

**Minutes of the Fourth 2019 Quarterly Board Meeting of the  
Board of Directors of the  
Republican River Water Conservation District  
November 19, 2019  
Wray, 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 Cobblestone Inn and Suites in Wray, Colorado.

Present Were:

**Board Members:**

**Rod Lenz, President  
Greg Larson, Vice President  
Aaron Sprague, Treasurer  
Tim Pautler, Secretary  
Gilbert Anderson  
Wil Bledsoe  
Brooke Campbell  
Brent Deterding  
Jim Hadachek  
Kenny Helling  
Steve Kramer  
Stan Laybourn  
Rod Mason  
Steven Meakins  
Kevin Penny  
Roger Seedorf  
Wayne Skold**

Deb Daniel, RRWCD General Manager  
Suzanna Baker, RRWCD Administrative Assistant  
Pete Ampe, RRWCD General Counsel, Hill & Robbins, P.C.  
David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.  
Randy Hendrix, RRWCD Engineer, WAE 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 Rod Lenz called the meeting to order at 9:57 AM and started the meeting with the Pledge of Allegiance and a prayer. Secretary Tim Pautler conducted a roll call of Board members. With all Directors attending the meeting, Secretary Pautler declared that a quorum of the Board was present.

President Lenz then recognized Dusty Johnson of Congressman's Ken Buck's office, Darlene Carpio of Senator Cory Gardner's and Chelsea Erickson from Kansas Division of Water Resources for attending the meeting.

President Lenz then announced the re-appointments of Greg Larson for Logan County, Kenny Helling for Yuma County, Steven Meakins for Frenchman GWMD, Rod Lenz for Sandhills GWMD, and Steve Kramer for the Colorado Ground Water Commission.

### **AGENDA AND APPROVAL OF MINUTES**

President Lenz asked for any amendments to the agenda for the meeting. Rod Lenz stated that the presented agenda had a minor change from yesterday's draft agenda to include the recommendation made by the PTAC Committee during their committee meeting yesterday. A motion to approve the agenda as presented with no changes was made, seconded, and approved unanimously.

Prior to this meeting, the Directors had received, electronically, a draft of the minutes of the Board meeting held on August 20, 2019. These documents were also included in the Board packet today. President Lenz asked if there were any changes or corrections to the minutes. A motion to approve the minutes of the Board meeting held August 20, 2019, was made, seconded, and approved unanimously. President Lenz then asked if the Board had any changes or corrections to the executive session minutes of the Board meeting held August 20, 2019. A motion to approve the executive session minutes was made, seconded, and approved unanimously.

### **PRESIDENT'S REPORT**

At 10:14 AM, President Rod Lenz started his report by thanking everyone for letting him visit with them one on one. Lenz then went on to point out a couple of things. The Committees have been very busy, especially the negotiating committee and budget committees. Lenz stated that Steve Kramer was disappointed that the conservation committee didn't get as much done as he wanted to do. However, the President commended them for their efforts with the Master Irrigator program. He also commended Steven Meakins for his creativity with the highway 36 example pipeline idea that is slowly but surely forming.

He also stated that the board is doing their best to be transparent, short of going out and campaigning to the public. We have open board meetings and all of our financials are transparent. Lenz also commended Deb Daniel for the reputation she has made for herself as an expert of water in our area.

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

At 10:30 AM General Manager, Deb Daniel reported the Colorado Groundwater Commission held their quarterly Board meeting that included a tour, in the Republican River Basin last Thursday and Friday. During her report to the CGC on the RRWCD she asked how the District could improve or what changes would the Commission suggest to the District. All responded with compliments. One commissioner stated, "The District has done a lot with what you have to work with." Daniel also reported on the RRWCD presentation to the CWCB Board set for the next day concerning the request for the \$5.515 million loan. The loan officer has said the loan application appears very promising for the RRWCD. Daniel then reported on the Dryden property, where two motors were burned up by lightning during a thunderstorm this summer. All repairs were paid for by the insurance company. Cure Land is in the process of pulling all electric meters and motors from pivots and Daniel is working with the State of Colorado on how to file the RRWCD water use reports for the wellfield wells that are included in the

appropriation for the compact compliance pipeline. In closing, Deb reported that an individual inquired if the District would be interested in providing credit for the water that is extracted from oil and gas wells if the water would be purified/treated by the oil/gas company and put into the river.

### **FINANCIAL REPORT**

Administrative Assistant Suzanna Baker gave the financial report for the quarter ending September 30, 2019, stating that a payment on the CWCB pipeline loan had been made as well as CREP and EQIP payments were sent during the past quarter. The financial report was previously sent to the entire Board electronically as well as being included in the Board packet. There was motion to approve the financial report, seconded and approved unanimously.

### **CCP OPERATIONS REPORT**

Tracy Travis, CCP operations manager, gave his report on the operations of the Compact Compliance Pipeline. Travis started the pipeline on November 8<sup>th</sup>. There is some static through the SCADA system that interferes with the ability to monitor and operate elements of the CCP, and the quote to fix that was about \$7,600. Lenz asked if there was a way to test a frequency before switching. Tracy Travis stated that there was not a way to do that and that this problem is very rare. It is a suggestion from Timber Line to change/add radio frequencies. The SCADA system can start, stop and adjust the valves in the wells. The radios are talking constantly throughout the day. The static makes it so the radios can't talk to each other. When the communication is interrupted, Travis gets alarms coming across his phone. The static can also make it so that when there is a problem Travis doesn't get the alarm in time to fix the problem before the pipeline drains. It then takes two days for Travis to properly drain and fill the pipeline back up. The current electronics are about 7 years old. Everything should last a long time but as with all electronics sometimes they just need updated and/or replaced. It was asked if Timberline is the only option, another company was unknown, but more research could be done.

### **BUDGET HEARING**

At 10:32 AM, Aaron Sprague, chairman of the Budget Committee, started his report thanking Deb Daniel, Suzanna Baker and Justin Dodsworth for all of their work. He stated we kept a conservative stance with our budget as we have in the past. Sprague continued that the new format of the budget is better and, in his opinion, easier to read, understand and make plans for the future.

At 10:32 AM the Board opened a Public Hearing on the proposed 2019 budget for the RRWCD and the RRWCD WAE. Notice of the hearing had been published in accordance with law. Aaron Sprague, Budget Committee chairman opened the Public Budget Hearing. Justin Dodsworth, RRWCD Accountant, began by informing the Board that the Budget Committee had met previously to prepare the 2020 Proposed Budget. Mr. Dodsworth gave a presentation on the proposed 2020 Budget.

President Lenz then asked if there was any public comment. Hearing none, the Budget hearing was closed at 11:03AM.

### **WATER USE FEE HEARING**

The meeting was reopened at 11:04, to review the amended policy 19-03 that includes flood irrigation. Pete Ampe explained why the amendment was necessary to include flood irrigation. Next, he explained the difference between pivot irrigation and flood irrigation and the effect on the stream is about the same for each practice, so the fee for flood irrigation should remain the same at \$14.50.

President Lenz then asked if there was any public comment, there being none the water use fee hearing was closed at 11:07AM.

### **COMMITTEE REPORTS**

- Director Aaron Sprague, chairman of the Budget committee, gave his report during the Budget Hearing
- Director Steve Kramer, chairman of the Conservation Committee, sign up for the master irrigator is open. Please go to [comasterirrigator.com](http://comasterirrigator.com). The conservation committee needs to push the importance of pushing the deadline of CREP and the urgency of meeting the deadline for the 25,000-acre retirement.
- Director Steven Meakins, chairman of the Innovative & Technology Committee, had nothing new to report.
- Director Wil Bledsoe, chairman of the Legislative Committee, had nothing new to report.
- Greg Larson, chairman of the Negotiating Committee, the Larson Harsh property was purchased and closed on last month and it will be used to add to the pipeline pending the application.
- Steven Meakins, chairman of the Nominating Committee, stated that elections will be held later in the day and they will entertain nominations from the floor at the time of the election.
- Roger Seedorf, chairman of the Personnel Committee, reported the personal committee reviews were completed and an in depth review will be given at the retreat.
- Tim Pautler, chairman of the PTAC Committee, reported that the Board will be voting to fix the SCADA system during action items. We need to be thinking about adding wells to the pipeline. He would also like to streamline the distance that Tracy Travis has to travel to check 8 wells.

### **ORGANIZATION REPORTS**

- Colorado Groundwater Commission — Director Steve Kramer started his report saying the commission asked the staff to see if there was something they needed to do. One thing was the 10-year history rule, are there some cases where the history is sandbagged especially when someone requests a change of use. The Commission considered whether or not they should use the life of the well but chose to stay with the 10-year rule.

A rule proposed by the big 4 districts to make the temporary change of use just didn't get a lot of traction. It would have been useful for us for instance in Compact Compliance.

Greg Larson then talked about the GWC tour; they went to Bonny Dam and toured the pipeline.

- Colorado Water Congress – Director Greg Larson reported on Colorado Water Congress, CHAMP Colorado Hemp Application Management process. They will now include a question asking if there is a legal water source for that hemp grow. They now have to contact the Colorado Ground Water Commission to confirm they have a legal water source. There are also some Bills coming up in the legislative process that Scott Meiklejohn will probably report on.

- South Platte Basin Round Table – General Manager Deb Daniel reported that if anyone is interested in representing a County or municipality in the northern high plains basin, please contact Garret Varra, the SPBRT chairman. They are accepting more people and our area is very unrepresented. She encouraged anyone interested to apply. Deb then reported that the SPBRT is considering having a video created but it will be hard to compile due to the very diverse urban and rural areas.
- South Fork Republican Restoration – Kenny Helling reported the coalition has been working back and forth with several different options in working on the Bonny Dam Area. Darlene Carpio and Senator Gardner have been very supportive, opening lines of communication for the coalition. There is a tentative public meeting set for January 13<sup>th</sup> to present the options. The time and location of the meeting will be announced. This team has done their due diligence to turn over every stone and the focus remains on maintaining streamflow. The hope is to help everyone in the basin and help with compact compliance. Rod Lenz, Kenny Helling and Deb Daniel took four wheelers through the Bonny area. It was a terrible ride. The neglect of Bonny and the property made it difficult for even four wheelers to get through. The excursion brought to mind how important the South Fork Republican Restoration Coalition project is.
- Water Preservation Partnership – Director Steve Kramer, the group has been inactive, but I would like to get the group reenergized this fall. He would like to meet with GWMDs to see if there is a conservation plan that would work for them.

Tim Pautler then added to the Master Irrigator program discussion. Pautler stated that Brandi Baquera has done an amazing job and Amy Kremen is amazing with the computer and we are so far along because of her. Pautler then described the classes will last over 4 days. If a producer completes the program, then the NRCS will put that producer at the top of the list for EQIP programs. You can sign up for the Master irrigator program now, there is a \$100 fee to attend, simply a ‘buy-in’ for attendees. Steve Kramer will also be a speaker at the classes.

- Yuma County Pest District – Roger Seedorf reported, he met with Mike Foor, they are having a lot of trouble finding funding. As far as phreatophyte control there is just nothing available. They want to finish the Lengel property. The local NRCS biologist is going to contact Deb on the project to see what was possible. There is some concern on the North Fork of what has been cleared the Russian Olives are coming back because the landowners aren’t spraying the new sprouts. Seedorf would like advice on how to approach them but it seems that landowners simply don’t want the expense of spraying the new Russian olives. There was some discussion to allow the RRWCD’s line item ‘Tree Removal’ to aid in the spraying of new Russian Olive sprouts.
- Yuma County Water Authority – Kenny Helling, had nothing new to report.
- SDA Annual Conference – Suzanna Baker, reported that she received a scholarship to attend the annual SDA Conference in Keystone, CO, most of the expenses of the conference was covered. Baker attended several workshops including some workshops on Board Minutes, Board Financials and CORA requests. Baker learned a lot and was reassured that the Board and its policies are in line with what is required by the State.

At 11:50 PM the meeting was adjourned for lunch.

At 12:40 PM President Lenz reconvened the meeting.

### **PROFESSIONAL REPORTS**

- Pete Ampe and David Robbins, RRWCD Legal Counsel, Attorney's Report – Pete Ampe reported on the purchase of the Larson Property. Together with Hendrix Wai, they will be filing an application to change the use and location of the groundwater permit so it can be added to the CCP.

Ampe met with Gil Anderson, Wayne Skold, Deb Daniel and well owners from the northern portion of the Basin. They had some great conversations with those well owners and have several contracts signed so far. Wayne and Gil have not heard any more from the well owners up north. They did ask if they were eligible for EQIP and CREP. They will be eligible for EQIP but we will have to go through the long process of extending the boundaries of the RRWCD. A trial setting conference in the Groundwater Rules case will be held Tuesday December 17.

- Darlene Carpio from Senator Cory Gardner's office had an exciting announcement, The U.S. Geological Survey has selected the headwaters of the Colorado/Gunnison River Basins in Colorado as the second basin in the Nation to implement a 'Next-Generation Water Observing System'. They will be collecting a significant amount of data in the area to aid in decisions that will better use what water is available in the region.
- Dusty Johnson from Congressman Buck's office gave a quick update.

### **PUBLIC COMMENT**

At 12:45 PM President Lenz invited comment from the public, no one from the public wished to speak.

### **PRESENTATION**

- Phil Weiser – Rod Lenz gave an introduction.

Weiser starting his presentation by saying, Colorado 'is a land where life is land inscribed in water' by Thomas H. Ferril. He continued that his son's favorite part of the State was on the plains. Wieser also offered to help with anything the District may need, and that the District should contact the AG's office. He brought up several issues that makes it very important for everyone to work together on. He noted that Crowley County has sold most of their water rights and now their big source of income is prisons. Weiser stated that we need to look at conservation, storage and how we re-use water and that we can be innovative with our uses of water and our water management. His presentation continued covering varying topics including the State's Role in water conservation, a presentation from Steven Meakins and considered several questions from the Board.

### **PROFESSIONAL AND LOBBYIST REPORTS**

- Tim Davis, RRWCD Program Consultant, reported the RRWCD signed up about 2,000 acres during June-August into CREP, ~200 being in the SFFZ. There may not be a sign-up for a while. Davis stated we are nearly a year into the new Farm Bill and still don't have rules and regulations applying the Farm Bill.

Davis reported the RRWCD has had several meetings and conference calls with the staff of NRCS discussing EQIP. He has brought it up to Clint Evans that the District would like to see the cost to the NRCS and the cost to the District be more equitable. Davis is hoping to get to \$121 over a 5-year period. He is also trying to focus those dollars in the South Fork Focus Zone.

- Christine Arbogast, RRWCD Federal Lobbyist, stated that Congress is expected to pass a continuing resolution today to continue to temporarily fund the Federal government. She hopes this will aid in avoiding a government shutdown before Christmas. She continued, stating that there are multiple opportunities within the Army Core of Engineers for help with the SFRRC. The SFRRC could access money that is available in a larger pot. The District could also consider asking transfer Bonny Reservoir's title to another state or local agency. Arbogast said she has some contacts who handle the transfer of title if that is something the SFRRC would like to do. Arbogast also told the board she has already alerted her contacts in Washington, D.C. if the board decides to go back this year.
  
- Scott Meiklejohn, RRWCD State Lobbyist, apologized for missing the last couple of RRWCD meetings. He told the Board that the last legislative session was the most contentious he has ever seen. He continued, stating that Democrats have a great big agenda again this year. The good news is the RRWCD isn't trying to run a bill this year. Meiklejohn then listed the following bills related to water in Colorado. These bills were approved by the Interim Water Resource Review Committee:
  - A-The bill requires that state agencies and legislators, in developing a Colorado River demand management program, provide opportunities for public involvement and comment.
  - B-The bill directs the Colorado Water Conservation Board in the Department of Natural Resources, in collaboration with other state agencies, to conduct studies and pilot deployments of new and emerging technologies that have the potential to improve water management.
  - C-The bill establishes a minimum staffing level for the state's Well Inspection Program, directs the Board of Examiners to recommend fees to pay for the additional inspectors, and requires the identification and prioritization of high-risk wells.
  - D-The bill requires the Executive Director of the Department of Natural Resources to convene a work group during the 2020 interim to explore ways to strengthen water anti-speculation law.

The rest of the Bills are confidential with the Bill sponsors. There is likely to be a lot of Tobacco bills related to vaping.

The contention is a result of one political party being in charge and fighting over if the House Senate or Governor is in charge. It also meant a lot of late nights and weekends.

- At 2:00 PM Randy Hendrix gave the Engineer's Report. He started his report saying that Ayrton worked on an interactive map for the new RRWCD website. They have also worked with Deb on identifying the wells within the corrected RRWCD boundary. They have provided updated maps for the RRWCD office that are county wide and also divided by townships for more detail. And a

CU analysis with all of the wells. Hendrix will be applying for the change of use for the Cure well and the Larson well to add those appropriations to the pipeline. Ayrton has started a task of evaluating a software program that can measure irrigated acres. In Randy Hendrix's tour after the Haxtun meeting, he documented that several corners have been counted as irrigated when they are not irrigated. They were counted because the feed growing in the corners was green and assumed as irrigated. However, some irrigated wheat that is golden brown in July was not counted as irrigated. Ayrton's evaluation of the new software will be very important going forward. The target date for stopping the CCP deliveries is April 30, 2020.

#### **State Engineer's Office**

- Deb Daniel gave the report for the State Engineer's office. Everything has been quiet on the CREP front. Mike Sullivan will be at the CWCB meeting and has talked with the finance council of CWCB for the RRWCD loan, for which Deb Daniel and Rod Lenz will be attending the CWCB meeting tomorrow and Thursday. The RRCA believes that next year will not be a water short year because Harlan County Reservoir is full. A report from Alex Funk of CWCB is also included in the Board packet.

#### **BOARD ACTION ITEMS**

- Pete Ampe presented on the amended 19-03 Water Use Fee Policy; the change was discussed earlier in the meeting. A motion was made to approve the 19-03 Water use Fee Policy, Seconded and the policy was approved unanimously.
- Deb Daniel presented the grant request form Yuma County Conservation District Soil Moisture Probe Project. They are asking for \$10,000 matching funds again this year to receive a grant. A motion was made to donate \$10,000 to YCCD, seconded and was approved unanimously.
- Tim Pautler presented on the Pipeline electronic repairs as recommended by the PTAC Committee and as discussed earlier in the meeting. A motion was made to approve funding for repairs to the radio system and add additional channels to the radio frequency, was seconded and approved unanimously. The Board also indicated that general repairs of pipeline do not need specific Board approval. There is a line item in the RRWCD budget that is intended to keep the pipeline maintained and operating. They do appreciate Tracy Travis keeping the PTAC committee and Board up to date on significant repairs.
- Pete Ampe then presented on the letter to Colorado Ground Water Commission application for changing two groundwater rights for use in the compact compliance pipeline (CCP). There was a motion to authorize President Rod Lenz and legal to move forward with the application to change well appropriations of the Cure well and Larson well appropriations to the pipeline. The motion was seconded and approved unanimously.
- Deb Daniel then presented on the issue of producers who have not been properly assessed or paying the RRWCD Fee on irrigated acres that are applying for conservation programs such as CREP and EQIP. Pete explained that the incentive payment is outside of the CREP requirements

and it is up to the board to decide what they would like to do with those funds. The board is free to limit the incentive payment to those who have not been assessed and/or paid the assessment fee, however the RRWCD is required to offer and pay the supplemental CREP contract.

Steve Kramer would like to see a hard line taken on this issue. He brought up the idea that if the difference in actual irrigated acreage and assessed irrigated acreage is greater than 10% then they will not receive the incentive payment. There was also discussion on moving such applications to the back of line and giving others the chance to sign up first. Another option brought up is to offer the CREP application but not the incentive payment at all.

The Board then talked about holding the incentive payment for 2 years after the producer has properly qualified and signed up for a CREP conservation program. The RRWCD administration would need to keep track of those contracts and make it clear to producers that as we get closer to the end of the funds it would be a possibility that the incentive payment funds could run out by the end of the 2-year waiting period.

There was a motion to approve having producers whose irrigated acres they wish to enter into a conservation program but are not appropriately assessed will wait 2 years, during which the acres will be correctly assessed before the RRWCD will approve the incentive payment for their irrigated acres entered into a conservation program if there is still funding available after that two year time period. The motion was seconded and approved unanimously.

- Pete Ampe then presented on Resolution 19-08 to approve the significant updates to the RRWCD Board Manual. A copy of the Board Manual with updates in redline was previously electronically sent to the Board. A motion was made, seconded and Resolution 19-08 was approved unanimously.
- Aaron Sprague then presented on Resolution 19-09 to adopt budget for 2020 and Resolution 19-10 to appropriate funds for 2020. The Budget hearing was held previously in the meeting.
  - A motion was made, seconded and the resolution 19-09 was approved unanimously.
  - A motion was made, seconded and the resolution 19-10 was approved unanimously.
- Suzanna Baker presented on Resolution 19-11 to approve certification of Special Water Use Fee Assessment for Yuma County. A motion was made, seconded and the resolution was approved unanimously.
- Suzanna Baker presented on Resolution 19-12 to hold special RRWCD Board meeting in Thornton, CO, on January 9th & 10th, 2020. A motion was made, seconded and the resolution was approved unanimously.
- Pete Ampe presented on Resolution 19-13 to identify location of public notice of Board and Committee meetings. HB 19-1087 now allows districts to post meetings announcements on a website. The requirement for two physical public locations is no longer a requirement. In the

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event that the notice cannot be posted on the RRWCD website, a notice will be posted at the RRWCD office in the window facing Main Street in Wray, CO. A motion was made to approve website posting, seconded and was approved unanimously.

### **Election of Officers**

At 2:35 the election of officers began for 2020.

Nominating Committee Chairman Steven Meakins stated that Rod Lenz had submitted his name for the position as President. There were no nominations from the floor. A motion to cease nominations and cast a unanimous ballot for Rod Lenz as President was made, seconded, and passed unanimously.

Greg Larson had submitted his name for Vice-President. There were no nominations from the floor. A motion to cease nominations and cast a unanimous ballot to declare Greg Larson as Vice President was made, seconded, and passed unanimously.

Aaron Sprague had submitted his name for Treasurer. There were no nominations from the floor. A motion to cease nominations and cast a unanimous ballot to declare Aaron Sprague as Treasurer was made, seconded, and passed unanimously.

Timothy Pautler had submitted his name for Secretary. There was a nomination from Brent Deterding to nominate Gil Anderson for Secretary. There were no other nominations from the floor. Ballots were then passed out by Steven Meakins to each Board member. Ballots were collected by Steven Meakins and counted by Steven Meakins and Dusty Johnson as an unbiased party. The count came in as 7 for Tim Pautler and 10 for Gil Anderson. Gil Anderson is the new RRWCD Secretary.

No Executive session was held.

### **Old Business**

Update on Dryden Property from Executive Committee. The metal clean-up is complete. We are holding \$250 back until the completion of the property. There was then some discussion on finishing-up the clean up of the property. The clean-up will continue on the Dryden Property.

### **New Business**


No new Business

### **Executive Session**

No executive session was held.

2:55 PM Motion was made to adjourn the meeting, seconded and passed unanimously.

  
Secretary

  
Date