

51st ANNUAL MEETING OF THE
REPUBLICAN RIVER COMPACT ADMINISTRATION

Wednesday, August 31, 2011

9:12 a.m.

The above-entitled meeting was taken at the Burlington Community Center, 340 South 14th Street, Burlington, Colorado, before Denise A. Freeman, Registered Professional Reporter and Notary Public within Colorado.

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1 REPUBLICAN RIVER COMPACT ADMINISTRATION:
 2 For Colorado:
 DICK WOLFE, P.E., COMMISSIONER
 3 PETER J. AMPE, ESQ.
 MICHAEL SULLIVAN, P.E., DEPUTY STATE ENGINEER
 4 MEGAN A. SULLIVAN, P.E.
 5 For Nebraska:
 BRIAN P. DUNNIGAN, P.E., COMMISSIONER
 6 JUSTIN LA VENE, ESQ.
 JIM SCHNEIDER, P.E.
 7 TOM O'CONNOR, P.E.
 8 For Kansas:
 DAVID BARFIELD, P.E., COMMISSIONER
 9 BURKE W. GRIGGS, ESQ.
 CHRISTOPHER M. GRUNEWALD, ESQ.
 10 SCOTT ROSS, P.E.
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1 P R O C E E D I N G S
 2 COMMISSIONER WOLFE: Good morning, everyone.
 3 Thank you for being here. My name is Dick Wolfe. I am
 4 the Colorado Commissioner on the Republican River
 5 Compact Administration. Before we get started, I want
 6 to have Bob Churchwell, the city administrator for
 7 Burlington, to come forward, please.
 8 And I want to remind everyone today to
 9 please, if you are using the microphone, to speak up and
 10 state your name for the record because we do have a
 11 stenographer here today who will be taking a recording
 12 of this, so we want to make sure it gets on the record
 13 correctly.
 14 So, Bob, please proceed.
 15 MR. CHURCHWELL: Thank you, Dick. I don't
 16 think I need this. All my employees say I've got a big
 17 enough mouth the way it is.
 18 But we want to welcome each and every one of
 19 you here today. We want to welcome the representatives
 20 from Colorado and Nebraska and Kansas in your efforts to
 21 deal with the water issues. We thank you -- all of you
 22 folks for coming out and participating in this
 23 conversation so that everybody's voice can be heard.
 24 And we just want to welcome you to
 25 Burlington, and, folks, have a good meeting here this

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1 afternoon.
 2 COMMISSIONER WOLFE: Thank you, Bob.
 3 Also on your way in, there was a sign-up
 4 sheet. If you do plan on making a public comment --
 5 it's identified later in our agenda -- we would like to
 6 have you identify that on that sheet so that we can get
 7 that here so I know approximately how many people are
 8 planning on making a public comment. That will help us
 9 plan our time a little better.
 10 So if you failed to mark that, we will be
 11 taking a break somewhere here before we get to that
 12 point, and I would ask you to get with Katie Radke, who
 13 is at the back table there, or Dave Keeler, and we will
 14 get that sheet updated if you want to plan on making a
 15 public comment.
 16 Also as part of our introductions, I would
 17 like to introduce some of our staff members that are
 18 here today as well as some representatives from Colorado
 19 that work with some of our groundwater management
 20 districts in eastern Colorado within the Republican
 21 River Basin.
 22 Here at the front table with me, to my left,
 23 is Meg Sullivan, who is our engineer adviser on the
 24 Compact Administration. Pete Ampe, to my immediate
 25 right, he's the first assistant attorney general with

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1 Colorado. And Mike Sullivan, on the far right, who is
 2 the deputy state engineer.
 3 We also have -- I've mentioned -- Katie
 4 Radke, who you met coming in, as well as Dave Keeler,
 5 who is in the back there, who is our lead water
 6 commissioner here in the basin, as well as some of his
 7 staff, Devin Ridnour, Ben Krause.
 8 We also have here Ivan Franco, who will be
 9 right up here in front. He will be replacing Meg
 10 Sullivan as our engineer adviser, so I hope all of
 11 you've had an opportunity to meet Ivan. We look forward
 12 to having him on this.
 13 Also we have here with us, representing
 14 Colorado, Willem Schreuder with Principia Mathematica.
 15 He's over here to my left against the wall.
 16 Some other folks I would like to identify --
 17 and you always run the risk, when you are doing these
 18 kind of introductions, that you are going to miss
 19 someone, and someone may have come in after we had a
 20 chance to identify you, so I apologize if I miss some of
 21 you.
 22 But we also have Jack Dowell with W-Y
 23 Groundwater Management District here with us today.
 24 Nate Midcap with the Central Yuma, Sandhills, Marks
 25 Butte, and Frenchman Groundwater Management District.

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1 Deb Daniel is here. She is the new manager
 2 of the Republican River Water Conservation District.
 3 And I would also like to take this opportunity -- I
 4 don't think Stan Murphy is here with us today.
 5 But Stan just retired as general manager
 6 with the Republican River Water Conservation District,
 7 so we want to recognize Stan for all of his service and
 8 years as the manager of the District since its creation
 9 in 2004 and his prior service as manager of some of the
 10 groundwater management districts in this part of the
 11 basin prior to that.
 12 So we want to thank Stan for all of his
 13 years of service and wish him the best in retirement.
 14 And I know Deb is going to do a great job following in
 15 his footsteps, so we wish her well.
 16 Also at the Republican River Water
 17 Conservation District, the board president, Dennis
 18 Coryell, is also here with us today, as well as the
 19 legal counsel with the District, Dennis Montgomery and
 20 David Robbins. Thank you for being here.
 21 We also have a couple representatives from
 22 the CAPA group in the basin, Tony Mangus and also
 23 Bethleen McCall.
 24 And also I would like to recognize, from our
 25 executive director's office with the Department of

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1 Natural Resources, Alex Davis, assistant director over
 2 water is here as well. And some of you have had an
 3 opportunity to meet Alex.
 4 So I thank all of you for being here today
 5 and representing Colorado and all your efforts to assist
 6 Colorado in our efforts here in the Republican River
 7 Basin for achieving compact compliance.
 8 So at this time I would like to turn it over
 9 to Commissioner Dunnigan, if you would like to make some
 10 introductions at this time.
 11 COMMISSIONER DUNNIGAN: Thank you, Chairman
 12 Wolfe. I will introduce at the table first. To my
 13 immediate right is Justin Lavene from the Attorney
 14 General's Office. Jim Schneider from the Department of
 15 Natural Resources, and Tom O'Connor from the Department
 16 of Natural Resources.
 17 I would also like to introduce staff that I
 18 have from the Department: Shane Stanton, Paul Koester,
 19 and Jesse Bradley. Representing the Nebraska Irrigation
 20 District, I have Don Felker, Mike Delka, and Brad
 21 Edgerton here today.
 22 With the Nebraska Natural Resources District
 23 representing the Republican Natural Resources District,
 24 Nate Jenkins is here. Bob Wierhead representing the
 25 Middle Republican Natural Resources District.

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1 Rich Holloway, representing the Tri-Basin
 2 Natural Resources District. And manager Mike Clemens
 3 representing the Lower Republican Natural Resources
 4 District.
 5 And as Chairman Wolfe said, you always risk
 6 the possibility of leaving somebody out. I hope I did
 7 not, and I apologize if I did. Thank you.
 8 COMMISSIONER WOLFE: Thank you,
 9 Commissioner.
 10 At this time, Commissioner Barfield, if you
 11 would like to make some introductions
 12 COMMISSIONER BARFIELD: Certainly. Thank
 13 you, Chairman Wolfe.
 14 My name is David Barfield. I am the chief
 15 engineer with the Division of Water Resources in Kansas,
 16 a commissioner of the Compact Administration.
 17 Again here at the table, to my right is
 18 Scott Ross. He's our water commissioner over northern
 19 Kansas and our water engineering committee lead.
 20 To my left first is Burke Griggs. He's
 21 legal counsel for the division. And Chris Grunewald is
 22 with the Attorney General's Office, the Kansas Attorney
 23 General's Office.
 24 Also with me is Chris Sable, Chelsea
 25 Geracheck, Paul Chankow, and Sam Griffith. That's who's

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1 here from Kansas.
 2 COMMISSIONER WOLFE: Thank you.
 3 I would also like to take this opportunity
 4 to give thanks to those representatives on the
 5 engineering committee. You have done a great job this
 6 past year assisting the commissioners in getting through
 7 our duties that we have to take care of today, so thank
 8 you very much for all of your efforts over the past year
 9 working off-line on these matters.
 10 As we get into the discussion on the
 11 committee reports, you will see that the engineering
 12 committee has got quite a few assignments to work on and
 13 have been working on. And so we appreciate all the
 14 effort and time you've put into that in addition to your
 15 other duties.
 16 There was a copy of the agenda at the back
 17 of the room, which was the initial agenda that was
 18 advertised. We do have some modifications to that, and
 19 I will try and identify those changes there. And then I
 20 will ask the other commissioners if there is anything
 21 that I missed before we adopt the revised agenda.
 22 I would like to offer under Old Business,
 23 under 8(b), that we add an additional assignment to the
 24 engineering committee from the 2010 meeting to modify
 25 the rules and regulations to reflect the current version

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<p>1 of the accounting procedures and model. 2 And Commissioner Dunnigan will do the 3 introduction on that, but I wanted to identify that on 4 the agenda for action. 5 Also we have under New Business, under 6 agenda Item 9, two items, (b) and (c). 7 The first one is 9(b), which is to take 8 action on the procedure for the missing precipitation 9 data. And this will also be discussed as part of Megan 10 Sullivan's report from the engineering committee. We 11 will be taking action on that. 12 Also 9(c), we will be taking action on 13 relocation of the Guide Rock stream flow gage. And 14 Commissioner Dunnigan will be doing the introduction as 15 well on that one. 16 Commissioners, are there any other 17 amendments to the agenda? 18 COMMISSIONER BARFIELD: No. I move adoption 19 of the agenda as amended. 20 COMMISSIONER DUNNIGAN: Second. 21 COMMISSIONER WOLFE: We have a motion and a 22 second. All those in favor signify by saying aye. 23 COMMISSIONER DUNNIGAN: Aye. 24 COMMISSIONER BARFIELD: Aye. 25 COMMISSIONER WOLFE: Aye.</p>	<p>1 recommended changes to that, so this is just to 2 recognize in the record again that we are still in the 3 process of reviewing and finalizing that. And we'll 4 take that up for action at a future meeting date. 5 Any comments in regards to that agenda item? 6 COMMISSIONER BARFIELD: No. 7 COMMISSIONER DUNNIGAN: No. 8 COMMISSIONER WOLFE: Thank you. 9 All right. We are on to agenda Item No. 5, 10 reports from the commissioners, each of the states. I 11 will go ahead and start with my report. 12 I would like to first just highlight some of 13 the hydrologic conditions for calendar year 2010 in 14 Colorado. We would like to report on activities and 15 hydrologic conditions on each of the three major 16 branches in the basin, as well as Bonny Reservoir. 17 And first on the North Fork of the 18 Republican River, 20,420 acre-feet passed the Stateline 19 Gage in calendar year 2010. This is approximately 8,200 20 acre-feet less than the 1935 to 2010 average annual flow 21 of 28,660 acre-feet. 22 On the Arikaree, stream flows at the 23 Arikaree River Gage at Haigler totaled 2,360 acre-feet 24 for calendar year 2010, about three times the amount 25 recorded for 2009, which totaled 780 acre-feet. Flows on</p>
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<p>1 Motion approved. 2 Agenda Item No. 3 is the status report and 3 transcript of the August 12, 2010 annual meeting. This 4 has been prepared. It has been circulated for review 5 and comment. 6 We are not taking an action item on this. 7 It's just to reflect that each state has that in their 8 possession now and will be providing review and comment 9 on that. And we will be taking our final action and 10 approval of that transcript and those minutes from that 11 meeting at a later date. 12 So are there any comments from the 13 commissioners as far as that agenda item? 14 Commissioner Dunnigan. 15 COMMISSIONER DUNNIGAN: Chairman Wolfe, I 16 would like it reflected in the minutes a discussion, as 17 reflected on page 76 of the transcript from last year, 18 relating to amending the rules. Thank you. 19 COMMISSIONER WOLFE: Thank you. 20 Any other comment on that? Thank you. 21 Agenda Item No. 4 is also a status report on 22 the previous annual and special meeting reports and 23 transcripts from the 2008 and 2009 meetings as well. 24 That's been undergoing review by each of the 25 states, and we have not finalized completion of</p>	<p>1 the Arikaree have declined significantly from the 2 average of 12,170 acre-feet for the period of 1933 to 3 2010. 4 On the South Fork of the Republican River, a 5 total of 12,760 acre-feet passed the Benkleman Gage in 6 2010. This is a thirty percent increase from the 8,400 7 acre-feet that passed the gage in 2009, and six times 8 the total for 2008. 9 Stream flows on the South Fork continue to 10 improve from the drought years of zero flow but are 11 still significantly lower than the 72-year average of 12 approximately 24,000 acre-feet. 13 As far as Bonny Reservoir, this is located 14 on the South Fork just north of Burlington. It is the 15 only federal reservoir in Colorado's Republican River 16 Basin. Bonny Reservoir is approximately 18 percent full 17 with an active storage as of last week of 7,372 18 acre-feet. 19 The releases that we have made from Bonny 20 Reservoir in 2010, from July 9, 2010 to August 27, 2010, 21 was 5007 acre-feet. An additional 2248 acre-feet was 22 released this past June 20 through July 7. And we will 23 also be making additional releases from Bonny Reservoir 24 starting in September of 2011. 25 I wanted to highlight for the commissioners</p>

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1 and the public what Colorado has been doing in terms of
 2 our efforts towards compact compliance over the past
 3 year and few years.
 4 As I have indicated, we have continued to
 5 make releases from Bonny Reservoir to help our efforts
 6 in terms of overall basin-wide compact compliance as
 7 well as our obligations to meet the subbasin
 8 nonimpairment test on the South Fork, and as it stands
 9 now, the water currently stored in Bonny Reservoir is
 10 significantly less than the previous year.
 11 Also in cooperation with the Republican
 12 River Water Conservation District, through some of the
 13 land-fallowing programs through CREP and EQIP, in 2010,
 14 or at least through 2010 -- and this is cumulative up to
 15 that point -- 19,755 acres have been currently retired
 16 under the CREP program; 11,359 acres under various
 17 EQIPs; and 1546 acres under the AWEP.
 18 Approximately 10,000 acres are still
 19 available under the 2006 CREP program. We are also
 20 looking currently on an amendment to the CREP program
 21 which will add an additional 20,000 acres, and that's
 22 currently under review by the U.S. Department of
 23 Agriculture.
 24 The Republican River Water Conservation
 25 District continues to pursue purchasing surface water

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1 rights in the basin. As a result of their efforts over
 2 the last several years, there is very little surface
 3 water irrigation left in the basin.
 4 We also adopted well measurement rules
 5 that -- 2010 is the second year of our administration
 6 under those well measurement rules.
 7 And as of March 1, 2009, all high-capacity
 8 wells in the basin were required to have a measurement
 9 device installed and verified by a certified tester or
 10 be declared inactive.
 11 By December 1 of 2010, pumping totals for
 12 the irrigation year for all active wells were required
 13 to be submitted to the State Engineer.
 14 The measurement team is staffed with four
 15 full-time positions, and staff is currently and actively
 16 enforcing the well measurement rules and well permits
 17 within the basin.
 18 Some of the activities of the well
 19 measurement team include, in 2010 they began the field
 20 inventory process for 3733 active and inactive wells
 21 located in the Republican River Basin.
 22 The team processed 445 well meter
 23 verification tests, issued 577 notices of rule
 24 violation/orders to comply, and sent out approximately
 25 1800 notices of annual well pumping reporting

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1 requirements, and processed 3194 annual pumping reports.
 2 So thank you, staff, for all of your efforts
 3 over the last year in completing that.
 4 We also, in cooperation with the Republican
 5 River Water Conservation District, are moving forward
 6 with construction of the compact compliance pipeline.
 7 The District had ground-breaking ceremonies this week.
 8 On Monday, August 29, they started construction of that
 9 pipeline.
 10 It is anticipated that that project will be
 11 completed in the summer of 2012, making deliveries of
 12 water to the North Fork of the Republican River in the
 13 latter part of 2012.
 14 I would also just like to update folks
 15 briefly on our current negotiations with Kansas and
 16 Nebraska on approval of the compact compliance pipeline.
 17 As you know, we have been working rigorously
 18 over the last couple years in those efforts to get
 19 approval of that. We continue those negotiations.
 20 I believe we have been -- still continue to
 21 make progress in those discussions, and I appreciate
 22 each of the states' efforts in working with Colorado in
 23 working towards final resolution of those remaining
 24 issues so that we can seek approval by the compact
 25 commissioners here in the very near future for approval

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1 of the compact compliance pipeline.
 2 Lastly, I would just like to report on the
 3 pending litigation. Since the last compact meeting, the
 4 United States Supreme Court accepted Kansas' petition
 5 and appointed a special master to run the case. So the
 6 litigation is proceeding, but no trial date has been
 7 set.
 8 And that concludes my report. At this time
 9 I will turn it over to Commissioner Dunnigan for your
 10 report.
 11 COMMISSIONER DUNNIGAN: Thank you, Chairman
 12 Wolfe.
 13 First of all, I would like to thank Colorado
 14 and the City of Burlington for hosting this year's
 15 Republican River Compact Administration meeting. The
 16 facilities are great. Thank you very much.
 17 The State of Nebraska is in compliance with
 18 the Republican River Compact. Using current accounting
 19 procedures, Nebraska has had positive balances during
 20 2007, 2008, 2009 and 2010, which has led to compliance
 21 with the five-year average. Based on preliminary
 22 estimates, Nebraska will again be in compliance for the
 23 five-year period ending in 2011.
 24 In the future Nebraska will continue to
 25 remain in compliance with the Republican River Compact.

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<p>1 The Upper Republican, Middle Republican, and, most 2 recently, the Lower Republican Natural Resource District 3 boards have all voted to adopt a third generation of 4 integrated management plans.</p> <p>5 These plans were modified from the previous 6 version to address concerns of water-short year 7 compliance brought up during the 2008 arbitration. These 8 plans also further solidify Nebraska's long-term 9 commitment to compact compliance.</p> <p>10 The basin NRDs have demonstrated an on-going 11 commitment to compliance through the adoption of this 12 third-generation integrated management plan.</p> <p>13 All of the integrated management plans 14 adopted by the basin NRDs contain controls that would 15 require, when necessary, the shutdown of wells in rapid 16 response areas during water-short years as part of 17 compliance efforts, as well as provisions to administer 18 stream flows in a manner that will ensure Nebraska 19 maintains compliance.</p> <p>20 The integrated management plans also contain 21 provisions to continue to reduce groundwater pumping 22 volumes and conduct evaluations annually to determine if 23 additional long-term pumping adjustments are necessary.</p> <p>24 The updated integrated management plans 25 incorporate complex forecasting and triggers that rely</p>	<p>1 River Basin, develop and recommend a plan to help reach 2 water sustainability in the basin, and develop and 3 recommend a plan to help avoid a water-short year in the 4 basin.</p> <p>5 The task force will be working to summarize 6 their efforts in a report to the legislature.</p> <p>7 Nebraska continues to invest in long-term 8 solutions to reduce consumption in the basin. State and 9 local natural resource districts and financial resources 10 continue to be invested in CREP and AWEP programs.</p> <p>11 These programs have worked to provide 12 permanent and temporary reductions in irrigated lands 13 throughout the basin. Nebraska also continues to invest 14 in the science necessary to support future sound 15 management decisions.</p> <p>16 This work has included the development of a 17 wide array of management tools, specific evaluations of 18 augmentation sites throughout the basin, and the 19 evaluation of riparian vegetation on water supplies, 20 just to name a few.</p> <p>21 The department is also pursuing efforts in 22 coordination with the Nebraska Republican River 23 Management District Association to develop modeling 24 tools to support the evaluation of potential conjunctive 25 management options throughout the basin.</p>
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<p>1 on conservative dry-year projections to proactively 2 identify the potential for non-compliance, thereby 3 providing the necessary information to proactively 4 reduce consumption to levels necessary to ensure compact 5 compliance.</p> <p>6 These triggers go well beyond the 7 requirements imposed by the compact and FSS because 8 Nebraska knows that future noncompliance is not an 9 option.</p> <p>10 Nebraska understands that Kansas may have 11 concerns about the implementation of these most recent 12 integrated management plans and would, once again, 13 invite constructive dialogue through the engineering 14 committee to discuss any such concerns.</p> <p>15 The department also continues to work with 16 the Tri-Basin Natural Resources District to finalize an 17 integrated management plan.</p> <p>18 While not a necessary component to ensure 19 compact compliance, this plan will, among other 20 objectives, require the NRD to limit groundwater 21 depletions to the same volume as groundwater imports.</p> <p>22 The Republican River Sustainability Task 23 Force continues to meet. The purpose of the 27-member 24 Republican River Basin Water Sustainability Task Force 25 is to define water sustainability for the Republican</p>	<p>1 The department continues to be open to 2 working with the other states through the WaterSMART 3 Basin Studies program to develop these tools and 4 believes that such collaboration is called for pursuant 5 to Section IV.E. of the final settlement stipulation.</p> <p>6 In closing, I reiterate that Nebraska will 7 continue to comply with the Republican River Compact. 8 The State will continue to proactively evaluate the 9 basin and make the necessary changes to remain in 10 compliance.</p> <p>11 We will continue to work with all 12 stakeholders in the basin, including the other states, 13 the NRDs, the surface water districts, individual users, 14 and the Bureau of Reclamation.</p> <p>15 I will now have Tom O'Connor give the report 16 of water administration activity in Nebraska for 17 calendar year 2010.</p> <p>18 MR. O'CONNOR: Thank you. I would like to 19 mention here that the first version of the 2010 water 20 administration report omitted an entry for November and 21 December 2010. A modification has been made to the 22 report as posted on the Nebraska E&R website, and I have 23 copies of the revised reports here to distribute to 24 whoever is interested.</p> <p>25 Report of water administration activities</p>

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<p>1 for the Republican River Basin In Nebraska for the 2 calendar year 2010: 3 January 19. Letters were sent to irrigators 4 reminding them that 2009 water use reports must be filed 5 in the Cambridge field office. 6 February 16. Fifteen closing notices were 7 issued to water users that failed to submit their 8 required annual water use reports. These were to be 9 filed in the Cambridge field office by December 31. 10 These water users were not allowed to divert water 11 during the 2010 calendar year. 12 May 17. One regulating notice was sent to 13 Riverside Canal notifying them that they were not 14 allowed to divert water in excess of the amount of their 15 appropriation without prior consent. 16 June 28. Six regulating notices were sent 17 to water users above Meeker-Driftwood Canal notifying 18 them that they were not allowed to divert water in 19 excess of the amount of their appropriation without 20 prior consent. 21 June 28. Thirty-eight closing notices were 22 issued to water users above Meeker-Driftwood Canal 23 notifying them that they shall not divert water until 24 further notice. 25 July 7. One notice of the pumping schedule</p>	<p>1 excess of the amount of their appropriation without 2 prior consent. 3 August 4. One notice of the pumping 4 schedule was sent to a water user. 5 August 8. Twenty-nine closing notices were 6 issued to water users above Meeker-Driftwood Canal 7 notifying them that they shall not divert water until 8 further notice. 9 August 9. Fifty-eight open/regulating 10 notices were sent to water users above Cambridge Canal 11 notifying them that they were not allowed to divert 12 water in excess of the amount given of their 13 appropriation without prior consent. 14 August 9. Four regulating notices were also 15 sent to Frenchman Cambridge and Frenchman Valley-H&RW 16 Irrigation Districts notifying them that they were not 17 allowed to divert water in excess of the amount of their 18 appropriation. 19 August 13. Two regulating notices were sent 20 to Frenchman Cambridge Irrigation District notifying 21 them that they were not allowed to divert water in 22 excess of the amount of their appropriation. 23 August 23. Eight closing notices were 24 issued to water users above Meeker-Driftwood Canal 25 notifying them that they shall not divert water until</p>
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<p>1 was sent to a water user notifying them of the amount 2 they could legally divert. 3 July 16. One regulating notice was sent to 4 Riverside Canal. 5 July 19. One notice of the pumping schedule 6 was sent to a water user. 7 August 2. One regulating notice was sent 8 again to Riverside Canal. 9 August 2. Thirty-seven open/regulating 10 notices were issued to water users above 11 Meeker-Driftwood Canal notifying them that they were not 12 allowed to divert water in excess of the amount of their 13 appropriation without prior consent. 14 August 2. Six regulating notices were also 15 issued to water users above Meeker-Driftwood Canal, and 16 two notices of the pumping schedule were sent to water 17 users notifying them of the amount they could legally 18 divert. 19 August 3. One hundred five closing notices 20 were issued to water users above Cambridge Canal 21 notifying them that they shall not divert water until 22 further notice. 23 August 3. Thirty-nine regulating notices 24 were sent to water users above Cambridge Canal notifying 25 them that they were not allowed to divert water in</p>	<p>1 further notice. 2 August 23. One regulating notice was also 3 sent to Frenchman Cambridge Irrigation District 4 notifying them that they were not allowed to divert 5 water in excess of the amount of their appropriation 6 without prior consent. 7 August 26. One water appropriation was 8 canceled above Swanson Reservoir. 9 September 3. Thirty-seven open/regulating 10 notices were issued to water users above 11 Meeker-Driftwood Canal notifying them that they were not 12 allowed to divert water in excess of the amount of their 13 appropriation without prior consent. 14 September 3. Six regulating notices were 15 also sent to water users above Meeker-Driftwood Canal 16 notifying them that they were not allowed to divert 17 water in excess of the amount given of their 18 appropriation without prior consent. 19 November 1. Ten opening notices were sent 20 to reservoirs notifying them that they may store water. 21 December 2010. Water use reports were 22 mailed to water appropriations in the Republican River 23 Basin. These were to be filed in the Cambridge field 24 office by December 31. 25 COMMISSIONER DUNNIGAN: Chairman Wolfe, that</p>

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1 concludes Nebraska's report.
 2 COMMISSIONER WOLFE: Thank you,
 3 Commissioner.
 4 Commissioner Barfield?
 5 COMMISSIONER BARFIELD: Yes. Thank you,
 6 Chairman Wolfe.
 7 Again, I would like to provide some
 8 comments, first of all, of a general nature relating to
 9 the State of Kansas and legislative issues and then some
 10 specific comments on the Republican Basin.
 11 In January Sam Brownback became Kansas' 46th
 12 governor. He was formerly secretary of ag, agriculture,
 13 and a U.S. representative and a two-term U.S. senator.
 14 Governor Brownback appointed Dale Rodman the 15th Kansas
 15 Secretary of Agriculture.
 16 Secretary Rodman was retired from a career
 17 of active business, including 37 years of car dealing.
 18 The governor has initiated several new
 19 initiatives. He is holding a series of economic
 20 summits, as part of his administration's commitment to
 21 growing our state's economy, over a wide variety of
 22 topics. But one of them I think that I wanted to note
 23 here in this forum is his initiative on the Ogallala.
 24 The Ogallala is a significant source of -- a
 25 significant water resource in our respective states,

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1 including Kansas, providing a lot of economic activity
 2 but is also substantially overappropriated resulting in
 3 water level declines and declines in yields and sort of
 4 uncertainties about the future.
 5 So he held a summit in Colby, Kansas, on
 6 July 21. And we had individuals attending that with a
 7 broad range of perspectives and contributing sort of
 8 ideas about the future of the Ogallala in Kansas.
 9 And there's a committee that is sort of
 10 following up on some of the brainstorming that happened.
 11 We are expecting two to three specific pieces of
 12 legislation in 2012.
 13 And as a result of that, sort of to get
 14 started, and then, I think, broader discussions and
 15 maybe more legislation in 2013 as we sort of seek to
 16 figure out how to continue to use the Ogallala and
 17 benefit from the economics thereof but extend the life
 18 of that resource. And so I will continue to report on
 19 that in future times here.
 20 We had a pretty active legislative session
 21 in Kansas. There were 14 water resource bills. We were
 22 expecting a pretty quiet session. Then had a fairly
 23 active one. None of them are very -- extremely
 24 earthshaking. I will just note three of them for
 25 purposes here.

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1 One of them was to legislatively authorize
 2 what's called the Water Right Conservation Program that
 3 would allow people to voluntarily put their water right
 4 in a nonuse status for up to 10 years.
 5 And that enrollment would be on sufficient
 6 cause for nonuse and prevent damage of that water right
 7 to sort of balance preservation of those property rights
 8 with conserving use of them and not requiring them to
 9 use water to preserve that water right.
 10 There were also changes in House Bill 231 to
 11 something called flex accounts to seek to make that
 12 program more attractive and seek to provide more
 13 flexibility, but it requires a 10 percent conservation
 14 requirement.
 15 And, finally, there was a Senate substitute
 16 for House Bill 2133 that deals with a fund that the
 17 legislature created in case damages are received from
 18 either Colorado or Nebraska in this litigation. It sort
 19 of talks about how those moneys would be utilized in the
 20 legislation. It sort of amended how that would be done.
 21 Climate conditions. We have had a very
 22 interesting climate year in Kansas.
 23 As a result of La Nina, over the past year
 24 Kansas -- the southern half of Kansas is currently
 25 experiencing its worst drought since at least 2002. And

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1 in some areas, in 2011 to date, it is the driest year
 2 since really we've been keeping records since the late
 3 1800s. It's drier in some respects than the 1930s dust
 4 bowl.
 5 There's been a drought declaration in 52 of
 6 Kansas' 105 counties, and there's a pending declaration
 7 to extend that into southeast Kansas. The U.S. drought
 8 monitor of August 16 showed continuing intensification
 9 of the drought in southwest and south central Kansas.
 10 As a result of this, I have had to sort of
 11 innovate. We have a lot of farmers in southwest and
 12 south central Kansas that have enough season they can
 13 double crop. Get a wheat crop and then grow a corn or
 14 some other crop behind it.
 15 And typically they can get that wheat crop
 16 in with just a few inches of irrigation. In many cases
 17 really there's no precipitation even back through the
 18 latter half of last year. They've had to irrigate six
 19 inches to get the wheat home.
 20 And then we are running out of authorization
 21 to get their corn home. And so I instituted, in
 22 addition to the amendments to the flex account, an
 23 alternative, something called an emergency drought term
 24 program that, as such, it allows water users to borrow
 25 from their 2012 authorization to finish out their crops

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1 in 2011. So they could make adjustments to 2011.
 2 We expected interest in that, 50 or 75
 3 permits. As of yesterday, I think we had 706 drought
 4 terms that we had accepted for filing. So it's going to
 5 be an interesting year next year as they sort of make
 6 their decisions about how to use that smaller allocation
 7 next year.
 8 It's been a very active year for water
 9 administration, again, in south central and southeast
 10 Kansas, administering rivers that -- much more
 11 significantly than past years.
 12 Alternatively, in the north half of the
 13 state, including the Republican Basin, we have had a
 14 tremendous year. Very timely rains have produced great
 15 crops in the Republican part of the basin in northwest
 16 Kansas and north central.
 17 A month-long -- several-month-long flood on
 18 the Missouri River -- we have been dealing with
 19 significant flooding issues in northeast Kansas, along
 20 with Nebraska and other Missouri basin states. So it's
 21 been quite an interesting year weatherwise.
 22 Turning to the Republican River Basin
 23 specifically, Kansas is fully in compliance with the
 24 compact in relation to the final settlement stipulation.
 25 Our entire basin is either closed in

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1 appropriations or managed under the principle of safe
 2 yield, which is a pretty -- a very restrictive yield
 3 application.
 4 We are fully metered. We have been for a
 5 couple years and have an aggressive water use program to
 6 ensure that those records are kept. And have a very
 7 active compliance and enforcement program to make sure
 8 that people comply with those programs. Those are all
 9 ongoing, as they have been in the past.
 10 In Kansas, northwest Kansas, the Ogallala
 11 portion of that is covered by the northwest Kansas
 12 Groundwater Management District No. 4, and they have
 13 been very active, even before the governor's initiative,
 14 over recent years to try and determine how to provide
 15 for enhanced management of the water resources, again,
 16 toward the objective of continuing the economic
 17 viability of this resource now and into the future.
 18 They have gone through a process of
 19 identifying six high priority areas that have the most
 20 significant declines and where they believe their
 21 actions should be concentrated. They also are very
 22 involved with programs under AWEP and other state and
 23 federal programs to reduce water use and have been
 24 focusing those programs in these high priority areas.
 25 They have also used a version of the

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1 Republican River Compact model to sort of look into the
 2 future in terms of what their part of the basin looks
 3 like.
 4 And the district staff have gone to each of
 5 these high priority areas over the last year or two and
 6 sought to engage them in dialogue about the future of
 7 their areas and potential enhanced management
 8 alternatives.
 9 One of the HPAs, as they are called in
 10 Sheridan County, has been working to determine how they
 11 can essentially enact systematic allocations in their
 12 high priority area and working with me and my staff on
 13 that.
 14 And, in fact, one of the legislative items
 15 that the Ogallala committee is endorsing move forward
 16 would help them do that in a way that balances their
 17 needs with state processes.
 18 I think, with that, I will conclude my
 19 report.
 20 COMMISSIONER WOLFE: Thank you,
 21 Commissioner.
 22 At this time I think we will move on to
 23 agenda Item No. 6 on federal reports. And here with the
 24 Bureau of Reclamation is Aaron Thompson.
 25 MR. THOMPSON: Thank you, Chairman Wolfe --

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1 I am pleased to be here -- also appreciate Commissioner
 2 Dunnigan and Commissioner Barfield.
 3 My name is Aaron Thompson. I am here with
 4 the Bureau of Reclamation. I represent the Bureau of
 5 Reclamation's activities in the Nebraska, Kansas area
 6 office. I serve as area manager for that region.
 7 Today we are going to submit a written
 8 report to the Compact Administration. I have given each
 9 commissioner a copy of the report.
 10 It highlights -- or it contains our 2010
 11 operations. It highlights our 2011 operations through
 12 August 15 of this year.
 13 It also has our reservoir management
 14 activities, which highlights our WaterSMART efficiency
 15 grant, our WaterSMART operational system improvements,
 16 and our water conservation field services program.
 17 And one item that is not in the report that
 18 I would like to highlight is, in October of 2010, we
 19 found a safety dam issue with Red Willow Dam. We have
 20 been working on a corrective action report to correct
 21 the safety dam issue there at the dam.
 22 Yesterday we had bid openings for the
 23 repair. The expected construction time is expected to
 24 last about two years, and the apparent low bid yesterday
 25 was at \$15.3 million.

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<p>1 And that is all the Bureau of Reclamation 2 would like to report. If you have any questions on the 3 report, I would be happy to take them at this time or 4 send them to me at a later date. 5 COMMISSIONER WOLFE: Thank you, Aaron. I 6 appreciate that report. Any questions for Aaron? 7 COMMISSIONER BARFIELD: No. 8 COMMISSIONER DUNNIGAN: No. 9 COMMISSIONER WOLFE: Thank you. 10 I would like to also take this opportunity 11 to thank you, Aaron, for his work over the last -- this 12 past year in our efforts in terms of future operations 13 at Bonny Reservoir. 14 His staff has been very cooperative in 15 working with us in trying to address future concerns 16 about what Bonny Reservoir will be like in the event we 17 drain it down to a very low condition and concerns about 18 operational issues there. 19 So we appreciate their efforts in assisting 20 us to try and address those concerns. So thank you, 21 Aaron. I appreciate that. 22 I don't believe we have anyone here from the 23 U.S. Army Corps of Engineers. I think we did receive 24 something via e-mail from them, but in case I missed 25 anybody that may have shown up from the Corps?</p>	<p>1 to September 30 for each of these sites. I will point 2 out the mean and also where it's ranging over the entire 3 years of data collection. 4 For the Arikaree River, the ranking is the 5 69th lowest year out of 78 years of data collection. 6 The mean was 3.42 -- 3.4 CFS in the 2010 water year. 7 The North Fork of the Republican River, the 8 mean for this last water year was 29.6 CFS, and it 9 ranked 65th out of 75 years of data collection. 10 The next slide is Buffalo Creek near 11 Haigler, Nebraska. The mean for this last year was 12 3.47. It ranked 65th out of 70 years of water 13 collection. That's 65th lowest. Hopefully, I am saying 14 that right. 15 The next slide is going to be Rock Creek 16 near Parks. The mean flow from last year was 7.43 CFS, 17 and it ranked 65th out of 70 years of data collection. 18 The next slide is going to be South Fork 19 near Benkelman, Nebraska. The mean flow was up actually 20 quite a bit this last year to 19.4 CFS, and it ranked 21 49th out of 73 years of data collection. 22 The next slide is Frenchman Creek near 23 Culbertson, ranking 41st out of 60 years of data 24 collection. And its mean flow this past year was 25 48.3 CFS.</p>
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<p>1 Next we have got John Miller with the U.S. 2 Geological Survey. 3 MR. MILLER: I would like to thank everybody 4 for the opportunity to present the data that was 5 collected by the U.S. Geological Survey in the 2010 6 water year. 7 Again, I am John Miller with the U.S. 8 Geological Survey from the field office in North Platte, 9 Nebraska. I am going to give a quick report on the 10 stream flow status on many sites within the Republican 11 River Basin. 12 The first set of slides -- go ahead and 13 proceed a few slides here for the sake of time. That's 14 a handout from the back table. I hope there's a few of 15 those left. If not, we can make a couple more copies. 16 You, obviously, can't see the data there 17 very well, but with those handouts, you can look at 18 those if you can get ahold of one. 19 First, we'll go ahead and proceed. The 20 first set of slides is going to be the compact sites 21 that are operated by the U.S. Geological Survey that are 22 funded through our Anset program. 23 The first site -- for the sake of time, I'll 24 just point out the median flow -- or the mean flow for 25 the 2010 water year. The water year is from October 1</p>	<p>1 The next slide is going to be Driftwood 2 Creek near McCook, Nebraska. And its mean flow was 3 4.73 CFS for the last year, ranking 50th out of 64 years 4 of data collection. 5 And then Red Willow Creek near Red Willow, 6 Nebraska, its mean flow is up substantially, and this is 7 due to the work that's being done on Hugh Butler Dam and 8 the releases that have been -- that are being made 9 there. Its mean flow this past water year was 59.6 CFS, 10 ranking 1st in 49 years of data collection. 11 Sappa Creek near Stamford, the mean flow was 12 30.9 CFS this last year, ranking 23rd out of 64 years of 13 data collection. 14 And I believe this is the last site that's 15 within the compact. Cortland Canal Site, the mean flow 16 this past year was 59.9 CFS, ranking 41st out of 56 17 years of data collection. 18 The next set of sites are sites that are 19 probably of interest. There's just a couple of them. 20 They are also operated by the U.S. Geological Survey. 21 The first site there is Republican River at 22 Stratton. The mean flow this past year was 56.7 CFS, 23 ranking 48th out of 60 years of data collection. 24 And the Republican River at McCook with a 25 mean flow of 71.4 CFS, ranking 45th out of 56 years of</p>

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<p>1 data collection.</p> <p>2 Then the last set of sites -- actually, one</p> <p>3 more. The Republican River near Orleans ranked 25th out</p> <p>4 of 63 years of data collection with an average flow of</p> <p>5 229 CFS.</p> <p>6 And then there's just one more set of sites</p> <p>7 that are operated by the Nebraska Department of</p> <p>8 Resources, DNR. We displayed their data on the web and</p> <p>9 reviewed the record. It's a cooperative effort.</p> <p>10 The first slide is Frenchman Creek at</p> <p>11 Palisade with a mean flow of 28 CFS, ranking 53rd out of</p> <p>12 60 years of data collection.</p> <p>13 The final slide is the Republican River at</p> <p>14 Cambridge with a mean flow this past year of 203 CFS,</p> <p>15 ranking 24th out of 61 years of data collection.</p> <p>16 And the final slide. Here's the contact</p> <p>17 information for our management in Lincoln, Nebraska. In</p> <p>18 the upper right there, all of this information that was</p> <p>19 displayed and given today can be looked at in much more</p> <p>20 detail at our website, in the upper right.</p> <p>21 There's also just loads of historic data --</p> <p>22 measurements and stream flow data -- that can be</p> <p>23 accessed. If you need help getting through our website,</p> <p>24 you can get hold of somebody -- Duane Curtis would be</p> <p>25 the person to ask in our Lincoln office. His name isn't</p>	<p>1 Again, one part of the basin and another can</p> <p>2 have a lot of variability as well. So it makes it sort</p> <p>3 of hard to figure out what all this means, but I</p> <p>4 appreciate your report.</p> <p>5 MR. MILLER: Thank you.</p> <p>6 COMMISSIONER WOLFE: Thank you, John.</p> <p>7 At this time I would like to have Megan</p> <p>8 Sullivan, the engineering adviser for Colorado, give the</p> <p>9 engineering committee report.</p> <p>10 MS. SULLIVAN: Thank you, Commissioner</p> <p>11 Wolfe.</p> <p>12 The engineering committee and technical</p> <p>13 representatives from the states of Colorado, Kansas, and</p> <p>14 Nebraska participated in several collaborative work</p> <p>15 assignments and phone conferences with regards to the</p> <p>16 assignments from the August 12, 2010 annual meeting.</p> <p>17 The following assignments and work activities were</p> <p>18 completed:</p> <p>19 1. Complete the user's manual for accounting</p> <p>20 procedures and provide a resolution for its adoption.</p> <p>21 a) The States reviewed the 2006 draft initiated by</p> <p>22 Kansas and provided comments. However, a final draft of</p> <p>23 the manual was not completed. The assignment should be</p> <p>24 continued on to next year.</p> <p>25 2. Exchange by April 15, 2011 the information listed</p>
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<p>1 up there, but he's the guy that can get around pretty</p> <p>2 efficiently on our website there.</p> <p>3 That concludes my report. If there's any</p> <p>4 questions, I can address those now.</p> <p>5 COMMISSIONER WOLFE: Thank you, John. Any</p> <p>6 questions for John?</p> <p>7 COMMISSIONER BARFIELD: You don't have Hardy</p> <p>8 information?</p> <p>9 MR. MILLER: I don't.</p> <p>10 COMMISSIONER BARFIELD: Does Kansas maintain</p> <p>11 that one?</p> <p>12 MR. MILLER: That is correct.</p> <p>13 COMMISSIONER BARFIELD: I would just note,</p> <p>14 these variations were quite interesting, and we sort of</p> <p>15 try and look at and understand as well.</p> <p>16 Again, as I was noting, the range of</p> <p>17 hydrologic conditions is pretty amazing, and the</p> <p>18 persistence of dry trends or -- and wet trends as</p> <p>19 well -- I had one of my staff assemble for the State of</p> <p>20 Nebraska a precip that in 2007 every -- they have been</p> <p>21 above the 84th percentile all four years.</p> <p>22 So we saw a persistent pattern of water</p> <p>23 use -- or low precip and now a persistent pattern of</p> <p>24 good rains that I think are reflected in some of those</p> <p>25 gages.</p>	<p>1 in Section V of the RRCA Accounting Procedures and</p> <p>2 Reporting Requirements, and other data required by that</p> <p>3 document. By July 15, 2011, the States will exchange</p> <p>4 any updates to these data.</p> <p>5 a) Each state exchanged its model data sets by</p> <p>6 April 15, 2010 or shortly thereafter. A preliminary run</p> <p>7 of the RRCA groundwater model was developed by Willem</p> <p>8 Schreuder of Principia Mathematica and posted on the</p> <p>9 RRCA website he maintains for the administration.</p> <p>10 b) The States exchanged their final data, with the</p> <p>11 exception of Colorado meter data, in August of 2011.</p> <p>12 Willem Schreuder of Principia Mathematica completed a</p> <p>13 model run based on this data and posted the results on</p> <p>14 the website.</p> <p>15 c) Final accounting for 2010 was not completed.</p> <p>16 d) Data sets were collected by the committee for</p> <p>17 stream flow, climate information, diversion records, and</p> <p>18 reservoir evaporation records of the three states in</p> <p>19 cooperation with the USGS, U.S. Bureau of Reclamation,</p> <p>20 and U.S. Army Corps of Engineers for 2010.</p> <p>21 3. Continue efforts to resolve concerns related to</p> <p>22 varying methods of estimating ground and surface water</p> <p>23 irrigation recharge and return flows within the</p> <p>24 Republican River Basin and related issues.</p> <p>25 a) Kansas provided a copy of six articles regarding</p>

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<p>1 irrigation efficiencies. Both Colorado and Nebraska 2 will review the reports. No additional progress has 3 been made on this assignment.</p> <p>4 4. Retain Principia Mathematica to perform ongoing 5 maintenance of the groundwater model and periodic 6 updates requested by the engineering committee.</p> <p>7 a) Each state separately contracted with Principia 8 Mathematica for that service.</p> <p>9 5. Continue development of a five-year accounting 10 spreadsheet/database for adoption at the 2010 annual 11 meeting or earlier.</p> <p>12 a) The assignment was not completed. The assignment 13 should be continued on to next year.</p> <p>14 6. Continue to review Colorado's augmentation 15 proposal, as appropriate.</p> <p>16 a) This proposal was the subject of arbitration. No 17 additional information was discussed by the engineering 18 committee.</p> <p>19 7. Continue efforts to finalize accounting data for 20 2008 and 2009. By October 15, 2010, the engineering 21 committee will meet to discuss issues surrounding model 22 inputs and accounting data. Also by October 15, 2010, 23 Colorado will provide meter data as required under the 24 final settlement stipulation.</p> <p>25 a) The engineering committee discussed this</p>	<p>1 and to direct that the procedure be applicable for 2 climate data for the groundwater model for compact year 3 2008 and forward.</p> <p>4 In addition to the above assignments, the 5 engineering committee discussed the following issues: 6 The first one is, due to stream bank 7 instability, the stream flow gage at Guide Rock must be 8 relocated approximately two miles downstream from its 9 present location.</p> <p>10 The engineering committee recommends that 11 the RRCA recognize that the gage must be relocated and 12 to assign the engineering committee the task to develop 13 a procedure to account for inflows along the two-mile 14 stream segment between the diversion dam and the 15 relocated stream gage.</p> <p>16 The next issue is, In the fall of 2010, the 17 U.S. Bureau of Reclamation conducted a sediment survey 18 on Bonny Reservoir and subsequently revised the 19 area-capacity tables for the reservoir.</p> <p>20 The State of Colorado requests the 21 engineering committee discuss the application of the 22 revised area-capacity tables to current and past 23 accounting, specifically past accounting input data that 24 has not been accepted by the RRCA.</p> <p>25 The third issue is, the State of Nebraska</p>
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<p>1 assignment. However, unresolved issues subject to 2 non-binding arbitration as well as Kansas' data requests 3 continue to prevent agreement on accounting data. 4 Colorado was unable to provide final meter data. 5 Preliminary data was collected and is under review.</p> <p>6 8. By October 15, 2010, the engineering committee will 7 meet to discuss issues preventing agreement on final 8 accounting for 2006 to 2009.</p> <p>9 a) The engineering committee discussed this 10 assignment. Unresolved issues subject to non-binding 11 arbitration and Kansas' data requests continue to 12 prevent agreement on model results and accounting data.</p> <p>13 9. Discuss water-short-year accounting for Beaver 14 Creek.</p> <p>15 a) This topic was raised during arbitration and under 16 discussion outside the engineering committee. The topic 17 was not pursued by the engineering committee.</p> <p>18 10. Discuss and resolve the issue of missing 19 precipitation data.</p> <p>20 a) A subcommittee of groundwater modelers from each 21 state met to resolve the issue and developed a procedure 22 to fill in gaps from missing data. The recommended 23 procedure is detailed in attached Exhibit A, the report.</p> <p>24 The engineering committee recommends that 25 the RRCA take specific action to accept this procedure</p>	<p>1 recently received a petition for a variance for a 2 surface water permit. Section III.C of the final 3 settlement stipulation outlines a general procedure for 4 notification of new surface water rights so as to 5 provide the RRCA an opportunity for discussion.</p> <p>6 It is anticipated that additional petitions 7 for variances will be received by Nebraska, and if such 8 variances are granted, Nebraska will send the submitted 9 applications to the other states and the Bureau of 10 Reclamation and allow the states 60 days for comment.</p> <p>11 The fourth issue is, the State of Nebraska 12 requests the engineering committee discuss developing a 13 framework for submitting and reviewing future 14 augmentation plans.</p> <p>15 The recommended assignments for the coming 16 year. The engineering committee recommends the RRCA 17 assign the following tasks:</p> <p>18 No. 1. Finalize work on a user's manual for 19 the RRCA accounting procedures and provide a 20 recommendation to the administration for adoption at 21 next year's annual meeting or earlier.</p> <p>22 No. 2. Exchange, by April 15, 2012, the 23 information listed in Section V of the RRCA Accounting 24 Procedures and Reporting Requirements and other data 25 required by that document. By July 15, 2012, the States</p>

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<p>1 will exchange any updates to these data.</p> <p>2 No. 3. Continue efforts to resolve concerns</p> <p>3 related to varying methods of estimating ground and</p> <p>4 surface water irrigation recharge and return flows</p> <p>5 within the Republican River Basin and related issues.</p> <p>6 No. 4. Retain Principia Mathematica to</p> <p>7 perform ongoing maintenance of the groundwater model and</p> <p>8 periodic updates requested by the engineering committee</p> <p>9 for calendar year 2012.</p> <p>10 The billable costs shall be limited to</p> <p>11 actual costs incurred, not to exceed \$15,000 in total,</p> <p>12 and will be apportioned in equal one-third amounts to</p> <p>13 the states of Colorado, Kansas, and Nebraska,</p> <p>14 respectively.</p> <p>15 The fifth assignment is to continue</p> <p>16 development of a five-year accounting spreadsheet for</p> <p>17 adoption by the RRCA.</p> <p>18 Next, continue to review Colorado's</p> <p>19 augmentation proposal, as appropriate.</p> <p>20 No. 7. Continue efforts to finalize</p> <p>21 accounting data for 2008, 2009 and 2010.</p> <p>22 No. 8. Continue discussion of issues</p> <p>23 preventing agreement on final accounting for 2006-2010.</p> <p>24 No. 9. Develop a procedure to account for</p> <p>25 inflows to the stream segment between the Guide Rock</p>	<p>1 Committee.</p> <p>2 Pat Erger. I think there's a microphone</p> <p>3 right there at the end of the table.</p> <p>4 MR. ERGER: Good morning, Commissioners.</p> <p>5 Thank you very much for having the Bureau of Reclamation</p> <p>6 here to make this presentation on the Conservation</p> <p>7 Committee.</p> <p>8 As you all are well aware, back in 2004,</p> <p>9 during the final settlement stipulation, there was a</p> <p>10 plan put together to study impacts of nonfederal</p> <p>11 reservoirs and land terraces on the basin water supplies</p> <p>12 of the Republican River Basin.</p> <p>13 I'm here today to tell you that we have</p> <p>14 completed that study. And as we discussed yesterday, we</p> <p>15 gave you an overview of the preliminary findings of that</p> <p>16 report.</p> <p>17 Dr. Derrel Martin, UNL, and Dr. Jim</p> <p>18 Koelliker, KSU, made those presentations yesterday. The</p> <p>19 study uses a water balance model to quantify the</p> <p>20 impacts.</p> <p>21 As we discussed yesterday -- and we talked</p> <p>22 at great lengths about that -- and also in Megan's</p> <p>23 report we talked about how to store all that data</p> <p>24 generated by the study.</p> <p>25 Two other important things that I would like</p>
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<p>1 diversion dam and the relocated stream flow gage.</p> <p>2 No. 10. Discuss the application of the</p> <p>3 revised Bonny Reservoir area-capacity tables to current</p> <p>4 and past accounting data.</p> <p>5 No. 11. Discuss any accounting changes that</p> <p>6 may be needed for surface water diversions for the</p> <p>7 purpose of recharging groundwater.</p> <p>8 No. 12. Discuss developing a framework for</p> <p>9 an application and approval process for future</p> <p>10 augmentation plans.</p> <p>11 No. 13. Apply the procedure described in</p> <p>12 Exhibit A of this report to fill in missing</p> <p>13 precipitation data in the groundwater model for compact</p> <p>14 years 2008, 2009 and 2010 and for subsequent years.</p> <p>15 And the last and final, discuss archiving</p> <p>16 the data and materials from the Conservation Committee</p> <p>17 study.</p> <p>18 Commissioner Wolfe, that is the engineering</p> <p>19 committee report.</p> <p>20 COMMISSIONER WOLFE: Thank you. Are there</p> <p>21 any questions on the report? We will be taking action</p> <p>22 on this other agenda item, No. 9.</p> <p>23 Thank you for the report. And I think that</p> <p>24 essentially covers 7(a), and at this time we will go to</p> <p>25 agenda Item 7(b) on the report from the Conservation</p>	<p>1 to present today and report on is that the States and</p> <p>2 Reclamation have spent 100 percent of the plan's study</p> <p>3 costs. Originally the study cost \$1 million. The</p> <p>4 actual study cost was 1.3 million.</p> <p>5 The States' combined impact services have</p> <p>6 met the requirements of the final settlement stipulation</p> <p>7 agreement for the final study.</p> <p>8 And to date so far, four papers have been</p> <p>9 completed as a result of the work directly related to</p> <p>10 this study, one doctor thesis and three master's theses.</p> <p>11 Additional papers are going to be prepared by</p> <p>12 Dr. Koelliker and Dr. Martin.</p> <p>13 And these papers will be to the American</p> <p>14 Society of Agricultural and Biological Engineering</p> <p>15 communities.</p> <p>16 And I will be glad to answer any other</p> <p>17 additional questions.</p> <p>18 COMMISSIONER WOLFE: Any questions for Pat?</p> <p>19 COMMISSIONER DUNNIGAN: No.</p> <p>20 COMMISSIONER BARFIELD: No.</p> <p>21 COMMISSIONER WOLFE: Thank you, Pat. We</p> <p>22 appreciate your efforts and the report.</p> <p>23 At this time we are on agenda Item 8 under</p> <p>24 Old Business. Agenda Item 8(a) is the status of the</p> <p>25 2006, 2007, 2008, 2009 -- and I think we should add</p>

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<p>1 2010 -- final accounting there. 2 Again, this is not for action at this point. 3 Just to recognize that the States continue to work 4 through the engineering committee on finalization of 5 data and other information required for adoption of 6 final accounting for those years, and so that is still 7 under way. 8 And it will continue to be addressed as part 9 of the engineering committee assignments of this 10 forthcoming year. 11 Are there any comments or other questions in 12 regards to this agenda item? 13 COMMISSIONER BARFIELD: No. 14 COMMISSIONER DUNNIGAN: No. 15 COMMISSIONER WOLFE: The next agenda item is 16 8(b). I would like to turn this over to Commissioner 17 Dunnigan to introduce for the commissioners. 18 COMMISSIONER DUNNIGAN: Thank you, Chairman 19 Wolfe. 20 At last year's meeting there was discussion 21 about amending the rules and regulations to reflect the 22 actions taken at last year's RRCA meeting, specifically 23 amending Rule 14. 24 That was assigned to the engineering 25 committee, and I don't believe that was reflected in the</p>	<p>1 you are just coming to today's meeting, that we are 2 moving rather quickly through the agenda and some things 3 that seem to be very complicated subject matters have 4 been worked on over the year. 5 But we did have a work session yesterday 6 afternoon and spent several hours here with the 7 engineering committee as well as the commissioners going 8 over that information and having that discussion and 9 recommendations that would be taken for consideration 10 today. 11 So that folks understand a little bit of 12 that background, this is what we have done ad hoc this 13 morning in putting this agenda together. 14 But if you do ever have any questions about 15 any of this process or any information on here, I 16 encourage you to contact either the commissioners or the 17 engineering committee members about that. This is all 18 public information. We certainly want to make sure that 19 we have answered any questions that you have about the 20 process. 21 At this time we are going to agenda Item 22 9(a), the action on the engineering committee report and 23 assignments. And I think, before we do that, 24 Commissioner Dunnigan would like to make a motion to add 25 an assignment to that.</p>
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<p>1 engineering committee report. So under agenda Item 2 9(a), I would make the motion to have that assigned. 3 COMMISSIONER WOLFE: Thank you, 4 Commissioner. 5 Commissioner Barfield, any comment on that? 6 COMMISSIONER BARFIELD: No. 7 COMMISSIONER WOLFE: Thank you. 8 At this time we are at agenda Item 9. 9 Before we take any final actions on that, I would like 10 to take about a 10-minute break. 11 Again, for those of you who plan to provide 12 public comment, I'd ask you, if you could, please, to go 13 to the back table where you've signed it and make sure 14 you have identified to either David Keeler or Katie 15 Radke your intention to speak so I can gather those 16 during the break and determine how much time we need to 17 allocate for that. 18 So we'll come back in about 10 minutes and 19 continue action on agenda Items 9, 10 and 11. 20 (Break was taken from 10:18 to 10:50.) 21 COMMISSIONER WOLFE: We are going to get 22 back to agenda Item 9. 23 For those of you who aren't normally 24 familiar with the Compact Administration and our process 25 and how we work throughout the year, it may appear, if</p>	<p>1 So Commissioner Dunnigan. 2 COMMISSIONER DUNNIGAN: Thank you, Chairman 3 Wolfe. 4 I would like to make a motion to add an 5 assignment to amend the rules as discussed on page 76 of 6 the transcript from last year to the engineering 7 committee assignment list. 8 COMMISSIONER BARFIELD: I would second that. 9 COMMISSIONER WOLFE: There's been a motion 10 and a second. And just for the record, Megan, will that 11 be Item No. 15 on the list? 12 MS. SULLIVAN: Yes. 13 COMMISSIONER WOLFE: That will be Item 14 No. 15 on the assignment list for the coming year. Any 15 other discussion on that motion? Hearing none, all 16 those in favor say aye. 17 COMMISSIONER DUNNIGAN: Aye. 18 COMMISSIONER BARFIELD: Aye. 19 COMMISSIONER WOLFE: Aye. 20 Motion passed. 21 Let's go ahead then and take some action on 22 the entire committee report and those assignments. 23 COMMISSIONER BARFIELD: I will go ahead. I 24 won't reread the list, but I guess I would move that we 25 assign the engineering committee the 15 items then --</p>

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1 with the addition of Brian's motion here -- that Megan
2 listed in her report, that we provide that as the
3 assignments for the next year to the engineering
4 committee.
5 COMMISSIONER DUNNIGAN: Second.
6 COMMISSIONER WOLFE: There's been a motion
7 and a second.
8 And, Commissioner Barfield, as part of that
9 motion, is it the understanding that we would be also
10 approving the entirety of the report as well, including
11 those assignments?
12 COMMISSIONER BARFIELD: We are making
13 assignments here. I guess there's always been a
14 question about whether we approve or accept the report.
15 I guess I am just moving the assignments in this motion.
16 COMMISSIONER WOLFE: I just want to be clear
17 because the agenda item said we were taking action on
18 the reports. I just want to make sure, when we act on
19 this motion, that we understand what we are acting on.
20 COMMISSIONER BARFIELD: I guess I would add
21 that we are accepting the engineering committee report
22 then in this motion.
23 COMMISSIONER WOLFE: Any other discussion on
24 agenda Item No. 9(a)? All those in favor say aye.
25 COMMISSIONER DUNNIGAN: Aye.

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1 COMMISSIONER BARFIELD: Aye.
2 COMMISSIONER WOLFE: Aye.
3 Motion approved.
4 Next is agenda Item 9(b). This is in
5 regards to the action on the procedure for the missing
6 precipitation data. This was discussed by Megan as Item
7 No. 10 in the engineering committee report.
8 To accept the recommendation on using the
9 method and including that in the user manual and
10 adoption of that for the groundwater model for the years
11 2008 through 2010.
12 Would anybody like to entertain a motion on
13 that?
14 COMMISSIONER BARFIELD: I will make an
15 attempt here.
16 Yes, I would move that the Compact
17 Administration direct the engineering committee to adopt
18 the procedure that they presented to us yesterday during
19 the work session and implement that procedure for years
20 2008 and following and that they document that
21 appropriately.
22 COMMISSIONER DUNNIGAN: Second.
23 COMMISSIONER WOLFE: There's a motion and a
24 second. Any discussion? All those in favor say aye.
25 COMMISSIONER DUNNIGAN: Aye.

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1 COMMISSIONER BARFIELD: Aye.
2 COMMISSIONER WOLFE: Aye.
3 Motion approved.
4 The last agenda item under 9 is 9(c), and
5 this is to take action on the relocation of Guide Rock's
6 stream flow gage. And I am going to turn it over to
7 Commissioner Dunnigan for a motion.
8 COMMISSIONER DUNNIGAN: Thank you, Chairman
9 Wolfe.
10 I would like to make a motion to approve
11 moving the Guide Rock gage from its present location to
12 a location downstream at the Highway 136 river bridge
13 just south of Guide Rock, Nebraska. I also recognize
14 the assignment relating to this issue that was given to
15 the engineering committee.
16 COMMISSIONER BARFIELD: I would second.
17 COMMISSIONER WOLFE: There's been a motion
18 and a second. Any further discussion? Hearing none,
19 all those in favor say aye.
20 COMMISSIONER DUNNIGAN: Aye.
21 COMMISSIONER BARFIELD: Aye.
22 COMMISSIONER WOLFE: Aye.
23 Motion approved.
24 And I believe that's all we had as far as
25 action items on the agenda. Was there anything else

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1 that we missed? I think we have got it.
2 At this time we will move on to agenda Item
3 No. 10, remarks from the public. I would like to just
4 make a few introductory remarks before we get started.
5 We do have a microphone up here. I think I
6 have got a list of those who have signed up who want to
7 make remarks before the commissioners and the public.
8 So if we have missed your name, as we get through the
9 list, if you are still interested and want to make
10 remarks, please come forward.
11 Also, for the benefit of the stenographer,
12 when you come forward, please announce your name and
13 also, if you could spell your last name, that would be
14 helpful. We've got it written down here, but we want to
15 make sure that we get it correctly in the record.
16 And I know that there's a number of
17 individuals who have come here today to speak in regards
18 to Bonny Reservoir. And so to the extent that
19 representatives are here today, we appreciate your
20 attendance and remarks you may have on that.
21 And I think, based on the number of people
22 that I have seen identified sign up, it doesn't appear
23 that there's an attempt to have a vast number of people
24 come up to make duplicative comments regarding that, so
25 we appreciate that.

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1 But to the extent you have remarks that are
2 similar to the previous speakers who've come up, we'd
3 appreciate it if you would try to limit that, just in
4 the interest of time.
5 But I would like to maybe, just before we
6 get started -- and there may be some others who want to
7 come up and speak on something other than Bonny
8 Reservoir, but we know there are some folks here that
9 want to address the commission in regards to that.
10 But I would like to just make a few
11 introductory remarks before we get started on that as
12 far as where Colorado is moving forward in regards to
13 Bonny Reservoir, briefly.
14 I am not going to go into a lot of details.
15 And certainly my staff is always available for responses
16 to questions that come up.
17 Alex Davis is here today as well on behalf
18 of the department, and she is available for answering
19 questions as well after we break after the meeting or
20 any subsequent time that you have any questions about
21 what efforts that Colorado and the Department of Natural
22 Resources is taking in terms of Bonny Reservoir and
23 Bonny State Park.
24 As you know, Parks and Wildlife is moving
25 forward with a plan to repurpose operations at the

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1 reservoir site and the lands around it as part of a
2 repurposing to more of a passive recreation area from a
3 more active recreation area that's there now with the
4 boating on the lake, for example.
5 And so those efforts are under way. And I'm
6 not going to attempt to try to address all the specifics
7 that are going on.
8 Alex Davis has been one of the lead
9 representatives from the department and has attended, I
10 know, a number of meetings here in the basin in regards
11 to that, and I presume there may be still some further
12 discussion in regards to that as that process moves
13 forward.
14 It's been a long and complicated process to
15 move forward through that repurposing because there's a
16 number of entities involved in this operation of Bonny
17 State Park with federal agencies involved, state
18 agencies involved. We have got water administration
19 going on. We have got compact compliance issues that
20 are at stake as well.
21 And so it has taken a considerable amount of
22 time working over the last years to work through the
23 myriad of regulations and agreements that have been out
24 there, and I know some of you have been more involved in
25 that process than others. But we hope we have tried to

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1 bring clarity to that process and the complexity that
2 there is out there in trying to repurpose that site.
3 One of the things, as the state engineer and
4 a commissioner on the Compact Administration in terms of
5 my responsibilities, is an obligation under the compact
6 to make sure that we maintain our compliance with the
7 Republican River Compact.
8 And as I reported earlier in my report this
9 morning about the efforts of the State, along with the
10 Republican District and users in the basin out here,
11 they have been difficult decisions.
12 I know that the users in the basin have
13 contributed upwards of -- in the end, when it's all said
14 and done, probably close to \$100 million of their own
15 money to implement and take actions to achieve compact
16 compliance.
17 So it's certainly been difficult and an
18 expensive proposition to go down this path, but we have
19 looked very hard at the options that have been before us
20 to reach compact compliance.
21 We have been working with the other states
22 in those efforts. And some of these decisions that have
23 been made have been very difficult and have come down to
24 choosing the best of our worst options.
25 And certainly Bonny Reservoir fits into that

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1 equation. And I want to, I guess, state that it's not
2 a -- it's not an easy decision to try to afford in the
3 near term to drain water out of Bonny Reservoir to
4 achieve compact compliance.
5 And we have been trying to do this
6 thoughtfully in making sure that whatever decisions we
7 make and agreements that we reach with Kansas and
8 Nebraska, that we don't have any irrevocable processes
9 that we have set in place that would prevent us from
10 trying to keep Bonny Reservoir as a viable operation to
11 the extent we can here in the basin.
12 We know in the short term that we have got
13 to drain Bonny Reservoir to achieve compact compliance.
14 It's not an easy decision to make. We know the impacts
15 that it has on the community and the concerns that are
16 out there.
17 But I think we want folks to understand that
18 we don't know what the future holds on this, but we
19 don't want to make any of those decisions today that
20 would prevent us from -- if there's an opportunity in
21 the future that Bonny Reservoir could retain some water
22 and allow Colorado to maintain compact compliance, I
23 think it's in Colorado's interest that we try to do what
24 we can to look for those opportunities.
25 We can't guarantee anything today. We don't

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1 know what the future holds on that.
 2 Based on projections that we see now and the
 3 uncertainty about climate change in the -- certainly in
 4 the very near term in the years ahead, Bonny Reservoir
 5 will have to be drained for us to achieve compact
 6 compliance and to maintain that or Colorado will be
 7 subject to ongoing penalties from the other states under
 8 the compact.
 9 So I wanted to lay that out as just a little
 10 bit of the framework to help people understand what
 11 Colorado has been doing in its efforts to achieve
 12 compact compliance.
 13 And so, with that, I would like to start
 14 with our people who have come forward and who have asked
 15 to speak before us today. I am not going in any
 16 particular order of preference, just in terms of the
 17 sheets that were handed to me.
 18 And I apologize if I mispronounce your name,
 19 but as you come forward, if you could state your name
 20 and spell it for the record for the stenographer, we
 21 would greatly appreciate that.
 22 The first I have on my list here is Audrey
 23 Hayes, if you could come forward. There's a microphone
 24 right here on the end of the table. It should be on.
 25 If not, just push the button on the bottom of it until

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1 you get a digital display.
 2 MS. HASE: My name is Audrey Hase,
 3 A-U-D-R-E-Y, H-A-S-E.
 4 Just for everyone in here, just to clarify
 5 because there have been some misunderstandings to what
 6 my intentions have been in regard to trying to have some
 7 support for saving Bonny Reservoir.
 8 I completely understand that irrigation and
 9 farming drives our economy out here, and I would never
 10 sacrifice -- sacrifice the irrigators to save Bonny
 11 Reservoir, and no one would ever do that.
 12 So I just want to be on the same page with
 13 you guys to let you know that -- everyone here, we just
 14 want to make it clear we are not trying to save Bonny at
 15 the expense of the irrigator.
 16 And we know -- we have shut about 30,000
 17 acres down already, and our economy cannot accept that
 18 anymore. So if we have to drain Bonny, that's what we
 19 have to do to be in compact compliance.
 20 So I just want to make that clear because I
 21 know some of the irrigators are getting nervous about
 22 what we are trying to do. We want to just save this
 23 lake, if at all possible, but still be in compact
 24 compliance.
 25 So my question is for you, Mr. Barfield, is

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1 there any way that these options that we have thrown out
 2 in the last few months about maybe with this evaporation
 3 issue -- Nebraska getting a certain amount, Kansas
 4 getting a certain amount, and Colorado getting a certain
 5 amount to put in their debit column for evaporation --
 6 that we could utilize that to save Bonny or that Kansas
 7 uses Bonny for storage and we share the park so that we
 8 can save Bonny but yet keep us in compliance so we can
 9 save the irrigation that we still have?
 10 I don't want to put you on the spot. I know
 11 this is an extremely complicated issue. But I think you
 12 can see from the people in this room, we have a
 13 reservoir here that we've had for 60 years and we do not
 14 want to see it go down the tubes.
 15 And we have petitions, 4500 signatures, that
 16 we have got, and there are tons of Kansas signatures on
 17 that, too. Your people in western Kansas are using that
 18 reservoir also. So I don't want to put you on the spot,
 19 but I just wanted to ask that question. Thank you.
 20 COMMISSIONER WOLFE: I appreciate your
 21 remarks. And I guess it's the Chair's prerogative -- I
 22 understand we are in negotiations on this, but to the
 23 extent Commissioner Barfield would like to respond -- I
 24 don't think we are obligated to in the public remarks
 25 section, but if Commissioner Barfield would like to

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1 provide any comments.
 2 I would like to preface, before he says
 3 anything, that there have been numerous discussions
 4 about these various options.
 5 I don't know to what extent Mr. Barfield is
 6 aware of some of the options you referred to in your
 7 remarks there, but there have been a lot of options
 8 looked at with Kansas in regards to operation of Bonny
 9 Reservoir, and we continue to look at those and try and
 10 seek the best solution there.
 11 So, Commissioner Barfield, if you feel so
 12 inclined to make any remarks, I will let you do that.
 13 COMMISSIONER BARFIELD: I wonder if I could
 14 suggest this course: Maybe hear the public comment, and
 15 I will make a statement at the end, if that's okay. Let
 16 me sort of hear the full extent of the comments here, if
 17 that's okay.
 18 COMMISSIONER WOLFE: Thank you, Ms. Hase.
 19 Don Stewart.
 20 MR. STEWART: I would defer. That's what
 21 I wanted to say.
 22 COMMISSIONER WOLFE: I think the statement
 23 was, he would defer to others who are coming forward to
 24 speak.
 25 Lincoln Wilson.

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1 MR. WILSON: I am not going to defer. I
2 love my voice.
3 Good morning. Lincoln Wilson, W-I-L-S-O-N.
4 Hale, Colorado.
5 I appreciate the opportunity to be here. A
6 couple questions specifically. I was at -- I attended
7 the Kansas governors economic summit and received good
8 information.
9 One of the issues is the replenishing of --
10 does Bonny Reservoir support the active source to
11 replenish the aquifer? Since we are in this drought
12 condition, we are in a situation that water is the life
13 blood of irrigation, and it is also a recreational
14 resource for these communities, communities being our
15 cities -- Goodland, Wray, Burlington, et cetera.
16 What steps has Colorado's compact, the
17 Republican River Compact, taken to consider maintaining
18 Bonny Reservoir or a level of Bonny Reservoir as regards
19 to its ability to replenish Colorado's aquifer?
20 And second question, what specific long-term
21 or short-term plans has the Compact come up with -- or
22 Colorado -- in regards to looking at allowing the water
23 to stay in Bonny Reservoir?
24 I have not heard any plans specifically
25 other than, We hope that it will come back. Are there

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1 any specific plans? Thank you.
2 COMMISSIONER WOLFE: Thank you for your
3 comments. And, likewise, I think we will wait until we
4 hear all the speakers' remarks. There may be some
5 similarities in some of the questions and we can
6 respond. So thank you.
7 Harold Shandy. I am not quite sure I can
8 read the handwriting, but if I'm saying your name
9 incorrectly, I apologize.
10 MR. SHANDY: Hi there. My name is Harold
11 Shandy. I live over in Hale, Colorado. I am not a
12 farmer. I have never been a farmer. My background is,
13 I was a stationary engineer for just under 30 years.
14 And as such dealt with water problems and evaporation
15 and that continually.
16 The last meeting I was at was approximately
17 four years ago. And I asked the question then about
18 what amount of water that came into the state flowed
19 into the Republican and the restrictions of those flows.
20 I didn't get an answer then. I haven't got an answer
21 today.
22 It's not just about saving Bonny Reservoir.
23 It's about saving farmers all over eastern Colorado,
24 Kansas, Nebraska, and has to be dealt with as such.
25 The problem -- that I guess I have addressed

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1 Colorado with -- is the flow control itself. The bridge
2 that goes over 385 for the Republican flows into the
3 reservoir area itself. Right now I doubt if I could
4 crawl under it. Thirty years ago they rode horses under
5 it. Those are drastic changes.
6 The graphs that you brought forth from 1935
7 until today showed a decline in flow. So we are making
8 our decisions on flow today. It's terrible compared to
9 then. There's no doubt.
10 But maintaining those areas are terrible.
11 And I think those things have to be addressed before any
12 further commitment of draining or change can be done.
13 We don't know what we have got to work with until that
14 happens.
15 The other thing is, I see the Corps of
16 Engineers isn't here again, but -- so my understanding
17 is that the dam at Bonny has to have or needs a
18 saturation point of 11 feet to maintain the safety of
19 the dam itself.
20 I live below Bonny. That interests me
21 greatly. If it's not going to be a safe dam, then I
22 think it needs to be removed entirely. Or at least the
23 center section to where we don't suffer a catastrophic
24 release at some point.
25 Last, but not least, is the -- I haven't

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1 heard anything on health considerations as far as
2 stagnant water, mosquito abatement, those kind of
3 things. We have already got West Nile disease diagnosed
4 this summer here in Hale. That's a serious
5 consideration.
6 No one has even addressed it. I think those
7 things need to be done. That's about all for me.
8 COMMISSIONER WOLFE: Thank you, Mr. Shandy.
9 The next one on my list here is Dick Malone.
10 I am having a little difficulty reading the handwriting
11 but, hopefully, I am not butchering it that bad.
12 MR. PETTIBONE: Richard Pettibone,
13 P-E-T-T-I-B-O-N-E. Kanorado, Kansas.
14 I am a Kansan. Anyway, I was asked to give
15 my opinion as a Kansan about Bonny Reservoir and also
16 the flow.
17 I have had some excellent people ahead of me
18 addressing some claims and everything. But, as you
19 know -- maybe a lot of people don't know -- this is not
20 the only compact in the United States.
21 There are multitudes of compacts, and I
22 think a lot of them are still in progress. However,
23 Kanorado says I live on the state line, and I do farm in
24 Kanorado in Kansas and in Colorado. And the Bonny
25 Reservoir is important to people in Kansas alone, as to

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1 other people.
 2 And, economically -- a lot of these
 3 questions have already been asked and talked about --
 4 economically, the reservoir is important as is our
 5 water. My water is depleting on irrigation wells on the
 6 farm right now, so we have concerns.
 7 Like I said, it's loss of recreation area.
 8 And if I understand right, a federal law originally said
 9 that recreation has priority over other water uses.
 10 However, Colorado, I think, leased the
 11 reservoir from the feds years ago, if I am correct on
 12 that. I am not sure. So, anyway, I am just here to say
 13 that we would support Kansas in our area to not drain
 14 the reservoir if at all possible.
 15 And probably most of this goes back to
 16 foresight of a lot of our legislators in 1940. How did
 17 they know the conditions that we are in today? And
 18 somewhere there has to be a way to alleviate changes
 19 with time.
 20 Thank you.
 21 COMMISSIONER WOLFE: Thank you,
 22 Mr. Pettibone.
 23 Sue Jarrett.
 24 MS. JARRETT: Hi. My name is Sue Jarrett,
 25 J-A-R-R-E-T-T. I live north of Wray, Colorado. I am a

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1 rancher.
 2 Many years ago I went to college and left
 3 the ranch to be an accountant, and I wasn't a speaker.
 4 I moved back to the ranch, and in setting a house on the
 5 ranch, we uncovered a new industry coming into our
 6 state, and I have become an activist and a speaker.
 7 My No. 1 issue was water quality, not
 8 quantity. I stood up and fought to preserve the quality
 9 of our Ogallala aquifer, which is also the drinking
 10 water, and we have become very involved with water
 11 regulations -- the Safe Water Drinking Act, the Safe
 12 Water Act, the Groundwater Act -- from the state to the
 13 federal.
 14 And no matter where I went -- if I went to
 15 my county commissioners, they said, Oh, that's a state
 16 issue. I go to my state, they say, That's a federal
 17 issue. I go to the federal. They say, Go back locally.
 18 So I have been all over. And I even went so far as to
 19 Japan to speak on the Ogallala aquifer.
 20 Now we have used the Ogallala aquifer to
 21 mass produce commodities to lower the cost of
 22 production. But in today's market, we are actually
 23 making money raising commodities out here. But we have
 24 a very valuable resource, and I am right on the edge of
 25 it. Colorado, of course. Nebraska has the primary part

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1 of it.
 2 But we have to understand something. USDA,
 3 all these federal agencies, have all kinds of reports on
 4 this aquifer. And when we developed irrigation out
 5 here, we took valuable farmland, and we added water to
 6 it, and we made it produce more. That was great for the
 7 time.
 8 But we have mined that to the point, if we
 9 don't seriously look at the mining of the aquifer as
 10 part of this and take into account -- now I heard
 11 today -- and I have to quantify. I own one irrigation
 12 well. My father developed two on our ranch. It's a
 13 homestead ranch.
 14 I sold one, and I now own one. I have lost
 15 my father. So I am the irrigator, but I'm a rancher
 16 first. I run a cow-calf operation.
 17 There are areas where we have mined it to
 18 the point that people don't even have water for their
 19 homes. They are now hiding water.
 20 We have to seriously look at mandatory
 21 things. We have tried to volunteer. I served on the
 22 conservation board. I was one of the first chairs of
 23 the Republican River repairing project at Tristate
 24 trying to get volunteer things going.
 25 Nobody wants to lose the value of irrigated

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1 land. It's a great economic driver. But if you look at
 2 the land in the region, the wells are owned by a select
 3 few. Most of the people are dryland farmers. They are
 4 ranchers.
 5 And in Yuma County, where I live, natural
 6 gas is our driving economic factor, the development of
 7 it and the business of it. Irrigation isn't far behind,
 8 but dryland farming and ranching is right up there, too.
 9 If all the water is gone -- we still have
 10 land and, without water, what are we going to do with it
 11 if we don't even have water for the cities and people
 12 and animals?
 13 I will be blackballed again for standing up
 14 and saying this, but a couple days ago there was
 15 shoveling for a pipeline. That pipeline ain't far from
 16 the ranch I own.
 17 When I was in Japan, I became aware of a
 18 group -- and there's a documentary called Blue Gold.
 19 Nationally and internationally we spend millions of
 20 dollars to try and get water into the ground to preserve
 21 it. It's the safest, cheapest, best way to store water
 22 for future use.
 23 Now my state, Colorado, has determined,
 24 after all these years, that there's only two ways to get
 25 into compliance right now.

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1 One is to take all these irrigation wells
2 and pump them into a pipeline and dump them into the
3 North Fork to meet compact compliance. And the other
4 one is to drain Bonny. I, as an individual, don't
5 support either one. I will be blackballed for saying
6 it, but I don't. It's the stupidest thing I have heard
7 of, but we are forced into doing something because three
8 states went to court and fought.

9 We hear Kansas say, We really didn't mean to
10 drag Colorado in; Nebraska was dragged in because of
11 this agreement. The point is, the compact was signed by
12 three states, and everybody wants their piece of the
13 pie.

14 Kansas -- and I used to travel to farm
15 shows. I run computers to help farmers start conserving
16 water. They have got irrigation wells and Colorado has
17 them and Nebraska has them.

18 Somewhere somebody has got to put common
19 sense into it. That's what seems sorely lacking today
20 in today's world.

21 We get paid to produce these commodities
22 with farm bills, and we say we have to have the
23 irrigation for the farms to drive the economy, which we
24 need, but everything has to be in moderation and
25 everybody has to give up a piece.

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1 I watched our Republican River board that
2 was created wait forever to buy surface water to come
3 into compliance. They finally did.

4 Waited a long time to spend 49 million to
5 buy this groundwater. They still had to let the farmer
6 farm it, instead of leaving it sit there, because they
7 couldn't use historic use.

8 That's why I bring up the documentary Blue
9 Gold. Every person in this room and on this panel
10 should have to watch that documentary because we have
11 created laws that force us to do one thing that's
12 contrary to something else we are doing.

13 And we really do lack common sense in this
14 fight, in my opinion, of all three states. That's all I
15 have to say.

16 COMMISSIONER WOLFE: The last individual I
17 had signed up that wanted to make public remarks is Deb
18 Daniel.

19 MS. DANIEL: Thank you, Commissioner Wolfe.
20 My name is Deb Daniel, D-A-N-I-E-L.

21 And I think, as you can see, Commissioners,
22 by the crowd that we have here today, that I would
23 encourage all of the states to continue to have these
24 meetings within the basin where the water users are
25 being affected.

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1 As you can see, there's a lot of people that
2 are interested and want to have a voice in this. And I
3 thank you, Commissioner Wolfe, for doing this for the
4 last two years.

5 And I encourage the other commissioners,
6 Commissioner Barfield and Commissioner Dunnigan, to
7 consider this when you have your next meeting. So that
8 way those of us that your decisions are affecting can
9 have a bit of a voice. So I thank you for that, and
10 that's all the comments I have today.

11 COMMISSIONER WOLFE: That's all that we had
12 signed up. Was there anybody else who intended to make
13 some remarks that did not check on the list here?

14 Yes, please come up, sir.

15 MR. PETERSON: I am Alan Peterson,
16 P-E-T-E-R-S-O-N.

17 And I just want to make a comment that, if
18 Bonny Dam is completely taken out so it's free flow --
19 the home where I was born near Guide Rock, Nebraska, was
20 full of water in 1935, and we should remember that when
21 we try to destroy it in these days. Thank you.

22 COMMISSIONER WOLFE: Thank you,
23 Mr. Peterson.

24 Anybody else? I see a hand back here.
25 Please come forward.

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1 MR. MARSHALL: Thank you. My name is Russel
2 Marshall, R-U-S-S-E-L, M-A-R-S-H-A-L-L.

3 Yesterday in the coffee shop, I was invited
4 to come here. And I probably wouldn't have been here,
5 but he said, Don't stand up and say anything, but just
6 come and sit down and shut up.

7 Okay. That isn't my nature because I love
8 people around me. I love everybody. And I claim to be
9 a Jayhawker because I was born in Kansas and I lived in
10 Kansas for 60 years.

11 And I learned to water ski in Bonny Dam, and
12 I drank my share of the water out of it, but it didn't
13 lower the water level. And I appreciated it being
14 there. And I am not standing up here because of the
15 recreation of Bonny Dam even though that's extremely
16 important.

17 I stood up because I want to address the
18 point of greed and selfishness. Now if we were on a
19 teeter-totter, the one with the most weight controls the
20 teeter-totter. And that's the situation we are in
21 today, as I see it, because what they are trying to do
22 is to enforce an antique compact that was made 70 years
23 ago.

24 And those men who made it that day made a
25 good compact for that day and at that time, but they

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1 couldn't foresee the future as to how things would be in
 2 2011. And today here the group of us can't foresee
 3 what's going to happen next year and the next.
 4 There's only one person that knows the
 5 future, and he has the power to control the future
 6 because he makes the future. And that isn't exactly
 7 what I want to talk about as much as the fact of the
 8 greed and selfishness.
 9 I know, in 1979 in Washington, D.C., we
 10 farmers had the opportunity of expressing our viewpoint
 11 in Washington, D.C. to the Congressional agriculture
 12 committee in Washington, D.C., and there were about
 13 30,000 of us farmers that had an issue of economic
 14 survival.
 15 And I had the opportunity of speaking for an
 16 hour to the agriculture committee and telling them of
 17 our problem. And there was a crowd. The meeting room
 18 had a lot of people in it, all American ag people. And
 19 a lot of people agreed with them. A lot of them didn't.
 20 But the final bottom line is, what is right?
 21 And the majority of us as human beings have
 22 an amount of selfishness, and that's what it is. It's
 23 greed and selfishness. We know that. That's the way
 24 humanity is made. Okay.
 25 But we can control that by choices we make.

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1 And I see that there's a lot of things about this
 2 compact that I don't know, and I maybe need to know the
 3 details a little more before I stand up and talk.
 4 But I do know that whenever an agreement or
 5 a compact is made between two people, as long as they
 6 are both alive, they can adjust that compact according
 7 to the condition of today. Because the ones that made
 8 this compact over 70 years ago didn't know what the
 9 conditions would be in Burlington, in this area, in
 10 2011.
 11 So I would like to suggest that using common
 12 sense -- the people who are appointed or elected to the
 13 power of authority to change this compact and make it
 14 fit the situation we are in today use common sense in
 15 doing it.
 16 To me, I couldn't see common sense in
 17 picking water up out of the ground and pour it down a
 18 pipe and go dump it into a sandpit, and it goes back
 19 down to where you pumped it out of. And spend millions
 20 of dollars doing it. Well, it doesn't make sense to do
 21 that. It's not common sense.
 22 I don't have much longer to live in this old
 23 world. Another 20 years and I will probably be gone.
 24 But I am thinking about, if time should continue lasting
 25 longer, your children and grandchildren are going to be

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1 involved in the decisions we make today, and I hope that
 2 I can encourage each one of you who are in the power of
 3 authority to consider whether it's common sense.
 4 I know that, if I were in your position,
 5 that I would probably do as you are doing, which is
 6 following the orders of those who are up higher.
 7 Because if I don't do that, I am going to lose my job,
 8 and we all need a paycheck.
 9 And I believe that's about all I have to
 10 say, but I encourage you to really give consideration if
 11 there's any possible way that you can put this compact
 12 on pause.
 13 I just now happen to think, what's going to
 14 happen to this water -- when they open the gates here
 15 the 1st of September, how is that going to benefit the
 16 state of Kansas? Are they going to use it for
 17 irrigation at the time that the farming season is over?
 18 Maybe it could be postponed that they don't
 19 drain the water until farming season if they are going
 20 to use it for irrigation.
 21 Well, I think I have said enough and maybe
 22 too much, but I appreciate the privilege of standing up
 23 here and saying what I believe. In making all these
 24 decisions, I hope you will consider greed and
 25 selfishness and do the right thing.

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1 COMMISSIONER WOLFE: All right. Is there
 2 anybody else before we close this portion of the
 3 meeting?
 4 All right. Maybe I will just take a couple
 5 of minutes just to maybe respond in general to some of
 6 the statements that I heard, and I will allow the
 7 opportunity if Commissioners Barfield or Dunnigan want
 8 to respond.
 9 I think people have got to recognize, too --
 10 and I think some of the comments here about those who
 11 preceded us -- and I have a lot of faith in those who
 12 preceded us that they made decisions to the best of
 13 their abilities when they were deciding upon the compact
 14 and all the actions that have taken place up to this
 15 point in time.
 16 I have known some of those individuals. I
 17 have high regard for them. A lot of those people are
 18 representatives from this basin out here, and I think
 19 all of the actions that have gotten us to where we are
 20 today are based on the will of the people in the basin
 21 and those they have elected to serve them and represent
 22 them here.
 23 It's not only us as commissioners on this
 24 board. There's local groundwater boards. There's
 25 legislative people, and there's federal people in there.

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<p>1 There's a lot of actions that have taken place to get us 2 to this point.</p> <p>3 And I think I can speak on behalf of the 4 commissioners here, in working with Commissioners 5 Barfield and Dunnigan, that they, I believe, have tried 6 to bring as much ability to this decision-making process 7 and common sense, recognizing and taking input along the 8 way from everybody who's impacted by this.</p> <p>9 And, again, as I indicated, they're not easy 10 decisions. There's a lot of complicated issues that 11 have to be decided as we work through this process, but 12 I have high regard for these individuals that have been 13 working on this process for decades.</p> <p>14 And I think they've put a lot of heart and 15 soul into the decisions they have made to get us to this 16 point. And this is not the end. As we have talked 17 about, these are decisions that face us at this point at 18 this temporary time that we all have here and trying to 19 move forward into the future.</p> <p>20 And I think we are continuing to make as 21 good decisions as we can based on what we know today.</p> <p>22 As you have indicated -- somebody spoke 23 about, we can't predict the future, but we can try to 24 make decisions today to help create the future, and 25 that's what we are trying to do in making these</p>	<p>1 issue about the health issues. I know that's part of 2 some of the stuff that the department and state looks at 3 with the users here in the basin as well to address 4 those concerns.</p> <p>5 These are ongoing things that we deal with, 6 not at Bonny Reservoir, but at over 3000 reservoirs that 7 we have in the state. We regularly have these kind of 8 issues come up at all these sites.</p> <p>9 Many of these reservoirs are drained 10 regularly for irrigation purposes and other purposes, so 11 it's not an unknown realm that we live in in dealing 12 with those issues.</p> <p>13 So we are going to continue to work with all 14 those stakeholders who are impacted by those issues that 15 you have concerns about.</p> <p>16 I think Mr. Wilson had brought up questions 17 about options we have looked at in terms of keeping 18 water in Bonny Reservoir.</p> <p>19 Yes, we have looked at all the options that 20 have been presented to us. And not only that we have 21 talked about in our negotiations but that constituents 22 of the basin have brought forward to us. We have been 23 talking about those over the last few years.</p> <p>24 And I'd be happy, outside the context of 25 this meeting, to sit down and talk in more detail about</p>
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<p>1 decisions we are working on.</p> <p>2 We have not answered all the questions. We 3 have made statements before about the needs of the 4 people here in the basin, of what they want to do into 5 the future in terms of recognizing there is a mining of 6 the aquifer going on. What do you want for the future 7 of this basin?</p> <p>8 And we are going to continue those efforts. 9 I will, as state engineer and commissioner on this 10 administration, continue to work with the constituents 11 in this basin beyond today in trying to answer those 12 questions.</p> <p>13 Some of the questions that have come up I 14 know have been looked into. Somebody raised the 15 question -- I think Mr. Shandy -- about, is Bonny 16 Reservoir safe? Yes, we know it to be safe.</p> <p>17 We have worked with the Bureau. We've had 18 our own dam safety engineers look at this. We do not 19 have any concerns about lowering the water level in 20 Bonny Reservoir and no concerns that it may pose a risk 21 to downstream people that live in that pathway.</p> <p>22 It was built there as a flood protection 23 facility, and we do not have any concerns on that. We 24 have looked at that.</p> <p>25 I know there's people -- he also raised an</p>	<p>1 those.</p> <p>2 You raised issues about whether these 3 releases out of Bonny Reservoir help to sustain the 4 aquifer. Yes, they do. We have seen it by the 5 increased stream flow that we have seen over the last 6 few years.</p> <p>7 You saw the presentation by the USGS. We 8 have seen it by recording these releases, monitoring 9 those, and to the extent these recharge the aquifer and 10 make it down to Benkelman, we see a real effect of these 11 releases that are out there. They are known.</p> <p>12 And we have got to recognize this 13 interaction between the surface water and groundwater 14 system that's out there that everybody relies on, not 15 only for irrigation purposes, but for municipal and 16 domestic purposes, we recognize those needs that are out 17 there.</p> <p>18 I think that's, I guess, in trying to 19 respond to the notes I took in terms of some of the 20 comments that were made. I wanted to make those 21 remarks.</p> <p>22 Commission Barfield, I don't know if you had 23 any remarks that you want to make as well.</p> <p>24 COMMISSIONER BARFIELD: Yes, certainly, I 25 will.</p>

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1 I appreciate you all coming and voicing your
2 concerns. I am certainly aware very generally of all
3 those concerns and recognize the passion you all have
4 for them.
5 Common sense is not always a simple thing.
6 This is a complicated situation. As I was talking about
7 with the Ogallala summit, there was also a reference --
8 we have our places as well.
9 We are in a situation we find ourselves in
10 that cannot be sustained and difficult choices have to
11 be made and intelligent choices have to be made in terms
12 of how we can sustain as much as possible in terms of
13 the benefits of the aquifers and natural resources that
14 we can. But those choices are not easy.
15 As Kansas commissioner to the Republican
16 Compact, it's my duty to make sure we fulfill our
17 obligations, and it is my duty to preserve our
18 entitlements under the compact.
19 I don't believe the compact is antiquated.
20 It's a fairly simple document on its part. It
21 essentially is an allocation of the basin's water
22 supply, and it informs each of the states how much of
23 the water supply they can develop and not get in the way
24 of the other states developing their equitable share.
25 That's, in essence, what it is.

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1 And to renegotiate it is to say, We are
2 going to give this piece of the pie to this other party,
3 and that's not an easy place to go to.
4 So I commend Dick. He's working hard to
5 figure out, how can Colorado get the most benefit from
6 its piece of the pie.
7 Kansas has not required or asked Colorado to
8 take any specific action to get into compliance. We
9 aren't requiring that, so we haven't asked them to drain
10 Bonny, but we have insisted that they figure out a way
11 to deliver their share so that Kansas can enjoy the
12 benefits of its portion of the basin's water supply.
13 So that's sort of the dynamic that is
14 forcing the State of Colorado to have its dialogue with
15 you all to figure out how best to move forward.
16 Colorado in the South Fork is using its
17 share and part of our share. And, again, this channel
18 is to figure out how to move forward.
19 So we will continue to work with them.
20 There actually has been a tremendous amount of
21 dialogue, so we want to afford Colorado the
22 flexibility that it has within the compact. We just
23 have to insist that they stay within their share so
24 that we can enjoy our portion.
25 Bonny is -- the inflows into Bonny are in

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1 significant decline. I think those of you who are
2 aware, in the early '90s and before, it was a stable
3 resource that you all enjoyed.
4 And since the late '90s, it's seen a
5 significant decline, and that decline is rooted in the
6 depletion of the inflows that are occurring above it,
7 both predominantly to the base flow that comes out of
8 the Ogallala and some is reduction in runoff.
9 And, again, I think you have a resource
10 that's been very valuable and may continue to have a
11 role here, but there's some realities, I think, that
12 have to be faced.
13 And I am confident that Dick and all of the
14 partners here in Colorado will figure out the best way
15 to accomplish it, just as we have to figure out how to
16 deal with our challenges. So, with that, I will stop.
17 COMMISSIONER WOLFE: Thank you,
18 Commissioner.
19 Commissioner Dunnigan, do you have anything?
20 It sounds like you weren't directly implicated in this,
21 but --
22 COMMISSIONER DUNNIGAN: I really don't have
23 any comments. My commitment on behalf of the state of
24 Nebraska is to work very hard with Colorado and Kansas
25 on this compact and find the solutions that we can find.

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1 COMMISSIONER WOLFE: Thank you. And I
2 agree.
3 And if it wasn't stated, I think we all
4 recognize our roles as commissioners in the compact that
5 we have here.
6 I think the compact was set up with an
7 understanding that it recognized the needs in the basin
8 and the available water supply and provided the
9 framework through this commission into the future to
10 address these issues as they come up.
11 One of the fortunate things, I think, we
12 have is the ability to meet like this as professionals
13 in trying to address these complicated issues, but we
14 recognize through our ultimate role as compact
15 commissioners that the compact is there and approved by
16 the United States. It's mandatory and it's not
17 discretionary.
18 So we have a fulfillment under that compact
19 that we are all trying to reach in recognizing all the
20 needs in the basin.
21 So we do appreciate the input. We want to
22 continue to hear from you beyond today in how we can
23 continue to move forward to address all of the needs
24 within the basin. So we appreciate your attention and
25 time here today and hope you have safe travels back to

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1 where your home is.
 2 At this time I think we will address agenda
 3 Item No. 11 about future meeting arrangements. It's my
 4 understanding that the next commission meeting will be
 5 in Kansas. And I will turn it over to Commissioner
 6 Barfield, and if he has any prearrangement information
 7 for us, he can tell us at this time.
 8 COMMISSIONER BARFIELD: Well, Kansas will
 9 host the next two annual meetings, and we
 10 traditionally -- well, I plan to have one in the upper
 11 basin in Kansas, in northwest Kansas, and one of those
 12 two meetings in the lower basin.
 13 I am expecting to have next year's annual
 14 meeting in the lower basin and likely in Junction City,
 15 but I haven't made any final decisions but intend to
 16 make those decisions in the coming weeks or months.
 17 I don't know if we want to pick a date for
 18 that meeting -- a tentative date for the meeting or just
 19 save that for the future.
 20 COMMISSIONER WOLFE: I think we typically
 21 try to coordinate that at a later date, but I think we
 22 have run into this issue before, I think, that it does
 23 require that we hold it before August. Is that normally
 24 the case?
 25 COMMISSIONER BARFIELD: Yeah. We are

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1 required to hold it before the end of July unless we
 2 agree otherwise. And so it will be either the end of
 3 July, most likely, or the first part of August if we
 4 reach agreement.
 5 COMMISSIONER WOLFE: I just know, when we
 6 made attempts to set up here, we had to find
 7 arrangements and everything.
 8 So once you find a location and some dates
 9 that you think would work, if you could just contact us
 10 and we will set that time. We should be able to make
 11 that work. Just so the folks know here, it should be in
 12 the July, August time frame of next year.
 13 And before I forget on that point, too, any
 14 other future actions that may come before this
 15 commission, like approval of the compact compliance
 16 pipeline, does not have to wait until that future annual
 17 meeting date.
 18 We anticipate, once we reach a verbal
 19 agreement on that, that our proposal would be to call a
 20 special meeting of this body to take formal action on
 21 that or any other action that comes before us then that
 22 we have identified in this agenda here today.
 23 So the folks know that we don't have to wait
 24 an entire year to take action on items before the
 25 commissioners.

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1 COMMISSIONER BARFIELD: That's correct. I
 2 appreciate your hosting the meeting, and thank you.
 3 COMMISSIONER WOLFE: Thank you.
 4 Commissioner Dunnigan, do you have anything
 5 in regards to the meeting date?
 6 COMMISSIONER DUNNIGAN: No.
 7 COMMISSIONER WOLFE: At this time I would
 8 entertain a motion to adjourn.
 9 COMMISSIONER DUNNIGAN: So moved.
 10 COMMISSIONER BARFIELD: Second.
 11 COMMISSIONER WOLFE: There's a motion and a
 12 second. All those in favor, say aye.
 13 COMMISSIONER DUNNIGAN: Aye.
 14 COMMISSIONER BARFIELD: Aye.
 15 COMMISSIONER WOLFE: Aye.
 16 We are adjourned. Thank you.
 17 (WHEREUPON, the meeting concluded at 11:44 a.m.)
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1 STATE OF COLORADO)
 2) SS. REPORTER'S CERTIFICATE
 3 COUNTY OF DENVER)
 4 I, Denise A. Freeman, do hereby certify
 5 that I am a Registered Professional Reporter and
 6 Notary Public within the state of Colorado.
 7 I further certify that this meeting was
 8 taken in shorthand by me at the time and place herein
 9 set forth and was thereafter reduced to typewritten
 10 form, and that the foregoing constitutes a true and
 11 correct transcript.
 12 In witness whereof, I have affixed my
 13 signature this 12th day of September, 2011.
 14
 15 _____
 16 PATTERSON REPORTING & VIDEO
 17 Denise A. Freeman
 18 Registered Professional Reporter
 19 and Notary Public
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3
4 September 12, 2011

5 MEGAN A. SULLIVAN, P.E.
Division of Water Resources
6 Department of Natural Resources
1313 Sherman Street, Room 818
7 Denver, Colorado 80203

8 Caption: 51st Annual Meeting of the Republican River
Compact Administration, August 31, 2011

9 Dear Ms. Sullivan:

10 Enclosed is the transcript of the 51st Annual Meeting of
11 the Republican River Compact Administration held
August 31, 2011:

12
13 Previously filed. Forwarding signature page
and amendment sheet(s).

14 Signed, no changes.

15 Signed, with changes, copy of which is enclosed.

16 No signature required.

17 Signature waived.

18 Forwarding original transcript unsigned;
19 signature page and/or amendments will be forwarded,
if received.

20 Original exhibits included in ongoing notebook
21 and will be filed with counsel at conclusion of
discovery.

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23
24
25