

**Republican River Water Conservation District  
Board meeting – August 20, 2024  
offered virtually and in person  
Phillips County Event Center  
22505 US-385, Holyoke, CO 80734**

**A. 9:59 AM - Welcome – Rod Lenz - President of the Board**

- a. Pledge of Allegiance & Prayer
- b. Roll call of Directors/declare a quorum – Kristen Schneider, Secretary of the Board
  - i. Rod Lenz, President
  - ii. Steve Kramer, Vice President
  - iii. Kristen Schneider, Secretary
  - iv. Aaron Sprague, Treasurer
  - v. Wil Bledsoe
  - vi. **Don Brown, excused**
  - vii. Brooke Campbell
  - viii. Tim Fetzer
  - ix. Jim Hadachek
  - x. **Greg Larson, excused**
  - xi. Josh Lechman
  - xii. Robin Liming
  - xiii. Steven Meakins
  - xiv. Tim Pautler
  - xv. Kevin Penny
  - xvi. Roger Seedorf
  - xvii. Dennis Wieser
  - xviii. **Quorum declared with 15 present, Greg Larson and Don Brown were excused**
- c. Introduction of guests
- d. Approve the agenda
  - i. **There was a motion to approve the agenda as presented. There was a second and the vote was unanimous.**
- e. Approve the minutes
  - i. May 21, 2024 - quarterly Board meeting
    - 1. **There was a motion to approve the May 21, 2024 meeting minutes as presented. There was a second and the vote was unanimous.**
  - ii. July 31, 2024 - virtual special RRWCD Board meeting
    - 1. **There was a motion to approve the July 31, 2024 meeting minutes as presented. There was a second and the vote was unanimous.**

**B. 10:05 AM - Administration Reports**

- a. President's Report – Rod Lenz, Board President
  - i. President Lenz thanked Janelle Irwin for her diligence in attending the meetings across the basin for the past 10 years. Lenz discussed the staff diligently building a database of all the wells in the Basin. Lenz reported the CCP will soon reach capacity and the board needs to make decisions on expanding the well field and also bringing basin wide pumping down. Lenz spoke about the Fee Evaluation concept being presented later in the meeting.
- b. General Manager's Report – Deb Daniel, General Manager
  - i. Daniel discussed all of the documentation that the staff puts together for the SFFZ contracts. She discussed the additional documents required by the state for the retirement of the acres in the SFFZ.
- c. Financial Report – Reon McBride, Finance/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. 17,065.62 acres retired in the SFFZ, Liming also gave an update on the breakdown of programs. There are also pending contracts for outside the SFFZ for approximately 1,200 acres. Daniel discussed reaching out to the public through letters, newspapers and the podcast. Daniel also discussed Kirk Russell telling her that the district will likely only receive \$2.5 million, which is half of the initial ask of \$5 million. Lenz discussed the economic study and the belief that after the study the state will kick in some additional funding to finish the retirements in the SFFZ. The Board engaged in a long discussion regarding funding for the additional retirements required for the SFFZ.
- e. CCP Operation Report - Tracy Travis, CCP Operator
  - i. Travis stated summer maintenance is completed. Hendrix stated the pumping start date will be October 25, 2024.

**C. 10:30 AM - RRWCD Committee Reports**

- a. Budget Committee – Aaron Sprague, chairperson
  - i. Sprague discussed prepping for the budget, stating the committee will meet on Sept. 4, 2024. Sprague was happy to report that the budget estimation for conservation programs was pretty much spot on with EQIP being budgeted at 60 percent and the program retirements being at 60 percent.
- b. Conservation Committee – Steve Kramer, chairperson
  - i. Kramer discussed the meeting held on June 19, 2024. The committee discussed setting \$1 million aside to retire acres within 1 mile of the North Fork, to cut back on the use of groundwater in that area. The committee discussed finishing the retirement of acres in the SFFZ and the issues which occur in getting those acres retired. The committee also discussed the Dryland Farmable CREP issues and how to make that program an operational program. The committee strongly feels the GWMDs need to act and the district should create a resolution bringing the basin down to 600,000 acre ft pumped annually. Lenz stated the goal of 600,000 ac ft. comes from the capacity of the CCP and the extreme budget constraint that will be put on the district if pumping continues to exceed that annual value.
- c. Fee Evaluation Committee – Kevin Penny, chairperson
  - i. Penny began by recapping the history of the Fee committee. Penny discussed why the fee must be beneficial to the basin. Penny discussed Resolution 19-03, which established how the board would charge the basin for water used. Penny discussed the issues with utilizing the counties to receive the funds for the water use fee. Penny discussed that Meakins would present a new concept in the afternoon and thanked the committee members for their calls over the past few weeks. The committee will meet again on Sept. 11, 2024.
- d. Innovation/Technology Committee – Steven Meakins, chairperson
  - i. Nothing to report.
- e. Legislative Committee – Wil Bledsoe, chairperson
  - i. Bledsoe stated the big ticket item has been the CP-100 dryland farmable CREP program. More discussion will be held this afternoon on that issue and the lobbyists will present more detailed reports soon.
- f. Negotiation Committee – Roger Seedorf, chairperson
  - i. Seedorf stated he and others met with the state land board commissioners and some of their staff members. Daniel gave them a tour of the well field and drove by the property the Colorado State Land Board owns in the area.
- g. Nominating Committee – Steven Meakins, chairperson
  - i. Executive committee elections will be held at the next meeting. Meakins asked for two more folks to volunteer to be on the nominating committee.
- h. Personnel Committee – Brooke Campbell, chairperson
  - i. Discussion will take place during the Executive Session related to personnel reviews.
- i. PTAC Committee – Tim Pautler, chairperson
  - i. Pautler discussed the tour of the well field on June 14th with the Hendrixes, Hahn, McGrane, and Travis. The tour ended at Quality Irrigation in Yuma to view and discuss A-8. Three of four of the B wells have been pulled and reviewed. B-2 has been an issue because Quality has gotten lots of equipment stuck in an attempt to pull the well. There will be a recommendation from the committee to pull 2 wells per year going forward after the pumping season in 2025.

#### **D. 11:00 AM - Associated Organizations Reports**

- a. Colorado Groundwater Commission –Tim Pautler
  - i. The meeting was held in Durango, Pautler was unable to attend the tour before the meeting. The commission meeting was short. After the meeting, many board members approached Pautler to discuss the conservation of water across the state. The Commission will be revisiting the “use it or lose it” discussion.
  - ii. Pautler announced that Daniel will be receiving the 2024 Colorado Commissioner of Agriculture Legacy in Agriculture Award in Pueblo, on Friday, August 23, 2024.
- b. Colorado Water Congress - Greg Larson
  - i. Larson is at the Congress Summer Convention now, Daniel will be traveling to the meeting this evening. Daniel will be targeting the board members of CWCB to ask for the full amount of funding.
- c. South Fork Republican Restoration Coalition – Stuart Dykstra
  - i. Dykstra discussed completing the deliverables for the CPW grant this summer. The grant covered phreatophyte control, survey of the duck ponds, and additional surveying of the entire site.
- d. South Platte Basin Roundtable – Deb Daniel
  - i. Daniel hosted a tour for the SPBRT on June 12, 2024. Daniel discussed having an excellent turn-out with 30 to 40 folks being on the tour. Daniel started the tour at Agri-Injectl, Inc., then traveled to Don Brown's property where he showed maps and discussed his family's history. Dave Blach also participated in the tour. Daniel discussed attending the meetings virtually. Greg Larson now represents Logan county on the SPBRT.
    - 1. Bruce Gerk stated that the Republican Basin has not been represented as well as it should be at the South Platte Basin Roundtable. There needs to be additional representatives for the additional votes. Gerk believes this is a missed opportunity to seek funding. Being on the board is a large time commitment because it is a long trip for a late 4:00 p.m. meeting.
- e. Yuma County Water Authority – Mike Leerar
  - i. The YCWA is working to engage the local communities in water conservation. The authority approached the Wray school about using water sensors on their property and will approach the local hospitals if those sensors are a success. Leerar stated the YCWA has minimal funds but they are willing to help if funds are needed for anything.

#### **E. 11:30 AM - Professional Reports**

- a. Lobbyist Reports
  - i. Federal Lobbyists – Denise Bode, Constitution Partners, LLC
    - 1. Green-Conrad spoke about prioritizing virtual meetings to meet with members of Congress in the spring of 2024 to discuss the need for Farm Bill requests, CREP and EQIP funding, as well as the CREP Improvement Act and the CP-100 program. Green-Conrad spoke about the CREP Improvement Act sponsors, and the intense need to get a Farm Bill passed before the end of the year because there will be many freshmen members of Congress. There is also a deadline to meet for the Farm Bill, expiring on Sept. 30, which means the funding for programs will expire on that date. Green-Conrad discussed the anticipated changes in leadership and discussed a new factor in Tim Walz as Harris' Vice President candidate, as he previously worked on the Farm Bill as a legislator. The presidential polls show a neck-and-neck race for the President.
  - ii. State Lobbyists – Landon Gates/Brock Herzberg, Capitol Focus, LLC
    - 1. Gates discussed the meeting of the Interim water committee. The meeting will take place during Colorado Water Congress and then those members will meet with Daniel for dinner. This meeting keeps the district in front of the legislators and maintains relationships for future monetary requests. Gates discussed bill concepts which may come out of the committee and that process. Gates discussed the anticipated changes in seats at the legislature, as it is an election year.
- b. Engineer's Report – Randy Hendrix, water engineer, Hendrix Wai Engineering LLC
  - i. Hendrix discussed the mapping done in the SFFZ and verifying that the parcels contracted with the District have been dried up. At the beginning of the year, Hendrix believed the pipeline would begin pumping Oct. 9, but because it is not a water short year, the actual start date will be October 25, 2024. Hendrix discussed the final table in his report, and how he came up with the

600,000 ac ft. per year goal. There was discussion on how the timing of the impact of the withdrawal of one acre foot depletion is different throughout the basin. There was discussion on if 600,000 ac ft is enough to maintain the pipeline at the current scale without having to construct an additional pipeline and acquire the necessary additional water supply.

- c. **Attorney's Report** – David Robbins/Pete Ampe, legal counsel, Hill and Robbins P.C.
  - i. Robbins discussed the recent US Supreme Court ruling in Texas vs. New Mexico and Colorado. The three states entered into an agreement on how the water would be measured between Texas and New Mexico, however the U.S. federal government objected and took the ruling to the Supreme Court. In Robbins view, the Supreme Court decision is against over 100 years of prior precedence giving rise to the question of sovereignty and the role of States when it comes to interstate compacts. This is a significant change and means that what has been previously assumed about compacts may be subject to question when federal facilities are involved. This could impact the Republican because of the number of downstream federal projects and how they operate, especially Harlan County because its storage levels impact Colorado's ability to use the Beaver Creek allocation.
  - ii. Ampe is going to file a request for an export hearing with Sandhills Groundwater Management District. The question is who does the historic consumption of the Central Yuma well export impact? To be filed by the end of this month. Ampe and Hendrix will begin with the water court proceedings Arikaree river instream flows conversions to compact compliance and instream flow conversions. Because there are few other impacted water users the Arikaree will provide a simple test to see how the State Engineer and others handle the conversion. These have not been previously converted because owning those rights was enough to protect the flow of the river.
    - 1. There was discussion about the orphan well, related to the difference between moving the appropriation vs. pumping physical water.

**12:04 PM LUNCH** – provided for everyone in attendance, to reconvene at 12:50PM

**F. 1:00 PM – Public Comment**

- a. **Mike Leerar**-question to Hendrix, does the 600,000 ac. ft. number include municipalities? Hendrix stated yes, it is just not included in that specific report. Leerar discussed getting the municipalities further involved in water conservation.
- b. **Chad Kramer**-Kramer works at the Haxtun conservation district and works with local conservation districts, for example in Holyoke. Kramer stated he doesn't know what the impact of the SFFZ is, but requested that the local districts get a copy of the CP-100 letter so that each conservation district can get the info to their lobbyist to lobby on these issues.
  - i. Lower South Platte watershed is working on opposing Nebraska's planned Perkins County Canal.
- c. **Brandi Baquera**- Colorado Master Irrigator (COMI) - COMI will provide the district with inserts to send out to folks for the 2025 master irrigator program being held in Burlington.
  - i. Would like to partner with RRWCD on finding funds to invest in graduates in the fields (Baquera believes this would be helpful for meeting the 600,000 ac ft reduction).
- d. **Public comment closed at 1:14PM**

**G. 1:15 PM - Report from Chris Kucera, Republican River Team Lead Commissioner**

- a. Kucera reported the South Fork gauge (at Benkleman) had more flow than usual on June 3, 2024. The Republican River commissioner team is doing spot checks now. The Arikaree and Pioneer are holding steady.
- b. President Lenz reported on the meeting Daniel and Lenz had with State Engineer Jason Ullmann in Ft. Morgan, on August 9, 2024. Ullmann has been receptive to meeting with the District and the ideas that the District may have for conservation.

**H. Legislative reports**

- a. State Legislators or staff members
  - i. Dusty Johnson, presumptive representative House District 63, Johnson is currently drafting bills but is only allowed a five bill maximum. Johnson then discussed the House and Senate makeup. Johnson is working to build a tour to overcome the urban-rural divide.

- b. Federal Legislators or staff members
  - i. None present to report.

## I. Reports

- a. Status of Economic Impact study –CSU Professors Jordan Suter and Dale Manning
  - i. Suter discussed the history of the Compact. HB23-1220 calls on CSU to have a regional impact study completed by January 1, 2026. There is currently a draft report to be shown by January 1, 2025. Manning is now at the University of Tennessee and John Tracy stepped down from his position at the Colorado Water Center. The analysis is going to look at the direct effect of the curtailment of 540,000 irrigated acres in the Republican River Basin within Colorado. The indirect effect will change the demand for local inputs and labor. Manning has been researching the data for the gross regional product (GRP=payments to labor, capital, and land in each sector). The simulation will be a complete reduction of irrigated acres across the Colorado portion of the basin. Manning and Suter can't predict the exact scenario but need to look at multiple scenarios for what would occur if the land could no longer be irrigated. It is likely the scenarios will decrease but the options include: The ground being fallow, the ground going into pasture, the ground going into dryland cropping, the ground being in a similar breakdown as EQIP acres locally, and finally, the most sophisticated would look at local soil conditions.
- b. Update on Compact Compliance Pipeline Maintenance Program & Expansion Proposal- Bill Hahn & Dennis McGrane
  - i. Hahn gave a quick overview of the presentation allowing McGrane to give more in depth notes on the pipeline expansion. The study of A-8 has been completed but McGrane and Hahn have not received the video, yet. McGrane discussed selecting monitoring wells to discover the drawdown of the aquifer, to better inform the data for the selection of the wells for the expansion of the pipeline. McGrane discussed there has been a 20 foot drop of monitoring well SH-025, since the pipeline has begun pumping. McGrane showed a map of the well field and a table which showed the changes in pumping, GPM decline, and the surface water level change. Based on the data previously gathered, A-6 is the next well recommended for a rebuild. McGrane and Hahn will need to meet with PTAC to make a formal recommendation for the future.
    - 1. Discussion was held on skipping A-1 because it was collapsed, A-4 is not being considered because it is within the drawdown cone of other wells in the well field. Meakins discussed that acidizing did not work on his personal wells because the gravel and sand then ruined the pump. McGrane stated that if there is excessive risk with acidizing, they will not move forward with that option. McGrane will defer to Gene Wagner and his expertise. Discussion ensued on perhaps redrilling the wells, because of the size of the well, instead of re-sleeving the casing.
- c. Update on status USDA-FSA CP-100 Dryland Farmable CREP – Don Brown and Deb Daniel
  - i. Daniel discussed the letter in the packet and wanted the board to review it for a vote later in the afternoon.

**The board took a break at 2:29 PM to resume at 2:40 PM. President Lenz asked everyone on Zoom to introduce themselves.**

- Chelsea Erickson - Kansas Division of Water Resources-Erikson discussed the RRCA meeting to be held in Colby, KS on Aug. 28, 2024.
- David Churchwell-KC Electric
- Larry Grauberger- owns irrigated property and is listening to the meeting.
- Additional folks participating in the meeting, who did not introduce themselves: John Anderson, Zion Ranch, Chris Grimes of CO DWR, Brendan Curran.

## J. Presentations

- a. New RRWCD Water Use Assessment concept & RRWCD Fee dashboard - Steven Meakins - Reon McBride
  - i. Meakins discussed the projected cost of \$90,000,000 to expand the pipeline and how that stuck with him, and caused him to ask the question - is it even possible to do that? Hendrix discussed with the current physical limitations of the CCP, the projected maximum of 25,000 ac ft. pumped allowed by the RRCA Resolution is not possible because Kansas and Nebraska might not allow the pumping season to be expanded into the irrigation season. Hendrix explained the 600,000

ac/ft. number and how it made it obvious that a reduction of pumping is needed. Meakins looked at the appropriations for the entire basin and then compared that to the demands of the pipeline and the reduction which needs to occur. Meakins pointed out the numbers = 600,000 ac ft/1,300,000 maximum appropriation = 46%. Meakins stated that his vision was that pumping that occurs over the 46% could receive a "sustainability surcharge" in addition to the irrigated acre charge. Meakins showed an example of his personal pumping and the cost that would be charged to him.

1. Discussion was held about beginning at reducing annual basin pumping to 600,000 acre feet. Meakins and Lenz reiterated that this is not a conservation plan, and this plan is a starting point for a trend. The plan is to trend toward lower pumping to avoid having to substantially expand the physical and legal capacity of the CCP.
  2. Seedorf asked if this should be placed on a ballot for constituent approval. Robbins stated the discussion the RRWCD board is having, is within the board's authority to discuss the basis for setting the compact compliance fees.
  3. Extensive discussion was held on assigning funds to certain services offered by the District. Seedorf wants a clear resolution that states where the funds will go in the budget.
  4. Seedorf asked if the concept could be revised to be inches per acre instead of by appropriation. Seedorf was advised to bring the proposal to the Fee Committee.
  5. Robbins stated that if the District decided to pursue an election to include a tax instead of, or in addition to the current fee, the District would no longer be able to use the enterprise and would need to alter the budgeting process going forward.
  6. Sprague asked, "Is a \$15 million budget enough?" Extensive discussion was held on the budget; Is the budget enough, is the budget clear, and are the line items clear enough? Seedorf wants to know what the necessary payment rates in the SFFZ need to be going forward from the Conservation committee if the SFFZ retirements are to be successful.
- b. Enlarging the RRWCD office space - Reon McBride & Deb Daniel
- i. No presentation was made.

#### K. 3:00 PM – Board Discussion & Action Items

- a. Discuss and vote on 2023 annual audit and 2023 single audit - Reon McBride and Aaron Sprague
  - i. **There was a motion to approve the 2023 annual audit and the 2023 single audit. There was a second and the vote was unanimous.**
- b. Discuss and vote on RRWCD podcast - Rod Lenz and Payton Liming
  - i. **There was a motion to develop a podcast for the RRWCD. There was a second, the vote was unanimous.**
- c. Discuss and vote on letter of support regarding FSA CP-100 – Don Brown and Deb Daniel
  - i. The letter will be going to DNR, FSA, and organizations within the Basin. Bledsoe stated that Brown wants Undersecretary Bonnie, with Don Burge and others to receive the letter.
  - ii. **There was a motion for district staff to correspond with Brown about his suggestions for recipients. There was a second, and the vote was unanimous.**
  - iii. **There was a motion to send the letter. There was a second and the vote was unanimous.**
- d. Discuss and vote on CCP needs - Tim Pautler - PTAC Committee Chairman
  - i. **There was a motion to do extensive maintenance on 2 CCP wells per year starting 2025.**
  - ii. There was discussion about setting a price for the repairs. Robbins advised this should be taken into account during the 2025 budget process.
  - iii. **There was a second, and the vote was unanimous.**
- e. Discuss Fee Evaluation Committee concept - Steven Meakins and Kevin Penny
  - i. Fetzter asked for the board's consideration: if a GWMD has begun discussions on conservation, this fee structure proposal may end those discussions. Fetzter stated that if a district can minimize the pumping why should they continue to be charged? Matt Blecha stated the District pays for the augmentation plan and if the GWMD district Fetzter is in is able to create a plan the state approves of, then they could likely get out of the surcharge payments (this is in reference to the discussion with pumping over the 46 percent of appropriation surcharge).
  - ii. There was extensive discussion on ideas for the Fee Evaluation. Fetzter discussed ideas similar to those already implemented in the states of Kansas and Nebraska.

- f. Discuss and vote on converting surface water rights to instream flow - Pete Ampe and David Robbins, Legal Counsel
  - i. **There was a recommendation from legal to move forward converting the water rights the District owns to instream flow on the Arikaree river.**
  - ii. **There was a motion to follow Ampe's legal recommendation. There was a second. The vote was unanimous.**
- g. Discuss increasing district office space – Reon McBride and Deb Daniel
  - i. No discussion was held and no decision was made.

**L. Old Business**

- a. **No old business**

**M. New Business**

- a. **No new business**

**N. 4:14 PM - Executive Session** 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. There was a motion to go into executive session at 4:14 PM, there was a second and the vote was unanimous.
- b. Reon McBride and Payton Liming left the Executive Session at 4:15 p.m.
- c. Reon McBride and Payton Liming re-entered the meeting at 4:45 p.m.
- d. At 4:59 PM there was a motion to exit the Executive Session, there was a second and the vote was unanimous.
- e. No decisions were made during the Executive Session.

**O. 4:59 PM - Adjourn Meeting**

Kristin M Schmeider  
Secretary

11/19/24  
Date