session.

At 4:45 p.m., the Board temporarily exited from executive session.

At 4:47 p.m., Vice President Killin, who serves as chairperson of the Budget Committee, presented the 2008 budget that had been revised at the last Budget Committee meeting. The revised 2008 budget included an item to increase CREP funding for a 3+ band. A motion was made to add the 3+ band to the 2007 CREP addendum. The motion was seconded and passed unanimously.

A motion was then made to adopt the 2008 budget as presented. The motion was seconded and passed unanimously.

At 5:20 p.m., President Coryell recessed the meeting until the next morning.

## NOVEMBER 9, 2007

At 8:00 a.m., President Coryell called the meeting to order. A motion pursuant to section 24-6-402(4), C.R.S., was made to re-enter into executive session to discuss, in addition to the matters previously stated, personnel and communication issues. The motion was seconded and passed unanimously.

At 9:40 a.m., Legal Counsel Dennis Montgomery, District Engineers Jim Slattery and Randy Hendrix, and District CREP Consultant Tim Davis joined the executive session to continue the discussion of water supply purchases, determine positions and instruct negotiators, and receive legal advice on legal questions related to such agreements.

At 12:40 p.m., a motion to exit executive session was made, seconded, and passed unanimously. President Coryell announced that the meeting would recess for a forty-five minute lunch break.

At 1:30 p.m., Ronnie Rosenbaum, independent consultant, presented a workshop on Board communication and policies that could be implemented to achieve the most benefit from serving on the Board as well as ideas to enhance the operation of the Board. The presentation ended at 3:15 p.m., and a 15 minute break was then taken.

### BOARD ACTION ITEMS

At 3:30 p.m., the first item of new business was the crime coverage insurance for the District. Legal Counsel Dennis Montgomery advised the Board to consider increasing the coverage to \$100,000 per event. The Board instructed General Manager Stan Murphy to check out the cost of increasing the coverage and to put it on the agenda for the January, 2008 regular quarterly meeting.

The next item for action was the loan application for a loan from the Colorado Water Conservation Board (CWCB) Water Project Loan Fund for the Compact compliance pipeline and the preparation of a loan feasibility study which is required to obtain a loan. A motion was made to have Dennis Montgomery, Jim Slattery, and Stan Murphy prepare the application and the loan feasibility study and submit them on behalf of the District and the Enterprise to the CWCB by early December. The motion was seconded and passed unanimously.

General Manager Murphy reported that he had been requested by a producer, Gary Earl, to ask the Board to consider his enrollment of an alternate point of diversion well in the CREP program as "surface water" instead of ground water "less than a mile." The Board discussed the issue and instructed Mr. Murphy to request copies of the decree approving the well as an alternate point of diversion for the surface water right, historical use records and power records from Mr. Earl, and then submit them to Jim Slattery and Dennis Montgomery for review. Mr. Murphy commented that there were other similar contracts for wells that are decreed as alternate points of diversion for surface water rights that should be considered as well. It was decided that alternate point of diversion wells should be reviewed on a case by case basis.

Regarding Mr. Shimmin's request that the District support the request to amend the Colorado Ground Water Commission's rules and regulations to allow new "Compact Compliance Wells" and to present the proposed amendment at the Commission's November 16th meeting, the Board decided that the official position of the Board would be not for and not against the proposal and that the District's legal counsel would not make the presentation at the Commission meeting.

### EXECUTIVE SESSION

At 4:12 p.m., a motion was made pursuant to section 24-6-402(4), C.R.S., to re-enter into executive session to discuss water supply purchases, determine positions and instruct negotiators, and receive legal advice on legal questions related to such agreements. The motion was

seconded and approved unanimously. President Coryell stated that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur in executive session.

At 4:25 p.m., the executive session ended.

At 4:26 p.m., there being no further new or additional business, the meeting was adjourned.

---

Secretary

---

Date