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ARKANSAS RIVER COMPACT ADMINISTRATION

ANNUAL MEETING DECEMBER 10, 2002

HELD VIA TELEPHONIC CONFERENCE CALL
TUESDAY, DECEMBER 10 AT 9:00 AM C.S.T. (8:00 AM M.S.T.)
[Transcript of Recorded Conference Call]

The following transcript is the official minutes of the Arkansas River Compact Administration's December 10, 2002 ARCA Annual Meeting, as signified by the signature of the Chairman of the Administration, pursuant to Administration approval given on December 14, 2010 at Lamar, Colorado.

Randy L. Haylett vice-Chair
for Robin Jennison, Chairman
Arkansas River Compact Administration

Note

On December 10, 2002, the ARCA Annual Meeting of the Arkansas River Compact Administration (ARCA) was held by conference call. The following transcript was prepared by staff of the Colorado Water Conservation Board (Susan Maul) from an audio recording of the conference call, which was then reviewed by staff of the Kansas Division of Water Resources, and finalized after consultation between the two agencies.

List of Exhibits

- A. Notice and Agenda
- B. Presidential Appointment Letter dated November 22, 2002
- C. Resolution re Trinidad Project Stockwater Time Extension

Participants:

Topeka, Kansas:

Robin Jennison, Federal Chair
David Pope, Kansas Representative and Vice Chair
Dave Barfield, Kansas DWR

Lakin, Kansas:

Randy Hayzlett, Kansas Representative

Garden City, Kansas:

Dave Brenn, Kansas Representative
Mark Rude, ARCA Assistant Operations Secretary
Kevin Salter, Kansas DWR
David Anderson, Kansas DWR
Al Knoll, Garden City Ditch

Denver, Colorado:

Rod Kuharich, Colorado Representative
Steve Miller, CWCB
Randy Seaholm, CWCB
Wendy Weiss, Colorado Attorney General's Office

Lamar, Colorado:

Jim Rogers, Colorado Representative
Stephanie Gonzales for Jan Anderson, ARCA Recording Secretary

Pueblo, Colorado:

Steve Witte, ARCA Operations Secretary
Bill Tyner, Colorado DWR
Charlie DiDomenico, Colorado DWR

Others calling in:

Tom Pointon (calling from Texas), Colorado Representative
Lee Rolfs (calling from California), Kansas Department of Agriculture
Lisa Vehmas, USBR
Marc Sidlow, Corps of Engineers
Dick Kreiner, Corps of Engineers
Mark Stark, Corps of Engineers

1 Operator: Welcome to the December 10, 2002, 9 a.m. Central Time recording of a
2 Colorado Water Conservation Board conference hosted by Steve Miller; Conference ID
3 2772302. And thank you. Per the host's request, this conference is being recorded. Thank
4 you.

5 Steve Miller: I think we're on our own now, and maybe I'll do the roll call and then
6 we can turn this over to David, maybe as vice-chairman you might want to help Mr. Jennison
7 figure out how we organize things?

8 David Pope: I would be happy to help anyway I can...I might suggest, Robin, if it's
9 OK, we could do the roll call and then also introduce you. And then turn it over to you as
10 chairman?

11 Robin Jennison: OK, and when you do that, David, as vice-chairman, I'm going to
12 turn it over to you, because I probably don't know enough to transact the meeting. We'll just
13 do it that way, if it's OK with everybody.

14 David Pope: I'd be happy to help anyway I can, we recognize this is kind of an
15 awkward way to start a new tenure for you, so we'll look forward to working our way
16 through this and then meeting in person at some future time. At this point it is...the operator
17 is already off the line, I believe?

18 Steve Miller: I believe so, and if I looked hard enough in my notes, there's a way to
19 bring her back, but maybe I could just do the roll call?

20 David Pope: I think we can go ahead with the roll call, and I may not have everybody
21 listed here, but let's start with recognizing that Mr. Robin Jennison is on the line as the new
22 Chairman of ARCA. And if you people would just acknowledge as I call your names off
23 within, hopefully that will work. We have Rod Kuharich and Steve Miller and Wendy Weiss
24 from Denver.

25 Rod Kuharich: Yes.

26 Steve Miller: Yes.

27 Wendy Weiss: Yes.

28 David Pope: Here in Topeka, we have myself...

29 Operator: Pardon me, Randy Hayzlett has joined.

30 David Pope: Thank you. Good Morning, Randy.

31 Randy Hayzlett: Good morning.

1 David Pope: We were just calling roll, Randy. Again, I was announcing this is
2 David Pope, member of ARCA from here in Topeka, and I have with me here in the office
3 David Barfield. We have Jim Rogers, I believe, is on the line, is that correct, Jim?
4 Jim Rogers: Yes it is.
5 David Pope: Tom Pointon?
6 Tom Pointon: Here.
7 David Pope: Tom, Good morning.
8 Tom Pointon: Good morning.
9 David Pope: I believe we just heard that Randy Hayzlett has been joined with the
10 call?
11 Randy Hayzlett: Yes I am.
12 David Pope: And my understanding, in Garden City, that we have Dave Brenn, who's
13 in the office with Mark Rude and perhaps Kevin Salter and some others there in the office?
14 Dave Brenn: Yes, that's correct.
15 David Pope: I believe I heard Mark Sidlow and Dick Kreiner from the Corps of
16 Engineers are on the line, is that correct guys?
17 Mark Sidlow: That's correct.
18 David Pope: I think I heard that Lee Rolfs, attorney for the Dept. of Agriculture here
19 in Kansas is on the line, calling from California, is that right, Lee?
20 Lee Rolfs: That's right, David.
21 David Pope: Now, who have I missed that I...are there others who are on the call at
22 this point in time?
23 Lisa Vehmas: Lisa Vehmas from Reclamation.
24 David Pope: Oh, yes, Lisa, good morning.
25 Lisa Vehmas: Morning.
26 David Pope: Yes, from Pueblo, whom do we have?
27 Steve Witte: Steve Witte.
28 David Pope: Steve Witte?
29 Steve Witte: This is Steve Witte, I also have Bill Tyner and Charlie DiDomenico in
30 the office with me.
31 David Pope: You're kind of cutting out, Steve. Can you say that again, please?

1 Steve Witte: Yes, I have Charlie DiDomenico and Bill Tyner here with me.

2 David Pope: OK, Charlie and Bill Tyner, good.

3 Steve Miller: Lee Rolfs, this is Steve Miller. Do you have anybody else with you?

4 Lee Rolfs: I have no one else with me.

5 Steve Miller: OK.

6 Mark Rude: In Garden City, we've got as well as myself, Mark Rude, Kevin Salter,
7 and Dave Brenn, we also have David Anderson and Al Knoll.

8 David Pope: OK, that's Kevin Salter and Dave Anderson from the staff, and then Al
9 Knoll who's one of the ditch officials in Kansas.

10 Mark Stark: And Mark Stark of John Martin Dam, Corps of Engineers.

11 David Pope: OK, Mark, good morning.

12 Mark Stark: Morning.

13 David Pope: Then David Brenn, right?

14 Dave Brenn: Yes.

15 David Pope: How you doing, David? I believe we have all of the commissioners and
16 a number of other individuals from the States of Kansas and Colorado, Bureau of
17 Reclamation, and Corps of Engineers, along with some other individuals, so I believe we
18 have a well-attended telephonic conference call. Having said that, now let me go ahead in
19 my capacity as vice-chairman, first of all, to introduce to all of you Mr. Robin Jennison, I
20 think as all of you hopefully know at this point, President Bush recently appointed Mr.
21 Jennison as new chairman of the Arkansas River Compact Administration. I was notified of
22 that fact and had a chance to visit briefly with Robin, in response to that also, and through
23 some exchange of e-mails I then forwarded out a copy of the appointment letter by my
24 November 22, 2002 letter to the members of the Compact Administration and also a number
25 of people, many of which are on this telephone call, it was ...(inaudible) ... to receive
26 notice, I'm sure I did not get everyone, so those of you that would like a copy of that
27 appointment letter, I'm sure it could be made available from either of the States, or here at
28 our office, or from Mr. Jennison, but certainly I would want to congratulate Robin on the
29 appointment. We look forward to working with you, and everyone is anxious to meet you in
30 person, hopefully that can be accomplished at our next scheduled meeting, which we will be
31 talking about here today.

1 Lee Rolfs: David, this is Lee, you might want to make that letter part of the record of
2 this meeting.

3 David Pope: I certainly...is there an objection to that? The suggestion was to go
4 ahead and make the letter of appointment a part of the record of this meeting?

5 Lee Rolfs: Yes, I think that's a good idea.

6 Rod Kuharich: Robin, this is Rod Kuharich. I'd like to invite you to Colorado to
7 come see the Arkansas facilities or whatever your fancy is.

8 Robin Jennison: Rod, I would really like to do that, and I would first of all say, I'm
9 looking forward to the opportunity of working with all of you, and in particular meeting you,
10 and I would like to do that at some point, I'd just like to kind of see if we can't get some
11 schedules together, and I'd like to come out, and whoever else can be there, and I've visited
12 with Steve a little bit about it ... on Friday. I don't know whether you guys come under any
13 kind of open meeting laws or anything, but we're...

14 David Pope: This is David again, much of what's just been said has been cutting in
15 and out, I don't know whether it's a problem with the telephone equipment or whether
16 anybody else was having trouble hearing?

17 Steve Miller: We were hearing OK here in Rod's office.

18 Unknown: It may be your phone over there, Dave, because the other time, when you
19 had a concern about that, I was picking it up all right here.

20 David Pope: And it may be...we'll need to go and continue, we could try changing
21 phones, but I'm not sure whether it's worth it at this point. We'll see how this goes on
22 through, but I took it that you were basically, Robin, just offering to meet with people and
23 looking forward to meeting with the Administration, is that correct?

24 Robin Jennison: Yes, and I'd love to get out and tour the facilities out there, and what
25 I was going to say was if there's not a problem with any kind of open meeting laws, if when
26 we could get some schedules together for me to do that, if anybody else would like to do that,
27 if it's appropriate, I would be pleased to have them along.

28 David Pope: I appreciate that, and I'm sure...are there other comments from people
29 about how it would be best to get Robin acquainted with the Basin and the people, facilities
30 and issues we deal with?

31 Jim Rogers: This is Jim Rogers. Robin, we would more than welcome you to come

1 out and look and we'll show you or we'll meet you at any place that needs to be, we'll show
2 you the facilities and how the system works in Colorado, and I think that would be beneficial
3 to you. I imagine Tom would join in on that deal, and we could make it whenever him and I
4 could make it, anyone else is welcome to come along.

5 Robin Jennison: Well, Jim, I appreciate that. What I'll probably do, is I'll probably
6 start kind of using e-mail, I think I've got everybody now, and get back with you guys, and
7 we can kind of informally put some dates together and then we can pass them around and see
8 who else would like to participate.

9 Jim Rogers: Sounds good as far as I'm concerned.

10 Dave Brenn: This is Dave Brenn from Garden City and we would likewise
11 coordinate an effort in Kansas, perhaps we could somehow work this to where you can see
12 most of the system as it originates in Colorado and then comes into Kansas hopefully we
13 could do something like that.

14 Steve Miller: This is Steve Miller. I think it's been a while since the representatives
15 to ARCA have made a similar journey, so maybe we should include David and Randy when
16 you come to Colorado, and Tom and Jim ought to take the Kansas portion of the tour.

17 Unknown: Sounds like a good idea.

18 Steve Miller: Maybe Steve Witte and Mark Rude could kind of be the leads on
19 figuring out how each State conducts the tours, since they've got the field personnel and the
20 knowledge of the system, so just keep both those names in the e-mail loop and see what
21 happens.

22 Wendy Weiss: I think that and working with the Corps of Engineers, as I recall,
23 they've been real helpful in the past, been setting up tours of John Martin facilities, so ...

24 Steve Miller: Mark, you'd be happy to have them?

25 Mark Stark: That's not a problem. John Martin's available anytime you guys want to
26 show up.

27 Steve Witte: You guys pick the dates, and I bet Mark and I can work around anything
28 you can come up with.

29 Robin Jennison: Well, we'll do that. I'll get with those guys and try to see what we
30 can put together as far as dates, and then we'll start talking with everybody.

31 Lisa Vehmas: And this is Lisa Vehmas. As appropriate, we'd be more than interested

1 to coordinate on seeing any Reclamation facilities.

2 David Pope: Hello, Steve, it's David Pope again. We're going to drop off and call
3 back into the 800 number, because I'm really missing almost all of everything that's being
4 said, so to the extent I can help facilitate the discussions, it would be better if I could hear, so
5 ...

6 Steve Miller: You're coming through real clear, David, it must just be the ...

7 David Pope: Something about the equipment here, so we'll dial right back in a few
8 minutes, and if you don't hear from us, Steve, you might check with the operator and call us
9 or something.

10 Steve Miller: OK. You have the details on how to get back in?

11 David Pope: I've got your e-mail that gives an 800 number and gives a caller ID
12 number.

13 Steve Miller: OK. Thanks.

14 David Pope: Bye.

15 Steve Miller: While David's gone, I'll just mention that the other federal agency that
16 we're involved with, Robin, is the US Geologic Survey, and because of our abbreviated
17 agenda, they felt like it wasn't necessary to be on the call today. My understanding is that
18 historically, the Geologic Survey provided support to the federal representative in terms of
19 travel expenses and secretarial help, things like that. You may want to call or e-mail Keith
20 Lucey and Pat Edelmann in Pueblo if you need some support.

21 Robin Jennison: OK.

22 Wendy Weiss: Another thing to mention, while we're going slowly here, is Randy
23 Seaholm has just joined us in the Denver Office.

24 Randy Seaholm: Morning, all.

25 Jim Rogers: Morning, Randy.

26 Robin Jennison: Steve ... this is Robin again. For my edification, what is the
27 procedure? Is David to continue to be vice-chairman, or do you guys have to elect a new
28 vice-chairman, or what's the deal?

29 Steve Miller: If we do have time, we do have to elect our officers each year, other
30 than you. By the terms of the Compact, the federal representative, if the President chooses to
31 appoint one, is the Chairman. But your position as Chairman will continue, I think

1 sometimes we acknowledge that during the election of the other officers, but yours is by law.
2 We generally haven't had contested elections for at least the 12 years I've been involved, but
3 we'll probably be just reaffirming the current slate.

4 Robin Jennison: But that's something you do on an annual basis, then?

5 Steve Miller: Yes, and we could do it today if time allowed, but I've got it on the
6 agenda where we could defer it. I think it would be good to make a record that the officers
7 are going to continue in office until we meet again.

8 Lee Rolfs: This is Lee. I think that would be a good idea if we can.

9 Rod Kuharich: This is Rod. I agree with that, I think we ought to just do that.

10 David Pope: This is David Pope, we're back into the call now, we can actually hear
11 this time.

12 Rod Kuharich: Actually, we reelected you as vice-chairman this year. (laughter)

13 David Pope: That's the risk of dropping off the line. So where are we? Do we need
14 to start proceeding down the agenda, or what?

15 Robin Jennison: Well, since you're back on, David, and I think the meeting would go
16 a heck of a lot better if someone was more acquainted with it ran the meeting, so I would, if
17 there's no objection, like to have you do that.

18 David Pope: It's fine with me if there's not objection from others, whatever works the
19 best.

20 Robin Jennison: Well, I don't hear any objections, so you might just as well head
21 down the agenda.

22 David Pope: Well, I think we're...thanks, and I know we have limited time, and I
23 appreciate the fact that there's been an opportunity for people to visit informally about the
24 arrangements and getting acquainted with you, Robin, and I'll catch up later from others
25 about everything that's been said. As I look at the agenda, and Steve Miller, help out also on
26 this, but I think we really were, we've gone through essentially the roll call and the welcome,
27 we were going to review the agenda, and I guess the question is whether there are any
28 additions or suggestions for change in the agenda.

29 Steve Miller: David, this is Steve Miller, talking to a few people, it may be important
30 to consider item 6 before we finalize 5, the scheduled date for the next meeting. I kind of put
31 this down in stream of consciousness, maybe, rather than in logical order, but as long as

1 we're in agreement that 5 and 6 are inter-related, we could do them in either order, but not
2 finalize one until we address the other.

3 David Pope: And I take it your thinking there is that depending on what we do with
4 that item it may make a difference as far as how quick we meet or something like that?

5 Steve Miller: Yes.

6 David Pope: OK. Is that acceptable with everyone to go ahead and talk about
7 Number 6, which is the extension potentially ... I think it's titled continuation of existing
8 resolutions action until the next meeting?

9 Unknown: Right.

10 Rod Kuharich: David, for Robins' information, the Purgatoire River winter stock
11 watering program...that was one that allowed a slug of water to be run down in a slug rather
12 than a small amount on a regular basis, because we weren't getting any water to the end of
13 the canal, and I don't know, are there any concerns with that, David, that you guys have?

14 David Pope: I think, and we have visited some about it in the Kansas caucus, we had
15 anticipated, I think, as probably everyone here except Robin would have some background
16 on for the most part, that this temporary amendment to the Operating Principles for the
17 Trinidad Project were entered into essentially a year ago for the purpose of allowing some
18 temporary operations, as you suggest, together with allowing an opportunity for the work that
19 was being done by the District and the Bureau of Reclamation to continue about how to
20 monitor the irrigated acreage. And I think there was the anticipation that we would be able to
21 take that up at this year's annual meeting, and since the full-blown annual meeting is not
22 being held, we are meeting, of course, on the regular date here today by telephone, but there
23 may be some merit in allowing consideration of something, if necessary to continue until it
24 can be taken up on a regular basis. So conceptually, I think there's ... I think we're willing to
25 at least listen, I think Rod; I think the issue for us is there ... what is really going on with the
26 current operations? Is there a need for some of the extra stock water in this new arrangement
27 yet this winter? Do we have anybody on the line, by the way, from Purgatoire?

28 Steve Miller: No, I provided the information to Jeris, but since he moved between
29 Trinidad and La Junta, I'm not certain he received it. He may join us at any moment, I've
30 spoken with him some and he assured me from the District's view, this is essential. If I could
31 depart from this discussion for one moment, under item 3, David, on the agenda...

1 David Pope: Yes.

2 Steve Miller: The other piece of that was the purpose of the meeting, and I'm unclear,
3 I think it's up to the Administration, whether this be considered part of the annual meeting in
4 that we would maybe adjourn and come back into session as a continuation of the annual
5 meeting at another date, or if this is some sort of special meeting for the purpose of
6 discussing an annual meeting down the road. I don't want to get overly linguistic or
7 legalistic, but it might be helpful to make that decision now, and then also, I just wanted to
8 clarify that because the meeting's recorded, my proposal would be that we do a full transcript
9 in our office with that tape, provide it to the Administration, so we would have a full
10 transcript rather than a summary of the meeting, we would have verbatim minutes of this
11 meeting, and if the minute procedures are OK, then I think we ought to make a quick
12 statement about what kind of meeting this is, and then we can move to the substance.

13 David Pope: OK, with regard to the minutes issue, certainly want to take any
14 comments from members of the Administration, I will say it's my recollection that in the last
15 several years, in terms of any of the telephonic meetings that we've had that we have
16 recorded those, as in the case here today, and just used that as the minutes of the meeting.
17 We do, Robin, for your information, we do have a court reporter present and transcribe a
18 record of the full ARCA meetings, like annual meetings, for example. So it has been our
19 practice to record and essentially use the full record. Is that acceptable to all members? Yes.
20 If that's the case, Steve, I think that's the guide and procedure that you would need to use for
21 helping assist administratively with this. In regard to the question of what kind of a meeting
22 this is, I've wondered about that myself. Ordinarily, today would be the Annual Meeting, we
23 would, of course, however, have a full agenda. This has not been the case. We also have
24 had, from time to time, special meetings, sometimes in the spring or at various other times of
25 the year, it seems to me that we're dealing with part of what would be a normal Annual
26 Meeting, that is to say, some of the administrative matters, but we're certainly not dealing
27 with a full range of agenda items to include any special proposals or even formal reports
28 from committees and matters of this nature. So I think it's a matter of semantics, I think. Do
29 you think there is some significance as to whether we call this an Annual Meeting or not,
30 Steve? Otherwise?

31 Steve Miller: I don't believe so. I'd maybe defer to Lee or Wendy who might know

1 the by-laws better than anyone else ... I guess, if we considered this the beginning of an
2 Annual Meeting and would then comply with the provision of the by-law that we're supposed
3 to meet annually. We did have a special meeting in May, but at that time we didn't deem it
4 was fulfilling our obligation to meet once a year, so maybe there's some benefit to ... I did
5 not do any kind of mailed public notice for this meeting, I have a fairly extensive e-mail list
6 now of interested parties, and I believe Kansas has, too, so that the actual notice was
7 probably fairly good of today's call, but the formal notice may not have been as good as
8 you'd like for a real annual meeting, so I guess that would be one argument that this is a
9 special meeting and the Annual Meeting will be conducted under more formal notice and
10 meeting procedures later on.

11 David Pope: I think we might, of course, we have limits to our time today, but if
12 Wendy or Lee, our legal advisors, do have comments ... that one way we might take care of
13 the issue is if the Administration itself has to act to move the date, and things of that nature,
14 we could call this the beginning of the Annual Meeting and then essentially continue it until
15 the future date that we will hopefully agree to here today.

16 Rod Kuharich: I agree with that, David.

17 Wendy Weiss: This is Wendy. That makes sense to me.

18 David Pope: Lee, did you have any comments on that?

19 Lee Rolfs: I think that would be acceptable. I don't have the by-laws here in front of
20 me.

21 Lee Rolfs: To expedite this matter, unless it seems that there's strong feelings, if
22 there are other strong feelings by members, it seems that's an acceptable way to proceed, is to
23 say that we convene today, we did it by telephone in essence of time and logistics, but we
24 would then continue the Annual Meeting to the future date that we will agree upon here
25 today, hopefully, and at that time we would finish up the normal business of the Annual
26 Meeting for the 2002 year.

27 Steve Miller: This is Steve Miller. We'll re-notice that continued meeting in a broad
28 distribution by mail, and by using the press.

29 David Pope: I think maybe we should, before we adjourn today, we probably should
30 take some action on that, but given the fact that there's an inter-relationship between this and
31 what date to pick, and perhaps this other item, maybe we should defer on that for just a few

1 minutes, if that's OK. It seems like the sense of the meeting is that we're on the right track
2 here. With regard to the winter stock water issue, that Steve alluded to a minute ago, I take it
3 from the comments that we've heard so far is that the District has relayed its concern to
4 members of the Administration that they would like to have the opportunity to use this
5 temporary arrangement yet this winter until such time as a permanent issue can be resolved,
6 is that what I heard said earlier?

7 Steve Miller: Yes. This is Steve Miller. I'll state that. I believe Tom and Jim may
8 also have heard that, as well as Mr. Witte. In addition to that, though, I'll mention that, and
9 maybe Lisa Vehmas can report on this, the District has made substantial progress in the other
10 contingencies mentioned in the previous interim agreement, but I'm not certain how far
11 they've gone with presenting that progress with Kansas.

12 Lisa Vehmas: This is Lisa. I think that's an accurate representation.

13 David Pope: OK. Thank you, Lisa. And from my perspective here, at least, in
14 Topeka, I haven't talked with the other members, I'm not sure it's...I think this is probably
15 also accurate. They can speak for themselves, but we did receive the letter from the Bureau
16 of Reclamation from Brian Person, I think that was the September 2002 letter in regard to
17 some progress that had been made, particularly in light of the Bureau, I believe, having had a
18 contract on some funding arrangements for that. But we have not received any further
19 information or demonstration of that, so perhaps that's something that we should keep in
20 mind as we move forward on this. Procedurally, I think we're in a bit of an awkward position
21 here. The terms of the principles and the temporary amendment that was made are very clear
22 on their face in regard to when they expire, and what it takes, basically, to amend the
23 principles by all of the signatory parties. I guess at this point I think it would be appropriate
24 to hear from people in terms of if we were to take action to deal with the deadline of
25 December 31, 2002 and other dates that are mentioned in this temporary resolution, how we
26 should do that. I will say, just parenthetically, that a formal amendment should that occur if
27 we think that's an appropriate action to take today, it would require the signatures and
28 circulating this again by all the parties. There are some dates that would have to be changed,
29 that would be pretty much in compliance, I think, with the provisions to amend the
30 resolution. I suppose, I don't know, Steve or others, whether you think there's another way to
31 do this. And I guess I would just at this point ask you or others what your views are, from a

1 Colorado perspective at least on this.

2 Steve Miller: David, I'm sure there are other views from Colorado, but this is Steve
3 Miller, and I'll give you the first one and then I'll sit back and see if anybody thinks this
4 makes sense. I thought that ARCA, in this meeting, acknowledging that all of the signatory
5 parties, other than the Purgatoire District, apparently, are participating ... on the call ... could
6 by resolution of ARCA just agree that the deadline was waived or that continuing the stock
7 water past the deadline would not be deemed a violation of the Operating Principles, rather
8 than amending the Operating Principles themselves. Talking to Lisa Vehmas yesterday,
9 actually I didn't talk to Lisa, I talked to Alice Johns, suggested that maybe ...time-wise we do
10 have time to amend the Operating Principles in 2002 to change the deadline, so I have a draft
11 resolution we could use for that purpose. Basically, it's, just last year's with some date
12 changes, that has not been circulated to anybody...I could read it into the minutes if we need
13 to do that, and then we could decide a procedure for getting it signed if action was taken
14 but...I guess my first thought until talking with your people yesterday and then Alice is that
15 ARCA could just deem the principles not to be violated if we went past that deadline.

16 David Pope: We might want to hear from Lisa on that. The five signatories, and
17 again for the Chairman's benefit, as well, are basically the Bureau of Reclamation, ARCA of
18 course, Purgatoire Water Conservancy District, and the State of Kansas, with the signature of
19 the Governor being required to formally amend the principles, which we have done in the
20 past, and I believe we've also...think the Corps of Engineers is also signs on to this as well.
21 Lisa, do you have comments in regard to what would be an appropriate process?

22 Lisa Vehmas: I do think Steve Miller did accurately represent the conversation as I
23 am aware, that we would...Reclamation would be more comfortable if we went forward with
24 a resolution and obtained the signatures for it. There may be an issue that has arisen in the
25 past, if we do have...assuming there is a meeting later on in the year with additional
26 amendments...I think there has been a variety of views in the past as to how often the
27 operating principles can be amended, but I think we could clarify that issue now in the
28 resolution if everyone chose to do so.

29 David Pope: That was my recollection, and I think it's...there may be, like you say,
30 some different views, but in general it was felt that one amendment per year is all that's
31 allowed. If we...since the amendment that was done last year was right before the end of

1 2001, if an amendment was done now, it would be a 2002 amendment, and then if some
2 longer-term arrangement was worked out, or considered in 2003, that would then be
3 permissible, at least under the principles. Is that your understanding, Lisa?

4 Lisa Vehmas: Yes it is. I think there was some concern; I do believe that we could
5 move pretty quickly to get the signatures. I guess if there was some...I guess there should be
6 a recognition if for some reason that process shouldn't work out, and the amendment
7 becomes effective in 2003 we would want to deal with the one amendment per year issue.
8 But I do believe...I mean we feel we could get it signed this year, and I think if everyone
9 would pull together, as we have in the past, to get these done quickly, it could be signed this
10 year.

11 David Pope: I would hope that would be the case, we've certainly been able to do
12 that at least a couple of times before, between the annual meeting and the end of the year.
13 Steve? I'm sorry, go ahead.

14 Lee Rolfs: This is Lee Rolfs, and I certainly agree that getting the formal amendment
15 signed by all the signatories is probably the preferable and safer approach. Should it break
16 down and not get signed this year, and become effective this year, I would have some
17 concerns about that, because I really wouldn't want to block ARCA out of taking action next
18 year to amend the principles because of the one amendment a year rule. As long as it could
19 be accomplished in this calendar year, I think that would be appropriate.

20 David Pope: It may be that we could write it in such a way that it is treated as a 2002
21 amendment, and it's all really just a matter of everybody approving it at the appropriate time,
22 and hopefully that would occur before the end of the year.

23 Dick Kreiner: This is Dick Kreiner. Is it possible that the existing amendment could
24 just be extended for a year by resolution?

25 Wendy Weiss: I think, in the past we've...that we need to have all the signatures for
26 the resolution to become effective. I believe that the first time we did this, people acted on it
27 before all the signatures were in effect, and that was a major cause of concern, and so since
28 then we've made sure that we had everybody's signature on it before they run that water for
29 stock water.

30 David Pope: Wendy, I think that's correct. Even though I think we might consider
31 this minor, we don't want to set bad precedents and create questions about whether people are

1 in compliance or not and things of that nature. Steve did...may I in the interest of time, if
2 you have a copy of it with some suggested changes, could you just tell us what you suggest
3 to be changed and we could at least consider that then, as whether it is appropriate to move
4 forward.

5 Rod Kuharich: Steve left the room, Wendy's got the resolution.

6 David Pope: OK, Rod, thank you.

7 Wendy Weiss: OK, what Steve has...Steve drafted three (3) parts. The first part, I
8 believe, basically the same thing that we did last year, but with the dates changed. The
9 second paragraph I'll read you in its entirety. It's the third of the end of the last paragraph of
10 article 4B1, the following additional paragraph. "The District shall implement substantive
11 procedures to verify on an ongoing basis that no more than 19,717 acres of the District
12 irrigable area are irrigated in 2002 and 2003 (acreage limitation). The procedures shall be
13 sufficient to allow the other signatories to the operating principles to identify the particular
14 parcels under irrigation and to determine compliance with the acreage limitation from
15 documentation that shall be provided by the district." That's the new second paragraph that
16 he's drafted.

17 David Pope: Wendy, just for clarification, if I'm correct, that appears to be identical
18 language to what we had in last year's temporary amendment except adding in the 2003 date.
19 Is that correct?

20 Wendy Weiss: Hold on a second, let me check that with Steve, because he drafted it
21 and I'm seeing it for the first time.

22 Lisa Vehmas: Yes, correct, that's what we have.

23 David Pope: Yes, I was following along and that looked like that was the case, so...

24 Wendy Weiss: OK, the third paragraph he drafted was "the signatory parties agree
25 that the operating principles for Trinidad Dam and Reservoir Project may be amended more
26 than one time in each of the calendar years covered by this amendment to wit 2002 and
27 2003." That was the issue we've just been discussing, I guess, what if people are not all able
28 to sign this year. And then the provisions unnumbered paragraph, "the provisions in this
29 amendment shall not be effective until the date the amendment has been approved by each
30 and all of the five signatories to the operating principles, as demonstrated by the respective
31 signatures to be attached to this resolution, and confirmation of the effective date being

1 provided to all other signatory parties by the U.S. Bureau of Reclamation. The provisions of
2 this amendment shall terminate and revert to those provisions in effect prior to December 11,
3 2001 on April 1, 2003 or sooner if subsequently amended by all of the signatory parties."

4 Steve, why did you put 2001? Shouldn't it be 2002?

5 Steve Miller: Is that a misprint?

6 Wendy Weiss: Is that a typo? OK. That should be 2002.

7 Steve Miller: Oh, no, no. It reverts...what we're talking about there is what the
8 Operating Principles stated about stock water prior to these interim agreements, so the 2001
9 version contains the language that does not allow a volumetric release, so we'd have to go
10 back to the operating principles as they existed in 2001.

11 David Pope: Prior to this temporary amendment, prior to last year's temporary
12 amendment, in other words.

13 Steve Miller: Right.

14 Wendy Weiss: I just assumed 2002 because last year's temporary amendment is
15 gone, anyway.

16 Steve Miller: But the words that we want existed on ...

17 Wendy Weiss: OK. And then it says, "approved and adopted by the Arkansas River
18 Compact Administration at its December 10th, 2002 telephonic meeting."

19 David Pope: Indeed, just for clarification, last year's amendment continues through
20 December 31st.

21 Steve Miller: Correct.

22 Wendy Weiss: Yes.

23 David Pope: So technically, our temporary amendment is still in effect, right now,
24 but is soon to expire.

25 Wendy Weiss: Yes.

26 David Pope: Can you ... on that last line of that paragraph where you were talking
27 about that April date, could you give the words for that again, Wendy? Or Steve?

28 Wendy Weiss: Sure. "The provisions of this amendment shall terminate and revert to
29 those provisions in effect prior to December 11, 2001, on April 1, 2003 or sooner, if
30 subsequently amended by all of the signatory parties."

31 David Pope: OK, so it's just substituting the April 3, 2003 ... you said April 3, 2003?

1 Wendy Weiss: April 1, 2003.

2 David Pope: April 1, sorry, that just didn't make sense to me. April 1, 2003...that's
3 substituted for the current date of December 31, 2002.

4 Steve Miller: Correct.

5 David Pope: OK, then on the...there was a new paragraph dealing with this more
6 than one amendment for, per year, and I didn't quite get the essence of that.

7 Steve Miller: Want us to re-read it?

8 David Pope: Maybe so.

9 Steve Miller: The signatory parties agree that the "Operating Principles Trinidad
10 Dam and Reservoir Project" may be amended more than one time in each of the calendar
11 years covered by this amendment, to wit 2002 and 2003." I didn't cite this to the language in
12 the existing Operating Principles that speaks to one amendment per year, but this would be to
13 overrule that provision for the length of this amendment.

14 David Pope: OK. So in other words, if it turned out to be more than once in either
15 2002 or 2003, for this purpose, then it would be OK.

16 Steve Miller: Right.

17 Lee Rolfs: Wouldn't we need to refer to that provision, whatever it is, and say
18 notwithstanding, section whatever...

19 Kevin Salter: Article 6 of the Operating Principles.

20 Steve Miller: Who was that?

21 Kevin Salter: Kevin in Garden City. It's Article 6 of the Trinidad Operating
22 Principles.

23 Steve Miller: OK.

24 Kevin Salter: The 1998 version of them.

25 David Pope: So you would say, "notwithstanding the provisions of Article 6" the ...
26 go on from there "the signatory parties agree" ... the language then that Steve and Wendy
27 read? Is that the thrust of what you're saying, Kevin and Lee?

28 Kevin Salter: Yes, that would be part of it.

29 Steve Miller: I guess ... this is Steve Miller again. The next paragraph we talk about
30 the amendment terminating...maybe we should be clearer and say "the provisions of I and II
31 of this amendment shall terminate, but we'd want the III to remain in effect at least until we

1 meet again, but probably for all of calendar year 2003.

2 Lee Rolfs: That sounds appropriate. This is Lee.

3 Kevin Salter: I guess with that, wouldn't you also want II to be effective for all 2003,
4 talking about the AVS.

5 Steve Miller: Yes, actually, you're correct, Kevin. So maybe we should just say, "the
6 provisions of section I of this amendment shall terminate".

7 Lee Rolfs: Does it say April 1? Is that what I'm hearing?

8 Steve Miller: Yes, the reason for April 1, by the way, is they've never had an
9 opportunity to do winter stock watering once the irrigation season begins. And that begins
10 on April 1st. I think there may be ways to modify that start date until later in the year by a
11 week or two, but basically winter stock releases do not need to occur after April 1st and never
12 have.

13 Lee Rolfs: This is Lee. Do we have anybody on the phone yet that knows the exact
14 situation of why this amendment is needed, and what the...I mean, because they can
15 work...deliver water up to the end of this calendar year, would that allow them to fill their
16 ponds up and be good for the rest of the year, and do they really need this amendment, those
17 kind of questions.

18 Steve Miller: Probably Mr. Witte might be the best source, other than the ranchers
19 who have to water their cattle and maybe understand how that process works.

20 Lee Rolfs: Yes, that's my question.

21 Robin Jennison: This is Robin.

22 David Pope: Steve, are you there?

23 Steve Witte: Yes, I am...I thought Mr. Jennison was interjecting.

24 Robin Jennison: No, I'm listening.

25 Steve Witte: OK. I don't have a lot of information about what they can or can't
26 accomplish between now and January 1st, Lee, other than the kind of general indications that
27 Steve Miller provided earlier, that they would like to have the opportunity, going into the
28 next calendar year, to provide for stock water if they have the opportunity or circumstances
29 require it.

30 Lee Rolfs: OK, I was just wondering whether there was any specific information
31 about the urgency of being able to do this.

1 Steve Witte: Well, there have been some stock water operations since the end of the
2 irrigation season was declared by the District this fall. And I presume that they will therefore
3 hope to continue to be able to do that going on into the winter. But I don't have any on the
4 ground first-hand information beyond that.

5 Kevin Salter: The inflow conditions...this is Kevin in Garden City. The inflow
6 conditions into Trinidad, how are those, Charlie? They're pretty low right now, aren't they?

7 DiDomenico -Yes, I think you hit it right on the head, Kevin. The low inflow
8 conditions now aren't really supporting any stock water releases. They're hoping conditions
9 will improve if we can get the amendment extended into the new calendar year, that that
10 would just be the grounds that it needs to continue on, as conditions hopefully improve.

11 David Pope: OK. Well, I know we're rapidly running out of time here, and I guess
12 the question before us is whether we...whether this is ready for action and whether everyone
13 understands the proposed changes to the temporary amendment.

14 Lisa Vehmas: May I interrupt for a minute? This is Lisa Vehmas...just to make sure
15 I understand the provision, the paragraph that Reclamation is involved in, and that is that
16 once all of the signatories have signed the amendment, Reclamation would notify all the
17 parties that it is in effect, is that the purpose of that paragraph?

18 Steve Miller: Right, Lisa, this is Steve Miller. Last year we used that method
19 because we had this signed in parts, and you guys received the signed copies, and when you
20 had five (5) signatures in your possession then you notified everyone that it had been
21 formally signed by the necessary parties.

22 Lisa Vehmas: OK, thank you.

23 Lee Rolfs: This is Lee. I think maybe I would recommend that we add some
24 language here so, you know, doing this amendment like this does not create any precedents
25 into the future as far as what we are going to be doing.

26 Rod Kuharich: This is Rod, I'm fine with that. And if you want to...David if you
27 want a motion, I'd be more than willing to make a motion to adopt the resolution with all the
28 discussed changes, which would include the non-precedential language.

29 Steve Miller: Lee, could you maybe e-mail me some language that captures that, or
30 do you want me to just wing it?

31 Lee Rolfs: I think you could probably do a fine job of winging it. If I have to e-mail

1 it to you it may be a while.

2 Steve Miller: OK.

3 David Pope: OK. We do have a motion now from Rod, and I guess we need a
4 second if we're to proceed forward, and then we can discuss it further.

5 Dave Brenn: I'll second that.

6 David Pope: Who was that?

7 Dave Brenn: Dave Brenn.

8 David Pope: OK, Dave. We now have a motion and a second to amend the
9 temporary amendment to the Operating Principles in the manner which has been described
10 here today, I feel a little awkward here because we have, ordinarily we would all have exact
11 proposed language in front of us. I think we understand it, it's essentially just being adapted
12 to allow it to be extended into 2003, and with the no-precedent language and with the special
13 language about allowing more than one amendment during the period of this amendment.
14 Paragraph one, Steve, just for quick clarification, did I understand, that you just adjusted
15 those dates to adapt to the 2003 situation? Is that in essence what you've done with
16 Paragraph 1?

17 Steve Miller: Yes. I just moved each date one year ahead.

18 (Tape turnover, brief interruption of recording)

19 David Pope: And like that last line, it would allow stock water to be used up through
20 essentially April 1 of 2003, is that correct, then.

21 Steve Miller: Right.

22 David Pope: OK. Let me ask if there is any further discussion about the proposed
23 action, then, from any members of the Administration?

24 Dave Brenn: This is Dave Brenn, and just briefly back to this precedent. I don't
25 know how definitive that will be created in this new language, but I think it's important to
26 realize, at least I recall that when this issue was first brought forward, it was discussed by
27 both Kansas and Colorado in the reality in terms of an emergency situation, and it was to
28 fulfill obvious critical needs. And I don't know if it's important, and certainly that can
29 become too cumbersome, but to be a little more definitive and list a little bit of the reasoning
30 behind the original temporary amendment.

31 David Pope: OK, thank you, David, I think that's appropriate. I guess for one

1 comment I would make is, is at least one member in a vein of trying to continue to cooperate
2 to deal with the issue that's been described to us, by the District, and in light of the fact that
3 we do not have a full meeting this year to consider the longer-term consequences, why, I
4 think it's appropriate to consider this. I would like to suggest that we make a request to the
5 District to provide the information that's called for in Paragraph II of the existing temporary
6 amendment and would continue into this amendment, so that we would have prior to
7 whenever we have our next full meeting, be available to us a full understanding of the
8 progress that has been made and any issues that remain to be resolved on the irrigated
9 acreage issue.

10 Steve Miller: David, this is Steve Miller, I'll do two things. I'll maybe rough-out a
11 whereas for this resolution, that could state the concerns that you and David Brenn just
12 discussed, and maybe state a basis for why we're taking this action. And additionally, if you
13 could identify who the key people are in Kansas that you would like to participate in that
14 verification process, I believe the District is ready to move forward. They were a little
15 concerned that the key people that you'd want to have looking at that are also the key people
16 that you're using to get ready in Pasadena. So if you could let us know who the initial
17 contacts should be, I think we could accomplish that right after the first of the year. It may
18 not get accomplished the first time we sit down, but we could certainly start the process.

19 David Pope: That's a point well taken and I appreciate those comments, Steve. And
20 you're right, all of us have been incredibly busy including some of the folks that would be
21 involved in that, so I think shortly after the first of the year we can get ourselves organized
22 and start working with you in that regard. Probably would be someone out of Mark's office
23 and perhaps others on behalf of Kansas. Are there other comments before we call for the
24 question on this motion? I know we're in kind of an awkward position because our people
25 are at different locations, but is Colorado prepared to act on this motion, Rod.

26 Rod Kuharich: Yes, I believe so.

27 David Pope: And let me start polling my commissioners from Kansas, Randy and
28 Dave, are you prepared to support the motion?

29 Randy Hayzlett: Yes.

30 Dave Brenn: Yes.

31 David Pope: OK, with that then, we'll call for the question. And Colorado then votes

1 how, Rod?

2 Rod Kuharich: Colorado votes Aye.

3 David Pope: And on behalf of Kansas, then, Kansas will vote Aye. And I'll then
4 declare the motion passed, and Steve, if you would get the resolution into final copy and send
5 it out to each of us, and I suppose then we would ask the Bureau to take the steps that we've
6 described earlier about collecting all the signatures. Steve, if you would help Lisa work
7 through that, if you would, please.

8 Steve Miller: I will. And I'll work with you, Robin, to get your signature.

9 Wendy Weiss: So will we do this through sending everyone a separate copy and
10 having them send separate signature pages to the Bureau?

11 Steve Miller: I actually think it would be most appropriate if we got Robin's
12 signature on all five (5) of those agreements... get Robin to sign this resolution so I'll send
13 you a package of five (5), Robin, we can talk after the meeting where the best place to send
14 that is, and then all the parties being asked to sign after that will know that ARCA did adopt
15 this. So that might add a day or two to the process, but I think it would make it easier for the
16 Governor of Kansas for instance, or the Colonel in Albuquerque to know that this is a
17 formally adopted resolution that they are being asked to agree to.

18 Lee Rolfs: Steve, this is Lee. One suggestion I might make is since none of us have
19 ever seen this resolution, actually, it isn't finished making drafts of yet, maybe it could be e-
20 mailed out to everybody sometime today, and get comments back by tomorrow or something.

21 Steve Miller: OK.

22 Lee Rolfs: You know, and any language, the whereas clause and the no precedent
23 clause and that sort of thing.

24 Steve Miller: OK.

25 David Pope: I think that's probably appropriate if it turns out to just be a drafting
26 issue that someone catches that wasn't what we thought we were voting on, we ought to have
27 a chance to fix that.

28 Lee Rolfs: Yes, the concept seemed pretty clear, I just... I think that would be good
29 for everybody to actually see.

30 David Pope: OK, with that, I think we've got that matter taken care of, appreciate
31 everybody's diligence in working together to try and accomplish that. I think the next thing

1 we ought to take up then is really the date of the next meeting. I note by my watch that we've
2 used up most of our time already, so I hope we can wrap up the rest of this pretty quickly, I
3 know I have some people waiting at 10 AM local time outside the office. Just to start the ball
4 rolling, I know there have been some informal discussions about the rescheduled the meeting
5 to be held in May. And just to get the ball rolling in the interests of time, I'm going to
6 suggest the week of May 19th, and just simply ask people to comment on that at this point in
7 time.

8 Rod Kuharich: The Board meets after that. I think we're OK with that date, David.
9 This is Rod.

10 David Pope: How about other members? I know, not having a meeting in December
11 pushes it over into the period which is busier for people of the agricultural community.

12 Rod Kuharich: I just happened to check the dates of the Water Conservation Board
13 Meeting, and it is the 19th and 20th of May. Can we go the week before?

14 Lee Rolfs: I don't think we'd be constrained to meeting on Tuesday, if that's the issue.

15 David Pope: Is it better maybe later in that week.

16 Rod Kuharich: Yes, we could do it later in the week.

17 David Pope: That might be better, I know we have a Big Blue River Compact
18 meeting that previous week, and another meeting, it might be harder to fit it in. Could we do
19 something on ...

20 Rod Kuharich: 22, 23?

21 David Pope: Yes, that would probably work as long as a Friday's not a problem for
22 people. Start maybe on the 22nd ... we haven't talked about whether this is a one day or a two
23 day affair or what, but sometimes we have committee meetings the day before.

24 Rod Kuharich Well, that's what I was anticipating, David, that Thursday would be for
25 committee meetings.

26 David Pope: I think ... what do the rest of you think? And Robin, you need to jump
27 in here too in terms of your schedule.

28 Robin Jennison: Well, from my standpoint that's about as good as anything, my only
29 hang-up is the legislature and it ought to be done by then, and if they're not I'll be ready to get
30 out of town anyway.

31 David Pope: That's kind of my thinking as well. So that's one reason why I'm trying

1 to get it a little later into the 30th of May period. That would be good. If everyone can do it
2 on the 22nd and 23rd, I would find that acceptable. OK, I don't hear any yelling and
3 screaming. The rest of the issue would be trying to anticipate, I know looking at the agenda,
4 there's reference to the committee meetings and staff work plans, and I know there's a lot of
5 items that can be taken up at the next meeting, how many of them will be ready is the issue, I
6 guess. We've had a special meeting, as all of you recall, except Robin, that ... actually in
7 Garden City last May to work on some of the 1980 Operating Plan issues and the matrix, and
8 some of those things that we put quite a lot of effort into, but we really haven't progressed
9 beyond that, would be my understanding at least. Is it Rod and others from ... involved in
10 this, were you anticipating picking up kind of where we left off there, or what's your
11 thinking?

12 Steve Miller: David, this is Steve Miller. When I put that down, I thought we might
13 have more time to talk and you might be able ...the ARCA members might be able to force
14 the hands of staff to be more timely and thorough. I think what really ARCA could do today
15 is authorize the committees to meet at any time between now and the scheduled meeting, and
16 also authorize the committees to receive any information from staff that staff thought might
17 be useful to the committee, let the committee chairman decide if he wants to call a meeting or
18 if he wants to wait until we get together in May, but that way we could make as much
19 progress with the committees as possible, and maybe expedite how quickly we move through
20 things in May. Usually we have this process of an item comes to ARCA, ARCA looks at it,
21 refers it to a committee, the committee does its thing, and it takes almost a year to get the
22 committee involved and producing something. We have some standing business with
23 committees right now, we have other things that maybe could come to committees before it
24 comes to ARCA, so if people were comfortable with giving the committees a little more hand
25 to take on matters at the discretion of the chairman of the committee, we might be able to do
26 some things in March or April with the committees and let the committees come together
27 again at the rescheduled annual meeting.

28 David Pope: What's the pleasure of the body? That's fairly open-ended, but I know
29 Steve is trying to get something that's workable for us. Are there comments on that from any
30 of the persons participating here?

31 Tom Pointon: This is Tom Pointon. Could you do it in conjunction with a tour for

1 the new Chairman?

2 Rod Kuharich: That's a good idea.

3 Steve Miller: Yes, I think I would leave it up to the chairman of the committee, when
4 he wants to call those staff in and have them present information, and if we can do it at the
5 same time we're coming down for a tour or something, that would be a bonus.

6 Robin Jennison: Well, that's something that I'd sure be amenable to, I mean, sounds
7 reasonable to me. We could try to make everything work to do that.

8 Steve Miller: By the way, Robin, you have the honor of being a member of all the
9 committees.

10 Robin Jennison: Oh, well, that's outstanding. I didn't realize that.

11 David Pope: I think whatever we can make work makes sense to me. I know there's
12 some of these items that get pretty complex, so the only apprehension I had was if there was
13 staff or commissioner commitments that get beyond what we can really get accomplished
14 during, say, legislative session or something. That would be the only apprehension I would
15 have. But within the framework of those things that we could do efficiently, we ought to try
16 to do them, and leave enough time the day before the full meeting to get it ready for the
17 action the next day.

18 Lee Rolfs: This is Lee, I was looking at the calendar here, with Colorado's schedule.
19 Would it be possible to hold the committee meetings the night of the 21st instead of the 22nd,
20 then we wouldn't have this travel issue on Friday. I don't know how much of an issue that is
21 for most people, but...

22 Rod Kuharich: My problem is most of our staff is going to be in Meeker, Colorado
23 on the 20th. So they probably won't be freed-up until 5 or so on the 20th.

24 Lee Rolfs: I was thinking, if the committee meetings begin in the evening of the 21st,
25 whether that would give you enough time to get there.

26 Unknown: I thought committee meetings began earlier on the 22nd, Lee. You could
27 have a lot of that laid out, so maybe we would be done by the middle of the ... by midday on
28 the 23rd.

29 Steve Miller: For that matter, we could start the ARCA meeting the afternoon of the
30 22nd. If we did committee meetings in the morning, and ARCA beginning at noon. Keep
31 Friday just for carry-over and we could possibly complete our agenda on Thursday.

1 Unknown: That would be fine with me.

2 Rod Kuharich: OK.

3 David Pope: Does that sound acceptable to you people? Would you rather start on
4 the morning of the 22nd with committee meetings and then go from there? You know,
5 sometimes whenever we start just in the evening, it's hard to get everything done before it
6 gets too late.

7 Wendy Weiss: And we get cranky.

8 Steve Miller: This would facilitate the public may be attending both the committee
9 meetings and the ARCA meeting.

10 David Pope: Why don't we do this, then...I'm hearing...there may be some earlier
11 work even prior to the 22-23, but let's start the events with the morning of the 22nd, starting
12 with committee meetings, and we could shape the agenda with some additional work after
13 this call, but it sounds to me like we plan the morning for the committee meetings and the
14 afternoon for ARCA meeting, and continue on Friday if we really needed to.

15 Rod Kuharich: Sure.

16 David Pope: If that's acceptable, why don't we try to follow that model? That would
17 give us Wednesday for travel time to get to where we're going and things, so that would be
18 find with me, at least. Do we have ...we obviously would invite the group to come to
19 Garden City again, if that would be your pleasure, I know there's been an issue about meeting
20 locations before, and certainly don't want to make that a big item here today, but is there any
21 interest in meeting other than in Lamar, or is that where you want to meet, or what?

22 Jim Rogers: I think we want to meet in Lamar.

23 David Pope: Jim, you surprise me again. (laughter) I think since we said this was a
24 continuation of the Annual Meeting, well, that's the default position. You know, unless
25 there's agreement to change it, I assume we'd go to Lamar. With that, why don't we wrap this
26 up, if we could get a motion to continue the 2002 annual meeting to begin with committee
27 meetings on May 22nd, 2003, continuing with the full ARCA meeting that afternoon in
28 Lamar, Colorado, and as necessary into May 23rd, and at such time we would proceed with
29 our business issues. Is that an acceptable way to proceed, and do I have a motion to that
30 affect?

31 Rod Kuharich: So Moved.

1 David Pope: And who was that?

2 Rod Kuharich: Rod.

3 David Pope: Rod, OK, do we have a second?

4 Randy Hayzlett: This is Randy, I'll second.

5 David Pope: OK, with that, is the body ready to act? How does Colorado vote?

6 Rod Kuharich: Aye.

7 David Pope: And assuming Randy and Dave were OK, I'll vote... Kansas will vote
8 Aye. OK. I think the final remaining items we have will be budget matters. Steve Miller,
9 would you want to run us through that real quick?

10 Steve Miller: Yes, I'm going to do this real quick, so stop me if I get too quick. No
11 one has seen an audit but the audit has been accomplished and as far as I know has not
12 identified any problems. Between now and our next meeting we'll send that out to all the
13 ARCA members, but the audit was accomplished, and because it's normally distributed in
14 person at the Annual Meeting we didn't do that yet this year. In terms of existing budgets,
15 we have adopted last year budgets through June 30 of 2004, and I don't think there's any need
16 to address budget matters until we come together in May. Beyond that, there is the one thing
17 that does require some action - the USGS stream gaging program that we rely on from both
18 States. It's on a calendar year basis. There's new funding agreements for the calendar year
19 2003 that have been sent out for Jim's signature and I think it would be good if ARCA would
20 authorize him as treasurer to sign those two contracts. They're within the range of previous
21 agreements, there's a continuing escalation of their costs, we need to maybe someday rein
22 that in, but the escalation for inflation is within 3 or 4 percent, which is what we've been
23 experiencing the last several years and what we budgeted for. So I guess my
24 recommendation would be that we tell Jim ... that ARCA tell Jim that he should go ahead
25 and sign those two agreements.

26 David Pope: Do we hear any comments in that regard? I think that's a nice efficient
27 way to wrap this up. Hearing no comments, I guess I would entertain a motion to authorize
28 the treasurer to enter into continued contracts with US Geological Survey for both districts,
29 that's the Kansas and Colorado districts, as proposed. Steve, is that your suggestion?

30 Steve Miller: Yes.

31 Dave Brenn: This is Dave Brenn. One question, will they be agendaed at the May

1 meeting to give an update and report?

2 Steve Miller: Yes, absolutely. And if they had thought that there would be any
3 concern with the agreements they would have been on the call today, but we can revisit the
4 balance of calendar year 2003 with them at the May meeting, we can talk long-term with
5 them, and each federal agency will make a full report at the May meeting, anyway, but we
6 can also have a special agenda item if there's concern about the cost of stream gaging.

7 David Pope: We would also, I assume, take up the issue of the next budget, which we
8 ordinarily would have done now, but we can do that in May.

9 Steve Miller: Right, and David that's one of the things that this kind of open-ended
10 agreement that should bring things to the committees, I might have some suggestions on
11 changing how we do budgets that I would present to the financial committee yet this winter.

12 David Pope: OK.

13 Steve Miller: And see if that merits attention by the full ARCA at the May meeting.

14 David Pope: OK, with that, is the body ready to proceed on an action?

15 Rod Kuharich: Mr. Vice-chair, this is Rod again. I would make the motion to
16 accomplish the budget items.

17 David Pope: Do I hear a second on that?

18 Dave Brenn: I'll second it. Dave Brenn.

19 David Pope: OK, we've got a motion and a second. Any further discussion? Motion
20 will be as previously stated to authorize the treasurer to enter into these contracts.

21 Rod Kuharich: Where would they be without us, Dave?

22 David Pope: Good question. Is everyone prepared to vote on the motion? OK,
23 Colorado?

24 Rod Kuharich: Colorado votes Aye.

25 David Pope: And Kansas votes Aye. I declare the motion passed. Returning to the
26 agenda, I know we're overtime here. Do we have any further items here?

27 Rod Kuharich: The only other one is the election of officers, and I would make the
28 motion that we re-elect the existing slate of officers for the coming year.

29 David Pope: OK, we've got a motion, is there a second on that?

30 Randy Hayzlett: I'll second that. This is Randy.

31 David Pope: And I guess that would just for the record, I guess that would include

1 myself as Vice-Chairman, it would include Jim Rogers as Treasurer, and I guess we've got
2 Steve Witte as Operations Secretary, and Jan Anderson as the Recording Secretary. Who
3 have I left out? Mark Rude is the Assistant Operations Secretary.

4 Steve Miller: And move to replace Mr. Sisnero's name with Mr. Jennison's for
5 Chairman.

6 David Pope: I think that would be appropriate. Is there further questions or
7 clarifications on the motion? With that, I'll call for the question, how does Colorado vote?

8 Rod Kuharich: Colorado votes Aye.

9 David Pope: And hearing no opposition from my compatriots, Kansas would vote
10 Aye. We have committee assignments. Steve, do you have that list in front of you, I take it
11 this would be a continuation that we, for Robin's information, we tend to rotate the
12 chairmanship of those committees, unless there's a change in membership.

13 Steve Miller: We could rotate that now or we could rotate it in May. I can tell you
14 who the current committees are. Engineering is Pope and Pointon, with Mr. Pope as
15 chairman, Operations is Rogers and Brenn, with Jim Rogers as chairman, Legal and
16 Administrative is Rod Kuharich as chairman and Randy Hayzlett is the other member. We
17 can swap the chairman right now, or we can continue the way we are for another five (5)
18 months.

19 David Pope: Well, I suppose the ordinary thing would be to go ahead and rotate them
20 now, but we are in kind of an odd situation, so what's the pleasure of the members here?

21 Rod Kuharich: Mr. Chairman I'd make the motion to continue the committees and to
22 rotate the committee chairs as we have historically done.

23 David Pope: That would be at this time, then?

24 Rod Kuharich: Yes.

25 David Pope: Do I hear a second for the motion?

26 Randy Hayzlett: I'll second that. This is Randy.

27 David Pope: That's Randy? OK, is there any further discussion?

28 Steve Miller: Only that I should have mentioned Mr. Jennison as being a member of
29 each of those committees, by virtue of the by-laws.

30 David Pope: Yes, and Robin, I think that was mentioned earlier, so you're welcome
31 to attend each and all of those. I think it's discretionary depending what's on the agenda.

1 Well, with that, we have the Engineering Committee ... I won't repeat all of these ... does
2 everybody have the list?

3 Steve Miller: I'll update the roster, David, consistent with the actions today, and send
4 that out.

5 David Pope: OK, is everybody ready for the question? If so, how does Colorado
6 vote?

7 Rod Kuharich: Colorado votes Aye. That's assuming that John (Jim?) and Tom don't
8 have any problems with any of the previous items.

9 David Pope: OK, at least they haven't yelled yet.

10 Rod Kuharich: No they haven't. These guys speak up for themselves, though.

11 David Pope: I'm going to have the same caveat with Kansas, I guess Randy and
12 Dave, if you're comfortable, we'll go ahead and support this motion. Kansas will vote Aye
13 then. OK, we have the committees with the new rotated chairman, is there anything that
14 needs to further come before the body at this time?

15 Jim Rogers: Yes, on getting the bills paid and a signature. We have sent out the
16 signature cards ... one's coming to Robin and ...

17 Gonzales: Actually, they're both going to David Pope.

18 Jim Rogers: Oh, we're sending two to you, David, for right now, and if we need to
19 change that, why we will. You know, if we need one to go to Robin, or however we want to
20 handle that, we need to figure out who's going to do the signing. The second signature on
21 these checks.

22 David Pope: How have we done that in the past? Who was signing those, the second
23 signature?

24 Steve Miller: David, this is Steve Miller. The by-laws say the checks can be signed
25 by the Treasurer, the Vice-chairman, or the Chairman, but we need two of those three, and
26 because the Chairman had been located in Colorado in prior years, we usually had him sign,
27 when the Chairman was unable I think we asked you to sign, which is what surprised me...I
28 thought you'd signed checks for us before, but apparently the bank had no record of your
29 signature.

30 David Pope: I don't recall that coming up, even though I think you're correct on the
31 by-laws.

1 Steve Miller: Maybe we thought we had you as a fail-safe, and never had to utilize it.
2 At any rate, we need to get signature cards for both you and Mr. Jennison to take advantage
3 of that, and then in May we can consider whether we want to figure out some other parties
4 that we would authorize to sign.

5 David Pope: OK. Robin, is that OK with you?

6 Robin Jennison: It's fine to have me on the signature card, I think for a matter of
7 being expeditious, to be able to do that, it would be better if David was the kind of the default
8 guy to go to, because, maybe I don't realize your schedule, David, but I think it's probably
9 easier to find him with the mail than sometimes it is me.

10 Steve Miller: David Brenn or David Pope?

11 Robin Jennison: David Pope.

12 David Pope: Well, we do have the office here, I am out of the office a fair amount,
13 however, but I certainly would have the office and they can track me down and things like
14 that. I'm willing to do that, it's up to the pleasure of the Administration here, but Jim, did I
15 understand you that those have been forwarded to us at this point in time, those signature
16 cards?

17 Jim Rogers: They were overnighted last night.

18 David Pope: Oh, so they may be here today.

19 Jim Rogers: Yes.

20 David Pope: Well, why don't we do this? We'll go ahead and try and secure Robin's
21 signature and then we can take this up later if we need to, but for the current time, at least, I
22 can go ahead and sign those, and see how that works out. Robin, if you're here in town, if
23 you have a moment to stop by the office, we can get your signature right then.

24 Robin Jennison: I do. In fact, if those have made it here, let me know after the
25 meeting and I'll run over.

26 David Pope: OK, why don't we do that? And Dave's going to go check and see if
27 they've arrived yet, and we will ...we can get that taken care of real efficiently right here
28 now.

29 Steve Miller: David, I think they also sent you a stack of checks to sign as well as the
30 signature cards, is that right, Jim?

31 Jim Rogers: Yes.

1 David Pope: OK, Some checks that are ready to be signed. OK, I'll take care of that
2 as well. It's good, because I'm possibly leaving town tomorrow morning, so if they're there
3 we'll get it done. If not, we'll try to capture Robin and see if he can do it.

4 Rod Kuharich: Do we need a motion to adjourn, or do we just declare the meeting
5 over?

6 David Pope: Probably would be a good idea to do that is...are we ready for that?

7 Steve Witte: Mr. Chairman, one quick question. This is Steve Witte. Has anyone
8 not received the Operations Secretary's report or the 2002 Offset Account report?

9 Steve Miller: We got ours here at the Conservation Board.

10 David Pope: We received a copy up here in Topeka, and I take it, Mark, you have in
11 Garden City?

12 Mark Rude: Yes, we have.

13 David Pope: OK, thank you, Steve, for sending those. We'll have more time this
14 year to look at them.

15 Rod Kuharich: Mr. Vice-chairman, this is Rod. I would move that we adjourn the
16 meeting until May 22nd, so it becomes a continuation of the Annual Meeting.

17 David Pope: I appreciate that. Do we have a second on that motion?

18 Tom Pointon: This is Tom Pointon. I'll second.

19 David Pope: And I think we're ready for action. One last...is there any final
20 comment, Robin? I've just gone right ahead here, are you comfortable where we are at this
21 point in time?

22 Robin Jennison: I'm comfortable where we are, and David, I appreciate you running
23 the meeting.

24 David Pope: Thank you very much, we're glad to have you onboard. Before I call for
25 the question, I will note that the materials regarding the signature card and the checks have
26 arrived, so I'll take care of that, so Robin, if you'd stop by the office and...you know where
27 we are...

28 Robin Jennison: Yes, I'll do it in a little bit.

29 David Pope: OK. That would be great. Thank you very much, I'll call for the
30 question at this point. How does Colorado vote?

31 Rod Kuharich: Colorado votes Aye.

1 David Pope: And Kansas will vote Aye, we'll declare the meeting recessed until
2 May. We look forward to talking with all of you then if not before.

3 Rod Kuharich: Happy Holidays everybody.

4 Dick Kreiner: David, before everybody signs off, this is Dick Kreiner, with the Corps
5 of Engineers in Albuquerque. The Corps normally presents an annual report at this time, and
6 we're going to go ahead and mail this out to you, and then we'd be glad to talk about it again
7 in May, so you all will be seeing our normal annual report in the mail. Another thing, I
8 wanted to inform ARCA was that I've been reassigned here in the Albuquerque District.
9 Mark Sidlow is the new chief of the reservoir control branch, so you're going to be seeing his
10 name and be seeing him personally next meeting.

11 David Pope: OK. Well, Dick, I appreciate the information and we'll look forward to
12 receiving the written report, we'll look forward to working with Mark and we certainly have
13 appreciated...I think I can speak for the body as saying we've very much appreciated your
14 contribution and your time working with ARCA. Will you still be with the Corps in
15 Albuquerque, or are you traveling elsewhere?

16 Kreiner: Yes, I'm actually still within the Operations Division here, I've just been
17 reassigned to a recovery program in the Rio Grande Basin and just down the hall, so I'm not
18 far away.

19 David Pope: Well, we wish you well in that, Dick, and again, appreciate all the
20 contributions.

21 Wendy Weiss: Dick, I extend my sympathy. (laughter)

22 David Pope: Sounds like somebody who knows the in, in terms of what you're
23 getting into there. That recovery word has special significance. OK, with that, unless there
24 are other announcements, again, I appreciate everyone's participation, and I think we have
25 concluded our business, and appreciate the attention to that. Goodbye now.

26 Call is concluded.

27

28 Transcribed from recording December 2002

29 By Susan Maul

Miller, Steve

From: Miller, Steve
Sent: Monday, December 09, 2002 9:17 AM
To: CSU-Coop.Ext, Rocky Ford; Danielson & Associates; Hamel, Alan; Pueblo Bd.WW; Helton & Williamsen; Kahn, Jeff; BLGLaw; Kelley, Joe; City of La Junta; Kroeker, Bruce; TZA; Las Animas County Comm., Attn Ken Torres; LAWMA, c/o Bill Grasmick; Lee Miller (E-mail); Ohara, Bud; Pueblo Bd.WW; Phil Reynolds (E-mail); Rep. Brad Young; Ristau, Randal; WQCD-NPS Ag; Steerman, Don; Sutherland, Lorenz; NRCS LaJunta; Thompson, Gary; WWWheeler; Timothy K. Gates; Trout, Robert; Valliant, Jim; coop. ext. csu; Westmore, Dick; GEI Denver; Woldridge, Julianne; MacDougall et al.; Zebroski, Bob; COSoilConsBd.; Anderson Jan; (E-mail); Aurelio Sisneros (E-mail); Cain, Doug; USGS Denver; Edelman, Pat; USGS-Pueblo; Garcia, Dennis; USACE-albuquerque; Gauger, Bob; USGS - Hays KS; Johns, Alice; USBR Loveland; Lucey, Keith; USGS Pueblo; Marc S. Sidlow (E-mail); Musgrove, Tom; USBR Pueblo; Putnam, Jim; USGS - Lawrence, KS; Robin Jennison (E-mail); Sandy Rayl (E-mail); Shampine, Susan; USACE, Albuquerque; Stark, Mark; USACE, JMR; Wilson, Malcolm; USBR-Loveland
Cc: Anderson, Jan; ARCA Recording Secretary; Beal, Vivian - DWR Pueblo; Bogard, Wendy; DiDomenico, Charles; Flack, Paul; Knox, Ken; Kuharich, Rod; McNeill, Grady; Miskel, Harold; Montgomery, Dennis; Pointon, Tom; Robbins, David; Hill & Robbins; Seaholm, Randy; Simpson, Hal; Straw, Dale; Tyner, Bill; Weiss, Wendy; AGO; Witte, Steve; Barfield, David; Kansas DWR; Book, Dale; Spronk Water; Brenn, David; Kansas ARCA; Draper, John; Kansas ARCA; Hayzlett, Randy; Kansas ARCA; Pope, David; Kansas DWR; Roads, Joyce; KS DWR - Garden City; Rolfs, Lee; Kansas Dept. of Ag.; Rude, Mark; Kansas DWR, Garden City; Salter, Kevin; Kansas DWR
Subject: Notice of ARCA Conference Call Meeting Dec. 10, 2002

As generally known in the basin, the Arkansas River Compact Administration is not been able to meet in Lamar for its 2002 Annual Meeting at the regularly scheduled time. To address several business related matters and carry over existing issues until the Administration can meet ARCA will hold a brief [1 hour max.] conference call on the morning of Dec. 10, 2002 at 8 AM MST. The proposed agenda is posted below. The public may listen to the conference call at the following locations, however there will be little or no time for public comment or discussion UNLESS it is directly related to a specific agenda item:

1. Kansas Div. Water Resources Field Office [Mark Rude]; Garden City, KS
2. ARCA Office at SECED [Jan Anderson]; Lamar, CO
3. Colorado Div. Water Resources, Division 2 [Steve Witte]; Pueblo, CO
4. Colorado Water Cons. Bd. [Rod Kuharich]; Denver, CO

Additional locations may be arranged for by contacting Steve Miller at the number below. who can also provide additional information and answer any questions.

Proposed Agenda for Dec. 10, 2002 ARCA Conference call meeting:

1. Roll Call / Introductions.
2. Welcome and presentation of new Federal Rep. Robin Jennison
3. Review proposed agenda and purpose of meeting
4. Procedure for minutes of this meeting
5. Scheduling of 2003 ARCA Meetings
 - a. reschedule/continue 2002 Annual Meeting to spring 2003
 - b. Committee Meetings
 - c. Staff workplans
6. Continuation of existing resolutions/actions until next meeting
 - a. PRWCD Winter Stockwater
 - b.
 - c.
7. Budget Matters
 - a. status of audit
 - b. ratify existing budgets
 - c. authorize USGS funding agreements for 2003
 - d. review bill paying / check signing procedures
8. Election of Officers for 2003

9. Committee assignments for 2003
10. Adjourn

Steve Miller
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203
303-866-3532
[fax 303-866-4474]
[cell 303-829-1650]
email: steve.miller@state.co.us

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Jamie Clover Adams, Secretary of Agriculture
109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3558
FAX: (785) 296-8389



Division of Water Resources
David L. Pope, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

November 22, 2002

REC

NOV 27 2002

Rod Kuharich, Director ✓
Colorado Water Conservation Board
721 State Centennial Building
1313 Sherman Street
Denver, CO 80203

James G. Rogers
32259 County Road 13 (Route 2)
Lamar, CO 81052

Thomas R. Pointon
34805 Road 17
Las Animas, CO 81054

David A. Brenn
1710 Pheasant Court
Garden City, KS 67846

Randy Hayzlett
Route 1, Box 44
Lakin, KS 67860

Steve Miller
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203

RE: NEW FEDERAL CHAIRMAN

Dear Members of Arkansas River Compact Administration:

For your information, please find attached a copy of the letter from President George W. Bush appointing Mr. Robin Jennison as Federal Representative and Chairman of the Arkansas River Compact Administration.

Mr. Jennison can be reached at 236 North Rural Eagle Road, Healy, Kansas 67850, or by telephone at 620.397.3340.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Pope".

David L. Pope, P.E.
Chief Engineer



THE WHITE HOUSE
WASHINGTON

September 23, 2002

Mr. Robin Jennison
236 North Rural Eagle Road
Healy, Kansas 67850

Dear Mr. Jennison:

I am pleased to designate you the Federal Representative to the Arkansas River Compact between the States of Colorado and Kansas. You shall serve as Chairman of the Administration without vote, as provided by Public Law 81-82, approved May 31, 1949, granting the consent of the Congress to the Arkansas River Compact between the States of Colorado and Kansas.

I sincerely appreciate your willingness to serve in this capacity and look forward to reports on your work via the Office of Management and Budget.

Sincerely,

A handwritten signature in black ink, appearing to read "George W. Bush".

George W. Bush



**RESOLUTION OF THE
ARKANSAS RIVER COMPACT ADMINISTRATION
DECEMBER 10, 2002**

[CONCERNING AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE TRINIDAD
DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING DURING THE
NON-IRRIGATION SEASON AND ACREAGE VERIFICATION]

The Operating Principles Trinidad Dam and Reservoir Project are hereby amended as follows:

I. Paragraph 2(a) of Article IV. D. remains temporarily amended to read as follows:

2. District Operation. Non-irrigation Season

- (a) During those periods of the non-irrigation season in 2002 and 2003 the District will provide an allowance for stock watering purposes of not more than 1,200 acre-feet measured at the headgates of the ditches diverting water for stock watering purposes. If the stream gains below the Trinidad Dam 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 stock water allowance shall not be used for irrigation purposes. The maximum daily quantity released may be up to, but shall not exceed, the total reservoir inflow on the previous day and shall not count as water stored under the District Storage Right. No other diversions by Project ditches shall be allowed after Oct. 15, 2002 or prior to April 1, 2003.

A report of reservoir releases and diversions for stock watering operations by the Colorado State Engineer will be provided within 30 days of the end of the non-irrigation season, and upon request, reports on specific operations, to the Water Commissioner of the Garden City field office of the Division of Water Resources, Kansas Department of Agriculture.

- II. Insert at the end of the last paragraph of Article IV.B.1. the following additional paragraph:
The District shall implement substantive procedures to verify, on an ongoing basis, that no more than 19,717 acres of the District Irrigable Area are irrigated in 2002 and 2003 ("acreage limitation"). The procedures shall be sufficient to allow the other signatories to the Operating Principles to identify the particular parcels under irrigation and to determine compliance with the acreage limitation from documentation that shall be provided by the District.
- III. The signatory parties agree that the Operating Principles Trinidad Dam and Reservoir Project may be amended more than one time in each of the calendar years covered by this amendment, to wit 2002 and 2003.

The provisions of this Amendment shall not be effective until the date the Amendment has been approved by each and all of the five signatories to the Operating Principles, as demonstrated by the respective signatures to be attached to this Resolution, and confirmation of the effective date being provided to all other signatory parties by the US Bureau of Reclamation. The provisions of this amendment shall terminate and revert to those provisions in effect prior to December 11, 2001 on April 1, 2003, or sooner if subsequently amended by all of the signatory parties.

Approved and adopted by the Arkansas River Compact Administration at its December 10, 2002 Telephonic Meeting.

Robin Jennison, Federal Representative and Chairman
Arkansas River Compact Administration

APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION, DECEMBER 2002.

Chairman, Arkansas River Compact Administration	Date
Purgatoire River Water Conservancy District	Date
U.S. Bureau of Reclamation	Date
State of Kansas	Date
U.S. Army Corps of Engineers	Date

ARKANSAS RIVER COMPACT ADMINISTRATION

112 West Elm Street, Lamar, Colorado 81052

719-336-2732

For Colorado	Chairman and Federal Representative	For Kansas
Rod Kuharich, Denver	Robin Jennison	David L. Pope, Topeka
James G. Rogers, Lamar	Healy, Kansas	David A. Brenn, Garden City
Thomas R. Pointon, Las Animas		Randy Hayzlett, Lakin

December 13, 2002

David L. Pope, P.E., Chief Engineer-Director Division of Water Resources Kansas Department of Agriculture 109 SW 9th Street, Second Floor Topeka, KS 66612-1283	Lt. Col. Dana R. Hurst, District Engineer Albuquerque Dist., U.S. Army Corps of Engineers 4101 Jefferson Plaza NE Albuquerque, NM 87109
Maryann Bach, Regional Director U.S. Bur. of Reclamation, Great Plains Region P.O. Box 36900 Billings, MT 59107-6900	Eugene Aiello, President Purgatoire River Water Cons. Dist. 314 W. Main St. Trinidad, CO 81082

Re: Operating Principles, Trinidad Dam and Reservoir Project

Dear Sirs and Madam:

Enclosed, for signature, please find a copy of a resolution adopted by the Arkansas River Compact Administration at its December 10, 2002 Annual Meeting approving several temporary modifications to the Operating Principles for the Trinidad Dam and Reservoir Project. As one of the five signatory parties to the original Operating Principles your agency is being asked to sign a copy of the resolution signifying approval of the changes. The changes are not effective, and will not be implemented, until all five parties have signed and returned an executed copy to:

Brian Person
U.S. Bureau of Reclamation,
Eastern Colorado Projects Office
11056 West County Road 18E
Loveland, CO 80537-9711

For your convenience I have enclosed a postage paid envelope addressed to Mr. Person to use when you return the signed document. After Reclamation has compiled a complete set of signatures from each of the signatory parties they then will distribute a fully executed copy of the resolution to each of those parties.

Sincerely,

Robin Jennison
Federal Representative and Chairman,
Arkansas River Compact Administration

cc Rod Kuharich, Director, Colorado Water Conservation Board
Steve Witte, Operations Secretary & Division 2 Engineer
Jan Anderson, Recording Secretary, Arkansas River Compact Administration
Mark Rude, Assistant Operations Secretary

**RESOLUTION OF THE
ARKANSAS RIVER COMPACT ADMINISTRATION
DECEMBER 10, 2002**

[CONCERNING AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE
TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING
DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION]

Whereas, the Arkansas River Compact Administration ["Administration"] is a signatory party to the Operating Principles Trinidad Dam and Reservoir Project ["Operating Principles"] and any amendment of the Operating Principles is subject to review and approval by the Administration and each of the other four signatory parties; and

Whereas, the Administration approved prior temporary amendments to the Operating Principles related to winter stock water releases on December 8, 1998 and December 11, 2001, and the December 2001 amendment will expire on December 31, 2002; and

Whereas, due to scheduling conflicts caused by ongoing litigation in the US Supreme Court the Administration is unable to conduct a full Annual Meeting at this time and has rescheduled the completion of the Annual Meeting to May 22, 2003; and

Whereas, the Administration has determined that the delay in completing its Annual Meeting should not cause undue hardship to livestock operators in the Trinidad area; and

NOW THEREFORE BE IT RESOLVED, that the Administration approves the following amendment to the Operating Principles and recommends that the other signatory parties indicate their individual approval of the amendment by signing separately below:

I. Article IV.D.2(a), of the Operating Principles, is temporarily amended to read as follows:

2. District Operation. Non-irrigation Season

- (a) During those periods of the non-irrigation season in 2002 and 2003 the District will provide an allowance for stock watering purposes of not more than 1,200 acre-feet measured at the headgates of the ditches diverting water for stock watering purposes. If the stream gains below the Trinidad Dam 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 stock water allowance shall not be used for irrigation purposes. The maximum daily quantity released may be up to, but shall not exceed, the total reservoir inflow on the previous day and shall not count as water stored under the District Storage Right. No other diversions by Project ditches shall be allowed prior to April 1, 2003.

A report of reservoir releases and diversions for stock watering operations by the Colorado State Engineer will be provided within 30 days of the end of the non-irrigation season, and upon request, reports on specific operations, to the Water

Commissioner of the Garden City field office of the Division of Water Resources,
Kansas Department of Agriculture.

II. Insert at the end of the last paragraph of Article IV.B.1. of the Operating Principles, the following additional paragraph:

The District shall continue to implement substantive procedures to verify, on an ongoing basis, that no more than 19,717 acres of the District Irrigable Area are irrigated in 2002 and 2003 ("acreage limitation"). The procedures shall be sufficient to allow the other signatories to the Operating Principles to identify the particular parcels under irrigation and to determine compliance with the acreage limitation from documentation that shall be provided by the District.

III. Notwithstanding the provisions of Article VI of the Operating Principles, the signatory parties agree that the Operating Principles may be amended more than one time in each of the calendar years covered by this amendment, to wit 2002 and 2003.

The provisions of this Amendment shall not be effective until the date the Amendment has been approved by each and all of the five signatories to the Operating Principles, as demonstrated by the respective signatures to be attached to this Resolution, and confirmation of the effective date being provided to all other signatory parties by the US Bureau of Reclamation. The provisions of Section I of this amendment shall terminate and revert to those provisions of the Operating Principles related to winter stock water releases in effect prior to December 11, 2001 on April 1, 2003. The provisions of Sections II and III of this amendment shall terminate and revert to those provisions in effect prior to December 11, 2001 on December 31, 2003.

No precedent for future action by the Administration with regards to the Trinidad Project, the Operating Principles, nor specifically the stock watering provisions thereof shall be inferred from this action.

Approved and adopted by the Arkansas River Compact Administration at its December 10, 2002 Annual Meeting.

Robin Jennison, Federal Representative and Chairman
Arkansas River Compact Administration

**APPROVAL OF AN AMENDMENT TO THE OPERATING PRINCIPLES FOR THE
TRINIDAD DAM AND RESERVOIR PROJECT REGARDING STOCK WATERING
DURING THE NON-IRRIGATION SEASON AND ACREAGE VERIFICATION,
DECEMBER 10, 2002.**

Chairman, Arkansas River Compact Administration	Date
Purgatoire River Water Conservancy District	Date
U.S. Bureau of Reclamation	Date
State of Kansas	Date
U.S. Army Corps of Engineers	Date