

SSP-1414

Republican River

Colorado Compliance

Pipeline

July 2013

SPL Miscellaneous

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easy to apply, and consistent with the requirement of the FSS that augmentation credit be determined by using the Groundwater Model. *Id.* at 6.

In summary, Colorado's experts conclude that use of the Groundwater Model to determine augmentation credit is inappropriate and would result in a double accounting that would be unfair to Colorado and result in an added benefit to Kansas. Kansas' experts conclude that failure to use the Groundwater Model would result in a double benefit to Colorado as a result of giving 100% credit for pipeline discharges and providing increased offsets over time due to increases in negative pumping impacts.

Analysis and Recommendations

Regardless of whether there is a right or wrong answer on this highly disputed fact question, the legal question remains as to whether the FSS permits Colorado's proposed approach under any circumstances. The FSS appears to establish two separate requirements for use of the Model in connection with a proposed augmentation plan. First, Section III.B.1.K states the Model must be used to determine the net depletion from the wells used in an augmentation plan. Second, Section IV.H of the FSS requires that "augmentation credit, as further described in Subsection II.B.1.k, shall be calculated in accordance with the RRCA Accounting Procedures and by using the RRCA Groundwater Model." The CCP Proposal clearly does not use the Model for determining augmentation credit.

The issue of compliance with Section IV.H was raised squarely in the record by Kansas. However, Colorado did not directly respond in its rebuttal reports, expert testimony or in post-trial briefing. Neither Kansas nor Colorado submitted evidence into the record to explain the original intent of the provision in question or to shed light on how it should be interpreted in the present case. Colorado argues only that use of the Model is not appropriate for determining the amount of augmentation credit in connection with this particular proposal that relies on a direct and measurable discharge from the pipeline. Accordingly, the door is wide open for Kansas to deny its approval to the Colorado Proposal.

Absent the express requirement of the FSS, the States would be confronted with the underlying policy and factual determination as to whether the Model offers the most useful tool for computing augmentation credit for the pipeline concept. The answer to that question is probably not. The expert evidence provided by Colorado is convincing in demonstrating that discharge from the pipeline to the North Fork can and should be measured, rather than modeled. However, this determination alone does not fully address the issue of how much augmentation credit should be awarded for the measured delivery. That issue, in turn, triggers factual and policy concerns. The expert evidence provided by Kansas demonstrates use of the pipeline will result in an increase in negative pumping impacts, and thereby provide a long-term additional benefit to Colorado to the detriment of Kansas. Kansas raises a related issue regarding the treatment of transit losses between the point of discharge and Swanson Reservoir for purposes of determining augmentation credit. It is reasonable for Kansas to insist that such impacts be considered in calculating the amount of augmentation credit, whether by use of the Model, or through some other approach agreed to by the States and incorporated into the FSS through stipulated agreement.

For example, the States could agree to use measured discharge data for the purposes of determining the raw quantity of pipeline deliveries, but elect to apply additional factors in computing the amount of augmentation credit associated with the delivery. One such option may be to agree upon an automatic reduction of the raw quantity amount to offset the asserted negative pumping impacts and reflect a policy cost for implementing the pipeline as a method of mitigating the effects of other groundwater pumping by Colorado. A 10% reduction is recommended as a reasonable reflection of the potential impact based on seasonal deliveries, but an amount likely to be within the range of reasonable economic cost to Colorado.

Alternatively, Colorado could amend the CCP Proposal to include a method for utilizing the model to determine augmentation credit, and resubmit the proposal for approval by the RRCA.

In its present form, the CCP Proposal does not meet the requirement of Section IV.H. Therefore, it is not unreasonable for Kansas to withhold its consent to the Proposal.

2. Whether the CCP Proposal would allow Colorado to replace South Fork overuse with augmentation flow delivered to the North Fork.

Ultimate Findings and Conclusions

The CCP Proposal is not intended to allow Colorado to replace South Fork overuse with augmentation flow delivered to the North Fork for purposes of determining Compact compliance with sub-basin allocations; however, the intention should be more clearly reflected in the Proposal and related modifications to the RRCA Accounting Procedures. The CCP Proposal would allow for use of North Fork augmentation in computing Colorado's statewide compliance; however, Kansas raises a legitimate policy question as to whether an augmentation plan may be used to artificially create a surplus in one sub-basin in order to meet the statewide compliance test. Therefore, it was not unreasonable for Kansas to withhold its consent to the CCP Proposal on this basis.

Summary of Issue and Key Evidence

Kansas raises two objections with respect to the potential impacts of the CCP Proposal on South Fork compliance. First, Kansas asserts that the Proposal unreasonably allows Colorado to offset overuse on the South Fork with augmentation flow supplied only to the North Fork. C. Kan. Exh. 2 at 10 (Barfield Report); Tr. Vol.2, p. 471, ln. 25 – p. 472, ln. 7 (Barfield). Second, Kansas argues Colorado's pipeline plan, if approved, would allow it to achieve statewide compliance through crediting and not as a result of reducing its beneficial consumptive use. Kan. Post-Trial Brief at 19-20. Kansas explains that even if augmentation credit is limited to the North Fork basin for purposes of determining compliance with the sub-basin impairment test, the CCP Proposal will allow Colorado to offset overuse in the South Fork with excess water delivered into the North Fork sub-basin for purposes of demonstrating statewide compliance. This, in turn, would give Colorado access to un-allocated water in the South Fork sub-basin to which it would not otherwise be entitled in the absence of the augmentation effort. *Id.* at 21. According to Kansas, this approach offers too much flexibility to Colorado, allowing Colorado

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Non-Binding Arbitration initiated March 21, 2013

pursuant to

Decree of May 19, 2003, 538 U.S. 720

Kansas v. Nebraska & Colorado

No. 126 Orig., U.S. Supreme Court

Report on the

Colorado Bonny Reservoir Accounting Proposal

Republican River Compact

Response to proposal prepared by State of Colorado, dated April 5, 2103

Prepared by

Steven P. Larson¹ and Samuel P. Perkins²

¹S. S. Papadopoulos & Associates, Inc., Bethesda, MD;

²Kansas Department of Agriculture, Division of Water Resources, Topeka, KS

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Introduction

The purpose of this report is to present a response to the Colorado proposal for changing the accounting procedures to reflect future operations of Bonny Reservoir. The Colorado proposal is described in attachments to a letter dated April 5, 2013 from Dick Wolfe, Colorado Commissioner, RRCA to David Barfield and Brian Dunnigan, Kansas and Nebraska Commissioners, RRCA, respectively (Colorado DWR, 2013).

Background

Colorado has proposed changes to the RRCA accounting procedures to reflect new conditions associated with the operation of Bonny Reservoir. Under the proposal, accounting for the South Fork Subbasin would be done in three different ways depending on conditions in Bonny Reservoir. The three conditions are characterized as “Dry Bonny”, “Small Bonny”, and “Full Bonny”. A so-called “Dry Bonny” condition is defined as a reservoir stage below an elevation of 3638.5 feet and presumably would not have any water in storage. A “Small Bonny” condition is defined as a reservoir elevation between 3638.5 feet and 3679.83 feet. The volume of stored water between these two extremes ranges from essentially zero at the low end to more than 54,500 acre-feet on the high end. A “Full Bonny” condition is defined as anything above the “Small Bonny” condition or more than 54,500 acre-feet of stored water.

Colorado proposes to adjust conditions used to represent Bonny Reservoir in the RRCA Groundwater Model based on which of the defined conditions fits the observed status of the reservoir under historical stream flow conditions. The status will be based on reservoir elevation data reported by the U. S. Bureau of Reclamation (USBR). The details of these adjustments are contained in the Colorado proposal and will not be repeated here.

As we understand Colorado’s proposal, a “Dry Bonny” condition would assume no reservoir storage and no reservoir evaporation loss and would also assume that all inflows would pass through the reservoir structure without being re-regulated. This assumption would be made for both the historical or baseline run of the model with all State’s pumping on and for the alternative model runs where one of the States pumping would be off. In other words, the presumption is that if inflows were passed downstream in the historical condition (not re-regulated), they would also pass downstream in the alternative condition in spite of higher inflows that might be occurring in the alternative model run.

The “Small Bonny” condition would assume that some water is being stored in the reservoir and that there would be some evaporation loss associated with the storage of water. The amount of evaporation loss will be computed based on the amount of water stored and the estimated surface area of the reservoir associated with that storage. Under the “Small Bonny” condition, the specification of conditions used to represent Bonny Reservoir in the RRCA Groundwater Model

will vary depending upon data obtained from the USBR. Some of these conditions are described in the proposal (Colorado DWR, 2013). The proposal does not describe how inflows to and outflows from the reservoir will be specified in the RRCA Groundwater Model under the “Small Bonny” condition.

Colorado has provided examples of how their proposal would be applied in the RRCA Groundwater Model under a “Dry Bonny” condition and under a “Full Bonny” condition. No examples have been provided to show how their proposal would be applied under a “Small Bonny” condition. Based on the deposition of Dr. Willem Schreuder taken on July 23, 2013, Kansas believes that under the “Small Bonny” condition, Colorado intends to treat the reservoir in the same fashion that it does under the “Full Bonny” condition except that the size of the reservoir footprint would be adjusted based on the reservoir stage information obtained from the USBR. Further, based on Dr. Schreuder’s testimony, Kansas believes that, under the “Small Bonny” condition, inflows to the reservoir will not be routed downstream and that the inflow into the reach below the reservoir will be specified as the amount of flow from a toe drain located at the base of the reservoir. It is also presumed that the amount of inflow into the reach below the reservoir would be the same for both the historical or baseline run of the model with all State’s pumping on and for the alternative model runs where one of the States pumping would be off. If Kansas understanding is correct, the “Small Bonny” condition would have the exact same specifications as the “Full Bonny” condition except for the size and water elevation specified for the reservoir and the amount of toe drain flow specified as inflow below the reservoir.

Calculation of Impacts with the Colorado Proposal

Colorado has provided to Kansas examples of how their proposal would be applied under a “Dry Bonny” condition and under a “Full Bonny” condition. The “Dry Bonny” condition has been referred to as a “No Bonny” condition in the materials provided by Colorado. The essence of this condition is the assumption that all inflows to the stream reach associated with Bonny Reservoir will be translated downstream as if the stream system were in the same condition that existed prior to the construction of Bonny Reservoir. As mentioned previously, Colorado did not provide examples of how a “Small Bonny” condition would be applied under their proposal. In 2011, Colorado did provide some examples of a “Small Bonny” scenario as part of discussions with Kansas. However, this scenario did not include the variations in reservoir conditions that are part of the current Colorado proposal.

A comparison of impacts calculated under the Colorado proposal for a “Dry Bonny” or “No Bonny” condition with impacts under a “Full Bonny” condition were provided by Colorado. The calculated impacts from pumping in Colorado, Kansas, and Nebraska are shown on Tables 1 through 3, respectively. The impacts shown on these tables represent calculations over a 40-year study period from 2010 to 2049. Hydrologic conditions from the historical period from 2000 to 2009 were repeated four times to create the assumed conditions for the 40-year study period.

The impacts shown on the tables are the computed beneficial consumptive use for groundwater (CBCUg) associated with pumping in each State at each of the different accounting points. Results such as these are used to determine total CBCUg for each State and to determine the computed water supply that is part of the water allocated to each State under the compact and the FSS.

Tables 1 through 3 show three columns under each accounting point; the impacts with Bonny Reservoir or “Full Bonny” (designated as WB), the impacts without Bonny Reservoir or “Dry Bonny” (designated as NB), and the difference between the two impacts (designated Del). The far right hand set of columns provides the total impact for each year of the study period and the last line of each table shows the average impacts over the 40-year study period.

The results compiled on Tables 1 through 3 show that the difference between a “Full Bonny” condition (WB) and a “Dry Bonny” condition (NB) under the Colorado proposal is significant. For Colorado, the “Dry Bonny” condition would reduce CBCUg by an average of over 8,500 acre feet per year over the study period from what it would be under the “Full Bonny” condition (Table 1). Similarly, for Kansas, the “Dry Bonny” condition would reduce Kansas’ CBCUg by an average of over 2,400 acre feet per year (Table 2). For Nebraska, the “Dry Bonny” condition would create a relatively small difference from the “Full Bonny” condition, a reduction of about 250 acre feet per year on average (Table 3). The nature of the significant differences under the “Dry Bonny” condition is discussed further below.

Impact of the Colorado Proposal on Calculations of CBCUg without Bonny Reservoir

As shown on Tables 1 through 3, almost all of the differences in CBCUg between the two conditions are under the South Fork accounting point column and the Bonny (Reservoir) column. The reduction in CBCUg under the “Dry Bonny” condition is related principally to two factors, the elimination of the reservoir conditions to represent Bonny Reservoir and the passing of inflows originating above the reservoir into downstream reaches.

The first factor (elimination of the reservoir) accounts for about 3,100 acre feet per year of the total average reduction in Colorado CBCUg. When Bonny Reservoir is included, the CBCUg for Colorado associated with the reservoir averages about 1,700 acre feet per year (Table 1). This CBCUg is associated with depletions from the reservoir water body associated with Colorado pumping.

When the reservoir is not included in the model, the stream reach that constitutes the reservoir is considered to be as it was prior the reservoir. Under this condition, model calculations show that more stream water is lost from this reach when there is no pumping in Colorado than when there is pumping in Colorado (the historical condition). This is due to the fact, that when Colorado pumping is on, inflows to the reservoir are totally depleted for many of the years in the study period. When there is no inflow, there is no loss of water in the reservoir stream reach. When

Colorado pumping is off, inflows to the reservoir are significant and relatively continuous and some of the flow is lost in the reservoir stream reach. The difference between the two results produces a negative impact in the CBCUg calculations as shown on Table 1. This negative impact averages about 1,400 acre feet per year over the study period. As a result, the total effect of removing the reservoir is to change from a positive impact of 1,700 acre feet per year on average to a negative impact of 1,400 acre feet per year for a total change of about 3,100 acre feet per year.

The remainder of the reduction in Colorado CBCUg (about 5,600 acre feet per year on average) is related to losses in other portions of the South Fork stream network associated with passing inflows originating above the reservoir into downstream reaches. Table 4 has been compiled to illustrate how losses in the different downstream reaches impact calculations of CBCUg.

Table 4 shows the calculated differences in stream base flow associated with pumping in Colorado at seven different points along the South Fork stream network. These calculations are the calculated CBCUg for Colorado pumping at the different points along the South Fork stream network. The columns in left to right order are: 1) South Fork above Bonny, 2) Landsman Creek tributary, 3) South Fork above Bonny Reservoir, 4) South Fork at Bonny Reservoir outlet, 5) South Fork below Bonny Reservoir, 6) South Fork at Colorado-Kansas State line, and 7) South Fork at the confluence with the Republican River. In subsequent columns, the differences in CBCUg across each of five reaches are tabulated. The first reach is from the combination of points 1 and 2 above to point 3. The next three reaches are; point 3 to point 4, point 4 to point 5, point 5 to point 6, and point 6 to point 7.

As shown on Table 4, the differences in CBCUg for the reaches below the combination of the South Fork above Bonny and Landsman Creek tributary are almost all negative. This means that the CBCUg for Colorado above Bonny Reservoir is progressively reduced as one moves down the stream network to the confluence with the Republican River. This reduction in CBCUg is a result of the same process that was discussed above for the Bonny Reservoir reach. Losses are greater when Colorado does not pump and more base flow is in the stream network than when Colorado is pumping and little or no base flow is in the stream network.

Some of the reduction in Colorado CBCUg occurs above the Colorado-Kansas State line (about 2,700 acre feet per year on average) and some occurs between the State line and the confluence (about 3,200 acre feet per year on average). At the State line, the Colorado CBCUg averages about 8,600 acre feet per year over the study period. At the confluence with the Republican River, the Colorado CBCUg averages about 5,400 acre feet per year.

Reductions in CBCUg and Unallocated Residuals

The reductions in CBCUg discussed above are largely related to calculations of dry stream conditions in the RRCA Groundwater Model. When dry stream conditions are calculated in the

historical run of the model, no losses of base flow will occur. When one of the States' pumping is removed and the stream is calculated to have base flow, losses can occur that do not occur in the historical run of the model where pumping for all of States is included. These conditions can result in the calculation of a negative impact (negative CBCUg). As dry stream conditions become more extensive in the RRCA Groundwater Model, there is generally an increasing departure between the sum of the individual impacts (CBCUg) calculated for each State and the total impact that would be calculated if the pumping in all of the States were considered simultaneously. These departures represent a residual CBCUg that is not allocated under the calculation procedures outlined in the FSS. The departures are the result of non-linear behavior of the RRCA Groundwater Model which results in a situation where the sum of the individual impacts does not necessarily equal the whole.

In the case of the "Dry Bonny" condition under the Colorado proposal, the departures or unallocated depletions or CBCUg for the South Fork stream network described above are larger than when a "Full Bonny" condition is assumed. Under the "Dry Bonny" condition, the sum of the impacts for the South Fork stream network (including the Bonny reach) are about 3,800 acre feet per year less on average than the total impact over the 40-year study period used by Colorado. Under the "Full Bonny" condition, the comparable result for the South Fork stream network including Bonny Reservoir is about 700 acre feet per year less on average. These results demonstrate that under a "Dry Bonny" condition, unallocated depletions or residual CBCUg would be much more significant than under a "Full Bonny" condition.

Summary

The results described above provide some demonstration of how the Colorado proposal will impact calculations of CBCUg. Changing representation of Bonny Reservoir in the RRCA Groundwater Model from its current representation as a reservoir to its pre-reservoir condition as just another part of the South Fork stream network produces significant changes in the calculations of CBCUg. In particular, reductions in CBCUg caused by dry stream conditions along the South Fork stream network become significant both above and below the Colorado-Kansas State line when Bonny Reservoir is assumed to be in the "Dry Bonny" condition. Unallocated residual CBCUg for the South Fork stream network are also greater under the "Dry Bonny" condition.

Qualifications

This report was prepared by Steven P. Larson with assistance from Dr. Samuel P. Perkins and Dr. Alexandros Spiliotopoulos. I am a principal and the Executive Vice President of S.S. Papadopoulos & Associates, Inc. (SSP&A), a firm that provides consulting services related to environmental and water-resource issues. My area of expertise is hydrology, with emphasis on groundwater hydrology.

I hold a Bachelor of Science in Civil Engineering from the University of Minnesota, conferred in 1969, and a Master of Science in Civil Engineering, also from the University of Minnesota, conferred in 1971. I am a member of the Association of Ground Water Scientists and Engineers (a division of the National Ground Water Association) and the American Institute of Hydrology. I am also certified as a Professional Hydrologist/Ground Water with the American Institute of Hydrology.

Prior to joining SSP&A in 1980, I was employed as a hydrologist with the Water Resources Division of the U.S. Geological Survey (USGS) for almost 9 years. During my tenure with the USGS, I conducted numerous hydrological studies on a variety of groundwater and surface water problems and conducted research into the development of mathematical models to simulate groundwater flow processes. This work included working on the project that ultimately led to the development of the program, MODFLOW, which was the program used to construct the RRCA Groundwater Model. I have spent the last 33 years with SSP&A conducting and managing projects related to a variety of environmental and water-resource issues. During my tenure at SSP&A, I have been involved in numerous projects covering a wide spectrum of technical, environmental, and legal issues including environmental impact evaluations, evaluations of water-resource development, water-rights permitting and adjudication, remedial investigations at CERCLA and other waste-disposal sites, feasibility studies, engineering evaluations/cost analyses, and remedial action plans.

I have also testified as an expert in numerous legal and administrative forums. These cases have included permit and licensing hearings, water-rights adjudications, arbitration hearings, interstate compact claims, toxic torts, liability claims, various legal actions under CERCLA, property damage claims, and insurance claims.

As part of my work for the State of Kansas on issues related to the Republican River, I served as an expert on modeling regarding development of the RRCA Groundwater Model. Further, I was a member of the Modeling Committee on behalf of the State of Kansas that was charged with development of the groundwater model. In that capacity, I actively participated in the technical efforts by the three states in development, calibration, and operation of the RRCA Groundwater Model. As a result of that work, I am very familiar with the groundwater Model, its structure, its capabilities, and the manner in which it is applied for use in the RRCA Accounting Procedures.

References

Colorado Department of Water Resources (Colorado DWR). 2013. Resolution by the Republican River Compact Administration regarding modifications to the accounting procedures to reflect future operations of Bonny Dam and Reservoir. April 5, 2013.

Table 4: Colorado CBCUg at various points on the South Fork stream network under the "No Bonny" condition.

Year	South Fork above Bonny Reservoir	Landsman Creek (above Bonny Reservoir)	South Fork inflow to Bonny Reservoir	South Fork at Bonny Reservoir Outlet	South Fork below Bonny Reservoir	South Fork at CO-KS State Line	South Fork at Confluence with RR	Difference Reach 1	Difference Reach 2	Difference Reach 3	Difference Reach 4	Difference Reach 5	Total Difference
2010	8,151	592	8,371	7,752	7,658	6,052	3,735	(372)	(619)	(94)	(1,606)	(2,317)	(5,008)
2011	10,395	261	10,787	9,705	9,659	9,189	3,299	132	(1,082)	(47)	(470)	(5,890)	(7,357)
2012	8,315	11	7,977	6,774	6,687	5,438	2,467	(349)	(1,203)	(87)	(1,249)	(2,971)	(5,859)
2013	9,886	-	9,606	8,036	7,916	6,437	1,828	(280)	(1,570)	(120)	(1,479)	(4,609)	(8,058)
2014	10,470	-	10,083	8,246	8,163	6,615	1,882	(387)	(1,837)	(83)	(1,548)	(4,734)	(8,589)
2015	12,131	19	11,806	10,084	10,006	8,954	5,219	(345)	(1,722)	(77)	(1,052)	(3,735)	(6,931)
2016	9,493	23	9,181	7,955	7,884	6,601	5,451	(335)	(1,225)	(72)	(1,282)	(1,151)	(4,065)
2017	10,218	37	10,036	9,000	8,944	8,239	6,273	(218)	(1,036)	(56)	(705)	(1,965)	(3,981)
2018	12,522	30	12,270	10,254	10,153	9,202	6,658	(282)	(2,016)	(101)	(951)	(2,543)	(5,894)
2019	14,928	571	16,156	15,230	15,230	16,528	15,345	658	(927)	0	1,298	(1,183)	(154)
2020	8,899	610	9,184	8,603	8,526	7,852	8,625	(326)	(581)	(77)	(674)	773	(885)
2021	11,016	287	11,009	9,935	9,883	9,275	3,249	(293)	(1,074)	(52)	(608)	(6,026)	(8,053)
2022	8,410	20	8,126	6,953	6,843	5,486	2,294	(304)	(1,172)	(110)	(1,357)	(3,192)	(6,136)
2023	9,988	-	9,758	8,216	8,082	6,486	1,701	(230)	(1,542)	(134)	(1,596)	(4,785)	(8,286)
2024	10,577	-	10,242	8,368	8,282	6,635	1,723	(335)	(1,874)	(86)	(1,647)	(4,912)	(8,854)
2025	12,239	31	11,981	10,223	10,143	8,988	4,970	(289)	(1,757)	(81)	(1,154)	(4,018)	(7,299)
2026	9,594	32	9,314	8,068	7,994	6,619	5,276	(312)	(1,246)	(74)	(1,375)	(1,342)	(4,350)
2027	10,324	50	10,193	9,128	9,058	8,271	6,041	(180)	(1,065)	(69)	(787)	(2,230)	(4,332)
2028	12,627	41	12,446	10,370	10,270	9,227	6,437	(222)	(2,076)	(100)	(1,043)	(2,789)	(6,231)
2029	17,280	604	18,023	16,396	16,382	16,658	15,008	139	(1,626)	(14)	276	(1,651)	(2,876)
2030	9,609	623	9,961	9,294	9,237	9,607	10,507	(270)	(667)	(57)	370	899	275
2031	11,116	302	11,157	10,032	9,979	9,295	3,058	(261)	(1,125)	(53)	(684)	(6,237)	(8,360)
2032	8,501	27	8,262	7,043	6,928	5,503	2,127	(267)	(1,219)	(115)	(1,426)	(3,376)	(6,401)
2033	10,086	0	9,887	8,312	8,182	6,502	1,573	(199)	(1,575)	(130)	(1,680)	(4,929)	(8,513)
2034	10,682	-	10,380	8,438	8,351	6,638	1,614	(302)	(1,942)	(86)	(1,713)	(5,024)	(9,068)
2035	12,341	38	12,166	10,307	10,225	9,000	4,731	(213)	(1,859)	(82)	(1,226)	(4,269)	(7,648)
2036	9,687	39	9,428	8,142	8,067	6,628	5,095	(298)	(1,286)	(75)	(1,439)	(1,532)	(4,631)
2037	10,423	58	10,337	9,216	9,137	8,292	5,834	(143)	(1,121)	(79)	(845)	(2,458)	(4,647)
2038	12,730	49	12,613	10,459	10,360	9,248	6,231	(166)	(2,154)	(99)	(1,112)	(3,017)	(6,549)
2039	18,374	624	18,790	17,089	17,012	16,708	14,683	(208)	(1,702)	(77)	(305)	(2,025)	(4,315)
2040	10,421	311	11,132	10,363	10,354	10,083	11,024	81	(769)	(9)	(270)	941	(27)
2041	11,210	311	11,295	10,106	10,052	9,358	2,876	(226)	(1,189)	(54)	(694)	(6,482)	(8,644)
2042	8,587	31	8,366	7,117	7,006	5,548	1,971	(251)	(1,250)	(111)	(1,458)	(3,576)	(6,646)
2043	10,177	1	9,986	8,388	8,260	6,539	1,443	(193)	(1,598)	(128)	(1,721)	(5,096)	(8,735)
2044	10,775	-	10,474	8,493	8,406	6,652	1,543	(301)	(1,981)	(87)	(1,755)	(5,109)	(9,232)
2045	12,435	42	12,341	10,377	10,294	9,021	4,541	(135)	(1,964)	(83)	(1,273)	(4,480)	(7,935)
2046	9,774	43	9,539	8,206	8,130	6,649	4,923	(278)	(1,334)	(76)	(1,481)	(1,725)	(4,895)
2047	10,515	63	10,473	9,291	9,204	8,318	5,672	(105)	(1,181)	(87)	(886)	(1,646)	(4,905)
2048	12,820	53	12,765	10,528	10,430	9,265	6,037	(108)	(2,237)	(98)	(1,165)	(3,228)	(6,836)
2049	18,499	635	18,931	17,187	17,104	16,754	14,364	(202)	(1,744)	(82)	(350)	(2,391)	(4,770)
Average 2010-2049	11,156	170	11,121	9,692	9,612	8,609	5,433	(204)	(1,429)	(80)	(1,003)	(3,176)	(5,892)

Non-Binding Arbitration initiated March 21, 2013

pursuant to

Decree of May 19, 2003, 538 U.S. 720

Kansas v. Nebraska & Colorado,

No. 126 Orig., U.S. Supreme Court

Report on the

Colorado's Compact Compliance Pipeline Proposal and
Bonny Reservoir Accounting Proposal

Republican River Compact

Response to application and proposal by State of Colorado, dated April 5, 2013

Prepared by

David W. Barfield, P.E.

Chief Engineer, Division of Water Resources

Kansas Department of Agriculture

July 29, 2013

I. Qualifications.

From late 1992 until becoming Chief Engineer in 2007, a principal part of my professional work was dedicated to the study and assessment of the hydrology and water infrastructure of the Republican River Basin (“Basin”) and administration of the Republican River Compact (“Compact”). This work engaged the many technical challenges of administering the Compact before, during, and after the litigation that produced the Final Settlement Stipulation of 2003 (“FSS”). As part of these duties, I was involved in all of the technical discussions related to the negotiation of the FSS, its Accounting Procedures, the RRCA Groundwater Model (“Model”), and all joint sessions of the various negotiation teams. After the adoption of the FSS, my work focused on implementing that agreement.

Since 2007, I have served as the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture. In that capacity, I have two principal duties. My first duty is that of a professional engineer specializing in water resources. This duty includes the analysis of water supplies, water resources management, surface water and groundwater hydrology, groundwater modeling, and the assessment of water structures. My second duty is that of the Chief Engineer. As Chief Engineer, I have the duty to administer and enforce the laws relating to water supply for the State of Kansas. These consist principally of the Kansas Water Appropriation Act, the four interstate compacts to which Kansas is a party, and numerous other laws and implementing regulations related to special water districts in Kansas, dams and dams safety, floodplain activities, and more. It is my duty to ensure that my administration of these laws and regulations accords with the realities of the State of Kansas – most importantly, the realities of its water supplies and of its water needs. As the Kansas commissioner to the Republican River Compact Administration (“RRCA”), I am responsible for all Compact-related matters. As a technical expert for Kansas leading up to and during the 1998-2003 litigation and settlement, and now as Chief Engineer, I have served in the administration of the Compact for nearly twenty years.

II. Introduction.

This report summarizes my technical and administrative review of the Colorado’s Compact Compliance Pipeline Proposal (“CCP Proposal”) and Colorado’s Bonny Reservoir Accounting Proposal (“Bonny Proposal”) as was submitted to the RRCA in April 2013, and are now the subject of this arbitration. This report rests upon my three areas of expertise. First, it rests upon my role as Compact Commissioner for Kansas. Second, it rests upon my expertise in administering the Compact, the FSS, and its Accounting Procedures. I necessarily follow the rules, tests, and procedures set forth by these documents, and apply facts to them, using my own expertise. Finally, it rests upon my expertise in evaluating the hydrology and water resources of the Basin.

This report includes, for reference, my previous expert report on Colorado's previous CCP Proposal. Sections II through V of my previous report remain as important background for both the CCP issue and the Bonny issue, but will not be repeated here due to the Arbitrator's familiarity with this content from the 2010 arbitration.

Section III of this report includes an update to the procedural history on the CCP Proposal, with a focus on the current revised proposal. This section discusses the narrowing of the issues from the first arbitration by Colorado's revised proposal and through subsequent discussions between Colorado and Kansas since its submittal. Sections IV-VI discuss the remaining CCP issues, focusing on the remaining inadequacies of Colorado's proposal. Section VII provides background on Colorado's Bonny Proposal. Section VIII discusses the inadequacies of Colorado's Bonny proposal, focusing on its management implications.

My opinions are as follows:

1. The FSS requires RRCA approval of augmentation plans so that the States may fully review them to ensure that such plans are fully and appropriately integrated into the Accounting Procedures and the Model, and that such plans have sufficient terms and conditions to protect the interests of all the States consistent with the Compact and FSS. See section V of my previous report.
2. As set forth more fully in Section IV below, the CCP Proposal requires the following elements, which it presently lacks.
 - a. The CCP Proposal requires determination of the augmentation credit through the appropriate use of the Model to account for losses. Colorado's current proposal is an inappropriate use of the Model for this purpose.
 - b. The CCP Proposal continues to lack adequate operational limits which do not protect Kansas entitlements on the South Fork Republican River.
 - c. The CCP Proposal continues to include a CCP delivery method that relies on a disputed interpretation of Colorado's water-short year requirements, and the calculation method must be resolved.
3. Colorado's Bonny Reservoir Accounting Proposal is inappropriate for the following reasons:
 - a. It fails to accurately represent the effects of Colorado's pumping on the basin's water supply.

- b. It fails to sufficiently address evaporation from Bonny Reservoir's area in its new operational mode.
 - c. Separate from the reduction in CBCUs caused by reductions to evaporation, the substantial reduction in Colorado's CBCUg affected by a simple change to the Groundwater Model is an inequitable departure from the agreement that was negotiated at the time the FSS was developed and adopted by the States and Court.
4. A revised Bonny Reservoir Accounting Proposal should be developed which:
- a. Avoids a substantial increase in residuals (unallocated depletions) resulting from modeling of Bonny Reservoir; and
 - b. Includes methods to accurately assess the surface water losses from the Bonny Reservoir area.

III. Background on Colorado's revised CCP Proposal, its consideration by the RRCA, and subsequent discussions with Colorado.

In 2009, Colorado brought its CCP Proposal to the RRCA for approval. Kansas was not able to approve the Proposal and the issue was arbitrated. In my report for that arbitration, I listed seven issues of concern leading to Kansas rejection of the proposal as follows:

1. The Colorado Proposal does not follow the Model and the Accounting Procedures of the FSS.
2. North Fork accounting credits must be limited to protect Kansas' subbasin allocations on the South Fork.
3. The operational limitations of Colorado's Proposal are ineffective.
4. The Colorado Proposal lacks any temporal limits.
5. Colorado's proposed changes to the Accounting Procedures require full review by the States.
6. Colorado's "catch-up" provisions are inadequate.
7. Colorado must explain the reasons for its increase in augmentation water to 25,000 acre-feet per year.

The Arbitrator ruled that Kansas had legitimate concerns that were not adequately addressed in Colorado's proposal and that Kansas was justified in withholding its approval of the CCP.

Following this, Kansas and Colorado resumed settlement discussions. In late 2011, Colorado ordered the draining of Bonny Reservoir to address Colorado's South Fork Republican River overuse. This introduced a significant new issue; the appropriate way to deal with the accounting and modeling of Bonny Reservoir in light of its revised condition and anticipated operations.

Colorado presented a revised CCP Proposal to the RRCA on April 5, 2013. In submitting the matter to the RRCA, Colorado included a schedule that required RRCA action within 30 days and designated the issue as a "fast-track" issue, if the states did not adopt their proposal.

At the May 2, 2013 RRCA special meeting, Kansas voted not to adopt Colorado's proposal. At the meeting, I encouraged the State of Colorado to continue its dialogue with the State of Kansas to resolve our concerns, many of which appear to be close to resolution but are not yet fully resolved, in their revised proposal. Kansas devoted significant resources in working to resolve the issues between the States.

As of July 12, 2013, Colorado and Kansas reached an oral, conceptual agreement on the following issues:

- Issue 4. Specific elements for regular, periodic review of the project.
- Issue 5. Colorado would submit and Kansas would support additional clarifications to the accounting procedures that would include clear reporting requirements and attach the terms and conditions related to the project to the RRCA's accounting procedures
- Issue 6. Kansas concerns related to "catch-up" provisions will be sufficiently addressed in Colorado's projection methodology for determining operations and Colorado's stated intent not to replace overuse prior to this existing account period.
- Issue 7. The terms of the revised CCP are sufficient to address Colorado's desire to add up to 1500 acre-feet of additional capacity to the project in the future.

While our mutual agreement on these matters has not been finalized in written form, we are sufficiently confident in our agreement that Kansas has not addressed the foregoing Issues 4, 5, 6, and 7 in its reports and does not believe these issues need to be subjects of the arbitration trial. In the unlikely event that the states have misunderstood our mutual agreement, Kansas reserves its right to file supplemental report to address any unresolved issues.

In addition to issues 1-3 listed above which have not been resolved, Kansas has raised as a related issue to this proceeding the meaning of Colorado's Water-Short Year Administration compliance test.

IV. CCP Modeling and its accounting impacts

Kansas continues to hold that both augmentation pumping and augmentation flows must be properly treated in the Compact's accounting procedures. The States agree on the representation of pumping from augmentation wells in the model.

The States do not agree on the proper way to treat augmentation water that is placed into the river system. In demanding 100% credit for CCP deliveries, Colorado effectively refuses to account for and be held responsible for any losses that will befall the augmentation water. To fail to account for the losses that occur in the physical world would be to not only inflate the credit available to the augmenting state but would also result in errors in the RRCA's accounting.

In the previous arbitration, Kansas noted Colorado's failure to propose a method for determining augmentation credit that included using the Model to evaluate the impacts of Colorado's augmentation outflows. Kansas continues to hold that the Model must be used in this way to be consistent with the FSS and with the practical requirement to consider downstream losses.

In its commentary on its revised proposal, Colorado states the following:

“Based on further discussion with Kansas, Colorado proposes that Colorado be given 100% credit for CCP deliveries as an offset to stream depletions to the North Fork of the Republican River, provided the deliveries are in compliance with the other terms and conditions of the resolution, and that the CCP deliveries be included in all runs of the RRCA Groundwater Model (including the “Colorado Pumping” and the “No Colorado Pumping” runs used to determine stream depletions), as shown in the proposed revisions to the RRCA Accounting Procedures.”

For reasons cited in Mr. Larson's report, Kansas does not believe Colorado's proposal for use of the Model is appropriate as it does not use the model to determine the “augmentation credit” as required by the FSS. Instead it increases each state's groundwater CBCU in the Swanson reach based on the additional flows. This also increases CBCU to Nebraska and Kansas.

The Colorado method of including augmentation outflows in the “No Colorado Pumping” run of the Model creates an artificial condition, one that has never occurred, and one that appears to contradict itself, since the outflows cannot occur without the pumping that produces them.

The Colorado method underestimates the downstream losses of augmentation flows. Augmentation water that is pumped from groundwater and offsets groundwater depletions is a direct substitute for baseflow, and so whatever the fate of such baseflow, the same fate should attach to the augmentation water.

Colorado's explanation of its modeling proposal indicates it is responsive to Kansas' suggestions in our settlement discussion. Kansas did not advocate or suggest the modeling approach proposed by Colorado.

The use of the model to determine the augmentation credit as explained in Mr. Larson's expert report instead adjusts the augmentation credit to reflect the losses estimated by the Model. That is a more appropriate treatment of the basin's water supplies and allocations. As is shown in

Mr. Larson's expert report, the calculation of Colorado's augmentation credit estimated using Kansas' modeling method and Colorado's projected hydrologic future would result in a credit of approximately 88.5% on average of Colorado's deliveries, rather than the 100% credit that Colorado proposes.

V. Operational Limits and Protecting Kansas South Fork allocation

Kansas continues to hold that defined, transparent, and enforceable operational limits are necessary to ensure that Colorado's augmentation operations are reasonably tied to its compliance requirements and that North Fork augmentation does not replace Colorado's overuse of the South Fork. As is discussed in Mr. Book's report, Colorado's revised proposal continues to have insufficient operational limits.

VI. Colorado's Water-short year test

Under the FSS (Section V.B and its related accounting procedures), during periods when the basin is in a water-short condition, each state must keep its use to a more restrictive limit than that set by the normal 5-year average compliance test. Each state's test is specific to that state, and was crafted as a product of the FSS negotiations. These state-specific tests were intended to provide each State as much flexibility as possible in the use of its allocation, while remaining consistent with the needs and rights of the other States. Both Kansas and Nebraska have two-year compliance tests in water-short years. Nebraska must keep its use above Guide Rock within its allocation above Guide Rock over the two years; importantly, the accounting treats the year that is determined to be water-short as the second year, or Year 2, of the two-year average. Kansas must restrict its northwest Kansas use for the same two years. Colorado negotiated a five-year average test under water-short years rather than a two-year test. However, Colorado cannot include its share of the Beaver Creek allocation in this five-year test. See Attachment 1.

Kansas believes that the FSS and the accounting procedures require Colorado to exclude its share of the Beaver Creek allocation from all five years of this water-short year test. On the contrary, Colorado believes that only the water-short years are adjusted in the water-short test.

This issue has important ramifications for the CCP Proposal, because how it is resolved will significantly affect the amounts of projected deliveries estimated under that proposal. The difference between the States' positions is most pronounced in the first year of a water-short period. In Kansas' approach, all five years of Beaver Creek allocation would not be used in the accounting; in Colorado's approach, only that first year would not be used. See Attachment 2.

VII. Background on Colorado's Bonny Proposal

To address its overuse of the South Fork Republican River, Colorado drained Bonny Reservoir in late 2011. Colorado seeks to leverage the draining of Bonny Reservoir to reduce its CBCU on the South Fork in two ways. First, Colorado will be charged less evaporation from the drained reservoir. Second, Colorado proposes a change to the Model which will effectively

move the point in the river system at which Colorado's groundwater pumping impacts are evaluated from Bonny Reservoir to 40 miles downstream at Benkelman, Nebraska. Though there are no anticipated reductions to Colorado's groundwater pumping in the South Fork basin, this proposed Model change would have the effect of significantly reducing Colorado's groundwater CBCU. Attachment 3 displays the estimates of the groundwater pumping by the states of Colorado and Kansas from the work of the RRCA Groundwater Modeling Committee through the year 2000 and as reported to the RRCA by the states since the year 2000. Attachment 4 displays the determinations of the groundwater computed beneficial consumptive use (CBCU) from the RRCA Groundwater Model from the work of the RRCA Groundwater Modeling Committee through the year 2000 and based on data submitted to the RRCA since the year 2000.

As a result of the very significant impacts to the RRCA accounting in Colorado's modeling proposal, Kansas was not able to approve the proposed modeling change. Once again, Kansas invited additional negotiations with the State of Colorado to seek resolution of the issue. We have been unable to reach agreement on this issue.

This issue has not been arbitrated before.

VIII. Water Management Implications of Colorado's Bonny Proposal and the need for revisions to the Colorado Proposal

Mr. Larson's expert report discusses Colorado's proposal for modeling Bonny Reservoir and summarizes its dramatic reduction to Colorado's groundwater CBCU and increase in residuals (unallocated impacts). Thus, Colorado's Proposal appears to be an inaccurate representation of the impacts of Colorado's groundwater pumping.

In addition, Colorado's Proposal, if adopted, would affect the future management of this part of the Basin. Specifically:

- By producing a "paper water" reduction of Colorado's pumping impacts on the South Fork, the proposal allow Colorado to avoid making necessary reductions in South Fork consumption.
- By reducing Kansas' South Fork allocation, the proposals make Kansas' future compliance on the South Fork test more difficult.
- By reducing Kansas' allocation on the South Fork, the proposals also make Kansas' compliance on the Northwest Kansas test more difficult during water-short years. Kansas has relied upon its unused South Fork allocation to help meet its Water-Short Year Administration compliance test.

Mr. Book's report provides the specifics on these accounting impacts.

Regarding the accounting for Bonny Reservoir under Colorado's current operations, Kansas believes the following:

Bonny Modeling – Kansas believes that it is necessary to deal with these residuals when considering a change to Bonny Modeling.

Surface water evaporation – Colorado’s Proposal would assess reservoir evaporation from Bonny Reservoir in the same way as other federal reservoirs. Kansas believes this assumption will need to be closely examined. The reservoir area is undergoing significant changes, with the growth of substantial growth of certain phreatophytes, which are likely resulting in significant water use. This evolution will likely to continue over time. Kansas suggests the states assess the use of alternative methods to represent the evaporative losses from areas that are not water surface but are beyond the normal band of riparian vegetation of a stream corridor. This evaporation should be charged to Colorado.

List of attachments:

1. Attachment 1, “RRCA Accounting Procedures, Table 5a.”
2. Attachment 2, Colorado Beaver Creek Accounting Values
3. Attachment 3, *Annual Groundwater Pumping by Colorado and Kansas in South Fork Basin 1940-2012*
4. Attachment 4, South Fork Groundwater CBCU by Colorado and Kansas 1940-2011

References:

- Colorado’s Compact Compliance Pipeline Proposal, April 5, 2013
- Bonny Reservoir Accounting Proposal, April 5, 2013
- Dale E. Book, Report on Colorado Compliance Pipeline, July 29, 2013
- Steven P. Larson and Samuel P. Perkins PhD., Report on the Colorado Compact Compliance Pipeline Proposal, July 29, 2013
- Steven P. Larson and Samuel P. Perkins PhD., Report on the Colorado Bonny Reservoir Accounting Proposal, July 29, 2013
- David W. Barfield, Report on the Colorado Compliance Pipeline, June 22, 2010
- Dale E. Book, Report on the Colorado Compliance Pipeline, June 22, 2010
- Steven P. Larson, Kansas Expert Response to Colorado’s Expert Report, June 22, 2010.
- Republican River Compact
- Final Settlement Stipulation
- RRCA accounting procedures, August 12, 2010
- *Kansas v. Nebraska & Colorado*, No. 126 Orig., FIRST REPORT OF THE SPECIAL MASTER (SUBJECT: NEBRASKA MOTION TO DISMISS); 530 U.S. 1272 (2000)
- *Kansas v. Nebraska & Colorado*, No. 126 Orig., SECOND REPORT OF THE SPECIAL MASTER, April 15, 2003
- *Kansas v. Nebraska & Colorado*, No. 126 Orig., FINAL REPORT OF THE SPECIAL MASTER WITH CERTIFICATE OF ADOPTION OF RRCA GROUNDWATER MODEL, September 17, 2003.
- Steve’s expert report in KS v CO on the inadequacies of the 5-Run

Attachment 1

Table 5A: Colorado Compliance During Water-Short Year Administration

Colorado				
	Col. 1	Col. 2	Col. 3	Col 4
Year	Allocation minus Allocation for Beaver Creek	Computed Beneficial Consumptive minus Computed Beneficial Consumptive Use for Beaver Creek	Credits from Imported Water Supply excluding Beaver Creek	Difference between Allocation and Computed Beneficial Consumptive Use Minus Imported Water Supply for All Basins Except Beaver Creek Col 1 – (Col 2 – Col 3)
Year T= -4				
Year T= -3				
Year T= -2				
Year T= -1				
Current Year T= 0				
Average				

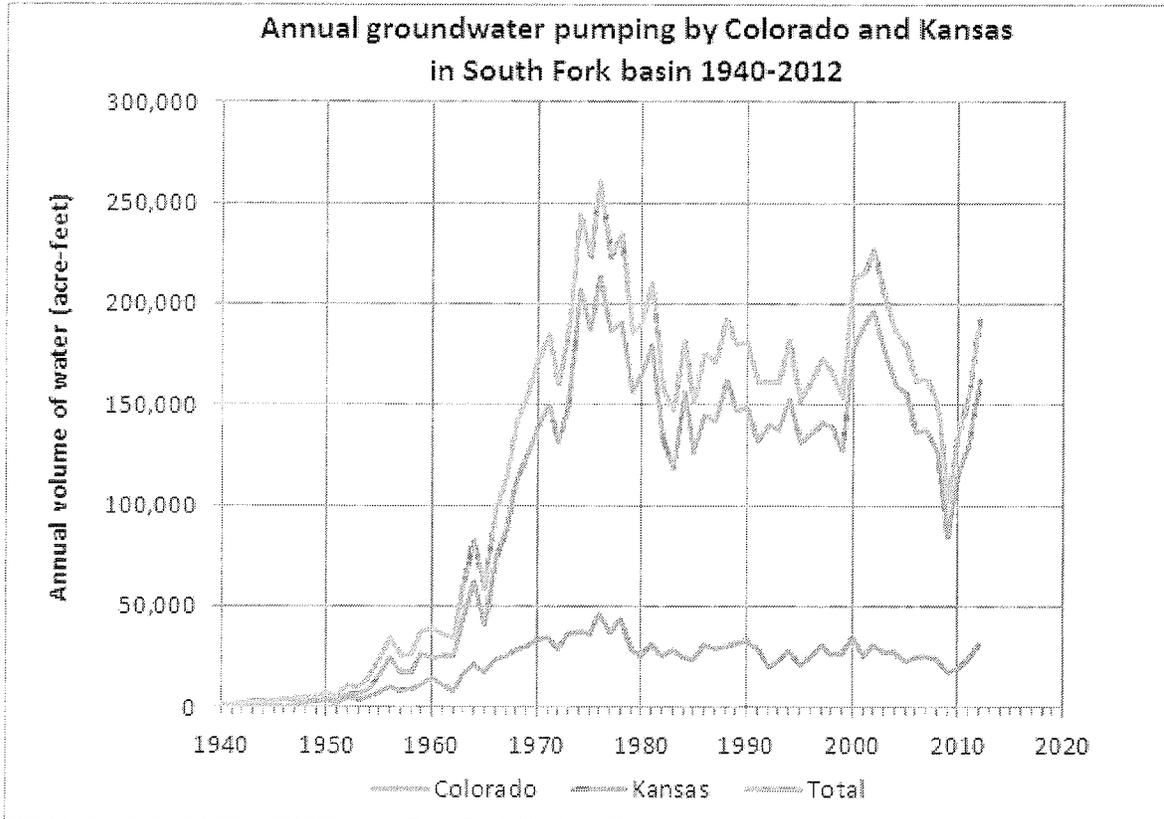
Attachment 2

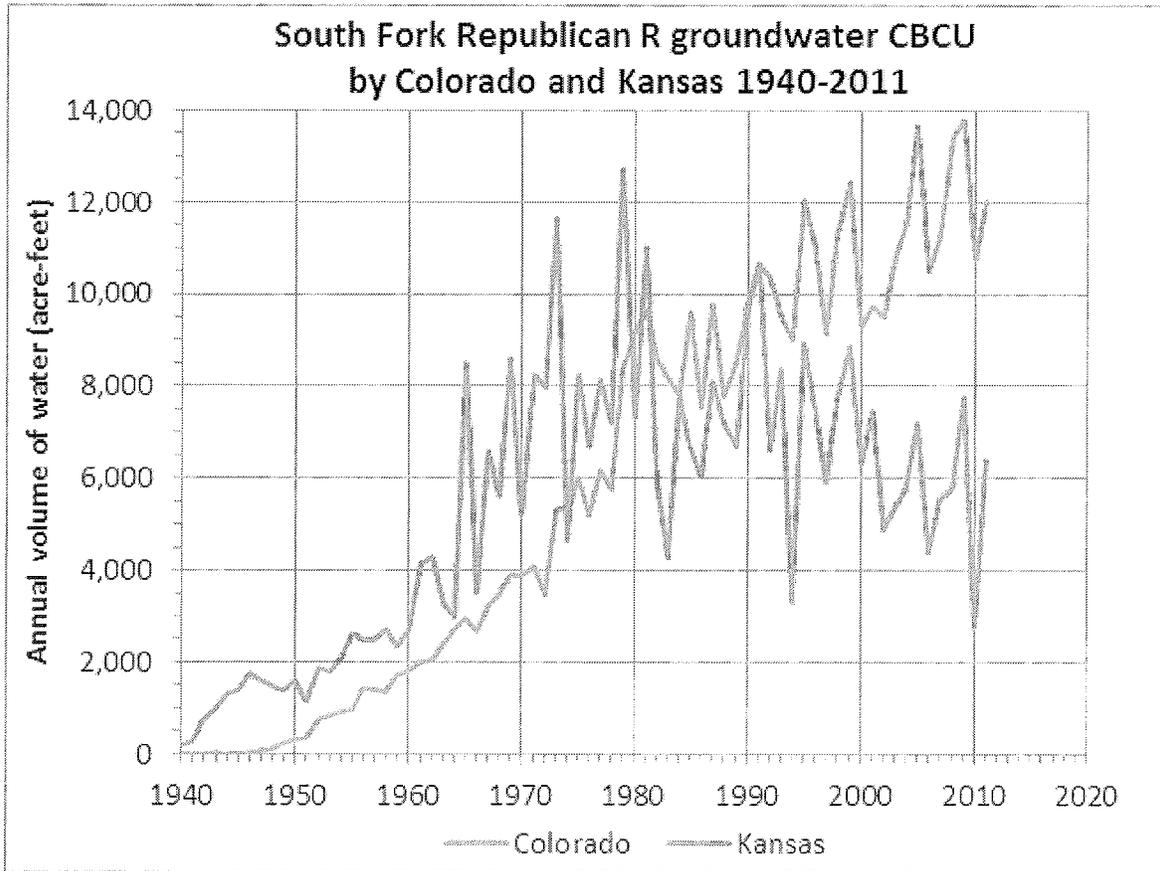
Colorado's Beaver Creek Allocations

	Colorado Computed Water Supply	Colorado Beaver Creek allocation	Colorado Beaver Creek CBCU	Colorado Beaver Creek Compliance	5-year Sum of Colorado Beaver Creek Allocation	Sum of Colorado Beaver Creek Allocations in Water- Short Years	Criteria met for Water- Short Year Declaration
1995	15,410	3,080	0	3,080			No
1996	27,430	5,490	0	5,490			No
1997	19,880	3,980	0	3,980			No
1998	12,880	2,580	0	2,580			No
1999	13,080	2,620	0	2,620	17,750		No
2000	9,690	1,940	0	1,940	16,610		No
2001	7,480	1,500	0	1,500	12,620		No
2002	3,870	770	0	770	9,410	770	Yes
2003	1,290	260	0	260	7,090	1,030	Yes
2004	1,820	360	0	360	4,830	1,390	Yes
2005	4,560	910	0	910	3,800	2,300	Yes
2006	7,110	1,420	0	1,420	3,720	3,720	Yes
2007	11,600	2,320	0	2,320	5,270	5,270	Yes
2008	15,480	3,100	0	3,100	8,110		No
2009	14,780	2,960	0	2,960	10,710		No
2010	13,630	2,730	0	2,730	12,530		No
2011	12,810	2,560	0	2,560	13,670		No
2012	9,310	1,860	0	1,860	13,210		No
2013*		800	0	800	10,910	10,910	Yes

* 2013 values are estimated for illustration purposes only

Attachment 3





Non-Binding Arbitration initiated May 2, 2013

Pursuant to

Decree of May 19, 2003, 538 U.S. 720

Kansas v. Nebraska & Colorado

No. 126 Orig., U.S. Supreme Court

Report on the
Colorado Compliance Pipeline

Republican River Compact

Response to Application Submitted by Colorado, dated April 5, 2013

Prepared by

Dale E. Book

Spronk Water Engineers, Inc.

July 29, 2013

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Table

1	Comparison of Colorado North Fork Stream Depletions and Colorado Overuse; 2003 - 2007
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1.0 Introduction

Colorado has resubmitted a proposal for the Compact Compliance Pipeline (CCP) Augmentation Plan. This Plan was previously considered during the arbitration proceeding of 2010. The physical components of the Project are essentially the same as for the prior submittal. A description of the project and some of the issues raised by the State of Kansas is included in my previous report, dated June 22, 2010. (2010 SWE report)

Colorado submitted an application, with a report (Exhibit 1), draft resolution for adoption by the RRCA (Exhibit A) and a mark-up of revised Accounting Procedures (Exhibit 2), on April 5, 2013. It is my understanding that no modifications were made to the proposal as a result of the RRCA Work Session of April 22, 2013 or the special administration Meeting of May 2. The Colorado submittal report includes discussion of the previous arbitrator's decision and responses to the recommendations from that report.

Since the time of the previous proceeding, compact accounting has been compiled on a preliminary basis, but has not been agreed to by the RRCA. The status of Colorado's compact compliance was documented in the 2010 SWE report through the year 2008 and has not been updated for this report.

2.0 Operational Limits - Whether Additional Operational Limits are Needed

The proposed operation of the CCP project is described in Exhibit A, the draft resolution (§ 8. A. – G.) and at section 2.3 of the report (pg. 8 and 9). These provisions are similar to the operational details testified to by Mr. Slattery at the hearing in 2010. Several modifications from the original Colorado proposal in 2009 have been incorporated.

The "Projected Delivery" will form the basis for the delivery of augmentation credit each year. An initial estimate is to be developed by April 1 each year. The initial Projected Delivery is now proposed to be based on the maximum stream depletion for the North Fork sub-basin over the previous five years, without pipeline deliveries. (§ 8A). This is different than the "Projected Delivery" proposed in 2009, which was the largest annual compliance deficit in the preceding ten years, statewide.

The Projected Delivery is then updated sometime prior to September 1. The basis for the update is stated in § 8.F of Exhibit A and in the report (pg. 9, § 4). The projected compact compliance status will be used to establish the pumping for the remainder of the year.

Table 1 provides the annual North Fork depletions and the comparison of CBCU to allocation for the South Fork and the North Fork for the years 2003 - 2007. The North Fork depletions averaged 14,364 acre-feet/yr. over this period. The statewide overuse is listed and averaged 11,574 acre-feet/yr. The amount that the CBCU exceeded the sub-basin allocations in the North Fork and South Fork is also shown. These comparisons averaged 7,814 and 5,818 acre-feet/yr.

respectively. Finally, the amount of the Statewide overuse, after subtracting out the South Fork overuse, averaged 5,756 acre-feet/yr.

The following comments are provided regarding the current proposal.

The term Projected Delivery is not explicitly defined. The resolution does not limit the allowable credit to the Projected Delivery. The proposal generally states that it is to be initially based on the largest stream depletions to the North Fork sub-basin during the previous five years without Pipeline deliveries (CO Resolution, ¶8.A.). Taken literally, this would be about 15,000 acre-feet at current levels of depletions.

Later in Colorado's resolution, they describe an update to the Projected Delivery required for the remainder of the subject accounting year, which will include any deficit owed from the previous four years (Exhibit A, ¶8.E.). It is unclear whether Colorado intends to include their Statewide deficit or if it will be limited to the North Fork deficit. Additionally, the Arbitrator recommended that the amount of credit approved for the North Fork, and used to determine Statewide compliance, should be reasonably tied to the amount of estimated overuse, not stream depletions, on the North Fork.

The resolution is silent on what amount, if any, of flexibility is to be included in the calculation of Projected Delivery in the update. The current language does not provide enough detail about the specifics of the calculation to identify how the projected delivery would be related to the projected compliance status. I previously recommended some flexibility in the application of projection calculations to determine the amount of augmentation pumping each year to account for uncertainty in the calculations.

3.0 South Fork Overuse

The current proposal does not identify a limit on the amount of augmentation credit for North Fork overuse to be applied to the determination of statewide overuse that is reasonably tied to North Fork overuse.

The proposal does not exclude any overuse in the South Fork sub-basin from the determination of projected delivery. Colorado's response on this matter is to note that augmentation credit will only be applied to the North Fork compliance in the sub-basin test (Table 4A). However, this limitation was also part of the 2009 proposal. This limitation is not sufficient to prevent the application of the credit in the statewide compliance test (Table 3A). Therefore it remains necessary to adjust the Projected Delivery to remove the South Fork overuse from the calculated need for compact compliance.

To address this issue, it is necessary to include in the procedure to update the Projected Delivery (¶8.E.) the following:

A forecast method is envisioned by the current proposal. To limit the credit for CCP deliveries to exclude South Fork overuse, it should be deducted from the Statewide forecasted overuse. Elements needed for the forecast would be CBCU, surface water hydrology, and Compact compliance status for the four previous years. A mechanism for estimating the current accounting year's hydrology and use would also be necessary. Consideration of Colorado's previous four year deficit, excluding the South Fork, needs to be factored into determination of the allowable CCP credit. The minimum delivery for any one year continues to be 4,000 acre-feet, as in the previous proposal.

Colorado's response on the matter of South Fork compliance with the sub-basin non-impairment test is that Bonny Reservoir has been ordered drained, and a proposal for revisions to the accounting has been submitted. Irrespective of how this separate request is resolved, the CCP Augmentation Plan should address the issue identified in the first arbitration proceeding to limit the use of North Fork augmentation credit reasonably to the North Fork overuse, to avoid the use of excess credit to satisfy the test for statewide compliance.

4.0 Use of the Groundwater Model

This issue was addressed in my 2010 report (pg. 11 – 12). I continue to hold the opinion that the augmentation water should be included in the model run with pumping on (i.e. actual conditions), when calculating the Colorado depletions due to Groundwater pumping.

Colorado's current proposal is different than this recommendation and includes the augmentation water in both the pumping and no-pumping model runs. This variation on representing augmentation water discharges with the model would include the augmentation well discharge in a condition with all pumping off in Colorado. This would result in a quantity of baseflow that is too high for such a condition.

5.0 References

1. Colorado Compact Compliance Pipeline Proposal; Submittal to RRCA; April 5, 2013
2. Pagel, Martha O., October 7, 2010, Arbitrator's Final Decision, In Re: Non-Binding Arbitration Pursuant to the Final Settlement Stipulation, *Kansas v. Nebraska and Colorado*, No. 126, Orig., U.S. Supreme Court
3. Book, Dale E., June 22, 2010, Report on the Colorado Compliance Pipeline Republican River Compact Response to reports prepared on behalf of Colorado, dated May 24, 2010, Expert Report prepared for Kansas in non-binding Arbitration initiated May 2, 2013 pursuant to Decree of May 19, 2003, 538 U.S. 720 in *Kansas v. Nebraska & Colorado* No. 126, Orig., U.S. Supreme Court

4. Larson, Steven P. and Perkins, Samuel P, July 29, 2013, Report on the Compact Compliance Proposal, Expert Report prepared for Kansas in non-binding Arbitration initiated May 2, 2013 pursuant to Decree of May 19,2003, 538 U.S. 720 in Kansas v. Nebraska & Colorado No. 126, Orig., U.S. Supreme Court
5. RRCA Accounting Spreadsheet; 2003 - 2008

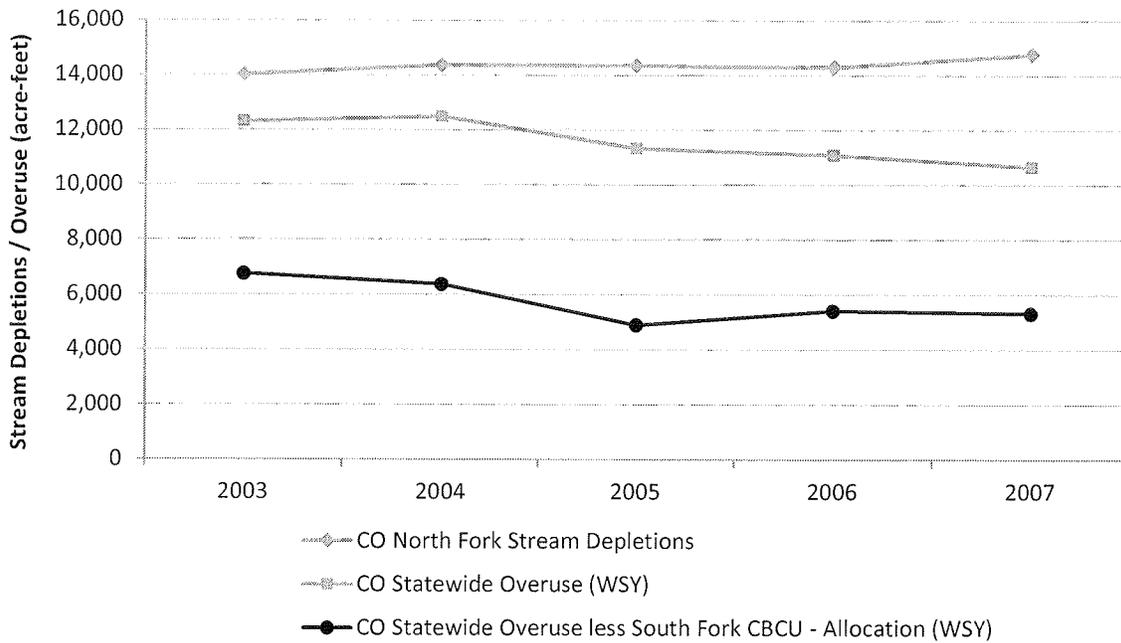
TABLE

Table 1
 Comparison of Colorado North Fork Stream Depletions and Colorado Overuse
 2003 - 2007
 (acre-feet)

Year	(1) CO North Fork Stream Depletions	(2) CO Statewide Overuse (WSY)	(3) CO North Fork (CBCU - Allocation)	(4) CO South Fork (CBCU - Allocation)	(5) CO Statewide Overuse less South Fork CBCU - Allocation (WSY)
2003	14,023	12,310	7,520	5,550	6,760
2004	14,373	12,490	7,910	6,110	6,380
2005	14,359	11,330	7,490	6,430	4,900
2006	14,301	11,090	8,290	5,670	5,420
2007	14,762	10,650	7,860	5,330	5,320
Avg	14,364	11,574	7,814	5,818	5,756

Notes:

- (1) Colorado ground water CBCU in the North Fork sub-basin. Results generated using the RRCA Ground Water Model.
- (2) Colorado annual Statewide overuse under water-short year administration (WSY).
- (3) Colorado North Fork CBCU minus their allocation on the North Fork.
- (4) Colorado South Fork CBCU minus their allocation on the South Fork.
- (5) equals (2) - (4)



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No. 126 Orig., U.S. Supreme Court

Report on the

Colorado Bonny Reservoir Accounting Proposal

Republican River Compact

Response to Application Submitted by Colorado, dated April 5, 2013

Prepared by

Dale E. Book

Spronk Water Engineers, Inc.

July 29, 2013

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1.0. Introduction

Colorado has submitted a proposal for modifying the representation of Bonny Reservoir with the RRCA Groundwater Model. (GW Model) The purpose of the modification is to represent the reservoir under changed operations, with the reservoir being managed as a “run of the river” structure. Colorado’s stated intention is to regulate Bonny Reservoir such that streamflow will be passed through the reservoir as possible, subject to the capacity of the outlet works at the dam. The proposed change to the modeling is to set up a test based on reservoir content, whereby inflows are passed through to the downstream reach if water is not being stored, but is intercepted and not passed if water is being stored in the reservoir. The effect of the change is a significant reduction to the Colorado groundwater pumping depletions computed by the model. In addition, Colorado anticipates that the reservoir evaporation would be effectively eliminated.

The change was submitted by Colorado to the RRCA for consideration on April 5, 2013 and subsequently voted upon by the administration on May 2. Arbitration was invoked on May 2 for the proposal submitted to the Administration in April.

I have reviewed the request submitted by Colorado and the changes to the modeling results created by the change. I have consulted with David Barfield and Steve Larson in the review of the proposal. This report provides my conclusions and opinions regarding this proposal.

2.0. Description

The request by Colorado has been caused by the administrative action taken by the State of Colorado to assist with compact compliance in the Republican River Basin, by eliminating storage in Bonny Reservoir to the extent possible with the existing outlet works. This produces a reduction in consumptive use by reducing or eliminating reservoir evaporation. The reservoir also contributes to GW pumping depletions in Colorado and is modeled at the stage corresponding to the water level surface. Removing the reservoir storage therefore results in some reduction of pumping depletions in the vicinity of the reservoir.

Bonny Reservoir was constructed as a federal reservoir project in approximately 1950 and has been managed by the State of Colorado as a recreational facility. Since approximately 1996, storage has been declining due to lack of stream inflow and in 2011, Colorado began to release water remaining in storage. The reservoir storage has since been evacuated.

Bonny Reservoir is located on the South Fork of the Republican River in Colorado, approximately 10 miles west of the Colorado – Kansas Stateline. From the Reservoir it is approximately 54 stream miles to the Republican River at Benkelman, Nebraska. (See Figure 1). This is one of seven reservoirs included in the RRCA Groundwater Model.

The proposal requests a change to the representation of the reservoir in the GW Model. Essentially the change would be to remove the reservoir from the stream system in the model under most, if not all, conditions. There are two important elements involved for modeling the

reservoirs; the water level and interception of baseflow. The water level stage is specified in the model for each stress period. Model base inflows are intercepted and not passed downstream. The change proposed is to pass the base inflows at the reservoir site downstream.

The details of the change are described in more detail in the report prepared by Larson and Perkins.

The change has been determined to cause a large reduction on the calculated depletions for Colorado Groundwater pumping. The reasons for this are described in more detail below and in the Larson and Perkins report. Effects have been determined for the historical years of 2003 – 2008 and for a projected period of 40 years, using historical hydrology and pumping.

The total pumping depletions for Colorado would be reduced by 60%, from approximately 14,000 ac-ft/yr to 5,700 ac-ft/yr. A smaller reduction to the Kansas pumping depletion would also result, from 5,700 to 3,100 acre-feet/yr., or 45%. Kansas GW depletions are less than the Kansas allocation in the South Fork sub-basin. Historical ('03 – '08) average indicates Kansas CBCU 5,900 acre-feet/yr. with an allocation of 9,500 acre-feet/yr, or 3,600 acre-feet/yr. of unused allocation.

3.0 Modeling Results

The changes to the representation of the Bonny Reservoir with the Model have the effect of passing the base inflow through the reservoir to the downstream reach. This results in a significant change in the computed pumping depletions for Colorado. It also has some effect on the pumping depletions computed for the states of Kansas and Nebraska.

Table 1 is a compilation of the allocation, CBCU and balance from the sub-basin non-impairment test for Colorado for the years 2003 – 2008. The historical and projected results for the No-Bonny condition are included. The CBCU for Bonny Reservoir evaporation has been set to zero in the No-Bonny condition. The GW CBCU using the Colorado proposal changes from 12,850 acre-feet/yr. to 5,240 acre-feet/yr. This table includes revised allocations for the No-Bonny condition. This calculation required an assumption about the impact that eliminating the reservoir evaporation would have on the historical Benkelman streamflow. For purposes of this calculation, it was assumed that 50% of the evaporation removed from Table A would translate to the Benkelman gage. The resulting allocation with the revised GW CBCU and reservoir evaporation would be calculated as 5,080 acre-feet/yr.

Table 1 shows the Colorado balance with the sub-basin non-impairment test changes from a shortfall of -2,300 acre-feet/yr. to positive 1,120 acre-feet/yr. for this period.

Table 2 shows the Kansas allocation, CBCU and balance with the sub-basin non-impairment test for the years 2003 – 2008. The amount of allocation in excess of CBCU with the current modeling procedure was 3,640 acre-feet/yr. This is unused allocation for Kansas on the South

Fork. With the changed computation of CBCU, the unused allocation is reduced to 1,300 acre-feet/yr., or approximately 35% of the amount of unused allocation with Bonny Reservoir as currently modeled.

The effects of the change in CBCU and allocation for the South Fork for Colorado and Kansas accounting are shown on Figure 2.

Table 3 is a summary of the accounting for the Kansas Water Short Year Test. This test (Table 5B of the Accounting Procedures) is a two-year test for Northwest Kansas. The accounting is summarized for the years 2003 – 2007, which were water short years for compact accounting purposes. The Test shows that the NW Kansas balance (Total allocation – CBCU) ranged from 6,010 acre-feet to 7,500 acre-feet. With the changes proposed by Colorado the Kansas water-short year test balance is reduced to 2,330 to 4,660 acre-feet.

The proposed change to pass the inflows at the reservoir to the downstream reach results in baseflow passing downstream in the No-Colorado pumping condition, but not in any significant amount in the historical pumping condition, since the baseflow has been largely eliminated upstream of Bonny Reservoir. Therefore, the no-pumping baseflow is subject to significant reduction between Bonny Reservoir and Benkelman, resulting in a reduction in computed GW CBCU. This effect is the same as that which occurs downstream of Colorado on the mainstem of the Republican River above Swanson Reservoir, where negative depletions are compiled and netted out against Colorado's pumping depletions.

As noted in the Larson and Perkins report, the pumping impacts on the South Fork, when calculated separately for each of the three states with the Colorado proposal, results in a total pumping effect that is less than the pumping impacts determined when all pumping is considered simultaneously. This is described as the residual CBCU not allocated and represents a deviation from the no-pumping condition at Benkelman.

4.0 Summary and Conclusions

The change proposed by Colorado would reduce Colorado GW CBCU on the South Fork from 14,300 to 5,700 acre-feet/yr. for a projected future condition. This is allocated as 3,100 acre-feet/yr at the reservoir due to the changed water level conditions, 3,200 ac-ft/yr downstream in Kansas and the balance downstream of the reservoir in Colorado.

The Colorado balance between the CBCU and allocation on the South Fork would be improved from -5,620 to -480 acre-feet/yr. for the 2003 – 2008 period. When adding the unallocated supply for the sub-basin non-impairment test, CBCU would be less than the available supply.

Kansas unused allocation on the South Fork (allocation – CBCU) would be reduced by 65% or 2,340 acre-feet/yr as a result of the change proposed by Colorado to represent Bonny Reservoir for computing Groundwater pumping depletions in Colorado.

A portion of the change in the Colorado Groundwater pumping depletion computed with the proposed change, 38%, occurs downstream of the Stateline. Changes to pumping depletions computed downstream of Bonny Reservoir are attributed to changing the assumption being made for passing the baseflow past the reservoir in the no-pumping condition.

The change in computing pumping impacts for the Colorado proposal has significantly increased the amount of unallocated pumping depletion for the South Fork, to 3,800 acre-feet/yr. for the projected pumping and precipitation condition.

TABLES

Table 1
Colorado South Fork Sub-Basin
Allocation, Computed Beneficial Consumptive Use (CBCU), and Compliance Status
2003 - 2008
(acre-feet)

A. Historical

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Year	Allocation	Ground Water	CBCU Bonny Evaporation	Total	Allocation - CBCU	Unallocated Supply	Total Available Supply	Available Supply - CBCU
2003	10,540	12,115	3,375	16,090	(5,550)	3,320	13,860	(2,230)
2004	10,690	12,874	3,158	16,800	(6,110)	3,370	14,060	(2,740)
2005	12,230	14,952	3,430	18,660	(6,430)	3,860	16,090	(2,570)
2006	9,120	11,756	3,031	14,790	(5,670)	2,880	12,000	(2,790)
2007	10,160	12,511	2,716	15,490	(5,330)	3,200	13,360	(2,130)
2008	10,320	12,892	1,980	14,920	(4,600)	3,250	13,570	(1,350)
Average	10,510	12,850	2,950	16,130	(5,620)	3,310	13,820	(2,000)

B. No Bonny⁽⁹⁾

Year	Allocation	Ground Water	CBCU Bonny Evaporation	Total	Allocation - CBCU	Unallocated Supply	Total Available Supply	Available Supply - CBCU
2003	3,560	2,636	0	3,230	330	1,120	4,680	1,450
2004	3,620	2,783	0	3,550	70	1,140	4,760	1,210
2005	5,870	6,177	0	6,450	(580)	1,850	7,720	1,270
2006	5,070	5,980	0	5,980	(910)	1,600	6,670	690
2007	5,940	6,687	0	6,950	(1,010)	1,870	7,810	860
2008	6,430	7,182	0	7,230	(800)	2,030	8,460	1,230
Average	5,080	5,240	0	5,570	(480)	1,600	6,680	1,120

- (1) Colorado's allocation on the South Fork, equal to 44.4% of the Computed Water Supply.
- (2) Colorado's ground water cbcu computed using the RRCA Ground Water Model.
- (3) Bonny Reservoir evaporation.
- (4) Total CBCU equals the ground water CBCU plus surface water CBCU, rounded to the nearest ten acre-feet. Colorado had 327 acre-feet/year of surface water CBCU in addition to Bonny evaporation.
- (5) equals (1) - (4)
- (6) Unallocated supply equals 14% of the Computed Water Supply.
- (7) equals (1) + (6)
- (8) equals (7) - (4)
- (9) No Bonny condition incorporates results from the RRCA Ground Water without Bonny, assumes zero Bonny evaporation with 50% effect at Benkelman gage, and zero change in storage without modification to the gage.

Table 2
Kansas South Fork Sub-Basin
Allocation, Computed Beneficial Consumptive Use (CBCU), and Compliance Status
2003 - 2008
(acre-feet)

A. Historical

Year	(1)	(2) CBCU			(5)	(6)	(7)	(8)
	Allocation	Ground Water	Surface Water	Total	Allocation - CBCU	Unallocated Supply	Total Available Supply	Available Supply - CBCU
2003	9,540	5,351	29	5,380	4,160	3,320	12,860	7,480
2004	9,680	5,781	303	6,080	3,600	3,370	13,050	6,970
2005	11,080	7,227	294	7,520	3,560	3,860	14,940	7,420
2006	8,260	4,398	325	4,720	3,540	2,880	11,140	6,420
2007	9,200	5,527	144	5,670	3,530	3,200	12,400	6,730
2008	9,340	5,748	121	5,870	3,470	3,250	12,590	6,720
Average	9,520	5,670	200	5,870	3,640	3,310	12,830	6,960

B. No Bonny ⁽⁹⁾

Year	Allocation	CBCU			Allocation - CBCU	Unallocated Supply	Total Available Supply	Available Supply - CBCU
		Ground Water	Surface Water	Total				
2003	3,220	1,395	29	1,420	1,800	1,120	4,340	2,920
2004	3,280	2,095	303	2,400	880	1,140	4,420	2,020
2005	5,310	4,184	294	4,480	830	1,850	7,160	2,680
2006	4,590	3,080	325	3,400	1,190	1,600	6,190	2,790
2007	5,370	3,690	144	3,830	1,540	1,870	7,240	3,410
2008	5,820	4,137	121	4,260	1,560	2,030	7,850	3,590
Average	4,600	3,100	200	3,300	1,300	1,600	6,200	2,900

(1) Kansas' allocation on the South Fork, equal to 40.2% of the Computed Water Supply.

(2) Kansas' ground water cbcu computed using the RRCA Ground Water Model.

(3) Total of small pumps and non-Federal reservoir evaporation CBCU.

(4) equals (2) plus (3), rounded to the nearest ten acre-feet.

(5) equals (1) - (4)

(6) Unallocated supply equals 14% of the Computed Water Supply.

(7) equals (1) + (6)

(8) equals (7) - (4)

(9) No Bonny condition incorporates results from the RRCA Ground Water without Bonny, assumes zero Bonny evaporation with 50% effect at Benkelman gage, and zero change in storage without modification to the gage.

Table 3
 Table 5B of the Accounting Procedures
 Kansas Water Short Year Test
 Historical and Without Bonny Reservoir
 2003 - 2007
 (acre-feet)

Table 5B: Kansas Compliance During Water-Short Year Administration - Historical

Year	Allocation			Computed Beneficial Consumptive Use	Imported Water Supply Credit	Allocation - (CBCU - IWS)	Two-Year Avg. ⁽²⁾ WSY Test
	Sub-Basin Total	Kansas's Share ⁽¹⁾ of Unallocated Supply	Total				
2003	13,900	4,527	18,427	12,130	NA	6,297	
2004	13,060	3,976	17,036	11,320	NA	5,716	6,010
2005	18,380	6,060	24,440	16,370	NA	8,070	6,890
2006	14,750	4,589	19,339	14,630	NA	4,709	6,390
2007	23,060	7,849	30,909	20,610	NA	10,299	7,500

Table 5B: Kansas Compliance During Water-Short Year Administration - No Bonny ⁽³⁾

Year	Allocation			Computed Beneficial Consumptive Use	Imported Water Supply Credit	Allocation - (CBCU - IWS)	Two-Year Avg. ⁽²⁾ WSY Test
	Sub-Basin Total	Kansas's Share ⁽¹⁾ of Unallocated Supply	Total				
2003	7,580	3,403	10,983	8,170	NA	2,813	
2004	6,660	2,836	9,496	7,640	NA	1,856	2,330
2005	12,610	5,038	17,648	13,330	NA	4,318	3,090
2006	11,080	3,935	15,015	13,310	NA	1,705	3,010
2007	19,230	7,164	26,394	18,770	NA	7,624	4,660

Notes:

(1) Kansas receives 51.1% of the unallocated supply.

(2) Table 5B is a two-year test. This was added by Kansas to show the two-year running average for the five years in the table.

(3) No Bonny condition incorporates results from the RRCA Ground Water without Bonny, assumes zero Bonny evaporation with 50% effect at Benkelman gage, and zero change in storage without modification to the gage.

FIGURES

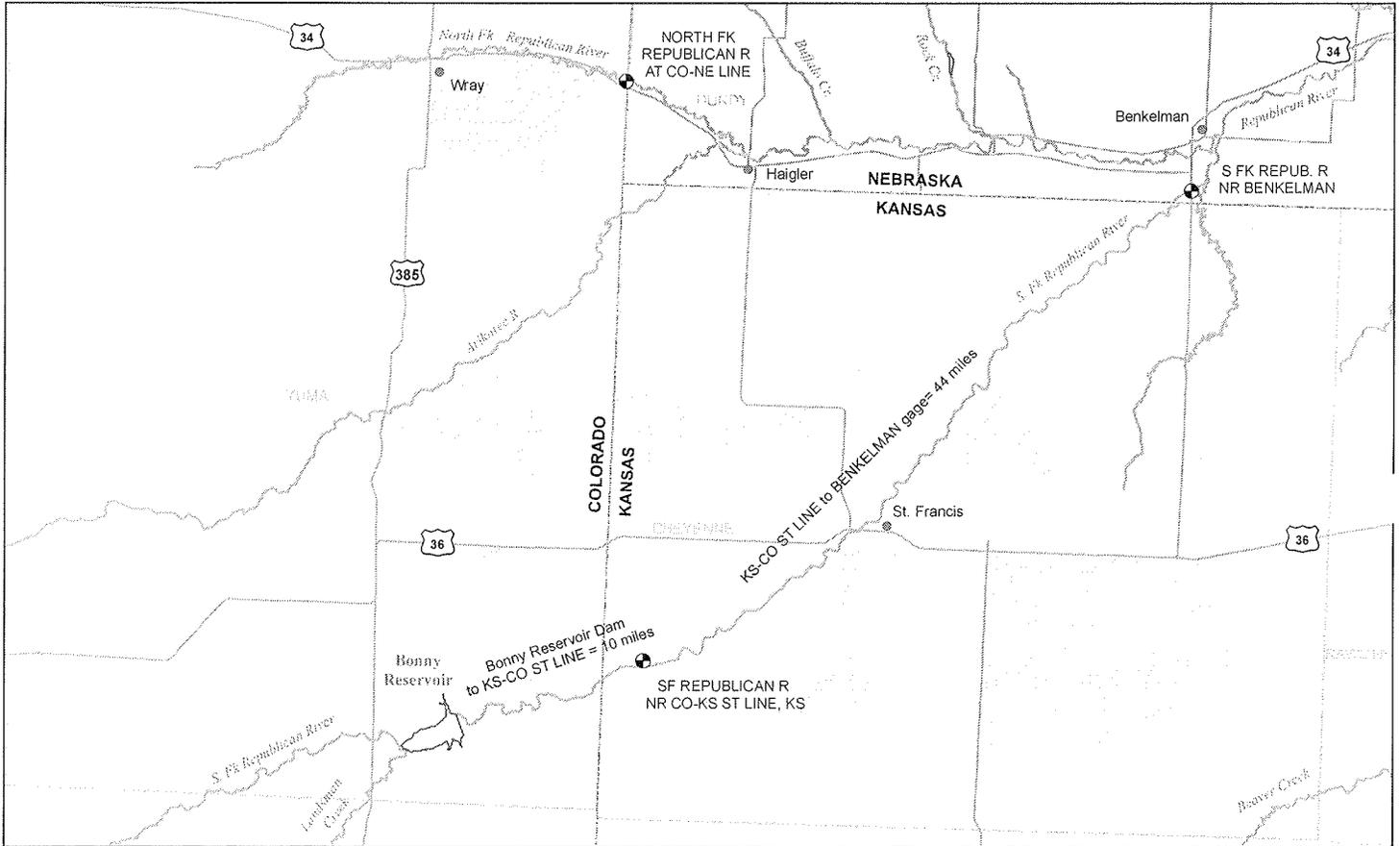


FIGURE 1
 General Location Map
 South Fork of the Republican River

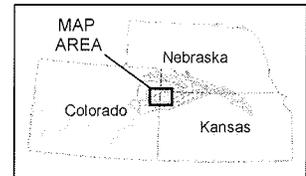
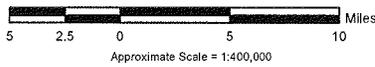
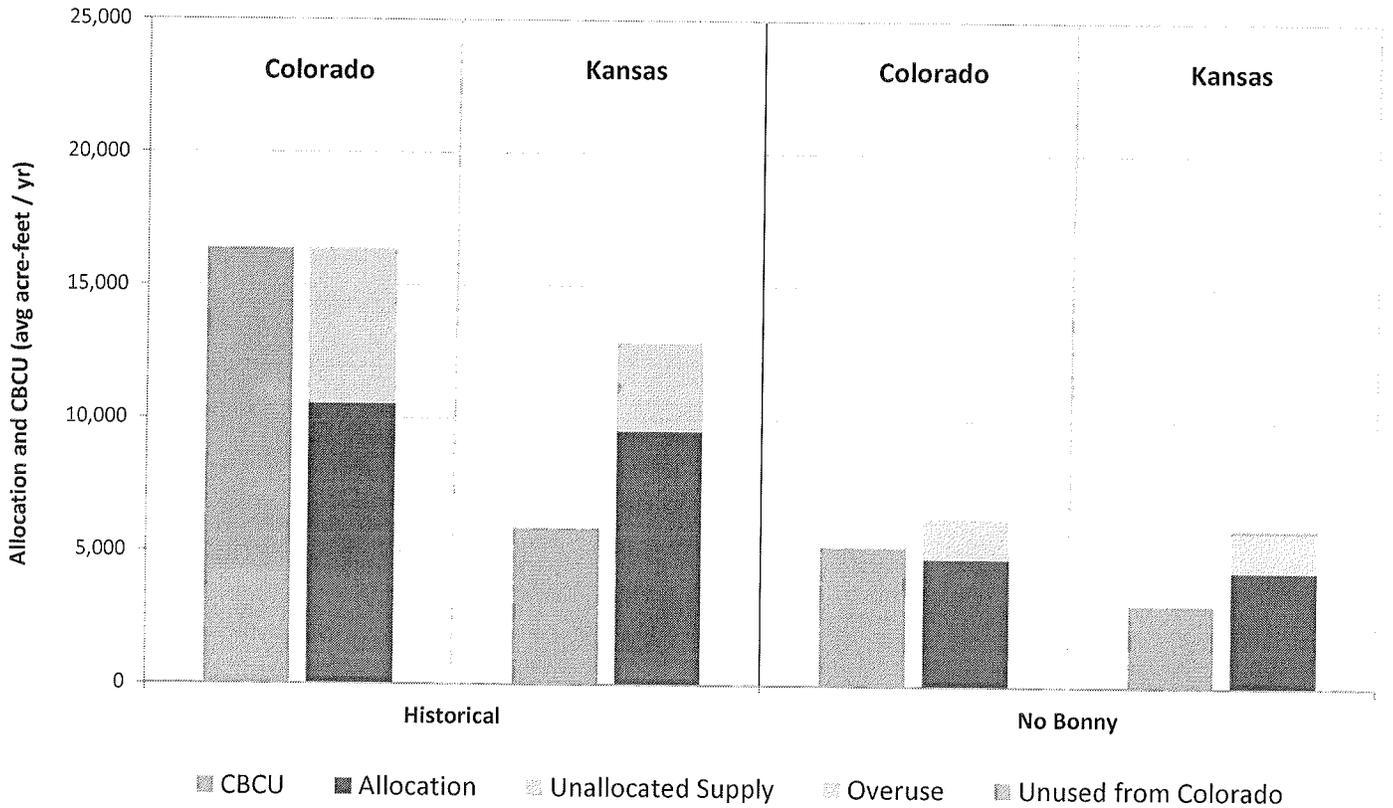


Figure 2
South Fork of the Republican River
Comparison of CBCU and Available Supply for Colorado and Kansas
2003 - 2007
average acre-feet / yr



Notes:

- (1) Unallocated supply equals 14% of the Computed Water Supply. Colorado has access to the unallocated if they are in compliance with their Statewide test.
- (2) Overuse equals the maximum of the Available Supply minus CBCU or zero.
- (3) Kansas is allowed access to the unused portion of Colorado's allocation. It is equal to the maximum of Colorado's allocation less CBCU or zero.
- (4) No Bonny condition incorporates results from the RRCA Ground Water without Bonny, assumes zero Bonny evaporation with 50% effect at Benkelman gage, and zero change in storage without modification to the gage.

2



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

April 5, 2013

David Barfield
Kansas Commissioner, RRCA
Kansas Division of Water Resources
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283

Brian Dunnigan
Nebraska Commissioner, RRCA
Nebraska Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509-4676

Re: Colorado Compact Compliance Pipeline Proposal; Submittal to RRCA

Dear Commissioners Barfield and Dunnigan,

The State of Colorado hereby submits its Bonny Reservoir Accounting Proposal ("Bonny Proposal") to the RRCA pursuant to section VII.A of the Final Settlement Stipulation. A copy of the Bonny Proposal is attached hereto as Exhibit A.

Further pursuant to section VII.A.3, Colorado designates the Bonny Proposal as a "Fast Track" issue for action by the RRCA within the next 30 days. A schedule for resolution before the RRCA, and for non-binding arbitration, is attached hereto as Exhibit B. Colorado requests the Chairman schedule a special meeting of the RRCA on or before May 5, 2013.

Best Regards,

Dick Wolfe, P.E.
Colorado Commissioner, RRCA
State Engineer
Colorado Division of Water Resources

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>

**RESOLUTION BY THE REPUBLICAN RIVER COMPACT ADMINISTRATION
REGARDING MODIFICATIONS TO THE ACCOUNTING PROCEDURES TO
REFLECT FUTURE OPERATIONS OF BONNY DAM AND RESERVOIR**

May 5, 2013

Whereas, the active storage pool in Bonny Reservoir is empty and the outflow gates in Bonny Dam have been left open so as to pass all inflow reaching the gates;

Whereas, Bonny Reservoir has no dead pool and no water in storage;

Whereas, due to changing hydrologic conditions and other factors, Bonny Reservoir is planned to be operated as a “run of the river” dam without active storage and is unlikely to store significant water in the future;

Whereas, operating Bonny Dam as a run of the river dam will allow all baseflows and non-flood surface flows to pass through the former reservoir area and such water will continue to flow down the South Fork of the Republican River;

Whereas, Bonny Dam will continue to provide valuable flood control benefits and any temporarily stored flood flows will be released at the maximum rate and time that will avoid damage to the dam and downstream property;

Whereas, the area now comprising Bonny Dam and Reservoir was simulated in the RRCA Ground Water Model for the years 1918 to 1950 as a stream segment;

Whereas, The RRCA Ground Water Model simulates Bonny Dam and Reservoir as an active storage reservoir, rather than a run of the river dam. Specifically, the baseflow from the upstream portions of the South Fork and Landsman Creek are removed from the Model. This reservoir segment is essentially a specified head in the Model. The baseflow into the reservoir is not routed through the remainder of the stream network of the Model. Below the reservoir, outflow from the toe drain is simulated by setting the flow rate into that stream segment to a constant 10 cfs, regardless of reservoir stage;

Whereas, because Bonny Reservoir is not storing water, the current representation of Bonny Dam and Reservoir in the RRCA Groundwater Model no longer represents the physical and hydrogeological characteristics of the South Fork of the Republican River to a reasonable degree;

Now, therefore, it is hereby resolved that in order for the RRCA Groundwater Model to accurately represent the physical and hydrogeological characteristics of the South Fork of the Republican River to a reasonable degree the following conditions, which are described in detail in Exhibit 1, shall apply:

1. When this monthly average reservoir stage is less than 3638.5 feet, the reservoir will be modeled using the “Dry Bonny” condition. For any stage between 3638.5 and 3679.82 feet, the reservoir will be modeled using the “Small Bonny” condition. Once the stage reaches 3679.83 feet, the “Full Bonny” condition will be used.
2. The stage of the reservoir will be determined each month as the arithmetic average of the daily Reservoir Forebay Elevation reported by the United States Bureau of Reclamation (USBR).
3. The State of Colorado shall report to the RRCA when the stage is above 3638.5 feet, and shall further report when the outflow gates in Bonny Dam have been closed so as to store inflow reaching the gates;
4. During Small Bonny and Full Bonny conditions, calculation of evaporation from active storage or from temporary storage of flood flows, if any, shall be made in a manner similar to the other Federal Reservoirs, and;
5. The “mkstr” program used to prepare the stream package and the “mkres” program used to calculate the reservoir stage will be modified to reflect the different conditions for Bonny Reservoir.
6. The “acct” program used to summarize the groundwater model results for use in the Accounting Procedures will be updated to represent the fact that the simulated baseflow into the Bonny Reservoir reach and into the reach between Bonny Reservoir and the confluence of the South Fork and main stem of the Republican River will no longer be a constant. The $CBCU_G$ for these two reaches will be calculated as the change in baseflow out of the reach minus the change in baseflow into the reach.

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Approved by the RRCA this ____ day of _____, 2013.

David Barfield, P.E.
Kansas Member
Chairman, RRCA

Date

Brian Dunnigan, P.E.
Nebraska Member

Date

Dick Wolfe, P.E.
Colorado Member

Date

Exhibit 1

Modeling of Bonny Reservoir in the RRCA Groundwater Model

Current Modeling of Bonny Reservoir

The RRCA Groundwater Model (the “Model”) was constructed in 2002 and 2003. Segment 150 of the Model represents the reach of the South Fork of the Republican River from about the Idalia gage to Bonny Dam. That is also the area that was inundated by Bonny Reservoir between 1950 and April 2012. The Model models two different time periods for Segment 150: (1) pre-1950 before construction of Bonny Dam; and (2) post-1950 after construction of Bonny Dam.

1. Pre-1950

The Model represents Segment 150 prior to 1950 as a stream. It uses six model cells to represent the stream course prior to construction of the Reservoir. Two additional model cells were assigned zero conductance values and were added to the original six cells in order to permit the HYDMOD package to be used to extract stream flows. The Model routes inflow into Segment 150 prior to July 1950 from Segments 140 and 141, representing the South Fork of the Republican River above Bonny Reservoir and Landsman Creek, respectively. Outflow from Segment 150 was routed to Segment 156 representing the South Fork below Bonny Reservoir.

2. Post-1950

The Model represents Segment 150 after July 1950 as a Reservoir. It uses eight model cells to represent the area of the reservoir. Those models cells correspond to about 60,000 acre-feet or more of storage. Also inflow from Segments 140 and 141 are no longer routed to Segment 150. Instead, inflow is represented as a constant 1,000,000 cfs, and the reservoir stage be set to the observed reservoir stage. Below Bonny Reservoir, the South Fork of the Republican River is modeled starting with 10 cfs below Bonny Dam to represent the outflow of the toe drain below Bonny Dam. The 10 cfs value was based on the observed outflow from that toe drain around the time the model was constructed.

Future Modeling of Bonny Reservoir

The Resolution by the Republican River Compact Administration Regarding Modification to the Accounting Procedures to Reflect Future Operations of Bonny Dam and Reservoir allow Bonny Reservoir to be modeled under three different conditions: (1) Dry Bonny; (2) Full Bonny; and (3) Small Bonny.

1. Dry Bonny

Bonny was drained in 2012. Bonny Dam still exists to provide flood protection for St Francis and other downstream communities, but the headgate at Bonny Reservoir is open and all inflow into the reservoir is flowing down a channel naturally cut by the Republican River to the outlet works. This will be referred to as the “Dry Bonny” condition.

During Dry Bonny conditions, the reservoir will be modeled as it was prior to July 1950. In other words, the model cells in Segment 150 will use the same settings as they do in the Pre-1950 condition described above. Outflow from Segments 140 and 141 will be routed to Segment 150, and the outflow from Segment 150 routed to Segment 156.

2. Full Bonny

In the event the Colorado State Engineer lifts the order to drain Bonny and Bonny stores water above 3679.83 feet, then the Model will represent the reservoir as described above in the Post-1950

Exhibit 1

condition. This will be referred to as the “Full Bonny” condition. Under these conditions, the eight cells in Segment 150 would revert to the values used from July 1950 until April 2012. The routing would be changed to remove the flow from Segments 140 and 141 from the model, and the inflow into Segment 150 would again be set to 1,000,000 cfs and the reservoir stage be set to the observed reservoir stage. Outflow from the toe drain will be set to the outflow from the toe drain observed at that time.

3. Small Bonny

It is also anticipated that there may be times in the future when a large thunderstorm or similar event would cause a large inflow into Bonny Reservoir that will exceed the ability of the outlet works, or may require controlling the rate of release of such inflow for flood protection of the downstream reach. Under such conditions, Bonny Reservoir may store water for a limited period of time. For ease of reference, we will refer to this as the “Small Bonny” condition. Under these conditions the number of active cells in Segment 150 will be set based on the volume of water in storage as determined by the observed stage.

Figure 1 shows the area-capacity curve for Bonny Reservoir based on the 2011 area-capacity survey. The horizontal axis represent the stage starting at an elevation of 3638 feet. The reservoir capacity is shown as a red line and is read on the left vertical axis. The reservoir area is represented using a blue line and is read on the right vertical axis. For modeling purposes, the area curve will be approximated using the black line. The black line is a piecewise linear approximation of the area curve to integer multiples of 640 acres, which correspond to the area of model cells. Figure 1 shows that this closely approximates the blue area curve from the survey. Green vertical lines mark the stage at which the area reaches integer multiples of 640 acres, and are labeled with the corresponding reservoir storage. Note that 640 acres correspond to 3189 acre-feet of storage, 1280 acres with 14,598 acre-feet of storage, and so on.

The stage of the reservoir will first be determined each month as the arithmetic average of the daily Reservoir Forebay Elevation reported by the United States Bureau of Reclamation (USBR). When this monthly average reservoir stage is less than 3638.5 feet, the reservoir will be modeled using the “Dry Bonny” condition. For any stage between 3638.5 and 3679.82 feet, the reservoir will be modeled using the “Small Bonny” condition. Once the stage reaches 3679.83 feet, the “Full Bonny” condition will be used.

Under Small Bonny conditions, the model will adjust the conductance values for up to four model cells depending on the stage of the reservoir. Figure 2 shows the area around Bonny Reservoir. The four model cells used to represent Bonny Reservoir during Small Bonny conditions are labeled 1-4. The four model cells shown labeled “*” are the four additional cells used to represent the Full Bonny condition. When the reservoir stage is between 3638.5 and 3679.83, Bonny Reservoir will be represented using those four model cells in sequence. For a stage from 3638.00 feet (0 acre-feet storage) to 3647.51 feet (3189 acre-feet storage), the conductance of cell 1 (106,91) will linearly increase from 0 ft²/sec to 32.267 ft²/sec. For a stage from 3647.51 feet (3189 acre-feet storage) to 3659.00 feet (14,598 acre-feet storage), the conductance of cell 1 (106,91) will be 32.267 ft²/sec while the conductance of cell 2 (107,91) will linearly increase from 0 ft²/sec to 32.267 ft²/sec. For a stage from 3659.00 feet (14,598 acre-feet storage) to 3670.17 feet (32,881 acre-feet of storage), the conductance of cells 1 and 2 will be 32.267 ft²/sec, and the conductance of cell 3 (107,90) will linearly increase from 0 ft²/sec to 32.267 ft²/sec. Finally, for a stage from 3670.17 feet (32,881 acre-feet of storage) to 3679.83 feet (54,526 acre-feet storage), the conductance of cells 1-3 will be 32.267 ft²/sec, and the conductance of cell 4 (107,89) will linearly increase from 0 ft²/sec to 32.267 ft²/sec. For any higher stage, the “Full Bonny” representation will be used.

In order to represent the three conditions of Bonny Reservoir, the “mkstr” program, which generates

Exhibit 1

the stream package file for the Model, will be enhanced to be able to model any reservoir using the "Dry", "Small" or "Full" condition. The new "mkstr" program will be called "mkstr2". The behavior of the "mkstr2" program is controlled by the reservoir.dbf file. When the reservoir.dbf file contains a positive stage, the reservoir is modeled as storing using the "Full" condition, while a stage of 0 the reservoir is modeled as "Dry" and the baseflow is passed through the reservoir. This behavior is unaltered from how the stream network was generated during the V12p7 calibration run which simulated the reservoirs being built over time. However, when the reservoir stage is specified as a negative value, the reservoir will be modeled using the "Small" condition with a stage equal to the absolute value of the specified stage and the cell conductances will be set as described above.

Based on?

The "mkstr2" has the relationship between the stage, cells, area and conductances defined for Bonny Reservoir in a data structure that is part of the "mkstr2" program. If the Bonny area-capacity curve were to change in the future, this data structure in "mkstr2" program would have to be changed to reflect the new area-capacity curve.

The "mkstr2" program also allows the user to set the outflow from the toe drain. When the reservoir is operated as storing water, the toe drain outflow will be used to set the inflow into the lower reach. How much that flow would be is difficult to anticipate. Therefore the observed monthly average outflow from the toe drain will be recorded and input to the "mkstr2" program using the flow.dbf file.

?

The "mkres" program is used to download the reservoir information from the USBR web site. The "mkres" program will be updated to automate the process of calculating the reservoir stage. Currently the "mkres" program simply extracts the end of month value for the reservoir stage. The program will be updated to also calculate the daily average reservoir stage for Bonny Reservoir and set the stage to 0 if the stage is below 3638.5 feet, the negative of the monthly average stage if it is between 3638.5 and 3679.83 feet, and the end of month stage if it is above 3679.83 feet.

Groundwater Model Accounting for Bonny Reservoir.

The groundwater model results are summarized using the "acct" program for inclusion into the accounting spreadsheets. On the South Fork of the Republican River, the "acct" program reports two values labeled "South Fork" and "Bonny". Both values represent the change in baseflow along the South Fork of the Republican River as a result of well pumping or Imported Water Supply. This quantity is called $CBCU_G$ in the RRCA Accounting Procedures.

The "acct" program operates on the simulated baseflow at appropriate locations in the stream network. The MODFLOW HYDMOD package is used to save these baseflows to a file for each simulation. The "acct" program then calculates the baseflow reach gain for the appropriate reaches by subtracting the inflow to the reach from the outflow of the reach. The "acct" program then calculates the $CBCU_G$ by calculating the change in the baseflow reach gain between, for example, simulations with pumping for each state off and on.

The reaches in the "acct" program are defined by a parameter file. In the current 12s2 stream network, the "South Fork" and "Bonny" terms are defined as

" South Fork" +SI185007acctSFRRepublican +SI0970326825000 +SI141004LandsmanabvB
" Bonny" +SO150008Bonny

The +SI0970326825000 term represents the South Fork of the Republican River above the Idalia gage which is at the inflow to Bonny Reservoir, and the +SI141004LandsmanabvB term represents Landsman Creek which flows into Bonny Reservoir. The +SI185007acctSFRRepublican represents

Exhibit 1

the South Fork between Bonny Reservoir and the confluence of the South Fork of the Republican River with the main stem of the Republican River, and the +SO150008Bonny term represents Bonny Reservoir itself.

The parameter file contains some arithmetic simplifications. The “acct” program must calculate the outflow from the reach minus the inflow from the reach. However, for many reaches, the inflow into the reach is a constant for all simulations. For example, the inflow into the reach representing the South Fork of the Republican River above the Idalia gage is always zero because it is the beginning of the river as modeled. Similarly, in version 12s2 of the model, the inflow into the reach representing the South Fork between Bonny Reservoir and the confluence of the South Fork of the Republican River with the main stem of the Republican River is always 10 cfs. When the flow at the top of a reach is the same between simulations, the terms cancel in the $CBCU_G$ calculation.

For reaches where the inflow into the reach varies between simulations, the inflow into the reach must be subtracted. For example, on Sappa Creek the inflow from Beaver Creek is subtracted as

```
" Sappa" +SI201006acctSappa -SI195030acctBeaver
```

Similarly, the inflow into each reach is subtracted for the four main stem reaches.

When Bonny Reservoir may at different times of the simulation be operated as “Dry”, “Small” or “Full”, the “acct” program cannot assume that the inflow into the reaches representing Bonny Reservoir and the South Fork below Bonny reservoir will be a constant. Therefore the “acct” parameter file must explicitly subtract the inflow into that reach as follows:

```
" South Fork" +SI185007acctSFRepublican -SI176001SFbloBonny
                +SI0970326825000 +SI141004LandsmanabvB
" Bonny"       +SO150008Bonny -SI150001Bonny
```

Here the -SI150001Bonny term explicitly subtracts the inflow into Segment 150 from the outflow from Segment 150. Whether this value is a constant 1,000,000 or the outflow from Segments 140 and 141 that would vary over time and vary between simulations does not matter because the “acct” program will no longer assume that it is constant.

Similarly, the -SI176001SFbloBonny term explicitly subtracts the inflow into Segment 176 which represent the start the South Fork of the Republican River below Bonny Reservoir. Once again, it does not matter whether this value is a constant 10 cfs or the outflow from Segment 156 above it that will vary between simulations or over time. The “acct” program would not make any assumptions regarding that flow and explicitly account for that inflow.

This change to the parameter file will allow the “acct” program to correctly calculate the baseflow gain for the three South Fork reaches. The South Fork above the Idalia gage reach, the Landsman Creek Reach and the South Fork between Bonny and the confluence with the main stem reaches will continue to be reported as the “South Fork” term, as it is currently. The reach across Bonny Reservoir will be also still reported as the “Bonny”. In the accounting spreadsheet, these two terms are summed and used as the $CBCU_G$ term for the South Fork. Therefore, the “acct” program will calculate the total $CBCU_G$ for the South Fork regardless of whether Bonny is storing water or not.

No changes are required to the accounting spreadsheets to represent whether Bonny Reservoir is storing water or not. The evaporation from Bonny Reservoir will be calculated as it was done previously, but using the updated stage-area relationship. When the reservoir is dry, the evaporation will simply be zero based on an area of zero.



Bonny Reservoir Area Capacity Curve

2011 Area-Capacity Survey

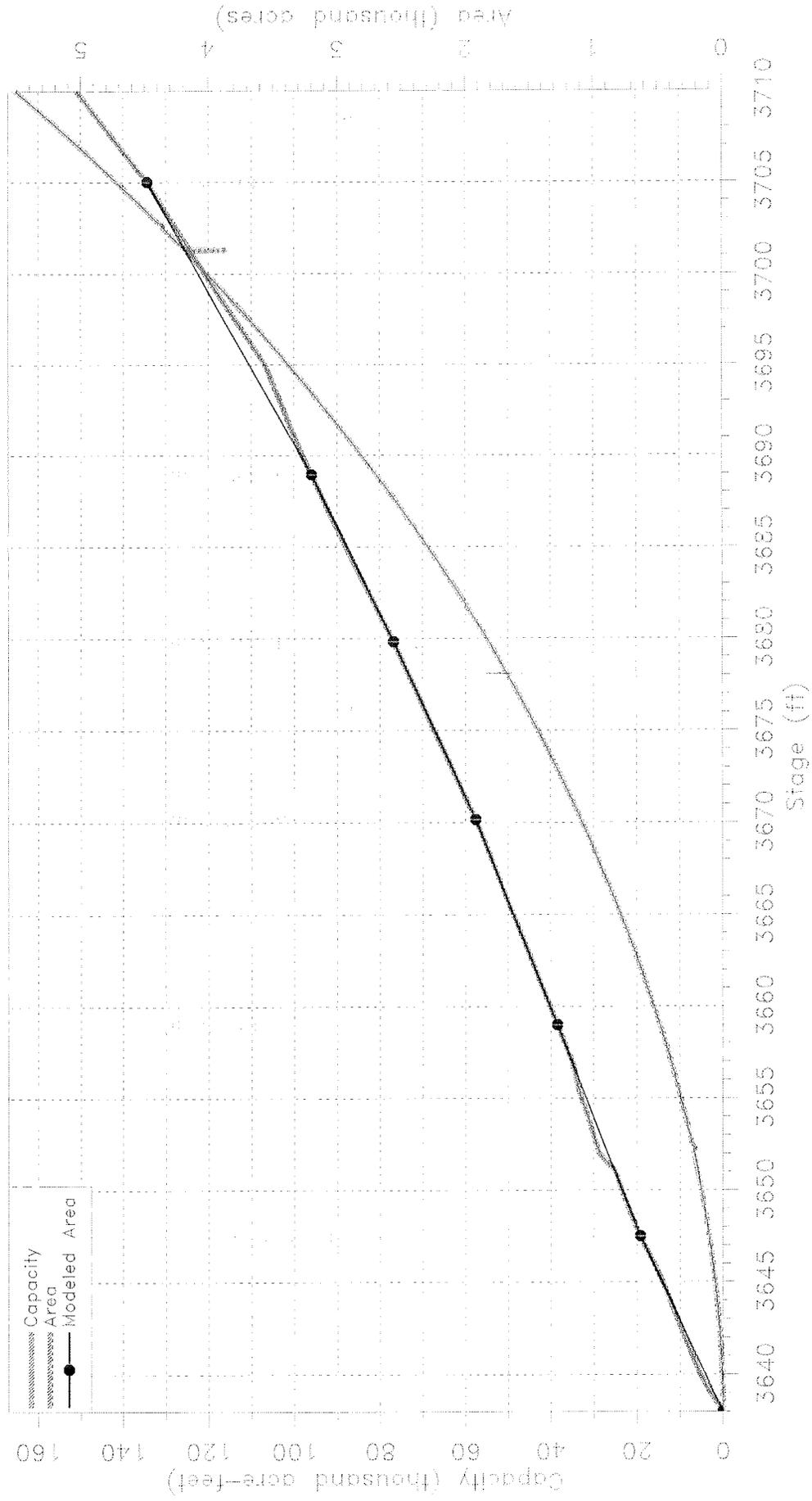


Figure 1.



Bonny Reservoir Modeled Cells

Republican River Compact Administration Groundwater Model

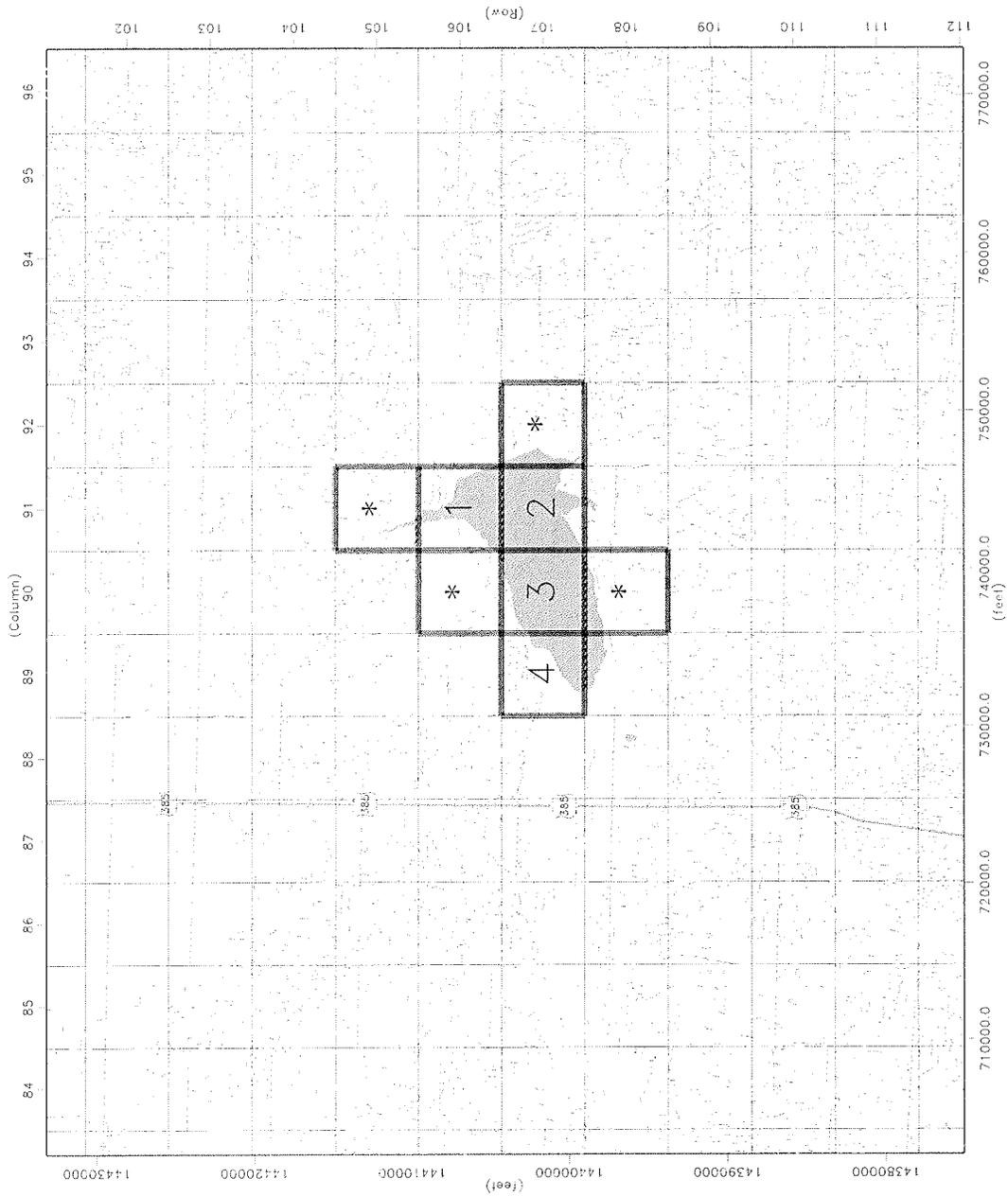


Figure 2.

Exhibit B

Arbitration Time Frame Designation

Colorado v. Kansas & Nebraska

Bonny Reservoir Accounting

Colorado Formally Submits Resolution to RRCA 4/5/2013

RRCA Special Meeting and Vote on Resolution 5/5/2013

If Necessary...

Colorado Formally Submits the Issue to Arbitration 5/5/2013

Nebraska and Kansas May Amend the Scope of the Dispute 5/15/2013

States Submit Lists of Proposed Arbitrators 5/15/2013

States Meet and Confer Regarding Arbitrator Selection 5/25/2013

CDR Selects Arbitrator (*if necessary*) 5/25/2013

Initial Conference with Mediator; Set Schedule for Arbitration 6/1/2013

Final Day of Arbitration Hearings 9/29/2013

Arbitrator Issues Written Decision 11/28/2013

Steve Larson

From: Dale Book <debook@spronkwater.com>
Sent: Monday, July 08, 2013 4:05 PM
To: Larson, Steve
Subject: FW: Bonny Simulation
Attachments: BonnyCO.htm; BonnyKS.htm; BonnyMD.htm; BonnyNE.htm

These appear to be the results with the latest proposal.

Dale

-----Original Message-----

From: Perkins, Sam [<mailto:Sam.Perkins@KDA.KS.GOV>]
Sent: Tuesday, April 23, 2013 11:23 AM
To: Beightel, Chris; Barfield, David; Ross, Scott; Erickson, Chelsea; Dale Book; 'Burke Griggs'; 'Grunewald, Chris'
Cc: Steve Larson (slarson@sspa.com); Alex Spiliotopoulos
Subject: FW: Bonny Simulation

Fyi--

This just in from Willem.

Sam

-----Original Message-----

From: Willem Schreuder [<mailto:willem@prinmath.com>]
Sent: Tuesday, April 23, 2013 12:20 PM
To: Wolfe, Dick; Sullivan, Mike; Franco, Ivan; Barfield, David; Perkins, Sam; Dunnigan, Brian; Schneider, Jim; Koester, Paul
Cc: Scott Steinbrecher
Subject: Bonny Simulation

Howdy!

On yesterday's call Kansas asked if we can provide an updated projection on the effect of drying up Bonny Reservoir.

I ran the model repeating 2000-2009 verbatim for pumping, precipitation and evapotranspiration, except that in one simulation the historical Bonny stage for 2000-2009 was repeated, while in the second simulation Bonny was modeled as empty. The simulation repeats 2000-2009 four times to provide a 40 year projection. I used the mkstr2 program to create the stream package, so the difference between the simulations is entirely in the reservoir.dbf file which sets the reservoir stage.

These simulations are essentially the same as the simulations provided before, except that these runs use the current processing programs to generate the model inputs and summaries.

If you are interested in the gory details, the model files are at

<http://www.republicanrivercompact.org/restricted/misc/bonny13.zip>

However, the attached tables summarizes the differences in the impacts.

The columns labeled WB and NB shows the CBCU_G calculated in the simulation with or without Bonny, and the column Del (highlighted with a yellow background) is the change resulting from the reservoir not storing water.

For Colorado, there are small changes to the Above Swanson reach (127 af on average) due to the change in flow between Benkleman and Swanson.

However, the changes are primarily to the South Fork and Bonny reaches.

The change for the South Fork reach averages -5552 af/yr and is largely due to increased losses in the Bonny-Benkleman reach. For the Bonny reach, the change is -3091 af/yr on average. Overall a dry Bonny reduces Colorado's CBCU_G by 8515 af/yr on average.

For Kansas, the Benkleman-Swanson reach shows an increase in CBCU of 210 af/yr on average due to flow from the South Fork reaching the main stem more often if the baseflow is not stored in Bonny. On the South Fork, Kansas' CBCU_G is reduced by about half, changing by -2609 af/yr on average.

For Nebraska, the CBCU_G on the South Fork is reduced by 260 af/yr, while on other reaches changes are on the order of 10 af/yr. The mound calculation is unaffected by Bonny.

As can be seen in the attached results, exactly what the change in CBCU_G will be in the future is a strong function of unknowable factors such as future precipitation. For example, Colorado's South Fork CBCU_G decreases on average by 5552 af/yr, but for individual years the change varies from +209 af to -7712 af. However, when Bonny is dry, the overall CBCU_G for Colorado, Kansas and Nebraska should decrease by around 1/4 to 1/2 of the amount of South Fork CBCU_G with Bonny storing water.

Let me know if you have any questions.

Regards
-Willem

=====
Dr. Willem A. Schreuder, President, Principia Mathematica
Address: 445 Union Blvd, Suite 230, Lakewood, CO 80228, USA
Tel: (303) 716-3573 Fax: (303) 716-3575
WWW: www.prinmath.com Email: Willem.Schreuder@prinmath.com

INTRODUCTION

These simulations evaluate a future scenario where the 2000-2009 conditions are repeated four times (40 years). This represents two 20 year cycles per the proposed pipeline approval.

The current set of simulations is essentially the same as the simulations provided earlier, but with the following modifications:

- 1) The pipeline deliveries are estimated based on the projected amount Colorado will exceed its allocation in the absence of the pipeline;
- 2) The 2003 pumping in Nebraska was redistributed based on the irrigated acreage by Sam Perkins.
- 3) The analysis is done with Bonny modeled in two ways. The first represents the reservoir as completely drained ("No Bonny"), while the second represents the reservoir as 178 acres and 2cfs seepage ("Small Bonny").

In all there are 20 simulations. Each of the 5 simulations needed to calculate CBCU for each state were done four ways. The four ways combine two analysis: the first considers including the pipeline water in the model or not including the pipeline water in the model. The second considers whether Bonny Reservoir is completely drained, or storing a small amount of water in Bonny Reservoir.

As will be demonstrated below, these two issues, that is running the water through the model or using the cap on the North Fork; and how Bonny is represented are basically orthogonal. The large number of simulations is basically intended to demonstrate this orthogonality.

RUNNING THE MODELS

The steps to complete the simulation is shown the "run" script.

Runs are named NNNNbbq. NNNN for runs where the pipeline water is not included in the model are called 200X, while runs where the pipeline water is included in the model are called 200K. bb for the runs where Bonny is drained and water is bypassed (No Bonny) is nb, while for runs where Bonny is 178 acres and seeping 2cfs (Small Bonny) is sb. The Extension q is blank for the reference run, while letters a, b, c and d are used per the RRCA convention to represent no Colorado, Kansas or Nebraska pumping, and the mound imports.

First the "mkccp" script is run. It copies the 2000 to 2009 state files in the co, ks and ne directories to corresponding co, ks and ne directories. Where the files are unchanged, the copy is achieved by setting a soft link. For the .pmp, .rcg and .agw files for Colorado, the agricultural wells transferred to the pipeline is removed by setting the cells corresponding to these well to zero in the .pmp, .rcg and .agw files.

For 2003, the Nebraska groundwater usage (pumping, recharge and acres) was replaced by a data set provided by Sam Perkins. This data sets redistributes

the volume of pumping based on irrigated acres

Next the RRPP program is run to generate a 10 year data set for the five standard scenarios. The "mkdup" script is then used to duplicate that 10 year period four times by adding three additional 10 year cycles.

The mkshead is used to generate starting heads from the 2009 ending heads.

The mkstr and mket programs are used to produce the 2000-2009 data sets repeated four times. The mkstr program is run twice, once for the No Bonny and once for the Small Bonny configuration. The No Bonny configuration represents segment 150 (Bonny Reservoir) as it existed prior to the construction of the dam. Flows are routed from the upstream segments (140 and 141) through section 150 and downstream to segment 156. The Small Bonny configuration reduces the size of the reservoir to one cell (106,91) and reduces the conductance by 178/640 to represent the smaller size of the reservoir. The reservoir elevation is set to 3640 ft. The stream routing is unchanged from the current 12s2 stream package. However, the leakage from the dam is reduced from 10 cfs to 2 cfs to represent the reduction in leakage from the toe drains.

Finally the "mkpif" program is used to generate the pipeline flows. For this simulation, pumping occurs from October to March every year. The pumping is based on estimated pipeline releases from the projected amount Colorado exceeds its allocation.

The "mkpif" program creates three files. The first is a well pumping file representing monthly pumping for the pipeline. The pipeline well pumping is represented in the oct-mar.wel file. In order to facilitate processing, the RGDSS MODFLOW program was used which allows multiple well packages to be used. Therefore the well pumping produced by RRPP is mapped to the first well package (WEL1) and the pipeline pumping is mapped to the second well package (WEL2). Internal to MODFLOW the pumping is simply added, but it is reported as separate volumes in the water budget.

The pipeline pumping is included in both historical simulations, but not in the Colorado Impact run.

The second and third files created by mkpif are stream package files for the No Bonny and Small Bonny versions, respectively. The mkpif program adds the pipeline outflow to the appropriate stream package at segment 153, which is the North Fork reach from the State Line to the Arikaree. In order to satisfy the MODFLOW stream package requirement that the segments must appear in upstream to downstream order, segments 122 and 125 (Muddy Creek Nebraska) were combined into a single segment 125, which frees up segment 122 to be used as a stub inflow (stream segment with no aquifer conductance) which is made tributary to segment 153.

The North Fork State Line accounting point was moved from the confluence of the Arikaree and the North Fork to the North Fork at the State Line by the RRCA in 2009. This made the North Fork accounting point the inflow to segment 130 Reach 28. Adding the pipeline above this reach would require renumbering all subsequent segments of the stream package. Therefore, in order to capture the pipeline inflow at segment 153, the accounting point was moved to segment

153 reach 1 which is one cell downstream from the previous location.

Joining segments 122 and 125 and moving the North Fork accounting point one cell downstream allows the pipeline water to be added to the model without requiring the wholesale renumbering of segments and assignment of accounting points in the model.

MODFLOW is then run for the five runs needed to evaluate CBCU for each state and the mound imports. When pipeline water is included in the model, all runs except the run without Colorado pumping includes the pipeline water. These runs are called 200Kbbq, When the pipeline water is not included in the model, the runs are called 200Xbbq, and contains only the pumping associated with the pipeline, except in the run without Colorado pumping. Similarly the model is run using the No Bonny (nb) and Small Bonny (sb) scenarios.

In the No Bonny Scenario, the Kansas proposal historical simulation (200Knb.nam) includes the pipeline deliveries in the stream package as well as pumping from the pipeline wells. The Colorado proposal simulation (200Xnb.nam) differs from the Kansas historical simulation only in that the stream package does not contain the pipeline flows.

The stream package without the pipeline flows (200Xnb.str) is used in the the Colorado Impact run (200Xnba) and the Colorado proposal Historical run (200Xnb), while the stream package with the pipeline flows (oct-mar-nb.str) is used in the Kansas proposal Historical run (200Knb).

A similar set of runs are run for the Small Bonny (sb) scenario.

MODFLOW is run for the using the standard RRCA packages, except that the RGDSS MODFLOW program must be used to accommodate the two well packages.

RESULTS

Finally, the accounting program from V12P7 was adapted to extract the differences in baseflows calculated by the model.

The impact runs are name for the run used to difference with the reference case. So, for example, the Colorado Pumping Impacts - No Bonny - Pipeline not in the Model is the difference between 200Xnb and 200Xnba, and is in the file 200Xnba.htm.

The South Fork and North Fork analysis are essentially independent. Comparing the South Fork depletions with or without the pipeline water in the model results in a difference on the South Fork of less than 200 acre-feet on average for both the No Bonny (200Xnba.htm & 200Knb.htm) and the Small Bonny (200Xsba.htm & 200Ksba.htm) simulations.

Similarly, for the No Bonny vs. Small Bonny comparison, the differences on the North Fork are zero on the North Fork and less than 200 acre-feet for the Above Swanson reach for the pipeline water in the model (200Knb.htm & 200Ksba.htm) as well as the pipeline water not in the model (200Xnba.htm * 200Xsba.htm).

The small changes that are observed occur in the area near Benkleman where changes in the north and south forks interact.

We therefore submit that instead of reviewing all the possible combinations of runs, the conclusions remain the same when evaluated individually.

For the No Bonny scenario, the Colorado Pumping Impacts using the historical run which includes the pipeline deliveries is contained in the file 200Knba.htm, while the Colorado Well Pumping Impacts without including Pipeline Deliveries but including pipeline well pumping is shown in 200Xnba.htm.

The 200Knba and 200Xnba runs are actually the same, as are the 200Ksba and 200Xsba runs, because all these simulations omit Colorado pumping and pipeline flows. Since the Colorado Pumping Impact with the pipeline deliveries in the stream package is

$$CIp = 200Knb - 200Knba$$

while the Colorado Pumping Impact with the pipeline deliveries NOT in the stream package is

$$CIo = 200Xnb - 200Xnba$$

The pipeline credit can therefore be isolated as

$$\text{Pipeline Credit} = CIp - CIo = 200Knb - 200Xnb$$

because $200Knba = 200Xnba$. This was calculated directly using the acct program and is shown in 200Xnb.htm. The same calculation can be done for the Small Bonny simulation with virtually identical results. (See 200Xsb.htm).

NORTH FORK ANALYSIS

Figure 1 shows the pipeline releases as a purple line and the pipeline credit as a red line. The fraction of the release credited is shown as a blue line. The thin blue line represent the annual values. Note that the credit can be as much as 105% of the amount released and as low as 58% for any individual year. The five year running average is shown as a thick blue line, which varies from 96% to 75%. The long term average is shown as a thick dashed line and averages 89%.

The reason for the variability is shown in Figure 2. Figure 2 shows the North Fork depletions when the pipeline water is included in the model as a red line, and the when the pipeline water is not included in the model as an orange line. Note that the pipeline releases generally match the slope of the North Fork depletions without the pipeline, so that when the pipeline deliveries are included, the North Fork depletions averages about 12,000 af/yr.

The Above Swanson values are shown as a light blue line in the absence of the pipeline, and a dark blue line when the pipeline is included. The Above Swanson values are actually negative, but are shown here as positive values for ease of comparison. Note that in the absence of the pipeline water, the Above Swanson values grow to more than 11,000 af in one year.

Also shown in Figure 2 is the pipeline credit represented by a green line. What is particularly striking is how the pipeline credits goes down when the Above Swanson goes up when the water is not in the model. This is because large Above Swanson values are caused by the stream going dry. Conversely, when the stream goes dry, the pipeline water does not reach Swanson Reservoir

and reduces the pipeline credit.

What Colorado is proposing is to NOT model adding the pipeline water to the model, but to achieve the same result by capping the Above Swanson values.

Figure 3 shows the difference between the pipeline deliveries and the pipeline credit when the pipeline water is included in the model as a red line. The thin red line are the annual values, and the thick red line is the five year running average. The thick red line therefore represent pipeline deliveries for which Colorado will not receive a credit in the Compact accounting.

The Above Swanson values computed when the pipeline water is not in the model is shown as a dark blue line. The thin dark blue line represents the annual values and the thick dark blue line represents the five year running average.

The light blue line represents Colorado's proposal. This line represents the Above Swanson values calculated by the model, but the values are capped at 5000 af/yr. Therefore the light blue values match the dark blue when the flows are less than 5000 af/yr, but differ when they are greater.

What Colorado gives up as a result of the cap on the Above Swanson values is the difference between the dark blue and light blue lines. This is shown as a green line, with again the thin green line representing the annual values, and the thick line representing the five year running average.

The key thing to note is that the thick green line tracks the thick red line almost perfectly.

This is the essence of the Colorado proposal. Putting the pipeline deliveries in the model causes the pipeline credit to be less than the pipeline deliveries. The red line represents that difference. This difference captures the net effect of putting the pipeline water in the model.

The green line represents the amount of Above Swanson credits that Colorado is giving up by agreeing to a cap of 5000 af/yr on the Above Swanson values. On an annual basis, the amount given up by Colorado tracks the difference between the pipeline deliveries and pipeline credits fairly well, but on the five year running average the correspondence is very good. Also note that on average the amount of Above Swanson credit given up is greater than the difference between the pipeline deliveries and pipeline credits.

Figure 4 shows the results from a CBCU point of view for the North Fork, that is the North Fork and Above Swanson terms added together. The blue line represents the projected North Fork plus Above Swanson CBCU without considering the pipeline. The thin blue line are the annual values, while the thick blue line is the 5 year running average.

The green line represents the result of running the water through the pipeline, with the thin and thick lines representing the annual and 5 year running averages, respectively. The red line represents the Colorado proposal, which caps the Above Swanson credits and then subtracts the pipeline deliveries. While not identical, the red and green lines represent the same effective result.

Figure 5 shows the same analysis, but for Colorado's basin wide CBCU. Again the red and green lines track very closely.

So the bottom line here is that by agreeing to a cap on the Above Swanson values, we achieve the exact same effect as running the pipeline water through the model.

The advantage to Colorado is that the variability in the pipeline credits are reduced because the Colorado will receive 100% credit for what is delivered in exchange for limiting the Above Swanson values.

The advantage to Kansas and Nebraska is that by capping the Above Swanson values, Colorado will be required to deliver more water to be in compliance with the Compact and at the same time satisfy the desire expressed by Kansas that the deliveries should be more steady from year to year.

It is my understanding that this is the modeling question Dick Wolfe and David Barfield asked us to address: Does a cap on the Above Swanson cap achieve the same result as running the pipeline water through the model? I submit that Figures 3 to 5 demonstrates exactly that.

NORTH FORK ANALYSIS ? *Bonny / No Bonny*

A comparison of the No Bonny vs. the Small Bonny results for Kansas Pumping Impacts (200Xnbb.htm & 200Xsbb.htm), Nebraska Pumping (200Xnbc.htm & 200Xsbc) and Nebraska Mound (200Xnbd.htm & 200Xsbd.htm) differ by less than 10 acre-feet. So for purposes of this discussion, we will ignore these results. Note that this is also that for the 200K series simulations.

The difference appears in the Colorado impact runs. In the run with No Bonny, the South Fork plus Bonny impacts are on average 4945 acre-feet, while in the Small Bonny simulation the South Fork plus Bonny impacts average 11737 acre-feet, a difference of 6792 acre-feet.

The reason for these differences are readily understood. Figure 6 shows the baseflow into Bonny. The flow for the base (historical) case is shown in light blue for the Small Bonny and dark blue for the No Bonny simulations. The light blue line is not visible in Figure 6 because it is perfectly overlain by the dark blue line. Similarly, the baseflow into Bonny with Colorado pumping off is shown as an orange line for the Small Bonny run and in red for the No Bonny run. Once again the red alone is visible because it overlies the orange. So the baseflow into Bonny remains unchanged as a result of the representation of Bonny, as is to be expected.

Figure 7 shows the baseflow on the South Fork at the confluence with the North Fork near Benkleman, which in the groundwater model is the accounting point for the South Fork.

In Figure 7, the light and dark blue lines do differ at times, indicating that if the baseflow into Bonny is passed under historical (base) conditions then there will at times be a change in flow near Benkleman. However, for most of the period, the flow remains essentially the same.

Comparing the red and orange lines, however, shows that in the absence of Colorado Pumping, a significant difference in the flows occur between the No Bonny and Small Bonny simulations. This is because in the No Bonny simulation, baseflow into Bonny reservoir is passed into the lower reach, and some fraction of that flow will reach Benkleman. However, in the Small Bonny simulation only two cfs is released into the lower reach.

In the absence of transit losses between Bonny and Benkleman due to evapotranspiration and pumping in Kansas and Nebraska, the Colorado Pumping impact at Bonny shown in Figure 6 would match the Colorado Pumping impact at Benkleman shown in Figure 7. This, however, is not the case.

When Bonny stores water, the Colorado CBCU is calculated as the change in baseflow into Bonny reservoir. The baseflow in the reach below Bonny is then set to the seepage below the dam and additional Colorado CBCU is calculated as the change in baseflow near Benkleman.

However with the baseflow into Bonny is passed through because the reservoir is no longer storing water, Figure 7 shows that some of the water is lost in transit due to evapotranspiration and pumping, and so the flow that reaches Benkleman is only a fraction of what had reached Bonny.

As a result, the CBCU calculated at end of the basin is several thousand acre-feet smaller than the CBCU calculated at the peak of the baseflow near Bonny in the middle of the basin.

Pumping w/ NB
No Pumping w B

3



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

April 5, 2013

David Barfield
Kansas Commissioner, RRCA
Kansas Division of Water Resources
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283

Brian Dunnigan
Nebraska Commissioner, RRCA
Nebraska Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509-4676

Re: Colorado Compact Compliance Pipeline Proposal; Submittal to RRCA

Dear Commissioners Barfield and Dunnigan,

The State of Colorado hereby submits its Compact Compliance Pipeline Proposal ("CCP Proposal") to the RRCA pursuant to section VII.A of the Final Settlement Stipulation. A copy of the CCP Proposal is attached hereto as Exhibit A.

Further pursuant to section VII.A.3, Colorado designates the CCP Proposal as a "Fast Track" issue for action by the RRCA within the next 30 days. A schedule for resolution before the RRCA, and for non-binding arbitration, is attached hereto as Exhibit B. Colorado requests the Chairman schedule a special meeting of the RRCA on or before May 5, 2013.

Best Regards,

Dick Wolfe, P.E.
Colorado Commissioner, RRCA
State Engineer
Colorado Division of Water Resources

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>

RESOLUTION BY THE REPUBLICAN RIVER COMPACT ADMINISTRATION
APPROVING AN AUGMENTATION PLAN AND RELATED ACCOUNTING
PROCEDURES FOR THE COLORADO COMPACT COMPLIANCE PIPELINE

May 5, 2013

Whereas, the States of Kansas, Nebraska, and Colorado entered into a Final Settlement Stipulation (“FSS”) as of December 15, 2002, to resolve pending litigation in the United States Supreme Court regarding the Republican River Compact (“Compact”) in the case of *Kansas v. Nebraska and Colorado*, No. 126 Original;

Whereas, the FSS was approved by the United States Supreme Court on May 19, 2003;

Whereas, the State of Colorado’s Computed Beneficial Consumptive Use of the waters of the Republican River Basin exceeded Colorado’s Compact Allocation using the five-year running average to determine Compact compliance from 2003 through 2012, as provided in Subsection IV.D of the FSS;

Whereas, the Republican River Water Conservation District is a water conservation district created by Colorado statute to assist the State of Colorado to comply with the Compact;

Whereas, the Republican River Water Conservation District, acting by and through its Water Activity Enterprise (“RRWCD WAE”), has acquired fifteen wells (“Compact Compliance Wells”) in the Republican River Basin in Colorado and has constructed collector pipelines, a storage tank, a main transmission pipeline, and an outlet structure capable of delivering groundwater to the North Fork of the Republican River for the sole purpose of offsetting stream depletions in order to comply with the State of Colorado’s Compact Allocations;

Whereas, the RRWCD WAE has purchased groundwater rights in the Republican River Basin within Colorado and proposes to pump the historical consumptive use of some or all of these groundwater rights from the Compact Compliance Wells into the pipeline it has constructed and deliver that water into the North Fork of the Republican River near the Colorado/Nebraska State Line to offset stream depletions in order to comply with Colorado’s Compact Allocations (the “Colorado Compact Compliance Pipeline” or the “Pipeline”);

Whereas, the States of Kansas, Nebraska, and Colorado adopted a Moratorium on New Wells in Subsection III.A of the FSS, with certain exceptions set forth in subsection III.B of the FSS;

Whereas, Subsection III.B.1.k of the FSS provides that the Moratorium shall not apply to wells acquired or constructed by a State for the sole purpose of offsetting stream depletions in order to comply with its Compact Allocations, provided that such wells shall not cause any new net depletion to stream flow either annually or long term;

Exhibit A

Whereas, Subsection III.B.1.k of the FSS further provides that augmentation plans and related accounting procedures submitted under this Subsection III.B.1.k shall be approved by the Republican River Compact Administration (“RRCA”) prior to implementation;

Whereas, Subsection I.F of the FSS also provides that: “The RRCA may modify the RRCA Accounting Procedures, or any portion thereof, in any manner consistent with the Compact and this Stipulation;” and

Whereas, the State of Colorado and the RRWCD WAE have submitted a revised application for approval of an augmentation plan and related accounting procedures for the Pipeline to account for water delivered to the North Fork of the Republican River for the purpose of offsetting stream depletions in order to comply with Colorado’s Compact Allocations.

Now, therefore, it is hereby resolved that the RRCA approves an augmentation plan and the related accounting procedures for the Colorado Compact Compliance Pipeline subject to the terms and conditions set forth herein. The Colorado Compact Compliance Pipeline project is described in the revised application submitted by the State of Colorado and the RRWCD WAE, which is attached hereto as Exhibit 1. The augmentation plan for the Pipeline and the terms and conditions for the operation of the augmentation plan are described below. The related accounting procedures are included in the revised RRCA Accounting Procedures and Reporting Requirements (“revised RRCA Accounting Procedures”), which are attached hereto as Exhibit 2. This approval of the augmentation plan and the related accounting procedures for the Pipeline is subject to the following terms and conditions:

1. The average annual historical consumptive use of the groundwater rights that will be diverted at the Compact Compliance Wells shall be the amounts determined by the Colorado Ground Water Commission pursuant to its rules and regulations, as shown on Exhibit 3.
2. Diversions from any individual Compact Compliance Well shall not exceed 2,500 acre-feet per year.
3. Diversions during any calendar year under the groundwater rights listed on Exhibit 3 and any additional groundwater rights approved for diversion through the Compact Compliance Wells pursuant to paragraph 11 shall not exceed the total average annual historical consumptive use of the rights, except that banking of groundwater shall be permitted in accordance with the rules and regulations of the Colorado Ground Water Commission, subject to the terms and conditions of this resolution.
4. Diversions from the Compact Compliance Wells shall be measured by totalizing flow meters in compliance with the Colorado State Engineer’s rules and regulations for the measurement of groundwater diversions in the Republican River basin, and the measured

Exhibit A

groundwater pumping from such wells shall be included in the base “run” of the RRCA Groundwater Model in accordance with paragraph III.D.1 of the revised RRCA Accounting Procedures. Net depletions from the Colorado Compact Compliance Wells shall be computed by the RRCA Groundwater Model and included in Colorado’s Computed Beneficial Consumptive Use of groundwater pursuant to paragraph III.D.1 of the revised RRCA Accounting Procedures (See Exhibit 2; also Exhibit 4).

5. Deliveries from the Colorado Compact Compliance Pipeline to the North Fork of the Republican River shall be measured by a Parshall flume or other measuring device located at the outlet structure. Authorized representatives of Kansas and Nebraska shall have the right to inspect the Parshall flume and other measurement devices for the Pipeline at any reasonable time upon notice to the RRWCD WAE.
6. Each year, the measured deliveries from the Colorado Compact Compliance Pipeline, to the extent they are in compliance with this resolution, shall offset stream depletions to the North Fork of the Republican River sub-basin on an acre-foot for acre-foot basis in accordance with the revised RRCA Accounting Procedures.
7. Each year, the measured deliveries from the Colorado Compact Compliance Pipeline shall be added to the RRCA Groundwater Model in all model runs in accordance with the revised RRCA Accounting Procedures (See Exhibit 2; also Exhibit 4).
8. Colorado shall determine the Projected Augmentation Water Supply Delivery (“Projected Delivery”) for the upcoming accounting year (the “subject accounting year”) to estimate the volume of augmentation water that will be delivered from the Pipeline during the subject accounting year as provided below, and the RRWCD WAE shall make deliveries from the Pipeline as provided below:
 - A. Colorado will initially estimate the Projected Delivery required for the current year based on the largest stream depletions to the North Fork of the Republican River sub-basin during the previous five years without Pipeline deliveries. The RRWCD WAE will begin deliveries from the Colorado Compact Compliance Pipeline during the subject accounting year based on the Projected Delivery and shall make a minimum delivery of 4,000 acre-feet per year as provided below.
 - B. Accounting for deliveries will start January 1 of each year.
 - C. The RRWCD WAE will begin deliveries from the Pipeline on January 1 and will make the minimum annual delivery of 4,000 acre-feet during the months of January, February, and March, unless such deliveries cannot be made due to operational conditions beyond the control of the RRWCD WAE. If the minimum annual delivery of 4,000 acre-feet cannot be made during the months of January,

Exhibit A

February and March due to such operational conditions, Colorado will consult with Nebraska and Kansas to schedule such deliveries later in the year.

- D. Colorado will calculate and provide notice to the Kansas and Nebraska RRCA Members by April 1, of the Projected Delivery as provided in the Colorado resolution. Unless Colorado determines by April 1 that it will not be able to deliver additional required augmentation water in October through December, Colorado shall stop deliveries at the end of March. If Colorado anticipates that deliveries in the months of November and December will not be sufficient for Compact compliance, Colorado will maximize deliveries first in January, then sequentially in the months of February, March, and April. Deliveries will be made in May only if there is reason to believe that additional deliveries in the months of October through December will not be sufficient for Compact compliance.
- E. Because the final accounting for determining Compact compliance is not done until after the compact year is completed and because Colorado's allocations and computed beneficial consumptive use are dependent upon such factors as runoff, the amount of pumping, precipitation and crop evapotranspiration, Colorado cannot know the precise amount of augmentation water that will be needed in any given year. However, because Compact accounting is done on a five-year running average, Colorado will know the accounting for the previous four years and will know whether there is a deficit from the prior four years that will need to be made up in the subject accounting year in addition to the delivery required for the coming year. After the initial minimum delivery of 4,000 acre-feet, Colorado will collect preliminary data for Compact accounting for the subject accounting year and, no later than September 1 of the subject accounting year, will update the Projected Delivery required for the remainder of the subject accounting year, including any deficit owed from the previous 4 years, less the initial minimum delivery of the 4,000 acre-feet that has already been delivered; provided that during the first four years of full operation of the Pipeline under this augmentation plan, the RRWCD WAE may limit deliveries to the updated Projected Delivery for the subject accounting year or the updated Projected Delivery for the subject accounting year plus a percentage of the deficit owed from the previous 4 years to prevent large over deliveries in subsequent years.
- F. After updating the Projected Delivery, as described above, if additional deliveries in excess of the initial delivery of 4,000 acre-feet are necessary, Colorado and the RRWCD WAE will maximize such additional deliveries first in the month of December, then November and October of the subject accounting year. If the total necessary additional deliveries cannot be made within those three months,

Exhibit A

Colorado will attempt to schedule those deliveries in April and May of the subject accounting year, or at such time so as to avoid, to the extent practicable, deliveries during the subject accounting year's irrigation season.

- G. Colorado's shortage and Projected Delivery will be calculated in accordance with the FSS.
9. The as-built design for the Colorado Compact Compliance Pipeline, including the location of the Compact Compliance Wells and the river outlet structure, is described in the revised application attached hereto as Exhibit 1. No future changes to the Pipeline that would materially change the location of the Compact Compliance Wells or the river outlet structure shall be made without prior approval of the RRCA.
 10. Augmentation credit for deliveries from the Pipeline to the North Fork of the Republican River shall be limited to offsetting stream depletions to the North Fork of the Republican River Colorado sub-basin for the purpose of determining Colorado's compliance with the sub-basin non-impairment requirement (Table 4A) and for calculating Colorado's five-year running average allocation and computed beneficial use for determining Compact compliance (Table 3A).
 11. The RRWCD WAE may acquire additional groundwater rights to be diverted through the Compact Compliance Wells upon the terms and conditions of this resolution, provided that such groundwater rights in total do not to exceed an average annual historical consumptive use of 1,500 acre-feet, as determined by the Colorado Ground Water Commission in accordance with its rules and regulations. The State of Colorado and the RRWCD WAE shall file a notice with the RRCA identifying the additional groundwater rights and the historical consumptive use of the groundwater rights. The RRCA members shall have sixty days from the date the notice is given to review the information. If no objection is made within sixty days from the date the notice is given, the additional groundwater rights may be pumped through the Compact Compliance Wells upon the terms and conditions of this resolution. If an objection is made by any RRCA member, the objection shall be given in writing to the RRWCD WAE within 60 days from the date the notice is given and the notice shall be treated as an application for approval of an augmentation plan and related accounting procedures under Subsection III.B.1.k of the FSS and the State of Colorado and the RRWCD WAE may submit any additional information to address the objection. Any increase in the groundwater rights to be diverted through the Compact Compliance Wells, other than as provided in this paragraph, shall require approval of the RRCA.
 12. The approval of this augmentation plan and the related accounting procedures for the Pipeline shall not govern the approval of any future proposed augmentation plan and

Exhibit A

related accounting procedures submitted by the State of Colorado or any other State under Subsection III.B.1.k of the FSS.

13. The approval of this augmentation plan and the related accounting procedures for the Pipeline shall not waive any State's rights to seek damages from any other State for violations of the Compact or the FSS subsequent to December 15, 2002.
14. Except for the approval of the augmentation plan and the related accounting procedures as provided herein, nothing in this Resolution shall relieve the State of Colorado from complying with the obligations set forth in the Compact or FSS.
15. The approval of this augmentation plan and the related accounting procedures for the Pipeline shall be subject to review every twenty years after the date of the approval of this resolution to determine whether aquifer conditions are capable of sustaining the augmentation plan based on the Pipeline; provided that the Pipeline may continue in operation in accordance with this resolution unless there is a substantial change in aquifer conditions demonstrating the augmentation plan for the Pipeline is not sustainable. The State suggesting that there has been a change in aquifer conditions demonstrating that the augmentation plan is not sustainable shall have the burden of proof on that issue. If it is determined that there has been a change in aquifer conditions demonstrating that the augmentation plan for the Pipeline is not sustainable, Colorado shall propose a plan to comply with the State of Colorado's Compact Allocations.

Approved by the RRCA this ____ day of ____, 2013.

Brian Dunnigan, P.E.
Nebraska Member

date

David Barfield, P.E.
Kansas Member
Chairman, RRCA

date

Dick Wolfe, P.E.
Colorado Member

date

Exhibit 1

**REVISED APPLICATION FOR APPROVAL OF AN
AUGMENTATION PLAN AND RELATED ACCOUNTING
PROCEDURES UNDER SUBSECTION III.B.I.K. OF THE FINAL
SETTLEMENT STIPULATION IN KANSAS V. NEBRASKA AND
COLORADO, NO. 126, ORIGINAL**

For

**The Colorado
Compact Compliance Pipeline**

Submitted by

**The State of Colorado
And
The Republican River Water Conservation District, acting by and
through its Water Activity Enterprise**

April 5, 2013

compliance under the projection made for this scenario with the combination of actions shown in Figure 8. However, as shown in Figure 7, Colorado cannot achieve Compact compliance in the next 25 years without the CCP, absent a dramatic change in the hydrology of the basin in Colorado.

The State of Colorado exceeded its compact allocation by approximately 11,000 ac-ft/yr for period of 2003-2007. In order to comply with Colorado's Compact Allocations, the RRWCD WAE has purchased ground water rights that were historically used for irrigation in the Republican River Basin in Colorado and has constructed the Colorado CCP to deliver ground water pumped under these rights to the North Fork of the Republican River through an outlet structure located a short distance upstream from the Colorado-Kansas State line. This is the stream gage location where the Virgin Water Supply of the North Fork and Colorado stream depletions on the North Fork are calculated under the RRCA Accounting Procedures.

The Compact Compliance Wells are located in the area of the Ogallala Aquifer in Colorado that has the greatest saturated thickness. The wells typically have 250 to 300 feet of saturated thickness. The well field is also located in the sand hills region of Colorado, which has the highest recharge rates of any location in the Republican River Basin in Colorado. The location of the Compact Compliance Wells was selected to ensure a long-term water supply as water levels decline.

4.0 CLARIFICATIONS AND REVISIONS TO ADDRESS THE ARBITRATOR'S 2010 FINAL DECISION

During the 2010 arbitration, Kansas raised eight deficiencies in the Colorado CCP proposal ("Colorado's Proposal"), which were addressed by the Arbitrator in the Final Decision. The objections were: (1) the augmentation water to be delivered to the North Fork of the Republican River was not included in the RRCA ("Republican River Compact Administration") Groundwater Model; (2) the Colorado Proposal did not address Colorado's failure to meet the sub-basin non-impairment requirement in the South Fork sub-basin; (3) the limitations set forth in the Colorado Resolution were insufficient to require augmentation deliveries on a reliable basis and left those deliveries to Colorado's discretion; (4) the Colorado Proposal lacked "temporal limits"; (5) the States had not conducted a detailed review of Colorado's proposed changes to the RRCA Accounting Procedures; (6) Colorado's "catch-up" provisions were inadequate; (7) Colorado had not explained the reasons for adding language to the Resolution that would allow future augmentation deliveries to increase to 25,000 acre-

feet per year; and (8) Colorado and Nebraska had refused to disclose the terms of their stipulated agreement.

The following sections respond to the Arbitrator's rulings.

5.0 Responses to Kansas' Objections Noted in Arbitrator's Final Decision

5.1. Kansas' Objection Number 1: The Colorado Proposal Did Not Include the Augmentation Water in the RRCA Groundwater Model

Kansas' first objection to Colorado's Proposal was that the augmentation water to be delivered to the North Fork of the Republican River was not included in the RRCA Groundwater Model.

The States were in agreement that pumping from the Compact Compliance Wells would be included in the RRCA Groundwater Model to determine the net depletions from these wells, but disagreed on whether the RRCA Groundwater Model should be informed of the water delivered from the CCP. The Arbitrator reviewed Kansas' and Colorado's positions and noted that the expert evidence provided by Kansas had demonstrated that use of the CCP would result in an increase in negative pumping impacts and had raised a related issue regarding the treatment of transit losses between the point of discharge and Swanson Reservoir. The Arbitrator concluded that it was reasonable for Kansas to insist that such impacts be considered in calculating the amount of augmentation credit, whether by use of the RRCA Groundwater Model or through some other approach.

Based on further discussion with Kansas, Colorado proposes that Colorado be given 100% credit for CCP deliveries as an offset to stream depletions to the North Fork of the Republican River, provided the deliveries are in compliance with the other terms and conditions of the resolution, and that the CCP deliveries be included in all runs of the RRCA Groundwater Model (including the "Colorado Pumping" and the "No Colorado Pumping" runs used to determine stream depletions), as shown in the proposed revisions to the RRCA Accounting Procedures.

5.2. Kansas' Objection Number 2: The North Fork Credits Should be Limited to Protect Kansas' Allocation in the South Fork Sub-basin

Kansas' second objection to Colorado's Proposal was that it would allow Colorado to replace its South Fork overuse on the North Fork for purposes of determining Compact compliance with sub-basin allocations.

Steve Larson

From: Perkins, Sam <Sam.Perkins@KDA.KS.GOV>
Sent: Friday, July 19, 2013 5:35 PM
To: Steve Larson (slarson@sspa.com); Alex Spiliotopoulos; Barfield, David
Subject: FW: Follow-up on CCP Modeling
Attachments: BonnyCO.htm; BonnyKS.htm; BonnyMD.htm; BonnyNE.htm; CCPCO.htm; CCPKS.htm; CCPMD.htm; CCPNE.htm

-----Original Message-----

From: Willem Schreuder [<mailto:willem@prinmath.com>]
Sent: Monday, May 13, 2013 10:40 AM
To: Wolfe, Dick; Sullivan, Mike; Franco, Ivan; Barfield, David; Perkins, Sam; Dunnigan, Brian; Schneider, Jim; Koester, Paul
Subject: Follow-up on CCP Modeling

Howdy!

Chuck Spalding pointed out that in the CCP runs I sent out on Apr 24, I had used the wrong recharge files in the CCP simulation. As a result, the simulation considered retiring the pumping from the transferred wells, but retained the return flows associated with those lands. The benefit of retiring those lands were therefore overstated by about 20%.

I have corrected this mistake and posted the corrected runs at
<http://www.republicanrivercompact.org/restricted/misc/BonnyCCP13-ks.zip>
The attached tables summarize the results.

The biggest change as a result of the correction is that on the North Fork, Colorado's decrease in CBCU resulting from the pipeline averages 67 af/yr over the simulation instead of 114 af/yr as previously predicted. The decrease in the above Swanson credit for Colorado changes from 528 af/yr to 519 af/yr on average. Transferring the consumptive use from the retired wells to the CCP remains a net reduction in consumptive use because the CCP production on average is less than the historical consumptive use.

Other values for Colorado, Kansas and Nebraska all change by a few acre-feet, but in essence the results remain the same, and the conclusions are unchanged.

Nebraska also requested that we analyze the CCP and Bonny simulations using the 5 Run Proposal instead of the current procedure. I have posted that run at
<http://www.republicanrivercompact.org/restricted/misc/BonnyCCP13-ne.zip>
The results for those runs differ from the analysis presented by only a few acre-feet for all the analyses. This is what we would expect since the North Fork and South Fork is far enough from the mound that the influence of imported water on these reaches is negligible.

I provided these runs to Sam and Paul last week, so hopefully they can fill you in on the gory details of the simulations.

Let me know if you have any questions or concerns.

Regards
-Willem

=====

Dr. Willem A. Schreuder, President, Principia Mathematica
Address: 445 Union Blvd, Suite 230, Lakewood, CO 80228, USA
Tel: (303) 716-3573 Fax: (303) 716-3575
WWW: www.primath.com Email: Willem.Schreuder@primath.com

Exhibit 4

Modeling the Colorado Compliance Pipeline in the RRCA Groundwater Model

Modeling the Colorado Compliance Pipeline (the “CCP”) in the RRCA Groundwater Model (the “Model”) consists of two parts. The first involves fifteen wells that will be pumped via a collector system and storage tank into the pipeline (the “CCP Wells”). The water rights for these wells were changed from existing irrigation wells that will be retired. The historic consumptive use from those wells has been transferred to the CCP Wells. The second part involves the surface water outflow from the pipeline.

Modeling of Well Pumping

The irrigation wells that were acquired as part of the CCP will be removed from the irrigation well data set used to represent irrigation wells in the Republican River Basin in Colorado. Because the irrigation wells will no longer be pumped, they will not be included when calculating pumping and return flows from agricultural wells.

Instead, production for each CCP Well will be recorded and supplied as monthly input values by well based on actual production of each well. The pumping of each well will be considered to be fully consumptive and the appropriate volume added to the Republican River Pre-Processor (“rrpp”) pumping input files (“.pmp” files) for each month. Since there are no irrigation return flows associated with these wells, nothing will be added to the “.rcg” files.

Those pumping values for the CCP Wells will be ON in all of the model simulations except the simulation with pumping in Colorado turned OFF. Therefore, the impacts of the CCP Wells on baseflow will be evaluated as part of the evaluation of other Colorado pumping. No changes are required to “rrpp” to simulate the CCP Wells.

Only the consumptive use of the retired irrigation wells is transferred to the CCP Wells. It was previously demonstrated that due to the distance between the wells and the North Fork of the Republican River, the changes in the timing of the pumping results in no net increase in depletions of baseflow in the Republican River.

Modeling of Pipeline Outflow

The outflow of the CCP will be added to the stream network for all the Model simulations.

The MODFLOW stream package requires that the stream network be specified in such a way that the flows in the stream network can be solved from the top to the bottom of the system. The outflow from the CCP must be added to the stream network as a tributary to Segment 153. In order to do so, a new segment must be created in the stream network with a segment number less than 153. To avoid renumbering all of the segments in the stream network and the corresponding change required to the accounting that would occur as a result of renumbering all the segments, a change will be made to the stream network that avoids renumbering.

Muddy Creek in Nebraska is represented as Segments 122 and 125. The model cells representing Segment 122 will be added to Segment 125, and the routing updated so that the flow from Segments 33 and 66 that previously went to Segment 122 will go to Segment 125 instead.

Segment 122 will then be re-purposed to represent the outflow from the CCP. The new Segment 122 will have a single cell with a stream conductance of zero. The monthly CCP outflow volume will be set as the inflow to Segment 122. The stream routing will be updated so that the outflow from Segments 122 and 130 will go to Segment 153. The result will be that the inflow into Segment 153 will be the sum of the simulated baseflow in the North Fork of the Republican River at the Colorado-Nebraska State Line and the CCP outflow.

Exhibit 4

The monthly CCP outflow volume will be added to all simulations. The outflow will therefore cancel out in all the CBCU_G terms it would potentially be included. Therefore no changes are required to the acct program used to summarize the groundwater model results for the accounting spreadsheets.

A change to the "mkstr" program will be required in order to add the CCP outflow to the stream package file for every month. The existing Model version 12s.str stream template file will be updated to reflect the change to Segments 122 and 125 and changes to the routing of segments 63, 66, 122 and 130. A new version of the "mkstr" program called "mkstr2" will be used to read monthly CPP volumes from the file "flow.dbf" and add it to Segment 122.

Changes to Procedures

The CCP Wells and CCP outflow will be processed along with the annual updates to the Model and the CCP data supplied along with the backup information for other components of the Colorado data.

The Model will be updated to Version 12s3 to reflect changes in the stream network required to add the outflow from the CCP to the stream network. Version 12s3 will use the updated "mkstr2" program that will require an additional "flow.dbf" input file to specify the monthly CCP outflow volume. No changes are required to the other programs used to run the Model.

The CCP will require no changes to the "acct" program that summarizes the Model results for incorporation into the accounting spreadsheets. Changes to the accounting spreadsheets to account for the Augmentation Water Supply resulting from the CCP are described elsewhere.

INTRODUCTION

These simulations evaluate a future scenario where the 2000-2009 conditions are repeated four times (40 years). This represents two 20 year cycles per the proposed pipeline approval.

The current set of simulations is essentially the same as the simulations provided earlier, but with the following modifications:

- 1) The pipeline deliveries are estimated based on the projected amount Colorado will exceed its allocation in the absence of the pipeline;
- 2) The 2003 pumping in Nebraska was redistributed based on the irrigated acreage by Sam Perkins.
- 3) The analysis is done with Bonny modeled in two ways. The first represents the reservoir as completely drained ("No Bonny"), while the second represents the reservoir as 178 acres and 2cfs seepage ("Small Bonny").

In all there are 20 simulations. Each of the 5 simulations needed to calculate CBCU for each state were done four ways. The four ways combine two analysis: the first considers including the pipeline water in the model or not including the pipeline water in the model. The second considers whether Bonny Reservoir is completely drained, or storing a small amount of water in Bonny Reservoir.

As will be demonstrated below, these two issues, that is running the water through the model or using the cap on the North Fork; and how Bonny is represented are basically orthogonal. The large number of simulations is basically intended to demonstrate this orthogonality.

RUNNING THE MODELS

The steps to complete the simulation is shown the "run" script.

Runs are named NNNNbbq. NNNN for runs where the pipeline water is not included in the model are called 200X, while runs where the pipeline water is included in the model are called 200K. bb for the runs where Bonny is drained and water is bypassed (No Bonny) is nb, while for runs where Bonny is 178 acres and seeping 2cfs (Small Bonny) is sb. The Extension q is blank for the reference run, while letters a, b, c and d are used per the RRCA convention to represent no Colorado, Kansas or Nebraska pumping, and the mound imports.

First the "mkccp" script is run. It copies the 2000 to 2009 state files in the co, ks and ne directories to corresponding co, ks and ne directories.

Where the files are unchanged, the copy is achieved by setting a soft link. For the .pmp, .rcg and .agw files for Colorado, the agricultural wells transferred to the pipeline is removed by setting the cells corresponding to these well to zero in the .pmp, .rcg and .agw files.

For 2003, the Nebraska groundwater usage (pumping, recharge and acres) was replaced by a data set provided by Sam Perkins. This data sets redistributes the volume of pumping based on irrigated acres

Next the RRPP program is run to generate a 10 year data set for the five standard scenarios. The "mkdup" script is then used to duplicate that 10 year period four times by adding three additional 10 year cycles.

The mkshead is used to generate starting heads from the 2009 ending heads.

The mkstr and mket programs are used to produce the 2000-2009 data sets repeated four times. The mkstr program is run twice, once for the No Bonny and once for the Small Bonny configuration. The No Bonny configuration represents segment 150 (Bonny Reservoir) as it existed prior to the construction of the dam. Flows are routed from the upstream segments (140 and 141) through section 150 and downstream to segment 156. The Small Bonny configuration reduces the size of the reservoir to one cell (106,91) and reduces the conductance by 178/640 to represent the smaller size of the reservoir. The reservoir elevation is set to 3640 ft. The stream routing is unchanged from the current 12s2 stream package. However, the leakage from the dam is reduced from 10 cfs to 2 cfs to represent the reduction in leakage from the toe drains.

Finally the "mkpif" program is used to generate the pipeline flows. For this simulation, pumping occurs from October to March every year. The pumping is based on estimated pipeline releases from the projected amount Colorado exceeds its allocation.

The "mkpif" program creates three files. The first is a well pumping file representing monthly pumping for the pipeline. The pipeline well pumping is represented in the oct-mar.wel file. In order to facilitate processing, the RGDSS MODFLOW program was used which allows multiple well packages to be used. Therefore the well pumping produced by RRPP is mapped to the first well package (WEL1) and the pipeline pumping is mapped to the second well package (WEL2). Internal to MODFLOW the pumping is simply added, but it is reported as separate volumes in the water budget.

The pipeline pumping is included in both historical simulations, but not in the Colorado Impact run.

The second and third files created by mkpif are stream package files for the

No Bonny and Small Bonny versions, respectively. The mkpif program adds the pipeline outflow to the appropriate stream package at segment 153, which is the North Fork reach from the State Line to the Arikaree. In order to satisfy the MODFLOW stream package requirement that the segments must appear in upstream to downstream order, segments 122 and 125 (Muddy Creek Nebraska) were combined into a single segment 125, which frees up segment 122 to be used as a stub inflow (stream segment with no aquifer conductance) which is made tributary to segment 153.

The North Fork State Line accounting point was moved from the confluence of the Arikaree and the North Fork to the North Fork at the State Line by the RRCA in 2009. This made the North Fork accounting point the inflow to segment 130 Reach 28. Adding the pipeline above this reach would require renumbering all subsequent segments of the stream package. Therefore, in order to capture the pipeline inflow at segment 153, the accounting point was moved to segment 153 reach 1 which is one cell downstream from the previous location.

Joining segments 122 and 125 and moving the North Fork accounting point one cell downstream allows the pipeline water to be added to the model without requiring the wholesale renumbering of segments and assignment of accounting points in the model.

MODFLOW is then run for the five runs needed to evaluate CBCU for each state and the mound imports. When pipeline water is included in the model, all runs except the run without Colorado pumping includes the pipeline water. These runs are called 200Kbbq, When the pipeline water is not included in the model, the runs are called 200Xbbq, and contains only the pumping associated with the pipeline, except in the run without Colorado pumping. Similarly the model is run using the No Bonny (nb) and Small Bonny (sb) scenarios.

In the No Bonny Scenario, the Kansas proposal historical simulation (200Knb.nam) includes the pipeline deliveries in the stream package as well as pumping from the pipeline wells. The Colorado proposal simulation (200Xnb.nam) differs from the Kansas historical simulation only in that the stream package does not contain the pipeline flows.

The stream package without the pipeline flows (200Xnb.str) is used in the the Colorado Impact run (200Xnba) and the Colorado proposal Historical run (200Xnb), while the stream package with the pipeline flows (oct-mar-nb.str) is used in the Kansas proposal Historical run (200Knb).

A similar set of runs are run for the Small Bonny (sb) scenario.

MODFLOW is run for the using the standard RRCA packages, except that the RGDSS MODFLOW program must be used to accommodate the two well packages.

RESULTS

Finally, the accounting program from V12P7 was adapted to extract the differences in baseflows calculated by the model.

The impact runs are name for the run used to difference with the reference case. So, for example, the Colorado Pumping Impacts - No Bonny - Pipeline not in the Model is the difference between 200Xnb and 200Xnba, and is in the file 200Xnba.htm.

The South Fork and North Fork analysis are essentially independent. Comparing the South Fork depletions with or without the pipeline water in the model results in a difference on the South Fork of less than 200 acre-feet on average for both the No Bonny (200Xnba.htm & 200Knba.htm) and the Small Bonny (200Xsba.htm & 200Ksba.htm) simulations.

Similarly, for the No Bonny vs. Small Bonny comparison, the differences on the North Fork are zero on the North Fork and less than 200 acre-feet for the Above Swanson reach for the pipeline water in the model (200Knba.htm & 200Ksba.htm) as well as the pipeline water not in the model (200Xnba.htm * 200Xsba.htm).

The small changes that are observed occur in the area near Benkleman where changes in the north and south forks interact.

We therefore submit that instead of reviewing all the possible combinations of runs, the conclusions remain the same when evaluated individually.

For the No Bonny scenario, the Colorado Pumping Impacts using the historical run which includes the pipeline deliveries is contained in the file 200Knba.htm, while the Colorado Well Pumping Impacts without including Pipeline Deliveries but including pipeline well pumping is shown in 200Xnba.htm.

7 | The 200Knba and 200Xnba runs are actually the same, as are the 200Ksba and 200Xsba runs, because all these simulations omit Colorado pumping and pipeline flows. Since the Colorado Pumping Impact with the pipeline deliveries in the stream package is

$$CIp = 200Knba - 200Knba$$

while the Colorado Pumping Impact with the pipeline deliveries NOT in the stream package is

$$CIo = 200Xnb - 200Xnba$$

The pipeline credit can therefore be isolated as

$$\text{Pipeline Credit} = CIp - CIo = 200Knba - 200Xnb \checkmark$$

7 | because 200Knba = 200Xnba. This was calculated directly using the acct program and is shown in 200Xnb.htm. The same calculation can be done for the Small

Bonny simulation with virtually identical results.i (See 200Xsb.htm).

NORTH FORK ANALYSIS

Figure 1 shows the pipeline releases as a purple line and the pipeline credit as a red line. The fraction of the release credited is shown as a blue line. The thin blue line represent the annual values. Note that the credit can be as much as 105% of the amount released and as low as 58% for any individual year. The five year running average is shown as a thick blue line, which varies from 96% to 75%. The long term average is shown as a thick dashed line and averages 89%.

The reason for the variability is shown in Figure 2. Figure 2 shows the North Fork depletions when the pipeline water is included in the model as a red line, and the when the pipeline water is not included in the model as an orange line. Note that the pipeline releases generally match the slope of the North Fork depletions without the pipeline, so that when the pipeline deliveries are included, the North Fork depletions averages about 12,000 af/yr.

The Above Swanson values are shown as a light blue line in the absence of the pipeline, and a dark blue line when the pipeline is included. The Above Swanson values are actually negative, but are shown here as positive values for ease of comparison. Note that in the absence of the pipeline water, the Above Swanson values grow to more than 11,000 af in one year.

Also shown in Figure 2 is the pipeline credit represented by a green line. What is particularly striking is how the pipeline credits goes down when the Above Swanson goes up when the water is not in the model. This is because large Above Swanson values are caused by the stream going dry. Conversely, when the stream goes dry, the pipeline water does not reach Swanson Reservoir and reduces the pipeline credit.

What Colorado is proposing is to NOT model adding the pipeline water to the model, but to achieve the same result by capping the Above Swanson values.

Figure 3 shows the difference between the pipeline deliveries and the pipeline credit when the pipeline water is included in the model as a red line. The thin red line are the annual values, and the thick red line is the five year running average. The thick red line therefore represent pipeline deliveries for which Colorado will not receive a credit in the Compact accounting.

The Above Swanson values computed when the pipeline water is not in the model is shown as a dark blue line. The thin dark blue line represents the annual values and the thick dark blue line represents the five year running average.

The light blue line represents Colorado's proposal. This line represents the Above Swanson values calculated by the model, but the values are capped at 5000 af/yr. Therefore the light blue values match the dark blue when the flows are less than 5000 af/yr, but differ when they are greater.

What Colorado gives up as a result of the cap on the Above Swanson values is the difference between the dark blue and light blue lines. This is shown as a green line, with again the thin green line representing the annual values, and the thick line representing the five year running average.

The key thing to note is that the thick green line tracks the thick red line almost perfectly.

This is the essence of the Colorado proposal. Putting the pipeline deliveries in the model causes the pipeline credit to be less than the pipeline deliveries. The red line represents that difference. This difference captures the net effect of putting the pipeline water in the model.

The green line represents the amount of Above Swanson credits that Colorado is giving up by agreeing to a cap of 5000 af/yr on the Above Swanson values. On an annual basis, the amount given up by Colorado tracks the difference between the pipeline deliveries and pipeline credits fairly well, but on the five year running average the correspondence is very good. Also note that on average the amount of Above Swanson credit given up is greater than the difference between the pipeline deliveries and pipeline credits.

Figure 4 shows the results from a CBCU point of view for the North Fork, that is the North Fork and Above Swanson terms added together. The blue line represents the projected North Fork plus Above Swanson CBCU without considering the pipeline. The thin blue line are the annual values, while the thick blue line is the 5 year running average.

The green line represents the result of running the water through the pipeline, with the thin and thick lines representing the annual and 5 year running averages, respectively. The red line represents the Colorado proposal, which caps the Above Swanson credits and then subtracts the pipeline deliveries. While not identical, the red and green lines represent the same effective result.

Figure 5 shows the same analysis, but for Colorado's basin wide CBCU. Again the red and green lines track very closely.

So the bottom line here is that by agreeing to a cap on the Above Swanson values, we achieve the exact same effect as running the pipeline water through the model.

The advantage to Colorado is that the variability in the pipeline credits are reduced because the Colorado will receive 100% credit for what is delivered in exchange for limiting the Above Swanson values.

The advantage to Kansas and Nebraska is that by capping the Above Swanson values, Colorado will be required to deliver more water to be in compliance with the Compact and at the same time satisfy the desire expressed by Kansas that the deliveries should be more steady from year to year.

It is my understanding that this is the modeling question Dick Wolfe and David Barfield asked us to address: Does a cap on the Above Swanson cap achieve the same result as running the pipeline water through the model? I submit that Figures 3 to 5 demonstrates exactly that.

NORTH FORK ANALYSIS

A comparison of the No Bonny vs. the Small Bonny results for Kansas Pumping Impacts (200Xnbb.htm & 200Xsbb.htm), Nebraska Pumping (200Xnbc.htm & 200Xsbc) and Nebraska Mound (200Xnbd.htm & 200Xsbd.htm) differ by less than 10 acre-feet. So for purposes of this discussion, we will ignore these results. Note that this is also that for the 200K series simulations.

The difference appears in the Colorado impact runs. In the run with No Bonny, the South Fork plus Bonny impacts are on average 4945 acre-feet, while in the Small Bonny simulation the South Fork plus Bonny impacts average 11737 acre-feet, a difference of 6792 acre-feet.

The reason for these differences are readily understood. Figure 6 shows the baseflow into Bonny. The flow for the base (historical) case is shown in light blue for the Small Bonny and dark blue for the No Bonny simulations. The light blue line is not visible in Figure 6 because it is perfectly overlain by the dark blue line. Similarly, the baseflow into Bonny with Colorado pumping off is shown as an orange line for the Small Bonny run and in red for the No Bonny run. Once again the red alone is visible because it overlies the orange. So the baseflow into Bonny remains unchanged as a result of the representation of Bonny, as is to be expected.

Figure 7 shows the baseflow on the South Fork at the confluence with the North Fork near Benkleman, which in the groundwater model is the accounting point for the South Fork.

In Figure 7, the light and dark blue lines do differ at times, indicating that if the baseflow into Bonny is passed under historical (base) conditions then there will at times be a change in flow near Benkleman. However, for most of the period, the flow remains essentially the same.

Comparing the red and orange lines, however, shows that in the absence of Colorado Pumping, a significant difference in the flows occur between the No Bonny and Small Bonny simulations. This is because in the No Bonny simulation, baseflow into Bonny reservoir is passed into the lower reach, and some fraction of that flow will reach Benkleman. However, in the Small Bonny simulation only two cfs is released into the lower reach.

In the absence of transit losses between Bonny and Benkleman due to evapotranspiration and pumping in Kansas and Nebraska, the Colorado Pumping impact at Bonny shown in Figure 6 would match the Colorado Pumping impact at Benkleman shown in Figure 7. This, however, is not the case.

When Bonny stores water, the Colorado CBCU is calculated as the change in baseflow into Bonny reservoir. The baseflow in the reach below Bonny is then set to the seepage below the dam and additional Colorado CBCU is calculated as the change in baseflow near Benkleman.

However with the baseflow into Bonny is passed through because the reservoir is no longer storing water, Figure 7 shows that some of the water is lost in transit due to evapotranspiration and pumping, and so the flow that reaches Benkleman is only a fraction of what had reached Bonny.

As a result, the CBCU calculated at end of the basin is several thousand acre-feet smaller than the CBCU calculated at the peak of the baseflow near Bonny in the middle of the basin.

Steve Larson

From: Alex Spiliotopoulos <alexs@sspa.com>
Sent: Thursday, July 18, 2013 5:00 PM
To: 'Steve Larson'
Subject: FW: Pipeline & Above Swanson Cap Runs
Attachments: fig.pdf; 200Xo.htm; 200Xa.htm; 200Xp.htm

Sam provided a host of files associated with Willem's model runs from last year. The files can be found in:
P:\1414 Republican River Consultation\Task 02 - CCP\from Sam Perkins\Schreuder Model Runs - 2011

Attached is an email Willem sent to Sam with explanations on the model runs.
So far Sam has not found another report besides those I have already located.

Alex Spiliotopoulos
Senior Hydrogeologist
S.S. Papadopoulos & Associates, Inc.
7944 Wisconsin Avenue
Bethesda, MD 20814
Office: (301) 718-8900
Direct: (301) 500-2288
Cell: (301) 787-3506
Email: alex@sspa.com

-----Original Message-----

From: Perkins, Sam
Sent: Friday, June 24, 2011 4:07 PM
To: Beightel, Chris; 'Dale Book'
Subject: FW: Pipeline & Above Swanson Cap Runs

Chris and Dale,
Rcvd from Willem
--Sam

-----Original Message-----

From: Willem Schreuder [mailto:willem@prinmath.com]
Sent: Friday, June 24, 2011 10:39 AM
To: Wolfe, Dick; Sullivan, Mike; Jim Slattery; Barfield, David; Perkins, Sam; Steve Larson
Subject: Pipeline & Above Swanson Cap Runs

Howdy!

Attached are the figures and tables summarizing the results of the analysis of the alternatives to model the Colorado pipeline.

The actual runs are on the RRCA web site at
<http://www.republicanrivercompact.org/restricted/cap/ccp2011-ks.zip>

This simulation evaluates a future scenario where the 2000-2009 conditions are repeated four times (40 years). This represents two 20 year cycles per the proposed pipeline approval.

The current set of simulations is essentially the same as the simulations provided earlier, but with the following modifications:

- 1) The pipeline deliveries are estimated based on the projected amount Colorado will exceed its allocation in the absence of the pipeline;
- 2) The 2003 pumping in Nebraska was redistributed based on the irrigated acreage by Sam Perkins.
- 3) We modeled the South Fork with Bonny drained. This has a small impact on the calculations related to the pipeline due to larger flows in the lower reach of the South Fork.

Figure 1 shows the pipeline releases as a purple line and the pipeline credit as a red line. The fraction of the release credited is shown as a blue line. The thin blue line represent the annual values. Note that the credit can be as much as 105% of the amount released and as low as 58% for any individual year. The five year running average is shown as a thick blue line, which varies from 96% to 75%. The long term average is shown as a thick dashed line and averages 89%.

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Please let me know if you have any questions.

Best regards
-Willem

=====
Dr. Willem A. Schreuder, President, Principia Mathematica
Address: 445 Union Blvd, Suite 230, Lakewood, CO 80228, USA
Tel: (303) 716-3573 Fax: (303) 716-3575
WWW: www.prinmath.com Email: Willem.Schreuder@prinmath.com



Pipeline Credits

2000-2009 Repeated, Projected Pipeline Releases, 2003 Pumping Adjusted, No Bonny

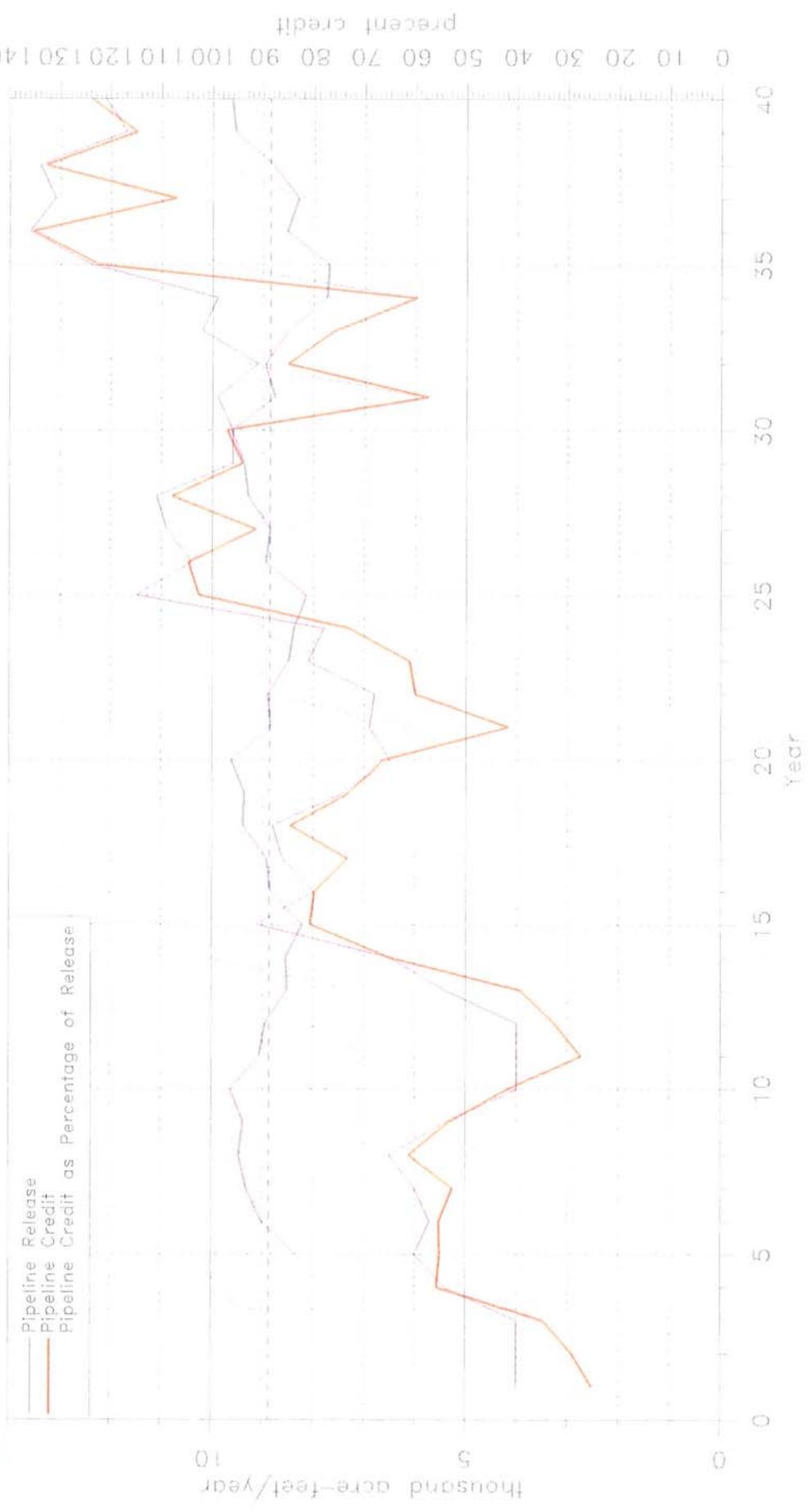


Figure 1



North Fork, Above Swanson and Pipeline Credit

2000-2009 Repeated, Projected Pipeline Releases, 2003 Pumping Adjusted, No Bonny

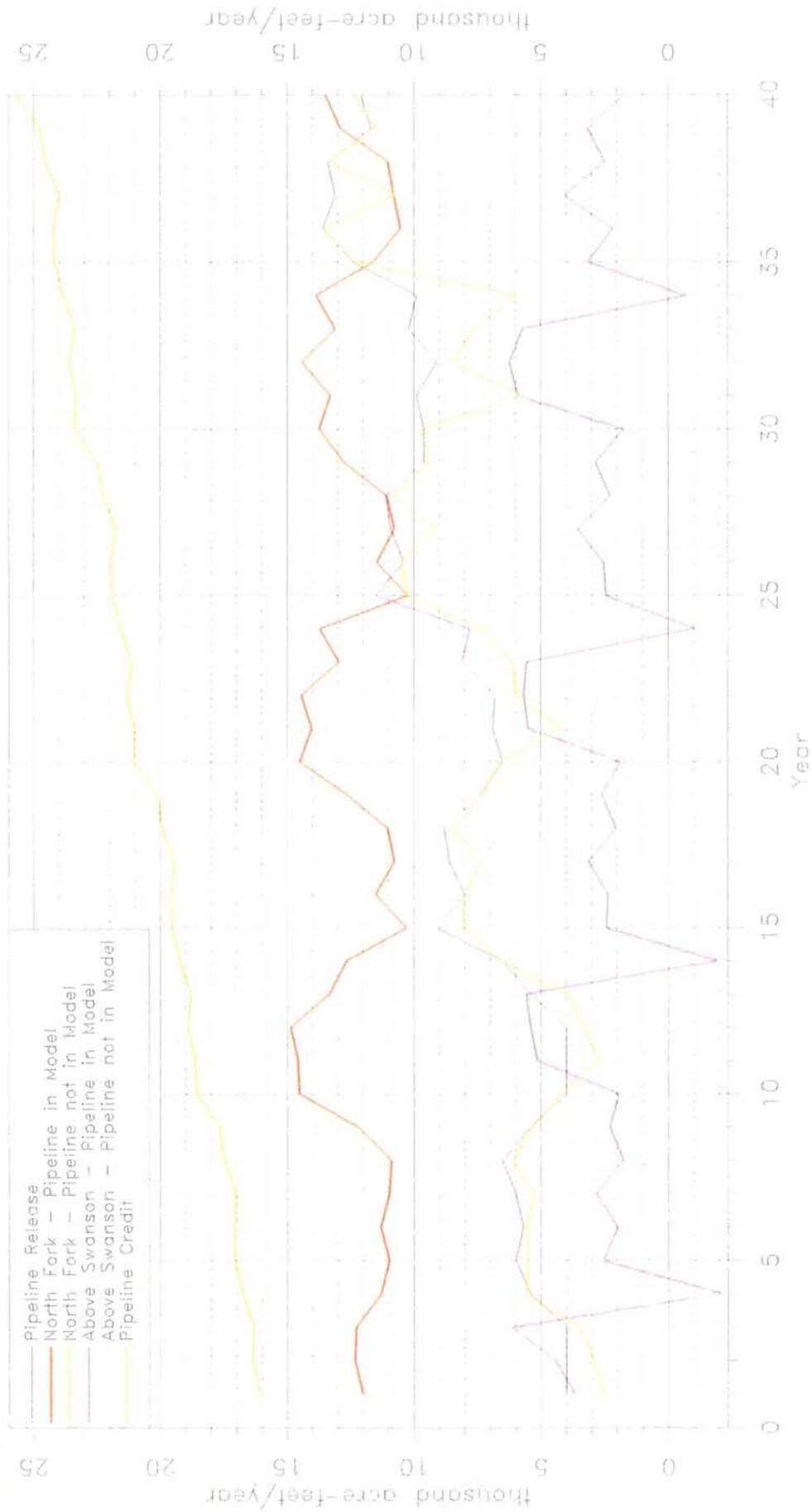


Figure 2



Pipeline Discount and Above Swanson Cap

2000-2009 Repeated, Projected Pipeline Releases, 2005 Pumping Adjusted, No Bonny

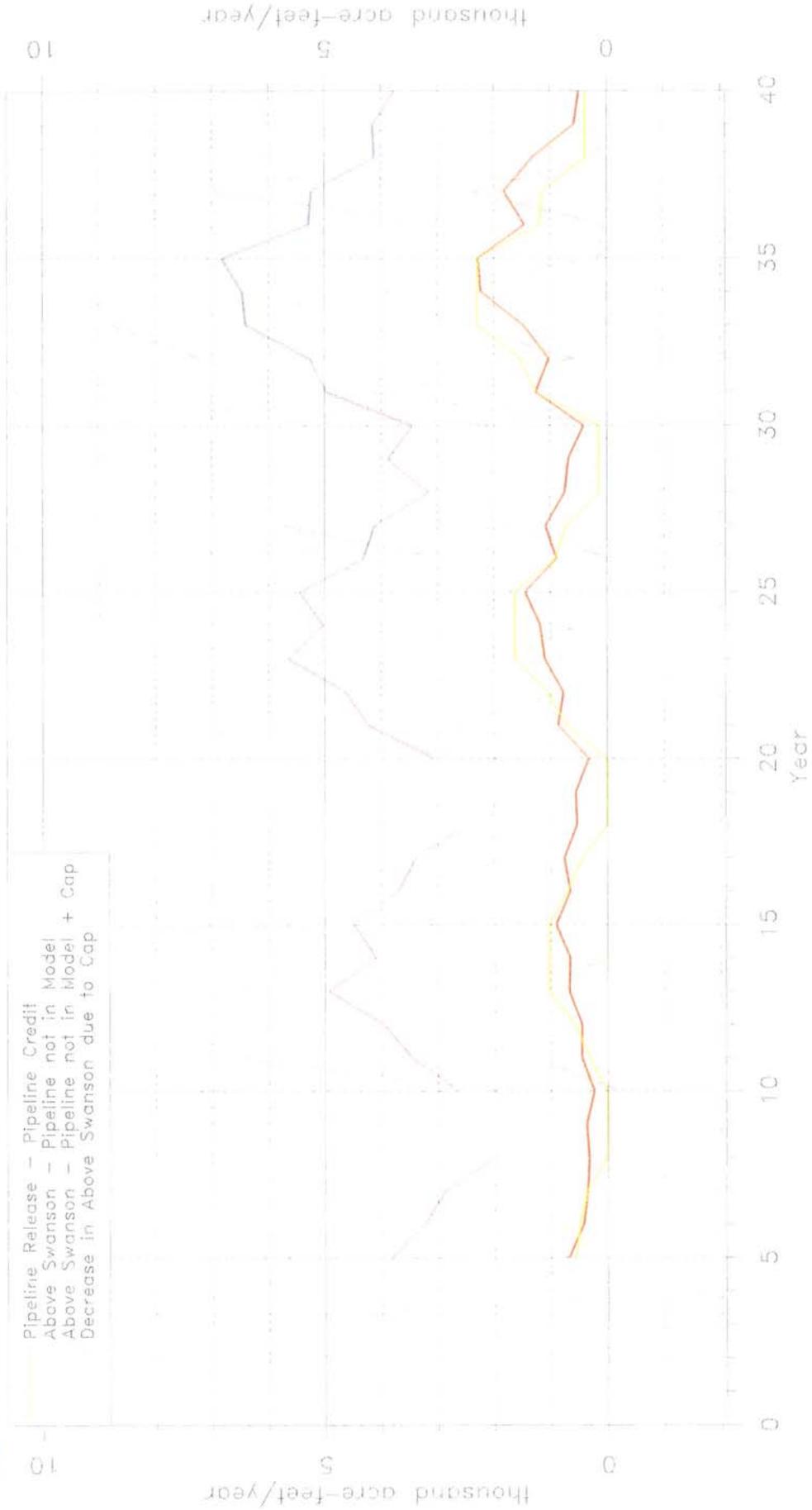


Figure 3



Colorado North Fork CBCU^G

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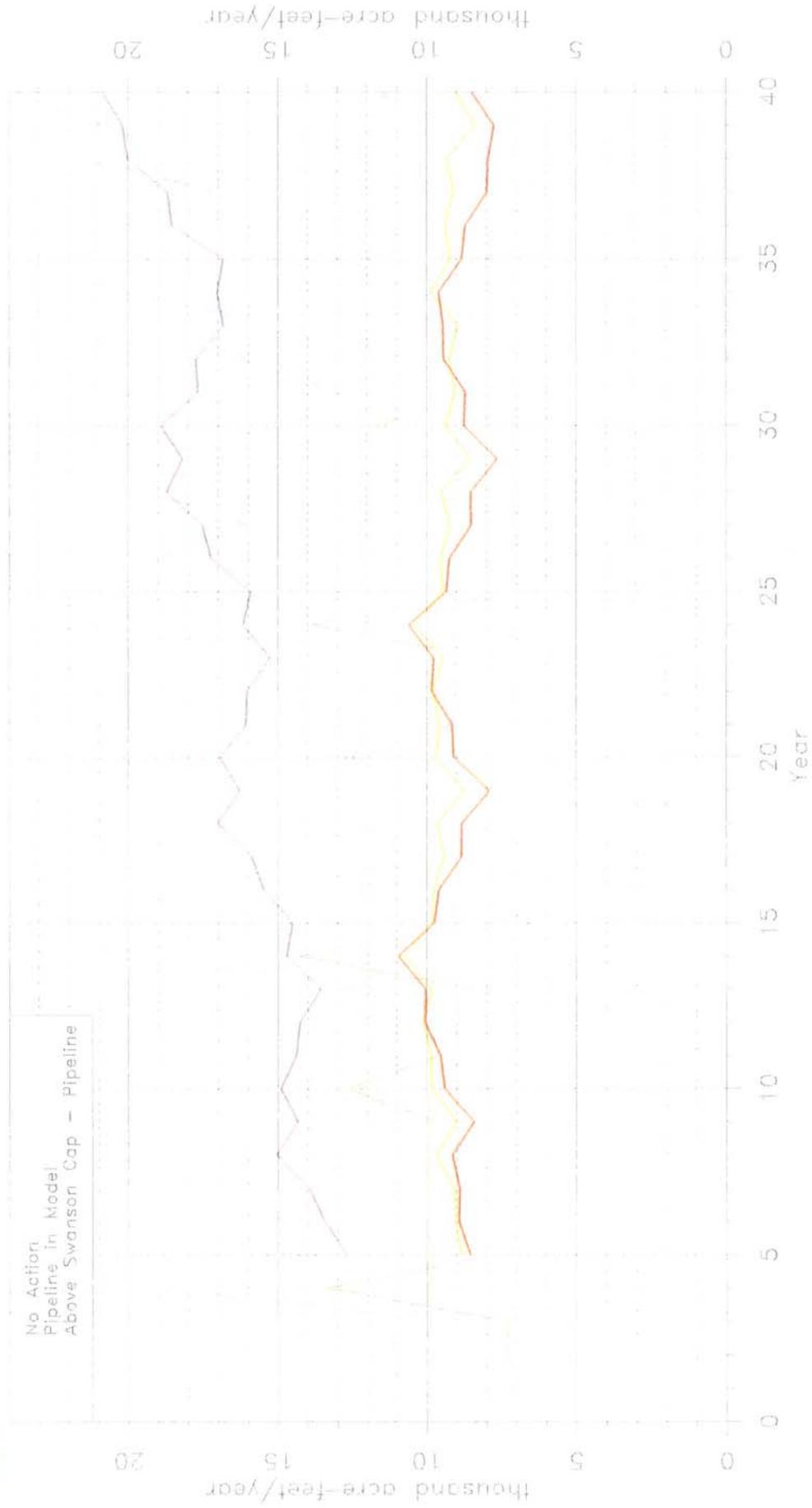


Figure 4



Colorado Basin Wide CBCU^g

2000-2009 Repeated, Projected Pipeline Releases, 2003 Pumping Adjusted, No Benny

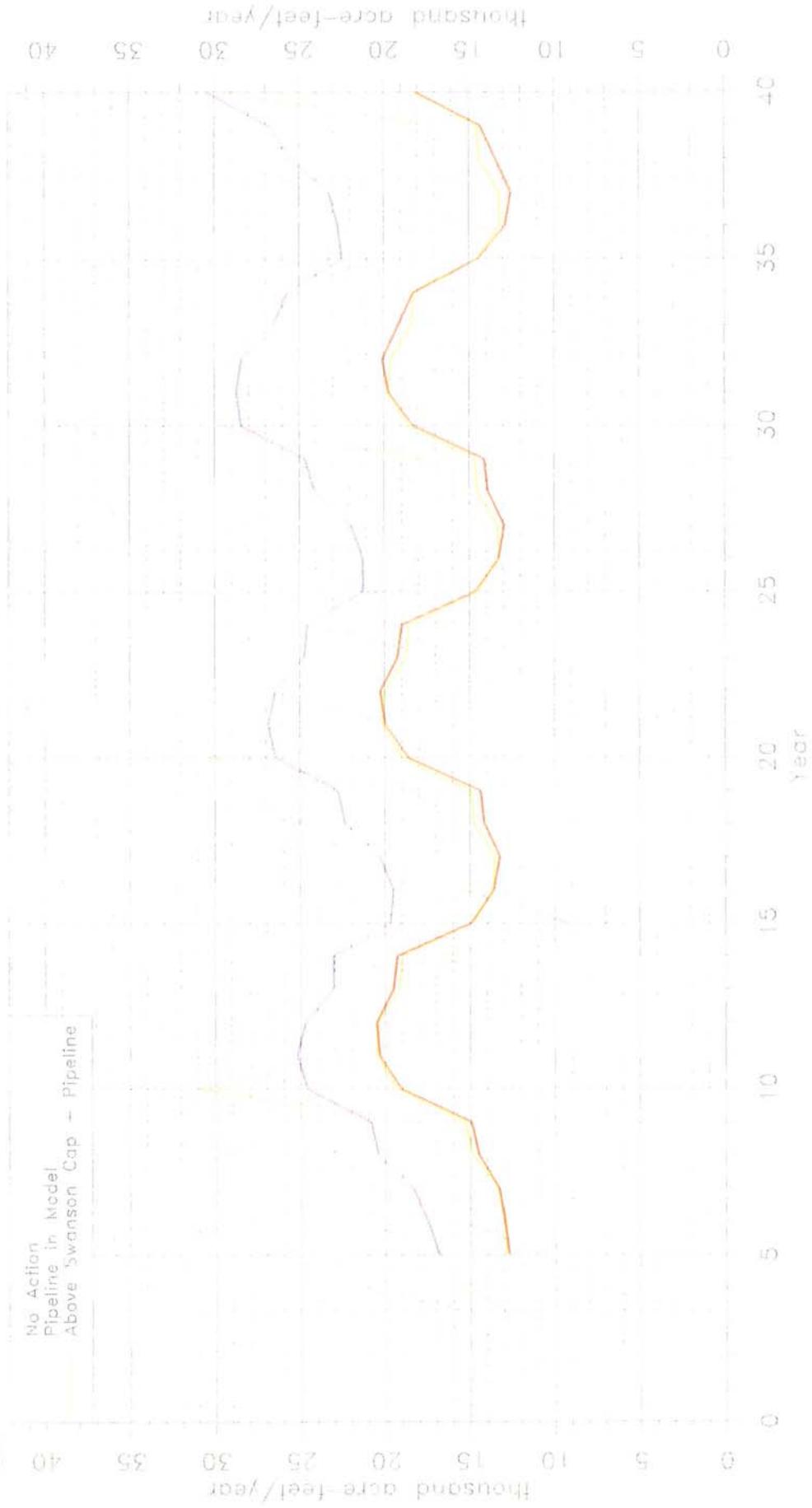


Figure 5

4

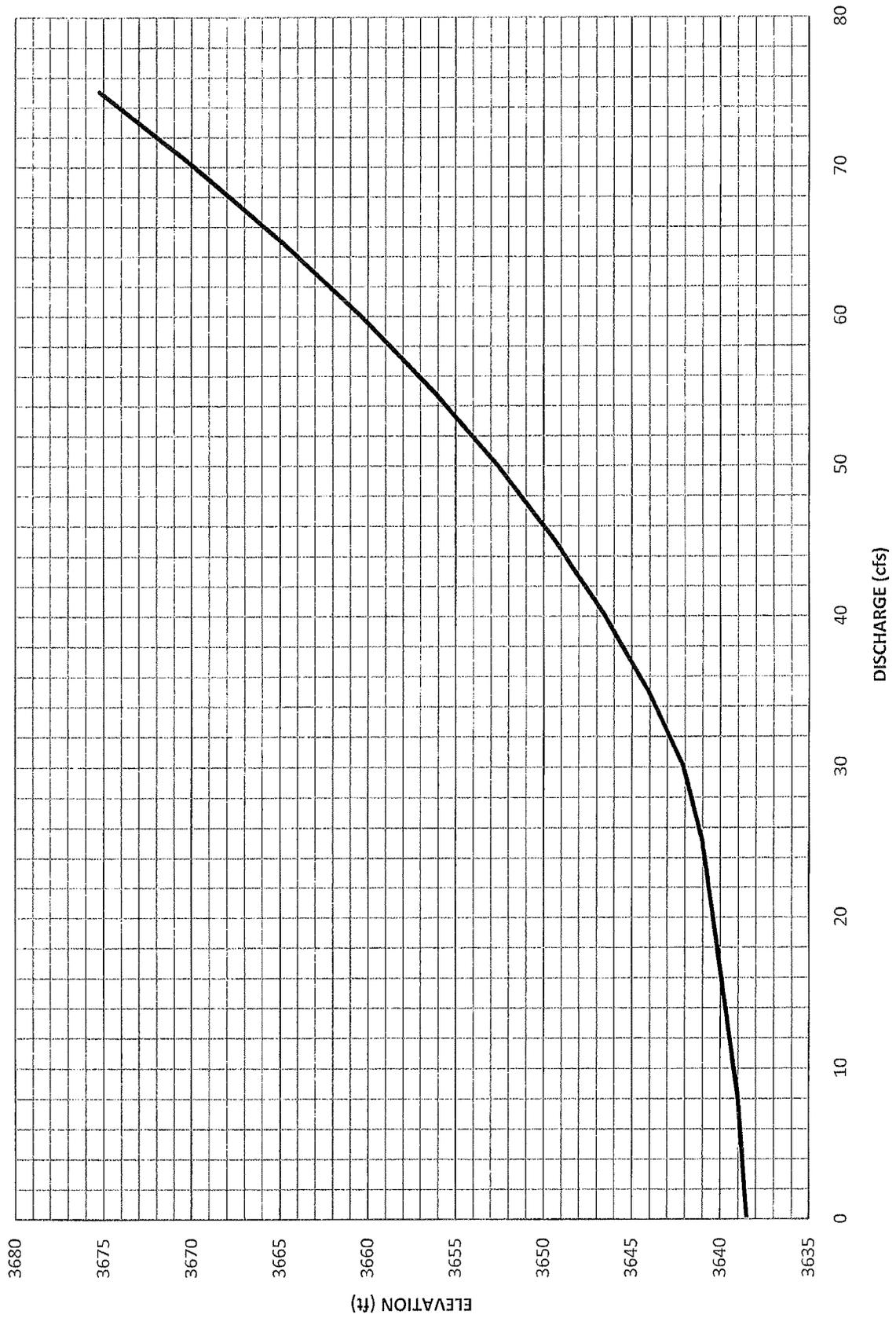
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- 7 SO151022KeithSebeliu
- 8 SI155001Enders
- 9 SO155015Enders
- 10 SI231001Harlan
- 11 SO233018Harlan
- 12 SI183001HarryStrunk
- 13 SO183008HarryStrunk
- 14 SI203001Swanson
- 15 SO203011Swanson
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98 SI185007AcctSFrepubl
99 SI197004AcctFrenchma
100 SI115009AcctDriftwoo
101 SI160002AcctRedWillo
102 SI190005AcctMedicine
103 SI195030AcctBeaver
104 SI201006AcctSappa
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106 SI171053AcctPrairieD
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" Buffalo"	+SI133001AcctBuffalo		
" Driftwood"	+SI115009AcctDriftwoo		
" Frenchman"	+SI197004AcctFrenchma	+SI1470106831500	
" North Fork"	+SI1300286823000		
"*Above Swanson"	+SI202005RRAbvSwanson	-SI1300286823000	-SI185007AcctSFRepublican -SI139003
"*Swanson - Harlan"	+SI230005RepRivabvHar	-SI197004AcctFrenchma	-SI115009AcctDriftwoo
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"*Guide Rock - Hardy"	+SI2560046853500	-SI251003RRGuideRock	
" Medicine"	+SI190005AcctMedicine	+SI170017AcctHarryStrunk	
" Prairie Dog"	+SI1710536848500	+SI1460546847900	
" Red Willow"	+SI160002AcctRedWillo	+SI0600516837300	
" Rock"	+SI131002AcctRock		
" Sappa"	+SI201006AcctSappa	-SI195030AcctBeaver	
" South Fork"	+SI185007AcctSFRepublican	-SI176001SFbloBonny	+SI0970326825000
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" Bonny"	+SO150008Bonny	-SI150001Bonny	
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" Enders"	+SO155015Enders		
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BONNY DISCHARGE CURVE



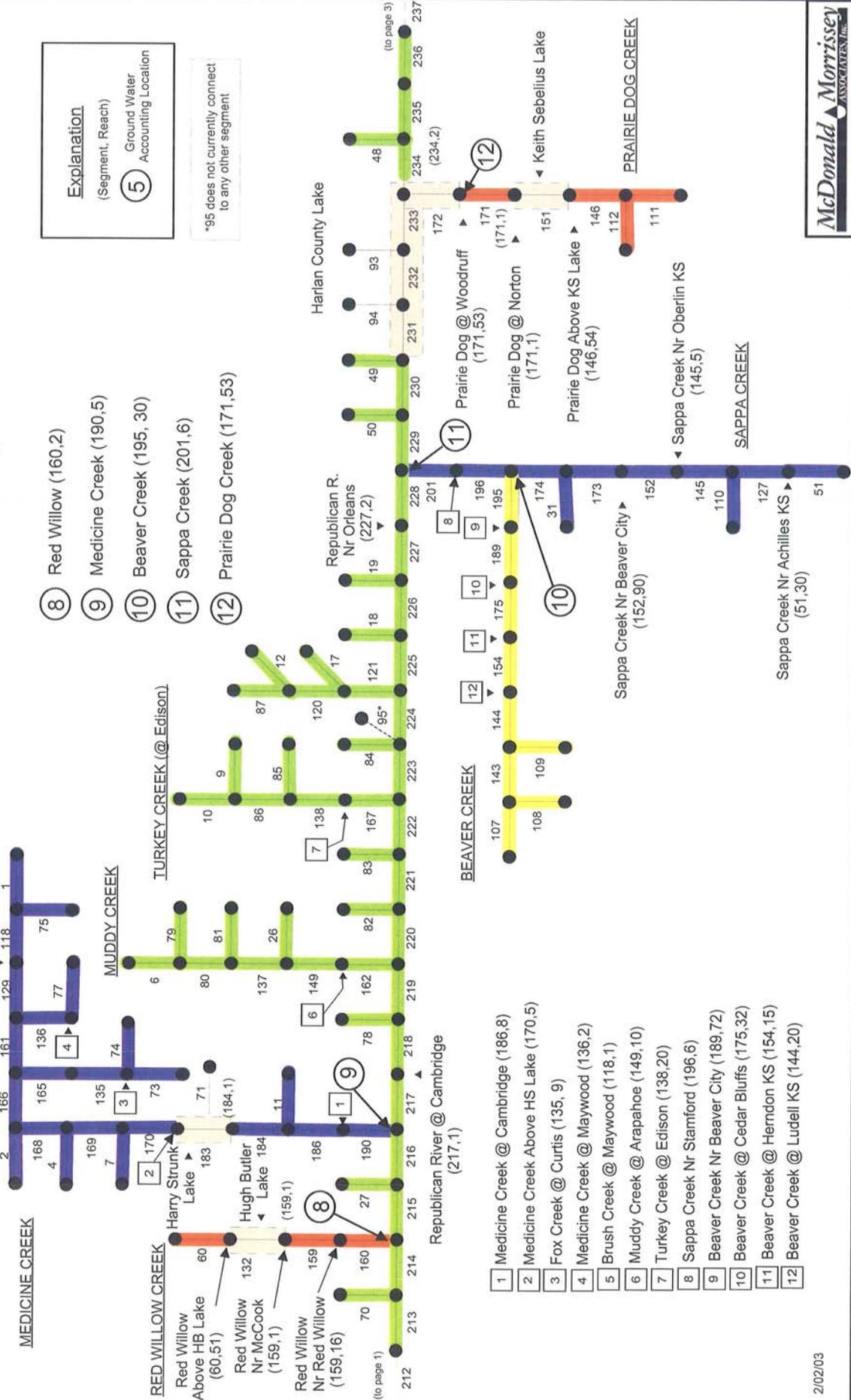
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" Buffalo"          +SI133001AcctBuffalo
" Driftwood"        +SI115009AcctDriftwoo
" Frenchman"        +SI197004AcctFrenchma      +SI1470106831500
" North Fork"       +SI1300286823000
"*Above Swanson"    +SI202005RRAbvSwanson      -SI1300286823000 -SI185007AcctSFRepublican -SI139003
"*Swanson - Harlan" +SI230005RepRivabvHar      -SI197004AcctFrenchma      -SI115009AcctDriftwoo
"*Harlan - Guide Rock" +SI251003RRGuideRock      -SI234002RRBloHarlan
"*Guide Rock - Hardy" +SI2560046853500          -SI251003RRGuideRock
" Medicine"         +SI190005AcctMedicine      +SI170017AcctHarryStrunk
" Prairie Dog"      +SI1710536848500          +SI1460546847900
" Red Willow"       +SI160002AcctRedWillo      +SI0600516837300
" Rock"             +SI131002AcctRock
" Sappa"            +SI201006AcctSappa          -SI195030AcctBeaver
" South Fork"       +SI185007AcctSFRepublican -SI176001SFbloBonny      +SI0970326825000
" Hugh Butler"      +SO132012HughButler
" Bonny"            +SO150008Bonny              -SI150001Bonny
" Keith Sebelius"   +SO151022KeithSebelius
" Enders"           +SO155015Enders
" Harlan"           +SO233018Harlan
" Harry Strunk"     +SO183008HarryStrunk
" Swanson"         +SO203011Swanson

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Republican River Basin Stream Diagram - 2/3

DRAFT



Explanation
(Segment, Reach)
⑤ Ground Water Accounting Location

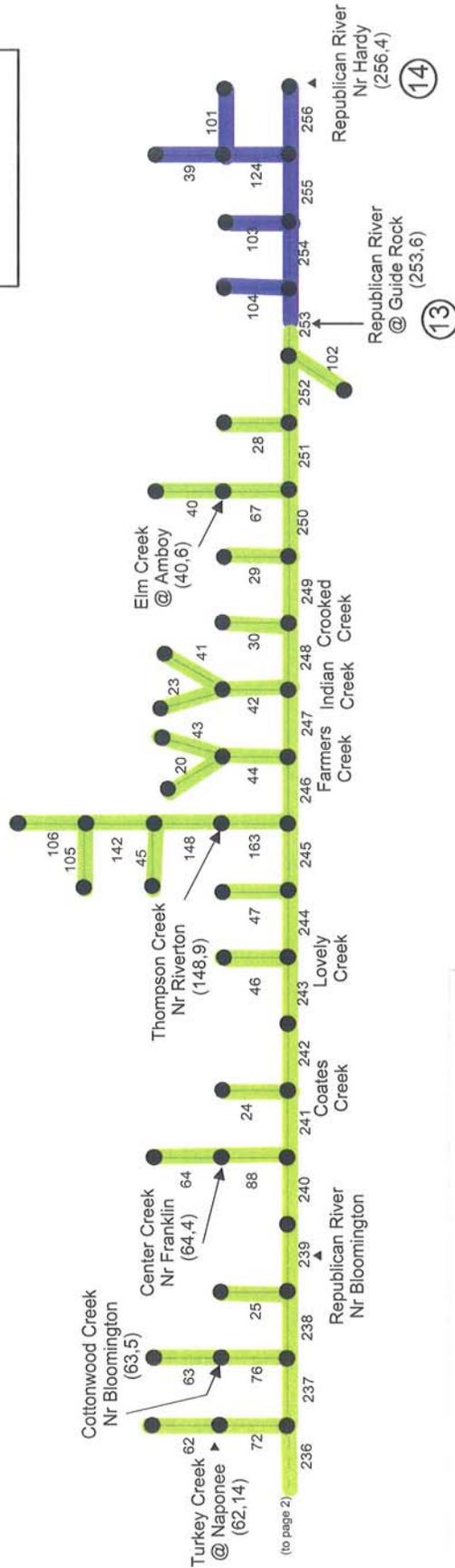
*95 does not currently connect to any other segment

- ⑧ Red Willow (160,2)
- ⑨ Medicine Creek (190,5)
- ⑩ Beaver Creek (195, 30)
- ⑪ Sappa Creek (201,6)
- ⑫ Prairie Dog Creek (171,53)

- 1 Medicine Creek @ Cambridge (186,8)
- 2 Medicine Creek Above HS Lake (170,5)
- 3 Fox Creek @ Curtis (135, 9)
- 4 Medicine Creek @ Maywood (136,2)
- 5 Brush Creek @ Maywood (118,1)
- 6 Muddy Creek @ Arapahoe (149,10)
- 7 Turkey Creek @ Edison (138,20)
- 8 Sappa Creek Nr Stamford (196,6)
- 9 Beaver Creek Nr Beaver City (189,72)
- 10 Beaver Creek @ Cedar Bluffs (175,32)
- 11 Beaver Creek @ Herndon KS (154,15)
- 12 Beaver Creek @ Ludell KS (144,20)

Republican River Basin Stream Diagram - 3/3

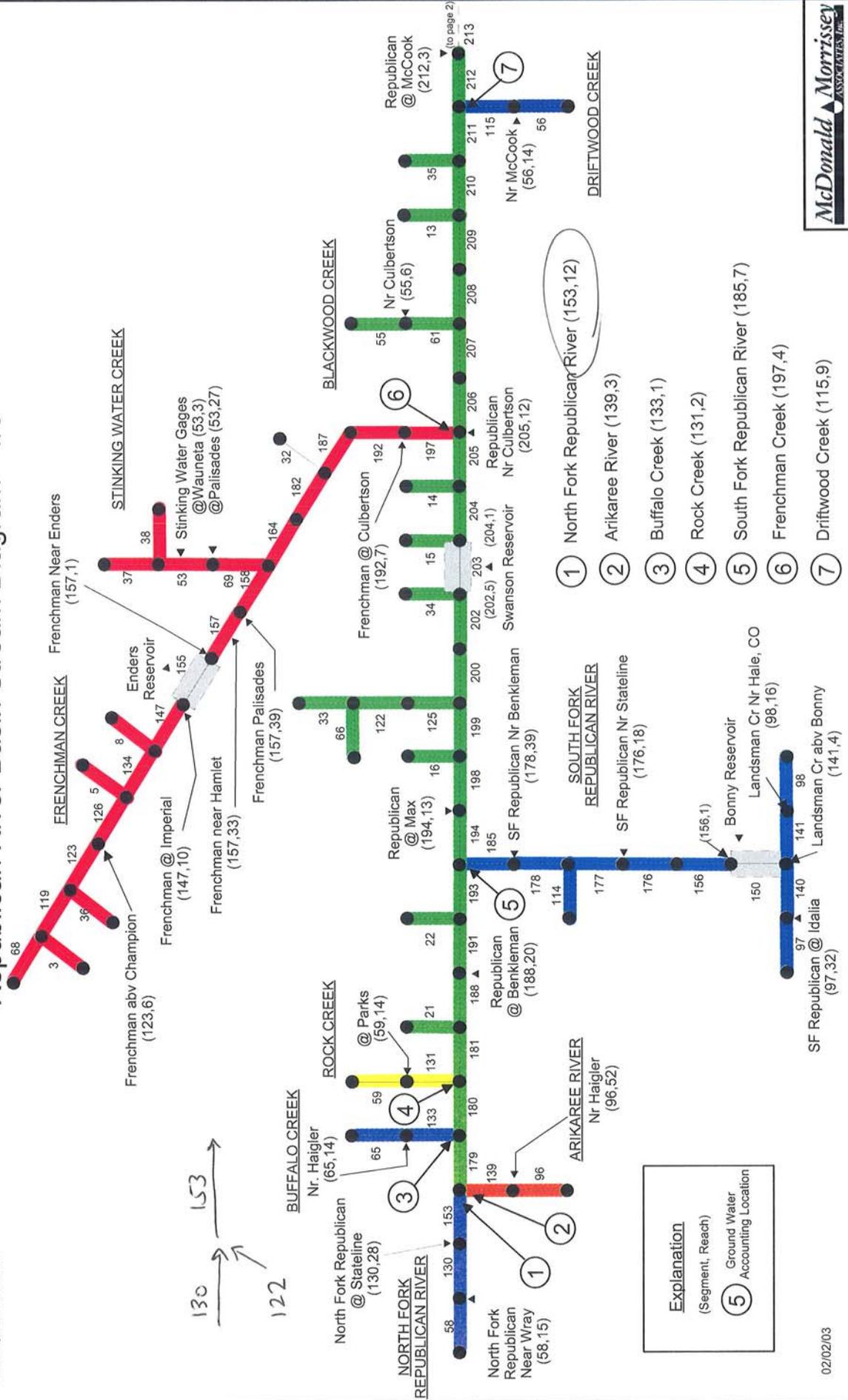
DRAFT



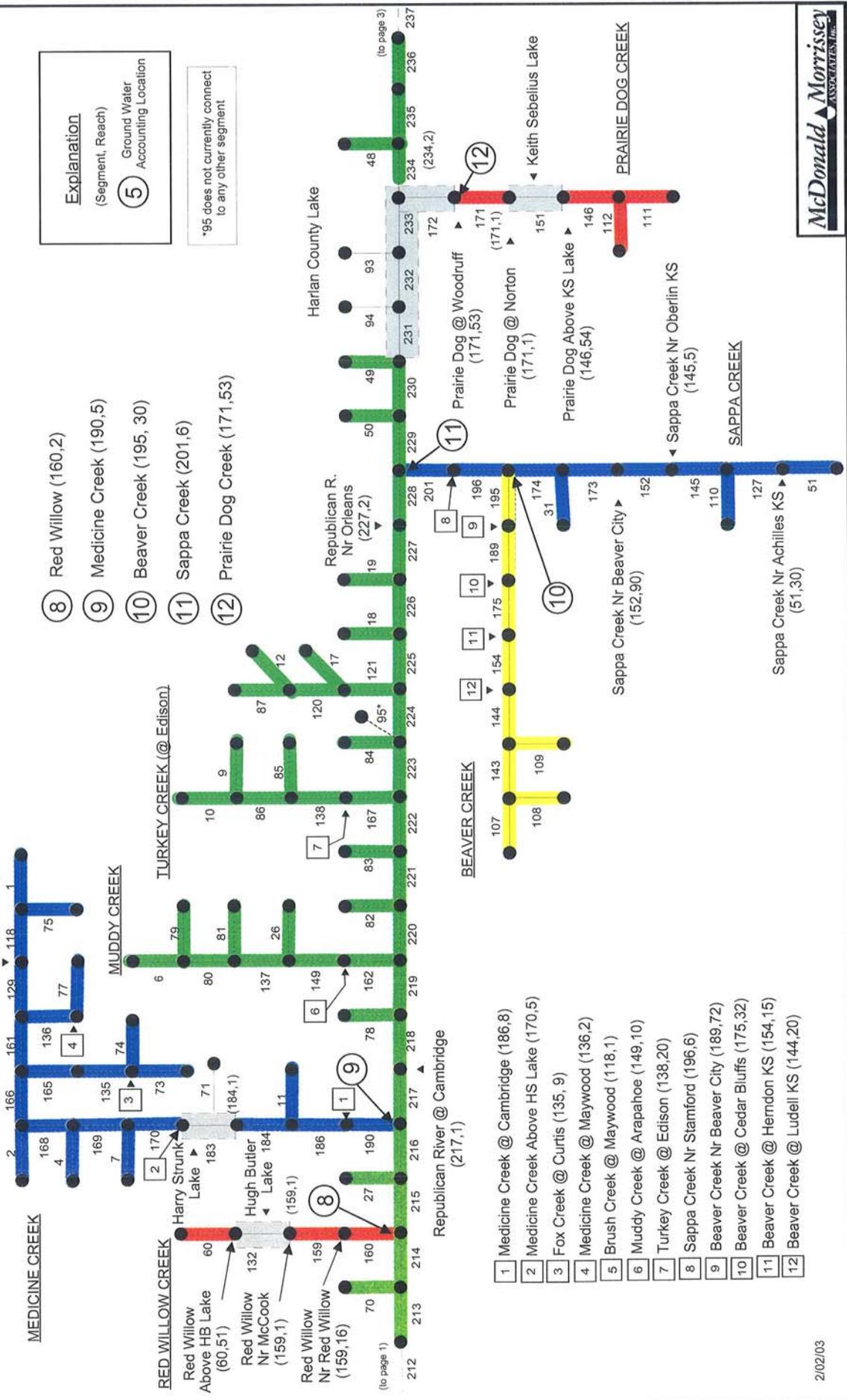
Other Stream Reaches (Names may not be exact)

Kansas	Segment(54)	Nebraska	Segment(100)
Bow Creek	Segment(57)	Elk Creek	Segment(116)
North Fork Solomon River	Segment(82)	North Dry Creek	Segment(117)
South Fork Solomon River	Segment(89)	Plum Creek	Segment(257)
Smoky Hill Creek	Segment(90)	Little Blue River	Segment(258)
Smoky Hill Creek	Segment(91)	Dry Creek	
Saline River	Segment(92)		
Hackberry Creek	Segment(99)		
South Fork Solomon River	Segment(113)		
North Fork Smoky Hill Creek	Segment(128)		
South Fork Solomon River			

Republican River Basin Stream Diagram - 1/3



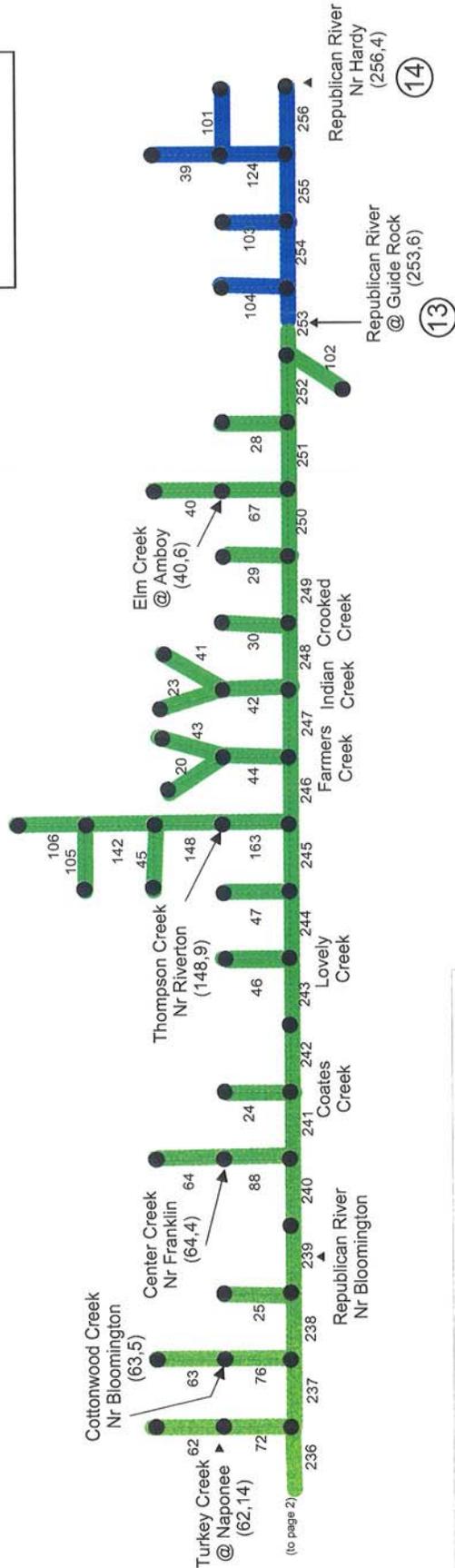
Republican River Basin Stream Diagram - 2/3



Republican River Basin Stream Diagram - 3/3

DRAFT

Explanation
(Segment, Reach)
⑤ Ground Water
Accounting Location



- Other Stream Reaches (Names may not be exact)
- | | | | |
|-----------------------------|--------------|-------------------|--------------|
| Kansas | Segment(54) | Nebraska | Segment(100) |
| Bow Creek | Segment(57) | Elk Creek | Segment(116) |
| North Fork Solomon River | Segment(82) | North Dry Creek | Segment(117) |
| South Fork Solomon River | Segment(89) | Plum Creek | Segment(257) |
| Smoky Hill Creek | Segment(90) | Little Blue River | Segment(258) |
| Smoky Hill Creek | Segment(91) | Dry Creek | |
| Saline River | Segment(92) | | |
| Hackberry Creek | Segment(99) | | |
| South Fork Solomon River | Segment(113) | | |
| North Fork Smoky Hill Creek | Segment(128) | | |
| South Fork Solomon River | | | |

5

**IN RE: NON-BINDING ARBITRATION PURSUANT TO THE
FINAL SETTLEMENT STIPULATION, KANSAS v. NEBRASKA
AND COLORADO,
NO. 126 ORIGINAL**

BEFORE MARTHA O. PAGEL, ARBITRATOR

EXPERT REPORT OF WILLEM SCHREÜDER, Ph.D.

I, Willem A. Schreüder, state the following:

(1) I understand that my role as an expert, both in preparing this report and in giving evidence, is to assist the arbitrator to understand the evidence or to determine facts in issue. The opinions expressed in my report are my own professional opinions.

(2) I have endeavored in my report and disclosures to be accurate and complete, and have addressed matters that I regard as being material to the opinions expressed, including the assumptions that I have made, the bases for my opinions, and the methods that I have employed in reaching those opinions.

(3) I have been advised by the attorney for the State of Colorado of the disclosure requirements of the rules of the arbitration, and I have provided in my report the information required by those rules. I have not included anything in my report and disclosures that has been suggested by anyone, including the attorney for the State of Colorado, without forming my own independent judgment on the matter.

(4) I will immediately notify, in writing, the attorney for the party for whom I am giving evidence if, for any reason, I consider that my existing report requires any correction or qualification; and, if the correction or qualification is significant, will prepare a supplementary report or disclosure to the extent permitted by the applicable rules of the arbitration.

(5) I have used my best efforts in my report and disclosures, and will use my best efforts in any evidence that I am called to give, to express opinions within those areas in which I have been offered or qualified as an expert by the arbitrator, and to state whether there are qualifications to my opinions.

(6) I have made the inquiries that I believe are appropriate and, to the best of my knowledge, no matters of significance that I regard as relevant have been withheld from the arbitrator.

(7) I have disclosed any financial or pecuniary interest that I have in the results of this lawsuit or in any property or rights that are the subject of the lawsuit for which my report and disclosures are being submitted.

Dated this 24th day of May, 2010.



Willem A. Schreüder

I. Statement of Qualifications

I am the president of Principia Mathematica Inc., a firm that specializes in mathematical modeling, and an assistant professor adjunct in the Department of Computer Science of the University of Colorado at Boulder. I hold a Ph.D in Applied Mathematics (Computational Fluid Mechanics) from the University of Stellenbosch, South Africa (1986), and a Ph.D in Computer Science (Parallel Systems) from the University of Colorado at Boulder (2005). My resume is attached.

I was a member of the Modeling Committee that developed the Republican River Compact Administration (RRCA) Groundwater Model. Since the development of the model, I have hosted the RRCA web site and performed the annual runs of the RRCA Groundwater Model for the RRCA in accordance with the Final Settlement Stipulation (FSS) and the RRCA Accounting Procedures and Reporting Requirements.

I have devoted my professional career to mathematical modeling, with a special emphasis on basin scale groundwater flow models. In addition to the RRCA Groundwater Model, I have worked on many basin scale groundwater models, including models of aquifers or aquifer systems in the San Luis Valley (Rio Grande Basin), the South Platte Basin, the Arkansas River Basin, and the Raton Basin in Colorado, and the Carbonate Rock Province in Nevada, California and Utah, among others.

My professional consulting practice has primarily involved working with a team of experts to translate physical reality into a mathematical model of a system that captures the essential behavior of the physical system. In addition to 25 years of field experience in the quantification of agricultural water use in the western United States and in the Republican River Basin in particular, my academic background includes courses in geology, hydrology, physics, chemistry, mathematics and computer science.

I have previously been qualified by Courts as an expert in the areas of mathematics, mathematical modeling, data analysis, fluid dynamics, computational fluid dynamics including ground and surface water modeling, and the interpretations of related data. My opinions in this report are in those same areas.

II. Opinion

My opinion addresses the Colorado Compact Compliance Pipeline (the "Pipeline"), specifically the extent to which the operation of the Pipeline should be represented in the RRCA Groundwater Model (the "Model").

Opinion: Pumping from wells used to supply water to the Pipeline (the "Pipeline Wells") should be represented in the Model to determine depletion to stream flows caused by the Pipeline Wells, and the Final Settlement Statement expressly states that depletions from such wells will be computed by the Model

and included in the State's Computed Beneficial Consumptive Use, but outflow from the Pipeline to the North Fork of the Republican River above the stream flow gage at the Colorado-Nebraska state line should **not** be represented in the Model.

Basis for the Opinion: Stream depletions caused by the Pipeline Wells cannot be measured, which is why a groundwater model was developed to determine stream depletions from well pumping, and the Model provides reasonable estimates of stream depletions caused by the Pipeline Wells for the purposes of the RRCA Compact Accounting. Outflow from the Pipeline to the North Fork of the Republican River can be measured and is by definition surface flow. The Model only represents baseflow, i.e., the groundwater contribution to stream flow. Incorporating the outflow from the Pipeline in the Model would be improper and could lead to double counting of stream depletions.

III. Introduction

The Republican River Compact (the "Compact") was written with surface water in mind. The Compact allocated water for beneficial consumptive use among the States of Colorado, Nebraska, and Kansas from the computed average annual virgin water supply originating in designated drainage basins that were calculated using a set of surface water gages. At the time the Compact was signed in 1942, this procedure for allocation of water for beneficial consumptive use was appropriate because the amount of groundwater use was minimal. However, even the original Compact contained some compromise. Although the goal of the Compact was to make allocations of water for beneficial consumptive use from the virgin water supply of designated drainage basins, the method of calculating the virgin water supply was limited by the existence of surface water gages, and the practical reality that surface water gages are limited to places along stream channels where an accurate flow measurement can be made.

Based on the Final Settlement Stipulation (FSS), two additional computations were added to the Compact Accounting: stream depletions caused by well pumping and stream flow accretions due to imported water from outside the basin.

As a result of groundwater withdrawals, the amount of flow in the streams in the basin is decreased. In the absence of groundwater withdrawals, typically called well pumping for short, there would have been more flow in these streams. The goal is therefore to determine what the stream flows would have been in the absence of pumping. This is done by estimating the change in stream flows caused by well pumping, which is called the Computed Beneficial Consumptive Use of groundwater (CBCU_G) in the RRCA Accounting Procedures. The CBCU_G is a quantity that cannot be measured or reliably estimated from measurements. The only reasonably reliable method for estimating CBCU_G is a groundwater model.

In the northern part of the Republican River Basin, a large volume of surface water is diverted from the South Platte and Platte Rivers. Some of that water

enters the groundwater flow system of the Republican River as seepage from canals or irrigation return flow. This is water imported into the Republican River and Nebraska receives a credit for this water imported into the basin that is not part of the virgin water supply of the basin. The FSS requires that imported water be excluded from the virgin water supply calculation, and consumption of imported water is not be counted as CBCU under the Compact. (FSS, § IV.F). The goal is therefore to determine how much of the gaged flow at streamflow gages used in the Compact accounting is the result of imported water. Again, the only reasonably reliable method for estimating the increase in stream flows from water imported into the basin by Nebraska is a groundwater model.

The States therefore cooperated in the development of the RRCA Groundwater Model (Model). The purpose of the Model is to estimate those quantities that cannot be reliably estimated using measurements. Specifically, the Model is used to estimate the annual CBCU_G and the imported water supply credit that Nebraska is entitled to as the result of water imported into the Basin.

The Model was implemented using the USGS MODFLOW-2000 program. This program is the most widely used groundwater flow program in the world. The Model represents the flow of groundwater using the vertically averaged saturated flow equations, that is, it represents the flow of water between the water table and the bottom of the aquifer. Inflow to the aquifer, such as recharge from applied irrigation water, canal leakage, and precipitation, is applied to the water table. Well pumping from the aquifer and the consumption of groundwater directly from the water table by plants (evapotranspiration) is also represented in the Model.

Quantification of interaction between surface water and groundwater is a key feature of the Model. The MODFLOW stream package is used to track baseflow in surface streams. The Model estimates the flow from the aquifer into surface streams. This flow in a surface stream resulting from groundwater discharge from the aquifer is called baseflow. The Model similarly estimates flows from surface streams to the aquifer. The direction and magnitude of the flow is given by Darcy's law. When the water table is higher than the water level in the stream (called the stage), the stream gains flow from the aquifer, as flow is from the aquifer to the stream. When the stage is higher than the water table, the stream loses flow to the aquifer.

It is important to note that the Model only represents the baseflow of surface streams. In reality, there are other inflows to surface streams, including runoff from precipitation and snowmelt, surface return flows from irrigation (tailwater), and reservoir releases. There are also diversions from streams for irrigation or other uses. These features are not represented in the Model because these quantities are quantified using stream gages or other methods in the RRCA Accounting Procedures. Including these features in the Model would lead to double counting of the depletions or accretions to stream flows caused by these features.

The Model was calibrated in transient mode to the historical period 1918 to 2000. The calibration process established aquifer parameters such as hydraulic

conductivity and specific yield, as well as the relationship between recharge and precipitation, based on estimates of historical well pumping and recharge, observed water levels, and stream gains estimated from gaged flows. Gaged surface flows were analyzed to determine the amount of baseflow in the gaged surface flows, that is the amount of flow attributable to groundwater gains. The stream flow predicted in the Model, which is baseflow, was then compared against the baseflow determined from the gaged surface flows. The Model parameters were adjusted until the Model was able to reproduce the baseflow with a reasonable degree of accuracy.

In the construction of the Model, great care was taken to not double count impacts. Specifically, the Model considers only gains and losses to baseflow. By definition, baseflow is the portion of the flow in surface streams that is attributable to discharge of groundwater into the stream. The balance of the flow in surface streams is attributable to runoff from precipitation events, snow melt, reservoir releases and similar mechanisms.

Thus, the Model only considers depletions to those stream flows that have or would have accrued to the surface streams as baseflow. The reason for representing only baseflow in the Model is that the Compact contains explicit accounting for surface water. The purpose of the Model is only to estimate those quantities that cannot be measured, such as the stream flow depletions as a result of well pumping and stream flow accretions due to imported water. In the case of the reservoirs, some or all of the inflow into the reservoir may be baseflow. However, when this water is released from the reservoir, whether immediately or after being stored, that water is no longer considered baseflow. Instead, the flow is considered surface flow and the amount of surface flow is measured as it is released from the reservoir.

In order to estimate the change in stream flow caused by well pumping and due to imported water, the Model is run in a change mode. The Model is first run using the best estimates of the actual stresses that occurred. This run is called the "base" run in the RRCA Accounting Procedures. The Model is then run a second time. This run is called the "no State pumping" run in the RRCA Accounting Procedures, with the pumping and pumping recharge in one of the states shut off. This typically causes stream flows to be greater. The difference between the Model predicted stream flows in the historical and "no State pumping" runs is the Model estimate of the stream flow depletions, caused by well pumping.

IV. Modeling the Colorado Compact Compliance Pipeline

The Colorado Compact Compliance Pipeline (the "Pipeline") will deliver groundwater from wells that have historically been used for irrigation to supply new surface flow to the North Fork of the Republican River to offset stream depletions.

For practical reasons, the pumping from all of the groundwater rights retired from irrigation will be concentrated in eight of the wells, the "Pipeline Wells". Water

pumped from these wells will be conveyed through the Pipeline to a point on the North Fork of the Republican River in Colorado just above the stream flow gage on the North Fork of the Republican River at the Colorado-Nebraska State Line.

Pumping from the Pipeline Wells will continue to cause depletions to stream flows. Just like other stream depletions from well pumping, the stream depletions caused by the Pipeline Wells can only be determined and evaluated using the Model. Therefore, the well pumping from the Pipeline Wells will be included in the Model to determine stream depletions from these wells, as provided in the FSS. The pumping from these wells will be treated as fully consumptive as the water will be used to offset stream depletions for Compact compliance purposes.

The CBCU_G resulting from the pumping of the Pipeline Wells will be included in Colorado's Computed Beneficial Consumptive use, as provided in the FSS. Specifically, the pumping from the Pipeline Wells will be included in the "base" run, while the pumping will be removed in the "no Colorado pumping" run. Therefore, the stream depletions caused by the Pipeline Wells will be determined using the Model.

The outflow from the Pipeline to the North Fork of the Republican River will be gaged. Since this flow can be directly measured, there is no need to use the Model to evaluate the fate of this flow. Flow at the North Fork gage will consist of baseflow, surface flow, and Pipeline flow. The Model determines to what extent the baseflow is depleted by well pumping however, the Model is not used to determine depletions to other components of surface flows. Therefore, the Model should not be used to determine depletions to the outflow of the Pipeline to the surface flows of the North Fork of the Republican River for the same reason that releases from reservoirs are not included in the Model.

As a result, no changes to the way that the Model is applied are required to account for the discharge from the Pipeline to the North Fork of the Republican River. The pumping from the Pipeline Wells will be included in the historical pumping. In the "no Colorado pumping" run the pumping from all wells in Colorado, including the Pipeline Wells, are removed and therefore impacts from the Pipeline Wells are included as part of Colorado's CBCU_G. But the discharge from the Pipeline should not be included in the Model.

V. Kansas Proposal for Modeling the Pipeline

Kansas proposed a modification to the Model for modeling the outflow from the Pipeline to the North Fork of the Republican River. Kansas' proposal was that in addition to using the Model to determine the stream depletions from the Pipeline Wells, the outflow from the Pipeline should also be incorporated in the Model. This would require that the Model be modified to allow the Pipeline outflow to be added to the Model's stream network above the North Fork streamflow gage. Under Kansas' proposal, the gaged outflow from the Pipeline would then be added as inflow to the North Fork in the "base" run. This flow would be tracked down the North Fork to Swanson Reservoir. At that point, the flow would then be removed from the stream network. This flow would then be used in the runs

used to evaluate the impacts of Kansas and Nebraska well pumping and the credit for imported water. However, in the run without the Colorado pumping, the outflow from the Pipeline would also be removed.

The Kansas proposal is flawed for several reasons. First, it uses the Model to evaluate a quantity added to surface streamflow that can be directly measured, which is inconsistent with the way other surface flow changes are handled. Second, it selectively adds this flow between the State Line and Swanson Reservoir, but then fails to track it further downstream. Third, it fails to credit Colorado for all of the water delivered to the North Fork of the Republican River at the Colorado-Nebraska State Line for the benefit of the downstream States.

The outflow from the Pipeline will be gaged and will be included in the gaged flow of the stream flow gage on the North Fork of the Republican River at the Colorado-Nebraska state line. This is surface flow just as the surface flow that would be generated from a rainstorm upstream. The Model does not incorporate changes in the surface flow that is measured at the North Fork gage or any other surface water gages. The reason is that the Compact explicitly considers these measured flows. The Model was intended only for the purpose of estimating those quantities that increase or decrease surface flows that cannot be otherwise measured.

If the outflow from the Pipeline were included in the Model, Colorado would receive only partial credit for the water delivered to the North Fork at the State Line. Depending on the volume of water delivered and the time of year, Colorado would receive credit for less than 80% of the water delivered at the State Line. The reason for the difference is that in essence, Colorado only gets credit for the water that reaches Swanson Reservoir, some 50 miles downstream. In the reach between the State Line and Swanson Reservoir, some of the water is lost due to nearby pumping in Nebraska, evapotranspiration and similar losses. At times, especially during the summer, the river actually dries out along this reach. These are factors outside of Colorado's control, yet the Kansas proposal would only credit Colorado for that fraction of the water that actually reaches Swanson Reservoir. Since the Pipeline outflow will replace stream depletions above the streamflow gage on the North Fork at the state line, it is not appropriate to include this water in the Model in the reach below the gage.

The Kansas proposal is also inconsistent with other accounting in the RRCA Accounting Procedures. For example, 100% of all evaporation losses from reservoirs in Colorado are added to Colorado's CBCU because it is assumed that had that water not evaporated from the reservoir, it would have reached the compact accounting streamflow gage. In the case of Bonny Reservoir, there is more than 40 miles between the Reservoir and the gage, and recent experiences with reservoir releases showed that only a fraction of the water released from the reservoir would actually reach the gage. However, the Compact assumes that this is 100% of the evaporation from Bonny is added to Colorado's CBCU, which implies that all of that water would have reached the gage or have been put to beneficial use before it reached the gage and hence accounted for.

In the case of the Pipeline deliveries, water delivered to the North Fork of the Republican River at the state line is available to be put to beneficial use by Nebraska at the state line and will replace stream depletions calculated above the gage. Beyond the state line Colorado has no control over how Nebraska chooses to use its allocation under the Compact.

For example, the State of Nebraska may choose to divert 100% of the Pipeline deliveries one foot from the state line. Such a surface diversion would be accounted for in the surface water accounting under the Compact. However, this would not be represented in the stream network of the RRCA Groundwater Model because the Model considers only baseflow and does not represent diversions. However, under the Kansas proposal, that flow would still be included in the Model and only the fraction of the water that reaches Swanson Reservoir would be credited to Colorado.

VI. Accuracy of the Model

The Model is used to estimate depletions to stream flows due to well pumping and accretions to stream flows due to water imported into the basin by Nebraska that recharges the groundwater system – quantities that cannot be measured. The Model is not perfect, but provides a reasonable method for estimating these quantities. However, the key is that the Model should only be used to estimate those quantities that cannot be directly measured.

Where the Model is used, it should be borne in mind that the Model was calibrated in transient mode to the period 1918-2000, with the intent that it would be used to evaluate annual total CBCU_G and imported water. The Model has not been demonstrated to be reliable on a shorter time scale. In fact, it is my opinion that the Model results are not sufficiently accurate that they could be used on a monthly basis to determine the time, location, and amount of stream flow depletions.

The purpose of the Model is to estimate the depletions to stream flows caused by well pumping and to estimate the accretions to stream flows due to water imported into the basin in Nebraska. Application of the Model for other purposes is not appropriate. Specifically, it is inappropriate to add a surface water inflow such as the Pipeline to the baseflow represented in the Model because the Model was not designed to or intended to represent surface water changes that can be measured.

VII. Conclusion

I base the foregoing opinions on my general knowledge of the Republican River Basin and the Compact Compliance Pipeline, the RRCA Groundwater Model, and my modeling knowledge and expertise. Any specific data that I considered for this report will be posted at <http://www.primmath.com/ccp>.

My qualifications, a list of all publications authored by me in the previous 10 years, a list of all other cases in which, during the previous four years, I have testified as an expert at trial or by deposition are, and my rate of compensation also attached. My compensation is not dependent upon nor affected by the outcome of this matter.

**IN RE: NON-BINDING ARBITRATION PURSUANT TO THE FINAL
SETTLEMENT STIPULATION, KANSAS v. NEBRASKA AND
COLORADO,
NO. 126 ORIGINAL**

BEFORE MARTHA O. PAGEL, ARBITRATOR

REBUTTAL REPORT OF WILLEM SCHREÜDER, Ph.D.

I, Willem A. Schreüder, state the following:

(1) I understand that my role as an expert, both in preparing this report and in giving evidence, is to assist the arbitrator to understand the evidence or to determine facts in issue. The opinions expressed in my report are my own professional opinions.

(2) I have endeavored in my report and disclosures to be accurate and complete, and have addressed matters that I regard as being material to the opinions expressed, including the assumptions that I have made, the bases for my opinions, and the methods that I have employed in reaching those opinions.

(3) I have been advised by the attorney for my client of the disclosure requirements of the rules of the arbitration, and I have provided in my report the information required by those rules. I have not included anything in my report and disclosures that has been suggested by anyone, including the attorney for my client, without forming my own independent judgment on the matter.

(4) I will immediately notify, in writing, the attorney for the party for whom I am giving evidence if, for any reason, I consider that my existing report requires any correction or qualification; and, if the correction or qualification is significant, will prepare a supplementary report or disclosure to the extent permitted by the applicable rules of the arbitration.

(5) I have used my best efforts in my report and disclosures, and will use my best efforts in any evidence that I am called to give, to express opinions within those areas in which I have been offered or qualified as an expert by the arbitrator, and to state whether there are qualifications to my opinions.

(6) I have made the inquiries that I believe are appropriate and, to the best my knowledge, no matters of significance that I regard as relevant have been withheld from the arbitrator.

(7) I have disclosed any financial or pecuniary interest that I have in the results of this lawsuit or in any property or rights that are the subject of the lawsuit for which my report and disclosures are being submitted.

Dated this 2nd day of July, 2010.

A handwritten signature in cursive script, appearing to read "W A Schreüder".

Willem A. Schreüder

I. Introduction

The following opinions are provided in rebuttal to the opinions of Steven P. Larson in his report titled "Kansas Expert Response to Colorado's Expert Report," dated June 22, 2010 ("Larson Report")

II. Source of Water for the Pipeline

Mr. Larson expresses the opinion that the origin of the augmentation water that will be pumped as part of Colorado's Compact Compliance Pipeline proposal distinguishes it from other water that might be in the surface stream system such as surface runoff, return flows from surface water irrigation, or releases of water in reservoirs that retain surface water for later use (Larson Report p.3). He states that this water should be considered as "short circuited" baseflow because it is water that would ultimately have contributed to stream baseflow but has been intercepted by the augmentation wells and placed in the stream sooner than it would have reached the stream otherwise (Larson Report p. 3).

It is incorrect that groundwater that will be pumped from the Compact Compliance Pipeline Wells (Pipeline Wells) is water that would ultimately have contributed to stream baseflows. Runs of the RRCA Groundwater Model demonstrate that the depletions to stream baseflows caused by the Pipeline Wells are only a small percentage of the total volume of groundwater produced by these wells. The balance of the water comes primarily from groundwater storage. Water that will be placed in the Pipeline is groundwater that was historically used for the irrigation of crops in Colorado and was fully consumed. However, under the Colorado proposal the water will instead be placed in the North Fork of the Republican River to offset stream depletions. To the extent that pumping of the Pipeline Wells will cause stream depletions, the Colorado proposal is to use the RRCA Groundwater Model to compute the net stream depletions caused by the Pipeline Wells and include the resulting stream depletions in Colorado's Computed Beneficial Consumptive Use of groundwater (CBCU_G). This procedure complies with Subsection III.B.1.k and Subsection IV.H of the Final Settlement Stipulation (FSS).

Further, the origin of the augmentation water does not distinguish it from other water that might otherwise be in the surface stream system. Stream baseflow in a surface stream that is diverted for irrigation use or stored in reservoirs, such as Swanson Reservoir and Harlan County Reservoir, is considered surface flow when it is diverted or evaporated or released from the reservoirs, and the Computed Beneficial Consumptive Use of such diversions, evaporation, and reservoir releases is calculated using the RRCA Accounting Procedures for calculating the Computed Beneficial Consumptive Use of surface water. See RRCA Accounting Procedures, Subsection IV.A.2.a-f. Therefore, the origin of the augmentation water is not a proper basis for determining whether the augmentation credit should or should not be calculated with the RRCA Groundwater Model. If the augmentation water is discharged into a surface stream in the Basin, as in Colorado's proposal, the water should be treated as other surface water is treated in the RRCA Accounting Procedures. If the augmentation water is not discharged directly into a surface stream but is used to recharge the groundwater

system, the RRCA Groundwater Model should be used to determine the credit, for the same reason the RRCA Groundwater Model is used to determine the credit for water imported into the basin by Nebraska. The origin of the water imported into the basin by Nebraska was not the reason the credit for the imported water is calculated using the RRCA Groundwater Model. Instead, Nebraska's imported water supply credit is calculated with the model because the imported water recharges the groundwater system and is not delivered to a surface stream. If the imported water had been delivered directly to a surface stream, the RRCA Groundwater Model should not be used to calculate the credit for the imported water.

II. Accuracy of the Model

Mr. Larson states that Colorado asserts that the RRCA Groundwater Model is not sufficiently accurate to calculate changes to surface water that is added to the stream (Larson Report p. 7). This distorts my opinion.

I stated that the RRCA Groundwater Model is sufficiently reliable for the purpose of calculating $CBCU_G$ as provided in the RRCA Accounting Procedures. All Compact accounting, except for determining Nebraska's Compact compliance during water-short year administration, is done on a five-year running average in accordance with the RRCA Accounting Procedures. See FSS, Subsection IV.D. The RRCA Groundwater Model was considered calibrated to a sufficient degree that depletions from groundwater pumping and accretions from imported water from the Platte River could be quantified and assigned to prescribed streamflow reaches in accord with the RRCA Accounting Procedures. Final Report of the Special Master with Certificate of Adoption of RRCA Groundwater Model, p. 7. However, the model has not been demonstrated to be reliable when:

- 1 Operated at a shorter time scale such as, for example, months;
- 2 Operated at a finer spatial resolution, for example, less than a sub-basin;
- 3 Operated to quantify impacts other than well pumping or imported water recharge on baseflows, for example, the impact of adding water to a surface stream represented in the model, such as augmentation water.

It should be reiterated that while the RRCA Groundwater Model calculates baseflow at selected points in the Basin, it is only used to quantify **changes** in baseflow as a result of well pumping or the recharge resulting from imported water. See RRCA Accounting Procedures, Subsections III.D.1 and III.A.3. Use of the model for any other purpose has not been demonstrated to be reliable.

III. Negative Impacts

Mr. Larson devotes much of his report to a discussion of the "negative" pumping impacts that occur in the State Line-Swanson reach on the Main Stem. It appears that Kansas' proposal to include the Pipeline water in the RRCA Groundwater Model is primarily intended to counteract what it views as the "benefit" that Colorado derives in some

years from the “negative impacts” that are calculated for the reach from the State Line to Swanson.

It is worth noting that the RRCA Groundwater Model does not predict an increase in baseflows as a result of groundwater pumping, but the values for sub-basins and the Main Stem include depletions as well as accretions because in a losing stream reach the depletions to baseflow will diminish if the baseflow entering that reach diminishes. Subsection III.D.1 of the RRCA Accounting Procedures recognizes that the values calculated for each sub-basin and the Main Stem using the RRCA Groundwater Model will include depletions and accretions:

An output of the model is baseflows at selected stream cells. Changes in the baseflows predicted by the model between the “base” run and the “no-State-pumping” model run is assumed to be the depletions to streamflows. i.e., groundwater computed beneficial consumptive use, due to State groundwater pumping at that location. The values for each Sub-basin will include all depletions and accretions upstream of the confluence of the Main Stem. The values for the Main Stem will include all depletions and accretions in stream reaches not otherwise accounted for in a Sub-basin.

In the area where the North Fork of the Republican River crosses the Colorado-Nebraska State Line, the Pierre Shale underlying the Ogallala aquifer is very near the ground surface. Therefore, much of the groundwater flowing from west to east in this area appears as baseflow in the North Fork upstream of this location. To the east of the state line, where the aquifer deepens, the stream loses much of this baseflow as it seeps back into the aquifer.

The result is that the Main Stem is a losing reach between the State Line and Swanson Reservoir. While nearby well pumping would exacerbate the losses in this reach, the reach was a losing reach before well development. The RRCA Accounting Procedures quantify the **change** in these losses due to well pumping as $CBCU_G$. However, the stream losses that occur through such processes as groundwater storage and evaporation are not an activity of man and are not charged against any State’s CBCU.

The State Line-Swanson reach is not unique. Other losing reaches in the model include the South Fork in Kansas and the lower reaches of Sappa Creek.

“Negative impacts,” which are nothing more than decreased losses in stream reaches, are not unique to this reach either. Kansas’ $CBCU_G$ on Sappa Creek was negative (i.e., decreased losses) from 1999 to 2007. This provided a “benefit” to Kansas. “Negative impacts” were also calculated for Kansas on the Swanson to Harlan reach of the Main Stem, in addition to the State Line-Swanson reach.

The fact that there are “negative impacts,” or decreased losses, simply reflects the physical reality that when the basin is subdivided into sub-basins, the impacts do not occur in a simple pattern. The basinwide impacts are the arithmetic sum of the sub-

basins and the Main Stem, and the appearance of “negative impacts” or decreased losses simply reflects the physical reality that the losses occurred in another sub-basin because groundwater impacts cross sub-basin boundaries. In every sub-basin where there is a losing reach, losses decrease when baseflows into that reach is decreased by upstream depletions. In most cases, the impacts in these sub-basins are just diminished. However, in the case of the Above Swanson reach, the decrease is sometimes sufficient to result in a negative.

IV. Fate of Augmentation Water

Mr. Larson states that when augmentation water is delivered to the stream system, it will interact with the underlying groundwater system in the same manner as other baseflows as it flows downstream (Larson Report p. 5). He states that the stream baseflow would have experienced this same fate if it had not been depleted by pumping (Larson Report p. 5). His proposal to include the augmentation water in the RRCA Groundwater Model, which is adopted by the other Kansas experts, in essence charges Colorado a transit loss for the Pipeline water from the Colorado-Nebraska State Line to Swanson Reservoir by using the groundwater model to determine how much of the flow will be lost in the reach.

I disagree with including the water discharged from the Colorado Pipeline in the RRCA Groundwater Model for this purpose because this would be inconsistent with how other surface water in the Basin is handled in accordance with the RRCA Accounting Procedures. The RRCA Groundwater Model is not used to calculate the losses on any other surface flows and it would be completely inconsistent to make an exception for water discharged from the Colorado Pipeline simply because there are “negative Impact” in the reach below where the Pipeline water is added. The RRCA Groundwater Model is not used to determine losses on other water in the surface stream, even when the water in the surface stream is consumed or added above a losing reach.

For example, baseflows that are stored in Swanson Reservoir and Harlan County Reservoir are not included in the RRCA Groundwater Model when releases are made from the reservoirs to calculate the losses on the reservoir releases. Once baseflow becomes part of a surface stream, it is accounted for in accordance with the RRCA Accounting Procedures for surface water. The transit losses are indirectly reflected in the diversions in the stream reach, stream gage readings, or the storage contents of a reservoir where a reservoir is at the end of the stream reach.

Evaporation from Bonny Reservoir occurs about 50 miles upstream of the Benkelman streamflow gage (USGS gaging station number 06827500, South Fork of the Republican River near Benkelman, Nebraska). This reach of the South Fork is also a losing reach. It has been well established by releases from Bonny Reservoir in recent years that if the water that evaporated from the reservoir were instead to have been released, only a fraction (if any) of the water would have reached the Benkelman gage. However, the RRCA Accounting Procedures do not provide that the RRCA Groundwater Model will be used to determine how much of that evaporated water would have reached the gage. Instead, 100% of the evaporated water is added to the virgin water supply and Colorado's CBCU.

Furthermore, when a surface water right that was historically used for irrigation is retired, and additional stream flow becomes available as a result, the RRCA Groundwater Model is not used to determine the fate of that water. Nor is the RRCA Groundwater Model used to determine the fate of surface runoff that occurs from rainfall. In all these instances, water is simply accounted for using the RRCA Compact Accounting Procedures for surface water and the specific formulas for each sub-basin and the Main Stem.

It is worth repeating that the RRCA Compact Accounting Procedures were applied for decades with an understanding that streams lose and gain water. What is new since the FSS is that the RRCA Groundwater Model is used to estimate the CBCU of groundwater, which is added to the CBCU from other sources. This is done by estimating the *changes* in the baseflows as a result of turning all well pumping "on" in the "base" run and turning the pumping of one State "off" in the "no State pumping" run. See RRCA Accounting Procedures, Subsections III.D.1. In no instance is the RRCA Groundwater Model used to calculate transit losses on surface water as proposed by Kansas and, in my opinion, it would not be appropriate to use the model for that purpose and would be inconsistent with the way other surface water is accounted for in the RRCA Accounting Procedures.

V. Expected Aquifer Life

Mr. Larson states that groundwater levels in Colorado, and especially in the area within and near the proposed augmentation well field, have been steadily declining over the past several decades (Larson Report p. 7). He states that water level data collected by the USGS show that water levels have declined by more than 50 feet since the late 1960s and almost 20 feet in the last decade in the proposed well field area. He expresses the opinion that based on current rates of water level decline, the thickness would be exhausted in about 150 years (Larson Report p. 7).

Mr. Larson's opinion about the expected aquifer life appears to be based on a simple extrapolation of the current rate of decline into the future. While one can make such an extrapolation, it is not reasonable in my opinion to assume that current rates of groundwater level decline in the proposed well field area will continue indefinitely into the future. It is important to note that the Pipeline Wells were specifically chosen because they are located in the area of the aquifer within Colorado with the most saturated thickness. In some parts of the basin in Colorado, the saturated thickness has already been significantly depleted. Under Colorado law, replacement wells must be placed within 200 feet of the original permitted well location. Furthermore, the drilling of additional wells to improve the water supply is prohibited. The result is that as the saturated thickness decreases, it becomes increasingly difficult to produce an adequate water supply. Towards the edge of the Basin in Colorado, this problem is particularly acute. In the southern half of the Basin in Colorado, there is also significantly less remaining saturated thickness than in the northern part of the Basin.

Due to declining water levels and the physical difficulty of obtaining a water supply in areas of limited saturated thickness, the high cost of the power required to lift water to the surface when well production is extremely limited, as well as the fee imposed by the

RRWCD WAE on the diversion of groundwater for irrigation, it is anticipated that the current rate of pumping will decline significantly in the future. The RRWCD WAE has also provided cost sharing for federal programs to convert irrigated lands in the RRWCD to non-irrigated use. Making a projection of when the saturated thickness in the proposed well field area will be exhausted based on the current rates of water level decline is therefore not reasonable, especially because Colorado experienced an extended period of significant drought in the last decade, and in my opinion the 150-year estimate significantly underestimates the expected aquifer life in the vicinity of the Pipeline Wells.

VI. Conclusion

I am not persuaded by Mr. Larson's arguments that it is correct to include the Augmentation water in the model. It remains my opinion that the Colorado proposal is correct and consistent with other procedures in the Compact Accounting procedures.

*Non-Binding Arbitration initiated August 21, 2009
pursuant to
Decree of May 19, 2003, 538 U.S. 720
Kansas v. Nebraska & Colorado
No. 126, Orig., U.S. Supreme Court*

Kansas Expert Response to Colorado's Expert Report,
"Expert Report of Willem Schreüder, Ph. D."

Prepared by

Steven P. Larson
S. S. Papadopoulos & Associates, Inc.

June 22, 2010

Qualifications

This report was prepared under my supervision and direction. I am a principal and the Executive Vice President of S.S. Papadopoulos & Associates, Inc. (SSP&A), a firm that provides consulting services related to environmental and water-resource issues. My area of expertise is hydrology, with emphasis on groundwater hydrology.

I hold a Bachelor of Science in Civil Engineering from the University of Minnesota, conferred in 1969, and a Master of Science in Civil Engineering, also from the University of Minnesota, conferred in 1971. I am a member of the Association of Ground Water Scientists and Engineers (a division of the National Ground Water Association) and the American Institute of Hydrology. I am also certified as a Professional Hydrologist/Ground Water with the American Institute of Hydrology.

Prior to joining SSP&A in 1980, I was employed as a hydrologist with the Water Resources Division of the U.S. Geological Survey (USGS) for almost 9 years. During my tenure with the USGS, I conducted numerous hydrological studies on a variety of groundwater and surface water problems and conducted research into the development of mathematical models to simulate groundwater flow processes. This work included working on the project that ultimately led to the development of the program, MODFLOW, which was the program used to construct the RRCA Groundwater Model. I have spent the last 29 years with SSP&A conducting and managing projects related to a variety of environmental and water-resource issues. During my tenure at SSP&A, I have been involved in numerous projects covering a wide spectrum of technical, environmental, and legal issues including environmental impact evaluations, evaluations of water-resource development, water-rights permitting and adjudication, remedial investigations at CERCLA and other waste-disposal sites, feasibility studies, engineering evaluations/cost analyses, and remedial action plans.

I have also testified as an expert in numerous legal and administrative forums. These cases have included permit and licensing hearings, water-rights adjudications, arbitration hearings, interstate compact claims, toxic torts, liability claims, various legal actions under CERCLA, property damage claims, and insurance claims. A copy of my curriculum vitae appears in the appendix to this report.

As part of my work for the State of Kansas on issues related to the Republican River, I served as an expert on modeling regarding development of the RRCA Groundwater Model. Further, I was a member of the Modeling Committee on behalf of the State of Kansas that was charged with development of the groundwater model. In that capacity, I actively participated in the technical efforts by the three states in development, calibration, and operation of the RRCA Groundwater Model. As a result of that work, I am very familiar with the groundwater Model, its structure, its capabilities, and the manner in which it is applied for use in the RRCA Accounting Procedures.

Opinions

1. Colorado's augmentation credit should be calculated using the RRCA Groundwater Model.
2. The RRCA Groundwater Model is capable of computing the augmentation credit.
3. Augmentation water is intended to replace depletions to stream base flow.
4. Augmentation water added to the stream is analogous to other stream base flow that is calculated with the model and is derived from the same source of water that provides the natural stream base flow.
5. Assertions by Colorado that the RRCA Groundwater Model is either not designed to compute impacts to augmentation water added to the stream or is not sufficiently accurate to compute such impacts are inconsistent with the design and use of the model as approved in the FSS.
6. The current level of groundwater use in Colorado is not sustainable over the long term. At current rates of water level decline in the area within and near the proposed augmentation well field, the aquifer will be dewatered in approximately 150 years.

Bases for Opinions

Introduction

One of the issues regarding Colorado's Compact Compliance Pipeline proposal is determining the appropriate credit to apply to augmentation water that will be added to the stream to replace depletions to stream base flows caused by pumping of groundwater. It is important to distinguish in this determination that, in this case, the source of water for augmentation is the same source of water that sustains stream base flows in the Republican River Basin. That is, groundwater from the Ogallala aquifer is the origin of stream base flows in the basin. The augmentation water will be pumped from this same aquifer and discharged into the stream in an attempt to offset the reductions in stream base flows created by irrigation pumping.

The origin of the augmentation water distinguishes it from other water that might be in the stream system such as surface runoff, return flows from surface water irrigation, or releases of water in reservoirs that retain surface runoff for later use. This augmentation water should be considered as "short circuited" base flow. It is water that would ultimately have contributed to stream base flow but has been intercepted by the augmentation wells and placed into the stream sooner that it would have reached the stream otherwise.

It is also important to recognize that this augmentation water is being taken from the same source that is being depleted by pumping for irrigation water supply and will have commensurate impacts on stream base flows. Consequently, over time, augmentation pumping will impact stream base flows and those impacts will contribute to the amount of replacement water that may be necessary to maintain compliance with the compact.

Negative Pumping Impacts

Another issue that is important to recognize in considering the credit to be applied to augmentation water is the occurrence of what we will call “negative pumping impacts”. Negative pumping impacts are, in effect, negative stream depletions caused by pumping. Normally, we expect pumping to cause depletions to stream flows. As pumping proceeds, stored groundwater is depleted and the impact of pumping on groundwater levels spreads until those impacts reach a stream. At this point, stream base flows begin to decline as some of the pumped water is derived from depletion of the stream base flows. Thus, we would normally expect to see decreased stream base flows and/or increased stream losses over time as pumping continues.

In the accounting of impacts due to pumping in the Republican River Basin, calculations of stream impacts are made at various points throughout the stream system. Generally, at points such as the North Fork at the Colorado-Nebraska state line, the calculations reflect changes to stream base flows that accumulate above that accounting point. At other points, such as the reach from the state line to Swanson Reservoir, the calculations reflect changes to the gains or losses in stream base flow that accumulate within a particular reach. Depending on the circumstances, this latter calculation could show that pumping by one state, such as Colorado, decreases the losses in a reach as compared to losses that would have occurred if that pumping had not occurred. This apparent benefit to stream base flow caused by pumping is seemingly counter intuitive and in a sense is a “negative pumping impact” as compared to what would normally be anticipated.

Effect of Negative pumping Impacts on Accounting

While there is an explanation for what is happening in instances where “negative pumping impacts” occur, the net effect in the accounting process is to reduce the overall impact of pumping on stream base flow depletions caused by pumping. The explanation lies in the nature of stream conditions that can occur in certain stream reaches and the nature of the calculations that comprise the accounting process. For example, when stream reaches become “dry”, it means that base flows are fully depleted by as they attempt to pass through the reach. When the same reach is considered in a “no pumping” scenario in which one of the states’ pumping is turned off, it is possible that the losses in such a reach can be greater than they were in the alternative scenario where the pumping was on.

The stream accounting points include both locations where stream base flows accumulate and reaches over which base flow gain or loss is calculated. In the accounting process at

these locations, the difference between the conditions with the pumping on and the conditions with the pumping off are calculated. At most of the locations, the stream base flow conditions with pumping off are larger than the comparable conditions with the pumping on and the difference is positive and is characterized as stream base flow depletion caused by pumping. However, in reaches where “negative pumping impacts” occur, this difference is negative indicating that losses are greater when pumping is on than when pumping is off. When the overall impact is determined in the accounting process, these negative values can offset some of the positive values associated with stream base flow depletion due to pumping.

Fate of Augmentation Water

When augmentation water is delivered to the stream system, it will interact with the underlying groundwater system in the same manner as other stream base flows as it flows downstream. In stream reaches where the stream base flow is diminishing due to exfiltration, the flow of augmentation water can also diminish. As a practical matter, stream base flow would have experienced this same fate if it had not been depleted by pumping. As a result, some of the augmentation water may not reach downstream accounting points. Losses of augmentation water as it travels downstream can affect groundwater conditions and, as a result, impact the determination of consumptive use and the determination of virgin water supply.

Trend in Negative Pumping Impacts

In some stream reaches of the Republican River system, negative pumping impacts have increased over time as pumping has lowered groundwater levels and have increased the propensity to have “dry” stream segments. As a result, the accounting process for some stream segments shows increasing offsets to stream base flow depletions over time as pumping impacts continue to expand. This increase in offsets has been occurring over time in the reach from the state line to Swanson Reservoir and Colorado has benefited from the reduction in overall stream base flow depletions that are determined in the accounting process that are afforded by these offsets. Furthermore, according to the projections made by Colorado and similar projections made by Kansas, the offsetting effect due to negative pumping impacts will significantly increase in the future if pumping continues to occur at rates similar to those that have occurred in the past.

Colorado’s Accounting Proposal for Augmentation Water

Colorado asserts that they should be given credit for augmentation water delivery at the state line. In other words, if the pipeline delivered water to the stream at the state line, the full amount of that delivery should be counted as a credit against Colorado’s exceedance of its compact allocation. At the same time, Colorado would also receive the benefit of increased offsets due to negative pumping impacts that occur in the reach from the state line to Swanson Reservoir. This increased offset is the result of increasing depletions to stream base flows that are sustained by a continuation of excess pumping in Colorado. In other words, Colorado would determine impacts to its pumping without

considering the effect of augmentation water on groundwater conditions and on the changes in gains and losses to base flows as the augmentation water moves downstream. This approach ignores some of the potential downstream effects of augmentation water on groundwater conditions that can impact the determination of consumptive use and virgin water supply.

Kansas has proposed that the augmentation water be input into the model calculations so it can be considered in the same manner as other stream base flow. This is appropriate in that the augmentation water is replacing stream base flow depletions, the water is derived from the same source of water that provides base flow to streams in the basin, and the impacts to the augmentation water as it moves downstream are considered. This approach is also consistent with the requirements for how augmentation water should be considered under the FSS for the determination of augmentation credit. This approach does not ignore some of the potential downstream effects of augmentation water on groundwater conditions that can impact the determination of consumptive use and virgin water supply.

Colorado has asserted that it is inappropriate to consider reductions in the augmentation credit due to losses that may be incurred to the augmentation water below the state line. Yet, in the agreed upon accounting procedures in the FSS, Colorado receives an offset due to negative pumping impacts in the reach from the state line to Swanson Reservoir. While each of the states agreed to include such offsets in the accounting of stream base flow depletions in the FSS, the Colorado proposal is structured to allow a continuing increase in the offsets below the state line. This continuing increase is caused by a continuation of irrigation pumping that is caused by Colorado exceeding its compact allocation. Consequently, Colorado wants to receive full credit for augmentation water at the state line and, at the same time, receive increases in offsets to stream base flow depletion below the state line that are the result of the continuation of irrigation pumping that the augmentation water is intended address. Thus, Colorado wants to enjoy the benefits of negative pumping impacts below the state but is unwilling to accept the effects of impacts to augmentation water below the state line.

The Kansas proposal treats the overall accounting of Colorado's actions in a balanced manner. It allows for continued offsets due to negative pumping impacts below the state line and, at the same time, subjects the augmentation water to the same conditions below the state line that produce the negative pumping impacts. The Kansas approach is straightforward and easy to apply. The Kansas approach is consistent with the requirements of the FSS that the augmentation credit be determined with RRCA Groundwater Model.

Colorado asserts a number of reasons why it is not appropriate to add augmentation water into the modeling calculations that provide the basis for the accounting in the FSS. None of these reasons are sufficient to reject the concept of including the augmentation water in the modeling process. For example, Colorado asserts that certain components of stream flow are not included in the model and that augmentation water is the same as these other components and should not be included. While it is true that certain components of

stream flow such as surface runoff, return flows from surface water irrigation, and reservoir releases are not included in the model calculations, stream base flows and the gains and losses to those flows as they transit through stream system are included. These stream base flows are surface water, just as the augmentation water is surface water. Furthermore, as described previously, augmentation water is derived from groundwater that would have ultimately contributed to stream base flow if it was not intercepted by pumping. Thus the mere labeling of augmentation water or comparing augmentation water to other types of water that are not included in the model is not a basis for excluding augmentation water from being included in the modeling process.

Colorado also asserts that the model was intended to provide determinations of components to the accounting process that cannot be measured and since the augmentation water will be measured it should not be included in the model. Again, the fact that the augmentation water will be measured prior to being placed in the stream system does not preclude consideration of impacts to augmentation water after it is discharged into the stream system and flows downstream from the state line.

Colorado asserts that the model is not sufficiently accurate to calculate changes to surface water that is added to the stream. The accuracy of the model in terms calculating groundwater levels, changes to groundwater levels, stream base flows and changes to stream base flows is a matter of record in the development of the model. The model's ability to simulate these conditions was considered and addressed as part of the model calibration process. Ultimately, the states have agreed that the model can be used to make such calculations including gains and losses to stream base flows as they migrate downstream. Impacts to augmentation water as it migrates downstream would be calculated in exactly the same manner as the calculation of impacts to other stream base flows as they migrate downstream. The results of these calculations would be incorporated into the accounting process in the same way that results for other stream base flows would be incorporated. Again, the Colorado assertion has no basis.

Groundwater levels in Colorado and especially in the area within and near the proposed augmentation well field have been steadily declining over the past several decades. Water level data collected by the USGS show that water levels have declined more than 50 feet since the late 1960s and almost 20 feet in the last decade in the proposed well field area. Aquifer saturated thickness in this area is on the order of 200 to 300 feet based on data compiled for the RRCA Groundwater Model. Based on current rates of water level decline, this thickness would be exhausted in about 150 years.

Summary

The RRCA Groundwater Model has been approved and adopted by the Supreme Court of the United States to quantify the amount, location, and timing of stream flow depletions to the Republican River. These quantifications include calculations of gains and losses to stream base flows as they transit through the stream network within the Republican River system. These quantifications also include changes in stream flow

conditions resulting from changed conditions within Colorado caused by pumping for irrigation, pumping for augmentation and stream flow augmentation.

Colorado receives a credit against stream flow depletions in portions of the stream network where “negative pumping impacts” occur. This credit occurs largely in the main stem reach below the state line above Swanson Reservoir. Colorado receives this credit in spite of the fact that its allocation of the water supply does not extend below the state line. Calculations by the RRCA Groundwater Model of gains and losses to stream base flow in this reach are part of the determination of this credit.

The CCCP proposal will, in effect, be a continuation of pumping from the aquifer system with a portion of that pumping being discharged into the stream system rather than being used for irrigation water supply. The purpose of the stream flow augmentation is to replace stream depletions that are above Colorado’s water supply allocation. This augmented stream flow will interact with the aquifer system in the same manner that other stream base flows interact as they transit downstream from the state line. The RRCA Groundwater Model is designed and approved for the purpose of determining gains and losses to stream base flows or augmented stream base flows as they transit downstream.

The RRCA Groundwater Model is the appropriate tool for calculating the augmentation credit associated with groundwater pumped from the aquifer for the purpose of augmenting stream flow to replace stream depletions caused by pumping. The model is fully capable of making this calculation and use of the model for this purpose is consistent with the requirements for determining the augmentation credit under the terms of the FSS.