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## MINUTES

### **FOURTH QUARTERLY MEETING COLORADO GROUND WATER COMMISSION**

**NOVEMBER 18, 2005**

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The Fourth Quarterly Meeting of the Colorado Ground Water Commission took place on November 18, 2005, at the Parker Water and Sanitation District Facilities, 18100 E. Woodman Drive, Parker, Colorado. Chairman Max Smith called the meeting to order at 10:00 a.m. Marta Ahrens called the roll and determined that a quorum was present. Commission members present were Grant Bledsoe, Larry Clever, Dennis Coryell, Ralph Curtis, Corey Huwa, Frank Jaeger, Robert Loose, Earnest Mikita, Max Smith, Ted Kowalski, and Hal Simpson. Ex-Officio Member Russell George was absent.

**Review and Approval of Agenda Items** - Commissioner Mikita moved, and Commissioner Coryell seconded, approval of the agenda.

**Approval of Minutes for Meeting of August 19, 2005** - Chairman Smith asked if there were any corrections or additions to the Minutes of the August 19, 2005 meeting. Commissioner Jaeger moved to accept the Minutes; the motion was seconded by Commissioner Clever and carried unanimously.

**Report of the Executive Director by Hal Simpson** – Mr. Simpson reported that Mr. Pat Kowaleski, of the Attorney General's office, was diagnosed with a serious form of bone cancer in the spinal area and is undergoing treatment. Mr. Simpson thanked staff for their work session in the Southern High Plains in August. The process is slow and the timeline for completion is July of next year since funding may end.

Regarding Kansas v. Colorado, Mr. Simpson reported that progress is being made. The Special Master issued his fourth report in August 2004 and had 13 recommendations to the U. S. Supreme Court, which were all approved after the subsequent hearings in Washington D.C. There were 22 unresolved technical issues, but he would not take any additional testimony on these issues and asked the states to resolve them through negotiations and settlement or binding arbitration by December 15. Colorado and Kansas held eleven days of intense face-to-face negotiations with staff from both states, without attorneys, which also involved a lot of work between the meetings. By the end of September, twenty of the 22 issues were resolved. Mr. Simpson stated that they are looking forward to this new era of cooperation and trust with Kansas and have agreed to tackle accounting issues in the same format. The Special Master will issue a final report and propose a final decree to the Supreme Court early next year.

Mr. Simpson reported that the Conservation Reserve Enhancement Program (CREP) was almost zeroed out in a budget reconciliation act with the Department of Agriculture, which would have meant that the CREP program in Republican River Basin would not have been approved. The funding was restored in the House, and this will allow the Republican River Basin CREP application to be approved next month.

**Staff Report by Suzanne Sellers** - Ms. Suzanne Sellers presented the Staff Activity Report for the last quarter, the written report of which was included in the Commissioners' packets. She reported on the small capacity and large capacity well permit applications, changes of water rights, final permitting activities, hearings, and enforcement actions. Four staff members made a second visit to the Southern High Plains Designated Basins and collected more Statements of Beneficial Use. They talked with owners of 150 wells. They also sent two staff members to Simla in the Upper Big Sandy Designated Basin and they collected Statements of Beneficial Use for 96 of the 152 wells. Ms. Sellers stated that the Gallegos curtailment request was appealed to the Supreme Court.

Ms. Sellers reported that Kevin Rein was promoted as the new Chief of Water Supply, which includes the Designated Basins Branch. Eric Thoman filled the vacant PSRS position and will continue to work on determination of water rights including evaluation of replacement plans. Ms. Sellers announced that she will transfer into the position vacated by Kevin Rein as Team Leader for the Denver Basin Team, but the transition into this position will not start until her current position is filled.

**Report of the Attorney General by Ginny Brannon** – Ms. Brannon stated that the report that provides a summary of the matters that the Attorney General's Office was involved in is included in the packets. She also reported that the hearing on Ellicott Springs Resources, who applied for a final permit and was approved by staff but objected by the Upper Black Squirrel Creek District, was held yesterday. She stated that they will brief the Hearing Officer on the two issues regarding abandonment. The biggest item on their plate is the Pioneer Irrigation District. The District is seeking a hearing to ascertain the accuracy of the current boundaries and descriptions association with the Northern High Plains Ground Water Basin for the purpose of excluding water that is allegedly tributary, and is seeking to curtail pumping or cease pumping all together. The District submitted a Motion for Summary Judgment asking the Hearing Officer to make declaratory orders that the Commission is bound by the ground water model in the Republican River Basin. The Attorney General's Office is working with objectors and talking about strategy to move forward.

**Management District and Conservation District Reports** - Chairman Smith called for the Management District reports.

Mr. Aaron Nein reported from the **Frenchman, Sandhills, Marks Butte and Central Yuma Ground Water Management Districts**. Mr. Nein stated that in their districts they are constantly updating records and trying to get owners to submit change of ownership forms. With regard to precipitation in the area, they had a large spell of hot and dry weather in August and September, with two to three inches of rain recently. With regard to their current well administration program, they will read meters again the first of January. The most significant issue they are dealing with is the Pioneer case. With their attorney, Mike Shimmin, they will oppose the petition filed by the Pioneer District. Mr. Nein will be measuring static water levels in December.

Mr. Jack Dowell, from the **W-Y Ground Water Management District**, reported that their farmers have had almost a record yield on their crops. He checked 307 chemigation wells this summer,

seven did not pass inspection and three have been fixed and passed. He reported that the city of Yuma now has had a water purification plant up and running for about two weeks.

**Arikaree Ground Water Management District** – No report.

Mr. Shawn Shulte, from the **Plains and East Cheyenne Management Districts**, stated that the Plains District filed an objection. They are concerned about their budget constraints to pay the legal fees, and now have financial support of Kit Carson County commissioners and the city of Burlington to help represent the wells owners in the area.

Chairman Smith reporting on behalf of the **Southern High Plains Ground Water Management District**, stated that they had a hot, dry summer. They received additional moisture toward the end of summer. However, if there is no significant change in energy cost between now and next spring, there will be less water pumped out of the ground.

Commissioner Loose, reporting for the **North Kiowa-Bijou Ground Water Management District**, stated his board has been busy with development. They are also concerned about the Pioneer case and stated that it impacts all closed basin cases if they are allowed to change the boundaries.

There were no reports from the **Upper Black Squirrel Creek Ground Water Management District** or from the **Upper Big Sandy Ground Water Management District**,

Ms. Sheryl Wailes, from the **Lost Creek Ground Water Management District**, reported that they are facing a lot of development in their area and are concerned about what is going to happen to agriculture. She distributed a copy of a summary on the study they are working on with the USGS in the basin updating the flow model. It was part of their settlement with Eagle Peaks that they would help fund a study in the basin. Ms. Wailes will continue to update the Commission on the progress of the study.

Mr. Stan Murphy, from the **Republican River Water Conservation District**, reported that the EQIP program with the NRCS is moving ahead and looks positive with a lot of interest from the farmers. Local funding will go towards permanent retirement of some land. With regard to the CREP program, he thanked Scott Richrath for all the work he has put into the proposal to keep this program going. Regarding the fees that were assessed to the irrigators, the board again set their fees at the same rate. He reported that the board will work toward getting an interruptible water supply plan and will try to get an agreement going to take water out of production. Mr. Murphy stated that the Board of Directors for the District discussed the matter regarding the Pioneer case, and were advised by legal counsel that the District will not be a party to this case.

**Old Business** –

Mr. Ted Kowalski had a question regarding the status of possible legislation to deal with elections in the districts.

Mr. Jody Grantham, Hearing Officer, provided an update on the timetable on the Pioneer case for the hearing.

**New Business – Selection of meeting dates for 2006** – Marta Ahrens provided the following meeting dates for 2006: February 17 (Parker Water and Sanitation District), May 19 (Centennial Building, Room 318), August 17-18 (location TBD), and November 17 (Centennial Building, Room 318).

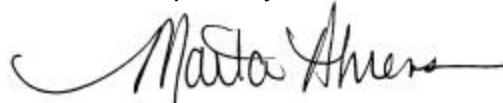
Mr. Jody Grantham, Hearing Officer, reported that he would email each of the Commission members a proposed draft to amend the rules that the Hearing Officer and the Ground Water Commission uses for Adjudicatory Hearings for discussion at the February Commission meeting.

**Next Meeting** – February 17, 2005, at the Parker Water and Sanitation District Administration Building, in Parker, Colorado.

The meeting adjourned at 11:05 a.m.

*Following the meeting, a training workshop was held for the Colorado Ground Water Commission Members.*

Respectfully submitted,

A handwritten signature in black ink that reads "Marta Ahrens". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Marta Ahrens  
Secretary to the Ground Water Commission