

MINUTES OF THE ARKANSAS RIVER COMPACT ADMINISTRATION

Special Meeting
May 10, 1984
Las Animas, Colorado

A special meeting of the Arkansas River Compact Administration was held at the Bents Fort Inn in Las Animas, Colorado, on May 10, 1984. The agenda for the meeting is included as Attachment A.

The meeting was called to order at 8:50 a.m. (MDT) by Mr. Carl Bentrup, Vice-Chairman. The following members of the Administration were in attendance.

For Kansas:

Carl E. Bentrup
Ronald Olomon
David Pope

Deerfield, Kansas
Garden City, Kansas
Topeka, Kansas

For Colorado:

Carl Genova
Leo Idler
J. William McDonald

Pueblo, Colorado
Lamar, Colorado
Denver, Colorado

Mr. Bentrup introduced the Kansas members of the Administration, as well as Messrs. Howard Corrigan, Dale Jacobs, Lee Rolfs, and Jerry Hilmes from Kansas. Mr. McDonald introduced the Colorado members of the Administration, and Messrs. Gene Jencsok, Bill Paddock, Bob Jesse, and Bill Howland from Colorado.

The first item on the agenda was the review and approval of the minutes of the August 26, 1983, special meeting. Several minor changes and typographical corrections were offered by Mr. McDonald. Mr. Pope had some concern with language relating to the Administration's 1951 resolution concerning Pueblo Reservoir. At Mr. McDonald's suggestion, the language was deleted. Approval of these minutes was deferred to later in the meeting to give the members additional time to review the minutes.

The minutes of the December 13, 1983, annual meeting were reviewed and, except for one typographical error, no changes were made. Mr. McDonald moved the adoption of the December 13, 1983, minutes as printed and Mr. Olomon seconded the motion. The motion passed on the unanimous vote of both states.

Mr. Bentrup then requested that the Operations Secretary present his report. Mr. Jesse briefly summarized his report (Attachment B). He also reported that he had reached agreement with Howard Corrigan on the calculation of transit losses for stateline deliveries for 1984 pursuant to section II.E(4) of the Operating Plan for John Martin Reservoir, which agreement is included as Attachment C.

Mr. Idler moved, seconded by Mr. Olomon, to accept the report of the Operations Secretary. The motion was passed upon the unanimous vote of both states.

The next item on the agenda was the report of the Recording Secretary and Treasurer. Mr. Idler briefly presented his report and submitted a list of checks written as well as a statement on the status of the Administration's checking and savings accounts (Attachment D). Mr. McDonald moved to accept the report and enter the list of checks into the record. Mr. Olomon seconded the motion, which was passed upon the unanimous vote of Kansas and Colorado.

The next item on the agenda was the approval of the 1982 Annual Report. After a brief discussion, Mr. Pope moved, seconded by Mr. Idler, that the 1982 Annual Report be approved subject to certain changes which had been agreed to by Howard Corrigan and Gene Jencsok. The motion was adopted upon the unanimous vote of both states.

At this time Mr. Bentrup stated that the proposed transfer of Keese Ditch water rights would be added to the agenda and that the next item of discussion would be the operation of Pueblo Reservoir.

Subsequent to the May 10, 198⁴~~5~~ Special Meeting Mr. David Pope requested that the verbatim transcript of the discussion on the operation of Pueblo Reservoir be included in the minutes. A transcript was prepared from the tape recording, reviewed and corrected by Kansas and Colorado and is included in the minutes as Attachment F.

Mr. Thomson then briefly described the status of the satellite monitoring program. He stated that the Colorado Water Resources and Power Development Authority had signed a contract with the Sutron Corporation and that the system would probably be operational by August.

The next item discussed was the proposed Keese Ditch transfer. Mr. McDonald stated that the compact provides for notice to the Administration in the event of a proposed transfer of a water right from District 67. At the request of the applicant, the water court directed that a copy of its amended application be mailed to the Administration. This notice has now been received by the Administration.

After this introduction, Mr. Paddock, a Colorado Assistant Attorney General, summarized the history of the application. The application had been filed in August, 1982, requesting a change of water right for the Keese Ditch, which diverts water for irrigation in District 67 below John Martin Reservoir. In the original application the Keese proposed to move the consumptive use of the ditch to Pueblo Reservoir for use for municipal, industrial, irrigation, and other beneficial uses by municipalities and others interested in acquiring the water rights. The proposed change allegedly would have had no adverse impacts on other water users because only the consumptive use of water would have been transferred.

The Colorado State Engineer filed a Statement of Opposition alleging that the transfer could not go forward without the Administration's approval. The applicant subsequently amended the application and proposed to change its direct flow rights to storage in John Martin Reservoir and then to exchange the water to Pueblo Reservoir. The applicant proposed the establishment of two sub-accounts in John Martin Reservoir: (1) a consumptive use account that would store water that Keese had historically used, and (2) a return flow account which would store water that had historically returned to the river. The water in the consumptive use account would be exchanged upstream to Pueblo Reservoir whenever stream conditions permitted. The water in the return flow account would be released to the river to duplicate historical patterns of irrigation return flows.

Mr. Paddock noted that under Article V. H of the Compact, whenever a ditch in District 67 seeks to change its point of diversion or places of use upstream from John Martin Dam, then the Administration is required to make certain findings of fact. To deal with this matter, Mr. Paddock recommended that the Administration direct the chairman to send a letter drafted by Mr. Paddock and Mr. Lee Rolfs to John R. Tracy, Water Judge in Division 2. Further, Mr. Paddock suggested that the Administration ask legal counsel for Colorado and Kansas to confer about the implications of Article V. H and to advise the Administration on this matter.

Mr. Paddock then read the proposed letter. Mr. McDonald moved that the Administration direct the chairman to send the letter. Mr. Pope seconded the motion. The motion passed upon

the unanimous vote of both states. Mr. Idler then made the motion to send copies of the letter to various other interests. Mr. Genova seconded the motion, which was also passed. A copy of the letter as well as the mailing list is included as Attachment E.

The next item on the agenda was the Engineering Committee report. Mr. Genova stated that the Engineering Committee had studied the provisions of the Operating Plan for John Martin Reservoir concerning the Kansas transit loss account and that Colorado had proposed some revisions. After discussing these proposed revisions with Kansas, Kansas advised that they needed to study the proposal further before acting on it. Therefore, no action was being recommended at this time by the Engineering Committee.

Mr. Genova stated that Colorado also proposed a change in Section VII. A of the operating plan. This change would extend the date for the accounting of the operations by the Operations Secretary from November 15 to December 1. Mr. Genova moved to change the accounting date from November 15 to December 1. Mr. Pope seconded the motion, which was then unanimously approved.

Mr. Bentrup then questioned Mr. Mike Mocek, Corps of Engineers, about the discharge capacity of the John Martin Reservoir spillways as published in the Administration's annual report. Mr. Mocek replied that he would check it, whereupon Mr. Bentrup recessed the meeting from 10:10 to 10:50 a.m.

After the recess, Mr. Mocek reported that the discharge capacity of 639,000 cfs shown in the Administration's annual

report was in fact correct, but that such flows would only occur under the most severe flood conditions. There was then some general discussion as to the hydrologic conditions under which such flows would occur.

The next item on the agenda was the consideration of a winter storage account in John Martin Reservoir for the Highland Irrigation and Ninemile Ditch Companies. Mr. McDonald gave a brief review of the Highland-Ninemile proposal. He stated that it was proposed that an account be established under Section III of the Operating Plan for John Martin Reservoir. He then read a proposed amendment to the operating plan.

Since the Highland-Ninemile people were not present, Mr. McDonald recommended that discussion be deferred and that the Administration return to the minutes of the August 26, 1983, special meeting. Mr. Pope stated that he had reviewed the minutes and that, except for the change agreed to earlier, he had no further changes. Mr. McDonald then moved, seconded by Mr. Olomon, that the minutes be approved with the agreed upon changes. The motion was unanimously adopted.

Mr. McDonald then moved that the minutes of the January 26, 1984, special telephonic meeting, as previously executed by the Chairman and Recording Secretary, be formally approved. Mr. Olomon seconded the motion. The minutes were approved upon the unanimous vote of both states.

At this time discussion of the proposed Highland-Ninemile account resumed. Mr. Duane Helton, consulting engineer for

Highland-Ninemile, stated that they thought that their winter storage proposal was fair and that it would not injure any water users. Mr. McDonald then moved that the John Martin Reservoir Operating Plan be amended to include a new subsection III. D, with the new subsection to take effect in compact year 1985 and to read as follows:

A single account for the Highland Irrigation Company and the Ninemile Ditch Company (the Companies) is hereby granted in John Martin Reservoir for agricultural purposes only. The Companies may deliver water to said account pursuant to the provisions of paragraphs 1, 2, 3, 4, 5, and 8 of Appendix A in the April 13, 1984, letter report to the members of the Administration from the Companies' consulting engineer, Tipton and Kalmach, Inc. The Companies may use the water in this account for exchange with existing priorities. However, this account shall not be used in any manner to increase the permanent recreation pool, either by exchange, transfer, change of use, or otherwise. In the event that water accumulated in this account has not been completely released by the end of the compact year, then that water shall become conservation storage controlled by subsection II A, herein."

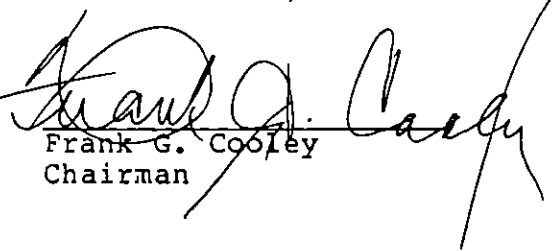
Mr. Pope stated that Kansas was still concerned about potential injury to downstream water users, but that they were willing to try to resolve the remaining issues. He then moved to table Mr. McDonald's motion until these concerns could be addressed. Mr. McDonald seconded Mr. Pope's motion. The motion to table was passed upon the unanimous vote of both states.

Mr. Helton commented that Highland-Ninemile are concerned about being discriminated against and that they were asked to do more engineering analyses than was asked of others in a winter

storage program. Mr. Bentrup responded that more data was needed because Ninemile-Highland were on a tributary rather than on the mainstem of the Arkansas River.

There being no further business to come before the Administration, Mr. Bentrup adjourned the meeting at 11:10 a.m.

The foregoing minutes were adopted on December 10, 1985, at the Annual Meeting of the Arkansas River Compact Administration held in ^{Pueblo} ~~Canon~~, Colorado.


Frank G. Cooley
Chairman

Special Meeting
of the
Arkansas River Compact Administration

May 10, 1984, 8:30 a.m. (MDT)

Ft. Bent Inn, Las Animas, Colorado

The Administration will convene at the hour and location noted above. The tentative agenda is as follows:

1. Call to order
2. Approval of minutes
 - a. August 26, 1983, special meeting
 - b. December 13, 1983, annual meeting
3. Report of Operations Secretary
4. Report of Recording Secretary and Treasurer
5. Approval of 1982 annual report
6. Consideration of a winter storage account in John Martin Reservoir for Highland and Ninemile Canal Companies
7. Report of Engineering Committee on transit loss account
8. Operation of Pueblo Reservoir

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sp/m/a

ATTACHMENT A

OPERATIONS SECRETARY REPORT, MAY 10, 1984

I will not go into too many numbers and will round off and approximate where possible. If anyone wants an exact figure, please see me or Bill after the meeting.

During the Winter season, we stored approximately 40,000 A.F. in the Conservation Pool. We won't know exactly until the Conservation Pool goes dry, which it has not done yet. But we project it will be sometime this weekend if no major inflows occur, more on this later. The Amity stored 27,000 A.F. during the Pueblo Winter Storage season, which ended on March 15; this is before the 35% was transferred to the Transit Loss Account. The Fort Lyon has 7,000 A.F. in its John Martin account stored both during the Winter Water season and some 2,000 or so that was stored in Meredith and then transferred to John Martin.

The Consolidated Canal has about 4,000 A.F. in its account moved down during the Winter Water season. The breakdown today or actually the morning of the 9th:

Total Contents	172645 A.F.	Conservation Pool	8495 A.F.
Kansas Account	42406 A.F.	All Other Accounts	57550 A.F.
Transit Loss Account	13928 A.F.	Permanent Pool	12625 A.F.
The remainder is the Winter Water accounts		37641 A.F.	

There was a release from Pueblo in the middle of April when about 13,000 A.F. was evacuated from the Joint Use Pool; this will be addressed later in the program. The release began at about 500 cfs and was increased in hourly increments until the total out of Pueblo was 5,000. This was maintained for about a day and a half then cut back to about 600 cfs in 1,000 cfs per hour cuts. There was a flow of about 5,600 at Avondale.

ATTACHMENT B

The Corps has a limit of 4,000 c.f.s. There was some bank erosion mainly in the Baxter area, but we did not find any major out of channel flow, this run was mainly to check the transit time studies and flood routing model. The run went through quite a bit quicker than expected (24 hours Pueblo to La Junta, for example). And resulted in about 3,000 A.F. getting to John Martin. Another release from Pueblo, from Winter Water carry-over, (Tommy will talk about this later) was made last week at about the same rate, we don't know how much came through La Junta yet, as the drain-down has not completed, but a substantial flow did get to the Conservation Pool which would have been dry by now had it not been for this run.

Howard and I did reach an agreement on the computation of the State Line delivery which all the commissioners at least have seen.

We are looking forward to our new satellite system which is not in yet, but as I understand, all the paper work is done. Tommy may speak on this later, as he was one of the prime movers in getting this done.

The reported snowpack is still way over 100% and we got a little more on Monday of this week. The Portland gage on Monday only had about 200 c.f.s. natural, so it is yet to come. We are all a little anxious especially above Pueblo, as a very hot spell could mean trouble, and the longer the melt waits to begin, the more tense we become. I don't know if Mike or Tom will agree but I would speculate we will store some in the "Flood Pool" this year. This will of course go to whomever would have gotten it if it were not stored. In this case, John Martin. So the year for water looks good, lots of snow and quite a bit of water in storage. It has been generally damp to wet and cool to cold, so most farmers are a little late.


One other item I came across while I was getting this report ready that I found interesting was the evaporation from John Martin last year was over *26,000* A.F. one day last July it was at a rate of *150* c.f.s., we forget sometimes that the lake itself does consume quite a bit of water.

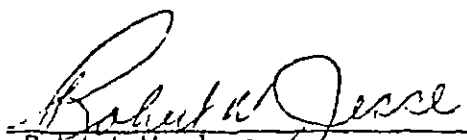
If there are no questions, I will conclude now. All the figures I have given will be in my annual report for December, and if anyone wants more precise numbers or some I didn't report, let me or Bill know.

March 6, 1984

AGREEMENT

1. This Agreement will expire Nov. 1, 1984
2. Kansas and Colorado will cooperate in all release rates to secure the most efficient delivery of water to the Stateline and to Kansas water users.
3. Credit for delivery to Kansas will stop at the Stateline 7 days after the end of the run at John Martin Reservoir. No credit for over-delivery will be carried forward to any subsequent run.
 - 3a. In the event Kansas calls for a second run before the first run's 7 days have elapsed, then there will be a meeting between the Kansas Water Commissioner and the Colorado Division Engineer to establish the delivery.
4. When delivery of water to the Stateline exceeds the demand of 400 to 600 c.f.s., delivery will be computed at not to exceed 105% of daily average flow.
5. 35% of all "other water" will be transferred into Kansas transit loss account. In the event that water in Kansas transit loss account exceeds the transit loss at the end of the irrigation year, the excess balance will be transferred into the Kansas and Colorado storage accounts.


Howard C. Prigan, Hydrologist
Kansas State Board of Agriculture
Division of Water Resources


Robert W. Jesse
Colorado Division Engineer

ATTACHMENT C

ARKANSAS RIVER COMPACT ADMINISTRATION

1001 S. Main Street
LAMAR, COLORADO 81052

KANSAS

DAVID L. POPE, Topeka
CARL E. BENTHUP, Deerfield
Vice Chairman
P.O. 666701, Garden City

FRANK G. COOLEY
Chairman and Federal Representative
P.O. Box 98
Meeker, Colorado 81641

COLORADO

J. WILLIAM McDONALD, Denver
CARL GENOVA, Pueblo
LEO IDLER, Lamar
Treasurer

CHECKS WRITTEN SINCE ANNUAL MEETING DEC. 13, 1984

Date	Check Number	To	For	Amount
Jan 6	612	Mountain Bell	Telephone	132.71
Jan 6	613	Federal Reserve	Payroll Taxes	40.20
Jan 6	614	Leo Idler	Salary-supplies-postage	303.59
Jan 13	615	Federal Reserve	Payroll Taxes	21.00
Jan 30	616	Federal Reserve	Payroll Taxes	21.00
Feb 5	617	Mountain Bell	Telephone	107.46
Feb 5	618	Leo Idler	Salary-supplies-postage	309.14
Feb 5	619	Federal Reserve	Payroll Taxes	21.00
Feb 14	620	Federal Reserve	Payroll Taxes	21.00
Mar 5	621	Leo Idler	Salary-postage	281.96
Mar 5	622	Mountain Bell	Telephone	86.72
Mar 5	623	Federal Reserve	Payroll Taxes	21.00
Mar 15	624	Federal Reserve	Payroll Taxes	21.00
Apr 4	625	Mountain Bell	Telephone	126.54
Apr 4	626	Void	Typing Mistake	
Apr 4	627	Leo Idler	Salary-supplies-postage	110.13
Apr 4	628	Federal Reserve	Payroll Taxes	21.00
Apr 14	629	Federal Reserve	Payroll Taxes	21.00

Amount of interest collected in 1983	4,217.73
Amount of interest collected in 1984 to date	1,543.85
Amount in checking account May 1st, 1984	95.65
Amount in savings account May 1st, 1984	50,740.20

ATTACHMENT D

ARKANSAS RIVER COMPACT ADMINISTRATION

1001 S. Main Street
LAMAR, COLORADO 81052

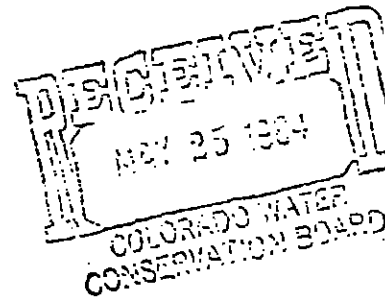
KANSAS

DAVID L. POPE, Topeka
CARL E. BENTRUP, Deerfield
Vice Chairman
RON OLOMON, Garden City

FRANK G. COOLEY
Chairman and Federal Representative
P.O. Box 93
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COLORADO

J. WILLIAM McDONALD, Denver
CARL GENOVA, Pueblo
LEO IDLER, Lamar
Treasurer



May 21, 1984

The Honorable John R. Tracey
Water Judge
Water Division No. 2
Pueblo County Court House
Pueblo, Colorado 81022

Re: Amended Application for Change
of Water Right, Case No. 82CW130

Dear Judge Tracey:

This letter is to acknowledge that pursuant to Article V H of the Arkansas River Compact, the Arkansas River Compact Administration has received mailed notice of the Amended Application for Change of Water Rights filed herein. The amended application requests a change of water right for the Keesee Ditch, currently located in former Water District 67 and below John Martin Dam. The requested change of water right is from direct flow for irrigation purposes to storage in John Martin Reservoir for subsequent exchange upstream of former Water District 67, to be used for irrigation, domestic, municipal, commercial, industrial and all other beneficial uses.

Article V H of the Arkansas River Compact provides, in pertinent part, as follows:

If the usable quantity and availability for use of the waters of the Arkansas River to water users in Colorado Water District 67 and Kansas will thereby be materially depleted or adversely effected, (1) priority rights now decreed to ditches of Colorado Water District 67 shall not hereafter be transferred to other water districts in Colorado or to points of diversion or places of use upstream from John Martin Dam;...without the administration,...making findings of

ATTACHMENT E

The Honorable John R. Tracey
Page -2-

fact that no such depletion or adverse effect will result from the proposed transfer...notice of legal proceedings for any such proposed transfer...shall be given to the administration in the manner and within the time provided by the laws of Colorado or Kansas in such cases.

This amended application is the first occasion on which notice of such legal proceedings has been mailed to the Administration. The Administration will now proceed to discharge its responsibilities under Article V H of the Compact and will advise the Court of the results of its deliberations. By acknowledging receipt of this notice the Administration is not submitting itself to the jurisdiction of this Court, not consenting to judicial review of its actions by this Court, and not waiving any other rights or defenses it may have.

Sincerely yours,



Frank G. Cooley
Chairman

FGC:cd
cc: Compact Members
Attached Mailing List

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Colorado Div. of Water Resources
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Pueblo, CO 81006

Mr. Jeris Danielson
State Engineer
Colorado Div. of Water Resources
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Denver, CO 80203

Special Meeting
of the
Arkansas River Compact Administration
May 10, 1984
Agenda Item #8: Operation of Pueblo Reservoir

Mr. Bentrup: We have added one item that will be the request transfer of Kesee water rights and then we have moved item number 6 to _____ * by 11 o'clock, some of the farmers wanted to be here, so we will delay that discussion until later. Items 6, 7, and 8 will be discussed next. Is that agreeable?

Mr. McDonald: Right. Then add the Kesee transfer.

Carl: Yes. Now I would like to ask Tommy Thomson to _____, Kansas put this on the agenda, the question in our mind on this, what winter storage carry over is. Would you be ready now to discuss that with us?

Mr. Thomson: I hoped we'd hear the other discussion first, but

Mr. Bentrup: It makes no difference to us.

Mr. Thomson: Well I can respond to the questions on carryover but first, in the letter calling from Mr. Pope asking that the winter storage be on this agenda, you inquired about the joint use pool and I would like to explain on that one because I think it is terribly important that everybody understands it. There are many different accounts in Pueblo reservoir and because of the fact that most of our entities didn't use their project water in 1983, I am talking about project water that was brought through the mountains that was in the system, I've got a report which will show some of those amounts. I did not bring enough copies for this size of an audience. But I detected from your letters the combination of winter storage is the culprit on that--there is one for each company and the figures that I am going to be talking about are the ones on the back. And those are mostly municipal accounts--for instance, on December 30, 1983 in Pueblo there were 240,000 a.f. as compared to 133,000 a.f. on December 30, 1982. That was because most of the entities in 1982

* Blank spaces indicate that the tape recording was not understandable.

ATTACHMENT F

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at/1/dp

took their project water out and practically all of their winter water, but because of the wet conditions in 1983 they didn't take their project water and some winter water that they hadn't used either. Now that then got us up in to what is known by the Bureau and the Corps of Engineers as the joint use pool which is designed in the construction of Pueblo Dam. That is when you get above 264. On March 15 we are 283,000 a.f and that was in the joint use pool and that's exactly according to the plan of operation and so on. But that wasn't all winter stored water. It was just that winter stored water was part of that total pool. Now that's some of the water released or that was the water that was released that Bob Jesse reported on last week. The entities weren't not able to use it and were not going through the carryover which posed one of the problems last year. We had a meeting with the owners of that water in my office two weeks ago and they all agreed that it would be released. In the meantime, the Bureau and Bob had worked out a release on April 13, 14, and 15, that was that 5,000, and that was what was known as temporary water. Those are contracts with private entities, Holbrook, Colorado Canal and others have with the Bureau on their other water and that was released. So that is why we got into joint use pool, but I just wanted to be sure that particularly the gentlemen from Kansas understood that it wasn't all winter water. It was primarily project water that caused that and that's what we are working on right now because as Bob pointed out their is a whale of a big snowpack up there and we know from your estimate right now there is about 80-90,000 a.f.

Mr. _____: 107,000

Mr. Thomson: That is Colorado River water and we are going to bring that through and that is posing an interesting situation, so I hope Mr. Pope that will answer your question on why the joint use pool--it was not the winter storage water only.

Mr. Pope: I think we understand that Tommy. I think the question goes back maybe a little bit further in terms of the original authorization and how the joint use pool, when and how it was created. If you could elaborate on that I think it would be helpful. I don't know if we have ever really seen or understood the whole background on that. I understand that it exists but--

Mr. Pope: Maybe at a later time.

Mr. Thomson: _____ it was well designed and well thought out--there is no doubt about that.

Mr. Gibbens: Originally the capacity of Pueblo Dam in the substantiating report for the authorization document, the Pueblo Dam was to be 400,000 a.f. capacity. Of course subsequent to authorization, we do model and model studies, hydrology studies, to size the dams and reservoirs to an optimum size to get the most beneficial use out of it. Consequently to that, substantiating document had a total acting capacity of something

like 767,000 a.f. in all of our reservoirs. We have now built those reservoirs and we only have a total capacity of 516,000 a.f. So our total storage is actually 251,000 a.f. less than what was in the substantiating report. The joint use pool came about in cooperation with the Corps of Engineers--we needed to move some of our water down from the upstream reservoirs during the winter months so that we could make room for our imported water from the Colorado River Basin during the spring. So it became obvious that we could use some additional capacity in Pueblo Reservoir during the winter. And the Corps, in their studies determined that the major flood threat--Pueblo is from the summer thunderstorms--so we were able to reduce required flood control in the winter to about 27,000 a.f. of space, and in the summer it is required to be 93,000 a.f. of space. So with that type of operation we were able to make 66,000 a.f. of space available for joint uses for other purposes. And the Bureau--we don't necessarily say that the winter water would push that in there or whether it would be a project water or whatever type of water it was, it is just conservation space that we can use during that time. And this year is the first time that we did go to store water into that space and, as Tommy reported, about 18,000 a.f. The City of Pueblo I believe sold 4,000 a.f. to Ft. Lyon Canal. So we were only required to release about 13,000 to 14,000 a.f. to evacuate that water by April 15, and that is essentially how the joint use pool came about.

Mr. Pope: You indicated that the primary reason originally for creating the joint use pool was discussions between the Bureau and the Corps in order to be able to move water from the upstream reservoirs down to Pueblo to make room for Colorado River water or transmountain water.

Mr. Gibbens: That is correct.

Mr. Pope: And then at what point, he alluded to it, at what point was it determined that space could also be used for winter storage water. That's really a little different category than project water, of course.

Mr. Gibbens: We don't try to separate it out by types of water--it's conservation space--it can be utilized for any types of storage that we need to use it for. And winter water in storage is just one of the purposes of the project that was also included in the substantiating report. _____ winter storage water.

Mr. Pope: But the concept of a joint use pool per se was not included in the substantiating report.

Mr. Gibbens: No, not exactly.

Mr. Pope: Well, is _____.

Mr. Gibbens: Well let me go further, some of this spill that we have made is the result of--like I was saying earlier--to make use of the upstream reservoir for inflow from the Colorado River Basin. We presently, we've spilled 43,000 a.f. of water to date from Pueblo and that's made 66,000 a.f. available in our upstream reservoir for Colorado River imports. Our present forecast is for an additional 40,000 or a 107,000 a.f. from the Colorado River. If we actually get that much water but there is going to have to be a demand between now and about the middle of August that will provide us with at least 40,000 a.f. more space. But if that demand isn't there to use that water we will be spilling more water.

Mr. Pope: To make room for project water.

Mr. Gibbens: To make room for project water. The last three years we've imported 200,000 a.f. of Colorado River Basin. And they have been critical years here in the Arkansas Valley. For example, last year the Southeast District didn't take delivery of any project water and we did bring 90,000 a.f. in last year. The year before we brought in 75,000 a.f. of water and I believe they took delivery of something like 15,000. So they have been pretty good years here on the east slope and we haven't used our project water. The major portion of that storage is the project water from the Colorado River Basin.

Mr. Bentrup: Bill.

Mr. McDonald: Tom, do I understand correctly that the 1977 Master Water Control Manual sets out the joint use pool?

Mr. Gibbens: Yes, it does.

Mr. McDonald: and the conditions under which it operates?

Mr. Gibbens: Yes.

Mr. Thomson: To follow along with that I think that it is terribly important we don't paint these different bodies of water blue, and green and so on--maybe that would be the easiest way if we did. I attended a meeting Monday of this week with Colorado Springs and they are anxious that more space be available for project water because Tom said they going to Let's take a look down at the bottom at these municipalities. When you see the Fountain Valley Authority, that's Colorado Springs and the other four entities. They've got 32,545, now Tom will say that isn't necessarily in Pueblo, it is in the system. But it is in there and winter storage program that you gentlemen know has been worked out by all the entities and you folks have been on the mailing list. And I guess that I am repeating now the August meeting. I didn't get to read those minutes but this is going to be very repetitious. But it is agreed that the winter storage program will be for four months it starts on November 15 and ends on April 15. And it is stored by a very

carefully designed formula and so on. Now to say that because we went into the joint use pool is the fault of winter storage--we can't say that because we started out as I said with a very full reservoir, a fuller reservoir than we had previously at the end of the winter storage program. So it is just a combination of everything and get ready for this year because as you can see our entities, one that 82-83 column is now void. All that water, that's what was released last week, most of it is down here in John Martin or soon will be. So if it dries out, our entities will start using--and I am talking about ag entities as well as municipalities--will use their 82 project water. Then if they run out of that, they will use their 83 project water. Then if they run out of that, the ag entities will probably start using a little of their 83-84 winter water. But let's say that the year continues as last year did and they won't be needing their any water because, as Bob pointed out, we've got a whale of a snowpack on this side of the mountain. As a matter of fact the snowpack on this side of the mountain this year is about 50 percent greater than it was last year. Last year most of the snow was on the west and this time it is on our side. We were up in Leadville just 3 weeks ago and they told us what was 5 inches of water more this year just in Tennessee Pass-Twin Lakes drainage area and Monarch Pass. It is now twice as much as it was a year ago. So the river is going to be pretty much able to take care of all of the increase so I doubt if many of the entities will be using either their winter stored water or project water this year.

Mr. Pope: Tom, let me ask you a question here, though, in terms of the comments you made a minute ago about it wasn't the fault of the winter storage that caused it to go into the joint use pool. However isn't it also true that if that space was not available for winter storage water that that water would have had to come on downstream and would have ended up in John Martin Reservoir? Let's just take an example that if the reservoir was not able to be used for that purpose.

Mr. Thomson: I guess that you could say that, but then we are going to end up with a beautiful civil war in Colorado with the ag people telling the cities "get your water out." And Colorado Springs is going to say, "Go to hell," and so on. So it was designed then--I mean right now I wish that they would have built it for 400,000 then we wouldn't have that problem. I don't know what the problem is with the joint use pool. It is good water management practices to use that space. The criteria was to get it out by April 15 and use flood control.

Mr. McDonald: Dave, I think that in a way you are right, but the point I would emphasize is that had space not been available to store that water then the historic winter diversion practices would have gone forward and the water would have been diverted out of the river. More than likely the river would have been dried up at Fort Lyon and you would have had consumptive use

occur. And the conditions on the winter storage program were designed to insure that no greater consumption occurs than historically was the case. I think that the lack of the bucket or the lack of the space doesn't lead to the conclusion, at all, that there would not have been consumption and that water would have necessarily reached John Martin--that is not the case--there would have been winter diversions, historically in many cases drying up the river.

Mr. Pope: Those entities that would have been diverting in priority were not diverting--is that what you are saying?

Mr. McDonald: They did not this year. They did not divert. If they are in winter storage program they don't direct flow divert. You can't have your cake and eat it too, you either have to be in the winter storage program or not in it and doing your historical practice; but you don't do both. Obviously, that would be double counting and inappropriate.

Mr. Pope: I understand that, but let's assume, with the year that we have had, and as wet as it has been, would they have diverted anyway--even though, yes, physically they perhaps could have.

Mr. Thomson: You bet. If they are decree holders, you bet they would have. Cause that's the law of the river--without the winter storage program you use it or you lose it. All they have to do is go back and look at the records prewinter storage and the river pretty well dried up the Fort Lyon headgate because it was going down Fort Lyon to Amity, Kicking Bird and so on.

Mr. Pope: Let's take it one step further then in terms of winter storage for the coming summer, in other words, storing water this winter for the following year for example. Then what also seems, and I think that this is what Carl eluded to earlier, to carry that forward another year seems to be stacking water up that we really begin to wonder if that water really would have been used, had not storage program not been in place.

Mr. Thomson: We'll cross that later this year, I think that it is better to stack it up than to waste it and maybe our waste is your benefit.

Mr. Pope: You may have a point there.

Mr. Thomson: I am going to the Colorado River meeting next week and I between Arizona and California and Utah and Colorado. No, I think that it is much better to have it and identify it and be able to use it. Water still flows downstream by gravity and will sometimes flow upstream to money, but, I don't know what we are going to have this year. Who can say--I have seen all kinds of different reports as to when the wet cycle is going to end we get back into our 5 years of dry cycle and things like that. But there has never been any secret as to how these accounts have

been carried forward and you folks are on the mailing list you get it and so on. I just think that its great. Now that our big problem, Mr. Pope, and for the Bureau, when we got hit with this in Leadville if our buckets are full why bring more Colorado River water through the mountains. And this year fortunately California wants us to bring it through because they still have some flooding conditions on the Colorado. I think that we would be derelict, and our district would be derelict, in not bringing every drop that we can bring through the mountain and that is going to add to it and the people in Colorado Springs, believe me--the reason they have so much in this because the pipeline has not been operating the last two years but they will start taking it through the pipeline come about early July. So we will get that into balance, but, right now, based upon the actual experiences and also with the Homestake water which takes up some space in Turquoise, I just wish Turquoise and Pueblo were twice the size they are. That would not make good economics on the cost/benefit ratio but these last few years they would have paid for themselves--really just to be able to store that amount of water.

Mr. Pope: We certainly understand the explanation you are giving Tom, and we appreciate that and I hope you don't misinterpret our comments, but if an analysis that can determine possible injury to Kansas isn't something that we feel that we have role in actually approving, as compared to just being on the receiving end of information and the mailing list, I think there is quite a bit different between those two scenarios. And I think that is the purpose of asking for the item to be on the agenda is to truly try to get ourselves better informed so that again maybe we won't be raising questions where they are not needed. But in the same light, I think we are entitled to know for sure that Kansas will not be injured by the program. I fully acknowledge that winter storage makes a lot of sense and there can be tremendous benefits from it in terms of the efficiency of water use, but, as you alluded to earlier, sometimes what is efficient for one person may not be the best for someone else down below.

Mr. Thompson: We are fully convinced, and welcome the study that you're having done. We are convinced that the winter storage program has not hurt downstream, as a matter of fact, we think that it benefited. We will work with you on that and then having all of this other water--Colorado River water--that never would have been in this valley--you know ultimately the return flow ends up in Kansas and I think the USGS Study shows that the groundwater table is pretty well stablized.

Mr. Thomson: We brought a lot of water through the mountains--Colorado Springs brought a lot of Blue River and Homestake water through and it ends up in this bathtub so, I think that it is great that we had these two years because we had five very dry years--I mean, hell we didn't have a 100,000 in the whole system two years ago. So I think that we are getting some

good figures that we can compare and then definitely work out some management programs.

Mr. Pope: It certainly benefits all of us whenever we have a good water year in terms of the snowpack.

Mr. Thomson: You've got two of them now.

Mr. Bentrup: I still have a question. On winter water carryover, we get the idea that this is water you could use so you carry it over another year. Before Pueblo was built that would not be possible. So then that water would have a chance to be released to the river instead of carried over to another year. That water would have had a chance to get to John Martin, some of it. I know that you would divert a lot of it but even before Pueblo, that is where we got our winter storage from the water which you could not use, that couldn't be diverted or passed diversions. For example, in your precompact years say Pueblo gave to the main--Pueblo was the main source of the water in the Arkansas River stored in the winter time, at the Pueblo gage but then Pueblo gages showed a 100,000. The diversions would show in excess of 200,000. So then it was cycled on back when it gets that last ditch that is going to John Martin. So we question whether the winter water carryover is depriving John Martin of water that would have got there.

Mr. Thomson: Well, Carl, you can get on that carryover a year ago, that was the first time we did that. And we did it out of compassion. We just did not want to see these entities have to waste water--I hate to use that term, but, they had paid \$3.00--

Mr. Bentrup: It had come to John Martin _____

Mr. Thompson: You see we believe what you say and therefore and look at column two, because just in this last week, and I am looking at some of the owners and their tears are not dry today, That water is now either on its way or in John Martin or some of the entities did pick it up along the way. That was dumped, I mean physically dumped, by agreement, so there is no carryover water.

Mr. McDonald: All 31,815 a.f.?

Mr. Thomson: All 31,000 a.f.

Mr. Thomson: Now the other next time we will talk about carryover--see the 83-84 that can be, under the program, carried over till May 1, 1985 and that's understood so that you know you don't have to run from November, December and January just to get it out, but if they won't be able to carry that over. That's an agreement--separate contract with the Bureau. So, Carl, I don't think that you are going to have to worry about this carryover anymore.

Mr. McDonald: Tommy, could I, Carl, may I ask a couple of clarifying questions? What we end up with, Tommy is 82 project water which is Colorado River water not in question; 83 project water which is Colorado River water not in question; 82-83 winter water which is Arkansas River water has been dumped and in sizeable part has reached John Martin so you are down to nothing but 83-84 winter water that you have just come out of the winter storage season with.

Mr. Thomson: That ended on March 15, and that's water, as I say, if summer dries out, the agricultural entities, you will probably draw winter water let's say ? _____ draw winter water before you draw project water. So winter water will be drawn out.

Mr. Pope: But that is water that could stay in storage until May 1, 1985.

Mr. _____ (someone in audience): You may want to tell that the Avondale gage is a gage above Pueblo because there is just so much water coming in _____.

Mr. Thomson: I was going to ask that question because if you use the Pueblo gage you missed all of Ralph Atkins, CF&I water. That is the return flow plus the Fountain River.

Mr. _____: plus the Fountain River.

Mr. Thomson: and so the Avondale is really the contributing.

Mr. Bentrup: In winter months, the Fountain does not contribute too much we don't have very many measures on other inflows into the river outside of the Pueblo gage, the CF&I, the amount or rather Fountain.

Mr. Thomson: No, Fountain ...

Mr. Bentrup: That was just--

Mr. Thomson: I saw that 100 cfs Bob, was that an average in the winter time on Fountain?

Mr. Jesse: It will run over a hundred. It is running a couple hundred now.

Mr. Thomson: See that is return flow from Colorado Springs, that is the water that they brought through the Air Force Academy from the Blue River and the Homestake water that they run out of Turquoise during the winter months and that is return flow from there. They do have a secondary treatment plant and in the summer months they take quite a bit of that out and put in on golf courses and cementaries, and parkways, and so on like that.

In the winter time it comes down. So no it comes to quite contributory.

Mr. Bentrup: That was just--naturally you are going to divert more water--diversions are going to be greater than the inflow because of the reuse. Correct? I don't have any other questions do you, Dave?

Mr. Pope: Other than the fact that this table does reflect all of the reservoirs, not just Pueblo.

Mr. McDonald: This is all of the reservoirs, total count as of April 30.

Mr. Thomson: Right, and Tom is the only one who can say whether it is in Twin Lakes or Turquoise or Pueblo or what. Yeah. And the only other thing that I would like to say is the winter storage that we mentioned earlier we don't think that it is hurting as you all know the companies are only taking very small percentage of the water that they are legally entitled to take. In other words, if we didn't have winter storage programs--so it is all a part of a whole but they take a minimal amount of what they are could take if the law of the river is still in effect.

Mr. Corrigan: Carl, on the Bureau of Reclamation report when was that joint use pool initially approved, what year? Was it 77 or 82 or something like that?

Mr. Gibbens: The joint use pool would have been in a flood control report by the Corps of Engineers did for us. The preliminary report was put out in 1967 and the final report was in 1969 and immediately after authorization of the Fry-Ark project we did do some computer model studies--that kind of thing--to optimize the sizing of the reservoirs and it was generated in coordination with the Corps of Engineers during that time frame about 62-67. That was when it was initially developed and made a part of the project. What that allowed us to do was to decrease the size of the Pueblo Dam and Reservoir. One other thing I didn't allude to before is Pueblo is designed for 400,000 a.f. and it only had a minimum pool of 10,000 a.f., so the active capacity at that time was 390,000 a.f. in Pueblo. Now our Pueblo reservoir is 357,000 a.f. and the minimum pool is 30,000 a.f. so we really only have an active pool now of 327 compared to 390 when it was authorized.

Mr. Corrigan: You've got an active pool 300 and some thousand and you have a conservation pool of 265 and then you've got, what 60 some thousand in the joint use pool--

Mr. Gibbens: 66 in the joint use

Mr. Corrigan: that makes you 300 or so

Mr. Gibbens: 265 is not all active, there is only 234 active, we have 30,000 dead and inactive pool. We put a big minimum pool in there for fisheries so the active conservation pool is only 234 plus the 66,000 from November 1 to April 15.

Mr. Genova: Mr. Chairman, given a certain amount of water at Pueblo and going down to John Martin I don't think that you should underestimate the effect of the intervening ditches between Pueblo and John Martin in both direct flow there and also storage, all ahead of John Martin.

Mr. Bentrup: I realize that John Martin gets--is not entitled to the waters from Pueblo to the last ditch in the district 14 and 17, but we have always gotten some water. In the winter storage before Pueblo we have always gotten a certain amount. I think one year it reached a high of 80,000 feet and then a low of 17,000. So it varies a lot. Everytime the _____ there is not any way of diverting a hundred percent of the water there is no completely efficient headgate--a little of that will trickle on down to John Martin.

Mr. Genova: After the compact and before Pueblo storage by the river most of the time ended at the Fort Lyon headgate.

Mr. McDonald: That must have been when you irrigated under Fort Lyons.

Mr. Bentrup: No, I am in favor of winter storage programs. I think it is better to keep it in the mainstream of the river rather than having it in the Great Plains or other--running it on irrigating when you really don't need to irrigate but just to the right. So I am not against it, I just want to be sure that we are getting the water we would have gotten had Pueblo not been built, I think that maybe if it is a benefit then we should be getting, I don't see anything wrong with John Martin getting more than it used to get. We should also be receiving some of the benefits and I think we will as we keep more water in the _____ ?

Mr. Thomson: You mentioned 17,000--John Martin _____ ? the people down in 67. Remember how many times on April 15, John Martin reservoir was dry.

Mr. Bentrup: If it wasn't, it would be dry a few days later.

Mr. Thomson: The last few years with the operating plan in John Martin winter storage ends--Mother Nature--John Martin, as you know, has quite a bit of water in it and I think that it is an excellent winter water storage program.

Mr. Bentrup: Does anyone else in the audience have any questions?

Mr. Cliff Verhoff(?): Yes, Carl, I have a question, I think that this falls under the operation of the Pueblo Reservoir. I know

that we have had quite a discussion in District 67 and the upstream ditches and when I asked them why they don't operate Pueblo Reservoir the way District 67 has to operate their water in John Martin they tell me that they are not under the Compact and that they don't have to do it that way in Pueblo Reservoir. Am I right or am I wrong thinking that they ought to operate the same that we do in Pueblo.

Mr. Bentrup: We have the difference of opinion with Pueblo on

Mr. Cliff Verhoff(?): We have to run all our storage water out before we can get on the river except these last few years, we're storing the direct flow of water the same as we did in John Martin. I believe that they should have to pay the price the same as we do. We should have to run that water out before they can get back on the river the same as these ditches do below John Martin.

Mr. (?) : We are doing exactly the same thing in Pueblo, as we're doing in John Martin Reservoir. In fact we give up these water right services in the winter time that they are storing in Pueblo Reservoir now.

Mr. Bentrup: I am kind of inclined to agree with you there, with your point.

Mr. (?) : I think that it is something that ought to be looked at in the future.

Mr. Bentrup: Any other questions?

Mr. Pope: Lee had one. Carl, Lee has one.

Mr. Bentrup: Oh, pardon me.

Mr. Leland Rolfs: Just one question, maybe I missed it back there, On this carrying over this 5,000 a.f. extra acre/feet for another 45 days. What exactly was the authority and the reason that that was done?

Mr. Thomson: It is under our contract--we maintain a contract with the Bureau and there is a section in there that winter stored water not used becomes project water and we don't agree with that and the idea was to get it out and the idea is conservation. Now I know that you are a lawyer and the law is the law is the law is the law but a lot of people can go broke trying to abide by the law and we just felt that 45 days would help these people out. They understand that it will not be, cannot be extended. It is written into the agreement. There are only two entities took advantage of that so it is instead of May 1, it is June 15 and that is a very. But it is a funny thing we are fighting over too much water, I could understand that if we were sitting down here in the middle of a drought arguing about a

half of an acre-foot but you know that it is up there and you know when it is going to be released, so _____

Mr. _____: That's right here.

Mr. Pope: Tommy what is the status of the

Mr. Thomson: Satellite.

Mr. Pope: No, you might comment on that also, but the specific, I understand based on the news articles, and what not, that the ditches are trying to agree to instead of a voluntary program getting into a decree. What is the status of that?

Mr. Thomson: You should have gotten your notice of that meeting, I called a meeting of the Board of Trustees and Cliff has already put me on notice, I guess, with his last comment. On the 18th of May, in La Junta, and that is when we will have all the entities together, you have all received drafts of the proposed decrees which will be identical to the program that we have had so we will see how that flies and I am going to be in the hot seat on that one. But we will know better on the 18th just where we go. But we are all optimistic that having worked the program eight years making adjustments and so on that we can work it out.

Mr. Pope: That does include basically the same provisions as the voluntary programs of the last several years.

Mr. Thomson: Yes Sir, including this last year the request that Amity made which was adopted by that and that is the transit loss between Las Animas gage and John Martin. But you will be kept fully informed on that and I apologize. We want your input, I mean, that is the reason that you are on the mailing list and of course you are invited to the meetings I acknowledge that it is pretty difficult to get to La Junta from Kansas for some of those meetings but anytime that you have a question, Carl has been very good about this working on that basis

[Mr. Thomson concluded this item with a
discussion of the satellite program]