

1 ARKANSAS RIVER COMPACT

2  
3 ADMINISTRATION MEETING  
4  
5  
6  
7  
8  
9  
10  
11

12  
13 OCTOBER 8, 1985  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

24 HILTON INN  
25 GARDEN CITY, KANSAS

1 MR. COOLEY: The meeting of the Arkansas River Compact  
2 Administration will come to order. I'm Frank Cooley,  
3 Chairman of the Administration. On my left is Carl Bentrup  
4 who is the senior member of the Compact Administration, this  
5 marks his 87th year. Next to him is Ron Olomon. And to his  
6 left is David Pope, who is ex officio the chairman of the  
7 Kansas Delegation. The Kansas batting order is Richard Simms;  
8 and Brent Spronk, engineer; Lee Rolfs; Howard Corrigan from  
9 Garden City. Mr. McDonald, would you introduce the Colorado  
10 delegation if you please?

11 MR. McDONALD: Yes, Frank, I'd be glad to. I'd like to  
12 first of all introduce second on my left Jim Rogers, who has  
13 been recently appointed by the Governor to represent Colorado  
14 Water District 67. Jim will be replacing Leo Idler, of  
15 course, who has served with distinction for eight years.  
16 Leo as you know is in poor health and I regret to say that  
17 he continues to be in poor health and did not choose to seek  
18 reappointment for that reason. I certainly welcome Jim  
19 and I look forward every bit as much to working with Jim as  
20 I have with Leo. Jim, we're glad to have you with us. Could  
21 I suggest, Frank, at this point in the record also -- when I  
22 get it, I do not have it with me today -- that we introduce  
23 as Exhibit A Governor Lamm's Executive Order appointing Jim  
24 so that the credentials will be properly in place?

25 MR. COOLEY: I'm glad to receive it as part of the record

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY KANSAS 67846

1 in this meeting.

2 MR. McDONALD: Immediately on my left, Carl Genova, of  
3 course representing Colorado Water Districts 14 and 17. And  
4 I'm happy to announce too that Carl has been reappointed by  
5 Governor Lamm to serve another four year term. Myself,  
6 Bill McDonald, serving ex officio as director of the Colorado  
7 Water Conservation Board. To my right, David Robbins, Special  
8 Assistant Attorney General and Dennis Montgomery, Special  
9 Assistant Attorney General. Both gentlemen are advising with  
10 respect to the matters that David Pope and I have under  
11 consideration. Bob Jesse, our Division Engineer for Water  
12 Division Two, and also of course the Administration's  
13 Operations Secretary. Next is Hal Simpson, the Deputy  
14 Colorado State Engineer. And finally Bill Howland, who  
15 handles hydrology matters for Bob in Las Animas. And finally  
16 behind me -- who is also courteously running the Administration's  
17 tape recorder, which I think, David, we have going -- is Will  
18 Bassett, the Assistant Attorney General who advises me on  
19 Arkansas River matters.

20 MR. ROBBINS: a/k/a Ruth Woods. Or Ruth -- what was her  
21 name? Maryann Woods. Who was the lady?

22 MR. McDONALD: Oh, the seven minute gap? It's closer  
23 to 18 I think. There have been some gaps in previous minutes  
24 as David and I can attest, but they appear not to have been  
25 with malice aforethought. That, Frank, introduces the

1 Colorado people at the table. There are a number of Colorado  
2 people in the audience of course, and I certainly acknowledge  
3 their presence. But I will not take time to introduce them  
4 all.

5 MR. COOLEY: We as usual have a bunch of heavyweights.  
6 I'd like to suggest to you that this year's minutes give some  
7 consideration to the service that Leo has provided us, and  
8 that perhaps this can be taken care of in due course.

9 MR. McDONALD: Frank, pardon me. I would like to and  
10 we'll propose a resolution at the annual meeting. I thought  
11 about doing it now, but I'm hopeful that Leo might be able to  
12 come to the Cow Palace at least, and if a resolution would be  
13 in order I will propose that.

14 MR. COOLEY: I'd like to see the skids liberally greased  
15 for that resolution at this meeting. There has been submitted  
16 an agenda for this meeting consisting of ten items, and  
17 copies have been distributed. Is there a motion and a second  
18 that we adopt the agenda as the agenda for this meeting?

19 MR. OLOMON: Mr. Chairman, I so move.

20 MR. COOLEY: It's been moved. Is there a second?

21 MR. GENOVA: I'll second.

22 MR. COOLEY: Is Kansas ready to vote on that?

23 MR. BENTRUP: Aye.

24 MR. COOLEY: Kansas votes aye.

25 MR. McDONALD: Colorado votes aye. And let's include

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 that as Exhibit B.

2 MR. COOLEY: Exhibit B will be the agenda. The approval  
3 of minutes, which have been heretofore distributed for May,  
4 1984; December, 1984; and July, 1985. Let's not do them  
5 collectively. We sometimes have problems with the minutes.  
6 Now May '84 isn't fresh in all your minds, so is there a  
7 motion that we adopt the minutes as circulated for that meeting?

8 MR. McDONALD: There is not. I just got them handed out  
9 in the last day. They have not previously been distributed  
10 and everybody needs a chance to read them. David and I have  
11 agreed that we will dispose of them at the December annual  
12 meeting. Oh, pardon me. We're talking about May, aren't we?  
13 Excuse me. David, you need to speak to May.

14 MR. POPE: Let me take my turn on that. That particular  
15 one. We have made progress, I think, both Bill and I, and I  
16 would report in regard to the May, 1984 minutes that yesterday  
17 evening I provided to Bill a marked up version of the  
18 transcript from the tapes of the May '84 meeting along with --  
19 I have the tapes with me to give back to Bill. He and I, if  
20 it meets the wishes of the Administration, would like to  
21 suggest that he take that back and make the corrections to the  
22 original minutes as in the way of an insert of the transcript  
23 of that section of the meeting, which would be rather easy to  
24 do now at this point, and then bring it back for approval of  
25 the Administration in December.

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 MR. COOLEY: I want to point out to the people in the  
2 audience that it's important that you tell your grandchildren  
3 that you were in an outfit that was having difficulty  
4 approving minutes of a meeting held 17 months previously.  
5 Without objection we'll handle it that way. Now is either  
6 December, '84 or July, '85 any easier?

7 MR. McDONALD: The December, '84 minutes are prepared  
8 and they were distributed last night or just now to you,  
9 Frank, and we will be prepared to act on those at the  
10 annual meeting.

11 MR. COOLEY: Splendid.

12 MR. McDONALD: With respect to the July, 1985 minutes  
13 that is in the form of the verbatim transcript of that  
14 meeting. The corrections have been agreed to by David Pope  
15 and myself. I do have in hand the final typed and  
16 corrected copy. I did not have a chance to reproduce it.  
17 It arrived in my office only Friday. I have read it and with  
18 the exception of one typo it accurately reflects the  
19 corrections to which David Pope and I agreed, and under those  
20 circumstances I would think if there is not objection we  
21 can formally approve the verbatim transcript. In fact, I  
22 will put that in order by moving that the Administration  
23 approve the minutes of the special meeting of July 12th, 1985  
24 in the form of the corrected verbatim transcript from that  
25 meeting.

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY KANSAS 67846

1 MR. COOLEY: Mr. Pope, if there's to be a second it  
2 should come from you.

3 MR. POPE: I would be willing to second that at this  
4 time Mr. Chairman.

5 MR. COOLEY: Is Colorado ready to vote on that motion?

6 MR. McDONALD: Colorado votes aye.

7 MR. COOLEY: Kansas?

8 MR. POPE: Kansas votes aye.

9 MR. COOLEY: We have approved the minutes of the July,  
10 1985 meeting.

11 MR. McDONALD: Frank, would you execute the original  
12 for me, please?

13 MR. COOLEY: I'd be glad to. I trust the press caught  
14 this.

15 MR. McDONALD: I will get it to Leo for execution and  
16 reproduce it and distribute it to everybody.

17 MR. COOLEY: There has been submitted a serial of checks  
18 written since July 5th of 1985 by our treasurer. There is  
19 also submitted a report of the certified public accountants  
20 dated October 4th, 1985.

21 MR. McDONALD: Frank, we need to deal first with the  
22 list of checks. That's Agenda Item Four. The letter from  
23 the accountant pertains to the audit, which is Agenda Item  
24 Five. May I speak, sir?

25 MR. COOLEY: You may indeed.

1 MR. McDONALD: In the absence of Leo Idler, who is our  
2 treasurer, he has asked that I submit his report. His report  
3 consists of the checks written since July 5, 1985. You have  
4 those in front of you. And at the bottom of that he has a  
5 brief summary of the bank statement as of September 30th,  
6 1985, which nets out to show you the total cash on hand as of  
7 September 30th. That one page constitutes the treasurer's  
8 report. And Leo had nothing to add to what is in writing in  
9 front of us.

10 MR. COOLEY: After we approve this I've got one question  
11 about it that would wait the approval. Do you move the  
12 approval of the list of checks since July 5th, 1985, Mr.  
13 McDonald?

14 MR. McDONALD: I would so move and incorporate that as  
15 Exhibit C in the transcript.

16 MR. COOLEY: Can you furnish the reporter with one?

17 MR. McDONALD: Yes, I can.

18 MR. COOLEY: Is there a second over here?

19 MR. OLOMON: I'll second it.

20 MR. COOLEY: It's been moved and seconded. Kansas?

21 MR. POPE: Kansas votes aye.

22 MR. COOLEY: Colorado?

23 MR. McDONALD: Colorado votes aye.

24 MR. COOLEY: One question on this, Mr. McDonald. It says  
25 that there's a savings account of \$71,000. That may be a

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 128

GARDEN CITY KANSAS 67846



1 savings account or there may be certificates. Does anyone  
2 know?

3 MR. BENTRUP: It's an account that Leo draws on. Every  
4 month he'll total the expenses, he'll draw that much out of  
5 this account. So it can't be a CD if he does that. It's  
6 just a regular savings account.

7 MR. COOLEY: Well, we don't have that much activity in  
8 it, except the unusual annual period when we make a big  
9 payment to the United States Geological Survey. It's not  
10 appropriate for seven people to determine what kind of a  
11 certificate might be appropriate, but would it be the sense  
12 of the meeting that we put some of that dough into something  
13 drawing a higher rate of interest than a savings account?

14 MR. McDONALD: Frank, it was my recollection that we had  
15 inquired about instruments that would return a higher rate  
16 than a simple passbook savings account previously. And I  
17 don't know what the -- don't remember what the outcome was,  
18 but we went about it by asking Carl Bentrup in his capacity  
19 as vice-chairman and co-executor of checks and Leo Idler in  
20 his capacity as treasurer to make the examination of  
21 possibilities and use their judgment and proceed on behalf of  
22 the Administration. I would be quite happy to simply leave  
23 it in the hands of Carl and Leo to confer and doublecheck  
24 what they think in light of our cash flow position. They  
25 have the best instruments available.

1 MR. COOLEY: I think that gives the matter all the light  
2 and attention that is needs at this time.

3 MR. BENTRUP: Would we have the authority to then put a  
4 certain amount into a six month CD or something? We certainly  
5 don't need that money.

6 MR. COOLEY: I would think you surely would without the  
7 further action of the compact.

8 MR. BENTRUP: I will contact Leo immediately and let you  
9 know at the annual meeting.

10 MR. COOLEY: Fine. The next item on the agenda, Item  
11 Five, concerns the '84-'85 audit. And I take it that the  
12 letter of Crimond, C-r-i-m-o-n-d, Farmer, and Company  
13 would be Exhibit D to the minutes of this meeting, is that  
14 right?

15 MR. McDONALD: Frank, may I speak again on Leo's behalf?

16 MR. COOLEY: You bet.

17 MR. McDONALD: I think we need to entertain two things.  
18 The audit itself for the year ending June 30, 1985, a copy  
19 of which had been previously distributed to members of the  
20 Administration by Leo. I have my copy, but I failed to bring  
21 extra copies. I don't know if David and the Kansas people  
22 are without copies, but if that audit is acceptable I think  
23 we need to approve it with this letter, which explains  
24 effectively two things. One, that there is a charge that was  
25 noted against the equipment line item when in fact it was for

1 the benefit of the contract with the operations secretary,  
2 and we talked about that before. This letter clarifies that.  
3 Secondly, that the accountant handled the books in such a  
4 way that while the accrual for the balance of the equipment  
5 was registered in last fiscal year the checks were not  
6 written until this fiscal year and this letter is explaining  
7 that. Since the Administration has a financial statement on  
8 a pure cash basis that last year's statement will show a  
9 very large expenditure for the operations secretary. And  
10 this year will pick up the balance of that equipment charged  
11 from last year on a cash basis. I found that explanation  
12 satisfactory. If it is to the balance of the Administration  
13 I think we need to acknowledge and accept the auditor's  
14 report, which as far as I can tell is in order.

15 MR. COOLEY: Bill, I don't remember receiving one in the  
16 mail.

17 MR. McDONALD: Like I say I might be assuming. Does  
18 anybody else? David, did you---(interrupted)

19 MR. POPE: I simply don't remember.

20 MR. McDONALD: Well, we better not act until people get  
21 copies.

22 MR. POPE: I'm not sure that we received---(interrupted)

23 MR. McDONALD: If it's not an item that's critical to  
24 act on why don't we, David, set it aside and I will take it  
25 upon myself to contact Leo and be sure that copies of the

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY KANSAS 67846

1 audit are distributed and we can dispose of it at the annual  
2 meeting? Okay. I don't think there's any need for an  
3 exhibit under those circumstances.

4 MR. COOLEY: No, nor do I. The next item on the agenda  
5 is Item Six, the operations secretary's report. Mr. Jesse.

6 MR. JESSE: Do you want me to come up there?

7 MR. McDONALD: Why don't you come up to the mike, Bob,  
8 so the tape will pick it up.

9 MR. COOLEY: We enjoy it more when you're front and  
10 center.

11 MR. JESSE: Thank you. I'll try to be brief so you can  
12 get on to the main event. We'll just give you a few numbers.

13 MR. COOLEY: Some of us thought you were the main event.

14 MR. JESSE: Just the preliminaries. I've got all of  
15 the numbers here. I've already reported up through the July  
16 meeting. And I was just going to give a few numbers and then  
17 make a couple of comments and then I'll sit down. I wanted  
18 to report that on the first of October, John Martin Reservoir  
19 contained 277,424 acre feet. And it was distributed with:  
20 Kansas 126,673; the Colorado ditch was 132,009; permanent  
21 pool 9,263; transit loss account 8,327. The storage and  
22 conservation pool for the total of the year have been  
23 381,224 acre foot total. One other item you might be  
24 interested in. The total evaporation for the reservoir for  
25 this year so far has amounted to 46,478 acre feet. That's the

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 128

GARDEN CITY, KANSAS 67846

1 evaporation figures. And the vertical inches is 7.6 inches  
2 of evaporation total. The conservation pool was technically  
3 empty on the 6th of September and we're now passing inflow.  
4 And we look to do that until the 1st, when we go into storage  
5 barring any other reservoirs runs. I might mention that we  
6 did -- we have put in a gauge on Cheyenne Creek. Fifth  
7 Colorado has. It is now in and operating. We plan to  
8 instrument it with a sutron platform. The sutrom system in  
9 Colorado is now substantially operational and we use it for  
10 our operations and have been since it basically was  
11 operational. I have a printout that I brought with me from  
12 yesterday. I did not bring my terminal. I was afraid I  
13 would have to demonstrate it and I'm not sure I could so I  
14 just brought a printout. So if anybody wants to see what a  
15 sutron printout looks like I'll pass around the results from  
16 yesterday. We did not have the GS stateline station. We  
17 do have the other GS stations in Division Two. We have our  
18 upstream reservoirs, we have about 245,000 in Pueblo, and  
19 the total contents is 265,000 before we go into the joint  
20 use pool. And so you see we got about 25,000 foot of space.  
21 We didn't sell too much project water this year. The joint  
22 use pool will probably be somewhere in the neighborhood  
23 of 300,000. Jack might want to mention that when he gets  
24 up later. The only other reservoirs we have is we got about  
25 15,000 feet, acre feet, in Trinidad Reservoir and they have

1 not yet gone into winter storage mode of operation. If there  
2 is no questions that would conclude my report.

3 MR. COOLEY: There's going to be some questions.  
4 Excuse me. Would you repeat the Trinidad figure?

5 MR. JESSE: The exact number is 15,465. That's acre  
6 feet. And I don't have the breakdown with me. There's some  
7 in the permanent pool and then there's some transmountain  
8 water there. I don't know if Danny has that or not.

9 MR. COOLEY: Briefly, would either you or Mr. Simpson  
10 describe the system for telemetering -- I don't mean  
11 telemetering, do I? I mean satellite gauging of the  
12 Arkansas River in Colorado at this time. Not in detail.

13 MR. JESSE: I can simply defer to Hal. If you like I  
14 have the printout. I can tell you which stations we have  
15 and briefly describe the sutron system. If you get into  
16 costs why I'd have to talk to Hal about it.

17 MR. COOLEY: Would you for the record just briefly tell  
18 us about the system and when it was installed and became  
19 operational?

20 MR. JESSE: Hal, you're the lead man in this. Do you  
21 want to do it or do you want me to do it?

22 MR. SIMPSON: Go ahead, Bob.

23 MR. JESSE: I have the list of the gauges that we have.  
24 And of course all of the names are in computer keys and that  
25 translates them into their real names. And when we get it

1 from the computer we get a sheet like this. And these are  
2 the discharges and shifts and the gauge heights. And those  
3 are only for the gauges that are in Division Two. I did not  
4 pull the rest of the state. We are in the process now of  
5 installing some more. I don't know where that is now, but  
6 we should have the entire, I don't know, 48 some odd of them  
7 up to speed before next irrigation season for sure. Basically  
8 all it is is a shaft enclosure which encloses the recorder  
9 and translates that into a radio signal that is transmitted  
10 to the satellite. And it's one of the GEOS satellites. It  
11 then is collected every 15 minutes and then transmitted  
12 every three hours until it goes into an emergency mode, and  
13 then it transmits every 15 minutes. These are sent as a  
14 burst back to the main computer in Denver. And there it is  
15 converted into discharge. The actual gauge height isn't  
16 really of that much value. What we really want is the CFS,  
17 the cubic feet per second. And the computer will then  
18 integrate the shift, which has to be collected by our's  
19 and GS hydrographer and will then automatically give you  
20 the current charge. I believe the time on that printout  
21 shows when that was obtained. And that will give you a  
22 pretty brief idea. You can conceivable get the gauge height  
23 as soon as 15 minutes ago or no more than three hours ago.  
24 You can get a printout and it will give you the discharge  
25 for every 15 minute intervals for a period of days. We

1 just had one instance when I punched that out. It could  
2 have given the date for all the collections so far. All  
3 that data is on file in the computer and will I suppose  
4 stay there until somebody erases it. So we have ever since  
5 the first sutron went on line -- we still have that in our  
6 file. And that is the current shift. And we get our shifts  
7 from GS both in Kansas and Colorado. We did not have the  
8 stateline station on that particular printout. But that  
9 basically is what it does. It seems to work very good.  
10 We've had a few little problems with it, but it's not all  
11 that complicated. The data collection platforms are operated  
12 by solar panel and we've had very little down time with it.

13 MR. COOLEY: What other questions are there of Mr. Jesse?

14 MR. GENOVA: Bob, 270,000 in John Martin would leave us  
15 about 80,000 for winter storage, does it not?

16 MR. JESSE: Somebody asked me that. It's 355,000 acre  
17 foot. If Bill would subtract that right quick. How much  
18 is that? 275 from 355 is 80,000 acre foot to go. And  
19 we're holding our own right now. So when we go into storage  
20 we'll start picking up, but it is not declining now.

21 MR. COOLEY: Two more quick questions. In general  
22 what is the status of, say, Turquoise and Twin Lakes?

23 MR. JESSE: All the reservoirs except the Plains  
24 reservoirs are fairly full. I don't have the exact numbers  
25 on them, but they have quite a bit of water in storage. We

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846



1 do have some room in the downstream off channel reservoirs  
2 Great Plains and the . . . How much I didn't bring with me.

3 MR. GENOVA: Good chance John Martin might spill again?

4 MR. JESSE: I hate to bet on it because I lost last  
5 time, but I would think it probably would, yes.

6 MR. COOLEY: Wonderful opportunity here.

7 MR. GENOVA: How much water is being released from  
8 John Martin now?

9 MR. JESSE: The inflow -- they're releasing the inflow  
10 and all that. Bill, what is the inflow?

11 MR. HOWLAND: It's been about 170 CFS total. It varies  
12 lately.

13 MR. JESSE: The release will vary with the inflow, but  
14 I don't know what it will go to. I don't know what this  
15 storm has done to it.

16 MR. OLOMON: What method do you use for computing the  
17 evaporation. Do you just go by the sea level, the height of  
18 the water itself, or do you actually conduct a test  
19 continually on the evaporation?

20 MR. JESSE: Well, there is a weather station operated  
21 by the Corps. And they actually measure the evaporation.  
22 We then charge the evaporation against the accounts pro rata  
23 by however much their particular -- however much each  
24 account's, particular percentage of the total contents is.  
25 We deduct that pro rata amount from each account including

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 the principal.

2 MR. OLOMON: Would you say that this year was an average  
3 year for evaporation?

4 MR. JESSE: Well, of course the total amount of  
5 evaporation would depend upon the size of the surface area  
6 of the pond. This year it being full and as big as it could  
7 possibly get it was probably very high. It there's such a  
8 thing as an average year why the total evaporation would go  
9 down depending on the size of the surface area. But the  
10 surface area this year was big all year so there was a lot  
11 of evaporation.

12 MR. OLOMON: How much do we lose through seepage, do  
13 you know?

14 MR. JESSE: Well, actually any seepage would come back  
15 to the stream so I don't know if there is any deep  
16 percolation or deep seepage. Probably not very much.

17 MR. OLOMON: Thank you.

18 MR. COOLEY: Thank you very much, Mr. Jesse. I'll point  
19 out that we finished Item Six on the agenda and at this rate  
20 we'll be out of here in another 25 minutes.

21 MR. McDONALD: Frank, may I interject something at this  
22 point?

23 MR. COOLEY: Yes.

24 MR. McDONALD: The question arose when David Pope and I  
25 were speaking informally earlier today about Leo Idler's

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 capacity as an official of the Administration since he is  
2 no longer an appointed member. And I thought it would  
3 perhaps be well that the transcript reflect that the bylaws  
4 in Article Two clearly provide that both the recording  
5 secretary and the treasurer of the Administration need not  
6 be members of the Administration, and they in fact upon  
7 election serve until the end of the Compact year or their  
8 successor is elected. So I think it's clear that Leo Idler  
9 continues to be this Administration's recording secretary  
10 and treasurer until we take whatever action we might at the  
11 annual meeting in December.

12 MR. COOLEY: It's also clear, Mr. McDonald, that there's  
13 a private sentiment among the members of the Compact  
14 Administration that this is appropriate and proper. The next  
15 item on the agenda is Item Seven, report from the  
16 investigation committee, constituted by the resolution of  
17 March 28th, 1985. Mr. Pope, are you prepared to commence  
18 this report?

19 MR. POPE: Yes, Mr. Chairman, I will lead off in that  
20 discussion at least. I have placed before each member of  
21 the Administration and yourself a copy of the committee  
22 report pursuant to the Article VIII B investigation for the  
23 period ending October 1, 1985. I'd like to comment briefly  
24 on this report and its attachments. I would indicate for the  
25 record at this time that this is the most recent of a series

1 of such reports that each of you should be in receipt of.  
2 Namely, monthly reports for each monthly period since May 1,  
3 1985. And so those reports, along with the attached minutes  
4 in several cases, should provide a pretty complete record  
5 of the nature of the investigation that has taken place  
6 thus far. With regard to the October 1 report that you have  
7 before you, let me summarize that the report was used as a  
8 vehicle to bring the Administration up to speed, to date,  
9 with regard to the investigation and does chronologically,  
10 if you will, summarize those events that have taken place  
11 since the original resolution was adopted on March 28th, 1985  
12 at the special meeting of the Administration here in Garden  
13 City. It speaks to the issues that were to be investigated  
14 by the committee appointed by the resolution. I'll not  
15 read those all because I think we're all familiar with them,  
16 they're contained in pages one and two of the report. And it  
17 also then briefly summarizes the initial meetings that were  
18 held for the purpose of adopting a scope of work for the  
19 investigation. And I will just say at this point that while  
20 the committee was not able to reach an agreement on a  
21 complete scope of work it ultimately did agree at its Kansas  
22 City meeting on June 3, 1985 to construct an extensive series  
23 of mass diagram analyses. And again, I believe we had just  
24 completed construction of those diagrams as a committee during  
25 our July special meeting or at the time of our July special

1 meeting. The eight mass diagram analyses that were agreed  
2 to are listed on page three of this report. In addition  
3 two additional sets of mass diagrams were done either  
4 jointly or separately as indicated there in the report -- one  
5 being the analysis of usable stateline flow versus Canon City  
6 adjusted flows, which was done by both states. And then  
7 Colorado also did a double mass of John Martin inflows versus,  
8 what are known as, the index flows. At the July meeting of  
9 the committee, as reported at that time, the committee had  
10 not had an ample opportunity to digest and fully analyze  
11 the diagrams and try to determine what they meant. And that  
12 was the next step in the process. Accordingly, each state  
13 then prepared a rather extensive report setting forth its  
14 analysis of what the mass diagrams meant and drawing its  
15 conclusions from those. I've placed again before each of the  
16 members of the Administration the Kansas version of that  
17 report, and I believe you may already have -- or if you don't  
18 the Colorado -- will provide a copy of their report. Each of  
19 those we would ask to be officially submitted along with  
20 this monthly report as a part of the record of this meeting.

21 MR. COOLEY: For clarity, without getting into which  
22 items and which exhibit, you just referred to your reports  
23 dated September 4th, 1985, is that not correct?

24 MR. POPE: That's correct. Bill, do you have a copy  
25 of the original Colorado report?

1 MR. McDONALD: Yes, the report submitted in my name is  
2 dated September 6, 1985. And I do have a copy for Carl and  
3 Ron. David Pope already has one.

4 MR. POPE: Yes.

5 MR. COOLEY: Thank you.

6 MR. POPE: Those are the two reports that are  
7 specifically appended as a part of this monthly report, Mr.  
8 Chairman, and we will then herein refer to an additional  
9 round of reports. Continuing with the summary of this report,  
10 since you probably haven't had a chance to read it verbatim  
11 yet, having exchanged those reports on September 4th and  
12 September 6th, 1985 the committee then met September 17th,  
13 1985 in Santa Fe, New Mexico for the purpose of reviewing  
14 the respective reports exchanged by the committee members  
15 from each state, which interpreted the data in the mass  
16 diagrams. I think I should note at this point that during  
17 those discussions the committee did agree on several things.  
18 Those are listed. They're primarily factual issues related  
19 to data. They are listed there on page four of this report.  
20 And I will summarize that by saying that the first item was  
21 that the committee agreed that the 1903 through 1984 monthly  
22 and annual gauge data used by both states in their  
23 respective reports are the best data currently available for  
24 those gauges. Both states also agreed to the appropriate  
25 guage adjustments for each of the gauges except the Canon

1 City gauge. Both states agreed that the differences in the  
2 adjustments to the Canon City gauge would not significantly  
3 affect the conclusions of either of the reports. Secondly,  
4 we agreed that the theory and utility of a double mass  
5 diagram curve is as described in the US Geological Survey  
6 Manual of Hydrology, Part One, Geological Survey Water Supply  
7 Paper 1541-B. And thirdly, we agreed that the least squares  
8 technique used by both states in one appropriate way to  
9 evaluate the data, but is not the only appropriate  
10 technique. And fourthly, we agreed that breaks in some of  
11 the curves in mass diagrams in 1949 can be explained by the  
12 implementation of the Arkansas River Compact in that year.  
13 I mentioned those specifically to set forth primarily those  
14 items, those factual items, that the committee was able to  
15 agree on since we think that's quite important. We would  
16 have to indicate, however, that the committee was unable to  
17 agree on the conclusions to be drawn from the single and  
18 double mass diagrams and what further investigation, if any,  
19 should be undertaken. Therefore, Mr. McDonald and I agreed  
20 to submit separate reports to the Administration at this  
21 meeting to provide our comments on those conclusions to the  
22 Administration. That essentially summarizes this monthly  
23 report in terms of its substance. And I would conclude that  
24 portion of the committee's report. At this time unless there  
25 are questions on that particular phase of the report I think

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY KANSAS 67846

1 it would be appropriate to then indicate that in addition  
2 to the reports referred to as a part of that monthly report  
3 each state did prepare and have exchanged as of yesterday  
4 a subsequent supplemental report. And I'll pass down for  
5 those who do not have them extra copies of the Kansas version.  
6 And I will comment on our conclusions here briefly and then  
7 in turn I'm sure Bill McDonald will want to comment on the  
8 Colorado conclusions.

9 MR. COOLEY: Now that report is dated October 4th, 1985.

10 MR. McDONALD: Frank, could I interject in terms of  
11 our creating the record? Could we reflect in the record as  
12 Exhibit D the monthly report for the period ending October  
13 1, 1985, that David has just summarized on our behalf? And  
14 that will have as enclosures each of our respective September  
15 4th and September 6th reports. And then have David's  
16 October 4th, 1985 report, which he just handed to you,  
17 incorporated as Exhibit E and when we get to it I'll  
18 incorporate my second report in the record also..

19 MR. COOLEY: You're going pretty fast for me. Is the  
20 memorandum dated October 8th and signed by each of you what  
21 you have in mind?

22 MR. McDONALD: Yes. That becomes Exhibit D.

23 MR. DOPE: That's acceptable with me.

24 MR. COOLEY: All right. The report dated October 8th,  
25 1985 to the Compact Administration and signed by both Mr.



1 Pope and Mr. McDonald will become Exhibit D. Going further,  
2 and I'm just repeating, but it's important that we stay  
3 straight. The report of Mr. Pope dated September 4th and  
4 bound, and the report of Mr. McDonald dated September 6th  
5 become enclosures to Exhibit D, is that your intention, Mr.  
6 McDonald?

7 MR. McDONALD: Yes.

8 MR. COOLEY: No objection to that. There is a question  
9 however now is this. Because of the agreements made in  
10 Exhibit D itself, not the memorandum, is there a sentiment  
11 on the part of anyone that that be accepted and approved by  
12 the Compact Administration?

13 MR. McDONALD: I think we're merely asking that it be  
14 put in the record. David will get later to recommending on  
15 behalf of the two of us as a committee a specific action for  
16 the Administration today.

17 MR. COOLEY: Fine. Fine, I don't want to jump the gun.  
18 Now, and I'm still repeating, Mr. McDonald, E becomes Mr.  
19 Pope's report dated October 4th, 1985?

20 MR. McDONALD: Yes.

21 MR. COOLEY: Now the ball is back in your court, Mr.  
22 Pope.

23 MR. POPE: Thank you, Mr. Chairman. My comments will be  
24 rather brief, but hopefully will summarize the essence of our  
25 conclusions. And I will make that rather brief because the

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY KANSAS 67846

1 reports I think speak for themselves in terms of their  
2 detailed statement of the conclusions that the State of  
3 Kansas, or at least the representative to the committee for  
4 the State of Kansas, has reached regarding this matter. I  
5 would say that our conclusion is that the mass diagram  
6 analyses that have been constructed, supported by all of the  
7 other information that relevant engineering studies and the  
8 history of water use on the Arkansas River that have  
9 previously been done and as summarized in our report, continue  
10 to lead us to the conclusion that usable stateline flows have  
11 indicated a material depletion and a significant decline in  
12 the flow, starting in the early '70's particularly. We think  
13 that the original assessment made on behalf of the State of  
14 Kansas was correct in indicating a decline of 40 to 50,000  
15 acre feet per year for the period 1974 through 1984. I  
16 would also indicate that these declines and flows referred  
17 to in our reports have depleted those which would have been  
18 caused solely by the hydrological variations which occurred  
19 during the 1970's. And in part have been caused by factors  
20 other than hydrology in our opinion. But would also  
21 indicate that we concluded that the winter flows of the  
22 Arkansas River at Las Animas have declined starting at about  
23 1974. And that this decline is in the order of 5 to 7,000  
24 acre feet per season, so we do not think the problem is  
25 totally isolated below John Martin Reservoir. We continue to

1 have concerns about return flows from transmountain water  
2 supplies that have not been totally consumed and are a part  
3 of the measured flows of the Arkansas River used in these  
4 analyses. While these adjustments have not been made to the  
5 data that was used we think they do mask other depletions  
6 which will continue if these transmountain return flows are  
7 removed from the river. The depletions indicated by the  
8 mass diagram analysis have reduced the amount of water  
9 quantified by the Compact negotiators as usable and divertible  
10 in Kansas. And this is evidenced by the decline in diversions  
11 by Kansas ditches during the same period and we finally  
12 conclude that the mass diagram analysis indicates that post  
13 compact depletions for usable stateline flows have occurred.  
14 Let me also add to that a couple of additional items. While  
15 we think the mass diagram analysis technique as both states  
16 have acknowledged and stated in their reports is not a  
17 technique that can specifically determine what the various  
18 causes of declines have been, it does speak to the total  
19 magnitude of those declines. And while there are several  
20 possible explanations for that we think our report speaks to  
21 ones that are quite likely and are not willing to say that  
22 all of those declines can be explained away by drought or  
23 hydrology. We conclude by saying that further studies and  
24 analysis would be necessary to determine all of the effects  
25 that have caused those declines. But there's simply enough

1 evidence in preengineering studies, along with work that has  
2 been done by this committee, to support the likelihood that  
3 the flows of the Arkansas River have been affected by all of  
4 the various things that we've been mentioning and talking  
5 about thus far, including the operation of upstream reservoirs,  
6 such as Trinidad, Pueblo, winter water storage program, being  
7 masked by the increased return flows from transmountain  
8 diversions and the effect of ground water pumpage in the  
9 State of Colorado both above and below John Martin Reservoir.  
10 The Colorado position we think is incorrect in that it  
11 attempts to attribute all of those declines as being below  
12 John Martin Reservoir and attributed to the declines in  
13 tributary inflows during the period of the '70's and caused  
14 by changes in runoff pattern there. We don't think the  
15 evidence supports that conclusion. We think there's other  
16 evidence that also supports our conclusions. With that Kansas  
17 concludes that the mass diagram analyses indicate that the  
18 declines to usable stateline flows have occurred and that  
19 these exceed those expected to be caused by natural  
20 hydrological variations. Based on the results of this mass  
21 diagram analysis it's our belief that additional investigation  
22 should be made of the post-compact depletions. And we have  
23 listed those items that we think need to be investigated  
24 further which does include the development and use of  
25 alluvial wells in Colorado; pre-compact use of the

1 conservation pool at John Martin Reservoir; transmountain  
2 return flows; post-compact development and use of upstream  
3 reservoirs; tributary inflows and precipitation records;  
4 stream flood events and their impact on stream flow data;  
5 surface diversions in Colorado Water Districts 67, 17, and  
6 14; development of stock ponds in Colorado and their potential  
7 impact on tributary inflow to the Arkansas River; the impacts  
8 of the 1980 storage resolution for John Martin Reservoir on  
9 the relationship of usable stateline flows to upstream flows;  
10 and tributary inflows from the eastern plains of Colorado.  
11 Because Colorado has concluded from the mass analysis that  
12 there are no compact depletions to further investigate with  
13 the possible exception of tributary inflow from the eastern  
14 plains it follows that Colorado sees no utility in any other  
15 respect to a continued bilateral investigatory effort  
16 pursuant to Article VIII II. Accordingly it is Kansas'  
17 intent to continue unilaterally with further engineering  
18 analyses it deems appropriate. So, Mr. Chairman, that  
19 summarizes the two reports that the State of Kansas has  
20 produced as a part of this investigation. And if you'll give  
21 me just a second let me confer with Mr. Simms just a moment.  
22 Mr. Chairman, that concludes my comments at this point in  
23 time.

24 MR. COOLEY: Mr. Pope, the studies that Kansas intends  
25 to continue, are those shown on Page 35 of Exhibit F?

1 MR. POPE: I think those are the ones that I specifically  
2 noted since I read from that page, Mr. Chairman. I perhaps  
3 believe that we'll be addressing this issue at least somewhat  
4 further after Bill's had an opportunity to make the Colorado  
5 report as to where we go from here.

6 MR. COOLEY: Just one last question. What time frame  
7 would the studies that Kansas intends to continue unilaterally  
8 occupy?

9 MR. POPE: Mr. Chairman, I'm not sure I can give a  
10 specific time frame. Depending on what happens and what's  
11 found by the various components of those studies, but we're  
12 certainly anxious to proceed and we'll proceed as quickly  
13 as we possibly can.

14 MR. COOLEY: Mr. McDonald.

15 MR. McDONALD: Thank you Frank. As David has indicated  
16 we reached agreement in part which he has reflected in  
17 summarizing the October 8th memorandum that constitutes our  
18 report for the period ending October 1, and further agreed  
19 that each of us would address the Administration with a  
20 second report, which David has just summarized his for his  
21 part. My report, my second report, is in the format of a  
22 memorandum to the Administration under date of October 4th,  
23 1985. It was distributed to members of the Administration  
24 last night with the exception of yourself, and here is a copy  
25 and could I ask that that become Exhibit F in the transcript?

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67816

1 And like David I will just speak briefly about what the  
2 conclusions are to which I have come thus far in the course  
3 of the investigation. As has been indicated, David and I  
4 agreed that a logical starting point in this investigation  
5 would be single -- would be the preparation of single and  
6 double mass diagrams, which would provide a means of  
7 examining the regimen of the stream and various reaches along  
8 the Arkansas River. It is my position that those mass  
9 diagrams which have thus far been done do not address all of  
10 the matters set forth in the March 28th, 1985 resolution of  
11 the Administration, particularly the operation of Trinidad  
12 Reservoir and the material depletions by Kansas, the expanded  
13 ditch diversion rights in Kansas and the operation of Lake  
14 McKinney. To the extent the mass diagrams do speak to the  
15 issues before us, I have concluded that the mass diagrams  
16 show a decline in usable stateline flows starting in 1974.  
17 It appears to me that there is no question that the period  
18 from 1974 through 1975 was also a period of serious drought in  
19 eastern Colorado. And it appears to me therefore that the  
20 decline in usable stateline flow, which is evidenced by the  
21 mass diagrams that we have thus far constructed, starting in  
22 1974, corresponds to a decline in tributary inflow, combined  
23 with below average flows at Las Animas and reduced diversions  
24 by ditches in Colorado Water District 67. Let me correct  
25 myself. I apparently earlier stated that there was no question

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 in my mind that the period 1974 to '75 was a period of  
2 serious drought. I meant to say 1974 through 1979 is a  
3 period of serious drought. At any rate the declines starting  
4 in '74 appear to me to correspond with factors which I  
5 mentioned. I further believe that the usable stateline flows  
6 began to recover in 1980, although as my second report sets  
7 out I do concede that the relationship between the usable  
8 stateline flows and John Martin inflows has apparently not  
9 recovered to the same relationship as existed in the period  
10 1949 through 1973. It appears however that that apparent  
11 change in relationship between the inflow to John Martin  
12 Reservoir and the usable stateline flows is explainable by  
13 the constraining definition of usable stateline flows, by  
14 the reduced return flows from ditches in Water District 67  
15 as a function of the drought, and thirdly, by the 1980  
16 operating plan for John Martin Reservoir which the Administration  
17 has previously adopted. It seems to me that it is incumbent  
18 upon the Administration acting through the committee to  
19 conduct a thorough, careful, and methodical investigation  
20 that does not lead to preconceived conclusions. In that  
21 context I do not believe it is appropriate to launch an  
22 investigation of well pumping in Colorado as David has urged  
23 in his second report until we have determined whether the  
24 declines in usable stateline flows might be the result of  
25 other causes, which I believe to be more likely than the causes



1 which David has addressed. In particular it appears to me  
2 that there are causes other than well pumping which are most  
3 likely to have caused the decline in usable stateline  
4 flows starting in 1974. And it has been my position  
5 therefore that the investigation should indeed continue, but  
6 it should start first with those factors which at this point  
7 in time appear to be most likely explanations for the decline  
8 in usable stateline flows. I have not ruled out at this  
9 time the investigation of anything other than return flows  
10 from transmountain diversion imports. I am merely saying  
11 that I think the reasonable and prudent way to proceed  
12 with the requisite engineering in order to produce  
13 thorough and competent results is to start with those items  
14 most likely to have been the cause of the decline in usable  
15 stateline flows starting in 1974. I would just conclude  
16 quickly by saying that I do not understand the engineering  
17 studies done to date to have proved that there are or have  
18 been material depletions in the usable quantity and availability  
19 of the waters of the Arkansas River of Colorado. It seems to  
20 me that all the engineering shows thus far is that there has  
21 been a decline in usable stateline flows starting in 1974,  
22 which corresponds it appears to me, to a decline in tributary  
23 inflow rather than to well development or any other beneficial  
24 development in the Arkansas River basin in Colorado. I do  
25 not agree with the conclusions with respect to well pumping

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY KANSAS 67846

1 as are set forth in David's second report, which he has  
2 summarized for you. To some large extent those conclusions  
3 appear to be based on reports that have been discredited  
4 by the Colorado court among others as being unpersuasive  
5 because of many other pertinent factors that were not taken  
6 into account in the course of those analyses and because  
7 there's no evidence whatsoever in stream flow records to  
8 substantiate an impact of well pumping. There are other  
9 matters that I will not dwell on in David's second report  
10 with which I also do not agree, but they do not need to be  
11 belabored here. So anyhow, in summary, I think the  
12 investigation should continue. It is appropriate that it  
13 continue. I rule out nothing other than the study of  
14 return flows from transmountain diversions. I only think that  
15 we should proceed in that course which I believe is most  
16 efficient and methodical. Frank, that's a brief summary for  
17 my part. I think David on behalf of the two of us as a  
18 committee is now prepared to report on a meeting which we had  
19 this morning as a committee and to recommend as a committee  
20 an item for action by the Administration.

21 MR. COOLEY: Who will give that report?

22 MR. McDONALD: David will handle that.

23 MR. POPE: Mr. Chairman, I'm passing down at this time  
24 copies -- I think that are sufficient for each member of the  
25 Administration and the advisors of proposed resolution of

1 the Arkansas River Compact Administration regarding continued  
2 investigation of alleged compact violations set forth in the  
3 resolution of March 28th, 1985 and as amended on July 12,  
4 1985. Mr. Chairman, is it your wish that I should just read  
5 this or should we take a couple of minutes and allow each  
6 person to read it?

7 MR. COOLEY: Let's take a couple of minutes. (Pause)  
8 We've had an opportunity to read the proposed resolution.

9 MR. POPE: Mr. Chairman, in that case perhaps for the  
10 benefit of the audience and the record maybe I should  
11 quickly read over it. There's a couple of minor typo type  
12 changes.

13 MR. COOLEY: It's short. Please go right ahead. Pardon  
14 me, David, have we got copies for the press?

15 MR. POPE: I have only the original left unless there's  
16 some extra down at the end.

17 MR. McDONALD: We can part with one or two copies after  
18 we act I'm sure in terms of the press taking them.

19 MR. COOLEY: How many here from the press? One, two,  
20 three? We'll find three. Go ahead.

21 MR. POPE: The resolution reads as follows or proposed  
22 resolution that is: "Whereas, pursuant to the Resolution of  
23 March 28th, 1985 an Investigation Committee was constituted  
24 to investigate alleged violations of the Arkansas River  
25 Compact; and Whereas, in conjunction with the existing data

1 and engineering studies the Committee agreed to conduct a  
2 series of single and mass diagrams to analyze primarily  
3 the regimen of the Arkansas River; and Whereas, the Colorado  
4 representative to the" -- excuse me, there's a word missing  
5 that I just read over where I said "conduct a series of  
6 single." We should insert the word "double" in line two  
7 of the second whereas. If everyone has that I'll go down  
8 to the third whereas. "Whereas, the Colorado representative  
9 to the Investigation Committee has concluded that further  
10 investigation of whether the waters of the Arkansas River  
11 have been or are being materially depleted in usable  
12 quantity or availability should first examine: (1) reduced  
13 diversions by ditches in Colorado Water District 67. (2) the  
14 operating plan for John Martin Reservoir; (3) decreased plains  
15 precipitation; and (4) soil conservation measures; and  
16 Whereas, the Kansas representative to the Investigation  
17 Committee has concluded that further investigation of whether  
18 the waters of the Arkansas River have been or are being  
19 materially depleted in usable quantity or availability  
20 should examine: (1) development and use of alluvial wells  
21 in Colorado; (2) pre-compact use of the conservation pool  
22 of John Martin Reservoir; (3) transmountain return flows;  
23 (4) post-compact development and use of upstream storage  
24 reservoirs; (5) tributary inflows and precipitation records;  
25 (6) extreme flood events and their impact on stream flow data;

1 (7) surface diversions in Colorado Water District 67, 17,  
2 and 14; (8) development of stock ponds in Colorado and their  
3 potential impact on tributary inflow to the Arkansas River;  
4 (9) the impacts of the 1980 Storage Resolution for John  
5 Martin Reservoir on the relationship of usable stateline  
6 flows to upstream flows; and (10) tributary inflows from  
7 the eastern plains of Colorado, Now, Therefore, Be It  
8 Resolved by the Arkansas River Compact Administration,"  
9 remove the comma, "that the Investigation Committee  
10 constituted by the Resolution of March 28th, 1985, as amended  
11 on July 12, 1985, shall continue with its investigation of  
12 the matters," scratch the word "the." Continue, "upon which  
13 the committee," which should be capitalized, "has mutually  
14 agreed that further investigation should be undertaken. The  
15 foregoing resolution was adopted by the Arkansas River  
16 Compact Administration at a special meeting held on  
17 October 8th, 1985, in Garden City, Kansas. Signed by Frank  
18 G. Cooley, Chairman, and Leo Idler, Recording Secretary."  
19 Mr. Chairman, I would move the adoption of the proposed  
20 resolution.

21 MR. COOLEY: Is there a second?

22 MR. McDONALD: I will second it and ask David if there  
23 isn't one more gramatical correction. David, in the second  
24 whereas clause, in the second line, "the committee agreed to  
25 conduct." I think we probably "agreed to prepare a series

1 of" mass diagrams. I don't think we conduct them. Got to  
2 get to that before Frank does. With that change my second  
3 would stand.

4 MR. COOLEY: I hesitate to bring this up at this time,  
5 but---(interrupted)

6 MR. McDONALD: Don't then!

7 MR. COOLEY: I have a question for both of you. I think  
8 the intent is perhaps clear enough, but on the face of it  
9 the resolution doesn't really say which are those items on  
10 which you have mutually agreed that further investigation  
11 should be undertaken.

12 MR. McDONALD: May I confer with my fellow committee  
13 member? I think there's a simple solution. (Pause) We  
14 have an answer.

15 MR. COOLEY: We'll be back in order if you please.

16 MR. McDONALD: Frank, responding to your question on  
17 behalf of David and myself as a committee I would observe  
18 that I think a reading of the numbered items in the two  
19 respective whereas clauses that are the same are indicative  
20 of the matters, at the minimum, which David and I have agreed  
21 to pursue. I think you'll find that the operating plan for  
22 John Martin appears in both sets of listings, that decreased  
23 plains flows and precipitation appears in both listings, and  
24 that soil conservation measures, at least in the context of  
25 stock ponds, although I think David understands that I wish

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY KANSAS 67846

1 to look more broadly than stock ponds to tillage practices  
2 and what have you -- are those items that are set forth on  
3 the face of the resolution at a minimum that we will pursue.

4 MR. COOLEY: Are there any further questions or  
5 comments or trouble?

6 MR. McDONALD: Call the question.

7 MR. COOLEY: Question. Colorado?

8 MR. McDONALD: Colorado votes aye.

9 MR. COOLEY: Kansas?

10 MR. POPE: Kansas votes aye.

11 MR. COOLEY: The resolution as amended and clarified  
12 has passed.

13 MR. McDONALD: Frank, could we have the resolution as  
14 adopted appear as Exhibit C?

15 MR. COOLEY: Exhibit G. Do you, Mr. McDonald, care to  
16 make any comment to the question I posed to Mr. Pope about  
17 time frames. Would that be useful?

18 MR. McDONALD: I think David and I could report that we  
19 have as a committee agreed that I will prepare a proposed  
20 work plan or scope of service if you will on those matters  
21 which the Administration has now directed us to continue to  
22 pursue. Let's see. I indicated that I would endeavor to  
23 have that in the mail on November 6th. And David and I  
24 agreed we would then meet in Denver on November 18th and  
25 that the primary item of business for the next committee

1 meeting would be a discussion of that scope of work.

2 MR. COOLEY: Fine. Is there anything further that  
3 either of you has to report on behalf of the investigation  
4 committee.

5 MR. McDONALD: I do not.

6 MR. POPE: I do not either, Mr. Chairman.

7 MR. COOLEY: Mr. Garner is here today for Ray Willms  
8 of the Bureau of Reclamation. Mr. Garner, would you  
9 please give us your report on the five year review of  
10 Trinidad Reservoir operation?

11 MR. GARNER: This will be a very short report. Mr.  
12 Willms regrets that he was not able to make it, but when he  
13 called this morning he came down with the flu last night.  
14 We have prepared an initial cut on the report. We have an  
15 internal review on it which we have completed and are in  
16 the process right now of making the changes in that report.  
17 The report will be out by the end of October and we will  
18 submit it to you. It will be a draft report for comment  
19 at that time. That's the extent of my comments.

20 MR. COOLEY: To what extent, if any, have either of  
21 the states participated in the preparation of this report  
22 and the analysis?

23 MR. GARNER: To my knowledge I guess I would have to  
24 address Mr. McDonald and Mr. Pope to find out what they have  
25 because I have not prepared or have not participated



1 personally in the report. That was prepared by Mr. Willms  
2 in the Loveland office. So I'm not aware of their  
3 participation.

4 MR. COOLEY: Is it likely that that report will be  
5 ready for the annual meeting of the Compact Administration  
6 in December?

7 MR. GARNER: The draft will be out by the end of  
8 October and we expect your comments back and hopefully we  
9 can get it prepared by then in final form.

10 MR. COOLEY: Mr. Pope?

11 MR. POPE: I think the only comment perhaps at this  
12 point would follow your questions and the response as far as  
13 attempting to have the report finalized by the time of the  
14 annual meeting. If it would be acceptable to the  
15 Administration and the State of Colorado we'd like to suggest  
16 that comments on the draft report be done and back to the  
17 Bureau sufficiently ahead of the annual meeting to allow it  
18 to be finalized at that time.

19 MR. GARNER: So if we put the report out by the end of  
20 October in draft form we'd expect comments back by 30 days  
21 later?

22 MR. COOLEY: It's something we could try for. The guy  
23 said that total depravity was a tough rule to live by. Hard  
24 to live up to.

25 MR. McDONALD: At a minimum I'm sure we would need 30

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 days. Having not participated I don't know what I'm looking  
2 at though, and I have not consulted with the Purgatoire  
3 Water Conservancy District.

4 MR. GARNER: When is the December meeting?

5 MR. McDONALD: December 10th I think. It's the second  
6 Tuesday.

7 MR. GARNER: That's cutting it pretty close.

8 MR. McDONALD: Just thinking off the top of my head,  
9 David, I just don't see the Purcau having a final report  
10 on December 10th. I certainly would endeavor on Colorado's  
11 part to comment within 30 days, but I won't commit to it  
12 until I see the report.

13 MR. COOLEY: I think that's the most we can hope for  
14 today, but it would be nice if we could try. And that's  
15 all that I intended by my comments. Thank you very much  
16 and give Mr. Willms our regards. The next item will be  
17 budgetary matters. And in this connection it's important  
18 that we address the USCS programs of both states. It's not  
19 part of the formal agenda, but I think it's within the  
20 intent of the agenda. Who is -- well, I would suppose that  
21 Mr. Simpson would be here to address us on the funding of  
22 satellite monitoring stations. Mr. Simpson, is this---  
23 (interrupted)

24 MR. McDONALD: We were going to buck it down to David.  
25 I don't think it's ready for action yet. David, pitch in,

1 but I think David and Hal and I simply haven't concluded  
2 exactly how Kansas might participate physically in the  
3 satellite monitoring system, and it's not resolved as of  
4 today. And until it's resolved there's no need to consider  
5 budget amendments because we wouldn't know what we're going  
6 to amend.

7 MR. COOLEY: Let me ask a couple of questions. There  
8 is a stateline satellite transmitter of course?

9 MR. ROBBINS: There is a stateline. We will agree  
10 to that. It's in dispute where it is!

11 MR. COOLEY: Is there anything downstream in Kansas  
12 that's useful or necessary to the administration of the  
13 river?

14 MR. McDONALD: We have talked about the Coolidge gauge,  
15 have we not? Or GS has put it that way. Is there anybody  
16 here from GS? There should be. Somebody handed me a letter  
17 later on. May we pursue the line of questioning?

18 MR. COOLEY: I wish you would. I think it's an  
19 interesting subject.

20 MR. McDONALD: Does the USGS have a data platform on  
21 the Coolidge gauge?

22 MR. GARNER: We have one on the Coolidge gauge and the  
23 Frontier gauge. The Coolidge gauge satellite presently is  
24 inoperable. It's not right on line right now. It's in  
25 for repair.

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 MR. McDONALD: What'd we do? Wash it out?

2 MR. COOLEY: I think the meeting's degenerating, Mr.  
3 McDonald. Mr. Pope.

4 MR. POPE: Let me just comment. I think the Coolidge  
5 gauge that we just referred to and the Frontier ditch of  
6 course are the two that together make up the stateline  
7 flows, I believe, if I'm stating that correctly. I think to  
8 get to your question -- the one question dealt with on  
9 further downstream -- I believe there are gauges at Syracuse  
10 and Garden City. These are the other two in the area of the  
11 Kansas ditches and the upper part of the Arkansas River.  
12 With regard to this matter in general I think Bill  
13 categorized it correctly that while we had good intentions  
14 of physically doing some things in terms of trying out the  
15 satellite system as to the gauges that are of interest to  
16 Kansas, that has not been possible because of logistical  
17 and equipment problems. And we hope to do that prior to the  
18 annual meeting. I would say as I think I've said before  
19 there's little doubt in my mind but what certainly I think  
20 Kansas wants to support an item in the budget to participate  
21 in the program. That's not in question. I think the only  
22 thing that's in question is whether or not there's a need  
23 for the existing radio relay equipment that's currently  
24 available in the Garden City Field Office of the Division  
25 of Water Resources.

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 MR. COOLEY: Well, if the matter meets with the pleasure  
2 of the two of you I think it would be an appropriate matter  
3 to continue on at the annual meeting and clearly it doesn't  
4 deserve any more attention at this meeting. Mr. McDonald?

5 MR. McDONALD: Agreed. And David and I already  
6 informally this morning concluded indeed we did need to  
7 settle it at the December meeting because there clearly will  
8 have to be some adjustments in the budget for the current  
9 fiscal year and there will need to be adjustments in the  
10 already adopted budget for the next fiscal year. And the  
11 other adjustment we've got to make in the budget is now we're  
12 using a recorder to transcribe meetings. We need a line  
13 item in the budget for that. We do not currently have such  
14 a line item. So David and I would certainly contend that we  
15 dispose of the matter at the December annual meeting and we'll  
16 proceed accordingly.

17 MR. COOLEY: Mr. Stockham, it's clear that there's no  
18 more money and I'm not sure that you want to address this  
19 group, but I think it would be appropriate to take a couple  
20 of minutes anyway.

21 MR. STOCKHAM: Mr. Chairman, which question?

22 MR. COOLEY: No, I was obviously having some fun here.  
23 I would like a brief resume of the requests of the USCS  
24 in Kansas with respect to costs and gauges. Mr. Stephens.

25 MR. STEPHENS: On your cover letter I see a typing error.

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY, KANSAS 67846

1 It should be October '86. That's down by the third  
2 paragraph there for the proposed fiscal year instead of  
3 October '87. Our proposal for the '86 or '85 water year is  
4 that we'll have a two percent increase. Compact total cost  
5 will be 39 or 3,960 versus \$3,880 for the fiscal year  
6 '84-'85.

7 MR. COOLEY: That figure doesn't shock me, but the  
8 figure on the table of \$9,000 scares the pucky out of me. Is  
9 the \$19,000 figure -- obviously it's the total of  
10 contributions from all sources.

11 MR. STEPHENS: From all sources, right. This is with  
12 the stream flow, the routine measurements, flood measurements,  
13 extra measurements, the repair and replacement of any parts  
14 on the DARDC to radio a portion in Kansas which we have  
15 five.

16 MR. McDONALD: Marv, why does this proposed GS program  
17 reflect the radio relay stations continuing? I thought  
18 the proposition was the data collection platforms would be  
19 in lieu of and as a replacement to the radio network?

20 MR. STEPHENS. The way I understand it from your  
21 agreement with Kansas, the data platforms and DARDC radio  
22 relay units would operate in conjunction for one year. The  
23 Compact Administration is not paying anything for this year.

24 MR. McDONALD: Thank you, I agree. I stand corrected.

25 MR. COOLEY: Are there any other questions? Thank you

1 very much. Mr. Livingston.

2 MR. LIVINGSTON: I'll address the Colorado portion of  
3 the cooperative program with the Compact. First, to refresh  
4 everyone's memory, we have five stream flow stations that  
5 we operate partially on behalf of the Compact, one reservoir  
6 station and then three radio relay stations. Last year the  
7 entire funding for those total of nine stations was \$38,620,  
8 of which last year the Compact contributed \$8,520. That was  
9 for the year ending September 30, 1985. For the operation  
10 of that same network and a Compact portion of that network  
11 and omitting the radio relay stations the program would  
12 amount to \$6,320 for the year beginning this past October  
13 1st. If the Compact should decide to continue those radio  
14 relay stations -- and I might mention that all the stations  
15 in our network are GSP, as Bob has already mentioned -- that  
16 would add to the program \$2,722 for a total cost of \$8,690.  
17 That's an increase of \$170 over last year.

18 MR. McDONALD: That figure again, please, Russ?

19 MR. LIVINGSTON: \$8,690 and that's with the radio relay  
20 stations.

21 MR. McDONALD: With the radio relay for federal fiscal  
22 year '86?

23 MR. LIVINGSTON: Yes, sir.

24 MR. COOLEY: But again the radio relays are out  
25 subsequently are they not?

NAOLA C. THIMESCH

CERTIFIED SHORTHAND REPORTER

P.O. BOX 178

GARDEN CITY KANSAS 67846

1 MR. McDONALD: That's what GS has proposed.

2 MR. LIVINGSTON: I think it would fall on Mr. Jesse  
3 to determine whether they're liable or not at this point to  
4 drop the radio relay stations.

5 MR. McDONALD: Russ, could I ask both you and your  
6 Kansas colleagues -- in your case could you get to us a letter  
7 similar to this?

8 MR. LIVINGSTON: I apologize. I was unprepared. I  
9 figured we were going to do this at the annual meeting.

10 MR. McDONALD: But knowing how we get bogged down at  
11 the annual meeting remembering what we did from year to year,  
12 could both of you also within the next three weeks, with  
13 the understanding that you got to make statements, get your  
14 proposed program for October of '86 to September of '87  
15 to us because we will have to act on that budget in December  
16 at least tentatively.

17 MR. GENOVA: It ought to be possible by December to  
18 determine whether we need those radio stations or not.

19 MR. LIVINGSTON: I would suspect that it's probably  
20 possible to make that determination. Now they've been in  
21 there for a fairly long length of time. I'm not sure what  
22 kind of luck Bob has had with them, but I think they will be  
23 ready by the December annual meeting.

24 MR. COOLEY: Thank you Russ. Mr. McDonald, is there  
25 anything else that you desire to bat around for the budget



1 getting ready for December?

2 MR. McDONALD: No, sir.

3 MR. COOLEY: It's been suggested that it might be  
4 appropriate if Mr. Rogers were appointed to the operations  
5 committee. Is there any objection to that?

6 MR. BENTPUP: I think that would be appropriate.

7 MR. McDONALD: That's a good idea.

8 MR. COOLEY: All right. That's done. What other  
9 matters must come before this meeting?

10 MR. McDONALD: Should we merely indicate, Frank, that  
11 the regular annual meeting by the bylaws would be set for  
12 the second Tuesday in December? And I think that's December.

13 MR. FOBBINS: Tenth.

14 MR. McDONALD: Tenth. And we'll make the necessary  
15 arrangements. David, in Lamar at the Cow Palace if that's  
16 acceptable?

17 MR. POPE: That's acceptable to me.

18 MR. McDONALD: Okay. Do we wish to have a court  
19 reporter I presume at the December annual meeting?

20 MR. POPE: Yes, sir.

21 MR. COOLEY: You can bring a Kansas court reporter.

22 MR. McDONALD: Fine, we will make those arrangements.

23 MR. COOLEY: The meeting is adjourned.

24 *Adjourned:*  
25 *Frank J. Casey*  
*12-10-85*

# 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 98  
Meeker, Colorado 81641

## COLORADO

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

### Proposed Agenda Special Meeting of the Arkansas River Compact Administration

1 p.m. (CDT), October 8, 1985  
Hilton Inn  
Garden City, Kansas

1. Introductions
2. Approval of agenda
3. Approval of minutes
  - a. May, 1984
  - b. December, 1984
  - c. July, 1985
4. Treasurer's report
5. FY 84-85 audit
6. Operation secretary's report
7. Report from the investigation committee constituted by the resolution of March 28, 1985 (as amended)
8. Report from Bureau of Reclamation on five-year review of Trinidad Reservoir operations
9. Budgetary matters
  - a. Proposed funding of satellite monitoring stations
  - b. Review of FY 84-86 and 86-87 budgets in light of action, if any, on satellite monitoring stations
10. Adjournment



Exhibit C

DIVISION OF WATER RESOURCES  
RECEIVED



# 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 98  
Meeker, Colorado 81641

## COLORADO

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

## CHECKS WRITTEN SINCE JULY 5, 1985

Date	Check Number	To	For	Amount
July 16	714	Cow Palace Inn	Meeting expense	53.00
Aug 5	715	AT&T	Telephone	4.50
Aug 5	716	Mountain Bell	Telephone	219.16
Aug 5	717	Federal Reserve	Payroll taxes	42.42
Aug 5	718	Guaranty Abstract	Secretary Bond	100.00
Aug 5	719	Leo Idler	Salary, cassette tapes, postage & stamps	337.90
Sept 5	720	AT&T	Telephone	4.50
Sept 5	721	Mountain Bell	Telephone	51.40
Sept 5	722	Void		
Sept 5	723	Crimond & Farmer	Audit	400.00
Sept 5	724	Leo Idler	Salary, postage	289.37
Sept 5	725	Void	July 12 meeting, 85% due	
Sept 5	726	Donald F. Peterlin	Record minutes	342.55
Sept 5	727	Federal Reserve	Payroll taxes	42.42
Oct. 4	728	Lamar Daily News	Advertising	10.56
Oct 4	729	Crimmond & Farmer	Copying	198.38
Oct 4	730	Void		
Oct 4	731	AT&T	Telephone	25.70
Oct 4	732	Void		
Oct 4	733	Mountain Bell	Telephone	105.88
Oct 4	734	Federal Reserve	Payroll Tax	42.42
Oct 4	735	Leo Idler	Salary, postage	286.38
				<u>2,556.54</u>

## Bank Statement as of Sept. 30, 1985

Interest current year to date	3,699.78
Checking Account	3,793.91
Check No. 709 has not cleared	3,720.00
Balance on hand	73.61
Savings account with interest to date	71,409.89
Checks written since Oct. 1, 1985	<u>669.32</u>
Total cash on hand	70,814.18

# ATTENDANCE LIST

SPECIAL MEETING OF THE ARKANSAS RIVER COMPACT ADMINISTRATION

DATE: OCTOBER 8, 1985, 1:00 P.M., HILTON INN



NAME	REPRESENTING	LOCATION
1. EDWARD DE KEYSER	KANSAS CANALS	DEERFIELD KS
2. Maola C. Shumach	Court Reporter	Garden City KS
3. Marvin D. Stevens	USGS	Garden City, KS
4. Charles L. Thomson	SECUID	Pueblo, Colo
5. Jack Garner	US Bureau of Reclamation	Pueblo, Colo
6. Russ Livingston	U.S. Geological Survey	Pueblo, Colo
7. STEVE FROST	Upper Arkansas Basin Adm. Group	Garden City
8. LEWIS DAVIS	AMITY MUTUAL	Holly Colo
9. FRANK Cooney	U S	Meeker, Colo
10. Lonnie Hyten	GC Telegram	GC
11. Gary Baker	GMD # 3	Garden City
12. Gary L. Gyle	Kansas Commissioner	Topeka
13. Don Clomon	ARCA	Garden City, KS
14. Patrick A. Cain	GMD #3	Garden City
15. Joanne N. Blatney	Arkansas Valley Journal	Lamar, CO
16. Marshall Clarys	P.W.R.	Garden City, KS
17. Robert W. Jock	St. George Church	Pueblo, Colo
18. L. L. Simpson	Church	Lawrence, Colo
19. J. L. Jewell	PRWCD	Trinidad, Colo
20. Phyllis Haxton	✓	✓
21. Bill Howland	Colo Div. of Water	Las Animas Co.
22. Bud O'HARA	PUEBLO WATER BOARD	Pueblo, Colo.
23. Ed Bailey	City of Colo Springs	Colo Springs, Colo.
24. Sarah Blount	ARCA-Kansas	Garden City, KS
25.		

# ATTENDANCE LIST

## SPECIAL MEETING OF THE ARKANSAS RIVER COMPACT ADMINISTRATION

DATE: OCTOBER 8, 1985, 1:00 P.M., HILTON INN

NAME	REPRESENTING	LOCATION
1. <del>Walter Jacob</del>	<del>Kansas</del>	<del>Garden City</del>
2. <del>Stinson</del>	Kansas	GC
3. Bill McDonald	Colo.	Denver
4. Jim Rogers	"	Lamar
5. Carl Genova	"	Pueblo
6. David Robbins	"	Denver
7. Dennis Montgomery	"	Denver
8. Hal Simpson	"	Denver
9. Will Bassett	"	Denver
10. Bob Jesse	"	Pueblo
11. Bill Howland	"	Las Animas
12. Howard Holme	"	Denver
13. Bill Good		DENVER
14. V. B. Thet		Denver Co
15. Bob Ramph	Fed. Govt. (Corps)	Pueblo Co
16. JAKES O Broyles	Colo	Lamar, Colo
17. Lee J. Pollart	(Colo) Amity Mutual Irr	Holly Colo
18. Carl Beutrup	ARCA	
19. David A. Bern	Ks	Garden City, Ks
20. RICHARD SIMMS	Kansas	Santa Fe, N.M.
21. Joe Binder	Pueblo Chapter	Pueblo Co.
22. Bruce E. Spunk	Spunk Water Engrs.	Denver Co
23. Fred E. Rolf	Kans - DWR	Topeka, Ks
24. Larry Margus	Dir - Emission of P 5719	Trinidad, (Pb.)
25. Dennis M. Montgomery	Colo.	Denver, CO

ATTENDANCE LIST

SPECIAL MEETING OF THE ARKANSAS RIVER COMPACT ADMINISTRATION

DATE: OCTOBER 8, 1985, 1:00 P.M., HILTON INN

NAME	REPRESENTING	LOCATION
1. <i>Iydia Smith</i>	<i>GARDEN CITY TELEGRAM</i>	<i>GARDEN CITY, KANSAS</i>
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		