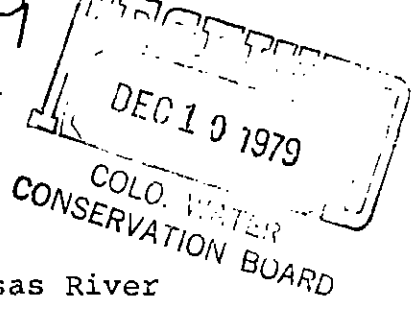


AKCA AUG 15 - 1979

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P R O C E E D I N G S

MR. COOLEY: This is a meeting of the Arkansas River Compact Administration. Held August 15, 1979, at the Copper Mt. Resort. Pursuant to notice.

There are six members, representing each state. Mr. Gibson, Mr. Stoeckly, Mr. Bentrup from the state of <sup>Kansas</sup> Colorado. Mr. Idler, Mr. Helton, Mr. Reyher from the state of Colorado. Later on, Mr. Gibson, we may go through the resolution formalizing the fact that there is no Director of the Division of Water Resources at this time with the resignation of Mr. Sparks and that Mr. Helton is acting in his capacity. It will determine now whether we need a formal resolution; if we do we will proceed in that manner.

We are using a Meeker High School reel-to-reel tape recorder for the purpose of keeping minutes of this meeting. With that in mind and the fact that we do not have a court reporter, I will call upon anybody who speaks and every one present will be allowed to speak during the course of this meeting, to identify himself into the record. I'll also require that not more than three people speak at any one time, so that later we can sort out what sort of a record we have in identifying those persons.

The agenda -- Well, let me say a couple more things. Lane Hackett, is busy at this moment with the Pan Evaporation figures and the operation of the reservoir and he will not be here for a few minutes while he does his chores with respect

to the operation of the reservoir.

We have a number of guests here, but I think that most of the persons who are here in attendance will in effect be introduced during the meeting. Dick you are not, -- have not been put on the agenda, but surely at sometime during this morning we will call upon you for a report on the operation of the Geological Survey with respect to the river.

Two questions: First, -- I received a transcript of the minutes of the last meeting of the compact. At this time, I wonder if there are any corrections or additions to the minutes as they were circulated among the compact members?

Mr. Gibson, have you had an opportunity on behalf of Kansas to review them? Have the Kansas members received copies?

MR. GIBSON: I have not checked with the Kansas members. I have no question, but I defer any comment to Kansas senior member, Carl Bentrup.

MR. BENTRUP: It could use a little spelling correction, might be better if my name was Bentley, -- page 9, very top.

MR. COOLEY: Let the record show Mr. Bentley's name has been legally changed to Mr. Bentrup. Do you have any other --

MR. BENTRUP: It goes several places where my name is in the minutes, it is spelled that way, so if those corrections are made --

MR. COOLEY: I think that it is a reasonable request. Are there any other suggestions that you have with respect to the minutes?

MR. BENTRUP: Kansas has no other correction.

MR. COOLEY: Does Colorado have any name changes? All right. With the correction of spelling of the names, we will accept the minutes, as corrected, to be the official minutes of the last meeting of the Compact Administration. Guy, what was the date of those minutes, please sir?

MR. GIBSON: March 30, 1979. I think we got that in between the tinsmith's beat.

The next question I have to ask of both states is this: This agenda proposed for this meeting is made up of whole cloth. Is the agenda generally satisfactory to the state of Kansas as a means of going ahead?

MR. BENTRUP: You mean the agenda for today?

MR. COOLEY: Yes.

MR. BENTRUP: I have no further additions as far as I'm concerned.

MR. COOLEY: Colorado, is the agenda generally satisfactory? It seems to be with the state of Kansas as well.

MR. HELTON: Agenda is okay.

MR. COOLEY: The agenda as circulated and submitted for the meeting seems to be satisfactory on which to proceed. I still have three copies.

The first item of business as set forth on the agenda is a report from the United States Corps of Engineers. I want to make a couple of preliminary remarks about the representative of the Corps of Engineer before we go ahead. As many of you recall, the Compact has unanimously expressed concern about

the establishment of a criteria of flood stage of the river at the Avondale gauge. And the Compact has directed me for a period of more than a year to determine what measure if any could be used to correct what the Compact believes to be an erroneously low figure for the criteria flood stage on the Arkansas River. I tried a number of different things to carry out the instructions of the Compact Administration pretty much without success until this year at a meeting in Pueblo, Colorado. This matter came to the attention of Mr. Jasper Coombes, a Civil Engineer, a Civilian, and Senior Engineer with the Corps of Engineers. He has gone to work on this, and I must say I'm very grateful to him, and I think he deserves the gratitude of the Compact Administration for his work. He also has gone to work in some other areas he will no doubt discuss. Without any further introduction I'd like to introduce Mr. Coombes.

MR. COOMBES: Thank you, Mr. Chairman for the kind remarks. I'm Jasper Coombes, Chief of Engineering from the Albuquerque District of the Corps. I'm extremely pleased to be here.

I have with me this morning John Cunico, Chief of the Flood Management and Hydraulic Branch. He is the person most active in pursuing this gauge problem.

I have two major topics to discuss briefly. First, is the restriction of flows to 5,000 second feet at Avondale, a question as to whether that is a reasonable number or not.

The second, is the study of straightening and improving the channel below John Marin Dam. Then I will attempt to

answer any questions that you might have. Mr. Chairman, if I say something as I go along that you would like to have clarified, I'd welcome any interruptions.

The channel capacity was set for Avondale at 5,000 second feet with a belief that this is a reasonable number as a safe value back when the flood studies were made and the Pueblo project was studied and then designed. Two factors went into that. One was the fact of ----dation from flood waters. Two, the other was a substantial problem with erosion adjacent to the channel. When you talk about what is safe you have to consider these two things and it is not just whether the water leaves its banks or not. There was no great lengthy study made at that time to determine whether that is a good number or not. There was no detailed survey and this sort of thing done to establish it.

The Corps of Engineer desires and responsibility, as I see it, is to release the flood water from Pueblo at the fastest nondamaging rate that we can, that is a safe rate. Our basic concern is flood control. And to have a flood control pool full of flood waters and a possibility of more water coming is not a comfortable position to be in. So our desire is to evacuate as quickly as we can, reasonably.

The problems with it, of course, are many. And I'll get in to those as I see them a little bit later.

There are two basic ways that we can approach the channel capacity of that stretch of river. It is quite a stretch of river. It isn't just at Avondale, it's quite lengthy, some 80 miles, a lot of river.

One is with some rather detailed surveys, aerial topos, verified in the field and then computerized routing them of streams flow down that channel to see when it breaks its banks, when it goes over it's over bank area. There are a couple of problems with that. First, very costly. We have a study authorized for that area of the river that requires us to make some surveys, requires us to establish channel capacity with a substantially different degree of accuracy than is required here. And the channel capacity that we need for our studies is authorized to develop an economic curve of damage. First of all to get that does not require nearly the precision that you require to decide what is a safe flow within the channel banks. A cursory look at the additional cost of doing that survey, looks to be about \$100,000.00. About \$200,000.00 worth of actual surveying cost. I'm talking about flying it and developing it to topo and coming up with a surveying information before you start doing any other studies. To do by the analytical approach would increase the cost of our study some \$100,000.00 Probably \$100,000.00 plus. In doing that you still have an analytical answer to a physical field problem and it's not a bit better than the survey information that you got and I've yet to get a perfect survey. And it's good for only a certain point of time. As I explained in my letter to Mr. Chairman as of July 24. The flow value is not a fixed value. If it is good at all, it is good for that time. An encroachment on the strain increases growth of -- and whatever further diminishes that flow. And you all know that in a stream such as the Arkansas River, if you don't use its full

capacity that diminishes. So what time you have, a smaller number that is safe value anyway. And a natural regime of the river is such that 5,000 sec. ft. is not frequently available to scour that channel to maintain or to improve its capacity. Probably the toughest problem with an analytical approach is the fact that it only considers the over bank flooding with respect to the safety aspects of the project. It completely ignores the erosion problem and the erosion problem is one of the specific problems that went into the equations that gave the 5,000 to start with. So to ignore it at this point is to ignore at least half of what was considered the problem that established the 5,000.

The other approach to establish channel capacity is the Hydraulic test of the prototype. You accumulate enough water or you wait until the rains deliver it to you and you control the gates at Pueblo to release 5,000 initially or 6,000 whatever is agreed upon, and then you monitor it and there are substantial advantages to that approach or the analytical approach namely that you have a physical result, that you can take pictures of. You actually verify. You find the things your analytical approach won't show you. You can concentrate then on where your erosion occurs and what it would take to minimize that and at the same time you do have the advantage of having put 5,000 plus down the channel and having scoured it out a bit and reduce the degradational capacity. The latter is the direction we would like to go. In fact the only one that I can recommend really in good

conscience as far as an economic, as far as establishing a value that can be really relied upon. I see some problems with this. There are a lot of actors in this play. Everyone is interested in the results. I have talked to some length with Tommy Thomson and I've talked with the State Engineers office and I've talked with Mr. Cooley and others and at some length with Congressman Kogoseck and everyone is interested. But not everyone has the same vested interest in the results. I suspect strongly, that we don't have a consensus really among the water users as to what that rate had really ought to be, and whether or not it really ought to be improved. One of the problems with damages in the kind of situation is that the people who get the water quicker are not the people who get the damages because of the higher releases. So you have a situation where if there are damages, the damages are approved by the people who are not benefiting primarily from the faster releases. The people on the upper end get the erosion and they get the over bank flooding that occurs and the people on the bottom end of the stream get the water. And of course, another way to do a similar situation as for a distribution of water would be for the state to determine where that water would have run and how it would have run and then using the lower values distribute the water in that manner. I believe that is what they attempt to do now. If we could increase that flow somewhat that would be a little easier to do. As I said there are a lot of actors in the play. The State Engineers office, the Compact Administration, the



Bureau of Reclamation and others as well as the Corps of Engineers. We are willing, in-fact, we are more than willing. We are down right eager to participate in a prototype test of this stream. The problem being primarily two fold. One is the water itself generally is not available so based on recent history. Whether or not you can pass more than 5,000 sec. ft. is almost an academic question. It has been quite a while since we have had to do that. There was some disappointment as to how the river was controlled the last time it happened. This spring we got right at 5,000 sec. ft. We were prepared at that time, working with Tommy Thomson, the State Engineer office, to increase the flows out of Pueblo. We were set up to photograph it from the air and monitor it from the ground. We never quite got the water. My understanding, it got up to about 5,000 sec. ft. but for no length of time so we never really had the water. One of the problems is the availability of water both for testing and for the need to pass it downstream.

The other is the need for a leader; someone or some organization such as the administration or the State Engineer's office that really says, "Okay, I'm going to be the overall coordinator and take some responsibility for this." So that we can have someone or some organization specifically that we can work with.

We have the flood control responsibility in the river NOT the administration of the river by any means. Anything that we do impacts upon others and our actions with respect

to others is very brief in time. We need to have someone step forward and the Compact Administration has come closer to this than anyone else and say, "We have a problem. We really need to look at it, and we are willing to take over the administration of the coordination of this and some responsibility for the effects of it." Right now we have what is considered and I think legally so, I'm not a lawyer, a safe flow. There are people who believe that is too low a value. I would be the last to argue with that. I have no basis for arguing, except that it is safe. It may not get water to the people as quickly as they want, in the matter that they want it; but it is a safe value. If someone, entity or other, wants that changed they can come to us and say, "We think it's too low and let us work together to get that changed." We can work together to get it changed. We are very close to that, Mr. Chairman, and I would certainly welcome the opportunity to firm that up a little bit and to make some concrete moves. So far our coordination effort has primarily been with Tommy Thomson. I'm not completely at ease with that because there are other vested interests that I think concern the district, doesn't represent.

MR. COOLEY: I would very much like to interrupt you at this state of your remarks and open this up for some discussion. It does seem to me that you have just indicated that Tommy Thomson's S. E. District is under a significant handicap and being that leader it appears to me that the appropriate leader for such a study might be the State Engineer of the State of Colorado with the request of the Compact Administration among

others. I wonder if Bill Smith, the acting State Engineer, here would care to respond in anyway or care to -- Mr. Coombes remarks?

MR. SMITH: I have to apologize, I missed an awful lot -

MR. COOLEY: The one question that I would like you to respond to at either this moment or later, is this. That Mr. Coombes indicate. Besides the lack of water needed to perform such a test, is the great need was, a leader. A significant indication that he could talk to a number of different groups, but that in particularly to some. But at this point such a leader has not been identified, and it occurred to me the State Engineer's office, as far as I can see, especially acting under or in accordance with or in harmony with the prior restitution of the Compact Administration might be most appropriate leader to f<sup>o</sup>aster this flood --

I have so much trouble. I know what the concept is with the safe channel capacity figure of 5,000 sec. ft. at Avondale.

MR. SMITH: We would certainly be happy to state that we will work through the Division office ----- Denver might have expertise in this area very much like the program that was run last summer on transit loss. On these kind of things, I think we'll get involved primarily because we do have the men stationed up and down stream. Once reaching the agreement as to what is to be accomplished, I think we are in a good position to attempt to protect various interests that are involved.

MR. COOLEY: One more question for you, sir, that is: are the, is the conduct of such a study within the statutory authority of the State Engineer's as you perceive it this morning?

MR. COOMBES: Yes, sir.

MR. SMITH: Yes, I think it is. Inasmuch, it is primarily our responsibility to test the water rights, various interests up and down the stream, as I see this kind of a project. That is ----- lack of responsibility. First we have to make sure water release is identified clearly as water purchased intended for this purpose; Then we must protect not only it from being taken as river water but also to protect the rights of water users so that as we pass through an area where there will be a no loss to the down stream users would be like this project water. But I think it would be appropriate, I think, if not lately certainly have to play a very critical role in it. I'd like to ask Jim Kasic if he -----

MR. KASIC: Yes I do, and this summer we did try to coordinate with Tommy Thomson and the Corps. We were lookin at flows that were approaching 5,000 infact, I believe they were going to fly it over the weekend or on Monday. And the flows went down and I contacted Mr. Cunico who is involved in this Mr. Thomson and Mr. Jesse, all of them were trying to coordinate to see what the safe channel capacity was. Mr. Jesse, after it got up to 48 or something like that, did go down and make a field inspection to the low-lands where he thought it might be flooded ----- I don't believe he found andy damage at that particular flow. We are working in order to see just what

safe channel capacity can be.

MR. COOLEY: What you and Mr. Coombes have just pointed out is that you have all but conducted such a study already. Apparently nature was the villain this time rather than lack of a leader or anything of that sort.

MR. KASIC: Right, when we approached this type of a flow everyone is concerned about it and that is when the ball started rolling. What the Corps was looking for was a flow for about 5 days at a rate of flow. We were hoping that we would approach it.

MR. COOLEY: Fine. I would like to ask Dick Grozier of the U. S. Geological Survey to comment on this one specific area; Dick, of the lead role in such a study and necessarily what would be the <sup>rate</sup> rate of the U.S.G.S. if any, in a study of this manner?

MR. GROZIER: As most of you know, we are an impartial agency that collects and presents the basic data facts to all water users as such. We would be more than happy to participate fully in a program of the release of this nature to lend our support and measurement of the discharges and whatever else is necessary in running a release of this nature.

MR. COOLEY: From your experience Dick, does it appear that the logical lead person in such a study would be the State of Engineers of the State of Colorado?

MR. GROZIER: I would suggest that this be the lead agency for the actual coordination of the release down river.

MR. COOLEY: Thank you sir. I have one more question for Jasper and Bill. And then I'm going to open it up for others to interrupt as I have interrupted. And the one question is this; do either of the agencies require further resolution of the Compact Administration directing the staff to cause this study to be done. Would you want formal resolutions from the Compact Administration?

MR. GROZIER: No, I think that would be adequate, Frank, and certainly sets the stage and gets the authority from the Compact Administration. I might point out from a little history which many of you are more familiar than I am. The history of the Arkansas studies of these kind as you know is reacted in this last year thing. When you go into the seepage investigation and survey and our organization has tried over the years to get good seepage ----- of section of the Arkansas. Almost inevitability just about the middle or the critical point, Mother Nature puts her hand down and tells us who is really in control. I think in that kind of a situation it is very much important that we be involved in an important status because we don't have any chips in the game. It helps to clarify some of these problems that nature does bring about. So, no, I think we wouldn't need any further resolutions.

MR. COOLEY: I think where we are at gentlemen, is that I have interrupted Mr. Coombes on the mechanic of further studies of the Safe Channel Capacity. Does anyone on the Compact Administration wish to ask a question or get clarification in this area?

MR. GIBSON: We are talking about Safe Channel Capacity. We're going to do some work along that line. I think your generally talking about Pueblo to John Martin?

MR. GROZIER: Yes sir.

MR. GIBSON: Any plans for any study below John Martin state line?

MR. GROZIER: Not as far as ----- channel capacity is is concerned but as far as improvement of the channel, yes sir. I'll discuss that next.

MR. GIBSON: I mean improvement study of losses and what not. I assume that will be part of the study?

MR. GROZIER: Yes sir. Not with respect to the inter-connection between the ----- and the river channel itself for instance not with respect to pumping on the ability of that river to deliver the water. We would have to have additional congressional authority to make that kind of a study.

MR. GIBSON: I have no further questions.

MR. COOLEY: Alright, anyone else?

MR. COOMBES: Your interruption timing was immaculate, Mr. Chairman. You interrupted me right at my very last word in what I had to say. I've completed my presentation on this. I would like to get back with them to make sure we do have an understanding who is the leader in this thing. It is important to us. As Mr. Smith say, they haven't any chips in the game. We have even less chips in the game. However, we are in a position of doing something that effects other people. But we have no vested interest in it personally. Because we are not water users, we don't own a drop of that water. It is

our intent and desire to do the very best job of serving the people along the river, that can be done. I would like to be able to look to the State Engineer's office for real leadership in this. The timing and coordination is extremely important as we just demonstrated this spring. Tommy and I were coming up. You need that kind of coordination in order to get on the scene to get the picture you need and get the people in the field you need. You need also involvement of the State Engineers because you do have the responsibility of protecting the water users and their rights. Anything that has to do with water and water distribution within that part of the state in your area of jurisdiction and not ours.

MR. COOLEY: Mr. Coombes it appears to me, that way has been cleared and all that was required is formal exchange of telephone call or short letters. And I think also, because Bill has in an acting capacity and has't been close to these studies have been merely completed as they would have been but for the water reason. I'm sure that Jim will coordinate with Bob Jesse and more will happen. At the risk of allowing you more time than we have schedule, I don't think ----- I didn't understand you to have touched upon the matters of channel studies below John Martin Dam that I understood were a part of those things you were considering planning.

MR. COOMBES: That's correct. And that's the next topic. I can make it very brief. In fact, it is very brief. As you know, we have gone to the field and looked at the situation and toured the area so much. I have been with Mr. Idler and



Mr. Hilton and others. We have looked at the overall situation and we do have underway a study that authorizes the look at the area of the river. In fact, the study is actually underway. So we do not have to go back into the authorization and funding cycle to get us a start on this "look see". We would be looking at flood control and water salvage and fish and wildlife benefits the whole area that we have the authority to need looked at. We have suggested some words for a possible resolution that would aid us a bit. We have sent copies of this to Mr. Idler and I believe the State Engineer's office for consideration in dealing with congressional people. The reason that this is so important even though we have the study underway, it has no outstanding priority as it is. We have no way to break the tie and say this has more public interest, more priority we have several other things going. It helps to define the scope of the study a bit better than our initial authority has. So if that were to be passed then it would be most helpful to us to get this study underway.

As you know, studies in the federal sector are not the kind of thing you do overnight. They are slow and ponderous. The fact that we are underway helps us a good deal. Our final report is scheduled for, at the present time, for spring of 1982. That is the survey report. As some of you may know, we have submitted a survey report we call Candle Lumbar Study back about four years ago because of the change in the rules of the game, interest rate, benefits and so forth, that could be taken. The timing of that report was very bad. It was sent back for us to redo portions of it.

The economic portions the ----- on those projects couldn't be justified any longer so we dropped back to take a look at the stream itself and how you control the flood damage at specific flood damage points instead of having impoundments to prevent the flooding over all and to provide other water storage benefits. It's within that, that we have included segment from the John Martin Dam to the Kansas border.

MR. COOLEY: That resolution is so complex in language that it could not be acted upon at this exact point of the meeting. However, we will try to have it reviewed by the members so that it may be acted upon today or a later date. Does that conclude your report?

MR. COOMBES: Yes it does.

MR. COOLEY: Are there any questions for Mr. Coombes? Are there any from Bill Smith, Colorado Acting State Engineer?

MR. SMITH: Will it be possible for us to get copies of the resolution so that we could review it. It might have any comment to the administration.

MR. COOLEY: Indeed it would. We will consider the resolutions the last order of business of the day because it's sufficient complex. It should not be acted upon. I haven't seen it. It has language in it that seems suspiciously much like it was drafted by an engineer, therefore, requires some more time.

\_\_\_\_\_ : Why was it decided to stop at the state line? Why don't we go to the end of the stream, Garden City?

\_\_\_\_\_ : Ther is no reason in our view to stop at the state line. Our authority goes from John Martin to

Greatbend, Kansas. There is no reason from our point of view. Infact, in order for this study to be successful in producing something that can be actually accomplished, it is gion to take some enthusiastic support from Colorado and Kansas. There is no reason from our point of view that it can't be extended down stream ----- I beleive we can generate some support from Kansas.

MR. COOMBES: You need to know about that draft resoultion. It's really not a draft resolution. It is just some thought and it's not in polished form. Your right about you suspicion ----- It could be improved. The intent here is the need extends beyond the authority of the Compact Administration. With the congressional people in Washington.

MR. COOLEY: We appreciate your remarks. Are there anymore questions?

MR. LEPERDE: Prior to construction of Pueblo Dam, were there problems in this area of flooding?

\_\_\_\_\_ : Yes sir.

MR. LEPERDE: Extensive?

\_\_\_\_\_ : I can't address personally. John maybe you can address how extensive the flood problems were below Pueblo, between Puelbo and John Martin.

MR. CUNICO: There are extensive flood originatin----- the flood record in 1921 devestated the valley including the city of Pueblo. The 1965 flood, it originated at Pueblo, would have a great effect on it historically ----- . The answer is yes. These had to be problems from flood

originating below Pueblo or we wouldn't have had flood storage in the project which was the significant amount of the dollar value of that project.

MR. COOMBES: Was there some figure as being not injurious, something about 5,000 cfs reconized at being safe?

MR. CUNICO: The 5,000 cfs in reading ----- is considered a safe channel capacity due to bank erosion. At that preticular time, damage to some of the very crude structure, some of them are still there, some have been improved and modified. That is about as far as we can trace it. It was figured 5,000 was the start of damage basically from erosion. I don't know how detailed a investigation was made.

MR. COOMBES: There is one other thing you need to know about that 5,000 sec. ft. as far as safe channel capacity. When you control Pueblo and the farther down stream you go the more laps time there is between your ability to control the stream at Pueblo and at that point. If you for instance controlling it at 6 or 7 right at over bank area for instance, and you were to get a local thunderstorm that dumped another couple of thousand sec. ft. in that stream, then you have completely lost control of that stream. Whereas, if you are down a bit lower, you can take those contributor flows without damge. So there is an element of risk that goes along with operating at over bank area at over bank capacity.

MR. COOLEY: Any other questions? Thank you sincerely. This has been one of the areas in which the contract has been most deficient in the last two years. And your work, A.F.A.I.C.

is really satisfying a real need and we appreciate it. And we appreciate your coming up here from Albuquerque, and John it is always good to have you come up as well. Into God's country.

\_\_\_\_\_ : Thank you.

MR. COOLEY: Is there a representative here from the Pueblo Area Counsel of Government? The Pueblo Counsel of Government requested fifteen to twenty minutes on the agenda with which to consider a river run having to do with the water quality. Apparently there was a strange motivation for the Compact Administration to accept this river run because as I understand it, and I didn't understand it all that clearly, the data sought to be gathered would establish to the Environmental Quality Administration that releases could continue to run as it has been without diminution of river flows for environmental standards.

Jim, are you able to say anything about the matter? Would it have been discussed by the Pueblo Counsel of Government?

MR. KASIC: -----(He is to far away from mike.) They are looking between Pueblo -----They want to make a study at a very small stream flow. They are lookin at ----- sec. ft. They have been talking ithe different ditch companies to see if they can work this out.

MR. COOLEY: Dick Grozier, do you have more data on this study?

MR. GROZIER: I'm not too familiar with this other than

the fact that they are tryin ----- project chief. What he is trying to do is develop a work ---- model for this particular river where they will be collecting on a 24-hour basis certain data. -----various chemical ----- of the water to develop and test the model that is being used river as part of the Pueblo, Colorado, 208 studies. This is a part of the program. At the present, it is scheduled to be run September 10th, about 50 sec. ft., Somewhere in this range depending on weather condition, with a 24 hour run, with plenty of people out collecting data.

MR. COOMBES: Is there stored water for ----- . As some of you may not know, the Pueblo Dam is a Bureau of Reclamation project with what we call -----

\_\_\_\_\_ : -----

MR. COOLEY: The matter has been aired. It seems to me that it is impossible for us to take action upon it this morning. I don't know of nay action that would be appropriate. We have certainly aired the matter. I can't see how we can do anymore that what we have.

We are at 10:00 A. M. The next item on the agenda is to discuss Lane Hackett's resignation and necessary action of the Compact Administration. In a few minutes, I'm going to say a couple things about Mr. Hackett and the services he has preformed for the Compact Administration as Secretary, but he has submitted a written resignation to the Compact. It seems to me that it presents a serious problem to the Compact Administration finding a replacement and the means of satisfying.

the chores and duties and functions that he been carrying out. I would like to open that subject up for discussion at this time.

MR. HACKETT: As to my resignation. I'm sorry, I was thinking flood and water when you brought this subject up Frank, so I spologize.

About the subject you just asked me, there is a good flow of water coming down ----- through Baxter last night and was still there this morning. So we may have a storage there and we may not.

Back to my resignation. The past few year's water problems have become more complex and more time consuming. As State Water Commission<sup>t</sup>, it seems the Secretary of the Compact, the two jobs get in the way. They need to work very close. It has been a real privilege to have the opportunity to have filled these two positions. But, it has become very obvious in the last few years. I have problably stalled too long. I'm a little late in serving this notice of resignation, due to the fact there have been alot of problems. Two people could handle it better than one. So I think it is probably time something was done. That's the reason for my resignation. It is real time consuming. It wasn't so bad in the past when we were under the old rules and regulations and it wasn't as time consuming as it is now. Even without the present operation of John Martin, Ithink it would do justice to the state of Colorado and the Compact. It should be handled separately. As much -----

it's hard to say this because we certainly have to work together. It's an operation that one can't work without the other and do a good job with the Administration of the river or John Martin Reservoir. It has got to<sup>be</sup> done in unity. As far as I'm concerned, a change over to another Secretary, I'll cooperate in every way in the world with the Administration--, so forth, will make a smooth transfer and try to keep things on a level as far as Compact Administration is concerned and also State of Colorado, Division Water Resources. I don't think there is too much more that I can say. Thank you very much.

MR. COOLEY: Fine. We haven't got to the point where there is anything to which you can thank us. I hope to later in the morning, but I had attempted to open the meeting first to the second part of your resignation. And, that is how we can face it and what we can do. Maybe, Duane, before we get into that tough work, we ought to discuss some of the job Secretary to the Compact Administration. It seems to me to start thing off that the job calls for a great knowledge of the operation of the river, and the laws of the river including the rules of the law of the State of Colorado with respect to the priority system overlaying by the operation of John Martin Reservoir water stored there in and flowing there through in accordance with the Compact between Kansas and Colorado.

MR. HELTON: I think that is right. That is the main qualification. I also think that it's important for the



Secretary to live in Lamar or ----- area. He needs to down there. He needs to be accessible almost all the time which is extremely burdening. He needs to be familiar with our system. Administering water and extremely familiar with the Arkansas River Compact and rules and regulations that the Administration has adopted.

MR. BENTRUP: Lane, Kansas has a couple of suggestions. Would you want to listen to them now?

MR. HACKETT: Certainly.

MR. BENTRUP: First, Kansas regrets Lane's resignation. We think he has done a successful job.

The two suggestion are; First, that we ask Lane to continue to the end of the water year. Since he is familiar with the records, it would be almost impossible to find a replacement by September 4th and appoint him all the necessary duties he has. Second, we would like to have a committee of two appointed. One from Kansas and one from Colorado to investigate a replacement for the job of secretary.

\_\_\_\_\_ : We do want to mention at this time, Colorado is making some qualifications that a secretary should have. We feel a person should not have a vested interest. Would you make that for the record?

MR. BENTRUP: Yes, Kansas at this time feels the secretary should not be a water right owner in either district or southern state of Kansas

MR. SMITH: This is primarily a matter of information, Guy. I'm addressing it to you as a fellow State Engineer.

We are having a tremendous amount of trouble in Colorado in getting part time water commissioners. In other words, men who can administer water on a part-time basis, but not of the sufficient length to enjoy a full livelihood from it. We are constantly faced with the problem of conflict of interest. And the reason I bring the question up is in response to your comment that it should not be a water user. I can appreciate that as much as anyone in the audience but ----- (END OF TAPE I)

SIDE II OF TAPE I

MR. SMITH: (Discussion of the qualifications of Secretary of the Compact Administration.) To coordinate with the end of the previous tape, I would again point out, what I am asking is the State Engineer of Kansas, where he needs somebody to assist in water administration for a short period of time in an agricultural area where most people have a vested interest. I know it is a tough question Guy, but how do you handle this kind of situation?

MR. GIBSON: The way Kansas handles this. We have been very fortunate in being able to pick up some Science teachers, Math teachers in our area. Our problems really start July 1, and school is out. We train them and normally keep them with us three or four years. Then they go to another school system. Other than that it's a tough proposition like you say.

MR. HILTON: I think I can speak for the Colorado members and say that Kansas proposal to ask Lane to extend to the end

of the Compact year and to appoint a committee is acceptable.

MR. BENTRUP: We meant to the end of the water year, April 1, or until we find a replacement whichever comes first.

MR. HILTON: Maybe we should ask Lane how he fills about that.

MR. HACKETT: Well, I think you have put me on the spot. I feel like I have been for 14 years. And you may be putting my superiors in the State Dept. on the spot also. Regardless, I think they should sanction anything that the Compact does ask me at this point, but I would think that the end of the Compact year which will be October 31, close of this year water records, would be sufficient time. I realize that at the time of my letter of resignation it wasn't allowing enough time, but it did get you stirred and thinking. Knowing the Compact Administration, I presumed you would have the problem solved by today. With that case, I think with the right approval, so forth, it would be justifiable to finish out the Compact water year being it has been a real interesting and complex year. It wouldn't be too well to throw somebody in that is not acquainted with it. It would take quite awhile to finish up.

MR. HILTON: What about through the end of the calendar year so that you could be the secretary through the annual meeting in December and hopefully the administration could take an action at the end of the meeting to appoint a successor.

MR. COOLEY: No, Lane, we want to hear you before we hear from your boss.

MR. HACKETT: I still think the end of the water year will be fine. I can understand, that's my problem, working with the water the last 14 years. I have too many personal feelings involved with it that shouldn't be. I fully realize to make a smooth operation for the year, I should have some contact or help to finish up the water year. If it should take until the first of January and meets with approval, we could probably arrange it. It won't go over too well at home.

MR. COOLEY: I'm going to make a couple of remarks at this time that are going to necessarily drift into those other matters. I was going to earlier about the kind of job Lane has done.

Colorado in water is in a strange condition of flux right now, with both Larry Sparks having resigned and being out of office and no replacement having been made for him and Clarence Cooper having resigned or retired and having no replacement been made for him. We are in a strange and somewhat complex area. To be perfectly frank about it, and it has been in public record and meeting of the Compact. One of the stoutest defenders of the present system of Mr. Hackett serving in two capacities was Mr. Sparks, who was typically, for Mr. Sparks, tremendously forceful. I'm pointing out the advantages of Lane Hackett's service in both capacities and I think personally that he was right. Be that as it may, the pressure of this job and last year, in part at any event, due to the operation of the resolution, was adopted last year has increased those burdens. Mr. Sparks

is gone. Fourteen years is a long time to serve in a job of this nature particularly on as tough as it is. I think we must face the problem that there will be another person. As always in jobs of this sort though, and it's frightening and somewhat pathetic situation, you find that you pay the new man twice as much as the fellow before him was getting after 14 years on the job, I think, each of us has seen that kind of a problem and that gets to be a little shocking. With those preliminary remarks, Mr. Smith could you comment any on what your relationship might be during the transition period. How long that might take?

MR. SMITH: Yes, I would be happy to Mr. Chairman. In the first place, I would like to express gratitude to Mr. Lane Hackett from the Division of Water Resources. He has done a gentlemen job of handling these responsibilities. Our water commissioner, as you in Colorado know, are constantly under pressure from the junior who didn't think he got his water or a senior who thought he was a better senior than he was, so forth and so on. I have been talking to Bob Jesse. Jim, in relating back to Lane, I am very much aware of the increase in pressures. I think it puts Lane in a position that a man shouldn't have to be in. I can appreciate his submitting his resignation and the problems that have developed. It's not just now the Administration of Flood, it's the Administration of ----- water that is captured in the flood situation. It in itself is quite a problem. In an effort to respond to what I think Lane is trying to accomplish. In the first

place the State Administration Office will always be available to coordinate and cooperate not only with the Compact, Corps and Secretary in all matters relating to John Martin. I would recommend that you not accept his resignation until October 31, 1979 and in the interim pursue a replacement and then we will be happy to have Lane work with the new secretary coming into the winter meeting of the Compact Administration Development of Records ----- . We are also aware that next spring there may be some problems that may be unique or strange to the new secretary, whoever it might be. We of course, would be happy to have Lane relate his experience to that man. The reason I am relating to the October 31 rather than the January figure. Two things, it makes the committee do something. A committee has to have a deadline. You can always extend the deadline, but if you don't have the deadline, something, you don't happen to get there. It seems to me, that between now and October 31, it would be sufficient time for the Committee to find or seek a replacement for Lane.

Secondly, I might recommend that they even consider may be employing him a month early so there is an overlap time there when the new season starts. That would allow Lane, through our cooperation, to work with him to the end of the records. I think it would be a mistake to bring him on in January. It would be much better to shoot for the October 31 date. I think it would make for a much better transition.

Again, for the record, we think we would like to ewpress<sup>x</sup> that Lane has done a good job of carrying water on both of his shoulders.

MR. COOLEY: I for one would be a little bit happier if you would modify your remarks. Say with the October 31, 1979, date for reasons you have stated, but also indicate to us that an extention of 7 weeks past that time if necessary would be freely allowed by the State Engineers.

MR. SMITH: Certainly, I think as much as the Compact Administration, we are very much concerned that the replacement be a person that can handle these responsibilities. It is kind of like selling a house. You put a house on the market. Sometimes you can't get a buyer for four or five months. Next time you put it on the market and you get a buyer within a week. So we are very much aware of that, and we are more concerned about getting a proper replacement than we are the date. I think it is important to put the burden of urgency upon the back of the committee appointed.

MR. COOLEY: It seems to me, Mr. Gibson, Mr. Bentrup preticulary, that the coarse of what to do, has been agreed upon by the two states, that a committee should be appointed of two members who would go to work on this problem at once.

\_\_\_\_\_ : Mr. Chairman. In reference to committee, I would like to make a motion. I move that Carl Bentrup of Kansas and Lio Idler<sup>e</sup> to be appointed to the committee to make a search for secretary for the Compact Administration, and be instructed to proceed diligently to find a secretary

as soon as possible.

MR. COOLEY: A resolution has been made. Is there a second?

MR. BENTRUP: I have a question. We are talking October 31. This would then require an additional Compact meeting to approve it. Is that correct?

MR. COOLEY: That's one of the reasons why I extracted from Mr. Smith the additional six weeks. Six weeks would take us past the December meeting. If the committee was unanimous and enthusiastic in the support of a replacement, I see no reason why a telephone conference call could not be made to put that person on the board as early as say October 1, subject to ratification at the December meetin. Does that make sense?

MR. BENTRUP: If this is according to our rules that we operate under, I see no objections to it.

MR. COOLEY: We have provisions for telephone conference calls and have done many actions over the years with telephone conference calls. I suppose it's important enough to get us all to Lamar. But with that annual meetin in December, I'd hate to have one and then another meeting three or four weeks later.

\_\_\_\_\_ : I second the motion.

\_\_\_\_\_ : Doesn't the six weeks actually take us to the annual meeting?

MR. COOLEY: Yes.

\_\_\_\_\_ : So the question he has raised here. In



the meantime, if we find some<sup>b</sup>body and the committee reports, the question basically is how to get him aboard, is that right?

MR. COOLEY: If they find someone October 1, who clearly is a good man, who is ready to go, it seems to me that a conference call then might get him aboard. Subject to formal ratification at the annual meeting in December. That was my thinking.

\_\_\_\_\_ : Carl, how do you feel about that?

MR. BENTRUP: I think that would be fine. I think Leo and I will keep all interested parties informed so that there will be no need of a meeting until some agreement.

MR. COOLEY: Where we are is that there has been a motion made and seconded and we are discussing the motion and Lane just raised his hand.

MR. HACKETT: Before you act upon this motion, Mr. Chairman, I feel I should request the Administration authority for me as I remain under you ----- that I be authorized to hire some temporary help unless you should find a secretary to come and willing to do some of the extra work that's going to happen between now and the end of the Compact year or the annual meeting. It would be telephone work, ----work, and so forth. If I could find a qualified person for a short time work. I would like to have the authority to have that. I'll get it done otherwise if I have to.

MR. COOLEY: We will get back to that. But with your history of penurious operation. I don't think that would

require a resolution or anything other than the consent of the Compact which I'm sure would be freely given. You just aren't apparently capable of floundering money. And if you need help, it would be given to you.

On the resolution. Rather than in Lane's comments, is there any further discussion of the resolution as it was made and seconded?

Is Kansas ready to vote? Kansas votes "I".

Is Colorado ready to vote? Colorado votes "I".

MR. IDLER: Mr. Cooley, I would suggest in regards to Mr. Lane's request, that is a real good time to train a new member that Mr. Bentrup and I might be able to suggest.

MR. COOLEY: Does anybody here at the table have any trouble with my comments to Lane Hackett about temporary help or need for secretary help?

\_\_\_\_\_ : I don't think I have any objections to your comment but when your dealing with help, I would appreciate a little more information as to the amount of help needed and what might be an estimated cost.

MR. HACKETT: It depends. It might not require as much help as I think. I could use a certain amount of office help. This year required me of doing a better job of handling water and knowing what was going on in the field. Where I wasn't able to get out and do it this year. If I had had somebody to take care of correspondance and accounting and telephone.

\_\_\_\_\_ : Well, what are you talking about between now and the annual meeting? Somebody, one day, two days, one or two days a week?

MR. HACKETT: It wouldn't be a full day any week. It would be a very unusual situation if it were a full day week. I'd say at a maximum, if I could find somebody to work at whatever the going wage would be that \$300.00 secretary may have for hiring additiona help between now and the time required for whatever he needs in the way of preperation.

MR. COOLEY: There has been a motion. Is there a second?

\_\_\_\_\_ : Second.

MR. COOLEY: Is Kansas ready to vote on the motion?

Kansas votes "I".

Is Colorado ready to vote on the motion?

Colorado votes "I".

That motion is carried. .

At this time putting the cart before the horse, I want to make some remarks on the record about the services of Lane Hackett as secretary of the Compact Administration.

My position as neutral representative, is such that I should not take a strong position on any subject but never the less, this is one that calls for a strong position to be taken.

There are several qualities and attributes the work of Mr. Hackett, that have been my judgement, extraordinary. The first is the skill in efficiency with which he performed the work of Secretary of the Compact Administration. The

handling of accounts into the reservoir and out of the reservoir. The delicate balance of the daily calculation that defy the mind of most of us has been something that he has performed with skill and excellence for many years. The quality of the work he has done in my opinion is completely extraordinary and the important thing about this factor, I think, he has not been sufficiently appreciated by the people with who and for whom he works or the water users in the area in which he performs his duties.

Second area of excellence and outstanding qualities has been his knowledge of the river and the law of the river and of the detailed with which he has carried out his duties. These matters are highly complex. One set of laws laying out on top of another set of laws. I feel it is probable, if not certain, at sometime Lane Hackett has made errors in the operation of John Martin and of the river. But I have yet to be persuaded or to see any clear evidence of any error he has made while I have been with, associated with, the Compact Administration. I have become an admiror<sup>e</sup> of his and I must say almost a fan. One of the most delightful things of job os Chairman is to see the way in which Lane handles the job of javelin catcher. Sometime with the javelin being tossed by water experts of great qualifications and considerable expertise. Even more important that these technical qualifications, though I think his virtue and qualities as a person and his ability to deal with people. I find he has innate dignity and sense of fair play that

does not allow him to become ruffled in very trying circumstances among people who have very strong views. Many of which are in opposition to those --- or fee<sup>l</sup>s to be correct. This leads to the most important consideration, that is Lane's own character and moral statu<sup>e</sup>. I really feel Lane Hackett is a Lincolnest kind of a person. I have had a lot of telephone conversation with him. In which I have offerded him, to say the least, the opportunity to take a nasty view of any person or any given situation. I have never seen him in private or in public capable of saying a nasty word about anyone. This is simply not his nature. He is able to be in the midst of fire storms, fights, squabbles, anything you want to call it, without becoming and that is a partisan or nasty or somethin of the sort. I'm not saying this part of what I want to say, as well as I should like to say it. The exxenece of this is, I have never heard him speak ill of anyone and he has been in the job in which controversy and harassment is a daily part of the job and essential ingredient thereof. I think that the Administration of the Arkansas River is going ot suffer from Lane's resignation and I, although I understand some of the reasons for it, certainly regret the resignation he has tendered.

- Having said this I think we may go on to, yes Mr. Gibson.

MR. GIBSON: Mr. Chairman, some of the rest of us, for the record would like to make a comment.

MR. COOLEY: Fine.

MR. GIBSON: After the Chairman's comment, there is

little I could add. Except Lane, he had me worried as to whether you were a human being or not. I think to error is to be a human being. We all make mistakes and errors. I would say I have enjoyed working with Lane. He has been very responsive in any question I have had. Very fair in his dealings. I would like to suggest of the Compact Commission by a motion or whatever is necessary that a proper memorandum or a resolution acknowledging his service to the Compact. I request a photograph of Lane and this be put in the next publication and a copy of this be made available to his family. If that would be appropriate, I would so move, Mr. Chairman.

MR. COOLEY: I think that is entirely appropriate.

MR. BENTRUP: It has sort of been a custom in the administration since I have been a member, that a person would have to die before they received such a ----- but I agree with Guy's motion.

\_\_\_\_\_ : Second.

MR. COOLEY: The motion has been made and seconded. Is Kansas ready to vote? Kansas votes "I". Colorado votes "I".

MR. HILTON: I would like to volunteer for responsibility of drafting that resolution.

MR. COOLEY: Even though you're an engineer under the special circumstances of this meeting. If you will give suitable opportunity for review of your motion that request will be granted.

Does anyone else have anything to add or say on the remarks that have been made? I'll give anyone who wishes the opportunity but my intention is that we move on. I would say with respect to the agenda, on<sup>e</sup> thing. If we should be able to move this meeting along this morning so we approach the conclusion of ----- noon hour. I would nevertheless request those of you who are anxious to drive several hundred miles to try to make the effort to have lunch up tower here with the ski lift. I know one or two of you, C. V. Mills asked to leave for reason why he must. But if it's at all possible and we are able to move the meeting towards a conclusion. I hope all of you would make the effort to have lunch together.

At this time, I believe it is appropriate that we consider those matters that the Fort Lyon Canal and Mr. Lefferdink and Mr. Schroeder have brought to the attention of the Compact Administration. Without further remarks, I will ask Mr. Schroeder to restate those matter or Mr. Lefferdink.

MR. LEFFERDINK: Mr. Chairman, at this time we don't think it would serve any useful purpose to rehash some of the things we have been complaining about. For example, lack of notice. This has been mentioned by other up stream ditches, too. We do object and have gone on record objecting to the fact that we were not given any notice of the proposed resolution. We think it is extremely important that in the future if there is going to be anything along this line again,

that notice be given to all of the ditches, so as to get their input to any proposed resolution or any change in the Compact as it is drawn. As you all know, we have filed two complaints regarding the damages we have claimed in April and June. This was based upon our interview study. Who of course, is not here today. In response to that, Mr. Kasic made a report and we appreciate that he has furnished us a copy of that coarse, what you all have. Again, our board has not had the opportunity to study Mr. Hackett's report neither has our engineer had an opportunity to liik at it. Mr. Kasic's report basically comes to the conclusion that adding up the pluses and minuses, it's either a wash out or maybe the Fort Lyon had some pluses out of it. Be that as it may, Fort Lyon does feel that it was injured at this time and we are on record and again wish to repeat that we are opposed to the resolution as such. If the Commission decides to go ahead with the resolution as drawn, or some modification of it, we think there are two things the commission should take into consideration. One, I have already mentioned. That is the importance of notice to everybody that is going to be affected by the resolution. The reservoir is to be operated to the benefit of upper and lower ditches unless we are all given notice. Given the oppoortunity for input, we feel there is a great potential for injury.

Referring to Mr. Kasic's letter of August 9, 1979, in which Mr. Kasic also mentioned yesterday at the meeting, in which Fort Lyon certainly will join and that is compre-



hensive set of operating principal should be devised and adopted by this commission. Again, with respect to operating principals, whic undoubtly would have to be amended from time to time as problems develop. But nevertheless, proposed guidelines certainly would be gelpful so that any injuries would be avoided. It has been basically Fort Lyon's position, that the resolution and the operations carries with it real potential for injury to us, and this is probably our greatest concern. That's all the remarks I have on it. I believe Mr. Schroeder would like to add something to it, perhaps even members of our board.

MR. COOLEY: Thank you, Mr. Lefferdink. I would like to respond to your remark before Mr. Schroeder has the opportunity to make his. I can respind particularly to the of notice to up stream ----. I think the status of right now, of notice, is as follows; Mr. Hilton acting in his capacity is up for Colorado Water Conservation Board. As an offical for the State of Colorado has concede that notice should have been given to up stream users, of the tendency of the resolution, for the State of Colorado, whose district is up stream from John Martin. Has stated that he felt the dissimilation of information among up stream users was deficient and lacking. Because both of these gentlemen have expressed this and constituted in fact the majority of the Colorado representatives of Colorado membership of the Compact Administration. It is certainly safe and proper to assume the consideration of any continuation

of the resolution will be with such notice to up stream users as the two of them in consultation with you would be necessary. In short, the problem of notice should not come up again. It will be solved because of your efforts. I think it would be appropriate for me to state as follows; Its's my own judgement, and I haven't any support for this from Colorado or Kansas, that anothe resolution, for another year's operation under the resolution is likely to come before the December meeting. Is this not a safe assumption?

MR. LEFFERDINK: I think what we have to do before we get to the point wher we know that, we need to get together with ditches and water ----- 67 is ----- and find out if there is desire to continue the resolution and under what form. Once that decision has been made. I think we will decimate this information to the up stream district. Through the A. V. E. A. ----- Company. To the S. E. Colorado Water Association District.

MR. IDLER: I would like to also ask Kansas. They don't need concensus of their district too on this resolution?

MR. COOLEY: No, Mr. Idler I think your point is right. I intend to do that in a moment if we can take care of the Colorado notice. I intend to raise the very questio you have just raised.

Mr. Lefferdin, the way I understand the remark, that would probably consist of about three things. One, it's likely the 67 and will likely be made early fall. If that decision is favorly made, then Mr. Hilton has taken it upon himself to give notice that such a resolution will be circulated

and notice to the upper district. And that notice would necessarily mean that the matter would come before the annual meeting of the Compact Administration. You haven't received notice right now of that because there are ifs between this and the notice as to the notice only. Is that clear enough right now? Good.

The tougher question. The comprehensive set of operating principal. I haven't touched. I don't think we are at the point.

MR. BENTRUP: Had Kansas known there was any disagreement on the resolution among the Colorado districts we would not have voted for it. The next requirement, if another resolution comes up, that there should first be agreement among the Colorado district before Kansas will consider a renewal of any resolution.

Second, we feel that differences among ditches in Kansas should be handled by Kansas. Difference among Colorado should be handled by Colorado and should not come before the Administration. We have never brought our differences up here. We meet before we have an agreement or any resolution before we come to the board.

MR. SCHROEDER: We would like to have Mr. Hilton report back to us, if possible, concerning whatever it is the 67th district decides upon. Following that, this would put our report to you sometime between your comments back to us and the annual meeting of the Compact Administration. A written report on behalf of ----- . It's a little premature to say

what the report will be obviously because we can't know if there will be difficulty with the 67th census. Further more, we don't know yet if whether such ---- could be worked out in the interium period or to bring the whole package to the commission table. Which would be acceptable to not only the 67th but also the up stream ditches. At any rate, if we could work with Mr. Helton, we will work with Mr. Helton. If we still have problems after ---- is worked out, operating principals, then we would be parpared to presen, in written form, our comments to the commission in advance to the commissions annual meeting.

MR. COOLEY: I have the notion and it's only a notion. That Kansas may have some question, request or complaints on the operation under the resolution that might be brought before this meeting at this time. Is that Correct? Is there anything you desire to bring before the Compact Administration on the operation under the resolution?

\_\_\_\_\_ : Yes, nothing that will require anything at great length. First, we have a complaint. The rules and regulations of the Compact provide that, the secretary and only the secretary has the authority to make request for releases of the reduction in releases, made by the division of the Pueblo office. We want to know how that responsibility was shifted without the Compact being consulted?

MR. COOLEY: For the record. It is my understanding that the six written request of the Division Engineer of the State of Colorado, to the resident superintendent were infact,

after the fact. That they were a documentation authorizing releases after the releases had in fact been ---. Mr. Hacket, am I right in this one statement?

MR. HACKETT: I see it only that way. The actual adjustment for Kansas or any complete adjustment, was made after a call by Kansas of Colorado ----. An adjustment was ordered and made at the reservoir, by me, Correspondent to the Division of Engineer. Followed it up as a documentation to that order.

MR. COOLEY: Only for clarification. Let me go through the mechanics of this with you. I'm just trying to clarify what happened. The calls that were made to you from Kansas, were they telephone calls or written communication, which?

MR. HELTON: They were telephone calls from the water commission from Garden City, Kansas. And documented by written letters following telephone conversation.

MR. COOLEY: Were these from Mr. Coragan?

MR. HELTON: Yes, Harvey Coragan, Water Commissioner from Garden City, Kansas.

MR. COOLEY: The telephone call to you, still in the same thing. What happened after you received Mr. Coragan's telephone call?

MR. HILTON: The demands for releases of count water or river flow water under storage ---- after proper action was taken by me at the reservoir.

MR. COOLEY: Pardon me. Specifically, what action did you take? Not the proper action, but who did you talk to

and what happened?

MR. HELTON: The resident engineer. After the call or demand was placed by Kansas. I contacted the resident engineer or his proper employee, at this John Martin Reservoir. Either the office clerk from there transferred it on to the dam tenders for preadjustment.

MR. COOLEY: Were these by telephone?

MR. HELTON: Yes, followed by written back up to the Corps.

MR. COOLEY: Okay. No, I want it specific. Because it is easier to understand if we get the specifics. You sent a copy of the letter you had written to the Corps of Engineer, to Mr. Jesse's office, is that right?

\_\_\_\_\_ : It's -----

MR. BENTRUP: I raised these questions not to dispute the question you raised, but to clarify what is happening here. I think your question remains unanswered. Now, I'd like to buck the whole thing to Mr. Kasic. Jim, would you please now respond to the question raised by Kansas?

MR. KASIC: What happened is that the commission from Kansas will give Lane a call as Secretary of the Compact. He then asks the Corps of Engineer's to release the water from the reservoir. He also notifies us that this water is being released. We as state people have to insure that this water is going down stream and that no hazard ditches pick it up. This is where our coordinator comes in. We do follow it up with a letter and do send it out to interested parties.

MR. GIBSON: Our question is, relative to type of letter you ----- . If you ever get into matters where attorneys are involved, they go for the letter not what we intended to do. As an example. A letter July 25, 1979, Robert Jess, Division Engineer, Resident Superintendent, John Martin Reservoir. You have issued an order. You are authorized to begin a ----- agreement from John Martin Reservoir to the State of Kansas, at 1,000 hours, July 18, 1979. This letter is dated July 25th. Now, I think it's the type of letter they are using that raises the question. We do have a question, really. We understand that they are responsible. Where is their responsibility to become involved, telling how to operate that reservoir release of Compact Water? Why, the follow up?

MR. HELTON: It is common practice to release water on a telephone request, to release water to the ditch. The paper work usually follows up. That happens to be a little too long. The second problem. This is some of the operating principals that has to be clarified. Once that you have Compact Water in your Compact account, you then switch it over to Agreement Water. Then who's responsibility does it become. Does it become the Compact or states responsibility?

\_\_\_\_\_ : I'm not sure that I quite followed you. It seems the Compact, responsible of storage, would be the one to make the request of the release. Once the release is made, then by Colorado lawyer, it becomes your agency's responsibility to deliver water ----- contract and water rights ----. It seems to me and correct me if I am wrong.

Your normal procedure, where you would not be involved in the Compact, is as your letter indicated. You would write, you would confirm your telephone call, something to make your request. Our question is, the Secretary makes the request. Where do you come involved then in writing the Corps? Does the Corps look to you as a lead agency in this release or what?

MR. HELTON: This is one of the problems we have to straighten out in this resolution. When you have Compact Water in there, the secretary is responsible for that water. Once you switch that Compact Water into Agreement Water. It no longer is Compact but becomes Agreement Water and that is where the state becomes involved.

MR. IDLER: I think right there is our problem. I don't look at it that way. It is still Compact Water even though it now becomes a bookkeeping process but different interest. It is still under the Compact.

MR. HELTON: If it is Compact Water, we would not release the river flow from up stream. We would keep it up stream.

MR. IDLER : Now your getting into something else.

                    : May I speak to the point? Let me make it perfectly clear. I am not speaking to the specific operation of Division Two in this case of John Martin. I will try to relate what Jim is saying on our overall operating practice to this reservoir.

If your recommendation operating project demands for delivery of water, comes through the Division of Engineer's



Pipe Ownership Water, owned by the bureau and you sell it to somebody down stream and they put the request on us for a certain amount of water to be delivered to such and such ditches, we order this release. If they infact have water in that county. Okay, switch it from that straight --- operation to flood control conservationtype operation and a very good example would be Chadfield Dam.

Our criteria in all flood control reservoir provides that, above the minimum flood flow the Corps of Engineer is clearly responsible for operation of the reservoir and releases from the reservoir ---- consisted with their operating flood management operation ---- At the minimum flood pool, the Corps is responsible for the releases of the water and would call tender directly, simultaneously call the Division of Water ----- . He is the one who says we will or will not release the water from the flood pool. Now, below the flood pool, the conservation pool, is our operating criteria. The owner of the water does not have the right to call Denver and release water. The way that is handled, the order is placed with the water Commission who determines, infact, that there is account water reservoir and is released to the account down stream. Now, what I hear Jim saying, and this is in line with our low record use, Latin term ----. As I would view this. Right now I'm more concerned with stepping on Jim's toes, quite frankly, than I am on yours. The way we view this on general operating criteria and we so recommend tha he works with you. This Compact Water, when it is being

held in Compact responsibility, prior to the resolution. Kansas or Colorado call for releases of the water. Under the resolution Kansas or Colorado calls for the releases of the water but it isn't released. It then goes to a type ownership. It no longer belongs to the Colorado Compact Owners. It belongs to a specific ditch or Kansas. Because each ditch then has the opportunity to retain its water storage or call ---- independent of what the ----wants to do.

( unable to understand rest of speech )

\_\_\_\_\_ : Thank you, for your comment. I think you have clarified it a great deal on the overall procedure of how it operates. Would it be a fair assumption on my part, that you have also indicated your office has assumed the bookkeeping responsibility of how much water each party has. The inflow and the outflow, so on?

MR. KASIC: Yes sir, we do have bookkeeping procedures for each account for the inflow and the out flow and the reason we have to do this is to insure that a priority down stream is not injured.

MR. JESSE: This is interesting and I'd like to read it to you. It's a correction to the letter dated July 25th, in regard to a 500 cfs run. ---- duration of the run changes so that net loss to the Kansas line should have been 399.90 cfs not the 412.19. Now, you mean to tell me this is what it says. There is 399 cfs loss out of 500. This is what the letter states. Is that what you meant?

MR. COOLEY: I would like to intrude Lane Hackett into

this cuff because if Lane came into this colloquy, it may get further clarified. Can you give any further clarification on this Lane?

MR. HACKETT: On this preticular event, I'd have to go back to the records, Mr. Chairman. But I can give you what actually happened on that Kansas call or any other. This water commissioner placed his demand for ---- was this the 500 ft. cfs ----- for a 500 ft cfs release out of Kansas account to be made at a certain time on John Martin Reservoir, this was so done. The delivery of that water was done under the U. S. G. S. study of Russ Livingston, Engineer committee. That was approved by the Engineer committee that water delivered ----- Kansas or Colorado would be made from under that transportatio loss, which we figured from tha U.S.G.S. study. That is not applying to a study below John Martin. The only study that was made, was the one that applies to this transportation loss and transit time was figured. G. S. studies. This was so done. That amount of water 399 should have been delivered to the state line.

MR. COOLEY: My problem with your remarks Lane, is that I think that we are more interested in specifics than your calculation of losses. One other question I have. The calculation of losses to the Kansas line into ditches, are they made by you or are they mad in Pueblo:

MR. HACKETT: We work together.

(END OF TAPE I SIDE II)

(TAPE II SIDE I)

MR. COOLEY: We are ready to go back on tape. We were discussing the question of the letters from the State Engineer's, administering the water under the resolution. In specifically, the questions are concerned with the letters from Mr. Jesse's offic, purporting to distributing the water of the State of Kansas.

It appears to me, just parenthetically, two things; one, that the working of the letters may be infelicitous and secondly, that there was ans unfortunate slip of the tongue inone of the letters as far as losses are concerned. When it meant net ---- the delivery figure was substituted for the loss figure, which indeed is unfortunate.

MR. KASIC: Possibly, I should go into what the transit loss that was decided to be used. I believe at the last Compact Meeting.

MR. COOLEY: Pardon me, I don't really think that the transit loss calculations figures has been questioned by anyone here.

MR. KASIC: I believe we need a little history here. We were making a transit loss down the Arkansas. At the Compact meeting it was requested that this water be followed by John Martin to the state line. It was then asked by the Compact commission if the U. S. G. S. could make this study at the present time. I forgot what it was. They would make this study later on. The questio was. How much should the

transit loss be? We had quite a discussion on that. What was decided was that we would use Russ Livingston Transit Loss, sub-reach six. I don't know if you are familiar with that report or not? We then said, "Okay, we will use Russ Livingston's Study". We wrote a letter to Mr. Cooley and it's in the report that we submitted and it says the different sub-reaches that we were going to have. John Martin down to Amitty. Amitty down to Lamar. Lamar down to Buffalo and Buffalo down to state line. When you use the Russ Livingston report, you need the antecedent river condition. It's one of the major factors in his report. We did define how we were going to come up with these antecedent river condition. The second thing in his report that you have to use, is the quantity of water. If you use a larger quantity, he has a different set of numbers versus a smaller quantity of water. The third factor, is the duration. And this is where we ran into problems with the 412 versus 399. It's a duration with only 3 days. When we first calculated the 412, we put in the factor for 7 days. When we realized that it was only going to be 3 days, we recalculated. If you will also note in our report, we tried to follow this water down to see if in fact, what its transit losses were. We were unable to do that. Does that clarify your transit loss situation?

\_\_\_\_\_ : We were doing just fine until you go to, "We were unable to follow it down". Why?

MR. KASIC: Bill Helton was able to follow it down. Did you have a ---- problem?

MR. HELTON: I followed two separate releases to Kansas. One thing we did was to precede the release and return the antecedent condition at points where we didn't have measuring devices. Such as the Amitty Dam and the Buffalo Dam. I also measured the release below John Martin to determine if in fact, we were using the correct shift on the gate. And whether or not the actual release was correct. I also made measurements at the various stations to try to determine whether or not the transit loss we were using was somewhere within reason. On both of those events, we had contributory before the release was over. And we were unable to determine or separate the John Martin release to Kansas from the contributory inflow below John Martin. The reason for this was that, because Kansas had the foresight to call for their water when they were anticipating contributory inflows. There had been rain in the area. In order to facilitate the delivery of the proper quantity of water to the state line. Mr. Coragan had the foresight to call when the river was in fact, being recharged, by tributary flow. I'm not able to say we got 399 cfs at Coolidge from the release to Kansas from John Martin. We did exceed that discharge at Coolidge. But I'm unable to separate the tributary flows from the release. We made two separate tries at it but both of them were during rainstorm events.

MR. COOMBES: Our problem in evaluating whether this resolution has improved delivered water to the state line over our other system. We need to know, how much state line

flow is agreement water or our Compact Water. How much is river flow to which we are entitled to under this new resolution?

I have another question. When you deliver this agreement water, resolution water to a certain ditch ----- say, he has 500 ft. coming, what river loss do you figure in delivering that 500 ft.?

\_\_\_\_\_ : ----- and the quantity of the release along with the duration of the release.

MR. KASIC: It is all based on the ana---- river conditions.

MR. BENTRUP: Our water is measured at the reservoir rather than at the state line which we do another contract. If the company has 500 ft. coming you'd subtract at his head gates the transit loss. He is not entitled to any river flow.

MR. KASIC: Correct. If we were to release 500 sec. ft. from the reservoir, we would figure up what the transit loss would be. Then our water commissioner would make sure he picked up these releases minus the transit loss. Which would be may be 485. And that is what he would be entitled to at his head gate.

Bill, I think one of the things is that, that report by Russ Livingston, is that you fully understand that report by him. That is the report we are using.

\_\_\_\_\_ : Is the plan at the present time to follow up future releases when it is not secured flow below the dam to get a check on you ----- system that you use.

MR. KASIC: Yes, I think this sub ----- six was just for the interium. Until the Compact Commission told the G. S. to make their studies.

MR. GROZIER: That is my next question. Wher are we on the studies?

\_\_\_\_\_ : I don't know anything about ---- studies.

MR. GROZIER: Can we get a letter off to somebody -----studies. Would that help speed it up?

\_\_\_\_\_ : What we would need would be a letter from the commission. I think to proceed ----- . We don't have the funds right now to do so. They can be done on a release such as a 500 sec. ft.

MR. COOLEY: It appears Mr. Grozier, that the Livingston study was of immense value in the administration of the river for the reaches of the river that were included in the report. The formula and table there is such that even someone not experience in those calculations can make the calculation with the example given. It also appear, that it's both to Colorado and Kansas interest that those studies be continued below John Martin just as they have been above John Martin. What action could be taken that would be most likely to expidite such a study for the reaches underneath the dam?

\_\_\_\_\_ : Okay, all I need is a letter from the Commission authorizing us to proceed with this type of studies and that funds would be made available to cover the cost of the studies. That's all I need.



MR. COOLEY: So far the Livingston study was on a matching basis. Assuming we have ---- funds. Hopefully, we will have by October 1.

\_\_\_\_\_ : I think the record be clear of the fact that we are at the proper time in history for this to happen.

In the early 30's we started delivery ---- water to ditches below Pueblo. There were some problems in the upper regions of the Arkansas in so much as people didn't regulate their headgates. They literally stole some of the projects water. As a result of this, there was a very lengthy trial in which the judge went into transit losses from ---- lakes of the Colorado Canal. As a result of this, it was determined that the proper charges for this kind of delivery was .07 percent per mile, for some reason became magic on the Arkansas. Probably because of the fact that, that's the ---- we always delivering water. It didn't matter if the losses were greater below the canyon mouth than they were above the canyon mouth but the event of the Pueblo storage. Now we have this account in storage situation. Although, I can see where there could have been a problem earlier, as a result of this, the southeast ---- district in cooperation with the U. S. G. S. and our office was involved from a support part, started their transit loss studies. I might say they were started several years ago and each year we would get flooded out. You just can't run a transit loss study and have Mothe Nature distroy it in the middle. Anyway, as a result of the Livingston study which was in co-

operation of all the ditches involved and all of the parties involved. They were able to get some releases. They were fairly confident of the reac losses down the line. Well, it was obvious that .07 was not proper below Pueblo, right Jim?

MR. KASIC: Yes, according to the study. Because, the stream was losing and gaining ----- . But I think it is proper that we now move into this next step. But I want to, practicality the representative from Kansas to realize, that there is nothing magical about the Livingston study going to John Martin. It involves releases of project water from ----- to indirect ditches. I just want to make the record clear that is just timely, that these are falling in sequesce. That's the only reason for putting it in the record.

MR. COOLEY: Thank you.

MR. GROZIER: If we can get a letter right away, within the next couple of months, we can make an estimate of what this is going to cost, and get back to the commission at the annual meeting in December. There is no reason that the loss study should end at the state line. It could go on to Garden City or wherever you might like for it to end. Working with the Kansas District it could be carried on to wherver you would like in Kansas.

MR. COOLEY: Yes, I am perfectly willing to write such a letter without a resolution of the Compact Administration. If you fell that it would be stronger based upon a resolution, I will entertain one at this time.

When you say all the way, you are talkin from the gate at John Martin to Garden City? All six people at the table have nodded their heads for such a letter to be written to the U. S. G. S.

Now the more significant question this morning is, are we at a state where we have answered to the extent that there can be answers for the questions of Knasa, to the operation of the river? Have we covered these areas?

MR. BENTRUP: First, we need to report to our ditch companies in Kansas. There is no way of dividing state line flow into river flow and compact water. No, Jim doesn't like to call it compact water. Between Kansas releases from ---- There is still no way to accurately figure how much of the water that has crossed the state line has been river flow and resolution water.

MR. COOLEY: Mr. Helton.

MR. HELTON: I think we can look at the state line flows during the times when the delivery was in progress and compare them to what the state line flow was and after. I think you can get a general idea as to the estimate.

\_\_\_\_\_ : You can give us an estimate at this time, you can't give us an accurate figure. If you follow down a certain way you have a good idea then what in all probability release ----- state line may or may not be exact figure. We hope in the future to do some additional studies that indicate you might make on the run to improve that accuracy the account has.

MR. GROZIER: I'd like to interject here that we have cooperated with the U.S.G.S. and I know that is Bob Jesses fellings. If you need more man power in order to make measurement ---- more than willing to do so.

MR. BENTRUP: Kansas will be glad to furnish a few people to if we have them available.

(unable to understand some discussion)

MR. COOLEY: Any more questions?

MR. GIBSON: As a result of this discussion. It would appear to me most desirably, to pursue this. Establishing operating prencipals so we all have a clear understanding of the impact, whether it goes to compact water or some other kind of water that has on the river and the people using the water. Whether under the operating principals always, the secretary of the Compact must make the request or whether there is a shift there so to speak. Where the water becomes divided, then should Kansas actually contact the office fo the State Engineer's as well as the Kansas water release, or whatever it is. It seems to me right now, we all don't quite understand what is going on. There may be some legality involved in referance with, referance to the Compact secretary. Whether the Compact actually transfers ownership of that water or not. I think those principals should be outlined so that we all understand.

MR. GIBSON: Let me ask you this. Say for instance, Kansas calls for water at 2:00 in the afternoon, to Lane Hackett. Does Lane then have to get permission from you before he does

it? The reason I am saying this is it might have been part Kansas's fault. There was an 18 hour delay in one run. I'm wondering if this may be part of it or was this Kansas fault?

MR. KASIC: No, Lane could order the release and then we would back him up. We have been trying to cooperate in order to see how this program works. These are some of the operating principals that should be spelled out clearly in our report that we submitted. We tried to defie what had happened. Mr. Jesse would like these operating principals to be spelled out a little more clearly.

MR. GIBSON: Going back to the original question. Why ----- was there an 18 to 20 hour delay that made a lot of differance in our water.

MR. KASIC: I'd have to look at that preticular event. As far as we were concerned, Mr. Coragan was asking Lane Hackett to release this water and as soon as he released this water we backed him up.

MR. COOLEY: We will continue with Mr. Hackett's responseto your question. But it appears to me there are several matters that have to be addressed by the Compact Administration that won't be able to be covered between now and 12:00 o'clock . . . The report from the U. S. Geological Survey. Question of the recording of the minutes. The matter of the resolution for the Corps of Engineer. We are going to hear from Mr. Genobee briefly. There will be any new business. It appears to me that there is not an hours wouk to be done.

MR. KASIC: Mr. Chairman, at this time there is still canals represented, 14 and 17. We would like to express, comment on the resolution. They may want to say something else.

MR. COOLEY: I'm sure they do. I suppose I have been trying to trap them in having lunch with us. I suggest what we do is as follows; First, have Lane Hackett's remarks and respond to the questions of delay. Mr. Schroeder wants sixty seconds. After Mr. Schroeder's sixty seconds, without objection, I would hear the remarks of those other ditches that want to be heard and Mr Genovee's remarks with respect to the resolution and the notice given to that. And then we will adjour for lunch and necessarily have to come back for an half hour work.

Now, Mr. Hackett, in response to Mr. Gibson's remark on the 18 hour delay.

MR. HACKETT: I may be a little fuzzy on this particular release. As I recall it or any other release that Kansas has called for, that it was agreed by the water commission. Where as this 18 hour delay you are talking about, I don't recall. Due to the fact that Mr. Coragan, your water commissioner agreed with me on his telephone conversation. That a certain date and time on that date, his release would be made. It was agreed to be done that way. If there was an 18 hour delay I'm ----

MR. COOLEY: This is the May 31st. release for the record. You have had problems with the fact that John Martin is

operated ----- on a 40 hour work, so it's not your position that the gates have been adjusted instantaneously with respect to anyones call.

MR. HACKETT: Right, I have had to work as close with the Corps as possible could be handled. Due to the fact, that the Corps like a up stream ditches was not aware of the new type of operation that John Martin was coming into under the resolution. They were not prepared, budget wise and employee wise to handle the extra accomodation we were placing on the Corps of Engineer's for the operation of the day. So I have worked and I've requested with the people who have water in there, and your commission at Garden City. We worked as closely as we can with the Corps of Engineer's under the stress that we were putting them under with this resolution, to make it a better operation all the way around without injury to anybody. ----- has agreed to this type of thing.

MR. GIBSON: Would it help if you had a letter requesting that the services of the Corps be extended to cover for the operation?

MR. HACKETT: It would help for us to have a letter explaining what your desire ----- operation is -----.

MR. SCHROEDER: My question is to Mr. Kasic, regarding the information he gave us awhile ago. The 500 sec. ft. release to Kansas for the release of agreement water. During the release of Kansas for the release of agreement water. During the release of the agreement water, do you agree

with me in conversation, most probably, 67th is falling out 17 ditches? If that water had instead been call compact water and you were simply emptying the conservation pool. Would 67th have been permitted to call out 17 ditches?

That is what I thought.

The distinction is caused simply by transferring water to conservation pool water to Kansas agreement water and by the single transfer, we have accomplished a change in how 67th call out 17.

MR. KASIC: No.

MR. COOLEY: Hang on ----- I don't think we can dispose of this matter with in 60 or 120 seconds. I suggest we continue this colloquy at 1:15 P. M.

MR. GENOVEE: Mr. Chairman, I have a prepared statement. Prepared in behalf of the association by our attorney. We have touched on parts of it and you may find it repetitious. For the sake of the record I would like to get in in there.

MR. COOLEY: You are alledging, immediate and irrespon- sible injury by the operation of the resolution for the past year, is that correct?

MR. GENOVEE: If the figures show that. We are not alledging that at this time, no. We would like the opportunit- y to go over the figures. And have an opportunity to have some imput before you adopt a resolution for another year.

MR. COOLEY: You have heard the comments about notice. The meeting will be recessed until 1:15 P. M.

(Lunch Break)



MR. COOLEY: Mr. Gibson, I have here, put down here, the remaining matters, what I think are the remaining matters. What I think should be delved in whether it takes one hour and fortyfive minutes, whatever.

The gentlemen is here from the Pueblo Counsel of Government. We have the business of the Schroeder record. Which Mr. Schroeder is very pleased with, but the State Engineer is not so pleased with.

I want to ask Mr. Gibson, did we satisfy the question of the delay of the operation of the gate at John Martin with the letter to the Corps of Engineer's, requesting a little more budgeting and man power so we can eliminate these delays. Okay.

The resolution is still being slightly modified and worked on by Mr. Gibson and will be submitted to Colorado. That's one of the last things to be done.

The report on the tape will take less than five minutes. I think the most prudent thing to be done at this time, is to extend the remarks of the State Engineers.

Where we were, with the remarks of the State Engineers as I understood, is as follows; If it is compact water, is there a fall on the river? Yes. And Mr. Schroeder said, thank you very much. That takes care of the matter completely. I believe without being too gacetious on an important matter. The commission made it clear that it wished to extend its remarks. I suggest that Mr. Kasic has the floor and I request that he come to the podium to make your clarification.

MR. KASIC: Mr. Chairman, would you like for me to say anything?

MR. COOLEY: Well, there is a lot of levities that has been injected in this. Some of it by myself. It seems to me Mr. Smith, at least ----- record to remain in exactly the status as it was ----- response to Mr. Schroeder two questions.

MR. SMITH: Yes, if I might introduce what I meant to Mr. Kasic, on the record. I think the point of the implication that could come out the way the record reflects right now. Is that by transferring ----- capture water into the Compact Flood situation, right now. We transferred it over to account water, right now. The up stream rights go on demand before they would if you took the time to deliver that water specifically through reservoir. As I understand, this is what I want cleared for the record. In transferring the Compact account to Agreement account. You infact, take in consideration the time it would take to physically move it out of the reservoir. So that time of the up stream call goes on is ----- whether it leaves the reservoir or not.

MR. COOLEY: Does that sufficiently strophy the answers for the purpose of the State Engineers office?

Yes, all I want to review Jim's report that he made. He shows in ther the time of ----- time event, time transfer to the account or agreement water. As I read it, and thats what I'm getting him to reafirm, what I was reading. Is that when it goes into agreement, at the same time.

MR. KASIC: Yes, and what Mr. Schroeder was after was that

when was the river call occuring during this period of time? We did have the river call up stream during storage and during transfer. Once it has been transfered then the river call extends through John Martin.

MR. HELTON: I'd like the record to show, I think that is what Bill is getting at. But had that particular water in question has been released as conservation water, it would have in additional since. It would have long since been evacuated and at the time of delivery to Kansas of account water. The call would have on the river.

MR. COOLEY: I believe that takes care of the record in this matter and thank you very much. I'm sure Mr. Schroeder appreciated this clarification as well.

At this time, I'd like the report of Kent Reyher and the committee with respect to the record of the proceedings of the Compact Administration.

MR. REYHER: Mr. Chairman, the only thing I have on this, on researching different types of equipment which we could use to aid us in recording the minutes of the meeting to the Compact. We wanted something which would record for a long amount of time. Which sent us to reel-to-reel recorder. However, in the last two or three years, production of reel-to-reel are becoming obsolete in the portable sense. If you buy a reel-to-reel, they build them now for recording your concert hall production or something elaborate where you buy receiver, speaker and your recording apperatrice. And it runs into thousands of dollars. Also in the advancement of technology

of these recording devices they have developed a cassette much more now. Higher quality in reproduction. It's also cheaper than the reel-to-reel. In talking with Kromar of Denver, they suggest we go this way. We can get a recorder and a mixer which can be use to hook up a couple of mikes, so that when you are in a conferance room, which are five times larger. We need a speaker in the back of that room. We can have a couple of speakers to pick up important discussion. Extention cords, if we do it this way, will cost us approximately \$600.00. With the reel-to-reel it will be higher.

MR. COOLEY: Is it the committees report that the Compact Administration make the one time expenditure of \$600.00 as you indicated in your report?

MR. REYHER: If we could purchase something in that area. The only change I would make would be if we were able to get by with only one mike, instead of the two mikes, at \$69.00 a piece. Such as the conferance table, the one mike and machine could work and then the extention, I would do away with the mixer.

MR. COOLEY: I'd point out to you Kent, that we have spent as much as \$600.00 at one meeting for court reporter. I think the one short expenditure is warranted. Do you make that in form of a motion? As a committee report, I would think it might well be in form of a motion.

MR. REYHER: I move that the Compact Administration purchase a cassette recorder, miser, mike, extentioncord and any other equipment that would go along with this. For the purpose of

aiding and recording the minutes of the Compact Administration.

MR. COOLEY: In the approximate amount of \$600.00.

MR. REYHER: Yes.

MR. COOLEY: Is there a second to the motion? The motion has been made and seconded. It is open for discussion. Is there any discussion necessary?

Kansas votes "I".

Clorado votes "I".

Would the gentlemen from the Pueblo Counsel of Govrnment come up, please.

MR. LOOBY: I don't know how much you went through this morning, and I don't know how much the individuals from the audience are familiar with the set up down there. They used to try to help make stream clarification on the Arkansas. When they did that they only collected a limited amount of water fall data for two parimeters: -----oxygen, ----- nitrogen, still need to have more water fall data collected at a low flow situation. In order that we can have a water fall model to predict existion conditions. Which we are really confident in. The reason we want the high level constant in a model is because of the stream classification hearings which are going on throughout the state. Starting this month and will wind up on the Arkansas in 1980.

You are all familiar, I'm sure, with the concern which has been expressed in the past, about the burning up of water needed by the public ---- stream classifications are made too stringent. The Counsel of Government's has been a friend,

if you will, to the down stream divertors. We try to protect the interest of the down stream people by not making recommendations to the state that would indeed cause the water to be used up. It is our intention to continue that path. We have got to have a strong case. To get the strong case we need more data. What we propose in the construction of down stream irrigation companies is to have a low flow stimulation down to Pueblo Cam. Probably the middle of September this year. If that natural low flow doesn't get below 100 or 150 cfs through Pueblo. If we get the natural, then we don't need the agreements from anybody. We will just jump in the river and get the samples that we need. If we don't, the issue is so important that we want to have a back up position.

We have been talking to the ditch companies. Unofficially and verbally. We have received positive response so far to have low flow simulation. What we would do, say September 9th, the Division Engineer could start to regulate the flow to 100 or 120 cfs or something like that out of the dam. All the water that is usually diverted through Pueblo will continue to be diverted. All of the water C. F. I. in the city of Pueblo that normally goes back in, would continue to go back in. So going by Avondale we would probably have somewhere around 100 to 150, 175, 200 sec. ft. That water will be available for diversion later down the stream. If the weather gets dry, we may only need to do it for three or four days. It all depends on what the flow is before we start the run. To determine how many days we need to wait for the water to

seep out of the bank and get it down to 100 or 150. Specifically, what I would like to ask the Compact Administration is, if you would be willing to first of all acknowledge ----- to you Mr. Chairman, that you have had a report on this and secondly, to notify the Division of Engineer's that you have no problems with it as long as all the parties effected by it and agreed to it.

MR. COOLEY: Yes, I have gone over your draft letter. And the language is support on endorsement of the study. It appears to me from what you have related over the telephone, and from what I have heard from your remarks right now, that the support in the endorsement of the Compact is all that is required by you, of the Compact. Since it appears there is no compact water or compact water rights will be effected by the study or should be effected in a manner in which you have discribed.

MR. LOOBY: That's correct.

MR. COOLEY: That being so, after Colorado has a chance to look at the letter with my changes to it, and a couple of changes that are in the process of adding. I believe, we'll be able to pass such a resolution right now, and your purpose will be accomplished.

MR. LOOBY: The secong thing I would like to do while I am here. Perhaps after the meeting, if the gentlemen representing the two ditch companies that are present, would be willing to . I'd like to talk with you for a minute and see if you would be willing to sign the agreement that I have

distributed to the Presiden of the Board a couple of weeks ago. It sends your willingness to cooperate with this study to the Division of Engineer's. I'll wait around until you are free.

MR. COOLEY: After the meeting your liable to see a cloud of blue smoke. You will be lucky if you can catch them. More power to you.

Duane, have you had a chance to doctor that thing as well?

MR. LOOBY: I'll be glad to answer any questions anyone else might have about the proposa. It's pretty straight forward.

MR. COOLEY: The present letter proposed is as follows; It is address to Mr. Jesse, and it states:

The Arkansas River Compact Administration has been made aware of the proposed 5 day low flow simulation run through Pueblo in preparation for the above hearings. The Compact Administration supports and endorses this study if providing that the Administration receives an accounting after the run is completed.

I think there is a concensus here. Is Kansas ready to vote? Kansas votes "I". Is Colorado ready to vote? Colorado votes "I".. A letter in this form will be sent to you. I think it's atleast as strong as the letter in the draft you submitted if not stronger. And your welcome to

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The only other meeting, other than new business, before the meeting at this time. Relates to Jasper Coombes's resolution early this morning. Was in a form of a resolution



of the public works, Committee of the House. We have altered that resolution to one directed to the public works. I would like to read it before it is voted on.

Resolved by the Arkansas River Compact Administration. That the committee on Public Work and Transportation of the House of Representative of the United States. Authorized the Board of Engineers for Rivers and Harbors. Created under Sec. 3 of the Rivers and Harbors Act approved so and so.

Is hereby requested to review the reports of the Arkansas River and its Tributary. Published in House Document 308, 74th Congress and so forth.

With a view to determining, if any modification should be made therein at this time with respect to Multi Purpose Improvement for Flood Control, Water Conservation, Recreation and Related Water Resourse Development of the main stem of the Arkansas River between John Martin Dam, Colorado and Garden City, Kansas.

The review should specifically address the problem of efficient water delivery from John Martin Dam to Garden City, Kansas. As related to Colorado to make deliveries as outlined in the Arkansas River Compact. And that the Congressional Delegation of the two states be informed as amended.

Is Kansas ready to vote? Kansas votes "Yes". Is Colorado ready to vote? Colorado votes "Yes".

That amendment has been passed Mr. Coombes, and this form. Let's move it up and get a copy to you. That disposes of the resolution. The matter of Pueblo Counsel of Government with new business.

Mr. Genovee, without attempting to create offense. I have reviewed by not intencity, the letter to the Compact Administration. It's my feeling that the letter is as strong as it needs to be and possibly over stated. You have been and obviously are a perfect gentleman. But I wanted to make the comment about the report presented.

MR. GENOVEE: What do you mean over stated?

MR. COOLEY: Putting it another way. I think that the prepared letter you brought to the Compact Administration was ever bit as strong as it needed to be and maybe a little more strong that it needed to be.

MR. GENOVEE: I see.

MR. COOLEY: Okay. Is there any other new business?

MR. WALLACE: We have a fridf letter from our attorney. We only have one copy. Stating the ----- objects to this matter.

MR. COOLEY: You are refering to the resolution and the way it was adopted?

MR. WALLACE: Yes. If you want a copy, I can have our attorney send copies.

MR. COOLEY: We will be glad to take the original that you have in your hand and put it in the records of the Compact Administration as a part of the permanant minutes of this meeting.

I can see that it is one page instead of three, so ---- I might not need to make the remark that I grotuesously made to Mr. Genovee.

MR. WALLACE: Also Mr. ----- of the Ober---- Canal, wishes that they could be on record as objecting to this.

MR. COOLEY: When you say THIS, just for the record-----

MR. WALLACE: The resolution. Then a, it's pretty obvious this morning. I think that everyone sees, the ---- pressure on everyone. Sees the mimipulation of the river that has been occuring. Another point I'd like to make. These changes I brought out before the winter storage meeting. Bring Amitty water down by our canal in the winter time is a severe change in our priority. Thomson told me, it was none of my business. But these are the gact changes, kind of like throwing a peble in a still lake. The ripples go on and on. Then these small changes alot of people aren't to familiar with, think they don't amount to much. But people who have to work for a living  
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(END OF TAPE II SIDE I)

(TAPE II SIDE II)

MR. COOLEY: ----- you know that you are not going to convience me, nor is it important that you do so. I think this matter remains of importance ot the State of Colorado and to the State of Kansas. And will probably not take less than an hour at the annual meeting in Decembser at Lamar. So that question may well still be open.

MR. SMITH: Mr. Chairman, I was wondering if it might be appropriate to read Mr. Wallace's letter. I don't know if the texture of it is, but perhaps it would help.

MR. COOLEY: Sure, it's a short letter. We will be glad to read it into the record.

Delbert Wallace from Los Angeles Consoladated Canal Company in Los Angeles. I have a letter from our attorney Mr. Ralph----

(LETTER SUBMITTED)

MR. COOLEY: Thank you very much. Again you heard the discussion of the notice and the December meeting. I want to announce at this time and request you to take notes of the fact by statue. The meeting will be on a tuesday the 11the of December. That meeting will start at, I think it ought to start at 9:00 A. M. Although, this is not notice to you, not formal notice. You are certainly aware that it is very, very likely that it's going to come up and you should be represented and you should be present there. Yes, Mr. Mandle?

MR. MANDLE: For the sake of clarification, what is the administration policy? Are you going to remind us in December?

MR. COOLEY: No, no. Mr. Helton explained that this morning. It is my understanding of what he said, is this. He is going to talk to the 67 ----- and find out what their position is. When they agree, if they agree, then the fact of where they are has got to be made known to the ditches up stream. And at that time note-----

MR. BENTRUP: Knasas has not made up its mind.

MR. COOLEY: And Kansas is well for that matter. The resolution as I understand it, is a two legged animal which can not servive without both legs. The legs are as follows; (1) The agreement of all of the errigators in the 67th.

(2) The authorization by the Compact Administration. As far as I'm concerned. in my own view. It is an open question. Whether the up stream irrigators for example, have a veto power. That operation of those water rights.

\_\_\_\_\_ : (unable to hear response)

MR. COOLEY: It is certainly clear from everything that has been said to day that notice will be given so that there will be full notification. It would seem to me and may be I'm popping off a little too much in my capacity as neutral. That if the up stream ditches were not directly affected, the what would be the essential necessity of ratification of up stream users.

\_\_\_\_\_ : I think the up stream ditches would be in a position to judge whether they were affected or not, as well as down stream users.

\_\_\_\_\_ : Does the old Compact mention the injury to the up stream ditches? Aren't the up stream ditches naturally involved by the Compact? How can you leave out on section ---

MR. COOLEY: That's another question of the statement of the question. It seems to me, if it was exclusively water of Kansas and 67 for example. I would have a hard time seeing why the consent of the ----- would be necessary for the operation of down stream rights in priority or according to legal right. I'm not trying to decide the issue. It, I'm saying, I've got a problem there, as one person setting up stream. And that certainly will come out and be thrashed out again and again this fall.

\_\_\_\_\_ : Under the old operation of the Compact, all ditches in a way had a storage ----- John Martin Reservoir. In other words we benefited, however short a time as Duane said last night. It could be hauled out real fast. Regardless of how short a time it was. All up stream ditches, under the old administration, benefited from the Compact.

MR. COOLEY: And there is a question brought up last night. If there is one iota of difference in this sense the resolution. Mr. Smith enunated this, you recall. So these matters haven't been clarified completely yet.

\_\_\_\_\_ : But you will agree. We are all involved, should all be involved.

MR. COOLEY: It has been agreed that you will all be given notice of what is purposed to be done. You have a representative. Colorado has one half of the votes in the matter of the Arkansas River Compact.

MR. BENTRUP: Mr. Chairman, since this is a Colorado problem. I move that the meeting be adjourn. If you want to continue this discussion of the Colorado ditches, that it be done without the Kansas deligation. Our position, as I said this morning. We will not agree to anothe resolution unless there is agreement among the Colorado ditches.

\_\_\_\_\_ : Clean your own house.

MR. COOLEY: Pardon me but there has been a motion to adjourn. What we are on is calling for new business. Is there any other new business to come before the Compact Administration?

We have announced the time of the December meeting at Lamar, Colorado. One other thing, if there should be another special meeting of the Compact Administration, it will be held at Garden City, Kansas. Whic is as far as you can get. Is there anythin else to come before the meeting? The motion doesn't require a second.

The meeting is adjourned.

MAIL  
ADDRESSES

HOOPER MEETING  
(If you didn't write  
it last night)

- Frank Cooley \* \* Dix Valley Compact
- Kent A. Reyher \* \*
- Dwaine Helton \* \* CNCB
- Leo J. Jeller \* \*
- Carl Kuntz \* \* Ark. Valley Compact
- W. F. Stoeckly \* \* ARCA Dec. field
- Ray E. Chiles \* \* --- Garden City, Kans.
- WAYNE B. SCHROEDER \* \* 1900 1st National Bank Bldg  
DENVER, COLO. 80293
- P.O. Box 19 Robert Wallace Las Animas Consolidated
- Carl B. Jann \* \*
- Don Taylor \* \* Public Works Dept. Planning  
2nd Lyon Canal Co Las Animas
- Jasper Coombes \* \* P.O. Box 1580  
Albany Dist Corps of Engrs. Albany, NH 3710
- John CUNICO \* \* " " " " " "
- Richard Grozier \* \* Box 25046 Mail Stop 1115  
U.S. Geol Survey, Denver Fed. Bldg.
- RONNIE D. Steger \* \* U.S. Geol Survey P.O. Box 1524  
P.O. Box 130 Pueblo Co 8100
- Gene Cruikshank \* \* Luman Canal Granada, Colo 81041
- Leo J. Pollart \* \* Amity Mutual Inv Co. Holly Colo 81047
- Lewis Davis \* \* Amity Mutual Inv. Co. Holly Colo. 81047
- Jim KASIC \* \* DIV ENGR OFF PUEBLO, COLO
- William R. Smith \* \* Colo. Acting State Engr. Denver, Colo
- Bill Howland \* \* CRO Div. of Water Resources LAS ANIMAS, CO.