MINUTES OF SPECIAL MEETING
OF THE
ARKANSAS RIVER COMPACT ADMINISTRATION
WEDNESDAY, FEBRUARY 5, 1997

VIA
TELEPHONIC CONFERENCE CALL
WEDNESDAY FEBRUARY 5, 1997 AT 10:00 A.M. MST (11:00 CST)
AND RECONVENED
WEDNESDAY, FEBRUARY 19, 1997 AT 10:00 A.M. MST (11:00 CST)
AND RECONVENED
TUESDAY, MARCH 11, 1997 AT 10:00 A.M. MST (11:00 CST)

[Transcript of recorded conference call]

The following transcript is the official minutes of the Arkansas River Compact Administration's February 5, 1997 Special Meeting (including reconvened sessions on February 19, 1997 and March 11, 1997), as signified by the signature of the Chairman of the Administration, pursuant to Administration approval given on December 9, 1997 at its Annual Meeting in Lamar, Colorado,

10/14/98

Larry E. Trujillo Sr., Chairman
Arkansas River Compact Administration

List of Exhibits

A. Notice of meeting

B. Resolution Concerning Offset Account in John Martin Reservoir

C. Proposed Amendment to ARCA By-Laws

TRANSCRIPTION ARCA SPECIAL MEETING ON FEB. 5, 1997 AT 10:00 A.M.

OPERATOR: Thank you for standing by for your conference call this morning. At this time, I would like to conduct a brief roll call to ensure line quality. Please answer with your location when I call your name. Mr. Dale Book?

BOOK: Yes, Denver.

OPERATOR: Thank You. Steve Witte?

WITTE: Yes, Pueblo.

OPERATOR: Thank you. Carl Genova?

GENOVA: Yes. Pueblo.

OPERATOR: Dennis Montgomery?

MONTGOMERY: Yes, Denver.

OPERATOR: Thank you. Don Pitts?

PITTS: Yes, Topeka.

OPERATOR: John Draper?

DRAPER: Yes, Santa Fe.

OPERATOR: David Pope?

POPE: Yes, this is David Pope in Topeka.

OPERATOR: Thank you, sir. Lloyd Wagner?

WAGNER: Yes, Albuquerque.

OPERATOR: Thank you. Larry Trujillo?

TRUJILLO: Yes, Pueblo.

OPERATOR: Don Higbee?

HIGBEE: Yes, Lamar.

OPERATOR: Thank you. Were you able to hear everyone clearly, Mr. Lile?

SIMPSON: We were.

OPERATOR: Thank you. And if you need operator assistance at any time, please press star followed by zero. We will announce your other participant as we dial out to them. This is a reminder that this conference is being recorded February 5, 1997. Please go ahead, gentlemen.

TRUJILLO: Thank you very much. This is Larry Trujillo, Pueblo. Before we get into the

meeting I guess I want to clarify one thing. Mr. Simpson.

SIMPSON: Yes.

TRUJILLO: You're there in place of Mr. Lile today, right?

SIMPSON: That is correct.

TRUJILLO: OK, I suppose everyone was notified but I wanted to make sure it was clear for the record. I call this meeting to order, and first of all I guess to Mr. Pope or Mr. Simpson, arrangements have been made to record this meeting? Correct?

SIMPSON: Yes.

POPE: Yes, that's our understanding and that's acceptable to us.

TRUJILLO: OK, why don't we have the roll call of the Administration please? Mr. Pope, would you call on the members from Kansas, please?

POPE: Yes, this is David Pope and I did not hear our Garden City location being hooked on by the operator. Our other two Compact members, Mr. Buerkle and Mr. Overton, are there in our Garden City field office with other members of the public that are attending.

TRUJILLO: OK, well before we can proceed we've got to make sure that we do that. So why don't we ... Mr. Simpson, can you get the operator back to make sure we have them on line, please?

OPERATOR: Pardon me, Mr. Lile, I have added Kevin Salter. He is replacing Mark Rude.

SIMPSON: So we have the Garden City office on?

SALTER: That is correct.

POPE: OK, we're OK then.

TRUJILLO: OK, would you please for the record call the roll for the Kansas members of the Administration, please?

POPE: Again, this is David Pope, and let me now ask if Bob Buerkle and Gene Overton are present there in the room at the Garden City location?

BUERKLE: This is Bob Buerkle, I'm present here at Garden City.

OVERTON: Gene Overton, present.

TRUJILLO: OK, Mr. Simpson, would you please call on the Colorado members to make sure that they are present?

SIMPSON: Carl Genova?

GENOVA: This is Carl, present.

SIMPSON: Jim Rogers?

ROGERS: Present, in Lamar.

TRUJILLO: And Mr. Simpson for Mr. Lile, correct? And ...

OPERATOR: Pardon me, sir, I also just added Mr. John Gierard.

TRUJILLO: From?

MILLER: John, would you introduce yourself?

GIERARD: OK, this is John Gierard with the Bureau of Reclamation in Loveland.

TRUJILLO: OK, thank you very much. Are we ready to proceed, Mr. Pope and Mr. Simpson?

POPE: Yes, I believe so.

TRUJILLO: OK, why don't we take the first order of business? Mr. Simpson and Mr. Pope, which one of you are going to bring it up?

SIMPSON: I believe that Mr. Pope was going to provide a brief update of where we are.

TRUJILLO: Fine, thank you. Mr. Pope, go ahead please.

POPE: OK. Thank you, Mr. Chairman. I'll try to provide a brief summary of this issue as I understand it and certainly welcome comments from other members of the Administration or associates to clarify any of the issues. For those that are not aware, there have been in the past considerations of a proposal to establish what is being referred to as an "Offset Account in John Martin Reservoir for Colorado Pumping", I think is the latest title that has been used. This would be a resolution to be considered by the Compact Administration. This issue has been considered for well over a year in some form or another. As of the last annual meeting of the Compact Administration last December in Lamar, additional discussions occurred regarding this matter, at both the Compact meeting and to some extent prior to that in other sessions. At that time, and I did not pull out the specific record on that, but the Compact did agree to allowing, or expecting, the authorities to further discuss the matter in preparation for the conference call today. Subsequent to the Compact meeting

several drafts of the proposed resolution have been prepared, and circulated back and forth for consideration and I believe I would characterize that as being a very helpful process from our perspective at least, and I hope from Colorado's perspective, to look at these issues. They are complex issues of concern to both the States and to have an opportunity to look at possibilities that may be workable for the conditions of such a Compact resolution and a new account in the reservoir. I do not believe it is necessary to recite each individual version or draft and these have been discussed in various different forms by counsel for the States and by members of the Administration. The current status of that, as I would understand it, is a lot of progress has been made to iron out the details of the various provisions of this resolution, but as of just yesterday, and very recently, I do not believe that every detail has been worked out, although I believe that I would describe it as being conceptually ... hopefully getting fairly close, from our perspective. And I'm sure all of us would like to have the opportunity of having a final version that we believe is the one on which formal action should be considered before that action is proposed. Mr. Chairman, and I would ask the delegation from Colorado as well, my suggestion is that maybe it would be helpful to provide a very brief summary of the provisions of this resolution at this time, but what I've said before is my attempt to kind of provide a procedural background.

TRUJILLO: OK, thank you very much, Mr. Pope. Mr. Simpson, do you care to speak on the resolution or at least on the position that Mr. Pope brings up, that it's not ready for final adoption? It appears to me, Mr. Pope, that you don't want it considered for final adoption at this point, but you would like to discuss it further and give the parties further opportunities to finalize the agreement? Is that what I hear?

POPE: Pretty much. We were thinking that some discussion probably should occur today, but that it may be premature to actually take the final action today.

TRUJILLO: All right. Mr. Simpson?

SIMPSON: Colorado agrees. We received the latest version late yesterday. I received my

copy this morning. We've looked at it and I can say conceptually I think we're very close, but there are some detailed analysis of certain provisions in this agreement on how it operates that Colorado needs to fully understand, and I would think that it would be appropriate to withhold final approval until a future date which could be within a week or so, I think.

TRUJILLO: OK, why don't we then, each of you discuss those areas that you feel should be discussed and the information provided to the members of the Administration, and we'll go with Mr. Pope first and then Mr. Simpson, and then we'll see if any members of the Administration have any specific questions, and if so, we'll try to get them answered, and if not, then we'll recess this meeting until a meeting set in the future so we can take final action. Mr Pope, if that's agreeable with you, and Mr. Simpson, if that's agreeable with you, that's how we'll proceed. Mr. Pope, do you want to discuss ... do you want to do it that way, please?

POPE: Yes, that would be fine with me and I think I will make the description fairly conceptual and try not go into great detail because of the fact that there are ... what we have before us is not necessarily the final version.

TRUJILLO: Right. I would agree with you, and also I hope that Mr. Simpson makes a presentation of the concept of what you're trying to arrive at and not the detail, and I hope that when you do arrive at an agreement, and we're going to consider it, that you give at least the six members of the Compact and the Chairman, a copy of that ahead of time so they can read it and at that meeting maybe specific questions could be answered. Why don't you go ahead and proceed, Mr. Pope.

POPE: OK, thank you. The resolution entitled "An Offset Account in John Martin Reservoir for Colorado Pumping" starts off with a series of "Whereas clauses", sets forth the applicable provisions of the Compact, provides somewhat of some background on provisions regarding the issue at hand, and the fact that the Supreme Court has determined that postcompact well pumping in the State of Colorado has caused material depletion of useable Stateline flows in

violation of the Compact, and therefore leading into the purpose of the resolution to establish this account to allow groundwater pumping in excess of the precompact entitlement to be offset with water that can be placed in this account. I will say just in general that there are some provisions that relate to the adoption of the resolution and its approval by the Administration and the Corps of Engineers. It would establish the background here in terms of the purpose of the account and recognize that the Administration has the authority to approve such an account but is not obligated to do so. Then it continues on with the actual provisions of the resolution.

The first of those would authorize the establishment of the new account in John Martin Reservoir, it would have a size of 20,000 acre-feet, it notes that the Offset Account would not be considered to be water in conservation storage. It is for the purpose of facilitating Compact compliance. It is for Compact compliance after the effective date of resolution, and not for the purpose of repayment for past violations of the Compact. Again, I'm paraphrasing here. The second provision basically says that it is separate and apart from the accounts established by the Operating Plan ... of the so-called 1980 Operating Plan or Resolution that the Administration has previously adopted or the permanent pool resolution. Thirdly, the resolution would provide that the Colorado State Engineer or his delegate deliver water to the Offset Account upon timely notice to the Kansas Chief Engineer or his delegate, and specifies the information that would need to be provided in that regard about the source and amount and timing of delivery, and the extent to which the water is fully consumable. This provision indicates that only water approved for storage in the account by the State Engineer may be delivered to it, and does require that adequate transit losses be charged during delivery of water to the account, and makes reference to the use of the Livingston formula as a way to make those determinations. It also includes provisions related to the requirement to maintain the historical return flows to the Colorado ditches and the Stateline waters historically used for irrigation. It has a provision regarding applicable

transfer of return flows to the Section II account for Kansas for those that are supposed to go to Kansas. And again, sort of paraphrasing here, it would indicate that water which is fully consumable may be released or transferred to conservation storage in accordance with the resolution to replace depletions caused by postcompact well pumping in Colorado.

Paragraph 5 is a rather lengthy paragraph and it's basically to establish the guidelines on how evaporation would be charged on the account. It would be prorated amongst this account and all the other accounts in storage as provided for in the 1980 Operating Plan, then provides detail in terms of who that would be charged to, when water is placed in the account. Colorado would pay the evaporation until the water is called for by Kansas or otherwise transferred or released, and then except that there's a provision that if Kansas does not call for water under a certain set of circumstances, then it would be responsible for the evaporation ... basically after 30 days of the determination of the monthly depletions and notification to Kansas. This determination is for the purpose only of these evaporation charges.

The next provision in paragraph 6 would allow the Colorado State Engineer to approve delivery of water to the Offset Account for the purpose of replacing depletions to inflows to conservation storage caused by postcompact pumping in Colorado, and has some provisions related to the size and the nature of that account.

The next provision basically again relates to the purpose of the resolution and its purpose in allowing Colorado pumping in excess of the precompact entitlement to be available to offset depletions to useable Stateline flows either by deliveries or the availability of water in the Offset Account contemporaneously.

Paragraph 8 is just indicating that deliveries and releases can occur simultaneously but not create a deficit in the account.

Number 9 indicates that transit losses would not be offset ... would not be released from the Offset Account..or excuse me..would not be replenished from

the regular Kansas transit loss account in the reservoir, that they will otherwise be made up.

Number 10 is a provision that relates to the storage charge for use of this account. This is an area where some general agreement has been reached, but the details of the exact amount may need to be further discussed, related to some of the other provisions in the account. The original proposal, I think, was for one number in the 11% range. I think that the proposal has been made for 5% depending on what all water would be stored in the reservoir, and ... so that's an issue where I think we'll need at least some further discussion.

Moving on, the resolution would not allow transfers, releases or exchanges except to conservation storage and the releases authorized by the resolution or other transfers approved by the Administration. And then the next provision requires reporting by December 1 about the operation under the resolution for the previous Compact year.

The next provision basically again relates to reporting and the waiver provisions ... I don't know whether all of those ... this language may need additional work.

Paragraph 14 is related to the spill of water from the Offset Account in the event that conditions in the upper part of the basin cause water to physically spill over the project spillway. This proposal would establish a spill order where the account would spill after the accounts in Article III of the Operating Plan, but before Article II water and transit loss water.

Paragraph 15 would authorize the storage of water under priority rights decreed to the ditches of the Colorado Water District 67, provided that return flows would need to be maintained. There is some additional discussion, I think, in this area that also needs to occur regarding these conditions and how this would work.

There's some language in the next paragraph regarding protection of each State's rights under the Compact and waiver provisions.

The next paragraph, I think, relates to definitions and how they would relate to

the Compact or the '80 resolution. The last paragraph, 18, speaks in terms of approval by the Corps of Engineers, or authorized representatives, and that this would not be affected by any termination of the 1980 Operating Plan. It does provide that this resolution may be terminated by either the Kansas or Colorado Compact delegations by giving written notice by February 1 of the same Compact year, and those are kind of the general overall provisions.

I've sort of paraphrased a lot of things, and hope I haven't ... if there are questions I'd be happy to have clarification on that by other members.

TRUJILLO: Thank you, Mr. Pope. Why don't we go to you Mr. Simpson, and any remarks you have, or questions, and then we'll open it up to participants for further questions.

SIMPSON: I'd like to thank David. He did a really good job of summarizing the agreement. I think the areas where we need further talk and discussion would be paragraph 5 on the bookover provisions, (background noise interfering) paragraph 10, I guess, to discuss those further transfers, paragraph 15, on transfers from the ... (inaudible).

ROLFS: Hal, this is Lee. You're breaking up on our end ... we're not picking up what you're saying ...

SIMPSON: Somebody's shuffling papers. Let me try again. The three areas I think we need additional discussion of is the bookover on paragraph 5, storage charges in paragraph 10 and the transfers from Article II accounts in paragraph 15. I think we need to just have additional discussion on these, I think we're close, but need to understand what Kansas' intent is in that language, but all in all we're close and I'd be glad now to just open it up to questions from anybody.

TRUJILLO: OK. Does anyone have any questions for Mr. Simpson or Mr. Pope? Now's the time. Members of the Compact, of the Administration, do you have any questions?

GENOVA: This is Carl, I've just received my copy about 15 minutes ago. I do recognize some changes in Mr. Pope's description, but I'd like a little more time to study it.

TRUJILLO: OK, quite frankly, I guess I'm at that position also, although I don't know if I'd have any questions anyway. I guess that what's important is that the two States agree. But if there are no further questions, I guess what we should look at now is the timeframe to discuss this matter further and hopefully consider final adoption at that next meeting. Mr. Pope, do you have anything in mind? Or Mr. Simpson?

POPE: This is David Pope. I know that everybody's worked real hard on this and it takes a little time to get these things worked out. We had talked possibly about establishing a follow-up conference call if this meeting was adjourned, it would be re-convened a week from today at the same time, but we're open in that regard, depending on people's schedules and how much time all of us estimate would be needed to properly deal with this. I do not know, and I would ask Hal or others, what timeframes they think would be reasonable and what constraints they have on their end.

SIMPSON: Let me ask Dennis Montgomery. That's certainly fine with me, the 12th of February, but Dennis has been ... he's been involved with John, let's see what he thinks.

MONTGOMERY: Hal, I think a week would ... should be sufficient time to hammer out the final provisions of this and give us enough time to have those discussions. I would like to say that we really appreciate the time and effort that Kansas has expended in reviewing the drafts of the resolution, and I know John Draper in particular and David Pope put a lot of time into meeting with us and going over this language. So I would hope a week would be fine, if that's the time that's convenient for the Compact Administration representatives.

TRUJILLO: Is there anyone listening here that would object to the date of the 12th at the same time, 10 o'clock in the morning, Rocky Mountain Standard Time?

MILLER: Mr. Trujillo, this is Steve Miller, I'm just asking, does that allow enough time to get a paper copy in everyone's hands prior to the 12th?

TRUJILLO: Well, I guess we'd have to ask Mr. Pope or Mr. Draper, or Mr. Simpson, would that ... because if it's not agreed to until the 11th or 12th, then I would like to

have it probably the following week. I personally would like to have a few days, two days, a couple of days to read it, and I'm sure other members of the Compact would also. As Mr. Genova has already stated, he did not have time to review it either.

POPE: Well, from our standpoint ... this is David Pope again, we'd be happy to move it back a few days, because time does go by real quick.

TRUJILLO: Could we possibly look at the 19th? Would anyone object to that? That would be two weeks from today. Gentlemen, you say you could probably finalize it in a week? That would give the various offices time to distribute the copies and drafts and give the members of the Administration a day or two to have them. Any objection to the 19th?

GENOVA: This is Carl. I have no objections.

TRUJILLO: OK. Well, if there's no objection from Kansas or Colorado, why don't we set it at 10 o'clock on the 19th, Rocky Mountain Standard time, so that would be 11 o'clock in Kansas. If there are no objections, we'll go ahead and set it at that date, and is there anything else on this topic before we go to something else?

MILLER: This is Steve Miller again. I want clarification. This will be a reconvened meeting and we don't need to do a notice again, is that correct?

TRUJILLO: Right. We would reconvene. We will recess this meeting, instead of adjourning it, and reconvene at 10 o'clock on the 19th. Everybody, I suppose, at the same places where they're at, so that in that notice ... I just want notice to make sure that we've given every office that's involved that we are reconvening at that time to make sure that everybody has an opportunity to participate.

POPE: Mr. Chairman. I think that arrangement would be acceptable as far as we're concerned. We would ... I think most of the interested parties are present on this call, and I would assume that would be adequate notice for them, but we will also try to informally get word out to anyone that we're aware of.

TRUJILLO: Fine, and if Colorado would do the same, because there would be nothing worse than to have somebody come back and say we didn't give them ample

opportunity to participate at the reconvened meeting. Anything else on this matter? If not, for the record, then this portion of the meeting will be in recess to reconvene Rocky Mountain Time 10:00 a.m. on the 19th of February, 1997 for further consideration of the matter at hand. Any further questions on this matter? Mr. Pope and Mr. Simpson, were we supposed to at this meeting, my memory tells me, we're supposed to take up a question with an additional position on the Administration from the State of Kansas. Were we not supposed to take that matter up today?

POPE: This is David Pope, and we were in fact, Mr. Chairman. We had been working on a potential amendment to the Bylaws that would allow the creation of a position of Assistant Operations Secretary. That position potentially could then be filled by the water commissioner for our Garden City field office of our agency. We have worked on a draft of that and we simply ran out of time to have a chance for those of us here in Kansas who are most concerned with this to really get it out for review before this conference call, and we were hoping and anticipating that maybe shortly after this meeting we could finalize a draft and send it out to everybody and then it would be available to be considered at the recessed meeting as well.

TRUJILLO: Fine. Then if there are no objections, we'll put that matter off until the meeting of the 19th also. Then one other thing that I have, there was a letter I received from a Mr. Tom Pointon regarding the Compact, and I believe that was sent out by Mr. Miller's office?

MILLER: Yes, we sent it to at least the telephone sites on this call.

TRUJILLO: Right, and the reason I'm bringing this up is to make sure that you folks have it in case the parties in both States that have to negotiate this want to make a review of that. Maybe there's something there that ought to be ... at least it ought to be looked at to see if there's anything that ought to be considered. And that's the only reason I'm bringing this matter up. Is there anything else to be brought before this meeting this morning?

SIMPSON: Nothing from Colorado.

TRUJILLO: OK. May I thank the folks in Kansas and also you folks in Colorado for all the work that's being done on this. It's a tremendous amount of work, but it certainly is pleasing to me, and I'm sure to other members of the Compact, that this much progress is being made on this matter and hopefully that progress will continue until its final conclusion. I sincerely thank all of you for your efforts in behalf of both States. And this meeting is now in recess until the 19th, and I thank all of you folks for attending the meeting.

POPE: Thanks a lot.

TRUJILLO: Thank you. Goodbye. That's the end of the meeting.

WHEREUPON the meeting was recessed until February 19, 1997 at 10:00 A.M. (MST).

OPERATOR: Thank you for standing by. You are now in conference with Mr. Larry Trujillo. At this time I'd like to conduct a brief roll call to ensure line quality. If you could please respond with your present location?

MILLER: OPERATOR, are you going to record this?

OPERATOR: Yes sir.

MILLER: OK.

OPERATOR: Julie Swanda?

SWANDA: Yes, Bureau of Reclamation.

OPERATOR: Don Higbee?

HIGBEE: Yes, Don Higbee here.

OPERATOR: Dennis Montgomery?

MONTGOMERY: Present, Denver.

OPERATOR: Dale Book?

BOOK: Yes, Denver.

OPERATOR: Steve Witte

GENOVA: He's here, but not at this moment.

OPERATOR: OK, thank you. Steve Miller?

MILLER: Yes.

OPERATOR: John Draper?

DRAPER: Here, in Santa Fe.

OPERATOR: Mark Rude

RUDE: Here, in Garden City.

OPERATOR: Lloyd Wagner?

KREINER: Colonel Wagner is not here today, this is Dick Kreiner, with the Corps of Engineers in Albuquerque.

OPERATOR: Thank you, sir. Don Pitts?

PITTS: Present, in Topeka.

OPERATOR: And David Pope.

POPE: Yes, present, in Topeka.

OPERATOR: Thank you. Were you able to hear your participants clearly, sir?

TRUJILLO: Yes, ma'am, thank you very much.

OPERATOR: Thank you. I'd just like to remind everybody that this conference is being recorded today, February 19, 1997. If you do require assistance please press "star zero" and we will announce any late participants. Thank you. Please go ahead.

TRUJILLO: Thank you. Good morning gentlemen and ladies. I will call this meeting back to order, and for the record this meeting was continued from two weeks ago, therefore it is not a new meeting. Are the members of the Administration present from Colorado?

GENOVA: This is Carl. Present.

TRUJILLO: Rogers.

ROGERS: Present.

TRUJILLO: OK, Mr. Lile is represented, right, by ...

SIMPSON: Hal Simpson is sitting in for Chuck Lile.

TRUJILLO: I'm asking this for the record ... and also now the members of the Administration from the State of Kansas, please?

POPE: This is David Pope in Topeka. We need to hear from Garden City, I think Gene is there, and I didn't catch whether Bob Buerkle was on ... he's at a separate phone.

TRUJILLO: Is Mr. Buerkle available?

MILLER: They told us ... this is Steve Miller, they told us that they were still trying to reach the number in Texas and it was busy. It's been busy for the last 15 minutes or so that they've tried.

TRUJILLO: OK, so we have two members of the Kansas representatives, right?

MILLER: Right.

TRUJILLO: OK. We will then proceed and I guess we should start at ... first of all ... I hope ... Mr. Simpson and Mr. Pope, did you receive copies of the letters from the Ft.

Lyon Canal Company as well as the letter from Shinn Lawyers ... let's see where they're out of ... Lamar, Colorado, in regards to this matter?

POPE: Mr. Chairman, this is David Pope. I do not recall seeing a letter, is that just very recent?

TRUJILLO: The letter from the Shinn Lawyers, Attorneys, Counselors-at-Law, from Lamar is to Mr. Chuck Lile, Mr. Rogers, Mr. Genova and myself. It's dated February 13, 1997, and its written inquiring, or at least with the business at hand here, and I think it's important that everyone have a copy of that letter.

POPE: No, I don't believe we have it.

TRUJILLO: OK, then we'll see to it that ... Mr. Simpson, did you folks receive that?

SIMPSON: Yes, we did.

TRUJILLO: OK, since the chair of this Administration has no administrative services available, can you see to it that that letter is provided to those folks representing the State of Kansas on the Administration?

MILLER: Yeah, this is Steve Miller, Mr. Chairman, I've got both letters. They really are directed at how Colorado might act on this proposal that we're considering, and I didn't forward them to Kansas for that reason, but I can do so right now, at least to David Pope's fax ...

TRUJILLO: Right, I think that if Mr. Pope has them, then I guess he can decide whether or not its necessary to distribute them any further. I just didn't want at a later date to have any correspondence regarding this matter not being at least made available or all parties informed.

MILLER: Do you want me to do that immediately?

TRUJILLO: Well, it all depends on what we're going to do here today. Are we going to proceed on this matter, Mr. Simpson, Mr. Pope? Today? I read an account in this morning's paper that you had not arrived at an agreement. (Laughter)

SIMPSON: Well, that's good. The newspaper's current.

TRUJILLO: OK. But first, to get my information I guess, and Mr. Simpson, when I didn't get a copy of any agreement I felt that that's what probably was going to happen anyway. So how do you want to proceed today, Mr. Simpson and Mr.

Pope?

SIMPSON: Maybe I should go first and give you a brief update on Chuck's condition.

TRUJILLO: Sure. And please identify yourselves when you speak, because we are being recorded.

POPE: Yes, we'd appreciate hearing about that ... we're wondering what's going on.

SIMPSON: OK, this is Hal Simpson. Chuck has been diagnosed with a small tumor in the brain, about thumb-sized, according to what he told me last night. He's scheduled for surgery at 1 o'clock this Friday. Should be about a 2-hour surgery. He'll probably be out of the office 3 to 6 weeks. So he's hopeful that it's near the surface of the brain. The doctor's pretty optimistic that it's operable without any unusual conditions.

POPE: This is David. I appreciate that update, Hal, and I'm sorry to hear that this is happening. We just all wish Chuck the best, and hope that it is a very successful surgery. I maybe should have inquired earlier, but I didn't realize that something so serious had occurred until just recently. So certainly give him our regards.

SIMPSON: Well, it happened very quickly, two weeks ago or so he had a seizure caused by this tumor, and they had to do a lot of multiple testing, MRI techniques, to find the tumor since it is fairly small.

POPE: I see. OK.

TRUJILLO: OK, thank you for that update, and again, please give him my regards, and I hope that all goes well for Mr. Lile. Where do you gentlemen want to proceed from here? Do you want to postpone this matter for a later date and continue further negotiations? Are you going to wait for Mr. Lile to return to become part of the negotiations? Where are you with this?

SIMPSON: Maybe I ought to go first, again.

TRUJILLO: Go ahead, sir.

SIMPSON: We've been having almost daily discussions with the State of Kansas and we're fairly close to an agreement, but we are not ready to sign it today. There's still some language work that is needed. We understand this is where Kansas is as

far as the storage charge. It's their bottom line. So we are not really negotiating on that point, and we want to make it absolutely clear that it's a one year trial basis. Until we get through a first year of operation and a feasibility study that LAWMA is conducting is finished, to know what may be a more appropriate charge is, but what we're really working on is some language on transit losses and some other things that I think with another meeting of attorneys and engineers we can get this thing probably ready to sign in the next week or two and then we could approve it through another reconvened meeting.

TRUJILLO: OK. Mr. Pope. Do you have anything new you want to add to that, please?

POPE: No, I think that's probably a fair statement as we understand it. Again, I would just say that I think that parties from both States have worked hard to try to resolve the concerns, and the latest language issues have come at such a time that I think each of us needs time to work through those to make sure we all understand those and can get a clean copy out in front of everybody before formal action would be taken. But I probably would concur with Hal that I think conceptually we're pretty close. I think the issues really now come down to making sure that the language does what we all think it does. I appreciate Hal's comments regarding the storage charge issue. We probably feel likewise, but perhaps for the opposite reasons, that we think we've gone as far as we can for now, we certainly believe that issue can be reexamined. We'd want to reexamine it from the standpoint of whether it's high enough, but we understand your concerns, and LAWMA's concerns, and I just think it is fair to say that that needs to be reassessed after a year.

TRUJILLO: OK, then, do you have a suggested date for us to go ahead and instead of adjourning, and continue this matter, and we can revisit it in the near future?

POPE: This is David again. We were briefly talking about that at our end a little bit ago, and just logistically of course I think we have made some progress since last time, but I think it's also clear that it does take some time to get everybody together on their schedules and the various copies ... We wonder if we could set a pretty tight goal of having what hopefully would be a copy ready for final

distribution, hopefully, by maybe the 28th of February, and that would then leave ... perhaps try to agree to a reconvened conference call, perhaps on maybe the 7th of March. That gives us a full week to get copies out to people. I'm just mainly looking at my schedule, and knowing the schedule of some of the people on our end, as to whether there are several days out of that period that is not available for anything. And I understand that may be the case for others as well.

TRUJILLO: Well, any Friday is not available from my perspective. I'm tied up every Friday morning ... well, actually Friday all day.

POPE: I see, well we can sure find another day.

TRUJILLO: But I'm open to any other day and I'll certainly clear my calendar for any other day. Wednesdays would work out. You know we could go to the 12th of March, that's a Wednesday, the following Wednesday after your suggested date of the 7th. Unless there's problems with members of the Administration and the parties negotiating this, that they can't do it on that date or any alternate date. Any suggestions, Mr. Simpson?

SIMPSON: I cannot do it on the 12th. I have a Western States Water Council Meeting.

TRUJILLO: What dates are you available, sir?

SIMPSON: The 11th.

TRUJILLO: The 11th? That would work with me. Mr. Pope?

POPE: I think I can be available on the 11th. There are some meetings planned, but I think I'm not going to be personally going.

TRUJILLO: Other members of the Administration from both Kansas and Colorado; would that be a date?

OVERTON: Yes, that would be fine. This is Gene Overton.

TRUJILLO: OK. Mr. Genova?

GENOVA: That would be fine with me. In the morning.

TRUJILLO: OK. And Mr. Simpson said OK, right?

SIMPSON: In the morning works best.

TRUJILLO: Right. So why don't we schedule it again on the 11th, at 10 a.m. Rocky

Mountain Standard Time. Any problem with that with any of the participants? Mr. Montgomery?

MONTGOMERY: No, that's fine with us.

TRUJILLO: Mr. Draper?

DRAPER: That will be fine, Mr. Chairman.

TRUJILLO: Fine. Then why don't we set it at that date, and between now and then hopefully we'll get copies distributed to all of the members interested, and also members of the Administration as well as..Mr. Simpson please get copies of these letters to Mr. Pope that we received in the mail from the Shinn Lawyers and also from the Ft. Lyon Canal Company. And do we have any further business to come before the Board?

KREINER: Mr. Chairman, this is Dick Kreiner at the Corps of Engineers, in Albuquerque.

TRUJILLO: Yes, sir?

KREINER: I think the Corps of Engineers are going to have some minor comments that we would like to see addressed in the resolution and we would like to see the most current versions. And I was just talking to Mr. Draper about this, before a final draft is agreed and distributed, we would like to be able to see where they're at, and possibly make some minor comments to that before the final draft is approved.

TRUJILLO: We'll do it. That makes sense, because we're going to have some comments of people who haven't had an opportunity to review it so that we can have finalize this matter, I hope, on that date. Why don't you contact Mr. Pope and Mr. Simpson directly for copies or whatever information you need, and also provide them with your comments as soon as possible so they can take those into consideration as they are drafting out their final statement ... the final agreement, I mean.

KREINER: OK, we can do that.

TRUJILLO: Any problem with that, Mr. Simpson or Mr. Pope?

SIMPSON: No, that's fine.

TRUJILLO: OK, thanks. Anything else to come before the Administration?

CAIN: Yes, this Doug Cain with the USGS in Pueblo. The resolution indicates that some of the issues that are being negotiated relate to transit loss.

TRUJILLO: Mr. Cain, something happened, at least here at this end. I didn't hear your comment?

MILLER: Hello, are you still on the phone?

TRUJILLO: Hello?

CAIN: I'm still here. This is Doug Cain with the USGS.

TRUJILLO: OK. Would you please repeat your statement? It wasn't audible.

CAIN: I will do that.

TRUJILLO: Thank you.

CAIN: There was some mention made that in the negotiation there is discussion of transit losses. If there's a need to have USGS involved in any of those discussions we just wanted to let the representatives of the States know that we're available to talk about that if there are issues that relate to past studies or possible future studies.

TRUJILLO: OK. Thank you very much, and Mr. Pope, Mr. Simpson, you heard that, I'm sure.

SIMPSON: Yes.

TRUJILLO: OK, and certainly you would contact Mr. Cain if you feel that you need information and/or his services in order to finalize this agreement. Anything further, and again thank you, Mr. Cain, for offering that assistance. Anything further?

POPE: We appreciate that too. Mr. Chairman, there was a second matter, if there's no further comments or questions on the storage resolution, there is another matter relating to the proposed amendment to the Bylaws that we ought to probably talk about for a little bit.

TRUJILLO: Right. Thank you for reminding me. Are you prepared to move with that, Mr. Pope?

POPE: I guess I would be prepared to describe where I think we are in that regard and have a proposed course of action.

TRUJILLO: OK, would you please do that?

POPE: We had drafted up ... I think Lee Rolfs from our office drafted up some suggested changes to the Bylaws to implement the possibility of providing for an Assistant Operations Secretary position. That was, I think, forwarded out to several of the Colorado officials for their review about the 7th of February or so. I think that Bart Rickenbaugh had suggested some minor changes to that after discussion with some of the folks there in Colorado, and apparently my understanding then, based on discussion with our members, and from what I understand from Colorado is that this is very close to something that would be acceptable. And I guess my suggestion is that we integrate these suggested changes into a new clean draft and circulate that to all the members of the Administration and the Chairman and other interested parties, so they would be available for final action on the reconvened conference call on March 11th. And I was just seeing if my understanding on this matter is correct.

TRUJILLO: Mr. Simpson, is that your understanding?

SIMPSON: That's fine, we can work with that.

TRUJILLO: OK, and I think that's a good suggestion, and if you'll get copies out to the members of the Administration and then we'll have that as the second item at the meeting of March 11, 1997. Any questions or any further business?

MILLER: Yes, this is Steve Miller. I would just ask if there's any members of the public at any of the sites today that would like a copy of that Bylaw change?

POPE: Yes, good point.

SWANDA: Yes, the Bureau of Reclamation would.

MILLER: All right, I will send it to each address participating in this call, but if there are people just visiting a site that I don't know about. For instance is Mr. Shinn or Don Steerman in Lamar today?

STEERMAN: Yes, Don Steerman here, I would like a copy of that, please.

MILLER: Anyone else, speak up, and we'll make sure that you get one directly ... OK.

TRUJILLO: OK, thanks a lot, Mr. Miller for that. We should have as broad a distribution as necessary and as people want. And if you folks that receive copies of that,

if for some reason or another someone in your local community wants a copy I hope you make that available to them by making a copy of it and giving them an opportunity to make comment if they see fit to do that. Any further information?

WEISS: Mr. Chairman, this is Wendy Weiss. Just want to clarify again, we are just recessing this meeting and reconvening it, is that correct?

TRUJILLO: Yes. We are not going to adjourn today, we are going to merely recess until the 11th of March, Ma'am.

WEISS: Thank you, Chairman Trujillo.

TRUJILLO: Any further comment or questions. If not, again, thank you, ladies and gentlemen, for your time, and thank you for all the hard work that the members that are negotiating this agreement are involved with ... I appreciate the difficulty of it and I appreciate the fact that you are devoting as much time to come up with an agreement because I think it is going to behoove both Colorado and Kansas that we come up with an agreement and put this, not necessarily behind us, but at least just a small portion of it aside. Thank you, and we'll talk to you folks on the 11th day of March, 1997, and this meeting is hereby recessed. Thank you.

WHEREUPON the meeting was recessed until March 11, 1997 at 10:00 A.M. (MST).

OPERATOR: Ladies and gentlemen, thank you for standing by, you are now in conference with Mr. Miller. At this time I would like to conduct a brief roll call to ensure line quality. Please respond with your present location when I say you name. Don Higbee.

HIGBEE: Yes, in Lamar.

OPERATOR: Thank you. Larry Trujillo?

TRUJILLO: Pueblo.

OPERATOR: Thank you. Major Harris?

HARRIS: Albuquerque.

OPERATOR: Thank you, sir. David Pope?

POPE: Here in Topeka.

OPERATOR. Thank you. Kevin Salter?

SALTER: Garden City.

OPERATOR: Thank you. Don Pitts?

PITTS: Topeka.

OPERATOR: Thank you. John Draper?

DRAPER: Santa Fe.

OPERATOR: Thank you. Dale Book?

BOOK: Denver.

OPERATOR: Thank you. Steve Witte?

WITTE: Pueblo.

OPERATOR: Thank you. Dennis Montgomery?

MONTGOMERY: Denver.

OPERATOR: Thank you. And Carl Genova?

GENOVA: Here, Pueblo.

OPERATOR: Thank you. As a reminder, this conference is being recorded today. March 11, 1997. If you should require any OPERATOR assistance please press the star followed by the zero. If anyone happens to disconnect from the conference and

would like to be reconnected, the number to dial is 1-888-391-0289. Again, that number is 1-888-391-0289. Please go ahead, Mr. Miller.

MILLER: Steve Miller, I'm turning this over to Chairman Trujillo.

TRUJILLO: Good morning. I want to call the meeting that was recessed on 2/19/97 back to order. That meeting of 2/19/97 was recessed from the original meeting 2/5/97. That information, of course, is for the record. Would you please ... Mr. Miller, would you be kind enough to have a roll call of the Administration members? Of the Compact members?

MILLER: Hal Simpson is here in our office and I guess I'll let him do that.

SIMPSON: This is Hal Simpson, representing Chuck Lile for the State of Colorado.

TRUJILLO: OK, and Mr. Simpson's there representing Chuck Lile, and I heard Mr. Genova, you're there, right?

GENOVA: That is correct.

TRUJILLO: And what about the three members from the State of Kansas? Would you please identify yourself, make sure that the record indicates that you are present?

POPE: This is David Pope in Topeka, Bob Buerkle is, I think, sitting in on this session there in Garden City, but let's let him confirm that.

TRUJILLO: Mr. Buerkle, are you present?

BUERKLE: Bob Buerkle here at Garden City, Kansas.,

TRUJILLO: Thank you, sir. And your other member, Mr. Pope?

POPE: Well, Gene's absent today, he had a death of someone that he needed to attend the funeral for, so he will not be attending the meeting today.

TRUJILLO: OK, and its OK with you to proceed without that member?

POPE: Yes, I think Mr. Overton had contacted our office and suggested we proceed.

TRUJILLO: OK. Thank you very much, Mr. Pope. The items, of course, that we are going to address first, the resolution concerning the Offset Account and then we will address the administrative matter having to do with the Assistant Operations Secretary. So why don't either Mr. Simpson or Mr. Pope proceed with the Offset Account at John Martin as the first item, please.

SIMPSON: Mr. Chairman, this is Hal Simpson. I want to check, is Jim Rogers there in Lamar?

ROGERS: Yes, I'm here in Lamar?

SIMPSON: OK. He's the other member of the Colorado commission.

TRUJILLO: Thank you for that correction, sir. Sorry about that, Jim.. Go ahead, Mr. Simpson. Why don't we get to the resolution?

SIMPSON: My understanding is that the March 7th version that Mr. Draper distributed is the final version with the exception that the Corps of Engineers wants to add an additional paragraph 19 which we'll get to in a minute. But as far as the version distributed by Mr. Draper, it's my understanding that there are no changes other than adding paragraph 19 and I don't know if we need to go through it or not ... I don't think we do. I think everybody's in agreement, but I guess we could check with Mr. Pope to see if there are changes to that.

TRUJILLO: Mr. Pope, is that your understanding?

POPE: Yes, I think generally that's correct, although I may need to defer to Mr. Draper or Mr. Montgomery, I had understood in addition to the paragraph 19 that Hal has just referred to, that there may have been some minor typographical changes made from the, I don't know if that was the March 7th or March 10th version. Can you clarify that, gentlemen?

TRUJILLO: Mr. Pope, I received a copy this morning from Fed. Ex. stating that there's some typo changes from the March 7th version, and of course, paragraph 19, so your suggestion is well received and we'll defer this to Mr. Draper.

DRAPER: Yes, Mr. Chairman, there were some typographical errors that were corrected in the copy that you received this morning, and I believe that Mr. Montgomery has distributed copies to the Colorado delegation as I have to the Kansas delegation.

MONTGOMERY: For the record, this is Mr. Montgomery.

TRUJILLO: Yes?

MONTGOMERY: John, that's not correct. I have not distributed the version that you sent to Chairman Trujillo last night, to the Colorado representatives. So I think for the

record you should identify the typographical changes that have been made so that the Colorado representatives are aware of the version of the resolution they're acting upon today.

DRAPER: OK, I'd be glad to do that with your permission, Mr. Chairman?

TRUJILLO: Yes, Mr. Draper. Why don't we proceed and let's take care of the typos first, make sure that everyone's informed, get that out of the way, then we'll proceed to the additional paragraph 19 as we talked about earlier, OK?

DRAPER: Very good.

TRUJILLO: Go ahead Mr. Draper. Thank you.

DRAPER: The typographical changes or corrections appear first on page 3, the second line on page three starts out with a capital "B" that has been removed. The next change is on the next page, page 4, at the bottom on the last line, at the end of the line, there is underlining on two words, "and" and "any" that has been removed. The next change is page 6, in the middle of the page, in a line that starts with the words "used under the amended rules to determined", the "D" has been taken off on the word "determined". So that reads "used under the amended rules to determine the timing and ..."

TRUJILLO: OK.

DRAPER: The other typographical change that was made was to try to make the expression acre-feet or acre-foot consistent so that there is a hyphen in between "acre" and "feet", and that's generally throughout the resolution. And those are all of the typographical changes.

TRUJILLO: OK, any questions, Mr. Pope or Mr. Simpson?

SIMPSON: Those are certainly appropriate corrections, and we have no problems with them.

POPE: I believe ... this is Mr. Pope, I believe that would also be true for those of us here in Kansas.

TRUJILLO: OK, why don't we proceed then to the proposed addition of paragraph 19, please. Mr. Draper or Mr. Montgomery?

DRAPER: This is Mr. Draper. I would be glad to state the language that I believe is

agreeable to the State delegations and to the Corps of Engineers, that would, if agreeable, be added as a new final paragraph to the resolution that you have before you. It would read as follows, and I'll read it a couple of times, I'll read it first relatively quickly. It starts with the number "19", and reads, "Any releases of water from the Offset Account shall not exceed channel capacity as determined by the Corps of Engineers."

TRUJILLO: Is that the end of it?

DRAPER: That's the end of it.

TRUJILLO: Anyone have any questions or need any further explanation on that?

SIMPSON: Could you read it one more time?

DRAPER: With your permission, I'll read it one more time, a little more slowly.

TRUJILLO: Sure. Go ahead, sir.

DRAPER: Number "19. Any releases of water from the Offset Account (that's capitalized) shall not exceed channel capacity as determined by the Corps of Engineers." Period.

TRUJILLO: OK, any questions or comments? Mr. Pope, Mr. Simpson, are you in agreement with that?

SIMPSON: Colorado has no objection to that addition.

TRUJILLO: Mr. Pope?

POPE: This is Mr. Pope. I don't believe Kansas has any objection to that, my understanding is that this is language that was suggested by the Corps of Engineers to make clear that they do have responsibilities related to flood control, and did not want a concern exhibited as a result of this resolution that would interfere with those responsibilities. I might ask if my understanding is correct with the Corps?

HARRIS: That is correct, from the Corps.

TRUJILLO: OK, and does that ... I suppose since you proposed it, satisfies your need from the Corps, sir?

HARRIS: Yes, it does.

TRUJILLO: OK, anything else on this paragraph 19, Mr. Pope or Mr. Simpson, or other

members of the Administration? OK, if not, then why don't we ... thank you very much, Mr. Draper, why don't we defer back now to Mr. Pope and Mr. Simpson, to the resolution.

KREINER: Mr. Chairman?

TRUJILLO: Yes?

KREINER: This is Dick Kreiner with the Corps of Engineers, we did have one other change, and that has to do with the title, underneath the signature block, and as the resolution that you have before you reads "Chief of Engineers, U.S. Army Corps of Engineers",

TRUJILLO: Yes, Sir.

KREINER: And what we would suggest that title be changed so it reads, and I'll read this very quickly, then I'll come back and do it again, we suggest that it reads "District Engineer, Albuquerque District, duly authorized representative of the Chief of Engineers, U.S. Army Corps of Engineers." And one more time, and hopefully a little clearer.

TRUJILLO: OK, go ahead.

KREINER: "District Engineer, Albuquerque District". Next line, "Duly authorized representative of the Chief of Engineers, U.S. Army Corps of Engineers."

TRUJILLO: Did you get that, Mr. Draper, Mr. Montgomery, Mr. Simpson, and Mr. Pope?

SIMPSON: Yes.

POPE: Yes.

DRAPER: Yes.

TRUJILLO: OK. Is there any objection from any of you to changing that title for signature?

POPE: This is David Pope in Kansas. Yes, we were alerted to that, and Kansas has no objection to that change, it's viewed as being appropriate.

TRUJILLO: OK, that just reflects the actual title of those signing this, right?

HARRIS: That is correct.

TRUJILLO: Any objection for the record, Mr. Simpson? And also I'd like to have a comment from Mr. Draper and Mr. Montgomery. Any objection from either of you so we can have it on record?

DRAPER: This is Mr. Draper. No objection from me.

TRUJILLO: OK, Mr. Montgomery?

MONTGOMERY: No objection from me.

TRUJILLO: And Mr. Simpson?

SIMPSON: No objection from me, and I have ... Steve Miller pointed out that under the signature block for Secretary of the Arkansas River Compact Administration it probably ought to read "Recording Secretary."

TRUJILLO: Recording secretary?

MILLER: I believe so. This is Steve Miller. There is some ambiguity in the Bylaws as they currently exist, but I think if we decide, at this meeting, that it ought to be the Recording Secretary, that's the way that should be signed.

TRUJILLO: OK, and unless there's any objection, that will then be changed to read "Recording Secretary, Arkansas River Compact Administration." Any objections from anyone? If not, then I guess we'll go to Mr. Pope and Mr. Simpson to move the resolution, unless ... are there other questions before we do that? Mr. Simpson?

SIMPSON: I would like to move the adoption of the resolution.

POPE: This is Mr. Pope, I would second that motion.

TRUJILLO: OK, it's been moved and seconded that the resolution as has just previously been discussed be adopted. And I would like any comments ... go ahead sir.

POPE: This is David Pope again. I would ask for clarification of the motion. My understanding is that the action that we propose to take to approve this resolution would be subject to the condition that the parties in the litigation between Kansas and Colorado have also agreed to enter into a stipulation and my understanding is that that would be done as a condition of adopting of this resolution as well. Is my understanding correct on that?

TRUJILLO: Is that your understanding also, Mr. Simpson?

SIMPSON: Yes, it is.

TRUJILLO: OK, any comment from Mr. Draper or Mr. Montgomery? OK, if not, does that satisfy your concern, Mr. Pope?

POPE: Yes, I just wanted to clarify if we ...

TRUJILLO: OK, that's fine, thank you. And I think that clarifies that. Now, any other discussion on the motion?

SALTER: This is Kevin Salter in Garden City.

TRUJILLO: Yes, sir?

SALTER: We found one other typo in the resolution.

TRUJILLO: OK. Would you please state where that typo's at?

SALTER: It's on page 3, in paragraph 1, in the one, two, three, four, five, six, seven, the eighth line down.

TRUJILLO: Go ahead, sir.

SALTER: "And that shall reside below an elevation of thirty-three thousand eight hundred and fifty one", and I do believe that Larry Gennette of our office said that the actual elevation is three thousand eight hundred fifty one point eight seven.

TRUJILLO: OK, why don't we change the resolution to reflect that if indeed that is agreeable by both States. Mr. Pope and Mr. Simpson, would you comment on that, please?

SIMPSON: I would ask Mr. Dick Kreiner to intervene here. He gave me that exact number, and I think it's correct, but I'll ask Dick.

KREINER: This is Dick Kreiner speaking. The elevation I believe is correct. That is the top of the conservation pool. The elevation that was alluded to, thirty eight fifty one point eight seven is the elevation that we store to, and it reflects the 10,000 acre-feet of recreation pool when it rolls up into the flood control space. But the top of the conservation pool is in fact thirty eight fifty one.

TRUJILLO: OK, so which is the correct figure?

KREINER: 3,851.

TRUJILLO: OK, so then we should leave the document as it is then, right?

SIMPSON: Yes.

TRUJILLO: OK. Any further discussion on that matter?

ROLFS: Mr. Chairman, this is Lee Rolfs. I might raise a point of order here, and ask Steve Miller to comment, but just to make sure that we do this right, I believe

Article VIII.D. of the Compact specifies that a quorum is two members present from each State. I don't think that we have any provisions for proxy voting. I think we have the quorum necessary to take the vote because we have two members from each State, and the quorum in the Compact says a quorum for any meeting shall consist of four members of the Administration.

TRUJILLO: And we have five members of the Administration and two from the State of Kansas and three from the State of Colorado present, right?

ROLFS: Well, Mr. Simpson is substituting for Mr. Lile, but I'm not certain that we have any provision allowing a substitute person to vote on actual ... Steve, am I correct on that?

MILLER: I have two attorneys sitting with me, Lee, so I'd like to have them answer, but I guess my short view is that each State has one vote ...

ROLFS: That's correct, but I'm just wanting to make sure we cast the vote correctly, that the two actual Compact members, it reflects that they're voting for Colorado, so that we ...

TRUJILLO: Yes, and we have present, this is Larry Trujillo, the chairman, and we have present two members of each State, Mr. Simpson substituting for Mr. Lile, and I tend to agree with you, that it would not be appropriate for him to cast a vote, but since we do meet the standards of the Compact, and we have four members present, two from each State, when I call for the vote as I have in the past, I normally call for the vote of the State of Kansas, they submit a vote, then I'll call for a vote of the State of Colorado, and they submit a vote, and it is my understanding that there are two members from each State and four total representatives of the Compact so that constitutes a legal quorum, so I believe that we can proceed under that procedure. Mr. Draper, Mr. Montgomery, do you have any problems with that or do you think that meets the requirements of the Compact?

MONTGOMERY: Mr. Chairman, this is Mr. Montgomery.

TRUJILLO: Yes, go ahead, Mr. Montgomery.

MONTGOMERY: The Compact specifies three members from Colorado, one of whom shall be

Director of the Water Conservation Board. In the past, there have been members who have been designated to represent the Director of the Colorado Water Conservation Board at Compact Administration meetings, and have voted for the Director of the Colorado Water Conservation Board at those meeting. I think Mr. Simpson has been designated to represent Mr. Lile at these meetings. In deference to the question raised by Mr. Rolfs, if he's concerned about it, I suppose Mr. Simpson cannot vote on this resolution if Kansas has a concern about whether Mr. Simpson is authorized to represent the Director of the Water Conservation Board at this meeting.

TRUJILLO: But even if ... this is Larry Trujillo ... and please identify yourselves when you speak for the record ... but even if that were true, and he were unable to vote, we're still meeting the minimum requirements of the Compact, are we not, by having two members present from each State?

MONTGOMERY: That's correct, Mr. Chairman.

TRUJILLO: And therefore we could proceed, and when I call the vote have each State cast their vote, correct?

SIMPSON: Yes.

TRUJILLO: Does anyone have an objection to that? Mr. Pope, any problem with that, or Mr. Draper?

DRAPER: This is Mr. Draper. I don't have a problem with it, no.

TRUJILLO: OK, any other questions regarding the constitution of a quorum and casting the vote for each State?

POPE: This is Mr. Pope. We do not have a problem with that, and I don't think that was Lee's comment ... I think that it was simply just to ensure that there was no doubt about it.

TRUJILLO: Well, I think its good that the record reflects that, and I thank him for bringing up the subject and that the subject was discussed, and that we're in agreement that a quorum exists. Any other questions regarding the resolution that's on the table? If not, then I will call for the vote. I call for the vote of Kansas, Mr. Pope?

POPE: Having conferred with Mr. Buerkle ahead of time, Kansas votes "Aye" on the resolution.

TRUJILLO: I now am calling for the State of Colorado for a vote, Mr. Simpson?

SIMPSON: Having conferred with Mr. Genova and Mr. Rogers, Colorado votes "Yes".

TRUJILLO: OK, then the resolution is adopted, and unless there's something else on the resolution, that concludes the business of the resolution before the Administration this morning. Any other comments on the resolution?

MONTGOMERY: Mr. Chairman, this is Mr. Montgomery.

TRUJILLO: Go ahead, sir.

MONTGOMERY: My understanding is that Mr. Draper will prepare the final version of the resolution that reflects the action of the Compact Administration and will forward it to you by Federal Express to be signed. You can then forward it to Mr. Higbee who is the Recording Secretary for signature, and he can forward it to the Corps of Engineers.

DRAPER: Mr. Chairman?.

TRUJILLO: Yes?

DRAPER: This is John Draper. That is correct. I would make one statement in regard to the procedure for signing. You'll notice in the signature block that there is one date line provided, and the purpose of that date line is for the authorized representative of the Chief of Engineers to date his signature. That's provided for on the previous page in paragraph 17, that "the effective date of the resolution shall be the date on which the Chief of Engineers of the Corps of Engineers or his duly authorized representative gives his approval by signing and dating below in the space provided".

TRUJILLO: OK

DRAPER: So I would just ask that when the Chairman and the Recording Secretary sign, that they not fill in the date, but leave that for the authorized representative of the Chief of Engineers to do as he signs it.

TRUJILLO: OK, Mr. Higbee, did you get that information, sir?

HIGBEE: Yes, I did.

TRUJILLO: Then we will follow that procedure, unless there's any further comment on that. Thanks for that information, Mr. Draper. Any other matters with regards to the resolution.

KREINER: Mr. Chairman, this is Dick Kreiner with the Corps of Engineers in Albuquerque. I understand there is some urgency as to the date that the resolution be signed, is that correct?

TRUJILLO: Mr. Draper, Mr. Montgomery?

MONTGOMERY: This is Mr. Montgomery. Dick, you're correct, we would like to get this signed as soon as possible.

TRUJILLO: Well, I will sign it immediately upon receipt and send it over to Mr. Higbee. Mr. Higbee?

ROGERS: Yes, he's here.

TRUJILLO: Well, Mr. Higbee, then I'll forward it to you, and then if you would be so kind as to sign it and then forward it to the Corps. And that way we'll expedite this and get it done as soon as possible.

KREINER: Then it's my understanding that we should try and shoot for the signing of this within the next ten days or so, is that correct, or is there a special date that we need to beat?

TRUJILLO: Mr. Draper, Mr. Montgomery?

MONTGOMERY: This is Mr. Montgomery. We'd certainly like to have it done sooner than ten days, because Colorado cannot store water in the Offset Account until it's been approved by the Corps of Engineers.

TRUJILLO: Mr. Draper, when do you think you'll be able to get a copy of that to me?

DRAPER: I should be able to forward one to you today by Federal Express, so you should have it tomorrow morning before 10 a.m.

TRUJILLO: OK, then I will sign it tomorrow morning and I will forward that to you also, Mr. Higbee, as soon as possible, so that means the Corps should have it by the end of the week, at latest, and signed. Any problem with that, or any further questions? OK, thank you very much. Any other questions regarding the resolution?

SIMPSON: This is Hal Simpson. As soon as the Corps signs it, could they call Mr. Montgomery and let him know, so that we then can initiate storage if an opportunity arises?

KREINER: This is Dick Kreiner. We can do that.

DRAPER: Mr. Chairman, this is Mr. Draper. I would ask that they also call me at the same time, so that we'll know that it's effective.

TRUJILLO: OK, the Corps can do that, right?

KREINER: That is correct.

TRUJILLO: OK, any further questions? OK, if not, any comments at all? I certainly want to make a comment before we move to the second item on our agenda. I want to thank Mr. Montgomery and Mr. Draper, certainly Mr. Pope and Mr. Simpson, Mr. Lile, who is not here, for all the diligent work that has been accomplished here. Your efforts on staying on this thing ... I think it's extremely ... I know it's extremely important, and on behalf of the Administration and myself, I just want to thank you for your efforts. I think the people of the States of Kansas and Colorado should be proud of the diligent effort that was put forth by you folks on this matter concerning the Compact. Any further comments?

POPE: Mr. Chairman, this is Mr. Pope. I would certainly just like to also acknowledge that there was a tremendous amount of work put into the preparation of this resolution over the last many months, and we certainly acknowledge and appreciate that, and the cooperative effort that's occurred. I think Kansas will be very eager to observe and monitor the operation of this matter and hopefully it will be successful from the standpoint of both States.

TRUJILLO: Thank you, Mr. Pope. If there are no further comments, then I will go to the second item on our agenda, which is the proposed change to the ARCA Bylaws in providing an Assistant Operations Secretary. Do the members of the Compact have the proposed copy dated March 11, 1997? Mr. Genova?

GENOVA: I have it.

TRUJILLO: Mr. Rogers?

ROGERS: Yes, I have it.

TRUJILLO: You do, sir?

ROGERS: I do.

TRUJILLO: OK. And Mr. Pope, Mr. Simpson?

SIMPSON: Yes.

TRUJILLO: And Mr. Buerkle?

BUERKLE: I have it.

TRUJILLO: OK. Would we then proceed with that, Mr. Pope, please?

POPE: Yes, thank you, Mr. Chairman, again this is David Pope. Just a brief review of where we are on this matter as I understand it, subsequent to the discussion that occurred at the last Annual Meeting of the Compact Administration, we prepared a draft change to the Bylaws of the Compact Administration. That was sent to Colorado and various parties that have an interest in this matter, as I understand it. We had about the time of the last telephonic session of this meeting, had received some brief comments from Bart Rickenbaugh from the Colorado Attorney General's office suggesting some relatively minor changes. Mr. Rolfs of this office has incorporated those into the current draft that is now before us, which I believe does reflect those changes and my understanding is that we're prepared now to act on this resolution. In short, it would authorize the position of Assistant Operations Secretary and set forth language regarding the duties of that position.

TRUJILLO: OK, any comment on this matter? Mr. Simpson, are you in agreement with it?

SIMPSON: Yes, Colorado is.

TRUJILLO: OK, Mr. Pope, why don't you then propose it in the form of a motion, please.

KREINER: Mr. Chairman?

TRUJILLO: Yes?

KREINER: This is Dick Kreiner again, Corps of Engineers..there is one comment that we would make, and this may help to clarify it. I don't know, but I would like the Administration to take this comment. It is in item "6(b)", where it describes

the Operations Secretary's duties, under item "(i)", it reads that the duties would be "Regulating the gates at John Martin Reservoir", and our comment would be that it may be more appropriate to state that it should read "Regulating the release of water from the conservation space in John Martin Reservoir ..."

TRUJILLO: Would you read that again, the proposed language, so everybody gets it.

KREINER: The suggestion would be that item "(i)" read "Regulating the release of water from the conservation space in John Martin Reservoir ..." and then continuing on with that sentence.

TRUJILLO: Continuing on with what, sir? "in accordance with ..."?

KREINER: Yes, "in accordance with ..."

TRUJILLO: OK, so you want to delete "the gates of John Martin Reservoir" and insert ... it would then read ... would you read it in total sir, and make sure that everybody understands?

KREINER: OK, item "(i)" would read "Regulating the release of water from the conservation space in John Martin Reservoir in accordance with the Compact and any Operating Plans or procedures adopted thereunder."

TRUJILLO: Any questions with that proposed language or any desire to adopt that proposed language?

POPE: This is Mr. Pope. We did have a brief opportunity to hear about these suggested changes just prior to the conference call. I would ask if there are other comments on this. It was my understanding, and maybe Mr. Draper or Mr. Montgomery can comment on this, that by virtue of the existing language referring to ... in accordance with the Compact, that the concerns that Mr. Kreiner had raised, in essence, are taken care of because there are limits in the Compact itself regarding the responsibilities of the Corps of Engineers, and of the Administration related to the flood control storage and the conservation storage. Is my understanding correct, I might ask the attorneys?

DRAPER: Mr. Chairman, this is Mr. Draper.

TRUJILLO: Yes, sir?

DRAPER: We did just hear about this suggested change and it may need some further consideration before the Administration acts on it. I think its based on the desire to make clear that anything regarding the flood control operations is completely under the control of the Corps of Engineers, and I think all the parties agree with that principle, and it appears to us on an initial review that that is well covered in Article IV of the Compact, and perhaps some further discussion on this before taking an action on the Bylaws with regard to it would be appropriate.

TRUJILLO: Mr. Montgomery, any comment?

MONTGOMERY: This is Mr. Montgomery. I guess I didn't have a problem with the language which the Corps suggested changing. However, in deference to Mr. Draper's concern, I think it would be appropriate for the Compact Administration to review that matter. Likewise, I think there are some other areas of the Bylaws that Steve Miller referred to earlier that need addressing as well.

TRUJILLO: OK, I might refer to Mr. Pope since this matter was brought up by the State of Kansas. Do you have any problem with the Administration not acting on this matter today? I think we'd be better served by making sure that we're all in agreement and postponing this item for an actual official vote of the Administration to a later date, and give the parties of interest an opportunity to address those matters?

POPE: Mr. Chairman?

TRUJILLO: Yes, sir?

POPE: This is David Pope. My suggestion is that we do defer on that particular item. I suspect that the language or something very similar to that Mr. Kreiner has suggested will likely work. It is just that the wording and the relationship of these items is one that we want to be careful about. The item in question is not new language, it is not proposed to be amended by the action today on the Assistant Operations Secretary matter. Secondly, as I think has just been mentioned, there are other changes of a cleanup nature being considered for the Bylaws, and I would fully expect that this and those kinds of other changes

would be better served if done in a more comprehensive way.

TRUJILLO: Mr. Pope, then "6(b)(i)", that's existing language?

POPE: The language in question is existing language under the current Bylaws.

TRUJILLO: Right.

POPE: So there may be a problem with it, but I think all of us really recognize the relationship between the Corps and the Administration and we're not proposing to change that today. All we're really proposing to do is to authorize the position of Assistant Operations Secretary, and again, I would suggest, I know the phone was breaking up a moment ago, that we take this under advisement and examine all of the Bylaws. There are I think, Mr. Rolfs has advised me, that there is currently some work underway between him and Mr. Miller to do a comprehensive compilation of Bylaws and all of the changes that have occurred in the past. It might be appropriate to consider this as part of that effort.

TRUJILLO: Then you have no objection, Mr. Pope, to not adopting the part we were supposed to have addressed, and I don't think we should address any additional changes today because no one has been advised that we would consider anything additional, you'd have no objection then to deferring the adoption of the Assistant Operations Secretary provision in the Bylaws until such time as we look at other changes needed in the Bylaws, is that what you're saying?

POPE: No, Mr. Chairman, I would like ...

TRUJILLO: Would you like to proceed?

POPE: I would like to proceed with the proposed changes ...

TRUJILLO: And then of course defer ...

POPE: And then defer the question raised by the Corps.

TRUJILLO: And we would consider that when we consider all other changes that parties feel we need to address in the Bylaws, is that correct?

POPE: That would be my preference, that is correct.

TRUJILLO: Is there any objection for the Administration to proceed with the issue, the

narrow issue and only that issue, of adopting the Assistant Operations Secretary, and that has been discussed on numerous occasions already by all the members of the Administration at the previous meetings, and then we will address "6(b)(i)" at a later date when we address other changes that will be proposed in order to bring the Bylaws up to date. Any objection to that?

ROGERS: Mr. Chairman, Jim Rogers at Lamar.

TRUJILLO: Yes?

ROGERS: There have been some questions raised here in Lamar on this proposal. Don Steerman from Amity would like to ask some questions on that.

TRUJILLO: That's regarding the Assistant Operations Secretary, sir?

STEERMAN: Yes, it is.

TRUJILLO: OK, go ahead, sir.

STEERMAN: Mr. Chairman, this is Don Steerman from Lamar, representing the Amity Mutual Irrigation Company.

TRUJILLO: Yes, sir?

STEERMAN: The way I read the proposed amendment to the Bylaws, it would allow for the Operations Secretary to either be the Division Engineer for Division 2 or the Commissioner of the Garden City field office of the Division of Water Resources, Kansas Department of Agriculture, or other qualified individual. I also read the proposed amendment to the Bylaws to allow the Assistant Operations Secretary to be either of these people. However, I don't read anything which requires one to be from one State and the other to be from the other, and I believe the Bylaws as written would allow both the Operations Secretary and the Assistant Operations Secretary to be from one State without the other one having an office in this. I believe that it is imperative that the Division Engineer under this be at least one of these offices, I mean that they would have the best and easiest ability to administer the Compact ... the reservoir ... pursuant to the Compact. And my concern is that this doesn't allow ... or does allow that both of these offices be from one State or the other.

TRUJILLO: OK, and certainly, at least as I understood it, Mr. Pope, that is not the intent

of this. The intent is that we have the Secretary from one State and the Assistant Secretary from another, is that correct?

POPE: Well, I think that's the general understanding, and certainly what I was expecting. I would note that election of individuals to either of these positions does take an action of the Compact Administration, so there is a check in the system. This is not something that would automatically occur.

TRUJILLO: So the safeguard then would be that of course you would need an Aye from both States in order for these positions to be elected, and therefore the safeguard is present in as much as both States would want to be represented, one as the Operations Secretary and the other as the Assistant, is that correct?

POPE: Well, that would be my understanding, yes.

TRUJILLO: OK, would that satisfy your concern, sir, from the Amity?

STEERMAN: Well, I've always believed that it's best to put the intent in the actual language. I believe that the Compact Administration someday in the future could forget the intent of the Bylaws to the detriment of the people whom they represent, and I'd just like to see some language in the Bylaws themselves which express that intent.

TRUJILLO: Well, I'm sure that if Colorado and Kansas, who are members of that Administration, have that concern, and you'd like to insert it, I'm sure that some simple language at the end of one of the sentences, and I don't have the time ... I haven't had the time to review this ... merely a sentence stating that one of each of those positions would come from each of the States of Kansas and Colorado, or something to that effect ... something that simple could take place. Mr. Pope, how do you wish to proceed? Do you wish to proceed with this now as it is, and clarify the intent when we revisit the Bylaws, so we make sure that the intent of this change meant that we wanted one individual from each State, or do you wish to defer any action and bring it back at a later date? Mr. Pope?

POPE: Yes, Mr. Chairman.

TRUJILLO: If you'd like to, we can proceed and then maybe that can come up when we

revisit the Bylaws and include some language, I'm sure that can be worked out in that paragraph, that would specify the intent and I guess satisfy the question raised by the gentleman from the Amity.

POPE: I think that would be my preference, Mr. Chairman. While it might be possible to make some quick changes here, I'm always a little hesitant to do that, because that's not the language in front of us.

TRUJILLO: Right, and I'm inclined not to do that because I like to have people to be ... I like people to be given the opportunity to review things in writing ... particularly with this, when just a couple of words can mean different things.

POPE: Yeah, I ...

TRUJILLO: Why don't we go ahead then ... the Chair will say why don't we go ahead. I will go ahead and ask that a motion be proposed to the Administration for adoption this morning, adopting the Assistant Operations Secretary, and with the understanding of that motion, that when we review the Bylaws later this year for further changes, we revisit that to make sure that that intent is included in the language for future members of the Administration, so that there is no doubt. So why don't we go ahead and ...

POPE: With that, Mr. Chairman, I would move that we adopt the proposed changes to the Bylaws as proposed, and that we review them prior to the next Annual Meeting to address the issue just discussed.

TRUJILLO: OK, do I hear a second to that motion?

SIMPSON: Colorado seconds the motion.

TRUJILLO: OK, we now have a motion before the Administration. Any discussion? If not, would Kansas please vote on the motion before the Administration?

POPE: Yes, having previously conferred with Mr. Buerkle, Kansas votes "Yes".

TRUJILLO: Colorado?

SIMPSON: Colorado votes "Yes".

TRUJILLO: OK, the proposed changes to the Administration Bylaws in creating an Assistant Operations Secretary position is adopted, and Mr. Rogers and the gentleman from the Amity, you heard Mr. Pope, we will revisit and make sure

that the clarifying ... that the clarifying amendment that will clarify the intent of the change happens when we revisit the changes that some folks seem to think we should revisit some time later this year. Any other business before the Administration, or any questions?

POPE: Yes, Mr. Chairman, this is Mr. Pope again. I believe that it would now be appropriate with the amendments having occurred to the Bylaws to move that Mr. Mark Rude be selected as the Assistant Operations Secretary. Mr. Rude is the Water Commissioner for the Garden City field office of the Division of Water Resources.

TRUJILLO: OK, since this item was not previously published, since we didn't have this other item on the agenda, are there any objections from Colorado? Mr. Simpson?

SIMPSON: No, there is not.

TRUJILLO: Well, then why don't you go ahead and make that proposal, Mr. Pope?

MILLER: Mr. Chairman, this is Steve Miller, for one second.

TRUJILLO: Yes, sir?

MILLER: Although you're right, it wasn't noticed, the Bylaws do require that as soon as a vacancy occur, that it be filled at the next meeting. So I think the notice that we were going to create the position probably serves as notice that we would fill the position.

TRUJILLO: OK, why don't we move ahead, unless there's an objection from either State or of any member of the Administration, why don't we go ahead and proceed, make the motion, Mr. Pope.

POPE: Yes. I move that Mr. Mark Rude, our commissioner for the Garden City Field Office of the Division of Water Resources be elected as Assistant Operations Secretary of the Administration.

TRUJILLO: Do I hear a second?

SIMPSON: Colorado seconds.

TRUJILLO: OK, any objections? If there are no objections, Mr. Mark Rude is hereby elected. Congratulations, sir, and you are now the new Assistant Operations

Secretary. Any further business before the Administration?

RICKENBAUGH: Mr. Chairman, this is Bart Rickenbaugh from the Colorado Attorney General's Office.

TRUJILLO: Yes, sir?

RICKENBAUGH: We simply would like to note for the record the change which adds the Assistant Operations Secretary creates a small anomaly in that it incorporates both the masculine and feminine pronouns, and I'd simply like to note that it is our intention to make similar changes throughout the Bylaws to eliminate that anomaly.

TRUJILLO: Yes, sir, thank you, and I note that in Article IV, paragraph 6, paren "a" and that that's certainly appropriate and probably overdue. Thank you, sir.

POPE: This is Mr. Pope. And we're certainly willing to work to clean up those kinds of matters in the Bylaws during the course of this year.

TRUJILLO: Sure. OK, thank you again. Any other business before the Administration?

SIMPSON: Mr. Chairman, this is Hal Simpson.

TRUJILLO: Yes, sir?

SIMPSON: With the passage of the resolution concerning the Offset Account ... there's discussion in the resolution about refining or determining transit losses between John Martin and the Stateline.

TRUJILLO: Yes?

SIMPSON: Mr. Pope is the chairman of the Engineering Committee, and I'm asking Mr. Pope if the committee ought to take some action to begin a dialogue with the USGS on how to properly determine those transit losses, so we can be ready to do something at the next meeting of the Administration.

TRUJILLO: Mr. Pope?

POPE: Yes, Hal, if I understand you, are you alluding to the possibility of some additional studies done perhaps in cooperation with the USGS?

SIMPSON: Yes, I was thinking we might want to have a proposal so we know the cost and timeline ... we'd have a cost and timeline to consider at our meeting in December, so we don't lose any time.

POPE: Yes, that would be fine with me. I would think as a result of this discussion it would be appropriate for the Engineering Committee to communicate with the U.S. Geological Survey regarding that matter, and perhaps a proposal could be developed for consideration at that time. Let me ask Mr. Genova if he concurs that that would be acceptable ... I think you're the other member of the Committee.

GENOVA: This is Carl. I would concur with that.

TRUJILLO: OK. Does that answer the question posed, Mr. Simpson?

SIMPSON: I believe so, with that we can have discussions with Doug Cain if Mr. Pope agrees, and have Doug start looking at what type of study and what it would cost. Is that OK, Dave?

POPE: Yes. I think that makes sense, Hal, and I think we just need to hear from them what the range of costs would be to do the task at hand. We may need to have further discussion about what we would really want them to do to get to that point, however.

SIMPSON: OK.

TRUJILLO: OK, and it is a matter, of course, that the committee chaired by you, Mr. Pope, will take on, and you will make the necessary arrangements to talk with Mr. Cain and get the information, correct?

POPE: Yes, we certainly can do that, and we'll probably need to have some informal discussions with Hal and his office first to define (inaudible, background noise).

TRUJILLO: OK. Any further business? Any questions?

POPE: Just as a matter of question, I would appreciate if Hal or someone can give us an update on Chuck Lile's condition?

SIMPSON: Chuck has had two opinions. One says to use chemotherapy, and the other doctor suggested the use of what is called the gamma knife, which is a radiation treatment, so today he's going to get a third opinion from another expert, and based on that he'll decide whether to initiate chemotherapy or radiation therapy, I think, very soon. Prognosis is still reasonably good, the

doctors think that because it was discovered soon enough and the majority of the tumor removed, they can successfully attack what is remaining. So his spirits are good, and we're hoping in the long term that everything will work out.

TRUJILLO: OK, thank you, Mr. Simpson, for that update on Mr. Lile. Mr. Pope, anything else?

POPE: No, I just certainly want to ... I appreciate the update and we continue to wish him well as he deals with this issue. Back on a business related aspect of our discussion, as we were discussing the Offset Account, as to Paragraph 19, it makes reference to the channel capacity, and I was going to ask Dick Kreiner if he could confirm with us what the Corps of Engineers currently considers the channel capacity to be below John Martin Reservoir.

KREINER: This is Dick Kreiner. We consider the channel capacity to be 3,000 cfs, as measured at the Coolidge gage.

TRUJILLO: Did you get that, Mr. Pope?

POPE: Yes, I did. I thought that's what it was, but I wanted to confirm to make sure we understood how that was being viewed. Thank you.

TRUJILLO: OK. Anything else to come before the Administration? If not, this meeting will adjourn until our next meeting in December, unless for some reason, there is need for another special meeting. Again, thank you, folks, for all of the work on this, and for your patience, and the effort you put forward. Thank you.

SIMPSON: Thank you

TRUJILLO: Goodbye.

WHEREUPON the meeting was adjourned.

Exhibit A

Special Meeting

ARKANSAS RIVER COMPACT ADMINISTRATION
307 South Fifth Street, Lamar, Colorado 81052
719-336-9696

For Colorado
Daries C. Lile, Denver
Carl G. Genova, Pueblo
James G. Rogers, Lamar

Chairman and Federal Representative
Larry E. Trujillo, Sr.
Pueblo, Colorado

For Kansas
David L. Pope, Topeka
Robert Buerkle, Holcomb
Eugene Overton, Syracuse

NOTICE OF SPECIAL TELEPHONIC MEETING OF THE ARKANSAS RIVER COMPACT ADMINISTRATION

Wednesday February 5, 1997 at 10:00 A.M. MST (11:00 A.M. CST)

A Special Meeting of the **Arkansas River Compact Administration** (ARCA) will be held by telephonic conference call at the time noted above. The meeting will be convened for consideration of the following topics:

1. Establishing a new account in John Martin Reservoir to store water to offset depletions to useable Stateline flows caused by post-compact well pumping in Colorado.

2. Adoption of a change to the By-Laws creating an additional Officer of the Administration, the Assistant Operations Secretary.

Any person wanting to monitor or participate in the telephonic meeting **must** contact one of the proposed listening sites listed below **at least 2 days prior** to the meeting. Listening sites with speaker phones have been tentatively established (depending on demand and necessity) at the following locations:

SITE	COORDINATOR	PHONE
1. ARCA Office, 307 S. Main Street, Lamar, CO	Don Higbee	719-336-9696
2. Kansas Div. of Water Resources, Topeka, KS	David Pope	913-296-3717
3. Colorado Water Conservation Board, Denver, CO	Steve Miller	303-866-3441
4. Colorado Div. of Water Res., Div. 2 Engineer, Pueblo, CO	Steve Witte	719-542-3368
5. Kansas Div. of Water Resources, Garden City, KS	Mark Rude	316-276-2901

Notice issued by the Colorado Water Conservation Board pursuant to the authority of the ARCA Recording Secretary, Don Higbee.

Exhibit A

Exhibit B

Special Meeting

MONTGOMERY & ANDREWS
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

Post Office Box 2307
Santa Fe, New Mexico 87504-2307

325 Paseo de Peralta
Santa Fe, New Mexico 87501

Telephone (505) 982-3873
Fax (505) 982-4289

OF COUNSEL
William R. Federici
Seth D. Montgomery

J.O. Seth (1883-1963)
A.K. Montgomery (1903-1987)
Frank Andrews (1914-1981)

Victor R. Ortega
Gary Kilpatric
Thomas W. Olson
Walter J. Melendres
Bruce Herr
John B. Draper
Nancy M. King
Sarah M. Singleton
Stephen S. Hamilton
Galen M. Buller
Edmund H. Kendrick
Paula G. Maynes

R. Michael Shickich
Louis W. Rose
Paul E. Grand
Grace Philips
R. Bruce Frederick
Carolyn A. Wolf
Andrew S. Montgomery
Alexandra Corwin
Monica R. Garcia
Jeffery L. Martin

March 7, 1997

TELECOPY & FEDERAL EXPRESS

Hon. Larry E. Trujillo, Sr.
Chairman, Arkansas River Compact Administration
1155 21st Lane
Pueblo, Colorado 81003

Re: Resolution Concerning An Offset Account In John Martin Reservoir For Colorado Pumping

Dear Chairman Trujillo:

Please find enclosed the original of the above-referenced Resolution which the States of Colorado and Kansas would ask be considered at the March 11, 1997 telephonic meeting of the Arkansas River Compact Administration pursuant to the notice for that meeting.

Sincerely yours,

John B. Draper

JBD:dlo
Enclosure

cc: Dennis Montgomery (telecopy & federal express)
David Pope "
Lt. Col. Lloyd S. Wagner "
Eugene Overton (mail)
Robert Buerkle (federal express)

Exhibit B

RESOLUTION CONCERNING AN OFFSET ACCOUNT IN JOHN MARTIN RESERVOIR FOR COLORADO PUMPING

WHEREAS, Article IV-D of the Arkansas River Compact provides as follows:

> This Compact is not intended to impede or prevent future beneficial development of the Arkansas River basin in Colorado and Kansas by Federal or State agencies, by private enterprise, or by combinations thereof, which may involve construction of dams, reservoirs and other works for the purposes of water utilization and control, as well as the improved or prolonged functioning of existing works: Provided, that the waters of the Arkansas River, as defined in Article III, shall not be materially depleted in usable quantity or availability for use to the water users in Colorado and Kansas under this Compact by such future development or construction;

and

WHEREAS, the United States Supreme Court has determined that post-Compact well pumping in the State of Colorado has caused material depletions of usable Stateline flows of the Arkansas River in violation of the Arkansas River Compact [hereinafter the "Compact"], Kansas v. Colorado, 115 S.Ct 1733 (1995); and

WHEREAS, the State of Colorado [hereinafter"Colorado"] desires to continue to allow ground water pumping by its water users in excess of the pre-Compact pumping entitlement of 15,000 acre-feet per year determined by the United States Supreme Court as long as any depletions to usable Stateline flows caused by such pumping are replaced; and

WHEREAS, Section 2 of the Act of Congress approving the Compact provides in relevant part as follows:

> [T]he Chief of Engineers is hereby authorized to operate the conservation features of the John Martin Reservoir Project in a manner conforming to such Compact with such exceptions as he

and

WHEREAS, the issue of Compact compliance by Colorado is presently pending before the Special Master appointed by the United States Supreme Court; and

WHEREAS, an account in John Martin Reservoir [hereinafter the "Reservoir"] is not necessary for Colorado's compliance with the Compact, but an account would be of benefit to Colorado by facilitating compliance with the Compact by Colorado and its water users to the extent that Colorado allows post-Compact well pumping by its water users in excess of the pre-Compact entitlement of 15,000 acre feet per year, and Colorado has requested such an account; and

WHEREAS, the Offset Account [as hereinafter defined] would create benefits for water users in Kansas but also monitoring and accounting burdens for the State of Kansas [hereinafter "Kansas"]; and

WHEREAS, the existence of an account in the Reservoir does not, in and of itself, assure compliance with the Compact by Colorado and its water users; and

WHEREAS, the Arkansas River Compact Administration [hereinafter the "Administration"] recognizes that it has the authority to create the Offset Account as provided for herein, but that neither the Administration nor either of its member states has any obligation to create the account provided for in this Resolution; and

WHEREAS, concurrently with the adoption of this Resolution, Colorado and Kansas are entering into a Stipulation Re Offset Account in John Martin Reservoir [hereinafter the "Stipulation"];

NOW THEREFORE, BE IT RESOLVED that, pursuant to Section 2 of the Act of Congress approving the Compact, the Administration and the Chief of Engineers of the Corps

of Engineers or his duly authorized representative, jointly approve a storage account in the BReservoir to be established and operated as follows:

1. There is hereby established a new storage account in the Reservoir to be known as the "Offset Account in John Martin Reservoir for Colorado Pumping" [hereinafter the "Offset Account"]. The size of the Offset Account shall be 20,000 acre-feet. Deliveries of water to the Offset Account shall be stored in the conservation pool but shall not be inflows into the Reservoir which accrue to conservation storage, and water in the Offset Account shall reside below elevation 3,851 feet above mean sea level (bottom of flood control storage). The establishment of the Offset Account is for the primary purpose of facilitating Compact compliance by Colorado and its water users after the effective date of this Resolution and is not for the purpose of repayment for violations of the Compact by Colorado prior to the effective date of this Resolution or replacement to Colorado ditches except as authorized herein. The intent of this Resolution is that, to the extent that Colorado allows post-Compact well pumping in Colorado in excess of the pre-Compact entitlement of 15,000 acre-feet per year, any depletions to usable Stateline flows caused by such pumping be contemporaneously offset by delivering replacement water to the Stateline or by making replacement water available in the Offset Account where it can be called for by Kansas in accordance with this Resolution.

2. The Offset Account shall be separate from and in addition to the accounts established by the Administration's Resolution Concerning an Operating Plan for John Martin Reservoir as revised through December 11, 1984 [hereinafter the "1980 Operating Plan"] and the John Martin Reservoir Permanent Pool authorized by the Administration Resolution of August 14, 1976 [hereinafter the "Permanent Pool"].

3. The Colorado State Engineer or his delegate [hereinafter the "Colorado State Engineer"] may deliver or permit the delivery by Colorado water users of water to the Offset

Account upon timely notice to the Kansas Chief Engineer or his delegate [hereinafter the "Kansas Chief Engineer"]. Such notice shall specify and document the following: the source of the water delivered, the amount of water, the purpose for which the water is delivered, the time of delivery, the rate of delivery, the extent to which the water is fully consumable, and the quantity, timing, and location of any associated return flows.

4. Only water approved for storage in the Offset Account by the Colorado State Engineer may be delivered to the Offset Account, provided that adequate transit losses shall be charged during delivery of water to the Offset Account, which losses shall be determined by the Colorado State Engineer using the method set out in U.S. Geological Survey Water Resources Investigations 78-75 (Sept. 1978) [hereinafter the "Livingston Formula"]. At the time of delivery of water to the Offset Account, the Colorado State Engineer shall determine the extent to which water delivered to the Offset Account is fully consumable and shall thereafter demand the release of any water necessary to maintain historical return flows to Colorado ditches and the Stateline from deliveries of water historically used for agricultural irrigation; provided, however, that the Kansas Chief Engineer may, at his option, direct that water necessary to maintain historical return flows to the Stateline [hereinafter "Stateline Return Flow"] remain in the Offset Account or be transferred to the Kansas account provided for in Section II of the 1980 Operating Plan [hereinafter "Kansas Section II Account"] for later release, and provided further, that the Colorado State Engineer's determination of the extent to which water delivered to the Offset Account is fully consumable shall not be binding on the Administration or Kansas. Once the Colorado State Engineer has determined the extent to which the water delivered to the Offset Account is fully consumable or is Stateline Return Flow, and has notified the Kansas Chief Engineer in accordance with paragraph 3 above, the Kansas Chief Engineer may demand the release of the water in the Offset Account which is fully consumable at any time and at any rate

and may demand the release or direct the transfer of water in the Offset Account which is Stateline Return Flow at any time and at any rate .

5. Evaporation charges shall be made against water stored in the Offset Account in the manner set forth in Subsection II F of the 1980 Operating Plan. The evaporation charges shall be prorated amongst conservation storage and the accounts, including the Offset Account, according to the amounts in them. Evaporation from water in the Offset Account shall be charged against Colorado until:

A. The water is released or transferred in accordance with this Resolution, or

B. Thirty days after the Colorado State Engineer has determined and notified the Kansas Chief Engineer of the estimated monthly net depletion to usable Stateline flows caused by post-Compact diversions of tributary ground water from the Valley Fill Aquifer and surficial aquifers along the Arkansas River between Pueblo Dam and the Stateline ("the estimated monthly net depletion of usable Stateline flows"), to the extent the Kansas Chief Engineer has not previously demanded the release of water available for replacement in the Offset Account in an amount equal to or greater than the estimated monthly net depletion to usable Stateline flows, the evaporation loss on that amount of water or portion thereof shall thereafter be charged to Kansas. In order to determine the estimated monthly net depletion to usable Stateline flows for purposes of this paragraph only, the Colorado State Engineer shall use the following procedure unless he and the Kansas Chief

Engineer agree otherwise: the Colorado State Engineer shall use the presumptive stream depletions established in Rule 4.2 of the Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin, Colorado, effective June 1, 1996 [hereinafter "Amended Rules"] and unit response functions presently utilized in accordance with the Amended Rules to determine stream depletions at the Stateline caused by post-Compact diversions of tributary ground water from the Valley Fill Aquifer and surficial aquifers along the Arkansas River between Pueblo Dam and the Stateline. Further, the Colorado State Engineer shall use the same procedures currently used under the Amended Rules to determined the timing and location of return flows from diversions of imported waters and other augmentation water in determining net stream depletions at the Stateline. For the summer storage season in the Reservoir (April 1 - October 31), the Colorado State Engineer shall assume that net depletions to usable Stateline flows are 81.9 percent of the net stream depletions at the Stateline, and for the winter storage season (November 1 - March 31), the Colorado State Engineer shall assume that net depletions to usable Stateline flows are 34.9 percent of the net stream depletions at the Stateline; provided that if the monthly Stateline flow exceeds 30,000 acre-feet during the summer storage season or 7,500 acre-feet during the winter storage

season, no depletion to usable Stateline flows shall be determined for such months for the purpose of this paragraph.

Notwithstanding paragraph B above, until thirty days after the Colorado State Engineer has determined and notified the Kansas Chief Engineer of the quantity and timing of any estimated Stateline Return Flow in the Offset Account, and the time for release of such water to the Stateline has passed, the evaporation loss on that amount of Stateline Return Flow shall be charged to Colorado, but shall thereafter be charged to Kansas.

6. In accordance with the provisions of paragraphs 3 and 4 above, the Colorado State Engineer may deliver or permit the delivery of water by Colorado water users to the Offset Account, in an amount not to exceed 1,500 acre-feet per Compact year, for the purpose of replacing depletions to the inflows to conservation storage caused by post-Compact well pumping in Colorado and may (1) direct the transfer of such water from the Offset Account to conservation storage to replace depletions to the inflows to conservation storage, or (2) to the extent such water is not needed to replace depletions to the inflows to conservation storage, may change the prior designation of water previously designated for the purpose of transfer to conservation storage. Once the Colorado State Engineer has notified the Kansas Chief Engineer of the change of designation, such water may be released or transferred in accordance with this Resolution.

7. Releases from the Offset Account may be made simultaneously with deliveries into the Offset Account. However, such simultaneous releases and deliveries cannot create a deficit in the Offset Account.

8. Transit losses for releases from the Offset Account shall not be replenished from the Kansas transit loss account. Transit losses associated with the release of Stateline Return Flow from the Offset Account shall be replaced by the entity which delivered such Stateline

Return Flow to the Offset Account, provided that any increase in transit losses which results if the Kansas State Engineer directs that Stateline Return Flow remain in the Offset Account and calls for the release of such Stateline Return Flow at a later time shall be borne by Kansas. Such transit losses on releases of Stateline Return Flow shall be determined using the Livingston Formula for Subreach 6, removing bank and channel storage from the calculation, unless the Colorado State Engineer and the Kansas Chief Engineer agree otherwise. In order to ensure the arrival of releases of Stateline Return Flow at the Stateline if the Kansas Chief Engineer calls for the release of such Stateline Return Flow during the summer storage season in the Reservoir (April 1-October 31), an amount of water equal to the transit losses determined using the Livingston Formula for Subreach 6, including bank and channel storage, shall be released with the Stateline Return Flow and shall be charged to the entity which delivered the Stateline Return Flow, except that Kansas shall bear any increase in evaporation resulting from the summer storage release.

9. Notwithstanding other provisions of this Resolution, 500 acre feet of fully consumable water shall be delivered by Colorado or Colorado water users to the Offset Account by April 1 of each year or within two weeks after this Resolution becomes effective, whichever is later, which delivery shall be a prerequisite for Colorado's right to deliver or permit the delivery by Colorado water users of up to 10,000 acre feet of water (including the said 500 acre feet) to the Offset Account pursuant to this Resolution during the period until the next succeeding April 1. For delivery of water to the Offset Account in excess of 10,000 acre feet during each period, five percent of the amount delivered shall be allocated to Kansas. The said 500 acre feet and five percent of any water delivered in excess of 10,000 acre feet during each period [hereinafter "Storage Charge Water"] shall be allocated to Kansas, not for offset of depletions of usable flow at the Stateline but as part of Kansas' equitable share of the benefits

arising from the creation of the Offset Account in the Reservoir. The Kansas Chief Engineer may direct that Storage Charge Water be transferred to the Kansas Section II Account or may demand the release of Storage Charge Water at any time and at any rate. If Storage Charge Water is retained in the Offset Account, Kansas shall bear the evaporation after April 1. Colorado water users shall bear the evaporation prior to April 1. Any shortfall due to evaporation in the 500-acre foot April 1 delivery requirement shall be made up out of the next delivery of water after April 1 by Colorado water users. Kansas shall bear the transit losses associated with the release of Storage Charge Water. Such transit losses shall be calculated using the Livingston Formula for Subreach 6, unless the Colorado State Engineer and the Kansas Chief Engineer agree otherwise.

10. No transfers, releases or exchanges shall be made of water in the Offset Account except releases and transfers authorized by this Resolution or approved by the Administration.

11. Not later than December 1 of each year, the Colorado State Engineer shall make an accounting of the operation under this Resolution for the previous Compact year available to the Operations Committee of the Administration and to interested parties.

12. In recognition of the fact that the operation of the Offset Account is for the primary purpose of facilitating Compact compliance by Colorado in connection with increased post-Compact pumping by Colorado water users, the Colorado State Engineer shall report to the Administration and the Kansas Chief Engineer on a monthly basis the timing and amount of deliveries to the Offset Account, the monthly pumping in location and amount in excess of Colorado's pre-Compact entitlement, and Colorado's monthly accounting of Compact compliance, including documentation not already provided and a report of the status of water delivered to the Offset Account, within two months of the end of the month reported. The Administration recognizes that use of this Offset Account to facilitate Compact compliance by

Colorado after the effective date of this Resolution may result in additional monitoring costs to Kansas. The Administration recognizes that Kansas is not waiving its right to claim reasonable compensation from Colorado for such additional monitoring expenses incurred by Kansas after the effective date of this Resolution. The Colorado State Engineer shall timely share relevant information with the Kansas Chief Engineer concerning use of the Offset Account in a manner that will minimize Kansas' monitoring costs. Each year the Colorado State Engineer and the Kansas Chief Engineer shall discuss further ways to minimize such costs.

13. In the event that runoff conditions occur in the Arkansas River basin upstream from the Reservoir that cause water to spill from the Reservoir, then water stored in the Permanent Pool in excess of 10,000 acre-feet shall spill before water stored in the accounts granted in Subsections III A, B, and C of the 1980 Operating Plan, which shall spill before the water stored in the Offset Account, which shall spill before the accounts granted in Section II of the 1980 Operating Plan, which shall spill before the Kansas Transit Loss Account, all of which shall spill before conservation storage.

14. Water available under priority rights decreed to the ditches of Colorado Water District 67 [hereinafter "District 67"] may be stored in the Offset Account only when no water is accruing to conservation storage, provided that return flows shall be maintained and accounted for in accordance with paragraphs 3 and 4 above; and water may be transferred into the Offset Account from accounts of the ditches of District 67 in the Reservoir provided for in Section II of the 1980 Operating Plan in accordance with this Resolution; provided that such storage or transfers are in accordance with the Amended Rules adopted by the Colorado State Engineer and, with respect to transfers from District 67 accounts, shall include both the consumable and return flow portions of such water.

15. Neither the adoption of this Resolution nor the establishment or operation of the Offset Account shall constitute a waiver of either State's rights under the Compact (if such a waiver is possible as a matter of law) or prejudice the ability of either State to represent its interests in present or future cases or controversies before the Administration or any court of competent jurisdiction, except as provided in the Stipulation.

16. All terms employed in this Resolution which are defined in the Compact or the 1980 Operating Plan shall have the same meaning as set out in the Compact or the 1980 Operating Plan, as the case may be.

17. The effective date of this Resolution shall be the date on which the Chief of Engineers of the Corps of Engineers, or his duly authorized representative, gives his approval by signing and dating below in the space provided. This Resolution shall not be affected by the termination of the 1980 Operating Plan, except that operations contemplated in this Resolution which rely on the existence of the 1980 Operating Plan shall no longer occur if the 1980 Operating Plan is terminated. This Resolution shall be in full force and effect until March 31, 1998, and year-to-year thereafter subject to the following provisions:

A. Either Colorado or Kansas, through its Compact delegation, may terminate this Resolution effective March 31 by giving written notice to the Administration by February 1 of the same Compact year.

B. In the event that this Resolution is terminated, water in the Offset Account at that time may remain in storage in the Offset Account and be released or transferred as provided above until no water remains in the Offset Account, at which time the Offset Account shall be terminated.

18. Colorado may, as it sees fit, fulfill or, as a condition to delivery of water to the Offset Account by Colorado water users, require its water users to fulfill the delivery

requirements and be responsible for evaporation and transit loss charges imposed on Colorado by this Resolution, provided that Colorado shall require Colorado water users who wish to deliver water to the Offset Account to comply with this Resolution in all respects and shall require immediate cessation of the use of the Offset Account by any Colorado water user or users in the event of any substantial failure by such Colorado water user or users to comply with this Resolution.

JOINTLY APPROVED:

Chairman Arkansas River Compact Administration	Secretary Arkansas River Compact Administration
Chief of Engineers U.S. Army Corps of Engineers	Date

Exhibit C

Special Meeting

Kansas Department of Agriculture

901 S. Kansas Avenue, 2nd Floor
Topeka, KS 66612
(913) 296-4623
Fax: (913) 296-8389

FAX TRANSMISSION COVER SHEET

Date:	*March 10, 1997*		
To:	*Steve Miller*	*Fax:*	*(303) 866-4474*
Re:	*Amendment to ARCA By-Laws dated March 11, 1997*		
Sender:	*Leland E. Rolfs*		

YOU SHOULD RECEIVE 3 PAGES, INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (913) 296-4623.

Please call me [(913) 296-4623] when you receive this fax. We can discuss distributing copies at that time. Thank you.

Exhibit C
2-5-97 Minutes

PROPOSED AMENDMENT TO ARCA BY-LAWS

March 11, 1997

ARTICLE II

Officers

1. The officers of the Administration shall be:

Chairman
Vice-Chairman
Recording Secretary
Treasurer
Operations Secretary
Assistant Operations Secretary

2. *Unchanged.*
3. *Unchanged.*
4. *Unchanged.*
5. *Unchanged.*

6.(a) The Operations Secretary shall not be a member of the Administration, but may be the Division Engineer for Division 2, Colorado Division of Water Resources or the Water Commissioner of the Garden City Field Office, Division of Water Resources, Kansas Department of Agriculture or other qualified individual. He or she shall be elected by the Administration at its annual meeting and shall serve until the next annual meeting or until his or her successor is elected. In the case of vacancy in the office of the Operations Secretary, the Administration shall, at its next meeting, whether regular or special, elect an Operations Secretary to serve for the unexpired term. The Operations Secretary shall perform such duties as are imposed on such officer by subparagraph (b) of this paragraph 6, by other provisions of these by-laws, or by the Administration, acting through the Operations Committee, from time to time.

(b) The Operations Secretary's duties shall include, but not be limited to:

(i) Regulating the gates of John Martin Reservoir in accordance with the Compact and any operating plans or procedures adopted thereunder.

(ii) Keeping accurate daily records on the water stored in John Martin Reservoir, including all matters appurtenant thereto such as the amount of water residing in or being transferred to special reservoir accounts, evaporation of water from the reservoir which is to be prorated among such accounts, and the determination of transit losses and the procedures for computing such in all matters regarding water being transferred to or from said reservoir and accounts therein.

(iii) Preparing accurate reports of deliveries of water, which reports shall be presented to the Operations Committee.

(iv) Provide information, maintain open communications and consult with the Assistant Operations Secretary in the performance of the duties set forth above.

7.(a) The Assistant Operations Secretary shall not be a member of the Administration, but may be the Water Commissioner for the Garden City Field Office, Division of Water Resources, Kansas Department of Agriculture; the Division Engineer for Division 2, Colorado Division of Water Resources; or other qualified individual. He or she shall be elected by the Administration at its annual meeting and shall serve until the next annual meeting or until his or her successor is elected. In the case of vacancy in the office of the Assistant Operations Secretary, the Administration shall, at its next meeting, whether regular or special, elect an Assistant Operations Secretary to serve for the unexpired term. The Assistant Operations Secretary shall perform such duties as are imposed on such officer by subparagraph (b) of this paragraph 7, by other provisions of these by-laws, or by the Administration, acting through the Operations Committee, from time to time.

(b) The Assistant Operations Secretary's duties shall include, but not be limited to, assisting the Operations Secretary in the performance of his or her duties, as set forth in 6(b) herein, subject to the mutual agreement of the Operations Secretary and the Assistant Operations Secretary.

8. *(rest of document unchanged)*