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ARKANSAS RIVER COMPACT ADMINISTRATION

1997 ANNUAL MEETING MINUTES

Tuesday, December 9, 1997

9:00 A.M. (MST)

Cow Palace Inn, Lamar, Colorado

Lumpkin
12/8/98

1 Acting Chairperson: David L. Pope

2

3 Appearing for Colorado:

4 Tom Pointon

5 James Rogers

6 Hal Simpson

7 Dennis Montgomery

8 Wendy Weiss

9 Randy Seaholm

10 Steve Miller

11

12 Appearing for Kansas:

13 David L. Pope

14 Robert Buerkle

15 Eugene Overton

16 John Draper

17 Dale Book

18 Leland Rolfs

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LIST OF ATTACHMENTS TO DECEMBER 9, 1997
ANNUAL MEETING MINUTES OF ARCA

<u>Attachment Letter</u>	<u>ARCA Transcript Page #</u>	<u>Item</u>
A	6	Agenda
B	132	Attendance List
C	3, 95, 132	Letter dated 11/30/97 from Chairman Trujillo
D	3, 132	Letter dated 12/4/97 from James S. Lochhead appointing Hal Simpson to Represent the state of Colorado.
E	55	Colonel Wagner's Report for the U.S. Corps of Engineers for 1997.
F	62	U.S. Geological Survey Report by Doug Cain.
G	75	Three Letters, (6/10/97, 11/5/97, and 11/28/97) and attachments re: the Bureau Of Reclamation's proposed Amendments to the Trinidad Reservoir Operating Principles Submitted by Julianne Woldridge.
H	85	Resolution and Exhibit A, proposed Amendments to Trinidad Reservoir Operating Principles, submitted by The City of Trinidad.
I	92	ARCA Bylaw compilation.
J	117	Treasurer's Report.
K	118	Audit Report.
L	120	1997/1998 ARCA Budget.

M

120

1998/1999 ARCA Budget.

N

120

1999/2000 ARCA Budget.

1 MR. JAMES ROGERS: Good morning ladies and
2 gentlemen. We would like to call the meeting to rder.
3 If you will find a chair there. I am Jim Rogers and our
4 Chairman, Larry Trujillo, won't be able to make it this
5 morning or won't be here for the meeting. We have got a
6 letter explaining why and we will put it into the
7 minutes.

8 With the meeting called to order we will move to
9 the introductions. Hal, do you want to take care of
10 Colorado?

11 MR. HAL SIMPSON: Sure. Let me begin by saying
12 that I'm Hal Simpson, State Engineer. I'm here appointed
13 by Jim Lochhead, Executive Director of the Department of
14 Natural Resources, to represent Chuck Lile. Chuck Lile
15 had a setback on dealing with his cancer situation. He
16 had an MRI last week. He discovered another tumor, same
17 general area as the first tumor. He will be having
18 surgery Thursday or Friday of this week. So our thoughts
19 and prayers need to be with Chuck in the next few weeks.

20 At the table with me on my far left is Jim
21 Rogers, of course, the Commissioner for the area below
22 John Martin. To my immediate left is Tom Pointon, the
23 newly appointed member of the Administration from the
24 area above John Martin. To my right is Dennis
25 Montgomery, Special Assistant Attorney General

1 representing Colorado in the litigation with Kansas on
2 the Arkansas River Compact; and to Dennis's right is
3 Wendy Weiss, First Assistant Attorney General in charge
4 of the Interstate Compact section of the Attorney
5 General's Office.

6 I would like to introduce some of my staff and
7 some of the staff of the Water Conservation Board.
8 First, Randy Seaholm is here from the Water Conservation
9 Board. He's the head of the Interstate Streams Branch,
10 our Interstate Compacts Branch of the Water Conservation
11 Board. Steve Miller is here somewhere, he's the one that
12 sort of puts this whole show together and does a lot of
13 work to keep the Compact Administration moving forward.
14 My staff, I have Steve Witte, the Division Engineer from
15 Pueblo; the Assistant Division engineer, Steve Kastner;
16 Dale Straw handles augmentation coordination; Bill
17 Howland, who operates John Martin Reservoir, does such a
18 super job of accounting for the various accounts in John
19 Martin; Don Taylor, who is Water Commissioner for the
20 area above John Martin and Dan Neuhold, the Water
21 Commissioner for the area below John Martin. I believe
22 that covers the State of Colorado participants.

23 MR. JAMES ROGERS: Thank you, Hal. And David
24 Pope for the State of Kansas.

25 MR. DAVID POPE: Thank you. My name is David

1 Pope and I'm a member of the Administration from Kansas,
2 in my capacity as Chief Engineer of the Kansas Division
3 of Water Resources. On my immediate left is Robert
4 Buerkle, from the Holcomb area, who is another member of
5 the Administration from Kansas. To his left is Gene
6 Overton from the Hamilton County, Syracuse area. The
7 second member -- or the third member...(fixing
8 microphone) okay, we're back on the air. I think this
9 comes through a little bit better, without at least the
10 background noise, feedback. As I said, Gene Overton, so
11 the three of us then, are the members of the
12 Administration from Kansas. To Gene's immediate left is
13 Mr. John Draper who is Special Assistant Attorney General
14 for the State of Kansas working on Arkansas River
15 matters; to his left is Dale Book, Engineering Consultant
16 for the State of Kansas from Sprong Water Engineers out
17 of Denver. Then on the end of the table there is Lee
18 Rolfs, Senior Legal Counsel for the Division of Water
19 Resources in my office in Topeka.

20 I would like to introduce a few other people
21 here, Don Pitts, Assistant Attorney General from Topeka,
22 the Office of the Attorney General, Carla Stovall. Then
23 from our Garden City office, Mark Rude, who is the Water
24 Commissioner, heads up our Garden City field office and
25 with him from Garden City is Kevin Salter, his assistant,

1 and we also have Larry Gennette working out of our Garden
2 City office. We also have with us a new addition to our
3 staff Tom Huntzinger, Tom, if you will stand. Tom is out
4 of our Topeka office, recently joined our staff as the
5 manager of our water appropriations area, so Tom is out
6 here for his first occasion to get acquainted with some
7 of the issues we deal with under the Compact. Our ranks
8 are a little thin otherwise. I often like to point out
9 the people that make the trip up here from Kansas that
10 represent our water users. We do have a couple of people
11 at least. Let's see, we have Dave Brenn from the Great
12 Eastern, and Dave, do you have a new individual with you?
13 You might introduce B.J. Hibble has also gone to work
14 with Dave there at the Great Eastern and then I think the
15 only other person from the ditch systems in Kansas at
16 this time is Steve Hines. Steve, thanks for coming from
17 the Frontier Ditch System. And I believe unless I've
18 overlooked someone, that concludes the introductions for
19 Kansas.

20 MR. JAMES ROGERS: Thank you, David. Now we
21 will move down to "Item 2, Approval of Agenda." Is there
22 any additions to the agenda at this time?

23 MR. DAVID POPE: Jim, I don't think we have an
24 addition but I would just like to ask that given time and
25 schedules of various individuals, if we are not able...I

1 would like to reserve the option of moving to Item Number
2 9 before lunch, if we can, before noon. Hopefully we
3 will get there just in the due course of business.

4 MR. HAL SIMPSON: Somewhere on the agenda and
5 potentially when we get to the Corps reports I think we
6 would like to discuss the opportunity to move spill water
7 into the permanent pool space that's available, see if we
8 could at least bring that up for discussion as part of an
9 addition to the agenda.

10 MR. DAVID POPE: I think that's appropriate to
11 discuss.

12 MR. JAMES ROGERS: Are we ready to vote on
13 approval of the agenda, David?

14 MR. DAVID POPE: Move approval of the agenda.

15 MR. TOM POINTON: Second.

16 MR. JAMES ROGERS: It's been moved and seconded.
17 David, how does Kansas vote?

18 MR. DAVID POPE: Kansas votes aye.

19 MR. JAMES ROGERS: Hal?

20 MR. HAL SIMPSON: Colorado votes aye.

21 MR. JAMES ROGERS: Okay, the agenda has been
22 approved. Item 3 is the Report of the Officers, Chairman
23 Trujillo is not here and if it would be all right,
24 Recording Secretary Higbee, we'll move that to later on
25 under the...whenever we are doing the financial reports,

1 same with the Treasurer's Report. What's your pleasure
2 on Operations Secretary? We'll move it back at that time
3 too. Then we will move down to Item 4, that will be
4 Election of Officers. First on the agenda will be
5 vice-chairman, currently vacant. Do I hear a motion?

6 MR. HAL SIMPSON: Mr. Chairman, Colorado would
7 move that Mr. Pope be elected vice-chairman.

8 MR. ROBERT BUERKLE: Seconded.

9 MR. JAMES ROGERS: It's been moved and seconded
10 that Mr. Pope be vice-chairman. Are we ready to vote on
11 that?

12 MR. ROBERT BUERKLE: Kansas votes aye.

13 MR. HAL SIMPSON: Colorado votes yes.

14 MR. JAMES ROGERS: David, you've been elected
15 vice-chairman and therefore you're...you can fill in as
16 Chairman being as you're the vice-chairman. Do you want
17 to take over the meeting at this time?

18 MR. DAVID POPE: I guess that would be
19 appropriate and I would be willing to do that, Jim.
20 Thank you very much and appreciate the previous action by
21 the Administration.

22 This particular year, and it's not unprecedented
23 that we do have a vice-chairman run the meeting that
24 comes from one state or the other, but I will go ahead
25 and operate the meeting and then at times I may need to

1 speak clearly that I'm speaking in my capacity as a
2 member of the Administration as compared to Chairman, so
3 we will try to keep that straight.

4 Our next item, 4-B, is to deal with the election
5 of officers for Recording Secretary, that's currently Mr.
6 Higbee and at this point I would entertain nominations
7 for that position.

8 MR. JAMES ROGERS: For Recording Secretary, Mr.
9 Higbee has turned in his resignation and therefore we
10 would like to place Bernice...I mean, Mary Louise Clay as
11 our Recording Secretary. She has been doing that work
12 for about a year with the assistance of Don Higbee and I
13 think she would make a very good one.

14 MR. DAVID POPE: We have a nomination of Mary
15 Louise Clay. Are there any other nominations for that
16 position? If not, are we ready for action? If so all of
17 those...or how does Kansas vote?

18 MR. ROBERT BUERKLE: Yes.

19 MR. DAVID POPE: Colorado?

20 MR. HAL SIMPSON: Yes.

21 MR. DAVID POPE: So, Mary Louise,
22 congratulations.

23 We now are ready for the position of Treasurer
24 which is currently held by Jim Rogers here. I'll open
25 the floor for nominations for Treasurer.

1 MR. HAL SIMPSON: Mr. Chairman, I would nominate
2 Jim Rogers for continuing duties as Treasurer.

3 MR. DAVID POPE: Okay. Any other nominations?
4 If not, how does Colorado vote?

5 MR. HAL SIMPSON: Yes.

6 MR. DAVID POPE: Kansas?

7 MR. ROBERT BUERKLE: Yes.

8 MR. DAVID POPE: So, Jim, congratulations.

9 MR. JAMES ROGERS: Thank you.

10 MR. DAVID POPE: For Operations Secretary,
11 currently held by Steve Witte. Steve has been in the
12 position several years and we have all become familiar
13 with the reports and information that he has provided,
14 extensive information. What's your pleasure in regard to
15 Operations Secretary?

16 MR. HAL SIMPSON: Mr. Chairman, Colorado would
17 again nominate Steve Witte to continue to do the fine job
18 that he does.

19 MR. DAVID POPE: Any other nominations? If not,
20 we'll call for the vote. Colorado?

21 MR. HAL SIMPSON: Yes.

22 MR. DAVID POPE: Kansas?

23 MR. ROBERT BUERKLE: Yes.

24 MR. DAVID POPE: Kansas votes yes.

25 Our next position is a new one, been created I

1 think, I guess, during the course of this last year
2 during a special meeting of the Administration last year.
3 Among other things one of the items that occurred was the
4 creation of the position of Assistant Operations
5 Secretary, which is currently held by Mr. Mark Rude from
6 our...from Kansas. Are there nominations for that
7 position for the coming year?

8 MR. ROBERT BUERKLE: I nominate Mark Rude for
9 Assistant Operations Secretary.

10 MR. DAVID POPE: Okay. Any other nominations or
11 comments? If not, we'll ask Colorado, are you ready to
12 vote?

13 MR. HAL SIMPSON: Colorado votes yes.

14 MR. ROBERT BUERKLE: Kansas votes yes.

15 MR. DAVID POPE: Okay, Mr. Rude, you're elected
16 to another term as Assistant Operations Secretary.

17 Okay, we'll move then to Item 5 on the agenda,
18 which is the approval of transcripts and or summaries
19 from prior meetings. I believe that...that Steve Miller
20 and Lee Rolfs of my office have worked together to try to
21 deal with these issues. Which of you would be prepared
22 to speak to that?

23 MR. STEVE MILLER: The December '93 minutes are
24 not yet ready for approval though we have made some
25 progress. And Lee and I have talked, early in January we

1 will be able to exchange a Word Perfect version of the
2 minutes. Those events, you remember the court reporter
3 died before he could complete the edits so Lee and I will
4 take it upon ourselves to do the edits. We have the
5 audio tapes of that meeting and we will compare the Word
6 Perfect version that has been prepared and will do that
7 in January. If we have a special meeting in the spring
8 we can, maybe, get those approved then. While I'm up
9 here, maybe I can do C and then Lee will take B. I have
10 sets of the minutes of the February 5th, '97 Special
11 Meeting. That same set of minutes includes the
12 reconvened sessions later in February and also in March
13 so in one volume we have the entirety of those meetings.
14 Lee and I have reviewed those and I believe those are
15 ready to sign and I could present those to you during a
16 break or something for your signature if the Commission
17 approves them, and I think Lee has.

18 MR. DAVID POPE: Lee, go ahead.

19 MR. LEE ROLFS: Thank you. We have reviewed the
20 transcript from the 1996 Annual Meeting and Steve and I
21 have come to agreement on the edits and the changes have
22 been made and it is also ready for signature.

23 MR. DAVID POPE: Okay. I think we're...I
24 appreciate the reports from both of you. I think we're
25 ready for action. Do we have...let's take item...there's

1 no need for action on Item 5-A but we have had a status
2 report on that. I know that's been a difficult one. For
3 Item 5-B, the December 1996 Annual Meeting Minutes, those
4 from a year ago. Do we have a motion for approval of
5 those minutes?

6 MR. HAL SIMPSON: I would move the approval of
7 the December 1996 minutes.

8 MR. DAVID POPE: Do we have a second?

9 MR. ROBERT BUERKLE: I'll second it.

10 MR. DAVID POPE: Second by Mr. Buerkle. If the
11 members are ready for action? If so, how does Colorado
12 vote?

13 MR. HAL SIMPSON: Yes.

14 MR. DAVID POPE: Kansas?

15 MR. EUGENE OVERTON: Yes.

16 MR. DAVID POPE: We are ready for Item 5-C,
17 which is the approval of the Special Meeting Minutes
18 that's indicated there on the agenda. As I understand
19 those have been reviewed by staff from both states and
20 are ready. Do we have a motion for their approval?

21 MR. HAL SIMPSON: Colorado would move the
22 approval of the February 5th, 1997 Special Meeting
23 Minutes and also for the reconvened sessions on February
24 19th and March 11th, 1997.

25 MR. DAVID POPE: Do we have a second?

1 MR. ROBERT BUERKLE: Kansas seconds it.

2 MR. DAVID POPE: Okay, we're ready. Any further
3 discussion? If not, how does Colorado vote?

4 MR. HAL SIMPSON: Yes.

5 MR. DAVID POPE: And Kansas?

6 MR. EUGENE OVERTON: Yes.

7 MR. DAVID POPE: We then will declare the item
8 dealing with minutes finished at this point.

9 Move to Item Number 6 and first item is 6-A, the
10 Administrative Legal Chair of that committee for the past
11 year was Mr. Overton. I'll ask him for comments at this
12 time.

13 MR. EUGENE OVERTON: There was no report last
14 night, we didn't meet, but we will talk about this later
15 in the program.

16 MR. DAVID POPE: Okay, I think that was my
17 understanding as well. Given the time last night and the
18 recognition that these items will be dealt with later on,
19 Agenda Items 13 and 10. We'll just move on from there.

20 The next item on the agenda is Item 6-B, the
21 Engineering Committee. In the case of the Engineering
22 Committee, we did meet jointly last night, basically with
23 the Engineering and Operations Committees. In the case
24 of the Engineering Committee we were in a position where
25 the Chairman for the past year was Carl Genova, whose

1 term, of course, has now expired and he's no longer a
2 member of the Administration, so we really didn't have
3 what I would consider a formal meeting of the Committee
4 since I was the only member present. We did, however,
5 receive reports on several of the items that are listed
6 on the agenda and I might make a couple of comments on
7 those and then we, perhaps, can receive an abbreviated
8 report on these items here this morning.

9 The first of those, we had a fairly detailed
10 report and discussion on Item 1 dealing with the USGS
11 status report on continued operation of tributary gages,
12 review of the data and hydrograph separation methods.

13 Let me ask the members of the Administration, I
14 think probably everyone was there at that time. Would
15 you like to hear more from Doug Cain of the USGS at this
16 time or should we just move to discussion of that item?

17 MR. HAL SIMPSON: I think we had a good
18 discussion last night with Mr. Cain, I think we could
19 just move forward to discussion.

20 MR. DAVID POPE: That would seem to be
21 appropriate as well to me. Hal, did you have...did you
22 have comments about this item and how we should proceed
23 in the future? Seems to me like the issues there were
24 what we do next and how this data is being used.

25 MR. HAL SIMPSON: I guess we are still concerned

1 about the location of the gages and what we may be
2 measuring is mostly return-flow. And it's unfortunate,
3 especially on Big Sandy, we can't find a better location
4 for a gage above Amity Canal because otherwise it appears
5 that tributary inflow is fairly limited from the three
6 drainages, at least for the two years that we have record
7 if you assume that the base flow is from irrigated area
8 return-flows. But maybe we should continue the study for
9 another year. I guess it's due to go for another year,
10 through the end of '98?

11 MR. DAVID POPE: My understanding is that we
12 have funded the gages through the rest of this federal
13 fiscal year and...so we would be collecting data through
14 the course of this next spring-summer period and that
15 would continue if we take no further action. And then
16 the other issue, I guess, in part we can discuss now in
17 terms of what we think the merits of this is, and then
18 also at budget time, we need to decide whether to fund
19 the gages for another year, which would be the year
20 starting in October 1 of '98.

21 I guess, I think it probably would make sense to
22 continue at least to the year that we're already in as
23 far as that goes. But I think the real question is
24 whether to continue beyond that. And I guess I would
25 ask, from your standpoint what interest does Colorado

1 have and how is the data being used? Is it being
2 used...I think some of the original question was the
3 unknown for tributary run-off and how that was used in
4 the modeling and matters of that nature and whether or
5 not there's any administrative purposes for it otherwise.
6 I guess I would like to hear you're view in that regard.

7 MR. HAL SIMPSON: I think we would ask Mr.
8 Schroeder to take a look at this information and compare
9 it with, maybe, what's predicted in the Rainfall Run-off
10 Model, part of the HI model, and just do some
11 comparisons. But I don't know if Colorado would do
12 anything more than that at this point. We really haven't
13 given it a lot of thought. We are just now, really
14 seeing the information.

15 MR. DAVID POPE: Okay. I think that's...my
16 understanding is that, thus far, it's not being used in
17 the modeling but that doesn't mean it can't be or it
18 shouldn't be examined as a possibility, I guess that is
19 what I hear you saying. And I think it's probably
20 reasonable for us to be cautious and take a hard look at
21 the information.

22 Doug, did you have a comment?

23 MR. DOUG CAIN: Yes, I did. My name is Doug
24 Cain, I'm with the U.S. Geological Survey in Pueblo. I
25 would offer to meet with representatives from both states

1 during the year to try to address these issues further.
2 I think it would be useful to us to gain a clearer
3 understanding of exactly what you're needing. And I
4 think we would also offer, as we did at the time the
5 gages were installed, to...to jointly visit alternate
6 sites if that's...if that would be useful, and to work
7 with you in whatever way we can to determine if the data
8 is useful as is and if there are ways to improve that to
9 explore those options. We would be happy to do that.

10 MR. DAVID POPE: Okay, appreciate that. Do you
11 think there is some viable alternatives for other sites?
12 I know there's some difficulty there, as I understand it,
13 from last night.

14 MR. DOUG CAIN: We looked at a number of other
15 sites at the time. We...we made a decision, as you
16 recall, without a lot of input from the Administration on
17 where to locate those. And I guess I feel like there's
18 certainly still an opportunity to go back and look at
19 that again with a fuller involvement of all parties that
20 are concerned with that.

21 MR. DAVID POPE: Well, the gages certainly have
22 provided at least some record of the total flows, it's
23 identification of the sources and where it's coming from,
24 that's really the question. But we appreciate the offer
25 there. Any other comments in terms of how we proceed at

1 this point in time?

2 MR. HAL SIMPSON: I might ask you, David, is
3 Kansas intending to use that information in any way, in
4 any official analysis?

5 MR. DAVID POPE: I don't know that I can answer
6 that at this point. I'm not sure. I don't think we're
7 far enough into the analysis to know. But in any event,
8 I'm really not in a position to have discussed it in
9 enough detail to know.

10 MR. DOUG CAIN: One other comment I might add.
11 I've had some discussions with Dick Kreiner about whether
12 information from these gages might be useful in their
13 management of operations of John Martin, especially
14 during higher flows. And although they have not used
15 this information to date...maybe I should let Dick speak
16 to this. Basically, what he said is that any additional
17 information that's available to help manage those
18 operations would be useful to them. All of these sites
19 do have data collection platforms so that information can
20 be available on a real-time data, in a real-time sense.
21 We have not, because we didn't know that there was
22 demand, have not put these sites on our World-Wide Web
23 Site to make that access easy but that's something we
24 would be glad to do and it would not be a problem if
25 people are interested in having us do that.

1 MR. DAVID POPE: My suggestion, I guess, at this
2 point, is that we...you know, we've had a discussion of
3 this now and we -- thank you, Doug -- that we take this
4 up again at the time we deal with the budget. But
5 probably make a final decision at that time. But it
6 sounds like there may be enough uncertainty about how the
7 data would be used that it might be better to continue it
8 for another year.

9 I think another issue though is, you know,
10 revisiting the issue of the gage locations. It may be
11 wise to do that and take Doug up on his offer. Does that
12 sound reasonable?

13 MR. HAL SIMPSON: Yes.

14 MR. DAVID POPE: Okay. I think that's probably
15 as far as we can go today on our...right now on that
16 item.

17 The second item on the list was a "USGS Proposal
18 for Transit Loss Travel Time Study below John Martin
19 Reservoir." The...again, we heard a fairly detailed
20 report from Doug Cain from the USGS last night at the
21 Engineering Committee meeting. This issue is one in
22 which was dealt with, to some extent, since the last
23 meeting in the context of the discussions related to the
24 creation of the Off-Set Account in John Martin Reservoir.
25 And I believe there's a provision in that agreement, or

1 in the associated stipulation, I forget which, that the
2 states would at least examine the issues of transit loss
3 and whether or not additional information and study was
4 needed there. And I think this proposal is in response
5 to that identification of the potential issue.

6 Again, let me ask at this point whether there's
7 a need for additional comments from Doug. If there are,
8 we can ask him to come back up. I think we heard a
9 pretty detailed report last night, but let me ask Hal, or
10 Colorado, do you have any reactions in terms of how we
11 proceed on this?

12 MR. HAL SIMPSON: I think we could move to
13 discussion on this topic without having any more
14 presentations by Mr. Cain.

15 MR. DAVID POPE: Is that okay with you?

16 MR. ROBERT BUERKLE: Yes.

17 MR. DAVID POPE: I think that's fine. Did you
18 want to start with that, Hal? Do you have some...

19 MR. HAL SIMPSON: I think as we discussed a
20 little bit last night, in the light of the Corps of
21 Engineers study on channel capacity and a potential for
22 maybe some channel modification down the road in the,
23 hopefully, not too distant future to deal with restricted
24 channel capacity, it may be prudent to defer this study
25 until we know the final recommendations of the Corps.

1 Because otherwise we could potentially be re-doing this
2 study if they did change the channel configuration.

3 MR. DAVID POPE: Do other members of the
4 Administration have comments? I think...I think that may
5 be prudent as well. The study that's proposed is
6 undoubtedly one that would provide additional information
7 but it is a fairly extensive study. Those kinds of
8 studies, I think, tend to be expensive, as I understand
9 it. But there are some unknowns both in terms of further
10 analysis of that proposal and also the items that you've
11 identified, Hal, so I think I would support that. Sounds
12 like maybe it might be appropriate to defer on this.

13 MR. HAL SIMPSON: I think also, Mr. Howland
14 indicated last night that he thought the current limited
15 method that he utilizes works about 80 percent of the
16 time, as I recall, and I think that's probably reasonable
17 and maybe we could proceed using that technique as set
18 out in the Off-Set Account Resolution until we have more
19 information to decide whether we want to move ahead.

20 MR. DAVID POPE: Yes, I recall those comments
21 and I think it sounds like, generally, the experience
22 that Bill has had is that a high percentage of the time
23 he feels very comfortable with the numbers that are
24 derived, I think, from the current methodology. Unless
25 there's some further comments I think, probably, that

1 would be...I'm not sure that there's any action needed at
2 this point in time but I think the general response would
3 be to...to defer. I think each of us should continue to
4 monitor this and see where we go in the future. I think
5 we can express our appreciation to Doug and the USGS for
6 developing the proposal, I certainly know there's some
7 effort involved in doing that. So unless there's some
8 further comments, I think we will just assume that will
9 be the course of action.

10 MR. HAL SIMPSON: That's acceptable to Colorado.

11 MR. DAVID POPE: Okay. Item Number 3 is a
12 "USGS Status Report on Power Conversion Coefficient (PCC)
13 Study." In light of time last night we really did not
14 have a report on the status of that study so I think,
15 without objection, I think it would be appropriate to
16 hear from Mr. Cain on that particular study.

17 MR. HAL SIMPSON: That's fine.

18 MR. DAVID POPE: Doug, if you can come forward.
19 Why...

20 MR. DOUG CAIN: Thank you. I'll try to give you
21 a brief background about the study and what we are doing
22 and why. The study is to compare the Power Conversion
23 Coefficient Method to Totalizing Flow Meters to estimate
24 ground water pumpage. I guess, the reason that this
25 study is needed is that Colorado Measurement Rules allow

1 either method to be used to estimate ground water pumpage
2 in certain situations. My understanding is that the two
3 states have some disagreement on whether the Power
4 Conversion Coefficient method is an acceptable method to
5 estimate ground water pumpage. And that has been an
6 issue in some hearings before the Special Master. So
7 about a little over a year ago the Colorado State
8 Engineer asked the USGS to do a study to try to resolve
9 this question. So we entered into an agreement with the
10 State Engineer last spring to do such a study. The basic
11 approach of this study is to compare pumpage determined
12 by Power Conversion Coefficient Methods and Totalizing
13 Flow Meters at the same wells. And the study is...was
14 originally designed to try to make that comparison in
15 enough wells to be able to statistically determine
16 whether or not we could see a five percent difference in
17 those estimates. And also, another goal of the study is
18 if...if changes might be needed to the Power Conversion
19 Coefficient Method to improve the estimates to evaluate
20 what changes might be needed to do that.

21 During the 1997 irrigation season we established
22 a network of 46 wells upon which to make those
23 comparisons. Ten of these 46 wells were wells that had
24 existing totalizing flow meters on them for purposes of
25 the Measurement Rules. We, through agreement with a

1 company called Signet, were provided ten meters to
2 include in the network and also have installed 25 new
3 Micrometer meters in that work. That only adds up to 45.
4 There was one existing well with a totalizing flow meter
5 that was in the network but was not pumped in the season
6 so we don't actually have information from that.

7 I should mention that the initial goal of the
8 study was to get this network in place so that we could
9 have information for the entire pumping season. We were
10 not able to do that for a variety of reasons that mostly
11 relate to the inherent process and logistics of acquiring
12 the meters, making agreements with well owners to get
13 those installed on the wells. And so we did not end up
14 with a full season of data. The existing totalizing flow
15 meters were monitored for most of the irrigation season.
16 The Signet meters were monitored from after their
17 installation in May through the end of the season. The
18 25 Micrometers were not able to be installed and operated
19 until September of this season. And so for those we do
20 not have...we do not have much pumpage information for
21 1997.

22 Part of the goal of the data collection in 1997
23 was to determine whether...to determine the total number
24 of wells that should be monitored in 1998 so that we can
25 do a competent statistical analysis of the data. We are

1 still in the process of evaluating the data that came in
2 from 1997 to make that determination. But we...because
3 of the length of time to get meters installed in 1997, we
4 made a decision about six to eight weeks ago that if we
5 were going to get meters installed on a fairly
6 substantial number of wells early in the 1998 irrigation
7 season that we needed to proceed with that without
8 awaiting the analysis of the 1997 data. So we currently
9 have an agreement with the State Engineer's office to
10 procure an additional 50 Micrometer meters and we have an
11 offer of ten additional Signet meters. We're in the
12 process to procure the Micrometer meters and to make
13 contacts with well owners and make selections of sites.
14 That is proceeding now, with the plan that those will be
15 installed and in place early in the 1998 irrigation
16 season. That should allow us to have a network of up to
17 about 106 wells while we are making these side-by-side
18 comparisons during the 1998 irrigation season.

19 We will not know, probably for another few weeks
20 or a month, whether that's an adequate number of wells to
21 make a statistical determination whether or not there's a
22 five percent difference in the pumping estimates between
23 the Power Conversion Coefficient Method and the
24 Totalizing Flow Meter Method. But that's the basis on
25 which we are proceeding for the 1998 irrigation season.

1 The plan for the study is to prepare a report
2 comparing the two methods. And basically, the major
3 question that the report will attempt to answer is, do
4 the methods produce statistically different estimates in
5 groundwater pumpage, both at individual wells and on a
6 basin-wide basis. The report will document ways to
7 improve the method and the plans are that a draft of the
8 report will be prepared during the winter of 1998 - '99
9 and a final report will be available later in 1999.

10 That's a brief summary of the study. I do have
11 some extra copies of the proposal under which we are
12 operating.

13 I might mention, that at the request of the
14 Colorado State Engineer we are providing the same
15 progress reports on the study that Colorado is receiving,
16 providing those reports also to Kansas so they can be
17 kept abreast of the study. And we have come to an
18 agreement with Kansas on sharing information that's
19 collected in the study so there's access to that
20 information to all states.

21 I think, for a brief report I'll stop there and
22 let whatever questions you have guide me to more detail
23 if it's needed.

24 MR. DAVID POPE: Any questions from members of
25 the Administration for Doug on this matter? Or, Hal, did

1 you have other comments?

2 MR. HAL SIMPSON: No, I don't think so at this
3 time.

4 MR. DAVID POPE: I might have a few here. You
5 may have touched on some of these issues that I guess I
6 was wondering about. That you mentioned the statistical
7 analysis and that you've already made the determination
8 to go ahead and, through the study, add another, what,
9 additional 60 meters, it sounds like, total?

10 MR. DOUG CAIN: That's correct.

11 MR. DAVID POPE: What will you then do with the
12 statistical analysis that you said you would be finishing
13 up? How will that be used since it's not part of the
14 decision to put on the extra meters, apparently?

15 MR. DOUG CAIN: Correct. I think we will do
16 that analysis and determine the number of meters upon
17 which it would be necessary to have...or the number of
18 wells upon which it will be necessary to make this
19 comparison. And although we will not be in a position to
20 have those in place this year, we'll have that
21 information. If we don't, we'll see what data we get in
22 the 1998 irrigation season. There's a chance that we
23 will be able to see a statistically significant
24 difference in pumpage with the number of wells that we
25 have in place and if we can do that, I think we will

1 consider that the study would be complete at the end of
2 the 1998 irrigation season.

3 If we are not able to...if we are not able to
4 see a difference and we make a determination that we
5 would need to look at more wells to see a difference, we
6 would go back into discussions with the State Engineer to
7 see how to proceed in the 1998 irrigation season.

8 MR. DAVID POPE: So are you saying the study may
9 not be completed then after the '98 or...yeah, '98
10 irrigation season or is that dependent upon the
11 statistical analysis issue?

12 MR. DOUG CAIN: I think it is...it is dependent
13 upon what we find and on what those discussions result in
14 with the Colorado State Engineer.

15 We really...we've made a decision to proceed
16 this year without having that information for the 1998
17 irrigation season. Without having that information in
18 place, it's really an operational decision. Because if
19 we don't make that decision now and we wait for that
20 information, we won't have time to get the meters
21 installed to get that information. I think there's some
22 chance that we may be installing more meters than we
23 need. And there's some chance that we may be installing
24 less meters than we need to get that data base.

25 MR. DAVID POPE: But I think, in any event, you

1 plan on completing some level of analysis in developing a
2 report and it's just really a question of whether the
3 study is declared completed or not and whether you move
4 on after that, is that what I'm understanding?

5 MR. DOUG CAIN: Yeah, I think that's how we're
6 looking at it. To me it's still an open question,
7 whether we would, if the analysis of the 1998 data
8 indicates that the study has not come up with a
9 conclusive result, that we need to collect more data. I
10 think a point of discussion between us and the State
11 Engineer would be whether or not we should produce a
12 report at the end of the 1998 irrigation season and then
13 another report after that. My personal belief would be
14 that it would make more sense to provide that information
15 to Colorado. And I believe they...I've indicated they
16 would be happy to share that information with Kansas.
17 And then only...only produce a report when the study is
18 complete.

19 MR. DAVID POPE: Do you have any preliminary
20 results from the '97 data as to what you found?

21 MR. DOUG CAIN: We really don't have any...any
22 results that I'm at a point that we can talk about. We
23 have fairly recently received the final data files from
24 the State Engineer's office, are just beginning to work
25 with those and really don't have any information that I

1 can share right now that would really be meaningful to
2 you. We will be trying to summarize some of that
3 information in quarterly progress reports that we would
4 provide to both states.

5 MR. DAVID POPE: I appreciate your comments on
6 providing information and the State Engineer's agreement
7 that that should be provided to us. I don't believe we
8 have any information yet but I assume that we can expect
9 that fairly soon in terms of the data that is available.
10 And if I understand you, that will then be provided on a
11 quarterly basis...

12 MR. DOUG CAIN: That's our intention.

13 MR. DAVID POPE: ...at the end of the current
14 quarter. Each time we move forward.

15 MR. DOUG CAIN: Right. And we have worked with
16 Dale Book to try to decide on computer formats for some
17 of that data, which we will provide in digital form,
18 trying to look at whether we provide both hard copy and
19 computer copy of that information or if there's...there's
20 ways that we can try to streamline this so that we get
21 you what's needed without causing undue burden on our
22 part to provide that.

23 MR. DAVID POPE: Have you resolved the issue of
24 whether that will be provided at any extra cost or is
25 that just an electronic transfer, basically, of data and

1 associated reports that you already have?

2 MR. DOUG CAIN: Our discussions to date with Dale
3 have been that this first data transmittal we will
4 provide both hard copy and electronic information to him.
5 Providing the hard copy information is somewhat
6 burdensome. We are talking about, for this first year,
7 probably a three to four inch stack of field notes and
8 other information that we received from the State and
9 most of that will also be included in the electronic
10 version.

11 I think if we need to continue to provide
12 the...to provide that in both ways we might be needing
13 to...to make some charges for that. But what we're going
14 to try to do is look at this first data set, work toward
15 some way that gets you what you need and allows us to
16 provide that in a less costly way. And so we will await
17 the outcome from this first data transmittal to make that
18 determination.

19 MR. DAVID POPE: Thanks. I guess the only other
20 thing I would ask about is how you chose then the new
21 sites for the additional 60 meters and whether those are
22 representative of metered wells using...or representative
23 of wells using the PCC method throughout the valley?

24 MR. DOUG CAIN: The...I can't go through all of
25 the details because I don't know all of the details of

1 how that's done. But in a general sense, because we
2 have...because the study has a strong statistical design,
3 we are selecting wells that support that design using
4 criteria of both representativeness and random...some
5 sort of a random design to that, to the extent that
6 that's possible. The details of that are something that
7 we could...we would be happy to discuss...discuss in more
8 detail exactly how that's done. But we are trying to get
9 both a representative and a random sample of wells that
10 are using the PCC method.

11 MR. DAVID POPE: All right, I appreciate that.
12 And there may be a need for more detailed discussions on
13 that, Doug. I think our primary concern would be that
14 the wells are representative of all of those that are
15 allowed under the rules to be...to be metered or to be
16 used with the PCC method. There are some, I know, that
17 are more complex set-ups than others, but yet those, if
18 they are going to be allowed to use that method, then we
19 need to know what level of accuracy we have from those.
20 So I hope some of those are...that issue is dealt with.

21 MR. DOUG CAIN: And I know from discussions with
22 our folks that are working on this study, there are some
23 of those types of wells within the existing network that
24 was operated in 1997 that have some of the features that
25 you mentioned.

1 MR. DAVID POPE: Okay. I think that's probably
2 all of the questions that I have at this point and we've
3 probably have gone in as much detail as we need to here.

4 Are there any other questions from anyone about
5 the study? Any question?

6 MR. HAL SIMPSON: Not of the study. But I might
7 ask the State of Kansas, are you conducting any study on
8 the accuracy of the flow meters; their reliability and
9 maintenance required to keep them within plus or minus
10 five percent?

11 MR. DAVID POPE: Hal, I'm not sure I would
12 necessarily say we have studies per se. We are looking
13 pretty carefully at sort of a reexamination of our
14 metering program and to identify any areas where we need
15 to improve the use of metering information and meters.
16 We have put a fair amount of effort into that this past
17 irrigation season. We have not reached a point where we
18 have completed any studies on that. But we are trying to
19 examine basically more in an administrative sense in
20 terms of how we regulate the program. So I don't know as
21 I have anything to report at this point in time in that
22 regard. But we are making some additional efforts in
23 that area.

24 MR. HAL SIMPSON: If you get any information, I
25 would certainly like to see it. It would be helpful to

1 us, I think.

2 MR. DAVID POPE: I appreciate that. We'll try
3 to keep that in mind.

4 Okay. I think we're ready to move to Item 4.
5 And we did not, in the committee format, take up Item 4
6 because there was a separate presentation by the Corp of
7 Engineers and I understand during the Report of Federal
8 Agencies that there will be, let's see, Colonel Wagner, I
9 think you're here, you will be making some comments
10 regarding the channel studies at that time. We'll pass
11 that to him at this point if that's okay with the body.

12 Likewise, I think I would mention that there was
13 a brief report we have received from Dick Kreiner
14 regarding, basically, the John Martin Reservoir flood
15 control operations and deviation procedures. Basically,
16 Dick explained the process that is used by the Corps to
17 determine whether a deviation is appropriate. Mentioned
18 the range of things that run from emergency situations to
19 longer planned deviations and the information that is
20 needed to consider a deviation. And, I think, was a
21 pretty strong message that there would need to be
22 documentation of the need and impacts on flood control
23 operations and joint support from both states to proceed
24 with some sort of a deviation. I think that was kind of
25 the gist of the report without going into great detail.

1 And I don't know whether members of the Administration
2 want to pursue that further now or ask any questions of
3 Dick or the Corps regarding that matter. Seems like it's
4 pretty straight forward at this point. Hal, do you have
5 any comments?

6 MR. HAL SIMPSON: I think we can wait until we
7 have the Corps report.

8 MR. DAVID POPE: Okay. I think that makes
9 sense.

10 Okay, Item Number 6. We did not ask for a
11 report or receive one regarding the Trinidad Lake
12 permanent pool operations and accounting from the
13 Colorado State Parks. I think this would probably be an
14 appropriate point to receive any information that would
15 be available in terms of a report from Colorado State
16 Parks. Is there a representative here?

17 MR. PAUL FLACK: My name is Paul Flack, I'm a
18 Hydrologist for Colorado State Parks. I'm here to report
19 that during the water year of 1997; 5,500 acre feet of
20 water, transmountain water was released from Lake
21 Meredith and through exchange 5,445 acre feet of water
22 was stored through the exchange at Lake Trinidad

23 MR. DAVID POPE: Okay, Paul, thank you. You're
24 saying the transmountain water was released from...where
25 was that, Lake Meredith?

1 MR. PAUL FLACK: Lake Meredith.

2 MR. DAVID POPE: And then the actual credit for
3 and the actual water stored in the new space that was
4 made available by amendment to the Principles amounted to
5 5,445?

6 MR. PAUL FLACK: Correct.

7 MR. DAVID POPE: And the difference being the
8 transit?

9 MR. PAUL FLACK: One percent transit loss.

10 MR. DAVID POPE: One percent transit, okay. And
11 when did that operation take place?

12 MR. PAUL FLACK: There were two exchange
13 periods; the first one was from April 15th through June
14 15th, at that point 3,140.57 acre feet was released from
15 Meredith; and the second part of the summer, June 16th
16 through October 31st, 2,358.5 acre feet was released.

17 MR. DAVID POPE: 2,358.5?

18 MR. PAUL FLACK: Correct.

19 MR. DAVID POPE: Is that what you said? Okay.
20 Any questions for Mr. Flack regarding this operation?
21 Hal?

22 MR. HAL SIMPSON: Paul, what space did this
23 water go into, was it replacement of evaporation and the
24 large permanent pool?

25 MR. PAUL FLACK: This went into the initial fill

1 of the recreational pool, of the 11,467.

2 MR. DAVID POPE: And this was the first water
3 that had been placed into Trinidad under this provision?

4 MR. PAUL FLACK: That's correct.

5 MR. DAVID POPE: Separate and apart from the
6 permanent pool?

7 MR. PAUL FLACK: That's correct.

8 MR. DAVID POPE: Okay. Any further questions
9 from anyone for....

10 MR. HAL SIMPSON: Paul, if water is available do
11 you intend to move more water in '98 to fill the
12 recreational pool?

13 MR. PAUL FLACK: Yes, under this exact same
14 scenario.

15 MR. HAL SIMPSON: Right, okay.

16 MR. DAVID POPE: So you have plans to do that,
17 basically, at this time?

18 MR. PAUL FLACK: That's correct.

19 MR. DAVID POPE: Okay. Dale?

20 MR. DALE BOOK: Yes, I had a question. I was
21 wondering what the source of the water was out of Lake
22 Meredith?

23 MR. PAUL FLACK: The water was purchased from
24 transmountain sources from Colorado Springs.

25 MR. DALE BOOK: Do you know specifically which

1 transmountain sources?

2 MR. PAUL FLACK: I do not know. That
3 information would be provided to the Division Engineer by
4 Colorado Springs.

5 MR. DALE BOOK: Okay.

6 MR. DAVID POPE: Steve, is that something that
7 you have available or can cover later?

8 MR. STEVE WITTE: I don't have the information
9 here regarding the specific source other than that it was
10 Colorado River Basin water that was purchased.

11 MR. DAVID POPE: Okay. Okay, anything else, any
12 other questions? If not, thank you, Paul.

13 Let's move into Item 6-C, the report from the
14 Operations Committee. Mr. Buerkle from Kansas chaired
15 that committee last night.

16 MR. ROBERT BUERKLE: We received a report from
17 Steve Witte last night and accepted that report.

18 Steve, would you like to summarize that report
19 again, just a quick summarization?

20 MR. STEVE WITTE: No, sir, I wouldn't and nor
21 would most of the audience from the reaction when I moved
22 up here.

23 I thought I would make my report very brief
24 because the formal report was submitted last night in all
25 its detail...(fixing microphone). Because the formal

1 report was submitted last night and that includes all of
2 the detail, and we have additional copies available here
3 for anyone in the audience who did not attend last night
4 that might wish to pick up a copy. They are in boxes in
5 the back of the room. We ask only that you sign for them
6 so that we can make plans in the future to better predict
7 how many copies we need to produce.

8 I didn't think I would go into a lot of detail.
9 The...I would say that the report is different in a
10 couple of respects. Primarily being that we did include
11 some information regarding the operations of the Off-Set
12 Account, which was the new account approved last year,
13 and the...that information appears as, I believe, new
14 Table 13 in the report regarding the content of that
15 account at various times throughout the year. The
16 detailed accounting regarding the Off-Set Account was
17 submitted to the Operations Committee last evening by
18 State Engineer Hal Simpson and that is included in
19 this...this separate report. Separate copy or additional
20 copies are also available of that report in the back of
21 the room.

22 I thought that perhaps I would spend just a
23 moment talking about the current status of John Martin
24 Reservoir. I think most of you know that the Reservoir
25 is quite full at this point. This information I'm using

1 is about 36 hours old but the content at that point in
2 time, at midnight on the 27th was 338,500 acre feet. The
3 capacity of the Reservoir at the top of the conservation
4 pool is 335,693 acre feet. Because the permanent pool is
5 allowed to invade the flood pool space to the extent of
6 10,000 acre feet and because of the fact that currently
7 we only have about 7,512 acre feet in the permanent pool
8 the spill, physical spill, will occur at approximately
9 343,000 acre feet. 343,205 if my figures are correct.
10 Therefore we are currently invading the flood pool by
11 2,857 acre feet as of midnight on the 7th. And also,
12 therefore the deficit between our current capacity and
13 when physical spill will be deemed to occur is about...is
14 only about 46 hundred and 55 acre feet at this point in
15 time. So I think we're looking at a physical spill from
16 the Reservoir within the next, what, week, ten days. I'm
17 not going to get into the prediction business. But in
18 the imminent...the near future. So I provide you that
19 information because I hope that that will be useful to
20 you in considering of the possibility of approving a
21 delivery of water that otherwise might spill from
22 the...or to the permanent pool to restore it to a content
23 of 10,000 acre feet, which would provide for the maximum
24 allowable invasion into the flood pool.

25 So unless there are questions, I believe that

1 concludes my oral report.

2 MR. ROBERT BUERKLE: Are there any questions?

3 MR. DAVID POPE: I really don't have a question
4 in regard to the report. Steve, appreciate the...again,
5 all of the accounting and work that goes into the report.

6 I wonder if, however, the only concern I guess,
7 if you will, or timing problem that we had this year was
8 really getting copies of the report in time to really
9 look it over much ahead. I know that it's difficult with
10 the timeframe and the information you have to provide in
11 that regard. And the Compact members that live in the
12 area, apparently the mail gets there quicker than it does
13 to Topeka. Ours was not there yet when we left for this
14 trip. Unless it was in Monday's mail, perhaps, after we
15 left. But is there some way that it could be finished up
16 a little bit quicker? More shortly after the December 1
17 time period or perhaps overnighted to us or some other
18 arrangement that we can work out for the future year as
19 to the report? We feel in kind of a difficult position
20 this year where really, most of us did not get a chance
21 to look at it until last night and we were pretty well
22 occupied with everything else that was going on.

23 MR. STEVE WITTE: I apologize for that. I did
24 not realize that you had not received it. I think,
25 certainly, we might be able to do something like you

1 suggested in the way of mailing it by a more expedient
2 fashion, maybe overnight delivery or something like that.
3 And we will make our best efforts to try to get it
4 prepared and compiled as quickly as we can in the future.

5 MR. DAVID POPE: Do appreciate that. And
6 I...again, don't take this in a form of a complaint, it's
7 more in the matter of logistics to try to make something
8 that's more workable for all of us. The...that would be
9 the only comment I guess I would have at this time. I
10 think we would like some time to really digest the one
11 that we got this year, as far as the rest of us in terms
12 of the Kansas Delegation.

13 MR. HAL SIMPSON: Mr. Pope, it is very difficult
14 for Steve to pull that information together. And I was
15 wondering if we delayed the Compact meeting one more week
16 in the future, I think it's the second Tuesday, and if we
17 had it the third Tuesday would that facilitate getting
18 the report to you and giving you more time to study it?
19 Is that something to consider?

20 MR. DAVID POPE: I hadn't given any thought to
21 that. I guess we have always met this time period by
22 what, provisions of the Bylaws or tradition, I think? We
23 would have to think...look at what we would have to do.

24 MR. STEVE MILLER: I think it's certainly in the
25 Bylaws, maybe the Compact too. I don't know, I would

1 have to look.

2 MR. DAVID POPE: We could investigate that, Hal.
3 I certainly...whatever would be helpful to give more time
4 to prepare in that regard might be worth it. Why don't
5 we explore that.

6 Let me turn it back to Mr. Buerkle.

7 MR. ROBERT BUERKLE: If there are no more
8 questions for Steve, why, thank you.

9 MR. STEVE WITTE: Thank you, sir.

10 MR. ROBERT BUERKLE: Steve Miller.

11 MR. STEVE MILLER: Bev, this is Steve Miller.

12 Normally, in giving your comments, just now,
13 about receiving it late, normally the Compact would have
14 accepted the report that Steve just gave and that
15 provides the basis for starting the Annual Report, so
16 last night the committee accepted it. But maybe you want
17 to defer that until you have more time to look at it?

18 MR. DAVID POPE: Steve, I don't know how critical
19 that is in terms of preparation of the annual report but
20 I really would like to defer this year if we could. It
21 sounds like there's, in the wind, talk of a special
22 meeting or some form of time period that we could figure
23 out a way to take that action in the future. Perhaps,
24 figure out a way to take that action in the future.
25 Perhaps, even if there isn't a special meeting, we

1 could...surely there's someway we can figure out to
2 convey an action.

3 MR. STEVE MILLER: Before next December?

4 MR. DAVID POPE: Before next December. That's
5 the key thing, you really don't want to wait until next
6 year to do that. And I think it's fair to Steve to get
7 any feedback that we may have before he starts preparing
8 the next one, I understand that too. So if that's
9 acceptable to the Colorado members, why, we would really
10 appreciate deferring that action and we would...if there
11 is not a special meeting, well then we would convey our
12 comments by correspondence. Would that be acceptable?

13 MR. HAL SIMPSON: That's fine with Colorado.

14 MR. DAVID POPE: If we need to deal with it we
15 can deal with it at that time.

16 MR. ROBERT BUERKLE: Next on the agenda is the
17 "Report on the Compliance Efforts of Off-Set Account
18 Operations."

19 Hal, do you have anything that you would like to
20 say on that report?

21 MR. HAL SIMPSON: Let me briefly summarize what
22 I reported to you last night. With respect to Compact's
23 compliance efforts, I just want to thank Mr. Witte and
24 his staff. A tremendous amount of work goes into
25 accounting for surface diversions, storage in John Martin

1 and near real-time depletions from ground water pumping.
2 If we didn't have the Power Coefficient Method I think it
3 would be a much more difficult process. But I would say
4 that no river basin in the world is accounted for in the
5 detail that the Arkansas River Basin is.

6 In 1997 it was the first year we had full
7 replacement requirements to senior water rights in
8 Colorado. If you will recall, our 1996 Use Rules
9 required only 60 percent replacement last year. But we
10 did require, last year, full replacement to the state
11 line. We approved 12 plans, or 12 replacement plans,
12 this year. The plan operates on an annual period from
13 April 1 of '97 through end of March of '98. At the time
14 the plans were approved there was 168,000 acre feet of
15 pumping projected, of which 133,000 were for irrigation
16 wells within the valley fill aquifer. There were, we
17 recognize, 11,000 acre feet of pre-Compact pumping
18 allowances and after deducting that pre-Compact allowance
19 and looking at the presumptive depletions for each well
20 we projected a replacement of roughly 30,000 acre feet of
21 water to senior water rights in Colorado and 11,000 acre
22 feet to the state line. This would be all fully
23 consumable water.

24 As we move through the year the actual pumping,
25 at least above John Martin, seemed to be less or was

1 reported less than projected. And I have some numbers to
2 report to you on what we project that would be delivered
3 both in Colorado and to the state line by the end of
4 March of '98. The replacement to in-state senior water
5 users would be roughly 20,000 acre feet, so it's down
6 10,000 acre feet from where we projected. But deliveries
7 to the state line are actually going up. We project
8 roughly 12,300 acre feet of water would be delivered to
9 the state line based upon pumping reported in the area
10 below John Martin. Of course, if we have a spill of John
11 Martin Reservoir, that could change the amount of
12 replacement water made available.

13 With that, I think I would conclude my report
14 on Compact compliance and just briefly cover the
15 operation of the Off-Set Account. About 83 hundred, 84
16 acre feet of water was moved into the Off-Set Account
17 this year. Including 500 acre feet for the storage
18 charge. Of that 64 hundred acre feet was fully
19 consumable and roughly 19 hundred acre feet was
20 return-flow. The amount of water released thus far this
21 year was 27 hundred acre feet in round numbers and that
22 released water, except for the storage charge water, the
23 500 acre feet, will be used in November to off-set
24 computed depletions to usable Stateline flow.

25 Mr. Witte's staff did a fine job putting

1 together all of the various documents in our Off-Set
2 Account Report and I think, in particular, Section 4 as
3 we report to Kansas each month on the amount of
4 depletions and the amount of replacement water to the
5 Stateline, I think, is pretty helpful to both states in
6 tracking how we move through the year. And I would be
7 glad to answer any questions or have Mr. Witte and his
8 staff answer any questions.

9 MR. DAVID POPE: I guess Hal has asked for
10 questions. Let me...if there are no others, let me
11 comment on a couple of things. First of all, Hal, again,
12 I'd like to express my appreciation for all of the work
13 and the detailed accounting related to the Off-Set
14 Account. It's clear there's an awful lot of time and
15 effort that goes into that matter and we do appreciate
16 the fact that Colorado has provided the reports as set
17 forth in the Off-Set Account Agreement, the monthly
18 reports and the notices of delivery and the like.

19 In regard to comments on the report itself, in
20 terms of the content, of course we have not really had
21 the opportunity to look at that in depth, somewhat like
22 the comment that I had made for the Operations Secretary
23 Report, so I really defer substantive comments in that
24 regard. There's no action, as I understand it, that's
25 needed to deal with that matter. As far as efforts of

1 Colorado to comply with the Compact, I, again, while we
2 appreciate all of the efforts, we basically do need to
3 formally defer any comment in regard to those efforts
4 because of the matter being under...under review and in
5 the jurisdiction of the Court in terms of whether or not
6 there is actual compliance per se. So I do need to note
7 that for the record.

8 MR. HAL SIMPSON: That's fine, we understand.

9 MR. ROBERT BUERKLE: That's all I have.

10 MR. DAVID POPE: Mr. Buerkle notes that's the
11 items that were covered last night at the meeting of the
12 Operations Committee. Unless there's further comments
13 that need to be dealt with here, why, we will conclude.
14 That concludes all of the reports for Compact year 1997.

15 I think I see that it's about 10:20 and I think
16 we are doing pretty well on our agenda. But let's come
17 back and take up Item 7 which should be fairly quick and
18 then we will move into Items 8 and 9, hopefully before
19 lunch. So why don't we take about a ten minute break at
20 this point in time, if that's acceptable to members of
21 the Administration, and we will come back at 10:30 then.

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

25 MR. DAVID POPE: If we could, I would like to

1 call the meeting back to order. At this point in time we
2 are going to turn to Item 7 on the agenda, "Appointment
3 of Committee Members and Chairs for Compact Year 1998."
4 First of those is the Administrative Legal Committee.
5 This past year the Chairman has been Gene Overton from
6 Kansas. Let me ask, I think the tradition has been to
7 rotate chairmanship of these committees. If that's the
8 case, Chuck Lile would then be the chair for next year
9 and Mr. Overton would continue as member. Is that
10 acceptable to...

11 MR. HAL SIMPSON: Yes.

12 MR. DAVID POPE: Okay. In regard to the
13 Engineering Committee. We have a vacancy there and I
14 have previously served as a member. Actually the
15 Chairman was Carl and then I acted as Chairman so I'm not
16 exactly sure how we count that. How does
17 Colorado...would you like your new member, Mr. Pointon,
18 to serve in that role in that particular committee or...

19 MR. HAL SIMPSON: Yes. And we would recommend
20 that you be chair next year so that they are alternating
21 state's chairs of some of the committees.

22 MR. DAVID POPE: That would be acceptable if
23 that's your pleasure.

24 Okay. And then on the Operations Committee. It
25 says, "current Rogers, Chair Buerkle". I think actually

1 it was handled the other way.

2 MR. JAMES ROGERS: No, he was chair, so I will
3 be next year.

4 MR. DAVID POPE: So for next year Mr. Rogers
5 will be...that's right, I misread the sheet. Okay. So I
6 think we have the line-up there. Do I hear a motion to
7 appoint the committee members as we have just described?

8 MR. ROBERT BUERKLE: I also move that we appoint
9 the members like you so described.

10 MR. DAVID POPE: We have a motion from Bob
11 Buerkle to appoint Mr. Lile, Chair. Mr. Overton, member
12 for Administrative Legal; Mr. Pope, Chair. And Mr.
13 Pointon...am I pronouncing that right?

14 MR. TOM POINTON: That's correct.

15 MR. DAVID POPE: ...the member of Engineering;
16 Mr. Rogers, Chair. And Mr. Buerkle member for
17 Operations.

18 MR. TOM POINTON: I would second that.

19 MR. DAVID POPE: We have a second. How does
20 Colorado vote?

21 MR. HAL SIMPSON: Yes.

22 MR. ROBERT BUERKLE: Kansas votes yes.

23 MR. DAVID POPE: Motion is passed.

24 Now let's move to Item Number 8, which is
25 "Report of Federal Agencies." And we will go ahead and

1 proceed down through the report. As noted earlier, if we
2 start running into a time situation we may defer on part
3 of these and move to Item 9 if that's acceptable, still,
4 with the members. I think as long as we leave enough
5 time to handle the Trinidad matter, maybe by about 11:15
6 or so we ought to take that up.

7 MR. HAL SIMPSON: That's fine.

8 MR. DAVID POPE: That doesn't mean we will cut
9 off the other the reports, we can continue those
10 thereafter. But let's start with the first report, Item
11 8-A from the Bureau of Reclamation. Jack, are you going
12 to speak for the Bureau?

13 MR. JACK GARNER: Jack Garner, the Area Manager
14 with Bureau of Reclamation in Loveland, Colorado.

15 Probably the most, or one of the most
16 significant events for the Bureau that has taken place
17 since this last...Compact last met, was we had a Safety
18 of Dams Inspection that was done on Pueblo Reservoir in
19 March of this year. During that Safety of Dams
20 Inspection, our technical engineers out of our Denver
21 office detected some foundation issues that they wanted
22 to do some further exploring on and have since completed
23 that. In July they determined that...they identified
24 some potential problems with foundation on Pueblo. And
25 it's primarily based on new technology since the dam was

1 built and it is associated with some of the shale seams
2 that run underneath the dam. They are in the process
3 right now of determining a best alternative for design
4 and repair of Pueblo.

5 But the significant thing about this is that it
6 has resulted in a reservoir restriction being put on
7 Pueblo. And as we know, because of the weather and the
8 state of the reservoirs in the valley, this was not a
9 good year to put a reservoir restriction on Pueblo.

10 We anticipate that the design will be agreed
11 upon, we hope, by mid-December, which I believe they're
12 meeting next week. And that construction could start in
13 early summer. And we're estimating it would probably
14 take about three years in order to complete the fix,
15 whichever one they come up with, on the spillway section
16 of the dam.

17 In addition to that there has been some activity
18 in relation to this with Southeast District and other
19 interested entities on expansion of the dam. And the
20 potential for adding some additional storage in the
21 facility. And we are exploring that with Southeast
22 District.

23 Other than that, probably the key thing that we
24 have been working on in relationship to the Compact is
25 the Trinidad Operating Principles, the amendment to them.

1 And I don't know whether you want me to get into that now
2 or do you want to wait until Item Number 9?

3 MR. DAVID POPE: I think, probably, it would be
4 good for you to go ahead and cover your view of where we
5 are on that.

6 MR. JACK GARNER: Okay. Where we are, is we
7 submitted, sometime in early June, the proposed amendment
8 to the Operating Principles to the interested parties.
9 And in that letter I believe we indicated that we had
10 intended upon implementing those as of November 1.
11 Sometime in the mid part of October we received a letter
12 from Kansas indicating that they had some problems with
13 the Operating Principles and wished us not to implement
14 those as of November 1st. We have had numerous telephone
15 conversations and meetings with Kansas and I believe it's
16 Reclamation's position at this point that we do not feel
17 at this time that it is appropriate to...for Reclamation
18 to approve the Operating Principles in total. There are
19 numerous portions of them that we do agree upon but we
20 believe that there are some reasonable objections from
21 Kansas that Reclamation needs to look at. And we
22 anticipate doing that within the next couple of months
23 and are in the process of trying to get together with
24 Kansas to resolve most, if not all, of the issues
25 associated with the Amended Operating Principles.

1 That's the end of my report.

2 MR. DAVID POPE: Okay. Any questions for Jack
3 at this time, on his report? Clearly, we will be taking
4 up the Trinidad issue in a few minutes, as far as any
5 action.

6 MR. HAL SIMPSON: Do you have any idea when we
7 could have this meeting? Can we get closer on that
8 before we leave today so we can...

9 MR. JACK GARNER: (Interrupting.) I would hope
10 we could, Hal. I would look at some time the first part
11 of February and just get our calendars together to figure
12 out when we could do that.

13 MR. HAL SIMPSON: Would that be all parties at
14 that meeting?

15 MR. JACK GARNER: My understanding is that
16 there's a desire for all parties to be at the meeting and
17 I would be agreeable to that.

18 MR. HAL SIMPSON: Okay.

19 MR. DAVID POPE: Okay. Thank you, Jack.

20 Let's now move to the Corps of Engineers.
21 Colonel Wagner, will you be doing the report?

22 COLONEL WAGNER: Yes.

23 MR. DAVID POPE: Thank you.

24 COLONEL WAGNER. I'll just speak up a bit so
25 most can hear me.

1 Okay, it's a privilege to once again meet with
2 you here in the lovely Cow Palace. The other day I was
3 reading my Albuquerque Journal newspaper and, to my
4 surprise, I found a headline on the inside, it says "El
5 Nino to blame for used cars sold cheap." Now, I knew
6 this El Nino thing was getting serious but I didn't know
7 it was responsible for car prices being reduced, so there
8 are benefits to El Nino. I'll pass this around so you
9 can all enjoy it. But on a serious note, it may not be
10 the result of El Nino that CSU, my alma mater, won the
11 WAC championship, may not be responsible for the Bronco's
12 losing but it certainly is sending some moisture this
13 way. And it's going to be a wet year, that's clear.

14 And there's a couple of fundamentals I want to
15 start with before I begin my formal comments and report.
16 I think that it's important that I reiterate that in a
17 wet year the Corps of Engineers role on the Arkansas
18 River becomes a little more apparent. And there's a
19 couple of fundamentals we probably ought to revisit. One
20 fundamental is that that the channel capacity below John
21 Martin is at 3,000 CFS and we manage around that number,
22 and deviation requests are to deviate from that number.
23 We are certainly anxious and willing to work with the
24 states to try and mitigate or reduce the impacts of that
25 flow but you need to understand that that 3,000 CFS is a

1 fundamental principle that we manage around.

2 The second thing that you would need to know as
3 a fundamental is that the flood capacity or the pool
4 that's in John Martin is needed. That pool is important
5 to manage. Any proposal or request for deviation to
6 reduce that capacity or volume in that flood pool
7 probably would not be considered in a serious fashion.
8 Having stated those two fundamentals and in the face of a
9 potential wet year, let me get on to my report.

10 First, in general, in 1997 the Albuquerque
11 District of the US Army of Corps of Engineers was
12 reassigned to the South Pacific Division in San Francisco
13 in conjunction with other changes that were made in the
14 Corps nationwide. Previously the district had been
15 assigned to the Southwest Division in Dallas, Texas.

16 During the calendar year 1997, activities of the
17 Albuquerque District in the Arkansas River Basin
18 consisted of reservoir regulation, flood control related
19 studies, flood plain management services, the regulation
20 of dredged or filled materials into waterways and
21 emergency engineering assistance.

22 Turning first to our flood control operations;
23 the Arkansas River snowmelt run-off was approximately 130
24 percent of average. Several rainfall events during the
25 snowmelt run-off required flood control operations at

1 Pueblo Reservoir during June. The concentrated rain
2 storm event above and below John Martin Reservoir
3 resulted in flood operations on August 13th. Flood
4 control benefits at these reservoirs for 1997 was
5 approximately two million dollars.

6 On July 28th, 1997 a long term deviation was
7 approved for Pueblo Reservoir for a period not to exceed
8 five years. During this time the Bureau of Reclamation
9 will address concerns about the foundation stability at
10 the dam. The flood control pool will be reduced by
11 approximately 35,000 acre feet while corrective measures
12 are being completed there.

13 In the area of planning assistance to the
14 states: The first of two studies is Channel Capacity and
15 Riverine Habitat Planning Arkansas River below John
16 Martin Dam. The Corps will develop and evaluate
17 potential maintenance plans which will provide long term
18 improvement of channel capacity and restoration of
19 riverine habitat for the Arkansas River from John Martin
20 Dam to the Colorado - Kansas Stateline. The
21 geomorphological assessment of river processes was
22 conducted in 1997 to identify long term hydraulic
23 conveyance changes downstream for John Martin Dam. The
24 Corps also initiated analysis of existing sedimentation
25 information for the Reach. Hydraulic analysis is pending

1 completion of digitized cross-sections for the five
2 identified problem areas. This Lower Reach study will be
3 completed by March of 1998.

4 The second study will include the Upper Reach of
5 the Arkansas River from John Martin Reservoir to the
6 Pueblo area. The Corp will determine existing channel
7 capacity and sediment effects. The Colorado Water
8 Conservation Board opened bids for a mapping contract for
9 the Upper Reach in November of '97. The Upper Reach
10 study will begin in April of 1998.

11 Turning to Section 1135. Albuquerque District
12 currently is pursuing two Section 1135 projects in the
13 Arkansas River Basin. A feasibility study evaluating
14 habitat improvements to Lake Hasty immediately below John
15 Martin Dam proposed to reroute five to eight cubic feet
16 per second through the lake when irrigation releases are
17 being made to improve aquatic conditions. The draft
18 feasibility report should be available in January of
19 1998.

20 A second feasibility study is proposed to begin
21 in '98 which will investigate restoring ten acres of
22 marsh and 30 acres of on riparian forest in the floodway
23 of Fountain Creek at Pueblo.

24 Also during 1998 an initial appraisal study for
25 additional marsh restoration in the Arkansas River Basin

1 is anticipated in coordination with the Colorado Wetland
2 Initiative.

3 In our 404 permits, in fiscal year 1997 we
4 issued 11 individual permits in the Arkansas River Basin;
5 an additional 275 activities were reviewed and most were
6 conveyed...excuse me, covered under Nationwide Permits.

7 In the area of emergency management coordination
8 the Corps had 13 contacts with the Arkansas River Basin
9 for information or assistance regarding flood related
10 issues.

11 And in closing, turning to our 50th anniversary;
12 the 50th anniversary of the construction of the John
13 Martin Dam will be celebrated this coming spring. I
14 would like to take this opportunity to extend a personal
15 invitation to each of you in this room to join with us on
16 May 17th as we celebrate this very momentous occasion.

17 Sir, subject to your questions and comments that
18 concludes my presentation.

19 MR. DAVID POPE: Okay. Well, thank you very
20 much. Let me see if there are questions from any members
21 of the Administration or others here. I guess I don't
22 hear any.

23 We certainly appreciate your comments and I
24 think, understand them, regarding the year that appears
25 to be ahead of us in terms of John Martin and recognize

1 those responsibilities that the Corp does have.

2 COLONEL WAGNER: Thank you.

3 MR. DAVID POPE: Thanks. Item C on our agenda
4 is "Geological Survey." Looking at this, I guess,
5 actually we have covered several of these previously.
6 But, Doug, would you like to go ahead and come up and
7 finish up the parts that were not covered or touch on any
8 items there that we need to deal with.

9 MR. DOUG CAIN: Okay, thank you. First, I would
10 like to introduce a couple other folks from USGS who are
11 present today. First is Bill Horak, he's our new
12 district chief in the Colorado District. Bill reported
13 for duty last January. He was previously the district
14 chief in North Dakota and so this has been his first
15 opportunity to attend a Compact meeting. So welcome him
16 today. Also Bob Gauger...

17 MR. DAVID POPE: Doug, I think there are some
18 people not able to hear you. Can we either use that mic
19 or you can use this one.

20 MR. DOUG CAIN: I also would mention that Bob
21 Gauger, who's in charge of the office in Hays, Kansas,
22 which is the office responsible for the two Stateline
23 gages, is also present today. Bob's back in the back
24 from USGS.

25 Under the items...Item 1, I think that's already

1 been discussed and probably doesn't need any more
2 discussion.

3 I would mention that under the cooperative
4 agreements, I think Steve Miller has mentioned this
5 earlier, that the Administration has tentatively approved
6 the FY, Fiscal Year '98 Agreement both with the Colorado
7 District and the Kansas District. And in both of the
8 transmittal letters for those we have given an indication
9 of the expected amount of funding needed for gaging
10 station operation in 19...fiscal year 1999. And that's,
11 at least on the Colorado side, that estimate was based on
12 the presumption that the tributary gages would continue
13 in 1999, I recognize that that's a decision that will be
14 made later on. So I don't know how...if you want to take
15 action on those now or wait until the report on financial
16 matters this afternoon?

17 MR. DAVID POPE: I think we need to wait on the
18 report on financial matters. Thanks.

19 MR. DOUG CAIN: Okay. I just did have a couple
20 of other comments related to the proposal for the study
21 of transit losses. I understand that the Administration
22 has already taken action to defer that. I would offer
23 that during the time between now and whenever that
24 deferral period lasts until, one thing that we would be
25 happy to do would be to try to evaluate the sensitivity

1 of that model to channel changes. I think that's
2 something that we have not looked at specifically in the
3 past and that might help answer the question whether
4 possible channel changes as a result of...of channel
5 modifications related to the work that the Corps of
6 Engineers is doing, how much those might affect that
7 model output.

8 I guess a couple other things that I did want to
9 mention is that the proposal that we submitted we
10 considered to be a preliminary proposal in that some of
11 the information that was developed or discussed last
12 night are things that we certainly would be happy to
13 consider. Among those would be evaluation of how much of
14 the information that's being developed by the Corps is,
15 as far as channel geometry and cross-sections, would be
16 useful in the study and if there's potential that that
17 could reduce costs. I think, also, we would be happy, if
18 the Administration wants to continue to pursue this, to
19 look at some of the changes or potential changes and
20 scope of the study that were suggested last night;
21 including looking at changes to the number of points
22 within Colorado the transit loss calculations would be
23 made. So we're interested in continuing to work with the
24 Administration on those.

25 Other items that were discussed, and haven't

1 really had a chance to think about these in detail but
2 would be happy to talk about, would be to jointly work
3 with the Administration and the state of Colorado,
4 particularly Bill Howland, to try to make some evaluation
5 of how accurate the method that you're currently using
6 is. I think that would be information that would be
7 useful to try to make a decision whether or not it would
8 be valuable to invest....invest in a study to make those
9 estimates based on data from that Reach. So I would
10 offer those for your consideration.

11 Item Number 4 we have already reported on.

12 And Item Number 5, I do have a report of USGS
13 activities. I think some have been handed out already
14 and I'll provide a copy both to the court reporter
15 and...hand those either way.

16 A few items, I think, that are of direct
17 interest to the Administration that I wanted to report
18 on. One is the report entitled "Evaluation of Streamflow
19 Travel Time and Streamflow Gains and Losses along the
20 Lower Purgatoire River," which the Administration
21 provided partial funding for, was published and
22 distributed in May of this year. I believe we tried to
23 make that distribution fairly wide. I do have a few
24 additional copies of that report with me today if people
25 would like to get a copy of that.

1 Wanted to mention, I think I mentioned this last
2 year, that the USGS as a whole and the Colorado District,
3 and I presume the Kansas District also, received small
4 decreases in funding in our program that supports the
5 gages that we operate for the Compact. We were able to
6 apply those cuts in ways that did not affect the
7 operation of those gages. But as we continued to go
8 through this process, as I mentioned last night, where
9 our budget is likely to be reduced on an annual basis, in
10 most all of our programs over the next five years, there
11 may be some effect on those gages at some point in the
12 future. And as we know more about that situation we will
13 plan to keep the Administration informed.

14 I've already discussed the study of the ground
15 water pumpage so I'll go to the last item on the front
16 page. I think this was mentioned, maybe briefly at the
17 Administration meeting last year. The USGS in
18 cooperation with a number of entities within Colorado has
19 been doing a basin-wide study of water quality. One of
20 the products of that study is a report and an
21 accompanying fact sheet entitled, "Relations of
22 Streamflow and Specific-Conductants Trends to Reservoir
23 Operations in the Lower Arkansas River, Southeastern
24 Colorado." Both of those were recently approved for
25 publication and are being prepared for printing at this

1 time. We expect them to be distributed in the spring of
2 1998. I guess the thing that may be of interest to the
3 Administration is that...that those reports show that
4 after implementation of the 1980 Operating Plan,
5 streamflow of both the Arkansas River below John Martin
6 Reservoir and at Lamar increased during the irrigation
7 season and salinity decreased during both the irrigation
8 and non-irrigation season at both of those locations. So
9 it's something I thought you would be interested in. We
10 will plan to do a fairly broad distribution of those
11 reports and will try to see that you get copies of those
12 when they come out, which again, should be in the next
13 two or three months.

14 Items of general interest. I've got a paragraph
15 there that gives you a kind of an overview of U.S.
16 Geological Survey Data Collection activities in the
17 Arkansas Basin. I'm not going to go through that in
18 detail, but it's there for you to look at. It includes a
19 summary of fall stream gaging, ground water level
20 networks, sediment data collection and water quality
21 sampling within the basin.

22 I did want to make you aware that USGS has
23 operated a program of monitoring precipitation,
24 streamflow, water quality and suspended sediment at the
25 US Army's Pinion Canyon maneuver site, which is along the

1 Purgatoire River between LaJunta and Trinidad. During
2 this year we are redesigning that network to try to
3 provide improved information to the Army to make land use
4 decisions about that site. And I bring that information
5 up because the Administration has, in the past, shown
6 some interest in what's going on there because of
7 its...its proximity to the Purgatoire River.

8 We are completing a water quality evaluation of
9 the Arkansas Basin. I had mentioned the reports that I
10 thought were of direct interest to the Compact. There
11 are some other reports that are being completed and will
12 be distributed as part of that effort within the next
13 several...within the next couple of months and one other
14 later in the year.

15 We have concluded a study to look at changes in
16 nitrate concentrations in the Upper Black Squirrel Creek
17 alluvial aquifer close to Colorado Springs, published a
18 fact sheet on that during this year. We have also begun
19 a study to look at high water table problems on St.
20 Charles Mesa southeast of Pueblo during the spring of
21 this year. And that study, first phase of that should be
22 completed late next year. We're also involved in
23 discussions with 20 to 30 federal, state and local
24 agencies to develop a consistent basin-wide water quality
25 monitoring network within Colorado. This is kind of an

1 outgrowth of the Basin-wide Water Quality Study. We are
2 close to having a proposal for such a network and expect
3 that there will be implementation of that network during
4 the...during 1998.

5 That concludes my report unless there's
6 questions.

7 MR. DAVID POPE: Any questions for Mr. Cain?
8 Doug, in regard to your comments on the transit loss
9 issue, I think we might have an opportunity, as we get
10 into the budget issues, to close off any final discussion
11 of that, perhaps, rather than take the time now since we
12 kind of deferred that. If not, I thank you for your
13 report and all of the work and we'll...I guess that
14 completes the reports of the federal agencies. In a few
15 minutes we'll come back and make sure we have all of
16 these reports as exhibits.

17 But in interest of time I think we'll move to
18 Item 9 on the Trinidad Project, which relates to proposed
19 changes to the Operating Principles. I guess my
20 understanding is that there has been a considerable
21 amount of effort made to deal with this issue. I think
22 Mr. Garner provided some comments earlier about some of
23 the background in regard to this matter from the Bureau's
24 role. I know we have a proposal from the City of
25 Trinidad relating to their item associated with these

1 Principles. Let me turn to other members of the
2 Administration. Are you ready to proceed to consider
3 those matters related to the city's proposal or did you
4 have other comments in terms of how we proceed?

5 MR. HAL SIMPSON: Mr. Chairman, I believe the
6 Purgatoire River Water Conservancy District would like to
7 make a statement and maybe offer a proposal.

8 MR. DAVID POPE: That would be appropriate at
9 this time.

10 MS. JULIANNE WOLDRIDGE: Good morning, my name
11 is Julianne, Julie Ann Woldridge. I'm with MacDougall
12 Law Office in Colorado Springs. I represent the
13 Purgatoire Water Conservancy District.

14 Some of the faces are new to me, it's been five
15 years and two children since the last time I appeared
16 before the Compact. However, Mr. MacDougall, from my
17 office, has been here every year representing the
18 District.

19 As you know, the District has been here since
20 1989 requesting review and approval of proposed
21 amendments to the Operating Principles. Because that is
22 nine years now and a lot of history, I would like to just
23 start with a brief description for you of what it is the
24 District is and what they want.

25 The Purgatoire River Water Conservancy District

1 is not one of the largest districts in the state. It's a
2 rather small district in comparison. It is centered
3 around the City of Trinidad and it manages the irrigation
4 capacity of the Trinidad Reservoir pursuant to an
5 agreement with the Bureau of Reclamation and the Corps of
6 Engineers. Its annual budget is about \$629,000 a year.
7 It has only about 5,000 people in the District
8 boundaries. This is a small District. It doesn't span
9 half of Colorado. The Trinidad Reservoir, in relation to
10 a lot of the other projects in the state, is relatively
11 small.

12 The changes to the Operating Principles are
13 amendments. The Operating Principles is an agreement
14 regarding operation of the project which the District and
15 the Bureau of Reclamation operate on. The changes that
16 have been proposed for the past nine years relate to
17 several things. There's a change related to the
18 introduction of municipal and industrial use by the City
19 of Trinidad, which now owns some of the water rights from
20 one of the ditches that was part of the District.
21 Changes related to allowing the District the opportunity
22 to store water in the winter. Changes related to stock
23 water releases that should benefit everyone. The change
24 relates to allowing the District to do stock water
25 releases in slugs so that it gets somewhere because if

1 releases are made based upon even-flows, it never gets
2 anywhere, including to the stock. Changes relating to
3 clerical errors or clerical corrections. Changes
4 relating to modifying the number of irrigated acres
5 within the District. Reducing that number. The changes
6 that have been urged by the District for the past nine
7 years are not all, hey, let's go, let's benefit the
8 District. The irrigated acreage change does not
9 necessarily benefit the District. Some of the changes do
10 benefit and they are something that the District feels
11 are necessary for it to adequately manage its water
12 resources that it does manage.

13 Like I said, the changes have been set before
14 ARCA for nine years now and nine years they have either
15 refused to review them or have been voted down. And for
16 nine years we have been coming back. What's different
17 this year? What's different this year is that as a
18 result of the ten year review the Bureau of Reclamation
19 recommended amendments to the Operating Principles,
20 substantively the same as what we have been recommending
21 or urging in the past. On June 5th of 1997...June 10th,
22 I'm sorry, the Bureau of Reclamation sent around and
23 circulated proposed amendments to the Operating
24 Principles saying we have reviewed things, this is what
25 we believe should be changed. We will implement these

1 November 1st whether everyone signs them or not. The
2 District came back to the Bureau, as well as other
3 parties, and said there are some clerical errors here we
4 need to correct, some things were omitted, some words
5 changed, essentially those type of things. On November
6 5th of 1997 the Bureau revised its proposal based upon
7 these clerical changes and sent around a new version in a
8 letter dated November 5th of 1997, circulated a new
9 version.

10 The District, last week at its board meeting,
11 approved the Bureau's November 5th, 1997 proposed
12 amendments to the Operating Principles and is here today
13 to ask the Arkansas River Compact Administration to
14 review and approve those. It has been six months since
15 the Bureau issued those revisions. In those six months,
16 apparently, things have changed. And I just heard...and
17 I hope you understand our frustration, a half-an-hour ago
18 that now the Bureau says they'll not support them today.
19 I don't have my board here today. There's nothing I can
20 do about our charge for this meeting, which is to ask you
21 to review and approve the Bureau's November amendments.
22 Even if the board were here today, I think my charge
23 would be the same; to present this to you and say for the
24 ninth year in a row, please review and approve these
25 Operating Principle amendments. As you know, any of you

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1 who have been at the last nine meetings, every year we
2 come and ask for additions to the minutes in addition to
3 our request. And toward the end of my presentation I
4 will ask the Chairman to recognize certain minutes,
5 certain documents. But at this point, the district's
6 proposal is that you do review and approve the entire
7 package as presented by the Bureau on November 5th. I do
8 have copies here if anybody would like a copy of it. It
9 was circulated at the time. Mr. Garner has stated now
10 that the Bureau wants to consider reasonable objections
11 stated by the State of Kansas in relation to ARCA. I
12 don't know what those are. The District hasn't been
13 informed of what the objections are. The District
14 doesn't know why the Bureau feels they may be reasonable.
15 The District is not unwilling to listen. But at this
16 point in time this small, little District with only 5,000
17 people on the Purgatoire River, if any of you have been
18 to the city of Trinidad you know it ain't no Aspen.
19 These are farmers. They are trying to get through some
20 changes that will allow them to effectively use the water
21 rights that they manage. Changes that the Bureau, in the
22 past, has reviewed and has stated do not appear to cause
23 injury. The District is not unwilling to listen and to
24 try and address concerns but we need to know what they
25 are. We need to have them set out. And unless and until

1 that happens the only position we can take is, guys, for
2 nine years we have been asking for this. We are going to
3 ask for it again. And ask, formally, that there be a
4 review and approval of the Operating Principles.

5 Based upon what has happened in the past year
6 there have been objections made by Kansas, Special Master
7 Littleworth has put in his Order that Kansas cannot
8 unreasonably withhold its consent to amendments to the
9 Operating Principles. That's the standard we are looking
10 at. That the injury has to be shown as material
11 depletions to Stateline flow. Again, we are here before
12 you today. If there are objections I would ask that the
13 Chairman allow me to ask specifically to identify what
14 are the objections. But based upon what we know, which
15 is what the Bureau studied, there is not going to be any
16 injury. That this is a beneficial use for everyone and
17 that these are beneficial changes. And at this point
18 then, that we present before the Board and ask that the
19 Arkansas River Compact Administration move for review and
20 approval of these changes. Like I said, I do have copies
21 of the November 5th version if anybody would like one.

22 I also ask that the Commission recognize for the
23 minutes the Bureau's November 5th, 1997 letter with the
24 proposed amendments to them, the Bureau's June 10th, 1997
25 letter with the proposed revisions attached, the Bureau's

1 November 28th, 1997 letter to Mr. David Pope, Chief
2 Engineer in Kansas, asking Kansas to identify what it
3 objects to at that point in time. And I do have copies
4 for the minutes, and ask that those be admitted to the
5 minutes.

6 And I am willing to field any questions that I
7 may be able to answer. I do have the engineering
8 consultant for the District here, as well as a couple of
9 the board members.

10 MR. DAVID POPE: Okay. Thank you, Julianne.
11 Let me ask first, if there's any objection to making the
12 three letters and their attachments as attachments to the
13 minutes of the meeting, of this meeting. Hearing none, I
14 guess we will attach those. We'll work out the
15 appropriate exhibit numbers on those exhibits.

16 MS. JULIANNE WOLDRIDGE: Mr. Chairman, in
17 addition, rather than present the whole package, which at
18 this point really weighs down my briefcase, of things
19 that have been admitted to the minutes the past few years
20 that the District has made the presentation, I would just
21 ask that the minutes from the past meetings where
22 requests have been made be recognized as well.

23 MR. DAVID POPE: I think those requests and
24 associated documents are a part of the record, I don't
25 see a problem with...

1 MS. JULIANNE WOLDRIDGE: Would you like me to
2 give you a copy of those three letters or...

3 MR. DAVID POPE: Perhaps to the court reporter
4 would be appropriate. Let me first ask if there are any
5 questions to Julianne in regard to her comments? I don't
6 know that there's questions at this point in time. I
7 think we are probably ready just to move forward with
8 discussions and action today.

9 MS. JULIANNE WOLDRIDGE: Thank you.

10 MR. DAVID POPE: Appreciate those comments.
11 Thank you.

12 MR. HAL SIMPSON: Mr. Chairman, to move this
13 forward I would, on behalf of the State of Colorado, move
14 the...that the Administration approve the Amended
15 Operating Principles as presented in the November 5th
16 letter from the Bureau of Reclamation.

17 MR. DAVID POPE: Do we have a second for that
18 motion?

19 MR. JAMES ROGERS: I'll second that.

20 MR. DAVID POPE: We have a motion before us. I
21 think we're ready for discussion on that motion.

22 I think I would, maybe, start wearing a
23 different hat now. Not as Chairman but as member of the
24 Administration for Kansas, that I would like to indicate
25 that, first of all, during...while I recognize there's a

1 long, long history, I think there's a considerable reason
2 for all of the circumstances that have occurred over a
3 period of time and the various statuses that this matter
4 was in over the years. I'll not detail all of those out,
5 but I think the real issue is where we are at this point
6 in time in regard to the Trinidad Proposed Amendments.
7 We certainly have received the correspondence that
8 Julianne has noted. Kansas, as I think Mr. Garner
9 indicated, had a number of contacts and attempts of
10 contacts starting after we received the June 10th letter
11 and there was some delay there in terms of just mix-up
12 between the Bureau and us in terms of where that stood.
13 But we certainly did express concerns about whether the
14 Principles should be unilaterally implemented and so we
15 were dealing with that issue primarily, at that point in
16 time.

17 I think, as we have heard from Mr. Garner, it
18 seems to us that the appropriate way to proceed with this
19 matter is to take the proposed changes that we believe
20 are ready for action today and deal with those. I
21 believe that the Bureau concurs that it's probably
22 appropriate to move forward in that manner, with the
23 understanding that we set forth a process that we are
24 willing to deal with, as far as another meeting where the
25 parties really can set down at a meeting or to the extent

1 possible before, in terms of determining which of the
2 other changes can be accepted. And we believe there are
3 many of those that can be. We have, I think, however,
4 noted for some time period, including last spring
5 subsequent to the Bureau's completion of their ten year
6 review and issuance of their report, a number of concerns
7 in our correspondence at that time that I believe all of
8 the parties have. So certainly, I think we have stated
9 our concerns and issues at that time. And at this point,
10 in terms of discussion on the motion, I do not propose to
11 go through those. But in order to...and I'll certainly
12 take any further comments, but I believe that it's not
13 appropriate to take action to approve the full Principles
14 at this time without the further opportunity to try to
15 resolve the remaining concerns. And I think that's what
16 Mr. Garner was saying, is we now have this on everybody's
17 agenda and I think we can take the time to resolve as
18 many of the matters as we can here in the next few
19 months.

20 Let me ask if there's any other comments, at
21 this time, on the motion and then I have a proposed
22 course of action. I'm in kind of an awkward position.
23 But I guess in my capacity as a member of the Kansas
24 Delegation I would move a substitute motion to proceed
25 with the approval of those changes, proposed changes, to

1 the Operating Principles that deal with the City of
2 Trinidad portion of the project and that we consider
3 that. I would propose if this motion moves forward,
4 conceptually, we would then take the opportunity to go
5 over those changes before final action is taken on them.
6 But I believe moving forward in a substitute way is a
7 better course of action that I think something we can
8 agree on and go from there.

9 MR. TOM POINTON: Mr. Chairman, you know, I'm
10 new to this Board and nine years is a long time. It
11 would appear to me that if you took the proposal and just
12 took out Kansas' objections and approved the rest of it
13 would be a simpler fact than approve the way you've
14 outlined. I don't think everybody knows what all Kansas'
15 objections are. But I'm reasonably sure that as
16 reasonable people, we could work the thing out. And it
17 appears to me that that would be a better way to go to
18 try to get to the bottom of this. You know, they have
19 been operating nine years in the dark, so to speak, and
20 without approval from everybody, so it would appear to me
21 that if we approve something that then if somebody
22 violated those approvals we would have a better leg to
23 stand on.

24 MR. DAVID POPE: Hal, did you have comments
25 also?

1 MR. HAL SIMPSON: Could we have a couple of
2 minutes to confer, the three of us, as to how we want to
3 respond to your counter motion?

4 MR. DAVID POPE: Yes, that would be acceptable.

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

8 MR. DAVID POPE: We are ready to reconvene then.
9 Hal, did you have comments?

10 MR. HAL SIMPSON: Yes. Mr. Chairman, Colorado
11 would prefer to vote on the first motion and then take up
12 discussion on your substitute motion after that.

13 MR. DAVID POPE: Okay. So you would
14 procedurally rather not deal with the substitute motion
15 in lieu of the original motion?

16 MR. HAL SIMPSON: That's correct.

17 MR. DAVID POPE: I think we can do it either way
18 but if that's your preference, I don't object to that.
19 If that's the case, why, I think, I would ask at this
20 time if there's further discussion of the original
21 motion? If not, I'll call the question and ask for
22 Colorado's vote.

23 MR. HAL SIMPSON: Colorado votes yes.

24 MR. DAVID POPE: Conferring with the members
25 from Kansas, Kansas votes no.

1 I think we are now at the point to where we need
2 to decide whether to take up these Principles that have
3 received the effort and time in the last few days. Are
4 you willing to proceed with those?

5 MR. HAL SIMPSON: Yes. We are not fully aware
6 of all of those changes. We know there were negotiations
7 going into late last night so if somebody from the City
8 of Trinidad would like to present their proposed changes
9 to the Operating Principles I think Colorado would
10 certainly endorse that.

11 MR. DAVID POPE: Why don't we do that at this
12 time then. If the representative of the city of Trinidad
13 would come forward? Jeff, would you introduce yourself?

14 MR. JEFFREY KAHN: I'm Jeffrey J. Kahn, Special
15 Water Counsel for the City of Trinidad. Thank you for
16 the opportunity to address the members of the
17 Administration.

18 First, I would like to tender the Proposed
19 Trinidad Amendments, if I can refer to them as that to
20 the court reporter for inclusion in the record of the
21 proceedings. And I passed out several of these earlier,
22 I think to counsel for each state. I'll now tender the
23 Trinidad Proposals to the remaining members of the
24 Administration. For those in the audience, we made about
25 50 copies, so we made 50 and we passed some of them out,

1 if you want them they are on the back table. As I'm
2 looking at the righthand side there's a box there, there
3 should be at least 20 left for those of you who may be
4 interested. If you can't hear me in the back, tell me, I
5 can speak up.

6 I will briefly describe the changes and then
7 offer to answer questions. First, on the Resolution, the
8 only change from the previously circulated Resolution
9 last week was to add two "whereas" provisions that are
10 both on the first page. The first one is the third
11 "whereas" reflecting Kansas' approval of the original
12 Operating Principles in 1966. The second one is the
13 fifth "whereas" that reflects the Bureau's and the
14 Purgatoire's approval of those original Operating
15 Principles. It gives some comfort to members of both
16 states' Administration. Both of those are, word for word
17 identical clauses out of the 1996 Amendment. Lifted out.
18 I'm not exactly sure why they were not included in the
19 version circulated last week. Kansas did point that out,
20 ask for their inclusion and so they have been put in
21 again. They are word for word out of the 1996 Resolution
22 approving.

23 Moving onto the Operating Principles. First,
24 the format, this is an exhibit to the resolution, the
25 format for clarity is that the additions proposed on

1 behalf of the City of Trinidad are indicated by double
2 underline. The single underline is the Bureau's format.
3 They single underline defined terms as they are used in
4 the Operating Principles so if you see the single
5 underlines, that's not a change or anything new, it's
6 simply to define the term, which is the Bureau's format.
7 The double underline is the new language. The deletions
8 are shown by strikes. The changes...also, when we
9 circulate the actual Amended Operating Principles for
10 signature or when the...well, Trinidad will hopefully
11 start that process if these are adopted, we will take out
12 the red lines. So a clean copy, if this is approved,
13 will be available for signature by all signatories as
14 they appear here. They are simply an amendment to the
15 Operating Principles. The changes since the latest
16 version that was circulated to both states, the Bureau,
17 the Purgatoire District, since Friday are; first, that
18 the Exhibit B, which was the Proposed Trinidad Water
19 Court Decree, has been deleted. That was part of the
20 discussion between the parties last night. And then also
21 on Page 8, Paragraph B, it's Article 4-B, 3 small C,
22 starts at the top of the page, starting with the second
23 sentence, "Prior to April 1 each year." The rest of that
24 paragraph and in paragraph D below, I won't read it all,
25 I think all of you have it, concerning the compliance and

1 the Water Court Decree. Paragraph D addresses compliance
2 with these Articles or Operating Principles and any
3 Administrative or Water Court Decree was added. Other
4 than that, Exhibit A to the Resolution, the Proposed
5 Operating Principles are as circulated on Friday of last
6 week. This version, including all of the changes other
7 than being distributed to representatives of Kansas and
8 Colorado yesterday and this morning, has also been
9 circulated for review to the Bureau and to the District,
10 the Purgatoire District, and it is my understanding that
11 they do not object although their execution of an
12 Acceptance Approval of the Operating Principles will be
13 by separate action. Today we are simply requesting a
14 motion and approval of these amendments by ARCA.

15 I'll answer questions.

16 MR. DAVID POPE: Okay. Thank you. Let's see if
17 there are any questions for Mr. Kahn in terms of any of
18 the proposed changes related to this particular issue.

19 MR. HAL SIMPSON: None from Colorado.

20 MR. DAVID POPE: Let me check and see. Any...I
21 think that apparently there are none. And I know there's
22 considerable amount of time and effort on your part
23 getting these ready. I know Kansas has invested quite a
24 bit of time to try to work cooperatively with the City
25 and with the other parties to try to move forward with

1 these items that we think are ready. And so, I guess, at
2 this point we're ready for action. Chair would entertain
3 a motion, I guess, for action on this...these proposed
4 changes.

5 MR. HAL SIMPSON: Mr. Chairman, Colorado would
6 move the approval of the Resolution authored by Mr. Kahn.
7 And Exhibit A, which are the Amended Operating
8 Principles, would recommend approval at this time.

9 MR. DAVID POPE: Okay. We have a motion. Do I
10 hear a second?

11 MR. ROBERT BUERKLE: I'll second it.

12 MR. DAVID POPE: Mr. Buerkle seconds the motion.
13 Let me ask if there's any further discussion? Hearing
14 none we will call for a vote. How does Colorado vote?

15 MR. HAL SIMPSON: Yes.

16 MR. DAVID POPE: Turn to my colleagues in
17 Kansas?

18 MR. EUGENE OVERTON: Yes.

19 MR. DAVID POPE: Kansas votes aye on the motion
20 as well. Chair will then declare the motion passed and,
21 I guess, indicate that for the City of Trinidad.

22 Folks, I know it has been a number of years in
23 terms of dealing with this issue and I think we have now
24 resolved that one.

25 MR. JEFFREY KAHN: I would just, Mr. Chairman,

1 like to thank the members of the Administration and the
2 staff of both states for working with us on this. The
3 City of Trinidad appreciates that.

4 MR. DAVID POPE: Appreciate that very much. I
5 know a lot of time and effort have gone into that. Yes,
6 Mr. Simpson?

7 MR. HAL SIMPSON: I would like to thank the
8 State of Kansas for their work on this set of Amendments
9 to the Operating Principles. And I would also like to
10 request that we set a date for a meeting with the Bureau
11 to go over the remaining changes and also set a time,
12 specific, for a special meeting to deal with any
13 additional changes that we can agree to.

14 MR. DAVID POPE: Okay. Does anyone...or do you
15 have suggestions in terms of when that should occur?
16 Perhaps we...

17 MR. HAL SIMPSON: Can we confer over lunch?

18 MR. DAVID POPE: I was just looking at my clock
19 and that might be most practical if we could do that.
20 Let's come back after lunch and be prepared to think in
21 terms of time frames and dates that might work for us.
22 And we can perhaps, if Mr. Garner is around, we may be
23 able to confer informally with the Bureau and others that
24 have an interest in that matter. Okay. We're...yes,
25 Steve?

1 MR. STEVE MILLER: I anticipate you're getting
2 ready to adjourn and probably several people in the
3 audience would be comfortable not coming back after lunch
4 if we took up the Bylaws. And I don't know, but I
5 believe that could be a fairly brief action based on the
6 discussions we had last night.

7 MR. DAVID POPE: I think that's a good
8 suggestion. Certainly recognize that after that item
9 while everybody, of course, is welcome to attend all of
10 the meeting, there's probably less interest in some of
11 the more administrative budget-type things than there is
12 in these others. If it's acceptable with the rest of the
13 Administration, let's take up the Bylaws and see if we
14 can complete that item here before lunch.

15 Let me basically turn to you, Steve, and or Lee.
16 Lee are you prepared to...Lee Rolfs, from Kansas, to
17 brief us on the Bylaw issue?

18 MR. LEE ROLFS: Thank you, Dave. Steve, maybe
19 it would be helpful if you came up here too, if we could
20 just work our way through this quickly. Maybe not.

21 Several years ago Steve and I were assigned the
22 task of recompiling the Bylaws of the Arkansas River
23 Compact Administration, which I'm not certain had ever
24 been compiled since 1947 when the first batch was
25 adopted. So we jointly conducted a search of all of the

1 minutes and meetings and the exhibits to the meetings and
2 came up with what we feel confident is a compilation of
3 all of the Bylaws that have been adopted to date by the
4 Arkansas River Compact Administration. Those have been
5 furnished to the Compact members and the staffs of both
6 states. I don't believe we have any extra copies, unless
7 Colorado brought some of those, at this point in time for
8 the audience. However, the point of this was to compile
9 all of the Bylaws in one particular location. And I
10 think we have done that. And, I guess, we are here to
11 ask the Compact Administration how they want to proceed
12 at this point.

13 At...one alternative would be to just publish
14 them in one spot in the next annual meeting minutes and
15 then the report. The second would be to actually readopt
16 them officially and make it clear in the motion that this
17 would supersede all previous versions and that way we
18 would know, if we have missed some little thing way back
19 when, that this would be the version and that there
20 wouldn't be any other version out there. Then we could
21 proceed from here in making any additional amendments or
22 clean-up necessary. Steve.

23 MR. STEVE MILLER: I have nothing to add other
24 than I would urge the readoption proposal that in case we
25 did make a mistake, it would certainly have been an

1 unintentional mistake, and it may never be possible to
2 find out which is the correct version. And I would like
3 to go forward today knowing that we have one official
4 set.

5 MR. LEE ROLFS: I would concur with that.

6 MR. DAVID POPE: For the members of the
7 Administration, it appears we have a recommendation from
8 the two gentlemen that have spent a lot of time looking
9 at these particular Bylaws. It would seem to me that
10 that would make sense, to do a readoption, but I would
11 like to hear from other members of the Administration so
12 that we can move forward on this in the appropriate way.
13 Does Colorado have a preference in terms of the
14 recompilation of the Bylaws?

15 MR. HAL SIMPSON: I think our preference would
16 be to approve the recompiled Bylaws and then go through
17 and deal with any changes after that. I think that's
18 what you're...

19 MR. DAVID POPE: Yes, I'm suggesting we proceed
20 individually with those. So the first action would be,
21 basically, to adopt the recompilation of the Bylaws as
22 the official Bylaws for ARCA.

23 MR. HAL SIMPSON: We support that.

24 MR. DAVID POPE: Is that in the form of a
25 motion?

1 MR. HAL SIMPSON: Colorado would move that the
2 recompiled Bylaws prepared by Mr. Rolfs and Mr. Miller be
3 approved.

4 MR. DAVID POPE: Okay. Do we have a...yes?

5 MR. STEVE MILLER: Well, why don't you get your
6 second?

7 MR. DAVID POPE: Do we have a second?

8 MR. EUGENE OVERTON: Second.

9 MR. DAVID POPE: Eugene Overton from Kansas
10 seconds the motion.

11 MR. STEVE MILLER: Just to make it clear, we are
12 talking about a set that's dated on the bottom in a
13 footnote, a footer, dated November 21st, 1997 and there
14 is one change to that version I would like you to
15 consider before you act. And that's, Lee, as was done in
16 all of the previous iterations, has tried to faithfully
17 document the history of various changes with footnotes
18 and dates of ARCA resolutions. And I would propose that
19 we strike those, that historical reference, because it
20 would be meaningless, they're not necessary after we
21 readopt and then we don't have to worry about whether all
22 of that history is absolutely correct. So if we could
23 strike the footnotes, strike all of the footnotes in the
24 version dated November 21st and then approve that
25 version, republish it in the annual report, like Lee

1 suggested.

2 MR. DAVID POPE: Would there be...I think that
3 makes sense. In terms of the official Bylaws, then, they
4 would not reflect any particular dates but would it be
5 probably, in terms of documentation, a good idea to
6 attach this version to the record of this meeting?

7 MR. STEVE MILLER: I think, yeah, right.

8 MR. DAVID POPE: So we would have a record,
9 then, of what we did do today if that history is needed.

10 MR. HAL SIMPSON: I think that would be very
11 useful to have those footnotes in the record.

12 MR. DAVID POPE: If that's the case, I think
13 that's still consistent with what you're saying, when we
14 publish it, it will be without the footnotes, but for the
15 record, as an attachment to these minutes, why, it will
16 be this version. Okay.

17 MR. LEE ROLFS: Mr. Chairman, I might point out,
18 the only change in our version from all of
19 the...compiling all the Bylaws, was the original language
20 in the first paragraph, said that these were adopted on
21 the 14th day of November, 1947 and we struck that
22 language and indicated that these are being readopted by
23 the Arkansas River Compact on the 9th day of December,
24 1997. So that was the only change, at all, that we made
25 in the entire compilation. Just to make it clear which

1 version we were talking about later on.

2 MR. DAVID POPE: And that's simply just to
3 reflect the action that we are taking today, then, is
4 that correct?

5 MR. LEE ROLFS: That's correct.

6 MR. DAVID POPE: With that information and
7 clarification is the body ready to take action on this
8 motion? How does Colorado vote?

9 MR. HAL SIMPSON: Colorado votes yes.

10 MR. DAVID POPE: And Kansas?

11 MR. EUGENE OVERTON: Yes.

12 MR. DAVID POPE: Kansas votes yes. Thank you,
13 gentlemen. We have moved through step one on the Bylaws.
14 And again, we appreciate all of the work on that.

15 My understanding is that we do have three
16 additional items that have been raised and some
17 discussions that we need to take up and would you
18 describe those for us, please?

19 MR. LEE ROLFS: I'm not sure which order they
20 are in on the agenda because I don't have it with me.
21 But there were three items raised during the past year by
22 the Compact Administration as to items that they would
23 like the opportunity to address. These were raised when
24 we passed and initiated the position of Assistant
25 Operations Secretary. There was a little discussion

1 during that time as to whether the Operations Secretary
2 and the Assistant Operations Secretary should reside in
3 the same state and, obviously, it was discussed during
4 the meeting. It seemed to be the intent of ARCA that
5 they wanted to make it clear that one of them would come
6 from Colorado and one of them would come from Kansas and
7 we wanted to raise that as an issue. We have distributed
8 some language. Language would essentially be that
9 Article 2, Section 6 be amended to add the following
10 language, quote, small C, in parenthesis, "The Operations
11 Secretary and the Assistant Operations Secretary shall
12 not be residents of the same state." We would offer that
13 for the consideration of the Compact Administration. Do
14 you have any other history on that, Steve?

15 MR. STEVE MILLER: No. Other than we did agree,
16 in principle, to this change at the special meetings and
17 the minutes we've got cover some discussion on that.

18 MR. DAVID POPE: Yes. And as I recall, that was
19 really a...some of it was a recognition that that needed
20 to be dealt with but was not in a proposal before us at
21 that time. But I do recall that that was, I think, our
22 concept.

23 MR. LEE ROLFS: That was my recollection, that
24 the Compact Administration said that's our intent but we
25 don't have language before us right now so we will adopt

1 that and deal with it later.

2 MR. DAVID POPE: And we didn't have proper
3 language before us or notice at that time. So let me ask
4 if there's...I guess the Chair would entertain a motion.
5 Well, first of all, may I ask if there's any discussion,
6 preliminary discussion, but otherwise I would entertain a
7 motion to adopt this particular change, which is the one
8 to Article 2, Section 6, Item C as previously described.

9 MR. ROBERT BUERKLE: I would so move.

10 MR. DAVID POPE: We have a motion by Mr. Buerkle
11 to adopt this change in the Bylaws. Is there a second?

12 MR. HAL SIMPSON: Second.

13 MR. DAVID POPE: We have a second. Any further
14 discussion? If not, we will call the question. How does
15 Colorado vote?

16 MR. HAL SIMPSON: Yes.

17 MR. DAVID POPE: And Kansas?

18 MR. EUGENE OVERTON: Yes.

19 MR. DAVID POPE: Kansas votes yes as well. So
20 that change is then approved to the Bylaws. Would you
21 move to the next one?

22 MR. LEE ROLFS: The next motion, I believe, was
23 raised by Chairman Trujillo on the issue of the meeting
24 location of the annual meeting. And I believe he
25 expressed some interest in, at least at some times having

1 the meeting in Garden City, Kansas. I don't know if that
2 was read into the record earlier, his letter with his
3 comments concerning that. But we have drafted some
4 language that would alternate the meeting site between
5 Lamar and Garden City. There are, obviously, lots of
6 different ways to do that but we wanted to bring that
7 issue, at least, before the Compact Administration for
8 further consideration.

9 MR. DAVID POPE: Let me just note on this
10 particular item that the letter that Chairman Trujillo
11 did provide to me and, I think a copy to Colorado, was
12 regarding his attendance at the meeting and not being
13 able to do so. He did reiterate to me on the telephone
14 and also put in his letter, I noticed. Let me just read
15 the paragraph, I think it's applicable to this particular
16 item. He says, "I still have a --" this is the third
17 paragraph, so that I don't mischaracterize this I'll just
18 read his language, but this is the third paragraph of
19 his letter dated November 30, 1997, which will be a part
20 of the record and I think it was previously identified as
21 one of the first attachments. He says, "I still have a
22 sincere concern that the location of our annual meeting
23 should be alternated between Colorado and Kansas, year to
24 year. First, it would provide a fair system to both
25 states. Further, it would give interested citizens in

1 both states the opportunity to participate without the
2 need to travel to great distances. Perhaps this could be
3 discussed at the meeting. If there are any issues that
4 cannot be resolved during the meeting and it is
5 determined that we need to set up another meeting in
6 January please be assured that I will be available either
7 by teleconference or at the designated location, just
8 advise me of the time and the date." So I want to just
9 make that information available.

10 Let me ask if there are comments in regard to
11 this proposal regarding the location of the annual
12 meetings? Yes, Mr. Simpson?

13 MR. HAL SIMPSON: Mr. Chairman, Colorado water
14 users discussed this in some length yesterday at our
15 meeting we held yesterday afternoon. I think we can say
16 there was real consensus that Lamar is centrally located.
17 If you look at the people in this room and where they
18 traveled from, including federal officials, Lamar would
19 be the most common-sense place to meet. It's probably
20 why it was written into the Bylaws as it was, to be in
21 Lamar, and Colorado would strongly support the notion
22 that the annual meeting should be held in Lamar. I would
23 turn it over to Mr. Rogers or Mr. Pointon to make
24 additional comments because they represent people down
25 here who have other feelings, I'm sure.

1 MR. JAMES ROGERS: Yeah, we have been visiting
2 about this and if you take the water that is represented
3 that this Compact controls and the people that own that
4 water that we are charged with looking after, this is
5 centrally located. The people from Colorado come from as
6 far as 120 plus miles away. The people from Kansas, in
7 other words like at Garden City, would come 100 and
8 if...and they are in that neighborhood, so we do set
9 right in the middle. In Colorado, the water that is
10 affected, the owners of this water, is the largest
11 proportion of the people do live in Colorado and this is
12 right in the center of it, right below the Reservoir.
13 And so their main concern was, is let's keep it where
14 they can either come in person or come...or have a
15 representative come for them and listen and report back
16 to them on what is going on with their water. That's why
17 we were concerned about having it in Lamar.

18 MR. TOM POINTON: I think Jim said it all.

19 MR. DAVID POPE: Gets right to the point, a man
20 of few words. But you know where you stand.

21 Well, it's clear that there's some concerns
22 about this particular proposal. Let me just comment and
23 there may be...let me just make a few comments and then
24 ask if my colleagues have any. We don't need to dwell on
25 this at great length. But I would just note for the

1 people here that we do not get the level of participation
2 here at the annual meetings that we would sometimes like
3 to have and I think if we were able to rotate the meeting
4 to different locations that that would start changing. I
5 think it's just...maybe it's just the artificial
6 boundary, there, or the perceived distance. I recognize
7 that there are people in Colorado, as well, that come
8 substantial distances. But I think our thought would be
9 it is appropriate to try and consider items that would
10 encourage more participation. This Compact and the
11 water, even though it's not the bulk of the water in the
12 basin, is very, very important to Kansas and we invest a
13 lot in that.

14 The other thing, I guess I would note, and I
15 suspect none of this is going to persuade my colleagues
16 at this point, but that in the other three Compacts to
17 which Kansas is a signatory state, all of those do
18 alternate the annual meetings between the two or three
19 states, as the case may be, that are parties to those.
20 And many people travel, in fact, hundreds of miles, at
21 times, to those meetings. So it is not unprecedented for
22 other Compacts to alternate in a way to make sure that we
23 do get to other areas within the basin affected.

24 Let me see if there's comments by either Bob or
25 Gene?

1 MR. EUGENE OVERTON: I really don't have much of
2 an opinion. I can see Colorado's point and, like I said,
3 I live 50 miles from Lamar and 50 miles from Garden City,
4 I think it would probably be more participation from
5 Kansas if we had it in Garden City, probably build just
6 like Dave was talking about. But I can see Colorado's
7 point and I don't think there's any use in messing with
8 this any more.

9 MR. DAVID POPE: Okay. Are there...I guess one
10 final thing that I understood before the meeting that
11 there might be some interest in is, right now, the
12 Bylaws, I think, are pretty much absolute in terms of the
13 meetings being here in Lamar and one alternative that I
14 had understood that was possible was to just simply
15 authorize, if approved by the Administration, that an
16 alternate location could be used in a given year. Would
17 that be something that would be entertained by Colorado?

18 MR. HAL SIMPSON: Mr. Chairman, are you saying
19 that...you're referring to annual meetings would be held
20 in Lamar unless otherwise authorized?

21 MR. DAVID POPE: Yes.

22 MR. HAL SIMPSON: I think we could accept that
23 suggested amendment.

24 MR. DAVID POPE: Did any specific language get
25 worked up in that regard from either Steve or Lee?

1 MR. STEVE MILLER: I think what Hal said is as
2 specific as...

3 MR. DAVID POPE: I think that's so clear that
4 that could be put into language very easily. I think
5 that's, at least, a step forward, that if there was some
6 circumstance at some point in time where it looked like
7 it would be appropriate to move locations for a given
8 year and try it, at least we would be allowed to do that
9 without having to amend the Bylaws. I guess I would
10 encourage us taking, at least, that step. And we
11 certainly would invite the Administration to come to
12 Kansas. Garden City does have some nice facilities and
13 we would be glad to host a meeting there.

14 MR. STEVE MILLER: I agree with the nice
15 facilities. My steak was overcooked last night. But
16 perhaps what we should do is all agree in principle to
17 that change. Work on some specific language at lunch so
18 that we don't get it...for instance, I'm thinking maybe
19 we want to say unless agreed in advance or something.
20 But so the people here know what we are going to do. We
21 could work on the words at lunch. Maybe we could take
22 that up again.

23 MR. DAVID POPE: Would that be acceptable if we
24 can agree in principle and if by sense of consensus on
25 that we can look at the specific language after lunch?

1 MR. HAL SIMPSON: That's fine.

2 MR. DAVID POPE: Thank you. Let's see, is that
3 the last...there's one other change. Can we cover that
4 one?

5 MR. STEVE MILLER: I'll use the agenda here and
6 Lee is working off the letter. On the agenda we had two
7 items that we have no proposal so we can skip right over
8 those. Just to keep things in order, we have no proposal
9 in clarifying the duties on the Operation's and the
10 Recording Secretaries. We should probably take that on
11 as a task in the future. And we have no proposal on
12 gender neutral pronouns, although it's on the agenda.
13 That's something else we might want to think about down
14 the road. That would put us to B-5 on the agenda.

15 MR. LEE ROLFS: On the other item that was
16 discussed by the Compact Administration was whether they
17 could go to an audit every other year in order to save
18 money. There has been language drafted up to allow that
19 to happen instead of saying that the Administration shall
20 be audited annually by a Certified Public Accountant it
21 would say the Administration shall be audited at least
22 every other year as directed by the Administration. We
23 also looked into the Compact itself, which has a very
24 specific provision about this. And in Article VIII-E, 3
25 it says "The Administration shall keep accurate accounts

1 of all receipts and disbursements and shall include a
2 statement thereof together with a Certificate of Audit by
3 a Certified Public Accountant in its Annual Report."
4 Now, it doesn't specifically say that there has to be an
5 annual audit but it certainly anticipates that there will
6 be an annual audit...or there will be an Audit Report in
7 every annual report. So I think the intent, possibly,
8 was there that there would be an annual audit in the
9 Compact itself. And if that's the case, if that would be
10 the interpretation of the Administration, then we could
11 not pass a regulation changing that. And I think Steve,
12 perhaps, had some financial information about what
13 having...okay, Jim.

14 MR. JAMES ROGERS: Yeah. Like, I called the
15 auditor and he said if we done it every other year it
16 would cost...you would save from 50 to \$150.00, would be
17 all the savings would amount to. So if we went ahead and
18 done it annually you would have...while everything is
19 fresh, it would probably come out better. It would be
20 worth the 50 to 150 bucks we spend. So my conclusion
21 would be just go along with the annual audit.

22 MR. DAVID POPE: Okay. Are we ready to...maybe
23 you need to get one of these mics. I think we're ready
24 for action. Okay. Having heard the proposal...and I
25 appreciate the...Lee and Steve, looking into that, my

1 sense is that there's really no advantage; if anything,
2 there's a disadvantage to moving forward with this,
3 particularly in light of the Compact language. And
4 the...is there any interest in pursuing this further? I
5 believe we should pass on this one. Okay. Well, thank
6 you for the work in looking into this and preparing the
7 language for it. I believe at this time the
8 Administration is not prepared to make a change of that
9 nature, as I sensed it.

10 MR. LEE ROLFS: One other item. Since we have
11 made a change since the compilation was adopted, do you
12 want the change that you made today concerning the
13 Operations Secretary included in that compilation?

14 MR. DAVID POPE: Seems to me like we ought to
15 answer that one yes, so we have one complete view. Is
16 there any reason to do otherwise since we are doing it
17 all here the same day? Okay. I think the guidance would
18 be to make it all one set so it will be complete as of
19 today, then, these Amendments.

20 MR. HAL SIMPSON: Then over lunch we are going
21 to work on some language on having the potential for
22 meetings in other...at other sites?

23 MR. DAVID POPE: That's correct. We will take
24 that up formally after lunch. Okay. I see that it is a
25 little bit after noon, about 12:10, it would appear that

1 with exception of that final action, after we look at the
2 language that we are done with Item 10. We will then
3 take up, after lunch, the rest of the agenda items, 11,
4 12, 13 and also any follow-up discussion that we did not
5 complete. I think there was an item or two that maybe we
6 didn't totally deal with related to John Martin. So with
7 that, let's adjourn until 1:30. Is that an appropriate
8 time? We'll adjourn until 1:30. Thank you all for your
9 participation. You're welcome to come back at that time.

10 (Whereupon, a lunch break was taken,
11 the meeting reconvened at 1:30 p.m.

12 Mountain Standard Time, after which the
13 following proceedings were had:)

14 MR. DAVID POPE: We'll call the meeting back to
15 order. If I could have your attention and members of the
16 audience find your way to your seats. Appreciate your
17 sticking around.

18 When we adjourned for lunch we had completed the
19 item on Number 10 except for formal consideration of
20 revised language related to Bylaw revisions to deal with
21 the issue of location of the annual meetings. And I
22 understand that Wendy Weiss has developed some language
23 for that and I know, at least, some of us had a chance to
24 look at it briefly, and let me ask if it's acceptable if
25 we have Wendy go ahead and propose that language at this

1 time?

2 MS. WENDY WEISS: Thank you. Looking at the
3 Bylaws, Page 11, Number 4, what we have proposed is,
4 strike the first sentence all together and then the
5 second sentence would read: "Unless otherwise agreed to
6 in advance by all members of the Administration, comma,"
7 and then add, 'all annual and.' Then it would read, "all
8 annual and special meetings shall be held at the," insert
9 the word "'principal', office of the Administration."

10 MR. DAVID POPE: Okay. Thank you, Wendy. That
11 would be, then, the proposed amendment that would allow a
12 meeting to be held at another location but would not
13 require it unless directed by the Administration. And
14 for clarification, as I understand it, the...using the
15 term "principal office of the Administration" is meant to
16 refer to Lamar, which is where the office has been
17 designated to exist. Is that everybody's understanding?
18 Any questions about the proposed amendment that we
19 conceptually dealt with before lunch? If not, I would
20 entertain a motion to adopt that amendment.

21 MR. ROBERT BUERKLE: I would so move.

22 MR. JAMES ROGERS: I would second.

23 MR. DAVID POPE: We have a motion from
24 Commissioner Buerkle and a second by Commissioner Rogers.
25 Further discussion? Seeing none. How does Colorado

1 vote?

2 MR. HAL SIMPSON: Yes.

3 MR. DAVID POPE: Colorado votes aye. Kansas?

4 MR. EUGENE OVERTON: Yes.

5 MR. DAVID POPE: Kansas votes aye. Motion
6 adopted.

7 Item 11 on the agenda was to receive
8 information on the status of annual report preparations.
9 I would again ask if Steve Miller and or Lee Rolfs have
10 some information for us in that regard?

11 MR. STEVE MILLER: I don't think I can blame
12 this on Lee.

13 There's really not a lot to report, I guess. We
14 have a draft '94 Report that can be finalized based on
15 some actions taken at the last annual meeting and I just
16 haven't gotten those inserts into the draft. I know I
17 can do that in a matter of weeks, have it out to Kansas
18 for review and that one can be printed. The '95 Report
19 is about 80 percent complete and the '96 Report is about
20 50 percent complete. So what I would like to do for
21 those three years...and, of course the '97 Report is now
22 ripe for preparation, I would like to do the '94 about
23 January 15th, send it out for review; the '95 about March
24 15th and the '96 by May 15th. So a two month cycle, a
25 little faster if I can do it. And that would put us to

1 about June 1st...or July 1st rather, to begin the '97
2 report. Hopefully have that out by early fall so it
3 could be approved at next year's annual meeting and that
4 would have us caught up. I've said that before though,
5 so...but I have a new boss now and he's here and he heard
6 me say it so maybe that will...that's where we're at.

7 The data came in real well this year for '96, in
8 terms of people submitting it. Kansas was in the lead
9 and I was able to then call your counterparts in Colorado
10 and say, "Hey, Kansas' data is here, where's your's?" and
11 it all flowed right...real quick. And maybe with E-Mail
12 and things like that, it will go even faster in the
13 future.

14 Your action on the Operation's Secretary Report
15 earlier, the deferral, that should not be an impediment
16 to me. I'll assume it's going to be approved and
17 anything that's in there that's not going to be approved
18 you will catch when you're reviewing the draft report.
19 And by the time we print the '97 we can have a statement
20 that the Operations Secretary's report has been approved.
21 That would be sufficient for me.

22 MR. DAVID POPE: Appreciate those comments.
23 Apparently there's no action we need to take. Do
24 appreciate the update and I know these are a lot of work,
25 Steve, so we do appreciate that.

1 Our next item is Number 12, "Litigation Status
2 Report on Highland and Nine Mile Cases." Who is prepared
3 to give us a report on that?

4 MS. WENDY WEISS: I can give you a report on
5 that. I think this is the last report on that. In light
6 of the Colorado Supreme Court decision upholding the 1980
7 Operating Plan, the plaintiffs agreed that the case had
8 to be dismissed and the only question was whether it
9 should be dismissed with or without prejudice. The State
10 Engineer and the Highland and Nine Mile agreed that it
11 should be dismissed with prejudice. ARCA was not able to
12 reach an agreement on that issue. I believe, did not
13 file anything with the Court. The Court dismissed with
14 prejudice and that's the end of the case. There were no
15 fees in the proceeding, each party was to pay its own
16 costs, which were very minimal because the case had been
17 stayed for the entire time.

18 MR. DAVID POPE: Okay. Thank you for that
19 report, Wendy. Unless there are questions or other
20 comments, apparently, that closes the books on that
21 particular matter. And, again, thanks to Wendy and Lee
22 and others and the counsel for ARCA in monitoring that
23 and dealing with it over the years.

24 Our next item is Number 13, "Financial Matters."
25 And let's see, is this the last item we need to deal

1 with? Were there other matters that we have left
2 dangling? Because I know this is traditionally our last
3 item and there are people here that may want to leave.
4 Hal?

5 MR. HAL SIMPSON: There were a couple of issues
6 that I made note of that we could discuss at this time.
7 One was whether we could agree through a resolution today
8 to move spill water into the permanent pool and therefore
9 delay the spill by two or three days.

10 And the other was whether we could, or should,
11 move the Compact meeting back a week or somehow speed up
12 getting you the reports. And I was thinking rather than
13 change the Compact meeting date, because it's a
14 longstanding tradition, that I would ask my staff to
15 investigate E-Mailing or electronically submitting to
16 Kansas the reports before they go to the printer, that
17 would give...that takes about a week, I think, to get
18 things through the printer and so we can mail them to
19 you. So we can maybe save a week if you would accept
20 electronic reports in advance. At least have a chance to
21 look at them. And I haven't even asked Steve about that,
22 whether...I think everything is such that we could do it
23 that way.

24 MR. STEVE WITTE: (Mr. Witte is talking but not
25 using the microphone; reporter cannot hear.) Some of the

1 things in the report are copies of documents that are not
2 in electronic format so we could certainly send the gist
3 of the report out in advance form if that would be
4 helpful.

5 MR. DAVID POPE: I think that would be helpful.
6 I think the...much of what's in the report is the
7 accounting. There are a number of accounting sheets that
8 we would already have from previous months. The new
9 stuff that we would not have would be the items, I think,
10 that would be...if there was some way to get an early
11 copy of those either electronically...certainly, we are
12 very, I think, willing to have a preliminary or advance
13 copies. That way as long as we can get formal...a final
14 copy later and you know, text and those kinds of things.
15 I think it's good to have that ahead of time, so I think
16 you ought to explore that, there may be some merit in
17 that idea, Hal, and maybe we can try it this next year
18 and see whether that would be helpful. There's a lot of
19 information now that's possible to send electronically.
20 That's good for everybody in terms of saving paper and
21 time and what not.

22 MR. HAL SIMPSON: I would suggest we pursue that
23 for a year before we think about changing the date of the
24 Compact meeting because Mr. Pointon pointed out that on
25 the third Monday of December is the Fort Lyons Canal

1 annual meeting, that would create a problem. Later in
2 that week is usually the Colorado River Water Users
3 Association meeting, which some...he wouldn't...being a
4 member of the Southeastern District Board, they go to
5 that, so it doesn't look like moving it would necessarily
6 work real well.

7 MR. DAVID POPE: Okay. I appreciate that and
8 I...I think we ought to make that a last resort. Sounds
9 like there's some other alternatives here that we've
10 talked about that, maybe, will work.

11 In regard to the first item you mentioned, I
12 think there's some willingness on the part of Kansas to
13 consider alternatives that might work towards the goal of
14 replenishing the permanent pool. Not sure we are
15 prepared to do that today, per se, just want to be
16 careful looking at any language in resolutions and
17 impacts. There is, early...while I think we all
18 recognize the upcoming likelihood of a spill we are
19 pretty early in that and you know, it might be better to
20 analyze this and look at a more specific proposal. One
21 of the things that we were...when we looked at the
22 current permanent pool resolution, it makes reference
23 to...to a process to deal with this. We do not believe
24 it was a general intent, at all, to replenish it during
25 spills. That doesn't mean that there can't be some

1 consideration under some set of circumstances during
2 those river conditions to dealing with this issue
3 that...but the last paragraph in the Resolution basically
4 says that water deliveries from other valid water rights
5 owned or controlled by the state of Colorado may be added
6 to permanent pool water supply subject to the approval of
7 this Administration, that's in addition to the other
8 sources that are specifically identified. I guess we
9 were wondering if there would be some other opportunities
10 for water that might be available that could be moved to
11 John Martin and do it within the framework of the
12 Resolution. It would still require approval of the
13 Administration, which we could do. But it would provide
14 then, for an accounting of all of the water and we
15 wouldn't get into something that would be outside the
16 existing framework that has been set up, you know. I
17 would like to, at least, have you explore that. And I
18 would like to hear some comments back, at least.

19 MR. HAL SIMPSON: Are you suggesting, like
20 Article 2 water or something like that, that could be
21 purchased and moved into that or are you thinking of...

22 MR. DAVID POPE: I didn't have any specific
23 thing in mind but I thought there probably was some...

24 MR. HAL SIMPSON: Or even Article 3 water, Mr.
25 Pointon pointed out.

1 MR. DAVID POPE: There might be some possibility
2 there. We would have to look at that. But I think
3 that's water that's probably going to spill first anyway.
4 But I think if we think about some of those options and
5 what the implications might be, there may be...would that
6 be water that would be considered a...deliveries from
7 other valid water rights? I guess, that is water that
8 was, at one point, diverted under Colorado water rights.

9 MR. HAL SIMPSON: It would fit, I think.

10 MR. DAVID POPE: We...you might need...I think
11 if...you could confer a little bit about that. I'm not
12 sure we could deal with that yet today. But that might
13 be something that could be dealt with fairly quickly if
14 we had the specifics down in terms of what that would be.
15 Do I have any reaction from my colleagues here? I guess,
16 I would suggest that we cogitate that one, and we may
17 have...I don't know whether we will have a chance yet
18 today but, I think possibly, at least, it could be
19 considered after we understand all of the possibilities.

20 MR. HAL SIMPSON: I see we have Grady McNeil
21 here from D.O.W.. If they were to purchase Article 3
22 water from a willing seller and move the consumptive use
23 component of that water into that permanent pool, do you
24 think that's worth exploring? Might get a real good
25 deal.

1 MR. GRADY MCNEIL: Sounds like it.

2 MR. JAMES ROGERS: Do you have any money to
3 spend?

4 MR. GRADY MCNEIL: Not today. I could find out
5 if there's money available to purchase some water of that
6 sort. It would be nice to know if it was possible to do
7 it before I go asking for the dollars, to get a
8 commitment to spend the dollars.

9 MR. DAVID POPE: I think we...I think it would
10 be better. There's no definite conclusions there and I
11 think the logistics of this need some consideration. But
12 that or some other similar arrangement might be worth, at
13 least, working on. We would just like something that's
14 done specific to some particular rights and
15 accountability associated with that. And you know, if
16 you could put something together in the next few days and
17 check on some of those details, at least, we would
18 consider it. Would that be an acceptable way to...

19 MR. HAL SIMPSON: How could we approve this that
20 there would be an official...can we do it over the phone
21 or would we have to conduct a special meeting or a
22 teleconference?

23 MR. DAVID POPE: Well, I think we would have to
24 have a telephonic meeting to do the formal approval.

25 MR. STEVE MILLER: Could possibly approve it in

1 concept subject to the Chief Engineer for Colorado...
2 (Reporter cannot hear; speaker not using microphone.)
3 ...conferring one more time by phone to work out the
4 details. It's kind of the kind of thing you used to do
5 by special meeting a lot before we had the Operating Plan
6 so it would not be impossible to have a quick special
7 telephonic meeting for this sole subject. Just mail out
8 a notice two weeks ahead and put everybody on the phone
9 for a half-hour or approve it in concept today and...the
10 way we've done with minutes where you and Chuck agree
11 after the fact that they are finally correct and we don't
12 have to come back.

13 MR. JAMES ROGERS: I would think that there
14 would be a way that we could approve it on the
15 contingency if someone like LAMA, who has water in
16 storage, could make a trade with the division or
17 something of that nature. Or a ditch company that's got
18 water, that they could make a trade with the Division to
19 trade that water. And it would all be accountable for
20 and would all come back with them two criteria into
21 place.

22 MR. DAVID POPE: Well, I think if we understood
23 the specifics and knew where it was coming from and how
24 it was accounted for, why that's what I think we would
25 like to consider. That's...I think, rather than

1 preapproving anything today, I think...I guess, my
2 response is that we would look at the specifics of such a
3 proposal and if we knew what that was going to amount to
4 and where it fits into the existing program, why, then I
5 don't think it's that hard to have a consideration of
6 that under a special call.

7 MR. HAL SIMPSON: That seems fair and if D.O.W.
8 can put together a proposal with the water users, the
9 state of Colorado will certainly bring it before the
10 Administration for consideration.

11 MR. DAVID POPE: Okay. Why don't we leave it at
12 that and we'll kind of leave that as an open question
13 until we see the proposal and that will also give us a
14 chance also to evaluate this. I really hesitate to jump
15 into things until we have had a chance to think them
16 through. We understand what you're trying to accomplish
17 and I think it may have some merit.

18 Okay. With that why don't we move to Item
19 Number 13, "Financial Matters." We had the Recording
20 Secretary's report deferred from our Agenda Item 3-B.
21 Don, is there any additional items there to report, or
22 any items to report?

23 MR. DON HIGBEE: I don't believe I have much to
24 report other than I'll give you a quick summary of what
25 we have spent to date in '97-'98. We have taken in

1 assessments and interest of \$37,422.99. Our expenses;
2 including court reporter fee, Operations Secretary,
3 satellite monitoring, telephone expense and USGS add up
4 to \$3,539.22. We have sent out assessment notices.
5 Colorado has paid. Kansas has not yet paid so I'm
6 anticipating a payment from Kansas soon.

7 MR. DAVID POPE: I guess I did not realize that
8 we had not. A notice has been out on that? Okay. We'll
9 check on that, it shouldn't be a problem.

10 Okay. Unless there's some questions on that
11 then we will move to the Treasurer's Report. Jim.

12 MR. JAMES ROGERS: From June 30th to...through
13 12-5 of '97 the cash in bank accounts, in the checking,
14 is \$128.76. The money market accounts is \$38,480. Petty
15 cash, zero. Total cash in the bank accounts is
16 \$38,608.76. That's our total assets. Our liabilities
17 are zero. So the final total is \$38,608.76 as of today.
18 Also have a copy of this to give the reporter.

19 MR. DAVID POPE: Okay. I think that's
20 appropriate to make an exhibit. Are there questions for
21 Mr. Rogers on the Treasurer's Report?

22 Okay. Next item is "Review and Approval of
23 Audit Report for Fiscal Year '96-'97." I think that was
24 provided last night or early this morning. Does each
25 member of the Administration have a copy of the...of the

1 Audit Report? Jim, is there a...have you had a chance to
2 study this out? Is everything in order?

3 MR. JAMES ROGERS: Everything looks good as far
4 as I can tell.

5 MR. DAVID POPE: Okay. Any questions, comments
6 on the Audit Report? If not, we will entertain a motion
7 to accept the Audit Report.

8 MR. TOM POINTON: I move.

9 MR. DAVID POPE: Mr. Pointon has moved. And do
10 we have a second?

11 MR. EUGENE OVERTON: Second.

12 MR. DAVID POPE: Mr. Overton seconds. Are you
13 ready for action? How does Colorado vote?

14 MR. HAL SIMPSON: Yes.

15 MR. DAVID POPE: And Kansas?

16 MR. EUGENE OVERTON: Yes.

17 MR. DAVID POPE: Kansas votes yes.

18 Okay. The next item is the "Budget Review and
19 Adoption." And in that regard we will call on Steve
20 Miller, who I know has distributed a preliminary version
21 of this for us to work off of. Do you want to walk us
22 through this, Steve, in terms of...

23 (Whereupon, at the request of Mr. Steve
24 Miller and Mr. David Pope, there was an
25 off-the-record discussion, after which

1 the following proceedings were had:)

2 MR. DAVID POPE: Let's just say we're back on
3 the record now and Doug Cain has some comments about the
4 study.

5 MR. DOUG CAIN: Just two comments. One would be
6 that one thing we offered in the original proposal was
7 that if there was a need by the Administration to even
8 cost out or decrease cost on an annual basis that the
9 study could be extended over a longer time period so if
10 that is easier for your budget to accommodate, that's
11 something we could do. And so instead of having a study
12 that has \$20,000 funding in one year and 50,000 in the
13 next and 20,000 or something like that in the following
14 year that we could even that out to some other amount
15 each year if that would fit your budget cycle better.

16 The other thing I would like to mention is
17 that...before mentioning it, I would say that I clearly
18 don't understand the budget process that either state
19 goes through to get money for the Compact Administration.
20 But from our standpoint it's not a requirement for us
21 that the study be funded through the auspices of the
22 Compact Administration if other mechanisms to get the
23 funding for the study exist. So, I just wanted to make
24 mention of that. And so if those help in your budget
25 operations, that was my intention.

1 MR. DAVID POPE: Okay. Thanks, Doug. I think
2 we...that certainly is among the options if there's some
3 strong interest in the study to look for some other
4 partners.

5 MR. STEVE MILLER: Do you want to go back while
6 we are on the record? We reviewed the current year's
7 budget. This is the '97-'98 budget, I recommended you do
8 not make any changes. There will be some small overages
9 and underages on some individual items but no appreciable
10 change in the surplus at the end of the year, so I
11 recommend no changes in the '97-'98 budget. I don't know
12 if you plan on taking any action to not change it.

13 So if we could move to the '98-'99 budget.
14 Again, I see no need to make any changes to the budget,
15 though there can be some slight variation with individual
16 items but in the end, a basic small surplus amount.

17 Lastly, we have a new budget for the fiscal year
18 1999-2000. I proposed a budget very similar to the two
19 that we just reviewed. And let me just note that the
20 expenses, estimated expenses, on that year's budget will
21 be \$62,000. Our assessments will be \$62,000, split 60-40
22 between Colorado and Kansas. Probably have 500 to a
23 \$1,000 of interest which would leave a slight surplus
24 again, contribution to surplus. If we adopt this budget,
25 leave the other two unchanged, at the date June 30, 2000

1 we should have about \$45,000 in cash surplus.

2 MR. DAVID POPE: Okay. All right, thanks,
3 Steve. I think, we apparently don't need action. Unless
4 some is proposed here, we'll go with the no change on the
5 '97-'98 and the '98-'99 budgets.

6 And we now need to decide whether to adopt the
7 proposed budget for 1999 through 2000; either at the...at
8 the \$62,000 level of expenditures, which would be a
9 minor...it would be deletion Item B-4 on the Proposed
10 Budget and everything else would be the same except for
11 returning to current assessments unless there's a
12 proposal to change that. That essentially keeps us at
13 flat expenses and flat assessments the last two or three
14 years is what it amounts to. The alternative to that is
15 build a slight increase in for future cushion. If
16 we...given that's three years away, if we wanted to go
17 40,000 for Colorado and whatever the corresponding amount
18 would be for Kansas.

19 MR. STEVE MILLER: That's one of the few numbers
20 you don't want to use because it doesn't divide nicely
21 between 60-40.

22 MR. DAVID POPE: Well, let me just ask if the
23 Colorado members, do you have any preference on this
24 before we get carried away with trying to figure out
25 numbers?

1 MR. HAL SIMPSON: You're talking about a slight
2 increase?

3 MR. DAVID POPE: We would be talking about a
4 slight increase and that would provide some flexibility
5 if other unknown costs occur or if we want to move
6 forward with some sort of a study before then. You know,
7 that's essentially...I think that's possible.

8 MR. HAL SIMPSON: Like a ten percent increase in
9 each state's assessment or something like that?

10 MR. DAVID POPE: Yeah. Something like that.

11 MR. HAL SIMPSON: I think that makes sense. It
12 works in our budget cycle because Chuck could then
13 present that next summer.

14 MR. DAVID POPE: Do we have any way of coming up
15 with a nice round number that...see, if we had a ten
16 percent, it would be 6,000 basically on \$62,000
17 assessments. That's 68...what's 40 percent of that?

18 MR. STEVE MILLER: I have 27,200 for Kansas'
19 share of that.

20 MR. DAVID POPE: Yeah. If we went to a total
21 budget assessment for the two states of 68,000. That
22 would be roughly a ten percent increase from where we are
23 now, and 40 percent of that would be 27,200 for Kansas
24 and 40,800 for Colorado. Is my math right, Steve?

25 MR. STEVE MILLER: I think it is, yeah.

1 MR. DAVID POPE: If the members would find that
2 acceptable I would say that we could move forward in that
3 way. And that would mean that we would set the
4 assessments at that level and we would build into the
5 contingency fund the dollars to make the budget balance.
6 Or how do you want to do that, Steve, on the...

7 MR. STEVE MILLER: Well, basically, if we raise
8 the assessments slightly, don't take on any new projects
9 and also we preserved the surplus, our interest earnings
10 would be a little bit higher. I would project a 7,000
11 addition to surplus in that budget year.

12 MR. DAVID POPE: So leave...all of the items in
13 the expenditures would stay the same except for the Item
14 B-4 on the study proposal, that would be deleted, so we
15 end up on the expenditure side 62,000?

16 MR. STEVE MILLER: Right.

17 MR. DAVID POPE: And then we change the
18 assessments to this 68,000, split up as we said a minute
19 ago, and that moves that 6,000 into additional surplus.

20 MR. STEVE MILLER: And I think the interest
21 earnings probably would be more like a thousand dollars
22 since we haven't spent down the surplus. Have 69,000 of
23 income, 62,000 of expense, 7,000 to surplus.

24 MR. DAVID POPE: We change interest from 500 to
25 a thousand?

1 MR. STEVE MILLER: Yeah.

2 MR. DAVID POPE: And then that gives us total
3 income of 69,000 and then the difference, the 7,000 goes
4 into surplus, is that what you're saying?

5 MR. STEVE MILLER: Right.

6 MR. DAVID POPE: Does everybody understand that
7 proposal? Okay. At this time I think we are ready
8 entertain a motion.

9 MR. JAMES ROGERS: I'll so move.

10 MR. DAVID POPE: We have a motion from Mr.
11 Rogers to adopt the fiscal year 1999 dash 2000 budget as
12 we just described with total expenditures of 62,000 and
13 total income of 69,000, assessments as stated with all of
14 that assessments except for \$1,000 of interest. And do
15 we have a second?

16 MR. ROBERT BUERKLE: I'll second it.

17 MR. DAVID POPE: Second from Buerkle. How does
18 Colorado vote?

19 MR. HAL SIMPSON: Yes.

20 MR. DAVID POPE: Kansas?

21 MR. EUGENE OVERTON: Yes.

22 MR. DAVID POPE: Kansas votes aye. So I think
23 we are done with the budgets and...

24 MR. STEVE MILLER: I'll clean this up and submit
25 it...

1 MR. DAVID POPE: If you could update your
2 spreadsheets and send that out. That can go to Jim and
3 then be distributed accordingly.

4 MR. STEVE MILLER: Yeah.

5 MR. DAVID POPE: Sounds good. Thank you for
6 your work on that.

7 Was there any further business that we have not
8 yet dealt with. I think, Doug...I'm sorry, Tom.

9 MR. TOM POINTON: If next year is the 50th, are
10 you going to do anything extra?

11 MR. DAVID POPE: Well, I think that's a good
12 question. I had not realized that until mentioned by the
13 Colonel. Should we...he invited...the Colonel invited
14 everybody to their celebration. The question is, I
15 guess, whether at the annual meeting of this body that
16 there would be any special recognition of the...was it
17 the 50th anniversary of the construction of John Martin,
18 was that the date the Colonel referred to?

19 MR. DENNIS MONTGOMERY: Yes. It will also be
20 the 50th year of the signing of the Compact at the next
21 annual meeting.

22 MR. DAVID POPE: You're absolutely right, so we
23 definitely have that. I guess I was always thinking '49
24 but that's when it was ratified by Congress, '48 was when
25 it was signed. Seems to me that...let me just see if

1 there's any ideas from members, but seems like that's a
2 pretty significant date. Why don't we...seems to me like
3 what we could do is designate, maybe, a person from each
4 state to serve as kind of a planning committee to come up
5 with some sort of special event, ceremony, whatever we
6 might want to do.

7 MR. HAL SIMPSON: I think it would be neat if we
8 could have all living members of the previous Compact
9 Administration be invited to attend at some special
10 event.

11 MR. JAMES ROGERS: Dinner for them or something
12 like that.

13 MR. DAVID POPE: Makes sense to me, I think
14 that's good. Do you guys have any ideas? Why don't we
15 do that and...is the idea of kind of a planning committee
16 acceptable? Does that make sense to you? Do you want a
17 member of the Administration or somebody from one of the
18 staffs, or how would you prefer to proceed on?

19 MR. HAL SIMPSON: Where did Mr. Miller go? We
20 thought maybe Lee Rolfs and Steve Miller might be an
21 appropriate planning committee.

22 MR. STEVE MILLER: I only heard part of this.
23 Are we on the record still?

24 MR. DAVID POPE: We are still on the record.
25 Steve, the idea had been mentioned that next year will be

1 the 50th anniversary of the signing of the Compact. Of
2 course, next year also happens to be the 50th anniversary
3 of construction of John Martin Reservoir, I guess putting
4 into full operation, it was partial before that. But the
5 Compact is really the key thing for this body. So we
6 were thinking of some kind of special recognition, maybe
7 a lunch or Hal had mentioned maybe inviting any people
8 that are still living that have been involved in the past
9 as members or other folks of that nature.

10 MR. STEVE MILLER: There goes the surplus. I
11 don't know about the dates, I would have to look at the
12 history. But it might be more appropriate to commemorate
13 the first Compact meeting. I don't know when that was.
14 Do you guys?

15 MR. DENNIS MONTGOMERY: It would have been in
16 1949.

17 MR. STEVE MILLER: I guess I thought if we were
18 going to commemorate ARCA, we would do it on the 50th
19 anniversary of ARCA. We could do the signing of the
20 compact. But that's not what you were asking me for.
21 You just want to know if I could do the work of finding
22 all those people?

23 MR. HAL SIMPSON: That's right. You and Lee
24 doing some planning.

25 MR. DAVID POPE: It's a planning committee

1 basically and you can elicit other people and consult
2 with others but we need a point contact from each state.
3 I think that's the bottom line. I think it would be good
4 for each to get input from their Compact members and
5 other officials. So if that's acceptable, let's consider
6 that an assignment to Steve and Lee. I know we work
7 these guys pretty hard but...

8 MR. STEVE MILLER: We'll have it in Garden City.
9 I'll do that.

10 MR. DAVID POPE: Thanks, that's a good
11 suggestion.

12 MR. STEVE MILLER: This would be to hold...in
13 conjunction with next year's annual meeting.

14 MR. DAVID POPE: Yes. I think the committee
15 probably has some latitude, in terms of ideas, but the
16 key thing was probably to have some form of recognition
17 at the annual meeting next year, I think that was the
18 original idea. But I think the planning committee can
19 really come up with whatever ideas you think are
20 appropriate for something that would be suitable for
21 recognition of this event.

22 MR. STEVE MILLER: Do you want to set a budget
23 for that or not?

24 MR. DAVID POPE: Tom?

25 MR. TOM POINTON: Would it be possible to

1 get...because it's an irrigation system and mostly for
2 irrigated people, would it be possible to get some
3 sponsors to sponsor this? Have them set up booths
4 somewhere in the Cow Palace and sponsor the celebration,
5 if that's what it is? Or the recognition of past members
6 or 50 years of fighting or loving or whatever it was
7 that...

8 MR. STEVE MILLER: I don't know. I don't know
9 how the economy is doing down here. If...

10 MR. TOM POINTON: It's just an idea to fund it
11 rather than fund it out of administrative dollars.

12 MR. DAVID POPE: Seems to me like that,
13 probably, the key point out of that is that if those
14 people that have specific suggestions like that, and I
15 think that probably has some merit, just to feed that
16 into Steve.

17 MR. TOM POINTON: It's typical. Look at the
18 profit they made because of the contract and the
19 totalizing flow meters, for instance. I'm sorry, those
20 guys are making a bundle. Would they be willing to put a
21 demonstration on with totalizing flow meters or with some
22 other kind of irrigation system, maybe...any kind of
23 advancement in irrigation conservation practices or
24 whatever?

25 MR. DAVID POPE: Well, I think that's certainly

1 worth some consideration. There's been a lot of those
2 kinds of things happen.

3 MR. TOM POINTON: A lot of outfits do do that
4 and finance all of the celebration, or whatever, by that
5 method rather than use administrative dollars.

6 MR. DAVID POPE: Right. And I think that's
7 right, if we're going to spend a lot of money I think
8 that's probably the more practical approach. I think,
9 traditionally, this body has been just almost pure
10 business and we haven't really taken advantage of
11 considering some of those ideas.

12 MR. TOM POINTON: You better stop and smell the
13 roses once in a while, you know. If we got into that
14 mode it might be an annual thing to have some people that
15 would be willing to come by and sponsor some coffee or
16 some kind of an afternoon break or something like that.

17 MR. DAVID POPE: Okay. Well, you guys have some
18 suggestions here and ideas and why don't you take those
19 and run with them. And if there's any need for any
20 further guidance you can get back with members of the
21 Administration.

22 MR. STEVE MILLER: Some things might need ARCA
23 approval.

24 MR. DAVID POPE: Yeah. I don't think there's
25 any reason why some relatively smaller amounts of dollars

1 can't be spent. But I think there also may be some
2 opportunities, as Tom has suggested, too.

3 MR. STEVE MILLER: We do have a line item in our
4 budget for meeting expense and generally it doesn't cost
5 that much to put on the meeting.

6 MR. DAVID POPE: I don't think anybody said we
7 couldn't spend anything, it's just more a matter of the
8 amount of dollars and if there's anything that's going to
9 cost quite a bit more, I think that does make a lot of
10 sense. I think a lot of these people are just tickled to
11 have an opportunity to come in and exhibit stuff. And a
12 lot of people here deal with irrigation at these
13 meetings. Okay. With that...

14 MR. HAL SIMPSON: Mr. Chairman?

15 MR. DAVID POPE: Yes.

16 MR. HAL SIMPSON: Colorado was probably a little
17 remiss in not offering a written resolution for Carl
18 Genova. What we would propose is to provide one that
19 could be dealt with at the next...if we have that special
20 meeting. And I think we are looking at sometime in
21 March.

22 MR. DAVID POPE: That would certainly be
23 acceptable. I think it's certainly appropriate. Carl
24 served as a member of the Administration for a number of
25 years and, certainly, I think that's appropriate to have

1 that kind of recognition. So if you could draft
2 something up and we could certainly consider it at that
3 time.

4 MR. HAL SIMPSON: Thanks.

5 MR. DAVID POPE: One final thing before we
6 adjourn. Just for the record, and if this is not
7 complete it's certainly not meant to exclude other items
8 that were identified in the transcript, but let me run
9 down through these. The exhibits for this meeting would
10 be The Notice of Agenda. The Attendance List. The
11 letter from Chairman Trujillo, dated December 8.
12 The...Hal, would you like the letter from Jim Lochhead
13 included? That probably would be appropriate given the
14 circumstance, if you would get that?

15 MR. HAL SIMPSON: Yes, I'll give the court
16 reporter a copy now.

17 MR. DAVID POPE: So there's a letter dated
18 December 4th, I think it was, regarding Hal's
19 representing Chuck Lile here. And then the written
20 reports from the Corp of Engineers and the US Geological
21 Survey. There were three letters requested to be made a
22 part of the record by Julianne for the Purgatoire River
23 Water Conservancy District. There was then the documents
24 associated with the city's Proposed Amendments to the
25 Operating Principles. There was the Bylaw compilation

1 information that was considered. And after lunch we then
2 had the Auditors Report. And the proposed budgets that
3 we have just gone over here a few minutes ago, there
4 would be three...well, there's a packet of information
5 that Steve will make available there.

6 I think that's everything that I'm aware of. If
7 we have missed something why, certainly, it can be...and
8 was made reference to, we can certainly add that and give
9 some level of discretion to the reviewers of the
10 transcript to make sure that's complete and properly
11 identified.

12 With that I would make one final comment and on
13 behalf of the state of Kansas and I know, certainly, Hal
14 mentioned this for Colorado, we want to all wish Chuck
15 Lile the best, give him our regards and hope that his
16 surgery this week is successful.

17 Unless we hear something further, I would
18 entertain a motion for adjournment of the meeting.

19 MR. JAMES ROGERS: I so move.

20 MR. ROBERT BUERKLE: Second.

21 MR. DAVID POPE: It's been seconded and the
22 meeting is hereby adjourned.

23 (Proceedings Conclude.)

24 -----
25

ATTACHMENTS

December 9, 1997

Arkansas River Compact Administration
meeting

A

ARKANSAS RIVER COMPACT ADMINISTRATION

307 SOUTH FIFTH STREET, LAMAR, COLORADO 81052
719-336-9696

FOR COLORADO
DARIES C. LILE, DENVER
JAMES G. ROGERS, LAMAR
THOMAS R. POINTON, LAS ANIMAS

CHAIRMAN AND FEDERAL REPRESENTATIVE
LARRY E. TRUJILLO, SR.
PUEBLO, COLORADO

FOR KANSAS
DAVID L. POPE, TOPEKA
ROBERT BUERKLE, HOLCOMB
EUGENE OVERTON, SYRACUSE

NOTICE OF ANNUAL MEETING
ARKANSAS RIVER COMPACT ADMINISTRATION
Tuesday, December 9, 1997, 8:30 A.M. (MST)
Cow Palace Inn, Lamar, Colorado

The 1997 Annual Meeting of the Administration will be held at the time and place noted above. The meeting will be recessed for the lunch hour at about noon and reconvened for the completion of business in the afternoon as necessary. Meetings of the Administration are operated in compliance with the federal Americans with Disabilities Act. If you anticipate needing a special accommodation as a result of a disability please contact Steve Miller at 303-866-3441 or Don Higbee at 719-336-9696 at least 3 days before the meeting.

The following Committees of the Administration will meet beginning at 6:30 P.M. and continuing to completion at approximately 9 P.M. on Monday, December 8, 1997 in the Colorado Room at the Cow Palace:

1. Operations & Engineering (combined meeting of both committees)
2. Administrative/Legal

For a description of items to be discussed by the Committees refer to agenda item 7, below. The public is welcome to attend the Committee meetings, but time for comments may be limited.

TENTATIVE AGENDA

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

1. Call to order and introductions
2. Approval of agenda
3. Reports of Officers for Compact Year 1997:
 - a. Chairman - Trujillo
 - b. Recording Secretary - Higbee (defer until agenda item 13)
 - c. Treasurer - Rogers (defer until agenda item 13)
 - d. Operations Secretary - Witte (defer until agenda item 6.c.)

ARCA Annual Meeting, Tuesday, December 9, 1997
Agenda Page 2

4. Election of officers for Compact Year 1998:
 - a. Vice-chairman, currently vacant
 - b. Recording Secretary, currently Higbee
 - c. Treasurer, currently Rogers
 - d. Operations Secretary, currently Witte
 - e. Assistant Operations Secretary, currently Rude

5. Approval of transcripts and/or summaries from prior meetings
 - a. Approval of December 1993 Annual Meeting Minutes
 - b. Approval of December 1996 Annual Meeting Minutes
 - c. Approval of February 5, 1997 Special Meeting Minutes (including reconvened sessions on February 19 and March 11, 1997)

6. Committee reports for Compact Year 1997:
 - a. Administrative/Legal, Chair Overton:
 - (1) Financial matters (defer to agenda item 13)
 - (2) By-Law revisions (defer to agenda item 10)
 - b. Engineering, Acting Chair Pope:
 - (1) USGS status report on continued operation of tributary gages, review of data, and hydrograph separation methods.
 - (2) USGS proposal for transit loss/travel time study below JMR.
 - (3) USGS status report on Power Conversion Coefficient (PCC) Study
 - (4) Army Corps status report on channel capacity studies below John Martin and Pueblo Reservoirs.
 - (5) Army Corps informational item on John Martin Reservoir flood control operations and deviation procedures.
 - (6) Colorado State Parks status report on Trinidad Lake Permanent Pool operations and accounting
 - c. Operations, Chair Buerkle:
 - (1) 1997 Operations Secretary Report by Steve Witte and Mark Rude, deferred from agenda item 3.d.
 - (2) Colorado Compact compliance efforts and Offset Account operations, status report by Colorado State Engineer, Hal Simpson.
 - (3) 1997 and 1998 Annual Agreements.

7. Appointment of Committee members and chairs for Compact Year 1998:
 - a. Administrative/Legal (current Lile and Chair Overton)
 - b. Engineering (current Pope and vacant)
 - c. Operations (current Rogers and Chair Buerkle)

ARCA Annual Meeting, Tuesday, December 9, 1997
Agenda Page 3

8. Reports of federal agencies:
 - a. Bureau of Reclamation
 - b. Corps of Engineers
 - (1) Channel capacity studies.
 - (2) John Martin Reservoir flood control operations and deviation procedures.
 - c. Geological Survey:
 - (1) Status of gaging efforts and costs.
 - (2) USGS Cooperative Agreements; ratify federal FY 1998 and preauthorize federal FY 1999.
 - (3) Proposal for study of transit loss and travel time on Arkansas River below JMR.
 - (4) USGS status report on Power Conversion Coefficient (PCC) Study.
 - (5) Overview of other studies and activities.
9. Trinidad Project: Review and approval of proposed changes to Operating Principles
10. By-Law Revisions
 - a. Adoption of Recompiled Bylaws
 - b. Proposed changes to recompiled bylaws
 - (1) Alternate locations for Annual and/or Special Meetings.
 - (2) Clarify residence of Operations and Assistant Operations Secretaries.
 - (3) Clarify duties of Operations and Recording Secretaries.
 - (4) Gender neutral pronouns.
 - (5) Require audits every other year.
11. Annual report preparation
 - a. Status of 1994, 1995, and 1996 draft report
 - b. Discussion of 1997 draft report
12. Litigation status report re Highland and Nine Mile Cases
13. Financial matters:
 - a. Recording Secretary's Report - deferred from agenda item 3.b.
 - b. Treasurer's Report - deferred from agenda item 3.c.
 - c. Review and approval of Audit Report for FY 1996-97 (7/1/96-6/30/97)
 - d. Budget review and adoption
 - (1) Review of current fiscal year (1997-98) budget
 - (2) Review of previously adopted FY 1998-99 budget and assessments
 - (3) Adoption of FY 1999-2000 budget and assessments
14. Adjournment

Arkansas River Compact Administration
1997 Annual Meeting
Lamar Colorado
Dec. 9, 1997

<u>Name</u>	<u>Representing</u>	<u>Address</u>
LTC STEVE WAGNER	US ARMY COE	4101 JEFFERSON AVE. ACBQ NM
Dick Kreiner	" " "	" " " "
DALE GRONWOLD	US ARMY COE	4101 Jefferson Plaza NE, Albuquerque, NM
DARRELL Eason	US ARMY COE	4101 JEFFERSON PLAZA NE, ALB, NM
Gail Stockton	" " "	" " " " 8710
Ernie Hofmeister	Lamar Canal	P.O. Box 287 Lamar Co. 81052
Steve Fester	Co. DWR - Pueblo	310 E. Abriendo, Pueblo, CO.
Paul Fleck	Col. St. Pinks	1313 Sherman, Rm 618, Den, CO
Jae Cline	Mc Lyon Canal Co	Las Animas, Co,
Robert Jensa		Granado
Bill Horak	USGS	Box 25046 - MS 415 OFC Lakewood, CO 80226
Doug Cain	USGS	201 W 8th Pueblo Co 81003
Doris Morgan	Sen. Wayne Allard	503 N. Main, Ste 411 Pueblo, CO 81003
James Amos	Pueblo Christiain	324 Carson Ave. La Junta, CO, 81050
George Allen	LAWMA	2411 Rd 44 LAMAR CO 81052
DON HIGBEE	LAWMA	18525 US Hwy 50 LAMAR 81052
Tom Williamson	Hilton & Williamson	384 Inverness Dr S Englewood CO 80112
Key Merchant	U.S. Army, COE	Box 771 Trinidad, CO 81082
Mark Stark	U.S.A COE, John Martin	29955 Co. Rd 25.75 Hasty, CO 81044
Bob Tempel	So. East Water	2022 Rd. R.R. Wiley, Colo. 81092
STEVE AMOS CHONG	SECURED	905 HWY 50 W., Pueblo, CO 81006
John F. Leffert	Ft Lyon Canal Co	P.O. Box 110 Ramona 81052
Dale Straw	CO DWR Pueblo	310 E. Abriendo, Pueblo, CO
Bill Howland	CO DWR	1640 W. 6th Las Animas, CO 81054
Don Taylor	CO DWR	Box 321 Swinick, Co, 81077
DAN NEUHOLD	CO DWR	30240 RD 12 LAMAR CO 81052
Bill GRASMICK	LAWMA	317 Willow Valley LAMAR, CO 81052
Julianne Wolbridge	Purgatoire River Water Conserv. Dist.	102 No Cascade #400 Colorado Springs CO 80907
John Touley	C. D. O. W.	600 Reservoir Rd. Pueblo, CO 81005
Greg Sullivan	Spunk Water Eng	1200 Logan Street Denver, CO 80203
KEVIN SALZER	KS DWR	GARDEN CITY
MARK RUPE	KS. DEPT OF AGRIC., DWR	GARDEN CITY
Thomas L. Hinzinger	Ks. Dept of Ag, DWR	Topeka, KS

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



NAME

Representation

Address

Lloyd A. Hershey	Truck. & Consultant	810 W. Maple St., Lamar, CO. 81052
Donald Whittemore	Kansas Geological Survey	1930 Constant Ave, Lawrence, KS 66047
Larry Bennette	KS DWR	Gordon City, KS
Steven Hines	Frontier Ditch	Box 147 Coolidge KS
Doreilly Spady	Spady Consulting	420 Vigil Las Animas Co
Reuben Gutierrez	PRWC DIST	108 Benedicta - Trinidad
Thelma Lujan	PRWCD	314 W. Main, Trinidad, CO. 810
John Kennon	Lamar Daily News	P.O. Box 1217 Lamar CO 810
Steve Miller	Colo Water Cons Act	1313 Sherman St. Denver CO 80203
Steve Witte	Colo DN Water Res	310 E. Abriendo, Suite B, Pueblo
Randy Soakholm	Colo. Water Conservation Bd	1313 Sherman St. Denver, CO
Jeff Kahn	City of Trinidad	P.O. Box 978, Longmont, CO 80501
Gary Thompson	City of Trinidad	3700 S Inca St Englewood CO 80111
MARY LOUISE CLAY		Box 1161 Lamar, Co 81052
LEWIS DAVIS	AMITY MUTUAL	Box 187 Holt CO 81047
David A. Brenn	The Great Eastern	Box 597 Markle City Ky
Paul Frank	Amity	Holly Co
ROB GAUGER	USGS - KANSAS	1390 E. 8th ST. #B, HAYS, KS 67601
John Gierard	} USBR	Loroland, Co
Jack Garner		
Jolie Swanda		
Tom Musgrove		
John Chuffin		
Don Steerman	Amity, Buffalo Dist 67	P.O. 390 Lamar
Ken Smart	Amity	33715 Rd 12 Lamar 81052

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



November 30, 1997

C

David Pope,
Chief Engineer/Director
Kansas State Board of Agriculture
901 Kansas Ave., 2nd Floor
Topeka, KS 66612-1283

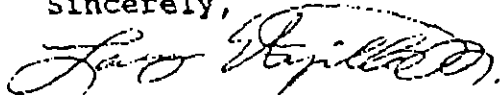
Dear David:

I wish to thank you and Steve Miller for your efforts to help me out with the situation I found myself in this past week. The dilemma was created when I inadvertently arranged to be out-of-state on the same day as our Arkansas River Compact Administration Annual Meeting. Thank you, Dave, for agreeing to serve as Vice-Chairman and chair the meeting in my absence on December 9th. Your willingness to serve as Vice-Chairman is greatly appreciated.

Thank you, Steve, for contacting the various players to get the problem resolved without having to put the meeting off until after the first of next year. Without your assistance it would have been necessary to cancel my trip because in my view canceling the annual meeting was not an alternative.

I still have a sincere concern that the location of our annual meetings should be alternated between Colorado and Kansas year to year. First, it would provide a fair system to both states. Further, it would give interested citizens in both states the opportunity to participate without the need to travel great distances. Perhaps this could be discussed at the meeting. If there are any issues that cannot be resolved during the meeting and it is determined that we need to set up another meeting in January, please be assured that I will be available either by teleconference or at a designated location. Just advise me of the time and the date.

Sincerely,



Larry E. Trujillo, Sr.,
Chairman
Arkansas River Compact Administration
1155 21st Lane
Pueblo, CO 81006-1805

LET:et cc: Steve Miller

STATE OF COLORADO

OFFICE OF THE EXECUTIVE DIRECTOR

Department of Natural Resources
1313 Sherman Street, Room 718
Denver, Colorado 80203
Phone: (303) 866-3311
TDD: (303) 866-3543
FAX: (303) 866-2115



DEPARTMENT
NATURAL
RESOURCES

Roy Romer
Governor

James S. Lochhead
Executive Director

Ronald W. Cattany
Deputy Director

December 4, 1997

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

Dear Chairman Trujillo:

Please be advised that in the event Mr. Davies C. Lile, Director of the Colorado Water Conservation Board, is unable to attend the December 1997 Annual Meeting of the Arkansas River Compact Administration, I hereby designate Mr. Harold D. Simpson, Colorado State Engineer, to represent the State of Colorado in his absence.

Pursuant to the Arkansas River Compact, Article VIII.c, "... one of the Colorado representatives to the Arkansas River Compact Administration shall be the Director of the Colorado Water Conservation Board." For the December 1997 Annual Meeting, Mr. Simpson is hereby authorized to represent Mr. Lile and serve as Colorado's third representative to the Arkansas River Compact Administration with all rights and privileges in the event of Mr. Lile's absence.

Very truly yours,

James S. Lochhead
Executive Director

cc: ARCA Members
Don Higbee, ARCA Recording Secretary
Steve Witte, ARCA Operations Secretary

C:\WPS1\ARCA December 5, 1997

Report of Civil Work Activities by the
Albuquerque District, Corps of Engineers
in the Arkansas River Basin
During Calendar Year 1997

1. General. During calendar year 1997, activities of the Corps of Engineers, Albuquerque District, in the Arkansas River Basin consisted of reservoir regulation, flood control related studies, flood plain management services, the regulation of dredged or fill materials into waterways and emergency engineering assistance.

2. Flood Control Operations. In 1997 the Arkansas River snowmelt runoff was approximately 130% of average. Several rainfall events during the snowmelt runoff required flood control operations at Pueblo Reservoir during June. A concentrated rainstorm event above and below John Martin Reservoir resulted in flood operations at John Martin on August 13. Flood control benefits at these reservoirs for 1997 was approximately \$2 million.

On July 28, 1997 a long-term deviation was approved for Pueblo Reservoir for a period not to exceed 5-years. During this time the Bureau of Reclamation will address concerns about the foundation stability of the dam. The flood control pool will be reduced by approximately 35,000 acre-feet while corrective measures are being completed.

3. Planning Assistance to States (Section 22) Program.

Under authority of Section 22 of the Water Resources Development Act of 1974 the Corps is authorized to assist non-Federal entities in the preparation of comprehensive plans for the development, utilization, and conservation of water and related land resources.

On August 9, 1996 the U.S. Army Corps of Engineers, Albuquerque District (Corps), in cooperation with the Colorado Water Conservation Board (CWCB) began the first of two studies under Section 22 authority: "Channel Capacity and Riverine Habitat Planning, Arkansas River Below John Martin Dam". The Corps will develop and evaluate potential maintenance plans which will provide long-term improvement of channel capacity and restoration of riverine habitat for the Arkansas River from John Martin Dam to the Colorado/Kansas state line. A geomorphological assessment of river processes was conducted in 1997 to identify long-term hydraulic conveyance changes downstream from John Martin Dam. The Corps also initiated analysis of existing sedimentation information for the reach. Hydraulic analysis is pending completion of digitized cross sections for the five identified problem areas. This lower reach study will be completed by March 1998.

The second study will include the upper reach of the Arkansas River from John Martin Reservoir upstream to the Pueblo, Colorado area. The U.S. Geological Survey (USGS), the Corps, and the CWCB will cooperate on this study effort. The Corps will determine

existing channel capacity and sediment effects; the USGS, groundwater/surface water interaction. The CWCB opened bids for a mapping contract for the upper reach in November 1997. The upper reach study will begin in April 1998, when the lower reach is completed.

4. **Section 1135.** The 1986 Water Resources Development Act authorized the review of completed water resources projects to implement modifications which improve the quality of the environment. Albuquerque District currently is pursuing two Section 1135 projects in the Arkansas River Basin. A feasibility study evaluating habitat improvements to Lake Hasty, immediately below John Martin Dam, proposes to route 5 to 8 cfs through the lake when irrigation releases are being made from the dam to improve aquatic conditions. The draft feasibility report should be available in January 1998. A second feasibility study is proposed to begin in FY98 which will investigate restoring 10 acres of marsh and 30 acres of riparian forest in the floodway of Fountain Creek at Pueblo. Also during FY98, an initial appraisal study for additional marsh restoration in the Arkansas River Basin is anticipated in coordination with the Colorado Wetland Initiative.

5. **Continuing Authorities Program.** Under Section 14 of the 1946 Flood Control Act, as amended, the Corps of Engineers provides emergency streambank protection works to prevent damage to public facilities. Up to \$500,000 in Federal funds can be spent for each project. Under our Section 205 authority, small flood control projects may be constructed with a maximum Federal contribution of \$5,000,000.

The non-federal sponsor, under both of these authorities, must contribute 35% of the cost for these projects. This program is available to communities, flood control organizations, and other governing entities. Those having a need for this program should contact the U.S. Army Corps of Engineers, Formulation Section, 4101 Jefferson Plaza NE., Albuquerque, New Mexico 87109, telephone (505) 342-3348.

To date, no studies have been requested in the Arkansas Basin for 1997.

6. **Flood Plain Management Services.** The objective of the flood plain management services program is to support comprehensive flood plain management planning with technical services and planning guidance at all appropriate governmental levels. This is intended to encourage and to guide local governments toward prudent use of our nation's flood plains.

Services available include: help in interpretation and evaluation of basic flood hazard data; guidance in preparation of

flood plain regulations; advice on use of data regarding possible alternative developments in flood-prone areas; guidance on structural and nonstructural measures which might be employed to reduce flood hazard; and in some cases, development of basic flood hazard data. Section 321 of the Water Resources Development Act of 1990 requires recovering the costs of services provided to Federal agencies, private persons and organizations. A fee schedule has been established. These services are provided to state and local governments at no cost.

Thus far in 1997, the Albuquerque District has received no requests for technical services and flood hazard evaluations of specific sites in the Arkansas River Basin.

Governmental agencies or persons having a need for these services should contact the U.S. Army Corps of Engineers, Hydrology and Hydraulics Section, 4104 Jefferson Plaza NE., Albuquerque, New Mexico 87109, telephone (505) 342-3461, or check out our FPMS web page at: "<http://www.swa.usace.army.mil/fpms/>".

7. **404 Permits**. Section 404 of the Clean water Act prohibits discharges of dredged or fill materials into waters of the United States, including wetlands, without a permit from the Corps of Engineers. Persons or agencies who are planning to do filling or excavation activities in any waterway should contact the Corps of Engineers office in Pueblo, Colorado. In 1997, we issued 11 individual permits in the Arkansas River basin. An additional 275 activities in the basin were reviewed during the period and most were covered under nationwide permits. Several major regulatory events happened in 1997 which affect the Arkansas River basin. All of the nationwide permits expired in early 1997 and were then reissued for another 5 years; some with significant changes. Nationwide Permit No. 26 for work above the headwaters (the "1-acre" permit) had major changes. It was downsized from 1 acre to 1/3 acre, a written after-construction report to the Corps is now required. This nationwide permit will permanently expire in December 1998. New nationwide or regional permits will be issued in the next year to take the place of this widely used permit. The proposed listing of an endangered mouse in El Paso County added complications to 404 permits in the Colorado Springs and Monument metro areas. Trapping surveys were sometimes required to determine if the project could go ahead without changes. Corps staff worked to help construction projects stay on schedule as much as possible. Another major event was the American Mining Congress's lawsuit against the Corps of Engineers. Persons or agencies who are planning to conduct fill or excavation activities in any waterway are advised to contact the Southern Colorado Project Office, 720 North Main, Suite 205, Pueblo, Colorado 81003, (719) 543-9459. Information, including all public notices, is also available on our web home page at: "<http://www.swa.usace.army.mil/reg/>".

8. Emergency Management Coordination. The Corps of Engineers provides information on Corps flood authorities such as Public Law 84-99. The Corps had 13 contacts during 1997 in the Arkansas River Basin for information or assistance regarding flood related issues. For information concerning Corps emergency assistance programs, please contact the Emergency Management Branch at 505-342-3269.

F

**Report of U.S. Geological Survey Water-Resources Activities
in the Arkansas River Basin of Colorado**

to the

Arkansas River Compact Administration

December 9, 1997

Items of Direct Interest to the Administration

The report entitled "Evaluation of streamflow traveltime and streamflow gains and losses along the lower Purgatoire River, southeastern Colorado, 1984-92", which was partially funded by the Administration, was published and distributed in May 1997.

The USGS again received small decreases in funding for the Federal Collection of Basic Records Program in 1998, and additional cuts are expected through 2002 as part of the agreement to balance the Federal budget. This program provides basic station funding for 6 of the stations operated in support of the Compact (4 in Colorado and 2 in Kansas). Although funding for Compact stations was not affected in 1998, continued decreases in funding could affect these stations in the future.

The USGS began a 3-year study in cooperation with the Colorado State Engineer in spring 1997 to compare the power conversion coefficient (PCC) method to totalizing flow meters (TFM) for estimating ground-water pumpage in the lower Arkansas River valley alluvial aquifer of Colorado. The Colorado State Engineer adopted rules in 1994 governing the measurement of tributary ground-water diversions. The rules require owners of large-capacity wells to provide monthly pumpage information using either a TFM or using electrical power consumption and a PCC. Most well owners elected to use the PCC method. Representatives of the state of Kansas believe the PCC method is not an acceptable way to determine ground water pumpage unless studies can verify the comparability of pumpage estimates using the PCC method to estimates using TFMs. The Colorado State Engineer asked the USGS to do this study to help resolve this question.

The report entitled "Relations of streamflow and specific-conductance trends to reservoir operations in the lower Arkansas River, southeastern Colorado" and an accompanying USGS Fact Sheet, both of which were prepared as a part of a study of water quality in the Arkansas River basin of Colorado, have been approved for publication and are being prepared for printing, with distribution expected in spring 1998. The reports show that, after implementation of the 1980 operating plan, streamflow at both the Arkansas River below John Martin Reservoir and the Arkansas River at Lamar increased during the irrigation season and salinity decreased during both the irrigation and non-irrigation season

Items of General Interest

During 1998, the USGS will operate continuous-recording stream gages at about 50 sites in the basin, continuous-recording gages at 3 reservoirs, sediment data collection at about 15 sites, continuous recording water-quality stations at about 15 sites, periodic water-quality measurements on Pueblo Reservoir, and periodic water quality sampling at about 15 surface-water sites and 115 wells (including about 100 wells at the U.S. Army's Pueblo Chemical Depot and 15 wells near Colorado Springs). Several networks of ground-water level measurements are operated in the basin, including 70 wells measured twice a year between Pueblo and the state line, 40 wells measured twice a year between Leadville and Pueblo, 35 wells measured annually at Fort Carson, 10 wells measured annually at the U.S. Army's Pinon Canyon Maneuver Site, 40 wells measured twice a year in the alluvial aquifer south of Colorado Springs, 30 wells measured every other month in the Upper Black Squirrel Creek Basin and 130 wells measured annually in El Paso County. Much of the continuous-recording streamflow and water-quality data are available on the World Wide Web at <http://webserver.cr.usgs.gov/>

The program of monitoring of precipitation, streamflow, water quality, and suspended sediment at the U.S. Army's Pinon Canyon Maneuver Site along the Purgatoire River between La Junta and Trinidad is being redesigned to provide improved information to make land-use decisions.

The water quality evaluation of the Arkansas River Basin in Colorado is almost complete: two reports were printed in the last year and several more will be printed in the next few months (also see last paragraph on the previous page). Metal concentrations and metal speciation upstream from Pueblo are discussed in a report and accompanying USGS Fact Sheet that were published during 1997. A report describing water-quality conditions in the basin is being printed and will be distributed in early 1998. An evaluation of the potential effects of changes in irrigation practices (dry-up of agricultural land and decreases in ground-water pumpage) on salinity of surface and ground water in an irrigated area between La Junta and Las Animas is documented in an article to be published in the journal "Ground Water" early in 1998. The draft of another report, evaluating the effects of water operations on salinity upstream from Avondale is nearing completion.

A study to determine changes in nitrate concentrations in groundwater from the Upper Black Squirrel Creek alluvial aquifer east of Colorado Springs between 1984 and 1986 was completed and a USGS Fact Sheet published in 1997.

The USGS began a study in spring 1997 in cooperation with Pueblo County to evaluate high water-table problems on the St. Charles Mesa southeast of Pueblo. The first phase of the study is scheduled for completion late in 1998.

The USGS is involved in discussions with several Federal, State, and local entities to develop a consistent, basin-wide water-quality monitoring network for the Arkansas River basinzzzzzzzz in Colorado. These discussions will likely result in implementation of a network during 1998.



United States Department of the Interior



BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-100

JUN 10 1997

COPY

Mr. Eugene Aiello, President
Purgatoire River Water Conservancy District
314 West Main Street
Trinidad CO 81082

Subject: Amended Operating Principles - Trinidad Dam and Reservoir Project, Colorado

Dear Mr. Aiello:

The Bureau of Reclamation (Reclamation) completed the ten year review of the Operating Principles and Project Operations for the subject Project and published the final report in December 1996. Reclamation prepared draft amended Operating Principles adopting the recommendations of the final report and circulated the draft Operating Principles to interested parties for review and comment by letter dated December 24, 1996. Reclamation received comments from the Army Corps of Engineers, Colorado; Kansas, Purgatoire River Water Conservancy District; the City of Trinidad; and the Model Land and Irrigation Company. Reclamation subsequently had meetings with Kansas, Purgatoire River Water Conservancy District and the Model Land and Irrigation Company to discuss their respective comments.

After considering all comments and subsequent to the meetings referenced above, Reclamation prepared the enclosed proposed final Operating Principles for the Trinidad Dam and Reservoir Project. The proposed final Operating Principles have minor editorial and clarification language changes and one major change which is deletion of objectives (d) and (e) of House Document No. 325, 84th Congress, 2nd Session from the draft amended Operating Principles enclosed in our letter of December 24, 1996. Kansas commented that to allow implementation of conditions (d) and (e) is premature and that more specific proposals must be developed to demonstrate no injury to downstream Kansas and Colorado water users. Reclamation believes that conditions (d) and (e) themselves require development of specific plans prior to implementation, however, Kansas did not believe it would have an opportunity to evaluate those plans when they were developed. Therefore, Reclamation has deleted conditions (d) and (e) from these amended Operating Principles; however, specific plans for implementation of conditions (d) and (e) may be developed at any time, in accordance with Article VI of the Operating Principles, the Operating Principles may be reviewed and amended not more than once a year at the request of any of the signatory parties.

Enclosed is a copy of the proposed final amended Operating Principles for Trinidad Dam and Reservoir Project and six copies of the signature page. Please sign all six copies of the signature page and return them to this office within 30 days of receipt of this letter so the signature pages may be forwarded to the other signatory parties for signature. Please retain the copy of the Operating Principles for your records. After signature by all parties, Reclamation will send each signatory party a copy of the final Operating Principles with an original signature page attached. Reclamation will implement the amended Operating Principles on November 1, 1997 whether or not all signatory parties have signed the Operating Principles.

If you have any questions concerning the approval process, please write or call this office at (970) 667-4410.

Sincerely,



A. Jack Garner
Area Manager

Enclosure

cc: Mr. Chuck Lile, Director
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver CO 80203-2239

Mr. James Fernandez
City of Trinidad
P.O. Box 880
Trinidad CO 81082

Mr. David L. Pope, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
901 SW Ninth St., Ste. 202
Topeka KS 66612-1283

Mr. Robert Trout
Trout & Raley, P.C.
1775 Sherman St., Suite 1300
Denver CO 80203

Mr. Larry Trujillo, Sr.
Colorado Department of Corrections
2862 South Circle Drive, Suite 400
Colorado Springs CO 80906

Lt. Col. Lloyd Wagner
U.S. Army Corps of Engineers
P.O. Box 1580
Albuquerque NM 87103-1580

(Enclosure to all)

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
AMENDED 1997

Preamble

The Trinidad Dam and Reservoir Project as reported in House Document No. 325, 84th Congress, 2d Session, and as authorized by the Flood Control Act of 1958, will be operated in such a manner as to secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact. The objectives and principles governing the operation of the Trinidad Dam and Reservoir Project to secure such benefits are contained within the following articles.

- Article I - OBJECTIVES
- Article II - DEFINITION OF TERMS
- Article III - FLOOD CONTROL
- Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL
- Article V - FISHERY AND RECREATION
- Article VI - REVIEW AND AMENDMENT

Article I - OBJECTIVES

The operation of the Trinidad Dam and Reservoir involves the regulation of the flows of the Purgatoire River for flood control, irrigation use, municipal and industrial use and recreation, including a permanent fishery pool. The project plan provides for:

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.
2. Optimum beneficial use of the available water for irrigation and municipal and industrial uses (municipal and industrial as hereinafter abbreviated M&I) within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:
 - (a) Transfer of the storage decree of the Model Land and Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.
 - (b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam which would otherwise spill from John Martin Reservoir.
 - (c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.

3. The maintenance of a minimum pool for enhancement of recreation and fishery values.

4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood Control	51,000 acre-feet
Irrigation and M & I	20,000 acre-feet
Permanent fishery pool	15,967 acre-feet*
Joint use **	<u>39,000</u> acre-feet
Total capacity	
	125,967 acre-feet

* Original Congressional Allocation was 4500 acre feet

**For irrigation, M & I and sediment accumulation.

Article II - DEFINITION OF TERMS

Definition of terms as used herein:

1. "Reservoir" means the Reservoir constructed on the Purgatoire River above the City of Trinidad, Colorado.

2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M & I use. The District shall also be the agency responsible for the regulation of irrigation and M & I water supplies within the District boundaries in the manner set forth therein.

3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of reservoir capacity allocated to joint use but unoccupied by sediment at any given time.

4. "Irrigation Capacity" means the 20,000 acre-feet of reservoir capacity allocated to irrigation and M & I use plus the unsedimented portion of the joint use capacity.

5. "Permanent Fishery Pool Capacity" means the 15,967 acre-feet of reservoir capacity allocated to fishery and recreation.

6. "Permanent Fishery Pool" means the quantity of water stored in the permanent fishery pool capacity.

7. "Flood Control" means the temporary storage of flood waters at any reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream

reaches.

8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying above m.s.l. reservoir elevation 6,230.85 as of the survey published by the Corps in November, 1994.

9. "Reservoir inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the reservoir, comprising measured flows at the inflow gauging stations and other unmeasured inflows entering the reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the permanent fishery pool.

10. "District Irrigable Area" means only the 19,499 acres of irrigable lands to be served lying within District boundaries.

11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District irrigable area, provided the Irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.

12. "Non-Irrigation Season" - means that period of the year other than the irrigation season.

13. "District Storage Right" means those rights under which the District may store water in the irrigation capacity for use within the District.

14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation and M & I use within the District.

15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.

16. "Operating Agency" means that U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.

17. "Winter water under the direct flow rights" means that the direct flow priorities set forth on pages 5 and 6 of these Operating Principles may hereafter be stored in the Irrigation Capacity (initially about 59,000 acre-feet) during the non-irrigation season, and shall not be hereafter charged against, or deducted from, the 1908 Priority to store 20,000 acre-feet.

18. "Flow", whether stated in cubic feet per second (c.f.s.) or not, means a measurement in acre-feet per day. One c.f.s. flowing for one day will create 1.9835 acre-feet. The District shall account for water daily, in acre feet.

Article III - FLOOD CONTROL

Trinidad Reservoir shall be operated for flood control benefits in accordance with regulations prescribed by the Secretary of the Army and the following operating principles:

1. All potentially damaging flood inflows shall be temporarily detained as necessary to limit the flow insofar as possible to a non-damaging flow, currently estimated to be 5,000 cfs., downstream from the Trinidad Reservoir.
2. All flood water stored in the flow control capacity shall be released at the maximum non-damaging rate insofar as practicable.
3. Any inflow, other than that stored for irrigation and Municipal and Industrial (M & I) use, temporarily retained below the bottom of the flood control capacity for flood control purposes, shall be released by the operating agency at such a rate, time, and quantity as may be ordered by the Colorado State Engineer, but within non-damaging flow in the channels below the reservoir.

Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the irrigation capacity in Trinidad Reservoir and the distribution of water to the District irrigable area and to M & I uses within the District will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these operating principles. Agreements, satisfactory to the Secretary of the Interior, have been entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District irrigable area and to M & I uses within the District are contained in the following four parts of this Article: "Water Rights" - "Limits of Land and Water Use", "District Water Supply", and "Operation and Exercise of Water Rights".

A. Water Rights

Accomplishment of the following conditions is necessary under the laws of the State of Colorado to provide the District with the right to regulate the flows of the Purgatoire River in the manner described herein:

1. Water users within the District have assigned the right to the exercise of the following decreed direct flow water rights all in former water district No. 19, and within the District boundaries to the District for administration by the District at such times and to the degree outlined in these principles.

Direct Flow Rights
Water Division No. 2, Colorado

<u>Priority</u>		<u>Amount</u>	<u>Name of Ditch</u>
<u>Number</u>	<u>Date</u>	<u>(C.F.S.)</u>	
3	11/30/1861	6.00	Baca
5	03/20/1862	4.00	Johns Flood
7	04/30/1862	7.00	Chilili
8	11/15/1862	2.82	Baca
8	11/15/1862	1.18	El Moro
9	01/01/1863	1.28	Johns Flood
9	01/01/1863	4.72	Hoehne
12	06/30/1863	0.50	South Side
13	01/01/1864	1.25	Johns Flood
13	01/01/1864	3.75	Lewelling & McCormick
15	04/10/1864	5.10	Johns Flood
15	04/10/1864	0.80	Hoehne
15	04/10/1864	0.847	Salas
19	06/01/1865	4.00	Lewelling & McCormick
20	10/07/1865	7.35	Johns Flood
20	10/07/1865	16.65	Hoehne
21	01/01/1866	3.25	Burns & Duncan
22	02/01/1866	1.34	Salas
27	05/31/1866	2.25	Johns Flood
27	05/31/1866	0.75	Salas
40	04/30/1868	1.40	South Side
64	04/01/1873	2.40	Johns Flood
73	11/01/1875	6.00	South Side
74	02/17/1876	34.00	South Side
75	12/25/1876	4.00	South Side
77	03/11/1877	1.30	El Moro
77	03/11/1877	2.70	Baca
80	04/07/1877	18.60	South Side
93	12/15/1882	4.00	South Side
95	11/04/1883	14.38	Baca
06	11/23/1883	16.84	South Side
98	04/30/1884	60.00	South Side
103	06/21/1886	14.73	Baca
104	10/21/1886	10.00	Lewelling & McCormick
106	03/12/1887	15.00	Baca
108	02/15/1888	9.70	South Side
109	03/01/1888	8.00	South Side
145	10/20/1902	100.00	Johns Flood

168	01/22/1908	200.00	Model Ditch
242 ½	06/12/1920	<u>45.56</u>	Baca

2. Waters of the Purgatoire River shall be stored by the District in the irrigation capacity (initially about 59,000 acre-feet) of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the District storage right, include:

(a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, and by Decree in Civil Action No. 19793, District Court, Las Animas County, Colorado, of April 15, 1965, transferred from the place of storage as originally decreed to the site of the reservoir; and

(b) Such other rights to store water in the reservoir as the District may lawfully acquire by appropriation or purchase, including the right to store winter water under the direct flow rights, (appropriation dates as listed).

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation and M & I use within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District water supply shall be limited to 19,499 acres of irrigable land lying within the District boundaries. These 19,499 acres of the District irrigable area shall be composed as nearly as practicable of the following acreages under individual ditches.

(Picketwire: includes Chicosa, Lujan, North Side and El Moro Water Users):

Picketwire	2805.8
Baca	311.4
Chilili	228.3
El Moro	154.6
Johns Flood	2085.8
Model	6804.9
South Side	5296.9
Hoehne	1202.7
Burns & Duncan	88.4
Lewelling & McCormick	417.1

Total

19,457.7

2. All water deliveries to the 19,499 acres of the District irrigable area will be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.

3. Water deliveries from the District water supply may be diverted or stored for M & I or permanent fishery pool purposes with the following limitations:

(a) Only water attributable to the historic consumptive use of the District water supply allocated for acreage removed from irrigation may be made available for M & I storage or permanent fishery pool storage.

(b) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River, as necessary to prevent a material depletion thereto.

(c) Removal of District irrigable land from irrigation to enable water to be diverted or stored for M & I or permanent fishery pool purposes shall correspondingly reduce the number of acres allowed to be irrigated from the District Water Supply.

(d) Water deliveries from the District water supply for storage in the permanent fishery pool shall be stored directly in the permanent fishery pool capacity and any water stored to maintain historical return flow patterns pursuant to (b) above attributable to such stored water shall be stored in the irrigation capacity; provided such water stored shall not be accounted for as stored water in administration of the water storage limitations of the irrigation capacity.

4. No water deliveries for irrigation of the 19,499 acres of the District irrigable area will be made during the non-irrigation season. Water may be released during the non-irrigation season for stockwater and for M & I use or to maintain historic return flow patterns for lands removed from irrigation.

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M & I use within the District, defined as the District water supply, consists of:

(a) The water stored under the District storage right in the irrigation capacity, (initially about 59,000 acre feet).

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M & I use within the District, defined as the District water supply, consists of:

(a) The water stored under the District storage right in the irrigation capacity, (initially about 59,000 acre feet).

(b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District irrigable area for irrigation through the District's exercise of the water rights listed in IV.A.1.

(c) That portion of the reservoir inflow at Trinidad Dam which is available to the District during the irrigation season through the District's exercise of the water rights listed in IV.A.1.

(d) Any water acquired by the District and stored in the irrigation capacity of the reservoir by exchange or substitution.

2. The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate, subject to the special provisions of the Hoehne and Model contracts..

D. Operation and Exercise of Water Rights

The principles governing operation of the irrigation capacity and the District's exercise of the assigned direct flow water rights listed under IV.A.1. and the District storage right are hereinafter set forth as they apply to operations during either the non-irrigation season or irrigation season.

1. Non-interference with Downstream Water Rights

(a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.

(b) Reservoir inflow in excess of the amount stored under the transferred Model right may be detained in the reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water

shall be considered to have been stored under the District storage right and become part of the District water supply. Such detained water which does not become a part of the District water supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact C.R.S., §37-69-101. et seq.

(c) Except as provided by paragraph (b) above, and any water temporarily detained in the reservoir as a result of the reservoir inflow exceeding the design outlet capacity of the reservoir shall be released as soon as possible.

(d) All bypasses set forth in (a) above, and all releases of temporarily detained water from the reservoir, as set forth in (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

2. District Operation, Non-Irrigation Season

(a) During the non-irrigation season, the District will provide an allowance for stock watering purposes of not more than 1200 acre feet measured at the Trinidad gauge located on the Purgatoire River at Lat. 37° 10' 15", Long. 104° 30' 31". If the stream gains from the Trinidad Dam to said gauge are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow may be released to satisfy stock water demands within the allowance; provided the stockwater allowance shall not be used for irrigation purposes. The maximum daily rate of release may be up to but may not exceed the corresponding daily rate of reservoir inflow and will not count as stored water.

(b) During the non-irrigation season, the District shall release water stored by the City of Trinidad as designated by the City of Trinidad for:

(1) M & I purposes;

(2) Winter return flows; such releases shall be in addition to any releases to satisfy the stock water allowance and shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

(c) During the non-irrigation season, the District will exercise the direct flow water rights and the District storage right only at such times and to the degree as necessary to assure:

(1) That the maximum possible storage of reservoir inflow is accrued.

(2) The stock water allowance is distributed in a manner determined equitable by the District.

(3) Winter water under the direct flow rights shall be accounted separately from the 20,000 acre-feet Model storage right, shall be stored in the irrigation capacity (initially about 59,000 acre-feet) and shall not be diminished by any water stored under the 1908 priority for the 20,000 acre-feet "Model storage right", nor shall the 1908 priority for 20,000 acre-feet be diminished by any amount of water stored in winter water under the direct flow rights.

3. District Operation - Irrigation Season

(a) During the irrigation season, except at such times as provided for in IV.D.3.(c) below, the District shall exercise the direct flow water rights and the District storage right only at such times and to the degree necessary to assure:

(1) That stream gains to the river below Trinidad Dam which are divertible to the District irrigable area and such reservoir inflow which is available to the District for irrigation and M & I use will be equitably allocated to the District irrigable area as part of the District water supply.

(2) That the District storage rights can be fully exercised to store reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a)(1) above.

(b) During the irrigation season, water stored in the irrigation capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District irrigable area or, as designated by the City of Trinidad, made available for M & I purposes or the permanent fishery pool as provided in paragraph B.3. of this Article.

(c) Subject to the special provisions of the Model and Hoehne contracts, during the irrigation season, when the Irrigation capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the reservoir inflow and stream gains below Trinidad Dam which are divertible to the District Irrigable area exceed the Irrigation requirement and such excess is storable under the District storage right, the District will resume the exercise of the direct flow rights and exercise of the District storage right as in D.3.(a)(2) above.

4. Evaporation and Seepage Losses

In the accounting for water in storage, evaporation and seepage losses due to water stored in the irrigation capacity shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

Article V - FISHERY AND RECREATION

Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:

(a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;

(b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;

(c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of Identifiable Imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at Las Animas gauging station;

(d) Transit losses between the source of supply for an exchange and the Las Animas gauge will be determined and assessed by the Colorado State Engineer, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

The Colorado State Engineer will report and account contemporaneously and annually to the Arkansas River Compact Administration on the initial filling and replacement of evaporation and seepage in the permanent fishery pool.

2. In the accounting for water in storage, evaporation and seepage losses due to the permanent fishery pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

3. There shall never be any release or transfer of water from the permanent fishery pool excepting by necessity of dam safety or flood emergency operations as determined by the Corps of Engineers, District Engineer.

Article VI - REVIEW AND AMENDMENT

These operating principles may be subject to review and amendment not more than once a year at the request of any of the parties' signatory; provided, that at least one review shall be accomplished within the first 10 years following completion of the Trinidad Dam and at least one review shall be accomplished every 10 years thereafter. The primary object of such reviews will be obtaining optimum beneficial use of water as conditions change, operating experience is gained, and more technical data become available.

FIVE CONDITIONS

State of Kansas

1. All inflows over established Colorado water rights (1156.05 cfs) be designated flood flows and released as promptly as downstream conditions permit. The only time water so designated may be stored in the conservation pool will be when John Martin Reservoir does not have the capacity to store additional water.

2. Any subsequent amendment of the operating principles should be subject to review and approval of the same interests as provided for in the original procedure.

3. Assurances that there will be no significant increase in water use which would result in a depletion of water yield to other Colorado and Kansas water users.

4. That 5 years after beginning operation of the Trinidad Reservoir for irrigation purposes, the operating principles be reviewed to determine the effect, if any, the operation has had on other Colorado and Kansas water users and the principles amended as necessary. Each 10 years thereafter, reviews should be provided with amendments as needed.

5. All operating records be open for inspection by any qualified representative of the Arkansas River Compact Administration.

The Bureau of Reclamation concurs fully with the "Operating Principles" as set forth above, and further agrees with the five conditions noted and suggested by the State of Kansas, also stated above.

APPROVED:

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

Date

State of Colorado

Date

State of Kansas

Date

US Bureau of Reclamation

Date

Purgatoire River Water
Conservancy District

Date

US Army Corps of Engineers

Date



United States Department of the Interior



IN REPLY
REFER TO:

EC-1314

BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

NOV 05 1997

Lt. Col. Lloyd Wagner
U.S. Army Corps of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque NM 87103-1580

Subject: Amended Operating Principles - Trinidad Dam and Reservoir Project, Colorado

Dear Lt. Col. Wagner:

I stated, in an October 21, 1997 letter to you, that corrected Operating Principles for the Trinidad Dam and Reservoir Project, would be provided to all parties signatory to the previous amendment to the Operating Principles. A corrected copy of the proposed final amended Operating Principles is enclosed.

If you have any questions concerning these corrected Operating Principles, please contact Mr. John Gierard, of my staff at (970) 962-4392.

Sincerely,

For. Jack Garner
Area Manager

Enclosure

cc: Mr. Eugene Aiello, President (w/o encl.)
Purgatoire River Water Conservancy District
314 West Main Street
Trinidad Co 81082

Mr. David Pope (w/o encl.)
Kansas Department of Agriculture
901 SW 9th St., Ste. 202
Topeka KS 66612-1283

Mr. Chuck Lile, Director (w/encl.)
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver CO 80203-2239

Mr. Hal Simpson (w/encl.)
Colorado Division of Water Resources
Office of State Engineer
1313 Sherman Street
Denver CO 80203

Mr. Steve Witte (w/encl.)
Colorado Division of Water Resources
310 E. Abriendo, Suite B
Pueblo CO 81004

Mr. Doug Cain (w/encl.)
U.S. Geological Survey
Norwest Bank Bldg., Suite 200
201 West 8th Street
Pueblo CO 81003-3031

Mr. James Fernandez (w/encl.)
City of Trinidad
P.O. Box 880
Trinidad CO 81082

Mr. Larry Trujillo, Chairman (w/o encl.)
Arkansas River Compact Administration
Colorado Department of Corrections
2862 South Circle Drive, Suite 400
Colorado Springs CO 80906

✓ Mr. M.E. MacDougall (w/encl.)
MacDougall Law Office
for Purgatoire River Water Conservancy District
Western National Bank Bldg.
102 N. Cascade Ave., Suite 400
Colorado Springs CO 80903-1418

Mr. Robert V. Trout (w/encl.)
Trout & Raley, P.C.
for Model Land and Irrigation Company
1775 Sherman St., Suite 1300
Denver CO 80203

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
AMENDED 1997

Preamble

The Trinidad Dam and Reservoir Project as reported in House Document No. 325, 84th Congress, 2d Session, and as authorized by the Flood Control Act of 1958, will be operated in such a manner as to secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact. The objectives and principles governing the operation of the Trinidad Dam and Reservoir Project to secure such benefits are contained within the following articles.

- Article I - OBJECTIVES
- Article II - DEFINITION OF TERMS
- Article III - FLOOD CONTROL
- Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL
- Article V - FISHERY AND RECREATION
- Article VI - REVIEW AND AMENDMENT

Article I - OBJECTIVES

The operation of the Trinidad Dam and Reservoir involves the regulation of the flows of the Purgatoire River for flood control, irrigation use, municipal and industrial use and recreation, including a permanent fishery pool. The project plan provides for:

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.
2. Optimum beneficial use of the available water for irrigation and municipal and industrial uses (municipal and industrial hereinafter abbreviated M&I) within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:
 - (a) Transfer of the storage decree of the Model Land and Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.
 - (b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam which would otherwise spill from John Martin Reservoir.

(c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.

3. The maintenance of a minimum pool for enhancement of recreation and fishery values.
4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood Control	51,000 acre-feet
Irrigation and M & I	20,000 acre-feet
Permanent fishery pool	15,967 acre-feet*
Joint use **	<u>39,000</u> acre-feet
Total capacity	125,967 acre-feet

* Original Congressional Allocation was 4,500 acre-feet

** For irrigation, M & I and sediment accumulation.

Article II - DEFINITION OF TERMS

Definition of terms as used herein:

1. "Reservoir" means the reservoir constructed on the Purgatoire River above the City of Trinidad, Colorado.
2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M & I use. The District shall also be the agency responsible for the regulation of irrigation and M & I water supplies within the District boundaries in the manner set forth therein.
3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of Reservoir capacity allocated to joint use but unoccupied by sediment at any given time.
4. "Irrigation Capacity" means the 20,000 acre-feet of Reservoir capacity allocated to irrigation and M & I use plus the unsedimented portion of the joint use capacity.
5. "Permanent Fishery Pool Capacity" means the 15,967 acre-feet of Reservoir capacity allocated to fishery and recreation.
6. "Permanent Fishery Pool" means the quantity of water stored in the Permanent

Fishery Pool Capacity.

7. "Flood Control" means the temporary storage of flood waters at any Reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.

8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying above Reservoir elevation 6,230.85 feet mean sea level as of the survey published by the Corps in November, 1994.

9. "Reservoir inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the Reservoir, comprising measured flows at the inflow gaging stations and other unmeasured inflows entering the Reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the Permanent Fishery Pool.

10. "District Irrigable Area" means only the 19,499 acres of irrigable lands to be served lying within District boundaries.

11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District Irrigable Area, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.

12. "Non-Irrigation Season" - means that period of the year other than the Irrigation Season.

13. "District Storage Right" means those rights under which the District may store water in the Irrigation Capacity for use within the District.

14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation and M & I use within the District.

15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.

16. "Operating Agency" means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.

17. "Winter water under the direct flow rights" means that the direct flow priorities set forth on pages 5 and 6 of these Operating Principles may hereafter be stored in the Irrigation Capacity (initially about 59,000 acre-feet) during the Non-Irrigation Season, and shall not be

hereafter charged against, or deducted from, the 1908 Priority to store 20,000 acre-feet.

18. "Flow", whether stated in cubic feet per second (c.f.s.) or not, means a measurement in acre-feet per day. One c.f.s. flowing for one day will create 1.9835 acre-feet. The District shall account for water daily, in acre-feet.

Article III - FLOOD CONTROL

Trinidad Reservoir shall be operated for flood control benefits in accordance with regulations prescribed by the Secretary of the Army and the following operating principles:

1. All potentially damaging flood inflows shall be temporarily detained as necessary to limit the flow insofar as possible to a non-damaging flow, currently estimated to be 5,000 c.f.s., downstream from the Trinidad Reservoir.

2. All flood water stored in the flow control capacity shall be released at the maximum non-damaging rate insofar as practicable.

3. Any Reservoir inflow, other than that stored for irrigation and Municipal and Industrial (M & I) and Permanent Fishery Pool use, temporarily retained below the bottom of the Flood Control Capacity for Flood Control purposes, shall be released by the operating agency at such a rate, time, and quantity as may be ordered by the Colorado State Engineer, but within non-damaging flow in the channels below the Reservoir.

Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the Irrigation Capacity in Trinidad Reservoir and the distribution of water to the District Irrigable Area and to M & I uses within the District will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these Operating Principles. Agreements, satisfactory to the Secretary of Interior, have been entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District Irrigable Area and to M & I uses within the District are contained in the following four parts of this Article: "Water Rights", "Limits of Land and Water Use", "District Water Supply", and "Operation and Exercise of Water Rights".

A. Water Rights

Accomplishment of the following conditions is necessary under the laws of the State of

Colorado to provide the District with the right to regulate the flows of the Purgatoire River in the manner described herein:

1. Water users within the District have assigned the right to the exercise of the following decreed direct flow water rights all in former water district No. 19, and within the District boundaries to the District for administration by the District at such times and to the degree outlined in these principles.

Direct Flow Rights
Water Division No. 2, Colorado

<u>Priority</u>		<u>Amount</u>	
<u>Number</u>	<u>Date</u>	<u>(C.F.S.)</u>	<u>Name of Ditch</u>
3	11/30/1861	6.00	Baca
5	03/20/1862	4.00	Johns Flood
7	04/30/1862	7.00	Chilili
8	11/15/1862	2.82	Baca
8	11/15/1862	1.18	El Moro
9	01/01/1863	1.28	Johns Flood
9	01/01/1863	4.72	Hoehne
12	06/30/1863	0.50	South Side
13	01/01/1864	1.25	Johns Flood
13	01/01/1864	3.75	Lewelling & McCormick
15	04/10/1864	5.10	Johns Flood
15	04/10/1864	0.80	Hoehne
15	04/10/1864	0.847	Salas
19	06/01/1865	4.00	Lewelling & McCormick
20	10/07/1865	7.35	Johns Flood
20	10/07/1865	16.65	Hoehne
21	01/01/1866	3.25	Burns & Duncan
22	02/01/1866	1.34	Salas
27	05/31/1866	2.25	Johns Flood
27	05/31/1866	0.75	Salas
40	04/30/1868	1.40	South Side
64	04/01/1873	2.40	Johns Flood
73	11/01/1875	6.00	South Side
74	02/17/1876	34.00	South Side
75	12/25/1876	4.00	South Side
77	03/11/1877	1.30	El Moro
77	03/11/1877	2.70	Baca
80	04/07/1877	18.60	South Side
93	12/15/1882	4.00	South Side

95	11/04/1883	14.38	Baca
96	11/23/1883	16.84	South Side
98	04/30/1884	60.00	South Side
103	06/21/1886	14.73	Baca
104	10/21/1886	10.00	Lewelling & McCormick
106	03/12/1887	15.00	Baca
108	02/15/1888	9.70	South Side
109	03/01/1888	8.00	South Side
145	10/20/1902	100.00	Johns Flood
168	01/22/1908	200.00	Model Ditch
242 ½	06/12/1920	45.56	Baca

2. Waters of the Purgatoire River shall be stored by the District in the Irrigation Capacity (initially about 59,000 acre-feet) of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the District Storage Right, include:

(a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, and by Decree in Civil Action No. 19793, District Court, Las Animas County, Colorado, of April 15, 1965, transferred from the place of storage as originally decreed to the site of the reservoir; and

(b) Such other rights to store water in the Reservoir as the District may lawfully acquire by appropriation or purchase, including the right to store Winter water under the direct flow rights, (appropriation dates as listed).

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation and M & I use within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District Water Supply shall be limited to 19,499 acres of irrigable land lying within the District boundaries. These 19,499 acres of the District Irrigable Area shall be composed as nearly as practicable of the following acreages under individual ditches.

(Picketwire: includes Chicosa,
Lujan, North Side and El Moro
Water Users):

Picketwire	2805.8
Baca	311.4
Chilili	285.6
El Moro	154.6
Johns Flood	2085.8
Model	6804.9
South Side	5239.6
Hoehne	1202.7
Burns & Duncan	88.4
Lewelling & McCormick	417.1
Salas	61.8

2. All water deliveries to the 19,499 acres of the District Irrigable Area will be limited during the Irrigation Season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.

3. Water deliveries from the District Water Supply may be diverted or stored for M & I or Permanent Fishery Pool purposes with the following limitations:

(a) Only water attributable to the historic consumptive use of the District Water Supply allocated for acreage removed from irrigation may be made available for M & I storage or Permanent Fishery Pool storage.

(b) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River, as necessary to prevent a material depletion thereto.

(c) Removal of District irrigable land from irrigation to enable water to be diverted or stored for M & I or Permanent Fishery Pool purposes shall correspondingly reduce the number of acres allowed to be irrigated from the District Water Supply.

(d) Water deliveries from the District Water Supply for storage in the Permanent Fishery Pool shall be stored directly in the Permanent Fishery Pool capacity and any water stored to maintain historical return flow patterns pursuant to (b) above attributable to such stored water shall be stored in the Irrigation Capacity; provided such water stored shall not be accounted for as stored water in administration of the water storage limitations of the Irrigation Capacity.

4. No water deliveries for irrigation of the 19,499 acres of the District Irrigable Area will be made during the Non-Irrigation Season. Water may be released during the Non-Irrigation Season for stockwater and for M & I use or to maintain historic return flow patterns for lands

removed from irrigation.

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M & I use within the District, defined as the District Water Supply, consists of:

(a) The water stored under the District Storage Right in the Irrigation Capacity, (initially about 59,000 acre feet).

(b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District Irrigable Area for irrigation use through the District's exercise of the water rights listed in IV.A.1.

(c) That portion of the Reservoir inflow at Trinidad Dam which is available to the District during the Irrigation Season through the District's exercise of the water rights listed in IV.A.1.

(d) Any water acquired by the District and stored in the Irrigation Capacity of the Reservoir by exchange or substitution.

2. The District Water Supply will be allocated by the District to the ditches within the District to provide each acre of the District Irrigable Area an equitable share of the District Water Supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate, subject to the special provisions of the Hoehne and Model contracts.

D. Operation and Exercise of Water Rights

The principles governing operation of the Irrigation Capacity and the District's exercise of the assigned direct flow water rights listed under IV.A.1. and the District Storage Right are hereinafter set forth as they apply to operations during either the Non-Irrigation Season or Irrigation Season.

1. Non-interference with Downstream Water Rights

(a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied; but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.

(b) Reservoir inflow in excess of the amount stored under the transferred

Model right may be detained in the Reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District Storage Right and become part of the District Water Supply. Such detained water which does not become a part of the District Water Supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact C.R.S., §37-69-101.et seq.

(c) Except as provided by paragraph (b) above, any water temporarily detained in the Reservoir as a result of the Reservoir inflow exceeding the design outlet capacity of the Reservoir shall be released as soon as possible.

(d) All bypasses set forth in (a) above, and all releases of temporarily detained water from the Reservoir, as set forth in (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District Irrigable Area.

2. District Operation, Non-Irrigation Season

(a) During the Non-Irrigation Season, the District will provide an allowance for stock watering purposes of not more than 1,200 acre-feet measured at the Trinidad gage located on the Purgatoire River at Lat. 37° 10' 15", Long. 104° 30' 31". If the stream gains from the Trinidad Dam to said gage are insufficient to fulfill the allowance, an equivalent volume of Reservoir inflow may be released to satisfy stock water demands within the allowance; provided the stockwater allowance shall not be used for irrigation purposes. The maximum daily rate of release may be up to but may not exceed the corresponding daily rate of Reservoir inflow and will not count as stored water.

(b) During the Non-Irrigation Season, the District shall release water stored by the City of Trinidad as designated by the City of Trinidad for:

(1) M & I purposes;

(2) Winter return flows; such releases shall be in addition to any releases to satisfy the stock water allowance and shall be passed down the Purgatoire River without interference by water users in the District Irrigable Area.

(c) During the Non-Irrigation Season, the District will exercise the direct flow water rights and the District Storage Right only at such times and to the degree as necessary to assure:

(1) That the maximum possible storage of Reservoir inflow is accrued.

(2) The stock water allowance is distributed in a manner determined equitable by the District.

(3) Winter water under the direct flow rights shall be accounted separately from the 20,000 acre-feet Model storage right, shall be stored in the Irrigation Capacity (initially about 59,000 acre-feet) and shall not be diminished by any water stored under the 1908 priority for the 20,000 acre-feet "Model storage right", nor shall the 1908 priority for 20,000 acre-feet be diminished by any amount of water stored as Winter water under the direct flow rights.

3. District Operation - Irrigation Season

(a) During the Irrigation Season, except at such times as provided for in D.3.(c) below, the District shall exercise the direct flow water rights and the District Storage Right only at such times and to the degree necessary to assure:

(1) That stream gains to the river below Trinidad Dam which are divertible to the District Irrigable Area and such Reservoir inflow which is available to the District for irrigation and M & I use will be equitably allocated to the District Irrigable Area as part of the District Water Supply.

(2) That the District Storage Right can be fully exercised to store Reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a)(1) above.

(b) During the Irrigation Season, water stored in the Irrigation Capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District Irrigable Area or, as designated by the City of Trinidad, made available for M & I purposes or the Permanent Fishery Pool as provided in paragraph B.3. above.

(c) Subject to the special provisions of the Model and Hoehne contracts, during the Irrigation Season, when the Irrigation Capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the Reservoir inflow and stream gains below Trinidad Dam which are divertible to the District Irrigable Area exceed the irrigation requirement and such excess is storable under the District Storage Right, the District will resume the exercise of the direct flow rights and exercise of the District Storage Right as in D.3.(a)(2) above.

4. Evaporation and Seepage Losses

In the accounting for water in storage, evaporation and seepage losses due to water stored in the Irrigation Capacity shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

Article V - FISHERY AND RECREATION

The permanent fishery pool shall be operated in accordance with the following principles:

1. Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District Water Supply and without interference to usable Stateline flows, or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated to the permanent fishery pool pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:

(a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;

(b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;

(c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at the Las Animas gaging station;

(d) Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the Colorado State Engineer, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

The Colorado State Engineer will report and account contemporaneously and annually to the Arkansas River Compact Administration on the initial filling and replacement of evaporation and seepage in the Permanent Fishery Pool.

2. In the accounting for water in storage, evaporation and seepage losses due to the Permanent Fishery Pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the Operating Agency.

3. There shall never be any release or transfer of water from the Permanent Fishery Pool excepting by necessity of dam safety or flood emergency operations as determined by the

Article VI - REVIEW AND AMENDMENT

These Operating Principles may be subject to review and amendment not more than once a year at the request of any of the parties signatory; provided, that at least one review shall be accomplished within the first 10 years following completion of the Trinidad Dam and at least one review shall be accomplished every 10 years thereafter. The primary object of such reviews will be obtaining optimum beneficial use of water as conditions change, operating experience is gained, and more technical data become available.

FIVE CONDITIONS

State of Kansas

1. All inflows over established Colorado water rights (1,156.05 c.f.s.) be designated flood flows and released as promptly as downstream conditions permit. The only time water so designated may be stored in the conservation pool will be when John Martin Reservoir does not have the capacity to store additional water.
2. Any subsequent amendment of the Operating Principles should be subject to review and approval of the same interests as provided for in the original procedure.
3. Assurances that there will be no significant increase in water use which would result in a depletion of water yield to other Colorado and Kansas water users.
4. That 5 years after beginning operation of the Trinidad Reservoir for irrigation purposes, the Operating Principles be reviewed to determine the effect, if any, the operation has had on other Colorado and Kansas water users and the principles amended as necessary. Each 10 years thereafter, reviews should be provided with amendments as needed.
5. All operating records be open for inspection by any qualified representative of the Arkansas River Compact Administration.

The Bureau of Reclamation concurs fully with the "Operating Principles" as set forth above, and further agrees with the five conditions noted and suggested by the State of Kansas, also stated above.

APPROVED:

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

Date

State of Kansas

Date

US Bureau of Reclamation

Date

Purgatoire River Water
Conservancy District

Date

US Army Corps of Engineers

Date



United States Department of the Interior



IN REPLY
REFER TO:

EC-1314

BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

NOV 05 1997

Mr. Larry Trujillo, Chairman
Arkansas River Compact Administration
Colorado Department of Corrections
2862 South Circle Drive, Suite 400
Colorado Springs CO 80906


Subject: Amended Operating Principles - Trinidad Dam and Reservoir Project, Colorado

Dear Mr. Trujillo:

I stated, in an October 21, 1997 letter to you, that corrected Operating Principles for the Trinidad Dam and Reservoir Project, would be provided to all parties signatory to the previous amendment to the Operating Principles. A corrected copy of the proposed final amended Operating Principles is enclosed.

If you have any questions concerning these corrected Operating Principles, please contact Mr. John Gierard, of my staff at (970) 962-4392.

Sincerely,


FOR: Jack Garner
Area Manager

Enclosure

cc: Mr. Eugene Aiello, President (w/o encl.)
Purgatoire River Water Conservancy District
314 West Main Street
Trinidad Co 81082

Mr. David Pope (w/o encl.)
Kansas Department of Agriculture
901 SW 9th St., Ste. 202
Topeka KS 66612-1283

Lt. Col. Lloyd Wagner (w/o encl.)
U.S. Army Corps of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque NM 87103-1580

Mr. Chuck Lile, Director (w/encl.)
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver CO 80203-2239

Mr. Hal Simpson (w/encl.)
Colorado Division of Water Resources
Office of State Engineer
1313 Sherman Street
Denver CO 80203

Mr. Steve Witte (w/encl.)
Colorado Division of Water Resources
310 E. Abriendo, Suite B
Pueblo CO 81004

Mr. Doug Cain (w/encl.)
U.S. Geological Survey
Norwest Bank Bldg., Suite 200
201 West 8th Street
Pueblo CO 81003-3031

Mr. James Fernandez (w/encl.)
City of Trinidad
P.O. Box 880
Trinidad CO 81082

✓ Mr. M.E. MacDougall (w/encl.)
MacDougall Law Office
for Purgatoire River Water Conservancy District
Western National Bank Bldg.
102 N. Cascade Ave., Suite 400
Colorado Springs CO 80903-1418

Mr. Robert V. Trout (w/encl.)
Trout & Raley, P.C.
for Model Land and Irrigation Company
1775 Sherman St., Suite 1300
Denver CO 80203



United States Department of the Interior

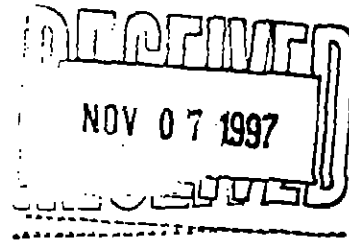


BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-1314

NOV 05 1997



Mr. Eugene Aiello, President
Purgatoire River Water Conservancy District
314 West Main Street
Trinidad Co 81082


Subject: Amended Operating Principles - Trinidad Dam and Reservoir Project, Colorado

Dear Mr. Aiello:

I stated, in an October 21, 1997 letter to you, that corrected Operating Principles for the Trinidad Dam and Reservoir Project, would be provided to all parties signatory to the previous amendment to the Operating Principles. A corrected copy of the proposed final amended Operating Principles is enclosed.

If you have any questions concerning these corrected Operating Principles, please contact Mr. John Gierard, of my staff at (970) 962-4392.

Sincerely,


Fed. Jack Garner
Area Manager

Enclosure

cc: Mr. Larry Trujillo, Chairman (w/o encl.)
Arkansas River Compact Administration
Colorado Department of Corrections
2862 South Circle Drive, Suite 400
Colorado Springs CO 80906

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Kansas Department of Agriculture
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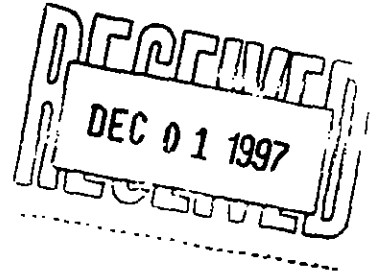
United States Department of the Interior



BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:
EC-100

NOV 28 1997



Mr. David Pope, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
901 SW Ninth St., Suite 202
Topeka, KS 66612-1283

Subject: Amended Operating Principles - Trinidad Dam and Reservoir Project, Colorado

Dear Mr. Pope:

This letter responds to our November 21, 1997, telephone conversation regarding proposed amendments to the Trinidad Operating Principles. I am willing to adopt "in principle" the amendment allowing the City of Trinidad to change the use of its project water from irrigation to municipal and industrial purposes. Adoption "in principle" reflects conditions Kansas is currently discussing with the city. We have not evaluated the effects of the proposed conditions, and will not sign the amendment until our requirements relating to contractual changes and National Environmental Policy Act compliance are completed.

In addition to the city's amendment, we also discussed the remaining amendments to the operating principles (proposed in the enclosure to my November 4, 1997, letter). I hope that Kansas can adopt all the amendments. If this is not feasible by the Compact meeting on December 9, I encourage Kansas to adopt as many of the amendments as possible. For those amendments that Kansas objects to, I would like a clear understanding of your objections and want us to establish a reasonable time frame to resolve the differences.

If you have any questions, please do not hesitate to contact me at (970) 962-4300.

Sincerely,

FOR

A. Jack Garner
Area Manager

cc: Mr. Chuck Lile, Director
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver CO 80203-2239

Mr. James Fernandez
City of Trinidad
P.O. Box 880
Trinidad CO 81082

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Purgatoire River Water
Conservancy District
314 West Main Street
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Colorado Department of Corrections
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Colorado Springs CO 80906

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Mr. Doug Cain
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Water Resources Division
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Pueblo CO 81003-3031

Mr. Mark Rude
State Board of Agriculture
Division of Water Resources
214 Fulton Terrace
Garden City KS 67846

Mr. M.E. MacDougall
MacDougall Law Office
Western National Bank Bldg.
102 N. Cascade Ave., Suite 400
Colorado Springs CO 80903-1418

H

RESOLUTION
OF THE
ARKANSAS RIVER COMPACT ADMINISTRATION
CONCERNING
AN AMENDMENT TO THE OPERATING PRINCIPLES
FOR THE TRINIDAD DAM AND RESERVOIR PROJECT
AUTHORIZING MUNICIPAL AND INDUSTRIAL USE OF PROJECT WATER

WHEREAS, Article IV-D of the Arkansas River Compact provides: "This Compact is not intended to impede or prevent the 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, in P.L. 85-500, dated July 3, 1958, Congress authorized the Trinidad Project "substantially in accordance with the recommendations" in a Review Report by the U.S. Corps of Engineers dated June 30, 1953, published as House Document No. 325, 84th Congress; and

WHEREAS, Kansas by letter from Gov. William H. Avery dated December 30, 1966 approved proposed Operating Principles for the Trinidad Project subject to five additional conditions; and

WHEREAS, the Arkansas River Compact Administration reviewed and approved the Trinidad Project Operating Principles, including the Five Kansas Conditions, by resolution dated June 6, 1967; and

WHEREAS, the U.S. Bureau of Reclamation ("Reclamation") and the Purgatoire River Conservancy District ("PRWCD") approved the Operating Principles, including the additional five Kansas Conditions; and

WHEREAS, the Trinidad Project was constructed by the U.S. Army Corps of Engineers and was substantially completed by January 1, 1977; and

WHEREAS, the Operating Principles state that the Trinidad Project will serve the functions of flood control, irrigation, and recreation including a permanent fishery pool. No allowance was made in the Operating Principles for use of Trinidad Project water for municipal and industrial purposes; and

WHEREAS, the State of Colorado is vitally interested in the economic development of the Trinidad area, and such interests will

be served by the use of Trinidad Project water for municipal and industrial purposes; and

WHEREAS, Kansas Condition No. 2 of the Operating Principles states: "Any subsequent amendment of the Operating Principles should be subject to the review and approval of the same interests as provided for in the original procedure."

NOW, THEREFORE, BE IT RESOLVED that the Arkansas River Compact Administration hereby approves the proposed amendment to the Operating Principles for the Trinidad Dam and Reservoir Project, as set forth in the attached Exhibit "A", authorizing the use of Trinidad Project water for municipal and industrial purposes.

Entered this 9th day of December, 1997, at a meeting of the Arkansas River Compact Administration.



Larry E. Trujillo, Sr.
Chairman



DATE

See

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
Amended 1997

Preamble

The Trinidad Dam and Reservoir Project as reported in House Document No. 325, 84th Congress, 2d Session, and as authorized by the Flood Control Act of 1958, will be operated in such a manner as to secure the greatest practicable benefits from the regulation and use of the flows of the Purgatoire River consistent with the laws and policies of the State of Colorado and of the United States including the Arkansas River Compact. The objectives and principles governing the operation of the Trinidad Dam and Reservoir Project to secure such benefits are contained within the following articles.

- Article - OBJECTIVES
I
- Article - DEFINITION OF TERMS
II
- Article - FLOOD CONTROL
III
- Article - IRRIGATION, MUNICIPAL AND INDUSTRIAL
IV
- Article - FISHERY AND RECREATION
V
- Article - REVIEW AND AMENDMENT
VI

Article I - OBJECTIVES

The operation of the Trinidad Dam and Reservoir involves the regulation of the flows of the Purgatoire River for flood control, irrigation use, municipal and industrial use and recreation, including a permanent fishery pool. The project plan provides for:

1. Control of floods originating above the reservoir for benefit of the City of Trinidad and downstream reaches.
2. Optimum beneficial use of the available water for irrigation and municipal and industrial uses (municipal and industrial hereinafter abbreviated M&I) within the project area consistent with the protection of downstream non-project rights as set forth in House Document No. 325, 84th Congress, 2d Session, which provides:

(a) Transfer of the storage decree of the Model Land and Irrigation Company for 20,000 acre-feet annually from the present site to the proposed Trinidad Reservoir.

(b) Storage in the Trinidad Reservoir of flood flows originating on the Purgatoire River above the dam ~~site~~ which would otherwise spill from John Martin Reservoir.

(c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.

3. The maintenance of a minimum pool for enhancement of recreation and fishery values.

4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

Flood control	51,000 acre-feet
.	
Irrigation <u>and M&I</u>	20,000 acre-feet
.	
Permanent fishery pool	15,967 acre-feet
.	
Joint use*	39,000 acre-feet
.	
Total Allocated	<u>125,967 acre-feet</u>

Capacity

*For irrigation, M&I and sediment accumulation

Article II - DEFINITION OF TERMS

Definition of terms as used herein:

1. "Reservoir" means the reservoir presently planned and authorized for construction on the Purgatoire River above the City of Trinidad, Colorado.

2. "District" means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M&I use. The District shall also be the agency responsible for the regulation of irrigation and M&I water supplies within the District boundaries in the manner set forth therein.

3. "Unused Sediment Capacity" means that portion of the 39,000 acre-feet of reservoir capacity allocated to joint use but unoccupied by sediment at any given time.

4. "Irrigation Capacity" means the 20,000 acre-feet of reservoir capacity allocated to irrigation and M&I use plus the unsedimented portion of the joint use capacity.
5. "Permanent Fishery Pool Capacity" means the 15,967 acre-feet of reservoir capacity allocated to fishery and recreation.
6. "Permanent Fishery Pool" means the quantity of water stored in the permanent fishery pool capacity.
7. "Flood Control" means the temporary storage of flood waters at any reservoir pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.
8. "Flood Control Capacity" means the 51,000 acre-feet of capacity exclusively allocated to flood control lying initially above m.s.l. reservoir elevation 6229.6.
9. "Reservoir Inflow" is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the reservoir, comprising measured flows at the inflow gaging stations and other unmeasured inflows entering the reservoir, less such flow of water as may be acquired by the State of Colorado for filling and maintaining the permanent fishery pool.
10. "District Irrigable Area" means only the 19,717 acres of Class 1, 2 and 3 irrigable lands to be served lying within District boundaries.
11. "Irrigation Season" means that period of the year, as determined annually by the District, during which water may be beneficially applied to the District irrigable area, provided the irrigation season will not begin earlier than April 1 or end later than October 15, except as modified by the District with the consent of the Secretary of Interior.
12. "Nonirrigation Season" means that period of the year other than the irrigation season.
13. "District Storage Right" means those rights under which the District may store water in the irrigation capacity for use on within the District irrigable area.
14. "District Water Supply" means that water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District irrigable area.

15. "Colorado State Engineer" means the Colorado State Engineer or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.

16. "Operating Agency" means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.

Article III - FLOOD CONTROL

Trinidad Reservoir shall be operated for flood control benefits in accordance with regulations prescribed by the Secretary of the Army and the following operating principles:

1. All potentially damaging flood inflows shall be temporarily detained as necessary to limit the flow insofar as possible to a non-damaging flow, currently estimated to be 5,000 c.f.s., downstream from the Trinidad Reservoir.

2. All flood waters stored in the flood control capacity shall be released at the maximum non-damaging rate insofar as practicable.

3. Any inflow, other than that stored for irrigation and M&I and Permanent Fishery Pool use, temporarily retained below the bottom of the flood control capacity for flood control purposes, shall be released by the operating agency at such a rate, time, and quantity as may be ordered by the Colorado State Engineer, but within non-damaging flow in the channels below the reservoir.

Article IV - IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the Irrigation capacity in Trinidad Reservoir and the distribution of water to the District irrigable Area and to M&I uses within the District will be made by the District in accordance with House Document No. 325, 84th Congress, 2d Session, and these operating principles. Agreements, satisfactory to the Secretary of the Interior, shall be entered into between the District and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the District will administer water supplies to the District irrigable area and to M&I uses within the District are contained in the following four parts of this Article: "Water Rights," "Limits of Land and Water Use," "District Water Supply," and "Operation and Exercise of Water Rights."

A. Water Rights

Accomplishment of the following conditions is necessary under the laws of the State of Colorado to provide the District with the right to regulate the flows of the Purgatoire River in the manner described herein:

1. The water users within the District shall assign the right to the exercise of all the decreed direct flow water rights within the District boundaries to the District for administration by the District at such times and to the degree outlined in these principles. The right to the exercise of the following water rights, all in Water District No. 19, shall be so assigned.

Direct Flow Rights
Water Division No. 2

<u>Number</u>	<u>Priority</u> <u>Date</u>	<u>Amount</u> <u>(cfs)</u>	<u>Name of Ditch</u>
3	11/30/61	6.00	Baca
5	3/20/62	4.00	Johns Flood
7	4/30/62	7.00	Chilili
8	11/15/62	2.82	Baca
8	11/15/62	1.18	El Moro
9	1/1/63	1.28	Johns Flood
9	1/1/63	4.72	Hoehne
12	6/30/63	0.50	South Side
13	1/1/64	1.25	Johns Flood
13	1/1/64	3.75	Lewelling & McCormick
15	4/10/64	5.10	Johns Flood
15	4/10/64	0.80	Hoehne
15	4/10/64	2.54	Salas
19	6/1/65	4.00	Lewelling & McCormick
20	10/7/65	7.35	Johns Flood
20	10/7/65	16.65	Hoehne
21	1/1/66	6.00	Burns & Duncan
22	2/1/66	4.00	Salas
27	5/31/66	2.25	Johns Flood
27	5/31/66	0.75	Salas
40	4/30/68	1.40	South Side
64	4/1/73	2.40	Johns Flood
73	11/1/75	6.00	South Side
74	2/17/76	34.00	South Side
75	12/25/76	4.00	South Side
77	3/11/77	1.30	El Moro
77	3/11/77	2.70	Baca
80	4/7/77	18.60	South Side

<u>Number</u>	<u>Date</u>	<u>(cfs)</u>	<u>Name of Ditch</u>
93	12/15/82	4.00	South Side
95	11/4/83	14.38	Baca
96	11/23/83	16.84	South Side
98	4/30/84	60.00	South Side
103	6/21/86	14.73	Baca
104	10/21/86	10.00	Lewelling & McCormick
106	3/12/87	15.00	Baca
108	2/15/88	9.70	South Side
109	3/1/88	8.00	South Side
137	11/23/97	2.00	V. Florez
145	10/20/02	100.00	Johns Flood
152	12/31/03	2.00	V. Florez
168	1/22/08	200.00	Model
242½	6/12/20	45.56	Baca

2. Waters of the Purgatoire River shall be stored by the District in the irrigation capacity of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the District storage right, include:

(a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, which right shall, by appropriate statutory proceedings be transferred from the place of storage as originally decreed to the site of the reservoir; and

(b) Such other rights to store water in the reservoir as the District may lawfully acquire by appropriation or purchase.

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation and M&I use within the District, the following limitations on land and water use shall apply:

1. The acreage irrigated by the District water supply shall be limited to the 19,717 acres classified as 1, 2 and 3 irrigable land lying within the District boundaries. These 19,717 acres of the District irrigable area shall be composed as nearly as practicable of the following acreages under individual ditches:

Baca	2,428 acres
Chilili	114 acres
El Moro	160 acres
Johns Flood	1,854 acres
Model	6,177 acres
South Side	6,359 acres
Victor Florez	22 acres
Hoehne	1,742 acres
Burns & Duncan	322 acres
Lewelling & McCormick	378 acres
Salas	161 acres
Total	<u>19,717</u> acres

2. All water deliveries to the 19,717 acres of the District irrigable area will be limited during the irrigation season to the irrigation requirements at the farm headgate as determined by the District. Allowance for canal and lateral losses on the individual ditch systems will also be determined by the District.

3. ~~No water deliveries for irrigation of the 19,717 acres of the District irrigable area will be made during the nonirrigation season. Water deliveries may be diverted or stored for M&I or permanent fishery pool purposes with the following limitations:~~

(a) Only water attributable to the historic consumptive use on acreage removed from irrigation, limited to 948 acres under the Johns Flood Ditch system and 373.7 acres under the Model Land and Irrigation Company system, may be made available for M&I storage or permanent fishery pool storage. Water deliveries shall be limited to the following volumes, which shall not include the volumes retained in storage for later release to maintain historic delayed return flow patterns to the Purgatoire River:

	<u>Maximum Monthly Water Deliveries (acre-feet)</u>
<u>Apr</u>	<u>220</u>
<u>May</u>	<u>345</u>
<u>Jun</u>	<u>565</u>
<u>Jul</u>	<u>685</u>
<u>Aug</u>	<u>620</u>
<u>Sep</u>	<u>345</u>
<u>Oct</u>	<u>160</u>
<u>Nov - Mar</u>	<u>0</u>
<u>Annual Total</u>	<u>2,802</u>

(b) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage removed from irrigation shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River. Such return flows, which shall include non-irrigation season return flows, shall be equal to at least 35 percent of the water available to acreage removed from irrigation.

(c) Removal of District irrigable land from irrigation to enable water to be diverted or stored for M&I or Permanent Fishery Pool purposes shall correspondingly reduce the number of acres allowed to be irrigated from the District Water Supply. Prior to April 1 each year, the City of Trinidad shall provide notice to the Arkansas River Compact Administration and the State of Kansas of the acreage to be removed each year corresponding to the amount of water for the Johns Flood Ditch and the Model Ditch to be stored in Trinidad Reservoir for that year. The report shall include a map indicating the specific acreage to be removed from irrigation.

(d) Any Colorado state court or administrative approval of the City of Trinidad's water use covered by these Operating Principles shall require compliance herewith.

4. No water deliveries for irrigation of the 19,717 acres of the District irrigable area will be made during the non-irrigation season. Water may be released during the non-irrigation season for M&I use or to maintain historic return flow patterns for lands removed from irrigation.

C. District Water Supply

1. That water supply of the Purgatoire River subject to District administration for irrigation and M&I use within the District ~~irrigable area~~, defined as the District water supply consists of:

(a) The water stored under the District storage right in the irrigation capacity.

(b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the District irrigable area for irrigation use through the District's exercise of the rights listed in IV.A.1.

(c) That portion of the reservoir inflow ~~bypassed to the river below at~~ Trinidad Dam which is available ~~subject to diversion to the~~ District ~~irrigable area~~ through the District's exercise of the water rights listed in IV.A.1.

2. The District water supply will be allocated by the District to the ditches within the District to provide each acre of the District irrigable area an equitable share of the District water supply after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate.

D. Operation and Exercise of Water Rights

The principles governing operation of the irrigation capacity and the District's exercise of the assigned direct flow water rights listed under IV.A.1. and the District storage right are hereinafter set forth as they apply to operations during the entire year as well as to operations during either the non-irrigation season or irrigation season.

1. Non-interference with Downstream Water Rights

(a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the Colorado State Engineer to the extent that such demands are not met by stream gains or otherwise satisfied; but are limited to the extent as determined by the Colorado State Engineer to actually benefit such rights without unnecessary waste through channel losses.

(b) Reservoir inflow in excess of the amount stored under the transferred Model right may be detained in the reservoir at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the District storage right and become part of the District water supply. Such detained water which does not become a part of the District water supply shall be released as called for by the Colorado State Engineer in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact, C.R.S., 1953, 148-9-1.

(c) Except as provided by paragraph (b) above, any water temporarily detained in the reservoir as a result of the reservoir inflow exceeding the design outlet capacity of the reservoir shall be released as soon as possible.

(d) All releases from the reservoir as set forth in (a), (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the District irrigable area.

2. District Operation, Non-Irrigation Season

(a) During the non-irrigation season the District will provide an allowance for stock watering purposes of not more than a daily mean flow of five second-feet or its volume equivalent measured at a gage to be located near and above the Baca River headgate. If the stream gains from the Trinidad Dam to said gage are insufficient to fulfill the allowance, an equivalent volume of reservoir inflow will be released to satisfy stock water demands within the allowance.

(b) During the non-irrigation season, the District shall release water stored by the City of Trinidad as designated by the City of Trinidad for:

(1) M&I purposes;

(2) Winter return flows;

(c) During the non-irrigation season, the District will exercise the direct flow water rights and the District storage right only at such times and to the degree as necessary to assure:

(1) That the maximum possible storage of reservoir inflow is accrued.

(2) The stock water allowance is distributed in a manner determined equitable by the District.

3. District Operation - Irrigation Season

(a) During the irrigation season, except at such times as provided for in IV.D.3.(c) below, the District shall exercise the direct flow water rights and the District storage right only at such times and to the degree necessary to assure:

(1) That stream gains to the river below Trinidad Dam which are divertible to the District irrigable area and such reservoir inflow which is available bypassed to the river for District for irrigation and M&I use will be equitably allocated distributed to the District irrigable area as part of the allocated District water supply.

(2) That the District storage right can be fully exercised to store reservoir inflow in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a)(1) above.

(b) During the irrigation season water stored in the irrigation capacity will be released as needed to fulfill or partially fulfill the irrigation requirements of the District irrigable area or, as designated by the City of Trinidad, made available for M&I purposes or the permanent fishery pool as provided in paragraph B.3. above as part of the allocated District water supply.

(c) During the irrigation season, when the irrigation capacity is empty as determined by the District, the District will relinquish its exercise of the direct flow water rights provided that if the reservoir inflow and stream gains below Trinidad Dam which are divertible to the District irrigable area exceed the irrigation requirement and such excess is storable under the District storage right, the District will resume the exercise of the direct flow rights and exercise of the District storage right as in D.3.(a)(2) above.

4. Evaporation and Seepage Losses

In the accounting for water in storage, evaporation and seepage losses due to water stored in the irrigation capacity shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

Article V - FISHERY AND RECREATION

The permanent fishery pool shall be operated in accordance with the following principles:

1. Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the District water supply or without interference to usable Stateline flows, or without additional cost to the District or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated to the permanent fishery pool pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:

(a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any

exchange;

(b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the Colorado State Engineer;

(c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at the Las Animas gaging station;

(d) Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the Colorado State Engineer, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

The Colorado State Engineer will report and account contemporaneously and annually to the Arkansas River Compact Administration on the initial filling and replacement of evaporation and seepage in the permanent fishery pool.

2. In the accounting for water in storage, evaporation and seepage losses due to the permanent fishery pool shall be determined using the most recent data available by the Colorado State Engineer and the District with the cooperation of the operating agency.

3. There shall never be any release or transfer of water from the permanent fishery pool excepting by necessity of dam safety or flood emergency operations as determined by the Corps of Engineers, District Engineer.

Article VI - REVIEW AND AMENDMENT

These Operating Principles may be subject to review and amendment not more than once a year at the request of any of the parties' signatory; provided, that at least one review shall be accomplished within the first 10 years following completion of the Trinidad Dam and at least one review be accomplished every 10 years thereafter. The primary object of such reviews will be obtaining optimum beneficial use of water as conditions change, operating experience is gained, and more technical data become available.

FIVE CONDITIONS
State of Kansas

1. All inflows over established Colorado water rights (1,156.05 c.f.s.) be designated flood flows and released as promptly as downstream conditions permit. The only time water so designated may be stored in the conservation pool will be when John Martin Reservoir does not have the capacity to store additional water.
2. Any subsequent amendment of the Operating Pprinciples should be subject to review and approval of the same interests as provided for in the original procedure.
3. Assurances that there will be no significant increase in water use which would result in a depletion of water yield to other Colorado and Kansas water users.
4. That 5 years after beginning operation of the Trinidad Reservoir for irrigation purposes, the Operating Pprinciples be reviewed to determine the effect, if any, the operation has had on other Colorado and Kansas water users and the principles amended as necessary. Each 10 years thereafter, reviews should be provided with amendments as needed.
5. All operating records be open for inspection by any qualified representative of the Arkansas River Compact Administration.

The Bureau of Reclamation concurs fully with the "Operating Principles" as set forth above, and further agrees with the five conditions noted and suggested by the State of Kansas, also stated above.

APPROVED:

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

State of Kansas Date

U.S. Bureau of Reclamation Date

Purgatoire River Water Date
Conservancy
District

U.S. Army Corps of Engineers Date

STATE OF KANSAS

I

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture
901 S. Kansas Avenue
Topeka, Kansas 66612-1280
(913) 296-3558
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KANSAS DEPARTMENT OF AGRICULTURE

November 21, 1997

David L. Pope
Eugene Overton
Robert Buerkle

James G. Roger
Carl G. Genove
Daries C. Lile

Don Higbee, ARCA Recording Secretary

SUBJECT: Compilation of Bylaws of Arkansas River Compact Administration.

Dear All,

Enclosed is a copy of a draft compilation of the bylaws of the Arkansas River Compact Administration for your consideration. Steve Miller and I have searched the annual reports of the Compact Administration and consolidated all of the Bylaws, and amendments thereto, enacted by the Administration since the first bylaws were adopted. If it is acceptable with the Compact Administration, we plan to present this compilation of Bylaws to the Compact administration at the annual meeting in Lamar, Colorado on December 9, 1997 for readoption. There is not time to do a complete cleanup of the Bylaws before this annual meeting, but we thought it would be a good first step to compile and readopt all the bylaws. ARCA can then review and recommend updates in the future.

Sincerely,

Leland E. Rolfs

LER/dif
enclosure
cc: Steve Miller

BY-LAWS
OF
ARKANSAS RIVER COMPACT ADMINISTRATION

As readopted December 9, 1997

PREAMBLE

Pursuant to Article VIII B(1) of the Arkansas River Compact, these by-laws were readopted by the Arkansas River Compact Administration on the 9th day of December 1997, on the 14th day of November, 1947, namely:

ARTICLE I

THE ADMINISTRATION

1. The Arkansas River Compact Administration is herein referred to as "the Administration."

2. Membership of the Administration shall consist of three representatives from each of the States of Colorado and Kansas, designated or appointed as provided by the Arkansas River Compact and the law of each of such States, and, if designated by the President, one representative of the United States of America.

3. The credentials of each such representative shall be filed with the Secretary of the Administration.

4. Each representative shall advise in writing the Secretary of the Administration as to his address, to which all official notices and other communications of the Administration shall be sent and shall further promptly advise in writing the Secretary as to any change in such address.

ARTICLE II

OFFICERS^{1/}

1. The officers of the Administration shall be:

Chairman

Vice-Chairman

Recording Secretary

Treasurer

Operations Secretary

Assistant Operations Secretary^{2/}

2. The representative of the United States of America shall be the Chairman of the Administration. The Chairman shall preside at meetings of the Administration. His duties shall be such as are usually imposed on such an officer and such as may be assigned to him by these by-laws or by the Administration from time to time.

3. The Vice-Chairman shall be a member of the Administration. He shall be elected at the annual meeting of the Administration, and shall hold office until the next annual meeting of the Administration and until his successor is elected. In the case of a vacancy in the office of Vice-Chairman, the Administration at its next meeting, whether regular or special, shall elect a Vice-Chairman to serve for the unexpired term; and the election of a Vice-Chairman may be made at any meeting of the Administration prior to the holding of its first annual meeting, and in such case he shall hold office until such annual

meeting. The Vice-Chairman shall perform all duties of the Chairman when the latter is unable for any reason to act or when, for any reason, there is a vacancy in the office of the Chairman. In addition, the Vice-Chairman shall perform such other duties as may be assigned to him by these by-laws or by the Administration from time to time.

4.2' (a) The Recording Secretary may or may not be a member of the Administration. He shall be elected by the Administration at its annual meeting and shall serve until the next annual meeting or until his successor is elected. In the case of a vacancy in the office of the Recording Secretary, the Administration shall, at its next meeting, whether regular or special, elect a Recording Secretary to serve for the unexpired term. The Recording Secretary shall perform such duties as are imposed on such officer by subparagraph (b) of this paragraph 4, by other provisions of these by-laws, or by the Administration from time to time. He shall furnish a bond for the faithful performance of his duties if the Administration so directs. The cost of such bond shall be paid by the Administration.

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

(i) Preparing, or causing to be prepared, the Administration's annual reports and printing and distributing, or causing to be printed and distributed, the same, the draft of such annual reports to be distributed to the members of the Administration not later than

February 1st following the end of the immediately preceding compact year.

- (ii) Preparing and distributing, or causing to be prepared and distributed, minutes of all meetings, whether special, special telephonic, or regular, of the Administration, drafts of which minutes shall be provided to the members of the Administration within thirty days of the meeting involved.
- (iii) Maintaining the principal office and the records, equipment, and supplies therein, and maintaining the seal of the Administration.
- (iv) Sending notices of annual and special meetings to members of the Administration.
- (v) Publishing the necessary public notices for proposed changes of the Administration's Rules and Regulations as required herein and compiling those Rules and Regulations.

5. The Treasurer may or may not be a member of the Administration; and the office of Secretary and Treasurer may be held by the same person if directed by the Administration. He shall be elected at the annual meeting of the Administration and shall hold office until his successor is elected and shall have qualified, except a treasurer may be

elected prior to the first annual meeting of the Administration and in such case shall hold office until such annual meeting. He shall receive, hold, disburse and keep records of all funds of the Administration; and he shall furnish a bond for the faithful performance of his duties in such amount as the Administration may direct. The cost of such bond shall be paid by the Administration. In the case of a vacancy in the office of Treasurer, the Administration shall, at its next meeting, whether regular or special, appoint a successor to serve for the unexpired term.

6. (a)^{3/B} 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 successor is elected. In the case of a 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 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. The Administration may employ such engineering, legal, clerical, and other personnel as, in its judgment, may be necessary. They shall receive such compensation and perform such duties as may be fixed by the Administration. Such employees shall not be considered as employees of either Colorado or Kansas.

ARTICLE III
PRINCIPAL OFFICE

1. The principal office and place of business of the Administration shall be located in the City of Lamar, Colorado.

2. The principal office shall be open for business on such hours and days as the Administration may from time to time direct.

3. All books and records of the Administration shall be kept in the principal office of the Administration.

ARTICLE IV^d

MEETINGS

1. The annual meeting of the Administration shall be held on the second Tuesday in December of each year.

2. (a) Special meetings of the Administration may be called by the Chairman or, in the case of a vacancy in the office of Chairman or inability of the Chairman to act, by the Vice-Chairman. Upon the written request of two or more representatives, it shall be the duty of the Chairman, or Vice-Chairman, as the case may be, to call such a meeting.

(b) Special telephonic meetings of the Administration may be held by telephonic communications between the several members of the Administration in respect to all matters arising under Article V F of the Compact; Provided that such special telephonic meetings may be called by the Chairman, Vice-Chairman or any member of the Operations Committee, and in any case at least two representatives of each State shall participate personally in such special telephonic meetings and concur in the action taken as a result of any such meeting. And provided further, that the Secretary of the Administration shall prepare minutes of any special telephonic meeting and such minutes shall be acted upon by the Administration at the next Annual meeting or special meeting held under subsection (a) hereof.

3. Notices of all annual meetings of the Administration shall be sent by the Secretary, or in the case of a vacancy in the office of the Secretary, or the inability of the Secretary to act, by the Chairman or Vice-Chairman, as the case may be, to the members of the Administration by ordinary mail at least ten days in advance of such annual meetings. Notice of special meetings shall be given by the Secretary to the members of the Administration by the most expeditious method so as to allow as much time prior to such special meetings as conditions permit.

4. All annual meetings of the Administration shall be held at the principal office of the Administration. Unless otherwise agreed to in advance by all members of the Administration, special meetings shall be held at the office of the Administration.

5.^{5/} (a) The Administration shall keep minutes of the proceedings of all of its meetings. Such minutes shall be preserved in a suitable manner as directed by the Administration. Until approved by the Administration, minutes shall not be official and shall be furnished only to the members of the Administration, its employees, and the members of its committees. Distribution of official minutes shall be made by the recording secretary or his designee in accordance with directives of the Administration.

(b) Unless the requirements of this sub-section (b) are waived pursuant to sub-section (c), a verbatim transcript of the proceedings of Administration meetings shall be made by a duly licensed, official court reporter.

The recording secretary or his designee shall be responsible for arranging for the services of such duly licensed, official court reporter to take and transcribe the proceedings of the meeting. Copies of the draft transcript of a meeting shall be provided to one designated representative from each member state within two weeks of a meeting for corrections, but not editing. Corrections agreed upon by these two representatives shall be forwarded to the court reporter and the court reporter instructed to prepare within two weeks a final, corrected transcript. The recording secretary or his designee shall forward a copy of the final, corrected transcript of a meeting to the designated representative from each member state of the Administration within two weeks of his receipt of the transcript from the court reporter. The final, corrected transcript of a meeting shall, upon the approval of the Administration, become the official minutes of that meeting. The official minutes shall be appropriately marked indicating the date of and method of approval and be signed by the chairman.

(c) The requirements of using a duly licensed, official court reporter as set out in sub-section (b) may be waived in advance of a meeting upon the agreement of both states. In this event, the recording secretary or his designee shall be responsible for electronically recording a meeting, and for preparing as directed by both states, either a written summary which accurately reflects the proceedings of a meeting and all actions taken by the Administration at such meeting or a verbatim transcript of the meeting. Procedures for the distribution and approval of final corrected transcripts or summaries and designation as the official minutes of a meeting shall be as specified in subsection (b). Any electronic recording of a meeting shall be preserved by the recording secretary but shall not constitute

the official minutes of a meeting.

6. A quorum for any meeting of the Administration and the casting of votes by representatives of the States on the Administration shall be in accord with Paragraph D of Article VIII of the Arkansas River Compact; and any action by the Administration shall be determined by vote as required by such paragraph D of Article VIII of the Compact. If a quorum is not present at any meeting, the members of the Administration present, one or more, may adjourn from time to time without further notice until a quorum is obtained.

7. At each meeting of the Administration, the order of business, unless otherwise agreed, shall be as follows:

- Call to order;
- Reading of minutes of last meeting;
- Approval of minutes of last meeting;
- Report of Chairman;
- Report of Secretary;
- Report of Treasurer;
- Report of Committees;
- Unfinished business;
- New business;
- Adjournment.

8. All meetings of the Administration, except executive sessions, shall be open to the public.

9. Any meeting of the Administration may be adjourned or continued from time to time and from the place set for the meeting to another place.

10. Public notice of all annual, regular, and special meetings shall be given in an appropriate manner, determined by the Administration, except in cases where the Administration determines to hold an executive session.

ARTICLE V COMMITTEES

1. There shall be the following standing committees:

Administrative and Legal Committee

Engineering Committee

Operations Committee

2. Each of such committees shall be made up of two representatives of the Administration and the Chairman shall be ex-officio member of all committees. In all committee action a vote shall be taken by States with each State having one vote.

3. The standing committees shall have the following duties:

- (a) The Administrative and Legal Committee shall advise the Administration with respect to budgets and accounting, office personnel, equipment, records, and legal matters; and shall prepare the draft of the annual report of the Administration.
- (b) The Engineering Committee shall advise the Administration on all engineering matters; and shall compile all pertinent engineering data and records.
- (c) The Operations Committee shall advise the Administration concerning, and shall have direct supervision over, rules and regulations governing the storage and releases of water from John Martin Reservoir and over such other Arkansas River interstate administration and operation between the States of Colorado and Kansas as come within the purview of the Arkansas River Compact, subject at all times to the provisions of such compact and the directives of the Administration thereunder. This committee shall be responsible for maintaining appropriate relations, under the direction of the Administration, with the chief officials of each of the States of Colorado and Kansas charged with the administration of water rights, and for maintaining appropriate relations with interested Federal agencies. The Operations Committee

shall also be responsible, under directives and orders of the Administration, for supervision over the employees of the Administration engaged in the interstate administration of the waters of the Arkansas River pursuant to the Arkansas River Compact.

4. The Chairman of each Committee shall be designated by the Administration.

5. The Administration may, from time to time, create special committees composed of such members of the Administration and others as it may determine and assign to such committees such tasks as the Administration may designate.

6. Each committee shall make a report to the Administration at each annual and regular meeting and shall make such further reports as may be directed by the Administration. Unless otherwise authorized, all such reports shall be in writing and filed with the Secretary of the Administration.

7.^g Written notice of the meetings of standing committees and of special committees shall be given to all officers and members of the Administration at least ten days prior to the date for any such committee meetings, said written notice to specify the time, date, location, and agenda for such meetings. A standing committee or special committee may waive such notice requirement if all members of a committee agree that circumstances so warrant. In the event of such a waiver, the chairman of a committee shall make every reasonable effort to inform all officers and members of the Administration of the time, date, location and

agenda for a committee meeting.

ARTICLE VI
RULES AND REGULATIONS

1. The Administration shall adopt Rules and Regulations necessary for the administration of the Arkansas River Compact, consistent therewith and with these by-laws.

2. All proposals for Rules and Regulations, or for changes in them, shall be presented to the Administration in writing and shall not be acted on at the meeting when first presented, but shall go over for action at a designated subsequent meeting of the Administration.

3. Following the presentation to the Administration, public notice of all proposed Rules and Regulations and changes in Rules and Regulations shall be given by two publications, at least one week apart, in some newspaper of general circulation in the area of each State affected by the Arkansas River Compact. The representatives of the Administration from each State shall designate the newspaper in their State in which such publication shall be made. No Rule or Regulation and no change in any Rule or Regulation shall be effective until a date specifically stated in the published notice, which date shall be at least ten days after the last publication.

4. The provisions, contained in this Article, for Rules and Regulations and notice thereof shall not be effective in the case of any notice which is otherwise required under the Arkansas River Compact or in any case where, in the judgment of the Administration, effective administration and the public interest under the Arkansas River Compact, require more expeditious action.

5. It shall be the duty of the Secretary to see that the necessary notices are published as herein required.

6. It shall be the duty of the Secretary to compile the Rules and Regulations of the Administration and to prepare copies for distribution to the public under such terms and conditions as the Administration may prescribe.

ARTICLE VII

FISCAL

1. All funds of the Administration shall be received by the Treasurer and deposited by him to the credit of the Administration in a depository or depositories designated by the Administration.

2. Disbursement of such Administration funds shall be made by check signed by the Treasurer and countersigned by the Chairman or Vice-Chairman of the Administration.

3. The Administration shall annually adopt and transmit to the Governor of each State, its budget covering anticipated expenses for the ensuing fiscal year, and the amount thereof payable by each State. ¹⁷

4. The fiscal accounts of the Administration and its employees shall not be subject to the auditing and accounting procedures of either the States of Colorado or Kansas; provided, that each State shall have the right to make an examination and audit of the accounts of the Administration at any time.

5. All receipts and disbursements of the Administration shall be audited yearly by a certified public accountant to be selected by the Administration, and the report of audit shall be included in the annual report to the Administration.

6. The Treasurer shall prepare and keep an up-to-date inventory of all the property of the Administration.

7. The fiscal year of the Administration shall begin July 1 of each year and end June 30 of the next succeeding year.

ARTICLE VIII
ANNUAL REPORT

1. The report-year referred to in this Article for the making of the annual report shall commence on November 1 and end on the succeeding October 31.

2. The Administration shall make and transmit on or before January first of each year to the Governors of the States of Colorado and Kansas and to the President of the United States a report covering its activities for the preceding report-year. The annual report shall include, among other things, the following:

- (a) The receipts and expenditures of all funds of the Administration and all pertinent financial data.
- (b) All hydrologic data relating to the Arkansas River which the Administration deems pertinent.
- (c) Statements as to cooperative studies of water supplies made during the preceding year, including cooperative studies and activities with any Federal agency.
- (d) All findings of fact made by the Administration during the preceding year.
- (e) Such other pertinent matters as the Administration may deem advisable.

ARTICLE IX

SEAL

1. The official seal of the Administration shall be circular in form with the words "Arkansas River Compact Administration" imprinted around the border and the word "Seal" in the center thereof.

2. The Secretary of the Administration shall have custody of the seal of the Administration.

ARTICLE X

MISCELLANEOUS

1. The Administration and its Secretary on request shall furnish to the Governor of each of the States of Colorado and Kansas any information within its possession at any time, and shall always provide free access by the public to its records. Except in the case of the Governor of each of the States of Colorado and Kansas, or interested Federal agencies, the cost of furnishing information shall be paid by the person seeking it at such rates as may be fixed by the Administration.

2. All contracts and other instruments in writing required to be signed for and on behalf of the Administration, except matters relating to the receipt and disbursement of funds, shall be signed by the Chairman or Vice-Chairman and Secretary. The seal of the Administration shall be affixed thereto.

ARTICLE XI
AMENDMENTS TO BY-LAWS

1. Amendments to the By-Laws may be made at any meeting of the Administration, provided notice of the proposed amendment shall have been given in the notice of the meeting.

^{1/} As amended March 21, 1980 and August 6, 1981

^{2/} As amended March 21, 1980 and August 6, 1981

^{3/} As amended August 6, 1981

^{4/} As amended March 17, 1962 and September 21, 1962

^{5f} As amended July 12, 1985 and December 8, 1992

^{6f} As amended January 4, 1982

^{7f} As amended December 11, 1956

^{8f} As amended March 11, 1997

Account Balances Report

As of 12/5/97

Acct	12/5/97 Balance
ASSETS	
Cash and Bank Accounts	
Checking-VSB # 11-039863-3	128.76
Money Market-VSB # 11-039862-5	38,480.00
Petty Cash	0.00
	<hr/>
TOTAL Cash and Bank Accounts	38,608.76
	<hr/>
TOTAL ASSETS	38,608.76
LIABILITIES	
	0.00
	<hr/>
OVERALL TOTAL	38,608.76
	<hr/> <hr/>

**ARKANSAS RIVER COMPACT ADMINISTRATION
ANALYSIS OF ARCA SURPLUS ACCOUNT**

	ACTUAL FY87-88	ACTUAL FY88-89	ACTUAL FY89-90	ACTUAL FY90-91	ACTUAL FY91-92	ACTUAL FY92-93	ACTUAL FY93-94	ACTUAL FY94-95	ACTUAL FY95-96	ACTUAL FY96-97	EST. FY97-98	EST. FY98-99	EST. FY99-00
OPEN CASH BALANCE	\$57,800	\$51,300	\$46,700	\$34,890	\$29,949	\$22,382	\$34,983	\$39,338	\$52,820	\$34,936	\$44,725	\$48,465	\$52,705
INCOME													
REG. ASSESS COLORADO	\$12,000	\$12,000	\$12,000	\$15,000	\$15,750	\$23,400	\$24,000	\$24,000	\$30,000	\$37,200	\$37,200	\$37,200	\$40,800
REG. ASSESS KANSAS	\$8,000	\$8,000	\$8,000	\$10,000	\$10,500	\$15,600	\$16,000	\$16,000	\$20,000	\$24,800	\$24,800	\$24,800	\$27,200
SPEC. ASSESS COLORADO	\$0	\$0	\$0	\$0	\$0	\$0	\$7,800	\$6,000	\$0	\$0	\$0	\$0	\$0
SPEC. ASSESS KANSAS	\$0	\$0	\$0	\$0	\$0	\$5,200	\$0	\$4,000	\$0	\$0	\$0	\$0	\$0
INTEREST	\$3,400	\$4,200	\$3,100	\$2,817	\$1,716	\$1,398	\$1,128	\$1,698	\$977	\$1,094	\$1,000	\$1,000	\$1,000
MISC.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL INCOME	\$23,400	\$24,200	\$23,100	\$27,817	\$27,966	\$45,598	\$48,928	\$51,698	\$50,977	\$63,094	\$63,000	\$63,000	\$69,000
EXPENSES	\$29,900	\$28,800	\$34,900	\$32,758	\$35,533	\$32,997	\$44,573	\$38,216	\$68,861	\$53,305	\$59,260	\$58,760	\$62,000
OVER/(UNDER)	(\$6,500)	(\$4,600)	(\$11,800)	(\$4,941)	(\$7,567)	\$12,601	\$4,355	\$13,482	(\$17,884)	\$9,789	\$3,740	\$4,240	\$7,000
CLOSE CASH BALANCE	\$51,300	\$46,700	\$34,900	\$29,949	\$22,382	\$34,983	\$39,338	\$52,820	\$34,936	\$44,725	\$48,465	\$52,705	\$59,705

FY1996-97 Actual figures are based on FY 96-7 Audit and are preliminary as of 12/4/97, pending ARCA approval of audit

Estimated surplus for FY97-98, 98-99, and 99-2000 is based on proposed budgets submitted for ARCA review at 12/9/97 Annual Meeting.

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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



Ray Romer
Governor
James S. Lochhead
Executive Director, DNR
Darius C. Uff, P.E.
Director, CWCB

MEMORANDUM

TO: Chairman and Members, Arkansas River Compact Administration
Via FAX

FROM: Steve Miller *SK Miller*

DATE: December 5, 1997

SUBJECT: ARCA Budget Matters, 1997 Annual Meeting

The following materials are submitted for your review regarding budget actions that need to be taken at the December 9, 1997 Annual Meeting:

1. FY 97-98 Budget with proposed second revision. Expenditures to date are generally in line with the budget, but I've suggested changes with regard to the USGS proposal for a transit loss study below JMR and annual report printing.
2. FY 98-99 Budget with proposed first revision, again an attempt to accommodate the USGS proposal for a transit loss study below JMR and a small adjustment for annual report printing.
3. FY 99-2000 Budget, a proposed draft for first adoption.
4. Analysis of ARCA Surplus Account Spreadsheet to show the projected cash balances through the current budget cycle.

Please note that my attempt to fit a portion of the costs of the proposed USGS transit loss study into the budgets is only a preliminary example and an effort to begin discussion of this item. It does not represent Colorado's position on how much of the study ARCA should fund, nor the schedule on which we should proceed. Also I have proposed a 20% increase in assessments for FY99-00 which certainly needs further discussion.

In addition to budget adoption, ARCA also needs to affirm the USGS cooperative agreements for federal FY 98, with the Kansas [\$6,915] and Colorado [\$24,475] Districts. This is the second year that ARCA has been asked to and agreed to enter into the cooperative agreements before the Annual Meeting. These amounts are payable from the Administration's FY 98-99 budget (i.e., USGS bills us in September 1998 and ARCA pays in November 1998), and sufficient funds are already budgeted.

cc: Operations Secretary Witte (w/enc.)
Recording Secretary Higbee (w/enc.)
Wendy Weiss

DRAFT FOR REVIEW AT DEC. 9, 1997 ANNUAL MEETING
 ARKANSAS RIVER COMPACT ADMINISTRATION
 FY 1997 - 98 BUDGET, 2nd Revision
 (July 1, 1997 - June 30, 1998)

I. EXPENDITURES	CURRENT	PROPOSED	ADOPTED
A. PROFESSIONAL SERVICE CONTRACTS			
1. Treasurer	\$2,000		\$2,000
2. Recording Secretary	\$2,000		\$2,000
3. Operations Secretary	\$6,100		\$6,100
4. Auditor Fee	\$400		\$400
5. Court Reporter Fee	\$1,000		\$1,000
subtotal services	\$11,500		\$11,500
B. GAGING STATIONS & STUDIES			
1. U.S.G.S. Colorado District Joint Funding fed. FY96-97	\$23,535		\$23,535
2. U.S.G.S. Kansas District Joint Funding fed. FY96-97	\$6,725		\$6,725
3. State of Colorado Satellite System	\$8,400		\$8,400
4. U.S.G.S Cooperative Studies [JMR TL 11/18/97 proposal]	\$0		\$20,000
subtotal gaging	\$38,660		\$58,660
C. OPERATING EXPENSES			
1. Treasurer Bond	\$100		\$100
2. Annual Report Printing (CY1994, 1995, & 1996)	\$4,000		\$8,000
3. Telephone	\$1,200		\$1,200
4. Miscellaneous Office Expense	\$300		\$300
5. Postage/Copying/Supplies	\$400		\$400
6. Meetings	\$500		\$500
7. Travel	\$0		\$0
8. Rent	\$600		\$600
subtotal operating	\$7,100		\$9,100
D. OTHER			
1. Equipment	\$0		\$0
2. Contingency	\$2,000		\$2,000
3. Litigation	\$0		\$0
subtotal other	\$2,000		\$2,000
TOTAL ALL EXPENDITURES	\$59,260		\$81,260
II. INCOME			
A. ASSESSMENTS			
1. Colorado (60%)	\$37,200		\$37,200
2. Kansas (40%)	\$24,800		\$24,800
subtotal assessments	\$62,000		\$62,000
B. OTHER			
1. Interest Earnings	\$1,000		\$1,000
2. Miscellaneous	\$0		\$0
subtotal other	\$1,000		\$1,000
TOTAL ALL INCOME	\$63,000		\$63,000
III. CASH SURPLUS ACCOUNT			
A. EXPENDITURES FROM SURPLUS			(\$18,260)
B. ADDITION TO SURPLUS			\$3,740

Adopted by the Arkansas River Compact Administration at its December 12, 1995 Annual Meeting, and revised at its December 10, 1996 Annual Meeting, and revised again at its December 9, 1997 Annual Meeting.

James Rogers, Treasurer

Date

M

DRAFT FOR REVIEW AT DEC. 9, 1997 ANNUAL MEETING
ARKANSAS RIVER COMPACT ADMINISTRATION
EY 1998 - 99 BUDGET, 1st Revision
 (July 1, 1998 - June 30, 1999)

I. EXPENDITURES	CURRENT	PROPOSED	ADOPTED
A. PROFESSIONAL SERVICE CONTRACTS			
1. Treasurer	\$2,000		\$2,000
2. Recording Secretary	\$2,000		\$2,000
3. Operations Secretary	\$6,100		\$6,100
4. Auditor Fee	\$400		\$400
5. Court Reporter Fee	\$1,000		\$1,000
subtotal services	\$11,500		\$11,500
B. GAGING STATIONS & STUDIES			
1. U.S.G.S. Colorado District Joint Funding fed. FY97-98	\$24,700		\$24,475
2. U.S.G.S. Kansas District Joint Funding fed. FY75-98	\$7,060		\$6,915
3. State of Colorado Satellite System	\$8,400		\$8,400
4. U.S.G.S Cooperative Studies [JMR TL 11/18/97 proposal]	\$0		\$20,000
subtotal gaging	\$40,160		\$59,790
C. OPERATING EXPENSES			
1. Treasurer Bond	\$100		\$100
2. Annual Report Printing (CY1997 and 1998)	\$2,000		\$4,000
3. Telephone	\$1,200		\$1,200
4. Miscellaneous Office Expense	\$300		\$300
5. Postage/Copying/Supplies	\$400		\$400
6. Meetings	\$500		\$500
7. Travel	\$0		\$0
8. Rent	\$600		\$600
subtotal operating	\$5,100		\$7,100
D. OTHER			
1. Equipment	\$0		\$0
2. Contingency	\$2,000		\$2,000
3. Litigation	\$0		\$0
subtotal other	\$2,000		\$2,000
TOTAL ALL EXPENDITURES	\$58,760		\$80,390
II. INCOME			
A. ASSESSMENTS			
1. Colorado (60%)	\$37,200		\$37,200
2. Kansas (40%)	\$24,800		\$24,800
subtotal assessments	\$62,000		\$62,000
B. OTHER			
1. Interest Earnings	\$1,000		\$1,000
2. Miscellaneous	\$0		\$0
subtotal other	\$1,000		\$1,000
TOTAL ALL INCOME	\$63,000		\$63,000
III. CASH SURPLUS ACCOUNT			
A. EXPENDITURES FROM SURPLUS			(\$17,390)
B. ADDITION TO SURPLUS		\$4,240	

Adopted by the Arkansas River Compact Administration at its December 10, 1996 Annual Meeting, and revised at its December 9, 1997 Annual Meeting.

James Rogers, Treasurer

Date

DRAFT FOR REVIEW AT DEC. 9, 1997 ANNUAL MEETING
ARKANSAS RIVER COMPACT ADMINISTRATION
FY 1999 - 2000 BUDGET
 (July 1, 1999 - June 30, 2000)

<u>I. EXPENDITURES</u>	PROPOSED
A. PROFESSIONAL SERVICE CONTRACTS	
1. Treasurer	\$2,000
2. Recording Secretary	\$2,000
3. Operations Secretary	\$6,100
4. Auditor Fee	\$400
5. Court Reporter Fee	\$1,000
subtotal services	\$11,500
B. GAGING STATIONS & STUDIES	
1. U.S.G.S. Colorado District Joint Funding fed. FY98-99	\$25,700
2. U.S.G.S. Kansas District Joint Funding fed. FY98-99	\$7,200
3. State of Colorado Satellite System	\$10,500
subtotal gaging	\$43,400
C. OPERATING EXPENSES	
1. Treasurer Bond	\$100
2. Annual Report Printing (CY1998)	\$2,000
3. Telephone	\$1,200
4. Miscellaneous Office Expense	\$300
5. Postage/Copying/Supplies	\$400
6. Meetings	\$500
7. Travel	\$0
8. Rent	\$600
subtotal operating	\$5,100
D. OTHER	
1. Equipment	\$0
2. Contingency	\$2,000
3. Litigation	\$0
subtotal other	\$2,000
TOTAL ALL EXPENDITURES	\$62,000
II. INCOME	
A. ASSESSMENTS	
1. Colorado (60%)	\$40,800
2. Kansas (40%)	\$27,200
subtotal assessments	\$68,000
B. OTHER	
1. Interest Earnings	\$1,000
2. Miscellaneous	\$0
subtotal other	\$1,000
TOTAL ALL INCOME	\$69,000
III CASH SURPLUS ACCOUNT	
A. EXPENDITURES FROM SURPLUS	\$7,000
B. ADDITION TO SURPLUS	

Adopted by the Arkansas River Compact Administration at its December 9, 1997 Annual Meeting.

 James Rogers, Treasurer

 Date