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ARKANSAS RIVER COMPACT ADMINISTRATION

COMPACT YEAR 2012

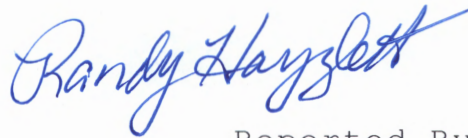
ANNUAL MEETING

December 6, 2012

HELD AT THE

CLARION INN - NORTH BALLROOM

GARDEN CITY, KANSAS



Reported By:

ADVANCED COURT REPORTING SERVICES

Lee Ann Bates, CSR, RPR, CRR

27113 W. Mills Avenue

Plevna, Kansas 67568

(620)793-6555 or (620)664-7230

APPEARANCES

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COLORADO:

Matt Heimerich

Colin Thompson

Jennifer Gimbel

KANSAS:

David Barfield

Randy Hayzlett

David Brenn

P R O C E E D I N G S

MR. HAYZLETT: Good morning, everyone.

We'll call this meeting to order. This is the 2012 Annual Meeting of the Arkansas River Compact Administration, and on this side of the line, it's the Ar-Kansas River Compact Administration. I'll just refer to it as the ARCA for the rest of the meeting, to be safe here.

A few instructions for the presenters and the crowd: If you're a presenter, come to the podium. That will help us out a lot here. If you have a card, Ms. Bates is going to be our court reporter. If you would give her a card, that would help her quite a bit. If you have an extra one, probably one here at the table wouldn't hurt. Then when you get to the podium, state your name for the record. She'll be capturing all that in her report.

If you have written material, we would like four copies of those if they're going to be submitted as an exhibit, and we have the guys at the table here, Chris and Brent at the front table here on the left-hand side of the room. They'll be tagging those for exhibits, so we'll leave that to them to get the tags on those appropriately.

I think that pretty well covers the

1 instructions to start with. I think we're ready for
2 introductions of the people in the room. We will
3 have a signup sheet that will circulate so we'll
4 have you sign that attendance list, and that will be
5 our first exhibit, I understand.

6 I'm Randy Hayzlett. I'm the Vice-Chairman of
7 the Compact. We have not had a chairman for several
8 years, so in the absence of the federal chairman,
9 I'll get to run the meeting today. I'm from Lakin.
10 I farm and ranch there, and I'll start at this end
11 of the table, Colin, and let you introduce down the
12 table there and work our way around.

13 MR. THOMPSON: I'm Colin Thompson. I
14 represent Colorado from John Martin to the
15 Stateline.

16 MS. GIMBEL: Jennifer Gimbel. I'm
17 Director of CWCB.

18 MR. HEIMERICH: Matt Heimerich, Olney
19 Springs. I represent water users from the Pueblo
20 Dam to John Martin.

21 MR. BARFIELD: I'm David Barfield. I'm
22 the Chief Engineer with the Division of Water
23 Resources, Kansas Department of Agriculture.

24 MR. BRENN: David Brenn, commissioner for
25 Kansas on ARCA.

1 MR. SALTER: Kevin Salter, Kansas
2 Division of Water Resources, Interstate Water
3 Issues.

4 MR. NEWMAN: Brent Newman with the
5 Colorado Water Conservation Board.

6 MR. BEIGHTEL: Chris Beightel with the
7 Kansas Division of Water Resources.

8 MS. COLE: Brandy Cole, Kansas Division
9 of Water Resources.

10 MS. DURAN: Rachel Duran, Kansas Division
11 of Water Resources.

12 MR. GRUNEWALD: Chris Grunewald, Kansas
13 Attorney General's office.

14 MR. TYNER: Bill Tyner, Colorado Division
15 of Water Resources.

16 MR. GILMORE: Andrew Gilmore, Reclamation
17 in Loveland.

18 MR. VAUGHAN: Roy Vaughan, Reclamation in
19 Pueblo.

20 MS. WOLDRIDGE: Julianne Woldridge,
21 attorney for the Purgatoire River Water Conservancy
22 District.

23 MR. KAHN: Jeff Kahn, Water Counsel, City
24 of Trinidad.

25 MS. McDONALD: Eve McDonald, attorney

1 from the Colorado Attorney General's office.

2 MR. MILLER: Steve Miller, Colorado Water
3 Conservation Board.

4 MR. BALLINGER: Lynn Ballinger, office of
5 Congressman Tim Huelskamp.

6 MR. FRED JONES: Fred Jones, City of
7 Lakin.

8 MR. WITTE: Steve Witte, Colorado
9 Division of Water Resources and the Operations
10 Secretary for ARCA.

11 MR. BOOK: Dale Book with Spronk Water
12 Engineers.

13 MS. SCHENK: Angela Schenk with Spronk
14 Water Engineers.

15 MR. SCHEUERMAN: Hal Scheuerman, Kearny
16 County Farmers Irrigation, Deerfield.

17 MR. CONWAY: Ron Conway, Garden City
18 Company and the Great Eastern Irrigation
19 Association.

20 MR. HINES: Steven Hines, Frontier Ditch
21 Company, Coolidge.

22 MR. MAXFIELD: Dan Maxfield, Amazon
23 Canal, Lakin, Kansas.

24 MR. LARRY JONES: Larry Jones, Finney
25 County Commissioner.

1 MR. ORENDORF: Bill Orendorff, Tri-State
2 Generation and Transmission Association.

3 MR. KELLEY THOMPSON: Kelley Thompson
4 with the Colorado Division of Water Resources.

5 MR. DARE: My name is Craig Dare. I'm
6 with the U.S. Geological Survey in Hays, Kansas.

7 MR. MEISEL: Greg Meisel. I farm west of
8 Lakin.

9 MS. ROBB: Traci Robb, Project Manager,
10 Trinidad Lake Corps of Engineers.

11 MR. BECKER: David Becker, Farmers Ditch.

12 MR. GILLEN: Tim Gillen, Finney County
13 Water Users Association.

14 MS. IVAHNENKO: Tamara Ivahnenko, USGS,
15 Pueblo, Colorado.

16 MR. WILSON: Glenn Wilson, Amity Mutual
17 Irrigation Company.

18 MR. HOWLAND: Terry Howland, Amity Mutual
19 Irrigation Company and Buffalo Mutual Irrigation
20 Company.

21 MR. STEERMAN: Don Steerman, attorney for
22 District 67 Ditch Association, as well as Amity,
23 Buffalo, and several others.

24 MR. REYNOLDS: Phil Reynolds, Colorado
25 Division of Water Resources.

1 MR. VAN ORT: John Van Ort, Division of
2 Water Resources.

3 MR. SPADY: Lonnie Spady, Colorado
4 Division of Water Resources.

5 MR. KEHM: Heath Kehm, Colorado Parks and
6 Wildlife.

7 MR. McNEILL: Grady McNeill, Colorado
8 Parks and Wildlife.

9 MR. MONTOYA: Jeff Montoya, Colorado
10 Division of Water Resources.

11 MR. WOODRUFF: Jason Woodruff, Army Corps
12 of Engineers, Albuquerque District.

13 MS. DOWNEY: Karen Downey, Project
14 Manager, John Martin Reservoir.

15 MR. STANDLEY: Mike Standley, Finney
16 County Water Users Association.

17 MR. YUSKA: Mark Yuska, Army Corps of
18 Engineers, Albuquerque District.

19 MAJ. BONHAM: Major Gary Bonham, Deputy
20 Commander, Albuquerque District, Army Corps of
21 Engineers.

22 MR. GARCIA: Dennis Garcia, U.S. Army
23 Corps of Engineers, Albuquerque District.

24 MR. DANIELSON: Jeris Danielson, General
25 Manager of Purgatoire District.

1 MR. HAYZLETT: Thank you, everybody, for
2 the introductions there. I would like to take this
3 time to thank Colorado and the group for coming to
4 Kansas and letting Kansas host this meeting this
5 year. We appreciate the fact that you are willing
6 to come down to this part of the country. As well,
7 the refreshments are provided by our Groundwater
8 Management District Number 3, and we express our
9 appreciation for that.

10 I believe that brings us to the agenda for
11 review and revisions. We did have some changes to
12 the agenda. On Item 6, Lower Arkansas Valley Water
13 Conservancy District is not here, so we're striking
14 item B. Under 8, we are replacing A. with H-I Model
15 groundwater efficiency procedure update. Item 13,
16 13.A. will be letters of commendation for Pat
17 Edelman. 13.B. will be letters regarding the City
18 of Trinidad proposed amendments to the Trinidad
19 Operating Principles. Then C. will be the
20 resolutions. D. will be financial matters. E. will
21 be the approval of the transcripts. F. will be
22 officers and committee appointments. G. will be
23 instructions to the committees. That's all I have.

24 MR. BARFIELD: All right. I move we
25 adopt the agenda as amended.

1 MR. HAYZLETT: It's been moved. Is there
2 a second?

3 MS. GIMBEL: Second.

4 MR. HAYZLETT: It's been moved and
5 seconded. Is there other discussion? If not,
6 Kansas vote.

7 MR. BARFIELD: Aye.

8 MR. HAYZLETT: Colorado?

9 MS. GIMBEL: Aye.

10 MR. HAYZLETT: Okay. We'll work off this
11 agenda then. The Item 4, with no chairman to
12 report, and I don't necessarily have any report as
13 Vice-Chairman, so there are no other items there for
14 this time. They'll be deferred to later in the
15 agenda.

16 So I think that brings us to our federal
17 agency reports, and the first is the U.S. Geological
18 Survey. Who do we have that's going to report on
19 that this morning?

20 MS. IVAHNENKO: Good morning, everyone.
21 My name is Tammy Ivahnenko. I'm with the U.S.
22 Geological Survey out of Pueblo, Colorado.

23 I'm going to report on a number of things that
24 I've been asked to, and if you could start the first
25 slide, the stream gages. (See Exhibit C for slide

1 presentation) There were 10 stream gages that were
2 operated here as part of the cooperative program:
3 eight in Colorado; two in Kansas.

4 The problems from last year continued to this
5 year. There's beaver activity at the Big Sandy
6 Creek near Lamar. The nice thing is Prowers County
7 has been great in helping us to clean the culvert
8 near Highway 169. However, the record for that gage
9 continues to be poor. Other than that -- oh, we are
10 moving to try and do something about the beaver
11 issue; possibly trapping. There are no other
12 significant issues and there are no proposed changes
13 for 2013.

14 Next slide, please. These are statistics for
15 the 10 gages, and the last column is the one of
16 course of interest, and you can see that the
17 percentage of 2012 flow of average is less than 50
18 and usually less than 25%. Sad but true.

19 Next slide, please. Okay. Studies of
20 interest, the Fountain Creek Flood Study. We have
21 been updating and enhancing the U.S. Army Corps' HEC
22 Watershed Model, and what we've done, enhancements
23 have been finished. Mike Cohen is the primary
24 project chief and he's incorporated the 2003
25 Monument Creek model. We've incorporated USGS

1 stream gage data, discharge measurements,
2 radar-based precipitation data, and incorporated
3 nine new detention basins. He's converted the
4 stream hydrologic models from steady to unsteady
5 state and he's coupled watershed and stream
6 hydrologic models together. The calibration of
7 watershed model is finished and modeled results are
8 within 14 to 39% of observed 1999 and 2010 storm
9 events. Calibration of hydrologic models should be
10 completed soon, and we're expecting a draft report
11 in February of 2013.

12 Next slide, please. Finished models will be
13 used to evaluate the effectiveness of various
14 strategies for attenuating peak flows and
15 controlling sediment erosion. There are 10
16 preliminary management scenarios, using simulated
17 flows from 100-year, 24-hour precipitation events.
18 The three management scenarios of interest, most
19 interest, anyway, are including a side channel
20 detention storage basin, detention in a mainstem
21 reservoir on Fountain Creek, high-flow diversion
22 channels to Chico Creek, and he's also -- Mike has
23 also been working on three additional scenarios,
24 such as widening of the floodplain in critical
25 reaches, bank stabilization, and installation of

1 drop structures.

2 The other project of interest is the Buena
3 Vista-Salida Basin Water Budget. This has been to
4 define hydrologic properties of the primary aquifers
5 in that area for aquifer storage and recovery in
6 that basin. We've, as part of this project, we've
7 subdivided that basin into four subbasins, and these
8 are the tributaries to the Arkansas River. It's the
9 Browns, Chalk, Cottonwood, and South Ark River
10 Basins.

11 So looking at the hydrologic properties, we've
12 looked at slug tests for 31 wells. We've looked at
13 aquifer tests done by the Colorado Division of Water
14 Resources and specific capacity tests that were
15 reported by water providers. We've installed 10
16 temporary stream gages, operated from mid-April
17 through mid-October. All of these were on the
18 tributaries to the Ark River, and for evaluating
19 groundwater surface interaction, we've looked at
20 synoptic gain-loss measurements of those four
21 subbasins and continuous water, groundwater levels
22 from CSU's monitoring network.

23 We've also scoured the HydroBase database for
24 groundwater and surface water diversions, especially
25 for irrigation, so we've looked at 43 ditches and

1 municipal wells. We had 37 of those, one
2 infiltration gallery and two ditches.

3 We've established -- our cooperators have
4 established CoAgMet stations, one in Buena Vista,
5 one in Salida, and they were operational for all of
6 2011 growing season. Using those CoAgMet stations,
7 we looked at monthly ET for hay and alfalfa. We --
8 using a GIS exercise, we calculated over 8,000
9 irrigated acres in those four subbasins for 2011,
10 and a draft report is expected, actually, this
11 month.

12 I'm going to give you a quick overview of some
13 of the hydrographs for a variety of stream gages up
14 and down the Ark River in Colorado. Here is
15 Arkansas River near Leadville. The various color
16 bands are percentiles, and this is 2011 and 2012,
17 and you can see in 2012, we had a much lower
18 snowpack melt peak than we did in 2011 and it came
19 much earlier.

20 This is Arkansas River at Parkdale. This is a
21 seasonal gage for the USGS, and you can see the
22 effects of a larger basin with less snowpack in
23 2012.

24 This is Ark Avondale. It's the first gage
25 below Fountain Creek, and as we progress down

1 through these stream gages, the river becomes more
2 and more regulated.

3 Again, here at Lamar, at Granada, you can
4 really see the regulation there, and unfortunately,
5 there in 2012, the hydrograph has actually fallen
6 below the 10th percentile.

7 Here's the gage at Coolidge, and again, the
8 hydrograph has fallen down, in September, below the
9 10th percentile.

10 This is one of the groundwater wells in the
11 Climate-Response Network, and you can see the -- the
12 red line is this year's, and unfortunately, water
13 levels, even groundwater levels, are showing drought
14 response.

15 This is the other groundwater well in the
16 network here in Kansas. No, I'm sorry. It's in
17 Stafford, Colorado (sic), and it's -- again, you can
18 see the groundwater levels have hit lows, at least
19 to the 10th percentile or less than 10th percentile.

20 Quick historical perspective, just to put
21 things in perspective. This is the comparison of
22 summer, 2002 to summer, 2012, beginning in April.
23 Here's May, and in June, it's kind of interesting.
24 In June, 2012, we've got one basin, in the middle of
25 all of that much below normal flow, we have one

1 that's actually normal, and that is Fountain Creek
2 transbasin water, and of course, the return of
3 treated wastewater is keeping flows in that basin
4 normal.

5 Again, here in July, you can see Fountain
6 Creek is about the only normal flows in Colorado.
7 Next. August and -- next please -- September. I
8 think that's the last one in this series.

9 Then in the things could be worse category,
10 this is a regional perspective for looking at
11 summer, 1934, of course is the Dust Bowl and summer
12 of 2012, and just to remind you, 1934, that year had
13 already had a number of drought, number of years of
14 drought before 1934 had actually hit, so here's
15 April. There's May, and now that you can see that a
16 lot of the flows in 1934 in the western, and
17 especially the central and western U.S. were much
18 below normal, and in 2012, they're not as bad.
19 July, August, September, and that should be the last
20 one there.

21 Of course, the thing to remember is, or the
22 scary thought is in 1934, the population that we
23 have now in the West and the water demand that we
24 have now in the West and a drought like that could
25 be quite detrimental, but in any case, latest

1 conditions, this is October, 2012.

2 Again, the news is not good. These are stream
3 flows at a number of gages, not only in Colorado and
4 Kansas but in Oklahoma, and that's the end of my
5 presentation.

6 Any comments or questions? I will do my best
7 to answer questions.

8 MR. HAYZLETT: Okay. Thank you. I like
9 that last one, things could be worse category. Are
10 there questions from the front table for Tammy?
11 Okay. Well, I appreciate your report then. Thank
12 you for the information.

13 MS. IVAHNENKO: Question?

14 MR. HAYZLETT: Oh, I'm sorry.

15 MR. MILLER: I have noticed you had a
16 written document.

17 MS. IVAHNENKO: I do.

18 MR. MILLER: Would you be willing to
19 tender that as an exhibit, so we can include it?

20 MS. IVAHNENKO: Yes.

21 MR. BEIGHTEL: Would the commissioners
22 like that to be an exhibit?

23 MR. HAYZLETT: Yes. We'll put that in as
24 an exhibit then.

25 MR. BEIGHTEL: That would be Exhibit C.

1 MR. HAYZLETT: Next on the agenda is the
2 U.S. Army Corps of Engineers, and that's Major
3 Bonham, I believe. Good morning.

4 MAJ. BONHAM: I don't know if I'm skilled
5 enough to hold this and flip pages at the same time,
6 but I guess we'll see. Good morning,
7 Mr. Vice-Chairman and members. I'm Major Gary
8 Bonham, Deputy District Commander of the Albuquerque
9 District, United States Army Corps of Engineers.

10 I thank you for the opportunity to present key
11 topics from our report of the last year and items of
12 current interest. (See Exhibit D for report) Joining
13 me from the Albuquerque District Office are Mark
14 Yuska, Operations Division Chief, lurking in the
15 back there. Dennis Garcia, Reservoir Control Branch
16 Chief, is my hand-holder up here at the front. We
17 also have Jason Woodruff, the Arkansas River Basin
18 Coordinator; Karen Downey, John Martin Project
19 Manager; and Traci Robb, Trinidad Lake Project
20 Manager.

21 I would like to start by giving a brief
22 history and description of the Albuquerque District
23 of the United States Army Corps of Engineers. As
24 the United States struggled in the throes of the
25 Great Depression and the Dust Bowl, as we just

1 learned, a new Army Corps of Engineers District was
2 created in New Mexico under the command of Captain
3 Hans Kramer. Although flood control and irrigation
4 projects in the sparsely populated region of the
5 Canadian River were not economically feasible in
6 1929, widespread unemployment in the early 1930's
7 helped convince President Franklin D. Roosevelt to
8 approve the building of Conchas Dam.

9 The Corps established the Tucumcari District
10 on August 2nd, 1935 to construct a dam for the
11 purposes of irrigation, flood control, and water
12 supply. As the activities increased at the site,
13 the local economy received a much-needed boost.
14 This infusion of federal funds gradually spread to
15 include a broad area of the State. The success of
16 the project was a major consideration in the
17 eventual expansion of the District's boundaries to
18 include other watersheds in the areas of Colorado
19 and Texas, as well as New Mexico.

20 With the completion of the Conchas project,
21 John Martin Dam at Caddoa, Colorado became the new
22 focal point of District activity. Tucumcari
23 District personnel transferred to Caddoa and on
24 December 4th, 1939, and the organizational name was
25 officially changed to the U.S. Army Corps of

1 Engineers, Caddoa District. Work proceeded there
2 until the dam was 85% complete. With World War II,
3 however, John Martin Dam was temporarily put on
4 hold.

5 Soon after the onset of World War II, in early
6 1942, the District headquarters was transferred to
7 Albuquerque and given its permanent name, along with
8 an additional mission. Switching from civil works
9 projects to wartime activities, and with a peak
10 workforce of 3039 people, the Albuquerque District
11 performed real estate and construction services in
12 support of various military projects in the region.
13 Among those projects was the work at Los Alamos
14 Laboratory, where scientists labored in the
15 development of atomic energy and its application to
16 weapons.

17 After the war, the District resumed civil
18 works construction and completed John Martin
19 Reservoir. Other major projects followed in the
20 ensuing years. They are, in chronological order:
21 Jemez Canyon Cam, Abiquiu Dam, Two Rivers Dam, and
22 Cochiti Dam in New Mexico; Trinidad Dam in Colorado,
23 and Santa Rosa Dam in New Mexico.

24 Today the District, with nearly 460 employees,
25 continues several regional civil works projects. In

1 addition, it now provides extensive design and
2 construction services to three New Mexico military
3 bases: Kirtland Air Force Base in Albuquerque,
4 Holloman Air Force Base, and Cannon Air Force Base.

5 Moving on to the current items of interest, in
6 2012, the Arkansas River Basin snowmelt runoff was
7 below normal throughout the entire basin. The
8 reported snowpack in May, 2012 ranged from 28% of
9 average in the Upper Arkansas Basin to zero in the
10 Purgatoire Basin. The Army Corps of Engineers did
11 not operate for flood control at Trinidad, John
12 Martin, or Pueblo Reservoirs in 2012.

13 Works on studies and projects with basin
14 sponsors under the Army Corps of Engineers mission
15 areas has continued in 2012, and I'll highlight a
16 couple.

17 Sediment surveys. Issues with the reservoir
18 survey at John Martin Reservoir, as identified in
19 2011, have been resolved and related Area-Capacity
20 tables are currently in production. The updated
21 Area-Capacity tables shall be ready for
22 implementation on January 1st, 2013.

23 During 2012, one major maintenance effort took
24 place at John Martin Dam. This effort included use
25 of the Army's 511th Dive Team during the

1 installation and replacement of bulkhead stops on
2 four of the six service gates. During the process
3 of these installations, it was determined that there
4 were issues with existing bulkhead seals on the
5 upstream face of the dam. Further investigations
6 into these issues will need to be performed in the
7 future.

8 In January of this year, the Purgatoire River
9 Water Conservancy District submitted a letter to the
10 Army Corps of Engineers, identifying an interest in
11 leasing unused storage space in the joint use pool
12 of Trinidad Lake to third parties for storage of
13 nonproject water. Upon review by the Albuquerque
14 District's Office of Counsel, Environmental
15 Resources Section, and Reservoir Control Offices, it
16 was determined by the Army Corps of Engineers that
17 the Army Corps of Engineers did not have the primary
18 authority to permit the award of such contracts
19 issued by the Purgatoire River Water Conservancy
20 District.

21 It was also determined that a thorough review
22 of impacts to the environment and certain
23 prehistoric and historic archaeological sites in the
24 vicinity of the reservoir would be needed. Such a
25 review would also include certain consultations with

1 Native American tribes and the Colorado State
2 Historical Preservation Officer. The path forward
3 to addressing the District's interests will include
4 close coordination with both the Army Corps of
5 Engineers and the Bureau of Reclamation, should the
6 District decide to pursue this use.

7 We've also been reviewing a proposed -- a set
8 of proposed amendments to the Trinidad Operating
9 Principles that the City of Trinidad is pursuing.
10 Upon review by the Albuquerque District's Office of
11 Counsel, Environmental Resources Section, and
12 Reservoir Control Offices, it was determined that
13 the action may qualify for a categorical exclusion
14 under the Corps' NEPA regulations. Coordination
15 with the signatories of the Operating Principles
16 regarding the proposed amendments is ongoing.

17 Over the past year, the Albuquerque District
18 has cooperated with the Bureau of Reclamation in the
19 preparation of the Arkansas Valley Conduit
20 Environmental Impact Statement. The Albuquerque
21 District served as a source of expertise in the
22 areas of Clean Water Act Sections 402 and 404,
23 Rivers and Harbors Appropriation Act of 1899,
24 Section 10, and the operation of the John Martin
25 Reservoir.

1 Specific areas of interest identified during
2 the draft review process include potential impacts
3 to vegetation, wetlands, wildlife, and cultural
4 sites along the Arkansas Valley Conduit corridor.
5 Coordination with the Bureau of Reclamation is
6 expected to continue through July of 2013, when
7 issuance of the Final Environmental Impact Statement
8 is scheduled.

9 In Fiscal Year 2012, Telluride Energy
10 approached the United States Federal Energy
11 Regulatory Commission with the interest in studying
12 the feasibility of developing hydroelectric power
13 projects at both Trinidad and John Martin Dams.
14 Telluride Energy applied for, and was issued,
15 preliminary permits to study feasibility of such
16 projects for both dam sites, pursuant to the Federal
17 Powers Act.

18 Both project proposals include the addition of
19 new penstocks, power houses, primary transmission
20 lines, and appurtenant facilities. Over the next
21 three years, the permittee will prepare preliminary
22 feasibility studies for both projects, during which
23 the Corps, both the Corps and the public, will have
24 the opportunity to provide comments.

25 As you're all aware, we have some important

1 activities going on around the country and the
2 world, and I want to conclude with a few words about
3 the one priority mission for the Army Corps of
4 Engineers: Support for our Overseas Contingency
5 Operation, formerly known as the Global War on
6 Terrorism. While most of our Corps employees are
7 not soldiers, I'm proud to say that in Fiscal Year
8 2012, 24 Albuquerque District members voluntarily
9 deployed to Afghanistan, and we currently have 14
10 employees in harm's way.

11 There have also been six employees deployed in
12 response to Hurricane Sandy response and recovery.
13 In addition, last summer, we responded to several
14 wildfires and resulting postfire flood response
15 efforts, most notably at the Waldo Canyon.

16 This concludes my report and I would be happy
17 to answer questions, with the assistance of my staff
18 as necessary.

19 MR. HAYZLETT: Thank you, Major. Are
20 there questions from the front table? Jennifer?

21 MS. GIMBEL: More of a comment, Major.
22 First of all, thank you very much for being here. I
23 think that both Kansas and Colorado have a great
24 partnership with the Corps of Engineers, and I have
25 a special place in my heart for the Albuquerque

1 Division, as we talked last night about, so I just
2 wanted to thank you for all the work that you do and
3 I am glad that you appreciate both the civilians and
4 the soldiers that work for you; and again, thanks
5 for being here.

6 MAJ. BONHAM: Thank you very much.

7 MR. HAYZLETT: Very good. Any questions
8 or comments?

9 MR. BARFIELD: No. Appreciate the
10 report, and I -- again, I'll presume we'll attach
11 the report to -- as an exhibit to the transcript.

12 MR. HAYZLETT: Okay.

13 MR. BEIGHTEL: That will be Exhibit D.

14 MR. HAYZLETT: Thank you, Major, for your
15 service. Okay. We're ready for the Bureau of
16 Reclamation, Item 5.C.

17 MR. VAUGHAN: Good morning, and thank you
18 for having me. I'm going to do a little overview of
19 the Fryingpan-Arkansas project and storage and
20 snowpack. (See Exhibit E for slide presentation)
21 I'll try to move quickly because a lot of people
22 have covered this, and then I'll touch a little bit
23 on a few project.

24 I'm Roy Vaughan. I'm the facility manager at
25 Pueblo Dam. I'm also responsible for the east slope

1 water scheduling of the Fry-Ark Project, as well as
2 the accounting for the water that flows in and out
3 of the different accounts and through our
4 facilities, so go ahead.

5 Just an overview of 2012. It was the lowest
6 year for imports since 2002. The May forecast was
7 for 12,400 from our West Slope. We actually
8 imported a little bit over that, about 13-five. In
9 2002, we were a little bit below that. That's about
10 26% of our 30-year average.

11 Snowpack in the collection system usually
12 reaches its maximum in mid-April. This year's
13 snowpack peaked in March, about a month earlier than
14 normal, and just dry and warm conditions as everyone
15 experienced continued.

16 I've got a couple of slides just to highlight
17 kind of an unusual event, in our eyes, anyway. The
18 blue line is imports or snowpack in 2011. The
19 yellow line is 2010. The green line is 2009. The
20 corresponding imports are there as well and then
21 what we forecasted, but the heavy line you're seeing
22 down below that, the red line is average, and you
23 can see about mid-March, we weren't looking too bad.

24 If you go ahead, then this is in the Upper
25 Arkansas Basin, where our collection system is. You

1 can see what happened to the snowpack for the
2 following month.

3 Then if you want to go ahead, Kevin, it just
4 continued to decline, and we'll do the Arkansas real
5 quickly. It's the same setup. The red line is
6 average. You can just see it just, it fell off, as
7 everyone pretty much knows, but our February 1st
8 forecast was for 45,200. In March, it went to
9 53,300. April 1st forecast was 23,100 and May was
10 12,400.

11 Here's a little graph of Boustead Tunnel
12 imports. The average is the red line and here's, as
13 you can see, we had runoff early and then we just --
14 it just fell off completely.

15 Current conditions in Turquoise Lake, and this
16 is water year. The silver line is kind of where
17 we're at; the heavy black line is average; and the
18 blue line or purple line is where we were last year
19 at this time, so this is Turquoise.

20 Twin, we're below average as well. Pueblo,
21 we're a little bit above average but a little bit
22 below where we were last year.

23 Just in summary, Turquoise is at 54% of
24 average. Twin Lakes is at 76% of average. Pueblo
25 is 109% of average, and this is just the summary of

1 last year. The purple line, again, is 2002, so you
2 can -- you can see we were -- we were well below
3 where we were this time last year. Twin Lakes is
4 basically the same thing, and then Pueblo.

5 Winter operations. All we're moving down from
6 our upper reservoirs at this time is just the water
7 to meet the minimum flows on Lake Fork and Lake Fork
8 Creek. That's all we'll be -- usually we draw down
9 our upper reservoirs, make room for snowpack. This
10 year, we have a big hole up above to fill already.

11 Mussels. The facility assessment for all the
12 Fry-Ark facilities are done; the action response
13 plans are completed; and to date, we haven't found
14 any adults in Pueblo, and this year, the results
15 were even negative for the larvae in Pueblo, so
16 that's good news, and here's a link to the web site.

17 I want to touch a little bit on the Southern
18 Delivery System. We tested the new valve at Pueblo
19 Dam that was completed in September. We still
20 haven't taken ownership of that facility, but we
21 will. Construction for the pipeline portion is
22 ongoing, and just SDS is a one point probably five
23 billion dollar project now, proposed by Colorado
24 Springs, Security, Fountain and Pueblo West to build
25 a pipeline to take water from Pueblo Dam to their

1 treatment facilities. Once again, there's a link to
2 a web site down below.

3 I got a few pictures so you guys won't get
4 bored. Here's the Y (we) that was put into the
5 river outlet works of our facility. We used to
6 release water right through that tunnel there.
7 They've actually put this Y, go ahead, they've
8 attached this fixed cone valve down below. This
9 will replace the old river outlet works.

10 Here's the testing of it, and I think there's
11 one more. This is a shot from the top of the dam,
12 and you can see the Y coming off. That's a 90-inch
13 pipe that's capped, and then down below that
14 structure there is where that fixed cone valve
15 resides, and that concludes my report. I'll be
16 happy to take questions. How did I do?

17 MR. HAYZLETT: You did very well. Very
18 good. Are there questions for Roy?

19 MR. HEIMERICH: Matt Heimerich. Could
20 you -- do you have any feeling for, when we look at
21 the storage in the reservoirs that you are managed
22 with, I suspect that it's mostly M & I water that's
23 in those accounts right now. Is that correct, Roy?

24 MR. VAUGHAN: Yeah, that is correct.
25 Since 2002, the municipal entities took more

1 advantage of taking their project allocation.
2 Previous to that, they would take and it would
3 revert to ag. Since 2002, they kind of increase
4 their municipal storage and saw the value to get
5 them through these dry years and, you know, we --
6 there's a lot of municipal storage in there now, but
7 a lot of it was used as well last year, so
8 everybody's going to be really dependent on snowpack
9 this year.

10 MR. HEIMERICH: So the conclusion we
11 could make is that this probably, except for what
12 you're storing perhaps under Colorado's Winter Water
13 Program for the Upper -- for my reach, there's
14 probably very little ag water that's sitting in
15 those accounts right now?

16 MR. VAUGHAN: That is correct.

17 MR. HEIMERICH: And then one other
18 question, and again, I'm -- bear with me, Randy. In
19 terms of winter operations and the continued
20 operations on the upper reach of the river, I
21 believe your agency is also a cooperator on some
22 minimum streamflows that go through the reach from
23 essentially Leadville down to Canon City, I think,
24 or that area like that?

25 MR. VAUGHAN: Yeah. We have a minimum

1 requirement on Lake Fork Creek, which is below
2 Turquoise --

3 MR. HEIMERICH: Right.

4 MR. VAUGHAN: -- as well as Lake Creek,
5 which is below Twin, so it's 15 and 3 in those two
6 stretches.

7 MR. HEIMERICH: Okay. The stretch or the
8 mainstem reach, though, which is a recreation reach
9 and things of that nature, I know this year was
10 problematic keeping those minimum flows in there.
11 Is that the reason why you're keeping water up high
12 or is -- I mean, is that -- that's a -- that's a --
13 the agreement to keep water in the upper reach is a
14 more of a voluntary; is that correct?

15 MR. VAUGHAN: That is correct.

16 MR. HEIMERICH: Okay.

17 MR. VAUGHAN: And actually, what we do is
18 we run the imported water down once we get it, and
19 as you can see, everything just fell off, so we
20 really didn't have a lot of water to support that.
21 This time of year, usually we're moving water down,
22 which keeps the minimum flows of 250 for the
23 fishery, but because we didn't get the yield we
24 expected, we don't have to move that water down.

25 MR. HEIMERICH: Very good. Okay. Thank

1 you. Thank you, Mr. Chair.

2 MR. HAYZLETT: No questions for Roy?

3 MR. VAUGHAN: And at this time, I'd like
4 to introduce Andrew. I think all of you guys know
5 him. He's going to do a little -- he's going to
6 take you a little further here.

7 MR. BEIGHTEL: Would the Administration
8 like to accept this --

9 MR. HAYZLETT: Yes. Your report will be
10 accepted as an Exhibit, Roy.

11 MR. BEIGHTEL: That will be Exhibit E.

12 MR. GILMORE: My slides are actually in a
13 different file, if you want to switch over to that.

14 MR. HAYZLETT: While Andrew is getting
15 ready, I haven't seen the attendance list circulate.
16 Steve, do you have that?

17 MR. MILLER: It seems to be going slower
18 this year. It's right back here.

19 MR. HAYZLETT: Okay. Just so long as
20 it's moving.

21 MR. GILMORE: Well, good morning, members
22 of the Administration and interested parties. My
23 name is Andrew Gilmore. I'm with the Bureau of
24 Reclamation in Loveland, Colorado and I work on the
25 Trinidad Project, and I've also been asked to give a

1 short briefing on the status of the Arkansas Valley
2 Conduit. (See Exhibit F for slide presentation.)

3 So with that, I'll summarize what we did
4 yesterday for those, or questions for the people who
5 were not here yesterday, I'd be happy to answer
6 those. Essentially, to cover the National
7 Environmental Policy Act actions related to the
8 Arkansas Valley Conduit, there are actually three
9 actions that are all being analyzed as part of this
10 process.

11 The first is the actual construction of the
12 Arkansas Valley Conduit Pipeline from Pueblo Dam
13 down to Lamar for municipal water supply
14 essentially, as well as some piping and some
15 plumbing right at the facility outlets, and as well
16 as Master Contract with the Southeastern Water
17 Conservancy District for use in dealing with excess
18 capacity. Rather than having Reclamation issue many
19 contracts we're issuing one and will let the
20 Southeastern enter contracts with those individual
21 entities.

22 A draft was released this summer, and if you
23 go to the next slide, we'll skip that. The schedule
24 is essentially we had the public hearings. The
25 public comment period on the EIS itself is closed.

1 Roy's open to hear questions and comments. We are
2 currently working on responses to those comments,
3 but we do not hear last night the status of whether
4 we will see comment letters before the final EIS.
5 I'm sorry, Steve, I didn't get that answer for you,
6 but we can get we can get the answer. I just wasn't
7 able to get ahold of the folks who know the answer
8 to that question. We expected to issue a final
9 EIS in July of next year.

10 The -- I would say that we don't expect to
11 be -- there to be a major rewrite. We do plan on
12 having a public process to discuss the selection of
13 a preferred alternative and there is a cooperating
14 agency meeting scheduled for, I believe, January.
15 The record of decision will be no more than 30 days
16 after that, and if you have more questions, feel
17 free to go to this web site. It's on Reclamation
18 web site, forward slash a-v-c-e-i-s, for further
19 questions. Any questions or comments on AVC?

20 MR. HAYZLETT: Questions?

21 MR. GILMORE: All right. Thank you.

22 Moving on to Trinidad, the Trinidad Project, I know
23 the Corps already mentioned part of this history.
24 The facility is owned by the Corps, and it has many
25 purposes, one of which is the Corps' mission of

1 flood control, as well as M & I, irrigation,
2 sediment, as well as recreation.

3 Reclamation's interest is in the payment
4 contract with the Purgatoire River Water Conservancy
5 District, as well as we are a signatory to the
6 Operating Principles, so those -- there are the five
7 signatories. We conduct Ten-Year reviews to work on
8 finding optimum or more optimal beneficial use,
9 without significant increase in water use.

10 Our current status is we are working with the
11 City of Trinidad and other agencies on the proposed
12 amendments. We'll be seeing that in a little bit,
13 and ultimately, I have a slide on that. We are in a
14 new Ten-Year review period. We published a review
15 document in 2010 and the next period ends in 2014,
16 and we are holding annual meetings to discuss those.
17 We have a meeting a week from Friday in Trinidad.
18 Everybody's welcome to come and discuss what's going
19 on with the Trinidad Project and specific technical
20 discussion that's ongoing, which we'll summarize
21 there and hear some discussions that other members
22 of my agency are having with Trinidad, with the
23 Purgatoire River District on the repayment contract,
24 too.

25 This is a little bit of a contrast to the

1 Corps' current response, in that we received an
2 official request from the Purgatoire District to
3 consider these amendments last week. We will be
4 looking at that from all perspectives, including
5 coordination, and looking at whatever actions
6 Reclamation needs to take and looking at the,
7 obviously, NEPA question and the -- as far as we've
8 gotten at this point is we understand there is a
9 discretion in federal action and it has potential
10 environmental impacts, so we'll be looking more into
11 that.

12 I would say that the question of where we're
13 at with that, you know, it's the holidays, but we
14 hope to have some sort of preliminary response back
15 to Jeff and the folks by the middle of January, and
16 we will be updating folks with that.

17 I'll skip this slide, and that concludes my
18 presentation. Any questions?

19 MR. HAYZLETT: Any questions for Andrew?
20 Hear none, so thank you, Andrew, for your
21 presentation. Very good.

22 MR. GILMORE: I don't have a written
23 version of that, but you're more than welcome to
24 print that out and put it in the record if you wish.

25 MR. HAYZLETT: I'm sorry. Say that

1 again.

2 MR. GILMORE: I don't have a written, any
3 printed out copies of that for the -- as an exhibit.
4 You're welcome to print some out if you want to use
5 that as one, but I note my colleagues did that,
6 so --

7 MR. BARFIELD: I suggest we do. We give
8 it an exhibit number and print it out and include it
9 in the record, if that's okay.

10 MR. BEIGHTEL: That will be Exhibit F.

11 MR. GILMORE: All right. Thank you.

12 MR. HAYZLETT: Thank you, Andrew. Ready
13 for Item 6, Reports from Local Water User Agencies,
14 Southeastern Colorado Water Conservancy District.

15 MS. GIMBEL: Mr. Chair, would you be okay
16 if I report from here --

17 MR. HAYZLETT: I think so.

18 MS. GIMBEL: -- or do you want me to --

19 MR. HAYZLETT: I believe you'd be fine.

20 MS. GIMBEL: Thank you, Mr. Chair. The
21 Southeastern Colorado Water Conservancy District has
22 asked -- or Conservation District as asked me to
23 give the report for them. They apologize for
24 missing another meeting. They blame me for that
25 because we asked you to set the meeting up a week

1 and that's when their board meeting is, so now that
2 we're going the other direction, hopefully we'll get
3 them here next time.

4 We've talked about the Arkansas Valley
5 Conduit, so I won't go into that. They wanted to
6 report that they, with respect to the enlargement of
7 Pueblo and Turquoise Reservoirs, that they continued
8 to explore opportunities to pass legislation
9 authorizing feasibility studies for the
10 enlargements.

11 No legislation was requested this last
12 Congress, and so until they pass legislation to
13 authorize feasibility studies, that's -- that's
14 where they -- they're on hold. During their last
15 meeting here in November, the board approved their
16 water counsel to dismiss -- go to water court and
17 ask for the dismissal of Southeastern's pending
18 applications for new junior conditional water rights
19 for the enlargements.

20 At this point they do not believe, for their
21 preferred storage options plans, that it's necessary
22 to have those water rights. They can use what
23 they've got now and they feel that still makes it
24 feasible. They may consider refileing its
25 application if and when there's appropriate federal

1 legislation for a feasibility study.

2 On the Pueblo Dam River Outlet hydroelectric
3 power plant, in April of 2011, Reclamation published
4 a request in the Federal Register for proposals for
5 hydropower generation at Pueblo Dam River Outlet.
6 The river -- or I'm sorry -- Southeastern District,
7 along with the Board of Water Works for Pueblo and
8 Colorado Springs Utilities, jointly submitted a
9 proposal and received a very high technical rating,
10 or the highest technical rating any preliminary
11 permit was offered to the entities. That was issued
12 on February 27th, 2012.

13 The purpose of the permit is to formally
14 recognize the permittee's priority for a lease of
15 power privilege when -- while the permittee conducts
16 investigations and secures data to see if this is
17 feasible. At this point, the three entities
18 proposed to locate a power house at the downstream
19 end of the existing outlet works that supplies water
20 to the Arkansas River, and to use the dam's releases
21 which are made for authorized Reclamation purposes.
22 That concludes my report, Mr. Chairman.

23 MR. HAYZLETT: Questions for Jennifer?

24 MS. GIMBEL: Oh, please, none.

25 MR. BARFIELD: We appreciate the report,

1 though. Thank you for bringing that. Hopefully
2 they'll be able to be here next year.

3 MS. GIMBEL: I'm hoping for next year.

4 MR. HAYZLETT: Thank you. And what you
5 had doesn't need to be an exhibit, then. It's just
6 a report. Okay. Thank you.

7 That brings us to the Purgatoire River Water
8 Conservancy District report. Jeris.

9 MR. DANIELSON: Thank you, Mr. Chairman,
10 members of the commission. The Purgatoire District
11 is trying to recover from the huge enormous runoff
12 that we had last year. Just kidding. I won't
13 belabor the drought issue, because a lot of you here
14 are suffering from the same situation, and when I
15 look at the USGS graphics, you can see that it isn't
16 just our little corner of the world, but people
17 across the Southwest are suffering along with us.

18 Our water supply was 35% of normal. I did an
19 acreage verification tour this summer and I
20 estimated that 55 to 60% of all farms were fallowed
21 in the project, which does not bode well for tax
22 collections in Las Animas County.

23 Second issue, and Mr. Gilmore touched on it,
24 after 43 years of operating under a repayment
25 contract with the Bureau of Reclamation, they have

1 decided that their original formulas were in error
2 and we have to now renegotiate a repayment contract.
3 The original contract was predicated upon a variable
4 hydrology. The people back in 1966 understood how,
5 how erratic the flows on the Purgatoire were, so our
6 repayment was paid to the amount of water diverted.
7 The Bureau has now decided that won't work and we're
8 going to be stuck with a fixed payment each and
9 every year till the end of the contract.

10 What that means is in a year like this, with
11 60% of the farms fallow, we're going to have a 500%
12 increase in repayment for this year. It doesn't
13 bode well when your member ditches are hiring
14 attorneys from Denver. There's a lot of talk of,
15 "What are you going to do to us if we don't pay our
16 ditch assessment?" I hope we don't have to answer
17 that question, but it's a very serious situation for
18 the District.

19 There is a bright spot. The District, with
20 the aid of the Colorado Water Conservation Board
21 through the Arkansas Roundtable, we were able to do
22 a river restoration project through the City of
23 Trinidad. We restored about a quarter of a mile of
24 the Purgatoire, removed all of phreatophytes, put in
25 fish habitat structures. Project cost was about

1 \$175,000.

2 We had a lot of partners: DOW; Trout
3 Unlimited; really, a -- an excellent, excellent
4 expenditure, I think, of Roundtable funds, and we
5 now have a cold water fishery through Trinidad; so
6 if you go to Trinidad, take your fly rod and I can
7 attest that there are fish in there.

8 We were concerned because we shut the
9 reservoir off, of course, on October 15th and
10 there's no flow. The only flow that's available
11 through that reach is from leakage through the gates
12 at Trinidad; but working with the Division of Water
13 Resources, there are waters that have to be released
14 based on transfers of certain consumptive use waters
15 into the reservoir. Historically, those have been
16 just slugged down the river, but this year, we were
17 able to make controlled releases. I think we'll
18 probably have two, maybe three, which will really
19 enhance the fishes' chance of survival. We'd like
20 to get a reproducing population there, and it looks
21 like we might be able to achieve that.

22 That's all I have. Any questions?

23 MR. HAYZLETT: Questions for Jeris?

24 MR. THOMPSON: How much is the payment
25 now? What's the fixed payment going to be?

1 MR. DANIELSON: The formula that we
2 operated under of the existing contract, if we don't
3 receive a 75% water supply, we pay a flat 20,000 a
4 year, and then that escalates as that 75% goes up.
5 When you get -- the max is 140,000 if we divert over
6 100%.

7 Right now, the annual payment is being set by
8 the Bureau at 108,000, so you can see it's a
9 substantial kick in the groin, if you will. Any
10 other questions?

11 MR. HAYZLETT: Any questions? You will
12 do guiding service for the fishing then?

13 MR. DANIELSON: Absolutely. You don't
14 need a guide. We put in handicapped access. If you
15 find Safeway in Trinidad, there's an old steam
16 engine right behind the Safeway, and right behind
17 the steam engine is the river, and you just hit that
18 trailhead. It's like 100 feet down and you're good
19 to go.

20 MR. HAYZLETT: Thanks, Jeris.

21 MR. DANIELSON: Thank you. I appreciate
22 it.

23 MR. HAYZLETT: Ready for Item 7, Water
24 Quality Issues, Tom Stiles. Is Tom here? There he
25 is.

1 MR. STILES: Thank you, Mr. Chairman.

2 MR. HAYZLETT: Good morning, Tom.

3 MR. STILES: As Kevin is passing out
4 essentially the handout that will be also brought up
5 on the Power Point, I want to take the opportunity
6 to briefly brief the Administration on water quality
7 issues as they're currently presented on the Ark
8 River. (See Exhibit G for slide presentation)

9 It's been an ongoing challenge of trying to
10 ascertain not only what the -- what the appropriate
11 level of water quality could be expected out of this
12 river system, but also ultimately trying to derive
13 some sense of strategy on what we might be able to
14 do about it. Kevin, go ahead and power up again,
15 one more.

16 This is where we start off. This is back in
17 2000, essentially tracking our original issue, which
18 hovered around sulfate impairment on the river as we
19 recorded it with monitoring at the Stateline near
20 our station near Coolidge. It brought the river on
21 our 303d impaired waters list, and subsequently in
22 2000, we developed a TMDL, or Total Maximum Daily
23 Load, under the guise of the Clean Water Act to
24 essentially try to restore what the appropriate
25 budget, pollutant loading budget might be for this

1 issue.

2 Now it is sulfate, and sulfate in and of
3 itself doesn't carry a lot of onerous implications.
4 It's a -- frankly, at the levels we're seeing here,
5 it's a nuisance, and it's certainly defies the, the
6 pure definition of, of clean water, but in terms of
7 its real impact on water uses, the impact itself was
8 somewhat fleeting.

9 With each subsequent assessment, which we do
10 every two years, other issues started to arise, and
11 each one carried a little more cachet and import
12 relative to the problems that we have.

13 This is, again, sulfate, and we looked at
14 seasonally, the seasonal delivery of sulfate at the
15 Stateline, and there is a strong seasonal disparity.
16 The summertime is marked by a rise and fall in
17 sulfate levels. Some of that is in relationship to
18 the amount of water coming out of John Martin that
19 directly makes its way to the Stateline. The thing
20 to note is in the wintertime, when essentially John
21 Martin is shut off, that you see the returning flows
22 draining from the underlying groundwater from the
23 valley lands coming into the river, making their way
24 to the Stateline.

25 The other thing I want to note here is back in

1 2000, we were up in arms, saying we got impairment
2 with sulfate on the river itself, but if you'll look
3 and we've collected data at the Stateline since
4 1967, so we have 45 years of data. If you look at
5 that first, first page of your handout, it's always
6 been this way. This is what we are, in terms of
7 this river. The sulfate levels will up and down,
8 generally in reflection of the overriding climate
9 conditions, but generally where we are now is really
10 not that much different than where we were back in
11 1967, 1968, on that very issue.

12 Again, with the seasonal tracking, and we
13 broke out the data in terms of what we would just
14 roughly define as the irrigation season between
15 April and October, and then the off season, November
16 through March. Same sort of pattern. Winter comes
17 in higher than the summer, but generally the trend
18 lines tend to be fairly flat.

19 Now we get the misbehaving child, as I said,
20 the new pollutants that have come on subsequently to
21 2000. One that popped up in 2006-2007 that caught
22 our eye in which we engaged Colorado, our
23 counterparts in Colorado with a lot of attention was
24 selenium, and selenium is tracking with an upward
25 trajectory consistently. It's defined the kind of

1 flat line path that we have with sulfate, so
2 something has happened. A different mechanism is
3 coming into play that is increasing our selenium
4 concentration to the point where we're consistently
5 over the acute value that we have in Kansas within
6 the water quality standards, and also what Colorado
7 has when they look at selenium.

8 We look at selenium somewhat differently
9 between the two States. They look at it in terms of
10 solid form. We look at it in terms of the total
11 recoverable, but no matter which way we cut it, the
12 levels are high and they were bumping up against
13 that acute level when it comes to the question about
14 where we're at with aquatic life support.

15 Seasonally, again, now that the gap between
16 the two seasons is somewhat tighter, and you see
17 that kind of in that trough area back when the
18 conditions were pretty good, heading on the other
19 side of 1996 to 2000 or so, when we had snowpack at
20 Pueblo and John Martin were spilling. We had
21 probably our best, relative water quality during
22 that whole contemporary period of record, but after
23 that, essentially from 2001, essentially the valley
24 started going dry again. Snowpacks were diminished
25 and so forth. We've seen this upward trend in

1 selenium in both the summertime irrigation season,
2 as well as during the wintertime period.

3 Now, I think -- oh, in your handout, you've
4 got a table. It's not up here, but in your handout,
5 it kind of lays out statistics relative to sulfate,
6 selenium and uranium, the three pollutants that are
7 probably front and center in terms of our aspect of
8 what constitutes issues of water quality on the Ark
9 River, broken out by various time periods.

10 Like '90 to 2000 period is basically the
11 initial period, back when we were -- prior to us
12 developing TMDLs on waters within the State. In the
13 2001 to 2007 period, we're kind of that post-sulfate
14 TMDL but as we started looking at the selenium
15 issue, and then subsequently, 2008 to the present
16 time, since we've developed the selenium TMDL for
17 the river.

18 The sulfate levels are fairly constant,
19 whether you look at it in terms of the central
20 tendency of the median or the 85th percentile, which
21 coincides generally with the way Colorado assesses
22 water quality. When it comes to questions of them
23 establishing standards and looking at impairments,
24 that's the statistic they, they rely on to ascertain
25 the relative condition of water quality in Colorado

1 waters.

2 As we move eastward from the Stateline, you'll
3 see our concentrations begin to diminish, so loading
4 is in fact happening over in Colorado and then we
5 basically start seeing somewhat, if we happen to
6 have water show up, it tends to begin to dilute and
7 freshen up that. That's a big if, if we have water.

8 Our Deerfield period of record is pockmarked
9 with zeros, where there's been a lack of flow within
10 the river for us to even sample, and so we've lost
11 the river essentially, and once we get through the
12 ditch systems and those diversion gates into the
13 underlying alluvium, and then by extension the High
14 Plains Aquifer, and so to the point that once we get
15 to Garden City and eastward from that point, except
16 for that period of 1996 to 2000 when there was water
17 everywhere and the river was, in fact, whole from
18 the Colorado Stateline all the way to the Oklahoma
19 Stateline. In 2001, the river broke again, and we
20 haven't had a sample or seen flow in the Garden City
21 Pierceville area down toward Dodge City since that
22 time, except for some occasional localized
23 thunderstorms that just pop up for a day or two, but
24 otherwise, nothing.

25 Selenium, again, not behaving the same way as

1 sulfate. As we work through time, the trajectory is
2 upward, and it carries forward. It translates from
3 the Stateline over into the Deerfield area as well,
4 so there isn't a lot of diminishment there, and then
5 ultimately, we find that going down into -- into the
6 surrounding groundwater.

7 The next pollutant of concern, and it's for
8 both States, is uranium, and we just started
9 sampling. Colorado is much farther along on this
10 than we are. We just started sampling uranium back
11 in 2009, and the maximum contaminant level
12 identified through the Safe Drinking Water Act is 30
13 parts per billion.

14 In the river itself, we're at least double
15 that. Well, about so. It comes out, as we started
16 collecting the information, we're already up against
17 it relative to some issues; and if you'll notice, we
18 work from the sulfate issue back in 2000, which was
19 essentially an esthetic issue, if anything, to the
20 selenium issue, which it's a priority pollutant.
21 It's got implications for aquatic life.

22 Now we're into uranium and the associated
23 radium nuclei and so forth that are starting to
24 impinge on some of the uses being made from our
25 public water suppliers that rely on the river system

1 and its alluvium for their source water.

2 So we see a general declining in terms of the
3 concentrations moving from the Stateline, and over
4 time, the overall salinity issue remains fairly
5 stable. The two pollutants of major concern for us
6 now are selenium and uranium, and then again,
7 they're coming in hot and on an upward trajectory.

8 On this graph, of course, the -- you know, it
9 stands to reason the more flow we have in the river,
10 generally the better the water quality. This is
11 just courtesy of USGS's conductivity meter they have
12 on their gage at Coolidge. Looking at the, the
13 monthly conductivity averages along the monthly flow
14 averages that are recorded there at Coolidge, the
15 open triangle or open diamonds basically reflect
16 that period of record since the conductivity sensor
17 has been put on and maintained from 1999 to present
18 time, and generally if you're below 100 CFS, it
19 doesn't matter if you're 1 CFS, 10, or 100, you're
20 pretty flat. There isn't a real strong relationship
21 between conductivity and flow on the river at the
22 Stateline. There's a lot of scatter, but there's
23 nothing in the way that marks that, that clear-cut
24 relationship or direct relationship between the,
25 the, the two parameters.

1 Once you get past 100 CFS, each increment of
2 flow tends to start push down the conductivity. It
3 tends to present a dilution condition within the
4 river that generally reflects somewhat better water
5 quality.

6 The other thing to note, the circles, the
7 closed circles in this graph reflect what we've
8 calculated from 2012, and as you can see, dry
9 conditions. They're lining up right along the
10 typical low flow flat line expectation of water
11 quality that we would tend to see on the river under
12 these dry conditions.

13 Just as important, again, gets to our first
14 observation. The closed little triangles reflect
15 the old data that was collected by USGS when the
16 conductivity sensor was in place during that '76 to
17 '81 period. Now, that was characterized by the two
18 droughts of '76 to '77 and '80 to '81, dry again;
19 and as you can see, the general pattern tends to be
20 on that low end as well. Lot of scatter, but
21 generally nothing that's dissimilar to what we have
22 encountered this -- these past two years. So the
23 solution is obviously, we need more water within the
24 system to improve relative water quality. Not
25 probably -- probably not coming any time -- any time

1 soon.

2 In our conversations with our counterparts in
3 Colorado, this is the issue that we keep honing on:
4 The differential in water quality between what's
5 coming out of John Martin and ultimately what we see
6 at the Stateline. A tremendous jump in conductivity
7 reflecting a tremendous jump in total dissolved
8 solids that we're seeing within the river as we hit
9 that Stateline.

10 Again, these are two seasonally based -- or
11 I'm sorry -- they're John Martin on the lower end,
12 the Stateline conductivity on the upper end. Again,
13 these are all USGS data, courtesy of their sensors
14 that they placed at the gages at those two
15 locations.

16 For the Stateline, you can kind of see this up
17 and down trend, reflecting again the irrigation
18 season when there's a higher proportion of John
19 Martin releases that are actually reaching the
20 Stateline. Then subsequently in the off season,
21 when John Martin gets shut down, the returning flows
22 from the underlying groundwater within the valley
23 lands that show up and raise the totals of dissolved
24 solid content of the river as well. But this is --
25 this differential has always been a point of

1 discussion between us, in terms of how can we begin
2 to close that gap a little bit, rather than impart
3 this type of impact on to Kansas's use of the river.

4 These next four graphs kind of epitomize kind
5 of our current thinking on the issue of what defines
6 it. Again, these are summer sulfate concentrations
7 versus the ratio of the flow that we see at the
8 Stateline versus the flow that's at the John Martin,
9 and typically, it's less because of operation of the
10 Compact consumptive use within the valley and so
11 forth; so there's always probably a less flow at the
12 Stateline than what's coming out of John Martin,
13 which stands to reason, given the provisions of the
14 Compact, but generally, the more water that we see
15 coming out of John Martin that tends to make its
16 way -- go back one -- make its way back to the
17 Stateline tends to improve the sulfate
18 concentrations we're seeing there. Again, that
19 stands to reason. The best water quality we get
20 tends to be that that's directly delivered to us
21 from John Martin releases. Go ahead now, Kevin.

22 On the off season, again, and the thing to
23 note here is looking along the X axis, we have a two
24 order of magnitude jump in that ratio between
25 Stateline and John Martin flows; and we also see on

1 the Y axis a jump in the sulfate concentrations,
2 whereas the minimum was around, in the summertime
3 period, was around 1100 that we recorded. Now it's
4 about 1850 or so, so there's everything's come up,
5 and there's just basically purely derived --
6 Stateline flows are purely derived by the returning
7 flows that are coming in the intervening drainages
8 below, below the dam.

9 The real issue for us or what defines our
10 issue now, again, is on the selenium. Go ahead,
11 Kevin. Once again, during that summer irrigation
12 period, the high proportion of flows that comprise
13 the Stateline flow that come out of John Martin
14 generally result in improved selenium
15 concentrations.

16 The issue, and what we've -- in the course of
17 five years of discussions with Colorado, this is the
18 real issue. This is the off-season. This is the
19 winter time period. The selenium is on an upward
20 trajectory, reflecting that as we get more and more
21 return flows, constituting what we see at the
22 Stateline during this off season of November through
23 March, we see those values on an upward trend, and
24 the levels that we're seeing are bumping up against
25 our water consistently against the acute water

1 quality standard.

2 Now, for selenium for both States in rough
3 numbers, five parts per billion is the chronic,
4 which is essentially the long-term expectation of
5 what constitutes safe conditions for the aquatic
6 life, and 20 is the more acute, acute value; and
7 there's ongoing debate as to in terms of what is the
8 appropriate number of that. What we're up against,
9 these are our highest values when it comes to the
10 selenium issue; and again, selenium is a priority
11 pollutant, so on the federal front, it garners quite
12 a bit of attention in and of itself, just because of
13 its status within the context of where it lies
14 within the Clean Water Act in terms of what -- how
15 much impact it potentially has. We don't have -- go
16 back to is the Kesterton situation in California
17 where selenium wreaked havoc on the wildlife and
18 wetland habitat out there. That connotation has
19 carried itself forward throughout the federal
20 lexicon over the past two decades or so. This is --
21 go ahead.

22 MR. BARFIELD: Tom, five parts per
23 billion is .05 on this scale?

24 MR. STILES: .005, that lowest value on
25 the Y axis.

1 MR. BARFIELD: Then 20 parts per billion
2 is the .02?

3 MR. STILES: .02 is our --

4 MR. BARFIELD: All right. Thank you.

5 MR. STILES: What started out as just a
6 global issue for us in terms of, well, we got too
7 much salinity in the Ark River. Well, the fact is,
8 that's the Ark River. We've narrowed the scope of
9 our problem now to defining, saying that is what
10 it's always going to be, but what's confounding us
11 is this upward trajectory, this misbehavior of
12 selenium, and we suspect uranium is coming along for
13 the ride as well, and they have more importance
14 relative to the uses that are potentially made of
15 the river for us than the old selenium, sulfate type
16 of issues.

17 Wintertime return flows is where we're really
18 taking our hits, relative to poor -- relatively poor
19 water quality, and so ways to ultimately try to
20 manage and treat for that is probably our long-term
21 quest of what we want to do to try to ultimately
22 bring about some relative improvement in terms of
23 water quality.

24 So let me run through a series of
25 observations, what we've observed, what we believe

1 our working hypothesis, and some considerations for
2 everyone in the room. Our observations are that the
3 sulfate and other, let's call them relatively benign
4 dissolved solid constituents, like boron or
5 fluoride, have been pretty stable over the last 45
6 years that we've been collecting that type of
7 information; not whether it's been waxing and waning
8 in the relative concentrations, but what we see
9 contemporarily is not all that dissimilar to what we
10 saw before the Clean Water Act came into being in
11 1972.

12 The two actors that are misbehaving again are
13 selenium and uranium, and they're the contaminants
14 of concern for us. They have significant impacts to
15 uses; selenium, again, being a priority pollutant,
16 and it has aquatic life concerns, certainly, and
17 uranium because of public water supply concerns, and
18 we've already seen some of that in terms of issues
19 that have arisen at Coolidge and at Lakin along,
20 along our portion of the river from the Stateline.

21 Most notably is that, unlike everything else
22 in the river, these two are continued to work,
23 increase the concentration with time. Now our
24 concentrations as we come out of the Stateline and
25 moving to the east are -- tend to get a little bit

1 better, and we see generally a decline in those
2 concentrations. There's a tremendous concentration
3 increase between the dam and the Stateline. Again,
4 that's been a focal point of our discussions with
5 the State, with Colorado, and the wintertime tends
6 to be when we represent our worst water quality,
7 because the water that's in the river is essentially
8 composed of the return flows that are coming from
9 the valley lands.

10 So our working -- our beliefs, our working
11 hypothesis, we're ready to just say sulfate and the
12 general selenium (sic) issues, we're not all that
13 worried about that. The increase in selenium
14 concentrations we are worried about, and but it
15 might also mean that, rather than just a valley-wide
16 problem, maybe there's certain selected hot zones
17 that are contributing selenium. That basically also
18 starts narrowing the scope of trying to deal with
19 the issue.

20 We'll rely on Tim Gates's work out of Colorado
21 State where he's extensively collected information
22 and modeled the valley to try to identify
23 potentially where these hot zones are when it comes
24 to the question of selenium and then its companion,
25 uranium, as well. Obviously, the greater proportion

1 of releases coming out of John Martin that stay in
2 the channel itself means better water quality for us
3 at the Stateline, and the converse, the less time
4 water is sitting within the valley lands as a result
5 of watering irrigation and then returning over the
6 wintertime period, the better that -- the less water
7 that's perched on that and then arrives in the
8 off-season, the better our water quality is as well.
9 Wintertime is our problem, period.

10 We're discovering that some of the -- we
11 didn't think there was much in the way of point
12 sources between the dam and the Stateline. In fact,
13 there are a number of little small operations and
14 small towns like Wiley and Granada that potentially
15 are discharging. They tend to discharge to the
16 irrigation ditches and then make their way back into
17 the river system, so that's a point of discussion we
18 want to have with our counterparts in Colorado to
19 see how they're ultimately running through their
20 permit system to deal with those types of things and
21 the use of those ditches as conveyances for those
22 wastewater discharges.

23 This one's huge the next one's huge. Gates
24 rediscovered that there's a relationship between
25 nitrate concentration within the groundwater and the

1 mobility of selenium; that the more nitrate that's
2 in the groundwater, the more likely selenium is
3 going to become oxidized and then become mobile and
4 find its way in the water system in transporting
5 with the water, so nutrient management, which is at
6 the forefront of both States just as a primary
7 concern on the Clean Water Act, especially nitrogen
8 and nitrate, might be a key towards getting us
9 double bonus. That is, we reduce the level of
10 nitrogen and nitrate being applied out there, we
11 might see the benefit of reduction in selenium.

12 Then biological treatment and removal of
13 selenium via, you know, development of constructive
14 wetlands and biomethylation and trying to volatize
15 the selenium into the atmosphere may be an
16 appropriate practice, especially where perhaps the
17 ditch outlets are coming back into the river.

18 Final thing. Considerations for everyone in
19 the room: There still is a question, and this is an
20 EPA question, that how we look at selenium is a big
21 issue relative to we've historically looked at it in
22 terms of concentration for water quality,
23 concentrations within the water column. Two years
24 ago, they brokered a proposal to start looking at
25 fish tissue as the appropriate vector to assess

1 selenium. We've collected some of that information,
2 and in fact, we find high selenium in some of our
3 fish tissue that we've collected on our side of the
4 Stateline.

5 Selenium is a bioaccumulative pollutant. It
6 works its way through the food chain, so it builds
7 up, and in fact, that's where its primary impact to
8 aquatic life has been is through bioaccumulation
9 through the food chain. So we're waiting on EPA to
10 figure out exactly how we ought to be expressing and
11 looking at selenium; whether it's just concentration
12 in the water is good enough or whether we need to
13 start looking at translations from obtaining
14 information from the, the, the food chain and the
15 fish tissue as to what, where we're at.

16 The EPA is quietly pensive on it. They're
17 still thinking about it. Both States have been
18 growing increasingly impatient for us to try to get
19 an answer, because it will have major implications
20 on our review of the level of impairment we see in
21 the river on both sides of the Stateline when it
22 comes to that pollutant.

23 Nonetheless, no matter how we're looking at
24 it, the river is impaired by selenium and uranium
25 or, for us, other radionuclide parameters, like look

1 at gross alpha radiation, which we picked up again
2 at Coolidge.

3 TMDL's. In Colorado -- we have our TMDLs in
4 Kansas -- TMDLs in Colorado, I think, would help
5 them begin to craft a strategy and a pathway to
6 reduce which is predominantly a nonpoint source type
7 of problem, and so we continued to encourage
8 Colorado to try to direct its next set of TMDLs
9 towards addressing some of the river, the Ark River
10 issues, as they pertain to not only us, but on the
11 other side of John Martin, heading back towards
12 Pueblo.

13 The most important thing is there is just a
14 lot of information out there. There's a lot of
15 thought and there's a lot of opportunity to discuss
16 this issue and ferret out just where opportunities
17 lie and what challenges remain for us to deal with,
18 so a strong pressing need for federal conversation
19 and State parties to pull together and look at both
20 the quality and quantity side of this issue and
21 begin to brainstorm what potentially can be done to
22 craft an appropriate remediation strategy to reduce
23 the selenium and uranium loadings going into that.

24 Long-term, maybe tackle selenium and salinity,
25 but we've backed off that somewhat. Selenium and

1 uranium are our primary issues, and in fact, that
2 tends to, again, as narrowing the problem,
3 compartmentalizing it, it also tends to remove some
4 of the tension that historically has existed between
5 this quest and the ongoing operation of the Compact.
6 As we focus on these, they become a little bit less
7 involved with the Compact. In fact, if we attack
8 things like nutrient management, it's Compact
9 neutral. It doesn't play into that.

10 Frankly, we're not all that concerned about
11 how the Compact is being operated, per se, relative
12 to this. We're just looking for opportunities to
13 move off status quo, which we find unacceptable, but
14 let's find some solutions.

15 So as I close out here, I just encourage both
16 the States on the water quantity side to continue to
17 engage us in this dialogue and help us find out what
18 potential practices or treatment approaches or
19 strategies might effectively help solve our problem.
20 I'd be happy to take any questions.

21 MR. HAYZLETT: Are there still two EPA
22 regions? At one time, they were different on
23 standards on sulfate, weren't they?

24 MR. STILES: Well, Randy, they -- EPA
25 doesn't set standards. The States sets standards,

1 and the two States are not all that dissimilar on
2 sulfate, or really on selenium, either. Pretty
3 similar in terms of what the standards are. There's
4 a little bit of nuance and different -- difference
5 there.

6 The problem is so big, it doesn't -- the
7 number itself doesn't really matter. There's just a
8 lot of that stuff out there, in terms of sulfate and
9 selenium.

10 MR. HAYZLETT: The standards are the same
11 then on selenium and uranium then, between the
12 States?

13 MR. STILES: Truthfully, Kansas doesn't
14 have a uranium water quality standard. We have a,
15 basically through the Safe Drinking Water Act, that
16 MCL value of 30. Colorado does embrace that 30 part
17 per billion uranium as part of their water quality
18 standards as well. We have gross alpha radiation as
19 kind of our representative of the, of the issue that
20 comes into play.

21 This is not, for the most part, a problem
22 between the two States having differing water
23 quality. The only place where the States are
24 carrying on that conversation with the Water Quality
25 Control Commission is on what EPA or what Colorado

1 uses as temporary modifications, recognizing that in
2 situations like this, whatever the number is, we're
3 way above it. They allow for some variance or some,
4 some exceedence of that table value within the
5 standard, for the purposes of permitting.

6 We're pushing back on that a little bit,
7 partly because we don't think that the permits there
8 in fact represent a major loading. Second, we don't
9 want to give the impression that things are being
10 handled or being addressed just by issuing a
11 temporary modification within the context of their
12 standards. We're carrying that conversation on
13 separately within the context of what the Commission
14 is looking at. We'll resolve that with their
15 rule-making come June of this next year, relative to
16 that.

17 This is not so much a standards issue as much
18 as just a reflection of a nonpoint source management
19 issue and how the two States can marshal their
20 forces to try to make some inroads, which I think on
21 our side of the Stateline, all our interested
22 parties have been asking for is trying to make a
23 dent in the historic level of quality.

24 MR. HAYZLETT: And you said selenium was
25 just there and uranium is kind of along for the

1 ride; so if you address selenium, does that address
2 uranium as well?

3 MR. STILES: We think so. Again,
4 utilizing Tim Gates's works out of Colorado State,
5 there tends to be a strong correlation between
6 selenium and uranium, so we're thinking that and the
7 fact that it continues to be relatively high, we
8 think that if we tackle selenium, we're probably
9 tackling -- making a dent on the uranium issue as
10 well, but we're just -- we've just scratched the
11 surface on the uranium issue, per se.

12 MR. HAYZLETT: Other questions? Dave?

13 MR. BRENN: Tom, first of all, I very
14 much appreciate in following your work and the
15 dedication you've had in this process and dialogue
16 with Colorado and, you know, I'm curious. Your last
17 item, it seems to me to, as you indicated, to be the
18 challenge and a real pressing need. Can you folks
19 hear me?

20 You know, a real pressing need for state and
21 federal entities to come together and brainstorm or
22 to look at strategies and priority. Do you have any
23 feel for what type of catalyst or is there any
24 examples elsewhere? Is there -- is there a
25 template, if you will, where they've dealt with

1 issues this way? It seems to me in order to move
2 it, there has to certainly be some uniformity of
3 purpose.

4 MR. STILES: Well, in fact, in some
5 venues, we've utilized the TMDL process to act as
6 the forum to broker these issues between, between
7 not just Colorado but other surrounding states to
8 Kansas, so there's always been that.

9 Since 2007, when we engaged Colorado in their
10 water quality standard process, the Water Quality
11 Control Commission directed my counterparts there to
12 work with us to share information and carry on the
13 discussion of where we might be going relative to
14 trying to craft that, and that's still in play and
15 continues to be in play to this day as well.

16 We just met this morning, prior to coming in
17 for the Compact Administration meeting with --
18 between the two States, to kind of see where we're
19 at and what's going. We're pushing and we'll be
20 sending Colorado a letter requesting a forum for
21 discussion that involves interested parties in
22 both -- on both sides of the Stateline to be
23 convened this summer to bring as many people as
24 possible together to begin to sort out who are the
25 players here; who's got information; what do we

1 think is happening; what are the challenges, and so
2 forth. It will be the first time we've kind of
3 expanded the dialogue beyond just the two water
4 quality agencies. So we'll make that request and
5 then we'll see what Colorado responds in kind
6 relative to that, but they're working their way
7 toward this. It's been somewhat deliberately slow,
8 but they're working their way to carrying that out.

9 Now, ultimately, there are provisions within
10 the Clean Water Act to convene interstate
11 conversations and conferences under the context of
12 the 319 program. It's only been utilized once up in
13 New England, on the regional mercury issue there,
14 but that's also in play there. That's a card --
15 that comes at the behest of the Administrator of
16 EPA. That would be who we would have to petition to
17 engage on that.

18 We're not ready to go there yet. We don't see
19 the need to go there yet. We'll see -- we'll craft
20 our request and we'll see if we have -- can convene
21 this discussion forum to carry it out.

22 Dave, we've -- in conversations with you and
23 others, on our side, I think, and what I've conveyed
24 to Colorado is, we just want -- we just got to -- we
25 understand how tough the issue is. We just need to

1 talk and see what's possible and what's out there,
2 and then see where we have opportunities to marshal
3 the two States' forces together to bring in
4 resources to ultimately try to bring about some
5 improvement to the condition of the river.

6 MR. BRENN: Thank you.

7 MR. HAYZLETT: Other questions?

8 Jennifer?

9 MS. GIMBEL: Thank you very, very much
10 for that report. I know that you're working closely
11 with our water quality folks, and in my mind, that's
12 the right forum to be talking about this. It's --
13 they are the people who know what's going on.

14 We work very closely on the water quantity
15 side with our water quality folks. I'm hoping that
16 you all do on your side, too, and to me, it's
17 those -- it's, it's that, that forum that we use to,
18 to move forward on these issues and figure out
19 what's going on.

20 Mr. Chair, I somewhat reluctantly would oppose
21 this being an exhibit to the -- these notes being an
22 exhibit to the meeting. I take umbrage with the
23 fact that we have a sheet of paper here talking
24 about findings, beliefs and considerations, and the
25 findings are not ours. The beliefs are purely those

1 of Kansas and I have not had an opportunity to go
2 through this list with our Colorado constituents,
3 and so I would make that objection.

4 MR. BARFIELD: Well, thanks, Tom, for
5 taking the time to come here, and Kansas does
6 appreciate Colorado allowing this discussion to
7 occur, this presentation and discussion to occur in
8 this forum. You know, I -- we know it's not a
9 popular topic to have in this particular forum and
10 understand there are other, other forums where this
11 sort of dialogue is going on, and appropriately so,
12 but, but you know, we -- Kansas wants this forum,
13 the Basin, to understand that obviously this is a
14 significant problem and will require -- requires the
15 kind of ongoing study that's occurring to figure out
16 the cause, to see what's going on and so forth, and
17 so we sort of want you to be aware of what, what
18 we're seeing and learning in that context and what
19 we believe is significant and maybe of lesser
20 significance, so it's a serious problem that's going
21 to I think require, as Tom's indicated, discussion
22 and action in a variety of forums and, and so we do
23 believe this is appropriate and, and thank you for
24 the opportunity.

25 We were going to continue to look for how can

1 we address these issues in, in the most appropriate
2 and useful way, so with -- so anyway, thanks, thanks
3 again for hearing us.

4 With respect to it as an exhibit, I certainly
5 hear your objections and, and, and understand them,
6 but we were going to have a discussion I think a
7 little later on about exhibits generally, and it had
8 been raised last night in the committee meetings
9 whether the Offset Account Review reports should be
10 included as an exhibit to the transcript of this
11 meeting and whether the Colorado's PDF evaluation
12 should be a part of the, the record of this meeting.

13 We were -- we -- Kansas was talking about that
14 last night and thought it would be appropriate.
15 It's materials that were brought here and discussed,
16 and maybe for completeness, that those should be
17 done. As we consider that, we noted that other
18 reports, the Operations Secretary report have not
19 been included as part of the, the, the record of
20 this meeting as -- and I think and other reports as
21 well. We think some of that historically has been
22 to prevent a very bulky report, and in our day, when
23 most of us will have this in an electronic format,
24 the bulkiness issue probably isn't there, and so I'm
25 sorry if I'm on a brief aside here.

1 I was going to suggest at the first occasion
2 of an exhibit that would be considered that wouldn't
3 be normally attached, that we just say let's attach
4 everything that we hear. Now, again, some of those
5 other reports are not ones we necessarily agree with
6 everything in there that we properly caveat, for the
7 record, this is Colorado's report on this and, and
8 we're just attaching it to the record to make a
9 complete record.

10 But so anyway, so I don't know how that
11 interacts with this particular concern of yours that
12 I, I fully recognize and appreciate and would share
13 as we consider other matters, so -- so let me just
14 ask the question then. If you want to finish the
15 side discussion, I'll let you -- let me just ask if
16 we, if we can attach it as merely as a, to complete
17 the record of what was presented at the meeting,
18 with the understanding that it is Kansas's view of
19 the issue.

20 MS. GIMBEL: Thank you, David and
21 Mr. Chair. The presentation itself, I, I, I hear
22 you and I understand that and I've been trying to
23 figure out how to, how to deal with that issue. I
24 think when I saw the slides and the way they were
25 presented, that's a little different than how it's

1 presented on this piece of paper and I'm a little
2 more comfortable with the slides than I am with this
3 last piece of paper, and so maybe that's the way to
4 resolve it is we just put in the slides, and because
5 to me, it was more clear that it was Kansas's
6 beliefs and Kansas's observations, and so if that
7 would be an acceptable compromise, then I would be
8 willing to, to remove my objection.

9 MR. BARFIELD: Yes, thank you. I think
10 that, that is fine. That is what was presented and
11 let's do that, and again, the record will note that
12 this is Kansas's view of the problem, so -- and
13 again, thanks for allowing this discussion to
14 happen, so --

15 MS. GIMBEL: Okay.

16 MR. HAYZLETT: Colin, did you have a
17 question?

18 MR. THOMPSON: Oh, I was just wondering
19 if you have taken into consideration farming
20 practices and if you've overlaid side stream flows
21 into consideration with your other data that you've
22 got here.

23 MR. STILES: No, I've -- perhaps
24 Dr. Gates has done that, but we have never gotten
25 into the weeds relative to how things are being

1 conveyed within and managed within Colorado. All we
2 have are the empirical data we've collected within
3 the river in and of itself, so we have nothing to
4 rely on relative to create that -- creating any such
5 linkage.

6 MR. THOMPSON: You've mentioned that
7 several of the towns here, you know, maybe are
8 points of pollution or something, but what would
9 they be doing different today that they didn't do 15
10 years ago?

11 MR. STILES: Well it's -- 15 years ago,
12 we were -- 15 days ago, we were unaware that there
13 were any point sources there. In the course of
14 dialogue with, again, our counterparts at the Water
15 Quality Control Division, we've pulled the permits;
16 not all, in fact, the majority of which are not
17 federal permits under the NPDS program, to see what
18 is actually out there. We're just gathering
19 information that heretofore we weren't even aware
20 that there were any potential sources.

21 We don't even know if they're -- if they
22 actually discharge. They just indicate that their
23 outfall is located with the Fort Lyon Ditch and so
24 forth, so this is just, on our part, a new bit of
25 information that we want to explore a little bit

1 more with the Division to see if there is any real
2 impact there.

3 The City of Lamar, probably the most major
4 activity out there discharges into a three-cell
5 lagoon that ultimately just winds up going into the
6 ground itself. There is no direct discharge to the
7 river. Everything else beyond that is much, much
8 smaller. So, we're just in the course of looking at
9 the question revolving around water quality
10 standards, just doing some fact-finding in and of
11 themselves to try and see what the relative impact
12 of those small, small permits might be.

13 MR. THOMPSON: If your numbers are
14 correct and these levels are increasing, then you
15 would have to think that there would be something
16 that would be changing out there in the -- changing
17 someplace; and so if there is -- you know, if the
18 cities are historically doing what they've been
19 doing, there's probably not much of a smoking gun
20 there, and under the canals, I mean, I know from a
21 farming standpoint, the only thing we're doing is
22 irrigating less because we don't have any water.

23 But the biggest thing that has happened, and
24 all of the farmers in the audience can attest to
25 this, is what no-till farming has done and minimum

1 and no-till farming has done out in the --
2 especially out in the dryland concentrated areas.
3 Those areas used to contribute significantly to a
4 lot of these side streams that no longer flow in the
5 amounts that they used to flow; and so I think the
6 baseflow of those has probably always been there,
7 perhaps as being overrepresented in the facts now
8 because of the decrease in these side streams. Is
9 that possible?

10 MR. STILES: That may be. Five years
11 ago, we thought sulfate and selenium tracked just
12 that. It was all the same mechanism. In the course
13 of this dry period that's subsequent from 2007 now
14 to presently, sulfate is still behaving the way it
15 always has.

16 Selenium is popping up. It's a mystery to us
17 why. That's why it's become the pollutant of
18 interest on our part, saying what's going on here?
19 Why is it we have a divergent mechanism in place
20 there? We don't know what the answer is. We just
21 know what the question is.

22 MR. HAYZLETT: More questions for Tom
23 from up here? Okay.

24 MR. THOMPSON: Get all the drylanders to
25 take out all of the terraces and quit no-till

1 farming and get some erosion going again, I think we
2 can get that back under control.

3 MR. STILES: Is that a recommendation of
4 the Administration?

5 MR. HAYZLETT: Tom, it's important to us
6 here, and I know there's going to be more questions
7 from the audience. Are you going to be here for the
8 remainder of the meeting?

9 MR. STILES: Yes, sir.

10 MR. HAYZLETT: Okay. I think there's a
11 public comment section here towards the end of the
12 agenda and I know we have some questions and
13 comments, particularly from the City of Lakin, so
14 we'll save those till the public comment section
15 then.

16 MR. STILES: All right.

17 MR. HAYZLETT: Any other questions for
18 Tom?

19 MR. BEIGHTEL: Mr. Chairman, Mr. Stiles's
20 report will be Exhibit G.

21 MR. HAYZLETT: Okay. I think -- thanks,
22 Tom. We appreciate that. I believe now -- let's
23 see. Compact Compliance and Decree Issues, the H-I
24 Model Groundwater Efficiency Procedure update.

25 (Discussion held off the record.)

1 MR. HAYZLETT: We'll move ahead with the
2 8.A., the H-I Model Groundwater Efficiency Procedure
3 update.

4 MR. KELLEY THOMPSON: My name is Kelley
5 Thompson. I'm with the Colorado Division of Water
6 Resources.

7 In 2010, the State of Kansas proposed, well,
8 brought up the issues of efficiencies in the H-I
9 Model that at that time, we were only considering
10 flood and furrow efficiencies in the model and
11 suggested that we work on those issues. I believe
12 that was worked on by both States through 2010 and
13 2011; and in September of 2011, an agreement was
14 signed between the State of Kansas and Colorado to
15 address these issues, and that did set up a
16 methodology for the Division, in conjunction with
17 Kansas, to first evaluate, do a farm unit review of
18 pumping data related to -- if that was related to
19 flood and furrow irrigation, sprinkler irrigation or
20 drip irrigation, and I -- Bill could also touch on
21 this.

22 I do believe that process was successful this
23 year and they worked through a lot of that data,
24 acreage data and pumping data; and also in that
25 agreement, they set out a process to incorporate

1 those higher efficiencies into the H-I Model, and
2 they are able to track pumping amounts to those
3 different categories and do a calculation now for
4 the H-I Model that considers a 65% or 70% efficiency
5 for gravity irrigation, that would be flood and
6 furrow irrigation; an 85% efficiency for sprinkler
7 irrigation; and 100% efficiency for drip irrigation.

8 Those are calculated as a weighted efficiency,
9 and now the H-I Model was adapted, was updated to
10 include those for 2011; and so for 2011, four
11 factors are included in the model that are an
12 efficiency for groundwater only irrigation, an
13 efficiency, a weighted efficiency for supplemental,
14 so that when both groundwater and surface waters are
15 combined to use in those irrigation systems, as well
16 as tailwater factors for those same, for those same
17 issues.

18 I believe, you know, Colorado submitted their,
19 their pumping numbers and Kansas experts, Spronk
20 Water Engineers, had a chance to review that in
21 detail, and by the time the H-I Model was submitted
22 in June we, I believe, had come to an agreement that
23 those pumping numbers were accurate, as well as
24 those efficiency calculations, and so they have been
25 included in the H-I Model and reflect, and the

1 accretions and depletions that are calculated by the
2 model for 2011 now do reflect those higher
3 efficiencies. I don't know if there's any
4 questions.

5 MR. HAYZLETT: Questions? Thank you,
6 Kelley. You're Item B., then?

7 MR. SALTER: That's correct.

8 MR. HAYZLETT: The Ten-Year Compact
9 Compliance Accounting Table. (See Exhibit H for
10 table)

11 MR. SALTER: My name is Kevin Salter.
12 I'm here today to present the Ten-Year Accounting of
13 Depletions and Accretions to Usable Stateline Flow
14 for the period of 2002 through 2011.

15 As Kelley described, every year there is an
16 H-I Model update that's done. That update, along
17 with other information, is used to create whether
18 there's a depletion or accretion at the Stateline.
19 An accretion represents that Colorado is in
20 compliance. A depletion would represent that
21 they're not being in compliance.

22 Now, on an annual basis, you can have an
23 accretion or depletion. It's a matter of what is
24 the running Ten-Year total, and for the 2011 -- the
25 2002 through 2011 period, there's a Stateline

1 accretion of 57,604 Acre Feet. This compares to
2 about a, to a 44,000 Acre Foot accretion for the
3 previous period, which was 2001 through 2010; so it
4 was decided at a previous Administration meeting to
5 monument this, so we would offer this both as an
6 exhibit and to be included in the ARCA Annual Report
7 for this Compact Year 2012.

8 MR. HAYZLETT: Okay. Any discussion on
9 that? Okay. We'll accept that as an exhibit then.

10 MR. BEIGHTEL: That will be Exhibit H.

11 MR. HAYZLETT: Thank you.

12 MR. SALTER: And that will be made part
13 of the Compact Year 2012 Annual Report as well?

14 MR. HAYZLETT: Yes. Thanks, Kevin. The
15 Offset Account Review Joint Report. Who's giving
16 that? (See Exhibit I for report)

17 MR. SALTER: I'll do that as well. As
18 part of the *Kansas v. Colorado* decree, there was an
19 agreement made. One of the things that we decided
20 to do in that process was review the operations of
21 the Offset Account once every five years. Now, it
22 happens that this particular first year is including
23 the period 1997 through 2011, since this is the
24 first report.

25 I'd like to thank Bill Tyner and Kelley

1 Thompson with the Colorado Division of Water
2 Resources, as well as Rachel Duran of my staff, as
3 far as putting this report together. It was an
4 extensive thing, being this is the first time we
5 went through this. We're hoping that the process is
6 simplified, much simplified as moving forward. Also
7 appreciate the reviews, both in the Kansas side and
8 Eve McDonald and Steve Witte on Colorado's side.
9 They've provided very helpful comments to get this
10 finalized.

11 The report is in five sections. The
12 introduction talks about how the Offset Account was
13 created during the *Kansas v. Colorado* litigation.
14 Colorado needed a vessel to put water, when
15 replacement water was available, a replacement to
16 depletions to river flow. Kansas needed something
17 that we could call on when our irrigation needs --
18 to match up with our irrigation needs.

19 As I noted, the period of review is 1997
20 through 2011. The next review period will be for
21 Compact Years 2012 through 2016. We'll actually
22 kick that off here in about three years.

23 The Section II details with document
24 descriptions, and these are the shorthands of the
25 documents we're talking about. The first is the

1 Offset Account Resolution which set up, under the
2 Compact's authority, an account in John Martin
3 Reservoir, maximum content of 20,000 Acre Foot.

4 The Offset Account stipulation included other
5 things that was kind of involved in the litigation
6 side of it, but it contained the component of how
7 deliveries from the Offset Account would be
8 credited. That particular process, the States were
9 involved in a dispute fairly quickly with that, so
10 that resulted in a third agreement called the Offset
11 Account Crediting Agreement, in which the States
12 agreed to a method to credit deliveries at the
13 Stateline.

14 Another aspect of the Offset Account
15 Resolution is that it is an annual agreement that
16 either State could notice the other State that they
17 would like to terminate the Offset Account
18 Resolution. Appendix A.4 put in a process that if a
19 State gives notice then, there's a five-year or
20 there's a period of time in there that would allow
21 the States to work out an agreement to allow the
22 credits of the Stateline for replacement.

23 Section II (sic), Bill Tyner really put a lot
24 of time and effort into this one. We looked at the
25 historical operations of the Offset Account. There

1 is a storage charge that's required for utilization
2 of the Offset Account. There's a 500 Acre Foot
3 storage charge for utilization of the first 10,000
4 Acre Foot. If there's more than 10,000 Acre Foot,
5 there's an additional concurrent 5% charge.

6 Bill went through how that particular process
7 worked out every year. Then he also went through
8 the consumable water sources that were supplied to
9 the Offset Account, detailing those on an annual
10 basis. He then reviewed the delivery operations
11 through this period at the Stateline and the
12 successes, when we called, how long the releases
13 lasted. We did note also that there was some Offset
14 Account spills early on in the period, and then we
15 also noticed the notices that we were to receive for
16 the Offset Account, the monthly and annual reports.

17 So as a part of this graph, a part of this, we
18 put this table in. These would be the operations of
19 the account itself, the inflows, the releases,
20 evaporation; and then because we're doing this on a
21 Compact Year, we put the October 31st end of day
22 content.

23 The other thing we noted was the maximum end
24 of day content, so the most water that the Offset
25 Account had on any particular day was in 2009, with

1 an amount of 12,913 Acre Feet.

2 The other thing we put into the report that I
3 thought you would find of interest is this
4 comparison of net inflows to releases. The inflows
5 occur through March through the October period, and
6 the releases have occurred in the same period; so if
7 you look just at that period, we can see where the
8 inflows occur throughout that period, peaking in
9 June and August, but if you look at the releases
10 from the account occurred primarily in July when,
11 again, our irrigation needs for that water are the
12 highest.

13 Section IV, there's some related operations to
14 the Offset Account. One includes the Highland
15 transit loss. The Highland Canal is a canal on the
16 Purgatoire River that the Colorado water user group
17 has purchased for use in the Offset Account to
18 replace depletions. The transit losses that occur
19 on that water between those head gates and John
20 Martin Reservoir are input to the H-I Model.
21 Similarly, the deliveries that occur to Kansas below
22 John Martin incur transit losses, and those are also
23 an H-I Model input.

24 Then there's the third point, which is the
25 interaction between the Offset Account, which is a

1 real-time thing; the Colorado monthly accounting,
2 which is a near real-time thing; and the H-I Model
3 annual update that occurs just once a year.

4 So with the Offset Account, we have those
5 operations that go on, deliveries and releases
6 occurring on a daily basis; Colorado has a monthly
7 accounting system that balances those monthly
8 depletions and replacement processes; and then the
9 H-I Model kind of cleans up everything at the end of
10 the year, so there's an interaction that occurs
11 between all three of those.

12 There's two other sections we put in there.
13 One is operations when the Offset Account is full,
14 if we ever reach that 20,000 Acre Foot maximum
15 limit. We didn't reach that during that period of
16 time. Also, operations if the Offset Account was
17 terminated. Neither State offered notice to
18 terminate, but we did want to put that in there,
19 because that is part of the process.

20 Section V is the recommendations, so our first
21 recommendation is that we would like to consider
22 comments received by ARCA and other interested
23 parties on this so we can include that in the second
24 report, to make that second report maybe an improved
25 product. We need to go back and review this

1 particular report for potential improvements to the
2 processes, and we'll also kind of merge that in in
3 this next review period.

4 Again, it was recognized that we probably
5 should develop the process to handle deliveries if
6 the Offset Account has reached that 20,000 Acre Foot
7 maximum limit. We have some tools out there that we
8 might be able to utilize, so it might be good to get
9 that process in place before we actually need to use
10 it.

11 The fourth is some improved communications,
12 especially around potential deliveries and potential
13 releases from the Offset Account. There was a few
14 times that I called up Colorado, Bill Tyner or Steve
15 Witte, and said man, if I would have known that they
16 were going to make this delivery, we might have
17 structured our releases a little better. There's
18 also other times when they said, well, if we knew
19 you were going to call, maybe we could have done
20 something different on our side as well to improve
21 the overall operation of the Offset Account.

22 Then the Transit Loss Application Model, TLAP,
23 is something that's been developed both above John
24 Martin Reservoir and below. There is a provision in
25 our agreements to implement new transit loss

1 methodology. The question is if this is something
2 that we will want to include in the Offset Account
3 processes.

4 So that is kind of a summary of that joint
5 report. We -- we do have a few copies of that hard
6 copy available, and we also have electronically that
7 can be provided.

8 MR. HAYZLETT: Okay.

9 MR. SALTER: Any questions?

10 MR. HAYZLETT: Then do you offer that as
11 an exhibit then or how do we handle that?

12 MR. BARFIELD: I think we should include
13 the report as an exhibit.

14 MS. GIMBEL: I agree.

15 MR. HAYZLETT: And then attached as an
16 Annual Meeting report as well?

17 MR. BARFIELD: I'm sorry?

18 MR. HAYZLETT: And for the Annual Meeting
19 reports, or do you want it as an exhibit?

20 MR. BARFIELD: I think we'll attach it as
21 an exhibit to the transcript.

22 MR. HAYZLETT: Okay.

23 MR. BEIGHTEL: That will be Exhibit I.

24 MR. HAYZLETT: All right.

25 MS. GIMBEL: Steve Miller's got a

1 question.

2 MR. MILLER: It is 131 pages. We only
3 have to give four copies of the minutes, so it's not
4 earth-shaking; but a significant part of those pages
5 is not the analysis that the two States did, it's
6 the documents, so perhaps the exhibit could be --
7 Kevin, is it the first 31 pages or so are the
8 substance of the report and then --

9 MR. SALTER: That's correct.

10 MR. MILLER: That might be a -- maybe
11 make the first 31 pages the exhibit.

12 MR. BARFIELD: You know, when it's an
13 electronic thing, I don't know why we just don't
14 attach the whole thing.

15 MS. GIMBEL: I agree.

16 MR. HAYZLETT: I think that would be
17 fine. I think the coffee came in, so I think now
18 would be a good time for a break, if you guys are
19 good with it.

20 MR. HEIMERICH: When do you want to
21 reconvene, Mr. Chair?

22 MR. HAYZLETT: 15 minutes, probably.

23 MR. HEIMERICH: 20 minutes? 30 minutes?

24 MR. BARFIELD: 15 is fine.

25 MR. HAYZLETT: 15 minutes.

1 (A break was then taken from
2 11:07 a.m. to 11:30 a.m.)

3 MR. HAYZLETT: I think we're ready to get
4 started again. We're ready for 8.D., Implementation
5 of Irrigation Improvement Rules. Is that Bill?

6 MR. TYNER: Good morning. I'm Bill Tyner
7 with the Colorado Division of Water Resources and I
8 am going to give you an update on Colorado's
9 Irrigation Improvement Rules. These rules were
10 promulgated in Colorado Water Court just before
11 2011, in the first year of operation. I reported on
12 a partial result at last year's meeting for that
13 first year of operation, but the return flow
14 maintenance plan for that first year ran through
15 April of 2012, and then a new plan began on May 1st
16 of 2012 and will run through April of 2013.

17 Under the first plan approved for 2011, the
18 return flows that needed to be replaced totaled
19 1,888 Acre Feet, and in order to replace those
20 return flows or maintain those return flows to
21 prevent reduction at the Stateline or a reduction of
22 flows within the river in Colorado, approximately
23 2,300 Acre Feet of return flow maintenance water was
24 provided. So far and projected through the end of
25 the storage season for the 2012 plan, the reduction

1 in return flows is quite a bit less, approximately
2 950 Acre Feet.

3 The reason for that reduced amount of return
4 flows that need to be maintained was just a reduced
5 water supply to those surface structures that
6 utilize sprinkler systems and drip systems. A
7 majority of those structures are under the Fort Lyon
8 Canal, and this was a particularly bad diversion
9 year for the Fort Lyon Canal, so less supply to
10 those sprinkler systems resulted in less of a return
11 flow obligation needed to be fulfilled.

12 It's projected that to replace those 950 Acre
13 Feet of return flows to the river, 1,150 Acre Feet
14 of return flow of maintenance water will need to
15 have been provided, and most of that has already
16 been provided by the Lower Arkansas Valley Water
17 Conservancy District.

18 The source of water that the district used for
19 this year's plan were municipal consumable waters
20 from the City of Aurora and the City of Pueblo Board
21 of Water Works. As I mentioned to the committee in
22 yesterday's meeting, those types of sources are
23 going to become increasingly difficult to lease for
24 this purpose. One thing I failed to mention to the
25 committee yesterday, that I will mention for the

1 record today, is that one study that we will see
2 conducted over the winter by Lower Arkansas Valley
3 Water Conservancy District, funded by the Colorado
4 Water Conservation Board, is the use of the subject
5 water rights to assist in that return flow
6 maintenance. So for example, farmers under the Fort
7 Lyon Canal may choose to use part of their Fort Lyon
8 Canal shares delivered to return flow stations or to
9 recharge pits to help maintain those historic return
10 flows in lieu of leased municipal water, should that
11 not be available or should it be too costly to lease
12 that water.

13 We realize that this aspect needed a little
14 more refinement in order for us to be comfortable
15 approving that for next year, and so they were --
16 they will study the use of those water rights over
17 the winter and the functional ability to use those
18 water rights within each ditch system to maintain
19 return flows, and we'll keep the Kansas engineers in
20 the loop as we get those results and when we
21 consider their plan for 2013.

22 There are approximately 75 farmers involved in
23 this plan in Colorado, with about 95 farms with
24 improvements owned by those farmers, and the
25 installation and use of sprinkler and drip systems

1 continues to be important in Colorado. Even though
2 it's a still a relatively small percentage of the
3 acreage in the Arkansas Basin, it's becoming more
4 prominent, and Colorado farmers have found it to be
5 an effective way to manage their water and to supply
6 water more efficiently to their higher dollar crops,
7 so I think it's likely to continue to be something
8 that will grow in Colorado, and these plans to
9 maintain return flows will have to keep up with that
10 growth. Any questions?

11 MR. HAYZLETT: Questions?

12 MR. HEIMERICH: No.

13 MR. HAYZLETT: No questions. Thanks,
14 Bill. Item E. is Colorado's PDF Evaluation. (See
15 Exhibit J for report)

16 MR. KELLEY THOMPSON: Thank you, Mr. Vice
17 Chairman. Again, my name is Kelley Thompson with
18 the Colorado Division of Water Resources, and I'm
19 just going to give you a brief update on the
20 PDF evaluation that we did for 2012. This
21 evaluation was required as part of the Amended
22 Appendix A.4 of the judgment and decree, so we have
23 completed that evaluation and produced a report.

24 As a little background, the 1996 Use Rules
25 first established these PDF's, these Presumptive

1 Depletion Factors, that were to be used. In 1996,
2 they established a PDF of 30% for gravity irrigation
3 for supplemental water supplies and 50% for
4 groundwater-only water supplies for gravity
5 irrigation and 75% for sprinkler irrigation, and
6 that was used until in 2009, the Amended Appendix
7 A.4 of the judgment and decree modified the
8 supplemental irrigation flood and furrow number to
9 39%. Appendix A.4 specified that that 39% would be
10 used through the year 2012 and that was done, but it
11 also specified that in 2012, considering the 2011
12 H-I Model results, that we would re-evaluate that
13 number and re-evaluate that number annually into the
14 future, and so for 2011, we did that.

15 Appendix A.4 specified a timetable that after
16 the H-I Model was completed and agreed upon by the
17 two States in June, that Colorado would work on this
18 evaluation until September, submit that evaluation
19 by September 1st to the Kansas experts, and State of
20 Kansas, and which would review that and hopefully
21 the two States would come to an agreement on that
22 PDF before December 1st.

23 Appendix A.4 did really specify a specific
24 methodology to use. The State of Colorado's GWAM
25 model is used to estimate idealized replacements,

1 and then those replacements in actual pumping are
2 supplied to a modified version of the H-I Model and
3 the H-I Model compares accretions and depletions on
4 an annual basis, giving those idealized
5 replacements, and then we judge the PDF value based
6 on 10-year sums of those annual accretions and
7 depletions, and so all accretions and depletions for
8 those 10-year sums from 1997 are considered until
9 the current year, and at some point, it will only be
10 considered for the last 20 years, so in 2018 it will
11 progress from 1997.

12 But Colorado produced that evaluation.
13 Considering a PDF of 38.0%, there was a shortfall in
14 the 1998 to 2007 period, primarily due to the water
15 conditions in 2002 and 2003, but using a PDF of for
16 flood and furrow irrigation for supplemental
17 supplies, a PDF of 38.1% was sufficient.

18 So Colorado submitted those results with the
19 report to Kansas prior to September 1st and the
20 experts, Angela Schenk and Dale Book, as well as
21 Kevin Salter, looked over those results and via an
22 e-mail that was received in November of this year,
23 confirmed that they agreed with that 38.1% number
24 for the PDF value, and so that satisfied the terms
25 of Appendix A.4 that the States together will come

1 to an agreement on these values each year. The
2 State of Colorado will maintain that report on file
3 and this will become a process that we -- that we go
4 through every year, following the H-I Model results.

5 MR. HAYZLETT: Okay. Questions?

6 MR. BARFIELD: No. So the report will be
7 attached as an exhibit to this -- to our transcript;
8 correct?

9 MR. BEIGHTEL: Okay. That will be
10 Exhibit J, and we have no copies of that report.

11 MR. KELLEY THOMPSON: We submitted those
12 yesterday.

13 MR. BARFIELD: Okay.

14 MR. HAYZLETT: Thank you, Kelley. We
15 appreciate that. I think we'll move into the
16 committee reports, the Engineering.

17 First of all, just as a note, I think checkout
18 time here is noon. For those of you who haven't
19 checked out, we're not going to break for lunch.
20 We're going to try to trudge right on through and
21 get done. There's also another note. The
22 attendance list has circulated, but I think there's
23 a lot of people that came in after this went
24 through, so try to get your name on here if
25 possible. We can either get it back to the back or

1 somewhere where you can find it.

2 Engineering report. (See Exhibit N for report)

3 MR. HEIMERICH: Mr. Chair, Matt
4 Heimerich. I had the honor of chairing the
5 Engineering Committee this year with our -- with our
6 colleague, Chief Engineer David Barfield. This was
7 on yesterday afternoon, December 5th. The committee
8 requested Brent Newman and Rachel Duran to produce a
9 brief meeting summary and put together a list of
10 action items for us for that meeting, and on behalf
11 of David and myself, we'd like to thank them.

12 Just a quick, a quick summary. We amended the
13 agenda slightly to put into some more timely
14 presentations. We heard a presentation; heard a
15 recommendation from Jeff Kahn, Water Counsel
16 attached to the City of Trinidad, on the City's
17 proposed amendments to the Trinidad Operating
18 Principles. There's an action item that will follow
19 at the end of this report.

20 The committee heard from the Corps of
21 Engineers, which included Dennis Garcia, Jason
22 Woodruff on the John Martin Reservoir area capacity
23 tables and maintenance at John Martin Reservoir, as
24 well as a proposed restoration plan for Lake Hasty.
25 They also talked about the Arkansas Valley Conduit,

1 the Trinidad Reservoir Operating Principles, and two
2 FERC hydropower applications: One at John Martin
3 and one at Trinidad Reservoir; the Purgatoire Water
4 Conservation District letter regarding the leasing
5 of excess capacity in that joint use pool in
6 Trinidad Reservoir and, and their response to that.

7 The committee also heard from Andrew Gilmore
8 with the Bureau of Rec on the Arkansas Valley
9 Conduit NEPA review process; the Trinidad Project in
10 their consideration of the City of Trinidad's
11 proposed amendments to the Operating Principles; as
12 well as the Purgatoire District's letter regarding
13 leasing of excess capacity in the joint use pool in
14 Trinidad Reservoir. Andrew also spoke about the
15 next steps that he's undertaking as we get into the
16 coming Ten-Year review.

17 We also heard from Tammy Ivahnenko with the
18 USGS on her report concerned stream gages that the
19 USGS maintains under the cooperative agreements,
20 detailed the Fountain Creek Flood Study and the
21 Buena Vista Salida Basin Water Budget Plan.

22 Next, the Committee heard a request from Grady
23 McNeill with the Colorado Division of Parks and
24 Wildlife and the -- and I guess the Parks and
25 Wildlife Commission, I suppose, that ARCA consider a

1 resolution allowing the remaining 8,425 Acre Feet of
2 the Muddy Creek's reservoir storage right to be
3 transferred to the Permanent Pool in John Martin
4 Reservoir.

5 I'm just going to paraphrase for a second
6 here. Chief Engineer Barfield stated that Kansas
7 had just recently become aware of this request, so
8 at this point in time, we encourage -- I'm reading
9 verbatim now -- the Committee encouraged CPW to
10 visit with Kansas and District 67 users in Colorado
11 to establish a timeline to consider their concerns
12 and responses. The parties should keep the
13 committee up-to-date on that, on their progress. I
14 can also add that Mr. McNeill said that after
15 discussions yesterday evening with interested
16 parties, he's established that timeline.

17 The Committee heard a brief report from Steve
18 Miller on the status of Colorado's development of
19 its Decision Support System for the Arkansas River,
20 CSU's Irrigation Study Completion Report, the South
21 Slope Hydroproject in Fremont County, and a report
22 on the Rocky Ford Lysimeter Project, as well as
23 mentioning that NOAA is looking for comments on
24 their forecast center web site. The committee
25 acknowledged that there will also be a discussion on

1 the Special Engineering Committee.

2 Under action items, the committee would
3 recommend to ARCA to approve the resolution amending
4 the Trinidad Operating Principles and that this
5 resolution be included as an exhibit to the
6 transcript. Secondly, the Engineering Committee
7 recognizes the value of the Special Engineering
8 Committee and that -- and recommends to ARCA that
9 the Special Engineering Committee be extended for
10 the calendar year 2013.

11 I'd also like, at this point in time, to
12 extend an invitation to special -- to Chief Engineer
13 Barfield to make comments to that, to that point.

14 MR. BARFIELD: Thank you, Matt. Eve
15 McDonald, in our discussions yesterday afternoon,
16 brought up some pending issues related to the LAWMA
17 Decree. Kansas has raised a set of issues and she
18 was wondering if the Special Engineering Committee
19 might be the best venue to sort of move forward with
20 those discussions.

21 Is Eve here? Eve, why don't you come on
22 forward here, and so we've had some dialogue about
23 it. Eve would like to sort of give you a little bit
24 of an update on sort of where we're -- what we've
25 been doing and what we're up to, and then we'll talk

1 about how to best move those issues forward.

2 MS. McDONALD: Thank you, Chief Engineer
3 Barfield. My name is Eve McDonald from the Colorado
4 Attorney General's Office, and I wanted to update
5 the ARCA today briefly on the continuing efforts
6 that Colorado is continuing to make and has made
7 through 2012 to address concerns that Kansas raised
8 back in 2008 with the first LAWMA change decree, and
9 LAWMA is the Lower Arkansas Water Management
10 Association. It's a well augmentation group that
11 has purchased, with State help, water rights to
12 change to augmentation purposes to prevent Compact
13 violations from well pumping, as you know, and in --
14 after the LAWMA first change decree was entered, the
15 Special Counsel for Kansas e-mailed Colorado a list
16 of 15 concerns that Kansas had with that decree in
17 the 02-CW-181 case. 02-CW-181.

18 That was May 19th of 2008, and since then, we
19 have been working diligently, my office, the State,
20 and the Colorado Department of Water Resources, with
21 Kansas to resolve those concerns, and it has been an
22 issue discussed at this ARCA meeting since then in
23 previous years, and the correspondence between my
24 office and the Kansas Attorney General's office has
25 even been entered as exhibits to the record.

1 So this year, I just wanted to update ARCA and
2 let you know that we have not waned in our efforts
3 to continue that dialogue and resolve Kansas'
4 concerns. In particular we, in 2012, sent several
5 versions of a draft decree that LAWMA proposes for a
6 second change of water rights in the 05-CW-52 case,
7 and Colorado staff has worked to make sure that none
8 of Kansas' concerns are further exacerbated by that
9 decree, and we worked with Kevin Salter and
10 Mr. Grunewald in the AG's office to make sure that
11 Kansas had two chances to review that decree before
12 Colorado signed off on it; and of course, as they do
13 in every change case, the Colorado Division of Water
14 Resources is ensuring that the decree is in
15 compliance with the Compact and also doesn't allow
16 any expansion of the water rights as they're
17 changed, and we believe that that proposed decree in
18 that case satisfies all of those concerns, but as we
19 engaged Kansas during this past year, Kansas staff
20 has been unable to prioritize it at this time, and
21 as we discussed yesterday, we think the time may be
22 ripe to now really dig in and engage with Kansas
23 early in 2013 to address any concerns that remain in
24 that list of 15. It unofficially is clear that many
25 or most of them have been resolved, but we would

1 like to get to the point where the cloud of
2 uncertainty is removed and Kansas' concerns that
3 have been resolved are officially marked off the
4 list.

5 And the final point I wanted to make is that
6 the third LAWMA change decree is also being
7 considered. That's case number 10-CW-85, and just
8 as in the 05-CW-52 decree, Colorado has made sure
9 that terms and conditions are inserted that address
10 anything in that list of 15 issues that is
11 implicated in this proposed decree, and we will be
12 forwarding it to Kansas for your review early next
13 year in January, and that might be the right impetus
14 to get all the proper staff and officials together
15 to dig in and narrow or reduce or eliminate the list
16 of Kansas' concerns with these decrees. Does
17 anybody have any questions.

18 MR. HAYZLETT: Response?

19 MR. BARFIELD: I don't have any
20 questions. I just want to basically say that, you
21 know, again, our -- I and others from Kansas had a
22 discussion last night about, you know, the need to
23 move forward and the best forum to do that.

24 The Special Engineering Committee was crafted
25 to deal with 1980 John Martin issues, principally

1 matters related directly to the Administration. We
2 believe the best forum for this work to be done is
3 with the experts and my staff and self, and really
4 legal counsel as needed, so we -- and we're
5 committed to -- you know, we agree with your
6 statement that this is the time to dig in and try
7 and make progress on this, so I'll leave it at that.

8 MR. HAYZLETT: More questions or
9 comments?

10 MS. McDONALD: Thank you, Mr. Vice-Chair.

11 MR. HAYZLETT: Thank you.

12 MR. HAYZLETT: Does that conclude the
13 Engineering Committee's report then?

14 MR. HEIMERICH: It does Mr. Chair.

15 MR. HAYZLETT: Okay. Ready for the
16 report of the Operations Committee. Dave Brenn.
17 (See Exhibit N for the report)

18 MR. BRENN: Thank you, Mr. Vice-Chair.
19 Yesterday, December the 5th, the Operations
20 Committee met. That committee is comprised by
21 myself and Colin Thompson from Colorado. I'll give
22 a brief meeting summary here. We will have reports
23 of the Operations Secretary and Assistant Operations
24 Secretary after the meeting summary.

25 The committee received the Compact Year 2012

1 reports of the Operations Secretary and Assistant
2 Operations Secretary. The committee received the
3 2012 report of the Offset Account, as well as the
4 Ten-Year Compact Compliance Accounting Table for
5 2002 through 2011, which was presented to the
6 committee.

7 The committee received the Offset Account
8 Review Joint Report of the States and asked that the
9 States discuss whether to memorialize this report
10 and include it in the ARCA Annual Report. We heard
11 an update on the implementation of the Irrigation
12 Improvement Rules. The committee heard a report on
13 the Presumptive Depletion Factors, the
14 PDF evaluation, and asked that the States discuss
15 whether to memorialize this report, include in the
16 ARCA Annual Report, and I believe there's already
17 been discussions on that issue here.

18 With that, unless Colin, you have additions to
19 the summary -- do you have any additions?

20 MR. THOMPSON: No.

21 MR. BRENN: I'd like to ask Steve Witte
22 to come forward with the Operations Secretary
23 report. Mr. Witte.

24 MR. BARFIELD: While Steve's coming up, I
25 think we failed to note that the Engineering

1 Committee Summary should be attached as an exhibit.
2 Do we -- we were intending to do that; right?

3 MR. BEIGHTEL: I think what we would
4 suggest to do is make each committee report all
5 together one exhibit, if that suits the
6 Administration, or do you want them separate?

7 MR. BARFIELD: I don't know.

8 MS. GIMBEL: I don't think it matters one
9 way or the other.

10 MR. HEIMERICH: We don't care, so exhibit
11 whatever it is will be Engineering, Admin and then
12 Operations.

13 MS. GIMBEL: The three reports?

14 MR. BEIGHTEL: Yeah, if that's okay with
15 you.

16 MR. BARFIELD: Oh, I see. The three
17 committee reports together would be one exhibit?

18 MR. BEIGHTEL: Yes.

19 MR. BARFIELD: So let's do that at the
20 conclusion of the Operations -- of the
21 Administration Committee. Thank you.

22 MR. BEIGHTEL: Okay.

23 MR. WITTE: Thank you, Chairman Brenn,
24 Vice-Chairman Hayzlett, and members of the Compact
25 Administration. I'd like to begin by providing some

1 acknowledgements to a few members of my staff. I'd
2 like particularly to thank Mr. Phil Reynolds and
3 Mr. John Van Ort for their support and their
4 assistance in working through the issues that arise
5 related to the 1980 Operating Plan, doing the
6 day-to-day accounting, and working with Kevin Salter
7 and Rachel Duran particularly, on issues as they
8 arise. Also, want to thank Mr. Bill Tyner for the
9 support that he provides on a number of issues.
10 He's reported to you previously today and you've
11 seen examples of his work with respect to the joint
12 authorship of the Joint Report on the review of the
13 Offset Account, the H-I data input set development
14 that has to be done every year, as well as the
15 Irrigation Improvement Rules.

16 And then finally if I may, Mr. Brenn, I want
17 to thank you and say a note of appreciation to you
18 directly on the record concerning our work together
19 over the years on the Operations Committee. You've
20 positively affected both the tone and the process of
21 dealing with issues in the Operations Committee, and
22 I appreciate your work during your tenure on the
23 Administration. Thank you very much.

24 If I may, then I wanted to again talk about
25 the report that I submitted to the committee

1 yesterday. (See Exhibit K for report) As previously
2 reported, you know that we're in the grips of a
3 drought of some historical significance. I believe
4 that by some measures, the water supply is as low as
5 it has been at any time during -- in the Compact
6 era, and that certainly has had an effect on the
7 operations of and use of John Martin Reservoir in
8 the past Compact Year.

9 I would note, however, that things didn't look
10 so bad at the start of the year. During the Com- --
11 during the winter storage period that runs beginning
12 November 1st through April 1st was about 19,064 Acre
13 Feet that was stored, and that compares to the 1950
14 to 1975 period. It's about 86% of that -- that
15 previous period prior to the implementation of
16 storage in Section 3.

17 The total storage during the winter storage
18 period was 23,410 Acre Feet. There was other water
19 authorized by Section 3 of the 1980 Operating
20 Resolution. 65% of that water was stored, amounted
21 to 10,673 Acre Feet. The other 35% of that other
22 water broke down as follows: About 1670 Acre Feet
23 was necessary to top off the Kansas Transit Loss
24 Account, and then of the excess, 1333 Acre Feet was
25 delivered into Kansas' Section 2 account and 2907

1 Acre Feet was delivered into Colorado's Section 2
2 accounts.

3 Over the course of the Compact Year, 2757 Acre
4 Feet were delivered into the Offset Account and 3640
5 Acre Feet were delivered into the Permanent
6 Recreation Pool in John Martin. Of that 3640 Acre
7 Feet, most of it was a result of water that
8 originated in the Colorado River Basin and was
9 placed into that account pursuant to a resolution of
10 April 15th, 1980. A very small portion, about 117
11 Acre Feet, was placed into the Permanent Pool as a
12 result of the exercise -- the in-priority exercise
13 of the Muddy Creek Reservoir right that has been
14 authorized by resolution of the Administration in
15 1976.

16 Perhaps one of the most significant
17 developments in the past year was Kansas' election
18 not to call for a release of any water from its
19 Section 2 account or from the Offset Account. This
20 was a decision which Colorado recognizes as one that
21 must have been very difficult, but also one that
22 we'd like to approve and applaud, because we think
23 that it is a -- it represents a -- an exercise of
24 good water management.

25 We did some analysis of our own on the

1 situation, and typically, Kansas calls for a release
2 of water around the 1st of July. At that point in
3 time, there was about 12,254 Acre Feet available to
4 Kansas to be called for, but the stream conditions
5 were such that we -- we recognized that what had
6 been a very inefficient delivery; and looking at it
7 in retrospect now, we realize that probably half of
8 that amount of water would have been lost in transit
9 loss in an attempt to the deliver it to the
10 Stateline. As it was, there was evaporation from --
11 of about 4,453 Acre Feet from the Kansas Section 2
12 Account and Offset Account that occurred after
13 July 1st, but as I said, the estimated amount of
14 water that would have been lost to transit loss in
15 trying to make a delivery of the 12,000 Acre Feet,
16 we would have seen transit losses of about 6,000
17 Acre Feet.

18 There was a, I suppose, a secondary benefit
19 that resulted from the water that was left in John
20 Martin Reservoir by Kansas, which was that it
21 augmented the water in the Permanent Pool and thus
22 provided recreational and wildlife benefits to the
23 users of John Martin Reservoir.

24 Throughout the remainder of the Compact Year
25 after April 13th, when the transfer of water from

1 conservation storage into the various accounts
2 occurred, there were no incidences where additional
3 Compact storage was -- we were able to make
4 additional storage under the Compact and there were
5 no instances when the Amity Great Plains decree came
6 into priority that would have allowed them to store
7 additional water in the reservoir.

8 At the end of the Compact Year, the total in
9 all accounts was just under 16,000 Acre Feet. I
10 think that concludes my report.

11 MR. BRENN: Thank you, Steve. Kevin, are
12 you ready for the Assistant Operations Secretary
13 report? (See Exhibit L for report)

14 MR. SALTER: Yes, I am. Kevin Salter,
15 Assistant Operations Secretary for the
16 Administration. We went through this report last
17 night, so I'm just going to briefly highlight a
18 couple points. I echo Steve's thanks to staff, both
19 in Colorado and Kansas, for getting us through
20 another year under some particularly tough
21 conditions.

22 One of the things I would highlight is we
23 still have concerns about the Pueblo Winter Water
24 Storage Program. They've been kind of
25 long-standing. There was no new concerns identified

1 for this particular issue, and I appreciate Steve
2 and his staff taking the time to do field trips in
3 November to check out some river operations.

4 I will spend a little more time talking about
5 our Kansas reservoir call. On April 1st, we had the
6 least amount of water available to us than in the
7 previous 10 years. I haven't looked beyond that,
8 but it's fairly low for probably all the times since
9 the 1980 Operating Plan's been instituted and we've
10 had an account in John Martin Reservoir.

11 The river conditions from the beginning were
12 tough. We looked at transit losses as we went by
13 the April 1st date, and they just weren't good and
14 they got worse as the summer went along. I have
15 presented in my report a couple figures, of which
16 I've put one up here. From the time the 1980
17 Operating Plan went into place and we received an
18 account, I've looked at the averages of 1980 through
19 2011. Those are the bars that present in the back
20 of that graph, compared to the 2012 monthly
21 averages.

22 It may be tough to see, but September of this
23 year, we had a total of 62 Acre Feet cross the
24 Stateline. That is the lowest month on record from
25 1950 through 2011, and that is just an all-time low.

1 It is also the only month that we've had less than
2 100 Acre Foot, and that's just representative of the
3 conditions both in Kansas and below the dam in John
4 Martin Reservoir, because District 67 was also very
5 dry and didn't have any water as well.

6 I'll skip ahead. One of the things I have
7 presented to the Administration is a joint work
8 product of the States. It is the water issues
9 matrix. We have resolved many of the issues that
10 were raised as concerns over the past many years.
11 We continued to work on, in this past Compact Year,
12 the Permanent Pool source of water. Looking for a
13 new source of water for the Permanent Pool has come
14 back onto the matrix, and this is Issue Number 14
15 under the matrix and this involves the Muddy Creek
16 storage right, which we will work on over the next
17 year.

18 I think that the communication between the
19 States has been particularly good. We've, again, I
20 think we're getting to a more stable staff
21 situation, so that will help as we go through the
22 next year. I, too, would like to thank Dave Brenn
23 for his service to ARCA over his terms on the
24 Administration, both his contributions to the
25 Administration, the Operations Committee, and I'd

1 recognize him, too, as one of the only remaining
2 initial member of the Special Engineering Committee,
3 so his emphasis on process and governance has really
4 helped get us through a lot of things. He also, at
5 every opportunity, took the encouragement to the
6 States to resolve the problems that we had before
7 us, as well as identify problems that maybe lead to
8 disputes at later times early on in the process, so
9 that we could address them before they became so
10 large or insurmountable that we had to go to the
11 Special Engineering Committee, so that's my report.

12 MR. HEIMERICH: Mr. Chairman, can I
13 address Kevin, please?

14 MR. HAYZLETT: Yes.

15 MR. HEIMERICH: Kevin, on behalf of the
16 Colorado delegation, first let me thank you. I
17 think we all understand fully the scarcity of
18 resources that both States are under, and I did
19 mention in my report, it wasn't in the -- recorded
20 in the Engineering Committee minutes, but certainly
21 we do appreciate your cooperation in responding to
22 the City of Trinidad and working through those
23 issues in a timely manner. I think it's a good
24 process and a template for what we hope to happen in
25 the future as you know, perhaps now, that the

1 Department of Parks and Rec are going to, however
2 they call themselves these days, are now going to
3 ask for some consideration on their other Muddy
4 Creek right.

5 I would like to just ask one question and
6 maybe you can help clarify it for me, now that I've
7 been on the commission for almost nearly a decade
8 now. You know, we've seen you and Steve, Mr. Witte,
9 get closer and closer in terms of what those
10 Operations Reports look like. Would you concede
11 that?

12 MR. SALTER: Yes.

13 MR. HEIMERICH: Okay. So I guess where
14 I'm going here is when you made mention of the
15 Winter Water Program, the Pueblo Winter Water
16 Program, and that being perhaps a -- oh, I don't
17 know, a lodestone or something that's kind of --
18 that we're all kind of carrying around that prevents
19 this reconciliation, could you just kind of help me
20 a little bit to understand? Because I mean, it's my
21 understanding and impression that, you know, we
22 litigated winter water under *Colorado v. Kansas*. I
23 know you have some questions in terms of how these
24 splits are made, so could you just help me
25 understand a little bit more what's kind of

1 preventing us from having one report that we can all
2 kind of agree that makes sense for us and allow our
3 resources to be expended in more fruitful endeavors?

4 MR. SALTER: Okay. Yeah, the concern
5 that Kansas has had is with the determination of the
6 split of the -- between the Compact Conservation
7 Storage and the Pueblo Winter Water supply or Pueblo
8 Winter Water Storage Program water Ark at Las
9 Animas. It seems like there was several
10 opportunities in that process to manipulate those
11 numbers, and manipulation is probably too strong of
12 a word. The 1980 Operating Plan allows the storage
13 of other water, such as Pueblo Winter Water Storage
14 Program in John Martin Reservoir provided that it
15 wouldn't have been water that would have been --
16 that went to Compact conservation storage otherwise.

17 So the concern right now with like the 2007
18 Operations Secretary's report was that in 2007, over
19 just one of the ditch areas, there was an area of
20 two, three foot of snow over that area, which
21 wouldn't have allowed that ditch to divert water
22 onto those lands in that year, so the water that
23 would have been destined to the Compact under that
24 particular circumstance went into the Pueblo Winter
25 Water Storage Program, so that is one concern.

1 Another concern that we haven't been able to
2 really nail down yet is this apparent drop in the
3 gage on the Purgatoire near Las Animas. We noticed
4 a few years ago that between November 15th,
5 November 14th and November 15th, there would be a
6 drop in the flow. One possible source of that drop
7 is the -- a waste way on the Las Animas
8 Consolidated, so if there was water that was being
9 passed around the gage Ark at Las Animas, it would
10 depress the Compact share of that water at Ark at
11 Las Animas, and if it was being put back into the
12 Purgatoire and going down to the Compact
13 Conservation Storage through that method, again,
14 that would be water that could have went through
15 Compact Conservation Storage, but was rather denied
16 the Compact, so those are the type of issues that
17 are kind of holding us up on that particular issue.

18 MR. HEIMERICH: So I'm just going to make
19 a little reach here. So would it be -- would it be
20 fair to categorize the differences as being isolated
21 incidents that seem to appear in the hydrograph or
22 how it's done, not so much in terms of the
23 methodology? Because I'm just trying to figure out
24 again, you know, and today in this year's case, for
25 instance, it's my understanding that I think you had

1 a -- did you have a tour of the Las Animas
2 Consolidated headworks and, and the ambient
3 conditions; is that correct?

4 MR. SALTER: It was correct that we went
5 by the Consolidated, and as we drove over the
6 highway south of Las Animas, we noted that there was
7 no water in the ditch --

8 MR. HEIMERICH: Right, right.

9 MR. SALTER: -- and there was no water in
10 the --

11 MR. HEIMERICH: Right, right.

12 MR. SALTER: -- so we didn't take a good
13 look at it, but in the previous years, we looked at
14 the headgate structures --

15 MR. HEIMERICH: Yes, yes.

16 MR. SALTER: -- the lay of the land,
17 where water was returning. I think I really
18 appreciate Steve taking the time to do that because,
19 again, I would note that we haven't seen that same
20 condition happen at Purgatoire at Las Animas that we
21 have in previous years. We haven't seen the
22 condition that causes the concern.

23 I would also note that we raised this concern
24 prior to 2007, so there's some other basic
25 underlying concerns in there as well, and the States

1 it's just a matter of time and priority and it
2 sounds like, you know, our priorities may be shifted
3 this year to the LAWMA Decree issues, which is
4 appropriate. We need to get that resolved and we'll
5 try to work on these other issues as we can through
6 the year.

7 MR. BARFIELD: Yeah, I mean, this is a
8 task that's on the Special Engineering Committee. I
9 mean, it's on the matrix and it's one of the two or
10 three first issues for the SEC to consider.

11 MR. HEIMERICH: Right. Okay. Thank you.
12 Thanks, David. Thank you, Kevin.

13 MR. BEIGHTEL: Does the Administration
14 want to make either/or both of the Operations
15 Secretary and Assistant Operations Secretary reports
16 part of the exhibits?

17 MR. BARFIELD: Yeah, I think so, yes.

18 MS. GIMBEL: They probably should be.

19 MR. BARFIELD: Yes, so give us the
20 numbers there, or letters.

21 MR. BEIGHTEL: Okay. Let's make the
22 Operations Secretary report Exhibit K, the Assistant
23 Operations Secretary report Exhibit L.

24 MR. BARFIELD: Thank you very much, and
25 again, those are obviously the products of those two

1 individuals in their capacities.

2 MR. HEIMERICH: Mm-hmm.

3 MR. BRENN: Okay. Very good. Steve
4 Witte, are you going to offer a report on the Offset
5 Account? (See Exhibit M for report)

6 MR. WITTE: Actually, I'm going to ask
7 Bill Tyner to deliver that report for me.

8 MR. BRENN: Okay, Bill.

9 MR. TYNER: I wanted to echo what Steve
10 said about in order to communicate all that needs to
11 be communicated related to John Martin activities,
12 including deliveries from the -- to the Offset
13 Account and releases from the Offset Account, it's
14 been great to have very good staff and communication
15 between them from the two States, and Steve already
16 mentioned John Van Ort and Phil Reynolds on the
17 Colorado side, and Kevin Salter and Brandy Cole and
18 Rachel Duran on the Kansas side. That's super
19 important to have that good communication.

20 I wanted to add to what Steve said just real
21 quickly, though. Yesterday and today, we've had
22 several of our water commissioners from Colorado
23 that have been able to attend. Lonnie Spady, our
24 Water District 17 and 67 Water Commissioner,
25 basically from Fowler, Colorado all the way down to

1 the Stateline officed in La Junta, so Lonnie is here
2 today. He's the lead commissioner of those two
3 water districts. Jeff Montoya from Water District
4 19, down around the Purgatoire River Water
5 Conservancy District lands is here, and Josh Kasper
6 was here yesterday. I don't think Josh made it back
7 today. He's our new Water Commissioner in District
8 67, and we're excited to have Josh in place there.
9 As you may well know, in Colorado, water
10 commissioners are probably the gold face of Division
11 of Water Resources. You know, if the community
12 knows anybody with our agency, it might be Dick
13 Wolfe, it might be Steve Witte, but more than likely
14 they probably know their local water commissioner
15 the best, because that's who allows them to take
16 water legally and helps them not take water when
17 they're not supposed to, so they had to administer
18 some very tough river calls this year.

19 Oftentimes in 2012, the Rocky Ford Ditch was
20 the calling water right and that's rare, and that
21 Rocky Ford Ditch call knocks out a lot of ditches
22 from that point up the river, and people up around
23 Salida and Buena Vista that normally don't get
24 called out are really upset that they can't divert
25 water and irrigate like they would in nine out of

1 ten or maybe more like, you know, 29 out of 30
2 years, and so I just I wanted to emphasize how much
3 we appreciate our water commissioners and how they
4 work with our office staff to be able to keep things
5 sane, as far as use of water in Colorado.

6 I'll be real brief on the Offset Account
7 Report. The Offset Account contained just under
8 3100 Acre Feet at the beginning of the Compact Year.
9 As I mentioned yesterday in the committee meeting,
10 this was one of the poorest years as far as the
11 ability for the Colorado well associations to be
12 able to provide water to the Offset Account, largely
13 due to the fact that the sources of water that they
14 would normally use to deliver weren't available in
15 the quantities that they historically have been
16 available.

17 There was a small amount of leased municipal
18 water available to the Lower Arkansas Water
19 Management Association from Pueblo Board of Water
20 Works, and that water was delivered from Lake
21 Meredith to John Martin to pay the storage charge of
22 500 Acre Feet at the end of March; and then the
23 additional sources used by LAWMA during the year
24 were some transfers of Article 2 water from accounts
25 that they own through their water rights change

1 cases; and then delivery of water from the Highland
2 Canal changed water right and the Keesee Ditch
3 changed water right. LAWMA had to use parts of the
4 shares of those two ditches to replace in-state as
5 well, and so the total delivery or transfer to the
6 Offset Account was just over 2750 Acre Feet during
7 this Compact Year.

8 Kansas did not call for a release from John
9 Martin Reservoir, as was previously mentioned, and
10 so at the end of the Compact Year, there remains
11 just under 3700 Acre Feet of water. That will
12 provide at least a starting point for 2013.
13 Hopefully we will see better conditions that will
14 allow Kansas to take delivery.

15 Because there was no delivery of Offset
16 Account water, there was no Stateline credit given
17 for delivery in 2012, and you'll see that reflected
18 in the Ten-Year Accounting next year when that will
19 show up as a zero in that particular part of that
20 table. Are there any questions?

21 MR. BARFIELD: So we should -- what
22 letter are we on?

23 MR. BEIGHTEL: This would be M. Would
24 you like to make the Offset Account Report part of
25 the transcript?

1 MR. BARFIELD: That's what I'm -- yes.

2 MR. BEIGHTEL: Okay. That would be
3 Exhibit M.

4 MR. BARFIELD: Exhibit M would be the
5 Offset Account Report, and again, that recognizes
6 the State of Colorado's report.

7 MR. HAYZLETT: Mm-hmm.

8 MR. BRENN: Okay. I need to back up just
9 a little bit in regards to the meeting summary. We
10 did receive a request through the -- to the
11 Operations Committee on the LAWMA Decree issues.
12 That request was relevant to the Special Engineering
13 Committee in handling that, and as I understand it
14 here through earlier dialogue, that's been dealt
15 with, but we did hear that during our meeting.

16 The action items recommended by the Committee
17 include Committee acknowledge receipt of the 2012
18 Operations and Assistant Operations Secretary
19 report, and we asked that specific issues preventing
20 approval of the Compact Year 2006 through 2012,
21 those issues be identified and a plan for resolving
22 those issues developed.

23 Second recommendation, as far as action, is
24 the committee recommends to ARCA that the Special
25 Engineering Committee be extended for calendar year

1 2013. That completes the Operations Secretary
2 report.

3 MR. HAYZLETT: Okay. Thank you, David.
4 I think we're ready for the Administrative and Legal
5 Committee report. Jennifer is going to give that.
6 (See Exhibit N for report)

7 MS. GIMBEL: Thank you, Mr. Chair.
8 Our -- we had a good meeting yesterday. We did
9 notice that the room kind of clears out when we
10 start talking about administrative stuff. It's not
11 because of the team up here, I'm sure, but in any
12 case, we did -- this was chaired by Randy. We asked
13 Brett Newman and Rachel Duran to produce a minute
14 summary -- a meeting summary, as well as the action
15 items.

16 The committee reviewed the Annual Meeting
17 Agenda and made amended recommendations. This group
18 has already approved that and we're working under
19 that agenda. The Committee heard an update on the
20 status of transcripts from prior meetings, 1998,
21 1999, and we'll be asking approval of 2011 later in
22 the meeting. The committee heard an update on the
23 '94, '95, '96 and '97 draft ARCA Annual Reports,
24 which are now in Kansas' hands, with a request from
25 Colorado that Kansas take a hard look at the

1 '97 report, because we'd like to use that as a
2 template for the remaining reports.

3 The committee heard an update on the CoAgMet
4 funding status and cost share agreement and we'll be
5 asking for approval of that later. Committee
6 acknowledged that there will be a discussion on the
7 Special Engineering Committee and we just had that.
8 Committee reviewed the audit report for Fiscal Year
9 '11-'12 and we will be asking this group to approve
10 that. The committee reviewed the budgets for
11 '12-'13 and '13-'14 and recommended no change to
12 those budgets. We also reviewed two USGS joint
13 funding agreements and we heard an update on the
14 status of the federal representative which is, of
15 course, we have none.

16 Finally, I would note that the committee tasks
17 staff to report back to it by June 1st on pursuing
18 a -- on a process of budget for providing a web site
19 where ARCA-related final documents can be posted.

20 With that then, I don't believe we have a
21 treasurer's report. Is that correct, Steve?

22 MR. MILLER: Stephanie is here. It's a
23 little unfair to have her give her report when she
24 didn't get to go to the committee meeting, but she
25 may have a few words related to what's happened this

1 year.

2 MS. GIMBEL: Sorry, Stephanie. I didn't
3 see you back there. Why don't you come on up. We
4 hope you're feeling better.

5 MS. GONZALES: Thank you. My name is
6 Stephanie Gonzalez, ARCA Recording Secretary. This
7 year was pretty quiet. There was a couple of times
8 that I tried getting together with Kevin to go over
9 to the storage building but didn't quite make that.
10 Maybe we can try again this year. Other than the
11 CoAgMet, we did get a contract signed; right?

12 MR. MILLER: Yeah, the committee will.

13 MS. GONZALES: Right, and that was the
14 only other thing that I think was an issue that we
15 had a check that was -- I'm not real sure what has
16 happened to it, but we've put a stop payment on it
17 and we'll reissue as soon as you have given me
18 permission to do that. That's all I have.

19 MS. GIMBEL: Questions? Thank you very
20 much. With respect to Administrative and Legal
21 Committee recommendations, Mr. Chair, rather than
22 reading through each of these recommendations, we
23 are going to be addressing these and I'll just make
24 those motions at the appropriate time, if that's
25 okay.

1 MR. HAYZLETT: That will be great.

2 MS. GIMBEL: All right. And then with
3 respect to the annual reports, Steve, was there
4 anything more to say about that?

5 MR. MILLER: No, I don't think so.

6 MS. GIMBEL: Okay. And with that,
7 Mr. Chair, that's my report.

8 MR. HAYZLETT: Okay. Thank you all for
9 the report.

10 MS. GIMBEL: Oh, and we need to make them
11 an exhibit now.

12 MR. BARFIELD: Yes, so this will be
13 Exhibit N will be the three committee report
14 summaries and action items.

15 MR. BEIGHTEL: Right.

16 MR. HAYZLETT: Okay. Ready for Item 12,
17 new business. Is there any new business to come
18 before the Administration? I don't believe we had
19 any new business.

20 Okay. 13 is the ARCA Action Items. We do
21 have 13 A. in the amended revised agenda is letters
22 of commendation for Pat Edelman.

23 MR. SALTER: Yeah. Kevin Salter. As we
24 were reviewing the transcript for 2011, we noted
25 that the Administration gave an assignment to staff

1 to generate two letters of commendation for Pat
2 Edelman, a long-time USGS staff member in Pueblo.
3 (See Exhibit O for letters) Staff did generate two
4 letters, one to Pat himself and one to the Director
5 of the USGS in Colorado. I think that we, in order
6 to complete that record for the Administration, we
7 ought to include those as an exhibit to this
8 transcript.

9 MR. HAYZLETT: Okay. Is there a motion
10 that we --

11 MS. GIMBEL: So move.

12 MR. HAYZLETT: Second?

13 MR. BARFIELD: Second.

14 MR. HAYZLETT: Moved and second. Further
15 discussion? If not, how does Colorado vote?

16 MS. GIMBEL: Aye.

17 MR. HAYZLETT: And Kansas?

18 MR. BARFIELD: Aye. That will be Exhibit
19 O.

20 MR. SALTER: Okay. There was, not to
21 staff, but to Kansas and the City of Trinidad, there
22 was a process that was set up that's been alluded to
23 and will be discussed here later on, but there was
24 two letters exchanged. (See Exhibit P for letters)
25 Kansas was to list concerns with the City of

1 Trinidad's proposed amendments by February 15th, and
2 we did that, and the City was to respond by
3 March 15th and they did that. There was two letters
4 associated with those. Again, I think in order to
5 complete the record, it would be nice to have these
6 as exhibits if it's the Administration's desire.

7 MR. HAYZLETT: Okay. Is there a motion
8 that we add these letters?

9 MS. GIMBEL: So moved.

10 MR. HAYZLETT: Second?

11 MR. BARFIELD: Second.

12 MR. HAYZLETT: Further discussion? If
13 not, Colorado?

14 MS. GIMBEL: Aye.

15 MR. HAYZLETT: And Kansas?

16 MR. BARFIELD: Aye. That will be Exhibit
17 P.

18 MR. HAYZLETT: Okay. We're ready for 13
19 C., Resolutions, the City of Trinidad proposed
20 amendment. (See Exhibit Q for resolution)

21 MS. GIMBEL: Wait a second. Don't we
22 need to now talk about adopting the amendments for
23 Trinidad under B.? He's just presented a record.

24 MR. HAYZLETT: Under C.; right?

25 MR. BARFIELD: Yes. I'm going to offer

1 the resolution.

2 MS. GIMBEL: Okay. I just wanted to make
3 sure we didn't miss that.

4 MR. BARFIELD: Yes. I'll go ahead,
5 Mr. Chairman, and offer the resolution that will
6 effect essentially ARCA's concurrence with the
7 amendments, so let me go ahead and read the proposed
8 resolution. Kevin, so would it be 2012-A?

9 MR. SALTER: 01.

10 MR. BARFIELD: Okay, 01. I can write
11 that in here?

12 MR. SALTER: Yes.

13 MR. BARFIELD: Okay. I'll just read it
14 for the purposes of the Administration and those
15 attending.

16 (Reading) Amendments to the Operating
17 Principles Trinidad Dam and Reservoir Project
18 Amended 2004:

19 Whereas, the Purgatoire River Water
20 Conservancy District on behalf of the City of
21 Trinidad has requested the consideration of
22 amendments to the Operating Principles of the
23 Trinidad Dam and Reservoir Project as amended in
24 2004; and

25 Whereas, the Trinidad Operating Principles

1 presently limit the use of water to uses within the
2 District; and

3 Whereas, the City is within the boundaries of
4 the District; and

5 Whereas, the City may store water that is
6 fully consumable in its storage account in the joint
7 use capacity, among other water; and

8 Whereas, the City has requested to use the
9 water that is fully consumable and stored in the
10 City's account on lands within the Purgatoire River
11 basin at or above Trinidad Reservoir, but outside
12 the boundaries of the District; and

13 Whereas, to supply water that is fully
14 consumable outside the boundaries of the District,
15 an amendment to the Trinidad Operating Principles is
16 necessary and appropriate as stated in Exhibit A.;
17 and

18 Whereas, the amount of water attributable to
19 the historic consumptive use on acreage removed from
20 irrigation that may be stored in the City's account
21 in the joint use capacity is limited by Article
22 IV.B.4(a)(1) of the Trinidad Operating Principles;
23 and

24 Whereas, the number of historically irrigated
25 acres removed from irrigation that the City can

1 obtain and use is also limited by Article
2 IV.B.4(a)(1) of the Trinidad Operating Principles;
3 and

4 Whereas, the City has acquired additional
5 water rights and, as a result, the limits contained
6 in Article IV.B.4(a)(1) of the Trinidad Operating
7 Principles should be adjusted as indicated in
8 Exhibit B.; and

9 Whereas, the Arkansas River Compact
10 Administration is a signatory to the Trinidad
11 Operating Principles and all signatories must
12 approve amendments to them; and

13 Whereas, the amendments proposed by the
14 District and attached hereto have been reviewed by
15 the ARCA Engineering Committee and recommended for
16 approval by the Administration.

17 Now, therefore, be it resolved that the
18 Administration hereby approves the amendments to the
19 Trinidad Operating Principles, as set forth in
20 Exhibits A and B.

21 Be it further resolved that the Administration
22 authorizes its Chairman to sign the Trinidad
23 Operating Principles as amended by Exhibits A and B,
24 once all the signatories have approved the same.

25 And that would say, Adopted by the

1 Administration at its 2012 Annual Meeting on
2 December 6th, 2012 in Garden City.

3 So I would move that ARCA approve this
4 resolution.

5 MS. GIMBEL: I'd second.

6 MR. HAYZLETT: Moved and seconded. Is
7 there more discussion? If not, how does Kansas
8 vote?

9 MR. BARFIELD: Aye.

10 MR. HAYZLETT: And Colorado?

11 MS. GIMBEL: Aye.

12 MR. HAYZLETT: Motion carried.

13 MR. BARFIELD: So that should be attached
14 to the transcript as Exhibit Q.

15 MR. BEIGHTEL: Okay.

16 MR. HAYZLETT: The resolution extending
17 the Special Engineering Committee extension, who has
18 that to read? (See Exhibit R for resolution)

19 MR. BARFIELD: I have it here. I'll go
20 ahead and offer it again. So this would be
21 Resolution 2012-02 Regarding Seventh Extension to
22 the Term of the Special Engineering Committee, and
23 I'll read it in part.

24 Whereas, pursuant to the Bylaws of Article 5.V
25 (sic) the Arkansas River Compact Administration, by

1 Resolution Number 2005-01 created Special
2 Engineering Committee at its 2000 -- December, 2005
3 Annual Meeting to resolve four categories of
4 assigned tasks, including certain accounting and
5 interpretation issues arising from the Resolution
6 Concerning an Operating Plan for John Martin
7 Reservoir; and

8 Whereas, the Special Provisions of the 2005
9 Resolution creating the Committee specify that:

10 "Term: The Special Engineering Committee shall be
11 authorized for a period expiring on December 31,
12 2006 ARCA may extend this period by Resolution
13 adopted at any regular or special meeting prior to
14 such date"; and then there's a recitation of
15 whereas-es, one year after another, where we
16 extended it year after year after year, so I'm going
17 to go straight to the last whereas of that nature.

18 Whereas, on December 8, 2011 at the 2011
19 Annual Meeting the Administration adopted Resolution
20 2011-01 extending the term of the Special
21 Engineering Committee until December 31, 2012; and

22 Whereas, the Committee has successfully
23 resolved disputed issues placed before it during its
24 term, and the assigned tasks still remain before it
25 with the potential for future agreement.

1 Now therefore, be it resolved that the
2 Arkansas River Compact Administration does hereby
3 extend the term of the Special Engineering Committee
4 for one full year to expire on December 31, 2013.
5 All other Special Provisions of the 2005 Resolution
6 remain -- shall remain unchanged and shall govern
7 the actions of the Special Engineering Committee
8 during the seventh extension throughout 2013.
9 Adopted by ARCA this date.

10 I would move adoption of this resolution.

11 MS. GIMBEL: Second.

12 MR. HAYZLETT: Moved and seconded. More
13 discussion? Hearing none, how does Kansas vote?

14 MR. BARFIELD: Aye.

15 MR. HAYZLETT: And Colorado?

16 MS. GIMBEL: Aye.

17 MR. HAYZLETT: Motion carried.

18 MR. BARFIELD: All right. We'll attach
19 that to the transcript as Exhibit R. (See Exhibit S
20 for resolution)

21 MR. HAYZLETT: Third resolution then is a
22 resolution honoring David Brenn.

23 MR. BARFIELD: I'll offer this as well.
24 This will be Resolution 2012-03. This year, we've
25 heard numerous individuals express these sentiments.

1 Obviously, as a Kansas commissioner, I and Randy
2 obviously both share these sentiments as well, and
3 this is a statement on behalf of the Administration
4 that has been circulated to Colorado and they have
5 agreed to and actually added language to as well, so
6 honoring David Brenn.

7 Whereas, the members of the Arkansas River
8 Compact Administration wish to recognize the
9 outstanding service of their fellow member, David
10 Brenn, who has served as a Kansas Representative
11 from his appointment in 1998 until his resignation
12 in 2012;

13 Whereas, David has conscientiously devoted his
14 ability and energy to the Administration and
15 conservation of water resources of the Arkansas
16 River;

17 Whereas, David by his devotion to duty and his
18 good judgment has earned the respect of all members
19 of the Arkansas River Compact Administration;

20 Whereas, David passionately represented his
21 home area of the basin while at the same time
22 reaching out to water users in other parts of the
23 Arkansas Basin in both States;

24 Whereas, David through his service on the
25 Operations and Engineering Committees successfully

1 encouraged and guided the resolution of many
2 disputed issues between the States;

3 Whereas, David is particularly appreciated for
4 having promoted a process for framing and
5 documenting new issues as they arise in order to
6 facilitate understanding and the development of
7 solutions as represented by the Water Issues Matrix
8 and fostering the communication between the
9 Operations and Assistant Operations Secretaries;

10 Whereas, David desired to see such resolutions
11 stand the test time and therefore emphasized the
12 importance of governance and procedures as
13 resolutions were developed; and

14 Whereas, David will be relinquishing his
15 position as Representative of the Arkansas River
16 Compact Administration after this Annual Meeting.

17 Now, therefore, be it resolved that the said
18 Administration desires to express its gratitude and
19 appreciation for the opportunity to have known and
20 worked with David and for his loyal and faithful
21 service, his fine cooperation, and his aid in
22 solving the administrative problems confronting the
23 Administration during this tenure as representative
24 and that the Administration sincerely wishes him the
25 best of everything and continued health and

1 happiness in all of his future endeavors;

2 Be it now therefore resolved that the
3 Administration honor David Brenn's service by
4 including this resolution and the appropriate
5 dedicatory remarks in the Administration's annual
6 report for the Compact Year 2012 hereby instructs
7 the Recording Secretary to provide a copy of this
8 resolution to David Brenn and to the Governor of
9 Kansas. Adopted this date.

10 I would move adoption of this resolution.

11 MS. GIMBEL: And a wholehearted second.

12 MR. HAYZLETT: Moved and seconded?

13 Further comments?

14 MR. THOMPSON: It's been a pleasure.

15 MS. GIMBEL: It's been a pleasure.

16 MR. BRENN: Thank you.

17 MS. GIMBEL: Thank you.

18 MR. HAYZLETT: Moved and seconded.

19 Kansas's vote?

20 MR. BARFIELD: Aye.

21 MR. HAYZLETT: And Colorado?

22 MS. GIMBEL: Aye.

23 MR. HAYZLETT: Motion carried.

24 (Applause.)

25 MR. BARFIELD: We don't actually often

1 get to honor the individuals when they're still
2 here. I think this is a fairly unique, but thank
3 you, and this will be that attached as Exhibit S.

4 MR. HAYZLETT: And Dave, thank you
5 sincerely for all your service.

6 MR. BRENN: Thank you, Randy.

7 MR. HAYZLETT: We'll move ahead then with
8 13.D., financial matters, approval of the audit
9 report. We should be able to move through these
10 fairly rapidly. We took care of that last night in
11 the committee meetings.

12 MS. GIMBEL: Mr. Chair, I would recommend
13 approval of the audit report. (See Exhibit T for
14 report)

15 MR. HAYZLETT: Okay.

16 MR. BARFIELD: That's a motion?

17 MS. GIMBEL: That's a motion. I'm sorry.

18 MR. BARFIELD: I would second.

19 MR. HAYZLETT: Moved and seconded? More
20 discussion? Hearing none, Colorado vote?

21 MS. GIMBEL: Aye.

22 MR. HAYZLETT: And Kansas?

23 MR. BARFIELD: Aye. That will be Exhibit
24 T.

25 MR. MILLER: We'd like to get the

1 Vice-Chairman to just initial the copy before we
2 make it an exhibit.

3 MR. HAYZLETT: All right. Approval of
4 the USGS contracts.

5 MS. GIMBEL: Mr. Chair, I would move
6 approval of the USGS contracts.

7 MR. BARFIELD: Second.

8 MR. HAYZLETT: Moved and seconded. More
9 discussion? Hearing none, Colorado vote?

10 MS. GIMBEL: Aye.

11 MR. HAYZLETT: And Kansas?

12 MR. BARFIELD: Aye.

13 MR. HAYZLETT: Okay. Motion carried?
14 Approval of the CoAgMet contract.

15 MS. GIMBEL: Mr. Chair, I would move
16 approval of the CoAgMet contract.

17 MR. BARFIELD: Second.

18 MR. HAYZLETT: Moved and seconded. More
19 discussion?

20 MR. MILLER: Just one thing. The actual
21 action is ratification because it's already been
22 signed, and just to identify what you did, we're
23 talking about a services agreement signed by Randy
24 Hayzlett on September 25th, 2012, and I don't think
25 the agreement itself needs to be an exhibit. We've

1 just identified it and it's operative already.

2 MR. HAYZLETT: Okay. Moved and seconded
3 then, and Colorado vote?

4 MS. GIMBEL: Aye.

5 MR. HAYZLETT: And Kansas?

6 MR. BARFIELD: Aye.

7 MR. HAYZLETT: Okay. The adoption of the
8 budget.

9 MS. GIMBEL: Mr. Chair, I would move
10 adoption of the '12-'13 and '13-'14 budgets now.
11 No?

12 MR. MILLER: The only budget action that
13 needs to be taken by ARCA is approval of a new
14 budget for the Fiscal Year 2014 to 2015. I have a
15 copy of that. It's marked draft, if you'd like to
16 make that an exhibit, or we can print it out at the
17 conclusion of the meeting, get Stephanie to sign it,
18 and make that version an exhibit. It's up to you.
19 This might be the simplest, just to put the draft
20 agenda in the exhibit and we'll get it signed after.

21 MS. GIMBEL: The draft budget. (See
22 Exhibit U)

23 MR. MILLER: And the way to identify that
24 is the year is Fiscal Years 2014 through 2015. It
25 anticipates expenditures of \$94,550 and income of

1 \$96,250.

2 MR. HAYZLETT: Okay. And we're going to
3 make that an exhibit then?

4 MS. GIMBEL: That will be an exhibit.

5 MR. BARFIELD: Exhibit U.

6 MR. HAYZLETT: Okay.

7 MS. GIMBEL: So I move rati- -- no, I
8 move adoption of the '13-'14 -- the '14-'15 budget.

9 MR. MILLER: The '14-'15, as just
10 described.

11 MR. BARFIELD: All right. Second.

12 MR. HAYZLETT: Moved and seconded. More
13 discussion? Hearing none, Colorado?

14 MS. GIMBEL: Aye.

15 MR. HAYZLETT: And Kansas?

16 MR. BARFIELD: Aye.

17 MR. HAYZLETT: Motion carried. Approval
18 of transcripts.

19 MS. GIMBEL: Mr. Chair, I would move
20 approval of the -- now he's got me all flustered
21 here -- the 2011 transcript. Thank you.

22 MR. BARFIELD: Second.

23 MR. HAYZLETT: Moved and seconded. More
24 discussion? Hearing none. Colorado?

25 MS. GIMBEL: Aye.

1 MR. HAYZLETT: And Kansas?

2 MR. BARFIELD: Aye.

3 MR. HAYZLETT: Motion carried.

4 MR. BARFIELD: Does that need to be an
5 exhibit?

6 MR. MILLER: No, no. You don't want to
7 make last year's minutes an exhibit to this year's.

8 MR. BARFIELD: All right. That's fine.

9 MR. HAYZLETT: Officers and committee
10 appointments for the coming year. Jennifer.

11 MS. GIMBEL: Mr. Chair, I would offer a
12 motion to have the slate of officers and committee
13 chairs be -- well, let's do officers first.
14 Vice-Chair, yourself, Randy Hayzlett; Recording
15 Secretary-Treasurer, Stephanie Gonzalez; Operations
16 Secretary, Steve Witte; and Assistant Operations
17 Secretary, Kevin Salter.

18 MR. HAYZLETT: Okay. You moved that?

19 MS. GIMBEL: I moved that.

20 MR. BARFIELD: And I would second that.

21 MR. HAYZLETT: Moved and seconded. More
22 discussion? Hearing none, Colorado?

23 MS. GIMBEL: Aye.

24 MR. HAYZLETT: And Kansas?

25 MR. BARFIELD: Aye.

1 MR. HAYZLETT: Appointment of committee
2 chairs.

3 MS. GIMBEL: Mr. Chair, I would move that
4 we appoint the committee chairs for Operations,
5 Colin Thompson as Chair with Dave Brenn as member;
6 for the Administrative and Legal Committee, myself,
7 Jennifer Gimbel as Chair and Randy Hayzlett,
8 yourself, as member; and then Engineering, David
9 Barfield as Chair and Matt Heimerich as member. I
10 would so move.

11 MR. BARFIELD: I would second, and I
12 would note that as a result of David Brenn
13 resigning, we'll probably have some movements in
14 committee members. I don't think it will affect the
15 committee chairs.

16 MR. HAYZLETT: Okay. More discussion?
17 Hearing none, Colorado?

18 MS. GIMBEL: Aye.

19 MR. HAYZLETT: And Kansas?

20 MR. BARFIELD: Aye.

21 MR. HAYZLETT: Motion carried.

22 Instructions to the Committees. Did we have any
23 instructions that came out of the committee
24 meetings?

25 MS. GIMBEL: Mr. Chair, I would only

1 remind, as I said in the report, that we've asked
2 staff to report on how to go about getting a web
3 site up.

4 MR. HAYZLETT: Yes. I think that's the
5 only instructions I recall. Okay. That takes care
6 of Item D. I think we're ready for public comments.
7 I'll open the floor I guess to anyone that may want
8 to come forward with comments or on any of the
9 agenda items.

10 MR. HINES: Mr. Chair?

11 MR. HAYZLETT: Yes.

12 MR. HINES: Steven Hines, Frontier Ditch.
13 I would like Colorado and Kansas each to speak to
14 the item of the Super Ditch, please.

15 MR. HAYZLETT: Okay. Do we have anyone
16 that can make a few comments on the status of that?

17 MR. HEIMERICH: I think Bill Tyner
18 perhaps might be the best designee. I'm sorry. Is
19 that appropriate? Bill?

20 MR. TYNER: I'll be glad to do it. The
21 2012 Lower Arkansas Valley Water Conservancy
22 District did submit an application for a substitute
23 water supply plan to dry up portions of several
24 farms under the Catlin Canal to be used for a Pilot
25 Program to see if that historic consumptive use

1 water from those dried up lands could be used as a
2 leased source for municipal interests. The Lower
3 Arkansas Valley Water Conservancy District had
4 worked with a couple of communities along Fountain
5 Creek that would be the purchasers of that water.

6 Unfortunately, with the -- well, let me keep
7 going with the narrative in chronological order.
8 That substitute water supply plan was initially
9 approved by the State Engineer. It -- the approval
10 contains a large number of conditions that were
11 required in order to be able to operate that plan.
12 The one element of that plan to maintain historic
13 return flows to prevent injury or prevent a Compact
14 violation was to use recharge ponds to help the lag
15 return flows be maintained in the proper amounts,
16 timing and location, and the approval letter
17 contained some specific conditions that required
18 those recharge ponds to be tested first to make sure
19 they would operate properly to maintain return
20 flows.

21 With the drought conditions that we had in
22 2012, unfortunately, the Catlin Canal went out of
23 priority and could not divert water to test those
24 ponds in time, and so there was a provision in that
25 substitute water supply plan approval that caused

1 the plan to basically expire under that condition if
2 they could not test those ponds successfully by a
3 certain date, and that substitute water supply plan
4 did expire once that condition could not be met; so
5 no, no changed use of those Catlin Canal shares for
6 municipal purposes occurred during 2012.

7 MR. SALTER: As far as Kansas' comments,
8 this is a project that we have been monitoring. I
9 appreciate the project proponents and the Colorado
10 Division of Water Resources keeping us in the loop
11 of things as they came up. We participated in
12 meetings that were associated with the Super Ditch.

13 Also, even though it didn't ultimately come to
14 a substitute water supply plan application, we did
15 review the proposed dry-up in the fields, as well as
16 the recharge sites, and we did offer our comments to
17 concerns that we saw with both of those in the
18 field.

19 MR. HINES: Thank you.

20 MR. HAYZLETT: Any other questions?
21 Fred, did you have something?

22 MR. JONES: I have a comment.

23 MR. HAYZLETT: Yes, please.

24 MR. JONES: My name is Fred Jones. I'm
25 the City Administrator at Lakin, Kansas, and I'm not

1 quite sure how to frame my comments within the
2 charge of the Compact Administration, but I just
3 wanted to share a little bit about what's happening
4 in Lakin regarding our water quality.

5 Since 2007, we've been notified by the Kansas
6 Department of Health and Environment that we are in
7 violation of a water quality standard; that being
8 the amount of uranium within our water supply.
9 We've consistently exceeded that standard since
10 2007. Oddly enough, with the exception of this
11 year, we haven't violated yet.

12 We're in the process of constructing a water
13 treatment plant at the cost of about \$5.5 million to
14 the 900 and so rate-payers in Lakin. We continue to
15 work on it. We're trying to work with Groundwater
16 Management and the Department of Water Resources, I
17 think -- or, sorry, not DWR so much, but the Kansas
18 Geological Survey, in terms of monitoring to see if
19 there's any correlation between the quality of the
20 water that's coming to Kansas in the river and the
21 quality of the water that we're pulling from our
22 well fields. Our well field is north of the river
23 by a few miles, but the Amazon Ditch does run in
24 close proximity to our well field, so that's my
25 comments.

1 MR. HAYZLETT: Okay. Thank you. Any
2 other public comments on any of the agenda items?
3 Hearing none --

4 MR. BARFIELD: Can I make one additional
5 comment? Just because we're going to future
6 meetings, I just want to appreciate again Colorado
7 for allowing us to host the meeting here and just
8 appreciate, I think, the good attendance here by
9 citizens of on both sides of the Stateline, and I
10 appreciate the work of several staff here in Garden
11 City to make this meeting happen smoothly: Kevin
12 Salter, Brandy Cole and, in particular, Rachel
13 Duran, so thank you -- thank you much for, for a
14 smooth meeting here as we wrap this one up.

15 MR. HAYZLETT: Yes. We appreciate
16 Groundwater Management District Number 3 providing
17 the refreshments during the two meetings here.

18 Future meetings, it looks like the 2013 Annual
19 Meeting --

20 MS. GIMBEL: Mr. Chair?

21 MR. HAYZLETT: Yes.

22 MS. GIMBEL: I want to first of all thank
23 Kansas for being such gracious hosts and everything
24 that you've done. It's a very comfortable meeting
25 and I appreciate that.

1 I also want to express my appreciation to all
2 the commissioners up here with respect to being very
3 flexible, because I have this problem about
4 conflicts between the Colorado River and the
5 Arkansas River and I don't want to pick which one's
6 more important, and so I think, because they're both
7 very, very important, and so I would move that our
8 next meeting be held in Lamar on December 18th, with
9 committee meetings on the 17th.

10 MR. BARFIELD: I would second.

11 MR. HAYZLETT: Moved and seconded. More
12 discussion? Hearing none, then how does Colorado
13 vote?

14 MS. GIMBEL: Aye.

15 MR. HAYZLETT: And Kansas?

16 MR. BARFIELD: Aye.

17 MR. HAYZLETT: Okay. Next year will be
18 in Lamar.

19 Committee meetings. We did talk about a June
20 meeting, the Administrative and Legal, or was that a
21 full ARCA meeting? I guess we hadn't really
22 decided.

23 MS. GIMBEL: We hadn't really talked
24 about that. Let's see how a couple months go here
25 and what work we get done.

1 MR. HAYZLETT: And I guess that takes
2 care of the special meetings of ARCA as well, so I
3 don't think we have any more business to come before
4 the Administration today, so I think that brings us
5 to the motion for adjournment.

6 MR. BARFIELD: I would move we adjourn.

7 MS. GIMBEL: And I second.

8 MR. HAYZLETT: It's been moved and
9 seconded. All in favor say aye.

10 MR. BARFIELD: Aye.

11 MS. GIMBEL: Aye.

12
13 (Proceedings concluded at 12:54 p.m.
14 Mountain Time)

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EXHIBIT LIST

Exhibits accepted by ARCA follow in the order introduced:

- A. Attendance List
- B. Notice & Agenda
- C. USGS Report
- D. U.S. Army Corps of Engineers Report
- E. U.S. Bureau of Reclamation Report
- F. U.S. Bureau of Reclamation Power Point Presentation
- G. Kansas Department of Health and Environment Briefing
- H. Ten-Year Accounting of Depletions and Accretions to Usable Stateline Flow, 2002-2011
- I. Offset Account Review Joint Report
- J. Colorado Presumptive Depletion Factor (PDF) Report
- K. Operations Secretary Report
- L. Assistant Operations Secretary Report
- M. Offset Account Report
- N. Committee Action Items
- O. Pat Edelmann Commendation Letters
- P. Letters regarding Amendments to Trinidad Operating Principles
- Q. Resolution 2012-01 Amendments to the Operating

1 Principles Trinidad Dam and Reservoir Project

2 R. Resolution 2012-02 Regarding Seventh Extension
3 of the Term of the Special Engineering
4 Committee

5 S. Resolution 2012-03 Honoring David Brenn

6 T. ARCA Audited Financial Statements, 6/30/2012

7 U. FY14-15 Proposed Budget

8
9 ADOPTED RESOLUTION

10 ARCA adopted following resolutions:

11 1. Resolution 2012-01 Amendments to the Operating
12 Principles Trinidad Dam and Reservoir Project

13 2. Resolution 2012-02 Regarding Seventh Extension
14 of the Term of the Special Engineering
15 Committee

16 3. Resolution 2012-03 Honoring David Brenn
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1 STATE OF KANSAS)

2 COUNTY OF RENO)

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4 This is to certify that I, Lee Ann Bates, a
5 Certified Shorthand Reporter in and for the State of
6 Kansas, reported in shorthand the proceedings had at
7 the time and place set forth on the title page hereof
8 and that to the best of my ability, the above and
9 foregoing pages contain a full, true and correct
10 transcript of the said proceedings.

11 Certified to on this 8th day of December, 2013.

12
13 Lee Ann Bates, CSR, RPR, CRR
14 ADVANCED COURT REPORTING SERVICES
15 LEE ANN BATES, CSR, RPR, CRR
16 27113 West Mills Avenue
17 Plevna, Kansas 67568
18 (620) 793-6555 or (620) 664-7230
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