

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT

AMENDED 2018

Preamble

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

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

Article I - OBJECTIVES

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

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

- (c) Storage in Trinidad Reservoir of the winter flows of the Purgatoire River historically diverted for winter irrigation of project lands.
- 3. The maintenance of a minimum pool for enhancement of recreation and fishery values.
- 4. The construction of the Trinidad Dam and Reservoir with the following allocated capacities:

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

Article II – DEFINITION OF TERMS

Definition of terms as used herein:

1. **"Colorado State Engineer"** means the **Colorado State Engineer** or such other administrative agency having jurisdiction and control over the distribution of the waters of the State of Colorado.
2. **"District"** means the Purgatoire River Water Conservancy District, that entity created and existing under laws of the State of Colorado to contract for repayment to the United States of an appropriate share of the project costs allocated to the irrigation and M&I use. The **District** shall also be the agency responsible for the regulation of irrigation and M&I water supplies within the **District** boundaries in the manner set forth therein.
3. **"District Irrigable Area"** means only 19,499 acres of the contracted lands lying within the **District** Boundaries.
4. **"District Storage Right"** means those rights under which the **District** may store water in the **irrigation capacity** for use within the **District**.
5. **"District Water Supply"** means that water supply of the Purgatoire River subject to **District** administration for irrigation and M&I use within the **District**, and which may be used to replace evaporation and seepage from the **permanent fishery pool** if rights to water stored in the **irrigation capacity** are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose.

6. **"Flood Control"** means the temporary storage of flood waters at any **reservoir** pool level as necessary to alleviate flood damages through the City of Trinidad and downstream reaches.
7. **"Flood Control Capacity"** means the 51,000 acre-feet of capacity exclusively allocated to **flood control** lying initially above m.s.l. **reservoir** elevation 6,229.6.
8. **"Irrigation Capacity"** means the 20,000 acre-feet of reservoir capacity allocated to irrigation and M&I use plus the unsedimented portion of the joint use capacity, and which may be used to replace evaporation and seepage from the **permanent fishery pool** if rights to water stored in the **irrigation capacity** are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose. Use of the **irrigation capacity** to replace evaporation and seepage from the **permanent fishery pool** shall not diminish the payment of the annual construction charge by the **District** pursuant to Contract No. 7-07-70-W0095, as amended, between the **District** and the United States.
9. **"Irrigation Season"** means that period of the year, as determined annually by the **District**, during which water may be beneficially applied to the **District irrigable area**, less those lands **removed from irrigation**, provided the **irrigation season** will not begin earlier than April 1 or end later than October 15, except as modified by the **District** with the consent of the Secretary of Interior.
10. **"Non-Irrigation Season"** means that period of the year other than the **irrigation season**.
11. **"Operating Agency"** means the U.S. Army Engineer District, Albuquerque, New Mexico, Corps of Engineers.
12. **"Permanent Fishery Pool"** means the quantity of water stored in the **Permanent Fishery Pool Capacity**.
13. **"Permanent Fishery Pool Capacity"** means the 15,967 acre-feet of **reservoir** capacity allocated to fishery and recreation.
14. **"Removed from irrigation"** means **District irrigable area** for which the associated consumptive use has been changed from **irrigation** to another type of use by decree or approval of the State Engineer.
15. **"Reservoir"** means the reservoir presently planned and authorized for construction on the Purgatoire River above the City of Trinidad, Colorado.

16. **"Reservoir Inflow"** is to be expressed in mean daily cubic feet per second of time and means that total flow of water entering the **reservoir** comprising of measured flows at the inflow gaging stations and other unmeasured inflows entering the reservoir, less such flow of water as may be acquired and imported into the Arkansas River Basin by the State of Colorado for filling and maintaining the **permanent fishery pool**.
17. **"Unused Sediment Capacity"** means that portion of the 39,000 acre-feet of **reservoir** capacity allocated to joint use but unoccupied by sediment at any given time.

Article III - FLOOD CONTROL

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

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

ARTICLE IV-- IRRIGATION, MUNICIPAL AND INDUSTRIAL

Administration of the **irrigation capacity** in Trinidad Reservoir and the distribution of water to the **District irrigable area**, to M&I uses within the **District**, and to replace evaporation and seepage from the **permanent fishery pool** if rights to water stored in the **irrigation capacity** are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, will be made by the **District** in accordance with House Document No. 325, 84th Congress, 2d Session, and these operating principles. Agreements, satisfactory to the Secretary of the Interior, shall be entered into between the **District** and the ditch companies and other owners of affected water rights to insure that these principles and the operation described herein shall be adopted.

The principles and provisions under which the **District** will administer water supplies to the **District irrigable area**, to M&I uses within the **District**, and to replace evaporation and seepage from the **permanent fishery pool** if rights to water stored in the **irrigation capacity** are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, are contained in the following four parts of this Article:

“Water Rights,” “Limits of Land and Water Use,” “**District Water Supply**,” and “Operation and Exercise of Water Rights.”

A. Water Rights

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

1. The water users within the **District** shall assign the right to the exercise of all the decreed direct flow water rights within the **District** boundaries to the **District** for administration by the **District** at such times and to the degree outlined in these principles. The right to the exercise of the following water rights, all in Water District No. 19, shall be so assigned.

Direct Flow Rights
Water Division No. 2

| <u>Number</u> | <u>Priority Date</u> | <u>Contracted Amount (cfs)</u> | <u>Contracting User</u> |
|---------------|--------------------------|--|----------------------------|
| 3 | 11/30/1861 | 4.00 | Baca |
| 3 | 11/30/1861 | 2.00 | Chicosa, Lujan & Northside |
| 5 | 03/20/1862 | 4.00 | Johns Flood |
| 7 | 04/30/1862 | 7.00 | Chilili |
| 8 | 11/15/1862 | 1.55 | El Moro Water Users |
| 8 | 11/15/1862 | 2.18 | El Moro |
| 9 | 01/01/1863 | 1.28 | Johns Flood |
| 9 | 01/01/1863 | 4.72 | Hoehne |
| 12 | 06/30/1863 | 0.50 | Enlarged South Side |
| 13 | 01/01/1864 | 1.25 | Johns Flood |
| 13 | 01/01/1864 | 3.75 | R. Lacy |
| 15 | 04/10/1864 | 5.10 | Johns Flood |
| 15 | 04/10/1864 | 0.80 | Hoehne |
| 15 | 04/10/1864 | 0.847 | R. Lacy |
| 19 | 06/01/1865 | 4.00 | R. Lacy |
| 20 | 10/07/1865 | 7.35 | Johns Flood |
| 20 | 10/07/1865 | 16.65 | Hoehne |
| 21 | 01/01/1866 | 3.25 | R. Lacy |
| 22 | 02/01/1866 | 1.34 | R. Lacy |
| 27 | 05/31/1866 | 2.25 | Johns Flood |
| 27 | 05/31/1866 | 0.75 | R. Lacy |
| 40 | 04/30/1868 | 1.40 ¹ | Enlarged South Side |

¹ 0.77 cfs abandoned, 0.63 cfs remains

| <u>Number</u> | <u>Priority Date</u> | <u>Contracted Amount (cfs)</u> | <u>Contracting User</u> |
|---------------|--------------------------|--|----------------------------|
| 64 | 04/01/1873 | 2.40 | Johns Flood |
| 73 | 11/01/1875 | 6.00 | Enlarged South Side |
| 74 | 02/17/1876 | 34.00 | Enlarged South Side |
| 75 | 12/25/1876 | 4.00 | Enlarged South Side |
| 77 | 03/11/1877 | 1.30 | El Moro |
| 77 | 03/11/1877 | 2.70 | El Moro Water Users |
| 80 | 04/07/1877 | 18.60 | Enlarged South Side |
| 93 | 12/15/1882 | 4.00 | Enlarged South Side |
| 95 | 11/04/1883 | 14.39 | Chicosa, Lujan & Northside |
| 96 | 11/23/1883 | 16.84 | Enlarged South Side |
| 98 | 04/30/1884 | 60.00 | Enlarged South Side |
| 103 | 06/21/1886 | 14.73 | Chicosa, Lujan & Northside |
| 104 | 10/21/1886 | 10.00 | R. Lacy |
| 106 | 03/12/1887 | 15.00 | Chicosa, Lujan & Northside |
| 108 | 02/15/1888 | 9.70 | Enlarged South Side |
| 109 | 03/01/1888 | 8.00 | Enlarged South Side |
| 145 | 10/20/1902 | 100.00 | Johns Flood |
| 168 | 01/22/1908 | 200.00 | Model |
| 242 ½ | 06/12/1920 | 45.56 | Chicosa, Lujan & Northside |

2. Waters of the Purgatoire River shall be stored by the **District** in the **irrigation capacity** of Trinidad Reservoir under rights created under Colorado law; said rights, defined as the **District storage right**, include:
 - a) The Model storage right, being the right to store 20,000 acre-feet of water from the flows of the Purgatoire River, under reservoir priority No. 10 in Water District No. 19 at a rate of flow not exceeding 700 cubic feet per second of time under date of appropriation of January 22, 1908, as decreed by the District Court of Las Animas County, Colorado, on January 12, 1925, which right shall, by appropriate statutory proceedings be transferred from the place of storage as originally decreed to the site of the **reservoir**; and
 - b) Such other rights to store water in the **reservoir** as the **District** may lawfully acquire by appropriation or purchase.

B. Limits of Land and Water Use

In order that the Trinidad Dam and Reservoir Project may provide an optimum beneficial use of water for irrigation, and M&I uses within the **District**, and to replace evaporation and seepage from the **permanent fishery pool** if rights to water stored in the **irrigation capacity** are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, the following limitations on land and water use shall apply:

1. The acreage irrigated by the **District water supply** shall be limited to the **District irrigable area**, less those lands **removed from irrigation**. The **District irrigable area** shall be composed as nearly as practicable of the acreage identified in contracts with the **District** under individual ditches:

| | |
|-----------------------|---------------|
| Picketwire | 2,414.7 acres |
| Baca | 319.6 acres |
| Chilili | 300.0 acres |
| El Moro | 176.9 acres |
| Johns Flood | 2,170.7 acres |
| Model | 7,028.8 acres |
| Enlarged South Side | 6,299.6 acres |
| Hoehne | 1,200.0 acres |
| Burns & Duncan | 229.7 acres |
| Lewelling & McCormick | 467.9 acres |

a total of 20,607.9 contract acres.

2. The **District** shall provide notice each year, prior to June 1, to the State of Kansas, the Bureau of Reclamation, and other parties making a written request, of lands expected to be irrigated. Such notice shall include a map and a tabulation of said lands, both showing tracts, their acreage and location. Any interested party may conduct field inspections related to the **District irrigable Area**, and the **District** shall cooperate with the party in the conduct of such inspections.

The **District** shall implement substantive procedures to verify each year that no more than the **District Irrigable Area**, less lands **removed from irrigation**, are irrigated in that year. The **District** shall prepare a report each year including a tabulation showing tracts, acreage and location of lands irrigated in that year. The **District** shall provide the report to the State of Kansas, the Bureau of Reclamation, and other parties making a written request, by February 1 of the following year.

3. All water deliveries to the **District irrigable area**, less those lands **removed from irrigation**, will be limited during the **irrigation season** to the irrigation requirements at the farm headgate as determined by the **District**. Allowance for

canal and lateral losses on the individual ditch systems will be determined by the **District**.

4. Water deliveries may be diverted or stored for M&I or **permanent fishery pool** purposes with the following limitations:

(a) Conditions applicable to the City of Trinidad:

- (1) Only water attributable to the historic consumptive use on acreage **removed from irrigation**, limited to 1,171.7 acres under the Johns Flood Ditch system and 373.7 acres under The Model Land & Irrigation Company system may be made available for M&I storage or **permanent fishery pool** storage. Water deliveries shall be limited to the following volumes, which shall not include the volumes retained in storage for later release to maintain historic delayed return flow patterns to the Purgatoire River:

| | Maximum Monthly Water Deliveries (acre-feet) |
|--------------|--|
| Apr | 257 |
| May | 403 |
| Jun | 661 |
| Jul | 801 |
| Aug | 725 |
| Sep | 403 |
| Oct | 187 |
| Nov - Mar | 0 |
| Annual Total | 3,276 |

- (2) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage **removed from irrigation** shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River. Such return flows, which shall include **non-irrigation season** return flows, shall be equal to at least 35 percent of the water available to acreage **removed from irrigation**.
- (3) Removal of **District** irrigable land from irrigation to enable water to be diverted or stored for M&I or **permanent fishery pool** purposes shall correspondingly reduce the number of acres allowed to be irrigated from the **District water supply**. Prior to April 1 each year, the City of Trinidad shall provide notice to the

Arkansas River Compact Administration and the State of Kansas of the acreage to be removed each year corresponding to the amount of water for the Johns Flood Ditch and the Model ditch to be stored in Trinidad Reservoir for that year. The report shall include a map indicating the specific acreage to be **removed from irrigation**.

- (4) Any Colorado state court or administrative approval of the City of Trinidad's water use covered by these Operating Principles shall require compliance herewith.
- (b) Conditions applicable to the State of Colorado, Department of Natural Resources, Colorado Division of Parks and Outdoor Recreation:
 - (1) Only water attributable to the historic consumptive use on acreage **removed from irrigation**, limited to 805.46 acres under The Model Land and & Irrigation Company system, may be made available from the **irrigation capacity** for replacement of evaporation and seepage from the **permanent fishery pool**. Water deliveries shall be limited to the following volumes, which shall not include the volumes retained in storage for later release to maintain historic delayed return flow patterns to the Purgatoire River:

| | Maximum Monthly Water Deliveries (acre-feet) |
|--------------|--|
| Apr | 135 |
| May | 210 |
| Jun | 345 |
| Jul | 420 |
| Aug | 380 |
| Sep | 210 |
| Oct | 95 |
| Nov - Mar | 0 |
| Annual Total | 1,708 |

- (2) Water attributable to historic return flows associated with the exercise of the water rights used on the acreage **removed from irrigation** shall be released in such a manner as to maintain the historic return flow patterns to the Purgatoire River. Such return flows, which shall include **non-irrigation season** return flows,

shall be equal to at least 35 percent of the water available to acreage **removed from irrigation**.

- (3) Removal of **District** irrigable land from irrigation to enable water from the **irrigation capacity** to be used for replacement of evaporation and seepage from the **permanent fishery pool** shall correspondingly reduce the number of acres allowed to be irrigated from the **District water supply**. Prior to April 1 each year, the Colorado Division of Parks and Outdoor Recreation shall provide notice to the **District**, the Arkansas River Compact Administration and the State of Kansas of the acreage to be removed each year corresponding to the amount of water for the Model Ditch to be stored in Trinidad Reservoir for that year. The report shall include a map indicating the specific acreage to be **removed from irrigation**.
 - (4) Any Colorado state court or administrative approval of the State of Colorado, Department of Natural Resources, Colorado Division of Parks and Outdoor Recreation water use covered by these Operating Principles shall require compliance herewith.
5. No water deliveries for irrigation of the **District irrigable area**, less those lands **removed from irrigation**, will be made during the **non-irrigation season**. Water may be released during the **non-irrigation season** for M&I use or to maintain historic return flow patterns for lands **removed from irrigation**.

C. District Water Supply

1. That water supply of the Purgatoire River subject to **District** administration for irrigation and M&I use within the **District**, and to replace evaporation and seepage from the **permanent fishery pool** if rights to water stored in the **irrigation capacity** are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, defined as the **District water supply**, consists of:
 - (a) The water stored under the **District storage right** in the **irrigation capacity**.
 - (b) The stream gains to the Purgatoire River below Trinidad Dam that are divertible to the **District irrigable area**, less those lands **removed from irrigation**, for irrigation use through the **District's** exercise of the water rights listed in IV.A.1.
 - (c) That portion of the **reservoir inflow** at Trinidad Dam which is available to the **District** through the **District's** exercise of the water rights listed in IV.A.1.

2. The **District water supply** will be allocated by the **District** to the ditches within the **District** to provide each acre of the **District irrigable area**, less those lands **removed from irrigation**, an equitable share of the **District water supply** after allowance has been made for individual ditch transportation losses, provided such allocation will not exceed the irrigation requirements at the farm headgate.

D. Operation and Exercise of Water Rights

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

1. Non-interference with Downstream Water Rights

- (a) Bypasses to the river shall be made at any time during the year to satisfy downstream senior rights as ordered by the **Colorado State Engineer** to the extent that such demands are not met by stream gains or otherwise satisfied; but are limited to the extent as determined by the **Colorado State Engineer** to actually benefit such rights without unnecessary waste through channel losses.
- (b) **Reservoir inflow** in excess of the amount stored under the transferred Model right may be detained in the **reservoir** at such times as John Martin Reservoir is reasonably expected to spill; to the extent that John Martin Reservoir would have spilled, such detained water shall be considered to have been stored under the **District storage right** and become part of the **District water supply**. Such detained water which does not become a part of the **District water supply** shall be released as called for by the **Colorado State Engineer** in the amounts and at such times as he shall determine that such releases may be required to avoid a material depletion of the water of the Arkansas River as defined in Article 3 of the Arkansas River Compact C.R.S., 1953, 148-9-1.
- (c) Except as provided by paragraph (b) above, any water temporarily detained in the **reservoir** as a result of the **reservoir inflow** exceeding the design outlet capacity of the **reservoir** shall be released as soon as possible.
- (d) All releases from the **reservoir** as set forth in (a), (b) and (c) above, shall be passed down the Purgatoire River without interference by water users in the **District irrigable area**.

2. District Operation, Non-Irrigation Season

- (a) During the **non-irrigation season** the **District** may provide an annual allowance for stock watering purposes of not more than 1,200 acre feet measured at the headgates of Project ditches. If the stream gains below the Trinidad Dam are insufficient to fulfill this allowance, water may be released from the reservoir at any rate within the parameters of the Water Control Manual as needed to efficiently satisfy stock water demands within the allowance. Any water accumulated but not released for stock watering purposes as of April 1 shall be accounted as part of the annual **District storage right**.
- (b) During the **non-irrigation season**, the **District** shall release water stored by the City of Trinidad as designated by the City of Trinidad for:
 - (1) M&I purposes;
 - (2) Winter return flows.
- (c) During the **non-irrigation season**, the **District** shall release water controlled by the Colorado Division of Parks and Outdoor Recreation as designated by the Colorado Division of Parks and Outdoor Recreation for winter return flows.
- (d) During the **non-irrigation season**, the **District** will exercise the direct flow water rights and the **District storage right** only at such times and to the degree as necessary to assure:
 - (1) That the maximum possible storage of **reservoir inflow** is accrued.
 - (2) The stock water allowance is distributed in a manner determined equitable by the **District**.

3. District Operation - Irrigation Season

- (a) During the **irrigation season**, except at such times as provided for in IV.D.3.(c) below, the **District** shall exercise the direct flow water rights and the **District storage right** only at such times and to the degree necessary to assure:
 - (1) That stream gains to the river below Trinidad Dam which are divertible to the **District irrigable area**, less those lands **removed from irrigation**, and such **reservoir inflow** which is available to the **District** for irrigation and M&I use, and to replace evaporation and seepage from the **permanent fishery pool** if rights to water

stored in the **irrigation capacity** are acquired by the State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation, for such purpose, will be equitably allocated to the **District irrigable area**, less those lands **removed from irrigation**, as part of the **District water supply**.

- (2) That the **District storage right** can be fully exercised to store **reservoir inflow** in excess of that bypass to the river as may be required under D.1.(a) and D.3.(a) (1) above.
- (b) During the **irrigation season**, water stored in the **irrigation capacity** will be released as needed to fulfill or partially fulfill the irrigation requirements of the **District irrigable area**, less those lands **removed from irrigation**, or as designated by the City of Trinidad, made available for M&I purposes or the **permanent fishery pool** as provided in paragraph IV.B.4.(a) above, or as designated by the Colorado Division of Parks and Outdoor Recreation, used for replacement of evaporation and seepage from the **permanent fishery pool** as provided in paragraph IV.B.4.(b) above.
- (c) During the **irrigation season**, when the **irrigation capacity** is empty as determined by the **District**, the **District** will relinquish its exercise of the direct flow water right provided that if the **reservoir inflow** and stream gains below Trinidad Dam which are divertible to the **District irrigable area**, less those lands **removed from irrigation**, exceed the irrigation requirement and such excess is storable under the **District storage right**, the **District** will resume the exercise of the direct flow rights and exercise of the **District storage right** as in D.3.(a) (2) above.

4. Evaporation and Seepage Losses

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

Article V - FISHERY AND RECREATION

The **permanent fishery pool** shall be operated in accordance with the following principles:

- 1. Water for the initial filling and for replacing evaporation and seepage losses will be acquired by the State of Colorado without interference to the **District water supply** or without interference to usable Stateline flows, or without additional cost to the **District** or the United States for the Trinidad Project as envisioned in House Document No. 325. In the specific case of the 11,467 acre-feet allocated

to the **permanent fishery pool** pursuant to the Final Environmental Assessment for Revision of the Water Control Manual to Allocate Excess Storage in Trinidad Lake, Las Animas County, Colorado, U.S. Army Corps of Engineers, dated September 1994, the initial filling shall only be made using waters imported into the Arkansas River basin from other river basins, either by direct importation or by exchange pursuant to the laws of Colorado. The initial filling and the replacement of evaporation and seepage shall be made according to the following procedures:

- (a) All water rights on the Purgatoire River downstream of Trinidad Reservoir will be satisfied during the period of any exchange;
- (b) Prior to any exchange, the specific source of imported or native water, as limited by the Operating Principles for Trinidad Dam and Reservoir Project, as amended, will be verified by the **Colorado State Engineer**;
- (c) For each acre-foot of native water stored in Trinidad Reservoir by exchange, the Colorado Division of Parks will deliver an acre-foot of identifiable imported water, or native water whose consumptive use has been determined by final decree of the Colorado Water Court, to the Arkansas River at the Las Animas gaging station;
- (d) Transit losses between the source of supply for an exchange and the Las Animas gage will be determined and assessed by the **Colorado State Engineer**, using the "Livingston Method" or other suitable means, to assure that a "one for one" exchange is accomplished.

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

- 2. The State of Colorado, Department of Natural Resources, Colorado Division of Parks and Outdoor Recreation, may acquire the rights to and use water stored in the **irrigation capacity** for the purpose of **permanent fishery pool** so long as the requirements of paragraph IV.B.4.(b) above are followed.
- 3. In the accounting for water in storage, evaporation and seepage losses due to the **permanent fishery pool** shall be determined using the most recent data available by the **Colorado State Engineer** and the **District** with the cooperation of the **operating agency**.
- 4. There shall never be any release or transfer of water from the **permanent fishery pool** excepting by necessity of dam safety or flood emergency operations as determined by the Corps of Engineers, District Engineer.

Article VI - REVIEW AND AMENDMENT

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

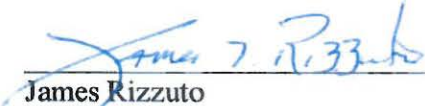
FIVE CONDITIONS

State of Kansas

1. All inflows over established Colorado water rights (1,156.05 c.f.s.) be designated flood flows and released as promptly as downstream conditions permit. The only time water so designated may be stored in the conservation pool will be when John Martin Reservoir does not have the capacity to store additional water.
2. Any subsequent amendment of the Operating Principles should be subject to review and approval of the same interests as provided for in the original procedure.
3. Assurances that there will be no significant increase in water use, which would result in a depletion of water yield to other Colorado and Kansas water users.
4. That 5 years after beginning operation of the Trinidad Reservoir for irrigation purposes, the Operating Principles be reviewed to determine the effect, if any, the operation has had on other Colorado and Kansas water users and the principles amended as necessary. Each 10 years thereafter, reviews should be provided with amendments as needed.
5. All operating records be open for inspection by any qualified representative of the Arkansas River Compact Administration.

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

OPERATING PRINCIPLES
TRINIDAD DAM AND RESERVOIR PROJECT
2018 AMENDMENTS APPROVED



James Rizzuto
Chairman
Arkansas River Compact Administration

7/12/18

Date

Jeff Colyer, M.D.
Governor
State of Kansas

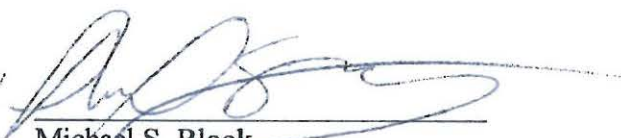
Date

Ralph Gagliardi
President
Purgatoire River Water Conservancy District

Date

Larry D. Caswell, Jr.
Lieutenant Colonel, U.S. Army
District Commander
USACE, Albuquerque District

Date



Michael S. Black
Regional Director
Great Plains Region
Bureau of Reclamation

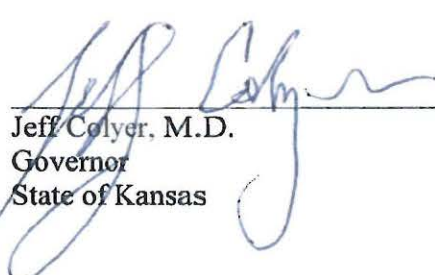
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Date

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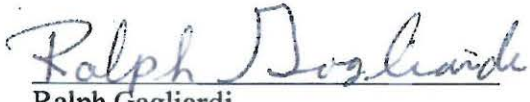
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Great Plains Region
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