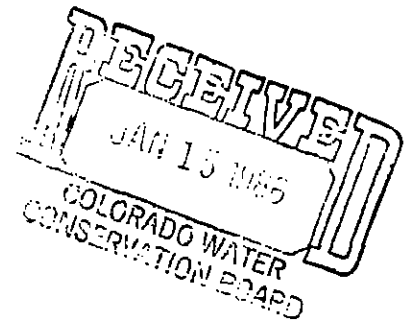


Corrections

- 1 3 ✓
- 2 4 ✓
- 3 10 ✓
- 4 11 ✓
- 5 12 ✓
- 6 ~~16~~
- 7 18 ✓
- 8 19 ✓
- 9 ~~21~~
- 10 33 ✓
- 11 43 ✓
- 12 44 ✓
- 13 ~~45~~
- 14 46 ✓
- 15 48 ✓
- 16 49 ✓
- 17 52 ✓
- 18 54 ✓
- 19 56 ✓
- 20 57 ✓
- 21 58 ✓
- 22 60 ✓
- 23 ~~61~~
- 24 73 ✓
- 25 75 ✓
- 76 ? ✓
- 81 ✓
- ~~82~~
- 84 ✓
- 86 ✓
- 88 ✓
- 90 ✓
- 91 ✓
- 94 ✓

- 96 ✓
- 98 ✓
- 99 ✓
- 102 ✓
- 103 ✓
- 104 ✓
- 105 ✓
- (107)
- 108 ✓
- 113 ✓

- 114 ✓
- 115 ✓
- 116 ✓
- 117 ✓
- 118 ✓
- 119 ✓
- 120 ✓
- 121 ✓
- 122 ✓



M I N U T E S  
 OF THE  
 ANNUAL MEETING  
 OF THE  
 ARKANSAS RIVER  
 COMPACT ADMINISTRATION  
 DECEMBER 10, 1985  
 RAMADA INN  
 PUEBLO, COLORADO

( P R O C E E D I N G S )

1  
2 THE CHAIRMAN: The Annual Meeting of the Arkansas  
3 River Compact Administration will come to order.

4 This is December 10, 1985. We are in Pueblo,  
5 Colorado.

6 The first item called for on the agenda is the  
7 introductions. I am going to ask Mr. McDonald, the  
8 chairman of the Colorado delegation, and Mr. David  
9 Pope, the chairman of the Kansas delegation, to make  
10 introduction not only of the members of the Compact  
11 Administration, but of the staffs in attendance as  
12 well.

13 Mr. McDonald.

14 MR. McDONALD: Thank you, Frank.

15 Starting from my far right at the front, Hal  
16 Simpson, Deputy State Engineer. David Robbins, Special  
17 Assistant Attorney General. Dennis Montgomery, Special  
18 Assistant Attorney General. To my left, Carl Genova,  
19 representing Water Districts 14 and 17.

20 Jim Rogers, our other commissioner representing  
21 Water District 67, given the hour, I would guess, chose  
22 not to come this morning. The storm apparently closed  
23 in fairly rapidly on Lamar and as of 11:00 o'clock,  
24 he did not intend to come up.

25 With us from my staff, Gene Jencsok, whom you all

1 met before, and also from the Attorney General's Office,  
2 Wil Bassett.

3 THE CHAIRMAN: Thank you, sir.

4 Mr. Pope.

5 MR. POPE: Starting from my extreme left, John  
6 Campbell, Assistant Attorney General from the State  
7 of Kansas. Brent Spronk, consulting engineer, working  
8 on behalf of the State of Kansas. Richard Simms,  
9 Special Assistant Attorney General. I am the ex officio  
10 member representing Kansas, Chief Engineer, Division of  
11 Water Resources. On my right, Ron Olomon, from Garden  
12 City, and Carl Bentrup, from Deerfield, are the other  
13 members of the Administration from Kansas.

14 Also with us today, on the end, Howard Corrigan,  
15 water commissioner out of Garden City for the Division  
16 of Water Resources. On his staff, Dale Jacobs. Dale  
17 Book, who works with Mr. Spronk in Spronk Water  
18 Engineers out of Denver. And Leland Rolfs, who is the  
19 legal counsel for the Division of Water Resources.

20 THE CHAIRMAN: Thank you.

21 The next item of the agenda is the "Approval of  
22 Agenda." I am going to add an item 2(b) that the  
23 notice of the meeting and the place of the meeting  
24 be brought before this meeting.

25 I will make some brief remarks between items 10

1 and 11.

2 Are there any other comments about the agenda  
3 before it is adopted?

4 Is there any objection on the Compact Administration  
5 to the adoption of the "Tentative Agenda"<sup>[Exhibit A]</sup> as presented X  
6 to the meeting?

7 MR. POPE: We have none from Kansas.

8 THE CHAIRMAN: Mr. McDonald?

9 MR. McDONALD: It's fine with Colorado.

10 THE CHAIRMAN: All right. The "Tentative Agenda"  
11 is adopted as the agenda of the meeting.

12 The Compact requires the Annual Meeting of the  
13 Compact Administration to be held at Lamar, Colorado.  
14 There is now the second day of a winter storm that has  
15 engulfed the eastern plains and the front range, and  
16 for that reason, the meeting time and place have been  
17 changed to Pueblo, Colorado.

18 It would be somewhat of an absurdity to ask if  
19 there was someone present in the audience who objected  
20 to the place of the meeting. Those that can't make  
21 it obviously aren't here, but I think in view of the  
22 requirement of the statute which is an act of Congress X  
23 and of both legislatures, I would entertain a motion  
24 from one of the states, from one of the members, that  
25 the notice of this particular meeting, of its time and

1 place, be approved because of the storm conditions  
2 and the extreme hazard of travel on the plains today  
3 and yesterday.

4 MR. McDONALD: Frank?

5 THE CHAIRMAN: Yes.

6 MR. McDONALD: I would suggest that we handle that  
7 by recognizing that Article 4, Item 9, of the bylaws  
8 indeed provides that the Administration may adjourn a  
9 meeting and continue it from time to time and from  
10 place to place as it chooses, and it seems to me that  
11 that is, in effect, what we have done. We have done  
12 that on previous occasions.

13 THE CHAIRMAN: Well, we, on other occasions, have  
14 followed that process in which a member of the  
15 Administration reputedly appeared at the appointed  
16 hour and did not find a quorum present and we rescheduled  
17 accordingly.

18 THE CHAIRMAN: I shan't pursue the matter further  
19 on my own.

20 MR. POPE: Mr. Chairman, I would concur with Bill  
21 McDonald that it would appear to be the only viable  
22 option to proceed with the holding of the Annual Meet-  
23 ing, and without great expense, and possibly no better  
24 luck at a later time this winter. The two states'  
25 representatives, I think, were able to agree on the time

1 and the place for the rescheduled meeting, and, therefore,  
2 I would certainly be willing, if you think a motion is  
3 in order, to so move that we proceed with the Annual  
4 Meeting under the circumstances that has been so  
5 stated.

6 THE CHAIRMAN: There is a motion. Is there a  
7 second?

8 MR. McDONALD: I will second it.

9 THE CHAIRMAN: Is Kansas ready to vote?

10 MR. POPE: Votes aye.

11 THE CHAIRMAN: Kansas votes "aye."  
12 Colorado?

13 MR. McDONALD: Colorado votes aye.

14 THE CHAIRMAN: Colorado votes "aye."

15 The next item of the meeting is the "Approval of  
16 Minutes" of various meetings in 1984 and in 1985.

17 Which of you gentlemen wants to take that?

18 MR. McDONALD: Frank, I was responsible for the May  
19 of 1984 minutes. These were the minutes in which  
20 there was a substantial discussion of the winter storage  
21 program. It was ultimately concluded that the best way  
22 to reflect that discussion would be to include as an  
23 attachment to the minutes the verbatim transcript as  
24 best it could be transcribed from the tape recording of  
25 that meeting. That has been done.

1 For the benefit of our Kansas colleagues, you  
2 might look at the bottom of page 3. David, the very  
3 last paragraph is where we took out the previous part  
4 of the draft minutes and merely indicated that it had  
5 been concluded that a transcript would be appended and  
6 that would constitute the minutes with respect to that  
7 part of the meeting, and we have appended that transcript  
8 as best it could be done with blanks in a few places  
9 in which none of us could simply pick anything up off  
10 the tapes. Other than that, these minutes are identical  
11 to what had previously been provided.

12 THE CHAIRMAN: And the taped transcript is Attach-  
13 ment F?

14 MR. McDONALD: Is now an attachment. That's correct.

15 THE CHAIRMAN: All right. Upon motion and second  
16 and a vote, I think I would, if the vote be favorable,  
17 sign page 9 today, if that be the pleasure of the Compact.

18 Mr. Pope, is there a motion that the minutes of  
19 May 10, 1984, be approved with the understandings that  
20 have been spoken into the record by Mr. McDonald?

21 MR. POPE: Yes, Frank. I would be happy to move  
22 the approval of the minutes of May 10, 1984, and while  
23 we understand the fact there was difficulty with the  
24 transcript, we have looked at it, but we haven't had  
25 a chance to study it here today, we are confident that

1 our suggested changes are in there, and on that basis,  
2 certainly are willing to make that motion.

3 THE CHAIRMAN: Is there a second?

4 MR. McDONALD: Second.

5 THE CHAIRMAN: All right. Any discussion? Is  
6 Colorado ready to vote?

7 MR. McDONALD: Colorado votes aye.

8 THE CHAIRMAN: Kansas?

9 MR. POPE: Kansas votes aye.

10 THE CHAIRMAN: I have a copy here and I am signing  
11 page 9.

12 The next item is the minutes of the Annual Meeting  
13 of December 10, 1984.

14 MR. POPE: Mr. Chairman, we would move the adoption  
15 of the last Annual Meeting's minutes.

16 What was the date on that?

17 MR. McDONALD: December 10, 1984.

18 THE CHAIRMAN: December 10th. All right.

19 MR. BENTRUP: 11th.

20 THE CHAIRMAN: I think it was the 10th, Carl. Let  
21 me look at my calendar here.

22 MR. BENTRUP: What does the date show on that?

23 MR. POPE: The date on the agenda says December  
24 10th someplace.

25 MR. BENTRUP: Well, today is the 10th. It couldn't



1 be the same. I rather think it was the 11th, Frank.

2 THE CHAIRMAN: Anybody got a 1984 calendar in the  
3 audience?

4 MR. McDONALD: Don't you have a copy of this?

5 MR. POPE: I thought I did, but I don't.

6 MR. BENTRUP: It was the second Tuesday in December,  
7 1984. I have it, but I can't read it.

8 THE CHAIRMAN: It was the year in which Easter falls  
9 on Sunday.

10 MR. POPE: It was the 11th, Frank.

11 THE CHAIRMAN: It was the 11th. You would amend  
12 your motion, Mr. Pope?

13 MR. POPE: Yes.

14 THE CHAIRMAN: Is there a second?

15 MR. McDONALD: I will second it.

16 THE CHAIRMAN: All right. Is there any discussion?  
17 Colorado ready to vote?

18 MR. McDONALD: Colorado votes aye.

19 THE CHAIRMAN: Kansas?

20 MR. POPE: Kansas votes aye.

21 THE CHAIRMAN: All right. Those minutes have been  
22 approved.

23 MR. McDONALD: Frank, do we have a copy in front of  
24 you to sign?

25 THE CHAIRMAN: I don't see one in front of me.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. McDONALD: Gene, do we have a copy with us?

MR. JENCOSK: I think we should.

MR. McDONALD: Let's go on and then come back.

THE CHAIRMAN: All right. We will, in the meantime,  
go on to the 1985 minutes of which there is <sup>a</sup> stack here  
in front of me. X

Well, the agenda says an "Annual Meeting," which  
isn't right, of course. There was a special meeting  
on October 8, 1985, in Garden City, Kansas.

MR. BENTRUP: Wasn't there a March 28th meeting  
also?

THE CHAIRMAN: Yes. But, Carl, we passed on those  
out of sequence--

MR. BENTRUP: That's right.

THE CHAIRMAN: --and the roof didn't fall in, and  
now we are filling in the others.

MR. POPE: Frank, I would just say for the record  
that the transcript of that meeting was received and  
corrections were submitted by Colorado. We added a  
few, none of which were substantive. They were all  
minor corrections. We are ready to take action on those.

THE CHAIRMAN: All right. Will you make a motion  
then, sir?

MR. POPE: Yes. I would move the adoption of the  
October 8, 1985, special meeting transcript as minutes

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

of the meeting.

THE CHAIRMAN: Is there a second?

MR. McDONALD: Second.

THE CHAIRMAN: All right. Colorado ready to vote?

MR. McDONALD: Colorado votes aye.

THE CHAIRMAN: Kansas?

MR. POPE: Aye. Kansas votes aye.

THE CHAIRMAN: All right. I am going to sign all three of these right now <sup>--</sup> approved, my name and the date. It will just take a minute.

Okay. The 1983--

MR. McDONALD: I do have a copy of the December 11, 1984, minutes. If you want to sign them, we will take care of that.

THE CHAIRMAN: I would be very glad to sign them. I am going to put the date on them, too, and I am amending the clause showing the approval to reflect today's date and so forth, Pueblo, and that is in Colorado, I think, December 10, 1985, and it is done. Thank you, sir.

The 1983 Annual Report. That one has been printed and circulated, has it not?

MR. McDONALD: No, it has not.

THE CHAIRMAN: It has not been printed and circulated?

MR. McDONALD: It is going to be approved. We have

1 copies here to hand out.

2 THE CHAIRMAN: Well, if copies are being handed  
3 out, it wouldn't require any further action <sup>by</sup> ~~on~~ me at  
4 this time, would it, other than distribution? X

5 MR. McDONALD: Frank, we could do one of two  
6 things: It's my recollection that-- Gene, am I correct?  
7 --the previous draft has already been circulated.

8 MR. JENCOSK: It has not been. This is the first  
9 draft.

10 MR. McDONALD: This is the first time.

11 MR. POPE: Mr. Chairman, point of clarification.  
12 Is it the '84 Annual Report we are talking about? The  
13 '83 report has already been published, I think.

14 MR. JENCOSK: The '84 report.

15 MR. POPE: Yes. The agenda should be corrected to  
16 show '84.

17 THE CHAIRMAN: I think it would be easier to correct  
18 the agenda than do anything else.

19 Mr. McDonald or anyone: When does this go to the  
20 printer?

21 MR. McDONALD: I think what we had best do since  
22 we are just handing it out is see if there are any  
23 comments to be made.

24 And David, I would suggest, unless there are items  
25 of substance or difference, would it be appropriate to

1 simply have our two staffs clean up any typos or errors  
2 like that, and if it is acceptable, go ahead and take  
3 it through to final printing?

4 MR. POPE: Bill, I appreciate the fact that this  
5 needs to be done. We will undoubtedly be meeting as an  
6 Administration before the next Annual Meeting. Why  
7 don't we defer consideration until then and have our  
8 staffs look it over and exchange any concerns. We  
9 haven't had a chance to look at it, but just glancing  
10 through it, I was trying to recall what type of narratives  
11 we might want to include. It has been a rather active  
12 year.

13 THE CHAIRMAN: You are hinting that we are liable  
14 to meet before December of 1986.

15 MR. POPE: I have no way of knowing, but that's a  
16 possibility.

17 THE CHAIRMAN: That's a possibility. All right.

18 That certainly strikes me, Mr. McDonald, as a  
19 sensible approach to the thing. Is that satisfactory?

20 MR. McDONALD: Yes. David, I guess all I was  
21 trying to suggest is could we leave it that the  
22 Administration would delegate to you and me, unless  
23 our other fellow members had comments, the finalization  
24 of this? I agree you obviously need time to review  
25 it.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. POPE: Oh.

MR. McDONALD: I was not questioning that.

MR. POPE: If that's what you are suggesting--

MR. McDONALD: Within a couple months, could we leave it that the Administration would delegate to you and I the finalization of this so it could be printed?

MR. POPE: If Carl and Ron don't have any problem with Kansas, why, I am willing to do that.

MR. McDONALD: Okay. Let's do it that way then if it's acceptable.

THE CHAIRMAN: We will turn to the "Report of Officers." My remarks will come later.

Recording Secretary.

MR. McDONALD: Frank, I have the report of Leo Idler in his capacity as the recording secretary. I regret that it was just handed to me, so I don't have copies. It's a very brief one-page item. I request the opportunity to read it for the record.

THE CHAIRMAN: I would like you to read it and then we will spend a few minutes talking about Leo.

MR. McDONALD: This is the recording secretary's report dated December 10, 1985, signed by Leo Idler. It reads as follows: "This year water was so high that it invaded the flood control part of John Martin Reservoir and had to be released through the flood

1 control gates to protect the dam. There was approximately  
2 100,000 acre-feet released to the river below the dam  
3 causing some damage to low lying land along the river  
4 banks. The irrigation ditches in District 67 used some  
5 of this water with the major portion crossing the  
6 stateline into Kansas. The ditches in Kansas used some  
7 of this water. The rest of it went into the underground  
8 aquifer in Kansas. On November 1, 1985, there were  
9 approximately 280,000 acre-feet of water in the reservoir.  
10 With this amount of carryover water, it will probably  
11 spill next year. Both Colorado and Kansas ditches  
12 experienced a very good supply of water in 1985. Our  
13 account system seems to be working very well as shown  
14 by the ability of Kansas to store 130,081.7 acre-feet  
15 of water they could have used if they so desired. This  
16 amount lacks only 10,000 acre-feet of being half of the  
17 water that was stored in the reservoir as of November 1,  
18 1985. Kansas carried over 34,296 acre-feet of water  
19 from 1984 to 1985. I think we should try to get our  
20 account system adjudicated through the United States  
21 Congress as was done to put the permanent pool in the  
22 reservoir. I have an uneasy feeling that in the fight  
23 brewing between Kansas and Colorado that our account  
24 system may be put in jeopardy. Respectfully submitted,  
25 Leo Idler."

1           That, Frank, is all I have from Leo, is his report.

2           THE CHAIRMAN: Are there any comments on the report?

3           MR. BENTRUP: We could probably, I think, take  
4 exception to some of the comments that was made. Dave,  
5 I wouldn't want it to be that we had approved it. It  
6 could be in the record as Leo's personal opinions. Can  
7 we do that?

8           THE CHAIRMAN: I see nothing wrong with accepting  
9 the report without endorsement by Kansas of all the  
10 matters set forth in the report.

11          MR. McDONALD: Frank, could I suggest that we  
12 simply acknowledge receipt of the report and have it  
13 entered into the record as Exhibit B, Exhibit A being  
14 the agenda.

15          THE CHAIRMAN: Well, there is nothing wrong with  
16 your recommendation if it's acceptable to Kansas.

17          MR. BENTRUP: I think Kansas would accept the  
18 report for the record.

19          THE CHAIRMAN: Fine. That being so, the report  
20 will be accepted for the record as Leo's report, and  
21 that action, namely, accepting the report for the  
22 record has the approval of both states.

23          Now, we will go off the record, Mr. Reporter,  
24 briefly.

25                 (Discussion off the record.)



1 THE CHAIRMAN: Mr. Reporter, we are back on the  
2 record.

3 The treasurer's report. Mr. McDonald, do you have  
4 the treasurer's report from Leo?

5 MR. McDONALD: Yes, Mr. Chairman, I do. Leo submits  
6 as his treasurer's report a list of checks written since  
7 July 1, 1985, through November 5th of 1985, and he shows  
8 the sum of those checks. He has not because of his  
9 hospitalization been able to prepare a balance sheet as  
10 of the last several days, but he assures me in  
11 conversations over the telephone two nights ago that  
12 the Compact has plenty of cash in the proper checking  
13 accounts and that we need not worry.

14 THE CHAIRMAN: What are the two biggest checks  
15 shown on that interim report, dollar amount? What are  
16 they?

17 MR. McDONALD: There is a single largest check and  
18 that is the certificate of deposit, a check for the  
19 certificate of deposit, check made out to the First  
20 National Bank of Lamar, and as the Administration will  
21 recall, we delegated to Leo and Carl Bentrup the  
22 decision to find a higher rate of return on an invest-  
23 ment vehicle other than a passbook savings account at  
24 our October 8th meeting, and that is the investment  
25 which those gentlemen made.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE CHAIRMAN: How much?

MR. BENTRUP: \$40,000.

MR. McDONALD: \$40,000.

A VOICE: American money.

THE CHAIRMAN: Is there anything else on there that jumps off the page that's significant or interesting? Otherwise, we will just pass on.

MR. McDONALD: Everything else is entirely in order. We have made the USGS payments which are the other largest items and those are per the budget.

THE CHAIRMAN: Roughly?

MR. McDONALD: \$6,225 to fund the Colorado agreement, and \$3,880 to fund the Kansas agreement.

THE CHAIRMAN: Is there any objection to filing the treasurer's report <sup>[Exhibit C]</sup> with the minutes of this meeting? X

Without objection, we will take that course.

The operations' secretary or the annual show and tell part of the Annual Meeting. Mr. Jesse.

MR. JESSE: Thank you, Mr. Chairman. I have a copy. I don't know if you got a copy of my annual report or not. I did send one to each of the other Compact commissioners, and for the record, I want to give you a copy of my annual report.

THE CHAIRMAN: Thank you, sir.

MR. JESSE: I would like to call your attention

1 to April 18th when there was some typos. They are not  
2 of any substance, but I have made the alterations by  
3 interlineation and if I can get Bill to get the Compact  
4 commissioners copies and make those same adjustments,  
5 they don't change in substance.

6 THE CHAIRMAN: I am, as often <sup>is</sup> ~~as~~ the case, confused. X  
7 18. How do you find 18?

8 MR. JESSE: Paragraph 18.

9 THE CHAIRMAN: Ah. Okay. Now, we are going in  
10 Roman numerals now. Page 15, Roman numeral 18. Okay.  
11 Change of ditch and river delivery of some 3,000 acre-  
12 feet.

13 MR. JESSE: There was a mistake in the addition  
14 or something like that. Bill can--

15 THE CHAIRMAN: He made the mistake?

16 MR. JESSE: I am sure it must have been him. It  
17 couldn't have been me.

18 THE CHAIRMAN: All right.

19 MR. JESSE: I will try to be as brief as I can.  
20 I have already given the commissioners a copy of the  
21 report. All of the numbers in here have been contained  
22 in varying stages in my other earlier reports to the  
23 commission during the year, and if you kept all of them,  
24 why, you will be completely up to date.

25 Things went pretty much as we predicted in our

1 spring meetings. John Martin did spill all the golf  
2 course water <sup>and</sup> in the recreation pool, over 10,000. Article  
3 3 or other water was released. All of these amounts  
4 are in my previous reports or contained in the report  
5 here. I don't want to bore you with going through all  
6 those numbers, but I can get together with any individual  
7 after the meeting and we can go into some depth if  
8 anyone really wants to know what happened.

9 The flood pool in John Martin was invaded for a  
10 short time to facilitate recovery of a drowning victim.  
11 No one drowned in the reservoir this year, fortunately.  
12 The operations of the reservoir were actually very  
13 smooth. We had excellent cooperation out of the Corps  
14 and out of everyone concerned, including Kansas. Up  
15 until now. I will qualify that.

16 As far as operations go, we didn't have any real  
17 problems. We do have to talk with Howard about some  
18 footnotes on some of the tables. I don't think that it's  
19 a problem at all. I think we can work that out with  
20 Howard. We do have some drafts of our proposed delivery  
21 to the stateline agreement that we are prepared to  
22 negotiate before we get done here today. I don't think  
23 there will be any trouble with that either.

24 When summer storage started, we had about 343,000  
25 acre-foot in storage. The conservation limit was

1 reached on the 26th of May. The Corps, of course, then  
2 under their criteria, took control of the gates and  
3 began releasing the inflow. We implemented the dumping  
4 criteria and the operations' secretary then again took  
5 charge of the gates on the 26th or the 25th of June.  
6 We think there may have been some scouring of banks or  
7 may have been some minor erosion around some headgates.  
8 I don't want to contradict anyone, but I couldn't find  
9 any reports of any major damage. There was some erosion  
10 on the Buffalo. There was some around the Fort Bent, if  
11 I remember right. There wasn't anything really major.  
12 We again, this year, did not have any real major high  
13 precipitation events that would cause major damage. We  
14 just didn't have any major floods this year as we have  
15 had in the past.

16 John Martin evaporated a little over 49,000 acre-  
17 foot, and, of course, again, all this stuff is in your  
18 earlier reports and in my annual report. I don't want  
19 to take too much time on that right now. That's about  
20 all there is on John Martin. It was actually operated  
21 very good.

22 Pueblo Reservoir also reached its maximum conserva-  
23 tion pool during the year. The spill from the joint use  
24 pool, as I mentioned in my other agreements or the earlier  
25 reports was effected before the 15th of April.

1           We did deliver some water to John Martin, about  
2           3,300 acre-foot. All of the winter water was dumped  
3           to project water as the operating criteria of Pueblo  
4           called for or the operations of Pueblo called for, and  
5           that happens when the conservancy district's rights come  
6           in to priority which occurs when John Martin spills.  
7           We were in the flood pool for two short periods. I think  
8           the Corps is going to mention that in Pueblo, during  
9           the year when you are running that close to the 7,000  
10          foot limit at the Avondale, you get an anomaly in the  
11          inflow and you are liable to bounce up in there a little  
12          bit.

13           We do have a winter storage program in effect now.  
14          We have already got about 22,000 acre-foot in storage  
15          in Pueblo. The plan, as I understand it, is to go to  
16          30 and then release the inflow. That will probably occur  
17          sometime next week. The off-channel reservoirs, if the  
18          inflow and the accretions and the Pueblo comes to pass  
19          as we think they should, we are going to look at filling  
20          them sometime in the middle of January, towards the first  
21          of February. It looks like again there is a reasonable  
22          prospect that John Martin may spill again either this  
23          winter storage or later in the spring.

24           The Amity is going to John Martin now under the  
25          voluntary owner storage program in the Pueblo agreement.

1 The Consolidated is going to John Martin. The Fort Lyon  
2 is storing in their own receptacles. It will depend a  
3 lot on the inflow of when they will spill.

4 The Sutron system, gages, satellite gages everyone  
5 is interested in, we do have them in operation. There  
6 is about forty of them. I have got a printout that if  
7 anybody wants to know one of them, I can either give  
8 you the printout or have Bill tell you what it is. We  
9 do have and we did install a gage on Cheyenne Creek. It  
10 is equipped with a Sutron. I am assuming that Kansas  
11 will have access to that Sutron. We had a few of the  
12 normal start-up bugs, but actually it is operating fairly  
13 well. For a system as complicated as this is, it went  
14 very well.

15 And that just about concludes my report. If anybody  
16 has any question, I will answer it now if that's all  
17 right with you, Mr. Chairman.

18 THE CHAIRMAN: That is indeed all right. I have got  
19 several questions I would like to ask you. What is the  
20 approximate content of John Martin today, as of this  
21 time?

22 MR. JESSE: Okay. I will defer to Bill. What is  
23 it this morning?

24 MR. HOWLAND: 292,760 this morning.

25 MR. JESSE: What was its inflow this morning? All

1 you got to do is a little arithmetic there to get our  
2 projection of the spill.

3 MR. HOWLAND: 286 second feet.

4 MR. JESSE: 300 CFS and 600 acre-feet, which is  
5 about what, thirty days or so?

6 THE CHAIRMAN: In general language, not numbers,  
7 what is the status of the Great Plains Reservoir at this  
8 time?

9 MR. JESSE: They are not going through the Great  
10 Plains now because they are working on the Fort Lyon  
11 in their first reaches. As I understand it, their gages  
12 are somewhat less than totally accurate. We probably  
13 have somewhere in the neighborhood of eighty to a  
14 hundred thousand acre-foot of vacant space. Nee Grande  
15 is up to usable water, just barely, but I understand it  
16 is, and there is usable water in all the Great Plains'  
17 systems, but you are looking probably in the neighborhood  
18 of, just rough, 100,000 acre-foot.

19 THE CHAIRMAN: Were they plumb full last year at  
20 any time?

21 MR. JESSE: All of them were except Nee Grande, and  
22 Nee Grande did fill up to usable quantities. The thing  
23 to remember is when you compare their actual contents,  
24 don't compare that to their decreased capacity because  
25 some of them have dam safety limits that are less than



1 their decreed capacity. That's why the 100,000 acre-foot  
2 that I am just kind of ball park guessing at.

3 THE CHAIRMAN: Last question, and I know it is in  
4 the report, but, in general, in the runs from John Martin  
5 last June, say, when you were running the river through  
6 John Martin, in round numbers, what are the cubic feet  
7 per second that was happening last year?

8 MR. JESSE: Oh, we was running in the neighborhood  
9 of 3,000, as I remember. Ain't that about right, Bill?  
10 We never got much above 3,000 at John Martin and there  
11 was no real need to, but we run quite a bit of 3,000  
12 CFS as releasing of the inflow.

13 THE CHAIRMAN: I know there are a number of other  
14 persons who have questions for you.

15 Mr. Bentrup?

16 MR. BENTRUP: What is the purpose of the gage on  
17 Cheyenne Creek? What's that going to do?

18 MR. JESSE: We were concerned--or I was concerned--  
19 apparently, I was the only one--but I was concerned  
20 because of the numerous requests for decrees on Cheyenne  
21 Creek. It does not have any history of diversions, any  
22 history of flows. I was curious to attempt to build  
23 some kind of ball park record of how much water actually  
24 flows out of Cheyenne Creek in the event any of these  
25 decrees ever came to fruition. None have, incidentally.

1 Another consideration was the fact that that is also  
2 the end of the Amity Canal. One of the reasons why is  
3 that the gage, as we put it up, it is a manometer gage,  
4 and they are comparatively portable, not in the sense  
5 you can wheel them away, but it only took us about two  
6 days to set it up and we could tear it down and move it  
7 in about the same time, so it wasn't a great expenditure  
8 of time to set the station up once we had and I was  
9 able to acquire the hardware. So considering all of  
10 them things, I thought it would be valuable to build  
11 some kind of a record on what Cheyenne Creek did  
12 produce because you talk to people, some of them will say  
13 it never runs no water at all, and others will say a  
14 tremendous amount of water went through it, and there  
15 was quite a flood event down at the mouth, as I under-  
16 stand, this year with the railroad getting quite a bit  
17 of water. This gage is considerably upstream. In  
18 fact, it is about two miles upstream on the railroad,  
19 but it could be valuable information to anyone who  
20 wants to know.

21 THE CHAIRMAN: Before I have more questions, Mr.  
22 Jencsok, would you circulate the attendance pad, if  
23 you please, sir?

24 MR. JENCOSK: (Circulating attendance pad.)

25 THE CHAIRMAN: Yes. Mr. Genova.

1 MR. GENOVA: Bob, what is the breakdown on the  
2 inflow as it relates to the conservation pool in the  
3 other water account?

4 MR. JESSE: Today, you mean?

5 MR. GENOVA: Today.

6 MR. JESSE: Okay. Again, I am going to have to  
7 ask Bill.

8 MR. HOWLAND: What was the question?

9 MR. JESSE: The total inflow today as broken down  
10 into storage in John Martin, some of it going to the  
11 conservation pool, some of it going to the Amity  
12 account, some of it going to the Consolidated account,  
13 what is the breakdown?

14 MR. HOWLAND: The breakdown in round figures is  
15 40 percent to Article 3 water, 60 percent-- No. The  
16 other way around. 60 percent to Article 3 water, 40  
17 percent to Compact water.

18 MR. GENOVA: 40 percent to--

19 MR. HOWLAND: Compact, conservation pool.

20 MR. JESSE: That ratio was established under the  
21 procedure we used to establish the ratio contained both  
22 in the winter storage proposed decree and in the agree-  
23 ment that we eventually devised with the people in the  
24 Compact.

25 MR. HOWLAND: This is the second ratio we have

1 had because right after the first of the winter storage  
2 program, only the Consolidated was taking water down  
3 there, but when the Amity began to take water, we had  
4 to reestablish another ratio. That's what the current  
5 ratio is. The first ratio was about 79 percent  
6 conservation pool and 21 percent minimum under Article  
7 2.

8 MR. JESSE: The Fort Lyon didn't go immediately  
9 to the Amity delivery to John Martin, but continued  
10 to the Great Plains for a few days later, so we had  
11 to establish two ratios, the second being a ratio of  
12 the first ratio.

13 THE CHAIRMAN: Any other questions? David?

14 MR. POPE: Mr. Chairman, thank you.

15 Bob, just to follow up on that last item a little  
16 bit, those ratios that you are referring to are the  
17 ones that are based upon the several measurements of  
18 the river prior to the winter storage program beginning?

19 MR. JESSE: Um hum. Yes.

20 MR. POPE: And, of course, that does affect then  
21 how you account for the amount of water that goes  
22 into winter storage as compared to the conservation  
23 pool?

24 MR. JESSE: That's correct. Yes.

25 MR. POPE: Okay. Is it not reasonable to think

1 that the Compact should have some role in reviewing  
2 those ratios? It seems like it definitely affects  
3 the water that ultimately ends up in the conservation  
4 pool. I.e., I guess the same thing as saying that the  
5 winter storage program moving independently of the  
6 Compact's review seems rather hard to understand on  
7 our part.

8 MR. JESSE: I certainly agree with that. I don't  
9 think we have a very strong record of the methods  
10 used to compute those ratios, but in the beginning,  
11 Kansas and Colorado were very much concerned with  
12 that and we did jointly work on that. I think the  
13 two--or at least Carl was on the commission at that  
14 time. I don't know if anyone else was or not. I know  
15 Jerry Hilmes and Howard helped us with that. In  
16 fact, we had several meetings about it. That's where  
17 the concept came from was the attempt to determine  
18 what the ratio would be when the 1980 operating plan  
19 was in the process of being developed in 1978 and 9.

20 Bill, do you remember how we talked about that  
21 and how we did that?

22 MR. HOWLAND: That's essentially the way.

23 MR. BENTRUP: Yes. Originally, that's what  
24 happened. Jerry Hilmes for Kansas and you reviewed  
25 the winter storage for Amity and came up with some sort

1 of formula for how much Amity was going to get and how  
2 much winter storage we are going to get.

3 MR. JESSE: We were concerned about the computing  
4 of theoretical inflows and we and Jerry Hilmes in  
5 those days were concerned about exactly the same things  
6 and we didn't want to compute a negative inflow and  
7 have the conservation pool, in fact, not get any credit  
8 when common sense dictated that there had to be always  
9 a positive increment of conservation pool water, and  
10 that is one of the backgrounds of putting into my  
11 report the computed inflow because you can see the  
12 variation, and we wanted to make sure on a daily basis  
13 there was a reason for the distribution that we had  
14 and that is the reason that we devised that, and I  
15 think we went to some great lengths in probably even  
16 '77 and 8 when we were first talking about the 1980  
17 operating plan.

18 THE CHAIRMAN: Mr. Pope, it deserves all the  
19 clarification it can get. You may remark now.

20 MR. POPE: I appreciate that concern. You know,  
21 some of that did occur before I was a member of the  
22 Administration, of course. I was really leading into--  
23 Maybe I misunderstood what Bob was saying, but that  
24 similar kinds of computations are made for the Pueblo  
25 winter storage program, and some of that water, in fact,

1 ends up being stored in John Martin, right? I guess  
2 I am trying to separate out what is done under the  
3 1980 resolution of the Administration and what is  
4 done under the Pueblo--

5 MR. JESSE: Yes. All of the water stored in John  
6 Martin by the Amity, Fort Lyon, and Consolidated has  
7 been stored under the voluntary Pueblo winter storage  
8 program and the majority of it has been computed using  
9 this kind of a formula. In the event water is stored  
10 in Pueblo Reservoir under a--Consolidated comes to  
11 mind--account and later transferred to their account  
12 in John Martin, it's treated as a simple reservoir and  
13 no such computation is made of that. We have done that,  
14 but I don't think we have done very much of it.

15 MR. BENTRUP: There hasn't been--

16 THE CHAIRMAN: One at a time.

17 MR. POPE: I don't think we need to pursue it  
18 further from my account. I appreciate the clarification.

19 THE CHAIRMAN: Carl?

20 MR. BENTRUP: You don't anymore--you and Jerry  
21 Hilmes do not review that. I know originally one of  
22 the problems was the transit loss on Amity from the--  
23 Well, they would have picked it up if they didn't  
24 store in John Martin at the Fort Lyon headgates. I  
25 mean, a few problems like that. I think they were

1 ironed out. But you don't anymore consult someone  
2 from Dave's office?

3 MR. JESSE: No, we do not. We arrived at the  
4 formula and we eventually agreed to consider the  
5 Livingston's formula as the transit loss and its  
6 payment then is an accounting procedure that we go  
7 through internally within the winter storage program.

8 THE CHAIRMAN: Is there a cookbook, Mr. Jesse?

9 MR. JESSE: Well, the formula for this particular  
10 operation is contained in the proposed winter storage  
11 decree. That's the thing that comes to mind immediately.  
12 I know it is somewhere else, but that's where that  
13 came from is in the operating plan of the winter  
14 storage program.

15 THE CHAIRMAN: Mr. Pope, I would suggest that if  
16 you are satisfied with this, that these matters might  
17 well come before the operations' committee if you  
18 desire to go into them further and obtain clarification  
19 on exactly what procedures are followed and how the  
20 figures are arrived at.

21 MR. POPE: That would be satisfactory for now.  
22 Thank you, Mr. Chairman.

23 Thank you, Bob.

24 MR. JESSE: Okay.

25 THE CHAIRMAN: Are there any other questions? We



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

have better than a photo opportunity hearing.

You appear to have gotten off again, Mr. Jesse.

Thank you.

The meeting will turn to the "Election of Officers for Compact Year 1986."

MR. McDONALD: Frank?

THE CHAIRMAN: Yes.

MR. McDONALD: I think you skipped items 6 and 7.

THE CHAIRMAN: 6 and 7? Indeed I have. I was moving right along.

The "Auditor's Report for Fiscal Year 1984-1985."

MR. McDONALD: The Auditor's Report was apparently mailed out by Leo Idler some months' ago. I just gave to David Pope the balance sheet out of it. David didn't apparently have it handy. I should have the whole thing here if anybody needs to look at it.

THE CHAIRMAN: I received one. I assume everyone else did, too.

MR. McDONALD: To my knowledge, the Auditor's Report with the further letter of explanation addressed to Leo and dated October 4th from Ron Farmer, one of the principals in the firms, <sup>ps</sup> does, in fact, accurately reflect the books of the Administration.

THE CHAIRMAN: I saw nothing of significance.

X

1 MR. POPE: We are satisfied that everything is in  
2 order.

3 THE CHAIRMAN: Let's approve that one then  
4 formally, Mr. Pope. Would you make a motion that we  
5 approve the Auditor's Report for 84-85 as mailed  
6 previously to the members of the Compact Administration?

7 MR. POPE: I simply haven't had a chance to look  
8 at it. I would rather somebody else would make the  
9 motion. I have no concern or objection to it.

10 THE CHAIRMAN: I will take that motion from anybody  
11 else.

12 MR. McDONALD: I will move that we accept the  
13 Auditor's Report and reflect it as Exhibit D in the  
14 transcript, and that would include the October 4th  
15 letter of clarification from Mr. Farmer.

16 THE CHAIRMAN: Is there a second?

17 MR. BENTRUP: I will second.

18 THE CHAIRMAN: Is Kansas ready to vote?

19 MR. BENTRUP: Kansas votes aye.

20 THE CHAIRMAN: Colorado?

21 MR. McDONALD: Colorado votes aye.

22 THE CHAIRMAN: The report is approved. We now  
23 turn to "Committee Reports," the Administrative and  
24 Legal Committee.

25 MR. McDONALD: You are the chairman, Carl.

1 MR. BENTRUP: We have not had a meeting, have had  
2 no problems presented to us, so we don't have a report.

3 THE CHAIRMAN: No report. Okay.

4 The Engineering Committee?

5 MR. POPE: Mr. Chairman, I think I am chairman  
6 of the committee and likewise Carl and I have not  
7 really met during the course of the year, and, therefore,  
8 we would offer no report unless Carl has something.

9 THE CHAIRMAN: No report. All right.

10 The Operations' Committee.

11 MR. OLOMON: Well, the Operations' Committee, half  
12 of the committee is not here and we were going to put  
13 the finishing touches on this report and then submit it  
14 today.

15 THE CHAIRMAN: Would you like that this matter be  
16 deferred for later in the agenda?

17 MR. OLOMON: Well, I don't think that Jim plans  
18 to be here, do you, today, so--

19 THE CHAIRMAN: Then without his concurrence in  
20 that, I suppose there would be no report at this time,  
21 is that right?

22 MR. OLOMON: I would guess we would probably have  
23 to complete this at the next meeting.

24 THE CHAIRMAN: I think that is appropriate.

25 Now, Mr. McDonald, I believe we are ready for the

1 election.

2 MR. McDONALD: I could use a two-minute recess  
3 to confer with David Pope before we have elections,  
4 please.

5 THE CHAIRMAN: Why don't we take a five-minute  
6 break, but no more than five minutes?

7 (Short recess.)

8 THE CHAIRMAN: The meeting is ready for the  
9 election of a vice-chairman.

10 Are there any nominations?

11 MR. McDONALD: Frank, I would nominate Carl  
12 Bentrup.

13 THE CHAIRMAN: Carl Bentrup has been nominated.  
14 Are there any other nominations? Are there any other  
15 nominations?

16 MR. POPE: Mr. Chairman, I would just move that  
17 nominations cease and we elect Carl by acclamation.

18 THE CHAIRMAN: The motion has been made that the  
19 nominations cease and Carl Bentrup be elected by  
20 acclamation as vice-chairman. Is there a second?

21 MR. GENOVA: I will second that.

22 THE CHAIRMAN: Kansas ready to vote?

23 MR. POPE: Kansas votes aye.

24 THE CHAIRMAN: Kansas votes "aye." Colorado?

25 MR. McDONALD: Colorado votes aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE CHAIRMAN: Colorado votes "aye."

Carl, congratulations.

The operations' secretary. Nominations are in order for an operations' secretary.

MR. POPE: Mr. Chairman, I would be happy to move that we reelect Bob Jesse to that position.

THE CHAIRMAN: Mr. Bob Jesse has been nominated for operations' secretary. Are there any other nominations? Any other nominations?

MR. GENOVA: Mr. Chairman, I would move that nominations cease and we cast a unanimous ballot for Mr. Jesse.

THE CHAIRMAN: You have heard Mr. Genova's motion. Is there a second?

MR. McDONALD: I will second.

THE CHAIRMAN: All right. Colorado ready to vote?

MR. McDONALD: Colorado votes aye.

THE CHAIRMAN: Kansas?

MR. POPE: Aye.

THE CHAIRMAN: Mr. Jesse, you are an eminently successful politician.

Nominations are in order for treasurer of the Arkansas River Compact Administration.

MR. McDONALD: Frank, if I might, all of us are aware of Leo Idler's poor health, and even in that poor

1 health, he has steadfastly served the Administration.  
2 We think perhaps that the best arrangements would be  
3 if we elect and ask Leo to continue, as I know that  
4 he will, to be treasurer for Compact year 1986. He has  
5 also been serving, as you know, as recording secretary.  
6 There has been a lack of record keeping, not at all  
7 reflecting on Leo, but historically, I think, since  
8 the day the Compact was signed, the Administration  
9 simply has not had good records. It is a matter that  
10 has been of concern to myself for some time and David  
11 Pope and we are in the process of seeing if we can  
12 find a professional service or some other arrangement  
13 that would insure that there is an adequate and  
14 complete record of the papers and materials of the  
15 Administration.

16 In that regard, therefore, I would recommend that  
17 we not have an election for recording secretary.  
18 Absent an election, Leo continues to serve as recording  
19 secretary until his successor is elected and other  
20 arrangements are made, and I would suggest that in  
21 setting up this situation, we establish the treasurer's  
22 salary at \$1,000 per year commencing January 1, 1986,  
23 and that we establish the recording secretary's salary  
24 as long as Leo continues in that capacity as \$2,600  
25 commencing January 1, 1986.

1 THE CHAIRMAN: Okay. We will do things one at a  
2 time. Leo Idler's name has been nominated as treasurer.  
3 Are there any other nominations? Any other nominations?

4 MR. BENTRUP: I move the nominations cease and  
5 we cast a unanimous ballot for Leo Idler.

6 THE CHAIRMAN: You heard Mr. Bentrup's motion. Is  
7 there a second?

8 MR. GENOVA: Second.

9 THE CHAIRMAN: Is Colorado ready to vote?

10 MR. McDONALD: Colorado votes aye.

11 THE CHAIRMAN: Kansas?

12 MR. POPE: Aye.

13 THE CHAIRMAN: Kansas votes "aye."

14 Now, I have no problem in the absence of objection  
15 of passing over recording secretary and just having  
16 the incumbent carry on.

17 The stipends, are they in the budget? Are they  
18 as they have been heretofore or are those new motions,  
19 Mr. McDonald? Is that something that is new?

20 MR. McDONALD: I am suggesting that we make  
21 specifically that split because the budget reflects  
22 a composite amount of \$3,600 for the treasurer/recording  
23 secretary. It never has been split out. We are  
24 obviously headed into a situation in which it will  
25 probably be split out. I think the record needs to be

1 explicit.

2 THE CHAIRMAN: \$2,600 to the recording secretary  
3 and \$1,000 to the treasurer, is that right?

4 MR. McDONALD: Yes.

5 THE CHAIRMAN: And is it your motion to make a  
6 split?

7 MR. McDONALD: I would so move that split to be  
8 effective January 1, 1986.

9 THE CHAIRMAN: Is there a second?

10 MR. BENTRUP: I will second it.

11 THE CHAIRMAN: There is a second. Is there any  
12 discussion?

13 Colorado ready to vote?

14 MR. McDONALD: Just a second.

15 THE CHAIRMAN: Hold it.

16 MR. McDONALD: Colorado votes aye.

17 THE CHAIRMAN: Colorado votes "aye."

18 Kansas?

19 MR. BENTRUP: Kansas votes aye.

20 THE CHAIRMAN: Kansas votes "aye."

21 I think that that takes care of item 8 on the  
22 agenda.

23 The next item calls for the "Appointment of  
24 Committee Members for Compact Year 1986," and it has  
25 been routine, and I trust it will continue to be. I



1 have some concern that the federal role in the  
2 committees or the use of the federal agencies by the  
3 committees might be improved. I wish to suggest that  
4 the Compact consider the extent, if any, to which it  
5 wants to formalize or make greater use of the Bureau of  
6 Reclamation, the Corps, the USGS, in committee function.  
7 I think that if I were to press the matter at this  
8 time, it would not serve the purpose well, but I think  
9 it is appropriate for me to point this out now. As you  
10 continue to go into the new Compact year, I would  
11 suggest the committees consider this, and, in time, if  
12 the suggestion has merit, make further use or make use  
13 of federal representatives, federal agencies, in your  
14 committee work.

15 The first committee is "Administrative and Legal."  
16 Carl, you have been on that committee for some time.  
17 Who is the other?

18 MR. GENOVA: Bill.

19 THE CHAIRMAN: Carl and Bill. Are there any changes  
20 desired in that committee?

21 MR. BENTRUP: May I suggest or move that the  
22 composition of the committees remain the same except  
23 that Jim Rogers was taken care of at Garden City,  
24 wasn't it?

25 ~~MR. BENTRUP:~~ for the remainder-- Well, yes, sir.

1 THE CHAIRMAN: So your motion then might be that we  
2 continue the same committees in place.

3 MR. BENTRUP: Yes. That is my motion.

4 THE CHAIRMAN: All right. Is there a second to  
5 the motion that the committees continue in place?

6 MR. POPE: I would second that.

7 THE CHAIRMAN: The motion has been made and seconded.

8 Is Kansas ready?

9 Is there any discussion?

10 MR. OLOMON: I have a question. Okay. Do you  
11 want the chairman to remain the same then or do you  
12 want to alternate?

13 THE CHAIRMAN: It is your wishes on the matter.

14 MR. OLOMON: Well, I just thought I would bring  
15 that up. I don't know what you have been doing in  
16 years past, but if you want them to remain the same,  
17 that is all right with me.

18 MR. POPE: As far as I am concerned, if there is  
19 a wish on the part of Colorado to alternate them, why,  
20 I think Kansas members were chairmen this year and  
21 we would be happy to alternate, as far as I am concerned.

22 MR. McDONALD: We have traditionally rotated,  
23 David, and I guess I would suggest we keep that up.  
24 I think it's the better practice for everybody.

25 THE CHAIRMAN: I think tradition governs that when

1 you have your two men committee meeting, that you elect  
2 an alternate for chairman for the year.

3 Is Kansas ready to vote?

4 MR. BENTRUP: Yes. We vote aye.

5 THE CHAIRMAN: Colorado?

6 MR. McDONALD: Colorado votes aye.

7 THE CHAIRMAN: Colorado votes "aye."

8 We now turn to the "Reports of Federal Agencies,"  
9 the "Corps of Engineers."

10 Mr. Romph, I believe you would be the appropriate-

11 MR. ROMPH: I not only would be appropriate, I  
12 am the only one, Mr. Chairman.

13 THE CHAIRMAN: Well, that makes it all the more  
14 appropriate. Go ahead.

15 MR. ROMPH: At Trinidad Reservoir, we, of course,  
16 got into no flood operations this year. As Bob Jesse  
17 amply covered a few minutes ago here, in Pueblo  
18 Reservoir, we did get into the flood operations in  
19 June and again in July and we increased the releases  
20 from Pueblo Reservoir up to 6,000 cubic feet per  
21 second as measured at the Avondale gage until we get  
22 out of the flood pool. At John Martin, we were bumping  
23 up against the flood pool. During late May and again  
24 during most of the month of June, we did encroach into  
25 the flood storage pool during the period of 16 to 18

1 June while releases were cut back to search for a drown-  
2 ing victim.

3 A couple of items of general interest concerning  
4 storage available in reservoirs in the basin. I know  
5 in past years, there have been several questions  
6 about sediment surveys at John Martin. We have  
7 scheduled a new sediment survey for John Martin  
8 Reservoir in July of 1986.

9 As far as Trinidad Reservoir is concerned, we  
10 have finished a resurvey of the amount of storage in  
11 Trinidad Reservoir. We had this one go in our favor,  
12 thankfully. Due to increased accuracy of surveying,  
13 we found 8,000 acre-feet of extra storage in Trinidad  
14 Reservoir, more than we had believed there ever existed.  
15 That is unallocated storage. Normally, that storage  
16 would be available for other purposes. It could be  
17 purchased by an entity and used for several alternate  
18 purposes or it could be reassigned by Congress to X  
19 some alternate purpose.

20 A VOICE: Could someone file on it?

21 MR. ROMPH: No one has filed on it. We have had  
22 some discussions. There has been some interest in  
23 it, however, there is a hang-up here. There is 8,000  
24 acre-feet of extra storage there, however, at the same  
25 time, we have been resurveying and redefining the

1 capacity of the downstream channel through the City of  
2 Trinidad. It turns out that the capacity of the  
3 channel has gone down very significantly since the  
4 dam was built. It looks like the 100-year flood is  
5 now about three-feet higher due to encroachments,  
6 bridges, additional buildings, channel deterioration  
7 in general through the City of Trinidad, so the way it  
8 stands right now, we have got 8,000 acre-feet of  
9 extra capacity, however, we need that extra capacity  
10 for flood control because of the deteriorated channel.  
11 At such time in the future as the City of Trinidad  
12 could be coerced or whatever other pressure we could  
13 bring upon the city to go ahead and improve the  
14 capacity of that channel down through there, then that  
15 8,000 acre-feet would be available.

16 The last item is flood control studies within  
17 the Arkansas River Basin. We have finished up flood  
18 control studies reconnaissance level. That is the  
19 first phase of study in Colorado Springs this year.  
20 We have identified three sections of Fountain Creek  
21 channel there where levees are feasible. We have also  
22 identified main stem channelization project from  
23 Manitou Springs down to Interstate 25 that is feasible.  
24 We are presently working with Colorado Springs, El  
25 Paso County, and others in the area to attempt to get

1 cost sharing funds to continue our studies in the  
2 feasibility stage.

3 During this year, we have also finished a flood  
4 control study for La Junta. The only project that is  
5 still feasible at La Junta is a levee project down  
6 through the City of La Junta. It has got a favorable  
7 benefit cost ratio, however, it does not have local  
8 support. The local people feel that their main problem  
9 down there is sediment accumulation, as much as eight  
10 feet in the Arkansas River Channel through La Junta.  
11 It is also causing a very high ground water table  
12 condition north of the river through North La Junta  
13 and La Junta Gardens. The only project the local  
14 sponsors are willing to support would be a channelization  
15 project which we found infeasible, so thus we are  
16 terminating our flood control studies at La Junta.

17 The last thing concerning studies, we have been  
18 asked by Congress in fiscal year '86 to go ahead and X  
19 reevaluate the original Arkansas River channelization  
20 plan from Pueblo Reservoir down to Las Animas. As many  
21 of you will probably recall, that was a seventy-six  
22 mile long channel flanked by levees. It would have  
23 contained the 100-year flood. Benefits would have  
24 been obtained primarily through water salvage, up to  
25 41,000 acre-feet of salvage as a result of lowering

1 of the ground water table and control of phreatophytes.  
2 The remainder of benefits primarily would have come  
3 from flood control. We will be updating the costs on  
4 that particular proposal here within the next month or  
5 two. Our preliminary indications are the benefit cost  
6 ratio does not look real favorable at this time. We  
7 have a very significant increase in cost of construction  
8 since it was originally studied in the late '60's and  
9 it does not look like the benefits have gone up by the  
10 same ratio as the costs have gone up.

11 That concludes my report. I will be happy to  
12 entertain any questions.

13 THE CHAIRMAN: I have got a number of questions  
14 for you. First, as to the Trinidad Reservoir and its  
15 capacity, would you just take a paragraph to describe  
16 the techniques used in order to determine the capacity?  
17 What actually is done to redefine the capacity in the  
18 reservoir?

19 MR. ROMPH: Well, for the area down below the  
20 water, it is a matter of using hydrographic-type  
21 surveying methods to go ahead and get a cross section.

22 THE CHAIRMAN: Depth finders?

23 MR. ROMPH: Depth finder type of mechanisms, right.  
24 And then, of course, for the area that is above the  
25 water, in which case in Trinidad, most of it is above

1 water, like right now, it is 17,000 acre-feet or so  
2 of storage in there, whereas the total storage is like  
3 122,000 acre-feet, so photographic surveying methods  
4 then are used to go ahead and establish the dryland  
5 area.

6 THE CHAIRMAN: And then you, by planimetric  
7 sketches, from the photographs and from the depth finder  
8 prints, you compute the capacity?

9 MR. ROMPH: Right.

10 THE CHAIRMAN: And that is largely by hand, isn't  
11 it?

12 MR. ROMPH: Well, hand, as aided, of course, you  
13 know, by various computer techniques to go ahead and  
14 make the actual calculations.

15 THE CHAIRMAN: Okay. Now, as to La Junta-- I  
16 hope you will give me some forbearance here. I am so  
17 unaware of this subject that I don't understand what  
18 it is you are saying. --is it a question of the amount  
19 of cost that the local community would have to  
20 contribute under the proposals or would you elaborate  
21 that, and clearly enough for me to catch on to what is  
22 going on?

23 MR. ROMPH: Okay. In our flood control planning,  
24 we basically go <sup>through</sup> what we call a nation<sup>al</sup> economic plan  
25 and that's the plan that returns the most benefits

X



1 per dollars spent. In that case, that is the levee  
2 plan. It had a benefit cost ratio of about 1.3 to 1,  
3 as I remember. The channel plan had a similar cost,  
4 but it did not return--or had a greater cost, but  
5 did not--for only the same number of benefits. It had  
6 a benefit cost ratio of about .8 to 1. We cannot  
7 recommend anything to Congress that does not have a  
8 benefit cost ratio of more than 1 to 1, and so thus  
9 even though the channel plan was the one selected by  
10 the local community, our criteria do not allow us to  
11 go ahead and recommend that to Congress for authoriza-  
12 tion.

13 THE CHAIRMAN: What would have been the burdens  
14 of the local community under either plan?

15 MR. ROMPH: The levee plan, the burden, right  
16 now, federal cost sharing is about 25 to 35 percent  
17 depending upon which bill gets passed by Congress.  
18 Hopefully, one will get passed here in the next month  
19 or two. So you are talking approximately \$5,000,000  
20 for the levee plan. I don't have the cost for the  
21 channel plan, but it was somewhat greater than that.

22 THE CHAIRMAN: All right. The last question:  
23 Approximately how much will be spent in the summer of  
24 '86 by the Corps of Engineers on John Martin on  
25 redefining the capacity?

1 MR. ROMPH: I don't have that number. I am not  
2 so sure the contract has been let on that, Mr. Chairman.

3 THE CHAIRMAN: And if John Martin continues to  
4 have more than 200,000 acre-feet of water, a significant  
5 portion of that as well will be by depth finder  
6 prodding?

7 MR. ROMPH: That's correct. Based on the projections  
8 for the runoff and mountain storage in there now, most  
9 of that would be.

10 THE CHAIRMAN: Does anyone else have any questions?

11 Mr. Pope.

12 MR. POPE: I have a couple. On the Trinidad,  
13 the new survey of Trinidad--

14 MR. ROMPH: Yes.

15 MR. POPE: --the 8,000 acre-feet that you found,  
16 can you tell us what area within the reservoir that  
17 change occurred, the lower elevations or the higher  
18 elevations?

19 MR. ROMPH: I don't have any of the details.  
20 That happened-- As you well know, I am fairly new  
21 on this job here and that actual work was done prior  
22 to the time I came here, and so I have had the benefit  
23 of knowing what the results are, but not having  
24 actually experienced any involvement in the actual  
25 work, so I don't know a lot of those details.

1 MR. POPE: Well, a further question: You may not  
2 be able to answer this one then based on that, but  
3 what effect does that additional storage have on the  
4 operation of the reservoir in conjunction with the  
5 Division Engineer's Office?

6 MR. ROMPH: It will have no effect as far as the  
7 Division Engineer's Office. It is not assigned to the  
8 conservation pool, it is assigned to the flood pool,  
9 and so from the standpoint of the Corps of Engineers  
10 making flood control operations, right now our  
11 operation calls for going up to 15,000 cubic feet per  
12 second releases when we get into flood storage. Under  
13 the modified operation, we would only go up to 7500  
14 cubic feet per second releases when we go into flood  
15 storage.

16 MR. POPE: Well, the follow-up question then  
17 would be: I assume from what you are saying, you  
18 haven't changed the elevations of the different pools,  
19 that you are assuming that additional capacity is in  
20 the flood pool?

21 MR. ROMPH: Yes. Um hum.

22 MR. POPE: Are the current area capacity curves  
23 then being used for the remaining storage below the  
24 top of the conservation pool then, I assume?

25 MR. ROMPH: I can't tell you that.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. POPE: Bob, can you respond to that?

MR. JESSE: We are using whatever we have, whatever they are giving us. I don't remember when we got the latest one. We simply take whatever the elevation is and go to the planning table and that's the contents.

MR. POPE: Well, I guess the question then would be if it is possible to make available to all of us the most current ~~carry~~ capacity tables. We would appreciate that and that may or may not be what Bob is using now. X

MR. ROMPH: Okay. I will go ahead and follow up on that.

THE CHAIRMAN: There is all sorts of interesting fallout on that matter and I think it deserves some attention and I would suggest that the data better be distributed, and probably to a committee, if not, to a next meeting of the Compact.

MR. ROMPH: All right.

THE CHAIRMAN: Yes. Carl?

MR. GENOVA: Bob, would there be a chance of having a channelization study performed on the Arkansas, John Martin, and Stateline?

MR. ROMPH: My understanding is that reevaluation was done something like two or three years ago already and that was found to be infeasible and so

1 we recommended no further studies of that.

2 MR. GENOVA: In other words, the cost exceeded the  
3 benefit?

4 MR. ROMPH: Yes. Um hum.

5 THE CHAIRMAN: But the same capacity is around  
6 200 cubic feet. It's a little frightening down there  
7 with some of those bridges and narrow stretches of  
8 the stream.

9 Any other questions?

10 MR. POPE: No. Other than we would appreciate  
11 receiving the materials whenever we can, and we are  
12 particularly interested in when the studies were  
13 completed so we could know what the new numbers should  
14 be and when.

15 MR. ROMPH: We will go ahead and make distribution  
16 of that.

17 THE CHAIRMAN: I think it would be appropriate,  
18 Mr. Romph, if you address a letter to the Compact  
19 Administration and to its members giving the informa-  
20 tion, where it is, and what it has done to the  
21 capacities, and the new capacity table sufficient to  
22 take off from there.

23 Thank you, sir.

24 Mr. Willms, you are not the only person here  
25 from the Bureau of Reclamation, but I think I will

1 call on you for the Bur/Rec report.

2 MR. WILLMS: Thank you, Mr. Chairman.

3 With respect to the operating principal<sup>ies</sup> study X  
4 on Trinidad project, for a variety of reasons, we  
5 have not completed the draft. As of now, it is  
6 scheduled to be mailed on the 22nd day of December.  
7 We are intending to give approximately forty-five  
8 days of review time before we start working on putting  
9 out a final.

10 As far as operations are concerned, just a word  
11 or two. The Fry-Ark project reservoirs are, for all  
12 practical purposes, full. We have agreed to store  
13 30,000 acre-feet of winter water this year. We will  
14 be able to store that by using a small amount of  
15 joint use space and using some of the contract space  
16 that is vacant at this time, principally the Twin Lakes  
17 Canal Company space and then they will probably fill  
18 that early into the summer, and by the time they fill  
19 that space, the winter water will have to be gone and  
20 all the conservation space in the reservoirs will be  
21 filled with project water.

22 That's about the extent of the report I have.  
23 Is there any questions?

24 MR. SIMMS: Mr. Chairman?

25 THE CHAIRMAN: Go ahead.

1 MR. SIMMS: When you last reported to us about the  
2 progress of the reports, you stated in response to  
3 questions that the practice of rolling over water in  
4 Trinidad did not comport with the operation criteria  
5 of the Bureau. Since that period of time and during  
6 this period when you have been continuing to try to  
7 put together a draft of the report for submission to  
8 the Administration and the states, has there been a  
9 change in that conclusion?

10 MR. WILLMS: No. I think that actually the  
11 conclusions that I alluded to or an indication of the  
12 conclusion was that the rolling over of that water  
13 was not in accordance with the irrigation report <sup>or</sup> of  
14 the operation studies that supported it.

15 MR. SIMMS: Right.

16 MR. WILLMS: And I know we have not come up with  
17 any different conclusion at this time.

18 THE CHAIRMAN: Any other questions?

19 Just one, Mr. Willms: I am hazy. Has the report  
20 been made in conjunction with the two states or will  
21 the draft be the first communication you have with the  
22 two states?

23 MR. WILLMS: We communicated with the two states  
24 in the initial stages of the study in terms of what  
25 they wanted studied. Since then, there has been no

1 communication other than exchange of data--we have  
2 gathered some data--and the draft report would be the  
3 first communications of substance.

4 THE CHAIRMAN: Thank you very much, sir. I don't  
5 think there is anything else.

6 Mr. Livingston, Russ Livingston, can you speak  
7 for the U.S. Geological Survey?

8 MR. LIVINGSTON: In my report today, I would  
9 like to touch on two things: First of all, I want  
10 to give a brief summary of the cooperative data  
11 collection program we have with the Company<sup>ct</sup> and then X  
12 briefly summarize some of the other activities that we  
13 are carrying out in the basin that may or may not be  
14 of specific interest to the Compact.

15 At the October meeting, I believe we went over  
16 the specifics of the data program, and just to  
17 summarize: For fiscal year 1986, the Kansas district  
18 portion of the program totaled \$3,960, and for the  
19 Colorado portion of the program totaled \$6,225. We  
20 were asked at that special meeting to provide  
21 estimates for fiscal year 1987. Those estimates were  
22 documented in some correspondence I believe the Compact  
23 members have received. The total for the Kansas district  
24 portion, again, fiscal year 1987, would be \$3,825, and  
25 for the Colorado portion would be \$6,500. To total



1 then for the summary, fiscal year 1986 would be  
2 \$10,185 and the projected for 1987 fiscal year would  
3 be \$10,325.

4 I would bring to the Compact's attention that  
5 there is some difference in the two proposals presented,  
6 one by the Kansas district and one by the Colorado  
7 district. The Kansas district does include funding  
8 for their radio relay stations for another year, as  
9 well as operation of the DCP's in Kansas. The proposal  
10 that has been submitted by the Colorado district does  
11 not include funding for the radio stations and it is  
12 our understanding that in conversations with Bob Jesse,  
13 that we no longer need to continue those things and  
14 we are no longer really maintaining those facilities  
15 and will be pulling out the equipment very shortly.

16 THE CHAIRMAN: Can we pause here, Mr. Livingston?

17 Mr. Corrigan, would you comment on the apparent  
18 discrepancy or if it is a discrepancy? sp?

19 MR. CORRIGAN: Between the USGS funding? sp?

20 THE CHAIRMAN: No. On whether we pull the radios  
21 in Kansas or not, since they are--

22 MR. CORRIGAN: It was my understanding that we  
23 would have it through the year 1986. sp?

24 THE CHAIRMAN: And that's what Russ has just  
25 indicated.

PENGAD CO. BAYBORNE, N.J. 07732 FORM 740

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CORRISON. We have just gotten on line. As I understand, we just went, I think, this morning, that we have obtained the data through the Topeka office of the Sutron Communications. We haven't got it yet to Garden City, but we should be able to do it. That is why I was looking around. I would like to run them both together for a period of time to see that the Sutrons do operate and if they don't operate, then we would need to carry on the relays.

sp?

THE CHAIRMAN: I didn't mean that you had to stand up. I wanted to keep your voice up for the reporter. I don't know what the signal is on that. Turn the volume up maybe.

Well, that's in line with what Mr. Livingston has just reported and maybe that's the way it ought to be left and go from there.

Mr. Pope?

MR. POPE: I think there may be a difference. I think we were assuming that the relay stations would remain operational through September 30th of 1986. I think what Russ just reported to us was that they would be removed shortly on the Colorado side. That is not what we were assuming was going to be the case. Is that correct, Russ?

MR. LIVINGSTON: Well, it was our understanding,

1 speaking for the Colorado district, that in last year's  
2 proposal that was submitted to the Compact, and there  
3 was discussion at that point on whether the gages would  
4 be continued or not, that they would be continued just  
5 for that one year, that year ending this past October  
6 1st, and subsequent discussions with Mr. Bob Jesse  
7 indicated that they were no longer needed.

8 Now, we have had perhaps more experience with the  
9 DCP's here in Colorado than Howard has had, and so we  
10 have gotten a feeling that they are in good operation  
11 and we can go ahead and afford to discontinue the radio  
12 relays, but certainly, at this point, it is not too  
13 late if there should be a change in direction here on  
14 behalf of the Compact.

15 MR. POPE: Do you have a figure? We have a later  
16 item on the agenda regarding the budget matter, but  
17 sometime between now and then, Russ, could you come  
18 up with a figure in terms of the net difference that  
19 it would cost to keep them--

20 MR. LIVINGSTON: Yes. I could do that.

21 MR. POPE: --and we will take that up then later,  
22 would be my suggestion.

23 THE CHAIRMAN: That would be fine.

24 MR. LIVINGSTON: That would be fine.

25 THE CHAIRMAN: Unless there are other questions,

1 we will accept Mr. Livingston's report with thanks.

2 MR. LIVINGSTON: I would like to--

3 THE CHAIRMAN: Oh, pardon me. I interrupted you  
4 halfway into the thing.

5 MR. LIVINGSTON: I think a question would bring  
6 this up anyway. I want to comment on a couple of the  
7 studies as I done last year that we are doing in the  
8 basin, and, as I said, some of them may be of direct  
9 interest to the Compact, some may not.

10 First of all, the comprehensive water quality and  
11 quantity model of the Arkansas River Basin that we  
12 have been working on for several years in cooperation  
13 with the Southeastern Colorado Water Conservancy  
14 District and the Bureau of Reclamation has been  
15 completed this past year, and I will give you a status  
16 on the reports that are involved.

17 We have in mind five reports on that investigation.  
18 We have what we call a descriptive operations <sup>102</sup> report. X  
19 That report has been approved by the director and will  
20 probably be published in the next couple months. We  
21 have a report on statistics, water trends, and data  
22 of the various gaging stations, and that has also been  
23 approved by the director, will probably be published  
24 in the next four months, I would say. We have a report  
25 on water quality in the basin. That report is in

1 quality review right now, so it is just beginning the  
2 review process and it will be quite a while before it  
3 gets out. A report on the documentation of the model  
4 has just been completed, is, again, just starting the  
5 review process. And lastly, we will publish a summary  
6 report and that has not been written at this point.

7 To move on, we are studying the designated ground  
8 water basin in the Black Squirrel extensively, and  
9 this is a tributary to the Arkansas just downstream of  
10 Pueblo. We will be doing some additional studies in  
11 that basin.

12 We have completed our 2-D model of that basin and  
13 will be beginning a 3-D model that will probably be  
14 completed in fiscal year '87.

15 Our studies of the Pinon Canyon <sup>M</sup> military <sup>R</sup> reservation  
16 and <sup>M</sup> maneuver <sup>A</sup> area are ongoing, and that study, again,  
17 is to determine the hydrologic impacts, particularly  
18 the sediment transport on the Purgatoire River.

19 We are doing a lot of work on Fountain Creek,  
20 largely because of the development in the Colorado  
21 Springs area. We are doing sediment transport. We  
22 are doing what could be called a transit loss study.  
23 It is determining the amount of transmountain return  
24 flow that is released by Colorado Springs, how much  
25 of that return flow does reach the Arkansas.

1 We are also doing some work on ground water  
2 quality on the Fountain Creek alluvium.

3 We also began a new study this year on Pueblo  
4 Reservoir. It's mainly water quality oriented. There  
5 will be some hydrologic modeling of the reservoir and  
6 it's aimed at getting a better handle of the water  
7 quality in the reservoir and the potential impacts on  
8 that water quality of degradation upstream.

9 A couple of proposals that will possibly be funded  
10 over the next year: One would be a ground water  
11 investigation of the alluvial area north of La Junta.  
12 That's the alluvial area that is the North La Junta  
13 Water Conservancy District boundary area. They are  
14 having a problem with high water table. Another is  
15 a water quality modeling of Fountain Creek and Monument  
16 Creek from Palmer Lake to the Arkansas River. This  
17 is to determine the waste load capacity of those  
18 creeks to assimilate.

19 And that basically concludes my report.

20 THE CHAIRMAN: Now, any other questions?

21 MR. SIMMS: Mr. Chairman?

22 THE CHAIRMAN: Yes. Mr. Simms?

23 MR. SIMMS: Is all of the information to which  
24 you alluded available to anybody who might request  
25 it?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. LIVINGSTON: All of what information?

MR. SIMMS: All of the information, studies--

MR. LIVINGSTON: Studies?

MR. SIMMS: --and everything you filed and recorded and analyzed?

MR. LIVINGSTON: It is. As far as any interpretive type data, it does have to go through our review process, and as I mentioned, some of the reports and so forth have not completed that stage. Any of the basic hydrologic data we might be collecting following some quality-assurance-type procedures are certainly available on request.

MR. SIMMS: How about the use of the model?

MR. LIVINGSTON: The Arkansas Basin model?

MR. SIMMS: Yes.

MR. SIMMS: Again, those studies or those reports that are documenting that particular modeling effort are still undergoing review and so forth and haven't been published yet. The model, once it is completed, is basically going to be--any requests for the use of that model are going to be channeled through the conservancy district since they were the cooperator on the study, but, again, the documentation of the model will be a matter of public record and it will be a published report.

1 MR. SIMMS: Do I understand that the model itself  
2 from your point of view then will not be a public  
3 record and will not be available for use without being  
4 released by the conservancy district?

5 MR. LIVINGSTON: If a request came directly to  
6 us for use of the model, we would possibly be able  
7 to provide you a copy of the model, but as far as  
8 actually using the model for addressing an issue that  
9 you might have, we would not be able to do that. If  
10 you wanted the model used for a specific purpose, it  
11 would have to go through the conservancy district.

12 THE CHAIRMAN: What is the cost of development  
13 of the model, roughly?

14 MR. LIVINGSTON: About \$400,000.

15 THE CHAIRMAN: Any more questions, Mr. Simms?

16 MR. SIMMS: No, sir.

17 MR. POPE: On the study of the transmountain  
18 return flows, you said that was on the Fountain Creek,  
19 was being done on Fountain Creek. How far into that  
20 study are you?

21 MR. LIVINGSTON: The study is to be completed in  
22 July of '86.

23 MR. POPE: What did you use for a data source  
24 to put together that study?

25 MR. LIVINGSTON: Well, in addition to the



1 historical data on Fountain Creek, we have been doing  
2 some gain and loss investigations reflecting additional  
3 diversion records along Fountain Creek from Colorado  
4 Springs to Pueblo. We will also be surveying some  
5 water use relative to well pumpage in that area.

6 MR. POPE: Is that the only one of the studies  
7 mentioned that deals specifically with transmountain  
8 return flows?

9 MR. LIVINGSTON: Yes.

10 MR. POPE: You did discuss that in a broader  
11 model study?

12 MR. LIVINGSTON: Not directly, no. I sure didn't.

13 MR. POPE: Thank you.

14 THE CHAIRMAN: Any other questions?

15 Thank you very much, Mr. Livingston.

16 I am going to make some remarks to the Compact,  
17 after which we will go into another recess.

18 The purpose of the Compact Administration is to  
19 settle disputes between Colorado and Kansas on the  
20 Arkansas River and to divide and apportion the waters  
21 of the river in an equitable manner.

22 Any suit brought in the Supreme Court of the  
23 United States by one state against another concerning  
24 the Arkansas necessarily would reflect the failure of  
25 the Compact Administration and demonstrates a break-

1 down both of the Administration and of the settlement  
2 processes that the Administration was created to perform.

3 Attorney General Stephan reported to the Kansas  
4 Legislature that a concerted effort was made in 1984 by  
5 Kansas to submit its concerns on the Arkansas River to  
6 arbitration with Colorado but that the effort proved  
7 fruitless. He stated that there have been three years  
8 of efforts to attempt to negotiate, arbitrate or  
9 investigate Kansas concerns with Colorado, but, without  
10 success, and that he has directed Assistant Attorney  
11 General John Campbell and Mr. Simms to prepare the  
12 legal documents necessary to initiate litigation against  
13 the State of Colorado.

14 It is my view, from the position to which I have  
15 been appointed, that three elements should be necessary  
16 to establish a threshold for a suit by one state against  
17 another before the Supreme Court of the United States  
18 on a compact dispute. If there is a failure of a  
19 compact commission to resolve a dispute where the compact  
20 had provision for allowing federal representatives a  
21 vote (not the case here) or providing for arbitration  
22 by federal official (as is the case with this compact)  
23 these elements seem appropriate.

24 First, the underlying factual basis of any dispute  
25 should be presented clearly and fully before a regular

1 meeting of the Compact. The claim for relief or the  
2 basis for a complaint should be set forth in public  
3 and brought before a meeting of the Compact so that the  
4 Compact has the opportunity, and, indeed, the duty  
5 fully to discuss and consider the subject of discord,  
6 the claim of injury or damage. The basis of the  
7 complaint should be presented at a public meeting and  
8 not at a closed or informal session or in a committee  
9 meeting or in reports not brought before the Compact  
10 itself.

11 We have consistently had a large attendance of  
12 interested water users and water authorities at the  
13 meetings of the Compact Administration. The water  
14 community of both states is entitled to hear the  
15 complaint of either. Indeed, it is my opinion that the  
16 deficiencies in the presentation of problems in the  
17 administration of the river and before the general  
18 public has caused delays in facing and defining the  
19 problems, in the solution of these problems, if not  
20 exacerbation of the problems themselves. The public  
21 is entitled to the airing of the positions of both  
22 states and the airing of these problems is the first  
23 step towards the solution of the problems. This is a  
24 step that may not be ignored or omitted or slighted  
25 under the provisions of the Compact as I interpret its

1 purpose and function.

2 Parliamentary procedures and the fine tuning of  
3 resolutions are a necessary part of the functions and  
4 deliberations of the Arkansas River Compact Administra-  
5 tion, but they are not its principal business. Its  
6 principal business is the settlement of disputes,  
7 complaints, or grievances or maladministration or  
8 claims of injury or damage. These must be identified  
9 with specificity and clarity before the Compact  
10 Administration if they are to be resolved by the Compact  
11 Administration. There is a desire for a temperate and  
12 pleasant meeting, but if a suit is in the air, it  
13 should come before the Compact prior to being taken  
14 to court.

15 Second, the fact finding process must be pursued  
16 to the reasonable limit by both states in order that  
17 disputes be resolved. This process has been employed  
18 with substantial success and progress by both states  
19 in the past year. The Compact has in the past  
20 successfully pressed forward on the establishment of  
21 facts, a data base, and in resolution of the concerns  
22 of both states in the administration of the Arkansas  
23 River based upon the factual determinations made. In  
24 addition, the Compact has been successful in its special  
25 relationships with the agencies of the United States

1 in obtaining studies and reports, some of which have  
2 been of great value. I point out particularly the  
3 "travel time study" which has become a useful working  
4 tool for the administration of the river.

5 It is not appropriate for me to comment upon or  
6 pass judgment upon the deficiencies of the fact finding  
7 process which appeared in the past few months. If one  
8 state refuses to permit fact finding on a practice  
9 deemed by the other state to be the cause of great  
10 injury, then the process breaks down at that point.  
11 This may be the case here. It is appropriate for me to  
12 say that both states must make greater efforts to define  
13 and agree upon all of the regime of the Arkansas River  
14 and upon the data, the data base, and the facts of  
15 operation of the structures in the basin as they may  
16 bear upon the regimen and operation of the river and  
17 upon the complaints of any state. I believe many of  
18 these factual bases have been readily and freely agreed  
19 to by the states. In some instances, the facts have  
20 been agreed to but we may have fallen short upon the  
21 appropriate interpretation of the factual bases.

22 Third, in the event of the failure to agree  
23 between the two states, it is necessary and, indeed,  
24 essential that there be an arbitration of the dispute.  
25 At the minimum the states should exhaust the arbitration

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

process. The Supreme Court of the United States in Texas vs. New Mexico at 103 S.Ct. 2571 stated that: "Time and again we have counselled States engaged in litigation with one another before this Court that their dispute 'is one more likely to be wisely solved by cooperative study and by conference and mutual concession on the part of the representatives of the States which are vitally interested than by proceedings in any court however constituted.'" <sup>IP</sup> A case given to the Supreme Court from a dispute over an interstate stream almost invariably ends up before a special master who may or may not have the qualifications, expertise, and experience appropriate to determine those matters. The court would acknowledge that there is in regular attendance before this Administration a group of men with skill, judgment, knowledge and experience superior to any other group on the complex issues of the river. The skills and abilities here should be utilized. In any event, before the compact's functions are at an end there must be a genuine effort to resolve disputes by arbitration.

One of the functions of the administration is to refer matters for arbitration. This necessarily involves several steps. One, is the establishment of the ground rules for arbitration of disputes before the

1 Compact Administration. This step has not been taken.  
2 Cogent and thorough arbitration procedures have not  
3 been submitted by either state for action by the  
4 Compact to my knowledge. There have been discussions  
5 about arbitration, but I know of no framework which  
6 has been established by the Administration.

7 Next, those matters to be subjected to arbitration  
8 must be defined with clarity and precision. The  
9 arbitration procedure must run its course. These  
10 steps have not been accomplished in my judgment. It  
11 is not my intention to frustrate or thwart the remedy  
12 of either state, much less to define what those remedies  
13 shall be. It is my purpose to set forth those  
14 procedures which appear to me clearly to be reasonable  
15 and necessary before either successfully claims that  
16 its administrative remedies have been exhausted and  
17 that it must seek relief outside or beyond the Compact  
18 Administration.

19 We will be in recess for fifteen minutes.

20 THE CHAIRMAN: We will be back in order. The  
21 next item on the agenda is the "Report of Investigation  
22 Committee," item number 11.

23 MR. McDONALD: David, shall I proceed with the  
24 comments for October, ending November 1st?

25 MR. POPE: Okay.

1 MR. McDONALD: The committee met, as you well  
2 know, on the morning of October 8th immediately  
3 preceding the special meeting of the Administration.  
4 We had--"we," being David Pope and I--had prepared the  
5 reports for that Administration meeting. Those were  
6 provided to you at that time. We also proposed to  
7 you a resolution directing the continuation of the  
8 investigation in some particulars. You are all aware  
9 of that, of course, having acted upon it. Our written  
10 report for the period ending November 1st to which  
11 David and I have agreed this morning, but which has  
12 yet to be retyped, and when it is retyped, it will  
13 be mailed to you, it will merely indicate that those  
14 were the activities of the committee for the period  
15 ending November 1 and the minutes of our October 8th  
16 committee meeting will be appended to that November  
17 1st report.

18 David, I don't think I need to do anything else  
19 for that period, do I?

20 MR. POPE: No. I think that covers it, in light  
21 of the fact that the special meeting of the Administra-  
22 tion was in receipt of an update at that time.

23 Mr. Chairman, for the period ending December 1,  
24 I would also report on the status of that.

25 THE CHAIRMAN: Please do.



1 MR. POPE: At this morning's meeting, I provided  
2 a draft of a committee report to the Administration.  
3 Bill had not had an opportunity to review that so it  
4 has not been totally finalized, but, in essence, the  
5 significant happening during the month of November  
6 and for the period ending December 1, 1985, was a  
7 report on the meeting of the committee which was held  
8 in Denver on November 19, 1985, at which time, the  
9 primary order of business was to discuss the proposed  
10 scope of work for the continuation of the investigation  
11 pursuant to the resolution adopted by the Administration  
12 on October 8, 1985. A draft of that scope of work  
13 had been provided by Mr. McDonald a few days prior  
14 to the meeting. It was discussed in detail and Kansas  
15 agreed to take it home and respond back to Colorado  
16 which we have now done as of this morning. That goes  
17 beyond the December 1st report briefly there.

18 There was also presented to Kansas a draft of a X  
19 scope of work for one of the Colorado alleged violations  
20 of <sup>the</sup> Compact by Kansas, and, in turn, we also discussed X  
21 that and agreed to take it back and respond back to  
22 them on it. Essentially, that is the essence of what  
23 happened during the month of November and again the  
24 Administration will be in receipt of a finalized  
25 report in the very near future, I presume, regarding

1 that period.

2 I think that concludes the report for the period  
3 ending December 1st, Bill, unless you have any  
4 suggestions or changes to that.

5 MR. McDONALD: David, perhaps the only thing I  
6 would add is that with respect to the scope of  
7 work--well, or with respect to the period ending  
8 December 1st, that's fine. I am jumping ahead again.

9 MR. POPE: I presume, at this time, that you  
10 would want to continue with the report on what  
11 happened this morning.

12 MR. McDONALD: Yes. Go ahead.

13 MR. POPE: I was trying to put that over in your  
14 lap.

15 MR. McDONALD: I am sorry. I thought you meant  
16 "we." I will be glad to continue if you like.

17 David and I did meet this morning as a committee,  
18 dealt with some administrative matters of preparing  
19 our reports and what have you.

20 Item number 2 of business, not necessarily in  
21 the order we took them, was that at the November 19th  
22 committee meeting, as David indicated, I had proposed  
23 a scope of work with respect to Colorado's allegation  
24 of well development in Kansas being a violation of  
25 Article IV. D. David responded to that scope of work

1 in a letter dated December 5th to me which I received  
2 Friday. In view of the fact that I had had that for  
3 one or two days, I indicated to David this morning  
4 that I would be responding to his letter in writing  
5 at a later date shortly. We did not discuss that  
6 matter further.

7 With respect to the third major item of business  
8 that we handled as a committee this morning, again,  
9 as David has previously indicated, we had a proposed  
10 scope of work for the continuation of the investigation  
11 pursuant to the Administration's resolution of October  
12 8th when we met on November 19th. David provided this  
13 morning some revisions to that proposed scope of work.

14 I do not, at this time, see any major problems  
15 with what David has proposed. However, we <sup>in Colorado</sup> ~~in Colorado~~ <sup>PA</sup> ~~in Colorado~~ X  
16 inquired of David and Richard as to whether the  
17 reported filing of the lawsuit on Monday, December 16th,  
18 was, in fact, going to occur. David and Richard  
19 indicated that it would be filed, and under those  
20 circumstances, we advised that we would provide our  
21 final written comments on that proposed scope of work  
22 shortly after we had had an opportunity to read that  
23 complaint. And I believe, David, the matter was left  
24 there. Is there anything you would like to add to  
25 that?

1 MR. POPE: Just a second. Bill, the only addition  
2 or comment I believe I would make is after you and  
3 David Robbins raised the question regarding the  
4 possible filing of the lawsuit, I believe our response  
5 was that suit would be filed if Colorado continued to  
6 take the position that it had taken thus far regarding  
7 the refusal to investigate further the matters that  
8 we have laid on the table. For example, use of ground  
9 water and other matters like we all know are on the  
10 table. Reservoir operation, granting of the front ] ?  
11 road. We didn't get into those in detail.

*Ft. Lyon?*

12 MR. McDONALD: Frank, unless David has anything  
13 else, I think that would conclude our report as an  
14 investigation committee.

15 MR. POPE: Mr. Chairman, if that does complete  
16 the report of the committee, and I think it does,  
17 we are ready to move to the next agenda item. I  
18 think it follows that order of business. We would like  
19 to proceed with ~~as~~ a motion. I think it would be X  
20 appropriate for the Administration to consider at  
21 this time regarding the investigation.

22 THE CHAIRMAN: It looks to me like the items 11  
23 and 12 on the agenda are closely related and I see no  
24 reason not to proceed as you have indicated, Mr.  
25 Pope. I take it there is to be a resolution presented

1 to the meeting on investigation. Are there any remarks  
2 that are appropriate or necessary prior to that on  
3 continuing investigations? I take it from the report  
4 that some investigations are ongoing and from Mr.  
5 Pope's remarks, that other areas that are sought to  
6 be investigated by Kansas are not under investigation.

7 MR. POPE: I think our motion does speak to that  
8 issue, but let me indicate I think as it came out  
9 this morning that we presented a response to the  
10 proposed scope of work for the continuation of that  
11 portion of the investigation that was agreed to  
12 October 8, 1985, and we are willing to proceed on that  
13 basis.

14 THE CHAIRMAN: I apologize. I am lost by your  
15 remark, Mr. Pope. Will you make it more clear to  
16 me if you can?

17 MR. POPE: Well, I thought your question was  
18 the next step in terms of the investigation.

19 THE CHAIRMAN: You are going ahead with certain  
20 areas of the investigation you have agreed to and  
21 that is a continuing process, is that right, and there  
22 are other areas not under investigation that you  
23 desire and have desired to be investigated--

24 MR. POPE: Yes.

25 THE CHAIRMAN: --under the fact finding process

1 of the Compact Administration? And I take it then that  
2 what you said is you are willing to continue with those  
3 things that are under way? Is that the substance of  
4 what you just said? I am sorry. I just did not under-  
5 stand.

6 MR. POPE: No. I appreciate that, Frank, and,  
7 you know, to restate that: In October the Administration  
8 directed that the investigation continue on those  
9 items that the two states could agree on. The committee  
10 has met, as we just reported, and the scope of work  
11 is under consideration. We are now awaiting a response  
12 from Bill McDonald and Colorado on our latest  
13 suggestions to that. We are willing to proceed on  
14 that investigation in the manner in which it has  
15 already been discussed. Further, we have a motion that  
16 we would like to put on the table at this time for  
17 consideration that also speaks to the matter of the  
18 continuation of the investigation.

19 THE CHAIRMAN: And is the motion comprehensive?  
20 Does it cover the same things that you alluded to that  
21 you done thought were on the table? Does the written  
22 motion wrap it all up?

23 MR. POPE: Well, we hope so.

24 THE CHAIRMAN: Okay. Well, it was just distributed,  
25 so let's be at ease for two minutes or three while we

1 read the motion.

2 Well, I think everyone may have had a chance to  
3 go over the motion.

4 In summarizing, it's a three and a half page  
5 motion with a recital under a whereas clause of the  
6 certain resolutions adopted by the Compact Administration  
7 and the refusal in a whereas clause of Colorado to  
8 abide by the resolution and a therefore clause on the  
9 top of the third page that says "NOW THEREFORE, the  
10 State of Kansas respectfully moves that the Arkansas  
11 River Compact Administration take the following action:"  
12 And there are detailed one, two, three, four, five,  
13 six requirements for action on the part of the Compact  
14 Administration including the shutting down of certain  
15 wells. I am again somewhat at a loss how to proceed.

16 Mr. Pope, why don't you suggest the way in which  
17 the Compact Administration should address the motion  
18 that you have tendered.

19 MR. POPE: Well, Mr. Chairman, I think in a  
20 straightforward way and simple way to proceed is  
21 for me, first of all, to move the adoption of the  
22 motion, and I would suggest then for the benefit of  
23 everyone here assembled that it be read over. It is  
24 not that long, but I think we can take a few minutes  
25 and then we proceed to discuss and take action on the

1 motion on the floor.

2 THE CHAIRMAN: Well, the motion as drafted doesn't  
3 seem to be one for action by the two states, as I  
4 read the therefore clause on page 3, but certainly  
5 be at liberty to proceed in any manner that you desire.  
6 I almost haven't entertained the motion yet. We are  
7 trying to figure out where we are at. Mr. McDonald?

8 MR. McDONALD: Have you entertained the motion?

9 THE CHAIRMAN: I haven't, but I am not going to  
10 slow up on that process.

11 MR. McDONALD: The only suggestion I was going  
12 to make, unless somebody in the audience, Dave, is  
13 dying to have this thing read, you are welcome to have  
14 it introduced into the record. It would be Exhibit E  
15 at this point. I don't think we need to sit around  
16 and read it for posterity.

17 THE CHAIRMAN: Well, I am in a very poor way,  
18 Mr. McDonald, to go along with that, having just read  
19 a six-page document in which I tried to make it clear  
20 that spreading the complaint on the record was  
21 desirable and essential in this process. That being  
22 so, Mr. Pope, if you will proceed.

23 MR. POPE: We would prefer that, Mr. Chairman,  
24 and if you would accept the motion that I have attempted  
25 to make, why, I think you would have a second.



1 THE CHAIRMAN: All right. The motion has been  
2 made and seconded. Now, will you proceed with the  
3 discussion as you may deem necessary?

4 MR. POPE: I think my request was to make the  
5 motion a matter of record, and I would like to read  
6 it at this point.

7 THE CHAIRMAN: Please go ahead.

8 MR. POPE: "WHEREAS, Article VIII(H) of the  
9 Arkansas River Compact provides that '(v)iolation of X  
10 any of the provisions of this Compact or other actions  
11 prejudicial thereto which come to the attention of the  
12 Administration shall be promptly investigated by it;' X

13 "WHEREAS, by Resolution of March 28, 1985, as  
14 amended on July 12, 1985, the Arkansas River Compact  
15 Administration constituted a special committee to  
16 investigate: 1) whether the waters of the Arkansas  
17 River have been or are being materially depleted in  
18 usable quantity or availability by: a) The operation  
19 of the Trinidad Dam and Reservoir Project, Colorado;  
20 b) the operation of Pueblo Dam and Reservoir, Colorado,  
21 and the winter water storage program on the Arkansas  
22 River in Colorado; c) well development of the waters  
23 of the Arkansas River in Colorado; and d) well develop-  
24 ment of the waters of the Arkansas River in Kansas;  
25 2) whether water released from John Martin Dam and

1 Reservoir has been stored in Lake McKinney, Kansas,  
2 rather than being applied promptly to beneficial use,  
3 without the prior authorization of the Administration;  
4 3) whether the State of Colorado has complied with the  
5 provisions of Article V F of the Arkansas River Compact  
6 in the administration of the decreed rights of water  
7 users in Colorado Water District 67 as against each  
8 other and as against all rights now and hereafter  
9 decreed to water users diverting upstream from John  
10 Martin Dam, including groundwater rights, on the basis  
11 of relative priorities; and 4) whether there have been  
12 increases in ditch diversions rights from the Arkansas  
13 River by Kansas ditches between the stateline and  
14 Garden City beyond the rights existing at the time of  
15 the execution of the Compact, which increases have  
16 occurred without the Administration first making findings  
17 of fact that the usable quantity and availability for  
18 use of the waters of the Arkansas River to water users  
19 in Colorado Water District 67 and Kansas would not be  
20 thereby materially depleted or adversely affected;

21 "WHEREAS, by the Resolution of March 28, 1985, as  
22 amended on July 12, 1985, the states requested the  
23 cooperation of the respective state agencies and  
24 officials, including consultants to them, in both  
25 Colorado and Kansas, and of the U.S. Army Corps of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Engineers in furnishing factual data;

"WHEREAS, the State of Colorado has refused to abide by the Arkansas River Compact Administration's Resolution of July 24, 1951;

"WHEREAS, the State of Colorado has refused 'at this time, . . .to undertake a bilateral investigation into well development in Colorado . . .,' as directed by the administration's resolution of March 28, 1985;

"WHEREAS, the State of Colorado has undertaken a unilateral investigation of well development of groundwater use in Colorado during the past year while at the same time refusing to agree to a bilateral investigation of well development in Colorado or to share the information collected from its study;

"WHEREAS, the State of Colorado has refused to consider the investigation of the State of Kansas' allegations of violation in regard to the operation of Trinidad Reservoir, the operation of Pueblo Reservoir, and the winter water storage program on the Arkansas River;

"NOW THEREFORE, the State of Kansas respectfully moves that the Arkansas River Compact Administration take the following action; .

"(1) To require the State of Colorado to furnish to the State of Kansas all information, records and

1 data concerning alluvial well development in the Arkansas  
2 River basin, including the number and location of wells,  
3 annual quantities and rates of diversion authorized, X  
4 number of acres irrigated, types and acres of crops  
5 irrigated and all other water use data available;

6 "(2) immediately undertake an investigation of the  
7 impact of postcompact well development and water use  
8 in the State of Colorado on the usable stateline flow  
9 of the Arkansas River and on the State of Kansas'  
10 equitable apportionment of the waters of the Arkansas  
11 River under the Compact;

12 "(3) recommend to the Colorado State Engineer that  
13 he terminate all postcompact well uses in the Arkansas  
14 River Basin of Colorado during the pendency of the  
15 Compact Administration's investigation of postcompact  
16 well development;

17 "(4) immediately undertake an investigation of  
18 the impact of past rollover of water in Trinidad  
19 Reservoir on the usable stateline flow of the Arkansas  
20 River and on the State of Kansas' equitable apportion-  
21 ment of the waters of the Arkansas River under the  
22 Compact;

23 "(5) require the State of Colorado to adhere to  
24 and act in accordance with the Compact Administration's  
25 Resolution of July 24, 1951, concerning reregulation,

1 if any, of native waters of the Arkansas River in  
2 connection with Colorado's transmountain diversions  
3 under the Gunnison-Arkansas River Project; and

4 "(6) require the State of Colorado to provide to  
5 the Compact Administration's Investigation Committee  
6 its data, calculations and studies regarding use and  
7 depletion of its transmountain diversions in the  
8 Arkansas River Basin and to cooperate with the State  
9 of Kansas in quantifying the amount of Colorado's  
10 transmountain return flow to the Arkansas River."

11 THE CHAIRMAN: Before we get into matters of  
12 substance, I want to ask you some questions dealing  
13 strictly with the style and meaning of the resolution  
14 and I want you to take my remarks in that direction  
15 if you could put a different interpretation on them.  
16 In the middle of page 2, the refusal of the State of  
17 Colorado to abide with the resolution of July 24th,  
18 and there is another whereas of the refusal "at this  
19 time, . . .to undertake a bilateral investigation  
20 into well development in Colorado. . ." Are there  
21 other refusals referred to in the first paragraph  
22 than the bilateral investigation of well development?

23 MR. POPE: Are you talking about on the first  
24 page?

25 THE CHAIRMAN: The second page. Coming down

1 from the top, the second whereas near the middle of  
2 the page referring to a refusal in the State of  
3 Colorado, and then there is a specific refusal alleged  
4 under the second whereas. Now, in the first, what  
5 are the refusals that you are referring to here? I  
6 am looking for content. I don't want to get into  
7 the merit <sup>in</sup> any way. X

8 MR. POPE: You are referring now to that second  
9 whereas in the July 24, 1951, resolution?

10 THE CHAIRMAN: Yes.

11 MR. POPE: Okay. Extensive discussions were held  
12 during the March 28, 1985, meeting, and prior to that,  
13 in fact, several times, but particularly, at that  
14 meeting, as I recall, and the resolution deals with  
15 the issue of approval by the Administration of an  
16 operating plan for the operation of Pueblo Reservoir  
17 as a part of what is now known as the Frying Pan- X  
18 Arkansas Project, and the winter storage program as  
19 it is now known. The resolution indicated that the  
20 Administration would have the opportunity to review  
21 and approve any such plan prior to the reregulation  
22 of the Pueblo Reservoir.

23 THE CHAIRMAN: You have answered my question. Now,  
24 on page 3, we have a "NOW THEREFORE," and a request  
25 that the Arkansas River Compact Administration take

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

some action, and paragraph 1 is "To require the State of Colorado to furnish" some data. Paragraph 2 begins with a small letter, i.e., "immediately undertake an investigation. . ." Who is to immediately undertake the investigation under your resolution?

MR. POPE: I would be happy to clarify that, Mr. Chairman.

THE CHAIRMAN: What is the intent?

MR. POPE: We are referring to the position taken most recently at the October 8th special meeting of this body that Kansas felt that all of the factors should be investigated regarding the causes of declines in stateline flows. One of those specifically was postcompact well development. That is spelled out in the resolution adopted by the Administration on that date and it would be our intent here that that be done by the committee--

THE CHAIRMAN: Okay.

MR. POPE: --thus far constituted.

THE CHAIRMAN: Okay. All right. The committee, the investigation committee immediately undertake that one, too, all right?

MR. POPE: Right.

THE CHAIRMAN: "(3) recommend to the Colorado State Engineer that he terminate all postcompact well uses"

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

and it seems to say <sup>baseline</sup>~~basin line~~, but who is to make the recommendation, the Compact, in this instance, for paragraph 3, the Compact Administration?

MR. POPE: Yes.

THE CHAIRMAN: Compact Administration. Paragraph 4, "immediately," and I think it is intended as "undertake"--

MR. POPE: Yes.

THE CHAIRMAN: --"an investigation. . ." The committee?

MR. POPE: That would also be the committee.

THE CHAIRMAN: The investigation committee.

"(5) require the State of Colorado to adhere to" and so forth concerning reregulation of native waters. Would the operating party be the Compact Administration in 5?

MR. POPE: Yes, it would be.

THE CHAIRMAN: Okay. Thank you. Paragraph 6, "require the State of Colorado to provide to the Compact Administration's"-- I am not sure that needs any clarification. I think that is clear enough as it is.

Thank you very much, Mr. Pope.

Now, I think we will declare the motion open for general discussion on its merits.

X

X



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. McDONALD: Frank?

THE CHAIRMAN: Mr. McDonald?

MR. McDONALD: With due respect, I don't find the motion to be reasonably calculated to advance the purposes and role of the Administration's investigation nor does it seem to me to be responsive to the differences which have admittedly been identified in the course of the investigation. For example, as explained in my memorandum--

A VOICE: Will you speak up? We can't hear you, Mr. McDonald.

MR. McDONALD: Why don't I start over?

THE CHAIRMAN: Good.

MR. McDONALD: With due respect, I do not find the motion to be reasonably calculated to advance the purposes and role of the Administration's investigation nor does it seem to me to be responsive to the differences which have admittedly been identified in the course of the investigation as explained, for example, in my memorandum to the Administration dated December 9th which I provided to you earlier in the meeting. Under the circumstances, discussion, to me, would appear to be futile and I would call the question.

Colorado is prepared to vote.

1 THE CHAIRMAN: Yes. Mr. Pope?

2 MR. POPE: Kansas is ready to vote if Colorado has  
3 discussed it as far as they wish to.

4 THE CHAIRMAN: Well, we can quite clearly have a  
5 vote on this matter. I think it is pretty clear what  
6 the result of the vote would be.

7 Mr. McDonald, I don't operate with a copy of  
8 Robert's in my pocket. I hope I never have to. May I  
9 inquire of the State of Colorado what can be done, if  
10 anything, to further the fact finding process of the  
11 Compact on those subjects that are brought before the  
12 Compact Administration in Kansas's motion? Is further  
13 progress possible?

14 MR. McDÓNALD: Frank, let me address it this  
15 way: I would move a substitute to the motion on the  
16 table, and my substitute motion would be as follows:  
17 I would move that the Administration direct the  
18 investigation committee to continue its investigation  
19 insofar as the violations alleged by Kansas are  
20 concerned and insofar as the violations of Article X  
21 V. E(2) alleged by Colorado is concerned. I do so  
22 for good cause. I set out, and I am referring now to  
23 my memorandum to the Administration dated December 6th  
24 which references that the March resolution of the  
25 Administration spoke to those alleged violations being

1 addressed by the date of today's meeting. I think  
2 there is good cause as to why we have not yet finished  
3 that investigation.

4 I think there are good grounds for continuing that  
5 investigation. It is my view that the investigation  
6 of the allegations of postcompact well development, for  
7 example, is, in fact, underway and ongoing. The  
8 difference has been, and there is an admitted difference,<sup>X</sup>  
9 only about how one proceeds to do that, and as I  
10 stated at the October 8th meeting, I have not and I  
11 do not today rule out anything in terms of conducting  
12 the investigation other than the return flows from  
13 transmountain diversion imports. I am merely saying  
14 that I think there is a reasonable and prudent way to  
15 go about it.

16 At any rate, I would move that substitute motion.

17 THE CHAIRMAN: Mr. Simms?

18 MR. SIMMS: The State of Kansas has properly and  
19 duly made a motion before the Administration. That  
20 motion was discussed and the question called. We  
21 would like a vote on that motion before there is any  
22 consideration of any amendment.

23 THE CHAIRMAN: Well, fine, and the State of  
24 Kansas is entitled to that. The only problem, Mr.  
25 Simms, is that the purpose of the Administration is

1 to resolve disputes, and calling for the question in  
2 this instance merely preserves, documents the dispute.

3 My purpose is to find out if there is any way  
4 in which the fact finding process or for that matter,  
5 the arbitration process can be furthered or enhanced,  
6 and at least for the moment, I am not anxious to  
7 freeze this dispute at this moment into the record, but  
8 I am clearly, and as you are well aware, I am willing  
9 to do so when pressed further.

10 MR. POPE: Now, that is the logical next step  
11 procedurally, Mr. Chairman.

12 THE CHAIRMAN: Well, I point out to you, Mr.  
13 Pope, that the resolution that you present for  
14 adoption by Kansas and Colorado contains the language,  
15 "the State of Colorado has refused to abide by  
16 the . . .Resolution of July 24, 1951." When solicited  
17 by me to inquire if any progress was possible, Mr.  
18 McDonald came up with a substitute motion which is  
19 again something in which I am trying to avoid the  
20 procedure and get to the heart of the thing, in which  
21 he says that "Yes," that further progress is possible  
22 and that he seeks it.

23 I don't think there is any great merit to slamming  
24 the door shut on the fact finding process if it could  
25 be continued unless it's clear that that process isn't

1 carried on in good faith or is being carried on only  
2 for the purpose of hindrance and delay, and I haven't  
3 heard that yet nor do I hope ever to hear it.

4 Go ahead.

5 MR. POPE: Mr. Chairman, we have a motion on the  
6 floor. We have not said that at the appropriate time  
7 we would be unwilling to consider Mr. McDonald's  
8 motion.

9 MR. McDONALD: Frank?

10 THE CHAIRMAN: Yes.

11 MR. McDONALD: I am not trying to finesse the  
12 procedure. I was only trying to respond to your  
13 question that I have an alternative and the alternative  
14 was that I was prepared to make a motion, but I will  
15 be glad to withdraw. It hasn't found a second yet  
16 anyway.

17 THE CHAIRMAN: I understand.

18 MR. McDONALD: Back to the call of the question,  
19 if I may have the liberty of withdrawing my motion to  
20 substitute.

21 THE CHAIRMAN: Poor General Robert is spinning in  
22 his grave.

23 The motion has been made and seconded. Is Kansas  
24 ready to vote?

25 MR. POPE: Yes, it is. We vote yes.

1 THE CHAIRMAN: Kansas votes "yes." Is Colorado  
2 ready to vote?

3 MR. McDONALD: Colorado respectfully votes no.

4 THE CHAIRMAN: Colorado votes "no."

5 The matter is not closed. If there can be further  
6 progress in the fact finding process, then, in my  
7 view, that possibility must be pursued by both states.

8 Forget, Mr. Pope, the form of Mr. McDonald's  
9 remarks. If you would, respond to the substance of  
10 his remarks <sup>o</sup> in the fact finding process. X

11 MR. POPE: I think maybe the appropriate thing at  
12 this time would be we do have additional discussion  
13 that relates to the matter at hand and I think I would  
14 like Mr. Simms, at this time, to proceed with that.

15 THE CHAIRMAN: We would be delighted.

16 Mr. Simms.

17 MR. SIMMS: We were provided just a couple of  
18 hours ago, Mr. Chairman, with a copy of Mr. McDonald's  
19 memorandum of December 9, 1985, regarding Attorney  
20 General Stephan's announcement that a lawsuit would  
21 be filed on December 16, 1985, if Colorado continued  
22 to refuse to conduct a timely and meaningful and  
23 prompt--to quote the language of Article VIII. H--  
24 investigation under Article VIII. H of the Compact.

25 As everybody here has known for many years, our

1 basic concerns relate to essentially three things:  
2 One, unregulated postcompact well development which  
3 the State of Kansas and numerous of its consultants,  
4 numerous consultants to the State of Colorado, and  
5 numerous independent consultants, feel has caused  
6 severe stateline depletions of stateline flow. Secondly,  
7 the operation of Trinidad Reservoir. And thirdly, the  
8 reregulation of Arkansas River waters in the operation  
9 of Pueblo Reservoir.

10 Despite the mandatory language of Article VIII.  
11 H which requires the "prompt" investigation of  
12 allegations of Compact violations and despite Kansas's  
13 repeated efforts to have these matters investigated,  
14 Colorado continues to refuse to cooperate in such an  
15 investigation.

16 In order to rationalize its refusal to investigate  
17 our allegations, Colorado maintains that the states  
18 should ignore numerous engineering studies that show  
19 postcompact wells and depleted stateline flows and  
20 maintains that the single and double-mass analyses  
21 prepared by the investigation committee show that the  
22 likely causes of declines in stateline flows are  
23 drought on the eastern plains of Colorado and changes  
24 in the soil conservation practices.

25 Accordingly, Colorado maintains that we should

1 proceed to investigate only a couple of conceivable  
2 causes for just part of the declines in stateline  
3 flows. This approach, Colorado has urged, is the  
4 only engineeringly prudent, systematic and methodical  
5 approach to further Administrative investigation.

6 The State of Kansas believes, on the contrary,  
7 that Colorado's approach is indeed systematic and  
8 methodical, but only for the purpose of delaying  
9 meaningful investigations.

10 From an engineering point of view, Colorado's  
11 approach is a little like preparing a budget without  
12 a complete knowledge of the income and expenses.  
13 Colorado wants to leave the major expenses out of  
14 its accounting and says only that they might study  
15 these items at some unknown time in the future.

16 In this regard, we believe that Colorado is  
17 simply seeking delay and that its justification or  
18 alleged justification is totally lacking in engineer-  
19 ing judgment.

20 With this in mind, we recently requested Steven  
21 Larson and Stavros Papadopoulos, both nationally X  
22 recognized water hydrologists and river system  
23 modelers, to evaluate Colorado's refusal to investigate  
24 our allegations in a timely, productive way.

25 I have with me, and I am hereby submitting to



1 you, Mr. Cooley, and to the Administration or  
2 Colorado's representative on the Administration, their  
3 report entitled, "REPORT TO THE ARKANSAS RIVER COMPACT  
4 ADMINISTRATION REGARDING THE ARTICLE VIII(H) INVESTIGA-  
5 TION OF ALLEGED VIOLATIONS OF THE ARKANSAS RIVER  
6 COMPACT." [Exhibit E]

7 The report analyzes numerous existing well  
8 depletion studies and the work of the investigation  
9 committee and concludes unequivocally that Colorado's  
10 approach cannot be justified hydrologically.

11 The report states, and I am quoting: "Clearly,  
12 those factors that are specified in Kansas's allegations,  
13 such as ground water development and reservoir operation,  
14 must be included to investigate properly the allegations.  
15 The various possible factors must be examined  
16 contemporaneously, regardless of preconceived notions  
17 as to the relative effects of any one factor, in order  
18 to draw meaningful conclusions regarding the alleged  
19 violations. It is equally clear that an investigation  
20 focusing exclusively on one factor, such as climatic  
21 conditions, and not considering other possible factors  
22 until the impact of the selected factor has been  
23 determined unequivocally, will not produce meaningful  
24 conclusions regarding the alleged violations. Given  
25 the complexity of water distribution and use in the

1 Arkansas River Valley, it is imperative that additional  
2 investigations consider all factors that may have  
3 affected historical streamflow patterns."

4 Those remarks are found in the conclusion section  
5 of the report of Larson and Papadopoulos. X

6 The fact of the matter, from Kansas's point of  
7 view, is that Colorado has refused and continues to  
8 refuse to investigate Kansas's allegations in any  
9 timely and meaningful way. We are certain, as are  
10 Mr. Larson and Mr. Papadopoulos, that Colorado, the  
11 upstream water user, is simply seeking to delay the  
12 day of reckoning in regard to well depletions and in  
13 regard to the operation of Trinidad and Pueblo  
14 Reservoirs.

15 Anomalously, Colorado, for its own part, recognizes  
16 the problem. It has appropriated \$300,000 this past  
17 year for ground water and well depletion studies in  
18 the Arkansas River Basin, and its Natural Resources  
19 Department and Department of Law are now estimating  
20 a need for supplemental funds in fiscal '85-'86 of  
21 \$552,720, and an additional \$431,000 for an initial  
22 appropriation in fiscal '86 and '87, not counting  
23 anticipated ongoing legal expenses.

24 While Colorado is actively investigating the  
25 problem at home now, it refuses to do so as part of

1 the bilateral Administrative<sup>on</sup> investigation under  
2 Article VIII. H.

3 Because the upstream state can always gain from  
4 delay, and because Kansas, the downstream state can  
5 only continue to suffer the loss of its apportionment  
6 under the Compact, Kansas is forced to seek effective  
7 relief in the U.S. Supreme Court. Kansas can no longer  
8 be persuaded by what we believe are sanctimonious  
9 assurances of good faith when Colorado refuses to get  
10 to the heart of the matter and continues to consume  
11 the wanted water.

12 Thank you.

13 THE CHAIRMAN: Thank you, Mr. Simms. I want to  
14 compliment you on your statement of the injury or  
15 damage to Kansas and express my own pleasure at the  
16 quality of your remarks on the subject.

17 Mr. McDonald.

18 MR. McDONALD: Frank, I would renew my motion  
19 that I made previously. Without reading the two  
20 memoranda that I provided to the Administration at  
21 length, with respect to the grounds for good cause  
22 to continue the investigation, I would ask that that  
23 memorandum of December 6th and the memorandum of  
24 December 9th be introduced into the record. I think  
25 those would be Exhibits <sup>F</sup>E and <sup>G</sup>F. Pointing out as I

1 said before, the March, 1985, resolution provided  
2 that the investigation, in part, would be completed by  
3 the date of this meeting except upon a showing of good  
4 cause by the state requesting delay. I indicated to  
5 David when he and I met on November 19th that I thought  
6 there was indeed good cause to continue the investigation  
7 and that is the purpose of the motion. Let me  
8 rearticulate it.

9 I would move that the Administration direct the  
10 investigation committee to continue its investigation  
11 insofar as the violations alleged by Kansas are  
12 concerned and insofar as the violation of Article  
13 V.E(2) alleged by Colorado is concerned.

14 THE CHAIRMAN: There is a motion. Is there a  
15 second?

16 MR. GENOVA: I would second that, Mr. Chairman.

17 THE CHAIRMAN: The motion has been made and  
18 seconded. Is there any discussion on the motion?

19 MR. SIMMS: Let me make certain, Mr. Chairman,  
20 that I understand the motion. Is the motion that the  
21 Administration continue the investigation of the  
22 violations alleged by Kansas? Is that part of the  
23 motion?

24 MR. McDONALD: Yes. If you need it for reference,  
25 Richard, I am taking the language right out of the next

1 to the last "be it resolved" clause in the March 28th  
2 resolution.

3 MR. SIMMS: Mr. Chairman, all we can say in  
4 response to that is it is the substance of our own  
5 allegation that Colorado refuses to investigate. If  
6 Colorado wishes to change its position now and proceed  
7 to investigate the substance of those, I think we need  
8 more explanation precisely what they want to do. We  
9 have alleged that well depletions are causing substantial  
10 declines of stateline flows. That is an allegation.  
11 They refuse to investigate that at this time.

12 THE CHAIRMAN: As I understand, they wish to  
13 investigate it. Do you wish to proceed or freeze the  
14 situation as it exists?

15 MR. McDONALD: Richard, in response, again, I can  
16 only reiterate what I said on October 8th. There has  
17 been a clear difference between us as to the manner of  
18 how one should proceed. I have taken and I continue  
19 to take the position that I think the most efficient  
20 way to proceed with the investigation is as we have  
21 suggested, to address the observed declines and flows  
22 in usable stateline flows between 1974 and 1979, and  
23 that if the factors looked at prove not to explain  
24 that decline, then the investigation will have to  
25 continue perhaps to look at other possible explanations.

1 My difference, as you will know, Richard, has been  
2 that there is no data available to date, your assertions  
3 notwithstanding, that demonstrate one should leap to  
4 the heroic simplified assumption that wells necessarily  
5 are materially depleting the usable quantity <sup>of</sup> ~~of~~ X  
6 availability for use of waters of the Arkansas River.

7 THE CHAIRMAN: Well, let me say this before Mr.  
8 Simms responds to Mr. McDonald's intended clarification.  
9 I certainly propose that the Compact Administration work,  
10 and if it is to work, it is going to have to meet, and  
11 if it is going to meet, I think it should meet soon.

12 MR. McDONALD: Where it doesn't snow.

13 THE CHAIRMAN: Where it doesn't snow. Scottsdale,  
14 Arizona. And if necessary, the meeting could be in  
15 the form of a recessed meeting rather than a special  
16 meeting.

17 Clearly, it seems to me there are certain matters  
18 that are not going to be totally resolved at this  
19 meeting of the Compact Administration, even on the  
20 subject of investigations, but if all matters of  
21 investigation are meat on the table before the  
22 investigation committee, then I shall wield the gavel  
23 in such a way as to try to make that committee meet,  
24 work, and work towards the solution of problems on the  
25 Arkansas.

1 Mr. Pope and Mr. Simms, the ball really is in  
2 your court at this time.

3 MR. SIMMS: Mr. Chairman?

4 THE CHAIRMAN: Mr. Simms.

5 MR. SIMMS: It is Kansas's sincere belief that  
6 the motion as articulated by Mr. McDonald flies in  
7 the face of <sup>it</sup> this negative vote on the motion that  
8 was just treated by the Administration. In that motion,  
9 we sought specifically to obtain the State of Colorado's  
10 cooperation to proceed to investigate the substance of  
11 our allegations. Colorado has declined to do so.  
12 Colorado now has worded or articulated its motion  
13 as if it would proceed in good faith to investigate  
14 all of those matters when, in fact, it does not intend  
15 to do so at all, but rather wishes to proceed very  
16 narrowly in one area where it has selected the cause  
17 or the likely cause of the declines in the stateline  
18 flow.

19 We have not attributed all of the declines to  
20 wells and are not saying that we need to investigate  
21 those solely. We are saying everything has to be  
22 investigated. Colorado refuses to do that. In that  
23 light, the State of Kansas is ready to vote on the  
24 motion.

25 THE CHAIRMAN: I scarcely think that Colorado's

1 failure to adopt the motion proposed by Kansas is  
2 reasonable for not proceeding with anything that could X  
3 be investigated by the investigating committee or  
4 opened up.

5 As to the question of what your interpretation  
6 was or what that committee might do, I regard that  
7 as, at least, in part, speculative and a sort of  
8 frustration of the process, the very process that this  
9 Compact Administration was formed to create.

10 MR. POPE: Mr. Chairman, I think it is clear in  
11 the record and in the comments just previously made  
12 by Mr. McDonald that the way in which they would <sup>intend</sup> ~~tend~~ X  
13 to proceed with the investigation is quite different,  
14 I think, than what the motion would say on its face.

15 THE CHAIRMAN: There may be a distinction.

16 MR. SIMMS: Mr. Chairman?

17 THE CHAIRMAN: Yes. Mr. Simms.

18 MR. SIMMS: The motion as articulated proposes  
19 that we proceed along certain lines. I believe it  
20 proposes that we proceed along the lines of the  
21 resolution of October 8th. We are willing to proceed  
22 along those lines. Colorado is not willing to proceed  
23 along the substance and essentials of our allegations.

24 Again, we are ready to vote on the motion.

25 THE CHAIRMAN: Well, fair enough. We get to the



1 question of whether this issue deserves to be battled  
2 out one more time. The chair is persuaded that that  
3 process is important, is good, is useful, and in the  
4 long run, might well begin a process to resolve disputes,  
5 and again, under further pressure, I do not want to  
6 assist in the freezing of the status quo antebellum,  
7 but I may have to.

8 MR. McDONALD: Nobody else is in agony, Frank. I  
9 mean--

10 THE CHAIRMAN: Yes. That's fair enough, but this  
11 marks my tenth year on the Compact Administration, and  
12 the things at this moment are at a low point with the  
13 opportunity for progress.

14 Mr. Simms or Mr. Pope, is there any short statement  
15 of the function of an investigation's committee that  
16 you could endorse at this time? X

17 MR. POPE: I guess the only thing I could say is  
18 to restate what Mr. Simms said just a minute ago and  
19 we are willing to continue in light of the resolution  
20 adopted by the Administration on October 8th, but based  
21 on that explanation, as far as this particular motion  
22 goes, and based on the report by Mr. Larson, we can't  
23 vote in favor of the motion on the floor.

24 THE CHAIRMAN: It's the explanation and Mr. Larson  
25 that caused the injury and not the resolution itself?

1 The mischief lies in the clarification, is that right,  
2 Mr. Pope?

3 MR. POPE: I think we are awaiting a response.

4 THE CHAIRMAN: Mr. McDonald pointed out I am the  
5 only uncomfortable one in the room apparently. Mr.  
6 McDonald, will you restate your motion?

7 MR. McDONALD: Yes. I had moved that the Administra-  
8 tion direct the investigation committee to continue  
9 to investigate insofar as violations alleged by Kansas  
10 are concerned and insofar as the violation of Article  
11 V. E(2) alleged by Colorado is concerned.

12 THE CHAIRMAN: Just asking, would it help at all  
13 if the date of the resolution and those matters were  
14 included in your resolution? When I say "would it  
15 help," what I am also implying is would it help to  
16 get it passed?

17 MR. McDONALD: I didn't follow the question.

18 THE CHAIRMAN: Would the reference to the language  
19 of the October meeting help strengthen that resolution  
20 so that it might be passed by both states?

21 MR. McDONALD: No. I think the October resolution  
22 stands.

23 THE CHAIRMAN: Okay. That motion has been made,  
24 restated and seconded.

25 I am going to call now for Kansas's vote on the

1 motion and with the emphasis on the motion and not the  
2 clarification of the motion.

3 MR. POPE: Mr. Chairman, we would have an additional  
4 question if you would like to have that prior to the  
5 vote on the motion.

6 THE CHAIRMAN: I would be delighted with an  
7 additional question.

8 MR. POPE: The question is basically to ask if  
9 Colorado is willing to immediately begin a prompt and  
10 expeditious investigation of postcompact <sup>alluvial</sup> ~~original~~ well  
11 development in the Arkansas River Basin in Colorado  
12 as part of the Article VIII. H investigation.

13 THE CHAIRMAN: I foresee that as the principal  
14 subject of the committee meeting prior to the next  
15 meeting of the Compact Administration. That is the  
16 essence of the whole thing, and clearly, I am trying  
17 to push that question into the committee and off of  
18 the table before the Compact Administration, Mr. Pope.

19 MR. BENTRUP: I would like to hear Mr. McDonald's <sup>i</sup> ~~sons-~~  
~~war~~

20 THE CHAIRMAN: <sup>Alright,</sup> Mr. McDonald, Kansas would like  
21 to hear your comments on that subject.

22 MR. McDONALD: *David, I guess I can only say*  
23 *what I said before. I regard the wells*  
24 *as being under investigation. The*  
25 *only difference between us has been*  
*and continues to be how one goes*  
*about that.*

1 THE CHAIRMAN: *The wells have been and*  
2 *are under Consideration.*

3 MR. POPE: -uh-

4 THE CHAIRMAN: Is this a matter upon which the  
5 committee can make <sup>no</sup> ~~any other~~ progress?

6 MR. POPE: I think with the discussion, it is clear  
7 to us that there is no change in the position of  
8 Colorado regarding meaningful investigation. Along  
9 those lines, I would simply restate, reiterate what  
10 we have said a few minutes ago, that based on those  
11 explanations, the report we presented <sup>by</sup> ~~of~~ Mr. Larson,  
12 Mr. Simms's comments, that in response to your request  
13 for a call, that we vote no.

14 THE CHAIRMAN: Kansas votes "no."

15 MR. POPE: That's correct.

16 THE CHAIRMAN: Colorado?

17 MR. McDONALD: Votes aye.

18 THE CHAIRMAN: Colorado votes "aye." The motion  
19 dies.

20 Is there anything else under item 12?

21 It would appear not. Turn to the matter of the  
22 budget. Have we enough material and data to review the  
23 1985-1986 expenditures?

24 MR. McDONALD: Frank, I think the key issues on  
25 85-86, it seems to me, were not budgeted for court

1 reporters in the adopted budget, and as of the  
2 March 8th meeting, we decided, of course, to start  
3 using a court reporter. There are, to my knowledge,  
4 no other changes that we would need to make in the  
5 85-86 budget.

6 THE CHAIRMAN: Has someone thought through  
7 clearly the gaging stations and the Telemarks and  
8 so forth in preparation? I don't demand that they  
9 be right, but has that been thoroughly analyzed in  
10 the handout?

11 MR. McDONALD: That issue is not pertinent to  
12 85-86. What has been agreed to with GS has been  
13 agreed to. It is in the budget. The issue arises  
14 and will need to be addressed in the 86-87 budget.

15 THE CHAIRMAN: Okay.

16 MR. McDONALD: We have got a cooperative agreement.  
17 We have radio stations in through federal fiscal year  
18 1986.

19 MR. POPE: Which takes us until October 1st.

20 MR. McDONALD: Which ought to take us to October  
21 1st, and we ought to talk to Russ about that because  
22 I think that is what we bargained for. I heard Russ  
23 say something to the contrary, but budgetwise, we  
24 are budgeted, as I understand it, Dave--

25 MR. POPE: Yes.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. McDONALD: --to have those radio stations.

MR. POPE: That was my understanding, Bill. We need to hear from Russ. There has been some miscommunication.

THE CHAIRMAN: Do you wish an adoption of the revised budget and assessment as handed out?

MR. McDONALD: I think we need to add an item for court reporters.

THE CHAIRMAN: What are they running a meeting?

MR. McDONALD: Gene, could you give me the list of checks?

I will add up what the reporters have been in the past. If somebody wants to jot these down: The March minutes which was a very lengthy meeting was \$1,400. The July minutes which were relatively brief, in round figures, \$400. And those two figures have been spent in this fiscal year, so we know we have got to add that much to the budget, and then apparently the court reporter for the October 8th meeting has not yet billed us yet, or have you now received that?

MR. BENTRUP: It was \$135.50. After the corrections were made, it would be then the cost of additional copies, but that again was fairly--

THE CHAIRMAN: All right. From \$2,500 to \$3,000 is going to be necessary.

1 MR. McDONALD: As I say, for this year, we have  
2 clearly got \$1,400, plus \$400, plus, say, \$200, plus  
3 today.

4 MR. POPE: Bill, excuse me. Since we are going  
5 with July 1 through June 30, March 28, the large one,  
6 \$1,400, was already paid previously.

7 MR. McDONALD: It was not paid until July 5th.

8 MR. POPE: Oh, it wasn't. Excuse me.

9 MR. McDONALD: Yes. We didn't get the final  
10 transcript.

11 MR. POPE: I stand corrected. It occurred last  
12 fiscal year, but we didn't get it paid until last  
13 July.

14 MR. McDONALD: I would think we ought to have  
15 \$3,000 for court reporters.

16 MR. POPE: Easy.

17 THE CHAIRMAN: The next question: Do we just  
18 wipe out the contingency to accommodate that or take  
19 it all out of the USGS or increase the assessments?

20 MR. McDONALD: None of the above.

21 A VOICE: We have plenty of money.

22 THE CHAIRMAN: We are not worried about real  
23 money now. This is budgeted money. Different religion.  
24 You are in the wrong church.

25 MR. McDONALD: Could I suggest this change: What

1 if we made item (a) salaries and services, and put  
2 a new "4" under that for court reporter and have  
3 that line item in the amount of \$3,000 for 85-86?

4 THE CHAIRMAN: All right. Bringing the 9 up to  
5 12, I guess. Yes. Sure.

6 MR. McDONALD: Yes. You got to change a lot of  
7 totals.

8 MR. POPE: Bill, excuse me. Did you say that--

9 MR. McDONALD: Turn the heading for (a) into  
10 salaries and services--

11 MR. POPE: Um hum.

12 MR. McDONALD: --put an item "4" under "(a)" and  
13 have court reporters--

14 MR. POPE: Okay.

15 MR. McDONALD: --and budget it at \$3,000.

16 MR. POPE: I don't really have any problem with  
17 that, but is it not more nearly an operating expense?

18 MR. McDONALD: It makes no difference to me.

19 MR. POPE: It really doesn't to me either.

20 MR. McDONALD: Six of one and half a dozen of  
21 the other.

22 MR. POPE: If you want to go up there, that's  
23 fine, too.

24 THE CHAIRMAN: I hope you are not getting all  
25 of this, Mr. Reporter.



1 MR. POPE: \$3,000 under salaries and services.

2 MR. McDONALD: Yes.

3 MR. POPE: That would be "4."

4 MR. McDONALD: Why don't we check USGS while we  
5 have Russ here. We have got ~~12,400~~ <sup>12,400</sup> budgeted our  
6 85-86, and I think that ~~12,400~~ <sup>12,400</sup>, Russ, should have  
7 been for your federal fiscal year '85, last year.

8 MR. LIVINGSTON: It is not '86?

9 MR. McDONALD: No. We are always behind you. We  
10 pay you at the tail end of your fiscal year which is  
11 the first quarter of our fiscal year.

12 MR. LIVINGSTON: That's a correct figure. It is  
13 correct.

14 MR. McDONALD: Let me check Leo's checks and see  
15 if that's-- Yes. That's right. I think we are  
16 overbudgeted, so that should not be a problem.

17 David, are you aware of any other changes?

18 MR. POPE: No. Did we get that clarified on the  
19 GS?

20 MR. McDONALD: GS should be okay. I checked  
21 Leo's list of checks and we have paid \$10,000 in our  
22 fiscal year.

23 MR. POPE: Okay.

24 MR. McDONALD: So we are obviously within budget.

25 MR. POPE: Okay.

1 MR. LIVINGSTON: 12.4 would be the proper figure  
2 for our fiscal year '85. You are right. 12.4.

3 MR. McDONALD: In the year '85?

4 MR. LIVINGSTON: '85. That's correct.

5 MR. McDONALD: Let me ask you a question, then,  
6 Russ. Why have we only paid ~~\$~~10,000 according to Leo's X  
7 checks?

8 MR. LIVINGSTON: I really don't know because I  
9 am not aware of the billing procedure as such. They  
10 have had a change and they bill on a different procedure  
11 than they had in the past. I would suspect that the  
12 Compact received a bill in August--

13 MR. McDONALD: All right.

14 MR. LIVINGSTON: --about that time, and that would  
15 have been for that fiscal year '85.

16 Were there two bills that were paid?

17 MR. McDONALD: Two bills: One to Kansas and one  
18 to Colorado.

19 MR. LIVINGSTON: It should have been in the  
20 amount of ~~\$~~8520 to Colorado and ~~\$~~3880 to Kansas. X

21 MR. McDONALD: It was ~~\$~~3880 to Kansas, but it was  
22 ~~\$~~6225 to Colorado. X

23 THE CHAIRMAN: No wonder you didn't get the  
24 Christmas bonus.

25 MR. LIVINGSTON: I would say that we sent the

1 wrong bill because that--

2 MR. McDONALD: I tell you what, that is your  
3 problem, not ours. We are within the budget. That  
4 is all I need to know.

5 THE CHAIRMAN: Mr. McDonald, do you want to jump  
6 the expenditures out of assessments from ~~3~~,191 to  
7 ~~4~~6,191? K  
X

8 MR. McDONALD: Yes.

9 THE CHAIRMAN: On the bottom of the page--

10 MR. McDONALD: Yes.

11 THE CHAIRMAN: --change "3" to "6." I don't want  
12 to rush this, but that is where we need to go, isn't  
13 it?

14 MR. McDONALD: Yes, sir.

15 THE CHAIRMAN: Is there a motion?

16 MR. McDONALD: I would move those two changes  
17 to the 85-86 budget.

18 THE CHAIRMAN: Is there a second?

19 MR. POPE: Second.

20 THE CHAIRMAN: Is Kansas ready to vote?

21 MR. POPE: Yes.

22 THE CHAIRMAN: Kansas votes "yes."  
23 Colorado?

24 MR. McDONALD: Colorado votes aye.

25 THE CHAIRMAN: Colorado votes "aye." I guess

1 that is a concurrence.

2 The fiscal year <sup>86-87</sup>~~87-88~~. Mr. Jencsok. X

3 MR. McDONALD: Frank, may I?

4 THE CHAIRMAN: Yes, Mr. McDonald. Please.

5 MR. McDONALD: I think there are two budget  
6 item changes to look at again. We need to add a court  
7 reporter--

8 THE CHAIRMAN: Right

9 MR. McDONALD: --and I think the most recent  
10 annual report proved to be a \$4,600 printing job, so  
11 I think we had better up the annual report--

12 THE CHAIRMAN: Up to <sup>\$</sup>5,000? X

13 MR. McDONALD: --to <sup>\$</sup>5,000 because that annual X  
14 report will still have minutes in it. That is what  
15 has made it expensive, we started putting minutes in.  
16 Now, with the transcripts, I assume we will take them  
17 back out, but that annual report, given our lag time,  
18 the printing of that annual report that will be  
19 absent minutes isn't going to occur until-- It's the  
20 '85 annual report. We will have that at the '86  
21 annual meeting, probably, a year later. Yes. It will  
22 be printed in the spring of '86, so that will be the  
23 86-87 budget.

24 Why don't we put it up to <sup>\$</sup>5,000. X

25 THE CHAIRMAN: Yes.

1 MR. McDONALD: We can underbudget.

2 MR. POPE: Fine.

3 MR. McDONALD: Should we add an "(a)4." for  
4 court reporter at <sup>A</sup>3,000 again? Y

5 THE CHAIRMAN: Yes. And the <sup>A</sup>3,000 becomes an  
6 "8" on taking it out of the assessments. K

7 MR. McDONALD: We have a third question. We  
8 have got to iron out the GS co-op agreement. It is  
9 now in issue in 86-87.

10 THE CHAIRMAN: How much are we going to cut them?

11 MR. LIVINGSTON: On 86-87, the two proposals  
12 that you got total <sup>A</sup>10,185. Now, that's without the Y  
13 radio relays continued in Colorado. We have to up  
14 that another \$1,000 to <sup>A</sup>11,185 to include those radio K  
15 relays.

16 THE CHAIRMAN: Which relays?

17 MR. LIVINGSTON: These are the ones in Colorado.  
18 We talked to Howard and he indicated that it wasn't  
19 desirable or necessary to continue the Telemarks so  
20 there wouldn't be any charges for those, but there  
21 would be a need on his behalf to continue the radios,  
22 relays.

23 This would be a revised letter of October 31st.  
24 If you look at the second page, the table on that, you  
25 will see the change there. The change would be the

1 \$2,000 for the continuation of the radio relay stations.  
2 Your half of that would be \$1,000 and that would end  
3 up with a total of <sup>A</sup>11,185. X

4 MR. McDONALD: Let me ask this question then.  
5 I understand that we have the DCP's up and running,  
6 calibrated and everything is hunky-dory on the Frontier  
7 Ditch and the stateline?

8 MR. LIVINGSTON: Right.

9 MR. McDONALD: So from my perspective, I see no  
10 need to leave the radios in as an Administration's  
11 expense. If you guys want radios, that's fine, but  
12 it doesn't seem to me it's needed by the Administration.  
13 We are running off the DCP's and we have been, for  
14 months. That's what I understand.

15 MR. POPE: I am not sure I would concur with  
16 that. I think the original understanding as we  
17 referred to it just a few minutes ago was to continue  
18 the radio relays on those particular stations through  
19 this fiscal year which would be September 30th of  
20 '86.

21 MR. McDONALD: You are right, David.

22 MR. POPE: And I agree with you. Beyond that, I  
23 think it is premature--

24 MR. McDONALD: You are right.

25 MR. POPE: --to say we need those after that.

1 I would like to keep that as an ace in the hole in the  
2 event that we go through next water year and we find  
3 there is a problem, why, we can always readjust  
4 sometime prior to September 30th.

5 MR. McDONALD: You are right, David. I stand  
6 corrected.

7 MR. POPE: So I understand your point on that.

8 MR. McDONALD: What you are saying, Russ, if the  
9 radios were to stay through September of '86, we need  
10 to take your corrected figure.

11 MR. LIVINGSTON: Correct.

12 MR. McDONALD: And that adds up to--

13 MR. LIVINGSTON: It adds up to a total for both  
14 Kansas and Colorado of ~~11,185~~ would be your share. X  
15 ~~11,185~~. X

16 THE CHAIRMAN: You got \$12,500 down.

17 MR. POPE: We are within the budget anyway even  
18 with that.

19 THE CHAIRMAN: Yes. That ceases to be a problem,  
20 doesn't it, Mr. McDonald?

21 MR. McDONALD: Yes, if that's the case.

22 THE CHAIRMAN: Okay. Let's finesse that one.  
23 Now, then, there is another question. Do we want to  
24 raid the treasury for budget purposes of 8,750 bucks?  
25 And I point out to Mr. Bentrup again that you have to

1 keep in mind the difference between real dollars and  
2 budget dollars. I doubt that if we operated within  
3 the budget that the drain on the savings would be that  
4 great, but nevertheless, it is a pretty substantial  
5 pull-down to something that has been a lot of years  
6 in the accumulation.

7 MR. POPE: What is essentially the balance? I  
8 don't remember the figure.

9 MR. BENTRUP: On the savings account, ~~\$~~40,000 in X  
10 C.D.'s.

11 MR. McDONALD: You mean we got \$40,000 in C.D.'s,  
12 and 7 or ~~8~~,000 in the checking account? X

13 MR. BENTRUP: That's real.

14 THE CHAIRMAN: Yes. That's real money. Okay.

15 MR. McDONALD: Frank, the other problem, David  
16 and I have budgets that have already gone forward for  
17 86-87. We cannot change that.

18 THE CHAIRMAN: All right. Then clearly that  
19 figure goes in the last line, which, Mr. McDonald, I  
20 think those \$8,750 are American money.

21 MR. McDONALD: That's correct.

22 THE CHAIRMAN: Okay. Is there a proposal that--  
23 Russ, we are fine now.

24 MR. LIVINGSTON: I think there is a question.

25 Just a second.



1 MR. McDONALD: Were you calling on Russ?

2 THE CHAIRMAN: No.

3 MR. McDONALD: Dave, I am sorry. I got sidetracked.  
4 My staff was pointing out in 86-87, if we take the  
5 Telemarks out, which the budget says we will do, will  
6 not the telephone expense under "office" drop? That's  
7 where the telephone expenditures for the Telemarks are.

8 MR. POPE: Correct.

9 MR. McDONALD: Okay. My problem is I have no  
10 idea by how much that will drop and I don't know if any  
11 of us know.

12 Do you have any idea, Russ?

13 A VOICE: You are probably looking at probably  
14 30 bucks a month, ~~be~~ roughly. X

15 MR. LIVINGSTON: Per site? X

16 A VOICE: Yes. That would be off the wall because  
17 that is all we have had on some we pay for. Normally,  
18 we don't pay for any of them. X

19 MR. POPE: How many <sup>+</sup>sides are there?

20 A VOICE: Three.

21 MR. POPE: Three.

22 THE CHAIRMAN: That is 1,000 bucks.

23 MR. McDONALD: Why don't we take that one down  
24 to <sup>#</sup>2,000? X

25 MR. LIVINGSTON: Yes.

1 MR. McDONALD: That would change the funding from  
2 surplus to ~~7~~<sup>#</sup>7,750. X

3 THE CHAIRMAN: Which is more manageable.

4 MR. POPE: If it is appropriate, then, Mr.  
5 Chairman, I would move the ~~pre~~<sup>re</sup>visions to the previously X  
6 adopted budget for the fiscal year July 1, 1986, to  
7 June 30, 1987, adding \$3,000 for the (a)4 item, court  
8 reporter, changing the annual report to \$5,000.

9 THE CHAIRMAN: (c)2.

10 MR. POPE: (c)2. And amending downward the  
11 item (c)3 from (a), from ~~3~~<sup>#</sup>3,000 to ~~2~~<sup>#</sup>2,000, and taking X  
12 the expenditure out of the surplus funds up to the  
13 total of \$7,750.

14 THE CHAIRMAN: You heard the motion. Is there a  
15 second?

16 MR. McDONALD: I will second that.

17 THE CHAIRMAN: Is Colorado ready to vote?

18 MR. McDONALD: Colorado votes aye.

19 THE CHAIRMAN: Colorado votes "aye." Kansas?

20 MR. POPE: Yes.

21 THE CHAIRMAN: Kansas votes "aye." It is done.  
22 Is that the whole agenda? Is there anything  
23 else which must come before this annual meeting of  
24 the Compact?

25 MR. McDONALD: Frank? Pardon me.

1 THE CHAIRMAN: Yes.

2 MR. McDONALD: If we think we are not going to  
3 have another Administration meeting before, what,  
4 July, in terms of our budget cycles, do we need to  
5 do an 87-88 budget? To tell you the truth, I would  
6 be glad to defer it. I assume we are either going  
7 to have a meeting or get together on a conference  
8 call.

9 MR. POPE: That is fine with me if we can agree  
10 we can at least have a telephone meeting. We do need  
11 it some time in the time frame.

12 MR. McDONALD: In Leo's absence, we don't even  
13 have a prepared budget. All I had was a bunch of  
14 blanks. We have to sit here and fill the numbers in. I  
15 will take it upon ourselves in Leo's absence that we  
16 propose the budget and get it out after Christmas.

17 THE CHAIRMAN: Let the record be clear that the  
18 chairman thinks that there should be a meeting at  
19 either Garden City or Lamar not later than the month  
20 of March for items of substance.

21 On that happy note, unless there is something  
22 someone in the audience must bring up, the meeting is  
23 adjourned.

24 (The hearing in the above-entitled  
25 matter was concluded at 5:30 p.m.,  
December 10, 1985.)

1 STATE OF COLORADO )

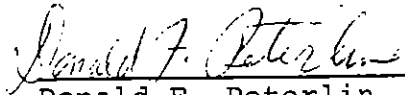
) ss.

C E R T I F I C A T E

2 COUNTY OF PUEBLO )

3 I, Donald F. Peterlin, certified shorthand reporter  
4 in and for the State of Colorado, do hereby certify:

5 That the foregoing proceedings were taken by me  
6 in shorthand and thereafter reduced to typewriting  
7 by me, and the foregoing 123 pages contain a full,  
8 true and correct transcription of all the proceedings  
9 had.

10  
11 

12 Donald F. Peterlin  
13 Certified Shorthand Reporter  
14 Suite 612  
15 Thatcher Building  
16 Pueblo, Colorado 81003  
17  
18  
19  
20  
21  
22  
23  
24  
25

Exhibits

- A. Tentative Agenda
- B. Recording Secretary's Report
- C. Treasurer's Report
- D. Auditor's Report and October 4, 1985, letter
- E. Report to the Arkansas River Compact Administration  
Regarding the Article VIII H Investigations of Alleged  
Violations of the Arkansas River Compact; December, 1985,  
S.S. Papadopulos & Associates
- F. Memo to: Chairman and Members Arkansas River Compact  
Administration, December 6, 1985, J.W. McDonald
- G. Memo to: Chairman and Members Arkansas River Compact  
Administration, December 9, 1985, J.W. McDonald
- H. Attendance List

EXHIBIT A

ANNUAL MEETING  
ARKANSAS RIVER COMPACT ADMINISTRATION  
December 10, 1985

Tentative Agenda

1. Call to Order and Introductions
2. Approval of Agenda
3. Approval of Minutes
  - a) May 10, 1984 (Special)
  - b) December 10, 1984 (Annual Meeting)
  - c) October 8, 1985 (Annual Meeting)
4. Approval of 1984 Annual Report
5. Report of Officers
  - a) Chairman
  - b) Recording Secretary
  - c) Treasurer
  - d) Operations Secretary
6. Auditor's Report for FY 84-85
7. Committee Reports
  - a) Administrative and Legal
  - b) Engineering
  - c) Operations
8. Election of Officers for Compact Year 1986
  - a) Vice Chairman
  - b) Recording Secretary
  - c) Operations Secretary
  - d) Treasurer
9. Appointment of Committee Members for Compact Year 1986
  - a) Administrative and Legal
  - b) Engineering
  - c) Operations
10. Reports of Federal Agencies
  - a) Corps of Engineers
  - b) Bureau of Reclamation
  - c) Geological Survey

11. Report of Investigation Committee
12. Administration Action on Investigation
13. Budget Matters
  - a) Review of FY 85-86 expenditures
  - b) Prepare and adopt FY 87-88 budget
14. Adjournment

g1

## ARKANSAS RIVER COMPACT ADMINISTRATION

1001 S. Main Street  
LAMAR, COLORADO 81052

## KANSAS

DAVID L. POPE, Topeka  
CARL E. BENTRUP, Oerfield  
Vice Chairman  
RON OLOMON, Garden City

## FRANK G. COOLEY

Chairman and Federal Representative  
P.O. Box 98  
Meeker, Colorado 81641

## COLORADO

J. WILLIAM McDONALD, Denver  
CARL GENOVA, Pueblo  
LEO IDLER, Lamar  
Treasurer

## SECRETARY'S REPORT FOR DEC. 10, 1985

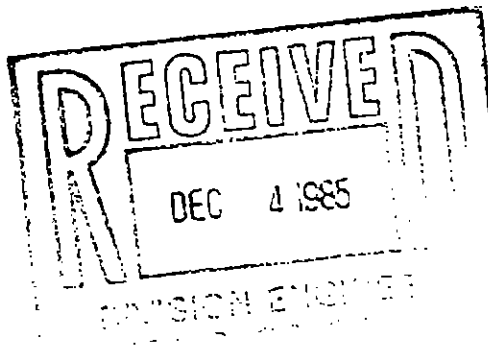
This year water was so high that it invaded the flood control part of John Martin Reservoir and had to be released through the flood control gates to protect the dam. There was approximately 100,000 acre feet released to the river below the dam causing some damage to low lying land along the river banks. The irrigation ditches in district 67 used some of this water with the major portion crossing the state line into Kansas. The ditches in Kansas used some of this water. The rest of it went into the underground aquifer in Kansas.

On November 1, 1985, there were approximately 280,000 acre feet of water in the reservoir. With this amount of carry over water it will probably spill next year.

Both Colorado and Kansas ditches experienced a very good supply of water in 1985. Our Account system seems to be working very well as shown by the ability of Kansas to store 130,081.70 acre feet of water they could have used if they so desired. This amount lacks only 10,000 acre feet of being half of the water that was stored in the reservoir as of November 1, 1985. Kansas carried over 34,296 acre feet of water from 1984 to 1985.

I think we should try to get our account system adjudicated through the United States Congress as was done to put the permanent pool in the reservoir.

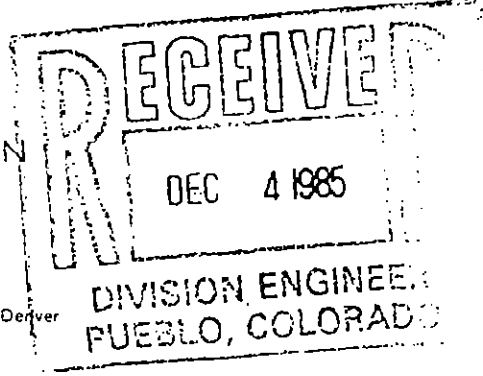
I have an uneasy feeling that in the fight brewing between Kansas and Colorado that our account system may be put in jeopardy.



Respectfully submitted

*Leo Idler*





ARKANSAS RIVER COMPACT ADMINISTRATION

1001 S. Main Street  
LAMAR, COLORADO 81052

KANSAS

DAVID L. POPE, Topeka  
CARL E. BENTRUP, Deerfield  
Vice Chairman  
RON OLOMON, Garden City

COLORADO

FRANK G. COOLEY  
Chairman and Federal Representative  
P.O. Box 98  
Meeker, Colorado 81641

J. WILLIAM McDONALD, Denver  
CARL GENOVA, Pueblo  
LEO IDLER, Lamar  
Treasurer

CHECKS WRITTEN SINCE JULY 1, 1985

Date	Number	To	For	Amount
July 5	705	AT&T	Telephone	25.61
July 5	706	Federal Reserve	Payroll Taxes	42.42
July 5	707	Lamar Daily News	Print Annual Report	4,608.62
July 5	708	Lewan & Associates	Operations Committe Sec.	1,797.00
July 5	709	John Eberwein	Operations Committe Sec.	3,720.00
July 5	710	Mountain Bell	Telephone	134.01
July 5	711	Underwood & Shane	Minutes March 28, 1985	1,376.00
July 5	712	Lewan & Associates, Inc	Bal. Due Operation Sec.	163.00
July 5	713	Leo Idler	Salary, Postage, Supplies	340.93
July 16	714	Cow Palace Inn	July 12 Compact Meeting	53.00
Aug 5	715	AT&T	Telephone	4.50
Aug 5	716	Mountain Bell	Telephone	219.16
Aug 5	717	Federal Reserve	Payroll Taxes	42.42
Aug 5	718	Guarenty Abstract Co.	Sec. Position Bond	100.00
Aug 5	719	Leo Idler	Sal. Supplies, Postage	337.90
Sept 5	720	AT&T	Telephone	4.50
Sept 5	721	Mountain Bell	Telephone	51.40
Sept 5	722	Donald F. Peterlin	85% Minutes July 12 meeting	342.55
Sept 5	723	Void		
Sept 5	724	Crimond & Farmer	Audit	400.00
Sept 5	725	LEO Idler	Sal. Postage	289.37
Sept 5	726	Void		
Sept 5	727	Federal Reserve	Payroll Taxes	42.42
Oct 5	728	Lamar Daily News	Advertising Meeting	10.56
Oct 5	729	Crimond & Farmer	Copying	198.38
Oct 5	730	Void		
Oct 5	731	AT&T	Telephone	25.70
Oct 5	732	Void		
Oct 5	733	Mountain Bell	Telephone	105.88
Oct 5	734	Federal Reserve	Payroll Taxes	42.42
Oct 5	735	Leo Idler	Salary & Postage	286.38
Oct 8	736	Donald F. Peterlin	Bal Due for Minutes July 12	60.45
Oct 8	737	Hilton Inn	Special Meeting Oct 8, 1985	95.06
Oct 21	738	J. William McDonald	Tapes for Meeting	10.40
Oct 28	739	First Nat'l Bank Lamar Co	Certificate of Deposit	40,000.00
Nov 5	740	AT&T	Telephone	4.50
Nov 5	741	Mountain Bell	Telephone	152.45
Nov 5	742	Federal Reserve	Payroll Taxes	42.42
Nov 5	743	USGS	Funding Agreement-Kansas	3,880.00
Nov 5	744	Mountain Bell	Telephone	73.45
Nov 5	745	Leo Idler	Salary & Postage	285.12
Nov 5	746	USGS	Funding Agreement-Colo.	6,225.00
			Bank charges	65,592.96
				5.00
				<u>77,290.90</u>



STATEMENT OF ACCOUNT FOR

ARKANSAS RIVER  
 COMPACT ADMINISTRATION  
 X LEO IDLER RT 2  
 LAMAR, COLORADO

81052

MONEY MARKET ACCOUNT RATES  
 RATE = 7.250%

PAGE 1  
 692-34-0005

ACCOUNT NUMBER

07-544-0

2

STATEMENT DATE	BEGINNING BALANCE	DEPOSITS & OTHER CREDITS		CHECKS & OTHER CHARGES		SERVICE CHARGE	ENDING BALANCE
		NO	AMOUNT	NO	AMOUNT		
11/85	71,409.89	-	.00	2	40774.78	2.00	31,074.81

ITEM	AMOUNT	ITEM	AMOUNT	DATE	BALANCE
STATEMENT BALANCE	71409.89			9/30	71409.89
CHECK	669.32			10/11	70740.57
CHECK	40105.46 - 11546 <i>separated</i>			10/28	30635.11
INTEREST DEPOSIT	441.70	SERVICE CHARGE	2.00	10/31	31074.81
PERCENT YEAR TO DATE INTEREST	4141.48				

TRANSACTIONS LIST IN CHECK SEQUENCE

SERVICE CHARGE	669.32	CHECK	40105.46
	2.00		



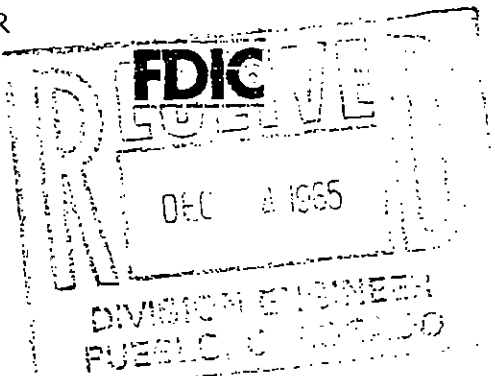
FIRST NATIONAL BANK in LAMAR  
 P.O. Box 988 - Lamar, Colorado 81052

TELEPHONE 336-4351

STATEMENT OF ACCOUNT FOR

ARKANSAS RIVER  
 COMPACT ADMINISTRATION  
 X LEO IDLER RT 2  
 LAMAR, COLORADO

81052



PAGE 1  
 692-34-0005

ACCOUNT NUMBER

00-025-4

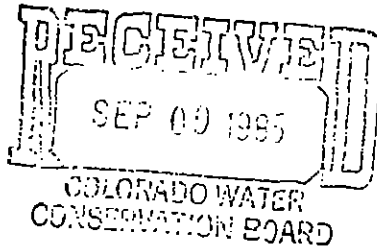
11

STATEMENT DATE	BEGINNING BALANCE	DEPOSITS & OTHER CREDITS		CHECKS & OTHER CHARGES		SERVICE CHARGE	ENDING BALANCE
		NO	AMOUNT	NO	AMOUNT		
1/85	4,941.88	2	40774.78	9	40824.83	.00	4,891.83

ITEM	AMOUNT	ITEM	AMOUNT	DATE	BALANCE
STATEMENT BALANCE	4941.88			9/30	4941.88
DEPOSIT	669.32	CHECK # 735	286.38	10/11	5324.92
CHECK # 729	198.38			10/15	5126.44
CHECK # 728	10.56	CHECK # 734	42.42	10/16	5073.46
CHECK # 733	105.88			10/16	4967.58
CHECK # 736	60.45			10/23	4907.13
CHECK # 731	25.70			10/24	4881.43
DEPOSIT	40105.46	CHECK # 739	40000.00	10/28	4986.89
CHECK # 737	95.06			10/30	4891.83

TRANSACTIONS LIST IN CHECK SEQUENCE

CHECK # 728	10.56	CHECK # 729	198.38
CHECK # 731	25.70	CHECK # 733	105.88
CHECK # 734	42.42	CHECK # 735	286.38
CHECK # 736	60.45	CHECK # 737	95.06
CHECK # 739	40000.00		



ARKANSAS RIVER COMPACT ADMINISTRATION

CASH BASIS FINANCIAL STATEMENTS

JUNE 30, 1985

with

REPORT OF INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS

**crimond, farmer  
& company**

---

*certified public accountants*

---

203 east oak, p.o. box 1173, lamar, co. 81052

REPORT TO  
THE ARKANSAS RIVER COMPACT ADMINISTRATION  
REGARDING THE ARTICLE VIII(H) INVESTIGATION  
OF ALLEGED VIOLATIONS  
OF THE ARKANSAS RIVER COMPACT



**S. S. PAPANOPULOS & ASSOCIATES, INC.**  
**CONSULTING GROUND-WATER HYDROLOGISTS**

## STATE OF COLORADO

COLORADO WATER CONSERVATION BOARD  
Department of Natural Resources

721 State Centennial Building  
1313 Sherman Street  
Denver, Colorado 80203  
Phone: (303) 866-3441



Richard D. Lamm  
Governor

J. William McDonald  
Director

David W. Walker  
Deputy Director

## MEMORANDUM

TO: Chairman and Members of the  
Arkansas River Compact Administration

FROM: J. William McDonald *J. McDonald*

DATE: December 6, 1985

RE: Article VIII.H. Investigation

At a special meeting of the Arkansas River Compact Administration held on March 28, 1985, in Garden City, Kansas, the Administration adopted a resolution to investigate allegations of violations of provisions of the Compact. The resolution established a committee consisting of me, in my capacity as the director of the Colorado Water Conservation Board, or my designee, and the chief engineer of Kansas or his designee to conduct the investigation. The resolution further provided that the investigation would in no event go beyond the date of the 1985 regular annual meeting of the Administration insofar as the violations alleged by Kansas were concerned and insofar as the violation of Article V.E(2) alleged by Colorado was concerned, except upon a showing of good cause by the state requesting delay.

Pursuant to the March 28, 1985 resolution, I am hereby requesting the Administration to authorize an extension of the investigation and asking the Administration to act on this request at the regular annual meeting on Tuesday, December 10th. As good cause therefor, I present the following information to the Administration:

1. In accordance with the March 28, 1985 resolution, Mr. Pope and I, and the state agencies and officials whose cooperation was requested in the March 28, 1985 resolution,

## STATE OF COLORADO

COLORADO WATER CONSERVATION BOARD  
Department of Natural Resources

721 State Centennial Building  
1313 Sherman Street  
Denver, Colorado 80203  
Phone: (303) 866-3441



Richard D. Lamm  
Governor

J. William McDonald  
Director

David W. Walker  
Deputy Director

## MEMORANDUM

TO: Chairman and Members of the  
Arkansas River Compact Administration

FROM: J. William McDonald *J. McDonald*

DATE: December 9, 1985

RE: Attorney General Stephan's Announcement

On October 25, 1985, Attorney General Robert T. Stephan of Kansas announced that he had authorized the filing of a lawsuit in the United States Supreme Court against Colorado for alleged violations of the Arkansas River Compact. I was surprised and disappointed by Attorney General Stephan's announcement, which was inconsistent with the resolution proposed by the Kansas representatives and adopted by the Administration at its October 8th meeting. That resolution directed the investigation committee to continue with its investigation of those matters upon which the committee had mutually agreed that further investigation should be undertaken. I would also note that Attorney General Stephan's announcement that he will file the lawsuit on December 16th is timed to ignore the questions raised by the Colorado representatives of Compact violations in Kansas, which the investigation committee has barely begun to investigate.

In his announcement Attorney General Stephan stated that "[a]fter three years of attempting to negotiate, arbitrate, or investigate without success our concerns with Colorado, it has become evident that effective relief is not available through the Compact Administration." I want to register my disagreement with this statement. Ever since Attorney General Stephan sought to become personally involved in Compact matters in the summer of 1982, Colorado has asked him to produce the underlying factual basis to support his allegations that provisions of the Compact were being violated by Colorado. For example, in a letter to Colorado Attorney General J.D. MacFarlane dated October 12, 1982,

Annual Meeting  
Arkansas River Compact Administration  
December 10, 1985  
Pueblo Colorado

Gene Jancsok	Colorado WCB	Denver
Howard Holme	Fairfield + Woods Southeastern CWCD	Denver
Bob Brough	Corps of Engineers	Attn. Dist - Pueblo
Leland E. Rolfs	Div. Water Res, KSBA	Topeka, Ka
Dale Beck	Sprink Water Engineers	Denver
<i>[Signature]</i>	Div. Water Res. - KSBA	Garden City
Howard C. Corrigan	Kansas Water Resources	Garden City, Ka.
Bill Howland	Color. Div. of Water Resources	Las Animas, Co.
Robert Jesse	Division Engineer	Pueblo, Co.
Ken Steger	USGS	Pueblo, Co.
Russ Livingston	USGS	Pueblo, Co.
Ralph Adkins	SECWCD	
Loretta Sword	Pueblo Chieftain	
Bud O'Hara	Pueblo Water Board -	Pueblo, Co.
V. B. Neet	Rural Appraiser	Denver Co.
Mr. Leo Good	GLORNO REALTOR	DENVER Co.
Charles L. Thomson	SECWCD	Pueblo, Co.
Jack Garner	US Bureau of Reclamation	Pueblo, Co.
Ray Williams	" " " " "	Loveland, Co.
Har - [unclear]	Lo - [unclear]	

Annual Meeting  
 Arkansas River Compact Administration  
 December 10, 1985  
 Pueblo Colorado

Gene Jencsok Colorado WCB Denver

Howard Holme Fairfield + Woods Denver  
 Southeastern CWCD

Bob Rought Corps of Engineers Alb. Dist - Pueblo

Leland E. Rolfs Div. Water Res, KSBA Topeka, Ka

Oalt Book Sprink Water Engineers Denver

~~Del...~~ Div water Resour. KSBA Garden City

Howard C. Corrigan Kansas Water Resources Garden City, Ko.

Bill Howland Color. Div. of Water Resources Cas Animas, Co.

Robert Jesse Division Engineer Pueblo, Co.

Ken Steger USGS Pueblo, Co

Russ Livingston USGS Pueblo, Co

Ralph Adkins SECWCD

Joretta Sword Pueblo Chieftain

Bud O'Hara Pueblo Water Board - Pueblo, Co.

V. B. Neet Rural Appraiser Denver Co.

Mr. Leo Good Blommo Realtor Denver Co.

Charles L. Thomson SECWCD Pueblo, Co.

Jack Garner US Bureau of Reclamation Pueblo, Co

Ray Williams " " " " " Loveland, Co

Hal Simpson Leg. - State Eng. 221 Denver Co.



FRANK G. COOLEY Fed Rep Ark Reel

- Carl E Bentrup
- Ron Oleson
- David Love
- Richard Simms
- Brent E. Sproul
- John Campbell
- David W Robbins
- Dennis M. Montgomery
- William A. Donald
- Carl Genova

ARCA

"

"

St. of Ks.

Consultant, St. of KS

KS A.M. Office

St. of Colo.

St. of Colo.

St. of Colo.

St. of Colo.