

MINUTES OF
ARKANSAS RIVER COMPACT ADMINISTRATION
MEETING

COW PALACE MOTEL
Lamar, Colorado
December 13, 1977

ATTENDANCE:

Federal Representative:

Frank G. Cooley, Meeker, Chairman

For Colorado:

Felix L. Sparks, Denver
Kent A. Reyher, Las Animas
Leo Idler, Lamar

For Kansas:

Guy E. Gibson, Topeka
Carl E. Bentrup, Deerfield
W. F. Stoeckly, Garden City

Secretary:

Lane L. Hackett, Lamar

OTHERS ATTENDING:

C. V. Mills	Lamar Daily News	Lamar, Colo.
Ron Steger	U. S. Geological Survey	Pueblo, Colo.
Craig C. Dennison	Arkansas Valley Journal	La Junta, Colo.
Richard U. Grozier	U. S. Geological Survey	Lakewood, Colo.
Dick Fidler	U. S. Geological Survey	Pueblo, Colo.
John Lefferdink	Ft. Lyon Canal Co.	Lamar, Colo.
George Reyher	Ft. Lyon Canal Co.	McClave, Colo.
Wayne Schroeder	Ft. Lyon Canal Co.	Boulder, Colo.
Paul Weimer	Ft. Lyon Canal Co.	Wiley, Colo.
John Dumeyer	Hydro Engineering	Pueblo, Colo.
Wm. Howland	Amity Mutual	Holly, Colo.
Leo J. Pollart	Amity Mutual	Holly, Colo.
James H. Stramler	Ft. Lyon Canal Co.	Las Animas, Colo.
Kenneth Dotson	Ft. Lyon Canal Co.	Las Animas, Colo.
Daune D. Helton	C.W.C.B.	Denver, Colo.
Jack Vayhinger	Colo. Div. of Wildlife	Colo. Springs, Colo.
Jim Kasic	Div. Engineers Office	Pueblo, Colo.
Robert W. Jesse	Div. Engineer	Pueblo, Colo.
Rene A. Barker	U. S. Geological Survey	Garden City, Kans.
ED Gutantag	U.S.G.S.	Garden City, Kans.
Dennis L. Lacock	U.S.G.S.	Garden City, Kans.
Gerald E. Hilmes	Div. of Water Resources	Topeka, Kans.
Howard C. Corrigan	Div. of Water Resources	Garden City, Kans.
Jim Miles	LAVCOG	Las Animas, Colo.
Al Putman	S.E.W.C.D. Director	Las Animas, Colo.
Bob L. Easley	Dist. Corps. of Engr.	Albuquerque, N. M.
P. O. Abbott	Fryingpan Arkansas Project	Pueblo, Colo.
Robert Tempel	Farmer	Wiley, Colo.
Harry Bates Jr.	Farmer	Holly, Colo.
Bob McCabe	C.W.C.B.	Denver, Colo.
Carl Buckstein	Pueblo, Chieftain	Pueblo, Colo.
Claire Stafford	KLMR	Lamar, Colo.
Patrick Elihart	Bent County Democrat	Las Animas, Colo.
Norman Vagher	Amity Mutual	Bristol, Colo.
Edward Smartt	Amity Mutual	Lamar, Colo.

Others Attending, continued

LeRoy Nickelson	Fort Bent Ditch Co.	Lamar, Colo.
G. R. Idler, Jr.	Fort Bent Ditch Co.	Lamar, Colo.
R. E. Northrup	Fort Bent Ditch Co.	Lamar, Colo.
Micheal Higbee	Manvel Canal	Lamar, Colo.
Alfred L. Fuller	Corps of Engrs.	John Martin Res.
Dale L. Coven	Div. of Wildlife	Las Animas, Colo.
Russell Smith	US-CE-C Resident Engr.	John Martin Res.
Arlyn C. Davison	Water Comm. District #17	Swink, Colo.

MEETING CALLED TO ORDER

Mr. Cooley called the meeting to order at 9:00 a.m. and made note that today marked the last day of the Twenty Ninth year of the Compact.

The chairman recognized the three new appointees to the Administration, Leo Idler, Lamar, Colo., Kent Reyher, Las, Animas, Colo., W. F. Stoeckly, Garden City, Kans., and Carl Bentrup, Deerfield, Kans. reappointed to succeed himself. Each member of the Administration was asked to introduce himself.

ELECTION OF OFFICERS:

Vice-Chairman - Mr. Carl Bentrup was regularly nominated and re-elected by the vote of each state.

Secretary - Mr. Lane Hackett nominated and regularly elected by the vote of the states.

Treasurer - Mr. Leo Idler regularly nominated and unanimously elected by the vote of the states.

TREASURERS BOND:

The present treasurers position bond in the amount of \$5000.00 was discussed as being adequate or not to cover the increasing assets and activities of the Administration. Mr. Bentrup moved to make the bond \$15,000.00, Mr. Gibson seconded the motion. The states approved motion.

ELECTION OF STANDING COMMITTEES:

Administrative and Legal committee - Mr. Sparks & Mr. Bentrup

Engineering Committee - Mr. Gibson and Mr. Reyher

Operations Committee - Mr. Idler and Mr. Stoeckly

AMITY-GREAT PLAINS WINTER WATER STORAGE IN JOHN MARTIN: - (Appended)

Mr. Howland, Superintendent of the Amity Mutual Irrigation Co., presented thier request for an extension of the 1976-77 Resolution allowing Amity to store thier 1977-78 Great Plains water in John Martin reservoir under the same provisions of the Resolution as adopted by the Administration in 1976. Considerable discussion ensued relative to the operateing critrea and entailing factors of the 1976-1977 program.

Atty. John Lefferdink, Ft. Lyon Canal Co., presented thier objection on the basis there had not been an agreement made between the two canal companies on how the Ft. Lyons 5,483 acre feet would be handled that ordinarily would be delivered to the Queen reservoir for Ft. Lyon use. Mr. Sparks explained the Administration ro administrative authority as to what water Amity had or would have. Therefore,

the only consideration had to be concerned with, could Amity store any of the waters available to it under the Colo. priority system in John Martin.

The provisions of accounting and water use efficiency during the past program were questioned by Mr. Gibson. Mr. Idler of the Ft. Bent ditch stated their Company thought it was a very worthwhile and valuable program. With Amity stored water in addition to Compact conservation water, their ditch received about five days more water which enabled them to deliver a full run of water to each share holder in the spring of 1977, which would not have been accomplished otherwise. Mr. Hackett gave a short report of actual quantities of water and described the program in general. The measuring in to John Martin and accounting methods as worked up by the Special Engineering committee and the Colo. Div. Engineer were discussed.

It was regularly moved and seconded that the Administration adopt the resolution approving a one year extension for the storage of Amity water which may become available to it under the Colorado Priority system with the Operations Committee being appointed to approve the releases of such water that may be stored. Both States voted approval of the extension of the Resolution as amended and a copy of the resolution to be distributed to each State.

FLOOD ROUTING STUDY: (Appended)

Mr. Fidler, Subdistrict Chief, U.S.G.S., briefly reviewed the Revised Study Proposal cooperative agreement beginning October 1, 1977 through Sept. 30, 1978. A written report will be provided to the Administration by December 1978 and up dated progress reports will be available at any meeting of the Compact Administration prior to that date.

Mr. Gibson expressed his concern of communications between the State of Colorado administration and the Operations committee or the Compact secretary in order for the Compact Administration to definitely become involved in the process and procedure of how any waters stored in Pueblo reservoir were to be released in circumstances that might concern John Martin reservoir water. Gaging stations and information therefrom were discussed at length in connection with the data input for administrative use during flood stages.

TRINIDAD RESERVOIR CASE:

Mr. Cooley called on Attorney Wayne Schroeder to update the Administration on the factual proceeding of the Trinidad case and the Courts decision.

Mr. Schroeder explained that on Dec. 29, 1976 the Purgatoire Conservative District filed an affidavit against the Colorado State Engineer to close the gates on the Trinidad reservoir for storage and January 25, 1977 the State did order the gates closed for storage. The High Line and Nine Mile ditches filed a cross claim in the same against the State and ask for a restraining order which was heard in Court at Lamar. The court granted a temporary restraining order and enjoined the State Engineer from closing the gates on the reservoir. The merits of the case were in April and the Water Judge made the temporary order permanent, except under certain conditions covered by Colo. water laws. The case is presently on appeal to the Colorado Supreme Court and will be briefed over the next few months. Possibly, within a year or so the Supreme Court will render a decision determining that Judge Statler was correct in all the rulings he made or did not make concerning the case.

The Model or Black Hills reservoir storage of August, 1977 was clarified by Div. Engr. Robert Jesse. He stated that the release of

that water to John Martin was started Dec. 5, 1977 and was arriving in the Las Animas area at this time with no ditches up stream allowed to divert any of this water.

MUDDY CREEK RESERVOIR TRANSFER INTO JOHN MARTIN PERMANENT POOL:
(APPENDED)

Mr Duane Helton, C.W.C.B., presented the State of Colorado, Division of Wildlife application for a change in in place of storage from Muddy Creek reservoir to John Martin reservoir for the 8,425 acre feet remaining of the original 13,425 acre feet which would make additional water available to the permanent pool. Specifically requesting the Administration to extend its resolution of August 14, 1976 to allow this additional water right obtained by Water Court (Case W-4605) for the permanent pool.

Mr. Sparks explained the transfer decree contained such restrictive language or conditions which cut the amount of the original decree, where-by only on rare occasions would the actual average delivered would probably be about 500 acre feet. The two measuring stations as were required in the previous transfer were reported to be installed and in operation. The previous resolution and operating criteria were reviewed concerning the permanent pool which affirmed the Administrations reservation to consider any future transfers of water to the permanent pool. Mr. Sparks moved the request be tabled. Mr. Gibson seconded the motion and it passed by a vote of the states.

TRINIDAD MINUTES OF APRIL 23, 1977:

The Court reporter minutes (verbatim) were regularly approved with the correction of Robert Tempel being a Colorado representative rather than Kansas.

SECRETARYS REPORT: (APPENDED)

Mr. Gibson questioned the \$3,200.00 supplemental call to be made to Kansas for the 1977-78 budget funds. Mr. Hilmes and Hackett clarified the circumstances which related to the Kansas share of the concrete structure installed at the gaging station below John Martin and was paid for by Colorado funds in 1975. It was regularly moved and seconded the secretarys report be approved which unanimously passed by vote of the states.

OPERATIONS REPORT: (APPENDED)

Mr. Gibson questioned the amounts of water delivered to Kansas any related problems during this years operation. It was pointed out Colorado ditches did pass or forgo the first 24 hours of the initial release by thier diversion structures, approximately 1200 acre feet, endeavoring to push the water to the State line, which did produce an improvement to that end. Mr. Bentrup stated he saw a great improvement over previous years but considering the dry and drouthy conditions preceding this year, he realized the difficult delivery problems as stipulated in the Compact. He indicated when both states were sharing the river losses under such conditions it should be a suitable arrangement and equitable to each state.

Mr. Hackett pointed out that the volume of water crossing the State line prior to and the tail out on the end of Compact runs should be considered as delivery credit to Colorado which is not recognized under the Compact rules. Mr. Cooley stated that matter should be addressed under new business. Motion was regularly made and seconded to approve the report unamiously passed by the vote of each state.

ENGINEERING COMMITTEE REPORT:

The special engineering committee had met early in the year and that report previously approved. The standing committee had not met, therefore had no report to make.

LEGAL and ADMINISTRATIVE COMMITTEE REPORT:

Mr. Sparks, chairman, stated they had no formal report as such, but that had been approached with questions and concern on the operation of the gates at John Martin during winter storage and river flow releases. He pointed the definitions of river flow as contained in the provisions of the Compact and the questioned concerned was that there should have been some storage obtained during the time reiver flow was being released since November 1, 1977. Mr. Hackett fully agreed under normal operations and weather conditions there could be some storage accumalation. However this year inflow measuements were not available due to cummication malfunction and on observation of the unmeasured inflow sources, the gates had been ordered to be adjusted for a maximum revir flow release of 25 to 30 cfs. and that any unexpected inflows above set amount would automatically be stored. Several statements were heard from the audience relateing to measuring station locations and other pertinent factors within the Compact. Airing the situation did clarify the issue somewhat and perhaps a better understanding for all concerned was obtained.

OLD BUSINESS:

The Arkansas flood study, especially the Avondale problem which was to be made by the Corps of Engineers had not been done to date, but Mr. Cooley had been in contact with the Corps. and was assured they do intend to make it as previously agreed.

NEW BUSINESS:

Communications between the Division Engineers office and the Compact Administration was questioned. Mr. Jesse, Div. Engr., explained the current procedure is orders by telephone were given and generally followed by written notice. The operation of Pueblo reservoir inconjunction with the Div. Engrs. office, and the Bureau of Reclamation were explained by Mr. Abbott of the Fryingpan Arkansas Project.

Measuring stations, locations, and communications therefrom were again brought up. Mr. Grozier, U.S.G.S., stated their efforts and work trying to keep the present stations operating. Time delays in getting equipment and repairs are the major problems they are confronted with. Mr. Cooley suggested perhaps a long term plan of a reasonable measuring station system for the Arkansas river and its tributaries for the proper administration of the Compact with the collaboration of the appropriate Federal and State agencies should be worked up by a committee to be chaired by Mr. R. U. Grozier, of the U.S.G.S. He suggested also, that locations and an estimated cost of an up, dated system be reported back to the Administration for their consideration in future budgets on long range period to avoid any year stress to either States budget system. A late January 1978 date was agreeable with Mr. Grozier for a meeting date of this committee. Mr. Stramler of the Ft. Lyon canal volunteered their canal would like to participate and offer any assistance they could render.

The upper side drainage ditch of the Las Animas flood control dike shall be included in the above study.

RIVER CHANNEL IMPROVEMENT:

Mr. Idler and Mr. Sparks presented the problems of water delivery created by the meandering river channel, phreatophytes, and the large loss of water created by the rising grade within the channel. Mr. Idler presented photographs of several different locations from John Martin to the State line illustrating several of the problems that do exist and continually to get worse. Several avenues of approach were discussed toward getting action started toward correcting or eliminating these channel problems. Mr. Sparks stated he would contact the different agencies that may have pertinent information available and would detail an engineer from his office, request an engineer of the State Engineers office and arrange a meeting with the Administration toward initiating a feasible program.

KANSAS WATER DELIVERY:

Mr. Cooley asked for the aforesaid discussion of Compact water deliveries to Kansas.

Mr. Hackett posed the question and possibility of credit to Colorado on a volumetric basis rather than the time and c.f.s. factors as the Compact specifies. This would allow consideration for occasional early arrival time and the tail off or run down of Compact water to Kansas which is now being accounted for. Mr. Corrigan, Kansas Water Commissioner, concurred it could have its merits, has past flow records across the State line generally do indicate substantial flow at the end of the present time element involved. Consensus of the Administration was to have an Engineering committee review past and future Compact releases. Mr. Duane Helton was designated the responsibility of getting the Engineering committee on the matter and make report of their findings to the Administration at its next meeting.

AMITY-HISORICAL DATA OF THE COMPACT:

Mr. Idler requested that some recognition be given to the data presented to the Administration during the Trinidad meeting April 23, 1977. Mr. Cooley explained most of those items were outside of the Compacts jurisdiction, others were now before the Courts, some being studied and resolved by authoritative agencies.

C.P.A.s AUDIT REPORT:

Mr. Gibson questioned Exhibit C, the \$1,000.00 entry to the U.S. G.S. cooperative agreement which was budgeted for \$4,000.00. It was clarified to his satisfaction, this was primarily due to the transition quarter involved a short (eight month audit) and future audits to be made at the end of the Fiscal Budget year July 1st thru June 30th as adopted by the Administration during the 1976 annual meeting. It was regularly moved and unanimously passed by a vote of the states to approve the report. No formal action was deemed necessary on the updated financial report attached to the treasurers report as it would be covered by formal action on the C. P. A. report at the end of this fiscal year.

The chairman requested Mr. Helton and the secretary to make a documentation all the pertinent Resolutions and other documents that have come before the Administration during the past couple of years and be distributed to the commission members.

1979-80 BUDGET:

The proposed budget as prepared was not at hand to be considered. Therefore, instructions were for the treasurer, Mr. Idler, and secretary Hackett to prepare a budget for consideration and action at the May meeting which would still allow enough time^{to} meet the States requirements for submittal.

The next regular meeting of the Administration was set for May 11 and 12th, 1978 to be held at Pueblo West, Colorado.

Meeting adjourned at 4:00 P.M.