

Table of Contents

Notice & Agenda	12
Attendance List	14
Proposed By-Law Revisions	15

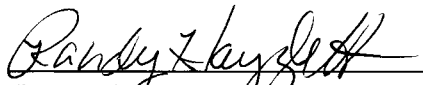
ARKANSAS RIVER COMPACT ADMINISTRATION

SPECIAL MEETING

September 27, 2011

HELD VIA TELEPHONIC CONFERENCE CALL
TUESDAY, SEPTEMBER 27, 2011 AT 3:00 PM C.D.T. (2:00 PM M.D.T.)
[Transcript of Recorded Conference Call]

The following transcript is the official minutes of the Arkansas River Compact Administration's September 27, 2011 Special Meeting, as signified by the signature of the Vice-Chairman of the Administration, pursuant to Administration approval given on December 8, 2011 at Lamar, Colorado.



Randy Hayzlett, Vice-Chairman
Arkansas River Compact Administration

List of Exhibits

- A. Notice and Agenda
- B. Attendance List
- C. Proposed By-law revision

Note

On September 27, 2011, a Special 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 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.

1 **Call to Order: 3:02 PM C.D.T. (2:02 PM M.D.T)**

2 Miller: Ok. I think we could start the meeting. We don't have a chairman. I was
3 nominated to...and I guess in the absence of a chairman, Randy can do the full meeting. So
4 Randy, if... I was nominated to go through the first three items on the agenda. Actually, the first
5 two items on the agenda, and I think Eve and Jennifer will pick up on Item 3. So if you don't
6 mind, Randy, I'll just do the attendance?

7 Hayzlett: That would be fine, just go ahead and go through those.

8 Miller: So I will focus on the ARCA representatives ... Jennifer Gimbel is here at the
9 Denver site. Colin, you're at the Lamar site, and Matt, you're on the phone at your desk?

10 Heimerich: That's correct.

11 Miller: And then, for the Kansas reps, we have David Barfield at the Topeka site, Randy
12 at the Garden City site, and David from..., David Brenn from his desk. Officers of ARCA, we
13 have Kevin Salter at the Garden City office, we have Steve Witte at the Pueblo site, and
14 Stephanie Gonzalez at the Lamar site. I don't know if... are there people that I haven't so far
15 mentioned that would like to be noted in the attendance record? I think we have Steven
16 Hines...

17 Hines: Yes, at Lamar.

18 Miller: At Lamar. Eve McDonald, from the Colorado Attorney General's Office, and
19 Burke Griggs from the... Burke, help me, are you from the Kansas Attorney General, or from
20 the...

21 Griggs: Division of Water Resources.

22 Miller: That's what I thought.

23 Barfield: Yeah, here in Topeka, just for the record, and Burke is down with us now, so at
24 the Topeka listening station, or whatever you call it, we have Burke Griggs, Chris Grunewald
25 with the Attorney General's Office, and Chris Beightel with the Division of Water Resources.

26 Miller: Okay, anybody else that feels like they want to be noted in the record?

27 Rude: This is Mark Rude with the Southwest Kansas Groundwater Management
28 District, in Garden City.

29 Miller: Okay, with that I think we have sufficient attendance, we do have a quorum. The
30 last thing I want to cover is minutes. The bylaws allow us to do, or I guess default to a transcript
31 of these, of all meetings, but do allow us to do a summary-type minutes in cases where the
32 Administration agrees that would be appropriate. I would suggest this might be one of those
33 cases. We don't have a lot of debate of substance coming up, and we could do a summary
34 minute pretty quickly. I am recording the call, if people want a transcript. Hopefully, someone

1 else is recording, in case we have a glitch in my recording, but I would propose we do a
2 summary minutes of this meeting. We would list the attendance, show the agenda, show the
3 proposed bylaw change, include any discussion of the change, and then record the motion and
4 the vote on the motion.

5 Hayzlett: Probably if you'll do a transcript on that too, Steve? Or not?

6 Miller: You know, Randy, you're not, I'm not hearing you real well here, I don't know if
7 the others can hear you.

8 Hayzlett: Are you intending to do a transcript on that as well, then? For the... to look at
9 it at the Annual Meeting?

10 Miller: My proposal would be that we do a summary of the meeting rather than the
11 transcript.

12 Hayzlett: I think I'd prefer a transcript, if it's going to be recorded anyway, isn't it? Then
13 it would be easy to generate that?

14 Miller: Well, it'll take a few hours of somebody's time, but we could, yes. If that's the
15 preference, certainly we're equipped to do that.

16 Hayzlett: I'd just wonder what anybody else thinks, but I would think that might be
17 appropriate, given that it's a change in the bylaws.

18 Brenn: I would agree. This is Dave Brenn.

19 Miller: Okay, well it sounds like we're going to try and do a transcript. Colorado will
20 volunteer to take the first shot at that and then share it with my counterpart in Kansas, probably
21 Kevin. Is anybody else recording the call?

22 Beightel: Yes, we're recording it here in Topeka.

23 Miller: Okay. Alright, well Kevin, you can figure out who in Kansas I ought to work with
24 on it, but here it'll be Brent and I. Did someone just...?

25 Witte: Pueblo re-joining.

26 Miller: Okay. Well with that I think we've covered the preliminaries. At the very end of
27 this call we might want to talk about a couple of very small items, thirty seconds each on, under
28 new business. But, let's proceed to the regular agenda item three, and I'll turn it over to Randy,
29 unless there's a prior agreement as to who should go next.

30 Hayzlett: Okay, I think Kevin had something he wanted to say here first.

31 Salter: I hope you can hear me. This is Kevin, in Garden City. Because we are
32 recording it, making a transcript, it would be helpful for people to announce their name, even
33 though we may be familiar, it still would be helpful for Steve, and I, as we go through the
34 transcript, as we start talking. So, if people could remember to do that, I would appreciate it.

1 Miller: Good point.

2 Hayzlett: And, Pueblo, you just joined us, is that right?

3 Witte: Yes.

4 Hayzlett: And who do you have, in attendance, there?

5 Witte: Just Steve Witte.

6 Hayzlett: Okay. We're ready for item three then, a review of the proposed changes.

7 Who is going to review those for us? Jennifer?

8 Gimbel: Yeah, Randy, if you don't mind, what I'd like to do is just kind of, give a prelude
9 to it, and then turn it over to Eve McDonald. Would that be okay?

10 Hayzlett: Yes, that would be fine.

11 Gimbel: Okay. This was... ever since I took this job and have been working with the
12 Administration, I've asked this question about... are there, are there ways to have the annual
13 meeting at some time other than as designated in the bylaws. And, it hasn't really worked out
14 that well in the past, but I appreciate... I really appreciate Kansas looking at this, and realizing
15 the conundrum that I was in. That I had to tear myself between this meeting and the Colorado
16 River Compact meeting, and it was very, very difficult. And so, I asked Steve and Eve to kind,
17 to explore a change of the bylaws, and that's the, so that's the impetus for these amendments.
18 And with that, I'll turn it over to Eve.

19 McDonald: Thank you, Jennifer. Well, for the record, I will just note that the Director of
20 the Colorado Water Conservation Board is one of our three ARCA commissioners as required
21 by the Compact, and is also very important at the annual meeting of the Upper Colorado River
22 Commission, which seems to conflict with our annual meeting, if it's the second Tuesday in
23 December. Is that an accurate summary, Jennifer?

24 Gimbel: That's correct.

25 McDonald: Okay. So, we appreciate Kansas' willingness to consider amending the
26 bylaws to allow ARCA more discretion than they currently provide. And, if you will please turn to
27 the red-lined bylaws that were attached to the notice of this meeting, I have worked with Chris
28 Grunewald, Kansas Attorney General, to suggest some revisions in Article IV, which is the
29 article titled "Meetings". And it begins on the top of page five of the copy of the bylaws that we
30 circulated. The changes that are being suggested and considered today are written in blue, and
31 deletions from the prior version are written in red, and they are simple, and streamlined, in
32 keeping with the style of the bylaws that we're amending. The last version of the bylaws was
33 dated 1997, as the title stated, "as readopted December 9, 1997". So that's the version that

1 we're proposing to amend. And the title now will say "As amended, September 27th, 2011", if
2 the commissioners vote for this change. And I will read the proposed change for the record.

3 Article IV, paragraph 1 used to simply say "the annual meeting of the Administration
4 shall be held on the second Tuesday in December of each year." And, the new version would
5 say, "Unless otherwise agreed to by the Administration, its annual meeting shall be held on the
6 second Tuesday in December of each year. If the meeting is held on a date other than the
7 second Tuesday of December, the agreement to change the date of the annual meeting must
8 be made at a meeting held at least sixty days before the proposed new meeting date, or sixty
9 days before the second Tuesday in December, whichever occurs first. Notice of an annual
10 meeting shall be as provided for in paragraphs three and ten below."

11 Paragraph three did not need to be amended, it provides for notice to the ARCA
12 commissioners of the annual meeting, and it didn't need any changes to reflect this change.
13 But, paragraph ten of Article IV does have a new proposed sentence. And this is the paragraph
14 providing for public notice of all annual, regular, and special meetings of the ARCA. And, the
15 new sentence to be added to the end of that paragraph would state, "If the date of the annual
16 meeting is changed, pursuant to paragraph one, then public notice of the new date shall be
17 provided at least forty five days before the new meeting date, as agreed to by the
18 Administration."

19 And, those are the only changes that are being proposed or considered today. There
20 were a few minor strikeouts of footnotes that had reflected previous dates of revisions to the
21 bylaws. Chris Grunewald, when you took a hand at providing this redline, you deleted those,
22 but that's a complete list of the changes that are being provided, or proposed today. Does
23 anybody have any questions?

24 Miller: Eve, Steve Miller. Are both you and Chris in agreement that we ought to strike
25 those footnotes and end up with just the single footnote to this set?

26 McDonald: Yes, I have no problem with that.

27 Grunewald: This is Chris Grunewald, yes I agree.

28 Hines: This is Steven Hines. What if the users want to change the date? Is there a
29 provision for that?

30 McDonald: Well, Steven, I'll take a hand at that...

31 Miller: Well, Eve, Steve Miller. There is a space on the agenda for comments from
32 interested parties and the general public, and that's item five. Could we hold Steven's question
33 for one moment, till we get...see if there's any comments from Colorado or Kansas?

1 Hayzlett: Yeah, I think that would be probably alright. We should just work on maybe
2 the Kansas and Colorado delegation, and the Corps of Engineers' comments right now, and
3 Steven, we'll get to you and the general public here in just a minute.

4 Hines: Alright.

5 McDonald: Chris, did you have anything to add to my summary?

6 Grunewald: No, I don't. I think it was excellent.

7 McDonald: Thank you.

8 Thompson: This is Colin Thompson. I think, you know, as far as the meeting date
9 changes, I think they should be, we sure want to remember to get it out there as fast as
10 possible. There's other water users that try to schedule their board meetings around the,
11 around that annual meeting. And so, at least forty five days, at a minimum.

12 McDonald: Well good, that's good to know, because it was the Kansas commissioners
13 who asked to have that specificity in there, and I'm glad that you agree it's appropriate.

14 Barfield: This is Dave Barfield...I...I'm sorry, go ahead.

15 Hayzlett: Yeah, I, this is Randy. I just said, I think that's right, Colin, that we need about
16 as much notice as we can, and I think forty five days would provide that, probably.

17 Barfield: David Barfield here. My anticipation, other than potentially this year, that in
18 most cases, we'll be deciding in December whether to move the following annual meeting date
19 or not, so hopefully we can stick to that unless something unusual crops up, and by that way,
20 provide plenty of notice.

21 McDonald: Sounds like a good idea.

22 Hayzlett: Are there any other comments? Is the Corps of Engineers on, do they have
23 any comments?

24 Miller: Randy, this is Steve Miller. I helped Eve with the notice, or I should say Eve
25 helped me with the notice, but I haven't had any inquiries from the Corps, I did not hear them
26 during the introduction, so I don't think they're on the call, I guess I would assume that means
27 they don't have an interest in this type of procedural matter.

28 Hayzlett: Okay, very good, other comments from the delegation? (pause) Hearing none,
29 I guess we'll move to item five, then. Comments from the general public and other interested
30 parties, then. Steven, are you there?

31 Hines: Yeah, I'm here.

32 Hayzlett: Go ahead, and ask your question.

33 Hines: I'm just curious, what if the water users wanted to change the meeting date? Is
34 there any provisions for that? Such as, Associated Ditches, or some of them kind of people?

1 Barfield: Let me respond. This is David Barfield. My suggested course of action, if
2 you'd like that, you have three members of delegations on either side of the border, I would
3 think you'd go to your commissioners and explain to them why a meeting date would be
4 desirable, and ask them to forward that to the Administration.

5 Hines: Alright.

6 Gimbel: David, this is Jennifer Gimbel, too. And, I agree. That was the response I was
7 going to give, you just got there faster. You hit the buzz button faster than I did.

8 Hayzlett: Did that answer your question?

9 Hines: Yep.

10 Hayzlett: Are there other questions or comments from the general public? (pause)
11 Hearing none, I guess we'll move to item six then, consideration for the adoption of revised
12 bylaws. Is there any motion there?

13 Gimbel: This is Colorado, and we would move to accept the adoption of the revised
14 bylaws.

15 Hayzlett: Is there a second?

16 Barfield: Dave Barfield, I'll second for Kansas.

17 Hayzlett: It's been moved and seconded, is there other discussion? (pause) If not, then
18 we'll call for the vote. Colorado vote?

19 Gimbel: Aye.

20 Hayzlett: Kansas?

21 Barfield: Aye.

22 Hayzlett: Motion carries, then. The next item on the agenda, then, would be
23 consideration for a change of the date; I know there's been a couple of dates floated around
24 there. Does anybody have a suggestion?

25 Gimbel: I think, this is Colorado, we originally suggested two days, which I think were
26 the sixth and the seventh, and I understand that Kansas, it might be easier for Kansas to do like
27 the seventh and eighth. But I don't want to speak for Kansas, so I just want to clarify if that's
28 what we, if Kansas would prefer us looking at.

29 Hayzlett: Alright, it's alright with either one, then? Sixth or seventh, or the seventh or
30 eighth?

31 Gimbel: Do I have those dates right, Steve?

32 Miller: Yes, the first day of the series is always committee meetings, so what we're
33 really talking about is the formal ARCA meeting being the second of those two days. So, I, the

1 way I understood it, we normally have the annual meeting on a Tuesday, this year we would
2 have it on a Wednesday, but there's been some discussion about having it on a Thursday.

3 Barfield: This is David Barfield, I think that part of our rationale for the later date is just,
4 we are moving this up, and we have some things that are happening the end of the previous
5 week, and I think it's just to give us as much opportunity to prepare for the meeting given we're
6 moving it up already, so I think that was our, then we didn't really want to have the annual
7 meeting on a Friday. So, that's sort of how we landed, I think, on our preference for
8 Wednesday-Thursday.

9 Gimbel: And, I think David, this is Jennifer, that we talked to our group, and we're fine
10 with doing the work group meetings on the seventh and having the official meeting on the
11 eighth.

12 Miller: The only thing I can think about, this is Steve Miller, I'm sorry. Mr. Witte, maybe
13 could help me. Thursday is a meeting date for the Southeastern District. But, they haven't
14 always attended, at any rate so, and I don't know if this particular Thursday, the eighth, would
15 be a problem for them, but, I think we ought to do what the six commissioners, or
16 representatives want to do. And, get the notice out, so people can plan their calendars
17 accordingly.

18 Barfield: Okay, then I guess I would, if we're ready for a motion...

19 Hayzlett: I think we are.

20 Barfield: I would offer a motion that we move this year's annual meeting date to
21 December 8th of 2011, and by virtue of that, have our committee meetings on December 7th.

22 Gimbel: And this is Colorado, I'll second that motion.

23 Hayzlett: Okay, it's been moved and seconded, is there more discussion? (pause) If
24 not, Kansas votes?

25 Barfield: Aye.

26 Hayzlett: And Colorado votes?

27 Gimbel: Aye.

28 Hayzlett: Motion carries, then. Sounds like the annual meeting will be held on
29 December 8th, the committee meetings on December 7th, then, of 2011.

30 Miller: Some of you may have seen an email I did, alerting people to this change, and I
31 had said, guessed, the 6th and 7th. I think we can do a formal notice, immediately, based on
32 today's action, and so I won't retract that email, let's just get a full notice out as soon as
33 possible. Kevin and I could work with Stephanie and do that.

34 Gonzalez: Okay.

1 Hayzlett: I think that would probably be good, given the prior email there, with the other
2 dates on there. It would probably be good to get the correct dates out, now.

3 Miller: Yeah. So we'll be in compliance with that new, forty five day notice provision. I'll
4 do it this week yet.

5 Hayzlett: Okay. My agenda says item eight, for adjournment. Steve, did you say you
6 had some new business?

7 Miller: I had one, and Jennifer has one.

8 Gimbel: Okay. Yeah, I had...I just wanted to, make sure... I think you've all seen the
9 emails, and I've had a conversation with a couple of you, and Steve has had conversations with
10 a couple of you, and that is...looking at a federal representative for chairing the ARCA, and I've
11 thrown a name out: Jim Rizzuto from Colorado. I just wanted to go on record saying that
12 Colorado is pursuing that, and we look forward to talking to you about it, in December. I was
13 hoping, David, you were going to be at Western States Water Council, but since you're not, I'd
14 like to have, maybe, some conversations among the commissioners with respect to that, that
15 proposal...off the record.

16 Hayzlett: Okay.

17 Gimbel: And then, Steve, I think you had something?

18 Miller: Yeah, if that's, if that issue is explained enough. The other one I wanted to
19 mention is, Pat Edelman, who's appeared before the Administration probably for fifteen years,
20 USGS in Pueblo... has retired actually on September 1st. They're having a small get-together
21 for him next week in Pueblo. And I will attend, and I would like to have, the Administration's
22 permission, to say a few words thanking him for his service to the Administration, and then in
23 December, maybe we could do a formal resolution. I don't know if anybody else, Steve Witte
24 will probably be there, but I don't think anybody from Kansas will be there. So, if it's okay, I will
25 just say that we, ARCA, does appreciate the service he's provided to both States.

26 Hayzlett: I, this is Randy, I think that would be appropriate, as far as I'm concerned. Is
27 there any other comments? David Barfield, or Dave Brenn?

28 Brenn: I agree. I think it would be fine. This is Dave Brenn.

29 Hayzlett: And, Colin and Matt, are you alright with that?

30 Heimerich: This is Matt, I'm fine, Randy.

31 Hayzlett: Okay.

32 Thompson: Yeah, this is Colin, I'm okay with it.

33 Hayzlett: Okay. Steve, sounds like that would be appropriate, then. And we'll do a
34 resolution for him or something at the ARCA meeting.

1 Miller: Yes, thanks.

2 Barfield: And Steve, you'll prepare that, is that right?

3 Miller: Yeah, I'll bring a resolution to the annual meeting, and I won't get too elaborate in
4 my praise for Pat next week.

5 Hayzlett: Is there any other new business? Any items to forward on the Annual
6 Meeting, anybody have any comments of anything we're looking at for agenda items on the
7 Annual Meeting?

8 Miller: Steve Miller, I'll just mention, I did send out an email about the Colorado Decision
9 Support System last night. After you've looked at that, you may want to consider having that as
10 an agenda item, maybe a committee agenda item rather than an annual meeting agenda item.

11 Hayzlett: Yeah, right, that would be appropriate probably, maybe...

12 Miller: Take a look at it.

13 Hayzlett: Maybe on the committee items, possibly some of the talk of some of the ditch
14 transfers there, would that be appropriate? Lamar Canal, particularly, maybe...Super Ditch?

15 Miller: Yes, I guess we always... we don't have a formal procedure for how we come up
16 with an agenda, and basically, Kevin and I get together, and list the things that our
17 representatives have asked us to put on the agenda, it's more of a... there's no culling. It's just,
18 we just add them. So, we could note it today, or we could just allow the normal process to
19 proceed. But, I think we do anticipate there being at least an informational item on those.

20 Hayzlett: Okay, let's just let the process proceed, and we'll develop the agenda as we
21 get closer to the meeting probably. Any other business, to come before this meeting today?
22 (pause) Hearing none, is there a motion to adjourn?

23 Gimbel: So moved.

24 Barfield: This is Dave Barfield, second.

25 Hayzlett: It's been Moved and seconded to adjourn, all in favor say aye.

26 All: Aye.

27 Hayzlett: Thanks for your time.

28 Gimbel: Thank you Randy.

29 McDonald: Thank you.

30 Hayzlett: See you in December.

Exhibit A Notice and Agenda

ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

Jennifer Gimbel, Denver

David Barfield, Topeka

Colin Thompson, Holly

Randy Hayzlett, Lakin

NOTICE & AGENDA

SPECIAL TELEPHONIC MEETING

ARKANSAS RIVER COMPACT ADMINISTRATION

TUESDAY, SEPTEMBER 27, 2011

2:00 P.M. (MST) / 3:00 P.M. (CST)

The Arkansas River Compact Administration ("ARCA") will meet by telephonic conference to consider amending the ARCA BYLAWS to allow adjustments to be made to the date of the Annual Meeting. The amendments would allow ARCA to move the date of the annual meeting from the second Tuesday in December provided that ARCA acts before a date certain, and require public notice at least 45 days before the new meeting date. The proposed revisions are attached to this Notice and Agenda. If the amendment is adopted, then ARCA will consider changing the date of the 2011 Annual Meeting.

Meetings of the Administration are operated in compliance with the federal Americans with Disabilities Act. If you need a special accommodation as a result of a disability please contact Stephanie Gonzales at 719-734-5102 at least three days before the meeting. The public can participate by either: **(1)** Attending one of the five listening stations listed below or **(2)** Contacting Steve Miller; (steve.miller@state.co.us; 303-866-3441 ext 3228) for call-in instructions, long distance phone charges will apply.

Denver: Colorado Water Conservation Board
1313 Sherman Street, Room 721; Denver, CO 80203
Contact person: Steve Miller; steve.miller@state.co.us; 303-866-3441 ext 3228

Pueblo: Colorado Div. of Water Resources, Div. 2 Engineer
310 East Abriendo, Suite B; Pueblo, CO 81004
Contact person: Steve Witte; steve.witte@state.co.us; 719-542-3368

Lamar: Southeast Colorado Enterprise Development, Inc. (SECED, Inc.)
112 West Elm Street, Lamar CO 81052
Contact person: Stephanie Gonzales; jsgraphics@centurytel.net; 719-734-5102

Garden City: Garden City Field Office, Div. of Water Resources, Kansas Dept. of Agriculture
2508 John Street, Garden City, Kansas 67846
Contact person: Kevin Salter; kevin.salter@kda.ks.gov; 620-276-2901

Topeka: Division of Water Resources, Kansas Department of Agriculture
109 SW 9th St, Sunflower Room, Topeka, Kansas 66612
Contact person: Sherry Fergel; 620-276-2901

Please call the designated contact person at the site you wish to attend prior to the meeting for further instructions and to verify exact location.

SEPTEMBER 27, 2011 SPECIAL MEETING AGENDA (tentative subject to change)

1. Introductions and roll call, including all listening sites
2. Review of procedures for preparing minutes
3. Review of proposed changes to the ARCA Bylaws
4. Comments from Colorado, Kansas, and/or US Army Corps of Engineers
5. Questions and comments from interested parties and general public
6. Consideration of the adoption of the revised ARCA Bylaws
7. If appropriate, consideration of changing the date of the Annual Meeting
8. Adjourn

Exhibit B Attendance List

Topeka, KS Site

David Barfield
Burke Griggs
Chris Beightel

Denver, CO Site

Steve Miller
Jennifer Gimbel
Brent Newman

Garden City, KS Site

Randy Hayzlett
Kevin Salter
Rachel Clauncherty
Mike Meyer

Lamar, CO Site

Colin Thompson
Steven Hines
Stephanie Gonzalez

Pueblo, CO Site

Steve Witte

Other Call - In

Matt Heimerich
Eve McDonald
Mark Rude

BY-LAWS
OF
ARKANSAS RIVER COMPACT ADMINISTRATION

~~As readopted December 9, 1997~~
As Amended September 27, 2011

PREAMBLE

Pursuant to Article VIII B(1) of the Arkansas River Compact, these by-laws were readopted by the Arkansas River Compact Administration on the 9th day of December 1997, namely: ~~9/~~

ARTICLE I
THE ADMINISTRATION

1. The Arkansas River Compact Administration is herein referred to as "the Administration."
2. Membership of the Administration shall consist of three representatives from each of the States of Colorado and Kansas, designated or appointed as provided by the Arkansas River Compact and the law of each of such States, and, if designated by the President, one representative of the United States of America.
3. The credentials of each such representative shall be filed with the Secretary of the Administration.
4. Each representative shall advise in writing the Secretary of the Administration as to his address, to which all official notices and other communications of the Administration shall be sent and shall further promptly advise in writing the Secretary as to any change in such address.

ARTICLE II
~~OFFICERS^{1/}~~
OFFICERS

1. The officers of the Administration shall be:

Chairman
Vice-Chairman
Recording Secretary
Treasurer
Operations Secretary
Assistant Operations ~~Secretary^{8/}~~ Secretary

2. The representative of the United States of America shall be the Chairman of the Administration. The Chairman shall preside at meetings of the Administration. His duties shall be such as are usually imposed on such an officer and such as may be assigned to him by these by-laws or by the Administration from time to time.

3. The Vice-Chairman shall be a member of the Administration. He shall be elected at the annual meeting of the Administration, and shall hold office until the next annual meeting of the Administration and until his successor is elected. In the case of a vacancy in the office of Vice-Chairman, the Administration at its next meeting, whether regular or special, shall elect a Vice-Chairman to serve for the unexpired term; and the election of a Vice-Chairman may be made at any meeting of the Administration prior to the holding of its first annual meeting, and in such case he shall hold office until such annual meeting. The Vice-Chairman shall perform all duties of the Chairman when the latter is unable for any reason to act or when, for any reason, there is a vacancy in the office of the Chairman. In addition, the Vice-Chairman shall perform such other duties as may be assigned to him by these by-laws or by the Administration from time to time.

4.^{2f} (a) The Recording Secretary may or may not be a member of the Administration. He shall be elected by the Administration at its annual meeting and shall serve until the next annual meeting or until his successor is elected. In the case of a vacancy in the office of the Recording Secretary, the Administration shall, at its next meeting, whether regular or special, elect a Recording Secretary to serve for the unexpired term. The Recording Secretary shall perform such duties as are imposed on such officer by subparagraph (b) of this paragraph 4, by other provisions of these by-laws, or by the Administration from time to time. He shall furnish a bond for the faithful performance of his duties if the Administration so directs. The cost of such bond shall be paid by the Administration.

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

(i) Preparing, or causing to be prepared, the Administration's annual reports and printing and distributing, or causing to be printed and distributed, the same, the draft of such annual reports to be distributed to the members of the Administration not later than February 1st following the end of the immediately preceding compact year.

(ii) Preparing and distributing, or causing to be prepared and distributed, minutes of all meetings, whether special, special telephonic, or regular, of the Administration, drafts of which minutes shall be provided to the members of the Administration within thirty days of the meeting involved.

(iii) Maintaining the principal office and the records, equipment, and supplies therein, and maintaining the seal of the Administration.

(iv) Sending notices of annual and special meetings to members of the Administration.

(v) Publishing the necessary public notices for proposed changes of the Administration's Rules and Regulations as required herein and compiling those Rules and Regulations.

5. The Treasurer may or may not be a member of the Administration; and the office of Secretary and Treasurer may be held by the same person if directed by the Administration. He shall be elected at the annual meeting of the Administration and shall hold office until his successor is elected and shall have qualified, except a treasurer may be elected prior to the first annual meeting of the Administration and in such case shall hold office until such annual meeting. He shall receive, hold, disburse and keep records of all funds of the Administration; and he shall furnish a bond for the faithful performance of his duties in such amount as the Administration may direct. The cost of such bond shall be paid by the Administration. In the case of a vacancy in the office of Treasurer, the Administration shall, at its next meeting, whether regular or special, appoint a successor to serve for the unexpired term.

6. (a)^{3/8/} The Operations Secretary shall not be a member of the Administration, but may be the Division Engineer for Division 2, Colorado Division of Water Resources or the Water Commissioner of the Garden City Field Office, Division of Water Resources, Kansas Department of Agriculture or other qualified individual. He or she shall be elected by the Administration at its annual meeting and shall serve until the next annual meeting or until his successor is elected. In the case of a vacancy in the office of the Operations Secretary, the Administration shall, at its next meeting, whether regular or special, elect an Operations Secretary to serve for the unexpired term. The Operations Secretary shall perform such duties as are imposed on such officer by subparagraph (b) of this paragraph 6, by other provisions of these by-laws, or by the Administration, acting through the Operations Committee, from time to time.

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

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

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

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

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

(c) The Operations Secretary and the Assistant Operations Secretary shall not be residents of the same state. ^{9/}

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

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

8. The Administration may employ such engineering, legal, clerical, and other personnel as, in its judgment, may be necessary. They shall receive such compensation and perform such duties as may be fixed by the Administration. Such employees shall not be considered as employees of either Colorado or Kansas.

ARTICLE III PRINCIPAL OFFICE

1. The principal office and place of business of the Administration shall be located in the City of Lamar, Colorado.

2. The principal office shall be open for business on such hours and days as the Administration may from time to time direct.

3. All books and records of the Administration shall be kept in the principal office of the Administration.

ARTICLE ~~IV~~⁴ IV MEETINGS

1. ~~The annual meeting of~~ Unless otherwise agreed to by the Administration, its annual meeting shall be held on the second Tuesday in December of each year. If the meeting is held on a date other than the second Tuesday of December, the agreement to change the date of the annual meeting must be made at a meeting held at least 60 days before the proposed new meeting date or 60 days before the second Tuesday in December, whichever occurs first. Notice of an annual meeting shall be as provided for in Paragraphs 3 and 10 below.

2. (a) Special meetings of the Administration may be called by the Chairman or, in the case of a vacancy in the office of Chairman or inability of the Chairman to act, by the Vice-Chairman. Upon the written request of two or more representatives, it shall be the duty of the Chairman, or Vice-Chairman, as the case may be, to call such a meeting.

(b) Special telephonic meetings of the Administration may be held by telephonic communications between the several members of the Administration in respect to all matters arising under Article V F of the Compact; Provided that such special telephonic meetings may be called by the Chairman, Vice-Chairman or any member of the Operations Committee, and in any case at least two representatives of each State shall participate personally in such special telephonic meetings and concur in the action taken as a result of any such meeting. And provided further, that the Secretary of the Administration shall prepare minutes of any special telephonic meeting and such minutes shall be acted upon by the Administration at the next Annual meeting or special meeting held under sub-section (a) hereof.

3. Notices of all annual meetings of the Administration shall be sent by the Secretary, or in the case of a vacancy in the office of the Secretary, or the inability of the Secretary to act, by the Chairman or Vice-Chairman, as the case may be, to the members of the Administration by ordinary mail at least ten days in advance of such annual meetings. Notice of special meetings shall be given by the Secretary to the members of the Administration by the most expeditious method so as to allow as much time prior to such special meetings as conditions permit.

4. ^{9/} Unless otherwise agreed to in advance by all members of the Administration, all annual and special meetings shall be held at the principal office of the Administration.

5. ^{5/} (a) The Administration shall keep minutes of the proceedings of all of its meetings. Such minutes shall be preserved in a suitable manner as directed by the Administration. Until approved by the Administration, minutes shall not be official and shall be furnished only to the members of the Administration, its employees, and the members of its committees. Distribution of official minutes shall be made by the recording secretary or his designee in accordance with directives of the Administration.

(b) Unless the requirements of this sub-section (b) are waived pursuant to sub-section (c), a verbatim transcript of the proceedings of Administration meetings shall be made by a duly licensed, official court reporter.

The recording secretary or his designee shall be responsible for arranging for the services of such duly licensed, official court reporter to take and transcribe the proceedings of the meeting. Copies of the draft transcript of a meeting shall be provided to one designated representative from each member state within two weeks of a meeting for corrections, but not editing. Corrections agreed upon by these two representatives shall be forwarded to the court reporter and the court reporter instructed to prepare within two weeks a final, corrected transcript. The recording secretary or his designee shall forward a copy of the final, corrected transcript of a meeting to the designated representative from each member state of the Administration within two weeks of his receipt of the transcript from the court reporter. The final, corrected transcript of a meeting shall, upon the approval of the Administration, become the official minutes of that meeting. The official minutes shall be appropriately marked indicating the date of and method of approval and be signed by the chairman.

(c) The requirements of using a duly licensed, official court reporter as set out in sub-section (b) may be waived in advance of a meeting upon the agreement of both states. In this event, the recording secretary or his designee shall be responsible for electronically recording a meeting, and for preparing as directed by both states, either a written summary which accurately reflects the proceedings of a meeting and all actions taken by the Administration at such meeting or a verbatim transcript of the meeting. Procedures for the distribution and approval of final corrected transcripts or summaries and designation as the official minutes of a meeting shall be as specified in subsection (b). Any electronic recording of a meeting shall be preserved by the recording secretary but shall not constitute the official minutes of a meeting.

6. A quorum for any meeting of the Administration and the casting of votes by representatives of the States on the Administration shall be in accord with Paragraph D of Article VIII of the Arkansas River Compact; and any action by the Administration shall be determined by vote as required by such paragraph D of Article VIII of the Compact. If a quorum is not present at any meeting, the members of the Administration present, one or more, may adjourn from time to time without further notice until a quorum is obtained.

7. At each meeting of the Administration, the order of business, unless otherwise agreed, shall be as follows:

- Call to order;
- Reading of minutes of last meeting;
- Approval of minutes of last meeting;
- Report of Chairman;
- Report of Secretary;
- Report of Treasurer;
- Report of Committees;
- Unfinished business;
- New business;
- Adjournment.

8. All meetings of the Administration, except executive sessions, shall be open to the public.

9. Any meeting of the Administration may be adjourned or continued from time to time and from the place set for the meeting to another place.

10. Public notice of all annual, regular, and special meetings shall be given in an appropriate manner, determined by the Administration, except in cases where the Administration determines to hold an executive session. If the date of the annual meeting is changed pursuant to Paragraph 1, then public notice of the new date shall be provided at least 45 days before the new meeting date as agreed to by the Administration.

ARTICLE V COMMITTEES

1. There shall be the following standing committees:

Administrative and Legal Committee
Engineering Committee
Operations Committee

2. Each of such committees shall be made up of two representatives of the Administration and the Chairman shall be ex-officio member of all committees. In all committee action a vote shall be taken by States with each State having one vote.

3. The standing committees shall have the following duties:

(a) The Administrative and Legal Committee shall advise the Administration with respect to budgets and accounting, office personnel, equipment, records, and legal matters; and shall prepare the draft of the annual report of the Administration.

(b) The Engineering Committee shall advise the Administration on all engineering matters; and shall compile all pertinent engineering data and records.

(c) The Operations Committee shall advise the Administration concerning, and shall have direct supervision over, rules and regulations governing the storage and releases of water from John Martin Reservoir and over such other Arkansas River interstate administration and operation between the States of Colorado and Kansas as come within the purview of the Arkansas River Compact, subject at all times to the provisions of such compact and the directives of the Administration thereunder. This committee shall be responsible for maintaining appropriate relations, under the direction of the Administration, with the chief officials of each of the States of Colorado and Kansas charged with the administration of water rights, and for

maintaining appropriate relations with interested Federal agencies. The Operations Committee shall also be responsible, under directives and orders of the Administration, for supervision over the employees of the Administration engaged in the interstate administration of the waters of the Arkansas River pursuant to the Arkansas River Compact.

4. The Chairman of each Committee shall be designated by the Administration.

5. The Administration may, from time to time, create special committees composed of such members of the Administration and others as it may determine and assign to such committees such tasks as the Administration may designate.

6. Each committee shall make a report to the Administration at each annual and regular meeting and shall make such further reports as may be directed by the Administration. Unless otherwise authorized, all such reports shall be in writing and filed with the Secretary of the Administration.

7. ^{6/} Written notice of the meetings of standing committees and of special committees shall be given to all officers and members of the Administration at least ten days prior to the date for any such committee meetings, said written notice to specify the time, date, location, and agenda for such meetings. A standing committee or special committee may waive such notice requirement if all members of a committee agree that circumstances so warrant. In the event of such a waiver, the chairman of a committee shall make every reasonable effort to inform all officers and members of the Administration of the time, date, location and agenda for a committee meeting.

ARTICLE VI RULES AND REGULATIONS

1. The Administration shall adopt Rules and Regulations necessary for the administration of the Arkansas River Compact, consistent therewith and with these by-laws.

2. All proposals for Rules and Regulations, or for changes in them, shall be presented to the Administration in writing and shall not be acted on at the meeting when first presented, but shall go over for action at a designated subsequent meeting of the Administration.

3. Following the presentation to the Administration, public notice of all proposed Rules and Regulations and changes in Rules and Regulations shall be given by two publications, at least one week apart, in some newspaper of general circulation in the area of each State affected by the Arkansas River Compact. The representatives of the Administration from each State shall designate the newspaper in their State in which such publication shall be made. No Rule or Regulation and no change in any Rule or Regulation shall be effective until a date specifically stated in the published notice, which date shall be at least ten days after the last publication.

4. The provisions, contained in this Article, for Rules and Regulations and notice thereof shall not be effective in the case of any notice which is otherwise required under the Arkansas River Compact or in any case where, in the judgment of the Administration, effective administration and the public interest under the Arkansas River Compact, require more expeditious action.

5. It shall be the duty of the Secretary to see that the necessary notices are published as herein required.

6. It shall be the duty of the Secretary to compile the Rules and Regulations of the Administration and to prepare copies for distribution to the public under such terms and conditions as the Administration may prescribe.

ARTICLE VII FISCAL

1. All funds of the Administration shall be received by the Treasurer and deposited by him to the credit of the Administration in a depository or depositories designated by the Administration.

2. Disbursement of such Administration funds shall be made by check signed by the Treasurer and countersigned by the Chairman or Vice-Chairman of the Administration.

3. The Administration shall annually adopt and transmit to the Governor of each State, its budget covering anticipated expenses for the ensuing fiscal year, and the amount thereof payable by each State. ^z

4. The fiscal accounts of the Administration and its employees shall not be subject to the auditing and accounting procedures of either the States of Colorado or Kansas; provided, that each State shall have the right to make an examination and audit of the accounts of the Administration at any time.

5. All receipts and disbursements of the Administration shall be audited yearly by a certified public accountant to be selected by the Administration, and the report of audit shall be included in the annual report to the Administration.

6. The Treasurer shall prepare and keep an up-to-date inventory of all the property of the Administration.

7. The fiscal year of the Administration shall begin July 1 of each year and end June 30 of the next succeeding year.

ARTICLE VIII ANNUAL REPORT

1. The report-year referred to in this Article for the making of the annual report shall commence on November 1 and end on the succeeding October 31.

2. The Administration shall make and transmit on or before January first of each year to the Governors of the States of Colorado and Kansas and to the President of the United States a report covering its activities for the preceding report-year. The annual report shall include, among other things, the following:

(a) The receipts and expenditures of all funds of the Administration and all pertinent financial data.

(b) All hydrologic data relating to the Arkansas River which the Administration deems pertinent.

(c) Statements as to cooperative studies of water supplies made during the preceding year, including cooperative studies and activities with any Federal agency.

(d) All findings of fact made by the Administration during the preceding year.

(e) Such other pertinent matters as the Administration may deem advisable.

ARTICLE IX SEAL

1. The official seal of the Administration shall be circular in form with the words "Arkansas River Compact Administration" imprinted around the border and the word "Seal" in the center thereof.

2. The Secretary of the Administration shall have custody of the seal of the Administration.

ARTICLE X
MISCELLANEOUS

1. The Administration and its Secretary on request shall furnish to the Governor of each of the States of Colorado and Kansas any information within its possession at any time, and shall always provide free access by the public to its records. Except in the case of the Governor of each of the States of Colorado and Kansas, or interested Federal agencies, the cost of furnishing information shall be paid by the person seeking it at such rates as may be fixed by the Administration.

2. All contracts and other instruments in writing required to be signed for and on behalf of the Administration, except matters relating to the receipt and disbursement of funds, shall be signed by the Chairman or Vice-Chairman and Secretary. The seal of the Administration shall be affixed thereto.

ARTICLE XI
AMENDMENTS TO BY-LAWS

1. Amendments to the By-Laws may be made at any meeting of the Administration, provided notice of the proposed amendment shall have been given in the notice of the meeting.

~~^{1/}As amended March 21, 1980 and August 6, 1981~~

~~^{2/}As amended March 21, 1980 and August 6, 1981~~

~~^{3/}As amended August 6, 1981~~

~~^{4/}As amended March 17, 1962 and September 21, 1962~~

~~^{5/}As amended July 12, 1985 and December 8, 1992~~

~~^{6/}As amended January 4, 1982~~

~~^{7/}As amended December 11, 1956~~

~~^{8/}As amended March 11, 1997~~

~~^{9/}As amended December 9, 1997~~