

Ann's Notes

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
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29-01-00

RECLAMATION

Managing Water in the West

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**ANNUAL REPORT
45th ANNUAL MEETING
REPUBLICAN RIVER COMPACT ADMINISTRATION**

Minutes

In lieu of a transcript of this meeting, an audio CD of the meeting was provided to each of the states since a court reporter did not attend the meeting. Below is a summary of the meeting.

Introductions

The meeting was called to order by Chairman Simpson at 9:00 a.m., July 27, 2005, at The Route Steak House in Burlington, Colorado. Chairman Simpson welcomed everyone in attendance and stated that this may be the largest turnout on record for this meeting. Those in attendance were:

Name	Representing
Hal D. Simpson	Colorado Commissioner, Chairman
Roger Patterson	Nebraska Commissioner
David L. Pope	Kansas Commissioner
Ken Knox	Colorado Division of Water Resources
Megan Sullivan	Colorado Division of Water Resources
Jim Hall	Colorado Division of Water Resources
Scott Richrath	Colorado Division of Water Resources
Marta Ahrens	Colorado Division of Water Resources
Peter Ampe	Colorado Attorney General's Office
Jim Slattery	Helton-Williamsen / Colorado Division of Water Resources
Willem Schreüder	Principia Mathematica, Colorado
Ann Salomon Bleed	Nebraska Department of Natural Resources
Brad Edgerton	Nebraska Department of Natural Resources
Mike Thompson	Nebraska Department of Natural Resources
Scott E. Ross	Kansas Division of Water Resources / Department of Agriculture
Leland E. Rolfs	Kansas Department of Agriculture
Katherine A. Tietsort	Kansas Division of Water Resources / Department of Agriculture
George A. Austin	Kansas Division of Water Resources / Department of Agriculture
Mike Adamson	Pioneer Irrigation, Colorado
Roy Patterson	Frenchman-Cambridge Irrigation District, Nebraska
Ralph Best	Frenchman-Cambridge Irrigation District, Nebraska
Kenneth Albert	Frenchman Valley Irrigation District, Nebraska
Don Felker	Frenchman Valley Irrigation District, H&RW, Nebraska
Bob Andrews	Self
Dennis Montgomery	Republican River Water Conservation District, Colorado
David Robbins	Republican River Water Conservation District, Colorado
Dennis Coryell	Republican River Water Conservation District, Colorado
Timothy Pautler	Republican River Water Conservation District, Colorado

Steven Kramer	Republican River Water Conservation District, Colorado
Stan Murphy	Republican River Water Conservation District, Colorado
Shawn Schulte	Plains Ground Water Management District, Colorado
Robert Swanson	USGS / Nebraska Water Science Center
Phil Soenksen	USGS / Nebraska Water Science Center
Wayne Bossert	Northwest Kansas Groundwater Management District 4
Jack Dowell	W-Y Ground Water Management District / RRWCD, Colorado
Allen Tool	U. S. Army Corps of Engineers, Kansas City
Christopher Purzer	U. S. Army Corps of Engineers, Kansas City
Mike Clements	Lower Republican NRD, Nebraska
Dan Smith	Middle Republican NRD, Nebraska
Robert Merrigan	Middle Republican NRD, Nebraska
Steve Ronshaugen	Bureau of Reclamation, Grand Island, Nebraska
Jack Wergin	Bureau of Reclamation, Grand Island, Nebraska
Marv Swanda	Bureau of Reclamation, McCook, Nebraska
Bill Peck	Bureau of Reclamation, McCook, Nebraska
R. Scott Guenther	Bureau of Reclamation, Billings, Montana
Gordon Aycock	Bureau of Reclamation, Billings, Montana
John Thorburn	Tri-Basin NRD, Nebraska
Jasper Fanning	Upper Republican NRD, Imperial, Nebraska
Fred Rogge	Kansas River Water Assurance District, Topeka
Justin Lavene	Nebraska Attorney General's Office
Donna Karspeck	Idalia Ag Education, Colorado
Andrea Knodel	Idalia FFA Chapter, Colorado
Steve Knodel	Idalia, CO, farmer, Colorado
Sen. Ralph Ostmeyer	Farmer, Colorado

Approval of Agenda

The agenda was approved as proposed:

1. Introduction
2. Adoption of Agenda
3. Approval of Previous Annual Meeting Minutes
4. Report of Chairman
5. Commissioners' Reports
 - Kansas
 - Nebraska
6. Federal Reports
 - Bureau of Reclamation
 - Corps of Engineers
 - Geological Survey
7. Engineering Committee Report
8. Unfinished Business
9. New Business and Assignments to the Compact's Committees
10. Remarks from the Public
11. Future Meeting Arrangements
12. Adjournment

Approval of 44th Annual Meeting Minutes

Commissioner Patterson moved to approve the Minutes of 43rd Annual Meeting for publication; the motion was seconded by Commissioner Pope and approved unanimously.

Commissioner Patterson moved to approve the Minutes of the Special Meeting of the Republican River Compact Administration held on January 12, 2005 in Denver; the motion was seconded by Commissioner Pope and approved unanimously.

Report of the Chairman

Commissioner Simpson reported that Commissioner Roger Patterson is leaving his position as Director of the Nebraska Department of Natural Resources to go into private consulting. Commissioner Patterson's last day is August 19. Commissioner Simpson thanked him for his five and one-half years of service and stated that he has enjoyed working with him and wished him the best.

With respect to Legislation, Commissioner Simpson reported that one additional staff person was allocated to the Republican River Basin to assist with various on-going enforcement activities in this area. There are now one and one-half FTEs to follow up on issues of expanded use, illegal pumping, etc.

Commissioner Simpson reported that the water supply continues to be marginal in this part of the state. He stated that there has not been significant improvement in runoff. Colorado needs increased runoff to reflect a higher allocation for consumptive use and is hopeful to get significant storms this year to increase runoff, resulting in increased allocations. Bonny Reservoir has had no significant inflow.

With regard to activities of the Republican River Water Conservation District, Commissioner Simpson stated that the county commissioners and the ground water management districts appointed a 15-person board. In the last 11 months, the board has made significant progress to assist the state of Colorado in dealing with ways to reduce the consumption of ground water and stream depletions. The District hired attorneys, a manager, and a consulting engineer. The board imposed a water use fee of \$5.50 per irrigated acre for lands irrigated by ground water to generate a revenue stream of over \$3 million per year to proactively reduce consumptive use. The EQIP program was initiated this year on 3,000 acres or about 30 center pivots and will continue into next year. Three thousand acres were not irrigated this year under this program. The Conservation Reserve Enhancement Program (CREP) was filed with the NRCS and is under review in Washington to reduce irrigation on thirty thousand acres. There are incentives in the program so that the closer the land irrigated is to a stream, a financial incentive will be added by the district to make it more attractive to participate in the program. The board is also looking at interruptible water supply agreements with some senior ditches on the North Fork to compensate them for not irrigating next year to further increase streamflow and reduce depletions.

Commissioner Simpson reported that Pioneer and Laird ditches have filed a petition for a hearing before the Ground Water Commission to have the Commission consider undesignating the Northern High Plains ground water basin and to curtail well pumping

in sufficient amounts to restore these water rights to the original amount. The petition was assigned to the Hearing Officer and the process is underway. Commissioner Simpson stated that discussion was held last night with the Pioneer board, including Nebraska officials, to listen to some of their concerns.

Report of the Commissioner from Kansas

Commissioner Pope reported on the significant legislative activities. He stated that a number of bills were considered, but no major legislation was passed that would affect their department. One bill was passed that allowed some funds collected by public water supply systems that go into the general fund to be shifted over to the water plan fund to generate additional revenues for water related activities in future years.

Commissioner Pope reported on volunteer incentive based programs, which involves working with local associations and groups to come up with programs to help reduce water use and consumptive use in several areas of the state where water is limited. They have groups looking at coming up with something that will be acceptable in dealing in shortages with less regulation and more incentive based programs. He stated that discussions since the legislative session have shifted to seriously considering something similar to a CREP program similar to what Colorado has applied for. Nebraska has already applied and been approved for a large program of this nature.

Commissioner Pope reported that there have been significant discussions with regard to the NRCS on the EQIP program, and incentive payments for not using water to deal with water short areas identified in each of the ground water management districts. A few years ago, the Kansas state water plan included a provision to deal with the declines in Ogallala, and this effort continues. They are also working towards other activities at their level regarding enforcement activities. There is a lot of interest in Kansas to deal with long-term water issues and diminishing supplies.

With regard to the Upper Republican River Compact area, Commissioner Pope stated that their office reached an agreement on the mandatory metering program for the entire ground water management district. This agreement has not yet been signed, however, all non-domestic wells in northwest Kansas will be under mandatory water metering requirements.

Finally, Commissioner Pope reported that they are now in their second year for the Almena Irrigation District agreeing to not take water under an agreement with the Department of Wildlife and Parks, who compensated them to leave water in storage, which will enhance the recreation values of that project which has a significant recreation base.

Report of the Commissioner from Nebraska

Commissioner Patterson reported that Nebraska continued to deal with the impacts of the ongoing drought. He stated that other than Medicine Creek Reservoir, all other reservoirs were low and the water supply was limited last year.

Commissioner Patterson stated that there was no major water legislation in the last session. The major improvement was the update of the Dam Safety Act for the state. The big water legislation for last year was LB-962, which created a task force that is authorized through 2009 to continue to refine water legislation in the state. The most significant issue is how to obtain funding to implement what they need to do with the new law. A committee is looking at ways to fund activities. Commissioner Patterson stated that their big effort was to get management plans in place in the Republican River Basin using statutory framework in LB-962.

Commissioner Patterson stated that all four NRDs are represented at the meeting today and they put tremendous work into adopting their management plans. Some of the elements in the management plans include a mandatory requirement that every well be metered, annual allocations for all wells in the basin, penalty provisions for those who overuse water, and incentive programs (the two major programs are CREP and enhanced EQIP). The legislature provided enough money through 2006 to keep Nebraska in compliance with the compact.

Commissioner Patterson asked Mr. Brad Edgerton, of the NDNR in Cambridge, to report on water administration below Harlan County Reservoir. Mr. Edgerton distributed his 2004 report on surface water administration in Nebraska.

Commissioner Patterson commended Commissioner Simpson and the Republican River Water Conservation District for the speed of putting the district together. He stated that this is his last meeting and, with his departure, Ms. Ann Bleed will take over as interim director of the department and as Compact Commissioner for Nebraska. In addition, Mike Thompson will be the interim representative for Nebraska on the Engineering Committee.

Report by the U. S. Bureau of Reclamation

Mr. Marv Swanda, on behalf of the Bureau of Reclamation, extended their appreciation to Roger Patterson for his efforts and cooperation they received over the last five years. He stated that Mike Ryan is the new Regional Director for the Great Plains Region. They built a new office in McCook, Nebraska and moved in May. Mr. Swanda summarized the highlights of the 2004 operations, which are included in the Bureau of Reclamation report. He stated that they have a very active emergency management program and appreciated the states participating in the exercises and activities.

Mr. Jack Wergin, from Grand Island, reported on their planning studies, drought activities, and water conservation activities. In January 2005, they published and finished the Lower Republican Appraisal Study, which looks at more effective ways to utilize water supplies in the lower part of the Republican basin. The study determined that there were flows that were not being utilized and could be better utilized if additional storage could be developed. The next step requires congressional authorization and appropriations to proceed to a feasibility study, which will take legislation. Another study that will begin in FY 2006 is the Frenchman Valley Appraisal Study, which will focus on problems and opportunities to improve water supplies. Mr. Wergin reported on the drought activities and water conservation activities that the BOR was involved with. Commissioner Simpson thanked the BOR for providing technical support to the Pioneer

Irrigation District boards from both states, which was echoed by Commissioner Patterson.

Mr. Gordon Aycock, from the BOR in Billings, represented the Republican River Conservation Study Committee, which is made up of representatives of the three states, the BOR and the NRCS. He reported that as part of settlement of the Republican River Compact, the final settlement stipulation required that a study be made of the impacts of non-federal reservoirs and land terraces in the Republican River Basin. The committee developed a proposal for the 5-year study, and the Compact administration approved the study one year ago. Mr. Aycock provided a brief synopsis of the first annual status report. The study is on schedule and consists of four primary components which include: the development of databases, on-the-ground verification of the pertinent data for the study, evaluation and modification of existing water balance models used to determine how the water is affected, and the application of these water balance models and the study area. The plans for year two are to continue to collect data from the sample reservoirs and also from the terrace sites. Inventory of land terraces will be a major effort and they requested that the Compact Administration send a letter to the state conservationists with NRCS to request their assistance. Databases are being set up to handle the large amount of data collected from the study.

Report by the U. S. Army Corps of Engineers

Mr. Chris Purzer, Chief of the Water Management Section in the Kansas City District, reported on three issues: the Kansas River Basin Comprehensive study, the Kansas River Model, and Harlan County Lake. The Kansas River Basin Comprehensive study which is not yet in existence, would be a reconnaissance level study, and 100 percent federally funded, to use a comprehensive basin approach to evaluate federal interest in systematic projects to achieve flood protection, habitat restoration, conservation, water supply and other beneficial uses in partnership with state and local agencies. The Kansas River Model has been ongoing for some time. It was developed within the Kansas City District, and will incorporate hydrologic, economic and environmental impacts into one overall modeling module to assess impacts. The timeframe anticipated is 18-24 months. Finally, Mr. Purzer reported that Harlan County Lake achieved a historic low at the end of the year. There is an on-going dam safety assurance study to identify several alternatives that might be successful in addressing deficiencies and to recommend solutions. It was determined that the volume of the flood control pool is inadequate and public meetings will be held between now and the end of the year.

Report by the U. S. Geological Survey

Mr. Phil Soenksen, Hydrologist, Nebraska Water Science Center, provided a presentation on USGS's preliminary and historic data, which is available on their website. He reported on the typical continuous-record discharge gage operation and stated that the flow rate is measured every six weeks or more often when it is flooding. The stage is measured at the sites and recorded electronically every 15 minutes to hourly, then the stage data is transmitted via satellite on one to four hour intervals, and processed and posted on the web. He reported the potential move of the North Fork Gage. Mr. Soenksen also discussed and showed the data charts for the ten Federal

compact stations and presented a summary report for seventeen Republican River Basin stream gaging stations.

Engineering Committee Report

Mr. Ken Knox provided the highlights of the Engineering Committee Report. He stated that the Engineering Committee met and accomplished their tasks to outline the accounting of virgin water supply and beneficial consumptive use and the allocations for compact year 2004, they completed the accounting for the periods 1995-2002 which was used for informational purposes only. Mr. Knox summarized the four tasks that they recommend the Compact Administration assign to them next year which includes the following: develop a users manual for the Compact Administration accounting; perform the accounting for 2005; provide a scope of work for a comprehensive study of ground water irrigation recharge within the Republican River Basin and related issues by July 1, 2006; and lastly, to provide a draft rule, regulation, and/or procedures to the Compact Administration to address the permitting of a new water appropriation or use in one state for the eventual use in another state. The Engineering Report and accounting spreadsheet will be posed on the web at www.republicanrivercompact.org.

Commissioner Patterson moved the acceptance of the Engineering Committee Report as was discussed, which would be the approval of the 2004 accounting numbers and acceptance of the 1995-2002 numbers with the understanding that the Lovewell Reservoir evaporation numbers will be corrected before that is published. Commissioner Pope seconded the motion and was approved unanimously.

Unfinished Business

There was no unfinished business.

New Business

Commissioner Pope moved to assign the Engineering Committee those four items related to the proposed rules that they would consult with the respective legal staffs as needed. The motion was seconded by Commissioner Patterson and approved unanimously.

Chairman Simpson read the resolution with regard to the on-going maintenance of the ground water model for calendar year 2006 whereby the Republican River Compact Administration resolved and agreed that Principia Mathematica shall continue to maintain and operate the ground water model for calendar year 2006, and shall bill to the states of Colorado, Kansas and Nebraska the actual costs incurred therefore and not to exceed \$12K in total, and each state shall pay to Principia Mathematica one-third of the total amount incurred and billed for such maintenance and operation of the ground water model. Commissioner Patterson moved approval, seconded by Commissioner Pope and approved unanimously.

Chairman Simpson reported on the letter to the state conservationists for Nebraska, Kansas and Colorado that was discussed at the work session and was finalized. It

would request the NRCS to provide assistance to locate and conduct site visits on terrace fields in the Republican River Basin. Commissioner Pope made a motion to send the proposed letter to the respective state conservationists of the three states and approve letter as proposed. The motion was seconded by Commissioner Patterson and approved unanimously.

Chairman Simpson offered a Resolution of the Republican River Compact Administration to recognize Roger Patterson. Commissioner Pope moved approval of the resolution; seconded by Commissioner Simpson and approved unanimously. The Resolution will be included in the next annual report, which will be prepared by Colorado.

Remarks from the Public

There were no remarks from the public.

Future Meeting Arrangements

Kansas will host the Compact meeting for the next two years. Commissioner Pope suggested holding one of the two meetings in the upper basin in northwest Kansas, and the second meeting in the lower basin. A specific date was not selected, however, the meeting will be held sometime in July of 2006 after reviewing calendars.

Adjournment

The meeting adjourned at 11:00 a.m. Commissioner Simpson moved to adjourn, and was seconded by Commissioner Patterson.

Hal D. Simpson
Colorado Commissioner (Chairman)

Ann Salomon Bleed for
Roger K. Patterson, Nebraska Commissioner

David L. Pope
Kansas Commissioner

Exhibits

Bureau of Reclamation Report
U. S. Geological Survey Report
Engineering Committee Report
Resolution to Roger Patterson
Resolution to Principia Mathematica
Letter to State Conservationists