
MINUTES

FIRST QUARTERLY MEETING COLORADO GROUND WATER COMMISSION

FEBRUARY 16, 2001

The First Quarterly Meeting of the Colorado Ground Water Commission took place on February 16, 2001, at 1313 Sherman Street, Room 318, Denver, Colorado. Chairman Earnest Mikita called the meeting to order at 9:00 a.m. Marta Ahrens called the roll and determined that a quorum was present. Commission members present were Eugene Bauerle, Anne Castle, Dennis Coryell, Richard Huwa, Robert Loose, Max Smith, and Hal Simpson. Commissioners Jon Brownell and Larry Clever, and Ex-Officio members Kent Holsinger and Ted Kowalski were absent.

Review and Approval of Agenda Items - There were no additions or corrections to the agenda.

Approval of Minutes for Meeting of November 17, 2000 - Chairman Mikita asked if there were any corrections or additions to the Minutes of the November 17, 2000 meeting. Commissioner Castle moved to accept the Minutes. The motion was seconded by Commissioner Bauerle and carried unanimously.

Report of the Executive Director by Hal Simpson – Mr. Simpson provided a report on current legislation and stated that there are not very many bills that could affect Designated Basins. He reported on SB-161 that would require that the Colorado Water Conservation Board to study water needs throughout the state and then identify ways to meet those needs. A bill that has not yet been introduced, but could move forward, is one that would require that the State Engineer's Office to conduct a study of the feasibility of a pilot water bank in the Arkansas River Basin, and promulgate rules by January 2002 to implement the bank and report back in 2006 on how it operated.

Mr. Simpson reported on a complaint he investigated on February 15 in Sedgwick regarding ground water being exposed in the Lost Creek basin. He stated that the pond is nearly dry except in the far east end and the water level has dropped. It was found that Lost Creek water is being illegally diverted into the pond, and the water in the pond is probably surface water. This issue will be dealt with through the Division Engineer.

With regard to the Kansas v. Colorado litigation, Mr. Simpson reported that the Supreme Court set March 19 for oral arguments by both states on their exceptions to the Special Master's decision that came out in August. Mr. Simpson reported on the complex issues

before the court. He stated that they are diligently preparing for a fairly long trial to be held in November or December on future compact compliance issues.

Mr. Simpson reported on snowpack and stated that statewide we are well below average, especially in the northern part of the state. Statewide it is at about 80% and the northern part is in the range of 70%. There is significant concern about sufficient runoff to operate and fill reservoirs in the South Platte and let recharge projects operate to augment well depletions. Mr. Simpson reported on the meeting he attended on February 15 with about 150 farmers, staff from the CWCB, the Northern Colorado Water Conservancy District, and three directors from the western canal in Nebraska regarding augmenting well depletions.

Status of the Kansas v. Nebraska and Colorado litigation - Republican River Compact by Hal Simpson – Mr. Simpson distributed the decision by the Special Master that came down on February 12, 2001. He reported that discovery is difficult, and the timelines are almost impossible to meet but they are doing their best. By April 15, all Federal documents in nine cities must be reviewed and identified that will support the State Engineer's position in the trial. Disclosures are due on March 31. Written interrogatories to the other states are due in May. The Special Master's schedule is very difficult, with the trial scheduled for March 2003. Mr. Simpson reported that staff has been going through a very intense consultant selection process to select three consultants for assistance in four areas -- surface water, ground water, land use, and geographical information systems.

Request for variance to allow the commingling of the wells with Permit Nos. R-20290-FP, 6886-FP, and 2843-FP without administration as required under Designated Basin Rule 7.6 within the Plains Ground Water Management District, by Eugene and Adriene Fasse, the applicants – Mr. Mike Shimmin represented the Fasses on the matter. He stated that the staff has agreed on the language for a proposed order to resolve this matter. These wells have been commingled since they were drilled, and agreement was reached with the staff to complete the paperwork. The proposed order that was agreed upon with the staff to approve the commingling of the wells was mailed to the Commissioners. Mr. Shimmin requested that the stipulated order be entered to put this issue to rest.

Mr. Bill Fronczak agreed with Mr. Shimmin that this is a matter of completing the paperwork from the past and not a variance request. He stated that the parties agreed to a stipulation and ask the Commission to approve the stipulation and a commingling order that should have been entered in 1980. Commissioner Coryell made a motion to approve the stipulated order between the staff and the Fasses. The motion was seconded by Commissioner Smith and approved unanimously.

Discussion of Water Level Measurement within the Northern High Plains by George Van Slyke – Mr. Van Slyke reported that they measured wells for the west slope, the Big Sandy, and the Black Squirrel. They are currently working with the Southern High Plains. Lost Creek and Kiowa Bijou will be measured in a week, and the wells in the Denver Basin will be measured in April. Mr. Van Slyke stated that due to Ben Saunders' illness, the Northern High Plains Districts' data measurements might not get into this year's report. They monitored over 700 wells in the Northern High Plains. They are collecting GPS data on all the wells so they have an accurate location for all the wells that were measured. Mr. Van Slyke showed the new format that they will be using for the report. He stated that the average decline last year was 1½ feet.

Mr. Bob Longenbaugh, from the audience, reported that he came across numerous old hydrograph data at CSU, collected by Bill Code, that date back to the 1920's and records that go back to prior to the drought of the 1950's. He will make this data available to Mr. Van Slyke.

Discussion of possibility of administering the aquifers within the Southern High Plains Ground Water Management District as one aquifer by McLaughlin Water Engineers and the Southern High Plains Ground Water Management District – Mr. Wayland Anderson, of McLaughlin Water Engineers, presented the findings of the study that was funded by the District and headed by Max Smith with administrative assistance provided by Chuck Roberts. The scope of work included: confirming the accuracy of the SEO's well database; determine the thickness of the aquifers to establish historic and water level changes; adequacy of location and distribution of monitoring wells; identify areas of concentrated agricultural development; quantify actual water use in the district for future development; evaluate hydraulic communication between aquifers; estimate demand for future use of water; and identify the sites of water quality contamination.

Ms. Kim Edwards, also of McLaughlin Water Engineers, presented a conceptual model of the aquifer system that included the High Plains, Dakota, and Dockum aquifers; the saturated thickness, overview of the high plains aquifer, and the water level changes between 1990-99.

Mr. Anderson discussed the historical and present ground water use, the crops that are irrigated in the district, the economically recoverable volume of ground water in the aquifers, the life expectancy of ground water resources at current withdrawal rates in the basin, and high capacity well performance. The conclusions were: most ground water recharge is directly from precipitation and irrigation returns; aquifers in southeast Colorado behave more as one aquifer than previously thought; the study indicated that about 106,300 acres are irrigated in the district and 128,500 acres within the basin; and the water level in the basin has declined about 100 feet in the last 50 years. A Phase 2 study was recommended which includes drilling monitoring wells, developing maps, based upon

the Phase 1 study, that define the location of the aquifer systems and their hydraulic connection for future administration of ground water resources in the district, using the map to develop well plugging criteria of these aquifers, and update existing ArcView data.

Mr. Bill Fronczak asked the Commission to discuss how they would like the staff to proceed with this issue. He stated that there are pros and cons on how the aquifers in the Southern High Plains should be administered; i.e., as a single aquifer to prevent injury of future depletions, or a combination of aquifers, or stay with the current system. Commissioner Castle asked the staff if there was sufficient information to make a recommendation for a moratorium on issuing new well permits or for administering the aquifers. Mr. Fronczak proposed that the staff put together a recommendation for further discussion, or move forward towards rulemaking, policy, or other administrative remedies for the final permit project. Commissioner Smith stated that the district would be willing to work with the staff in putting together recommendations for further discussion at the next meeting.

Chairman Mikita suggested that the Commission contact the staff to coordinate ideas or recommendations for the next meeting. Mr. Fronczak stated that the staff will put together recommendations for administration as one aquifer, utilizing the McLaughlin report and additional data and records, and come forth with recommendations of how to proceed. Commissioner Castle suggested that the staff's recommendations are distributed within the district through publication for as much input as possible.

Staff Report by Suzanne Sellers and Megan Sullivan - Ms. Sellers reported that the Senate Ag Committee confirmed reappointment of Dennis Coryell and recommended appointment of Larry Clever to the Commission. She stated that the State Engineer's Office has revised several permit applications, and they have been included in the Commissioner's packets. Ms. Sellers reported on the status of applications during the last quarter: 239 small capacity well applications were received and 224 were issued; 50 applications for large capacity wells or determinations of water rights were received and 55 were issued; 12 new change applications were received and 16 were approved. Ms. Sellers stated that Sandy Johnson was promoted to the small capacity well permit evaluator position; Chris Grimes was transferred to the water commissioner position and will also be assuming some of data entry duties. Staff attended several Water Quality Control Commission meetings and also helped prepare for the Multi-Agency Workshop that some Commission members attended this past week. Staff is continuing work on the Republican River Compact litigation. Staff is also working on developing a web page for Designated Basins that will include information on the Ground Water Commission.

Ms. Megan Sullivan reported on final permit activities in Prowers, Sedgwick, Phillips, Kiowa, Cheyenne, and Lincoln counties. In last quarter, 9 additional wells were clarified (processed), issued and published in Prowers County. In the six counties, 48 permits have been clarified and are ready for publication, and 21 permits are still in the process of

clarification. Ms. Sullivan stated that staff started reviewing the remaining permits in Logan and Washington Counties. At last count, there were 1,227 unclarified wells requiring final permits in the Southern High Plains. The staff plans to go to the Southern High Plains to meet with well owners for about a week and review their well permit files and assist with completing well permit applications as needed.

Report of the Attorney General by Pat Kowaleski - Mr. Matt Poznanovic stood in for Mr. Kowaleski and reported that three hearings are scheduled between now and the next Commission meeting. The Bradbury case has been decided by the Hearing Officer and they are expecting it to be appealed and to come up at next meeting.

Management District Reports - Chairman Mikita called for the Management District reports.

Mr. Mike Shimmin reported for Ben Saunders, from the **Frenchman, Sandhills, Marks Butte and Central Yuma Districts**. He said that Ben has been in the hospital in Greeley for most of the past three months for a recurring infection. He reported that Mr. Aaron Nein, from Sedgwick County, was selected as Ben's replacement and will represent the districts as the new manager. The Frenchman Ground Water Management District is getting ready to implement the rule to begin strict administration of all the wells in that district that are permitted for less than 2½ acre-feet per acre. The Marks Butte Ground Water Management District is considering doing the same thing for any wells that are under 2 ½ acre-feet per acre.

There were no reports from the **W-Y Ground Water Management District**, and the **Arikaree Ground Water Management District**.

Mr. Stan Murphy, from the **Plains and East Cheyenne Management Districts**, recommended that the State Engineer's Office develop a brochure or pamphlet that they could distributed to the public which includes saturated thickness maps, water depletion and percent of depletion maps, and water quality data for 1997-2000.

There were no reports for the **Southern High Plains Ground Water Management District**, the **North Kiowa-Bijou Ground Water Management District**, the **Upper Black Squirrel Creek Ground Water Management District**, the **Upper Big Sandy Ground Water Management District**, or from the **Lost Creek Ground Water Management District**.

Old Business – None

New Business – None

Next Meeting - The next meeting is scheduled for Friday, May 18, 2001, in Denver, Colorado.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Marta Ahrens
Secretary to the Ground Water Commission