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ARKANSAS RIVER COMPACT MEETING

COW PALACE HOTEL  
LAMAR, COLORADO

December 13, 1994

FOR F.S.C.  
James D. Hinkle  
12/10/94

ORIGINAL

## APPEARANCES

Chairman, Arkansas River Compact Administration:  
Mr. Frank G. Cooley

## FOR COLORADO:

Mr. James Rogers  
Mr. Carl Genova  
Mr. Chuck Lile  
Ms. Wendy Weiss  
Mr. Steve Miller

## FOR KANSAS:

Ms. Lola Fox  
Mr. Randy Hayzlett  
Mr. David Pope  
Mr. John Draper  
Mr. Dale Book  
Mr. Leland Rolfs

1 (Whereupon, the meeting commenced at  
2 approximately 9:00 a.m. MST, December 13,  
3 1994, as follows:)

4  
5 CHAIRMAN COOLEY: Ladies and gentlemen, the time  
6 has arrived for the annual meeting of the Arkansas River  
7 Compact Administration. Representatives of both states  
8 are here. Mr. Milenski is on the floor. He will soon be  
9 here, so we're ready to proceed. The first order of  
10 business will be the introductions, and Mr. David Pope  
11 for Kansas will make the introductions of the members of  
12 the Compact Administration and several of the Kansas  
13 staff.

14 MR. DAVID POPE: Okay, thank you, Mr. Chairman.  
15 On my far right is Lola Fox, who is the member of the  
16 Administration from Hamilton County, raised from Hamilton  
17 County, Kansas. To my immediate right is Randy Hayzlett,  
18 also a member of the Administration, and Randy lives in  
19 the Lakin area. On my left is Leland Rolfs, who is our  
20 Senior Legal Counsel for the Division of Water Resources  
21 in Topeka. Also here in the front row we have Mark Rude  
22 who is our Water Commissioner for the Garden City Field  
23 Office and his assistant, Kevin Salter. So the two of  
24 them from the field office. We also have a couple of  
25 other -- where's our other staff? Are they here? Bob

1       Lytle, from our Topeka office. Are there others from  
2       your office?

3               MR. MARK RUDE: If I might, David.

4               MR. DAVID POPE: Yes, go right ahead if you  
5       would.

6               MR. MARK RUDE: I'm Mark Rude and from my staff  
7       also back in the back is Byron Bland and Larry Gennette.

8               MR. DAVID POPE: I knew they were here  
9       someplace, I just couldn't see them. If I could quickly,  
10      Mr. Chairman, I would indicate then that David Brenn, who  
11      is the President of the Great Eastern Irrigation  
12      Association, there in the second row on the left. Also,  
13      Mr. and Mrs. Oliver Hines. Oliver is a long term  
14      representative of the Frontier Ditch System, and then  
15      Steven Frost, who is the manager of the Southwest Kansas  
16      Groundwater Management District Number 3 in Garden City.  
17      And I think I got Bob Lytle a minute ago. Also now here  
18      at the head table to my left is John Draper from Santa  
19      Fe, New Mexico, our counsel of record for the  
20      Kansas-Colorado litigation, and Dale Book from Spronk  
21      Water Engineers in Denver and engineering consultants for  
22      Kansas.

23              CHAIRMAN COOLEY: Thank you very much. Chuck  
24      Lile...by statute, the chief of the Colorado Delegation  
25      will introduce the Colorado members and staff and one or

1 two people from the state of Colorado.

2 MR. CHUCK LILE: Thank you, Mr. Chairman. To my  
3 left is Carl Genova, Commissioner from the Upper Arkansas  
4 and Jim Rogers, Commissioner for the District 67. We  
5 also have several representatives from the State  
6 Government here today and I would like to start by  
7 introducing members of the Colorado Water Conservation  
8 Board Staff, Gene Jenecsok, Steve Miller of our staff.  
9 Also from the Attorney General's Office, we have Wendy  
10 Weiss and Jennifer Gimbel, and Special Attorney, David  
11 Robbins. We have from the State Engineer Staff, State  
12 Engineer, Mr. Hal Simpson; Division Engineer, Steve  
13 Witte; Assistant Engineer, Keith Kepler; Steve Kastner,  
14 Hydrographer, is in the back there. Also we have Sue  
15 Edling. Is Sue in the room? She is the secretary, the  
16 one that keeps Steve in shape and lined out. We also  
17 have...would like to ask if any of the Commissioners from  
18 the Colorado Delegation would like to introduce some of  
19 the people from their area.

20 MR. CARL GENOVA: Well, I don't think Frank  
21 Milenski needs any introduction, everybody knows him, but  
22 I would like to introduce Tom Simpson, who is acting  
23 manager of the Southeast District.

24 MR. JIM ROGERS: We have Don Higbee here, who  
25 takes care of the books and does the ARCA office --

1 CHAIRMAN COOLEY: Recording Secretary is the  
2 official title, isn't it?

3 MR. JIM ROGERS: And we have Paul Pearson, who  
4 is the President of the Amity right here in the front  
5 row. Bill Grasmick, who is with the Lamar Canal.

6 MR. CHUCK LILE: That concludes...

7 CHAIRMAN COOLEY: Thank you very much. The  
8 agenda will be modified slightly so that everything which  
9 might be deemed to be routine will be put in the  
10 afternoon. That is to say Item 7, parts of Item 7, the  
11 election of officers will be deferred, the appointments  
12 of committee, Items 8 and 9 on the agenda will be  
13 deferred. Item 10 C, 2 and 3, the status of gaging  
14 stations and the Cooperative Agreement will be deferred  
15 so that we may keep as much meat on the table as we are  
16 able for the morning meeting. We have a number of  
17 important federal officials here this morning. I shan't,  
18 at this moment, seek to introduce them, because I would  
19 get tangled up, but as the meeting progresses, they will  
20 be introduced, and I would like...I would like to be  
21 given a little slack on that.

22 The first important item on the agenda is  
23 something that is of immensely great importance to each  
24 of us, I believe. One of the remarkable things that  
25 happened to me about 50 years ago was that I operated an

1 electric coding machine, secret coding device for the  
2 United States Navy in the, next to the smokestack of a  
3 destroyer escort, and during the invasion of Iwo Jima.  
4 One of the messages that came to the ship each night was  
5 the status of the...of the struggle. It was a rather  
6 horrible message to break each evening because the number  
7 of dead on Iwo, The number of wounded, the number of  
8 missing would come over in the report. There might be  
9 387 men dead that day, 11 hundred wounded, 17 missing,  
10 and this kept on for day after day for three weeks on a  
11 rock that was volcanic, about three and a half miles long  
12 and about a mile wide. The place stank. Got close  
13 enough to it so you could smell the sulfur fumes coming  
14 off of the rocks. Going...marines going into caves.  
15 Head general was Howling Mad Smith who would push  
16 the...push the entire operatus of two divisions until the  
17 island was secure at a cost of, I think it was 7,300 odd  
18 dead. The...the entire...the entire operation was...was  
19 an absolutely trying experience for the United States and  
20 a...one of the seminal turning points in this century.  
21 Tommy, a marine, off loaded from an APA, which is a small  
22 ...a small cargo ship. I don't mean really small. It  
23 carried a couple thousand men. Not as big as an  
24 oceanliner, is what I'm trying to say. Full pack,  
25 bandoleers of ammunition over each marine's shoulder,

hand grenades, rifle, and going...going with his platoon over the side, followed by another platoon, followed by another platoon, down the slippery cargo nets into the LCVP's which were trying to hang onto the APA as the men were to hit the beach in the first wave. Tommy slipped and fell into a LCVP, landing craft vehicle and personnel, the squarish diesel boat that carried the troops to the black sand of the beach. Broke his back. And forever afterwards felt a little sheepish that his wounds at Iwo Jima that disabled him were not the result of a Japanese grenade or bullet. Kind of typical of his ...his modesty and demeanor. A man with perfect manners. Not an enemy on this earth. Infinite patience. And as Colorado and the people of the river tried to organize to accommodate a somewhat different regime in the river, the one person who, through patience and grace and dignity, was able to weld strong minded men together is not here, will not be here, and will be very greatly missed. It is impossible to...it is impossible to relate adequately the fine qualities of Tommy Thomson and to thoroughly disclose those parts of his personality and intellect in his being that we so much admired, but we still should and are pleased to make the effort. I will, in a moment, stand and read a, if I can, a resolution to Tommy, after which I'll ask Colorado to move the adoption of the



7  
1 resolution and Kansas to second it and vote on it and  
2 then we will remain standing for 10 or 15 seconds out of  
3 respect. You may stand. (Everyone stands.)

4 "Whereas our friend and associate, Mr. Charles  
5 L. "Tommy" Thomson, passed away on October 25, 1994,  
6 after a sudden but mercifully brief illness, and;

7 Whereas Tommy Thomson devoted his life to the  
8 well being and prosperity of all residents of the  
9 Arkansas River Valley, and in a singularly clear and open  
10 manner to the well being of his state, his country, and  
11 to mankind, and;

12 Whereas Tommy Thomson was a patriot, a marine  
13 serving in the Pacific, injured at Iwo Jima and again in  
14 Korea, and;

15 Whereas Tommy Thomson was a civic leader, a  
16 leading citizen, leading with grace, dignity, courage and  
17 obvious good will, and whereas Tommy Thomson was a  
18 guiding force in the successful implementation of the  
19 Frying Pan-Arkansas Project, which has improved the lives  
20 of many people in the valley, for each of us in this arid  
21 part of the world, recognizes the need and benefit from  
22 an improved and reliable system for the importation of  
23 quantities of pure water, and;

24 Whereas, Tommy Thomson served as General  
25 Manager of the Southeast Colorado Water Conservancy

1       it resolved by the Arkansas River Compact Administration  
2       that it does hereby express its sincerest condolences to  
3       Mr. Thomson's family and its gratitude and appreciation  
4       for having had the great pleasure to have known and  
5       worked with Tommy and for his outstanding service,  
6       dedication, and courtesy to the Administration and to the  
7       States. Be it further resolved that the Administration  
8       honor Mr. Thomson by including this Resolution in the  
9       Administration's 1994 Annual Report and instruct the  
10      Recording Secretary to send a copy of the Resolution to  
11      Mr. Thomson's family. Entered this 13th day of December,  
12      1994, the annual meeting of the Arkansas River Compact  
13      Administration held in Lamar, Colorado. Mr. Lile.

14               MR. CHUCK LILE: I defer this resolution to Mr.  
15      Genova.

16               CHAIRMAN COOLEY: Mr. Genova.

17               MR. CARL GENOVA: Mr. Chairman, I would move  
18      that the Arkansas River Compact Administration adopt this  
19      resolution.

20               CHAIRMAN COOLEY: Mr. Pope.

21               MR. DAVID POPE: I happily second the resolution  
22      -- motion.

23               CHAIRMAN COOLEY: Colorado.

24               MR. CHUCK LILE: Aye.

25               CHAIRMAN COOLEY: Kansas.

1 MR. DAVID POPE: Kansas respectfully votes aye.

2 CHAIRMAN COOLEY: Let's stand for a few seconds  
3 in memory of Tommy Thomson. (Pause in the proceedings.)  
4 Please be at ease.

5 Reports of Officers. This is my 18th year in  
6 the Chair. Very pleased to be able to continue as long  
7 as I'm welcome. The Recording Secretary, Mr. Higbee.

8 MR. DON HIGBEE: Mr. Chairman, I don't have  
9 anything to report at this time. I would be happy to  
10 answer any questions.

11 CHAIRMAN COOLEY: We're moving along very well,  
12 Mr. Higbee. Mr. Rogers, would you care to defer the  
13 Treasurer's Report to the latter part of the meeting?

14 MR. JAMES ROGERS: Yes, I would request that it  
15 be deferred to Item 17 on the agenda.

16 CHAIRMAN COOLEY: We'll all be delighted to  
17 concur in that, especially the audience.

18 Mr. Witte, we won't be able to defer your  
19 report. You get the...you get some solid information to  
20 us, if you would. Pardon me. Before you begin, I would  
21 like, Steve, to circulate an attendance list. It's  
22 started around. Would those of you...will you please  
23 print your names. There are three people here, and I  
24 won't identify them, whose signatures are absolutely  
25 unreadable, so if you would please print your names. Go

1 ahead, Steve.

2 MR. CHUCK LILE: There's only three?

3 CHAIRMAN COOLEY: Only three.

4 UNIDENTIFIED SPEAKER: (Talking softly. Reporter  
5 unable to hear.)

6 CHAIRMAN COOLEY: Pardon me?

7 UNIDENTIFIED SPEAKER: Can the people out there  
8 hear us?

9 CHAIRMAN COOLEY: Well, they can hear me always.  
10 If any of you in the back have trouble hearing anyone,  
11 please raise your hand. Go ahead, Steve.

12 MR. STEVE WITTE: Okay. Thank you, Mr.

13 Chairman, members of the Compact Administration. I  
14 intend for my remarks to be fairly brief this morning. I  
15 would open by reporting that the...during the past year  
16 the Arkansas River Basin snow melt was average for the  
17 1994 water supply year. The snow pack accumulations  
18 during the December through May period were above  
19 average. For the first six months of the season, October  
20 through April, averaged about 130 percent of average  
21 precip at the lower elevations, and the summer  
22 precipitation was below average with totals averaging  
23 about 78 percent of average for the Arkansas River Basin.  
24 The report that was tendered to the Operations Committee  
25 last evening, or was tendered to the Operations Committee

1 last evening, and the detailed report was tendered to the  
2 Engineering Committee and I would expect that the  
3 committee will, at the appointed time in the agenda, ask  
4 for the acceptance of that report. The...during the  
5 winter storage period, there was...from November 1st to  
6 April 1st, there was a total of 62,000 acre feet roughly  
7 stored in John Martin Reservoir. Of this amount, 33,500  
8 was stored in the conservation pool, and 28,600 was  
9 stored in the Article 3 accounts of the 1980 Operating  
10 Plan. The conservation pool was emptied on the morning  
11 of April 19th by transfer of water from conservation  
12 storage into accounts, according to the provisions of the  
13 1980 Operating Plan. And during that period of transfer,  
14 there was about 6,600 acre feet stored under summer  
15 storage conditions. And, in addition, there were, I  
16 believe, four other storage events. Storage of Compact  
17 water during the -- excuse me -- five other events during  
18 the year. And those are summarized in the, I believe,  
19 it's table...table one of my report. During the year the  
20 Colorado Division of Wildlife negotiated for the purchase  
21 of transmountain water for the replenishment of the  
22 permanent pool, and there was a quantity of 7,747 acre  
23 feet stored in the permanent pool pursuant to the  
24 Resolution of the Compact Administration dated April 15,  
25 1980. The run of water to the State of Kansas from their

1 accounts was conducted between June 15th and July 27th.  
2 The...beginning on July 20th, with prior approval of this  
3 Administration, 2,000 acre feet of transmountain project  
4 water was released from Pueblo Reservoir for the City of  
5 Lamar, and was regulated through John Martin, 1,399.65  
6 acre feet were stored in John Martin Reservoir for that  
7 purpose, and that rotating account was evacuated on  
8 August 17. The residual that remained in the transit  
9 loss account at the end of the 1994 Compact Year, was one  
10 of the largest on record. On October 31st, it contained  
11 21,811 acre feet, and at the close of the Compact Year,  
12 the reservoir accounts in total, contained 65,254.67 acre  
13 feet, which is about 24,000 acre feet more than at that  
14 time a year ago. Just for reference purposes, I would  
15 ask that folks take a look at the Figure 1 of my report,  
16 Figure 1 in Section 1 of my report. That shows that the  
17 end-of-month contents of John Martin Reservoir were  
18 higher each month throughout the Compact Year than at the  
19 end of each month of any of the four preceding years.  
20 And which reflects the, I think it reflects the amounts  
21 of water that were available from storage in John Martin  
22 during the year. I believe that concludes my report.

23 CHAIRMAN COOLEY: Are there any questions on  
24 this report from members of the Compact Administration?  
25 Do you have any?

1 MR. CHUCK LILE: (Indicating in the negative by  
2 shaking his head.)

3 CHAIRMAN COOLEY: Do you have any?

4 MR. DAVID POPE: Might...a couple of things.

5 CHAIRMAN COOLEY: Sure.

6 MR. DAVID POPE: One, first of all, Steve,  
7 appreciate again, as usual, the very detailed work in  
8 terms of the accounting and I know that's quite an effort  
9 of you and your staff and your office and I appreciate  
10 that very much. We had a fairly extensive discussion  
11 last evening about a couple of the items in the report.  
12 In that regard, I would like to ask Mr. Draper to ask a  
13 couple of questions, in that regard.

14 MR. JOHN DRAPER: Mr. Witte, I...I don't want to  
15 go over what we went over in the committee last night,  
16 but I would like to draw the Administration's attention  
17 to tables 11 and 13 of your report which we discussed,  
18 and to the general subject matter of our discussion  
19 there. I believe you stated that you were recording  
20 certain deliveries there; that were additional deliveries  
21 that were pursuant to instructions received from two of  
22 the well owner associations; and that the reason that you  
23 included those in the report was not because they were  
24 part of your duties as Operations Secretary, but so that  
25 you could be sure that you had given the Administration a

1 full report of matters that you felt were relevant to the  
2 concerns of the Administration. Is that...is that a  
3 general statement that describes our discussion?

4 MR. STEVE WITTE: Well, I believe my report last  
5 night to the Engineering Committee and in response to  
6 questioning by you was that I included that information  
7 in this report as the...as the Operations Secretary,  
8 because this is a report of the...of the Operations  
9 Secretary, for that very reason. I thought it was  
10 appropriate to describe as fully as possible the  
11 operations that did occur during that time period, but  
12 otherwise, yes, I think that's an accurate  
13 characterization of what our discussion entailed last  
14 evening.

15 MR. JOHN DRAPER: Without going into the further  
16 details, Mr. Chairman, I would simply note that at this  
17 stage of our understanding of this information, it does  
18 not appear to us that it is something that was performed  
19 as part of the duties that the Administration has  
20 delegated to the Operations Secretary, and while I think  
21 we're all very appreciative of the information and  
22 encourage the reporting of this information by Mr. Witte,  
23 we do not feel at this point that it is an appropriate  
24 part of his official report to the Administration.

25 CHAIRMAN COOLEY: So noted. Anything else?



1 MR. CHUCK LILE: Mr. Chairman...

2 CHAIRMAN COOLEY: Yes.

3 MR. CHUCK LILE: ...I think that Colorado has to  
4 carefully consider that we feel that this is important  
5 information and is part of the operations work, and we  
6 would certainly feel that it should be part of the record  
7 that...that this operation did take place and it was  
8 performed to meet certain circumstances under the  
9 Compact. Maybe we could caucus with our neighbors for a  
10 short moment to see how to handle this. Would that be  
11 appropriate?

12 CHAIRMAN COOLEY: Well, you are both on the  
13 record. Could we wait until we take a morning break and  
14 then amend or adjust as may be appropriate. Would that  
15 be all right?

16 MR. CHUCK LILE: Certainly.

17 CHAIRMAN COOLEY: We'll do that at the morning  
18 break then.

19 MR. DAVID POPE: I think we have another  
20 opportunity at the time of the Operations Committee  
21 Report to deal with this as well.

22 CHAIRMAN COOLEY: Fine. Fine. As long as this  
23 has been opened up again. Steve, would you be kind  
24 enough to help me, personally, on the amount in the...in  
25 the John Martin permanent pool.

1 MR. STEVE WITTE: I would be happy to, Mr.  
2 Chairman. What is the particular thing that you are  
3 interested in?

4 CHAIRMAN COOLEY: The quantity.

5 MR. STEVE WITTE: Okay. At the beginning of the  
6 Compact Year the content in the permanent pool was  
7 8,462.46 acre feet. Actually, that was at the end of the  
8 last Compact Year. The number's essentially the same,  
9 less evaporation at the beginning of the Compact Year.

10 CHAIRMAN COOLEY: That can go as high as 10,000,  
11 I believe. Is that correct?

12 MR. STEVE WITTE: I believe...and I need to  
13 refer back to the Resolution, but my understanding is  
14 that it can go as high as 15,000.

15 CHAIRMAN COOLEY: And the Colorado Division of  
16 Wildlife from time to time has made contributions to that  
17 pool?

18 MR. STEVE WITTE: Yes. And this year the  
19 contributions to that pool were 7,747.41 acre feet.

20 CHAIRMAN COOLEY: So, in short, we're kind of at  
21 an equilibrium?

22 MR. STEVE WITTE: At the end of the Compact Year  
23 the content of the permanent pool was 13,191.39.

24 CHAIRMAN COOLEY: So we're better than at  
25 equilibrium.

1 MR. STEVE WITTE: Yes.

2 CHAIRMAN COOLEY: Just of the point that that's  
3 one figure that I don't want to allow to escape us  
4 because in one year we did. The fishing pool got down to  
5 too low a number, and by keeping an eye on it generally,  
6 we'll avoid that happening in the future. I have nothing  
7 else. Does anyone have any other questions? Does anyone  
8 in the audience have a quick question? This is a great  
9 opportunity gentlemen and ladies.

10 CHAIRMAN COOLEY: Yes, go ahead.

11 MR. DICK KREINER: Dick Kreiner with the Corp of  
12 Engineers. Just a matter of clarification on that  
13 permanent pool. We're authorized to protect 10,000 of  
14 that, 10,000 acre feet of that permanent pool, by storing  
15 that in the flood space if the conservation pool is full,  
16 so it can go above while the conservation pool is  
17 available but we can only preserve 10,000 of that in a  
18 situation of it being full.

19 CHAIRMAN COOLEY: That was what was in the back  
20 of my brainette. Thank you, sir. Okay. Thank you,  
21 Steve.

22 The next item on the agenda is the committee  
23 report...are the committee reports for the Compact Year  
24 beginning with the administrative and legal committee  
25 whose Chair this last year has been Mr. Lile.

1 MR. DAVID POPE: Mr. Chairman, did we skip over  
2 item 6? Was there another...

3 CHAIRMAN COOLEY: I didn't intend to. The  
4 Coordinating Committee. Who gives the report...will give  
5 the report in the Coordinating --

6 MR. DAVID POPE: I think Steve Witte is listed  
7 there for item 6. There may be others that...he just got  
8 set down but I guess he can come back.

9 CHAIRMAN COOLEY: Okay. You can handle as many  
10 of these agenda items as you like, Steve. We would be...

11 MR. STEVE WITTE: Can we have this in my office?  
12 Wouldn't be room. I'm going to ask for a number of  
13 people from Colorado to help me with the various elements  
14 of this agenda item. Regarding the Arkansas River  
15 Coordinating Committee activities, the Chairman of that  
16 committee, or actually it is co-chaired by Hal Simpson  
17 and Chuck Lile. Chuck, could I call upon you to bring  
18 the Administration up to date as to the...the status of  
19 the Coordinating Committee to date?

20 MR. CHUCK LILE: Certainly. Colorado, through  
21 the Governor's office has appointed a committee  
22 consisting of the water users in the Arkansas River Basin  
23 and to look at various problems within the Arkansas River  
24 Basin including issues regarding the Kansas litigation.

25 CHAIRMAN COOLEY: Pardon me. He's not speaking

1           loud enough and you're not sitting far enough forward.

2           MR. CHUCK LILE: I'll move this mic up here.

3           CHAIRMAN COOLEY: You're welcome to move forward  
4           if you would be willing to do so and Mr. Lile will speak  
5           a little louder.

6           MR. CHUCK LILE: I'll try. Get this microphone  
7           a little closer. As I was saying, Colorado has  
8           established a committee to work on related water supply  
9           issues for the Arkansas River Basin. We have held three  
10          meetings, to date. The group is a very broad group. It  
11          represents well users, surface water users, recreational  
12          interests also. We are just beginning to develop a work  
13          plan and we'll be meeting again tomorrow, would be our  
14          fourth meeting, and that's currently the status. There's  
15          been no action taken. We're in the process of organizing  
16          and taking a look at all of the issues involving water  
17          and water resources in the Arkansas River Basin.

18          MR. STEVE WITTE: Chuck, one of the issues that  
19          was included in the Executive Order that created the  
20          Commission, if my memory serves me correctly, is the  
21          charge to...to address recreational...development of  
22          recreation in southeastern Colorado, is that right?

23          MR. CHUCK LILE: Yes. Yes. I thought I had  
24          said that, had recreational interests involved.

25          MR. STEVE WITTE: Okay. I'm sorry. And so

1       unless there's some specific questions to the Arkansas  
2       River Coordinating Committee that allows me a segway into  
3       the next...

4               CHAIRMAN COOLEY: Well, just a second. I  
5       appreciate your moving along. I wonder if Mr. Simpson  
6       has anything to add or subtract?

7               MR. HAL SIMPSON: No.

8               CHAIRMAN COOLEY: That was short. Segway, if  
9       you please.

10              MR. STEVE WITTE: The next item involves a Great  
11       Plains Reservoir update on park and water activities.  
12       I'm going to break that into two parts. Grady McNeil is  
13       here. Grady is with the Division of Wildlife. And  
14       perhaps Grady could bring us up to date or refresh us on  
15       the arrangements that the Colorado Division of Wildlife  
16       has been making and will continue to make to provide for  
17       recreational amenities of Great Plains.

18              CHAIRMAN COOLEY: Mr. McNeil. Welcome.

19              MR. GRADY MCNEIL: Thank you, Steve. Thank you,  
20       Mr. Chairman. I'll be real short. The Division of  
21       Wildlife, our effort to secure water or to work for the  
22       assessment (sic) of the state park including Great  
23       Plains, we had primarily two objectives. First objective  
24       was to secure short term water to protect the existing  
25       wildlife and fishery resources at the Great Plains.

1       That's what we did this past year through acquisition of  
2       the water from the City of Colorado Springs and Pueblo  
3       West Metropolitan District...

4               REPORTER: I'm sorry. you're going to have to  
5       slow down. I can't understand what you are saying.

6               MR. GRADY MCNEIL: I'm sorry.

7               CHAIRMAN COOLEY: And some people are having a  
8       little difficulty with hearing. I'm not going to ask Mr.  
9       Milenski to come forward, so just take a deep breath and  
10      go easy.

11               (Whereupon, some off-the-record  
12              discussion was held concerning moving the  
13              mic closer to the speaker, after which  
14              the following proceedings were had:)

15              MR. GRADY MCNEIL: Anyway...I would like to talk  
16      into it, not eat it. Anyway, as I was stating, the  
17      Division's two objectives at this point in time, our  
18      first objective was to secure water resources to place in  
19      the Great Plains reservoirs for the purpose of protecting  
20      and maintaining existing fish and wildlife resources that  
21      use those facilities. This was accomplished this past  
22      year through purchases of water from the city of Colorado  
23      Springs and from Pueblo West Metropolitan District and  
24      some water that the Division of Parks and Recreation had  
25      previously acquired. That was our objective for '94. At

1       this point we're also evaluating our long term objective  
2       which is to secure a permanent supply of water and at  
3       this point in time we're looking at appraising at least  
4       one farm, which if you will, a representative farm on the  
5       Amity system, that would be a guide for us in our long  
6       term acquisition efforts in terms of how much it's going  
7       to cost, so on and so forth. And that's basically it.

8               CHAIRMAN COOLEY: I have a couple of questions  
9       for you. What consideration have you given to whether or  
10      not recreational use of those reservoirs, whether the  
11      game is worth the candle, whether the benefits are cost  
12      effective in relationship to the water and the water  
13      losses?

14             MR. GRADY MCNEIL: Well, as you may recall, last  
15      year, I believe, in our report to this Administration, we  
16      had completed this...the Lower Arkansas River Commission  
17      activities in which we had addressed that very issue. I  
18      don't recall the exact numbers off the top of my head but  
19      the economic impact of creating a state park in southeast  
20      Colorado, when you look at the positives and negatives,  
21      come out to a positive of about two million dollars a  
22      year in that economic impact.

23             CHAIRMAN COOLEY: And you would attach a dollar  
24      figure to fishing poles per day and so forth in achieving  
25      that result, is that the rough manner in which it is



1 done?

2 MR. GRADY MCNEIL: Yes, and that, and not just  
3 fishing, hunting activities, as well as boating and  
4 recreational activities that the Division of Parks and  
5 Recreation would have.

6 CHAIRMAN COOLEY: I take it, Grady, there's a  
7 balancing of this to other recreational uses in the basin  
8 so you have a cost comparison system between recreational  
9 uses in various facilities.

10 MR. GRADY MCNEIL: Well, one of the problems we  
11 are facing...trying to create this state park and the  
12 example or the description that's always been used in  
13 this process is that if you take, use I-25 as your  
14 western boundary, you use I-70 as your northern boundary,  
15 that whole southeastern section of the state, barring a  
16 couple of small...couple state parks in the metro area,  
17 there are no state parks...Colorado State Parks in this  
18 part of the state, and balancing with other state parks,  
19 really there's nothing to balance it with, in that  
20 regard. We do have wildlife areas that are used for  
21 recreation, there are existing reservoirs, but there's no  
22 state park.

23 CHAIRMAN COOLEY: I have no other questions. Do  
24 you have a chance for Mr. McNeil? Mr. Lile? Mr. Pope?

25 MR. DAVID POPE: I have a couple of questions.

1 Mr. McNeil, you mentioned an appraisal underway for a  
2 representative farm on the Amity system. If...I take it  
3 you would be exploring the possibility of acquisition of  
4 the associated water rights, the shares that would go  
5 with that farm?

6 MR. GRADY MCNEIL: That's part of the reason for  
7 the appraisal, yes.

8 MR. DAVID POPE: Would you anticipate if that  
9 was going to be acquired, that a change in the water  
10 right would occur to allow the consumptive uses of that  
11 to be then placed in...just in storage for recreation, is  
12 that what you're anticipating would potentially happen?

13 MR. GRADY MCNEIL: Well, we haven't really  
14 gotten that far in the process, how we're going to  
15 approach this, this activity.

16 MR. DAVID POPE: Was there any other alternative  
17 in terms of how that water could be made available  
18 without injury?

19 MR. GRADY MCNEIL: I guess I'm not sure at this  
20 time.

21 MR. DAVID POPE: Maybe that's a question --

22 MR. GRADY MCNEIL: I'm not sure how to answer  
23 your question.

24 MR. DAVID POPE: What was the source of water  
25 that you referred to for your short term, the Colorado

1       Springs and the Pueblo West Metro water, was that  
2       transmountain water?

3               MR. GRADY MCNEIL: That was transmountain  
4       source.

5               MR. DAVID POPE: That was moved in this past  
6       summer?

7               MR. GRADY MCNEIL: It was --

8               MR. DAVID POPE: -- or spring?

9               MR. GRADY MCNEIL: I believe the water was moved  
10       in June and Steve might be able to help me on exactly the  
11       timing of it.

12               MR. STEVE WITTE: Yeah, if we could, as I said,  
13       I wanted to break this up into the two aspects. Wanted  
14       Grady to speak to the interim arrangements that were  
15       being made and I was going to have another report on the  
16       water activities.

17               MR. DAVID POPE: Okay. I understand. That's  
18       fine.

19               MR. GRADY MCNEIL: Thank you very much.

20               CHAIRMAN COOLEY: Nothing else. The permanent  
21       pool which I guess I opened up slightly.

22               MR. STEVE WITTE: I think David has a question  
23       on the table regarding the water activities in Great  
24       Plains, if I could finish that up, and I would ask Steve  
25       Kastner to summarize those water operations activities as

1 we understand them to have occurred in the past year.

2 MR. STEVE KASTNER: Final diversion records for  
3 1994 aren't available yet but I do have some general  
4 figures...

5 CHAIRMAN COOLEY: Please keep your voice up or  
6 get closer to that fool microphone.

7 MR. STEVE KASTNER: ...but I do have some  
8 general figures for what was done with regards to the  
9 reservoirs this year. The DOW, Colorado Division of  
10 Wildlife, did purchase two blocks of water, one of 25  
11 thousand acre feet and one of 54 hundred acre feet. Both  
12 of these were released to Great Plains Reservoirs from  
13 Meredith Reservoir. The 25 thousand acre foot number --  
14 actually about 24 thousand acre feet of that was actually  
15 released to Great Plains in April, May and June, and the  
16 54 hundred acre feet, which was purchased from Pueblo  
17 West, Twin Lakes water, was released in September. The  
18 Colorado Department of Parks, Department of Recreation,  
19 also released water to Great Plains Reservoirs  
20 approximately 63 hundred acre feet. That was done in  
21 September. There was also some native water which the  
22 Amity storage right diverted out to Great Plains. This  
23 was a...generally a smaller figure. I don't have an  
24 exact number on that at this time, and that is the water  
25 that went to Great Plains this year.

1 MR. DAVID POPE: You mentioned that the  
2 Department of Wildlife released an additional 63 hundred  
3 acre feet.

4 MR. STEVE KASTNER: Department of Parks.

5 MR. DAVID POPE: Department of Parks, okay.  
6 Where was that released from or what water was that?

7 MR. STEVE KASTNER: That water initially was  
8 used on the river to help with some rafting industry  
9 purposes and it got split up, a portion...about a third  
10 of it got exchanged to Meredith and was released from  
11 Meredith to Great Plains and the remaining portion was  
12 released from Pueblo Reservoir to Great Plains.

13 CHAIRMAN COOLEY: Rafting from Pueblo to Great  
14 Plains?

15 MR. STEVE KASTNER: No.

16 CHAIRMAN COOLEY: I'm bothered.

17 MR. STEVE KASTNER: No, the water was exchanged  
18 up the river and basically run back down above Pueblo.

19 CHAIRMAN COOLEY: And I take it that rafting is  
20 a non-consumptive use, I hope it is.

21 MR. STEVE KASTNER: Rafting itself?

22 CHAIRMAN COOLEY: Yeah.

23 MR. STEVE KASTNER: Yes, basically yes, I  
24 believe it is.

25 CHAIRMAN COOLEY: And if it were imported water

1       that you released or rafting, you would be able to  
2       recapture it after the rafters had their fill, is that  
3       right?

4               MR. STEVE KASTNER: Department of Parks used  
5       that water to, in cooperation with the city of Colorado  
6       Springs, to pay for transit losses for the City of  
7       Colorado Springs to move their water, so it was used  
8       consumptively, yes.

9               CHAIRMAN COOLEY: Thank you. At recess, spell  
10      your name for the court reporter, would you please?

11              MR. DAVID POPE: One or two follow-ups. This  
12      may be for --

13              CHAIRMAN COOLEY: Steve.

14              MR. DAVID POPE: Whichever Steve. In regard to  
15      moving the transmountain water down, I know, at least I  
16      understand when that's normally done, let's say, for  
17      example, to fill the permanent pool at John Martin, there  
18      would be a transit loss assessment debited from the  
19      water, is that correct?

20              MR. STEVE WITTE: Yes.

21              MR. DAVID POPE: Then how is...how do you...do  
22      you handle the...this water that would go to Great Plains  
23      in the same fashion, and if so, how do you deal with the  
24      transit loss through the canal system itself?

25              MR. STEVE WITTE: Once the waters are out of the

1 natural stream channel, they are in the...in the system  
2 in route to Great Plains, that water suffers its own  
3 evaporation and transit losses.

4 MR. DAVID POPE: They just get whatever they get  
5 at the diversion point?

6 MR. STEVE WITTE: Yes.

7 MR. DAVID POPE: But there's transit loss down  
8 to the...

9 MR. STEVE WITTE: That's correct.

10 MR. DAVID POPE: ...the storage canal?

11 MR. STEVE WITTE: Yes.

12 MR. DAVID POPE: Thanks.

13 CHAIRMAN COOLEY: Anything else?

14 MR. CHUCK LILE: David, are you satisfied with  
15 that, that that's...he's explained...

16 CHAIRMAN COOLEY: Are you satisfied that you got  
17 your answers?

18 MR. DAVID POPE: Yes, yes. The only other  
19 question I guess I was going to ask, sort of related to a  
20 combination of A and B was what you see is the  
21 interrelationship between the two items, the Coordinating  
22 Committee activities and the efforts to get water to the  
23 potential park system, are they two separate independent  
24 items or...

25 MR. STEVE WITTE: Well, my understanding is that

1 the Arkansas River Coordinating Committee is...will be  
2 considering and reviewing the recommendations of the  
3 Lower Arkansas River Commission. The things that we  
4 reported on today were interim activities, if you will,  
5 that have been initiated in response to the Lower  
6 Arkansas River Commission's initial recommendations. So,  
7 the Arkansas River Commission, Coordinating Commission,  
8 will be reviewing the recommendations of the previous  
9 commission.

10 MR. DAVID POPE: Okay.

11 CHAIRMAN COOLEY: Mr. Lile.

12 MR. CHUCK LILE: Well, I was just going to  
13 illustrate that the Coordinating Committee, there may be  
14 ways to utilize water for recreational purposes similar  
15 to what they did in this situation where they rafted on  
16 the water, in other words, they didn't deplete it  
17 necessarily except for the transportation losses and you  
18 could also use that same water for augmentation purposes  
19 for wells. So there may be some flexibility and that  
20 would be one of the things that the Coordinating  
21 Committee would be looking at.

22 CHAIRMAN COOLEY: You recall that imported  
23 waters, as distinguished from native waters, is used and  
24 reused to extinction by the importer.

25 MR. DAVID POPE: I understand the theory, Frank.



1                   CHAIRMAN COOLEY: Okay. That's good. That's  
2                   good. All right. Are we now ready to move to the status  
3                   of substitute supply plans?

4                   MR. STEVE WITTE: I am.

5                   CHAIRMAN COOLEY: Well, we are if you are, so  
6                   pitch in.

7                   MR. STEVE WITTE: I'm not certain what the  
8                   Administration is looking for here, particularly. I  
9                   guess I would say, and report to you, that we've reviewed  
10                  our files in the Division Engineer's Office and have  
11                  identified four instances of substitute water supply  
12                  plans that were approved for...during 1994, that relate  
13                  to operations below John Martin Reservoir, and if you  
14                  would like, I can enumerate those and describe them  
15                  briefly. I don't think it advisable to go into a great  
16                  deal of detail on each one of those.

17                  CHAIRMAN COOLEY: Would you please enumerate the  
18                  four?

19                  MR. STEVE WITTE: Yes. There was a substitute  
20                  water supply plan approved pursuant to Colorado Statute  
21                  37-80-120 for the Carter Gravel Pit; secondly, for  
22                  Midwestern Farms Resources; thirdly, S Bar C Farms, and  
23                  fourthly, the Colorado Beef Company.

24                  CHAIRMAN COOLEY: In each one of these, I take  
25                  it, a substitute, a diversion of water was taken off of

1 the stream and those are waters used by the entities you  
2 named?

3 MR. STEVE WITTE: Yes, and replacement  
4 operations were approved to offset the effects of those  
5 diversions.

6 CHAIRMAN COOLEY: Mr. Pope, are there any  
7 questions?

8 MR. DAVID POPE: Just a minute, Mr. Chairman. I  
9 think so. If I could, let me turn it over to Mr. Draper  
10 for a second.

11 MR. JOHN DRAPER: Mr. Witte, is there any  
12 activity with respect to approval of such substitute  
13 water supply plans with respect to the well owner  
14 associations?

15 MR. STEVE WITTE: No.

16 MR. JOHN DRAPER: Are there any such plans in  
17 effect at this time?

18 MR. STEVE WITTE: There are...the substitute  
19 water supply plans that I identified are the only ones  
20 that have been approved pursuant to 37-80-120 that I  
21 mentioned earlier.

22 MR. JOHN DRAPER: None of those relate to the  
23 water user or well owner associations?

24 MR. STEVE WITTE: No, they do not, they  
25 are...not for the associations themselves.

1 MR. JOHN DRAPER: Are they for wells in each  
2 case?

3 MR. STEVE WITTE: No, two of the...two of the  
4 plans that I mentioned, are for gravel pit type of wells.  
5 In Colorado we consider gravel pits to be wells, so I  
6 guess to that extent, yes, they all involve wells.

7 MR. JOHN DRAPER: So there were...two of those  
8 were wells and two were gravel pits, is what you are  
9 saying?

10 MR. STEVE WITTE: That's correct.

11 MR. JOHN DRAPER: Do you have any plans in the  
12 works with respect to the well owner associations and  
13 possible substitute water supply plans?

14 MR. STEVE WITTE: Well, under our 1972 Use  
15 Rules, there are...under Rule 5, it calls for replacement  
16 plans that would allow for pumping beyond the limitations  
17 prescribed by the rules. And for our purposes we  
18 maintain a distinction because we do not require those  
19 plans to be submitted and approved by the State Engineer.  
20 We consider those to be under the...well, pursuant to the  
21 rules, they are the Division Engineer's responsibility.

22 MR. JOHN DRAPER: And are you developing plans  
23 in that category as Division Engineer?

24 MR. STEVE WITTE: Yes, we are.

25 MR. JOHN DRAPER: What is the status of those,

1 if you can tell us?

2 MR. STEVE WITTE: I didn't come prepared  
3 to...with those facts and figures. I guess I can tell  
4 you in a general way. The...the plans that were  
5 submitted by the Arkansas Ground Water Users Association  
6 in 1994 involved a purchase and reallocation subsequent  
7 to allocation of Fry-Ark return flows, and also there was  
8 the...an offering of a discontinuance of use of a  
9 Colorado senior direct flow water right, and also a  
10 purchase of 1,000 acre feet of water that we discussed  
11 last night, that was released from Meredith. The  
12 Colorado Water Protective and Development Association had  
13 numerous sources of replacement water that were offered  
14 as part of their plan in the past year. It also included  
15 the purchase of allocated Fry-Ark return flows as well as  
16 some, I believe it was transmountain and reusable waters.  
17 As I say, there were numerous sources that were offered  
18 as a part of that plan. The Lower Arkansas Water  
19 Management Association utilized and released waters from  
20 John Martin Reservoir that had been acquired through  
21 purchase and lease of Section Two Account Water in an  
22 attempt to replace depletions caused by their member  
23 wells, and that was the principal source of their  
24 replacement plan.

25 CHAIRMAN COOLEY: Do you have copies of those

1 decrees in your office?

2 MR. STEVE WITTE: These are not decreed plans  
3 for augmentation either, Mr. Cooley.

4 CHAIRMAN COOLEY: Do you have copies of the  
5 final result in your office?

6 MR. STEVE WITTE: Yes, we have the plans in our  
7 office.

8 MR. JOHN DRAPER: Mr. Witte, you mentioned  
9 transmountain and reusable waters. What were you  
10 referring to with the word "reusable," what did you mean  
11 by that?

12 MR. STEVE WITTE: It may have included some  
13 consumptive use waters that were purchased. That was my  
14 meaning.

15 MR. JOHN DRAPER: Where were such waters  
16 purchased from?

17 MR. STEVE WITTE: Again, I would have to...I  
18 need to refresh my memory on the terms of those plans,  
19 but I believe that some waters were purchased from  
20 either, or perhaps both, the Pueblo Board of Water Works  
21 and the City of Colorado Springs.

22 MR. JOHN DRAPER: And those are on record in  
23 your office?

24 MR. STEVE WITTE: Yes.

25 MR. JOHN DRAPER: That's all I have.

1 CHAIRMAN COOLEY: Thank you very much, John.  
2 Any other questions on the four substitute supply  
3 programs? Mr. Lile, do you have any?

4 MR. CHUCK LILE: No, Mr. Chairman.

5 CHAIRMAN COOLEY: I think you got through that  
6 pretty well, Steve. We'll go on to the next item on the  
7 agenda.

8 MR. DAVID POPE: Mr. Chairman, we have one  
9 additional thing.

10 CHAIRMAN COOLEY: I thought he got through it  
11 pretty well.

12 MR. DAVID POPE: It was too easy. Let me make  
13 reference to, Steve, we had...Mark Rude had advised me  
14 that you had recently sent a letter to him dated December  
15 2, 1994, regarding a...it was a notice, which we  
16 appreciated, of a potential violation of the Operating  
17 Principles of Trinidad; do you recall that letter?

18 MR. STEVE WITTE: Yes, sir.

19 MR. DAVID POPE: I guess we just wanted to  
20 acknowledge the fact that it had been received and thank  
21 you for it and basically ask you what the status of that  
22 matter. At this time, I understand this related to a  
23 diversion of water by one of the ditches prior to the  
24 beginning of the irrigation season?

25 MR. STEVE WITTE: That's correct. The status of

1       that situation is that a complaint has been filed in  
2       Division 2 Water Court by River Canyon Ranch against the  
3       Purgatoire River Conservancy District and myself,  
4       regarding administrative actions that the district had  
5       initiated in response to these alleged violations of the  
6       Operating Principles. The matter is pending before the  
7       Division 2 Water Court, and to the best of my knowledge  
8       has not been set for hearing at the present time. Mr.  
9       MacDougall, are you available to comment further on that?

10               MR. M.E. "SANDY" MACDOUGALL: I'm hiding in the  
11       back.

12               CHAIRMAN COOLEY: Briefly, Mr. MacDougall.

13               MR. M.E. "SANDY" MACDOUGALL: The Water  
14       Commissioner and the District discovered that the River  
15       Canyon Ranch had diverted before the irrigation season  
16       opened, and the Water Commissioner had our request to  
17       immediately close and lock their headgate until the  
18       irrigation season opened. During the irrigation season,  
19       the District determined to commence their administrative  
20       proceeding under Colorado Administrative Law to declare a  
21       forfeiture of the water that was taken out of priority.  
22       The River Canyon Ranch, which is owned by a gentleman  
23       from Kansas...

24               CHAIRMAN COOLEY: That explains it, I'm sure.

25               MR. M.E. "SANDY" MACDOUGALL: ...he also owns

1 something called the Gooch Feed Company, sued us in Water  
2 Court to enjoin the administrative proceedings from going  
3 any further. We have offered a settlement to them, part  
4 of which they have taken and part of which they have not  
5 taken. They agreed not to complain that the  
6 administrative proceedings had not been concluded, in  
7 other words, they waived any due process rights that they  
8 claimed through administrative law, and we're going to  
9 try the case in Water Court if they do not accept certain  
10 offered conditions which the District Board determined to  
11 be appropriate, namely the forfeiture of an amount of  
12 water in 1995 similar to the amount of water taken out of  
13 priority in 1994 to be delivered to the Division Engineer  
14 who would then deliver it to the river as he saw fit to  
15 compensate those whose water it would have been in 1994.  
16 That's the way we can best seek to appropriately deliver  
17 water. As it now stands, a settlement offer has been  
18 made. Because it is a settlement offer, I don't want to  
19 describe the details any more. River Canyon's  
20 represented by Bob Krassa, a well-known Colorado water  
21 lawyer, and he advises me that within the next several  
22 weeks they will have a response to our settlement. If  
23 it's not settled we will go to trial in Water Court  
24 hopefully before the beginning of the next operating  
25 season. Answers are extended until February 15 for the



1 District and the state water officials. The water case  
2 number, I think, is in Mr. Witte's letter, but maybe I'm  
3 mistaken. Those documents are available...there are  
4 public documents available in Water Court under a case  
5 number.

6 MR. DAVID POPE: Is that the case number at the  
7 bottom of the letter; 94 CW 67?

8 MR. STEVE WITTE: That's correct.

9 MR. DAVID POPE: Would you stand for a question  
10 from John?

11 MR. JOHN DRAPER: Yes. Steve, you refer in your  
12 letter (which I would request that we attach as an  
13 exhibit to the proceedings).

14 CHAIRMAN COOLEY: Granted.

15 MR. JOHN DRAPER: That the diversions were in  
16 violation of an order from your office issued October 6,  
17 1993. What was the nature of that order?

18 MR. STEVE WITTE: At the point in time when the  
19 District declared the end of the irrigation season in the  
20 fall of 1993, we affixed a, what we commonly refer to as  
21 a headgate tag, on the structure, closed it and locked it  
22 at that point, ordering that the...that no one tamper or  
23 adjust or open the headgate without the consent of the  
24 Water Commissioner and that's the type of order that was  
25 affixed at that point in time.

1 MR. JOHN DRAPER: And that order was violated to  
2 your understanding?

3 MR. STEVE WITTE: Yes. Prior to the beginning  
4 of the irrigation season in the spring of '94, the chain  
5 and padlock were found to be missing and the headgate was  
6 opened and diverting water.

7 MR. JOHN DRAPER: When was that discovered?

8 MR. STEVE WITTE: It was immediately prior to  
9 the determination that the...of the beginning of the  
10 irrigation season. We went out in...in preparation for  
11 the advent of legal diversions to install the recording  
12 device and to remove the lock so that once the irrigation  
13 season was initiated by the declaration of the district  
14 that they could begin diverting and found those  
15 conditions.

16 MR. JOHN DRAPER: So that was discovered just  
17 prior to the beginning of the official irrigation season  
18 last spring?

19 MR. STEVE WITTE: That's correct.

20 MR. JOHN DRAPER: As you know, possible  
21 violations of the Operating Principles is a matter of  
22 considerable concern to us. Are you aware at this point  
23 of any other potential violations of the Operating  
24 Principles?

25 MR. STEVE WITTE: No, sir.

1 MR. JOHN DRAPER: There was one particular  
2 concern that I had. Are you aware of whether the project  
3 ditches are now taking actions to limit their diversions  
4 to the ideal headgate requirements?

5 MR. STEVE WITTE: I'm aware that...well, I'm  
6 aware that the District makes an allocation each year and  
7 it is my understanding that the District makes an  
8 allocation that does not exceed their determination of  
9 the ideal headgate requirement.

10 MR. JOHN DRAPER: Have you or your office made  
11 any determination yourself as to whether they have  
12 successfully limited them to that ideal headgate  
13 requirement?

14 CHAIRMAN COOLEY: John, is this an agenda item?

15 MR. JOHN DRAPER: No, Frank, it is something  
16 that came up after the completion of the agenda because  
17 we did not receive this letter until the last few days  
18 and it seemed that this was something that was  
19 particularly within the bailiwick of the Division  
20 Engineer and as you pointed out earlier, this is the time  
21 that if we do have a question of the Division Engineer,  
22 we should do that.

23 CHAIRMAN COOLEY: Well, he will be here  
24 throughout the meeting and could I have your consent to  
25 defer further consideration of this to the end of the

1 meeting today?

2 MR. JOHN DRAPER: Yes, that would be fine,  
3 Frank.

4 CHAIRMAN COOLEY: I would sure like to. I think  
5 we can move along a little better. Please look at agenda  
6 item number 7A, Mr. Lile's report on budget and audit,  
7 Bylaw re-adopt -- thank you very much, Steve -- and  
8 other. I would like to defer that also to further down  
9 in the meeting so that we can have the enjoyment of the  
10 report of the Engineering Committee and Mr. Genova. Mr.  
11 Genova, front and center and so forth. And in about 10  
12 or 15 minutes we will take our morning break.

13 MR. CARL GENOVA: The Engineering Committee  
14 meeting was held Monday, December 12, at Lamar, Colorado.  
15 Purpose of the meeting was to discuss the Kansas request  
16 for stream flow gages on certain stream tributaries of  
17 the Arkansas River below Fowler to the Stateline. USGS  
18 had completed an evaluation of historic stream flow data  
19 from these streams. Doug Cain, Chief of the Pueblo  
20 sub-district office, discussed the data and USGS funding,  
21 participation, installation and operation of these gages.  
22 After discussion, it was agreed by Colorado and Kansas  
23 that continuous record stream flow gages be installed,  
24 and operated seasonally on these four tributaries.  
25 Funding to be provided 50 percent by ARCA and 50 percent

1 USGS on the Purgatoire River from Trinidad, Colorado, to  
2 the confluence with the Arkansas. He noted the final  
3 results of the study would benefit both Colorado and  
4 Kansas and asked that ARCA participate in funding of this  
5 study. After discussion, there was...no conclusion was  
6 reached. Funding is the problem and I guess we will get  
7 into that during our budget session today. Steve Miller,  
8 Colorado Water Conservation Board outlined the operation  
9 of the Colorado satellite gaging system. After this  
10 discussion there was no further business for the  
11 Engineering Committee. The meeting was adjourned. That  
12 concludes my report.

13 CHAIRMAN COOLEY: Mr. Genova and Mr. Miller, can  
14 a typed copy of that report be furnished for the minutes  
15 of this meeting?

16 MR. STEVE MILLER: The Engineering report that  
17 Carl just read or the --

18 CHAIRMAN COOLEY: Yes, the Engineering Report.

19 MR. STEVE MILLER: It can be furnished by next  
20 week sometime.

21 CHAIRMAN COOLEY: Do you move the adoption of  
22 the Committee Report?

23 MR. CARL GENOVA: I do.

24 CHAIRMAN COOLEY: Is there a second?

25 MR. DAVID POPE: Mr. Chairman, I would second

1           that. I think subject to having a chance to take a look  
2           at the written report whenever it's prepared and just  
3           quickly review that and see that it fits my understanding  
4           of what Carl has reported of what has occurred.

5                   CHAIRMAN COOLEY: Generally, seemed innocuous as  
6           he read it.

7                   MR. DAVID POPE: Yes.

8                   CHAIRMAN COOLEY: Okay, fine. Colorado?

9                   MR. CHUCK LILE: Mr. Chairman, I would mention  
10          when the Engineering Committee said it was operating  
11          seasonally, some of the gages will be operated seasonal,  
12          some full time. We're going to take a look at the gages  
13          to see how...what's necessary, is my understanding.

14                   CHAIRMAN COOLEY: And the report can be polished  
15          between now and...

16                   MR. CHUCK LILE: And that's the only thing that  
17          I...

18                   CHAIRMAN COOLEY: ...and next week sometime.

19                   MR. DAVID POPE: Yeah, that's my understanding.  
20          I think probably a couple of them might need to be full  
21          and a couple seasonal or something like that, depending  
22          on the details.

23                   CHAIRMAN COOLEY: Why don't we just admit the  
24          report to the record without a vote and...and the  
25          transcript will indicate the manner in which it was done.

1 MR. DAVID POPE: Mr. Chairman, in that regard,  
2 my staff has reminded me that we will probably have the  
3 lead in reviewing the transcript next year so it makes  
4 more difference to us to keep track of these things than  
5 it does in the alternate years.

6 CHAIRMAN COOLEY: Responsibility makes cowards  
7 of us all. Okay.

8 MR. DAVID POPE: If my record is correct here,  
9 if the agenda is Exhibit A, our Resolution for Tommy  
10 Thomson, Exhibit B; the letter that was the subject of  
11 discussion with Steve Witte dated December 2, 1994 on the  
12 Trinidad matter just completed would be C, and then this  
13 would be item D?

14 CHAIRMAN COOLEY: The court reporter is going to  
15 put a star on your helmet at the end of the game,  
16 so...

17 MR. DAVID POPE: Just want to keep track of...

18 CHAIRMAN COOLEY: Yeah, we're in good shape,  
19 thank you. The Operations Report of Mr. Hayzlett.

20 MR. RANDY HAYZLETT: Mr. Rogers chaired that  
21 last night.

22 CHAIRMAN COOLEY: Oh, fine. You're the winner,  
23 Mr. Rogers.

24 MR. JAMES ROGERS: I think we have already  
25 covered this and it will be covered at a later date.

1       There was some questions that we needed to iron out with  
2       Mr. Witte and the approval of that will be handled at  
3       that time with the way the consensus of the committee  
4       wanted to handle it.

5               CHAIRMAN COOLEY: I see nodding of heads. It  
6       looks to me like no formal or further action be  
7       necessary, before the Compact meeting. Thank you. We're  
8       going to defer the election of officers. Darn it.

9               MR. DAVID POPE: I think that's the one, Frank,  
10       we were going to defer at break and...the one we just  
11       talked about.

12              CHAIRMAN COOLEY: Fine. Fine. The...well,  
13       we're about seven minutes after and we're going to go the  
14       next item on the agenda, as I read it, is the reports of  
15       the federal agency. Mr. Musgrove, will you be ready  
16       after the break to speak on behalf of the Bureau?

17              MR. TOM MUSGROVE: I believe Mr. Garner came in  
18       so I'll defer that to him.

19              CHAIRMAN COOLEY: Mr. Leonard?

20              UNIDENTIFIED SPEAKER: Garner.

21              CHAIRMAN COOLEY: Garner. Pardon me. Pardon  
22       me. Pardon me. Yes, I've got Mr. Garner down and didn't  
23       find him on the roll. Mr. Garner, when we come back, if  
24       you will commence with the Bureau of Reclamation. I have  
25       about eight minutes after 10:00. How about giving



1       ourselves 15 minutes, by anyone's watch, and we'll take  
2       up promptly in 15 minutes.

3                       (Whereupon, a short recess was taken,  
4                       after which the following proceedings  
5                       were had:)

6               CHAIRMAN COOLEY: We'll come back to order, if  
7       you please. We've got to change the air in here, I'm  
8       sorry, and we're doing something about that and if it  
9       gets to be an inconvenience as to noise, I don't know  
10      what we'll do. Move out in the street perhaps if the  
11      court reporter will let us. But Mr. Garner, we're very  
12      pleased that you're here and we're looking forward to  
13      your remarks. The...this valley has received so many  
14      benefits from the various agencies of the federal  
15      government that we are all grateful and thankful and  
16      you're to start out that part of the...part of the  
17      program. If you have any trouble with the microphone or  
18      if anyone has trouble hearing or if there's any other  
19      thing we can do to make this go better, we will do our  
20      best. Thank you, sir.

21              MR. JACK GARNER: Thank you. I'm Jack Garner,  
22      the Area Manager for the Eastern Colorado Area Office in  
23      Loveland, Colorado and the Area Office covers two  
24      transmountain diversion projects, the Colorado  
25      Big-Thompson and the Frying Pan-Arkansas project.

1                   CHAIRMAN COOLEY: Pardon me. Can you hear in  
2                   the back row? (Some in the audience indicate they cannot  
3                   hear.) I'm sorry, maybe by adjusting the...the thing, if  
4                   the speaker will come up another three feet.

5                   MR. JACK GARNER: Can you hear me? (Audience  
6                   indicates they can hear the speaker.) Okay. I'm Jack  
7                   Garner, the Area Manager for the Eastern Colorado Area  
8                   Office in Loveland, Colorado. We cover two transmountain  
9                   diversion projects, the Frying Pan-Arkansas Project and  
10                  the Colorado Big Thompson Project. I think you're most  
11                  familiar with the Frying Pan-Arkansas Project, and also  
12                  we administer repayment on the Trinidad Project, Corp of  
13                  Engineers Project. The last year has seen a significant  
14                  change in the Eastern Colorado Area Office. I have lost  
15                  or will lose very shortly out of the 120 staff,  
16                  approximately 32 of them, as a result of buy-out programs  
17                  offered by the Administration. Unfortunately, the people  
18                  that I have lost are some of the key people within both  
19                  the Colorado Big Thompson and the Frying Pan-Arkansas  
20                  Project. One name you will know is Bob Jesse, who left  
21                  the Pueblo office and took the buy-out. As did Roger  
22                  Weidelman from the Loveland office. Bob Bellamy, who was  
23                  water scheduling out of the Loveland office. Tom Gibbons  
24                  will go. I was able to keep him for about a year, so he  
25                  will...he will be with us for about a year and we're

1       going to try to soak as much information out of him as we  
2       possibly can. As you can tell from the names that I have  
3       listed, I'm losing a lot of my institutional knowledge on  
4       both projects which makes it very difficult.

5               CHAIRMAN COOLEY: Pardon me, we all recognize  
6       that the Bureau has had lung cancer for about 8 years,  
7       and its effects are...the effects of the lung cancer are  
8       showing up now very greatly. And I couldn't help  
9       thinking, as you spoke, about two other things. Thank  
10      God that Bob Jesse is well, and that the telephone lines  
11      are still working because he can be of benefit to each of  
12      us here just as he has been of such tremendous benefit in  
13      the past, and the other thought that was turning around  
14      in my mind as you spoke, is the...and I'm not as sorry  
15      for it as I am for the staff of the Bureau of  
16      Reclamation. But the institutional knowledge that the  
17      Republicans will shovel out the tubes in Washington in  
18      the next couple of weeks is incalculable, and something  
19      that we may...many of us see that many of the younger  
20      people see the effects of for decades to come. I'm not  
21      trying to pass on the politics of the thing, but this is  
22      a seminal change in the institution of the government of  
23      the United States, and its implications are very far and  
24      wide reaching. Pardon me, sir, but I wanted to  
25      editorialize.

1 MR. JACK GARNER: I think one of the major  
2 changes in Reclamation as a result of the buy-outs and  
3 the change in our commissioner Dan Beard, is the agency  
4 has, since 1987, when they moved a considerable number of  
5 their staff from Washington to Denver, has been trying to  
6 go through change, and I think an example has been used,  
7 it's like turning a large battleship, it takes time to do  
8 it. I think that the time has come and we have made some  
9 major changes. We are no longer in the dam building  
10 business, and we are in the water management business.  
11 And it is going to take a while to adjust to that, but it  
12 is happening and the staff is changing and adjusting  
13 accordingly. Other items that are of interest to both  
14 representatives from Colorado and Kansas would be related  
15 to water conservation activities. We are in the process  
16 of drafting water conservation guidelines. Those came  
17 out, I can't give you the sordid history behind them, but  
18 they came out and there was a large outcry about  
19 the...what they had in them. Specifically addressed at  
20 the NEPA Compliance associated with them and the  
21 requirements for both agriculture and municipal. They  
22 have been redrafted and hopefully will be out shortly. I  
23 can't tell you when. I've heard they will be out in the  
24 next two weeks since July, so I'm not going to give you  
25 any date as to when they might possibly be out. Once

1       they come out there will be a 90 day comment period after  
2       which then we will gather those comments and then put  
3       them out in a final guideline.

4               CHAIRMAN COOLEY: My comment for the guy that  
5       invented the low flush toilet is that he should be strung  
6       up by his thumbs for a period of 30 days.

7               MR. JACK GARNER: Another issue that is heating  
8       up is...used to be called water spreading. Now we call  
9       it unauthorized use, and it is something that addresses  
10      the use of...I won't refer to it as project water like  
11      Frying Pan-Arkansas water, on areas that traditionally  
12      were not supposed to receive water, either lands that are  
13      outside of district boundaries, lands within the  
14      boundaries that weren't authorized for use, such as Class  
15      6 lands or other...there's a couple other examples of  
16      areas in which water is being put in areas that it wasn't  
17      authorized to be put. We don't know the magnitude of  
18      that problem. We do know that in the Pacific Northwest  
19      they do have a significant amount of problem associated  
20      with unauthorized use of water. I personally don't  
21      believe we have much of a problem in the valley here, but  
22      until we do a survey of it, it is going to be tough for  
23      us to determine exactly what the nature of the problem  
24      is. One other thing that's coming up is the Reclamation  
25      Reform Act, new rules. The rules, I believe, are going

1 to be published in the Federal Register sometime after  
2 the first of the year, and I'm not exactly sure when  
3 those will be finalized. Those could have some effect on  
4 the valley as we are presently under rules and  
5 regulations for Reclamation reform. So there are three  
6 items, water conservation, water spreading, and RRA Rules  
7 and Regulations that could have some impact on the valley  
8 in the future. Besides that, that's about all I have on  
9 the report unless there's specific questions.

10 CHAIRMAN COOLEY: The...the business of  
11 wastegates is going to figure prominently into studies,  
12 at least, on a quantitative basis, is it not, in your  
13 view?

14 MR. JACK GARNER: As far as water conservation  
15 efforts?

16 CHAIRMAN COOLEY: Yes.

17 MR. JACK GARNER: Until we get the final  
18 guidelines out, it's going to be real tough, you know,  
19 when you apply the water conservation guidelines in an  
20 area in California, it's different because of water law,  
21 than when you apply them in Colorado. And I think we're  
22 looking at a lot more flexibility in the water  
23 conservation rules and regulations -- or guidelines, not  
24 rules and regulations, in Colorado, so those type of  
25 things will be taken into account.

1                   CHAIRMAN COOLEY: Mr. Pope, do you have anything  
2                   else?

3                   MR. DAVID POPE: I'm not sure whether to proceed  
4                   on this or not. I think maybe Chuck was going to raise a  
5                   question, as I understood it, about the 10 year review of  
6                   the Trinidad Operating Principles. I might defer to him.

7                   CHAIRMAN COOLEY: Going to be a very important  
8                   subject today. I don't know that...and let's put it this  
9                   way. I suggest that Mr. Garner be available, when we get  
10                  into that, but this...he may not be the appropriate  
11                  person to commence the discussion. Is that...does that  
12                  make sense to you sir?

13                  MR. DAVID POPE: I'm not sure.

14                  MR. CHUCK LILE: We have got that under agenda  
15                  item number 11.

16                  MR. DAVID POPE: Okay.

17                  CHAIRMAN COOLEY: And we will expect you, sir,  
18                  to be available for that.

19                  MR. JACK GARNER: I will be available.

20                  MR. CHUCK LILE: I would have some questions  
21                  concerning the topics that he discussed today.

22                  CHAIRMAN COOLEY: Please.

23                  MR. CHUCK LILE: Jack, I guess I'm having a  
24                  little trouble determining between guidelines that you're  
25                  talking about in conservation, and how they will be

1 utilized with regards to the rules and regulations that  
2 you're making for the Reclamation Reform Act. What is  
3 the linkage there and how will that work?

4 MR. JACK GARNER: Actually Chuck, you attended  
5 the meeting in Denver. I did not.

6 MR. CHUCK LILE: That's why I'm confused.

7 CHAIRMAN COOLEY: That's why he's confused.

8 MR. JACK GARNER: Perhaps you could answer that.  
9 I do know that the guidelines that we're dealing with  
10 right now are strictly guidelines. I know that the  
11 Reclamation Reform Act Rules and Regulations do have  
12 water conservation paragraphs in there. The tying of the  
13 two together, the guidelines are...are not necessarily  
14 enforceable. They are not rules and regulations, they  
15 are strictly guidelines. Whereas the Reclamation Reform  
16 Act Rules and Regulations are something...how they  
17 connect with each other, since I haven't seen the final  
18 guidelines and neither have I seen the final RRA Rules  
19 and Regulations. I'm not sure how they will connect.

20 MR. CHUCK LILE: Well, we haven't had a  
21 chance...we have seen the most recent draft of the  
22 guidelines. We haven't had a chance to see the  
23 Reclamation Reform Act Rules and Regulations, but I was  
24 just wondering.

25 MR. JACK GARNER: That's right.



1 MR. CHUCK LILE: That's all, Mr. Chairman.

2 CHAIRMAN COOLEY: Thank you. Are there any  
3 questions from the audience of this distinguished guest?  
4 Thank you very much and we'll allow you to enter the tag  
5 team matches later on.

6 MR. JACK GARNER: Thank you.

7 CHAIRMAN COOLEY: The next to be heard from is  
8 the Corps of Engineers with Dick Kreiner and Don  
9 Gallegos. Would you please take the podium, sir.

10 MR. DICK KREINER: Thank you, Mr. Chairman. Can  
11 you hear me okay?

12 CHAIRMAN COOLEY: I believe we can. If we  
13 can't, we'll do something at once. And you will  
14 introduce Mr. Gallegos as well.

15 MR. DICK KREINER: Sure. I have with me some  
16 folks, Don Gallegos works with me in the Albuquerque  
17 District Office. We also have Jim Townsend, he's with  
18 the...from out of the Southern Colorado Office in Pueblo,  
19 and then we also have Terry Kastner. Terry is a ranger  
20 at John Martin Reservoir with us today. I've provided  
21 the front table copies of our formal report and we also  
22 placed some at the rear of the meeting room. Don  
23 Gallegos has some additional copies here for members of  
24 the audience if they would like those and I would ask Don  
25 to pass those around.

1                   CHAIRMAN COOLEY: If I may ask a question of Mr.  
2                   Kastner. You're the fella with the gate. I wonder how  
3                   it feels to be in a meeting of 70 or 80 people discussing  
4                   whether you're going to turn it to the right or turn it  
5                   to the left.

6                   MR. TERRY KASTNER: That's why I'm here.

7                   CHAIRMAN COOLEY: Fine. Thank you.

8                   MR. DICK KREINER: I think I'll just talk about  
9                   reorganization with the Corps. We've discussed this in  
10                  the past. Actually the Albuquerque District is not  
11                  suffering any major losses in personnel at this time. We  
12                  have a very heavy military workload that will last for at  
13                  least two more years and we pretty much, because of that  
14                  military workload, have been able to maintain pretty much  
15                  our staff as it is. There are many other Corps districts  
16                  that are going through the same kind of reduction in  
17                  force as Jack Garner had indicated that their Reclamation  
18                  office is doing. We haven't seen it yet. There is no  
19                  formal Corps of Engineers reorganization in progress.  
20                  There's been a couple of attempts in the past and they  
21                  haven't come to fruition. I would submit to you that the  
22                  Corps has maintained its same organizational structure,  
23                  just suffering losses in personnel at selected districts  
24                  that do not have the workload to support the staff. Into  
25                  my formal report, I'll just hit the highlights of this

1        thing if you would. Our flood control operations in '94  
2        consisted of mainly activities at Pueblo Reservoir.  
3        There were no flood control operations at John Martin or  
4        Trinidad. A storm in the upper Arkansas Basin on June 2  
5        and 3 produced flows of over four thousand CFS coming  
6        into Pueblo Reservoir and a peak of over 10,000 CFS on  
7        Fountain Creek. Pueblo Dam was operated to reduce the  
8        flows at the Avondale gage. The release at that time was  
9        cut from 4271 CFS to 231 CFS. Even with that reduction  
10       in flow, the Avondale gage did reach a peak of over  
11       10,000 CFS, but there was considerable promise of flood  
12       control benefits as a result of that particular operation  
13       at Pueblo. Under our special projects, in 1994 we  
14       completed two hydrographic surveys of sediment ranges at  
15       Trinidad and John Martin Reservoirs that were completed  
16       in June. Tables were then prepared from that information  
17       and disseminated to the interested parties. We adopted  
18       those new tables on November 1 of this year, so, got new  
19       area capacity tables at both projects.

20                CHAIRMAN COOLEY: Stop for just a minute.

21                MR. DICK KREINER: Sure.

22                CHAIRMAN COOLEY: Does the Compact  
23        Administration take note of the changes in capacity  
24        tables? Is there any action that is appropriate or  
25        necessary? They are just accurate measurements and I

1           guess we note them, is that about right?

2                   MR. DAVID POPE: My understanding is we just  
3           acknowledge the fact that they have occurred and they  
4           have reported on them as they should and that's probably  
5           all that is necessary.

6                   MR. CHUCK LILE: Start using those in  
7           Administration of water.

8                   CHAIRMAN COOLEY: Fine. Thank you. That was  
9           helpful to me. If you would proceed.

10                   MR. DICK KREINER: We did submit those to the  
11           two states for review and comments before they were  
12           finalized, and I think everything is okay with that. Our  
13           activities at Trinidad Lake involved the disposition of  
14           11,467 acre feet of excess space. This is space that's  
15           been over and above the Congressional authorization for  
16           the project. It's been the topic of discussion for many,  
17           many years. In '94 we completed environmental assessment  
18           on the disposition of that space. That was completed in  
19           September of '94. Based on the analysis and the  
20           conclusions of the environmental assessments, we  
21           determined there was no significant impact from the  
22           federal action proposed, which was to place this excess  
23           space in the recreation pool. Revisions then followed to  
24           the Trinidad Lake Water Control Manual, and then that was  
25           approved by our division office in November of this year.

1       As of now, we recognize the recreation pool to be  
2       increased from 45 hundred acre feet to a total of 15,967  
3       acre feet. As far as the Corps of Engineers is  
4       concerned, we have one additional action that we would  
5       like to take prior to any additional storage being placed  
6       in Trinidad, and that is an archeological survey. We  
7       have a contractor ready to go to pursue that when the  
8       snow melts in early spring. We don't anticipate a whole  
9       lot of time required in there, possibly in the range of  
10      three weeks to complete that survey. We do expect that  
11      no additional storage could be placed in Trinidad Lake  
12      without the amendment to the Operating Principles to  
13      reflect this major change in the size of the recreation  
14      pool or some sort of recognition from the Compact  
15      Administration either by resolution or some other manner  
16      to at least recognize their consent to additional space,  
17      additional storage in the reservoir in lieu of full  
18      amendment to the Operating Principles. This is going to  
19      come up a little bit later on in the program. I would be  
20      glad to provide any additional clarification as necessary  
21      at this time.

22               CHAIRMAN COOLEY: This is the next item on the  
23      agenda. And your remarks are appropriate within the  
24      purview of the Corps. It would be inappropriate to open  
25      the subject wide, at this time, because it will be opened

1 wide in five minutes from now, so I would like you to  
2 proceed with as much of your formal report as you desire.

3 MR. DICK KREINER: All right. I will continue  
4 then. Another item of considerable interest at Trinidad  
5 Lake has been the downstream channel capacity. In 1992  
6 we did a hydraulic analysis of the Purgatoire River  
7 channel below Trinidad and at that time identified what  
8 we considered some significant problems in the existing  
9 channel capacity. We were initially going to complete  
10 the environmental assessment for Trinidad Lake with both  
11 the channel capacity and the increased recreation pool  
12 all wrapped up in one large environmental assessment. We  
13 later decided because of the controversial nature of the  
14 channel capacity issue, to break that out as a separate  
15 item. So we proceeded with the increased rec pool  
16 separate from the issues regarding channel capacity. At  
17 the present time, we're delaying action with the channel  
18 capacity for probably another year, year and a half,  
19 because of higher priority matters that we have in other  
20 river basins. It doesn't decrease the significance of  
21 the importance of that. We just can't get to it at this  
22 time. We also...we're also concerned that we really  
23 haven't been able to witness the flows nearly in the  
24 magnitude that we're talking about, and I would like to  
25 possibly see some flows of higher magnitude before we put

1       this thing to rest, and we also have another program,  
2       another Corps authority that may shed some light or may  
3       provide some opportunity for the Corps to be  
4       financial...financially involved with some sort of  
5       channel rectification or channel improvements below the  
6       Trinidad Lake Project. I'm going to come back to that a  
7       little bit later on in my report, if I could. Other  
8       flood control studies that the Corps has got going on in  
9       the Arkansas River Basin include a study at Manitou  
10      Springs. There's a reconnaissance study that's in  
11      progress looking at flood problems associated with  
12      Fountain Creek as it passes through Manitou Springs. We  
13      are currently preparing costs and benefits for several  
14      alternatives to determine if a project there is  
15      economically justified. This study is scheduled for  
16      completion in May of 1995. We also have a couple of  
17      Emergency Stream Bank Protection Projects that are in the  
18      works. There's two of those that are ongoing in this  
19      last year. These are called Section 14 Projects, one of  
20      them sponsored by the State of Colorado, and it is for  
21      the protection of Highway 194 from the Arkansas River at  
22      Bent's Old Fort in La Junta. This project is currently  
23      under construction. Should be completed in January of  
24      1995. Another one sponsored by Pueblo County, and this  
25      is protection from Overton Road to Fountain Creek.

1 Preparation of plans and specifications are under way and  
2 we anticipate construction in March of 1995 for that  
3 project. Our Section 1135 authority is...is a result of  
4 the 1986 Water Resources Development Act and it provides  
5 the authority for the Corps of Engineers to do  
6 environmental restoration below and on the Corps of  
7 Engineers projects that resulted from the construction of  
8 that facility. We are currently investigating a  
9 modification to Lake Hasty, which is the small pool below  
10 John Martin Reservoir. Part of this investigation is  
11 looking at the construction of two gated channels or  
12 conduits that would route a portion of the water at least  
13 from John Martin Dam through Lake Hasty. The height of  
14 the existing measurement weir of the downstream gage  
15 would have to be raised so that the water level would  
16 allow gravity flow into Lake Hasty. A new downstream  
17 gage would likely be constructed below Lake Hasty to  
18 accommodate this particular project. Tangible benefits  
19 from this include improved circulation of the lake of  
20 Lake Hasty, increased fishing, aquatic vertebra  
21 population, also would increase habitat for terns, wading  
22 birds and other shorebirds and also foraging habitat and  
23 stable nesting areas may be provided for the least tern  
24 and the piping plover. Both of these are federally  
25 listed endangered species. Under our Flood Plain



1 Management Services thus far in 1994 the Albuquerque  
2 District has responded to 24 requests for technical  
3 services and flood hazard evaluations of specific sites  
4 in the Arkansas River Basin. One Flood Preparedness Plan  
5 was completed for the community of Beaver Creek,  
6 Colorado. Under our 404 permitting responsibilities  
7 under the Clean Water Act, in 1994 11 individual permits  
8 were issued in the Arkansas Basin and an additional 315  
9 activities were reviewed during this period and most  
10 resulted in general permits. Also the new state-wide  
11 general permits for excavation activities were developed  
12 for use in Colorado. Another state-wide general permit  
13 for recreation placer mining is currently being  
14 finalized. That concludes the highlights of my formal  
15 report. I would be glad to answer any questions that you  
16 might have.

17 CHAIRMAN COOLEY: I would like you to provide a  
18 Xerox copy of your written report to the court reporter  
19 and we'll entertain questions on any subject except for  
20 Trinidad, at this time. However, you said you would get  
21 back to Trinidad flows. Your remarks on Trinidad were  
22 very general and each year you've...there's been some  
23 comment about which bridge or other was the constricting  
24 structure at Trinidad. Could you beef that up in two or  
25 three sentences please.

1 MR. DICK KREINER: I'm not sure if I can do  
2 that. There are some structures in the Purgatoire River  
3 below Trinidad, Colorado, that we do not recognize as  
4 structures that we would operate the reservoir for. Low  
5 water crossings that are just very severely underdesigned  
6 comes to mind. There's one structure to that affect. We  
7 really don't have any operating experience in the two  
8 thousand-three thousand CFS range. We had an experience  
9 over on the San Juan River Basin where we were revising  
10 water control plan based on a hydraulic analysis over  
11 there and we had an opportunity in 1993 to look and  
12 compare the hydraulic analysis with the visual flow  
13 observations and I guess my...the bottom line on that was  
14 that the hydraulic analysis in my opinion can only be  
15 used to a certain extent and they really need to be  
16 backed up with visual observation because over in the San  
17 Juan we found it really passed more water safely than  
18 what it indicated in the computer modeling of the river.  
19 So we have that same situation could exist through  
20 Trinidad. We know there's considerable vegetation that's  
21 built up in the river channel. This 1135 authority, we  
22 could...the Corps of Engineers could come in with some  
23 sort of assistance and do some channel maintenance along  
24 with some environmental restoration, and this is really  
25 the only vehicle that I've come across that enables us to

1       become a partner to resolving the matter of channel  
2       capacity downstream. It's certainly not an easy issue.  
3       If the opportunity presents itself, I would welcome the  
4       opportunity to see higher flows, and maybe at such time  
5       as the study that the GS is going to pursue on channel  
6       losses, maybe the opportunity would present itself in  
7       conjunction with that study to test the channel at higher  
8       flows for purposes of flood control and also river  
9       conveyance. I'm not sure if I answered your question.

10               CHAIRMAN COOLEY: But you opened up something  
11       else entirely that's immensely important and that's the  
12       cooperation between the Bureau and the USGS and the  
13       Transit Loss and Travel Time Study. And I trust that  
14       could be pursued in the corridor to determine if there's  
15       a way in which the right hand can wash the left hand and  
16       they both can wash the face.

17               MR. CARL GENOVA: For clarification, these  
18       problems you speak of are below the City of Trinidad, not  
19       within the city itself.

20               MR. DICK KREINER: That's correct.

21               CHAIRMAN COOLEY: Anything else? Any  
22       questions?

23               MR. DAVID POPE: One very quick question. The  
24       study you referred to regarding Lake Hasty below John  
25       Martin, the feasibility report and study on that, is it

1 correct for me to assume that the project would not  
2 increase any losses associated with routing releases from  
3 John Martin through the lake and on down the river? Is  
4 that going to be assessed?

5 MR. DICK KREINER: It should be assessed.

6 MR. DAVID POPE: That's my comment, that I hoped  
7 it would be.

8 MR. DICK KREINER: I'll make sure that it gets  
9 part of the evaluation on that. By the way, one thing I  
10 didn't mention is we mentioned the environmental  
11 assessment that we did at Trinidad. We have copies of  
12 that and have placed some at the back of the room and we  
13 have distributed them to members of the Compact  
14 Administration. If anyone needs copies of that we can  
15 provide those.

16 CHAIRMAN COOLEY: Thank you, and the people of  
17 your agency very much for that report. We will now turn  
18 briefly to the United States Geological Survey. However,  
19 of the three items on the agenda, the latter two, the  
20 gaging stations, costs, and the cooperative agreements  
21 are being deferred until later in the program, and Doug  
22 Cain, your report will be thereby truncated at this time.  
23 Go ahead.

24 MR. DOUG CAIN: Before I start I would like to  
25 recognize some other US Geological Survey people that are

1 with us, two from my office in Pueblo, that's Ron Steger,  
2 who is chief of our data collection operation, and John  
3 Kuzmiak, and from our Garden City office we have Kurt  
4 Sauer and David Anderson. I have got a written report  
5 that I would like to hand out. I'll hand out to the  
6 front table and Ron and John are going to help me hand  
7 out to the other part of the audience. (Handing papers  
8 out.) Before I get into that report, I would like to  
9 mention one study that has been completed that's been  
10 mentioned in past Compact meetings that we think is a  
11 valuable study and will be used in the Basin for years to  
12 come. John Kuzmiak, who is with us, is one of the  
13 authors of this study. This is a study that was done in  
14 cooperation with the Southeastern Colorado Water  
15 Conservancy District and Tommy Thomson was a major backer  
16 of this over the years.

17 CHAIRMAN COOLEY: Pardon me. I would like John  
18 to stand now while you discuss this report. I requested  
19 that the NSGS District make sure that John attended this  
20 meeting because I think the report that he authored is of  
21 real fundamental basic importance to every person and  
22 every agency represented in this room. Now if you would  
23 go ahead.

24 MR. DOUG CAIN: Thank you, Frank. The report is  
25 entitled "Bibliography of Selected Water Resources

1 aspect of data collection that I think is important that  
2 I mentioned briefly at one of the committee meetings  
3 yesterday is that the USGS continues to be involved in  
4 doing data collection at the Pinon Canyon River site in  
5 cooperation with the US Army. About a 450 square mile  
6 area mile area along the Purgatoire River between  
7 La Junta and Trinidad. Another report that I think may  
8 be of interest to the Compact, and at which we gave a  
9 presentation at the Winter Water Storage Meeting a few  
10 weeks ago, is a report defining the risks of storing  
11 water in the Joint Use Pool at Pueblo Reservoir between  
12 April 15 and May 15. I've also got some extra copies of  
13 that report for people that might be interested. Another  
14 report that was recently approved and is currently being  
15 printed, is a report on water use under the Fort Lyon  
16 Canal that was conducted a few years ago, and that report  
17 should be distributed early in 1995. If people would  
18 like to get on that distribution list, please let me  
19 know. Finally, I would like to at least mention briefly  
20 a study that was begun this summer and that was discussed  
21 to some extent at the Compact meeting last year and that  
22 is a study to look at stream flow losses and travel times  
23 on the Purgatoire River. I was not able to attend the  
24 Compact meeting last year but Gerhart Kuhn from our  
25 Denver office was here and there was some discussion of

1       copies of the report you recently published on the Pueblo  
2       Reservoir Joint Use Pool?

3               MR. DOUG CAIN: Yes. In fact, I have some here  
4       today I would give you.

5               MR. DAVID POPE: Okay, I would like to see them.

6               CHAIRMAN COOLEY: Get autographed copies. I  
7       would entertain, if there's somebody in the audience with  
8       a burning question. Thank you again for your report and  
9       for your continuing services. The next item on the  
10      agenda is the Trinidad Project. Sandy, just as a matter  
11      of procedure, how should the Compact Administration hear  
12      this matter presented?

13              MR. M.E. "SANDY" MACDOUGALL: The ten year  
14      review or the Recreation Space?

15              CHAIRMAN COOLEY: Well, is it going to be  
16      possible for us to separate them, is one question I have.

17              MR. M.E. "SANDY" MACDOUGALL: I think so.

18              CHAIRMAN COOLEY: Fine, and...Mr. Lile --

19              MR. CHUCK LILE: Basically, Mr. Chairman, I  
20      would like to start off talking about the Ten Year  
21      Review, and then we'll...if Sandy has some comments on  
22      that we will invite him to comment, if that's  
23      appropriate.

24              CHAIRMAN COOLEY: Well, it strikes me that any  
25      time you can break a subject into discrete pieces and

1 tackle them, you are going to shed more light, so let us  
2 all make the effort to concentrate on the Ten Year Review  
3 and then into the other pool, and were you to commence  
4 that discussion?

5 MR. CHUCK LILE: Yes. Thank you, Mr. Chairman.

6 CHAIRMAN COOLEY: Jack, would you be kind enough  
7 to come up and take a front row seat, sir? Makes me  
8 nervous when you are so far in the back. Doing Hamlet  
9 without the Prince of Denmark.

10 MR. CHUCK LILE: Mr. Chairman, it is again time  
11 to conduct the Ten Year Review of the Operation of  
12 Trinidad Reservoir and I would like to ask the ARCA  
13 Compact Administration to consider passing the resolution  
14 asking the Bureau to begin that process and conduct that  
15 review since...since it was such a creative activity the  
16 last time, I thought maybe we better get started on it  
17 right away this time.

18 CHAIRMAN COOLEY: Do you have a resolution  
19 prepared?

20 MR. CHUCK LILE: I would just make a resolution  
21 in a motion.

22 CHAIRMAN COOLEY: Well, that's fine. The...it  
23 seems to me that the Ten Year Review probably has  
24 overtones in the litigation and that...it may or may not,  
25 and if it does, I'm sure we will be hearing from those



1           that are concerned. Does there need to be any more  
2           lead-in?

3                   MR. CHUCK LILE: I think that's appropriate. We  
4           could ask if Colorado supports that it's time to do the  
5           Ten Year Review. I believe the Purgatoire District feels  
6           it is time to do the Ten Year Review and I certainly  
7           would ask David Pope and Kansas how they felt.

8                   CHAIRMAN COOLEY: Fine. I'm going to do that.

9                   MR. DAVID POPE: Yes, Kansas would concur that  
10          it is time to proceed with the Ten Year Review. I think  
11          it would be appropriate to have at least some discussion  
12          about our expectations in that regard. I understand that  
13          ultimately some sort of an action would be appropriate to  
14          make a request of the Bureau and perhaps maybe Jack could  
15          respond to what he envisions in that regard as well.

16                  CHAIRMAN COOLEY: Fine, there's a consensus.  
17          Then could we limit the next two or three minutes to the  
18          exact mechanics of how such a review should be commenced  
19          and under whose primary aegis and so forth. Jack, do you  
20          have any input on this subject?

21                  MR. A. JACK GARNER: Actually I would like to  
22          hear what David had mentioned as far as expectations on  
23          the Ten Year Review from both Kansas and Colorado. I'm  
24          interested in the review of the current operation as  
25          opposed to the pre-existing operation. The principles

1 associated with what is on paper versus what is presently  
2 being handled.

3 CHAIRMAN COOLEY: You also must speak up. You  
4 missed your opportunity to become General Domo of this  
5 review, I think --

6 MR. JACK GARNER: Good. I'm glad.

7 CHAIRMAN COOLEY: -- and we'll get back to that.

8 MR. JACK GARNER: So I guess I would like to  
9 hear from both Kansas and Colorado as far as their  
10 expectations on the Ten Year Review.

11 CHAIRMAN COOLEY: David raised the subject so  
12 we'll let him commence. Expectations for the Ten Year  
13 Review.

14 MR. DAVID POPE: Well, I think we probably have  
15 not given the level of detailed thought to this that it  
16 deserves, and I think we should, and I suspect it may be  
17 appropriate for each of us to perhaps, without consulting  
18 here with my colleagues, reduce to writing, perhaps, by  
19 both states and other parties perhaps, something to  
20 address that point, but certainly I think a review should  
21 include a fairly comprehensive assessment of what has  
22 occurred in this past 10 years and my preliminary  
23 reaction is it should look at the actual operations as  
24 compared to the principles and insure that that is  
25 covered rather than, maybe, or in addition to strictly

1       just more theoretical studies of, to some extent, the  
2       nature of what has occurred in the past. In regard to,  
3       you know, some of the other things I think that we  
4       probably will need to talk about would be timeframes, how  
5       we all participate in the process, those kinds of things.  
6       I would hope that that could proceed in a reasonable  
7       fashion without a number of years of delay.

8               CHAIRMAN COOLEY: Let me ask a question. Could  
9       there be an exchange of correspondence in January, in the  
10      first meeting in February; would that be a reasonable  
11      timeframe? Just asking.

12             MR. DAVID POPE: I think on an opportune basis I  
13      think that's right if...I think an exchange of  
14      correspondence and then some sort of a schedule that  
15      would involve a scoping meeting of some sort would be a  
16      good first step. We can come to a mutually agreed time  
17      and place.

18             CHAIRMAN COOLEY: How...just trying to get me to  
19      think in the right direction. When the scoping meeting  
20      takes place, would there be 30 people in the room or 10?

21             MR. DAVID POPE: That's a hard one for me to  
22      respond to. I'm cognizant of the fact that sometimes  
23      what we get accomplished is inversely proportional to the  
24      number of people we have assigned to the task, but  
25      neither do we want to exclude people that are interested

1       and have a role in the process. I suspect probably as a  
2       practical matter, Frank, that...that probably some  
3       exchange of correspondence would need to occur and I do  
4       not know at this point whether we could really commit to  
5       a February meeting that happens to fall, I think, for  
6       probably both states, in the middle of our legislative  
7       sessions and it's a little hard to be committing to dates  
8       but, you know, if we think we need to meet during that  
9       timeframe, why, that's...I don't want to delay either  
10      but...

11               CHAIRMAN COOLEY: Let me embarrass Colorado for  
12      a while.

13               MR. CHUCK LILE: Well, thank you.

14               CHAIRMAN COOLEY: Yes. What are your thoughts  
15      about moving ahead?

16               MR. CHUCK LILE: I concur with what David's  
17      saying. We need to get a handle on the scope and time  
18      line. I think if we move ahead in that fashion, that's  
19      the way to resolve it, and perhaps February would be an  
20      appropriate time to start working on it if Jack has a  
21      schedule that he would like to work up what your steps  
22      will be in this process and organize or try to set a date  
23      where we could all set down and visit about it then we  
24      could scope out the various issues that we have to deal  
25      with.

1                   CHAIRMAN COOLEY: I'm going to reach him and  
2                   Sandy in a moment, but from your point...let me ask you  
3                   the question. Should the scoping meeting be closer to 10  
4                   or closer to 30; which does it have to be? There are a  
5                   lot of interested parties.

6                   MR. CHUCK LILE: I don't think they should be  
7                   excluded from the table if they are interested.

8                   MR. DAVID POPE: Fine.

9                   CHAIRMAN COOLEY: All right. Jack, if you  
10                  please.

11                  MR. A. JACK GARNER: I agree with the  
12                  correspondence in January. I share some of David's  
13                  concerns about actually scheduling a meeting in February,  
14                  although I have an interest in moving forward relatively  
15                  quickly with this because the person that I have that has  
16                  the institutional knowledge on it, I have for one more  
17                  year, so I'm anxious to get that information out, so that  
18                  kind of gives you a timeframe as far as what I'm looking  
19                  at.

20                  MR. DAVID POPE: Okay.

21                  MR. JACK GARNER: And we can...once we get the  
22                  correspondence we can set a schedule and then set a  
23                  meeting and move forward. And my response is, the fewer  
24                  people, the more you get done, but I also respect the  
25                  fact that if you have interested parties in it, they need

1 to be there.

2 CHAIRMAN COOLEY: Let me ask a question that may  
3 be simplistic, but is that scoping meeting more  
4 appropriate to Pueblo, Trinidad, Garden City; where?

5 MR. DAVID POPE: Well, as a practical matter,  
6 it's probably easier for us to get to Denver than it is  
7 say, Trinidad or Pueblo or even Garden City, to some  
8 extent, although you know, that's where we have to meet  
9 once in while.

10 MR. CHUCK LILE: Certainly Denver is acceptable  
11 with us.

12 CHAIRMAN COOLEY: Well, I think Colorado should  
13 buy the lunch.

14 MR. CHUCK LILE: Depends on how many is at the  
15 table.

16 CHAIRMAN COOLEY: Okay. Fine. Now Sandy, do  
17 you want to derail this discussion or are you going to  
18 move us along.

19 MR. M.E. "SANDY" MACDOUGALL: I thought I might  
20 be of some help, Mr. Cooley. I have brought along some  
21 copies of the Operating Principles and I would like to  
22 approach and hand them out and make them part of the  
23 record of this proceeding.

24 CHAIRMAN COOLEY: Hang on.

25 MR. M.E. "SANDY" MACDOUGALL: It refers to the

1 Amendment. What we are doing is dictated by our  
2 predecessors.

3 UNIDENTIFIED SPEAKER: (Remarks cannot be heard  
4 by court reporter.)

5 MR. M.E. "SANDY" MACDOUGALL: I'm just handing  
6 out a copy of the Operating Principles and I'll direct  
7 your attention to article VI on page 11 which tells us we  
8 must accomplish this review. And it tells us what to do.  
9 And the Purgatoire District, which along with the Bureau,  
10 has as signed these principles, I believe that that's  
11 exactly what we ought to do is perform the review as  
12 provided by the principles and I would ask that the copy  
13 of the principles which I've already given the reporter  
14 be made a part of the record and I have a bunch of copies  
15 if somebody wants them.

16 CHAIRMAN COOLEY: Sandy, as far as I'm  
17 concerned, the mountain has labored and brought forth a  
18 mouse. We're well on the way to having the review and  
19 you're waving copies of the agreement and say you have to  
20 have a review.

21 MR. M.E. "SANDY" MACDOUGALL: Yep.

22 CHAIRMAN COOLEY: Okay. Your mouse is noted.  
23 There's not much...there's not much more that we can do  
24 on mechanics of the thing than to fix a time schedule and  
25 a place to meet and who buys lunch, is there? Mechanics.

1 MR. DAVID POPE: No, probably not. I think the  
2 key to it is if each of us commence to exchanging  
3 correspondence with Colorado and certainly the District  
4 and the Bureau and anyone else that feels like they  
5 absolutely should be on that list, which is our first  
6 stab at the scope of this endeavor, and in that regard  
7 then I think the timing will take care of itself after  
8 that, probably in that February-March timeframe, I  
9 imagine.

10 CHAIRMAN COOLEY: The Chair by no means intended  
11 to indicate who should buy the Bureau's lunch.

12 MR. A. JACK GARNER: Thank you, Frank.

13 CHAIRMAN COOLEY: Chuck.

14 MR. CHUCK LILE: We will certainly take it..it  
15 up on ourselves, once we have exchanged first  
16 correspondence to help organize the first meeting in  
17 Denver with the cooperation of Jack and Kansas.

18 CHAIRMAN COOLEY: Okay. It seems to me there's  
19 a consensus and then we now passed to the second phase  
20 which would be, can we determine, at this time, what  
21 areas of the Operating Principles will be worked on, and  
22 it seems to me you've already decided that that is going  
23 to be done by correspondence not without a great deal of  
24 thought and cooperation at this meeting, is that not  
25 correct?



1 MR. DAVID POPE: I think that's preferable.

2 CHAIRMAN COOLEY: Sandy, thank you. Now, it  
3 strikes me it would be appropriate, and I'm going to ask  
4 the...I'm going to ask the same question of Sandy, would  
5 you outline in which way you believe the procedure can  
6 best be handled on the subject of your district's request  
7 to store transmountain water in Trinidad Lake. My  
8 thinking would be that you would present a pretty full  
9 explanation of your request and introduce those people  
10 who are here in support, get any other comments favorable  
11 to your case in chief, and only then open it up for a  
12 general discussion. But it is a matter of procedure, and  
13 I'm going to be persuaded in part by you and principally  
14 by the attitude of the Compact Administration members.

15 MR. CHUCK LILE: Excuse me a minute, Mr.  
16 Chairman.

17 CHAIRMAN COOLEY: Yes.

18 MR. CHUCK LILE: On the last matter, wouldn't it  
19 be appropriate that we go ahead and have a motion if  
20 we're going to accomplish that and the way he should  
21 handle that?

22 CHAIRMAN COOLEY: He started out with a motion.  
23 You thought it was a good idea and then I finessed the  
24 whole process.

25 MR. CHUCK LILE: Sorry to interrupt you, but

1 I --

2 CHAIRMAN COOLEY: We have a motion. Is there a  
3 second?

4 MR. DAVID POPE: Well, continue --

5 CHAIRMAN COOLEY: Well, the motion was simply  
6 that you proceed to the Ten Year Review of the Operating  
7 Principles.

8 MR. DAVID POPE: Within that motion is it if  
9 each party would outline their expectations for the Ten  
10 Year Review in January?

11 CHAIRMAN COOLEY: Well, as you just amended the  
12 motion, yeah, that's in the motion?

13 MR. CHUCK LILE: I would accept that.

14 MR. DAVID POPE: And we're anticipating that  
15 this would be a review conducted by the Bureau?

16 MR. CHUCK LILE: Yes.

17 CHAIRMAN COOLEY: Yes, with the cooperation of  
18 both states.

19 MR. DAVID POPE: And...okay, and we would  
20 anticipate then a scoping session thereafter.

21 CHAIRMAN COOLEY: That got to be quite a motion.  
22 Yeah, that...is that the motion you're seconding?

23 MR. DAVID POPE: I think so.

24 CHAIRMAN COOLEY: Kansas.

25 MR. CHUCK LILE: I concur in the second

1           amendments of the motion.

2                   CHAIRMAN COOLEY:   Colorado.

3                   MR. CHUCK LILE:   Yes.

4                   CHAIRMAN COOLEY:   Kansas.

5                   MR. DAVID POPE:   Kansas agrees.

6                   CHAIRMAN COOLEY:   I would hope so.   Okay, now  
7           you've heard my comment of the way in which I think the  
8           meeting should proceed in the next 30 or 40 minutes.   Is  
9           that appropriate to you?   Is that...

10                   MR. M.E. "SANDY" MACDOUGALL:   Yes, sir.   What I  
11           would like to do is for me on behalf of the District to  
12           lay the groundwork principally by a couple of exhibits.  
13           Then I would like to introduce persons who would testify  
14           from the Parks Department, principally about the benefits  
15           of this.   There will be others available in case  
16           questions are asked, and then I would suggest after  
17           everybody who has a position has made their statement,  
18           that you open it up for questions or cross-examination or  
19           whatever you would like.

20                   CHAIRMAN COOLEY:   That is the way I would prefer  
21           to do it and now I'm going to request the acquiescence of  
22           both states.   Is that satisfactory to Colorado?

23                   MR. CHUCK LILE:   Yes.

24                   CHAIRMAN COOLEY:   Would that be satisfactory to  
25           you, that we defer the questions until, say, a case in

1 chief has been made, so to speak?

2 MR. DAVID POPE: I think that's fine.

3 CHAIRMAN COOLEY: Everyone is satisfied with  
4 that and we'll all sit back and enjoy the presentation.

5 MR. M.E. "SANDY" MACDOUGALL: To lay the  
6 groundwork, Mr. Cooley, I would like to start with my  
7 letter to you dated November 29, 1994, entitled Revision  
8 of US Army Corps of Engineer Water Control Manual to  
9 Allocate Excess Storage in Trinidad Lake. I've already  
10 given the reporter a copy but I could approach with  
11 copies for the Compact. Everyone already has the Army's  
12 assessment, this nice blue book. About a week ago I  
13 prepared and forwarded to the secretary, Mr. Miller, a  
14 proposed triple spaced resolution which I would also like  
15 to approach. (Handing front table documents.) Variations  
16 of this particular resolution have been discussed among  
17 people informally, but I would like to ask that my letter  
18 to the Chair dated November 29, the Army's final  
19 environmental assessment be made a part of the record of  
20 this proceeding.

21 CHAIRMAN COOLEY: The letter to me is hereby  
22 made a part of the record. One question. On the  
23 mechanics of putting a report into the minutes of the  
24 meeting, we won't have to reproduce that in the published  
25 minutes, will we?

1 MR. STEVE MILLER: There aren't that many copies  
2 put out there.

3 MR. HAL SIMPSON: Sometimes we just put the  
4 title page in.

5 CHAIRMAN COOLEY: I would like to put the title  
6 page into the record and note that this is a widely  
7 disseminated document.

8 MR. M.E. "SANDY" MACDOUGALL: That's all right  
9 with me.

10 CHAIRMAN COOLEY: I don't want to chop any more  
11 trees down than we absolutely have to. Let's do it that  
12 way.

13 MR. M.E. "SANDY" MACDOUGALL: By way of  
14 introduction, I would like introduce the following  
15 persons from the Purgatoire Water Conservancy District.  
16 Thelma Lujan, our water coordinator is here today.

17 CHAIRMAN COOLEY: Would they please stand.

18 MR. M.E. "SANDY" MACDOUGALL: Ruben Gutierrez, a  
19 board member. Erma Evans in the back of the room, a  
20 board member, and Jeris Danielson, our engineer. Here  
21 from the city of --

22 CHAIRMAN COOLEY: He didn't stand.

23 MR. M.E. "SANDY" MACDOUGALL: You know Jeris  
24 Danielson, the famous Jeris Danielson. Jim Fernandez  
25 from the city of Trinidad is here. From the Colorado

1 Department of Parks and Outdoor Recreation, there are  
2 Paul Flack, Kent Wiley, Russ Palone. As you are aware  
3 the Army Corps of Engineers had a big hand in this. Dick  
4 Kreiner is also present, you just heard from him. Here  
5 from the Bureau of Reclamation, Jack Garner, wherever he  
6 went. Here from the USGS is Doug Cain, wherever he is,  
7 and also here is Steve Witte the Division Engineer of  
8 Water Division Number 2. All of those people know about  
9 this proposal and are available for you to ask questions.  
10 The proposal, as stated in my letter to Mr. Cooley, boils  
11 down to the highlighted information on page 2. I am here  
12 on behalf of the Purgatoire River Water Conservancy  
13 District to request the approval of the Arkansas River  
14 Compact Administration to fill and maintain 11,467 acre  
15 feet of recreation pool in Trinidad Lake with  
16 transmountain water. As the Compact may recall,  
17 transmountain water is not regulated by the Arkansas  
18 River Compact. It is...the water itself is outside the  
19 Compact. The Army, as Mr. Kreiner stated, I think as a  
20 matter of commity and other things, has demanded that  
21 state of Kansas and the state of Colorado consider this  
22 request for the use of this additional space, and that  
23 before it be filled with water, the Army has told us they  
24 want Kansas's consent and Colorado's consent. We are  
25 here seeking that consent in this forum because this is

1 the forum where the Operating Principles had been  
2 approved and this is a forum where those two states  
3 appear to be regulating the Arkansas River and its  
4 tributaries, one of which is the Purgatoire. The purpose  
5 and need for this action is stated in my letter and I  
6 won't read it to you. The terms that we have proposed  
7 are stated in my letter and I won't read them to you.  
8 But I would introduce to you Mr. Paul Flack who I would  
9 like to ask that you listen to who will make the  
10 presentation on the Department of Parks to tell you about  
11 the need for this additional recreation space and the  
12 things that the State Department of Parks and Outdoor  
13 Recreation would like to do. I would suggest, as I  
14 suggested before, that because of the transit loss  
15 differential, a one-for-one exchange of delivered water  
16 into John Martin Reservoir for water taken out of the  
17 Purgatoire at Trinidad Reservoir, will make water at John  
18 Martin. In other words, because of the transit loss  
19 between Trinidad and John Martin, the difference is added  
20 to the flow of the Arkansas. Whatever is added to the  
21 Arkansas, if it's added at the proper time, when  
22 conservation storage is going on or otherwise, benefits  
23 both Kansas and Colorado. If Parks were to exchange  
24 10,000 acre feet and if the transit loss from Trinidad to  
25 John Martin were 25 percent, the Arkansas would actually

1 gain 25 hundred acre feet by this transaction. If  
2 conservation storage were occurring at the time that the  
3 exchange occurred, 40 percent of that water would go into  
4 conservation storage for Kansas, 60 percent of that water  
5 would go into conservation storage for Colorado. With  
6 the current price of water, transmountain water at about  
7 \$10.00 an acre foot, you can see we're talking about a  
8 significant acre foot difference and a significant dollar  
9 difference. What the Purgatoire District gets out of  
10 this is reduced evaporation and seepage losses, and  
11 that's all. It's not our water, it won't be our water,  
12 we won't use it for project purposes, it will be floated  
13 on, boated on...I don't know if it can be swum in or not,  
14 but the fishes will swim around in it, it will be water  
15 skied on and it will enhance a federal facility.  
16 Purgatoire District's in favor of it, the Army is in  
17 favor of it, the Bureau is in favor of it, the State of  
18 Colorado Department of Parks has offered to finance it.  
19 So we are here hoping to convince the Compact  
20 Administration and therefore Kansas and Colorado that  
21 this is a thing which would benefit all of us without  
22 hurting anyone. With that, I'll turn it over to Mr. Paul  
23 Flack from the Colorado Department of...Division rather,  
24 of Parks and Outdoor Recreation.

25 MR. PAUL FLACK: Again, my name is Paul Flack.



1 I'm a hydrologist for Colorado State Parks. Within the  
2 last month our office received a letter from the Army  
3 Corps of Engineer stating that 11,465 acre feet of excess  
4 storage space at Trinidad Lake had been approved for  
5 fish, wildlife and recreation. Colorado State Parks is  
6 very interested if filling that space or at least part of  
7 that space with transmountain water in 1995. Upon  
8 request of the Army Corps, we are seeking today temporary  
9 approval from the Compact Administration to do just that.  
10 There are several of us here from Colorado Parks and also  
11 from the Colorado Division of Wildlife to address this  
12 issue with you today. Initially, I would just like to  
13 kind of outline generally how the exchange would work. I  
14 want to emphasize that we're only contemplating at this  
15 point transmountain water. Most likely that water would  
16 come from Colorado Springs. We don't feel that we're  
17 limited to that in terms of working with other  
18 municipalities, but I would say that the skids are  
19 greased right now with Colorado Springs to supply us that  
20 water.

21 CHAIRMAN COOLEY: Pardon me. That would be  
22 Colorado Springs water taken through the Bousted Tunnel  
23 into Turquoise or some other Colorado Springs water?

24 MR. JACK FLACK: Most likely it would be either  
25 Homestake water or water from the Twin Lakes shares.

1                   CHAIRMAN COOLEY: And that Twin Lakes shares  
2 would necessarily come through the Boustead...not the  
3 Boustead Tunnel; where?

4                   UNIDENTIFIED SPEAKERS: (Everyone talking at  
5 once and without identification.)

6                   REPORTER: I didn't get that last comment.

7                   CHAIRMAN COOLEY: Make your comment again,  
8 David, please.

9                   MR. DAVID ROBBINS: My name is David Robbins and  
10 I was simply saying Boustead Tunnel is a Frying  
11 Pan-Arkansas Project Tunnel and does not deliver Twin  
12 Lakes water or Homestake water.

13                   CHAIRMAN COOLEY: What is the tunnel with the  
14 Twin Lakes water?

15                   MR. DAVID ROBBINS: Twin Lakes Tunnel.

16                   CHAIRMAN COOLEY: The Twin Lakes Tunnel, pardon  
17 me and thank you. I'm okay now.

18                   MR. M.E. "SANDY" MACDOUGALL: Comes under  
19 Independence Pass.

20                   MR. JACK FLACK: Furthermore, water would be  
21 exchanged into Trinidad Lake under the Division  
22 Engineer's supervision and upon standard exchange terms,  
23 i.e., one acre foot of water delivered at the Las Animas  
24 gage for each acre foot exchanged into the Trinidad Lake.  
25 The water would be accounted for separately from Trinidad

1 Project water. Parks would be willing to...Colorado  
2 State Parks would be willing to develop an exchange plan  
3 for review and approval from both Colorado and Kansas  
4 prior to operating the exchange. It's not our intent to  
5 try to get all tangled up and wrapped up in the  
6 litigation involving the Compact or the Operating  
7 Principles. We merely seek temporary approval in order  
8 to allow utilization of the space in 1995. We don't mean  
9 to set any precedents for the future or set any long term  
10 goals for the Park. Colorado Parks does this for a very  
11 good reason. There are several impacts that relate not  
12 only to the Park but the economic impact to the area  
13 based on the reservoir elevation and with the Chair's  
14 approval I would like to introduce Russ Palone, who is  
15 the Park Manager of Trinidad State Park.

16 MR. RUSS PALONE: What I would like to do  
17 is just give you some background information on the park  
18 itself and then hopefully answer any questions. The park  
19 is located three miles west of the town of Trinidad. It  
20 was opened to the general public in 1980. The Corps of  
21 Engineers Project cost around 50 million to build. When  
22 it was constructed there was 2.5 million dollars in  
23 recreational facilities that were also placed at the  
24 site. It's a multipurpose project. Flood control's a  
25 primary purpose. Irrigation and recreation follow. It

1 is managed by the Colorado Division of Parks through a  
2 lease agreement with the Army Corps of Engineers. The  
3 park features a 62 unit campground. There's group and  
4 individual picnic sites, amphitheater, nine miles of  
5 trails, boat launching facilities, docks, we have just  
6 constructed a visitors' center that will be finished this  
7 spring. The lake supports both cold and warm water  
8 fishery. Fishing is the number one activity at the lake.  
9 The largest influence on the management of the park from  
10 a recreational standpoint is the fluctuation of the lake  
11 itself. Between the top of the irrigation pool, the top  
12 of the joint use pool and the top of the permanent pool,  
13 the lake can fluctuate about 86 vertical feet. We've had  
14 our ups and downs in the 14 years we have been open and  
15 when we opened we had great water years. We had over a  
16 thousand surface acres. Our visitation stayed up around  
17 the two hundred thousand mark. Between the period of  
18 1989 and 1992 the lake was closer to the permanent pool  
19 of three hundred surface acres and our visitation dipped  
20 down to around 145 thousand. The problems associated  
21 with this condition from our standpoint, it is just hard  
22 to attract and maintain a user base at the park under  
23 these conditions. People want a water based experience.  
24 They want to go to a big lake to boat, to fish, to water  
25 ski, and in our off years they are not going to come to

1       Trinidad Lake. They are going to seek an area that has a  
2       larger lake. From the surveys we have done at the park,  
3       we know that 80 percent of the people that camp there,  
4       they stay one night. We would like to develop this park  
5       into a destination spot where people would come for three  
6       or four days. To do that, we need to...facilities we're  
7       going to develop have to be above the high water line and  
8       in the low water years those facilities would probably be  
9       a quarter mile from the reservoir, unusable. Fluctuation  
10      is harmful to the fishery, especially when we're down to  
11      low water levels, lot of the fish leave the reservoir and  
12      end up in the Purgatoire River which really doesn't  
13      benefit the fishery. It's very hard to market the park  
14      when the water is fluctuating between the good years and  
15      the bad years. It's hard to attract special events,  
16      especially the water related to get more people into the  
17      park. Currently the Division of Parks is operating the  
18      park at a one hundred thousand dollar per year loss. We  
19      generate funds into the local economy but I think the  
20      park could have a much more significant impact on  
21      Trinidad and the local area if we could maintain the  
22      water level a little bit better. When this newly  
23      acquired space is filled, it will double the size of the  
24      permanent pool, okay. It will also reduce the  
25      fluctuation by a third. So we feel that this action

1 would help the park reach its potential as a recreation  
2 area. Also have a positive impact, economic impact on  
3 Trinidad and southern Colorado. I would like to  
4 introduce Doug Krieger, he's a Wildlife Biologist. He  
5 would like to say a few words about the fishery and how  
6 the fluctuation affects the fishery.

7 CHAIRMAN COOLEY: Stand at ease for a moment.

8 (Reporter changes her machine paper.)

9 CHAIRMAN COOLEY: Doug, we can hear from you  
10 now.

11 MR. DOUG KRIEGER: Thanks again for the  
12 opportunity to address this group. Division of Wildlife  
13 has stocked over 11 million fish in the Trinidad  
14 Reservoir over the last 10 years at a cost of roughly 60  
15 thousand dollars per year. In spite of that, the only  
16 thing we can boast there is a mediocre fishery at best.  
17 Nonetheless there's a need in the area for fishing  
18 recreation. As Russ just mentioned there's still  
19 visitation, people coming to the reservoir to fish and to  
20 recreate but not nearly as much as we feel the reservoir  
21 holds potential for. We feel that the fishery habitat  
22 could be improved and with that...and along with that the  
23 fishing recreation. Fishery right now is limited by  
24 basically two things; lack of habitat and the amount of  
25 flushing through the reservoir. Both of those

1 limitations can be corrected by the additions of water to  
2 the permanent pool. By doing so, what you do is increase  
3 the elevation of the reservoir and therefore the  
4 shoreline habitat which is particularly valuable for the  
5 fishery's productive area of the reservoir for fish. You  
6 would also decrease the numbers of fish that were  
7 actually flushed from the reservoir and lost to fishing  
8 recreation by increasing the minimal pool and therefore  
9 limiting the amount of water turn-over in the reservoir.  
10 Lastly, what we have in a number of front range  
11 reservoirs in Colorado is what we consider a two-stage  
12 reservoir. In other words, one that has both warm water  
13 and cold water fish. People in Colorado both enjoy  
14 fishing for both warm water and cold water and with the  
15 low water we achieve in late summer at Trinidad the cold  
16 water fishery is typically in danger most years, so by  
17 increasing that minimum pool you increase that small area  
18 of habitat that is available for trout in Trinidad  
19 Reservoir.

20 CHAIRMAN COOLEY: What are the species?

21 MR. DOUG KRIEGER: Primarily Walleye, Bass,  
22 Channel Catfish on the warm water fish and then Rainbow  
23 Trout as far as cold water fish.

24 CHAIRMAN COOLEY: What is the river like above  
25 the reservoir?

1 figure out with the Corps what to do with that existing  
2 agreement since they have allocated the space to  
3 recreation.

4 CHAIRMAN COOLEY: Thank you, sir. Sandy.

5 MR. M.E. "SANDY" MACDOUGALL: I have nobody else  
6 on my agenda, Mr. Cooley, so the Purgatoire District  
7 would rest --

8 CHAIRMAN COOLEY: Thank you.

9 MR. M.E. "SANDY" MACDOUGALL: -- subject to  
10 questions.

11 CHAIRMAN COOLEY: I think, David, it would be  
12 best if we had as many Kansas questions as you desired at  
13 this time.

14 MR. DAVID POPE: Well, I think we will have some  
15 questions. I would appreciate knowing whether our  
16 colleagues from the Colorado Delegation to the  
17 Administration has a position on this as well, before we  
18 get --

19 CHAIRMAN COOLEY: Sure. Would it...for example,  
20 would it help if they moved the resolution and when we  
21 got to that point.

22 MR. DAVID POPE: Not necessarily, but if they  
23 have they a position --

24 CHAIRMAN COOLEY: Okay. Any kind of comments  
25 from Colorado would be appropriate now.



1 MR. CHUCK LILE: Well, first we would like to  
2 ask if there's any questions from the audience concerning  
3 this, then we would go on with our recommendations.

4 CHAIRMAN COOLEY: Well, I want to give Kansas  
5 first shot at questions.

6 MR. CHUCK LILE: I'm talking about questions  
7 from the community in this area if they have any concerns  
8 or some unknown reason, we would like to hear that.

9 CHAIRMAN COOLEY: If there's some downstream  
10 concerns in Colorado or among Kansas irrigators I suppose  
11 it would be...it would be within...within the suggestion  
12 made by Colorado.

13 UNIDENTIFIED SPEAKER: One question of Sandy...

14 UNIDENTIFIED SPEAKER: I would like to say  
15 something.

16 CHAIRMAN COOLEY: We have got one fella ahead of  
17 you and then you're next, sir. We have one question over  
18 here and then you.

19 UNIDENTIFIED SPEAKER: Just real briefly, Sandy  
20 mentioned \$10 per acre feet. Where was that figure  
21 ...where did you acquire that figure?

22 MR. M.E. "SANDY" MACDOUGALL: That's what  
23 Colorado Springs charged last year.

24 CHAIRMAN COOLEY: Your name?

25 UNIDENTIFIED SPEAKER: Dave Brenn.

1                   CHAIRMAN COOLEY:   Okay.   And your name, sir?

2                   MR. JOHN LEFFERDINK:   John Lefferdink.   If it  
3                   please the Administration, I'm the attorney for the Fort  
4                   Lyon Canal Company.   Lest there be confusion that all  
5                   Colorado users support this, the Fort Lyon does not.   We  
6                   submit that there are many users down here which will be  
7                   injured if this is granted.   I have not had the  
8                   opportunity to speak to our Kansas representatives  
9                   because we share a common issue on certain of these  
10                  things.   I think that the issue here is where you're  
11                  going to allocate the water, and Trinidad makes a  
12                  compelling position that additional water will help and  
13                  it certainly will in terms of wildlife, fishery, what  
14                  have you, but the trick here is where they are going to  
15                  account for it.   The Army report indicates that an  
16                  allocation to recreation would be the most beneficial but  
17                  why wasn't it allocated to the Joint Use Pool?   And see,  
18                  what this will do, is leave that account open where if  
19                  additional waters come down the Purgatoire that otherwise  
20                  would have been diverted by the Fort Lyon or the Amity or  
21                  whoever, that account will remain open so that they can  
22                  divert additional water.   So why don't they put the water  
23                  in the Joint Use Account rather than expand recreation.  
24                  And it's the old saying that we build a reservoir now  
25                  let's go find some water to put in it.   Well, they are

1 taking water that would have been available perhaps to  
2 Fort Lyon, perhaps to the Great Plains system. This  
3 transmountain water is not endless. There are competing  
4 interests out there. And with all due respect to our  
5 friends in Trinidad, let them allocate it to the Joint  
6 Use Pool, that was one of the options under the Army  
7 report or let them allocate it to maybe to irrigation or  
8 perhaps do nothing. They don't have to do anything.  
9 That was one of the alternatives. And I would fear that  
10 every time more water gets to Trinidad it's going to hurt  
11 us down here. Now the channel capacity has been nozzled  
12 down to three thousand feet and that's where it really  
13 hurts us and so with all due respect, there are Colorado  
14 users who are greatly concerned about this. I'm not sure  
15 if the Colorado Delegation is unanimous in supporting  
16 this but if they are, then we want something down here  
17 from Trinidad to offset the losses to us. Thank you.

18 CHAIRMAN COOLEY: Thank you. Any other  
19 questions? Go ahead. Identify yourself too.

20 MR. DON STEERMAN: Yes, I will. My name is Don  
21 Steerman. I'm from the law firm of Shinn Lawyers. Many  
22 of you know Carl Shinn, he's my boss. He was unable to  
23 be here today. We would echo the statements just made by  
24 Mr. Lefferdink that we are extremely concerned with this.  
25 We also have some concerns with the account in John

1       Martin. Would it be subject to the 35 percent transit  
2       loss that all other accounts in John Martin are subject  
3       to? We also have some concerns with the one-for-one  
4       trade factor that they want to trade one unit of water  
5       for one unit of water. We feel that the...there needs to  
6       be a study of the recharge to see whether or not this is  
7       an appropriate measure of charge. We also are concerned  
8       with the purposes that the account...proposed account in  
9       John Martin will be used for. Are they limited to  
10      enhancing the recreational pool in Trinidad or would they  
11      be also available for other purposes as the Division of  
12      Wildlife or whomever may desire? And those are concerns  
13      that we would like to address at this time. Thank you.

14               CHAIRMAN COOLEY: Any other questions? Yes.

15               MR. MARK RUDE: I'm sorry I didn't catch who the  
16      gentleman represented?

17               MR. DON STEERMAN: I represent Amity, District  
18      67, Buffalo and Lamar Canals.

19               CHAIRMAN COOLEY: And how do you spell your last  
20      name again?

21               MR. DON STEERMAN: S-T-E-E-R-M-A-N.

22               CHAIRMAN COOLEY: Thank you, Mr. Steerman. Any  
23      other questions. Yes.

24               MR. CHUCK LILE: First, I think there's some  
25      confusion here as to what is going on. Perhaps we need a

1 little further explanation as to how this will be done  
2 and I don't know whether Steve Witte, would you like to  
3 respond how you would account for this process or...it's  
4 not going to be an account in John Martin, that's not  
5 what it's about. Steve...it is to be done in a manner  
6 that there's not injury to any appropriators in Colorado  
7 and in Kansas and I think if Steve will go through and  
8 address the two issues, Steve. I think first the Joint  
9 Use issue and then how you actually go through this  
10 process to allow this exchange to occur.

11 MR. STEVE WITTE: I'm at a bit of a loss to  
12 understand Mr. Steerman's comments regarding the 35  
13 percent storage charge and wonder if perhaps he's  
14 confused that we're talking about storage in John Martin  
15 versus Trinidad?

16 MR. DON STEERMAN: Well, yes, I'm concerned with  
17 that. It was my understanding that this proposed account  
18 would be to pick up the return flows from the  
19 transmountain returns in order...and then they would  
20 trade it for one-for-one in order to offset the...this  
21 proposed permanent pool or increase the permanent pool in  
22 the Trinidad Project. That was my understanding of what  
23 this was for.

24 UNIDENTIFIED SPEAKER: What account...where was  
25 it going to be gathered up?

1 MR. DON STEERMAN: How would they account for  
2 that?

3 MR. STEVE WITTE: As I understood Mr.  
4 MacDougall, he was saying that on some occasions that the  
5 replacement water would be provided to John Martin  
6 Reservoir at a time when conservation storage was  
7 occurring. And so it would be...the replacement water  
8 would be provided to conservation storage and then  
9 distributed into agreement accounts either under Section  
10 Two of the 1980 Operating Plan, so it would...it would  
11 not be a Section Three account, as I understood the  
12 proposal.

13 MR. M.E. "SANDY" MACDOUGALL: That's correct.

14 UNIDENTIFIED SPEAKER: He only said part of it.

15 UNIDENTIFIED SPEAKER: Right.

16 UNIDENTIFIED SPEAKER: Only possible --

17 MR. M.E. "SANDY" MACDOUGALL: We don't have any  
18 Section Three Account.

19 CHAIRMAN COOLEY: Pardon me. I want the  
20 colloquy on the record and I would like you to identify  
21 yourself and heckle all you want to but one at a time.  
22 If you would, sir.

23 MR. COLLIN THOMPSON: Collin Thompson with the  
24 Amity.

25 CHAIRMAN COOLEY: Okay. And Mr. McDonnell (sic)

1 are going to enter into a colloquy. Now, first.

2 MR. COLLIN THOMPSON: The way I understood you,  
3 Sandy, was that sometimes it would go into the  
4 conservation pool other times it might not. You're  
5 only...you're going to have some transmountain water  
6 located somewhere on the river that will only be released  
7 when the conservation pool is in?

8 MR. M.E. "SANDY" MACDOUGALL: No, it would only  
9 be released when there's an exchange potential up the  
10 Purgatoire. When the conservation pool is in, it would  
11 end up in the conservation pool. When the conservation  
12 pool is not in, it would end up river water.

13 MR. COLLIN THOMPSON: Subject to the call of the  
14 river?

15 MR. M.E. "SANDY" MACDOUGALL: Subject to the  
16 call of the river. So if you're in, you would get it.  
17 No 35 percent, it's your water. It's just a plain old  
18 exchange.

19 MR. COLLIN THOMPSON: One-for-one?

20 MR. M.E. "SANDY" MACDOUGALL: One at Las Animas  
21 gage for one at Trinidad.

22 MR. CHUCK LILE: And as I understand it, it's  
23 going to be...this is first use water, transmountain  
24 identifiable first use water...

25 MR. M.E. "SANDY" MACDOUGALL: I'm not buying the

1 water. I'll refer that to Mr. Flack. My belief is that  
2 it is transmountain water. Whether it is first use water  
3 or water that Colorado Springs or Pueblo has recaptured,  
4 I don't know, and --

5 CHAIRMAN COOLEY: I would like to orchestrate  
6 the trio as a quartet and singing the base role will be  
7 Dr. Danielson who is in the rear of the room and wants to  
8 enter into the colloquy. Dr. Danielson.

9 MR. JERIS DANIELSON: Mr. Chairman, I just stood  
10 up so I could hear. It's very difficult to hear Mr.  
11 Steerman when he doesn't stand up.

12 CHAIRMAN COOLEY: If I had a voice like yours I  
13 would want to exercise it at this time and is there  
14 anything --

15 MR. JERIS DANIELSON: I think counsel is doing  
16 fine. The only thing I would point out is one, there's  
17 no John Martin account involved. I'm very baffled by  
18 that. Two, it is a one-for-one exchange of transmountain  
19 water. It is something that we have done historically to  
20 maintain the existing permanent pool. The City of  
21 Trinidad has purchased water and moved it up on numerous  
22 occasions. The District has purchased transmountain  
23 water and moved it up for placement in the reservoir. It  
24 is nothing new. It simply is trying to put transmountain  
25 water as we have always done, under the direction of the



1 Division Engineer into this newly created recreation  
2 pool. Fort Lyons, I would think, would be much more  
3 concerned if we were putting that into the project  
4 accounts and utilizing it as project water. You know,  
5 here it's going simply into the rec pool and will remain  
6 there except for that portion which evaporates.

7 CHAIRMAN COOLEY: I suppose it would suffer  
8 evaporative losses?

9 MR. JERIS DANIELSON: Sure.

10 CHAIRMAN COOLEY: Mr. Lefferdink, there's a role  
11 in here for you if you would choose to keep joining in.

12 MR. JOHN LEFFERDINK: We haven't done any kind  
13 of engineering work on it, Mr. Chairman. We just wanted  
14 the minutes to reflect that the users down here do have  
15 objection to this, as much as anything, the accounting to  
16 where that water goes and why, perhaps in this case the  
17 Army Corps should have done nothing as far as this  
18 proposal. That was an option too, so that's all we want  
19 to say.

20 CHAIRMAN COOLEY: Well, let me ask one question  
21 of...of you, if I may. Although the Kansas  
22 representatives know my own interest in there being water  
23 in Trinidad Reservoir, if it can be done without injury  
24 to Kansas, I took it that one of your thoughts was that  
25 there are...there will be more than one customer for

1 transmountain water and therefore the law of the market  
2 might increase to the detriment of water diverters on the  
3 main stem further down. Is this a part of your thinking?

4 MR. JOHN LEFFERDINK: I think as the litigation  
5 continues with the state of Kansas, that the water  
6 markets around here are going to get very intense and  
7 you're going to have competing uses; recreation, farming,  
8 municipal. Unfortunately, it seems like the farmers  
9 always get relegated to the bottom. That rafting and  
10 fishing now is more important than farming, more  
11 politically correct, so we see that as a very...a very  
12 great concern, and at this point I think we need to draw  
13 the line.

14 CHAIRMAN COOLEY: Thank you. Dr. Danielson.

15 MR. JERIS DANIELSON: Just to address Mr.  
16 Lefferdink's concern about accounting. The accounting  
17 will be done pursuant to the Corps of Engineers  
18 Operations Manual for Trinidad Reservoir just as all  
19 accounting is done. Now there's nothing new. It will be  
20 accounted on a daily basis and as for Mr. Lefferdink's  
21 statement that they have done no engineering to argue  
22 against the proposal, we invite them to participate with  
23 us in the transportation loss study which you've heard  
24 about this morning. Here is an opportunity, I think for  
25 the Fort Lyons to help do some engineering since their

1       primary concern is whether the one-for-one exchange would  
2       cause injury. We would invite them to do that.

3               CHAIRMAN COOLEY: Mr. Pope, I think with the  
4       sextet that this opened up a variety of areas in which  
5       you might now wish to make questions or...and you're most  
6       welcome to do so. I would state that it is my intention,  
7       because of the importance and the interest of this  
8       subject, that we will continue for the next half hour or  
9       so, and not take a luncheon break as long as this is  
10      going on because there's a certain electricity in the air  
11      that none of us want to see dissipated by a lunch.

12             MR. DAVID POPE: Well, thank you Mr. Cooley. I  
13      appreciate the comments that everyone has spoken. I  
14      think it does help illustrate the level of concern and  
15      complexity that often enters into issues of this nature  
16      and there are many different kinds of things that relate  
17      to that which makes it all the more important that we  
18      understand thoroughly and do know the details of the  
19      proposal and how it could be executed. Perhaps to some  
20      degree there are misunderstandings or misapprehensions.  
21      I think an issue that has not been yet raised is the one  
22      that we have on the record for sometime including our  
23      correspondence to the Corps and others regarding the  
24      matter of the Operating Principles for the Trinidad  
25      Project. Those principles explicitly set forth the size

1 of the permanent pool, the recreation pool, and we have  
2 serious concerns about how this proposal would interact  
3 with that, short of amendments to the principles. So  
4 that's one issue. We also, I think, have a number of  
5 concerns about the details of the timing of when water  
6 would be available, whether it's water that would  
7 otherwise be released due to lack of capacity or  
8 whatever, in the system. So the concerns about the  
9 timing of when it would be available are of concern to  
10 us. I think we would also be concerned about the timing  
11 and the circumstances because as has been spelled out,  
12 if...if it occurred when water was in the conservation  
13 pool, there could be some benefit. Otherwise there might  
14 not be. Other than perhaps return flows or something of  
15 that sort as water was passed on through the system. I  
16 don't think...we don't have a great sense of comfort in  
17 terms of knowing what the results of all of that would  
18 be. Finally, I guess I originally asked...we may have  
19 additional comments, but I originally had asked whether  
20 the delegation from Colorado was prepared to take a  
21 position and I think Chuck, rightly so, wanted to know  
22 what the constituents had to say and it might be  
23 appropriate now to also ask if you have had answers to  
24 all of your questions.

25 CHAIRMAN COOLEY: We go back in kind of a

1 circle.

2 MR. CHUCK LILE: Colorado's prepared to support  
3 this because it is nothing new that we're doing. It will  
4 be done in a manner that it would not have injury to  
5 Colorado users or Kansas. That would be the intent. We  
6 think you could structure the accounting as would be the  
7 management of the water as it's exchanged to prevent  
8 injury. That's the rule we would place on this. In that  
9 light we would...we support this process and think that  
10 it is nothing unusual. We have allowed this before as a  
11 matter of...for filling the pools of the Trinidad  
12 Reservoir, so from that perspective, that's where we are,  
13 David. We would support this conditioned to where that  
14 the users in Colorado and Kansas were comfortable with  
15 how it was accomplished.

16 MR. DAVID POPE: Mr. Chairman, I need a minute  
17 here to confer.

18 CHAIRMAN COOLEY: Sure. Let's take...let's take  
19 between three and five minutes and be at ease. But when  
20 I holler, let's continue the program for the next 20 or  
21 30 minutes please.

22 (Whereupon, a short break was taken,  
23 after which the following proceedings  
24 were had:)

25 CHAIRMAN COOLEY: We're operating under some

1       terrible time constraints during this hour and it is  
2       necessary that we...we have to press on. Now Mr. Pope, I  
3       think the ball is in your court.

4               MR. DAVID POPE: Mr. Cooley, thank you very  
5       much, and first of all, let me just say that I appreciate  
6       very much the presentations made by the people here in  
7       support of the endeavor. We understand its benefits and  
8       the...the excellent comments made in regard to the  
9       support for that. At the same time we're also aware of  
10      various concerns that have been mentioned as well. I  
11      think to state our position for the record I would ask  
12      Mr. Draper to make some comments at this point.

13             CHAIRMAN COOLEY: Please, Mr. Draper.

14             MR. JOHN DRAPER: Thank you, Frank. We've given  
15      the present...presentations today careful consideration  
16      and we believe that this matter must be accomplished, if  
17      it is to be accomplished, through an amendment of the  
18      Operating Principles for Trinidad Dam and Reservoir.  
19      Something that is not a thing that is lightly done, the  
20      way to approach that would be to propose in due course an  
21      amendment to the Operating Principles and due  
22      consideration be given to that. Something that obviously  
23      can't happen overnight, but we think that that is the  
24      procedure that needs to be followed. It's not something  
25      that can be accomplished today, but if those procedures

1 are followed, in our view, that would be the way to go  
2 forward and act on this proposal.

3 CHAIRMAN COOLEY: Thank you very much. I think  
4 that those remarks take care of item 11 on the agenda at  
5 this time as I understand 11(b). Mr. Lile.

6 MR. CHUCK LILE: I was wondering you know,  
7 if...this is really a very important issue. If we  
8 handled this in such a manner as it was not precedent and  
9 that we could have it as a one-time opportunity as a  
10 temporary solution and there's no injury to...it's  
11 crafted in such a way as there is no injury to any  
12 parties which by Colorado law it would have to be, it  
13 seems to me we ought to be able to accomplish this.

14 CHAIRMAN COOLEY: Colorado reemphasizes the  
15 ...frankly, very clearly drafted part of the Resolution,  
16 that this is a one shot and highly informal and...in that  
17 respect, and has no...is to have no probative value or  
18 weight in any jurisdiction, pending litigation or  
19 otherwise, or probative value. Does...does Kansas want  
20 to give any further consideration at this time in view of  
21 those remarks?

22 MR. JOHN DRAPER: Frank, in order not to belabor  
23 things, I think we've stated our position fully and in  
24 view of the comments today, the concerns that do exist, I  
25 don't see a possibility for that right now. There are

1 other considerations such as the delay for the  
2 archeological study. Kansas, I think is always open to  
3 considering things in due course, but as quickly as that  
4 can be considered, and we would be open to later  
5 suggestions by...by Colorado, but I think our position is  
6 as I stated succinctly at the beginning.

7 CHAIRMAN COOLEY: I think the matter is closed.  
8 Would you please direct your attention to the remaining  
9 matters on the agenda. It would be my suggestion that we  
10 go to item 15, have a very brief report on the status of  
11 Highland and Nine Mile, then to item 16. The reasons and  
12 the basis for, and public comment on going into executive  
13 session, and thereafter go promptly into executive  
14 session this afternoon to do those exciting things such  
15 as the election of committees and officers and budget.  
16 Which, I don't know, I don't think the audience will find  
17 them as exciting as I do. Have I missed anything on the  
18 agenda?

19 MR. DAVID POPE: No.

20 CHAIRMAN COOLEY: Have I missed anything that  
21 you're aware of?

22 MR. CHUCK LILE: No.

23 CHAIRMAN COOLEY: Okay. We will now go to  
24 agenda item number 15, which I take it will be a terse  
25 report on the litigation status of Highland and Nine



1 Mile. Whose responsibility is that, sir? Oh, Wendy.  
2 Fine, Ma'am.

3 MS. WENDY WEISS: I will do that.

4 CHAIRMAN COOLEY: Wendy Weiss.

5 MS. WENDY WEISS: It will be a terse section.  
6 As I believe you know, the Colorado Division II Water  
7 Court ruled in the state's favor in the Highland and Nine  
8 Mile case. Highland and Nine Mile appealed the decision.  
9 It's been fully briefed before the Colorado Supreme Court  
10 and it's set for oral argument on January 18 at 1:30 in  
11 the afternoon. That is the status.

12 CHAIRMAN COOLEY: Okay. That takes care of item  
13 15. It, I think, takes care of the explanation and the  
14 basis of the reason for going into executive session on  
15 that litigation. Is there any public comment from anyone  
16 here as to the Highland and Nine Mile litigation? Does  
17 anyone want to say anything for the record at this time  
18 before the Compact Administration goes into that subject?

19 MS. WENDY WEISS: Before you do, I think I want  
20 to clarify that we will be going into executive session  
21 on the related case that's listed below which is Highland  
22 versus ARCA which is the federal court case which has  
23 been stayed now. They do relate to the same subject  
24 matter but they are two separate cases. One...ARCA is  
25 not a party to the first case, the one before the

1 Colorado Supreme Court. It is a party to the State  
2 court, the State case in Federal District Court, and  
3 that's what we will go into executive session on.

4 CHAIRMAN COOLEY: Thank you for correcting me.  
5 Now, changing the subject entirely. This is effectively  
6 the end of the meeting of the Arkansas River Compact  
7 Administration. We have never closed a meeting without  
8 giving...in 18 years anyway, without giving anyone  
9 present the opportunity to speak on anything he wants to.  
10 I would object to someone having to say something on the  
11 prayer amendment, but anything that anyone here wants to  
12 be heard on, this would be the time for him to be heard  
13 on record. Do you have something sir?

14 MR. DON STEERMAN: Yes, sir, I do. We were  
15 concerned with the number 12 on the agenda, the adoption  
16 or revision of the bylaws, especially those changes  
17 regarding special meetings and notices. And is this  
18 Compact for this year going to hear those and change the  
19 bylaws this year?

20 CHAIRMAN COOLEY: We've been working on them for  
21 nine years and I don't think there's going to be any  
22 startling change or diminution of notice to the public on  
23 special meetings this year and if there is, I think  
24 someone will put the brakes to it.

25 MR. DON STEERMAN: One thing that we do have a

1 concern with was in the way that the special meeting of  
2 the June 10th was carried out. We received fax notice,  
3 by "we," I mean the Amity, three hours before that  
4 proposed meeting was held. We feel that that meeting was  
5 inappropriate or the notice to that meeting was  
6 inappropriate, and we would encourage this Administration  
7 to take steps that notice for future special meetings be  
8 much more inclusive to all parties who may have an  
9 interest in them.

10 CHAIRMAN COOLEY: Well, I always thought the  
11 Amity was a pretty swift bunch so...but maybe our views  
12 differ on that. We will take that into consideration and  
13 you have been heard and thank you for putting that on the  
14 record.

15 MR. DON STEERMAN: Thank you.

16 CHAIRMAN COOLEY: Anything else? That was  
17 highly appropriate. Would all of you be kind enough to  
18 clear the room promptly. We've got a plane waiting for  
19 one of our parties and we want to...and have your  
20 farewells out in the hall. We want to move ahead because  
21 of the schedule of one of our members.

22 MR. DAVID ROBBINS: The meeting after lunch is a  
23 public meeting.

24 CHAIRMAN COOLEY: The meeting after lunch is a  
25 public meeting, and if you have a vital interest in our

1 committee appointments, please come back.

2 UNIDENTIFIED SPEAKER: When will that start?

3 CHAIRMAN COOLEY: As soon as we can after a full  
4 lunch break, probably 1:30.

5 (Whereupon, a lunch break was taken,  
6 after which the following proceedings  
7 were had:)

8 CHAIRMAN COOLEY: Everyone present at this time  
9 is either a member of the Compact Administration or  
10 staff. Is there a...

11 MR. CHUCK LILE: And the staff members present  
12 have an interest in this issue.

13 CHAIRMAN COOLEY: And the staff members present  
14 have an interest in this issue. Is there a motion that  
15 we go into executive session based on the statements that  
16 have been made by Wendy and myself?

17 MR. CHUCK LILE: So moved.

18 CHAIRMAN COOLEY: So moved. Is there a second?

19 MR. DAVID POPE: Right.

20 CHAIRMAN COOLEY: There's a second. Colorado.

21 MR. CHUCK LILE: Aye.

22 CHAIRMAN COOLEY: Kansas.

23 MR. DAVID POPE: Kansas votes aye.

24 CHAIRMAN COOLEY: We are in executive session.

25 Wendy.

1 (Whereupon, the Compact Administration  
2 went into executive session, which was  
3 recorded but under separate cover, after  
4 which the meeting goes back into open  
5 session and the following proceedings  
6 were had:)

7 CHAIRMAN COOLEY: We're back on the record and  
8 the open meeting has recommenced. Ladies and  
9 gentlemen...Lola and gentlemen, help me with the agenda.  
10 We can't do it without Steve. Looking back at the  
11 agenda...

12 MR. CHUCK LILE: Well, I recognize we were in  
13 the middle of a discussion on the Trinidad Project, then  
14 we went into Executive Session. We never really made a  
15 formal conclusion of the Trinidad Project issues and I'm  
16 wondering if we shouldn't perhaps do that.

17 CHAIRMAN COOLEY: My own view is that any...any  
18 action that might be taken this afternoon at this time  
19 would be counter-productive that you...there was a full  
20 presentation of what was sought to be done on Trinidad.  
21 There was a single page resolution that was circulated  
22 that the...there were objections raised and kind of a  
23 thorough examination of the subject, whereupon Mr. Draper  
24 made it clear that Kansas could not or would not consider  
25 a temporary solution to Trinidad short of an adjustment

1 of the Operating Principles. And Colorado raised the  
2 question for a second time and Mr. Draper made it clear  
3 that that was exactly what he thought whereupon the Chair  
4 moved to other matters. If you wish for the record to  
5 further dignify the train wreck, you may do so, but I  
6 don't think it would be of value because I think there is  
7 wide appreciation, even among the Kansas delegation of  
8 the desirability of doing some of these matters, and I  
9 feel it has significantly held up, I would use the word  
10 hostage, but that might be too strong in the present  
11 litigation. Mr. Pope, are those statements of mine  
12 appropriate?

13 MR. DAVID POPE: Yes, I think so. Except for  
14 the very last comment. I don't know that we've argued  
15 that this position is taken as a result of the  
16 litigation. I think...

17 CHAIRMAN COOLEY: Okay. But for whatever  
18 reason, it's not appropriate at this time.

19 MR. DAVID POPE: But I think your  
20 characterization of what happened during the discussion  
21 and ending with Mr. Draper's comments and your summary of  
22 moving on to other business, I think that's accurate in  
23 terms of what happened and probably what can happen at  
24 this point.

25 MR. CHUCK LILE: So David, you're comfortable or

1       it is your position that this is at a stalemate more or  
2       less, that you cannot give your approval, so there's no  
3       sense in us...

4               MR. DAVID POPE: Well, I think a better  
5       characterization of that is that we feel it is necessary  
6       to have amendments to the Operating Principles and  
7       explicit within...very explicit within that is a  
8       requirement to address the various issues that have been  
9       raised and concerns, in due course, as a result of that  
10      review, and at such time as we would have before us a  
11      proposed amendment that was in proper form and have the  
12      appropriate analysis of all of the impacts, then it would  
13      be time to take action.

14             CHAIRMAN COOLEY: Implicit.

15             MR. DAVID POPE: Implicit. I waffled wrongly.

16             MR. CHUCK LILE: Okay, Mr. Chairman.

17             CHAIRMAN COOLEY: All right, thank you very  
18      much. Now, going to the front page of the agenda...

19             MR. CHUCK LILE: Where are we?

20             CHAIRMAN COOLEY: The item 4, the approval of  
21      transcript for the December 1993 annual meeting. I  
22      understand there's to be a five minute apology from the  
23      state of Colorado, is that right?

24             MR. STEVE MILLER: We haven't got weeks...Kansas  
25      shares equal blame, I suppose. They didn't hire any...

1                   CHAIRMAN COOLEY: We want five minutes for  
2                   Colorado and five minutes for Kansas.

3                   MR. MILLER: We failed to reserve Bev in  
4                   adequate time last year so we had a substitute court  
5                   reporter who did not do a good job. Two proposals are  
6                   one, I've just got to sit down and listen to the tapes  
7                   and make...basically re-do the minutes or if that fails  
8                   after adequate effort on my part, we could  
9                   have...consider a non-verbatim transcript that Kansas and  
10                  Colorado would jointly prepare.

11                  CHAIRMAN COOLEY: Or maybe Mr. Rolfs would like  
12                  to listen to the tape.

13                  MR. STEVE MILLER: He may have to to decide on  
14                  my corrections.

15                  MR. CHUCK LILE: Steve, should we spend the  
16                  energy or should we just set gown down and get a mutually  
17                  agreed upon...

18                  MR. DAVID POPE: Not knowing how...apparently it  
19                  needs a lot of work. I don't know, Lee, what do you...

20                  MR. STEVE MILLER: I would recommend that I  
21                  spend a day, no more, listening to tapes and making  
22                  corrections. Send all of that to Lee, then he could  
23                  judge the volume of work that's going to be for him to  
24                  decide...and then decide at that point if we want.

25                  MR. DAVID POPE: That would be an acceptable



1       proposal. I think the framework of that would still be  
2       good to have if we can agree on what it really says.

3               MR. STEVE MILLER: And make sure that Bev is  
4       penciled out for the second Tuesday of December for the  
5       rest of her life.

6               CHAIRMAN COOLEY: We have a set of minutes from  
7       a meeting at Pueblo Reservoir that went into the Pueblo  
8       Triangle and is forever missing. I had a hand in that.

9               Now we've done the reports, item 5, I believe.  
10      The item 6 was accomplished at length. We're now at one  
11      of the highlights of the meeting. The committee reports  
12      for the Compact Year. We, in fact, have...we finessed,  
13      if I'm accurate, item A, the Administrative and Legal  
14      Committee Report. Did we finesse that or did you do it  
15      in one sentence, sir?

16              MR. CHUCK LILE: We can do it pretty quickly,  
17      but let me raise another issue. I think we need to go  
18      back and finish up, because we did have a conversation  
19      concerning the Operations Secretary's report and we were  
20      going to have a special way we handled one segment of  
21      that and I think someplace we need to...

22              MR. DAVID POPE: I think that is correct, Chuck.  
23      It seems to me, unless you have an alternate suggestion,  
24      that where we left that in our informal discussions was  
25      that a...a written version that would be acceptable to

1 both states would be developed. We think there is a  
2 solution, and that would then be, in essence, a  
3 replacement for the language of concern in the...

4 MR. CHUCK LILE: On table...actually we ought to  
5 identify that as table 13, wasn't it?

6 MR. DAVID POPE: A series of tables, I think,  
7 maybe two or three tables there, maybe 11 through 13, or  
8 something, and that that would then remove the cause of  
9 concern. As it stands right now, of course, we have our  
10 concerns on the record about...

11 MR. CHUCK LILE: And we have ours...

12 MR. DAVID POPE: Yes, I understand.

13 MR. CHUCK LILE: So what we're going to do is  
14 mutually...we're going to make an exchange of documents  
15 until we're acceptable on how it will be put in the  
16 Operating Report and then should we move forward and  
17 adopt the Operations Secretary's report...

18 CHAIRMAN COOLEY: Subject to...

19 MR. CHUCK LILE: ...subject to...

20 CHAIRMAN COOLEY: ...your agreement as to that  
21 one area.

22 MR. DAVID POPE: Seems to me like that would be  
23 an acceptable way to proceed. Once we reach an agreement  
24 on that, that that document could become an exhibit to  
25 the transcript showing what we ultimately came to. It

1 wouldn't be a document we have in front of us but it  
2 would be a part of the record anyway.

3 CHAIRMAN COOLEY: Mr. Pope's last long sentence  
4 was a motion. Is there a second to his motion?

5 MR. CHUCK LILE: Yes. Yes.

6 CHAIRMAN COOLEY: Kansas.

7 MR. DAVID POPE: Kansas votes aye.

8 CHAIRMAN COOLEY: Colorado.

9 MR. CHUCK LILE: Aye.

10 CHAIRMAN COOLEY: That's done. Now, please  
11 straighten me out. This was not apropos of the questions  
12 that were being asked of Mr. Witte by Mr. Draper. That's  
13 a different matter, is it not, that we were going to get  
14 back to at the end of the meeting.

15 MR. CHUCK LILE: That is the matter.

16 MR. DAVID POPE: It is the matter.

17 CHAIRMAN COOLEY: That is indeed the matter,  
18 okay. So that's taken care of. Okay, fine. Thank you  
19 very much.

20 MR. CHUCK LILE: Then we can go to agenda item  
21 number 7.

22 CHAIRMAN COOLEY: Yes, and we would like your  
23 Administrative and Legal Committee Report.

24 MR. CHUCK LILE: Okay.

25 CHAIRMAN COOLEY: Do we start off with a budget

1 and audit review?

2 MR. STEVE MILLER: I think you ought to defer  
3 both of those items...

4 CHAIRMAN COOLEY: ...so to take them now to do  
5 them in order, not to defer them in order.

6 CHAIRMAN COOLEY: I agree with that. If we can  
7 do appointments and all of the other stuff and then  
8 settle down to the budget, it would be preferable.

9 MR. CHUCK LILE: I think we can give that report  
10 then, Mr. Chairman.

11 CHAIRMAN COOLEY: Fine. Thank you.

12 (Whereupon, a pause was taken in the  
13 proceedings for the reporter to plug in  
14 her machine, after which the following  
15 proceedings were had:)

16 CHAIRMAN COOLEY: Mr. Lile, we would like an  
17 electric report.

18 MR. CHUCK LILE: Where? Which item Mr.  
19 Chairman?

20 CHAIRMAN COOLEY: Hang on. Geez, I think we may  
21 be at the election of officers.

22 MR. DAVID POPE: Yeah, I think that's right.

23 CHAIRMAN COOLEY: Item 8, the  
24 vice-chairman...has the vice-chairmanship traditionally  
25 rotated. Did it rotate last year?

1 MR. STEVE MILLER: Only on death.

2 CHAIRMAN COOLEY: Only on death. Okay. I'm  
3 informed that is a life-time appointment. Is there a  
4 nomination for vice-chairman?

5 MR. CARL GENOVA: Mr. Chairman...

6 CHAIRMAN COOLEY: Be quiet please.

7 MR. DAVID POPE: I don't want to cut anybody off  
8 but, would it be simpler just to move the election of the  
9 current slate of officers as they currently are?

10 CHAIRMAN COOLEY: It would be much simpler. Do  
11 you so move?

12 MR. DAVID POPE: I so move.

13 CHAIRMAN COOLEY: Second.

14 MR. CHUCK LILE: Colorado seconds.

15 CHAIRMAN COOLEY: And Colorado votes?

16 MR. CHUCK LILE: Aye.

17 MR. DAVID POPE: Kansas votes aye.

18 CHAIRMAN COOLEY: I'm so glad we deferred that  
19 to the end of the program so it wouldn't burden us in the  
20 morning.

21 MR. CARL GENOVA: Mr. Chairman, what I was going  
22 to say was I was sure ready to rotate it.

23 CHAIRMAN COOLEY: Okay. But the committee  
24 members do rotate.

25 MR. CHUCK LILE: Yes.

1                   CHAIRMAN COOLEY: And Mr. Pope, is there a  
2 motion that the revolving door policy for committee  
3 chairman continue in effect?

4                   MR. DAVID POPE: I would so move.

5                   CHAIRMAN COOLEY: All right. Is there a second?

6                   MR. CHUCK LILE: So seconds.

7                   CHAIRMAN COOLEY: Okay. Colorado votes...

8                   MR. CHUCK LILE: Aye.

9                   CHAIRMAN COOLEY: Kansas.

10                  MR. DAVID POPE: Kansas votes aye.

11                  MR. STEVE MILLER: Can we clarify who those are  
12 then?

13                  CHAIRMAN COOLEY: No...

14                  MR. CHUCK LILE: Fox, Pope and Hayzlett.

15                  CHAIRMAN COOLEY: Fox, Pope and Rogers.

16                  MS. LOLA FOX: No. Hayzlett.

17                  MR. STEVE MILLER: Chairmen for Compact Year  
18 1995 are...who wants to do Operations?

19                  MR. RANDY HAYZLETT: Hayzlett.

20                  CHAIRMAN COOLEY: Oh...

21                  MR. STEVE MILLER: Chairman of Engineering is  
22 going to be Mr. Pope, and Fox is the business...business,  
23 is that correct?

24                  CHAIRMAN COOLEY: I apologize, I'm sorry. I  
25 thought you had those listed...

1 MR. STEVE MILLER: Well, see, turned out last  
2 night I was wrong so..

3 CHAIRMAN COOLEY: Okay. Fine.

4 MR. STEVE MILLER: I thought I did too, but...

5 CHAIRMAN COOLEY: Now I realize the error of my  
6 not going to your committee meeting.

7 MR. STEVE MILLER: Pope, Fox and Hayzlett, all  
8 three from Kansas, is that...

9 CHAIRMAN COOLEY: Sure. This is Kansas's year.

10 MR. STEVE MILLER: Okay.

11 CHAIRMAN COOLEY: Federal agencies have been  
12 taken care of. I believe we're at item 12, the  
13 Readoption and/or the Revision of the Bylaws. There was  
14 some interest expressed by someone from your staff,  
15 David. Is there...is there anything forthcoming on the  
16 amendments to the bylaws that do need to be amended?

17 MR. DAVID POPE: Well, I'm a little unsure about  
18 where we stand. I think the intent was to take a look at  
19 the compilation of all of the changes that have occurred  
20 over a period of several years. I think Steve Miller  
21 worked on some of those. I don't think Lee had a chance  
22 to get over those in terms of review unfortunately. I  
23 don't know whether that's something that...I don't know  
24 what all is involved in that frankly.

25 CHAIRMAN COOLEY: Well, frankly, there's no

1 point to the Compact Administration addressing the  
2 subject until two persons have done a lot of work. There  
3 really isn't. Is that not correct, Steve?

4 MR. STEVE MILLER: I don't know if the  
5 volume..."a lot" might be a poor modifier. I don't know  
6 if it's the right word, but there needs...yeah, there  
7 needs to be some attention to the recompiled set of  
8 bylaws to make sure each state is comfortable in adopting  
9 them as they are now, not making any changes.

10 CHAIRMAN COOLEY: And they should have the  
11 approval of the Amity Ditch as well.

12 MR. STEVE MILLER: I don't know if I agree with  
13 that. I mean, we're not talking changes, now, we're just  
14 saying these are our bylaws and we all agree that these  
15 are our bylaws. That's the decision we need to...

16 CHAIRMAN COOLEY: Oh, you're talking about  
17 compiling them not revising them.

18 MR. STEVE MILLER: That's right. Recompiled  
19 bylaws. So we have a starting point to do future  
20 revisions.

21 CHAIRMAN COOLEY: Now if it takes us 12 months  
22 to compile them...

23 MR. STEVE MILLER: They have been compiled for  
24 two years.

25 CHAIRMAN COOLEY: ...then it will be another 12



1 months to revise them, and I don't...somehow I'm shocked  
2 at that. Would it not be possible for you both to  
3 compile them and to propose revisions to, you know, meet  
4 up with fax machines and so forth?

5 MR. DAVID POPE: Let me suggest this, if it is  
6 okay with Lee. If, on the issue of the recompiled ones,  
7 once he's reached the comfort point that they in fact  
8 represent, and I don't mean to infer they don't, but once  
9 he has had a chance to review those, what changes have  
10 already been made, then I think it is simply just a  
11 matter of us agreeing that that is the case and they  
12 could be then in turn published, based upon them being  
13 the current set. I don't think that requires delaying  
14 for another whole year if we can get it done a lot sooner  
15 than that. And I have confidence in the fact that that  
16 is just strictly a matter of just checking that out. It  
17 is an additional matter, I think, beyond that, then, to  
18 look at any additional changes that may be made, perhaps  
19 next year or whenever that can be done, and that would  
20 get to the point of addressing the Amity concerns or  
21 others if we don't have an adequate mechanism for notice  
22 or whatever, you know, that's a separate matter it seems  
23 to me.

24 CHAIRMAN COOLEY: I was a little factitious on  
25 the Amity. It was not my real intent that they approve

1 the bylaws or have veto power over them, but they raised  
2 a serious question that needs to be addressed.

3 MR. DAVID POPE: That was my point, simply if we  
4 have a mechanism that's not deemed adequate we ought to  
5 at least look at the question.

6 CHAIRMAN COOLEY: Well, Chuck, shouldn't that be  
7 done in the next year? Shouldn't both jobs be  
8 undertaken?

9 MR. CHUCK LILE: Yes, I think as we come to a  
10 major...revisions, we should get on the record, let  
11 people have a chance to comment on those major revisions.

12 CHAIRMAN COOLEY: Sure.

13 MR. DAVID POPE: Yes, so I propose we take  
14 basically a two-step process. One, that we accept in  
15 concept the compilation of the existing amendments that  
16 already occurred once each state has had an opportunity  
17 to review those and that is really just publishing them  
18 in official form, that's not changing anything, and then  
19 as a second matter, work on any amendments and get input,  
20 you know, get those out for review.

21 MR. CHUCK LILE: I agree with that.

22 CHAIRMAN COOLEY: Mr. Pope's last statement is  
23 the sense of the meeting with respect to bylaws. And  
24 there will be no further more formal action necessary.  
25 Where are we? Oh, 12. Well, as long as these minutes

1 are so much fun, what about item 13 in the June 10  
2 special meeting?

3 MR. STEVE MILLER: I'm unprepared with those  
4 minutes. We had another unfortunate circumstance there.  
5 The conference call operator was supposed to record the  
6 meeting for us and they either lost or forgot to insert  
7 the tape so we have no taped recollection of that  
8 meeting. We've got my notes and Lee furnished me his  
9 notes and I agreed to do a draft and I haven't done it  
10 yet.

11 MR. DAVID POPE: So we have our own missing  
12 eight minutes? I was just kidding.

13 MR. STEVE MILLER: I had three different people  
14 in our office listen to the tape after I couldn't find  
15 the eight minutes to see if it was somewhere. I got a  
16 nice Christmas card from them. They said they were  
17 sorry, it will never happen again. But that doesn't do  
18 any good for...

19 CHAIRMAN COOLEY: What are...

20 MR. STEVE MILLER: It was a very brief meeting,  
21 if you will remember, and the heart of the meeting was a  
22 statement from Kansas, and we did get that, provided from  
23 Kansas, so I just need to put some brackets around it.  
24 The meeting was called to order by the chairman at blank,  
25 and it will be a brief summary of the meeting.

1                   CHAIRMAN COOLEY: Would you and Mr. Rolfs  
2 undertake preparation of those?

3                   MR. STEVE MILLER: Yeah.

4                   CHAIRMAN COOLEY: And should they be circulated  
5 this spring or not?

6                   MR. STEVE MILLER: I fully intended to when I  
7 put it on the agenda to have it done before I got down  
8 here but I didn't get it done.

9                   CHAIRMAN COOLEY: Okay, fine. Thank you. Mr.  
10 Rogers, have we had an audit?

11                  MR. JAMES ROGERS: Yes, we have.

12                  CHAIRMAN COOLEY: And does it...does the audit  
13 contain any matters that is scandalous or impertinent?

14                  MR. JAMES ROGERS: No, it don't.

15                  CHAIRMAN COOLEY: Have both states had the  
16 opportunity to see the audit? Have we got copies of the  
17 audit?

18                  MR. STEVE MILLER: We have some extra copies  
19 here.

20                  CHAIRMAN COOLEY: How many?

21                  MR. STEVE MILLER: Five, I believe. You might  
22 also ask the Administrative Legal Committee if they had a  
23 chance to look at it last night.

24                  MS. LOLA FOX: No, we did look at it last night.

25                  CHAIRMAN COOLEY: Oh, you did...

1 MS. LOLA FOX: Yes, we did.

2 CHAIRMAN COOLEY: It turns out that I have five  
3 Xerox copies. Can I give you a couple?

4 MR. DAVID POPE: As long as we end up with a  
5 copy to take back to the files, why we're okay. That way  
6 it doesn't matter whether we have an extra one or not.

7 CHAIRMAN COOLEY: Have the committees had the  
8 opportunity...

9 MR. CHUCK LILE: Mr. Chairman, the committees  
10 reviewed the audit last night, heard the report and we  
11 recommend that the commission adopt the auditor's report.

12 CHAIRMAN COOLEY: There's been a recommendation  
13 from the committee that the audit report of Anderson and  
14 Company under date of November 16, 1994, be approved.  
15 Mr. Pope, is there a motion to that effect.

16 MR. DAVID POPE: Yes, that's fine. I think  
17 really Lola is more familiar with that. Are you...

18 CHAIRMAN COOLEY: Lola?

19 MS. LOLA FOX: Yes.

20 CHAIRMAN COOLEY: Lola moves. Mr. Rogers.

21 MR. JAMES ROGERS: I'll second.

22 CHAIRMAN COOLEY: And it's been seconded.

23 Kansas.

24 MR. DAVID POPE: Kansas votes aye.

25 CHAIRMAN COOLEY: Colorado.

1 MR. CHUCK LILE: Aye.

2 CHAIRMAN COOLEY: The auditor's report has been  
3 adopted. The...the Treasurer's report, Mr. Rogers, is it  
4 separate from budget matters? I guess it is, isn't it?

5 MR. JAMES ROGERS: Yes. Covering last fiscal  
6 year, we wound up since 7-1-94 through 12-8-94 the  
7 assessments were 50 thousand dollars and interest  
8 received was \$441.19. Total income was \$50,441.19 and  
9 the expenses were 13,024. And that leaves us a total in  
10 assets of \$76,778.74.

11 CHAIRMAN COOLEY: This is a serious matter. I  
12 think it calls for a party. How come the...how come the  
13 great disparity. Are there some big expenditures that  
14 come in here?

15 MR. JAMES ROGERS: No, no. Your 50 thousand  
16 dollars worth of assessments that come in will carry us  
17 on through until next June.

18 MR. CHUCK LILE: We're only through half of the  
19 fiscal year.

20 CHAIRMAN COOLEY: Huh?

21 MR. JAMES ROGERS: We're in the middle of our  
22 fiscal year.

23 MR. DAVID POPE: Jim, do you have a hand-out or  
24 am I missing something here?

25 MR. JAMES ROGERS: This here was just what is

1           currently in our...

2                   MR. DAVID POPE:   Okay.

3                   MR. JAMES ROGERS:   ...you know, what we have  
4           done from the end of last fiscal year and then everything  
5           will be current and show up in the audit at the end of  
6           the year.  Everything we've got is right on budget...

7                   MR. DAVID POPE:   Okay.

8                   MR. JAMES ROGERS:   ...and it will show up then.

9                   CHAIRMAN COOLEY:  We don't have a budget that's  
10          ...that time...we have an annual budget.  We don't have a  
11          monthly budget.  So we have no way of telling at this  
12          time where we are but it sounds like we're going to be  
13          ahead.  Is there any more to the Treasurer's Report?

14                   MR. JAMES ROGERS:  I have nothing else.

15                   CHAIRMAN COOLEY:  Can you make some Xeroxes of  
16          that for the court reporter?

17                   MR. JAMES ROGERS:  She can have this one.

18                   CHAIRMAN COOLEY:  Good.  Okay.  Mr. Lile.

19                   MR. CHUCK LILE:  Yes.

20                   CHAIRMAN COOLEY:  Seems to be a lot of money in  
21          the bank.  I think you're probably safe if you make the  
22          motion.

23                   MR. CHUCK LILE:  I would move that we accept the  
24          Treasurer's Report.

25                   CHAIRMAN COOLEY:  Mr. Pope.

1 MR. DAVID POPE: Second.

2 CHAIRMAN COOLEY: Seconded. Colorado?

3 MR. CHUCK LILE: Aye.

4 CHAIRMAN COOLEY: Kansas.

5 MR. DAVID POPE: Kansas votes aye.

6 CHAIRMAN COOLEY: The Treasurer's Report has  
7 been accepted. I believe that we're now in the matter of  
8 the budget for...which is composed of three different  
9 elements. There's a review of the current year, a review  
10 of a previously adopted 95-96 budget, and then there's  
11 the following budget, the fiscal year 96-97. Steve,  
12 would you be kind enough to lead us through the current  
13 year's budget.

14 MR. STEVE MILLER: There's actually one thing we  
15 deferred this morning that relates in here and I'll do  
16 that too and ask Doug for help, but yes, cooperative  
17 agreement. I forget who was there last night and who  
18 wasn't. I might come up short on these hand-outs.

19 CHAIRMAN COOLEY: I do need one.

20 MR. DAVID POPE: Do we need one for the court  
21 reporter or is that something that doesn't...

22 MR. STEVE MILLER: I don't know if we want to or  
23 not. We might be sorry that we did. (Mr. Steve Miller  
24 handing out documents.)

25 CHAIRMAN COOLEY: The wonderful business that no



1 adult should see is a...is a butcher making sausage or a  
2 politician making bread, and I think that's Steve's  
3 principle right now.

4 MR. STEVE MILLER: I guess I'll let you have  
5 these two. This is...divide these up.

6 CHAIRMAN COOLEY: Another year?

7 MR. STEVE MILLER: This is the USGS, what they  
8 have done to us in terms of cost and what they want to  
9 charge for next year.

10 CHAIRMAN COOLEY: Please don't put us into  
11 overload. Let's get one or the other items disposed of.

12 MR. STEVE MILLER: Okay. Let's talk about the  
13 GS right now. They have asked for a cooperative  
14 agreement for the federal fiscal year 1995 which began  
15 two months ago and the total amount was \$15,880. The  
16 reason I gave you the second and third sheets of this was  
17 because I wanted to see just how badly the cost of that  
18 has gone up and if we were paying our fair share. It  
19 turns out, in my view, from looking at the graph, that we  
20 are. It's a program that the expense of which keeps  
21 growing. ARCA is not paying any more than...of that  
22 increase than the federal government is, but it is  
23 definitely a steady pattern of five percent increase.  
24 Doug is here so you can yell at him about that increase  
25 if you want, but my view after looking at the numbers was

1 we're just paying our fair share. And the number I will  
2 have used in these budgets is the \$15,880 that they gave  
3 us as a firm number by letter last month.

4 CHAIRMAN COOLEY: If I read you correctly, that  
5 15880 in the lower right hand corner of the USGS sheet is  
6 for 95-96 and it is followed by an estimate of 16,775 for  
7 96-97.

8 MR. STEVE MILLER: Right.

9 CHAIRMAN COOLEY: Are we not...and you're  
10 speaking only of the 95-96 which you say was previously  
11 adopted. Was it previously adopted in this number or  
12 something very close to it?

13 MR. STEVE MILLER: It was adopted with 15950,  
14 the number just above.

15 CHAIRMAN COOLEY: Oh, well, that really amounts  
16 to...

17 MR. STEVE MILLER: Their estimates are pretty  
18 good.

19 CHAIRMAN COOLEY: Pocket change. 70 bucks.

20 MR. STEVE MILLER: We don't need to revise the  
21 budget because of that.

22 CHAIRMAN COOLEY: What action is appropriate by  
23 the Compact Administration for 95-96?

24 MR. STEVE MILLER: To approve a cooperative  
25 agreement with the United States Geologic Survey in the

1 amount of \$15,880 for federal fiscal year 1995.

2 MR. CHUCK LILE: I would so move, Mr. Chairman.

3 MR. DAVID POPE: I would second that with the  
4 caveat I take it we're still going to have a further  
5 discussion about the additional gages as a separate  
6 matter?

7 MR. STEVE MILLER: Yeah, that's probably a good  
8 point to bring that up right now. If we were to go ahead  
9 like we discussed last night, would that be an amendment  
10 to the cooperative agreement or an entirely new  
11 agreement?

12 MR. DOUG CAIN: We haven't sent out a joint  
13 funding agreement yet for this year pending your action  
14 today so if you chose to make a decision to start the  
15 additional gages we would send that out as a single joint  
16 funding agreement.

17 MR. DAVID POPE: So my suggestion is we should  
18 defer on this motion until we decide what we're going to  
19 do on that instead of two separate ones.

20 CHAIRMAN COOLEY: I've got a motion and a second  
21 but I don't mind deferring at all because it's germane.

22 MR. DAVID POPE: Do it either way but...

23 MR. CHUCK LILE: Can we withdraw it and come  
24 back to it?

25 CHAIRMAN COOLEY: Sure.

1 MR. DOUG CAIN: I guess another comment, if you  
2 want we could send out two funding agreements but from  
3 our standpoint if there's only one budget item we would  
4 rather do it as one.

5 CHAIRMAN COOLEY: So would the Compact. Why  
6 don't we simply segway into the...

7 MR. STEVE MILLER: Budget?

8 CHAIRMAN COOLEY: Oh, into the budget and defer  
9 the gages and take up the gages after the budget and the  
10 budget will have to accommodate whatever we do  
11 immediately thereafter on gages.

12 MR. DAVID POPE: Well, the only part it seems  
13 that we need to understand here is for the continuation  
14 of the current gages, for 95-96 we need 15880 and the  
15 next step on the hand-out here is to continue those for  
16 the 96-97 year and that budget that we have not yet  
17 adopted, it would be...equivalent figure would be 16775.

18 CHAIRMAN COOLEY: Right.

19 MR. DAVID POPE: So we just need to keep that in  
20 the back of our minds when we vote on the budget.

21 CHAIRMAN COOLEY: Right.

22 MR. STEVE MILLER: And the hand-out I used last  
23 night and some of you just got for the first time this  
24 morning, just now, incorporates both of those numbers  
25 that we just described. So we're now in the process of

1 reviewing the current year's...current fiscal year's  
2 budget, 94-95. The third page of the hand-out is, the  
3 page print is the up and down way instead of side ways  
4 called Budget Assessment Summary 1989 through '97.  
5 Should have a date of December 12 in the upper lefthand  
6 corner. Ignore the first five columns. Those are past  
7 history, but they give you some information on how we've  
8 actually spent money over those five years. The next two  
9 columns are the current budgets in place. Basically what  
10 we did last year. Then the last three columns on the  
11 righthand side are what I propose you do with the budget  
12 actions today except they don't include the  
13 recommendation from the Engineering Committee that we  
14 increase the number of gages and they have no allowance  
15 for what I understand the Engineering Committee is at  
16 least considering participation of ARCA in the Purgatoire  
17 Transit Loss Study, so I think the main focus of what we  
18 need to do in the next few minutes is figure out how to  
19 squeeze those two activities that we want to take up for  
20 the first time into these three righthand -- lefthand --  
21 righthand columns.

22 CHAIRMAN COOLEY: And in the righthand columns,  
23 as I see them, there's only one item that changes more  
24 than a hair, it looks to me, and that is the printing  
25 cost. Is that...am I not correct?

1 MR. STEVE MILLER: Litigation also. Printing.  
2 Yes, you're right about the printing.

3 CHAIRMAN COOLEY: Whereabouts is litigation?  
4 Oh, I see it. Yeah. Yeah.

5 MR. STEVE MILLER: Item F. It's down this  
6 year...I'm recommending it go down this year, up next  
7 year and back down. 2500; 15,000; 5,000. I think we  
8 have agreed that that's probably about sufficient or as  
9 fine tuned as we can get on that line item but your  
10 question about the printing is correct. Annual report  
11 printing. We actually missed an agenda item status of  
12 the annual reports a few minutes ago but the current  
13 status is the '89 report is in Kansas's office for  
14 review. I haven't pestered them because I haven't been  
15 real up to speed on getting '90, '91, '92 ready. They  
16 haven't caused me any delay in what I need to do but it  
17 is time now...as soon as Kansas gives the go-ahead, that  
18 one can be printed. We would owe 25 hundred dollars to  
19 the printer approximately if we get the 500 copies.

20 CHAIRMAN COOLEY: Let me ask another question.  
21 What you propose from the sheet is that we dip into  
22 savings on a 50 thousand dollar budget of 1,500 bucks for  
23 94-95, that we dip in on a 50 thousand dollar budget of  
24 12 thousand dollars, 95-96, and one thousand dollars in  
25 96-97?

1 MR. STEVE MILLER: Would actually come back in.  
2 That would not be a dip.

3 CHAIRMAN COOLEY: Oh, we would make money.  
4 Okay. What is the...if you please, what is the present  
5 surplus?

6 MR. STEVE MILLER: It's on the next page on your  
7 little deal there, Frank. We are...there's the fourth  
8 column in from the righthand side is there's a tentative  
9 94-95 balance as of your action of approving the audit  
10 that's not tentative that's actual. So on June 30, 1994  
11 we had \$39,338 cash balance per the audit. I quite  
12 frankly didn't catch Mr. Rogers's figures as to where we  
13 have gone from June 30 to right now, but I don't think it  
14 matters.

15 CHAIRMAN COOLEY: I would like you to be at ease  
16 for just a minute. From my reading of the up and down  
17 page compared to the surplus page, it would appear to me  
18 that the adoption of the up and down page dated December  
19 12, 1994 should be a slam dunk. Everything is so  
20 consistent with other years except for two items. Both  
21 of them, we know very well why those items change,  
22 attorneys fees and printing, that's been explained, and  
23 the surplus is of substantially greater than the  
24 dipping-into possibilities. Plus the fact that the third  
25 year we make a thousand bucks. I do not perceive the

1       need, unless there's some egregious matter on these pages  
2       that I have missed, I don't think we need to work very  
3       hard. I believe the work has been done. Mr. Pope.

4               MR. DAVID POPE: Frank, my assessment is the  
5       same. I believe that the proposed actions, all three of  
6       those, are acceptable and appropriate and I think Steve's  
7       documentation is excellent to show us where we are for  
8       those. It seems to me like that is at the base of the  
9       discussion and we should accept that conceptually and  
10      then now...

11             CHAIRMAN COOLEY: -- talk about other things.

12             MR. DAVID POPE: ...talk about the two  
13      additional items that are left on the table and whether  
14      or not we want to do those.

15             CHAIRMAN COOLEY: The two items are gages  
16      and ...

17             MR. DAVID POPE: The Purgatoire Transit Loss  
18      Study.

19             CHAIRMAN COOLEY: ...and the Purgatoire Transit  
20      Loss Study. Chuck, you heard my remarks and Mr. Pope's  
21      remarks, where are you?

22             MR. CHUCK LILE: I think that is appropriate  
23      that we just go to those two topics and try to get a  
24      handle on the discussion of how much money would be  
25      needed to build the gages first, and secondly, what we



1           could...and then see if there's room to look at it in our  
2           budget.

3                   CHAIRMAN COOLEY: That's fine. And essentially  
4           that's correct, but what I would like to do is I would  
5           like to have an enunciation from you similar to what  
6           David just said, that we can...that so much work has been  
7           done on these, they are so clear and so comfortable that  
8           we can move onto other items and take these as a base  
9           line and you're nodding you head.

10                   MR. CHUCK LILE: Yes, I agree with that. I  
11           think that's what I said, Mr. Chairman.

12                   CHAIRMAN COOLEY: Okay. Fine. Is that  
13           satisfactory to...Lola, is that...

14                   MS. LOLA FOX: Yes.

15                   CHAIRMAN COOLEY: How about you other gentlemen?  
16           Is that satisfactory to you?

17                   MR. JAMES ROGERS: Yes.

18                   CHAIRMAN COOLEY: Okay. We're going to shift  
19           gears. Talk about which ever one you want to and treat  
20           these as a given.

21                   MR. CHUCK LILE: Okay. Then I guess the  
22           question I would ask is can we have a number, if we were  
23           to start the gaging program beginning July 1, 1995, what  
24           would our cost be during that fiscal year?

25                   MR. STEVE MILLER: Yeah, I can give you a number

1 if you want. Carl probably has it better than I.

2 MR. CARL GENOVA: I have a figure of 12,000  
3 but...

4 MR. STEVE MILLER: If we were to give the GS the  
5 go-ahead today to commit to those four new gages today,  
6 their schedule would be to spend the next several months  
7 figuring out where to put the gages and negotiating  
8 whatever access agreements they needed, buying the  
9 materials, have the gage up and running by April. Run  
10 the gage from April through October even though some of  
11 those gages will eventually be 12 month gages, we only  
12 have six months left in that federal fiscal year to run  
13 it. So we would get a bill in October of '95. We would  
14 pay that bill in November or December of '95. Our fiscal  
15 year 95-96. So the budget year we're in right now, no  
16 impact. No change. You don't need to do anything with  
17 that budget. In fiscal year 95-96, the bill that we will  
18 get next October would be for an additional \$18,300.  
19 That would cover all of the installation costs and six  
20 months of running those four gages.

21 CHAIRMAN COOLEY: Pardon me. Mr. Cain, has he  
22 got it about right?

23 MR. DOUG CAIN: Yes.

24 CHAIRMAN COOLEY: Okay. Keep going.

25 MR. STEVE MILLER: There's one assumption there

1       that the GS can get its...this is assuming...

2               CHAIRMAN COOLEY: Match. Match. Sure go ahead.

3               MR. STEVE MILLER: Okay. So now the question  
4       is, do you want to give them the go ahead and what  
5       happens to your budgets when you plug that 18 thousand  
6       dollar figure into...what column is it...second column  
7       from the right on the longhand page, the up and down  
8       page. You're currently planning on dipping into surplus  
9       12 thousand dollars that year. This would be another dip  
10      of an additional 18 thousand. Basically take your  
11      surplus down to...

12              MR. CHUCK LILE: 71 hundred dollars.

13              MR. STEVE MILLER: To zero. Or yeah, seven  
14      thousand dollars.

15              MR. CHUCK LILE: That is if we had to dip into  
16      the 12...

17              MR. STEVE MILLER: If you increase your  
18      assessments or go into surplus to fund the gaging program  
19      or hope that some other budget item doesn't come in such  
20      as either the litigation or contingencies.

21              MR. CARL GENOVA: That doesn't include the  
22      Transit Loss Study either, does it?

23              MR. STEVE MILLER: Doesn't include the Transit  
24      Loss...I thought we would go through them. Two years of  
25      one problem and then try and add the transit loss on top

1 of it afterwards.

2 CHAIRMAN COOLEY: That is a fierce bite.

3 MR. STEVE MILLER: Fierce what? Bite.

4 CHAIRMAN COOLEY: Fierce bite.

5 MR. STEVE MILLER: And then just to finish the  
6 bite, future years would be about 12 thousand dollars a  
7 year increase to us because we won't have the  
8 construction but we will have moved to 12 months on some  
9 of those gages.

10 MR. DAVID POPE: So in summary if we would fund  
11 the four gages we could take the 25,408 figure on 95-96  
12 and reduce that by eighteen three, which means we would  
13 have about seven grand to carry forward. And then for  
14 the following year we have to figure out some way to fund  
15 the O and M for the gages which will be another 12,000 so  
16 there's some problem there in regard to...to that, before  
17 we even start talking about the transit study and again  
18 the options would be for...if something else falls out.  
19 My suggestion, I guess, is, we have a couple of choices,  
20 one we could of course not do it or we can do it as it is  
21 or a lesser amount, whichever, but if we...I would be  
22 willing to support funding out of the carry-over for  
23 95-96 and then increase our assessments for 96-97 so that  
24 we would be paying the 12,000 O and M which would be  
25 ...would have the effect of...well, 40 percent of 12,000

1 from Kansas and 60 percent of 12,000 from Colorado,  
2 whatever that figures out to be. That would keep us  
3 essentially at a level of a fairly nominal carry-over,  
4 but if something else drops out it wouldn't really be  
5 quite that bad. It may not...and in the event that  
6 we...if something else drops out that gets us back up to  
7 a reasonable level of carry-over and, for example, if we  
8 don't need the litigation money at all or much of it,  
9 otherwise we just have to stay with a lower level of  
10 carry-over until we can build it back up. Now I think it  
11 is appropriate for us to note that the 2 thousand dollars  
12 a year contingency fund money is not really committed to  
13 anything.

14 CHAIRMAN COOLEY: There is a...there is a  
15 Russian Roulette here that is, as I see it, a no-win from  
16 the point of view of Colorado. Can Colorado, given its  
17 recent constitutional amendments increase its assessments  
18 from the Arkansas River Compact Administration?

19 MR. CHUCK LILE: We'll have to take it to the  
20 Legislature I think. That's something that Dave is going  
21 to be facing and I'm going to be facing. All I can say  
22 is we'll make an attempt to do that. I recognize that we  
23 will have constraints on our budget and I will have to  
24 work through that in order to accommodate this.

25 CHAIRMAN COOLEY: We've got new constitutional

1 constraints in Colorado as the Kansas delegation is  
2 aware. Mr. Robbins, I know that the financial area is  
3 not one in which you are involved very heavily but does  
4 it not constitute a real problem in the general assembly  
5 of Colorado to try to work a benefit or an increase in  
6 this expenditure?

7 MR. DAVID ROBBINS: Mr. Cooley, it really just  
8 places the burden on Chuck to make decisions about his  
9 budget or on the Legislature in making decisions about  
10 other budget items. There's a very strong, strict  
11 limitation on how much the state's overall budget can be  
12 increased and it just means he's going to have to trade  
13 off and he may not be successful in trading off an  
14 increase in his budget against a decrease in someone  
15 else's. The pot is absolutely constrained on top and so  
16 the question then is, do they take it out of prisons or  
17 do they take it out of...

18 CHAIRMAN COOLEY: Yeah. Schools...

19 MR. CHUCK LILE: It's not a given that we can  
20 accomplish that but...

21 CHAIRMAN COOLEY: Well, I am aghast at the  
22 exposure toward the carry-over and I never thought I  
23 would hear myself complaining about supporting stream  
24 gages for the USGS. But I have cut down a great number  
25 of corporate contributors on streams in my area and just

1       seen gages shut down because the matching funds weren't  
2       there and I...I don't have a vote. I'm not sure I should  
3       be speaking, but I cannot, myself, be comfortable with  
4       the magnitude of the...of the four gages. Two gages  
5       strikes me as being...as being risky enough, given the  
6       constitutional area that Mr. Robbins said that the pot is  
7       ...the pot is at the brim, and as he remarked, do we get  
8       this money out of state prisons or schools. Where do we  
9       ...what else do we cut back.

10               MR. DAVID POPE: Well, Frank, I certainly  
11       appreciate and recognize the limitations and difficulty.  
12       I may not have as good a feel for it as obviously those  
13       of you from Colorado. We're all faced with a fixed  
14       amount of money. We get an allocation of money to work  
15       with as well, and I'm simply willing to go on the stump  
16       and say within my own budget of several million dollars  
17       which is...I can find an additional 48 hundred dollars.  
18       That is you know, without having to increase the size of  
19       the pie. Now I don't know whether that is possible  
20       within the Colorado Water Conservation Board budget or  
21       not. That's all I'm really saying.

22               MR. DAVID ROBBINS: I just want to add one other  
23       comment though. Of all of the money that the states  
24       spend, it seems to me money spent to generate good  
25       quality data in areas where there is little or none, that

1 both states can agree upon, in the end is the best  
2 dollars that this organization can spend, and to the  
3 extent that the two states agree that there are areas  
4 where there's no data, for whatever reason, and they are  
5 willing to spend monies where you're getting half of it  
6 from the federal government to try to fill those data  
7 gaps, that is real important money, because if we don't  
8 spend it, then Mr. Pope, Mr. Lile and others spend money  
9 on Mr. Draper and myself and the collective engineers to  
10 fight about what it might be if we had spent the 22  
11 thousand dollars to determine it. So I wouldn't...I  
12 don't want my comments about the very real constraints of  
13 Amendment One to be read as supporting some cut-back on  
14 data gathering if the two states agree it is necessary.

15 CHAIRMAN COOLEY: I understand and take to heart  
16 every word you have said.

17 MR. DAVID ROBBINS: Thank you.

18 CHAIRMAN COOLEY: At the most, I find it an  
19 exquisitely uncomfortable situation for myself to be  
20 commenting on.

21 MR. DAVID ROBBINS: Yes.

22 MR. DAVID POPE: Is there...I know we talked  
23 about this and I'm not trying to...last night...not  
24 trying to force off responsibilities on anyone else,  
25 we're vitally interested in the data collection



1 activities. Is there any potential yet at this point of  
2 lessening the load to some extent at least for another  
3 year on the...well, there's a couple of possibilities,  
4 but the Apishapa gage is included in the four. Steve had  
5 talked about they are currently measuring that. If they  
6 could carry that another year without cost in terms of  
7 the USGS co-op. That would help some. You know, I don't  
8 know whether that's too big of a burden, you know that  
9 was one that was an ongoing program. It's really, most  
10 needed I think for internal administration of the  
11 Division Engineer's Office. I'm not unwilling to help  
12 support it, I'm just...we're faced with a budget problem  
13 here.

14 MR. CHUCK LILE: What is the amount that would  
15 be assigned to the Apishapa gage, if I may ask?

16 MR. STEVE MILLER: Seventy-two hundred dollars.  
17 Well, the first year, fifteen hundred dollars to replace  
18 some equipment at the gage that's obsolete now.

19 CHAIRMAN COOLEY: May I ask how much industrial  
20 support or ditch support there is for gages on the  
21 Arkansas River?

22 MR. DOUG CAIN: They provided me that and I  
23 forgot to bring it...

24 CHAIRMAN COOLEY: Roughly.

25 MR. DOUG CAIN: ...to address that. As some of

1       you know, USGS can cooperate with other...with state and  
2       local agencies but we can't, in general, cooperate with  
3       private industries, so there isn't any direct support  
4       from ditch companies, per se. However, the Southeast  
5       District, Colorado Springs, Pueblo Board of Water Works,  
6       St. Charles Mesa Water District, other entities in  
7       addition to the federal programs support the gaging  
8       network. We probably cooperate just in the Pueblo office  
9       and the Arkansas Basin with 15 different entities that  
10      support the gaging station program.

11               MR. DAVID POPE: Do you have the numbers? You  
12      mentioned 1500 for installation and what would be the O  
13      and M for the first year and second year on that one.

14               MR. DOUG CAIN: Well, the Apishapa, what we  
15      estimated was that if a decision was made today that we  
16      would pick back up operation of that gage. In reality,  
17      during this fiscal year we would probably only operate it  
18      for nine months and the Division Engineer would have  
19      operated it for three months, so we prorated that and  
20      figured a cost of 57 hundred dollars for fiscal year '95  
21      for O and M plus the \$1500 for the equipment upgrade.

22               MR. DAVID POPE: So that would be...

23               MR. DOUG CAIN: It's seventy-two hundred.

24               MR. DAVID POPE: That's seventy-two for the  
25      first fiscal year and then the next full year...

1 MR. DOUG CAIN: It would be approximately 8,000.

2 MR. DAVID POPE: About 8,000. So it's...

3 MR. CHUCK LILE: From the state of Colorado's  
4 perspective, it's kind of like taking it out of one  
5 pocket and putting it in another pocket if the State  
6 Engineer's having to operate the gage, there's some cost  
7 incurred there. I would just as soon just roll it into  
8 the whole package of the plan...as we planned, David, and  
9 I'll take the chance on getting it funded.

10 CHAIRMAN COOLEY: Well, the Chair's remarks may  
11 have been completely inappropriate...

12 MR. CHUCK LILE: That's fine. I think it is  
13 serious.

14 CHAIRMAN COOLEY: It is your ball game and I  
15 would entertain whatever motion anyone would care to  
16 make.

17 MR. CHUCK LILE: I think I would move that we  
18 enter into the cooperative agreement with the GS for  
19 these four gages as reported by the Engineering  
20 Committee.

21 CHAIRMAN COOLEY: Is there a second?

22 MR. DAVID POPE: Second.

23 CHAIRMAN COOLEY: Kansas.

24 MR. DAVID POPE: Kansas votes aye.

25 CHAIRMAN COOLEY: Colorado.

1 MR. CHUCK LILE: Aye.

2 CHAIRMAN COOLEY: Congratulations. You're the  
3 big winner.

4 MR. DOUG CAIN: You're only half way home  
5 though. I guess I would like to just have one follow-up  
6 question. I will proceed later today to determine if  
7 there are matching funds. If it turns out that there's  
8 not, I think it would be worth it to talk about some sort  
9 of a contingency plan. From our standpoint we could take  
10 that...there's several options. We could take the  
11 funding unmatched and do what we could with that part of  
12 it, prioritize that to some extent. We could wait until  
13 next year and put the Compact Administration high on the  
14 list for matching funds next year, but I think that's a  
15 potentiality that is worth addressing.

16 CHAIRMAN COOLEY: Well, there really is not  
17 much, I perceive, that the Compact Administration can  
18 vote today in terms of a plan B. I think you are going  
19 to have to have a telephone conference call with Mr. Lile  
20 and Mr. Pope and reach a conclusion that way.

21 MR. DOUG CAIN: My hope is that we won't have to  
22 do that.

23 CHAIRMAN COOLEY: We all hope so too, but as far  
24 as us voting in the event you are broke and you can't do  
25 the government end, therefore, then we're going to go to

1 plan B. I think...I think...I think both states would be  
2 ready to work out what they had to work out.

3 MR. DOUG CAIN: That gives me some guidance so I  
4 know who to talk to.

5 MR. DAVID POPE: I think I would rather leave it  
6 that way and if you can't...internally it doesn't look  
7 like it's going to work, let us each know, we can try to  
8 work around that. I mean we have a couple of choices.  
9 We can try to call your boss and we can try to call  
10 Washington and all kinds of things you know, or we can  
11 live with it, you know.

12 MR. CHUCK LILE: Call the speaker or something.

13 CHAIRMAN COOLEY: David, I have a client who  
14 comes in the office and invariably says, Frank, I'm in  
15 this situation. I want you to tell me what plan B is.  
16 And he's learned the hard way that my first plan is no  
17 damn good and we're going to be doing plan B. Thank you  
18 very much.

19 MR. STEVE MILLER: If I could interject. I  
20 think it would be...might be appropriate to consider  
21 sending a signal that we aren't going to do this without  
22 50 percent federal money. I don't know if that makes it  
23 any easier for Doug to get the money, but...

24 CHAIRMAN COOLEY: Well, you have to talk to your  
25 boss and he will have to talk to Mr. Pope and you will

1 know just how to treat...but on the other hand...on the  
2 other hand I would be calling the senators too.

3 MR. STEVE MILLER: That was going to be my...the  
4 Federal Chairman might be able to coax some money out of  
5 the federal agencies.

6 CHAIRMAN COOLEY: I would just call up Bob and  
7 tell him this is Frank, you bet. Let's go onto the next  
8 item.

9 MR. STEVE MILLER: I'm still on this long page  
10 of the budget. I've just added \$18,300 in one year and  
11 \$12,000 in the next year under item B-1 USGS Co-op  
12 Agreements. I haven't figured out what to do with the  
13 bottom line. Is it all going to come out of surplus?

14 CHAIRMAN COOLEY: Yeah.

15 MR. STEVE MILLER: We need to increase an  
16 assessment at least...well, we need to decide, for both  
17 of those years, fiscal year 95-96 what we want to  
18 increase the assessment to, call it a supplemental or  
19 special assessment or whatever, and you need to adopt an  
20 assessment for fiscal year 96-97, the farthest righthand  
21 column, because you're going to be zeroed out. You're  
22 going to be...

23 CHAIRMAN COOLEY: Fine.

24 MR. STEVE MILLER: Negative balance.

25 CHAIRMAN COOLEY: What numbers do you have in

1 mind for the...

2 MR. STEVE MILLER: I don't.

3 CHAIRMAN COOLEY: Well, why don't you?

4 MR. STEVE MILLER: Because this just came up  
5 last night.

6 MR. DAVID POPE: Seems to me like we have these  
7 options. We...we have to either increase our revenues in  
8 95-96 by another special assessment which catches us  
9 right in the middle of our current budget cycle, that's  
10 one option, which means we have to dig it up out of our  
11 hide someplace. I mean I, frankly I can't go get it out  
12 of the Legislature but I can try to dig it up, that's one  
13 option. The other option is to increase our assessments  
14 for 96-97, in which case, in my case at least, I don't  
15 know how Colorado is, I go to the Legislature a year from  
16 now and make a case for it and say this is an important  
17 item and we just have got to do it and we either cut  
18 something else or we get an increase, one of the two,  
19 that's the options we have. And the only other option is  
20 a caveat that if our anticipated expenses for litigation  
21 aren't necessary, we may be okay without it. That's the  
22 other possibility.

23 CHAIRMAN COOLEY: Well...

24 MR. DAVID POPE: Without a new increase in  
25 assessments.

1 MR. CHUCK LILE: We're right in the middle of  
2 our budget cycle and it's going to be, not real easy for  
3 me to go get a supplement now that will take effect the  
4 first of July, so I would...I could make an attempt to  
5 perhaps do that, but I don't think I could commit it in  
6 the budget yet.

7 CHAIRMAN COOLEY: Let's do the furthest column  
8 over.

9 MR. CHUCK LILE: Let's do the assessment then.

10 CHAIRMAN COOLEY: And what number do you want to  
11 put in there; 12,000 bucks?

12 MR. CHUCK LILE: Yes.

13 MR. DAVID POPE: Right.

14 CHAIRMAN COOLEY: 12 thousand dollars in  
15 American money at the bottom of the extreme righthand  
16 column.

17 MR. STEVE MILLER: As a special assessment or  
18 just...

19 CHAIRMAN COOLEY: No, because you've got us in  
20 this jam from here on out, Steve. It's all your fault.

21 MR. CHUCK LILE: Just put it at the cost of the  
22 annual operating gages.

23 CHAIRMAN COOLEY: Yes.

24 MR. STEVE MILLER: The assessment will be 50  
25 thousand dollars plus 12 thousand dollars divided at



1           60/40 Colorado to Kansas for fiscal year 96-97.

2           CHAIRMAN COOLEY: Now, I believe that's a  
3 platform that we have reached, Mr. Pope, and that we  
4 should take that as a given and then go on to the transit  
5 loss travel time matter.

6           MR. DAVID POPE: Yes.

7           CHAIRMAN COOLEY: Chuck, the 12,000 bucks at the  
8 bottom of the last column I would now like to take it as  
9 a given and accepted by the Compact and we move onto the  
10 travel time transit loss study.

11          MR. CHUCK LILE: Okay.

12          CHAIRMAN COOLEY: Okay. We're at a...we've gone  
13 up another rung on the ladder. Now Purgatoire; Travel  
14 Time Transit Loss Study. Oh, but some of that would come  
15 in the very first year, if I recall last night.

16          MR. CHUCK LILE: I think we need to know how  
17 that could be staggered.

18          MR. STEVE MILLER: I'll let Doug tell you but  
19 I'm sure the funds would be appreciated in whichever year  
20 they can be made available.

21          CHAIRMAN COOLEY: I think that one...a small  
22 amount in the first year has got more pizzazz to it than  
23 looking down the road two or three years based on the  
24 remarks last night of Doug. Doug, would you please help  
25 us out quickly on that one narrow issue.

1 MR. DOUG CAIN: The major year of funding in the  
2 study is the fiscal year that we're currently in. Last  
3 year, for which we just billed about a month ago, was  
4 really a start-up year and the funding was fairly low.  
5 This year the funding is probably...two-thirds of the  
6 funding for the first phase of the study occurs this  
7 year. And the billing for that just like the gaging  
8 program will occur next October.

9 CHAIRMAN COOLEY: The total study for this year  
10 is one hundred thousand clams with a federal 50/50 match  
11 meaning 50 thousand is to be raised by the state.

12 MR. DOUG CAIN: Not...no, the total funding for  
13 the whole study is a little over a hundred thousand. The  
14 total funding in this year is about 67 thousand, and  
15 we're providing half of that, so it's 33,500.

16 CHAIRMAN COOLEY: Call it 70. 35,000; the  
17 district is going to put in ten, the state of Colorado  
18 intends to put in some money, I take it Mr. Lile.

19 MR. CHUCK LILE: We're going to try to through  
20 the process, yes.

21 CHAIRMAN COOLEY: Okay. What is the...what is  
22 the appropriate amount of money to be contributed the  
23 first year by the Compact Administration to help this  
24 particular study along, realizing it is, Mr. Pope, that  
25 it is near and dear to the Chairman's heart?

1                   MR. DAVID POPE: Right. I guess I'm sounding  
2 more and more like a spendthrift and that's not  
3 normally...in a bigger picture, not in terms of the total  
4 number of dollars here, but if my numbers are right, we  
5 end up with an ending balance projected of seven one  
6 (sic) hundred and eight dollars for the end of fiscal  
7 year 95-96 because we're taking 18 thousand out...18,300  
8 for what we just did. I would be willing to take two  
9 thousand dollars, realizing it's not a huge amount of  
10 money but it would be support from ARCA for the study out  
11 of 95-96 money. That gets us down to five thousand  
12 dollars. I don't think we can really go below that in  
13 terms of our carry-over, in all good faith, it's already  
14 very low, and that would be sort of partially moral  
15 support, partially...it would make ARCA a cooperator, as  
16 I would understand it, in the study, and then hopefully  
17 the following fiscal year other sources of revenue would  
18 be available. I know Colorado is seeking that and  
19 perhaps that would be able to take care of the issues for  
20 them.

21                   CHAIRMAN COOLEY: Kansas bids two thousand  
22 dollars. Would Colorado raise the ante? Thinking fast.

23                   MR. CHUCK LILE: I'm looking at the bottom line  
24 here itself. If we're going to bid now, we're going to  
25 say five thousand?

1 CHAIRMAN COOLEY: No, no, no.

2 MR. CHUCK LILE: I think that we should not get  
3 the budget any tighter than we're proposing to do. I  
4 think it should stay at that...

5 MR. DAVID POPE: That's my concern, is...

6 CHAIRMAN COOLEY: All right. Motion...

7 MR. DAVID POPE: Two thousand.

8 CHAIRMAN COOLEY: Second.

9 MR. CHUCK LILE: Second.

10 CHAIRMAN COOLEY: Kansas.

11 MR. DAVID POPE: Kansas votes aye.

12 CHAIRMAN COOLEY: Colorado.

13 MR. CHUCK LILE: Aye.

14 CHAIRMAN COOLEY: Okay, we've done that. Oh,  
15 come on. We've got to the top of the ladder and you're  
16 going to interrupt.

17 MR. STEVE MILLER: If you wait until next  
18 December to fund the next year...I guess you're okay, you  
19 could do that.

20 CHAIRMAN COOLEY: Fine. Thanks.

21 MR. STEVE MILLER: There will still be an  
22 opportunity to do additional funding next December.

23 MR. DOUG CAIN: Yes. (Reporter unable to hear  
24 what is being said between Mr. Cain and Mr. Miller.)

25 MR. STEVE MILLER: I thought it might be over.

1                   CHAIRMAN COOLEY: Now Steve, I'm about ready to  
2 entertain a motion...

3                   MR. STEVE MILLER: To go home.

4                   CHAIRMAN COOLEY: Pretty close. That your  
5 budget, as presented, be adopted for each of the three  
6 years including 96-97 with the addition of the  
7 expenditure for the four gages and two thousand dollars  
8 ...would that be 94-95...

9                   MR. DAVID POPE: 95-96.

10                  CHAIRMAN COOLEY: ...and 95-96 as a  
11 contribution, matching contribution to the Transit Loss  
12 Travel Time Study and a 12 thousand dollar assessment  
13 60/40 for 1996-1997.

14                  MR. DAVID POPE: What was the last thing you  
15 just said?

16                  CHAIRMAN COOLEY: And a 12 thousand dollar  
17 assessment...

18                  MR. DAVID POPE: Increase in the assessment?

19                  CHAIRMAN COOLEY: ...increase in the assessment  
20 for 1996-1997. Does someone make that motion? Do you so  
21 move?

22                  MR. DAVID POPE: Yeah, I would move the  
23 amendment of the 95-96 budget, as we have proposed to  
24 increase funding for the gage program by 18,300 and the  
25 Transit Loss Study by 2,000 and to further adopt the

1 96-97 budget as proposed with an increase of 12,000 for O  
2 and M on the gages and an increase of 12,000 on  
3 assessments to be apportioned in the normal way. Does  
4 that cover it?

5 CHAIRMAN COOLEY: Yes, you covered one that I  
6 hadn't covered. Is there a second on the motion?

7 MR. CHUCK LILE: Colorado seconds that motion.

8 CHAIRMAN COOLEY: How does Colorado vote?

9 MR. CHUCK LILE: Aye.

10 CHAIRMAN COOLEY: Kansas.

11 MR. DAVID POPE: Kansas votes aye.

12 CHAIRMAN COOLEY: We have now taken care of  
13 three years of budget. I feel pretty good that we got  
14 through this alive.

15 MR. DAVID POPE: I do think...and Steve was  
16 starting to raise a point and I don't think...

17 CHAIRMAN COOLEY: And I cut him off on purpose.

18 MR. STEVE MILLER: I was going to ask where you  
19 thought in the budget we should put the Purgatoire thing,  
20 a new item under gaging?

21 MR. DAVID POPE: Yes, I think the Purgatoire  
22 thing ought to be a separate item and I think in all  
23 fairness I think we can look at it again next year but it  
24 would probably be difficult unless something changes in  
25 these numbers to come up with additional budgeting next

1 time for that because...

2 CHAIRMAN COOLEY: Additional budgeting or...

3 MR DAVID POPE: Funding, because we would be  
4 talking about another increase in assessments and that  
5 would be pretty late.

6 MR. CHUCK LILE: Mr. Chairman...

7 CHAIRMAN COOLEY: I thought that was a marvelous  
8 slip of the lip but let's go on. Yes.

9 MR. CHUCK LILE: I would like to ask Mr. Pope if  
10 he thinks there's any possibility in this supplemental  
11 process that you have going on in Kansas that you could  
12 ...realizing that we got this done, maybe we shouldn't  
13 bring it up, but if there was a way maybe you can find  
14 some funds to match what it costs...the construction  
15 costs for something although we now have a budget we  
16 could deposit it in advance if you were able to get  
17 through some supplementals this year. Would that be a  
18 thought?

19 MR. DAVID POPE: If we...let me be candid in  
20 that regard. I think that within the existing budget  
21 that we have, not any supplemental or additional money,  
22 that I'll be better able to do that this fiscal year than  
23 I will next. I think next year is going to be a lot  
24 tighter.

25 MR. CHUCK LILE: In other words, if you get in

1 the budget year with some surplus you can maybe roll it  
2 into this account. I guess I raise the question, what I  
3 was thinking the same thing with us if that developed,  
4 would we want to have a supplemental budget assessment  
5 contingent upon...that would help us with this...

6 MR. DAVID POPE: I think I would be willing to  
7 provide that as a contingency. In other words if we  
8 jointly both see that that would work for us since we  
9 would be moving that forward instead of putting it off  
10 into another year.

11 MR. CHUCK LILE: Since we revised the budget if  
12 we were able to accomplish that.

13 MR. DAVID POPE: I don't know what that does to  
14 the number crunching.

15 MR. CHUCK LILE: He leaves his budget like it is  
16 and we just have this...

17 MR. STEVE MILLER: Or you could put the 12,000  
18 that you agreed to be a regular assessment in 96-97, you  
19 could make that a special assessment for the coming  
20 fiscal year. But if the states don't have the money to  
21 pay it then it would be an obligation that could continue  
22 without interest for 10 years or something, I don't know.  
23 How do you want to do it?

24 MR. DAVID POPE: How about this. If we...if  
25 that increase in the assessment is scheduled as we speak



1       for fiscal year 96-97 in the event that both states are  
2       capable, can we provide for a mutual agreement that those  
3       ...that assessment would be pre-paid in fiscal year 95-96  
4       as an alternative. Essentially that's what we're talking  
5       about. It would be the same amount of money, we just  
6       move it forward one fiscal year.

7               MR. STEVE MILLER: And not collect it in the  
8       following year.

9               MR. DAVID POPE: We would not collect it in the  
10      following year absent any further action.

11              MR. STEVE MILLER: See, I think you need to get  
12      in the habit of collecting it every year because you have  
13      that 12 thousand continuing out, but eventually your  
14      litigation costs are going to go away.

15              MR. DAVID POPE: That's my assumption if the  
16      litigation costs go away we really have enough revenue.

17              CHAIRMAN COOLEY: Yes, but you have permanently  
18      endangered your carry-over which is the most comforting  
19      thing you can have and that's bad business.

20              MR. DAVID POPE: So really what we ought to be  
21      talking about...

22              CHAIRMAN COOLEY: Doing something along the  
23      lines that Mr. Pope has suggested would be very  
24      beneficial.

25              MR. STEVE MILLER: What did he suggest?

1                   CHAIRMAN COOLEY: He suggested, if I understood  
2                   it, that if each state had funds available at the end of  
3                   its fiscal year, by contributing these 60/40 to the  
4                   shortfall caused by the new gages, that this be done with  
5                   the understanding that it was a modification of the  
6                   budget that was adopted at a meeting of the Compact  
7                   Administration in Lamar...

8                   MR. DAVID POPE: Today.

9                   CHAIRMAN COOLEY: ...today.

10                  MR. CHUCK LILE: Okay.

11                  MR. DAVID POPE: That would  
12                  essentially...wouldn't change anything else including the  
13                  new assessments. It would simply be a way for us to  
14                  restore some of our carry-over. Do you understand what  
15                  I'm saying?

16                  CHAIRMAN COOLEY: Which is your life-line in my  
17                  view.

18                  MR. STEVE MILLER: I think we need some AG  
19                  advice on whether it would be okay to write that check to  
20                  ARCA on such provision...you know, we haven't really been  
21                  levied but the letter we sent to our...I signed that  
22                  letter or tell Chuck to sign it. It says, you know,  
23                  these are dues that have been assessed and levied that we  
24                  owe and then he goes over to the General Assembly and  
25                  testifies, yeah, we owe this money and Kansas has agreed

1 and we have agreed to pay these amounts and I don't know  
2 if we could just say we had extra money and we  
3 decided...we agreed that it would go to ARCA...

4 MR. DAVID POPE: It has to be an official  
5 assessment. I think that's what...

6 CHAIRMAN COOLEY: It's surprising how few hands  
7 are up in this group here.

8 MR. STEVE MILLER: I would think a special  
9 assessment would maybe give the states five years to pay  
10 it and if you have the money this year then you are over  
11 that hurdle. If it takes you five years to wring it out  
12 of the General Assembly...but I sure hate to sign off on  
13 an optional payment to an Interstate Commission.

14 MR. DAVID POPE: Well, I think the important  
15 part too, just to maintain the legal obligation I think  
16 we have that it ends up being a 60/40 split. I think we  
17 can't deviate from that. It has to be both of us or  
18 neither of us.

19 CHAIRMAN COOLEY: Okay. There's another thing  
20 that could be in that resolution however, and that could  
21 be a reference to the great strains that have been placed  
22 upon the Arkansas River Compact by litigation in general,  
23 and that for that reason a special assessment payable  
24 within five years of eighteen?

25 MR. CHUCK LILE: It was eighteen three was

1 the...

2 MR. STEVE MILLER: Eighteen three.

3 CHAIRMAN COOLEY: 18 thousand be levied payable  
4 as and when available over a period of five  
5 years...payable when matched by the other state on the  
6 60/40 basis over a period of five years.

7 MR. STEVE MILLER: That would be my thinking but  
8 that's just off the top of my head.

9 CHAIRMAN COOLEY: If you put that "whereas" in?  
10 It would be easier to sell than a lot of places.

11 MR. CHUCK LILE: I think we're getting into too  
12 much conflict. I think we better leave it just like it  
13 was but...I'm sorry I brought it up.

14 CHAIRMAN COOLEY: No, no, my point is that for  
15 nearly 18 years I've been struggling to maintain a  
16 surplus...

17 MR. CHUCK LILE: And we're going to wipe it out.

18 CHAIRMAN COOLEY: ...while you clowns have been  
19 whittling away at this thing and...

20 MR. STEVE MILLER: Ain't whittling no more.

21 CHAIRMAN COOLEY: There's nothing more to  
22 whittle away.

23 MR. CHUCK LILE: Let's cross that next bridge  
24 the next time.

25 CHAIRMAN COOLEY: I've just been shot down for

1 the first time in 18 years. It was a wild idea. Does  
2 anyone in the audience have anything to say at this time  
3 you're most welcome to make any remarks you wish.

4 MR. CHUCK LILE: You guys want to figure out  
5 this budget they're welcome to it.

6 MR. M.E."SANDY" MACDOUGALL: Adopt the budget?

7 CHAIRMAN COOLEY: We're going to adopt the  
8 budget. Don't worry.

9 CHAIRMAN COOLEY: Yes, Dr. Danielson.

10 MR. DANIELSON: The money...(Reporter can't hear  
11 the speaker and asks that the comment be repeated.)

12 CHAIRMAN COOLEY: He asked when would the money  
13 be available for the Purgatoire Study.

14 MR. STEVE MILLER: It would be available July 1  
15 of '95.

16 MR. DANIELSON: Thank you.

17 CHAIRMAN COOLEY: There being no further  
18 business, the meeting is adjourned.

19 MR. DAVID POPE: Did we vote on the budget? We  
20 did.

21 CHAIRMAN COOLEY: Oh, wait a minute. Wait a  
22 minute, wait a minute, wait a minute. We...did we vote  
23 on it?

24 MR. CHUCK LILE: No, we have not voted on  
25 the...wait a minute.

1 CHAIRMAN COOLEY: It's been moved and seconded.

2 MR. CHUCK LILE: It's been moved and seconded...

3 MR. DAVID ROBBINS: It's been voted on.

4 CHAIRMAN COOLEY: Back on the record. Back on

5 the record. Colorado wishes to make a motion with

6 respect to the Hillhouse agreement on attorneys' fees.

7 MR. CHUCK LILE: I move that we give our

8 attorneys the authority to enter into an additional

9 contract with Mr. Hillhouse concerning the litigation

10 that's now pending on the Nine Mile and Highland cases,

11 is that right?

12 MS. WENDY WEISS: I think all we need is the

13 authority to amend the contract to extend the ceiling for

14 one year, that's correct.

15 MR. STEVE MILLER: That's how I remember it.

16 CHAIRMAN COOLEY: The motion has been made that

17 the 20 thousand dollar ceiling on expenditures in Mr.

18 Hillhouse's contract be slid for an additional year.

19 MR. CHUCK LILE: That's correct.

20 CHAIRMAN COOLEY: That motion has been made. Is

21 it seconded?

22 MR. DAVID POPE: It's seconded.

23 CHAIRMAN COOLEY: Colorado.

24 MR. CHUCK LILE: Aye.

25 CHAIRMAN COOLEY: Kansas.

1 MR. DAVID POPE: Kansas votes aye.

2 CHAIRMAN COOLEY: Thank you.

3 MR. DAVID POPE: Mr. Chairman, before you say  
4 adjourn one more time, is there any need for the record  
5 to list off these attachments.

6 CHAIRMAN COOLEY: Off the record.

7 (End of Proceedings)

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C E R T I F I C A T E

STATE OF COLORADO )  
 ) ss:  
COUNTY OF PROWERS )

I, Beverly D. Lohrey, a Registered Professional Reporter and Certified Shorthand Reporter within and for the State of Colorado, certify that the foregoing is a full and correct transcript of all the oral proceedings had in this matter at the aforementioned time and place.

IN WITNESS WHEREOF, I have hereunto set my hand  
and official seal at Montezuma, Gray County, Kansas, this  
23rd day of February, 1995.

Beverly D. Lohrey, C.S.R., R.P.R.  
TRI-STATE REPORTING SERVICE  
PO Box 98  
Montezuma, Kansas 67867  
(316) 846-2962



**ATTACHMENTS TO DECEMBER 13, 1994**  
**ARKANSAS RIVER COMPACT MINUTES**

<b>DESIGNATION</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
A	Notice and Agenda	6
B	Resolution for Tommy Thompson	11-12
C	Letter from Steve Witte - 12/2/94	39
D	Engineering Committee Report	47
E	Report of U.S. Corps of Engineers	59
F	(not used)	
G	Letter from M.E. MacDougall - 11/29/94	88
H	Resolution re: "Recreation Pool" - Trinidad Reservoir	88
I	Title Page - Final Environmental Assessment - Trinidad Lake	89
J	Financial Statements	142
K	Audit Summary and Budget Reconciliation	139
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M	Attendance List	---

# Attachment A

# 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** **Tuesday, December 13, 1994, 8:30 a.m. (MST)** **Cow Palace Inn, Lamar, Colorado**

The 1994 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. Meetings of the Administration are operated in compliance with the federal Americans with Disabilities Act. If you anticipate needing a special accommodation as a result of a disability please contact Steve Miller at 303-866-3441 or Don Higbee at 719-336-9696 at least 7 days before the meeting.

The following Committees of the Administration will meet on December 12, also at the Cow Palace:

Engineering	3:30 p.m.
Operations	7:30 p.m.
Administrative/Legal	8:30 p.m.

For a description of items to be discussed by the Committees refer to agenda item 7, below. The public is welcome to attend the Committee meetings, but time for comments may be limited.

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

1. Call to order and introductions
2. Approval of agenda
3. Resolution in memory of Mr. Charles "Tommy" Thomson
4. Approval of transcript from the December, 1993 Annual Meeting
5. Reports of Officers for Compact Year 1994:
  - a. Chairman - Cooley
  - b. Recording Secretary - Higbee
  - c. Treasurer - Rogers (defer until agenda item 17)
  - d. Operations Secretary - Witte

6. Report from Colorado Division 2 Engineer - Witte:
  - a. Arkansas River Coordinating Committee activities
  - b. Great Plains Reservoir update on park and water activities
  - c. John Martin Reservoir permanent pool
  - d. Status of substitute supply plans
7. Committee reports for Compact Year 1994:
  - a. Administrative/Legal, Chair Lile:
    - (1) Budget and audit review (defer to agenda item 18)
    - (2) Bylaw re-adoption and/or revision (defer to agenda item 11)
    - (3) Other
  - b. Engineering, Chair Genova:
    - (1) Additional gages on tributaries
    - (2) Colorado well metering
    - (3) Purgatoire River Water Conservancy District (PRWCD): request for storage account at JMR
    - (4) PRWCD: Purgatoire River transit loss/travel time study
    - (5) Colorado satellite gaging system
    - (6) Other
  - c. Operations, Chair Hayzlett:
    - (1) 1994 Operations Secretary Report
    - (2) 1995 Annual Agreement
    - (3) Other
8. Election of officers for Compact Year 1995:
  - a. Vice-chairman, currently Genova
  - b. Recording Secretary, currently Higbee
  - c. Treasurer, currently Rogers
  - d. Operations Secretary, currently Witte
9. Appointment of Committee members and chairs for Compact Year 1995:
  - a. Administrative/Legal, currently Lile & Fox
  - b. Engineering, currently Genova & Pope
  - c. Operations, currently Hayzlett & Rogers
10. Reports of federal agencies:
  - a. Bureau of Reclamation
  - b. Corps of Engineers
  - c. Geological Survey:
    - (1) Reports and studies: Arkansas River Basin Bibliography (Kuzmiak)
    - (2) Status of gaging efforts and costs
    - (3) USGS Cooperative Agreement for federal FY 1995

11. Trinidad Project:
  - a. Ten year review of operating principles
  - b. PRWCD: request to store transmountain water in Trinidad Lake for recreational purposes
12. Re-adoption and/or revision of By-laws:
  - a. Adoption of recompiled By-laws, dated Dec. 15, 1992
  - b. Proposed changes re special meetings and notice
  - c. Other "housekeeping" revisions
13. Approval of summary minutes from June 10, 1994 Special Meeting
14. Status of annual report preparation
15. Litigation status report re Highland and Nine Mile
16. Explanation of basis for, and public comment re, matters to be discussed in Executive Session.
  - 16a. Executive Session: Discussion and necessary actions related to Case No. 92-C-1151  
U.S. District Court-Colorado; Highland Irrigation Co., et al. v. ARCA, et al.
17. Review and approval of Audit Report for FY 1993-94
18. Treasurer's Report- deferred from agenda item 5
19. Budget matters:
  - a. Review of current fiscal year (1994-95) budget
  - b. Review of previously adopted FY 1995-96 budget and assessments
  - c. Adoption of FY 1996-97 budget and assessments
20. Adjournment

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# Attachment B

**R E S O L U T I O N**  
**ARKANSAS RIVER COMPACT ADMINISTRATION**

WHEREAS, our friend and associate, Mr. Charles L. "Tommy" Thomson passed away on October 25, 1994 after a sudden, but mercifully brief illness; and

WHEREAS, Tommy Thomson devoted his life to the well being and prosperity of all residents of the Arkansas River Valley, and in a singularly clear and open manner to the well being of his state, his country, and to mankind; and

WHEREAS, Tommy Thomson was a patriot, a Marine serving in the Pacific, injured at Iwo Jima and again in Korea; and

WHEREAS, Tommy Thomson was a civic leader, and a leading citizen, leading with grace, dignity, courage, and obvious good will; and

WHEREAS, Tommy Thomson was a guiding force in the successful implementation of the Fryingpan-Arkansas Project which has improved the lives of many people in the Valley, for each of us in this arid part of the world recognizes the need and benefit from an improved and reliable system for the importation of quantities of pure water; and

WHEREAS, Tommy Thomson served as General Manager of the Southeastern Colorado Water Conservancy District for 28 years and in that capacity he maintained peace and harmony among strong and powerful men with strong and powerful personalities in a manner that only Tommy could maintain; and

WHEREAS, Tommy Thomson represented Pueblo, the Southeastern District, and the State of Colorado on committees, boards, and organizations to numerous to remember, let alone mention, it is important for this Administration to note his participation and leadership with the Arkansas River Basin Interstate Committee and the Arkansas Basin Development Association, serving as Chairman and President of those respective organizations in 1994, because it demonstrates the cooperative and collegial manner in which Tommy worked with people from all states and the high regard with which his peers in the participating states held him; and

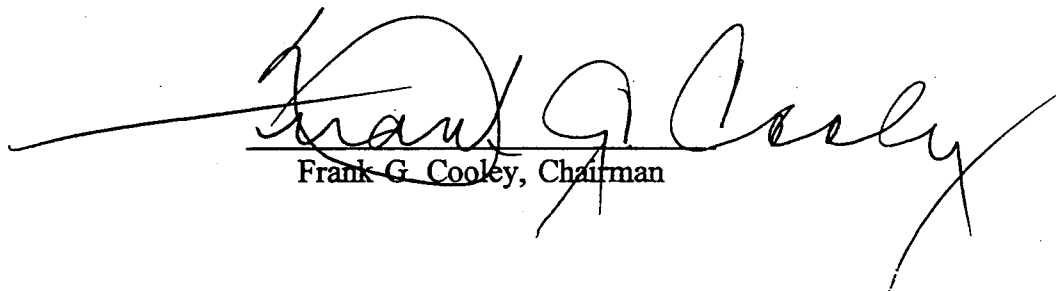
WHEREAS, Tommy Thomson was well known and respected in the many capacities in which he served to represent the interests of the Arkansas River Basin and will be sorely missed by all those who came to know him; and

WHEREAS, Tommy Thomson ably and steadfastly represented his constituents and the Basin's interests with fairness and in a gentlemanly manner during his association with the Administration.

NOW, THEREFORE, BE IT RESOLVED by the Arkansas River Compact Administration that it does hereby express its sincerest condolences to Mr. Thomson's family and its gratitude and appreciation for having had the great pleasure to have known and worked with Tommy and for his outstanding service, dedication, and courtesy to the Administration and to the States.

BE IT FURTHER RESOLVED that the Administration honor Mr. Thomson by including this Resolution in the Administration's 1994 Annual Report and instruct the Recording Secretary to send a copy of the Resolution to Mr. Thomson's family.

Entered this 13th day of December, 1994, at the Annual Meeting of the Arkansas River Compact Administration held in Lamar, Colorado.



Frank G. Cooley, Chairman



# Attachment C

## STATE OF COLORADO

WATER DIVISION 2  
OFFICE OF THE STATE ENGINEER

219 W. 5th Street, Room 223  
P.O. Box 5728  
Pueblo, CO 81002  
Phone (719) 542-3368  
FAX (719) 544-0800



Roy Romer  
Governor

James S. Lochhead  
Executive Director

Hal D. Simpson  
State Engineer

Steven J. Witte, P.E.  
Division Engineer

December 2, 1994

Mr. Mark Rude  
Water Commissioner  
Kansas State Board of Agriculture  
2508 Johns Street  
Garden City, KS 67856

SUBJECT: Notice of Possible Violation of Operating Principles - Trinidad Project

Dear Mark:

This is to advise you of a possible violation of the Trinidad Reservoir Operating Principles that occurred last spring. The Lewelling-McCormick Ditch apparently diverted water from April 25 through May 6, prior to the beginning of the 1994 irrigation season, as determined by the Purgatoire River Water Conservancy District, which began May 7. These diversions were in violation of an order from my office issued October 6, 1993.

I have investigated the impact of those diversions. Throughout that entire twelve day period, there was no inflow to conservation storage and a call was in effect from Colorado ditches below John Martin Reservoir. The next inflow of summer storage water began on May 11. Therefore, I have determined that those diversions had no adverse impact on the State of Kansas.

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DEC 05 1994

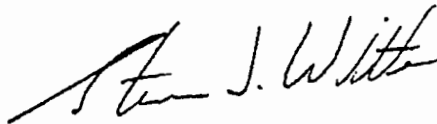
Field Office  
Division of Water Resources

Mr. Mark Rude  
December 2, 1994

-2-

The District and the State are still investigating whether the Lewelling-McCormick diversions in fact violated the Operating Principles. Although Kansas was not affected, I want to advise you of our investigation and assure you that, if there was a violation of the Operating Principles, the District and the State will take the necessary measures to prevent a reoccurrence.

Sincerely,



Steven J. Witte, Division Engineer  
Division 2

se/MR120294

cc: Wendy Weiss  
Sandy MacDougall  
Jack Garner  
Bob Krassa  
94CW67  
Trinidad Ops 1994 (L-Mc)

RECEIVED

DEC 05 1994

Field Office  
Division of Water Resources

# Attachment D

Engineering Committee Report  
Arkansas River Compact Administration



December 19, 1994

The Engineering Committee meeting was held Monday, December 12, at the Cow Palace, Lamar, Colorado. The primary purpose of the meeting was to discuss the Kansas request for stream flow gages on certain streams tributary to the Arkansas River below Fowler and downstream to the Stateline. U.S.G.S. had completed an evaluation of historic stream flow gage data for these streams. Doug Cain, Chief of the U.S.G.S. Pueblo subdistrict office discussed the data and U.S.G.S. funding participation, installation and operation of the gages. After discussion it was agreed by Colorado and Kansas that as soon as possible continuous record stream flow gages will be installed on 4 of the tributaries as listed below. Funding will be provided 50% by A.R.C.A. and 50% by U.S.G.S., based on the following cost determination:

Additional Gages & Location	1st Year Cost				2nd Year Cost	
	Const. Costs	O & M	Total Costs	ARCA Share	O & M	ARCA Share
Apishapa River, @ Fowler	\$1500	\$5700	\$7200	\$3600	\$8000	\$4000
Big Sandy Cr., @ Amity	\$6000	\$3800	\$9800	\$4900	\$8000	\$4000
Two Butte Cr., @ Holly	\$6000	\$3800	\$9800	\$4900	\$4000	\$2000
Wild Horse Cr., @ Holly	\$6000	\$3800	\$9800	\$4900	\$4000	\$2000
	Totals		\$36600	\$18300	\$24000	\$12000

- a) assumes design and installation January - March 1995, operation April - September 1995.
- b) 1<sup>st</sup> year ARCA cost of \$18,300 will be due November 1995
- c) 2<sup>nd</sup> year ARCA cost of \$12,000 will be due November 1996
- d) After 1st year, Apishapa and Big Sandy 12 month operation, Big Sandy and Wild Horse 6 month seasonal operation.

Contingencies to implementation with April 1995 startup:

1. If installation costs are higher, U.S.G.S. will provide difference.
2. If those costs are lower, U.S.G.S. will refund to A.R.C.A. the difference.
3. U.S.G.S. unsure of co-op dollars available for federal fiscal year 10/1/94 - 9/30/95
4. States are also unsure of funding for added A.R.C.A. costs.

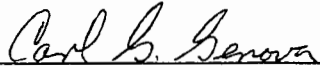
The engineering committee recommends that A.R.C.A. provide the 50% funding required for construction and operation of these gages.

The progress of Colorado well metering was also discussed by Steve Witte, Division Engineer for Division 2, with the details of exchanging pumping data with Kansas in 1995 to be worked out. Sandy MacDougall, attorney for the Purgatoire River Water Conservancy District, referred to a letter sent by his office on behalf of the Purgatoire Conservancy District dated October 26, 1994. The letter indicates the Purgatoire District's request for an exchange account in John Martin Reservoir is still pending. The Engineering Committee includes this letter as an attachment to this report.

In another letter to the Engineering Committee dated October 26, 1994 Mr. MacDougall referred to the transit gain/loss study now being conducted by the Purgatoire District and U.S.G.S. on the Purgatoire River from Trinidad Colorado to the confluence with the Arkansas. He noted the final results of the study would benefit both Colorado and Kansas and asked that A.R.C.A. participate in the study and consider contributing toward funding of the study. The Engineering Committee took the request under advisement, pending resolution of other ARCA budget uncertainties.

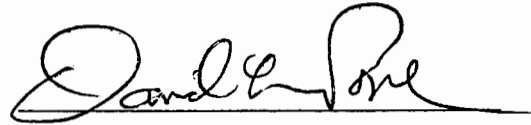
Steve Miller, Colorado Water Conservation Board, outlined the operation of the Colorado Satellite gaging system. After this discussion with no further business for the Engineering Committee the meeting was adjourned.

Prepared and submitted by:

A handwritten signature in cursive script, reading "Carl Genova", written over a horizontal line.

Carl Genova  
Colorado Member and  
Chairman, Engineering Comm.

Reviewed by:

A handwritten signature in cursive script, reading "David Pope", written over a horizontal line.

David Pope  
Kansas Member  
Engineering Comm.

94EngCom.rpt

# Attachment E



**Report of Civil Work Activities by the  
Albuquerque District, Corps of Engineers  
in the Arkansas River Basin  
During Calendar Year 1994**

1. General. During calendar year 1994, 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 1994, 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 2 and 3 produced flows of 4,280 cfs at the Portland gage and 10,600 cfs at the Fountain Creek at Pueblo gage. Pueblo Dam was operated to reduce the flow at the Avondale gage. The release from the dam was cut from 4,271 to 231 cfs during the event. Pueblo Reservoir stored 11,840 ac-ft of water during the event. The peak flow at Avondale was 10,800 cfs. The operation of Pueblo Reservoir to control the flow at Avondale resulted in flood control benefits of approximately \$290,000.

3. Special Projects.

a. Sediment Surveys. Hydrographic surveys of the sediment ranges at Trinidad and John Martin Reservoirs were completed in June 1994. Revised elevation-area-capacity tables were developed for both projects and were implemented on 1 November.

b. Trinidad Lake Excess Space. The Final Environmental Assessment for revision of the Trinidad Lake Water Control Manual to allocate excess storage space to the recreation pool was completed in September 1994. Based on the analysis and conclusions in the Environmental Assessment, there will be no significant impact from the action. Revisions to the Trinidad Lake Water Control Manual were approved in November 1994. This action raises the recreation pool from 4,500 ac-ft ( 273 acres, elevation 6144.54 ) to 15,967 ac-ft ( 563 acres, elevation 6171.86 ). No existing storage rights are affected by this action.

c. Trinidad Lake Channel Capacity. The channel capacity used for deriving the current Water Control Plan (WCP) was 5,000 cubic feet per second (cfs) as measured at the Trinidad gage. In 1992 the Corps conducted a hydraulic study on the Purgatoire River to determine the current channel capacity. This study determined that the channel capacity of the Purgatoire River below the town of Trinidad had been significantly reduced to 3,000 cfs due primarily to vegetation growth. Action on this channel capacity issue has been delayed because of higher priority matters and will be taken up again in FY 1996.

4. Flood Control Studies. The Corps of Engineers is working with the city of Manitou Springs to prepare a Reconnaissance Study which addresses flooding caused by Fountain Creek as it passes through Manitou Springs. We are currently preparing the costs and benefits of several alternatives to determine if there is a flood control plan which can be economically justified. The selected alternative would also need to minimize social and environmental impacts. The Reconnaissance Study is scheduled for completion in May 1995.

5. 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 1994 consisted of two Section 14 studies. One Section 14 project sponsored by the state protects State Highway 194 from the Arkansas River at Bents Old Fort at La Junta. The project is currently under construction and should be completed by January 1995.

The other Section 14 is sponsored by Pueblo County and will protect Overton Road from Fountain Creek. Preparation of plans and specifications is underway. We anticipate construction by March 1995.

6. 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 height of the existing measurement weir would be increased 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. Foraging habitat and stable nesting areas may be provided for the Least Tern (Federally endangered species) and the Piping Plover (Federally threatened species) on an island within the lake.

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. A feasibility report should be completed in mid 1995.

7. 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; 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.

Thus far in 1994, the Albuquerque District has responded to 24 requests for technical services and flood hazard evaluations of specific sites in the Arkansas River Basin.

One Flood Preparedness Plan was completed in 1994 for the community of Beaver Creek, 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.

8. 404 Permits. Section 404 of the Clean Water Act prohibits discharges of dredged or fill materials into waters of the United States, including adjacent wetlands, without a permit from the Corps of Engineers. In FY 94 11 individual permits were issued in the Arkansas River Basin. An additional 315 activities in the Basin were reviewed during the period and most resulted in general permits. Also, the new state-wide general permits for excavation activities were developed for use in Colorado. Another state-wide general permit for recreational placer mining is currently being finalized. The development of general permits results in increased efficiency and more timely permit decisions. Persons or agencies who are planning to conduct fill or excavations activities in any waterway are advised to contact the Southern Colorado Regulatory Office, 421 N. Main, P.O. Box 294, Pueblo, CO 81002, (719) 543-9459.

Report of U.S. Geological Survey Activities  
in the Arkansas River Basin  
of Colorado

to the

Arkansas River Compact Administration  
December 13, 1994

During 1995, the U.S. Geological Survey will operate continuous-recording stream gages at 45 sites in the basin, seasonal or non-continuous stream gages at 16 sites, continuous recording gages at 3 reservoirs, daily sediment stations at 3 sites, periodic sediment stations at 5 sites, continuous recording water-quality stations at 21 sites, and periodic water quality sampling at 20 surface water sites and 220 wells (including 200 wells at the U.S. Army's Pueblo Depot Activity). Several networks of ground-water level measurements will be operated in the basin, including 70 wells measured twice a year between Pueblo and the state line, 40 wells measured twice a year between Leadville and Pueblo, 35 wells measured annually at Fort Carson, 10 wells measured annually at the Pinon Canyon Maneuver Site, 40 wells measured twice a year in the alluvial aquifer south of Colorado Springs, 30 wells measured every other month in the Upper Black Squirrel Creek Basin and 130 wells measured annually in El Paso County.

A report describing the relation between the alluvial and bedrock aquifers in the Upper Black Squirrel Creek Basin east of Colorado Springs was recently approved. Publication of the report is expected early in 1995.

Monitoring of stream flow, water quality, and suspended sediment continued at the U.S. Army's Pinon Canyon Maneuver Site between La Junta and Trinidad.

A report describing the water quality of Pueblo Reservoir was approved for publication and is being printed. The report will be distributed early in 1995. Water quality monitoring of the reservoir continues.

The water-quality evaluation of the Arkansas River Basin in Colorado continued during 1994. A three-year water-quality data-collection period was completed during March 1993 at 20 Arkansas River sites, 32 tributaries, and 9 transmountain diversions. The data are currently being analyzed and evaluated. A report that includes all data collected during the study is in review, and preparation of a draft report describing water-quality conditions in the basin is nearing completion. The second part of the study, which will evaluate the water-quality effects of water operations, is well under way.

A report defining the risks of storing water in the joint-use pool of Pueblo Reservoir between April 15 and May 15 was approved and published during 1994.

A report describing water use on the Fort Lyon Canal has been approved and is being printed. It will be distributed early in 1995.

# Attachment F

(Not used)

# Attachment G

MACDOUGALL LAW OFFICE  
102 NORTH CASCADE AVENUE  
SUITE 400  
COLORADO SPRINGS, COLORADO 80903-1418

M.E. MACDOUGALL  
JULIANNE M. WOLDRIDGE  
HENRY D. WORLEY  
DAVID I. LIBERMAN

TELEPHONE  
(719) 520-9288  
FAX  
(719) 520-9447

November 29, 1994

Frank G. Cooley, Esq.  
Chairman and Federal Representative  
Arkansas River Compact Administration  
Post Office Box 98  
Meeker, CO 81641

**Re: Revision of U.S. Army Corps of  
Engineers Water Control Manual  
To Allocate Excess Storage In  
Trinidad Lake**

Dear Mr. Cooley:

On behalf of the Purgatoire River Water Conservancy District ("PRWCD") I ask that you include an item on the December 13, 1994 Agenda for the Arkansas River Compact Administration ("ARCA") Annual Meeting relating to the use of the 11,467 acre-feet of "excess storage" in Trinidad Lake.

I believe that you and the other members of ARCA have received copies of the "Final Environmental Assessment" by the U.S. Army Corps of Engineers for "Revision of The Water Control Manual To Allocate Excess Storage In Trinidad Lake" dated September, 1994. I am informed and believe that all appropriate procedural steps have been taken by the Corps to accomplish the action proposed, to-wit (from the Environmental Assessment):

**1.02 PURPOSE AND NEED**

Approximately 11,467 acre-feet of storage has been identified below the top of the irrigation pool that is not specifically allocated. This is in excess of the Congressionally authorized amounts for the project. The scope of the federal action covered by this Environmental Assessment (EA) is to address the disposition of the 11,467 acre-feet to provide the most effective and beneficial use of this excess storage within the lake through a revision of the Trinidad Lake Water Control Manual.



Frank G. Cooley, Esq.  
November 29, 1994  
Page Two

## **2.01 PROPOSED ACTION**

The unallocated 11,467 acre-feet of storage has been available for use on a contract basis; however, no entities have expressed an interest in contracting this space to date. Therefore, the proposed action is to revise the Water Control Plan to increase the recreation pool through specific allocation of this additional storage. This would raise the recreation pool from elevation 6143.27 and 284 acres to elevation 6170.62 and 554 acres, under existing sediment conditions.

\*\*\*

On behalf of the Purgatoire River Water Conservancy District, I wish to make a specific and special request, believing it to be the only cost-effective way to use the "Excess Space" in the near future.

**I respectfully request the approval of the Arkansas River Compact Administration to fill and maintain 11,467 acre-feet of "Recreation Pool" in Trinidad Lake with trans-mountain water.**

This water would be exchanged into Trinidad Lake under the Division Engineer's supervision and upon standard exchange terms - i.e. one acre-foot of water delivered at the gage called Arkansas River at Las Animas (USGS Station Number 07123675) for each acre-foot exchanged into Trinidad Lake (USGS Station Number 07124400). Only transmountain water would be used. The water would be purchased by the State of Colorado, Department of National Resources, Division of Parks and Outdoor Recreation, or other appropriate agency, and would be accounted for separately from Trinidad Project water. Evaporation and seepage would be shared by this water in the same manner as Trinidad Project water.

I will be present to support this request at the meeting on December 13, 1994, in Lamar, Colorado, as will representatives from the U.S. Army Corps of Engineers, the Colorado Division of Parks and Outdoor Recreation; the Colorado Division of

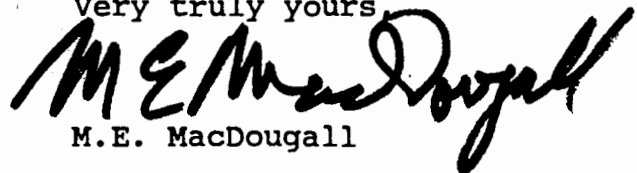
Frank G. Cooley, Esq.  
November 29, 1994  
Page 3

Wildlife, and the City of Trinidad, to explain the need for additional water for recreation and the benefits therefrom.

I expect the presentation to require 30 minutes or more.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "M.E. MacDougall". The signature is stylized with a large, sweeping "M" and a cursive "MacDougall".

M.E. MacDougall

MEM:slj

cc: Chuck Lyle  
Carl Genova  
Jim Rogers  
David Pope  
Lola Fox  
Randy Hayzlett  
Hal Simpson  
Dick Kreiner  
Jack Garner  
Lee Rolfs  
John Draper  
Wendy Weiss  
Dennis Montgomery  
Steve Witte  
Purgatoire River WCD  
City of Trinidad  
Jeris Danielson  
Cliff Seigneur  
Tom Easley  
Ron Desilet  
Bruce Billings

# Attachment H

## RESOLUTION

BE IT RESOLVED by the Arkansas River Compact Administration that:

The approval of the Arkansas River Compact Administration to fill and maintain 11,467 acre-feet of "Recreation Pool" in Trinidad Lake with trans-mountain water is hereby granted.

This water will only be exchanged into Trinidad Lake under the Division Engineer's supervision and upon standard exchange terms - i.e. one acre-foot of water delivered at the gage called Arkansas River at Las Animas (USGS Station Number 07123675) for each acre-foot exchanged into Trinidad Lake (USGS Station Number 07124400). Only transmountain water shall be used. The water shall be accounted for separately from Trinidad Project water. Evaporation and seepage will be shared by this water in the same manner as Trinidad Project water.

ADOPTED at the Annual Meeting in Lamar, Colorado, this 13th day of December, 1994.

# Attachment I

**FINAL**  
**ENVIRONMENTAL ASSESSMENT**  
**FOR**  
**REVISION OF THE WATER CONTROL MANUAL**  
**TO ALLOCATE EXCESS STORAGE**  
**IN TRINIDAD LAKE**  
**LAS ANIMAS COUNTY, COLORADO**

**U.S. ARMY CORPS OF ENGINEERS**  
**ALBUQUERQUE DISTRICT**  
**ALBUQUERQUE, NEW MEXICO**

**SEPTEMBER 1994**

# Attachment J

ARKANSAS RIVER COMPACT ADMINISTRATION

FINANCIAL STATEMENTS

June 30, 1994



ARKANSAS RIVER COMPACT ADMINISTRATION  
TABLE OF CONTENTS  
June 30, 1994

Independent Auditor's Report	1
Statement of Assets and Liabilities - Cash Basis	2
Statement of Revenues and Expenses with Budget Comparison	3
Changes in Cash Balance - Statement of Receipts and Disbursements	4
Notes to Financial Statements	5



Members  
NSPA  
PASC

Certified Public Accountants

Gary L. Anderson, C.P.A.  
Ronald D. Anderson, P.A.

## INDEPENDENT AUDITOR'S REPORT

November 16, 1994

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, 1994, 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 test 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, 1994 and its revenue collected and expenses paid during the year then ended, on the basis of accounting described in Note 1a.

A handwritten signature in cursive script that reads "Gary L. Anderson".

Anderson & Company, P.C.

ARKANSAS RIVER COMPACT ADMINISTRATION  
STATEMENT OF ASSETS AND LIABILITIES - CASH BASIS  
June 30, 1994

ASSETS

Cash	\$ 39,338
Pre-paid Expenses (Note 2)	<u>100</u>
<u>TOTAL ASSETS</u>	<u>\$ 39,438</u>

CASH BASIS EQUITY

Expended:	
Pre-paid Expense	\$ 100
Unexpended	<u>39,338</u>
<u>TOTAL CASH BASIS EQUITY</u>	<u>\$ 39,438</u>

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION  
STATEMENT OF REVENUES and EXPENSES  
with BUDGET COMPARISON  
For the Budget Year July 1, 1993 to June 30, 1994

	ACTUAL	BUDGET	OVER(UNDER)
<u>REVENUES</u>			
Revenues from Assessments			
Colorado - 60%	\$ 31,800	\$ 31,800	\$ 0
Kansas - 40% (Note 4)	21,200	21,200	0
Interest	<u>1,128</u>	<u>1,000</u>	<u>128</u>
 <u>TOTAL REVENUES</u>	 <u>54,128</u>	 <u>54,000</u>	 <u>128</u>
 <u>EXPENSES</u>			
U. S. Geological Survey	\$ 14,300	\$14,300	\$ 0
Satellite Access Fee	8,000	8,000	0
Operation Secretary	5,437	6,100	( 663)
Treasurers Bond	100	100	0
Telephone	1,013	2,000	( 987)
Court Reporter/Transcripts	1,053	1,000	53
Recording Secretary	2,000	2,000	0
Treasurer	2,000	2,000	0
Meeting Expense	134	500	( 366)
Auditor Fee	350	400	( 50)
Office Supplies and Postage	449	400	49
Printing/Copying	0	300	( 300)
Printing Annual Reports -			
1988, 1989, and 1990 (Note 3)	2,465	7,500	( 5,035)
Office Rent	600	600	0
Litigation Expenses (Legal & Telephonic)	5,753	11,000	( 5,247)
Contingency	<u>0</u>	<u>1,000</u>	<u>( 1,000)</u>
 <u>TOTAL EXPENSES</u>	 <u>43,654</u>	 <u>57,200</u>	 <u>( 13,546)</u>
 <u>BUDGET SURPLUS (DEFICIT)</u>	 <u>\$ 10,474</u>	 <u>( 3,200)</u>	 <u>\$ 13,674</u>

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION  
CHANGES IN CASH BALANCE  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
For the Year Ended June 30, 1994

CASH BALANCE - July 1, 1993 \$ 34,983

RECEIPTS

Revenues from Assessments		
Colorado	\$ 31,800	
Kansas	16,000	
Interest	<u>1,128</u>	
 <u>TOTAL RECEIPTS</u>		 48,928

DISBURSEMENTS

Treasurer Bond (2 years)-Note 2	\$ 200	
Geological Survey - Gaging Stations	14,300	
Satellite Access Fee - Gaging Stations	8,000	
Operations Secretary	5,437	
Office Rent	600	
Auditor Fee	350	
Legal Fees and Expenses (Telephonic RE: Lawsuit)	5,753	
Office Supplies and Postage	450	
Copying & Binding - Annual Report-1988	2,465	
Meeting Expense	134	
Court Reporter and Transcripts (Note 5)	1,871	
Telephone	1,013	
Recording Secretary	2,000	
Treasurer	<u>2,000</u>	
 <u>TOTAL DISBURSEMENTS</u>		 <u>(44,573)</u>

RECEIPTS IN EXCESS OF DISBURSEMENTS 4,355

CASH BALANCE - June 30, 1994 \$ 39,338

See Accountant's Audit Report.

ARKANSAS RIVER COMPACT ADMINISTRATION  
NOTES TO FINANCIAL STATEMENTS  
June 30, 1994

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.
- b. The *Statement of Receipts and Disbursements* is shown only to reconcile the beginning and ending cash balances. It is not intended to reflect *income* and *expense* recognition. Income and expenses are reflected in the *Statement of Revenues and Expenses with Budget Comparison*.

NOTE 2 - Treasurer Bond for fiscal year ending 06/30/95 was paid prior to 06/30/94.

NOTE 3 - The expense of \$2,465 for printing of the Annual Report was for 1988.

NOTE 4 - The 40% Kansas revenue includes a special assessment of \$5,200 received just prior to July 1, 1993. This revenue was not included as "income" in the preceding fiscal year that ended June 30, 1993.

NOTE 5 - Court reporter for the December 1992 meeting was paid during this fiscal year, but was recorded as an expense in the preceding fiscal year that ended June 30, 1993.

# Attachment K

DEC. 12, 1994

## ARCA AUDIT SUMMARY AND BUDGET RECONCILIATION

ARCA FY	DATES COVERED	ARCA APPROVAL	JULY 1 BALANCE	EXPENSES EST.	ACTUAL	OVER/ UNDER [1]	INCOME ASSESS	INTEREST	MISC.	TOTAL	CALCULATE SURPLUS [2]	REPORTED SURPLUS	JUNE 30 CALC [3]	BALANCE REPORTED	BALANC DIFFER
87-88	7/1/87-6/30/8	12/13/88	\$57,824	\$35,490	\$29,896	\$5,594	\$20,000	\$3,197	\$169	\$23,366	(\$6,530)	(\$6,530)	\$51,294	\$51,294	0
88-89	7/1/88-6/30/8	12/12/89	\$51,294	\$38,395	\$28,793	\$9,602	\$20,000	\$4,184	\$0	\$24,184	(\$4,609)	(\$4,609)	\$46,685	\$46,685	0
89-90	7/1/89-6/30/9	12/11/90	\$46,685	\$38,525	\$34,870	\$3,655	\$20,000	\$3,075	\$0	\$23,075	(\$11,795)	(\$11,795)	\$34,890	\$34,890	0
90-91	7/1/90-6/30/9	12/10/91	\$34,890	\$40,780	\$32,758	\$8,022	\$25,000	\$2,302	\$515	\$27,817	(\$4,941)	(\$4,941)	\$29,949	\$29,949	0
91-92	7/1/91-6/30/9	12/8/92	\$29,949	\$40,550	\$35,533	\$5,017	\$26,250	\$1,716	\$0	\$27,966	(\$7,567)	(\$7,567)	\$22,382	\$22,382	0
92-93	7/1/92-6/30/9	12/14/93	\$22,382	\$47,625	\$32,997	\$14,628	\$44,200	\$1,398	\$0	\$45,598	\$12,601	\$12,601	\$34,983	\$34,983	0
93-94	7/1/93-6/30/9	PENDING	\$34,983	\$57,200	\$44,573	\$12,627	\$47,800	\$1,128	\$0	\$48,928	\$4,355	\$4,355	\$39,338	\$39,338	0
94-95	7/1/94-6/30/9					\$0				\$0	\$0		\$0		0

NOTES [1] CALCULATED = ESTIMATED EXPENSES - ACTUAL EXPENSES.  
 [2] CALCULATED = TOTAL INCOME - ACTUAL EXPENSES  
 [3] CALCULATED = JULY 1 BALANCE + CALCULATED SURPLUS



DEC. 12, 1994

## BUDGET AND ASSESSMENT HISTORY

ARCA FY [7/1-6/30]	ANNUAL MEETING ACTIONS			EST. EXPENSE	ASSESSMENTS SET				TOTAL	INTEREST TO/FROM		ASSESSMENTS PAID			
	ADOPT	1ST REV	2ND REV		COLORADO REGULAR	KANSAS SPECIAL	KANSAS REGULAR	SPECIAL		INCOME	SURPLUS	COLO	DATE	KANSAS	DATE
90-91	12/13/88			\$35,980	\$15,000		\$10,000		\$25,000	\$1,500	(\$11,230)	\$15,000	~7/90	\$10,000	~7/90
		12/12/89		\$40,780	\$15,000		\$10,000		\$25,000	\$1,500	(\$14,280)				
			12/11/90	\$41,280	\$15,000		\$10,000		\$25,000	\$1,500	(\$14,780)				
91-92	12/12/89			\$38,550	\$15,750		\$10,500		\$26,250	\$3,000	(\$9,300)	\$15,750	~7/91	\$10,500	~7/91
		12/11/90		\$40,550	\$15,750		\$10,500		\$26,250	\$3,000	(\$11,300)				
			NOCHAN						\$0						
92-93	12/11/90			\$41,045	\$23,400		\$15,600		\$39,000	\$2,000	(\$45)	\$23,400	~7/92	\$15,600	~7/92
		12/10/91		\$46,175	\$23,400		\$15,600		\$39,000	\$1,000	(\$6,175)				
			12/8/92	\$47,625	\$23,400		\$15,600		\$39,000	\$1,000	(\$7,625)				
93-94	12/10/91			\$43,105	\$24,000		\$16,000		\$40,000	\$500	(\$2,605)	\$31,800	7/93	\$16,000	4/94
		12/8/92		\$53,200	\$24,000	\$7,800	\$16,000	\$5,200	\$53,000	\$500	\$300				
			12/14/93	\$57,200	\$24,000	\$7,800	\$16,000	PREPAID	\$47,800	\$1,000	(\$8,400)				
94-95	12/8/92			\$52,050	\$24,000	\$6,000	\$16,000	\$4,000	\$50,000	\$500	(\$1,550)	\$30,000	~11/94	\$20,000	~11/94
		12/14/93		\$64,450	\$24,000	\$6,000	\$16,000	\$4,000	\$50,000	\$500	(\$13,950)				
			12/94	\$52,050	\$24,000	\$6,000	\$16,000	\$4,000	\$50,000	\$500	(\$1,550)				
95-96	12/14/93			\$50,350	\$30,000	\$0	\$20,000	\$0	\$50,000	\$500	\$150				
		12/94		\$63,380	\$30,000	\$0	\$20,000	\$0	\$50,000	\$1,000	(\$12,380)				
96-97	12/94			\$49,275	\$30,000	\$0	\$20,000	\$0	\$50,000	\$1,000	\$1,725				

# ARKANSAS RIVER COMPACT ADMINISTRATION

## BUDGET AND ASSESSMENT SUMMARY 1989 - 1997

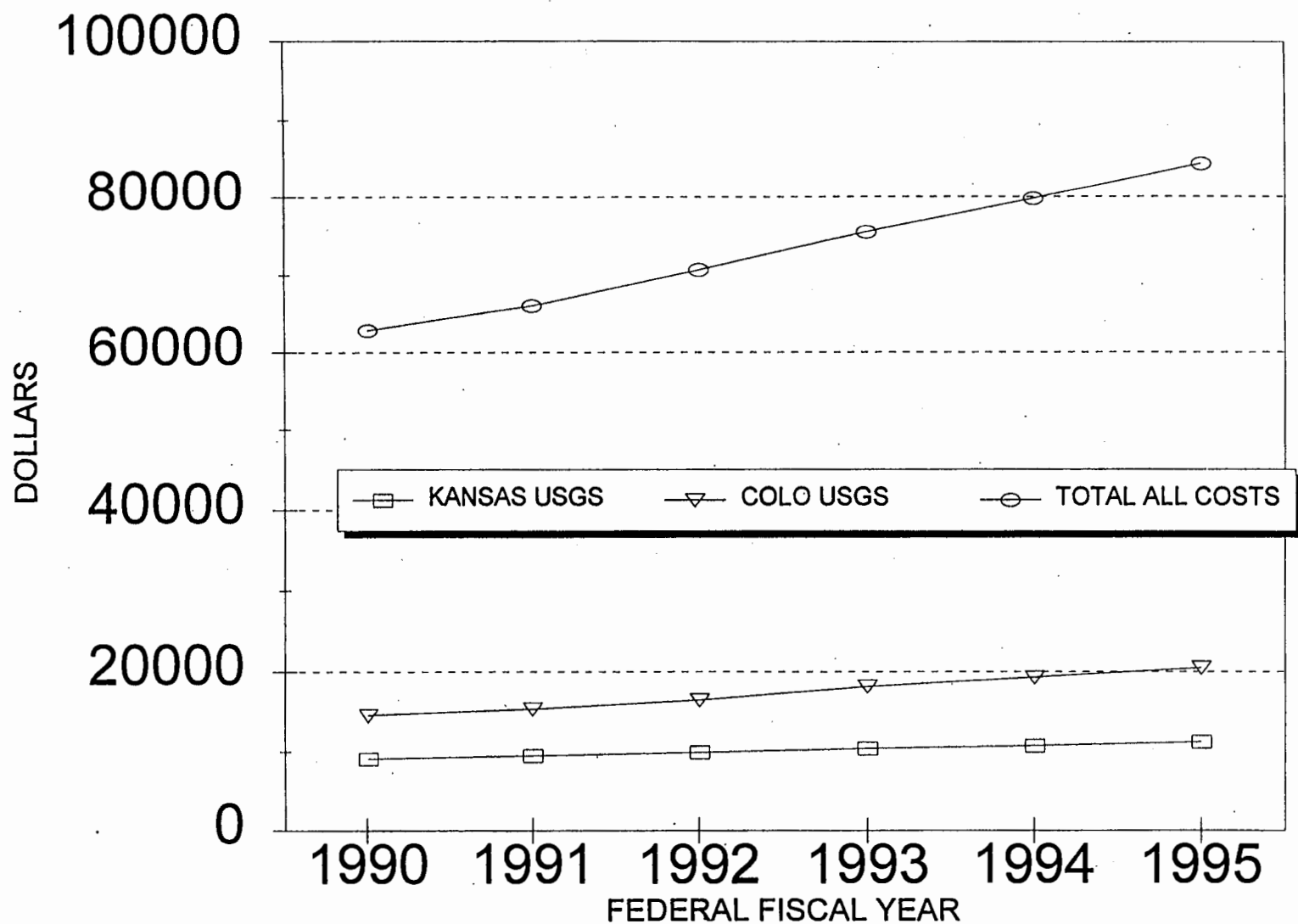
BUDGET ITEM	ACTUAL EXPENDITURES FROM AUDITS					ARCA APPROVED BUDGETS		PROPOSED ACTIONS		
	FY89-90	FY90-91	FY91-92	FY92-93	FY93-94 TENT.	FY94-95 1ST REV	FY95-96	REVISE FY94-95 2ND REV	REVISE FY95-96 1ST REV	ADOPT FY96-97
<b>I. EXPENDITURES</b>										
<b>A. CONTRACT SERVICES</b>										
1. Treasurer	\$1,000	\$1,750	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
2. Recording Secretary	\$1,000	\$1,750	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
3. Operations Secretary	\$6,501	\$3,602	\$7,509	\$4,350	\$5,437	\$6,100	\$6,100	\$6,100	\$6,100	\$6,100
4. Auditor Fee	\$700	\$350	\$350	\$350	\$350	\$400	\$400	\$400	\$400	\$400
5. Court Reporter Fee	\$453	\$643	\$468	\$0	\$1,553	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
<b>subtotal</b>	<b>\$9,654</b>	<b>\$8,095</b>	<b>\$12,327</b>	<b>\$8,700</b>	<b>\$11,340</b>	<b>\$11,500</b>	<b>\$11,500</b>	<b>\$11,500</b>	<b>\$11,500</b>	<b>\$11,500</b>
<b>B. GAGING STATIONS</b>										
1. USGS Coop Agree	\$11,370	\$11,830	\$12,425	\$13,225	\$14,300	\$15,050	\$15,950	\$15,050	\$15,880	\$16,775
2. Colo Satellite System	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,400	\$8,400
<b>subtotal</b>	<b>\$19,370</b>	<b>\$19,830</b>	<b>\$20,425</b>	<b>\$21,225</b>	<b>\$22,300</b>	<b>\$23,050</b>	<b>\$23,950</b>	<b>\$23,050</b>	<b>\$24,280</b>	<b>\$25,175</b>
<b>C. OPERATING EXPENSES</b>										
1. Treasurer's Bond	\$100	\$100	\$100	\$100	\$200	\$100	\$100	\$0	\$100	\$100
2. Annual Report Printing	\$3,678	\$2,557	\$0	\$0	\$2,465	\$10,000	\$2,500	\$10,000	\$7,500	\$2,500
3. Telephone	\$749	\$1,071	\$1,087	\$1,597	\$1,013	\$2,000	\$2,000	\$1,200	\$1,200	\$1,200
4. Office supplies/ postage	\$159	\$174	\$155	\$195	\$478	\$400	\$400	\$400	\$400	\$400
5. Printing/ photocopy	\$321	\$132	\$252	\$243	\$0	\$300	\$300	\$300	\$300	\$300
6. Meetings	\$239	\$199	\$330	\$387	\$3,079	\$500	\$500	\$500	\$500	\$500
7. Travel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
8. Rent	\$600	\$600	\$600	\$550	\$600	\$600	\$600	\$600	\$600	\$600
<b>subtotal</b>	<b>\$5,846</b>	<b>\$4,833</b>	<b>\$2,524</b>	<b>\$3,072</b>	<b>\$7,835</b>	<b>\$13,900</b>	<b>\$6,400</b>	<b>\$13,000</b>	<b>\$10,600</b>	<b>\$5,600</b>
<b>D. EQUIPMENT</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>E. CONTINGENCY</b>	\$0	\$0	\$257	\$0	\$0	\$1,000	\$1,000	\$2,000	\$2,000	\$2,000
<b>F. LITIGATION</b>	N/A	N/A	N/A	N/A	\$3,126	\$15,000	\$7,500	\$2,500	\$15,000	\$5,000
<b>TOTAL ALL EXPENDITURE</b>	<b>\$34,870</b>	<b>\$32,758</b>	<b>\$35,533</b>	<b>\$32,997</b>	<b>\$44,601</b>	<b>\$64,450</b>	<b>\$50,350</b>	<b>\$52,050</b>	<b>\$63,380</b>	<b>\$49,275</b>
<b>II. INCOME</b>										
<b>A. ASSESSMENTS</b>										
1. Colorado (60%)	\$12,000	\$15,000	\$15,750	\$23,400	\$24,000	\$24,000	\$30,000	\$24,000	\$30,000	\$30,000
2. Kansas (40%)	\$8,000	\$10,000	\$10,500	\$15,600	\$16,000	\$16,000	\$20,000	\$16,000	\$20,000	\$20,000
<b>B. SPECIAL ASSESS</b>	N/A	N/A	N/A	\$5,200	\$7,800	\$10,000	\$0	\$10,000	\$0	\$0
<b>C. INTEREST EARNINGS</b>	\$3,075	\$2,302	\$1,716	\$1,398	\$1,128	\$500	\$500	\$500	\$1,000	\$1,000
<b>D. MISCELLANEOUS</b>	\$0	\$515	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL INCOME</b>	<b>\$23,075</b>	<b>\$27,817</b>	<b>\$27,966</b>	<b>\$45,598</b>	<b>\$48,928</b>	<b>\$50,500</b>	<b>\$50,500</b>	<b>\$50,500</b>	<b>\$51,000</b>	<b>\$51,000</b>
<b>III. DRAW FROM SURPLUS</b>	<b>(\$11,795)</b>	<b>(\$4,941)</b>	<b>(\$7,567)</b>	<b>\$12,601</b>	<b>\$4,327</b>	<b>(\$13,950)</b>	<b>\$150</b>	<b>(\$1,550)</b>	<b>(\$12,380)</b>	<b>\$1,725</b>
<b>NOTES</b>				[A], [B]	[C]	[C]		[C], [D]		

NOTES [A] \$818 COURT REPORTER FEE ACTUALLY PAID IN FY 93-94  
 [B] KANSAS PREPAID \$5,200 FY93-94 SPECIAL ASSESSMENT IN FY92-93  
 [C] PREPAID \$100 FOR FY94-95 TREASURER'S BOND IN FY93-94  
 [D] CONTINGENCY INCREASED TO \$2000 FOR OVERAGES AND UNFORESEEN EXPENDITURES  
 [E] NO SIGNIFICANT LITIGATION ACTIVITY UNTIL FINAL RULING FROM U.S. SUPREME COURT, EXPECTED JULY  
 [F] ANN. REPORT PRINT SCHED 12/94-6/95: CY89,90,91,92  
 7/95-6/96: CY 93,94,95  
 7/96-6/97: CY96

12,000

16,300  
4 12,000

# COOPERATIVE AGREEMENT COSTS



# Attachment L

ARCA Balance Sheet  
As of 12/8/94

*Jim Rogers*

12/8/94  
COMPACT-All Accounts

Page 1

Acct	12/8/94 Balance
<b>ASSETS</b>	
Cash and Bank Accounts	
Checking-VSB # 11-039863-3	47.63
Money Market-VSB # 11-039862-5	76,731.11
Petty Cash	0.00
Total Cash and Bank Accounts	76,778.74
<b>TOTAL ASSETS</b>	<u>76,778.74</u>
<b>LIABILITIES &amp; EQUITY</b>	
LIABILITIES	0.00
EQUITY	76,778.74
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u>76,778.74</u> =====

*Carl G*

*David Robbins*  
252

ARCA Summary Report FY 94-95 to Date  
7/1/94 Through 12/8/94

12/8/94  
COMPACT-All Accounts

Page 1

Category Description	7/1/94- 12/8/94
<hr/>	
INCOME/EXPENSE	
INCOME	
Assessments	50,000.00
Interest Received	441.19
	<hr/>
TOTAL INCOME	50,441.19
	<hr/>
EXPENSES	
Legal & Prof. Fees	336.90
Operations Secretary	2,247.18
Other Expense	18.00
Salaries	2,000.00
Satellite Monitoring	8,000.00
Telephone Expense	398.16
	<hr/>
TOTAL EXPENSES	13,000.24
	<hr/>
TOTAL INCOME/EXPENSE	37,440.95
	=====

# Attachment M

operations meeting  
12/12/94

James Rogers  
Randy Hargett  
David Jones

Dale Book

John Draper  
Leland E. Rolf's  
Lola Fox

Gene Jencsek  
Sandy MacDonagall

Steve Witte  
Steve Jenson

Wendy Weiss  
Chuck Lile  
David W Robbins  
Paul Flack

KEITH KEPLER

TOM SIMPSON

DON HIGBEE  
DAN WEUHOLD

KEVIN L. SALTON

STEVE FROST

MARK RUDE

ROBERT LYTLE

Sue Edling

Tom Musgrove

RUSS PALLONE

KENT WILEY

ARCA Member  
ARCA KANSAS  
ARCA Kansas

Sprinkler Water Engineers

Kansas

DWR - KSBA - Kansas

ARCH - Kansas

CWCB

Purg. R.W. Cons. D.

CDWR - Pueblo

COLO AG

Colo. ARCA Member/  
Colo AG

Colo. State Parks

Colo. Div WATER RES - PUEBLO

SECWCD

ARCA Rec Secretary

CO. DIV. WATER RES. DIST. 66467

KS Div of Waters Conservation (KS)

SW KS GW Mgmt - Dist

Ks DWR - GARDEN CITY

Ms. Div. WATER RES. TOPEKA

CDWR - Division 2

Bureau of Reclamation

CO. DIV. OF PARKS

Colo. STATE PARKS



# Operations Mtg

Dick Kreiner	Corps of Engineers - Albuquerque	
Donald Gallegos	" "	" "
Erma Evans	P.R.W.C.D. Director	
Thelma Lujan	PRWCD - Trinidad	
JERIS DANIELSON	PRWCD	
Grady McNeill	COOW	Denver
Steve Miller	CWCB	Denver
Chuck Lile	"	"
Carl S. Senora	ARCA	Pueblo

12/12/94

Engineering Committee

Wendy Weiss	Colo A.G.
Jennifer Simbel	Colo A.G.
James Rogers	A.R.C.A. Member
David W Robbins	Colo AG
Sandy MacDougall	Purg R.W. Cons. Dist.
Gene Jencsok	CWCR
Steve Witte	Colo Div Water Res.
Lola Fox	ARCA Kansas Rep.
Randy Haylett	ARCA Kansas
Leland E. Rolfs	KSBA-DWR, Kansas
John Draper	Kansas
ROBERT LITTLE	HS. DIV. WATER RES. TOPEKA
MARK RUDE	DIV. OF WTR RESOURCES - GARDEN CITY, KS,
STEVE FROST	SW KS GW Mgmt Dist
KEVIN L. SALTER	KS Div of Wtr Resources - Garden City, KS
DONALD F. HIGGEE	RECORDING SECRETARY ARCA
Donald Gallegos	US Army Corps of Eng'rs
Dick Kreiner	" " " " "
Steve Kreiner	CDWR - PUEBLO
KEITH KEPLER	"
Dan Neubold	CDWR DIST. 66467
Beverly Eckhardt	Arkansas Groundwater Users Ass'n
JARIS DANIELSON	Purgatone River Water Cons. Dist.
Erma Evans	P. R. W. C. D. - Trinidad
Thelma Lujan	PR.W.C.D. - Trinidad
Robert J. Jorgensen	PRWCD - Trinidad
RON SIEGER	USGS PUEBLO

Engineering Committee

Doug Cain U.S.G.S. - Pueblo

John Kuzmak U.S.G.S. - Pueblo

Frank Cooley A.R.C.A.

Dale Book

Sprink Water Engineer

David L Pyle Kansas Commissioner

# Attendance List      ARCA    1994

12/13/94

Name	Representing	Address
Jim Townsend	U.S. Army Corps of Engrs	POB 294 Pueblo CO 81002
Fenn. Fer Gimbel	Colo A.G.'s Office	1525 Sherman St, Denver 80202
Steve Witte	Colo Div Water Res.	P.O. 5728 Pueblo, CO 81002
Dick Kreiner	Corps of Engrs	Albuquerque, Nm
Donald Gallegos	"	" "
Gene Jencsok	Co. Water Cons. Bd	Denver
DONALD F. HIGBEE	ARCA REL SECRETARY	P.O. Box 1161 Lamar, Co 8105.
Marvin Hamilton Jr.	Amity	210 N Jackson Haysden Ki
Lane Lusk	Amity	8275 Hwy 196, Lamar, Co
MARK RUDE	Ks. DWR	GARDEN CITY, Ks.
KEVIN L. SALZER	KS DWR	GARDEN CITY KS
ROBERT LITTLE	Ms. DWR	TOPEKA Ks.
<del>STEVE FROST SWKS GW MATT DWR GARDEN CITY</del>		
David Brenn	Great Eastern Ins. Assn.	Harder City Ki
Gene Edline	Colo DWR Division 2	P.O. Box 57028 Pueblo, Co 81002
Sam Newbold	Colo. Division Water Res., Dist 66467	30240 Rd 12 Lamar, Co 81002
Jean Marie Hines		Coolidge, Ks.
Oliver Hines	Frontier Pital	Coolidge, Ks.
Benjamin W. Knepper	U.S. Army Corps of Engrs.	John Martin Reservoir Star Route, Hasty, CO 81344
JIM FERNANDEZ	CITY OF TRINIDAD	P.O. BOX 880 TRINIDAD, CO. 81082
LEROY E. MAUCH	FORT LYON CANAL CO, COUNTY COMMISSIONER	LAMAR, CO 8725 Rd NN
Edward BATES	BUFFALO	30255 Rd 31 Holly
William GRASMICK	LAMAR CANAL - LAWMA	317 Willow Valley LAMAR, CO
R. E. Northrup	LAMAR - DIRECTOR SECUCO	201 W 8th Suite 200 PUEBLO CO 81003
RON STEGER	USGS	

Erma Evans  
Reuben Gutierrez  
Thelma Hujan  
KENT WILEY  
RUSS FALLONE

PRWCD Trinidad (Dir)  
PRWCD - T'lad, Co.  
PRWCD - Trinidad, Colo  
Colo. STATE PARKS Colo. Spgs, Colo  
CO. STATE PARKS TRINIDAD, CO.

Frank G. Cooley,  
Lois M. Fox  
RANDY HAYZLETT  
Dan & Earl  
John Dwyer  
Date Book

Chair, A.R.C.A.  
ARCA Kan. rep.  
ARCA KS  
ARCA KS  
Kansas  
Sprink Water

Meeker, Colo.  
Sgrawse, Kans  
LAKIN -KS.  
Topeka, KS  
Santa Fe, NM  
Denver

Leland E. Rolfs  
James Rogers  
Carl S. Garon  
Chuck Lile  
Wendy Weiss  
Steve Miller

Engineers, Inc  
Kansas St. Bd of Agr. DWR  
A.R.C.A. Member  
A.R.C.A. "  
A.R.C.A. "  
Colo AG  
Colo. water Cons. Bd

Topeka, KS.  
Lamar Co  
Pueblo Colo  
Denver  
Denver  
Denver