

# STATE OF COLORADO

## COLORADO WATER CONSERVATION BOARD

Department of Natural Resources

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Richard D. Lamm  
Governor  
J. William McDonald  
Director  
David Walker  
Deputy Director

December 31, 1981

TO: Members, Arkansas River Compact Administration

FROM: Bill McDonald

SUBJECT: Minutes of March 21, 1980, Special Meeting

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The subject minutes were approved at the December 9, 1980, regular annual meeting subject to a correction to attachment D and subject to retyping to correct some typos. Attached is the final version for your files.

The originally typed and executed copy has been given to Leo Idler to place in the Administration's files in Lamar.

BM:mm  
Enc: as stated  
cc: Bob Jesse, Operations Secretary

COLORADO WATER CONSERVATION BOARD, Frederick V. Kroeger, Chairman  
Robert A. Jackson, Vice Chairman • John R. Fetcher, Steamboat Springs  
C.M. Furneaux, Walden • Floyd L. Getz, Monte Vista • Patrick A. Gormley, Grand Junction  
Richard W. Johnston, Montrose • David W. Robbins, Denver • Herbert H. Vandemoer, Sterling

MINUTES OF THE  
ARKANSAS RIVER COMPACT ADMINISTRATION

SPECIAL MEETING  
WHEATLANDS CONVENTION CENTER

GARDEN CITY, KANSAS

MARCH 21, 1980

A special meeting of the Arkansas River Compact Administration was held in Garden City, Kansas, on March 21, 1980. The meeting was called to order at 9:40 a.m. by Mr. Frank G. Cooley, Chairman. The agenda for the meeting is attached (Attachment A).

Members attending were:

Colorado: J. William McDonald, Denver  
Leo Idler, Lamar  
Kent Reyher, Las Animas

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

The first order of business was the consideration of the minutes of the special meeting held at Copper Mountain, Colorado, in August, 1979, and the minutes of the regular annual meeting held December 11, 1979. There was no discussion of the minutes of the special meeting. With respect to the minutes of the regular meeting, Mr. Gibson requested the handwritten notations in the margin at the bottom of page 6 be deleted. Mr. Gibson then moved that both sets of minutes be approved as distributed subject to his previous comment. Mr. Idler seconded the motion. There being no further discussion, both Colorado and Kansas voted in favor of the motion.

Mr. Cooley then requested that the Administration consider the draft annual report for compact year 1979 (November 1, 1978 through October 31, 1979), a copy of which draft is attached (Attachment B). The following items were discussed:

1. Mr. Cooley proposed the addition of "and more efficient" after the word "beneficial" in the first sentence of the last paragraph on page 8.
2. Mr. Reyher proposed the addition of "and the chairmen of each standing committee are" after the word "States" in the sentence immediately preceding the paragraph numbered 4 on page 4.
3. Mr. Reyher suggested that on page 5 the treasurer's report for the entire fiscal (78-79) year be included.
4. Mr. Gibson requested that the words "measurement of the flows" be inserted after the first "The" in the first sentence of the second paragraph on page 9 under the section on gaging stations.
5. Mr. Reyher noted that in Appendix B-15, the Arkansas River at Las Animas should total 102,710 acre-feet for the year.

Mr. Gibson moved to accept the draft annual report with the above changes. Mr. Reyher seconded the motion. There being no further discussion, both Colorado and Kansas voted in favor of the motion.

Without objection, Mr. Cooley then skipped agenda item 4 and went to item 5. Mr. Cooley introduced Mr. Hughes of the USGS in Pueblo. Mr. Hughes explained two proposals for a transit loss-travel time study between John Martin Dam and Garden City, Kansas, or the Kansas-Colorado state line. Mr. Hughes indicated that a study to the state line would cost \$79,000 over a three-year period:

1st year - \$27,800

2nd year - 42,500

3rd year - 9,600

This cost would be split 50/50 between the USGS and the Administration. The discussion ensued between Mr. Hughes and Mr. Gibson as to when the results of such a study might be available.

Mr. Cooley then asked Mr. Hughes to go ahead and describe the telemark metering station proposed for John Martin Dam (agenda item 6). Mr. Hughes indicated that the proposed station would require a telephone hookup, the initial installation cost of which would be:

Adapter            \$439 (Leopold & Stevens)

Installation      73 (Mountain Bell)

Installation      400 (USGS)

Total    \$912

The cost to the Administration would be \$712 since the USGS would cost-share its charge. Annual maintenance costs would be about \$382 for Mountain Bell's services (payable by the Administration) and \$700 for the USGS work (half of which the Administration would have to pay).

A brief discussion followed concerning these costs. Mr. Gibson then moved to install the telemark station, seconded by Mr. Idler. The motion passed with both Colorado and Kansas voting the affirmative.

Mr. Cooley then asked the Operations Committee to report on the storage of Great Plains water (agenda item 7.a). Mr. Robert Jesse, Division Engineer for Division 2, Colorado, indicated that he had not yet had an opportunity to discuss with the Operations Committee the transit losses which had been charged to Amity on the Great Plains water that had been stored in Pueblo Reservoir and subsequently released for storage in John Martin Reservoir. He indicated that

he would discuss this matter with the Kansas delegation over lunch.

Mr. Cooley then turned to agenda item 7.b. Mr. McDonald distributed proposed amendments to the by-laws concerning the creation of the position of assistant secretary (Attachment C). Considerable discussion ensued during which a short recess was called to enable the Colorado and Kansas delegations to discuss new language for the proposed amendments. Upon reconvening, Mr. McDonald indicated that some changes had been agreed to which he would write up and discuss with the Kansas delegation over lunch.

Thereupon, Mr. Cooley recessed the meeting for lunch at 11:30 a.m. The meeting was reconvened at 1:00 p.m.

Upon reconvening, Mr. McDonald introduced the by-law amendments which had been worked out over lunch (Attachment D) and moved their adoption. Mr. Bentrup seconded the motion. There being no further discussion, both Kansas and Colorado voted in favor of the motion.

Mr. McDonald then moved that Mr. Robert Jesse be appointed as the new Assistant Secretary. Mr. Gibson seconded the motion. Kansas and Colorado voted in favor of the motion without further discussion.

Mr. Cooley then moved to agenda item 4, the proposed Muddy Creek resolution. Mr. McDonald introduced the resolution (Attachment E). Mr. Gibson moved to table the resolution until the matter of an operating plan for John Martin was resolved. Mr. McDonald indicated that he would not object to tabling the resolution if, at a subsequent meeting after adoption of an operating plan, the Kansas delegation would discuss the Muddy Creek issue. This was agreed to and the motion to table passed upon affirmative votes by both states.

Mr. Cooley then returned to agenda item 5, the proposed transit loss study. Mr. Gibson questioned funding availability because Kansas cannot enter into a contract without an appropriation. Mr. Hughes indicated that the Compact

Administration would not have to sign a contract until USGS funds were available. Mr. McDonald indicated that funding would also be a problem for him. Mr. McDonald also indicated that the study should go to Garden City rather than stopping at the state line.

Following some additional discussion, Mr. Reyher moved, seconded by Mr. Gibson, that the Administration respectfully request that Mr. McDonald and Mr. Gibson seek the necessary funding from their respective state legislatures to undertake the study. The question being called for, Colorado and Kansas both voted in the affirmative for the motion.

At this point in the meeting, Mr. Stoeckly announced that he was resigning, effective immediately, as Chairman of the Operations Committee. Mr. Idler was then nominated for that position and henceforth elected on a unanimous vote.

Discussion then turned to the matter of taking minutes for Administration meetings. Several ideas were explored, and it was ultimately decided that Colorado would be responsible for the minutes of meetings held in that state, while Kansas would be responsible for the minutes of meetings held in their state.

Mr. Cooley then recessed the meeting pending receipt of the typed interim operating plan for John Martin. When the typist came with the final materials, Mr. Cooley reconvened the meeting.

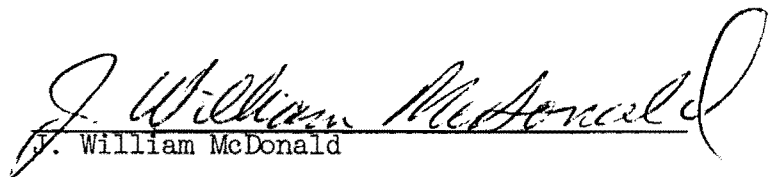
Upon reconvening, the interim operating plan, which was in the form of a proposed resolution, was reviewed a paragraph at a time and various changes, corrections, and amendments adopted. Final agreement having been reached, Mr. McDonald moved that the Administration adopt the resolution concerning an interim operating plan for John Martin Reservoir (Attachment F). Mr. Bentrup seconded the motion. Mr. Cooley accepted a few comments from the audience, after which he called for the question. The motion passed upon the affirmative votes of both Kansas and Colorado.

Tentative arrangements were then made to replace the interim operating plan with a final agreement. It was tentatively agreed that further informal discussions in this regard would be held by the Kansas and Colorado delegations on April 11, 1980.

In closing, Mr. McDonald asked that the record reflect that Mr. Jesse had met with the Kansas delegation during the lunch recess and had explained the accounting of transit losses which were charged to Amity for the water transferred from Pueblo Reservoir to John Martin Reservoir.

There being no further business to come before the Administration, the Chairman adjourned this special meeting at 4:20 p.m.

Respectfully submitted,

  
J. William McDonald

AGENDA  
Meeting of  
ARKANSAS RIVER COMPACT ADMINISTRATION  
Friday, March 21, 1980  
9:30 A.M. Central Time  
Wheatlands Convention Center  
1131 East Sultan  
Garden City, Kansas

1. Call meeting to Order.
2. Consider minutes of Copper Mountain and annual meetings.
3. Approve the annual report to be submitted by Colorado.
4. Consider the Muddy Creek water right resolution proposed by the State of Colorado.
5. Transit loss study proposed by the U.S. Geological Survey.
6. Telemark Metering Station proposed for John Martin Reservoir including detailed cost estimates from U.S. Geological Survey.
7. Report from Operating Committee:
  - a. Amity storage of Great Plains water.
  - b. Assistant Secretary. .
8. If proposed by Colorado, Storage Account Resolution.
9. Determine the procedure with respect to Minutes, Recording, and records of the Compact.
10. Formalize duties, compensation and activities of the Secretary and Assistant Secretary.
11. Distribution of twelve books containing documentation of the Law of the Arkansas River and operation of the Compact.
12. Adjourn.



Proposed Amendments to  
By-Laws of the Arkansas River Compact Administration

Article II, Section 1

To read as follows:

1. The officers of the Administration shall be:

Chairman  
 Vice Chairman  
 Secretary  
 \*Assistant Secretary  
 Treasurer

Article II, Section 4a

A new section to be inserted between 4 and 5, to read as follows:

- 4a. The Assistant Secretary shall be the Division Engineer for Division 2, Colorado Division of Water Resources. His duties shall be advisory to the secretary as follows:
  - i) To advise the Secretary regarding the opening and closing of the John Martin outlet works when the reservoir is being regulated for summer conservation (flood control) storage.
  - ii) To keep accurate daily records on the water stored in John Martin Reservoir including all matters appurtenant thereto such as the amount of water residing in or being transferred to special reservoir accounts, evaporation of water from the reservoir which is to be prorated among such accounts and the determination of transit losses and the procedures for computing such in all matters regarding water being transferred to or from said reservoir and accounts therein.
  - iii) To prepare an accurate annual report of the deliveries of water to entities in Colorado and Kansas as are required by the Secretary in the compilation and preparation of the annual report of the Administration.
- Further, the Assistant Secretary shall perform such duties as are usually imposed on such an officer and such as may be assigned to him by the Secretary, these by-laws or the Administration from time to time. These duties should be limited to those which are required for the expedient operation of John Martin Reservoir and the delivery of water in the Arkansas basin as is required by the authorities of this Administration.

ATTACHMENT D

PROPOSED BY-LAW AMENDMENT

1. Renumber Art. 11, para. 4 as "4.(a)".
2. Amend this renumbered paragraph, fourth sentence, to read:

"The Secretary shall perform such duties, except for those specified in paragraph 4(b) (i), (ii), and (iii), as are . . . ."
3. Insert a new sub-paragraph 4 (b) to read as follows:

(b) The Assistant Secretary may be the Division Engineer for Division 2, Colorado Division of Water Resources. His particular duties shall be as follows:

  - (i) To regulate the gates of John Martin Reservoir in accordance with the Compact and any operating plans or procedures adopted thereunder and to keep the Secretary fully informed of the actions which he has taken in this regard.
  - (ii) To keep accurate daily records on the water stored in John Martin Reservoir including all matters appurtenant thereto such as the amount of water residing in or being transferred to special reservoir accounts, evaporation of water from the reservoir which is to be prorated among such accounts and the determination of transit losses and the procedures for computing such in all matters regarding water being transferred to or from said reservoir and accounts therein.
  - (iii) To prepare an accurate annual report of the deliveries of water to entities in Colorado and Kansas as are required by the Secretary in the compilation and preparation of the annual report of the Administration.
  - (iv) Further, the Assistant Secretary shall perform such other duties as are usually imposed on such an officer and such as may be assigned to him by the Secretary, these by-laws or the Administration from time to time. These duties should be limited to those which are required for the expedient operation of John Martin Reservoir and the delivery of water in the Arkansas basin as is required by the authorities of this Administration.
4. Article II, paragraph 1, is amended by adding a new officer, to wit, "Assistant Secretary."

RESOLUTION  
CONCERNING  
JOHN MARTIN RESERVOIR PERMANENT POOL

WHEREAS, the Arkansas River Compact Administration on August 14, 1976, approved both a permanent pool in John Martin Reservoir and operating criteria for its initial establishment and maintenance thereafter using water rights owned or controlled by the State of Colorado; and

WHEREAS, the Arkansas River Compact Administration on August 14, 1976 approved the use of the water right owned by the State of Colorado and evidenced by Civil Action 1434 in the Bent County District Court as a source of water supply for the above-mentioned permanent pool; and

WHEREAS, such water right resulted from the transfer in 1968 of 5,000 acre-feet of an original 13,425 acre-feet water right known as the Muddy Creek Reservoir water right; and

WHEREAS, the Arkansas River Compact Administration on August 14, 1976 recognized that water deliveries from other sources would be added to the permanent pool water supply subject to approval by this Administration; and

WHEREAS, the State of Colorado has transferred the remaining portion of the Muddy Creek Reservoir water right, amounting to 8,425 acre-feet, in Case W-4605, Colorado District Court for Water Division 2, and desires to utilize this additional source for the permanent pool;

NOW THEREFORE, BE IT RESOLVED that this compact administration approves the use of the water right, evidenced by the decree from W-4605 in the Colorado District Court for Water Division 2, as an additional source of water supply for the permanent pool in John Martin Reservoir, to be governed by the provisions in the operating criteria adopted.

Entered this \_\_\_\_\_ Day of \_\_\_\_\_, 1980.

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Chairman  
Arkansas River  
Compact Administration

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Secretary  
Arkansas River  
Compact Administration

RESOLUTION  
concerning  
AN INTERIM OPERATING PLAN FOR  
JOHN MARTIN RESERVOIR

WHEREAS, the Arkansas River Compact Administration, hereinafter referred to as the Administration, recognizes that because of changes in the Arkansas Rivers flow, the present operation of the conservation features of John Martin Reservoir does not result in the most efficient utilization possible of the water under its control; and

WHEREAS, the Administration finds that provisions of the operating plan contained herein are permitted by and in compliance with the Arkansas River Compact, hereinafter referred to as the Compact; and the Rules and Regulations; and Bylaws adopted by the Administration;

NOW THEREFORE, BE IT RESOLVED that the Administration approves and adopts an operating plan consisting of the following provisions:

1. (a) All inflows, excluding separate deliveries into specific accounts under paragraphs 7, 8, 9, and 12, into John Martin Reservoir during the winter storage season and during the summer storage season prior to the first exhaustion of conservation storage shall be stored in conservation storage.

(b) Conservation storage accumulated during the winter storage season and during the summer storage season prior to the first exhaustion of conservation storage shall be released into the accounts as provided in paragraphs 3 and 4 at the rate of 1,000 cfs, beginning at the first request for release of account water by a water district 67 ditch or by Kansas at 8:00 a.m. on April 7, whichever occurs first.

2. (a) When a runoff event occurs during the summer storage season such that the inflows, exclusive of separate deliveries into specific accounts under paragraphs 7, 8, 9, and 12, into John Martin Reservoir are expected to exceed then existing irrigation requirements of the ditches in Water District 67 by at least 1,000 acre-feet, then the gates of John Martin Reservoir shall be closed commencing conservation storage except for releases from accounts pursuant to paragraph 5 of this agreement.

(b) The ditches in Water District 67 will be removed from the Colorado priority system when an inspection of the flows of the Arkansas River at the Las Animas gaging station and the Purgatoire River at the Las Animas gaging station, exclusive of separate deliveries into specific accounts under paragraphs 7, 8, 9, and 12, indicate that conservation storage will occur.

(c) All water entering said reservoir during a period of conservation storage, exclusive of separate deliveries into specific accounts under paragraphs 7, 8, 9, and 12, shall accrue to conservation storage. Releases from conservation storage into the accounts as provided in paragraphs 3 and 4 shall begin upon the first request for release of account water by a Water District 67 ditch or by Kansas, or 48 hours after commencement of conservation storage, whichever occurs first. The rate of release shall be 1,000 cfs and shall continue until conservation storage is completely exhausted.

(d) Releases of account water, when made simultaneously with the releases from conservation storage into the accounts, cannot create a deficit in those particular accounts.

3. (a) When conservation storage is being released according to provisions of paragraphs 1 or 2, it shall first accrue into a Kansas transit loss account at the rate of 1,000 cfs, not to exceed 8 percent of the total amount of conservation storage existing at midnight on March 31, 1980, and then into the following accounts at the rates produced by applying the following percentages to the total release of 1,000 cfs:

State of Kansas.....	40.0 percent
Fort Bent.....	5.94 percent
Keesee.....	1.38 percent
Amity.....	29.70 percent
Lamar.....	11.88 percent
Hyde.....	0.78 percent
Manvel.....	1.44 percent
X-Y & Graham.....	3.06 percent
Buffalo.....	5.10 percent
Sisson - Stubbs.....	0.72 percent

(b) The Kansas transit loss account shall be used, to the extent necessary, to replace transit losses on deliveries from the Kansas Account between John Martin Dam and the Colorado-Kansas stateline as determined by the Division Engineer and a representative to the Kansas Division of Water Resources. In the event that such transit losses are less than the total in the Kansas transit loss account at the end of the delivery, then the excess shall be prorated into the other accounts in paragraph 3 (a).

(c) In compliance with Compact Article V-C, when conservation storage exceeds 20,000 acre-feet, releases into the accounts shall be made of the total rate of 1,250 cfs distributed in the accounts according to the percentages in paragraph 3 (a).

4. (a) For the purposes of Compact Article V-F, the conservation pool shall be considered exhausted whenever conservation storage has been completely released into the accounts. When this occurs, Colorado shall administer the decreed rights of water users in Water District 67 as against each other and as against all rights now or hereafter decreed to water users diverting upstream from John Martin Dam on the basis of relative priorities in the same manner in which their respective priority rights were administered before John Martin Reservoir began to operate and as though John Martin Dam had not been constructed. However, during these times conservation storage may not be accumulated nor may storage in the accounts be increased except as delivered from other sources with prior approval of the Administration.

(b). Water District 67 shall be brought back into the Colorado Priority system so ditches upstream from John Martin Reservoir shall deliver water to the decreed priorities in Water District 67 to the Arkansas River at the Las Animas gaging station coincident with the exhaustion of the conservation storage and taking the flow of the Purgatoire River into appropriate consideration.

5. Except as provided in paragraph 2 (c), Kansas and the various Colorado ditches may demand the release of water contained in their respective accounts at any time at whatever rates they desire. All such releases to Colorado are subject to transit losses between John Martin Dam and the point of diversion from the Arkansas River, as determined by the Division Engineer. When transit losses are deemed by the Division Engineer to be excessive, he shall so advise the receiving entity; conversely, when river conditions are favorable for a delivery to Kansas, he shall advise the Kansas Water Commissioner.



6. Evaporation charges shall be made against water stored in the accounts using formulas and procedures approved by the Division Engineer and a representative of the Kansas Division of Water Resources including, when available, pan evaporation data provided by the Corps of Engineers. In the event water is stored in more than one account, the evaporation charges shall be prorated amongst the accounts according to the amounts stored in them.

7. The Amity may store such water it would otherwise store in the Great Plains Reservoir system in its account established in paragraph 3. This water will be in addition to water released into the Amity account under paragraphs 1 and 2. Thirty-five percent of all such water deliveries to this account from the Great Plains system shall be deemed storage charges and held in an escrow account pending final agreement by the Administration as to how the water should be finally apportioned among the appropriate entities.

8. An account for the Fort Lyon Canal is hereby granted in John Martin Reservoir for agricultural purposes only. The Fort Lyon Canal may deliver water into said account under an approved Pueblo winter storage plan subject to the limitations that total quantity in the account at any time cannot exceed 20,000 acre-feet and that the delivery cannot include water that otherwise would have accumulated in conservation storage. Thirty-five percent of all water deliveries under the authority of this paragraph will be deemed storage charges and held in an escrow account pending final agreement by the Administration as to how the water should be finally apportioned among the appropriate entities. This account granted to the Fort Lyon Canal shall not be used in any manner to increase the permanent recreation pool, either by exchange, transfer, change of use, or otherwise.

9. An account for the Las Animas Consolidated Canal Company is hereby granted in John Martin Reservoir for agricultural purposes only. The Las Animas Consolidated Canal Company may deliver water into said account under approved Pueblo winter storage plan or other sources specifically approved by the State Water Court subject to the limitations that total quantity in the account at any time cannot exceed 5,000 acre-feet and that the delivery cannot include water that otherwise would have accumulated in conservation storage. Thirty-five percent of all water deliveries under the authority of this paragraph will be deemed storage charges and held in an escrow account pending final agreement by the Administration as to how the water should be finally apportioned among the appropriate entities. This account granted to the Las Animas Consolidated Canal shall not be used in any manner to increase the permanent recreation pool, either by exchange, transfer, change of use, or otherwise.

10. The Fort Lyon and Las Animas Consolidated may use water from their accounts by exchange. In the event that water accumulated in either of these accounts has not been completely released by the end of the compact year, then that water shall become conservation storage controlled by paragraph 1 (b).

11. The permanent recreation pool is a separate account created by Administration resolution of August 14, 1976. Water deliveries to the permanent recreation pool account are exempt from storage charges.

12. If, at any time, the physical water supply at John Martin Reservoir, exclusive of any permanent recreation pool water, is exhausted, then all accounts shall be deemed to be depleted.

13. In the event that runoff conditions occur in the Arkansas River basin upstream from John Martin Reservoir that cause water to spill physically over the project's spillway, then water stored in the accounts shall spill before permanent recreation pool water and before conservation pool water. The amount of spill from the accounts for Colorado ditches and for Kansas shall be prorated according to the amounts stored in them at the beginning of spill.

14. Adoption of this resolution does not prejudice the ability of any Kansas or Colorado ditch to object or otherwise represent its interests in present or future cases in a court of competent jurisdiction.

15. In the event of injury to either entities in Colorado or Kansas there shall be restitution from the first account water thereafter available from the offender. The special engineering committee shall quantify such injury, subject to the approval of the Administration.

16. (a) This operating plan shall be come effective March 31, 1980, and continue on an interim basis through April 30, 1980. Unless extended beyond this date by further resolution of the Administration, this operating plan shall automatically terminate on that date.

(b) All water which is, as of midnight on March 31, 1980, in the accounts provided for in the Administration's resolution concerning "The Operation of John Martin Reservoir" and all water which is, as of midnight on March 31, 1980, in storage in John Martin Reservoir pursuant to the Agreement dated December 12, 1978, between the Administration and the Amity Mutual Irrigation Company shall be credited, without deductions, to the accounts of the same entities which are provided for in this operating plan.

(c) In the event that this operating plan automatically terminates pursuant to sub-paragraph (a) above, then any water in the accounts established pursuant to paragraph 3 shall revert to conservation storage, except that any water in the Amity account which was delivered into that account from the Great Plains Reservoir system shall not become part of conservation storage but rather shall continue to be subject to the Agreement dated December 12, 1978, between the Administration and the Amity Mutual Irrigation Company.

BE IT FURTHER RESOLVED that the purpose of this interim operating plan is to provide Colorado and Kansas with the opportunity to finalize an operating plan while at the same time taking advantage of the mutual benefits to be derived from this interim operating plan.

Entered this 21st day of March, 1980.

/S/ Frank G. Cooley

Chairman  
Arkansas River Compact Administration

Leo Idler

Secretary  
Arkansas River Compact Administration