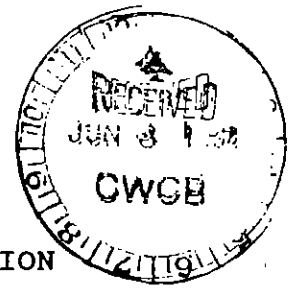


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ARKANSAS RIVER COMPACT ADMINISTRATION

307 South Fifth Street

Lamar, Colorado 81052

ANNUAL MEETING

Arkansas River Compact Administration

8:30 a.m. (MST), Tuesday, December 8, 1992

Cow Palace Inn

1301 North Main

Lamar, Colorado 81052

Colorado

Daries Lile
Carl Genova
James Rogers
Wendy Weiss
Steve Miller
Dennis Montgomery

Kansas

David Pope
Randy Hayzlett
Lola Fox
Lee Rolfs
Brent Spronk
John Draper

Frank Cooley, Chairman

Approved:

Frank G. Cooley
3/24/94

(see 12-14-93 minutes)

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MR. COOLEY: Ladies and gentlemen, we're calling the meeting -- the annual meeting of the Arkansas River Compact Administration to order. This is the date and the place set by law for the meeting. You've been furnished copies of an agenda. I'll make a short announcement about that right now. At about 10 minutes before noon, the Compact Administration will go into executive session. All of you will have the opportunity to have a head start for obtaining lunch. There's some matters concerning litigation of the Compact that will be discussed in executive session and that should not take very long. We will probably slip the afternoon session by, oh, 10 minutes, whatever, but we'll try to keep moving as fast as we can. There's a -- there is a break in the agenda about Item 14, at which time those of you who desire to not listen to the arcane matters of the budget and adoption of the minutes will be allowed to get back to your normal activities. The first significant item this morning is the introduction of a new representative for the state of Colorado. The gentleman in the tan jacket, three persons to my right is Chuck Lile. He was apparently christened Daries Lile but nearly every sheriff and highway patrolman and water person in Colorado knows him as Chuck Lile, and it is my privilege and opportunity to introduce him. He was in my

1 part of the country when he started his career as
 2 Assistant Division Engineer out of Steamboat under a very
 3 well known and senior water authority up there, and one
 4 time in his duties, Chuck made the mistake of hitting a
 5 deer and things were very, very touchy in this office.
 6 The senior man, said, "I've been driving in this country
 7 for 35 years and I ain't never hit a deer," and it was
 8 only when that senior man hit two deer that things got
 9 better in the office. Chuck, would you stand, and also
 10 then lead into the introduction of the Colorado people
 11 and your staff.

12 MR. LILE: Thank you very much. I would like to
 13 express to everyone, that it's my privilege to serve
 14 Colorado in this capacity. I started out in my career
 15 before I went to Steamboat Springs and worked with Frank,
 16 I worked in the Arkansas Valley as a hydrographer, worked
 17 with a Mr. Jesse and Rudy Styduhar, went up and down the
 18 river chasing the water, and it's a pleasure to be back
 19 in the Arkansas Valley and working again in this area. I
 20 would like to first introduce Carl Genova, who is on my
 21 left, who is the Colorado Compact Commissioner for
 22 Colorado on the Upper Arkansas. And we also have Mr.
 23 Jim Rogers, who is a Commissioner from the Lower
 24 Arkansas. I would like to ask them in a moment to
 25 introduce some of the people from their areas. I would

1 also like to start out by introducing Hal Simpson, the
2 new State Engineer of Colorado, and, Hal, would you mind
3 standing up? We also have with us Wendy Weiss, our
4 attorney who represents us in Compact matters. We have
5 David Robbins and Dennis Montgomery, who are also
6 attorneys from Colorado. I have Steve Miller, of my
7 staff. He's got a string tied to my leg so if I mess up
8 he pulls my leg out from under me and I sit down.

9 (Reporter can't hear.) Steve Witte, the Division Engineer
10 from Pueblo. He's sitting up there. Steve, do you have
11 any of your staff you would want to introduce?

12 MR. WITTE: Yes, I do, Chuck. First of all,
13 Bill Howland is with us. Bill serves as my assistant,
14 acting as the Compact Operations Secretary. The water
15 Commissioner for Water District 67, the area below John
16 Martin is Danny Neuhold, and also Danny Marques is the
17 Water Commissioner for the Purgatoire and Danny lives in
18 Trinidad. I believe that's everyone that I have with me
19 on my staff.

20 MR. LILE: Thank you, Steve. I would like to
21 now introduce Mr. Bob Jesse, from the federal -- one of
22 the federal officials, and, Bob, if you would help me
23 with some of the other people on your staff that you have
24 present?

25 MR. JESSE: I don't have any of my staff here.

1 The only one is Tommy Thompson with the Southeastern
2 Colorado Water Conservancy District and then I can let
3 the Corps introduce themselves.

4 MR. LILE: Carl and Gene, is there any other
5 parties from the federal government that I'm not aware of
6 that maybe --

7 MR. COOLEY: We have several and we'll get to
8 them later.

9 MR. LILE: I would like to turn this over to
10 Carl and let him start introducing the people from his
11 area?

12 MR. GENOVA: There's two people I would like to
13 introduce. A good friend and person I've worked with a
14 long time on water matters, Frank Milenski, and, a
15 gentleman I've had the pleasure of working with in the
16 Southeast District, Bob Northrup.

17 MR. ROGERS: We've just got some of the ditches
18 here, I think, from our area. We're well represented by
19 the Fort Lyon, I see. Looks like all of their Board,
20 they brought their big guns out to discuss this today,
21 and the Amity boys. We have Ernie Hofmeister back there
22 from the Lamar Canal. I think that covers from down
23 here.

24 MR. COOLEY: Okay. Fine. David, would you --
25 David Pope, the representative of Kansas, if you would

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introduce the Kansas members and the -- some of the
Kansas people present?

MR. POPE: Thank you, Mr. Chairman, it would be
my pleasure. On my far right is Lola Fox from Syracuse,
Kansas, member of the Administration, Randy Hayzlett from
the Lakin area, the other member of the Administration.
On my left is John Draper, Special Assistant Attorney
General for Kansas; Brent Spronk, engineering consultant
for the State of Kansas; my staff in Topeka, Leland
Rolfs, at least when he's not in California. He's also
counsel to the Chief Engineer and Special Assistant
Attorney General. I'd also like to introduce a person in
a position, that would be involved in these matters to
some extent, David Barfield, who's been on our staff for
a number of years, but who's in the new position of
working on interstate water matters. Then I would like
to also make a special introduction and, Mark, if you
would stand up, Mr. Mark Rude, who has been the Assistant
Water Commissioner in the Garden City field office area,
but has now been named Water Commissioner just recently,
so we're happy to have him, and he's somebody that will
be working with the Compact matters a lot. As many of
you know, Steve Frost was the previous Water
Commissioner. He has accepted a position as Executive
Director of the Southwest Kansas Groundwater Management

1 District Number 3 in Garden City. So, Steve will still
2 be involved in water matters, but has left our staff, but
3 fortunately will still be working in the area on water
4 matters. I believe we have Dale Jacobs, yeah, Dale is
5 here, who works with the ditches, in Kansas, a long time
6 member of the staff with us today, and then I believe
7 since there's two of kind of our regular attenders, I'll
8 introduce those from the ditches, those being Dave Brenn
9 from the Great Eastern System and Oliver Hines from the
10 Frontier Ditch System, and I believe I've caught
11 everybody from Kansas, if I've not overlooked somebody,
12 thank you.

13 MR. COOLEY: Thank you. We have a number of
14 federal people here and other persons connected in one
15 way or another with the litigation and they will be
16 introduced as we proceed into the agenda. With the
17 change in the agenda to move up the executive session to
18 accommodate the needs of some of the attorneys to get out
19 of here as fast as they can, is there approval or a
20 motion to approve the agenda from Kansas?

21 MR. POPE: With that change, I would so move,
22 Mr. Chairman.

23 MR. COOLEY: Second from Colorado.

24 MR. LILE: I second.

25 MR. COOLEY: It's been regularly moved and

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seconded. How does Colorado vote?

MR. LILE: Aye.

MR. COOLEY: Kansas?

MR. POPE: Aye.

MR. COOLEY: The agenda has been approved. The transcript of the December 1991 annual meeting. Where's Steve?

MR. MILLER: I'm right over here in the corner.

MR. COOLEY: Oh, dear, Steve, has that one been circulated fully?

MR. MILLER: I would just like to ask, there's three copies on the front right next to you, Frank, in a folder.

MR. COOLEY: Oh, I see them.

MR. MILLER: Those are the same as what we circulated at the end of September, right Lee?

MR. ROLFS: Yes.

MR. MILLER: So those three are ready for your signature.

(Whereupon, there was an off-the-record discussion held, after which the following proceedings were had:)

MR. COOLEY: Colorado on the approval of the transcript of December 1991, how do you vote?

MR. LILE: Yes.

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MR. COOLEY: Colorado votes yes. Kansas?

MR. POPE: Kansas votes yes.

MR. COOLEY: I'll sign these. Reports of officers for the Compact Year 1992, I will have -- I will have a couple of remarks to make in executive -- in executive session. I am approaching the end of my cruise in this job. I would -- I would like to serve under five presidents, instead of four, but we'll see in the next few weeks if that works out or not, and that would be the size of my report. Bernice Carr is not well today. Did she give any matters to you for consideration at the Compact meeting?

MR. ROGERS: Nothing to bring up at this time.

MR. COOLEY: Okay. Are you ready, Mr. Rogers, to go to the treasurer's report?

MR. ROGERS: Yes.

MR. COOLEY: And have copies of the report you're about to go into been circulated? Are those ones that have been around?

MR. ROGERS: Yeah, I passed them out to both states.

MR. COOLEY: When?

MR. ROGERS: Just before this meeting.

MR. COOLEY: Darn. Okay. Do you have a copy for me?

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MR. ROGERS: Yeah.

MR. COOLEY: We will now attend to the treasurer's report, starting off with a cash balance of \$22,381.70 at the top item on the page, Mr. Rogers?

MR. ROGERS: Yes, that was our cash balance July 1, 1992. The receipts that came in was Colorado for 23,400; Kansas for 15,600. Interest earned was 691.18. Brings us up to a total of \$39,691.18. The disbursements are all listed and this is at the beginning of our fiscal year. All of this started after our fiscal year. Down at the bottom you will see that we wind -- wind up with a total of \$48,537.78. That's in money market account and checking account. On the second page is a list of all of the checks that was booked through where the money went and what it was for.

MR. COOLEY: And that list of checks is for half a year?

MR. ROGERS: Yes, from July 1 up until now. In the audit report that I passed out. Here's your copy. That covers last year with the audit for the total last year. Everything balanced and they said we didn't spend any money we wasn't supposed to.

MR. COOLEY: Okay. I take it that this report is on a cash basis?

MR. ROGERS: Yes.

1 MR. COOLEY: Does anyone from the Compact
 2 Administration have any question about the report that's
 3 distributed at the meeting showing a balance of \$48,000?
 4 The only one really getting to us is the USGS.
 5 Jim, do you move on behalf of the committee, the adoption
 6 of the report as presented?

7 MR. ROGERS: I so move.

8 MR. COOLEY: Is there anyone from Kansas who's
 9 ready to second the motion?

10 MR. POPE: I would second.

11 MR. COOLEY: All right. Moved and seconded. Is
 12 there any discussion or any further questions of the
 13 report as presented to the meeting by the treasurer?

14 MR. MILLER: Frank, sometimes it's confusing to
 15 the reporter and the reader of the minutes whether you're
 16 now approving both the present report and the audit
 17 report or not.

18 MR. COOLEY: No, this is --

19 MR. MILLER: I don't think it matters what you
 20 do, but if we could specify.

21 MR. COOLEY: All right. This is the treasurer's
 22 report only. Steve, could you pull your chair up so I
 23 can see you? Makes me uneasy. I don't know what he's
 24 got in the box.

25 MR. LILE: Just don't want somebody behind your

1 back.

2 MR. COOLEY: There you are. How does Kansas
3 vote on the approval of the treasurer's report?

4 MR. POPE: Kansas votes aye.

5 MR. COOLEY: Colorado?

6 MR. LILE: Aye.

7 MR. COOLEY: The report has been approved.

8 Mr. Witte, we've already got through one page of the
9 agenda, we're moving right along, Steve, if you can keep
10 us on that fast pace, we'll be over by 11:00 o'clock.

11 MR. WITTE: Is that your desire, Mr. Chairman?

12 MR. COOLEY: No.

13 MR. WITTE: Good morning, Mr. Chairman, members
14 of the Administration. My full report has been submitted
15 to the Operations Committee last evening and I believe
16 will be submitted for acceptance and approval by the
17 entire Administration later on in the agenda, but to
18 summarize briefly, if I could, the 1992 Compact year
19 started out with about 8300 acre feet of water in
20 storage, total storage, in John Martin Reservoir, and at
21 the end of the compact year, on October 31st, the content
22 was 13,284 acre feet. So over the course of the year,
23 we've ended up gaining water in the reservoir. I think I
24 would like to draw your attention to the fact that at the
25 beginning of the Compact year, the water in storage in

1 the permanent pool was 2700 acre feet, and at the end of
2 the Compact year, there was only 1750 acre feet remaining
3 in the permanent pool account. That, insofar as the
4 beginning and ending year status, I had also included in
5 my report the only picture in the report. I think
6 everyone received a copy of Figure 1, which is on Page 3
7 of Section 1, provides an end-of-month content of John
8 Martin for the years 1988 through 1992 for comparison
9 purposes by the Administration members. Significant
10 events that transpired during the year, of course,
11 beginning November 1, starts the new Compact year and is
12 also the date in which we do a redistribution of any
13 excess water in the transit loss account. November 1 of
14 1991 there was a redistribution of about 3,770 acre feet
15 to Colorado and Kansas accounts. During the period
16 November 1 to April 1 of 1992, nearly 38,000 acre feet of
17 water was stored in the conservation pool during that
18 winter compact storage period. Within that time period
19 between November 15 and March 15, there was also
20 approximately 27,500 acre feet stored in Section 3
21 accounts pursuant to the 1980 operating plan. And then
22 after March -- or excuse me, after April 1 through the
23 end of the compact year, there were three events of
24 summer storage wherein a total of 6,664 acre feet were
25 stored in the conservation pool as summer compact water

1 and then subsequently redistributed into accounts
 2 pursuant to the 1980 operating plan. Also during that
 3 same time period, there were three -- four occasions,
 4 excuse me, in which water was stored, additional water
 5 was stored, in Section 3 accounts. As mentioned in my
 6 report, there was an operation to re-regulate
 7 Frylingpan-Arkansas project water through John Martin
 8 Reservoir for the benefit of the city of Lamar. That was
 9 done per the approval of the Administration pursuant to
 10 procedures that had been set forth to me in the 1989
 11 Compact Administration meeting. And then also during the
 12 month of July, 11,000 acre feet, 11,074 acre feet, to be
 13 more precise, was released on the demand of Kansas for
 14 delivery to the State of Kansas. Prospects for the
 15 coming year have started out good. It's sort of a fool's
 16 game to predict the weather, but we seem to be started
 17 off very promisingly for a good water year next year thus
 18 far. We hope it continues. I'll be happy to answer any
 19 questions that the Administration might have at this
 20 time.

21 MR. COOLEY: Are there any questions? I'll have
 22 one.

23 Steve, last year, it seemed about this time that
 24 there was a very great snow pack accumulating, I recall
 25 that from the skiing in the mountains, and yet the spring

1 run-off was not spectacular. Did the -- was the weather
2 pattern for the headwaters of the river that the -- that
3 the winter and spring snows just didn't continue to meet
4 that early number of dumps?

5 MR. WITTE: Yes, Frank. I think that's
6 essentially what happened. Overall on the year, snow
7 accumulations in the Arkansas Basin in Colorado were just
8 slightly above average. So the early indications
9 weren't -- weren't born out by the actual experience over
10 the course of the winter.

11 MR. COOLEY: Any other questions for Steve?

12 MR. POPE: Mr. Chairman, I -- just looking
13 through the report, Steve, and, again, I always
14 appreciate the compilation of data and information in
15 that. On the -- somewhat related to the treasurer's
16 report, I didn't raise the issue then, but I noticed that
17 the expenditures were a little higher than normal, Steve,
18 on the Operations Secretary issue as compared at least to
19 the normal budget item which I think is \$6100 and -- for
20 the past fiscal year it was something in the order of
21 \$7800. Is that because of some unusual things or is
22 there something about the finance aspect of your job as
23 operations secretary that is taking more time or more
24 expense or is there any particular comments you want to
25 make in regard to that item?

1 MR. WITTE: Yes. I realize that the
 2 expenditures for fiscal year '91-'92 were in excess of
 3 that annual budgeted amount. Mr. Cooley and Mr. Rogers
 4 both cautioned me about that prior to the end of the
 5 fiscal year. I had some discussions with -- with
 6 particularly Mr. Rogers, regarding the limitations placed
 7 upon my use of those funds, and I had been under the
 8 understanding that -- that I could -- I was entitled to
 9 save up funds from -- that had been allocated, to use
 10 them more efficiently at times when -- when I had need of
 11 them. I would say that -- well, and then subsequently,
 12 Mr. Rogers did approve additional expenditures beyond
 13 that point in time. I would say that the expenditures we
 14 saw last year were -- were greater than normal and I
 15 don't anticipate expenditures at that level in the coming
 16 fiscal year or the present fiscal year, I should say.

17 MR. POPE: So it was basically your position, I
 18 think I do recall a copy of a letter from Frank or
 19 something on this, that you had underspent in the
 20 previous fiscal year and you were purchasing some items
 21 that you needed this past fiscal year; is that right?

22 MR. WITTE: That's exactly correct, yes.

23 MR. POPE: What amount of time does your office,
 24 you or your office spend on these particular duties? Is
 25 it a pretty extensive thing? I presume this is not

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billing for time here, it's really more for direct expenses?

MR. WITTE: That's right.

MR. POPE: But how big of a responsibility is the duties in regard to time?

MR. WITTE: Well, the greatest expenditure of time and effort is in the -- in the personage of Mr. Bill Howland who is, nearly 70 percent of his work effort is directed into the daily maintenance of accounts and tracking of the accounting provisions of the 1980 operating plan. Beyond that, there is, I would say, occasional consulting, certainly on a weekly basis, but not on a daily basis, between Bill and myself, regarding decisions that need to be made. And then there is, oh, at least a week or so on effort that goes into the preparation of the annual report. I guess I haven't attempted to keep a very strict detailing of the time requirements, David, but in general, that's what's -- what the job seems to demand, and these expenses are incidental to those, and we believe related to those operations.

MR. POPE: You try to tie these expenses to things related to --

MR. WITTE: I'm making an effort to do that, yes.

1 MR. POPE: And you're including, when you talk
 2 about Bill's time in terms of the accounting, separate
 3 and apart from the actual Administration of water that is
 4 more the traditional duties of the division engineer's
 5 office. This is really more of the bookkeeping part?

6 MR. WITTE: Yes. My understanding is that
 7 Mr. Howland's position wasn't created as such until after
 8 the adoption of the 1980 Operating Plan and his efforts
 9 are extensively dedicated just to the accounting required
 10 for -- because of the 1980 Operating Plan and his salary
 11 is born totally by the state of Colorado.

12 MR. POPE: Okay. Thank you.

13 MR. COOLEY: Any other questions?

14 MR. POPE: I guess I do have one other thing.
 15 I'm not sure it's -- if there's need for action on this,
 16 but I understand that the agreement traditionally that
 17 has been signed between yourself and the Water
 18 Commissioner from Kansas, now Mark Rude, has not yet been
 19 reached for this year, and that's a matter of some future
 20 discussion that would need to occur?

21 MR. WITTE: That's correct, yes.

22 MR. POPE: I think Mark has raised some concerns
 23 -- that Kansas has some concerns about what the
 24 appropriate run-down time might be. Is that something
 25 you would expect that the two of you could spend some

1 more time working on in the near future, Steve, and if
2 you have some serious concerns about shortening the
3 run-down time period?

4 MR. WITTE: I do have some concerns, and, yes,
5 we will be devoting some time to the discussion of that
6 issue in the very near future. I think it's critical
7 that we reach agreement by at least March 15 of next
8 year. As I see it, that's a critical date by which a
9 decision has to be made as to whether we're going to
10 abide by an annual agreement such as we've had in the
11 past or whether we're going to revert back to the express
12 wording of the 1980 Operating Plan. That's a critical
13 date by which we really must make a decision. I've
14 discussed that with Mark this morning, but hopefully we
15 can reach agreement far prior to that date, and actually
16 I hope we can do it within a couple of weeks.

17 MR. POPE: Okay. Thank you.

18 MR. COOLEY: How often does either you or Bill
19 call an official in the State of Kansas, whether it's
20 Mark or someone else? Is it an almost daily occurrence;
21 almost weekly? How often?

22 MR. WITTE: Let me confer with Bill for a
23 moment, if I could.

24 MR. COOLEY: Sure.

25 MR. WITTE: Bill advises me that as far as

1 verbal communications, that occurs at least once a month,
 2 but that's primarily for the purpose of exchange of some
 3 information, current information on reservoir status.
 4 Otherwise, communication is primarily during those times
 5 when Kansas is either ordering a release from accounts or
 6 ordering cessation of a release from an account. Beyond
 7 that, there's occasional discussions between Steve Frost
 8 and myself, I would say, previously, no more than two or
 9 three times a year, in my experience.

10 MR. COOLEY: Thank you, Steve. Is there a
 11 motion that the Report of the Operations Secretary is
 12 approved?

13 MR. HAYZLETT: Yes.

14 MR. COOLEY: We have a motion. Is there a
 15 second?

16 MR. GENOVA: Yes.

17 MR. COOLEY: How does Kansas vote on the
 18 approval of the report of Mr. Witte?

19 MR. POPE: Kansas votes aye.

20 MR. COOLEY: Colorado?

21 MR. LILE: We vote aye.

22 MR. COOLEY: Thank you very much, sir. Is there
 23 a report of the Administrative and Legal Committee for
 24 the Compact Year 1992? I kind of doubt it.

25 MR. MILLER: Lola, I think, is the chair and I

1 believe she can tell you.

2 MR. COOLEY: No report from the Administrative
3 and Legal Committee. Lola, you've got to try harder.

4 MS. FOX: I talk with you.

5 MR. COOLEY: Yeah. There's (Reporter can't
6 hear.) There is a report from the Engineering Committee
7 for the Compact Year 1992, and we will turn to that
8 report right now.

9 MR. GENOVA: The Engineering Committee had two
10 meetings this year. One was held in Denver, August 10 --

11 MR. COOLEY: Pardon me? Can all of you hear
12 Carl? Carl is soft spoken and there's nothing I can do
13 to make him shout and we'll turn a microphone on for
14 Carl.

15 MR. GENOVA: A meeting of the Engineering
16 Committee, Arkansas River Compact Administration, was
17 held August 10, 1992, in Denver, Colorado at 11:00 a.m.
18 Present for the Engineering Committee were Mr. David
19 Pope, Chief Engineer Director, Kansas Water Resources;
20 and Carl Genova, Colorado Upstream Representative,
21 Arkansas River Compact Administration. Also present for
22 Kansas were Mr. John Draper, and Mr. Leland E. Rolfs,
23 attorneys; Mr. Brent Spronk, Spronk Engineering;
24 Mrs. Lola Fox and Randy Hayzlett, Kansas representatives
25 for the Arkansas River Compact Administration. Present

1 for Colorado were Mr. Gene Jensock and Mr. Steve Miller,
 2 Colorado Water Conservation Board; Mrs. Wendy Weiss,
 3 Colorado AG's Office; Mr. Steve Witte, Division 2
 4 District Engineer and Compact Operations Secretary;
 5 Mr. Bill Howland, Assistant Compact Operations Secretary;
 6 and Mr. James Rogers, Colorado Downstream Representative,
 7 Arkansas River Compact Administration. Also present were
 8 Mr. Frank Cooley, Chairman, Arkansas River Compact
 9 Administration. Purpose of the meeting was to discuss
 10 the Purgatoire River Water Conservancy District request
 11 to establish an exchange account under Article III of the
 12 John Martin 1980 Operating Plan. Representing the
 13 Purgatoire District were Mr. M. E. MacDougall, attorney
 14 for the district, and Dr. Jeris Danielson, Danielson &
 15 Associates Engineering. Mr. MacDougall explained that
 16 the District requested an exchange account in John Martin
 17 Reservoir not to exceed 10,000 acre feet for use of the
 18 Purgatoire River Water Conservancy District to exchange
 19 water from the mainstream Arkansas into the Trinidad Dam
 20 and Reservoir in order to maximize beneficial use for the
 21 Trinidad project.

22 (Whereupon, an off-the-record discussion
 23 was had, after which the following
 24 proceedings were had:)

25 MR. GENOVA: The water utilized would be

1 purchased water, if and when available. Dr. Danielson
2 further explained the concept would not store native
3 water in any form that historically accumulated in John
4 Martin Reservoir. The District will purchase
5 transmountain water or the consumptive use component of
6 water rights that have been through the water court
7 establishing that portion. The water would be stored in
8 John Martin Reservoir and exchanged to Trinidad Reservoir
9 when river conditions permitted. The exchange water in
10 John Martin would then be released from the account to
11 those entities that would have received the Purgatoire
12 water stored at Trinidad, if it had flowed down the
13 Purgatoire to John Martin. At year end, if the water had
14 not been exchanged to Trinidad, it would be released to
15 the conservation pool. Numerous questions and concerns
16 were asked of both Mr. MacDougall and Mr. Danielson
17 relating to the proposal as follows: 1) Sources of water
18 and how they will be obtained? 2) Administration of
19 exchange? 3) Spilling regimen for John Martin Reservoir?
20 4) Exchange opportunities? 5) Exchange timing? 6) How
21 will exchange water be credited from John Martin? 7) 35
22 percent storage charge under Article III? 8) Absent 35
23 percent charge, would a new type of account be required?
24 And, 9) transit loss determination down the Purgatoire?
25 After discussion, the Engineering Committee asked

1 Mr. MacDougall if he would address the concerns that had
 2 been expressed in a written proposal and submit it to the
 3 Committee for further study. Mr. MacDougall agreed to do
 4 so. The Committee then asked for further business to be
 5 addressed. Hearing none, the meeting was adjourned. The
 6 Engineering Committee has reviewed and approved the
 7 transcript of this meeting and requests that the
 8 transcript be included as part of the record of the
 9 August 10 meeting of this Committee.

10 MR. COOLEY: So ordered.

11 MR. GENOVA: We had another meeting last night
 12 on December 7, 1992. The Engineering Committee met in --

13 MR. COOLEY: That's a very well known date.
 14 Pardon me.

15 MR. GENOVA: -- Lamar, Colorado, to review the
 16 letter dated November 23, 1992 from Mr. M. E. MacDougall,
 17 attorney for the Purgatoire River Water Conservancy
 18 District regarding the District's response to concerns
 19 raised at the August 10 meeting of the Committee. The
 20 Committee also reviewed the resolution regarding the
 21 proposed exchange account for the District in John Martin
 22 Reservoir. After considerable discussion, the Committee
 23 was unable to determine a recommendation for the Arkansas
 24 River Compact Administration and felt the proposal would
 25 need further study and another meeting to resolve all of

1 the concerns, especially those related to the 35 percent
 2 storage charge or other accounts under Article III of the
 3 1980 Operating Plan. The issue of transit losses down
 4 the Purgatoire is another concern that is unanswered to
 5 the Committee's satisfaction at this time.

6 MR. COOLEY: This question is on the agenda and
 7 will be a significant part of this morning's meeting.
 8 What we are dealing with now is the report of the
 9 Engineering Committee. Mr. Pope is a member of that
 10 committee. Do you have any comments to make on the
 11 report given by the committee?

12 MR. POPE: I think the only thing I would add,
 13 Mr. Cooley, is that Kansas certainly has some significant
 14 concerns about the proposal, particularly as relates to
 15 the 35 percent storage charge, but I think the report
 16 essentially spells that out, so, I don't have any further
 17 comments, as you indicated that perhaps there will be
 18 later discussion.

19 MR. COOLEY: Sure. Chuck, is there a motion
 20 that the report of the Engineering Committee be approved?

21 MR. LILE: So moved.

22 MR. COOLEY: David, is there a second?

23 MR. POPE: Second.

24 MR. COOLEY: How does Colorado vote?

25 MR. LILE: Aye.

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MR. COOLEY: Kansas?

MR. POPE: Kansas votes aye.

MR. COOLEY: The report of the Committee is approved. Someone please straighten me out on the Operations Committee. Have there been meetings of the Operations Committee?

MR. HAYZLETT: We voted last night.

MR. COOLEY: Do you have a report, Randy?

MR. HAYZLETT: The Operations Committee accepted the Operations secretary's report last night.

MR. COOLEY: So we've in effect kind of got the cart before the horse in approving Steve's report, we in effect have taken care of that item of business that you have. You reviewed the report with that committee okay.

MR. COOLEY: David is there a report (sic) that the meeting of the report of the Operations Committee for the year be approved?

MR. POPE: So moved.

MR. COOLEY: Chuck; second?

MR. LILE: Second.

MR. COOLEY: How does Kansas vote?

MR. POPE: Kansas votes aye.

MR. COOLEY: Colorado?

MR. LILE: Aye.

MR. COOLEY: Thank you. We have now approved

1 the reports of all of the committees. We will turn to
2 the election of officers for the Compact Year 1993.

3 MR. POPE: Mr. Chairman --

4 MR. COOLEY: Yes.

5 MR. POPE: -- just as a procedural matter before
6 you proceed any further, traditionally, I think we have
7 identified attachments to the transcript that will result
8 from this meeting as we go. We've not done that yet this
9 morning, and for purposes of keeping track of things, I
10 would suggest that the agenda be made Attachment A, the
11 Treasurer's Report, be approved.

12 MR. COOLEY: In two sheets of paper.

13 MR. POPE: The agenda.

14 MR. COOLEY: Pardon me. Did you say the agenda?
15 The agenda, three sheets of paper.

16 MR. POPE: The Treasurer's Report.

17 MR. COOLEY: Which is two sheets of paper.

18 MR. POPE: Item C would be the audit and I guess
19 the next one was the operation -- excuse me, was the
20 engineering -- wait a minute -- Operations Secretary's
21 Report and I'm not sure that needs to be attachment or
22 not.

23 MR. COOLEY: Let's identify it as a bound volume
24 about three quarters of an inch thick and well identified
25 on the front page of the bound volume.

1 MR. POPE: Annual report of the Operations
 2 Secretary. Then the next item which I think was -- will
 3 be a part of the transcript, was the Engineering
 4 Committee Report, I do not know that that necessarily
 5 needs to be a self-standing attachment. It's your
 6 pleasure, if that would be the case.

7 MR. COOLEY: It's very short and let us make
 8 that a part of the minutes.

9 MR. POPE: In that case that would be item D
 10 then and there was no written report for the Operations
 11 Committee so we wouldn't need to deal with that one.

12 MR. COOLEY: Without objection, I'll order those
 13 to be the exhibits to the report of this meeting. I'm
 14 bothered -- have we, have I finessed the Auditor's
 15 Report? Have we -- have I gone sailing right over that?

16 MR. MILLER: It's agenda item Number 17, I
 17 believe.

18 MR. COOLEY: Agenda item number 17.

19 MR. MILLER: 18.

20 MR. COOLEY: 18. Well, then maybe I haven't
 21 leaped over it and we can put that item on 18 when we get
 22 to it.

23 MR. POPE: I think it might be better. It's my
 24 error. We looked at that but apparently instead of
 25 making that item C, we should wait until later in the

1 meeting until action is taken on that.

2 MR. COOLEY: We could make it C then.

3 MR. POPE: All right. I don't care what we make
4 it. Make it C. It's already C.

5 MR. COOLEY: I don't want to re-letter anything.
6 Okay. Thank you very much. Some poor devil, probably an
7 attorney, 55 years from now may try to make sense out of
8 this meeting and that may give him a little comfort.
9 We're now properly, I believe, at the election of
10 officers for the Compact Year 1993, the Vice-Chairman.
11 There will be no seconds to nominations for offices.

12 MR. POPE: Mr. Chairman, just to make matters as
13 expedient as possible, I would move the current slate of
14 officers, the Vice-Chairman, Recording Secretary,
15 Treasurer, and Operations Secretary be elected for
16 Compact Year 1993.

17 MR. COOLEY: My problem is my mind is fixed in
18 the past and the only name I come up with is Carl Bentrup
19 for Vice-Chairman, and that, I'm afraid, dates me on the
20 thing. Who are those officers, Mr. Pope?

21 MR. POPE: The Vice-Chairman for the current
22 year is Carl Genova. Recording Secretary is Bernice
23 Carr. Treasurer is Jim Rogers, and Steve Witte is the
24 Operations Secretary.

25 MR. COOLEY: Are there any other nominations?

1 Are there any other nominations? I'll accept a motion
2 that this slate be unanimously elected to the offices for
3 which they have been named.

4 MR. LILE: So moved.

5 MR. COOLEY: It's been moved.

6 MS. FOX: Second it.

7 MR. COOLEY: Now it's seconded. Colorado?

8 MR. LILE: Aye.

9 MR. COOLEY: Kansas?

10 MR. POPE: Kansas votes aye.

11 MR. COOLEY: The railroad has reached the
12 Arkansas River Compact. We will now go to committee
13 members. Would you help me out on this again, Mr. Pope?

14 MR. POPE: It is my understanding that for the
15 current year, the members of the administrative and legal
16 committee have been Lola Fox as Chair, and I guess it
17 would have been David Walker prior to the change in
18 positions for Colorado, and for the Engineering
19 Committee, Carl Genova was Chairman, and myself as the
20 other member, and for Operations, Randy was Chair, Randy
21 Hayzlett from Kansas was Chair and Jim Rogers for
22 Colorado.

23 MR. COOLEY: Who was the second member of the
24 Engineering Committee?

25 MR. POPE: Myself.

1 MR. COOLEY: And besides you?

2 MR. POPE: Carl Genova.

3 MR. COOLEY: Carl?

4 MR. POPE: And traditionally, we have switched
5 chairmanship of those committees but the members have
6 stayed the same, and I think --

7 MR. COOLEY: Well, let's do that with all of
8 them except the Administrative and Legal Committee and
9 Lola has done such a good job on that and she has
10 seniority that we could keep her for another year as
11 Chairman and switch the others. Would that be
12 acceptable?

13 MR. POPE: It's whatever your pleasure or the
14 pleasure of the Administration. I think the key thing
15 there is that Chuck Lile is -- would be the new member,
16 assuming we kept the same people by position.

17 MR. COOLEY: Yeah. Is there any objection to
18 that proposition? Do you want to make it in the form of
19 a motion that Lola remain for another year as Chairman
20 but the -- Dave be the new Chair of Engineering and Jim
21 Rogers, the new Chair of Operations.

22 MR. POPE: I would move that the Administrative
23 and Legal Committee would consist of Lola Fox as Chair
24 and Chuck --

25 MR. COOLEY: Lile.

1 MR. POPE: -- Lile as member. The Engineering
2 Committee, myself, David Pope, as Chair; Carl Genova as
3 the other member; for the Operations Committee, Jim
4 Rogers as Chair; and Randy Hayzlett as the other member.

5 MR. COOLEY: Is there a second?

6 MR. LILE: Second.

7 MR. COOLEY: There's a second -- regularly moved
8 and seconded. How does Colorado vote?

9 MR. LILE: Aye.

10 MR. COOLEY: Colorado votes aye. Kansas?

11 MR. POPE: Kansas votes aye.

12 MR. COOLEY: That is unanimously ordered. We
13 now -- the agenda now takes us to the City of Trinidad
14 and the proposed amendment to the Trinidad Reservoir.
15 The spokesman for the City of Trinidad will be David
16 Harrison. David, we will be having a mid-morning recess
17 in about 15 or 20 minutes, and I just tell you that in
18 case there's an appropriate time for a break. Would you
19 please proceed.

20 MR. HARRISON: Thank you, Mr. Chairman. My name
21 is David Harrison. I'm the attorney for the City of
22 Trinidad. With me today also is Jim Fernandez, the
23 Utilities Director for the city of Trinidad.
24 Mr. Chairman, this is the third year in a row I've been
25 here with precisely the same request. The City of

1 Trinidad has asked the Compact Administration to review
2 proposed amendments to the Operating Principles of the
3 Trinidad Reservoir, for the purpose of allowing Trinidad
4 to take some portion of its project water and converting
5 that to municipal and industrial purposes and to making
6 up a permanent pool. We have circulated these proposed
7 amendments to the Kansas representatives starting in the
8 summer of 1990, when I traveled to Topeka and sat down
9 with David Pope and went over them. These proposed
10 amendments have also been formally transmitted to the
11 state of Kansas by the Bureau of Reclamation -- to the
12 governor of the state of Kansas. I have continued to
13 stay in contact over this period of time with the state
14 of Kansas and with members of the Compact Administration
15 concerning these proposed amendments. The action that's
16 been taken so far in each of the prior meetings of this
17 Compact Administration in 1990 and 1991, it was agreed
18 that Kansas would attempt to review that proposal as soon
19 as it could. No specific timetable was set forth, but
20 Kansas agreed to look at that and to see if they could
21 approve it in good faith as quickly as they reasonably
22 could. We were able to sort of take our time over the
23 last couple of years, but we've now hit the wall. The
24 permanent pool in Trinidad Reservoir is now below its
25 required level of 45 hundred acre feet. It's about 42

1 hundred acre feet now. The only conceivable source of
2 water to make that up, that's to say the only reliable
3 source of water to make that up, is Trinidad project
4 water. Theoretically, there might be a possibility of
5 transferring some transmountain water by an exchange up
6 there as has been done in the past. But that
7 historically has been a fairly rare circumstance and
8 there is no way we can count on that being available this
9 year. So the only reliable source of water is Trinidad
10 Reservoir project water. The city is ready to move
11 forward on that. The conservancy district is ready to
12 approve the basis for doing that. The Bureau of
13 Reclamation is ready to approve the amendments to the
14 Operating Principles to allow that to take place. Again
15 this year I transmitted to Kansas a copy of the proposed
16 amendments to the Operating principles, by letter of
17 October 22 these were transmitted. These proposed
18 amendments contain some very slight and editorial
19 revisions from those previously tendered. Last week on
20 December 3rd I received a response from Mr. Draper,
21 attorney for Kansas, basically, in effect, declining to
22 review these operating principle amendments at this time.
23 Mr. Chairman, the City of Trinidad again requests that
24 the Compact Administration approve these amendments to
25 the operating principles. And that it do so now without

1 delay. We cannot afford to slip this back again. So
2 while I am most discouraged and disappointed by the
3 response that Kansas has given to the City of Trinidad's
4 request, we have no choice but to simply come back here
5 right now and ask the Compact Administration nevertheless
6 to approve these amendments to the Operating Principles.
7 Just by way of refreshment of memory, understand that the
8 change here that Trinidad is requesting is very simple.
9 It does not significantly affect the operations of the
10 Trinidad Reservoir project. It converts a portion of the
11 project water from irrigation to municipal and industrial
12 and/or permanent pool makeup. It does so on the basis
13 that the water to be stored will be only that portion of
14 the project water that historically had been consumed.
15 It is a consumptive use transfer to storage. The amount
16 of land that would be -- that would have been irrigated
17 with this project water must be retired from irrigation
18 and monumented so that there is no misunderstanding that
19 the water has been transferred and that there is no
20 double use of water. There is absolutely no way under
21 these principles that there can be any depletive effect
22 to the waters of Colorado. And again I assert, I explain
23 to you, it does not affect any change in the way the
24 reservoir is operated. That's the basic report of the
25 city and the requests, Mr. Chairman. I'm prepared to

1 receive any questions, but I would like to tender two
 2 things to the record, if you would accept them. I think
 3 it is appropriate that the letter from attorney John
 4 Draper to myself of December 3, 1992, responding to the
 5 Trinidad request for approval of the Operating Principles
 6 be attached to the minutes and incorporated in this
 7 record, and I believe that there's a copy available that
 8 the people on the Colorado side -- Steve Miller, do you
 9 have a copy of that that you can offer to the record,
 10 please, and so we would make that request, Mr. Chairman.

11 MR. COOLEY: That request comes within my
 12 invariable practice to allow matters to be included in
 13 the record that are sought to be included by anyone
 14 coming before the Compact Administration. David, I think
 15 they would be items attachments E and F to the record and
 16 they will be admitted and made a part of the record.

17 MR. HARRISON: Okay. Item E then would be the
 18 letter of December 3, 1992, from Mr. Draper to myself.
 19 The second item I would like to ask to be included is a
 20 letter from Ken Salazar, the Executive Director of the
 21 Department of Natural Resources. On behalf of the
 22 Department and on behalf of the state of Colorado,
 23 requesting this administration's approval of the changes
 24 to the Operating Principles. That letter notes the
 25 state's responsibility in maintaining the permanent pool

1 with -- as to which responsibility it has contracted with
2 the city of Trinidad. And -- do you also have a copy of
3 that letter there?

4 MR. LILE: Yes, we do.

5 MR. HARRISON: Thank you, Mr. Chairman.

6 MR. COOLEY: Hold on a minute. I'm a little
7 uncomfortable with where you are on the record now.
8 Straighten me out, if you will. It seemed to me that you
9 wrote a letter in the last couple of months to each
10 member of the Compact Administration setting out this
11 request in great detail.

12 MR. HARRISON: That's correct, Mr. Chairman.
13 That's my letter of October 22, 1992.

14 MR. COOLEY: Well, is that not necessary?

15 MR. HARRISON: I think you're right. I think it
16 would be appropriate that that also be included in the
17 record. I had not previously tendered it.

18 MR. COOLEY: I'm not trying to lose your case
19 for you or anything of this sort, but --

20 MR. HARRISON: No, I think that should be
21 included.

22 MR. COOLEY: And you have a copy? If you don't
23 I think I've got one.

24 MR. HARRISON: Yes, I have a copy with me and
25 we can get it reproduced and make one available

1 physically here.

2 MR. COOLEY: All right. Then, that would be
3 Exhibit G, although maybe out of sequence, it would be
4 necessary, I think, to say what it is you seek. Anything
5 else?

6 MR. HARRISON: That's my request. I would hope
7 that the Administration will take action on this item and
8 I'm ready to answer any questions that you might have.

9 MR. COOLEY: I've got a couple of comments that
10 I wish to make before this matter is discussed. As I've
11 said earlier, I'm approaching the end of my cruise as
12 chairman of this organization. And as most everyone in
13 the room knows, I've enjoyed the job a lot more than the
14 pay. Bob Jesse, who I've come to respect and admire and
15 enjoy for his dry sense of humor, in the last year made a
16 remark in another context entirely about utilization of
17 the structure of John Martin, and the idea that he
18 expressed, and I can't express it as well as he rattled
19 the thing off, was that we have these large reservoirs in
20 an arid part of the United States in what was once called
21 the Great American Desert and it seems a shame not to
22 make as effective use of them as we can. And I think
23 that that philosophy applies with equal, if not greater
24 force, to Trinidad, which was, and is, an immense
25 structure, perhaps created during the Truman

1 Administration, in part, as an honor to Judge Chenoweth
2 and it is substantially empty, kind of a mud flat. I
3 would hope that there may be found ways more effectively
4 to utilize these great structures that do indeed have an
5 important purpose, and in my remarks that I circulated to
6 members of the Compact Administration, I noted that in my
7 own view, and I have tried, for whatever number of years
8 it is, maybe 13 or 14, to be truly neutral in the matters
9 between the state -- states, that the requests presented
10 by the City of Trinidad, the City of Trinidad, look to me
11 to be rather innocuous. I happen, personally, still to
12 have that feeling. Having said that, it is also
13 necessary for me to say that I am not so unsophisticated
14 that I do not understand the need from time to time, and
15 particularly in litigation between the states, to take
16 positions that are necessary, or appear to be necessary,
17 for the purposes of pending litigation or a lawsuit which
18 the states might not otherwise feel obligated to take.
19 But I remain -- I remain having a rather strong feeling
20 towards the goal of seeking to utilize, for the benefit
21 of all, these large structures that have been built at
22 great expense to the taxpayers. Having said that, Mr.
23 Draper, would you be kind enough to open the colloquy on
24 the subject of the Trinidad? Is that appropriate, or is
25 there someone else that you would --

1 MR. DRAPER: That would be fine, Mr. Chairman.
2 One point of clarification that I wanted to inquire into,
3 Mr. Chairman, Mr. Harrison referred to approvals by
4 various bodies. Has the delegations from Colorado made a
5 determination on this issue.

6 MR. COOLEY: I don't know. Who -- Chuck, would
7 you care to respond to that question, or someone else?

8 MR. LILE: Yes, I think Colorado is prepared to
9 support Mr. Harrison and the City of Trinidad on this
10 issue, and we would like to make a motion to the
11 Commission that the Arkansas River Compact Administration
12 approve the City of Trinidad's proposals and amendments
13 to the Operating Principles for the Trinidad Dam and
14 Reservoir Project. We would like to proceed in that
15 manner.

16 MR. COOLEY: Chuck, I'll hold your motion
17 during -- pending the discussion, and then appropriately
18 ask for a second at a later time.

19 John, did that answer --

20 MR. DRAPER: Yes, it did. As I expressed in my
21 letter to Mr. Harrison, the status of the Operating
22 Principles is now a point of controversy in the
23 interstate litigation, and until that can be resolved
24 either through the litigation or through adequate
25 assurances from the state of Colorado and other entities

1 that are involved, that the Operating Principles as
2 amended would be enforceable as part of the Compact, we
3 do not feel that it is appropriate to expend
4 Administration resources or the resources of the states
5 in pursuing further engineering or other evaluations of
6 the proposal.

7 MR. LILE: Mr. Chairman.

8 MR. COOLEY: Go ahead.

9 MR. LILE: Kind of being the new kid on the
10 block and trying to learn about this a little bit, I
11 would like to ask a few questions if I might. Is it my
12 understanding, and perhaps Kansas can respond to this, or
13 perhaps somebody from the audience that understands some
14 of the legal issues better than I, but hasn't the Master
15 already ruled on this issue at some point in the
16 litigation concerning the Operating Principles?

17 MR. DRAPER: Mr. Chairman, would you like me to
18 go ahead and respond?

19 MR. COOLEY: Please. Colloquy would be, I
20 think, useful in -- to air the thing out.

21 MR. DRAPER: The answer is yes, the Special
22 Master has made a recommendation to the Court on the
23 issue of the existing Trinidad Operating Principles.

24 MR. LILE: What was that, if you might help
25 clarify it for me?

1 MR. DRAPER: Well, I think it is probably
2 appropriate for anybody who wants to characterize that,
3 to simply read the decision of the Master. It could get
4 into quite a long description if we were going to
5 actually try to characterize that here.

6 MR. LILE: Well, Mr. Chairman, we would like
7 to -- first I would like to ask that the documents that
8 Mr. Harrison requested be entered into the record, and as
9 I recall, there are three documents that were proposed,
10 including the letter of December 3 from Mr. Draper to
11 David Harrison.

12 MR. COOLEY: They are in.

13 MR. LILE: They are in? And the letter from Ken
14 Salazar, Director of Natural Resources. What about the
15 letter concerning David's October 22nd letter?

16 MR. COOLEY: His letter is in.

17 MR. LILE: At this time, would it be appropriate
18 for my motion.

19 MR. COOLEY: I'm going to call for a second, but
20 I want to exhaust any kind of discussion that might be
21 useful, before I do that. Is there any -- is there any
22 further colloquy from anyone on -- yes, please.

23 MS. WOLDRIDGE: Mr. Chairman, my name is
24 Julianne Woldridge. I'm counsel for the Purgatoire River
25 Water Conservancy District. I think now is an

1 appropriate time for me to explain what the Purgatoire
2 District's position on this issue and the position taken
3 by Kansas is. I have prepared a written statement of my
4 position which I may hand out and would like to have made
5 a part of this record, and basically would just like to
6 read it to you.

7 MR. COOLEY: Well, help me out, Julianne. Is --
8 is not your proposal a separate agenda item?

9 MS. WOLDRIDGE: Yes, it is. The two are not
10 linked.

11 MR. COOLEY: The two are not linked, and you are
12 now speaking towards the City of Trinidad's request?

13 MS. WOLDRIDGE: That's correct.

14 MR. COOLEY: By all means, will you tender a
15 copy of what it is you're going to read, to the court
16 reporter.

17 MS. WOLDRIDGE: I have copies also for the
18 Administration if they would like them while I'm reading.

19 MR. COOLEY: Would you hand those out, if you
20 please?

21 MS. WOLDRIDGE: Certainly. (Ms. Woldridge
22 handing out documents.) Initially, just a statement that
23 the District's position is that we believe that the City
24 of Trinidad's proposed amendments to the Operating
25 Principles should be approved. At this point we would

1 like to state the following position: Whereas the state
 2 of Kansas has taken the following position with respect
 3 to the city of Trinidad's proposed changes to the
 4 Operating Principles of the Trinidad Dam and Reservoir
 5 Project, that the state of Kansas, quote, must have
 6 legally binding commitments by the City of Trinidad, the
 7 Purgatoire River Water Conservancy District, the United
 8 States, and the state of Colorado; that the Operating
 9 Principles as amended will, in the future, be enforceable
 10 as part of the Arkansas River Compact. Until such time
 11 as those commitments can be provided, we do not believe
 12 that it is prudent to proceed further with a review of
 13 the proposed amendments of the Operating Principles.

14 MR. COOLEY: Just a minute. Beginning with the
 15 word "must," is that a direct quotation?

16 MR. WOLDRIDGE: Yes, that's a direct quotation
 17 from Mr. Draper's letter.

18 MR. COOLEY: I'm going to put on my copy
 19 quotation marks around that direct quotation. Please go
 20 ahead.

21 MS. WOLDRIDGE: Whereas, the decision of the
 22 Special Master on Colorado's Motion to Dismiss Kansas'
 23 Trinidad Reservoir Claim, dated June 9, 1992, in the case
 24 of State of Kansas versus State of Colorado, pages 65 to
 25 66, distinguishes between the Operating Principles and

1 the Arkansas River Compact, noting that to establish a
2 violation of the Compact, quote, requires a showing that
3 the Trinidad operations caused a material depletion
4 within the meaning of Article IV-D. The impact of this
5 decision is that a violation of the Operating Principles
6 is not necessarily a violation of the Compact. Whereas,
7 the decision of Special Master on Colorado's Motion to
8 Dismiss Kansas' Trinidad Reservoir Claim, dated June 9,
9 1992, et cetera, states: While not specifically raised
10 by Colorado's Motion, the issue of possible amendments to
11 the Operating Principles remains unresolved. The Bureau
12 of Reclamation has recommended that all interested
13 parties work together to amend the Operating Principles
14 to provide for optimum beneficial use in the Trinidad
15 area consistent with the protection of downstream
16 non-project rights. It further recommends that any
17 proposed amendments be submitted to the state of Kansas
18 for approval. Pursuant to Kansas condition two, provided
19 the amended Operating Principles will not result in less
20 flow to John Martin Reservoir than would have occurred
21 had the Trinidad Project not been built. I concur in
22 these recommendations. I believe that Kansas' review of
23 any changed operating conditions must be based on whether
24 or not such operation will cause a material depletion of
25 usable flows under Article IV-D of the Compact. Kansas

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may not unreasonably withhold its approval in order to secure benefits from the Trinidad Project. Therefore, the Purgatoire River Water Conservancy District takes the position that Kansas' position is unreasonable. Furthermore, the Purgatoire River Water Conservancy District takes the position that the Operating Principles are not an interstate compact and are not enforceable as part of the Arkansas River Compact. The United States Supreme Court does not have, nor can the Purgatoire River Water Conservancy District, nor anyone else grant it original jurisdiction to enforce the Operating Principles. Personal jurisdiction over the Purgatoire River Water Conservancy District and United States Bureau of Reclamation surely lies in the United States District Court for the District of Colorado. Furthermore, should the state of Kansas continue to refuse to review proposed amendments to the Operating Principles based on the position referred to above, the Purgatoire River Water Conservancy District may seek all proper and appropriate relief. And I would like to clarify one comment. The second indented section up there is not a direct quote from the Master's opinion. I may have said "quoted." It's not quoted. It is a characterization of the Master's opinion.

MR. COOLEY: Again, the second indented

1 paragraph isn't a direct quotation?

2 MS. WOLDRIDGE: That's correct.

3 MR. COOLEY: But the third one is.

4 MS. WOLDRIDGE: The third one is.

5 MR. COOLEY: And contains quotes within quotes.

6 MS. WOLDRIDGE: That's correct.

7 MR. COOLEY: Okay. Lee Rolfs, would you come
8 here for a second.

9 Mr. Harrison, do you have anything further to
10 say?

11 MR. HARRISON: No, I just want to express my
12 appreciation to the Purgatoire Conservancy District for
13 their support. Again, this is support of the Trinidad
14 requested changes to the Operating Principles and it is
15 distinct from their own issue for requested changes to
16 the Operating Principles that the district seeks on other
17 matters. This deals with Trinidad's municipal and
18 industrial and permanent pool request. And we appreciate
19 that support very much. We think they are exactly right
20 in the position paper that they have provided you just
21 now.

22 MR. COOLEY: Mr. Draper, the -- the objection
23 is, as I understand it, if I do understand it, is more to
24 the procedure of the Operating Principles and their
25 status, than to the subject matter. Is that a fair

1 characterization?

2 MR. DRAPER: I'm not sure I would characterize
3 it that simply, Mr. Chairman. I think we -- we need to
4 have clarification of the status of the Operating
5 Principles.

6 MR. HARRISON: Mr. Chairman, may I follow up
7 with a question?

8 MR. COOLEY: Sure.

9 MR. HARRISON: Am I to understand that Kansas
10 actually thinks that there's some way in which the
11 requested change can cause an additional depletion to the
12 flow of the Purgatoire River?

13 MR. DRAPER: Mr. Chairman, I don't think we've
14 gotten to that question yet until we understand what the
15 Operating Principles themselves are.

16 MR. HARRISON: Again, I must just assert for the
17 record there's no way that this can cause any additional
18 depletion. It is limited to consumptive use. This is a
19 very standard kind of a change of a water right, and the
20 sort of terms that prevent injury in a water rights
21 change. I just fail to see what the problem is other
22 than something tied up with the litigation and...we need
23 the water, Mr. Chairman. I just...I'm very, very
24 concerned and disappointed. I'm upset by the continued
25 refusal to deal with this.

1 MR. COOLEY: I think you've made your position
2 clear, David, and that of Trinidad. Does anyone else on
3 the Compact Administration wish to express anything else
4 or to ask anything else at this time? I'm approaching
5 the point where I'm going to be calling for a...a second
6 to the motion if there would be one, but I want to have
7 the record full and complete before I reach that moment.
8 Anybody from Colorado? Anybody from Kansas, including
9 litigators, if you desire.

10 MR. POPE: What was the question?

11 MR. COOLEY: Does anyone wish to make any
12 further comment or question before I call for a second
13 and proceed to what appears to be kind of an impasse and
14 document it.

15 I will now call for a second to the motion made
16 by Chuck Lile.

17 MR. GENOVA: I'll second that motion.

18 MR. COOLEY: The motion has been regularly made
19 and seconded.

20 MR. POPE: Mr. Chairman, unless there's
21 additional discussion on the motion now before the
22 Administration, I would move that the matter be tabled.

23 MR. COOLEY: Oh, boy. I didn't bring my Roberts
24 Rules of Orders -- Order with me. We have a motion
25 that's been made and seconded, and a motion to table.

1 Which takes precedence?

2 MR. POPE: Well, I think the motion to table is
3 appropriate with another motion pending, but in the
4 alternative, if you prefer, it could be a substitute
5 motion. Strictly procedural.

6 MR. COOLEY: Yeah. And again, I didn't slip
7 Roberts Rules of Order in my pocket when I left the
8 office, although if I had had my wits about me I would
9 have. As a well-known parliamentarian, David, would you
10 help me out on that?

11 MR. ROBBINS: I think it's an appropriate motion
12 to make. It requires a second and a vote and if the
13 motion passes, then it is tabled, and if the motion
14 fails, then you go ahead and vote on the underlying
15 motion.

16 MR. COOLEY: Thank you very much. You will find
17 that even in the Congress and Senate, the poor guy up in
18 the seat has the benefit of a parliamentarian. Is there
19 a second to the motion to table?

20 MR. HAYZLETT: I'll second it.

21 MR. COOLEY: The motion has been regularly made
22 and seconded. How does -- let's see. It's Kansas' turn,
23 I think. How does Kansas vote?

24 MR. POPE: Kansas votes aye.

25 MR. COOLEY: Colorado?

1 MR. LILE: No.

2 MR. COOLEY: The motion to table failed. We're
3 now faced with the original motion. How does Colorado
4 vote?

5 MR. LILE: Aye.

6 MR. COOLEY: Colorado votes aye. Kansas?

7 MR. POPE: Kansas votes no.

8 MR. COOLEY: The motion failed. We will now --

9 MR. LILE: Mr. Chairman, if I may.

10 MR. COOLEY: Go ahead, Mr. Lile.

11 MR. LILE: I would like to state that it's --
12 appears to me that it is -- Kansas withholding their
13 approval on this is an unreasonable act. They have
14 been working on this since 1990, it seems it is time to
15 resolve this issue, and it's quite disturbing to Colorado
16 that this has not been approved.

17 MR. COOLEY: Okay. The Purgatoire River Water
18 Conservancy District. Julianne --

19 MR. HARRISON: Mr. Chairman, may I just --

20 MR. COOLEY: Go ahead.

21 MR. HARRISON: One final remark.

22 Notwithstanding my disappointment that the failure to
23 take this approval, I do want to express my appreciation
24 to the Colorado delegation and to their constituent water
25 users for their support on this matter. Thank you.

1 MR. COOLEY: Julianne.

2 Pardon me. Pardon me. We will now -- look,
3 we've got a lot on the menu. We're moving this meeting
4 along quite rapidly. We can -- we're going to have an
5 executive session before noon, and what I'm leading up to
6 is this. Please take no more than, say, 15 minutes, for
7 a break at this time. I have almost exactly a quarter
8 after the hour. I hope to call the meeting back to order
9 at half past. We'll stand in recess.

10 (Whereupon, a short recess was taken,
11 after which the following proceedings
12 were had:)

13 MR. COOLEY: We'll call the meeting back to
14 order. (Time is 10:35.) There has been prepared a
15 resolution acknowledging the services of David W. Walker
16 in his capacity as Director of the Colorado Water
17 Conservation Board and his services to this board. The
18 resolution, I think, is suitable to be enacted by the
19 Compact Administration. It is outside of the agenda of
20 the meeting. Without objection from either state. I
21 will put the resolution before the Compact Administration
22 now. David, is there a motion that the resolution
23 acknowledging the services of Mr. Walker be signed by me
24 on behalf of the Compact Administration?

25 MR. POPE: Yes, Mr. Chairman, I would so move

1 that the Administration adopt the resolution.

2 MR. COOLEY: Thank you. Is there a second,
3 Chuck?

4 MR. LILE: Second, Mr. Chairman.

5 MR. COOLEY: Kansas vote on the matter?

6 MR. POPE: Kansas votes aye.

7 MR. COOLEY: Colorado.

8 MR. LILE: Aye.

9 MR. COOLEY: It will be my pleasure to sign this
10 resolution on behalf of the Compact Administration.
11 Julianne, if you would board the tumbrel we will proceed
12 with the meeting.

13 MS. WOLDRIDGE: I would like to first introduce
14 a couple of my colleagues with me today. First, a member
15 of the Board of Directors from the Purgatoire River
16 Conservancy District, Reuben Gutierrez. Of course, Danny
17 Marques, the Water Commissioner who was introduced
18 earlier, and the Purgatoire River Conservancy District's
19 engineering consultant, Mr. Jeris Danielson. The
20 District is before the Compact Administration again
21 today, as it has been for the last four years, to request
22 some action on its proposed amended Operating Principles,
23 and I would like to first reiterate that the District's
24 proposed amendments to the Operating Principle are a
25 distinct and separate document from the proposed

1 amendment that the City of Trinidad has presented today.
2 We would once again ask that the Arkansas River Compact
3 Administration consider those amended Operating
4 Principles that we have proposed. I would like to first
5 also ask that certain documents be made a part of the
6 record, and I would refer to Mr. MacDougall's November
7 23, 1992 letter to Chairman Cooley regarding this, and in
8 that letter he requested that certain documents be made a
9 part of the record, and I again ask that they be made,
10 and that includes all evidence admitted to the record at
11 the 1989, 1990 and 1991 annual meetings of the Compact
12 Administration, and I didn't bring copies of all of
13 those, so I'm just hoping that copies will then be
14 attached.

15 MR. COOLEY: Now wait a minute. First thing I
16 need to clear up, was there -- was there an H Exhibit as
17 part of Trinidad's case? There was not?

18 MR. HARRISON: E, F and G.

19 MR. COOLEY: E, F and G. The next letter will
20 therefore be H.

21 MR. HARRISON: Is that right? (Off the record
22 discussion between Mr. Harrison and Chairman Cooley.)

23 MR. COOLEY: Oh, that was H.

24 MR. HARRISON: I apologize, it is H.

25 MR. COOLEY: Your position paper on the other

1 matter was Exhibit H, and if it wasn't ordered attached,
2 I would just as soon be consistent and allow it to be
3 attached as a part of the minutes of the meeting.

4 Julianne's position paper on behalf of Trinidad is H.

5 Now, to the matter at hand. Did you request
6 that some of the actions or minutes of prior meetings be
7 made a part of the record of this meeting?

8 MS. WOLDRIDGE: Yes. I believe Mr. MacDougall's
9 request was that the minutes of the -- the transcripts of
10 the proceedings of '89, '90 and '91, at least so far as
11 they relate to the Trinidad Project be made a part of the
12 record.

13 MR. COOLEY: Frankly, I don't like that idea at
14 all. It's sort of cannibalism. If they were part of the
15 minutes of those meetings and you have abstracted them
16 for the purposes of this meeting, fine, but I don't -- I
17 balk at the notion of minutes of other meetings being
18 made part of the minutes of this meeting, unless it is
19 essential, or unless there's some contrary wish by
20 members of the Compact Administration.

21 MR. POPE: Mr. Chairman, I think your comment is
22 also correct. Matters are in the record of the
23 Administration in prior years and it seems to be just
24 extra bulk. You can make verbal reference to the fact
25 that those are in the record and --

1 MS. WOLDRIDGE: I don't have any problem with
2 it. Let's just make this easier and we'll withdraw our
3 request that the minutes be made a part of the record and
4 we would rather just refer to them for purposes of the
5 record.

6 MR. COOLEY: Now there's a lady who thinks on
7 her feet. That, I like. That, I like. Okay. Do you
8 have any -- as you proceed, will there be other matters
9 that you wish to have made part of the minutes?

10 MS. WOLDRIDGE: Yes, with respect to the
11 Operating Principles, there are two additional documents
12 I would like to have made a part of the record. One of
13 which is Special Master Littleworth's decision entitled
14 "Decision of Special Master on Colorado's Motion to
15 Dismiss Kansas-Trinidad Reservoir Claim." Copies have
16 been sent to everyone, however I have brought a copy for
17 the record.

18 MR. COOLEY: Now let's talk about that. What is
19 the date of that?

20 MS. WOLDRIDGE: The date is June 9, 1992.

21 MR. COOLEY: And the next question is, were
22 other matters than the specific matter that you are
23 concerned with, covered by Judge Littleworth's decision?
24 In short the --

25 MS. WOLDRIDGE: Do we want to take out part of

1 the --

2 MR. COOLEY: No, no. Is it your position that
3 the entire abstract of Judge Littleworth's decision is
4 necessary for a full presentation of your argument this
5 morning?

6 MS. WOLDRIDGE: For lack of having a better
7 answer, I'm going to say yes, because we have not
8 abstracted it and taken out the portions, and I do
9 believe that although the conclusion in the decision is
10 only two or three pages long, the prior material is the
11 supporting facts for that conclusion all of which is
12 essential, I think.

13 MR. COOLEY: Well, my notion is to let it in,
14 but I want to make it clear that whereas we welcome any
15 exhibit that is a contribution to the record and an
16 understanding of it, that the bulk of these things can
17 get away from us if we're not careful. I know that thing
18 must be about 30 -- roughly 30 pages.

19 MS. WOLDRIDGE: It is more like 65.

20 MR. COOLEY: 65 is more than 30. I'm uneasy
21 about that, but my inclination is to let it in, but I
22 want to state now that in the future let's try to be
23 careful about stuff we include in the record and not over
24 do. What is -- that would be Exhibit I. If there's no
25 objection, I'm going to allow all 65 pages to come in.

1 Is there objection, Dennis?

2 MR. MONTGOMERY: Mr. Cooley, in the interests of
3 cutting down on the size of the record, it seems to me it
4 would be possible to lodge a copy of the Master's report
5 with the Administration without necessarily making it a
6 part of the record of this meeting so that, you know, I
7 think all parties have a copy of the Master's report, and
8 I'm not sure that it is necessary to attach it to the
9 minutes of this meeting.

10 MR. COOLEY: Someone else is thinking clearly
11 this morning. How about "I" being the first page of
12 Judge Littleworth's decision and a note attached to the
13 first page saying that a copy has been lodged with the
14 archives of the Compact Administration.

15 MS. WOLDRIDGE: That's acceptable. I have no
16 problem with that.

17 MR. COOLEY: Fine. What is the other document
18 right now?

19 MS. WOLDRIDGE: The other document is a letter
20 dated November 23 of 1992 from Mr. MacDougall to
21 Mr. Cooley, and it's three pages.

22 MR. COOLEY: I thought that was less than 65
23 pages.

24 MS. WOLDRIDGE: Yes.

25 MR. COOLEY: That will be admitted as Exhibit J.

1 MS. WOLDRIDGE: Okay. I have copies here for
2 the record.

3 MR. COOLEY: At the end of your presentation,
4 leave them with the reporter.

5 MS. WOLDRIDGE: I'm going to make this
6 presentation as short and sweet as possible. Everyone
7 has been presented with a copy of the District's proposed
8 amendments for four years now, and a resolution. What I
9 would like to propose today, we have not made any current
10 changes to our proposed amendments to the Operating
11 Principles. For purposes of making our request a little
12 more palatable to at least the Colorado delegation, what
13 I would like today is to have a resolution ruled on
14 basically referring our proposed amendments to the
15 Engineering Committee for review and report back. So, in
16 essence, the resolution that has been proposed in years
17 past has been changed minutely so that instead of saying
18 review and approve, it says review and it also includes a
19 date in there for the Engineering Committee to meet and
20 approve of that. I have a copy of the resolution that
21 has been passed out and I would like to just -- I don't
22 think it is going to be necessary for me to read the
23 resolution into the record, you have all seen it. I
24 would like to just read the last paragraph which says the
25 Compact Administration directs the Engineering Committee

1 to review the proposed amendments at a meeting set for
2 the blank, and determine whether the proposed amendments
3 will materially deplete the usable inflows to John Martin
4 Reservoir beyond the average annual depletions during the
5 period of 1925 through 1957 as determined in the Bureau
6 of Reclamation's prior studies and to report back to the
7 Compact Administration within a period of 60 days on its
8 findings. If the Engineering Committee cannot agree upon
9 findings, the committee members shall submit individual
10 reports on their findings within a period of 75 days.
11 And I would ask that perhaps that there be a motion to
12 approve this proposed resolution to refer the amendments
13 to the Engineering Committee.

14 MR. COOLEY: Okay. I hear you and I'm sure the
15 members of the Compact Administration hear you.
16 Understand what you've suggested. Before any action is
17 taken on that, I want to be certain that the record is
18 clear that the nature of your request is before the
19 Compact Administration and understood by the Compact
20 Administration. Mr. Lile, would you make some sort of
21 response to the matter before the Compact Administration,
22 particularly with respect to Colorado's understanding of
23 the nature of the request and of the -- particularly,
24 Mr. MacDougall's letter to the members of the Compact
25 Administration.

1 MR. LILE: Yes, sir. It is -- the request is
2 to refer this to the Engineering Committee. That is the
3 action that they are asking us to take. We would like
4 to -- we would like to hear what Kansas' position on this
5 matter will be before proceeding.

6 MR. COOLEY: Fine. We can do that, and perhaps
7 should. I thought that Mr. MacDougall's letter was
8 clear; lucidly pointed out what it was that was being
9 sought, and addressed the question of injury or
10 non-injury with a pretty great degree of both care and
11 skill. Particularly, Mr. Pope, for the record, would you
12 be kind enough to remark on the understanding of
13 Mr. MacDougall's letter and the matters set forth
14 therein.

15 MR. POPE: You are referring to his November
16 23, 1992 letter?

17 MR. COOLEY: Yes, I am, sir.

18 MR. POPE: Well, I think -- I understand
19 what is contained within his letter, I believe, if I
20 understood Julianne correctly, that she is proposing a
21 resolution this morning, and that's not described in his
22 letter, so that's the other matter that is under
23 discussion here, but as far as his letter goes, I think I
24 understand what is in the letter. I'm not sure any
25 further comment at this time is necessary or appropriate.

1 MR. COOLEY: Fine. I think I was building -- I
2 think I was trying to build a record in a shorthand
3 manner that would show that the Compact was aware of the
4 requests, knew what it was, and then the second phase no
5 doubt, would be to determine Colorado's position and
6 Kansas' position with respect to the matters set forth
7 therein, bring it to a vote, and proceed from there.
8 That really is what I -- the Chair is seeking to do, and
9 I see no reason for not segueing right into the question
10 of Kansas' position if you would articulate it, with
11 respect to the requests before the Compact
12 Administration.

13 MR. POPE: Okay. I think at this point in time
14 I'll ask if Mr. Draper has any comments.

15 MR. COOLEY: Surely. Mr. Draper.

16 MR. DRAPER: It appeared to me that
17 Mr. Montgomery might have something to add before we get
18 any further into the discussion.

19 MR. COOLEY: That would be fine. Dennis, you
20 see what it is at least the Chair is trying to do in
21 building a record of this point. Do you have some
22 remarks at this phase?

23 MR. MONTGOMERY: I was trying to just help this
24 move along a little faster, because it seemed to me, if
25 Kansas was going to take the same position concerning the

1 District's proposed amendments to the Operating
2 Principles, that it took with regard to the City of
3 Trinidad's proposed amendments, it wasn't any point in
4 belaboring this. Mr. Draper could indicate that for the
5 record. And then I didn't think there was any particular
6 reason for making another motion to approve the Operating
7 Principles or send it to the Engineering Committee. It
8 seems to me we know what Kansas' position is, and that
9 the Operating Principles won't be approved, unless
10 everyone is willing to accept that condition. So I was
11 just hoping Mr. Draper could make that statement for the
12 record and we could get on with this.

13 MR. DRAPER: Mr. Chairman, just to shorthand my
14 comments that are similar to the ones that we discussed
15 or made with respect to the City of Trinidad, I would
16 like to first inquire about the position of the Colorado
17 delegation on this, whether the Colorado delegation is
18 also prepared to approve the change in the Operating
19 Principles that has been suggested by the district.

20 MR. LILE: Could you give us just a moment,
21 Mr. Chairman?

22 MR. COOLEY: Sure. We'll be at ease for 30
23 seconds.

24 MR. LILE: Mr. Chairman, Colorado is prepared at
25 this time to move this to the Engineering Committee to

1 look at the issues.

2 MR. COOLEY: And no doubt desires to do so.

3 MR. LILE: Yes.

4 MR. COOLEY: Okay. Fine. John, is that clear
5 enough?

6 MR. DRAPER: Well, if I understand what the
7 response was, they are not prepared at this time to
8 approve the proposed change to the Operating Principles
9 but merely want to refer that for further study.

10 MR. LILE: Yes, that's right.

11 MR. COOLEY: I heard a mumble yes from Colorado.

12 MR. LILE: Yes.

13 MR. DRAPER: Well, as Dennis suspected, we do
14 have the same problems with the proposed changes to the
15 Trinidad Operating Principles that are proposed by the
16 district as we did with respect to those proposed by the
17 city. We do not feel that our position here is
18 unreasonable. I would remind the Administration that it
19 is the district that first violated the principles that
20 are in existence. It is the district that caused the
21 litigation that we are now involved in. And that there
22 are entities within Colorado that are not in favor of the
23 changes proposed which would essentially validate the
24 violations that have been unilaterally made by the
25 district, so we do not feel that our position is

1 unreasonable with respect to either of these requests,
2 and we would take the same position, namely, that it is
3 not appropriate for the Administration or the states to
4 take further action and spend further resources until the
5 underlying legal questions have been resolved.

6 MR. COOLEY: Julianne, recognizing that there
7 may be two different opinions about some portions of
8 Mr. Draper's remarks, it strikes me that it's not
9 appropriate for the Compact Administration to resolve
10 Kansas versus Colorado in the next 10 minutes here. It
11 also appears to me that no -- that no great effort should
12 be required of the Administration to build a paper record
13 leading to a nonconclusive vote on the subject of your
14 concern, and that the Chair certainly feels that it is
15 appropriate for us to pass this item on the agenda and go
16 further. I do not really think that it is necessary or
17 essential for the Compact Administration to go through
18 the show of another -- of another set of motions and
19 vote, when the result is foregone, and I'm going to --
20 unless you are immensely persuasive otherwise to suggest
21 that this matter is effectively brought to a closure now
22 and that we can pass on to the next item. I'll give you
23 the last word is what I'm saying.

24 MS. WOLDRIDGE: My gut reaction is to say that I
25 don't feel it has been brought to the conclusion that

1 maybe we assume it has. If the Colorado delegation is
2 willing to make the motion to refer the proposed
3 amendments to the Engineering Committee at least as an
4 appendage. From an attorney, I would like to make the
5 record that they are doing that.

6 MR. COOLEY: Well, you've really made that
7 record, and I think that record has been made, and the
8 Chair is inclined to foreshorten the process.

9 MS. WOLDRIDGE: I understand that. I don't wish
10 to waste my client's time any further. I would like to
11 state again for the record and reiterate the District's
12 position that was stated before with respect to
13 Trinidad's proposed amendments that in light of Special
14 Master Littleworth's decision dismissing the Trinidad
15 Project claim made by the state of Kansas from the Kansas
16 versus Colorado lawsuit and Special Master Littleworth's
17 recommendation that Kansas not unreasonably withhold its
18 consent to proceed further with approval of the Operating
19 Principles, again I would like to reiterate that the
20 District feels the position taken by Kansas at this point
21 in time is unreasonable.

22 MR. COOLEY: Well, you've had the last word, I
23 believe, and we will now go on to something on the agenda
24 called Kansas versus Colorado and try to dispose of that.

25 MS. WOLDRIDGE: Mr. Chairman, I believe there is

1 one more matter that the District has brought up
2 regarding the John Martin account.

3 MR. COOLEY: Go ahead.

4 MS. WOLDRIDGE: Again this year the District
5 would like to present the matter of its request for the
6 John Martin account, however this is in a little
7 different manner than the Operating Principles. As you
8 know, the District's request for a storage account in
9 John Martin Reservoir was formally presented to the
10 Administration at its 1992 -- 1991 annual meeting and has
11 been referred to the Engineering Committee already. We
12 feel we are making progress with discussions and review
13 by the Engineering Committee and have asked the
14 Engineering Committee to set a date for us to meet to
15 further discuss this and get something done before the
16 1993 annual meeting. In that regard, they have drafted
17 a resolution which they discussed basically last night
18 during the Engineering Committee and would like to just
19 at this point request that this resolution be moved and
20 approved, and it states -- let me give a copy to the
21 court reporter first. Whereas, on November 1, 1991, the
22 Purgatoire River Water Conservancy District requested an
23 account for storage in John Martin Reservoir and
24 presented that request to the Arkansas River Compact
25 Administration at its annual meeting on December 10,

1 1991, and whereas this request has been referred to the
2 Engineering Committee of the Arkansas River Compact
3 Administration for review. Now, therefore, be it
4 resolved that the Administration directs the Engineering
5 Committee of the Arkansas River Compact Administration to
6 meet prior to March 31, 1993, to review this request, and
7 to meet two additional times after that and before the
8 Administration's 1993 annual meeting, if necessary, and
9 to prepare and present to the Administration prior to or
10 at the 1993 annual meeting a written report of the
11 results of such review and the Engineering Committee's
12 final recommendations or approval of this request.

13 MR. COOLEY: Does Colorado have a -- a position
14 with respect to that request for consideration of the
15 account by the Engineering Committee?

16 MR. LILE: Yes, Mr. Chairman, we would support
17 that position and this motion that was made.

18 MR. COOLEY: Are you ready to make that a motion
19 of Colorado before the Compact Administration?

20 MR. LILE: Yes, we are. We would so move that
21 the resolution as read be made.

22 MR. COOLEY: Is there a second to that motion?

23 MR. GENOVA: I'll second that motion.

24 MR. COOLEY: Okay. Motion has been made and
25 seconded. Is Kansas prepared to vote?

1 MR. POPE: Not yet, Mr. Chairman. I don't have
2 a copy of the resolution in front of me. I heard it as
3 it was being read but certainly there was discussion last
4 night in general about a meeting.

5 MS. WOLDRIDGE: I apologize for the typos in
6 there. I typed that up last night.

7 MR. POPE: That's fine. There really are two
8 things that I guess I would comment on regarding this.
9 Certainly, the Engineering Committee has already
10 discussed this matter on two occasions and that has been
11 helpful in regard to flushing out a number of issues. It
12 appeared to me from last night's meeting and the previous
13 one, that one of the key concerns is...is the question of
14 a storage charge itself in John Martin along with
15 the...well, really the concept of an exchange account in
16 John Martin, I guess, to some extent, but...and I won't
17 go into any detail about other matters that have been
18 discussed and perhaps have not been resolved, but there's
19 somewhat of a dilemma in the sense that it is...it is
20 quite an expense to have special meetings, whether it be
21 of the Engineering Committee or the Administration, and
22 your resolution proposes potentially three meetings; one
23 prior to March 31 and potentially two additional ones, if
24 necessary, as I recall from what you've read after
25 looking at this --

1 MS. WOLDRIDGE: That's correct.

2 MR. POPE: I guess I wonder whether -- at this
3 point I'm not sure whether I can commit on behalf of the
4 state of Kansas to that meeting schedule not knowing
5 whether some of the key issues can really be resolved no
6 matter how many times we meet.

7 MR. COOLEY: There's a qualifier in that
8 resolution. I haven't seen it either, but there's a
9 qualifier on some of those other meetings that..."other
10 meetings if appropriate."

11 MR. POPE: If necessary or appropriate or
12 whatever. I think it says, "if necessary." I guess I
13 wonder what the District's...whether the District
14 is...what level of effort, and for potentially perhaps
15 even helping finance some of the costs involved in this
16 matter would be possible.

17 MS. WOLDRIDGE: I can tell what the District's
18 motivation for this is. The District feels that the
19 concerns raised by both the Colorado and Kansas
20 delegations are resolvable, and the "District" would like
21 very much to get them resolved and we feel this is an
22 issue that the Compact Administration can move forward on
23 and get a decision made on. We...we would like to get a
24 date set certain for the meeting just for planning
25 purposes and because I feel given the many numerous

1 schedules that have to be juggled that it is important to
2 get a date set in which to meet. We have been given
3 certain issues that members of the delegations would like
4 us to address further. The District is going to go back
5 and see what we can do about getting those specific
6 issues addressed prior to the next meeting so that we
7 have a forum at the next meeting to sit down where we've
8 got everyone's concerns out on the table and addressed to
9 the best of the District's knowledge, and then hammer out
10 something everyone can live with. So our motivation
11 isn't to prolong this. Our motivation is to resolve
12 something that I believe is resolvable. Notwithstanding
13 all of the other obstacles that the Administration has to
14 face on other matters, I believe this is one we can get
15 through with and would like to get through with before
16 next December.

17 MR. COOLEY: David, if I could interject, it
18 seemed to me at the Denver meeting there was a good bit
19 of light shed on the...on the request and there was some
20 forward progress made. If this resolution were amended
21 so that the...the two additional times would be
22 only...not only "if necessary," but...or "useful", or
23 "appropriate," that what essentially is called for is
24 another meeting in which to determine if a solution can
25 be found.

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MR. POPE: Let me confer for a moment here.

MR. COOLEY: Sure. We're off the record for a moment.

(Whereupon, there was an off-the-record discussion held, after which the following proceedings were had:)

MR. COOLEY: We're back on the record.

Mr. Pope.

MR. POPE: I guess I want to pursue the matter a little further before we agree on whether or not another meeting, and if so, when, is appropriate. Is the District willing to, as a threshold matter, commit to a 35 percent charge? I guess it is a key issue to me in regard to...I realize there's lots of things that need to be worked out in regard to such an account, but if we don't get beyond some of these important issues, it seems like extra meetings are really a lot of time and expense.

MS. WOLDRIDGE: The District is willing to talk about it. We think...we're not willing to give it up right now, but we think there are possibilities where we could reach...reach a compromise where possibly a 35 percent would be agreed to based on other considerations. So, yeah, it's a negotiable issue. That's what...one of the things I really hoped at a forum like this we could really get resolved, realizing, of course, that the

1 delegations have probably not had appropriate time to
2 review Mr. MacDougall's most recent proposal.

3 MR. POPE: I wonder if an alternative to setting
4 a specific meeting to...a direct meeting that perhaps
5 having a telephonic meeting at sometime during this time
6 frame to talk about some of the key issues and at that
7 point we could determine whether or not it is...we're far
8 enough along to proceed with more detailed discussions
9 would be helpful. That would then give us a course of
10 action. It would give everyone a chance to review these
11 matters in more detail, formally and informally, and then
12 if it appears that it would be appropriate, we can
13 proceed with a meeting. If not, we've saved time and
14 expense of more face-to-face time.

15 MR. COOLEY: Well, I would say that the
16 resolution as presented, that the meeting could well be
17 telephonic. Telephonic meetings of the whole Compact
18 Administration, as you know, are humongously expensive
19 and --

20 MR. POPE: But we're talking about the
21 Engineering Committee.

22 MR. COOLEY: Sometimes bizarre, but the
23 Engineering Committee telephonic communication is sort of
24 one call and ought not to be too difficult, and I would
25 interpret that and...to be within the resolution, and I'm

1 ready, if that is satisfactory, to tone down the language
2 on further meetings of the -- of the Engineering
3 Committee so that this is perhaps...make them less
4 stringent than the resolution is, and I know that that
5 would be accepted by the people that proposed the motion.

6 MR. POPE: I think if...with the caveat the
7 meeting could be telephonic if...within the framework of
8 the discussion we just had, and that the District submit
9 a revised proposal to address the issue of the 35 percent
10 prior to that, recognizing that the whole proposal has
11 room for some negotiation, at least, I think we would be
12 willing to proceed with the toned down version of the
13 resolution that you are referring to, Mr. Chairman.

14 MR. COOLEY: Okay.

15 MR. POPE: With those caveats.

16 MR. COOLEY: Let us do it as follows: On this
17 circulated resolution, on the "Therefore" part, the third
18 line, the...after the word "meet," we'll put
19 "telephonically," if that's a word, and two lines down,
20 "the additional meetings be if necessary or useful," with
21 a carat. Do you have any objection to these changes to
22 your -- to the resolution you put before the Compact
23 Administration?

24 MS. WOLDRIDGE: I don't have any objections per
25 se, if it is going to save everyone money to do it

1 telephonically, that's fine, if it can work. And I would
2 ask the members of the Engineering Committee and the
3 delegation to give us some idea whether they think a
4 telephonic conference would work.

5 MR. COOLEY: Well, it's the only chance we have
6 now and it fosters communication, and anything that
7 fosters communication to me, denominates some forward
8 progress, so I've just answered your question. Chuck?

9 MR. LILE: Is this motion as proposed to be
10 amended, will have a date certain in it that this will
11 occur before such a time as this --

12 MR. COOLEY: Well, we have a deadline for it,
13 and you fellas getting hold of each other on the
14 telephone doesn't require a date certain.

15 MR. LILE: Oh, all right. To me, we
16 need...these people are simply asking to meet,
17 Mr. Chairman, and it seems to me that is a very simple
18 request. They want to get their -- they are not asking
19 for any approval, they are just saying we would like to
20 meet and I think we have to open up communications on
21 these issues. So if it is acceptable to Julianne, it's
22 acceptable to the Colorado delegation but it seems we
23 need to be moving forward on these issues.

24 MR. COOLEY: I'm thinking of the marine that
25 went into the bar and wanted to fight and had the theory

1 that if he couldn't get a steak dinner out of it he was
2 at least going to get a cheese sandwich and --

3 MS. WOLDRIDGE: I'll just take the very crust.

4 MR. COOLEY: All right. That's the direction
5 that the Chair is trying to move on this thing.

6 MR. LILE: Just from my short period of time and
7 observation coming from Southwest Colorado it is one of
8 the terms we sometimes use when dealing with the Indian
9 tribes, this appears to me to be slow dancing, and we
10 need to be moving forward.

11 MR. COOLEY: That's commendable, but...well, it
12 takes two to tango, and we're going to have to do it in
13 some measure that we can accommodate. Do you accept the
14 modifications as mover and who seconded it?

15 MR. GENOVA: I second it.

16 MR. COOLEY: You do? Both the mover and the
17 seconder have accepted the modifications. Any further
18 comments, Mr. Pope?

19 MR. POPE: Only that I think at the time of that
20 first telephonic call that I think we would expect to
21 have an alternative proposal to deal with the 35 percent
22 issue.

23 MR. COOLEY: And Julianne has nodded her head to
24 that, so that is going to happen.

25 MR. POPE: I think with that, I think we can

1 proceed as far as we can here.

2 MR. COOLEY: Is Kansas ready to vote?

3 MS. WOLDRIDGE: Mr. Chairman, I would like --
4 could you read the language so that we know what it says
5 now?

6 MR. COOLEY: Yeah. After the word "meet" we add
7 the word "telephonically." Two lines further down after
8 the phrase "if necessary" we add the words "or useful."
9 And those changes have been accepted and Kansas is now, I
10 believe, ready to vote on the resolution with...as
11 amended. With the understandings that have been made in
12 the record with respect to what the District will do
13 prior to the telephonic meeting.

14 MS. WOLDRIDGE: The District will submit some
15 recommendations for addressing those concerns.

16 MR. POPE: With that, I think we're ready to
17 proceed.

18 MR. COOLEY: Kansas?

19 MR. POPE: Kansas votes aye.

20 MR. COOLEY: Colorado?

21 MR. LILE: Aye.

22 MR. COOLEY: I want -- drinks are on me.

23 MS. WOLDRIDGE: Thank you.

24 MR. COOLEY: Thank you very much.

25 The next item we're going to resolve is the

1 Kansas versus Colorado litigation. How -- I didn't put
2 this thing on the agenda. Who -- David, why don't you
3 give us an unbiased view of Kansas versus Colorado and
4 then we'll...and then that will have taken care of this
5 agenda item.

6 MR. ROBBINS: Thank you, Mr. Chairman. We have
7 been litigating for an extended period of time and are
8 close to the end of the litigation as far as the
9 evidentiary phase is concerned. Does anyone have any
10 questions?

11 MR. COOLEY: Summarized seven years of
12 litigation in two sentences. You did very well so far.
13 Do you want to try three more sentences or is that about
14 the limit?

15 MR. ROBBINS: There's one outstanding
16 evidentiary issue. It relates to some evidence that
17 Kansas would like to introduce on rebuttal. Whether or
18 not that occurs is not yet decided. If it does occur, it
19 will require something less than one day, I anticipate in
20 the neighborhood of a day, at which point in time
21 the case will be submitted to the Master. The evidence
22 on the liability phase will have been completed. The two
23 states will then present to the Master. I presume he
24 will request and ask us to present to him suggested
25 findings of fact and conclusions of law, citations to the

1 voluminous record of the places at which those facts and
2 conclusions can be supported on any closing briefs or
3 final arguments. He will then prepare a draft report.
4 Following his past practice, I anticipate he will submit
5 that to the two states for their review and comment.
6 Generally, he has then had an argument on those comments
7 or had a period, a time when we could meet with him and
8 address those comments to him. He will then finalize the
9 report. For the members of the audience, remember that
10 all of his decisions to date have been decisions of the
11 Master and have not been submitted to the Court, so the
12 final report will encompass all of his evidentiary
13 rulings and his rulings on preliminary motions that have
14 occurred over the past five years. The Court will then
15 receive the report. Traditionally, they have accepted
16 exceptions from the combating states. Exceptions are
17 where the state explains to the Court why they do not
18 agree with any particular fact or conclusion. The Court
19 then receives those exceptions and has in the past either
20 ruled, based upon that information or has accepted
21 argument from the states. If it accepts argument, it
22 will set that and it then either does one of three
23 things. It either accepts the Master's report as
24 submitted, adopts it as a ruling of the Court, accepts
25 portions of the report, and rejects portions, sends it

1 back for further evidentiary finding, or rejects the
2 report out of hand and directs that the matter be
3 re-heard. So that takes an extended period of time. I
4 don't anticipate that we will be at the point where we
5 know what the Court's position is on the Master's report
6 until sometime in 1994. Mr. Draper may have
7 additional --

8 MR. COOLEY: Well, Mr. Robbins, from your
9 recitation of this, which I found most impressive, it
10 strikes me that there's an immense amount of work to be
11 done on the conclusion of the evidentiary matters by the
12 attorneys for each of the states, and also, as well, by
13 the Master.

14 MR. ROBBINS: The evidence is closed. How
15 people interpret the evidence, that work is left to be
16 done.

17 MR. COOLEY: And that obviously is a
18 substantial --

19 MR. ROBBINS: Almost closed, pardon me.

20 MR. COOLEY: -- is a substantial amount of work.

21 MR. ROBBINS: Yes, sir. I believe that's
22 correct. Mr. Draper may have --

23 MR. COOLEY: I'll get to him in a second. And I
24 would further suppose just...just because it's a matter
25 of interest and curiosity to all of us that...for that

1 work to be done, a time schedule would be set and that
2 that matter would consume weeks rather than days.

3 MR. ROBBINS: Oh, absolutely. I would
4 anticipate that he will give us several months, if not
5 three, to prepare whatever it is we want to submit to him
6 and then he will take some time to review that, so I
7 don't anticipate seeing anything from the Master until
8 mid-summer to fall.

9 MR. COOLEY: I'm going to call in Mr. Draper
10 with equal time. Thank you very much.

11 MR. ROBBINS: My pleasure.

12 MR. COOLEY: Mr. Draper.

13 MR. DRAPER: Mr. Chairman, I don't have any
14 quarrel with the description that Mr. Robbins has made of
15 the status of the case. There's still a fair amount of
16 work to be done, although we are, with the exception of
17 the small amount of evidence that we would like to
18 present, if the Master will allow it, finished with the
19 trial phase of this part of the case. As you know, it is
20 divided into a liability section and a damages section,
21 and so our remarks here are in reference to that first
22 section or phase of the case.

23 MR. COOLEY: Thank you very much. A very
24 difficult matter to bring before the Compact
25 Administration, and I'm delighted to have received as

1 much information about the case as we have, and because
2 of the complexity, difficulty, fervor with which the case
3 is being litigated, I can scarcely see how we could
4 improve upon this as taking care of this agenda item. Is
5 that satisfactory, Mr. Pope?

6 MR. POPE: Yes, it is.

7 MR. COOLEY: Is that satisfactory, Mr. Lile?

8 MR. LILE: Yes.

9 MR. COOLEY: All right. Thank you, gentlemen,
10 very sincerely on behalf of all of us who were here. We
11 will now turn to a discussion of Kansas' metering of
12 wells. How do I begin this?

13 MR. POPE: Mr. Chairman, I presume that it would
14 be appropriate for Kansas to take the lead in discussing
15 this item, as it was placed on the agenda at our request.
16 And with your permission we will proceed with that.

17 MR. COOLEY: Please do.

18 MR. POPE: We have asked for three separate
19 items to be considered by the Administration as areas in
20 which we feel additional data should be collected,
21 measurements made, in regard to, one, we refer to as
22 metering of wells, gauges on ungauged tributaries, and
23 preservation of power company records. Kansas feels that
24 it is appropriate for these items to be considered in
25 light of the fact that the Administration of the waters

1 of the basin as related to the Compact have been under
2 considerable consideration for a number of years. The
3 issues continue to be raised in which an enhancement of
4 the existing data might be helpful. And for that reason
5 we thought this would be an appropriate item to discuss.
6 In regard to our own state, we have found it necessary
7 and appropriate to be addressing similar issues as well,
8 and I'll refer to that just so at least it will be clear
9 to the audience and everyone involved, that we're really
10 not asking for anything in the way of metering of wells
11 that we're not dealing with ourselves in Kansas. For the
12 last several years there have been efforts made by both
13 the state of Kansas and sub-units of the state of Kansas,
14 like ground water management districts, to try to get
15 better records on the amount of water pumped, and to
16 allow that information to be available for various
17 purposes, whether it be studies, whether it be
18 Administration of water rights, perfection, and various
19 other things that relate to that issue. More
20 specifically, and I note that Steve Frost is now in the
21 room as the new Executive Director of the Southwest
22 Kansas Ground Water Management District Number 3, but the
23 District has been considering that matter as has
24 been the division. Now in place, administratively,
25 are requirements for all wells to be metered over a

1 period of about four years, and given the fact that there
2 are a number of wells involved in southwest Kansas, the
3 schedule of allowing approximately a fourth of those to
4 be metered by the owners or operators each year is
5 thought to help, logistically help, that task to be
6 accomplished, both in terms of expense and the
7 availability of equipment and just the time to get in
8 compliance.

9 MR. COOLEY: May I interrupt?

10 MR. POPE: Yes.

11 MR. COOLEY: I'm having a difficult time. Is it
12 proposed that these wells be metered for a period of time
13 and then they not be metered thereafter?

14 MR. POPE: No, our approach, Mr. Chairman, is
15 for them to be essentially permanent installations where
16 there would be a continuous record of the amount of water
17 pumped over time. I'm referring to the Kansas
18 experience, although our request here would be to deal
19 with wells in the Arkansas River Valley here in Colorado.
20 In the area that I think has been discussed sometime off
21 and on in the past, known as Intensive Ground Water Use
22 Control Area, which is an area of the corridor along the
23 Arkansas River in Kansas from the state line on east down
24 to...east of Dodge City, that is an area where we have
25 required meters to be installed on the schedule that I've

1 referred to, and then likewise, in the broader area
2 covered by the Ground Water Management District. The
3 District has made that a requirement of the District. So
4 I'll not dwell in any more detail on that at this point
5 in time, but essentially, what we would ask is
6 consideration for the state of Colorado to do that same
7 thing in the Arkansas River Valley. We found that if
8 accurate data is not collected, it is difficult to make
9 good management decisions by the water users themselves,
10 and certainly an enhancement of the data would be helpful
11 in other ways. Certainly, estimates have been made and
12 can be made, and that relates back to the third item on
13 the list, and we think that, as has been done by studies
14 performed by both states, power company records have been
15 used, and we think it is important for those to be
16 preserved, for that period that is later in time than
17 what records have already been secured, and those records
18 then would be available for use to make estimates of
19 pumpage until such time as the metering program was fully
20 in effect, in essence. The second item that I have on
21 the list is the matter of gauges on ungauged tributaries.
22 We think there's value of studying that issue.
23 Certainly, we recognize that there are some complexities
24 involved in how many gauges can be financed, which ones
25 are really needed, and we will be proposing, here in a

1 minute, to have the states of Kansas and Colorado,
2 jointly, take a look at that issue, at least, and see
3 whether or not it would be appropriate to try to secure
4 additional gauges for some of those which we think,
5 again, would be helpful to fill in some missing gaps and
6 help for more sophisticated Administration of the waters
7 of the basin, both in terms of the states of Colorado and
8 Kansas as water is available for release from John
9 Martin, it would be helpful to know whether or not there
10 are tributary inflows coming in on a real-time basis in
11 some of those cases as an example. With that,
12 Mr. Chairman, I have had distributed to Carl Genova last
13 night, copies of a draft motion. I have a few extra
14 copies of that here someplace. If others do not have
15 those -- Mr. Chairman, do you have a copy? Let me get
16 one to you, if you do not, and perhaps this could be
17 made, whatever the next item is on the list of exhibits.
18 The motion would provide for a resolution to be adopted
19 by the Administration and I'll not read this in detail,
20 but, in essence, it cites the appropriate provisions of
21 the Compact that relate to data collection and providing
22 of additional information as may be needed to understand
23 the waters and their diversion of the Arkansas River and
24 the need for this information, and then is broken into
25 three separate components dealing with the items that

1 I've discussed, again, mainly metering of wells,
2 preservation of power company records, and the matter,
3 then, of the proposed gauges on ungauged tributaries.
4 So, again, rather than reading this in detail, I would be
5 willing to entertain additional discussion on these
6 matters at this point in time.

7 MR. COOLEY: We're going to have to go off the
8 record for just a moment.

9 (Whereupon, an off-the-record discussion
10 was had, after which the following
11 proceedings were had:)

12 MR. COOLEY: Back on the record. We'll start
13 off with ...with Mr. Lile.

14 MR. LILE: Mr. Chairman, we received this
15 approximately 9:00 o'clock last night. There's a lot of
16 meat in this, and issues within this document, and to be
17 real frank, we need additional time to look at it. It
18 would be one of our suggestions, although, I think I need
19 to confer some more with the rest of the Colorado
20 delegation and perhaps we can refer this to a committee
21 of some type to look at it or we can allow some
22 additional time. We're not prepared at this time to...to
23 go forward on this resolution.

24 MR. COOLEY: I understand you and I hear you.
25 To what extent would a discussion by the Compact

1 Administration be informative or useful towards the
2 further action of the committees or of the Compact
3 Administration at some other date?

4 MR. LILE: I think we would like to look at this
5 and study it, but I don't feel at the present time we're
6 ready to move forward on it.

7 MR. COOLEY: Do you have any questions about it
8 to be directed to Mr. Pope or anyone else at this time?

9 MR. LILE: Since we really haven't had time to
10 study it much, I don't, Mr. Chairman.

11 MR. COOLEY: Okay.

12 MR. POPE: Mr. Chairman, I think I heard Chuck
13 indicate that this might be something appropriate to
14 refer to a committee. Did you have any specific thoughts
15 in that regard or do you want to defer on that as well?

16 MR. LILE: Ah...

17 MR. COOLEY: Let me interrupt here for a second,
18 if I may. I heard the question. Since it is likely that
19 there will be, you have a resolution in effect of at
20 least a telephonic meeting of the Engineering Committee,
21 and there appears to me, just flipping the pages of this,
22 that there's a good bit of engineering data on this.
23 This might be a suitable point of departure for
24 consideration of the motion, which is, as Colorado has
25 commented, has a great deal of meat to it.

1 MR. POPE: I think that would be acceptable to
2 us, Mr. Chairman, if it is to others, of referring the
3 matter to the Engineering Committee.

4 MR. LILE: We think it also perhaps ought to go
5 to the Legal Committee as well as the Engineering
6 Committee if they are going to look at it.

7 MR. COOLEY: I think it's broader than --

8 MR. LILE: It's broader than engineering.

9 MR. COOLEY: -- than just engineering, and
10 deserves a lot of attention, but it also appears to me,
11 as I said, flipping the pages, that there's a great deal
12 of effort towards forward motion contained in this and
13 that communication on this between the states would be
14 likely very useful indeed.

15 Mr. Pope, unless...unless a quick horseback
16 review of this for the benefit of the Compact
17 Administration and the audience would be useful, it is my
18 intention to have this made an appendix to the meeting
19 for consideration by the committees, but, frankly, I'm
20 broadly hinting that although I commend you for not
21 wanting to read a seven-page double spaced document, that
22 an executive summary of it, flipping the pages, might be
23 useful...a useful part of this meeting.

24 MR. POPE: Well, I would be happy to summarize
25 the content in that way at this time, if it would --

1 MR. COOLEY: I think it would be...frankly, I
2 think it would be a good idea. Would you do so?

3 MR. POPE: With that, let me let me proceed
4 through the proposed resolution and I'll not, again,
5 verbatim read this but I will hit the substantive high
6 points. The first part of the resolution has three
7 "whereases" and they specifically refer to provisions of
8 the Compact. For example, the first one makes reference
9 to the portion of the Compact that says that each state
10 shall provide such available facilities, equipment, and
11 other assistance as the Administration may need to carry
12 out its duties. The next one makes reference to the
13 availability of factual data upon request of the
14 Administration, and, again, I'll not read that, but it
15 relates to the cooperation of the various agencies
16 involved, including those responsible for the
17 Administration of water rights with the respective
18 states. The next "whereas" makes reference to the desire
19 of the Administration to have better information
20 available to allow the various matters to be considered
21 as need be in the future for better Administration of
22 provisions of the Arkansas River Compact and that,
23 finally, that this would be intended to help enhance and
24 improve the quality of data available to the
25 Administration. The first major item deals with the

1 issue of metering of wells. In essence, it would...all
2 of these are in the context of a request to the State
3 Engineer of the state of Colorado to collect the
4 following described data and furnish it to the
5 Administration. The first of those items, again, then,
6 is the metering of wells. The first item under that
7 category would be that the State Engineer would require
8 all wells with the capacity of 50 gallons per minute
9 which would withdraw water from the, quote, waters of the
10 Arkansas River, end of quote, as defined in Article III B
11 of the Compact to install a totalizing meter which would
12 indicate total volume of water withdrawn. The second
13 item would be for those to be installed according to
14 manufacturer's specifications and to the satisfaction of
15 the State Engineer. These meters would be installed at
16 the cost of the owner of the well. The third item would
17 be that the State Engineer would require the owners to
18 accurately report information from the meters and make
19 that information available to ARCA on an annual basis,
20 computerized form. The fourth item would be the
21 deadline for installation of the meters by the end of
22 Compact Year 1995, with the option of allowing one-fourth
23 of the meters to be installed each year until that time.
24 And then the fifth item would be asking for a report each
25 year at the annual meeting of ARCA on the progress of

1 getting the meters installed. The second major category,
2 Item B, is entitled, "Preservation of Power Company
3 Records." Under that item, it is noted that it is our
4 understanding that if action is not taken in the near
5 future, that records maintained by power companies may be
6 irretrievably destroyed because they apparently only keep
7 those records a certain period of time, and it is our
8 view the resolution makes reference to the fact that
9 these records may be invaluable for future uses, that an
10 effort should be made, then, to secure those records much
11 in the way in which they have been secured in the past
12 for the Kansas v. Colorado lawsuit. And, again, I would
13 say, parenthetically, that both states use essentially
14 the same records in that case in one way or the other.
15 The second item under the Power Records category, is to
16 ask that that data be collected on a individual account
17 basis to the nearest legal section or quarter section.
18 Third item would be, again, relating to that same issue,
19 as far as for records for wells with the capacity of 50
20 gallons per minute or more. It lists the power companies
21 that apparently have such records in the area. The next
22 item is to ask the State Engineer to obtain similar data
23 from the suppliers of natural gas for those units powered
24 by that source of fuel. Finally, the next item is -- not
25 finally, but the next item is to secure any records

1 available from the Public Utilities Commission. The
2 seventh item is to make that information available once
3 it is collected, to ARCA, or to either state upon their
4 request. And the eighth item is that our proposal
5 includes that the reasonable costs of obtaining and
6 preserving the power records would be paid by the
7 Administration, expenditures necessary to obtain and
8 preserve this data shall be approved in advance by the
9 Administration. The ninth item is, again, to make...ask
10 the State Engineer to make this information available to
11 ARCA, along with any derivation of power conversion
12 factors used in estimating underground withdrawals.

13 MR. COOLEY: Let me interrupt. You can't
14 control an evil mind. What about the poor guy that is
15 raising marijuana in the basement with a set of flood
16 lamps?

17 MR. POPE: If he wants to come forward, I guess
18 we'll take his records. I'm not sure how much of that is
19 going to happen, Mr. Chairman.

20 MR. COOLEY: All right, fine.

21 MR. POPE: Item C in the Proposed Resolution is
22 entitled, "Gauges on Ungauged Tributaries," and the first
23 item under that is...makes reference to the regard to
24 obtain better hydrologic information on the flows of the
25 tributaries on the Arkansas River in Colorado which are

1 either currently ungauged or inadequately gauged during
2 Compact Year 1993, and this one is a little different
3 than the first two in that we are recommending that the
4 states of Colorado and Kansas in consultation with the
5 U.S. Geological Survey shall review the former present
6 and possible gauge sites on the following tributaries,
7 and, in essence, we have just listed all of the
8 significant tributaries and noted which ones either are
9 or have had gauges installed in the past, so it's...note
10 those that do not have gauges, and all of these would be
11 examined so a comprehensive review could take place. The
12 second item under this category would be that the sites
13 be evaluated for...for suitable gauge sites and sites
14 selected which are as near as possible to the confluence
15 with the river but upstream of any significant points of
16 diversion or reaches that may be affected by return flows
17 resulting from the mainstem diversions. The third item
18 is to ask the State Engineer to identify upstream uses
19 and an estimate of the upstream depletions of the natural
20 flow of the tributaries. Finally, the fourth item is
21 that we would ask for a report to be submitted 30 days
22 prior to the 1993 annual meeting summarizing the study of
23 the feasibility of the gauge sites by the U.S. Geological
24 Survey and asking for a cost estimate to install gauges
25 that might be recommended. The fifth item would be to

1 provide for action by the Administration at the 1993
2 annual meeting to select which gauge sites should be then
3 installed and maintained, perhaps cooperative with the
4 U.S. Geological Survey. And then, finally, assuming that
5 action was taken, that they be installed prior to the
6 1994 annual meeting. So, in essence, without having read
7 it in detail, I went through quite a bit of detail on the
8 proposed action.

9 MR. COOLEY: Well, I personally am very glad
10 that you did, and that will...the motion will become
11 Exhibit N to be attached to the minutes of the meeting.
12 There are...I realize that there have been huge
13 expenditures of money by Kansas on the river, but the one
14 thing that comes to my mind will be the amendment to the
15 Colorado Constitution with respect to spending is going
16 to be a horrendous problem with respect to the resolution
17 as benign as it is in many respects. Are there any
18 things that have to be said about the resolution before
19 we go into executive session?

20 MR. GENOVA: I would just like to make one
21 comment. Most of these streams that don't have any
22 gauges on them now are too intermittent to maintain a
23 gauge.

24 MR. POPE: Carl, it may very well be that a
25 determination will be made after the analysis that it's

1 not necessary or appropriate to ask for a gauge to be put
2 on every single one of those. I think part of the study
3 would be to look at those very issues. Certainly, a lot
4 of analysis has already occurred without them. We're not
5 saying it can't be done without the gauges. We're just
6 saying that it might be helpful.

7 MR. COOLEY: The cost effectiveness of this gets
8 to be a huge problem with the expense of maintaining
9 gauges by the United States Geological Survey. One of
10 the specters I want to put out for you is the fact that
11 the survey may not be able within its budget to match the
12 cost of many additional measuring devices. The time is
13 10 minutes of noon. What I propose is that we make a
14 short record on the necessity of going into executive
15 session, but I request, at this time, consistent with
16 the...consistent with the agenda that we adopted earlier,
17 that all of those in attendance leave the room quietly
18 and promptly except only those members of the staff who
19 have to be here in connection with the litigation on the
20 river. And if you would do so right now, we will make a
21 record.

22 MR. SHINN: Excuse me, Mr. Chairman. When are
23 we going to reconvene?

24 MR. COOLEY: We're going to reconvene at say
25 1:15 or as soon as possible thereafter.

1 MR. SHINN: Thank you.

2 (Whereupon, a short break was taken in
3 the regular meeting, after which the
4 meeting went into executive session, and
5 the following proceedings were had:)

6 MR. COOLEY: Gentlemen and Lola, it is my
7 understanding that it is necessary -- it is necessary or
8 at least wise that we establish on the record at this
9 time the reason why we are going into executive session.
10 There is a pending lawsuit against the Compact
11 Administration and other parties, and in connection with
12 that lawsuit, the Compact Administration has been
13 authorized to engage an attorney. It is my understanding
14 that one of the items that will have to be discussed in
15 connection with the lawsuit is the contract for the
16 payment of the attorney, and I propose that we have a
17 motion going into executive session if sufficient
18 groundwork has been made for the executive session. Jim,
19 are you satisfied with my statement?

20 MR. DRAPER: John...

21 MR. COOLEY: John, I beg your pardon.

22 MR. DRAPER: Yes.

23 MR. COOLEY: Dennis, are you satisfied with that
24 statement as being sufficient for reasons to go into
25 executive session or Wendy?

1 (Whereupon, the meeting went into
2 executive session, after which there was
3 a brief noon recess, and the annual
4 meeting commenced as follows:)

5 MR. COOLEY: Ladies and gentlemen, the meeting
6 will come back to order. The first order of business --
7 we are now in open session. The first order of business
8 will be the results of the meeting of the executive
9 session. Chuck and David, do you want me to state the
10 motion or does one of you wish to state it?

11 MR. POPE: Go ahead.

12 MR. LILE: Go right ahead, Mr. Chairman.

13 MR. COOLEY: All right. The motion, as relayed
14 to me, is that...is that the contract for the employment
15 of Mr. Hillhouse as attorney for the Compact
16 Administration -- sorry, I started without you Lola --
17 when approved by the attorneys for the two states and
18 signed by Mr. Lile and Mr. Pope will be the contract of
19 the Compact Administration for his employment in
20 connection with the litigation. Is that --

21 MR. LILE: So moved, Mr. Chairman.

22 MR. COOLEY: That has been moved and seconded.

23 MR. POPE: Seconded.

24 MR. COOLEY: Is Kansas ready to vote?

25 MR. POPE: Kansas votes aye.

1 MR. LILE: Colorado votes aye.

2 MR. COOLEY: That action has been now taken.

3 There are a number of people who have not been
4 introduced. Some will continue to be introduced in the
5 proceedings this afternoon but I feel compelled to state
6 the pleasure of the Compact Administration of the
7 presence of Carl Shinn at the...this year's meeting,
8 welcome him back, tell him he's been missed in some other
9 years, and it's a delight to see you, sir.

10 MR. SHINN: Thank you. Thank you.

11 MR. COOLEY: The next items of business will be
12 the items of Colorado, including the John Martin
13 Reservoir permanent pool, and if he does not take the
14 lead in this matter, or, in any event Grady McNeil for
15 the Colorado Division of Wildlife is here and we're
16 welcoming him to this section.

17 MR. POPE: Mr. Chairman, before you move --

18 MR. COOLEY: I beg your pardon. We're going to
19 revert back to the exhibit N, the resolution that was
20 introduced and summarized by Mr. Pope.

21 MR. POPE: I'm not sure that any additional
22 discussion is necessarily needed, but I don't believe
23 we've reached closure in terms of referring the matter to
24 the Engineering Committee and I think there may have been
25 some suggestion that the legal issues need be referred to

1 Administration and Legal Committees. I believe that is
2 appropriate to do, and would move that the proposed
3 motion discussed by Kansas prior to lunch be assigned to
4 those committees with the technical issues going to the
5 Engineering Committee and the legal issues going to the
6 Legal Committee.

7 MR. COOLEY: Lola, is there a second to the
8 motion?

9 MS. FOX: Yes.

10 MR. COOLEY: It's been moved and seconded and
11 Colorado votes aye and Kansas --

12 MR. POPE: Kansas votes aye.

13 MR. COOLEY: -- votes aye, so that is now done
14 and we've reached closure on that. Pardon me. Now we're
15 going to turn to the permanent pool. Chuck, who is going
16 to lead the charge on this subject?

17 MR. LILE: Mr. Steve Miller of my office.

18 MR. COOLEY: Steve, would you take over please?

19 MR. MILLER: It should be fairly brief. As we
20 informed the Administration last year, there was renewed
21 efforts by Colorado to get the John Martin permanent pool
22 in shape. That got...led to the creation of a governor
23 appointed commission, Lower Arkansas River Commission --

24 UNKNOWN PERSON: Could you speak up.

25 MR. COOLEY: Would you come out in front of

1 everyone, please.

2 MR. MILLER: Last spring, in May, the governor
3 appointed a commission called the Lower Arkansas River
4 Commission, to address the permanent pool at John Martin
5 and also look at the possibilities for creating a state
6 park in southeastern Colorado. There was some funding
7 provided by the general assembly to get some of those
8 things started and under way. We reported on that at the
9 August meeting. Since that time, the plan for John
10 Martin has sort of crystallized. The Division of
11 Wildlife will be securing a 10 year lease on some
12 transmountain water which is already an approved source
13 of water for the John Martin permanent pool. The amount,
14 as I understand it, is somewhat variable in terms of
15 yield each year but should be enough to more than
16 compensate for evaporation and so over a number of years
17 may be actually be able to bring the permanent pool
18 closer towards the 10,000 feet. The plan is to use the
19 10 years while this transmountain lease is in effect, to
20 secure a true permanent source of water which would most
21 likely be a consumable water right transfer after
22 approval by ARCA into the John Martin permanent pool.
23 Great Plains Reservoir --

24 MR. COOLEY: Pardon me. Does that conclude your
25 presentation on John Martin?

1 MR. MILLER: Yeah, there really...although they
2 are set out on the agenda as two separate --

3 MR. COOLEY: I have a couple of questions I want
4 to ask. What are we down to of the 10,000 acre foot pool
5 with the Division of Wildlife in John Martin now
6 approximately?

7 MR. MILLER: About 1800 acre feet is the
8 current --

9 MR. COOLEY: And from an earlier conversation I
10 had, with, perhaps it was you, it is my understanding
11 that there is 10,000 acre feet to be in that account, but
12 that account, under some circumstances, can be as high as
13 15,000 acre feet so long as it doesn't impinge upon other
14 rights for that 5,000.

15 MR. MILLER: Basically it is the first 5,000
16 spill out of John Martin.

17 MR. COOLEY: Yeah.

18 MR. MILLER: The state of Colorado can take the
19 risk of putting an extra 5,000 in there but it won't
20 survive the spill.

21 MR. COOLEY: Okay. And at the last time this
22 subject came up, there were some specifics given to where
23 that water might come from, and I, if you don't need to
24 get into them or care to, that is one thing, but if
25 you...if you could clarify, if you're able to clarify the

1 source of some of this, I think it would be helpful.

2 MR. MILLER: I believe that the state has gone
3 far enough in its negotiations, it's become public
4 knowledge that it is the Pueblo West Water District that
5 had the transmountain water for sale or for lease. It is
6 for lease; not for sale.

7 MR. COOLEY: Are there any other potential or
8 appropriate sources that we could hope or look to for
9 this other than cloud bursts.

10 MR. MILLER: No, the intent is to secure a
11 permanent historic consumptive right. Those negotiations
12 probably would be confidential because you don't want to
13 reveal who you're going to buy the water from until
14 you've got the deal struck. Those are more confidential
15 type --

16 MR. COOLEY: The enemy is always evaporation, is
17 that not so?

18 MR. MILLER: For the permanent pool? Yeah, I
19 think you can say evaporation is really its only enemy.

20 MR. COOLEY: And before you get to the Great
21 Plains Reservoir, Grady, do you have any...anything you
22 wish to state on that or anything you can?

23 MR. MCNEILL: No, not really. I think Steve has
24 done a good job of summarizing it.

25 MR. COOLEY: Well, we're very happy that you

1 are -- and pleased that you're here. Does anyone else
2 want to...have any questions on the John Martin permanent
3 pool? There appear to be none.

4 Okay. Great Plains Reservoir, please.

5 MR. MILLER: Like I say, these are similarly
6 related issues in that this commission was given the duty
7 of setting some priorities or the charge of setting some
8 priorities and goals for this area of the state and that
9 commission did recognize that John Martin was a
10 longstanding problem and made that the first priority and
11 we made some progress on getting that solved. The second
12 decision of the Lower Ark River Commission is if a state
13 park was to be built, and one is needed to be built down
14 here, that the preferred site would be at the Great
15 Plains Reservoir. The state is currently in the process
16 of trying to look at the alternatives and options for
17 getting water out to the Great Plains to make that state
18 park a possibility. It is a long way down the road in
19 terms of funding sources and water sources and land
20 acquisition, all of those details, we're far away from
21 solving those problems.

22 MR. COOLEY: As soon as we have the land and the
23 water and the access, there might be a state park.

24 MR. MILLER: Well, now you've got to get the
25 money to build the roads and the boat ramps and the

1 campgrounds and all of that, and there's a lot of...the
2 commission was able to reach an agreement that that is
3 where they wanted to focus the effort. So now the effort
4 is focused on that with the understanding that John
5 Martin is basically taken care of.

6 MR. COOLEY: Does lottery money go to that end
7 or might it someday?

8 MR. MILLER: I don't know, I guess you might
9 have to ask Mr. Bruce. Yeah, I think that's the whole --
10 but it's all tied up with Amendment 1. I don't know.
11 The lottery money goes to that whether the state is
12 allowed to spend additional revenues on something like
13 that even though it is lottery money, I guess it is an
14 unanswered question.

15 MR. COOLEY: Are there any more questions?

16 MR. POPE: What is the status of any studies or
17 engineering work in regard to the Great Plains Reservoir
18 part of it? You've mentioned that essentially the site
19 has been now defined or focused as...but has the state
20 proceeded with any more technical work or --

21 MR. MILLER: There's technical work in progress.

22 MR. POPE: Has any firms been hired or is the
23 state doing it itself or --

24 MR. MILLER: No, they have hired outside
25 consulting.

1 MR. POPE: Is that public information as to...in
2 terms of who that is?

3 MR. MILLER: I believe so. I don't think
4 there's any problem with that, is there, Grady? I know
5 Boyle Engineering has been hired.

6 MR. POPE: Boyle Engineering? And that is
7 ongoing at this time?

8 MR. MILLER: Right. (Reporter can't hear last
9 few words.)

10 MR. POPE: Thank you.

11 MR. COOLEY: Thank you very much, Steve.

12 The highlight of the meetings of the Compact
13 Administration in my view have always been the fun of
14 having Bob Jesse at the front and center just causes me
15 delight and giggles to have you go to the phone again,
16 Mr. Jesse, if you would take over on behalf of the Bureau
17 of Reclamation. I don't think we could treat you exactly
18 the same way as the representative of the Bureau of
19 Reclamation as we have in some of your other capacities.

20 MR. JESSE: Well, I'm happy to be here in any
21 capacity. But I do represent the Bureau of Reclamation
22 now. My name is Bob Jesse, and I have just a couple of
23 items that I would like to mention to the Commission.
24 During this last year the Bureau of Reclamation did
25 complete and dedicate and put on line the Leadville Mine

1 Treatment Plant. It is now operating and treating the
2 effluents of the Leadville Mine Drain Tunnel. When the
3 Yak Tunnel is completed and that is a separate EPA
4 contract, about half of the heavy metals contamination in
5 the upper regions of the Arkansas will be successfully
6 treated, but we did dedicate the Leadville Mine Drain
7 Tunnel and it is now operational and it is on line and
8 working all right.

9 MR. COOLEY: A little interruption, Bob. When
10 you drive from Leadville towards Battle Mountain and
11 Minturn, or, for that matter, towards Climax and Frisco,
12 the Leadville Mine tunnel is on the highway at the
13 turn-off beyond the Pizza Hut where the highway turns
14 northwest to go over Tennessee Pass in the direction of
15 Minturn, and that's the direction...that's the location
16 of that tunnel.

17 MR. JESSE: Yes, that's correct.

18 MR. COOLEY: Now, asking a question, is the...is
19 the Yak drainage, the drainage by the smelter on the road
20 out of Leadville on the way towards Twin Lakes, is
21 that --

22 MR. JESSE: Yes, that's on California Gulch,
23 it's the same mountain but it is just different sides of
24 it and it comes out into California Gulch. It's a
25 different type of treatment, but it is treating for the

1 same kinds of things.

2 MR. COOLEY: And is the treatment plant that
3 will be built there along that road to Twin Lakes or will
4 it be at some distance and hidden away somewhere?

5 MR. JESSE: It will be back up in the canyon.
6 You would have to go to Leadville and then go back up in
7 the canyon a ways. It's not visible from the road but
8 it's a series of large settlement ponds. It's a
9 combination of treatment plants with...but there's
10 extensive settlement ponds. The mine drain tunnel is
11 just a building where it is treated with chemicals to
12 change the PH and then the metals are settled out and
13 then the sludge is disposed of, as opposed to having
14 large extensive settlement ponds.

15 MR. COOLEY: Thank you.

16 MR. JESSE: I give you a few rough content
17 figures. In round numbers, we have about 120 thousand
18 acre feet in Turquoise, about 118 in Twin Lakes, and
19 about 113 in Pueblo Reservoir. The other item I might
20 mention is if you've been reading the Pueblo papers you
21 might have noticed during the past summer that the Bureau
22 of Reclamation is engaged in implementing a letter from
23 the Department of Natural Resources concerning the flows
24 during the summer for the rafters and flows during the
25 winter for the fish flows. I have a large report that we

1 did submit and I believe I sent one to Kansas, I don't
2 know if you got it. If not, I can get you another one on
3 the details of the rafter runs. We did make releases
4 from Pueblo -- from Twin Lakes Reservoir to Pueblo
5 Reservoir to attempt to maintain a flow of about 700
6 second feet at Wellsville. We did charge the Arkansas
7 River Park for the increased evaporations which only
8 amounted to about six acre feet this year, but we did
9 maintain the flow at 700 second feet until the middle of
10 August. We did then begin the run and we are now in the
11 process of doing that to maintain the flows at Wellsville
12 this winter to maintain a minimum for the fish flow. We
13 are in the process of moving water from Turquoise
14 Reservoir through the Mount Elbert Power Plant to Twin
15 Lakes and from there to Pueblo Reservoir during this
16 winter. We will probably move somewhere in the
17 neighborhood of 40,000 acre feet. We will do it to
18 maintain a flow at Wellsville of about 400 to 450 second
19 feet. It is a little more than 400 feet today so we will
20 try to keep the flows of Wellsville about where they are
21 now for the rest of this...for the rest of this year. We
22 imported about 55,000 acre foot last year of which we
23 gave to the Conservancy District about 30,000 which was
24 sold and the majority of it was released. Some of it was
25 carried over, some of it is still in storage, some of it

1 is in the accounts of the municipalities and that water
2 will be run next year. That's about all I have to
3 report. Unless there's any questions why I'll get out of
4 your way.

5 MR. POPE: What happened to the other 25,000
6 acre feet you imported?

7 MR. JESSE: We...the amount of water imported,
8 we first have to subtract the amount we anticipate will
9 be evaporated from project water during the year. We
10 then subtract the amount of the transit losses. There's
11 in excess of 10 percent transit loss between Pueblo and
12 Twin Lakes which is absorbed by project water. And then
13 we have a small amount of water that we imported, but did
14 not deliver to the Conservancy District. I believe it
15 was about 2,000 acre feet. But the reason we always
16 import more than we give to the Conservancy District is
17 we take off all of our operational losses.

18 MR. COOLEY: Any effort you can make to assure
19 that the chairman and his family have free raft rides on
20 the Arkansas River would be very greatly appreciated,
21 Mr. Jesse.

22 MR. JESSE: Thank you. We will do what we can
23 to implement the DNR's memorandum of understanding.

24 MR. COOLEY: Fine. Not on the specific subject,
25 but it is so very much in your area of expertise, would

1 you -- could you talk for two or three minutes about a
2 transit loss, a study in a, transit time study on the
3 Purgatoire and how long the...we're going to have
4 Mr. Cain will be grilled on this too, but can you make
5 some remarks about that?

6 MR. JESSE: It's my recollection that there was
7 a transit loss study done by the, I believe the GS did
8 one back in the sixties or maybe earlier than that. The
9 state of Colorado did make a series of measurements back
10 in the seventies in connection with another problem with
11 Trinidad. We specialized in a very low flow condition,
12 and the information we gathered was not what I would
13 think would be usable as an operational type transit loss
14 study in the same sense that the USGS made their transit
15 loss and travel time studies on the Arkansas. The flows
16 we were using were very low flows with the zero flows or
17 very low flows at Thatcher and I don't know how
18 applicable that would be to an operational type study,
19 but there have been several looks taken at the transit
20 loss and the travel times on the Purgatoire and I don't
21 know if...if Steve has done any other than that one or
22 not. We might ask him to comment on it, but that was the
23 one that we did in connection with the hearing we had
24 with Trinidad Conservancy District back in...and I don't
25 remember the dates, back in the middle seventies

1 sometime.

2 MR. COOLEY: This is the most fun some of you
3 may have all year. I wonder if there are any more
4 questions of Bob Jesse. It's just too good of an
5 opportunity to miss, gentlemen. Are there any from the
6 audience? What the heck, you know.

7 UNIDENTIFIED PERSON: I would like to know how
8 much snow to expect at Raton Pass tonight.

9 MR. JESSE: I heard on the TV that we're going
10 to get a storm going from here to Pueblo so I'm thinking
11 about taking off here pretty soon.

12 MR. POPE: The rest of us can stay if...if we're
13 not bright enough to go.

14 MR. COOLEY: All right. We'll make the
15 forecast. Anything else? You've escaped again, Bob,
16 thank you very, very much.

17 The Corp of Engineers, Jim, would you make the
18 introductions and give your report please?

19 MR. KREINER: My name is Dick Kreiner. I'm
20 with the U.S. Army Corps of Engineers, Albuquerque
21 District. Before I start with an abbreviated version of
22 our formal report, I would like to introduce Mr. Jim
23 Townsend
24 Thompson. Jim is the Chief of our Pueblo regulatory
25 office. We have extra copies of our report at the back
 table. There's a few copies back there if anyone cares

1 to take one with them. Flood control operations this
2 year were pretty much non -- they didn't really exist.
3 There was one small event that occurred above Pueblo
4 Reservoir and it just barely exceeded what we determined
5 to be channel capacity below the dam. There were some
6 small savings, flood benefits, associated with that.
7 Really didn't have any major flood operations in the
8 Arkansas River Valley this year. Under our small
9 projects program most of the activities had to do with
10 section 14 authority. That is, river banks stabilization
11 authority that the Corps has. We have three of these
12 little projects that are being terminated at this time
13 because the state of Colorado and the Corps were not able
14 to consummate the required cost sharing agreements. This
15 has been occurring or this consultation with the state of
16 Colorado has been taking place over the last period of
17 five or six years and it finally...they have just decided
18 to terminate those. There is one section 14 project that
19 is continuing and that is at the old Bents Fort...Bents
20 Old Fort at La Junta, and the Corps is pursuing the cost
21 sharing agreement with Otero County as a local sponsor.
22 Are there any questions on that before I go on? Do I
23 need to elaborate on --

24 MR. ROGERS: What's that going to amount to?

25 MR. KREINER: What is it going to do as far as

1 the state is concerned or --

2 MR. ROGERS: Yeah, Bent's Old Fort.

3 MR. KREINER: I'm sorry, Jim.

4 MR. ROGERS: At Bent's Old Fort, what is the
5 project they are doing there?

6 MR. KREINER: It's a stream bank protection
7 project. There's some bank erosion on Highway 94, I
8 believe. The authority that the Corp operates on is if
9 there's a public facility of some nature and it's being
10 threatened, it could be a bridge or whatever, by bank
11 erosion, we can go in, and under a cost sharing
12 agreement, do some bank protection work. Normally it's
13 rip rap or Gabian baskets or something of that nature.
14 Some sort of bank stability project to correct the
15 erosion problem. Under our Flood Plain Management
16 Services, thus far in '92, the Albuquerque District has
17 responded to 20 requests for technical services, flood
18 hazard evaluations at specific sites in the basin. In
19 addition to these activities, we have initiated flood
20 preparedness plans for Florence and La Junta, Colorado.
21 These plans will be completed early in '93 and will
22 reduce...will assist in reducing the flood damages in
23 those communities. Under our 404 permitting authority,
24 in '92 approximately 130 activities were reviewed for
25 permit requirements within the Arkansas River Basin.

1 Most of these activities were authorized by general
2 permits. Three activities resulted in individual
3 permits. That concludes the formal part of my report. I
4 have other activities that I want to brief the
5 Administration on, mainly concerning our reorganization,
6 and then our activities at Trinidad Lake resolving the
7 excess storage issue there. This spring we did a
8 hydraulic analysis study of the Purgatoire River below
9 Trinidad Colorado, and what we came up with is the
10 existing channel capacity is right about 3,000 CFS. This
11 has been throughout the agricultural area below the city
12 of Trinidad. Our water control plan for the flood
13 control operation of Trinidad calls for releases at 5,000
14 CFS. We've routed our design flood for Trinidad through
15 the project with the given new channel capacity that we
16 found out from this study and the design flood can still
17 be passed safely without exceeding what we determined the
18 maximum flood...maximum pool. So, in essence, the
19 reduction in the channel capacity has little effect on
20 the flood control operation of Trinidad. One of the
21 reasons for that is that there is excess storage, not
22 only in the conservation space, but also in the flood
23 space itself.

24 MR. COOLEY: Question: How are you with respect
25 to the City of Trinidad itself?

1 MR. KREINER: I'm not sure I understand.

2 MR. COOLEY: What is the flood capacity through
3 the City of Trinidad itself as distinguished from the
4 river valley on either side?

5 MR. KREINER: Approximately 15,000 CFS.

6 MR. COOLEY: So that the bottleneck has been
7 removed satisfactorily and --

8 MR. KREINER: That's correct.

9 MR. COOLEY: And you're in good shape with
10 respect to that?

11 MR. KREINER: Yes, the City of Trinidad is in
12 good standing with the Corps with respect to their
13 obligation to maintain that capacity through Trinidad.
14 This summer we...we sent a letter to our division office
15 requesting that the excess storage and conservation pool
16 at Trinidad be dedicated as part of the sediment pool and
17 that would in essence increase the 75 year sediment
18 design of the project to approximately 100 year sediment
19 design. That...we have not got a formal response back
20 from that. I do have a draft of our divisions response,
21 and they have essentially rejected that. And they would
22 like to see that excess storage remain in the
23 conservation space and available for contracting as per
24 our memorandum of agreement with the Bureau of
25 Reclamation. So we ask to increase the sediment pool to

1 dispose of the excess storage issue in that fashion.
2 They said no, leave it in there as it is, let the Bureau
3 of Reclamation contract for it. So, for...for those
4 folks, entities, interested in using the excess storage
5 space within the conservation pool of Trinidad, they
6 should contact the Bureau of Reclamation. Tom Gibbons
7 would be the point of contact in Loveland. That's
8 something we've been trying to figure out and this
9 channel capacity thing was all wrapped up in it too, so
10 it's...With respect to the channel capacity issue, we'll
11 be having a public hearing in Trinidad late winter-early
12 spring to get public involvement into the...changing the
13 water control plan. As part of our normal procedure now,
14 when we change the operation of a project, that we seek
15 public involvement before we officially do that. But we
16 will be recommending to change the operating criteria for
17 the project so that it would recognize a 3,000 CFS
18 channel capacity as opposed to the 5,000 that we have
19 now. The reason for the reduction on the channel
20 capacity is mainly because of tree growth in the channel
21 since the dam was constructed. Any questions?

22 MR. COOLEY: I have several. Carl has one. Let
23 me, if I may, rattle off with three or four unrelated
24 questions. Approximately, how many employees at John
25 Martin Reservoir?

1 MR. KREINER: 12, 10 to 12 winter, probably 15
2 to 20 summer, something in that range. I don't know the
3 exact number.

4 MR. COOLEY: Fine. Approximate number of
5 employees at Trinidad.

6 MR. KREINER: Three permanent during the winter,
7 four or five summer. Trinidad is considerably different
8 because the recreation facilities, the state parks take
9 care of, and the O and M for Trinidad is handled by
10 contract. At John Martin, the Corps people take care of
11 the park like Hasty as well as the O and M portion.

12 MR. COOLEY: Third question: I believe you
13 touched on it but I didn't tune in properly. There have
14 been substantial reorganizations in the Corps of
15 Engineers; closing offices, changing authorities. What
16 affect, if any, will those changes have upon John Martin?

17 MR. KREINER: None.

18 MR. COOLEY: Okay.

19 MR. KREINER: The reorganization will not affect
20 the field offices.

21 MR. COOLEY: And Trinidad?

22 MR. KREINER: They will have no affect.

23 MR. COOLEY: Next question: What about
24 the...where are we with respect to the capacity studies
25 for John Martin? I tried to think of where we were as a

1 result of those discussions and I'm...I'm at a loss. Can
2 you help me?

3 MR. KREINER: We have existing area capacity
4 tables now. Are you referring to the area capacity
5 tables? Hydrographic surveys?

6 MR. COOLEY: Yes.

7 MR. KREINER: John Martin and Trinidad are both
8 scheduled for resurveys early this spring. We hope to
9 catch them when they top out storage-wise, so it would be
10 right towards the beginning of the irrigation season.
11 Those surveys would be hydrographic and possibly aerial
12 survey combined at Trinidad.

13 MR. COOLEY: Do you use a fathom meter for high
14 water or some sort of echo sounding --

15 MR. KREINER: Yeah. The Tulsa District has a
16 boat with hydrographic survey equipment and they
17 essentially run across the existing survey lines and they
18 monitor the sediment accumulation at those range lines
19 and that is reduced to an area capacity table. Quite
20 often we'll catch the high water with the hydrographic
21 using the boats and then at a later point in the year
22 come back and do an aerial survey. We don't do that
23 every time. About every other time we do a partial, if
24 there haven't been any major flood events.

25 MR. COOLEY: It would be most useful.

1 Mr. Shinn, I believe you had a question.

2 MR. SHINN: Mr. Chairman, I wonder if I could
3 inquire if this analysis of the capacity below Trinidad
4 Reservoir, this 3,000 feet, is that study available, that
5 analysis, to me, for example, the public?

6 MR. KREINER: We have the cross sectional data.
7 It was taken about every half mile as well as the flood
8 plains. Yeah, we can provide that to you.

9 MR. SHINN: Is it throughout the whole reach or
10 just part of the reach or --

11 MR. KREINER: We went through the District
12 essentially down to where the Purgatoire River becomes
13 incised in the canyon.

14 MR. SHINN: About what is that; five miles,
15 seven miles?

16 MR. KREINER: 20 miles or so. 15 to 20 miles,
17 in that range.

18 MR. SHINN: If I contact you I can get a copy of
19 it?

20 MR. KREINER: Yeah.

21 MR. SHINN: Thank you, sir.

22 MR. COOLEY: Any other questions? Yes.

23 MR. GENOVA: Did you say the channel capacity
24 through Trinidad was 15,000?

25 MR. KREINER: Approximately.

1 MR. GENOVA: How much will the gates release out
2 of Trinidad Reservoir?

3 MR. KREINER: Well, I believe about five.

4 MR. GENOVA: Five?

5 MR. KREINER: Most of that channel capacity is
6 to handle spillway flows.

7 MR. GENOVA: Okay.

8 MR. COOLEY: Other questions? Yes, Steve.

9 MR. WITTE: Did I hear you correctly to say the
10 channel capacity through the city of Trinidad has been
11 determined to be 15,000, but the channel capacity of the
12 Purgatoire below that point has recently been determined
13 to be limited to 3,000?

14 MR. KREINER: That's correct.

15 MR. WITTE: And that the...the only change to
16 the flood control manual, essentially, will be to change
17 the release number from 5,000 to 3,000?

18 MR. KREINER: That is what we will propose, and
19 we would also like to get comments from both states with
20 respect to the new change in...new proposed change in the
21 operating criteria.

22 MR. WITTE: You anticipate that that reduction
23 to 3,000 can be accommodated without enlarging the flood
24 control capacity or anything of that nature?

25 MR. KREINER: That's correct.

1 MR. COOLEY: I'm enough older than the average
2 age of this group and have roots in the Midwest, so that
3 the Johnstown flood was a part of the recollection in my
4 family and I remember my father's phrase, "Run for your
5 lives. The dam has bust." More questions? Yes. One in
6 the back?

7 UNIDENTIFIED PERSON: Previously the channel was
8 at 5,000?

9 MR. KREINER: That's the estimate that we had
10 when the dam was put into operation, yes.

11 UNIDENTIFIED PERSON: And now it's 3,000?

12 MR. KREINER: That's what we're coming up with.

13 UNIDENTIFIED PERSON: What is happening?
14 Encroachment from phreatophytes? What has restricted
15 this?

16 MR. KREINER: Generally brush, cottonwoods have
17 grown, that have developed since the dam was constructed.

18 UNIDENTIFIED PERSON: So it will be restricted
19 to 3,000 then in another 20 years or are we going to be
20 restricted down to 1500?

21 MR. KREINER: I'm not sure. I'm not sure.
22 There hasn't been any major floods on Raton Creek that
23 would wash anything out. There hasn't been any
24 major...there hasn't been any major floods at all in the
25 Purgatoire River since the dam was constructed, so

1 certainly when you get an event like that it rips out
2 some of the growth and vegetation that is in and around
3 the channel but with the lack of that, yeah, you've got
4 continual growth and mainly cottonwood trees in the
5 bottom of the channel.

6 MR. COOLEY: I hope the gentlemen doesn't have
7 any questions about the Arkansas River below John Martin.

8 MR. KREINER: We have a number of reservoirs
9 that we're analyzing the channel capacity on and trying
10 to keep these manuals as up to date as possible so they
11 reflect the existing conditions, so when we need to make
12 the releases that everyone knows what to expect, and we
13 want those to reflect the existing conditions.

14 MR. ROGERS: Would there be any plans to open
15 the channel up a little bit so you could go back to the
16 5,000?

17 MR. KREINER: We don't have any plans for that.

18 MR. ROGERS: Is there problems with doing that?

19 MR. COOLEY: Sure, money --

20 MR. KREINER: Jim, do you want to touch on that?

21 There certainly is environmental problems with doing
22 that.

23 MR. COOLEY: And I suppose money problems as
24 well.

25 MR. KREINER: Right.

1 MR. KREINER: We did a section 205 which is one
2 of our small projects authority. We opened up a channel
3 through Las Vegas where the Giannas River runs through
4 the city of Las Vegas and essentially rechannelized an
5 existing channel that had been choked because of
6 vegetation, so no, I wouldn't rule it out. It is
7 certainly much more difficult these days because of
8 environmental concerns and NEPA compliance and things of
9 that nature.

10 MR. ROGERS: Well, if it keeps growing up, will
11 there become a point when you don't have a channel?

12 MR. KREINER: It certainly will be reduced.

13 MR. ROGERS: Then something will have to be done
14 eventually?

15 MR. KREINER: That's correct.

16 MR. COOLEY: And if man doesn't do it, nature
17 may.

18 MR. KREINER: Nature will. What you do is you
19 end up...the end result is you lose the degree of
20 protection that the dam was designed to give you and you
21 have a greater threat for an uncontrolled spill through
22 one of the spillways, and that will give you the volume
23 to open it up naturally.

24 MR. ROGERS: Well, would it be...in other words,
25 if it keeps going down to the point that you have to

1 regulate the spill to the extent of, won't it cut down on
2 the volume of water that will reach the Arkansas?

3 MR. KREINER: It could very well.

4 MR. ROGERS: So in other words that is something
5 that needs to be looked into before this happens?

6 MR. KREINER: I think that both states ought to
7 look at that very closely. I've talked with Steve about
8 the ramifications of it unofficially, and it means
9 running less water but running it for longer. We would
10 store the flood volume instead of running it out at 5,000
11 CFS at a certain time frame it would be extended, and
12 certainly that extension of time allows more diversion
13 within the irrigation district, so --

14 MR. ROGERS: It changes the priority onto it
15 then?

16 MR. KREINER: It could have. It could have an
17 impact on that. That's why I'm bringing it before you.
18 The public hearing would be the forum to make comments or
19 we would accept comments at any time relative to that,
20 but we're not going to make this decision in a vacuum and
21 we very much would be interested in comments from both
22 states.

23 MR. COOLEY: Dennis.

24 MR. MONTGOMERY: Mr. Chairman, just to clarify a
25 statement. It was my understanding that the City of

1 Trinidad was required to restore and maintain the channel
2 capacity through the City of Trinidad at the 15,000 CFS
3 which they have done. And that the bridges were changed
4 to accommodate the 15,000 CFS flow through the City of
5 Trinidad. Now I don't understand how that is going to
6 restrict releases from Trinidad Reservoir.

7 MR. KREINER: It doesn't. This is the reach
8 directly below Trinidad through the Purgatoire River
9 Conservancy District. The agricultural area is below the
10 dam.

11 MR. POPE: What is your assessment of the
12 damages if you continue to...if you just stayed at 5,000
13 and made the releases?

14 MR. KREINER: It would be agricultural damages,
15 diversion structures, things of that nature, county
16 roads. What brought this on was a year and a half ago
17 the County Commission was complaining to the Corps and
18 the Division Engineer about irrigation releases causing
19 damages to one of the bridges and county roads farther
20 down in the district and we went up and looked at it and
21 met with the County Commissioners and then subsequently
22 did an analysis to see what we had and we're just trying
23 to reflect the current conditions. There will be damages
24 at 3,000. We know that. But that best reflects the
25 conditions that are there. There are some structures

1 that a thousand CFS will cause damages to some of the
2 roads and at least one low water crossing.

3 MR. COOLEY: If you were a County Commissioner,
4 a release of 5,000 could ruin your whole afternoon.

5 MR. POPE: I understand the dilemma. The
6 problem is, whose burden is it to try to, you know,
7 essentially maintain the existing status quo that was
8 there before.

9 MR. COOLEY: And I think Dick's answers to these
10 questions have a broader scope than just the immediate
11 reach around Trinidad. It appears to me that this is a
12 continuing ongoing problem with respect to virtually
13 anyone who is messing around with mother nature in the
14 arid west.

15 MR. POPE: Yeah.

16 MR. KREINER: We have a great deal of problems
17 below other structures where the local county governments
18 do not implement a zoning ordinance and allow people to
19 build on the banks of rivers, so this isn't quite the
20 case. There is some encroachment by agricultural
21 development, but most of it is pretty well restricted to
22 the growth within the channel.

23 MR. ROGERS: In other words, what is your
24 suggestion on how this is going to get handled to change
25 the...open the channels back up? We've got the same

1 problem on the Arkansas.

2 MR. KREINER: I'm not sure whether we would...if
3 someone was...certainly we'll work with the local entity
4 to try to arrive at some sort of construction effort to
5 reopen up the channel and it can be done environmentally.
6 You can build in things, mitigate the loss of habitat and
7 things like that. It would be expensive.

8 MR. ROGERS: Do I understand then...you can't
9 get a County Commissioner to touch this because we have
10 tried down here because of the problems that they are
11 going to find with the EPA. At some point something is
12 going to have to be done.

13 MR. COOLEY: Well, Mr. Kreiner, to butt in on
14 Mr. Rogers' question, isn't this a continuing set of
15 opposing forces that are going to exist as long as there
16 are reservoirs on streams in arid parts of the country?

17 MR. KREINER: Absolutely. The solution, I'm not
18 sure what it is. The easiest solution is a natural event
19 clearing the channel out, that's the easiest, a flood,
20 and the Arkansas Valley is well past due for a major
21 flood event, and in the interim, it would be very
22 expensive.

23 MR. COOLEY: I think you're probably right.
24 Also to the point of we're getting pregrataphytes
25 established to the point now that just a normal flood is

1 not going to wipe them out. You need to leave the gates
2 open on the dam for about 10 years straight, then you
3 will clean the channels back out. Where are the pretty
4 newspaper reporters when we need them?

5 MR. KREINER: Jim can provide you with 404
6 permit requirements and that is a major obstacle in
7 itself, but it is possible. Like I said, we would be
8 glad to sit down and meet with anyone interested in doing
9 something like that. Again, it would be fair to assume
10 that it would be fairly costly.

11 MR. COOLEY: Since you are very much in the 404
12 process, don't you feel a certain degree of schizophrenia
13 in this area where on the one hand you can predict what
14 is going to happen to us, and on the other you've become
15 very expensive on doing anything about it.

16 MR. KREINER: For an area below the dam where
17 you've got miles and miles of problems that I think if
18 the locals wanted to do something at certain points, and
19 there are restrictions, there's places where the river is
20 more restricted than others, you could address those.
21 But to do a whole systemic evaluation on the entire reach
22 say from John Martin to the state line, you're looking at
23 a very costly endeavor.

24 MR. COOLEY: I think Mr. Kreiner has caused
25 enough damage for one afternoon, gentlemen. Are there

1 any other questions that we have to ask?

2 MR. KREINER: The only other item I wanted to
3 brief you on, I supplied the front table with copies of
4 the reorganization wrap-up. This is one of our internal
5 documents providing information on the Corps'
6 reorganization. I'm not sure how much you all have heard
7 about the Corps' activities. I'll just give you some
8 brief highlights of what is in the works. The Corps is
9 undertaking a major reorganization across the whole
10 United States where we have 11 division offices. That
11 number of offices is being reduced to six. We currently
12 are part of the southwestern division office which has
13 its headquarters in Dallas, Texas. That office is being
14 closed and we will become part of the western division
15 with its headquarters in Portland, Oregon. That is going
16 to take effect the first of February of '93, and along
17 with the reduction in the number of divisions comes some
18 major restructuring within the district offices. All of
19 the district offices will remain. There's a total of 36,
20 but 21 of the districts will lose their engineering and
21 planning functions and responsibilities with these
22 functions being transferred to technical centers. In the
23 western division, those technical centers have been
24 identified as being located in Los Angeles, Sacramento
25 and Seattle. What that all means to the Administration

1 is essentially my job as Chief of the Reservoir Control
2 Section and all of the people...the people that work with
3 me would likely go to Los Angeles. Our Flood Plain
4 Management Services would also likely go to Los Angeles
5 or Sacramento. The district that would remain would be
6 an operations and permitting district, then the fact the
7 field offices that we've stated earlier there would be
8 project management oversight at the district offices as
9 well. We have recommended to our new-to-be division
10 commander that the reservoir control function be retained
11 in Albuquerque and moved to operations so that it is
12 contained locally. I can't guarantee that that will be
13 adopted. It's just one of the things that...and a couple
14 other smaller functions, a couple of things that we're
15 working on now. But, essentially, our marching orders
16 are to transfer those engineering and planning elements
17 to one of the technical centers, and my best guess, that
18 would be Los Angeles. Jim, is there anything that you
19 want to add to that?

20 MR. TOWNSEND: Might tell them about the costs.

21 MR. KREINER: There's some numbers in this
22 reorganization wrap-up as...that show the costs for the
23 implementation and then the annual savings. Again, the
24 time frame on that is the division offices will be
25 reorganized and relocated this year. The organization

1 changes within the district offices would occur as
2 scheduled in FY 94.

3 MR. COOLEY: I suggest that you're three page
4 report should be a part of the minutes of this meeting.
5 Do you make that request?

6 MR. KREINER: Sure.

7 MR. COOLEY: Okay. So ordered. Exhibit O.

8 I really do believe you've caused all of the
9 trouble that it is reasonable for one person to cause
10 this afternoon, and we thank you very sincerely.

11 The next item of business is the United States
12 Geological Survey Report of Mr. Cain. Will you please
13 give that?

14 MR. CAIN: Thank you, Mr. Chairman. My name is
15 Doug Cain. I'm the Sub-District Chief of the USGS office
16 in Pueblo. I'll try not to cause as much trouble as Dick
17 did in his report; try to keep this fairly brief.
18 The...as you know, the USGS office in Pueblo operates six
19 stations for the Compact and there's also two stations
20 that are operated for the Compact out of the Garden City
21 office. The operation of those stations this year went,
22 this past water year, went smoothly. We're in the
23 process right now of completing the records for water
24 year '92. The records for water year '91 were published
25 in May of last year. One thing I think I would like to

1 mention at this point in my report is that one of the
2 ongoing topics of discussion in my reports the last
3 couple of years of the Compact has been the value of
4 installing a satellite data collection platform at the
5 Lamar gauge and we were able to...to procure a data
6 collection platform for that site because of some extra
7 federal funds that were available this year, and I'm not
8 sure if that is installed and operating yet, but if not,
9 it will be sometime during December. In addition to the
10 ongoing data collection that we do for the Compact, just
11 to give you a little bit of an update on ongoing
12 activities, the USGS operates gauging stations at about
13 60 additional sites in the Arkansas Basin, and in
14 addition to that, there's about 30 sites within the basin
15 where we continuously collect water quality data. In
16 addition, on an annual basis, and some of these once a
17 year and some of them every couple of months, in the last
18 year and in previous years we've made approximately a
19 thousand measurements of ground water levels in the
20 Arkansas Basin. Those are the primary things I would
21 like to report as part of this part of...as part of this
22 agenda item, unless there's questions.

23 MR. COOLEY: Doug, the additional gauge will not
24 be an expense to either state?

25 MR. CAIN: It's not really an additional gauge,

1 it's an installation of a satellite data collection
2 platform on the gauge here at Lamar so that data can be
3 accessed from that on a real-time basis. Something
4 that's happened the last...happens some years, I guess,
5 probably not most years, is that at sometime in the
6 fiscal year we'll get a request from our headquarters
7 office saying there's some additional federal dollars
8 available for installation of equipment at stations that
9 are funded under the federal collection of basic records
10 program, and for the last several years we've submitted a
11 request for additional instrumentation for the gauge here
12 in Lamar and we were successful in getting that this
13 year. The one thing that we are asking of the Compact
14 and it was included in my letter of a couple of weeks
15 ago, is that, asking that the Compact pick up half of the
16 cost of the operation and maintenance of that satellite
17 data collection platform on an annual basis. If you want
18 to discuss that now or as part of the proposed budget for
19 next year.

20 MR. COOLEY: Another question for my own
21 benefit. Roughly, of the gauges, how many are connected
22 to satellite and are part of the system of printing out
23 the data simultaneously?

24 MR. CAIN: Of the gauges that we operate...well,
25 with the addition of the Lamar gauge, all of the Compact

1 gauges, I believe, are hooked to the satellite system,
2 but of the gauges that we operate throughout this basin,
3 I would guess somewhere on the order of 60 to 75 percent
4 are on the satellite, and most of the water quality
5 monitors that we operate are on satellite.

6 MR. COOLEY: Thank you. Any more questions of
7 Mr. Cain on this part of his report? Go ahead.

8 MR. CAIN: Okay. On the item related to reports
9 and studies that the USGS has conducted in the last
10 couple of years, I would just like to update you on
11 several of those and where they stand. A couple of years
12 ago we began a study of water use on the Fort Lyon Canal.
13 In that study, the data collection is complete and a
14 draft report has been prepared and has received review
15 within our organization and should be going out to the
16 agencies that...the agency that cooperated on that report
17 within the next month. Another report, and this one
18 should be published within the next couple of months when
19 the US Army acquired land along the Purgatoire River
20 about 10 years ago for mechanized maneuvers, we were
21 asked to do two things. One, to make an initial
22 assessment of the water resources, and secondly to look
23 at how military maneuvers affected the water resources.
24 And the report on the second activity, looking at the
25 assessment of the affect of the Army on the water

1 resources at Pinyon Canyon, that report will be published
2 within the next couple of months. Another study that is
3 essentially complete is a study of the water quality of
4 Pueblo Reservoir. The final report on that study has
5 gone through our internal review process and is, I
6 believe, was mailed out yesterday to cooperating agencies
7 for their review comments. Another report that we've
8 done or a study that we've done in cooperation both with
9 the Southeastern Water Colorado Conservancy District and
10 with consultation from the Corp of Engineers and the
11 National Weather Service is to look at the April 15 date
12 for evacuation of the joint use pool in Pueblo Reservoir.
13 That study is essentially complete and again the report
14 on that should be sent out to the agencies involved
15 within the next...next month. Another study that is
16 ongoing, we began almost three years ago, a basin wide
17 water quality study of water quality throughout the
18 Arkansas Basin from the head waters to the state line.
19 And in March of this year, we'll complete a three year
20 data collection period for that study and then begin the
21 process of evaluating that data for inclusion in a
22 report. The second part of that study is to look at the
23 water quality affects of water operations including
24 exchanges and transfers and reservoir operations, and
25 that part of the study we'll be getting into...we'll be

1 moving forward on that during the coming year. A couple
2 of other minor activities that may not be of direct
3 interest to the Compact, but, I'd like to inform you
4 about. During the past summer we've been involved in a
5 study to collect water quality data related to storm
6 run-off in the city of Colorado Springs. Colorado
7 Springs, like most cities in the country, is required by
8 EPA now to collect information on storm water run-off as
9 part of their national pollution discharge elimination
10 system program, and we just completed the data collection
11 from that a couple of days ago. It included both run-off
12 from snow melt and from rainfall events. Another fairly
13 large activity that we've expanded in the last year, some
14 of you may be aware that the Army has a fairly large
15 facility just east of Pueblo called the Pueblo Depot
16 Activity which is in the process of being shut down as
17 one of the bases that was identified by Congress, I
18 believe, three years ago for shut down. They have quite
19 a bit of environmental clean up to do before that
20 process, and we're involved in fairly extensive ground
21 water sampling at that site to help them in that process
22 and also are updating a 20 year old study of ground water
23 at that site to try to give them some better idea of the
24 current water quality conditions at that location.

25 MR. COOLEY: Interrupt with two quick questions.

1 The site was used for storage of artillery weapons and so
2 forth, an armament depot?

3 MR. CAIN: Yeah. It was an Army depot. It was
4 used for a number of...a number of things, but primarily
5 for storage of, and processing to some extent, of
6 armaments. One of the main...one of the main things
7 that's still a problem there is they still have mustard
8 gas stored there and before they can close down, the
9 mustard gas has to be dealt with and that's one of the --

10 MR. COOLEY: This was what I was trying to grope
11 for. That might be the biggie or one of the biggies at
12 the site?

13 MR. CAIN: That's one of the larger ones, but
14 there's a number of sites on the facility. It's about a
15 40 square mile facility that have either identified or
16 potential for contamination.

17 MR. COOLEY: Another question, while it's still
18 in my brain. Will the Bureau of Reclamation's clean-up
19 of the two tunnels at Leadville have an affect
20 significant enough on the water quality of the river at
21 say, Canyon City, that the difference is discernible.

22 MR. CAIN: I think that's an open question right
23 now. I'm...I'm fairly confident that you will be able to
24 see a discernible affect at say, Granite, but there's a
25 lot of chemical processes that go on between Granite and

1 Canyon City that it is difficult to tell if you're going
2 to see a discernible effect that far down stream.

3 MR. COOLEY: Thank you, and pardon the
4 interruption.

5 MR. CAIN: That's the last item I had on my
6 summary. I would like to make one comment or make one
7 offer, and that is if the Engineering Committee that is
8 going to be reviewing the resolution that Kansas
9 introduced that is related to data collection would like
10 to have us be involved in that, we would certainly
11 be...would be glad to be involved in that and would make
12 ourselves available for that.

13 MR. COOLEY: We were hoping that you would offer
14 a transit loss study of the Purgatoire River by June 1st
15 without cost to either state. That's what we were really
16 hoping you would offer us.

17 MR. CAIN: I don't think we're going to be able
18 to make that offer today.

19 MR. COOLEY: In gross amounts of American
20 dollars, what would the cost be to the nearest 10 or the
21 nearest \$100,000 of a transit loss study on the
22 Purgatoire River?

23 MR. CAIN: I guess before I try to answer that
24 question, I would like to get a little clearer idea about
25 exactly what would be involved there and what the

1 expectations would be. One of the things to realize is
2 that in the transit loss studies that were done on the
3 Arkansas, those relied, at least initially, on analysis
4 of historic releases between, say, between Twin Lakes and
5 Pueblo or between Pueblo and John Martin Reservoir. In
6 general, at least based on my knowledge of how the
7 Purgatoire operates, you don't have that kind of record
8 of historic releases, so you would have a little bit more
9 difficulty in trying to do that kind of a study. You
10 would have to rely either on doing some test releases
11 under controlled conditions which were in effect used on
12 the Arkansas to try to verify the reach --

13 MR. COOLEY: Sure.

14 MR. CAIN: -- from Pueblo to John Martin or you
15 would have to try to rely on looking at historic flood
16 events that you could track through that reach, so
17 there's...to do that kind of study on the Purgatoire
18 presents some problems that are a little bit different
19 from the Arkansas.

20 MR. COOLEY: In writing up the proposal, besides
21 Dr. Danielson and Mr. Howland and Mr. Jesse, and the
22 question is a rhetorical one, open to anybody in the
23 room, Mr. Witte, who would you be consulting with?

24 MR. CAIN: Well, I think initially I
25 would...would like to talk to those people. I probably

1 also would want to consult with some people in our
2 organization, especially Russ Livingston who has done
3 this kind of work on the Arkansas in the past.

4 MR. COOLEY: Mr. Jesse, who did I leave out;
5 people that he should consult with in preparing a
6 proposal?

7 MR. JESSE: Livingston would certainly be a
8 valuable member and the people that were involved in the
9 GS transit loss studies, all of them.

10 MR. COOLEY: Almost goes without saying that the
11 transit loss studies that have been prepared are not
12 being criticized and, on the contrary, are being used.

13 MR. CAIN: Sure, you bet.

14 MR. COOLEY: And therefore Mr. Jesse's remarks
15 about minding your own people...how soon can you have a
16 paper done?

17 MR. CAIN: A proposal?

18 MR. COOLEY: Yes.

19 MR. CAIN: I think if I could get with the
20 people that are...that could give me more details about
21 exactly what is needed, we could probably produce
22 something within a couple of months, you know, if we
23 could --

24 MR. COOLEY: Like mid-January?

25 MR. CAIN: Probably not mid-January. My guess

1 is that trying to get...get with people to...to get that
2 information over the next several weeks is going to be
3 difficult just because of Christmas holidays and leave
4 schedules and that kind of thing.

5 MR. COOLEY: First week in February?

6 MR. CAIN: I guess I'm -- having not being
7 involved in the discussions about the need for the study,
8 I'm kind of curious about what...what your need is, both
9 as far as timing for a proposal and then also timing of
10 the work, how that relates to some of the other
11 activities that are planned or related at this issue.

12 MR. COOLEY: Well, just one moment and off the
13 record.

14 (Whereupon, there was an off-the-record
15 discussion held, after which the
16 following proceedings were had:)

17 MR. COOLEY: Back on the record. I've
18 been...I've been told in so many words, by people that
19 have worked on this that my approach is simplistic, which
20 is a synonym for stupid, and that there is more to this
21 than...than just simply intimidating the survey into
22 getting a proposal together on a crash basis. The need
23 for progress, however, strikes me as being clear, and in
24 due season, and in consultation with the people involved,
25 I would suggest that you do make communication with the

1 people that you've talked about and come up with perhaps
2 a preproposal to determine whether it meets time
3 constraints, money constraints, and so forth. Chuck, is
4 that an appropriate remark?

5 MR. LILE: I'm not so sure that you're ready
6 (Reporter can't hear.) to do a study and I think that we
7 need to...it's okay to kind of evaluate the potential,
8 but I don't know that we're ready to say that.

9 MR. COOLEY: A preproposal would be more
10 appropriate from this meeting than insisting on a full
11 dress proposal based on interviews with everyone. Would
12 that be satisfactory, do you think, Mr. Pope?

13 MR. POPE: I think so. I think there's some
14 things that need to be defined first.

15 MR. COOLEY: There is a need in this direction
16 and with your own good judgment and skill, some
17 communication with both states and the identified persons
18 having knowledge in that would be appropriate for you
19 towards a preproposal in sometime in the next year.

20 MR. CAIN: No problem.

21 MR. COOLEY: Okay. Fine. Anything else?

22 MR. LILE: No, that's fine.

23 MR. COOLEY: Anything from the audience? Thank
24 you very sincerely for your presentation. One of the
25 larger items on the menu is Item 14, the revision of the

1 bylaws, paragraph 5C, and at the same time we will
2 broaden the scope of this agenda item slightly, and have
3 a...later on in this agenda item, a discussion by ditch
4 representatives on the interim meetings of the Compact
5 Administration. Who is the proponent of -- Steve, are
6 you the proponent?

7 MR. MILLER: Yes.

8 MR. COOLEY: Would you sit out in front, please?

9 MR. MILLER: I don't want to be called a
10 proponent of this, but it is housekeeping. This was on
11 the agenda in August and we never got to it. We've
12 recorded a series of special meetings this summer
13 and...and turns out to be the current bylaws don't allow
14 minutes to be prepared in that fashion and this would
15 revise the bylaws for that limited purpose. I think it
16 also cleaned up a little bit on how we do the annual
17 meeting minutes in that we don't circulate copies to the
18 full ARCA until staff from both states is comfortable
19 with it, so that's the change. What I've done here is
20 the regular sized print shows the bylaw as it is. The
21 words you want to delete are struck and the capitals are
22 what we want to add, so you can see the bylaws the way
23 they currently exist. Strictly housekeeping. In fact,
24 if we don't have a lot of time we could defer this again
25 because I'm not sure that Kansas is ready to approve any

1 of the minutes based on this change anyway, but I think
2 it is pretty straight forward and we could just get this
3 out of the way now even if the minutes aren't ready to be
4 approved.

5 MR. COOLEY: Mr. Shinn, was this one of the
6 agenda items on which you wished to be heard?

7 MR. SHINN: Yes, sir.

8 MR. COOLEY: Could we hear from you now?

9 MR. SHINN: Yes. Mr. Chairman, ladies and
10 gentlemen, my name is Carl Shinn. I'm a lawyer here at
11 Lamar and I represent the direct flow ditches from John
12 Martin to the state line, about 9 to 11 ditches,
13 depending on who pays their dues through the ditch
14 association, but in any event --

15 MR. COOLEY: Carl, go to the microphone if you
16 please.

17 MR. SHINN: All right, sir. Frank, you should
18 never give a lawyer the microphone because he can talk
19 all afternoon but I'll be very short and very brief. Our
20 attention was especially called to this problem back on
21 August the 10th meeting when a special meeting was called
22 to be held at Denver, Colorado. I believe it was Denver.
23 And the bylaws, I submit, strictly say that all meetings
24 are to be held in this beautiful little city nestled on
25 the south bank of the Arkansas River here in Lamar, and

1 so I started looking into the bylaws, and I submit that
2 the so-called telephone meetings, telephonic meetings are
3 just not provided for in the bylaws, and I call your
4 attention to the fact that in Article 4, Paragraph 9 of
5 the bylaws, it says, quote, "all meetings of the
6 Administration, except executive sessions, shall be open
7 to the public." And I submit that when the Compact
8 Administration has a special or unspecial telephonic
9 meeting, unless my clients and unless the public can be
10 heard or overhear the meeting, why the bylaws are being
11 violated, and also the thing that is especially
12 irritating to my one client, the Amity Canal, is this
13 1980 Operating Resolution which was adopted in a special
14 telephonic meeting on April the 24 of 1980, I think.
15 Amity...a lot of people in Amity claim that they had
16 absolutely no input into that meeting and I submit that
17 under the bylaws, they should have had, and I know it's a
18 question of dispute whether they did or whether they
19 didn't, I'm not arguing that. But my point is this,
20 these meetings to be meaningful and to give all of the
21 users an opportunity to be heard on any point, they ought
22 to be public. I used to try a lot of lawsuits against
23 the late Senator Allot back in the early days of my
24 practice, and if you ever got the good Senator into a
25 nine hole where he couldn't answer, he would always say,

1 "Well, it's just not the American way, Judge. I just
2 can't explain it any more, it is just not the American
3 way." And so I submit to the Administration that it's
4 not the American way to hold meetings by special
5 telephonic conference. Now, I submit that on
6 emergencies, things like that, they probably can be, but
7 I don't know, this is...this amendment to the bylaw, it
8 indicates, the notice indicates you're going to amend 5C
9 and I couldn't find a copy of 5C to see what the
10 amendment was going to relate to, but...the gentleman has
11 handed me a copy here, and I see now what he's talking
12 about, but for what it is worth, my clients sincerely
13 object to telephonic meetings of the Administration
14 unless it is a dire emergency and even then I think there
15 should be some chain of notice set up so that we could be
16 heard on it, and I thank you for your listening to me.

17 MR. COOLEY: Stay there just a minute, Carl.
18 Steve, if I understood you a moment ago, you indicated
19 that this agenda item could be deferred because you did
20 not anticipate that we would be approving minutes for
21 past meetings of the Compact Administration this
22 afternoon, that we still hadn't made significant progress
23 for both states to vote on them, is that correct?

24 MR. MILLER: Defer to Kansas. I've got three
25 copies. They are ready to be signed, but we didn't get

1 the go-ahead, and I don't know if they are ready to give
2 us the go-ahead to get them signed.

3 MR. COOLEY: Can you give me some indication on
4 that, David?

5 MR. POPE: What I was going to propose, for two
6 reasons: One, that in at least one of the cases we
7 haven't really completed the review to the extent that we
8 would like, and second problem I think is that, and I'm
9 not sure how this fits into the bylaw issue, that the
10 most of what occurred in the meetings held this summer
11 was executive session which is provided for apparently in
12 the language here --

13 MR. MILLER: I think we ought to address
14 Mr. Shinn's --

15 MR. POPE: -- the telephonic part, apparently,
16 and I wasn't aware of that until this had been called to
17 my attention but apparently was not provided for, so we
18 have somewhat of a dilemma there, but getting back to my
19 point, Mr. Chairman, what I was going to propose is that
20 we provide, as we have done sometimes in the past,
21 conceptual approval of the transcripts from those
22 meetings subject to --

23 MR. COOLEY: The final revision.

24 MR. POPE: -- final revisions being made after
25 clearance by the state representatives if the other

1 members of the Administration of both states are willing
2 to do that, and secondly, then, provide for those,
3 separation of those portions of those meeting records
4 that are executive session and those portions that are
5 not because I don't think the particular transcripts
6 would have that distinguished. Steve, correct me if I'm
7 wrong.

8 MR. COOLEY: Okay. Now, Steve, I want to
9 answer, if you please, David's question, and then if you
10 have anything to say about Mr. Shinn's comments, I would
11 like to hear those remarks as well. What about the
12 question immediately posed by Mr. Pope?

13 MR. MILLER: The minutes of June 22 and July 20
14 or thereabouts, both of those are denominated in their
15 entirety, executive session, and the entire time we were
16 in conference we were in executive session, and so
17 there's no two piece problem there. There is with the
18 minutes of August 10, which are not ready to be approved.
19 All we're waiting on is one more set of corrections from
20 Kansas and then there are already three sets of edits on
21 that. They are a long ways away from being done. Those
22 do pose the two part meeting problem, and it's not really
23 a problem, but we have the first two pages where you call
24 a meeting and announce we're going into executive
25 session, it was not telephonic, it was in person.

1 Explained why we were doing that, invited people to leave
2 the room, and then the bulk, the remaining 100 pages, are
3 executive session also so --

4 MR. COOLEY: That's not much of a problem as to
5 division. If there's two pages for us, it takes two
6 pages to get warmed up.

7 MR. MILLER: I mean we need to approve both.
8 Maybe we signed -- have two signature pages for August
9 10.

10 MR. POPE: The problem of division apparently,
11 maybe is not any problem and I did not recall the details
12 of that.

13 MR. MILLER: I think the problem is how do we
14 denominate? Do we call them executive session, do we
15 call them privileged, do we call them confidential
16 attorney-client conference, we never put a title on them.

17 MR. COOLEY: Well, the parts where Schroeder was
18 in the back of the room, certainly weren't executive
19 sessions, I guarantee you.

20 MR. MILLER: That's the two page part.

21 MR. COOLEY: All right. Now as to the questions
22 of the bylaws, what do you have to say on this?

23 MR. MILLER: I suspect or hope that bylaws that
24 we're amending are dated July 12, 1985, and in those
25 bylaws it fully recognizes the ability to have telephonic

1 meetings. It also recognizes the ability of the
2 Administration to meet anywhere with proper agreement and
3 notice. It does say the annual meetings of the
4 Administration shall be held at the principal office, and
5 unless otherwise agreed to in advance by all members of
6 the Administration a special meeting shall be held at the
7 office of the Administration.

8 MR. COOLEY: Are you hearing this?

9 MR. SHINN: Pretty well, yes.

10 MR. MILLER: Like I say, I hope that maybe what
11 happened is that you have an out-of-date set of
12 minutes...set of bylaws, because we certainly did not run
13 rough shod over the bylaws in doing this. The only
14 mistake we made was we wanted a verbatim transcript of
15 these meetings rather than have to hash out between the
16 two states a summary. It was just cheaper and easier to
17 put the actual words down and the best way of getting
18 those actual words down was by recording the phone call
19 and giving it to a transcribing service. That's what we
20 did but that's what the bylaws currently do not allow to
21 be done.

22 MR. SHINN: Is there any limit on the subject
23 matter that can be taken up at these special telephonic
24 meetings?

25 MR. MILLER: I don't believe so.

1 MR. SHINN: You see, that's our complaint. The
2 bylaws provide for, I think, three regular meetings a
3 year, and they seem to give an opportunity for users to
4 be heard and I've never been to one of these meetings yet
5 that I didn't have a lot of clients here that might be
6 interested in the thing and --

7 MR. COOLEY: Carl, unwittingly, you have touched
8 still another nerve that hasn't been enunciated here and
9 that is our failure to bring out a revised standard
10 version of the Bible, of the Compact itself, the bylaws
11 and certain key documents such as the storage resolution,
12 and that work, I guess, stands approximately 60 percent
13 completed in the state Colorado at this time, is that
14 right, Steve?

15 MR. MILLER: One of the interesting problems
16 with these bylaws is we cannot locate them on any
17 computer disk, so it would be a rewrite, someone sitting
18 down at the word processor and re-entering. That's why
19 we did it in this fashion here with just the two pages,
20 so the bylaws, if they were to be in the Bible, that's a
21 little bit more time consuming.

22 MR. COOLEY: Well, the old bylaws are from the
23 fine print in one of the first annual reports, but those
24 are not anywhere near the date of the bylaws that you
25 recited as being --

1 MR. MILLER: The set of bylaws I have, and I
2 believe they were probably prepared in preparation or
3 right after the Supreme Court case was filed so that the
4 states could have an agreed on version of the bylaws,
5 indicate they were revised periodically between November
6 1, 1958 through October 31, '68, and then also again in
7 1980, 1981, 1982 and 1985. And like I said, this is the
8 only, the only compiled set of bylaws that we have...we
9 have to run them on the xerox. We don't have computer
10 access but --

11 MR. COOLEY: Xerox was good enough for guys in
12 my generation.

13 MR. MILLER: It's hard to edit.

14 MR. COOLEY: All right.

15 MR. POPE: To get to the substance of...I don't
16 know how you want to proceed here, but I think Mr. Shinn
17 has raised some legitimate questions, quite frankly, in
18 terms of the public involvement in our meetings, and
19 that's an issue I think that certainly while I personally
20 think there are occasions for several reasons why
21 telephonic meetings may be appropriate on certain
22 instances, I think we're all, at least I am committed to
23 normally holding the primary business in open forum. One
24 of the ways in which telephonic meetings have been dealt
25 with in Kansas under the Kansas open meetings law or

1 bodies that have various members, is they go right ahead
2 with their notice provisions even if its a telephonic
3 meeting agenda and the other matters of that nature, and
4 then provide for at least one location where the meeting
5 normally would be held, let's say, where a speaker phone
6 is available and people can come into a room and attend
7 and set in on a meeting that way, so you do have access
8 to hearing what is being discussed and of course the
9 executive sessions would be exempted from that. That's
10 an alternative to your dilemma in terms of not having
11 access to hearing the discussions.

12 MR. SHINN: Sure.

13 MR. COOLEY: What I propose to be done, is, I'm
14 about to ask Mr. Shinn to prepare a two page letter
15 summarizing his objections to be circulated among the
16 members of the Compact Administration, and also, that
17 those minutes that are to be approved at this meeting be
18 those, for example, that are entirely in executive
19 session where the results are known, apparently. We
20 don't...we're not going to have any that aren't pretty
21 well cut and dried and wouldn't escape the objections
22 that have been raised that are certainly worthy to be
23 considered. That's how I...how I plan to take care of
24 this problem. Steve.

25 MR. MILLER: Like I said --

1 MR. LILE: I think Wendy would like to make a
2 couple of comments, if she may, Mr. Chairman.

3 MS. WEISS: Thank you. I'm essentially in
4 agreement, I think, with what Dave Pope said, that I
5 think the...the bylaws are somewhat ambiguous on the
6 question of telephonic meetings, but I think that for any
7 meeting that's not in executive session, even a telephone
8 meeting, there should be notice and there should be a way
9 that the public can participate in a telephone meeting
10 except for executive session. I think in the case of the
11 meetings that we've had, they were largely executive
12 sessions to discuss pending litigation, and that is why
13 the normal public openness of the meetings was dispensed
14 with because had we all met, it would have simply been to
15 go into executive session on a matter in litigation and
16 the public would have been excluded anyway, so I think
17 that that's why we had these telephonic meetings and were
18 not concerned with inviting the public realizing they
19 were going to be in executive sessions to deal with
20 litigation.

21 MR. COOLEY: In short, you've raised some very
22 important matters. You have met with...with support
23 from...in varying degrees, from both states to
24 your...your points. I do not believe that it is
25 appropriate that we even attempt to address them this

1 afternoon. As to the openness of our meetings, I now
2 request you to draft a letter to the members of the
3 Compact Administration and then Bernice or Jim make
4 available to you the extra names, Wendy's, and so forth,
5 that should be recipients of that letter, and that this
6 matter will be fully and publicly aired, and I propose to
7 do it a year from now, and further, that it also appears
8 to me, and Steve will help me on this statement, I
9 believe the action we'll take with respect to approving
10 minutes of meetings and so forth, will keep your
11 objections alive, and won't wipe the slate clean, as to
12 any of these, for the reasons that if I understand him or
13 if I heard him properly or if I was attending, that what
14 we're liable to do is approve minutes from executive
15 sessions having to do with the litigation. So, further
16 than that, I cannot see that we can give much comfort or
17 relief today. I think the matter is an important one and
18 is very clearly treated as being a very important
19 question by the representatives of both states.

20 MR. SHINN: I'll be pleased to do that,
21 Mr. Chairman.

22 MR. COOLEY: Thank you.

23 MR. MILLER: I do think we ought to, before we
24 break today, in anticipation we may have to have some
25 additional special meetings throughout this year, all the

1 bylaws, as now written, require is notice to the members.
2 There's no requirement at all about public notice, and as
3 Mr. Shinn said, maybe that's not the American way, but we
4 aren't violating the bylaws with how we proceeded. We
5 maybe should consider changing the bylaws.

6 MR. POPE: Seems to me we may have a broader
7 question and, I think, probably a look at the...the
8 bylaws in a broader context is in order. We won't solve
9 that today but I think that's a good point. I think as a
10 routine matter that the notice of meetings and the agenda
11 has been more broad than the...just the members of the
12 Administration but that's by practice apparently rather
13 than by bylaws.

14 MS. WEISS: If I could add to that.

15 MR. COOLEY: Please.

16 MS. WEISS: The bylaws do provide public notice
17 of all annual and special meetings shall be given in an
18 appropriate manner as determined by the Administration
19 except in cases where the Administration determines to
20 hold an executive session, so where we're holding an
21 executive session on pending litigation, it's not an
22 issue, but it seems like the Administration does have a
23 responsibility to determine for its public meetings what
24 manner of notice is appropriate and then to carry through
25 with that, and as I said, I think even a telephonic

1 meeting. If it's a public meeting, as David Pope said,
2 we need to have a way that someone could participate by
3 telephone, but I think so far, primarily we've held these
4 emergency meetings to deal with litigation and when we're
5 in executive session, that's just not an issue.

6 MR. COOLEY: Do the proposed revisions
7 facetiously take care of those problems?

8 MR. MILLER: It only takes care of the limited
9 problem that you're not supposed to prepare minutes of a
10 telephonic meeting based on the transcription of the tape
11 which is exactly what we do want to do.

12 MR. POPE: I think we really do need to deal
13 with that issue and I think that could be carved out as a
14 separate matter from the broader question that we talked
15 about.

16 MR. COOLEY: Can it be carved out by the
17 amendment that is in our hands?

18 MR. POPE: I think it can be. I really think we
19 need to go ahead and act on that so that we can deal with
20 the minutes that we have on the table.

21 MR. COOLEY: Carl, did you hear that colloquy?

22 MR. SHINN: Yes.

23 MR. COOLEY: Are you uncomfortable with that
24 colloquy?

25 MR. SHINN: No, not as long as it just pertains

1 to the one telephonic meeting you're talking about.

2 MR. COOLEY: It's a bull's eye type item of
3 correction, not in anyway intended or designed...nor
4 designed to cover the larger problems that you have
5 raised.

6 MR. SHINN: Right.

7 MR. POPE: With that, Mr. Chairman, I think we
8 have probably adequately discussed this, unless there's
9 some discomfort somewhere, I really move that we amend
10 the bylaws as proposed with the draft that is before us
11 dated December 8, 1992, to deal with the explicit problem
12 with the transcript.

13 MR. COOLEY: And keeping in mind the remarks
14 that have been made before this meeting.

15 MR. POPE: Yes.

16 MR. COOLEY: Is there a second?

17 MR. LILE: Second.

18 MR. COOLEY: Kansas ready to vote?

19 MR. POPE: Kansas votes aye.

20 MR. COOLEY: Kansas votes aye.

21 MR. LILE: Colorado votes aye.

22 MR. COOLEY: Colorado votes aye. Motion
23 carried. Keeping in mind the remarks that you've made.

24 MR. SHINN: Thank you.

25 MR. COOLEY: Ladies and gentlemen, Steve may

1 correct me on this one as well, but it looks to me as if
2 we are now in the delightful housekeeping part of the
3 meeting, that is to say the approval of some minutes, the
4 status of printing of some annual reports, the executive
5 session. Item 17 has been disposed of. The Auditor's
6 Report is bound to be exciting, if some of you want to
7 stay for that, why I'm not going to keep you from having
8 that fun, the budget matters and the adjournment, but I
9 do think it would be appropriate for us to declare a,
10 say, a ten minute recess now with the thought that we
11 probably will lose our audience when we take up at 10
12 minutes after the hour. Is that satisfactory all around?

13 MR. POPE: Yes.

14 MR. LILE: Yes.

15 MR. COOLEY: All right.

16 (Whereupon, an off-the-record discussion
17 was had, after which the following
18 proceedings were had:)

19 MR. COOLEY: After a discussion, we're back on
20 the record. After discussion of the budget, Steve is
21 ready to make some comments on materials he has handed
22 out. These materials will not be part of the record but
23 indeed the court reporter will be furnished a smooth copy
24 of these to include within the report. Steve, I think we
25 would prefer to do it a year at a time and you'll

1 enunciate where we are, starting off with the written
2 changes in the '92-'93 budget.

3 MR. MILLER: We're proposing a second revision
4 to the fiscal year '92-'93 budget. The revised budget
5 will show expenditures in the amount of \$47,625. There
6 will be no change in estimated income and no change in
7 the assessments on the states, and there will be an
8 expenditure from surplus of \$7,625. Now you want to move
9 these as we're --

10 MR. COOLEY: Yes, we're going to do them
11 month -- year by year, and this one is Kansas' motion.

12 MR. POPE: Kansas would move the adoption of the
13 amended budget for '92-'93.

14 MR. COOLEY: Is there a second?

15 MR. LILE: Second.

16 MR. COOLEY: And Kansas votes --

17 MR. POPE: Kansas votes aye.

18 MR. COOLEY: Colorado --

19 MR. LILE: Aye.

20 MR. COOLEY: Colorado votes aye. So the
21 revision of '92-'93 has been made in accordance to the
22 remarks, Steve Miller's remarks. We now turn to '93-'94.

23 MR. MILLER: This is a proposed first revision
24 for the '93-'94 budget. The revision will show
25 expenditures in the amount of \$53,200. It will show a

1 new special assessment to each state; Colorado amount
2 will be 78 hundred dollars; Kansas amount will be 52
3 hundred dollars. The revised total income will be
4 50,000 -- \$53,500.

5 MR. COOLEY: Colorado ready to move that?

6 MR. LILE: So move.

7 MR. COOLEY: Kansas, second?

8 MR. POPE: Second.

9 MR. COOLEY: Colorado votes?

10 MR. LILE: Aye.

11 MR. COOLEY: Kansas votes?

12 MR. POPE: Aye.

13 MR. COOLEY: That has been adopted in accordance
14 with Mr. Miller's remarks. That leaves us with the --
15 this is really the first reading, is it not, of the
16 '94-'95 budget?

17 MR. MILLER: That's right. This is the first
18 adoption.

19 MR. COOLEY: All right. This is the first
20 adoption of the '94-'95 as prepared and presented to the
21 meeting by Steve. Steve, would you go over any changes
22 in this one as you've presented it?

23 MR. MILLER: Since this is first adopted, there
24 are no changes. We've made some editing marks and those
25 will be reflected in the clean copy we send to the

1 reporter, but this budget will be for an expenditure of
2 \$52,050. The income will involve two assessments to each
3 state, a regular assessment: Colorado 24 thousand,
4 Kansas 16,000. And a special assessment: Colorado 6,000
5 and Kansas 4,000. Total income will be \$50,500. The
6 difference to be taken out of surplus in the amount of
7 \$1550.

8 MR. COOLEY: Kansas ready to make your motion?

9 MR. POPE: Kansas would move the adoption of the
10 FY '94-'95 budget as Steve has explained.

11 MR. COOLEY: Colorado?

12 MR. LILE: Second.

13 MR. COOLEY: All right. How does Kansas vote?

14 MR. POPE: Kansas votes aye.

15 MR. COOLEY: Colorado?

16 MR. LILE: Aye.

17 MR. COOLEY: Steve, I personally want to
18 congratulate you on you two things. The lucidity with
19 which you have prepared the materials you presented and
20 secondly the tables which you have presented which make
21 this whole process a lot easier on all of...all of us. I
22 thank you indeed.

23 MR. MILLER: Would you like the tables sent to
24 the reporter too then?

25 MR. COOLEY: Definitely. I think they are a

1 very valuable addition and she will give you her card
2 before you leave the room.

3 MR. MILLER: .M-hm.

4 MR. POPE: You will send us a clean copy as
5 well?

6 MR. MILLER: Do you want to see a clean copy?
7 Normally what I would do now is send a clean copy to Jim
8 for signature. Would you like to see them first before
9 we send them on to Jim perhaps since you don't have a
10 paper copy?

11 MR. POPE: Yeah, maybe you should send that.

12 MR. MILLER: So we'll put an extra step in
13 there. We'll make the revisions on our word processor in
14 our office, we'll send it out to the entire ARCA and ask
15 Kansas to call us and say it looks like what we've talked
16 about and we'll send it down to Jim for signature.

17 MR. COOLEY: Jumping around on the agenda a good
18 bit, you discussed, while we were off the record, the
19 status of the annual reports. Would you please give a
20 three sentence summary of what you had to say while we
21 were off the record on the printing of the annual
22 reports.

23 MR. MILLER: The 1988 report discussed at the
24 annual meeting in December '91 was given final approval
25 by the state of Kansas recently, has been taken to a

1 print shop in Colorado where it has been typeset and we
2 are in the process of reviewing the proof of that
3 typesetting and will probably go to print on it sometime
4 the first week of January. So it is done. In the
5 interim, we did not progress on any of the other back
6 issue years. The next process would be using the '88
7 format to quickly get out an '89 for review by Kansas and
8 Colorado. I had intended to ask your permission and I
9 got mixed signals from Colorado and some of our legal
10 advisors but I'll put it on the table anyway. This deal
11 of coming to you in December to get the go-ahead. We
12 could streamline that if we wanted to. It really...when
13 it's all said and done it is really a decision of the
14 Kansas Department of Water Resources and the Colorado
15 Water Conservation Board if the report is correct. We
16 touch base with a lot of other people in the process of
17 doing that. But going through the annual report table by
18 table in this forum every December may not be necessary
19 or advisable, but, I'm prepared to do them, get them out
20 to the states on about a three month cycle. We can hold
21 them until next December and approve them in a bunch or
22 we can go to print sooner, come back here with some
23 printed reports next year rather than seeking permission
24 to go to the printer. Certainly, everybody would review
25 them but do you need to have this meeting to signify that

1 your approval has occurred?

2 MR. POPE: I think in terms of the logistics
3 here you are absolutely right. It takes place, I think,
4 with the respective state agencies. Somewhere along the
5 line I suspect the annual reports do need to be formally
6 approved by ARCA. You're not suggesting that or are you?

7 MR. MILLER: I'm wondering if you're...kind of
8 like what we did with the minutes.

9 MR. POPE: Kind of a delegation thing to the
10 state?

11 MR. MILLER: But only if people are comfortable
12 with it. I don't know.

13 MR. POPE: I don't have any problem as long as
14 there is an action that constitutes then some version of
15 approval because I think that ends up being essentially
16 still okay but it depends again on how the other members
17 feel about that. I'm not trying to cut anybody out of
18 the process. It is just logistics here.

19 MR. COOLEY: When we have a letter signed, the
20 same letter signed by the chiefs of both state
21 delegations authorizing the printer to proceed with the
22 printing of the report, you may go ahead.

23 MR. MILLER: Okay.

24 MR. COOLEY: And it just simply bucks the
25 problem back to the two Chair state delegations and we

1 can avoid the December business nicely.

2 MR. MILLER: Most of...the few times I've come
3 down with one in December it's always we had to fall back
4 to doing that anyway.

5 MR. POPE: Okay. Fine. That's acceptable.

6 MR. MILLER: But we will still mail it out in
7 it's entirety. It won't change the distribution on it,
8 it will just change when we take action after that.

9 MR. POPE: Okay.

10 MR. LILE: No problem.

11 MR. MILLER: So in '89 is the first one we'll
12 try that way. We'll see how quickly we get it to you,
13 see how comfortable you are with it. We will not change
14 the appearance of the report other than the numbers
15 within the body of it.

16 MR. COOLEY: What minutes can be approved at
17 this meeting; the June 22 and July 20 meetings?

18 MR. MILLER: I wasn't sure that I heard Kansas
19 say they were ready to approve any of them. I do have
20 some copies with me if we want them.

21 MR. POPE: I don't want to be presumptuous in
22 taking this too far, but these are transcripts and really
23 the issue is not any more than just getting comfortable
24 with the accuracy of the transcripts. Two of them I
25 think are recordings that have been transcribed, the

1 other one is a court reporter.

2 MR. MILLER: The August 10th one, we're not
3 ready.

4 MR. COOLEY: I knew that. Where are you? Would
5 you rather wait a year?

6 MR. POPE: I guess what I would be willing to do
7 and again and certainly I'm not going to push this hard,
8 but I would be willing to suggest that if the
9 Administration is willing to again allow the...each
10 respective state to make those reviews and that would
11 then constitute its approval. That would save us waiting
12 until the next annual meeting.

13 MR. COOLEY: Mr. Rogers, this has been done many
14 times before in your presence. Do you move that June 22
15 and July 20 be approved subject to the final
16 typographical correction and revision of the two states
17 as may be appropriate.

18 MR. ROGERS: I so move.

19 MR. COOLEY: Lola is second.

20 MS. FOX: I second.

21 MR. COOLEY: Chuck, we've done this many times.
22 Colorado?

23 MR. LILE: Aye.

24 MR. COOLEY: Aye. Kansas?

25 MR. POPE: Kansas votes aye.

1 MR. COOLEY: Aye. Okay. Disposed of two of
2 them, one we can't.

3 MR. MILLER: Then when we get that go-ahead
4 we'll mail three copies to you and you'll sign them.
5 That works better than just sending a cover page.
6 There's a lot of cover pages floating around in this
7 world.

8 MR. COOLEY: I'll sign anything, you saw that
9 this morning. Do you want the suit dismissed, I'll
10 dismiss it.

11 MR. POPE: We are current on everything except
12 for the August 10, 1992 minutes then, and I think I got
13 an agreement from others, is that correct?

14 MR. MILLER: Agreement.

15 MR. ROGERS: Correct.

16 MR. COOLEY: Everyone, I believe, has been
17 handed an Auditor's Report from Anderson and Company
18 dated September 2, 1992. It is...it's the second page of
19 a package and the package says, "Cash basis, financial
20 statements, June 30, 1992," a little five page pamphlet.
21 Looks like this. There it is. Have you found three of
22 them over here? Yeah, you've got three of them over
23 here?

24 MR. LILE: We've got one, that's enough.

25 MR. COOLEY: One's enough.

1 MR. POPE: We've got them.

2 MR. COOLEY: Okay. Mr. Rogers, are you ready to
3 go through this on horse back for the benefit of the
4 Compact Administration?

5 MR. ROGERS: It's a very simple audit report put
6 together by...by Anderson and Company. I think it shows
7 the cash we had on hand, where it was spent, we had no
8 liabilities, expenditures were, the total liabilities and
9 cash basis equity. The only...Operations Secretary was
10 over by the \$1409 and that was due to carry forward. I
11 think we discussed that before. And other than that
12 everything should be in budget or very close to.

13 MR. COOLEY: And the actual deficit was less by
14 several thousand dollars than the budgeted deficit.

15 MR. ROGERS: M-hm.

16 MR. COOLEY: Difference of three thousand. Do
17 you move the approval of the audit made by Gary L.
18 Anderson?

19 MR. ROGERS: I do.

20 MR. COOLEY: Is there a second?

21 MR. POPE: Second.

22 MR. COOLEY: Been moved and seconded. Kansas.

23 MR. POPE: Kansas votes aye.

24 MR. COOLEY: Colorado.

25 MR. LILE: Aye.

1 MR. COOLEY: The audit has been approved by the
2 Compact Administration and...just one question. Should
3 one be filed with the...it's not very long. Give her
4 several copies. We'll file one with the minutes of the
5 meeting as Exhibit P. Mr. Rogers, please furnish her
6 with as many as you can, three if possible, because that
7 will save on reproduction costs. Steve Miller, going
8 down item 19, A, B, C, D, and E, is it necessary for us
9 to spend one minute on the cooperative agreements with
10 the USGS?

11 MR. MILLER: I think it might be appropriate to
12 thank Doug for getting a DCP installed at Lamar and
13 recognize that when you approved those budgets a few
14 minutes ago, it includes some slight additional costs to
15 O and M that gauge and that's our side of --

16 MR. COOLEY: Yeah. We like the fact that he got
17 a platform for free and we want him to try harder next
18 year.

19 MR. LILE: So moved.

20 MR. MILLER: I think that was the only item,
21 that he had some reluctance as to whether we would agree
22 to that slight increase in O and M.

23 MR. POPE: I think in light of his acquiring the
24 DCP at federal expense, why we can come up with the 500
25 bucks between the two states for the O and M, I think.

1 MR. CAIN: Actually, the 500 would be split with
2 the survey, so it's 250.

3 MR. POPE: 250, that's even better yet.

4 MR. COOLEY: You are showing clearly definite
5 signs of progress. This is --

6 MR. POPE: Did we not...is it adequate to have
7 it in the budget or do we need to approve by separate
8 motion the co-op agreements. I don't recall.

9 MR. COOLEY: No, I don't believe we have and I
10 don't want to.

11 MR. POPE: Okay.

12 MR. COOLEY: They are budgeted, the monies are
13 on hand. There are agreements that we've entered into in
14 the past.

15 MR. MILLER: You've received two letters; one
16 from Kansas and one from Colorado --

17 MR. COOLEY: Yes.

18 MR. MILLER: -- USGS. They state what the
19 agreement for this coming year '93-'94 will be, and I
20 think you do approve the dollar amount.

21 MR. COOLEY: But the budget is consistent, is it
22 not, with both of these letters?

23 MR. MILLER: Right.

24 MR. POPE: The point is, I don't want to belabor
25 it but normally the Administration does have to authorize

1 the appropriate official to sign the contracts.

2 MR. MILLER: I think that's what has to be done.

3 MR. POPE: I move that the Administration --

4 MR. LILE: Second.

5 MR. COOLEY: Kansas votes.

6 MR. POPE: Aye.

7 MR. COOLEY: Colorado.

8 MR. LILE: Aye.

9 MR. COOLEY: Are you satisfied?

10 MR. MILLER: Satisfied.

11 MR. CAIN: What we used to do is after you send
12 these letters and get this approval, we send the actual
13 joint funding agreement to Jim for signature and then we
14 bill at the end of the fiscal year so --

15 MR. COOLEY: Jim, you're going to have to do
16 this at your own risk. It's been moved and passed
17 unanimously that the Compact will stand behind you but
18 it's got to be your signature on that agreement.

19 MR. ROGERS: We've done it for years.

20 MR. MILLER: Do you want to put a dollar amount
21 in it.

22 MR. COOLEY: I get nervous every time I sign
23 those on behalf of Yellow Jacket and I sign for a lot
24 more than this outfit does.

25 (Reporter stops proceedings. Mr. Pope repeats

1 his statement, as follows:)

2 MR. POPE: Implicit within my motion were the
3 dollar amounts that had been contained in the proposals
4 from the respective USGS district offices to satisfy the
5 cooperative agreements.

6 THE REPORTER: And was there an agreement?

7 MR. COOLEY: Yes, and that is indeed implicit in
8 the motion that was passed unanimously by the Compact
9 Administration. Okay. Item 19B has been done. 19C has
10 been done, 19D has been done, 19E has been done. Is
11 there anything else that must come before the Compact
12 Administration at this time. Mr. Robbins.

13 MR. ROBBINS: Mr. Cooley, as an individual who's
14 been involved in the Arkansas River Compact as long as
15 you have, I would like to...and on the chance that you
16 don't reappear next holiday season, I want to thank you
17 on behalf of all of the ghosts of years past and all of
18 the people with whom you have interacted so very well in
19 your role as chairman. You've been wonderful from my
20 perspective throughout the years in attempting to bring
21 positive results from these meetings, sometimes
22 successfully and sometimes not, but you've always done it
23 with good humor. You've been a friend to all of us, and
24 I want to thank you, sir.

25 MR. COOLEY: Well, you brought tears to my eyes.

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The meeting is adjourned.

MR. POPE: We certainly echo those comments.

(Whereupon, meeting concludes.)

* * * * *

CERTIFICATE

1
2
3 STATE OF COLORADO)
4 PROWERS COUNTY)

5
6 I, Beverly D. Lohrey, CSR, RPR, certify that I
7 reported in shorthand the proceedings had before the Arkansas
8 River Compact Administration at Lamar, Colorado, on the 8th
9 day of December, 1992, beginning at 8:30 a.m. MST.

10 I further certify that the foregoing transcript
11 is a true copy of all the proceedings had at said time and
12 place.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and official seal at Dodge City, Kansas, this 17th day of
15 February, 1993.

16
17
18
19 _____
20 Beverly D. Lohrey, CSR, RPR
21 Tri-State Reporting Service
22 1915 Parkway Drive
23 Dodge City, Kansas 67801
24
25

ATTACHMENTS TO DECEMBER 8, 1992
ARKANSAS RIVER COMPACT MINUTES

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ATTACHMENT A

ARKANSAS RIVER COMPACT ADMINISTRATION

307 South Fifth Street
LAMAR, COLORADO 81052

COLORADO
DARIES C. LILE, Denver
CARL GENOVA, Pueblo
JAMES G. ROGERB, Lamar

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

KANSAS
DAVID L. POPE, Topeka
RANDY HAYZLETT, LeWen
LOLA FOX, Syracuse

Wendy Weiss
Steve Miller
Dennis Montgomery

NOTICE OF ANNUAL MEETING

Arkansas River Compact Administration

Lee Rolfs
Bert Sprunk

8:30 a.m. (MST), Tuesday, December 8, 1992

Cow Palace Inn

Lamar, Colorado

1301 N. Main

The Annual Meeting of the Administration will be held at the time and place noted above. The meeting will be recessed for the lunch hour at about noon and reconvened for the completion of business at the afternoon if necessary.

The following committees of the Administration will meet on the evening of December 7 at the Cow Palace:

Engineering	6:30 p.m.
Operations	7:30 p.m.
Administrative and Legal	8:30 p.m.

The public is welcome to attend the committee meetings, but time for comments may be limited.

The tentative agenda for the Annual Meeting, which is subject to change, is as follows:

1. Call to order and introductions
2. Approval of agenda
3. Approval of transcript for the December, 1991, annual meeting
4. Reports of officers for compact year 1992
 - a. Chairman - Cooley
 - b. Recording Secretary - Carr
 - c. Treasurer - Rogers
 - d. Operations Secretary - Witte

5. Committee reports for compact year 1992
 - a. Administrative and legal
 - b. Engineering
 - c. Operations

6. Election of officers for compact year 1993
 - a. Vice-chairman
 - b. Recording Secretary
 - c. Treasurer
 - d. Operations Secretary

7. Appointment of committee members for compact year 1993
 - a. Administrative and legal
 - b. Engineering
 - c. Operations

8. City of Trinidad: proposed amendments to the Trinidad Reservoir Project operating principles

9. Purgatorie River Water Conservancy District
 - a. proposed amendments to the Trinidad Reservoir Project operating principles
 - b. request to establish an account at John Martin Reservoir

10. Status report: Kansas v. Colorado litigation

11. Discussion items from the States
 - a. Kansas
 - (1) Metering of wells
 - (2) gages on ungaged tributaries
 - (3) preservation of power company records

 - b. Colorado
 - (1) JMR permanent pool
 - (2) Great Plains Reservoirs

12. Reports of federal agencies
 - a. Bureau of Reclamation
 - b. Corps of Engineers
 - c. Geological Survey
13. USGS Reports and Studies Conducted in the Arkansas River Basin 1991-1992
14. Revision of By-laws (para. 5.c) to permit recording of special meetings held by telephone conference call and preparation of transcripts from those recordings to serve as minutes.
15. Approval of minutes and transcripts from special meetings:
 - a. June 22, 1992
 - b. July 20, 1992
 - c. August 10, 1992
16. Status of Annual Reports
17. Explanation of basis for, and public comment re, matters to be discussed in Executive Session.

Executive Session: Discussion and necessary actions related to Case No. 92-C-1151 U.S. District Court-Colorado; Highland Irrigation Co., et al. v. ARCA, et al.
18. Auditor's report for FY 1991-92
19. Budget matters:
 - a. USGS Cooperative Agreement
 - b. Consider special assessments for current litigation
 - c. Review of current fiscal year budget
 - d. Review of previously adopted FY 1993-94 budget and assessments
 - e. Adoption of FY 1994-95 budget and assessments
20. Adjournment

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ATTACHMENT B

ARKANSAS RIVER COMPACT ADMINISTRATION

307 South Fifth Street
LAMAR, COLORADO 81052

COLORADO
DAVID W. WALKER, Denver
CARL GENOVA, Pueblo
JAMES G. ROGERS, Lamar

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

KANSAS
DAVID L. POPE, Topeka
RANDY HAYZLETT, Lakin
LOLA FOX, Syracuse

ARKANSAS RIVER COMPACT ADMINISTRATION
STATEMENT OF CASH RECEIPTS & DISBURSEMENTS & CHANGE IN CASH BALANCE
FROM JULY 1, 1992 THRU DECEMBER 7, 1992

CASH BALANCE: July 1, 1992		\$22,381.70
RECEIPTS:		
COLORADO	\$23,400.00	
KANSAS	15,600.00	
Interest Earned since July 1	<u>691.18</u>	
TOTAL RECEIPTS		\$39,691.18
DISBURSEMENTS		
Treasurer's Bond	\$ 100.00	
U. S. Geological Survey	8,250.00	
Salaries	2,000.00	
Telephone	724.42	
Office Rent	300.00	
Postage	80.00	
Copying-Supplies-Checks	99.40	
Audit	350.00	
Xerox & Bind ARCA Ann. Report	162.58	
Operations Secretary Acct.	1,305.50	
Meeting Expense	<u>163.20</u>	
TOTAL DISBURSEMENTS		\$13,535.10
EXCESS RECEIPTS OVER DISBURSEMENTS		<u>\$26,156.08</u>
CASH BALANCE:		<u>\$48,537.78</u>
FUNDS ON HAND:		
Checking Account	\$ 210.08	
Money Market Account	<u>48,327.70</u>	
TOTAL		<u>\$48,537.78</u>

ARKANSAS RIVER COMPACT ADMINISTRATION

307 South Fifth Street
LAMAR, COLORADO 81052

COLORADO
J. WILLIAM McDONALD, Denver
CARL GENOVA, Pueblo
JAMES G. ROGERS, Lamar
Treasurer.

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

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

CHECKS WRITTEN SINCE JUNE 30, 1992

DATE	CHK NO.	PAYABLE TO:	FOR:	
July	8	359 Lower Arkansas Water Mgmt. Assn.	Office rent-July	\$ 50.00
"	8	360 Cellular, Inc.	Mobile phone service-Oper. Sec.	53.79
"	8	361 Cellular One	Mobile phone service-E Taylor	20.40
"	8	362 U S West	Ph. 719-336-2422	118.50
"	8	363 James G. Rogers	1st 1/2 Ann. Salary-'92-'93 salary	1,000.00
"	8	364 Bernice R. Carr	" " " " " " " "	1,000.00
Aug.	7	365 Guaranty Abstract Company	Renewal Surety Bond	100.00
"	7	366 Gobin's	1/2 box ledger sheets	12.20
"	7	367 Cellular, Inc.	Mobile phone-Operations-Sec.	62.60
"	7	368 Eastman	Executive chair-Operations-Sec.	427.28
"	7	369 Cellular One	Mobile phone-E Taylor	74.60
"	7	370 Lower Arkansas Water Mgmt. Assn.	Office rent-August	50.00
"	7	371 First Federal Bank	Petty cash-Postage & Misc.	40.00
"	7	372 Lower Arkansas Water Mgmt. Assn.	802 copies @ 10¢	80.20
Sept.	10	373 Cellular One	Mobile phone-E Taylor	60.88
"	10	374 Computer Products & Service	Inv. #3931-Disks-Operations Sec.	22.90
"	10	375 Cellular, Inc.	Mobile phone	77.23
"	10	376 CompuAdd	2 Modems-Operations-Sec.	96.00
"	10	377 William F. Howland	Copies & mail-Highland Canal vs ARCA	18.05
Sept.	10	378 That Personal Touch Catering	Lunches-ARCA Mtg. - 8/10/92	145.15
"	10	379 U S West	Ph. 719-336-2422 - 2 months	313.43
"	10	380 AT&T	Quarterly phone rental-719-336-2422	29.37
"	10	381 Anderson & Company P.C.	Audit-year ended 6/30/92	350.00
"	10	382 Lower Arkansas Water Mgmt. Assn.	Office-rent-September	50.00
Oct.	9	383 Cellular, Inc.	Mobile phone-Operations-Sec.	24.90
"	9	384 Cellular One	Mobile phone-E Taylor	38.10
"	9	385 U S West	Ph. 719-336-2422	92.79
"	9	386 Lower Arkansas Water Mgmt. Assn.	Office rent-October	50.00
Nov.	9	387 Cellular One	Mobile phone-E Taylor	80.81
"	9	388 Cellular, Inc.	Mobile phone-Oper. Sec.	37.06
"	9	389 U S West	Ph. 719-336-2422	73.34
"	9	390 Dept. of the Interior-U.S. Geological Survey	Operation & Maintenance-6 stream flow gaging stations in Colorado	8,250.00
Nov.	9	391 Lower Arkansas Water Mgmt. Assn.	Office rent-November	50.00
Dec.	7	392 U S West	Ph. 719-336-2422	67.62
"	7	393 Paper Work Inc.	Xerox-Binding of ARCA Annual Report	162.58
"	7	394 Cellular, Inc.	Mobile phone service-Oper. Sec.	143.85
"	7	395 Cellular One	Mobile phone-E. Taylor	85.10
"	7	396 AT&T	Quarterly phone rental	29.37
"	7	397 Lower Ark. Water Mgmt. Assn.	Office-rent-December	50.00
"	7	398 First Federal Bank	Petty Cash Fund-Postage	40.00
Dec.	7-1992	TOTAL EXPENSES PAID BY CHECK		\$13,528.10
Aug	31-1992	BANK CHARGE FOR CHECKS		7.00
		<u>TOTAL EXPENSES</u>		<u>\$13,535.10</u>

ATTACHMENT C

ARKANSAS RIVER COMPACT ADMINISTRATION

CASH BASIS FINANCIAL STATEMENTS

June 30, 1992

ARKANSAS RIVER COMPACT ADMINISTRATION
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June 30, 1992

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Statement of Revenues Collected and Expenses Paid and Changes in Cash Balance	3
Statement of Revenues Collected and Expenses Paid with Budget Comparison	4
Notes to Cash Basis Statements	5

ANDERSON & COMPANY P.C.

Members
NSPA
PASC

Certified Public Accountants

Gary L. Anderson, C.P.A.
Ronald D. Anderson, P.A.

September, 2, 1992

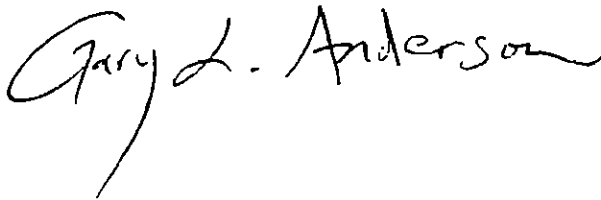
We have audited the accompanying statements of assets, liabilities and equity - cash basis - of the Arkansas River Compact Administration as of June 30, 1992, and the related statements of revenue collected and expenses paid for the year then ended. These financial statements are the responsibility of the Administration's management. Our responsibility is to express an opinion on these financial statements based on our audit.

Our examination was made in accordance with generally accepted auditing standards and accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

As described in Note 1a, these financial statements were prepared on the basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets and liabilities - cash basis - of the Arkansas River Compact Administration as of June 30, 1992 and its revenue collected and expenses paid during the year then ended, on the basis of accounting described in Note 1a.

Anderson & Company, P.C.



ARKANSAS RIVER COMPACT ADMINISTRATION
STATEMENT OF ASSETS AND LIABILITIES - CASH BASIS
June 30, 1992

ASSETS

Cash	\$ 22,382
Equipment	29,811
Concrete Control	<u>8,000</u>
<u>TOTAL ASSETS</u>	<u>\$ 60,193</u>

LIABILITIES

Liabilities	\$ <u>0</u>
-------------	-------------

CASH BASIS EQUITY

Expended:	
Equipment	\$ 29,811
Concrete Control	8,000
Unexpended	<u>22,382</u>
<u>TOTAL LIABILITIES AND CASH BASIS EQUITY</u>	<u>\$ 60,193</u>

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION
 STATEMENT OF REVENUES COLLECTED AND EXPENSES PAID
 and CHANGES IN CASH BALANCE
 For the Year Ended June 30, 1992

CASH BALANCE - July 1, 1991 \$ 29,949

REVENUES

Revenues from Assessments	
Colorado - 60%	\$ 15,750
Kansas - 40%	10,500
Interest	<u>1,716</u>

TOTAL REVENUES 27,966

EXPENSES

Treasurer Bond	\$ 100
Geological Survey	12,425
Satellite Access Fee	8,000
Operations Secretary	7,509
Refund Prior Year Payroll Taxes	257
Office Rent	600
Auditor Fee	350
Office Supplies and Postage	155
Copying & Binding	252
Meeting Expense	330
Court Reporter Fee	468
Telephone	1,087
Recording Secretary and Treasurer	<u>4,000</u>

TOTAL EXPENSES (35,533)

EXCESS OF EXPENSES OVER REVENUES (7,567)

CASH BALANCE - June 30, 1992 \$ 22,382

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION
 STATEMENT OF REVENUES COLLECTED
 and EXPENSES PAID WITH BUDGET COMPARISON
 For the Budget Year July 1, 1991 to June 30, 1992

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>OVER(UNDER)</u>
<u>REVENUES</u>			
Revenues from Assessments:			
Colorado - 60%	\$ 15,750	\$ 15,750	\$ 0
Kansas - 40%	10,500	10,500	0
Interest	<u>1,716</u>	<u>3,000</u>	<u>(1,284)</u>
<u>TOTAL REVENUES</u>	<u>27,966</u>	<u>29,250</u>	<u>(1,284)</u>
<u>EXPENSES</u>			
U.S. Geological Survey	\$ 12,425	\$ 12,600	\$(175)
Satellite Access Fee	8,000	8,000	0
Operation Secretary	7,509	6,100	1,409
Treasurers Bond	100	100	0
Telephone	1,087	1,000	87
Court Reporter Fee	468	600	(132)
Recording Secretary & Treasurer	4,000	4,000	0
Meeting Expense	330	150	180
Auditor Fee	350	700	(350)
Office Supplies & Postage	155	400	(245)
Printing and Copying	252	300	(48)
Printing Annual Reports -			
1989 and 1990	0	5,000	(5,000)
Office Rent	600	600	0
Contingency	<u>257</u>	<u>1,000</u>	<u>(743)</u>
<u>TOTAL EXPENSES</u>	<u>35,533</u>	<u>40,550</u>	<u>(5,017)</u>
<u>BUDGET DEFICIT</u>	<u>\$(7,567)</u>	<u>\$(11,300)</u>	<u>\$ 3,733</u>

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION
NOTES TO CASH BASIS STATEMENTS
June 30, 1992

NOTE 1 - Summary of significant accounting policies:

- a. The Administration maintains financial records using the cash basis of accounting. By using the cash basis of accounting, certain revenues are recognized when received rather than when earned, and certain expenses and purchases of assets are recognized when cash is disbursed rather than when the obligation is incurred.

ATTACHMENT D

On Dec 7, 1992 the Engineering Committee met in Lamar, Colo. to review the letter dated Nov. 23, 1992 from M.E. MacDougall, Attorney for the Purgatoire River Conservancy District regarding the District's response to concerns raised at the August 10th meeting of the Committee. The Committee also reviewed the resolution regarding the proposed exchange account for the District in John Martin Reservoir.

After considerable discussion the Committee was unable to determine a recommendation for the Arkansas River Compact Administration and felt the proposal would need further study and another meeting to resolve all of the concerns, especially those related to the 35% storage charge for other accounts under Article III of the 1980 operating plan.

The issue of transit losses down the Purgatoire is another concern that is unanswered to the Committee's satisfaction at this time.

Carl B. Hanna

David W. Boy

REPORT OF THE ENGINEERING COMMITTEE
ARKANSAS RIVER COMPACT ADMINISTRATION

December 8, 1992

A meeting of the Engineering Committee, Arkansas River Compact Administration, was held August 10, 1992, in Denver, Colorado, at 11:00 a.m. Present for the Engineering Committee were Mr. David Pope, Chief Engineer Director, Kansas Water Resources; and Carl G. Genova, Colorado Upstream Representative, Arkansas River Compact Administration. Also present for Kansas were Mr. John Draper, and Mr. Leland E. Rolfe, Attorneys; Mr. Brent Spronk, Spronk Engineering; Mrs. Lola Fox and Randy Hayzlett, Kansas Representatives to Arkansas River Compact Administration.

Present for Colorado were Mr. Gene Jensock and Mr. Steve Miller, Colorado Water Conservation Board; Mrs. Wendy Weiss, Colorado Ag Office; Mr. Steve Witte, Division II District Engineer and Compact Operation Secretary; Mr. Bill Howland, Assistant Compact Operation Secretary; and Mr. James Rogers, Colorado Downstream Representative, Arkansas River Compact Administration.

Also present was Mr. Frank Cooley, Chairman, Arkansas River Compact Administration.

Purpose of the meeting was to discuss the Purgatoire River Conservancy District request to establish an exchange account under Article III of the John Martin 1980 Operating Plan.

Representing the Purgatoire District were Mr. M. E. MacDougall, attorney for the District, and Dr. Jeris Danielson, Danielson and Associates Engineering. Mr. MacDougall explained that the District requested an exchange account in John Martin Reservoir not to exceed 10,000 acre feet for use of the Purgatoire River Conservancy District to exchange water from the mainstream Arkansas into the

Trinidad Dam and Reservoir in order to maximize beneficial use for the Trinidad project. The water utilized would be purchased water, if and when available.

Dr. Danielson further explained, the concept would not store native water in any form that historically accumulated in John Martin Reservoir. The District will purchase transmountain water or the consumptive use component of water rights that have been through the water court establishing that portion. The water would be stored in John Martin Reservoir and exchanged to Trinidad Reservoir when river conditions permitted. The exchange water in John Martin would then be released from the account to those entities that would have received the Purgatoire water stored at Trinidad, if it had flowed down the Purgatoire to John Martin. At year end, if the water had not been exchanged to Trinidad, it would be released to the conservation pool.

Numerous questions and concerns were asked of both Mr. MacDougall and Mr. Danielson relating to the proposal as follows:


1. Sources of water and how they will be obtained?
2. Administration of exchange?
3. Spilling regimen for John Martin Reservoir?
4. Exchange opportunities?
5. Exchange timing?
6. How will exchange water be credited from John Martin?
7. 35% storage charge under Article III?
8. Absent 35% charge, would new type of account be required?
9. Transit loss determination down the Purgatoire?

After discussion, the Engineering Committee asked Mr. MacDougall if he would address the concerns that had been expressed in a written proposal and submit it to the Committee for further study. Mr. MacDougall agreed to do so.

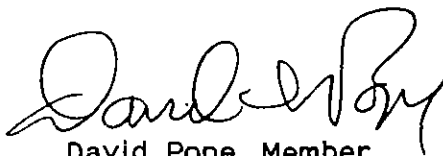
The Committee then asked for further business to be addressed. Hearing none, the meeting was adjourned.

The Engineering Committee has reviewed and approved the transcript of this meeting and requests the transcript be included as part of the record of the August 10 meeting of the Committee.

ENGINEERING COMMITTEE OF THE ARKANSAS RIVER COMPACT ADMINISTRATION



Carl G. Genova, Chairman



David Pope, Member

ATTACHMENT E

OF COUNSEL
William R. Federick

J. O. Seth (1883-1963)
A. K. Montgomery (1893-1987)
Frank Andrews (1914-1981)

Victor R. Onega
Jeffrey R. Brannen
John B. Pound
Bill Chappell, Jr.
Richard K. Barlow
Gary Kippelo
Thomas W. Olson
Walter J. Melendres
Bruce Herr
Robert P. Worcester
John B. Draper
Nancy Anderson King
Janet McL. McKay
Joseph E. Earnest
Sarah M. Singleton
John D. Phillips
Stephen B. Hamilton
Katherine W. Hill
Galen M. Butler
Edmund H. Kendrick

Gary P. Kaplan
Deborah A. Peacock
Suzanne B. Kinney
Charles A. Seibert II
Paula G. Meynes
Rod D. Baker
R. Michael Shildoch
Dennis F. Armijo
Louis W. Rose
Janet W. Cordova
Marta M. Esquivel
Scott K. Alderson
Jeffrey D. Myers
Thomas A. Clayton
Dana L. Cox
George T. Garan
Yuri Okumura
Grace Phillips
Alex M. Gabardon

COUNSEL
Robert J. Downing

MONTGOMERY & ANDREWS
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

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SANTA FE, NEW MEXICO 87504-2307

325 Paseo de Pajaros
Santa Fe, New Mexico 87501

Telephone (505) 882-0873
Teletcopy (505) 882-4289

December 3, 1992

TELECOPY & MAIL

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Albuquerque Plaza
201 Third Street, N.W.
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Albuquerque, New Mexico 87125-8827
Telephone (505) 243-9677
Teletcopy (505) 243-2542
or (505) 243-4367

David L. Harrison, Esq.
Moses, Wittemyer, Harrison
and Woodruff, P.C.
1002 Walnut Street, Suite 300
Boulder, Colorado 80302

RE: Trinidad Reservoir Operating Principles

Dear David:

David Pope and I have your letter of October 22, 1992 by which you forwarded to us the most recent version of the proposed amendments to the Operating Principles by the City of Trinidad. We appreciate your bringing the matter to our attention, as we have been preoccupied by the trial in Kansas v. Colorado which has lasted longer than we expected at the time of last year's Compact Administration meeting.


I am sure you are aware of the decision of the Special Master in Kansas v. Colorado, with regard to the current Operating Principles. Although this is not the final decision of the Supreme Court, we believe that we must have legally binding commitments by the City of Trinidad, the Purgatoire River Water Conservancy District, the United States and the State of Colorado that the Operating Principles as amended will, in the future, be enforceable as part of the Arkansas River Compact. Until such time as those commitments can be provided, we do not believe that it is prudent to proceed further with a review of the proposed amendments to the Operating Principles.

David L. Harrison, Esq.
December 3, 1992
Page 2

If you would like to discuss this further prior to the Compact Administration meeting, please give me a call.

Best regards.

Sincerely yours,



John B. Draper

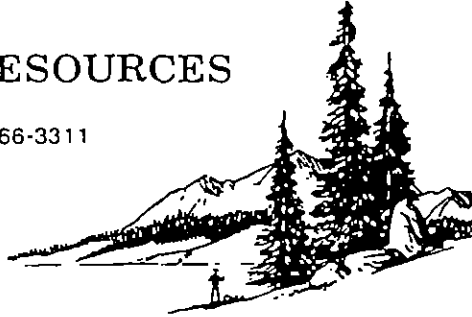
JBD:ls
10389-88-01
cc: Mr. Frank Cooley
Mr. David L. Pope

ATTACHMENT F

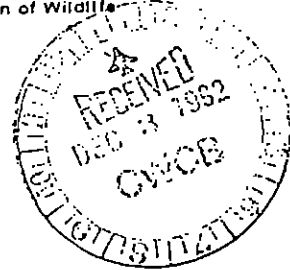
DEPARTMENT OF NATURAL RESOURCES

Ken Salazar, Executive Director

1313 Sherman St., Room 718, Denver, Colorado 80203 866-3311



Geological Survey
Board of Land Commissioners
Mined Land Reclamation
Division of Mines
Oil and Gas Conservation Commission
Division of Parks & Outdoor Recreation
Soil Conservation Board
Water Conservation Board
Division of Water Resources
Division of Wildlife



December 2, 1992

Frank G. Cooley, Esq.
Chairman and Federal Representative
Arkansas River Compact Administration
P.O. Box 98
Meeker, CO 81641

Request by the City of Trinidad for Amendments to
the Operating Principles for Trinidad Reservoir

Dear Chairman Cooley:

The State of Colorado, by its Department of Natural Resources (DNR), urges that the Administration, at its December 8, 1992 Annual Meeting, approve the changes in the Trinidad Reservoir Operating Principles requested by the City of Trinidad. The Colorado Division of Parks and Recreation, an agency within this Department, operates Trinidad State Park. Trinidad Reservoir is the keystone to maintaining a quality and viable facility at that location. The reservoir provides an important recreation resource to the residents of Southeastern Colorado and neighboring states. Therefore, these requested changes are important to Trinidad and the State of Colorado over the long term. We also have an urgent need for immediate approval, given that the permanent recreation pool in the reservoir is currently below its required level of 4,500 acre-feet.

The only potential remedy is to utilize some Trinidad Project water this coming season to replace evaporation and seepage losses and bring the pool back to its required level. This can only occur after the changes are approved.

Thank you for your help.

Sincerely,

Ken Salazar
Executive Director

cc: Members of ARCA -- Darries C. Lile, Carl G. Genova,
James G. Rogers, David L. Pope, Lola Fox, Randy Hayzlett
Laurie Mathews, Division of Parks and Recreation
Kathy Farley, Parks Board

ATTACHMENT G

MOSES, WITTEMYER, HARRISON AND WOODRUFF, P. C.

LAW OFFICES

1002 WALNUT STREET, SUITE 300

BOULDER, COLORADO 80302

TELEPHONE: (303) 443-8782

TELECOPIER: (303) 443-8796

ADDRESS CORRESPONDENCE TO:

P. O. BOX 1440

BOULDER, CO 80306-1440

DAVID L. HARRISON
CHARLES N. WOODRUFF
ROBERT E. L. BEEBE
DAVID M. BROWN
JAMES R. MONTGOMERY

VERONICA A. SPERLING
STEVEN P. JEFFERS
GILBERT Y. MARCHAND, JR.
PAUL F. HOLLEMAN

RAPHAEL J. MOSES
JOHN WITTEMYER
COUNSEL

HUNTLEY STONE
SPECIAL COUNSEL

October 22, 1992

Mr. David Pope
Chief Engineer
109 SW Ninth Street
Topeka, KS 66612

John B. Draper, Esq.
Montgomery & Andrews
P.O. Box 2307
Santa Fe, NM 87504-2307

Re: Trinidad Reservoir Operating Principles

Dear David and John:

As you recall, the City of Trinidad is seeking amendments to the Operating Principles in order to allow M & I and permanent pool makeup uses to be made of its ownership interest in the project. We have previously transmitted a draft of those proposed amendments to you and have discussed them at each of the last two Compact Administration meetings. You agreed to try to review those amendments as required by the 2nd condition of Kansas approval of the Operating Principles.

We will seek your approval again at the upcoming Compact Administration meeting on December 8, 1992. This year we have an urgent upcoming problem that requires the amended Operating Principles to be in effect in the 1993 irrigation season, namely that the permanent fishery pool is now drawn down by evaporation to approximately 4200 acre-feet, 300 acre-feet less than the required 4500 acre-feet. The only reliable source of water will be a portion of the City's project water.

I enclose for your review a recent revision of the proposed amendatory language which reflects refinements suggested by the Bureau of Reclamation and the Purgatoire Conservation District. I would be glad to try to address any question you may have.

MOSES, WITTEMYER, HARRISON AND WOODRUFF. P. C.

Mr. David Pope
John B. Draper, Esq.
October 22, 1992
Page 2

Very truly,

MOSES, WITTEMYER, HARRISON
AND WOODRUFF, P.C.

By 

David L. Harrison

DLH/pb
Enclosure
cc(w/enc.): Mr. Frank Cooley
Daries C. Lile

MOSES, WITTEMYER, HARRISON AND WOODRUFF, P. C.

LAW OFFICES

1002 WALNUT STREET, SUITE 300

BOULDER, COLORADO 80302

TELEPHONE: (303) 443-8782

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PAUL F. HOLLEMAN

RAPHAEL J. MOSES
JOHN WITTEMYER
COUNSEL
HUNTLEY STONE
SPECIAL COUNSEL

October 22, 1992

Daires C. Lile, Director
Colorado Water Conservation Board
1313 Sherman Street, #721
Denver, CO 80203

Re: Trinidad Reservoir Operating Principles


Dear Chuck:

The City of Trinidad will seek approval of the Arkansas River Compact Administration of amendments to the Trinidad Reservoir Operating Principles at the December 8, 1992 meeting.

Enclosed is the latest draft language which reflects refinements suggested by the Bureau, the District and the Division Engineer. Also enclosed is correspondence to Kansas and Chairman Cooley.

Very truly,

MOSES, WITTEMYER, HARRISON
AND WOODRUFF, P.C.

By 
David L. Harrison

DLH/pb

cc: Ms. Wendy Weiss

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
(with proposed amendments by City of Trinidad)

Preamble

The Trinidad Dam and Reservoir Project as reported in House Document No. 325, 84th Congress, 2d Session, and as authorized by the Flood Control Act of 1958, will be operated in such a manner as to secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact. The objectives and principles governing the operation of the Trinidad Dam and Reservoir Project to secure such benefits are contained within the following articles.

- Article I - Objectives
- Article II - Definition of Terms
- Article III - Flood Control
- Article IV - Irrigation, Municipal and Industrial
- Article V - Fishery and Recreation
- Article VI - Review and Amendment

Article I - OBJECTIVES

The operation of the Trinidad Dam and Reservoir involves the regulation of the flows of the Purgatoire River for flood control, irrigation use, municipal and industrial use and recreation including a permanent fishery pool. The project plan provides for:

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.

2. Optimum beneficial use of the available water for irrigation and municipal and industrial uses (municipal and industrial is hereinafter abbreviated M&I) within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:

(a) Transfer of the storage decree of the Model Land and Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.

(b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam which would otherwise spill from John Martin Reservoir.

(c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.

3. The maintenance of a minimum pool for enhancement of recreation and fishery values.

4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood control.	51,000 acre-feet
Irrigation and M&I.	20,000 acre-feet
Permanent fishery pool.	4,500 acre-feet
Joint use *.	<u>39,000</u> acre-feet

Total capacity 114,500 acre-feet

* For irrigation, M&I (including storage of water to be used for maintenance of the permanent fishery pool) and sediment accumulation.

Article II - DEFINITION OF TERMS

Definition of terms as used herein:

1. "Reservoir" means the reservoir presently planned and authorized for construction on the Purgatoire River above the City of Trinidad, Colorado.

2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M&I use. The District shall also be the agency responsible for the regulation of irrigation and M&I water supplies within the District boundaries in the manner set forth therein.

3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of reservoir capacity allocated to joint use but unoccupied by sediment at any given time.

4. "Irrigation Capacity" means the 20,000 acre-feet of reservoir capacity allocated to irrigation and M&I use plus the unsedimented portion of the joint use capacity.

5. "Permanent Fishery Pool Capacity" means the 4,500 acre-feet of reservoir capacity allocated to fishery and recreation.

6. "Permanent Fishery Pool" means the quantity of water stored in the permanent fishery pool capacity.

7. "Flood Control" means the temporary storage of flood waters at any reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.

8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying initially above m.s.l. reservoir elevation 6,229.6.

9. "Reservoir Inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the reservoir, comprising measured flows at the inflow gaging stations and other unmeasured inflows entering the reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the permanent fishery pool.

10. "District Irrigable Area" means only the 19,717 acres of ~~Class 1, 2 and 3~~ irrigable lands to be served lying within District boundaries.

11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District irrigable area, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.

12. "Non-irrigation Season" means that period of the year other than the irrigation season.

13. "District Storage Right" means those rights under which the District may store water in the irrigation capacity for use ~~en~~ ~~within the District irrigable area.~~

14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation ~~and M&I use within the District irrigation area.~~

15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.

16. "Operating Agency" means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.

Article III - FLOOD CONTROL

Trinidad Reservoir shall be operated for flood control benefits in accordance with regulations prescribed by the Secretary of the Army and the following operating principles:

1. All potentially damaging flood inflows shall be temporarily detained as necessary to limit the flow insofar as possible to a nondamaging flow, currently estimated to be 5,000 cfs., downstream from the Trinidad Reservoir.

2. All flood waters stored in the flood control capacity shall be released at the maximum nondamaging rate insofar as practicable.

3. Any inflow, other than that stored for irrigation and M&I use, temporarily retained below the bottom of the flood control capacity for flood control purposes, shall be released by the operating agency at such a rate, time, and quantity as may be ordered by the Colorado State Engineer, but within nondamaging flow in the channels below the reservoir.

Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the irrigation capacity in Trinidad Reservoir and the distribution of water to the District irrigable area and to M&I uses within the District (including maintenance of the permanent fishery pool) will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these operating principles. Agreements, satisfactory to the Secretary of the Interior, shall be entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District irrigable area and to M&I uses within the District are contained in the following four parts of this Article: "Water Rights", "Limits of Land and Water Use", "District Water Supply", and "Operation and Exercise of Water Rights".

A. Water Rights

Accomplishment of the following conditions is necessary under the laws of the State of Colorado to provide the District with the right to regulate the flows of the Purgatoire River in the manner described herein:

1. The water users within the District shall assign the right to the exercise of all the following decreed direct flow water rights within the District boundaries to the District for administration by the District at such times and to the degree outlined in these principles. The right to the exercise of the following water rights, all in Water District No. 19, shall be so assigned.

<u>Number</u>	<u>Date</u>	<u>Priority Amount</u> (cfs)	<u>Name of Ditch</u>
3	11/30/61	6.00	Baca
5	03/20/62	4.00	Johns Flood
7	04/30/62	7.00	Chilili
8	11/15/62	2.82	Baca
8	11/15/62	1.18	El Moro
9	01/01/63	1.28	Johns Flood
9	01/01/63	4.72	Hoehne
12	06/30/63	0.50	South Side
13	01/01/64	1.25	Johns Flood
13	01/01/64	3.75	Lewelling & McCormick
15	04/10/64	5.10	Johns Flood
15	04/10/64	0.80	Hoehne
15	04/10/64	2.54	Salas
19	06/01/65	4.00	Lewelling & McCormick
20	10/07/65	7.35	Johns Flood
20	10/07/65	16.65	Hoehne
21	01/01/66	6.00	Burns & Duncan
22	02/01/66	4.00	Salas
27	05/31/66	2.25	Johns Flood
27	05/31/66	2.25	Salas
40	04/30/68	1.40	South Side
64	04/01/73	2.40	Johns Flood
73	11/01/75	6.00	South Side
74	02/17/76	34.00	South Side
75	12/25/76	4.00	South Side
77	03/11/77	1.30	El Moro
77	03/11/77	2.70	Baca
80	04/07/77	18.60	South Side
93	12/15/82	4.00	South Side
95	11/04/83	14.38	Baca
96	11/23/83	16.84	South Side
98	04/30/84	60.00	South Side
103	06/21/86	14.73	Baca
104	10/21/86	10.00	Lewelling & McCormick
106	03/12/87	15.00	Baca
108	02/15/88	9.70	South Side
109	03/01/88	8.00	South Side
137	11/23/97	2.00	V. Florez
145	10/20/02	100.00	Johns Flood
152	12/31/03	2.00	V. Florez
168	01/22/08	200.00	Model
242½	06/12/20	45.56	Baca

2. Waters of the Purgatoire River shall be stored by the District in the irrigation capacity of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the District storage right, include:

(a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under Reservoir Priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, which right shall, by appropriate statutory proceedings be transferred from the place of storage as originally decreed to the site of the reservoir; and

(b) Such other rights to store water in the reservoir as the District may lawfully acquire by appropriation or purchase.

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation and M&I use within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District water supply shall be limited to the 19,717 acres ~~classified as 1, 2 and 3~~ of irrigable land lying within the District boundaries. Those 19,717 acres of the District irrigable area shall be composed as nearly as practicable of the following acreages under individual ditches:

Baca		2,428	acres
Chilili		114	"
El Moro		160	"
Johns Flood	1,854	2,076	"
Model		6,177	"
South Side		6,359	"
Victor Florez		22	"
Hoehne	1,742	1,520	"
Burns & Duncan		322	"
Lewelling & McCormick		378	"
Salas		161	"
Total		19,717	acres

2. All water deliveries to the 19,717 acres of the District irrigable area shall be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.

3. Water deliveries from the District water supply may be diverted or stored for M&I or permanent fishery pool purposes with the following limitations:

(a) Only water attributable to historic consumptive use on acreage removed from irrigation may be made available for M&I storage or permanent fishery pool storage.

(b) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River, as necessary to prevent a material depletion thereto.

(c) Removal of District irrigable land from irrigation to enable water to be diverted or stored for M&I or permanent fishery pool purposes shall correspondingly reduce the number of acres allowed to be irrigated from the District Water Supply.

34. No water deliveries for irrigation of the 19,717 acres of the District irrigable area will be made during the non-irrigation season. Water may be released during the non-irrigation season for stockwater and for M&I use or to maintain historic return flow patterns for lands removed from irrigation.

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District irrigable area, defined as the District water supply, consists of:

(a) The water stored under the District storage right in the irrigation capacity.

(b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District irrigable area for irrigation through the District's exercise of the rights listed in IV.A.1.

(c) That portion of the reservoir inflow ~~bypassed to the river below at Trinidad Dam which is subject available diversion to the District irrigable area during the irrigation season~~ through the District's exercise of the water rights listed in IV.A.1.

2. The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate.

D. Operation and Exercise of Water Rights

The principles governing operation of the irrigation capacity and the District's exercise of the assigned direct flow water

rights listed under IV.A.1. and the District storage right are hereinafter set forth as they apply to operations during the entire year as well as to operations during either the non-irrigation season or irrigation season.

1. Non-interference with Downstream Water Rights

(a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.

(b) Reservoir inflow in excess of the amount stored under the transferred Model right may be detained in the reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District storage right and become part of the District water supply. Such detained water which does not become a part of the District water supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact, C.R.S. 1953, ~~148-9-1~~ ~~§37-69-101~~, et seq., C.R.S.

(c) Except as provided by paragraph (b) above, any water temporarily detained in the reservoir as a result of the reservoir inflow exceeding the design outlet capacity of the reservoir shall be released as soon as possible.

(d) All releases from the reservoir, as set forth in (a), (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

2. District Operation, Non-irrigation Season

(a) During the non-irrigation season the District will provide an allowance for stockwatering purposes of not more than a daily mean flow of five second-feet or its volume equivalent measured at a gage to be located near and above the Baca River headgate. If the stream gains from the Trinidad Dam to the said gage are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow will be released to satisfy stockwater demands within the allowance.

(b) ~~During the non-irrigation season, the District shall release water stored for the City of Trinidad as designated by the City of Trinidad for:~~

(1) M&I purposes;

(2) Release as winter return flow.

(bc) During the non-irrigation season the District will exercise the direct flow rights and the District storage right only at such times and to the degree as necessary to assure:

(1) That the maximum possible storage of reservoir inflow is accrued.

(2) The stockwater allowance is distributed in a manner determined equitable by the District.

3. District Operation - Irrigation Season

(a) During the irrigation season, except at such times as provided for in IV.D.3.(c) below, the District shall exercise the direct flow water rights and the District storage right only at such times and to the degree necessary to assure:

(1) That stream gains to the river below Trinidad Dam which are divertible to the District irrigable area and such reservoir inflow which is ~~bypassed~~ available to the river for District for irrigation and M&I use will be equitably distributed allocated to the District irrigable area as part of the allocated District water supply.

(2) That the District storage right can be fully exercised to store reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a)(1) above.

(b) During the irrigation season water stored in the irrigation capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District irrigable area ~~as part of the allocated District water supply, or as designated by the City of Trinidad, made available for M&I purposes or transferred to the permanent fishery pool, as provided in paragraph B.3. of this Article.~~

(c) During the irrigation season, when the irrigation capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the reservoir inflow and stream gains below Trinidad Dam which are divertible to the District irrigable area exceed the irrigation requirement and such excess is storable under the District storage right, the District will resume the exercise of the direct flow rights and exercise of the District storage rights as in D.3.(a)(2) above.

4. Evaporation and Seepage Losses

In the accounting for water in storage, evaporation and seepage losses due to water stored in the irrigation capacity shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

Article V - FISHERY AND RECREATION

The permanent fishery pool shall be operated in accordance with the following principles:

1. Water for the initial and subsequent fillings and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District water supply or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325.

2. In the accounting for water in storage, evaporation and seepage losses due to the permanent fishery pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

3. There shall never be any release of water from the permanent fishery pool except upon the request of the Colorado Game, Fish, and Parks Commission Department of Natural Resources to the Colorado State Engineer.

Article VI - REVIEW AND AMENDMENT

These operating principles may be subject to review and amendment not more than once a year at the request of any of the parties' signatory; provided, that at least one review shall be accomplished within the first 10 years following completion of the Trinidad Dam and at least one review shall be accomplished every 10 years thereafter. The primary object of such reviews will be obtaining optimum beneficial use of water as conditions change, operating experience is gained, and more technical data become available.

ATTACHMENT H

WHITE PAPER OF THE PURGATOIRE RIVER
WATER CONSERVANCY DISTRICT

WHEREAS, the State of Kansas has taken the following position with respect to the City of Trinidad's proposed changes to the Operating Principles of the Trinidad Dam and Reservoir Project that the State of Kansas:

we must have legally binding commitments by the City of Trinidad, the Purgatoire River Water Conservancy District, the United States and the State of Colorado that the Operating Principles as amended will, in the future, be enforceable as part of the Arkansas River Compact. Until such time as those commitments can be provided, we do not believe that it is prudent to proceed further with a review of the proposed amendments to the Operating Principles.

WHEREAS, the Decision of the Special Master on Colorado's Motion to Dismiss Kansas' Trinidad Reservoir Claim, dated June 9, 1992, in the case of State of Kansas v. State of Colorado, p. 65-66, distinguishes between the Operating Principles and the Arkansas River Compact, noting that to establish a violation of the Compact

requires a showing that the Trinidad Operations caused a material depletion within the meaning of Article IV-D. The impact of this Decision is that a violation of the Operating Principles is not necessarily a violation of the Compact.

WHEREAS, the Decision of Special Master on Colorado's Motion to Dismiss Kansas' Trinidad Reservoir Claim, dated June 9, 1992, in the case of State of Kansas v. State of Colorado, p. 66 states:

While not specifically raised by Colorado's motion, the issue of possible amendments to the Operating Principles remains unresolved. The Bureau of Reclamation has recommended that all interested parties work together to amend the Operating Principles to provide for optimum beneficial use in the Trinidad area "consistent with the protection of downstream non-project rights." Jt. Exh.23 at 57. It further recommends that any proposed amendments be submitted to the State of Kansas for approval, pursuant to Kansas Condition 2, "provided the amended Operating Principles will not result in less inflow to John Martin Reservoir than would have occurred had the Trinidad Project not been built." Id. at 57. I concur in these recommendations. I believe that Kansas' review of any changed operating conditions must be based on whether or not such operation will cause a material depletion of usable flows under Article IV-D of the Compact. Kansas may not unreasonably withhold its approval in order to secure benefits from the Trinidad Project.

THEREFORE, the Purgatoire River Water Conservancy District takes the position that Kansas' position is unreasonable.

FURTHERMORE, the Purgatoire River Water Conservancy District takes the position that the Operating Principles are not an interstate compact and are not enforceable as part of the Arkansas River Compact. The United States Supreme Court does not have, nor can the Purgatoire River Water Conservancy District, nor anyone else grant it original jurisdiction to enforce the Operating Principles. Personal jurisdiction over the Purgatoire River Water Conservancy District and the United States Bureau of Reclamation surely lies in the United States District Court for the District of Colorado.

FURTHERMORE, should the State of Kansas continue to refuse to review proposed amendments to the Operating Principles based on the position referred to above, the Purgatoire River Water Conservancy District may seek all proper and appropriate relief.

ATTACHMENT I

ATTACHMENT J

LAW OFFICES
M.E. MACDOUGALL
102 NORTH CASCADE AVENUE
SUITE 208
COLORADO SPRINGS, COLORADO 80903-1414

M.E. MACDOUGALL
JULIANNE M. WOODRUFF
HENRY D. WOODLEY

213110
TELEPHONE
(719) 520-9288
FAX
(719) 520-9447

November 23, 1992

Frank G. Cooley, Esq.
Chairman and Federal Representative
Arkansas River Compact Administration
Post Office Box 98
Meeker, CO 81641

**Re: Proposed Amended Operating Principles - Trinidad
Project - Administration Agenda December 8, 1992**

Dear Mr. Cooley:

Reference is made to past meetings on the above, as more specifically set forth in my letters to you most recently dated November 1, 1991, and November 8, 1991, copies enclosed.

Although I don't yet have a copy of the minutes of the December 10, 1991 Annual Meeting, my notes reflect that Colorado proposed a Resolution (3-page copy, "Exhibit E" to the proceedings of December 10, 1991, a copy of which is attached), on which Colorado voted "Yes" and Kansas voted "No." The Chair then ruled that that was the conclusion of the question and clarification was refused.

Since then, and on June 9, 1992, Special Master Littleworth entered his "DECISION OF SPECIAL MASTER ON COLORADO'S MOTION TO DISMISS KANSAS' TRINIDAD RESERVOIR CLAIM."

I have copied, and enclose a copy of that decision for you and each Compact member.

I wish to especially point out the language of Special Master Littleworth on page 67, in part as follows:

While not specifically raised by Colorado's motion, the issue of possible amendments to the Operating Principles remains unresolved. The Bureau of Reclamation has recommended that all interested parties work together to amend the Operating Principles to provide for optimum beneficial use in the Trinidad area "consistent with the protection of downstream non-project rights." Jt. Exh.

Frank G. Cooley, Esq.
November 23, 1992
Page Two

23 at 57. It further recommends that any proposed amendments be submitted to the State of Kansas for approval, pursuant to Kansas Condition 2, "provided the amended Operating Principles will not result in less inflow to John Martin Reservoir than would have occurred had the Trinidad Project not been built." Id. at 57. I concur in these recommendations. I believe that Kansas' review of any changed operating conditions must be based on whether or not such operation will cause a material depletion of usable flows under Article IV-D of the Compact. Kansas may not unreasonably withhold its approval in order to secure benefits from the Trinidad Project.

This letter, with a copy of Special Master Littleworth's June 9, 1992 Decision, is being forwarded to:

Daries C. ("Chuck") Lile
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver, CO 80203

James G. Rogers
32259 Road 13, Route 2
Lamar, CO 81052

Lola Fox
H.C.O.I.
Post Office Box 16
Syracuse, KS 76878

Randy Hayzlett
Route 1
Lakin, KS 67860

Carl G. Genova
33032 South Road
Pueblo, CO 81006

David L. Pope, P.E.
Chief Engineer-Director
Kansas State Board of
Agriculture
Division of Water Resources
901 South Kansas Avenue
Second Floor
Topeka, KS 66612-1283

For the fourth time, I respectfully request that the Arkansas River Compact Administration "review and approve" the proposed Amended Operating Principles for the Trinidad Project as required by "Kansas Condition No. 2".

Frank G. Cooley, Esq.
November 23, 1992
Page Three

I also respectfully request that the evidence admitted to the record at the annual meetings of the Arkansas River Compact Administration on December 12, 1989, December 11, 1990, and December 10, 1991, plus the transcripts of those proceedings so far as they relate to the Trinidad Project, be admitted to the record of the annual meeting on December 8, 1992 together with a copy of the June 9, 1992 Decision of Special Master Littleworth on the Motion to Dismiss the Trinidad Reservoir claim, and this letter.

You should expect Mrs. Julianne Woldridge to be present for the Purgatoire River Water Conservancy District at the meeting(s) in Lamar on December 7 and 8, 1992.

Very truly yours,


M.E. MacDougall

MEM:slj
Enclosures

cc: Chuck Lile
Carl G. Genova
James G. Rogers
Lola Fox
Randy Hayzlett
Patricia Weiss
Wendy C. Weiss
Dennis Montgomery
David L. Pope
John B. Draper
Andrew F. Walch
Leland E. Rolfs
Purgatoire River Water
Conservancy District
Steve Witte
Bob Jesse

ATTACHMENT K

WHEREAS, the Arkansas River Compact Administration approved Operating Principles for the Trinidad Dam and Reservoir Project, Colorado, and five conditions requested by Governor William H. Avery of Kansas at a meeting of the Compact Administration held on June 6, 1967; and

WHEREAS, Condition No. 2 of the five Kansas conditions to the Operating Principles provides that any subsequent amendment of the Operating Principles should be subject to review and approval of the same interest as provided for in the original procedure; and

WHEREAS, Condition No. 4 of the five Kansas conditions to the Operating Principles provides that five years after beginning operation of the Trinidad Reservoir for irrigation purposes, the Operating Principles be reviewed to determine the effect, if any, the operation has had on other Colorado and Kansas water users and the Principles amended as necessary; and

WHEREAS, the Compact Administration requested the Bureau of Reclamation to conduct a review of the Operating Principles at the annual meeting of the Compact Administration held on December 11, 1984; and

WHEREAS, the Bureau of Reclamation has conducted a review of the Operating Principles and submitted its "Final Report" to the Compact Administration at its annual meeting on December 13, 1988; and

WHEREAS, the Purgatoire River Water Conservancy District has submitted Proposed Amendments to the Operating Principles to the Compact Administration for review and approval at its annual

meetings in 1989, 1990, 1991, and now again this year; and

WHEREAS, the Purgatoire River Water Conservancy District has submitted documentation to support the proposed amendments; and

WHEREAS, the United States Bureau of Reclamation has approved the proposed amendments, which are also the subject of a pending application filed by the Purgatoire River Water Conservancy District, Case No. 88CW21, Water Division 2, Colorado;

NOW, THEREFORE, the Compact Administration directs the Engineering Committee to review the proposed amendments at a meeting set for _____ and determine whether the proposed amendments will materially deplete the usable inflows to John Martin Reservoir beyond the average annual depletions during the period 1925 through 1957 as determined in the Bureau of Reclamation's prior studies and to report back to the Compact Administration within a period of 60 days on its findings. If the Engineering Committee cannot agree upon findings, the Committee members shall submit individual reports on their findings within a period of 75 days.

ATTACHMENT L

WHEREAS, on November 1, 1991, the Purgatoire River Water Conservancy District requested an account for storage in John Martin Reservoir and presented that request to the Arkansas River Compact Administration at its annual meeting on December 10, 1991; and

WHEREAS, this request has been referred to the Engineering Committee of the Arkansas River Compact Administration for review.

NOW, THEREFORE, BE IT RESOLVED that the Administration directs the Engineering Committee of the Arkansas River Compact Administration to meet ^{telephonically} prior to March 31, 1993, to review this request, and to meet two additional times after that and before the Administration's 1993 annual meeting, if necessary, ^{or useful} and to prepare and present to the Administration prior to or at the 1993 annual meeting a written report of the results of such review and the Engineering Committee's final recommendations or approval of this request.

ATTACHMENT M

NOT USED

ATTACHMENT N

MOTION

The State of Kansas hereby moves that the Arkansas River Compact Administration (ARCA) adopt the following resolution:

Whereas the ARCA is charged with the administration of the Arkansas River Compact, and

Whereas the Compact provides in Article VII F. that "Each state shall provide such available facilities, equipment and other assistance as the Administration may need to carry out its duties."

Whereas the ARCA is required by Article VIII G. (1) of the Compact to "cooperate with the chief official of each State charged with the administration of water rights and with Federal Agencies in the systematic determination and correlation of the facts as to the flow and diversion of the waters of the Arkansas River.... State officials shall furnish pertinent factual data to the Administration upon its request. The Administration shall, with the collaboration of the appropriate Federal and State agencies, determine as may be necessary from time to time, the location of gaging stations required for the proper administration of this Compact and shall designate the official records of such stations for its official use." (Emphasis supplied.)

Whereas ARCA desires to have better information and data available on the flows of the Arkansas River and its tributaries and the quantity and nature of the depletions of the flows of the

waters of the Arkansas River in order to better administer the provisions of the Arkansas River Compact,

Therefore, in order to enhance and improve the quality of the data available to the ARCA on the flows of the Arkansas River and its tributaries and the quantity and nature of the depletions of the waters of the Arkansas River, in accordance with the terms of Article VIII of the Arkansas River Compact, ARCA hereby requests the State Engineer of the State of Colorado to collect the following described data and furnish it to the ARCA:

A. Metering of Wells

1. The State Engineer of Colorado shall require that all wells with a capacity of 50 gallons per minute which withdraw "waters of the Arkansas River" as defined in Article III B of the Compact to install a totalizing meter which would indicate the total volume of water withdrawn by the well within an accuracy of plus or minus 2 percent.

2. The meters shall be installed and maintained to the satisfaction of the State Engineer of Colorado at the cost of the owner of the well.

3. The State Engineer of Colorado shall require the owners to accurately report monthly and annual amounts of water withdrawn

from the well. Each record shall be properly identified by location, well permit number and decree. The records shall be maintained by the Colorado State Engineer. These records shall be furnished to ARCA annually on a compact year basis in computer readable form.

4. All wells shall be metered no later than the end of compact year 1995, with approximately one fourth of the wells being metered each year until that time. Any well not metered in accordance with the order of the State Engineer of Colorado will not be allowed to divert water.

5. The State Engineer of Colorado will annually report to the ARCA on the progress of metering the wells.

B. Preservation of Power Company Records

1. That because it is the understanding of the ARCA that if action is not taken in the near future that invaluable records of power companies may be irretrievably destroyed, the State Engineer of Colorado shall obtain and preserve the following described power company records in whatever forms it is available for compact years 1986 through 1995, preferably computer readable forms. These records will be sufficient to make estimates of quantities of water withdrawn from wells in a manner similar to that done in the Kansas v. Colorado lawsuit.

2. The power data collected shall be on an individual account basis identified by legal section or quarter section and identify the type of use being made of the water withdrawn.

3. The State Engineer of Colorado shall obtain all records of power used to divert water from wells with a capacity of 50 gallons per minute or more withdrawing water from the "waters of the Arkansas River" as defined in Article III B of the Compact from all utilities supplying power to the basin including, but not limited to, the following power companies, and or their successors:

- a. CENTEL
- b. Southeast Colorado Power Association
- c. City of Las Animas
- d. City of Lamar, and
- e. City of Holly

4. The State Engineer of Colorado shall also obtain similar data from all natural gas suppliers which supply natural gas to the basin.

5. The State Engineer of Colorado shall also collect and preserve the annual PUC records of each of the utilities/companies which supply power to the basin.

7. The power data obtained and preserved by the State Engineer of

Colorado shall be made available to the ARCA or the State of Kansas upon request.

8. The reasonable costs of obtaining and preserving the power company data shall be paid by ARCA. Expenditures necessary to obtain and preserve this data shall be approved in advance by the ARCA.

9. The State Engineer of Colorado shall provide the ARCA with all data collected by the State of Colorado, and other entities, which was obtained for derivation of power conversion factors for use in estimating ground water withdrawals, including the data collected by the Colorado Water and Power Development Association in 1992.

C. Gages on Ungaged Tributaries

1. That in order to obtain better hydrologic information on the flows of tributaries to the Arkansas River in Colorado which are either currently ungaged or inadequately gaged, during Compact year 1993 the States of Colorado and Kansas, in consultation with the U.S. Geological Survey, shall review former, present and possible gage sites on the following tributaries:

a. Tributaries between John Martin Reservoir and the State Line

1. Cheyenne Creek*
2. Wild Horse Creek*

3. Two Butte Creek*
4. Granada Creek
5. Buffalo Creek
6. Wolfe Creek
7. Big Sandy Creek*
8. Clay Creek
9. Dry Creek
10. Mud Creek, and
11. Caddoa Creek.

b. Tributaries between Pueblo and John Martin Reservoir

1. Adobe Creek
2. Horse Creek*
3. Timpas Creek*
4. Apishapa Creek*
5. Huerfano River*
6. St. Charles River*
7. Fountain Creek*

* Gage previously existed or may already exist.

2. All tributaries listed shall be evaluated for suitable gage sites and sites selected which are as near as possible the confluence with the Arkansas River, but upstream of any significant points of diversion or reaches that may be affected by return flows resulting from mainstem diversions.

3. For each proposed gage site the State Engineer of Colorado shall identify upstream uses and an estimate of the upstream depletions of the natural flow of the tributary.

4. Thirty days prior to the 1993 annual meeting of the ARCA, the U.S. Geological Survey shall submit a report to ARCA summarizing the study of the feasibility of the gage sites on the above named tributaries and the costs associated with installation and maintenance of the gages.

5. At the 1993 annual meeting of the ARCA, the ARCA shall select the gage sites to be constructed and maintained cooperatively with the U.S. Geological Survey. The gages selected shall be installed prior to the 1994 annual meeting of ARCA.

ATTACHMENT 0

Report of the Civil Work Activities of the
Albuquerque District Corps of Engineers
in the Arkansas River Basin
During the Calendar Year 1992

1. General. During calendar year 1992, activities of the Corps of Engineers, Albuquerque District, in the Arkansas River Basin consisted of reservoir regulation, flood control related studies, flood plain management services, and the regulation of dredged or fill materials into waterways under Section 404 of the Clean Water Act.

2. Flood Control Operations. Given the relatively low snowmelt runoff and the lack of major rainfall storms during the summer months, there was no flood control regulation at John Martin, Trinidad, or Pueblo Reservoirs in 1992. A storm in the upper Arkansas River Basin on August 17, 1992 produced a peak flow at the Portland gage of 6,540 cfs. This small peak was easily contained at Pueblo Reservoir with resulting flood benefits of \$266,000.

3. Small Projects Program. Under Section 14 of our Continuing Authorities Program, the Corps of Engineers is able to provide emergency streambank protection works to prevent damage to highways, bridge approaches, public works, churches, hospitals, schools, and other non-profit public facilities. Up to \$500,000 in Federal funds can be spent for each project. Under our Section 205 authority, small flood control projects may be constructed with a maximum Federal contribution of \$5,000,000.

The non-federal sponsor, under both of these authorities, must contribute 25% of the cost for these projects. This program is available to communities, flood control organizations, and other governing entities. Those having a need for this program should contact the U.S. Army Corps of Engineers, Formulation Section, P.O. Box 1580, Albuquerque, New Mexico 87103-1580, telephone (505) 766-2607.

Activities conducted under these authorities in 1992 consisted of 4 studies utilizing our Section 14 authority. Three are being terminated because the state of Colorado and the Corps cannot consummate the required cost sharing agreement. The remaining Section 14 project is on State Highway 194 along the Arkansas River near Bent's Old Fort at La Junta. This project is being pursued with Otero County being the local sponsor.

Flood Plain Management Services. The objective of the flood plain management services program is to support comprehensive flood plain management planning with technical services and planning guidance at all appropriate governmental levels. This is intended to encourage and to guide local governments toward prudent use of the nation's flood plains.

Services available include help in interpretation and evaluation of basic flood hazard data and guidance in preparation of flood plain regulations; advice on use of basic data actions regarding possible alternative developments in flood-prone areas; guidance on structural and nonstructural measures which might be employed to reduce flood hazard; and in some cases, development of basic flood hazard data. Section 321 of the Water Resources Development Act of 1990 requires recovering the costs of services provided to Federal agencies, private persons and organizations. A fee schedule has been established. These services will continue to be provided to state and local governments at no cost to the requestor.

Thus far in 1992, the Albuquerque District has responded to 20 requests for technical services and flood hazard evaluations of specific sites in the Arkansas River Basin.

In addition, we have initiated Flood Preparedness Plans for the cities of Florence and La Junta, Colorado. These plans, which will be completed in early 1993, will assist in reducing losses during floods. Funds for a Flood Preparedness Plan for Canon City have been requested.

Governmental agencies or persons having a need for these services should contact the U.S. Army Corps of Engineers, Hydrology and Hydraulics Section, P.O. Box 1580, Albuquerque, New Mexico 87103-1580, telephone (505) 766-2615.

8. 404 Permits. Section 404 of the Clean Water Act prohibits discharges of dredged or fill materials into waters of the United States, including adjacent wetlands, without a permit from the Corps of Engineers. Persons or agencies who are planning to conduct operations which will involve the discharge of dredged or fill material into any waterway are advised to contact the Southern Colorado Regulatory Office, 421 N. Main, P.O. Box 294, Pueblo, CO 81002, (719) 543-9459. In Fiscal Year 92 three permits were issued. An additional 130 activities were reviewed.

ATTACHMENT P

SEE ATTACHMENT C

ATTACHMENT Q

Draft for Consideration at
December 8, 1992, Annual Meeting

ARCA By-Laws
7/12/85

Proposed Revision to Art. IV, Section 5

5.(a) The Administration shall keep minutes of the proceedings. Such minutes shall be preserved in a suitable manner as directed. Until approved by the Administration, minutes shall not be official and only to the members of the Administration, its employees, and committees. Distribution of official minutes shall be made by the recording designee in accordance with directives of the Administration.

(b) Unless the requirements of this subsection (b) are waived ...
(c), a verbatim transcript of the proceedings of Administration meetings shall be taken by a duly licensed, official court reporter.

The recording secretary or his designee shall be responsible for the services of such duly licensed, official court reporter to take and transcribe the proceedings of the meeting. Copies of the draft transcript of a meeting shall be distributed to a designated representative from each member state within two weeks of the meeting for corrections, but not editing. Corrections agreed upon by these two representatives shall be forwarded to the court reporter and the court reporter instructed to prepare within two weeks a final, corrected transcript. The recording secretary or his designee shall provide a copy of the final, corrected transcript of a meeting to each REPRESENTATIVE FROM EACH member STATE of the Administration within two weeks of his receipt of the transcript from the court reporter. The final transcript of a meeting shall, upon the approval of the Administration, become the official minutes of that meeting. THE OFFICIAL MINUTES SHALL BE APPROVED BY THE RECORDING SECRETARY INDICATING THE DATE OF AND METHOD OF APPROVAL BY THE CHAIRMAN.

(c) The requirements OF USING A DULY LICENSED, OFFICIAL COURT REPORTER AS SET OUT IN sub-section (b) may be waived in advance of a meeting upon the agreement of both states. In this event, the recording secretary or his designee shall be responsible for electronically recording a meeting, ~~except that special telephonic meetings shall not be so recorded,~~ and for preparing AS DIRECTED BY BOTH STATES, EITHER a written summary which accurately reflects the proceedings of a meeting and all actions taken by the Administration at such meeting OR A VERBATIM TRANSCRIPT OF THE MEETING. ~~A draft of such summary shall be distributed by the recording secretary or his designee to each member of the Administration within four weeks of a meeting. Upon the approval of such summary by the Administration, it shall become the official minutes of that meeting.~~ PROCEDURES FOR THE DISTRIBUTION AND APPROVAL OF FINAL CORRECTED TRANSCRIPTS OR SUMMARIES AND DESIGNATION AS THE OFFICIAL MINUTES OF A MEETING SHALL BE AS SPECIFIED IN SUBSECTION (B). ~~The~~ ANY electronic recording of a meeting shall be preserved by the recording secretary but shall not constitute the official minutes of a meeting.

ARCArev.byj

ATTACHMENT R

FY 1992-93 BUDGET
(July 1, 1992 - June 30, 1993)



I. EXPENDITURES

A. CONTRACTUAL SERVICES:

1.	Treasurer	\$ 2,000	
2.	Recording Secretary	2,000	
3.	Operations Secretary	6,100	
4.	Auditor's Fees	400	
5.	Court Reporter's Fees	<u>1,000</u>	
		\$11,500	\$11,500

B. GAGING STATIONS:

1.	U.S. Geological Survey Cooperative Agreements for federal FY 1992	\$13,225	
2.	St. of Colo. Satellite System	<u>8,000</u>	
		\$21,225	\$21,225

C. OPERATING EXPENSES:

1.	Treasurer's Bond	\$ 100	
2.	1988 and 1989 Annual Reports (Printing)	5,000	
3.	Telephone	3,000	
4.	Office Supplies/Postage	400	
5.	Printing/Copying	300	
6.	Meetings	500	
7.	Travel	0	
8.	Rent	<u>600</u>	
		\$ 9,900	\$ 9,900

D. EQUIPMENT:

0

E. CONTINGENCY:

\$ 1,000

F. LITIGATION:

\$ 4,000
\$47,625

II. INCOME

A. ASSESSMENTS:

1.	Colorado	(60%)	\$23,400	
2.	Kansas	(40%)	<u>15,600</u>	
			\$39,000	\$39,000

B. INTEREST EARNING:

\$ 1,000

C. MISCELLANEOUS:

0
\$40,000

III. EXPENDITURES FROM SURPLUS

\$ 7,625

Adopted by the Arkansas River Compact Administration at its December 11, 1990, Annual Meeting, and revised at its December 10, 1991 Annual Meeting, and revised again at its December 8, 1992, Annual Meeting.

Preliminary for ARCA Review

12/8/92

Treasurer

Date

ATTACHMENT S

FY 1993-94 BUDGET
 (July 1, 1993 - June 30, 1994)



I. EXPENDITURES

A. CONTRACTUAL SERVICES:

1.	Treasurer	\$ 2,000	
2.	Recording Secretary	2,000	
3.	Operations Secretary	6,100	
4.	Auditor's Fees	400	
5.	Court Reporter's Fees	<u>1,000</u>	
		\$11,500	\$11,500

B. GAGING STATIONS:

1.	U.S. Geological Survey Cooperative Agreements for Federal FY 1993	\$14,300	
2.	State of Colorado Satellite System	<u>8,000</u>	
		\$22,300	\$22,300

C. OPERATING EXPENSES:

1.	Treasurer's Bond	\$ 100	
2.	1990, 1991, and 1992 Annual Reports Printing)	7,500	
3.	Telephone	2,000	
4.	Office Supplies/Postage	400	
5.	Printing/Copying	300	
6.	Meetings	500	
7.	Travel	0	
8.	Rent	<u>600</u>	
		\$11,400	\$11,400

D. EQUIPMENT:

0

E. CONTINGENCY:

1,000

F. LITIGATION

\$ 7,000
\$53,200

II. INCOME

A. ASSESSMENTS:

1.	Colorado (60%)	\$24,000	
2.	Kansas (40%)	<u>16,000</u>	
		\$40,000	\$40,000

B. SPECIAL ASSESSMENT:

1.	Colorado (60%)	\$ 7,800	
2.	Kansas (40%)	<u>5,200</u>	
		\$13,000	\$13,000

C. INTEREST EARNINGS:

\$ 500

D. MISCELLANEOUS:

0
\$53,500

EXPENDITURES FROM SURPLUS

<\$ 300>

Adopted by the Arkansas River Compact Administration at its December 10, 1991, Annual Meeting, and revised at its December 8, 1992, Annual Meeting.

Preliminary for ARCA Review

12/8/92

Treasurer

Date

ATTACHMENT T

FY 1994-95 BUDGET
July 1, 1994 - June 30, 1995



I. EXPENDITURES

A. SALARIES AND CONTRACTUAL SERVICES:

1. Treasurer	\$ 2,000	
2. Recording Secretary	2,000	
3. Operations Secretary	6,100	
4. Auditor's Fees	400	
5. Court Reporter's Fees	<u>1,000</u>	
	11,500	\$11,500

B. GAGING STATIONS:

1. U.S. Geological Survey Agreements for federal FY 1994	\$15,150	
2. St. of Colorado Satellite System	<u>8,000</u>	
	23,150	\$23,150

C. OPERATING EXPENSES:

1. Treasurer's Bond	\$ 100	
2. 1993 Annual Report (Printing)	3,000	
3. Telephone	1,500	
4. Office Supplies/Postage	400	
5. Printing/Copying	300	
6. Meetings	500	
7. Travel	0	
8. Rent	<u>600</u>	
	6,400	\$ 6,400

D. EQUIPMENT:

0

E. CONTINGENCY:

1,000

F. LITIGATION

\$10,000

Total Expenditures: \$52,050

II. INCOME

A. ASSESSMENTS:

1. Colorado (60%)	\$24,000	
2. Kansas (40%)	<u>16,000</u>	
	\$40,000	\$40,000

B. SPECIAL ASSESSMENT

1. Colorado (60%)	\$ 6,000	
2. Kansas (40%)	<u>4,000</u>	
	\$10,000	\$10,000

C. INTEREST EARNINGS

500

D. MISCELLANEOUS

0

Total Income: \$50,500

III. EXPENDITURES FROM SURPLUS

\$ 1,550

Adopted by the Arkansas River Compact Administration at its
 December 8, 1992, Annual Meeting.

Preliminary for ARCA Review

Treasurer 12/8/92

ATTACHMENT U

Attendance List
 Arkansas River Compact Administration
 Dec 8, 1992 Lamar Colorado

Steve Miller	Denver Colo	Colo. Water Cons. Ref.
HAL SIMPSON	DENVER, CO	COV. STATE ENGINEER
David W Robbins	Denver, CO	state of Colorado
JAMES FERNANDEZ	TRINIDAD, CO.	CITY OF TRINIDAD
DAVID L. HARRISON	BOULDER, CO	CITY OF TRINIDAD
Reuben Gutierrez	T'idad, Colo	RRWCD
Danny Marques	T'idad Co.	Secy of Col. Water Commissioner
Julianne Woldridge	Colo Springs	Purgatoire River W.C.D.
JERIS A. DANIELSON	DENVER	" " "
Ronald P. Desilet	Colo. Sprngs.	Colo. Division of Wildlife
Grady McNeill	Denver, Co	" " " "
Frank Milenski	La Junta	CATLIN Canal
Bill Howland	Cas Animas Co	Colo. Div. Water Resources
ROBERT JESSE	PUEBLO. Co	U.S.B.P.
TOM SIMPSON	PUEBLO CO	SOUTHWESTERN COLO. WATER CONSERVATION DIST.
Doug Cain	Pueblo, Co	U.S. Geological Survey
Steve White	Pueblo, CO	Colo. Div. Water Res. / AREA OF RES.
DAN NEUHOLD	LAMAR, CO.	WATER COMM. DIST 66+67
Ken Coeych	PUEBLO Co	
Carl Allen	P.F.	Patterson
ELMER BAUMAN	MANZANILLA Co	CATLIN CANAL S. DIST
GERALD KNAPP	Rocky Ford, Co	ARK VALLEY RANGE DIST.
RE. Northrup	LAMAR. Co.	DIRECTOR SECWCD.
DONALD F. HIGBEE	LAMAR, CO.	DISTRICT 62 DITCH ASSOC. LAMAR
Ernie Hofmeister	Lamar Co.	Lamar Canal Frig. Co.
Carin Thompson	Hotchkiss Co	Amity Mutual

12/8/1992

Paul Frank	Holly Co	Amity Mutual
Marvin Hamilton	Holly, Colo.	Amity Mutual
STEVEN FROST	Geary, KS	SWKS GM'D
Bob D. Dwyer	Deerfield, KS	Kansas D.W.R.
David A. Brun	Garden City	Kansas Great Eastern Iowa
Oliver Hines	Coolidge, Kansas	Frontier Ditch Co.
MARK RUDÉ	GARDEN CITY, KS.	KS. DIV. OF WATER RESOURCES
Jim Townsend	Pueblo, CO	US Army Corps of Engineers
Dick Kreiner	Albuquerque, NM	" " " "
David Barfield	Topoka, KS	KS DWR.
Samie Weber	Lamar Colo.	Fort Lyon Canal
Paul Springer	Lamar Co.	Fort Lyon Canal
John S. Lifford	Lamar, CO	Fort Lyon Canal
John S. Lifford	Lamar, CO	Fort Lyon Canal Co
Duane D. Helton	Denver, CO	Tipton and Kolmbach, Inc
Howard Bogner	Las Animas	Fort Lyon Canal
Eric Carroll Dutton	La Junta	Fort Lyon Canal

ATTACHMENT V

ARKANSAS RIVER COMPACT ADMINISTRATION

307 South Fifth Street
LAMAR, COLORADO 81052

COLORADO
DARIES C. LILE, Denver
CARL GENOVA, Pueblo
JAMES G. ROGERS, Lamar

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

KANSAS
DAVID L. POPE, Topeka
RANDY HAYZLETT, Lamar
LOLA FOX, Syracuse

RESOLUTION

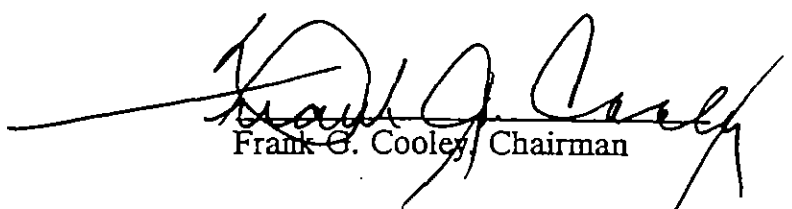
WHEREAS, Mr. David W. Walker, in his capacity as Director of the Colorado Water Conservation Board, served as a representative from the State of Colorado to the Arkansas River Compact Administration; and

WHEREAS, Mr. Walker ably and steadfastly represented Colorado's interests with equanimity and fairness in a gentlemanly manner during his association with the Administration.

NOW, THEREFORE, BE IT RESOLVED by the Arkansas River Compact Administration that it does hereby express its gratitude and appreciation to David W. Walker for his outstanding service, dedication, and courtesy to the Administration and to the states, and further extends to him its best wishes for health and happiness in the future.

BE IT FURTHER RESOLVED that the Administration honor Mr. Walker for his service by including this Resolution in the Administration's 1992 Annual Report and instruct the Recording Secretary to send a copy of the Resolution to Mr. Walker.

Entered this 8th day of December, 1992, at the Annual Meeting of the Arkansas River Compact Administration held in Lamar, Colorado.


Frank G. Cooley, Chairman