
SPECIAL MEETING OF THE REPUBLICAN RIVER COMPACT
ADMINISTRATION

October 22, 2014

ORIGINAL

1:19 P.M.

The above-entitled meeting was held at 1313 Sherman Street, Room 318, Denver, Colorado, before K. Michelle Dittmer, Registered Merit Reporter and Notary Public within Colorado.



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DEPARTMENT OF
NATURAL RESOURCES

COMMISSIONERS:

James Schneider,
Acting Nebraska Member
Acting Chairman, RRCA

David Barfield, P.E.
Kansas Member

Dick Wolfe, P.E.
Colorado Member

Present:

Present in Denver:

James Schneider
Peter Ampe
Don Blankenau
Jasper Fanning
Marc Groff
Jesse Bradley
Tom Wilmoth
Justin Lavene
Dick Wolfe
Scott Steinbrecher
Willem Schreuder
Ivan Franco
David Cookson
Jackie McClaskey
Greg Foley
Earl Lewis
Chris Grunewald
David Barfield
Chris Beightel
Lane Letourneau

1 Present Telephonically via Listening Locations:
2
3 Nebraska Bostwick Irrigation District:
4 Mike Delka
5 Tracy Smith
6
7 Kansas Bostwick Irrigation District:
8 Kenny Nelson
9 Pete Gile
10
11 Groundwater Management District No. 4:
12 Katherine Durham
13 Ray Luhman
14
15 Middle Republican Natural Resources District:
16 Robert Merrigan
17 Sylvia Johnson
18
19 Bureau of Reclamation in Billings:
20 Patrick Erger
21 Mike Ryan
22 Tara Kinsey
23
24 Bureau of Reclamation in McCook, Nebraska:
25 Aaron Thompson
26 Craig Scott
27 Marla Simpson
28
29 Kansas Department of Agriculture Stockton Field Office:
30 Chelsea Erickson
31
32 Republican River Water Conservation District:
33 Deb Daniel
34 Dawn Webster
35 Nate Midcap
36
37 Republican River Water Conservation District at the
38 Basin:
39 Dave Keeler
40
41 Frenchman-Cambridge Irrigation District:
42 Brad Edgerton
43
44 Kansas Department of Agriculture:
45 Beth Riffle
46
47 Lower Republican Natural Resources District:
48 Scott Dicke

1 Present Telephonically via Listening Locations: (Cont.)

2 Nebraska Department of Natural Resources:
Melissa Mosier

3
4 Tri-Basin Natural Resources District:
John Thorburn

5 Upper Republican Natural Resources District:
Nate Jenkins

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ATTACHMENTS	MOTION	APPROVED
Resolution by the Republican River Compact Administration Approving a Temporary Augmentation Plan and Related Accounting Procedures for the Colorado Compact Compliance Pipeline	14	15
Resolution by the Republican River Compact Administration Approving Accounting Adjustments and Agreements Related to the Operation of Harlan County Lake in 2014	17	18

(Attached to original transcript.)

1 P R O C E E D I N G S

2 * * *

3 CHAIRMAN SCHNEIDER: Okay. Thank you,
4 everyone, for waiting. My name is Jim Schneider. I'm
5 the Nebraska commissioner and the RRCA chairman for the
6 purposes of this meeting, and I'd like to call this
7 Special Meeting of the Republican River Compact
8 Administration to order.

9 First up on the agenda are introductions.
10 We're going to start with introductions here in the
11 Centennial Building in Denver, Colorado. Here with me
12 for Nebraska are Jesse Bradley with the Nebraska
13 Department of Natural Resources; Justin Lavene and David
14 Cookson from the Nebraska Attorney General's Office; Tom
15 Wilmoth and Don Blankenau, counsel for Nebraska; Jasper
16 Fanning, manager of the Upper Republican Natural
17 Resources District; and Marc Groth with the Flatwater
18 Group.

19 Turning to Colorado, Commissioner Wolfe?

20 COMMISSIONER WOLFE: Thank you, Chairman.

21 This is Dick Wolfe, Colorado commissioner
22 and state engineer for Colorado. I'd like to introduce
23 who's here in the Centennial Building on behalf of
24 Colorado:

25 Mike Sullivan, deputy state engineer. Ivan

1 Franco, engineer adviser to the Commission for Colorado.
2 Willem Schreuder, who is with Principia Mathematica, who
3 does a lot of the modeling and counting work for all
4 three states. And Scott Steinbrecher, who's the
5 assistant attorney general with the Colorado Attorney
6 General's Office. And Pete Ampe, who is counsel for the
7 Republican River Water Conservation District in
8 Colorado.

9 I think I've caught everybody from Colorado
10 here in the Centennial Building.

11 CHAIRMAN SCHNEIDER: All right. Thank you.
12 Turning to Kansas and Commissioner
13 Barfield.

14 COMMISSIONER BARFIELD: Sure. Yeah.

15 My name is David Barfield, chief engineer,
16 with the Kansas Division of Water Resources, Kansas
17 Department of Agriculture, and commissioner for Kansas.

18 I have with us today here in Denver, with
19 the Kansas Department of Agriculture is Secretary Jackie
20 McClaskey, Greg Foley, Lane Letourneau, and Chris
21 Beightel. With the Kansas Water Office is Earl Lewis,
22 and with the Kansas Attorney General's Office is Chris
23 Grunewald.

24 CHAIRMAN SCHNEIDER: All right. Thank you.
25 Moving on to the next item on the agenda, Modification

1 and Adoption of the Agenda -- oh, I'm sorry. I got
2 ahead of myself -- listening locations.

3 Okay. The listening locations, first with
4 Colorado, the Republican River Water Conservation
5 District. Are you on the line?

6 MS. DANIEL: Yes, we are. This is Deb
7 Daniel, general manager of the Republican River Water
8 Conservation District. I'm here with Dawn Webster, who
9 is my administrative assistant, and Nate Midcap, the
10 general manager of the Big 4 Groundwater Districts.

11 CHAIRMAN SCHNEIDER: Thank you.

12 Are there any others on the phone from
13 Colorado?

14 MR. KEELER: Yes. Dave Keeler, with the
15 Republican River Water District, with the basin down
16 here.

17 CHAIRMAN SCHNEIDER: All right. Thank you.

18 Turning to the listening locations in
19 Kansas, the Kansas Department of Agriculture.
20 Division -- go ahead.

21 MS. RIFFLE: Yes. This is Beth Riffle,
22 director of communications, with the Department.

23 CHAIRMAN SCHNEIDER: And then the Kansas
24 Department of Ag Stockton Field Office?

25 MS. ERICKSON: This is Chelsea Erickson.

1 CHAIRMAN SCHNEIDER: Thank you.

2 The Groundwater Management District No. 4?

3 MS. DURHAM: Yes, right here. This is Kate
4 Durham, and I'm with Ray Luhman as well.

5 CHAIRMAN SCHNEIDER: And finally, the
6 Kansas Bostwick Irrigation District?

7 MR. NELSON: Kenny Nelson, superintendent
8 of Kansas Bostwick, and Pete Gile is here also,
9 assistant superintendent.

10 CHAIRMAN SCHNEIDER: Okay. Thank you.
11 Is there anyone else on the phone from
12 Kansas?

13 Okay. Turning to Nebraska, the Nebraska
14 Department of Natural Resources?

15 MS. MOSIER: Yes. This is Melissa Mosier
16 here.

17 CHAIRMAN SCHNEIDER: Thanks, Melissa.
18 The Lower Republican Natural Resources
19 District?

20 MR. DICKE: Yes. This is Scott Dicke,
21 assistant manager.

22 CHAIRMAN SCHNEIDER: The Tri-Basin Natural
23 Resources District.

24 MR. THORBURN: Hi. John Thorburn here,
25 Tri-Basin in Holdrege.

1 CHAIRMAN SCHNEIDER: Hi, John.
2 The Middle Republican Natural Resources
3 District.

4 MR. MERRIGAN: Assistant Manager Bob
5 Merrigan and Sylvia Johnson.

6 CHAIRMAN SCHNEIDER: Thank you. The Upper
7 Republican Natural Resources District?

8 MR. JENKINS: Nate Jenkins, assistant
9 manager.

10 CHAIRMAN SCHNEIDER: Okay. The Nebraska
11 Bostwick Irrigation District.

12 MR. DELKA: Mike Delka and Tracy Smith.

13 CHAIRMAN SCHNEIDER: Thank you. And the
14 Bureau of Reclamation office in McCook, Nebraska?

15 MR. THOMPSON: Good afternoon. Aaron
16 Thompson, Craig Scott, and Marla Simpson.

17 CHAIRMAN SCHNEIDER: Hi, Aaron.
18 Is there anyone else on the phone from
19 Nebraska?

20 MR. EDGERTON: Yes. Brad Edgerton with
21 Frenchman-Cambridge Irrigation District.

22 CHAIRMAN SCHNEIDER: Okay. Thank you. And
23 we also have a listening located in Bureau of
24 Reclamation in Billings?

25 MR. ERGER: Yes. Good afternoon, Jim.

1 Patrick Erger here, Regional Director Mike Ryan, and
2 Tara Kinsey.

3 CHAIRMAN SCHNEIDER: Patrick, good
4 afternoon. Thank you.

5 Again, a reminder, if you haven't filled
6 out your sign-in sheets at the listening locations,
7 please do so and send them back to the -- to our office
8 in Lincoln.

9 All right. Now moving on to Agenda Item 2:
10 Modification and Adoption of the Agenda.

11 Is there any discussion on the agenda?

12 COMMISSIONER BARFIELD: No, there's no
13 discussion. I think the agenda is fine. There's some
14 wording differences, but the two action items are
15 essentially as described.

16 CHAIRMAN SCHNEIDER: Okay.

17 COMMISSIONER BARFIELD: So I would move
18 adoption of the agenda.

19 CHAIRMAN SCHNEIDER: Okay.

20 COMMISSIONER WOLFE: Second.

21 CHAIRMAN SCHNEIDER: Motion and a second to
22 adopt the agenda.

23 All in favor, say aye.

24 COMMISSIONER BARFIELD: Aye.

25 CHAIRMAN SCHNEIDER: Aye.

1 COMMISSIONER WOLFE: Aye.

2 CHAIRMAN SCHNEIDER: Okay. The agenda is
3 adopted.

4 Moving on to Agenda Item 3, Action Items,
5 first on that agenda item is a resolution for the
6 Colorado CCP Project for 2015, and I'll turn that over
7 to Commissioner Wolfe.

8 COMMISSIONER WOLFE: Thank you, Chairman
9 Schneider.

10 I first want to thank both Kansas water
11 officials and Nebraska water officials for coming to
12 Denver today, and I appreciate the robust discussion we
13 had this morning and apologize for those that are on the
14 phone that had to endure our delay in getting to the
15 meeting today. But I think we had very fruitful
16 discussions, and Colorado is prepared to introduce a
17 resolution for approval of the Compact Compliance
18 Pipeline for 2015.

19 And I guess I'll initially just
20 characterize this, this is based off of the resolution
21 that the Commission adopted in December of 2013 for
22 operation in 2014. Through our discussions over the
23 last few weeks and through today, working with
24 principally the Kansas water officials, with concurrence
25 from Nebraska, we are ready to present a resolution.

1 We're not going to read it in the record.
2 We will make it available after signature by all states.
3 We do have a representative here from the Republican
4 River Water Conservation District, Mr. Pete Ampe, who
5 has also been involved in those discussions, so we think
6 it meets all the requirements of the districts in
7 Colorado.

8 And I'll indicate we basically have made
9 some of the changes -- just to represent -- this goes
10 into 2015. We have also -- as one of the additional
11 provisions, we've added to this resolution,
12 resolution -- or part of the resolution, Item 21, that
13 talks about some work that Colorado will do as it
14 relates to comparing some various runs.

15 One of the attachments that is to this new
16 resolution is the description of the Kansas Method 3, so
17 we want to make folks aware that that is an attachment
18 to this document and will be reflected as such.

19 We also have an added provision in here
20 that talks about the scope of work that Kansas and
21 Colorado will engage in into next year. Those items are
22 also included as an attachment to this resolution, as
23 well, and will be circulated with the signed version.

24 So I'll just, for the record, reflect the
25 title of the resolution and then ask -- and then I'll

1 move to adopt it.

2 This is a Resolution by the Republican
3 River Compact Administration Approving a Temporary
4 Augmentation Plan and Related Accounting Procedures for
5 the Colorado Compact Compliance Pipeline.

6 And if there are no other questions or
7 comments, I would move adoption by the Commission of
8 this Resolution.

9 CHAIRMAN SCHNEIDER: Thank you.

10 So we have a motion for adoption of the
11 Resolution as described by Commissioner Wolfe.

12 COMMISSIONER BARFIELD: I would second.

13 CHAIRMAN SCHNEIDER: So we have a motion
14 and a second.

15 Is there any further discussion on this
16 Resolution?

17 COMMISSIONER BARFIELD: I'd make a few
18 comments.

19 I, too, appreciate the hard work of
20 Colorado officials in terms of allowing us to get to
21 this Resolution today. It will allow Colorado to,
22 again, operate the pipeline in 2015, providing some -- I
23 think some additional valuable experience with that
24 operation and its accounting.

25 It also provides a path forward for the two

1 states, I think, to continue to work to resolve our
2 concerns related to South Fork.

3 And so anyway, appreciate everybody's hard
4 work to get there, and we look forward to continuing the
5 work to develop a long-term agreement and to resolve the
6 things that continue to divide us, so . . .

7 COMMISSIONER WOLFE: Thank you.

8 CHAIRMAN SCHNEIDER: And I would say that
9 Nebraska is committed to doing its part in those
10 discussions as well.

11 So hearing no further discussion, all those
12 in favor of the motion signify by saying aye.

13 MR. WOLFE: Aye.

14 CHAIRMAN SCHNEIDER: Aye.

15 COMMISSIONER BARFIELD: Aye.

16 CHAIRMAN SCHNEIDER: Opposed, same sign.
17 Motion carries.

18 Okay. Moving on to Agenda Item 3(b) under
19 the Action Items, which is a Resolution related to
20 accounting adjustments and Harlan County Lake operations
21 for 2014.

22 And with that, I will turn to Commissioner
23 Barfield.

24 COMMISSIONER BARFIELD: Sure. Thank you,
25 Commissioner Schneider.

1 Yes. I think most people that are
2 listening are aware that, you know, the states have had
3 some disagreements and arbitrated a number of those in
4 the last two years, as well as the states' diligent
5 work, I think, of the last several months to reach
6 resolution of those concerns, at least for the current
7 situation and in the immediate future, and I think our
8 joint commitment to trying to find long-term solutions
9 to the issues that divide us as well.

10 We've been working actively on some -- a
11 package of issues related to resolving 2014 and '15
12 accounting adjustments, as well as operations of Harlan
13 County, Kansas. As a result of our discussions, I
14 prepared a draft and Nebraska provided some edits.

15 Yesterday, we sent Nebraska and Colorado a
16 new version of the Resolution and, in fact, divided the
17 resolutions into accounting adjustments and agreements
18 related to Harlan for 2014 and a separate one on much of
19 the same issues for 2015.

20 We have reached agreement on the 2014
21 elements and resolution, and I'll be offering that in a
22 moment. We're going to continue to work to finalize the
23 2015 agreement, but have a little more work to do in
24 that regard.

25 So this provides, I think, significant

1 benefits to both states to provide a path forward to use
2 the water supplies that are currently in Harlan Well
3 and, again, I think hopefully a path forward to
4 additional productive dialogue related to these issues.

5 So with those comments, I would offer --
6 and I just, again, will not read into the record the
7 full agreement. All the states have had it and are
8 aware of what we've been working on here.

9 But the title of the Resolution that we are
10 going to be acting on today is Resolution by the
11 Republican River Compact Administration Approving
12 Accounting Adjustments and Agreements Related to the
13 Operation of Harlan County Lake in 2014.

14 So with that, I'd offer that for adoption
15 by the administration.

16 COMMISSIONER WOLFE: Second.

17 CHAIRMAN SCHNEIDER: Thank you. We have a
18 motion and a second.

19 And I would just like to echo some of
20 Commissioner Barfield's comments. We've had a lot of
21 productive discussions between the three states, and
22 between Kansas and Nebraska and in particular, on these
23 issues. We think this is a really positive step forward
24 for the Compact accounting year 2014 and provides
25 significant benefits for water users in both states, and

1 I think it's a very good sign of positive things to
2 come.

3 And with regard to the agreements for 2015,
4 I'm very optimistic that those will be forthcoming as
5 well very shortly.

6 So with that, is there any further
7 discussion?

8 COMMISSIONER BARFIELD: None from Kansas.

9 COMMISSIONER WOLFE: None from Colorado.

10 CHAIRMAN SCHNEIDER: Okay. Hearing none,
11 all those in favor of the motion, signify by saying aye.

12 COMMISSIONER WOLFE: Aye.

13 CHAIRMAN SCHNEIDER: Aye.

14 COMMISSIONER BARFIELD: Aye.

15 CHAIRMAN SCHNEIDER: Opposed, same sign.
16 Okay. Motion carries.

17 Very good. With no further business for
18 this special meeting, we would, I guess, move to Agenda
19 Item 4 for adjournment.

20 I would entertain a motion to adjourn.

21 COMMISSIONER BARFIELD: I would so move.

22 COMMISSIONER WOLFE: Second.

23 CHAIRMAN SCHNEIDER: Thank you.

24 This special meeting of the RRCA is now
25 adjourned.

(WHEREUPON, the meeting adjourned at
1:34 p.m.)

STATE OF COLORADO)

) SS. REPORTER'S CERTIFICATE

COUNTY OF DENVER)

I, K. Michelle Dittmer, do hereby certify that I am a Registered Merit Reporter and Notary Public within the state of Colorado; that these proceedings were taken in shorthand by me at the time and place herein set forth and were thereafter reduced to typewritten form, and that the foregoing constitutes a true and correct transcript.

I further certify that I am not related to, employed by, nor of counsel for any of the parties or attorneys herein, nor otherwise interested in the result of the within action.

In witness whereof, I have affixed my signature this 5th day of November, 2014.



K. Michelle Dittmer
K. Michelle Dittmer
Registered Professional Reporter
and Notary Public

PATTERSON REPORTING & VIDEO

Highpoint
2170 South Parker Road, Suite 263
Denver, Colorado 80231

November 5, 2014

Ms. Carol Flaute
via carol.flaute@nebraska.gov

Re: Special Meeting of Republican River Compact
Administration

Dear Ms. Flaute:

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

Signed, no changes.

Signed, with changes, copy of which is enclosed.

No signature required.

Enclosures: (As above noted)