

1 ARKANSAS RIVER COMPACT ADMINISTRATION

2
3 THIS MEETING, being held at 9 a.m., on August 14,
4 1976, at the Pomegranate Inn, Aspen, Colorado.

5 Members present:

6 GUY E. GIBSON, Topeka, Kansas
7 CARL E. BENTRUP, Deerfield, Kansas
8 M. P. REEVE, Garden City, Kansas

9 FELIX L. SPARKS, Denver, Colorado
10 ROBERT TEMPEL, Wiley, Colorado
11 HARRY BATES, JR., Holly, Colorado

12 FRANK COOLEY, Meeker, Colorado, Chairman
13 LANE HACKETT, Lamar, Colorado, Secretary

14 Others present:

15 Duane Helton, Colorado Water Conservation Board
16 Bob McCabe, Colorado Water Conservation Board
17 David W. Robbins, Colorado Attorney General's Office
18 Richard E. Fidler, USGS, Pueblo
19 Russell K. Livingston, USGS, Lakewood
20 John Dumeyer, Hydro Engineering, Pueblo
21 James Kasic, Division Engineer's Office, Division 2
22 Robert Jesse, Division Engineer's Office, Division 2
23 Jack McNeice, USBR, Pueblo, Colorado
24 Charles L. Thomson, SECWCD, Pueblo
25 Arthur G. Cudworth, Jr., Albuquerque District,
Corp of Engineers
John J. Clinico, Albuquerque District, Corp of
Engineers
James H. Stramley, Fort Lyon Canal Co., Las Animas
Arthur Esgar, Fort Lyons Canal Co., Wiley
Frank Milenski, Catlin Canal Co., LaJunta
William Howland, Amith Canal, Buffalo Canal, Holly
Leo J. Pollart, Amity Canal Co., Holly
Michael K. Higbee, Manvel Canal Co., Lamar
Richard U. Grozier, Chief Hydrologic Records, USGS,
Lakewood, Colorado
C. V. Mills, Lamar, Colorado

P. 130
and P. 133
additions
of \$10,000 and
\$2,000 to
the
compact
4 technical fee & expense at
the Animas, Big Bend, Fort Lyon District
and divisions at \$3700 each + 1.00 each expense
+ 1976 and 1977 for total of \$40,000. 1/2 fed and 1/2 Corp. and
\$10,000 addition to budget

P R O C E E D I N G S

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3 MR. COOLEY: I am going to call the meeting of the
4 Arkansas River Compact Administration to order on the 14th
5 of August, 1976.

6 Every member of the Administration is present. Mrs.
7 Leila Mosher is a Court Reporter to take the minutes of the
8 proceedings. We wish during the course of the meeting that
9 the people here having questions or statements to make
10 identify themselves for the record.

11 The gentleman immediately to my left with the --
12 making the great contributory remarks is Mr. Felix L. Sparks,
13 the -- what is your proper title with the Colorado River
14 Board?

15 MR. SPARKS: It depends on who wants to call it.
16 Actually, I am the Director of the State Water Board.

17 MR. COOLEY: Next to Mr. Sparks is Mr. Robert Tempel.
18 Next to Mr. Tempel is Mr. Harry Bates, and these three
19 constitute the delegation from the State of Colorado. And
20 for the benefit of those that may not know, the procedures
21 of the Compact Administration require that each state votes
22 as a state, and that for any positive action to be taken
23 it takes the consent of both states.

24 Immediately to my right is Mr. Carl Bentrup from
25 the State of Kansas. Carl lives in Deerfield. To his right

1 is Guy Gibson. He is the Chief Engineer for the Division of
2 Water of the State of Kansas.

3 And next to him is Mr. M. P. Reeve, who lives in
4 Garden City, Kansas. These gentlemen constitute the Kansas
5 delegation.

6 We are circulating an attendance list. We request
7 that each of you sign the list, use your organization and a
8 clear mailing address.

9 The synopsis of the agenda is on the blackboard,
10 and at this time I want to --

11 (Discussion off the record)

12 We noted in the audience representatives of the
13 U. S. Geological Survey, and particularly Mr. Dick Grozier.
14 Dick, just for sixty seconds, would you please tell us, as
15 a matter of interest, what you have done in the Big Thompson
16 disaster. I think that whole area is of interest to us.

17 MR. GROZIER: I think probably Mr. Sparks could
18 probably fill you in as much as or better as I can, because
19 he has been on the ground more.

20 We in the Geological Survey have made it -- or feel
21 that it is our duty to the people to document this unusual
22 rainfall event to as much detail as we possibly can.
23 Immediately after the flood -- in fact, the next morning --
24 we had people in the area, making indirect measurements,
25 logging sites. We flew the entire area by airplane, to locate

1 unusually high run-off areas. We have to date made
2 approximately thirty-two to thirty-five -- I don't know the
3 exact number yet -- indirect measurements of peak flows
4 throughout the high rainfall area. We made a ballpark
5 estimate of forty thousand cfs at the mouth of the canyon.
6 The best figures that we could come up with was that the
7 one hundred year flood at this particular location was 17
8 thousand cfs -- cubic feet per second -- and that the five
9 hundred year flood was around thirty thousand cubic feet per
10 second, so this is something over the five hundred year
11 flood. We are not saying how much it is. We have run into
12 some very high unit run-off areas. There's one small draw
13 that comes into about the center of the canyon which is in the
14 area of the greatest rainfall where we had -- have run
15 indirect measurements -- we haven't got our figures yet --
16 but from all indications we are running four to five thousand
17 cfs per square mile, which is very high unit run-off.

18 It just completely took the topsoil off of the side
19 of the mountains and took the -- all the soil down in the
20 creek beds right down to bare rock.

21 I have -- I've been around quite awhile and I have
22 never seen any run-off such as this nature. The highest
23 intensity or highest rainfalls that has been run into so far
24 is around twelve inches and this is the Green Haven area.

25 Now, the Corp of Engineers, to my understanding, are

1 running a flood line down the canyon, high water profile.
2 We are taking aerial photographs at a scale of one inch to
3 one hundred feet. These are big photographs of the entire
4 canyon, both the Big Thompson and the North Big Thompson,
5 and all the way to as far as down as Highway 287 at Loveland,
6 and are outlining on these maps the actual flood line. We
7 are -- I have got four people in the canyon now, working --
8 walking the canyon, outlining these flood lines. We hope
9 to have, within the next two or three weeks, all of the
10 computations made for the indirect measurement and will put
11 out a brief open file report listing all of the distribution
12 and the drainage areas for all those who have an interest
13 in it.

14 MR. COOLEY: Thank you very much, Dick.

15 MR. GIBSON: Mr. Chairman, May I speak? You said
16 twelve inches intensity of rainfall?

17 MR. GROZIER: Twelve inches rainfall, yes, sir.

18 MR. GIBSON: How much time? I missed it.

19 MR. GROZIER: 6:30 to eleven o'clock, something like
20 that.

21 MR. GROZIER: Any other questions?

22 MR. COOLEY: We are glad to acknowledge that Dick
23 Fidler of the U.S.G.S., of the Pueblo Office is here, and the
24 program this morning, the first lead off is going to be
25 Russ Livingston, of the U. S. Geological Survey. Russ, do
you wish us to sit in the audience for this presentation?

1 MR. RUSSELL LIVINGSTON: Well, I will have a number
2 of slides.

3 MR. COOLEY: Is there any objection from any member
4 of the Commission to this being summarized generally in the
5 minutes? Is there any objection at all?

6 Without objection, then, we'll go in that manner.

7 (Presentation by Mr. Livingston)

8 MR. COOLEY: How will your information be published
9 and available?

10 MR. LIVINGSTON: Well, we are in the process of
11 continuing this study. It's not completed as such, and I
12 believe the schedule calls for completion in July of next
13 year, and at that time we'll probably come out with a
14 publication similar to this. It might be a little more
15 upgraded than this. The preliminary results, as I mentioned,
16 have been documented in the letter to Tommy Thomson, with
17 the Conservancy District, but as far a formal published report
18 that will come a little bit later.

19 MR. COOLEY: We will now have questions, and will
20 the questioners please identify themselves for the Court
21 Reporter?

22 MR. DUANE HELTON: My name is Duane Helton with
23 the Water Conservation Board.

24 My question is that your chart, you show a percent-
25 age of the discharge -- your percentage of losses, percentage

1 of discharge, but how do the losses look on a volume basis?

2 MR. LIVINGSTON: The losses -- the transit loss was
3 determined on a volumetric basis. In other words, the model
4 it's easy enough to determine what the volume of release was
5 and the model takes that volume of release, whatever it may
6 be -- two thousand acre feet in the case of the test release
7 and it moves it downstream so that at a particular point
8 downstream the model shows you what that hydrograph loss is.

9 MR. HELTON: But you put the area -- total area
10 under that hydrograph is the amount of water you moved won,
11 but it looks like you fairly arbitrarily cut it off after five
12 days.

13 MR. LIVINGSTON: Okay. Okay.

14 MR. HELTON: So you are still moving water down
15 there after your five day period.

16 MR. LIVINGSTON: Of course, this question of bank
17 storage -- in other words, that -- could I turn that thing
18 on? I want to show you a little what I'm talking about and
19 see if it will do it.

20 Okay. What Duane is talking about is that
21 volumetrically we have to cut it off somewhere over here.

22 (Demonstration by slides)

23 MR. LIVINGSTON: The transit loss should not be
24 increased to account for that, because if it is, then they
25 will divert more water than is there, and they will be taking

1 someone else's water.

2 Okay. You can go ahead and shut her off, then.

3 Any other questions?

4 MR. COOLEY: Any other questions? Guy? Larry?

5 Thank you very much, Mr. Livingston.

6 MR. HACKETT: We have a question for Mr. Livingston,
7 Lane Hackett, Secretary of the Compact, and Water Commissioner
8 for District 67, below the John Martin Reservoir.

9 How would -- in your studies and measurements and
10 records that are available to you now, how would you compare
11 this study with the Arkansas River below John Martin and the
12 State Line, just off the top of your head, with what --

13 MR. LIVINGSTON: Well --

14 MR. HACKETT: Could you throw a figure?

15 MR. LIVINGSTON: No. I really couldn't, not
16 without doing some studies. The model could be applicable
17 down there. It would be, as a matter of fact. Calibration
18 would be necessary and so forth, but it could be done below
19 Pueblo Reservoir. As I said, the model was developed for
20 the Upper Arkansas River -- well, for at least down to Pueblo,
21 and it has been modified and as you see, from the region of
22 the Pueblo Reservoir to John Martin, and it's flexible to
23 the point it could be used on any river system, for that
24 matter. So I don't want to stick my neck out and say what
25 it might be, so this has been a lot of problems with our
study.

1 I don't feel it's a problem, but the irrigators do. We
2 can't come out and say here's a transit loss; that they
3 can't compare with a seven hundredths percent model. Every
4 release is different; it depends on the flow of the river and
5 the type of release that you have, so I can escape your
6 question in that way. There is no other figure, so I couldn't
7 throw one out to you, but releases could be modeled both from
8 John Martin Reservoir, to find out what the loss is, or what
9 the hydrograph loss is like on downstream.

10 MR. COOLEY: Thank you very much, indeed. I, for
11 one, found the studies very interesting and stimulating.

12 (Discussion off the record)

13 MR. COOLEY: The program will continue with a
14 presentation of the U. S. Bureau of Reclamation. Jack McNeice,
15 of the Bureau Office from Pueblo, was our host yesterday on
16 a tour of the project and he will now give a slide
17 presentation, and I have this next question: Is there any
18 reason why Mr. McNeice's remarks should be reported in the
19 record? I am going to suggest that they not be reported unless
20 there is an objection, and if there is an objection, Leila
21 will be glad to report this, but without objection, then,
22 Jack, you can tell any stories you want to.

23 (Presentation by Mr. McNeice)

24 MR. COOLEY: Thank you very much, Jack. Are there
25 any questions?

1 MR. McNEICE: If any of you are ever up in the
2 country anyplace this side of the hills, the other side of
3 the hills and would like to have a tour of the Pueblo Dam,
4 Mt. Elbert Power Plant, I would be just more than glad to
5 arrange it for you. If I can't take you out myself, I can
6 get somebody that will take you on a tour, so just feel free
7 to ask anytime. Thank you.

8 MR. COOLEY: Thank you, indeed, and thank you for your
9 courtesies to us yesterday.

10 At this time of the meeting we set down that there
11 will be a discussion of the operation of the River in the
12 year 1976. I have not contacted anyone formally to commence
13 this, but I think it will be substantially self-starting.

14 Mr. Hackett, could you lead off on the operation
15 of the River this year?

16 MR. HACKETT: Yes, sir. As far as I did not make a
17 formal -- or prepare a formal operational report at this --
18 for this particular meeting. But as far as the operation
19 of the Compact, and if they want to get back into River,
20 State operations, we have those records. What I don't have
21 I'm sure Mr. Jesse, the Division Engineer, would have.

22 As far as the Compact Administration is concerned,
23 we closed the Reservoir -- our Compact here on October 3,
24 1974, for winter storage.

25 MR. SPARKS: 1975?

1 MR. HACKETT: 1975, yes. I guess I'm way behind.
2 All right. In 1975, it was on November 1, 1975, that we closed
3 for winter storage, at one minute after midnight. At the
4 same time, we had a call placed -- or I had a call placed for
5 Colorado River flow from the Keesee and Ft. Bent River for
6 any river flow into the Reservoir -- they had to place the
7 call with me for a release. That continued until a big
8 snowstorm on the 19th of November, and the river call was
9 called off, or cancelled, and the gates were closed for
10 complete storage of anything coming in to the John Martin.
11 February 17, 1976, at nine o'clock in the morning, river flow
12 was still -- again released in the amount of twelve second
13 feet on a demand or call from Ft. Bent Canal, which is just
14 below the John Martin Reservoir a few miles.

15 On April 5, 1976, at the beginning of our irrigation
16 season, we had a release or opened our irrigation season
17 with a release at 8:30 in the morning, on a staggered basis
18 for a study request by U.S.G.S. on a sediment study and so
19 forth at different locations on our releases out of John
20 Martin. Our initial release was at 8:30, at 250 c.f.s. and
21 we had four releases on an hourly basis until we reached
22 the 250 c.f.s., until we reached the 1,000. Which is the
23 maximum that could be released under the conditions and
24 rules and regulations of the Compact at that time, which
25 our storage was below the 20,000 acre foot storage, so we were

1 limited to a thousand second feet of release.

2 This initial opening for storage water ran for --
3 until April 10th at six o'clock, the Reservoir became empty.
4 At six p.m., or eighteen hundred hours. Then, up until the
5 8th of July we were strictly -- or the Arkansas River was
6 strictly on State priority and administration until July 8th
7 when we had some water coming from Purgatory River.

8 We closed the -- for storage at 5:30 in the
9 morning and the Kansas call was for five hundred -- or for
10 four hundred -- I beg your pardon -- the Colorado call for
11 five hundred c.f.s. which made a total of nine hundred, but
12 due to -- we had an estimated flow of 2,000 second feet
13 from the Purgatory River, due to a station's problems and
14 reports upstream that we used an estimated figure there, but
15 no storage was obtained. We actually, on this release of
16 nine hundred c.f.s., we never did receive enough flow that
17 we could go into a storage situation at John Martin.

18 MR. BATES: Did you close the gates?

19 MR. HACKETT: We regulated the gates. At the time
20 of the order it was closed -- the order stated closed for
21 storage, but we never raised our maximum flow there for
22 release.

23 On the 9th of July, we had a flash -- or this is
24 the remainder of the next day, after our initial closing, why
25 we were back on river flow. We never obtained any storage,

1 so at eight hundred -- or eight o'clock in the morning, we
2 went back to straight river flow for Colorado purposes,
3 administration.

4 August 2nd, at 7:30 in the p.m., we closed for
5 storage. The water -- Purgatory water, initially 3,800 c.f.s.
6 at Las Animas, the gauge height station flow, or the actual
7 flow, at Purgatory, and the Arkansas at Las Animas, was
8 coming in at 1,900 c.f.s. That was peak flows that instigated
9 my order for closing.

10 We reached a storage of 2,000 acre feet during that
11 period on the 8th, and we still have a thousand second feet
12 release, Colorado Kansas calls.

13 I could not deliver water hardly past Lamar, on
14 1,000 second feet release. I wasn't getting any --holding my
15 ditches in priority between John Martin and the Lamar compact
16 measuring stations. It was real obvious that any water would
17 hardly reach Kansas to fulfill any commitment down there.

18 Under the situation, and with the U.S.G.S. working
19 twenty-four hours a day, making measurements, following that
20 water down, and working in that area of daylight and dark,
21 I expect they burned out several batteries during different
22 measurements down there, in following that water down.

23 We found that the changes or the shifts in the
24 measuring stations had changed drastically from the original
25 curve and this was one of my problems, as we found out later

1 in delivering -- or in my shortage of water at the measuring
2 station at Lamar. Our release at John Martin had changed
3 considerably due to the trash build-up below the measuring
4 section, so when they got us a final measure and shift to
5 apply to that station below John Martin, I hadn't been
6 receiving the water to work with that I had called for, due
7 to the trash situation and so forth.

8 So under that condition, I called -- made a call
9 to increase the release at John Martin for 250 second feet
10 of water for inflow, which I have charged to Colorado in
11 order to try to fulfill commitments that I could see I wasn't
12 making, or going to be able to make. And under the Compact
13 rules and regulations I think it was noted to make this
14 river flow release on top of the regular Compact release.
15 That ran till the 6th of August at 9:30 in the morning. We
16 went out of storage and back to the river administration
17 under the State Engineer of Colorado.

18 I know there's lots of questions and discussion,
19 probably.

20 MR. COOLEY: All right. Lane, with your forbearance
21 we'll break now for a short coffee break and then I will call
22 on Bob Jesse, after the coffee break, and I'd like to get
23 back to work just as soon as we can -- not more than a ten
24 minute break.

25 (Recess)

1 MR. COOLEY: There is some interest in the operation
2 of the Pueblo Reservoir, and Bob Jesse, if you'll discuss
3 the operation of the Rangely Reservoir in July, or --

4 COMMENT: The Rangely?

5 MR. COOLEY: Rangely Reservoir -- how provincial
6 can you get? The Pueblo Reservoir.

7 COMMENT: I knew there was a lot of authority, but
8 gee, I didn't know --

9 MR. COOLEY: Rangely Reservoir is one of my frolics.
10 Then we'll open up the discussion to the questions of the
11 operation of the River.

12 MR. BOB JESSE: I am sure the time in question
13 concerns the first of August of this year. The series of
14 thunderstorms that we had in the northern part of the State
15 had done a lot worse than we did. We had a series of thunder-
16 showers that went through. We both passed water through the
17 Pueblo Reservoir. We had gotten a small quantity of water
18 in the Pueblo Reservoir, out of a small peak that occurred
19 above Pueblo. The water that came below, of course, went
20 through in the priority system. During the time we did this,
21 John Martin was closed. We determined that the water that
22 was temporarily detained in the Pueblo Reservoir would not
23 have occurred at the same time as the other peaks that went
24 down the river and that the peak would be within the capacity
25 of the canal above John Martin, had Pueblo Reservoir had not

1 been there. We then delivered water to the water rights
2 that would have gotten it had Pueblo not been there. The
3 entire event occurred during the time John Martin was
4 closed, including the time that we delivered the water
5 temporarily detained. We have compiled -- we are in the
6 process yet of compiling the hydrographs and the ditch -- we
7 don't have the ditch diversions compiled yet. We do have
8 compiled the hydrographs of the main river gauging stations
9 that -- that a --will verify in our opinion the fact that the
10 water came in near Portland, would have been behind the peak
11 that went through the -- due to the Fountain and the other
12 tributaries. It's kind of an involved situation. The
13 hydrographs are fairly complicated; they are not yet completed.

14 We have, of course, had some protest and inquiries.
15 To say we have had inquiries is the understatement of probably
16 the year. We have had a series of inquiries by two of the
17 ditches below John Martin. They have employed the services
18 of an Engineer to look at this situation. The Engineer has
19 contacted us. We have made available to him the information
20 we have now and I would maybe suggest that we, instead of
21 presenting our data to the entire Compact, to take up the
22 time to present the data to the Engineering Sub-committee
23 or we will do whatever -- we will present whatever data
24 we have to whoever wants to see it at whatever time they
25 want to see it. That's why we're here today.

1 We would -- we don't have it duplicated. We can --
2 we will present our hydrographs any time you want us to.
3 We feel that the peak flows that came down through Portland
4 would not have gotten to John Martin, but would in fact be
5 diverted by the ditches within Colorado, had Pueblo Reservoir
6 not been there. And that's the way we have operated.

7 MR. COOLEY: Thank you, Bob. We should, within
8 the next quarter of an hour, determine procedure on whether
9 these questions are -- require the attention of the Compact
10 Administration, but I know they are of interest, and I
11 wonder if there are any members of the Administration that
12 have any questions or comments they wish to make at this
13 time. I will recognize anyone?

14 MR. BATES: Yes. Mr. Chairman, I was in contact with
15 Bob Jesse. I was one of those who was quite concerned about
16 this and the determination of the ownership of that water
17 which was -- those that were restricted.

18 One of the first questions I would like to direct,
19 Bob, is what facilities, if any, or arrangements can he see
20 now that possibly would have helped him to determine whether
21 or not to have closed those gates and restricted the
22 flow?

23 MR. COOLEY: Are you going to answer Mr. Bates'
24 question, Bob?

25 MR. JESSE: Yes.

1 MR. JESSE: If you are talking about the gates at
2 John Martin --

3 MR. BATES: Yes.

4 MR. JESSE: I have no input whatsoever, or any
5 computation as to when the gates at John Martin are being
6 closed.

7 MR. BATES: No. I was talking about Pueblo. Excuse
8 me if I said John Martin. I am talking about Pueblo Dam,
9 the restriction at Pueblo.

10 MR. JESSE: Yeah. There are a lot of considerations
11 there. One of them is the inflow, the expected influe, the
12 downstream conditions, the condition of the river below Pueblo
13 through town and through Nepesta, and of course, the situation
14 on whether or not the John Martin is closed is a
15 consideration. The other tributary inflow is a consideration
16 at this time -- at the time the decision was made to do
17 what we did, and of course, it was at one o'clock in the
18 morning, during the time the run was in progress. Our
19 information is gathered a little more primitive than below
20 the John Martin Reservoir. We have some telemeter guaging
21 stations, but the majority of them, we interrogate by getting
22 in our car with a flashlight and going out and looking at it.
23 We have to evaluate the situation as we know it at the time.

24 We could certainly stand some of the radiotelemetering
25 stations similar to Las Animas, and the State Line. We could

1 sure use a lot of them, but there's many considerations that
2 have to be given. One of them, of course, is the flows
3 through Pueblo and through the Avondale, which is considerably
4 lower than the allowable discharges at Nepesta. There are
5 some criteria for that. But we -- it's just hard to stand
6 here and say exactly what consideration goes into making a
7 decision whether or not to throttle it back or not, because
8 every -- every day is different -- every set of circumstances
9 are totally different, and it changes from one day to the
10 next, but we have to react with the information available
11 to us at the time, and it depends on what the other
12 conditions are. It makes a difference if there is flow in
13 Orofino or Chico or the Fountain -- it makes a difference
14 on the duration of the peak.

15 The peak at Portland lasted something like three
16 hours. The other flows, we don't have information on how
17 long they were going or calculate how much they are going
18 to be. We have to make a judgment, evaluating everything,
19 and then stick by it, and that's basically what we done, and
20 we think the record bears it out.

21 MR. TEMPEL: Bob, how long was the flow restricted
22 or how long was it closed?

23 MR. JESSE: We never -- we did not close the
24 Pueblo Reservoir as such. What we did was, we maintained the
25 discharge of Pueblo Reservoir at it's present amount. We

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1 had a reserve run in progress and we did stop that reserve
2 run, but the natural flows as we knew them to be, of the
3 evening preceding, were continually passed through Pueblo.
4 The excess amount was what was detained. The ~~reserve~~ run,
5 of course, was in progress and it remained in progress,
6 concealed within the inflow and that was stored in Pueblo,
7 but that was not part of the natural flow.

8 The time frame we are talking about -- the flood
9 occurred from beginning to end and something six to eight
10 hours. We detained it something in the neighborhood of
11 twelve to eighteen hours. It was completely discharged from
12 Pueblo Reservoir in the neighborhood of twenty-four hours,
13 and it was delivered to the canal we deemed it being
14 delivered to, in three days? Three days.

15 MR. COOLEY: Mr. Bentrup has a question.

16 MR. BENTRUP: Bob, how much flood water was stored
17 in Pueblo Reservoir -- I mean, what --

18 MR. JESSE: Near six thousand acre feet.

19 MR. BENTRUP: I believe there's some questions and
20 operating procedures we need to clear up here, for both Pueblo
21 Reservoir and Trinidad Reservoir. Roughly, the procedures
22 that the Compact agreed to was that both rivers were to be
23 operated as if the dam did not exist. Then, I do -- Kansas
24 takes the position that at no time should any flood waters
25 be held back for any period of time, except to prevent

1 flooding in the lower river. I believe the waters -- is not
2 the decision of the State Engineer to determine how long that
3 water should be kept back. If the dam were not there, the
4 waters would proceed on down the river.

5 Kansas takes the position that that water should
6 have been immediately released as soon as flooding would be
7 avoided and I think the same thing in the Trinidad Project.
8 Who's in charge of operating it? Are you?

9 MR. JESSE: Basically that's what we did. That's
10 exactly what we did. The Trinidad Dam will be in the same
11 situation. The storage in Trinidad Dam occurred on a
12 flash peak that came in and the inflow exceeded the capacity
13 of the discharge outlets and that flow was in and out very
14 briefly.

15 The determination we made at Pueblo, we did
16 immediately release -- order the release of the water. There's
17 a lot of factors to think about there. One of them is that if
18 we would like, the Bureau would want to charge ^(EVAP) storage for
19 the waters in there, so it has to be released immediately
20 and we did release it immediately.

21 MR. BENTRUP: That was a misunderstanding I had.

22 MR. JESSE: And that's what we did.

23 MR. GIBSON: Mr. Chairman?

24 MR. COOLEY: Yes, Mr. Gibson.

25 MR. GIBSON: Bob, you mentioned you made a
determination of ownership of water. I am not really familiar

1 with Colorado Law, but does the State Engineer determine
2 ownership of water or the right to the use of water?

3 MR. JESSE: The -- we -- the right to use the water,
4 I believe, is the proper term.

5 MR. GIBSON: You used the oword ownership -- you
6 determined somebody owned this water, so you held it up.

7 MR. JESSE: Yes. I had to first determine where the
8 water would have gone, had Pueblo not been there, and I
9 confuse myself sometimes by saying that they own the water
10 or who would have gotten it.

11 MR. GIBSON: All right. So it's right to use of
12 water? You determined by water right there was use to it?

13 MR. JESSE: Yes.

14 MR. GIBSON: All right. Now, the other question
15 I have is, I am a little confused. You mentioned, I believe,
16 that you passed all the flow as if the Reservoir had not been
17 there?

18 MR. JESSE: We have a goal of passing -- of
19 operating Pueblo Reservoir as though it weren't there.

20 MR. GIBSON: Would you, under different circumstances
21 -- would all the water pass -- natural flow that came in --
22 pass through as if the Reservoir was not there?

23 MR. JESSE: I -- no. The water was temporarily
24 detained in Pueblo Reservoir.

25 MR. GIBSON: Was it temporarily detained because of

1 the possibility of flooding downstream?

2 MR. JESSE: That was our estimate at the time, yes.

3 MR. GIBSON: How close were your estimates -- I am
4 not trying to put you on the spot, but were you in the
5 ballpark, so to speak, on it?

6 MR. JESSE: Avondale gauging station, of course, is
7 still unclear, but the criteria is five thousand feet at
8 Avondale. We exceeded that by probably one hundred feet or
9 so. It's difficult to know at the time you are detaining
10 this water, which is some thirty miles upstream, whether it
11 will be on top of a five thousand foot river or behind the
12 five thousand foot river, so the --

13 MR. GIBSON: Yes, but even if it's behind -- if
14 it's behind a sufficient amount to come on down to John
15 Martin Reservoir, that's the thing I think we would be
16 interested in.

17 MR. JESSE: Yes. We made the determination it
18 would have been that -- it would have been within the capacity
19 of the canal, had Pueblo not been there. I think that's
20 the key to the whole thing.

21 MR. GIBSON: I understand your request -- or your
22 office was to meet with any committee we want to set up to
23 discuss this. Is this what you have suggested?

24 MR. JESSE: Yes, sir. I sure will. I will be glad
25 to.

1 MR. GIBSON: I have no further questions at this
2 time.

3 MR. COOLEY: I have a question for the members of
4 the Administration. I wonder, based upon what Mr. Jesse
5 said, that there are sufficient data now -- or sufficient
6 understanding of the data to warrant further discussion of
7 this event at this time, and whether the engineering data
8 and reports might not do one of two things: either clarify
9 the factual background or remove any need for further
10 discussion? I throw that out as an observation. Mr. Sparks,
11 do you have anything to say to that question?

12 MR. SPARKS: Nothing.

13 MR. BATES: Mr. Chairman?

14 MR. COOLEY: Yes.

15 MR. BATES: I would like to get back to the point
16 I was trying to arrive at a moment ago. I feel like, knowing
17 quite well that this is only a once, probably several times
18 in the future, this happening, and I also know that there
19 will never be two like situations -- that the determination
20 will have to be made by Bob or whoever is in that position,
21 and I feel that the facilities -- measuring facilities are
22 not sufficient to properly advise that individual -- whoever
23 it might be -- to regulate the gates as they need to be, and
24 I feel that possibly we need to put some push behind getting
25 some better gauging stations, facilities, if you please, to

1 know where and when and how much water there is and will be
2 at a certain point at a certain time. I feel that it's
3 quite inadequate and in talking with some of the people that
4 are involved in this thing and under the circumstances, I
5 am afraid that we won't be able to handle this situation.
6 That we will be confronted with it time and time again, with
7 uncertainties and a continuous question in our mind whether
8 or not the proper people received the water that was
9 available, or not.

10 And so if there is a great need for better facilities
11 I think that we should start trying to correct that situation
12 now. I mean -- because I am quite sure we are going to be
13 faced with this, time and time again, so --

14 MR. COOLEY: Are you suggesting that possibly a
15 flashlight and a measuring staff is not the adequate way of
16 controlling a two hundred million dollar facility?

17 MR. BATES: More or less, yes. More or less.

18 MR. REEVE: Mr. Chairman?

19 MR. COOLEY: Mr. Reeve?

20 MR. REEVE: I more or less agree with Mr. Bates, and
21 I think that we have already, at our last meeting last year
22 in Lamar, discussed the gauging facilities that we're
23 presently using and I think they leave a lot to be desired.
24 Isn't that right, Mr. Hackett?

25 MR. HACKETT: As far as the operation of the John.

1 Martin Dam, yes, sir.

2 MR. REEVE: So maybe we ought to tie this thing
3 altogether and maybe the subject is coming up later that we
4 possibly ought to be looking at improvements in our whole
5 measuring facilities, from one end to the other.

6 MR. HACKETT: Mr. Chairman, we have Mr. Grozier
7 with us today, on our agenda, and I understand that he was
8 crowded to leave, and being we are into this stage of things
9 it might be well to bring him on and then we get into the
10 budget matter, so however you would like to handle that.

11 MR. COOLEY: All right. With leave, I would like
12 to quickly pass among certain members of the Commission and
13 visitors here, limited to the question on the adequacy of
14 the facilities for measurement of the flows in the Arkansss
15 and it's tributaries in Colorado, leading off with summary
16 comments by Mr. Grozier, and then I'm going to call upon
17 others.

18 Dick, if you please.

19 MR. DICK GROZIER: It's well known by Lane and
20 others that there is a certain deficiency in not only in
21 the adequacy of the gauging stations, station discharge
22 limitation, but in the accurate and timely reporting of the
23 data to Lane or to Garden City or to wherever it need be.

24 One of the prime considerations that we have, of
25 course, is the controls at each of the gauging stations.

1 We have in the past year built the concrete control at -- just
2 below John Martin Reservoir. These are very expensive in
3 this type of stream, sand channels, water neophytes growing
4 in the channel. Every little rise produces a certain change
5 in your station's discharge limitation. These are very
6 difficult to monitor on a day to day basis without some
7 permanent type structure. The gauge at Purgatory - Las
8 Animas, we have untold troubles there because of the growth
9 in the channel, because of the lack of flow in the channel
10 to keep the channel clean.

11 What we do about this, I don't know, other than
12 just make more and more measurements on a weekly basis, which
13 we try to do during the summer, and occasionally we can't get
14 it done because of the press of other work. Then we have
15 the problem of adequate reporting of the data to Lane's
16 office and to the Garden City Office.

17 We have at present four radio stations in operation
18 in the lower Arkansas River, one on the Arkansas at Las
19 Animas, one on Purgatory at Las Animas. These report through
20 a relay at John Martin to Lane's Office. Then we have the
21 Frontier Ditch and the Arkansas River at Coolidge, which
22 transmits through a relay at Hartman into Lane's Office.

23 We have the Frontier Ditch and the Arkansas River at Coolidge
24 are transmitting through Syracuse and Lincoln relays into the
25

1 Garden City Office. The originating stations -- the four
2 originating stations, the equipment is twelve, thirteen,
3 fourteen years old, so it's some -- some of it's old tube type.
4 It's getting very expensive to maintain. I have been in
5 contact with many companies and many organizations over the
6 past few months -- well, since the December meeting -- and
7 have only day before yesterday, arrived at some figures that
8 possibly what could be done to improve the radio situation
9 that we have in the lower Arkansas. Then I would get into
10 some of the others in just a minute.

11 We could maintain the present system for -- by
12 replacing the four transmitting stations, at about \$1,200
13 apiece, and rebuilding the telemarks at about \$250 apiece.
14 These telemarks are now -- new, are running about twelve,
15 fourteen hundred, but they -- I have talked to the original
16 manufacturer and they will rebuild them as a new condition for
17 about \$250 apiece. This is just those four stations.

18 Now, the four relay stations are a little bit newer
19 equipment, but the latest equipment that was purchased was
20 about '67, and that was the Syracuse and Lincoln relays, so we
21 are looking at replacement of these two relays -- all four
22 relays -- within two, three, four years, at the most.

23 The receiver that's in Mr. Hackett's Office is no
24 longer being manufactured and I can find no-one that will
25 work on this, other than myself, and I have worked on it a

1 little bit. So really, this type of receiver needs to be
2 replaced, so what I would like to recommend that we do is go
3 to a satellite system. This is one of the reasons I have
4 delayed in so long in getting figures. It was -- is because
5 the satellite system is just now becoming operational. It
6 can be added to with very little expenses at any gauging
7 station anywhere and you can receive the data at any time that
8 you so desire, within a limitations of what you are willing
9 to pay for.

10 This satellite station, the original transmitter,
11 antenna, battery, solar powered -- this gets away from 110
12 operation. You wouldn't have to worry about if the electrical
13 power goes out we lose all of our data. This will run about
14 \$3,700 a station. You need a test set -- one test set for
15 the whole unit. That runs about \$1,200. That's all that
16 would be required for transmitting the data.

17 Now, the data is transmitted by satellite, by the
18 ghost satellite which is an aerosynchomoneous stationary
19 orbiting satellite. The data is transmitted to essentially
20 Washington -- in the Washington area and put through the
21 computers and run back, stored in the computer and comes back
22 on the teletype to any office that you so desire. Now, this
23 office can be in the State Engineer's Office; it could be in
24 Lane's Office; it could be in the Garden City Office. We do
25 not have to have an elaborate relay system of radios to get.

1 the data where you really want it. This can operate very
2 remotely, even in these mountain stations, and I think that
3 this is the type of system that we eventually should go to,
4 to get this adequate data that Bob needs on a timely basis,
5 to get the data as you need it. And it could be available
6 in any office. It just prints right out on a teletype.

7 Now, these figures that I gave you are in addition
8 to a -- either a lease of a teletype or the purchase of a
9 teletype, and the teletype on a lease basis is about a
10 hundred dollars a month, and on a purchase you can get rebuilt
11 teletypes for six, seven hundred. They are two to three
12 thousand new, I think, the best figures I have been able to
13 come up with.

14 MR. REEVE: You would have to string a wire from
15 someplace, wouldn't you?

16 MR. GROZIER: That's on the teletype. The lease
17 of the teletype includes the wire.

18 MR. REEVE: If you bought the teletype, you would
19 have to --

20 MR. GROZIER: I haven't dug into that kind of figure,
21 yet, so I am not sure. I don't know how this operates. You
22 could have this data transmitted to you at three hour
23 interval or one hour interval or twenty-four hour interval,
24 and it would just all print right out on the teletype. It
25 would not only be stations, which would not mean a great deal

1 to a lot of people, but the computer in our office converts
2 on a standard rating the station data at your discharge and
3 then that would be put out on the teletype. Then what would
4 have to be done would be to give shifts rather than in feet
5 and put in discharge to Lane or to whoever else needs it,
6 for adjusting the discharge figures as stored in the computer.

7 Any questions?

8 MR. COOLEY: I have one.

9 MR. GROZIER: Yes.

10 MR. COOLEY: It seems to me that this discussion
11 has -- has taken a couple of twists and turns. We have
12 apparently gone from the discussion of an event at the Pueblo
13 Reservoir to the lack of criteria or adequate information on
14 the operation of the Pueblo Reservoir, to a recommendation
15 that we completely update and renovate the facilities for
16 the control of John Martin.

17 All of these subjects, I guess, are worthy of
18 consideration and probably will have to come up in sequence,
19 but let me quickly ask you two or three questions about
20 Pueblo, all subject to the qualification that I am a little
21 bit nervous about the -- whether this is the place for this
22 discussion, but be that as it may, are you generally familiar
23 with the various facilities for measuring inflow in the
24 Pueblo area, and the tributaries to the Arkansas, both above
25 and below Pueblo?

1 MR. GROZIER: Yes, sir.

2 MR. COOLEY: In your opinion are these facilities
3 adequate and in proportion to the importance and the need
4 for the skillful operation of the Pueblo Reservoir?

5 MR. GROZIER: I do not think, frankly, that Bob can
6 get up to date data with the present system for accurate
7 operation of the Pueblo Reservoir -- the flow through the
8 Reservoir. You've got what? One telemark up there?

9 MR. JESSE: The inflow at Portland.

10 MR. GROZIER: The inflow at Portland.

11 MR. COOLEY: The last question I have: the facilities
12 that you described, were they not for John Martin and would
13 these be adequate for the gathering of information for the
14 skillful operation of John Martin?

15 MR. GROZIER: Yes. This is what I tried to make
16 out, although what I described was for John Martin. The same
17 type of thing can be utilized in -- anywhere, in the mountains
18 or in any gauging station so desired.

19 MR. REEVE: Have any of you people come up with
20 any figures on how many gauging stations they would consider
21 first as the very minimum; second, as adequate, and third, as
22 -- kind of getting all the little streams coming in?

23 MR. GROZIER: No, sir, they haven't. That would
24 depend on the operation.

25 MR. REEVE: Do you have any ideas on that, up there

1 at Pueblo Reservoir, Mr. Jesse?

2 MR. JESSE: The whole concept is new to me. I
3 have never studied it. We are talking about maybe half a
4 dozen gauging sites, maybe.

5 MR. REEVE: I didn't have any idea. That's what
6 I was wondering about -- \$3,700, apiece, isn't that right?

7 MR. JESSE: Well, that's quite a chunk of money
8 for our operational budget. That's --

9 MR. REEVE: Well, it's quite a chunk of money for
10 anybody's operational budget.

11 MR. JESSE: That's true.

12 MR. REEVE: But it looks to me like, with that
13 thing up there where it is, why it ought to be part of the
14 operation of the Dam, to be able to adequately measure the
15 inflow.

16 MR. JESSE: I didn't design either the Dam or
17 the measuring devices, and I'm forced to use what's available
18 All I have got is a flashlight and my sedan, why that's all
19 I can use. It would sure be nice to have this stuff. We do
20 have telemetering devices.

21 MR. TEMPEL: I think one of the other problems, and
22 my question to Bob is, what kind of measuring device do you
23 have on the Fountain as to -- I mean, this has something
24 to do with the operation of Pueblo Dam, because of the inflow
25 of the Fountain that comes in below Pueblo Dam, and I was

1 wondering what the adequacy of --

2 MR. JESSE: A shirt tail guess I made, about half
3 a dozen gauging sites; only one of them would be an inflow
4 into -- but every single tributary, including the ones
5 below John Martin, could have an information on what happens
6 to the ditches between the two Reservoirs, and even to
7 determine Pueblo Reservoir would be in priority or the ditches
8 above the Pueblo Reservoir would be in priority. It makes a
9 difference whether there's water in Orofino or in Chico, or
10 in Fountain, but the question was about the Fountain. There's
11 a gauging station operated by the USGS on the bridge almost
12 immediately upstream from it's confluence with the Arkansas.
13 That station was satisfactory in operation. It was measured
14 during the nigh. We did get amounts and were able to make
15 reasonable projections as to what the Fountain was going
16 to do, based on information given to us by the U.S.G.S.

17 We did -- it would be a lot easier if we could go
18 to the teletype and take it off every three hours, rather
19 than drive out and see that the guy is measuring and ask him
20 what he thought. Since we don't have that, that's the way
21 we do it.

22 MR. BATES: It would not only be a lot easier, as
23 far as you're concerned, but as far as I'm concerned it would
24 be a lot more accurate. I would feel much better about your
25 decision, if you had the proper information.

1 MR. JESSE: We can only operate on the information
2 available.

3 MR. BATES: Right.

4 MR. JESSE: That is, at the time. It's always
5 easy to come back the next morning and sharpshoot a decision
6 made the night before, and that could be what we're getting
7 into today.

8 MR. BATES: In regards to what you had to say
9 awhile ago, Frank, about whether or not we should be
10 discussing this, but since the construction and operation now
11 of the Pueblo Dam, this involved -- then the Compact Commission
12 became involved in this water up here, so that's why I am
13 concerned about this because we are making a determination
14 of whose water, in these quick decisions and somehow or other
15 we have got to update and improve these facilities, somewhere
16 along the line, before we can adequately administrate both
17 John Martin and Pueblo.

18 MR. COOLEY: Mr. Bates, I appreciate your remarks.
19 It seems to me that there are some things that this
20 Administration can do and that there are certain things this
21 Administration cannot do. It would be -- it seems to me
22 apparent that it is not our province to determine whether
23 in the operation of the Pueblo Reservoir, one, six or twelve
24 telemetering stations are needed, but it is apparent from
25 this discussion that a study of this matter should be --

1 undertaken by some of the interested persons, and I think it
2 would also be both fitting and proper for us to request at
3 the next meeting certain inputs and I'd like to suggest to
4 the Commission that -- and I'm just throwing this out as what
5 might be our proper function -- to request Mr. Thompson to
6 write us a letter of not more than two or three pages on the
7 need for further measurement of the tributaries of the
8 Arkansas. To request as well, a letter from Bob Jesse on
9 the subject of the measurement and to take care of the
10 measurement question. Any others that you might recommend
11 that we would be within our -- without our charter and scope
12 in asking them to write to us, and possibly from Mr. Grozier
13 and secondly, in another area, requesting that we hear again
14 on the August event and what the engineers determined there,
15 so that that may be useful to the questions that the
16 representatives from Kansas asked about.

17 Now, would that be a sufficient wrapping up of the
18 questions this morning, and a way to approach the thing?
19 I will call on Mr. Gibson for a minute.

20 MR. GIBSON: Well, I was personally thinking about
21 accepting Bob's invitation to meet with the Engineering
22 Committee and maybe the Operations Committee of the Compact
23 to explain -- I think the world explain may be wrong -- to
24 give a report on how that particular storm was operated,
25 what some of the problems were involved, so that the Compact

1 can better understand his problems and what actually happened.

2 I would make that suggestion to the group.

3 The other thing is on the matter of stations. From
4 the comment he has made, I believe they are in the process
5 of doing their own study up there of what's needed. I would
6 think the Compact would be within it's authority to, if the
7 State Engineer felt we could be of some help, by a letter,
8 pointing out the need for these things, to help them in their
9 budgetary matters and along this line, if this would be a
10 suitable thing for us to become involved in.

11 MR. COOLEY: Mr. Sparks, can I call on you for
12 your comments on procedure?

13 MR. SPARKS: Well, I think the people in the
14 Arkansas Valley and the State Engineer and the people that
15 work with the utility are familiar enough with the existing
16 measurement devices in the River to formulate a reasonable
17 plan for improvement of what we have.

18 I simply want to point out, however, that all these
19 things are done at taxpayer expense and there is a limit to
20 what we can do. There is no way in God's world we can gauge
21 all the tributaries to the Arkansas River. Nobody has got
22 that kind of money in their budget and our first charge in
23 every case is to prevent flood damages down the river. The
24 first structures that go out in a flood are the diversion
25 devices on the river, and we have a benevolent program of the

1 Federal Government to replace at Federal expense those
2 diversion devices, and perhaps that's part of our trouble, but
3 we have to react quickly to the flood threat, and we have
4 to do our best to try to prevent flood damages and like I say,
5 the first damages occur to the diversion structures and in
6 many cases to the extent of hundred of thousands of dollars.
7 So there is no way we can second-guess these decisions and there
8 is no amount of measuring devices you can put in which will
9 really improve the situation very much. We have about all
10 the measuring devices in that river that the State of Colorado
11 can stand financially. Those telemetering stations were put
12 in at the expense of the State of Colorado -- came out of
13 the State Water Board budget, originally, so I have
14 misgivings about large expenditures of money, which I don't
15 think will accomplish substantially more than what we can do
16 than what we have.

17 MR. COOLEY: Any other comments? Yes?

18 MR. ARTHUR G. CUDWORTH, JR: I could make one small
19 comment.

20 MR. COOLEY: Mr. Cudworth?

21 MR. CUDWORTH: Cudworth, Corp of Engineers. I
22 manage the cooperative stream gauging program from the
23 Albuquerque District -- that is, my branch does. I am under
24 continual pressure myself, to support the existing gauging
25 program that we have at this time, and the questions that

1 are asked of me in support, or in trying to support this
2 program is what problems are encountered by the operators?

3 And to be quite frank, I don't have specific
4 answers to these questions. I don't know what the specific
5 problems are. I would hope that out of these letters that
6 are being generated and what-not, there would be some
7 description of the specific problems that are encountered,
8 so that I can support the existing program that I have now.
9 If I am unable to, I'm afraid it's going to be severely
10 curtailed over the next few years, so I am in -- as far as
11 expansion is concerned, I am severely limited as far as what
12 I can justify. I am just fighting to maintain what we have
13 now.

14 MR. COOLEY: Delightful prospect of less measurement
15 instead of more.

16 MR. REEVE: Honestly, how much duplication do we
17 have up and down that River between the different Bureaus and
18 States and one thing and another?

19 MR. CUDWORTH: I think we have very little.

20 MR. REEVE: Very little?

21 MR. CUDWORTH: Very little duplication, as far
22 as I'm --

23 MR. REEVE: You kind of use each other's figures,
24 then?

25 MR. CUDWORTH: Sure. That's correct.

1 MR. COOLEY: Yes, sir. Identify yourself.

2 MR. MICHAEL HIGBEE: Michael Higbee. On the Manvel
3 Canal, I would certainly agree we need to get the measurement
4 problem down to a pretty close science. I think we are
5 talking about misplacing around five thousand acre feet.
6 At the current high prices, it's kind of a gross of around
7 one hundred thousand dollars that District 67, or Kansas, may
8 have lost, if you are figuring three acre inches or even
9 six, to get that other cutting of hay on there.

10 I might suggest that taxes would be created enough
11 to go ahead and put the measurement devices in through the
12 additional -- of course, the water isn't lost completely, but
13 it is loss by what you might call the rightful ownership.
14 Maybe the increase in taxes would take care of the bill --
15 I mean, that's just one small flood.

16 MR. HELTON: I may be mistaken, but I don't think
17 the Corp of Engineers support any of the gauging stations
18 we are talking about here today. I might suggest if they are
19 having trouble in justifying they stations they do have, maybe
20 we can help them.

21 MR. COOLEY: You have got equal time, Mr. Cudworth.

22 MR. CUDWORTH: I think we do support some of the
23 U.S.G.S.

24 MR. HELTON: Do you?

25 MR. CUDWORTH: Yes, below John Martin is one of
them.

1 MR. HELTON: Up on Purgatory?

2 MR. CUDWORTH: Purgatory, certainly. There's one
3 other up along the Arkansas.

4 COMMENT: There's one on the Fountain.

5 MR. COOLEY: Jack McNeice?

6 MR. McNEICE: Yes. Bureau of Reclamation. I feel
7 that the Bureau of Reclamation has got a responsibility,
8 even if the State Engineer didn't, in directing us to cut
9 those flows down out of Pueblo Reservoir to stop a flood
10 downstream. That we would have an obligation to do it on our
11 own.

12 We got criterias set up from the Corp of Engineers
13 of what the flood is at each of these gauging stations
14 downstream.

15 We do not monitor the station at Avondale -- Mr.
16 Jesse's shop does this, and we have worked real closely with
17 Bob on all this. As I say, if Bob -- if we knew a storm was
18 in the area and flooding in the river and Bob would not direct
19 us to close those gates -- not completely close it, but to
20 hold it to five thousand capacity at Avondale, that we would
21 not be taking care of our responsibility, so I think that
22 we have got to insert this in there, too. I mean, it's not
23 all on Bob Jesse's shoulders, really.

24 MR. GIBSON: Mr. Chairman?

25 MR. COOLEY: Yes, sir?

1 MR. GIBSON: I don't think anybody here has
2 questioned anybody about their operation and responsibility
3 of preventing flooding. I don't think that's even involved
4 here at all. Nobody has raised the question about -- we all
5 recognize the responsibility of the Bureau, the responsibility
6 of the State Engineer on releases to prevent flooding. I
7 think there has possibly been some misunderstanding, some
8 mis-information and therefore I would -- Mr. Chairman, I don't
9 know whether it's appropriate for a Motion or not, at this
10 time, or whether you want to take this up under unfinished
11 business. That there is a need of a meeting with
12 representatives of the Compat to be better informed as to what
13 took place, clear up any misunderstanding there might be, how
14 might this matter better be handled -- if that's a good word
15 or how it might be handled in the future, with members of
16 the Operation Committee of the Company, if that was not done
17 this time. But I don't think we are attacking any agency.
18 I am certainly not, on this matter of how it was handled
19 as far as flooding is concerned.

20 MR. BENTRUP: Mr. Chairman, I think we are -- the
21 main problem that we are concerned about is getting water
22 into the John Martin Reservoir that they would have gotten
23 without the Reservoir -- without the Pueblo Reservoir, and
24 Bob, would it be too much trouble to take an imaginary flood
25 say of thirty thousand acre -- well, say Pueblo Reservoir, a

1 a flood would accumulate thirty thousand acre feet in Pueblo
2 Reservoir, have that released and determine how much would
3 get into -- well, first, how much of that water would
4 have gotten to -- fell in a twelve hour period-- how much of
5 that water would have gotten to John Martin, without the
6 Pueblo Reservoir -- how you would get that down there without
7 the Pueblo Reservoir?

8 Would that take too much time now or would you
9 rather do it in a -- I, myself, don't believe we are going
10 to get water we would have got with the -- would have got
11 before the Pueblo was built.

12 MR. JESSE: It should be possible to identify the--
13 who would have gotten the water after the fact. One of the
14 problems is, we have to do it at the instant the event is
15 occurring.

16 MR. BENTRUP: Sure.

17 MR. JESSE: But in the event we had, say, thirty
18 thousand acre feet impounded in Pueblo Reservoir, the next
19 morning, if there were no emergency we could then collect
20 our data and we could then identify who would have gotten it
21 had Pueblo not been there. Then it would be a simple matter
22 of making a Reservoir release, which we do routinely, to
23 whoever would have gotten it, and in the event it would have
24 went to the John Martin Reservoir, that would be simply another
25 Reservoir release.

1 MR. BENTRUP: And that water would be past all
2 these diversions and that would not increase the flows they
3 would not have otherwise have had?

4 MR. JESSE: Yes, absolutely. We do that routinely;
5 that's one of the ways that it operates. When we interject
6 a reservoir run into the river, we identify that as apart
7 from the river, and we do not allow the ditches along the
8 way to pick it up, but we pass it on past the ditches that
9 are even closed off entirely, to the next ditch that somehow
10 came into possession of this right to use this water, and
11 that would be the way we would handle that.

12 MR. COOLEY: Mr. Milenski, do you have a comment
13 that you wished to make?

14 MR. MILENSKI: I think if you are going to limit
15 the flood flows at five thousand at Avondale, you have only
16 begun to have problems. The fact that you do have the dam
17 in there to prevent flood damage, and you are going to take
18 that as a criteria, how would you then operate as if it
19 weren't there?

20 I think you are -- every time you put in a dam you
21 let the river grow shut below it. Pretty soon you haven't
22 got any carrying capacity and it disappears with the years,
23 and I think the whole outfit has got to take a look at it,
24 because five thousand for flood -- there's six thousand feet
25 decreed out of the Arkansas up to 1890.

1 MR. COOLEY: Yes, sir?

2 MR. BILL HOWLAND: Bill Howland, Amity Canal.
3 I would like to second Mr. Milenski's comments. We have seen
4 this below the John Martin Reservoir, the carrying capacity
5 of that channel has seriously deteriorated, and it could no
6 longer carry what it did before John Martin was built, and
7 also, addressing myself to the original question of what
8 should have happened to that water -- I am not trying to --
9 on the event of ten days ago I would in no way try to
10 second guess anyone as to whether there was a threat of
11 flood below Pueblo Reservoir; however, it seems to me that
12 there was a serious ambiguity in the fact that there was a
13 determination made that a flood threat existed, and the
14 water was retained, but when it was released, it was
15 determined that the canals above John Martin could have picked
16 it up anyway, so it was not allowed to come on down to John
17 Martin and to me that's an ambiguity, because if the flood
18 threat existed, the canals could not have picked up the
19 water and if it did not exist, the Pueblo Reservoir should
20 not have retained the water.

21 MR. COOLEY: Thank you, Mr. Howland.

22 The only manner in which this Administration can
23 work is with the unanimity of both States. It's perfectly
24 clear, I think, to everyone in the room that the questions
25 raised this morning cannot be solved by this Administration,

1 nor by the persons here.

2 There is a recommendation from one of the Kansas
3 members of the Administration that there be a meeting of the
4 Operating Committee with the Colorado State Engineer, and
5 that these matters be discussed in such a group. I heard a
6 comment that if the Engineering Committee might equally be
7 interested. It does seem to me that this matter would best
8 at this time be referred to a committee for a report back
9 here.

10 Now, on that limited idea, I would like to call
11 from the -- hear from the representatives of Colorado on
12 procedure of how best to field this -- these series of
13 potatoes.

14 MR. TEMPEL: I think it ought to be referred to the
15 Operations Committee. I agree with Kansas.

16 MR. COOLEY: Harry, do you -- ?

17 MR. BATES: Well, yes, but I also feel it should
18 be -- the Engineering Committee is involved in this thing,
19 what we are discussing, and as the Operations Committee, so
20 in a sense this involves all of us. I don't know how -- Mr.
21 Chairman, how you would like to handle it, but we do need to
22 get together and iron out some of these wrinkles.

23 MR. SPARKS: Well, I don't know. It seems to me
24 that either -- do we have a --

25 MR. COOLEY: We have an Operations Committee and

1 we have an Engineering Committee. Each Committee has one
2 member from each State.

3 MR. GIBSON: Mr. President?

4 MR. COOLEY: Yes.

5 MR. GIBSON: Mr. President -- Mr. Chairman -- the
6 Operations Committee is a member of the Compact.

7 MR. COOLEY: Yes.

8 MR. GIBSON: The Engineering Committee is a member
9 of the staff of the State.

10 MR. COOLEY: That's correct.

11 MR. GIBSON: And therefore my suggestion was that the
12 Compact should -- members of the Operation Committee should
13 be involved in this matter and I felt that it was desirable
14 that the Engineering Committee also be kept posted up to
15 date.

16 MR. COOLEY: Well, I am advised, Guy, that the --
17 both the Engineering Committee and the Operations Committee
18 are composed of Compact Members. In fact, our Engineering
19 sub-committee has been functioning for some time and that's
20 composed of the professionals from each State, and I was
21 just apprised of this in the last sixty seconds.

22 MR. BENTRUP: That is correct.

23 MR. COOLEY: I am sure that the Engineering Sub-
24 Committee would be available to consult with either Committee.

25 MR. GIBSON: You ought to change your minutes then

1 when you have them.

2 MR. COOLEY: We might well have to change --

3 MR. GIBSON: And refer to them, then, as Engineering
4 Sub-Committee instead of Engineering Committee.

5 MR. COOLEY: You are Chairman of the Engineering
6 Committee, according to the 27th Annual Report, and I quite
7 agree.

8 MR. GIBSON: I am going to change my recommendation
9 then, that it be the Engineering Sub-Committee should meet
10 with them.

11 MR. COOLEY: All right. We are developing, I think,
12 that the consensus that the Operations Committee, Harry Bates
13 and Carl Bentrup, meet with the Engineering Sub-Committee,
14 composed of engineering staff from each State, to further
15 consider this matter.

16 Is that the substance of your recommendations now,
17 Mr. Gibson?

18 MR. GIBSON: Yes. I think I would like to check,
19 though -- I believe that we also had part of the recommendation
20 as to meet with who? The representatives of the --

21 MR. COOLEY: State Engineer.

22 MR. GIBSON: Not meet with the State Engineer, but
23 representatives from his office.

24 MR. COOLEY: That's right.

25 MR. GIBSON: That's right. I think this is it.

1 MR. COOLEY: And is this a Kansas consensus? Do
2 the other representatives from Kansas join in this view now?
3 MR. REEVE: I think so.
4 MR. BENTRUP: Yes.
5 MR. COOLEY: Is this satisfactory with Colorado?
6 MR. BATES: Yes.
7 MR. COOLEY: All right. I don't think we will
8 require a formal motion, but before I declare this to be the
9 consensus, I see two fellas that are pretty close, waving
10 their arms. Jack McNeice?
11 MR. JACK McNEICE: I would like to see that amended
12 a little bit ^f burther, to have a representative from the
13 Bureau and the Corp of Engineers.
14 COMMENTS: Agreeable.
15 MR. COOLEY: No objection whatever to this. Should
16 that meeting be held in -- U.S.G.S. is jumping up and down.
17 COMMENT: Might as well hold a whole Compact meeting.
18 MR. COOLEY: Should this meeting be held in Pueblo
19 or Lamar? I think -- well, Lamar would be better --
20 MR. GIBSON: I think in all fairness that we have
21 the Corp and the G.S. - and the Bureau, we ought to have the
22 G.S. there, too.
23 MR. COOLEY: The minutes have already caught that.
24 (Discussion off the record)
25 MR. COOLEY: The Kansas representative has indicated

1 that the meeting might better be held in Pueblo because of
2 the availability of information and data and offices in
3 Pueblo, so that meeting should be held in Pueblo. It is my
4 experience that if we can pick a date certain, that the meeting
5 would much more likely to be held and to be held promptly,
6 and I am -- unless someone -- unless we have a further frantic
7 waving of arms --

8 MR. GIBSON: When are you going to be ready, Bob?
9 When would you be ready for this kind of meeting?

10 MR. JESSE: We would like to -- first, by the State
11 Engineer, do you mean the Division ~~of~~ ~~Engineering~~ or the State
12 Engineer?

13 MR. COOLEY: No. Division Engineer. You are
14 going to be Prince Hamlet in this performance.

15 MR. JESSE: We have already begun, of course,
16 immediately after the decision was made, we began collecting
17 information and it will go on for probably years, but a couple
18 of weeks would sure suit us.

19 We have other problems.

20 MR. COOLEY: I would recommend -- now, I don't have
21 hunting season marked in my calendar --

22 (Discussion off the record)

23 MR. COOLEY: All right. Tuesday, the 14th of
24 September, at the hour of ten o'clock a.m., in the Offices
25 of the Southeastern Colorado Water Conservancy District.

1 Any person is welcome to attend. We are not going to
2 investigate the Teton Dam.

3 Okay. At this time I'd like to turn the meeting
4 over to Duane Helton, and the Engineering Sub-Committee, for
5 their report.

6 MR. HELTON: Mr. Chairman, we worked up a revised
7 draft of operating criteria and a resolution, and the
8 Engineering Sub-committee was not able to meet, but we did
9 mail it to the members of the Compact Administration and to
10 the Kansas members of the Engineering Sub-committee, and
11 I understand they have had a redraft, so maybe we should start
12 with their redraft -- it may save time.

13 Does that meet with your approval, to start with
14 the Kansas redraft and I think Kansas has some copies for
15 the members of the Administration.

16 MR. BENTRUP: You are talking about a draft of
17 the 7-27-76?

18 MR. REEVE: Right.

19 MR. HELTON: I have some copies of the original
20 redraft before the Kansas changes.

21 MR. COOLEY: Hold up, Duane. Mr. Gibson, I think
22 almost all of the members of the Commission have your
23 redraft of Mr. Helton's draft. Do you happen to have any
24 more copies with you for persons in the audience?

25 MR. GIBSON: No, I don't. Sorry.

1 MR. COOLEY: We have no choice other than, it seems
2 to me, other than to proceed as you have suggested, Mr.
3 Helton.

4 If you will pass out your copies of the July 15th
5 draft, the Commission members will be paying close attention
6 to the correction and amendment of Mr. Gibson of July 27th.

7 MR. HELTON: Perhaps we should start with the
8 operating criteria and maybe use the same approach we have
9 used at the last meeting -- that is read the provisions
10 paragraph by paragraph. Is that --?

11 MR. COOLEY: Mr. Gibson has not made substantial
12 changes in two pages of whereas, and I think we should indeed
13 turn to the permanent pool operating criteria, and Mr. Helton
14 will you read the -- your draft? Then we will discuss first
15 the -- Mr. Gibson's comments and then any others, paragraph
16 by paragraph.

17 MR. HELTON: Okay. Our redraft reads this way:

18 Paragraph one: These provisions will allow the
19 State of Colorado to create a permanent pool in John Martin
20 Reservoir for recreational and fish and wildlife purposes.

21 MR. COOLEY: Mr. Gibson, would you take it from
22 here?

23 MR. GIBSON: It has been suggested a consideration
24 be given to striking the words "State of Colorado to create"
25 and in lieu thereof, insert the word "creation of", so that

1 it would read:

2 These provisions will allow the creation of a
3 permanent pool in John Martin Reservoir for recreational and
4 fish and wildlife purposes.

5 MR. COOLEY: It seems to me to improve the language
6 of paragraph one. Is there a consensus to the suggested
7 change?

8 MR. BATES: I see no objection to it.

9 MR. TEMPEL: I see no objection to it.

10 MR. SPARKS: However, does this imply that Kansas
11 is going to use this pool, also?

12 MR. REEVE: We have got a lot of swimmers down
13 there.

14 (Discussion off the record)

15 MR. COOLEY: Let the record show there is a
16 consensus to the change. Are there any other changes in
17 paragraph one? Mr. Helton?

18 MR. HELTON: Okay. Paragraph two.

19 The permanent pool shall ride on top of the
20 conservation pool. It shall not reduce the amount of water
21 storable in the conservation pool, and it shall not invade
22 the flood control space by more than 10,000 acre feet as
23 required by Public Law 89-298.

24 To help overcome limited water supplies during dry
25 years and to obtain an effective size of 10,000 acre feet,

1 the permanent pool will be allowed to reach a maximum size
2 of 15,000 acre feet.

3 MR. COOLEY: Mr. Gibson?

4 MR. GIBSON: Well, the original copy had to -- due
5 to an oversight, I am sure, the omission of the word "pool"
6 was not inserted after the word "permanent", and so we are
7 now in agreement there that the first sentence is read:

8 The permanent pool shall ride on top of the
9 conservation pool.

10 Now, in the third sentence of paragraph two, where
11 it says: to help overcome limited water supplies during dry
12 years and to obtain an effective size of 10,000 acre feet,
13 it was suggested that we strike that in it's entirety, and
14 the following sentence then as originally proposed, we would
15 strike the 15,000 and insert and in lieu of the following:

16 The permanent pool will be allowed to reach a
17 maximum size of not more than 10,000 acre feet.

18 MR. COOLEY: Mr. Helton, why don't you defend your
19 draft and then we will discuss this?

20 MR. HELTON: We discussed this pretty thoroughly
21 at the last meeting. The additional five thousand acre feet
22 is necessary because it's impossible to operate a reservoir
23 at a fixed level; in other words, by varying this permanent
24 pool size up to 15,000 acre feet, it will be possible to
25 achieve an effective size of 10,000 acre feet. From the Kansas

1 position I can't see that it makes any difference to the
2 State of Kansas whether it's ten thousand or fifteen thousand.
3 The problems and the principles all apply equally well in
4 either situation.

5 I think maybe members of the Administration --

6 MR. BENTRUP: Well, my opposition to that was it
7 filled -- if we have a permanent pool and you are allowed to
8 create at 15,000 feet, we could end up with the conservation
9 pool empty and the permanent pool of fifteen thousand acres.
10 I have been on this thing fifteen years, and ten thousand
11 is all that has ever been asked for, and I know my people
12 in Kansas would seriously object to increasing this to
13 fifteen thousand.

14 MR. HELTON: I have a hard time understanding why.
15 It really --

16 MR. BENTRUP: Well, you are increasing it -- we
17 could end up with 15,000 acre permanent pool, and the
18 conservation pool empty.

19 MR. HELTON: How is that any different than ending
20 up with ten thousand --

21 MR. BENTRUP: Five thousand acres.

22 MR. HELTON: But it's not Kansas water in either
23 event. It's water acquired by the State of Colorado.

24 MR. BENTRUP: Well, very conceivably, when the
25 water you purchase in two or three years, you could have a

1 20,000 acre foot pool, but you are donating that other
2 five thousand to the conservation pool.

3 MR. SPARKS: Let me explain it this way: Your
4 limiting factor is, this has to ride on top of the conservation
5 pool and you cannot invade the flood control space more than
6 ten thousand feet. So when you run a reservoir operation
7 study there's no way that you can maintain a permanent pool
8 at ten thousand feet. There will be times when it's much
9 below ten thousand, depending on the water supply, so in
10 your operations study you try to -- you have to fluctuate
11 the water supply, depending on what's available. So that at
12 times when the water is available, we need to fluctuate it
13 upwards in order to take care of the critical periods which
14 will follow. At times this permanent pool will be down to
15 five thousand feet, or perhaps lower. There's just no way
16 that you can maintain a fixed pool in any type of reservoir
17 operation, but it doesn't hurt anyone because the overriding
18 principle again is that it does not invade the conservation
19 pool or the flood control pool, but from simple operation
20 study you just can't operate it without fluctuating both
21 up and down, and it doesn't take one drop of water from anyone.

22 MR. HACKETT: Mr. Chairman, I would like to ask Mr.
23 Helton a question. In your operating criteria, doesn't your
24 spill set up in your operating criteria, you talk about, of
25 the 95,000 acre feet you are talking about here?

1 MR. HELTON: Well, at fifteen thousand acre feet,
2 there will be times when there will be water spilled to
3 it -- just of the Compact, so at ten thousand acre feet, of
4 course, that would occur not often and I think that's the
5 issue here, is that Kansas would like to obtain for the
6 Compact water at the expense of the permanent pool, is what
7 it amounts to.

8 MR. REEVE: I personally feel kind of like Santa
9 Claus, figuring that this wouldn't be stream water, this
10 ten thousand acre feet, or at least a large amount of it
11 would be stream water -- I kind of feel like Santa Claus,
12 going along with the ten thousand acre feet.

13 MR. SPARKS: No. This is not stream water. Water
14 purchased from the State of Colorado by existing rights,
15 senior rights, on the river. This is not the -- this is
16 not water from the John Martin Reservoir -- this is water
17 we are taking from existing irrigation or reservoir storage
18 and the Colorado Courts will only allow the amount of storage
19 that was previously adjudicated, so we lose fifty percent
20 or more of all of the water that we purchase. It goes to
21 the downstream. The actual fact is it's going to be of
22 benefit to the downstream people from this operation, and
23 that's a matter that we have to fight out in the Courts.
24 What we are going to end up with is only fifty percent or
25 less of the amount of water that we actually buy. Every...

1 appropriator in Colorado is already in this case, to be sure
2 that they are not denied anything, so the taxpayers in
3 Colorado are going to get screwed royally, let me put it that
4 way, before this thing is over. We are going to pay about
5 three times for the small amount of water that we are getting
6 and I can assure you that the people in Colorado are ably
7 protecting Kansas's interests in this matter.

8 MR. COOLEY: What we are discussing is the language
9 that allows the permanent pool to go from ten to fifteen
10 thousand acre feet. Mr. Gibson has raised the objection to
11 the language allowing the ten thousand acre feet to have
12 that variation up to fifteen thousand. The State of Colorado
13 has indicated that the -- if I understand them, that the
14 fifteen thousand is necessary for two reasons: One is the
15 difficulty of management, and secondly, is to allow for those
16 fluctuations.

17 How, if in any manner, may these differences in
18 language be resolved or thrashed out? Perhaps the most
19 important thing to come before us today.

20 MR. GIBSON: Mr. Chairman?

21 MR. COOLEY: Yes, sir?

22 MR. GIBSON: I would not want to disagree with
23 our distinguished Chairman; however, I feel that it is not
24 Mr. Gibson, but the State of Kansas has taken a position of
25 ten thousand acre feet. I am not sure that he says -- it's

1 quite correct when he says that Colorado has objected.

2 We have heard one member of the Colorado Commission
3 express their viewpoints, but as the State as a whole, has
4 Colorado objected to changing this from fifteen to ten?

5 MR. COOLEY: Okay. I think you have probably got
6 me on both counts. What I am trying to do is to focus the
7 intention of the entire Commission on the language, to
8 determine if we can achieve language that will be satisfactory
9 for permanent pool operating criteria.

10 MR. BATES: I have only one question in regard to
11 this. If the amount of water, regardless of what we are
12 talking about, a fifteen thousand acre feet in this instance
13 is owned by the State of Colorado, and supplied by the State
14 of Colorado, I have no objections, but Mr. Helton has
15 indicated that it is impossible to hold this thing and
16 regulate this at any certain level, which brings me back
17 to this question we were on awhile ago about the measurement
18 and the regulations of waters and the change of ownerships
19 and this, and if they have got to do these things, how can
20 they prevent from possibly entering in upon someone else's
21 water or vice-versa? It raises a question in my mind.
22 I have no objections to that extension or limitation of the
23 fifteen thousand provided.

24 MR. TEMPEL: Mr. Chairman, I can really see no
25 difference as far as the operation of a permanent pool, as

1 long as -- within the operating criteria, as long as the
2 State of Colorado owns the water and provides the water -- not
3 what size of permanent pool it is, or I have no objection. I
4 really don't see that -- I can see that because of buying
5 existing water rights and the criteria for the delivery of
6 those water rights that there can sure be some fluctuations
7 in flow as to maintaining that permanent pool, you know,
8 that it could go from two thousand to a maximum of whatever,
9 but there could sure be some problems in maintaining a certain
10 level of the pool.

11 MR. HELTON: Mr. Chairman?

12 MR. COOLEY: Mr. Helton, go ahead.

13 MR. HELTON: Maybe I should say that it's not the
14 upper part of the permanent pool -- that part of the permanent
15 pool between ten thousand and fifteen thousand, that really
16 concerns us, but it is having that extra water to carry us
17 through the dry years, is what the purpose is there, for
18 without the fifteen thousand acre feet in the permanent pool
19 the permanent pool will drop down to approximately six
20 thousand acre feet. If we have to keep it down to ten
21 thousand, it will drop down to four thousand. That's the
22 difference between four thousand six thousand during dry years
23 as opposed to between ten and fifteen during wet years.

24 MR. SPARKS: Actually, the average pool will be
25 less than ten thousand -- the actual average. All we are

1 trying to do is average here. If we put language in here to
2 say average and never exceed ten thousand feet in any five
3 year period, ten year period, that's fine. Actually, average
4 on this would be less than ten thousand feet, but we are trying
5 to keep up with that as high as we can on the average. That's
6 the reason any reservoir operator you have to fluctuate up
7 and down, but if we could have language to say average and
8 will not exceed ten thousand feet in any ten year period,
9 consecutive ten year period, maybe that would satisfy the
10 Kansas objection. We are not trying to increase the size of
11 the pool. We are trying to keep up as close to the average
12 of ten thousand feet as we can. It will be less than ten
13 thousand feet, the average.

14 MR. COOLEY: Have any of these comments proved
15 useful towards thrashing out the language here, Mr. Gibson?

16 (Discussion off the record)

17 MR. COOLEY: Kansas requests a caucus for ten
18 minutes, and I think there is ample and good reason why such
19 a request should be granted. It's quarter after twelve. I
20 rather suggest that it might be appropriate for us to have a
21 lunch break at this time and come back promptly at 1:30.

22 We will not -- when we come back at 1:30 --
23 immediately go to the problem of the Manvel, but we will
24 continue this matter for a period of time until we get to a
25 breaking point, and only then will we turn to the Manvel...

1 but I want to encourage every one to come back here at
2 1:30.

3 (Discussion off the record)

4 MR. SPARKS: Only let me suggest to Kansas -- I
5 can see the point Kansas raises about trying to increase the
6 size from ten thousand to fifteen thousand, and I think it's
7 a valid point. Suppose we address that by saying it should
8 be allowed to reach a maximum size of fifteen thousand,
9 provided that the average pool retained in any consecutive
10 progressive ten year period shall not exceed ten thousand
11 acre feet -- that's all we're trying to get at. In other
12 words, in any progressive ten year period, the average pool
13 shall not exceed ten thousand acre feet.

14 MR. COOLEY: With that, can we have a lunch break?
15 We will have a break.

16 (Recess)

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1 August 14, 1976, 1:30 p.m.

2
3 MR. COOLEY: During the noon hour, it's apparent
4 that much work was done on the resolution. Mr. Bentrup,
5 can you brief us in on where the members stand now on the
6 permanent pool operating criteria?

7 MR. BENTRUP: All right. In paragraph two will
8 stand as Mr. Helton read it.

9 MR. COOLEY: Okay.

10 MR. BENTRUP: We have withdrawn the changes.

11 MR. HELTON: Could I make a substitute statement?
12 Why don't we use Mr. Gibson's language with the substitution
13 of the fifteen thousand instead of the ten thousand feet?

14 MR. BENTRUP: That's perfectly all right with us.

15 MR. HELTON: Would you like me to read that?

16 MR. COOLEY: I think you ought to read paragraph
17 two at this time in to the record.

18 All right, Duane, go ahead with Paragraph two.

19 MR. HELTON: All right, paragraph two states:

20 The permanent pool shall ride on top of the
21 conservation pool. It shall not reduce the amount of water
22 storable in the conservation pool and it shall not invade the
23 flood control space by more than 10,000 acre feet as required
24 by Public Law 89-298. The permanent pool will be allowed to
25 reach a maximum size of not more than fifteen thousand acre
feet.

1 MR. COOLEY: Is this the Kansas consensus at this
2 time? Now, this vote is -- I am not asking for a binding
3 vote on paragraph two, because we will obviously have to
4 make a final vote on the entire criteria, but is paragraph
5 two now in acceptable form for Kansas?

6 MR. REEVE: Yes.

7 MR. BENTRUP: Yes.

8 MR. GIBSON: Yes.

9 MR. COOLEY: There is a Kansas consensus. Is there
10 a Colorado consensus? This is not a binding vote. It is a
11 way of proceeding.

12 Okay. There is a Colorado consensus. It is
13 apparent to me that the changes in paragraph three go more
14 to grammar than to substance. Have they been discussed, and
15 are they acceptable?

16 MR. HELTON: From my standpoint -- from our
17 standpoint.

18 MR. COOLEY: It appears that they are acceptable.
19 Please read paragraph three, with the changes in the Kansas
20 redraft.

21 MR. HELTON: Okay. The operation of the conservation
22 pool is prescribed in the Arkansas River Compact -- I better
23 start all over --

24 The operation of the conservation pool as prescribed
25 in the Arkansas River Company shall continue as if the

1 permanent pool does not exist.

2 MR. COOLEY: There is an apparent consensus from
3 both states.

4 Paragraph four has -- there appears to be a
5 question as to perhaps style or substance. What has been
6 decided here, Duane? Do you know?

7 MR. HELTON: Well, I would recommend that Mr.
8 Gibson's language, with one insert I would like to add, in
9 the third line between the word "owned" and "by", I would
10 like to insert "or control", so that sentence would read:

11 The permanent pool shall be established initially
12 and thereafter maintained by replacing evaporation losses
13 with water that is available under water rights owned or
14 controlled by the State of Colorado.

15 MR. COOLEY: And the next sentence, please read.

16 MR. HELTON: The use of water for this purpose
17 from any source by the State of Colorado must be approved by
18 formal resolution by the Arkansas River Compact Administration.

19 MR. COOLEY: Is there a consensus from Kansas as
20 to this?

21 MR. GIBSON: Mr. Chairman?

22 MR. COOLEY: Yes, sir?

23 MR. GIBSON: Would you give me an example of
24 controlled by?

25 MR. HELTON: Okay.

1 MR. SPARKS: We might lease water at times; we
2 might just buy it outright for a particular year, if the
3 permanent pool is getting low, we might just purchase water
4 for that year.

5 MR. GIBSON: Thank you.

6 MR. COOLEY: With that explanation, is there
7 apparent --

8 MR. REEVES: Yes.

9 MR. COOLEY: -- consensus? There is an apparent
10 consensus as to paragraph 4. Paragraph five would appear
11 to contain an improvement as to style. Mr. Helton, what
12 have you achieved over the noon hour as to this?

13 MR. HELTON: I agree with the language which I think
14 it is an improvement.

15 MR. COOLEY: All right. Would you please read
16 into the record the paragraph as presently agreed to.

17 MR. HELTON: Net evaporation from the additional
18 reservoir surface area resulting from the addition of the
19 permanent pool to the conservation storage shall be charged
20 against the permanent pool storage. The net evaporation
21 rate shall be seven-tenths of the measured pan evaporation
22 less the measured precipitation. During times when no
23 conservation water is in storage, the permanent pool shall
24 be charged with all the evaporation.

25 MR. COOLEY: As to this I would take it there would

1 be no controversy from either State. There is an apparent
2 consensus as to the paragraph five. Please proceed to the
3 preamble part of paragraph six.

4 MR. HELTON: The Arkansas River Compact
5 Administration shall cause a daily accounting of water in
6 John Martin Reservoir to be made in order to insure that
7 the same amount of water will be available for release from
8 the reservoir as if the permanent pool does not exist.

9 MR. COOLEY: Now, as to that, it would appear that
10 the changes that you have read are an improvement as to
11 style and do not go to substance. There is an apparent
12 consensus as to that preamble paragraph.

13 Would you please go to Paragraph A?

14 MR. HELTON: Total storage in John Martin Reservoir
15 shall be determined daily at a time designated by the Arkansas
16 River Compact Administration by applying the reservoir
17 elevation obtained from a continuous water stage recorder,
18 or a non-recording staff gauge when data from the continuous
19 water stage recorder is not available, to the latest adopted
20 capacity table.

21 MR. COOLEY: Say, I'm going to help here, and use
22 my Latin -- when data are not available and that will be
23 my contribution for the day. These, I would take it, would
24 be improvements and refinements as to style and do not go
25 to substance, and there, I think, is an apparent consensus

1 as to paragraph A, and no-one has objected to my Latin.

2 Paragraph B?

3 MR. HELTON: Paragraph B. Permanent pool inflow
4 shall be determined by a representative of the Arkansas River
5 Compact Administration.

6 MR. COOLEY: Any questions as to B?

7 MR. HELTON: I would like to add, if I can: in
8 cooperation with the Colorado State Engineer.

9 MR. GIBSON: Mr. Chairman, would the gentleman
10 please explain what he means with the cooperation with the
11 State Engineer?

12 MR. HELTON: I think it would be impossible to make
13 a determination of water -- transporting water from point A
14 above John Martin to John Martin, without the cooperation
15 of the State Gneiner.

16 MR. SPARKS: The State Engineer is going to assess
17 a loss.

18 MR. GIBSON: I think here, the only thing I had in
19 mind, a representative of the Arkansas Compact Administration,
20 they could in effect then sit down with the State Engineer,
21 and he is going to do the work, you know, and if they wanted
22 to have a little extra help with the G.S., they could have
23 it, and they are not bound by the G.S. and the State Engineer's
24 force.

25 MR. HELTON: Except the State Engineer -- yes, that s

1 right, but the State Engineer under State Law, is responsible
2 for --

3 MR. COOLEY: Duane, embodied in this, it seems to
4 me, is that the representative of this Commission is going
5 to use the best available sources, best available data, and
6 is going to do the best possible job he can, and I wonder if
7 we might not do without your addition?

8 MR. HELTON: Okay.

9 MR. SPARKS: I don't see it makes any difference,
10 but instead of a representative, why don't we say,
11 representatives of Arkansas or the Compact Administration?

12 MR. COOLEY: It appears that that change has been
13 accepted by the Compact. I think there's a consensus as
14 to paragraph B.

15 Paragraph C, there are no apparent changes
16 suggested, but it should at this time be read into the record.

17 MR. HELTON: Permanent pool storage shall be
18 calculated by adding the permanent pool inflow during the
19 previous day to the permanent pool storage at the beginning
20 of the previous day and deducting the net evaporation during
21 the previous day.

22 MR. COOLEY: There is an apparent consensus as
23 to paragraph C.

24 Paragraph D appears to -- it first claims to have
25 some possible improvements as to style. Have you discussed

1 these and reached a conclusion.

2 MR. HELTON: They are find. I agree, they are
3 improvements.

4 MR. COOLEY: Let's then have you read paragraph D
5 with the apparent improvements in language.

6 MR. HELTON: During times when water is in
7 conservation storage, the actual volume of conservation
8 storage shall be determined by deducting the permanent pool
9 storage from the total storage. Releases of water from
10 conservation storage and releases of river flow shall be
11 made as provided in the Arkansas River Compact.

12 MR. COOLEY: There is apparent consensus as to
13 paragraph D.

14 What, gentlemen, have -- conclusions did you reach
15 during the noon hour as to paragraph E?

16 Carl, why don't you report on your discussions, if
17 you would, sir. Mr. Bentrup?

18 MR. BENTRUP: We have paragraph E, we have changed
19 it to read this way:

20 When the conservation pool has previously been
21 declared empty, that water in storage in excess of 10,000
22 acre feet shall be subject to the control of the Arkansas
23 River Compact Administration.

24 After the word "in excess of" we inserted "10,000
25 acre feet" And strike the words -- the rest of the "the
calculated volume of the permanent pool storage."

1 MR. COOLEY: I think I follow --

2 MR. BENTRUP: You want me to read it again?

3 MR. COOLEY: Would you read it one more time?

4 MR. BENTRUP: When the conservation pool has
5 previously been declared empty, that water in storage in
6 excess of 10,000 acre feet shall be subject to the control
7 of the Arkansas River Compact Administration.

8 MR. COOLEY: Is there a Kansas consensus as to this
9 change?

10 MR. REEVE: Yes.

11 MR. COOLEY: Is there a Colorado consensus as to
12 the change?

13 MR. SPARKS: I am not entirely clear on it, but
14 I don't see any real objection to it.

15 MR. COOLEY: The apparent consensus as to paragraph
16 E, as read into the record.

17 There is a suggested paragraph F. Mr. Bentrup,
18 what was the decision, if any, as to paragraph F.

19 MR. BENTRUP: We struck paragraph F.

20 MR. COOLEY: The proposed paragraph F is out. What
21 happened, if anything, Mr. Bentrup, to the paragraph
22 heretofore F -- paragraph 7 -- isn't that mooted?

23 MR. BATES: Was E, but is now deleted. You say 7,
24 but E is what it was, and this one, E, has taken it's place.

25 MR. COOLEY: Yes. We are on the next paragraph now.

1 MR. BENTRUP: Then F has been deleted.

2 MR. COOLEY: F has been deleted, and 7 is now out,
3 as well.

4 MR. GIBSON: Seven is out, as well, because --
5 (Discussion off the record)

6 MR. COOLEY: Now, the former paragraph 8 now becomes
7 paragraph 7. There have been no changes in it. Mr. Helton,
8 would you please read that paragraph now numbered seven?

9 MR. HELTON: Can I make sure I understand what we
10 done with paragraph F? We have just taken it out?

11 MR. COOLEY: Completely.

12 MR. HELTON: We have eliminated the old paragraph
13 seven?

14 MR. COOLEY: F is out; seven is out.

15 MR. HELTON: 8 is now seven, not changed.

16 MR. COOLEY: And you are about to read it.

17 MR. SPARKS: Wait a minute. We have got two 7's
18 now -- the old one and a new one, or is it? What is that?
19 (Discussion off the record)

20 MR. COOLEY: Now, read the paragraph beginning
21 "Nothing --"

22 MR. HELTON: Nothing in these criteria shall be
23 construed so as to limit the authority of the Chief Engineers,
24 U. S. Army Corps of Engineers, to operate John Martin Reservoir
25 for the primary purposes of the prevention of floods and the

1 preservation of life and property.

2 MR. COOLEY: The next paragraph?

3 MR. HELTON: Paragraph 8. The additional costs to
4 the Administration of making the daily accounting and the
5 necessary record keeping resulting by the creation of the
6 permanent pool shall be borne entirely by the State of
7 Colorado and such monies shall be paid to and remain under
8 the control of the Arkansas River Compact Administration.

9 MR. COOLEY: Now, I detect the skillful draftmanship
10 of Mr. Guy Gibson in the changes in this paragraph. Are they
11 acceptable to Colorado?

12 MR. SPARKS: Well, I don't know how we're going
13 to -- I don't know that the Compact Administration is going
14 to have any expense at all in connection with this. I
15 don't see how the Compact Administration is.

16 MR. COOLEY: I detect that the additional sentence
17 and a half may be just nails -- more nails into this thing
18 and may not add a great deal to it, if you don't take offense
19 at my comments, Mr. Gibson.

20 MR. GIBSON: Which one is that?

21 MR. COOLEY: If Colorado is to bear the entire
22 expense I -- just as a matter of drafting, I wonder if the
23 next sentence and a half here are necessary.

24 MR. GIBSON: Well, they are going to pay the expense.
25 Now, the Compact's going to -- we have any rights they might

1 have under the Compact, to have any say about what time of
2 day they are going to read those gauges, how often, as long
3 as they control the money, they are going to do about as they
4 please, aren't they?

5 MR. COOLEY: No. I think -- maybe -- I don't want
6 to advocate these changes -- that's not my job; in fact, that's
7 the opposite of my job.

8 MR. GIBSON: Where will the money go? They will
9 make their own provisions about reading the gauges up there.

10 MR. COOLEY: That's covered by another part of the
11 criteria, it seems to me, back in one of the other sentences
12 you have referred to.

13 MR. GIBSON: I would appreciate it, Mr. Chairman,
14 if you would point that out to us.

15 MR. TEMPEL: As I see it, the expense would be
16 borne by the State of Colorado.

17 MR. SPARKS: Direct. We can't bear the expense and
18 also pay it to the Administration.

19 MR. HELTON: Of course, if other people can do it
20 to the satisfaction of the Compact Administration, there
21 wouldn't be any expense, there wouldn't be any monies
22 transferred, but if the Compact Administration has to hire
23 somebody, then that would show up as a line item in the
24 budget. I think that's what you were intending, wasn't it?

25 MR. GIBSON: My question is, how is this going to

1 operate? In other words, are we going to have, as we do at
2 the present time, you folks are going to have the State
3 Engineer or somebody read those gauges up there, read this,
4 do the computing and tell the Compact what it is, or is the
5 Compact going to have somebody read the gauges and do the
6 computations and the money will come from the State of
7 Colorado, through the Compact to pay for that?

8 MR. COOLEY: Guy, if you please, turn to paragraph
9 six on the first page, down toward the bottom of the first
10 page of the criteria. The Compact Administration is going
11 to cause the daily accounting of water in the reservoir to
12 be made -- and then jumping to the other one -- the
13 additional costs of the Administration are going to be borne
14 entirely by the State of Colorado.

15 MR. GIBSON: All right. Well, those that are
16 going to pay that extra money agree that that condition, and
17 actually means that the money will be paid into the Compact
18 for them to pay for the cost, or what is their thinking on
19 it?

20 MR. SPARKS: Well, of course, the Corp of Engineers
21 keeps a daily record, or keeps records -- continuous records,
22 on the John Martin Reservoir. Those records are available
23 constantly. Do we have to rely upon the Corps for the basic
24 data of what is in the reservoir and the evaporation, the
25 pan evaporations -- those are the two major factors. Now,

1 the inflow has to be measured by the Colorado State Engineer
2 in order to protect other water users. He's the one that
3 measures any inflow, so those are the only people involved
4 that I know of, in this.

5 MR. GIBSON: All right. You have a representative
6 here from the Colorado State Engineer's Office?

7 MR. SPARKS: Yes. Mr. Jesse.

8 MR. GIBSON: Are you going to furnish the Compact
9 daily what those inflows at those two stations are, and
10 what percent is water under this agreement for permanent
11 pool and what percent is administrative? Now, if we asked
12 you to do that on the basis of eight o'clock every morning,
13 to correlate with the eight o'clock time, I believe the Corps
14 reads their station, and pan evaporation, so that we will have
15 a permanent pool criteria to go by, as set forth herein,
16 can you furnish us that kind of information?

17 MR. JESSE: I don't understand the question.
18 The stations in question I don't believe exist now.

19 MR. GIBSON: Well, we are talking about that it's
20 there. Mr. Sparks has indicated that you can do these things
21 and I am just asking you. As I see it, this is what needs
22 to be done in the long run.

23 MR. JESSE: If the gauging stations did exist and
24 it was within our capability of interrogating them at eight
25 o'clock in the morning, we would certainly furnish it to the

1 Compact Administration and to anyone else.

2 MR. GIBSON: I think that would have been a nice
3 thing if you had left the word capabilities out, but you say
4 if you are in your capability. It has to be done; the Compact
5 wants this done, you know, this will have to be a special
6 assessment on the State of Colorado and the State of Kansas
7 to see it's done, or is there funds going to be paid into
8 the Compact to see it's done? If it is not within your
9 capability, then we can get someone else to do it.

10 MR. JESSE: I am not too sure I totally understand
11 what we are talking about. We can't, of course, agree to do
12 the impossible.

13 MR. GIBSON: I agree with you.

14 MR. JESSE: We will do whatever is within our power.

15 MR. GIBSON: I am sure you will, Bob. That's not
16 our question.

17 MR. SPARKS: In the administration of the decrees
18 you have got to know how much water is being delivered to
19 this decree on a daily basis, isn't that correct?

20 MR. JESSE: We need to know how much water is being
21 delivered to every decree. Not all of them are accounted for
22 on a daily basis. If this were necessary we would have to
23 take it up with our State Engineer and the budgeting people
24 to collect the necessary personnel and equipment and recording
25 apparatus as needed.

1 MR. BATES: Mr. Chairman? In regard to this, this
2 is all through here, it makes the statement that this will
3 be done on a daily basis, and so I mean -- if the State of
4 Colorado does not do it on a daily basis, then it would more
5 or less null and void this agreement, so as I see it, they
6 would have to do this.

7 MR. COOLEY: Well --

8 MR. BENTRUP: If you have a daily record as of right
9 now, the only rights we are talking about are the Muddy Creek
10 right and there is no gauge there yet. That would be the
11 only one.

12 MR. TEMPEL: Within the Court Decree, Muddy Creek --

13 MR. SPARKS: Yes. We do have a gauge. We have a
14 gauge on Muddy Creek.

15 MR. BENTRUP: Yes. That's what I mean. That's
16 the only one we are talking about right now. Most of them,
17 there will not be operating and won't be any water there.
18 On the days when it's furnishing water, it will have to be
19 read at a certain specified time. Would it have to be eight
20 o'clock in the morning, or --

21 MR. GIBSON: All of it has to be correlated. If
22 the Corps is reading theirs at eight, it would seem to me
23 either to disrupt their's to accomodate something else, but
24 not to disrupt the Corps -- and I have not visited with the
25 Corps members about this at all -- their reading, it would.

1 seem to me the others should be read and correlated at the
2 same time. If you go to the definition of how you are going
3 to figure that permanent pool, then it all has to be done
4 at the same time and correlated.

5 MR. COOLEY: That part, I am sure, is clear.
6 Fortunately, as well, the costs that we're talking about
7 are those additional costs. Because, for example, the costs
8 of record keeping by the Engineer -- the State Engineer, that
9 are already undertaken will not be an additional burden upon
10 anyone. They are already being done, and it's the kind of
11 correlation cost that you are talking about that become the
12 additional costs. Is there any objection to the language
13 that those monies go through the Treasury of the Compact?

14 MR. SPARKS: Well, see, the problem is, we will do
15 this with existing personnel, or if we have to put on addit-
16 tional personnel, we'll do it, but if we are going to do it,
17 then we are going to have to do it with existing personnel.
18 We can't hire -- I don't think there's any point in hiring
19 anybody to do this separately, either. Then we will have a
20 cooperative agreement with the Geological Survey where they
21 include it in our gauging program, or we will do it through
22 the State Engineer's Office, one of the two, but in either
23 event, the money will be furnished directly by the State of
24 Colorado, and I don't see any point in -- we can't furnish
25 that service and also pay money into the Administration. If

1 we want to put in here in the event that the Administration
2 incurs additional expenses, that we will pay that into the
3 Administration.

4 MR. COOLEY: Let me try one on you, Mr. Sparks.
5 There seems to me would be additional costs, both to the
6 Administration and to the State and would these words solve
7 the problem for everyone? We are talking about the additional
8 costs shall be borne entirely by the State of Colorado --
9 continuing on with the changes and such monies to the extent
10 not paid by the State to existing agencies shall be paid to
11 and remain under the control of the Compact Administration.

12 Would that solve the apparent dilemma? Some
13 of these additional expenses might well be paid in increases
14 to the State Engineer. I would suppose, and to the extent
15 they weren't paid to the State Engineer, somewhere else they
16 perhaps should go through the Compact Administration. Would
17 that solve the problem?

18 MR. BATES: Well, my question here is, on this, we
19 are talking about something that Felix Sparks is not
20 anticipating additional costs to the Administration -- he
21 doesn't anticipate any additional costs to the Administration.

22 MR. SPARKS: No. The Administration is not paying
23 any costs today for anything, other than a Secretary.

24 MR. BATES: But if there are additional costs in
25 this situation, if there are additional costs to the

1 Administration, then I think we should have something like
2 this.

3 MR. SPARKS: Yes.

4 MR. BENTRUP: That's exactly what it says now.

5 MR. BATES: Yes. So ninety-nine changes are that
6 this paragraph will never become useful.

7 MR. TEMPEL: It says additional cost to the
8 Administration of making a daily accounting and the necessary
9 record keeping resulting by the creation of the permanent
10 pool shall be borne entirely by the State of Colorado, and
11 gosh, I can't help but think -- it says additional cost --
12 it says the administering of daily accounting.

13 MR. SPARKS: We can't bear the costs and pay it
14 over to the Administration, both.

15 (Discussion off the record)

16 MR. BENTRUP: What we are talking about here are
17 not the costs of the people you have now, but if some costs
18 we do not foresee, that the Administration becomes involved
19 in, then you would pay us for these costs.

20 MR. TEMPEL: Carl, it says for the additional costs.

21 MR. BENTRUP: Yes, I know.

22 MR. SPARKS: But there is not a cost to the
23 Administration.

24 MR. BENTRUP: We don't anticipate it.

25 MR. SPARKS: Maybe we could solve it this way:

1 In the event there are additional costs to the Administration.
2 We don't anticipate any costs, but in the event there are.
3 In the event there are additional costs to the Administration
4 for making the daily accounting and the necessary record
5 keeping, they shall be borne entirely by the State of
6 Colorado, and such money shall be paid to and remain under
7 the control of the Arkansas River Administration.

8 It would read, in the event there are additional
9 costs to the Administration for making the daily accounting
10 and the necessary record keeping resulting from the use of
11 the permanent pool they shall be borne -- the costs -- entirely
12 by the State of Colorado, and such money shall be paid to
13 and remain under the control of the Arkansas River Compact
14 Administration.

15 MR. COOLEY: There is a Kansas consensus then?

16 MR. REEVE: Yes.

17 MR. BENTRUP: Yes.

18 MR. COOLEY: And a Colorado consensus? There is
19 a Kansas consensus and Colorado consensus as to this
20 language.

21 Paragraph nine, any modifications of these
22 operating criteria must be approved by the Arkansas River
23 Compact Administration.

24 Is there a Kansas consensus on this language? It
25 seems an improvement. Colorado consensus? Improvement there.

1 MR. GIBSON: Now, Mr. Chairman --

2 MR. COOLEY: Mr. Gibson?

3 MR. GIBSON: I didn't add anything, but I have a
4 question. I am sure it must be in this Court Decree
5 someplace, but let's say for some reason or the other this
6 thing falls through for lack of a better word, then should
7 there be some clause here that failure for the Court Decree
8 to be carried out or something here, this becomes null and
9 void?

10 MR. COOLEY: Well, Mr. Gibson, it seemed to me,
11 just recalling from the last Garden City meeting, that the
12 style of these criteria were to be drafted in such a manner
13 that Colorado might have more than one string to it's bow,
14 that if they weren't successful in one purchase that they
15 might try another and do the same -- that's just speaking
16 from my recollection of what was said at Garden City.

17 MR. GIBSON: I have no real hard feelings one way
18 or another. I only asked the question.

19 MR. SPARKS: There's no other way to do it except
20 in accordance with the Court Decree.

21 (Discussion off the record)

22 MR. SPARKS: There's no other way.

23 MR. BENTRUP: And you still own the rights you
24 purchased.

25 MR. SPARKS: That's right.

1 (Discussion off the record)

2 MR. COOLEY: Are there any other questions on the
3 three pages only of the permanent pool operating criteria,
4 directing the question to the State of Kansas?

5 Are there any other questions on the three pages
6 only of the permanent pool operating criteria, directed to
7 the State of Colorado?

8 MR. SPARKS: I don't have any.

9 MR. TEMPEL: I don't have any.

10 MR. BATES: A question I want to be sure I understand
11 and that's this paragraph 4, just referred to. Nothing in
12 here has approved of any waters as available to this
13 establishment or maintenance of a permanent pool.

14 MR. SPARKS: This does not refer -- this is
15 simply operating criteria for whatever waters may be put in
16 there; it doesn't refer to any specific waters.

17 MR. BATES: And any waters will have to be approved
18 by this Compact Commission prior to any storage in this --
19 that this pool --

20 MR. SPARKS: That's the way I read it.

21 MR. BATES: Okay. You are just referring to this
22 criteria. All right.

23 MR. COOLEY: The three pages of the criteria; now,
24 it's -- it seems appropriate to me that we pay attention at
25 this time to the two page resolution concerning the permanent

1 pool.

2 Because of the importance of this, I am going to
3 continue on with this and request the Manvel to stand by, and
4 go down through these. I notice that we have worked hard
5 on the resolution part at the Garden City meeting, and I'll
6 ask if there is any question by either State as to the first
7 whereas paragraph, beginning the States of Colorado and
8 Kansas -- is there any Kansas question as to this part?

9 MR. GIBSON: Well, you want to go into these
10 modifications on page two?

11 MR. COOLEY: No. I am doing them a paragraph at
12 a time.

13 MR. GIBSON: All right. The first paragraph number.

14 MR. COOLEY: The first paragraph. The apparent
15 consensus is the first paragraph. The second paragraph, said
16 Compact specifically provides -- is there any question as
17 to that paragraph? The second paragraph specifically provides?
18 No question as to the second paragraph.

19 The State of Colorado desires to create a permanent
20 pool. Is there any question as to that?

21 MR. BATES: There's no question but what they do.

22 MR. COOLEY: There is a consensus as to that
23 paragraph. The State of Colorado owns or controls good and
24 valid water rights.

25 MR. BENTRUP: As of right now -- wait a minute---

1 Muddy Creek, we don't know what it will -- I doubt if that
2 will be sufficient.

3 MR. SPARKS: I don't think that clause adds
4 anything to the resolution at all.

5 MR. BENTRUP: No. Strike it.

6 MR. SPARKS: I think it should be stricken out
7 and not affect a darned thing.

8 MR. COOLEY: There is a consensus that we delete
9 that paragraph that says, the State of Colorado owns or
10 controls good and valid water rights.

11 MR. SPARKS: That's subject to some question at
12 this time.

13 (Discussion off the record)

14 MR. COOLEY: All right. The Public Law 89-298
15 whereas paragraph, is there any question as to that, from
16 Kansas? There is a consensus as to that paragraph -- the
17 paragraph in the bottom of the page, benefits to the people
18 of the States of Colorado and Kansas. No question?

19 MR. BENTRUP: That would be perfectly all right
20 to say Kansas residents got free fishing privileges, or
21 something.

22 (Discussion off the record)

23 MR. SPARKS: Scratch out just the word generally.

24 MR. COOLEY: Generally. We have too many generals
25 around here -- I have noticed that problem. There is an

1 apparent consensus of getting rid of the general. Turn the
2 page. Operating criteria, as Exhibit one, is there a
3 consensus as to that?

4 All right. The first paragraph, operating criteria,
5 has passed muster.

6 MR. BATES: Mr. Chairman?

7 MR. COOLEY: Yes, sir. Harry.

8 MR. BATES: Would it be out of order to ask on
9 this particular paragraph, this audience, if they have any
10 remarks on it?

11 MR. COOLEY: At the rate we're going, I would like
12 to keep digging here and there will be a number of things
13 come up at the proper time. I'm afraid if we turn this
14 crowd loose there would be no controlling them, is my
15 problem.

16 The next paragraph, it seems to me, has got some
17 problems. The recitals as to civil action -- is it 1434 --
18 that's being appealed, is that what you are alluding to
19 here? Mr. Sparks, is that what's going on?

20 MR. SPARKS: No. That's not being appealed, no.
21 That's final.

22 MR. COOLEY: Okay. Then, do you have any question?
23 Is there a consensus as to the paragraph dealing with the
24 Decree in 1434?

25 Apparent consensus as to that paragraph.

1 The next to the last paragraph, I am embarrassed
2 to say I have a question as to this one. Let me bring up my
3 problem now, Mr. Gibson. If possible, I would like the
4 language of this Resolution to as closely as possible use the
5 exact language of the Compact, and the exact language of the
6 Compact are prescribed procedures for the administration of
7 this Compact provide that where such procedures involve the
8 operation of John Martin Reservoir they shall be subject to
9 the approval of the District Engineer. Therefore, for the --
10 and the last line of that paragraph I prefer the language,
11 procedures for the administration of -- no, by golly, you
12 can have it either way in the same -- I see your point. I
13 spoke too hastily. They are the same language in the same
14 sentence that the Compact -- either one is the language
15 of the Compact. I have got no objection to that.

16 Does Kansas agree to your changes? Are they
17 acceptable?

18 MR. GIBSON: Carl?

19 MR. BENTRUP: Yes.

20 MR. COOLEY: Okay. The last paragraph I would take
21 it that Mr. Sparks would want the words changed to owned
22 or controlled?

23 MR. SPARKS: Right.

24 MR. COOLEY: -- by the State of Colorado.

25 MR. SPARKS: Right.

1 MR. COOLEY: With the additions of the word "or
2 controlled" by the State of Colorado, is this paragraph
3 acceptable to Kansas?

4 MR. BENTRUP: Yes.

5 MR. REEVE: Yes.

6 MR. COOLEY: Is it acceptable to Colorado? Then
7 it's acceptable. I would -- I would think that procedurally
8 that I should entertain a motion that the John Martin
9 Permanent Pool Operating Criteria, the three pages, be
10 adopted and that after the vote of both states on that motion
11 that there be a -- if the vote should be favorable, there
12 be a resolution concerning the Permanent Pool as a way of
13 proceedings. I don't know how else to do it. That's a way
14 of doing it and let -- I will therefore entertain a motion
15 by anyone here that the three page operating criteria be
16 adopted and this will be subject to a vote of each state.

17 MR. TEMPEL: Mr. Chairman, I would so move.

18 MR. COOLEY: It has been moved -- I am not sure
19 that we require a second, but if anyone cares to second.

20 MR. REEVE: On the spirit of cooperation, let me
21 enter a second to this.

22 MR. COOLEY: Mr. Reeve has entered a second to
23 the motion. I would then call for a vote -- call for a
24 Colorado vote first?

25 MR. SPARKS: Aye here.

 MR. BATES: Aye.

1 MR. COOLEY: I think that you want to say something.

2 MR. BATES: No. I think that everything I have
3 is already covered.

4 MR. COOLEY: Colorado has voted aye. I call for
5 the vote of the State of Kansas.

6 MR. BENTRUP: Kansas votes aye.

7 MR. COOLEY: The State of Kansas votes aye. The
8 Permanent Pool Operating Criteria have been adopted by the
9 Compact Administration.

10 At this time I'll call for a resolution -- for a
11 motion for the Resolution concerning the John Martin Reservoir
12 Permanent Pool.

13 MR. TEMPEL: Mr. Chairman, I would move for the
14 adoption of the Resolution to adopt the John Martin Permanent
15 Pool.

16 MR. COOLEY: Is there a second?

17 MR. REEVE: I'll second the motion.

18 MR. COOLEY: The motion has been made and seconded.
19 I would like to call for the vote of the State of Colorado.

20 MR. SPARKS: Aye.

21 MR. TEMPEL: Aye, with the amendments.

22 MR. BATES: Aye.

23 MR. COOLEY: I would like to call for the vote of
24 the State of Kansas.

25 MR. BENTRUP: Aye.

1 MR. COOLEY: The State of Kansas has voted aye.

2 MR. GIBSON: You know, Mr. Chairman --

3 MR. COOLEY: Yes, sir?

4 MR. GIBSON: -- might I suggest that you might want
5 to give some consideration in the minutes to showing, since
6 we drew up the rules and so on, that Colorado made a motion,
7 it was seconded by Kansas, rather than by individuals
8 seconded.

9 MR. COOLEY: I think that's a very worthy comment
10 and I instruct the official reporter to make certain that the
11 minutes reflect this.

12 At this time I have got a few bookkeeping remarks.

13 (Discussion off the record)

14 MR. ROBBINS: Mr. Chairman, I would like to point
15 to the Compact Commission that the Resolution is dated the
16 13th day of August, and I believe it should be the 14th,
17 just for the record.

18 MR. COOLEY: Who invited him? Thank you, Mr.
19 Robbins. This will be shown as to be the 14th.

20 COMMENT: I have here, and I am going to distribute
21 to members of the Compact Administration, the resolutions from
22 many, many of the inhabitants of Las Animas and Lamar,
23 Colorado, which I would like you to just look over, urging
24 the creation of the permanent pool. These are petitions
25 that have been presented to the Compact Administration, signed

1 by hundreds of people in Lamar.

2 (Discussion off the record)

3 MR. COOLEY: I suggest we preserve the petitions
4 with the permanent records of the Compact Administration,
5 and let the record of the meeting reflect that a large number
6 of petitions bearing hundreds of signatures, were presented
7 to the Compact Administration.

8 MR. GIBSON: After they made the decision.

9 ME. TEMPEL: After they made the decision.

10 MR. COOLEY: Mr. Hibgee, you and your father have
11 been faithful in attendance at the meetings and deliberations
12 of this organization on behalf of the Manvel Canal. Your
13 father was particularly courteous to us in Garden City,
14 Kansas in that he allowed a number of other items to come
15 before the meeting, although he was very anxious to give his
16 presentation.

17 We want to acknowledge to you his courtesy to us
18 at that time, and we -- it is our intention this afternoon
19 to extend the same courtesy to you and to afford you whatever
20 reasonable time you need to make your presentation to the
21 Board.

22 MR. TEMPEL: Mr. Chairman, might I make a
23 statement? Mr. Higbee called me and because of the decision
24 of the Board to hold the meeting at very high altitude, Mr.
25 Higbee could not attend. He said he was sorry, but he would

1 send somebody better, so Mike is here to present this, but
2 Mr. Higbee couldn't come to this altitude.

3 MR. COOLEY: Thank you, Bob. It remains to see
4 whether he sent somebody better or not, and I know you will
5 do your best. Please convey the regards of the entire group
6 to your father. Come on up and make yourself comfortable,
7 whatever is best for you.

8 MR. HIGBEE: I'll just stand here. Ed wanted
9 to send his reasons for not coming, he had a heart attack
10 a couple of years ago, so he sent his number two -- whether
11 that's better or not, I don't know. We'll come to see.

12 I would like to just read this; that's all I really
13 have:

14 Request number one as presented at the previous
15 Compact Meeting at Garden City, Kansas.

16 The Manvel Canal and Irrigation Company urgently
17 requests that the 20,000 acre feet rule be amended.

18 It is obvious, if the John Martin Dam were not
19 present, that, at times, the normal fluctuating river flow
20 would permit the Manvel Canal to run the 54 cubic feet per
21 second now adjudicated. At this time, the 20,000 rule does
22 not allow a large enough release of water to include the
23 Manvel Canal in the normal sequence of priorities.

24 We request that this rule be amended to permit
25 the Manvel Canal to run at least part of their priority....

1 We would suggest at least three percent of the Colorado part
2 of the release.

3 In support of this request, we would like to
4 submit these figures:

5 One, in an eight year average, before John Martin
6 storage, from 1935 to 1942, the Manvel Canal diverted 4,567
7 acre feet.

8 Two, in the irrigation season 1961 to 1962, 1,192
9 acre feet.

10 Three, in 1970, zero; 1971, 8 acre feet; 1972,
11 693 acre feet; 1973, 1,221 acre fee; 1974, 336 acre feet;
12 1975, 32 acre feet; 1976 to date, 204 acre feet.

13 These figures were furnished by Lane Hackett and
14 R. J. McGrath.

15 At the time of it's inception, we believed that
16 the John Martin Dam would behoove everyone by it's capacity
17 to haul floods and store water for more beneficial use.

18 We feel time has proven that the lesser river
19 flow has been injurious to the Manvel Canal and has changed
20 the rightful ownership of the water. We believe some
21 provision must be made to return this water to it's correct
22 destination.

23 It is impossible for the Manvel Canal to bring
24 about a water use agreement. Therefore, it must be the
25 responsibility of the Compact Commission to institute the

1 necessary steps to permit the Manvel Canal to get 2.9 percent
2 of the Colorado share of the John Martin Dam storage.

3 I would like to add the -- we felt that the
4 attitude of the Commission has been sort of a light at the
5 end of the tunnel for us, simply a place to come in the --
6 and air a grievance. There has been somewhat of a change,
7 I think, in the past years and we want to thank you very much
8 for your time and your consideration.

9 MR. COOLEY: Well, we have some questions from
10 members of the Commission. Carl?

11 MR. BENTRUP: Mr. Higbee, when releases are
12 1,250 feet as allowed, when the storage is above 20,000
13 feet, can you then get your amount of water?

14 MR. HIGBEE: Lane, can we?

15 MR. HACKETT: Have you? At times. In good years
16 they do receive some water and fulfill commitments under the
17 Compact Rules and Regulations, but without a good average
18 winter moisture period below John Martin Reservoir and a
19 good storage impounded in John Martin, where all ditches --
20 Colorado ditches, are running water, and with this in mind,
21 return flow to the river her permitted in the past to owners,
22 Manvel Canal's priority, or priority part of the time. When
23 we had a percentage basis they were entitled to some water,
24 but it took waters away from senior priority rights. The
25 senior priority rights in District 67 gave water on a percentage

1 agreement in order to include all the canals, and this was
2 way back in 1948 or 1949, the original percentage agreement.

3 MR. BATES: When was it broken?

4 MR. HACKETT: Right here by Harry L. Bates, Pueblo
5 Canal.

6 MR. BATES: I said when?

7 MR. HACKETT: November 12, 1965.

8 MR. COOLEY: Pardon me just a second. Let the
9 record show I am not interrupting anyone. I have been
10 informed of some of the factual basis of what the Manvel's
11 problems are and I have some grasp of the percentage
12 agreement. Some of the people here are experts in this area
13 and have spent years in this matter and this dispute.
14 Nevertheless, there are probably four or five persons here
15 who do not have the factual basis to even follow what's
16 being request, what the history is and what the problem
17 is and what is being sought, and I suggest that there is
18 someone here who can give a brief recitation of what this
19 entire problem concerns. Now, Lane, do you want to try it?

20 Duane? Would you like to try to give
21 summary? Someone here ought to, however. Harry? Would
22 you like to just in a few words describe what the problem
23 of the Manvel is?

24 MR. BATES: Well, just like he stated, really,
25 the problem is the Matter of the total amount of release
that Colorado's share of the Compact water, the total

1 releases will not, under this 20,000 second feet, nor under
2 certain circumstances, the 12,500 -- or 1,250 second feet,
3 release will not fulfill all Colorado priorities and Kansas
4 forty percent share, also.

5 MR. COOLEY: The Manvel has, let's say, a junior
6 priority which lies downstream from the John Martin. In
7 times of high -- substantially high flow, prior to the
8 construction of the John Martin, that relatively junior right
9 would divert water on some occasions. After the construction
10 of the John Martin Reservoir those unusually high flows
11 would be trapped and captured in the John Martin. The
12 releases from the John Martin would be in accordance with
13 the terms of the Compact and the Manvel's relatively junior
14 right would not be satisfied, because of the hardship on
15 the Manvel or for other reasons, I don't understand,
16 apparently a Compact or Agreement between senior ditch
17 rights downstream from the John Martin was agreed to, under
18 which the stream would be administered by percentages and
19 not by the straight priority system and such Agreement is not
20 now in effect.

21 Is this a reasonable statement of the problem of
22 the Manvel?

23 MR. BATES: That is correct, and just to clarify
24 it as simply as I can. Now, Lane mentioned I was the one
25 that broke the contract -- the agreement -- but it was an ..

1 agreement among all ditches and the State Engineer agreed
2 that as long as all ditches in the -- below John Martin in
3 Colorado were in agreement on a percentage basis, then the
4 State Engineer would allow this water to be divided that way.
5 Without such agreement among all the ditches, unanimous
6 agreement, then we would have to go on strict priority
7 basis.

8 MR. HACKETT: Excuse me, Harry, the Compact reads
9 such.

10 MR. BATES: Yes. That's right, and under this
11 agreement all -- that all ditches entered into -- and
12 somewhere around '48 or thereabouts -- early 50's anyway, the
13 Buffalo Canal, which had a senior priority of 67 1/2 feet,
14 sacrificed approximately half of that and accepted on a
15 percentage basis an equal of something like thirty-five
16 second feet. Other ditches then likewise and also other
17 ditches -- not only the Manvel, but some other ditches, got
18 a larger amount than their decreed rights, and this was the
19 way we operated for a number of years. How this happened,
20 I don't know -- I had nothing to do as far as the adoption
21 and acceptance of this agreement, but it was, insofar as the
22 Buffalo Canal was concerned, it was not right, and as Lane
23 said, it was broken, and in later years they have tried to
24 get together on this matter to get another agreement.
25 Buffalo agreed to take a lesser amount than the 67 1/2, but

1 not to the amount that it was before.

2 Other ditches would not go along with it and
3 so consequently we have no agreement among the ditches, so
4 we are -- that's where our problem is.

5 MR. HACKETT: The latest -- I had two separate
6 occasions, after the first agreement was broke, that we are
7 referring to, the Buffalo Canal in 1965, and I began work for
8 the State in 1964, and this agreement was broke in 1965. On
9 two different occasions we got representatives in District 67
10 from each Ditch Company and reworked, and a new percentage
11 basis and some of them worked temporarily. The first one
12 worked temporarily for some time and it was abolished or
13 terminated by the Ft. Bent Ditch Company, which is just
14 below John Martin, so we made the second effort and we
15 couldn't get full agreement among the ditches for a percentage
16 basis, so therefore under the Compact Rules and Regulations,
17 without a percentage agreement or some Agreement -- operable
18 agreement on conservation water, we have no alternative -- or
19 I have no alternative as your Secretary, but to administer
20 water on a priority basis under the State Engineer.

21 MR. COOLEY: It would appear that the unanimous
22 consent would be necessary otherwise and I would suppose that
23 the word termination would be the better usage.

24 Mr. Helton, you had your hand up.

25 MR. HELTON: I just wanted to supply some numbers.

1 I went through a tabulation of decrees in District 67. The
2 river flow would have to be approximately 867 second feet
3 before Manvel could come in on priority basis. Under Compact
4 Colorado can demand releases of 750 second feet when 20,000
5 acre feet or more is in storage, plus releases of river flow.
6 Basically you would have 20,000 acre feet in storage, 750
7 release storage water, plus a minimum of 100 second feet in
8 the river going through the Reservoir before the Manvel would
9 come on priority basis.

10 (Discussion off the record.)

11 MR. SPARKS: What has been suggested, to do this
12 we would have to amend the Compact. There is no other way.
13 We are bound by that Compact, and we can't amend -- the
14 Administration cannot amend the 20,000 acre rule, because
15 that's specified in the Compact. The only way it can be done
16 is by amendment to the Compact, which would require the
17 consent of both Kansas and Colorado, and the United States.
18 I would doubt that Kansas would agree to that, and I am not
19 sure the Colorado people would, either, so I don't know.
20 We are in sort of a quandary in this matter, because the
21 Administration itself is helpless to do anything about it
22 except by recommending an amendment to the Compact which
23 would have to go back under the respective State Legislators
24 and to the Congress.

25 MR. COOLEY: I think, Mr. Sparks, your remarks are

1 right on the target and I agree with them. It seems to me
2 that there are two other possible benefits that the
3 Compact Administration could afford and one of them now is
4 and that is for there to be an airing and an understanding
5 of the problem, and secondly, that if a great hardship is
6 worked on the owners of the Manvel Canal and it was I thought
7 a rather moving thing to hear Mr. Higbee's speech in Garden
8 City, brief though it was -- it may be that some form of
9 tacit encouragement could be given to the accomodation
10 canal within the State of Colorado by the unanimous consent
11 of the owners of water rights in that -- in that District.
12 Of course, neither of these are legal remedies within the
13 Compact, but it seems to me that they -- that they well might
14 deserve some of our time, and I think that was one of the
15 purposes because there is a real question and I am sure the
16 Higbee family is aware of the degree to which the Compact
17 can afford any relief at all.

18 Does anyone else have any comments to make on this
19 fairly serious problem of the Manvel Ditch?

20 Yes, sir, Mr. Helton?

21 MR. HELTON: Mr. Chairman, I have a proposal to
22 make on behalf of the Amity Mutual Irrigating Company that
23 may have some bearing on this problem. If you would like at
24 this time I will do that.

25 MR. COOLEY: In the next three minutes we will get

1 to such a proposal. Before Mr. Helton comes in with the
2 Amity problems, are there any more comments on the Manvel
3 problem?

4 Mr. Higbee, do you have anything further you would
5 like to say at this time?

6 MR. HIGBEE: Only one thing, that whenever you place
7 a dam in, I think it's parallel somewhat with other situations --
8 whenever you place a dam in and control the flows out, why
9 there is a certain degree of ownership change, and I sure
10 think that we need to realize this in the future in regulations
11 and have an eye for rectifying them.

12 MR. SPARKS: I might comment on that point, Mr.
13 Higbee. There is no question but what this Compact changed
14 the rights of Colorado water users. Prior to the Compact,
15 of course, the Manvel did -- and other ditches, got greater
16 diversions for the simple reason that we weren't obligated
17 to deliver water to Kansas. When we obligated ourselves
18 through the Compact, to deliver water to Kansas, this burden
19 fell upon the Colorado water users in order of their priority
20 and there is no question but what the Compact did interfere
21 with your rights. There is no question about that. Not
22 only yourself, but other water users in Colorado as well,
23 but that's what an Interstate Compact does. And I think the
24 only practical method -- I just don't see any possibility
25 of amending the Compact.

1 MR. HIGBEE: The only thing that's pointed out by
2 Mr. McGrath in one of the figures that he gives out, is
3 that in this eight year period before the John Martin began
4 storing water, the figures are pretty well correlated. All
5 the other ditches pretty well had the same acre foot diversions
6 until you get down to these very junior priorities, and then
7 these were chopped drastically, four to one, and sometimes
8 to nothing, and I realize your position, the difficulty you
9 have changing in the Administration. Still, I am using this
10 as a format to point that out in the hopes that some agreement
11 can be made in the Colorado group that I think the burden has
12 fallen somewhat unfairly on the junior priorities.

13 MR. SPARKS: Of that there is no question. The
14 burden falls on the junior priorities. Every Compact we
15 have had, the junior priorities are hurt. There's no question.
16 You lose water -- you and others from a junior priority and
17 from the State level we are very anxious to see that some
18 agreement be arrived at in Colorado that would help solve
19 the problem of junior priorities which did at that time
20 lose water by this Compact. And we will make every possible
21 effort we can to see that that burden is distributed as fairly
22 as possible in Colorado, but that's going to fall on your
23 own neighbors to do that. We can't do much at the State
24 level.

25 MR. COOLEY: I would think that you had in effect

1 given encouragement to another effort, or any appropriate
2 effort to another realization of a percentage agreement to
3 administer the rights below John Martin in Colorado, out of
4 priority if unanimous consent can be obtained to such an accord.

5 MR. SPARKS: We certainly encourage it and I am
6 sure the State Engineer does, also.

7 MR. HIGBEE: Let me add one more thing, just to
8 clarify one thing, and I think Lane will agree with me.

9 Past agreements weren't broken necessarily because
10 of the feelings the Manvel Canal was trying to hook somebody --
11 it was usually between two other groups -- we were kind of
12 an innocent bystander, and kind of caught the water off the
13 curb, so to speak.

14 MR. HACKETT: In fact, I might go a little further
15 with that, if I may, Mr. Chairman.

16 MR. COOLEY: Please go ahead.

17 MR. HACKETT: In line with Mike's remark, that
18 in order to furnish water to those junior rights in District
19 67, that the senior rights had bent over backwards and
20 relinquished water under these percentage agreements which
21 have operated, but it would cost senior rights -- senior
22 rights did give water -- make water available to owners of those
23 junior rights and without their agreement, when one of the
24 seniors break that agreement why we are back on this old
25 hang-up of senior water.

1 MR. COOLEY: Mr. Higbee, the Compact Administration
2 is glad that you came here and is ready to hear you or any of
3 your family or persons on the Manvel Canal now or at any
4 other time, and thank you for coming. We appreciate your
5 father's great courtesy to us and intend to give that
6 courtesy in return.

7 MR. HIGBEE: Just so you don't think this is a
8 family canal --

9 MR. COOLEY: No.

10 MR. HIGBEE: -- I think we have seven hundred
11 shares in the thing and fifty-two hundred, so there are many
12 other families involved.

13 (Discussion off the record)

14 MR. COOLEY: Now, at this time we will go to Mr.
15 Helton's presentation with respect to the Amity.

16 MR. HELTON: Okay, Mr. Chairman. The Amity Canal
17 Irrigation Company would like to --

18 (Discussion off the record)

19 MR. COOLEY: All right. Without objection, the
20 Court Reporter will not transcript your initial presentation.

21 (Presentation by Mr. Helton for Amity Canal
22 Irrigation Company.)

23 MR. COOLEY: We need a discussion of this proposal
24 of you or anyone else, Mr. Helton, to start this off.

25 MR. HELTON: Okay. I'll describe what would
happen to these three conservation pools. With ten thousand

1 acre feet conservation pool, which is about what we had at
2 the beginning of the irrigation season this year, Kansas
3 would receive 5,400 acre feet as opposed to 4,000. The
4 ditches in Water District 57 would receive 18,000 as opposed
5 to 6,000. With twenty thousand acre feet conservation
6 storage, Kansas would receive 9,400 as opposed to 8,000. The
7 ditches in Colorado would receive 24,600 as opposed to 12,000.
8 With 30,000 acre foot conservation storage, Kansas would
9 receive 13,400 as opposed to 12,000. The ditches in Colorado
10 would receive 30,600 as opposed to 18,000.

11 MR. COOLEY: Where is the water coming from? Is
12 it the losses of the Great Plains Reservoir and the
13 transportation system to it?

14 MR. HELTON: It corresponds to waters that would
15 be diverted into the Great Plains Reservoir system. However,
16 because of the winter storage program through the Southeastern
17 Conservancy District, this water would be delivered out of
18 our winter storage program for delivery to the Amity at John
19 Martin or into the river for transportation to the John
20 Martin.

21 It's a good deal for -- and they can actually
22 develop more usable water through this proposal. I
23 personally think it's a good thing for Water District 67 and
24 for Kansas. I recommend that this Administration look upon
25 it favorably.

1 MR. COOLEY: Are there benefits to the Pueblo
2 Winter storage program?

3 MR. HELTON: I don't think that it has any effect
4 on the Pueblo winter storage program at all.

5 MR. COOLEY: Mr. Thompson?

6 MR. THOMPSON: Mr. Thompson, from Southeastern
7 District. We have reviewed a preliminary draft of this, and
8 it is compatible with the overall winter storage program in
9 Pueblo, because the waters involved are waters that accrue
10 to the Arkansas River below Pueblo Dam, and it's just
11 merely a change in procedure from whether it is delivered
12 to the headgate of the Ft. Lyon Canal or the water is
13 delivered directly to John Martin Reservoir.

14 MR. COOLEY: What are the immediate apparent
15 negative effects of this proposal?

16 MR. HELTON: Well, from a State standpoint, we
17 are letting 1,400 acre feet across the State Line. Maybe
18 we can find some way to keep some of that. I don't think
19 there are any other negative benefits. I think it's a good
20 deal for everybody concerned. I think we ought to encourage
21 it.

22 MR. COOLEY: Carl?

23 MR. BENTRUP: I am in favor of any plan that keeps
24 water in the Great Plains Region or in the John Martin
25 Reservoir. Where would this water be measured? If you put

1 it into the --

2 MR. HELTON: It would never go into the Great
3 Plains system.

4 MR. BENTRUP: That is if it did, would Ft. Lyons'
5 deliver your water to the Great Plains? It would be measured
6 then at the Ft. Lyon headgates?

7 MR. HELTON: Right.

8 MR. BENTRUP: And if this plan were adopted, it
9 would be measured and also with river loss to the John Martin
10 or how would that work?

11 MR. HELTON: Well, it would be delivered to Ft.
12 Lyons headgate, but I don't think it would be carried by the
13 Ft. Lyons. This is pretty customary procedure, to move water
14 from point A to point B, and the State Engineer could really
15 go into more detail.

16 MR. SPARKS: Your answer is yes, Mr. Bentrup.
17 The water would be measured at Ft. Lyons headgate and would
18 be delivered to John Martin Reservoir on that basis, less
19 river losses.

20 MR. BENTRUP: I'm in favor of that.

21 MR. HACKETT: It wouldn't be calculated losses;
22 it would be actual losses.

23 MR. BENTRUP: I would not want to make a decision
24 on it right today. Neither do I want to put it off. I
25 would like to see a committee appointed to make a study on

1 it for some facts and figures on it. I am in favor of
2 keeping any water in the river channel rather than sending
3 them to the Great Plains. It helps everyone when there's a
4 little more water.

5 MR. REEVE: From a practical standpoint, how
6 would it be to try this thing one year and see how everybody
7 likes it?

8 (Discussion off the record)

9 MR. POLLART: I would like to point out -- I am
10 Leo Pollart, President of the Amity Mutual -- that this
11 proposal for a one year trial period, and to answer your
12 question, this is water that is being diverted to us from
13 the winter storage program of -- or out of Pueblo. This is
14 the whole thing in a nutshell, as to where. It is merely a
15 matter of changing a point of diversion, I guess you would
16 say, rather than going to the Great Plains, of delivering it
17 into John Martin for more direct delivery down our canal.

18 MR. COOLEY: How long has your Board worked with
19 this proposal?

20 MR. POLLART: We have been kicking it around for
21 quite awhile, but I would say it has come to a head since the
22 Garden City meeting and we are working in conjunction with
23 the Pueblo storage as, you know, the Great Plains is entitled
24 to sit in on these planning of the Pueblo winter storage
25 program, and attempts to help to further that project and
proposal, and carrying this in conjunction with it and help

1 to decide whether -- or I guess you would say determine
2 whether there will be any more winter storage programs in
3 Pueblo.

4 MR. HELTON: Maybe it does have an effect on the
5 winter storage program.

6 MR. POLLART: It could have a very definite effect
7 on the whole river, as a whole.

8 MR. TEMPEL: Mr. Chairman, and Leo, why don't you
9 tell them what happened -- it was last year, didn't you run
10 water in that Keesee for about forty days and never did get
11 any water to the Reservoir?

12 MR. POLLART: Well, this is a combination of
13 events which did cost the Ft. Lyon and the Amity quite a
14 little bit, but weather conditions and everything such as
15 they were and then later on, when it proved unsuccessful,
16 we traded horses and put water further upstrea and then
17 drew it back, but it was very costly for both Ditch Companies
18 and we are trying every which way to conserve and use water
19 and Lord knows that District 67 is a short -- very short
20 and every way we turn we are shorted again, and we are
21 quite concerned about this thing. And it relates to a lot
22 of other things, and so this is why we are asking Duane to
23 present this today as a try to do something different than
24 what we have -- the rut we have been stuck in the last
25 thirty years since the Compact came about, and well -- this

1 is an opening move, that's all I can tell you.

2 MR. COOLEY: Mr. Tempel opened -- asked the question
3 that I needed to have asked in order as an outsider to get
4 some grasp on what's going on. The whole motivation of what
5 you are proposing has to do with the efficiency of the use
6 of large water rights that are owned by the Amity, does it
7 not?

8 MR. POLLART: That's correct.

9 MR. COOLEY: And it's obvious to everyone else and
10 just beginning to come through to me, that this matter
11 proposes a more efficient use of water which will enable you
12 in turn to seemingly pass benefits on to others.

13 MR. POLLART: Well, the way we figured it, maybe
14 that say due to circumstances such as last year, or in a
15 term of say thirty days delivering down the Kickinberg, which
16 is eighty miles long, into Great Plains storage, then back
17 into our systems, you run into a winter storm in the winter
18 time, it's costly. Now, if we had open weather, a clear
19 ditch, we have records to prove we utilize fifty-one percent
20 of waters taken and stored and returned to the ditch. Like
21 I say, we don't know the answers. We offered this proposal
22 as a try for one year. If we see that we don't benefit
23 more than we do, than going Great Plains, naturally we are
24 going back to the Great Plains -- that's all there is to it,
25 with winter stored water.

1 MR. COOLEY: If this proposal that you're making
2 is -- tends to the greater efficiency of water in the Arkansas
3 and if it has benefits to others than yourself, and if the
4 storage season is to be in December, it would appear that
5 action should be considered at the meeting today. Is that
6 not so?

7 MR. POLLART: That's right, because it will help
8 us to determine our stand and our position in conjunction
9 with the winter storage program at Pueblo as to what
10 decision and have a bearing on whether or not you might
11 say there will be a winter storage program in Pueblo.

12 MR. COOLEY: And if this Board were to act
13 today favorably to your proposal, this action would be
14 completely fruitless unless and until there were the
15 unanimous accord of the water users as to the utilization of
16 the 600 cubic feet of water out of John Martin. Is that not
17 correct?

18 MR. POLLART: Yes. Yes.

19 MR. COOLEY: Mr. Sparks, is the -- I'll address
20 this to the entire Commission. Is the proposal put together
21 with sufficient clarity and certainty that it is susceptible
22 of being approved by the Compact Administration today in
23 Aspen?

24 MR. POLLART: I might add that the total 600, with
25 very little deviation -- not going over the 600 feet -- I am

1 quite sure could be arranged between the ditches below in
2 67.

3 MR. HACKETT: May I have fifteen seconds?

4 MR. COOLEY: Go ahead, Lane.

5 MR. HACKETT: After this proposal -- I am sure
6 that all of District 67 had received this proposal prior to
7 today, or as soon as possible after it was made up, by the
8 Amity Canal, is that right, Leo? All the 67 --

9 MR. POLLART: All of them. It was presented at
10 the meeting a week ago yesterday.

11 MR. HACKETT: The majority, let me put it this
12 way -- the majority of the District in Water District 67
13 has had some communications on this, and some thought given
14 to it and as far as I'm concerned, I feel if they had
15 objections, any opposition as far as 67 was concerned, I
16 would have heard about it.

17 MR. SPARKS: Well, that's an internal matter with
18 Colorado which really doesn't concern Kansas, and that's
19 something we will have to determine the attitude of the water
20 users in Colorado.

21 The question proposed by the Chairman is whether
22 or not this is sufficient that the Commission could act on
23 it. I would say, yes, with reservations -- not with
24 reservations -- yes, with conditions and by those conditions
25 I mean that a specific operating procedure would have to be

1 formulated which is acceptable to both Colorado and to
2 Kansas.

3 I think there are other details that the Commission
4 needs to be informed upon and right down to the specifics,
5 and including whether or not this is agreeable to all the
6 water users in Colorado, which as I say, is an internal
7 matter with us, but the Commission, I don't think, can act
8 on it and say yes, we are going on it and let it go with
9 that.

10 I think we would have to follow up with at least a
11 special committee that would oversee the proposed operation.

12 MR. ESGAR: Mr. Chairman?

13 MR. COOLEY: Yes.

14 MR. ESGAR: Arthur Esgar, Director, Ft. Lyon
15 Canal. I think it is an internal matter. I am interested
16 more in the matter of procedure with the -- the idea of the
17 Amity's proposal of the 15,000 acre feet being stored in the
18 Pueblo Dam. However, in the matter of efficiency, use of
19 winter water, we wanted to suggest that perhaps some procedure
20 other than the 82 feet per day be delivered for the winter
21 storage period. It seems to us that we are a winter
22 irrigation season -- the Ft. Lyon is. We irrigate in the
23 winter time and while we would be willing to enter an
24 agreement whereby Amity got the 15,000 acre feet, we would
25 like the privilege or the arrangement that we would get it

1 to them when the river was -- when it was too cold to
2 irrigate. That was the benefit both of us receipt of the
3 winter water proposal. If we will guarantee that 15,000
4 acre feet goes to Amity, but when it is possible to irrigate
5 we would like to do the same as we have in the past, with
6 Amity, use it in our system. Perhaps that should be
7 considered. I am not sure I made this exactly clear, but
8 to give them 82 feet every day cuts our headwaters down to
9 where we are less efficient, whereas if we could use both
10 of it when irrigation is possible and give them all of ours
11 when it's frozen up, we would both derive the same amount of
12 water.

13 MR. SPARKS: I certainly get your point. Again,
14 as I say, some internal matters in Colorado that have to be
15 finalized, including the problem of the Ft. Lyon, but I
16 want to state in the eighteen years now I have sat on this
17 Commission, this was one of the most encouraging signs I
18 have seen and I think the Amity is certainly to be commended
19 for coming forward with a proposal I think is deserving of
20 a try, but whatever is worked out, it's going to have to
21 be done in close cooperation with water officials of both
22 States and I think we could act upon it with that
23 understanding, that whatever is finalized it has got to be
24 subject of the approval of the Compact Administration.

25 MR. COOLEY: Mr. Pollart, it's clear from what

1 you have said that procedurally the Compact Administration
2 could make some form of approval for the machinery of this
3 proposal with the condition subsequent as it is phrased, that
4 the one hundred percent agreement be obtained before it takes
5 effect.

6 Would an accomodation with the Ft. Lyons¹ be out of
7 line as an additional condition, subsequent, or could -- do
8 you think that accomodation would and could be made?

9 MR. POLLART: I am quite sure it could.

10 MR. COOLEY: Okay. That ought to be good enough
11 for one year experiment and further procedures right this
12 minute.

13 MR. POLLART: I might add, the one reason we would
14 if possible, like to get clearance for the go ahead is that
15 I believe it's the 24th -- Tommy?

16 MR. THOMSON: Yes, sir.

17 MR. POLLART: We hope for indication as to whether
18 or not a winter program will proceed in Pueblo, which gives
19 us ten days. I feel that if the Commission would go ahead
20 on a trial basis with reservations, as you said, that it
21 would clear our feelings and help us -- be helpful towards
22 the completion of another year of trial winter program in
23 Pueblo and I would encourage the go ahead of the Commission
24 if they see fit, so that we can further our plans and strive
25 to help, if we can, in the Pueblo program.

1 MR. COOLEY: I understand what you are saying,
2 Mr. Pollart.

3 MR. BATES: Mr. Chairman, I would make a motion,
4 if it's in order, at this time --

5 MR. COOLEY: Well, let me go at it a different
6 way, with your leave, and it's simply this:

7 I think that we ought to look carefully at the
8 machinery and the qualification of this Board that would be
9 necessary before we entertain a motion that there ought to
10 be a discussion of what are the things and what are the
11 steps that would have to be nailed out prior to any motion
12 being made. I don't mean to -- I don't mean to throw
13 roadblocks into this. Frankly, the contrary.

14 Mr. Gibson, may we have your comments on what
15 safeguards or items of machinery would be necessary before
16 such a proposal could be considered by this Commission?

17 MR. GIBSON: Well, I think Mr. Sparks expressed
18 it very well a minute ago in that -- that if I understood
19 Mr. Sparks right in that this matter should be referred to
20 an appropriate committee to come up and study this and with
21 the safeguards and with the administrative procedure to
22 handle it. At the same time, I think if we are all in
23 agreement that this is worthwhile, we can go so far as to
24 indicate that subject to such conditions that might be
25 developed here in the near future, we go with the plan.

1 MR. COOLEY: Would you envision that the definition
2 of the safeguards was a more of a professional and engineering
3 procedure than one of substance and might well be referred
4 to professionals from both States, meeting together to work
5 on the problem. Is that the way you see it?

6 MR. POLLART: I think so, yes.

7 MR. GIBSON: Yes. That's the way I would feel
8 about it.

9 MR. COOLEY: Pushing this farther -- would you think
10 that someone from your staff or yourself and someone from
11 Mr. Sparks staff or himself, would be those persons properly
12 to work out the operative procedures and to define them?

13 MR. GIBSON: Yes. I think that's as far as it
14 goes, however, I think we would want to broaden it a little
15 bit to bring in the Secretary of the Compact and some of the
16 people that are involved want to meet at the same time.

17 MR. COOLEY: Well, that -- with those comments, it
18 would seem to me that it would be perhaps appropriate that
19 one member of the Compact from each State, that one of the
20 professional engineering staff from each staff having
21 concern and the Secretary -- the five of them -- meet to
22 define those safeguards and items of language necessary
23 properly to protect the interests of the Compact and --

24 MR. REEVE: Mr. Chairman?

25 MR. COOLEY: Yes, sir, Mr. Reeve.

1 MR. REEVE: Since you are going to have a meeting
2 of those particular groups along in the middle of September,
3 is it out of order -- would it be too late for those items
4 to be considered at that meeting?

5 MR. COOLEY: September is a good bit before
6 December, and I think the attitude, if I can detect it --

7 MR. REEVE: I believe they said something about
8 deadlined the 24th of August.

9 MR. COOLEY: Mr. Reeve, I think that your comment
10 is right, that is to say, if this Board should say these
11 five fellas will hammer out the safeguards, but when that
12 committee has hammered out the safeguards with each State
13 having veto power, we approve of what is sought to be done,
14 subject to those safeguards, that certainly the Amity and
15 the Ft. Lyon and the Pueblo storage project all would have
16 enough assurance -- that would be a reasonable assurance for
17 them, as I understand it. Is that right, Mr. Thompson?

18 MR. THOMSON: Yes, sir. With this thought in
19 mind on a time table. First of all, I want to assure Mr.
20 Sparks' comments, that's the most encouraging concept I
21 have seen in quite some time. I am sure we can work it out.

22 Also, you will have your regular annual meeting
23 in December, this being purely experimental, Mr. Chairman.
24 Between now and then, if there are grave misgivings or
25 whatever the case may be, in the Compact administration would

1 just say because of certain elements it is aborted -- it
2 is aborted, then we would have to go back to the second phase
3 of either the Amity would go on into the Great Plains of
4 whatever the case may be, but I appreciate what Leo was
5 saying, as President of the Amity. They do want to come to
6 the next meeting of the winter storage group on Tuesday, the
7 24th, with the confidence that this Administration is favorable
8 to the concept, but again with the safeguards. In December,
9 if it isn't there, you can kill it.

10 MR. COOLEY: Mr. Pollart, do you follow the
11 proposed procedures? Does it sound reasonable to you?

12 MR. POLLART: Yes.

13 MR. COOLEY: And does it sound reasonable to the
14 Ft. Lyon, as well?

15 MR. ESGAR: Yes, sir.

16 MR. COOLEY: All right, Harry, if on behalf of
17 Colorado you wanted to ~~make a motion now that there be a~~
18 committee of five that meet at the same day as the other
19 meeting, to consider those safeguards, I'd sure entertain
20 such a motion.

21 MR. BATES: I will so move.

22 MR. COOLEY: Now, this motion had to do with the
23 creation of a committee. Does Colorado vote for the
24 creation of such a committee?

25 MR. SPARKS: Yes.

1 MR. BATES: Yes.

2 MR. TEMPEL: Yes.

3 MR. COOLEY: Does Kansas wish to vote on the
4 motion for the creation of a five man committee, each State
5 to have a veto on that committee? That is part of your
6 motion?

7 MR. BATES: Yes. That's what you said.

8 MR. BENTRUP: Yes.

9 MR. GIBSON: Yes.

10 MR. REEVE: Yes.

11 MR. COOLEY: So a committee has been created of
12 five men to consider this.

13 MR. SPARKS: We will designate ours right now.
14 Mr. Harry Bates, if he will accept it, representing Colorado
15 Commissioners and Mr. Duane Helton, representing the State.

16 MR. GIBSON: I would like to designate Carl for
17 this.

18 MR. COOLEY: Mr. Carl Bentrup will be the
19 representative from the Commission and the Engineer from the
20 State of Kansas will be designated later.

21 MR. GIBSON: Can I send you a name on that?

22 MR. COOLEY: You bet. Will be named later.

23 MR. GIBSON: It will be either Harry Mackey or
24 Jerry.

25 MR. COOLEY: Lane Hackett will be the fifth member

1 of the committee. At this time the Chair would entertain a
2 motion from Kansas that the proposal of the winter storage
3 of the Amity Mutual Irrigation Company be accepted as an
4 experiment and subject to the findings of the five man
5 committee.

6 MR. BENTRUP: I would move.

7 MR. COOLEY: It has been moved by Kansas, approved
8 by Colorado.

9 (Discussion off the record)

10 MR. COOLEY: I would like now to turn the meeting
11 to matters of budget and Mr. Hackett has a mysterious item
12 about which he has been telephoning me weekly for many
13 months. Mr. Hackett, would you please proceed.

14 MR. HACKETT: Should it be necessary that I go
15 back to the annual meeting at Lamar, on December 9, 1975?

16 MR. COOLEY: No. Just tell us what the -- I did
17 not interrupt him -- just tell us what the problem is and what
18 you want to be done.

19 MR. HACKETT: We have a budget authorized for --
20 at the annual meeting in Lamar, a proposed budget which was
21 authorized but subject to additions for monitoring monies that
22 was to be handled in our April meeting, or May meeting, at
23 Garden City, but due to the fact that the U.S.G.S. hadn't got
24 all the figures and Mr. Grozier was unable to attend that
25 meeting, these new station monitoring systems and the expense

1 and so forth was not available and it was just recently that
2 they had -- he had come up with them, and he presented the
3 picture today, but to get -- I don't think I need to
4 emphasize or I hope I don't, because it seems to be at every
5 meeting that the Compact Commission has had since I have been
6 Secretary, I have been crying about the measurements of
7 water at Compact stations, and I have felt -- my conscience has
8 hurt me a little bit about it. I was laying into the U.S.G.S.
9 pretty hard, but they have done a wonderful job with their
10 facilities and budgets and so forth, but I -- in order to
11 handle this measurement of inflow, and also outflow, at State
12 line flow, which is all a part of the Compact, that these
13 stations are very important to me.

14 I live with that receiver, down there twenty-four
15 hours a day, and I get a gauge height, when it's working, from
16 each station every hour. When there's four stations sending
17 those reports in on those gauge heights in one for each
18 station every hour --

19 MR. COOLEY: Is that equipment shot?

20 MR. HACKETT: It has been shot for some time.
21 It operates on a battery set-up, part of the time. Some of
22 it is on electrical or 110. We get a thunderstorm and it
23 blows out your power lines. The batteries play out rather
24 fast and they cannot send a signal that's readable from a
25 weak battery, and the U.S.G.S. are having trouble,--I understand,

1 of coming by those batteries, even to get them purchased.

2 Now, Mr. Fidler can probably fill in the details
3 that I haven't covered.

4 MR. COOLEY: Are those stations essential to the
5 operation of the John Martin, particularly in view of the
6 proposed winter storage program, and the permanent pool?

7 MR. HACKETT: Definitely.

8 MR. COOLEY: Have you explained these needs to
9 the Commission at previous meetings?

10 MR. HACKETT: Well, not -- we have discussed
11 them.

12 MR. COOLEY: Have you touched on them?

13 MR. HACKETT: I think the Commission is pretty
14 well aware of my crying and so forth about it.

15 MR. REEVE: As I remember, the Commission charged
16 you with finding out bids, prices, alternatives, because we
17 wanted to do something, if we could.

18 MR. HACKETT: Yes, sir, and that's what Mr. Grozier
19 has offered today.

20 MR. COOLEY: How much are the total damages?

21 MR. HACKETT: About sixteen thousand dollars. I
22 haven't had a chance to require these notes -- did you get a
23 chance to look these over, Felix?

24 MR. SPARKS: That doesn't have any line cost in
25 it, that proposal.

MR. REEVE: For the teletypes.

1 MR. SPARKS: No. I don't know. I think other
2 than that, it's compatible with the figures that were given
3 to us this morning by Mr. Grozier, but it doesn't have any
4 line cost included.

5 MR. REEVE: If we stayed with four units you have
6 got now -- he said those were \$3,700 apiece, that would be
7 most of it right there, see? And you would have a base
8 station.

9 MR. COOLEY: Hang on. Just hold on, Dick. Is
10 what you are asking that you be instructed to include this
11 in the budget presentation you make to this Commission in
12 December? Is that what you are asking?

13 MR. HACKETT: Yes. That I submit to the Governors
14 of both States immediately, or as soon as possible after this
15 budget is approved, either with this addition to the --

16 MR. COOLEY: You lost me -- pardon me -- you lost
17 me. Are these budgets to be submitted to the Governors of
18 the two States in August, or -- /

19 MR. HACKETT: Yes, sir.

20 MR. COOLEY: Are they going to -- they are?

21 MR. HACKETT: Yes, sir. Just immediately, as
22 quick as I can get home and get on the stick.

23 MR. COOLEY: All right.

24 MR. HACKETT: With the approval of the Compact,
25 whatever they would come up with.

1 MR. COOLEY: Have the other items of the budget
2 already been covered by the Commission?

3 MR. HACKETT: Yes, sir. At the annual meeting,
4 but there may be some revisions that they would like to
5 make.

6 (Discussion off the record)

7 MR. HACKETT: May I give you a copy and pass some
8 copies out?

9 (Discussion off the record)

10 MR. HACKETT: There are some tentative figures
11 that --

12 (Discussion off the record)

13 MR. HACKETT: This budget that I just handed
14 out, Mr. Cooley, is one that was approved at the annual
15 meeting in Lamar, but it was subject -- in the minutes, we
16 will find it was subject to any additions that the U.S.G.S.
17 might come up with, figures on the cost of monitors and to
18 be in addition to this.

19 MR. COOLEY: All right. Is the radio equipment in
20 place in the \$4,400 figure, or is it in addition thereto?

21 MR. HACKETT: Addition, sir. This is just an
22 annual expense with the cooperative agreement with the U.S.G.S.

23 MR. COOLEY: Okay. And is that totally borne
24 by the Compact Administration? That entire expense?

25 MR. HACKETT: This \$4,400?

1 MR. COOLEY: No. This sixteen -- the sixteen
2 thousand bucks.

3 MR. HACKETT: I think that would be a fifty-fifty.

4 MR. COOLEY: Now, you may speak, Dick.

5 MR. FIDLER: I am Dick Fidler, with the Geological
6 Survey. What we did -- on that it would be a fifty-fifty
7 program. Like the other program. The \$4,400 you are looking
8 at there is \$8,800, -- that's half, so the sixteen is the
9 total figure.

10 MR. COOLEY: Now, with the wire --

11 MR. FIDLER: The figures Lane has, it's an option.
12 One is repairing and fixing up and the other is changing.

13 MR. TEMPEL: In other words, the \$4,400 would be
14 replaced by the \$16,000?

15 MR. COOLEY: No. No. It's in addition.

16 MR. FIDLER: The \$4,400 stays; the \$16,000 is
17 changing to the new equipment; the \$5,800 we have, that
18 Dick presented this morning, is a repair.

19 MR. COOLEY: All right. Is there -- now, the
20 line -- the teletype line, apparently, Mr. Reeve, is not in
21 the figure. Half of sixteen therefore should be nine
22 thousand and not eight thousand, it would seem to me, and
23 is there a motion?

24 MR. REEVE: You would have to have how many lines,
25 then? You would have to have a station in Lamar and we'd

1 have to have one in Garden City. Would you have to have one
2 in Pueblo?

3 MR. HACKETT: They don't have now. They haven't
4 had.

5 MR. REEVE: But somebody would have to pay for at
6 least two lines.

7 MR. HACKETT: I think this is strictly Compact,
8 unless the State would like to -- as far as I'm concerned,
9 I haven't had any information from anybody in the State that
10 they should be involved in this. Tommy, do you have
11 something?

12 MR. THOMSON: Yes. Bob Jesse and I have been
13 talking about it. Unfortunately they had to leave. It
14 wouldn't involve this particular action right now, but we
15 are talking about the Division Engineer's Office in
16 cooperation with the District, these various gauging stations
17 getting lines directly in -- at the moment we read four
18 gauging stations and calling in these figures, we are going
19 to try to work on a sophisticated program.

20 MR. COOLEY: It seems to me that the sixteen
21 thousand dollar figure is not refined, and wasn't presented
22 as being a refined final figure. It was just a horseback
23 estimate of what some of the gross prices were, but did not
24 include a number of things, placement contingencies and other
25 items that always are necessary for the completion of the

1 work and therefore, if we are to proceed with this, if it
2 is desirable at all, we ought to have a figure enough to do
3 the job and not something that's twelve hundred short of doing
4 the job.

5 MR. HACKETT: Right.

6 MR. REEVE: Yes. I think as far as I know, everybody
7 agrees we are going to have to have some new monitoring
8 equipment on those stations.

9 MR. HACKETT: Or a damned sight faster Secretary
10 than you have today, to cover those stations.

11 MR. COOLEY: Yes. And that being so, Mr. Reeve?

12 MR. REEVE: We are just going to have to get it
13 worked out and it looks like the U.S.G.S. thinks we need the
14 the satellite system is probably the most effective, most
15 efficient for us, and it sounds pretty good to me, and we
16 will just have to get formalized on what some of those line
17 fees would be and some of those things.

18 I am very much in your line of thinking. I think
19 that the sixteen thousand is a bare bones minimum thing, and
20 I think we'd better be thinking along terms of twenty, and
21 see what that will do.

22 MR. COOLEY: Would your motion then be that the
23 Secretary be authorized to put in as much as ten thousand
24 dollars in the budget for actual costs of satellite
25 communication equipment?

1 MR. REEVE: Well, yes, except for the fact that
2 Mr. Gibson tells me that their deadline in Kansas for the
3 1977 budget is tomorrow and it already has been approved by
4 the Kansas State Board of Agriculture, which you know, we
5 may be in an impossible situation, but he has got some money
6 in the budget for this thing, but I don't think that much.

7 MR. HACKETT: I approached Mr. Gibson on that
8 yesterday during the tour and I may have misunderstood him,
9 but I thought maybe if I got home quick enough -- I am not
10 leaving tonight, but I will if I have to -- I didn't plan
11 on it, but I will get those budgets, whatever we come up
12 with and get them in the mail.

13 MR. SPARKS: It's not a question of mail -- I
14 don't need anything in the mail. I need to know where we
15 are going. Our budget has already been presented, to begin
16 with, so I am going to have to amend it damned fast, so I
17 will make a motion that we add ten thousand dollars to the
18 budget for the fiscal year 1977-78.

19 MR. COOLEY: All right. That has been carried
20 by both Colorado and Kansas, and Lane, no kidding, I think
21 that you should be doing a good deal of telephoning, whatever
22 is necessary, both to Mr. Sparks and to Mr. Gibson, to make
23 sure that these items are pressed as far as possible, because
24 of limitations of budget loss.

25 MR. SPARKS: I don't need to know anything further.

1 MR. COOLEY: Fine. Are there any other
2 essential changes to be made in the budget?

3 MR. REEVE: Well, Guy Gibson mentioned, and if
4 this estimated carry-over is one hundred dollars, isn't that
5 an awful narrow margin. Would that be contingencies?

6 MR. HACKETT: May I answer that?

7 MR. REEVE: Yes.

8 MR. HACKETT: To the best of my knowledge, it's
9 going to be a very narrow margin due to the fact that we have
10 been operating in the past on one annual meeting a year, which
11 we had coffee expense. This year we have had -- well a
12 little meeting room expense sometimes, but this year, we have
13 had two special meetings and the Compact took care of the
14 Garden City meeting partially for the Board Members, but
15 they didn't near cover the Board Member's expenses and we have
16 this meeting at Aspen which has been very expensive to the
17 Board Members themselves, and I don't know how they wish to
18 handle the expense of this, either -- it's out of their
19 pockets or Compact money, but we are going to be on a very,
20 very tight situation from here on till this 1977 budget comes
21 into effect, because we have been running on a very short
22 carry-over.

23 MR. COOLEY: In answer to a specific question I
24 made to the Secretary over the noon hour, I determined that
25 he had not had any change in compensation in I believe seven

1 years. I don't seek to needlessly raise the budget of any
2 organization, but I think we can all take notice of the cost
3 of living index and the wage adjustments that are common in
4 other parts of Government and governmental activities, and
5 I think that this and other matters of the budget are such that
6 it's just apparent to me that this budget is -- has not been
7 written with some of the present activities in mind.

8 Furthermore, while I am rolling, I can assure you
9 that as far as the present Chairman is concerned, the meeting --
10 that there will be as many meetings as is necessary to handle
11 the work that comes before the Commission, and that we will
12 be working more frequently than once every December, especially
13 with things like winter storage and subcommittee meetings
14 and so forth and I am concerned about the apparent inadequacy
15 of the budget.

16 MR. REEVE: Lane, what kind of cash position and
17 bond and so forth? Have we got any assets besides the budget?

18 MR. HACKETT: No, sir. No, sir.

19 MR. BATES: No carry-over deals. That's the
20 reason for the one hundred dollar carry-over. We are going
21 to live on that budget, or it goes back.

22 MR. SPARKS: The Administration does not pay any
23 expense to anyone except the Secretary. Each State must bear
24 it's own expense.

25 MR. COOLEY: It increases his expenses.

1 MR. SPARKS: It increases his expenses, but not
2 the Administration.

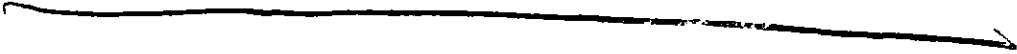
3 MR. COOLEY: That's right. That's what the Compact
4 says.

5 MR. HACKETT: I think another item that should be
6 given some serious consideration was on the budget that was
7 approved, or tentatively approved with the monitoring set-up
8 to be approved later, is the telephone and telegram item,
9 travel expense, which your Secretary has benefited mostly
10 from, and our professional services, since we have gone to
11 perfection on recording the minutes of these meetings, is --
12 were not covered in this budget, and definitely I think it
13 is the proper way to have on your Compact meetings, as much
14 as we can have, because either that or a new Secretary,
15 because I am not qualified to take minutes in any shape,
16 way or form, so there is some -- there would be the
17 professional services, the telephone, telegram item and
18 travel expense that I should think -- I feel should be
19 looked at pretty closely on the final budget to be presented
20 to the States.

21 MR. BENTRUP: Well, let's go item by item and get
22 this thing going.

23 (Discussion off the record)

24 MR. SPARKS: To get this over with, I move we
25 add two thousand dollars to the budget and ~~just distribute.~~



1 it among the various items here.

2 MR. COOLEY: That's a Colorado motion.

3 MR. BENTRUP: Kansas seconds.

4 MR. COOLEY: Approved by both States.

5 This Commission will hear anybody that has come
6 before it, especially those that have travelled long
7 distances. Is there anyone here who wishes to be heard who
8 has not been heard?

9 I know there is some people, Tommy, we haven't
10 recognized formally, and we should have, and for that lapse
11 I apologize, but is there anyone here that wishes to be
12 heard before this Commission?

13 Is there any other matter that -- yes?

14 MR. WILLIAM HOWLAND: Mr. Chairman? Bill Howland.
15 Since you give me this opportunity, I stand before you now
16 with mixed emotions. I am very happy that you moved favorably
17 on the Amity proposal.

18 My other emotion is that I have fought against the
19 permanent pool for some sixteen years. And I would like to
20 ask the Commission, or the Administration, to clarify for me
21 exactly what the resolution established?

22 I will ask you specifically, does the Resolution
23 entitle the State of Colorado to store for a permanent pool
24 purposes only the Muddy Creek waters?

25 MR. SPARKS: Yes, at this time.

1 MR. HOWLAND: Any other waters to be stored has
2 to come before the Administration?

3 MR. SPARKS: Correct. In another Resolution,
4 correct.

5 (Discussion off the record)

6 MR. SPARKS: Muddy Creek water is the only water
7 covered by this Resolution.

8 MR. HOWLAND: In effect, what you have done is to
9 establish the permanent pool idea in John Martin, with the
10 assurance that any time any water is to be transferred into
11 this pool, the Administration has to approve by Resolution
12 any other water?

13 MR. SPARKS: Correct. Each case has to be
14 approved separately by the Administration.

15 MR. HOWLAND: All right. Now, I know you have
16 already adopted the operating criteria, but I wish that you
17 would take into consideration two or three points that I
18 might say periodically, I really think Duane Helton did a
19 Hell of a job on the Amity's proposal, but I have reservations
20 on his work on the permanent pool.

21 MR. SPARKS: I think we can resolve that issue
22 swiftly. Any time there is nothing fixed about these
23 operating principles, we can change those at any time. I am
24 sure the Compact Administration is going to do so if they
25 appear unworkable, so if at any time anybody has any objections

1 to those operating principles, I think it should be brought
2 before the Commission and give us an opportunity ahead of
3 time to study it. We will damned sure consider changing
4 it. There is nothing fixed about that. What we have done
5 today we can undo tomorrow.

6 MR. HOWLAND: Very good. That gives me some
7 encouragement, and I see some light there at the end of the
8 tunnel, as Mr. Higbee said.

9 I might just -- in view of my reservations -- it
10 would only take a moment.

11 There was testimony this morning that the gauging
12 stations were inadequate to administer the Compact water at
13 the present time, and Mr. Sparks, I believe you said that
14 the State of Colorado had no funds to update them.

15 MR. SPARKS: Well, we just voted twenty thousand
16 dollars for that very purpose. That's what the twenty
17 thousand dollars was, we just added to our budget. Not
18 separately, the State of Colorado does not. I mean, I don't
19 have any funds in my own budget, but we just voted to add
20 twenty thousand dollars to the Compact budget for this coming
21 fiscal year for that very purpose, to update the gauging
22 stations.

23 MR. HOWLAND: Very good. That takes care of
24 that.

25 All right. I have some concern about the paragraph

1 six (d), the volume of conservation storage will be determined
2 by deducting the permanent pool storage from the total
3 storage.

4 (Discussion)

5 MR. COOLEY: These, of course, were discussed, as
6 well, at Garden City, and have been considered in the drafting
7 of the criteria, Mr. Howland. This is a problem that the
8 Compact Administration is aware of, and is thrashing around
9 with, as well.

10 MR. HOWLAND: I attended the meeting in Garden
11 City, but my concern still exists. I guess I haven't been
12 in the bar with you guys or something.

13 One other consideration is that there really
14 hasn't been any discussion about the possible change in the
15 quality of the water and under State Statute -- Colorado
16 State Statute, I think that District 67 people are entitled
17 to not only the quantity of the water as such, but the
18 quality of the water that they can make use of historically.
19 Now, that is not to say that this might deteriorate the
20 quality of the water all that much, but I have some
21 reservations about the loss of siltation in conjunction
22 with the permanent pool, because I know that I have seen
23 the Corps of Engineer's figures that show open reservoir with
24 no permanent pool as low as thirteen percent trap efficiency.
25 You can bet on a trap efficiency of at least ninety-six ---

1 percent, according to the Corp of Engineers, with a
2 permanent pool. So if you trap ninety-six percent of the
3 sediment, you are not going to have very muddy water below
4 John Martin Reservoir any more.

5 MR. COOLEY: Mr. Howland, we will hear you again
6 on this subject, I am sure, and I am not trying to be
7 sarcastic with my remark, either, and I am satisfied as well
8 that this Commission will be hearing reports not only from
9 you but from the governmental agencies on this very question,
10 which of course we can't thrash out this afternoon.

11 I am very glad you raised your questions and I am
12 with your history on the permanent pool, I think you had
13 every right to speak up and we are delighted to hear from
14 you and will be looking forward to hearing from you again
15 in December.

16 At the December meeting the Corps of Engineers
17 will be giving the lead-off report and to the extent that
18 this fits in with their research they may well touch this
19 point in addition to the others that they are going to
20 report on.

21 MR. HOWLAND: Thank you for the opportunity to
22 be heard.

23 MR. COOLEY: Thank you, sir. Is there anything
24 else to come before the Compact Administration?

25 If not, the meeting is now adjourned.

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STATE OF COLORADO)
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COUNTY OF MESA)

I, Leila E. Mosher, Certified Shorthand Reporter of the State of Colorado, hereby certify that I took the foregoing proceedings in accurate shorthand notes, and that the foregoing pages numbered one (1) through one hundred thirty-eight (138), both inclusive, constitute a full, complete and accurate transcription thereof.

DATED at Grand Junction, Colorado, this 31st day of August, 1976.

Leila E. Mosher

Leila E. Mosher, C.S.R.

ARCA Meeting
August 14, 1976