

Another Step Forward...

Submitted by: Deb Daniel, RRWCD General Mgr.

"Patience, persistence and perspiration make an unbeatable combination for success." is a quote by American author Napoleon Hill. Recently, using patience, persistence and perspiration, Colorado took another important step forward in our efforts to be in compliance with the Republican River Compact.

Colorado's State Engineer, Dick Wolfe requested the Republican River Compact Administration hold a special meeting on May 2, 2013, to consider Colorado's Compact Compliance Pipeline Proposal and Colorado's Bonny Reservoir Accounting Proposal.

Prior to the meeting, listening stations were available for the public to attend the telephonic conference. The listening stations in Colorado were located in the Centennial Building in Denver and in the office of the Republican River Water Conservation District in Wray, CO.

Those in attendance in the RRWCD office were: RRWCD Board members Dennis Coryell, Brent Deterding and Jack Dowell, RRWCD General Manager Deb Daniel and Administrative Assistant Dawn Webster, along with Roy Smith and Denny Salvador from W-Y GWMD, Nate Midcap, District Manager of the Big 4 GWMDs and Bill Cure local producer.

Compact Compliance Pipeline Proposal

First on the agenda was the Compact Compliance Pipeline proposal that had been submitted to the RRCA on April 5, 2013.

Brian Dunnigan, Nebraska's Department of Natural Resources Director stated, "Colorado's resolution is above and beyond what should be required by the RRCA. It is unfortunate that it has taken this long for a decision to be made. Nebraska votes "Yes" in approval of Colorado's Compact Compliance Pipeline Proposal."

Colorado also voted in favor of the resolution. David Barfield, Kansas Chief Engineer voted in opposition of the pipeline.

Mr. Wolfe stated that Colorado initially submitted this proposal in 2009 and for the last 5 years has worked hard to address any concerns Kansas may have with the resolution. In this proposal, Colorado has answered the questions brought by Arbitrator Martha Pagel, following the non-binding arbitration of the initial pipeline proposal.

Dick Wolfe asked for the reason Kansas refuses to approve the pipeline proposal. Mr. Barfield replied, "Kansas has worked in good faith in reviewing the proposal and needs more time to evaluate the calculations included in the modeling of the pipeline proposal".

Mr. Barfield stated that Kansas would be requesting specifics of the proposal modeling and that he would like to work with Colorado in the next few weeks to try to find a resolution with the pipeline proposal.

Mr. Barfield also mentioned some operational concerns on the South Fork of the Republican River.

Dick Wolfe asked if Kansas would complete its review and provide specific concerns to Colorado in the next few weeks. Mr. Wolfe also asked if Kansas would work with Colorado to attempt to resolve Kansas' final concerns by the end of May.

David Barfield replied, "Kansas will attempt to provide more details regarding our concerns and we will work with Colorado to attempt to resolve these concerns within the month of May."

Mr. Wolfe requested the attorneys memorialize: "Kansas has made a commitment to work forward".

Bonny Reservoir Resolution

The second item to consider was the Bonny Reservoir Resolution. Mr. Wolfe explained that this proposal is a reflection of actions taken by Colorado to reach compliance with the Republican River Compact.

Other efforts reported by Wolfe include the CREP/AWEP/EQIP programs which have resulted in retirement of numerous large capacity wells. The purchase of surface water rights has also assisted CO in attaining compliance.

Willem Schreuder, President of Principia Mathematica and consultant for Colorado had submitted model runs to KS and NE. Dick Wolfe made it clear that all of the states have reviewed the modeling report.

Brian Dunnigan stated, "NE feels this is a straight-forward resolution with real world conditions which has been before the RRCA for several years. Nebraska votes yes."

Colorado voted in favor of the resolution. Kansas voted in opposition.

David Barfield explained that KS has not reviewed the model and the effect draining Bonny Reservoir has created in the reduction of historic consumptive use to Colorado and northeast Kansas.

Dick Wolfe stated that he questions the implication from Kansas about what impact the Bonny proposal will have on northeast Kansas.

The meeting closed with discussions regarding the need for more time to review the annual reports from the states to the RRCA for 2007 – 2011. David Barfield mentioned the Annual

meeting of the RRCA will be held in Kansas, although he has not set a date for this meeting to be held later this summer. The meeting adjourned.

Arbitration Proceedings

Later that afternoon Dick Wolfe officially notified KS and NE that Colorado is invoking non-binding arbitration regarding the Compact Compliance Pipeline and the Bonny Reservoir proposals.

In reviewing the arbitration time frame, the written decision by the Arbitrator should be finalized by the end of November 2013.