

ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Dan McAuliffe (Acting), Denver

Colin Thompson, Holly

Matt Heimerich, Olney Springs

Chairman and Federal Representative

Robin Jennison, Healy, Kansas

For Kansas

David Barfield, Topeka

Randy Hayzlett, Lakin

David A. Brenn, Garden City

RESOLUTION 2007-05

ARKANSAS RIVER COMPACT ADMINISTRATION

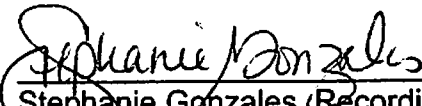
Acceptance of Special Engineering Committee Recommendation "E"

BE IT RESOLVED that the Arkansas River Compact Administration hereby approves the attached Recommendation "E" of the Special Engineering Committee entitled: "Clarification of procedures for making up deficits on deliveries of Kansas account releases and Concurrent releases from the Kansas releases from the Kansas transit loss account and the Kansas account", dated April 11, 2007. Note the heading on the attached Recommendation "E" incorrectly indicates that it is from the "Special Operations Committee", however the text and approval block are clear that the recommendation is from the Special Engineering Committee.

BE IT FURTHER RESOLVED that the Administration directs that this recommendation be implemented for all subsequent operations and that this recommendation shall be incorporated into any future amendment of the Resolution Concerning an Operating Plan for John Martin Reservoir, adopted April 24, 1980 as amended.

Entered this 11th day of December 2007, at the Annual Meeting of the Arkansas River Compact Administration held in Lamar, Colorado.

Robin Jennison, Chairman
Arkansas River Compact Administration



Stephanie Gonzales, Recording Secretary
Arkansas River Compact Administration

Recommendation E
Special Operations Committee
April 2007

**Clarification of procedures for making up deficits on deliveries of Kansas account releases
and
Concurrent releases from the Kansas transit loss account and the Kansas account**

The Arkansas River Compact Administration (ARCA) created a Special Engineering Committee by means of Resolution No. 2005-1 and directed said committee to develop recommendations to ARCA which will reduce or eliminate disputes between the States. ARCA extended the charter for the Special Engineering Committee by means of Resolution No. 2006-7.

Pursuant to said Resolutions, Rod Kuharich and Hal Simpson, for Colorado; David Brenn and David Pope for Kansas; and Robin Jennison, Federal member, ex-officio, were appointed members of the Special Engineering Committee.

Two issues related to provisions of the 1980 Operating Plan affecting accounting and operations associated with deliveries from the Kansas account have been disputed: (1) accounting procedures for making up deficits on deliveries of Kansas account releases¹ and (2) concurrent releases from the Kansas transit loss account and the Kansas account.²

The first of these issues has effectively been resolved through an informal agreement between the Operations Secretary and the Assistant Operations Secretary concerning an interpretation to reconcile apparent inconsistencies within the 1980 Operating Plan and the second issue has also been addressed/resolved as part of an agreement between the Colorado State Engineer and the Kansas Chief Engineer.³

To fully implement these agreements, the Special Engineering Committee recommends that Subsection II E (4) of the 1980 Operating Plan be amended as follows:

- (4) Releases of Kansas account water shall be measured at the Stateline as provided in Compact Article V E (3) allowing appropriate travel times. Water available within the Kansas transit loss account may be released concurrently with a release from the Kansas account in a manner consistent with agreements between Colorado and Kansas officials governing such releases, for the purpose of preventing transit losses. If

¹ This issue has been referenced as Issue #31 in the "Matrix" document, JMR Accounting Issues, dated April 2005.

² This issue has been referenced as Issue #32 in the "Matrix" document, JMR Accounting Issues, dated April 2005.

³ See paragraph E. of Agreement on Determination of Transit Loss under the provisions of Section II E (4) of the Resolution Concerning an Operating Plan for John Martin Reservoir, October 2006, revised December 2006

transit losses occur, those losses shall be determined by the Colorado Division Engineer and a representative of the Kansas Division of Water Resources and shall be replenished from the Kansas transit loss account to the Kansas account. In the event that such losses at the end of the delivery are greater than the total remaining in the Kansas transit loss account, then the deficit shall be made up to the Kansas account from the next available transfers of other water under Subsection III D.

Furthermore, the Special Engineering Committee recommends that Section III D of the 1980 Operating Plan be amended as follows:

... First, transfers from deliveries shall make up deficits, if any, ~~in the Kansas transit loss account~~ which result from Subsection II E (4), herein, and ~~shall then also~~ fill the Kansas transit loss account to the amount of 1,700 acre-feet...

Therefore, it is recommended that ARCA incorporate these recommendations through amendments to the 1980 Operating Plan.

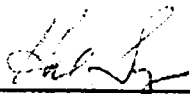
Special Engineering Committee Approval



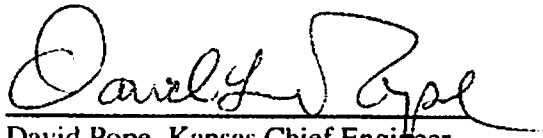
Rod Kuharich, Colorado



David Brenn, Kansas



Hal Simpson, Colorado State Engineer



David Pope, Kansas Chief Engineer

Date: 4.11.07

2 of 4 originals