

**Minutes of the Board meeting of the
Board of Directors of the Republican River Water Conservation District
February 18, 2025**

Offered virtually only

- A. The board of Directors of the Republican River Water Conservation District convened their board meeting, February 18, 2025 pursuant to notice required by statute and the District's by-laws. President Rod Lenz opened the meeting at 10:01 AM.
- a. Lenz led the group in the pledge of allegiance and Lenz led the group in prayer.
 - b. Secretary Kristen Schneider conducted a roll call of Directors. Board members present for the roll call were:
 - i. Rod Lenz, president
 - ii. Steve Kramer, vice president
 - iii. Aaron Sprague, treasurer
 - iv. Kristen Schneider, secretary
 - v. Don Brown
 - vi. Brooke Campbell
 - vii. Tim Fetzer
 - viii. Greg Larson
 - ix. Josh Lechman
 - x. Trent Leoffler
 - xi. Robin Liming
 - xii. Steven Meakins
 - xiii. Tim Pautler
 - xiv. Kevin Penny
 - xv. Roger Seedorf
 - xvi. Dennis Wieser
 - xvii. A quorum of the board was declared with Greg Larson excused and Roger Seedorf joined the meeting after roll call was conducted.
 - c. James Harlow was sworn in as the new representative for Cheyenne county.
 - d. Introduction of guests
 - i. All of the guests introduced themselves.
 - e. **There was a motion to amend the agenda. The amendments are: Discuss & vote on RAMP adjustments and discuss & vote on authorizing PTAC to work on a comprehensive planning and final cost for road construction for the pipeline maintenance and additions (those additions were added under board discussion and action items as items J.e. and J.f.). There was a second. There was another addition: Consideration of adoption of Surface water lease with Dr. Monte Uyemura, as item J.g. Those who made the amendment and the second accepted the additional change and the vote was unanimous.**
 - f. Approve the minutes of the November 19, 2024 Quarterly Board meeting
 - i. **Kevin Penny requested the pros/cons worksheets be added for review to the minutes. There was a motion to approve the minutes of the November 19, 2024 quarterly board meeting with the requested pros/cons worksheets. There was a second and the vote was unanimous.**
 - g. Approve the minutes of the January 9 and 10, 2025 special board meeting
 - i. **Brooke Campbell asked the note under the quorum in the minutes be changed from Cheyenne Wells to Cheyenne County. There was a motion to approve the minutes of the January 9 and 10, 2025 special board meeting with the requested change. There was a second and the vote was unanimous.**

B. Administration Reports

- a. President's Report – Rod Lenz, Board President

- i. Lenz discussed the past work the board has done, specifically discussing the challenges the Fee Evaluation has brought to the board.
- b. General Manager's Report – Deb Daniel, General Manager
 - i. Daniel thanked James Harlow for joining the board. She also thanked Wray State Bank for their yearly donation to the District. Daniel compared the streamflows of the North Fork, Arikaree and the South Fork from 2023 and 2024. Daniel showed the saturated thickness of the aquifer underlying the District, focusing specifically on the North Fork of the Republican River. Daniel thanked Lechman, Wieser and Liming for attending the Yuma County Conservation District conference. Daniel then discussed everyone she, Lenz and Kramer had meetings with while attending the Winter Water Congress. Daniel discussed the legislative action the District is pursuing including: the 2025 projects bill, the late bill to change the District statute, the Washington D.C. trip, and meeting with Representative Lauren Boebert on February 28, 2025. Daniel discussed the lull with conservation program signups because there is lower interest based upon the District's offered payment rates and no CREP contracts being offered at this point in time. Daniel stated the District staff is working on abatements and refunds, well document submissions, updating program applications, year-end tax data, working with the PTAC committee and additional daily work.
- c. Financial Report – Reon McBride, Finance and Office Manager
 - i. **There was a motion to accept the financial report as presented. There was a second and the vote was unanimous.**
- d. SFFZ Acre Update – Payton Liming, Administrative Assistant
 - i. 17,120.65 acres retired in the SFFZ
 - ii. There was discussion on when the funds would be available after the CWCB projects bill is approved. Daniel stated the funds would be available after July. Liming discussed the breakdown of the RAMP contracts. RAMP accounts for 11% of the total contracts the District currently has.
- e. CCP Operation Report – Tracy Travis, CCP Operator
 - i. The pipeline has been running since the end of October, pumping approximately 59 a.f. per day and has had no power outages. Travis discussed that there have been no issues since he installed a heater near the sensor to combat low temperatures.

C. RRWCD Committee Reports

- a. Budget Committee – Aaron Sprague, chairperson
 - i. Not much to report, but plan on having meetings in the future.
- b. Conservation Committee – Steve Kramer, chairperson
 - i. Kramer discussed potentially creating a program for the North Fork. Kramer is concerned about wells which have been off in the past and could potentially come online in the future and how to curtail that issue. Kramer discussed meeting with those who were members of the WPP to figure out what to do with that organization and the funds held by the organization.
- c. Fee Evaluation Committee – Kevin Penny, chairperson
 - i. Penny discussed the Fee Evaluation workshop held on December 18, 2024 where the board discussed in-depth the four concepts available.
- d. Innovation/Technology Committee – Steven Meakins, chairperson
 - i. Nothing to report.
- e. Legislative Committee – Brooke Campbell, chairperson
 - i. Campbell discussed traveling to Washington D.C. February 24, 2025 through February 27, 2025 to meet legislators and staff in person.
- f. Negotiation Committee – Roger Seedorf, chairperson
 - i. Seedorf stated the Uyemura lease will be discussed in the action items and there will be additional discussion during Executive Session related to North Fork, South Fork, and Arikaree.
- g. Nominating Committee – Steven Meakins, chairperson
 - i. Nothing to report.

- h. Personnel Committee – Brooke Campbell, chairperson
 - i. Campbell stated the committee is working on a consulting contract for Garrett Travis to act as Tracy Travis' assistant on the CCP and also has a change to the employee manual related to sick leave days and accumulation of those days.
- i. PTAC Committee – Tim Pautler, chairperson
 - i. Pautler discussed the current issues with maintenance and expansion on the Compact Compliance Pipeline.

D. Associated Organizations Reports

- a. Colorado Groundwater Commission – Tim Pautler
 - i. Nothing to report, the next meeting is Friday, February 21, 2025.
- b. Colorado Water Congress – Greg Larson/Steve Kramer
 - i. Kramer thanked the board for the opportunity to attend Colorado Water Congress (CWC). Kramer felt Representative Dusty Johnson was very up to speed and is a good representative for our area. Kramer discussed the meetings held during the CWC to discuss the potential legislative changes the District may pursue.
 - ii. Daniel discussed how valuable meeting with others in the water world is. Daniel stated the summer CWC is scheduled for August 19, 2025.
 - iii. Lenz discussed the conference was a sell-out and the importance of the meeting with Jason Ullmann and the DWR staff.
- c. South Fork Republican Restoration Coalition – Noah Nemmers
 - i. Nemmers discussed pursuing the WSRF grant for subsurface drainage design and also discussed developing recreation uses for the SFRRRC area.
 - ii. There was discussion on which gauge will be impacted by the SFRRRC work.
- d. South Platte Basin Roundtable – Deb Daniel
 - i. There was no meeting in December and Daniel was not able to attend the January meeting. There will be a meeting in March. Lenz thanked Daniel and Lechman for being on the roundtable.
- e. Yuma County Water Authority – Mike Leerar
 - i. During the 2025 budgeting process the YCWA budgeted funds to work with the Irrigation Research Farm for water monitoring probes

E. Professional Reports

- a. Lobbyist Reports
 - i. Federal Lobbyists – Patrick Firth/Denise Bode, Constitution Partners, LLC
 - 1. Firth is looking forward to seeing the District board members and staff when they fly in on Monday. Firth discussed it is important to be in person because there is a new congress and there has not been a farm bill passed in 7 years. The district could be impacted by the current funding pauses, specifically EQIP funding. Brooke Rollins has been confirmed as the Secretary of Agriculture. Firth discussed the federal budgeting process is still behind schedule. The CREP Improvement Act needs to be pulled back to the forefront and has support thanks to Representative Gabe Evans.
 - 2. Bode discussed the voluntary resignation offers in USDA and stated the 2 year probationary FSA, USDA and Loan Analysts will be targeted by Musk and the DOGE going forward. Bode discussed there is currently a pause on the tariffs with Canada and Mexico until March 1. There are additionally retaliatory tariffs against the USA because of these issues.
 - ii. State Lobbyists – Landon Gates/Brock Herzberg, Capitol Focus, LLC
 - 1. The legislative session is over ½ of the way over. Gates expects at least 300 additional bills to be introduced by the end of session. Gates is watching for the Projects bill to be introduced. That bill will likely not be introduced until April 1, 2025. After that bill is introduced, Gates will request some of the District board members to testify in

support of the Projects bill. Gates discussed the Colorado budget shortfall and discussed how the majority of that shortfall will be cut out of the general funds portion of the budget. Gates thanked the board for their support of Jerry Sonnenberg for becoming the head of the Colorado FSA.

- a. There was discussion related to the projected Colorado state budget shortfall. Gates discussed the multitude of factors which have impacted the budget, which includes being at the TABOR cap and a miscount of the state population.
- b. Engineer's Report – Randy Hendrix, water engineer, Hendrix Wai Engineering LLC
 - i. Hendrix discussed the work done for the PTAC committee and discussed updating previous compact accounting to project the required CCP pumping for 2025.
- c. Attorney's Report – David Robbins/Pete Ampe, legal counsel, Hill and Robbins P.C.
 - i. Ampe discussed Robbins attending Water Congress, which is always informative. Ampe discussed the Rosenkrans change case going through water court. There have been 3 opposers who filed, the YCWA who are in support, one of the owners of the APOD wells also filed, as did the State and the CWCB. Ampe has been in contact with Dan Steuer for the state, working through what their concerns are. Ampe worked with Hendrix to put together a preliminary report for the decree and recently got that out to the opposers. The opposers will have 45 days to respond. Ampe and Robbins have been working with the Negotiating committee on lease discussions, Personnel committee on manual changes and PTAC committee for contracts. Ampe and Robbins have been approached by landowners in District 64 to represent their interests for the Perkins county canal.

12:00 PM LUNCH –the group took a break for lunch until 12:30 PM

F. 1:19 PM – Public Comment

a. Nate Midcap, Sandhills and Central Yuma Groundwater Manager

- i. Midcap sent Daniel Sandhill's rule 17A citing Section 6, which states the commission needs to act first on all of those permits before Sandhills will take any action. That means the change of uses for the wells mentioned in the export hearing must be completed through the commission before the District can apply. Previously there was discussion to do those hearings in one day, but knowing how long those applications take Midcap assumes it will be a while before there is an Export Hearing. Sandhills' lawyer has drafted a letter to discuss dates. Midcap will recommend to Sandhills to move on with the Retained Jurisdiction Hearing. When the District is done with the application process then the District can apply for the Export Hearing. Midcap believes the Retained Jurisdiction Hearing and the Export Hearing will not be relatively close together timewise. The last export hearing Midcap received was in 2016 for the Central Yuma Orphan well, Midcap asked the attorney's advice on what needed to happen there. The attorney stated Central Yuma needs to act first on that issue. Midcap is asking the District to apply with the same type of application to Central Yuma and Midcap will ask them to adopt the same rule 17A, so there is a standard process for those applications.

b. Nate Midcap, Central Yuma Groundwater Manager

- i. Midcap was privy to the retreat and did not get on the Zoom until the very end but did get to hear the Central Yuma board member's comments. Central Yuma will be taking those comments under advisement and asked for a record's request for the minutes and the executive committee meeting and Central Yuma will be discussing those after review. Central Yuma will figure out if their representation there is still viable going forward.

c. Matt Blecha, DWR

- i. In Randy's presentation, does the water removed from the pipeline pumping, is that figured into the consumptive use? Is it removed first and not counted or does the pipeline water total count towards the total amount pumped? Does that make sense?
 1. Hendrix responded it does count. It is an input into the model because it's actual pumping from the Aquifer but it is considered 100 percent consumptive and not the 83

percent consumption that is used in the Model for irrigation. So it is counted and the depletions are determined by the Model.

2. Blecha responded by stating that Hendrix answered Blecha's follow up question by how much it accounts for.

d. Gene Wagner, Quality Irrigation (done by chat)

- i. When we pulled the pumps on B1 and B2 we had difficulty getting into the wells due to the sand. B2 we had to bring in special equipment to try to get the equipment to the well. Pautler stated this will be discussed later in the meeting.
 1. There was discussion about being able to move well A2 because it is located on a sand dune. Wagner stated that he believed with the well being in the Sandhills GWMD the well can only be moved 150 feet, but stated the district would have to clarify that with Nate Midcap.
- ii. **Public comment closed at approximately 1:27 PM.**

G. Report from Chris Kucera, Republican River Team Lead Commissioner

- a. This past year, DWR received 100% compliance of the meter readings by the end of 2024. That was the first time since the measurement rules were approved that DWR received all readings prior to the start of the next calendar year. With that being said, the total water pumped in 2024 was approximately 720,000 AF. Including the 2024 results, the average annual water pumped since 2011 is ~693,000 AF.
- b. Unfortunately, there were still 13 structures identified that overpumped their appropriation. A certified letter went out on January 15th to those well owners that included the overpumping orders. DWR will wait until February 24th before physically placing the orders and associated well tags on the wells (so that there might be amend/rescind orders as needed following any discussions with the owners).
- c. Of those 13 wells that were identified for overpumping, four of those wells were previously under order for overpumping in previous years (orders issued 2017-2023), and therefore, in 2024, these four wells violated the ongoing requirement (stated in their previous orders) that the wells withdraw no more than their maximum annual volume of appropriations defined in the Final Permit/Amended Final Permits OR the volumetric limits that may be otherwise defined in any subsequent order of the State Engineer and/or Ground Commission. These four well owners are receiving orders to "pay back" the water they overpumped in 2024 and DWR will be working with the AG's office to initiate injunctive proceedings to address the violation of the previous orders.

H. Legislative reports

- a. Federal Legislators or staff members
 - i. Jake Nemmers, local representative for Senator Hickenlooper's office – Senator Hickenlooper's office is concerned with the budget in Colorado and following that issue closely. Nemmers stated that if anyone has been impacted by the USPS office issues in Yuma, Colorado to please reach out to Nemmers because they have a meeting scheduled with USPS in the near future.
- b. State Legislators or staff members
 - i. None present

I. Presentations/Reports

- a. Podcast Update Report – Payton Liming, Administrative Assistant
 - i. The technology to create and support the podcasts cost the district approximately \$700 and Liming will be reaching out for interviews after the folks going to Washington, D.C. are back.
- b. Update from Water Education Colorado – Lisa Strachan, WEco Membership and Development Mgr.
 - i. Strachan discussed the recent transitions with Juan Perez and Strachan being new members of the team. Strachan discussed the upcoming summer Headwaters magazine will be based upon groundwater issues. Strachan discussed highlighting the Republican River basin and board members in the groundwater issue.
- c. Report on status of Export hearing with Sandhills GWMD – Steve Kramer, Vice Chairperson

- i. Kramer discussed meeting with the Sandhills GWMD to discuss the letter from Sandhills before moving forward with the export hearing. Midcap requested the letter be taken care of before the discussion of the export hearing occurs. Daniel clarified that the issues from the letter are in the process of being resolved and the district will be moving forward with the export hearing.
- d. Update on Compact Compliance Pipeline expansion project – Randy Hendrix & Tim Pautler, PTAC Chairperson
 - i. Hendrix showed data compiled from the District staff's data discussing the groundwater levels compared to groundwater yearly pumping considering the number of acres retired as well as the cost of those acres retired.
 - ii. Pautler discussed the bid from GEI stating the expansion was estimated to cost more than \$8 million dollars (in May of 2024). Pautler asked Sprague to explain the expansion and how that has been added to the budget going forward.
 - iii. Robbins discussed the District does not have a formal procurement policy but would need to justify not putting a project of this size out to bid.
 - iv. There was discussion about how there will need to be meetings between the Budget committee and the PTAC committee to figure out how to get funds to begin the process for the expansion project.
 - v. Daniel showed a map of the well field. Daniel discussed meeting with the Yuma county commissioners to request their help with building/rehabbing the roads. The commissioners stated they would not be able to assist the District. The commissioners suggested a private individual and the District has already received a bid from said individual.
 - vi. Pautler discussed the invoice from Quality Irrigation and the next steps for the B-wells include scrubbing and acidizing, sending the camera down again and finally a test pump.
 - 1. There was extensive discussion on potentially moving the well that is so difficult to get to. There will be additional PTAC investigation done to better answer the questions asked during this meeting.
 - vii. Pautler stated he will put together a trip out to the well field for interested board members.
 - viii. Seedorf asked because the district does not have a procurement policy, does the district have to take the lowest bid automatically? There was discussion the district would set other qualifications that would have to be met, and so allow the District to take a bid other than the lowest bid based on also meeting those other qualifications.
- e. Status of Economic Impact study – CSU Professors Jordan Suter and Dale Manning
 - i. Professor Suter discussed addressing the concerns the board brought forward during the special January 9th, 2025 meeting and showed new modeling addressing the concerns.

J. Board Discussion & Action Items

- a. Approve 2025 Mileage Reimbursement rate –Reon McBride, Finance and Office Manager
 - i. **There was a motion to approve changing the mileage reimbursement rate to \$0.70 per mile. There was discussion on making a policy to follow the IRS mileage rate going forward (so it is done for the meeting in January). There was a second and the vote was unanimous.**
- b. Discuss and vote on sick leave recommendation from Personnel Committee –Brooke Campbell, Personnel Committee Chairperson
 - i. The staff brought the change to the personnel committee and requested the change to make the accounting of the sick leave more simple (8 hours per month, accrued).
 - ii. **There was a motion to approve changing the sick leave to eight hours per month accrued. There was a second, and the vote was unanimous.**
- c. Discuss and vote on pursuing legislation allowing RRWCD to invoice Water Use Fee –Rod Lenz, Board President and Brooke Campbell, Legislative Chairperson
 - i. Lenz discussed the issues behind moving to the District invoicing which includes: the pumping reporting is not received in a timely manner to make it on to the tax roll, (making pumping two years in arrears if the district continued the collection of fees through the county treasurers offices),staff would also be required to issue two different reports, the pumping accountability

- impact is lessened if the fee is two years in arrears, the delinquency also impacts the tenant/landlord relationship and contract problems. There was also additional discussion on addressing the issue with the SEO's office as well.
- ii. **There was a motion to give the legislative committee permission to seek a late bill status on changing the language of the bill regarding District's direct collection of fees from shall to may. There was a second. Robbins suggested expanding the motion to allow making changes to the bill that ultimately may be required as the bill proceeds through the legislature, not just shall to may, but other small adjustments may need to be required to make the full adjustment to allow billing.** There was approval of the change from the person who made the motion and the second. There was discussion on what will occur when the drafting office gains access to the statute, they may alter language to create consistency in the language. There was additional discussion on where this recommendation came from and if the timing for this issue is correct. There was discussion on who may not be in favor of this change. There was extensive discussion on changing the language in the statute to do what is necessary to allow the District to collect as an alternative to use the county to collect the fees itself. **The vote was unanimous.**
- d. Discuss and vote on RRWCD Water Use Fee – Rod Lenz, Board President
 - i. No action taken
 - e. Discuss & vote on alterations to the RAMP program and discuss – Deb Daniel, General Manager
 - i. Daniel referenced Resolution 21-05 establishing the RAMP program. Daniel discussed the time associated with constructing previous RAMP contracts. Daniel asked if the members of the Board want to continue the RAMP program with the reduction in acres but also the reduction in the water being pumped? Or does the Board want to alter this Resolution?
 - ii. **There was a motion to amend the Resolution to go back to the previous RAMP program permit requirements. There was a second.** There was discussion on the RAMP program and how changing the appropriation would seriously impact the program. **The vote was unanimous.**
 - f. Discuss & vote on authorizing PTAC to work on a comprehensive planning and final cost for road construction for the pipeline maintenance and additions – Tim Pautler, PTAC Committee Chairperson
 - i. **There was a motion to allow the PTAC committee to go forward with a comprehensive plan. There was a second. The vote was unanimous.**
 - g. Consideration of adoption of Surface water lease with Dr. Monte Uyemura –Roger Seedorf, Negotiating Chairperson
 - i. This surface water right is on the Chief Creek ditch, irrigation priority number 12, and located just to the east of Stalker Lake and has not been used a great deal in the past. Only a portion of the surface water right would be subject to this lease. The lease would allow the District to prevent diversions in the future. The remainder of the surface water right is owned by Kelly and Deb Deterding but they will not be party to this lease, but because they have an interest in the right they will sign an acknowledgement. The date of the lease starts the date the lease is executed and the lease term ends Dec. 31, 2034 at which point it will renew automatically for one year, each year thereafter. The lease is for 2 cfs and 90 acre feet per year. The initial price of the lease will be for \$1,000 for the right of refusal and then every year thereafter the lease term will be for \$10. There will be a dry-up covenant associated with the lease, to prevent the ground from being irrigated. The District will have the right to state that the subject water is to assist the state of Colorado in achieving compact compliance in the Republican River Compact. The District does have the right to reenter the property for the purpose of monitoring the property and doing an assessment needed as to the river flow. The District also will gain the right of refusal so if there is an written bona fide offer by a willing third party to purchase all or a part of the water rights the District will have within 30 days to accept that and exercise the right of refusal.
 - ii. **There was a motion to approve the lease agreement and dry-up covenant between the Republican River Water Conservation District and Monte Uyemura and substantial conformity to the lease presented to the board. There was a second. The vote was unanimous.**

K. Old Business

- a. Steven Meakins sent a Fee Evaluation timeline to discuss with the board.

L. New Business

- a. There was no new business.

There was a break at 3:30.

- M. At 3:30 there was a motion to go into Executive Session. There was a second. The vote was unanimous to enter Executive Session.

- N. **3:30 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. All board members, except for Brooke Campbell were present for when the board entered the Executive Session. All staff members present for the meeting entered into Executive session.
- b. The Directors met in Executive Session to discuss negotiations concerning South Fork water rights.
- c. *Brooke Campbell entered the executive session at 4:11 PM.*
- d. The Directors met in Executive Session to discuss and determine positions, develop strategies, and instruct negotiators concerning the purchase or lease of water rights.
- e. *Rod Lenz exited the executive session at 4:16 PM, making Steve Kramer the chair of the session.*
- f. *Greg Larson entered the executive session at 4:30 PM.*
- g. **At 4:50 there was a motion to exit Executive session. There was a second. The vote was unanimous.**

- O. **4:51 PM - There was a motion to adjourn the meeting.**

Kristina M Schmeidler

Secretary

5/20/25

Date