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1 **ARKANSAS RIVER COMPACT ADMINISTRATION**

2
3 **COMPACT YEAR 1993**

4 **ANNUAL MEETING**

5 DECEMBER 14, 1993

6
7 Proceeding held at the Cow Palace Inn Conference Room, in the City of Lamar,
8 State of Colorado, on the 14th day of December, 1993, beginning at 8:30 a.m. There is a
9 separate transcript for Executive Session held the same day.

10 These minutes approved by the Arkansas River Compact Administration at the
11 2011 Annual Meeting, held on 12/8/2011, at Lamar, Colorado and the
12 Vice Chairman was thereby authorized to sign below, signifying adoption as the official minutes
13 of the Administration.

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16 
17 VICE CHAIRMAN,
18 ARKANSAS RIVER COMPACT ADMINISTRATION

19
20 **Note Transcript Development**

21 The Court Reporter for the 1993 Annual Meeting passed away before being able to complete this
22 transcript. This transcript has been generated from a tape recording of the meeting by both
23 Colorado Water Conservation Board (CWCB) and Kansas Division of Water Resources staff.
24 Many thanks go to the staff that has provided input: Steve Miller and Susan Maul, CWCB;
25 Kevin Fross, KDA; Brandy Cole, KDWR; Rachel Claucherty, KDWR; and Kevin Salter,
26 KDWR.

Appearances

Mr. Frank G. Cooley, Federal Chair

For Colorado:

Mr. Daries C. Lile, Colorado Representative

Mr. Carl Genova, Colorado Representative and Vice Chair

Mr. James G. Rogers, Colorado Representative and Treasurer

For Kansas:

Mr. Randy Hayzlett, Kansas Representative

Ms. Lola Fox, Kansas Representative

1 FRANK G. COOLEY: (Chairman) Ladies and gentlemen, I think that it is best
2 that we move along. I would like everyone to stand for just a moment, if you please, before we
3 call the meeting officially to order. I think it is appropriate that we pause just a moment or two.
4 David Pope who is Chairman of the Kansas delegation lost his mother Friday. Both of his folks
5 lived on a farm. We know what fine people they are because of what a fine son they have. And
6 our hearts go out to David and his family this morning and we are going to pause for just a
7 moment in recognition of them. (pause)

8 Please be seated. This is the annual meeting of the Arkansas River Compact
9 Administration which is set by law for this day. There are three microphones up here and one
10 microphone for the audience. We have a Court Reporter who I do not believe has worked for
11 this group before, and it is important to us that the Reporter have a full and accurate record, and I
12 want the cooperation of each of you, especially in some of our fast flying colloquy, that the
13 speaker identify herself or himself, so that we have an accurate record.

14 The first item on the agenda is the introductions, and I am going to call on Daries
15 C. Lile – that really is his name, but henceforth he will be known as Chuck – to introduce the
16 Colorado staff including some of the consultants and attorneys here and later we will circulate
17 the attendance list and make some further introductions, further into the meeting.

18 Chuck, if you would, please.

19 DARIES C. LILE: Thank you, Mr. Chairman. First I would like to congratulate
20 my fellow commissioners, particularly Carl Genova and Jim Rogers, for their reappointment to
21 the commission by Governor Romer. Congratulations and thank you for being willing to serve
22 again.

23 We also have with us Wendy Weiss, from the Attorney General's office, and Dan
24 Neuhold from Water Resources. Dennis Montgomery, special counsel to Colorado for the

1 Arkansas River Compact. And Duane Helton, an Engineer, and Division Engineer Mr. Steve
2 Witte. We have in the back, Frank Milenski.

3 CHAIRMAN COOLEY: Pardon me. Pardon me. It is, as far as I am concerned
4 the PA system is more of a hindrance than a help. Could we try it with the PA system off, Steve,
5 if you please?

6 STEVE MILLER: Okay.

7 MR. LILE: Does that help?

8 CHAIRMAN COOLEY: It helped some and speak up if you will, sir.

9 MR. LILE: All right. I will try it again. It is kind of an echo sound here.

10 CHAIRMAN COOLEY: Let's have Steve see if he can do anything.

11 CHAIRMAN COOLEY: Does that do it for anybody? Let's try as Steve jiggles
12 the knob.

13 MR. LILE: Okay. I would like to continue. I was mentioning Mr. Frank
14 Milenski, who is a long time water user in the Arkansas, he's here today, nice to have you Frank.
15 We have Mr. Bob Jesse sitting back there from the Bureau of Reclamation which everybody in
16 this commission has had numerous occasions to be acquainted with.

17 CHAIRMAN COOLEY: Was he the man that was sued so frequently?

18 MR. LILE: Yes, the famous (laughter)...Tommy Thomson from the Southeast
19 Conservancy District. We have Duane Helton representing the Lower Arkansas Valley Water
20 users. We have Dr. Jeris Danielson representing the Trinidad area. And I believe that's all the
21 introductions I would like to make at this time.

22 CHAIRMAN COOLEY: Thank you. Randy, are you prepared to – Randy
23 Hayzlett, a member from the State of Kansas. Randy will give the Kansas introductions.

24 RANDY HAYZLETT: Thank you, Mr. Chairman. In Dave's (David Pope)

1 absence I will try to introduce members from Kansas that are here. On my right is Lola Fox, and
2 seated next to me is Lee Rolfs, Division of Water Resources, on the end, David Barfield, with
3 Division of Water Resources, special counsel is John Draper, and consultant, Dale Book. We
4 have Mark Rude from the Division of Water Resources in Garden City, and his staff is Kevin
5 Salter and Byron Bland.

6 Representing some ditches we have Dave Brenn from the Garden City Company,
7 and Mr. and Mrs. Oliver Hines from the Frontier Ditch, and we have Steve Frost from
8 Groundwater Management District No. 3. I believe that's all the introductions.

9 CHAIRMAN COOLEY: Thank you very much. An agenda has been circulated
10 previously to the members of the Compact Administration. Does anyone ... before we consider
11 the agenda, are there any last minute changes on the agenda?

12 Steve, is there anything on the agenda or is there a place for the consideration of
13 the transit loss proposal for the Purgatoire River that I've suggested? Would that be under Item
14 11, USGS reports, might that be there?

15 MR. MILLER: I think that's the best place; the USGS person is going to be late
16 arriving this morning. The other place would be under the report of the engineering committee
17 were it was discussed some last night.

18 CHAIRMAN COOLEY: Without objection, I would consider Item 11 to be
19 sufficiently broad to cover that proposed transit loss study or the consideration of one. Is there a
20 motion that we adopt the budget... adopt the agenda?

21 MR. LILE: So move.

22 CHAIRMAN COOLEY: Alright it's been moved. Is there a second?

23 LOLA FOX: Seconded.

24 CHAIRMAN COOLEY: It's been seconded. Kansas ready to vote?

1 Mr. HAYZLETT: Yes.

2 CHAIRMAN COOLEY: Kansas votes?

3 MR. HAYZLETT: Aye.

4 CHAIRMAN COOLEY: Colorado?

5 MR. ROGERS: Aye.

6 CHAIRMAN COOLEY: The agenda is adopted. The minutes of the December
7 8, 1992 meeting, Steve?

8 MR. MILLER: I believe Lee Rolfs ...

9 CHAIRMAN COOLEY: Oh, Lee is the guilty party, alright.

10 LEE ROLFS: Steve and I have discussed, and cussed, and rehashed the
11 December 8th meeting from last year. We have reached agreement on all the changes. They are
12 at the Court Reporter and due to her busy schedule and some other complications they won't be
13 ready for about three weeks, but I would request that the Compact authorize David Pope and
14 Chuck Lile to sign off on those at their convenience, when we receive the final copy.

15 Also, I think maybe we ought to indicate what the attachments are to the
16 transcript. I would assume that the agenda ought to be attached today and continue from there.

17 CHAIRMAN COOLEY: The "A" is so ordered, Mr. Reporter. One of the things
18 that came out of the work of the two gentlemen is that the Chairman's vocabulary's got to be
19 truncated some. Is there a motion that we approve the minutes and allow the State chairmen to
20 sign off as being the minutes of the annual meeting?

21 MR. LILE: I so move.

22 CHAIRMAN COOLEY: It has been moved. Is there a second?

23 MR. HAYZLETT: I second it.

24 CHAIRMAN COOLEY: It is seconded, is Colorado ready to vote?

1 MR. LILE: Yes.

2 CHAIRMAN COOLEY: Colorado votes?

3 MR. LILE: Aye.

4 CHAIRMAN COOLEY: Kansas?

5 MR. HAYZLETT: Votes aye.

6 CHAIRMAN COOLEY: All right. The mysterious minutes are hereby approved
7 subject to the signature of both States.

8 Reports of officers, the Chairman has no report to give at this time. The
9 Recording Secretary is in a state of flux and we later will take some action on the office of
10 Recording Secretary consistent with the meeting held last night. We get to Mr. Rogers who's
11 going to clarify all of the financial affairs of the Compact Administration for us.

12 MR. ROGERS: Thank you, Frank, I passed out a balance sheet and a summary
13 report and the monthly transaction report for December. You all have copies of that?

14 We have cash and bank accounts in the checking of \$96.93; money market
15 totaling \$48,229.71; petty cash of \$9.53; for a total of: \$48,336.17. Total Assets is the same.
16 Liabilities, zero, equity is \$48,336.17, with a Total Liability and Equity of \$48,336.17.

17 The Summary Report: Assessments brought in \$31,800.00; interest received was
18 \$628.44; other Income was \$4.56; for a total of \$32,433.00

19 Expenses was insurance for a bond for \$100.00; Legal and Professional, Fees
20 \$6,631.32; Operations Secretary \$2,486.12; postage, \$92.52; rent paid, \$300.00; salaries,
21 \$1,000.00; satellite monitoring, \$8,000.00; telephone expenses \$487.67; for a total of
22 \$19,097.63.

23 Total Income and Expense, \$13,335.37.

24 CHAIRMAN COOLEY: Are the legal and professional fees associated with

1 special counsel?

2 MR. ROGERS: Yes.

3 CHAIRMAN COOLEY: We don't need to go over the checks.

4 MR. ROGERS: Ok. That is the bills to be paid for this month, by monthly
5 transaction.

6 CHAIRMAN COOLEY: Are you able to give out the auditor's report for the
7 Fiscal Year '92-'93?

8 MR. ROGERS: They have been mailed. Did you guys receive your copy?
9 (sounds of agreement)

10 MR. MILLER: I don't know if ARCA members ... I got one early so I could do
11 the budget.

12 MR. ROGERS: Kansas got them. Don said he mailed all them out. And I don't
13 have my copy here this morning. Did you get a copy there?

14 (Some inaudible discussion occurs)

15 MR. MILLER: Perhaps we ought to make a copy for the Reporter to look at.

16 MR. ROGERS: There is Don with a copy right now Thank you, sir.

17 CHAIRMAN COOLEY: Give me one of those copies.

18 MR. ROGERS: Okay.

19 CHAIRMAN COOLEY: We just received in the nick of time the financial, cash
20 basis financial statement dated June 30, 1993. The third page has the signature of Anderson &
21 Company... which appears to me to be without qualification. The assets are shown on the next
22 page 2, to be \$72,794.00; the liabilities and equity are \$72,794.00; which appear to be ...
23 balanced relatively evenly with \$28,965.00 unexpended. Steve, how did that compare to the
24 budget?

1 MR. MILLER: It should compare exactly. I get the report before I work on the
2 budget. Are you talking how did we do spending?

3 CHAIRMAN COOLEY: Yeah.

4 MR. MILLER: I have that in tables for budget review later on, if you want to
5 look at it.

6 CHAIRMAN COOLEY: But there is nothing shocking in the way of
7 discrepancies?

8 MR. MILLER: We under spent.

9 CHAIRMAN COOLEY: That's what I wanted to hear.

10 MR. MILLER: There is one little...Kansas paid a special assessment early, so it
11 makes our cash position look a little better than it really was.

12 CHAIRMAN COOLEY: That comment was made in committee last night. May
13 I inquire, Mr. Rolfs or Randy, whether Kansas would be ready to proceed as apparently you have
14 received this previously. I did too, and it just doesn't seem that there was anything shocking, and
15 I don't find that I brought one either.

16 Is there anything, Mr. Lile, that would delay Colorado in approving?

17 MR. LILE: No.

18 CHAIRMAN COOLEY: If that's so, I would entertain a motion by Mr. Rogers
19 that the Compact Administration approve his report consisting of two parts: The current data
20 and the auditor's report for Fiscal Year, '92 and '93. Are you ready to make such a motion?

21 MR. ROGERS: Yes, I so move.

22 CHAIRMAN COOLEY: Is there a second?

23 MR. HAYZLETT: Second.

24 CHAIRMAN: Been moved and seconded. Kansas ready to vote?

1 MR. HAYZLETT: Yes. Kansas votes aye.

2 CHAIRMAN COOLEY: Kansas votes aye.

3 MR. LILE: Colorado votes aye.

4 CHAIRMAN COOLEY: Colorado votes aye. We are moving right along.

5 REPORTER: (inaudible)

6 CHAIRMAN COOLEY: Yes, that will be ... Pardon me , for the Court Reporter,
7 let's call the balance sheet "B" and the copy of the audit Exhibit "C". Is that satisfactory?

8 REPORTER: Yes.

9 CHAIRMAN COOLEY: Ok, B and C, thank you, Mr. Reporter. Next we'll turn
10 to the Committee Reports for the Compact Year of 1993. First is the Administrative and Legal
11 Committee, Mrs. Fox will give that report.

12 MR. LILE: Mr. Chairman?

13 CHAIRMAN COOLEY: Pardon me.

14 MR. LILE: How about Operations Secretary...

15 CHAIRMAN COOLEY: I beg your pardon. I beg your pardon. I just jumped
16 over the most important...

17 MR. LILE: You were looking forward to Lee's report.

18 CHAIRMAN COOLEY: Yes. We have another glorious opportunity here, and
19 that's Steve Witte, the Operations Secretary is ready to report to us. Steve, since you made an
20 exhaustive report in writing, which most of the interested persons have copies of, I would
21 recommend that you briefly summarize the high spots of the year, without giving detail and then
22 we can have the fun of quizzing you after that.

23 STEVE WITTE: Very well. Mr. Chairman, members of the Compact
24 Administration, my report of the operations under the 1980 operating agreement, was submitted

1 to the committee last night. In summary we began the Compact Year with approximately 13,000
2 acre feet total in storage. That consisted of 11,500 acre feet in the agreement accounts and 1,750
3 acre feet in the permanent pool. During the period November 1 to April 1, approximately 28,000
4 acre feet was stored – excuse me – 65,000 acre feet was stored. During the summer storage
5 period, after April 1st about 28,000 acre feet was stored in the reservoir. So that after releases
6 were made at the close of the Compact Year, and an additional inflow of 8,000 acre feet was
7 made to the permanent recreation pool, the contents at the end of the Compact Year was 41,275
8 acre feet. For reference that's approximately 28,000 acre feet more than was in storage in John
9 Martin at the end of the Compact Year last year.

10 I believe the Operations Committee has agreed, to a committee meeting last
11 evening, agreed to accept my report, and so I imagine that will come up later on the agenda.

12 As far as the next year's concerned, I would report that Mr. Rude, my counterpart
13 in Kansas, and I have come to an agreement again this year, which is identical to that reached
14 last year, regarding the procedures and manner of crediting of deliveries of releases made to the
15 State of Kansas and so we will intend to follow that procedure again this year.

16 The efforts of the Division of Wildlife last year to replenish the permanent pool in
17 John Martin Reservoir will likely be renewed again in the coming year. As far as I can see, I
18 think they have made arrangements to acquire additional waters to put into that space, to inform
19 the Administration that that's one operation that I anticipate will be occurring the coming year.

20 Other than that, I would be happy to try to field the questions that ... I have quite
21 the list out there, Mr. Chairman, (laughter) but I would be happy to try to field any questions you
22 might have.

23 CHAIRMAN COOLEY: Thank you very much, Steve. Let me start off with one.
24 I am not a native of the Valley; don't reside here. I take it that this was a relatively good year for

1 precipitation in the Valley so that as years went this was more satisfactory than some others?

2 MR. WITTE: From a water supply standpoint, we started the year with an
3 abundant snow pack and the cool weather over the spring caused the runoff to be released more
4 gradually than it could have. That caused the snow melt supply to be extended later in the
5 season than normal but didn't necessarily make for ideal growing conditions for many of the
6 farmers in the Arkansas Valley of Colorado. But water supply was quite good, yes.

7 CHAIRMAN COOLEY: Other questions for Mr. Witte at this time? Anyone
8 here from Colorado have any questions? (pause) Apparently not, from Kansas?

9 MR. HAYZLETT: I would like to ask you about the status of the studies of the
10 Great Plains Reservoirs and permanent pool, where we are at currently on those? I think you
11 reported a little on those last year.

12 MR. WITTE: Mr. Hayzlett, I am not sure I recall that was part of my report, but I
13 would tell you that the Governor of Colorado did convene a special commission, the Lower
14 Arkansas River Commission it was called, that did investigate the possible alternatives for
15 establishing a State park at the Great Plains facilities and a report was submitted to the Governor
16 and to the Legislature, that outlined a proposal or an alternative that appeared to have promise to
17 that Commission. Part of that report included a commitment by the Division of Wildlife to begin
18 implementing certain aspects of that plan and the acquisition by the Division of Wildlife of
19 certain transmountain waters as part of that plan. A portion of that water was delivered to John
20 Martin Reservoir and a portion of that water was actually delivered to the Great Plains reservoirs
21 in the past year as well. I don't have any exact numbers on how much water was actually
22 delivered to the Great Plains in the past year. I believe that that was approximately 7,000 acre
23 feet, but I do not know that for certain. I would add though that the waters that were delivered to
24 the Great Plains system in the past year were either transmountain waters or reusable waters that

1 Division of Wildlife acquired in the main.

2 CHAIRMAN COOLEY: Steve, since this matter has come up at this time I
3 wonder if there is, Mr. Lile, if there is anybody in the Colorado delegation that could add a
4 paragraph on where the Great Plains reservoir is, generally, in the process?

5 MR. LILE: Well, Steve has fairly well covered it. The study was made, we have
6 not...it is under evaluation of how to operate the system or to find water for this and so far the
7 only action that I am aware of is that there was delivery made of these waters that Steve was
8 referring to out to Great Plains this year and that's pretty much where it stands right now; it is
9 under evaluation.

10 CHAIRMAN COOLEY: And again, those waters were from outside the drainage
11 basin of the river?

12 MR. LILE: Transmountain water, and as you mentioned, return flow water from
13 transmountain diversions.

14 MR. WITTE: Reusable waters that the Division of Wildlife was able to acquire
15 from Colorado Springs.

16 (Some inaudible discussion by several parties)

17 CHAIRMAN COOLEY: Thank you very much. Oh, pardon me. One other
18 thing: Since the ancient days of Bob Jesse we let anyone in the audience throw baseballs at this
19 gentleman at this time. Does anyone else here have any questions of the Operations Secretary?

20 MR. LILE: I would add on the subject of the Great Plains reservoirs, we did mail
21 copies of our study to Kansas for their review. Did you receive that information?

22 MR. ROLFS: I believe several months back...

23 CHAIRMAN COOLEY: It's on Lee's desk, it sounds like.

24 MR. MILLER: May '93, there is two volumes, the plan itself and the engineering

1 study.

2 MR. ROLFS: I think we did, I do recall it.

3 CHAIRMAN COOLEY: Would it be appropriate in approving this report to add
4 some comment on the quality of the published report that he prepared and delivered, which
5 appeared to me to be superior to anything we had seen. Would you take that one on, then, sir, as
6 a motion, to approve the report and make some comment on the quality and completeness of it.

7 MR. HAYZLETT: I so move that we accept Mr. Witte's report and add it to this
8 meeting.

9 CHAIRMAN COOLEY: Is there a second?

10 MR. LILE: Yes.

11 CHAIRMAN COOLEY: Is there is a second. Let's see, Colorado?

12 MR. LILE: Aye.

13 CHAIRMAN COOLEY: Kansas?

14 MR. HAYZLETT: Aye.

15 CHAIRMAN COOLEY: Thank you very much. We have been waiting for Ms.
16 Fox, now you are officially on.

17 MS. FOX: Okay, Legal & Administrative Committee Report, I am Lola Fox,
18 ARCA member from Kansas, and last evening I, as chairman, called the Engineering (sic)
19 Committee of the Arkansas Kansas River Compact Administration to order, at the conclusion of
20 the Operations Committee meeting. Can everyone hear all right? Chuck Lile, the other member
21 of the committee was present. Chuck Lile moved and the committee passed a motion
22 recommending that Don Higbee be made Recording Secretary at the annual salary of \$2,000 per
23 year. The Committee recommended that his compensation become effective on the day he took
24 over as Acting Recording Secretary and that all those who temporarily filled in as Acting

1 Recording Secretaries be compensated for time served. Chuck Lile moved and the committee
2 passed a motion recommending that ARCA pay LAWMA \$400 for office supplies, postage, use
3 of its fax machine, computer, and other office equipment, payable in one annual installment in
4 January of each year. Chuck Lile moved and the committee passed a Resolution recommending
5 that ARCA pay LAWMA rent in one annual installment of \$600 in January each year. The
6 committee also discussed its desire to simplify its procedure for paying bills, but made no
7 specific recommendations. Steve Miller reviewed ARCA's budget for Fiscal Years 1993-94,
8 1994-95 and 1995-96. The committee discussion centered on the cost of printing annual reports
9 and litigation. No specific recommendations were made. After a review of the draft by-laws by
10 Steve Miller, the committee agreed to defer any action until the next annual meeting. Both
11 States agreed to exchange suggestions for corrections and changes prior to the next annual
12 meeting with the intention of acting to approve by-laws at the next annual meeting. Chairman
13 Fox felt no further discussion of the Kansas motion which was referred to the Engineering
14 Committee and this committee was necessary and the meeting adjourned at approximately 9:00
15 pm.

16 MR. LILE: Mr. Chairman, I move we accept the committee's recommendations.

17 CHAIRMAN COOLEY: Pardon me. I think as a matter of procedure, that I
18 would like approval of the committee report and that we adopt their recommendations as to
19 spending as the last item of business today. Can you ... is the substitute motion satisfactory?

20 MR. LILE: Yes, it is.

21 CHAIRMAN COOLEY: Is there a second that we approve the report of the
22 committee?

23 MR. HAYZLETT: Second.

24 CHAIRMAN COOLEY: Moved and seconded. Kansas?

1 MR. HAYZLETT: Aye.

2 CHAIRMAN COOLEY: Colorado?

3 MR. LILE: Aye.

4 CHAIRMAN COOLEY: Thank you very much, Mrs. Fox. I am sure there will
5 be a lot of debate at 4 o'clock as to implementing those recommendations. The Engineering
6 Committee is the next to be heard from. Who was the chair of the Engineering Committee last
7 night?

8 MR. HAYZLETT: I chaired it, Mr. Cooley.

9 CHAIRMAN COOLEY: Pardon me. I knew that David wasn't here. I blanked
10 out. Mr. Hayzlett.

11 MR. HAYZLETT: The meeting of the Engineering Committee of ARCA was
12 called to order at 7:00 p.m. on December 13, 1993, by Randy Hayzlett who was substituting for
13 David Pope, who was unable to attend. Carl Genova, the other Compact member, was in
14 attendance.

15 Kansas proposal for enhancing and improving the quality of data available to
16 ARCA on stream flows and depletions of the Arkansas and its tributaries submitted to ARCA
17 last year was discussed in detail at the Engineering Committee.

18 In regard to Kansas' proposal on the preservation of power company records, Hal
19 Simpson summarized Colorado's efforts to acquire these records. He noted that power records
20 for the period 1986 thru '92 had been obtained from CENTEL and Southeast Colorado Power
21 Association and that Colorado was also working with other power suppliers to obtain their
22 records. Colorado has spent \$2,000 to date and additional costs may be incurred. Colorado is
23 willing to provide these records to Kansas if Kansas is willing to share in the cost of obtaining
24 them.

1 In regard to Kansas' proposal to review gaging sites on ungaged tributaries, Mr.
2 Simpson shared his findings on the installation and maintenance costs for such gages.
3 Installation would be approximately \$10,000 per site and operation and maintenance costs would
4 be \$4,500 per year without satellite hookup and \$5,200 a year with satellite hookup.

5 Colorado noted that significant costs were involved in adding the gages and there
6 were budget constraints imposed by Amendment No. 1 on Colorado entities.

7 It was noted that the USGS had dropped operation of three tributary gages above
8 John Martin due to the Southeast Water Conservancy District's inability to continue cost sharing
9 on these gages. It was agreed that this situation was unfortunate. Colorado indicated that they
10 are investigating alternatives to pick up one or two of the gages in their program.

11 Due to the perceived fiscal constraints, it was agreed that the committee should
12 work to further evaluate and prioritize the list of gaging stations. Kansas agreed to supply
13 Colorado with a prioritized list of gaging station locations during the first quarter of '94, and
14 suggested gaging sites. The Engineering Committee shall meet as soon as practical after Kansas
15 supplies its draft to discuss it further. It was further agreed that the USGS will be requested to
16 provide input in evaluating and prioritizing prospective sites and estimating costs.

17 In regard to Kansas' proposal for the metering of wells withdrawing waters from
18 the Arkansas River in Colorado, Mr. Simpson stated that he believed it to be inappropriate to ask
19 the State Engineer to require the metering of all such installations.

20 Mr. Simpson further noted Colorado's belief that meters do not work well in the
21 Arkansas alluvium due to the problems with sand and as well as the significant resistance
22 expected due to the costs of such metering. The State believes that power records provide more
23 accurate and reliable information on well pumpage.

24 Mr. Simpson noted that two well associations had completed or are currently in

1 the process of testing wells to correlate power consumption with water pumped on an individual
2 well basis. This includes the testing of 750 wells in one association. Wells in the association
3 will be retested every four years on a rotating basis. A second association is testing half of its
4 wells this year and will do the second half next year. These two associations will take care of
5 two-thirds of the wells impacted by Kansas' proposal.

6 Mr. Simpson noted that Colorado is looking at alternatives for dealing with the
7 remaining third of the wells not covered by the two associations. He expects a decision within a
8 month. He also noted a \$20,000 research project being done in the Platte River basin on
9 alternatives for quantifying water use. The research, which should be applicable to the Arkansas
10 Basin should be done within a year.

11 Kansas shared with the committee the management plan of the Southwest Kansas
12 Groundwater Management District which will require the installation of meters on all wells
13 within the District over the next four years. In addition, wells outside of the District within the
14 Arkansas River alluvium are required to be metered by order of the Chief Engineer. These
15 requirements are in the initial phases.

16 Finally Kansas shared an order by the New Mexico State Engineer's Office
17 requiring the installation of meters on wells along the Pecos River due to interstate water
18 concerns as a further example of metering being used for purposes outlined in Kansas' proposal.

19 Kansas asks that copies of these three orders be appended to the transcript of the
20 Annual Meeting.

21 Mark Rude, Water Commissioner from Garden City, Kansas, commented that
22 there had not been much resistance to mandatory metering in Kansas and users felt that they
23 were a good management tool. Byron Bland, from Mr. Rude's office, noted that there was a
24 company which manufactures meters designed from use in situations where particulates, such as

1 sand, are present in pumped water.

2 Kansas asked on what conditions Colorado would share its data and findings.

3 Colorado indicated that once the data was obtained it is a matter of public record and would be
4 available. Mr. Simpson indicated he expected the power correlation work to be done within a
5 year.

6 It was agreed by the committee that the two States would share their findings and
7 data regarding use of flow meters and pumping estimates with one another.

8 The meeting of the Engineering Committee adjourned at about 8:00 p.m.

9 CHAIRMAN COOLEY: Mr. Hayzlett, could you now take a moment to give the
10 Court Reporter the three reports in the proper sequence that you referred to which should be in
11 the minutes of this meeting, as Exhibits "D", "E" and "F", I believe?

12 (Some inaudible discussion by many)

13 CHAIRMAN COOLEY: Is there any discussion of that report?

14 MR. MILLER: Mr. Chairman, please, is the Engineering Committee Report in a
15 written form or will it just be the oral report?

16 CHAIRMAN COOLEY: Written or oral?

17 MANY: Discussion Written or oral? Rough draft.

18 MR. MILLER: It won't be an attachment? The only reason I ask is because if it
19 is a written report then I am supposed to get it in the Annual Report. If not I can just say it was
20 an oral report in the minutes.

21 MR. HAYZLETT: Oral. (laughter)

22 CHAIRMAN COOLEY: Any other questions?

23 Mr. Lile, if this report be approved I would take it that the calls for further action,
24 further investigation would be approved as well. It is not a money matter; it is further

1 procedures, and I think the called for there should be taken care of, and I think as to those, it was
2 agreed last night that the initiation would be the burden of the State of Kansas.

3 Is there a motion to approve the report with that understanding?

4 CARL GENOVA: I'll second that motion. I mean my motion.

5 CHAIRMAN COOLEY: Okay. Motions been made. Is there a second?

6 MR. HAYZLETT: Second.

7 CHAIRMAN COOLEY: Okay. Colorado?

8 MR. LILE: Aye.

9 CHAIRMAN COOLEY: Kansas?

10 MR. HAYZLETT: Aye.

11 CHAIRMAN COOLEY: The report has been adopted and the recommendations
12 in that report have been approved as well by the Compact Administration. It is time for the
13 election of officers.

14 Is there a nomination for Vice-chairman of the Arkansas River Compact
15 Administration? Pardon me? I'm jumping ahead all the time.

16 MR. LILE: You are in a hurry, aren't you, Mr. Chairman?

17 CHAIRMAN COOLEY: I guess there is a storm in the Rockies. The Operations
18 Report.

19 MR. ROGERS: The Operations Committee met last night, Jim Rogers was
20 chairman. Randy Hayzlett the Kansas Compact member was there. We heard the Operations
21 Secretary's report which was in full detail. A very good report. The Committee made a motion
22 and did approve it, and we have already approved that report here today. And nothing else was
23 brought up in front of the Operations Committee. And that's the extent of my report.

24 CHAIRMAN COOLEY: Is there anyone here yet from the USGS? We are

1 expecting someone and know they are going to be late.

2 MR. MILLER: It was more like 11, 11 a.m.

3 CHAIRMAN COOLEY: Okay. Do you move the adoption of your report, sir?

4 MR. ROGERS: I so do.

5 CHAIRMAN COOLEY: Is there a second?

6 MR. HAYZLETT: Second.

7 CHAIRMAN COOLEY: Moved and seconded. Kansas?

8 MR. HAYZLETT: Aye.

9 CHAIRMAN COOLEY: Colorado?

10 MR. LILE: Aye.

11 CHAIRMAN COOLEY: Report is adopted. I would comment that the format of
12 that report, I believe to be absolutely outstanding, remarkable amount of information. Very well
13 presented.

14 Now, we have come to the election of officers. Is there a nomination for Vice-
15 chairman?

16 MR. LILE: Mr. Chairman, I would like to nominate Carl Genova of Colorado.

17 CHAIRMAN COOLEY: Carl Genova's name has been placed in nomination for
18 the Vice-chair. Are there any other nominations for Vice-chairman? (pauses)

19 Is there a nomination for Recording Secretary?

20 MR. ROGERS: I would like to nominate Don Higbee for Recording Secretary.

21 CHAIRMAN COOLEY: Are there any other nominations for Recording
22 Secretary? (pauses)

23 Is there a nomination for Treasurer?

24 MR. GENOVA: I nominate Jim Rogers.

1 CHAIRMAN COOLEY: Does anyone in the audience want to take this
2 wonderful task? Are there any other nominations for Treasurer? (pauses)

3 Is there a nomination for Operations Secretary of the Compact Administration?

4 MR. ROGERS: I would nominate Steve Witte.

5 CHAIRMAN COOLEY: Are there any other nominations for Operations
6 Secretary of the Compact Administration? (pauses)

7 Is there a motion that all nominations cease and the four persons nominated be
8 elected to their respective positions?

9 MR. HAYZLETT: So move.

10 CHAIRMAN COOLEY: Moved.

11 MR. LILE: Second.

12 CHAIRMAN COOLEY: Moved and seconded. Colorado?

13 MR. LILE: Aye.

14 CHAIRMAN COOLEY: Kansas?

15 MR. HAYZLETT: Aye.

16 CHAIRMAN COOLEY: Congratulations...I think.

17 Now comes the embarrassing part of this for me every year. The committee chairs switch, and I
18 have a lot of difficulty on the committees.

19 Ms. Fox, you will not be a chairman again, I take it? Who will be chairman?

20 MS. FOX: Chuck Lile.

21 CHAIRMAN COOLEY: Chuck Lile. All right. Chuck Lile and Lola Fox, and
22 on the Engineering Committee would someone help me with the...Randy would you...?

23 MR. HAYZLETT: I think Mr. Genova next year, I think.

24 CHAIRMAN COOLEY: All right. Mr. Genova will be chair, and Mr. Hayzlett?

1 MR. HAYZLETT: Pope.

2 CHAIRMAN COOLEY: Pope. You did such a good job I thought it fitted you
3 there. The Operations Committee, who will be chairman?

4 MR. ROGERS: Randy. Randy will chair.

5 CHAIRMAN COOLEY: Mr. Hayzlett will chair.

6 MR. ROGERS: And I am the other one.

7 CHAIRMAN COOLEY: And Mr. Rogers will go along.

8 So the respective chairs will be Mr. Lile, Mr. Genova and Mr. Hayzlett of the three committees.

9 Does any comment need to be made or any further action taken on that? They are
10 appointed. I would think that would do it according to the tradition.

11 Assuming that the draft report by the Special Master is given prior to December
12 10, 1993, we would have a delicious, intense synthesis or discussion of the status of *Kansas vs.*
13 *Colorado*. I take it that that would not be highly appropriate but at the same time for the benefit
14 of all here, Mr. Draper, would you be kind enough in a paragraph or two to say where we are in
15 the litigation?

16 JOHN DRAPER: Yes, I would be glad to. Just to review briefly what's
17 happened in the litigation since the last annual meeting. The presentation of evidence was
18 completed last December, and between that time and the end of May the parties filed briefs with
19 the Special Master. Later in the summer the parties addressed certain questions that the Master
20 had after the briefing. We are concluding some final evidentiary questions that are unresolved
21 but are essentially housekeeping matters and the case has been submitted and we're simply
22 waiting now for a draft report. We expect a draft report from the Special Master, after which he
23 would hear the comments and argument of the parties before finalizing that and submitting it to
24 the Supreme Court. So that's about where things sit at the moment.

1 CHAIRMAN COOLEY: Thank you, sir. Mr. Montgomery, do you have any
2 additional comment at all on this subject?

3 DENNIS MONTGOMERY: No, I don't have anything further to add. John and I
4 have discussed informally and sort of a guess about when a draft report will be due and our
5 estimates are nothing more than guesses, but maybe January or February.

6 CHAIRMAN COOLEY: Thank you, sir.

7 The next item on the agenda is Kansas Resolution regarding collection and
8 preservation of data. Was some of this resolution rendered mute by the committee action last
9 night?

10 MR. HAYZLETT: I think it was...

11 CHAIRMAN COOLEY: Let me comment that it appeared to me that there was a
12 significant degree of accommodation by both States on the exchange of data on the kind of
13 working arrangement that might be better than a formal resolution, and I would also think that it
14 would not be requisite that the resolution be made a part of the record of this meeting, unless you
15 wished it to be.

16 (Some inaudible discussion)

17 CHAIRMAN COOLEY: I think that progress is more fun than paper. Okay.
18 The meeting now will turn to the reports of the federal agencies, and pardon me – Have we yet
19 circulated the attendance list?

20 MR. MILLER: It is out there somewhere.

21 CHAIRMAN COOLEY: Who's here on behalf of the Bureau of Reclamation?

22 UNKNOWN: Mr. Jesse

23 CHAIRMAN COOLEY: Oh, pardon me, the star of the show, Mr. Jesse. I
24 should have known the answer to that one, but I drew just a blank. Bob Jesse will talk to us on

1 behalf of the Bureau of Reclamation and then we may discuss pending lawsuits and a whole
2 bunch of other things before we let him sit down.

3 BOB JESSE: Thank you very much, Mr. Chairman. Thank the commission, for
4 allowing me to speak on behalf of the Bureau of Reclamation. I might mention, if I didn't
5 mention last year, I want to be sure that you understand that the Leadville mine drain tunnel, the
6 treatment plant for the effluents of the Leadville tunnel is in operation, has been successfully
7 operated all year, is turning out a quality product. The effect on the river according to the local
8 people I have talked to that fishing is improving and that it is doing its job.

9 The Leadville mine drain tunnel in conjunction with the companion project, the
10 Yak tunnel is supposed to remove about half or fifty percent of the heavy metal pollution in the
11 upper Arkansas River and it should improve the water supply of the river. It has improved the
12 fishing so far according to the local people.

13 CHAIRMAN COOLEY: Would you allow me to do what I always do which is to
14 interrupt you. There are...and I have asked this question every year so it won't be any surprise to
15 you...there are two drainage projects at Leadville. One is down by the smelter, on the way down
16 the Arkansas Valley in the direction of the Twin Lakes to the south, the other is at...that near the
17 road intersection to the pass and to the molybdenum mine, where the road turns off to Gilman,
18 and what's the town, well, what is the junction town on the Colorado railroad where it comes
19 into the interstate there?

20 MR. JESSE: Minturn.

21 MR. CHAIRMAN: Minturn. Minturn. Which of the tunnels is the headway
22 being made in?

23 MR. JESSE: Actually there is treatment in both of them. The other tunnel is Yak
24 Tunnel that comes out downstream of the City of Leadville. The Leadville Mine Drain Tunnel,

1 that's owned and constructed and built by the Bureau of Reclamation is the one upstream. It is
2 the same mountain and same number of mines. They come out at different elevations but the one
3 the Bureau has constructed is the one on the road, I guess to the west of the City of Leadville.
4 And there is a sign I believe on the road; if you know where to look you can see it. If you look
5 off the edge of the road, it is just a large steel building and it is a water treatment plant is what it
6 really is. And it...

7 CHAIRMAN COOLEY: Down by the mill on the way to Twin Lakes?

8 MR. JESSE: Well, that would be the other one. That's the Yak tunnel.

9 CHAIRMAN COOLEY: Oh, pardon me.

10 MR. JESSE: That's being constructed by EPA.

11 The Bureau project is on the road to Minturn, I guess or up towards the top of the pass.

12 CHAIRMAN COOLEY: Okay. Pardon me. That one was built to increase
13 mineral production during World War II, I think?

14 MR. JESSE: Yes, sir.

15 CHAIRMAN COOLEY: Drain a number of mines?

16 MR. JESSE: The United States Bureau of Mines, I believe, constructed it and
17 that's why the federal government still owns it is because it was constructed to drain the mines
18 during World War II.

19 CHAIRMAN COOLEY: Is one of the tunnels substantially lower than the other
20 in elevation?

21 MR. JESSE: It is my understanding that the Yak Tunnel is lower in elevation but
22 it's not, I don't know substantially; I don't know how many feet, but it is at lower elevation.

23 CHAIRMAN COOLEY: Pardon me for interrupting, but I just find this part of
24 your report of very great interest.

1 MR. JESSE: It is operating, like I said, it is having an affect on the river. We are
2 hoping to continue and it is good to get that stuff out of the stream. I might report that last year
3 the Fry-Ark Boustead we imported 86,000 acre feet, brought over about 5,000 in the Busk-
4 Ivanhoe, and 28 in the Homestake, and so we have a slightly better, as Steve said, than average
5 year last year since our average is about 69,000 or 70,000 acre feet. The contents of Turquoise,
6 we have 107,000 – we have got 113,000 in Twin Lakes, and we have a 146,000 in Pueblo. We
7 have stored, so far, in winter water, 14,500 acre feet and we are in the process now of moving
8 our water from the upper to the lower reservoirs. We will run water from Turquoise through the
9 power plant at Twin Lakes, through Twin Lakes and store it in Pueblo in anticipation of our
10 imports next year. We are going to be making room for our imports next year which we are
11 forecasting at this time to be about 70,000 acre feet. We are going to bring 70,000 acre feet
12 down over the period of the entire winter. We started shortly after the middle of August in
13 running water for this year. We are going to continue running water and maintain the Wellsville
14 gage at about 500 second feet. We have a 135 second feet of reservoir water in the river, and we
15 will fluctuate that as the natural flows or the base flow goes down to keep the fish flow, to keep
16 the flow for the fish in the neighborhood of 500 feet. We will probably cut that back along in the
17 first of April until the runoff starts, to allow the fish to hatch out about that time in a little lower
18 flow. We have already moved little over 20,000 of our 70,000 and we still have about 50,000 to
19 go. We did augment during the period July to August, for the rafting flows. It wasn't required
20 that we do near the augmentation we planned. We only run about 440 acre feet to augment the
21 rafters this year. The native flows were high enough there were other reservoir runs in the steam
22 so it wasn't really necessary for us to put a lot of water in the river to augment the rafting flow.
23 We were prepared had it been necessary, but it wasn't necessary.

24 The project – I believe I reported last year the project is complete. We did utilize

1 all of the recreation facilities this year for the first time at Pueblo Reservoir. So all of the
2 recreation facilities are substantially complete and were utilized in their entirety this summer for
3 the first time. We had good elevations in the reservoir for the entire summer and we had a very
4 good recreation year. In addition to the recreation on the Arkansas for the rafters and the
5 fisherman and the regulation for the fish propagation. And short of that, Mr. Chairman, that's my
6 report. Are there any questions?

7 CHAIRMAN COOLEY: I have a bunch of them as usual, Bob, of you and
8 Tommy Thomson. An embarrassingly naïve question: You speak of having crudely as I
9 added it up, some 300,000 acre feet in storage between the various reservoirs, and a rough import
10 of 70,000 acre feet crudely thru the Boustead Tunnel. The project is more recent than John
11 Martin Reservoir is it not?

12 MR. JESSE: Yes.

13 CHAIRMAN COOLEY: And John Martin has about 60,000, we will say, acre
14 feet of water in it. Would you help me just in the broadest brush of waking me up, of how come
15 there isn't say, 300,000 acre feet in John Martin and 60,000 acre feet in Pueblo Reservoir, for
16 example?

17 MR. JESSE: The Fry-Ark Project, the project waters themselves, and I don't have
18 a update of accounting, but I will take a shot at it. About a hundred thousand of these feet belong
19 to the Fry-Ark Project, the 70,000 I spoke of before that were moving from the upper to the
20 lower reservoir, is project water. The remaining water is imports and in some cases native
21 waters of other entities. The municipalities of Colorado Springs, the Pueblo Board of Water
22 Works, the City of Aurora, the Twin Lakes Company – the Twin Lakes Canal Company which
23 have water stored in Twin Lakes, and the Busk-Ivanhoe system, the Homestake system. The
24 Homestake system is owned by both Colorado Springs and Aurora.

1 This water is their imported water and in the case of Twin Lakes, some of it is
2 native but the majority, the vast majority, of it is all imported water and especially from the
3 Colorado River.

4 CHAIRMAN COOLEY: And Tommy, that was very helpful to me.

5 It would appear that water administered in the Fry-Ark just encompasses a broad
6 spectrum of other rights, other decrees; some of them very senior, and other projects. Is that a
7 fair generalization, Tommy?

8 TOMMY THOMSON: Yes, sir, it certainly is. And we thank Mr. Jesse, not only
9 for his previous work as Division Engineer but for the two years he worked for me in the Bureau
10 of Reclamation, but Bob portrayed it very accurately. It is water that otherwise would have been
11 down in Glen Canyon or in Lake Powell or Lake Mead, or in the Gulf of California. But in
12 addition to the things that Bob talked about we also have Ruedi Reservoir. As you know, we had
13 several meetings in Glenwood Springs on that one, just recently, as to the future operation of
14 Ruedi. The combination of all of them make an excellent management program.

15 CHAIRMAN COOLEY: I am very grateful for your remarks. The only other
16 question that fascinates me every time there is a feature article in one of the Denver papers, is the
17 rafting releases, that you have already discussed and probably covered, but that would be in your
18 case, if you had water in storage at Turquoise, say and capacity in Pueblo, for example, if you
19 would, you might make a rafting release without losing domain over the water, and be able to
20 accommodate the rafters without seriously injuring your own decrees or rights, is that the idea?

21 MR. THOMSON: That's precisely what we are doing. We are paying more
22 attention to the other entities and when we schedule releases, we never lose control of the water,
23 and, in fact, if there is any additional evaporation caused by the movement of this water, the
24 rafting companies themselves purchase water rights and replace that to the projects. This year,

1 since we didn't run much water, there was, the amount of additional evaporation, was we thought
2 insignificant, but it can be and if it is, why they do replace it to the project so there is no injury to
3 either other water rights or to the project itself.

4 CHAIRMAN COOLEY: Does anyone else care to join in the fun? (pauses)

5 Missed a wonderful opportunity.

6 MR. LILE: Mr. Chairman, I would like to ask Mr. Jesse with the reorganization
7 of the Bureau of Reclamation, will there be impacts on your office; how does this seem to be
8 working out?

9 MR. JESSE: If I knew that of course...(laughter) We have scheduled another
10 meeting in Loveland which is where our project office is, which will become what they call an
11 'area office.' Our particular project has been an area all along. It may impact some of the other
12 projects in Wyoming or in some of the other western states. I don't look for any impact,
13 significant impact, from becoming an area office because we have been one all along.

14 We don't know yet exactly what the nature of the reorganization is going to be.
15 There is going to be another meeting next week in Loveland and we may get some more
16 information. Stephman is coming down out of Billings and he is going to tell us a little more
17 about it. The consensus that I can seem to get from the people that I have talked to is that it
18 probably will not significantly impact the Fry-Ark. There may be some impacts in other
19 projects, the CBT (Colorado Big Thompson) or some other project in say Wyoming or Montana,
20 or maybe even in Kansas, some consolidation of some of the offices but as far as the Fry-Ark
21 goes we are not looking for any significant impact.

22 CHAIRMAN COOLEY: Bob, if anything wicked should happen, make sure you
23 put us all on your resume.

24 MR. JESSE: I might need to do that.

1 CHAIRMAN COOLEY: Mr. Thomson?

2 MR. THOMSON: I just like to join on the two things, that further on the matter
3 of the rafting program, as you mentioned, as you know, it started out as a cooperative program
4 between the Colorado Department of Natural Resources, our District, and the Bureau for the
5 rafting industry, and we were sued by Trout Unlimited. That was two years ago, and then last
6 year, we worked it out on a cooperative program with Trout Unlimited's acknowledgement and
7 now they're observing this winter activity, and I feel very good about the meetings I have had
8 with Trout Unlimited officials. So, to follow Chuck's question about the Bureau, naturally our
9 District is going to doing everything we possibly can to assure that the Pueblo office does remain
10 in existence and we think we have an awfully strong case primarily in discussions I've had with
11 the new commissioner that he wants the activities to be at the local level or the area offices and
12 we are going to emphasize that as a part of the Fry-Ark project but cooperating and coordinating
13 with the Big Thompson Project.

14 CHAIRMAN COOLEY: If it ain't broke, don't fix it sort of a thing. Yes, please.

15 (Some inaudible discussion occurs)

16 CHAIRMAN COOLEY: Pardon me, Mr. Howland, you have got the reporters
17 attention.

18 BILL HOWLAND: Is the regional office going to stay in Denver?

19 MR. JESSE: No. The regional office, our regional, the Great Plains Region has
20 always been in Billings, Montana. The Denver office was the next layer up, and in the regional
21 office in Billings, Montana, our project offices and some of the project offices have only one
22 particular facility, one particular project, and they are being rejiggered around now to make them
23 into what we call area offices but our particular area office, that's in Loveland, has always had
24 two projects under it and has always been since it was created back in 1982. That, in effect,

1 made it an area office and so we have been one all along.

2 MR. HOWLAND: But at the Federal Center in Denver, what do they call that
3 office?

4 MR. JESSE: That's got a new name and I don't know exactly what it is now.
5 Maybe Tommy does?

6 MR. THOMSON: Service center, Bureau of Reclamation Service Center.

7 MR. JESSE: Now a service center, and there is talk of some displacement or
8 some movement of function, to other agencies, maybe to the EPA or though the ...some of the
9 other federal departments, but that won't impact us at our area office level.

10 MR. HOWLAND: That still serves the whole western United States?

11 MR. JESSE: Yes, it will still serve the entire Bureau of Reclamation out of the
12 NR Center in Denver. But it will be called something else and some of the other area offices will
13 be rebuilt but they do not anticipate closing any Bureau project offices but we don't know and I
14 don't really pay much attention since they told us it is not going to effect us. But it might some
15 of the smaller projects.

16 CHAIRMAN COOLEY: Anybody else? Mr. Shinn, glad to have you here. It's a
17 real opportunity.

18 CARL M. SHINN: Well, thanks, Mr. Chairman. Thank you, thank you very
19 much. We'll argue at a later time.

20 CHAIRMAN COOLEY: Thank you very sincerely, Bob. Your grace under
21 pressure has always, been one of the highlights of the annual meetings for the Compact
22 Administration.

23 Dick Kreiner, pardon me. Thank you, sir. Would you introduce, introduce your
24 staff?

1 DICK KREINER: Yes, my name is Dick Kreiner. I have Jim Townsend with me
2 from the Pueblo office and I represent the Albuquerque District Office (Corps of Engineers).

3 Thank you, Mr. Chairman and members of the Compact Administration, I passed
4 out to you, and Jim has passed out in the audience, copies of our formal report. I would like to
5 highlight briefly the pertinent items in that report, and then brief the Administration on some
6 activities that are ongoing with respect to Trinidad Lake that are not in the report. Flood control
7 activities in the Arkansas River basin in 1993, start with those. We did not have any flood
8 control operations at Trinidad and John Martin. There was one storm in the Upper Arkansas on
9 June 17th, which produced a peak flow of little over 4,000 at the Portland gage and 7,600 on the
10 Fountain Creek at Colorado Springs. Pueblo Reservoir was operated and reductions were made
11 from 3,700 cfs to 1,340 cfs during that event, and these were done.. these were... the releases at
12 Pueblo was made to control the flows at Avondale to less than 6,000 and the observed peak was
13 5,350. There was one deviation during the year and that was at Trinidad Lake on the evening of
14 September 1st, the release rate from the dam was cut from 190 cfs to zero, to allow the County to
15 make emergency repairs at a Las Animas County bridge at the Model Ditch Diversion structure.
16 The work as completed on September 4, and the water that was stored during this operation was
17 released during the next 24 hour period.

18 Under our Planning Authorities or Continuing Authorities Program, we have
19 Section 14 which is our Emergency Streambank Protection Program, and then our Section 205
20 authority which is the Small Flood Control Project, we had activities during '93.

21 Under our Section 14 project, we have two of those, one of them is sponsored by
22 Otero County and that project would protect State Highway 194 from the Arkansas River at
23 Bent's Old Fort at La Junta. Plans and specifications are complete and we anticipate construction
24 in August 1994 of that project.

1 The other Section 14 project, is sponsored by Pueblo County and that's a project
2 to protect Overton Road from Fountain Creek. The feasibility phase was completed in 1993 and
3 the preparation of plans and specifications is under way. We anticipate construction in
4 September 1994, on that one.

5 Under our Section 205, we have two studies, that were completed in 1993 to
6 investigate the feasibility of constructing flood control works at Canon City and La Junta. Both
7 sites have flooding problems, but the Federal cost to solve these problems exceed the benefits
8 that would be derived, therefore both studies resulted in negative reports.

9 We also have a new authority, it's called Section 1135. The 1986 Water
10 Resources Development Act authorized the Corps to review the operation of existing projects, to
11 determine opportunities for modifications that would improve the environmental quality of the
12 projects.

13 We have a proposed Section 1135 project, which includes the modification of
14 Lake Hasty and the Arkansas River channel immediately below John Martin Dam. Now for all
15 those that are not familiar with Lake Hasty, it is approximately 75 acres in size, it is a borrow
16 area located directly below John Martin Dam and it is very heavily used for recreation project.

17 The proposed project consists of construction of two gated channels or conduits
18 that would route a portion of the water released from John Martin through Lake Hasty. The
19 existing measurement weir and downstream gage would be replaced with a turn-out structure to
20 raise the water level within the stilling basin approximately three or four feet and thereby
21 providing inflow into Lake Hasty. A new downstream gage would be constructed below Lake
22 Hasty. And the benefits that we are looking at for this project would be:

23 1. To improve the circulation of water thru Lake Hasty would allow for an
24 estimated fifty percent increase in the fish biomass.

1 2. Increase the fish and aquatic invertebrate populations would result in increased
2 use by terns, wading birds, shorebirds, and other waterfowl.

3 3. Improve the foraging habitat and provision for stable nesting areas for the
4 Least Tern, which is a federally endangered species. And also the Piping Plover, which is a
5 federally threatened species.

6 Local sponsor for the project is Bent County. The current estimate for cost of
7 construction would be approximately \$600,000. And if this project is approved and estimate that
8 construction could begin in late 1996.

9 One of the things that is carefully being considered in this is the record on the
10 downstream gage below the project. We anticipate that construction of the gage would be in the
11 winter, during the period when there are no releases and we anticipate that the new downstream
12 gage would be constructed first before the existing weir is modified.

13 So, the internal coordination on this project is starting this week in the
14 Albuquerque District Office, as I understand. Then there will be another meeting up in the John
15 Martin area with the local sponsor and the other pertinent agencies to explain to the public and to
16 everyone else involved just what we are talking about as far as the project goes.

17 Continuing on the formal report, our Flood Plain Management Services, thus far
18 in '93 we have responded to 15 requests for technical service and flood hazard evaluations of
19 specific sites in the basin.

20 In addition, we are initiating Flood Preparedness Plans for the cities of Canon
21 City and Beaver Park. These plans will be completed in 1994 and will assist in reducing losses
22 during floods for these local communities. Two Flood Preparedness Plans were completed in
23 1993 for the communities of Florence and La Junta. These Flood Preparedness Plans, basically
24 what they provide is, if the National Weather Service issues a flood warning or they forecast a

1 certain stage on the Arkansas and they know they are going to be in flood levels. The local
2 communities can pick up these reports and depending on the stage, they can correlate that to the
3 number of houses that are going to be flooded; those flooded homes are in the flood plain. Then
4 they can initiate evacuation procedures or do whatever kind of pre-emptive activities they have
5 to minimize the damages, and protect the safety of, hopefully, the folks that are living in the
6 flood plains in those areas.

7 Under our Section 404 responsibilities, on August 25, 1993, the Section 404
8 Permit Regulations were amended to define "discharges of dredged or fill material" to include
9 incidental discharges associated with excavation activities. This regulation change has the effect
10 of requiring a permit for excavation activities that did not previously require a permit. Little
11 different requirement that has been added on, Jim Thompson is here and if anyone has any
12 specific questions with regard to that, he can address those. In 1993 two individual permits were
13 issued in the Arkansas River Basin. An additional 222 activities in the basin were reviewed
14 during the period and most resulted in general permits.

15 One item not on the formal report and that's reorganization activities with the
16 Corps. That plus the Trinidad stuff I will address but if I could just stop right here and I would
17 be glad to answer any specific questions to the information that we have provided and then I will
18 go on and touch on these other activities.

19 CHAIRMAN COOLEY: Any questions, Mr. Lile?

20 MR. LILE: Yes, I think you said it Dick, but I guess our concerns are when you
21 change the gaging stations that you meet or have accurate record during this transition of putting
22 the new gages in.

23 MR. KREINER: Yes. We will be very careful to assure that we do that. Bill
24 Boulon is going to be Study Manager on that. A lot of you know Bill from being in Pueblo. So,

1 we don't anticipate any problem with providing an accurate gaging record during the
2 construction phase of this, but that's certainly a primary concern of ours.

3 MR. MILLER: Do you foresee any extra evaporation off of Lake Hasty?

4 MR. KREINER: No, we are not anticipating increasing the size of Lake Hasty;
5 we just want to improve it, both circulation wise 'cause there are some water quality problems
6 during the summer at Lake Hasty and we want to improve that with this proposed project. And
7 we also want to look at nesting areas for some of these endangered birds there as well.

8 MR. HOWLAND: Bill Howland. How much discharge do you anticipate routing
9 around?

10 MR. KREINER: I am not sure what the magnitude of the flow through is going
11 to be.

12 MR. HOWLAND: Surely wouldn't be the whole river?

13 MR. KREINER: Oh, no, no, I think it would be it will be in the neighborhood of
14 one to five cfs, something in that range.

15 MR. HOWLAND: Thank you.

16 CHAIRMAN COOLEY: Mr. Drake?

17 MR. DRAKE: I just wanted to ask a general question, do you normally require
18 404 permits when diversion dams are installed or moved?

19 MR. KREINER: Jim, you want to touch on that.

20 JIM TOWNSEND: Generally not, a lot of this activity is exempt. Plain and full
21 for exemptions. The effect of these new regs on regulating excavation now has been no change
22 to the overall exemptions. So the agricultural community there is still safe.

23 CHAIRMAN COOLEY: Well Mr. Townsend, is the construction industry safe
24 when it opens a gravel pit on a hillside above, far above, the river?

1 MR. TOWNSEND: Yes Sir.

2 CHAIRMAN COOLEY: Thank you. Go ahead.

3 HAL SIMPSON: Hal Simpson. How does this effect gravel pits in the flood
4 plain, this new change in the reg?

5 MR. TOWNSEND: If they are being excavated in a water of the U.S., a wetland
6 if you will, then that is approvable for a 404 permit.

7 CHAIRMAN COOLEY: Any more questions before Dick goes on?

8 MR. KREINER: Okay. As you know, and as I have reported to you the last
9 couple of years, the Corps has been trying to reorganize too. As of early October the last
10 reorganization was thrown out. The present administration was not comfortable with that and
11 there was a lot of problems associated with it. Generally speaking, the Corps still feels they need
12 to reorganize. The principal area of reorganization will be with the division offices. Our
13 districts kind of relate to what Reclamation has with area offices that are responsible to a region
14 office. In the Corps of Engineers those are division offices. It is commonly held there are too
15 many division offices, so the Corps wants to reduce their division offices and I think that's going
16 to happen. The problems with the last two reorganizations has been how the Corps reorganizes
17 within their district offices and they got into political problems on both of those. The Corps is
18 going to reorganize. They are looking at it anew. And that's about all I have to report on that
19 since the old one that we had been working on was thrown out.

20 Now, there's been a number of activities with respect to Trinidad Lake. One area
21 that we have been trying to resolve is the disposition of the excess space, and then the second
22 activity there is with respect to the channel capacity. So, I would like to brief the Administration
23 on both of those, and I would like to just kind of go through what's transpired in the last year or
24 so with respect to the excess space, to bring everyone up to speed on what's happened.

1 In September of 1992 the Albuquerque District requested 11,467 acre feet of
2 excess space be allocated to the sediment pool. This was at the request of the irrigation district.
3 In early '93 that was denied by our division office. Subsequently, in May of '93, the Purgatoire
4 River Water Conservancy District asked our division office to reconsider. In September we held
5 an informal meeting in Trinidad, and consensus was reached between the principal parties, to
6 allocate the excess space to recreation, fish and wildlife purposes.

7 Then in October the Purgatoire River Water Conservancy District withdrew their
8 May request to our division office to reconsider. We then followed up in November with a letter
9 from our district office to the State of Colorado notifying them that we were ready to proceed
10 with the reallocation request and support it, that excess space was put to recreation, fish and
11 wildlife purposes, upon receipt of solid support from the State and local governments. So, we
12 are now waiting for those letters of support and will then follow up with a request to our division
13 office for a final disposition of that space for recreation, fish and wildlife purposes.

14 There are some questions or at least one question that is not resolved at this time
15 and that is, will a reallocation study be required before we make a determination on the
16 reallocation of that excess space. I, personally, don't believe that it is necessary, but it is one of
17 the things that we are unable to resolve at this time. And we will not get response to that until
18 we submit something to our division office for their approval. So, that's kind of up in the air.

19 The other thing that I did want to mention, we anticipate that if a reallocation is
20 approved by our division office that it would be coupled with an amendment to the Operating
21 Principles of Trinidad Lake to reflect any increase or any change in allocation of space in the
22 reservoir.

23 The second item with respect to Trinidad deals with the channel capacity. We
24 held a public meeting on 7 September, '93 to receive comments on a Corps proposal to limit the

1 maximum channel capacity in the Purgatoire River below Trinidad to 3,000 cfs. The current
2 water control plan calls for releases up to 5,000 cfs. We will still take public comments on that
3 proposal. The minutes from the public meeting were mailed back to the people that attended the
4 meeting and when we get all the comments from those minutes we will then turn around and
5 provide those to everyone that attended. So the minutes are not finalized at this time. We would
6 anticipate that in early January we would have all the comments and be able to finalize those
7 minutes. An environmental assessment is also anticipated to be completed in January. This
8 environmental assessment will take care of any NEPA compliance as far as endangered species,
9 and we would be looking at not only a change in the downstream channel capacity but we will
10 also be looking at any impact in increasing the size of the recreation fish and wildlife space in the
11 reservoir.

12 So, that's kind of where we are at on that. If anyone wants to comment on that
13 proposal, we would welcome any comments that we might receive. Now I might note that we
14 have had comments to the effect that we aren't reducing the channel capacity enough. And then
15 we've had comments that we shouldn't reduce it at all, leave it at 5,000 cfs. For purposes of just
16 briefing you on where we are. Right now, my recommendation would be to change the water
17 control plan so that it has a range from 3 to 5,000. That way, if the channel capacity does
18 increase, well then we do not have to go through this lengthy process to be able to make releases
19 above 3,000 cfs, but that's just my feeling at the present time. We certainly have more
20 information to consider before we make our final recommendations. That's about where it's at
21 .With that, I would be glad to answer any additional questions.

22 CHAIRMAN COOLEY: Mr. Hayzlett and Mr. Rolfs, I would suggest that we are
23 going to touch upon Trinidad at some other times in the next hour or so, and I think that a
24 general free for all on all of the questions of Trinidad ought to be while some other person is at

1 the podium, and therefore, I suggest that we limit any questions and discussion, to the matters
2 brought up in chief. Sandy, Mr. McDougal, the same thing goes for you. We are clearly going
3 to touch upon Trinidad Reservoir and the Purgatoire in a couple of contexts this morning. And I
4 think if we go into any general discussion it would be appropriate an hour from now, rather than
5 at this time and we limit this. Does this sound reasonable to you gentlemen and lady?

6 MR. MILLER: I am not sure I see where you see us revisiting this.

7 UNKNOWN: I don't either.

8 CHAIRMAN COOLEY: Well, the transit loss study would be one certainly,
9 and...but go ahead with any questions you might have of this speaker.

10 One other preliminary matter, I don't propose, unless you request it, that your well
11 done three page report be made a – two page report be made a part of the minutes of this
12 meeting, unless you so desire.

13 MR. KREINER: It is up to you.

14 CHAIRMAN COOLEY: I think you've covered it, really. Any questions?

15 MR. LILE: I just might make one response; we applaud the efforts to reallocate
16 the fish space, the 11,400 acre feet, to fish and wildlife. Colorado is working on drafting a letter
17 back to the Army Corp to support that.

18 MR. KREINER: We are really pleased with the degree of cooperation between
19 the irrigation district, the City and the State and everyone involved. That really helps us in
20 pursuing that through our Division Office with that kind of solidarity between all the principal
21 parties.

22 MR. HAYZLETT: May we request that this be attached to the minutes of the
23 meeting?

24 CHAIRMAN COOLEY: Surely, and it will be so ordered. The two page... no

1 the three page remarks will be attached as Exhibit "G" to the minutes of the meeting.

2 Do you have any questions of Mr. Kreiner at this time?

3 MR. GENOVA: Mr. Chairman, I have one. What's the capacity...I mean what's
4 the maximum release you can make out of Trinidad Reservoir?

5 MR. KREINER: It is near 5,000 without a spill.

6 MR.GENOVA: And you're restricting, well, the channel capacity down to 3,000
7 below the City of Trinidad.

8 MR. KREINER Excuse me?

9 MR. GENOVA: You are restricting the channel capacity below 3,000?

10 MR. KREINER: We've completed a hydraulic analysis of the channel capacity
11 two years ago, and identified some problems with being able to make the 5,000 release. We are
12 getting a number of complaints from the County of Las Animas about damages. So we
13 conducted a hydraulic analysis to see what we had. What we found out was that basically we
14 didn't have a tremendous amount of encroachment that had occurred. But the tree growth and
15 the brush was significantly increased from what it had been when the project was constructed.
16 And we attribute a loss of channel capacity because of the vegetation in the river bottom along
17 the Purgatoire River. So in recognition of a changed condition, we were proposing that the
18 channel capacity be reduced. Now, we have never made releases in excess of, I believe, 2,000
19 since the project was constructed. There have been no major floods on the Purgatoire River
20 above Trinidad and there has been no channel flushing action, to keep the phreatophytes at bay,
21 if you will.

22 MR. GENOVA: If it were possible, I would think that channel capacity ought to
23 match the maximum release capacity out of Trinidad?

24 MR. KREINER: It is not unusual for us in the Corps of Engineers projects to

1 have considerably more release capacity than what the channel can accommodate; it's not
2 unusual at all.

3 CHAIRMAN COOLEY: Anybody from Trinidad want to speak up in defense of
4 the bridges?

5 M. E. (SANDY) MACDOUGALL: I would just like to ask what's the capacity
6 release at Pueblo and channel capacity below it?

7 CHAIRMAN COOLEY: Mr. MacDougall.

8 MR. MACDOUGALL: Yes, sorry, do you know?

9 MR. KREINER: Not off the top of my head. We control the 6,000 cfs at
10 Avondale, but the physical limitation...? Bob?

11 MR. JESSE: 5,000?

12 CHAIRMAN COOLEY: We have Mr. Howland and Mr. Jesse, doing an end man
13 routine here.

14 Mr. Shinn, if you please, sir?

15 MR. SHINN: Mr. Chairman, might I inquire if the Corps of Engineers pays
16 absolutely no attention to the decrees that are in place on the river effecting Trinidad Reservoir?
17 I had some correspondence with a gentleman about the decree on the Purgatoire District over
18 there and the Trinidad Reservoir, and it specifically says that it will be released at a release
19 capacity from the dam at 4,970 feet, I think; maybe 4,920 or something, just under 5,000. And
20 that's in place, it's in the decree. How can the Corps of Engineers unilaterally, on its own,
21 dispose of the decree, and put something else in its place?

22 I would anticipate if you start furthering recreation, and wildlife, and so on, the
23 slower you can run it out of Trinidad Reservoir, the more water it is going to use up, and not just
24 down the mainstem of the Arkansas. Also with regard to this 467 (sic) acre feet allocated for

1 wildlife or fishery or recreation, how does that effectively the decrees that are already there? I
2 don't understand why we are reallocating space for that purpose.

3 MR. KREINER: Let me attempt to answer your second question first; sounds like
4 the easiest one. The excess space in Trinidad has been there since the project was constructed,
5 there has been no one, no entity that has come forward to contract for that space, and it has been
6 fought after, fought over, for many, many years, and we feel that the allocation of that space, if
7 no one can identify a purpose for it, would best be served by changing it so that it could be used
8 for recreation, fish and wildlife enhancement. It is not, in no way, interfere with the existing
9 storage decrees, and the existing storage allocations in the reservoir. It was truly excess as to
10 what Congress had initially authorized. So, we don't see any significant impact to any of the
11 users of the Reservoir. We see that as an enhancement to the project.

12 Now, with respect to the decrees that may be affected by changing the
13 downstream channel capacity, I am not a lawyer, and we are working with our Office of Counsel
14 to address that with respect to comments you have made, and frankly, I am not sure. I am not
15 sure how to address your concerns. We are taking those under advisement and they will be part
16 of the evaluation process when we finally come up with a determination on that.

17 MR. SHINN: Well I was interested in your comments, it's just this point that you
18 indicated, that I thought was in your comments, that you anticipated it was going to be reduced,
19 2,000 feet?

20 MR. KREINER: My recommendation is that the Corps has the flexibility in
21 providing flood protection for the City of Trinidad and the valley below the City of Trinidad, that
22 we have the authority to make the reduction if so warranted.

23 MR. SHINN: What about the decree?

24 MR. KREINER: We are consulting with our attorneys in the Albuquerque

1 District Office to see if that is...those are valid statements that would preclude the Corps from
2 changing the proposal that we have on the table. I am not prepared to answer that today.

3
4 MR. SHINN: Thank you.

5 CHAIRMAN COOLEY: Are there any other questions? Yes?

6 MR. ROGERS: On the release, if you keep lowering the amount of water that
7 you send down the channel will the phreatophytes finally take over the river channel? In other
8 words, how are you going to keep it open so you can run the 5,000 feet if you ever need to?

9 MR. KREINER: I am not sure we can; certainly it is not in the best interest for
10 the Corps to let the channel capacity to reduce to nothing. I think there is a point where you are
11 going to have to hold the line and if there is damages, there's damages – we know there is
12 damages beginning at little over a 1,000 cfs to at least one county bridge. We will not recognize
13 that particular structure in the operation of the Reservoir. It just way under designed there are
14 number of structures that are in the river that are going to be significantly damaged even at 3,000
15 cfs. What I feel we are trying to do is, we are trying to preserve the same degree of protection
16 that was provided when the dam was built, and those are to the agricultural areas. And we feel
17 that the vegetation that has grown up since the dam was constructed, has choked the river flood
18 plain enough that at now at 3,000 cfs, you have a flood plain that was essentially what we had
19 when the dam was first built. So, we are trying to preserve the degree of protection that was
20 initially there when the dam was put in use.

21 Now, granted, if you continue to do that, you are not going to have any way of
22 making releases and that certainly is not smart, but, I guess I feel we have to recognize the
23 changes that have taken place and we want to have our water control manual reflect how we
24 could physically operate, and we feel there is a significant change that's taken place.

1 MR. ROGERS: Well then, whose responsibility will it be to clean this channel
2 out or open it back up? You know, if you keep necking it down, then there is no movement to
3 clean the channel, it is gradually going to grow shut, like you say. Whose responsibility will that
4 come under to clean that channel so we can pull the water down through there?

5 MR. KREINER: That responsibility would have to come with the local The
6 Federal Government, the Corps of Engineers has no authority to go in and do any channel
7 maintenance activities, certainly we would encourage working with the Purgatoire River Water
8 Conservancy District or any of the land owners to preserve the carrying capacity in the
9 Purgatoire.

10 MR. LILE: Mr. Chairman, if I might. You are not doing anything physical now
11 to maintain the channel?

12 MR. KREINER: All we are doing is trying to keep our manual or water control
13 plan up to date, to reflect existing conditions.

14 MR. ROGERS: We have the same problem down here under John Martin. It is
15 gradually growing shut. Every time we go in to do something we run into a problem with, we
16 need a permit and we have problems with going in and cleaning the phreatophytes out and they
17 are choking us down, you know. At one time we could run 10,000; we can't even run three any
18 more out of John Martin, and it is drastically dropping. That's why my concern is about over
19 there and I was down there and viewed that last summer, and it was pretty woolly and without
20 any maintenance to clean it back out, your water isn't going to have any type channel to run
21 down before long.

22 MR. KREINER: I guess the only existing maintenance that we have is Mother
23 Nature, there haven't been any significant storms on Raton Creek or from Trinidad to flush it and
24 it's a problem that we face in many river basins. It is not just here. Most of the places, we have

1 more problems, with people encroaching and building in the flood plain, as opposed to
2 phreatophytes, but that's a constant struggle to maintain current channel capacities.

3 MR. ROGERS: Will there be something in the future to address this problem?

4 MR. KREINER: I am not aware of any activity that is ongoing.

5 CHAIRMAN COOLEY: Maximum probable flood.

6 UNKNOWN: That will scour it out.

7 MR. ROGERS: Will you open it up to the 5,000, if you get water coming through
8 the side streams to boil it out.

9 MR. KREINER: Right now we recognize 5,000 channel capacity and could
10 operate to that. Again, we know that there is going to be problems at less than 5,000, and that's
11 what we are trying to address. And we feel that if we identify a range, that that will give us the
12 flexibility once it opens up if we get an opportunity to run 3,000 or greater for a couple of days
13 and the channel scours and develops itself then we will increase our releases to get the maximum
14 benefit of that.

15 MR. LILE: There is a possibility with the right set of hydrologic conditions that
16 you might have to release the 5,000?

17 MR. KREINER: Sure. We can spill – we could spill the reservoir, would be one
18 way.

19 MR. LILE: Uncontrolled ...

20 MR. KREINER: One of the things that once we identified a limitation in channel
21 capacity and that's not consistent with the water control plan, we issued a letter to Mr. Witte's
22 office, so that his water master wouldn't make releases above that and we want to be there on
23 site, and make the determination on anything above the 3,000, so that's what we have done now.
24 We have notified them that we have identified limitations and for his people not to be in a spot

1 where it would be difficult for them, that he would hold his release to 3,000 until we can actually
2 get there and see it. Now, I've seen cases where our hydraulic analysis turned out to be a little
3 over stated and we have been able to make releases higher than what we had anticipated; but we
4 want to make a call on that.

5 CHAIRMAN COOLEY: On that happy note I would like each of you to look at
6 his watch. We will recess at this time and readjourn in fifteen minutes by your watch.

7 (Recess taken from 10:30 a.m. to 10:45 a.m.)

8 CHAIRMAN COOLEY: Unless there is objection from either State or from the
9 audience, we are going to thank you for your report and for your discussions of stream carrying
10 capacity; appreciate it very much.

11 We are always honored to have Mr. Milenski in attendance at these Compact
12 Administration meetings. In addition to all of the other accomplishments of a long lifetime full
13 of honors, he has also become an author with two volumes to his credit. Tremendously
14 impressive person and we are honored to have him here.

15 The next item on the agenda...

16 MR. DRAPER: Um, Frank. I would like to just make one follow-up comment if
17 I may on the Corps' discussion of the channel capacity. That is just to remind people that the
18 flood releases from Trinidad Dam under the Operating Principles are not to be diverted in the
19 project area, and that may allay some of the concerns that the people have there but just wanted
20 to be sure that people were aware that is in the Trinidad Operating Principles already.

21 CHAIRMAN COOLEY: Thank you, Mr. Draper.

22 Because Mr. Kuhn just arrived, we are going to take item 13, and I take it we will
23 not do anything with the by-laws at this meeting?

24 MR. MILLER: Correct.

1 CHAIRMAN COOLEY: As a result of meetings held last night. We are going to
2 take item 13 before we take item 11, without objection. The item is the approval of minutes and
3 transcripts from special meetings of June 22, 1992, July 20, 1992, August 10th of '92, and, Steve
4 Miller, would you please guide us through this maze?

5 MR. MILLER: Minutes for all those meetings, which were, well, we can just go
6 through them by date: June 22, '92 was an executive session, telephonic meeting; July 20th,
7 '92 was an executive session, telephonic meeting; August 10th, was an in person meeting in
8 Denver, a special meeting, with an executive session during that special meeting. We have got
9 minutes, three copies of each of those and Kansas reviewed them, prepared a variety of ways, but
10 they are all verbatim transcripts in one form or another and they're ready for your signature on
11 motion, I guess, from the States. As far as Lee and I are concerned, we've got them the way they
12 are supposed to be and they're ready for your signature.

13 CHAIRMAN COOLEY: And you're sure it is safe for me to sign?

14 MR. MILLER: As sure as I am of anything.

15 CHAIRMAN COOLEY: Kansas?

16 MR. MILLER: You need a motion...

17 CHAIRMAN COOLEY: Let's have a motion first.

18 MR. LILE: I would move that we accept... a motion.

19 MR. HAYZLETT: Second.

20 CHAIRMAN COOLEY: Randy seconds. Kansas?

21 MR. HAYZLETT: Aye.

22 CHAIRMAN COOLEY: Kansas votes aye for all three of the meetings.

23 CHAIRMAN COOLEY: Colorado?

24 MR. LILE: Aye.

1 CHAIRMAN COOLEY: That matter is taken care of. While we have him
2 squirming, the status of the annual report. Confession is good for the soul. Let's go on to item
3 14.

4 MR. MILLER: The Annual Reports are a responsibility Colorado took on for
5 some reason a long time ago and has not lived up to its responsibilities very well and that's my
6 fault. We did get the '88 printed. It is in the back of the room. We will be making the formal
7 mailing, I guess to the governors and President next week. I have prepared a schedule. The
8 schedule reflected in the budget you will look at later, to get us back on track by next annual
9 meeting. It will require a review by the States usually once every three months. If they are
10 willing to do that then I am willing to get the drafts out on that kind of cycle which means we
11 could have the '92 at least annual report done by next annual meeting; and perhaps the '93
12 actually would be done by next annual meeting, and then we would start doing them as they are
13 supposed to be done, immediately following each annual meeting. There is money in the budget
14 to cover the printing costs.

15 CHAIRMAN COOLEY: Two comments for the Court Reporter, mea culpa is
16 spelled m-e-a c-u-l-p-a and the other comment is that I think that Steve has done a magnificent
17 job in organizing and seeking to put a better record for the activities of the Compact
18 Administration. I don't think this requires any action on the part of the board.

19 MR. MILLER: You know one thing did come to mind last night, Frank. I wasn't
20 aware that the Garden City gage has been out and back in starting in '86. And I haven't looked
21 in the old reports. But, I think since the Garden City gage is back in that we ought to be adding
22 that record to the annual report. So, when I do the '89 I will have that in there and Kansas in its
23 review, or Colorado in its review decides that's appropriate, I'd like to put the Garden City gage
24 in as an appendix. It may have been in there until the time when GS discontinued it.

1 CHAIRMAN COOLEY: Doesn't seem harmful to me.

2 MR. ROLFS: I think we should have that put back in the report.

3 CHAIRMAN COOLEY: Good. At this time, well, let's talk procedure, just a
4 little bit. We have the report of the U.S. Geological Survey, which will be important for several
5 reasons; that will be done shortly. The next item on the agenda, but for the Survey, is the
6 explanation for executive sessions, and going into executive session, after that, and, traditionally,
7 we have encouraged people not to attend the financial parts of the meeting because I think we
8 have always felt it just wasn't that interesting or productive for anyone.

9 We would go to budget matters, the USGS cooperative agreement, the review of
10 the current Fiscal Year '93-'94 budget, the review of the Fiscal Year '94-'95 budget, the adoption
11 of the '95-'96 budget, the expenses for legal services, and finally the recommendations of the
12 Administrative and Legal Committee last night with respect to payment of rent and payment of
13 postage expenses and that sort of thing will be put there. Why I am going through this, is the
14 thought that if there were anything that should be discussed before the executive session that we
15 try to do it before the executive session and turn people loose as they may desire and along that
16 line, I suggest to the two States and possibly to Steve as well, that it may be that the USGS
17 cooperative agreement is of such interest and importance that it might be placed before the
18 executive session so that those people here would get in on the business of paying for gages and
19 so forth, which I think is of interest to irrigators and people in the valley as distinguished from
20 our budget three years hence.

21 Would someone comment on my idea, please?

22 MR. LILE: I feel that we are going to be discussing with GS a lot of issues, might
23 as well discuss them all at same time. I have no problem with that, Mr. Chairman.

24 CHAIRMAN COOLEY: Is that all right? It seems to be the consensus up here

1 that we may do that. What we will do, is we will have a USGS portion of the meeting. Then we
2 will discuss the funding with USGS. At which time we will go into executive session, and for
3 those of you who have a compelling need to listen to the discussion of the 1996 budget, you will
4 be welcome to attend after the executive session, but if you don't have a compelling need there
5 are probably more exciting things to do in this part of the country. Thank you.

6 Pardon me, what's the name of the geologist who couldn't be here today from
7 Pueblo?

8 MR. LILE: Doug Cain.

9 CHAIRMAN COOLEY: Doug Cain was not able to be here today and has made
10 the submittals of information reports to each of the members of the Compact Administration.
11 And in discussions with Doug, there came to light some important matters concerning the USGS,
12 not the least of which is the possibility of a travel time or transit loss study on the Purgatoire
13 River by the USGS. To stand in for Doug, and to give us these reports, which will be in two
14 phases, Mr. Gerhard Kuhn has come from Denver, he is a hydrologist with the USGS, in the
15 Water Resources Division for the Colorado District. Mr. Kuhn would you take the podium,
16 please, sir? If it is at all possible, you will be interrupted during your presentation.

17 GERHARD KUHN: Alright, thank you, Mr. Chairman and Members of the
18 Compact Administration. I have some copies of the report, the operating report, for the USGS.

19 CHAIRMAN COOLEY: We would like you to hold one, if you could. It may
20 end up in the minutes, thank you.

21 MR. KUHN: OK, I will talk about first just the program that the USGS has in the
22 Arkansas River basin. During the 1994 water year USGS will be operating 45 continuous stream
23 flow gages in the basin, and about 13 seasonal or non-continuous sites, including three reservoir
24 stations and daily sediment at three sites. We also have six periodic sediment stations and 21

1 continuous recording water quality stations, and about 20 periodic water-quality stations.

2 In addition to the surface water sites we have about a hundred wells, including 85
3 wells at the U.S. Army's Pueblo Depot activity. So those are the water quality wells. And then
4 we have several networks of water levels where water levels taken throughout the basin. About
5 70 wells are measured twice a year between Pueblo and the Stateline in the Arkansas alluvial
6 valley. Forty (40) wells are measured twice a year between Leadville and Pueblo. And there is
7 about 35 wells that are measured at Fort Carson and ten wells measured annually at the Pinon
8 Canon maneuver site.

9 In addition to that we have 40 wells that are measured twice a year along Fountain
10 Creek, south of Colorado Springs, and another 30 wells measured every other month in the upper
11 Black Squirrel Creek Basin and an additional 130 wells measured annually in El Paso County.

12 There is a number of studies ongoing in the Arkansas River Basin. A lot of these
13 are in the completion stage and we'll be completing the reports for those in the following year.
14 One is a report on the relation between the alluvial aquifer and bedrock aquifers in the Upper
15 Black Squirrel Basin. This report will be out next year. A second report was just published
16 recently. That's a report describing the stream flow, water quality, and suspended sediment at
17 the U.S. Army Pinon Canyon maneuver site between La Junta and Trinidad.

18 Also the draft report of the Pueblo Reservoir water quality study is due to be out
19 in the next year. And a report describing the water quality of Lakes Henry and Meredith was
20 published just a couple of months ago. And also a report describing the water quality variations
21 along Fountain and Monument Creeks was published earlier this year.

22 And USGS has been conducting a basin wide water quality study of the Arkansas
23 in cooperation with a number of cooperators up and down the basin, local and county agencies.
24 That study is in the completion phases right now, and there will be a data report published

1 describing all the data that was collected in the water quality sampling throughout the basin and a
2 second part of the study which is to evaluate the effects of the operational systems in the basin,
3 such as reservoirs, transbasin imports and that type of thing and that's ongoing right now.

4 Also we have been working on a...

5 CHAIRMAN COOLEY: Pardon me. Pardon me, sir.

6 MR. KUHN: Yes, sir.

7 CHAIRMAN COOLEY: Would you hit that last report just one more time?

8 MR. KUHN: On the operations.

9 CHAIRMAN COOLEY: Yeah?

10 MR. KUHN: Okay. The study of the operations, the water quality effects of the
11 operations in the Basin.

12 CHAIRMAN COOLEY: Do you know how extensive that study is? How
13 voluminous the reports and so forth, is it a major work?

14 MR. KUHN: I know they have collected a lot of data. I think they have three
15 years of data collection at about, at 20 sites on the Arkansas River, 32 tributaries and some of the
16 transmountain diversions, and they have been sampling those like about ten or twelve times a
17 year. There is a lot of data there. I think they are just preparing a draft of that report, and I
18 would say it is a substantial amount of water quality data.

19 CHAIRMAN COOLEY: Thank you.

20 MR. KUHN: Okay. We also had a study which we are doing with the Southeast
21 Colorado Water Conservancy District, to evaluate the risks of storing water in the joint use pool
22 at Pueblo Reservoir between April 15th and May 14th, and that's in review now and should be
23 approved next year also.

24 A report on the water use in the Fort Lyon Canal is expected to be approved and

1 published in '94 also.

2 There's two draft reports describing the geohydrology and water quality of the
3 alluvial aquifer along Colorado Springs, that study we're doing with the cooperation of the City
4 of Colorado Springs and those reports should be completed this year.

5 And the last report that we are working on is a report on the water quality of the
6 urban runoff in the Colorado Springs area. That study was completed last year and the report is
7 in preparation now. So that's it pretty much in a nutshell. If there's any questions, I will try to
8 answer them, you know, as far as the current activities of the USGS. It sounds like there are
9 going to be a lot of reports out in the next year.

10 CHAIRMAN COOLEY: In general, what kind of water runoff do you get from a
11 shopping center in a major subdivision? What are the substantial differences from that and
12 meadow land?

13 MR. KUHN: In comparison to runoff off of...

14 CHAIRMAN COOLEY: A meadow

15 MR. KUHN: ...a meadow or something?

16 CHAIRMAN COOLEY: Yeah.

17 MR. KUHN: I am not sure I can really answer that question you know with a lot
18 of expertise, but you know I think run off on a shopping area you do have a lot of organic
19 materials such as, you know from cars driving on a parking lot and sitting there and things like
20 that, so there is a lot of organic material, and a lot of just debris, you know, physical types of
21 things, like trash and that type of thing, and that in itself can contribute to a lot of the pollution,
22 you know, water quality associated with the runoff out in the parking area. I can't really say too
23 much else on that line.

24 CHAIRMAN COOLEY: Thank you. Are there any other questions about this

1 part of Mr. Kuhn's report? Mr. Shinn.

2 MR. SHINN: Mr. Chairman, I wonder if we could inquire: Will we get copies of
3 these after they are published?

4 MR. KUHN: USGS reports? You can contact Doug Cain at the USGS office in
5 Pueblo, Colorado.

6 MR. SHINN: You have a better address? You know the Post Office doesn't
7 deliver anything unless it's perfect.

8 MR. KUHN: I can get with you at any time and give you that address.

9 MR. SHINN: Thank you, sir.

10 CHAIRMAN COOLEY: Just a second. Mr. Shinn, I have really worked for
11 years in order to assure the distribution and the use of some of these studies on the Arkansas
12 River. Some of the stuff that the USGS has put out is of vital importance to the river, and do you
13 receive the annual three volume report of the USGS on their readings of their gages for each
14 month on each gage in Colorado? You should. You need to be in that loop.

15 Another of the reports of the survey that no practitioner in this valley, in my view,
16 dare be without is the bar diagram of the Arkansas River, with the diagrams of, for example,
17 detailed diagrams of the ditches in the area of Pueblo where they cross one another. You can't
18 understand the river systems without that report, in my view. It is frustrating for me to have you
19 ask that question because I think it is a vital importance that almost everyone here utilize the
20 information that the Survey puts out and frankly not all the blame is yours. The Survey is less
21 than perfect, in autographing its own books and getting on television talk shows, and so forth, or
22 making the route through Lion's Clubs or local chambers of commerce, with the work that they
23 do, but some of these studies represent hundreds of thousands of dollars worth of work, and the
24 fact they are not on your bookshelf is unfortunate in the extreme, and I am picking on you

1 because the opportunity presented itself, but it's just as true for most everyone else here. There
2 have been meetings at which we have distributed some of these. And had them brought down.
3 Are you folks receiving the bulletins on the Arkansas drainage as they are issued by the USGS
4 for the Arkansas River drainage as a matter of course?

5 MR. ROLFS: I think generally we receive them or request them, one or the other.
6 Find them very useful.

7 CHAIRMAN COOLEY: Chuck, are you in the loop pretty well on these matters?

8 MR. LILE: Yes, we are, we receive most of their publications. And have them in
9 our library.

10 CHAIRMAN COOLEY: Danny, Mr. Marques, do you have some of these
11 publications of the USGS? And you get them regularly and use them?

12 DANNY MARQUES: You bet.

13 CHAIRMAN COOLEY: Okay.

14 MR. MILLER: I think the difficulty now is, that some of them you have to
15 subscribe, for instance, to the water quantity record; it is no longer free. So, you need to take the
16 step of getting on their mailing list and paying the bill when it comes.

17 CHAIRMAN COOLEY: Those of us who are cooperators with the USGS in
18 some of their projects get these things almost as a matter of course and it makes it a lot easier if
19 you have a joint study. Tommy, Mr. Thomson, you have a substantial USGS library, I take it?

20 MR. THOMSON: Yes, sir, we certainly do.

21 CHAIRMAN COOLEY: Okay, fine.

22 MR. KUHN: Whenever we have a new report come out we have a list of about a
23 hundred or so libraries throughout the State of Colorado, like small colleges, community
24 colleges, also county libraries. I don't know the exact towns and so on. Most of our

1 publications, at least a hundred of them or so, are sent out throughout the State, especially for the
2 areas where a report is pertinent.

3 CHAIRMAN COOLEY: We are running a little ahead of schedule. I collect
4 these things and treasure them. I got one here five days ago that I treasure almost more than any
5 report I ever seen of the U.S. Geological Survey, entitled "The Silver Concentrations in Water in
6 the Headwaters of the Colorado River". A beautiful book, a format, and a map, a title page,
7 indications of where the gaging stations were, complete tables of the amount of chemicals in the
8 water at these various places in the headwaters of the Colorado River, Granby Reservoir, things
9 of that nature. And, as I said, the title was "The Concentrations of Silver in the Headwaters of
10 the ..", and I read the thing, and frankly, the meaning of the report did not come clear to me, and
11 I went to the summary in the front which was three paragraphs and I read the summary very
12 carefully and the last sentence of the summary made it all clear to me. It said "and in conclusion
13 we find that there is no silver in the headwaters of the Colorado." Of all my geologic library,
14 somehow, by God, I am going to treasure that one the most. Pardon me.

15 Back to business. Are there any other questions on this part?

16 Are we ready now to go to the Purgatoire River?

17 UNKNOWN: Yes

18 CHAIRMAN COOLEY: Before you continue. I have been in contact with the
19 Survey and have perceived, I felt very strongly the need for a travel time study of the Purgatoire
20 River similar to that which was done, Frank, 12 years ago? Something like that, on the Arkansas
21 River. And I have asked the Survey to discuss the possibility of making such a survey at this
22 Compact Annual Meeting. And now, Mr. Kuhn, if you would reply to it, I think most of us have
23 received the letter from the Survey concerning the possibility of such a study, dated November
24 24th of this year, and signed by Doug Cain.

1 MR.KUHN: Okay, I have been involved in kind of working on this pre-proposal
2 for the channel loss storage or stream flow loss study on the Purgatoire River, I was involved
3 with a couple of phone calls, two weeks ago, with Mr. MacDougall of the Purgatoire River
4 Water Users and some other people and also with Mr. Witte and Mr. Jesse of the State Division
5 Engineer's Office, and the Bureau of Reclamation, and you know, based on some of those
6 discussions we put together a small pre-proposal on doing such a study on the Purgatoire River,
7 and I am not sure who, you know, has a copy of that. I don't have copies for everybody to
8 distribute. I don't think it is really appropriate for, you know, everybody in the audience, to
9 maybe, have a copy of that, because it's really just a pre-proposal and not really, you know, there
10 will be a lot of modifications, and I am sure, if that study ever comes about, what the final
11 proposal will look like will be a lot different than this one here. You know if, is there some
12 interest for me to read a copy of the proposal, you know, for people that don't have a copy of
13 that?

14 CHAIRMAN COOLEY: I think reading from a piece of paper is murder, for any
15 concept or any report, but, the way the report was to be broken into parts, and a discussion of
16 those parts, I would, myself, deem to be very valuable.

17 MR. KUHN: I can verbalize those without reading them and that would be better;
18 I agree with you.

19 Okay. Our study location would be on the Purgatoire River from Trinidad Dam
20 downstream to John Martin Reservoir. And the problem, I guess, could be summarized that, you
21 know, it is well known in the literature and people that, you know, run water up and down the
22 Purgatoire River, that there is tremendous losses of stream flow as it flows down the channel,
23 and in the 1920s, and 1950s there were some studies made to quantify those losses and the
24 reports that come out of those studies indicated that losses generally were, you know, in the

1 neighborhood of thirty to sixty percent and sometimes as much as a hundred percent.

2 The only problem is those studies were completed a long time ago, prior to
3 completion of the Trinidad Dam, and there is no certainty are those losses really the same today
4 with the operation of Trinidad Reservoir. Are those stream...stream flow losses about the same
5 and how would they be different?

6 So, that's kind of the reason for having this study on the table, is to try and do an
7 up-to-date study, with new data, and, you know, new conditions of the way the river is operated
8 now, so that's the reasons for maybe having the study in front of us.

9 And so the objective of the study would be to quantify transit losses or stream
10 flow losses. I feel it is more of a stream flow loss, not really a transit loss, in comparison to
11 some of the other transit loss studies that have been done in the basin, determined the losses of
12 stream flow released from John Martin Reservoir, and these were primarily the native stream
13 flows that are regulated by the reservoir and in association with that you could determine, you
14 know, also travel times for releases, from the reservoir downstream to the Ninemile or Highland
15 Ditches or eventually to John Martin Reservoir; and some of those losses could be attributed to
16 channel storage, bank storage, evaporation, transportation, possibly some recharge to bed rock
17 aquifer.

18 Some of the approaches that could be used in doing this study by the USGS are to
19 review the prior studies that were done in the '20s and 1950s and reevaluate that data and
20 probably do some additional seepage runs on the river to update that data. Also digital modeling
21 could be used to route stream flow hydrographs downstream and make estimates of some of the
22 losses along the river.

23 So anyway, that's kind of summarizing the study. And, you know, through that,
24 there should be a better capability of managing water resources along the Purgatoire River in

1 association with Trinidad Reservoir; there should be some potential to do better water
2 management. And so, you know, the cost of the study. I don't know if we really need to get into
3 that at this time.

4 CHAIRMAN COOLEY: Well we will have to.

5 MR. KUHN: Eventually, right.

6 CHAIRMAN COOLEY: Let's talk about some of the questions you have raised,
7 first. Bob Jesse, are there times when the Purgatoire is dried up completely by the time it reaches
8 the Highland Ditch, say, in the average summer?

9 MR. JESSE: We had a situation and I have to depend on Danny here for the
10 proper year, in seventy...

11 MR. MARQUES: Five.

12 MR. JESSE: ...seventy-five when we found that condition where there was dry,
13 where there was dry, dry stretches between Trinidad and the Highland-Ninemile when they were
14 making the call and we did a little kind of a study in preparation for a hearing in front of the
15 State Engineer, and we found that there were times when it did in fact dry up between the two,
16 and we had kind of a contingency plan for that. I don't know if it has been dry since then or not.
17 I think probably since they started Trinidad Reservoir it has not.

18 CHAIRMAN COOLEY: Let me ask a couple of more questions of you and
19 Danny. How many years are you aware of, off hand, that the doctrine of futile call has been
20 applied, if ever, on the Purgatoire?

21 MR. JESSE: We did it once, so I don't know if you've done it since or not Dan?
22 That was the gist of the 1975. That was the result of the determination we made then that there
23 were conditions where the water would not get through if we released it. Though it has been
24 done at least once. There is a Court case, I believe, that's between Highland and Ninemile, that

1 sets up the criteria that could be included.

2 CHAIRMAN COOLEY: Thank you. I have got a question for Dick, too. Dick,
3 the allusion was made that the river is operated, may be operated differently, since the
4 construction of Trinidad, or maybe I should be asking Danny and you. Is the river significantly
5 different in its operation before and after the construction of the Reservoir?

6 MR. KUHN(?): I would say "yes" and then defer to the State of Colorado for
7 how they operate Trinidad with respect...(inaudible muttering)

8 MR. HOWLAND: Mr. Cooley?

9 CHAIRMAN COOLEY: Yeah, Bill.

10 MR. HOWLAND: Bill Howland. I have been the hydrographer and run the gage
11 at Ninemile dam for about 15 years, since 1978. And when I first started running that gage the
12 river went dry every winter, completely. It was completely dry for about three years, and I think
13 beginning in about 1981, the river was essentially a live stream most of the time. However there
14 were some years when, most years, when the 1925 Court Decree between Highland and
15 Ninemile canals went into effect which essentially, says, in the summer time, that if the flow
16 over the dam at Ninemile is less than 7 cfs., and the flow into the Canal at Highland is also less
17 than 7 cfs then that is considered a futile call between the two ditches. That has happened quite
18 regularly. But since Trinidad Reservoir has been on line, the incidence of no flow in the river at
19 Ninemile has been very rare. There's been maybe three or four in the last 11 years. So I don't
20 know if it is coincidence, maybe we have had some wetter years, but I wouldn't want to testify
21 under oath to this, but it seems to me that the return flow from the irrigation area below Trinidad
22 Reservoir, since we have had the steady source of supply, has substantially increased the flow in
23 the Purgatoire River and extended it for a longer period of time.

24 CHAIRMAN COOLEY: Mr. Howland, you are aware of my ability to go off on

1 some frolic of my own.

2 UNKNOWN: Is anyone going to argue ... (laughter)

3 CHAIRMAN COOLEY: Do you have any comments on the use or the utility of a
4 transit loss or a travel time study on the Purgatoire River?

5 MR. HOWLAND: Yes, I do. With the type of administration we are doing now,
6 it is almost an essential part of our administration, we need it very desperately. I don't know how
7 we have gotten along without it, you know, up to now.

8 CHAIRMAN COOLEY: I did part of this without making enough telephone
9 calls. I am sorry I didn't call you.

10 MR. HOWLAND: That's all right. I probably would have refused your call,
11 anyway. (laughter)

12 CHAIRMAN COOLEY: Okay, fine. I am not trying to get accolades here on
13 this thing, but Mr. Marques do you have anything to say on the general subject?

14 MR. MARQUEZ: I think it is essential that we do it. Telephone bills between
15 Bill and I are quite lengthy anyway. So I think it would really be a benefit.

16 CHAIRMAN COOLEY: One last question, to the two of you. Is there any way
17 in which the...utilizing Trinidad Dam, that water could be more efficiently delivered to the users
18 on the lower river, on the lower Purgatoire?

19 MR. HOWLAND: Well, I will let Dan handle that, because if I said what the
20 people at Ninemile and Highland think, I would have to say the total cessation of irrigation in the
21 Trinidad District would be their goal. (laughter)

22 CHAIRMAN COOLEY: Okay.

23 MR. MARQUES: I think so Frank. I think that there is some more thinking, but I
24 think if the low, smaller releases that are made out of Trinidad Dam, were stored and released at

1 a greater, you know, after we had a cessation... it would be a greater benefit to the downstream
2 ditches.

3 CHAIRMAN COOLEY: In heads or at another time?

4 MR. MARQUEZ: In heads.

5 CHAIRMAN COOLEY: Thank you very much. I'd like to open the thing wide
6 up. Are there any comments, Chuck?

7 MR. LILE: I would like to get into the cost matter if I could. And discuss you
8 know I see two figures here, \$70,000 and \$250,000. Try to frame for me, where you'd spend the
9 money? Maybe that money could be considered as "in-kind" services from say State
10 participation. There's a big range of price here between...

11 MR. KUHN: It is not like, you know, there is either this one or that one. I think
12 that's somewhere in there, you know, could be the final cost of the study. I am not...I don't
13 really feel qualified at this point in time to say exactly what it would be, because what the study
14 is going to cost is going to depend on the scope of the study, and exactly what the cooperator
15 wants to get out of the study and what approach, you know...just from the experiences I had on
16 the telephone conversations and you know what I am getting to know about the Purgatoire, I feel
17 it's a fairly complex issue as far as getting water down through the stream, and I think in that
18 case, you know, it could be a fairly complex study to adequately resolve the issues that need to
19 be addressed in the completion of the study. So, you know, I think for me it would be really too
20 preliminary to say exactly how much the study is going to cost, because any type of study like
21 this always goes through three or four iterations to get the right feel of the study objectives and
22 meet the cost objectives of the cooperator, you know. So at this point in time I really wouldn't
23 want to say how much the study could cost. I mean, it depends how much interest is in it from
24 besides the Purgatoire water users, how much other entities are interested in it, you know. Are

1 they willing to contribute to the cost? And again, the cost of the study, most of these cooperative
2 type studies are on a fifty-fifty cost share basis.

3 MR. LILE: So, in effect you would be providing fifty percent of the cost and
4 you'd be looking for other entities to provide the additional fifty percent?

5 MR. KUHN: Yeah, this would be the total cost of the study, not just the fifty
6 percent cost.

7 MR. LILE: Okay, it's the total cost.

8 MR. KUHN: Right.

9 MR. GENOVA: How long do you think it would take to perform the study?

10 MR. KUHN: I think a study like this you are looking at two to three years,
11 especially if you are doing a lot of seepage runs where you want to do a lot of measurements and
12 that type of thing. It may take you two or three years to get the range of flows to adequately
13 address the losses at different ranges of flows. So it may take two or three years to get all the
14 range of flows that you need to measure the discharge.

15 MR. LILE: Would utilization of in-kind services such as State participation with
16 their staffs, serve as their half of the fifty percent cost share?

17 MR. KUHN: That could become a part of the cost, you know. How much
18 whether it's the fifty percent or whatever, I don't know exactly how that would fall. Those types
19 of things you really have to discuss a lot more with Doug; 'cause he is a lot better at those type
20 of management types of things. I am the person that can go out and maybe do the study, but to
21 really determine who is going to pay for what share of it and so on, I'm not really the expert on
22 that.

23 STEVE WITTE: Would you consider a part of this study attempting to develop
24 correlations between anticipated stream flow losses, with other parameters such as antecedent

1 flow conditions or temperature or period of time within the phreatophyte growth cycle to
2 determine...

3 MR. KUHN: I think there may be some potential need to do some of those things
4 and again that would be much more complicated to evaluate, you know, losses to phreatophytes
5 and temperature indexes or anything like that. You know, there again, that would be a more
6 complicated study then just going out and doing a bunch of seepage runs because with a seepage
7 run you can't really tell how much is going to phreatophytes, how much is going into the bank's
8 or evaporation or that type of thing.

9 MR. WITTE: A question if I could then...

10 COURT REPORTER: What is your name sir?

11 MR. WITTE: Steve Witte, I'm sorry. If that type of study were to be undertaken
12 would a period of three years be sufficient to have the occurrence of the various circumstances,
13 the range of occurrences of those various circumstances, that would allow verification in the
14 field, or would you have to spread this out over longer time period than the three years?

15 MR. KUHN: That, you know, if you don't get the three right years. If you get
16 three wet years or something like that you may not be able to determine the losses in a really hot,
17 extended hot, period you know, short-term drought or whatever you want it. So yeah, you may
18 not get all the conditions you want even no matter what type of study you did. In two or three
19 years you may not be able to do that. And, you know, you could look at some historical climate
20 data, and hydrographs associated with those historic climate periods, and possibly be able to do
21 something that way. Until you start getting in there, and looking at the historical periods,
22 hydrographs on the steam and the tributaries and that types of things, it is really hard to say until
23 you start looking into those in detail. Again, that would be a complicating factor in the study.

24 CHAIRMAN COOLEY: Any questions from Kansas?

1 MR. HAYZLETT: I don't think we have any.

2 CHAIRMAN COOLEY: Okay. What would the State Engineer's position or
3 participation or interest be in such a study, if any?

4 MR. SIMPSON: Hal Simpson. We are interested, I think it would be appropriate
5 to refer this to the Engineering Committee, where we can really flush out what nature – excuse
6 me – the nature of the study might include. We could probably provide some hydrographers to
7 assist in loss studies at appropriate times of the irrigation season.

8 CHAIRMAN COOLEY: Is there anyone here from Highland or Ninemile at this
9 time?

10 Yes. Realize they're tough times to discuss with the Compact Administration, but
11 I don't think it necessarily has any immediate bearing on the suit. What do you suppose the
12 participation of either one of those ditches might be in the planning of such a study? Oh, and I
13 need your name, too?

14 DICK HILLA: Oh, my name is Dick Hilla, I am a ditch rider...(inaudible)

15 CHAIRMAN COOLEY: Dick Hillar?

16 MR. HILLA: Hilla, H-I-L-L-A.

17 CHAIRMAN COOLEY: H-I-L-L-A. Okay.

18 MR. HILLA: (inaudible comment was made)

19 CHAIRMAN COOLEY: Well your comment is helpful and we are not going to
20 hold your feet to the fire on the matter. I would...yes, Steve?

21 MR. MILLER: Is it possible for other federal agencies to provide some of the
22 cooperating money? And if so, I was going to ask the Corps if they might be able to participate?

23 MR. KREINER: Dick Kreiner with the Corps of Engineers. It certainly might be
24 possible. I am not sure if we could budget for something like that, within a two, three year time

1 frame. Certainly this study if expanded in range could answer some of the questions we have on
2 our channel capacity whether the same amount of volume could be delivered to John Martin if
3 stretched out over two days or volume increase or decrease. Certainly we'd be interested in
4 looking at the delivery concerns that some of the water users in the lower basin have if we were
5 to operate at 5,000 cfs versus 2,500 for two days. What the impact is going to be at lower end.
6 Those are kind of the questions that are important to us, to figure out what the ramifications you
7 are going to have in providing flood protection.

8 CHAIRMAN COOLEY: Mr. MacDougall?

9 MR. MACDOUGALL: Yes.

10 CHAIRMAN COOLEY: At what level should the, if at all, should the Purgatoire
11 District participate in the planning of such a study?

12 MR. MACDOUGALL: Mr. Cooley, I'd rather let Dr. Danielson answer about the
13 engineering planning.

14 CHAIRMAN COOLEY: Sure.

15 MR. MACDOUGALL: I should tell you that the district board has considered the
16 questions and it is prepared to be a co-sponsor, and contribute financially. We would actually
17 put up real money to cooperate with this study. How much real money, we can't possibly afford
18 to do half of 250,000 dollars, even half of 70,000 dollars. But we could do five digits a year for
19 a couple years. How much planning, I would rather let Jerry answer, because it is his
20 recommendation that the board went on.

21 CHAIRMAN COOLEY: Dr. Danielson

22 JERIS DANIELSON: Well, I think Sandy has covered it, Mr. Chairman, the
23 District has made the decision to go ahead and support this effort. They have not set a level yet
24 and I think it would be presumptuous of me to give you a dollar value, but I think it would be

1 substantial. This issue is probably one of the most important issues to the Purgatoire District and
2 that's the issue of transit loss. We know that there are times when the losses down that river are
3 a hundred percent, and we will move water up the river on an exchange basis more frequently, I
4 think in the future. And it is important that we know what that river does for everyone, for
5 Ninemile and Highland; certainly for the ditches in District 67, for Kansas, and just, I think we
6 all need to know how the river performs.

7 I know the Water Conversation Board, I haven't had a chance to talk with Mr.
8 Lile, but they used to fund these kinds of things on an ongoing basis around the State as part of
9 that basic data collection program that the board operates. I would encourage whatever support
10 anybody wants to give it.

11 MR. MACDOUGALL: Mr. Cooley, I would say one other thing we deeply
12 solicit cooperation of ARCA. I feel that it's necessary that ARCA as an entity be involved in
13 this kind of a study. In attempt to gain data either just so we can sue each other again or so we
14 won't sue each other again.

15 CHAIRMAN COOLEY: Or operate the river more efficiently.

16 MR. LILE: Mr. Chairman, I would like to ask Kansas to give us their view on
17 this study, and to any participation or opportunity they may have to work with us on it.

18 MR. HAYZLETT: Without David here to actually submit whether they could
19 provide the manpower, I think we would have to refer that to him and probably have him maybe
20 make contact back to you, Mr. Lile, or something along that line.

21 MR. LILE: Do you feel that data is something that you would be interested in,
22 participating in, or seeking the information that would be gained from this report? Do you feel it
23 would be of value to the commission, to Kansas?

24 MR. HAYZLETT: I think it possibly could be. It would have to be prioritized

1 with some of the other items before the Compact presently.

2 MR. LILE: Mr. Chairman, I would take the stand on your suggestion that we
3 refer this study to the Engineering Committee. I would like to ask that the Engineering
4 Committee try to coordinate it more timely than once a year meetings, if we could, to decide, to
5 define the scope of the work to be performed, and to develop who could participate in the
6 cooperation and associated cost with developing the study.

7 CHAIRMAN COOLEY: Well, I've made notes of, I could see seven entities that
8 ought to be involved in the planning of the study, whether by telephone conference call or
9 however. And I came up with, and sometimes names, sometimes offices but the USGS and
10 presumably Doug Cain would be the person there; Dr. Danielson, on the Purgatoire District; the
11 State Engineer or his nominee; the head of the Colorado Water Conservation Board or his
12 nominee. Would there be a nominee or might you be on those calls?

13 MR.LILE: I think I can be in them.

14 CHAIRMAN COOLEY: Okay. The Corps of Engineers, and it very likely
15 would be you, Dick, I think; and, the state engineers office of the State of Kansas; And, finally, I
16 don't, the hands on people are so immensely valuable I don't think since he's been elevated to a
17 GS 24, I don't think Bob Jesse is available to us, but Danny and Bill Howland I think would
18 be...oh, pardon me, I did, honest to God, have on here, on the list somewhere, that the two
19 ditches, someone representing either one or both of the downstream Purgatoire ditches, ought to
20 participate in the planning of such a study if they are willing to do so. It gets to be a rather
21 lengthy list, but, I do think with a one and half hour telephone conference call a lot of headway
22 might be made if there were exchanges of correspondence made by Doug Cain first. Would that
23 be acceptable?

24 MR. LILE: I would like to see us not just sit on it is what I am saying, Mr.

1 Chairman, and I'd like to see some coordination take place. If the USGS could take the lead in
2 putting the coordination together, I guess the question still remains whether we want to have the
3 Engineering Committee of the Compact Administration or not. Or if it is necessary?

4 MR. MACDOUGALL: Mr. Chairman?

5 CHAIRMAN COOLEY: Yes.

6 MR. MACDOUGALL: I suggest the Chairman make the decision. (laughter)

7 CHAIRMAN COOLEY: Thanks a lot, my middle name isn't Solomon. In either
8 event, I think a rather powerful committee made up of the various entities and a couple of
9 telephone calls ought to do it, and I would suggest that the putting together of the initial matter
10 be left to Doug Cain and to Steve only as a facilitator for picking times of day and who pays the
11 telephone bill, and where we go with the first meeting or two.

12 MR. HAYZLETT: Have them submit a proposal for the Engineering Committee
13 then?

14 CHAIRMAN COOLEY: I think it would have...have to have him answerable to
15 the Engineering Committee and the Engineering Committee take it from there.

16 MR. ROLFS: We are talking about creating this committee, we'll formulate a
17 proposal to submit to the Engineering Committee for the Engineering Committee to evaluate
18 sometime during this year.

19 CHAIRMAN COOLEY: Yeah.

20 MR. ROGERS: So you need a representative from District 67.

21 CHAIRMAN COOLEY: All right. And I heard a subtle whisper that there
22 should be a representative from District 67, the downstream end there, and that's fine. Do you
23 have anybody in mind? Is there any one person that comes to...

24 MR. ROGERS: Not at this time. We will come up with somebody to do that.

1 CHAIRMAN COOLEY: Okay. Fine. Fine. Yes, sir, Sandy?

2 MR. MACDOUGALL: Mr. Chairman, I have one other request. I don't mind
3 going through a committee or through the Engineering Committee, however, it seems to me that
4 the American way is, him who pays gets to decide. So there are people who want to participate
5 in what we are supposed to do, I think they also ought to participate in how we are going to pay
6 for it.

7 MR. LILE: I agree.

8 CHAIRMAN COOLEY: You think 67 would think differently to that proposal?
9 I think Sandy might have had that in deep recesses of his mind. That's a fine concept and many
10 of the people here besides Purgatoire intend to make contribution either in kind or in money and
11 that's clear. I would entertain a motion that Mr. Cain with the assistance of Steve...

12 MR. MILLER: Which Steve? (laughter)

13 CHAIRMAN COOLEY: You ...be encouraged to have a steering committee
14 under the Engineering Committee to work with the USGS in formulating a study of the
15 Purgatoire River from Trinidad Reservoir to the confluence with the Arkansas River, and to find
16 means of putting a concept of the plan and a way to pay for it, and report to the Engineering
17 Committee of this Compact Administration.

18 MR. GENOVA: Mr. Chairman?

19 CHAIRMAN COOLEY: Yes.

20 MR. GENOVA: I think another participant in this are the upstream people and
21 particularly the Fort Lyon is affected by the Purgatoire and maybe they ought to be included in
22 this committee. This list rather.

23 MR. LILE: Mr. Chairman, before we get to your suggestion, maybe we need to
24 think about the list or whose going to be involved in it and in that light maybe we could ask

1 Steve Miller to compile a list of participants and give some notification and try to pool the
2 participants that are going to be working with the USGS so we meet those needs. I would
3 volunteer that, Steve agrees, don't you Steve?

4 MR. MILLER: I don't see how I can't...(laughter)

5 CHAIRMAN COOLEY: The price is right, anyway, at this stage of the
6 proceeding. Yes, go ahead, Dick?

7 MR. KREINER: Mr. Chairman, the USGS is very good at flushing out money for
8 studies. I think that Doug would be able to coordinate that very nicely. But, I guess the question
9 I have, is what kind of time frame would – assuming this progresses and we develop all the
10 interest that appears to be here today – when do you think that this study might actually get
11 started? Two years, one year?

12 MR. KUHN: You know, I think once we get a proposal and the funding finalized,
13 then I think the study probably could start real soon after that. So, it depends how long the
14 process takes to develop the proposal and tie down the funding; however long that takes. Once
15 that's finalized I think the study could begin shortly after that.

16 MR. KREINER: You are looking at two years though.

17 CHAIRMAN COOLEY: No, less than that.

18 MR. KREINER: Less than that? I guess my concern is that if we get an event
19 this summer, that we be prepared to take full advantage of it, if in fact it is on the higher end of
20 the scale. And that part of the planning may be to set up some sort of interim capability to go out
21 and capture that data if the opportunity presents itself.

22 CHAIRMAN COOLEY: If the funding is clear the USGS generally can be
23 remarkably flexible and on the ball. I think that's a fair qualification. They have to be
24 reasonably assured that something will go ahead and they will be paid but once having that there

1 the scientists begin to salivate and try to get going on their studies.

2 I don't think you are going to do any better and I thank you for that, and, but stay
3 there and let's see if I can get a motion out of this group of people here.

4 What we have got...you amended my suggestion and the suggestion was that I
5 came up with a list of ten or eleven that ought to participate, and Mr. Lile suggested that Steve
6 and Doug Cain correspond and communicate and come up with what they believe was an
7 appropriate group of interested persons who might contribute to the study, and move ahead with
8 it, and that certainly is, I think, a step forward. Would you care to make a motion to that effect?
9 And I think you ought to qualify it that it generally would have some reference to the discussion
10 this morning or the monologue this morning.

11 MR. LILE: Well, getting back to restate or try to gather up our plan of attack here
12 is our motion. Is that I was making a motion that we investigate the scope of work and the cost
13 involved with conducting a transit loss and travel time study of the Purgatoire River from
14 Trinidad Dam to confluence with the Arkansas River. That an advisory committee be formed,
15 consisting of those entities that have been recommended by the chair along with the assistance
16 from our staff, Steve Miller, and U.S. Geological Survey. They will take the lead on putting
17 together, that is the geological survey, putting together the scope of work and working with this
18 advisory committee and that that be reported to the Engineering Committee of the Compact
19 Administration.

20 CHAIRMAN COOLEY: I heard the motion. Is there a second to that motion?

21 MR. HAYZLETT: Second it.

22 CHAIRMAN COOLEY: Colorado?

23 MR. LILE: Aye.

24 CHAIRMAN COOLEY: Kansas?

1 MR. HAYZLETT: Aye.

2 CHAIRMAN COOLEY: You have done more than you thought you have. If I
3 were you I would run out the back door and get in the car and get out of town as fast as possible.
4 However, however we must discuss briefly the gages and the contributions, and the agreement
5 between the Compact and the USGS. And we will turn our attention to that and that will be the
6 last item on the agenda prior to the executive session. Mr. Marques?

7 MR. MARQUES: Mr. Cooley just something for consideration. I'm going to use
8 the word imagination because in 1975 we released a hundred second feet from the junior ditch to
9 the Highland canal, for 17 days, one hundred second feet, got a rain storm at Kim that produced
10 20 second feet at the Highland Ditch for twelve hours and this was in the period of June, I
11 believe.

12 MR. GENOVA: What was the date on that Danny?

13 MR. MARQUES: June of 1975.

14 CHAIRMAN COOLEY: I think that's all the more reason to go ahead.

15 MR. MARQUES: Yeah, that was prior to the reservoir.

16 CHAIRMAN COOLEY: Yeah.

17 MR. HOWLAND: Mr. Kuhn, there might be one thing that we should kind of
18 clear up here, both Danny and I work for Steve Witte and ultimately for Hal Simpson, so it might
19 be appropriate setting up these advisory things if you would approach them first, and I don't want
20 to abrogate the chain of command.

21 CHAIRMAN COOLEY: I understand clearly what you said and everybody in the
22 room recognizes it. At the same time there can be wonderful effects of having the guy with the
23 mud on his shoes in at the meeting because frequently they are the only ones able to keep it sane.

24 MR. HOWLAND: I am sure they will be glad to delegate us more work, no

1 doubt about that. (laughter)

2 MR. MARQUES: We don't accept collect phone calls.

3 CHAIRMAN COOLEY: Okay. Back to the money on the gages, there's some
4 handouts on this, haven't there been?

5 MR. MILLER: Well, I didn't make copies of the G.S. letters and I don't know if
6 Gearhart was prepared to talk about it. I've incorporated the numbers that I got from the Kansas
7 and Pueblo G.S. offices into our budgets.

8 CHAIRMAN COOLEY: We can't take these poor innocent people through our
9 budget at this time

10 MR. MILLER: I know, that's why I was going to tell you what the Colorado G.S.
11 is proposing for Fiscal Year '94 '95, unless Gerhard does have the letters there

12 UNKNOWN: I have some numbers from Doug, \$9,665 for the FY '94 program.
13 That's the operation of about six, seven gages; seven stream flow gages.

14 CHAIRMAN COOLEY: And that's in the budget?

15 UNKNOWN: That six stream flow gages and one reservoir gage.

16 CHAIRMAN COOLEY: What you have proposed is in the tentative budget?

17 MR. MILLER: Well, actually, they have offered to do the coop agreement for
18 Fiscal Year '94, at \$9,665 from the Pueblo office and the comparable number from Kansas is
19 \$5,375 for the gages that office maintains. That's in the budget.

20 CHAIRMAN COOLEY: Those are the very numbers you put in the budget?

21 MR. MILLER: Right. And I might add that those are within less than a hundred
22 dollars each of what they told us estimated for that Fiscal Year last year. Their estimate last year
23 was pretty good. And you actually see a slight decrease in our revised budget.

24 CHAIRMAN COOLEY: Randy, I would be danged if I don't think we have been

1 finessed on this matter and that there isn't a lot to discuss. Is that the view you have?

2 MR. HAYZLETT: It seems like there is no more to discuss on the matter.

3 CHAIRMAN COOLEY: Alright, Chuck, does it appear to you to be that way?

4 That we have been finessed and there is agreement between our proposal and that of the Survey
5 in each State?

6 MR. LILE: We don't need to spend time on it.

7 CHAIRMAN COOLEY: I don't think we...

8 MR. MILLER: I might point out there is gradual trend of about a ten percent
9 increase each year. And they have estimated that for our Fiscal Year '95-'96 that it'll be roughly
10 a \$1,000 more. I don't know that we can take issue with that or try to whittle it back down.

11 CHAIRMAN COOLEY: In our part of the country we have seen gages being
12 dropped because of that gradual increase. Mr. Witte?

13 MR. WITTE: Steve, did you receive the summary of program from the Kansas
14 District of Geological Survey similar to the summary of programs you received from the
15 Colorado District?

16 MR. MILLER: Yes, I did. Yes. And do you want to know what is on there?

17 MR. WITTE: I think it would be helpful not only to me but also to the members
18 of the Engineering Committee to receive such summaries of programs each year so we could
19 track the escalation of costs proposed by the Kansas district for the...for their proposed programs
20 each year as well.

21 MR. MILLER: I am looking at the letter we got from Kansas. I had to call and
22 get a copy for us. It looks like they probably need to update their "cc" list or perhaps expand it a
23 little bit. As of right now their letter goes to Bernice, now Don Higbee, David Pope, Chuck,
24 Doug Cain, and the G.S. field chief in Kansas. So I think we should add the Operations

1 Secretary and maybe all the ARCA members to that list. But I can tell you what is on that list for
2 this year, it was the Arkansas at Coolidge and the Frontier at Coolidge, with two DCPs. Total
3 federal cost was 13,350; G.S. cost for the Coop Agreement was 10,750; a total of 24,000 for
4 those two gages. That seems a little high, but I haven't pulled it all apart. But the Compact share
5 of that is 5,375. I don't know what the Federal CVR Program is. I really just grabbed this and
6 took the bottom line and tracked with...

7 JIM PUTNAM: I am Jim Putnam with USGS in Kansas. I might add that that
8 Federal CVR Program total is just funds we get for water quality monitoring. So we just add that
9 to show complete funding on the total program. The other line is the USGS Compact Coop
10 program total which is 10,750, which half of it is. If there is any other questions on that, I will
11 try to answer them.

12 CHAIRMAN COOLEY: I think we have taken care of the mailing list, and have
13 expanded that one. Is there anything else that must come before Mr. Kuhn at this time? If not,
14 we'll stand recessed for lunch until quarter after the hour. At which time, we will shortly
15 thereafter go into Executive Session.

16
17
18 AFTERNOON SESSION, 1:20 P.M., DECEMBER 14, 1993

19 CHAIRMAN COOLEY: The Administration will go back into session.
20 Everyone here in the room I believe is a member of the Compact Administration, or on the staff
21 of either the State of Colorado or the State of Kansas or an employee of the association. I
22 explained to the nice gentleman from the Highland Ditch – Sir, could you close the doors for us
23 there? We would appreciate it. – I explained to the nice ditch rider for the Highland Ditch what
24 an Executive Session was; he was very gracious about it. And Wendy if...did I call the meeting

1 to order?

2 UNKNOWN: Yes.

3 CHAIRMAN COOLEY: Ok. Wendy would you please enunciate the reasons for
4 going into Executive Session.

5 WENDY WEISS: We are going into Executive Session. My name is Wendy
6 Weiss. We are going into Executive Session to discuss the case of Highland Irrigation Company
7 versus Arkansas River Compact Administration, Case No. 92-C1151 in the United States District
8 Court and related litigation in the Colorado Water Court. And the Compact Administration
9 being a party to that Federal Court litigation, Executive Session is appropriate.

10 CHAIRMAN COOLEY: Thank you very much. Is there a motion, Randy, that
11 we go into Executive Session?

12 MR. HAYZLETT: I so move.

13 CHAIRMAN COOLEY: Is there a second?

14 MR. LILE: Second.

15 CHAIRMAN COOLEY: Moved and seconded. Just a moment...Kansas?

16 MR. HAYZLETT: Aye.

17 CHAIRMAN COOLEY: Kansas votes Aye.

18 CHAIRMAN COOLEY: Colorado?

19 MR. LILE: Aye.

20

21 (EXECUTIVE SESSION HELD)

22

23 CHAIRMAN COOLEY: We shall go back to the record. In the executive
24 session...

1 MR. MILLER: Excuse me. Do we want to bring in Mr. MacDougall in? I know
2 he has been nervously waiting...

3 CHAIRMAN COOLEY: During Executive Session we discussed those matters,
4 which were touched upon by Wendy Weiss and further determined to make a motion by which
5 the Compact Administration would agree to the sliding of the June 30, 1994 date in the Mr.
6 Hillhouse contract, to December 30, 1994, recognizing that this is unilateral on the part of the
7 Compact Administration, but since we have monies available in budgets, it would appear to us to
8 be in Mr. Hillhouse's interest that that deadline be slid and therefore I will state that, well,
9 quickly. Does Colorado approve of that choice?

10 CHAIRMAN COOLEY: Colorado, aye. Kansas?

11 MR. HAYZLETT: Aye.

12 CHAIRMAN COOLEY: Kansas, aye. So that is the action of the Compact
13 Administration. Now we will turn to the financial matters on the agenda, assuming we can all
14 find our agenda.

15 (Some discussion and paper turning)

16 CHAIRMAN COOLEY: Steve, the first item is the review of the current Fiscal
17 Year '93-'94 budget.

18 MR. MILLER: Five packages; some of you brought what I mailed you.

19 CHAIRMAN COOLEY: I brought what you mailed. I am going to send two to
20 the right and two to the left and one to the Court Reporter.

21 MR. MILLER: I didn't bring my agenda so you tell me which way we want to,
22 which order you want to go through? Review of '93-'94.

23 CHAIRMAN COOLEY: Yes, the '93-'94 first and Mr. Reporter. We had an
24 Exhibit "G" did we not, and this package would be Exhibit "H".

1 Yes, sir. Steve.

2 MR. MILLER: Okay the second to last sheet in here is a spreadsheet chart dated
3 December 1, ARCA Annual Budgets and Assessments; second from last. There is a double bar
4 line, three columns from the right-hand end that divides... a column just to the right marked '93-
5 94 proposed second revision budget. Okay to go ahead?

6 CHAIRMAN COOLEY: Yes.

7 MR. MILLER: Okay. Just to the immediate left of that is the '93-'94 first
8 revision, that's the budget that's currently in effect for this year, that we're in the middle of. I've
9 made a couple of adjustments to that, I had explained it to the Administrative Committee last
10 night, and it seemed to make sense to them. We also just briefly talked about one of the
11 adjustments; I slid \$4,000 that we didn't spend in Fiscal Year '92-'93 on litigation into this year;
12 increasing the litigation expense, about two-third of the way down the page from 7,000 to
13 11,000, if you adopt the proposed second revision. And the other change is that the special
14 assessments that we will levy in '93-'94 has been reduced by the amount that Kansas already
15 paid in the previous Fiscal Year, and the reason I didn't just treat that early payment as an early
16 payment was because the auditor had already picked it up and included in ARCA cash balance.
17 So...I have done this sheet in the same way the auditor did his report so the cash balance won't
18 get out of whack.

19 CHAIRMAN COOLEY: Lola and members of the Administration, the work that
20 has been done by Steve on the budgets is, and not to denigrate the machinations of Mr.
21 McDonald, this work is so far superior to any kinds of budgets that we have ever seen, and has
22 been done with so much fine tuning, that I would hope that we would be able to go through this
23 thing pretty rapidly, particularly because each of us has seen the budget in advance. Secondly,
24 there are no major swings in the budget as there have been in other years. And, thirdly, it is just

1 palpably a good job, and we can take all afternoon if anyone desires; that's not the point; but I
2 would hope that we would be able to move though this thing rather rapidly. Does anyone have
3 any questions either from the presentation just made, or from the materials previously sent about
4 the current '93-'94 budget...second revision?

5 MR. LILE: No.

6 CHAIRMAN COOLEY: Ok.

7 MR. MILLER: There is a budget in your packet...

8 CHAIRMAN COOLEY: Quiet.

9 MR. MILLER: There is one in your packet there that is that budget.

10 CHAIRMAN COOLEY: Is there a motion to accept the budget, the second
11 revision?

12 MR. MILLER: It is Exhibit 2 of your packet.

13 CHAIRMAN COOLEY: Please. Is there a motion to accept the second
14 revision?

15 MR. HAYZLETT: So move.

16 CHAIRMAN COOLEY: Is there a second?

17 MR. LILE: Yes.

18 CHAIRMAN COOLEY: How does Kansas vote?

19 MR. HAYZLETT: Aye.

20 CHAIRMAN COOLEY: Colorado?

21 MR. LILE: Aye.

22 CHAIRMAN COOLEY: You got a footnote you want to make.

23 MR. MILLER: Well, I would rather give the Court Reporter the whole memo and
24 spreadsheet. It's Exhibit 2 of this packet is the budget that you just looked at in column form, is

1 a written out budget.

2 CHAIRMAN COOLEY: Fine, and Mr. Court Reporter, you can have five
3 minutes with Steve after the meeting is adjourned to take care of that. You'll miss the plane but
4 it is alright. Is there...do you have something that must be explained with respect to the 1994-
5 1995 budget?

6 MR. MILLER: I feel I should explain the annual reports has increased from
7 3,000 to 10,000. I explained last night that that's a shift of the two zeros from '91-'92 and '92-
8 '93, where we didn't print any reports. I have moved that money ahead and I prepared a schedule
9 to spend 10,000.

10 CHAIRMAN COOLEY: And he is got to put out an Annual Report every three
11 weeks from now on.

12 MR. MILLER: Three months. Every three months.

13 CHAIRMAN COOLEY: All right.

14 MR. MILLER: And we did slightly increase the litigation budget there.

15 CHAIRMAN COOLEY: Is there a motion that we approve the 1994-95 budget
16 as presented to us previously, as shown in the spreadsheet and as explained by Steve Miller?

17 MR. LILE: So move.

18 CHAIRMAN COOLEY: It has been moved. Is there a second?

19 MR. HAYZLETT: Second.

20 CHAIRMAN COOLEY: Colorado?

21 MR. LILE: Aye.

22 CHAIRMAN COOLEY: Kansas?

23 MR. HAYZLETT: Aye.

24 CHAIRMAN COOLEY: Okay. You got any more footnotes?

1 MR. MILLER: Not on that year.

2 CHAIRMAN COOLEY: Alright, fine. The 1995-96 budget and assessments, on
3 this one I will be a little bit more courteous.

4 MR. MILLER: Okay.

5 CHAIRMAN COOLEY: Would you explain what you feel needs explaining in
6 this one?

7 MR. MILLER: I have done two things there. We are back down on the annual
8 report printing because we will be doing one a year like we are supposed to be doing by that
9 time. I've kept...I no longer call it a special assessment but I've held the amount that each State
10 will pay the same as we have done the last two years. In Colorado, it seems like it would be a lot
11 easier to maintain a budget than to go up and down. And so, the assessment increases from 24 to
12 30,000 for Colorado and from 16 to 20 for Kansas. But we no longer have the special
13 assessment of 6,000 and 4,000, so the net charged to each State is the same. If you wanted to,
14 you could say that Mr. Hillhouse will no longer be in our budget by that year and we could
15 reduce our assessments. But I don't know that's prudent right now, especially when the
16 Chairman is concerned our surplus is getting dangerously low.

17 CHAIRMAN COOLEY: I am always concerned on that. I regard this budget as
18 brilliant and as well fashioned as the others. Is there a motion to adopt the proposed 1995-1996
19 budget and assessment?

20 MR. HAYZLETT: Kansas so moves.

21 CHAIRMAN COOLEY: Moved.

22 MR. LILE: Colorado seconds.

23 CHAIRMAN COOLEY: Seconds and the vote...Kansas?

24 MR. HAYZLETT: Aye.

1 CHAIRMAN COOLEY: Colorado?

2 MR. LILE: Aye.

3 CHAIRMAN COOLEY: We have taken care of expenses for legal services;
4 that's been disposed of.

5 The last item is the Administrative and Legal items that Mr. Higbee. And Lola,
6 there were two of them, and was the first one the rent on the office to pay it in lump sum, and
7 \$600, is that right? 600. It was discussed that Colorado approve the committee report, but I said
8 that the money should come at a special deal.

9 MR. LILE: So moved.

10 CHAIRMAN COOLEY: It has been moved by the same gentleman. Is there a
11 second?

12 MR. HAYZLETT: Second.

13 CHAIRMAN COOLEY: This is on the rent, the \$600 arrangement for
14 prepayment of rent. Is there any discussion?

15 CHAIRMAN COOLEY: Colorado?

16 MR. LILE: Aye.

17 CHAIRMAN COOLEY: Kansas?

18 MR. HAYZLETT: Aye.

19 CHAIRMAN COOLEY: Okay. The second item was what?

20 MS. FOX: We have salary for the Recording Secretary.

21 CHAIRMAN COOLEY: Yeah, that one bothered me a little and we deferred the
22 third one for a year. I wasn't bothered by the amount; I'm bothered by the method of payment.

23 MR. LILE: Let's raise a question about that. In our report the committee made
24 we were talking about repaying X dollars to take care of it. Is that going to mess us up with the

1 budget...the budget cycle is what I'm worried about? The money we have to give to Don. Is
2 there...

3 MR. MILLER: What you approved this morning, when you elected Don,
4 included to pay him for the time prior to his election that he served.

5 CHAIRMAN COOLEY: No problem on that.

6 MR. MILLER: I think what you are talking about beyond that is about a three
7 month period where Patty Street...or Patty Camp?

8 MR. ROGERS: Patty Camp.

9 MR. MILLER: And...I don't know if you had someone else also.

10 MR. ROGERS: No.

11 MR. MILLER: But it is about a three month period at \$150.00 a month.

12 CHAIRMAN COOLEY: That's not a problem either. There's no problem about
13 that...that has been moved...that's all taken care of. The question, it seemed to me, was a
14 payment of wages in advance on this thing or in arrears with the...and it is not a matter of great
15 import. But does anyone else have any hesitation on the recommendation of the committee as to
16 item 2.

17 MR. MILLER: Was it office supplies?

18 MR. LILE: No, I took care of that.

19 MR. MILLER: I don't think we said anything about wages in advance.

20 MR. LILE: No.

21 CHAIRMAN COOLEY: Oh, this one is office supplies, lump sum on the office
22 supplies and postage. I apologize to all of you.

23 MR. MILLER: And that's in the budget.

24 MR. LILE: Ok. Now, backup a minute. I thought... the way that was worded

1 this morning, maybe we need to check. But it seems like he has worked for us part of this year
2 and then we are going let him... Is there is a lap over between budget years or not? In the
3 present year there shouldn't be.

4 MR. MILLER: Our budgets are fiscal year based...ARCA budgets.

5 MR. LILE: So, you said the total amount for that salary should encompass this
6 time and there is no problem.

7 MR. ROGERS: January 1 he will draw his salary.

8 MR. MILLER: Basically, it is \$2,000 divided by twelve (12) and Jim is going to
9 calculate which of the many Operating...Recording Secretaries we had this year to get what
10 piece of that 2,000 but we don't see that in the budget.

11 CHAIRMAN COOLEY: No problem on that. That part is okay.

12 MR. ROGERS: Ok, your motion this morning was that you were going to include
13 the \$400 which would cover the additional fax machine, the computer use, the whole ball of
14 wax.

15 MR. LILE: The whole ball of wax, yes.

16 CHAIRMAN COOLEY: You want to make that motion?

17 MR. ROGERS: I will so move.

18 CHAIRMAN COOLEY: Is there a second?

19 MR. HAYZLETT: I'll second.

20 CHAIRMAN COOLEY: Kansas?

21 MR. HAYZLETT: Aye.

22 CHAIRMAN COOLEY: Colorado?

23 MR. LILE: Aye.

24 CHAIRMAN COOLEY: Congratulations and welcome aboard. All the reports

1 are that we hope this is going to be a long cruise.

2 MR. ROGERS: Mr. Chairman?

3 CHAIRMAN COOLEY: Yeah?

4 MR. ROGERS: Don has a couple questions on a couple checks to USGS?

5 DON HIGBEE: I just wanted to know...I could ask Carl later... but I just wanted
6 to know if everyone wants to pay the December bills, and if specifically you want to pay the
7 USGS. One item, two bills from the other one. One is due at the end of December and one is
8 due in January.

9 CHAIRMAN COOLEY: You had better, they will poison your water, pay the
10 US. And that was the item you had on there for Don?

11 MR. ROGERS: Right.

12 CHAIRMAN COOLEY: Is there...does anyone here, on the Compact
13 Administration or otherwise, have anything that he or she desires to bring before the Compact
14 Administration. Anything...We have a resolution that we have got to take care of.

15 Would you spread that among you?

16 We have been presented a resolution of the Compact Administration honoring
17 Gerald Hilmes. That he has worked with others of the Compact for over 20 years. That he has
18 carried out his duties for the Engineering Committee. That he has dedication to diligently carry
19 out his assignments regarding various aspects of the Compact and that has earned the respect of
20 the full membership of the Compact.

21 NOW, THEREFORE, BE IT RESOLVED, that the Compact Administration
22 would like to acknowledge its gratitude and appreciation to Gerald E. Hilmes for his service not
23 only to the citizens of the State of Kansas but also, through his work for the Compact, to the
24 citizens of the State of Colorado as well.

1 Is there a motion from Colorado?

2 MR. LILE: Yes, we would so move.

3 CHAIRMAN COOLEY: And is there a second from the State of Kansas?

4 MR. HAYZLETT: Second.

5 MR. MILLER: Could we go off the record for one second?

6 CHAIRMAN COOLEY: Yeah.

7 (A short discussion was held)

8 CHAIRMAN COOLEY: Colorado?

9 MR. LILE: Aye.

10 CHAIRMAN COOLEY: And Kansas?

11 MR. HAYZLETT: Aye.

12 MR. ROLFS: For those of you who aren't familiar, Gerry did retire this year and
13 moved on to the retirement pastures and is enjoying life.

14 CHAIRMAN COOLEY: Have you folks seen these new Pilot pens with the fine
15 nib....

16 MR. LILE: Are we off the record? (laughter)

17 CHAIRMAN COOLEY: ...remarkable...NO...Does anyone have anything else?
18 Yes, Lee.

19 MR. ROLFS: I have one other item, this wasn't on the agenda. But we do have
20 the minutes of the special meeting, which was a telephonic conference call of May 12th. It's
21 divided into two sections, one is the regular special meeting and other one is the Executive
22 Session that we held. Steve and I have come to an agreement on corrections to that and we are
23 ready to have it passed...approved by the Compact.

24 CHAIRMAN COOLEY: They were not among those which were passed.

1 MR. MILLER: No.

2 CHAIRMAN COOLEY: Those are '92? Hand them both to me. And I think
3 maybe we better get back to the proper procedure. Is there a motion to approve these?

4 MR. HAYZLETT: So move.

5 CHAIRMAN COOLEY: It has been moved that we approve the minutes to the
6 Special Meeting of May 12, 1993, and the minutes of an Executive Session on May 12, 1993. Is
7 there a second?

8 MR. LILE: Yes.

9 CHAIRMAN COOLEY: Been moved and seconded. Kansas?

10 MR. HAYZLETT: Aye.

11 CHAIRMAN COOLEY: Colorado?

12 MR. LILE: Aye.

13 CHAIRMAN COOLEY: They have been approved. Anything else?

14 MR. MILLER: You need...these are the ones approved this morning we need to
15 get your signature.

16 CHAIRMAN COOLEY: We will do that off the record. Thank you.

17 Do any of you gentlemen, in all seriousness, have anything? Sandy, do you have
18 anything that has to come before us?

19 The meeting is adjourned.

1

2

3

4 EXHIBIT LIST

5 A. Notice and Agenda, Attendance List

6 B. Treasurer's Report

7 C. Audit Report

8 D. Kansas Metering Order, SW Kansas GMD, #86A(12821)

9 E. Kansas Metering Order, Feb. 3, 1992; Arkansas River Intensive Groundwater Use
10 Control Area.

11 F. New Mexico State Engineer Order No. 143, Feb. 9, 1993.

12 G. US Army Corps of Engineers Report

13 H. Budget Package

14 I. Resolution Honoring Gerald E. Hilmes of Kansas

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, Lakin
LOLA FOX, Syracuse

NOTICE OF ANNUAL MEETING

Arkansas River Compact Administration

8:30 a.m. (MST), Tuesday, December 14, 1993

Cow Palace Inn
Lamar, Colorado

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 in the afternoon as necessary.

The following committees of the Administration will meet consecutively on the evening of December 13 at the Cow Palace:

Engineering	6:30 p.m.
Operations	7:00 p.m., or upon adjournment of Engineering Committee
Administrative and Legal	7:30 p.m., or upon adjournment of Operations Committee

The public is welcome to attend the committee meetings, but time for comments may be limited.

The tentative agenda for the December 14, 1993 Annual Meeting, which is subject to change, is as follows:

1. Call to order and introductions
2. Approval of agenda
3. Approval of Minutes for the December 8, 1992, annual meeting
4. Reports of officers for compact year 1993
 - a. Chairman (Cooley)

- b. Recording Secretary (Vacant)
 - c. Treasurer (Rogers)
 - (1) Financial Statement/Cash balance sheets
 - (2) Auditor's Report FY 92-93
 - d. Operations Secretary (Witte)
- 5. Committee reports for compact year 1993
 - a. Administrative and legal (Fox)
 - b. Engineering (Pope)
 - c. Operations (Rogers)
- 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. Status report: Kansas v. Colorado litigation
Assuming Draft Report issued by Special Master prior to 12/10/93
- 9. Kansas resolution regarding collection and preservation of data
- 10. Reports of federal agencies
 - a. Bureau of Reclamation
 - b. Corps of Engineers
 - c. Geological Survey
- 11. USGS Reports and Studies Conducted in the Arkansas River Basin
1992-1993
- 12. Approval of compiled of By-laws dated December 30, 1992
- 13. Approval of minutes and transcripts from special meetings:
 - a. June 22, 1992

- b. July 20, 1992
- c. August 10, 1992

14. Status of Annual Reports

15. Explanation of basis for, and public comment re, matters to be discussed in Executive Session.

Executive Session: Discussion with attorneys of Case No. 92-C-1151 U.S. District Court-Colorado; Highland Irrigation Co., et al. v. ARCA, et al. and related cases (People vs. Highland, People vs. Nine Mile).

16. Budget matters:

- a. USGS Cooperative Agreement
- b. Review of current fiscal year 93-94 budget
- c. Review of previously adopted FY 1994-95 budget and assessments
- d. Adoption of FY 1995-96 budget and assessments
- e. Expenses for legal services.

17. Adjournment

glarcam.agn

ARCA Attendance List Dec 14, 1993

Dennis Montgomery

Steve Wille

Hal Simpson

Dan Neuhold

Ben Marques

Bill Howland

Chuck Roberts

Kelly Vance

Duane D. Helton

KAMER BAUMANN

Frank Milzensky

TOM SIMPSON

Charles & Thomson

Oliver Harris

Jean Marie Marie

DON HIGBEE

DICK HILLA

Jim Putnam

Carlisle

JERIS A. DANIELSON

Beverly D Eckhardt

Paul Frank

Kennie Hofmeister

David A. Burn

STEVEN FROST

ME "Sandy" MacDougall

Thelma Lujan

Reuben Gutierrez

Erma Evans

James Amos

Jim Townsend

Dick Kreiner

MARIE RUDE

Denver, CO

Colo Div Water Resources

SEO

COLO. DIV. WATER RES.

Colo Div of Water Resources

Colo. Div. of Water Resources

Colo. Div. of Water Res.

Englewood, CO

CATLAN CANAL CO

Cutlin Coag

SOUTHEASTERN COLO. WATER CONSERVANCY DIST.

Colo Wat Cons Bd - SE Colo Wat Cons Dist

Frontier Water Co. Greeley, KS.

DISTRICT 67, LAWMA

9-MILE CANYON

U.S.G.S. GARDEN CITY, KS.

U.S.G.S. Garden City, KS.

DANIELSON & ASSOCIATES

CWPDA

Amity Mutual Irr.

Lamar Canal Irrigation

KS. Div. of Water Resources

Great Eastern Irrigation

SW KS Groundwater Mgmt Dist

Colo Sp. Co - PRWCD + CWPDA

Trinidad / Argentine River Water

Conservancy District

PRWCD - Trinidad

PRWCD - Trinidad

Pueblo Chetlain

U.S. Army Corps of Engineers, Pueblo, CO

" " " " " Albuquerque, NM

KS. DIV. OF WTR RES., GARDEN CITY, KS

KEVIN L. SALTER
Life Ex

Candy Hayzlett
Steve Miller
Chuck Lile
Jim Rogers
Carl S. Benner

Frank G. Cooley

KS Dev. of Water Res.
ARCH member Kansas
ARCA KANSAS member
Colorado Cars Bl

Dist 67
ARCH member - Colo

Chairman

Copy of List to:

Frank G. Cooley

Box 98

Meeker, CO 81641-

A.R.C.A. Balance Sheet
As of 12/10/93

12/10/93
COMPACT-All Accounts

Page 1

Acct	12/10/93 Balance
ASSETS	
Cash and Bank Accounts	
Checking-FFB # 11-093863-3	96.93
Money Market-FFB # 11-039862-5	48,229.71
Petty Cash	9.53
Total Cash and Bank Accounts	48,336.17
TOTAL ASSETS	48,336.17
=====	
LIABILITIES & EQUITY	
LIABILITIES	0.00
EQUITY	48,336.17
TOTAL LIABILITIES & EQUITY	48,336.17
=====	

Fr 2 1002

A.R.C.A. Summary Report
7/1/93 Through 12/10/93

12/10/93
COMPACT-All Accounts

Page 1

Category Description	7/1/93- 12/10/93
<hr/>	
INCOME/EXPENSE	
INCOME	
Assessments	31,800.00
Interest Received	628.44
Other Income	4.56
<hr/>	
TOTAL INCOME	32,433.00
EXPENSES	
Insurance	100.00
Legal & Prof. Fees	6,631.32
Operations Secretary	2,486.12
Postage	92.52
Rent Paid	300.00
Salaries	1,000.00
Satellite Monitoring	8,000.00
Telephone Expense	487.67
<hr/>	
TOTAL EXPENSES	19,097.63
TOTAL INCOME/EXPENSE	13,335.37

A.R.C.A. Monthly Transaction Report
11/9/93 Through 12/10/93

12/10/93
COMPACT-All Accounts

Page 1

Date	Acct	Num	Description	Memo	Category	Clr	Amount
BALANCE 11/8/93							48,632.03
12/10/93	Checki	DEP	Transfer to Checking		Transfer		450.00
12/10/93	Checki	478	U. S. West Communications		Telephone		-67.81
12/10/93	Checki	479	Parcel, Mauro, Hultin & Sp		L&P Fees		-190.40
12/10/93	Checki	480	Lower Arkansas Water Manag copies, postage		Postage		-48.82
12/10/93	Checki	481	Lower Arkansas Water Manag Oct. & Nov.		Rent Paid		-100.00
12/10/93	Money		First Federal Bank		Interest	x	111.17
12/10/93	Money	163	Transfer to Checking		Transfer		-450.00
TOTAL 11/9/93 - 12/10/93							-295.86
BALANCE 12/10/93							48,336.17
TOTAL INFLOWS							561.17
TOTAL OUTFLOWS							-857.03
NET TOTAL							-295.86

=====

exhibit C

ARKANSAS RIVER COMPACT ADMINISTRATION

CASH BASIS FINANCIAL STATEMENTS

June 30, 1993

ARKANSAS RIVER COMPACT ADMINISTRATION
TABLE OF CONTENTS
June 30, 1993

Independent Auditor's Report	1
Statement of Assets and Liabilities - Cash Basis	2
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.

November 5, 1993

To the Representatives of
Arkansas River Compact Administration
Lamar, Colorado 81052

We have audited the accompanying statements of assets, liabilities and equity - cash basis - of the Arkansas River Compact Administration as of June 30, 1993, 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, 1993 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.

Gary L. Anderson

ARKANSAS RIVER COMPACT ADMINISTRATION
STATEMENT OF ASSETS AND LIABILITIES - CASH BASIS
June 30, 1993

ASSETS

Cash	\$ 34,983
Equipment	29,811
Concrete Control	<u>8,000</u>
<u>TOTAL ASSETS</u>	<u>\$ 72,794</u>

LIABILITIES

Account Payable (Note 2)	\$ 818
Deferred Revenue (Note 3)	5,200

CASH BASIS EQUITY

Expended:	
Equipment	\$ 29,811
Concrete Control	8,000
Unexpended	<u>28,965</u>
<u>TOTAL LIABILITIES AND CASH BASIS EQUITY</u>	<u>\$ 72,794</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, 1993

CASH BALANCE - July 1, 1992 \$ 22,382

REVENUES

Revenues from Assessments		
Colorado - 60%	\$ 23,400	
Kansas - 40%	15,600	
Prepaid Assessment - Kansas	5,200	
Interest	<u>1,398</u>	
 <u>TOTAL REVENUES</u>		 45,598

EXPENSES

Treasurer Bond	\$ 100	
Geological Survey	13,225	
Satellite Access Fee	8,000	
Operations Secretary	4,350	
Office Rent	550	
Auditor Fee	350	
Office Supplies and Postage	195	
Copying & Binding	243	
Meeting Expense	387	
Telephone	1,597	
Recording Secretary	2,000	
Treasurer	<u>2,000</u>	
 <u>TOTAL EXPENSES</u>		 (32,997)
 <u>EXCESS OF REVENUES OVER EXPENSES</u>		 <u>12,601</u>

CASH BALANCE - June 30, 1993 \$ 34,983

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, 1992 to June 30, 1993

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>OVER(UNDER)</u>
<u>REVENUES</u>			
Revenues from Assessments:			
Colorado - 60%	\$ 23,400	\$ 23,400	\$ 0
Kansas - 40%	15,600	15,600	0
Interest	<u>1,398</u>	<u>1,000</u>	<u>398</u>
 <u>TOTAL REVENUES</u>	 <u>40,398</u>	 <u>40,000</u>	 <u>398</u>
 <u>EXPENSES</u>			
U.S. Geological Survey	\$ 13,225	\$ 13,225	\$ 0
Satellite Access Fee	8,000	8,000	0
Operation Secretary	4,350	6,100	(1,750)
Treasurers Bond	100	100	0
Telephone	1,597	3,000	(1,403)
Court Reporter Fee	818	1,000	(182)
Recording Secretary	2,000	2,000	0
Treasruer	2,000	2,000	0
Meeting Expense	387	500	(113)
Auditor Fee	350	400	(50)
Office Supplies & Postage	195	400	(205)
Printing and Copying	243	300	(57)
Printing Annual Reports -			
1988 and 1989	0	5,000	(5,000)
Office Rent	550	600	(50)
Litigation	0	4,000	(4,000)
Contingency	<u>0</u>	<u>1,000</u>	<u>(1,000)</u>
 <u>TOTAL EXPENSES</u>	 <u>33,815</u>	 <u>47,625</u>	 <u>(13,810)</u>
 <u>BUDGET SURPLUS (DEFICIT)</u>	 <u>\$ 6,583</u>	 <u>\$(7,625)</u>	 <u>\$ 14,208</u>

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION
NOTES TO CASH BASIS STATEMENTS
June 30, 1993

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.

NOTE 2 - Court reporter fee for December, 1992 meeting not paid by fiscal year end.

Note 3 - Special assessment (from Kansas) for fiscal year ending June 30, 1994 was received prior to fiscal year end.

EX "D"

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT

No. 86A(12821): Water Meter Policy

AUTHORIZATION

As provided by K.S.A. 82a-1028 (District Powers;) and K.A.R. 5-23-16 (Measuring Devices), the District may require that a totalizing flow meter be installed on any water well for the purpose of accurately measuring its rate and quantity.

SCOPE

By resolution of the Board of Directors, all non-temporary non-domestic water wells within the District authorized under a vested right, a certified water right, on an approved application to appropriate water must be equipped with a totalizing flow meter by July 1, 1996. Meters must be properly installed and subsequent notice provided to the District prior to the appropriate deadline as outlined in the following implementation schedule:

- A. All applicable wells located within a SE/4 of a legal section: January 1, 1993
- B. All applicable wells located within a NE/4 of a legal section: July 1, 1994
- C. All applicable wells located within a NW/4 of a legal section: July 1, 1995
- D. All applicable wells located within a SW/4 of a legal section, as well as all other non-standard, non-conforming lots, tracts, and/or parcels: July 1, 1996

As previously referenced, the Board of Directors may further require the installation of water meters whenever it is determined necessary.

WATER METER SPECIFICATIONS

All water meter types shall conform to the specifications adopted by the Chief Engineer, Kansas Division of Water Resources.

DISTRICT NOTIFICATION

The water right owner, (and water use correspondent if different) will be notified by regular correspondence at least 90 days in advance of the installation deadline that a meter has been required.

Notification will generally consist of regular correspondence at least 90 days in advance of the installation deadline.

The following documents shall accompany the notification:

- A. Water Meter Policy
- B. Water Meter Completion Form
- C. Partial Listing of Approved Flow Meters (DWR)1-204.7)
- D. Specifications for Water Meters (DWR)1-650)

EXTENSIONS OF TIME

Extensions of time to install water meters may be granted for just cause. All requests for extensions must be provided in writing to the District prior to the installation deadline. All approvals on denials for extensions of time shall be provided in writing by the District to the responsible party.

EXEMPTIONS AND VARIANCES

Requests for exemptions and/or variances to meter types and installations may be granted for just cause. All requests for exemptions and/or variances must be provided in writing to the District prior to the installation deadline. All approvals on denials for exemptions and/or variances shall be provided in writing by the District to the responsible party.

NON-COMPLIANCE

All matters of non-compliance may be pursued in accordance with K.A.R. 5-23-11 at the discretion of staff or Board of Directors.

STANDARDS AND GUIDELINES

WATER METER POLICY: No. 86A(12821)

The following conditions constitute a basis for considerations of extensions, variances, and criteria regarding acceptable meter installations as prescribed in the District's water meter policy.

EXTENSION OF TIME

- A. The well owner, or water user, has contracted a vendor to sell, and/or install the meter, and the vendor cannot complete the job within the allotted time.
- B. Weather conditions prevent the meter from being installed within the allotted period.
- C. Temporary loss of energy source.
- D. Wells in the CRP program.
- E. High percentage of wells in the E 1/2.
- F. Estates, probates, etc. and new ownerships.
- G. Inactive wells.
- H. Appeals to Board.

VARIANCES

- 1. Appropriations of 5 acre-feet or less on a case by case basis.
- 2. An appropriation with 2 or more wells authorized under one water right with a blanket rate and quantity.
- 3. Appeals to Board.

METER TYPES AND INSTALLATIONS

- 1. All installations must test within 5% of the District's rated certified meter or be tested within 5% of a contractor considered acceptable by the Board of Directors.

Adopted November 11, 1992

EX. "E"

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES

David L. Pope, *Chief Engineer*

BEFORE

DAVID L. POPE, CHIEF ENGINEER

DIVISION OF WATER RESOURCES

KANSAS STATE BOARD OF AGRICULTURE

AN ORDER REQUIRING THE INSTALLATION
OF WATER METERS ON WELLS DIVERTING GROUNDWATER WITHIN THE
BOUNDARIES OF THE ARKANSAS RIVER INTENSIVE GROUNDWATER
USE CONTROL AREA IN HAMILTON, KEARNY, FINNEY, GRAY, AND
FORD COUNTIES, KANSAS

The Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture (hereinafter referred to as the "Chief Engineer") after due consideration, hereby makes the following findings and order:

FINDINGS

1. That on September 29, 1986, after having determined that groundwater levels were declining or had declined excessively, that the rate of withdrawals of groundwater equalled or exceeded the rate of recharge, and that conditions existed which required regulation in the public interest, the Chief Engineer issued an order designating an Intensive Groundwater Use Control Area (IGUCA) in Hamilton, Kearny, Finney, Gray, and Ford Counties, Kansas, within the boundaries set forth below:

HAMILTON COUNTY

Township 23s, Range 43w, Sections 14, 15, 16, 21 through 28, 35, 36
Township 23s, Range 42w, Sections 19, 20, 21, 25 through 36
Township 23s, Range 41w, Sections 31, 32, 33
Township 24s, Range 42w, Sections 1, 2, 3, 4, 12
Township 24s, Range 41w, Sections 1 through 15
Township 24s, Range 40w, Sections 7, 8, 9, 13 through 27
Township 24s, Range 39w, Sections 17 through 36
Township 25s, Range 39w, Section 1

KEARNY COUNTY

Township 24s, Range 38w, Sections 29 through 33
Township 25s, Range 38w, Sections 1 through 6, 9 through 13
Township 25s, Range 37w, Sections 1 through 18, 23, 24
Township 24s, Range 36w, Sections 12 through 14, 20 through 36
Township 25s, Range 36w, Sections 1 through 12, 16 through 20
Township 24s, Range 35w, Sections 1, 2, 7 through 34

FINNEY COUNTY

Township 23s, Range 34w, Sections 31 through 36
Township 24s, Range 34w, Sections 1 through 26, 30
Township 23s, Range 33w, Sections 31 through 34
Township 24s, Range 33w, Sections 1 through 36
Township 24s, Range 32w, Sections 6 through 10, 15 through 23, 25 through 36
Township 25s, Range 32w, Sections 1 through 4, 11 through 13
Township 24s, Range 31w, Sections 30 through 32
Township 25s, Range 31w, Sections 3 through 11, 13 through 28, 35, 36

GRAY COUNTY

Township 25s, Range 30w, Sections 16 through 36
Township 26s, Range 30w, Sections 1 through 6
Township 25s, Range 29w, Sections 19, 20, 21, 26 through 36
Township 26s, Range 29w, Sections 1 through 6, 8 through 16, 23, 24
Township 25s, Range 28w, Section 31
Township 26s, Range 28w, Sections 1 through 28
Township 26s, Range 27w, Sections 4 through 30, 36

FORD COUNTY

Township 26s, Range 26w, Sections 7, 8, 16 through 23, 25 through 36
Township 27s, Range 26w, Sections 1, 2, 3, 4, 10, 11, 12
Township 26s, Range 25w, Sections 25 through 36
Township 27s, Range 25w, Sections 1 through 17
Township 26s, Range 24w, Sections 29 through 33
Township 27s, Range 24w, Sections 1 through 26
Township 27s, Range 23w, Sections 7, 8, 14 through 30, 32 through 36
Township 27s, Range 22w, Sections 19, 20, 25 through 36
Township 28s, Range 22w, Sections 1 through 6, 9 through 12
Township 26s, Range 21w, Sections 12, 13, 14, 23, 24, 25, 26, 34, 35, and 36
Township 27s, Range 21w, Sections 1 through 4, 9 through 16, 20 through 23, 26 through 34
Township 28s, Range 21w, Sections 4 through 7.

2. That one of the provisions of the September 29, 1986, order of the Chief Engineer which designated the IGUCA created a task force (with subsequent appointments) to provide advice and recommendations on plans and alternatives to conjunctively manage the waters of the Arkansas River and to alleviate impairment of senior water rights, especially as it relates to the effect of groundwater pumpage on the stream flow of the Arkansas River.

3. That the Arkansas River IGUCA task force submitted its recommendations to the Chief Engineer in their report of June 1989. The task force recommended that the owners of all non-domestic wells within the IGUCA be required to install totalizing water flow meters. The task force further recommended that water diversions in the IGUCA be monitored and diversions in excess of water rights not be allowed. The task force submitted that further regulations to control water use may be necessary, and that these recommendations should provide the basis to initiate additional management practices.
4. That on September 1, 1991 the revised management program of the Southwest Kansas Groundwater Management District No. 3 (District) became effective. The management program, approved by the Chief Engineer on August 2, 1991, requires the metering of wells with vested, certified, or appropriative rights within the District boundaries, including those portions of the Arkansas River IGUCA in Kearny, Finney, Gray, and Ford Counties, Kansas.
5. That K.S.A. 82a-706c provides in pertinent part,

"The Chief Engineer shall have the full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time, and to require any water user to report the reading of such meters, gages, or other measuring devices at reasonable intervals..."
6. That the Chief Engineer has determined that the proper administration of groundwater rights within the boundaries of the Arkansas River IGUCA requires the installation of totalizing water flow meters on all wells except those authorized by temporary permits or domestic rights.
7. That since Southwest Kansas Groundwater Management District No. 3 is already requiring that flow meters be installed on all wells with vested, certified, or appropriation rights within its boundaries, including all of that area within the IGUCA in Kearny, Finney, Gray, and Ford Counties, the Chief Engineer has determined that the District's requirement for flow meters will be adequate in lieu of a separate requirement by the Chief Engineer for that part of the IGUCA within the boundaries of Southwest Kansas Groundwater Management District No. 3.
8. That the Chief Engineer has therefore determined that the proper administration of groundwater rights within the boundaries of the Arkansas River IGUCA outside of the boundaries of Southwest Kansas Groundwater Management District No. 3, specifically that part of the IGUCA within Hamilton County, requires the installation of totalizing water flow meters on all wells except those authorized by temporary permits or domestic rights, to be installed on the same schedule as that adopted by the District in its revised management program, effective September 1, 1991.

ORDER

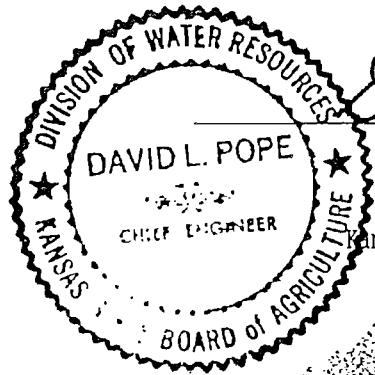
NOW, THEREFORE, the Chief Engineer hereby orders the owners of all non-domestic, non-temporary wells within the boundaries of the Arkansas River IGUCA within Hamilton County to install totalizing water flow meters according to the following criteria:

- I. A. All subject wells located within the Southeast Quarter of a legal section shall be so equipped by January 1, 1993.
- B. All subject wells located within the Northeast Quarter of a legal section shall be so equipped by July 1, 1994.

- C. All subject wells located within the Northwest Quarter of a legal section shall be so equipped by July 1, 1995.
 - D. All subject wells located within the Southwest Quarter of a legal section shall be so equipped by July 1, 1996.
- II.
- A. All subject wells shall be equipped with meters which meet or exceed the specifications adopted by the Chief Engineer on March 27, 1980, and amended February 27, 1985, and said meters shall be installed in accordance with the manufacturers specifications.
 - B. All meters installed as a result of this order must be maintained in a reasonable operating condition satisfactory to the Chief Engineer.
 - C. Proper notification shall be submitted to the Chief Engineer regarding completion of meter installation within 90 days after completion is required.

The Chief Engineer specifically retains jurisdiction in this matter to make such amendments or revisions as may be deemed necessary in the public interest.

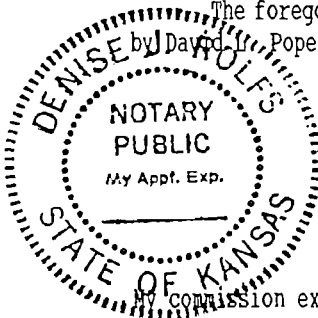
Dated at Topeka, Kansas this 3rd day of February, 1992.



David L. Pope
 David L. Pope, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

State of Kansas)
)
 County of Shawnee)

The foregoing instrument was acknowledged before me this 3rd day of February, 1992, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Denise J. Roels
 Notary Public

My commission expires: 3-1-94

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STATE ENGINEER OFFICE
STATE OF NEW MEXICO
Bataan Memorial Building
P.O. Box 25102
Santa Fe, New Mexico 87504-5102

EX "F"

Order No. 143

February 9, 1993

IN THE MATTER OF THE PROMULGATION
ARTICLE 1-18 OF THE RULES AND
REGULATIONS GOVERNING DRILLING OF
WELLS AND APPROPRIATION AND USE
OF GROUND WATER IN NEW MEXICO

RECOMMENDED FINDINGS AND ORDER

This matter came for hearing on October 16, 1992, in Santa Fe, New Mexico, upon State Engineer Proposed Order No. 143 pursuant to N.M. Stat. Ann. § 72-2-8 (1985 Repl. Pam.). Proposed Order No. 143 was duly and lawfully issued on August 14, 1992. It promulgated a proposed new Article 1-18 of the Rules and Regulations Governing the Drilling of Wells and Appropriation and Use of Ground Water in New Mexico. By Order dated October 5, 1992, Paul Saavedra, Deputy Chief, Water Rights Division, was appointed Hearing Examiner. Opportunity was given for anyone who may be affected by the proposed order to appear and testify. The Hearing Examiner, having considered the testimony presented at the hearing and the memoranda and responses timely filed, and being otherwise fully advised in the premises, makes the following Findings:

1. The State Engineer has general supervision of waters of the state and of the measurement, appropriation and

State Engineer of the State of New Mexico
Order No. 143

February 9, 1993

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distribution thereof. N.M. Stat. Ann. § 72-2-1 (1985 Repl. Pamp.).

2. The unauthorized use of water to which another is entitled, or the willful waste of surface or underground water to the detriment of another or the public is a misdemeanor. N.M. Stat. Ann. § 72-8-4 (1985 Repl. Pamp.).
3. The State Engineer may adopt regulations and codes to implement any provision of law administered by him. N.M. Stat. Ann. § 72-2-8 (1985 Repl. Pamp.).
4. Notice of Proposed Order No. 143 was published as required by law. N.M. Stat. Ann. § 72-2-8(D) (1985 Repl. Pamp.).
5. The hearing on Proposed Order No. 143 was held pursuant to the published notice as required by law.
6. The State Engineer has statutory authority over the appropriation and use of water within an underground stream, channel, artesian basin, reservoir or lake the boundaries of which have been determined to be reasonably ascertainable and have been declared an underground water basin. N.M. Stat. Ann. § 72-12-1 and § 72-12-12 (1985 Repl. Pamp.).
7. Presently there are thirty-two declared underground water basins in the State of New Mexico, which encompass

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approximately 86,073 square miles or 71 percent of the area of the state.

8. The declared underground water basins in the State of New Mexico are described in Article 7 of the Rules and Regulations Governing Drilling of Wells and Appropriation and Use of Ground Water in New Mexico (1966, as amended).
9. The statewide metering requirement in Proposed Order No. 143 would affect wells located within all thirty-two declared underground water basins within the state.
10. The State Engineer permits an estimated average of 700 wells, not including supplemental wells, each year which would be affected by the proposed statewide metering requirement and would be required to be metered.
11. Statewide metering requirements, other than in designated critical basins or areas within a basin, are not in the public interest at this time.
12. The Roswell, Gila-San Francisco and San Simon Underground Water Basins are under court decrees that require or authorize the court appointed watermaster to require the metering of wells. .
13. The two most downstream water producing aquifers within the Pecos River stream system before the river enters the State of Texas are located within either the Carlsbad Underground Water Basin or the Capitan Underground Water

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Basin. Those aquifers are the Capitan Reef aquifer and the shallow alluvial aquifer.

14. The Capitan Reef aquifer and the shallow alluvial aquifer are hydrologically connected to the surface flow of the Pecos River. As such, river flows are affected by groundwater pumping.
15. The United States Supreme Court in Texas v. New Mexico, No. 65 Original, entered a decree in 1988 directing New Mexico to comply with Article III(a) of the Pecos River Compact by delivering water to Texas in amounts computed annually in accordance with the Pecos River Master's Manual.
16. Metering of withdrawals of water from certain wells in the Carlsbad Underground Water Basin and Capitan Underground Water Basin is critical to New Mexico's efforts to ensure compliance with the requirements of the 1988 decree because these basins are adjacent to the New Mexico-Texas state line and the withdrawal of groundwater in these basins affect the surface flow of the Pecos River at the state line.
17. A basin-wide metering requirement for the Carlsbad Underground Water Basin and Capitan Underground Water Basin will allow for regulation of withdrawals of groundwater and aid the State Engineer in managing the

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waters of the Pecos River stream system to ensure that the State of New Mexico complies with the Pecos River Compact and the United States Supreme Court's 1988 decree in Texas v. New Mexico. The Carlsbad Underground Water Basin and Capitan Underground Water Basin should be designated as critical basins.

18. If the withdrawal of water in other groundwater basins in New Mexico becomes critical to the state's efforts to ensure compliance with interstate compact obligations or the administration of water rights within the state, the State Engineer may designate additional critical basins or critical areas within basins that require metering groundwater withdrawals.
19. Any person, firm or corporation or any other entity desiring to appropriate for beneficial use any of the waters described in Chapter 72, Article 12, N.M.S.A. 1978 shall apply to the State Engineer in a form prescribed by him. N.M. Stat. Ann. § 72-12-3 (1985 Repl. Pam.)
20. A metering requirement, if necessary, can be required as a condition of approval for any underground water application.

THEREFORE, IT IS RECOMMENDED, that Article 1-18 of the Rules and Regulations Governing Drilling of Wells and Appropriation and

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Use of Ground Water in New Mexico (1966, as amended) be adopted as follows:

ARTICLE 1-18. REQUIREMENTS FOR METERING GROUNDWATER WITHDRAWALS

1-18.1. **STATEWIDE METERING REQUIREMENTS.** Nothing herein shall limit the authority of the State Engineer to require a meter as a condition of approval for any permit granted by the State Engineer, except withdrawals of groundwater solely for single-household domestic uses or stock watering uses in a grazing operation as identified under Article 1-15.7.

1-18.2. **BASIN-WIDE METERING REQUIREMENTS.** These basin-wide metering requirements shall apply to all wells in the critical underground water basins or areas within basins listed below:

1. Roswell Underground Water Basin.
2. Carlsbad Underground Water Basin.
3. Capitan Underground Water Basin.

Meters required under this Article shall be installed on all wells within critical underground water basins no later than January 1, 1994, or within one year from any extension of the boundaries of a critical basin.

1-18.3. **INSTALLATION, MAINTENANCE AND REPAIR.** The well owner shall be responsible for obtaining, installing, maintaining and repairing the meter.

1-18.4. **REPORTING REQUIREMENTS.** Within ten days after meter installation, the well owner shall submit to the State Engineer a

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written record of the meter's make, model, serial number, date of installation, initial reading, units of measurement and multiplier, if any, as well as the State Engineer Office file number for the well, on a form acceptable to the State Engineer. The well owner shall record the meter reading(s) in writing on the first day of January, April, July and October of each year on a form acceptable to the State Engineer; however, if a permit or license of the State Engineer requires more frequent meter readings and reports, the conditions of the permit or license shall control.

On or before the tenth day of January, April, July and October of each year, the well owner shall submit to the State Engineer the written record of the quarterly meter reading of withdrawals of water for the three preceding calendar months. The report shall include the State Engineer Office file number for the well, date of reading, units of measurement and multiplier. If a meter is serviced, repaired or replaced, the well owner shall record the meter readings before and after such actions, and shall include the readings in the written report for the quarter in which servicing, repair or replacement occurred.

1-18.5. STANDARDS, SPECIFICATIONS AND GUIDELINES. Each meter shall be of a type acceptable to the State Engineer and shall be installed, maintained and repaired in a manner that is acceptable to the State Engineer. The following minimum standards apply to each meter:

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- A. The meter shall be a totalizing flow meter with a rated accuracy of plus or minus two (2) percent of actual flow. The meter shall be calibrated according to industry standards at least once every three years.
- B. The meter shall be installed according to the manufacturer's specifications.
- C. The meter shall contain sufficient recording digits to assure that "roll over" to zero does not occur within a one year period.
- D. The meter shall be sealed to prevent tampering or vandalism.
- E. The meter shall be installed before the first branch of the discharge line from the well.
- F. The meter shall be accessible for reading and inspection by a representative of the State Engineer.
- G. The units of measurement and the multiplier, if any, for determining the total amount of water diverted shall be indicated on the meter.

The State Engineer may adopt additional standards, specifications and guidelines for meters and for their installation, repair and maintenance which shall be on file in his office.

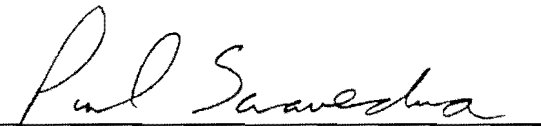
1-18.6. COURT ORDERS. In the exercise of statutory authority to measure the public waters, the State Engineer shall consider Article 1-18 and any court orders regulating the use of ground

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water. If there is an inconsistency between this article and the order of a court, the court's order shall control.

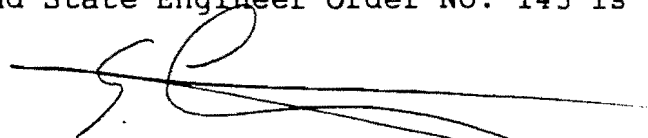
1-18.7. **VARIANCES.** The State Engineer may grant a variance from the application of Article 1-18, provided a written request for the variance is filed with the State Engineer and the State Engineer finds the request justified. The written request shall demonstrate that such a variance is necessary to preclude unreasonable hardship, or that application of Article 1-18 would be impracticable. Alternative methods or devices for measuring ground water diversions are allowable only with written authorization from the State Engineer.

1-18.8. **NON-COMPLIANCE.** If the meter is not operational, or if the well owner fails to comply with any of the provisions in Article 1-18, the well owner shall not withdraw or allow the withdrawal of water.


PAUL SAAVEDRA
HEARING EXAMINER

DATED: 2 9-93

IT IS HEREBY ORDERED that the Hearing Examiner's Recommended Findings and Order are adopted and State Engineer Order No. 143 is issued.


ELUID L. MARTINEZ
STATE ENGINEER

Dated: 2/9/93

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1-18. REQUIREMENTS FOR METERING GROUNDWATER WITHDRAWALS

1-18.1. STATEWIDE METERING REQUIREMENTS. Nothing herein shall limit the authority of the State Engineer to require a meter as a condition of approval for any permit granted by the State Engineer, except withdrawals of groundwater solely for single-household domestic uses or stock watering uses in a grazing operation as identified under Article 1-15.7.

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Meters required under this Article shall be installed on all wells within critical underground water basins no later than January 1, 1994, or within one year from any extension of the boundaries of a critical basin.

1-18.3. INSTALLATION, MAINTENANCE AND REPAIR. The well owner shall be responsible for obtaining, installing, maintaining and repairing the meter.

1-18-4. REPORTING REQUIREMENTS. Within ten days after meter installation, the well owner shall submit to the State Engineer a written record of the meter's make, model, serial number, date of installation, initial reading, units of measurement and multiplier, if any, as well as the State Engineer Office file number for the well, on a form acceptable to the State Engineer. The well owner

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The State Engineer may adopt additional standards, specifications and guidelines for meters and for their installation, repair and maintenance which shall be on file in his office.

1-18.6. COURT ORDERS. In the exercise of statutory authority to measure the public waters, the State Engineer shall consider Article 1-18 and any court orders regulating the use of ground water. If there is an inconsistency between this article and the order of a court, the court's order shall control.

1-18.7. VARIANCES. The State Engineer may grant a variance from the application of Article 1-18, provided a written request for the variance is filed with the State Engineer and the State Engineer finds the request justified. The written request shall demonstrate that such a variance is necessary to preclude unreasonable hardship, or that application of Article 1-18 would be

1993 APR -5 AM 11: 23

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1-18.8. NON-COMPLIANCE. If the meter is not operational, or if the well owner fails to comply with any of the provisions in Article 1-18, the well owner shall not withdraw or allow the withdrawal of water.

EX. ' G

Report of Civil Work Activities by the
Albuquerque District, Corps of Engineers
in the Arkansas River Basin
During Calendar Year 1993

1. General. During calendar year 1993, 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. In 1993, the Arkansas River Basin snowmelt runoff was slightly above normal. There were no flood control regulations at John Martin or Trinidad Reservoirs. A storm in the upper Arkansas River Basin on June 17, 1993 produced flows of 4,015 cfs at the Portland gage and 7,600 cfs at the Fountain Creek at Colorado Springs gage. Pueblo Dam was operated to control the flow at Avondale gage to 6,000 cfs. The release from the dam was cut from 3,700 to 1,340 cfs during the event. The peak flow at Avondale was 5,350 cfs. The operation of Pueblo Reservoir to control the flow at Avondale resulted in flood benefits of \$496,000.

There was one deviation in the Arkansas River Basin during September 1993 which affected the operation of Trinidad Lake. On the evening of September 1, the release rate from the dam was cut from 190 cfs to zero to allow the county to make emergency repairs to a Las Animas County bridge at the Model Ditch Diversion structure. The work was completed on September 4, with water stored during this deviation being release in the next 24-hour period.

3. Continuing Authorities Program. Under Section 14 of the 1946 Flood Control Act, as amended, the Corps of Engineers provides emergency streambank protection works to prevent damage to 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 1993 consisted of two Section 14 studies and two Section 205 studies. One Section 14 project sponsored by Otero County protects State Highway 194 from the Arkansas River at Bents Old Fort at La Junta. The plans and specification are complete with construction anticipated by August 1994.

The other Section 14 is sponsored by Pueblo County and is a project to protect Overton Road from Fountain Creek. The Feasibility Phase was completed in FY 93 and the preparation of plans and specifications is underway. We anticipate construction by September 1994.

Two Section 205 studies were completed in 93 to investigate the feasibility of constructing flood control works at Canon City and at La Junta. Both sites have flooding problems, but the Federal cost to solve the problems exceeded the

benefits that would have been derived. Therefore, both studies resulted in negative reports.

4. Section 1135. The 1986 Water Resources Development Act authorizes the review of the operation of completed projects to determine opportunities for modifications for the purpose of improving environmental quality. A proposed Section 1135 project includes modifications to Lake Hasty and the Arkansas River channel immediately below John Martin Dam. The construction of two, gated channels or conduits would route a portion of the water released from John Martin Dam through Lake Hasty. The existing measurement weir would be replaced with a turn-out structure to raise the water level within the stilling basin 3 to 4 feet and, therefore, provide inflow to Lake Hasty. A new downstream gage will be constructed below Lake Hasty. The tangible benefits of the proposed modifications include:

1. The improved circulation of water within Lake Hasty would allow for an estimated 50 percent increase in fish biomass. This would also increase the abundance and size distribution of more favorable species such as trout, bass, sunfish.

2. Increased fish and aquatic invertebrate populations would result in increased use of Lake Hasty by terns, wading birds, shorebirds, and waterfowl.

3. Improvement of foraging habitat and provision of stable nesting areas for the Least Tern (Federally endangered species) and the Piping Plover (Federally threatened species).

The proposed habitat improvements are consistent with the objectives of the North American Waterfowl Management Plan. The Local sponsor for this proposed project is Bent County. The current estimated cost for construction is \$600,000. We estimate construction to begin late in 1996.

5. 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 data 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 are provided to state and local governments at no cost to the requestor.

Thus far in 1993, the Albuquerque District has responded to 15 requests for technical services and flood hazard evaluations of specific sites in the Arkansas River Basin.

In addition, we are initiating Flood Preparedness Plans for the cities of Canon City and Beaver Park, Colorado. These plans, which will be completed in 1994, will assist in reducing losses during floods. Two Flood Preparedness Plans were completed in 1993 for the communities of Florence and La Junta, Colorado.

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.

6. 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. On August 25, 1993 the Section 404 Permit Regulations were amended to define " discharges of dredged or fill material" to include incidental discharges associated with excavation activities. This regulation change has the effect of requiring a permit for excavation activities that did not previously require a permit. Persons or agencies who are planning to conduct fill or excavations activities 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 FY 93 two individual permits were issued in the Arkansas River Basin. An additional 222 activities in the Basin were reviewed during the period and most resulted in general permits.

STATE OF COLORADO

COLORADO WATER CONSERVATION BOARD

Department of Natural Resources

721 State Centennial Building
1313 Sherman Street
Denver, Colorado 80203
Phone (303) 866-3441
FAX (303) 866-4474

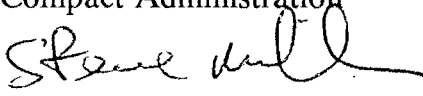


Roy Romer
Governor

Daries C. Lite, P.E.
Director, CWCB

MEMORANDUM

TO: Chairman and Members
Arkansas River Compact Administration

FROM: Steve Miller 

DATE: December 6, 1993

SUBJECT: ARCA Budget Matters, 1993 Annual Meeting

The following budget actions need to be taken at the annual meeting:

1. Review the FY 93-94 expenditures to date to see if we are in line with the budget. The FY 92-93 previously revised budget (signed 1/27/93) is enclosed, Ex. 1. I also enclose a possible second revision (handwritten changes) for your consideration, Ex. 2.
2. Review and revise, if needed, the previously adopted FY 94-95 budget. The budget adopted on December 8, 1992 (signed 1/27/93), Ex. 3 and a proposed revision, Ex. 4 (handwritten changes) for your consideration are enclosed.
3. Adopt a FY 95-96 budget, a proposed draft, Ex. 5 is enclosed.
4. Authorize the USGS cooperative agreements in the amount of \$15,040 for federal FY 94, these being payable from the Administration's FY 94-95 budget (i.e., USGS bills us in August/September 1994 and ARCA pays in November 1994).
5. Consider at what level we need to fund the litigation budget item being used to pay Mr. Hillhouse. This should be discussed during an executive session on December 14 prior to finalizing the budget. I have made some assumptions (6/93-6/94 @ \$11,000, 7/94-6/95 @ \$15,000, and 7/95-6/96 @ \$7500) which may or may not track well with how the attorneys view likely litigation scenarios

MEMORANDUM

Chairman and Members

Arkansas River Compact Administration

December 6, 1993

Page two

I have also enclosed a budget summary, Ex. 6, tracking actual expenditures and displaying present budgets, as well as a review of the ARCA Surplus Fund, Ex. 7 (cash reserve). Please note that two items may at first appear confusing. These are early receipt of Kansas' FY 93-94 Special Assessment payment and late payment of the court reporter for the 1992 annual meeting minutes. The Auditor treated these in different ways for determining cash balance and for budget reconciliation. I hope my treatment of this doesn't add to the confusion. Please call if you need additional information or clarification prior to the December 14, 1993 meeting.

SM/gl

Enclosures: as stated

cc: Operations secretary (w/enc.) (Witte)

Recording secretary (w/enc.)

Wendy Weiss

gl0148.mem

FY 1993-94 BUDGET 1st Revision
(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:

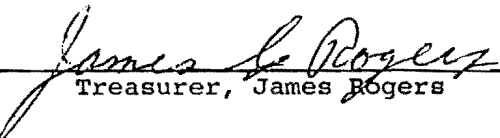
1.	Colorado	(60%)	\$ 7,800	
2.	Kansas	(40%)	<u>5,200</u>	
			\$13,000	\$13,000

C. INTEREST EARNINGS: \$ 500

D. MISCELLANEOUS: 0
\$53,500

EXPENDITURES FROM SURPLUS (Addition to 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.


Treasurer, James Rogers
Date 1/27/93

FY 1993-94 BUDGET ^{2nd} Revision
(July 1, 1993 - June 30, 1994)

DRAFT
Proposed For
Review on 12/14/93

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. 1988, 1989, and 1990 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 (was 7,000) 11,000
(was 53,200) 57,200

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%) (note received in 492-93)	<u>5,200</u>	
	\$13,000	\$13,000

C. INTEREST EARNINGS: (was 500) \$ 1,000

D. MISCELLANEOUS: 0
(was 53,500) 54,000

EXPENDITURES FROM SURPLUS (was \$300 addition) 3,200

Adopted by the Arkansas River Compact Administration at its December 10, 1991, Annual Meeting, and revised at its December 8, 1992, Annual Meeting, and revised again at its December 14, 1993 Annual Meeting

Treasurer, James Rogers

Date

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

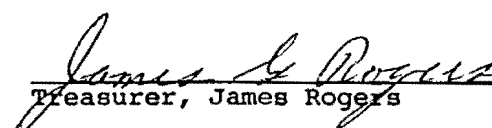
C. INTEREST EARNINGS 500

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.


Treasurer, James Rogers

1/27/93
date

FY 1994-95 BUDGET 1st Revision
(July 1, 1994 - June 30, 1995)

DRAFT
Proposed For
Review on 12/14/93

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 (was 15,150)	15,050	
2. St. of Colorado Satellite System	<u>8,000</u>	
	23,050	23,050

C. OPERATING EXPENSES:

1. Treasurer's Bond	\$ 100	
2. 91-94 Annual Report (Printing) (was 3000)	10,000	
3. Telephone	2,000	
4. Office Supplies/Postage (was 1500)	400	
5. Printing/Copying	300	
6. Meetings	500	
7. Travel	0	
8. Rent	<u>600</u>	
was (6400)	13,900	13,900

D. EQUIPMENT:

0

E. CONTINGENCY:

1,000

F. LITIGATION

	(was 10,000)	
Total Expenditures:	<u>15,000</u>	
	was (52,050)	64,450

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

	<u>0</u>	
Total Income:	\$50,500	

III. EXPENDITURES FROM SURPLUS

(was 1,550)

13,950

Adopted by the Arkansas River Compact Administration at its
December 8, 1992, Annual Meeting, and revised at its December 14, 1993
Annual Meeting

Treasurer, James Rogers

date

budget.94

Ex. 4

DKA-1
Proposed For
Review on 12/14/93

FY 1995-96 BUDGET
(July 1, 1995 - June 30, 1996)

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 199	15,950	
2. St. of Colo. Satellite System	<u>8,000</u>	
	23,950	23,950

C. OPERATING EXPENSES:

1. Treasurer's Bond	\$ 100	
2. 1995 Annual Report (Printing)	2,500	
3. Telephone	<u>2,000</u>	
4. Office Supplies/Postage	400	
5. Printing/Copying	300	
6. Meetings	500	
7. Travel	0	
8. Rent	<u>600</u>	
	6400	6400

D. EQUIPMENT:

0

E. CONTINGENCY:

\$ 1,000

F. LITIGATION:

7,500
50,350

II. INCOME

A. ASSESSMENTS:

1. Colorado (60%)	30,000	
2. Kansas (40%)	<u>20,000</u>	
	50,000	50,000
B. INTEREST EARNING:		<u>500</u>
C. MISCELLANEOUS:		0
		50,500

III. EXPENDITURES FROM SURPLUS

(addition to surplus)

<150>

Adopted by the Arkansas River Compact Administration at its December 14, 1993,
Annual Meeting,

Treasurer, James Rogers

Date

ARCA ANNUAL BUDGETS AND ASSESSMENTS

December 1, 1993

EXPENDITURES	89-90 Actual	90-91 Actual	91-92 Actual	92-93 Actual	93-94 1st Revision	93-94 Proposed 2nd Revision	94-95 Budget	94-95 Proposed 1st Revision	95-96 Proposed Budget
A. SALARIES AND CONTRACTUAL SERVICES:									
1. Treasurer - Recording Secretary (1/2 each)	\$ 2,000	\$ 3,500	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000
2. Operations Secretary	6,501	3,602	7,509	4,350	6,100	6,100	6,100	6,100	6,100
3. Auditor's fees	700	350	350	350	400	400	400	400	400
4. Court Reporter's fees	453	643	468	818	1,000	1,000	1,000	1,000	1,000
SUBTOTAL	\$ 9,654	\$ 8,095	\$12,327	\$ 9,518	11,500	11,500	11,500	11,500	11,500
B. GAGING STATIONS:									
1. U.S. Geological Survey Coop. Agreements	\$11,375	\$11,830	\$12,425	\$13,225	\$14,300	\$14,300	\$15,150	15,050	15,950
2. Satellite System	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
SUBTOTAL	\$19,375	\$19,830	\$20,425	\$21,225	\$22,300	22,300	\$23,150	23,050	23,950
C. OPERATING EXPENSES:									
1. Treasurer's Bond	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	100	100
2. Annual Report (Printing)	3,678	2,557	0	0	7,500	7,500	3,000	10,000	2,500
3. Telephone	749	1,071	1,087	1,597	2,000	2,000	1,500	2,000	2,000
4. Office Supplies/Postage	159	174	155	195	400	400	400	400	400
5. Printing/Copying	321	132	252	243	300	300	300	300	300
6. Meetings & Travel	239	199	330	387	500	500	500	500	500
7. RENT	600	600	600	550	600	600	600	600	600
SUBTOTAL	\$ 5,846	\$ 4,833	\$ 2,524	\$ 9,900	\$11,400	\$11,400	\$ 6,400	13,900	6,400
D. EQUIPMENT	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0	0
E. CONTINGENCIES	\$ 0	\$ 0	\$ 257	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	1,000	1,000
F. LITIGATION				\$ 4,000	\$ 7,000	\$11,000	\$ 10,000	15,000	7,500
TOTAL EXPENDITURES	\$34,870	\$32,758	\$35,533	\$33,815	\$53,200	\$57,200	\$52,050	64,450	50,350
INCOME									
A. ASSESSMENTS									
COLORADO	\$12,000	\$15,000	\$15,750	\$23,400	\$24,000	\$24,000	\$ 24,000	24,000	30,000
KANSAS	8,000	10,000	10,500	15,600	16,000	16,000	16,000	16,000	20,000
SPECIAL ASSESSMENTS				5,200	13,000	7,800	10,000	10,000	0
SUBTOTAL	\$20,000	\$25,000	\$26,250	\$44,200	\$53,000	47,800	\$ 50,000	50,000	50,000
B. INTEREST EARNINGS & MISCELLANEOUS	\$ 3,075	\$ 2,817	\$ 1,716	\$ 1,398	\$ 500	1,000	\$ 500	500	500
TOTAL INCOME	\$23,075	\$27,817	\$27,966	\$45,598	\$53,500	48,800	\$ 50,500	50,500	50,500
EXPENDITURES FROM SURPLUS	\$11,795	\$ 4,941	\$ 7,567	<11783>	<\$700>	8,400	\$ 1,550	13,950	<150>

ANALYSIS OF ARCA SURPLUS FUND***

Miller
12/3/93

	Actual ^{1/} a/ 87-88	Actual ^{2/} a/ 88-89	Actual ^{3/} a/ 89-90	Actual ^{4/} 90-91	Actual ^{5/} 91-92	Actual ^{6/} 92-93	Estimated ^{7/} 93-94	Estimated ^{8/} 94-95	Estimated ^{9/} 95-96
Regular Income									
Colorado	12,000	12,000	12,000	15,000	15,750	23,400	24,000	24,000	30,000
Kansas	8,000	8,000	8,000	10,000	10,500	15,600	16,000	16,000	20,000
Interest & Misc.	3,400	4,200	3,100	2,817	1,716	1,398	1,000	500	500
Total	23,400	24,200	23,100	27,817	27,966	40,398	41,000	40,500	50,500
Less Expense	29,900	28,800	34,900	32,758	35,533	32,997	47,000 ^{10/}	49,450	42,850
Under <over>	<6500>	<4600>	<11,800>	<4941>	<7567>	7,401	<6000>	<8950>	7,650
Litigation Account									
Spec. Assess. Colo.						0	7,800	6,000	0
Spec. Assess. KS						5,200	0 ^{11/}	4,000	0
Spec. Assess. Total						5,200	7,800	10,000	0
Less Expenses						0	11,000	15,000	7,500
Under <over>						5,200	<3200>	<5000>	<7500>
Surplus Account Balance fwd.	\$57,800	\$51,300	\$46,700	\$34,890	\$29,949	\$22,382	\$34,983	\$25,783	\$11,833
Sum of under over	-6,500	-4,600	-11,800	- 4,941	-7,567	+12,601	-9,200	-13,950	+150
Balance end of year	\$51,300	\$46,700	\$34,900	\$29,949	\$22,382	\$34,983	\$ 25,783	11,833	11,983

^{1/} June 30, 1988 Auditor's Report^{2/} June 30, 1989 Auditor's Report^{3/} June 30, 1990 Auditor's Report^{4/} June 30, 1991 Auditor's Report^{5/} June 30, 1992 Auditor's Report^{6/} June 30, 1993 Auditor's Report^{7/} 1993-1994 Budget (w/proposed revisions for 12/14/93)^{8/} 1994-1995 Budget (w/proposed revisions for 12/14/93)^{9/} 1995-1996 Budget proposed for Adoption 12/14/93^{10/} Includes \$818 dollar payment to Court report in July 1993, for cash accounting this was treated as FY 94 expense, for budget reconciliation treated as FY 93 expense by Auditor^{11/} Kansas special assessment received prior to 6/30/93 and included in ARCA's FY 93 closing balance

a/ all numbers rounded to nearest \$100

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Ex. 7

RESOLUTION
OF THE
ARKANSAS RIVER COMPACT ADMINISTRATION

December 14, 1993

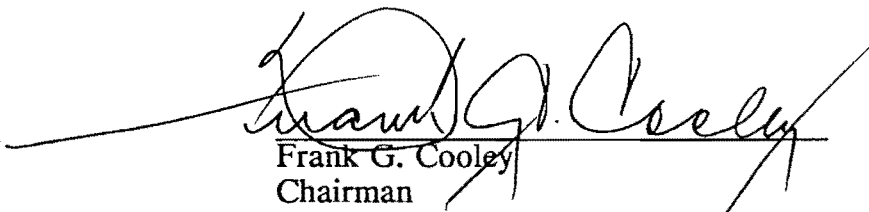
to
Gerald E. Hilmes

WHEREAS, Gerald E. Hilmes has worked with other members of the Arkansas River Compact for over twenty years; and

WHEREAS, Mr. Hilmes' has faithfully carried out his duties for the Engineering Committee; and

WHEREAS, Mr. Hilmes' dedication to diligently carry out his assignments regarding various aspects of the compact has earned the respect of the full membership of the compact;

NOW, THEREFORE, BE IT RESOLVED that the Arkansas River Compact Administration would like to acknowledge its gratitude and appreciation to Gerald E. Hilmes for his service not only to the citizens of the State of Kansas but also, through his work for the compact, to the citizens of the State of Colorado as well.



Frank G. Cooley
Chairman

Arkansas River Compact Administration