

NOTICE OF SPECIAL MEETING

ARKANSAS RIVER COMPACT ADMINISTRATION

June 6, 1967  
Court House  
Lamar, Colorado

A Special Meeting of the Arkansas River Compact Administration will be held in the Court House, Lamar, Colorado at 9:30 A.M. M.D.T., Tuesday, June 6, 1967.

Besides the regular business the agenda will include:

1. Consideration of the Trinidad Project.
2. The budget for 1968-1969 fiscal year.
3. Consideration of status of permanent pool in John Martin Reservoir.
4. Other business which may be brought to the attention of the Administration.

ARKANSAS RIVER COMPACT ADMINISTRATION

MINUTES OF  
ARKANSAS RIVER COMPACT ADMINISTRATION  
SPECIAL MEETING

Court House

Lamar, Colorado  
June 6, 1967

Attendance:

For Colorado:

Felix L. Sparks, Denver  
Ernest Hofmeister, Lamar  
George F. Reyher, McClave

For Kansas:

Robert V. Smrha, Topeka  
Carl E. Bentrup, Deerfield  
Logan N. Green, Garden City

For the United States:

Wilbur L. Heckler, Albuquerque, New Mexico

Others Attending:

G. D. Steward	Otero Co.	Rocky Ford, Colo.
Wayne Campbell	La Junta Chamber of Com.	La Junta, Colo.
Earl Beegles	Otero Co. Comm.	La Junta, Colo.
Everette Marshall	Catlin Ditch Board	La Junta, Colo.
Glenn G. Saunders	Purgatoire W. C. Dist.	Denver, Colo.
E. A. Thaxton	SECRA Chairman	Las Animas, Colo.
G. E. Kimble	Holbrook Lake Sptmns. Club	Swink, Colo.
Harry J. Figge	Colo. Game, Fish & Parks	Denver, Colo.
Robert A. Buchhagen	Corps of Engineers	John Martin Res.
Ross W. Moor	U.S.G.S.	Lamar, Colo.
Howard C. Corrigan	Div. of Water Res.	Garden City, Kans.
Leo J. Olson	C.F.I. Corp.	Pueblo, Colo.
Geo. T. O'Malley, Jr.	Colo. Game, Fish & Parks	Denver, Colo.
Bernie Bovee	Colo. Game, Fish & Parks	Colo. Spgs., Colo.
LeRoy Nickelson	Fort Bent	Lamar, Colo.
C. L. Nickelson	Fort Bent	Lamar, Colo.
Wm. Howland	Amity Mutual Canal	Holly, Colo.
Sisto Guidotti	Amity Mutual Canal	Bristol, Colo.
Carter Hutchinson	C.W.C.B.	Denver, Colo.

Others Attending, Continued:

Harry C. Nevius	Amity Mutual Canal	Lamar, Colo.
W. T. Setchfield	Bent Co. Rec. Board	Las Animas, Colo.
James Donnelly	Chmn, Purgatoire W.C. Dist.	Trinidad, Colo.
Charles J. Cappellini	Purgatoire W.C. Dist.	Trinidad, Colo.
Max Torres	Purgatoire W.C. Dist.	Trinidad, Colo.
J. L. Ogilvie	Bureau of Reclamation	Pueblo, Colo.
Ralph L. Strother	Corps of Engineers	Albuq., New Mexico
Leo J. Gamble	Bureau of Reclamation	Pueblo, Colo.
Edw. J. Tripp	U.S.G.S.	Denver, Colo.
Claire Behan	KLMR Radio	Lamar, Colo.
Donn Bynum	Tri-State Daily News	Lamar, Colo.
Clyde Albertson	Bent Co. Commissioners	Las Animas, Colo.
Frank Richards	Chamber of Commerce	Las Animas, Colo.
Dutch Schneider	Bowling Alley Owner	Las Animas, Colo.
Jack Robinson	City Council	Las Animas, Colo.
Fred L. Boydston	C.W.C.B.	Denver, Colo.
Francis M. Bell	C.W.C.B.	Denver, Colo.

MEETING CALLED TO ORDER

Chairman Heckler called the meeting to order at 9:55 A.M. He said that his first official duty was to present his credentials to the Administration. He next called for consideration of the minutes of the December 14, 1966 meeting. There being no corrections, the minutes were approved as submitted. The Chairman then read his report as follows:

REPORT

1. Appointment Credential - My appointment as federal representative to the Arkansas River Compact Administration was made by President Lyndon B. Johnson by letter of January 25, 1967. Copies of the appointment letter have been furnished to the commissioners of both States.
2. Annual report mailings - In accordance with established practice, copies of the 1966 annual report were mailed to 13 different federal parties or agencies as shown on the attached mailing list.
3. Colorado District of U.S.G.S. reorganized - The Regional Hydrologist of the Water Resources Division, U. S. Geological Survey reported that on March 1, 1967 the consolidation and reorganization of the operations in Colorado have been approved and are now in effect. Mr. Edward Moulder has been appointed as District Chief. Also reported was that the sub-office at Lamar will be continued under the reorganized district. Both the States of Kansas and Colorado are now operating under division status.

Mr. Lane Hackett read the Secretary's Report as follows:

SECRETARY'S REPORT  
December 13, 1966 - June 6, 1967

Copies of the Eighteenth Annual Report were received March 17, 1967. Copies were mailed to ditch companies and elsewhere as requested. A good supply is still on hand.

A new supply of checks and updated letterheads has been printed. This supply should be adequate for some time unless further changes are required on the letterheads.

The usual contacts with the Corps of Engineers and U.S.G.S. have been maintained for operation of John Martin Reservoir. A total of 23 release orders have been issued to date since December 1, 1966. Considerable time and mileage have been spent in verifying compact station flows, mainly downstream from John Martin to the state line.

Correspondence and telephone business have been handled as necessary by your secretary. All bills are paid to date with the exception of the fourth quarterly U.S.G.S. payment and the secretary's salary for the quarter ending June 30, 1967.

Mr. Smrha made and Mr. Hofmeister seconded a motion that the Secretary's Report be accepted. The motion passed by the vote of the states.

Mr. Hofmeister then gave the report as Treasurer.

ARKANSAS RIVER COMPACT ADMINISTRATION  
Treasurer's Report

<u>DATE</u>	<u>VOUCHER</u>		<u>AMOUNT</u>
11/1/66	474	Telephone Co. - October Service	\$ 17.22
12/1/66	475	Telephone Co. - November Service	15.16
12/27/66	476	Treasurer of the U.S. - 4th Qtr. FICA	25.20
	477	Void	
1/4/67	478	Marvin Strait Agency - Audit & Photo Co.	89.65
1/4/67	479	Telephone Co. - December Service	13.02
1/4/67	480	Lane L. Hackett-4th Qtr. Salary & Travel	341.96
1/23/67	481	U. S. Geological Survey -2nd Qtr. Agreement	500.00
2/3/67	482	Lamar Typewriter Shop-Office Supplies	2.38
2/3/67	483	Telephone Co. - January Service	14.65
3/4/67	484	Telephone Co. - February Service	11.65
4/1/67	485	Telephone Co. - March Service	12.41

<u>DATE</u>	<u>VOUCHER</u>		<u>AMOUNT</u>
4/1/67	486	Peerless Printing Co.-Printing Annual Report	748.00
4/1/67	487	Treasurer of the U. S. - 1st Qtr. FICA	26.40
4/1/67	488	Lane L. Hackett - 1st Qtr. Salary	286.80
5/1/67	489	Telephone Co. - April Service	14.65
4/13/67	490	U.S.G.S. - 3rd Qtr. Agreement	500.00
4/13/67	491	Lane L. Hackett - Postage & Travel	<u>33.92</u>
TOTAL DISBURSEMENTS			\$2,653.07

Balance on Hand November 1, 1966	\$4,709.71
Disbursements	<u>2,653.07</u>
Balance on Hand May 31, 1967	\$2,056.64

Mr. Bentrup's motion, seconded by Mr. Smrha, that the Treasurer's Report be accepted was passed by vote of the states.

Mr. Green reported that the Administrative and Legal Committee had nothing to consider, and therefore had nothing to report.

Mr. Smrha reported for the Engineering Committee and said that it had no assignment, and therefore no report.

Mr. Hofmeister then presented the Operations Committee Report and asked Mr. Lane Hackett to read it.

Mr. Hackett read the report as follows:

OPERATIONS REPORT  
December 1, 1966 to June 6, 1967

John Martin Reservoir storage at the close of irrigation season, midnight November 30, 1966, was 187,171 acre feet.

A total of 23 release orders have been issued to date. River flow releases were made to Colorado during winter storage period ranging from 10 to 25 cfs. Storage had reached 198,190 acre feet by April 1, 1967 at which time water was ordered released to supply Kansas and Colorado demands for 500 cfs. each. The original Kansas demand remained constant. Colorado demands reached a peak of 750 cfs. at 0900 April 5, which held for 10 days.

Through a mutual agreement by irrigators in both States, a 20% reduction in maximum demands was made to conserve storage and at 0830 May 16 an order was issued for 900 cfs. Demands of both States decreased until May 30 at which time Kansas cancelled all demands and the release was ordered reduced to 375 cfs. at 1330 for Colorado. On that date heavy rains were reported in the evening in the McClave and Big Bend area as well as in Caddoa and Mud Creek drainages. By telephone and personal investigation of the drainage areas it became obvious that there would be considerable runoff from these areas. A

call was made by your secretary to close the gates at John Martin at 2100 and was informed they had been closed at 2045 on a call from Mr. George Reyher. Considerable flooding was experienced in McClave and Big Bend drainages. Caddoa and Mud Creeks flows were nil by daylight May 31. The Amity, Buffalo and XY Canals had some damage as a result of the flooding.

To meet Colorado's demand, 250 cfs. was ordered for release at 0830 June 5, 1967.

Return flows and problems at measuring stations have required trips to the state line and to tributaries to the river. The U.S.G.S. has worked hard setting up new stations and furnishing data to assist in the measurements for Compact operation. The telemark station just below the reservoir mossed up and created some problems for release measurements.

Storage has increased about 12,000 acre-feet since the low of 74,500 acre-feet midnight May 26.

Storage midnight 6/5/67	87,026 acre-feet
Decrease since 4/1/67	111,164 acre-feet

Respectfully submitted,

Ernest Hofmeister

Some discussion followed on the demands by Colorado and Kansas.

Mr. Green then moved that the Operations Committee Report be received and approved and placed in the record. Mr. Sparks seconded the motion and the motion was passed by vote of the states.

#### OLD AND NEW BUSINESS

Mr. Heckler then asked if there was any unfinished business. There being none, he passed on to new business and suggested consideration of the Trinidad Project as the first item.

Mr. Sparks was asked to present the Trinidad Project for consideration. He said the project had been before the Administration for a long time and he asked if Kansas had any further questions on the project.

Mr. Smrha said that the revised operating principles had not been submitted to the Administration as such.

Mr. Sparks then submitted the revised operating principles along with a letter written to the ditch companies in Kansas. He said this material had been previously submitted to the State of Kansas. After

some discussion Mr. Sparks said that these were the same principles that were submitted originally to the Administration and in addition contained the five points requested by the State of Kansas.

Mr. Bentrup said there seemed to be some conflict in Article VI whether there should be a ten-year review or a five-year review and Mr. Ogilvie was called upon to explain it.

Mr. Ogilvie said the amendments specify a five-year review shall be made instead of a ten.

After some discussion Mr. Saunders said that the amendments to the document supersede the original document.

Mr. Sparks said that in all documents such as this, the amendments supersede the original document.

Mr. Smrha then asked Mr. Ogilvie if the operating principles as amended had been sent to the ditch companies and if there had been any response to these.

Mr. Ogilvie said there had been no response from the ditch companies.

Mr. Sparks then asked if Kansas wanted anything further done with respect to the operating principles.

Mr. Smrha replied that if the question of approval was submitted to the Administration then Kansas will act.

Mr. Sparks then moved and Mr. Hofmeister seconded a motion that the Administration approve the operating principles with the understanding that the amendments take precedent over the original operating principles as presented.

Mr. Green said that he thought that it would be less clumsy to redraw the principles and incorporate the amendments into a single document. He said that as of now there were two documents to approve. He suggested that if everything were incorporated into one document then everyone would know what it means.

Mr. Sparks then asked Mr. Ogilvie to explain the operating principles and amendments.

Mr. Ogilvie said the amendments do take precedent over the original item and that the items included make one document. Mr. Ogilvie further said that at the first review the operating principles would be revised and amended as deemed necessary.

Mr. Smrha then asked for a recess of five minutes to which Mr. Heckler agreed.

Mr. Heckler reconvened the recessed meeting and Mr. Green said that the Kansas delegates had caucused and thought that if the letter of March 20, 1967, from H. P. Dugan to the Governor of Kansas and countersigned by the Purgatoire Conservancy District was referred to in an amended motion then Kansas could act upon that.

Mr. Sparks said that he would like to withdraw his original motion and make a new motion, which he did as follows:

Moved that the document of March 20, 1967 submitted to Governor Docking and signed by H. P. Dugan and countersigned by Dr. Donnelly be approved by the Arkansas River Compact Administration. Mr. Green seconded the motion and after some discussion the motion was carried by vote of the states. The documents are attached as Appendix A.

Mr. Hofmeister presented a proposed budget for 1968-1969 and said that it provided for a \$200 increase for gage reports and a \$25 per month raise for the secretary. He also said that an additional Kansas relay station might be necessary, so \$1,500 was included for that.

Mr. Tripp was then called upon to explain the relay situation. He said that there may be need for an additional relay besides the ones at Syracuse and Hartland. Mr. Tripp explained that the \$7,500 in last year's budget for the relay stations and Garden City recorder was put in the budget without the prospect of matching funds from U.S.G.S. At the present time there are matching funds available so there is a surplus of funds in this category. He said that the receiver at Garden City had not been decided upon as yet, but that the U.S.G.S. preferred that this receiver be purchased either by Kansas or the Compact Administration since the U.S.G.S. did not want to keep it on their inventory account.

Mr. Smrha then asked what choices there were on receiving equipment.

Mr. Tripp explained that if someone is on duty for Kansas most of the time there is no need for a print-out tape.

Mr. Bell said any manual receiver will get the signal if it is designed or converted to receive the proper frequency.

Mr. Corrigan was asked what he thought and explained that he could see no need for a tape recorder type receiver.

Mr. Smrha agreed that Mr. Corrigan's idea for a receiver without a tape recorder would satisfy Kansas' purpose.

Mr. Buchhagen said that the receiver at John Martin Reservoir has some trouble receiving the zeros and ones. After some discussion it was apparent that this was a common trouble.



Mr. Heckler then asked if it would be possible to eliminate the \$1,500 relay item from the budget.

Mr. Smrha then moved and Mr. Sparks seconded the motion that the budget be approved and adopted without the \$1,500 relay item. The motion was passed.

The approved budget is as follows:

BUDGET		
Fiscal Year July 1, 1968 - June 30, 1969		
Personal Services		\$3,875.00
Secretary's Salary	\$1,500.00	
Social Security	75.00	
Gage Reports	2,200.00	
Professional Services (audit)	100.00	
Capital Outlay		300.00
Maintenance and Operation		2,315.00
Bond (Treasurer)	15.00	
Printing	900.00	
Official Publications	100.00	
Travel Expenses	500.00	
Typing and Mailing	100.00	
Investigation & Inspection	100.00	
Telephone and Telegraph	300.00	
Office Supplies	300.00	
Total Proposed Budget 1968-1969		\$6,490.00
Estimated Carry Over as of June 30, 1968		<u>1,000.00</u>
Total to be appropriated by Colo. and Kansas		<u>\$5,490.00</u>
Colorado's Share 60%		\$3,294.00
Kansas' Share 40%		<u>2,196.00</u>
		<u>\$5,490.00</u>

Both Mr. Sparks and Mr. Smrha said that the funds from each state for the Arkansas River Compact Administration will be available on July 1, and the treasurer was advised to request those funds as soon as possible.

Mr. Heckler then said that the next item on the agenda was consideration of the permanent pool in John Martin Reservoir and asked Mr. Sparks to explain the situation.

Mr. Sparks explained that this agenda item had been included at the request of Colorado. He reviewed Congressional legislation authorizing invasion of the flood-control storage capacity of John Martin Reservoir to the extent of 10,000 acre-feet for establishment of a permanent pool. He also pointed out that at the request of Colorado, the Chief of Engineers authorized storage in the flood control pool of this 10,000 acre-feet from surplus flows in 1965. Evaporation records maintained since this storage was accomplished show that about 1500 acre-feet have been lost by evaporation and that about 8500 acre-feet of the original 10,000 remain in storage. He explained that Colorado will need to acquire an average of about 5,000 acre-feet annually in order to maintain a 10,000 acre foot pool and he reviewed the efforts of the Colorado Game, Fish and Parks Department to acquire the necessary water. These efforts include the following.

1. The Corps of Engineers has offered to transfer to Colorado all water rights obtained by the Corps when it purchased land in the John Martin Reservoir area.
2. Transfer of storage rights from Setchfield Reservoir on Muddy Creek to John Martin Reservoir. Setchfield Reservoir is owned by the Colorado Game, Fish and Parks Department, but the dam was breached in the 1965 flood.
3. Negotiations for the purchase of Two Buttes Reservoir. This reservoir has a capacity of about 40,000 acre-feet, part of which could be used to deliver demands by Kansas and by exchange replace evaporation losses from the permanent pool.
4. Negotiations with the cities of Aurora and Colorado Springs for the purchase of 5,000 acre-feet annually from the Homestake Project.

Mr. Sparks then asked if in view of the plans now being made whether Kansas could appoint someone to work with Colorado to account for the water into the reservoir. He explained that Colorado wants to make sure that there will be an over-delivery of water to make up for the evaporation losses. He welcomed any discussion of this project.

Mr. Smrha then said he disagreed with Mr. Sparks' remarks with respect to surplus water stored by order of the Chief of Engineers and he read from the Bill authorizing the invasion of the flood control pool. No agreement or approval as required by the legislation has yet been reached. Therefore, no permanent pool can be considered to exist and all water in storage is under terms of the Compact below elevation 3,851 and is subject to release under the terms of the Compact.

Mr. Sparks said he had not considered raising such a point and that he only wanted to know if Kansas would appoint someone to look over the shoulder of Colorado and keep them advised as to their desires. He also suggested that maybe someone from the Administration would look on and find out what went on.

Mr. Smrha said any proposal which Colorado may make would receive consideration of the Kansas people.

Mr. Heckler questioned if others mentioned in the Bill should be contacted before the study goes much further.

Mr. Sparks remarked that Colorado had experienced some difficulty with the Trinidad Operating Principles trying to find who in Kansas should approve the plans and he didn't wish to run into the same trouble again.

Mr. Smrha said that in the Trinidad authorizing document the Kansas water users, the State of Kansas and the Arkansas River Compact Administration were to be considered; however, in the permanent pool legislation Kansas is not mentioned. Therefore, the subject of the permanent pool will be referred only to the Compact Administration members.

Mr. Sparks said that Colorado will proceed with the plans for replacing evaporation, and will keep the Kansas members informed, and that any details will have to be worked out jointly. He said that his own water conservation board and the Corps of Engineers have to approve anything before it will be sent to the Kansas Administration members. He averred that the 10,000 acre-feet was stored at the behest of Colorado and would not have been stored except for Colorado's action. The State of Colorado hopes to obtain the necessary water to make up for evaporation losses this summer and therefore wished to offer the following resolution to the Administration. He read as follows:

#### RESOLUTION

WHEREAS, during the floods of June 1965 the Chief of Engineers, U. S. Army, at the request of the State of Colorado retained 10,000 acre-feet of water in the flood control storage space of the John Martin Reservoir; and

WHEREAS, the Congress of the United States has enacted Public Law 89-298 which authorizes and directs the Chief of Engineers, U. S. Army, to modify the flood control storage space of the John Martin Reservoir to an amount not to exceed 10,000 acre-feet for the purpose of establishing and maintaining a permanent pool for fish and wildlife and recreational purposes; and

WHEREAS, Proviso (1) of said Public Law 89-298 provides that the State of Colorado shall purchase and make available any necessary water rights to maintain said permanent pool; and

WHEREAS, the Colorado Game, Fish and Parks Department has made and is making diligent efforts to acquire water rights to maintain the permanent pool; and

WHEREAS, said permanent pool has now been reduced to 8,649 acre-feet as of May 31, 1967 due to evaporation and seepage losses; and

WHEREAS, Proviso (4) of said Public Law requires that the Arkansas River Compact Administration approve the operating procedures of said permanent pool;

NOW, THEREFORE, be it resolved by the Arkansas River Compact Administration that it hereby authorizes the maintenance of the storage of 8,649 acre-feet for the operation of the permanent pool for recreational and fish and wildlife purposes; and

BE IT FURTHER RESOLVED, that the State of Colorado through its Game, Fish and Parks Department, continue its efforts to obtain the necessary water to maintain said permanent pool at 10,000 acre-feet.

Mr. Hofmeister questioned how the reservoir would be operated.

Mr. Sparks replied that they would simply draw the reservoir down by the daily amount of evaporation.

Mr. Bentrup said that assuming that this resolution was passed he could not see where the Administration had any authority to curtail the releases if water was called for by the irrigators. He said that Kansas wishes to keep an open mind on this subject and he hoped that the pool could be maintained on a voluntary basis. After more discussion Mr. Sparks moved for the adoption of the resolution as read. Since no second was forthcoming, the Chairman ruled that the motion had died for lack of a second.

After further discussion Mr. Hackett asked what the Secretary should do if he gets requests for water that is now in the permanent pool. After an informal discussion it seemed that everyone agreed that if the irrigators demand the water it must be released.

Mr. Bentrup then volunteered to act as a contact for the ditches in Kansas to ask them to cease their demand when the reservoir gets down to that point. He said he would like to see someone in Colorado also volunteer for this service.

Mr. Sparks voiced his appreciation of Mr. Bentrup's views and remarked that Kansas has helped greatly in this respect.

Chairman Heckler asked if there was any other business and Mr. Sparks said that he wished to submit a revised area capacity table for the John Martin Reservoir. He noted that all the Administration members had received a copy, but he had extra copies which he would mail out or give to anyone interested.

Mr. Nevius was asked for his views on the permanent pool. He stated that in his opinion it would be very difficult to maintain a permanent pool without material injury to water users below John Martin Reservoir. He pointed out that during periods when the reservoir is empty these water users have historically had the benefit of accretions to the river as it courses through the reservoir area. He estimated that these accretions range from 10,000 to 16,000 acre-feet annually. He suggested that raising the water level 25 feet above normal stream level to maintain the permanent pool would reduce or eliminate the accretions to which the downstream users are entitled. For this reason he firmly opposes any plans for a permanent pool. Mr. Nevius also reminded the Administration that during the negotiations for the Compact the matter of a permanent pool had been explored thoroughly and discussed vigorously and discarded as completely impractical.

Mr. Smrha said that he thought that the Administration should take note of the retirement of the former Chairman Frank Bell and that a suitable resolution should be written and adopted.

Mr. Green asked if Mr. Sparks would be willing to draw up such a resolution and Mr. Sparks agreed.

There being no further business the meeting adjourned at 11:45 A.M.

## APPENDIX A

7-100

Hon. Robert Docking  
Governor of Kansas  
Topeka, Kansas

Dear Governor Docking:

On February 1, 1967, I concurred with views of the Kansas Water Resources Board and the State of Kansas relative to the Trinidad Project and the plan of operation as set forth in the "Operating Principles". At the same time, evidence of acceptance by the Purgatoire River Water Conservancy District of the five conditions set forth in Governor Avery's letter of December 30, 1966 was presented. Subsequent discussion with representatives of the Kansas Water Resources Board indicates the desirability of setting forth the "Operating Principles" and the five conditions clearly in one document so as to avoid any misunderstanding in the future as to their intent and purpose. I concur in this suggestion and, accordingly, quoted below are the "Operating Principles" as contained in the Irrigation Report on the Trinidad Project, Colorado, July 1964 (Revised September 1964) and the five conditions suggested in Governor Avery's letter of December 30, 1966:

### OPERATING PRINCIPLES TRINIDAD DAM AND RESERVOIR PROJECT

#### Preamble

The Trinidad Dam and Reservoir Project as reported in House Document No. 325, 84th Congress, 2d Session, and as authorized by the Flood Control Act of 1958, will be operated in such a manner as to secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact. The objectives and principles governing the operation of the Trinidad Dam and Reservoir Project to secure such benefits are contained within the following articles.

- Article I - OBJECTIVES
- Article II - DEFINITION OF TERMS
- Article III - FLOOD CONTROL
- Article IV - IRRIGATION
- Article V - FISHERY AND RECREATION
- Article VI - REVIEW AND AMENDMENT

Article I - OBJECTIVES

The operation of the Trinidad Dam and Reservoir involves the regulation of the flows of the Purgatoire River for flood control, irrigation use, and recreation including a permanent fishery pool. The project plan provides for:

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.
2. Optimum beneficial use of the available water for irrigation within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:
  - (a) Transfer of the storage decree of the Model Land and Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.
  - (b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam site which would otherwise spill from John Martin Reservoir.
  - (c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.
3. The maintenance of a minimum pool for enhancement of recreation and fishery values.
4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood control . . . . .	51,000 acre-feet
Irrigation. . . . .	20,000 acre-feet
Permanent fishery pool. . . . .	4,500 acre-feet
Joint use * . . . . .	<u>39,000</u> acre-feet
<u>Total capacity</u>	114,500 acre-feet

\* For irrigation and sediment accumulation

## Article II - DEFINITION OF TERMS

### Definition of terms as used herein:

1. "Reservoir" means the reservoir presently planned and authorized for construction on the Purgatoire River above the City of Trinidad, Colorado.
2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation use. The District shall also be the agency responsible for the regulation of irrigation water supplies within the District boundaries in the manner set forth therein.
3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of reservoir capacity allocated to joint use but unoccupied by sediment at any given time.
4. "Irrigation Capacity" means the 20,000 acre-feet of reservoir capacity allocated to irrigation plus the unsedimented portion of the joint use capacity.
5. "Permanent Fishery Pool Capacity" means the 4,500 acre-feet of reservoir capacity allocated to fishery and recreation.
6. "Permanent Fishery Pool" means the quantity of water stored in the permanent fishery pool capacity.
7. "Flood Control" means the temporary storage of flood waters at any reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.
8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying initially above m.s.l. reservoir elevation 6229.6.
9. "Reservoir Inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the reservoir, comprising measured flows at the inflow gaging stations and other unmeasured inflows entering the reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the permanent fishery pool.



10. "District Irrigable Area" means only the 19,717 acres of Class 1, 2 and 3 irrigable lands to be served lying within District boundaries.
11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District irrigable area, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.
12. "Nonirrigation Season" means that period of the year other than the irrigation season.
13. "District Storage Right" means those rights under which the District may store water in the irrigation capacity for use on the District irrigable area.
14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation use within the District irrigable area.
15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.
16. "Operating Agency" means the U. S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.

#### Article III - FLOOD CONTROL

Trinidad Reservoir shall be operated for flood control benefits in accordance with regulations prescribed by the Secretary of the Army and the following operating principles:

1. All potentially damaging flood inflows shall be temporarily detained as necessary to limit the flow insofar as possible to a nondamaging flow, currently estimated to be 5,000 c.f.s., downstream from the Trinidad Reservoir.
2. All flood waters stored in the flood control capacity shall be released at the maximum nondamaging rate insofar as practicable.

3. Any inflow, other than that stored for irrigation use, temporarily retained below the bottom of the flood control capacity for flood control purposes, shall be released by the operating agency at such a rate, time, and quantity as may be ordered by the Colorado State Engineer, but within nondamaging flow in the channels below the reservoir.

#### Article IV - IRRIGATION

Administration of the irrigation capacity in Trinidad Reservoir and the distribution of water to the District irrigable area will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these operating principles. Agreements, satisfactory to the Secretary of the Interior, shall be entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District irrigable area are contained in the following four parts of this Article: "Water Rights", "Limits of Land and Water Use", "District Water Supply", and "Operation and Exercise of Water Rights".

##### A. Water Rights

Accomplishment of the following conditions is necessary under the laws of the State of Colorado to provide the District with the right to regulate the flows of the Purgatoire River in the manner described herein:

1. The water users within the District shall assign the right to the exercise of all the decreed direct flow water rights within the District boundaries to the District for administration by the District at such times and to the degree outlined in these principles. The right to the exercise of the following water rights, all in Water District No. 19, shall be so assigned.
2. Waters of the Purgatoire River shall be stored by the District in the irrigation capacity of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the District storage right, include:
  - (a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under

reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, which right shall, by appropriate statutory proceedings be transferred from the place of storage as originally decreed to the site of the reservoir; and

- (b) Such other rights to store water in the reservoir as the District may lawfully acquire by appropriation or purchase.

<u>Number</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>	<u>Name of Ditch</u>
3	11/30/61	6.00	Baca
5	3/20/62	4.00	Johns Flood
7	4/30/62	7.00	Chilili
8	11/15/62	2.82	Baca
8	11/15/62	1.18	El Moro
9	1/ 1/63	1.28	Johns Flood
9	1/ 1/63	4.72	Hoehne
12	6/30/63	0.50	South Side
13	1/ 1/64	1.25	Johns Flood
13	1/ 1/64	3.75	Levelling & McCormick
15	4/10/64	5.10	Johns Flood
15	4/10/64	0.80	Hoehne
15	4/10/64	2.54	Salas
19	6/ 1/65	4.00	Levelling & McCormick
20	10/ 7/65	7.35	Johns Flood
20	10/ 7/65	16.65	Hoehne
21	1/ 1/66	6.00	Burns & Duncan
22	2/ 1/66	4.00	Salas
27	5/31/66	2.25	Johns Flood
27	5/31/66	2.25	Salas
40	4/30/68	1.40	South Side
64	4/ 1/73	2.40	Johns Flood
73	11/ 1/75	6.00	South Side
74	2/17/76	34.00	South Side
75	12/25/76	4.00	South Side
77	3/11/77	1.30	El Moro

<u>Number</u>	<u>Priority</u>		<u>Amount</u> (cfs)	<u>Name of Ditch</u>
	<u>Date</u>			
77	3/11/77		2.70	Baca
80	4/ 7/77		18.60	South Side
93	12/15/82		4.00	South Side
95	11/ 4/83		14.33	Baca
96	11/23/83		16.84	South Side
98	4/30/84		60.00	South Side
103	6/21/86		14.73	Baca
104	10/21/86		10.00	Lewelling & McCormick
106	3/12/87		15.00	Baca
108	2/15/88		9.70	South Side
109	3/ 1/88		8.00	South Side
137	11/23/97		2.00	V. Florez
145	10/20/02		100.00	Johns Flood
152	12/31/03		2.00	V. Florez
168	1/22/08		200.00	Model
242½	6/12/20		45.56	Baca

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District water supply shall be limited to the 19,717 acres classified as 1, 2 and 3 irrigable land lying within the District boundaries. These 19,717 acres of the District irrigable area shall be composed as nearly as practicable of the following acreages under individual ditches:

Baca	2,428	acres
Chilili	114	"
El Moro	160	"
Johns Flood	1,854	"
Model	6,177	"
South Side	6,359	"
Victor Florez	22	"
Hochne	1,742	"
Burns & Duncan	322	"
Lewelling & McCormick	378	"
Salas	<u>161</u>	"
<b>Total</b>	<b>19,717</b>	<b>Acres</b>

2. All water deliveries to the 19,717 acres of the District irrigable area will be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.
3. No water deliveries for irrigation of the 19,717 acres of the District irrigable area will be made during the nonirrigation season.

C. District Water Supply

1. That water supply of the Purgatoire River Subject to District administration for irrigation use within the District irrigable area, defined as the District water supply, consists of:
  - (a) The water stored under the District storage right in the irrigation capacity.
  - (b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District irrigable area for irrigation use through the District's exercise of the rights listed in IV.A.1.
  - (c) That portion of the reservoir inflow bypassed to the river below Trinidad Dam which is subject to diversion to the District irrigable area through the District's exercise of the water rights listed in IV.A.1.
2. The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate.

D. Operation and Exercise of Water Rights

The principles governing operation of the irrigation capacity and the District's exercise of the assigned direct flow water rights listed under IV.A.1. and the District storage right are

hereinafter set forth as they apply to operations during the entire year as well as to operations during either the non-irrigation season or irrigation season.

1. Non-interference with Downstream Water Rights

- (a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.
- (b) Reservoir inflow in excess of the amount stored under the transferred Model right may be detained in the reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District storage right and become part of the District water supply. Such detained water which does not become a part of the District water supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact, C.R.S., 1953, 148-9-1.
- (c) Except as provided by paragraph (b) above, any water temporarily detained in the reservoir as a result of the reservoir inflow exceeding the design outlet capacity of the reservoir shall be released as soon as possible.
- (d) All releases from the reservoir, as set forth in (a), (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

2. District Operation, Non-irrigation Season

- (a) During the non-irrigation season the District will provide an allowance for stock watering purposes of not more than a daily mean flow of five second-feet or its volume equivalent measured at a gage to be located near and above the Baca River headgate. If the stream gains from the Trinidad Dam to the said gage are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow will be released to satisfy stock water demands within the allowance.
- (b) During the non-irrigation season the District will exercise the direct flow water rights and the District storage right only at such times and to the degree as necessary to assure:
- (1) That the maximum possible storage of reservoir inflow is accrued.
  - (2) The stock water allowance is distributed in a manner determined equitable by the District.

3. District Operation - Irrigation Season

- (a) During the irrigation season, except at such times as provided for in IV.D.3.(c) below, the District shall exercise the direct flow water rights and the District storage right only at such times and to the degree necessary to assure:
- (1) That stream gains to the river below Trinidad Dam which are divertible to the District irrigable area and such reservoir inflow which is bypassed to the river for District irrigation use will be equitably distributed to the District irrigable area as part of the allocated District water supply.
  - (2) That the District storage right can be fully exercised to store reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a) (1) above.

- (b) During the irrigation season water stored in the irrigation capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District irrigable area as part of the allocated District water supply.
- (c) During the irrigation season, when the irrigation capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the reservoir inflow and stream gains below Trinidad Dam which are divertible to the District irrigable area exceed the irrigation requirement and such excess is storable under the District storage right, the District will resume the exercise of the direct flow rights and exercise of the District Storage right as in D.3.(a)(2) above.

4. Evaporation and Seepage Losses

In the accounting for water in storage, evaporation and seepage losses due to water stored in the irrigation capacity shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

Article V - FISHERY AND RECREATION

The permanent fishery pool shall be operated in accordance with the following principles:

1. Water for the initial and subsequent fillings and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District water supply or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325.
2. In the accounting for water in storage, evaporation and seepage losses due to the permanent fishery pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.
3. There shall never be any release of water from the permanent fishery pool except upon the request of the Colorado Game, Fish, and Parks Commission to the Colorado State Engineer.



## Article VI - REVIEW AND AMENDMENT

These operating principles may be subject to review and amendment not more than once a year at the request of any of the parties' signatory; provided, that at least one review shall be accomplished within the first 10 years following completion of the Trinidad Dam and at least one review be accomplished every 10 years thereafter. The primary object of such reviews will be obtaining optimum beneficial use of water as conditions change, operating experience is gained, and more technical data become available.

### FIVE CONDITIONS

#### State of Kansas

1. All inflows over established Colorado water rights (1156.05 cfs) be designated flood flows and released as promptly as downstream conditions permit. The only time water so designated may be stored in the conservation pool will be when John Martin Reservoir does not have the capacity to store additional water.
2. Any subsequent amendment of the operating principles should be subject to review and approval of the same interests as provided for in the original procedure.
3. Assurances that there will be no significant increase in water use which would result in a depletion of water yield to other Colorado and Kansas water users.
4. That 5 years after beginning operation of the Trinidad Reservoir for irrigation purposes, the operating principles be reviewed to determine the effect, if any, the operation has had on other Colorado and Kansas water users and the principles amended as necessary. Each 10 years thereafter reviews should be provided with amendments as needed.
5. All operating records be open for inspection by any qualified representative of the Arkansas River Compact Administration.

The Bureau of Reclamation concurs fully with the "Operating Principles" as set forth above and further agrees with the five conditions noted and suggested by the State of Kansas, also stated above.

To further assure acceptance and complete understanding of the "Operating Principles" and the five conditions, both set forth herein, and consistent with the resolution of the Purgatoire River Water Conservancy District, Dr. James E. Donnelly, President of the District, is joining the Bureau of Reclamation in this letter and so indicates by his signature, approving in its entirety the material set forth herein. Authority for Dr. Donnelly's approval is contained in a resolution passed by the Purgatoire River Water Conservancy District on January 26, 1967 and a copy of this resolution and Dr. James E. Donnelly's letter of January 26, 1967 is attached for your ready reference.

I am sure this adequately documents the intent and purpose of complying with the provisions set forth herein by the parties concerned and I would appreciate early advice from you of the State of Kansas' approval of this action.

Sincerely yours,

/s/ H. P. Dugan

H. P. Dugan  
Director

PURGATOIRE RIVER WATER  
CONSERVANCY DISTRICT

By: /s/ James E. Donnelly  
James E. Donnelly, President

Enclosures

cc:  
Commissioner, Attention: 400 (with enclosures)  
Project Manager, Pueblo, Colorado, Attention: P-100 (with enclosures)