

Minutes of the Fourth 2022 Quarterly Board Meeting of the
Board of Directors of the
Republican River Water Conservation District
November 15, 2022

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. Because of the coronavirus pandemic the meeting occurred with participants following recommended protocols and with others participating through the Zoom platform.

Present were:

Board Members:

Rod Lenz, President
Greg Larson, Vice President
Gil Anderson, Secretary
Aaron Sprague, Treasurer
Wil Bledsoe
Brooke Campbell, excused
Kevin Penny
Jim Hadachek
Kenny Helling, absent
Steve Kramer
Kristen Schneider
Rod Mason
Steven Meakins
Tim Pautler
Don Brown
Roger Seedorf

Debra Daniel, RRWCD General Manager
Reon McBride, RRWCD Office & Finance Manager
Payton Liming, RRWCD Administrative Assistant
David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.
Pete Ampe, RRWCD General Counsel, Hill & Robbins, P.C.
Randy Hendrix, RRWCD Engineer, Hendrix WAI, LLC

Guests present over Zoom: Devin Ridnour, Garold Roberts, Nick Colglazier, Jordan Ready, Pat Firth

Guests present in the room: Rod Pelton,

STATEMENT OF QUORUM

President Rod Lenz called the meeting to order at 10:01 am, welcomed the public and started the meeting with the Pledge of Allegiance and a prayer. Secretary Gil Anderson conducted a roll call of Board members. Gil Anderson declared a quorum with all present except for Brooke Campbell and Kenny Helling.

President Rod Lenz acknowledged Rod Pelton.

ACKNOWLEDGE REPRESENTATIVES FROM GWMDS

President Lenz then announced the re-appointments of Directors for a continuation of their terms, Rod Lenz representing Sandhills Groundwater Management District, Steven Meakins representing Frenchman Groundwater Management District, Greg Larson representing Logan County, and Tim Pautler representing the Colorado Groundwater Commission.

RESOLUTIONS RECOGNIZING RETIRING BOARD MEMBERS

Rod Lenz then read the resolution honoring Kenny Helling for his years of service to the RRWCD Board. Kenny Helling was not present and will be presented with his resolution at a later date. There was a motion and second and unanimous vote accepting Kenny's resolution.

AGENDA AND APPROVAL OF MINUTES

At 10:10 AM President Lenz asked for any amendments to the agenda for the meeting. There was a motion to approve the agenda with no changes, which was seconded and approved unanimously.

President Lenz asked if there were any changes to the minutes of the August 16th quarterly meeting minutes. There was a motion to approve the minutes, which was seconded and approved unanimously.

President Lenz then asked for changes to the minutes of the Executive Session meeting on August 16th, 2022. There was a motion to approve the minutes, which was seconded and approved unanimously.

President Lenz asked for changes to the Special virtual meeting on August 25, 2022. There was a motion to approve the minutes, which was seconded and approved unanimously.

President Lenz asked for changes to the September 19, 2022 Special board meeting minutes. Don Brown moved to amend the minutes to state "excused" instead of absent. With the amendment, there was a motion to approve the minutes, which was seconded, and the vote of approval was unanimous.

PRESIDENT'S REPORT

At 10:13 AM, President Rod Lenz gave his report, he gave his condolences to Brooke Campbell on the loss on her mother. He then thanked everyone who had been reappointed to the board and also thanked Kenny Helling for his service. President Lenz then discussed his annual board tour and discussed how to make progress on the topic of conservation. He asked everyone to think about how to solve this problem and stated it will be the focus of the Board retreat in January. Lenz then discussed an anecdote his nephew brought up at their Monday farm meeting. His nephew's point was that they need direction and rules on how to move forward with their farming practices.

GENERAL MANAGER'S REPORT

At 10:17AM General Manager Daniel gave her report, she introduced Reon McBride and discussed how meticulous and helpful McBride has been. Daniel then discussed P. Liming being on-board and how she has been involved in water issues for a long while. Daniel thanked Robin Liming for putting his name forward to represent Yuma County. Daniel then discussed the number of signups in the SFFZ and the amount of time the office spends working to get those acres retired. Daniel brought her report to a close by showing a picture of a sprinkler running after harvest this fall, and stated this is super concerning because of after-season water usage. She then closed by showing a photo looking west on a bridge overlooking Harlan County Reservoir (which was basically dry in the photo).

FINANCIAL REPORT

Office and Finance Manager Reon McBride presented the financial report for the quarter ending September 30, 2022. A motion to approve the financial report for the Third quarter of 2022 was made, seconded, and approved unanimously.

Reon McBride then presented the proposed Professional Associates Rates for 2023 to be voted on later in the meeting. Daniel asked McBride to explain the difference between the 2022 and 2023 rate for Lauer, Szabo.

SFFZ REPORT

Payton Liming presented that there are 6,278 acres under contract to be dried up as of today under the District's conservation programs. Liming discussed the amount designated through ARPA funds and also discussed how much of the \$2 million incentive paid through CWCB has been used. Don Brown asked if there was additional interest in the SFFZ, there was discussion about interest in voluntary retirement within the SFFZ.

TRACY TRAVIS: PIPELINE REPORT

Tracy Travis reported the maintenance on the pipeline has been completed, tests have been done, and the CCP will begin disbursing water on Friday. Travis discussed erosion and dry weather issues. Roger Seedorf asked if there would be any issues with the new feedlot going in. Travis discussed he has heard that would not be an issue lately, Daniel also mentioned being adamantly opposed to changing the road to the Yuma County Commissioners.

BUDGET HEARING

At 10:41 AM the Board opened a Public Hearing on the proposed 2022 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 2023 Proposed Budget. Mr. Dodsworth gave a presentation on the 2023 Budget, going through the budget line by line.

There was discussion on the bonds that are holding the District's money, the bonds are figured on an accrual basis as they are short-term bonds, and Sprague discussed the decision to use bonds was made when banks in the Basin did not want the District's money.

There was discussion on the three percent of irrigated land assessment which goes to the Treasurers of the counties as administrative fee. Sprague asked if this statute, or if that was a negotiated rate? The ensuing discussion was related to the increase in the Water Fee Assessment.

Stuart Dykstra joined the meeting at 10:57 am

Meakins pointed out that Tracy Travis may potentially be considered an actual employee of the district based upon new employment rules for Colorado. Further research needs to be conducted on this issue.

Meakins suggested using the County Commissioners payment to the SFRRC issue and pitting that against the Fee Assessment allotment to which will be increasing the Treasurers earnings.

Pautler asked when the Yuma County Water Authority contract is up, (2029) and stated that cost will need to be added into the budget, when it is up.

Aaron Sprague, Budget Committee Chair, asked for any questions on the budget and commended Justin Dodsworth on a job well done putting the budget together.

Roger Seedorf mentioned to Daniel that she may need to discuss why the Budget numbers for the ARPA funds are figured at \$28 million instead of \$30 million. Daniel explained the smaller number is used because administration costs can be withdrawn from the ARPA funds.

Daniel then discussed CREP06 contracts will continue to be paid out because that number covers all contracts signed until 2018, when the number then became CREP18 (when amendments to the contract with FSA occurred).

Aaron Sprague then asked if there were any public comments. Brandi Baquera of the Colorado Master Irrigator asked if the board would be willing to reimburse Master Irrigator graduates and/or asked if Master Irrigator could apply for the unused GWMD grant funds. Baquera is bringing this to the board because their grant funding ends in 2023 and the program will need funds to search for grants.

Sprague thanked the staff and Dodsworth for all of their work. Robbins stated that if the public would like a comment included they need to speak now.

Hearing no public comment, the Budget hearing was closed at 11:37AM.

COMMITTEE REPORTS

- Director Aaron Sprague, Budget Committee Chairperson, adopted the Budget Hearing as his report.

- Director Steve Kramer, Conservation Committee Chairperson, thanked the staff for keeping the board up-to-date on numbers retired in the SFFZ. He mentioned the South Fork is dry on Road 40, he also stated the Arikaree is dry. He listed a multitude of the ways the board has tried tackling conservation: WPP, joint task force, etc. but he is asking the board to look at how to actually tackle this issue.
- Kevin Penny, Fee Evaluation Committee Chairperson, will have a presentation later in the meeting.
- Director Steven Meakins, Chairperson of the Innovation & Technology Committee, stated there was no information on how they finished in the TAPS competition yet . Meakins suggested no longer participating in the program, it requires a lot of time, and it is something that is not benefiting the District. Meakins stated it is a daily check-in on weather and more. Lenz thanked Meakins for his energy and input.
- Director Wil Bledsoe, Chairperson of the Legislative Committee, Bledsoe wants to discuss the visit to DC at retreat. He stated everyone is doing an excellent job.
- Director Greg Larson, Chairperson of the Negotiating Committee, stated the Dryden negotiation had closed.
- Director Steven Meakins, Chairperson of the Nominating Committee, stated that elections are this afternoon, if you want to be on the Executive Committee put your name in before this afternoon.
- Director Brooke Campbell, Chairperson of the Personnel Committee, no report due to Campbell being excused from the meeting.
- Director Tim Pautler, Chairperson of the PTAC Committee, the revegetation issue with the Cure's is ongoing, Pautler discussed paying at the FSA 50% revegetation rate. Pautler discussed paying for the 2022 planting, and the 2023 planting after completion and the District will pay after the Cures have downsized or the abandoned wells. Nothing will happen until the agreement is signed.
 - The downsizing or abandonment of the wells are important because the RRWCD has control of the water rights per Robbins.
- Lenz thanked the committees for their quick reports and stated it does not cover all of the work the committees have done; he thanks them for their continued work.

ASSOCIATED ORGANIZATION REPORTS

- Director Tim Pautler, Colorado Groundwater Commission, reported there is a petition in front of the commission to close the Southern High Plains District. Larson stated this has been an ongoing issue and asked if those who are doing this are going through the correct channels, finally?
- Greg Larson/Steve Kramer, Colorado Water Congress, Larson yielded to Kramer's report. Kramer stated climate change was discussed in every presentation. He stated that Landon Gates got Kramer in front of many representatives of the state. Kramer thanked the representatives of the state for the money and representation. Kramer stated he met Nate Pearson, spoke with Sen. Simpson, the Governor spoke about the 25,000-acre resolution, and Amy Kremen spoke on the Master Irrigator. Kramer stated there were many discussions about using water to backfill Lake Powell and other water sources because run-off is very low comparatively to other years.
 - Larson thanked Gates for the dinner. He stated the winter gathering will be in Aurora.
- Deb Daniel, South Platte Basin Roundtable, Daniel has a list of the open appointments, please let her know privately if you are interested.

The group recessed for lunch at 11:57 AM.

The group reconvened for the meeting at 12:48PM.

- Landon Gates, RRWCD State Lobbyist, reported the turnover for the House representatives was approximately 40% which is higher than usual. There will be a lot of education occurring, Gates anticipates the Water committee

will be 4 Democrats and 1 Republican representative. Appointments are occurring currently and Gates stated his best guess for the leadership of the Ag committees. Rep. Pelton was elected Minority Leader because of the sudden and unexpected passing of Rep. Hugh McKean. Sen. Simpson is bringing another bill to the House and there is a bill looking at uphill water storage. Gates would like to host another legislative reception the last week of February or an early week in March.

PUBLIC COMMENT

- **Public Comment was opened at 12:58 PM**
 - Brandi Baquera, with the Master Irrigator Program, she is asking for assistance funding the Master Irrigator program. She requests that if the GWMD have not used the funding for conservation (in the RRWCD budget), the District allow the Master Irrigator to compete for the funding. Master Irrigator writes a check to those who have completed the class for \$250/ for three years as stipend to use for conservation.
 - Tyson Brown suggested moving the public comment to after the board discussion and action items.
 - Ruben Richardson asked for clarification: Does the Basin receive 100 percent credit for the augmentation of the acres in the SFFZ? Ampe clarified that 100 percent credit is not guaranteed if the 25,000 acre retirement is not met. It will be dependent upon Kansas.
- **Public Comment closed at 1:09PM**

Cont'd. ASSOCIATED ORGANIZATION REPORTS

- Stuart Dykstra, South Fork Republican Restoration Coalition, reported the group is executing on a CPW grant and pursuing additional funding for additional design and exploration work. The group is working to use LIDAR to survey the area and is working on phreatophyte removal. Dykstra is also working on stream geomorphology and hydrology to get flow through the dam, which is to prevent loss of low flows. Phreatophyte removal will occur after the end of hunting season. Dykstra stated there were three proposals for the LIDAR report and he is using the best option monetarily. Dykstra stated the next step is to get to the next funding request level with concrete work to present. There will need to be extensive work with BOR to get downflows, the goal is to eliminate the phreatophyte issue and prevent future invasive vegetation growth. Dykstra discussed fatal issues with the Bohnen, Hopper and Keller ponds and they are currently being researched. Dykstra stated other funding opportunities with the state are being pursued.
 - President Lenz asked Dykstra for a guess of the acre feet this project could yield on the SFFZ. Dykstra stated low thousand-acre feet at least.
- Steve Kramer, Water Preservation Partnership, nothing to report.

PROFESSIONALS' REPORTS

- Tim Davis, RRWCD Program Consultant, reported he is working to get the CREP report done and is also working to get more funding for EQIP and looking to secure funding through RCPP.
- Denise Bode, RRWCD Federal Lobbyist, reported there are many opportunities to build branding for the District. Bode discussed getting the District's Farm Bill requests in. The election yielded focus on issues and less on party division. The Farm Bill will be very bi-partisan and this leads to a better opportunity to be heard.
- Patrick Firth, RRWCD Federal Lobbyist, reported MBS is working to advocate for innovative ways to get funding for CREP and EQIP to get acres retired. There are issues that are not the district's priorities but can still have an impact on the District, for example the independent contractor issues. Moving forward the plan is to work to meet with legislators for advocacy. In-person advocacy will occur during session in Q1 to get Farm Bill priorities for the District heard. There was extended discussion on who will be targeted to get the Farm Bill heard. Firth discussed public issues the Biden Administration is working on currently and how world issues may come into play. Races for positions are occurring, such as Whip and Leaders. Firth discussed the midterm election results extensively and there are currently 721 days until the Presidential election.

- Wil Bledsoe asked when would be the best time to go to Washington? There was discussion about the end of February and beginning of March being the best to visit. Bode stated that because it is a Farm Bill year the trip *does* need to be made. How many people attend is less important, the group can divide and conquer.
- Randy Hendrix, Wai Engineering, Hendrix discussed finding how many acres were naturally dried up from 2016 until present (so the District can claim those naturally dried up acres to be included in the 25,000 acres that must be dried up in the South Fork Focus Zone). Next, Hendrix discussed the CCP. A water short year means Colorado does not get to count the Beaver Creek allocation, and that means the District has to make that lost allocation up. The District needs to prepare for 11,500 acre-feet pumping through April for the 2023 pumping season. The Compact Compliance pipeline may need to be started earlier to get the required allocation pumped. This means a longer pumping season and higher operating costs.
- Pete Ampe, RRWCD Legal Counsel, litigation remains quiet. The Dryden property closing has been completed. The bulk of the issue the District has faced has been getting all of the reporting requirements covered for SB22-028. Matt Montgomery will Zoom in to discuss the FAML I opt-out later in the meeting. Counsel is also working to get the Cure Revegetation issue completed. Ampe also stated that the District is far ahead of Rio Grande in getting the ARPA contracts and paperwork finalized, Ampe thanked the district staff for their work.

REPORT FROM STATE ENGINEER'S OFFICE

REPORT FROM COLORADO WATER COMMISSIONER FOR THE REPUBLICAN RIVER

- Chris Kucera, Team Lead Commissioner, stated the use it or lose it mentality has got to change because it is reckless use of the aquifer. Kucera reported 3,400 active wells in the basin. 19 wells have over-pumped, of the reports he has seen so far. Those wells will be checked. Kucera stated that the usage expected after this year will be approximately 900,000 acre-feet.
 - Daniel asked if there is spot checking being done by the commissioners and Kucera confirmed that, yes, there is.

REPORT FROM LEGISLATIVE STAFF MEMBERS

- Darlene Carpio, regional director for Congressman Buck's office
 - Carpio discussed the redistricting and office changes that are occurring. Carpio discussed a specific issue for emergency grazing where a farmer got a contract for emergency grazing on a Friday, installed a well pump and fence over the weekend, and then was told to move the cows off on the next Friday. Representatives can help with issues that occur but are not a bypass. Carpio stated the antitrust bill also passed before the break.
- James Thompson, regional director for Senator Bennet's office, not present
- Senator Rod Pelton, discussed Republican representation for the Plains and how he now represents Kit Carson, Cheyenne and Lincoln county. Another Senator elect Byron Pelton will represent the other counties of the District. Sen. Pelton stated he is trying to get those with practical farming experience onto the Ag committee.
- Representative Richard Holtorf, requested very clear and short lines of communication with Wil Bledsoe. There will be many new legislators who do not know anything about where their food comes from. Representative Karen McCormick will be the director of the Ag committee, Holtorf suggests the District get a spot and doing a presentation to get an emotional response.
 - Rep. Holtorf dropped a bill title, Republican River Acre Management Support bill, he wants to use the garnered sympathy to get more money for the District to get the SFFZ issue solved.

PRESENTATION

Kevin Penny presented the Water Use Fee Committee's proposal.

BOARD DISCUSSION AND ACTION ITEMS

- Discuss and vote whether to allow Fee Evaluation Committee to have public meetings regarding the committees proposal
 - President Lenz asked for every person on the boards comment. Sprague stated this is where the group needs to be to go out and receive public comment.
 - There was extended discussion on the percentage of the buckets and the difference in how the percentages were interpreted. There was continued discussion on the issues the board has with the Fee Evaluation committee's proposal.
 - **Penny made a motion to take the Fee Evaluation committee to have meetings with County commissioners and Groundwater Management District boards. There was a second. Don Brown made an amendment to strike the percentages from the presentation. There was a second and further discussion. Don Brown and the second withdrew this amendment to the motion.**
 - **Brown made an amendment to the motion to include a live model with blank percentages to the presentation. There was a second. 1 nay vote on the Amendment**
 - **The following discussion occurred before the vote on the initial motion.**
 - The idea of holding meetings with the commissioners and GWMD is that the fee committee comes back from the meetings with different sets of numbers and input from those groups for the Fee evaluation committee to review.
 - There was discussion on where the meetings will occur.
 - Bledsoe suggested meeting with groups from the public boards together.
 - Daniel thanked the board for the consensus in knowing that there needs to be a change in the fees but suggested it may not be a good idea of adding the conservation
 - **The vote to take the Fee evaluation model with blank numbers to meetings with County Commissioners and GWMD boards was approved unanimously.**
 - *There was a request from the public to note who serves on the fee committee and who they represent.*
- Colorado Family Medical Leave Insurance (FAMLI) Program-Matt Montgomery, legal counsel
 - Discuss and vote on Resolution – RRWCD Declining Participation in FAMLI program.
 - **There was a motion and a second to adopt the Resolution. The vote was unanimous (Don Brown had stepped out of the room during this vote)**
 - Discuss and vote on Resolution Amending employee policy and procedures manual.
 - This is unaffiliated with FAMLI.
 - Montgomery stated this is to get in compliance with current laws.
 - **There was a motion and a second to adopt the Resolution complying with state law concerning sick leave. The vote was unanimous.**
- Payment in lieu of Dryden Property 2021 taxes – Reon McBride, Office & Finance Manager
 - **There was a motion and second to approve paying the PILT for 2021 taxes for Dryden. The vote was unanimous.**
- Vote on mileage increase from \$0.585 to \$0.625/mile – Reon McBride, Office & Finance Manager
 - **There was a motion and second to approve the mileage increase. The vote was unanimous.**
- Review and vote on amendments to Resolutions – Pete Ampe, legal counsel & Deb Daniel, General Manager
 - Resolution 22-05 To Allocate Federal Funds through Senate Bill 22-028 to purchase Well Permits under Certain Conditions within the South Fork Focus Zone for Well Permit Purchase Program (WPPP)
 - There was discussion on how the producers will prove they were rejected from NRCS.
 - **There was a motion and a second to approve Resolution 22-05, the vote was unanimous.**
 - Resolution 22-06 To Allow Producers in the SFFZ to Reconcile Assessed Acres to Actually Irrigated Acres
 - There was extended discussion on what years are required and what would be allowed to be changed.
 - **There was a motion and a second to adopt the modified Resolution as presented by Pete Ampe. Allow producers within the SFFZ to reconcile the actually irrigated acres within the SFFZ with the acres assessed as irrigated by the relevant county assessor.**
 - **The vote was unanimous.**

A break was taken at 4:00 PM

The board reconvened at 4:09PM

- **To require reports to board and the Colorado Department of Natural Resources on WPPP and RAMP applications**
 - **There was a motion and second and there was a unanimous vote.**
- Discuss and vote on professional's rates for 2023 – Aaron Sprague , Budget Committee Chairman
 - There was discussion on the rate for Szabo and the issue with the increase.
 - **There was a motion and a second, the vote was unanimous.**
- Discuss and vote on Resolution to adopt the Budget for 2023 - Aaron Sprague , Budget Committee Chairman
 - **There was a motion and a second, the vote was unanimous.**
- Discuss and vote on Resolution to appropriate funds for 2023 - Aaron Sprague , Budget Committee Chairman
 - **There was a motion and a second, the vote was unanimous.**
- Discuss and vote on Resolution for Approval of Certification of Special Water Use Fee Assessment – Yuma county -Reon McBride, Office and Finance Manager
 - **There was a motion and a second to accept the Resolution with the correction to small typo. The motion and second accepted the correction. The vote was unanimous.**
- Discuss and vote on Resolution to identify location of public notice of Board and Committee meetings – Reon McBride, Office and Finance Manager
 - **There was a motion and second. The vote was unanimous.**
- Discuss and vote on Resolution to allow RRWCD to have a special board meeting outside the Basin on January 5-6, 2023 – Reon McBride, Office and Finance Manager
 - **There was a motion and second, the vote was unanimous.**

ELECTION OF OFFICERS

- At 4:18 PM the election of officers began for 2023.

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 Chair. There were no nominations from the floor. A motion to cease nominations and cast a unanimous ballot to declare Greg Larson as Vice Chair 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.

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

OLD BUSINESS

- No Old Business

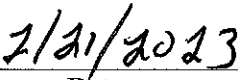
NEW BUSINESS

- Deb Daniel requested the board consider using the existing funds allocated for the GWMD conservation line item, to use for funding Master Irrigator.
 - There was discussion on how to do this, and there was also discussion on Hendrix doing work for the GWMD and those funds being paid out of that line item.
 - Roger Seedorf asked if the GWMD need to write a letter allowing this?
 - Baquera clarified she needs this funding to leverage larger grant requests.
 - There was extended discussion on having a line item for Master Irrigator in the future.

- **There was a motion and second and the vote was unanimous to approve that the RRWCD will contact all 8 ground water districts and can conditionally re-allocate the unused portion of GWMD grant funds to Master Irrigator by Dec. 15 contingent upon Deb contacting the Districts.**

At 4:36 there was a motion to adjourn the meeting, which was seconded and approved unanimously.


Secretary


Date